

# PARLAMENTUL EUROPEAN

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## **RAPORT**

privind serviciile sociale de interes general în Uniunea Europeană  
(2006/2134(INI))

Comisia pentru ocuparea forței de muncă și afaceri sociale

Raportor: Joel Hasse Ferreira

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## PROPUNERE DE REZOLUȚIE A PARLAMENTULUI EUROPEAN

### privind serviciile sociale de interes general în Uniunea Europeană (2006/2134(INI))

*Parlamentul European,*

- având în vedere Comunicarea Comisiei privind aplicarea programului comunitar de la Lisabona: serviciile sociale de interes general în Uniunea Europeană (COM(2006)0177) și documentul de lucru al serviciilor Comisiei, anexat la Comunicarea menționată (SEC(2006)0516),
- având în vedere Tratatul de instituire a Comunității Europene, în special articolele 2, 5, 16, 86, 136, 137 alineatul (1) literele (j) și (k), 143, 144 și 145,
- având în vedere Carta Drepturilor Fundamentale a Uniunii Europene, în special articolul 36,
- având în vedere proiectul de Tratat de instituire a unei Constituții pentru Europa, în special articolele II-94 și III-122,
- având în vedere poziția sa din 15 noiembrie 2006 cu privire la poziția comună a Consiliului în vederea adoptării unei directive a Parlamentului European și a Consiliului privind serviciile în piața internă<sup>1</sup>,
- având în vedere concluziile Consiliului European de la Bruxelles din 23 și 24 martie 2006,
- având în vedere rezoluția sa din 14 ianuarie 2004 referitoare la Cartea verde privind serviciile de interes general<sup>2</sup>,
- având în vedere rezoluția sa din 15 martie 2006 privind protecția socială și integrarea socială<sup>3</sup>,
- având în vedere rezoluția sa din 6 septembrie 2006 referitoare la un Model social european pentru viitor<sup>4</sup>,
- având în vedere rezoluția sa din 27 septembrie 2006 referitoare la Cartea verde a Comisiei privind serviciile de interes general<sup>5</sup>,
- având în vedere articolul 45 din Regulamentul său de procedură,
- având în vedere raportul Comisiei pentru ocuparea forței de muncă și afaceri sociale și avizul Comisiei pentru afaceri economice și monetare, al Comisiei pentru mediu, sănătate

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<sup>1</sup> *Texte adoptate*, P6\_TA(2006)0490.

<sup>2</sup> JO C 92 E, 16.4.2004, p. 294.

<sup>3</sup> *Texte adoptate*, P6\_TA(2006)0089.

<sup>4</sup> *Texte adoptate*, P6-TA(2006)0340.

<sup>5</sup> *Texte adoptate*, P6\_TA(2006)0380.

publică și siguranță alimentară, al Comisiei pentru piața internă și protecția consumatorilor, al Comisiei pentru afaceri juridice și al Comisiei pentru drepturile femeii și egalitatea între sexe (A6-0057/2007),

- A. întrucât serviciile sociale de interes general (SSIG) constituie unul din pilonii fundamentali ai modelului social european, au un rol esențial în garantarea păcii sociale și a coeziunii economice, sociale și teritoriale a Uniunii Europene, precum și una din modalitățile prin care pot fi atinse obiectivele Strategiei de la Lisabona;
- B. întrucât SSIG au, de asemenea, ca obiectiv realizarea unor valori comune la nivel european, cum ar fi, printre altele, justiția socială, egalitatea, solidaritatea și dezvoltarea democrației și a libertății și întrucât scopul ultim al SSIG este acela de a garanta drepturile fundamentale ale cetățenilor și de a respecta demnitatea umană;
- C. întrucât SSIG nu ar trebui privite ca reprezentând o povară administrativă pentru autorități, ci, dimpotrivă, ca generând efecte economice externe de tip pozitiv în termeni de creștere economică, prosperitate, ocuparea forței de muncă și coeziune socială;
- D. întrucât SSIG sunt prestate într-un mediu dinamic, la care acestea trebuie să se adapteze în permanență, în scopul menținerii unor niveluri ridicate de calitate și de eficacitate;
- E. întrucât disponibilitatea serviciilor sociale esențiale variază considerabil de la un stat membru la altul; întrucât, în ciuda acestui fapt, serviciile respective trebuie asigurate pe întreg teritoriul Uniunii, pentru garantarea coeziunii sale economice, sociale și teritoriale;
- F. întrucât există o anumită ambiguitate conceptuală în legătură cu o serie de noțiuni fundamentale în acest domeniu, cum ar fi „serviciu public”, „serviciu de interes general”, „serviciu de interes economic general” și „serviciu social de interes general”, iar această ambiguitate se păstrează și în acte comunitare de dată recentă, contribuind, astfel, la sublinierea ideii de nesiguranță juridică observată în acest sector;
- G. întrucât lipsa unei reglementări normative în acest domeniu a dat naștere unui volum vast de interpretări jurisprudențiale, care nu sunt întotdeauna coerente; întrucât toate sectoarele interesate solicită un cadru operațional clar prin care să se reducă la minimum nevoia de interpretare jurisprudențială, scopul său fiind obținerea unei maxime siguranțe juridice;
- H. întrucât, prin urmare, trebuie realizată, cât mai rapid cu putință, o clarificare a conceptelor din acest domeniu și a cadrului juridic în care operează SSIG, îndeosebi o clarificare a principiului de „interes general” și a normelor în materie de concurență și de ajutor din fonduri publice;
- I. întrucât serviciile sociale nu trebuie, sub nici o formă, reduse la o categorie reziduală definită prin faptul că acestea nu pot fi asimilate nici serviciilor comerciale, nici celor de interes economic general; întrucât, pe de altă parte, având în vedere segmentul social ale cărui nevoi sunt satisfăcute prin aceste servicii, precum și caracteristicile lor în termeni de organizare, finanțare și misiune, ele trebuie considerate o categorie specifică și distinctă de servicii, fundamentală pentru societate;

