

## Sustainability: featured resources

We invite you to explore our featured sustainability resources below. Visit **InsightPlus** for our latest legal updates covering sustainability across the globe, and for more information about our sustainability expertise, please visit **Sustainability | Expertise | Baker McKenzie**.

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### Governance

- **Demystifying ESG Webinar Series**, a series of ESG-focused thought leadership webinars sharing insights and practical guidance for businesses considering what ESG means for them.
- **Bringing Stakeholders on Board**, a one-page snapshot on what stakeholder governance is, why it's no longer a "nice to have," and putting stakeholder governance into practice.
- **Measuring, Monitoring and Making Public: Getting ESG Reporting Right**, a one-page snapshot on ESG reporting and key questions to consider when looking to adopt a global approach to ESG reporting.
- **Corporate Sustainability Due Diligence Directive (CS3D) Explainer Series: What Does it Mean for Business?** In a major shake up to businesses' obligations relating to human rights, environmental standards, and climate change, the CS3D is set to become law. Our dedicated CS3D Explainer Series explains the most important aspects of CS3D compliance and provides practical insights to support businesses as they adapt to this new challenge.
- **Will the CSRD be relevant to my business?** The European Union has adopted the Corporate Sustainability Reporting Directive (CSRD) which will impose new reporting obligations on tens of thousands of EU and non-EU companies doing business in Europe. In-scope businesses will need to report on cross-cutting ESG issues, and make specific disclosures in relation to a wide range of issues including labor relations, lobbying activities, climate neutrality plans and targets, etc. Our CSRD tool (available [here](#)) aims to help you ascertain whether the CSRD is likely to be relevant for your business.
- **B Corps: Balancing Profit, People and Planet**, a one-page snapshot on what a B Corp is, why a company may consider getting B Corp certification, and key considerations in obtaining and maintaining B Corp certification, including implications for governance and the interrelationship with compliance matters.

- **The Future of the Corporation: Moving from Balance Sheet to Value Sheet**, a white paper prepared in collaboration with the World Economic Forum that provides a set of actions and a stakeholder governance framework, which boardrooms and the executive can take to deliver on their company's purpose and its stakeholder expectations.
- **Board Directors' Duties and ESG Considerations in Decision-Making**. We worked with the World Business Council for Sustainable Development (WBCSD) on this report, in which we challenge directors to assess whether they are taking all relevant steps in the boardroom to ensure the company not only properly assesses and mitigates sustainability risks but also understands the opportunities that sustainability considerations can bring.
- **Modernizing Governance: ESG Challenges and Recommendations for Corporate Directors**. As part of our WBCSD membership, we partnered with Deloitte in undertaking a project with the WBCSD on board governance and sustainability.
- **Growing ESG Risks: The Rise of Litigation**, an article that explores expanding growing misstatement and performance litigation in light of the proliferation of voluntary and mandatory ESG reporting obligations and growing market appetite for greater ESG information.
- **Pension Schemes — A Superpower in the Fight Against Climate Change?** Our high-level comparative analysis examines the extent to which the law in the UK, the US, the Netherlands, Australia and Canada currently promotes, or even permits, pension schemes to account for ESG factors by way of investment, stewardship and reporting. Our findings highlight significant differences in the extent to which these legal landscapes encourage or require pension schemes to engage with climate change.

## Sustainable finance and dealmaking

- **Advancing ESG Goals Through the Capital Markets**, a one-page snapshot of ESG-labeled issuances and key considerations when looking to raise finance through these instruments.
- **10 things underwriters need to know about ESG due diligence in the EU**, which contains our top tips for underwriters looking to conduct effective due diligence in the EU to identify ESG risks that may affect investor and shareholder returns.
- **Sustainability-linked Bonds: Incentivizing a Holistic Way Forward**, a one-page snapshot on what sustainability-linked bonds are, why both investors and issuers might consider using them, and the basics of how they work.
- **Sustainability-linked Loans: Incentivizing Sustainable Business Practices**, a one-page snapshot on what sustainability-linked loans are, considerations for using them and how they work.
- **Transition Finance: Making a Success of It**, a one-page snapshot explaining what transition finance is, why those in carbon-intensive emitting sectors and finance providers might consider it, and how it works.
- **Transition Finance: New Opportunities and Challenges for Financial Institutions**, a sustainability briefing focusing on transition finance and covering what makes a credible transition plan, risks and challenges and what progress the market is making, as well as a briefing update covering the European Commission's practical guidance and recommendations to both businesses and the financial sector to support the adoption of transition finance.
- **EU Taxonomy Alignment: Obligations and Incentives**, a one-page snapshot of the EU Taxonomy, why a company either must or may choose to align with it, and overarching principles of alignment.
- **The European Recovery Plan: Funding Opportunities for Sustainability-related Projects**, a one-page snapshot on what funding is available and when, how to access it, and how companies can optimize their chances of accessing the funding.

