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GENEVA PLATFORM RESILIENT VALUE CHAINS

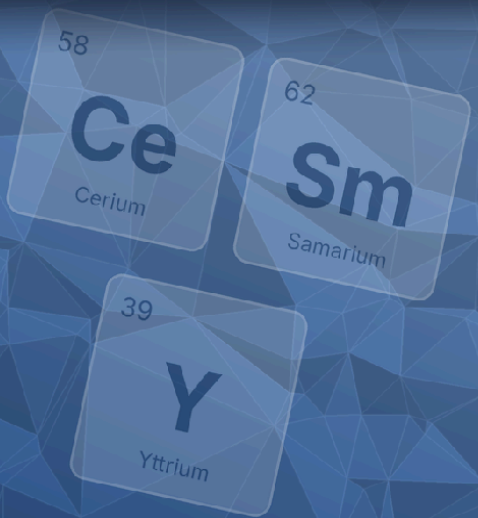


Diversifying Critical Mineral Supply Chains

WTO Constraints and Legal Pathways for Tariff-based Floor Prices and Price-Gap Subsidies

Geneva Platform for Resilient Value Chains

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1. Background

Since the second Trump administration took office, U.S.-China trade tensions have intensified, with U.S. tariffs on Chinese imports at one point reaching 145%. China responded by using its dominance in rare earths as leverage, introducing export-licensing controls on seven categories of medium and heavy rare-earth-related products. These controls sharply disrupted exports to the United States and created serious uncertainty for downstream manufacturers, especially in the automotive and defense sectors.

Rare earth elements are strategically important because they are essential for high-performance permanent magnets used in electric vehicles, wind turbines, and defense technologies. China holds roughly half of global rare earth reserves, produces about 70% of global rare earth output, and controls around 90% of refining capacity, making separation and processing a major supply-chain bottleneck.

The United States views China's rare earth dominance as being reinforced by predatory pricing, government subsidies, and weaker environmental standards, which make alternative investments outside China commercially difficult. To support domestic production, the Department of Defense agreed in July 2025 to provide MP Materials with a 10-year price floor for neodymium-praseodymium products. The guaranteed price of $110 per kilogram is nearly double the prevailing Chinese market price for comparable products. In testimony before the US House of Representatives Select Committee on China in November 2025, an Executive VP from MP Materials stated that the price guarantees provided by the Department of Defense were intended to counter the Chinese government's market monopoly achieved through predatory pricing. A similar price-floor arrangement was later included in a March 2026 agreement with Lynas Rare Earths. The Department of Commerce also decided to invest in USA Rare Earth, which subsequently acquired the Serra Verde rare earths deposit in Brazil.

In early 2025, U.S. rare earth diversification policy focused primarily on expanding domestic capacity. By the second half of 2025, however, bilateral negotiations increasingly reflected the view that diversification would also require cooperation with like-minded partners, including through price-floor mechanisms. Frameworks concluded with Japan

[1] The authors wrote this article in a personal capacity and are solely responsible for its contents. The views expressed do not represent those of the authors' employers.

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and Australia called for fair and high-standard markets, pricing mechanisms to support alternative projects, and cooperation on mining and processing projects.

In January 2026, in response to this strengthened cooperation, President Trump issued a proclamation under Section 232 of the Trade Expansion Act that directed negotiations rather than immediately imposing additional tariffs. The proclamation instructed the Secretary of Commerce and USTR to pursue agreements with trading partners and to consider price floors and other trade-restrictive measures for critical minerals. At the Critical Minerals Ministerial held in February 2026, the United States proposed a "preferential trade zone" for critical minerals protected from external disruptions through enforceable price floors.

