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## THE EU–US GLOBAL ARRANGEMENT ON SUSTAINABLE STEEL AND ALUMINIUM RESETTING NEGOTIATIONS FOR A CARBON-BASED SECTORAL AGREEMENT

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Since late 2021, the EU and US have been negotiating a “carbon-based sectoral arrangement”: the Global Arrangement on Sustainable Steel and Aluminium (GSA). Highly ambitious in its aspirations, time is now running out for the two sides to conclude negotiations before their initial deadline of October 2023. Ahead of that moment, this briefing makes the case for a reset in negotiations.

- > The EU and US should agree a GSA negotiating deadline extension of at least two years.
- > In parallel, the two sides should continue to suspend reciprocal measures associated with the section 232 trade dispute.
- > Along with an extension, the EU and US should agree to reset negotiations ahead of COP28, with a clearer focus on the GSA’s climate criteria.
- > A reset would involve agreeing an updated joint political interpretation of the GSA’s goals, with both sides then setting new mandates for negotiations.
- > The reset GSA negotiations should be split into two tracks, with climate-related goals in one track and overcapacity-related goals in another.

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<sup>1</sup> This briefing also benefitted from the valuable insights of Sarah Jackson on transatlantic relations.



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- > The two sides should respect each other's red lines and not complicate GSA negotiations with attempts to secure either US Inflation Reduction Act or EU Carbon Border Adjustment Mechanism exemptions.

A **renewed focus on the climate policy criteria** of the GSA should include:

- > Agreeing on ambitious, progressive emissions intensity thresholds for steel and aluminium production and consumption.
- > Committing to ambitious public procurement targets.
- > Ensuring increased climate ambition over time through a ratchet mechanism.
- > Agreeing a set of permissible green industrial subsidies that do not contribute to overcapacity.

Both sides need to carefully navigate cooperation and competition dynamics to avoid alienating trade partners. If carbon intensity-based tariffs or product requirements are adopted, these need to be accompanied by support for Global South partners in the form of finance, technology access, and capacity building.

## The GSA – a product of a tense time

In October 2021 the United States and European Union launched negotiations to establish a Global Arrangement on Sustainable Steel and Aluminium (GSA). The negotiations aimed to “restore trusted relations and historical trade flows”<sup>2</sup> in steel and aluminium, address challenges related to global overcapacity, and accelerate decarbonisation of the steel and aluminium sectors within two years.

As many commentators have noted this is a long list of objectives to try to address with one tool,<sup>3</sup> but the GSA is a product of its time. Understanding the current set of issues on the table and the respective positions, requires revisiting the political circumstances that led to its emergence (Figure 1).

### Tensions over US section 232 tariffs

The GSA is first and foremost an attempt to assuage tensions in international steel markets between two close allies. In 2018, the Trump Administration invoked “risks to national security” to justify imposing tariffs on steel and aluminium under section 232 of the Trade Expansion Act to all trade partners

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<sup>2</sup> European Commission, 2021, **Joint Statement on a Global Arrangement on Sustainable Steel and Aluminium – Press release**

<sup>3</sup> Financial Times, 3 July 2023, **Transatlantic impasse over turning steel green**



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including the EU.<sup>4</sup> In retaliation, the EU introduced rebalancing measures while also initiating a legal proceeding at the WTO.<sup>5</sup>

Global steel overcapacity issues | [US policies](#) | [EU policies](#) | [EU-US trade issues](#)

