

03 November 2022

environment programme

Understanding New Regulatory Frameworks in

Land-use Finance



Agenda

Welcome

Presentations:

- Satu Glaser | Senior Programme Officer, Nature Conserved, UNEP-WCMC
- Fernanda Gimenes | Engagement Manager for IFACC, Tropical Forest Alliance, The World Economic Forum
- Romie Goedicke | Associate Lead Nature Partnerships & Development, UNEP-FI



Satu Glaser

Senior Programme Officer, Nature Conserved, UNEP-WCMC



EU Deforestation Regulation

Understanding New Regulatory Frameworks in Land-use Finance

Satu Glaser
Senior Programme Officer, Nature Conserved





Contents:

- Brief history of the draft Deforestation Regulation
- Key obligations proposed, including relating to financial institutions
- Next steps for the draft

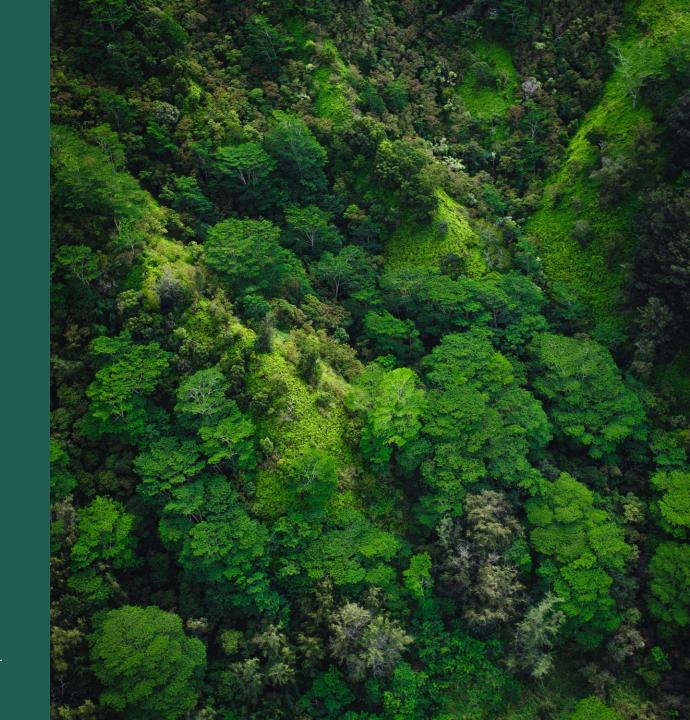


'Origin' of the Regulation

2019: EU Communication on Stepping up EU Action to Protect and Restore the World's Forests

(https://ec.europa.eu/environment/forests/eu_comm_2019.htm - opens up a page with links to 3 documents)

- 5 priority areas, containing a range of key actions for the Commission (see document 1 for the full details, document 2 for a summary)
- Includes assessment of additional demand-side regulatory measures
- Also contains recommendations for actions by industry (see document 3)



Stages of the draft Regulation

November 2021: draft Regulation proposed by *European Commission*

https://ec.europa.eu/environment/forests/deforestation-proposal.htm

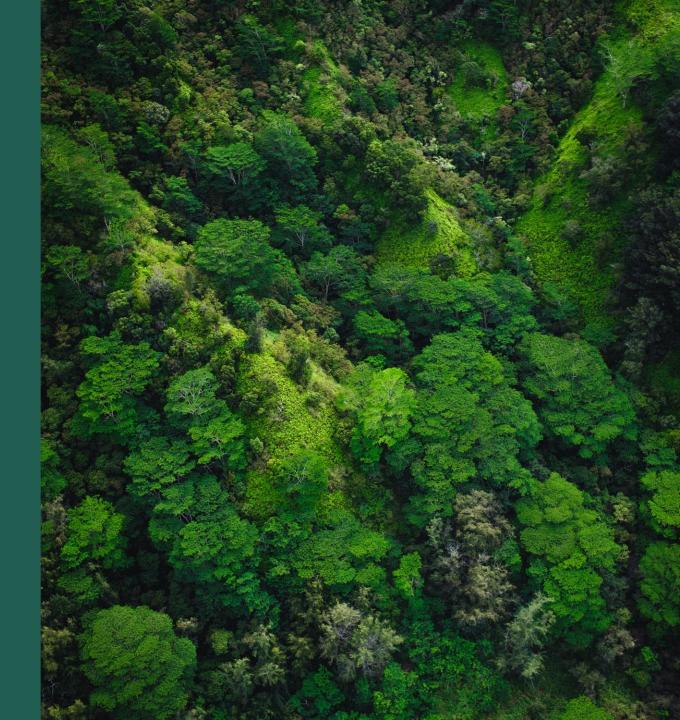
June 2022: *European Council* adopts 'general approach'

https://www.consilium.europa.eu/en/press/pressreleases/2022/06/28/council-agrees-on-new-rules-to-drive-downdeforestation-and-forest-degradation/

September 2022: *European Parliament* adopts position

https://www.europarl.europa.eu/doceo/document/TA-9-2022-0311_EN.html

Currently: Trilogues



Draft Deforestation Regulation: Parliament version

Version only includes the elements where they propose changes/additions....

