

Social Services of General Interest

Questionnaire

Introductory Remarks

In the White Paper on Services of General Interest (SGI) the Commission has announced a special Communication on social SGI including health services. A close co-operation with the Member States via the SPC and the High level group on health services and medical care (hereafter "High level group") was explicitly envisaged. This questionnaire aims at collecting input from the SPC and the High level group for the preparation of the Communication.

It has to be recalled that the preparation of the Communication to which this questionnaire contributes cannot replace the work already ongoing in special fields at different levels. Therefore the position of social SGI in relation to

- the planned Directive of Services in the Internal Market must be taken care of in the relevant Council formation;
- the planned package on State aid after the Altmark-decision of the ECJ must be taken care of in the consultation process started by the Commission;
- the evolution of the public procurement provisions with regard to Public-Private-Partnership-Models must be taken care of in the framework of the procedure of consultation started by the Commission in the Green Paper on this topic.

As this exercise is only a first step it will not be possible – especially taking into account the very vast field of different SGI in the Member States – to achieve on the basis of the replies to the questionnaire an overall description of all social SGI in the EU. **Member States are therefore invited to choose the fields which seem to be the most important with a view to their national organisation and in particular the fields that contain "grey zones" not clarified within the EU legal framework and where there may be an impact of Community rules (eg. on the instruments for the delivery and financing of these services).**

The following sectors¹ could be relevant for replying to the questionnaire:

- Statutory social protection schemes
- Supplementary social protection schemes: income protection;
- Health and social care services;
- Support for families: child care;
- Services to promote social integration and to support people in difficulties (e.g. homelessness, drug dependence, disability, mental or physical illness);
- Social housing
- Other services which could be relevant in the framework of the current questionnaire (i.e. services with similarities to social and health services or linked to these like employment: access to placement services or education and training)

A “Background Document – Legal Framework” is sent out together with this questionnaire. This document describes the different legal aspects of EC rules which might affect social SGI or could affect these in future following evolutions in the organisation of service provision. These elements, as well as future developments (e.g. the need to adapt services to the changing needs of users, budgetary constraints) could be taken into account by the Member States when replying to the questionnaire.

Member States are invited to provide only one coordinated reply to the questionnaire. Every Member State is entirely free to decide on the way the answers to the questionnaire are prepared and coordinated. Nevertheless it should be taken into account that social partners and NGOs play an important role in this area. Member States might therefore want to envisage an involvement of these partners at national level.

The following questionnaire aims to assist the Member States in providing all relevant elements of information and of concern in this area. It is therefore more a guidance for national statements than a strict obligation to answer all the questions. The questions in the different “Fields” moreover do not preclude additional remarks not directly linked to one of the questions, when this is felt important by the Member State. Member States are invited to provide the information as much as possible in a comprehensive way.

Member States are requested to send their replies to this questionnaire at the latest by 15 December 2004 to Raymond.Maes@cec.eu.int (fax: 0032-2-2998085)

¹ It is clear that some of these fields go beyond “social protection” in the narrow sense. But nevertheless e.g. also education and training or access to placement services could form part of the social services (e.g. vocational training, training of handicapped persons) or have similarities to social protection which could justify a discussion in the reply to the questionnaire. It is entirely at the discretion of Member States to decide which areas they want to cover in their reply to the questionnaire.

Questionnaire

Slovakia

This questionnaire does not engage the Commission or any of its services

Field 1 – Overview of the national SGI

1. *What are the general characteristics of the national social SGI² with regard to e.g. the following points?*
 - *Organisation, design and structure (geographical, market structure, administrative level);*
 - *financing (e.g. contributions, direct funding via government budget, payment of remuneration for the service, charity donations, mutualisation);*
 - *service provider (e.g. state and local authorities, public enterprises, public-private partnership, voluntary non-profit organisations, role of volunteers, private enterprises);*
 - *definition of tasks/obligations (what are these tasks/obligations and how are these laid down, i.e. contract, law or other);*
 - *quality standards.*

The response of the SR to the point 1:

a) Social services:

In compliance with the Act No. 195/1998 Coll. on the social assistance, as later amended, social services are delivered as specialised activities to address social need (a state, in which a person is unable to ensure his self-care, household care, protection and exercise of his rights and legally protected interests or contact with the social environment, particularly with regard to his age, unfavourable health state, social maladjustment, or loss of employment). This means provision of benefits in kind (non-financial).

