



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY IN EUROPE

BULGARIA

There appear to be no reported decisions on waste producer liability in Bulgaria. The [Bulgarian Law on Waste Management](#)¹ has been amended in 2012 to meet the requirements of the Revised Waste Framework Directive and contains the similar language to other European statutes that create strict liability for waste producers.

Article 7(2) provides: *“When the waste is delivered for preparation prior to recovery or disposal [and is not processed properly], [it is] the responsibility of the original producer or holder to perform overall recovery or waste disposal.”* The statute specifically provides for *“the liability of the original waste throughout the chain from collection to treatment, as well as for sharing and transferring responsibility among those involved in the chain for collection and treatment.”* See Article 7(3).

As elsewhere, if the waste contractor has sufficient assets and is directly in control of the waste when it is mishandling or abandoned, the issue will be moot. But in the event of a failure, the Bulgarian law joins others in making the original waste producer the guarantor.

Note: Nothing in the waste law transposed into national law supersedes, replaces or negates potential liability under the Environmental Liability Directive or the Industrial Emissions Directive (IPPC). Both of which have been applied to waste producers.

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¹ Prom. SG. 53 of 13.07.2012, effective from 13.07.2012, amended. No.. 66 of 26.07.2013, in force from 26/07/2013 d; amend. Decision № 11 of 07.10.2014 of the Constitutional Court of the Republic of Bulgaria - SG. 61 of 25.07.2014.