MINISTRY OF FOREIGN AFFAIRS
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SOURCING SOY FROM BRAZIL

Risk Mapping and Mitigation

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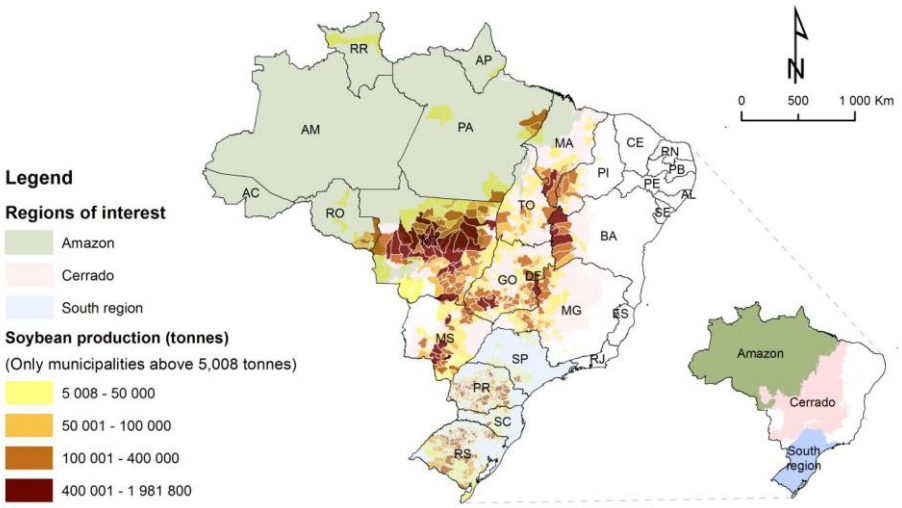
CONTENTS

1 INTRODUCTION

The note is aimed at Danish companies that purchase or consider purchasing soy from Brazil or that for other reasons are exposed to sustainability risks related to the Brazilian soy supply chain.

The objective is to map the current landscape of risk and mitigation strategies in Brazil. As such, the emphasis is on issues still outstanding, which should in no way belittle the many achievements already made, the great majority of compliant and sustainable producers in Brazil, nor the positive prospects and ambitions of the new Brazilian administration. Indeed, the hope of the authors is that this report will give insights into the many promising risk mitigation initiatives and building blocks already available in Brazil. The note is thus meant to supplement and bring these together with potential risk areas in the soy supply chain being the mere starting point for the forward-looking analysis.

Over the past decades, production of soy has experienced significant growth in Brazil, which is now the largest single producer of soy globally. Production is concentrated in certain areas:



Source: Soy risk assessment Brazil (Preferred by Nature)

With the above caveat, the expansion of soy production in Brazil has to some extent been associated with a number of social and environmental issues, such as deforestation and ecosystem conversion, greenhouse gas emissions, biodiversity loss, excessive pesticide use, contamination of water bodies and impacts on human health among workers and nearby communities, land tenure conflicts and displacement of indigenous communities[1].

[1] A road to import of traceable, responsibly produced and deforestation-free soy: Perspectives of Danish and European stakeholders by Bosselmann, Aske Skovmand & Dolmer, S.E.N., 2022.

This note does not cover all such aspects of responsible sourcing from Brazil[2]. Instead, it goes into depth with risks and possible mitigating measures focussed on deforestation and related rights issues[3].

It first describes the concentrated nature of soy related deforestation in Brazil and sets out an account of the current status in terms of tackling deforestation, when sourcing soy from Brazil.
This section focuses on:

- Private certification schemes in the context of the impending EU regulation on deforestation due diligence.
- Trader initiatives and downstream initiatives and expectations from the consumer goods industry.