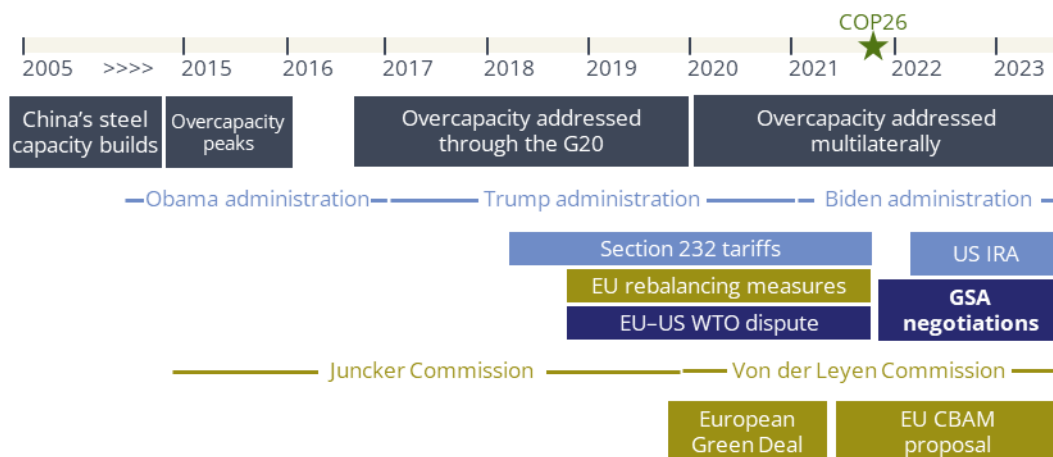


Figure 1 – GSA: a product of complex times

The background for these tariffs was the lack of progress emerging from multilateral efforts, including in the G20 Global Forum on Steel Excess Capacity, to resolve the challenge of global overcapacity in steel markets. This problem is largely seen as having been driven by the unprecedented non-market driven build-up of steelmaking capacity in China.<sup>6</sup>

With the switch in US administration at the start of 2021, the EU and US set about rebuilding relations in a number of areas including trade. Negotiations to resolve the dispute over section 232 tariffs gained momentum towards the second half of that year as the deadline for the implementation of further retaliatory measures from the EU loomed in December 2021.

### Climate gets added to the mix

At the same time, leaders in both the EU and the US were devoting increasing attention to climate issues. Biden returned the US to the Paris Agreement and saw supporting COP26 as an early priority. Likewise, the Von der Leyen

<sup>4</sup> CRS, 2022, [Section 232 of the Trade Expansion Act of 1962](#)

<sup>5</sup> European Commission, 2018, [EU adopts rebalancing measures in reaction to US steel and aluminium tariffs](#)

<sup>6</sup> OECD, 2023, [Steel Making Capacity Portal](#)



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Commission had just presented its major climate package – “Fit for 55”<sup>7</sup> – and was set on making COP26 a success.

The link between climate and trade issues more broadly was also coming to the fore with the EU pursuing a Carbon Border Adjustment Mechanism (CBAM): a tool to impose a charge on goods imported into the EU from foreign producers who operate without a carbon price. The measure protects the EU’s domestic producers, who face a carbon price, from being undercut. This proposal met with early criticism from US on the basis that it would negatively impact US producers while failing to recognise US climate efforts.<sup>8</sup>

In this context, when Biden and Von der Leyen met before COP26 in the margins of the G20 to discuss resolving the dispute over steel and aluminium tariffs, both sides also wanted to signal something positive on climate and set out a forward path on cooperation around the EU CBAM.

## Four key objectives in the GSA negotiations

The GSA, therefore, emerged as framework to cover off all the following issues in one negotiation package:<sup>9</sup>

1. **Resolving the EU–US dispute over steel and aluminium tariffs:** This was the original impetus bringing both parties to the table. As an immediate step when the GSA negotiations were launched, the EU agreed to suspend its retaliatory tariffs in return for the US lifting the section 232 tariffs, for the period of negotiations. US section 232 tariffs were replaced with a tariff-rate quota.<sup>10</sup>
2. **Tackling global overcapacity:** The joint statement set out a focus on restricting “market access for non-participants that do not meet conditions of market orientation and that contribute to non-market excess capacity, through application of appropriate measures including trade defense instruments” – alluding implicitly to China’s excess steel capacity.