Social services include:

- nursing/home care service,
- organisation of common meals,
- transportation service,
- care in social service facilities (pensioners' home, sheltered pensioners' home, nursing service facility, social services home, sheltered housing facility, lone parents home, home care station, foster care facility, children's home, crisis centre, resocialisation centre, asylum, rehabilitation centre, pensioners' club, pensioners' canteen, personal hygiene centre, laundry),
- social loan.

² This is the field where it is impossible to give an overview covering all different aspects. So it might be useful to place the services in comparable groups and treat these groups together. Member States are invited to concentrate on those services which seem most important or where the biggest uncertainty is noticeable.

From the aspect of preventing social exclusion, the social services play a dual role, namely as the source of employment. Opportunities on one hand – that is a productive factor, and, on the other hand, allowing to give support to a citizen in social need towards his integration in the society, including creation of prerequisites for employment and employability. Social services create conditions for reconciliation of work and family life by providing care to family members depending on another person's assistance. In this way, social services create room for the creation of conditions conducive to active participation in the labour market of those family members who otherwise provide personal care after their relatives depending on other person for care and help (social service as so-called respite services).

Social services were decentralised in the jurisdiction of self-government authorities in the continuing public administration reform, at 1 July 2002 and 1 January 2003 (by the Act No. 416/2001 Coll. on the transfer of some competencies from state administration bodies to municipalities and upper-tier territorial units), respectively, and at 1 January 2004 (by the Act No. 453/2003 Coll. on the state administration bodies in the area of social affairs, family and employment services and on amending of some acts), which also involves the provision of decentralisation subsidy from the State Budget to finance these competencies with the exception of children's homes which remained within the founding competence of the state bodies – the particular offices for employment, family and social affairs. The decentralization of social services has been performed as reinforcement of self-government competencies. Therefore, it is not the transferred performance of state administration but the original competence of self-government bodies the performance of which is neither managed nor controlled by the government. It is about respecting the requirements to ensure the effectiveness and accessibility of social services for citizens while observing the subsidiary principle.

After completion of the process of decentralisation of social service provision to self-government, the role of the Government, or Ministry of Labour, Social Affairs and Family (MoLSAF) as the central body of state administration in the SR in the area of social assistance, is focused on the preparation of national legislative provisions, which are binding on municipalities and self-government regions within the performance of their self-government functions in the area of social service provision. The way of setting fees, the amount of fees and the means of payment for social services provided, and the details on the provision of social services are decided by municipalities or self-government regions by generally binding regulations applicable to their respective territories. MoLSAF conducts state supervision over social service provision, particularly the observance of citizens' basic human rights and freedoms in social service provision. Municipalities and self-governing regions, as self-government authorities, provide social services on the basis of separated competencies stipulated by law. Other legal and natural persons can provide social services, if they satisfy the conditions laid down by the act on social assistance (registration in the register of entities providing social services upon satisfaction of prescribed conditions), with an option of concluding a contract with the relevant self-governing region on the provision of a financial contribution towards coverage of cost of the social service under defined conditions. If this contract is concluded, the provision of the contribution is guaranteed at an amount providing for comparable conditions with the financing of public providers.

The financing of social services is provided from the state budget, the municipality budget, the self-government region budget, and from the payments for the provided social services from citizens and persons who are obliged to pay maintenance to these citizens (if the provider is a public provider), and from income resulting from an agreed social service price

(in case of private providers). Social services are financed also from gifts of legal persons and natural persons.

The transfer of responsibilities in the area of social assistance of the domain of social services that have been devolved from state bodies to municipalities and upper-tiers of self-government in the scope stipulated by the Social Assistance Act involves provision of decentralization subsidy from the State Budget to finance these competencies of municipalities and regional self-governments. The state ensures the financing of social services provision merely within the provision of the so-called decentralization subsidy to finance the competencies transferred to the self-government bodies/authorities from the state bodies in the amount determined by the Act on state budget for the particular calendar year.

With effect of 1 January 2005, on the basis of fiscal decentralisation, the provision of social services, as the performance of self-governing functions of self-government authorities (municipalities and self-government regions) will be financed primarily from the self-government authorities' own revenues, strengthened through a new tax redistribution mechanism.