Following the February 4 Critical Minerals Ministerial, the United States, the European Union, and Japan issued a joint press statement announcing their intention to develop action plans and explore a plurilateral trade initiative with like-minded partners on trade in critical minerals. Such an initiative could include coordinated trade policies and mechanisms, including border-adjusted price floors, standards-based markets, price-gap subsidies, and offtake agreements. At the G7 Summit in Évian, France in June 2026, the leaders of the G7, Australia, partner countries (India, Kenya, South Korea, Brazil and Egypt) agreed on a declaration on securing supply chains for critical minerals. In the declaration, countries announced their intention to explore demand and supply-side measures such as diversification requirements, revenue stabilization mechanisms including price-gap subsidies, joint procurement instruments and trade-related instruments such as quotas and price floors.

Taken together, these initiatives signal an intention to explore price-floor mechanisms backed by border measures, public subsidies, and coordinated offtake arrangements. This raises questions about the compatibility of such measures with WTO rules. Even if these measures were challenged through WTO dispute settlement, the United States could appeal a panel report into the void because the WTO Appellate Body remains non-functioning. WTO compatibility nevertheless remains important because Japan, the European Union, and China participate in the MPIA, meaning that disputes among those Members could proceed to appeal arbitration despite the Appellate Body impasse.

This article first identifies where price floors and price-gap subsidies may conflict with WTO rules, then sets out the routes through which they could nonetheless be made WTO-consistent, and finally considers how they could be implemented domestically.

2. WTO compatibility of proposed measures

I. WTO inconsistency

Price-floor tariffs may be inconsistent with core WTO obligations under GATT 1994. They may violate GATT Article I:1, the most-favored-nation principle, if tariff treatment for "like products" differs depending on the country of origin. A price floor applied uniformly to all imports, whatever their origin, would reduce this risk. The more acute MFN problem arises if imports from partners in a "preferential trade zone" are exempted while imports from China and other non-participants are not; such differentiation would require cover under GATT Article XXIV, which governs free trade areas and customs unions (whose applicability go far beyond critical minerals trade alone), or under one of the exceptions discussed below. They may also violate GATT Article II, on Schedules of Concessions, if the applied tariff exceeds the importing Member's bound tariff commitments. A variable duty is not, as such, prohibited for industrial products: in Argentina — Textiles and Apparel, the Appellate Body accepted that a Member may apply a type of duty different from the one recorded in its schedule, provided that the duty actually applied never exceeds the bound rate. The United States, the European Union and Japan, however, currently apply duties of only around 0–5% on rare earth metals and permanent magnets, so to the extent that their bound rates are similarly low, this headroom is limited. In addition, to the extent that a price-floor tariff operates as a prohibition or restriction other than duties, taxes or other charges, it may raise concerns under GATT Article XI:1, which prohibits such restrictions on imports or exports. India's 2016 minimum import price on certain steel products illustrates the point: Japan, supported by several other WTO Members, argued in the Council for Trade in Goods that the measure was inconsistent with Article XI. India narrowed the measure during 2016 and let it lapse in February 2017, by which time it had shifted to anti-dumping duties for many of the products concerned.

The most directly relevant case law concerns agricultural price floors. In Chile — Price Band System and Peru — Agricultural Products, duties that varied so as to keep import prices within a target band were found inconsistent with Article 4.2 of the Agreement on Agriculture, which expressly prohibits variable import levies and minimum import prices. That provision does not apply to rare earths, which are industrial products. For rare earths, the relevant disciplines are therefore GATT Articles I, II and XI rather than an outright prohibition, which leaves more room for price-floor designs than the agricultural cases might suggest, although a panel would likely draw on the reasoning in those disputes about measures that insulate domestic prices from world market developments.

Price-gap subsidies may also constitute "actionable subsidies" under the SCM Agreement. A "subsidy" under the SCM Agreement includes a broad range of financial contributions by a government or public body, such as loan guarantees, tax credits, or government

purchases of goods, provided that the measure confers a benefit and is specific to certain enterprises or industries. Articles 5 and 7 of the SCM Agreement provide that Members must not cause adverse effects on the interests of other Members through the use of subsidies. If a WTO panel or Appellate Body report adopted by the DSB determines that a subsidy has caused such adverse effects, the subsidizing Member must remove the adverse effects or withdraw the subsidy; otherwise, countermeasures may be authorized.

