



INTERNATIONAL ASSOCIATION OF YOUNG LAWYERS

**Recycling waste and competition law (or the need for a clean market for
a dirty business)**

Commission(s) in charge of the Session/Workshop:

Energy and Environmental Law Commission

and

Antitrust Commission

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National Report of Finland

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Introduction

Environmental law on waste is a very complex area of law. Waste represents a hazard for the environment and households, but it often also has value as a resource. The waste sector is heavily regulated to achieve specific environmental objectives. Environmental law aims to contribute to sustainable production and consumption by preventing waste generation and by promoting the re-use, recycling and other forms of waste recovery, to reduce waste disposal, contribute to the efficient use of resources and retrieve valuable secondary raw materials.

Environmental law on waste is novel and evolves rapidly. Technologies for re-using and recycling waste also change rapidly. This means there are many different markets within the waste sector and these markets and the economics within these markets evolve quickly. The useless part of some waste today may become a priceless raw material for certain industries in the future. What represents an expense today may be a valuable asset tomorrow. This also means that shaping the boundaries of the markets to apply competition policy might not be an easy task. It is difficult to specifically define the product and geographic markets in the waste sector.

Some countries have established the “extended producer responsibility,” which should work as a mechanism to make producers support the design and production of goods, taking into account and facilitating the efficient use of resources during their whole life-cycle. It often obliges producers and importers of products to finance, in proportion to their products on the market, the collection and treatment of waste in line with the predefined waste hierarchy established in that country (i.e., prevention, preparing for re-use, recycling, other recovery methods and disposal). Producers and importers may fulfill obligations embraced by the “extended producer responsibility” individually or collectively with other producers through an entity often called a “producers responsibility scheme.”

Applying competition law to waste to allow for effective competition is very important, but it is also very complex. Competition law should help to achieve the waste hierarchy, specifically by helping producers meet their extended producer responsibility at a lower cost for households.

Producers' responsibility schemes involve cooperation between product market competitors and exclusive agreements with service providers, and these may restrict competition. How do these competitors interact in those schemes, what sort of information do they exchange, what sort of agreements do they reach, how do they hire waste managers, how do they define prices and focus on one market or another, and how do they compete with other schemes? How do they prevent anti-competitive practices (i.e., market sharing, price fixing and exchange of sensitive information) and avoid exclusive clauses?

Several international organizations deal with the relationship between competition law and waste production and management. The OECD and the EU have issued studies and analyses during the last 10 years. More recently, some competition authorities have carried out or initiated investigations into companies in the waste sector in different countries (such as Austria, France, Romania and Spain).

As this is a questionnaire and not a national report, we do not want to take too much of your time. **You are welcome to respond with brief answers, such as bullet points**, to avoid having to write lengthy texts. If you are uncomfortable answering any question, please skip it, but please answer as many questions as possible to allow us to draw representative conclusions. Please feel free to provide us with any marketing materials, or examples that you feel are appropriate or interesting.

1. About your country/jurisdiction's institutional framework

1.1. Is there an antitrust agency in your country/jurisdiction? If so, what is its name?

The Finnish competition and consumer authority (FCCA) began operations on 1 January 2013. FCCA was created by joining the Finnish Competition Authority and the Finnish Consumer Agency. The new agency increases the societal significance of competition and consumer issues and improves administration efficiency. The legally mandated responsibilities of the joined agencies remain unchanged in the new agency. According to its website, the agency's responsibilities relate to implementing competition and consumer policy, ensuring good market performance, implementing competition

legislation and EU competition rules, and securing the financial and legal position of the consumer. The agency also handles the supervision responsibilities of the Consumer Ombudsman.

The FCCA protects sound and effective economic competition by intervening, where necessary, in restrictive practices, such as cartels and abuse of dominant position, violating the Competition Act and Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) forming the basis of competition policy.

<http://www.kkv.fi/en/>

- 1.2. Is there an environmental agency in your country/jurisdiction? If so, what is its name?

There is no pure environmental agency. Environmental affairs are distributed to different authorities depending on the issue. These authorities however do not only deal with environmental issues.

