

Foreword

In 2021, the OECD Council adopted the Recommendation on Competitive Neutrality providing a set of principles to ensure that government actions are competitively neutral and that all enterprises face a level playing field, regardless of factors such as the enterprises' ownership, location or legal form. The Recommendation aims at guaranteeing that competition is not unduly prevented, restricted or distorted.

In line with the instructions from the Council, the Competitive Neutrality Toolkit was developed to support OECD Members and non-Members having adhered to the Recommendation (hereafter the "Adherents") interested in implementing the competitive neutrality principles. Moreover, it may be useful to non-Adherents that wish to follow competitive neutrality principles. The Toolkit thus often refers generically to jurisdictions and not necessarily to Adherents.

The Competitive Neutrality Toolkit deals with the legal framework, including competition law and enforcement, the regulatory environment and public procurement; and with measures that may enhance a competitor's performance, such as state support and compensation for public service obligations. It consists of good practice approaches based on examples drawn from international experience from OECD Members and non-Members, complemented by a set of questions (Competitive Neutrality Checklist) and a framework of analysis.

The Toolkit provides competition authorities and other public officials with tools to identify government policies that may distort the level playing field and to develop alternatives that minimise such distortions. It was developed to be used by both competition authorities and other bodies, such as government departments that are responsible for developing new regulations or central units in charge of regulatory impact assessment. It also supports the assessment both of new regulations and policies as they are being developed and of existing ones.

The Toolkit was developed by the Working Party 2 on Competition and Regulation and was approved and declassified by the OECD's Competition Committee by written procedure on 4 June 2024. It benefitted from consultation with the OECD's Trade Committee, Corporate Governance Committee (through its Working Party on State Ownership and Privatisation Practices) and Regulatory Policy Committee.

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From:
Competitive Neutrality Toolkit
Promoting a Level Playing Field

Access the complete publication at:

<https://doi.org/10.1787/3247ba44-en>

Please cite this chapter as:

OECD (2024), "Foreword", in *Competitive Neutrality Toolkit: Promoting a Level Playing Field*, OECD Publishing, Paris.

DOI: <https://doi.org/10.1787/25c0a584-en>

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