
N° 5, 2025 – Privatizations

Date limite de soumission : 10 janvier 2025

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OUTLINE

Introduction to the subject
Non-exhaustive suggestions of topics
Procedure

TEXT

Introduction to the subject

- 1 The privatization movement is common to most countries in the world. The concept of privatization has three meanings: first, the privatization of capital, corresponding to the privatization of public corporations (privatization *stricto sensu*); then, the privatization of the legal regime of an entity, which corresponds to a transition from a public-law-governed-structure to a structure governed by ordinary corporate law (corporatization); finally, the privatization of the management of an activity that the public authority outsources to the private sector (outsourcing).
- 2 Contributors are free to adopt any of the three approaches to privatization.

Non-exhaustive suggestions of topics

- 3 The subject of privatization is open to contributions on a wide variety of topics, e.g.:
 - **Historical and Diachronic Perspective.** How has the privatization of public companies evolved? Has it slowed down? Has it increased? Has a threshold been reached where everything that could be privatized has already been? Does such a threshold even exist? What are the historical expressions of privatization? How does outsourcing emerge and evolve?

What are the political, economic, legal or ideological reasons for privatization? What constraints has international law (including regional law, e.g. EU law) placed on privatizations? Is there a reverse trend (renationalization) as a result of recent crises?

- **Legal Limits to Privatization.** Are there any constitutional limits to privatization? Do these limits derive from a codified constitution or from case law, and how are they interpreted? Is it allowed to transform any kind public body into a company? Could any kind of activity run by a public entity be delegated to the private sector? Are there any activities in your countries that cannot be privatized (and should therefore remain within the public sector)?
- **Practical Approach.** What are the techniques and procedures for privatization? Do privatizations give rise to any kind of judicial review? How is the privatization decision taken? Which government departments are involved? What control is exercised by the government over privatized activities? Does the State retain any minority stakes? Does the the status of shareholder confer specific prerogatives on the State (control of investments, specific actions)?
- **Effects of privatization:** Privatization raises the question of boundaries between the public and private sectors. Is the boundary between public and private activities evolving, and then how? What effect does privatization have on public services (permanence, efficiency, management, quality...)? Does privatization call into question the distinction between the public and private sectors?

Procedure

- Abstracts of no more than 5.000 characters should be sent to us by 10th January 2025
- The abstracts must be written in either English or French
- The abstracts must be sent to Prof. Denis Jouve: denis.jouve@univ-reims.fr
- All abstracts will be anonymized and submitted to the double-blind review procedure for selection. The answer will be given by 20th January 2025
- Papers of no more than 50.000 characters will be due by 15th June 2025 and will then be submitted to the double-blind review. The editorial guidelines can be found [here](#), and on [OSCOLA](#)
- The issue will be published in december 2025