

**Question for written answer P-008117/2014
to the Commission**
Rule 130
Richard Sulík (ECR)

Subject: Possible restriction of competition

In Slovakia, authorised entities may cooperate with any entities involved in the material flows of waste from packaging (municipalities, towns, associations, collection companies, assessors and recyclers). Since 2004, when the first authorised entities began their activities in Slovakia, some of them started to develop a system with municipalities and towns, while others – in line with their legal entitlements – focused on comprehensive cooperation with collection companies. Of the 12 authorised entities, only one focused on contractual relations with municipalities. This entity currently has contractual relations with more than half of the municipalities in Slovakia, while representing only 15 % of manufacturers. The remaining authorised entities have contractual relations with the other aforementioned bodies. A proposed new law on waste, which would enter into force in Slovakia on 1 January 2015, would allow authorised entities to establish contractual relations exclusively with municipalities. Municipalities may – but are not obliged to – terminate existing contracts with the authorised entities within a six-month period.

Is this state of affairs inconsistent with the rules on protecting competition, namely Article 107 of the TFEU, given that there are valid fears that a single company will end up forming a monopoly? Could an alternative course of action be making it obligatory to terminate all existing contracts between authorised entities and municipalities in order to ensure a level playing field for all authorised entities?