# ENSURING COMPETITIVE NEUTRALITY BETWEEN STATE-OWNED ENTERPRISES AND THE PRIVATE SECTOR IN DIGITAL MARKETS IN UZBEKISTAN: INTERNATIONAL EXPERIENCE AND INSTITUTIONAL MECHANISMS

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***ANNOTATSIYA.*** *Ushbu ilmiy dissertatsiya O'zbekistonning raqamli bozorlarida davlatga qarashli korxonalar va xususiy korxonalar o'rtasida raqobat neytralligini ta'minlaydigan institutsional mexanizmlarni o'rganishdir. Bu dolzarb, chunki davlat ba'zi raqamli va infratuzilmaviy bozorlarda egasi, tartibga soluvchi va yirik xaridor sifatida ishtirok etishi natijasida manfaatlar to'qnashuvi va raqobat muhiti asimmetriyasi yuzaga kelishi mumkin. Raqamli platformalarning tarmoq effektlari, ma'lumotlarning iqtisodiy ahamiyati, platformaga bog'liqlik, o'zaro ishlash qobiliyati va algoritmik boshqaruv kabi xususiyatlari ushbu farqlarni uzoq muddatli bozor ta'siriga aylantirishi mumkin. Shu munosabat bilan, tadqiqot xalqaro yondashuvlarni O'zbekistonning raqamli bozorlaridagi institutsional kontekst bilan solishtirish va davlatga qarashli korxonalar hamda xususiy bizneslar bilan teng raqobat muhitini kafolatlaydigan mexanizmlarni yaratishga mo'ljallangan.*

*Tadqiqot qiyosiy huquqiy, institutsional va funksional tahlilda o'tkazildi. Raqobat neytralligi va davlat korxonalarini boshqarish bo'yicha OECD tavsiyalari, Yevropa Ittifoqining Raqamli Bozorlar Akti yondashuvi va O'zbekistonning amaldagi raqobat qonunchiligi o'rganildi. Tahlil natijasida raqobat neytralligini ta'minlash uchun aniqlanishi mumkin bo'lgan oltita o'zaro bog'liq yo'nalishlar mavjudligi aniqlandi: davlat mulki va tartibga solishni ajratish, davlat xizmatlari bilan tijorat faoliyati va daromadlarni alohida hisobga olish; davlat yordamini raqobat ta'siri nuqtai nazaridan baholash; ochiq va texnologik jihatdan neytral davlat xaridlari; ma'lumotlar va raqamli infratuzilmaga kamsitmasdan kirish; monitoring, shikoyat va ijro etish. Shuningdek, raqamli bozorlarda neytrallik xavfini aniqlash uchun diagnostik ko'rsatkichlar to'plamini taklif etdik.*

***Kalit so'zlar:*** *raqobat neytralligi; davlatga qarashli korxonalar; raqamli bozorlar; raqamli platformalar; davlat yordami; davlat xaridlari; ma'lumotlarga kirish; o'zaro ishlash qobiliyati; raqobat siyosati; O'zbekiston.*

***АННОТАЦИЯ.*** *В настоящем научном тезисе исследуются институциональные механизмы обеспечения конкурентной нейтральности между государственными предприятиями и частным сектором на цифровых рынках Узбекистана. Актуальность исследования обусловлена тем, что государство на отдельных цифровых и инфраструктурных рынках может одновременно выступать собственником, регулятором и крупным заказчиком. Такое совмещение функций способно создавать конфликт интересов и асимметрию конкурентных условий. Сетевые эффекты цифровых платформ, экономическая ценность данных, зависимость от платформ, интероперабельность и алгоритмическое управление способны усиливать долгосрочные последствия таких различий.*

*Цель исследования состоит в сопоставлении международных подходов к конкурентной нейтральности с институциональными условиями цифровых рынков Узбекистана и разработке механизмов обеспечения равных конкурентных условий для государственных и частных предприятий. Использованы сравнительно-правовой, институциональный и функциональный методы анализа. Рассмотрены рекомендации ОЭСР в сфере конкурентной нейтральности и корпоративного управления государственными предприятиями, подход Европейского союза в рамках Digital Markets Act и действующее конкурентное законодательство Узбекистана.*