... therefore do assess it together with the Council version

Proposal for a regulation Article 2 – paragraph 1 – point 21

Text proposed by the Commission

(21) 'substantiated concern' means well-founded claim based on objective and verifiable information regarding non-compliance with the present Regulation and which may require the intervention of competent authorities;

Amendment 100

Proposal for a regulation Article 2 – paragraph 1 – point 28

Text proposed by the Commission

(28) 'relevant legislation of the country of production' means the rules applicable in the country of production concerning the legal status of the area of production in terms of land use rights, environmental protection, third parties' rights and relevant trade and customs regulations under legislation framework applicable in the country of production;

Amendment

(21) 'substantiated concern' means a claim based on objective and verifiable information regarding non-compliance with the present Regulation and which may require the intervention of competent authorities:

Amendment

(28) 'relevant *laws and standards*' means:

- (a) the rules applicable in the country of production concerning the legal status of the area of production in terms of land use rights, environmental protection, third parties' rights and relevant trade and customs regulations under legislation framework applicable in the country of production:
- (b) human rights protected under international law, in particular instruments protecting customary tenure rights and the right to free, prior and

Key provisions

Bulk commodities of cattle, swine, sheep and goats, poultry, cocoa, coffee, palm oil, soya, maize, wood and rubber (see Annex I).

For the meat products above, they cannot have been fed with deforestation-associated fodder of products within the scope of this Regulation.

Cut off date: no commodities produced on land deforested after 31 December 2019.

Import, placing on EU market and export.



Key provisions

Obligations for:

'Businesses'

- Operators (importing/placing domestic products/exporting)
- Traders
- Online market places without EU-based manufacturers/importers

Financial institutions

EU authorities

EU Commission



Key provisions for operators (and traders)

Due diligence obligation:

- Information collection and record keeping
- Geo-localisation/polygons
- Verifiable legality information, incl. e.g. in relation to indigenous people's rights
- Risk assessment and mitigation
- Submit due diligence statement in a 'register'
- Publicly report on due diligence system
- Avenue for raising of concerns



Amendment 40, Recital 27 a:

"[...] their services could lead to support activities linked directly or indirectly to deforestation, forest degradation and forest conversion"

Amendment 87, Art. 1, Para. 1:

"[...] obligations for financial institutions headquartered or operating in the Union that provide financial services to natural or legal persons whose economic activities consist, or are linked to, the production, supply, placing on or export from the Union market of the relevant commodities and products within the meaning of this Article"



Amendment 105, Art. 3 a:

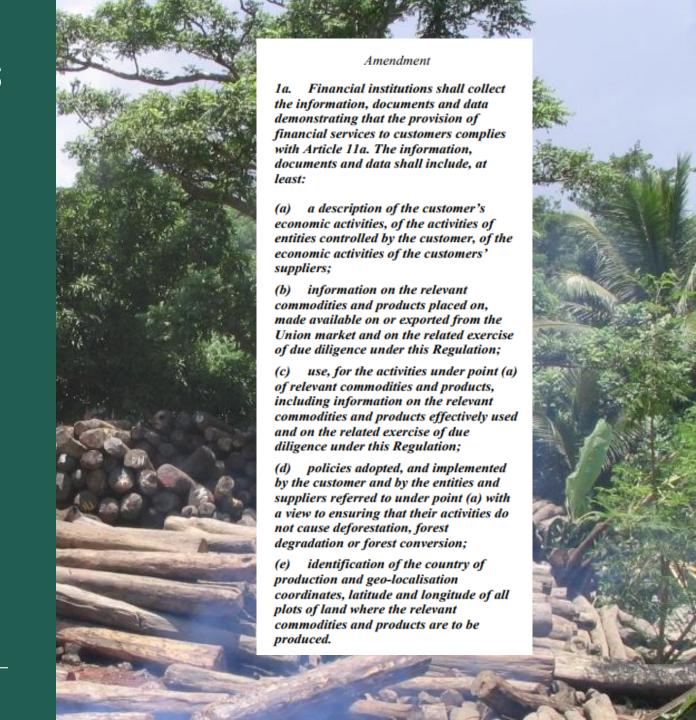
FI's only to provide services if there is a negligible risk that the services are directly or indirectly linked to activities leading to deforestation, forest degradation or forest conversion.



