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**Issues of improving the normative regulation of the utilization
of renewable energy sources in the Republic of Kazakhstan**

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Abstract: This study addresses ways to strengthen Kazakhstan's legislative framework for renewable energy deployment, emphasizing Corporate Power Purchase Agreements (Corporate PPAs). The focus is timely given the country's ambition to boost renewable energy's share to 15% by 2030 and advance toward carbon neutrality, all of which demand flexible, market-driven solutions. The core goal is to pinpoint prominent legal obstacles that hinder stand-alone Corporate PPAs and propose legislative adjustments based on international experiences, particularly those from Germany and China.

In exploring the regulation of Kazakhstan's renewable energy sector, the research zeroes in on direct bilateral arrangements between clean energy generators and corporate consumers. The methodology combines a doctrinal review of existing laws with a comparative legal analysis of global Corporate PPA models. The findings reveal limitations such as constrained participant pools, the absence of standard contractual templates, and no mechanism to partially blend governmental support with corporate off-take arrangements. Furthermore, the research highlights the need to establish a domestic system for "green" certificates, develop model contracts, re-evaluate price controls, and extend direct contracting to non-affiliated parties. By presenting targeted legal and institutional guidelines to attract private capital, expand the share of renewables in the energy mix, and further Kazakhstan's decarbonization, the study contributes practical solutions to meet the country's environmental objectives. Collectively, these reforms are projected to foster greater private sector involvement and accelerate a more sustainable energy transition.

Keywords: renewable energy, corporate PPA, legislation, Kazakhstan, legal regulation, energy transition, green certificates.

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Introduction

Kazakhstan's interest in scaling up renewable energy (RE) stems partly from its vast natural resources—abundant sunshine in southern regions, significant wind potential in central and northern areas, and substantial hydro reserves—combined with a growing commitment to environmental sustainability. The legal foundation for the country's RE sector rests primarily on two principal statutes: the 2009 Law “On Support of the Use of Renewable Energy Sources” [1] and the 2004 Law “On Electric Power Industry.” [2] Over the past decade, various amendments have been introduced to these laws to foster greater investment in solar, wind, hydro, and other non-traditional energy sources. Most notably, a system of state auctions and fixed-price power purchase agreements (PPAs) was established to spur private participation in the sector, with the Financial Settlement Center acting as a central buyer. Under this arrangement, renewable energy producers can secure long-term contracts that guarantee both stable tariffs and priority dispatch.

While these government-led initiatives have raised the share of RE in Kazakhstan's energy balance, in 2023, renewable energy sources generated 6.675 billion kWh, or 5.92% of the total electricity production [3]. One mechanism increasingly adopted worldwide to accelerate renewable energy adoption is the Corporate Power Purchase Agreement (Corporate PPA). Globally, Corporate PPAs allow large industrial or commercial entities to purchase renewable electricity directly from generators, thus bypassing conventional wholesalers or centralized auctions. These long-term agreements often provide stable revenue streams for developers while enabling corporate buyers to meet internal sustainability or ESG objectives. In countries such as Germany, the United States, and China, corporate offtakes have become prominent drivers of new wind and solar capacity through bilateral PPAs. The relevance of such market-based tools for Kazakhstan lies in their capacity to attract independent private investment and diversify the range of demand-side players involved in clean energy projects.

Kazakhstan has set ambitious targets for expanding renewable energy, aiming to reach 15 percent of its electricity generation from renewables by 2030, with a further trajectory toward carbon neutrality later in the century [4]. Meeting these goals requires not only state auctions and feed-in tariff schemes but also complementary arrangements that encourage private-sector involvement. Corporate PPAs offer a flexible alternative to the more centralized approach currently embedded in Kazakhstan's legislation. However, existing regulatory provisions significantly constrain the use of direct bilateral contracts. The 2023–2024 legislative amendments reinforce reliance on the Financial Settlement Center and limit direct PPAs to affiliated entities, thereby prohibiting resale of electricity to third parties [5]. This arrangement hinders corporate off-takers wishing to purchase renewable electricity for commercial consumption without establishing a shared corporate structure with the generator. Such restrictions undercut the potential contribution of Corporate PPAs to Kazakhstan's renewable capacity expansion, leaving investors and large industrial or commercial consumers with few viable options for direct sourcing of green energy.

