



Alžbeta Adamkovičová

 <https://orcid.org/0009-0004-5842-0638>

Comenius University in Bratislava

Slovakia

Effectiveness of remedial measures within waste management*

Abstract: The article examines the effectiveness of remedial measures imposed in administrative offence proceedings within the waste management sector. It juxtaposes the doctrinal framework with enforcement practice to assess the extent to which imposed remedial measures advance damage remediation in compliance with the principles of environmental law – most notably the requirement of rectifying environmental harm at its source – and whether they contribute to the prevention of recidivism. By mapping points of convergence and divergence between normative objectives and administrative implementation, the analysis evaluates the remedial, preventive, and deterrent functions of these measures within the broader architecture of administrative liability. On this basis, the article formulates *de lege ferenda* recommendations aimed at improving regulatory effectiveness and strengthening legal enforceability. The article thus situates remedial measures at the intersection of theory and practice, clarifies their role in environmental protection, and identifies targeted reforms to enhance their capacity to deliver timely remediation and credible deterrence.

Key words: waste management, environmental law, remedial measures, liability for damage

* This article was supported by the Comenius University Grant (GUK) No. UK/1371/2025, titled *Perspectives of Waste Management*.

1. Introduction

The protection of the environment, as one of the most pressing challenges of our time, is based on the axiomatic premise that the prevention of environmental harm is unequivocally better than its subsequent remediation.¹ This principle stems not only from an ethical responsibility towards future generations, but also from the pragmatic realization that the restoration of damaged ecosystems to their original state (*status quo ante*) is often extremely costly, technically complex, and in many cases, such as biodiversity loss, entirely impossible.² As also acknowledged in the professional literature, environmental harm may be irreversible, and the primary goal should be to prevent damage from occurring rather than remedying it afterward.³

In response to these risks, the fundamental pillars of environmental policy have been developed within international and European environmental law *in concreto* the precautionary principle, the principle of remediation at source, and the “polluter pays” principle. States are thus obligated not only to actively protect natural resources and reduce pollution, but also to create and strengthen regulatory frameworks that ensure ecological balance.⁴ The “polluter pays” principle is applied in such a way that the person responsible for the contamination also bears the cost of its removal.⁵ Growing concerns about environmental degradation require immediate and adequate remediation, as well as the punishment of offenders, with the solution demanding collective effort, a long-term strategy, and research to ensure that future generations live in a clean world.⁶

Despite the strong emphasis on prevention, the reality of everyday practice is confronted with numerous violations of environmental regulations.⁷ In such situations, remedial measures come to the forefront as a key tool used by public administration authorities to rectify unlawful conditions. In contrast to mone-

¹ L. A. Duvic-Paoli, *The Prevention Principle in International Environmental Law*, Cambridge University Press, Cambridge 2018, p. 16.

² A. I. Mahdi, *The Principle of Preventing Environmental Harm*, “Journal of Human Security” 2024, vol. 20, no. 1, p. 94; N. P. Hariram et al., *Sustainalism: An Integrated Socio-Economic-Environmental Model to Address Sustainable Development and Sustainability*, “Sustainability” 2023, vol. 15, no. 13, p. 6.

³ M. Fitzmaurice et al., *International Environmental Law. Text, Cases And Materials*, Edward Elgar Publishing, Cheltenham 2022, p. 49.

⁴ A. I. Mahdi, *The Principle of Preventing Environmental Harm*, “Journal of Human Security” 2024, vol. 20, no. 1, p. 94.

⁵ R. G. P. Hawkins, H. S. Shaw, *The Practical Guide to Waste Management Law*, Thomas Telford Publishing, London 2004, p. 63.

⁶ N. P. Hariram et al., *Sustainalism: An Integrated Socio-Economic-Environmental Model to Address Sustainable Development and Sustainability*, “Sustainability” 2023, vol. 15, no. 13, p. 6.

⁷ A. I. Mahdi, *The Principle of Preventing...*, p. 94.

tary sanctions, whose primary function is repressive and deterrent, the main and sole aim of remedial measures is the actual and immediate rectification of the damage caused. These measures are thus a direct reflection of the preference for natural restitution, which in environmental law is more essential than monetary compensation.⁸

This article therefore aims to critically assess the effectiveness of the system of remedial measures in the waste management sector under the conditions of the Slovak Republic, based on a combined methodological approach that integrates doctrinal legal analysis with an empirical examination of administrative enforcement practice. While the doctrinal part focuses on the normative objectives and legal design of remedial measures under the Act No. 79/2015 Coll. on Waste and on the Amendment and Supplementation of Certain Acts (hereinafter: Waste Act), the empirical part seeks to capture how these instruments are applied *in concreto* by competent public authorities.

