THE EU-MERCOSUR AGREEMENT

A UNIQUE OPPORTUNITY TO FOSTER TRADE AND SUSTAINABLE DEVELOPMENT







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NATIONAL CONFEDERATION OF INDUSTRY - CNI

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OVERVIEW

The Brazilian National Confederation of Industry (CNI), together with eight business associations, releases this document to highlight the importance of the EU-Mercosur Agreement and the sustainable development agenda.

The EU-Mercosur Agreement is the most comprehensive treaty ever signed by Brazil and Mercosur, and its Sustainable Development Chapter is one of the most advanced in terms of rules on the relations between trade and sustainability.

Brazil has also been a notorious leader regarding the sustainable development agenda. Advanced policies and regulations in this crucial area were and still are implemented by the country. They have led, for instance, to the conservation of around 62% of the native vegetation, an energy matrix that is 43% renewable, a low carbon agriculture, and other achievements. In addition, the public sector, with the aid of the private sector, has set an ambitious climate change plan to Brazil.

The EU-Mercosur Agreement represents a new opportunity for the Brazilian and the European markets to cooperate and exchange experiences, so they can together increasingly contribute to achieving national and international sustainable development goals. Mercosur and European Union countries can certainly lead the world's sustainability agenda.

In this regard, we expect the present publication to enrich the debate about sustainability and to contribute to the necessary implementation of the EU-Mercosur Agreement.

Robson Braga de Andrade President of CNI



EXECUTIVE SUMMARY

The Brazilian National Confederation of Industry – CNI and other eight business associations launch this brochure tackling two main issues:



The document aims to shed light on the discussion between the EU-Mercosur Agreement and the Sustainable Development agenda, presenting qualified information on this debate and showing how the private sector in Brazil is engaged and prepared to implement not only its obligations under the Agreement but also its commitments at international level and beyond.

The Trade and Sustainable Development Chapter of the Agreement is a turning point in terms of rules and disciplines that regulate and monitor sustainability and trade. Its implementation will enable an agenda of cooperation aimed at aligning trade with key Sustainable Development Goals (SDGs) and will become a reference for other bilateral, regional and multilateral trade agreements.

The Chapter covers a substantial set of principles and establishes a baseline for its implementation. But it goes further than just principles by tackling issues such as international agreements and the relation between trade, climate change, biodiversity and management of forests. No other EU agreement contains commitments as in the agreement with Mercosur, as also said by the European negotiators.

Brazil is an international leader in sustainable development, and the implementation of the EU-Mercosur Agreement will play a strong role to move this forward and to effectively contribute to the enhancement of environmental and social patterns, policies, and governance among its Parties.

The list bellow presents the core issues regarding the agenda in Brazil and what makes the country a distinguished player:



International treaties and domestic regulations

Brazil had and has an important role in the conformation of the multilateral environmental agenda and the regulation of environmental issues gained place in Brazil in topics such as pollution reduction, forest conservation. water. biodiversity, renewable energy, and climate change. The country has been adopting the most relevant multilateral treaties regarding environment since the 1970s. recently including the approval of the Nagoya Protocol.



Land use and native vegetation

62% of Brazil's territory is covered with native vegetation. Brazil is the second country with the greatest extension of native vegetation. Together, land used for agriculture and pastures reaches 26% of its territory. This result is due the implementation of strict regulations to conserve native vegetation, such as the Forest Code, that is hardly seen around the world. including in comparison with developing countries.



Climate change

Since 2009 Brazil has a National Policy for Climate Change. Public commitments include 13 main goals, from deforestation, renewable energy to public transportations. Brazil was the first developing country to propose an absolute economy wide target to reduce 37% of emissions below 2005 levels up to 2025, and 43% up to 2030. Recently Brazil anticipated these goals to become carbon neutral.



Actions on deforestation

Estimates indicate that 90% of Amazon deforestation is illegal and around 70% takes place over public lands. Curbing illegal deforestation in the Amazon is the most important action of Brazil within the Paris Agreement and International cooperation is essential to tackle it.



Low carbon agriculture

The adoption of low carbon agriculture technologies between 2010 and 2018 reached 52 million hectares, which is pivotal to improve productivity, allow adaptation and reduce emissions. Productivity growth and technology development are the key needs to expand agricultural production.



Renewable energy

The production and use of renewable energy represents 48%w of Brazil's total energy mix, with sugarcane products representing 19% of this total. Brazil has politics, such as RenovaBio, to increase the share of renewable fuels in the national energy matrix and to reduce its carbon footprint.



Private initiatives

The Brazilian private sector is committed with the SDGs at the national and international levels. The Brazilian network is in the third position at UN's Global Compact Local Networks, aimed at advancing the implementation of the Ten Principles.



Labor standards

Brazil has implemented 90% of ILO's fundamental Conventions. Other economies such as South Korea, Indonesia, Singapore and Vietnam have implemented between 50% and 90%.



1 RULES ON TRADE AND SUSTAINABILITY: THE EU-MERCOSUR AGREEMENT

Key facts:

- The EU-Mercosur Agreement rules on trade and sustainable development encompasses the most important international treaties and instruments regarding environmental and labor issues and will play an important role to promote win-win benefits towards fostering sustainable development.
- Brazil is part of all international environmental agreements mentioned in the EU-Mercosur Agreement.
- The EU-Mercosur agreement goes further on its commitments on sustainable development than other EU second-generation free trade agreements.
- The Trade and Sustainable Development chapter defines principles, commitments, and rules in a way that fosters the achievement of the SDGs, while recognizing Parties' specificities.

The evolution of trade and sustainable development is increasingly explicit. Although the World Trade Organization (WTO) does not properly regulate this relation, the emergence of regional trade agreements in the past years expanded the scope of subjects regulated, aiming to prompt sustainable development through trade and avoiding negative externalities that may arise.

The EU-Mercosur Agreement framework establishing rules to govern trade and sustainable development encompasses the most important international treaties and instruments regarding environmental and labor issues. When compared to other regional trade agreements, such as the Trans-Pacific Partnership (TPP) and the Regional Comprehensive Economic Partnership Agreement (RCEP), the scope and reach of the EU-Mercosur Agreement is much broader.

TABLE 1 -	Comparison	of EU's commit	ments on su	stainable dev	velopment on	the EU-Mercosur
	agreement a	nd EU second-g	generation fr	ee trade agre	eements	

EU	EU- S. Korea	EU- EU- Canada Japan		EU- Vietnam	EU- Singapore	EU- Mexico	EU- Mercosur
Agenda 21 or Rio Declara- tion on Environment and Development (1992)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Johannesburg Plan (2002)	Yes	Yes	No	Yes	Yes	Yes	Yes
International Labor Orga- nization (ILO) Declaration on Social Justice for a Fair Globalization (2008)	No	Yes	Yes	Yes	Yes	Yes	Yes
UN Outcome Document 'The Future We Want' (2012)	No	Yes	Yes	Yes	No	Yes	Yes
UN 2030 Agenda for Sustainable Development (2015) and its sustainable development goals	No	No	No	Yes	No	Yes	Yes
UNFCCC Convention on Climate Change (1992), Kyoto Protocol (1997), or Paris Agreement (2015)	No	No	No	Yes	Yes	Yes	Yes
Convention on Biological Diversity (1992)	No	No	Yes	No	No	Yes	Yes
CITES (1973)	No	No	Yes	No	No	Yes	Yes
ILO Declaration on Funda- mental Principle at Work (1998)	Yes	Yes	Yes	No	No	Yes	Yes
OECD Guidelines for Multi- national Enterprises	No	No	No	Yes	Yes	Yes	Yes
ILO Tripartite Declaration of Principles (MNE Declaration)	No	No	No	Yes	Yes	Yes	Yes
UN Global Compact, Guid- ing Principles	No	No	No	Yes	Yes	Yes	Yes

Source: European Parliament, The level playing-field for labor and environment in EU-UK relations.

