



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

BRAZIL

We did not locate any specific cases of waste generator liability in Brazil, although the scholars cited herein often refer to European Court of Justice decisions in their reasoning to explain Brazilian statutes and rules.

Summary of the Law:

In Brazil, art. 4 of [Law 6.938 / 81](#) foresees as objective of the National Environment Policy, in item VII: “the imposition, on the polluter and the predator, of the obligation to recover and / or indemnify the damages caused and, to the user, the contribution by use of environmental resources for economic purposes”. Complementing art. 14, § 1: “It is the polluter who is obliged, regardless of the existence of guilt, to indemnify or repair the damage caused to the environment and to third parties, affected by his activity”.

“...in our legal system, strict civil liability prevails, in which only proof of damage to the environment, authorship and the causal link is required, regardless of the existence of guilt. Cumulation of penalties may occur, as administrative and criminal sanctions do not exclude the payment of pecuniary damages caused by pollution.” [Environmental liability for solid waste from health services](#), 2008 AMBITO JURIDICO citing Sirvinskas, Luís Paulo. Manual de Direito Ambiental. 2 ed. São Paulo: Saraiva, 2005, p. 110. See also Giovanni Pietro Morello Porto, “[Civil liability in the final destination of solid waste.](#)” [jus.com.br](#) (September 2015).

The polluter pays principle is reiterated in the [National Solid Waste Policy of 2010](#) in Article 6. See Giovana Fonseca Custódio, Federal University Of Uberlândia Faculty Of Law, “[Civil Liability For Solid Waste In Post-Consumption Society.](#)” 2018.

CONTACT INFORMATION:

Randy Mott JD, Director for Europe, the Middle East and Africa, CHWMEG, +48-607339012, Europe@chwmeq.org.

<mailto:europe@chwmeq.org?subject=-- Brazil -- Feedback/Dead Link/Update Required for Accessing CASE STUDY Information>

Rev. 0 February 27, 2020