

FAQs on the AFCA's Waste Management Cartel Investigation

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FAQs on the AFCA's Waste Management Cartel Investigation

1. How long have the AFCA investigations been ongoing?

In March 2021, the AFCA conducted dawn raids at the premises of 18 companies in the waste management market. A year later, following leniency applications, numerous whistleblower reports and questionings, additional dawn raids were carried out at two companies due to new suspicions.

In total, the AFCA secured a large amount of data from the companies, including over 60 TB of IT data and over 2,000 pages of physical documents.

2. What exactly are the accusations against the companies?

The infringements relate to price fixing, market sharing and the exchange of competitively sensitive information from at least July 2002 to March 2021. By doing so, the companies helped each other to win contracts, reduced uncertainty about their future business conduct and thus secured their market shares.

By dividing up territories and customers, the participating companies created an interconnected cartel structure that ultimately affected the whole of Austria.

3. Which market is specifically affected?

Traditionally, the waste management industry is divided into the areas of waste collection, waste treatment and disposal, and recovery. Furthermore, a distinction can be made between household waste and commercial waste, with further segmentation by material flow.

Approximately 300 companies are active in the waste management market in Austria. In addition to a few market players operating across regions, many smaller companies are active in the regional area.

The investigations conducted by the AFCA in the waste management industry focused on waste collection, but also on further processing in the form of sorting, recycling and recovery, as well as the disposal of waste. The agreements objected to by the AFCA at the Cartel Court concerned the allocation of territories and customers in the area of waste collection.

4. Which federal states are affected by the investigations?

The waste cartel ultimately covered the whole of Austria, with the focus of participation in the cartel lying in the core area of each individual company.

5. How many companies are affected by the investigations?

The AFCA carried out dawn raids at 20 companies. The investigations are still ongoing, which is why an exact number cannot yet be given.

6. Which companies are currently subject to court proceedings at the Cartel Court?

Company	Status of court proceedings
Saubermacher Dienstleistungs AG <u>News Update September, 2024</u>	<ul style="list-style-type: none">• Leniency, statement of acknowledgement submitted in September 2024• Fine of EUR 7.085 million requested

7. Which companies have already been the subject of a final decision?

Company	Fines imposed or infringement established
FCC Austria Abfall Service AG <u>News Update February, 2024</u> <u>News Update October, 2024</u>	€ 0 Leniency Infringement established by the Cartel Court

Company	Fines imposed or infringement established
Huber Entsorgungsgesellschaft m.b.H. Nfg. KG Huber Abfallservice Verwaltungsgesellschaft m.b.H. <u>News Update March, 2025</u> <u>News Update June 2025</u>	€ 175.000 Leniency
Fines in total	€ 175.000

8. Have any companies been granted leniency?

Some companies are granted leniency, so far. The Cartel Court confirmed leniency status for the following companies:

- FCC Austria Abfall Service AG
- Huber Entsorgungsgesellschaft m.b.H. Nfg. KG, Huber Abfallservice Verwaltungsgesellschaft m.b.H.

All companies cooperated fully under the leniency program and made a statement before the Cartel Court.

If companies approach the AFCA with information that leads to the discovery of a cartel, the AFCA can, in accordance with Section 11b WettbG, refrain from requesting the imposition of a fine or, if the AFCA was already aware of the facts of the case, request a reduced fine. More information on the leniency programme can be found on the Federal Competition Authority's [website](#).

9. Who has suffered losses?

Cartel agreements restrict competition and generally lead to higher prices for customers. In addition to companies, municipalities that have tendered the collection and/or disposal of waste may also be potentially affected.

10. How high can the fines generally be?

Where an infringement has been established, the Cartel Court, at the request of the AFCA, can impose fines of up to 10% of the total turnover generated in the previous financial year. The fines are calculated taking into account the severity and duration of the infringement, the degree of fault and the economic capacity and cooperation of the company concerned.

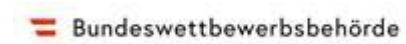
11. What is the amount of damages?

The specific damage will not be assessed in proceedings before the Cartel Court. Clients will have to claim damages in civil court proceedings.

12. Are all your important questions answered?

If you have any further questions about the waste cartel, please feel free to write to the Federal Competition Authority via email at wettbewerb@bwb.gv.at or call us on: +43 1 245 08.

Press inquiries:



Sarah Furlinger LL.M., LL.M.

Head of Information and Publications | Press Officer

T: +43 1 245 08- 815352

Radetzkystraße 2, 1030 Vienna, Austria

kommunikation@bwb.gv.at

www.bwb.gv.at

General inquiries:

wettbewerb@bwb.gv.at

Austrian Federal Competition Authority

Radetzkystraße 2, 1030 Wien

+43 1 245 08 - 0

wettbewerb@bwb.gv.at

bwb.gv.at