The Trade and Sustainable Development chapter of EU-Mercosur Agreement defines principles, general commitments, and rules to facilitate the common advancement of trade and investment measures in a way that fosters the achievement of the SDGs while recognizing Parties' needs, levels of development, policies and international obligations.

The agreement has a comprehensive and ambitious chapter reinforcing international environmental agreements, regulating topics such as the relation between trade and climate change, biodiversity and sustainable management of forests. The chapter also creates a subcommittee to structure dialogue (including governments, private sector and the civil society) and cooperation as well as a specific instrument for dispute settlement. Consistently with Brazil's international position, the table below shows that the country is part of all international environmental agreements mentioned in the EU-Mercosur Agreement.

Agreement	Year of entering into force in Brazil
Convention on International Trade in Endangered Species (CITES)	1975
Convention on Biological Diversity	1988
Convention on Wetlands of International Importance (Ramsar Convention)	1996
United Nations Framework Convention on Climate Change (UNFCCC)	1998
Stockholm Convention on Persistent Organic Pollutants	2005
Cartagena Protocol on Biosafety	2006
Paris Agreement	2017
Nagoya Protocol on Access to Genetic Resources and Traditional Knowledge	2021

TABLE 2 - Key Multilateral Environmental Agreements for Brazil

Source: Agroícone.

The case of climate change is at the core of the EU-Mercosur Agreement. Parties' targets and Nationally Determined Contributions at the Paris Agreement should be considered overtime, including the role of responsible supply chains on the agenda.

The way countries and their private stakeholders will contribute to the achievement of the future Global Biodiversity Framework, currently under negotiation at the Convention on Biological Diversity, will also be at the center of the implementation of the EU-Mercosur Agreement.

The structural pillars of the Trade and Sustainable Development Chapter are captured on the Table below.

TABLE 3 – Key rules governing trade and sustainable development on the EU-Mercosur Agreement

Objectives and scope

Dispute settlement mechanism

Dialogue, consultations and information exchange are key to the dispute settlement mechanism. The agreement defines specific deadlines and procedures for consultations and dispute settlement with specialists on the interpretation or application of the chapter.

Sub-Committee on Trade and Sustainable Development

The Sub-Committee will work as a qualified forum to present, discuss and improve Parties' relations aimed at fostering win-win outcomes from trade, investments and the sustainable development agenda.

Cooperation

Cooperation and information exchange between Parties of the Agreement are key to promote its objectives. Enhance the integration of sustainable development in Mercosur-EU's bilateral trade and investment relationship and in a matter that contributes to achieving SGGs.

Scientific and technical information

Mercosur and EU shall ensure scientific and technical evidence when establishing and implementing measures to protect environment and labor conditions. In case there is serious risk to environment or labor, countries may adopt measures based on pertinent information.

Multilateral labor agreements

Mercosur and EU recognize the need of policy coherence with high level of labor protection specially by implementing fundamental ILO Conventions and by the Declaration of Social Justice for a fair Globalization.

Multilateral environmental agreements

Mercosur and EU recognize the contribution of trade to sustainable development and the commitment of both blocs to promote and effectively implement multilateral environment agreements.

Trade and climate change, biodiversity and management of forests

The agreement urges both blocs to effectively implement the UN Climate Change Convention, promote instruments to the sustainable use of biodiversity and exchange information and promote trade through sustainably managed forests.

A cooperative approach, as provided by the agreement, is a promising strategy to be adopted and to promote common and coordinated efforts by the EU and Mercosur countries. Along with the implementation of the Agreement on its different subjects and obligations, from trade in goods to technical barriers to trade, sanitary and phytosanitary measures, intellectual property, trade in services, and other subjects, it is expected that Parties will cooperate to reach sustainable development levels.

In this regard, the 2030 Agenda for Sustainable Development clarifies that the commitment to cooperation becomes tangible through enhanced policy coherence, partnerships building, investment promotion, financial and technical support for capacity building activities and additional resource mobilization for developed countries. Moreover, Parties compromises on International Environmental Agreements for cooperation, technology transfer and financial resources are also considered.



2 BRAZIL AND THE INTERNATIONAL AND DOMESTIC REGULATION ON ENVIRONMENT



- The Brazilian Constitution of 1988 explicitly recognizes the right to an ecologically balanced environment for the present and future generations.
- Brazil has been adopting measures to regulate environmental issues since the 1930s when the first Forest Code was established and the country is part of all relevant international treaties and effectively implementing it in domestic regulations.
- Brazil had an important role at the conformation of the multilateral agenda. The country is part of all relevant international treaties and is implementing the commitments through domestic regulations.

Brazil has an extensive and historical involvement with the global environmental agenda.

Whilst the country had an important role at the conformation of the multilateral environmental agenda, the regulation of environmental themes gained place in Brazil. Topics such as pollution, forest conservation, water, biodiversity, renewable energy, climate change and other important issues were strictly regulated, as showed on the figure below.

Moreover, the Brazilian Constitution (1988) explicitly recognizes the right to an ecologically balanced environment for the present and future generations.





The next sections will cover environmental and social regulations in Brazil and its relation to the private sector actions and importance towards the implementation of the EU-Mercosur Agreement.

2.1 LAND USE, NATIVE VEGETATION AND THE FOREST CODE LAW



- The **Forest Code Law** has rules to conserve native vegetation on private areas, stimulating conservation and production in the same area and promoting sustainable production of food, renewable energy, fibers and planted forests.
- Brazil has 62% of its territory (similar to ten times of Spain's area) covered with **native vegetation**, comprising protected areas such as Conservation Units, Indigenous Land, other non-designated public forests and private areas.
- Brazil is the second country with the **greatest extension of native vegetation** in the world. There are 497 million hectares of tropical forests in Brazil, representing 27% of the total tropical forests worldwide, and 12% of the total forest area in the world.
- There are 14 million hectares of forests on a secondary stage of natural regeneration in the Amazon. Illegal activities, such as illegal logging and land grabbing respond to the abandonment of the areas that in some years begin to regenerate.

Brazil has 62% of its territory covered with native vegetation, summing 523 million hectares. This is equivalent to 10 times the area of Spain, the second largest EU country in territory extension (50 million hectares).

However, land dedicated to agriculture and pastures represents respectively 7% (63.4 million hectares) and 19% (159.5 million hectares). Urban areas, water courses and other uses represent 12% (104.5 million hectares).



Source: Agroicone based on data from IBGE (2017) and Projeto MapBiomas (2021).

Native vegetation conservation is based on protected areas, called Conservation Units, comprising 125.3 million hectares (24%)¹, and other effective area-based conservation measures, such as indigenous lands representing 117 million hectares (22%), public non-designated areas, summing 64.5 million hectares in 2019² and native vegetation on private areas, based on the Forest Code Law.