The legal regulation stipulates legal conditions for providing the individual types of social services as well as the necessary scope of the care being provided which constitutes a standard. The legal title to provide selected types of social services is decided on during administrative procedures, if the provider of these services is a public administration body or a social services institution with a legal personality founded by the mentioned body. The law enables a possibility to review legal decisions concerning the provision of social services by a court.

In the case of public providers, the affordability of social service provision for the beneficiary is guaranteed by statutory legal protection of the citizen against payment for a social service that is disproportionate to his income, property, and family circumstances. It involves a guarantee for the remaining income after payment for the social service, fixed in the tie-up with the amounts of subsistence minimum, which are subject to annual valorization.

Private providers provide social services to their clients on the basis of a contract with the client, where the particular act stipulates the substantial terms and conditions of such a contract.

Cash contributions for compensation of social consequences of a citizen with severe disability.

On 1 July 1999 the Act No. 195/1998 Coll. on social assistance entered into force in the section "Compensatory social services and cash contributions". This regulation aims to help a citizen recognized within the meaning of the act as a citizen with severe disability to reduce social consequences arising to him/her in everyday life on the ground of the severe disability. A social consequence of the severe disability in accordance with this act is a disadvantage, which a citizen with severe disability has in comparison with a healthy citizen of the same age, sex and under the same conditions. It is the compensation of disadvantages in the area of:

- mobility (movement and orientation in a flat, a house, outside a house, transfer on longer distances),
- communication (communication with environment, obtaining of information of various kinds),

- inevitable vital activities and household works,
- increased expenditure.

The forms of the compensation are social services and cash benefits being provided individually or in various mutual combinations but always depending on individual needs. Cash contributions for compensation are not provided from the state budget in the full amount since to some extent the client also participates in their provision.

In order to make the overview simple we present the types of cash contributions (CC) for citizens with severe disability:

- CC for personal assistance;
- CC for provision of aids;
- CC for reparation of aids;
- CC for a purchase of a car;
- CC for transport;
- CC for a flat, a house or garage adjustment;
- CC for increased expenditure;
- CC for attendance service.

For the purposes of implementation of the Act on social assistance the local state administration authorities (administrative authorities of I. and II. degree) created assessment departments consisting of experts for:

- **medical assessment activity** (assessment of disability on the basis of a comprehensive medical documentation and determination of the rate of functional disorder upon which it can be stated whether the citizen is a citizen with severe disability or not; if the rate of the functional disorder/malfunction in accordance with the Annex 4 to this Act set up at least at 50 % or more (maximum 100 %), the citizen can be regarded as a citizen with severe disability),
- **non-medical assessment activity** (if a citizen is recognized as a citizen with severe disability, his/her individual needs taking into account personal, family and wider circumstances of his/her life, and in this context an opinion is elaborated in which suitable compensation forms are proposed)

On the basis of the assessment conclusions of the abovementioned experts the local state administration authorities decide on provision of individual compensation forms for which a citizen applied and provision of which has proved to be justifiable on the basis of a comprehensive assessment. If a citizen disagrees with the particular issued decision, he/she has the possibility to use a proper legal remedy. Within an extra-appeal procedure the Ministry of Labour, Social Affairs and Family (MLSAF) has the competence to review merely decisions related to issuance of a certificate for the citizen with severe disability. In other cases it is the court that is competent to review the issued decisions.

With effect from 1 January 2004 130 Offices of labour, social affairs and family have been created, including field offices (administrative bodies of the first degree) and 4 offices of the Centre of Labour, Social Affairs and Family, including field offices (administrative bodies of the second degree).

Every year MLSAF, within its competence, provides subsidy to civil associations (surmounting social consequences of disabled citizens, recondition and integration stays, training activities focused on the area of social services and consulting, edition of magazines and journals, payment of subscriptions in international organizations), subsidy from the

distribution of lottery revenues or any similar games to a municipality, a higher territorial unit/region, a civil association, a foundation and an interest association of legal persons, a non-profit organization providing generally beneficial services, to a registered church or religious community, subsidy to municipalities for fulfillment of tasks in accordance with objectives of the Comprehensive Development Program of Roma settlements, and subsidy for humanitarian purposes to natural persons or non-governmental organizations.

