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Business Activity and Market: The Search for a New "Práxis" through Sustainability

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Abstract- The State and the Business Activity have a relationship of Interdependence. That holds the punitive and regulatory power, this, the economic. The achievement of the global Sustainability goal implies harmony between the actors for joint policies. In view of this, it aims to demonstrate the participation of the business sector to achieve this objective, through socio-environmental management - with the organization or business financially viable, fair to the Company and endowed with environmental responsibility. To do so, the relationship between the human being and the environment is first analyzed in order to identify the consequences of human performance over time. Subsequently, the application of Sustainability as a concept to the application of management policies for the business sector is studied, considering the awareness developed about the existence of a Risk Society, as well as, the possibility of benefits arising from this management model. The method used was inductive.

Keywords: sustainability; environmental, business strategy; ecoefficiency; environmental law; risk society.

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Clovis Demarchi [α] & Tainá Fernanda Pedrini [σ]

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Introduction

The end of the twentieth century - due to the adoption of more radical social criteria, such as consumerism[1], and state attitudes beyond ethical[2] principles of environmental preservation, brought the need to debate and implement mechanisms to preserve the environment[3] [4] [5]. The unsustainability of the misuse of what the natural world offers motivates research, as well as the recurrent discourse about the impossibility of making a company's[6] management compatible with the demands of ecological integrality of nature and social needs (TRENNEPOHL, 2011, p. 19).

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[1] "In a different way from consumption, which is basically a characteristic and an occupation of human beings as individuals, consumerism is the attribute of society. For a society to acquire this attribute, the profoundly individual capacity to want, desire, and aim must be, like work capacity in the society of producers, detached ("alienated") from individuals and recycled / reified in an external force that places the 'consumer society' in motion and keeps it going as a specific form of human conviviality, while at the same time setting specific parameters for individual life strategies that are effective and manipulating the probabilities of choice and individual conduct" "*De maneira distinta do consumo, que é basicamente uma característica e uma ocupação dos seres humanos como indivíduos, o consumismo é atributo da sociedade. Para que uma sociedade adquira esse atributo, a capacidade profundamente individual de querer, desejar, e almejar deve ser, tal como a capacidade de trabalho na sociedade de produtores, destacada ("alienada") dos indivíduos e reciclada/reificada numa forca externa que coloca a "sociedade de consumidores" em movimento e a mantem em curso como uma forma especifica de convívio humano, enquanto ao mesmo tempo estabelece parâmetros específicos para as estratégias individuais de vida que são eficazes e manipula as probabilidades de escolha e condutas individuais*". (BAUMAN, 2008, p. 41)

[2] "[...] Ethics is not the place of the arbitrary feeling of each one. Ethics is formulated from universal principles, from common rules, from shared referents that form the solid and collective basis of evaluations and judgments". "[...] *A ética não é o lugar do sentimento arbitrário de cada um. A ética formula-se a partir de princípios universais, de regras comuns, de referenciais compartilhados que formam a base sólida e coletiva das avaliações e julgamentos*". (CANTO-SPERBER; OGIEN, 2004, pp. 15-16)

[3] Operational Concept: "[...] a set of conditions, laws, influences and interactions of a physical, chemical and biological order that allows, shelters and governs life in all its forms". *Conceito Operacional: "[...] conjunto de condições, leis, influências e interações de ordem física, química e biológica, que permite, abriga e rege a vida em todas as suas formas*" (BRASIL, 1981).

[4] In a broad view, the Environment, "may include not only what is natural and pristine, but what has been buil into the environment over time or uses in some way the air, water, and soil, including pipelines, dams, electrical transmission wires, boreholes, and so on" *Em uma visão ampla, o Meio Ambiente, "[…] pode incluir não apenas o que é natural e primitivo, mas o que foi construído no meio ambiente ao longo do tempo ou utiliza de alguma forma o ar, a água e o solo, incluindo oleodutos, barragens, fios de transmissão elétrica, furos e muito mais*" (MAY; DALY, 2015, p. 94). Moreover, "According to the majority view, the environment has been understood as the interaction of natural, artificial and cultural elements that propitiate the balanced development of man's life". *E mais, "De acordo com a visão majoritária, meio ambiente tem sido entendido como a interação de elementos naturais, artificiais e culturais que propiciam o desenvolvimento equilibrado da vida do homem"* (SANTOS; SOUZA, 2017, p. 17).

[5] "The term Environment as Category was adopted in this research report because of its recurrent legal use. Semantically, however, "the expression" meio "and" ambiente "have similar meanings, and their joint use represents a pleonasm". *Adotou-se a expressão Meio Ambiente como Categoria no presente relatório de pesquisa em razão de sua recorrente utilização jurídica. Semanticamente, no entanto, "a expressão "meio" e "ambiente" tem significado semelhantes, e sua utilização conjunta representa um pleonasmo*" (SANTOS; SOUZA, 2017, p. 17).

[6] Dynamic entity, which can have its scope of action divided into two: internal and external. This refers to its performance before the State and the Society, while that to the internal organization of the activity. *Ente dinâmico, que pode ter seu âmbito de atuação dividido em dois: interno e externo. Este refere-se à sua atuação perante o Estado e a Sociedade, enquanto aquele à organização interna corporis da atividade* (ANGARITA, 2013, pp. 28-29).

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In contrast to this thinking, it is intended, as a general objective of this study, to demonstrate the benefits of socio-environmental management - with the organization or business financially viable, fair to the Society and endowed with environmental responsibility[7]. This question arises, corroborating the idea of Ulrich Beck[8], that the same Society that produces Risks is affected by them at a certain time, including those who benefited most from them. Unpredictable and invisible risk becomes real destruction (PEDRINI, 2018) without being able to often identify who causes the greatest damage and the intensity of its global diffusion. One can say, for example, the effects of climate change.

Specific objectives are: a) to evaluate how the conditions of interaction between humans and non-humans in the Environment occur; b) determine whether Sustainability can be used as a criterion for action to transform the current corporate image.

From these conditions, concrete cases are presented in order to illustrate the research, as well as the application of Sustainability[9] as a strategy of competition and improvement of the Company's image based on the new Consumer[10] model because "[...] the stakeholders themselves in the market ... they must observe the collective aspirations of consumers, so that they integrate this new world order" (TRENNEPOHL, 2017, p.32).

The relevance of the theme is justified in accelerating environmental degradation and in the invisibility of social strains[11] resulting from a retrograde view of business management and the inefficiency of joint policies to the public sector[12].

