

(English version)

**Question for written answer E-002077/24
to the Commission**

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(15 October 2024)

Subject: Competition in the waste incineration plant sector and the conduct of the Municipality of Rome in the management of the municipal energy and environment company (ACEA)

Article 13 of Decree-Law No 50 of 17/05/2022 entrusts responsibility for waste in the territory of Rome Capital to the Commissioner for the 2025 Jubilee, while preserving European competition rules. The Rome waste management plan assigns the use of the incinerator to the municipal energy and environment company (ACEA).

The concession requires 600 000 tonnes of waste to be incinerated every year for 33 years. The figure of 600 000 tonnes, out of a total of 1 500 000 tonnes of waste per year, flouts the European target of growth in separate waste collection (in Rome, the figure remained at 45% between 2015 and 2024) until 2060. It will cost taxpayers in excess of EUR 7 400 000 000. The 33-year contract obliges Rome to incinerate 600 000 tonnes per year until 2060, thus infringing EU law, the provisions of the COP 21 Paris Agreement on climate change and the UN Summit of the Future 2024.

Given the above, can the Commission answer the following questions:

1. What steps will it take to protect technological neutrality and competition in the waste sector, preventing exclusivity that undermines improvements to recycling?
2. What action will it take to prevent the deployment of a facility with contractual commitments that breach the 2050 zero-emissions target?

Submitted: 15.10.2024

Answer given by Ms Roswall on behalf of the European Commission
(30 January 2025)

1. EU waste legislation is technology neutral and ensures a high level of environmental protection while respecting the waste hierarchy: first prevention, then preparation for re-use, then recycling, then other recovery (incineration with energy recovery), and ultimately disposal as a last resort (incineration without energy recovery or landfilling) ⁽¹⁾. The Commission has no information that the mentioned incineration plant undermines recycling efforts. Incineration plants ⁽²⁾ must operate in accordance with a permit based on Best Available Techniques ⁽³⁾. EU competition law does not prohibit exclusivity agreements which are assessed on a case-by-case basis to establish if they are capable of excluding actual or potential competitors from the market. Without prejudice to national or EU rules governing public procurement procedures, this is typically not the case if exclusivity is the result of an open, transparent and non-discriminatory tender procedure.

2. Emissions from waste incineration are subject to national commitments under the Effort Sharing Regulation ⁽⁴⁾. Member States can opt to include these emissions into the Emission Trading system ⁽⁵⁾. There are stringent emissions targets for 2030 under both systems. The communication ‘Towards an ambitious Industrial Carbon Management for the EU’ ⁽⁶⁾ recalls that the 2026 review of the EU emissions trading system (ETS) ⁽⁷⁾ will assess the feasibility of including municipal waste incineration installations and other waste management processes in the EU ETS. Regardless of the scheme, EU institutions and Member States shall take the necessary measures to enable the collective achievement of the climate-neutrality objective by 2050 ⁽⁸⁾.

⁽¹⁾ Article 4 and 13 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, OJ L 312, 22.11.2008, p. 3-30, as amended by Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May, OJ L 150, 14.6.2018, p. 109-140.

⁽²⁾ Annex I to the Industrial Emissions Directive, Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), OJ L 334, 17.12.2010, p. 17-119.

⁽³⁾ As described in BAT conclusions: Commission Implementing Decision (EU) 2022/2110 of 11 October 2022 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, for the ferrous metals processing industry (notified under document C(2022) 7054), OJ L 284, 4.11.2022, p. 69-133.

⁽⁴⁾ https://climate.ec.europa.eu/eu-action/effort-sharing-member-states-emission-targets/overview_en

⁽⁵⁾ https://climate.ec.europa.eu/eu-action/eu-emissions-trading-system-eu-ets_en

⁽⁶⁾ COM(2024) 62 final.

⁽⁷⁾ Directive (EU) 2023/959 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system.

⁽⁸⁾ Article 2 of the European Climate Law, Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999, OJ L 243, 9.7.2021, p. 1-17.