II. Justification and other routes to WTO consistency

To the extent that the proposed measures are inconsistent with the GATT 1994, they may potentially be justified under the general exceptions in GATT Article XX or the security exceptions in GATT Article XXI. GATT Article XX(h) covers measures undertaken in pursuance of obligations under an intergovernmental commodity agreement (ICA) that conforms to criteria submitted to WTO Members and not disapproved by them, or that is itself so submitted and not disapproved. Past ICAs covered commodities such as coffee, cocoa and natural rubber. No such agreement exists for critical minerals, but recent analysis suggests that Article XX(h) could support future commodity cooperation (see more information below). GATT Article XX(j) permits measures that are “essential to the acquisition or distribution of products in general or local short supply,” provided that the measure also satisfies the chapeau of GATT Article XX, which prohibits arbitrary or unjustifiable discrimination and disguised restrictions on international trade, and is consistent with the principle that all WTO Members are entitled to an equitable share of international supply, and is discontinued once the conditions giving rise to the measure cease to exist.

In *India — Certain Measures Relating to Solar Cells and Solar Modules*, the Appellate Body report found that products can be said to be "in short supply" when the "quantity" of a product that is "available" does not meet "demand" for that product (paras 5.64-66). The Appellate Body also stated the responding party has the burden of demonstrating that the quantity of “available” supply from both domestic and international sources in the relevant geographical market is insufficient to meet demand (para 5.71).

With respect to “the risk of short supply”, the Appellate Body have taken more lenient approach than the panel. The panel report concluded that the terms “products in general or local short supply” do not cover products at risk of becoming in short supply, and even if “products in general or local short supply” can be interpreted to include products at risk of being in short supply, the panel consider that only imminent risks of such shortage would be covered (para 7.255). In this case, the Respondent (India) could not demonstrate imminent risk of short supply as India has not identified any actual disruptions in imports (para 7.262). Later *European Union and its Member States — Certain Measures Relating to the Energy Sector* panel report also adopted the same position that “products in general or local short supply” do not cover products at risk of being in short supply (para 7.1350). On

the other hand, the Appellate Body report did not affirm the panel's "imminent risks" approach and instead emphasized that an analysis of whether a respondent has identified a situation of "short supply" is carried out on a case-by-case basis (para 5.77). However, the Appellate Body report eventually upheld the panel's findings that products in dispute are not "products in general or local short supply" in terms of GATT Article XX (j) (para 5.90).

It is worth noting, however, that the rare earth context may present stronger grounds for invoking both disciplines "products in short supply" and "products at risk of being in short supply" than those considered in previous disputes. China's active export restrictions on rare earth products are a matter of demonstrated record, not a theoretical future risk. Moreover, the exceptionally long lead times required to bring new mines and processing facilities online (typically a decade or more) mean that even where alternative supply sources exist in principle, they cannot be mobilized quickly enough to address near-term shortfalls. These structural factors distinguish the rare earth situation from prior disputes and may prompt a panel to adopt a more contextually sensitive reading of the "short supply" requirement. There is as yet no controlling case law on this specific combination of circumstances.

GATT Article XXI(b) provides a security exception allowing Members to take any actions "which it considers necessary" for the protection of its essential security interests (i) relating to fissionable materials or the materials from which they are derived; (ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment; (iii) taken in time of war or other emergency in international relations. It is worth noting that GATT Article XXI does not have the same chapeau requirements of GATT Article XX and is therefore more permissive of WTO-incompliant measures.