As a research problem we have: There is compatibility between management and the lucrative pretensions of the sector? The provisional hypothesis for this question indicates that another strategy is needed beyond the simple attainment of profit. To the extent that companies focus on the criterion of sustainability, another type of consumer emerges without a social ideology of consumerism. The new corporate image requires a permanent commitment to suit human well-being and not human well-being. In this case, the transnational corporate legacy, for example, is constituted by the image of maintaining ecological integrality for present and future generations.

Regarding the Methodology used, it is recorded that in the Investigation Phase[13] the Inductive Method[14] will be used, in the Data Processing Phase the Cartesian

[7] Such a Utopia "of a more just Society and a better life can only thrive with the insertion of democratic principles into capitalist practices; an idea that, being utopia, it is as necessary as capitalism itself". Tal Utopia "*de uma Sociedade mais justa e uma vida melhor somente poderá prosperar com a inserção dos princípios democráticos nas práticas capitalistas; uma ideia de que, sendo utopia, é tão necessária quanto o próprio capitalismo*" (CRUZ; BODNAR, 2012, p. 26).

[8] "In a decisive sense, they are both real and unreal. On the one hand, many threats and destructions are already real: polluted or dead rivers, forest destruction, new diseases, etc. On the other hand, the real social strength of the risk argument lies in the projected threats in the future. They are, in this case, risks which, whenever they arise, represent such destructions that any action in response to them becomes impossible […]". "*Num sentido decisivo, eles são simultaneamente reais e irreais. De um lado, muitas ameaças e destruições já são reais: rios poluídos ou mortos, destruição florestal, novas doenças etc. De outro lado, a verdadeira força social do argumento do risco reside nas ameaças projetadas no futuro. São, nesse caso, riscos que, quando quer que surjam, representam destruições de tal proporção que qualquer ação em resposta a elas se torna impossível* [...]". (BECK, 2010, p.40).

[9] The author will use the following Operational Concept for the Category mentioned: It is the ecosophic understanding about the capacity of resilience between beings and the environment to determine - in a synchronic and / or diachronic way - which are the attitudes that favor survival, prosperity, the adaptation and maintenance of a balanced life. *A autora utilizará o seguinte Conceito Operacional para a Categoria mencionada: É a compreensão ecosófica acerca da capacidade de resiliência entre os seres e o ambiente para se determinar - de modo sincrônico e/ou diacrônico - quais são as atitudes que favorecem a sobrevivência, a prosperidade, a adaptação e a manutenção da vida equilibrada.*

[10] "Consumer is any natural or legal person who purchases or uses a product or service as final recipient". "*Consumidor é toda pessoa física ou jurídica que adquire ou utiliza produto ou serviço como destinatário final*" (BRASIL, 1990).

[11] "The risk, despite reaching society as a whole, is unevenly distributed, as is the possibility of reaction to the destruction caused by it. The poorest sections of society are generally the most affected because of the location of their homes, the difficulty in changing these situations of risk and lack of protection at the time after the environmental destruction occurred". "*O risco, apesar de atingir a sociedade em sua totalidade, é distribuído desigualmente, assim como a possibilidade de reação a destruição por ele causada As camadas mais pobres da sociedade geralmente são as mais afetadas, em razão da localização de sua moradia, dificuldades de contornar essas situações de risco e ausência de amparo no momento posterior à destruição ambiental ocorrida*". (PEDRINI, 2018). "Deprived societies highly dependent on natural resources are particularly susceptible. A flood, a hurricane, a drought or a social conflict are often enough to completely disorganize them". "*Sociedades empobrecidas altamente dependentes de recursos naturais são particularmente suscetíveis. Uma enchente, um furacão, uma seca ou um conflito social costumam ser suficientes para que se desestruturem por completo* [...]". (MERICO, 2009, p.16).

[12] "[…] trade liberalization and the protection of the environment seem antagonistic, when in fact they are not. Both are aimed at protecting the development of the human being, seeking to foster multilateral cooperation (companies and states) to achieve this goal, due to the growing interdependence between them". "[...] *a liberalização comercial e a proteção do meio ambiente parecerem antagônicas, quando, na verdade, não o são. Ambas visam a proteção do desenvolvimento do ser humano, buscando fomentar a cooperação multilateral (empresas e Estados) para atingir esse objetivo, em razão da crescente interdependência entre eles*". (TRENNEPOHL, 2017, p.92).

[13] "[...] at which time the Researcher seeks and collects the data, under the frame of the established Referent [...]" "[...] *momento no qual o Pesquisador busca e recolhe os dados, sob a moldura do Referente estabelecido* [...]". (PASOLD, 2008. p. 83).

[14] "[...] to research and identify the parts of a phenomenon and to collect them in order to have a general perception or conclusión […]". "[...] *pesquisar e identificar as partes de um fenômeno e colecioná-las de modo a ter uma percepção ou conclusão geral* [...]". (PASOLD, 2008, p. 86).

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Method[15], and, in the Results Report, the Inductive Logic base. In the various phases of the Research, the Referent Techniques[16], Category[17], Operational Concept[18] and Bibliographic Research[19] will be activated.

I. The Interaction between beings: Human and the Environment

The human capacity to inhabit, manage and modify the environment in which he lives, that is, the planet, has, with the experience of the years, triggered discussions about the conciliation between the human being and the lived environment. The dialogue resulting from this interaction aims at finding socially desirable results, as well as avoiding gross mistakes made during history, aiming at harmony with the Environment. In other words, "[...] guarantee levels of environmental quality that allow man to perpetuate himself, as well as other species" (GRANZIERA, 2009, p. 6).

According to Silva (SILVA, 2002, pp. 27-28), this is harmony for Sustainable Development, "which consists in the balanced exploration of natural resources within the limits of meeting the needs and well-being of the present generation, as well as their conservation in the interest of future generations".

This need must be a permanent goal in the human attitude because, although endowed with autonomy, rationality and peculiar aptitudes that, added, do not exist in other beings that inhabit the planet, the human being is not independent of the environment in which he lives. In fact, "[...] man must be attentive and open to his natural environment, since it depends ontologically, existentially and functionally of the environment that provides him with the means for his subsistence" (MONTEIRO, 2014, p.3).

For this reason, and since the ecosological[20] alterity of this relational dimension between humans and nonhumans is often ignored, Environmental Law, understood by the position of "broad anthropocentrism"[21], does not always become the best instrument to ensure the "right to existence" of Nature as "being-own". The New Latin American Constitutionalism, due to the experience of the Andean indigenous peoples, has already begun a different movement on this aspect and that, now, it takes a global course.