Looking forward, the note outlines possible due diligence strategies focused on deforestation. Deforestation due diligence, when sourcing from Brazil, is necessarily complex since no federal and universal traceability system yet exists. At the same time, the soy deforestation risk in Brazil is highly concentrated (both geographically and in terms of farms concerned). On this background, this note therefore describes a mix of mitigation approaches:

- Emerging private certification trends.
- Exemplary initiatives at industry and landscape scale.
- Ways of checking the deforestation risk intensity related to different municipalities and exporters.
- A guide for downstream buyers to decode soy traders' sustainability reports and ask the right questions.
- Known "pitfalls" to look out for when sourcing from the Amazon and Cerrado. These includes requirements of;
    - Cross-checks between satellite-based geo-monitoring, and the environmental rural farm registry (**CAR**) to verify for deforestation;
    - Checks for deforestation leaks by means of indirect suppliers and triangulation ("soy washing"),
    - Internal procurement and blocking systems on the seller side,
    - Checks for interdictions to produce on land used in violation of the deforestation limits in the Brazilian forest code (so-called embargoes),
    - Checks for sourcing from properties on the official slave labour list as well as for properties encroaching on indigenous lands.
- The possibility of drawing upon geo-monitoring companies with no conflict-of-interest to verify a procurement protocol given the

[2] One starting point for such broader CSR issues can be the risk mitigation guide published by Preferred by Nature: Soy-Brazil. See also CSR Risk Check.

[3] For a useful overview, the Accountability Framework Initiative has published a list of Risk Assessment and Monitoring Tools covering various aspects, commodities and geographies (including Brazil) of deforestation, ecosystem conversion, and human rights abuses associated with commodity production, including environmental and social risk assessment and monitoring of supply chains and commodity origins.

importance of independent outside audits and checks of above issues.

Lastly, some forward-looking due diligence developments are briefly introduced.

Important note: both market and legislative status, expectations and requirements are evolving dynamically. This report constitutes no official recommendation, approval or indication of any mitigation measure's compliance therewith. It represents best efforts but does not substitute companies' own due diligence duties and does not claim to be complete, exact and up-to-date in all respects. The Danish Ministry of Foreign Affairs cannot be held liable for its use, which is merely meant as a starting point and guide of inspiration. The Trade Council (part of the Danish diplomatic mission in São Paulo) is, however, available to help Danish importers update or develop their current due diligence strategy for soy import from Brazil – please refer to section 6 for our contact details.

2 ENVIRONMENTAL ASPECTS

DEFORESTATION

Researchers agree that pasture extensification is the leading direct driver of deforestation in South America. Only around 10 % of deforestation is directly driven by soy. More common, however, is that soybean replaces pasture, and this dynamic may be expected to continue due to projected growth in soybean production and past clearing of forest.

The forest clearings driven by soy are highly concentrated in the active deforestation frontiers. One study by Trase, Insituto Centro da Vida and Imaflora (2020) found that 27 % of the total deforestation in Mato Grosso took place on soy farms. Another study conservatively estimated that 28.3 % of total deforestation in 2020 in the Cerrado (that accounted for 40 % of Brazil's soy production in 2018/19) was linked to soy expansion. The global reporting 2021 by the Danish Energy Agency has confirmed the dominant position of soy in the Danish import of agricultural commodities potentially related to deforestation.

Soy-related deforestation is relatively concentrated in specific locations. The above-mentioned study on deforestation in Mato Grosso estimated that over 80 % of the soy produced on farms where illegal soy deforestation took place, is exported to global markets, of which 14 % goes to the EU. 80 % of the illegal deforestation took place on only 2 % of the farms in the state. Another study similarly estimates that approximately 20 % of soy exports from the Cerrado and the Amazon combined may be contaminated by illegal deforestation, but that only 2 % of farms in these biomes are responsible for 62 % of potentially illegal deforestation.

This exemplifies the concentrated nature of deforestation in Brazil and the benefits of traceability checks to avoid importing deforestation. Fortunately, Brazil is richly endowed with the building blocks necessary to build a working traceability system such as the country's Forest Code, Rural cadastre (CAR) and satellite monitoring capacities.

