

# Public Services

## NEWSLETTER



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## News regarding more legal certainty

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In November 2006, the national Economic and Social Councils Luxembourg and the European Economic and Social Committee agreed to embark on cooperation to consider the major guidelines and principles to be adopted in a sound, transparent European legal framework for services of general interest. One year later, it was decided to set up a high-level think-tank responsible for drawing up an analysis of the implications of the Treaty of Lisbon on services of general interest, and proposing the necessary measures for application in order to give content to the new legislative framework. In this context, a discussion paper with the title "Analysis of the implications of the Lisbon treaty on Services of General Interest and proposals for implementation" was developed with following main conclusions:

- a) The Treaty of Lisbon signed on 13 December 2007 includes a number of innovations that contribute to repositioning the issue of services of general interest in the Community's field of action;
- b) In order to implement these opportunities and to lift the current uncertainties in the Community's approach to SG(E)Is, the present document proposes favouring a plural, gradual approach combining the dimensions of theme and sector which would lead to the adoption of a number of regulations aimed at resolving, one after the other, the main common problems encountered (horizontal approach on a theme basis) and/or at adapting these principles and conditions to the various sectors concerned (horizontal approach on a sector basis);
- c) Regarding sector-based approaches, the report proposes both integrating taking account of the new provisions of primary law when revising existing derived law and investigating whether the sector-based approach applied to date is sufficient in relation to taking into account the specific features of each activity, resulting more particularly in the proposal to consolidate the EU framework applicable to services of general interest, including social and health services.

Consequently various areas could either be the subject of specific regulations or be dealt with in the form of a legislative “package”.

Please click here to consult the whole paper (EN+FR+DE versions available):

[http://www.socialistgroup.eu/gpes/media/documents/90774\\_90774\\_1a\\_version\\_finale\\_en\\_5\\_03\\_08CECLux.pdf](http://www.socialistgroup.eu/gpes/media/documents/90774_90774_1a_version_finale_en_5_03_08CECLux.pdf)

[http://www.socialistgroup.eu/gpes/media/documents/90774\\_90774\\_1b\\_version\\_finale\\_fr\\_5\\_03\\_08CESLux.pdf](http://www.socialistgroup.eu/gpes/media/documents/90774_90774_1b_version_finale_fr_5_03_08CESLux.pdf)

[http://www.socialistgroup.eu/gpes/media/documents/90774\\_90774\\_1c\\_version\\_finale\\_de\\_5\\_03\\_08CESLux.pdf](http://www.socialistgroup.eu/gpes/media/documents/90774_90774_1c_version_finale_de_5_03_08CESLux.pdf)

## Initiatives/News from network members

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La conférence de la CES sur l'avenir des services publics du 9 au 11 avril 2008 à Lisbonne avait comme objectif le réexamen de la stratégie de la CES dont la mise à jour s'imposait, notamment à la conséquence des changements apportés par le traité de Lisbonne.

Le traité de Lisbonne conduit à de nouveaux développements institutionnels qui requièrent une actualisation de la stratégie de CES. La CES maintient son approche horizontale vis-à-vis des questions spécifiques et des directives sectorielles qui devraient être réexaminées à la lumière des dispositions du nouveau traité et complétées par la clause Monti et une clause sociale.

Les participants de la conférence ont mandaté le secrétariat de modifier le projet de déclaration qui y a été discuté afin de prendre en considération les discussions qui ont eu lieu pendant ces journées très chargées. Le but de cette déclaration est d'initier un débat plus large au sein de nos organisations pour mieux déterminer la future stratégie de la CES. Après avoir reçu vos commentaires nous allons soumettre cette déclaration au Comité exécutif, probablement en automne 2008.

Pour plus d'informations, je vous prie de trouver ci-jointes les conclusions de la Conférence ETUC sur les "Services d'intérêt général (SGIS) et le marché intérieur" - Qu'en sera-t-il pour le futur?, Conférence qui s'est tenue du 9 au 11 avril 2008 à Lisbonne.

