

ADPF 101

Import of Used Tires

Country:

Brazil

Court:

Federal Supreme Court

Competent Court:

Full Court

Format of the Session:

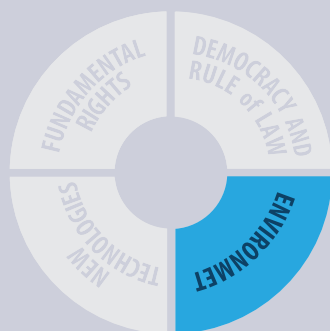
In-person

Rapporteur:

Justice Cármen Lúcia

Decision Date:

June 24, 2009

Matter:


CASE SUMMARY

A Claim of Non-Compliance with a Fundamental Precept (ADPF) in which the validity of court decisions that allowed the import of used tires was questioned. The grounds were that these decisions violated the right to health and to an ecologically balanced environment, under the terms of articles 196 and 225 of the 1988 Federal Constitution. The plaintiff asked the STF to declare the constitutionality of the federal regulations in force in Brazil that prohibited imports. He pointed out that the decisions challenged in the action led to the accumulation of used tires, which, combined with the lack of an effective method of waste disposal, would cause damage to the environment.

LEGAL REASONING

The import of used tires violates the constitutional provisions on health and the right to an ecologically balanced environment (articles 196 and 225 of the 1988 Federal Constitution), since such tires constitute toxic waste that is difficult to dispose of. Economic activities must comply with the constitutional principles of sustainable development and equity and intergenerational responsibility for present and future generations, in order to ensure that growth does not compromise a balanced environment or the health of current and future generations, and with the precautionary principle, which requires that, in the event of scientific uncertainty about possible environmental damage, all necessary measures be taken to prevent it.

DECISION OF THE COURT

The Federal Supreme Court partially ruled the action and declared unconstitutional the interpretations that allowed the import of used tires of any kind, including remanufactured ones.

ADDITIONAL NOTES

The accumulation of tires without an effective disposal method could lead to large, prolonged fires that release toxic gases. It also poses a serious risk to public health, as the tires could become breeding grounds for disease-carrying mosquitoes.



part 1



part 2



part 3



part 4



part 5



part 1



part 2

