

Legal status of the municipality in waste management

Abstract

This thesis focuses on the analysis of municipal obligations in waste management, which arise from the relevant provisions of the Waste Act as well as the relevant EU legislation. The main obligation examined is the obligation of municipalities to ensure that a certain proportion of municipal waste generated by the municipality is separated within their territory, which is derived from the provisions of Section 59(3) of the Waste Act. The anchoring of this obligation derives indirectly from the primary objectives of waste management within the meaning of Section 1(1) of the Waste Act.

Answering whether the municipality has sufficient legal and non-legal instruments to achieve the set waste target is the primary research question of this thesis. Therefore, the different instruments (administrative, conceptual, economic) that ultimately lead to higher municipal waste separation rates are discussed in detail. Furthermore, this thesis explicates in detail the way in which the rate of separate waste segregation in each municipality is determined in order to determine the rate of compliance with the waste target.

The analytical part, in relation to the primary research question, deals with the current position of municipalities, where a quantitative method of data collection is used to investigate to what extent the waste target is currently being met, to what extent municipalities are using the legal and non-legal instruments at their disposal that can lead to an increased level of waste separation in a given municipality, and to what extent it is the municipalities that actually influence which entity will provide waste management services for them.

The primary research question is answered in such a way that municipalities have relatively enough possibilities to increase the share of separately collected municipal waste. However, some doubt is expressed as to whether municipalities will be able to achieve the waste target in each year.

The secondary research question concerns the assessment of the legal liability of municipalities for failure to meet the waste target. In this context, the main focus is on the question of liberation from this strict liability, with a detailed discussion of the different aspects that, in their totality, could constitute a possible liberation ground from the municipality's strict liability.

The author's answer to the secondary research question is that a municipality is wrongfully liable if it fails to achieve a specified waste target. However, a municipality can liberate itself

from this liability, but under very strict conditions, which cannot be subjective in nature, but must be objective circumstances inherent in all municipalities.

Keywords: waste - waste management objectives - municipal obligations