

1st Forum on Social Services of General Interest, 17 September 2007, Lisbon

Main issues, lines of discussion, key messages, major conclusions

(version as of 30 October 2007)

Introduction and context

On Monday, 17 October 2007, the 1st Forum on Social Services of General Interest (SSGI) was organised in Lisbon under the auspices of the European Parliament with support of the Portuguese Presidency of the EU and the European Commission. The Forum aimed at advancing the ongoing debate about the structural changes in the field of SSGI particularly in view of the appropriate legal and political framework for their organisation, regulation, provision and financing at European and national level to promote and safeguard their quality and efficiency. Particular attention was paid to the broadly acknowledged specific characteristics of SSGI and how these should best be recognised and reflected in Community policies and law.

The Forum is the most recent initiative to involve a broad number of stakeholders including the European Commission, the European Parliament (EP), the European Economic and Social Council (EESC), the Committee of the Regions (CoR), Member State's governments, regional and local territorial authorities, NGOs providing social services, users' organisations, other organisations of the social economy and civil society as well as social partners in the context of a policy process which basically started with the Green Paper on services of general interest (SGI) of 21 May 2003 and continued with the White Paper on SGI of 12 May 2004, devoting a chapter to social and health services of general interest (SHSGI). The SPC organised a first consultation process on SHSGI in 2004. The Communication on SSGI of 26 April 2006 was followed by a second consultation process on SSGI launched by the SPC in September 2006. The European Commission this summer also received reports of a study on the situation of SSGI in the EU and by a group of legal experts particularly dealing with the interaction of SSGI and Community rules. As a response to the Communication on SSGI and in view of further influencing the policy process at European level, in spring 2007 the EP, the EESC and the CoR presented their reports and opinions on SSGI.

Purpose of this document and sources

This document summarises main lines of discussion, key messages and major conclusions of the 1st Forum on SSGI on 17 September in Lisbon to be distributed and addressed to all participants and relevant stakeholders. Given the broad range of organisations represented at the Forum and their often at least partly diverging vested interests, positions and strategies, the key messages and main conclusions identified are not necessarily consistent, at several instances even contradictory.

The text builds on reports drafted by the *rapporteurs* of the four workshops and on notes taken by staff of *the Instituto da Segurança Social*, Mathias Maucher and other participants. It focuses on the statements made during the Forum and does not take into account analyses, reports or position papers of the organisations represented. A documentation of the 1st Forum on SSGI comprising all speeches, the reports from the four working groups and a summary report will be made available until the end of 2007.

The document was drafted prior to the availability and adoption of the EU Reform Treaty. The legal analysis and articles mentioned therefore refer to the situation as of begin October 2007.

The document does not reflect the position or opinion of either the Portuguese Government or the European Parliament or the European Commission. It does neither bind nor restrict them and the other organisations represented at the Forum in view of current and future positions and initiatives.

I. Role and function of SSGI

Main issues and lines of discussion

1) The contribution of SSGI to the development of a social Europe was unchallenged, being based on values shared across the EU such as equal opportunities, solidarity, non discrimination and social justice. SSGI contribute significantly to safeguard access to fundamental rights, to ensure territorial and social cohesion by generating positive externalities and promoting local and regional development, to create employment, also for disadvantaged persons such as long-term unemployed or handicapped. Speakers and participants highlighted the crucial role social services play in the fulfilment of citizen's needs in creating quality solutions for elderly, children, persons with disabilities, socially and economically disadvantaged people such as homeless persons, drug abusers, etc. Their specific characteristics were often mentioned (e.g. mechanisms of solidarity with regard to financing, not-for profit objective, asymmetric information, proximity and trust-based relationship, often anchored in local communities and cultures, often open to involvement of volunteers, process character of service provision in case of personal social services).