The empirical analysis draws on data obtained from authorities entrusted with supervision and enforcement in the field of waste management, namely district offices acting through their Departments of Environmental Care and the Slovak Environmental Inspectorate. These authorities were approached through individual requests submitted pursuant to the Act No. 211/2000 Coll. on Free Access to Information and on Amendments and Supplements to Certain Acts (hereinafter: Act on Free Access to Information). The selection of these bodies reflects their central role in detecting violations, conducting administrative proceedings, and imposing sanctions and remedial measures under the Waste Act. The empirical inquiry covers the period from 1 January 2016 to 8 September 2025, corresponding to the practical application of the current Waste Act. Within this reference period, the analysis focuses on enforcement outcomes rather than on individual inspection activities, with particular attention paid to final administrative decisions resolving detected breaches of statutory obligations.

From a methodological perspective, the empirical part examines several interrelated aspects of enforcement practice. These include the relative prevalence of remedial measures compared to monetary fines, the circumstances under which remedial measures are imposed cumulatively with sanctions or omitted altogether, and the substantive content of the imposed obligations. The analysis further considers whether remedial measures are framed in a manner that enables effective remediation of the unlawful condition and whether they exhibit a preventive dimension capable of discouraging repeated violations.

It must be noted that the empirical findings are subject to inherent limitations. The scope and structure of the data provided by individual authorities vary considerably, reflecting the absence of a unified reporting methodology at the national level. In some cases, the information supplied was incomplete

⁸ R. G. P. Hawkins, H. S. Shaw, *The Practical Guide...*, p. 16.

or aggregated in a manner that precluded more detailed comparison. These constraints are taken into account in the interpretation of the results and do not undermine the analytical value of the findings, which nonetheless reveal significant enforcement trends and systemic deficiencies.

It needs to be emphasized that the effectiveness of remedial measures is evaluated primarily through the lens of their ability to fulfil the key principles of environmental law, specifically the “polluter pays” principle, the precautionary principle, and the principle of remediation at source. Thus, the central research question is as follows: *Does the current system of remedial measures, under the Waste Act, ensure effective enforcement of liability against offenders while also securing full remediation of the unlawful condition?* The presented analysis focuses on points of convergence and divergence between normative objectives and administrative practice, evaluating the remedial and preventive functions of these measures. Based on the empirical insights obtained, the article formulates *de lege ferenda* recommendations aimed at strengthening the practical effectiveness of remedial measures and enhancing their role as an autonomous instrument of environmental liability.

2. Remedial measures in general

Remedial measures form an integral part of the exercise of public administration, particularly in the context of inspections and administrative oversight.⁹ They constitute a specific category of competencies falling within the authority of supervisory bodies and are typically applied during the second phase of administrative supervision, when certain deficiencies have been identified based on an inspection.¹⁰ Unlike sanctions in the form of fines, which primarily aim to prevent recidivism by the offender and avert future deficiencies, the essence of remedial measures lies principally in the elimination of the identified shortcomings.¹¹

From a legal-theoretical perspective,¹² the primary purpose of employing remedial measures as an administrative-legal tool is to rectify an identified unlawful state and to restore a condition that complies with the applicable law. The obligation to adopt such a measure may be imposed on a subject

⁹ D. Hendrych et al., *Správní právo. Obecná část*, C.H.Beck, Prague 2016, p. 208.

¹⁰ S. Košičiarová, *Právo životného prostredia. Všeobecná časť*, Aleš Čeněk Publishing House, Plzeň 2022, p. 149.

¹¹ M. Kindl, *Základy správního práva*, Aleš Čeněk Publishing House, Plzeň 2006, p. 268.

¹² M. Damohorský et al., *Právo životního prostředí*, C.H.Beck, Prague 2010, pp. 36–37.

in two fundamental ways. In certain cases, this obligation arises directly from the law (*ex lege*), wherein the legal provision explicitly stipulates how the subject is to act upon the fulfilment of defined conditions, even without prior intervention from a public authority.¹³ However, much more commonly, a remedial measure is imposed through an individual administrative act (*ex actu*), that is, by an authoritative and legally binding decision of the competent administrative body.¹⁴

