ENVIRONMENT

CLIENT ALERT

MAY/2019

ENVIRONMENTAL – ENVIRONMENTAL ADMINISTRATIVE LIABILITY BRAZILIAN: STJ PUTS AN END TO THE CONFLICT

On May 8, 2019, the Superior Court of Justice ("STJ") established that the environmental administrative liability is subjective, confirming that it applies only in case of fault, negligence or willful misconduct.

The decision was grounded on Motion No. 1.318.051/RJ that aimed at unifying the conflict between 1st and 2nd STJ's Panels.

The conflict arose when the 1st Panel understood that the contracting party of carrier services could be held liable for an environmental violation caused by the carrier.

The decision resolved the conflict, providing legal certainty on grounds for environmental administrative liability.

Veirano's environmental team is highly experienced on the subject and remains available for clarifications.

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