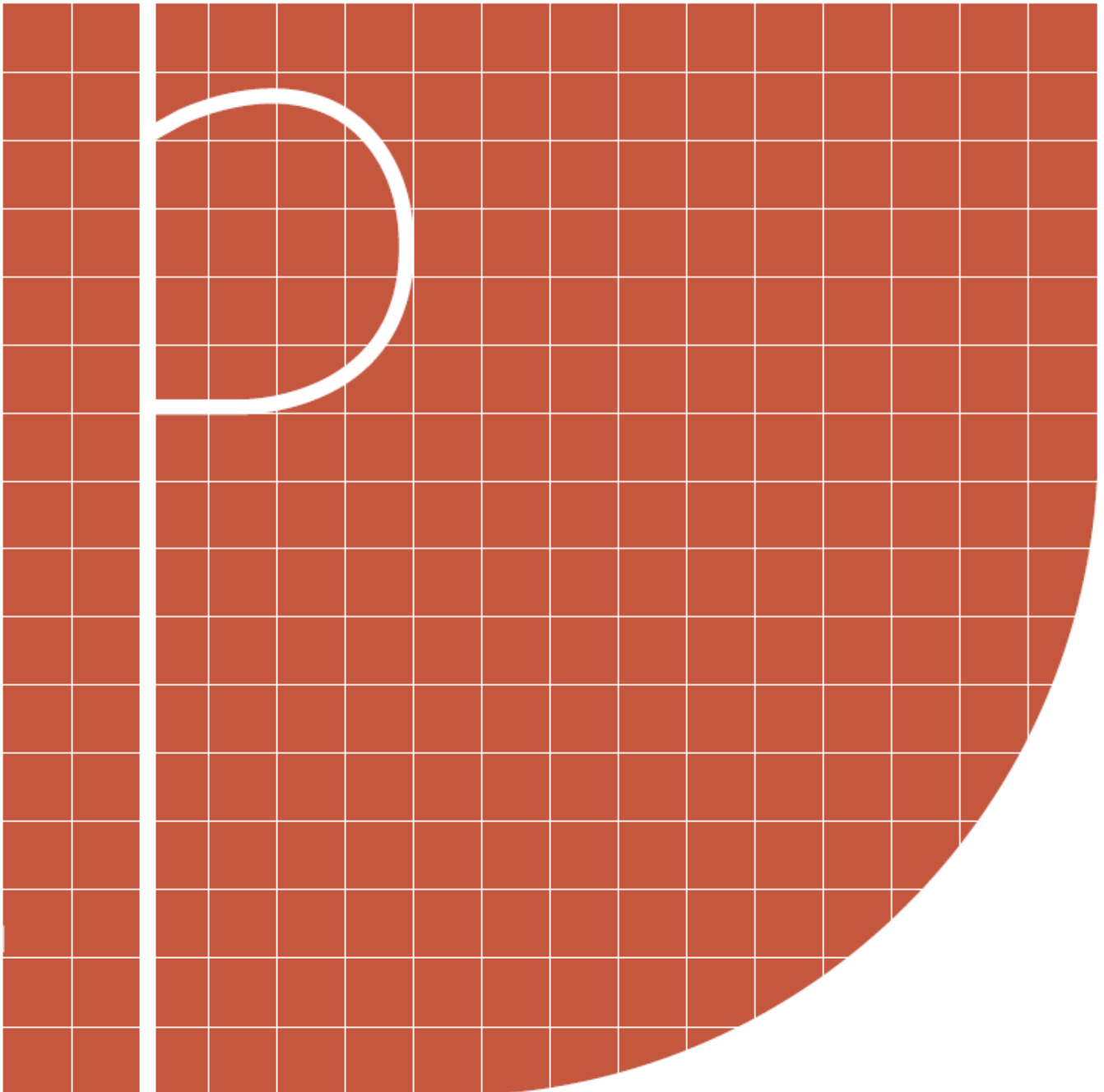


Paper:
Mercosur

Environmental, social and health regulations too far apart that recall the principle of 'reciprocity'





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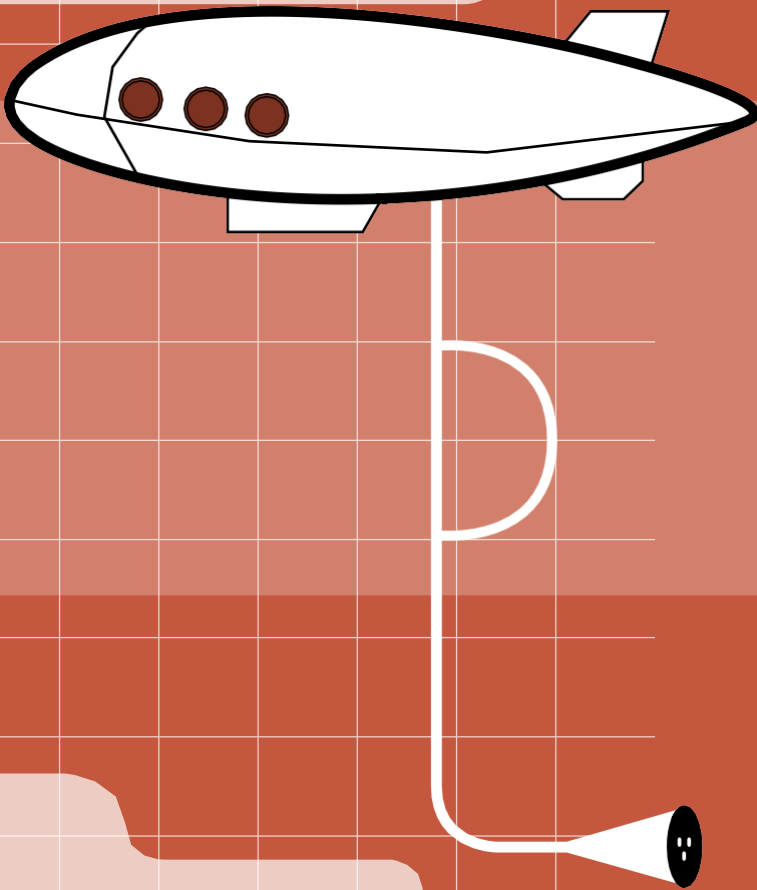
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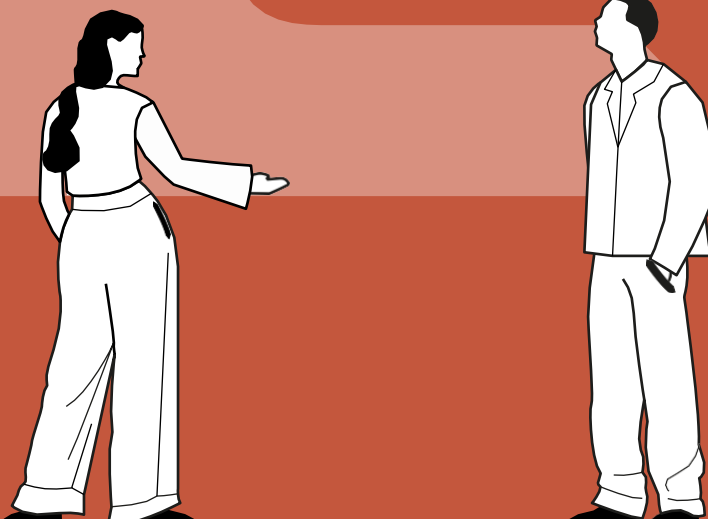
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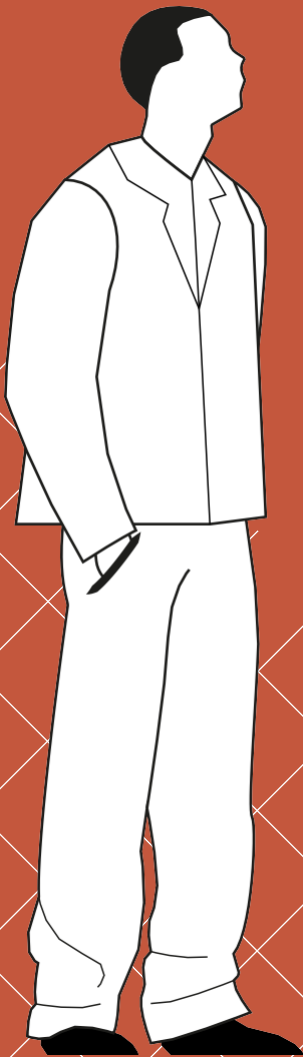
Mercosur is the common market of South America made up of Argentina, Brazil, Uruguay and Paraguay. Europe imports various products from these countries, in particular agricultural goods. However, the Mercosur area is characterized by production standards that are decidedly lower than those of the EU. This situation recalls the importance of the principle of 'reciprocity' or common rules in commercial relations. Yet, let's try to understand more.