Amendment 127, Art. 9, Para. 1 a:

Detailed obligations for FI's relating to information collection:

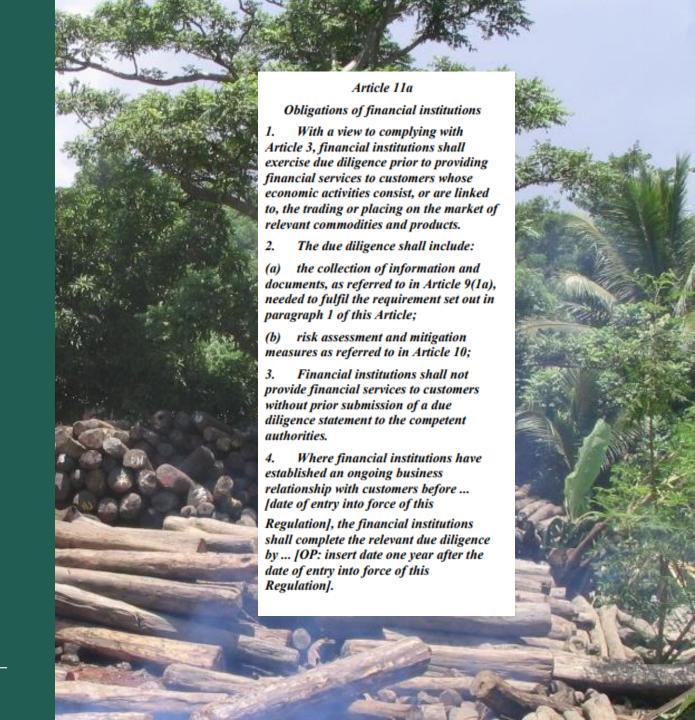
- Customer profiles (incl. up- and downstream)
- Commodities and products involved
- Use of the commodities in the context of the customer's activities and whether they comply with the Regulation
- Relevant deforestation-related policies by the customers
- Geo-localisation of area of production



Amendment 148, Art. 11a:

Detailed obligations for FI's relating to due diligence before providing financial services, including:

- Information collection
- Risk assessment
- Submission of a due diligence statement
- Already existing business relationships



Amendment 158, Art. 13, Para. 7 b:

Competent Authorities of EU Member States will perform checks on FI's in relation to their compliance with the Regulation.



Some obligations proposed for FI's still use/refer to language that is borrowed from obligations for other duty holders.

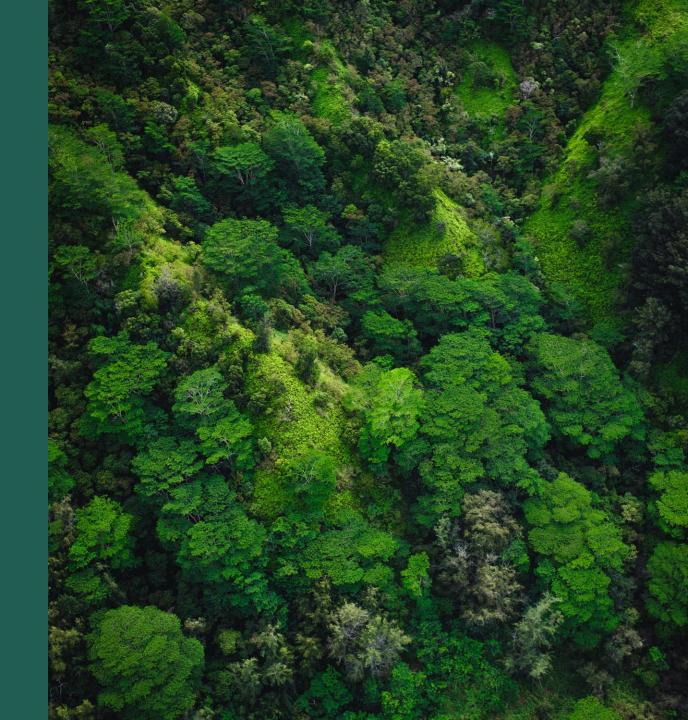
Some overlaps/gaps with other EU initiatives/legislation that are relevant to FI's.



Trilogues are refining the draft.

In force early 2023?

In application ~18 months later.



Key takeaways Fl's

These slides are a brief overview....











An ambitious initiative, sitting within a broader goal to promote sustainable production and consumption patterns and policy, not only in the EU.

Impact/change: what are FI's doing now, what are FI's changing already, what will change in response to this Regulation?





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Fernanda Gimenes

Engagement Manager for IFACC, Tropical Forest Alliance, The World Economic Forum





Forests and the Finance Sector

Fernanda Gimenes

Engagement Manager for IFACC

Tropical Forest Alliance/World Economic Forum



ABOUT THE TROPICAL FOREST ALLIANCE (TFA)



TFA is a global network that brings together partners around the common goal of implementing solutions to tackle deforestation resulting from commercial activities in tropical forest areas.

