

THE LEGAL RESPONSIBILITY FOR THE VIOLATION OF E-WASTE MANAGEMENT IN CONTEMPORARY SOCIETY

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Abstract

Purpose – the field of electrical and electronic equipment waste management has become very relevant over the last decade. The amount of these type of waste is still increasing not only in Lithuania, but in other countries (developed and developing) as well. The improvement of regulation of legal responsibility of the violations of e-waste management in contemporary society is the one way to try to deal with the problem. In the age of technological progress, computing, the contemporary society is changing, therefore it became more cautious, the intellectual activity is evolving, so the legal legislation and legal rules have to be created and implicated taking into account the inevitable change of the thinking and operating of the society. The purpose of this article is to reveal the legal regulation of responsibility for the violation of e-waste management in Lithuania and by analyzing and comparing legal regulations and court practices to provide the solution for improvement of effectiveness and efficiency in this area.

Design/methodology/approach – the paper is based on qualitative document analysis and comparative analysis method by comparing different legislation and its implications as well as court decisions. Scientific literature analysis, legal literature content analysis techniques are used to systematically evaluate legal documents. Qualitative data comparative and summarization methods, will be used during the research to better understand the challenges of the issue.

Finding – the effectiveness of legal responsibility mechanism depends on improvement of legal legislation taking into account the change and evolvement of contemporary society in this age of technology, information and consumption.

Research limitations/implications – to reveal the dysfunctions of legal responsibility and legal legislation in the field of e-waste management, it is necessary to investigate and compare the nature of the offences and how often they are made, what are the measures obtain them and to obviate them in the future, thus The Environmental Protection Agency, The Ministry of Environment of the Republic of Lithuania and The Environmental Protection Department under the Ministry of Environment as well as the internet and Official Statistic Portal does not provide this information, so available are only those cases, which are appealed in the court.

Practical implications – the comparative analysis provides a background on further discussions concerning legal responsibility for violation of e-waste management legislation.

Originality/Value – not many scientific research was made in the field of analysis of electrical and electronic equipment management. There is still a lack of academic insights into the issues of effectiveness of responsibility mechanism for the offences of WEEE. The paper provides insights into the liability and responsibility of such waste use, disposal, production, distribution and selling and points out the solutions for legal regulation improvement in this area will be provided.

Keywords: e-waste management, legal responsibility, contemporary society.

Research type: general review.

Introduction

The contemporary society is changing, everyday life cannot be separated from technology use and science, thus the society has more responsibilities to ensuring our environmental protection, therefore, the waste management area is one of the most important task to comply. According to Saldukaiyte „techno-science transforms everyday life only quantitatively but not qualitatively. In view of this, everyday life remains banal, superficial, inaccurate, without deeper reflection. <...> techno-sciences do not seek to educate society and transform superficial knowledge of everyday life but rather are utilized to exploit it for economic profit” (Saldukaiyte, 2017). Electrical and electronic waste is a result of such situation, the main problem is that society lack of knowledge and understanding how the consumption and use of electrical and electronic equipment effects our environment, therefore the responsibility for the grow of these types of waste depends not only on Government actions, but on our society as well. Therefore, the legal legislation in the field of WEEE management are adapted to prevent these type of waste from growing ant to ensure, that these hazardous waste would be disposed properly, by not harming the environment. Purpose – the field of electrical and electronic equipment waste management has become very relevant over the last decade. The amount of these type of waste is still increasing not only in Lithuania, but in other countries (developed and developing) as well. The improvement of regulation of legal responsibility of the violations of e-waste management in contemporary society is the one way to try to deal with the problem. In the age of technological progress, computing, the contemporary society is changing, therefore it became more cautious, the intellectual activity is evolving, so the legal legislation and legal rules have to be created and implicated taking into account the inevitable change of the thinking and operating of the society. The purpose of this article is to reveal the legal regulation of responsibility for the violation of e-waste management in Lithuania and by analyzing and comparing legal regulations and court practices to provide the solution for improvement of effectiveness and efficiency in this area. The research is based on qualitative document analysis and comparative analysis method by comparing different legislation and its implications as well as court decisions. Scientific literature analysis, legal literature content analysis techniques are used to systematically evaluate legal documents and contemporary society description. Qualitative data comparative and summarization methods are used to better understand and evaluate the challenges of the legal responsibility in the case of the violation of the e-waste management regulations. It should be noticed, that the effectiveness of legal responsibility mechanism depends on improvement of legal legislation taking into account the change and evolvment of contemporary society in this century of technology, information and consumption. To seek the goal to reveal the dysfunctions of legal responsibility and legal legislation in the field of e-waste management, it is necessary to investigate and compare the nature of the offences and how often they are made, what punishments they implicate. To properly investigate and determine what measures should be taken to obtain such offences and to obviate them in the future, the drawback appears to be the lack of statistical information in the field of e-waste management and conducted legal offences information in this manner, therefore the available are only those cases, which are appealed in the judicial proceedings. There are not many academic insights in the manner of effectiveness of responsibility mechanism for the offences of WEEE. The analysis of legal documents points out, that the legal regulations of legal responsibility for the violations of e-waste requirements, is not directly applicable to a single individual user of EEE, but mainly refers to legal entities and their employees, whose activities are related to e-waste management. It is necessary to take note, that in accordance with of the Constitution of the