Although remedial measures are imposed as a result of the violation of legal obligations, it is essential to distinguish them clearly from sanctions, particularly monetary fines. While sanctions, primarily repressive in nature, are intended mainly to prevent further deficiencies in the future, remedial measures focus exclusively on identifying and eliminating existing deficiencies and on restoring a state that is consistent with legal regulations.¹⁵ It may be argued, however, that the obligated subject may often perceive both fines and remedial measures as sanctions, since both represent an interference with their proprietary interests. Despite such subjective perceptions, their legal nature and purpose are fundamentally different. From the perspective of protecting the public interest, especially in the environmental domain a monetary fine has no direct and immediate impact on eliminating environmental damage that has already occurred. In contrast, the actual remediation of the damage is the main and sole purpose of remedial measures, and for this reason, they are often more crucial to fulfilling the purpose of legal regulation than the sanction itself.¹⁶

The distinction between the institutions of sanctions and remedial measures is particularly pronounced in environmental law, where remedial measures play a key role, not only in protecting natural resources and eliminating historical environmental burdens, but also in safeguarding public health.¹⁷ It should also be noted that, in many cases, the imposition of a remedial measure is a more appropriate and often more effective solution than the imposition of a sanction alone, particularly in relation to environmental protection. In this regard, the obligation to carry out a complex and costly remediation may ultimately represent a significantly heavier burden and in a certain sense, even a “greater punishment,” for the violator of the law than the one-time payment of a monetary fine.¹⁸

¹³ P. Humlíčková, *Odpovědnost, preventivní a nápravná opatření ve vztahu k ochraně přírody a krajiny*, “Acta Universitatis Carolinae – Iuridica” 2015, no. 2, p. 72.

¹⁴ M. Damohorský et al., *Právo životního...*, pp. 36–37.

¹⁵ S. Košičiarová, *Právo životního...*, p. 150.

¹⁶ P. Humlíčková, *Odpovědnost, preventivní a nápravná...*, p. 72.

¹⁷ I. Jančářová, *Opatření k nápravě v právu životního prostředí*, “Právní rozhledy” 2010, vol. 18, no. 16, p. 575.

¹⁸ Důvodová zpráva k českému zákonu č. 541/2020 Sb. o odpadech.

The obligation to adopt remedial measures in this area is a direct reflection of the preference for the principle of natural restitution, that is, the restoration or replacement of a damaged component of the environment, over monetary compensation. This principle clearly distinguishes the resolution of environmental damage, which has a public law character, from damage in the private law sense.

Whereas, in the case of private law damage, the form of redress typically derives from the discretionary will of the injured owner, in the case of environmental harm affecting a public good, the law establishes a binding hierarchy of remediation procedures, namely: (i) restoration to the original condition (*status quo ante*), (ii) substitute performance, for example, the creation of an ecologically equivalent biotope in another location, and (iii) monetary compensation as a measure of last resort (*ultima ratio*), if the implementation of the first two options is not feasible.¹⁹

3. Theoretical framework of remedial measures in the context of the Slovak Republic

Within the Slovak Republic, the application of remedial measures in the field of waste management is primarily governed by Waste Act, with secondary references in Act No. 10/1996 Coll. on Control in State Administration (hereinafter: Act on Control in State Administration).

The Waste Act refers to the possibility of imposing remedial measures in Part Ten, which deals with liability for breaches of statutory obligations, specifically in § 115(4)²⁰ and § 116(3).²¹ We do not consider the current wording of these provisions fully consistent with their regulatory purpose, as a logical interpretation suggests that remedial measures may only be imposed in a subsidiary manner

¹⁹ L. Bahýľová, *Nápravná opatrení v právu životního prostředí*, COFOLA 2010, Masaryk University, Brno 2010, p. 3.

²⁰ Section 115 (4) of the Waste Act provides as follows: “The authority competent to handle misdemeanours under paragraph 3 may, in the decision on imposing a penalty on the person responsible for the misdemeanour under paragraph 1, simultaneously order measures to remedy the consequences of the unlawful conduct.”

²¹ Section 116 (3) of the Waste Act provides as follows: “When deciding to impose a fine, the waste management administrative authority may simultaneously require the party under obligation to take measures to remedy the results of the unlawful activity for which the fine was imposed. If the party under obligation fails to take said measures within the defined deadline, the waste management administrative authority may impose an additional fine of up to two times the maximum sum of the fine established by this Act.”

and solely as part of a sanction decision. However, in line with the underlying purpose of imposing such measures, we consider it necessary *de lege ferenda* to refine and systematically reformulate § 115(4) and § 116(3) of the Waste Act to explicitly authorize administrative bodies to impose remedial measures independently, even in the absence of a concurrent sanction.

