

P6_TA(2007)0070

Social services of general interest

European Parliament resolution of 14 March 2007 on social services of general interest in the European Union (2006/2134(INI))

The European Parliament,

- having regard to the Commission communication on Implementing the Community Lisbon programme: Social services of general interest in the European Union (COM(2006)0177) and the accompanying Commission staff working document (SEC(2006)0516) (Commission communication on SSGIs),
- having regard to the Treaty establishing the European Community, and in particular Articles 2, 5, 16, 86, 136, 137(1)(j) and (k), 143, 144 and 145 thereof,
- having regard to the Charter of Fundamental Rights of the European Union¹, and in particular Article 36 thereof,
- having regard to the draft Treaty establishing a Constitution for Europe², and in particular Articles II-94 and III-122 thereof,
- having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market³,
- having regard to the conclusions of the European Council of 23 and 24 March 2006,
- having regard to its resolution of 14 January 2004 on the Green Paper on services of general interest⁴,
- having regard to its resolution of 15 March 2006 on social protection and social inclusion⁵,
- having regard to its resolution of 6 September 2006 on a European Social Model for the future⁶,
- having regard to its resolution of 27 September 2006 on the Commission White Paper on services of general interest⁷,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Employment and Social Affairs and the

¹ OJ C 364, 18.12.2000, p. 1.

² OJ C 310, 16.12.2004, p.1.

³ OJ L 376, 27.12.2006, p. 36.

⁴ OJ C 92 E, 16.4.2004, p. 294.

⁵ OJ C 291 E, 30.11.2006, p. 304.

⁶ OJ C 305 E, 14.12.2006, p. 141.

⁷ *Texts Adopted*, P6_TA(2006)0380.

opinions of the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on the Internal Market and Consumer Protection, the Committee on Legal Affairs and the Committee on Women's Rights and Gender Equality (A6-0057/2007),

- A. whereas social services of general interest (SSGIs) form one of the pillars of the European social model, play an essential part in securing civic peace and the European Union's economic, social and territorial cohesion, and are one of the means whereby the Lisbon Strategy objectives can be achieved,
- B. whereas, moreover, SSGIs are designed to carry into effect values shared throughout Europe including, among others, social justice, equality, solidarity and the development of democracy and freedom, and whereas the ultimate purpose of SSGIs is to uphold citizens' fundamental rights and respect for human dignity,
- C. whereas SSGIs should not be regarded as a burden on public authorities, because, on the contrary, they generate positive externalities in terms of economic growth, prosperity, employment and social cohesion,
- D. whereas SSGIs are delivered in a changing environment to which they have to adjust constantly in order to maintain high standards of quality and efficiency,
- E. whereas the availability of essential social services varies considerably from one Member State to another; whereas, however, the services in question should be provided throughout the territory of the European Union in order to ensure its economic, social and territorial cohesion,
- F. whereas some ambiguity surrounds certain basic concepts in this area, such as 'public service', 'service of general interest', 'service of general economic interest' and 'social service of general interest', and whereas that ambiguity is reflected in recent Community acts, thus contributing to the legal uncertainty prevailing in the sector,
- G. whereas the lack of statutory regulation has given rise to a vast body of judicial interpretation, which is not always consistent; whereas all the sectors concerned are calling for a clear operating framework which reduces the need for judicial interpretation to the minimum and aims to achieve maximum legal certainty,
- H. whereas, consequently, there is an urgent need to clarify the concepts in question and the legal framework within which SSGIs operate, and, in particular, to clarify the principle of 'general interest' and the rules on competition and aid from public funds,
- I. whereas social services must not in any circumstances be reduced to a residual category defined by the fact that they cannot be equated either with commercial services or with services of general economic interest; whereas, on the contrary, because of the sector of society whose needs they address, and the distinctive features of their organisation, funding and remit, SSGIs must be regarded as a separate and specific category of services of fundamental importance for society,
- J. whereas the SSGI sector provides employment for an increasing number of people, the rate of increase in employment in that sector is higher than the average in other sectors of the economy, a large number of women are employed in the sector, and the sector

contains interesting flexible employment models, such as part-time working, 'flexitime' and voluntary work, which should be encouraged and receive adequate protection under employment law; whereas, on the other hand, the sector also presents alarming instances of job insecurity, which should be avoided,

