



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

COSTA RICA

We were not able to locate specific court cases in the Costa Rica on waste producer liability. The relevant provisions of national law are discussed and linked below.

Summary of the National Law

The basic provisions governing the responsibilities for waste management are set out in [the Law for Integrated Waste Management, No. 8839](#). Article 5(c) states it is the responsibility of the waste generator to manage it comprehensively and sustainably, as well as to assume the costs that this implies in proportion to the quantity and quality of the waste it generates.”

Article 14 goes further and requires that:

“Every generator must have and keep updated a comprehensive waste management program. In the event that the program includes the delivery of waste to authorized managers, the generator must monitor that it is authorized for sanitary and environmental management in accordance with the principles of this Law. This program must be prepared and implemented by the generator for follow-up and monitoring by officials of the Ministry of Health.” (emphasis added).

Article 32 requires registration of waste managers with the Ministry of Health. Article 38 sets out the general requirements for waste generators. See also Article 44.

Article 43 is also quite clear of the responsibility of the waste generator to assure proper final disposal and management:

“The natural or legal persons, public or private, that generate hazardous waste are responsible for the damage that such waste causes to life, health, the environment or the rights of third parties, throughout the life cycle of said waste.

“Although a generator transfers its waste to an authorized manager, it must ensure, through contracts and delivery-transport-reception manifests, the environmentally sound management of these and avoid causing damage to health and the environment. In case of breach of this obligation, it may be considered jointly and severally liable for damages to the environment and health that may be caused by said company due to the improper handling of these and the applicable sanctions.” (emphasis added).

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