The academic and policy discourse surrounding Kazakhstan's renewable energy framework has predominantly centered on evaluating state-driven support mechanisms, particularly a auction-based power purchase agreements (PPAs) and feed-in tariffs, which have formed the backbone of the country's strategy to diversify its fossil fuel-dependent energy matrix. Consultancies and

institutional analyses, such as those by Agora Energiewende [6] and the Financial Settlement Center for Renewable Energy [7], have underscored the role of centralized procurement models in attracting foreign direct investment, while simultaneously critiquing structural inefficiencies in grid infrastructure and balancing mechanisms that hinder scalability. Scholarly examinations, including work by Tatiana Lanshina and colleagues [6], have further delineated legal and administrative challenges within Kazakhstan's electricity sector, emphasizing the urgency of grid modernization and regulatory harmonization to accommodate variable renewable energy sources. International comparisons, such as Craig Menzies' analysis of European corporate PPA trends [8], highlight the mechanistic gap between Kazakhstan's current PPA framework—often criticized for rigid risk allocation and limited investor protections [9]—and globally emerging bilateral contract models that empower private offtakers. While Kazakhstani scholars like Ainur Sospanova [8] and Yernar Bilyalov [10] have advocated for legislative reforms to enable corporate PPAs, the academic literature remains nascent in proposing concrete legal adaptations tailored to Kazakhstan's hybrid market structure, which blends Soviet-era infrastructure with post-independence privatization efforts. This lacuna persists despite recognition in policy documents such as the UN PAGE report [11], which identifies fossil fuel subsidy reform and environmental governance as prerequisites for transitioning beyond state-centric renewable procurement. The prevailing scholarly consensus, echoed in analyses of Kazakhstan's Renewable Energy Law [12] and recent PPA amendments [13], suggests that existing frameworks inadequately address currency risk, force majeure protections, and offtaker payment guarantees—critical elements for replicating international corporate PPA success stories in the Kazakh context.

This article sets out to examine the legislative shortcomings affecting Corporate PPAs in Kazakhstan and to put forward practical recommendations for boosting private investment in the country's renewable energy sector. By considering both national regulations and international experiences, the research presents legal and policy proposals intended to foster a more conducive environment for corporate renewable energy contracting. Some secondary questions steer the analysis:

Which legal barriers create the biggest obstacles for independent Corporate PPAs in Kazakhstan, and how do they play out in real-world scenarios?

How can best practices from regions such as the EU or China inform possible updates to Kazakhstan's regulatory framework for PPAs?

Which specific legal amendments or new provisions could strengthen the use of Corporate PPAs, thereby widening private-sector involvement and supporting the government's climate and decarbonization aims?

On a theoretical level, this work adds to the conversation on energy-transition strategies by assessing how laws and policies might more effectively integrate market-driven methods for obtaining green electricity. As Corporate PPAs grow in global importance, understanding the interplay between centralized support initiatives and private contractual solutions becomes increasingly vital. Practically, the findings can assist lawmakers, government officials, and investors committed to advancing Kazakhstan's energy sector. By identifying areas where legislative changes could promote newer financing models, the article may help attract greater foreign capital and reinforce Kazakhstan's trajectory toward achieving its renewable energy and climate goals.

Materials and Methods

This study uses a blend of doctrinal analysis: reviewing key laws and decrees that shape Kazakhstan's renewable energy landscape and comparative legal research on corporate PPA structures in selected jurisdictions. Core sources include the Law “On Support of the Use of Renewable Energy Sources” (2009, with amendments in 2023–2024) and the Law “On Electricity” (2004), alongside with relevant by-laws that govern centralized auctions, define the Financial Settlement Center’s responsibilities and outline a transition to balancing-market mechanisms. Supplementary materials draw from legal commentaries, studies by international institutions and consultancies (such as Dentons, PwC, KPMG, and the EBRD), and academic writings that delve into the impact of auction-based PPAs on Kazakhstan's investment environment and the emerging trend of bilateral agreements.