Republic of Lithuania, responsibility for preservation of environmental protection falls on every citizen's shoulders, that the state and every person must protect the environment („The Constitution of the Republic of Lithuania“, 2014), therefore legal responsibility should be established for e-waste producers and users (all citizens) as well. The contemporary society is evolved enough to understand the responsibility for the EEE use and the proper disposal of e-waste and its impact of environment, human health and the preservation of the society well-being, therefore the proper regulation of legal responsibility and its implications should be adapted and constantly improved by setting both administrative and criminal liability for every responsible person for the violation of e-waste management. Modern society must be aware of the requirement to separate WEEE from other waste, of the damage to the environment and human health from inappropriate WEEE handling, to understand and fulfill WEEE proper disposal. The legal legislation in the field of e-waste management in Lithuania is quite thorough, thus it has to be improved accordingly by the growth of such waste and the capabilities of the contemporary society to handle disposal accordingly. Thus the implementation of legal requirements still has some difficulties in Lithuania, as the regulations are not evaluated constantly, there is a lack of information dissemination for users, therefore the additional collection systems are not being implemented efficiently, hence the process of implementation of legal regulation should be improved and monitored more effectively.

Contemporary society and e-waste management

According to Ľubomir Belas, the Kant points out that „All forms of state are based on the idea of a constitution which is compatible with the natural rights of man, so that those who obey the law should also act as a unified body of legislators“ (Ľubomir Belas, 2017, p. 205), therefore Lithuanian legislation states, that every person must protect the environment from harmful effects ((Constitution of the Republic of Lithuania, 2010), article 53). The Constitution indicates, that not only the State but the society and its individuals are responsible for the protection of the natural environment, fauna and flora, individual natural objects and particularly valuable areas ((Constitution of the Republic of Lithuania, 2010) article 54). The perception of legal awareness of society is analyzed by Тапачов (2018, resume), who refers to Ponomarenko E. V. thoughts on the problem of person's alienation from the forms of activities in law „A person exists in the world around in isolation from legal humanitarian and pan-human values, in isolation from his own legal awareness and a law-cognizing interest. The solution of the issue of person's alienation can be found through the category of legal mastering, development of which constitutes a difficult scientific problem“ (2018, p. 203), thus the evaluation, improvement of legal regulation, especially in e-waste area is very important not only to the society, but for all the nature and environment as well, therefore this paper will evaluate legal responsibility measures in Lithuanian legislations. Using comparative analysis (analyzing and comparing legal practices of other countries in the field of e-waste management) the solution for improvement of the legislation in Lithuania will be proposed. It is worth mentioning that the natural and constitutional human right to a safe environment may clash with the interests of the economic sector, according to Samanskas „interests of the economic sector are essentially public interests, and therefore should be coordinated with each other, or otherwise – regulated“ (2018, p. 151). It should be noted that the transformation of modern society is very important and it should be taken into account when implementing the norms of the law. According to Melnik, "the quality of the intellectual potential of society and the ability of society to use its intellectual potential efficiently is perceived as a key factor in the achievement of social, economic, political development and

progress, cultural, scientific and technological progress, harmonious and sustainable development" (2016, p. 38).), and only by understanding public thinking, needs and opportunities there can be created and appropriately implemented a proper legal regulation in waste management sphere, as society and lawmaking are an integral part of proper legal regulation.