Brazil has a particular contribution of private areas to conserve native vegetation. Since the Forest Regulation of 1934, and mainly after 1965, with the approval of the Forest Code Law, two basic categories of conserved areas on rural properties were created:

- a. **Permanent Preservation Areas** (APP, Portuguese acronym) along with river springs, water courses (ranging from 5 to 500 meters) and mountain slopes and hilltops that must be permanently covered with natural vegetation.
- b. **Legal Reserve Areas** (RL, Portuguese acronym), that should be conserved considering 80 to 50% in the Amazon³, 35% in the Cerrado (the Brazilian savannah), including those inside the Legal Amazon, and 20% in the other biomes in the country.

Estimates show that there are around 121 million hectares⁴ of native vegetation in private areas, in the form of APP and RL, plus remaining native vegetation up to 72 million hectares, along with agriculture and pasture areas. This approach to conserve and produce in the same area creates a balanced manner towards promoting sustainable production of food, renewable energy, fibers and planted forests.

CHART 2 - Native vegetation divided by land use category



Source: Agroicone based on CNFP (2020), CNUC/MMA (2020), Funai (2020).

These measures contribute to make Brazil the second country with the greatest extension of native forests in the world.

According to the Global Forest Resources Assessment 2020, published by the Food and Agriculture Organization (FAO), there are 497 million hectares of tropical forests in Brazil, representing 27% of the total tropical forests worldwide, and 12% of the total forest area in the world⁵.

Brazil has policies to orient and manage different land uses. From the protection of ecologically sensitive areas to the conservation of native vegetation using different strategies, to indigenous and local communities, from familiar agriculture, rural settlements, agriculture, industrial, urban and several other uses.

The Brazilian new Forest Code (Law on the Protection of Native Vegetation and Protected Areas Law n° 12.651/2012) approved in 2012 is the national environmental regulatory framework that promotes the conservation and restoration of native vegetation in private areas.

The law enforcement relies on the Rural Environmental Registry (CAR, Portuguese acronym), established as an instrument to register information about the rural areas, the protected areas, areas to be restored and areas used for production considering the existence of APP and RL areas.

By January 2020, the number of rural areas enrolled at the CAR reached 6.4 million with a total area of 543.7 million hectares registered in CAR⁶. According to data declared in the CAR, there are 121 million hectares of native vegetation conserved involving APP and RL, and 71.8 million hectares of remaining native vegetation.

⁵ Global Forest Resources Assessment 2020, http://www.fao.org/3/ca9825en/CA9825EN.pdf.

⁶ Serviço Florestal Brasileiro, Cadastro Ambiental Rural, Boletim Informativo, Edição Especial, Janeiro 2020. Available at https://www. florestal.gov.br/documentos/car/boletim-do-car/4418-revisao-boletim-car-encaminhar-07abril2020-1/file

The figure bellow summarizes the implementation of the Forest Code and its instruments:



FIGURE 2 – Compliance process at the Forest Code

Source: Forest Code, 2012.

The validation of the CAR relies on a system to be launched in 2021 by the Brazilian Forest Service, that will support states to analyze the CAR information and get precise information of areas to be restored, the total conservation areas existing on private lands and remaining native vegetation.

Cooperation and governance are extremely relevant when it comes to full Forest Code implementation. The CAR validation is ambitious and requires the involvement of States Environmental Secretaries among other stakeholders.

The state of Mato Grosso⁷, for example, has already showed results investing in technical staff trained to analyze and validate CAR information. There are 60.9 million hectares registered at the CAR, and 25.9 million hectares were already validated, summing 47.401 registers. This is fundamental to orient the compliance process and push forward the effective adoption of the Forest Code.

The full implementation of the Forest Code is another important action of Brazil at the Paris Agreement. In one hand, it will contribute towards native vegetation restoration (12 million hectares for multiple purposes as per the Brazilian NDC). On the other hand, it will map and monitor the conservation of native vegetation on rural areas, which is key not only as carbon sinks, but as biodiversity conservation.

Additionally, the CAR is a requirement to be eligible to access public credit and will stimulate proper control or private areas. From an international trade perspective, compliance with the Forest Code for producers who must restore native vegetation is relevant to achieve sustainable supply chains, since CAR information will push restoration compliance. The Environmental Compliance Programs at state levels will guide the compliance process.

²⁶

⁷ For more information regarding the Projects in Mato Grosso aimed at implementing the Forest Code, check the following report, https://www.icv.org.br/drop/wp-content/uploads/2020/02/diagnostico-MT-v01.pdf

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The conservation and restoration are obligations to farmers with no mandatory financial compensation to support and promote the environmental services. Each country can regulate its policies aimed at protecting native vegetation at its own discretion, but the Brazilian policy on conservation of native vegetation in private areas is more advanced compared to other countries. For example, Germany has a regulation towards riparian areas along rivers and France has a policy for riparian areas with financial support to producers. The United States has programs to incentivize conservation of native vegetation of native vegetation on farms based on payment from the government according to environmental requirements.

	Brazil	Germany	Canada	China	France	US
Riparian areas	Mandatory conservation Varies from 5 to 500m.	Mandatory ripari- an buffer rules at federal level. State regulations can be stricter than the federal law. Minimum width of 5 m. (Federal Law).	No federal legislation. How- ever, almost all provinces have developed rules for riparian buffer zone protection. Varies from 10- 15 m. e.g., Que- bec Province).	No national riparian buffer rules. Central government can designate a protection forest to protect wa- ter resources on a case by- case basis.	Mandatory riparian buffer rules for farmers receiving EU financial aid; nitrate vulnerable zone properties and water bodies listed by an administrative authority. Ecological corridors also protect riparian zones. Mini- mum width of 5 m.	No federal riparian buffer rules. State rules, guidelines vary widely from the definitions of guide- lines to mandatory rules; almost none regulate agriculture riparian buffers. Common state width guidelines range from15-25 m.
Other ecological buffers	Native vegeta- tion on hilltops, slopes, top of mountains, mangroves, sandbanks.	Non-built-up areas in a 50 m zone next to big waterbodies. Forest areas can be designated as protection forests when applicable.	Not identified.	Protection forests and hill- sides with slope > 25 degrees.	Protection forests on hilltops, slopes on a case-by-case basis.	Some states have buffer zone regula- tions to protect wild- life (e.g., to protect nest sites).
Other effective area-based conservation measures	Mandatory conservation of (Legal Reserve Areas). Compulsory set-aside land in all private properties of 20-80% area for biodiversity pro- tection (Legal Forest Reserve). Amazon basin states have spe- cial forest zoning regulations.	Protected areas on private lands can be created by federal states based on national or state legislation, or on EU directives (Natura 2000 net- work). Despite lack of legal provision, privately protect- ed areas have been created by NGOs and private foundations.	Landowners vol- untarily create and may receive government incentives to protect areas in private lands.	Private individuals or organizations cannot own land, but can lease it from the state or community and create privately protected areas.	Protected areas on private lands can be created by gov- ernment or regions based on national legislation or EU directives (Natura 2000 network). Recently a NGO vol- unteered to create wildlife reserves in private lands.	Private owners can voluntarily create protected areas, including freehold private reserve (full ownership); conser- vation easements; and less binding (time-limited) con- servation tools, (Con- servation Reserve Program). Also public incentives, support for voluntary land conservation.
Landowner compensation	No	Yes	Yes	Yes	Yes	Yes

TABLE 4 – Conservation of native vegetation in private areas in key countries

Source: Forest and Land Use Policies on Private Lands: an international comparison Argentina, Brazil, Canada, China, France, Germany, and the United States. October 2017.