Hosted by the <u>World Economic Forum</u>, TFA works with government, private sector, and civil society, such as indigenous peoples and international organizations, to consolidate high-impact partnerships focused on reducing deforestation and creating a positive future for forests.

The TFA network, through its partners, identifies challenges and develops solutions, bringing together experts from around the world to transform ideas into effective actions in Latin America, Africa, China, and Southeast Asia.

Hosted by



With the support of















AGENDA



- ➤ Acting on deforestation is urgent
- ➤ Pressure to help end deforestation is rising
- ➤ Mitigating risks: Coordinating policy dialogue on halting deforestation in Brazil
- Creating opportunities: Unlocking finance for sustainable land use in Brazil, Argentina and Paraguay

FORESTS ARE THE CENTER OF KEY SOCIOECONOMIC ISSUES TODAY



Climate change

Forests act as a two-way highway, **absorbing CO2** when standing or regrowing and releasing it when cleared or degraded¹

Old growth forests can store more carbon than young managed forests: forest restoration consisting of plantations of commercial trees hold less carbon than the land cleared to plant them²

Forests help **control the water cycle** by regulating precipitation, evaporation and flows³

Food security

Forests contribute directly to **people's diets** through the harvest of bushmeat, wild fruits and other forest-sourced foods

Forests and trees support diverse crop and livestock production through an array of ecosystem services such as pollination, soil fertility and water and climate regulation⁴

Forests foods and products are **culturally valuable** for indigenous communities and local populations

Biodiversity

Forests are **home** to 80 percent of the world's terrestrial **biodiversity**⁵

Biologically diverse forests contribute to the sustainability of the wider landscape and provide a range of other ecosystem services

Human rights

Approximately 750 million people, including 60 million Indigenous people, **live in forests**⁶

30% of the population in tropical countries are **highly dependent** on nature for basic human needs ⁷

Deforestation has been linked to widespread human rights abuses, in the form of illegal land grabbing and violence against Indigenous Peoples

Physical risk mitigation

Research suggests the loss of 20 to 30 percent of remaining forest cover in the Amazon rainforest would trigger an irreversible conversion of all remaining forest to savannah

Trees and forests **prevent shallow landslides**, not only by reinforcing and drying soils but also in directly obstructing smaller slides and rock falls⁸

Forests, such as mangrove forests, can also help reduce the impacts of flood from storms by blocking and slowing down the flow of runoff

^{1. &}lt;u>WRI, 2021</u>

^{2.} WRI, 2020 3. WRI, 2017

^{4. &}lt;u>CIFOR, 2013</u> 5. <u>UN, c2022</u>

^{6.} WWF

Newton et al., 2020 from Muller et al., 2022

Binbin et al., 2022

DEFORESTATION POSES PHYSICAL, TRANSITION AND FINANCIAL RISKS TO THE FINANCIAL SYSTEM



Physical risks

Acute risk

e.g., extreme heat, flood and soil erosion, biodiversity loss

Chronic risk

e.g., precipitation pattern changes, water shortages, shifts in biomass

Transition risks

Regulatory and legal

Deforestation-linked requirements for production practices, traceability and disclosures

Reputation

Changes in preferences and perceptions on deforestation-free activities and products

Market

Shifting supply, demand and financing e.g., through consumer preferences and input prices





Financial risks

Credit Risk arising from nonperforming loans or defaults from counterparties affected by deforestation impacts

Market Risk arising from reduced market access and preferences for deforestationfree products and services

Reputational Risk arising from loss of brand value

Regulatory and legal risk arising from FIs inability to meet regulatory obligations related to deforestation

COUNTRIES ARE RESPONDING TO PRESSURES TO REDUCE DEFORESTATION



141 countries have signed the 2021 Glasgow Leaders' Declaration on Forests and Land use

60% of GHG emissions from commodity-driven tropical deforestation occurs in Brazil (27%) and Indonesia (33%)

At COP26 world leaders committed to working collectively to halt and reverse forest loss and land degradation by 2030 while delivering sustainable development and promoting an inclusive rural transformation.

The forest covered by endorsers amounts to 90.94% of total global forest cover.



Indonesia signs declaration calling for an end and reversal of deforestation by 2030

Indonesia's 75% decrease in deforestation since 1990 is crucial to support the country in its energy transition, i.e. offset the heavy reliance on coal to meet its emissions goals

Nigeria to increase forest cover to 25% of land area This follows from a previous announcement to plant 25 million trees in the country, in line with the 2019 pledge declared at the 74th session of the UN General Assembly

Colombia commits to halving deforestation by 2025
In 2019 Colombia announced ambitious goals to halve deforestation by 2025 and to launch large-scale programmes in support of forest conservation and ethnic groups. At COP26 in 2021, Norway, Germany and the UK provided results-based-payments to be reinvested in innovative actions to catalyse further the impactful progress Colombia is achieving for its forests.

