



BRAZIL'S INDUSTRIAL PLAN

CNI'S PRIORITY PROPOSALS FOR THE FIRST 100 DAYS OF GOVERNMENT

BRASILIA, JANUARY 2023



Brazilian National Confederation of Industry
THE FUTURE OF INDUSTRY

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CNI

Industrial Development and Economy Directorate – DDIE

CATALOGING IN PUBLICATION DATA

C748p

Brazilian National Confederation of Industry.

Brazil's Industrial Plan: CNI's priority proposals for the first 100 days of government / Brazilian National Confederation of Industry. – Brasília : CNI, 2023.

26 p. : il.

1. Industry 2. Proposals for the industry. 3. Plan for the government. I. Title.

CDU: 338

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PRESENTATION

REINDUSTRIALIZATION IS AN ESSENTIAL CONDITION FOR BRAZIL'S RETURN TO CONTINUED AND SUSTAINABLE GROWTH

Brazil's industry is shrinking, which is diminishing the country's ability to carve out a better place in the world. Over the last ten years (2011-2021), Brazil's Gross Domestic Product (GDP) grew by an average of only 0.4% per year, mainly because the manufacturing industry shrunk by an average of 1.5% per year. Over the same period, GDP in agriculture and livestock grew by 2.5% and GDP in services by 0.7%. The expansion of agriculture and livestock alone is not enough to guarantee growth or compensate for the economic losses caused by disinvestment in the industrial sectors.

In Brazil, we are witnessing deindustrialization and the growing share of primary products in exports. In 2021, three commodities alone – iron ore, soy, and crude oil – accounted for about 40% of Brazil's foreign sales. In 2001, these commodities accounted for only 11%. The share of high and medium-high technology goods in exports fell from 33.3% in 2001 to 14.2% in 2021.

Brazil needs a strong industry. Government policies to support agriculture and livestock have been instrumental in consolidating the country as the third largest exporter of agricultural products, accounting for 5.14% of global exports of these products in 2021. However, the performance of this sector itself is at risk because without a strong, modern, and innovative industry there is no competitive and sustainable agribusiness.

Most countries recognize the strategic importance of the industry and have adopted development policies for the sector. At least 84 countries, accounting for more than 90% of the world's GDP, have adopted formal industrial policies over the past ten years, in part due to the economic success of Asian countries.

Recently, the most advanced economies such as the United States, Japan, Germany, and the other members of the European Union have intensified their industrial development strategies in response to the technological and environmental changes in the world. They were also driven by the problems brought by the COVID-19 pandemic and the war in Ukraine, which exacerbated global geopolitical conflicts and movements to reorganize global value chains.

Brazil needs to act urgently to address the challenges and seize the opportunities of the new global context. Our country has the potential to be a leader in decarbonization. Currently, about 80% of Brazil's electricity mix is made up of renewable energy sources, one of the cleanest in the world. We also have a rich biodiversity that puts the country in a unique position for the development of new materials and we have a diversified production structure. Brazil can benefit from the restructuring of value chains, which could generate \$8 billion in profits for Brazilian exports, according to a study by the Inter-American Development Bank (IDB).

By accelerating economic growth and increasing tax revenues, support for the industrial sectors will give the country the room it needs to overcome severe tax restrictions.

Investing in the industrial sectors has the power to boost growth: each R\$1.00 produced in the industrial sector generates R\$2.44 in the overall economy. Accounting for 70% of corporate investment in R&D, the sector is also an important source of innovation in the economy. With a consistent and effective industrial development agenda, Brazil has all the prerequisites for strong and sustainable growth that creates jobs and income for the population.

Robson Braga de Andrade

President of CNI

SUMMARY

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1 INTRODUCTION

Brazil is going through a complex and challenging time, but one that also offers many opportunities that cannot be missed. The international scenario and the domestic economic context recommend that Brazilian industry offer alternatives to the President, so that the new government can take the necessary measures to reindustrialize Brazil as soon as possible. Only then will our country be able to get back on the path of development in a sustainable and inclusive way.

To this end, the Brazilian National Confederation of Industry (CNI) is preparing its contribution to the resumption of industrial development, which is fundamental to economic growth. **Brazil's Industrial Plan** will make public the proposals to expand investment, manufacturing production, and exports on a modern and innovative basis to enable the competitive introduction of the country in global value chains.

