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EUROPEAN UNION IN GLOBAL CLIMATE GOVERNANCE: TO PARIS AND BEYOND

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<p>Article history:</p> <p><i>Received:</i> 21 January 2016</p> <p><i>Accepted:</i> 17 June 2016</p>	<p>Abstract: Since the 1990s, the European Union is aspiring global leadership in the area of climate change, which is reflected in its active participation in the negotiations on the international climate change regime. However, those ambitions have not always turned out to be appropriate or justified. Despite the fact that the European Union was able to achieve certain results during the Kyoto Protocol negotiations and even more significant results in the process of its ratification, for the most part EU negotiation strategy based on normative considerations, had not been successful, it was especially evident during the 2009 United Nations Climate Change Conference in Copenhagen. Partly the disappointing results of EU performance during the Copenhagen negotiations are to be blamed on some of the key features of EU functioning logic, for example, the overall tendency to rely on scientific evidence in policy-making, which did not allow the EU to assess other parties' interests adequately. As the results of the negotiations of parties to the UNFCCC in December 2015 in Paris have shown, the European Union did manage to work out its previous mistakes and build a broad informal international coalition. Contrary to the pessimistic expectations, the agreement was adopted and it took into account quite a few of the EU proposals. However, the Paris Treaty has a number of flaws and inaccuracies, so the ability to eliminate them in a timely manner by the international community and the EU in particular, will determine the future of the new international climate change regime.</p>
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Over the past few decades, the international community has faced increasingly destructive effects of human activity on the environment, among which climate change has become one of the most debated issues, not only among environment specialists, but also among policy-makers and civil society groups.

According to the United Nations Environment Programme (UNEP) data, the average surface temperature has already risen by 0,89°C from 1901 to 2012,¹ while 2014 has become the hottest

year since the beginning of observations.² Among other possible effects of global climate change one should point out the transformation of global and regional hydrological cycles, increased intensity of extreme weather events and natural disasters, accelerated glaciers' melting, reduced ice and snow depth (including permafrost), the rise of the sea-level, changes of ecosystems' characteristics. Without adequate measures undertaken on the international level, these trends are likely to develop further in mid- and longer-

¹ Annual Report 2014 / UNEP, 2014. Mode of access: http://www.unep.org/annualreport/2014/ru/pdf/ru_UNEP_Annual_Report_2014.pdf

² Blunden, Jessica. State of the climate in 2014 / Jessica Blunden, Derek S. Arndt // *Bulletin of the American Meteorological Society*, 2015, Vol. 96, No. 7, pp. ES1–ES32.

term perspective, as well as dramatically affect the international relations.

Back in the 1972, the UNEP has laid the basis for international coordination in the field of environmental governance. In 1976, the World Meteorological Organization released its first assessment report, exposing the anthropogenic causes of climate change.³ The main findings of this report were afterwards confirmed by the report of the Intergovernmental Panel on Climate Change (IPCC) in 1990.⁴ Subsequently, the evaluations and conclusions of the latter report were incorporated into fundamental international treaties that form the legal basis of modern international climate change regime: the UNFCCC, signed at the “Earth Summit” in Rio de Janeiro in 1992, entered into force in 1994, and the Kyoto Protocol on Climate Change to the UNFCCC,⁵ in 1997, entered into force in 2004. These documents define the essential measures to combat climate change.

It is particularly interesting to analyze the role of the European Union in the development of global climate change regime. While in the 1970s the EEC countries were developing their own environmental practices, following in the wake of the environmental leader of that time (the US),⁶ by the 1990s the EU itself was widely perceived as a valid actor in the sphere of international environmental policy. Moreover, when matters of global climate change were considered, the European Union was now internationally recognized as a global leader.

It is also very important to mention here, that European Union studies require application of slightly different theories, than

those of national states. In this article we will be using organization theory approach that will allow us to look into some of the functioning logic of the European Union climate policy, bearing in mind, that the EU is an exceptional example of a very deep regional integration and thus can neither be considered a state, nor an organization. Essentially, it is something in between.

The EU climate change policy relies on the principles of multilateralism and international law, commitment to sustainable development, and the precautionary principle.⁷ The EU promotes the principle of effective multilateralism, i.e. it seeks to sign multilateral treaties that could improve the efficiency of international cooperation in response to various global challenges. In terms of climate change policy, such efforts are justified by the impossibility to limit the greenhouse gas emissions within the borders of the EU only, as it will not provide the desired effect on the global scale. According to the Netherlands Environmental Assessment Agency 2014 Report, 28 EU Member States, taken together, are responsible for 11% of the total amount of greenhouse gas emissions, while, for example, China emits 29%, US – 15%, India – 6%, Russia – 5% and Japan – 4%.⁸ Therefore, in order to reduce the emissions by the amounts recommended by the Intergovernmental Panel on Climate Change (IPCC), a collective action of all states (or at least the major emitters among them) is required.