*В результате обоснованы шесть взаимосвязанных направлений: разграничение функций государства как собственника и регулятора; раздельный учёт затрат и доходов, связанных с общественными услугами и коммерческой деятельностью; оценка государственной помощи с точки зрения её влияния на конкуренцию; открытые и технологически нейтральные государственные закупки; недискриминационный доступ к данным и цифровой инфраструктуре; усиление механизмов мониторинга, рассмотрения жалоб и правоприменения. Предложена система диагностических индикаторов для выявления потенциальных рисков нарушения конкурентной нейтральности.*

***Ключевые слова:*** *конкурентная нейтральность; государственные предприятия; цифровые рынки; цифровые платформы; государственная помощь; государственные закупки; доступ к данным; интероперабельность; конкурентная политика; Узбекистан.*

***ABSTRACT.*** *This thesis examines institutional mechanisms for ensuring competitive neutrality between state-owned enterprises (SOEs) and private firms in Uzbekistan's digital markets. The study is motivated by the possibility that the state may simultaneously act as an owner, regulator and major purchaser in selected digital*

*and infrastructure markets. Such overlapping functions can create conflicts of interest and asymmetries in competitive conditions. Network effects, data advantages, platform dependence, interoperability and algorithmic governance can amplify such asymmetries into persistent market effects.*

*The study aims to compare international approaches to competitive neutrality with the institutional conditions of Uzbekistan's digital markets and to develop mechanisms for maintaining a level playing field between SOEs and private firms. The research applies comparative legal, institutional and functional analysis. It draws on OECD approaches to competitive neutrality and SOE governance, the European Union's Digital Markets Act, and Uzbekistan's competition framework.*

*The analysis identifies six interconnected pillars: separation of the state's ownership and regulatory functions; transparent accounting and separate financing of public-service obligations; competition assessment of state support; open and technology-neutral public procurement; non-discriminatory access to data and digital infrastructure; and effective monitoring, complaints and enforcement mechanisms. The study also proposes a diagnostic indicator framework for identifying potential neutrality risks. The scientific contribution is to connect the established competitive-neutrality principle with the institutional and technological characteristics of Uzbekistan's digital markets and to translate it into a measurable compliance and enforcement architecture.*

***Keywords:*** *competitive neutrality; state-owned enterprises; digital markets; digital platforms; state support; public procurement; data access; interoperability; competition policy; Uzbekistan.*

## 1. INTRODUCTION

Competitive neutrality is based on the principle that enterprises engaged in comparable economic activities should compete under equivalent conditions regardless of ownership. The principle is particularly relevant when state-owned enterprises operate alongside private firms and may benefit from advantages arising from public ownership. The OECD's competitive-neutrality framework identifies debt, tax and regulatory neutrality, market-consistent rates of return, transparent accounting for public-service obligations and competitive procurement as key building blocks. The 2024 OECD Guidelines reinforce the need for a level playing field, clear separation between the state's ownership function and other state functions, market-consistent financial conditions and effective redress.

The digitalisation of economic activity changes the way competitive advantages can arise. Digital platforms may connect several groups of users, accumulate large

datasets and benefit from network effects and economies of scale. Control over an interface, dataset or technical standard can therefore influence market access even where the underlying price of the service is zero or regulated. Data portability and interoperability may reduce switching costs and facilitate multi-homing, but their effectiveness depends on the technical and legal design of the remedy.

The Uzbek context is particularly relevant because the Law of the Republic of Uzbekistan 'On Competition' No. O'RQ-850 of 3 July 2023 established a modern competition framework and introduced concepts relevant to digital markets, including digital platforms and state participation. The Competition Committee is the authorised state body in the competition field. The institutional task is therefore not simply to introduce a general principle of equal treatment, but to connect it with ownership governance, public-service obligations, procurement, state support and technical access conditions.

The research problem is the gap between the general principle of competitive neutrality and the operational requirements of applying that principle to digital markets in which the state may simultaneously exercise ownership, regulatory and purchasing functions. The central research question is: how can Uzbekistan adapt competitive-neutrality principles to digital markets so that legitimate public objectives can be pursued without creating unjustified competitive advantages for state-owned market participants?

The study has three objectives: (1) to systematise the theoretical and institutional foundations of competitive neutrality; (2) to identify the specific channels through which neutrality may be affected in digital markets; and (3) to formulate an institutional mechanism and a set of diagnostic indicators applicable to Uzbekistan.