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<sup>7</sup> European Commission, 14 July 2021, [Delivering the European Green Deal](#)

<sup>8</sup> Euractiv, 11 May 2021, [US raises concerns over Europe’s planned carbon ‘border tax’](#)

<sup>9</sup> USTR, 2021, [EU US Joint Statement on a Global Arrangement on Sustainable Steel and Aluminium](#)

<sup>10</sup> While this was welcomed, it was recognised as a short-term fix. EU–US steel and aluminium trade remains more restricted under these measures than in the pre-Trump era and the tariffs will kick back in if an agreement is not reached.



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3. **Accelerating the decarbonisation of the steel and aluminium sectors:** The EU and US agreed to negotiate a new arrangement that would discourage trade in high-carbon steel and aluminium and ensure that domestic policies incentivise the production of lower-carbon steel and aluminium. They also agreed to consult on government investment in decarbonisation.
4. **Creating an inclusive arrangement:** Finally, the US and EU noted that the GSA is “open to any interested country that wishes to join and meets criteria for restoring market orientation and reducing trade in high-carbon steel and aluminium products”. This last objective tends to be treated as an afterthought in commentary and statements on the negotiations but is fundamental to the GSA’s overall effectiveness. EU and US (crude) steel and (primary) aluminium make up only roughly 12%<sup>11</sup> and 4%<sup>12</sup> of global production in these goods respectively. Moreover, their share of global production is likely to decrease, with the vast majority of capacity expansions expected in emerging industrial growth markets in Asia. To effectively tackle objectives 2 and 3, the GSA needs to draw on the market power and financing potential of a wider set of actors.

## State of play of negotiations

Negotiations only started in earnest in December 2022, when the US sent a concept note to the EU outlining its position.<sup>13</sup> The EU responded with its own concept note a few months later. Leaked documents and media reporting have made clear that the negotiations are not going smoothly<sup>14</sup> and that the two sides’ positions differ considerably, as summarised in Table 1.

Table 1: US and EU positions on key issues in GSA negotiations

Issue	US position	EU position
<b>Membership criteria and inclusivity</b>	Open to countries meeting <b>both</b> emissions intensity and Non-Market Excess Capacity (NMEC) criteria.	Open to countries meeting emissions intensity criteria <b>only</b> .

<sup>11</sup> Worldsteel Association, 2023, **World Steel in Figures 2023**

<sup>12</sup> U.S. Geological Survey, 2021, **world production primary aluminium, by country, 2021** and European Aluminium, 2023, **Industry & Market Data**

<sup>13</sup> Bloomberg News, 6 December 2022, **US, EU weigh climate-based tariffs on Chinese steel, aluminium - Bloomberg News**

<sup>14</sup> Politico, 5 April 2023, **Trump’s tariff time bomb threatens to blow up transatlantic trade**



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Issue	US position	EU position
<b>Reducing carbon intensity</b>	Common tariffs based on a) membership and b) emissions intensity – highest emission intensity of product in importing GSA country as benchmark for determining tariff rates.	Legally binding commitment to and policies for full decarbonisation of steel and aluminium sectors by 2050.
	Members to consider additional policy measures to reduce emissions. Ambition “ratchet mechanism” based on two “ <b>cleanest</b> ” members’ average emissions intensity improvements.	Members to consider additional policy measures to reduce emissions, <b>including border adjustments</b> . Ambition “ratchet mechanism” based on <b>EU and US</b> average emissions intensity improvements.
	Green Public Procurement targets.	Green Public Procurement targets.
<b>Addressing overcapacity</b>	Common tariffs based on a) membership and b) emissions intensity.	National measures to address NMEC.
<b>Additional asks</b>	GSA (eventually) supersedes EU CBAM for steel and aluminium sectors, <b>at least on a bilateral basis</b> .	Domestic carbon border adjustments (EU CBAM) can exist in parallel to the GSA, covering the same sectors.
		Establish disciplines for permitted subsidies, including for climate.
		Prohibition of discriminatory non-tariff barriers including local content, local assembly and local sourcing requirements.
		GSA members commit to provide support to least-developed countries.