All the EU Member States are committed to sustainable development, as it appears to be one of the major guiding principles of the EU’s policies. Sustainable development involves a balance between three policy areas: economic development, social equity and environmental protection.

³ Kellogg William W. *Effects of Human Activities on Global Climate: a Summary, with Consideration of the Implications of a Possibly Warmer Earth*. Geneva: Secretariat of the World Meteorological Organization, 1976.

⁴ First IPCC Assessment Report. Overview Chapter, 1990. Mode of access: https://www.ipcc.ch/ipccreports/1992%20IPCC%20Supplement/IPCC_1990_and_1992_Assessments/English/ipcc_90_92_assessments_far_overview.pdf

⁵ Kyoto Protocol to the United Nations Framework Convention on Climate Change, 1998. Mode of access: <http://unfccc.int/resource/docs/convkp/kpeng.pdf>

⁶ Bretheron, Charlotte. *The European Union as a Global Actor* (2nd ed.) / Charlotte Bretheron, John Vogler. London: Routledge, 2006.

⁷ Van Schaik, Louise. *Explaining EU Activism and Impact in Global Climate Politics: Is the Union a Norm- or Interest-Driven Actor?* / Louise Van Schaik, Simon Schunz // *JCMS: Journal of Common Market Studies*, 2012, Vol. 50, No. 1, pp. 169–186.

⁸ Trends in global CO2 emissions: 2014 Report / PBL Netherlands Environmental Assessment Agency, 2014. Mode of access: http://edgar.jrc.ec.europa.eu/news_docs/jrc-2014-trends-in-global-co2-emissions-2014-report-93171.pdf

The precautionary principle deserves special consideration, since it reflects the general tendency to rely on scientific and expert data during policy formulation due to the need to find compromise between a large number of Member States, with often conflicting national interests. Even though the precautionary principle may be named amongst guiding principles for the European Union environmental policy since 1991, when it was included in the EU treaties, it was never fully defined by the EU. Some insights on this principle may be found in the Communication from the Commission from 2 February 2000, which states that it will be applied to situations “where scientific information is insufficient, inconclusive, or uncertain and where there are indications that the possible effects on the environment, or human, animal or plant health may be potentially dangerous and inconsistent with the chosen level of protection”.⁹ It is also stressed in this document, that the use of the precautionary principle must not lead to discriminative or inconsistent policy, moreover – the policy measures must be reexamined and if necessary modified when new scientific data becomes available.

In addition to adhering to the precautionary principle in domestic policy, the EU is actively promoting its implementation on the global level. In particular, it was included in the UNFCCC. The European Union’s cooperation with the IPCC may serve as an example of practical implementation of this principle. In 1996, the EU defined its vision of the objectives and actions required to reduce the greenhouse gas emissions, based on the IPCC data, which, in particular, included the goal to prevent global surface temperature rise above 2 degrees Celsius compared to pre-industrial levels. The Council of the EU confirmed the 2-degrees target in 2005. According to Van Schaik and Shunts, despite the fact that this target was based on somewhat uncertain scientific evidence, choosing a target, expressed in a simple number, seemed politically and functionally justified. It allowed to develop precautionary measures, based on a model, that

connected the global temperature rise to the concentration of the greenhouse gas emissions in the atmosphere, which in turn were regularly monitored by the IPCC.¹⁰

In addition to the aforementioned guiding principles, one may certainly find common interest of the Member States serving as the drivers of the EU climate change policy. First of all, the development and introduction of renewable and alternative energy technologies, as well as improvement of the energy efficiency can help to reduce the dependence of the EU on imported fossil fuels, which connects the issue of combating climate change to energy security. Secondly, the development and introduction of innovative and environmentally friendly energy technologies, in addition to the obvious benefits for the environment, enables the EU to achieve significant competitive advantage in the future, as an exporter of developed technologies. Additionally, these actions may include many co-benefits, such as the reduction of potential costs of eliminating the impacts of climate change and benefits to health and ecosystems. According to the 2015 estimates, the monetary value of reduced import of fossil fuel could be around 500 billion Euros by the year 2030. Moreover, co-benefits to healthier life conditions from reduced air pollution on their own could prevent 6000 premature deaths per year by 2030.¹¹ Thirdly, as S. Shunz points out, the EU climate change policy and actions in the field on the global level came in very handy, providing some justification for the further integration.¹²

¹⁰ Van Schaik, Louise. Explaining EU Activism and Impact in Global Climate Politics: Is the Union a Norm- or Interest-Driven Actor? / Louise Van Schaik, Simon Schunz // *JCMS: Journal of Common Market Studies*, 2012, Vol. 50, No. 1, pp. 169-186.

¹¹ Day, Thomas; Gonzales, Sofia. Assessing the Missed Benefits of Countries’ National Contributions: Quantifying Potential Co-benefits / Thomas Day, Niklas Höhne, Sofia Gonzales. Cologne, New Climate Institute. 2015. Mode of access: <https://newclimateinstitute.files.wordpress.com/2015/10/cobenefits-of-indes-october-2015.pdf>

¹² Schunz, Simon. Beyond Leadership by Example: Towards a Flexibly EU Foreign Climate Policy / Working Paper. Global Issues Division. Berlin: German Institute for International and Security Affairs, 2011.