We are hearing more and more of 'Mercosur' and the Principle of reciprocity. But what exactly is it?



Abstract

- On 28 June 2019, after 20 years of negotiations, an agreement in principle was reached on the Free Trade Agreement between the EU and the member states of Mercosur, the South American common market made up of Argentina, Brazil, Uruguay and Paraguay. Although there are numerous critical issues, also shared by public opinion, relations are still alive and will continue shortly with new appointments on the agenda in 2024.
- Mercosur has 270 million inhabitants living on 11.8 million km². It is therefore a population equal to 60% of that of the EU, which lives on an area 3 times larger than that of the EU. Trade relations between the EU and Mercosur are rather asymmetrical. In fact, with regard to trade in agri-food products, in 2022 the EU recorded a balance of trade deficit of 30 billion euros while that of industrial products was positive for 33.4 billion euros.
- The countries of the Mercosur area are characterized by considerably lower standards than those of the EU. This applies to the use of plant protection products, antibiotics, practices related to animal welfare and the traceability of agri-food products. In Brazil alone, the volume of pesticides sold quadrupled from 2000 to 2020. Yet, it's not just a matter of quantity, it's also the active ingredients used that cause concern. In fact, many of these are banned in the EU, yet authorised by the governments of the Mercosur countries.
- Although the use of growth hormones for cattle breeding is not allowed in the Mercosur area, this constraint is substantially overcome through the use of some antibiotics as growth promoters, a practice that has been prohibited in the EU since 2006.
- With the entry into force of the EU-Mercosur Agreement, the European Union could contribute to the deforestation of between 620 thousand and 1.35 million hectares of forests. The conversion of forests into cultivated land, in fact, represents the main driver of deforestation in areas such as South America. According to the FAO, this is the cause of at least 50% of global deforestation, mainly due to the production of palm oil and soybeans.



Index

1. 20 years of negotiation, the final rush - p. 9

BOX 1 – The Mercosur area - Page 11

2. Who wins and who loses, EU-Mercosur trade relations - Page 13

3. The long road that separates us - Page 19

3.1 Pesticides banned in Europe - Page 19

BOX 2 – EU exports banned pesticides and re-imports them onto our plates - Page 23

3.2 Impact on health - Page 24

3.3 The unstable balance of the maximum residues allowed - page 25

BOX 3: The principle of reciprocity - Page 27

3.4 Antibiotics as growth promoters - Page 28

BOX 4 – The Amazon green lung, and relevant impacts - Page 29

3.5 Traceability and transparency - Page 31

4. Conclusions - Page 33

Notes - Page 35

Bibliography – Page 37

1.

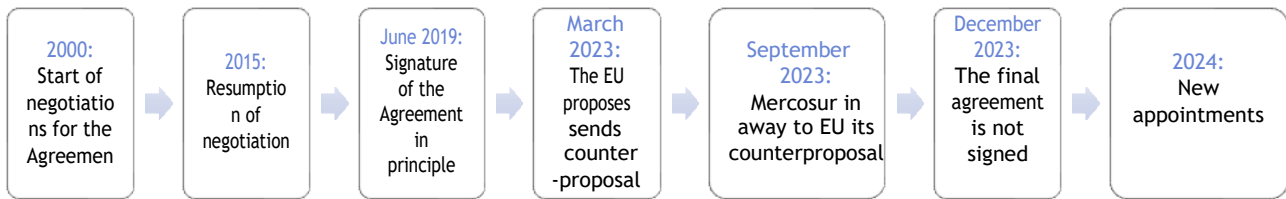


1. 20 years of negotiation, the final rush

After twenty years of negotiations, an agreement in principle on the Free Trade Agreement between the EU and Member States of Mercosur, the South American common market composed of Argentina, Brazil, Uruguay and Paraguay, was reached on 28 June 2019. This agreement has led to an important acceleration of a negotiation that began in 2000 and has often been at the centre of many perplexities and controversies on which we will focus on in detail in the pages of this work. In March 2023, the EU presented its text proposal to the Mercosur member countries, who in September of the same year submitted their counter-proposal, which served as a basis for further negotiations. The two sides, despite the progress made, failed to sign a final agreement in December 2023 due to the strong resistance expressed by the outgoing Argentine president

Fernandes and French President Macron. Despite there being numerous critical issues, which are also shared by public opinion, the talks are still alive and will continue shortly with new appointments on the agenda in 2024.