We hold that the current approach, binding remedial measures exclusively to the sanctioning mechanism, undermines their preventive and restorative potential and ultimately weakens the ability of administrative authorities to ensure effective environmental protection. As Gašparíková notes in this regard, the imposition of fines for breaches of the Waste Act should not be an end in itself, but rather a means of compelling the offender to comply with the law and, where possible, to eliminate the consequences of their unlawful conduct.²² The possibility of imposing a remedial measure, however, will depend on further circumstances, for example, whether the obligated party has remedied the unlawful conduct prior to the issuance of the fine decision, thereby rendering the measure redundant.²³

It must nonetheless be emphasized that subsequent remediation of the consequences of the unlawful conduct does not relieve the offender of liability for the violation established under the Waste Act.²⁴ In cases where the decision imposes both a financial penalty and a remedial measure, and the offender fails to implement the measure within the specified period, the state waste management authority²⁵ may impose an additional fine – up to twice the upper limit of the relevant provision in § 117 under which the original fine was imposed.

In practice, however, the application of § 115(4) of the Waste Act often reveals that the two-year limitation period, which applies not only to the handling of infractions but also to the concurrent imposition of remedial measures, may prove unreasonably short in more complex cases. This period is not always sufficient to reliably determine all decisive facts on the basis of which the obligation to implement remediation could be meaningfully set.²⁶

Another problematic aspect of the Slovak legal framework governing waste is the absence of a clear regulation of legal succession in relation to the performance of remedial measures. The current Waste Act does not explicitly

²² See B. Gašparíková, P. Takáč, *Zákon o odpadoch. Komentár*, Wolters Kluwer SR, Bratislava 2019, p. 567.

²³ The Waste Act employs the term “measures to remedy the consequences of unlawful conduct.”

²⁴ See J. Ďurďovičová et al., *Zákon o odpadoch. Komentár*, EUROKÓDEX, Bratislava 2018, p. 445.

²⁵ Within the meaning of the Waste Act, the term “waste management authority” refers to: (i) the Slovak Environmental Inspectorate, which adjudicates administrative offences committed by legal persons and natural persons-entrepreneurs, and (ii) the District Offices, which adjudicate minor offences (misdemeanours) committed by natural persons.

²⁶ I. Jančárová et al., *Právo životního prostředí: zvláštní část*, Masaryk University, Brno 2015, p. 473.

regulate such scenarios, which can lead to practical uncertainties, particularly in cases where a legal entity ceases to exist or a self-employed natural person dies after a final decision on remedial measures has been issued but before it has been implemented. In such situations, the subject of legal responsibility ceases to exist, which ultimately means that the remedial measure can no longer be imposed or enforced, even though the unlawful condition persists.

From a comparative perspective, the approach of Czech legislation as articulated in § 116(2) and (3) of Act No. 541/2020 Coll. on Waste can be considered instructive. According to this law, the administrative authority may impose a remedial measure on the legal successor of a legal entity or on the person continuing the business activity of a natural person who caused the defective condition.²⁷ The obligations arising from imposed measures explicitly transfer to legal successors. Such a solution fully aligns with the material nature of environmental liability, which is tied not to the person of the offender but to the duty to restore the impaired condition of the environment. *De lege ferenda*, it would therefore be appropriate for the Slovak legislator to consider the explicit incorporation of a similar legal succession mechanism into Act No. 79/2015 Coll. on Waste. This would not only ensure continuity of responsibility for remedying unlawful conditions but would also strengthen the practical enforceability of remedial measures in cases of organizational or ownership changes among entities operating in the field of waste management.

However, this theoretical-normative reflection is directly linked to the question of the practical effectiveness of remedial measures. If the *de lege ferenda* regulation is to be truly purposeful, it must be grounded not only in the principles of legal certainty and the systematic coherence of administrative law but also in empirical insights into how remedial measures function within the waste management sector. The following section, therefore, focuses on a critical assessment of the effectiveness of these measures in practice. Through quantitative and qualitative indicators, it analyzes the extent to which theoretical premises are translated into real, tangible environmental protection.

²⁷ Particular attention should also be given to the provision that served as the inspiration for the creation of § 116(2) and (3) of Act No. 541/2020 Coll. on Waste. The concept of legal succession in the imposition of remedial measures is, in its fundamental features, derived from § 22(4) of Act No. 201/2012 Coll. on Air Protection, which states: “The municipal authority of a municipality with extended competence or the inspection body shall, as necessary, impose remedial measures on the legal successor of the operator, who is not the originator of the defective condition. The obligations arising from the measures to remedy the situation and from the decision to shut down the operation of a stationary source imposed on the operator [...] are transferred to their legal successors.” To avoid potential interpretative ambiguities and practical application issues, the subsequent legislation on waste management more precisely defined the group of persons to whom remedial measures may be imposed on the basis of legal succession, as well as the range of entities upon which the obligations arising from already imposed measures are transferred. See Explanatory Report to Czech Act No. 541/2020 Coll. on Waste.