Socio-legal protection:

An important instrument for provision of aid to families and children in crisis life situations, mainly in cases where the upbringing and development of children is jeopardized, is a thorough protection of children's rights and their interests protected by law, as well as the prevention of origination, deepening and repetition of defects of the mental, physical and social development of citizens. The social prevention and social and legal protection are focused in particular on children and young people whose upbringing is seriously jeopardized or has been disturbed, on children who have been excluded from the family environment on the basis of a court decision, on abused and battered children, on drug-addicted children, on children with behaviour disturbances, on criminal offenders etc. If necessary, the mentioned target groups can be provided not only with the aid in natural social and family environment but as well with the care in the form of stays mainly in crisis centers (for a child whose upbringing is seriously jeopardized or who is battered, sexually abused, and a child with behaviour disturbances – if necessary, also for his/her legal representative), shelters (for homeless people, including victims of home violence, young people after conclusion of institutional or protective upbringing), resocialization centers (for infant and adult citizens who are drug-addicted), rehabilitation centers (for citizens with severe disability).

Special attention is to be paid also to the provision of equivalent alternative environment for children who are not brought up within a natural family. The care replacing the natural family environment is provided mainly in children's homes (including professional alternative families and separate groups providing care and upbringing close to the family environment), in homes for lone parents (provision of accommodation and consultancy to a lone parent with a child), in home care stations (if parents can afford to fulfil their obligations towards their child for a certain period of time), in fosterage facilities (providing alternative family care to children who are consigned to the foster care, i.e. mainly to siblings).

According to the Convention on the Rights of the Child a child temporarily and permanently deprived of his/her family environment has a right to a special protection and aid to be provide by the state. For this purpose a transformation process of the institutional upbringing performance is being implemented, mainly by creating children's homes of family type, placing of children into professional families, and by alternative family care and establishing equivalent conditions for all children for whom the court ordered an institutional or protective upbringing.

b) The general characteristics of national (domestic) services in the area of mediation of employment:

By entering into force the Act No. 453/2003 Coll. on state administration bodies in the field of social affairs, family and employment services on 1 January 2004, the process of radical reorganization and rationalization of activities of employment public services and social affairs started. An institutional reform of employment services was implemented by merging

employment services with the state administration performance in the area of social affairs – new Offices of labour, social affairs and family which in a coordinated way provide services to clients in the area of employment services and social benefits.

There is 131 offices for employment, social affairs and family established, including field offices and Centre Office of labour, social affairs and family which beside other activities provide also services in the field of mediation of employment.

Mediation of employment is carried out by the following entities:

- 1.) Centre Office of labour, social affairs and family,
- 2.) Offices of labour, social affairs and family,
- 3.) legal and natural persons carrying out
 - fee charged mediation of employment,
 - mediation of temporary jobs,
 - mediation of supported jobs, or
 - mediation of employment for a certain group, mainly disadvantaged job seekers on the basis of an agreement in writing concluded with the particular office of labour, social affairs and family.

The Act No. 5/2004 Coll. on employment services as amended posterior defines the mediation of employment not only for the purposes of provision of employment services by the offices for employment, social affairs and family but as well for the purposes of mediation of employment carried out by legal and natural persons on the basis of a permit for such an activity issued by the Centre Office of labour, social affairs and family. The mediation of employment means the provision of services to a job seeker, a person interested in the job, and an employer.

A part of mediation of employment is a number of activities carried out or provided by separate units for employment, social affairs and family, namely

- a) registration activity,
- b) information and advisory services,
- c) elaboration of lists of job vacancies,
- d) elaboration of lists of jobs sought by job seekers and persons interested in employment,
- e) publication of the lists mentioned in the subparagraphs c) and d) on the Internet, in the press, and other media.

The methodology of evaluation criteria of the offices of labour, social affairs and family in the area of mediation of employment refers to:

- number of job vacancies found by the offices of labour, social affairs and family
- job seekers placed by an office of labour, social affairs and family
- activation of job seekers:
 - job seekers with an individual action plan
 - job seekers included in the education and preparation for the labour market
 - job seekers included in the activation activity
 - job seekers included in the graduate practice
- number of agreed jobs through the instruments of the active labour market policy.

c) Social housing:

Social housing is currently not defined in the Slovak legislation. However, Slovakia considers that social housing should not be excluded from the sight of SSGI and would welcome any open expert discussion on that issue.