Veuillez trouver ici le document en version EN+FR:

[http://www.socialistgroup.eu/gpes/media/documents/90797\\_90797\\_2b\\_ETUC\\_policy\\_declaration\\_and\\_action\\_plan\\_FINAL\\_EN.pdf](http://www.socialistgroup.eu/gpes/media/documents/90797_90797_2b_ETUC_policy_declaration_and_action_plan_FINAL_EN.pdf)

[http://www.socialistgroup.eu/gpes/media/documents/90797\\_90797\\_2b\\_ETUC\\_policy\\_declaration\\_and\\_action\\_plan\\_FINAL\\_FR.pdf](http://www.socialistgroup.eu/gpes/media/documents/90797_90797_2b_ETUC_policy_declaration_and_action_plan_FINAL_FR.pdf)

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EPSU developed a contribution to the consultative exercise to ensure that the PSE Election 2009 manifesto is as strong as possible. This submission is intended to propose legislative initiatives that promote and protect public services within the EU. EPSU supports the broad progressive approach of the PSE and is proud to have built a solid and constructive relationship with the party.

EPSU would like most usefully contribute to the PSE in two ways; firstly, by outlining a programme of action for public services for the European Parliamentary term 2009 – 2014, and; secondly, by making a coordinated effort to mobilise our 8 million strong membership to vote for candidates committed to putting public services at the heart of the EU policy agenda.

For more information, please consult the full text:

[http://www.socialistgroup.eu/gpes/media/documents/90820\\_90820\\_3\\_EPSU\\_submission\\_for\\_%20PSE\\_manifesto\\_2009\\_%20public\\_services.pdf](http://www.socialistgroup.eu/gpes/media/documents/90820_90820_3_EPSU_submission_for_%20PSE_manifesto_2009_%20public_services.pdf)

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The decision to change the form of delivery of a service can be motivated by various considerations and it can have substantial consequences on the organisation of work and the management of employees at municipal or regional level. However, very little comparative information is available at European level on positive labour management practices.

For these reasons, CEMR and EPSU affiliates have identified the evaluation of the experience gained to date in different forms of service provision as an important theme for a joint action. In the framework of their European sectoral social dialogue Committee on local and regional government they have carried out a joint project on this topic and collected good practices on the joint management by the social partners of the changes in the form of service provision and their consequences on employment and the organisation of work in local and regional government.

On 3rd June 2008, a conference was organised in Brussels, in the premises of the Committee of the Regions, where the results of the research were presented. The final research report will be available by the beginning of August 2008.

For more information, please contact:

Angelika Poth-Mögele, Director of Policy, CEMR ([www.ccre.org](http://www.ccre.org))  
and Penny Clarke, Head of EU Policy, EPSU ([www.epsu.org](http://www.epsu.org))

## Events 2008

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International Congress of CIRIEC, the leading forum on the public, social and cooperative economy that will be held from 22nd to 24th September in Seville (Spain). The Congress, organised by CIRIEC-Spain with the assistance of CEPES-Andalusia and sponsorship from a number of public and private organisations, has King Juan Carlos of Spain as its Honorary Chairman. Its title is "Innovation and Management: The responses of public, social and co-operative economy enterprises to major challenges".

With less than five months to go, the 27th International Congress of CIRIEC has aroused very considerable expectation, as shown by the over 400 proposals for papers submitted by researchers into the public, social and cooperative economy from all over the world, as well as by the speakers who are already confirmed, among them the Nobel Economics Prize winner Joseph Stiglitz.

Papers for the 27th Congress will address the specific sphere in which public, social and cooperative enterprises respond to the challenges that arise through innovation strategies and the management of change. The contributions of public, social and cooperative enterprises to the different aspects of innovation and their implications in the field of management will be the subject of the different sessions of this Congress.