2) Welfare/social markets are widespread throughout Europe now, with many Member States viewing them as key tool for structural changes. Nevertheless the regulations in this sector structurally differ from other commercial fields of competitive service provision. In certain fields of (personal) social services provision (e.g. handicapped care or child care) we witness a shift from object-related towards subject-related benefits by handing over purchasing power to the users to generate a remuneration-based social services sector. The bedrock question in the current debate around SSGI certainly is how far these services are, or should be, subject to the rules of the common market and of competition, even more though because in several Member States a large(r and increasing) share of social services is being conceptualised as economic services under competition and quality inspection.

3) Structural reforms concerning the guiding principles of social protection schemes and the modalities of organisation, regulation, provision and financing of SSGI:

a) It is important, however, to recall that despite a certain number of similar general trends and evolutions the points of departure (institutional frameworks; 'welfare mix'; welfare cultures) sometimes clearly diverge. This also holds for the extent to which these reforms have already been discussed, advanced and implemented which might strongly differ between countries and sub-sectors of social services provision. Structural reforms are planned and implemented at different points in time during the last two decades; there is non-simultaneity of development and processes across the EU27.

b) We also witness different priorities on the political agenda.

c) And last but not least, the modernisation process takes place on the backdrop of socio-economic conditions, financial resources and administrative capacities which greatly differ within the EU27.

d) Not least due to these reasons at the Forum the conviction that one size fits all approaches are not appropriate and cannot do justice to diverse situations most particularly in the case of personal social services was broadly shared.

Key messages

1) Due to their objective of guaranteeing the realisation of fundamental rights SSGI have a universal character, although most of them are targeted and tailored to specific needs and all are based on a needs assessment. The idea of universal scope and access is most evident for social services linked to needs occurring during the life course which principally can concern all citizens (e.g. long-term care services, child-care services). The role of SSGI is not limited to providing assistance to the most vulnerable groups. Social protection encompasses the whole population and should be seen as realising social policy objectives of a given society.

2) Importance of SSGI for employment creation at local and regional level: This refers to employment in SSGI, but is also and equally crucial to measures promoting the employment of disadvantaged persons (long-term unemployed, handicapped, persons with health problems, migrants, etc.) and the creation of employment in economically less dynamic regions. SSGI should therefore become part of a strategy of social and labour market inclusion more strongly cutting across different policy fields.

3) When it comes to the providers of SSGI, the importance of organisations of the social economy/third sector throughout Europe has to be highlighted. Based on particular characteristics and objectives, the social economy has a unique capacity to combine public action with individual initiative to realise general interest objectives. The legal framework conditions for their effective functioning should be guaranteed and closely scrutinised when designing structural reforms. Not-for profit social entrepreneurship should be encouraged. This demand was also grounded on their capacity of social economy/third sector organisations to provide for innovative solutions to new demands and problems. Some participants also underlined the important role SSGI play in 'fuelling' the local economy and in facilitating the investment of local money to the benefit of the local economy and local communities.

4) SSGI make up for a politically charged area, with the clear overlay of economic activities to a social cause. SSGI have not just – or not primarily – an economic nature, but a social and political nature (as well), with the latter being largely shaped at local level and therefore in multi-fold ways. The concept of general interest needs to be brought back to the debate around SSGI at EU level as the point of departure and of main reference.

5) We have to advance in a new political context which shapes around a certain number of elements: the new EU treaties adopted on 18 October 2007 and to be signed in Lisbon on 13 December 2007 (submitted to national ratification until 2009), with a new Article 14 of the Treaty on the functioning of the European Union on SG(E), which would confirm the amendment of the current Article 16 EC as stated by the Treaty establishing a Constitution for Europe and with a new Protocol (No. 9) on SGI; the revision of the Internal Market Strategy in November 2007, the implementation by the Member States of the Services Directive (before 31 December 2009); and the assessment of the "Altmark" (Monti-Kroes) Package on public service financial compensations during 2009.