- J. întrucât sectorul SSIG asigură locuri de muncă pentru un număr din ce în ce mai mare de persoane, iar rata de creștere a gradului de ocupare în acest sector depășește media din alte sectoare economice, un număr mare de femei fiind angajate în acest domeniu de activitate, în cadrul căruia se regăsesc modele interesante de flexibilitate profesională, cum ar fi desfășurarea unei activități în funcție de un program parțial, programul flexibil de lucru sau voluntariatul, care s-ar cere promovate și ar trebui să beneficieze de o protecție corespunzătoare în conformitate cu legislația muncii; întrucât, pe de altă parte, în acest domeniu de activitate se constată, de asemenea, prezența unor situații îngrijorătoare de nesiguranță profesională, care ar trebui evitate;
- K. întrucât serviciile de sănătate, excluse din cuprinsul comunicării Comisiei privind SSIG, constituie, la rândul lor, SSIG, ambele având, prin urmare, caracteristici și obiective comune; recunoscând, totuși, caracterul specific al serviciilor medicale, care derivă din complexitatea organizării lor și din sarcina financiară pe care acestea o impun administrațiilor publice ale statelor membre,
1. salută inițiativa Comisiei, care se corelează cu punerea în aplicare a Cărții albe privind serviciile de interes general și are ca scop garantarea unui cadru conceptual și legal specific acestor servicii; consideră, totuși, că, în comunicarea sa privind SSIG, Comisia nu oferă lămuriri suficiente în legătură cu clasificarea și definirea SSIG și amână luarea unei decizii privind cadrul juridic care ar trebui să li se aplice;
  2. își reafirmă angajamentul pentru SSIG moderne și de înaltă calitate, bazate pe valorile de egalitate, solidaritate, legalitate și respectarea demnității umane, precum și pe principiile de accesibilitate, serviciu universal, eficacitate, gestiune economică a resurselor, continuitate, proximitatea în raport cu utilizatorii și transparență, care contribuie la realizarea misiunilor Comunității, astfel cum sunt acestea definite în articolele 2 și 3 din Tratat;
  3. este convins că SSIG constituie o modalitate corespunzătoare de consolidare a dimensiunii sociale a Strategiei de la Lisabona, de atingere a obiectivelor din cadrul Agendei sociale și de abordare a unei serii de provocări, dintre care globalizarea, schimbările industriale, progresul tehnologic, schimbările demografice, migrațiile și modificarea modelelor sociale și de ocupare a forței de muncă, contribuind, astfel, la dezvoltarea unei Europe sociale;
  4. salută recunoașterea, de către Comisie, a caracterului specific al principalelor elemente care definesc SSIG, prin care acestea se disting de alte tipuri de servicii; consideră, totuși, că acceptarea criteriilor de organizare, care, conform comunicării menționate anterior, constituie trăsăturile distinctive ale SSIG nu poate fi realizată decât în mod provizoriu și orientativ, în așteptarea unor concluzii definitive ca urmare a procesului de consultare pe care Comisia s-a angajat să îl deruleze împreună cu statele membre, prestatorii și utilizatorii de SSIG;
  5. consideră că ar fi eronată o abordare a SSIG de natură să instituie o falsă opoziție între normele relative la concurență, la ajutor public și la piață, pe de o parte, și conceptele de serviciu public, de interes general și de coeziune socială, pe de altă parte; consideră, dimpotrivă, că este necesară o conciliere a acestora, prin promovarea unor sinergii pozitive între aspectul economic și cel social; afirmă, totuși, că, în cazul SSIG, normele

relative la concurență, la ajutor public și la piața internă trebuie să fie compatibile cu obligațiile de serviciu public, și nu invers;

