

The Role of State-owned Enterprises in the European Union

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The study explores the shifting role of state-owned enterprises (SOEs) in the European Union's internal market amid market failures and evolving economic dynamics. Public services have traditionally been provided by state monopolies, but EU competition policies and the 2008 global economic crisis have reshaped their significance. The impact varies across sectors, with some experiencing a shift from state monopolies to market competition and others witnessing a resurgence of state influence. The 2008 crisis and the 2020 pandemic further intensified government involvement in SOEs. The study focuses on telecommunications, postal services, and audiovisual media services, highlighting the incidence of state's ownership and the influence of EU privatization and liberalization processes at the Member State level. The central hypothesis suggests

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persistent state influence in key sectors, albeit in diverse degrees and forms.

Keywords: state-owned enterprises, public services, internal market, EU competition law regulation, liberalization, regulation

1. Introduction

When dealing with market failures, it is common practice to provide some of the public services in the form of a state monopoly. At the same time, it is the subject of continuous discourse how far-reaching the state's involvement can be and in what form it should be implemented. The changes in economic life and the competition policy of the European Union (EU) have greatly affected this traditional role of the Member States (MSs), naturally to a different extent depending on the sector. In some market areas, state monopolies have been completely replaced by market competition, while in other areas, the role of state monopolies remained or has recently become stronger again. The 2008 global economic crisis put the role of state-owned enterprises into a new dimension, and some governments have started utilizing them for reaching strategic goals. Today, it is becoming questionable what can be considered a state-owned enterprise (SOE), what kind of a SOE it is, and how much ownership influence enables the performance of the implementation of state and government policies in the given sector. The pandemic that broke out in 2020 has only raised further questions in this area, since the economic rescue packages of MSs have largely meant financial support for SOEs – often with the approval of the European Commission.

For the above reasons, I examined the role of the SOEs in the internal market of the EU. After a traditional legal analytical review of the forms and reasons for state involvement, I examine the current processes and trends based on data on enterprises from the OECD, Eurostat and Orbis Europe. Using the example of three liberalized sectors – telecommunications, postal services, and audiovisual media services – I would like to demonstrate to which extent the state is present as an owner in each sector, and what impact EU privatization and liberalization processes have had at the MS level. My main hypothesis is that state influence can still be detected in certain key sectors, albeit to a different degree and in a new, different form. The research focuses exclusively on public companies

and does not aim to make comparisons with private companies operating within the same sector. The primary objective of the study is to examine the presence of state ownership and to explore the distinctions between customary (private) ownership and state ownership.

2. The Role of State-owned Enterprises

According to the EU (and OECD) guidelines for the operation of state-owned enterprises, if state-owned enterprises carry out economic activities, they ought to do so in a way that ensures fair market competition without obtaining undue advantages or disadvantages compared to other state-owned enterprises or private enterprises. At the same time, it is often difficult to achieve a level playing field in practice, especially in the case of enterprises that are important from a state strategic perspective. After the economic crisis of 2008, another economic challenge made it difficult to ensure competitive neutrality - in response to the COVID-19 pandemic, the national rescue packages adopted in recent years involved significant government capital investment also in the case of some state-owned enterprises. This is especially important because in many EU Member States, state-owned enterprises account for the majority of economic output and employment (European Commission, 2016). These enterprises play a particularly important role in network services (e.g. energy, transportation, postal services, communications, etc.), that are an essential part of social and economic functioning.

The reasons why states have created and continue to maintain SOEs can be attributed to several social, economic, political and historical factors. In industries where economic conditions dictate that efficiency is maximized with a single service provider, natural monopolies have arisen. In markets with imperfect competition, governments frequently opt to directly oversee service providers. They may establish state-owned enterprises for executing strategic investments that private sector investors might avoid due to their riskiness or long-term nature, such as the construction of highways, high-speed railways, water supply networks, stadiums, and more.