6) All speakers highlighted the role of SSGI as a key component of national social protection systems and as one of the core pillars of the European Social Model. This double reference served on the one hand to recall the importance of the principle of subsidiarity and on the other hand to underline the principal competence and responsibility of Member States (i.e. of public authorities at all levels of government) to define the missions of general interest and to determine the modalities of organising, regulating, providing and financing of SSGI public authorities at local, regional or national level. This has to be done at the most appropriate level, not the least basing on decisions of democratically elected bodies. On the other hand it reflects the shared responsibility of MS and

Community as set out in Art. 16 ECT which most probably will be taken up in the EU Reform Treaty and develop towards a reinforced basis to legislate at Community level.

7) Proximity is an issue when regarding the very local relationship between provider organisations and public authorities and is often seen as fundamental to the functioning of social service networks. Proximity also comes into play with respect to the very programming of social service provision, as the latter is often viewed as incumbent on decentralised political communities (municipalities, departments, regions); hence, democratic governance and direct accountability are frequently deemed constitutive of social service systems throughout Europe.

8) In this context many participants also underlined that particularly the field of personal social services is characterised by a (growing need of or already well established forms of) co-operation of stakeholders involving all sectors working together in partnership with shared responsibilities, to be backed up by effective social policies to make such partnership models work.

II. Unclarities and uncertainties related to the legal framework at Community level

Main issues and lines of discussion

1) Understanding of concepts: Coherence of Community policy and rules is not improved by using terms such as 'SSGI' in a non-consistent way in different documents and policy processes. This already becomes evident if only considering the two main elements subsumed to this term in the Communication of 26 April 2006, obligatory and complementary social insurance schemes on the one hand and personal social services on the other. Not more clearly distinguishing at least between these two major elements – for which a different set of Community rules apply – will hardly bring about legal certainty. Even more confusion is raised by the fact that health services are often considered and treated as sub-category of 'social services', as this was also the case at the 1st Forum on SSGI. Many participants seem to share the assessment that health services in general share the same characteristics and objectives as social services.

2) Public authorities increasingly rely upon the (social) market for the supply of SSGI. Decreased own/in-house provision and increased regulation on tariffs, planning, quality requirements and control mechanisms contribute to the creation of a 'social market'. This leads to a growing interference of national modalities of organisation, regulation, provision and financing of SSGI with a range of Community rules and backwash effects on the competencies of public authorities to define them.

3) Based on consultations by the SPC and studies commissioned by the European Commission the main reasons for persisting legal insecurity are better known today (different approaches and concepts used at Community level and within Member States, different understanding/interpretation of Community law). The same holds for the main fields of Community law concerned – competition, state aid and public procurement rules – and the most relevant frictions currently experienced. These are linked to the requirements imposed by Community law for the modalities of transferring tasks to third parties (entrustment, mandating), to modalities of financial support of economic activities by public authorities and to the criteria to be recognised (which? qualitative criteria such as non-selection of risks, local and cultural contexts; 'social criteria') and used (how?) in the framework of public procurement. Unclarities also prevail with regard to the understanding of the notion of in-house provision and the applicability of public procurement rules to public-private-partnerships (also including so-called public-social-partnerships, i.e. involving a NGO), a term also still needing a definition and common understanding in the field of SSGI.

4) Two questions arise, approaching the issue from two opposite, but complementary perspectives: Which instruments used within Member States comply with the requirements set in Community primary (particularly general principles of Community law; fundamental freedoms of the internal market) and secondary (particularly state aid rules and public procurement regulation) law? Are criteria used in Community state aid and public procurement rules flexible enough to account for the specific characteristics of SSGI and to reflect realities of social service organisation, regulation, provision and financing 'on the ground' (e.g. also the autonomy and capacity of self-initiative of NGO service providers not corresponding to a 'state-oriented' approach based on entrustment/mandating; tendency towards more complex and integrated social services provision)?

5) In the field of internal market rules it is more the question of how broadly/narrowly to interpret the concept of overriding reason of general interest. This is of relevance in view of planning and regulating access to markets and economic activity by public authorities in Member States. At this stage the question to be revisited for the field of SSGI is: Which reasons linked to the realisation of social, health and employment policy objectives justify restrictions to the fundamental freedoms of the internal market?