E-waste management becomes a challenge not only for Lithuanian legal regulation, but for other countries as well. Even in United States, who is a one of the biggest producers of e-waste, the management practice and policy regulation are not sufficient enough to meet the challenge (Seeberger, Grandhi et. al. 2016). The authors notice, that „Public awareness of toxicants in e-waste should be raised to motivate environmentally friendly disposal of end-life electronic products and to prevent unnecessary exposure to toxicants among e-waste handlers and recyclers“ (2016, p. 13). It should be pointed out that the electronic equipment industry is mostly situated where outsourcing of manufactured products is practiced, in result most of labor-intensive production activities have moved to developing countries such as Singapore, South Korea, Malaysia, India, Taiwan, China (Osibanjo & Nnorom, 2007), thus not only Lithuanian legislation must be improved and maintain relevant to social conditions in the country. According to authors „Consumer electronic are the fastest growing sector of municipal solid waste (MSW) in both developed and developing countries and is arguably one of the most toxic“ (2007, p. 493). The Kumar analyzes e-waste management regulations in different countries such as United States, China, Thailand, Korea, Bangladesh, Pakistan, India and European Union countries and concludes that „With regard to the import or illegal transmigration of product from the major stake holders i.e. developed countries, the laws are either not sufficient to handle e-waste purposefully or have been left loose so that the piling e waste can find easy excess to developing countries.“ (Kumar & Singh, 2013). Therefore, it can be assumed, that migration of e waste ban or restrictions would contribute in solving the problem, but it seems less likely since it will be difficult and costly to implement and might destroy a potentially beneficial source of income for some of nations poor who depend on these activities. Efforts for finding ways to address the root causes behind the imports and the illegal recycling sector may be looked upon. The efforts for economic incentives to promote a more sensible use of EEE are required, as well as the more effective legal responsibility mechanism for the offences in the field of e-waste management.

Legal responsibility for violation of e-waste legal regulations in Lithuania

The legal regulation of Lithuania foresees that the main duties of the producers and importers of EEE are: to register according to the established procedure; to organize collection, transportation, treatment of waste, to participate in organizing the management of such waste in municipal waste management systems organized by municipalities; to pay the costs of collection, transportation and processing of the specified WEEE, the costs of organizing and carrying out public education and information; to manage EEE accounting and provide reports; is required to put a standard mark on the EEA for business purposes and to educate and inform the public about e-waste management (VIII-787 Law on Waste Management of the Republic of Lithuania, 2003). It should be noted, that the regulations for e-waste management customized mostly for legal entities and their employees, whose activities are related to e-waste management, not for general consumers of EEE. It should be emphasized that, in accordance with the provisions of the Constitution of the Republic of Lithuania, the responsibility for preservation of environmental protection depends on very person in the society, therefore legal responsibility should be addressed to all EEE users. Modern society must be aware of the following issues: the requirement to separate WEEE

from other waste; hazardous substances contained in EEE; damage to the environment and human health from inappropriate WEEE handling; WEEE handling options and collection locations, etc. The implementation of legal legislation in the area of e-waste management, has some difficulties, as the mentioned requirements are not properly implemented, there is a lack of information dissemination for users, providing of reports is hampered due to information system interruptions, additional collection systems are not being implemented, therefore the improvements must be made. The European Council Directive, indicates measures that can affect the basic conditions associated with waste generation: use of economic instruments that promote resource efficiency; promotion of research and development to produce less polluting products and technologies; development of environmental problems related to waste generation indicators to contribute to waste prevention (Directive 2008/98 / EC 2008). The Directive also distinguishes between measures that may affect the consumption and use phase: economic measures, such as the setting up of an eco-purchase initiative or a mandatory fee to be paid by the consumer for a particular good or part of a package that would otherwise be provided free of charge; an information campaign for the general public or a specific group of consumers; promotion of reliable eco-labeling; agreements with industrial enterprises, for example on product commissions, that operate under the integrated product policies; in the field of public and private procurement - inclusion of environmental and waste prevention criteria in calls for proposals; the re-use and repair of certain discarded products or their components, in particular through the use of educational, economic, logistical or other means, such as support for or establishment of accredited repair and re-use networks, particularly in densely populated areas ("Directive 2008/98 / EC") "2008).

