



FBOMS

Fórum Brasileiro de ONGs
e Movimentos Sociais
para o Meio Ambiente
e o Desenvolvimento

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*Mr Peter Mandelson
EU Commissioner for External Trade
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Brasília, 20 September 2007

Dear Commissioner Mandelson;

The Brazilian Forum of NGOs and Social Movements for the Environment and the Development (FBOMS) and the Brazilian Network for Peoples' Integration (REBRIP) wish to express their concern and disagreement regarding the appeal of the European Union in the WTO dispute settlement case "Brazil - measures affecting imports of retreaded tyres". We request that the EU respects the decision made by the WTO panel and withdraws this appeal.

As we pointed out in our previous letters destined to you, the Brazilian measure questioned in this case is destined to the protection of the environment and public health, as was clearly explained by the Environment Minister Marina Silva in the first hearing of the dispute settlement case. Considering these arguments, the WTO Panel recognized that Brazil is allowed to maintain the import prohibition of retreaded tyres, considered a necessary measure for the protection of interests of the highest importance, especially the protection of human health and life.

We do not agree with the information published by the EU on the Internet¹ affirming that the Panel "wrongly concluded that Brazil's import ban reduces public health risks". On one hand, we repeat that domestic used car tyres can be retreaded in Brazil. On the other hand, we highlight the possibility of a relationship between the growth of retreaded tyres import and the increase in the number of dengue fever cases. According to data used by the Ministry for External Affairs 5,862 tons of this type of tyres entered Brazil in 1992, when 1,658 cases of the disease were registered. Up to 1998, the imports increased six times and the number of dengue fever cases reached more than 528,000. We always stressed the fact that we support tyres retreading, when done with domestic used tyres.

The EU accuses Brazil to adopt discriminatory measures permitting the import of retreaded tyres from other Mercosur countries while banning them from the EU, which would even contradict the arguments of protection of the environmental and public health used by Brazil. Once again, the WTO panel recognized the right of Brazil to maintain this exception, considering the low number of units imported from Uruguay and Paraguay representing 164,000 retreaded tyres, compared to the millions of retreaded tyres that would again arrive to our country annually in case the measure questioned by the EU was abolished.

¹ <http://ec.europa.eu/trade/issues/respectrules/dispute/pr030907.htm>



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The EU also affirms that “retreaded tyres are not waste or used tyres”, and that “retreaded tyres which are produced in accordance with accepted international standards have the same durability and safety as new tyres”. We highlight, again, that all retreaded tyres clearly dispose of a much smaller lifecycle than new tyres and become waste much sooner as new tyres, increasing environmental damage in Brazil.

The WTO panel recognized the right of Brazil to maintain the import prohibition of retreaded tyres, based on the condition that the country in fact succeeds in applying this prohibition, extinguishing the import of retreaded tyres once and for all, today taking place based on preliminary rulings. The Federal Government, in September 2006, filed a lawsuit with the Federal Supreme Court to extinguish all these preliminary rulings. Thus, the Government is committed in adapting all domestic measures in accordance with the decision of the WTO panel.

We suggest that instead of appealing the decision of the panel, the EU should put in practice the rhetoric of taking care of the protection of the environment and public health, supporting Brazil and other developing countries in the implementation of efficient measures for the responsible management of retreaded tyres and other hazardous waste.

Yours sincerely,

Temístocles Marcelos
Executive Secretary FBOMS

Esther Neuhaus
Executive Director FBOMS

Fatima Mello
Executive Secretary REBRIP

The Brazilian Forum of NGOs and Social Movements for the Environment and the Development (FBOMS) was created in 1990 in order to facilitate the participation of civil society in the process of the United Nations Conference on Environment and Development (UNCED), the Earth Summit (Rio-92). With 600 member organizations, both NGOs and social movements from all across Brazil, it is the largest national environmental network in the world. Today, 13 Working Groups are active, among them the Climate Change, Energy, Water, Trade and Environment and Forest Working Groups. www.fboms.org.br