4. The extent to which remedial measures in the field of waste management are truly effective

Although the preventive effect of remedial measures in waste management is frequently emphasized, their actual effectiveness in practice remains subject to legitimate doubts. The starting point of this section is therefore a critical evaluation of whether these instruments, as defined in the Waste Act, lead to consistent enforcement of liability and to timely, qualitatively adequate remediation of the consequences of unlawful conduct in accordance with the “polluter pays” principle, the precautionary principle, and the principle of remediation at source. The chapter aims to assess whether the current model, characterized by a division of competencies between the Slovak Environmental Inspectorate and district offices, truly serves to deter offenders from recidivism while also ensuring effective restoration of environmental harm in compliance with the Waste Act. Accordingly, the current section seeks to answer the research question posed in the introduction: *Does the current system of remedial measures, under the Waste Act, ensure effective enforcement of liability against offenders while also securing full remediation of the unlawful condition?*

The empirical part of this article is based on data obtained through freedom of information requests addressed to the competent authorities responsible for supervision and enforcement in the field of waste management, pursuant to § 14 of Act on Free Access to Information. These requests were submitted both to the district offices, specifically to the Departments of Environmental Care, and to the Slovak Environmental Inspectorate, Waste Management Inspection Division. Regarding the determination of the reference period, the analysis focused on the time span from 1.01.2016 to 8.09.2025.²⁸ The data collection targeted both quantitative and qualitative indicators. Among the most important findings sought were the ratio of cases concluded solely with the imposition of monetary fines compared to those concluded with both a fine and a remedial measure, the typical range of measures imposed, the occurrence of repeated offences by the same entities to whom remedial measures had previously been imposed, the most frequent obstacles in enforcement and monitoring of compliance, as well as the mechanisms used to verify the fulfilment of the measures with the required quality. Anonymized case studies documenting the timeline and outcome of remediation efforts were also requested, although these will be used in a subsequent research phase.

²⁸ The beginning of the reference period was set at January 1, 2016, coinciding with the date on which Act No. 79/2015 Coll. on Waste and on the Amendment and Supplementation of Certain Acts entered into force.

The purpose of this analytical approach, based on decisions by relevant public authorities obtained through the § 14 mechanism of the Act on Free Access to Information, was to provide a comprehensive mapping of the application of remedial measures, particularly in terms of their imposition under the legal and administrative conditions of the Slovak Republic *in concreto* the objective was to identify to whom, in what circumstances, and with what frequency these measures are imposed.

During the analysis of responses to the submitted information requests, several problematic aspects emerged, some of which were not initially anticipated. One of the most prominent and frequently occurring issues in administrative practice, not only in connection with the imposition of remedial measures in waste management, is the persistent inability to identify the responsible party.²⁹ Illegally deposited waste, commonly referred to as “illegal dumpsites,” continues to represent a serious environmental and administrative problem in many municipalities, despite the existence of relatively strict sanctioning mechanisms. It must be emphasized that the Waste Act does not explicitly use the term “illegal dumpsite” but rather operates with the term “illegally deposited waste,” which refers to waste placed on a property in violation of the provisions of the Waste Act. According to § 15 of the Waste Act, the district office is obliged to initiate administrative proceedings in which it determines the party liable for the unauthorized disposal and mandates the entity obligated to ensure the removal and legal treatment thereof. However, in practice, the process of identifying the responsible party often encounters significant obstacles, which is reflected in the persistently low clearance rate of such environmental offences.³⁰

The identification of the responsible party is frequently impossible, and the clearance rate of unlawful conduct in this area remains very low.³¹ Even though the law entrusts this authority to district offices and the Slovak Environmental Inspectorate, in reality, only a fraction of offenders are successfully identified. The Association of Towns and Municipalities of Slovakia (ZMOS) reports that the environmental departments of district offices identify the perpetrators of illegal waste dumping in approximately 10% of reported cases.³²

Similar difficulties are encountered by the district offices themselves, which stated in their responses that in cases where the responsible party cannot be identified in accordance with § 15 of the Waste Act, they are compelled to ter-

²⁹ A. Mochorovská, *Ako postupovať pri odhalení nelegálnej skládky? Kto zodpovedá za jej odstránenie?*, <https://www.odpady-portal.sk/Dokument/107709/nelegalne-skladky-ich-ohlasenie-a-odstranenie-pravny-pohlad.aspx> [accessed 9 October 2025].