Although the United States repeatedly insisted that GATT Article XXI is a self-judging clause, therefore not subject to WTO adjudication, the panel report in *Russia – Traffic in Transit* confirmed that the existence of circumstances (i) through (iii) and member's discretion of "essential security interests" will be subject to good faith review by the panel. The panel found that the emergency in concern of this case - the Crimea crisis in 2014- was the emergency in international relations as defined by GATT Article XXI (b)(iii). (para 7.123). Subsequently, the panel defined "essential security interests" narrowly as "interests relating to the quintessential functions of the state, namely, the protection of its territory and its population from external threats, and the maintenance of law and public order internally." (para 7.130.) The panel emphasized that "the discretion of a Member to designate particular concerns as "essential security interests" is limited by its obligation to interpret and apply Article XXI(b)(iii) of the GATT 1994 in good faith" (para 7.132). However, the panel eventually found the Crimea crisis in 2014 is "the emergency in

international relations" as the crisis was "very close to the "hard core" of war or armed conflict". (para 7.136).

This approach was mostly inherited by the panel report of *United States — Certain Measures on Steel and Aluminium Products*. The panel denied the United States' justification of Section 232 Steel and Aluminium tariffs under GATT Article XXI (b)(iii) as situation surrounding Steel and Aluminium such as global excess capacity did not rise "to the gravity or severity of tensions on the international plane so as to constitute an "emergency in international relations"". (para 7.147-148) Given these narrow approaches to apply GATT Article XXI (b)(iii) defense, a respondent seeking to justify such measures would likely face a substantial legal burden, since current relations with China are characterized primarily by economic tensions rather than by circumstances close to the "hard core" of war or armed conflict.

It should also be noted that the European Union, in its own practice, has not interpreted GATT Article XXI as extending to economic security interests as such. Given the WTO panels' narrow interpretation of "essential security interests" and "emergency in international relations," the European Union or Japan may have stronger reasons to rely on GATT Article XX(j), rather than GATT Article XXI, as a legal defense. Such an approach may be more consistent with existing WTO jurisprudence. It may also avoid directly endorsing the panel's interpretation of GATT Article XXI, which the United States has strongly opposed on the ground that the provision is self-judging.

This jurisprudence suggests that both GATT Article XX(j) and GATT Article XXI impose demanding evidentiary requirements. However, the rare earth context may present a stronger factual basis than the earlier disputes. China's recent export-licensing measures have already caused actual disruptions in rare earth and rare-earth magnet supply chains, including shortages affecting downstream manufacturers such as automakers. In addition, certain rare earth elements and magnets are used in defense-related applications. These facts could support an argument that specific rare earth products are in general or local short supply, or that measures addressing rare earth dependence are connected to essential security interests. The disruption caused by China's export controls is not hypothetical: in May 2025, Ford Motor Company was forced to halt production of its Explorer SUV at its Chicago assembly plant for an entire week due to a shortage of rare earth magnets. The Alliance for Automotive Innovation, representing major automakers including General Motors, Ford, and Stellantis, warned the Trump administration in May 2025 that without reliable access to rare earth elements and magnets, suppliers would be unable to manufacture critical components including transmissions, alternators, sensors, and power steering systems. Although China reportedly resumed issuing export licences from late 2025, the supply of magnets remains unstable. These documented disruptions could support a finding that rare earth products were in "general or local short supply" within the meaning of GATT Article XX(j),

and could reinvigorate the debate that a security-based argument under GATT Article XXI should apply given the wide range of economic consequences and defense applications that depend on rare earth permanent magnets. Two further features distinguish rare earths from the steel at issue in United States — Steel and Aluminium: technologies that depend on rare earth magnets are being used in active armed conflicts, and production and processing are concentrated in very few suppliers, which makes supply shocks far more plausible than in a market characterized by global overcapacity. The link between a price floor and an emergency nonetheless remains contestable, since the supply benefits of price floors materialize only over a period of years.