A lot of requirements of this Directive are already implemented in our legislation, but still Lithuanian e-waste management sphere requires much more attention and improvement, which could be achieved by adaptation of mentioned actions especially setting up of an eco-purchase initiative or a mandatory fee to be paid by the consumer for a particular good or part of a package that would otherwise be provided free of charge; support for or establishment of accredited repair and reuse networks, particularly in densely populated areas).

The legal responsibility in the field of e-waste management in Lithuania is based on injunctions, which are regulated in the Code of Administrative Offences of the Republic of Lithuania (CAO) ("XII-1869" 2015), article 249), The Criminal Code of the Republic of Lithuania (CC) ("VIII-1968" 2003), article 270-2702) and the Environmental Protection Act (EPA) ("I-2223" 2018) article 94-101)). "Legal acts indicates the principle of producer responsibility to inform and educate the society (D1-554, 2012). Therefore, the system is based on the legal obligations (I-2223, 2018) and sanctions imposed on them, which constitutes, that everyone who is responsible for violation of WEEE legislation requirements will be punished by a fine" (Statkiene, 2019). It should be emphasized that in the process of this study, there have been observed some limitations, the cases of violations of administrative law proceedings relating to waste management are inaccessible to the public. Information on offenses and imposed administrative penalties is not publicly available either on the website of the Department of Statistics, on the website of the Environment Department or on the Environment Agency's website, which raises the question of the transparency of the penalty system itself, as personalized data should be accessible to every individual. Availability of such data would not only serve the purpose of the study, but could also be one of the preventive measures to deal with such violations, as informing individuals about the violations of the waste management area and the amount of penalties imposed would disprove individuals from committing offenses. A very good example is the website of the

Lithuanian State Labor Inspectorate, which contains all the data on violations, penalties, prevention plans and their implementation, and other relevant information for the public today (State Labor Inspectorate information, 2019). This article analyzes the cases that come to court because only court cases are publicly available through information technology and the Internet. By analyzing the levels of legal sanctions for violations in the e-WEEE area, it should be noted that the amount of fines for the same offences are different in Lithuanian legislation. For example, in CAO 249 article, it is stated, that for non-labeled EEA supplies, there is imposed a fine of € 550-1200, thus in EPA article it is states that for non-labeling of EEA there is imposed a fine of 600-1200 euro; in CAO it is stated that for the non-registration in the Manufacturers and Importers' book results into a fine of 300-560 euro, thus in EPA article 96 it is stated that failure to register EEA products results into a fine of 700-1400 euro; In the EPA article 99 it is stated that for a failure to inform the public about WEEE, there is imposed a fine of 1400-3000 euro, thus in CAO it is stated that for the failure to provide information on hazardous substances in the EEA, their environmental and human health hazards or information on these substances, the disposal and acceptance of equipment waste at the point of sale, a fine of 300-560 euro is imposed; in the EPA article 101, it is stated that non-execution of the obligation to have a document proving that WEEE handling will be financed, will result in a fine of 1400-3000 euro, thus in CAO article 249 it is state that for the EEE supply without a document, proving that the management of electrical and electronic waste equipment will be financed, imposes a fine from 550-1500 euro, therefore it should be regulated properly, trying to unify the amount of the fines for the similar offences.

It is believed that one of the ways to repress the public in terms of violations in the field of e-waste is to adjust the level of fines, by increasing and harmonizing financial sanctions there can be improved the implementation of legal regulation and its application in extreme situations, as the modern information society has a clear and concrete legal regulation, its application and, of course, dissemination (appropriate access to legislation through information systems). It should be noted, that in Lithuanian law, liability for violations of legal acts, regulating environmental protection and use of natural resources, applies not only to natural persons, but mostly to legal persons. The legislator removes the possibility of evading the guilt by shifting the blame onto the one of employees, when a fine could be imposed on an employee who did not even have the opportunity to take care of proper waste management. According to the law, a fine is imposed on the one who makes a violation (for the legal person oneself) and not for one employee, who often does not have the real possibilities and resources to ensure the fulfillment of environmental duties within his competence, thus the inevitability of liability is ensured by law.