## 2. METHODOLOGY

The research applies a qualitative comparative-institutional methodology. Comparative legal analysis is used to examine the OECD competitive-neutrality framework, OECD Guidelines on Corporate Governance of SOEs, EU digital-market regulation and Uzbekistan's competition legislation. Institutional analysis is used to map the functions of public authorities, SOEs and market regulators and to identify potential points of preferential treatment. Functional analysis is then used to translate international principles into operational mechanisms for the Uzbek digital-market context.

The research is analytical and normative rather than econometric. No unsupported estimates of current SOE market shares, investment growth or productivity effects are introduced. The proposed indicators are diagnostic rather than a composite score. Their purpose is to support case selection, monitoring and

institutional review; a formal numerical index would require a validated dataset and an empirically tested weighting methodology.

The source base consists primarily of official and internationally recognised materials: OECD publications, EU legislation, Uzbek legislation and official government documents. The 2026 regulatory development concerning assessment of state aid is treated as a recent institutional development and is not used to infer outcomes that have not yet been empirically observed.

## 3. THEORETICAL FRAMEWORK AND LITERATURE REVIEW

### 3.1. Competitive neutrality and state ownership

The competitive-neutrality literature treats state ownership as an institutional variable rather than an automatic justification for preferential treatment. The OECD's 2012 framework provides a structured set of mechanisms through which public and private businesses can compete on a level playing field, including tax, debt and regulatory neutrality, market-consistent rates of return, transparency of public-service obligations and competitive procurement.

The 2024 OECD Guidelines develop these principles in a governance context. They state that there should be a clear separation between the state's ownership function and other state functions that may influence market conditions. They also emphasise equal application of laws and market-based mechanisms, market-consistent financing and non-discriminatory access to inputs such as data and infrastructure. These principles provide a strong institutional benchmark for Uzbekistan.

Competitive neutrality does not require governments to eliminate SOEs or public-service obligations. Public ownership can pursue legitimate infrastructure, social, strategic or development objectives. The relevant requirement is transparency: the public mandate should be defined, its cost should be identifiable, and compensation should not provide an unjustified advantage to commercial activities.

### 3.2. Digital-market characteristics

Digital markets can exhibit multi-sidedness, strong network effects, economies of scale and switching costs. These characteristics may create tipping dynamics and can make access to digital interfaces strategically important. A platform that simultaneously provides infrastructure and competes with firms using that infrastructure may have incentives to discriminate in ranking, access, interoperability or technical terms.

Data creates an additional dimension. OECD research explains that data portability and interoperability can reduce switching costs and make multi-homing easier, although their competitive effects depend on design and implementation. In a state-linked platform, these questions also intersect with public governance because

the platform may have access to information or infrastructure unavailable to private competitors.

The EU Digital Markets Act is relevant as a comparative institutional example. Regulation (EU) 2022/1925 establishes harmonised rules for contestable and fair digital markets where designated gatekeepers are present and combines ex ante obligations with enforcement. The relevant lesson for Uzbekistan is not direct legal transplantation, but the value of targeted preventive obligations where platform control over technical interfaces can create durable barriers to competition.

### 3.3. Research gap and scientific problem

Existing research provides substantial guidance on competitive neutrality and a separate literature addresses digital-platform competition. However, the institutional intersection of SOE ownership and digital-platform governance in an emerging-market context remains underdeveloped. In particular, general competition rules do not by themselves specify how public-service compensation, SOE financing, procurement, data access and interoperability should be coordinated when a state-linked firm competes commercially.

The scientific problem addressed in this thesis is therefore the development of an integrated institutional mechanism that translates competitive neutrality from a general principle into a measurable compliance framework for digital markets. The proposed approach combines ownership governance, state-support assessment, procurement, digital access and competition enforcement within a single analytical model for Uzbekistan.

## 4. INTERNATIONAL EXPERIENCE

### 4.1. OECD approach

The OECD framework is the principal benchmark because it directly addresses competition between public and private businesses. Its building blocks include commercial-rate-of-return expectations, debt neutrality, tax neutrality, regulatory neutrality, transparent accounting and competitive procurement. The 2024 Guidelines further require a level playing field when SOEs engage in economic activities and emphasise separation of ownership from regulatory and policy-making functions.