³⁰ See § 15 zákona o odpadoch.

³¹ A. Mochorovská, *Ako postupovať pri odhalení...*

³² Spravodajstvo: *Zastavili pri lese, aby vyhodili odpad. Zachytila ich fotopasca*, <https://www.odpady-portal.sk/Dokument/108789/kosice-odpad-nelegalna-skladka-fotopasca.aspx> [accessed 9 October 2025].

minate the administrative proceedings. Consequently, if the illegally deposited waste involves municipal or minor construction waste, the obligation for its removal or recovery is imposed on the affected municipality or town, at its own expense. A different situation arises in the case of hazardous waste, where the district offices, through their environmental care departments, impose the obligation to remove the waste upon themselves. Since these offices lack their own financial resources, they must submit a formal request to the relevant central administrative authority for the release of funds from the state budget. However, the law does not establish any statutory deadline for deciding on such requests. This legislative gap creates a paradoxical situation wherein the waste is formally considered removed, because a decision imposing the obligation was issued, yet the physical state remains unchanged.³³

Further analysis of the responses provided by the relevant public authorities shows that the number of remedial measures imposed between 1 January 2016 and 8 September 2025 remains relatively low. This trend highlights a persistent problem in practice, namely the failure to prioritize the imposition of remedial measures over the imposition of monetary penalties, despite the existence of the principle of remediation at source. In reality, the prioritization of remedial measures is rarely realized and, due to their linkage to fine imposition, they are only marginally used by administrative authorities. Empirical data also reveal that approximately one-third of the surveyed district offices did not impose a single remedial measure during the nine-year period, even though proven violations of the Waste Act (§ 115 and § 117) occurred in their jurisdiction and monetary fines were imposed. This applies notably to the district offices of Trenčín, Humenné, Lučenec, Piešťany, Nové Zámky, Šaľa, Považská Bystrica, Prievidza, Bardejov, among others. An illustrative example of this disproportion is the District Office in Košice, which imposed 86 monetary fines since 2016 but only one remedial measure. This disparity clearly demonstrates the imbalance between the repressive and restitutive approaches within administrative sanctioning in the field of waste management.

One of the contributing factors to this situation is the absence of a unified methodology or internal guidelines that would provide district offices with concrete criteria for deciding whether to impose a remedial measure. The Waste Act is formulated rather abstractly in this regard, which allows for discretion by authorities but simultaneously results in significant inconsistency in decision-making practice. The low number of imposed remedial measures can also be partially attributed to the inability to identify the responsible party or to cases where the offender voluntarily removed the waste prior to the initiation of pro-

³³ The District Office of Senec, in its responses to requests for access to information, identified several municipalities where this long-standing issue is most visibly manifested, specifically, the municipality of Farná, the Studené and Nový Svet districts of Most pri Bratislave, and the municipality of Ivanka pri Dunaji.

ceedings, thereby rendering the imposition of a remedial measure redundant. In terms of substantive focus, the most commonly imposed measures involved the removal of illegally deposited waste, its recovery in line with the waste management hierarchy or its use by the municipality, or the remediation and removal of an unpermitted landfill or the proper disposal of end-of-life vehicles.

Responses from district offices and the Slovak Environmental Inspectorate also point to a significant discrepancy in the approach of public authorities toward the imposition of remedial measures. While some district offices, such as those in Senec or Poprad, and the Slovak Environmental Inspectorate itself approach their imposition proactively, others in nearly identical factual scenarios settle for issuing monetary fines only. This inconsistency and lack of a uniform procedure underscore the need to develop binding methodologies or internal guidelines that would help ensure the predictability of administrative decisions, enhance legal certainty, and contribute to a more effective implementation of the principle of natural restitution in waste management.

Based on the analysis carried out, it can be concluded that the answer to the central research question, namely: *Does the current system of remedial measures, under the Waste Act, ensure effective enforcement of liability against offenders while also securing full remediation of the unlawful condition?*, must be answered in the negative. The current configuration of the remedial measure system under the Waste Act does not ensure effective imposition of liability against offenders, nor does it guarantee full rectification of the unlawful condition. Its conceptual and procedural framework exhibits multiple shortcomings that weaken the material implementation of the “polluter pays” principle. The obligation to remedy the harm is often merely formal, without actual restoration of the damaged state, while the application of remedial measures remains marginal, inconsistent, and tied to the sanctioning mechanism. Instead of providing for the real remediation of environmental harm, the system has been reduced to a repressive tool lacking sufficient restitutive effect. From the perspective of the objective of the legal regulation, it therefore cannot be regarded as an effective liability mechanism that simultaneously guarantees full rectification of unlawful environmental conditions.

