

World Conference on Social Sciences, Law and Public Policy
Hosted Online from Toronto, Canada
Date: 26th October, 2026
Website: https://econferencia.com

LEGAL REGULATION OF CLIMATE CHANGE IN THE PEOPLE'S REPUBLIC OF CHINA: FROM POLICY DOCUMENTS TO CODIFICATION

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Abstract
The People's Republic of China is the world's largest emitter of greenhouse gases, accounting for roughly one third of global emissions, and at the same time the world leader in renewable energy deployment. Therefore, the legal mechanisms by which China regulates climate change are of decisive importance for achieving the goals of the Paris Agreement. Unlike the United States, where climate policy depends heavily on judicial interpretation and changes of administration, the Chinese model is characterized by centralized strategic planning, in which long-term policy goals are gradually transformed into legislative norms.

Keywords: climate change law, China, carbon peaking, carbon neutrality, emissions trading, Ecological and Environmental Code, nationally determined contribution.

China's participation in the international climate regime began with the ratification of the UNFCCC in 1993 and the Kyoto Protocol in 2002; as a developing country, China did not assume quantified emission reduction commitments under the Protocol, relying on the principle of common but differentiated responsibilities. The first comprehensive policy document was the National Climate Change Programme of 2007. In 2016 China ratified the Paris



Agreement [1]. A turning point was the announcement by President Xi Jinping at the UN General Assembly on September 22, 2020 of the "dual carbon" goals: to peak carbon dioxide emissions before 2030 and to achieve carbon neutrality before 2060. These goals were elaborated in the Opinions of the CPC Central Committee and the State Council on the complete, accurate and comprehensive implementation of the new development philosophy and on carbon peaking and carbon neutrality and in the Action Plan for Carbon Dioxide Peaking before 2030 (both of October 2021), which together formed the so-called "1+N" policy system.

The institutional framework of climate governance has also undergone significant changes. Until 2018, climate policy was coordinated by the National Development and Reform Commission, which emphasized the link between climate and economic planning. As a result of the institutional reform of 2018, climate change functions were transferred to the newly created Ministry of Ecology and Environment, which brought climate policy closer to environmental protection and pollution control. Strategic coordination is carried out by the Leading Group on Carbon Peaking and Carbon Neutrality, headed by a Vice Premier of the State Council. Climate targets are also incorporated into the five-year plans of national economic and social development: the 14th Five-Year Plan (2021–2025) set binding targets to reduce carbon dioxide emissions per unit of GDP by 18% and energy consumption per unit of GDP by 13.5%. Since 2024 China has been moving from the "dual control" of energy consumption to the "dual control" of the total volume and intensity of carbon emissions, which shifts the focus of regulation from energy use to emissions themselves.

For a long time, the legal basis of climate regulation in China consisted of sectoral laws rather than a special climate statute. Among them are the Energy Conservation Law (1997, amended in 2018), the Renewable Energy Law (2005,

amended in 2009), the Environmental Protection Law of 2014, the Law on the Prevention and Control of Atmospheric Pollution (2015, amended in 2018) and the Energy Law, which entered into force on January 1, 2025 and for the first time enshrined at the level of law the priority development of renewable energy and the goals of carbon peaking and neutrality.

The most important economic instrument is the national emissions trading system. After pilot regional carbon markets were tested from 2013, the national market was launched in July 2021 and initially covered only the power sector, about 40% of national emissions. Its legal basis was strengthened by the Interim Regulations on the Administration of Carbon Emissions Trading, adopted by the State Council and in force since May 1, 2024, which introduced significant penalties for data falsification. In March 2025 the Ministry of Ecology and Environment extended the system to the steel, cement and aluminum smelting sectors, raising its coverage to about 60% of national greenhouse gas emissions [2].

Alongside the mandatory market, in January 2024 China relaunched the voluntary greenhouse gas emission reduction scheme (China Certified Emission Reductions, CCER), which allows projects in forestry, renewable energy and methane utilization to generate credits that can partially be used for compliance in the national market. Attention has also been paid to adaptation: in 2022 the National Climate Change Adaptation Strategy 2035 was adopted, which provides for strengthening climate monitoring and early warning, increasing the resilience of water resources, agriculture, infrastructure and public health, and creating climate-resilient cities. The judicial system is also involved in climate governance: in 2023 the Supreme People's Court issued Opinions on providing judicial services for actively and steadily promoting carbon peaking and carbon neutrality, which guide courts in disputes related to carbon trading, green finance

and energy transition, and specialized environmental courts operate in many provinces.

A qualitative step was the adoption of the Ecological and Environmental Code by the National People's Congress on March 12, 2026, effective from August 15, 2026. The Code, comprising 1,242 articles, contains in Part IV "Green and Low-Carbon Development" a special chapter "Addressing Climate Change", which for the first time establishes a general statutory framework for mitigation and adaptation, requires the integration of carbon peaking and neutrality goals into national development plans, introduces control over the total volume and intensity of carbon emissions, and gives the emissions trading system a statutory basis with liability for failure to report or surrender allowances [3]. Experts regard this chapter as the foundation for a future dedicated climate change law.

At the international level, China submitted its new nationally determined contribution on November 3, 2025. For the first time it set an economy-wide absolute target covering all greenhouse gases: to reduce net emissions by 7–10% from peak levels by 2035, to raise the share of non-fossil fuels in total energy consumption to over 30%, and to increase installed wind and solar capacity to more than 3,600 GW [4].

China's position in international climate negotiations is based on the principle of common but differentiated responsibilities and respective capabilities. China continues to regard itself as a developing country and therefore does not consider itself obliged to provide climate finance under Article 9 of the Paris Agreement, although it provides voluntary support to other developing countries within the framework of South-South climate cooperation and the Belt and Road Initiative. In 2021 China announced that it would no longer build new coal-fired power projects abroad. This combination of a growing contribution to global climate

action and a cautious approach to new legally binding obligations is characteristic of Chinese climate diplomacy.

Despite these achievements, Chinese climate law faces a number of problems. First, until recently the regulation was based mainly on policy documents and administrative acts rather than laws, which limited legal certainty and judicial enforceability. Second, the emissions trading system remains intensity-based: allowances are allocated by carbon intensity benchmarks rather than an absolute cap, which is planned only from 2027, and carbon prices remain relatively low. Third, the energy system still depends heavily on coal, and the approval of new coal-fired power plants for energy security purposes conflicts with decarbonization goals. Fourth, there are problems with the reliability of emissions data and with the implementation of central policy by local authorities, which have historically prioritized economic growth. Finally, many international observers consider the 2035 target insufficiently ambitious to meet the 1.5°C goal, while China insists on its status as a developing country and on the principle of common but differentiated responsibilities.

In conclusion, China demonstrates a model of climate regulation in which long-term strategic goals are consistently transformed into legal norms: from the National Programme of 2007 and the “dual carbon” goals of 2020 to the Energy Law of 2024 and the codification of climate provisions in the Ecological and Environmental Code of 2026. Against the background of the withdrawal of the United States from the Paris Agreement, the stability of China’s legal framework strengthens its role in global climate governance. For Uzbekistan, which also relies largely on strategic documents, the Chinese experience of gradually codifying climate norms and creating a carbon market with a clear legal basis may be of practical interest.



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