Source: E3G, based on leaked US and EU negotiating concept notes

#### Four objectives with challenging trade-offs

It is becoming clear that, although it theoretically makes sense to link negotiations over existing tariffs to challenges around decarbonisation and overcapacity, clustering these issues together has made the negotiations particularly cumbersome. Each of the four objectives outlined above is in tension with the others, with difficult trade-offs emerging across the set. To give some examples:



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- > While the objective of resolving the tariff dispute provides a helpful pressure-point for bringing both sides to the table, adding additional objectives has made it harder to achieve that primary objective.
  - > A balancing act is playing out in the negotiations around the tariff-based system proposed by the US. This could be an effective tool for shielding domestic markets from global overcapacity and provide an incentive for other countries to step up decarbonisation efforts, covering off two of the objectives. However, such a measure is likely to raise significant concerns among trade partners on legal and fairness grounds, potentially jeopardising the inclusivity objective.
  - > Similarly, the EU proposal for transparency and cooperation on subsidy rules could accelerate decarbonisation efforts and tackle overcapacity by clarifying where targeted public support for cleaner manufacturing would be permissible without contributing to market distortions. If not handled carefully, however, such a measure could complicate the international politics of the GSA, making it less likely that more countries would join. Given the current US and EU pushes on industrial policy, third countries may view a push to establish disciplines for permissible subsidies as hypocritical.

### **International (trade) rules as a point of divergence**

To complicate things further, the two sides have different stances on the international legal framework in which the GSA sits. The joint statement reads that the GSA needs to be “compatible with international obligations and the multilateral rules, including potential rules to be jointly developed in the coming years”. The EU sees itself as a major beneficiary of the multilateral trade architecture.<sup>15</sup> While it has been developing more assertive approaches to trade policy in recent years, it continues to emphasise the value of fair, open and rules-based trade.<sup>16</sup> Ensuring the GSA is “WTO-compatible” is thus a key objective in the EU’s negotiating stance. The US, by contrast, has been more critical of the existing rule-based trade system in recent years on the grounds that it has not been effective in dealing with emerging challenges in global trade, including climate change.

This particular divide makes it challenging to reconcile the overcapacity and decarbonisation objectives in one measure. While challenging, it is possible to design a tariff-based measure that distinguishes between low-carbon and

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<sup>15</sup> Zachmann, G. and McWilliams, B., 2020, **A European carbon border tax: much pain, little gain.**

<sup>16</sup> European Commission, 18 February 2021, Press release: **Commission sets course for an open, sustainable and assertive EU trade policy**



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carbon-intensive products, satisfying the decarbonisation objective.<sup>17</sup> What is fundamentally more challenging, under WTO rules, is to design a tariff-based measure that discriminates on the basis of whether a product comes from a country with excess steel capacity driven by distortionary government intervention.<sup>18</sup> As this is much more of a concern for the EU than the US, the EU has so far declined to move forward with US proposals on a joint tariff and has instead suggested tackling overcapacity with other, mainly national, measures.<sup>19</sup>

### **Other grievances complicate negotiations further**

Finally, it is also clear that both sides are seeking to address other grievances through the GSA negotiations, adding further objectives to the long list above.