6. recunoaște că, în cadrul SSIG, intră în concurență doi factori a căror conciliere este indispensabilă: pe de o parte, principiul subsidiarității, care afirmă libertatea autorităților publice naționale de a defini, organiza și finanța SSIG după cum consideră de cuviință, precum și principiul proporționalității și, pe de altă parte, responsabilitatea comună a Comunității, în conformitate cu Tratatul, îndeosebi în virtutea articolului 16 din acesta, și existența unor valori și principii fundamentale împărtășite de întreaga Europă și respectate în mod general, grație unei reglementări a SSIG prin care acestea sunt puse în slujba drepturilor omului și a demnității persoanei;
7. consideră, totuși, că, având în vedere specificitatea SSIG, care rezidă în natura acestor servicii și în situația beneficiarilor lor, misiunea de interes general care le este atribuită și incapacitatea pieței de a satisface anumite solicitări de prestații sociale, ar trebui să se acorde prioritate, în situația apariției unui conflict, apărării interesului general, element caracteristic și primordial al SSIG;
8. constată cu îngrijorare, în acest context, tentativele recente de a aplica anumitor SSIG o reglementare și principii proprii serviciilor comerciale și serviciilor de interes economic general, fără a ține seama de elementele și de principiile prin care SSIG se disting de celelalte servicii;
9. salută intenția Comisiei de a continua aprofundarea procesului de consultare, în vederea clarificării condițiilor de punere în aplicare a anumitor norme comunitare aplicabile serviciilor sociale; consideră, totuși, că procesul de consultare aprofundată propus ar trebui să se încheie înainte de jumătatea anului 2007 și solicită Comisiei elaborarea unei decizii care să precizeze modalitățile de urmărire a acestui proces și de identificare a celei mai bune abordări la care să se opteze, ținând îndeosebi seama de nevoia și de legitimitatea unei propuneri legislative sectoriale;
10. invită Comisia și statele membre să protejeze și să promoveze modelele ocupaționale întâlnite în mod frecvent în sectorul SSIG, printre care ocuparea locurilor de muncă de către femei, programul flexibil de lucru, desfășurarea unei activități în funcție de un program parțial și opțiunea pentru voluntariat, evitându-se, totodată, situațiile de fraudă și de nesiguranță ocupațională, deteriorarea condițiilor de muncă pentru persoanele care își desfășoară activitatea în acest sector sau utilizarea unui personal necalificat sau calificat în mod nesatisfăcător; invită, de asemenea, Comisia să includă, în cadrul întregului proces de consultare și în raportul său, aspectele privind integrarea dimensiunii de gen;
11. invită Comisia, statele membre și prestatorii de SSIG, având în vedere factori ca stresul, programul de lucru (în schimburi sau de noapte) și caracterul periculos sau suprasolicitant, care caracterizează anumite activități din sfera serviciilor sociale, să inițieze programe de formare profesională orientate către adaptarea la aceste circumstanțe și capacitatea de a le depăși, în vederea garantării unor servicii de mai bună calitate și a îmbunătățirii condițiilor de trai și de desfășurare a activității pentru lucrătorii din acest sector; consideră, de asemenea, că, având în vedere caracterul evolutiv al nevoilor de prestații sociale, autoritățile publice trebuie să garanteze că lucrătorii sociali din acest domeniu dispun de un înalt nivel de formare profesională;

12. felicită Comisia pentru inițiativa sa de a realiza consultări cu toate părțile angajate în definirea și organizarea SSIG; consideră că acest dialog va duce la sporirea transparenței și la îmbunătățirea calității acestor servicii, precum și la consolidarea principiilor și a valorilor aflate la baza lor;
13. invită Comisia și statele membre să respecte diversitatea modalităților de organizare și de gestionare a SSIG, a resurselor și a metodelor de finanțare proprii acestor servicii; solicită, de asemenea, crearea unor parteneriate public-privat în cadrul cărora să se presteze acest tip de servicii, garantând, în același timp, promovarea interesului general și furnizarea unor servicii eficiente și de înaltă calitate;
14. consideră că diferitele autorități publice competente ale statelor membre sunt libere să decidă dacă SSIG ar trebui prestate de asociații mutuale, alte organizații sociale sau societăți private, în situațiile în care prestarea acestor servicii de către operatorii din sectorul privat este compatibilă cu respectarea principiului de interes general, însă consideră că autoritățile publice ar trebui să fie capabile să verifice, în orice moment, respectarea principiilor și valorilor proprii SSIG de către prestatorii de servicii și conformitatea prestării cu cerințele precizate în prealabil de către autorități;
15. salută participarea societăților, în cadrul responsabilității lor sociale, la finanțarea, sprijinirea și prestarea SSIG și invită Comisia și statele membre să îi asocieze, într-o mai mare măsură, pe partenerii sociali la elaborarea abordărilor de acest tip, în conformitate cu tradițiile specifice fiecărui stat membru
16. constată că, într-o serie de state membre, descentralizarea administrativă în favoarea autorităților regionale sau locale în scopul furnizării de SSIG nu a fost însoțită de alocarea unor resurse bugetare suficiente, care să le permită acestora asigurarea unui nivel cantitativ și calitativ optim de prestare a acestor servicii; invită, prin urmare, statele membre să ia toate măsurile pentru ca delegarea competențelor de la nivel central la acela al autorităților regionale și locale în scopul furnizării de SSIG să fie însoțită de alocarea unor resurse bugetare adecvate;
17. recomandă crearea unui forum, sub auspiciile Parlamentului European, la care să participe organizațiile sociale europene și reprezentanții Comisiei și ai Consiliului, în vederea asigurării îndrumării necesare desfășurării acestui proces;
18. încredințează Președintelui sarcina de a transmite prezenta rezoluție Consiliului și Comisiei.