It remains uncertain whether GATT exceptions can be invoked to justify violations of the SCM Agreement. The traditional view is that GATT Article XX does not automatically apply to SCM claims because the SCM Agreement does not contain an express cross-reference to GATT exceptions. The recent panel report in U*nited States — Certain Tax Credits Under the Inflation Reduction Act* should however be read as leaving this question open, rather than as confirming that GATT exceptions apply to SCM violations. In that dispute, the United States invoked GATT Article XX(a) in response to claims under the SCM Agreement. The panel, however, found that GATT Article XX(a) defense failed in any event and therefore declined to decide whether GATT Article XX could apply to SCM claims.

Independently of these exceptions, GATT Article XXVIII offers a fully WTO-consistent route to raise tariffs above bound levels by modifying or withdrawing tariff concessions. GATT Article XXVIII allows a WTO Member to modify or withdraw a concession through negotiation with Members holding initial negotiating rights or a principal supplying interest, and through consultation with Members having a substantial interest. If no agreement is reached, or if a Member with a substantial interest is not satisfied, affected Members may withdraw substantially equivalent concessions. This process can be time-consuming, particularly where many Members have negotiating or substantial interests. Nevertheless, a Member may ultimately modify its schedule if it is prepared to offer compensation or accept the risk of retaliation by affected Members.

It is worth noting that the European Union recently used this process, rather than invoking GATT Article XXI, to replace its steel safeguard with a new regime of tariff-rate quotas cut by about 47% and a 50% out-of-quota duty, applicable since 1 July 2026. China responded by raising concerns in the WTO Council for Trade in Goods about the proper use of GATT Article XXVIII. Article XXVIII is particularly useful because renegotiated concessions can take the form of tariff-rate quotas allocated by reference to historical trade shares, which allows a Member to protect established suppliers while raising duties on others. Its limits should also be recognized: a renegotiated bound rate still applies on a most-favored-nation basis, so Article XXVIII addresses the Article II problem but does not by itself authorize exempting partners from a price floor applied to other origins.

Trade remedies provide a further set of WTO-sanctioned routes. Unlike ordinary tariffs, which are capped by a Member's schedule, anti-dumping duties, countervailing duties and safeguard measures allow a Member to raise duties above its bound rates when the conditions of the Anti-Dumping Agreement, the SCM Agreement or GATT Article XIX and the Agreement on Safeguards are met. Each requires an investigation and an injury finding which involves dumping or subsidization causing material injury, or a threat of it, to the domestic industry. Because domestic rare earth industries are limited or have largely disappeared in many jurisdictions, these injury tests may be difficult to meet. Moreover, anti-dumping and countervailing duties are capped at the margin of dumping or the amount of the subsidy, so they cannot be calibrated to deliver a predetermined floor price, and establishing a "normal value" for Chinese rare earths that differs from Chinese prices would be contentious, even if efforts to determine ex-China prices for minor metals have accelerated. Safeguards, which do not require any finding of unfair trade.

Practice also shows more flexibility than the rules as written might suggest. Anti-dumping and countervailing duties can be based not only on injury to an existing industry but also on material retardation of the establishment of a domestic industry, which better fits nascent rare earth using industries such as magnets. Price undertakings can produce de facto price floors. For example in 2013, the EU accepted a price undertaking under which Chinese solar panel exporters respected a minimum import price instead of paying the full anti-dumping duties. This was later extended to anti-subsidy duties. Standards-based markets, which condition market access on environmental, labor or traceability standards, could also raise the effective price of non-compliant supply without a tariff. Members have also shown growing readiness to operate in grey areas, as with the steel tariff-rate quotas mentioned above. It should not be forgotten that the long debate over the WTO legality of the EU's Carbon Border Adjustment Mechanism eventually did not prevent its adoption. Additionally, the European Union grounds its Anti-Coercion Instrument primarily in the law of countermeasures under general international law rather than in WTO law. The legal constraints discussed above are real, but they shape the design of price-floor measures more than they rule them out.

3. Implementation

Whatever route is chosen at the WTO level, the measures still need a domestic legal basis. Domestic implementation is less of a hurdle than is often assumed, but the available vehicles differ in speed, political cost and WTO risk. For additional tariffs, there are two main pathways.

