

To:
Commission's President José Manuel Barroso

Cc:
Commissioner Vladimir Špidla, Commissioner for Employment, Social Affairs and Equal Opportunities
Commissioner Meglena Kuneva, Commissioner for Consumers
Catherine Day, Secretary General of the European Commission
Nikolaus Van der Pas, Director-General, DG Employment, Social Affairs and Equal Opportunities
Robert Madelin, Director-General, DG Health and Consumer Protection

RE: Supporting the request by the Social Platform (expressed in a letter of 25 October 2007) for a meeting on the forthcoming communications on social services of general interest and on services of general interest

Brussels, Wednesday 31 October 2007

Dear President,

Solidar is a European network of 42 non-governmental organisations in 20 countries (17 of which Member States of the EU) working in development co-operation and humanitarian aid, social policy, social service provision, migration and lifelong learning. It has links with the trade unions and social democratic parties. Solidar members are civic movements and service providers at the same time. They offer quality day-care centres for elderly and disabled, ambulance services, old people's homes, adult education, children's holidays, advice service and support for migrants and asylum seekers and many other socially excluded, disadvantaged or underprivileged people. As civic movements they contribute to social cohesion of local communities and encourage civic engagement, as well as mobilise social capital. As service providers members of Solidar are organising efficient and high-quality social services close to people. The users of our services are at the same time clients and partners in the provision of the service delivered.

Since the publication of the Green Paper on SGI in May 2003 Solidar and its members' organisations have been strongly and continuously involved in the process of policy development at European level and contributed to the related consultation processes, in particular to those under the aegis of the Social Protection Committee on SHSGI in 2004 and on SSGI in 2006.

Building on the issues, concerns and requests mentioned in the letter sent to you by the Social Platform on 25 October 2007 fully shared and supported by Solidar, we would like to particularly raise your attention to the following points which focus on the forthcoming strategic communication on SSGI.

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 main reference. In this context Solidar would like to support a position broadly shared and advocated for at the 1st Forum on SSGI on 17 September in Lisbon: In case of conflict between the application of Community law and general interest missions defined by public authorities at national, regional or local level, the latter always have to prevail and their realisation has to be safeguarded. We know that this position is shared by you, Mr. President Barroso, as well as by Commissioner Špidla. It is also highlighted in the EP Report on SSGI prepared by J. Hasse Ferreira.

SSGI help realising fundamental rights and a broad array of objectives of social, health, employment and housing policy, they are institutionally embedded into social protection schemes and mainly financed by taxes and social security contributions. These features clearly distinguish them from other SGI and other commercial services. Insofar Solidar recalls the need to elaborate a policy and legal framework at Community level which recognises the specificities of SSGI and their users. To this end we propose to also build on the list of criteria included in the Communication on SSGI of 26 April 2006, still to be further developed.

Solidar would welcome to see an acknowledgement of specific characteristics of SSGI and their users being reflected in adapted Community rules and/or a more 'flexible' approach how to apply them to national modalities of social service organisation, regulation, delivery and financing. This particularly holds for Community competition, state aid and public procurement rules. In our view the second approach, however, would entail the need to elaborate a set of guidelines laid down in handbooks or vademecums and adopted at Community level in order to guarantee the necessary legal certainty. Solidar would welcome initiative supporting an independent and multi-dimensional evaluation of the effectiveness and appropriateness of tendering procedures in the social sector in the EU.

Solidar wishes to stress that there is a clear need to ensure that the application of internal market and competition rules and policies does not hamper these services from fulfilling their crucial role in implementing people's fundamental rights, supporting social inclusion and increasing social cohesion. This would help to increase legal certainty for the providers, users and financing agencies of SSGI. Solidar supports competition on a 'social market' based on quality, building on a regulatory framework adapted to the specificities of SSGI and on transparent and non-discriminatory rules for the organisation, delivery and financing of SSGI applicable to all types of providers.

Solidar welcomes the initiatives proposed on service quality (i.e. the structured policy dialogue between Member States on quality of SSGI) and with regard to training measures related to the application of public procurement rules under the forthcoming Communication on SSGI as announced by Commissioner Vladimír Špidla at the 1st Forum on SSGI on 17 September 2007 in Lisbon. We would like to reiterate the statement made in the letter of the Social Platform: Quality principles have to include principles on access to quality services (as mentioned in the recent communication on active inclusion of 17 October 2007) but clearly need to go beyond this particular aspect. A policy dialogue on social service quality also needs to deal with employment and working conditions in the field of SSGI. Such a focus would match with the concept of 'decent work – decent life' promoted by advocated for by Solidar in a coalition with other NGOs and trade unions.

We hope to be able to count on your support on these issues. Solidar supports the request made in the letter sent by the Social Platform to organise a meeting as soon as possible to discuss in further detail the forthcoming communications on social SGI and SGI.

Yours sincerely,



Conny Reuter
Secretary General