2.2 BRAZILIAN POLICY ON CLIMATE CHANGE

Key facts:

- Brazil was the first developing country to present an absolute emissions reduction target, based on an economy wide approach at the iNDC submitted to the UNFCCC in 2015.
- At the Leaders' Summit on Climate on April 2021 Brazil anticipated its goal to become carbon neutral up to 2050 and curbing illegal deforestation up to 2030.

Brazil has been a leader at the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and at the negotiations and implementation of the Paris Agreement. The country has approved, in 2008, the National Plan on Climate Change, proposing concrete actions aimed at reducing emissions and help the global efforts to tackle climate change.

During COP15, in 2009, in Copenhagen, Brazil proposed voluntary contributions, such as reducing 80% of Amazon and 40% of Cerrado deforestation. At the end of December 2009, the National Policy on Climate Change (PNMC, in Portuguese acronym) was approved, establishing a target to voluntarily reduce between 36.1 and 38.9% of the projected emissions up to 2020.

In 2010 Brazil submitted to the UNFCCC its Nationally Appropriate Mitigation Actions, comprising: reduction of deforestation in Amazon and Cerrado, restoration of grazing land, integrated crop-livestock system, no-till farming, biological N2 fixation, energy efficiency, increase the use of biofuels, increase of energy supply by hydroelectric power, alternative energy sources, iron and steel from planted forests.⁸

The approval of the PNMC and the voluntary contributions to the Copenhagen Agreement meant a substantial change on how Brazil managed the climate change agenda. As a developing country, its role to contribute to limit temperature increase at a maximum of 2°C was unequivocal. The pace of the UNFCCC negotiations gained impulse with the national consultations to build intended nationally determined contributions to capture the ambition towards the Paris Conference. Brazil was the first developing country to present an absolute emissions reduction target, based on an economy wide approach at the iNDC submitted to the UNFCCC in 2015.

TABLE 5 - Brazil and EU targets at the Paris Agreement

	2025	2030	Climate Neutrality
Brazil	37% up to 2025 compared to 2005 levels	43% up to 2030 compared to 2005 levels	2060
EU	-	40% up to 2030 compared to 1990 levels	2050

Sources: Brazil iNDC 2015; Brazil NDC 2020; EU iNDC; European Green Deal.

National policies towards reducing emissions are key priorities, especially considering the need to report to the UNFCCC the actions taken towards meeting the NDC. The implementation of the actions included at the NDC from 2021 on, will play an important role at the EU-Mercosur trade relations and cooperation.

TABLE 6 – Brazil economy wide actions towards meeting its target

- 1) Zero illegal deforestation in the Amazon by 2030
- 2) Full implementation of the new Forest Code
- 3) Compensate emissions from legal deforestation
- 4) Restore 12 million hectares of forests for multiple uses
- 5) Enhance sustainable native forest management systems
- 6) Restore 15 million hectares of degraded pastures
- 7) Encourage 5 million hectares of integration of agriculture-livestock-forests systems
- 8) Increase the share of sustainable biofuels to approximately 18% in 2030
- 9) Expand the use of renewable energy sources other than hydropower in the total energy mix to between 28 to 33% by 2030
- 10) Expand the use of non-fossil fuel energy sources domestically, increasing the share of renewables (other than hydropower) in the power supply to at least 23% by 2030, including by raising the share of wind, biomass and solar
- 11) Achieve 10% efficiency gains in the electricity sector by 2030
- 12) At the industry sector, promote new standards of clean technology and further enhance energy efficiency measures and low carbon infrastructure
- 13) In the transportation sector, further promote efficiency measures, and improve infrastructure for transport and public transportation in urban areas.

Source: Brazil iNDC 2015.

At the end of 2020 Brazil presented a subsequent NDC, confirming the target to reach 43% emissions reduction below 2005 up to 2030, and signalizing to pursue a climate neutrality goal up to 2060, which will be connected to the functioning of the market mechanisms of the Paris Agreement.

At the **Leaders' Summit on Climate** on April 2021 Brazil anticipated its goal to become carbon neutral up to 2050, curbing illegal deforestation up to 2030, the full implementation of the Forest Code, the continued advance of low carbon agriculture and the production of biofuels, as well as different renewable energy sources. Moreover, Brazil underlined the importance to create opportunities to more than 23 million people that live in the Amazon, pointing to bioeconomy as one solution.

The actions adopted and planned by Brazil and the EU arise from its values, needs, priorities and policies and should be the basis of both bloc actions towards speeding up their actions to reach the 1.5°C target. The EU-Mercosur Agreement can reinforce and contribute to the Parties efforts and implementation of national and international policies.

2.3 ACTIONS TO CONTROL DEFORESTATION ON PUBLIC AREAS AND FOSTER RESTORATION

Key facts:

- The **Amazon Plan 2021/2022** establishes a target to reduce 21% of deforestation up to 2022 compared to 2020 level. This is an initial step to retrieve a downward trajectory towards curbing illegal deforestation.
- At the Paris Agreement, Brazil proposed to restore 12 million hectares of multiple forests, as well as implementing 5 million hectares of integration of agriculture, livestock, and forests systems.

The compromises to reduce deforestation are connected to the Action Plan for Deforestation Prevention and Control in the Amazon (PPCDAm), launched in 2004, and the Action Plan for Deforestation and Fire Prevention and Control in the Cerrado (PPCerrado), launched in 2010. Due to PPCDAm efforts, deforestation rates fell by 84% from a high in 2004 to a low in 2012. Deforestation is concentrated in public non-designated areas and illegal actions. Monitoring and combating totally deforestation are challenging issues since it involves 64 million hectares and different actions that requires different policies. Although the deforestation numbers in Amazon are at its lower rates over the years, the recent increase in deforestation rates shed light to the need to increase international cooperation and to address efficiently illegal actions.

Data compiled using the PRODES deforestation rates for the Amazon shows that in the past 10 years the average rate of deforestation on private lands were 32%, while rural settlements, usually responsible for small areas 24.5%, private non-designated land 26.4% and Conservation Units 8.2%. That shows that policy measures works and remedies to tackle deforestation over these areas relies on different strategies and target different actors.



CHART 3 - Deforestation in the Legal Amazon by State⁹

Source: Terrabrasilis (2021).

The reduced rates of deforestation between 2008 and 2012 happened due to the reinforcement of monitoring and inspection and broad international cooperation to tackle deforestation. The resumption of growth in deforestation denotes the need to reinforce command and control actions, associated with the promotion of economic incentives and the generation of jobs and opportunities in the Amazon.

Some actions are being taking. In 2019 it was approved the establishment of the Executive Committee for the Control of Illegal Deforestation and the Recovery of Native Vegetation (CONAVEG, in Portuguese), composed by different Ministers with the aim

to propose, coordinate and define priorities towards curbing illegal deforestation and promoting restoration.