- > The US is trying to use the negotiations to establish a mechanism that would eventually supersede the EU CBAM, at least for steel and aluminium, and in the short term offer an exemption or carve-out for US producers.
- > Meanwhile, the EU has added its concerns over the US Inflation Reduction Act (IRA) to the mix. In its position paper the EU asks for the prohibition of non-tariff barriers that it deems discriminatory and incompatible with international rules, with a nod to the local content, assembly and sourcing requirements introduced in the US IRA.<sup>20</sup>

## **A way forward – recommendations for reaching an agreement with a positive global impact**

With the October deadline rapidly approaching, negotiations are at a stalemate. To have the best chance of reaching an agreement with a positive global impact, a reset is needed. The potential positives of resetting negotiations at this point far outweigh the negatives of negotiations expiring in October 2023, and with that, the possible return of US section 232 tariffs and EU rebalancing measures, just ahead of elections in 2024 in both the EU and the US.

COP28 is an ideal moment to reset negotiations, providing an opportunity to show leadership by putting a clearer focus on the climate aspects of the GSA, while ensuring its openness and inclusivity.

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<sup>17</sup> Hufbauer G. C., 2021, **Which proposed climate policies are compatible with WTO rules?**

<sup>18</sup> This would likely violate the WTO Most Favoured Nations principle, which prevents discrimination of products based on their country of origin.

<sup>19</sup> Financial Times, June 2023, **EU rejects US offer to end steel tariff dispute**

<sup>20</sup> Jackson, S and Helmich, M., 2022, **The Inflation Reduction Act and the EU**





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The two sides should use the reset strategically and to maximum effect. In particular:

- > **The EU and US should agree a GSA negotiating deadline extension of at least two years.** As the last two years of negotiations have shown, the goals of the GSA are globally significant and technically complex and are unlikely to be achieved quickly.
- > **In parallel, the two sides should continue to suspend reciprocal measures associated with the section 232 trade dispute.** No side wins from a return to transatlantic trade conflict just before the 2024 elections.
- > **A reset should involve agreeing an updated joint political interpretation of the GSA's goals, with both sides then setting new mandates for negotiations.** From the outset the negotiations were not based on a clear set of jointly agreed political goals. Rather, the two sides issued differing interpretations of the EU–US leader level moment by press release in October 2021. From there, the two sides only diverged further in their aspirations for the negotiations.
- > **The reset GSA negotiations should be split into two tracks, with climate-related goals in one track and overcapacity-related goals in another.** As discussed earlier in this briefing, there are trade-offs between these two objectives of the GSA. Moreover, the politics behind these objectives differ considerably with climate perceived as a somewhat less confrontational space, especially when it comes to third countries. While the two tracks would need to be kept consistent with one another, acknowledging from the outset that it is highly unlikely that one simple tariff-based measure will be able to satisfy both goals simultaneously would be a constructive reframing of the current talks.
- > **The two sides should respect each other's red lines** and not complicate GSA negotiations with negotiations to secure either US Inflation Reduction Act or EU Carbon Border Adjustment Mechanism exemptions.



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## Why the CBAM and IRA should be left out of the GSA

Respective grievances over the EU CBAM and the US IRA should be left out of the negotiations – for both political and technical reasons.

**The IRA** was a carefully crafted, compromise bill that only narrowly passed the US Senate ahead of the US midterms.<sup>21</sup> Amending the IRA to take out the local content, assembly and sourcing requirements is a non-starter for the US<sup>22</sup> as it would undermine President Biden’s political offer for the 2024 elections.<sup>23</sup> Moreover, an EU–US Task Force on the IRA has already been launched to address the EU’s concerns<sup>24</sup> and some of the EU’s complaints on access and subsidies may better be advanced through other initiatives such as the EU–US “targeted critical minerals agreement”<sup>25</sup> or within the wider format of the EU–US Trade and Technology Council and the Transatlantic Initiative on Sustainable Trade.

Likewise, the **EU CBAM** has recently been cemented into EU law. Being just one file in an interlinked, carefully balanced and politically hard-fought climate package, re-opening this file is a non-starter for EU institutions and member states at this moment. Further, it is worth stressing that the EU CBAM has a different policy objective than the GSA. While the GSA seeks to address emissions intensity and global overcapacity, the EU CBAM is a carbon leakage tool that aims to equalise carbon costs paid by producers inside and outside Europe. Replacing the CBAM by the tariff system proposed by the US would thus leave the carbon leakage issue unaddressed. Likewise, exempting US steel and aluminium sectors from the EU CBAM on a bilateral basis would be problematic for the EU, as its institutions see any exemption as a potential violation of WTO rules. Respecting these rules remains a political priority for the EU.