2. *Please indicate whether and if so how these characteristics are likely to develop and change in the coming years. This with a view of the modernisation of these services (taking into account developing users' needs, quality standards and (financial) efficiency).*

The response of the SR to the point 2:

MLSAF expects the approval of a new legal regulation of legal relations in the area of social assistance by passing three new legal regulations:

- Act on socio-legal protection of children and on social probation,
- Act regulating the issues of disabled citizens,
- Act on social services provision.

The aim of the new legal regulation of socio-legal protection of children and social probation is to create – by legal regulation of relations so far not regulated by law - a legal basis for:

- a consistent protection of rights and interests of infant children,
- efficient, intensive and systematic aid and support for children and families,
- provision of equivalent alternative environment for children in case they are not brought up within a natural family,
- an effective prevention and elimination of reasons of origin, prevention of deepening, extension and repetition of mental, physical and social development defects of individuals, groups, and larger social units.

The aim of the new legal regulation is also to implement international agreements and documents in the area of children's rights, to which the Slovak Republic is bound, into the national law.

The proposed legal regulation is directly connected and related to the changes being prepared mainly in the field of civil law, family law, criminal law, upbringing and education. Since the bulk of measures linked with intervention into the family is based on a court decision or is taken before a court decision, the proposed legal regulation is, inter alia, harmonized with the particular provisions of the draft Act on family, in particular in the area of regulation of court measures for ensuring a child's upbringing, a special regulation of adoption, trusteeship, guardianship, collision and property trusteeship, or extension of possibilities for educational measures, including the institutional care performance.

The aim of the new legal regulation, beside the state competences definition, is to newly regulate the competences of self-government bodies and to reinforce the role of non-governmental entities. A quantitative and mainly qualitative extension of the current legal regulation is being proposed as well as the competences of the local state administration and self-government authorities.

To achieve the aim of the new legal regulation there is a proposal to modify the measures being carried out in the situations where

- there is a need to intervene because it is inevitable necessary and because a fact has occurred which has been foreseen by the legal norm, and if there is a need to take and carry out specific and appropriate measures stipulated by the particular act (e.g. to exclude a child from the environment where his/her life or health is seriously jeopardized or disturbed),
- there is a need to offer alternative solutions under an active participation of the child's parents and the child,
- there is a possibility to offer various solution alternatives.

The proposed legal regulation of performance of socio-legal protection and social probation measures enables a significantly wider variability of its performance in comparison with the current state. The proposed regulation/modification of environments within which the measures are performed creates a possibility to combine various work methods, techniques and procedures particularly relating to the social work, to perform them at need in various environments (in the natural family environment, in the alternative family environment, in the open environment, in the environment created and arranged for the purpose of performance of measures of socio-legal protection and social probation for children), and in a suitable form (field performance, mobile and stationary streetwork, in ambulant way, day-long or during a certain part of the day, in form of a stay). At the same time, the proposed legal regulation, which enables to choose and combine work methods, techniques and procedures also in the children's social and legal protection and social probation facilities (i.e. in the environment created for the purpose of performance of measures of social and legal protection and social probation for children) according to the purpose for which the facility was established, separately regulates also the basic types of facilities/institutions (children homes, children's homes for infant children unattended, crisis centers, resocialization centers) and the basic scope of their activities necessary for the fulfillment of the purpose for which they were created.

The proposed legal regulation introduces also socio-legal protection measures of financial nature which are oriented mainly towards the support of families from which the children were excluded for various reasons, towards the creation of equivalent alternative environment for children who cannot upgrow in their own families, and towards the support which should help young adult people while leaving the children's home.

With regard to the seriousness and nature of the socio-legal protection and social probation measures the proposed legal regulation increases the requirements of professionalism and education of those who perform these measures, in accordance with the increased requirements for the social and legal protection and social probation bodies and authorities. Part of the proposed legal regulation is also the modification of special qualifying conditions for certain socio-legal protection and social probation measures. Emphasis is being put mainly on the performance of the social work methods, techniques and procedures being the basis for the performance of social prevention, socio-legal protection of children and social probation measures.

At the same time, and with regard to the fact that there is a significant extension of possibilities for execution of social and legal protection of children and social probation by non-governmental entities (e.g. in the area of educational measures, interstate adoptions), it is proposed to introduce a process of accreditation of non-governmental entities for the individual areas of the social and legal protection and social probation measures for children so that an equal level of execution of socio-legal protection and social probation measures for children by the state administration bodies, higher territorial units, municipalities and non-governmental bodies can be provided.