BIODIVERSITY

In Brazil (as well as Argentina, Paraguay and Bolivia), soy expansion results in biome loss and degradation. Various biomes of high conservation status are being affected by this expansion with negative consequences for biodiversity. In Brazil, the most rapid expansion and intensification of soy production currently takes place in the Cerrado, while production in the Amazon is increasing more slowly. A vast, diverse area of dry grassland, woodland, forests and wetlands, the Cerrado once covered nearly one quarter of Brazil. However, around half the natural vegetation has been lost to the intensification of soy production.

3 TACKLING DEFORESTATION: STATUS

PRIVATE CERTIFICATION SCHEMES

For soy, a number of market based certification standards are available. Some of the most widely acknowledged third party schemes elaborated in cooperation between NGOs, companies et al. are Round Table on Responsible Soy (RTRS) and ProTerra. In addition, there are a number of corporate certifications run by the global soy trading companies such as Cargill, Bunge, ADM, Amaggi etc.

The standards of these schemes and certifications cover various aspects of responsible soy sourcing such as deforestation, use of agrochemicals, working conditions, human rights and local communities, but can differ (significantly) in the details[4].

The European Feed Manufacturers federation (FEFAC) has elaborated Soy sourcing guidelines based on the definitions in the Accountability Framework, including with an important criterion 34 on conversion free soy. The latter criterion is not yet - but in all likelihood soon will be - mandatory - to achieve compliance with the guidelines.

Together with the ITC (a trade organ in the UN family), FEFAC has developed a search instrument for private certifications of soy. Here it is possible to choose non-conversion (i.e. of natural eco-systems such as forests etc. to soy) after a certain date and the preferred supply chain model and the search engine will come up with private certification schemes that live up to your choice. These are private certifications, cf.

[4] Independent comparative analysis is not easy to get by. For an international example (expected to be updated soon) click here. For a Danish example, cf. pp. 10 and appendix II in A road to import of traceable, responsibly produced and deforestation-free soy

above. The Danish Ministry of Foreign Affairs does not hereby give them a stamp of approval.

The use of certification systems can contribute to complying with importing companies' due diligence obligations provided they can guarantee no-deforestation after the cut-off date in the regulation, and that they offer segregated and fully traceable to farm supply chains.

However, they cannot be expected to constitute an automatic due diligence green lane nor to release operators of their responsibilities under said EU-regulation. Moreover, the EU Commission's proposal for a regulation on due diligence requirements for deforestation free imports of certain commodities, including soy, likely will demand adaptation of the supply chain model and the certification schemes. Indeed, the Commission's impact assessment accompanying its proposal highlighted the abundant literature on certification schemes shortcomings in terms of governance, transparency, clarity of standards, reliability of monitoring systems etc.

Some NGO-sources believe that RTRS segregated is the only option that provides reasonable assurance[5]. At present it is reportedly only about 0.7 percent more expensive than the market. However, there is not a lot of supply (only about 0.1 percent of Brazilian farms are RTRS certified), so it has clear limitations in terms of scalability.

According to persistent hearsay in the market, RTRS has another solution in the pipeline (cf. footnote 1, p. 23). A kind of mass-balance model, where part of the soy is RTRS certified and other parts not certified, but guaranteed deforestation free in accordance with the Commission's due diligence proposal. Details and timing of release are not known.

PRIVATE SECTOR INITIATIVES AT POLICY LEVEL

The Soft Commodities Forum brings together six major agribusinesses to advance collective action on a conversion-free soy supply chain. It focuses on sourcing in 61 priority municipalities in Brazil, where 70 percent of soy expansion into native vegetation takes place thus representing a targeting of traceability to high-risk regions.

These commendable efforts are not without critics. In essence, the criticism by civil society, is that so far these efforts shed light on the amount of sourcing from indirect suppliers, but not on how much thereof is actually deforestation and conversion free nor on procurement consequences to the extent that it is not.