The agencies are the following:

- The Regional State Administrative Agencies (AVI) as the State's regional administrations act as environmental permit authorities together with the municipal environmental protection authority: <https://www.avi.fi/en>
- The Centre for Economic Development, Transport and the Environment (ELY-keskus) guides and develops the management of the functions regulated by the Environmental Protection Act ("EPA") inside its territorial competence. The Center supervises compliance with the EPA and is mandated to speak and act on behalf of the environmental public interest: <https://www.ely-keskus.fi/en/web/ely-en/>
- The Finnish Safety and Chemicals Agency (Tukes) under the authority of the Ministry of Employment and the Economy is a product surveillance centre which supervises and promotes the technical safety and conformity within several branches: <http://www.tukes.fi/en/>

- The Energy Authority (Energiavirasto) promotes and monitors the energy market and promotes the reduction of emissions, energy efficiency and the use of renewable energy. It operates under the administrative sector of the Ministry of Employment and the Economy. The Energy Authority verifies the functionality of the converging electricity and gas markets, and the reasonableness of network service pricing:
<http://www.energiavirasto.fi/en/web/energy-authority/>

- 1.3. Have there been any cooperation agreements between the antitrust and the environmental agencies?

The FCCA (The Finnish competition and consumer authority) has taken part in cooperation agreements with environmental agencies. These agreements are mostly project based and temporary, for instance in order to make an assessment or study on a specific issue. For example, the FCCA has been involved in a study conducted by the Ministry of the Environment on the functioning of the new Waste Act and the FCCA and the Regional State Administrative Agencies (AVI) have surveyed together the observance of the competition rules in the waste management sector.

- 1.4. Is it possible for either agency to provide opinions, etc, on activities/subjects of the other authority?

The FCCA may be involved in the legislative procedure whenever the subject requires its position. For instance, the FCCA gave a statement on the proposal for a new Waste Act.

- 1.5. If so, please provide details.

See above.

- 1.6. Is there room for the interface between antitrust and environmental policy to take place in antitrust cases? If so, please explain briefly why you believe this is the case.

No. After a brief conversation with an employee from the FCCA, the Competition Act applies to all stakeholders equally. No preference or relief is given to environmental factors, at least officially.

2. Objectives of antitrust and environmentalism

- 2.1. Does any legislation define environmental protection as one of the objectives of the public policies? If so, name the rule(s) briefly.

The Finnish constitution 731/1999 states in its section 20 entitled “Responsibility for the environment” the following:

“Nature and its biodiversity, the environment and the national heritage are the responsibility of everyone.

The public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment.”

<http://www.finlex.fi/fi/laki/kaannokset/1999/en19990731.pdf>

- 2.2. Does the antitrust policy clearly state its objective?

The Finnish Competition Act (948/2011) defines its objective in its Chapter 1 Section 1 “Purpose of Act” as follows:

1) The purpose of this Act is the protection of sound and effective economic competition from harmful restrictive practices.

(2) Upon application of this Act, special attention shall be paid to the protection of the operating conditions of the markets and the freedom of undertakings to operate so as to allow customers and consumers to benefit from competition.

Finnish Competition Act:
<https://www.finlex.fi/en/laki/kaannokset/2011/en20110948.pdf>

- 2.3. Is environmental protection listed as one of the antitrust policy’s objectives?

No it is not.

- 2.4. Can the competition authority consider environmental protection objectives when assessing the efficiencies of a potentially unlawful behavior?

No, at least not officially.

- 2.5. Can any other authority or the government approve restrictive behavior based on the public interest (including environmental protection)?

Chapter 5 of the Competition Act stipulates on prohibited restraints on competition between undertakings. According to Section 6, the prohibition does not, however, apply to

“any agreement between undertakings, any decision by associations of undertakings, or any concerted practice by undertakings, or any category of agreements, decisions or concerted practices, which:

- 1) contributes to improving the production or distribution of goods or to promoting technical or economic progress;
- 2) allows consumers a fair share of the resulting benefit;
- 3) does not impose on the undertakings concerned restraints which are not indispensable to the attainment of these objectives; and
- 4) does not afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.”

No restrictive behavior based on the public interest is allowed according to the Competition Act.

- 2.6. Have there been cases in which there was a collision between the objectives of antitrust and environmental policy? If so, name them, explaining whether it was a merger control or a conduct case.

The FCCA is currently drafting a study concerning problematic areas between competition neutrality and the Waste Act. The study is expected to be completed end of this year.

There have been cases where there was a collision between environmental legislation and objectives of antitrust.