⁹ Communication from the Commission on the precautionary principle. Commission of the European Communities. COM 1 final, 2000. Mode of access: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2000:0001:FIN:en:PDF>

When speaking about the legal basis of European Union's climate change policy, one should mention that environmental issues lie within the area of the shared competence of the EU and its Member States (with the exception of the conservation of marine biological resources under the Common Fisheries Policy which belongs to the exclusive competences), i.e. the Member States have the right to exercise their competence only in so far as the European Union has not already done so.¹³ The international agreements in the field of environmental protection are to be signed both by the EU and its Member States. The legal obligations undertaken by the European Union within the framework of international agreements on environmental protection and climate change complement those of the Member States. In the case of non-compliance with any of the provisions of a respective treaty, such as, for example, any commitments to reduce greenhouse gas emissions by 8%, pledged in the Kyoto Protocol, the responsibility lies not only on the European Union, but also on the individual Member States that failed to meet their obligations. After the ratification, such international agreements become an integral part of the EU law. The responsibility to monitor their implementation and settle any possible disputes falls within the jurisdiction of the Court of Justice of the European Union.¹⁴

The EU is recognized as a rightful participant the international climate change regime in accordance with Article 22 of the UN Framework Convention on Climate Change, which states, that "Regional Economic Integration Organizations" are allowed to participate in all activities on the same terms as the national states.¹⁵ Therefore,

¹³ The Treaty on the Functioning of the European Union, TFEU // *Official Journal of the European Union*. 2008/C115/47 (09.05.2008). Mode of access: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:-2008-:115:0047:0199:EN:PDF>

¹⁴ Tabau Anne-Sophie. Non-Compliance Mechanisms: Interaction between the Kyoto Protocol System and the European Union / Anne-Sophie Tabau, Sandrine M. Dubois // *European Journal of International Law*, 2010, Vol. 21, No. 3, p. 750.

¹⁵ United Nations Framework Convention on Climate Change, 1992. Mode of access: https://www.ipcc.ch/ipccreports/1992%20IPCC%20Supplement/IPCC_1990_and_1992_Assessments/English/ipcc_90_92_assessments_far_overview.pdf

the EU presence in the international climate regime also complements that of the Member States, which in turn gives rise to a number of problems that other international actors do not have. Although the shared competence in the field of environmental protection is a purely internal phenomenon for the EU, it often creates many difficulties for third parties and the EU itself. It dictates the need to harmonize the interests of individual Member States, as well as to articulate a common European position prior the negotiations.¹⁶ In case the common position does not fully meet the national interests of one of the Member States, according to the UNFCCC principles, they are free to present them individually. This, however, contradicts the logic of the functioning of the EU.

Since the 1990s, the European Union pretends for a leading role in the global climate change governance by actively participating in the negotiations on the international climate change. As some European authors suggest, an important element of the EU strategy was to develop internal mechanisms to combat climate change, which were to become a role model for the international community,¹⁷ as well as to promote fundamental principles and rules specific for its own perception of required measures to combat climate change on the international level.

During the UNFCCC and the Kyoto Protocol negotiations, the EU managed to become one of the key players in the process, despite periodic internal disagreements (in particular, according to S. Oberthür, the European Commission has been deprived of the right to represent the EU

[ch/ipccreports/1992%20IPCC%20Supplement/IPCC_1990_and_1992_Assessments/English/ipcc_90_92_assessments_far_overview.pdf](https://www.ipcc.ch/ipccreports/1992%20IPCC%20Supplement/IPCC_1990_and_1992_Assessments/English/ipcc_90_92_assessments_far_overview.pdf)

¹⁶ Pavese Carolina B. The Contribution of the European Union to Global Climate Change Governance: Explaining the Conditions for EU Actorness / Carolina B. Pavese, Diarmuid Torney // *Revista Brasileira de Política Internacional*, 2012, Vol. 55, pp. 125-143.

¹⁷ Kelemen R. Daniel. Globalizing European Union Environmental Policy // *Journal of European Public Policy*, 2010, Vol. 17, No. 3, pp. 335-349; Parker Charles F. Climate Change and the European Union's Leadership Moment: An Inconvenient Truth? / Charles F. Parker, Christer Karlsson // *Journal of Common Market Studies*, 2010, Vol. 48, No. 4, pp. 923-943.

in the negotiations under the UNFCCC).¹⁸ From 1995 to 1997, the European Union was generally successful in asserting its vision of the Kyoto Protocol goals, particularly in terms of commitments to reduce the greenhouse gas emissions, taken by developed countries (8% for the EU, 7% for the United States and 6% for Japan). At the same time, the EU made a limited impact on the formulation of most of the Protocol mechanisms, in particular with regard to the adoption of its “flexible mechanisms”,¹⁹ which were pushed into the agreement by the United States.²⁰ In its internal policy, the EU did not adopt the carbon/energy tax, on which the Member States have failed to work out a common position in 1992.²¹

In 2001 it became evident that the United States have abandoned the idea to ratify the Kyoto Protocol and began attempts to refocus climate change actions from global to regional level (e.g., by promoting such platforms as the Asia-Pacific Partnership on Clean Development and Climate Change).²² The EU, in its turn, made considerable efforts to counter such attempts.