A central methodological step involves comparing Kazakhstan's legislative stance with how similar challenges are handled in Germany and China, two places that show different strategies for renewable energy liberalization, corporate PPA rules, certification of green power, and the balance between government subsidies and private deals. Through doctrinal analysis, the paper explores explicit and implicit legal obstacles to corporate PPA transactions in Kazakhstan, focusing on matters like ownership rules, pricing controls, and the recognition of green certificates. Comparative insights come from case studies of how Germany and China address these same issues, highlighting legislative reforms or incentives that may offer useful models for Kazakhstan. The scope is limited to reforms enacted from 2023 onward, including those that affect allowable methods for selling renewable energy, tighten requirements for bilateral arrangements, and set new price caps. While the paper does briefly touch on the financial feasibility of corporate PPAs, namely, tariff levels and investor risk factors, it does not undertake a detailed economic analysis of project viability or cost-effectiveness, as that lies outside its core objectives.

Results and Discussion

Kazakhstan’s policy architecture for renewables rests on two foundational legal instruments: the Law “On Support of the Use of Renewable Energy Sources” (2009, amended 2023–2024) and the Law “On Electricity” (2004). These statutes have shaped a centralized model wherein the Financial Settlement Center (FRC) enters into long-term power purchase agreements (PPAs) with renewable energy developers through an auction-based system, offering either fixed or auction-derived tariffs that include indexation. The chief policy motivation for this approach was to ensure reliable revenue streams for novel renewable energy ventures, especially in a context where coal-fired plants have historically dominated the generation mix. This method also attracted international financing opportunities, notably for solar, wind, hydro, and other lower-carbon projects seeking stable off-take arrangements under government-backed contracts. As a result, the share of renewables in the national energy matrix grew to around 4.5 percent by 2023 [14]. However, these legal provisions have only marginally addressed the possibility of direct, non-subsidized bilateral transactions, often referred to as Corporate PPAs. In practical terms, most attention remains directed toward the FRC as a single buyer rather than enabling flexible direct sales between independent developers and industrial or commercial consumers.

Recent amendments in 2023 and 2024 reinforce this centralized paradigm by allowing renewable producers to either participate in state-run auctions and finalize a PPA with the FRC or conduct independent sales exclusively to affiliated consumers. Under these rules, a generator choosing to rely on a Corporate PPA without state support must forfeit various benefits, such as guaranteed offtake or indexed prices, and remains strictly barred from selling to non-affiliated third parties. In addition, legislators have instituted maximum allowable prices for such bilateral transactions to avert what they term “excessive” electricity tariffs [15]. These constraints carry significant repercussions for potential buyers: any large commercial or industrial entity that lacks an ownership link to a generator is effectively shut out from concluding a direct renewable energy contract. This rigid setup contrasts sharply with international practices where corporate purchases span diverse industry sectors and operate under a range of financial and contractual models [5]. Consequently, Kazakhstan’s market for corporate off-take remains narrowly focused on projects tied to a unified ownership structure, limiting the scale and diversity of direct renewable procurement.

Comparative lessons shed crucial light on pathways other jurisdictions have followed to accelerate corporate involvement in renewable electricity sourcing. Germany, for instance, was historically known for feed-in tariffs (FiTs) and market-premium schemes that required generators to hand over the “green” attribute to the system operator [16]. The Renewable Energy Sources Act (EEG) [17] codified a prohibition on “double compensation,” thereby preventing subsidized generators from selling electricity as “green” to corporate offtakers. Such a setup hampered the growth of Corporate PPAs unless project developers declined public support in favor of purely market-based agreements. Over time, however, Germany’s shift away from high-value FiTs and its decrease or elimination of certain surcharges on renewable consumption have made unsubsidized PPAs more appealing. By reducing financial burdens on end-users, the German government effectively expanded the range of prospective corporate buyers. Furthermore, many industry bodies have drafted standardized contract templates, helping to mitigate transaction costs and uncertainty in corporate deals. Several major corporations thus increasingly opt for direct PPAs to fulfill sustainability goals, acknowledging that unsubsidized projects, once considered financially daunting, are becoming economically viable.

China’s trajectory differs in historical context but arrives at a somewhat comparable outcome: corporate procurement of green power outside a rigid feed-in tariff regime. The National Development and Reform Commission (NDRC) put forward guidelines that enable renewable energy facilities to engage in “Green Power Trading,” selling power to industrial entities at mutually agreed rates. Alongside these deals, official Green Certificates, issued by relevant government authorities, certify the renewable origin of each unit of electricity [18]. This structure maintains certain provincial quotas for renewable consumption, requiring localities or industries to secure green energy in proportion to set mandates. The approach merges top-down administration—through mandated targets and partial price oversight—with bottom-up market transactions. As a direct outcome, China has substantially broadened its corporate offtake landscape, where companies operating in electronics, manufacturing, or export-oriented segments seek renewable electricity for both economic and reputational gains. Pricing mechanisms remain relatively open, allowing parties to negotiate above or below any benchmark as long as overarching guidelines are observed.

