



LEGAL ALERT

*São Paulo' Appeal Court grants injunction recognizing the illegality of the new way of calculating the analysis price charged by CETESB for issuing and renewing environmental licenses*

On December 18, 2019, São Paulo Appeal Court granted an injunction recognizing the illegality of State Decree No. 64.512/2019, that established new ways for calculating the analysis price for the São Paulo State Environmental Company (CETESB) issuing and renewing environmental licenses.

The decision was issued in the context of the Declaratory Action No. 1070469-31.2019.8.26.0053, filed by the São Paulo State Petroleum Derivatives Trade Union - SINCOPETRO/SP and others against CETESB.

According to the plaintiffs, with the amendment brought by State Decree No. 65,512/2019, even without any change in the review procedure, the value for renewal of an environmental license has quadrupled for a company that has had exactly the same activity since the last license application.

With the injunction granted, until the final judgment of the lawsuit, the application of the new rule is suspended, using the form of calculation previously established by State Decree No. 47,400/2002. It is important to mention that this decision has an inter partes effect, in other words, the validity is restricted only to those who are parties on the lawsuit. However, the court understanding tends to guide decisions in any lawsuits taken in the same direction.

For more information, please contact the lawyers of the Environmental Team of Gasparini, Nogueira de Lima e Barbosa Advogados.