The EU actively negotiated with all the parties to the Kyoto Protocol in order to accelerate the ratification process and to prevent the collapse of the newly formed climate change regime. By doing so, the European Union, according to some of the authors, has gained the fame of the Kyoto Protocol’s savior.²³

The EU has also put a lot of effort to convince such countries, as the Russia and Japan, to ratify the Kyoto Protocol, so that it would initially enter into force by 2005 despite the US actions. The price for the ratification was rather high: the EU had to comply with weakened accounting rules, which was more favorable for Canada, Russia and Japan, and the lack of restrictions on the use of “flexible mechanisms”. Since the beginning of the 2000’s states with growing economies, such as Brazil, India and China, started playing a more prominent role in the negotiations on the international climate change regime. This fact has not been ignored by the EU, and after 2005 it launched bilateral dialogue processes and signed bilateral agreements on cooperation in the climate field with Australia, Brazil, Canada, India, Mexico, Russia, the USA, South Africa and Japan in order to provide some support for internal European climate change policy development and, more importantly, to stand a chance to influence the negotiating position of these countries.

It seemed that in 2009 the American administration of the newly elected Barack Obama was ready to support the EU global climate change policy vision at the 15th Conference of the Parties to the UNFCCC in Copenhagen. The goals were indeed ambitious, as the EU hoped to sign a new, legally binding international agreement on climate for the period after 2012. Given the importance of the talks, the negotiation process was carried out on three levels, instead of the usual two: at the level of working groups, at the ministerial

¹⁸ Oberthür, Sebastian. *The Role of the EU in Global Environmental and Climate Governance / The European Union and Global Governance* / Telo M. (ed.). London: Routledge, 2009.

¹⁹ Flexible mechanisms include *Emission Trading* (allows to purchase the right to emit more carbon dioxide from a country that emits less), *the Clean Development Mechanism* (that allows a developed country to invest into emission reduction projects on the territory of a developing country and with a benefit of receiving emission reduction credits for its own portfolio) and *Joint Implementation* (provides an opportunity for a developed country to invest into an emission reduction project on the territory of another developed country for emission reduction credits).

²⁰ Van Schaik, Louise. *Explaining EU Activism and Impact in Global Climate Politics: Is the Union a Norm- or Interest-Driven Actor?* / Louise Van Schaik, Simon Schunz // *JCMS: Journal of Common Market Studies*, 2012, Vol. 50, No. 1, pp. 169-186.

²¹ Skjærseth, Jon B. *The Climate Policy of the EC: Too Hot to Handle?* // *Journal of Common Market Studies*, 1994, Vol. 32, No. 1, pp. 25-45.

²² Van Schaik, Louise. *Explaining EU Activism and Impact in Global Climate Politics: Is the Union a Norm- or Interest-Driven Actor?* / Louise Van Schaik, Simon Schunz // *JCMS: Journal of Common Market Studies*, 2012, Vol. 50, No. 1, p. 180.

²³ Damro, Chad. *Emissions Trading at Kyoto: From EU Resistance to Union Innovation* / Chad Damro, Pillar L. Meñdez // *Environmental Politics*, 2003, Vol.12, No. 2, pp. 71-94; Hovi, Jon; Skodvin, Tora; Andresen, Steinar. *The Persistence of the Kyoto Protocol: Why Other Annex I Countries Move on Without the United States* // *Global Environmental Politics*, 2003, Vol. 3, No. 4, pp. 1-23.

level and at the level of the Heads of States and Governments. However, to the great disappointment of the EU, the final document of the Copenhagen 2009 Summit did not replace the Kyoto Protocol and did not contain any legally binding emission reductions targets. Despite the EU efforts, the final Copenhagen accord, largely prepared by the United States and the BASIC countries,²⁴ with close to zero involvement of the EU,²⁵ mentioned the 2-degrees goal, and contained only voluntary and abstract commitments to reduce the greenhouse gas emissions by 2020, taken upon themselves by some of the parties. It was also agreed to establish the Green Climate Fund, formally founded at the annual Conference of Parties (COP) in Cancun in 2010, and set a goal to draw funding for climate projects to be realized in developing countries from various sources for a total amount of 100 billion dollars per year by 2020.²⁶ According to experts from the Massachusetts Institute of Technology, such voluntary approach can contribute to the reduction of GHG emissions, but would not allow to reach 2-degrees target,²⁷ which could be regarded by the EU as a serious setback in terms of its own regulatory-oriented approach to the issue. However, it is crucial to look at the possible causes of the lack of EU's influence on the negotiation process.

