



European Competition Day Riga

*ACM's experience with the enforcement of
legislation on competitive neutrality*

Anita Vegter, May 7, 2015

Different aspects of competitive neutrality



- Government as contracting authority
 - EU and national procurement rules



- Government as shareholder
 - EU State Aid
 - Sectorspecific and general competition rules



- Government as entrepreneur
 - EU State Aid
 - Tax legislation
 - Sectorspecific legislation
- ➔ Dutch Act on competitive neutrality

Key features Dutch Act on Competitive Neutrality

- Applies to all economic activities of government bodies
- No barriers to market entry
- Four rules of conduct:
 1. Obligation to include all costs in their prices
 2. Prohibition against preferential treatment
 3. Restrictions on use of data for economic activities
 4. Separation of roles for public officials that are involved with economic activities
- Exceptions:
 - Economic activities of general interest
 - State Aid

Examples of complaints about economic activities

- Sport facilities
- Marina berths
- Real Estate
- Training and Educational programs
- Commercial waste
- Motorhome campsites (or RV parks)
- Parking garages