This inexorable dependence on human beings for the environment demonstrates the "reason why most of the major challenges of society today, in one way or another, are related to ecological problems [and] [...] incite the prudence of human conduct towards their natural environment" (MONTEiRO, 2014, p.3).

In the Anthropocene[22] era, therefore, to seek alternatives to encourage and mitigate human practices that disagree with sustainable goals and harm the present and future of the collectivity is imperative. Law, in its normative sense, must also understand the systemic character of the ecological dynamics[23], since

[15] On the four rules of the Cartesian Method (evidence, divide, order and evaluate). *Sobre as quatro regras do Método Cartesiano (evidência, dividir, ordenar e avaliar)* (LEITE, 2001. p. 22-26).

[16] "[...] prior specification of the objective (s), target (s) and desired product, delimiting the thematic scope and approach for intellectual activity, especially for research". "[...] *explicitação prévia do(s) motivo(s), do(s) objetivo(s) e do produto desejado, delimitando o alcance temático e de abordagem para a atividade intelectual, especialmente para uma pesquisa*" (PASOLD, 2008, p. 54).

[17] "[...] word or strategic expression to the elaboration and / or expression of an idea". "[...] *palavra ou expressão estratégica à elaboração e/ou à expressão de uma idéia*" (PASOLD, 2008, p. 25).

[18] "[...] a definition for a word or expression, with the desire that such a definition be accepted for the purposes of the ideas we set forth […]". "[...] *uma definição para uma palavra ou expressão, com o desejo de que tal definição seja aceita para os efeitos das idéias que expomos* [...]". (PASOLD, 2008, p. 37).

[19] ""Research technique in books, jurisprudential repertoires and legal collections". "*Técnica de investigação em livros, repertórios jurisprudenciais e coletâneas legais*" (PASOLD, 2008, p. 209).

[20] "*[…] considero que la filosofía andina no es solamente una sunto etno-folclórico, ninetamente histórico, sino una necesidad epistemológica para poder "develar" los puntos ciegos de una tradición enclaustrada e nun solipsismo civilizatorio, fuera éstel lamado "eurocentrismo", "occidentocentrismo" o "helenocentrismo". El tema de la alteridad (u "otredad"), planteado por el filósofo judío lituano "marginado" respecto al mainstream occidental, Emmanuel Lévinas, y recuperado por la analéctica de la Filosofía de la Liberación latinoamericana, me parece fundamental a la hora de tocar el tema de la Naturaleza. Y esto sería ya una amplia acción del tema de laalteridad desde las tradiciones indígenas, saliendo del andro- y antropocentrismos todavía vigentes en Lévinas y parte de la filosofía liberacionista, incluyendo en las reflexiones también al otro y la otra no-humanos, es decir la alteridad ecosófica. Me parece que uno de los puntos "ciegos" de la tradición dominante de Occidente, al menos desde el Renacimiento, ha sido justamente el tema de la alteridad "ecosófica". Aunque la tradición semita (judeocristiana) haya introducido al discurso ontológico determinista y cerrado de la racionalidad helénico-romana las perspectivas de la "trascendencia", "contingencia" y "relacionalidad", es decir: la no-conmensurabilidad entre el uno y el otro, entre el egocentrismo humano y la resistencia de la trascendencia cósmica, religiosa y espiritual, la racionalidad occidental moderna se ha vuelto nueva mente un logos de la "mismidad", del encerramiento ontológico subjetivo, de la fatalidad que tiene nombres como "la mano invisible del Mercado", "coacción fáctica" (Sachzwang), "crecimiento ilimitado" o "fin de la historia".* (ESTERMANN, 2013, p. 1-2).

[21] Against this position, it is worth reading Hayward: [...] it is reasonable to suppose that the more that humans come to understand about the interconnectedness of their health and well-being with that nonhuman nature, the more inseparable appear their interests with the 'good' of nature"). *É razoável supor que quanto maior for a compreensão dos seres humanos sobre essa interdependência entre a sua saúde e bem-estar junto a outros seres não humanos, maior será a inseparabilidade de seus interesses quanto à preservação da natureza* (HAYWARD, 2005, p. 34).

[22] "The Anthropocene is characterized by the capacity of destruction of the human being, accelerating the natural disappearance of the species". "O Antropoceno se caracteriza pela capacidade de destruição do ser humano, acelerando o desaparecimento natural das espécies" (BOFF, 2015, p. 21).

[23] "Ecolaw is just such a legal system, capable of considering human laws as part of new laws on behalf of nature and nonhuman interests". "*A lei ecológica é semelhante ao ordenamento jurídico, ou seja, é capaz de identificar as leis humanas como parte de novas leis que cuidam dos interesses da Natureza e de seres não humanos*" (MATTEI, 2015, p. 162).

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Sustainability, in its legal meaning[24], has as its premise for action this understanding.

The twentieth century had great relevance for the evolution of the concept of Sustainability[25]. In the course of that time up to the present time, the need to balance the use of natural resources with economic growth has been analyzed and discussed, so that socially acceptable means of development[26] can be found.

The fomenting of these concerns, however, occurred in the Late Middle Age[27], owing to the rise of international trade and economic expansion. That time, The concern about the dichotomy between the protectionism of state sovereignty and the need for and viability of international trade as a source of wealth - and therefore the discussion on sustainable issues was still embryonic[28].

The twentieth century as a milestone is justified by the expansion and narrowing of these inter-state relations[29], which was called Globalization, as well as

[24] Utiliza-se o seguinte Conceito Operacional para a Categoria Sustentabilidade na dimensão jurídica: *É a interação entre os diferentes níveis de articulação, organização, linguagem e estrutura das fontes normativas para assegurar os modos de desenvolvimento das vidas e sua dignidade.*