When placed alongside these examples, Kazakhstan's framework reveals several areas needing reform. First, the 2023–2024 amendments prohibit developers from combining partial auction-based support with private corporate sales, eliminating opportunities for mixed revenue streams or flexible balancing between subsidized and unsubsidized capacities. Developers must make an all-or-nothing choice: secure stable FRC contracts or pursue unsubsidized sales to an affiliated buyer, thereby forsaking state-backed price guarantees. This stands in stark contrast to jurisdictions where a single project may allocate part of its generation under government support and another portion under direct corporate deals. Second, Kazakhstan's regulatory architecture lacks any recognized mechanism to demonstrate the renewable origin of electricity sold directly. Europe employs Guarantees of Origin, while China has official Green Certificates, ensuring that both sellers and buyers can document their environmental attributes. Kazakhstan, meanwhile, relies on voluntary instruments like I-REC, which lack formal standing within the country's legislative framework [19]. As a result, companies aiming to highlight renewable consumption for ESG or carbon neutrality commitments gain little from local direct PPAs if no official accreditation system validates their green purchases.

Another drawback emerges from the lack of a standardized contract form, creating legal uncertainties that can discourage both investors and corporate buyers. While the government has extensively codified the PPA template for auction-based deals with the FRC, it has not provided equivalent guidance for direct corporate transactions. As a result, parties often spend time and resources crafting custom clauses on liability, penalties, force majeure, and price indexation, raising transaction costs and complicating financing. By contrast, in countries like Germany, specialized organizations—such as EFET or the Renewable Energy Buyers groups—have introduced standard templates that clearly distribute risks and have gained acceptance from lenders, thereby simplifying negotiations and due diligence. In Kazakhstan, however, the lack of similar guidelines increases the perceived risks around corporate deals, leading many domestic or international stakeholders to see the state-run auction system as the only viable approach.

On top of this, the Kazakh framework offers no provision for partial state guarantees or insurance measures for unsubsidized PPAs. Lenders commonly examine factors like currency volatility, balancing market charges, and the default risk of corporate buyers. In numerous other jurisdictions, governments offset some of these risks, whether through partial credit guarantees, structured arbitration mechanisms, or subsidized coverage of imbalance costs, particularly when private contracts align with national decarbonization targets [13]. Absent parallel measures in Kazakhstan, developers and corporate off-takers face significant uncertainties, hindering project bankability and dampening buyers' willingness to commit long-term.

Revisiting these policies could deliver substantial advantages, positioning Kazakhstan more in line with the dynamic systems seen in Germany and China. As a first step, removing the requirement for an affiliated relationship would allow unrelated companies' source clean energy. This policy shift would grow the renewables market and attract fresh participants eager to manage their carbon footprints. Next, a certified green energy program, following established practices like Europe's Guarantees of Origin or China's provincial certificates, could allow corporate buyers to credibly track and validate their renewable consumption. Oversight of such a scheme could be entrusted to a designated office within the Kazakh energy ministry or a relevant regulatory authority. Additionally, drafting and endorsing a standard corporate PPA template – potentially in collaboration with global donors or trade groups—would help streamline negotiations. Such a

template would provide clarity on key terms, assign risks in line with international models, and give financial institutions greater confidence in the enforceability of these agreements.

Allowing more flexible approaches – where a project could sell part of its output through FRC auctions and another part via corporate deals – would open up more complex revenue strategies. Policymakers might also weigh partial guarantees, such as safeguarding developers against certain imbalance penalties or including currency and inflation indexes in corporate PPA rates, to increase the appeal of direct deals. A further measure would be to establish clear rules on how corporate PPAs interact with the balancing market, ensuring that developers can accurately predict supply deviation costs while grid operators can maintain stable operations [5].

