

WRITTEN QUESTION E-3776/02  
by Christoph Konrad (PPE-DE)  
to the Commission

Subject: Anti-competitive practice in waste management in Germany

1. The towns of Herne, Wuppertal, Remscheid, Bochum, the districts of Ennepe-Ruhr, Recklinghausen and the municipal association for the Ruhr (KVR) recently founded a waste management association named EKO-City (as the commissioning agency) and EKO-City GmbH (as the sole contractor). EKO-City GmbH is to be responsible for all thermal treatment, for mechanical processing, for pre-treatment and disposal of household and industrial waste produced in the area covered by the association,

Is the Commission aware of the foundation of this 'waste management association' and the limited company (GmbH)?

2. What view does the Commission take of the fact that EKO-City is to award 100% of contracts for waste disposal to EKO-City GmbH, indefinitely and without inviting tenders, which precludes any form of competition as the private sector is barred from providing waste disposal services from the outset?

3. What is the Commission's position on the fact that the formation of this dedicated association and limited company circumvents the mandatory requirement to invite tenders to provide waste disposal services?

4. Can the Commission discount the possibility that, in pursuing this practice, the above municipalities are in breach of European competition law?