Thus, in general, it can be said that states have operated and continue to operate state-owned companies in sectors that are key for the economy. For-profit companies may refuse to provide public services to vulnerable consumers or individuals residing in remote areas (European Commission, 2016; Galambos, 2000). Therefore, states have intervened directly

to ensure a minimum level of access to public services for reasons of equity. But we have also seen examples in the previous century that certain private companies became state-owned after the state acquired them due to the fear of bankruptcy (Wágner, 2016; Halász 2005).

The development of the European Communities has brought changes in the traditional state enterprise sector (Verhoeven, 1996). With the expansion and deepening of integration, these areas soon became the focus of regulation to create competition. The privatization and liberalization policy launched and supported by the EU in the 1970s aimed, among other things, at downsizing state enterprises. In some areas, however, the continuation of state influence has become crucial in addition to the realization of privatization goals. In addition to the involvement of market capital, the states often wanted to retain their special role; one of the tools for it became the so-called “golden share”, that is still used today for the same purposes. At the same time, in the internal market of the EU, these solutions soon raised the question of how all this can be reconciled with free market competition, especially with the freedom of establishment and free movement of capital.

By the end of the 2000s, the issue of state involvement came perhaps even more to the fore. Parallel to this, the MSs were looking for new opportunities for state influence. A good example of this is the communications market. After privatization, state influence was exercised through various control and supervisory competition authorities, which created an opportunity to secure special state interests. After the 2008 global economic crisis, the increasing role of the government induced new forms of appearance. Firstly, the number of state-owned companies has increased in certain countries (Hungary and Poland). On the other hand, we could also witness new means of market influence, in accordance with global trends; therefore, we could detect indirect solutions, such as the appointment of company executives that are close to the government to the heads of companies with state-owned shares, or the privatization of shares of state-owned companies to market participants close to the government, not to mention providing state subsidies to “favoured” market players (Bartha, 2008). All this has taken place in compliance with EU law, by taking advantage of its loopholes.

3. An Overview on the State-Owned Enterprises Today

As stated previously, the form of involvement in public companies can be diverse (Horváth, 2016). But what about the exercise of ownership rights? Before analysing the economic situation of state-owned companies, let us examine how the exercise of shareholder rights of state-owned companies is regulated in each MS, and what kind of institutionalized systems they operate.

In most EU MSs (e.g., France, Greece, Spain, Hungary or Sweden, etc.), the centralized model is typical, i.e. one organization exercises the duties of the state as a shareholder in relevant organizations and companies (Aharoni, 2000). It can be a specialized agency or even a ministry. Another possibility is the creation of coordinating agencies/departments, that are provided authority over state-owned enterprises owned by other ministries and institutions (Lopižić, 2020). This is a common situation in Bulgaria, Latvia, Lithuania, or even Poland (European Commission, 2015). The third common option is the dual ownership model. In this case, two ministries or other public institutions jointly exercise ownership rights, sharing various ownership functions (such as operation, financial management, performance evaluation, etc.) (Manojlović, 2019). Examples of this model can be found in Romania, Estonia, the Czech Republic and Croatia. Finally, there is the dispersed ownership model, where essentially different state institutions and ministries exercise ownership rights over each piece of state property, as it is in the case of Germany and Denmark. The range of possibilities is therefore wide, and it is maintained according to the objectives and historical traditions of the given country.

To this day, state-owned enterprises have played a particularly important role in public utility services. According to the latest OECD estimate, these companies account for about 40% of the total value of SOEs operating in the energy and transportation sectors, and about 43% of the jobs of all SOEs (OECD, 2021). The significant presence of these companies in these sectors underscores the importance of their performance, as it has far-reaching implications for the broader economy. Of course, the number and scope of activities of state-owned enterprises vary greatly from state to state (Orbis Europe, 2021). In some EU Member States, the range of state ownership is particularly extensive, e.g., in Poland, Croatia, Romania and Slovenia. But we can observe this not only in former socialist countries, but among Western MSs, such as Sweden, Italy and France,

where state companies also play a prominent role – one might say – traditionally. Schmidt explains the high level of state ownership in telecoms with the example of Germany (Schmidt, 1991).