In 2020, the Ministry of Environment approved The National Plan to Control Illegal Deforestation and Recover of Native Vegetation 2020-2023. The Plan was structured around 6 targets: zero tolerance for illegal deforestation; land regularization; land use planning (ecological-economic zoning (EEZ) and consolidation of conservation units); payment for environmental service and bioeconomic.

The establishment of the Legal Amazon National Council, in 2020, managed by the Vice President, is an effort to plan, organize, implement, and communicate environmental, social and economic agendas related to the Amazon. The Amazon Plan 2021/2022 approved in April 2021 establishes a target to reduce 21% of deforestation up to 2022 compared to 2020 level. This is an initial step to retrieve a downward trajectory towards curbing illegal deforestation.

Achieving illegal deforestation in the Amazon is at the core of Brazil's actions to contribute the 1.5°C target of the Paris Agreement. Considering that 2021 is the first formal year of monitoring actions by Parties, strengthen public policies towards curbing illegal deforestation is extremely important. The implementation of the EU-Mercosur Agreement will play an important role by considering the role of responsible supply chains and international cooperation to manage public forests.

Beyond conservation of native vegetation, Brazil has also restoration as a key policy goal that is and will be implemented by the Forest Code. At the Paris Agreement, Brazil proposed to restore 12 million hectares of multiple forests, as well as implementing 5 million hectares of integration of agriculture, livestock, and forests systems.

Tackling illegal deforestation is an ambitious action of Brazil at Paris Agreement. Stimulate restoration of native vegetation and the effective implementation of the Forest Code are also strategic actions aimed at curbing deforestation. There is no single and simple solution to manage deforestation, and the implementation of the EU-Mercosur Agreement is an additional powerful tool to push for responsible supply chains and transparency over the agenda.

2.4 AGRICULTURAL PRODUCTION AND SUSTAINABLE DEVELOPMENT

Key facts:

- The significant increase in Brazilian agriculture productivity saved a land equivalent to 138 million hectares. Productivity growth and technology development reduce the need to expand the agricultural area.
- Brazil uses the technique of second and third crops areas, allowing to produce more in the same land and year, allowing nutrient cycling on soil which is fundamentally important to keep the soil fertility and generate zero environmental new impact.
- In the past 30 years, the pasture area used for livestock production reduced around 15% while productivity increased by more than 162%.
- The Low Carbon Agriculture technologies and practices between 2010 and 2018 allowed to reduce up to 170 Mg CO2eq, 115% of the compromise Brazil took to the Copenhagen Accord.
- The ABC+ is a public policy towards promoting low carbon and resilient agriculture as a strategy to foster innovation, investment and the sustainable development.

Brazil is a country of continental proportions, wide climatic variety and with a dynamic agribusiness sector of great importance for the national economy and for the world food supply. In 2020, Brazil was the largest producer of soybean, coffee, sugar, orange, pulp and paper, besides having a wide production of other commodities, such as corn, cotton and meat from cattle, poultry and swine.

This highlights the importance of Brazil as international trader and sustainability player to the achievement of SDGs. However, the Brazilian agriculture is much more complex and diverse. The size of the productive areas, the cultures produced and the level of technical assistance associated with the access to credit are factors that influence the results of the different agricultural systems. Gaps to reach markets are also a key challenge, especially for small scale products in regions that lack infrastructure. The family farming in Brazil represents 77% of the total rural establishments and 23% of the total rural area.

Producing honey, flowers, vegetables, fruits, flowers, nuts, cocoa, chickens, eggs, sheep and pigs, among other products, can add value per cultivated hectare. Artisanal, organic, agroforestry and agroecological production are systems that also allow to improve techniques and reach niche markets with products with higher added value.

In this sense, the cooperation between countries at the EU-Mercosur Agreement can positively create opportunities to use trade, technical assistance and investments as opportunities to generate even more win-win benefits.

2.4.1 PRODUCTIVITY INCREASE AS A TRIGGER FOR SUSTAINABLE PRODUCTION

The expansion of main Brazilian crops over the last 10 years was highly due to productivity increase, without the need to expand over need land. These productivity gains occurred mainly in crops with an already high level of productivity, such as soybean, maize or rice. In the last 10 years productivity growth has allowed an extra crop production of around 257 million tons.

Сгор	2009/10	2019/20	%
Soybean	2.9	3.4	15%
Maize	4.3	5.5	28%
1st harvest	4.4	6.1	37%
2nd harvest	4.2	5.5	31%
Rice	4.2	6.7	59%
Cotton seed	2.2	2.6	19%

TABLE 7 - Productivity (tonnes/ha) increase by crops in Brazil between 2009/10 and 2019/20

Source: Conab (2021).

The livestock sector has also shown efficiency gains in the past 30 years with a reduction of around 15% of pastureland, while the productivity (@/ha/year) of cattle production increased by more than 162% in the same period.



Source: Athenago. dados Agroconsult. Agrosatélite. IBGE. Inpe/Terraclass. Lapig. Prodes. Rally da Pecuária. Map Biomas, extracted from ABIEC 2020.

The significant increase in Brazilian agriculture and livestock productivity has been the result of technological adoption and best production practices, including soil conservation and sequential cropping (second harvest/winter crops) among others.

Productivity growth mitigates the need to expand the agricultural area to produce larger volumes and attending worldwide demand. It is estimated that it would be necessary an extra area of approximately 138 million hectares in 2019/20 to expand production if the productivity had been maintained as the 1976/77 harvest year. In other words, a land equivalent to 138 million hectares was saved in Brazil.



CHART 5 – Land-saving effect between 1976/77 and 2019/20

Source: Elaborated based on data from Conab (2021).

2.4.2 LOW CARBON AGRICULTURE

Brazil has a prominence in the usage of production techniques to reduce soil degradation caused by traditional agriculture. One of this is the no-till systems of soil management that decrease the usage and the impact of agricultural machinery usage. The result is the creation of organic soil and reduction GHG emissions.

Currently, 52% of the crop area (33 million ha) in Brazil are cultivated under no-till systems, used for soybean, maize, sugarcane, but also in cultures like tomato, onion and other horticultures. To have an idea, in France the no-till crop area represents only 3% (0.5 million) of total (FAO).

Another technique in Brazil is the integration systems and agroforestry, which is the usage of the same area with agriculture and livestock, used as an option to pasture recovery, generating agronomical, economic and environmental benefits such as promoting soil health and fertility. The forest component is also an alternative to diversify production, generate biomass and maintain animal welfare.

The area dedicated to integration crop-livestock-forestry (ILPF, Portuguese acronym) until 2016 is 12.61 million hectares. Between 2010 and 2016 alone, this area grew 46% (or 5,83 million hectares), making it possible to reduce GHG emissions between 22.10 and 36.40 Mg CO2eq¹⁰.

There is a potential of extra 10.8 million hectares of pasture areas in Cerrado that can adopt integrated production systems, on which the system with the largest potential to recover degraded pasture area is the integrated crop-livestock-forestry with 5.1 million hectares (Agroicone, 2020).

Also, Brazil uses the technique of second and third crops areas. These crops are planted in a multiple-cropping system in which two or more crops are planted in sequence on the same piece of land in a year. It represents around 30% of the total crops area in Brazil. Since the 1999/00 years, the second crop area has grown 156% when compared with 2019/20 years area, while the first crop area only grew 53%.