For Uzbekistan, the principal lesson is that neutrality cannot depend only on ex post competition enforcement. Ownership policy, public finance, procurement, accounting and sector regulation need to reinforce the same principle. This is especially important in digital markets, where delayed intervention may be less effective once users, data and complementary services have become locked into a platform.

### 4.2. European Union experience

The Digital Markets Act provides an example of ex ante regulation targeted at designated gatekeepers. Its objective is to ensure contestable and fair digital markets and it establishes obligations relating to core platform services. The broader institutional lesson is that digital competition may require preventive rules in addition to traditional abuse-of-dominance enforcement.

The EU model also illustrates the importance of proportionality. Ex ante obligations are directed at specific services and identified gatekeepers, rather than imposing identical obligations on every digital business. A similar risk-based logic can be considered in Uzbekistan: heightened requirements should be connected to market power, control over an essential digital interface and the potential for discriminatory foreclosure.

## 5. COMPETITIVE NEUTRALITY IN UZBEKISTAN: AN INSTITUTIONAL ANALYSIS

The 2023 Law ‘On Competition’ No. O‘RQ-850 is an important legal foundation for the proposed framework. The law strengthened the institutional role of the Competition Committee and introduced modern competition-policy instruments, including antimonopoly compliance. For the present research, the significance of the law lies in its ability to provide a general competition-law basis that can be complemented by more specialised digital market and state-support mechanisms.

A major recent development is Cabinet of Ministers Resolution No. 462 of 4 September 2026, which approved a procedure for assessing the impact of state aid in draft normative legal acts on competition. The procedure entered into force on 5 September 2026. It establishes criteria for identifying potentially negative competitive effects and provides for information, assessment and registry mechanisms. Importantly, the regulation includes the principle that state aid should, where applicable, be provided on a ‘for all or for none’ basis to similarly situated economic entities, and it addresses transparency, proportionality and the prevention of unjustified advantages.

This development is directly relevant to competitive neutrality because state aid is one of the main channels through which SOEs or other firms can receive advantages. The institutional opportunity is to connect the new state-aid assessment mechanism with digital-market risks, including data access, digital infrastructure, interoperability, procurement and platform dependence.

The proposed approach therefore does not assume that current Uzbek law is ineffective. Rather, it identifies an implementation gap: general competition rules and the emerging state-aid assessment procedure need to be translated into a coherent

monitoring architecture for digital markets where ownership, regulation and platform control intersect.

## 6. PROPOSED INSTITUTIONAL FRAMEWORK

The proposed framework consists of six mutually reinforcing pillars. Its purpose is to discipline the competitive conditions surrounding state participation without treating state ownership itself as unlawful or inherently anti-competitive.

| № | Mexanizm | Asosiy mazmun | Monitoring indikatori | Mas'ul funksional yo'nalish |
|---|---|---|---|---|
| 1 | Functional separation | Egalik, tartibga solish va siyosat funksiyalarini institutsional ajratish. | Manfaatlar to'qnashuvi bo'yicha deklaratsiya va recusal holatlari; qarorlar ochiqligi. | Egalik subyekti / sektor regulyatori / raqobat organi |
| 2 | Accounting transparency | Davlat xizmati majburiyatlari va tijorat faoliyatini alohida hisobga olish. | Public-service xarajatlari va kompensatsiyasi bo'yicha alohida audit; related-party transactions. | SOE / auditor / davlat moliyasi organi |
| 3 | State-aid neutrality | Subsidiyalar, kafolatlar, imtiyozli kreditlar va eksklyuziv huquqlarni raqobat ta'siri bo'yicha baholash. | Baholangan davlat yordami ulushi; muddat va shartlarning ochiqligi. | Vakolatli raqobat organi / hukumat |
| 4 | Neutral procurement | Ochiq, obyektiv va texnologik jihatdan neytral talablar. | Taklif beruvchilar soni; procurement shikoyatlari; interoperability talablari. | Buyurtmachi / xarid nazorati |
| 5 | Data & interoperability | Tegishli hollarda ma'lumotlar, API va texnik interfeyslarga kamsitilmagan kirish. | Onboarding vaqti; API mavjudligi; rad etish darajasi; access conditions. | Sektor regulyatori / raqobat organi |
| 6 | Monitoring & enforcement | Disclosure–screening–complaint–investigation–remedy–review sikli. | Shikoyatlarni ko'rib chiqish vaqti; tekshiruvlar; bajarilgan choralar. | Raqobat organi / sektor regulyatorlari |

