



AGRIBUSINESS TECHNOLOGIES AND CIVIL LIABILITY

1. NEW AGRIBUSINESS TECHNOLOGIES IN BRAZIL

As is known, agribusiness represents a significant portion of the Brazilian GDP, which is why the sector, which is essential for the country's economy, increasingly invests in new technologies. Among the new technologies, we can mention:

I. Autonomous equipment

They play an important role in optimizing agricultural operations. For example, autonomous tractors, irrigation systems, and agricultural robots increase productivity, since through their connectivity they can map the location, detect the task performed, and even communicate with other equipment.

II. Internet of Things (IoT) and Softwares

IoT enables farmers to collect and analyze real-time data, automate processes, and make informed decisions to optimize their agricultural operations (e.g., weather and soil monitoring, livestock tracking and irrigation control, animal feeding, production control, etc.).

III. Drones

Drones are used to collect aerial data such as images and videos for monitoring plant health, disease detection, field mapping, and irrigation monitoring. In addition, drones can also be equipped with sprayers for precise application of chemicals to plantations. In view of the increased use of drones, the Ministry of Agriculture and Livestock published Ordinance No. 298 on 09/22/2021, with the purpose of regulating the use of remotely piloted aircraft.

IV. Eco-friendly products

also known as sustainable products and inputs (e.g., organic manure and fertilizers, composting, natural pesticides, renewable energy), they provide a lower environmental impact, promoting sustainability and conservation of natural resources.

V. Genetic engineering

technology of minichromosomes that aims to increase the resistance of plants to resist pests and climate variation.

In addition to the technologies mentioned above, others should gain relevance in the coming years, especially in the field of artificial intelligence, the regulation of which is in progress, providing for (i) fundamental rights; (ii) risk assessment; (iii) obligations; and (iv) oversight and accountability.

2. CIVIL LIABILITY AND LEGAL RISKS IN THE AGRIBUSINESS SECTOR

Civil liability and legal risks are important concerns in the agribusiness sector due to the complex activities and interactions with the environment, public health, and the supply chain. Some relevant issues are:

I. Liability for environmental damage

Agricultural activities can have impacts on the environment, such as water pollution, soil degradation, and greenhouse gas emissions. Farmers and agricultural companies can be held liable for environmental damage and may face lawsuits, fines, or an obligation to repair or mitigate the damage caused.

II. Liability for damage to public health

In the agribusiness sector, food security is a primary concern. Cases of food contamination or the inappropriate use of agrochemicals can lead to harm to public health and result in lawsuits and civil liability. Food producers and processors have an obligation to ensure the safety and quality of the products they sell.

III. Liability for accidents at work

Agriculture is a sector that involves risky work activities, such as the use of heavy machinery and equipment, work at heights, handling of chemical products, and exposure to adverse conditions. Employers have a responsibility to ensure a safe work environment.

IV. Liability for damages to third parties

Damage to neighboring properties, contamination of crops or impacts on local communities can lead to civil liability proceedings.

V. Contractual and commercial risks

In agribusiness, there are several commercial transactions, such as purchase and sale agreements, land leases, partnership agreements, and product distribution. Contractual risks may arise due to failure to fulfill obligations, disputes over the quality and quantity of products, payment issues, among others. It is essential to have clear and well-written agreements to minimize these risks.

VI. Ownership and possession issues

Issues related to the ownership and possession of land, crops or animals can arise in agribusiness agreements. This may involve disputes over property rights, land boundaries, inheritance issues or issues relating to lease agreements.

To mitigate legal risks, agreements must be clear and well-written so that they precisely establish the obligations of each party, terms, prices, quality specifications, and other relevant clauses, and the parties must carry out adequate due diligence before entering into an agreement, verifying the legal situation of the parties involved, the ownership of land and other assets, and any applicable regulatory requirements, without prejudice to being up to date on the laws and regulations applicable to the sector, ensuring compliance at all stages of the activity.

In addition, in the presence of new technologies, it is essential that, before using them, the parties verify that they have been approved by the regulatory agencies and that they are valid and there are guarantees, as well as that producers seek adequate legal guidance to avoid litigation and adequately deal with any disputes.

3. FINAL CONSIDERATIONS

In view of the foregoing, there is no doubt that new technologies are contributing to the increase in the production and sale of commodities in Brazil.

However, the supplier or producer needs to pay attention to the fact that, if it causes damage, they will be obliged to repair it.

To mitigate risks and avoid actions for damages, it is necessary to be supported by a legal advice that knows agribusiness and its legal regime in Brazil, as well as how to prepare and analyze the agreements used in the sector (e.g., purchase and sale of commodities, rural partnership, lease, etc.).

The team of Campos Thomaz & Meirelles Advogados is prepared to assist its clients in the analysis, preparation, and revision of agreements, resolution of doubts and legal opinions, defense of interests, among others, and is always up to date with legislative news and available to offer advice on the subject.

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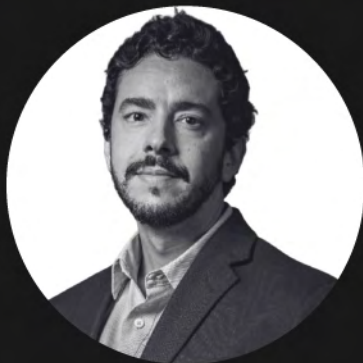
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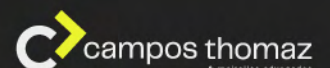
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