Picture 1.1: Agreement Negotiations Time line



Source: Prepared by Centro Studi Divulga

If ratified, the Free Trade Agreement between the European Union and the Mercosur countries would establish the largest free trade zone ever created by the EU, involving a population of around 717 million. The agreement would eliminate tariffs on 91% of EU merchandise exports to Mercosur and 92% of Mercosur merchandise imports into the EU [1]. The scope of the Agreement is quite broad and ranges from customs tariffs to other issues such as “rules of origin”, “trading technical barriers” and “sanitary and plant health measures”. It concerns not only goods, but also services, public procurement, intellectual property and sustainable development.

Despite the fact that the Agreement has been welcomed by many industrial associations in the European Union and by the agricultural associations of the Mercosur countries, several significant criticisms have emerged. Among the reasons for opposing the Agreement are the risks relating in particular to health issues, environmental risks and the unfair competition that would be generated for EU agricultural products. Upon ratification of the agreement, the EU will import more agricultural products from the Mercosur area, but along with them also their relative cost in terms of emissions, deforestation, soil contamination and human rights violations, while putting the competitiveness of European agriculture at risk [2].



BOX 1 – The Mercosur area

Mercosur is an economic and political bloc created in 1991 after Argentina, Brazil, Paraguay and Uruguay signed the Treaty of Asunción. The treaty guarantees the free movement of goods, services and production factors between the countries concerned. Venezuela joined as a full member in 2012 but, at the end of 2016, was suspended indefinitely for not respecting the bloc's democratic principles [3]. The four current Mercosur states comprise a total of 270 million inhabitants living on 11.8 million km². It is therefore a population equivalent to 60% of that of the EU, which lives on an area that is 3 times larger than the EU. The countries of the Mercosur Area still differ in terms of population (from 3.5 million inhabitants in Uruguay to 213 million in Brazil), area, economic weight and per capita income (from 5,207 dollars in Paraguay in 2021 to 16,756 dollars in Uruguay).

2.

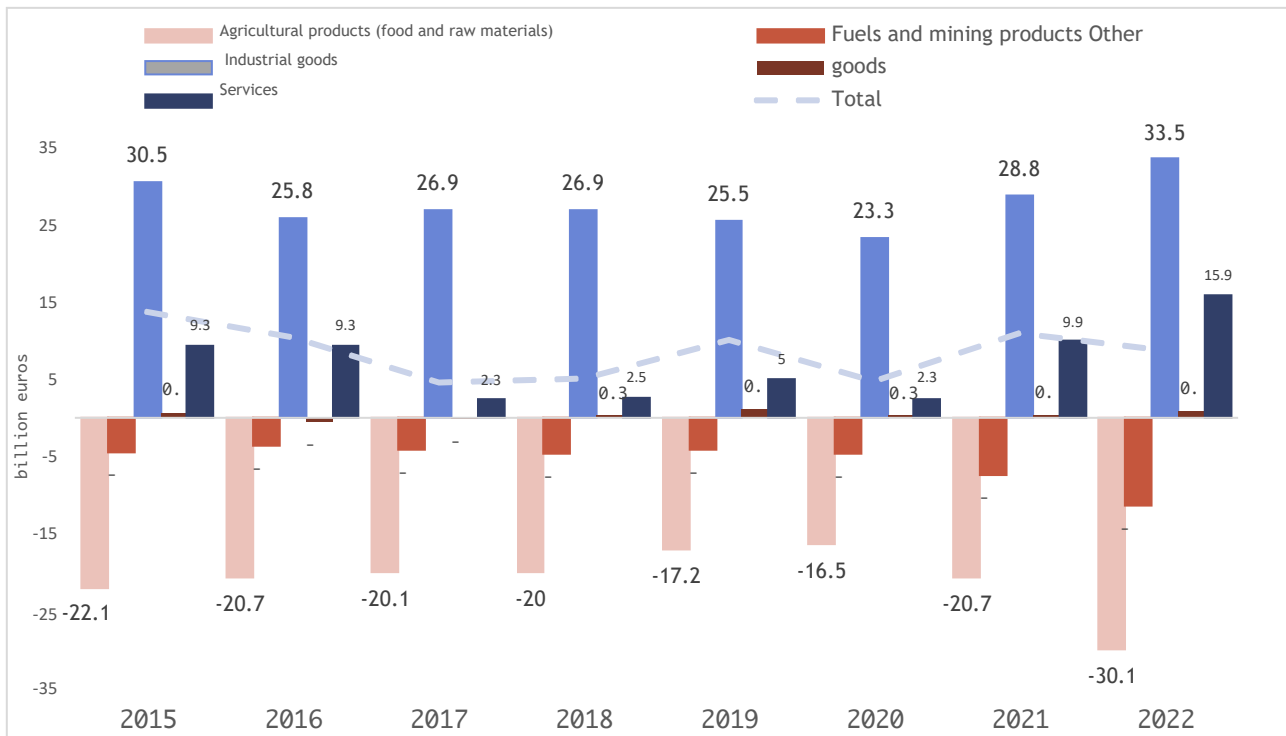


2. Who wins and who loses, EU-Mercosur trade relations

Trade relations between the EU and the UK are currently quite asymmetrical. While, on the one hand, European exports are mainly focused on the sale of industrial goods, such as machinery and products of the chemical-pharmaceutical industry, arrivals from South American countries are mainly characterized by agricultural and energy raw materials. As far as trade in agri-food products is concerned, the EU recorded a deficit of 30 billion euros in 2022, while that of industrial products was positive for 33.4 billion euros. Much of the latter is generated by the chemical-pharmaceutical sector (+12.4 billion euros) and by the machinery and automotive sectors (+17.4 billion euros).

Graph 2.1: EU-Mercosur trade balance by type of goods and services (2015-2022)

[4] [a]