During the preparations for the Copenhagen negotiations, the Member States and the European Commission managed to settle on the idea

that the EU should play a leading role in the international negotiations on a new agreement, and the new document should contain a legally binding commitment to reduce GHG emissions. At the same time, Member States failed to agree on specific indicators: Italy and Poland opposed the 30% emissions reduction target by 2020, which eventually forced the EU to look for a compromise at the summit itself. Groena, Niman and Oberthür have collected very interesting information on the negotiation process in Copenhagen during interviews with individuals who were directly involved in the process. Firstly, under the conditions of economic crisis there was no unity in matters of the financial support for developing countries. If Britain, Germany, France, Denmark, the Netherlands and Sweden were ready to allocate funds for this cause, the Eastern EU Member States seemed not so eager. Thus the compromise was never found. Secondly, the situation was additionally complicated by the need to coordinate the positions on external obligations with all Member States, which resulted in the overly averaged vision on some of the items, such as, for example, the position on reducing greenhouse gas emissions from forestry.²⁸ And since the EU could not participate in the negotiations without an established common position of the Member States, its ability to respond promptly to incoming offers was dramatically undermined.

Another possible reason for the lack of success in Copenhagen was, quite paradoxically, the excessive openness of the EU's position. Other parties knew exactly what they will be offered, realized the importance of the new agreement to the EU and expected it to sign any version of the final document. EU proposal to cut its own emissions by 30% instead of 20% by 2020, did not have any practical effect, since it didn't have any real value to other parties, that built their negotiation strategy on the basis

²⁴ The BASIC countries is a coalition of four large industrialized countries – Brazil, South Africa, India and China, created to form a common position during the climate negotiations since late 2009.

²⁵ Curtin, Joseph. *The Copenhagen Conference: How Should the EU Respond?* Dublin: Institute of International and European Affairs, 2010.

²⁶ Report of the Conference of the Parties on its fifteenth session, held in Copenhagen from 7 to 19 December 2009. Addendum. Part Two: Action taken by the Conference of the Parties at its fifteenth session. UN Framework Convention on Climate Change. Mode of access: <http://unfccc.int/resource/docs/2009/cop15/eng/11a01.pdf>

²⁷ Jacoby, Henry D. *Expectations for a New Climate Agreement* / Henry D. Jacoby, Y.-H. H. Chen // Joint Program on the Science and Policy of Global Change. Report No. 264. Massachusetts Institute of Technology, Cambridge, MA, USA. August 2014. P. 21.

²⁸ Groen, Lisanne. *The EU's Role in International Climate Change Policy-Making: A Global Leader in Decline?* / Lisanne Groen, Arne Niemann, Sebastian Oberthür / *Global Power Europe. Vol. 2: Policies, Actions and Influence of the EU's External Relations* / Astrid Boening, Jan-Frederik Kremer, Aukje van Loon (eds.), 2013, Vol. 2, pp. 40-42.

of national interests rather than normative objectives. The European Union has also underestimated the fact that the United States and the BASIC countries have taken a very conservative negotiating position, preferring to minimize possible international interference into their domestic policies. Given the lack of a plan “B” or any valuable bargaining chip on the EU side, except for increased emission reduction goals, the EU was actually outplayed by other parties.

As in the case with the Kyoto Protocol negotiations, during the Copenhagen talks, the EU was too focused on its normative considerations, in particular on the idea that international climate change policy should be based on the recommendations of the scientific community without political interference, and partially neglected the interests of its partners. The inability to adequately assess external conditions could have been also caused by the Brussels bubble phenomenon, defined by Shpaner B. as a “limited to an elite circle of mostly Brussels-based politicians, lobbyists and interest groups and the sphere of “arcane” policy, i.e. a setting in which participants exclusively operate behind closed doors and with a prime emphasis on interpersonal communication”.²⁹ The nature of the information circulating within the “Brussels bubble” can be judged by the content of publications in such transnational media as «EUObserver», «European Voice» and «The Financial Times», the main target audience of which are the Brussels’ residents. Most publications in this media are filled with optimism, regarding the European integration and the ability of the EU to influence global environmental policy.³⁰ It is obvious that the officials involved in the process of developing a common EU position climate change may be trapped within the “Brussels bubble”, which imposes certain restrictions on the information and opinions they receive.

²⁹ Spanier, Berndt. Europe, Anyone? The “Communication Deficit” of the European Union Revisited. Baden-Baden: Nomos, 2012. P. 93.

³⁰ Nitoiu, Cristian. Supporting the EU’s Approach to Climate Change: The Discourse of the Transnational Media Within the “Brussels Bubble” // *Journal of European Integration*, 2015, Vol. 37, No. 5, pp. 535-552.