Publicly available benchmarking of soy traders' performance indicates that there is substantial room for progress for all traders and did not reveal a group of leading soy traders are able to guarantee sustainable soy supply chains.

[5] See also the international comparative study

The Consumer Goods Forum – 'Forest Positive Coalition' published guidance for suppliers and traders in December 2021. It involves elements of transparency, such as on the proportion of the supply chain that is deforestation and conversion free, on the methodology used to measure progress, on the procedure to detect non-compliances and on procurement consequences in case thereof. The guidance involves having a policy to eliminate conversion in the supply chain consistent with a sectoral agreement (such as the soy moratorium), and no later than 2020. However, timelines for implementation are left for the individual supplier and trader to define.

INDUSTRY AGREEMENTS

Of particular note is that the Norwegian Salmon Industry has signed an agreement with traders (CJ Selecta, Caramuru and Imcopa/Cervejaria Petrópolis) covering their entire operations - not only supplies to the salmon industry - in the Cerrado, including indirect suppliers.

Under this agreement, no soybean crops produced on land converted after August 2020 will be allowed into supply chains, and the new standards will apply to future purchase contracts. According to reports, at least the two first traders were audited to this effect[6].

According to the World Wildlife Foundation (WWF), the agreement outlines a robust monitoring, verification, reporting and verification (MRV) system to implement and enforce traders' deforestation and conversion free commitment. An industry-wide replication of this agreement elsewhere would be highly desirable. In this meantime, it can serve as a valuable lead for individual companies.

Another example of a collective industry-wide agreements include the UK Soy manifesto whose purpose is to ensure that all physical shipments of soy to the UK are deforestation and conversion free by means of cascading credible and aligned commitments all the way up the supply chain to traders and producers.

Recognized advantages of such industry-wide supply chain approaches are that they seek to: deliver on the due diligence regulations, ensure legal compliance, have effects beyond individual companies, and to avoid leakage and market segregation.

[6] It is recommended, in particular, to check the status of the last mentioned company as it has entered a cooperation arrangement with another trader (Bunge) with unknown possible impact on the salmon agreement.

4 DUE DILIGENCE STRATEGIES

DIALOGUE WITH BUSINESS PARTNERS ON SUSTAINABILITY: THE DEVIL IN THE DETAIL

Deforestation is not a recent phenomenon when sourcing soy from Brazil and most soy traders have corporate policies on deforestation and related issues. This makes the issue of definitions and follow-up of central importance. How is deforestation and conversion defined; How are they tracked and measured; from which date are they excluded and to which extent; which parts of the supply chain are covered by the exclusion; how is progress measured; how is compliance monitored and enforced/which procurement blocking systems are in place in case of breaches etc.

In this context, the Accountability Framework Initiative provides a widely recognized and consensus-based reference/standard that supports companies to apply due diligence on environmental and human rights processes in a manner consistent with prevailing expectations. In doing so, it also clarifies terminology by providing globally applicable definitions, for example of deforestation and conversion.

Soy traders regularly publish sustainability reports. Brazilian NGO Imaflora has recently together with the Nature Conservancy published a guide to help downstream buyers of soy or derived products to decode sustainability reports and – based on the Accountability Framework - ask traders the right questions on the methodology and indicators used. Using the guide can be a useful first step to bring about increased transparency and accuracy on progress made in deforestation and human rights aspects of sustainability reports.

TRASE: A DEFORESTATION RISK MAPPING TOOL

Trase is a sustainable supply chain mapping tool based on production, trade and customs data It shows trade flows from municipality of origin, exporter group, importer to destination country and the associated sustainability risks. Trase estimates the deforestation exposure of a commodity buyer (exporter, importer or country) in its supply chain, based on the jurisdictions it is sourcing from and the level of deforestation in those jurisdictions.[7]

Trase offers transparency for due diligence risk assessment and can contribute to mitigation of such risks by identifying deforestation hotspots in light of the geographically concentrated nature of soy-driven deforestation in Brazil.