Introducing these adjustments would turn Corporate PPAs into a standard component of Kazakhstan's renewable energy environment, rather than a cumbersome alternative. As part of a broader move to tap private investment in large-scale clean energy projects, direct contracts could help shift some procurement responsibilities to corporate players, easing immediate pressure on the government while still promoting national decarbonization goals. Given Kazakhstan's ambitions for deeper engagement with global climate initiatives and trade frameworks that prioritize low-carbon supply chains, validated Corporate PPAs would boost investor trust and show readiness. to adopt transparent, globally recognized energy policies. This progression should also spur innovation, from new financial instruments and co-investment prospects with multinational firms to the development of local renewable energy supply chains.

By leaning toward these practical solutions, Kazakhstan can better leverage the worldwide trend of corporate-led green energy sourcing. Doing so would also position the country to reap reputational benefits from partnerships with ESG-focused companies. As global market requirements evolve—including carbon border adjustments and net-zero obligations—Kazakhstan's ability to supply verified green electricity through well-regulated corporate PPAs could become a distinct competitive edge, indicating its capacity to meet demanding sustainability benchmarks. Ultimately, beyond simply expanding the potential customer base for renewable power, a more open, standardized method of engaging in PPAs should foster greater diversity in the national energy mix, strengthen links with advanced markets, and ensure that recent policy strides deliver enduring economic and environmental gains for the country.

Conclusion

Kazakhstan's move toward renewables showcases the successes of its centralized auction approach but also reveals the pitfalls of depending too heavily on state-backed PPAs. Recent legal changes have tightened the rules for direct transactions, leaving corporate buyers with. Few options for green electricity unless they share ownership ties with the generator and opt not to use auction-based subsidies. Comparisons with the EU and China highlight the importance of policy environments that support voluntary corporate purchases, include credible green certification programs, and allow flexible pricing for unsubsidized power. Reforms that lift affiliation requirements, introduce a nationally recognized green certificate scheme, and create a standard contract framework would let Kazakhstan tap into the growing trend of corporate-led renewables. These steps would boost legal certainty for investors, lower the government's costs for renewable expansion, and align the sector more closely with the country's stated decarbonization objectives. Future research stands to benefit from broader engagement with

industrial users, financiers, and policymakers, aiming to pinpoint how best to implement these proposals and investigate possible ripple effects in adjacent Central Asian markets. Establishing a solid legal basis for Corporate PPAs thus presents a timely chance for Kazakhstan to cement its rising status as a regional frontrunner in sustainable energy.

Author Contributions.

Doszhan Kassymbekov was primarily responsible for the conceptual development of the paper. A legal analysis of the current regulatory framework for renewable energy in Kazakhstan was conducted, and key legislative gaps were identified. The article's structure was significantly contributed to by the author. Additionally, the author spearheaded the coordination of the authors' efforts and oversaw the final review and editing process.

Adlet Yergali contributed to the comparative legal research, providing insights into international practices in the regulation of renewable energy, particularly from the EU and CIS jurisdictions. Additionally, a thorough analysis of draft amendments and proposals for improving national legislation was responsible for drafting the analytical sections of the paper dealing with policy implications.

Orynbassar Tlepbergenov focused on the practical aspects of implementing renewable energy policies in Kazakhstan. The researcher conducted empirical research, including a review of licensing procedures and administrative barriers faced by investors. Orynbassar also contributed to the conclusion section by summarizing recommendations and highlighting the potential impact of legal reforms.

References

1. Law of the Republic of Kazakhstan dated July 4, 2009, No. 165-IV "On Support of the Use of Renewable Energy Sources" // Information and Legal System of Regulatory Legal Acts of the Republic of Kazakhstan "Adilet". URL: https://adilet.zan.kz/eng/docs/Z090000165_ (accessed: 28.02.2025).
2. Law of the Republic of Kazakhstan dated 9 June 2004 № 588 "On Electric Power Industry" // Information and Legal System of Regulatory Legal Acts of the Republic of Kazakhstan "Adilet". URL: https://adilet.zan.kz/eng/docs/Z040000588_ (accessed: 28.02.2025).
3. Kazakhstan's renewable energy generation reaches 5.92% // QAZAQ GREEN. URL: <https://qazaqgreen.com/en/news/kazakhstan/1868/> (accessed: 28.02.2025).
4. Mikovic, N. Is Kazakhstan's green electricity a key to Europe's energy future? // The Astana Times. 2024. URL: <https://astanatimes.com/2024/08/is-kazakhstans-green-electricity-a-key-to-europes-energy-future/> (accessed: 01.03.2025).
5. Changes in the wholesale electricity market // Dentons. 2023. URL: <https://www.dentons.com/en/insights/articles/2023/august/10/changes-in-the-wholesale-electricity-market> (accessed: 01.03.2025).
6. Agora Energiewende. Modernising Kazakhstan's coal-dependent power sector through renewables. Challenges, solutions and scenarios up to 2030 and beyond // Agora Energiewende. 2024. URL: https://www.agora-energiewende.org/fileadmin/Projekte/2023/2023_27_PST_Kazakhstan_2023/A-EW_319_Kazakhstan_2023_EN_WEB.pdf (accessed: 01.03.2025).
7. Conclusion of an agreement // Renewable Financial Center. URL: <https://rfc.kz/en/res-sector/investors/conclusion-of-an-agreement/> (accessed: 01.03.2025).
8. Sospanova, A. Clear rules are needed for functioning of bilateral contracts market // QAZAQ GREEN. 2025. URL: <https://qazaqgreen.com/en/news/kazakhstan/1920/> (accessed: 02.03.2025).