At the same time, the share of state ownership varies significantly from one MS to another, e.g., in Romania, Denmark and Germany it accounts for less than 5% of GDP, while in Finland it is almost 40%. There is no question that the participation of governments in the capital of public or private companies can be beneficial for the government budget. In Finland, public revenue from the distributed income of companies averaged 1.5% of GDP between 2005 and 2014, according to the OECD's analysis from 2021. In addition, public revenue of about 1% of the GDP could be measured in some other MSs with relatively high government participation, such as Sweden, Estonia, Malta, Slovakia and the Netherlands.

In the new MSs, state-owned enterprises generally exhibit lower profitability and productivity compared to private enterprises across all sectors examined. However, this disparity is most notable within the manufacturing sectors. Unlike public utilities, these sectors lack public sector provision and require state-owned enterprises to function as private entities due to significant competitive pressures (Chadeau, 2000). Thus, under these circumstances, the EU must also pay great attention to the enforcement of EU law and the supervision of permitted and prohibited instruments.

The regulations outlined in Treaties and the guidelines concerning state-owned enterprises emphasize the necessity for a legal and regulatory framework that fosters fair competition and a level playing field in the market. This framework ensures that state-owned enterprises engaging in economic activities do not benefit from undue advantages or disadvantages compared to other state-owned companies or private enterprises.

A study of the OECD in 2021 analysed in detail the legislative and regulatory solutions of some OECD countries. It is clear that countries can pursue competitive neutrality in various ways regarding property rights, competition, public procurement, tax and regulatory policies (OECD, 2021). At the same time, attention should be drawn to the fact that, whatever solution is chosen, transparency related to cost sharing and the compensation of public policy goals (public services) is extremely important.

4. The Role of Public Companies from the Perspective of EU Competition Law Regulations

In the internal market of the EU, special rules apply to state-owned enterprises. As per Directive 80/723/EEC, a public undertaking (or public enterprise) is defined as any entity where public authorities can exert significant influence, either directly or indirectly, through their ownership, financial involvement, or the regulations governing its operation (Gombos, 2019).

The EU regulations therefore start from the fact that enterprises endowed with these special (and exclusive) rights are in a privileged position, regardless of whether they are public enterprises. While special rights provide an advantage over other market participants, exclusive rights essentially provide a monopoly to the given company.

At the level of primary sources of the EU law, on the one hand, Art. 37 of the Treaty on the Functioning of the European Union (TFEU) regulates state monopolies. As outlined in the TFEU, MSs are required to transform all state monopolies of commercial nature to prevent any discrimination in the procurement and marketing of goods among nationals of a MS. This requirement extends to any entity through which a MS, either legally or in practice, directly or indirectly oversees, determines, or significantly influences imports or exports between MSs. Similarly, these provisions apply to monopolies delegated by the state to other entities.

The Court of Justice of the European Union has analysed the above contractual provision in several cases. One of the conditions under Art. 37 of the TFEU is that the state monopoly is of a “commercial” character. In court jurisprudence, this means that the organization in question must carry out an economic activity, i.e. an activity consisting of the distribution of goods or services in a given market. The concept of “state monopoly of a commercial character” is therefore related to the competition law concept of “enterprise”, as the latter applies to all units engaged in economic activity, regardless of their legal status and financing method (Dán, 2022). According to the jurisprudence of the Court, the meaning of the “state” indicator of a monopoly is that the relevant organization has a special relationship with the state. This type of organization can take the form of a public administration unit, a publicly owned company, or a private company that has been given exclusive or special privileges, as defined previously. From a practical perspective, it is essential whether the state exerts decisive influence on the behaviour of this company/organi-

zation. Furthermore, we also know from judicial practice that the “state” character of a monopoly requires that the monopoly originates from a public act and that its exclusivity is legally guaranteed. For this reason, all purely economic monopolies to which the competition law rules of the contract apply are excluded from the concept.

This broad formulation should also be highlighted because nowadays the form of state intervention is becoming more and more diverse, and in accordance with the hypothesis of the research, it can be assumed that various indirect methods have come to the forefront, in addition to traditional ownership. Furthermore, this rule must be applied equally to monopolies transferred from the state to others. Concludingly, the rules of Art. 37 are basically relevant in connection with the free movement of goods, i.e. they are relevant from the point of view of competition law.

