



# Study on Legal Mechanism of Realizing Value of Ecological Products

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**Abstract.** The value of ecological products is a key path to achieving a "Beautiful China" and an important measure for implementing Xi Jinping's ecological civilization thought, which holds significant importance for the comprehensive development of a green economy. At this stage, the realization of the value of ecological products is gradually becoming more standardized and systematic. However, since the realization of the value of ecological products is still in the exploratory phase, there are still a series of loopholes. This article first introduces the concept of the realization of ecological product value from the perspective of basic theory, and analyzes its legal nature using public ecological products and quasi-public ecological products as examples. It also summarizes issues such as the chaotic legal system for realizing the value of ecological products; lack of coordination among multiple stakeholders; difficulty in determining the value of ecological products; and inadequate legal supervision mechanisms. In response to these issues, it proposes suggestions for improving the legal system for realizing the value of ecological products; establishing a coordinated cooperation organization among multiple stakeholders; improving the mechanism for confirming the value of ecological products; and enhancing legal supervision mechanisms.

**Keywords:** ecological products; value realization; multiple subjects; legal supervision

## 1 Introduction

The realization of the value of ecological products is an important way to achieve the concept that green mountains and clear waters are as valuable as mountains of gold and silver, emphasizing the coordinated relationship between economic development and environmental protection, and promoting the harmonious coexistence of human and nature. At present, the demand for ecological environment products in China's market is increasing, but the mechanism for realizing the value of ecological products is rather complex, thus leading to many difficulties in specific practice. This paper mainly studies the legal mechanism for realizing the value of ecological products, and puts forward relevant suggestions for specific problems, making contributions to the realization of a "Beautiful China".

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## **2 Basic Theoretical Issues of Realizing the Value of Ecological Products**

### **2.1 The Connotation of Realizing the Value of Ecological Products**

Ecosystem products refer to the material and service products provided by ecosystems for human development, under the premise of protecting biodiversity. Ecosystem products can be categorized into three types: the first type includes raw materials and energy; the second type comprises regulatory services such as water conservation and windbreaks; the third type consists of cultural services like tourism and aesthetic experiences. To some extent, ecosystem products meet people's material and spiritual needs and are of great significance for achieving sustainable socio-economic development.<sup>[1]</sup>

The core significance of the value of ecological products lies in transforming environmental advantages into drivers of economic development, ensuring that providers of ecological products and restorers of the environment receive compensation while punishing those who damage the ecosystem. The realization of the value of ecological products involves integrating various factors such as policy, market, and technological innovation to achieve the transformation from "green waters and green mountains" to "gold mines," promoting high-quality economic development. Many rural areas leverage their ecological advantages by developing eco-tourism and eco-agriculture, fostering new models for economic growth. This also mobilizes the enthusiasm of all parties to participate in environmental protection and restoration, advancing the modernization of national governance capabilities and systems in the field of the environment.

### **2.2 The Legal Nature of the Realization of the Value of Ecological Products**

#### **The Theory of Administrative Payment.**

Eco-interest refers to the benefits that ecological elements and ecosystems provide to ecological subjects. The ecological rights of citizens essentially mean that citizens have certain rights to enjoy ecological products, which requires the state to fulfill its duty of provision. Public ecological products are generally provided by the state fulfilling its duty of provision, with the most typical form being ecological compensation. Ecological protection compensation helps to motivate various entities to protect and restore the environment. When administrative orders infringe upon citizens' property rights and development rights, the state should compensate for the damage to the right holders. Therefore, ecological protection compensation plays a crucial role in balancing the interests of citizens and public welfare. For example, the establishment of national parks requires protected areas to assume responsibilities such as ecological restoration and conservation.<sup>[2]</sup> In the process of ecological compensation, there is no clear standard for evaluating the ecological value provided, and it is difficult to effectively distinguish between ecological reserves and beneficiary regions. Only by compensating ecological reserves can the state better achieve fairness and justice.

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## **3 The Legal Issues of Realizing the Value of Ecological Products**

### **3.1 The Legal System for Realizing the Value of Ecological Products is Not Complete**

No special laws and regulations have been formulated. The system for realizing the value of ecological products has not been subject to specific legislation, nor has there been a dedicated legal provision to systematically address it. The realization of the value of ecological products is stipulated in various environmental protection and natural resource pollution control laws, but these provisions are overly scattered, with vague definitions of rights and obligations for all parties, and overly general content lacking practical operability. Moreover, the provisions on the realization of the value of ecological products in individual laws are too simplistic and vary widely in their regulatory objects, leading to overlaps and gaps between different laws. Additionally, due to the lack of overarching legal provisions for the system of realizing the value of ecological products, there are significant differences in legal regulations across regions, hindering the coordination and uniformity of the legal system for realizing the value of ecological products. Furthermore, existing policies fail to cover the entire process of realizing the value of ecological products, and the imperfections in legislation result in unclear delineation of responsibilities between the government and the market<sup>[4]</sup>.