In this first moment, we present a group of 20 proposals aimed at subsidizing government actions in the first 100 days of the new government. This group summarizes the priority proposals that will pave the way for the implementation of the Plan to resume the growth of industry and the Brazilian economy.

To resume growth of the national economy, it is essential to plan and implement a modern industrial policy in line with best international practices, which includes investments in innovation, research and development, with a focus on sustainable social-ecological technologies, energy efficiency, renewable energy production, and digitalization of government processes. Another key factor is building a solid governance structure that will ensure smooth and effective implementation of actions.

The country needs to transform its comparative advantages into competitive advantages, above all using its green potential, to develop public policies that allow national companies to consolidate their technological dominance in strategic value chains.

The world's major countries have been pursuing active industrial policies for some time, a trend that has clearly intensified in recent years. There are many government incentive plans developed by them to encourage investment and ensure global competitiveness for certain sectors, technologies, and products.

Brazil cannot ignore this global movement. Throughout its history, the country has built a strong and more diversified industry than Organization for Economic Cooperation and Development (OECD) average. Our manufacturing industry was once ranked eighth in the world, but we are losing strength, illustrated by the loss of participation in world production, which has fallen from 2.09% in 2006 to 1.28% in 2021.

Despite economic policies that have paid little attention to national industry in recent decades, the sector still contributes 23.6% of Gross Domestic Product (GDP), 71.8% of exports, and 66.4% of corporate investment in Research and Development (R&D). More importantly, the sector's growth has a positive impact on the rest of the economy. For every R\$1.00 produced by the industrial sector, it generates an increase of R\$2.44 in the overall economy.

Industry also finances the Brazilian State to a much larger extent than its share of the economy. In 2020, this sector accounted for 38% of federal taxes, plus Social Security contributions and the Tax on the Circulation of Goods and Services (ICMS).

In addition, it secures a significant part of jobs with higher qualifications and better pay. Despite this significant contribution to the economy, the Brazilian industry received a contribution of 12.13% of the tax expenditure listed in the 2021 Budget Bill (*Projeto de Lei Orçamentária - PLOA*), which is less than 0.4% of the GDP.

Therefore, it can be said that the contribution of resources to public policies for strengthening Brazilian industry is clearly disproportionate compared to its contribution to the economy. This imbalance is extremely damaging, especially at this time of restructuring of global production chains. We can and we should prepare for a more competitive introduction of our industry in the international scenario while there is still time, breaking our isolation observed in the last decades.

It is time to make the right decisions so as not to miss the opportunities that are opening up to our country in an unprecedented way in the new external environment. We have one of the cleanest energy mixes in the world, we have a great diversity of natural resources, and a diversified industry ready to respond to the incentives of a modern industrial policy.

Therefore, it is urgent and essential to mobilize public and private efforts to revitalize domestic industry and accelerate growth in a sustainable manner.

In this context, we should work with fiscal responsibility, but also with a focus on long-term development, to strive for greater efficiency, productivity and competitiveness, which are necessary for sustainable growth.

It should be pointed out that the proposals presented in this document do not rely only in creating incentives or reducing taxes. On the contrary, they look for urgent solutions to remove the burdens to investment, the production cycle and exports.

For a true industrial policy to achieve the expected results, it should be linked to reducing the so-called "Brazil Cost" – a term that summarizes the systemic challenges facing Brazilian entrepreneurs. Challenges such as: excessive red tape, a lack of legal certainty, a chaotic and distorting tax system, scarce and expensive financial resources, deficits in the training of our human capital, and a high level of informal employment, to name just a few.

Some of these burdens, it should be emphasized, represent a real forced loan from the private sector to the state. Among them, the tax wedge stands out, penalizing longer production chains, those with higher value added and those incorporating modern technologies, and which, for the most part, belong to the industrial sector.

In this age of digital economy with electronic tax accounting and computerized returns, there is no reason to wait for the full implementation of the Tax Reform to solve this tax injustice that still prevails in our tax system, such as the undue accumulation of tax credits and the failure to pay those credits in a timely manner.