[25] According to Leonardo Boff, Sustainability "is, in ecological terms, everything that the Earth does so that an ecosystem does not fall and ruin itself. This diligence implies that Earth and biomes have conditions not only to preserve themselves as they are, but also that they can thrive, strengthen and coevolve. [...] sustainability represents procedures that we take to enable the Earth and its biomes to remain alive, protected, fed on nutrients to the point that they are always well maintained and at the height of the risks that may arise". *Segundo Leonardo Boff, a Sustentabilidade "é, em termos ecológicos, tudo o que a Terra faz para que um ecossistema não caia e se arruíne. Essa diligência implica que a Terra e os biomas tenham condições não apenas para conservar-se assim como são, mas também que possam prosperar, fortalecer-se e coevoluir. […] sustentabilidade representa procedimentos que tomamos para permitir que a Terra e seus biomas se mantenham vivos, protegidos, alimentados de nutrientes a ponto de estarem sempre bem conservados e à altura dos riscos que possa advir*" (BOFF, 2015, p. 31-32). Despite this, it is known that Sustainability, in a broad way, does not only affect environmental issues, but also economic and social aspects. "It is the ecosophic understanding about resilience in the relationship between beings and the environment to determine - in a synchronic and / or diachronic way - which are the attitudes that favor the recognition of Nature as "self", survival, prosperity, adaptation, and maintenance of balanced life, whether human or non-human, through the integration and interdependence of biological, chemical, physical, informational (genetic), ethical, territorial, cultural, legal, political, technological, scientific, environmental , historical and economic". *Apesar disso, sabe-se que a Sustentabilidade, de forma ampla, não atinge somente questões ambientais, mas também aspectos econômicos e sociais. "É a compreensão ecosófica acerca da resiliência na relação entre os seres e o ambiente para se determinar - de modo sincrônico e/ou diacrônico - quais são as atitudes que favorecem o reconhecimento da Natureza como "ser próprio", a sobrevivência, a prosperidade, a adaptação e a manutenção da vida equilibrada, seja humana ou não humana, por meio da integração e interdependência entre os critérios biológicos, químicos, físicos, informacionais (genéticos), éticos, territoriais, culturais, jurídicos, políticos, tecnológicos, científicos, ambientais, históricos e econômicos* (AQUINO, 2017, p. 81).

[26] "[...] the development is meant as improvement, growth and expansion of conditions and material and spiritual dimensions of social life which are built on the relationship between the state and the nation and they prepare the proper conditions of security, personal freedom, political participation, economic growth and financial prosperity". *"[...] o desenvolvimento é designado como melhoria, crescimento, e expansão das condições e dimensões materiais e espirituais da vida social que se constroem na relação entre o Estado e a nação e eles preparam as próprias condições de segurança, liberdade pessoal, participação política, crescimento econômico e prosperidade financeira"* (RAFAT, 2016, p. 01)..

[27] The Low Middle Ages is used as a final mark in the 15th century. Until that moment the "[...] niche from which the concept of sustainability was born and elaborated is forestry and forest management. Throughout the ancient world and until the dawn of the Modern Age wood was the principal raw material [...]. It was widely used to smelt metals and to build ships, which at the time of the "discoveries/conquests" of the sixteenth century were sailing the oceans". *Utiliza-se a Baixa Idade Média como marco final ao século XV. Até esse momento o "[...] nicho a partir do qual nasceu e se elaborou o conceito de sustentabilidade é a silvicultura, o manejo das florestas. Em todo o mundo antigo e até o alvorecer da Idade Moderna a madeira era matéria-prima principal […]. Foi amplamente usada para fundir metais e na construção de barcos, que na época das "descobertas/conquistas" do século XVI singravam oceanos*" (BOFF, 2015, p. 32).

[28] It was in Germany in 1560 that, for the first time, there was concern about the rational use of forests so that they regenerate and remain healthy. Despite this appearance, only almost two centuries later, in 1713, the German Captain Hans Carl von Carlowitz, transformed the concept of sustainability into strategy. "He emphatically proposed the sustainable use of wood. His slogan was "we must treat the wood with care" [...], otherwise the business will end and profit will cease. More directly: "cut only that much wood that the forest can support and that allows the continuity of its growth". From this awareness the local authorities began to encourage the replanting of trees in the deforested regions. The considerations of yesterday remain valid until today, because the current ecological discourse uses practically the same terms of time". *Foi na Alemanha, em 1560, em que se teve, pela primeira vez, a preocupação com o uso racional das florestas, a fim de que elas se regenerem e permaneçam saudáveis. Apesar desse aparecimento, somente quase dois séculos depois, em 1713, o alemão Capitão Hans Carl von Carlowitz, transformou o conceito de Sustentabilidade em estratégia. "Propunha enfaticamente o uso sustentável da madeira. Seu lema era: "devemos tratar a madeira com cuidado" […], caso contrário, acabar-se-á o negócio e cessará o lucro. Mais diretamente: "corte somente aquele tanto de lenha que a floresta pode suportar e que permite a continuidade de seu crescimento". A partir desta consciência os poderes locais começaram a incentivar o replantio das árvores nas regiões desflorestadas. As ponderações de ontem conservam validade até os dias de hoje, pois o discurso ecológico atual usa praticamente os mesmos termos de então*" (BOFF, 2015, p. 32-33).

[29] "The twentieth century, as the century of the consolidation of globalization, would not have begun in 1914, with the outbreak of the so-called World War I, nor in 1901, if considered the merely chronological-mathematical aspect; the process of economic globalization - the mark of the 20th century - began in Arrighi in the seventeenth century in the structuring of the Italian city-state system. From that point on, the capitalist system developed in the search for its universalization (or globalization), which would have been achieved a few hundred years later, when the Soviet-state socialist model was overcome". *"O século XX, como século da consolidação da globalização, não teria se iniciado em 1914, com a eclosão da denominada Primeira Guerra Mundial, nem tampouco em 1901, se considerado o aspecto meramente cronológico-matemático; o processo de globalização econômica – marca do século XX – teve seu início para Arrighi, no século XVII, na estruturação do sistema da cidades-Estados italiana […]. A partir daí, o sistema capitalista desenvolveu-se na busca da sua universalização (ou globalização), o que teria conseguido algumas centenas de anos mais tarde, quando*

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the closing of the period doctrinally established as Industrial Revolution. This new panorama, in which there is a society experiencing accelerated stages of transition to new forms of organization, refers not only to the market and the economy, but also to political and democratic discussion (CRUZ; BODNAR, 2012, p.24), which will be improved according to the problems caused precisely by this new scenario and by the management of these world relations - inciting the discovery of new strategies.

With the advent of Globalization, the impacts of previously regional or national problems have transcended the imaginary geographical lines attributed to countries on the globe. According to Demarchi (2019, p. 42) environmental, climatic, technological and other issues become transnational, that surpasses the control of the state", they become global.

In this sense, it has been observed that, although there has always been human exploitation of nature, the capacity for recovery of the Environment before the Industrial Revolution and Globalization[30] was realized by it - self-recovery, that is, excessive use of available natural resources has prevented the regression of these effects carried out naturally in previous periods (GIMÉNEZ, 2002, pp. 23-25).