Further meetings of the Parties of the UNFCCC have somewhat advanced the course of the negotiations. However, the formulation of the emission reduction goals set has never occurred. According to Biedenkopf K. and K. Dupont, the EU has temporarily withdrawn itself from actively promoting this idea.³¹ The Cancun conference in 2010 resulted in securing some elements of the Copenhagen accord into the UNFCCC framework. Given the failure in Copenhagen, the EU has more easily reached a common position prior the event, and, due to the lower level of politicization of this conference, which was not aimed at securing any obligations, the USA and the BASIC countries were more inclined to cooperate. Therefore, there were no difficulties during the final document formulation, which suited all parties, including the EU.

The Durban conference in 2011, in its turn, has become a micro-breakthrough for the European Union, since the parties arranged the exact date to sign a new agreement to replace the Kyoto Protocol. Despite some resistance from a number of countries, including India, which the EU managed to overcome during the high-level talks with the representatives of those countries literally in the final hours of the summit,³² the parties agreed to sign a new agreement in 2015.

The summit in Doha in 2012 has not brought any significant results: the participants have agreed on a second commitment period for the GHG emissions reduction from 2013 to 2020 under the amendment to the Kyoto Protocol.³³ The extent of its impact turned out to be very limited. Since the participating

³¹ Biedenkopf, Katja A Toolbox Approach to the EU’s External Climate Governance / Global Power Europe / A. Boening, J-F. Kremer, A. van Loon (eds.), 2013. Vol. 1. Pp. 181-199.

³² Groen, Lisanne. The EU’s Role in International Climate Change Policy-Making: A Global Leader in Decline? / Lisanne Groen, Arne Niemann, Sebastian Oberthür / Global Power Europe. Vol. 2: Policies, Actions and Influence of the EU’s External Relations / Astrid Boening, Jan-Frederik Kremer, Aukje van Loon (eds.), 2013, Vol. 2, p. 52.

³³ The Doha Climate Gateway. UN Framework Convention on Climate, 2012. Mode of access: http://unfccc.int/key_steps/doha_climate_gateway/items/7389.php

countries are only responsible for 14% of global GHG emissions, the US, Canada, Russia and Japan did not sign the amendment.

The main result of the Warsaw conference in 2013 was the proposal to establish the Warsaw mechanism for loss and damage, which involves compensation for irreversible damage from climate change to developing countries. However, the parties failed to agree on the specific details of this mechanism, and the initiative will be revisited in 2016.³⁴

The Lima conference in 2014, which was burdened by the developing countries' discontent with the amount of promised financial support in exchange for a transition to a low carbon economy and clean energy technologies development, has ended with moderate results. All 196 UN Member States agreed to take concrete commitments to reduce GHG emissions in the framework of an Intended Nationally Determined Contribution (INDC)³⁵ mechanism. A coordinated position of the European Union, the United States and China, announced at the very beginning of the summit, played its role in this process. The final document of the summit ("Lima Call for Climate Action") included streamlined wording of a very modes set of procedural steps and reflected "work in progress" instead of concrete suggestions for the Paris 2015 Conference. It is also very noteworthy that the legal status for the Paris agreement remained undecided.

During the preparations for the Paris Conference of the Parties of the UNFCCC, the European Union was advocating a strong legally binding agreement, aimed at an overall reduction of GHG emissions by 60% by 2050 compared to 2010 indicators. It would have implied that the INDC of all states should include specific targets for GHG emissions reduction and those of the developed countries should be more ambitious.³⁶

³⁴ Warsaw Outcomes. UN Framework Convention on Climate Change, 2013. Mode of access: http://unfccc.int/key_steps/warsaw_outcomes/items/8006.php

³⁵ Lima Call for Climate Action Puts World on Track to Paris 2015. Press Release, 14.12.2014. UN Framework Convention on Climate Change, 2014. Mode of access: <http://newsroom.unfccc.int/lima/lima-call-for-climate-action-puts-world-on-track-to-paris-2015/>

³⁶ Communication from the Commission to the European Parliament and the Council: The Paris

The European Union declared its readiness to reduce emissions by 40% by 2030 and became the first major economy to submit its INDC in March 2015. The decision was made despite the strong resistance from "Visegrad Group plus two"³⁷ Member States, that insisted on smaller 25% reduction, fearing unaffordable financial costs.³⁸ The EU also called for strict rules and procedures for measuring, reporting, and monitoring compliance with the provisions of the agreement, as well as for a five-year cycle to review and clarify the obligations in accordance with the scientific data updates, changes in domestic circumstances and capacities of the parties. According to the EU position, the new agreement was to allow the emission trade between markets as well as commitment transfer between countries. The EU believed that the agreement should provide a framework for investment in programs and practices aimed at reducing GHG emissions and the negative effects of climate change, and that all the parties needed to improve their investment climate. At the same time, as noted by G. Erbach, the volume of the climate finance will depend on the ambition and the quality of the INDCs, national investment and adaptation plans.³⁹

The Paris Conference outcomes turned out to be by far more promising, than those of previous meetings, primarily because the parties

Protocol – A blueprint for tackling global climate change beyond 2020. COM 81 final, 2015. Mode of access: http://ec.europa.eu/priorities/energy-union/docs/paris_en.pdf

³⁷ "Visegrad Group plus two" includes Czech Republic, Hungary, Poland, Slovakia, Bulgaria and Romania.