6) The difficulties hinted to above are not least linked to the lack of a commonly agreed and recognised set of general interest missions at Community level which could be used to justify exemptions (from the scope of application) and derogation (adapted legal frameworks, e.g. in view of requirements, thresholds set) in the fields of Community competition, state aid, public procurement and internal market rules. This is why participants at the Forum reiterated their position that there is a clear need to develop a concept/common understanding of general interest objectives/concerns. Only based on this a more effective and extensive use could be made of Art. 86 II ECT. It was also often held that one should be careful on the way to define SSGI, in order to avoid to focusing this notion only to the most needy or vulnerable groups. In this perspective, several participants have insisted on the universal dimension of the SSGI as far as they are the expression of some fundamental rights both Member States and the EU are supposed to protect and promote (dignity, social cohesion, access to SGEI, etc.).

7) To this also adds the fact that at Community level we still lack a consensus as to the specific characteristics of SSGI (which ones to be recognised? 'definitive' phrasing to be agreed upon) and their role (merely non-binding 'general orientations' or tools for regulatory bodies in Member States serving as guidelines when defining and organising SSGI? legally binding or not?). The consultation of the SPC has revealed clearly diverging opinions amongst Member States and other stakeholders in this regard, not least reflecting differences in the broad strategies pursued when it come to defining the legal and political framework of SGI, SGEI and SHSGI at Community level.

Key messages

1) There is still a 'grey zone', as far as it is not clear whether some SSGI may be considered or not as an economic activity, and therefore, whether they can benefit or not from some derogatory rules (particularly of Art. 86 II ECT). The placement of workforce is a good example to illustrate this situation. According to ECJ case-law, this is an economic activity for the purpose of the EC competition rules. But, considering the fact that jobless people do not pay for such a service, the qualification of "service" for the purpose of the EC free movement rules is not relevant. This question also becomes relevant with regard to the very notion of 'service' (understood as economic activity exercised against remuneration) for the application of the Services Directive. The issue of unclear borderlines related to the exclusion of (certain) social services has also been underlined at

several instances. In another words, we need more coherence in the implementation of the EC rules (competition vs. internal market rules), to avoid legal insecurity for SSGI providers.

2) It was broadly agreed that legal clarifications to the issues mentioned above are rather urgently needed to reduce the uncertainties related to the application of Community law, particularly not to impair the smooth operation and short- (e.g. running costs such as wages, etc.), middle- (e.g. expenses for qualification of staff) and long-term (e.g. investments in infrastructure) financing of SSGI.

3) To substantially advance on this task Member States and providers are called upon to sustain efforts to identify and explain concrete cases appropriate to exemplify a direct and indirect impact of Community law in the fields mentioned, in a perspective of achieving pragmatic solutions taking into account acknowledged specificities of SSGI. In this exercise actual and potential impacts of Community approaches, concepts and rules on guiding concepts and main parameters to organise (e.g. authorisation regimes or licensing procedures of providers), regulate and finance (e.g. specific funds devoted to the realisation of a social objective) social protection systems – the definition of which falls under the full discretion of Member States in respect of principles and rules of Community law – should not be left aside.

4) The experiences with efforts made in this regard during the last years, be it in the framework of bilateral exchanges or of the consultation processes launched by the SPC in 2004 and 2006, be it under studies and expert reports commissioned, however, seem to suggest that such an exercise can only gain full momentum after both the general reference frame (e.g. is this mainly the internal market review or is it rather the process of modernisation of social protection schemes?) and related objectives (e.g. should SSGI be made subject to Community rules without any exemptions or adaptations?) will have been clarified as far as possible to build up mutual trust and a higher predictability of activities.

5) To secure continuity of the process referred to above, there could also be a role for the monitoring and dialogue tool in the field of SSGI announced in the 2006 Communication by dealing with selected aspects of Community law which have been identified as potentially or actually bringing about frictions with national rules, the logic and/or architecture of social protection schemes and modalities to organise, regulate, deliver and finance SSGI.