The Global Footprint Network conducts annual surveys to measure the ecological balance in the world - called "Earth Overshoot Day" (UNITED STATES OF AMERICA, 2018), in a free translation, "Earth Overload Day" in order to measure when we end the possibility of self-reconstruction and harmony with the environment. In 2018, this ecological footprint[31] will occur on August 1 - that is, when a planet will no longer be sufficient for the pollution[32] produced.

Put another way, "the Earth has been in the overdraft for a long time. It is in red. It takes more than a year and a half to restore what we have taken away from it for a year" (BOFF, 2015, p. 25-26). Legislative measures at the national and international levels to date do not appear to be sufficient or clear to reduce this situation.

The justifications for this scenario are many. May and Daly (MAY; DALY; 2015, p. 27) believe that, at the international level, although many countries have ratified Treaties and Conventions, therefore, human rights[33] forecasts in environmental matters, some of them do so based on image and politics that is, without any real intention of implementing the provisions set out. The adoption of this position only reinforces the understanding that Sustainability would be just an ideology[34] to reinvent old ways of domination and exploitation, whether of the people or the Earth's ecosystems.

In addition to these factors, these international documents, according to these authors (MAY; DALY, 2015, p.28), were created in times when there was no current awareness about the relevance of environmental preservation and, with other recognized rights, since environmental law, in itself, is not a cause for complaint. "For example, the ECHR considered that a State's failure to control excessive noise pollution [...] may not impact environmental rights per se, but privacy and protected family rights" in the European Convention. This lack of support, or legal reasoning to develop it, in a way that

vencido o modelo socialista-soviético de Estado" (FERNANDES, 2005, p. 38-39).

[30] Over the years, this situation has been aggravated by the use of mass technology and the consumption of more and more unrestrained and little designed to mitigate environmental impacts. *Com o passar dos anos, tal situação foi agravada em razão da utilização de tecnologia em massa e o consumo cada vez mais desenfreado e pouco projetado no sentido de mitigar impactos ambientais.*

[31] The Operational Concept of the "Ecological Footprint" Category, by adoption, according to Leonardo Boff, "ie, soil, nutrients, water, forests, pastures, sea, plankton, fishing, etc. does the planet need to replace what was withdrawn from it by human consumption?". *O Conceito Operacional da Categoria "Pegada Ecológica", por adoção, segundo Leonardo Boff, "quer dizer, quanto do solo, de nutrientes, de água, de florestas, de pastagens, de mar, de plâncton, de pesca, de energia etc. o planeta precisa para repor aquilo que lhe foi retirado pelo consumo humano?*" (BOFF, 2015, p. 25).

[32] "Pollution can be defined as a voluntary or fortuitous modification of the composition of a liquid, gaseous or solid medium. According to IPPC Directive 96/61 on Integrated Pollution Prevention and Control, pollution is the indirect introduction through human activities of substances, vibrations, heat or noise into the atmosphere, water or soil that may have effects harmful to human health or the quality of the environment, or which may cause damage to property or impair or impair the enjoyment and other legitimate uses of the environment". "*A poluição pode ser definida como modificação, voluntária ou fortuita, da composição de um meio líquido, gasoso ou sólido. De acordo com a Diretiva 96/61 IPPC da Prevenção e Controle Integrados da Poluição, a poluição é a introdução indireta, através das atividades humanas, de substâncias, vibrações, calor ou ruído na atmosfera, na água ou no solo, que possam ter efeitos prejudiciais para a saúde humana ou para a qualidade do meio ambiente, ou que possam causar danos aos bens materiais ou deteriorar ou prejudicar a fruição e outras utilizações legítimas do meio ambiente*" (MONTERO, 2014, p. 40-41).

[33] The concept "would be related to the documents of international law, because it refers to those legal positions which are recognized as such by the human being, regardless of their connection with a particular constitutional order, and which therefore aspire to universal validity for all peoples and times, in such a way that they reveal an unequivocal supranational (international) character". *O conceito "guardaria relação com os documentos de direito internacional, por referir-se àquelas posições jurídicas que se reconhecem ao ser humano como tal, independentemente de sua vinculação com determinada ordem constitucional, e que, portanto, aspiram à validade universal, para todos os povos e tempos, de tal sorte que revelam um inequívoco caráter supranacional (internacional)*" (SARLET, 2012, p. 18). Category removed from the book. *Categoria retirada do livro*: (PEDRINI, 2017, p. xi)

[34] "[…] ideologies are situationally transcendent ideas that can never actually achieve their intended content. [...] Although they often become well-intentioned motives for the subjective conduct of the individual, their meanings, when actually incorporated into practice, are, in most cases, deformed". "[...] *ideologias são ideias situacionalmente transcendentes que jamais conseguem de facto a realização de seus conteúdos pretendidos. [...] Embora se tornem com frequência motivos bem-intencionados para a conduta subjetiva do individuo, seus significados, quando incorporados efetivamente à pratica, são, na maior parte dos casos, deformados*" (MANNHEIM, 1982, p. 218).

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gives strength to the environmental pretensions, is also a reason for the state today.

Finally, they attribute the inefficiency of environmental rights, internationally, to the absence of institutional mechanisms or, where they exist, are insufficient, as well as the fact that, in most of the countries, they do not include in their Constitutions the right to a quality environment[35], even if they support or promote it internationally (MAY; DALY, 2015, p.28).

It is observed that, at the international level, legislative inefficiency or the absence of sufficient and strong mechanisms to achieve norms or curb actions and behaviors that confront its provisions is fundamental to the current scenario. Regarding the organization at the national level, Paulo Marcio Cruz and Bodnar (CRUZ; BODNAR, 2009, p.3), "the State can no longer give consistent answers to the Society in the face of the complexity of transnational demands that continually increase". Because of this scenario, it is believed "[...] that the main factor of these cyclical crises is located exactly in the modern Constitutional State itself."

This is an argument that can be identified from the limits of a jurisdiction, even if constitutional, in order to solve the demands of the common goods. In a society of global risk, the effects of providing environmental judicial protection, for example, can not achieve the desired effectiveness due to the complexity of interaction among global actors that contribute to the greater diffusion and intensity of damages that affect the ecological integrity of the Planet.

There are many researches in order to find solutions to the problems presented by this new globalized form of world organization and its ills. In this research report, in order to reach and assign responsibility to those who contribute most and operate in the production of new risks, we analyze the possibility of new consumer requirements and, consequently, new forms of transnational corporate management with a view to sustainability. The epistemological cut carried out in this study removes the State as a direct participant in possible solutions in search of Sustainability[36].