The double crop system of soy-corn is the most relevant in Brazil, where corn is planted after a soybean harvest in the same area. According to data from Conab, the share of second-crop corn on the total area used for corn production increased from 23% at the1999/00 harvest to 77% at the 2019/20 harvest.

In terms of policies, in 2011, as part of its commitments at the Copenhagen Accord, Brazil approved the **Low Carbon Agriculture Plan (so called ABC Plan)**, comprising technologies that can contribute to reducing GHG emissions, such as the no-till, recovery of degraded pastures, biological nitrogen fixation, integration crop-livestock-forestry, management

of manure, planted forests. The implementation of the ABC Plan has already showed important results to the development of sustainable agriculture, as below.

ABC Technologies	Unit of measure	Goal	Partial reach	% of goals
Recovery of degraded pasture		15	10.45	70%
Crop-Livestock-Forest integration		4	5.83	146%
No-Tillage system	Million ha	8	12.72	159%
Biological Nitrogen Fixation		5.5	10.64	193%
Planted Forests	-	3	0.783	26%
Animal Waste Treatment	Million m³	4.4	4.51	103%

TABLE 8 – ABC Plan goals partial reach

Source: MANZATTO et al. (2020).

From 2010 to 2018, the adoption of low carbon agriculture technologies reached 52 million hectares, an area compared to 1.5 times Germany territory. When the Plan was launched, the target was to reduce from 133 to 163 Mg CO₂eq and the measurement between 2010-2018 allowed to reduce up to 170 Mg CO₂eq, 115% of the initial target.¹¹

A study conducted by the Image Processing and Geoprocessing Laboratory of University of Goiás (LAPIG/UFG), found that around 26.8 million hectares of degraded pastures were recovered between 2010-2018, which is extremely relevant to increase productivity in the areas, intensify the production, reduce emissions and avoid the need to expand production over new areas.¹²

Low carbon agriculture is part of the Brazilian NDC at the Paris Agreement, with a target to recover 15 million hectares of pastures, adopt 5 million hectares of integration of agriculture-livestock-forestry and push forward the Forest Code implementation.

Another co-benefit from the adoption of good practices and technologies that allow to improve productivity, is the substitution of pasture by agricultural systems. From 2000 and 2019, 9 million hectares of pastures were occupied by agricultural systems in Cerrado 2.8 million hectares in Amazon.

On April 2021, the Ministry of Agriculture announced the ABC+ as a new policy comprising mitigation, adaptation and an integrated landscape approach. The ABC+ towards promoting low carbon and resilient agriculture should be approved before COP26, as a strategy to foster innovation, investment, and development of sustainable agriculture.

¹² Dynamics of Brazilian pastures: Occupation of areas and signs of degradation - 2010 to 2018. https://www.gov.br/agricultura/pt-br/ assuntos/noticias/estudo-mostra-reducao-de-26-8-milhoes-de-hectares-de-pastagens-degradadas-em-areas-que-adotaram-o-plano-abc/ Relatorio_Mapa1.pdf

Brazil's involvement at the UNFCCC discussions on agriculture, at the Koronivia Joint Work on Agriculture, allows to connect low carbon agriculture as a broad concept involving not only mitigation technologies, but also adaptation arising from agricultural practices, management and technologies.

Between the 2010/11 and 2020/21 crop years, USD 3.2 billion have been disbursed in a total of 55.7 thousand contracts (MAPA, 2020). The public credit to low carbon agriculture is known as the ABC Program, and the Agricultural Plan also finances low carbon technologies using different programs outside the ABC umbrella.



3 RENEWABLE ENERGY AT THE CORE OF BRAZILIAN SOLUTIONS TOWARDS CARBON NEUTRALITY

Key facts:

- In 2020, renewable sources represented 48% of the energy matrix in Brazil, with sugarcane products representing 39.5% of this share. In Europe, renewable energy sources share is 19.5% from the total energy matrix. The average in OECD is 11%.
- Brazil has a strong agenda to promote renewable energy and to reduce emissions, and the share of renewables at the electric matrix represents 84.8%. Biofuels, biomass, solar, wind and other sources expand every year.
- The GHG balance of Brazilian sugarcane ethanol is up to 90% lower compared to fossil fuel and the use of ethanol has prevented the emission of 552 million tons of CO2eq into the atmosphere until 2021.

Renewable energy is at the center of Brazil efforts when it comes to promote sustainable development. The production and consumption of energy is fundamentally important to allow a mix of different sources of energy, promote competitiveness and investments, and assure energy security, as foreseen in SDG7.

Renewable energy in Brazil represented 48% of the energy matrix in 2020. The share of renewables at the electric matrix represented 84.8%, with wind, solar and biomass powers expanding every year.

Sugarcane products accounted for 19.1% of the energy matrix, being the first most important renewable source. Sugarcane generates ethanol, from 1st and 2nd generations, bioelectricity from bagasse and straw and biomethane from burning vinasse. Biomass for bioelectricity uses only 15% of its potential, and can achieve up to 148 thousand GWH, and represents 30% of the energy consumption.

In 2020, Brazil replaced 47% of its gasoline needs with ethanol in two different ways: through pure ethanol (E100) and the blending of 27% of ethanol into the ethanol (E-27).

A new technology, launched in 2019, enables electric and ethanol source in a hybrid flex engine. Ethanol is also at the frontline of technological development as a solution to generate hydrogen, as the fuel of the future.

Biodiesel is another important agenda in Brazil. The National Biodiesel Production and Use Program aims to implement a sustainable program including the production from family farming, assuring minimum prices, quality and supply, and to produce biodiesel from different raw materials, strengthening regional potential.

The addition of biodiesel to diesel oil ranges from 15% to 10%, according to regulations that are periodically approved. In 2020 Brazil produced 6.4 billion liters of biodiesel, using vegetable oils, fats and residues such as used cooking oil.

The production and use of different sources of renewable energy is at the core of Brazilian actions towards contributing to the Paris Agreement 1.5°C goal. From the increase in biofuels, to the expansion of biomass, solar, wind and other sources, Brazil has strong agenda to promote renewable energy and to reduce emissions.

To stimulate the production of different biofuels, Brazil approved the National Biofuels Policy, known as **RenovaBio** (Law N^o 13,576 of December, 26th of 2017). The Policy aims, through a market mechanism, to increase the share of renewable fuels in Brazil's energy matrix to consequently reduce its carbon footprint. The Program has two pillars:

- The eligibility criteria require deforestation-free biomass supply and compliance with environmental regulations (which in Brazil includes compliance with the Forest Code). Only such biomass is accepted in the program.
- The reduction of GHG compared to fossil fuel. The GHG emissions reductions are calculated using an attributional Life Cycle Assessment tool called RenovaCalc.

Based on the efficiency of the production and processing of different biofuels, it is possible to calculate its life cycle analysis and to generate the Emission Reduction Certificates (CBIO), which represents 1 ton of CO2 eq and is commercialized with the fuel blenders that have annual targets to meet.

The RenovaBio program aims to promote different biofuels based on sustainability criteria and GHG balance as the Brazilian strategy towards fostering reliable and green renewables, a key component of the country actions at the climate change agenda. Renovabio is the Brazilian policy, such as the European Renewable Energy Directive, the Low Carbon Fuel Standard from the California Air Resources Board (CARB), the Renewable Fuel Standard of the United States Environmental Protection Agency (EPA), and other programs worldwide.