The country also needs a comprehensive and efficient infrastructure. However, total investment in infrastructure, taking into account both the public and private sectors, has slumped from 2.46% to 1.65% of GDP between 2010 and 2020. For the public sector, the amount invested annually is not even enough to cover depreciation on existing assets. The dramatic decline in public investment in infrastructure, in addition to cuts in funds for export financing and guarantees, help explain the sharp decline in industrial share in both Brazilian GDP and world manufacturing output.

The proposed measures to revitalize national industry also include the need to implement a sound international trade and integration strategy and to improve financing policies and public guarantees, as well as the need to increase funding for public-private partnership projects as key initiatives to attract new investments in logistics and infrastructure.

It should also be noted the importance of government support for innovation, research, and technology policies, including to advance the low-carbon and bioeconomy agenda, as well as human resource training and skills development. Without such a policy, sustainable industrial development on the desired scale will not be possible.

We have many challenges to overcome. On the one hand, to increase productivity and competitiveness of national production. On the other hand, to ensure a favorable economic environment with adequate policy guidelines, predictability, good regulation and governance, essential factors for the legal security of the undertakings that are to be encouraged, especially those financed with private resources.

This document presents the **priority proposals for the first 100 days of government** that will be part of Brazil's Industrial Plan to be presented by CNI in the first quarter of 2023. The measures have been prioritized according to importance and feasibility. Measures have also been included that, despite their complexity, are essential to boosting economic growth and should therefore be initiated as soon as possible.

In addition, this document presents bills currently being appraised in the National Congress, the approval of which are also important for the revitalization of industry and economic growth in Brazil.



2 LIST OF PRIORITY PROPOSALS FOR THE FIRST 100 DAYS OF GOVERNMENT

1) IMPLEMENT AN INDUSTRIAL POLICY

Develop and implement a modern industrial policy, in line with the current scenario and best international practices, which formulates missions to accelerate the resolution of collective problems, based on Brazil's Industrial Plan to be presented by CNI.

2) APPROVE THE TAX REFORM

Prioritize the consumption tax reform currently under discussion in the National Congress through Constitutional Amendment Bill (PEC) 110/2019.

3) STIMULATE INVESTMENT THROUGH ACCELERATED DEPRECIATION

Edit a rule to authorize accelerated depreciation of capital goods when calculating IRPJ and CSLL to stimulate investment.

4) STIMULATE INNOVATION

Improve the current incentive mechanisms for research, development, and innovation (RD&I) and provide the necessary financing.

5) RECREATE THE EXPORT FINANCING AND GUARANTEE SYSTEM

Recreate the Official Export Financing and Guarantee System on new foundations, bringing it closer to international rules and standards, with strong support from – and financial coverage by – the Brazilian Development Bank (BNDES) and ensuring the necessary budgetary resources.

6) CREATE AN IMPLEMENTATION STRATEGY FOR THE BRAZILIAN NDC AND FOR A REGULATED CARBON MARKET

Prepare and clearly communicate the concrete measures to implement the Brazilian Nationally Determined Contribution (NDC) and approve the Basic Law to regulate the Carbon Market in Brazil.

7) AUTHORIZE THE AUTOMATIC OFFSET OF TAX CREDITS AND REVITALIZE THE 'REINTEGRA' PROGRAM.

Issue a rule that allows for the automatic and ongoing offset of tax credits from exports and increase the REINTEGRA rate as long as this rule is not implemented.

8) ESTABLISH BNDES AS A PROMOTER OF REINDUSTRIALIZATION AND INCREASED PRODUCTIVITY

Prioritize BNDES' role as a promoter of industrial modernization and increased productivity through innovation, foreign trade, and the low-carbon economy.

9) ACCELERATE THE PROCESS FOR BRAZIL'S ACCESSION TO THE OECD

Intensify efforts towards Brazil's accession to the OECD and create a governmental structure to support this process, allowing the collaboration and active participation of society and the private sector.

10) PROMOTE DECENTRALIZATION AND COMPETITION IN THE NATURAL GAS MARKET

Promote decentralization and competition in the natural gas market through regulation for negotiated and non-discriminatory access to essential natural gas infrastructure, the Gas Release program, and the harmonization of state regulations.

11) ACCELERATE BRAZIL'S INTERNATIONAL INTEGRATION

Accelerate Brazil's international integration based on a comprehensive trade negotiation agenda and prioritizing the conclusion and internalization of the Mercosur-European Union Agreement without reopening negotiations.