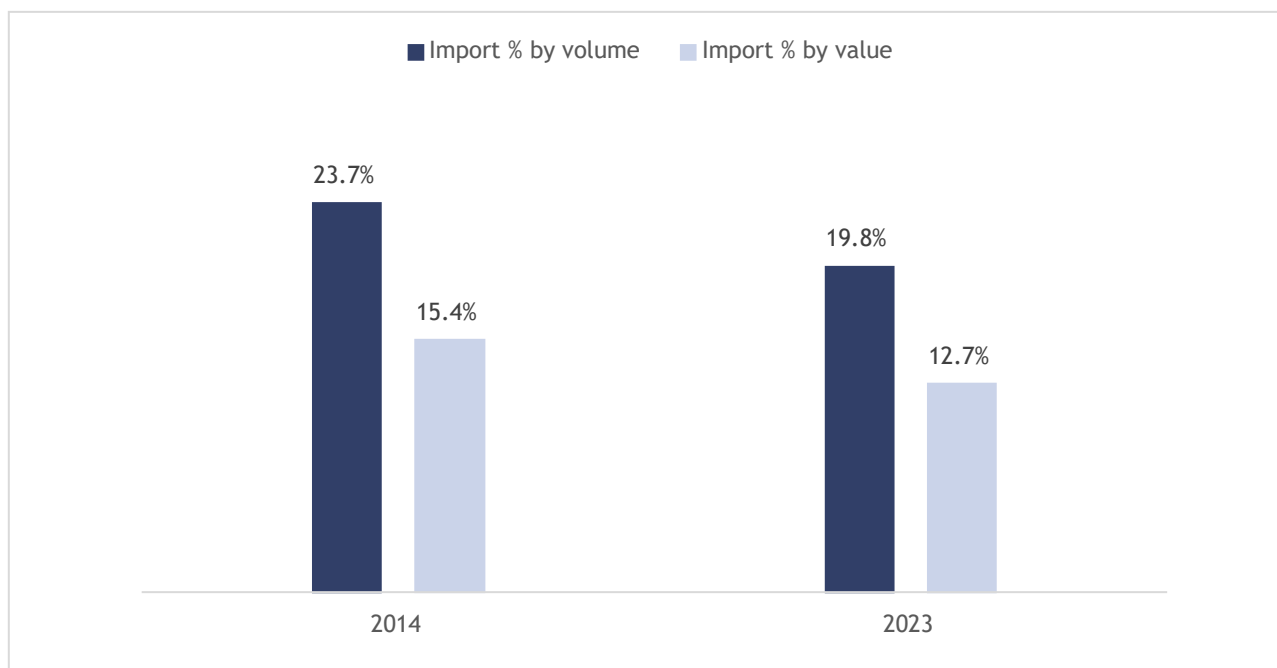


Source: Processing by Centro Studi Divulga based on Eurostat and EU Commission - DG Trade data

Mercosur represents by volume, in 2023, approximately 20% of global food

and agricultural raw materials supplies and in 2022 its weight was even greater (roughly 25%).

Graph 2.2 – % of Mercosur on EU agri-food imports (2014 and 2023)



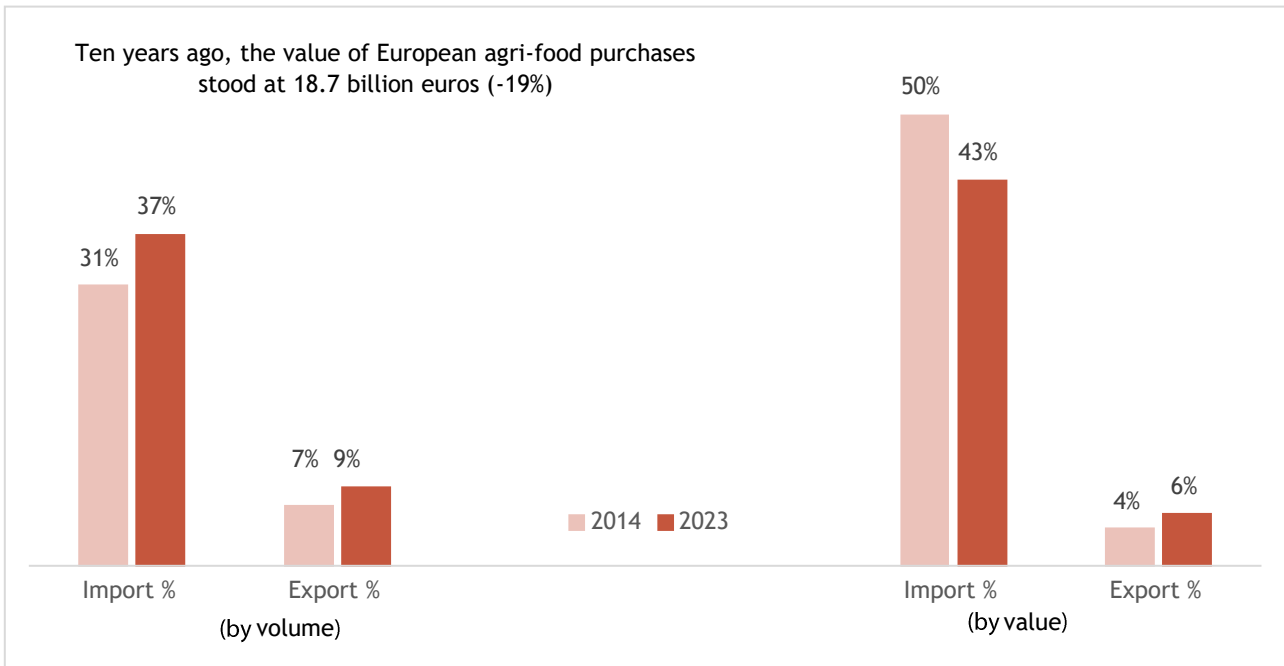
Source: Processing by Centro Studi Divulga based on Eurostat data

In the last year, food products and agricultural raw materials represented 43% of the value and 37% in volume of the total goods imported from Mercosur. In the last decade the

weight % of agri-food products increased from 31% to 37%. Overall, this value amounts to 23.1 billion euros in 2023

[5] [b], equal to more than 30 million tonnes of products.

Graph 2.3 - Weight % of EU agri-food trade on total trade flows with Mercosur (comparison years 2014 and 2023)