## EXPLANATORY STATEMENT

1. Social services of general interest are a key component of the European social model. If it is necessary to develop the internal market and strengthen external competitiveness in order to guarantee economic growth throughout the Union area, it is equally important to guarantee the proper functioning of social services throughout the Union. This will help to guarantee social cohesion throughout the European Union and to lend practical shape to the social aspects of the Lisbon Strategy on the ground.
2. Europe is now living in a demographic framework which has undergone radical change. The increase in average life expectancy throughout Union territory and the decline in the birth rate in the overwhelming majority of Member States have created a significantly altered social framework. This process is influencing policies in the areas of social security and protection, intergenerational solidarity, family policies, flexible working time and indeed women's participation in the labour market.
3. Many European Union citizens are highly sensitive to the social aspects of the process of European integration. This was clearly demonstrated by the referendum process for the European Constitutional Treaty launched in various Member States. A connection was often drawn between the initial text of the Services Directive, which gave rise to a great deal of concern in a range of areas and sectors, particularly in western Europe, and an apparent or real drop in the amount of attention being paid by the EU to the social aspects of European integration. In this political context too, the process aimed at clarifying the specific role of SSGI, and SGI as a whole, may prove both useful and informative with a view to future developments in the process of European integration across the Union.
4. The communication submitted by Vladimir Špidla on behalf of the Commission on social services of general interest in the European Union provides an opportunity to clarify the role of SSGI across Europe, in terms of social aspects and legal certainty. No doubt it will also provide an opportunity for an extensive debate which must go beyond the drawing-up of this parliamentary report and the debate and vote thereon. Such an extended debate must also involve the social organisations working at European level, regional and local authorities, the European Parliament, the Commission and the Council.
5. One of the aspects which will need to be analysed is the possible creation of a legal instrument in the area of social services, which would also cover health, to guarantee political clarity in the procedures and legal certainty for the social organisations involved. It should also establish general principles relating to action in this area by the public authorities involved, whether they be local, regional, of federal states or autonomous communities.
6. It appears absolutely necessary that, wherever local or regional authorities perform differentiated functions supporting and financing SSGI, the resources allocated at national level should be adequate to enable the local and regional authorities to fulfil their social function comprehensively and to a high standard, particularly as regards supporting SSGI. It is also absolutely necessary to guarantee full transparency in the financial relations between public authorities and social organisations at all times.

7. The organisational and management arrangements of SSGI vary widely across the Member States. This diversity must be respected, and the quality of the services provided and the proper use of any public resources made available, whether national resources or Community resources, must be verified in each case.
8. At all events, this Commission communication is a step towards providing a clear legal status for SSGI. Carrying out the extended process which it recommends may help define and clarify the legal status of mutual and other organisations active in the social sector within the Union, which appears necessary, fair and useful.
9. SSGI have all the necessary features to strengthen the social dimension of the Lisbon Strategy, in terms of the volume of employment that they can create and the social cohesion which they help guarantee, but essentially thanks to the social role they perform in various ways in the European Union.
10. It is a fact that active social policies are inseparable from economic policies. An economic policy that promotes the development and creation of jobs will make a decisive contribution to shaping and implementing a more active social policy. This makes it possible to forge a link between economic growth and social cohesion.
11. The work done by those who collaborate on a voluntary basis with organisations providing SSGI on the ground needs to be clearly and fully recognised throughout the European Union. In this context, vocational training activities need to be developed that will make it possible to improve the quality of social services provided by SSGI volunteers and paid workers.
12. It is also necessary to consider the role of services of general economic interest across the European Union, ensuring an overall clarification of the concepts of service of general interests, SSGI and services of general economic interest so as to provide legal certainty for all players in the social area and clarify the relevant procedures.
13. The diversity of organisational models and management systems in SSGI must be respected throughout the European Union. Procedures and financing rules for services must comply with common principles of transparency and monitoring by the public authorities to ensure the adequacy of the tasks carried out by comparison with the social missions of public interest that are the responsibility of SSGI across Europe. Action will thus need to be taken to guarantee not only respect for the general interest but also the provision of effective, high-quality services that comply with the missions defined by the public authorities.
14. Businesses that are aware of their social responsibilities will have every interest in contributing to the financing of and support for the provision of SSGI, and may indeed provide a boost to their introduction or enhancement where this is justified.
15. At all events, as far as SSGI are concerned, it is necessary to ensure all possible transparency in the award of concessions and subcontracts for the provision of goods or services to social organisations.

16. It is vital in this context to clarify not only the principle of general interest but also the rules governing competition and state aid. In so doing, account must evidently be taken of the subsidiarity principle, which guarantees national public authorities the freedom to define, organise and finance SSGI, and of the proportionality principle, in accordance with fundamental European values.
17. This explanatory statement and report are intended to help strengthen the social aspects of the process of European integration, guaranteeing the necessary legal certainty for social players and public authorities and ensuring financial transparency, the requisite compatibility with the internal market rules applicable and improvements in the quality of services provided, in accordance with the subsidiarity principle and taking account of the need to lend practical shape to the Lisbon Strategy in the social area.