First, and most straightforwardly, governments could legislate. A dedicated statute, or an amendment to customs legislation, could set out the price-floor mechanism, define the products concerned and authorize the necessary tariff changes, in the same way that

subsidies are routinely enacted through dedicated legislation. In the European Union, tariffs fall within the Union's exclusive competence under the common commercial policy, and changes can be adopted either by the Council by qualified majority on a Commission proposal (Article 31 TFEU) or through the ordinary legislative procedure (Article 207(2) TFEU). The steel regulation underpinning the Article XXVIII renegotiation was proposed in October 2025, adopted in June 2026 and applied from 1 July 2026, showing that this can be done relatively quickly. In the United States, the Sanctioning Russia and Iran Act of 2026, signed in September 2026, authorizes the President to impose tariffs of up to 100% on all goods from the largest buyers of Russian oil and gas, showing that Congress can create tariff authority tailored to a specific objective. In Japan, the natural vehicle would be an amendment to the Customs Tariff Act or the Act on Temporary Measures concerning Customs, which the Diet revises annually. The main constraint on this pathway is political rather than legal: new legislation takes time and requires parliamentary or congressional support.

Second, where new legislation is not politically feasible, governments could rely on existing statutes that delegate tariff-setting power to the executive. This is quicker but carries greater WTO risk. In the United States, Section 301 of the Trade Act of 1974 allows USTR to respond to an act, policy, or practice of a foreign country that is unjustifiable and burdens or restricts United States commerce. Section 232 of the Trade Expansion Act of 1962 allows action following a national-security investigation. These legislations delegate substantial tariff-setting power to the executive branch.

In other jurisdictions, the European Union's Anti-Coercion Instrument allows the European Union to adopt response measures, including import or export restrictions, where a third country engages in economic coercion. Compared with U.S. Section 301 or Section 232 tariffs, however, the ACI involves a more structured and multi-step procedure, including Commission examination, Council involvement, dialogue with the third country, and only then the adoption of response measures. The ACI has not yet been used, which makes its practical operation uncertain. In this context, it is notable that France, backed by Germany, has put forward a proposal to develop a broader EU tariff instrument capable of responding to China's unfair trade practices in a manner more analogous to the U.S. Section 301 mechanism. These developments suggest that the EU's domestic legal landscape for trade-defense measures may be in flux, and that the ACI may be supplemented by instruments with a wider scope of application and a more streamlined activation procedure.

Japan also currently does not have a broad Section 301-style instrument that would allow the executive branch to impose discretionary tariffs solely in response to a trading partner's "unfair trade practices." Given Japan's general preference for WTO-consistent trade remedies, the likelihood of enacting such a broad discretionary tariff authority appears limited.

Compared with the legal and procedural difficulties surrounding price-floor tariffs, price-gap subsidies would likely be easier to implement domestically. Governments may be able to use existing industrial policy to provide such subsidies. In the United States, for example, recent rare earth support has been provided through CHIPS Act-related funding. In the European Union, the Critical Raw Materials Act supports strategic projects through access to finance and faster permitting procedures. In Japan, critical minerals or permanent magnets have been designated as specific important materials under the Economic Security Promotion Act, and JOGMEC or NEDO-administered subsidy programs may cover part of approved supply-assurance project costs. This does not eliminate WTO SCM Agreement risk, but it makes domestic implementation easier than introducing new border measures.

