

[TRANSLATION - TRADUCTION]

## FRAMEWORK AGREEMENT ON THE ENVIRONMENT OF MERCOSUR

### PREAMBLE

The Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Eastern Republic of Uruguay, hereinafter referred to as "the States Parties":

Emphasizing the need to cooperate for the protection of the environment and the sustainable use of natural resources, with a view to achieving a better quality of life and sustainable economic, social and environmental development;

Convinced of the benefits of the participation of civil society in the protection of the environment and the sustainable use of natural resources;

Recognizing the importance of cooperation between the States Parties for the purpose of supporting and promoting the implementation of their international commitments to the environment, in conformity with the national legislation and policies in force;

Reaffirming the principles of sustainable development contained in Agenda 21, adopted at the United Nations Conference on Environment and Development in 1992;

Considering that trade and environmental policies should complement one another to ensure sustainable development within the Southern Common Market (MERCOSUR);

Convinced of the importance of a legal framework to facilitate the effective protection of the environment and the sustainable use of natural resources by the States Parties;

Have agreed as follows:

### CHAPTER I. PRINCIPLES

#### *Article 1*

The States Parties reaffirm their commitment to the principles set forth in the Rio Declaration on Environment and Development of 1992.

#### *Article 2*

The States Parties shall examine the possibility of promoting the implementation of those principles of the Rio Declaration on Environment and Development of 1992 which have not been the subject of international treaties.

#### *Article 3*

In their efforts to achieve the objective of the present Agreement and to implement its provisions, the States Parties shall be guided by, inter alia, the following:

(a) Promotion of the protection of the environment and the most effective use of available resources through coordination of sectoral policies, based on the principles of gradualism, flexibility and equilibrium;

(b) Incorporation of an environmental component in sectoral policies and inclusion of environmental considerations in decisions taken within MERCOSUR, in order to enhance integration;

(c) Promotion of sustainable development by means of reciprocal support between the environmental and economic sectors, avoiding the adoption of measures that might arbitrarily or unjustifiably restrict or distort the free movement of goods and services within MERCOSUR;

(d) Giving priority to the causes and sources of environmental problems through a comprehensive approach;

(e) Promotion of the effective participation of civil society in addressing environmental issues; and

(f) Encouragement of the building in of environmental costs through the use of economic and regulatory management tools.

## CHAPTER II. PURPOSE

### *Article 4*

The purpose of the present Agreement is the sustainable development and protection of the environment through the coordination of the economic, social and environmental dimensions, thereby contributing to a higher environmental standard and quality of life for people.

## CHAPTER III. ENVIRONMENTAL COOPERATION

### *Article 5*

The States Parties shall cooperate in the fulfilment of the international environmental agreements to which they are party. Such cooperation may include, as appropriate, the adoption of common policies for the protection of the environment, the conservation of natural resources, the promotion of sustainable development, the issuance of joint communications on topics of common interest and the exchange of information on national positions in international environmental forums.

### *Article 6*

The States Parties shall deepen the analysis of environmental problems in the subregion with the participation of the relevant national agencies and organizations of civil society. They shall carry out, inter alia, the following actions:

- (a) Increase exchanges of information on environmental laws, regulations, procedures, policies and practices, as well as their social, cultural, economic and health aspects, in particular, those which may affect trade or competitive positions within MERCOSUR;
- (b) Encourage national environmental policies and instruments with a view to optimizing environmental management;
- (c) Seek to harmonize environmental legislation, taking into account the differing environmental, social and economic realities of the MERCOSUR countries;
- (d) Identify sources of financing for capacity-building in the States Parties, in order to contribute to the implementation of the present Agreement;
- (e) Help to promote environmentally sound and safe working conditions so as to make it possible to improve the quality of life, social welfare and job creation within a sustainable development framework;
- (f) Help to ensure that other MERCOSUR forums and agencies give appropriate and timely consideration to the relevant environmental aspects;
- (g) Promote the adoption of environmentally sound policies, production processes and services;
- (h) Encourage scientific research and the development of clean technologies;
- (i) Promote the use of economic instruments to support the execution of sustainable development and environmental protection policies;
- (j) Encourage the harmonization of legal and institutional guidelines for the purpose of preventing, controlling and mitigating environmental impact on the States Parties, with particular reference to border areas;
- (k) Provide timely information on environmental disasters and emergencies that may affect the other States Parties and, where possible, technical and operational support;
- (l) Promote formal and informal environmental education and foster knowledge, patterns of conduct and integration of values aimed at producing the changes necessary to achieve sustainable development within MERCOSUR;
- (m) Consider cultural aspects, where appropriate, in the environmental decision-making process; and
- (n) Develop sectoral agreements on specific issues as needed for the achievement of the purpose of the present Agreement.

#### *Article 7*

The States Parties shall agree on guidelines for their work which shall include the thematic areas covered in the annex to this Agreement, shall be indicative in nature, and shall be developed in coordination with the environmental agenda of MERCOSUR.

CHAPTER IV. GENERAL PROVISIONS

*Article 8*

Any disputes arising between the States Parties with respect to the application, interpretation or non-fulfilment of the provisions contained in the present Agreement shall be resolved by means of the dispute settlement system in force in MERCOSUR.

*Article 9*

The present Agreement shall remain in force indefinitely and shall enter into force within a period of 30 days after the deposit of the fourth instrument of ratification.

*Article 10*

The Republic of Paraguay shall be the depositary of the present Agreement and other instruments of ratification.

*Article 11*

The Republic of Paraguay shall notify the Governments of the other States Parties of the date of deposit of the instruments of ratification and of the entry into force of the present Agreement.

DONE at Asunción on 22 June 2001, in one original copy in the Portuguese and Spanish languages, both texts being equally authentic.

For the Government of the Argentine Republic:

[ILLEGIBLE]

For the Government of the Federative Republic of Brazil:

[ILLEGIBLE]

For the Government of the Republic of Paraguay:

[ILLEGIBLE]

For the Government of the Eastern Republic of Uruguay:

[ILLEGIBLE]

ANNEX

THEMATIC AREAS

1. Sustainable management of natural resources
  - 1 (a) Wild fauna and flora
  - 1 (b) Forests
  - 1 (c) Protected areas
  - 1 (d) Biological diversity
  - 1 (e) Biosecurity
  - 1 (f) Water resources
  - 1 (g) Fisheries and aquatic resources
  - 1 (h) Soil conservation
2. Quality of life and environmental planning
  - 2 (a) Basic sanitation and drinking water
  - 2 (b) Urban and industrial waste
  - 2 (c) Hazardous waste
  - 2 (d) Hazardous substances and products
  - 2 (e) Protection of the atmosphere/air quality
  - 2 (f) Land use planning
  - 2 (g) Urban transport
  - 2 (h) Renewable and/or alternative energy sources
3. Environmental policy instruments
  - 3 (a) Environmental legislation
  - 3 (b) Economic instruments
  - 3 (c) Environmental education, information and communication
  - 3 (d) Environmental monitoring instruments
  - 3 (e) Environmental impact studies
  - 3 (f) Environmental accounting
  - 3 (g) Environmentally conscious business management
  - 3 (h) Environmental technologies (research, processes and products)
  - 3 (i) Information systems
  - 3 (j) Environmental emergencies
  - 3 (k) Valuation of environmental products and services

- 4. Environmentally sustainable productive activities
  - 4 (a) Ecotourism
  - 4 (b) Sustainable agriculture
  - 4 (c) Environmentally conscious business management
  - 4 (d) Sustainable forest management
  - 4 (e) Sustainable fishing