The purpose of criminal liability is to defend legitimate interests and protected values of the society in those cases, where less restrictive means is not effective. According to the Lithuanian court decisions “the purpose of criminal law and general law principles established in Lithuanian legal democratic state jurisprudence, imply that formation of legal practice is not possible, when the norms of the criminal law are applicable to the offenses reglamented by other legal responsibility norms” (Statkienė & Granickas, 2017). According to author “administrative responsibility arises due to person`s committed the administrative offense, guilt, thus criminal responsibility is a criminal offense committed by a person whose guilt has to be proven”.

In each case, the court, when assessing the nature of each liability in a particular case, should decide whether administrative or criminal liability should apply. Depending on the nature of violation of environmental pollution, the nature and degree of its hazard, administrative or criminal liability, together with material (civil) liability measures (2K-7-76 / 2012, 2012) may be applied to the environmental polluter. By delimiting administrative and

criminal liability for violations of environmental or natural resource use rules, it is necessary to evaluate the committed act according to the content of the objective and subjective features, their manifestation, to follow the principles of reasonableness, proportionality, justice and other general principles of law. The extent of the infringement is a key element of the division between criminal and administrative liability for environmental violations. In this case, the identification of potential harm to the environment and the magnitude of the threat of such damage is a decisive criterion for addressing the delimitation of criminal and administrative liability for environmental offenses. In such cases, the justification for the threat to the environment becomes very important.

Therefore, according to the Constitution of the Republic of Lithuania Constitutional principle *non bis in idem*, means that if a person for counter-law action is brought to administrative justice, and received a penalty for an administrative offense, he cannot be prosecuted in criminal terms for this offense (Baltusis, 2013). The comparative analysis of legal practice of Lithuania in the field of WEEE, reveals that there are some spheres, where the improving of legislation must be made, to fulfill our obligation to protect environment. Thus, it should be noted, that the constitutional right to a good and safe environment conflicts with our right to choose, buy and use only the equipment on the market we want (freedom to consume, use), so freedom of consumption and use contradicts the possibility of restricting this freedom, because by extensively using WEEE we violate our environment, because our equipment becomes a waste that is harmful to the environment.

Law practice in E-waste management infringement cases

It should be noted, that accordingly to the Lithuanian court practice for violations of e-waste management, not only administrative but also criminal liability is provided for such violations of law. Lithuanian Supreme Court practice concludes that in order to prosecute a person under Article 270, the preconditions for triggering a danger are clearly insufficient, there should be identified various aspects of detecting damage to the environment (special features). The cassation order also refers to the criteria for the separation of administrative and criminal liability (2K-96/2014, 2014). The Court of Appeal found that the unlawful way of disposing of waste and very high quantity and type of waste could have had serious consequences for the environment, but there is no evidence in the case file to suggest that it has occurred and that all the features required to admit a person as guilty are necessary. criminal offense. The above-mentioned case did not investigate the soil surface and deeper layers of soil, so it is unclear whether it was actually contaminated. It is not enough to just presume the threat to the environment, but it is necessary to prove it. Nevertheless, the appellate court concluded that the contaminated ground and its deeper layers on the plots of land, mixed with waste, threatened the contamination of groundwater and environmental damage, could have had serious environmental consequences due to the applicant's intentional illegal actions, and qualified one's actions according to the 1st part of CC Article 270. It should be noted that, in accordance with the «polluter pays» principle, an entity causing environmental damage or imminent threat of such damage should in principle compensate for the necessary damage prevention or remedial measures. Another important Directive of the European Parliament and Council as of 19 November 2018 on the protection of the environment through criminal law, which also does not require such extensive criminalization and punishment solely for the emergence of environmental risks. It is believed that only the assumptions of the danger are obviously not enough to bring a person to justice, such a form of responsibility is only extreme. Environmental damage can be regarded as a particular type of damage, as it cannot be attributed unconditionally to property or non-

pecuniary damage. This type of damage has both property and non-pecuniary damage aspects. It is therefore a matter of addressing the question of how to identify an environmental object that is being harmed, as well as the degree of exposure and actions that threaten the environment. The Supreme Court of Lithuania has held that the distinction between civil liability for environmental damage and civil liability for a real threat of damage implies that the first responsibility is related to the negative consequences for the environment and the application of its restoration measures and the related costs, while the second one to preventive measures reimbursement of the costs (3K-7-465/2008, 2008).