5. Conclusions

In conclusion, based on the conducted analysis, it can be asserted that the current system of remedial measures under the Waste Act does not entirely realize its fundamental goal, which is to ensure the effective imposition of liability on

offenders while also securing the complete rectification of the unlawful condition. Although the very concept of remedial measures is derived from key principles of environmental law, particularly the “polluter pays” principle and the principle of remediation at source, their application in the conditions of the Slovak Republic remains fragmented, formalistic, and frequently ineffective.

In practice, public authorities tend to prioritize repressive financial sanctions over the actual restoration of environmental harm, thereby reducing remedial measures to a secondary instrument devoid of an autonomous restitutive function. Empirical findings highlight the low frequency of their imposition, significant regional disparities in decision-making practices, and systemic obstacles in their implementation, chief among them the inability to identify the responsible party, the absence of unified procedural methodology, and the lack of statutory deadlines for the disbursement of funds required for the removal of illegally deposited waste.

These deficiencies result in a situation where, although the legislation formally declares the principle of material liability for environmental damage, its practical enforceability remains limited. The current model, therefore, cannot be regarded as an effective mechanism of environmental liability in its substantive sense. If remedial measures are to fulfil their intended function, it is necessary that the legislator, *de lege ferenda*, introduce unified methodological and procedural standards for their application and strengthen the institutional and financial capacities of administrative authorities. It would also be appropriate to amend the Waste Act in such a way that administrative authorities are granted an unequivocal power to impose remedial measures independently of sanction proceedings, and to revise statutory time limits to ensure that their expiration does not hinder the fulfilment of the principle of effective environmental protection. Only through such comprehensive reform can the system of remedial measures acquire real practical relevance as a tool that not only deters offenders from recidivism but also reinforces public trust in the effectiveness of environmental law.

Bibliography

Professional and academic publications (published in either English, Slovak or Czech language)

Bahýľová L., *Nápravná opatrení v právu životního prostředí*, COFOLA 2010, Masaryk University, Brno 2010, pp. 1–24.

Damohorský M. et al., *Právo životního prostředí*, C.H.Beck, Prague 2010.

- Duvic-Paoli L. A., *The Prevention Principle in International Environmental Law*, Cambridge University Press, Cambridge 2018.
- Ďurďovičová J. et. al., *Zákon o odpadoch. Komentár*, EUROKÓDEX, Bratislava 2018.
- Fitzmaurice M. et. al., *International Environmental Law. Text, Cases And Materials*, Edward Elgar Publishing, Cheltenham 2022.
- Gašparíková B., Takáč P., *Zákon o odpadoch. Komentár*, Wolters Kluwer SR, Bratislava 2019.
- Hariram N. P. et. al., *Sustainalism: An Integrated Socio-Economic-Environmental Model to Address Sustainable Development and Sustainability*, "Sustainability" 2023, vol. 15, no. 13, pp. 1–37.
- Hawkins R. G. P., Shaw H. S., *The practical guide to waste management law*, Thomas Telford Publishing, London 2004.
- Hendrych D. et. al., *Správní právo. Obecná část*, C.H.Beck, Prague 2009.
- Humlíčková P., *Odpovědnost, preventivní a nápravná opatření ve vztahu k ochraně přírody a krajiny*, "Acta Universitatis Carolinae – Iuridica" 2015, no. 2, pp. 69–76.
- Jančárová I., *Opatření k nápravě v právu životního prostředí*, "Právní rozhledy" 2010, vol. 18, no. 16, pp. 575–580.
- Jančárová I. et al., *Právo životního prostředí: zvláštní část*, Masaryk University, Brno 2015.
- Košičiarová S., *Právo životného prostredia. Všeobecná časť*, Aleš Čeněk Publishing House, Plzeň 2022.
- Mahdi A. I., *The Principle of Preventing Environmental Harm*, "Journal of Human Security" 2024, vol. 20, no. 1, pp. 94–98.

**Legally binding and non-legally binding documents and legislation
(published in either Slovak language or Czech language)**

- Act no. 10/1996 Coll. on Control in State Administration
- Act no. 79/2015 Coll. on Waste and on the Amendment and Supplementation of Certain Acts
- Act no. 211/2000 Coll. on Free Access to Information and on Amendments and Supplements to Certain Acts
- Act no. 541/2020 Coll. on Waste
- Explanatory Report to Czech Act No. 541/2020 Coll. on Waste.