4. Way forward

China's decades-long dominance in rare earth production and its willingness to weaponize that dominance have placed the question of supply-chain security at the heart of trade policy. The proposed response by the United States, the European Union, and Japan combining price-floor tariffs and price-gap subsidies faces real constraints under WTO rules, as analyzed above, but these constraints shape the design of such measures more than they rule them out. Justification under GATT Article XX(j) or GATT Article XXI is difficult given existing jurisprudence but is not inconceivable: the severity and documented impact of China's export controls, combined with the exceptionally long timelines for bringing alternative supply online, present a factual record that is materially different from the situations considered in prior disputes. These factors may support a more expansive reading of "products in short supply" and could lend certain credibility to a security-based justification. The outcome remains uncertain, but the legal case is stronger than past case law alone might suggest. Moreover, justification is not the only option: Article XXVIII renegotiation, as the EU's steel regime shows, offers a route that does not depend on any exception, and trade remedies and price undertakings can deliver de facto price floors within existing disciplines.

Beyond justiciability, the more fundamental problem is institutional. Price-floor tariffs, if implemented bilaterally between the United States and individual partners, risk creating a fragmented "spider web" of arrangements rather than a coherent multilateral framework. The United States currently lacks the geopolitical trust required to anchor such a system: its record of imposing sweeping tariffs on allies and rivals alike has undermined confidence in its reliability as a rule-based partner. At the political level, it also seems negotiators have started to realize how difficult tariff-based mechanisms would be to design and implement. Therefore the G7 leaders' declaration on securing

supply chains for critical minerals prioritized price-gap subsidies over price-floor tariffs as they continue to explore revenue stabilization mechanisms.

It should not be forgotten that the challenge extends well beyond rare earths. What is at stake is the excessive concentration and weaponization of raw and refined critical mineral supply chains more broadly. What is therefore needed is a new undertaking, not an extension of existing discussions, but a genuinely plurilateral negotiation with the mandate and rules to match; one that establishes clear and enforceable rules on market concentration, predatory pricing, and export weaponization in critical mineral supply chains.

Such an initiative should not be confined to rare earths but should address the full spectrum of raw and refined critical minerals whose excessive concentration poses a systemic risk to the global economy. This is ultimately not just a supply-chain issue but a question of the integrity of the multilateral trading system itself: a system that, as the WTO preamble recognizes, depends on raising living standards, ensuring full employment, and expanding production and trade in goods and services. A trading system that can be systematically held hostage through deliberate supply concentration and export weaponization is neither viable nor durable.

By "plurilateral" we do not necessarily mean a WTO plurilateral agreement under Annex 4 of the WTO Agreement. Adding such an agreement requires the consensus of all WTO Members (Article X:9), and the experience of the Investment Facilitation for Development Agreement, which India blocked at the WTO Ministerial Conference in Yaoundé in March 2026 despite support from around 130 Members, suggests that consensus would be unlikely, not least because China would be its main target.

A more realistic path is an agreement among a group of willing producing and consuming countries, open to others that meet its standards and designed from the outset to be WTO-consistent. In practice, such an agreement could (i) set common environmental, labor and traceability standards that define a standards-based market for critical minerals; (ii) coordinate price-gap subsidies or a jointly funded revenue-stabilization mechanism, so that participants do not compete away each other's support; (iii) organize joint procurement and stockpiling; (iv) provide for coordinated border measures against supply that does not meet those standards, implemented through Article XXVIII renegotiation, trade remedies or, in an emergency, Article XXI; and (v) establish rules, and a mechanism to enforce them, on export restrictions and predatory pricing among participants. If structured as an intergovernmental commodity agreement submitted to and not disapproved by WTO Members, measures taken in pursuance of it could also benefit from GATT Article XX(h). The US–EU–Japan statement on a plurilateral trade initiative and the G7 declaration offer a starting point, but neither yet provides this legal architecture.

About us

The Geneva Platform for Resilient Value Chains is a non-partisan, not-for-profit platform of excellence located within the Centre for Trade and Economic Integration at the Geneva Graduate Institute. Anchored in International Geneva's spirit, and in its trade, sustainability, mediation, and human rights expertise, the Platform focuses on supporting resilient and inclusive value chains that are vital to the energy transition and climate change. The Platform is a network of fellows in all major economies, including Brussels, Berlin, Washington, and New York.

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