9. Kazakhstan's grid connection, transmission and curtailment risks // Unicase Law Firm. URL: <https://unicaselaw.com/blog/kazakhstans-grid-connection-transmission-and-curtailment-risks> (accessed: 02.03.2025).
10. Corporate PPAs: The Next Step for Organic Growth of Kazakhstan's RES Sector// QAZAQ GREEN. URL: <https://qazaqgreen.com/en/journal-qazaqgreen/international-experience/866/> (accessed: 02.03.2025).
11. Kazakhstan's transition to a Green Economy: A stocktaking report//Partnership for Action on Green Economy (PAGE). 2020. URL: <https://www.un-page.org/static/f50d1480edb10ffbd09b60eb67133f1a/2020-kazakhstan-stocktaking-report-en.pdf> (accessed: 02.03.2025).
12. Cheng J., Li M. IGA model for renewables investment in Kazakhstan // Law.asia. 2025. URL: <https://law.asia/iga-model-renewables-investment-kazakhstan/> (accessed: 02.03.2025).
13. Kazakhstan government introduces changes to standard form of power purchase agreement// Morgan Lewis. 2023. URL: <https://www.morganlewis.com/pubs/2023/12/kazakhstan-government-introduces-changes-to-standard-form-of-power-purchase-agreement> (accessed: 02.03.2025).
14. Perzadayeva, S. Renewable Energy// Chambers and Partners. 2024. URL: <https://chambers.com/articles/renewable-energy> (accessed: 03.03.2025).
15. Kazakhstan electricity purchase: Terms and conditions of private PPA// Rödl & Partner. URL: <https://www.roedl.com/insights/kazakhstan-electricity-purchase-terms-conditions-private-ppa> (accessed: 03.03.2025).
16. Corporate PPAs in Germany: Structures and Regulatory Framework// DLA Piper. URL: <https://www.dlapiperintelligence.com/corporateppa/countries/index.html?t=structures&s=02-regulators-allow-purchase&c=DE> (accessed: 03.03.2025).
17. German Renewable Energy Sources Act// Wikipedia. URL: https://en.wikipedia.org/wiki/German_Renewable_Energy_Sources_Act (accessed: 04.03.2025).
18. China issues guidelines for green power trading// Reuters. 2024. URL: <https://www.reuters.com/business/energy/china-issues-guidelines-green-power-trading-2024-08-23/> (accessed: 04.03.2025).
19. Sitdikova, A. Kazakhstan and EBRD: towards an environmental future// QAZAQ GREEN. 2023. URL: <https://qazaqgreen.com/en/journal-qazaqgreen/green-finance/219/> (accessed: 04.03.2025).

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О вопросах совершенствования нормативного регулирования использования возобновляемых источников энергии в Республике Казахстан

Аннотация: Данное исследование посвящено вопросам совершенствования законодательной базы Республики Казахстан в сфере возобновляемой энергетики, с особым акцентом на Корпоративные соглашения о закупках электроэнергии (Corporate PPAs). Актуальность темы обусловлена стремлением страны повысить долю «зеленой» энергетики до 15% к 2030 году и продвинуться к углеродно-нейтральной экономике, что требует более гибких, рыночных механизмов. Ключевая цель работы заключается в выявлении основных правовых препятствий,

затрудняющих заключение автономных соглашений о закупках, а также в формулировании законодательных рекомендаций с учетом международного опыта, в частности Германии и Китая.