According to the Supreme Court of Lithuania, such practice of the application of criminal law cannot be accepted, when the behavior of a person under exclusively civil, administrative or disciplinary legal relations is treated as a criminal offense (2K-324/2013, 2013). It should be noted that administrative responsibility is the main type of liability for environmental, including environmental pollution, violations. Legislators use the first part of CC Article 270 of imposed risk to many people's life or health or a serious threat to fauna, flora or other serious consequences, to separate criminal liability for such acts from administrative liability for similar administrative offenses. The court must give full reasons why the perpetrator is subjected to criminal rather than administrative liability (2K-7-201 / 2008). The appellate court in general did not give reasons for criminal or administrative liability for violating the rules on environmental protection or use of natural resources (2K-96/2014, 2014). When analyzing violations for e-waste management in Lithuania, there appear cases where the main sanction is not a pecuniary penalty but a deprivation of certain rights, in the analyzed case - a license.

By the decision of the Environmental Protection Agency dated 2017-02-22, canceled Association's "EEPA" licenses Nr. 001 and Nr. 003, authorizing the management of electrical and electronic equipment waste management. The validity of the licenses has been revoked, because over the last two years Association received 3 warnings on possible suspension of licenses due to violations of the requirements of the Republic of Lithuania Law on waste management. By the Order of the Vilnius Regional Administrative Court of 2017-09-27, at the request of the Association, the application of the means of securing the claim - temporarily suspended decision of the Agency, which revoked the validity of the Association's License No. 001 and Nr. 003, providing the right to organize the management of electrical and electronic equipment waste ("EEPA electrical and electronic equipment waste management organization licenses revocation, 2017"). The adoption of this decision proves that the legal regulation of the WEEE management organization is inadequate, as there are surplus measures, such as withdrawal of the license, which does not help the processors to improve, but only creates additional difficulties, because failure to act will not guarantee the financial stability of the entity, but only hinders company's activities. The system should teach, inform and seek to help such waste managers to work more efficiently.

In comparison, the similar case was situated in Court of Justice of the European Union (C-534/13, 2015). Land in Tuscany, which had suffered serious industrial pollution as a result of past industrial activities, was classed as a site of national interest for the purposes of its rehabilitation. By administrative acts the Italian administrative authorities ordered the applicant companies, which had since become the owners of the land, to adopt specific "emergency safety" measures for the rehabilitation of the land. Relying, on the fact that they were not responsible for the pollution, the companies brought proceedings before a regional court, which annulled the measures in question on the ground that, by virtue of the "polluter pays" principle, specific to the national legislation and European Union law, the administration could not impose the measures on undertakings which bore no direct responsibility for the contamination observed on the site. The particular importance for the