To mention one example, there was one case in 2002 where the Ministry of the Environment and the FCCA had a different vision of the application of the Competition Act. The Ministry for the Environment has expressed for instance that in its understanding the Competition Act should not apply to the waste management companies because of their specific nature. The Ministry considers that the measures implemented by the waste management companies under the Waste Act are meant to manage the waste of the municipalities of their geographical coverage. Competition on waste from other municipalities would according to the Ministry bring unsteadiness to the operations which would hamper the clients, the environment and also the waste treatment facilities. The FCCA states however that the Competition Act is a general law which is applied to all economic activity unless stipulated otherwise. The exceptions are also to be applied with precaution. In this specific case, the company was suspected for illegal market-sharing. After inspection, the FCCA concluded that there was no illegal behavior and the case was closed.

3. Merger controls and environmental protection

- 3.1. Is environmental protection considered in the merger control analysis? If so, please provide details.

No it is not.

- 3.2. Have there been cases in which the merger was cleared because of the need to protect the environment? If so, please explain briefly.

There has not been that kind of cases.

- 3.3. Have there been cases in which the merger was blocked because of the need to protect the environment? If so, please explain briefly.

There has not been that kind of cases.

4. Antitrust enforcement and environmental protection

- 4.1. Is environmental protection considered in a conduct case? If so, please provide details.

Competition rules apply to all sectors in a similar way. No exceptions are allowed for environmental reasons.

- 4.2. Have there been cases in which the merger was cleared because of the need to protect the environment? If so, please explain briefly.

Not to our knowledge.

- 4.3. Have there been cases in which the merger was blocked because of the need to protect the environment? If so, please explain briefly.

Not to our knowledge.

5. Questions concerning antitrust in the waste management sector

A. General questions

- 5.1. Which specific legal obligations are imposed on companies relating to waste management of their products under the national law of your jurisdiction (the “obliged companies”)?

For waste holders in general, the legal obligations according to the Finnish Waste Act Chapter 2 Section 8 are the following:

“All activities shall, insofar as possible, comply with the following order of priority: First priority shall be given to reducing the quantity and harmfulness of waste generated. If, however, waste is generated, the waste holder shall first and foremost prepare the waste for re-use, or, secondarily, recycle it. If recycling is not possible, the waste holder shall recover the waste in other ways, including recovery as energy. If recovery is not possible, disposal of the waste shall be carried out.”

Section 9 states the following:

“Those engaged in production, and the product manufacturer or importer, must be aware of waste generated in production or by the product, the environmental and human health impacts thereof, and the related waste management, as well as the possibilities of developing production or the product so as to reduce the quantity and harmfulness of waste.

The waste holder must be aware of the origin, quantity, type and quality of waste and other relevant properties in order to organise waste management, and about the impacts on human health and the environment of waste and waste management, and must, if necessary, provide information regarding these to other waste management operators.”

Chapter 6 of the Waste Act entitled “Producer responsibility” regulates on legal obligations regarding waste management of the products concerned by producer responsibility.

The producer is responsible for **waste management and associated costs** of its products. The producer shall organize waste management for products specified by the Waste Act that it has brought to the market, and cover the associated costs. This obligation applies to products brought to the Finnish market by the producer, and to a certain amount of other similar products considered reasonable in relation to the producer’s market share, irrespective of the date on which the products were placed on the market.

The products concerned by producer responsibility in Finland are the following:

- cars, vans and comparable vehicles;
- tyres from motor vehicles, other vehicles and equipment as well as vehicles or equipment supplied with tyres (including tyre retreading companies);
- electronic and electrical appliances;
- batteries and accumulators;
- printing paper and paper for manufacturing other paper products;
- packaging where the producer responsibility pertains to the packers of the products and importers or packaged products, but excluding the packaging producers.

The producer shall arrange reception points for discarded products, so as to facilitate the free-of-charge and easy delivery of the products. By

derogation, producers of paper products shall arrange free-of-charge transport for discarded paper products from a reception point provided by the property holder, if the property is located somewhere other than in a single-family housing area or sparsely populated area.

The producer shall provide information on reception for discarded products and waste.

The producer shall also promote re-use. The reception and transport of discarded products shall be organized so that the products being collected are not needlessly broken or damaged, so that undamaged or repairable products and their components are kept separate or separated as necessary, and that the re-use of products and their components is promoted in other ways.

The producer shall keep a record, by product type, of the type, quality and quantity of the products it releases onto the market and the discarded products it receives, as well as the waste they generate.

The product distributor shall accept certain discarded products free of charge from the possessor.