For the MSs, this means that they cannot create a new monopoly that would cause discrimination in the trade of goods, and that the MSs must gradually transform existing monopolies. In fact, the adjustment has meant and still means that the MSs should gradually dismantle and eliminate such monopolies in the trade of goods, as was already previously discussed.

On the other hand, Art. 106 can be highlighted regarding the regulations of the TFEU on competition law (Papp, 2021). In the case of public enterprises and enterprises to which the MSs grant special or exclusive rights, this article lays down the rule that the MSs shall neither enact nor maintain in force any measure contrary to the rules contained in the Treaties, in particular in the prohibition of any discrimination on grounds of nationality, as stipulated in Art. 18 and the competition rules contained in Art. 101–109. Regarding enterprises tasked with providing services of general economic interest or operating as revenue-producing monopolies, they must adhere to the regulations outlined in the Treaties, particularly those pertaining to competition. However, these rules should not hinder the fulfilment of the specific duties assigned to them, whether in law or in practice.

As it is known, the MSs have a relatively large margin of manoeuvre in the implementation of the public service obligation and the organization of the supply, and only the observance of the abovementioned competition law rules limits the different traditions and state interests of the MSs (Kende, 2016). Considering that the concept and content of public service may differ from one MS to another, the EU law sources use the concepts of service of general interest and service of general economic

interest to refer to these services (Sansović, 2020). In accordance with Art. 106/2 of the TFEU, enterprises responsible for providing services of general economic interest or functioning as revenue-producing monopolies are bound by the regulations outlined in the Treaties, particularly those concerning competition. However, these rules should not impede their ability to carry out specific duties assigned to them, whether legally or practically (Gombos, 2019). From the point of view of this study, the rules according to Art. 106 of the EU Treaty may affect the three services examined, if we consider their public service role.

4.1. The Number of State-owned Enterprises in the EU Member States

As discussed in the review of historical and regulatory issues, the situation of state-owned enterprises is specific. The extent of state ownership and the number of state-owned enterprises alone do not necessarily give a true picture, as the prerogatives of a SOE are also important. However, it can be important as a basis for a comparative legal analysis.

The question arises as to how the number of state-owned companies in the internal market of the EU has grown. In this chapter, based on data from Orbis Europe 2021, I examine the areas of telecommunications, postal services, media and broadcasting. Table 1 contains the number of partially or fully state-owned companies in EU MSs where the ownership share was between 1 and 100% in 2021. It is important to point out that those state-owned enterprises where the ownership share of another MS, not one in question, could be demonstrated, even indirectly through a business association were also included in the table for the given country.

Table 1: *Number of state-owned enterprises in EU Member States in the three examined areas*

Country	Telecom-munications	Postal services	Media and broadcasting
Austria	9	1	11
Belgium	3	1	10
Bulgaria	2	1	14
Croatia	3	1	57

Czech Republic	5	1	6
Denmark	2	1	6
Estonia	2	1	1
Finland	20	1	7
France	7	1	37
Germany	21	3	37
Greece	2	1	not available
Hungary	12	1	58
Italy	9	1	23
Ireland	1	1	4
Lithuania	1	1	1
Luxembourg	5	not available	4
Latvia	2	1	1
Netherlands	6	1	8
Poland	13	1	41
Portugal	3	1	6
Romania	6	1	4
Slovakia	2	1	24
Slovenia	3	1	14
Spain	24	1	118
Sweden	19	1	6

Source: Author, based on data from Orbis Europe 2021.