[7] Below follow just a few simple examples of what Trase can do. Professional users can go more in-depth. Questions to info@trase.earth.

A recent soy explainer from Trase has thus pointed out that just 309 or 13% of Brazil's 2388 soy-producing municipalities accounted for 95% of Brazil's soy deforestation between 2015-2019. Clearly, in these municipalities increased due diligence efforts are warranted, whereas the exposure to deforestation in the remaining 87% is clearly much more manageable, cf. below on Trase limits and complements.

In terms of distribution of risk in actual imports, the concentration of risk may be even more marked. A recent Trase study of Germany's direct import soy-related deforestation risk thus showed that 61,6 percent is concentrated in just 3 municipalities with about 50 percent concentrated in just one municipality. The methodology exists and can be replicated to Denmark.

The above mentioned soy explainer contains an interactive map that allows a visualisation of the absolute and relative soy deforestation and conversion exposure and thus an implicit ranking. Relative deforestation (**RD**) is expressed as hectares deforested pr. kiloton trade - ha/kiloton. It thus takes trade volume out of the equation and provides a direct comparison of the intensity of the deforestation and conversion exposure of the various traders.[8] There are (sometimes very) significant differences involved.

Alternatively, a new feature in Trase supply chain called data explorer allows you to compare the relative deforestation exposure of various exporting or importing companies or of various regions of production (states or municipalities).

You can also compare a company across various regions of production on the data explorer. The standard interface of Trase supply chain as well allows you to go into more filtering detail by checking for example the relative deforestation risk of a given supplier in a given municipality (again: the differences across municipalities are considerable), and will easily show you the 50 municipalities in which the company concerned is most exposed.

TRASE LIMITS AND COMPLEMENTARY MONITORING AND TRACEABILITY TOOLS

The very significant RD differences between traders and municipalities are a useful transparency tool for a first-level due diligence check because they are built on real-life trade statistics.

Trase typically operates with a time-lag of some 3 years, and was recently updated with numbers from 2019 and 2020.[9] As a forward-looking complement, Trase is expected to soon publish an analytical tool

[8] Care should be taken in cases of (related) companies with similar names. In case a company is difficult to find on the interactive map, Trase supply chain has a search and company profile functions with information about soy deforestation exposure.

[9] Further, Trase's standard version on trase.earth does not capture complex re-export for example when soybean is transformed to soymeal in another European country thereby changing HS-code before re-export to Denmark. However, this methodology

whereby one can estimate the likelihood that areas deforested after a recent cut-off date will be converted into soy cultivation in future.

In addition, Trase does not directly attribute responsibility for deforestation to producers, as it (typically) does not have access to data on precise sourcing patterns back to individual farms.

On this double background, the Accountability Framework Initiative (cf. footnote 6) has developed a risk assessment tool to manage deforestation risk in supply chains combining Trase and Global Forest Watch Pro.

The purpose is to create a complementary traceability and monitoring tool as Global Forest Watch Pro can go back to either jurisdiction, supply shed or farm level and uses geospatial data to monitor forests in near real time. In addition, it can assist with reporting (benchmarking and assessing progress over time. In short, the risk assessment tools provides a way to map supply chains, assess risk, manage suppliers, and monitor and report results.[10]

DEEPER-LEVEL DUE DILIGENCE

The Amazon Soy Moratorium is recognized as one of the most successful voluntary measures to curb commodity driven deforestation being on a landscape scale. The first question to check for when buying soy from the Amazon biome is whether the trader is a signatory to the Soy Moratorium Agreement (**SMA**). The signatory traders to the SMA are supposed to block anyone who clears forest after July 22nd, 2008, aligning with the Brazilian Forest Act.