Internet sources

- Mochorovská A., *Ako postupovať pri odhalení nelegálnej skládky? Kto zodpovedá za jej odstránenie?*, <https://www.odpady-portal.sk/Dokument/107709/nelegalne-skladky-ich-ohlasenie-a-odstranenie-pravny-pohlad.aspx> [accessed 9 October 2025].
- Spravodajstvo: *Zastavili pri lese, aby vyhodili odpad. Zachytila ich fotopasca*, <https://www.odpady-portal.sk/Dokument/108789/kosice-odpad-nelegalna-skladka-fotopasca.aspx> [accessed 9 October 2025].

Alžbeta Adamkovičová

Skuteczność środków naprawczych w gospodarce odpadami

Streszczenie

Artykuł analizuje skuteczność środków naprawczych nakładanych w postępowaniach administracyjnych dotyczących naruszeń w sektorze gospodarki odpadami. Zestawia ramy doktrynalne z praktyką egzekwowania prawa, aby ocenić, w jakim stopniu nałożone środki przyczyniają się do naprawy szkód zgodnie z zasadami prawa ochrony środowiska – w szczególności z wymogiem usunięcia szkody u źródła – oraz czy wspierają zapobieganie recydywie. Poprzez zidentyfikowanie punktów zbieżności i rozbieżności między celami normatywnymi a wdrażaniem administracyjnym analiza ocenia funkcje naprawcze, zapobiegawcze i odstraszające tych środków w szerszym kontekście odpowiedzialności administracyjnej. Na tej podstawie artykuł formułuje postulaty *de lege ferenda* mające na celu poprawę skuteczności regulacyjnej i wzmocnienie wykonalności prawnej. Artykuł umiejscawia środki naprawcze na styku teorii i praktyki, wyjaśnia ich rolę w ochronie środowiska i wskazuje reformy mające na celu zwiększenie ich skuteczności w zakresie terminowej naprawy szkód oraz odstraszania.

Słowa kluczowe: gospodarka odpadami, prawo ochrony środowiska, środki naprawcze, odpowiedzialność za szkody

Альжбета Адамковичова

Эффективность корректирующих мер в управлении отходами

Резюме

Статья исследует эффективность корректирующих мер, применяемых в рамках административных производств по делам об административных правонарушениях в сфере управления отходами. Сопоставляя доктринальные основы с правоприменительной практикой, анализ направлен на оценку того, в какой степени такие меры способствуют устранению ущерба в соответствии с принципами экологического права — особенно с требованием устранения вреда в источнике — и помогают ли они предотвратить рецидив. Посредством сопоставления нормативных целей с административной реализацией, анализ оценивает восстановительную, превентивную и сдерживающую функции этих мер в рамках общей системы административной ответственности. На основе этого формулируются рекомендации *de lege ferenda*, направленные на повышение эффективности регулирования и усиление правоприменения. Таким образом, статья рассматривает корректирующие меры на стыке теории и практики, разъясняет их роль в охране окружающей среды и предлагает целевые реформы для повышения их способности обеспечивать своевременное устранение вреда и действенное сдерживание.

Ключевые слова: Управление отходами, Экологическое право, Корректирующие меры, Ответственность за ущерб

Alžbeta Adamkovičová

Efficacia delle misure correttive nella gestione dei rifiuti

Riassunto

L'articolo esamina l'efficacia delle misure correttive imposte nei procedimenti per illeciti amministrativi nel settore della gestione dei rifiuti. Mette a confronto il quadro dottrinale con la pratica applicativa per valutare in quale misura tali misure contribuiscano alla riparazione dei danni in conformità ai principi del diritto ambientale – in particolare il principio della riparazione del danno alla fonte – e se esse favoriscano la prevenzione della recidiva. Attraverso l'analisi delle convergenze e divergenze tra gli obiettivi normativi e l'attuazione amministrativa, l'articolo valuta le funzioni riparative, preventive e dissuasive di tali misure nel contesto più ampio della responsabilità amministrativa. Sulla base di ciò, vengono formulate raccomandazioni de lege ferenda volte a migliorare l'efficacia normativa e rafforzare l'applicabilità giuridica. L'articolo colloca così le misure correttive all'incrocio tra teoria e pratica, chiarisce il loro ruolo nella protezione ambientale e identifica riforme mirate per aumentarne la capacità di garantire una riparazione tempestiva ed efficace deterrenza.

Parole chiave: Gestione dei rifiuti, Diritto ambientale, Misure correttive, Responsabilità per danni