The data in the Table 1 clearly shows the differences between all three areas. In the case of the postal service, the existence of a state monopoly is unquestionable and at the same time decisive. This is due to the universal postal service, which is almost without exception provided by state-owned companies (Crew & Kleindorfer, 2002). Although liberalization has been effective in the parcels market, the state's involvement in the letter mail market remains dominant (Harker & Kreutzmann-Gallasch, 2016). With one exception, a state-owned company provides the universal postal service in all states, and we can typically speak of majority or 100% state ownership. In the field of telecommunications (including, e.g., landline and mobile phone, cable and satellite internet services), the situation is much

more diverse, and the state may have ownership stakes in several companies simultaneously (Olly & Pakes, 1996). This can be partly explained by the success of the liberalization of the telecoms sector (Cave, 2013), and also by historical reasons (Sousa, 1996). In contrast to postal services, in addition to the companies that directly provide telecommunication services, state ownership can also be observed in the companies that operate and maintain the network. The situation is similar in the area of media and broadcasting, with the number of companies here being even higher. This process is also highlighted in the Pauwels & Donders study (Pauwels & Donders, 2013). According to the OECD's 2024 study, almost none of the MSs exclude or exempt state-controlled companies from the application of general competition law, at least in their competitive market activities (OECD, 2024).

4.2. Tax Treatment of State-owned Enterprises

The tax treatment of state-owned enterprises falls within the scope of the EU's state aid rules, which are a core component of the EU's competition policy. Tax advantages granted by MSs - including preferential tax treatment for publicly owned undertakings - may constitute state aid if they confer a selective advantage to certain undertakings, thereby distorting competition and affecting trade between MSs. The European Commission is responsible for assessing the compatibility of such aid under Art. 107/1 of the TFEU, which provides that aid granted by a MS or through state resources in any form that distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is incompatible with the internal market, unless otherwise provided in the Treaties. To prove the hypothesis, within the regulations of EU competition law, it is crucial to emphasize Art. 107 of the TFEU, which aims to govern the financial assistance provided to public companies. According to this article, unless stated otherwise in the Treaties, any assistance provided by a MS or through state resources that in any form distorts or poses a threat to competition by favouring specific undertakings or the production of certain goods, shall be considered incompatible with the internal market, to the extent that it affects trade between MSs.

It is important to emphasize that TFEU enshrines the principle of ownership neutrality, allowing national governments to own and control state-owned enterprises without restriction. The only condition is that such ownership must comply with EU competition law and internal market

rules. This study highlights the specific concern that certain MSs may exploit this legal framework – and its potential loopholes – to advance their own political and economic interests.

In practice, in addition to direct state subsidies, preference for public companies in most cases can appear together with discriminatory taxation, stipulated in Art. 110–112 of the TFEU, i.e. through tax incentives and more favourable tax treatment. Thus, it is worth examining whether state-owned companies are subject to the same or different tax procedure and tax burden rules in each MS than private companies. Based on OECD data, the following Table 2 shows the practices of 23 EU MSs and the United Kingdom, that left the Union in the meantime.

During the examination of tax regulations, many shortcomings can be revealed, which is repeatedly highlighted in the literature (Terra & Wattel, 2019). In terms of taxation, public companies were treated the same or similar as private companies in only half of the countries analysed by the OECD. State-owned enterprises that deliver non-economic public services often benefit from discounts and special regulations, such as exemptions from sales tax or income tax, due to their unique role.

Table 2: *Tax treatment of state-owned enterprises*

Country	Subject to the same tax treatment as private enterprises	Subject to largely similar tax treatment as private enterprises	Different treatment or exceptions
Austria		x	
Belgium	x		
Bulgaria	x		
Croatia		x	
Czech Republic	x		
Denmark	x		
Finland	x		
Germany	x		
Greece	x		
Hungary	x		
Ireland	x		

Italy	x		
Latvia	x		
Lithuania		x	x
Netherlands	x		
Norway	x		
Poland		x	x
Portugal		x	
Slovak Republic	x		
Slovenia	x		
Spain	x		
Sweden	x		
United Kingdom			x

Source: Author, based on data from OECD (2024).

In general, it can be said that in the case of state-owned enterprises that were established according to the general corporate law rules, the regulation of their operation and their taxation are very similar to those of private companies, as this is the case in 17 of the 23 countries examined. In some MSs, only minor differences can be observed, such as in Poland, Lithuania, Portugal, Croatia and Austria. In some cases, however, the state company is partially or completely exempt from certain taxes, especially consumption and income tax (OECD, 2024).