The product distributor shall duly provide information about the possibility to bring products to be discarded to the distributor's reception point.

Waste Act:

<https://www.finlex.fi/fi/laki/kaannokset/2011/en20110646.pdf>

- 5.2. If so, can obliged companies meet their obligations by associating with other obliged companies?

Obliged companies, meaning producers shall fulfil their producer responsibility in one of the following manners:

1. by *joining a producer corporation*. In this option, producer responsibility will be transferred to the producer corporation, which takes care of the obligations provided in the Waste Act on behalf of the producer.
2. by submitting to Pirkanmaa ELY Centre (Centre for Economic Development, Transport and the Environment) an *application for registration in the producer database*, in which case the producer itself shall handle the collection, recycling and waste management of the products falling under producer responsibility. The application can be submitted only in Finnish or Swedish.

3. by *establishing a producer corporation* together with other producers.
- 5.3. Do companies obliged to recycle their waste opt to be part of a collective system or opt for an individual solution and organize the collection and recovery of waste for their own products?

Producers opt mostly for a “producer corporation”, ie. collective system which handles the producer’s obligations on behalf of the producer. The responsibility however remains the producer’s.

In Finland, the authorised producer corporations are the following:

- Vehicles: Finnish Car Recycling Ltd
 - Accumulators and batteries: Akkukierrätys Pb Oy (lead-based batteries); ERP Finland ry (portable batteries and accumulators); Recser Oy (portable batteries and accumulators)
 - Reclaimed paper: Suomen Keräyspaperi Tuottajayhteisö Oy; Suomen Keräystuote Oy
 - Packaging: Mepak-Recycling Ltd (metals); Puupakkausten Kierrätys PPK Oy (wood); Suomen Keräyslasiyhdistys ry (glass); Suomen Kuitukierrätys Oy (fibre packaging); Suomen Palautuspakkaus Oy PALPA (deposit beverage packaging); The Finnish Plastics Recycling Ltd
 - Tyres: Finnish Tyre Recycling Ltd
 - Electric and electronic appliances: Flip Association (WEEE category 5, lamps); ERP Finland ry (WEEE categories 1-10); ICT Producer Co-Operative (WEEE categories 4 and 5); SELT Association (WEEE categories 1,2,5-10); SER-tuottajayhteisö ry (WEEE categories 1-10)
- 5.4. What is the exact legal nature of “collective systems” (previously known as "SIGs – Special Interest Groups" and now "Extended Producer Responsibility Collective Systems")? Which form of incorporation can these collective systems take? What are their internal operating rules or bylaws?

The producer organisations are legally competent, non-profit organisations. The founders of the respective producer organisations and often their shareholders comprise the entire supply chain consisting of the industry, importers and the retail-wholesale trade and the companies recycling packaging waste.

- 5.5. What are these collective systems entitled to?

Producer corporations are entitled to manage the obligations imposed on producers. Only producers can form a producer corporation. A producer may transfer obligations under producer responsibility only to a producer corporation accepted in the producer register as stipulated by the Waste Act.

If the producer's operations fall within the producer corporation's sphere of operation, the producer corporation shall take on the responsibility for a new producer's obligations by request of the producer in question. Fair and equitable terms shall apply to new producers with respect to the terms applicable to other producers within the producer corporation.

5.6. What are their governing bodies and how are their operations monitored?

The national authority for producer responsibility is the ELY Centre (Centre for Economic Development, Transport and the Environment) for the region of Pirkanmaa.

The Centres for Economic Development, Transport and the Environment are responsible for the regional implementation and development tasks of the central government. The Centres come under the administrative branch of the Ministry of Employment and the Economy.

5.7. Which specific legal obligations are imposed on them?

The Waste Act imposes the following obligations on producer corporations:

- In a producer corporation, obligations must be fairly divided between producers, with consideration given to the nature and extent of operations, and in such a way as to avoid any barriers to business or distortion of competition.
- A producer corporation shall maintain a publicly available, up-to-date list of the producers that have transferred their producer responsibility to it. This list must include the name and business ID of each member and must be made available on an information network.
- A producer corporation must have sufficient financial resources to facilitate the appropriate organisation of its operations, and to enable it

to bear responsibility for the producer responsibility obligations assigned to it continuously for at least six months.