³⁸ Невельский А. Восточноевропейские страны могут помешать планам ЕС сократить вредные выбросы // *Vedomosti.ru*, 20.10.2014. Режим доступа: <http://www.vedomosti.ru/politics/articles/2014/10/20/vostochnoeuropejskie-strany-mogut-pomeshat-planam-es> [Nevel'skij A. Vostochnoeuropejskie strany mogut pomeshat' planam ES sokratit' vrednye vybrosy (Eastern European Countries Might Put a Stop to EU Emission Reduction Plans) // *Vedomosti.ru*, 20.10.2014. Mode of access: <http://www.vedomosti.ru/politics/articles/2014/10/20/vostochnoeuropejskie-strany-mogut-pomeshat-planam-es>].

³⁹ Erbach, Gregor. Negotiating a New UN Climate Agreement: Challenges on the Road to Paris // *European Parliamentary Research Service*, March 2015. P. 33.

managed to adopt a universal treaty, which is due to enter into force in 2020 in case 55 nations representing no less than 55% of global GHG emissions ratify it. Although, as with the Kyoto Protocol, it is possible that some states, such as the United States in particular, might not seek ratification. In the latter case, much will depend on how the terms of Paris Agreement implementation will be reflected before and during Presidential elections that will take place at the beginning of November 2016.

The Paris Agreement⁴⁰ removes strict differentiation between developed and developing countries and introduces a common framework that commits all parties to take action in combating climate change, based on their Intended Nationally Determined Contributions, which are expected to be revised and strengthened over years. All parties are expected to submit reports on emission levels and policy implementation efforts for international review. Therefore, the new treaty can be characterized by hybrid nature of its approach, since it includes both bottom-up elements, that provide flexibility and maximize participation, and top-down rules, that ensure accountability. The legal status of the treaty is equally hybrid. While some of its provisions are indeed legally binding, the rest of them, such as, for example, some aspects of emission reduction targets and finance, are either vague or voluntary.

It also seems that many of the European Union's views on the agreement have found their way into the final text, due to its considerable diplomatic efforts in building an efficient coalition with various states and a very determined leadership of the hosting country (France). The parties managed to push for the compromise despite existing disagreements even among the old alliances, such as G77⁴¹ and the BASIC countries, which eventually dissolved during the talks because of different interests. This can be considered as a major breakthrough

for the EU negotiation strategy. The EU was once again true to inclination towards informal mechanisms when building the secret "High Ambition Coalition", which managed to bring together the EU Member States, the US and 79 African, Caribbean and Pacific countries, including Brazil, to form a common position 6 month prior the negotiations.⁴²

As a result, the 2-degrees goal was once again affirmed, but the governments agreed to aim at even more ambitious goal to limit the global temperature increase to 1.5 degrees, supporting the request from the vulnerable developing countries. What is still more important, the Paris Climate Agreement commits all nations, regardless of their development status, to work towards it. The five-year cycle mechanism that encourages parties to review their nationally determined contributions was also included in the document and has legal force. The first 'soft' deadline to voluntarily review and possibly raise the INDCs is 2018. It is not yet clear how countries will respond to this call.

The new agreement, however, does not introduce any legally binding financial obligations, meant for developing countries, and even though the 100 billion dollars annually by 2020 for mitigation and adaptation commitment was again included in the text, it is neither clear how those funds will be accumulated, nor what the contribution from the developing countries themselves will be, since their participation remains voluntary.⁴³

The compromise was found on the very sensitive question of the role of emission trading systems and flexibility mechanisms. The new agreement, as stated in Article 6, introduces three different approaches, that would initially suit parties advocating either

⁴² Mathisen, Karl. Climate Coalition Breaks Cover in Paris to Push for Binding and Ambitious Deal / Karl Mathisen, Fiona Harvey // *The Guardian*, 08 Dec. 2015. Mode of access: <http://www.theguardian.com/environment/2015/dec/08/coalition-paris-push-for-binding-ambitious-climate-change-deal>

⁴³ Adoption of the Paris Agreement / Conference of the Parties. 30 November to 11 December 2015. UN Framework Convention on Climate Change, 2015. Mode of access: <http://unfccc.int/resource/docs/2015/cop21/eng/109r01.pdf>. Article 1.