### 6.1. Functional separation

The first mechanism is the institutional separation of the state's ownership function from functions that influence market conditions. This corresponds directly to the OECD's 2024 guidance. Where the same public authority or closely connected institutions are responsible for ownership and market regulation, conflict-of-interest procedures and transparent decision-making should be strengthened. The objective is not organisational separation for its own sake, but to ensure that commercial decisions by an SOE are subject to the same market rules as comparable private activities.

### 6.2. Accounting separation and public-service obligations

Public-service obligations may justify compensation, but their costs should be identifiable. Separate accounting allows the regulator and auditor to distinguish the financial consequences of public mandates from commercial activities. The OECD framework treats transparent accounting and appropriate compensation as essential to preventing hidden cross-subsidisation. For digital services, this mechanism is relevant where an SOE simultaneously provides public digital infrastructure and competes in adjacent commercial markets.

### 6.3. State-aid assessment

State support can take the form of subsidies, tax or customs benefits, grants, guarantees, concessional finance, exclusive rights or preferential access to public assets. Uzbekistan's Resolution No. 462/2026 provides a formal procedure for assessing the competition impact of state aid in draft normative legal acts. The regulation also provides for transparency of state-aid information and ex-post assessment based on registry information.

For digital markets, the assessment should additionally consider network effects, switching costs, data advantages, interoperability and the ability of a supported firm to leverage an advantage from one market into an adjacent market. The assessment should be proportionate: legitimate public objectives should remain possible, but the measure should be designed to minimise avoidable competitive distortion.

### 6.4. Neutral public procurement

Procurement can either widen market access or entrench incumbents. The OECD Guidelines call for competitive procurement and fair, transparent selection criteria. In digital procurement, specifications should normally focus on functionality, security, service levels and measurable performance rather than unnecessary dependence on a named technology or provider. Where appropriate, interoperability and data portability requirements can reduce vendor lock-in and preserve future contestability.

### 6.5. Data access and interoperability

The fifth mechanism addresses technical access. OECD analysis indicates that data portability and interoperability can reduce switching costs and facilitate multi-homing, although the effects depend on the design of the intervention. In a state-linked digital platform, objective access criteria, transparent onboarding procedures and non-discriminatory technical conditions can reduce the risk that platform control becomes a source of foreclosure.

Potential indicators include response time to access requests, onboarding time, API availability, rejection rates and differences in access conditions between affiliated

and unaffiliated firms. These indicators should be treated as evidence for further assessment, not as automatic proof of an infringement.

### 6.6. Monitoring and enforcement

The final mechanism is a continuous enforcement loop: disclosure, risk screening, complaint submission, investigation, remedy and periodic review. The OECD Guidelines emphasise effective redress for stakeholders and competitor. In Uzbekistan, coordination between the Competition Committee, sector regulators, ownership bodies, procurement institutions and public-finance authorities can reduce information asymmetry while preserving institutional accountability.

## 7. RAQOBAT NEYTRALLIGI INDIKATORLARI / INDICATORS

A composite ‘neutrality score’ is not proposed because Uzbekistan does not yet have a sufficiently validated dataset or agreed weighting method for such an index. Instead, a diagnostic indicator system is proposed. The indicators are intended to identify risk, guide monitoring and support evidence-based investigation.