6) A rather general request consisted in adopting a coherent framework for initiatives at Community level related to social and health services – their separation was considered as artificial by the large majority of participants. The reasons put forward are that there are many interfaces (e.g. long-term care, rehabilitation, disability, drug abuse) between social and health services, that there is a growing demand for (and already existing) integrated service delivery (also comprising employment services) and that the unclear border line between social and health services at Community level does not marry well with different institutional configurations at Member State level (i.e. Under which sub-system of social protection schemes do these 'interface sectors' fall? How are they and more particularly related measures categorised?). This could (and already does) lead to the application of different Community legal frameworks, depending on the attribution of a specific service to the category of 'social service' or 'health service' at Community level.

7) Before embarking on additional legal initiatives, the full potential of Art. 86 II ECT should be revised and critically re-assessed: This article is designed as a derogation from general rules of Community competition law to safeguard the general interest, can be seen as a sort of economic viability test. It is based on a value-based approach, to counterbalance economic considerations.

8) In case of conflict, Community rules of state aid and competition have to be/made compatible with general interest missions and not vice versa. The latter always have to prevail and their realisation has to be safeguarded.

9) In order to adequately take into account the specific financing structure of SSGI (mainly based on taxes and social security contributions), adaptations in view of secondary Community law should be considered to prevent existing modalities of SSGI financing in Member States to come into conflict with Community rules. This could be done by allowing for a general exemption from prior notification of state aid (e.g. due to usage of solidarity mechanisms) or by introducing a two-fold de minimis clause. Other possible steps include a review of entrustment conditions and of parameters fixed in the state aid package in a less restricted way (e.g. with regard to the need to establish in advance the definition of financial compensation).

10) A considerable share of participants held that an EC framework related to SSGI would be useful to take into account their specificities, but also to guarantee the effectiveness of the subsidiarity principle, in order to facilitate the distinction between EC and Member States' powers to implement the common mandate laid down by Article 16 EC. This also comprises the question of the extent of EU level control of the definition of general interest missions and modalities of service provision at Member State level.

Conclusions

1) To remedy to the current situation which is most likely to influence service quality also a potentially negative impact for both service providers and users the Commission announced to structure the forthcoming communication on SSGI (to be presented in November 2007) around the clarification of the applicable legal framework as one of the two major axes. This intention was broadly welcomed.

2) Another possible 'remedy' proposed was a Community guide of reference to qualify SSGI, based on a catalogue of predefined criteria of which several have to be met (*méthode de faisceau d'indices*), e.g. solidarity mechanisms in financing, personal and proximity character of services, not-for-profit objective/non-distribution constraint in view of possible surplus.

III. Main challenges ahead

Key messages

1) Strengthening the social dimension of the EU/of the Lisbon Strategy/of the ESM also to live up to expectations of European citizens: A request shared by the great majority of participants was to better counterbalance the realisation of economic and social objectives at European level. Work towards this should be based on

a) the Reform Treaty according to mandate for IGC providing an improved basis (reference to Charter of Fundamental Rights; Art. 16 ECT; horizontal social clauses; article on participatory democracy) to be made use of in the near future. This position was particularly shared by representatives of NGOs and trade unions and a great number of MEP.

b) Community rules particularly in the fields of state aid and public procurement to be adapted to the specificities of SSGI and their users. In this context it was e.g. also mentioned that tendering procedures as a rule are a short-time oriented instrument, whereas the infrastructure-based provision of personal social services (such as homes for the elderly or sheltered workshops for

handicapped people) implies a long-term involvement and commitment by the organisations providing them, insofar to a certain extent reflecting a 'structural' problem.

This has to be seen on the backdrop of a tendency also identified at the Forum to (also or predominantly) approaching SSGI at European level from a competition and internal market perspective whereas regional and local powers within Member States have a propensity to approach these services (also or predominantly) in view of social solidarity and cohesion.