- The Government may oblige producers and producer corporations in a certain product group to cooperate and may issue provisions on the requirements set on cooperation, if this is necessary to the dismantling or prevention of parallel re-use and waste management systems that hamper the overall functioning of producer responsibility systems or the product holder's possibility to deliver a discarded product for re-use or waste management.
- When procuring services related to the re-use and waste management of products, a producer corporation must take equal account of other economic actors and their prospects for operating in the market in question, in such a way as to **avoid any barriers to business and distortion of competition** (Section 66).

The Waste Act in its Section 66 makes a link between competition rules and waste management operations.

- 5.8. Are any administrative authorities responsible for allocating market shares of waste to be collected? How is this share calculated? How are exact amounts to be collected, treated, evaluated or eliminated assigned?

Concerning the amounts of waste to be collected, treated, evaluated or eliminated, here is one example on how the management of packaging waste may be organized in Finland.

The Environmental Register of Packaging PYR Ltd operates in conjunction with producer corporations in the packaging sector. PYR is responsible for enabling firms to attend to their producer responsibility for packaging. In accordance with the Council of State Decree (518/2014), PYR:

- organises countrywide take-back of consumer packaging and the recycling of glass packaging as authorised by the producer organisations

- registers firms that have placed packaging on the market in Finland together with their products and have made a contract with PYR.
- compiles statistics on packaging materials and quantities that firms annually declare to PYR.
- invoices material-specific recycling fees as authorised by the producer corporations.
- reports to the authorities on the firms that have joined PYR and on the packaging statistics required by law. The statistics are only published as total quantities of packaging materials.
- gives advice on matters related to producer responsibility for packaging.
- provides information.
- protects the interests of packers.

Statutory producer responsibility applies to producers or firms that pack or import packed products on the Finnish market and have a turnover of EUR 1m or more. This responsibility is based on the EU Packaging and Packaging Waste Directive, the Council of State Packaging and Packaging Waste Decrees and the Waste Act.

When a company registers with PYR, it transfers its producer responsibility for all the packaging it uses to producer corporations in the packaging sector. PYR and the producer corporations organise the recycling of packaging so that the targets for the recycling of packaging set by EU and Finnish legislation are attained in Finland.

When registered with PYR, the producer does not need to attend to organizing the recycling of packaging itself nor does the producer need to report to the authorities on how it has organized its producer responsibility.

The recycling of packaging is funded by material-specific recovery fees paid by firms that PYR invoices and deposits with the producer corporations for their use. PYR's operations are financed by registration and annual fees, based on the companies' turnover. Just like the producer corporations, PYR is a non-profit organization.

- 5.9. What is the consequence of failure, i.e., not collecting, treating, recovering or disposing of the market share assigned to a certain obliged company?

According to the Waste Act Section 126, a supervisory authority may:

- 1) prohibit a party that violates this Act, a decree or regulation based thereon, or the Waste Shipment Regulation, from continuing or repeating a procedure contrary to provisions, or order the party concerned to fulfil its duty in some other way;
- 2) order a party, referred to in paragraph 1, to restore the environment to its prior state or to eliminate the harm to the environment caused by the violation;
- 3) order temporary measures concerning waste or a product, such as the appropriate storage or retention of waste or a product, a ban on unloading a waste load, returning waste to the original location, or other corresponding measures necessary in certain situations referred to in paragraph 1.

The party that acted in violation of regulations or orders shall be responsible for any costs incurred due to temporary measures. In urgent cases, an order may be issued by an official appointed by a municipal environmental protection authority in its line of duty. However, the matter shall be placed before the municipal environmental authority without delay.

In addition to the provisions of Section 126, Section 128 of the Waste Act stipulates on the rectification of a violation or negligence concerning waste management organised by the producer. According to this Section, **if the producer or producer corporation has not organised the reuse, recycling, other recovery or other waste management based on producer responsibility, in accordance with the provisions or regulations issued in and under this Act, the Centre for Economic Development, Transport and the Environment for Pirkanmaa may:**

1) oblige the producer, producer corporation or party maintaining a return system for beverage containers to make its operations comply with the provisions or regulations issued in and under this Act, and to prove that these changes have been made;

2) prohibit the producer from placing the product onto the market until the producer has been approved or entered in a producer register.

- 5.10. In line with the previous question, if one of the collective systems credits collecting a higher market share in terms of volume or weight, can it claim financial compensation from any collective systems not complying with theirs?

