

Abstract for review

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Regulatory challenges in nonprofit enterprises

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Abstract:

Along with the growing reliance placed upon social economy players to produce goods and services which were once the responsibility of the state, European foundations and nonprofit organizations, like their American and Australian counterparts, are increasingly engaging in economic activities on several markets as scientific research, education, art, health and welfare services. Briefly, they are enterprises operating in competition with traditional forms of enterprise (Commission of the European Communities, 1989).

As a result, a crucial question about free competition challenges the European legislative developments on social businesses, mirroring the competitive neutrality concerns that are also being faced by the Australian nonprofit sector as well as the much older unfair competition arguments driving the American UBIT legislation in the wake of the "Mueller Macaroni" case. Lawmakers' approaches to this global issue, yet, differ substantially. The article offers a comparative insight into the European, American and Australian scenarios, discussing rules, rationales and current efforts to reconcile competition rules with the need for regulatory environments conducive to public-benefit nonprofit enterprises.

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