2) Need to enhance the efficiency and to promote the quality of SSGI, the debate on both issues having gained a European dimension.

In this regard, two recommendations were agreed upon in one of the four workshops:

a) Empowering users at all possible level of social service delivery, given that the participation of users has been identified by many participants as central to the quality of services. Throughout Europe there is a need to evolve from a 'captive users' approach to an 'active users' approach. This requires not only to consult users but to develop a real methodology of participation. Still, under an 'active users' approach in the field of SSGI, the regulation to be put into place differs from the ones ordinary consumer markets exhibit. The participation should not only focus on individuals but also on groups. Financial support is needed to support users' network as well as investment to create more legal certainty for users i.e. centralised information on his or her rights, system of ombudsman etc.

b) Developing European Quality Principles: Many quality initiatives are being developed in the social services sector but contrary to other sectors (i.e. health services) a more systematic approach is still needed to identify core principles. European quality principles are welcomed in particular to enrich procurement guidelines for social services. However to become a real reference these principles need to be developed primarily with users/people.

In this context, however, we still face open questions such as: What could European added value more precisely consist of? How to implement measures in this regard, building on existing methods of governance (OMC), programmes and structural funds?

3) Need of better protection and involvement of users, with a particular focus on vulnerable and more disadvantaged persons: The users' rights may be a key question to be put into the EC legal framework dedicated to SSGI. Several participants to the Forum have stressed the necessity to harmonise the way the complaints of users have to be treated and the dispute settlements to be efficient. Such a step would in itself bring about an important added value compared to the national schemes, however, fully respecting the procedural autonomy of Member States. Some of the provisions of the Services Directive related to these questions may be used as a reference model.

4) Increasing need of qualified staff:

The investment in qualified staff is fundamental due to the fact that these services are based in the proximity of service users and service suppliers. We are talking about services covered by a high complexity, it is necessary to integrate the knowledge and the skills from different disciplinary fields and to take into account different levels of qualification of the SSGI suppliers. We should also consider that these services are covered by transversal and generic skills directly linked with different lifelong learning experiences and different working cultures. The quality of the labour and the quality of the skills of the service supplier are in these terms important strategic means.

We face different challenges in relation to the working force in the field of SSGI: intensive work, large number of women is employed in the sector, low wages, non payment of overtime working hours, non perspective of career, job insecurity, high level of stress. It is also the female staff with as a rule less life-long learning opportunities. Personal social services are also a sector where there are many cases of undeclared work, with a clear ageing of the labour force, with an increase of recruitment of foreign labour force.

In this context the EP issued a demand to develop vocational training activities geared to enabling staff to adjust to and cope with circumstances such as irregular working hours (shift and night work). There obviously also is a need to better take into account the mobility of qualified staff and of (documented and undocumented) migrants working in SSGI and related needs and measures of protection. The European Commission proposed the ESF to play an important role in supporting activities dedicated to the improvement of staff qualifications within SSGI sectors.

5) Need to legally and politically safeguard the important role SSGI play in offering and promoting employment opportunities for marginalised and disadvantaged groups and persons in society and to contribute to the sustainable development of economically less dynamic regions. However, it seems as if the issue of the capacity of the social sector to create employment for disadvantaged groups needs more sophisticated elaboration since the Community social inclusion agenda posits that policies should enhance the employability of these groups on the ordinary labour market.

6) Challenge to support public authorities to be better qualified to adequately apply public procurement procedures (understanding of rules; usage of criteria taking into account specific quality requirements also reflecting specificities of the services and their users) in the field of SSGI by means of training (also co-financed from Community funds). In this regard, the knowledge of the functioning and added value of different types of providers could also be enhanced in particular when it comes to organisations of the third sector/social economy. Public authorities need to communicate better on their values and their definition of general interest and increase their public accountability. They also need to commission social services within a multi-dimensional and integrated framework.