- **ESG Litigation and Enforcement Risk for Financial Institutions**, a one-page snapshot covering where the risks can arise and key action points for minimizing the risk.
- **A Practical Guide to Greenwashing for Financial Institutions**, covering what greenwashing is, the developing legal landscape and how financial institutions may mitigate the risk of reputational damage.
- **Virtual Power Purchase Agreements: Delivering on Your Sustainability Commitments**, a one-page snapshot on what they are, why you might use them and key considerations before deciding to use one.
- **The Rise of ESG Due Diligence in M&A**, a one-page snapshot covering where ESG issues in M&A arise, buyer and seller considerations, and key questions to ask as part of any ESG due diligence.
- **Mitigating ESG Risks in M&A Transactions**. In this publication, we cover key considerations for buyers as part of an ESG due diligence exercise, and insurance solutions available to mitigate ESG risks.
- **FCA Sustainability Disclosure Regime**, an implementation guide that provides a practical overview of the FCA's Sustainability Disclosure Requirements (SDR) regime — the UK's flagship ESG regime. The guide includes key points for firm to consider when launching an SDR labelled fund and completing entity-level disclosures.
- **Finding Balance, the Post-COVID Landscape for Financial Institutions: Sustainability**. In our sixth briefing on how COVID-19 has affected financial institutions and its impact on current industry trends, we focus on sustainability for financial institutions.
- **Guide to IPOs for Renewable Energy Companies**, which covers capital raising for renewal energy companies. This guide has an overview of the key stages of the IPO process, and an indicative timeline, practical tips to help achieve a successful IPO, key considerations when choosing a listing venue and key issues and listing requirements that should be considered when preparing for an IPO.

#### Podcasts

- **Finsight — Special Edition: Finding Balance — Sustainability for Financial Institutions**, a podcast episode discussing the prioritization of ESG considerations among financial institutions as a result of the pandemic, progress around the creation of common and consistent international standards over disclosure and classification, and the impact of new technologies on sustainability priorities.
- **ESG Debt and Equity Podcasts**, a series of hot topic podcasts all things "need to know" in the ESG debt and equity space.
- **FT and Baker McKenzie Big Deal Podcast, ESG and the rise of sustainable dealmaking**. Baker McKenzie Chief Sustainability Officer Alyssa Auberger and partner Robert Wright are joined by Avinash Mehrotra, global head of Activism and Shareholder Advisory and Takeover Defense Practices at Goldman Sachs, to reveal how the rise of ESG considerations is affecting global dealmaking and influencing the way acquirers view and select targets.

For more information, explore our [Sustainable Finance Hub](#).

## Climate, environment and energy

- **Virtual Power Purchase Agreements: Delivering on Your Sustainability Commitments**, a one-page snapshot on what they are, why you might use them and key considerations before deciding to use one.
- **Corporate PPA Hub**, which has our key resources where you can stay abreast of market developments and trends in the corporate PPA space.
- **Battery Storage: A Global Enabler of the Energy Transition**, a report that highlights key opportunities and challenges for the energy storage sector both from a global perspective and from the perspective of several key jurisdictions, and the significance of its role in enabling the energy transition.
- **Hydrogen Hub**, which includes regular articles on hydrogen-related developments.

- **Global Hydrogen Policy Tracker**, covering key legal, regulatory and policy developments in relation to clean hydrogen globally.
- **From Walk to Talk**, a webinar discussing the potential of adapting existing market models to the new hydrogen market and key issues arising from pioneer projects.
- **The Rise of Hydrogen: Policy, Practice and Projects**, a webinar on the role of hydrogen in the context of energy transition, government support of "green" hydrogen industry and opportunities for first movers.
- **2024 International Guide to Contaminated Land**, which provides an overview of national laws and regulations in over 30 countries governing the discovery, management and clean-up of environmental impacts at industrial sites.
- Click [here](#) to access the full range of our environment and climate change legal alerts.

