



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY IN EUROPE

UKRAINE

Ukrainian law utilizes the older concept of ownership of the waste. See [Law on Waste](#) (Supreme Council of Ukraine (BD), 1998, N 36-37, st.242) as amended.

Article 8: “ *Waste as an object of property. Waste is the object of ownership. Ownership of waste can pass from one person to another in the manner prescribed by law.*”

While there are general environmental obligations to persons involved in waste management in the Ukrainian statute, the law allows waste to be transferred to third-parties, provided that they are authorized to manage the waste. However, the law also has detailed requirements on each party in the change of ownership. The assumption of the transfer of ownership as absolving the waste producer may be subject to the third-parties' compliance with those requirements. No cases seem to have tested this possibility, but European courts have required this under similar laws.

In addition, court decisions have based liability for waste contamination on violations of broad principles in Ukrainian law (including acts of omission) and the fact that the waste disposition was not in compliance with the rules. [Case No. 51/385, Supreme Economic Court of the Ukraine, July 21, 2012.](#)

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