THE EVOLVING REGULATORY AND VOLUNTARY DISCLOSURE LANDSCAPE FOR HIGH-RISK COMMODITIES COULD INCREASE PRESSURE ON FINANCIAL INSTITUTIONS

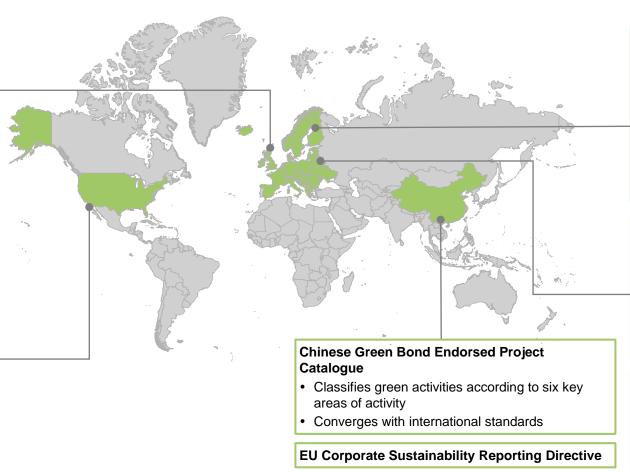


UK Deforestation due diligence obligation

- Proposed in Dec 2021, requires businesses to conduct due diligence on their supply chains to prevent the use and importation of illegal deforestation-related commodities
- · Banks are exempt

Proposed SEC Climate-Related Disclosures

 If implemented, would require all public companies to disclose Scope 3 emissions in their global supply chains starting in reporting year 2023



EU Sustainable Finance Disclosure Regulation

- Adopted in March 2021 and requires financial market participants to disclose the sustainability of their funds, including their involvement in deforestation-related activities
- Complying with SFDR is vital to protect reputation and attract investors who want to allocate their money sustainably

EU Deforestation due diligence obligation

- Adopted by the EU parliament in September 2022, requires due diligence procedures for operators that import or export commodities and traders at any level of supply chains associated with all types of deforestation and forest degradation-related activities
- FIs could be included in the final regulation

European Sustainability Reporting Standards

 To be proposed in late 2022, will include mandatory disclosure for all relevant sectors causing deforestation and forest degradation either directly or through their supply chain

A GROUP OF CENTRAL BANKS HAS IDENTIFIED BIODIVERSITY LOSS AND DEFORESTATION AS A MATERIAL RISK



In 2022, the Network for Greening the Financial System, a group of central banks, acknowledged that that nature-related risks could have significant macroeconomic and financial implications.

The NGFS recommends central banks and financial supervisors to:

- Recognise biodiversity loss as a potential source of economic and financial risk and develop a response strategy to maintain financial and price stability
- Build the skills and capacity among staff and market participants to analyse and address biodiversity-related financial risks
- Assess the degree to which financial systems are exposed to biodiversity loss, by conducting assessments of impact and dependency, developing biodiversity-related scenario analysis and stress-tests
- * Explore options for supervisory expectations for financial institutions' governance, risk management, strategy, disclosure and financial conduct in relation to biodiversity-related financial risks and opportunities
- **Help build the financial architecture for mobilising investment for a biodiversity-positive economy**

The NGFS agenda and its endorsement by central banks and supervisors can incentivise banks to:

- Consider biodiversity loss, including deforestation, as material financial risk in their risk assessment and management
- Request physical asset location data from their counterparties and enhance supply chain traceability
- Invest in nature-positive activities such as NBS and develop innovative finance instruments within a streamlined and structured financial architecture