According to the Brazilian National Petroleum Agency (ANP, Portuguese acronym), in 2020 18.5 million CBIOs were generated, of which 14.5 million were negotiated in the first year of the Policy, representing an achievement of 98% of the 2019-2020 goal stablished by ANP. According to Brazilian Sugarcane Industry Association, around 65% of Brazilian mills have already been certified by RenovaBio Program and can generate carbon credits. These mills represent around 85% of Brazilian ethanol production.



CHART 6 – Renewable sources on the energy matrix in Brazil, the EU and the World

In Brazil, emissions related to energy production are relatively less than in other regions According to EPE (2020), to produce 1 MWh in Brazil, the electric sector emits 1/3 of the EU's emissions, 1/4 of USA's emissions and 1/6 of China's emissions.

Source: EPE; International Energy Agency, Eurostat (2020) and EPE (2021).



4 SUSTAINABLE SUPPLY CHAINS

Key facts:

- The EU-Mercosur Agreement ambitions to foster the responsible management of supply chains will promote several advancements based on companies and sectors policies and commitments.
- The Brazilian industry has an important role regarding sustainable development through sustainable forest management, renewable energy, recycling, bioeconomy, deforestation and labor rights.
- The Brazilian private network is in the third position in the Local Networks Ranking of the Global Compact Local Networks, aimed at advancing the implementation of the Ten Principles and business engagement on the SDGs at the national level.
- The implementation of the EU-Mercosur Agreement will inaugurate an opportunity for the private sector to cooperate, monitor, exchange experiences and trade as a basis to foster sustainable development.

The Trade and Sustainable Development Chapter of the EU-Mercosur Agreement has a specific article on trade and responsible management of supply chains. This reflects the role of business from manufacturing, services and agriculture sectors as well as of organizations and other stakeholders.

It is expected that private stakeholders take lead on the implementation of several SDGs, putting jobs and education, food security and nutrition, technology and innovation, climate change actions, renewable energy and partnerships at the center of business activities. To illustrate this, it is relevant to present some examples of the Brazilian business that are directly linked to sustainable development subjects at the core of the EU-Mercosur Agreement.

 Sustainable Forest Management: up to 2020, there were 1 million hectares of forests under concession to sustainable forest management. Timber from sustainably managed forests is one of the strategies to avoid deforestation and to generate a thriving economy based on the forests. The planted tree industry are upfront examples when it comes to produce multiple renewable products based on good production practices. It is estimated that their 9 million hectares of planted trees stocks approximately 1.88 billion tCO₂ eq, and the native vegetation conserved along with the productive areas, nearly 6 million hectares, stores 2.6 billion tCO₂eq.

The livestock sector also has initiatives to push environmental and social standards from the value chain, starting from the rancher's role to comply with environmental laws, adopt good practices, reduce GHG emissions, and deliver meet with lower impacts. Some examples are leader companies in the sector that financially contribute to the development of the local communities, as well as to scientific and technological development. Another example is the recently announced agreements of companies with the Green Fund to finance sustainable practices on livestock production, including small ranchers, traceability, and deforestation control.

Planted forests are the basis to produce green steel. Brazil is the main global producer of charcoal, accounting for 12% of the world's production. It is estimated that 1.6 tons CO₂eq is avoided for every 1 ton of pig iron produced from charcoal instead of mineral coal. In 2018, Brazil produced 6.5 million tons of pig iron from charcoal from planted forests. It means that the use of coal was responsible for avoiding the emission of 10.5 million tons of CO₂ eq, which is equivalent to more than 10% of all emissions from the Brazilian industrial sector. Brazil is a unique country that has a "green steel" and thus a more sustainable steel industry.

- 2) Renewable energy: the involvement of the industry at the climate change agenda shows that, even though industrial processes respond to 6% of Brazil emissions, there are strong commitments towards reducing emissions. Production in Brazil relies on renewable energy, use of biomass and residues, energy efficiency and alternative raw materials. For example, from 1990 to 2019, the carbon intensity of cement was reduced by 18% while cement production grew by 220%. In 2019, the cement industry adopted the Technological Cement Roadmap, putting forward a target to reduce its emissions by 33% up to 2050.¹³
- 3) Recycling is another key topic for several sectors. Recycled aluminum accounts for about 56% of the total volume of consumption of aluminum products in Brazil, while the global average is 26%. In the case of aluminum beverage cans, it reaches 97% in Brazil. The use of recycled aluminum helps to reduce carbon footprint, compared to the use of aluminum obtained from ore, and Brazil is among the highest aluminum recycling rates in the world.

¹³ Technological Cement Roadmap, https://coprocessamento.org.br/wp-content/uploads/2019/11/Roadmap_Tecnologico_Cimento_ Brasil_Book-1.pdf

- 4) Bioeconomy agenda is a good example of how the industry is integrated with the sustainable use of biodiversity and genetic resources. Cosmetics, products from the socio-biodiversity, genetic engineering, biochemistry, biorefinery, bioproducts and other technological routes based on biodiversity and natural resources connects the industry to the development and implementation of projects aligned to key SDGs. Moreover, this agenda opens an enormous role to investments and cooperation, which may be promoted using the EU-Mercosur Agreement as a basis.
- 5) **Deforestation**: private sector actions have also been effective to help controlling deforestation. The Soybean Moratorium is an example. It is an initiative between the private sector, NGOs and other stakeholders, and it has been enacting a strict monitoring system to control deforestation in soybean areas since 2008. In the 102 municipalities monitored under the Moratorium, the average deforestation before 2008 reached 9,974 km² per year. Between 2008 and 2019, these figures dropped to 2,405 km² per year. The monitoring shows that in the crop season 2019/2020, 108.409 thousand hectares were found not in compliance with the Moratorium criteria, representing 2% of the soybean area in the Amazon biome in the crop year 2019/2020.
- 6) Labor rights: textile and apparel industry, for example, is engaged to initiatives to promote and monitor the achievement of labor and social rights within the producing chain. The Sustainable Fashion Lab initiative between producers and retailers in Brazil, together with the ILO, aims to address and transform workers reality in Brazil through education, capacity building, entrepreneurism and work equality. The ABVTEX Program is another initiative comprising different stakeholders of the apparel and footwear sectors to implement the best compliance practices among suppliers and subcontractors.
- 7) **Global Compact**: the engagement of Brazilian companies at the United Nations Global Compact is a clear proof of engagement and action towards responsible supply chains. The Brazilian network is in the third position in the Local Networks Ranking of the Global Compact Local Networks, aimed at advancing the implementation of the Ten Principles and business engagement on the SDGs on the national level.

These seven mentioned topics demonstrate that Brazilian private sector is engaged with the sustainable development agenda. The implementation of the EU-Mercosur Agreement will inaugurate an opportunity to cooperate, monitor, exchange experiences and trade as a basis to foster sustainable development.



5 BRAZIL AND LABOR STANDARDS AT THE EU-MERCOSUR AGREEMENT

Key facts:

- The EU-Mercosur Agreement comprises the labor agenda enshrined at ILO, its Conventions and its work towards promoting labor and human rights.
- Brazil has implemented 90% of ILO's fundamental Conventions. Other economies such as South Korea, Indonesia, Singapore and Vietnam have implemented between 50% and 90%.
- In comparison to countries with which the EU has trade agreements, Brazil is the country that has implemented more ILO Conventions.