According to the Waste Act, the producers concerned by the producer responsibility shall organize waste management for the products they have brought to the market, and cover the associated costs. In accordance with the Waste Act, the producers have a right of precedence to organize waste management of their products. However, an operator other than the producer may offer services related to the re-use of products or preparation thereof. In practice the producer manages also the waste of the so called “free riders” in addition to its own obligations.

- 5.11. Are the administrative authorities that monitor and enforce producers’ compliance with their respective objectives and the proper functioning of their collective systems coordinated in any way with antitrust agencies or national competition authorities?

No.

B. Relevant product and geographic markets

- 5.12. How have the competition authorities in your jurisdiction defined the relevant product markets in the waste management industry?

The competition authority has not defined directly the relevant product markets in the waste management industry. In general waste collection and waste treatment form the relevant product markets.

- 5.13. How is the waste market segmented?

Concerning waste management of products concerned by producer responsibility, the market is segmented as follows:

- cars, vans and comparable vehicles;
- tyres from motor vehicles, other vehicles and equipment as well as vehicles or equipment supplied with tyres (including tyre retreading companies);
- electronic and electrical appliances;
- batteries and accumulators;
- printing paper and paper for manufacturing other paper products;
- packaging where the producer responsibility pertains to the packers of the products and importers or packaged products, but excluding the packaging producers.

- 5.14. Which geographic scope has been considered for each of those product markets?
- 5.15. Are the producers of electrical and electronic equipment, the so-called WEEEs, obliged to finance the collection, treatment, recovery and disposal of waste from their products in any specific way?

According to Section 61 of the Waste Act, producers of electrical and electronic equipment shall provide a financial guarantee assigned to the Centre for Economic Development, Transport and the Environment for Pirkanmaa to cover the costs incurred by reception, transport, other waste management and the related distribution of information, and for promoting the re-use of household electrical and electronic equipment placed on the market by the producer. No requirement to provide a separate financial guarantee applies to producers who are members of a producer corporation. Acceptable financial guarantees are a guarantee, insurance and pledged deposit. The party issuing the financial guarantee must be a credit or insurance institution domiciled in a European Economic Area member state or another commercial financial institution. A further precondition is that, pursuant to a claim, the financial guarantee will be mobilised by the Centre for Economic Development, Transport and the Environment for Pirkanmaa. The aforementioned Centre is entitled to mobilise the financial guarantee whenever the producer is found insolvent or, regardless of requests to do so, has neglected to organise waste management. The Centre will divide the financial guarantee, as per the related market share, among the producers and producer corporations approved in the

producer register who organise waste management for equipment placed on the market by the provider of the guarantee.

C. Possible competition concerns (abuse of dominance)

- 5.16. Have the competition authorities in your jurisdiction found any collective systems dominant? If the answer is yes, please specify the reasons.

The competition authority has examined few suspected breaches, but they did not result in measures.

- 5.17. Are the fees the collective systems charge the obliged companies based on the “no service, no fee” principle?

Usually producer corporations charge a registration and annual fees. In addition to this, producer corporations charge material specific recovery fees based on amounts of waste the management of which the producer is responsible for.

- 5.18. Do collective systems apply an “all or nothing rule” (i.e., requiring participants to transfer all of their obligations to the system; they may either contract for all of their packaging or for none)?

- 5.19. Have the competition authorities in your jurisdiction conducted investigations into anticompetitive practices relating to abusive fees imposed by dominant collective systems? Or have they conducted investigations into anticompetitive practices relating to other abusive conduct, such as rebates designed to attract a substantial amount of the obliged companies, the application of the “all or nothing rule,” and denying competitors access to the dominance system? If so, please explain briefly the main theory of harm and the final decision adopted.

The competition authority has examined few suspected breaches, but they did not result in measures.

D. Possible competition concerns (cooperation between obliged companies)

5.20. Can obliged companies form collective systems to agree contracting prices and conditions with waste managers dealing with certain waste processing, recycling or disposal operations?

No.

5.21. Can collective systems incur in the aforementioned practices? Can they reach other agreements between them? If so, what kind of agreements?

No.

5.22. Have the competition authorities in your jurisdiction conducted investigations relating to cooperation between obliged companies? If so, please refer to the case/s and explain briefly the grounds (such as spill-over effects, and the effects of bundling of demand) and the final decision adopted.

The FCCA has investigated three cases concerning producer corporations. Two of them concerned abuse of dominant position and one restriction of competition. They were all mere suspicions and didn't lead to any judgment.