### **3.2 It is Difficult to Determine the Value of Ecological Products**

On the one hand, there are disputes over accounting standards for different ecosystems such as lakes and wetlands in China, and a scientific method of accounting has yet to

be established. Moreover, due to differences across regions, the comparability of ecological product value accounting results is poor. On the other hand, the assessment of ecological product value requires monitoring based on the distribution of natural resources and environmental conditions. However, China's environmental resource data faces issues such as poor circulation and lack of strong support. Additionally, due to technological backwardness, a shortage of talent, and inadequate supervision, statistical work on ecological product data in different regions is hindered, leading to untimely and ineffective monitoring of ecological product data. The absence of data at the local level also results in significant errors in the calculation of ecological product value.

### **3.3 The Legal Supervision Mechanism is Not Perfect**

The legal mechanism for realizing the value of ecological products should effectively ensure the realization of such value. However, due to the lack of coordination among multiple stakeholders, the specific measures of this legal mechanism lack practical effectiveness. On one hand, the absence of division and cooperation among these stakeholders means that the specific measures of the legal mechanism for realizing the value of ecological products largely rely on policies from central or local governments. This can easily lead to buck-passing among local government departments and a lack of enthusiasm from the market and the public for participation. On the other hand, the specific measures of the legal mechanism for realizing the value of ecological products should include regional cooperation supervision and accountability mechanisms. When the government exhibits laziness or negligence in the process of realizing the value of ecological products, the lack of an accountability supervision mechanism hinders the efficient operation of the legal mechanism for realizing the value of ecological products.<sup>[5]</sup>

## **4 Suggestions for Improving the Realization of Ecological Product Value**

### **4.1 Improve the legal System for Realizing the Value of Ecological Products**

As society advances, our country should better improve the legal framework for realizing the value of ecological products. This aims to address the issues of fragmentation, overlap, and intersection in environmental laws to the greatest extent possible. Currently, our country has summarized a series of practical experiences in realizing the value of ecological products, and relatively stable policies have been formulated into laws and regulations. The rights and obligations of entities involved in the realization of ecological product value, as well as the supervisory responsibilities of the government, need to be detailed through legal provisions. Therefore, legislation should be strengthened in areas such as rights attribution, ecological compensation, and market transactions, forming a unified higher-level legal framework. Local authorities should formulate and improve local regulations based on the higher-level laws and update existing legal provisions according to local conditions. Additionally, relevant regulations

on environmental pollution and ecological governance can be incorporated into the legal framework, with specific legal norms established to regulate the legal mechanisms for realizing the value of ecological products. It is essential to coordinate the relevant legal norms in the field of environmental protection, strictly review the content of lower-level laws, and prevent conflicts with higher-level laws.

#### **4.2 Establishing and Improving the Value Confirmation Mechanism of Ecological Products**

Establishing a comprehensive set of standards for evaluating the value of ecological products is a crucial prerequisite for determining their worth. Therefore, each region should, based on the unified national standards for value assessment, develop a systematic and comprehensive set of criteria for calculating the value of ecological products according to local conditions, clearly defining specific matters and data sources for such calculations. Moreover, administrative regions should regularly publish the results of ecological product value assessments to strengthen public oversight mechanisms for realizing the value of ecological products. In practice, emphasis should be placed on pilot projects for assessment and evaluation, with data being compiled into a unified database, focusing on promoting more complete pilot experiences.

#### **4.3 Improving the Legal Supervision Mechanism**

On the one hand, enhance cooperation and communication among various entities. Collaborative efforts from multiple stakeholders can transform traditional unidirectional relationships, with the coordination among entities in realizing the value of ecological products serving as the foundation of this legal system. This is particularly crucial in inter-regional cooperative regulatory measures, where enhancing synergy among entities is essential, and establishing specialized supervisory bodies is key to the legal framework for realizing the value of ecological products. On the other hand, improve specific means of legal supervision. It is necessary to clarify the government's responsibilities during the process of realizing the value of ecological products, establish a comprehensive evaluation and reward-punishment mechanism, and regularly assess the natural resource balance sheet and ecological benefit indicators. At the same time, it is important to refine accountability mechanisms to promptly address any issues that arise.

### **5 Conclusion**

The realization of ecological product value is a crucial approach to practicing the concept that "lucid waters and lush mountains are invaluable assets," and it is a top priority in the construction of ecological civilization. This article starts with the basic philosophy of realizing ecological product value, analyzing its connotations and nature. It also elaborates on issues such as the incomplete legal system for realizing ecological product value, lack of coordination among multiple stakeholders, difficulty in determining ecological product value, and inadequate legal supervision mechanisms. In response to

these issues, it further proposes suggestions for improving the legal system for realizing ecological product value; establishing an organizational structure for coordinated cooperation among multiple stakeholders; building a sound mechanism for confirming the value of ecological products; and enhancing the legal supervision mechanism. The legal framework for realizing ecological product value will promote the development of green products, thereby achieving high-quality economic growth and harmonious coexistence between humans and nature.

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