



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

GUATEMALA

We were not able to locate specific court cases in Guatemala waste producer liability. The national provisions that affect waste producer liability are set out below.

Summary of National Law

As early as 2005, the government of Guatemala recognized the “polluter pays” principle in its [National Policy for the Comprehensive Management of Waste](#). Government Agreement 111 of 2005. Part II of that documents provides:

“Polluter principle pays: Whoever generates residues and wastes will be responsible for assuming the costs incurred for the comprehensive management of the same, and where appropriate, for the repair of damages and losses caused.”

The draft Law for the Integrated Management of Waste in 2010 (not longer online) made the waste generator ultimately responsible for their waste:

“Article 12. Generator of special and dangerous residues and wastes. Corresponds to each generator of special and hazardous waste is responsible for the treatment and final disposal of these, complying with the environmental standards that the Ministry of Environment and Natural Resources issue; in the absence of these the standards apply international environmental.”

As of September 2019, [the draft waste laws have been stalled](#) in the Guatemalan Congress. There is, however, the [National Policy for Comprehensive Waste and Solid Waste Management, Government Agreement No. 281-2015](#) again stated their policy of “the polluter pays”:

“Who pollutes pays: whoever generates solid waste and residues corresponds to assume the costs derived from the integral management of the same and in case of contaminating the environment by illegal handling or actions not authorized by the competent authority, the repair of damages and damages caused,” page 38.

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