



**Ministry of Health and Social Affairs  
Sweden**

European Commission

*Division for Public Procurement Law*

*Head of Unit*

*Rickard Falkendal*

*Telephone +46 8 4052132*

*Mobile +46 70 3330573*

*E-mail rickard.falkendal@social.ministry.se*

### **Reasoned opinion – waste management services (2009/4080)**

The reasoned opinion is about local authorities having awarded contracts in two cases to companies owned by the authorities. The companies Nordvästra Skånes Renhållning AB (NSR) and Sydvästra Skånes Renhållning AB (SYSAV) have however taken actions to fulfil the requirements of the in house-exemption. The issue of the case is that NSR and SYSAV by the time of the award of the contracts did carry out a substantive part of their activities to others than their owners.

NSR has informed the Swedish government that it will take over responsibility from some of the authorities, by means of which the turnover representing services for others than the owners will be reduced to 8 percent. This will be carried out by the 1<sup>st</sup> of January 2012.

SYSAV has informed the Swedish government that it has decided to call the owners to a meeting where a decision will be taken to separate the activities carried out for others than the owners. Those services will be carried out by another company, related to SYSAV as a subsidiary. The meeting will take place on the 20<sup>th</sup> of December 2011. Immediately after the meeting the measures will be taken. By the beginning of 2012 SYSAV will not carry out such services that are not representing the owners.

The Swedish government is confident that the two companies by the beginning of 2012 will have brought about such changes of their activities that they will have reduced those services not representing the owners to well below 10 percent of their total activities.

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*Postal address*  
SE-103 33 Stockholm  
SWEDEN

*Telephone*  
+46 8 405 10 00

*E-mail:* [registrator@social.ministry.se](mailto:registrator@social.ministry.se)

*Visitors' address*  
Fredsgatan 8

*Fax*  
+46 8 723 11 91

Considering the discussions on codifying the Teckal-criteria in the new Directives on Public Procurement I take it that a 10 percent borderline is adequate when it comes to the non-owners activities.

I sincerely hope that the Commission will take into consideration the information given before taking further actions.

Best regards,

A handwritten signature in black ink, appearing to read 'S. Attefall', written in a cursive style.

Stefan Attefall

Minister of Public Administration and Housing