

Ban on the Import of Wastes

On January 7, 2025, Federal Law No. 15,088 came into force, amending the National Solid Waste Policy Law (Federal Law No. 12,305/2010), as far as the import of waste is concerned. The purpose of the amendment is to reverse distortions verified in relation to the practice of importing waste to comply with legal obligations regarding the minimum content of recycled material to be used as an input in industrial production. Now, there is a **ban on the import of refuses and solid wastes in general**, including waste composed of paper, paper derivatives, plastic, glass and metal.

Originally, Federal Law No. 12,305/2010 already provided for a ban on the import of (i) hazardous solid wastes (those that, due to their characteristics, pose a *significant risk* to public health or to the quality of the environment), (ii) refuses (those solid wastes that, after exhausting all possibilities of treatment and recovery through available and economically viable technological processes, do not present any other possibility other than environmentally adequate final disposal) and (iii) solid wastes that, due to their characteristics, effectively cause damage to the environment, public health and animal and plant health.

With the amendment established pursuant to Federal Law No. 15,088/2025, the hazardousness of the waste is no longer a condition for the applicability of the import ban: **the import ban now exists even for non-hazardous waste.**

On the other hand, the new Law expressly brought two exceptions to the prohibition rule. The first exception consists of the possibility to import wastes used in the **transformation of strategic materials and minerals,**



including long-fiber paper scraps, waste metals and metallic materials. The second exception makes reference to the authorization granted to the **importer or manufacturer of automobile parts** - except tires -, to import solid waste derived from previously exported domestic products, exclusively for the purpose of “**reverse logistics and full recycling**” (emphasis added), even if classified as hazardous waste.

Regarding the second exception established in the new Law, it will be challenging for Brazil to harmonize the practice of importing hazardous wastes – in this case, those originated from useless automobile parts – with the obligations established under the **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal** (1989), to which the Brazil is a party and which main objectives are: (i) the reduction of hazardous waste generation and the promotion of the environmentally adequate management of such waste; (ii) the restriction, as a general rule, to the transboundary movement of hazardous wastes; and (iii) the establishment of a regulatory system for the exceptional cases in which the transboundary movement of hazardous waste is allowable. ■

This publication is addressed to the clients of this firm. It does not constitute legal advice and its purpose is to inform about the main changes in the Brazilian legislation and relevant news in the environmental field. For any further clarifications, the collaborating attorneys remain at your entire disposal.

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