II. The Application of Sustainability in the Environmental Bias to the Corporate Image

In adopting the idea of a risk-producing society, according to Ulrich Beck (BECK, 2015, p. 28), in addition to accepting that the industrial society produces threat situations, it is believed that socially recognized risk, as well as the idea of its potential existence, even abstractly, in everyday social reflection, implies relevant "explosive political ingredient".

This scenario occurs because "[...] what until recently was considered apolitical becomes political - the fight against 'causes' in the very process of industrialization" (BECK, 2015, p. 28). In this area, therefore, Sustainability becomes a variable for good business management, since there is a "[...] definitive dispute about risks: not only of the resulting health problems for nature and the human being, but of the social, economic and political side effects of these side effects" (BECK, 2015, p. 28).

These reflections should therefore be included in the agenda for private sector management, as they are present in the "[...] market losses, capital depreciation, bureaucratic controls of business decisions, opening of new markets, astronomical costs judicial procedures, loss of prestige" (BECK, 2015, p. 28), among others.

It is noted that attention to the needs imposed by the Sustainable vision, especially in its environmental aspect, does not only subsist as an ethical[37] justification, around a concern with human well-being, but precisely becomes a condition for the survival of the company in the business game. In other words, the success and permanence of entrepreneurial activity depends exclusively on its understanding and *praxis*[38] of this new categorical global imperative.

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[35] "As a Fundamental Right to the Environment balanced. The Operational Concept of Fundamental Rights is used for the necessary differentiation of Human Rights. Fundamental Rights, therefore, are "those human rights recognized and affirmed in the sphere of the positive constitutional law of a particular State". *Como um Direito Fundamental ao Meio Ambiente equilibrado. Utiliza-se o Conceito Operacional de Direitos Fundamentais para a necessária diferenciação dos Direitos Humanos. Os Direitos Fundamentais, portanto, são "aqueles direitos do ser humano reconhecidos e positivados na esfera do direito constitucional positivo de determinado Estado"* (SARLET, 2012, p. 18). Category removed from the book. *Categoria retirada do livro*: (PEDRINI, 2017, p. x).

[36] Fundamenta-se tal objetivo na literatura de Roger Scruton: "I defend local initiatives against global schemes, civil association against political activism, and small-scale institutions of friendship against large-scale and purpose-driven campaigns. Hence my argument runs counter to much of the environmental literature today, and may be greeted with scepticism by readers who nevertheless share my central concerns" […] "The solution is to adjust our demands, so as to bear the costs of them ourselves, and to find the way to put pressure on businesses to do likewise. And we can correct ourselves in this way only if we have motives to do so – motives strong enough to restrain our appetites" (SCRUTON, 2012, p. 3;17). "*Eu defendo iniciativas locais contra esquemas globais, associação civil contra o ativismo político e instituições de pequena escala de amizade contra campanhas de larga escala e orientadas por objetivos. Portanto, meu argumento contraria grande parte da literatura ambiental de hoje e pode ser recebido com ceticismo por leitores que, no entanto, compartilham minhas preocupações centrais" [...] "A solução é ajustar nossas demandas, de modo a arcar com os custos delas mesmas, e encontrar a maneira de pressionar as empresas a fazer o mesmo. E só podemos nos corrigir dessa maneira se tivermos motivos para fazê-lo - motivos suficientemente fortes para restringir nossos apetites*".

[37] "[...] is the theory or science of the moral behavior of men in society. That is, it is the science of a specific form of human behavior". "[...] *é a teoria ou ciência do comportamento moral dos homens em sociedade. Ou seja, é a ciência de uma forma específica de comportamento humano*" (VÁZQUEZ, 2006, p. 23).

[38] "Praxis presents the feeling of urgency, the desire for change, nonconformity with domination. The ideals of ethics and justice are

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The ideology of economic and business progress always understood as a measure of infinite growth has already proved to be a failed way of life. The 21st century demands other economic criteria in order to ensure this interdependence between human and non-human in a harmonious way. It does not mean that we need to adopt an "economic zero mark", but to identify how it is possible to generate profit without destroying the world around us. For this reason, the expression "ecological completeness" becomes a key part of this understanding.

The introduction of sustainable perspectives is also a paradigm shift, since what "[...] a long time ago could be understood as a mere modism or specific tendency of sectors and activities with potentially polluting potential to occur irreversibly" (SANTOS; SOUZA, 2017, p. 91).

As a result, the "new competitive paradigm requires the organization to turn environmental strategies into a top management issue, to incorporate environmental impact into the broader issue of increasing productivity and competitiveness" (BÁNKUTI, 2014, p.174) directs "the decision-making process by the resource productivity model and not by the pollution control model. Under this approach, economic competitiveness and environmental enhancement" (BÁNKUTI, 2014, p. 184) are intertwined, since "innovation is capable of improving quality while simultaneously promoting cost reduction" (BÁNKUTI, 2014, p. 184).

Therefore, there was a change in the concept of corporate responsibility in order to "emphasize the impact of business activities on with which it interacts (stakeholders): employees, suppliers, customers, consumers, employees, investors, competitors" (TACHIZAWA, 2006, p. 86), among others.

In view of the existence of these actors, the new conception of Enterprise does not only consider profit *per se*, but also because, faced with new demands for environmental management, it would be impaired, but it requires the introduction of ethical values responsible for the valorization of integrated and sustainable development, able to improve quality and efficiency in business management, with due social reflexes.

Almeida (ALMEIDA, 2009, p.14-15) argues that "[...] planning and implementing an adaptation strategy can generate tangible and short-term benefits for companies". These include: "Competitive advantages, resource savings, control of investor pressure, management of state regulation, stimulation of the resilience of surrounding communities and management of company accountability".

As an example, research on business impacts of climate change by the World Business Council for Sustainable Development may be used. The report identified that 19% of the risks to companies are exposed to extreme weather conditions and 17% to regulations, 13% show a break in the supply of raw materials and 12% in the supply chain and infrastructure, 14% are due to reputational problems, 10% are due to slow climate change and 9% are subject to civil liability (WORLD BUSINESS COUNCIL FOR SUSTAINABLE DEVELOPMENT, 2008).

The main stakeholders in business sector development encounter difficulties when there are no adequacy strategies, as investment analysts may require, for example, effective demonstration and demand disclosure of existing mechanisms in companies, as well as investors themselves can move away from companies with high risk or contributing to its occurrence (WORLD BUSINESS COUNCIL FOR SUSTAINABLE DEVELOPMENT, 2008). It should not be forgotten that business activities carried out with weak or no concern with environmental protection instruments are to a greater degree subject to the imposition of fines and other administrative or judicial sanctions[39].