12) EXTEND THE DEADLINE FOR THE PAYMENT OF FEDERAL TAXES

Issue and approve a bill or provisional measure to extend the payment term for federal taxes (PIS/ Cofins, IGE, FGTS, INSS, and IRPJ/CSLL).

13) MODERNIZE THE ENVIRONMENTAL LICENCING PROCESS

Modernize the environmental licencing process to ensure that this instrument not only promotes environmental protection, but also ensures the conditions for socio-economic development.

14) GUARANTEE THE FINANCIAL AUTONOMY OF THE INPI

Edit a legal norm to transform the Brazilian Institute of Industrial Property (INPI) into an Agency to ensure its financial autonomy and ensure the modernization of its procedures based on international standards and best practices.

15) INCREASE INVESTMENT IN INFRASTRUCTURE

Ensure increased public investment in infrastructure and further encourage private investment by expanding and accelerating the Concessions and Public-Private Partnerships (PPP) Program.

16) ESTABLISH THE NEW HIGH SCHOOL MODEL

Ensure the full implementation of the new High School model, especially the technical and vocational education itinerary, with the support of Social Service of Industry (SESI) and National Service of Industrial Training (SENAI).

17) CREATE THE BOARD OF LABOR APPEALS

Advance toward modernization, reduction of red tape, and legal certainty on labor law through measures such as the creation of the Board of Labor Appeals.

18) ENSURE THAT PRONAMPE AND PEAC FUNDS ARE PERMANENT

Provide by law that funds recovered under the National Support Program for Micro and Small Enterprises (Pronampe) and the Emergency Program for Credit Access (PEAC) remain permanently available in the respective guarantee funds and may be used to cover new operations.

19) MODERNIZE APPRENTICESHIPS

Modernize apprenticeships as a tool to promote youth employability, especially at the High School level.

20) FIGHT ILLICIT TRADE

Improve dialogue between the private sector and Brazilian authorities to detect and fight illegal trade practices.



3 BILLS CURRENTLY BEING PROCESSED IN THE NATIONAL CONGRESS THAT ARE PRIORITY FOR THE INDUSTRY

1) **Constitutional Amendment Bill (PEC) 110/2019 – Tax reform**

It is the most important structural reform for resuming investment and economic growth. The Substitute Bill presented by Senator Roberto Rocha (PSDB/MA) promotes the consumption tax reform by adopting the Dual VAT (Value Added Tax) model, introducing two taxes on consumption and abolishing ICMS, ISS, and PIS/Cofins.

2) **Bill of Law (PL) 414/2021 – Modernization of the Electricity Sector**

The text approved by the Federal Senate proposes a reorganization of the regulatory model of the electricity sector, equitably expanding the free electricity market, and restructures the granting of subsidies, which promote deep distortions.

3) **Bill of Law – PL 4416/2021 – Extension of term of regional development incentives in areas covered by the Amazon Development Superintendence (SUDAM) and the Northeast Development Superintendence (SUDENE)**

The bill extends the term of tax incentives in the areas covered by SUDAM and SUDENE until 2028, which is important to maintain the investment capacity in the North and Northeast Regions and avoid negative impacts on the local economy.

4) **Bill of Law (PL) 2148/2015 and its annexes – Regulation of the carbon market**

The bill provides for the integration between the regulated and voluntary markets for carbon emissions and reductions, allowing for international economic integration and investments in technology and conservation that are important for the country to meet its international commitments to a low-carbon economy.

5) **Bill of Law (PL) 4188/2021 – Legal Framework of Guarantees**

The bill establishes the new Legal Framework of Guarantees through the creation of a specialized guarantee administration service and changes in the extrajudicial execution of mortgages.

6) Bill of Law (PL) 4944/2020 – Deductions of PD&I Expenses in the “Good Law”

The bill amends Law No. 11196/2005 (the “Good Law”) to allow the excess percentage of expenses with technological research excluded from the net profits of companies to be used in subsequent years. It also adds a benefit for amounts paid up in investment funds and for micro or small enterprises and allows the use of the benefit even in the event of a tax loss.