| Indikator | Nimani o‘lchaydi | Ma’lumot manbasi | Tahliliy ahamiyati |
|---|---|---|---|
| Related-party transaction share | Bog‘liq tomonlar bilan bitimlar konsentratsiyasi. | Audited financial statements; audit records. | Izohlanmagan yuqori ulush cross-subsidy yoki preferential treatment xavfini ko‘rsatishi mumkin. |
| Public-service compensation transparency | Jamoat xizmati xarajatlari va kompensatsiyasining ajratilishi. | Budget records; SOE accounts; audit. | Shaffof bo‘lmagan kompensatsiya yashirin subsidiyalash xavfini oshiradi. |
| Procurement bidder participation | Davlat xarididagi raqobat darajasi. | Official procurement records. | Past participation tender dizaynini qo‘shimcha tekshirishga asos bo‘lishi mumkin. |
| Third-party onboarding time | Platformaga uchinchi tomonlarning kirish tezligi. | Platform logs; regulator records. | Affiliated va non-affiliated firmalar o‘rtasidagi izohlanmagan farqlar muhim signal. |
| API/interface availability | Texnik interfeyslarning mavjudligi va barqarorligi. | Technical monitoring; audit logs. | Doimiy cheklovlar access discrimination xavfini ko‘rsatishi mumkin. |
| State-aid assessment coverage | Muhim davlat yordam choralarining competition reviewdan o‘tishi. | State-aid registry; official records. | Qamrovdagi bo‘shliqlar institutsional monitoring zaruratini ko‘rsatadi. |
| Complaint resolution time | Shikoyat mexanizmining amaliy samaradorligi. | Competition authority records. | Uzoq kechikishlar huquqiy himoyaning amaliy qiymatini kamaytirishi mumkin. |

## 8. RESULTS AND DISCUSSION

The first scientific result is the adaptation of competitive neutrality to the structural features of digital markets. Traditional neutrality rules remain relevant, but digital markets require attention to data, technical interfaces, interoperability and platform governance. This extension does not replace competition law; it identifies additional channels through which ownership-related advantages can affect contestability.

The second result is an integrated institutional mechanism for Uzbekistan. The six pillars connect ownership governance, public-service accounting, state-aid assessment, procurement, digital access and enforcement. This is important because a competitive distortion may originate outside competition law in a narrow sense—for example, in procurement design, financing terms or a technical access decision.

The third result is the proposed diagnostic indicator system. Its main advantage is methodological caution: the indicators identify potential risks without presenting unverified percentages as empirical facts. Future research can use administrative and firm-level data to test whether specific indicators are statistically associated with entry, investment, innovation or market concentration.

The analysis also indicates that competitive neutrality should not be interpreted as identical treatment in every circumstance. Public-service obligations, infrastructure investment, cybersecurity and privacy can justify differentiated requirements. The relevant institutional test is whether the difference is legally justified, transparent, proportionate and no broader than necessary to achieve the public objective.

## 9. SCIENTIFIC NOVELTY AND PRACTICAL SIGNIFICANCE

The scientific novelty of the study is expressed in three interrelated results. First, the competitive-neutrality principle is conceptually adapted to digital markets by incorporating data access, interoperability, platform dependence and technical switching conditions. Second, an institutional framework is proposed for Uzbekistan that connects ownership governance with state-aid assessment, procurement and competition enforcement. Third, a diagnostic indicator system is formulated to support measurable monitoring and evidence-based investigation.

The practical significance lies in the possibility of using the proposed framework when designing regulatory acts, assessing state-support measures, reviewing public digital procurement and investigating complaints concerning access to digital infrastructure or platform interfaces. The framework can also support the development of internal antimonopoly compliance procedures for large state-linked enterprises.

## 10. CONCLUSION

Competitive neutrality is particularly important where state-owned enterprises and private firms operate in the same markets and where the state can influence market conditions through ownership, regulation, procurement and financial support. Digitalisation adds a further layer of complexity because network effects, data accumulation, switching costs and interoperability can reinforce competitive advantages over time.

The analysis demonstrates that Uzbekistan already has important legal and institutional foundations for a competitive-neutrality framework. The 2023 Law 'On Competition' provides the general competition-law basis, while the 2026 Cabinet Resolution No. 462 introduces a more specific procedure for assessing the competition effects of state aid [7,9]. The principal policy challenge is to connect these instruments with the specific institutional and technical characteristics of digital markets.

The proposed model therefore combines six elements: functional separation; transparent accounting of public-service obligations; competition assessment of state support; neutral procurement; proportionate data and interoperability safeguards; and effective monitoring and redress. The proposed indicators provide a basis for risk-based supervision without creating an unvalidated composite score.

The framework is intended as an institutional design proposal rather than an empirical claim that every identified risk currently exists in Uzbekistan. Its empirical validation should be the subject of subsequent research using administrative, procurement, financial and platform-level datasets. Nevertheless, the model provides a coherent basis for integrating competitive neutrality into Uzbekistan's evolving digital-market and state-support governance framework.

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