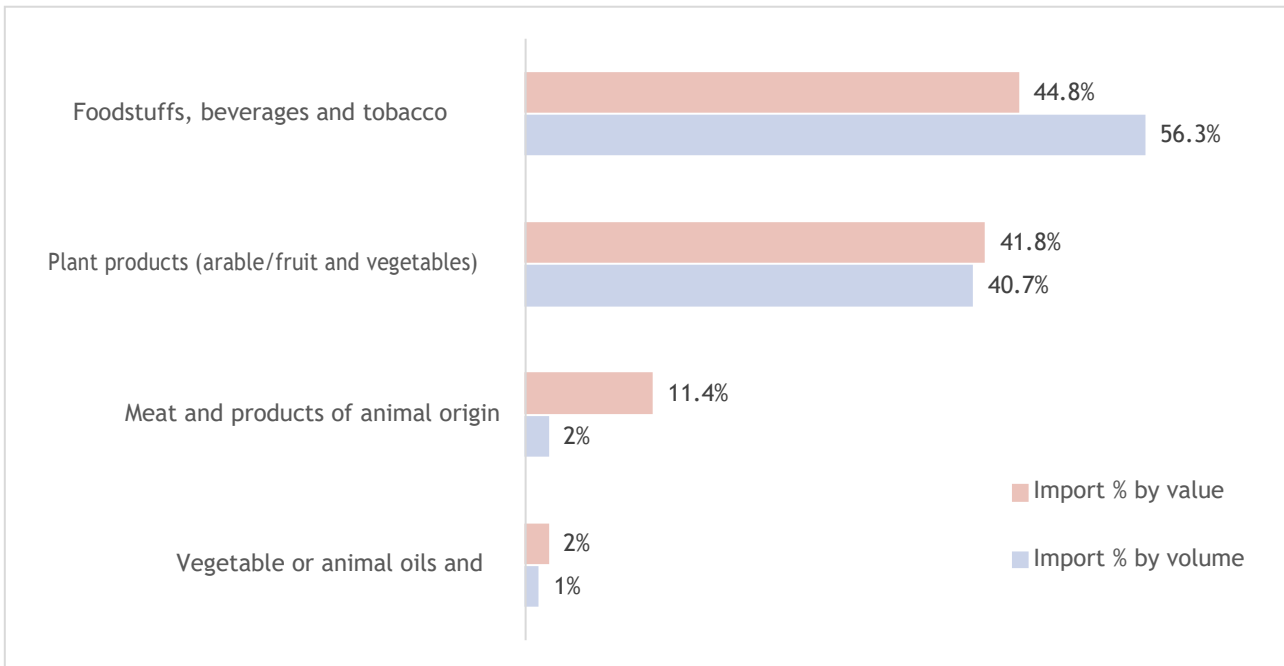


Source: processed by Centro Studi Divulga based on Eurostat data

41% of EU agricultural supplies from the Mercosur area are attributable to plant production - including 4 million tonnes of cereals, 93% corn (3.7 million tonnes) and 6.4 million tonnes of oilseeds, of which 5.5 million soybeans – equal to 9.6 billion euros. The remaining 56% is in food, beverage and tobacco products – mainly

feed and animal feed with 14.4 million tonnes of product, in particular 13 million tonnes of soya expellers – worth 10.3 billion euros. 2% consists of "meat and products of animal origin" with about 2.6 billion euros, while 1% is from the "vegetable or animal oils and fats" group for 450 million euros [4].

Figure 2.4 – Distribution of EU agri-food imports from Mercosur (2023)

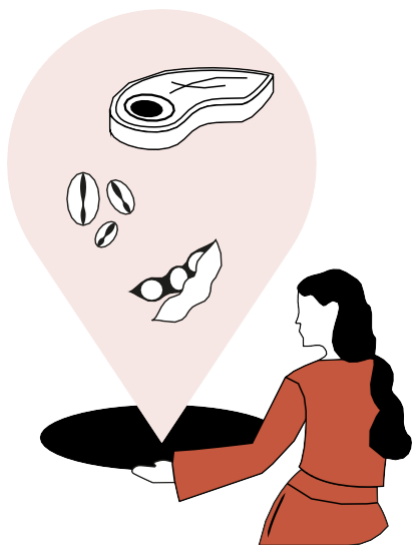


Source: processed by Centro Studi Divulga based on Eurostat data

In bilateral relations with the individual member countries of the South American Common Market, Brazil remains the major player in the Mercosur area. Approximately 77% of the total agricultural and food products imported by the area for a value of approximately 17 billion euros come from Brazil. Argentina follows at a distance, from which 20% of imports arrive, while the weight is much lower

for Uruguay and Paraguay, which together represent 4% of the products coming from the Mercosur. The countries of the Mercosur area are characterized by considerably lower standards than those of the European Union. This applies to the use of plant protection products, antibiotics, animal welfare and the traceability of agri-food products [2].

3.



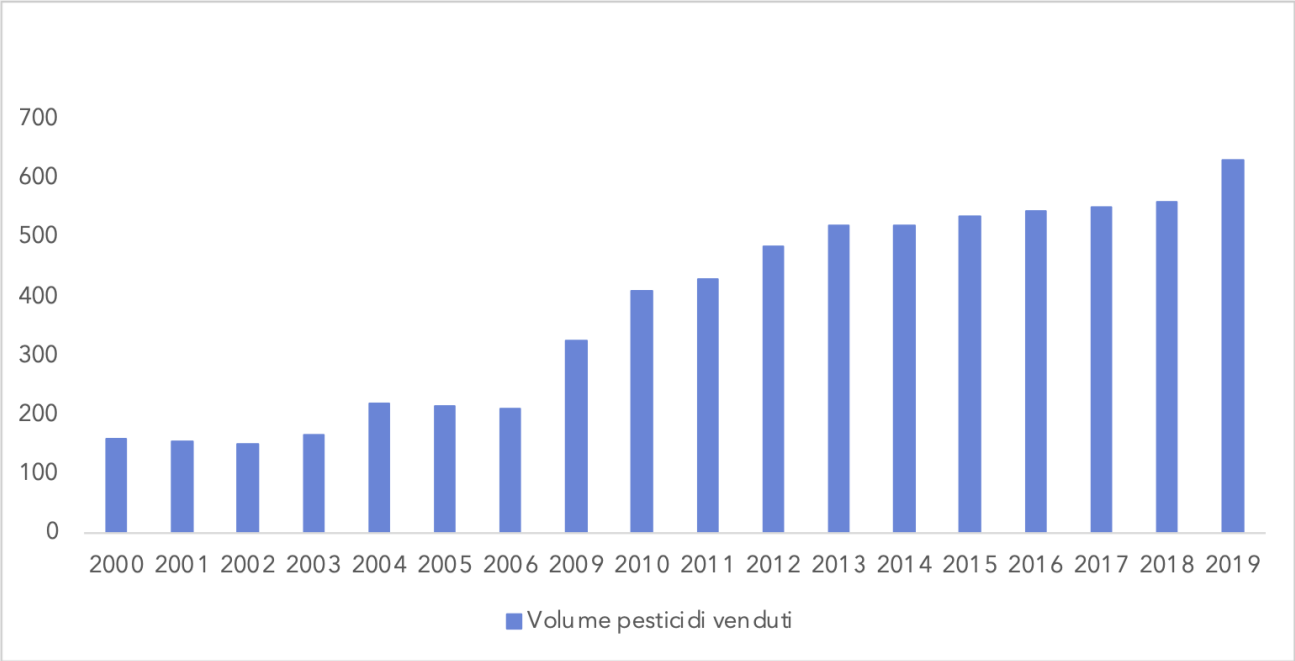
3. The long road that separates us

3.1 Pesticides banned in Europe

With regard to sanitary and plant health issues, the Mercosur states have very different strategies from that of the EU. While the latter is based on the principle of maximum precaution and on the control of health risks even in the preventive phase, Mercosur orients its choices on a process that places risk at the centre and therefore requires a broader level of evidence of the danger before implementing the related defence strategies.