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

### **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

<b>Title</b>	Social services of general interest in the European Union
<b>Procedure number</b>	2006/2134(INI)
<b>Committee responsible</b>	EMPL
<b>Opinion by</b> Date announced in plenary	ECON 15.5.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Bernhard Rapkay 15.5.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	6.11.2006      22.11.2006
<b>Date adopted</b>	20.12.2006
<b>Result of final vote</b>	+:            33 -:            2 0:            0
<b>Members present for the final vote</b>	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
<b>Substitute(s) present for the final vote</b>	Katerina Batzeli, Valdis Dombrovskis, Harald Ettl, Syed Kamall, Werner Langen, Klaus-Heiner Lehne, Alain Lipietz, Jules Maaten, Vladimír Maňka, Thomas Mann, Corien Wortmann-Kool
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Reinhard Rack
<b>Comments (available in one language only)</b>	...

22.11.2006

## **OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY**

for the Committee on Employment and Social Affairs

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

Draftsman: Roberto Musacchio

### **SUGGESTIONS**

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the aim of the Communication on Social services of general interest to promote the modernisation of social services within the Community in order to provide services with a high level of quality, safety and efficiency, respecting consumer and user rights, patient dignity and the freedom to provide cross-border services; considers it desirable to ensure greater legal safety regarding services of general interest, in particular social services and medical and pharmaceutical treatment, by means of a proposal for a specific sectoral European Parliament and Council directive if necessary;
2. Points out that social services of general interest are essential for the economic, social and territorial cohesion in the EU as they respond to public service obligations and objectives of general interest defined by each Member State's competent authorities in accordance with the subsidiarity principle; underlines the importance of transparency in the definition of these objectives particularly given that such services are increasingly delivered by third parties, by way of public-private partnerships and outsourcing, and as such come under Community law;
3. Considers that the freedom to provide social services of general interest and the freedom of establishment of the service providers concerned should entail respect for and contribute to the implementation of the objectives of equal universal access and fair conditions in delivering such services within the general requirements as defined by Member States;
4. Argues that social services of general interest make it possible to guarantee the exercise

of the fundamental rights of EU citizens, as they concern primary services for everyday life; considers, therefore, that they need to be regarded as a specific sector responding mainly to the principles of solidarity, social inclusion, efficiency and financial sustainability; recognises the role of the private sector in this regard;

5. Stresses that in evaluating the characteristics in the supply of such services, public authorities should take into account as an overriding consideration the advantages of guaranteeing social cohesion and better social inclusion when users are often directly involved in providing the service by means of non-profit organisations;
6. Stresses that, in providing for the risks of everyday life, such as those concerning health, work related accidents, etc., particular attention must be given to dependent persons, whether their dependency relates to disability or age;
7. Points out that a European level governance should help to ensure that in the provision of these services, Member States guarantee the following principles:
  - equal universal access;
  - full territorial coverage, geographical and social access to reliable high-quality service at affordable prices and uniform quality standards;
  - socially acceptable concessionary charges for disabled persons, low-income groups and mechanisms designed to combat social exclusion;
  - measures to avoid regional disparities, ensure legal certainty, transparency and compliance with the framework conditions for the provision of services;
8. Is of the opinion that in accordance with these principles, the competent authorities should be free to set up authorisation schemes governing the access to the organisation of social services, simultaneously respecting the principle of non-discrimination;
9. Accordingly, calls for further consultation and cooperation between those concerned to establish the framework necessary for the functioning and realisation of the objectives of social services of general interest while respecting their guiding principles and values.

## PROCEDURE

<b>Title</b>	Social services of general interest in the European Union
<b>Procedure number</b>	2006/2134(INI)
<b>Committee responsible</b>	EMPL
<b>Opinion by</b> Date announced in plenary	ENVI 15.6.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Draftsman</b> Date appointed	Roberto Musacchio 14.6.2006
<b>Previous draftsman</b>	
<b>Discussed in committee</b>	3.10.2006
<b>Date adopted</b>	21.11.2006
<b>Result of final vote</b>	+: 44 -: 1 0: 3
<b>Members present for the final vote</b>	Adamos Adamou, Georgs Andrejevs, Irena Belohorská, Johannes Blokland, Frieda Brepoels, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Edite Estrela, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Alessandro Foglietta, Matthias Groote, Françoise Grossetête, Satu Hassi, Jens Holm, Mary Honeyball, Caroline Jackson, Aldis Kušķis, Peter Liese, Jules Maaten, Roberto Musacchio, Péter Olajos, Adriana Poli Bortone, Vittorio Prodi, Frédérique Ries, Dagmar Roth-Behrendt, Guido Sacconi, Kathy Sinnott, Antonios Trakatellis, Evangelia Tzampazi, Thomas Ulmer, Marcello Vernola, Anja Weisgerber, Åsa Westlund, Anders Wijkman
<b>Substitute(s) present for the final vote</b>	Bairbre de Brún, Christofer Fjellner, Milan Gaľa, Vasco Graça Moura, Erna Hennicot-Schoepges, Ria Oomen-Ruijten, Pál Schmitt, Renate Sommer, Bart Staes, Andres Tarand
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	
<b>Comments (available in one language only)</b>	