On the other hand, the ideals of Sustainability, analyzed for the moment in the environmental bias, can also increase to the profitability of Companies. The World Business Council for Sustainable Development considered that, on a large scale, they provide new products and services, as well as create new markets. In addition, they make the Company's regulatory framework more simplified and facilitate access to the raw material (WORLD BUSINESS COUNCIL FOR SUSTAINABLE DEVELOPMENT, 2008).

It is called Eco-efficient the philosophy developed in the companies that aims at environmental improvements that, in parallel, enhance the economic benefits. "It focuses on business opportunities and enables companies to become more environmentally responsible and more profitable. It encourages innovation and therefore growth and competitiveness" (WORLD BUSINESS COUNCIL FOR SUSTAINABLE DEVELOPMENT, 2001, p. 8).

associated with the attitude of indignation towards what is unethical and unfair. It is for this reason that praxis distances itself from a utilitarian and positivist practice, which treats, for example, the problem of poverty as a necessary evil with which one must coexist in conformity". "*A práxis apresenta o sentimento de urgência, o desejo de mudança, a inconformidade com a dominação. Associam-se, então, os ideários da ética e da justiça com a atitude de indignação face ao que não é ético e não é justo. É por esta razão que a práxis se distancia de uma prática utilitária e positivista, que trata, por exemplo, o problema da pobreza como um mal necessário com o qual se deve conviver, conformadamente*" (PIRES, 2016, p. 32).

[39] It is explained: "The Environmental Law is appropriate to the society of risk, as it has, as a scope the prevention and preservation of the environment, which is directly related to environmental civil liability, considering that both damage can be punishable, as the future damage". *Explica-se: "O Direito Ambiental é adequado à sociedade de risco, pois, tem, como escopo a prevenção e preservação do meio ambiente, o que está diretamente relacionado à responsabilidade civil ambiental, tendo em vista serem passíveis de punição tanto o dano consumado, como o dano futuro*" (SANTOS; SOUZA, 2017, p. 38).

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Eco-efficient companies use mechanisms to implement sustainable visions. The starting point is "dealing with pollution problems through Compliance Management. Then, [...] proactively avoid pollution through Cleaner Production" (WORLD BUSINESS COUNCIL FOR SUSTAINABLE DEVELOPMENT, 2001, p.10)[40]. The third point is the "Responsible Entrepreneurship, through which the private sector aims to balance the three pillars of sustainability (social justice, economic prosperity and ecological balance)" (WORLD BUSINESS COUNCIL FOR SUSTAINABLE DEVELOPMENT, 2001, p.10) [41].

In this other report produced by the World Business Council for Sustainable Development, it was found that Companies such as: Volkswagen, Lura, Parmalat and Carvajal have already adhered to Eco-efficiency (WORLD BUSINESS COUNCIL FOR SUSTAINABLE DEVELOPMENT, 2001, p. 19-21). In addition, "initiatives such as the Responsible Action program, the World Business Council for Sustainable Development, the Global Compact, the adoption of sustainability indicators" (SANTOS; SOUZA, 2017, p.91) in the business sector, "The growth of the number of companies with environmental certification (ISSO 140001, Emas, FSC, etc.), demonstrates this scenario, demonstrating that environmental management has come to stay" (SANTOS; SOUZA, 2017, p. 91).

In Brazil, companies such as 3M do Brasil, Alcoa Alumínio, Amanco Brasil, Anhanguera Educacional, Banco Real, Basf, Carrefour, Coca-Cola Brazil, EDP - Energias do Brasil, HSBC, Natura, Petrobras, Philips do Brasil and Suzano, in one way or another, sustainable measures in their business activities[42].

However, despite these adoptions, business activity must be clear that the challenge of adopting Sustainability as an ethical and economic criterion demands an increasingly complex response that is not exhausted by financially rhetorical ideologies, that is, each business achievement must reflect a new and effective attitude towards Sustainability related to the Consumer. The ecological dynamics of sustainability in the environmental, economic, philosophical and social dimensions, for example, favor the proximity between human beings and the natural world and provides care attitudes not because this conduct allows the survival of the species, but because there is a new take of consciousness of the human being as part of the web of life.

Linked to these structural and material conditions, "[...] green or environmental marketing should aim to create a differentiated image of the company, including a greater environmental sensitivity regarding product attributes and positioning" (GUIMARÃES, 2006, p. 78), directed to the environmental concern of the Company. This conduct "allows the company itself to signal to the market and its stakeholders the competitive advantage derived from environmental management" (GUIMARÃES, 2006, p. 78).

[40] "The notion of compliance, however, goes beyond the meaning of the word. It is the institutionalized acceptance of a preventive model to combat the acts considered to be indeterous through the management of decision-making acts in the business sphere". "*A noção de compliance, contudo, ultrapassa o significado da palavra. Trata-se da aceitação institucionalizada de um modelo preventivo de combate aos atos de considerados inidôneos por meio da gestão de atos decisórios no âmbito empresarial*" (PEDRINI; PRIESS, 2018, p. 13). "[…] each company has - in addition to the legal responsibility due to the new legislation - the social responsibility to implement compliance programs" to consolidate these values and principles, making clear its ethical, integrity and anti-corruption stance towards different segments, such as employees, suppliers , shareholders, competitors, etc". *"[…]cada empresa tem – além da responsabilidade legal devido à nova legislação – responsabilidade social de implementar programas de compliance "para a consolidação desses valores e princípios, tornando clara sua postura ética, íntegra e anticorrupção perante diversos segmentos, como funcionários, fornecedores, acionistas, concorrentes etc."* (BRASIL, 2015). Excerpt from the article. *Trecho retirado do artigo*: (PEDRINI; PRIESS, 2018, p. 14).