This distinction, which does not appear at all trivial, has concrete effects on the use and authorisations of chemical substances in agricultural production. In the Mercosur area, the increase in areas cultivated with soya, corn and sugar cane has led to a significant increase in the use of pesticides. In Brazil alone, the volume of pesticides sold quadrupled from 2000 to 2020.

Graph 3.1.1: Sales volume of pesticides in Brazil between 2000 and 2020 – From extremely toxic (class I) to slightly toxic (class IV)



Source: Processing by Centro Studi Divulga based on IBAMA data [c]

Yet, it's not just a matter of quantity, it's also the active ingredients used that cause concern. Many of these pesticides are in fact banned in the EU, yet authorised by the governments of the Mercosur countries. 27% of the products in use in Brazil in 2020 were banned in the EU. These include, for example, herbicides such as Amicarbazone (never authorized in the EU), fungicides such as Chlorothalonil (banned in the EU since 2019) and insecticides such as Novaluron (banned in 2012) [6]. In recent years, the situation does not seem to have improved, on the contrary. Between 2018 and 2021, annual authorisations for pesticides in Brazil increased significantly with more than 500 pesticides recognised in 2021 alone. In the last 5 years, there have been more than 2,000.

Table 3.1.1: Pesticides banned in the EU and used in the Mercosur area

Pesticide	Year banned	Usage class	Toxicity		
			Acute	Chronic	Environmental
Acephate	2003	Insecticide and acaricide		x	
Ametryn	2002	Herbicide	x		x
Amicarbazone	-	Herbicide			
Atrazine 2004 Herbicide	2004	Herbicide			x
Bifenthrin	2009	Insecticide, formicide and acaricide	x	x	x
Carbendazim 2014 Fungicide	2014	Fungicide			x
Cloransulam-methyl	-	Herbicide			x
Chlorfenapyr	2001	Insecticide and acaricide	x	x	x
Cartap hydrochloride	2002	Insecticide and fungicide	x	x	x
Clorimurom-ethyl Herbicide	-	Herbicide	x	x	x
Chlorothalonil	2019	Fungicide	x	x	x
Chlorpyrifos	2020	Insecticide, formicide and acaricide	x		
Diafenthuron	2002	Acaricide and Insecticide			x
Diquat	2019	Herbicide	x	x	x
Fipronil	2017	Insecticide, formicide and cupinicide	x	x	x
Fomesafen	2002	Herbicide			x
Glufosinate	2018	Herbicide and growth regulator	x		
Hexazinone	2002	Herbicide	x	x	x
Imazapic	-	Herbicide	x		x
Imazapyr	2002	Herbicide	x		
Imazethapyr	2004	Herbicide	x		x
Indaziam	-	Herbicide	x		x
Lactofen	2007	Herbicide	x	x	x
Lufenuron	2019	Insecticide and acaricide			x
Methomyl	2019	Insecticide and acaricide	x		x
Novaluron	2012	Insecticide			x
Permethrin	2000	Insecticide and formicide		x	
Picoxystrobin	2016	Fungicide			x
Profenofos	2002	Insecticide and acaricide	x	x	x
Propanil	2011	Herbicide	x		
Propiconazole	2019	Fungicide		x	
Simazine	2004	Herbicide	x		x
Sulfentrazone	-	Herbicide	x		x
Tebuthiuron	2002	Herbicide	x		x
Thiamethoxam	2019	Insecticide	x		x
Thiodicarb	2007	Insecticide	x	x	x

Source: Processed by Centro Studi Divulga by Larissa M. Bombardi (Geography of Asymmetry, 2021)



BOX 2 – EU exports banned pesticides and re- imports them onto our plates

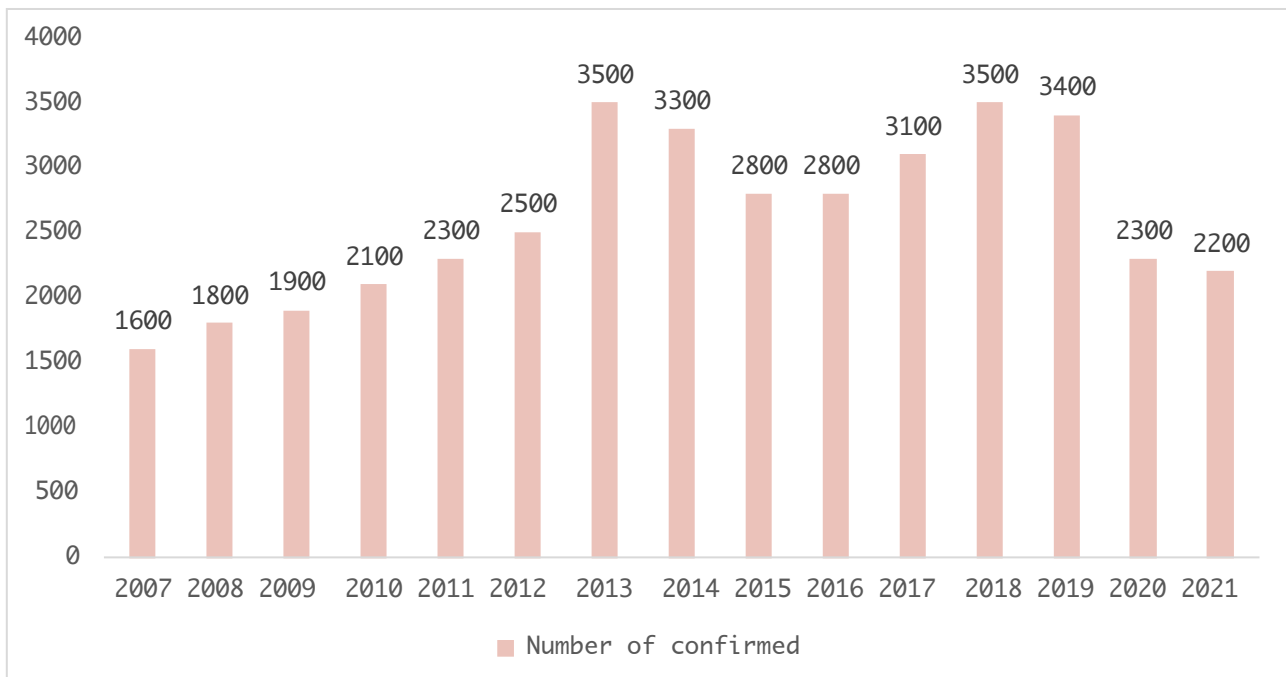
The real paradox of this situation is that the same plant protection products used in the Mercosur area and banned in the EU, are made on the European continent. According to the University of São Paulo, between 2018 and 2019 the EU exported 7,000 tonnes of plant protection products to the Mercosur, the use of which is prohibited in the EU [6]. In 2020, 27% of the active ingredients used in Brazil were banned in the EU. Despite the assurances and promises made by the European Commission, precisely on these critical issues, the Commission's work program for 2023 did not provide for any measures to stop these exports.