27.11.2006

## **OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION**

for the Committee on Employment and Social Affairs

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

Draftswoman: Luisa Fernanda Rudi Ubeda

### **SUGGESTIONS**

The Committee on the Internal Market and Consumer Protection 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 social services of general interest are not subject to any special provisions in the Treaties, although they constitute one of the most significant areas of general interest services,
- B. whereas, however, SSGIs contribute to the performance of the Community's tasks as defined in Articles 2 and 3 of the Treaty, including a high level of employment and of social protection, the raising of the standard of living, the attainment of a high level of health protection, equality between men and women and the strengthening of economic and social cohesion,
- C. whereas in this case the principle of subsidiarity is fully applicable, and allows Member States to define their respective social services, the tasks and organisation thereof and the way in which they are funded, including universal access to these essential, vital services,
- D. whereas, following the adoption by Parliament at second reading of the amended directive on services in the internal market, non-economic services of general interest as defined by the Member States have been excluded from the scope of the directive, as have social services such as social housing services, childcare services and family services,
- E. whereas, because of their special characteristics, social services can have a direct impact on the internal market in services, and also have a direct, but differentiated, impact on the public, both male and female, depending in addition on the social groups to which they

belong; whereas changes in society, including demographic changes, mean that there is a need for more action by public authorities to ensure that the main burden of care is not left to families, and hence to women,

- F. whereas the internal market in services and the competition rules may have an impact on the provision of SSGIs, which fulfil a vital role in terms of solidarity and protection of the social fabric throughout the European Union,
1. Welcomes the publication of the Commission communication entitled 'Implementing the Community Lisbon programme: Social services of general interest in the European Union' (COM(2006)0177), which had already been signalled in the White Paper on services of general interest (COM(2004)0374), and which arises from the exclusion of social services from the scope of the amended proposal for a directive on services in the internal market, in connection with which the Council's common position was approved at second reading by the European Parliament; welcomes the Commission's endeavours to conduct a consultation process with the Member States and with all the sectors involved, aiming to find a balance between the special characteristics of these services, which sometimes make them difficult to define in general terms, and the application of the principles of transparency, free competition and non-discrimination, which have mandatory force in the EU, and of Community law on the award of public contracts and concessions;
  2. Approves the Commission's action in recognising that social services are inherently of a character of general interest; stresses that these essential and vital services fulfil a particular role of social protection and solidarity directly provided by local and regional groups or that they are entrusted to specific agents; considers that the different public administrations have to be the guarantors of the provision of these services, with regard to the objectives that they have been assigned in social matters;
  3. Considers that they must satisfactorily fulfil their role as defined in Article 16 and Article 86(2) of the Treaty;
  4. Points out the need for consistency between the Union's position with regard to its rules applicable to SSGIs and the position that it will adopt in the context of the WTO negotiations, especially in connection with the field of social and health services under the General Agreement on Trade in Services (GATS);
  5. Notes that at present the Member States have various different models of social service design, provision and funding, since although the public authorities are responsible for provision of social services to their citizens, they are not always the direct providers;
  6. Considers that in application of the subsidiarity principle, the Member States have the right to define in each case, in accordance with their uses and customs, the characteristics and tasks of social services that constitute the heart of the European social model; believes, however, that in addition to the traditional criteria of universality, transparency and accessibility, there should be a definition of the way in which social services are structured and organised;
  7. Considers that the right of Member States to define their own social services should be made compatible with the required legal certainty capable of protecting the public

authorities which are the guarantors of social services, social service providers and users and the public as a whole throughout the territory of the EU;

8. Considers that the non-profit status of some providers of such services should be considered compatible with the freedom of establishment enshrined in the Treaties; similarly considers that given the specific nature of such services, the payment of any compensation by the administrations responsible for social service provision to the actual providers should also be considered compatible; considers that such compensation should not be deemed to be State aid since the principle of compensation is fulfilled;
9. Considers that the extension of these services, attributable to increasing needs, and the creation of new services have the potential for creating employment which will have a very positive impact on achieving the Lisbon Strategy objectives, especially with regard to female workers, since on the one hand social services are predominantly staffed by women, and on the other hand the expansion of such services enables women, in particular, to continue to be employed and remain on the labour market;
10. Notes that previous experience in some Member States shows that openness to competition with appropriate safeguards for the social services sectors is a positive factor for economic growth and employment creation, and for improving the quality of the services supplied;
11. Welcomes the possibility that the Commission may take initiatives intended to clarify the Community rules applicable to these services and to define the division of responsibilities between the EU and the Member States in the event of obstacles and difficulties arising in connection with the free provision of services in the internal market.