## UN Climate Change Conference of the Parties (COP)

- Click [here](#) to access our **COP28: STEPS to Net Zero Hub**.
- **COP28: The Global Stocktake**, a briefing on the first global stocktake under the Paris Agreement that will take place at COP28 to assess the collective progress towards NDC targets and long-term temperature goals, the outcomes of which will frame decisions at COP28 and beyond.
- **COP28: Article 6 and Global Carbon Markets**, a briefing on the next steps in operationalizing the Article 6 mechanisms that will be negotiated at COP28, particularly with regard to the technical and administrative architecture to operationalize the Article 6.4 mechanism, which could provide the platform for a global carbon market.
- **COP28: Rise of Nature-based Solutions and Prospects for Biodiversity Markets**, a briefing on nature-based solutions that will be at the forefront of negotiations at COP28, given the growing uptake and reputation of nature-based solutions globally.

## Supply chains

- **Building a More Sustainable Supply Chain**, a one-page snapshot covering what ESG compliance for supply chains looks like, understanding where the ESG risks arise, and key actions to address ESG risks.
- **Delivering on Labor and Human Rights Commitments**, a one-page snapshot of the business imperative for protecting labor and human rights, and overarching questions every board should ask when navigating labor and human rights standards and compliance.
- **Supply Chain Sustainability Policies: State of Play**, a World Economic Forum white paper we contributed to, aimed at helping to understand how international guidelines, treaties and national policies affect supply chain sustainability and why corporate action is key.

## Sustainable real estate

- **Sustainable Real Estate Solutions**: a one-page snapshot of what sustainable real estate is, why property investors and occupiers may consider reducing the environmental impact of their real estate, and key considerations for real estate investors with net-zero ambitions, and also for occupiers looking to satisfy ESG commitments through their corporate real estate.
- Our **Global Sustainable Buildings Index** allows users to compare answers to a series of key sustainability questions across multiple jurisdictions. The index aims to make it easier for users, who may own or occupy a portfolio of properties across multiple jurisdictions, to assess the range of sustainability-related regulations and incentives, to help understand how this affects their real estate portfolio.





## Sustainability collaboration with competitors

- **Sustainable Solutions in Compliance With Global Competition Laws**, a one-page snapshot covering what competition law issues may arise in sustainability initiatives, navigating anticompetitive concerns and key considerations when collaborating with competitors on sustainability initiatives.
- **Collaborating with Competition: Shaping a New Framework for Net-Zero Success**, episode one of our "Solutions for a Connected World" podcast series, in which Baker McKenzie Partner Luis Gomez is joined by Luke Disney, SVP Sustainability & Climate of Rabobank, and Christiana Figueres, former UN climate chief and now founding partner of Global Optimism, to explore why collaborating with competitors is critical for net-zero success across the board, as well as challenges that competition law poses.
- **Off the Shelf Audio Podcast — Sustainability and Competition Law...The Inside Story**, featuring episodes 12 and 13 on the relationship between sustainability and competition law, and the importance and challenges of competitor collaboration to address common sustainability issues in the Consumer Goods & Retail industry.

## Litigation

- **From Aspiration To...Litigation: Managing ESG Exposure**, a one-page snapshot on what ESG litigation is, how expanding regulatory focus and corporate disclosures provide increased foundation to litigate, and tips on managing exposure.
- **Climate Change Disputes**, a one-page snapshot on the evolving nature of climate change litigation, how growing concern over greenwashing is leading to increased regulation of climate disclosures, and key actions to consider when preparing for increased scrutiny of climate disclosures and credentials.
- **ESG Litigation and Enforcement Risk for Financial Institutions**, a one-page snapshot covering where the risks can arise and key action points for minimizing the risk.
- **Growing ESG Risks: The Rise of Litigation**, an article that explores expanding growing misstatement and performance litigation in light of the proliferation of voluntary and mandatory ESG reporting obligations and growing market appetite for greater ESG information.

## Inclusion, diversity and equity

- **Inclusion and Diversity in the Workplace**, a one-page snapshot of key challenges in cultivating an inclusive and diverse workforce and practical considerations for accelerating inclusion and diversity.
- Our thought leadership paper, **Board Diversity — A Corporate Imperative**, outlines laws around the world in relation to diversity quotas, transparency and disclosure, and managing diversity data.
- Visit our **Inclusion, Equity and Diversity in the Workplace** site for insight pieces and hot topics on inclusion, equity and diversity around the world.

## Tax

- **Destination Net Zero: Taxation of voluntary carbon credits**, an article about the increasing use by multinational companies of voluntary carbon credits to achieve their decarbonization objectives on the path to net zero, and which explains the use and taxation of credits for UK companies. The article was first published in the 11 November 2022 edition of Tax Journal.