⁴⁰ Adoption of the Paris Agreement / Conference of the Parties. 30 November to 11 December 2015. UN Framework Convention on Climate Change, 2015. Mode of access: <http://unfccc.int/resource/docs/2015/cop21/eng/109r01.pdf>

⁴¹ G77 is a coalition of developing countries, which was formed to collectively promote member countries' interests within the UN framework.

in favor of market mechanisms or against them. First of them introduces a voluntary “cooperative approach that involves the use of internationally transferred mitigation outcomes towards nationally determined contributions”, in other words allowing the linkage of emission trading systems; the second – a “mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development” is probably succeeding the Clean Development Mechanism, established by the Kyoto Protocol and the third one creates a framework for non-market approaches “to assist in the implementation of their nationally determined contributions, in the context of sustainable development and poverty eradication”.⁴⁴ The accounting rules for the first approach have not been specified in the Paris agreement and will likely be developed over the next few years, the main problem here remains to be the possibility of double-counted emission reductions.

Whatever the fact all of the three initiatives will require further development and clarification in order to ensure their efficiency and accountability. While the new treaty awaits its ratification, this work will be undertaken by a new Ad Hoc Working Group on the Paris Agreement, that will meet for the first time in Bonn in May 2016, the next COP meeting is set for November 2016 in Marrakech.

The European Union seems very optimistic about the new agreement, as the EU Climate Action and Energy Commissioner Miguel Arias Cañete has stated: “This agreement is a major win for Europe. But more importantly, it is a major win for the global community. Europe has led the efforts in Paris to get an ambitious and legally binding global climate deal. <...> Now, what has been promised must be delivered. Europe will continue to lead the global low-carbon transition we have agreed”.⁴⁵ But apparently delivering, what has been promised, might require considerable efforts.

⁴⁴ Adoption of the Paris Agreement / Conference of the Parties. 30 November to 11 December 2015. UN Framework Convention on Climate Change, 2015. Article 6. Mode of access: <http://unfccc.int/resource/docs/2015/cop21/eng/109r01.pdf>

⁴⁵ Historic Climate Deal in Paris: EU Leads Global Efforts, 2015. Mode of access: http://ec.europa.eu/clima/news/articles/news_2015121201_en.htm

The new agreement was signed in rather unfortunate international conditions: a moderately high level of global political uncertainties and the oil price volatility. While it is yet hard to estimate, how certain international tensions might affect the deal, the fall in oil price is very likely to have its negative outcomes. A protracted period of low prices with a certain degree of confidence might stimulate oil consumption and negate the efforts of transition to a greener economy. The signal was sent to energy industries to end business as usual strategies and shift the investment into the dimension of low-carbon technologies, however ensuring that this message was heard, will probably require governmental support and political will to keep the industry compatible with the zero carbon aspirations.

The Paris Agreement has the potential to become a turning point in global climate change governance, but without deliberate and verified details on the finance and accountability it is not likely to form a strong international climate change regime. Additionally its performance relies heavily on the review of the Intended Nationally Determined Contributions on a five-year cycle. It will require a joint effort from all parties to ensure its effectiveness, and since the European Union has seemingly worked on its previous mistakes the future of the agreement might as well be very optimistic.

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ЕВРОПЕЙСКИЙ СОЮЗ В ГЛОБАЛЬНОМ УПРАВЛЕНИИ КЛИМАТИЧЕСКИМИ ИЗМЕНЕНИЯМИ: ДО И ПОСЛЕ ПАРИЖА

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Институт мировой экономики и международных отношений имени Е.М. Примакова Российской академии наук (ИМЭМО РАН), г. Москва, Россия

<p>Информация о статье: <i>Рукопись поступила в редакцию:</i> 21 января 2016 г. <i>Принята к печати:</i> 17 июня 2016 г.</p>	<p>Аннотация: Начиная с 1990-х гг. Европейский союз стремится к лидерству в вопросах борьбы с глобальным изменением климата, что выражается в активном участии в переговорах по международному климатическому режиму. Впрочем, не всегда эти амбиции оказывались уместными или оправданными. Невзирая на то, что Европейскому союзу удалось достичь определенных успехов в переговорах по Киотскому протоколу и значительных результатов в процессе его ратификации, по большей части выбранная ЕС стратегия, основанная на соображениях нормативности его позиции, не возымела успеха, особенно это было очевидно во время саммита в Копенгагене. Частично причиной неудач ЕС в переговорном процессе стала особенность логики функционирования Европейского союза, в частности, склонность ориентироваться на научные данные при выработке политики, что не позволило ЕС адекватно оценить интересы других сторон. Как показали результаты переговоров по новому соглашению, прошедших на саммите сторон РКИК в декабре 2015г. в Париже, Европейскому союзу все же удалось провести работу над ошибками и сформировать широкую неформальную международную коалицию: вопреки ожиданиям, договор был подписан и в нем был учтен целый ряд предложений ЕС. Впрочем, Парижский договор не лишен целого ряда недостатков и неточностей и от того, удастся ли международному сообществу и ЕС, в частности, их своевременно устранить, будет зависеть будущее нового международного климатического режима.</p>
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<p>Ключевые слова: Европейский союз; ЕС; глобальное управление; международный климатический режим; климатическая политика ЕС; борьба с изменением климата; Парижский договор.</p>	

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