Source: NGFS, 2022

COLLECTIVE ACTION CRITICAL TO UNLOCK DEEPER SYSTEM CHANGE

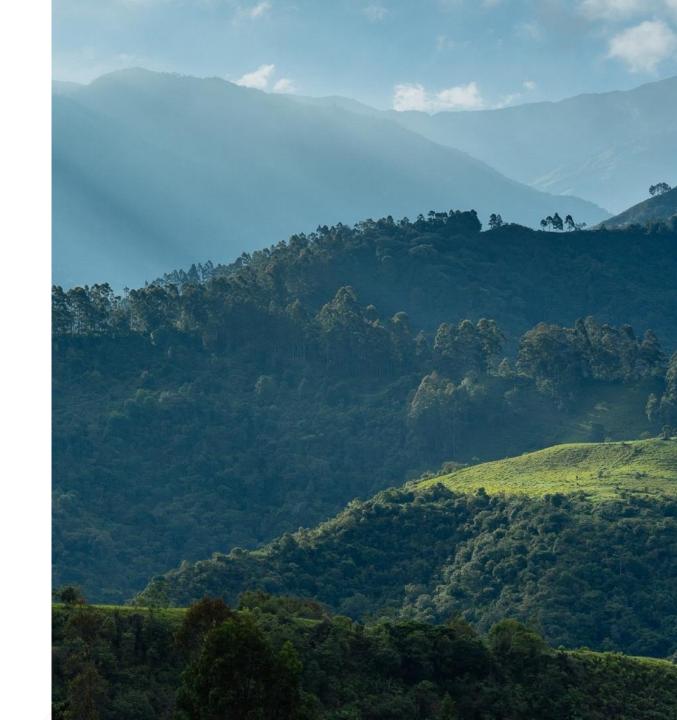






INVESTOR POLICY DIALOGUE ON DEFORESTATION (IPDD)

- An investor-led initiative
- TFA role: Secretariat
- Goal: Coordinate a public policy dialogue on halting deforestation with government authorities and associations, as well as other stakeholders in selected countries with critically important forests and native vegetation.
- 65 institutional investors from 19 countries



IPDD BRAZIL



Rising rates of deforestation in Brazil pose a systemic risk for investor's portfolios of sovereign and corporate debt in the country, and therefore also pose a <u>risk for Brazil's financing costs</u>.

- ➤ Significant reduction in deforestation rates
- ➤ Enforcement of Brazil's Forest Code.
- ➤ Reinforcement of Brazil's agencies tasked with implementing environmental and human rights legislation, and avoidance of any legislative developments that may negatively impact forest protection.
- ➤ Prevention of fires in or near forest areas, in order to avoid a repetition of fires like in 2019 (and 2020).
- ➤ Public access to data on deforestation, forest cover, tenure and traceability of commodity supply chains

Brazil

BRAZIL'S REGULATORY LANDSCAPE



- Regulation changes according to the Biome
- ➤ The Brazil Forest Code (Law no. 12.651)
- It defines land use requirements and obligations in Brazil:
- properties within the Legal Amazon should maintain 80 percent of the area of the property as legal reserves,
- properties are only required to maintain 35 percent within legal reserves in the Cerrado

Proposed legislative changes

PL 2159/2021 - Environmental Licensing

Proposed deregulation could lead to loosening of environmental regulations.

PL 2633/2020, PL 510 – Land Regularisation

Bills aim to change regularisation of land tenure and ownership in public areas and could encourage new occupations and illegal deforestation of public forests. Changes to PL 510 could authorise the regularisation of occupied areas up until 2014, for example.

PL191/20 – Mining in Indigenous Lands

Establishes conditions for mining and use of water for electricity generation in Indigenous Lands, among other things, which could increase deforestation.



OVERVIEW



There is a \$30 billion investment opportunity to support farmers in the sustainable production of cattle and soy in the Amazon, Cerrado and Chaco biomes of South America.

Proven business models are available to grow production and farmer incomes while avoiding further habitat loss, water and climate impacts.

- Soy can expand without further habitat loss through expansion on already-cleared pasturelands
- "Sustainable intensification" can meet future demand for beef and leather, while freeing up pasturelands for expansion of soy, other ag products



THE ROLE OF INNOVATIVE FINANCE



Finance can play an essential role in shifting land-use dynamics, helping to increase production through yield improvements and better use of already-cleared lands.



- Innovative finance is "one piece of the puzzle" for sectoral transition
- A "must do" in order to grow production while reducing habitat loss
- Supports farmers in transition to the new market realities
- Innovative finance is also an area of common ground across industry, producers and governments

EXAMPLES OF FINANCIAL SOLUTIONS IFACC SEEKS TO ENCOURAGE



Farm Loan Products

Farmland Investment Funds

Capital Markets Offerings

Corporate Debt Instruments

Other Innovative Mechanisms

- Long-term loans for pasture recovery, yield improvements, sustainable intensification (e.g. Syngenta / Reverte)
- Low-cost crop finance loans as an incentive not to convert native vegetation (e.g. RCF)
- Equity funds
 that buy and
 manage land
 under a DCF
 model, e.g.
 pasture
 recovery, yield
 improvements
 without
 conversion of
 natural
 vegetation

- Securitized agriculture receivables with DCF performance metrics or use of proceeds (e.g. Green CRA)
- Other capital markets offerings that direct investment to DCF transition
- Sustainabilitylinked loans with transparent performance metrics aligned with the DCF transition
- Green bonds
 with proceeds
 targeted to DCF
 transition
 investments
- Producer services
 businesses that
 bundle technical
 assistance and
 finance to support
 farmer transition
 (e.g. PECSA)
- Other innovative business and investment models



Romie Goedicke

Associate Lead Nature - Partnerships & Development, UNEP-FI







Webinar Understanding New Regulatory Frameworks in Land-use Finance
3 November – virtually

