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CLIMATE CHANGE LAW OF THE EUROPEAN UNION AND PROSPECTS FOR ITS APPLICATION IN A CENTRAL ASIAN REGIONAL FRAMEWORK

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Abstract
The European Union is the only regional integration organization that has created a comprehensive and legally binding system of climate change regulation covering all its member states. In contrast to the United States, where climate policy depends on the political course of each administration, and to China, where climate goals are set primarily through centralized planning, the EU model is based on supranational legislation that sets common targets, distributes the burden among member states and is enforced by common institutions. This experience is of particular interest for Central Asia, whose states face common climate risks — water scarcity, glacier melting, desertification and the consequences of the Aral Sea crisis — but still lack a common legal framework for responding to them.

Keywords: climate change law, European Union, European Climate Law, EU ETS, CBAM, effort sharing, Central Asia, regional integration.

The development of EU climate law began with the ratification of the UNFCCC and the Kyoto Protocol, under which the EU assumed a joint commitment to reduce emissions by 8% in 2008–2012. The key instrument of this period was the EU Emissions Trading System (EU ETS), established by Directive 2003/87/EC and operating since 2005; it became the world's first and largest international

carbon market [1]. The "climate and energy package" of 2009 introduced the "20-20-20" targets for 2020: a 20% reduction in emissions, a 20% share of renewable energy and a 20% improvement in energy efficiency.

A new stage began with the European Green Deal of December 2019 and the adoption of Regulation (EU) 2021/1119, known as the European Climate Law [2]. For the first time, it enshrined in a legally binding act the goal of climate neutrality of the Union by 2050 and an intermediate target of reducing net emissions by at least 55% by 2030 compared with 1990. The law also established the European Scientific Advisory Board on Climate Change, which provides independent scientific assessment of EU measures. On March 5, 2026, the Council of the EU adopted amendments to the Climate Law setting a binding target of a 90% reduction in net emissions by 2040, with the possibility, from 2036, of using high-quality international credits under Article 6 of the Paris Agreement in an amount of up to 5% of 1990 emissions [3].

To achieve these targets, the "Fit for 55" package was adopted in 2021–2023. The EU ETS was extended to maritime transport, and the cap for covered sectors was set to reduce emissions by 62% by 2030 compared with 2005. A second emissions trading system (ETS2) was created for buildings and road transport, the launch of which has been postponed to January 1, 2028. Sectors not covered by the ETS — agriculture, waste, small industry — are regulated by the Effort Sharing Regulation (EU) 2018/842, which sets binding national targets for each member state, differentiated according to GDP per capita: from 10% for Bulgaria to 50% for the wealthiest states, with an overall EU target of 40% by 2030 compared with 2005. The Governance Regulation (EU) 2018/1999 obliges member states to prepare integrated National Energy and Climate Plans (NECPs), which are assessed by the European Commission, thereby creating a mechanism of regular reporting and peer review.



Two instruments deserve special attention. The Carbon Border Adjustment Mechanism (CBAM), established by Regulation (EU) 2023/956, entered its definitive phase on January 1, 2026: importers of cement, iron and steel, aluminum, fertilizers, electricity and hydrogen must pay for the carbon embedded in these goods at a price corresponding to the EU ETS [4]. The Social Climate Fund, financed by ETS2 revenues, is designed to support vulnerable households and micro-enterprises affected by rising energy prices. Thus, the EU combines market mechanisms, binding national targets, protection against "carbon leakage" and social solidarity.

At the same time, EU climate law faces serious problems. First, rising energy prices and competition with the United States and China have led to pressure to weaken regulation: the postponement of ETS2, the simplification of CBAM and corporate sustainability reporting through the "omnibus" packages, and the inclusion of international credits in the 2040 target are seen by critics as a retreat from the original ambition. Second, member states differ greatly in their energy structure — from Poland's dependence on coal to France's nuclear energy and Sweden's hydropower — which makes the distribution of the burden a constant subject of political bargaining. Third, CBAM is criticized by trading partners, including developing countries, as a unilateral trade measure that may contradict WTO rules and the principle of common but differentiated responsibilities. Fourth, the social acceptability of climate policy remains a challenge, as shown by farmers' protests in 2024 and the success of political forces skeptical of the Green Deal.

The EU experience can be adapted to Central Asia, provided that regional cooperation is deepened into a form of a Central Asian union or community. At present, the region has only separate elements of such cooperation: the Consultative Meetings of the Heads of State of Central Asia held since 2018, the



International Fund for Saving the Aral Sea and its Interstate Commission for Sustainable Development, the Interstate Commission for Water Coordination, the first Central Asia–European Union summit held in Samarkand on April 4, 2025, which raised relations to the level of a strategic partnership [5], and the preparations for a Regional Climate Summit of Central Asian states in 2026 [6]. Based on the EU experience, the following directions can be proposed.

First, the adoption of a Central Asian framework agreement on climate change, an analogue of the European Climate Law, which would establish a common long-term goal (for example, coordinated with the national carbon neutrality goals, such as Kazakhstan's goal for 2060), regional adaptation priorities and a mechanism for regular review. Second, the introduction of a burden-sharing mechanism similar to the Effort Sharing Regulation, taking into account the different levels of economic development, energy structure and emissions of the five states. Third, the creation of a regional system of monitoring, reporting and verification (MRV) of emissions and the harmonization of national climate plans under a single format, by analogy with the NECPs; this would also help exporters of aluminum, steel and fertilizers from the region to meet CBAM requirements and reduce the costs of carbon border adjustment.

Fourth, the gradual creation of a regional carbon market based on the Kazakh emissions trading system operating since 2013, the Article 6 mechanisms of the Paris Agreement and the developing carbon markets of Uzbekistan and other states. Fifth, the establishment of a regional climate solidarity fund, possibly on the basis of a reformed IFAS, by analogy with the Social Climate Fund and the EU Just Transition Fund, to finance adaptation in the most vulnerable areas such as the Aral Sea region and the Fergana Valley. Sixth, the creation of an independent regional scientific advisory council on climate change, similar to the European Scientific Advisory Board, which would provide joint assessments of

climate risks and of the water–energy–food nexus. Finally, climate integration should be linked to the integration of energy markets, including the restoration and modernization of the Central Asian unified power system, which would facilitate the use of hydropower of the upstream countries and solar and wind energy of the downstream countries.

At the same time, the direct transfer of the EU model is limited by objective factors: the absence of supranational institutions in Central Asia, the priority of state sovereignty, differences in political systems and economic potential, as well as the specific status of Turkmenistan as a permanently neutral state. Therefore, the most realistic path is a gradual one: from soft-law instruments adopted within the Consultative Meetings, through a framework agreement and common MRV standards, to binding mechanisms of burden sharing and a regional carbon market. In conclusion, the EU experience shows that regional integration can turn climate change from a source of interstate tension into a basis for cooperation, and Central Asia, sharing common water resources and common climate risks, has objective prerequisites for using this experience.

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