3.2 Impact on health

The indiscriminate use of pesticides also has serious consequences on the health of local populations. In Brazil, more than 1,800 deaths were confirmed due to pesticide poisoning on Brazilian farms between 2010 and 2019. According to data released by the Ministry of Health and

from the University of São Paulo, this means a death caused by pesticide poisoning every 2 days. Over the last decade, between 2011 and 2021, there have been almost 32,000 cases of pesticide poisoning [2]. However, the situation is also worrying in the other Mercosur countries.

Graph 3.2.1: Confirmed cases of human pesticide poisoning in Brazil (2007-2021)



Source: Processing by Centro Studi Divulga based on SINAN data (Brazil) [d]

3.3 The unstable balance of the maximum residues allowed

Another element of great concern is related to the issue of maximum residue limits (MRL) allowed in agricultural products. The latter, in fact, are much higher in the Mercosur area than those established

by European regulations. They range from 10 times higher values for glyphosate in coffee to 400 times higher peaks for other pesticides such as malathion in beans. The list, however, is considerably long.

Image 3.3.1: Examples of maximum residue limits in the EU and Mercosur

Pesticide	Product	Maximum residue limits - MRL (mg/kg except g/l)				
		EU	Brazil	Argentina	Uruguay	Paraguay
Glyphosate	Coffee	0.1	1 (x10)	-	-	-
Glyphosate	Sugar cane	0.1	1 (x10)	-	-	-
Glyphosate	Drinking water	0.1	500 (x5.000)	-	-	-
Chlorothalonil	Soya	0.01	0.5 (x50)	0.2 (x20)	1 (x100)	1 (x100)
Carbaryl	Apples	0.01	2 (x200)	2 (x200)	-	-
2 – 4 D	Rice	0.1	0.2 (x2)	-	-	-
Atrazine	Corn	0.05	0.25 (x5)	-	-	-
Acephate	Lemon	0.01	0.2 (x20)	-	-	-
Malathione	Bean	0.02	8 (x400)	-	-	-

Source: Processed by Centro Studi Divulga by Larissa M. Bombardi, National Surveillance Agency and European Commission

A recent report presented by the Brazilian Ministry of Agriculture shows, based on an analysis carried out between 2019 and 2020, that pesticide residues were present in 62% of the cases analysed [7]. However, the maximum residue limits on imports may even be different from the limits set for European production. According to Article 3, paragraph 2, letter g of Regulation 396/2005, "import tolerance means an MRL set for imported products to meet the needs of international trade in certain cases". According to the Corporate Europe Observatory, banned pesticide residues have already been found in imported crops while control of products exported to the EU remains weak both in the Mercosur countries and in Europe [8].



BOX 3: The principle of reciprocity

The principle of reciprocity in international trade consists of a harmonization of production standards (to be achieved through agreements and understandings) between two countries, in order to avoid any imbalance in trade relations. With regard to agri-food products, the principle of reciprocity provides for compliance - for important goods on the European Union market - with the same environmental, health, animal welfare and use of pesticides, fertilizers and antimicrobial requirements in commercial relations between the EU and third countries. In other words, the rules and standards followed for EU agricultural production should be the same for products from third countries so as not to incur forms of unfair competition with respect to the EU productive fabric. The desired application of this principle in international trade relations could therefore guarantee free and fair competition between different production systems. Take into consideration, for example, the protection of health or the environment related to agri-food production or equal rights in the field of labour law [9].

3.4 Antibiotics as growth promoters

Although the use of growth hormones for cattle breeding is not allowed in the Mercosur area, this constraint is partly overcome through the use of some antibiotics used as growth promoters. This practice has been banned in the EU since 2006. Although Brazil has gradually legislated, over the last 20 years, to reduce the use of certain antibiotics used as growth promoters, several products are still not included in the list of prohibited molecules. Just to name a few: antibiotics such as bacitracin, flavomycin, lasolacids, monensin, narasin, salinomycin and virginiamycin are commonly used in cattle farms. In Uruguay, on the other hand, the use of antibiotics as

growth promoters is prohibited in cattle, sheep and goats, while it is still used in pigs and poultry farms. These broad concerns were also underlined in a report by the European Commission during the last audit of 2018 (DG (SANTE) report 2018 - 634957), in which it is clearly specified that "there are some substances authorized in cattle which cannot be used in food-producing animals in the EU and which currently preclude compliance with certification requirements". Furthermore, the current system of veterinary medicine does not guarantee that veterinary products are used in line with their label indications [10].



BOX 4 – The Amazon green lung, and relevant impacts

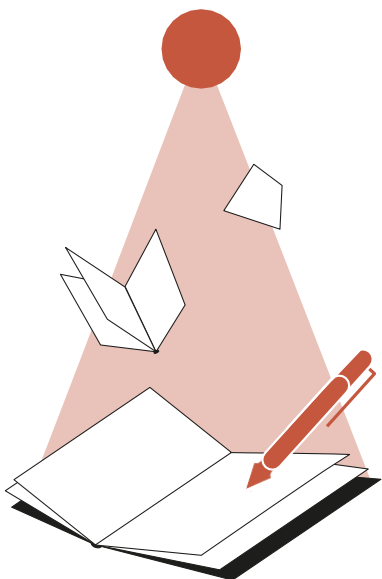
The global deforestation rate is alarming. According to FAO, 420 million hectares of forests were lost to deforestation between 1990 and 2020. This area corresponds to the size of the entire European Union. The deforestation process affects all three main forest basins: Amazon (South America), Congo (Central Africa) and South-east Asia. A reverse process however, is occurring in the European Union where, between 1990 and 2020, forests increased by 10%. The conversion of forests into cultivated land is the main driver of deforestation in areas such as South America. This is the cause of at least 50% of global deforestation, mainly due to the production of palm oil and soybeans. Much of the tropical forests converted to agriculture are used to produce goods that are subsequently traded globally. In particular, EU consumption alone accounts for about 10% of global deforestation [11]. In Brazil, FAO data for 2023 shows that from 2010 to the present some 1.5 million hectares have been lost per year, with a 13% reduction in forest area. Overall, it is an area equal to roughly two-thirds of the Italian surface. In Paraguay, from 2001 to 2022, roughly 7 million hectares of forest area were lost, a decrease of 28%. This equates to a territory as large as Belgium and the Netherlands put together. Argentina lost about 6.5 million hectares of forests from 2001 to 2022 with a 17% reduction in available forests [12]. The trend does not seem to change: from August 2021 to July 2022, circa 12,000 km² Amazon forest was razed to the ground by activity that has been going on incessantly for decades.

