## Contents

	Preface page ix			
		Table of legislation xi		
	Tab	le of cases xxi		
1	Questions, concepts and context 1			
	1.1	Outline 1		
	1.2	The research questions 8		
	1.3	The concept of public services in EU law 9		
	1.4	A potted history of EU law on public services 20		
	1.5	Economic regulation and the role of the state 29		
	1.6	The context of the integration debate 34		
	1.7	Conclusion 37		
2	The	Treaty framework and the mixed economic constitution 40		
	2.1	Introduction 40		
	2.2	The legal basis for public services in the Treaties 42		
	2.3	The material rules on the internal market and competition 71		
	2.4	The mixed economic constitution 76		
	2.5	Citizenship (solidarity) and legitimacy 80		
	2.6	Conclusion 82		
3	Pub	lic services and the free movement and citizenship case law 84		
	3.1	Introduction 84		
	3.2	Free movement, citizenship and the utilities 85		
	3.3	Healthcare 86		
	3.4	Education 91		
	3.5	Social security 100		
	3.6	Public services, free movement and citizenship 103		
	3.7	Conclusion 106		
4	Pub	lic services and the rules on competition and state aid $110$		
	4.1	Introduction 110		
	4.2	Competition, public services and the economic constitution 112		

viii

	4.3	Public services and the concept of undertaking 116		
	4.4	The competition rules applied to public services 125		
	4.5	The application of the state aid rules to public services 138		
	4.6	Conclusion 154		
5	Ногі	zontal secondary rules – services, procurement and transparency	156	
	5.1	Introduction 156		
	5.2	The Services Directive 157		
	5.3	The Public Procurement Directives 162		
	5.4	The Transparency Directive 171		
	5.5	The Commission Decision on public services compensation		
		and SGEI 176		
	5.6	The European Parliament and Council Framework Regulation		
		on SGEI 177		
	5.7	Conclusion 178		
6	Vertical secondary rules – the harmonized sectoral legislation			
		oublic services 180		
	6.1	Introduction 180		
	6.2	Electronic communications 183		
	6.3	Postal services 195		
	6.4	07 0 7		
	6.5	e e e e e e e e e e e e e e e e e e e		
	6.6	1		
	6.7	1		
	6.8	,		
	6.9			
	6.10	,		
	6.11	e		
	6.12	e		
	6.13	Conclusion 218		
7	Conclusions and new directions 220			
	7.1	Organization 220		
	7.2	An overview of the findings chapter by chapter 220		
	7.3	The answers to the research questions summarized 226		
	7.4	Broader conclusions on contextual issues 229		
	7.5	New directions in public services 232		
	7.6	Avenues for future research 238		
	Bibli	lography 242		
		x 252		