



Media relations
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Press Release

regarding judgment B-5194/2020 of 10 November 2023

Price for waste incineration incorrectly calculated

The Price Supervisor misapplied environmental regulations when reviewing the pricing of a waste recycling plant. Based on this conclusion the Federal Administrative Court refers the matter back to the Price Supervisor.

Interkommunale Anstalt Limeco, a waste management and wastewater processing company, operates the waste recycling plant in Dietikon among others. The Price Supervisor investigated the price charged by Limeco to several Zurich municipalities for the thermal recovery of municipal waste. It found the pricing to be abusive and ordered a temporary reduction. According to the Price Supervisor, the price was to be reduced from CHF 150 to CHF 102 per tonne between 1 January 2021 and 31 December 2023. Limeco filed an appeal against this ruling with the Federal Administrative Court (FAC).

Price supervisor infringes environmental regulations

The FAC notes that the Price Supervisor's analysis of the alleged price abuse is not in compliance with the provisions of the Environmental Protection Act. In its review, the Price Supervisor violates the regulations on the self-financing of waste recycling plants, misapplies the polluter-pays principle and fails to take into account the investment costs for the replacement of the waste recycling plant. As a result, its calculations are based upon incorrect assumptions. The Court therefore annuls the price reduction order and refers the matter back to the Price Supervisor. In the light of the considerations explained in the judgment, the Price Supervisor must now re-examine whether Limeco is effectively charging abusive prices to certain Zurich municipalities.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 351 employees (296.1 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.