## PROCEDURE

<b>Title</b>	Social Service of General Interest in the EU		
<b>Procedure number</b>	2006/2134(INI)		
<b>Committee responsible</b>	EMPL		
<b>Opinion by</b> Date announced in plenary	IMCO 15.6.2006		
<b>Enhanced cooperation – date announced in plenary</b>			
<b>Drafts(wo)man</b> Date appointed	Luisa Fernanda Rudi Ubeda 4.9.2006		
<b>Previous drafts(wo)man</b>			
<b>Discussed in committee</b>	10.10.2006	21.11.2006	22.11.2006
<b>Date adopted</b>	23.11.2006		
<b>Result of final vote</b>	+: –: 0:	32 0 2	
<b>Members present for the final vote</b>	Charlotte Cederschiöld, Mia De Vits, Janelly Fourtou, Małgorzata Handzlik, Malcolm Harbour, Christopher Heaton-Harris, Anna Hedh, Edit Herczog, Anneli Jäätteenmäki, Pierre Jonckheer, Alexander Lambsdorff, Kurt Lechner, Arlene McCarthy, Manuel Medina Ortega, Zita Pleštinská, Guido Podestà, Luisa Fernanda Rudi Ubeda, Heide Rühle, Leopold Józef Rutowicz, Christel Schaldemose, Andreas Schwab, Eva-Britt Svensson, József Szájer, Marianne Thyssen, Jacques Toubon, Bernadette Vergnaud		
<b>Substitute(s) present for the final vote</b>	Jean-Claude Fruteau, Benoît Hamon, Konstantinos Hatzidakis, Othmar Karas, Maria Matsouka, Joseph Muscat, Olle Schmidt, Anja Weisgerber		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Marie-Line Reynaud		
<b>Comments (available in one language only)</b>	...		

21.11.2006

## OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Employment and Social Affairs

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

Draftswoman: Gabriele Stauner

### SUGGESTIONS

The Committee on Legal 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:

1. Has considerable doubts as to whether EU rules on social services of general interest can bring about an actual improvement for the public and an improvement in the effectiveness of such services;
2. Calls on the Commission, therefore, to use the results of the study referred to in its communication to set out its position in detail, supported by facts and figures, on the question of the actual need for such rules at EU level and also on the *raison d'être* of such rules;
3. Calls on the Commission to indicate the legal basis that it intends to use for any legal provisions that it might be considering; points out at this juncture that Article 16 of the EC Treaty cannot provide that legal basis;
4. Stresses the need, in connection with any rules being considered by the Commission, to observe and to apply the subsidiarity principle laid down in Article 5 of the EC Treaty in connection with social services ;
5. Stresses expressly that, on the basis of their powers and of the subsidiarity principle, it is for the Member States alone to determine what constitutes social services;
6. Stresses that it is solely a matter for the Member States and local authorities to be responsible for the individual details of the organisation, funding and structure of social services of general interest;

7. Rejects at this stage, therefore, any (mixed) funding which may be under consideration by the Commission as an infringement of the Member States' fundamental responsibilities.

## PROCEDURE

<b>Title</b>	Social services of general interest in the European Union
<b>Procedure number</b>	2006/2134(INI)
<b>Committee responsible</b>	EMPL
<b>Opinion by</b> Date announced in plenary	JURI 15.6.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Gabriele Stauner 11.9.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	3.10.2006
<b>Date adopted</b>	21.11.2006
<b>Result of final vote</b>	+: 13 -: 8 0: 0
<b>Members present for the final vote</b>	Maria Berger, Carlo Casini, Rosa Díez González, Giuseppe Gargani, Klaus-Heiner Lehne, Katalin Lévai, Antonio López-Istúriz White, Achille Occhetto, Aloyzas Sakalas, Gabriele Stauner, Andrzej Jan Szejna, Diana Wallis, Jaroslav Zvěřina
<b>Substitute(s) present for the final vote</b>	Nicole Fontaine, Jean-Paul Gauzès, Othmar Karas, Eva Lichtenberger, Arlene McCarthy, Manuel Medina Ortega
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Sharon Bowles, Albert Deß, Ewa Klamt
<b>Comments (available in one language only)</b>	

24.11.2006

## **OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY**

for the Committee on Employment and Social Affairs

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

Draftswoman: Edit Bauer

### **SUGGESTIONS**

The Committee on Women's Rights and Gender Equality 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 the Community and the Member States have shared competence for services of general economic interest,
  - B. whereas the subsidiarity principle needs to be respected and applied in connection with services of general interest, in accordance with Article 5 of the EC Treaty,
  - C. whereas the expansion of social services of general interest has been a driving force in drawing more women into the labour force,
  - D. whereas social services of general interest make an essential contribution to Community values, such as equality between men and women and economic, social and territorial cohesion and whereas they are closely linked to fundamental social rights,
  - E. whereas social services of general interest are not protected against the application of Community internal market and competition rules, whenever they are provided under market conditions, and whereas they are profoundly affected by changes to the way services are provided, funded and regulated,
1. Points out that social services, like all services of general interest, are a central pillar of the European social model, which makes a crucial contribution to social cohesion, social inclusion and the application of fundamental rights;

