

**To: Office of the U.S. Trade Representative**

Re: USTR-2024-0017-0001

Thank you for the opportunity to comment on how the United States-European Union Trade and Technology Council (TTC) Global Trade Challenges Working Group can expand cooperation in a manner that is mutually beneficial to U.S. and EU stakeholders.

Climate change is inarguably one of the biggest challenges facing the globe today, and I am specifically writing to urge the Office of the U.S. Trade Representative (USTR) and the TTC to take decisive action to prevent outdated trade and investment rules from being used to delay, weaken or derail climate initiatives in the U.S., EU and elsewhere.

Over the years, the United States has lost trade challenges at the World Trade Organization (WTO) against provisions in many of our signature environmental laws, including the Clean Air Act, Endangered Species Act and Marine Mammal Protection Act. Before the ink even dried on our most-significant climate law to date — the Inflation Reduction Act (IRA) — the EU and other trading partners were already threatening to launch trade attacks against it.

Meanwhile, the U.S. included the EU's Carbon Border Adjustment Mechanism (CBAM) in its 2024 National Trade Estimate Report of alleged foreign trade barriers. And both the EU and U.S. have faced additional threats and even formal trade disputes by other nations against a variety of climate measures.

As two of the biggest emitters of climate pollution and, historically, two of the biggest advocates of the trade rules now being used to attack rapid climate action, the U.S. and EU have a special responsibility to end this circular firing squad. Outdated trade rules — many of which were written long before most governments started taking climate action seriously — must no longer be used to undermine clean energy transition and other needed climate policies.

As such, I strongly urge USTR to work with the EU through the TTC on the introduction and adoption of a moratorium on the use of trade and investment rules to challenge clean energy and climate initiatives.

Such a moratorium — often referred to as a "Climate Peace Clause" — would reduce the number of trade attacks against existing climate measures; allow parties to consider and adopt new climate measures with less fear of costly trade challenges; and provide the time and incentive needed for parties to work together to rewrite existing trade rules so that they benefit, rather than undermine, the global clean energy transition.

The TTC has already voiced its respect for “the regulatory autonomy of the U.S. and the EU.” Formalizing a Climate Peace Clause is a logical next step towards ending harmful trade threats and trade disputes against one another’s clean energy and climate policies.

Ibn-Umar Abbasparker  
Shelley Abbate  
G D Abbott  
Abe Aberration  
Gordon Abrams  
Judith Ackerman  
James Adams  
Julie Adelson  
Richard Adhikari  
Joan Agro  
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