ENVIRONMENT

CLIENT ALERT

FEBRUARY/2019

ENVIRONMENTAL – BRAZILIAN SUPERIOR COURT (STJ) RULES OUT APPLICATION OF MUNICIPAL REGULATION IN ENVIRONMENTAL LAWSUIT

The Brazilian Superior Court of Justice (STJ), through decision by its 2nd Class, understood that the application of the Forest Code can only be removed if there is a more rigid municipal law regarding the subject, in a conflict occurred in the municipality of Petropolis, in the Rio de Janeiro State countryside.

The decision was confirmed through Review of Special Appeal (AResp) n. 1312435, by reporting of Minister Og Fernandes. The reporter considered that the reformed decision issued by the Federal Regional Court (TRF) of the 2nd Region was inaccurate by giving a more restrictive interpretation to the Forest Code, which is a federal law that protects environmental assets through a larger and deeper extension.

According to the decision, the Forest Code is the special law to be observed in the case, while other ordinary laws must set forth rules that can only increase or maintain the environment protection level.

Veirano's environmental team is highly experienced on the subject and is available to provide further clarifications and legal advices on such matters.

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