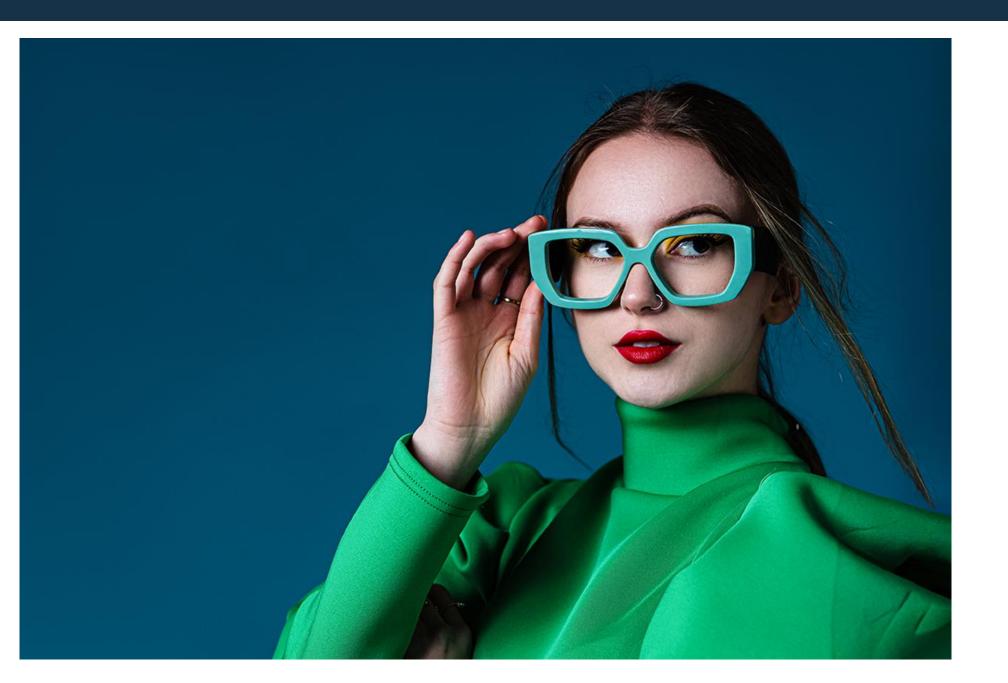
Romie Goedicke

UNEP Finance Initiative

Working with Banks, Insurers, and Investors to create a Sustainable Finance Sector







Biodiversity is the fastest developing ESG theme in global capital markets

- More than half of global economic output US\$44 trillion is dependent to some extent on nature. Increasing nature loss therefore presents a threat to the long-term sustainability of businesses, their investors and creditors and the global economy as a whole.
- The **IPBES Global Assessment report** in 2019 showed that an estimated 1 million species are under risk of extinction, most of them in the near future.
- Nearly US\$3 trillion could be lost from global GDP by the end of the decade without sustained action to protect biodiversity and ecosystems (World Economic Forum's Global Risks report).
- For 3 years running, the loss of biodiversity has been identified by the World Economic Forum's Global Risk Report as among the top 5 risks by impact to the global economy. The loss of biodiversity could have significant economic and financial implications, heavily impacting the supply chains and raw materials that underpin companies.



UNEP FI Nature Team

A gateway for financial institutions, bridging nature and finance, driving practical, science-based action on global environmental frameworks using the convening power of the United Nations.

- Bridging science and markets
- A precompetitive space for FIs
- A track record of 30+ years, with over 10 years in the nature space
- Cross sector bringing together an alphabet soup of initiatives – and cross industry





Mainstreaming nature in financial decision making via:

#1 Raise awareness & building capacity on nature

#2 Support UNEP FI members to analyse current impact on nature, and set targets on most significant impact areas, and publicly report on progress using the TNFD risk and disclosure framework

#3 Work with UNEP FI members and the wider sector to act on nature-related risk by developing nature-positive projects

#4 Collaborate to achieve nature-positive outcomes, including policy, financing and capacity building





UNEP FI's role in TNFD development UNEP FI is a founding member, implementation and piloting partner of the TNFD. Our work focuses on:



Technical and content support

through the working groups and research together with UNEP WCMC (as a TNFD knowledge partner), and Global Canopy.



Building support

from key governments and financial regulators, by the work of Elizabeth Mrema as TNFD co-chair, and in collaboration with UNDP.



Awareness & understanding

about TNFD among PRB, PSI and ILP members via webinars and other engagements.



Testing & piloting

a draft TNFD framework with financial institutions to help strengthen disclosure of naturerelated risks and opportunities in specific countries and sectors.



Staff Support

Catalyzing and building the knowledge and expertise of the TNFD secretariat via staff support, including for Working Groups such as Financial Institutions and Scenario's.



TNFD piloting program

The goal is to have financial institutions (UNEP FI members) **test, learn, share and provide feedback** to the TNFD by providing a collaborative and pre-competitive space to work together with peers.

