



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY IN EUROPE

LATVIA

Name of case: Cases. A420271313

Country and court: District Administrative Court, Riga, Latvia

Date of holding: December 5, 2013

Summary of facts: In the capital city, illegal dumping of a variety of debris occurred along a shoreline. The land was owned by the City and the case pitted the State Environmental Protectorate against the city officials. Additional criminal proceedings were started on the illegal dumping, but no party had been identified. The city contested that it was responsible merely by ownership of the location where the illegal dumping took place.

Legal basis for holding waste generator or producer liable: The Court explained the law as follows:

“Waste Management Law, Article 15, first and fourth part provides that the collection, handling, sorting, storage, recovery or disposal is allowed only in designated areas; owner of the land, on which was unlawfully placed municipal, hazardous and industrial waste to an unexpected place, after their transfer to a waste manager who has received permit the waste, shall bear the costs of waste management and is entitled to claim damages from the waste producer. If the waste producer is established, waste management costs are borne by the producer of the waste.”

Commentary: This is typical of many cases in Europe in recent years, where “innocent” landowners are ordered to do a cleanup and resist on the grounds that they were not the operator or the waste producer. The courts invariably recognize that these other parties would be primarily liable and could be subjected to claims for reimbursement, if they are located, but they normally order relief from the landowner.

The law in Latvia follows the transposition of the Revised Waste Framework Directive: Article 17 requires that the costs of hazardous and industrial waste management be borne by the waste producer.

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.

CONTACT INFORMATION:

Randy Mott JD, Director for Europe, the Middle East and Africa, CHWMEG, +48-607339012, europa@chwmeq.org.

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