The EU-Mercosur Agreement brings a unique opportunity to engage and cooperate to promote and strengthen actions towards safeguarding extremely relevant labor rights that are recognized and adopted worldwide.

Trade and social issues are intertwined agendas, and the rules addressing it at the Agreement must work as a permanent and common basis to achieve SDG 8 in its entirety.

In the past hundred years, the ILO has adopted 188 conventions on topics such as forced labor, child labor, gender discrimination, social security, working hours and occupational health and safety. Since it includes the multilateral framework to its text, EU and Mercosur countries demonstrate common objectives on the and common view regarding the progressive enforcement of labor policies and measures.

5.1 ILO FUNDAMENTAL CONVENTIONS

ILO Fundamental Conventions establish the core obligations to States on the respect, promotion and implementation of internationally recognized labor standards. Currently, there are eight Fundamental Conventions. Brazil has duly ratified all, except one. In comparison to countries with which the EU has trade agreements, Brazil is the country that has implemented more of these Conventions and since earlier, in the 1950s.

ILO Fundamental Conventions	Australia	Brazil	Canada	China	Indonesia	Mexico	New Zealand	S. Korea	Singapore	Vietnam	EU*
Forced Labour Con- vention, 1930	1932	1957	2011	x	1950	1934	1938	X**	1965	2007	\checkmark
Freedom of Asso- ciation and Protec- tion of the Right to Organize Conven- tion, 1948	1973	x	1972	x	1998	1950	x	X**	x	2019	\checkmark
Right to Organize and Collective Bar- gaining Convention, 1949	1973	1952	2017	x	1957	2018	2003	X**	1965	1997	\checkmark
Equal Remunera- tion Convention, 1951	1974	1957	1972	1990	1958	1952	1983	1997	2002	2020	\checkmark
Abolition of Forced Labour Convention, 1957	1960	1965	1959	x	1999	1959	1968	x	x	X***	\checkmark
Discrimination (Employment and Occupation) Con- vention, 1958	1973	1965	1964	2006	1999	1961	1983	1998	x	1997	\checkmark
Minimum Age Con- vention, 1973	x	2001	2016	1999	1999	2015	x	1999	2005	2003	\checkmark
Worst Forms of Child Labour Con- vention 1999	2006	2000	2000	2002	2000	2000	2001	2001	2001	2000	\checkmark

TABLE 9 – ILO's Fundamental Conventions in force in Brazil and in key countries, and year of entry into force

*The European Union Countries have ratified the Conventions in different years.

** The Convention will enter into force on 22 April 2022.

*** The Convention will enter into force on 14 July 2021

Note: the "X" represents countries that have not ratified the Conventions so far.

Source: NORMLEX – Information System on International Labour Standards (2021).

5.2 ILO PRIORITY CONVENTIONS

The ILO Priority (or Governance) Conventions are well known for having set out guidelines that allow the smooth functioning of the international labor standards system. Within this context, ILO Members are strongly encouraged to ratify these instruments. Currently, there are four Governance Conventions. Brazil has duly ratified all the Governance Conventions, except one.

Country/Convention	Labour Inspection Convention, 1947	Employment Policy Convention, 1964	Labour Inspection (Agriculture) Convention, 1969	Tripartite Consultation (International Labour Standards) Convention, 1994
Australia	1975	1969	X	1979
Brazil	1989	1969	X	1994
Canada	2019	1966	X	2011
China	X	1997	X	1990
Indonesia	2004	X	X	1990
Mexico	X	X	X	1978
New Zealand	1959	1965	X	1987
S. Когеа	1992	1992	X	1999
Singapore	1965	X	X	2010
Vietnam	1994	2012	X	2008
EU*	\checkmark	X Luxembourg and Malta	X Austria, Bulgaria, Cyprus, Greece, Ireland and Lithuania	X Luxembourg

TABLE 10 - ILO Priority Conventions ratified by Brazil and by key countries, and year of ratification

*The European Union Countries have ratified the Conventions in different years. Note: the "X" represents countries that have not ratified the Conventions so far.

Source: NORMLEX – Information System on International Labour Standards (2021).

Brazil has not yet ratified the Labor Inspection (Agriculture) Convention (No. 129). However, the country provides strict rules with equivalent protection in its national legislation through Regulatory Standards – NRs. Also, Article 7, item XXII of the Brazil's Federal Constitution recognizes the need to guarantee the appropriate conditions for ensuring the employee's integrity, and the right of reducing "employment-related risks by means of health, hygiene and safety rules".

Likewise, it establishes the employer's duty to provide insurance coverage for its workforce and states the Federal Government's responsibility for organizing, maintaining and carrying out labor inspections. Chapter 5 of the Consolidation of Labor Laws ("CLT", in Portuguese acronym) imposes an obligation on employers to enforce and comply with occupational health and safety standards, beyond advising the employees or workers on taking measures to prevent diseases and job-related accidents. Brazil has an extremely important regulation that relates to Convention 81's objectives, specifically to regulate work on agriculture activities. The regulation remotes to the decade of 1960, with the approval of the Rural Worker Statute and, more specifically, the rules on work inspection from 1978. The evolution of the agenda led to the approval of the "Occupational Health and Safety in Agriculture, Livestock, Forestry, Forestry and Aquaculture, Regulatory Standard NR 31", in 2005.

The standard establishes rules to be observed in the organization and in the rural work environment in order to make compatible the planning and the development of activities in the sector compatible with the prevention of accidents and illnesses related to rural work. In October of 2020, the Regulatory Standard 31 was approved with amendments¹⁴. The figure below highlights the scope and the rights regulated by NR31.





Source: Regulatory Standard 31, Portaria 22.677, from October 22, 2020.



CALL TO ACTION: THE IMPLEMENTATION OF THE EU-MERCOSUR AGREEMENT IS A STEPPINGSTONE TOWARDS FOSTERING SUSTAINABLE DEVELOPMENT

The EU-Mercosur Agreement is anchored in a very comprehensive Trade and Sustainable Development Chapter. The rules governing the application of trade and investment measures from an environment and labor perspective can effectively guide the Parties towards implementing all the subjects of the Agreement with an explicitly connection to the SDGs.

The entering into force of the Agreement is a condition to call the Parties to the full attention on many sustainability areas, especially actions and targets regarding the Paris Agreement. EU and Mercosur should also follow their obligations on international treaties and, therefore, adopt their levels of protection accordingly.

With the Agreement, the EU and Mercosur have the opportunity to strengthen the current cooperation and the sustainability standards between both regions.

In this regard, the Agreement should favor the equivalence of measures adopted by countries in order to reach common labor and environmental goals, allowing for effective actions against global challenges that affect each country particularly.

Along with public actions, the involvement of the private sector is fundamental to guarantee a full and broad implementation of actions that can deliver mitigation, adaptation, financing and other actions. The EU-Mercosur Agreement has rules and a prominent role to play while recalling multilateral agreements on environment, labor, biodiversity conservation, sustainable management of forest, climate change and the use of genetic resources.

Brazilian business is committed to push forward the implementation of the Agreement accordingly and beyond its Trade and Sustainable Development Chapter. Moreover, to cooperate, based on a spirit of compromise, to clarify and to promote any issue regarding the environmental and labor agenda related to the production of Brazilian goods.

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