

EUROPEAN PARLIAMENT

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Committee on Economic and Monetary Affairs

2006/2134(INI)

20.12.2006

OPINION

of the Committee on Economic and Monetary Affairs

for the Committee on Employment and Social Affairs

on social services of general interest in the European Union
(2006/2134(INI))

Draftsman: Bernhard Rapkay

PA_NonLeg

SUGGESTIONS

The Committee on Economic and Monetary Affairs calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas, SGIs are not only an important element of social and economic cohesion, but also contribute considerably to the competitiveness of the European economy,
- B. whereas the case law of the Court of Justice of the European Communities is now extensive, is continually developing and concerns various aspects of SGIs, including State aid, equal treatment and/or the distortion of competition; whereas the numerous cases brought before the Court of Justice relating to the compatibility of SGIs with the internal market rules, raises the issue of legal clarification in this area; confirmed by the Commission's communication; whereas public authorities and the operators in the field of social services of general interest perceive the constant evolution of the Court of Justice's jurisprudence, in particular for the notion of "economic activity" as a source of uncertainty, whereas although the case law and Community legislation in this area have endeavoured to introduce clarification and reduce uncertainty, a certain ambiguity remains;
- C. whereas, taking into account the principle of subsidiarity pursuant to Article 5(2) of the EC Treaty, it is for the Member States and their regional and/or local authorities to define SGIs and to decide which services should be covered and how they should be organised, financed, delivered, evaluated and controlled, and this should be fully respected when drafting further legislation,
- D. whereas in Article 2 of the Directive on services in the internal market certain social services relating to social housing, childcare and support of families and persons permanently or temporarily in need which are provided by the State, by providers mandated by the State or by charities recognised as such by the State are explicitly excluded from the scope of the Directive,
 - 1. Welcomes the Commission's intention to continue the consultation process in greater depth so as to clarify the application of certain Community rules for social services; takes the view, further, that the proposed extended consultation process should be completed by mid-2007 and ask the Commission to formulate a decision on how to follow up this process and identify the best approach to take, including considering the need and legitimacy of a sector-specific legislative proposal.
 - 2. Stresses that SGIs should be of a high quality, and accessible and should encompass comprehensive coverage, should be provided at optimum cost, should respect a social balance, and should be provided on the basis of lasting security of supply; and emphasises that the majority of SGIs can be provided under conditions of fair competition, according to the principle that private and public undertakings must receive equal treatment;
 - 3. Recalls the fact that the rules in force in this area are defined by the case law of the Court of Justice and by the Commission's interpretation of individual cases, and that, thus, neither the necessary legal certainty nor adequate transparency has yet been achieved;

4. Emphasises that in those cases where EC market rules manifestly hinder the provision of public services, targeted measures and sector-specific regulations are the preferred solution and a detailed and ongoing evaluation of public services in the EU, identifying the problem areas, must be at the basis of any policy proposals;
5. Calls on the Commission, therefore, to ensure more legal certainty in the area of social and health-care SGIs and where necessary to formulate a proposal for a sector-specific directive of the Council and the Parliament in those fields in which it is appropriate to do so; further calls on the Commission to consider and submit all the relevant proposals together, in order to avoid demarcation problems;

PROCEDURE

Title	Social services of general interest in the European Union
Procedure number	2006/2134(INI)
Committee responsible	EMPL
Opinion by Date announced in plenary	ECON 15.5.2006
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Bernhard Rapkay 15.5.2006
Previous drafts(wo)man	
Discussed in committee	6.11.2006 22.11.2006
Date adopted	20.12.2006
Result of final vote	+ : 33 - : 2 0 : 0
Members present for the final vote	Zsolt László Becsey, Pervenche Berès, Sharon Bowles, Udo Bullmann, Elisa Ferreira, Jean-Paul Gauzès, Donata Gottardi, Sophia in 't Veld, Wolf Klinz, Andrea Losco, Astrid Lulling, Cristobal Montoro Romero, Joseph Muscat, John Purvis, Alexander Radwan, Bernhard Rapkay, Dariusz Rosati, Eoin Ryan, Antolín Sánchez Presedo, Manuel António dos Santos, Olle Schmidt, Margarita Starkevičiūtė, Sahra Wagenknecht
Substitute(s) present for the final vote	Katerina Batzeli, Valdis Dombrovskis, Harald Ettl, Syed Kamall, Werner Langen, Klaus-Heiner Lehne, Alain Lipietz, Jules Maaten, Vladimír Maňka, Thomas Mann, Corien Wortmann-Kool
Substitute(s) under Rule 178(2) present for the final vote	Reinhard Rack
Comments (available in one language only)	...