This phenomenon is amplified by the expansion of soy and beef production in the Mercosur area which contributes to the deforestation of large portions of the Amazon basin. The increase in soybean imports from the Mercosur area to the EU, which are already substantial and duty-free, could predictably aggravate this deforestation process. According to estimates by the Institute De L'Elevage (IDELE), beef production in Mercosur will grow by over 762 thousand tonnes by 2030 and the European Union could increase its imports by between 46.2 (+23%) and 103 .1 (+52%) kilo-tonnes in equivalent carcasses by 2030. These areas destined to increase beef production in Mercosur represent a growth in the average annual rate of deforestation between 28% and 61%. Over a six-year implementation period, this would mean an acceleration of annual deforestation trends ranging between +5% and +10%. Overall, with the entry into force of the EU-Mercosur Agreement, the European Union could contribute to the deforestation of an area ranging between 620,600 and 1,354,000 hectares. A picture that is not particularly reassuring if we consider the central role of forests in mitigating climate change: green lungs capable of absorbing and storing carbon dioxide. Between 2001 and 2019, forests absorbed 7.6 billion tonnes of CO₂ per year, equivalent to roughly 20 times the annual emissions of a country like Italy, removing greenhouse gases from the atmosphere with a crucial contribution in the fight against the climate crisis [13].

3.5 Traceability and transparency

The management of livestock traceability is also among the sore points. In fact, this appears to be very different between the EU and Mercosur, with Uruguay being the only country to have developed an individual traceability system for cattle similar to European standards. In other countries, on the other hand, the system still seems to be largely faltering, especially in Brazil. Here, in fact, the cattle traceability system, which was originally supposed to be mandatory, is still on a voluntary basis. Furthermore, the Brazilian System of Identification and Certification of the Origin of Cattle and Buffalo (SISBOV) provides for the obligation to identify the animal only 40 days before being slaughtered and therefore does not consider previous movements. An important point is that in Brazil very few companies keep animals from the birth to slaughter phase.

4.

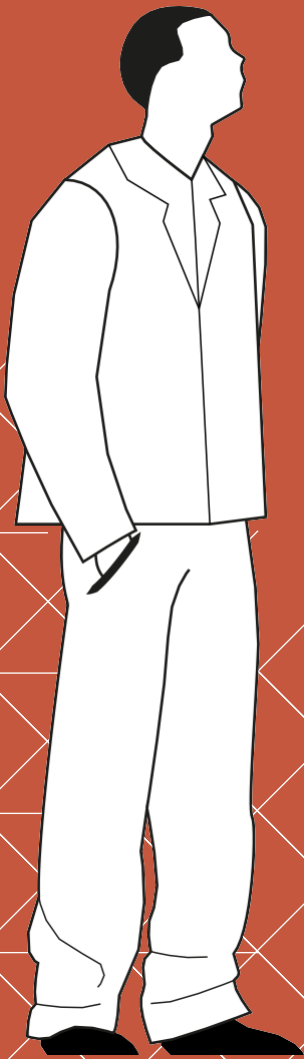


4. Conclusions

The ratification of the EU-Mercosur Agreement could lead, particularly for the agri-food sectors, to multiple negative repercussions. Among these, in particular, the impacts on citizens' health and on the consistent use of antibiotics and pesticides or the risks related to the loss of biodiversity, local pollution and deforestation phenomena that inevitably contribute to weighing down the age-old issue of climate change. The mechanisms of unfair competition of the Mercosur area agricultural products compared to those of the EU, due to production standards that are clearly different, should not be underestimated. These concerns, relating to the ratification of the Agreement, should represent fundamental points for the definition of a more equitable and sustainable agreement.

And if, on the one hand, data and facts show us a clear asymmetry in the production models between the EU and Mercosur, on the other hand, this distance seems to want to be broadened by EU policies that increasingly push up sustainability standards for EU productions without, however, adequate mechanisms of protection and 'reciprocity' in international trade relations. This strategy inevitably moves towards a greater distance between these production models, with a burden that will weigh on both citizens and companies. The application of the Reciprocity Principle with 'specific' clauses would help harmonize environmental, health and animal welfare and the use of pesticides and antimicrobial requirements between countries. An essential way forward for the good not only of citizens and businesses, but the entire planet in general.

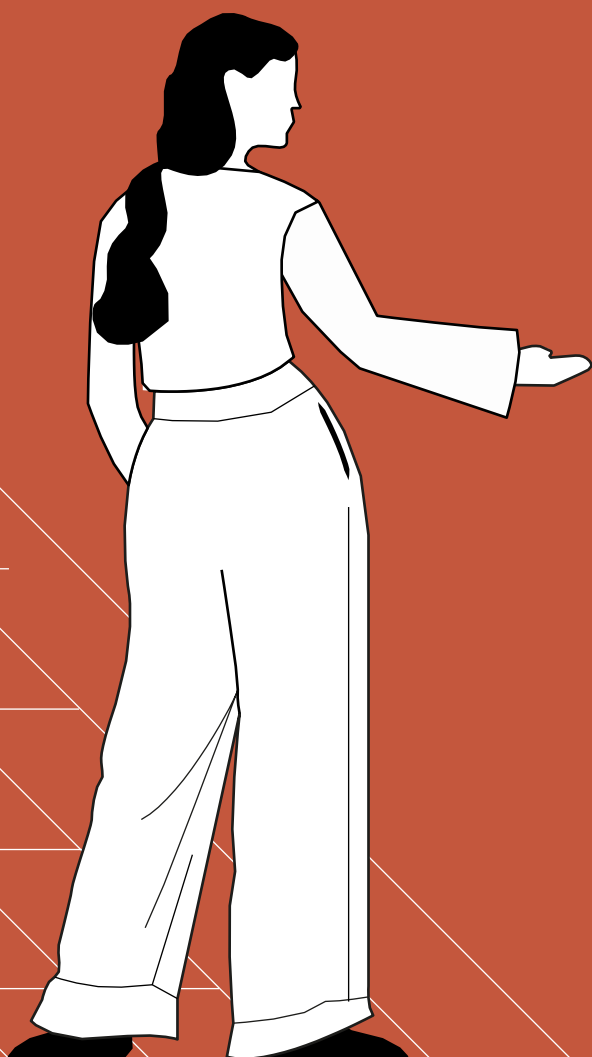
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Notes

- a. Values of the "Trade flows by SITC product grouping" table. For services, Eurostat "Balance of Payments – International trade in services".
- b. Customs classification values from hs01 to hs24.
- c. I B A M A : Brazilian Institute of the Environment and Renewable Natural Resources.
- d. SINAN (Sistema de Informação de Agravos de Notificação): Information system on notifiable diseases in Brazil.

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