The aim of the act regulating the issues of disabled citizens will be:

- within the cash contributions to support in particular those activities of citizens with severe disability which are related to the fulfillment of social tasks usual for the citizen in terms of

- his/her age, sex, social and cultural environment with the aim to activate the citizen (occupational training, preparation for employment, retraining,...).
- to create a new model of solving and financing the citizen's dependency on the other person's assistance of, e.g. by merging of attendance services with a cash attendance contribution, by introducing new criteria determining the degree of dependency on the other person's assistance, and in this context also on the provision of contribution for carers.
 - to reevaluate the current system of medical assessment of clients with the aim to increase the assessment objectivity and to use the new methodology for assessing the functional abilities and skills of the client according to the WHO.
 - to establish standards for provision of aids and standards for elimination of barriers for the client's home environment (list and price list of aids, materials, equipments, goods and works) with the emphasis on prevention of misusing this form of assistance, and to introduce the certification of aids included in the list of aids being provided
 - to carry out a system of sanctions for the proved misuse of cash contributions for compensation
 - to solve the issue of interpreting in gesture language (personalization, remuneration of interpreters)
 - to create legal conditions for social and legal protection of adult citizens.

The basic outcomes and aims of the prepared legal regulation for provision of social services result from the Slovak Government Program Declaration undertaking "to transform social services on the principle of decentralization and disestablishment of their performance". The public administration will define the need and allocate financial resources, and private providers will provide the service. The basic standards for financing and social services quality, system of granting licences and controls, equalization for all institutions providing social services will be introduced.

For the purpose of fulfilling this commitment the new legal regulation will in comprehensive way:

- regulate legal relations while considering the social need, social services provision, and ensuring the social services accessibility and quality. The aim of social services will be to reduce or overcome, with an active participation of the citizen, his/her social need to prevent the reasons for occurrence, deepening and repetition of the social need of the citizen and to provide protection against his/her social exclusion and to create conditions for his/her social inclusion,
- handle the consequences of negative demographic development, population ageing process, extension of the life expectancy, and the related problems of ensuring the long-term social and health care, their interconnection and financing,
- handle the transparency of the social services financing from both public and private resources,
- handle the provision of the quality of social service provision (including standards of personal, technical and material provision) and their financial accessibility,
- handle the state participation in the costs incurred as a result of dependency of citizens on the other person's assistance by providing cash attendance contributions,
- handle the share and joint responsibility of self-government bodies in guaranteeing the accessibility of the social services provision, their provision in their own competence or at another contractual provider,

- handle the possibility to provide social services not only on the basis of the non-profit principle but also on the basis of the trade licence as a response to the income and property differentiation of the population,
- regulate the institute of socio-legal protection of adult citizens as a social service in the interest of creation of instruments for elimination of their misuse, mistreatment and protection of their rights,
- handle the differentiation of assistance instruments of aid in social need enabling the creation of social services currently responding to the needs of target groups,
- handle the creation of legal conditions for preferring the field-provided social services to the care provided by facilities in the form of stays,
- handle the legal protection of the payer against the payment inadequate to his/her income, property and family relations,
- handle the state supervision over the social services provision, in particular from the point of view of respecting basic human rights and freedoms of clients and over the quality of social services being provided,
- handle the differentiation of the social services facilities by purpose, personal and material scope of the provided care into long-term care facilities, crisis intervention facilities, social prevention facilities, social rehabilitation facilities, and support care facilities,
- handle the creation of conditions for an equal access to public resources to cover the cost of care provided at public and private providers under the established terms and conditions,
- handle the divided competences in providing social services between self-government bodies while respecting responsibility of the municipality, respectively self-government region for provision of social services to its citizen.

The development and alternation of these characteristics in the coming years with regard to the modernization of services in the field of mediation of employment:

In the following years the essence will be the modernization, extension, and improvement of the set of mediation services to job seekers, persons interested in employment, and employers.

It will be also the provision of information directed to the support of labour mobility in the regions of the Slovak Republic and the European Union states. Intensification of foreign mobility – mediation of employment in the European Union states through the special terminological preparation of job seekers and persons interested in employment. While doing this it will be necessary:

- to focus on the old EU Member States and to pay increased attention also to the new EU Member States with the aim to mediate as many quality jobs as possible
- to provide consulting and information services with respect to working and life conditions abroad
- to support the EURES activities in a more intensive way
- to strengthen professional terminological skills of job seekers and persons interested in jobs according to their individual needs for the performance of the particular profession.