The pilots will focus on the intersection of realms and economic activities:

Pilot group 1: Freshwater in Australia

Pilot group 2: Forestry in Latin America

Pilot group 3: Off-shore wind farms (global)

Pilot group 4: Agriculture in Africa

Pilot group 5: Rubber extraction in Indonesia

Pilot group 6: Fisheries and agriculture in Europe

NEW Pilot group 7: Commercial Real Estate in North America



UNEP FI's pilot participants



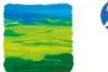












NORINCHUKIN

農林中央金庫

















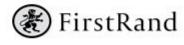






Investec







































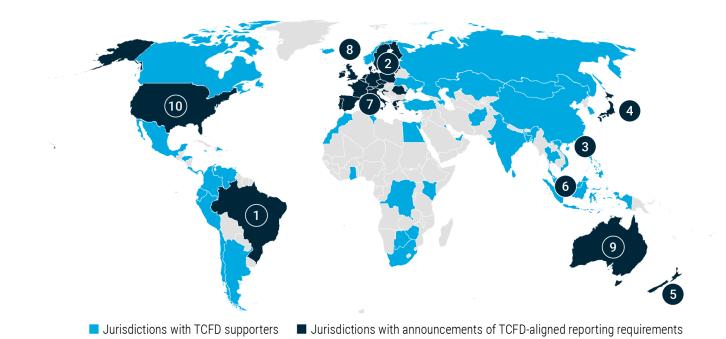














September 2021: The Central Bank of Brazil issued TCFD-aligned disclosure rules for regulated institutions

6 Singapore

August 2021: The Singapore Exchange Regulation proposed a road map for mandatory TCFD-aligned disclosuré

2 EU

April 2021: The European Commission issued a proposal that included the development of sustainability reporting standards based on existing frameworks, including the TCFD

Switzerland

June 2021: Switzerland's Financial Market Supervisory Authority amended disclosure rules for banks and insurers to include climate-related financial risks, based on TCFD

3 Hong Kong July 2021: The Hong Kong Monetary Authority issued draft guidance indicating authorized institutions should make TCFD-aligned disclosures

3 United Kingdom 2020–2021: Several UK regulators issued rules and proposals for TCFD-aligned disclosure

4 Japan

June 2021: The Tokyo Stock Exchange issued a revised Corporate Governance Code, indicating certain companies should enhance disclosure based on TCFD recommendations

Australia

April 2021: The Australian Prudential Regulatory Authority published TCFD-aligned draft quidance on managing climate risks

New Zealand

April 2021: New Zealand introduced a bill that would require
mandatory TCFDaligned
disclosure for the
financial sector

10 USA

March 2022: SEC publishes TCFD-aligned proposal for publicly-listed companies to disclose climate risks





COP15 Statement from the Private Financial Sector

MOVING TOGETHER ON NATURE

This statement was drafted by the UNEP Finance Initiative (UNEP FI), the Principles for Responsible Investment (PRI) and the Finance for Biodiversity Foundation.

'We take inspiration from the Paris Climate Agreement where Article 2.1(c) set a clear mandate for countries to require the financial sector to align its activities with climate goals. COP15 provides a unique chance to get a similar policy mandate in respect of the financial sector and biodiversity.'

Link: https://www.tfaforms.com/5023646





finance initiative

Recent relevant publications



Nature in a Haystack: Leveraging Public Nature-related Data in Disclosure Frameworks

Recommendations based on an assessment of data availability for Costa Rica, India, Indonesia, Mexico and South Africa



Are You Ready For Nature-related Disclosure?

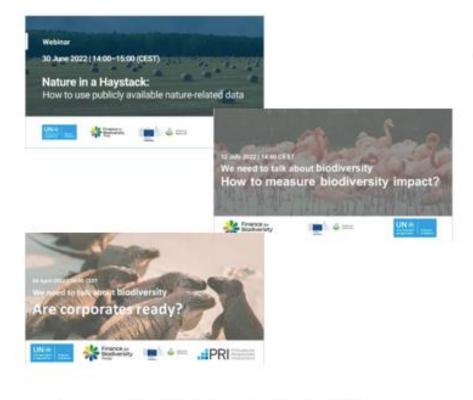
An assessment of readiness and expectations from the corporate market



Prioritising Naturerelated Disclosures: Considerations for High-risk Sectors

An overview of the main dependencies and impacts for 10 high-risk sectors

Communication activities



'We need to talk about biodiversity'
Webinar series (ongoing)

Nature for Life Hub 2022 (UNDP)

'An agenda for action: understanding naturerelated risk and disclosure' (November 2022)





CBD COP 15 and side events on finance & biodiversity (December 2022)





Thank you

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Audience Q&A



