



## SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY IN EUROPE

### SWEDEN

There is no reported decision on waste producer liability in Sweden. However, the statute is very clear and commentators unanimously assume that there is strict liability.

The Waste Law, transposing the EU Waste Framework Directive provides:

**§ Article 5(a): “Waste holder's liability**

*The holder of waste must ensure that waste is managed in a health and environmentally sound manner.”*

Additional provisions emphasize the point:

**§ Article 20**

*“The principle of polluter liability: The original waste producer or the current or previous holder of the waste is responsible for waste management costs (principle of polluter liability).”* Waste Law as amended June 17, 2011.

The recycling industry commented on the principle in responding to a proposed government rule-making:

*“[T]he waste producer's/operator's responsibility to take care of their own waste management has been increased and clarified by the general rules of consideration and later by Chapter 15. 5 a § Environmental Code, which provides that holder of waste has a duty to manage the waste in a health and environmental acceptable manner. It is clear that society has changed since the 70's, when the definition was introduced for the first time.”* Comments of Recycling Industry AB, proposed EPA rules, May 3, 2002.

The interpretation of the language in the Waste Law by the Swedish EPA is also clear:

*“The holder of the waste, always has a responsibility to ensure that waste is managed in a health and environmentally acceptable manner (Chapter 15, Section 5a § Environmental Code). This requirement applies waste producers as well as operators that handle waste in a later stage.”* [Swedish EPA Handbook on Construction Waste](#) (2010) p. 27 (emphasis added).

The Swedish Environmental Code on Environmental Damages, Chapter 2, Section 8, also has broad language on the liability of any party causing environmental damage. This is widely regarded as including waste producers' acts of omission.

**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](mailto:europa@chwmeq.org).**

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