Furthermore, the important activities will be:

Provision of comprehensive mediation services for job seekers and persons interested in employment to strengthen their skills and to support labour mobility for the purpose of increasing their employability and reintegration in the labour market.

Strengthening of skills and adaptability of labour force by adjusting the individual needs of a job seeker to the labour market requirements

Provision of comprehensive mediation services by strengthening the cooperation with non-governmental employment services providers, namely to compare the functioning systems of fee charged agencies for mediation of employment, and temporary employing agencies with the functioning systems in other countries.

Improvement of cooperation between mediators and employers and a search for employees for investors, in particular:

- to focus on the local work of mediators of employment, on the intensification of communication with employers. To strengthen those activities which serve for recording and the cooperation with a job seeker and an employer.
- to train mediators of employment (to elaborate modules, manuals, and to train agents for searching for job vacancies to fulfil the needs of investors, to strengthen methodology for contacts with employers)
- to focus on provision of comprehensive consulting and mediation services for investors in connection with special legal particularities in the area of state aid.

Modernization trends within the provision of employment services will reflect in:

- introduction of new forms of services:
 - introduction of modern information technology – kiosks and PC stations for clients at offices for employment, social affairs and family
 - investment in the improvement of hardware and software being used in the employment services system
 - provision of information on the labour market through a telephone line
- use of non-governmental employment services (fee charged agencies for mediation of employment, and temporary employing agencies, agencies for supported employment) while placing the job seekers
- support of individual approach aim at the client:
 - modernization of the first-contact services, support in searching for a job (a timely identification of individual needs of the unemployed and improvement of activities directly connected with provision of aid to job seekers)
 - elaboration of the individual action plan
 - career consulting
 - extension of employment services to a wider range of clients, e.g. to the persons interested in employment
- intensification and introduction of new forms of employment services being provided by the employer
- comprehensive training of employment services employees; to provide training to mediators for searching for job vacancies in order to fulfil the needs of investors

- to strengthen the work methodology of contact with employers, to compare models of good methodologies of cooperation with employers in other countries, to adjust the models to the conditions in the Slovak Republic
3. *Are there examples of social SGI which use market mechanisms to fulfil their tasks; what could be learnt from these experiences?*

The response of the SR to the point 3:

There is a support of innovative forms of work with the client focused on his/her flexible placing in the employment being provided by the state, public and non-governmental employment services; a wider range of mediation services being provided to the client is created, with an increased possibility to use his/her skills on the labour market

4. *Is there at national level a notion or definition of social SGI or social services generally?*

The response of the SR to the point 4 - definition of employment services mediation:

Act No. 5/2004 Coll. on employment services stipulates that the employment mediation is an activity aimed at:

- a) searching for a job and offering a suitable job to a job seeker or a person interested in employment, and
- b) searching for and offering suitable employees to an employer.

A part of mediation of employment is also the registration activity, information and advisory services, elaboration of lists of job vacancies, elaboration of lists of jobs sought by job seekers and persons interested in employment, and publication of the lists of job vacancies and jobs sought by job seekers and persons interested in employment.

The Act defines the Agency for temporary employing as an employer of employees whom it will allocate for execution of works and activities to another legal or natural person, i.e. to the user employer under the terms and conditions determined in the Labour Code.

The Agency for supported employing provides services to disabled citizens, long-term unemployed citizens and employers; these services have the intention to help the persons concerned get a job easier, keep the job, and find an employee from among the disabled citizens and long-term unemployed citizens (hereinafter referred to as “supported employment”). The Agency for supported employing carries out mainly the following activities:

- a) provision of professional consulting services focused on the support and aid in finding and keeping a job, provision of labour, legal and financial consulting services while handling the demands of disabled citizens resulting from their disability, and provision of professional consulting services to the long-term unemployed citizens in finding and keeping a job,
- b) determination of abilities, qualification and professional skills of disabled citizens and long-term unemployed citizens with regard to the labour market requirements,

- c) searching for a suitable job for a disabled citizen and for a long-term unemployed citizen, and its mediation,
- d) provision of professional consulting services to an employer in recruiting employees who are disabled citizens or long-term unemployed citizens, and in solving problems during their employment,
- e) executing a selection of a suitable disabled citizen and a suitable long-term unemployed citizen for a job on the basis of requirements and demands of the employer,
- f) provision of professional consulting services to an employer in adjusting a job or working conditions while employing a specific disabled citizen.