В ходе исследования проанализирована правовая база, регулирующая возобновляемую энергетику в Казахстане, с акцентом на прямые двусторонние соглашения между производителями «зеленой» энергии и корпоративными потребителями. Методологической основой послужил доктринальный (нормативный) анализ действующего законодательства, а также сравнительный правовой подход к практике соглашения о закупках в других юрисдикциях. Полученные результаты свидетельствуют о наличии ряда ограничений: узкий круг потенциальных участников, отсутствие единых шаблонов договоров, а также невозможность частичного совмещения государственной поддержки с корпоративными обязательствами по закупкам. Кроме того, подчеркивается необходимость внедрения национальной системы «зеленых» сертификатов, разработки типовых договоров, пересмотра ценовых ограничений и расширения возможностей прямых контрактов для неаффилированных компаний. На основе данных выводов предлагаются целевые правовые и институциональные меры, способствующие привлечению частного капитала, увеличению доли ВИЭ в энергобалансе и продвижению декарбонизации в Казахстане. Ожидается, что эти реформы усилят участие частного сектора и ускорят переход к более устойчивой энергетике.

Ключевые слова: возобновляемая энергетика, корпоративные РРА, законодательство, Казахстан, правовое регулирование, энергопереход, «зелёные» сертификаты.

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Қазақстан Республикасында жаңартылатын энергия көздерін пайдалануды нормативтік реттеуді жетілдіру мәселелері туралы

Аңдатпа: Бұл зерттеу Қазақстан Республикасындағы жаңартылатын энергия көздерін дамытуға бағытталған заңнамалық базаны жетілдіру мәселелеріне арналады, әсіресе Корпоративтік электр энергиясын сатып алу келісімдеріне (Corporate PPAs) басымдық береді. Тақырыптың өзектілігі 2030 жылға қарай «жасыл» энергия үлесін 15%-ға дейін арттыруға және көміртексіз экономикаға көшуге ұмтылуына байланысты, бұл икемді, нарыққа бағытталған тетіктерді талап етеді. Зерттеудің негізгі мақсаты – тәуелсіз сатып алу келісімдердің жасалуына кедергі келтіретін негізгі құқықтық тосқауылдарды анықтап, Германия мен Қытай тәжірибелері негізінде заңнамалық ұсыныстар ұсыну.

Зерттеу барысында Қазақстандағы жаңартылатын энергетика саласының құқықтық реттелуі қарастырылды, басты назар жаңартылатын энергия өндірушілері мен корпоративтік тұтынушылар арасындағы тікелей екіжақты келісімдерге аударылды. Әдіснамалық негізге қолданыстағы заңнаманы доктриналық (нормативтік) талдау және әлемдік сатып алу келісімдер тәжірибесіне салыстырмалы-құқықтық талдау алынды. Алынған нәтижелер бірқатар шектеулерді айқындап отыр: әлеуетті қатысушылардың шектелуі, үлгілік келісімшарттардың болмауы, сондай-ақ мемлекеттік қолдауды корпоративтік сатып алу міндеттемелерімен жартылай ұштастыру тетіктерінің жоқтығы. Сонымен қатар «жасыл» сертификаттардың ұлттық жүйесін енгізу, үлгілік

келісімшарттарды әзірлеу, баға шектеулерін қайта қарау және аффилиирленбеген компаниялар үшін тікелей келісімшарттар мүмкіндігін кеңейту қажеттілігі атап өтіледі. Осы қорытындыларға сүйене отырып, жеке капиталды тартуға, энергетикалық теңгерімдегі жаңартылатын энергия үлесін көбейтуге және Қазақстандағы декарбонизацияны ілгерілетуге ықпал ететін мақсатты құқықтық және институционалдық шаралар ұсынылады. Бұл реформалар жеке сектордың белсенді қатысуын күшейтіп, орнықты энергетикаға көшуді жеделдетеді деп күтіледі.

Кілт сөздер: жаңартылатын энергетика, корпоративтік РРА, заңнама, Қазақстан, құқықтық реттеу, энергетикалық ауысу, «жасыл» сертификаттар.

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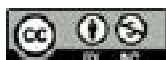
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