- K. whereas health services, which are excluded from the Commission communication on SSGIs, are also SSGIs, and share the same characteristics and objectives; recognising, however, the special features arising from the complex organisation of health services and the financial burden they place on the Member States' public authorities,
1. Welcomes the Commission initiative, which is linked to the implementation of the White Paper on services of general interest and is designed to provide a specific conceptual and legal framework for the services in question; considers, however, that the Commission communication on SSGIs does not provide sufficient clarification about the classification and definition of SSGIs, and defers any decision on the legal framework which should apply to them;
 2. Reaffirms its commitment to modern and high-quality SSGI based on the values of equality, solidarity, rule of law and respect for human dignity, and the principles of accessibility, universal service, efficiency, economic management of resources, continuity, proximity to service users and transparency, which contribute to the implementation of the Community's tasks as defined in Articles 2 and 3 of the Treaty;
 3. Is convinced that SSGIs are an appropriate means of strengthening the social dimension of the Lisbon Strategy, attaining the objectives of the social agenda and addressing challenges such as globalisation, industrial change, technological progress, demographic change, migration and changing social and employment patterns, thus contributing to the development of a social Europe;
 4. Welcomes the Commission's recognition of the special nature of the main features whereby SSGIs can be defined, which distinguish them from other types of services; considers, however, that the organisational criteria which, according to the Commission communication on SSGIs, are the distinguishing features of SSGIs, cannot be accepted except on a provisional and indicative basis, pending the emergence of more definitive conclusions from the consultation process which the Commission has undertaken to conduct with Member States and SSGI service providers and users;
 5. Considers that it would be a mistake to adopt an approach to SSGIs which juxtaposes the rules on competition, State aid and the internal market on the one hand, and concepts of public service, general interest and social cohesion on the other; considers, on the contrary, that it is necessary to reconcile them by promoting positive synergies between the economic and social aspects; asserts, however, that in the case of SSGIs, the rules on competition, State aid and the internal market must be compatible with public service requirements, and not vice versa;
 6. Recognises that, in the case of SSGIs, there are two contrasting factors which must be reconciled: on the one hand, the principle of subsidiarity which upholds the Member State authorities' freedom to define, organise and finance SSGIs as they see fit, in conjunction with the principle of proportionality, and, on the other, the joint responsibility of the Community pursuant to the Treaty, and in particular Article 16 thereof, and the existence of underlying values and principles which are shared

throughout Europe and must be respected by all, by ensuring that the rules to which SSGIs are subject uphold human rights and the dignity of the individual;

7. Considers, however, in view of the particular characteristics of SSGIs, which relate to the nature of the services and the situation of those benefiting from them, their general-interest mission and the inability of the market to fulfil certain requirements in the field of social services, that, where conflict arises, priority should be given to the defence of the general interest, which is the characteristic and principal feature of the SSGIs;
8. Notes with concern in this connection recent attempts to apply to certain SSGIs rules and principles appropriate to other services including services of general economic interest, without taking into account the factors and principles which distinguish SSGIs from other services;
9. 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;
10. Calls on the Commission and the Member States to protect and promote the patterns of employment frequently found in the SSGI sector, including female employment, flexible working hours, part-time working and use of the voluntary sector, while taking care not to encourage fraud and job insecurity and without causing any deterioration in the employment conditions of workers in the sector or recourse to unqualified or poorly qualified staff; also calls on the Commission to include, throughout the consultation process and in its report, questions relating to gender mainstreaming;
11. Calls on the Commission, the Member States and SSGI service providers, in view of the stress, working hours (shift and night work) and dangerous or demanding nature of certain activities carried out by the social services, to develop vocational training initiatives geared to enabling staff to adjust to and cope with circumstances of this kind, with a view to ensuring better-quality services and to improve working and living conditions for workers in the sector; considers also that, in view of the changing nature of requirements for SSGIs, public authorities must ensure that workers in SSGIs have a high level of vocational training;
12. Congratulates the Commission on its decision to consult all actors involved in the definition and organisation of SSGIs; believes that such dialogue will result in greater transparency and better-quality services and help to reinforce the principles and values that underpin them;
13. Calls on the Commission and the Member States to respect the diversity of the methods of organising and managing SSGIs, of their resources and of the methods of funding these services; also calls for the establishment of public-private partnerships to provide such services, while taking care to promote the general interest and ensure the provision of efficient and high-quality services;
14. Considers that the Member States' various competent public authorities are free to decide whether SSGIs should be provided by mutual associations, other forms of social

organisation or private businesses, in cases where the provision of services by the private sector is compatible with the principle of upholding the general interest, but considers that public authorities should be able to check at any time that the service providers are abiding by the principles and values associated with SSGIs and whether services are being provided in accordance with the requirements specified in advance by the public authorities;

15. Welcomes the involvement of firms, in the context of fulfilling their social responsibilities, in the funding, support and delivery of SSGIs and calls on the Commission and the Member States to involve the social partners to a greater extent in developing approaches of this kind in accordance with the customs of each Member State;
16. Notes that in some Member States the decentralisation of power to regional or local authorities for the purpose of providing SSGIs has not been accompanied by the allocation of sufficient budget resources to enable them to deliver services of the highest standard in terms of quantity and quality; consequently, calls on the Member States to ensure that any transfer of powers to regional and local authorities for the purpose of delivering SSGIs is accompanied by adequate budgetary resources;
17. Recommends the convocation of a forum, under the auspices of Parliament, which would bring together European social organisations and representatives of the Council and the Commission to guide the way this process is handled;
18. Instructs its President to forward this resolution to the Council and the Commission.