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<sup>21</sup> Jackson, S and Helmich, M., 2022, **The Inflation Reduction Act and the EU**

<sup>22</sup> Politico, 30 November 2022, **Congressional Democrats: not a chance of reopening climate law**

<sup>23</sup> Bloomberg, 5 July 2023, **The US Middle Class’s Economic Anxiety Will Decide the 2024 Election**

<sup>24</sup> European Commission, 26 October 2022, **Launch of the US-EU Task Force on the Inflation Reduction Act**

<sup>25</sup> European Commission, 10 March 2023, **Joint statement by President Biden and President von der Leyen**



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### Possible elements of a new GSA climate package

A renewed focus on climate can provide a positive signal and more momentum on industrial decarbonisation ahead of COP28. The GSA provides an opportunity for the EU and US to demonstrate leadership and give new impetus to ongoing multilateral conversations in existing fora (for an overview see Table 2).

Table 2: Landscape of key international initiatives on steel and aluminium

Function	Key international initiatives				
Landscape coordination	Steel Breakthrough				
Long-term Vision & Action Plans	Leadership Group for Industry Transition	Mission Possible Partnership	World Steel Association	International Aluminium Institute	
Demand Creation & Management	CEM's Industrial Deep Decarbonisation Initiative	First Mover Coalition	SteelZero	German Climate Club	
Finance & Investment	Glasgow Financial Alliance for Net Zero	RMI Centre for Climate Aligned Finance		German Climate Club	
Research & Innovation	Mission Innovation's Net-Zero Industries Mission	IEA's Industrial Energy-related Technology and Systems TCP		Global Low-Carbon Metallurgical Innovation Alliance	
Standards & Certification	Responsible Steel	Aluminium Stewardship Initiative	First Movers Coalition	G7 Industrial Decarbonisation Agenda	CEM's Industrial Deep Decarbonisation Initiative
Trade & Competitiveness	OECD Steel Committee		WTO Trade and Environmental Sustainability Structures Discussions		

Source: E3G elaboration on IEA, 2022, **Breakthrough Agenda Report 2022**

In particular, the EU and US can display leadership by:

- > **Agreeing ambitious thresholds for emissions intensities** for both the production and consumption of steel and aluminium by GSA members. At the moment, both sides have suggested that membership should be based on being a steel producing economy that emits up to a certain percentage above the average emission intensity of the two cleanest members of the GSA.<sup>26</sup> Further, the US proposes to base potential tariff rates on the highest

<sup>26</sup> It should be noted that the EU also wants members to have legally binding net zero commitments by 2050 for steel and aluminium.



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intensity product in the importing country. This approach is likely to advantage countries where the cleaner secondary steel production route is predominant, as is the case in the US,<sup>27</sup> while shielding even the dirtiest production in GSA members from most competition. Clearly a boon to domestic producers, such an approach does not seem to be sufficient to catalyse climate action among members. It is therefore essential that both parties do not backtrack on discussions or landing points on defining emissions thresholds and methodologies agreed in technical groups supporting the G7 Industrial Decarbonisation Agenda and similar discussions in the Industrial Deep Decarbonisation Initiative, but rather set themselves up for more ambitious thresholds.