7) Bill of Supplementary Law (PLP) 178/2021 – National Law for the Simplification of Secondary Tax Obligations

The bill creates the National Law for the Simplification of Secondary Tax Obligations to reduce the cost of complying with tax obligations and to encourage taxpayers' compliance.

8) Bill of Law (PL) 5670/2019 – Authorization for Multifunctional Work

The bill allows the individual employment contract to be concluded by specificity, by predominant function or by multifunctionality. In the case of the latter, it specifies that it must not be required of the employee that they perform a more complex activity than their main competence.

9) Bill of Law (PL) 5518/2020 – Forest Concessions

The bill amends the Public Forest Management Law to make forest concessions faster and more economically attractive.

10) Bill of Law (PL) 3236/2020 – Regulate the Social Security Limbo by allowing the company physician to request the extension of the sick pay leave

This bill is critical to solve the problem known as the social security limbo, i.e., the situation in which the INSS revokes the payment of the social security benefit and determines the employee's return to work activity, but the company physician certifies the employee's inability to work during the reinstatement examination and recommends their leave. Thus, the employee is placed in a situation in which they do not receive either remuneration or the INSS benefit.

11) Bill of Law (PL) 2159/2021 – Legal Framework for the Environmental Licencing Process

The bill establishes the Legal Framework for the Issuance of Environmental Permits. The Substitute Bill adopted by the Chamber of Representatives provides a set of general rules that make the issuance of environmental permits more predictable and streamlined.

12) Bill of Supplementary Law (PLP) 33/2020 – New Law on Judicial or Extrajudicial Reorganization of Micro and Small Enterprises

The bill establishes the Legal Framework for Re-entrepreneurship, introducing new judicial and extrajudicial forms of debt renegotiation, in order to avoid micro and small companies bankruptcy.

13) Bill of Law (PL) 576/2021 – Regulatory Framework for Offshore Wind Energy

The Substitute Bill, approved by the Senate Committee on Infrastructure, establishes the regulatory framework for the exploration of offshore energy potential through an authorization or concession granted by the Executive Branch.

14) Bill of Supplementary Law (PLP) 125/2022 – Taxpayer Protection Code

The bill creates the Taxpayer Protection Code, establishing general rules governing the rights, guarantees, obligations, and procedures applicable to the legal relationship between the taxpayer and the Public Treasury of the Federal Government, the state governments, the Federal District government, and the municipal governments.

15) Bill of Law (PL) 6494/2019 – Articulation of secondary-level technical vocational education with professional learning

The bill includes in the Guidelines and Bases of Nation Education that high school technical professional education can be articulated with Professional Learning.

16) Provisional Measure (MPV) 1152/2022 – Transfer pricing rules

The Provisional Measure amends IRPJ and CSLL tax legislation in order to align Brazilian Transfer Pricing rules to the OECD standards.

17) Provisional Measure (MP) 1148/2022 – Worldwide Income Taxation (TBU).

The provisional Measure extends to Brazilian multinational enterprises a 9% tax credit and overseas earnings consolidation mechanisms until 2024. These tax adjustment mechanisms are important to bring tax isonomy to Brazilian companies and would expire on December 31, 2022. If they were not extended, there would be an increase in taxation of Brazilian companies, making their competitiveness disadvantage bigger when compared to foreign multinationals.

18) Overturn veto on Bill – PL 3401/2008 – Disregarding the legal personality of the company

The bill had been discussed for over a decade in the National Congress, leading to the adoption of a balanced text, which was completely rejected by the Executive Branch. The text intended to create a uniform set of judicial procedures in order to avoid the misuse of the direct liability of the members and administrators of companies.

19) International agreements

Approve international agreements currently sitting in Congress, such as the Mercosur Trade Facilitation Agreement (MSC 512/2020 – Bill of Legislative Decree (PDL) 164/2022), the Mercosur Agreement on the Mutual Protection of Geographical Indications (MSC 601/2020 – Bill of Legislative Decree (PDL) 165/2022), the Mercosur Protocol on Public Procurement (MSC 599/2018 – Bill of Legislative Decree (PDL) 928/2021), and the Mercosur-Colombia Services Protocol–(MSC 520/2021 – Bill of Legislative Decree (PDL) 169/2022).

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EDITORIAL PRODUCTION, GRAPHIC DESIGN AND LAYOUT

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