## Intellectual property and technology

- **Data as a Critical Component of ESG Strategy**, a one-page snapshot on the link between cyber, data and ESG, why these issues are a board-level concern and how businesses can build good data and cybersecurity practices into their ESG strategy.
- **Off the Shelf Video Chat Series — IP and Data in Green Innovation**: Our Consumer Goods & Retail Sustainability Video Chat Series with episodes on: Sustainability and Green Innovation; Advertising, Patents, Plant Variety Rights and Trade Secrets; Collaboration on Green Innovation; and Trademarks in Green Innovation.

## Industry-focused resources

- **ESG Policy Guide — The Future of Sustainability Legislation for Luxury**, our guide developed with Positive Luxury, the company behind the Butterfly Mark, a unique mark awarded to luxury lifestyle brands, retailers and suppliers in recognition of their commitment and verified actions to creating a positive impact on our world. It features recent and upcoming developments in ESG legislation and policies in the US, UK and EU and explains how these impact the luxury, fashion, and cosmetics sectors.
- **So You Think You Want To...Enter a Virtual Power Purchase Agreement**, a Consumer Goods & Retail industry focused guide that looks at how virtual power purchase agreements (VPPAs) can be used as a means to deliver on sustainability commitments. It also looks at how VPPAs may be of particular interest to companies with light manufacturing facilities or offices and retail spaces across multiple locations, where the energy source is limited.
- **So You Think You Want To...Stay on Top of Greenwashing Legislation in the EU**, a Consumer Goods & Retail industry focused guide that looks at the EU's proposed Green Claims Directive and the risks for associated with greenwashing allegations and provides practical advice in navigating the increase in both legislation and consumer activism in this area.
- **Greenwashing in Latin America – A Practical Guide for CG&R Companies**, outlines the legal landscape, regulations and key actions consumer goods and retail companies can take to mitigate the risks associated with greenwashing claims in Latin America.
- **So You Think You Want To ... Be Sustainable**, covering key drivers and considerations for Consumer Goods & Retail industry businesses looking to embed sustainability within their organizations.
- **Off the Shelf Audio Podcast — Sustainability and Competition Law...The Inside Story**, featuring episodes 12 and 13 on the relationship between sustainability and competition law, and the importance and challenges of competitor collaboration to address common sustainability issues in the Consumer Goods & Retail industry.
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  - **ESG in Latin America: A Practical Guide for Industrials, Manufacturing and Transportation Companies**, which identifies important themes in corporate sustainability for IMT companies operating in Latin America (or those that may have plans to) and provides key questions and practical considerations when implementing sustainability strategies and initiatives.
  - **2024 International Guide to Contaminated Land**, which provides an overview of national laws and regulations in over 30 countries governing the discovery, management and clean-up of environmental impacts at industrial sites.
  - **Battery Storage: A Global Enabler of the Energy Transition**, a report that highlights key opportunities and challenges for the energy storage sector both from a global perspective and from the perspective of several key jurisdictions, and the significance of its role in enabling the energy transition.
  - **Environmental, Social and Governance Considerations for the Mining Sector**, a guide that gives an overview of key considerations and recommendations for the metals and mining industry in light of increasing reporting obligations and investor expectations.
  - **TMT Talk Podcast — ESG Issues in Tech M&A (Episode 38)**, a podcast episode concentrating on ESG issues in tech M&A that have become the focus of acquisitions, and also on key points such as the technologies that companies are using to advance sustainability initiatives.

## Report: The Race to Net-Zero

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- **The Race to Net-Zero: Is the global business community on course to beat the clock**, a report developed after surveying 1,000 global sustainability leaders and general counsel about their sustainability strategies, with a particular focus on net-zero target setting and progress towards those targets. The survey data reveals barriers to net-zero transition continue to hinder progress as businesses struggle to convert sustainability commitments into reality. Some of those barriers include supply chain opacity, the funding gap, greenwashing fears and inconsistent reporting standards. Our report offers thoughts on breaking the deadlock to overcome those barriers, including through the role the legal team can play to help join the dots and embed sustainability across an entire organization.

## Sustainability at Baker McKenzie

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- **Baker McKenzie Annual Sustainability Report 2023**, which shares our progress made in 2022 toward our eight prioritized Sustainable Development Goals and reconfirms our commitment as an active participant of the UN Global Compact, the world's largest corporate sustainability initiative, to uphold the Ten Principles on human and labor rights, the environment and anti-corruption.
- For more information on our sustainability-related objectives, please visit [Sustainability | About Us | Baker McKenzie](#).



# Baker McKenzie.

**Baker McKenzie helps global organizations move forward, sustainably — setting direction and navigating legal risk as they move from aspiration to action.**

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