[41] . In this same bias, we mean the leveling of business strategies in order to reach sustainable levels: "In an initial stage, for business survival, the company must seek legal compliance, which corresponds to meeting legal requirements. A second stage, of normative compliance, concerns the voluntary attendance to environmental technical standards of management and process, with eventual certifications, important for the competitive positioning of the market. In the third stage, the company can adopt a proactive management approach and approach the environmental issue in an integrated manner, considering the environmental impact assessment, environmental cost measurement and the principle of continuous improvement, seeking eco-efficiency through, for example, the adoption of cleaner technologies. Finally, the business corresponds to the fourth stage of environmental compliance, in which the company seeks to enter into environmentally responsible markets, with research, generation and supply of sustainable products developed from technological advances significant for environmental preservation, whose purpose is stimulate, intensify or expand environmentally responsible businesses". *Nesse mesmo viés, entende-se o nivelamento de estratégias empresariais a fim de atingir patamares Sustentáveis: "Em um estágio inicial, para sobrevivência empresarial, a empresa deve buscar conformidade legal, que corresponde ao atendimento às exigências legais. Um segundo estágio, de conformidade normativa, diz respeito ao atendimento voluntário a normas técnicas ambientais de gestão e de processo, com eventuais certificações, importante para o posicionamento competitivo do mercado. Em terceiro estágio, a empresa pode adotar postura gerencial proativa e abordar a questão ambiental de maneira integrada, considerando a avaliação dos impactos no meio ambiente, a mensuração dos custos ambientais e o princípio da melhoria contínua, buscando a ecoeficiência por meio, por exemplo, da adoção de tecnologias mais limpas. Por fim, o econegócio corresponde ao quarto estágio de conformidade ambiental, em que a empresa busca inserir-se em mercados ambientalmente responsáveis, com pesquisa, geração e fornecimento de produtos sustentáveis desenvolvidos a partir de avanços tecnológicos significativos para a preservação ambiental, cujo intuito é estimular, intensificar ou expandir os negócios ambientalmente responsáveis*" (BÁNKUTI; BÁNKUTI, 2014, pp. 174-175).

[42] See study of the companies carried out in the work. *Ver estudo das empresas realizado na obra*: (ALMEIDA, 2009).

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In this case, environmental management, associated to green marketing[43], allows companies adhering to this new vision to externalize it to stakeholders[44] who obtain a broad tool for the acquisition of products and the requirement of new conduits of the sector, constituting a relevant and indispensable factor for the evolution and expansion of the application of Sustainable mechanisms.

According to a survey carried out for the Exame Sustainability Guide, 40% of Brazilian companies "[...] affirm that they are in the process of reviewing the business in view of their socio-environmental impacts and identifying externalities linked to products and processes" of most of the company (EXAME AWARDS THE COMPANIES THAT MOST STAND OUT IN SUSTAINABILITY, 2017).

In addition to these factors, he found that "[...] seven out of ten companies formally enter into commitments linked to socio-environmental goals - and present them publicly. Last year [2017], about 56% of the companies had this type of document" (EXAME AWARDS THE COMPANIES THAT MOST STAND OUT IN SUSTAINABILITY, 2017) [45].

This fact demonstrates that, in addition to state impositions, the new business strategy based on the dynamics of Sustainability is a strong reflection of the analysis of the evolution of the consumerist consciousness about eco-efficient products and services. The Akatu and Ethos Institutes conducted research on consumer expectations in this scenario. As a result, they obtained the high concern of the Consumer by involving the Sustainable Slopes, among them the Environment - the rational use of water and energy (BRAZIL, AKATU INSTITUTE, ETHOS INSTITUTE, 2018).

Another relevant data in a new research is constituted by the awareness of the power of influence of the Brazilian citizen in order to reach goals that are sought by them. "In 2007, 75% of the population agrees that" as a consumer, I can interfere in the way a company acts responsibly". In 2002, 77% agreed (totally or partially) with this phrase, and in 2004 this percentage was 76%" (BRAZIL, AKATU INSTITUTE, ETHOS INSTITUTE, 2018).

In view of all these arguments, business practice, under the ethical angle of Sustainability, can not ignore scenarios of high social, economic and environmental complexity in order to prevail in the simple attainment of profit and perpetuate a Global Risk Society. By insisting on this "time of catastrophes", the entrepreneur confuses Sustainability as a simple moral value. This misconception can not be committed. In this case, the entrepreneur must relearn that Sustainability is a requirement that must be both in the perspective of the attitude and in the structure of the business, after all and as Stengers points out (STENGERS, 2015, p. 59): "It is not', but of the business with which the Entrepreneur demands that we do not go".

III. Final Considerations

It was observed with the development of the research that the use of Sustainability not only helps reduce costs for the provision of services or business, but also improves exponentially the Company's image before the Company.

Most companies see social and environmental responsibility as good business, suggesting that Eco-Friendly Companies are in line with corporate morality and ethics. This has also been the growing view of Consumers on this scenario, which also affects the choice of the private sector to invest in mechanisms that effect this demand.

Therefore, it is important to emphasize the importance of a different posture of the population by assuming the role of Conscious Consumer, so that Business Activity, in order to sustain itself in the face of competition, needs to adapt its products and services to the new requirements of the Market.

At the same time, the implementation of an effective compliance program, in relation to Eco-efficient mechanisms in the exercise of business activity, makes negotiation more secure and transparent - between companies or between Consumers and companies, as well as, brings more confidence and attractiveness of investors and financiers. Such a vision, moreover, avoids the cost of capital and increases the market value of the organization, directly benefiting the company and hence its partners, not counting on the social benefits of a harmonious relationship between all these actors.

[43] Understood as a "business response to the green consumer". *Entendido como "resposta empresarial ao consumidor verde"* (KINLAW, 1997, p. 70).

[44] ""[...] are the" intervenients "in the process of operating a company, business or industry, always aiming at optimizing the necessary activities". *"[...] são os "intervenientes" no processo de funcionamento de uma empresa, negócio ou indústria, sempre visando a otimização das atividades necessárias"* (PERUSSI; PAIVA, 2018, p. 530).

[45] "It is necessary to emphasize the accuracy of the formally, because although it is defended the viability of Eco-efficient business management, it is known that there are cases of mere formal adhesion, that is, without the actual implementation or real concern with the use of socio-environmental mechanisms. In this bias, it is only concerned with the profit from green marketing - which hurts several constitutional principles, among them, the good faith and duty of information to the Consumer that ends up being deceived when thinking that it acquires product or service environmentally viable". *É preciso salientar a precisão do formalmente, pois embora defenda-se a viabilidade de gestão empresarial Ecoeficiente, sabe-se que há casos de mera adesão formal, isto é, sem a implementação efetiva ou preocupação real com a utilização de mecanismos socioambientais. Nesse viés, preocupa-se somente com o lucro advindo do marketing verde – o que fere diversos princípios constitucionais, dentre eles, a boa-fé e dever de informação ao Consumidor que acaba sendo ludibriado ao pensar que adquire produto ou serviço ambientalmente viável.*

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