Actual procurement and audit compliance with the soy moratorium is, however, a significant challenge with several critical risk areas being pointed out in the yearly independent audit report of the SMA[11] Leaving this untackled would risk exposing your company to reputational downside in terms of deforestation leakage.

One way to deal with this could be to ask your supplier to document that he is signatory to the SMA and if the last yearly independent audit report of the soy moratorium drawn up by the assessment committee of the soy working group or the individual public summary report of the

now exists as per above-mentioned German study and can no doubt be replicated to Denmark to give a more complete picture.

[10] Deforestation Risk Toolset | Accountability Framework (accountability-framework.org)

[11] Relatorio_Ciclo_Auditoria_Soja_na_Linha_060-7039_ING.pdf (soyontrack.org). That the SMA is not perfect is also seen by recent numbers from Trase according to which 133.000 há of deforestation linked to soy production had taken place by 2020 over the previous decade in areas which were supposed to have been protected by the moratorium since 2008, cf. the soy explainer mentioned in the section above on Trase. Similar (slightly bigger) numbers reportedly abound in the private sector.

signatory concerned has defined the supplier's compliance with the SMA.

The following refers to known deforestation leakage in the (implementation of) the SMA, but they are also relevant as mitigation strategies when sourcing outside Amazon biome:

The first question to check for is whether procurement blocking systems are up-to-date in terms of farms covered and whether it takes account of leakage in the shape of 1) non-soy related illegal deforestation on the farm, and 2) the illegal deforestation taking place on other farms owned by the same farmer/company.

On this background, a due diligence strategy could be to ask your supplier to document that a third party verification by a recognized certification body has checked that his *internal procurement and blocking systems are up to date* with properties registered in the environmental rural cadastre (CAR) after 2018, including with CPFs[12] and geo-monitoring covering 100% of suppliers and cross-checked with CAR geographic coordinates to avoid the buyer sourcing soy from a farm with *illegal deforestation on other plots than those dedicated to soy* and from farm-owners with *other farms with illegal deforestation.*

Transparency on the proportion of supply chain volume that is traceably deforestation-free to specific direct and *indirect suppliers* at each stage of the supply chain is also highly relevant especially in the context of the impending EU regulation on deforestation-free products. Incomplete monitoring of indirect soy suppliers (such as cooperatives, warehouses and other aggregators) is also reportedly a source of deforestation leak in the implementation of the SMA.

On this background, a due diligence strategy could be to ask your supplier to document that – at least for the purposes of the lot sold - he has only sourced from indirect suppliers such as cooperatives, warehouses and other aggregators that have a management system in place to check for and block 1) properties with illegal and legal deforestation after [cut-off date], 2) properties subject to state and federal IBAMA embargoes[13], 3) properties on the slave labour list of the Labor Inspection Department of the Ministry of Economics, and 4) properties encroaching on indigenous territories. The seller could usefully further guarantee that a third party verification by a recognized certification body has verified the existence and application of these criteria.

Another aspect related to indirect supplies is the one of *triangulation* and the use of a *productivity indicator*. Soy triangulation is a purposeful

[12] The CPF or Natural Persons' register is the Brazilian individual taxpayer registry identification.

[13] IBAMA is the Brazilian environmental supervision, monitoring and control agency. An embargo is an interdiction to produce on land used in violation of the deforestation limits in the Brazilian Forest Code.

action, where a producer who has a farm with deforestation sells his production through another farm to deceive the monitoring systems of the buyers. A productivity indicator is a limit for the amount of soy that a certain farm area can reasonably be expected to produce based on a benchmark in the geography concerned. In case of significant overruns, this is an indicator of triangulation.

On this background, a due diligence strategy could be to ask your supplier to document that a third party verification by a recognized certification body has verified the existence and application of criteria to avoid soy triangulation and excess of the productivity indicator.

Another risk mitigation would be to check that no sourcing takes place from properties with *environmental embargoes* (interdictions to produce on land used in violation of the deforestation limits in the Brazilian Forest Code) nor from properties that overlap with the *slave labour* list of the Labor Inspection Department of the Ministry of Economics.