You can register at this website, where you can also find plentiful information on programme, suggested hotels and the scientific and social programme:

<http://www.congresociriec.es/en/default/index/vernoticia/id/5>

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"Association française du Conseil des Communes et Régions d'Europe" (AFCCRE) is organising a European seminar on "Which European Framework for local public services" on 11 July 2008, Palais du Luxembourg, Paris. The following main two questions will be put on the table: the demand of clarification of European Rules and which European framework for local services? Amongst other speakers, Jean-Pierre Jouyet, French Minister of State for European Affairs, on behalf of the French EU Presidency will be responsible for drawing up some conclusions.

For more information, please consult: [www.afccre.org](http://www.afccre.org)

## Other infos of interest

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In November 2007, the European Commission announced the creation of "an interactive information service", handling questions on the application of Community law to services of general interest (services covering such essential daily realities as energy, telecommunications, transport, radio and television, postal services, schools, health and social services, etc). This initiative was taken in response to a demand for more practical information and guidance on Community rules relevant to services of general interest. It is notably social services of general interest which require further clarification.

The information service is available since the beginning of 2008 and consists of two elements:

➡ Replies to individual questions. Questions regarding Community law relevant to services of general interest can be sent to the Commission by filling out the mail form. The Commission will reply to these questions, with a view to providing guidance on the pertinent Community law rules concerned.

Please note: These replies cannot analyse the facts of an individual case or provide a formal interpretation of Community law in relation to a specific situation. They can also not provide legal advice on issues of national law, advice on how to structure calls for tender, contracts or on how to organise compensation mechanism.

➡ Frequently asked questions. Before sending in a question to the Commission, please check whether a reply to your questions can already be found in the list of frequently asked questions. These lists will be updated on a regular basis.

For the moment, the information service is available in English, French and German. This means that questions can only be asked in these three languages and answers will only be given in English, French or German.

To share any experience with this new service by the European Commission would be interesting and helpful for all stakeholders concerned and in particular valuable in the framework of our common campaign on more legal certainty for public services.

Please send us information to: [pse.publicservices@europarl.europa.eu](mailto:pse.publicservices@europarl.europa.eu)

More information on: [http://ec.europa.eu/services\\_general\\_interest/index\\_en.htm](http://ec.europa.eu/services_general_interest/index_en.htm):

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Les associations françaises et allemandes de collectivités et d'entreprises publiques locales, dont la FEDEPL, viennent d'adopter, après s'être réunies à Berlin et Paris, une déclaration commune.

Alors que le droit européen impacte de plus en plus la libre administration et le mode d'organisation des collectivités locales, et que la France s'apprête à prendre la présidence de l'Union européenne, ce texte présente les positions et propositions d'acteurs français et allemands de premier plan sur des sujets où leurs gouvernements nationaux n'ont pas jusqu'à présent lancé d'initiatives conjointes : coopération intercommunale, in house, concessions et partenariats public-privé institutionnalisés (Sem).

Sur ce dernier point, les signataires se félicitent des dispositions de la récente communication interprétative de la Commission, qui écarte pour les Sem le risque de la double mise en concurrence (pour l'attribution du contrat et pour le choix des actionnaires privés), et qui dissocie clairement le droit applicable aux marchés publics de celui des concessions. Elus allemands et français suggèrent par conséquent que le contenu de cette communication soit sécurisé dans un texte législatif européen.

Pour plus d'informations, je vous prie de consulter le texte intégral à ce lien:

[http://www.socialistgroup.eu/gpes/media/documents/90843\\_90843\\_4\\_Gemeinsame\\_Erklärung\\_FR.pdf](http://www.socialistgroup.eu/gpes/media/documents/90843_90843_4_Gemeinsame_Erklärung_FR.pdf)

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PES Party > [www.pes.org](http://www.pes.org)

PES in the COR > [www.cor.europa.eu/pesweb](http://www.cor.europa.eu/pesweb)

EPSU > [www.epsu.org](http://www.epsu.org)

CIRIEC > [www2.ulg.ac.be/ciriec](http://www2.ulg.ac.be/ciriec)

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