2. Underlines the fact that in February 2006 Parliament voted in favour of excluding social services from the Services Directive;
3. Supports the development of a specific legal instrument for social services of general interest at the European level; calls on the Commission to present a legal instrument on social services of general interest in order to clarify the way in which social services relate to the framework of EU legal rules such as competition and internal market rules;
4. Calls on the Commission to create more legal certainty in the field of social services of general interest and to propose a legislative framework clarifying the regulatory framework in which they operate and can be modernised, and respecting the freedom of Member States to define what they consider to be social services of general interest and how they are organised;
5. Reiterates the importance of market regulation by the Member States in the field of social services of general interest and the freedom of Member States to maintain or set up authorisation schemes in order to ensure access for all, continuity and high quality of social services of general interest;
6. intended in particular ;
7. Calls on the Member States to guarantee non-discriminatory access for all citizens, particularly disadvantaged groups, including single mothers and elderly women, to social services of general interest;
8. Calls on the Member States, in their policies on social services of general interest, to make faster progress in achieving the Lisbon and Barcelona targets as regards ensuring a greater degree of reconciliation between professional and family life.
9. Requests the Commission to include in its monitoring reports issues of social inclusion and gender equality and to mainstream the rights of children in specific policies;
10. Calls on the Member States to conduct a gender-impact assessment of the various services of general interest and ensure respect for anti-discrimination legislation in the provision of social services of general interest;
11. Recommends that the Commission and Member States consult with all the relevant stakeholders, including representatives of women's organisations and organisations representing children's and disabled persons' rights.

## PROCEDURE

<b>Title</b>	Social services of general interest in the European Union
<b>Procedure number</b>	2006/2134(INI)
<b>Committee responsible</b>	EMPL
<b>Opinion by</b> Date announced in plenary	FEMM 15.6.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Edit Bauer 22.6.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	5.10.2006      23.11.2006
<b>Date adopted</b>	23.11.2006
<b>Result of final vote</b>	+:            13 -:            3 0:            0
<b>Members present for the final vote</b>	Edit Bauer, Hiltrud Breyer, Ilda Figueiredo, Věra Flasarová, Zita Gurmai, Esther Herranz García, Livia Járóka, Pia Elda Locatelli, Marie Panayotopoulos-Cassiotou, Christa Prets, Eva-Britt Svensson, Britta Thomsen
<b>Substitute(s) present for the final vote</b>	Anna Hedh, Sophia in 't Veld, Heide Rühle, Bernadette Vergnaud
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	
<b>Comments (available in one language only)</b>	...

## PROCEDURĂ

<b>Titlu</b>	Serviciile sociale de interes general în Uniunea Europeană				
<b>Numărul procedurii</b>	2006/2134(INI)				
<b>Comisia competentă în fond</b> Data anunțării în plen a autorizării	EMPL 15.6.2006				
<b>Comisia (comisiile) sesizată(e) pentru avizare</b> Data anunțului în plen	ECON 15.6.2006	ENVI 15.6.2006	IMCO 15.6.2006	JURI 15.6.2006	FEMM 15.6.2006
	ITRE 15.6.2006				
<b>Avize care nu au fost emise</b> Data deciziei	ITRE 20.6.2006				
<b>Cooperare consolidată</b> Data anunțului în plen					
<b>Raportor(i)</b> Data numirii	Joel Hasse Ferreira 3.5.2006				
<b>Raportor(i) substituit (substituiți)</b>					
<b>Examinare în comisie</b>	23.11.2006	18.12.2006	28.2.2007		
<b>Data adoptării</b>	1.3.2007				
<b>Rezultatul votului final</b>	+ 34 - 1 0 5				
<b>Membri titulari prezenți la votul final</b>	Jan Andersson, Alexandru Athanasiu, Roselyne Bachelot-Narquin, Emine Bozkurt, Philip Bushill-Matthews, Alejandro Cercas, Christina Christova, Derek Roland Clark, Proinsias De Rossa, Harlem Désir, Harald Ettl, Richard Falbr, Carlo Fatuzzo, Ilda Figueiredo, Joel Hasse Ferreira, Stephen Hughes, Karin Jöns, Jan Jerzy Kułakowski, Jean Lambert, Raymond Langendries, Bernard Lehideux, Elizabeth Lynne, Thomas Mann, Ana Mato Adrover, Maria Matsouka, Marie Panayotopoulos-Cassiotou, Pier Antonio Panzeri, Jacek Protasiewicz, José Albino Silva Peneda, Kathy Sinnott, Jean Spautz, Gabriele Stauner, Anne Van Lancker				
<b>Membri supleanți prezenți la votul final</b>	Edit Bauer, Françoise Castex, Donata Gottardi, Sepp Kusstatscher, Roberto Musacchio				
<b>Membri supleanți [articolul 178 alineatul (2)] prezenți la votul final</b>	André Brie, Jaromír Kohlíček, Anja Weisgerber				
<b>Data depunerii</b>	6.3.2007				
<b>Observații</b> (date disponibile într-o singură limbă)					