On this background, a due diligence strategy could be to ask your supplier to document that a third party audit by a recognized certification body has verified the seller has not sourced from properties on the federal Ibama embargo list nor the slave labour list of the Labor Inspection Department of the Ministry of Economics and that a third party verification by a recognized certification body has monitored if suppliers of the seller are on the state embargo list.

A complex and sensitive aspect of soy sourcing from Brazil is the one of avoiding sourcing from farms that encroach upon/overlap with *Indigenous land*. One option is to operate with the standard of the protocol used for monitoring commitments made by Brazilian meatpackers for the purposes of sourcing cattle in the Amazon.[14]

On this background, a due diligence strategy could as a minimum be to ask your supplier to document that he has blocked properties which according to a geo-monitoring system overlap with Indigenous Land as laid down in above mentioned monitoring protocol.

The above mentioned guide by Imaflora and the Nature Conservancy also contains helpful questions that downstream buyers can ask of soy traders on the methodology and corrective measures that traders' use in their human rights due diligence, including on indigenous peoples' rights.[15]

[14] 1599054238-monitoring_protocol_cattle_suppliers_amazon.pdf (beefontrack.org) , cf. p. 15 for indigenous lands. Increasing attention to this issue has been seen during the negotiations on the due diligence deforestation regulation. In addition, "violation of the indigenous peoples' right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired in accordance with Article 25, 26 (1) and (2), 27, and 29 (2) of the United Nations Declaration on the Rights of Indigenous Peoples" also forms part of the scope of the directive proposed in 2022 on Corporate Sustainability Due Diligence.

[15] Cf. p. 16.

DRAWING UPON GEO-MONITORING COMPANIES FOR COMPLIANCE CHECKS WITH YOUR PROCUREMENT PROTOCOL

A possible course of action is to draw upon a private geo-monitoring company to assist you with monitoring your supply chain and compliance with your procurement protocol.[16] There are several such companies in the Brazilian market (make sure to check for absence of conflict of interest). One illustrative example with clients in the consumer goods sector is called SafeTrace, which can help design compliance checks.

SafeTrace can do most of the checks pointed out in the due diligence section above. Checks on indirect suppliers (such as when a trading house has bought the soy from a warehouse, cooperative or producer association) is still a challenge. However, it is possible that this could change in the foreseeable future for at least some traders. If so, this will be implemented in the company's platform dedicated to indirect supplies called Conecta.

Finally, state embargoes constitute another challenge for private companies like SafeTrace as they are not publicly available for automatic verification in all Brazilian states. However, they should be so in some of the main soy producing states such as Mato Grosso, Goias and Tocantins.

5 LOOKING AHEAD

The Soy-on Track initiative involved in the Soy Moratorium and its independent audit report is preparing a Framework on Verification and Auditing Deforestation/Conversion-free Soy Supply Chain. It is recommended to keep an eye on this exercise and its outcome as reliability of the auditing is key to avoid deforestation leakage and reputational risk.

The OECD and FAO are known to be preparing a handbook (with German financing) on how companies can better implement deforestation-free value chains. The WWF through the Danish Alliance for Responsible Soy plans to deliver guidance to corporations (and financial institutions) to eliminate deforestation & conversion from their beef and soy supply chains and investment portfolio in South America. This initiative is called the DCF implementation toolkit. It is recommended to keep an eye on this toolkit as well.

[16] NB: This cannot, however, be expected to replace operators' own legal responsibilities under the incoming EU-regulation on due diligence and deforestation.

6 OUR CONTACTS

The Trade Council in Brazil stands ready to help companies and institutions with an interest in understanding sustainability risks related to the Brazilian soy sector. We can help you reach out to relevant partners but also assist on ground with concrete due diligence activities based on our many years of experience in the food and agro sector and vast local network within sustainable value chains.

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