- > **Commit a significant share of public procurement to near-zero steel and aluminium.** This is an element that has already been identified in both sides' concept notes. The EU and US can be ambitious in three different but complementary ways: a) set ambitious proportions of public procurement for near-zero products following, as an example, state-led initiatives such as the Buy Clean California Act;<sup>28</sup> b) cooperate in establishing a larger transatlantic market for clean steel and aluminium, taking as an example recent cooperation announcements on critical raw materials; and c) commit to expanding a public procurement market for clean steel to future prospective members of the GSA.
- > **Incorporate a ratchet mechanism for climate ambition.** Both sides are proposing a ratchet mechanism to increase ambition on steel and aluminium decarbonisation over time, which is welcome considering the need to progressively accelerate action to achieve global temperature goals. If linked to the five-year Paris Agreement cycle, it could support members in feeding into the global stocktaking process, in turn showcasing the GSA as a key tool for enhancing global climate ambition. To be effective, such a ratchet mechanism should be backed by specific decarbonisation timelines rather than based on the trajectory of best performing members (as currently proposed by both sides). This should include milestones for industrial carbon product requirements and the phasing out of carbon-intensive production processes to avoid a situation where countries are eligible simply thanks to existing circumstances (such as having high scrap availability).
- > **Agreeing a set of permissible green industrial subsidies that do not contribute to overcapacity.** A joint EU–US push on this could be a powerful

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<sup>27</sup> OECD, 2023, **The Heterogeneity of Steel Decarbonisation Pathways**

<sup>28</sup> DGS, 2021, **Buy Clean California Act**



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lever for ensuring that the GSA accelerates decarbonisation efforts in steel and aluminium. Decarbonising these sectors will be costly, and several countries are putting in place packages to support the early-stage commercialisation of zero-emissions technologies. Agreement on shared principles for the type and amount of acceptable support would be key to avoiding future trade tensions while giving political cover for pursuing ambitious green innovation and industrial policies. This could also be a key area where the climate and overcapacity tracks come together.

### **Driving climate effectiveness through inclusivity**

A GSA that delivers on climate needs to be inclusive by design. Today, close to 70% of steel and aluminium production occurs in non-OECD countries, which will also see the highest future growth in demand.<sup>29</sup> While the politics of having China, the largest producer, joining a multilateral carbon-based deal are challenging, building robust partnerships with Global South countries presents a strategic opportunity for the US and EU. Achieving this, however, requires demonstrating climate leadership and building trust with those countries.

To be deemed legitimate and not be perceived as an excuse for protectionism, the GSA needs to meaningfully contribute to global emissions reductions, incentivising members to sign up to high-ambition decarbonisation pathways for covered sectors and increased policy ambition at home. It can also become another vehicle for deeper cooperation by recognising prospective members' different starting points and offering tangible support, including on finance and technology. Some elements that can be considered include:

- > **Taking an inclusive and stepwise approach towards membership** by facilitating different levels of ambition and commitments depending on countries' industrial development level, while aiming to converge in the longer term.
- > **Supporting pragmatic and proven capacity building and finance activities** to accelerate steel and aluminium decarbonisation, working through appropriately funded and skilled international organisations and initiatives.
- > **Supporting international technology learning and absorption** to enable the deployment and uptake of cleaner steel and aluminium production processes in developing country markets.

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<sup>29</sup> Worldsteel Association, 2023, **World Steel in Figures 2023**



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While leaked documents indicate that the EU has made vague reference to supporting developing countries, this has not been discussed in the negotiations.

Both sides need to carefully navigate cooperation and competition dynamics to avoid alienating trade partners. If carbon intensity-based tariffs or product requirements are adopted through the GSA, they will likely receive pushback from certain partners. As such, it is important that these are accompanied by support in the form of finance, technology access, and capacity building for Global South partners.

## About E3G

E3G is an independent climate change think tank with a global outlook. We work on the frontier of the climate landscape, tackling the barriers and advancing the solutions to a safe climate. Our goal is to translate climate politics, economics and policies into action.

E3G builds broad-based coalitions to deliver a safe climate, working closely with like-minded partners in government, politics, civil society, science, the media, public interest foundations and elsewhere to leverage change.

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