The analysis also reveals that most MSs believe that public companies are at a tax disadvantage due to the lack of benefits from corporate tax rates and tax deductions, which private companies can often take better advantage of.

At the same time, it can also be highlighted that in those MSs where there are differences in taxation, it is not a general practice to pay compensation instead of taxation, the differences between public and private business tax treatment are compensated only in the United Kingdom in the form of an adjustment (Millward, 2000). In relation to the EU MSs, this is also not common because the European Commission exercises continuous control in relation to prohibited state subsidies (preferential taxation) and, if necessary, initiates a procedure.

States usually provide two main reasons for different treatment and taxation. One is the general argument that the state company is a natural mo-

nopoly that fulfils a public task and provides a universal service. Another typical argument is that compensating the public company for its public service obligations requires different treatment. Different treatment can be implemented in several forms other than taxation, such as, e.g., exemption from the application of competition rules for certain activities (e.g., in the case of postal services in relation to the universal service obligation) or in the form of other preferential procedures (e.g., simpler licensing, registration or exemption from this; faster approval of projects and subsidies).

Based on the abovementioned, we can see that, although competition and tax neutrality is generally achieved in the case of state-owned enterprises, there are still many exceptions, especially concerning public service activities.

5. Conclusions

We can observe different levels of state involvement and different goals in each of the economic services of general interest.

The research data (Orbis Europe, 2021) on which the study is based shows that the three sectors under study exhibit different forms of state presence. In postal services, state-owned enterprises remain dominant, with a large state-owned operator typically providing traditional postal services. According to the research data, the situation is much more diverse in the telecommunications sector, as multiple state-owned companies are typically present in the market. In media and broadcasting, the share of state-owned enterprises is even higher.

There are several reasons for this. On the one hand, digitalization has transformed the role of the media (particularly with the emergence of the online press) and is seen by states as a key tool. In my opinion, the reason for this might be that the state, as the owner, can exercise control over media products, thereby reinforcing its political goals and agenda. On the other hand, the media sector has a much higher proportion of local and regional service providers, which are typically owned by the state or local government due to economies of scale.

The research also confirmed the hypothesis that changes in EU and national legislation have contributed to these developments. Following the earlier wave of privatisation and liberalisation, various forms of re-nationalisation have emerged in some MSs. Several forms of this have been iden-

tified in the study. In addition to traditional buy-backs, state involvement can take the form of a majority shareholding or even a stake in a company (such as a “golden share”) that grants quasi-exclusive decision-making powers. This can pose a problem in the internal market, as public companies may gain an advantage over private market players, potentially restricting competition, to the detriment of both businesses and consumers. This new type of intervention is aimed at controlling and limiting traditional market competition. Of course, this can not only be traced back to the decision-making powers of the MSs but is also the result of the organization and functioning of EU institutions and their decision-making mechanisms. Simultaneously, individual MSs emerge as the beneficiaries of this arrangement, laying the groundwork for bolstering national sovereignty within the integration framework. The latitude of MSs in managing public services has notably expanded, particularly concerning exceptions to the general competition regulations. One of the unique forms of realization of this is the increase in the state ownership share and the regulation through it. From a public financial perspective, a crucial inquiry arises regarding how state subsidies allocated for public service provision impact the cross-financing of profitable services (in particular in the case of postal services). At the same time, this can clearly illustrate the differences arising from market characteristics and the success of liberalization in certain areas.

The research found that in most of the surveyed countries, the tax rules for public companies are the same or similar to those for private companies. Different tax rules for state-owned enterprises (SOEs) apply only in few countries. Therefore, no significant differences can be identified in this regard, and taxation does not explain the special role of SOEs.