application of the “polluter pays” principle, hence for the liability mechanism, of the condition relating to a relationship of causality between the operator's activity and the environmental damage, was apparent from the provisions of that Directive which related to the inferences to be drawn from the fact that the operator did not contribute to the pollution or to the risk of pollution. Where no causal link could be established between the environmental damage and the activity of the operator, the situation fell to be governed by national law, with due observance of the rules of international legislation. Very similar situation with responsibility of violation of e-waste regulation in Lithuania. The Lithuanian court decision are based on national legislation, of course in accordance with European Union law and the “polluter pays” principle is the most important one solving similar cases. One case investigates violations of stored waste: scrap metal, plastic, useless car tires, unfit for use vehicles, stored outside the land plot. The area, where the waste is stored is state land (II-48-951 / 2016, 2016). The petitioner accumulates the above mentioned waste without the allowance to do so. When collecting waste, he does not sort according to the nature and type of waste, does not ensure that the accumulated waste does not adversely affect the society and the environment, the waste is mixed with other waste, stored without complying with the terms provided in the waste management regulations. The court received a complaint in which he, disagreeing with the decision of the chief specialist of the Šiauliai Regional Environmental Protection Department, asked for its annulment. In the complaint it is stated that he does not agree with the fine, because he did not contaminate but cleaned the nature, whereas his individual activity is the collection of secondary raw materials. In the court the complaint is rejected. According to Lithuanian legislation, Code of Administrative Offences, indicates that responsibility for collection, transportation and treatment of waste without the right to engage in such activities is imposing a penalty (ATP-79-350 / 2016, 2016). In the present case, the offender admitted that he was holding timber, metal, tires, plastic, unfit for use cars and other waste on the state land, but explained that he was engaged in individual waste management activities and did not pollute the nature and, on the contrary, cleaned it. He also claimed that he had not applied for the pollution permit license because he did not know that he had to, meanwhile he knows the rules of waste management and adheres to them, but does not follow the terms of waste storage, because physically does not manage to do it as well as does not sort them. According to the Waste Management Act, waste collection, transportation and treatment activities may be carried out by permits obtaining companies registered in the State Register of Waste Managers (2AT-17-942 / 2016, 2016). It is clear from the facts of the case that the applicant did not have such an authorization. Based on these circumstances, the court, having verified the evidence of the case, has no reason to doubt the fault of the person charged with the administrative liability, and decided not to satisfy the complaint as well as leave the decision to impose the fine. It can be said that Lithuanian courts strictly adhere to the rules provided for in legal acts and make decisions based on them, however, this does not deny the fact that legal regulation has to be improved, legal acts should be constantly reviewed, re-valued and systematized, the levels of sanctions for offenses with the same characteristics should be harmonized, statistics of legal violations must be publicly available and publicized, administrative penalties for violations of e-waste management, their size, nature, should be made public (personalized), the implementation of legislation should be constantly monitored and made more effective by attracting today's society (realizing its intellectual potential and its benefits) to the process of improving the supply chain and ensuring its implementation.

Conclusions

According to Lithuanian case law and national legislation acts, administrative, civil or criminal liability may be applied for environmental violations, but the latter shall apply only in extreme cases, the main form of liability is administrative penalties. The main violations implicating administrative penalties are: the execution of accounting for the supply of EEE to the domestic market without complying with legal requirements; the submission of obviously false or counterfeit data in the accounting records of EEE; failure to provide the data; distribution EEE, which is not registered by the manufacturer or importer according to the procedure; failure to comply with the obligation to dispose of the product in the prescribed manner; the supply of unmarked electrical and electronic equipment; obligation to provide a document proving that the management of WEEE will be financed; failure to comply with, or inadequate enforcement, of the obligation to educate or inform the society about the management of e-waste products. The main drawback of this type of infringement research is publicity and availability of information. In order to investigate the causes, the frequency, the size, etc. of imposing penalties on waste management, the data is available only after a complaint to the judicial authorities (Court of appeal or Supreme Court). The Environmental Protection Agency, the Ministry of the Environment and the Department of Environmental Protection do not publish the data of offences in the field WEEE, nor are there any data on this topic in the Department of Statistics of Lithuania. The availability of such information would be one the step closer to contemporary society to gain some prospective on this topic and to increase consciousness in this manner.

Meanwhile, in terms of separating civil liability for environmental damage from civil liability for real threat of damage, the first responsibility relates to the negative consequences for the environment and, as a result, to the recovery measures and the associated costs, and the second one relates to reimbursement of the costs of the prevention measures. In order to improve the efficiency of legal liability for e-waste management, it is necessary to harmonize sanctions for offenses with similar characteristics; to publicize information on the nature of such offenses, fines and their frequency; to develop legislation and ensure their proper implementation; to take into account the evolution of modern society - the public thinking, needs, potential and their values; to include fines for WEEE offences to the society individuals as well, not just manufactures, importers, sellers and others legal entities; to encourage society to be involved in WEEE prevention by awarding society and legal entities, not only by punishing them and to search the right solution for the creation of the right legal regulation and for ensuring its effective implementation.

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