IV. Political framework at European level

Main issues and lines of discussion

1) The dialogue in the SPC could be oriented towards work on and an adoption of guidelines allowing for the establishment, follow-up and evaluation of quality standards at national level (...). More attention could also be given to existing processes to develop standards on a voluntary basis and their support from the Community level, e.g. by including them in processes of exchange of experiences and good practice.

2) Usage and further development of OMC

The OMC was often referred to, as a tool to promote exchange of experiences and good practice on concrete issues. The OMC, however, cannot serve to bring about legal certainty.

3) Several participants pleaded for recognition of the role and added value of organisations of the social economy also in the field of SSGI. How this should be done and which consequences this should and would entail was not discussed in detail. In this context problems associated with the fiscal treatment of NGOs in the social field were mentioned by some participants.

Key messages

1) The application of the principle of subsidiarity which upholds the Member States authorities' freedom to define and organise these services was broadly highlighted and defended.

2) The large majority of participants advocated for the inclusion of all political levels (including regional and local ones) in the process of designing European frameworks relevant to social services of general interest.

V. Next steps at European level

1) Legal dimension/framework

a) A variety of possible legal instruments to be set up were discussed by those in favour of legal initiatives at Community level reaching beyond existing primary and secondary law and its possible adaptation or different usage (e.g. putting more weight of the derogatory power of general interest concerns already embedded in Art. 86 II ECT). A considerable number of participants expressed their refusal of further regulation in the field of SSGI at Community level and questioned their possible added value and the beneficial effect this would have for structural reforms in this sector.

b) Diverging views on the general strategy: Whereas some favoured a stepwise approach, other clearly called for a sector-specific instrument (directive on SSGI or SHSGI). Amongst those in favour of legal initiatives and of building up a specific legal framework at EU level, this idea finds a broad support. Proposals on possible contents of a sectoral directive (as developed e.g. by the *collectif SSIG-FR* or included in the reply of the Belgian government to the 2006 SPC questionnaire on SSGI) were reiterated in Lisbon, however, they could not be discussed in detail as to their pro's and con's. Several organisations advocated for common principles for SGI (comprising SSGI) at EU level (amongst them e.g. the participation of users), be it through a framework directive or (a) sectoral directive(s), with the setting of sector- and measure-specific standards at national level. A stepwise approach comprises the elements of an interpretative communication, a review of the state aid package and a framework directive for S(H)SIG to be potentially embedded in a horizontal legal instrument for SGI. The instrument of an inter-institutional agreement was generally viewed fairly critically and not demanded by anybody.

c) As to the (controversial) issue of possibly setting up European level 'guiding principles' related to general interest missions defined by the relevant public authorities in the Member States, it was proposed by several participants to build on Art. 16 ECT.

2) Political dimension/activities

a) Open question: How to best take into account and make use of the Protocol on SGI referred to in the Reform Treaty? Which are the political and legal implications of the Protocol on SGI?

b) Some speakers advocated for the development of minimum levels of protection and minimum standards across the EU27 also in the field of SSGI. Others only supported the work on common guidelines and principles, particularly for service quality (using a broad concept). For them focusing on minimum standards could not least favour a run to the bottom. Scepticism with regard to the feasibility of minimum or basic standards and their added value largely prevailed, given the considerable social, economic and cultural differences in the field of SSGI across the EU27, quite apart from existing distributions of competencies and responsibilities in this regard.

c) A shared message consisted in the statement that it is indispensable to continue the dialogue with Member States, the providers and the users of SSGI and to deepen the mutual understanding. The Forum underlined a commitment – broadly shared amongst participants – to move forward on the issue of SSGI in the framework of participatory processes, not least by making use of the monitoring and dialogue tool on SSGI announced in the Communication on SSGI of 26 April 2006 to promote exchange of views, problems and good practice.

d) The 1st Forum on SSGI has supported the important task of stocktaking in the field of SSGI and offered an additional platform to present and debate options for further legal and political action at Community level and advance the search for solutions for concrete problems. Insofar the idea of organising a 2nd Forum on SSGI under the auspices of the European Parliament, as mentioned by several speakers and participants, could be envisaged.