



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

COLOMBIA

We were unable to locate a court case involving waste producer liability in Colombia. The statutory provisions are set out below.

Summary of the National Law

In 2008, Colombia enacted a law that stated the basic responsibility of waste producers. [Law 1252 of 2008](#) provides:

Article 7. Generator responsibility. *The generator will be responsible for the hazardous waste it generates. The responsibility extends to its tributaries, emissions, products and by-products, dismantled and disused equipment, personal protective elements used in the handling of this type of waste and for all the effects on health and the environment.*

The law actually goes further to make producers of products responsible in a similar fashion (a robust form of extended producer responsibility):

ARTICLE 8. Responsibility of the manufacturer, importer and/or conveyor. *The manufacturer, importer and/or transporter of a product or chemical with hazardous characteristics, for the purposes of this law shall be equated to a generator, in terms of the responsibility for the handling of packaging, transport or mobilization, storage until its discharge and reception at the final destination, residues of the product or substance and personal protective elements used in the handling of this type of bulking...*

Products with hazardous characteristics in this regard will be treated the same as waste.

The scope of this responsibility runs for both hazardous wastes and hazardous products until their final disposition:

Article 9. Subsistence of responsibility. *The integral responsibility of the generator, manufacturer, importer and/or conveyor remains until the hazardous waste is exploited as input or finally disposed of in technically designed tanks or systems that does not pose risks to human health and the environment.*

The law also expressly provides that both the producer and the receiver of the material are jointly and severally liable until its ultimate safe disposition:

Article 9(1). *Until the use or final disposal of hazardous waste has been carried out and verified, by the competent environmental authority or the person who makes its own..., the receiver is jointly and severally responsible with the generator.*

The obligation imposed also expressly covers remediation:

Article 9(2). *The responsibility covered in this article includes monitoring, diagnosing and remediating soil, surface and groundwater and its intermediation with human health and the environment in the event of contamination by these wastes.*

CONTACT INFORMATION:

Randy Mott JD, Director for Europe, the Middle East and Africa, CHWMEG, +48-607-339012, Europe@chwmeg.org.

<mailto:europa@chwmeg.org?subject=-- COLOMBIA -- Feedback/Dead Link/Update Required for Accessing CASE STUDY Information>

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