Overall, we can conclude that the question of how the role of state-owned enterprises can be determined within the framework of the market economy emerges prominently in the examined EU policies. In dealing with market failures, the existence of public companies can be observed as traditional among natural monopolies. At the same time, in recent decades, the spectrum of services where state-owned companies appear has been expanding, which sheds new light on their purpose within the framework of competitive economy. And from the point of view of European integration and internal market competition regulation, it is particularly justified to reevaluate this issue and explore the motivations inherent in the regulation. To ensure fair competition in the internal market, it would be necessary to review the coherence of competition rules and sectoral regulations in EU

law. However, in recent years, EU decision-making mechanisms have, in some cases, been stalled due to crises such as the COVID-19 pandemic, the war in Ukraine, and the migration crisis. Some MSs have taken advantage of this situation to further their national interests. More coordinated policy cooperation and regulation would be needed in these areas to support the development of the internal market.

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THE ROLE OF STATE-OWNED ENTERPRISES IN THE EUROPEAN UNION

Summary

We can witness the appearance of state involvement to different extents and with different goals in each of the economic services of general interest. This new type of intervention is aimed at controlling and limiting traditional market competition. Of course, this can not only be traced back to the decision-making powers of the Member States, but it is also the result of the organization and function of EU institutions and their decision-making mechanisms. At the same time, the winners of this are the individual Member States, which creates a basis for the strengthening of national sovereignty in the integration. Member States' room for manoeuvre has clearly increased in the field of public services, at least in the scope of exceptions to the general competition rules. One of the unique forms of realization of this situation is the increase in the state ownership share and its regulation. A particularly important question from a public financial point of view is how state subsidies received for the provision of public services affect the cross-financing of profitable services. At the same time, this can clearly illustrate the differences arising from market characteristics and the success of liberalization in certain areas. The question of how the role of state-owned enterprises can be determined within the framework of the market economy emerges prominently in the examined EU policies. At the same time, in recent decades, the spectrum of services where state-owned companies appear has been expanding, which sheds new light on their purpose within the framework of a competitive economy. From the point of view of European integration and internal market competition regulation, it is particularly justified to reevaluate this issue and explore the motivations inherent in the regulation.

Keywords: state-owned enterprises, public services, internal market, EU competition law regulation, liberalization, regulation

ULOGA JAVNIH PODUZEĆA U EUROPSKOJ UNIJI

Sažetak

Možemo svjedočiti pojavama uključenosti države u svaku od gospodarskih usluga od općeg interesa koje se razlikuju po širini i po ciljevima. Ta vrsta intervencija usmjerena je na kontrolu i ograničavanje tradicionalnog tržišnog natjecanja. Naravno, tomu uzrok nije samo individualno odlučivanje u državama članicama, već je ishod i mehanizama donošenja odluka institucija EU-a. Istodobno, dobitnici su u takvu okružju pojedinačne države članice, što stvara osnovu za jačanje nacionalnog suvereniteta. Prostor autonomije država članica očito se povećao u području javnih usluga, barem s gledišta broja iznimaka od općih pravila tržišnog natjecanja. Jedan je od karakterističnih oblika realizacije toga povećanje udjela državnog vlasništva u pružateljima javnih usluga i regulacija tržišta. To je posebno važno pitanje s gledišta javnih financija – kako državne subvencije primljene za pružanje javnih usluga utječu na unakrsno financiranje profitabilnih usluga. Istodobno, to može jasno ilustrirati razlike koje proizlaze iz karakteristika tržišta i razine uspjeha liberalizacije u određenim područjima. Pitanje utvrđivanja uloge državnih poduzeća u okviru tržišnog gospodarstva pojavljuje se kao važno u istraženim politikama EU-a. Istodobno, posljednjih desetljeća širi se spektar usluga u kojima se pojavljuju državna poduzeća, što baca novo svjetlo na njihovu svrhu u okviru tržišnog gospodarstva. A s gledišta europskih integracija i regulacije tržišnog natjecanja na unutarnjem tržištu posebno je opravdano ponovno adresirati i evaluirati taj problem te istražiti različite motive svojstvene regulacijskim intervencijama.

Ključne riječi: javna poduzeća, javne usluge, unutarnje tržište, pravo tržišnog natjecanja Europske unije, liberalizacija, regulacija