5. *It has been argued that social SGI are different to other SGI – Do you agree with this? Is a more detailed analysis of these possible differences –especially in relation to networks industries³ – a way forward to gain more certainty?*
6. *In case you feel that social SGI are different to other SGI please indicate what could then be the elements for a description at European level of these specificities of social SGI's, taking into account the diversity of general interest missions related to social services in the Member States and the general principles⁴?*

Could the elements worked out in the “Key issues” of the Conference “Social Services of General Interest in the EU” (28 and 29 June 2004) be a good base for this description⁵ in the European context? Which elements have to be added; which have to be amended?

The response of the SR to the points 5 and 6:

We agree with the opinion that social SGI are different from other SGI.

The Slovak legislation – the Act No. 5/2004 Coll. on employment services – does not use the term “social services of general interest”. In othis questionnaire we are evaluating a narrow segment: employment mediation. For this reason we do not present our opinion on the comparison of individual SGI groups.

Field 3 – Experience with EC internal market or competition rules

7. *Please indicate for the services identified under question 7 with regard to the EC rules listed below (see also background document) whether:*
 - a. *it is established (in case-law or by way of Community law) that these services fall outside the scope of these rules*
 - b. *it is established (in case-law or by way of Community law) that these services are falling within the scope of these rules*

³ In this context reference has to be made to the Commission Staff Working Paper “Horizontal Evaluation of the Performance of Network Industries providing Services of General Economic Interest” (SEC(2004) 866), which gives a good overview of the different aims and the performance of these services.

⁴ These principles are *inter alia* quality, availability, equal access, universality, affordability, continuity, participation, transparency).

⁵ Document in Annex

c. *it is unclear if these rules apply to these services, there is a need for clarification ("grey zone")*

- *Internal market rules;*
- *Art. 81 and/or Art. 82 EC;*
- *Art. 86 EC;*
- *Art 87;*
- *Public procurement rules;*
- *External trade negotiations.*

8. *Please describe experiences concerning the influence of these EC rules on social SGI (may be "good" or "bad" examples; e.g. have these rules enabled the efficient provision of certain services or have they limited the freedom to realise national social policy goals)?*
9. *Are there examples where the mentioned EC rules were taken into account in advance when planning or reforming national social policy?*

The response of the SR to the points 8 to 10.

Public procurement rules;

Services being provided by the Agency for temporary employing or by the Agency for supported employing in accordance with the Act No. 5/2004 Coll. on employment services are subject to the competition rules in accordance with the Act No. 263/1999 Coll. on public procurement while implementing the Community rules in the competition area.

Field 4 – Further steps at European level

12. *Should the work to be carried on only concern social services of general economic interest and concentrate on e.g. competition rules and certain internal market rules or should social SGI both of an economic or non-economic nature be subject for further work?*

The response of the SR to the point 12:

There should be also activities concerning not only the social services of general economic interest but the subject of further work should be also the social SGI of non-economic nature – quality standards, work standards etc.

14. *Do you consider the use of the open method of co-ordination (existing or new) an appropriate means for further steps? If so, what should be the concrete task of this method? (e.g. common objectives, exchange of good practices, evaluation etc).*

The response of the SR to the point 14:

A specific task of this method should consist in determination of common objectives and aims, exchange of good practice, determination of common standards, definition of the European criteria related to the quality and common evaluation of the progress achieved.

15. *Could at some stage and without prejudging the right of initiative of the Commission, legislative acts be considered as an appropriate means for further steps (under the assumption that a valid legal base can be found), and if so what should be the concrete task of these instruments (Directives, Regulations, Recommendations)? The following additional questions seem to be possible:*

- *Should these legal acts limit the scope of EU rules and their application to social services?*
- *Should these legal acts establish common standards for social services, allowing EU rules, like the Internal Market rules, to be applied while taking into account fully the social policy goals?*
- *Should there be legally defined criteria, e.g. criteria concerning quality, affordability, accessibility or solidarity at European level?*

The response of the SR to the point 15:

We support the preparation of legal acts that should determine the common standards for social services and define the criteria of quality, acceptability, and solidarity on the European level on the basis of principles of neutrality, freedom of definition, proportionality as well as equal approach, equal treatment and non-discrimination.