

HELLENIC REPLY TO THE QUESTIONNAIRE ON SOCIAL SERVICES OF GENERAL INTEREST

Athens, 29-1-2007

Field 1: Description of social services

The description of social services, as provided by the Communication, covers to a large extent the scope of social services. It includes both the social security schemes and the basic welfare and social care services.

In general, the term's definition should not be limited to "services addressing those in need" only, but include services relating to the realization of social policy goals, to the extent that social services of general interest constitute the main element of this policy. Besides, this is why the term's definition should include services that address the total of population, as, for example, family support services, and the issue of education and training should also be considered. Moreover, the principle of solidarity also supports the adoption of a more concise definition.

Furthermore, as far as social housing services are concerned, both financial aid in the form of subsidies (interest rates and rents) and financial aid for the payment of housing assistance debts caused by health problems, unemployment, etc, should be included.

The definition should also take into account the dimension of safeguarding fundamental rights.

In addition, on the basis of the subsidiarity principle, member – states should be granted the capacity to consider particular services, which contribute to the realization of social goals, as elements of their social policy.

Field 2 – Pertinence of the characteristics

The organizational characteristics identified by the Communication compose a network covering a large part of social services of general interest. Other characteristics that could relate to social services of general interest and, combined with the rest of characteristics, differentiate them from services of general interest, could be the public character of the services or their financing by means of social partners' contributions. Examples of such characteristics are the granting of housing loans, the provision of housing etc.

However, we consider that the principle of social solidarity and, in general, the acknowledgement of the importance of social services for the safeguarding of human dignity, social cohesion and encouragement of persons are basic characteristics of the specific services.

Further characteristics that should be taken into account are the principles of equality, quality, accessibility, universality, effectiveness, continuity, and transparency.

Field 3 – Use of characteristics by Member States

In Greece, the “general interest” includes the provision of services targeted on the society as a whole; these are considered necessary for the balanced development and the satisfaction of basic needs of all citizens. Such services relate mainly to telecommunications, energy, water supply, postal services, transport, pensions, welfare services, employment services, social housing services, health services, education and training services, etc. It should be stressed that many of these fields (e.g. telecommunications, transport) are clearly of an economic nature and constitute areas of free competition. What differentiates the said economic areas compared with the rest services of

economic nature is the provision for greater public monitoring and supervision, which is ensured through independent Authorities (e.g. the National Committee for Postal Services and Telecommunications (EETT), the Regulatory Authority for Power (PAE), etc. Furthermore, the State services monitor the formulation of prices and safeguard the provision of and accessibility to the said services.

However, we, as a country, have reservations about this issue, as an open dialogue has been initiated, in relation both to the term's definition and to issues dealt with in fields 4, 5 and 6.

Field 5 – Experience with the application of Community law
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Taking into account the above reservation, we would like to make a general observation. In the case of Social Services of General Interest, what must prevail are the protection of the general interest and the specific role of the Social Services of General Interest as basic elements of social protection. Thus, the rules applied to competition, state aid and internal market, in the case of social services of general interest, should be implemented with great caution and only on supplementary basis and, of course, in case of conflict, national arrangements aiming at safeguarding the specific role of the Social Services of General Interest should prevail.

We note that the social services play a major role in the Lisbon Strategy, in relation with both the employment strategy and social protection and inclusion procedure. To this end, a future institutional framework in EU-level must secure that community rules on competition shall not affect this function of the Social Services of General Interest; also, it should be legally ascertained that the general interest and the other principles shall prevail the rules on competition in this specific field.

Field 7 – Future steps at Community level

17. Formulation of an integrated image relating to the determination of the role of the Social Services of General Interest at both EU and national level, so that their contribution to the social policy might not be undermined.

18. The EU-level institutional framework that shall be created through this procedure should aim at developing and modernizing the social services of general interest, so that these might respond to the new social needs. Thus, in the future, there might be a need for a legislative regulation targeted on the protection of the Social Services of General Interest from their inclusion into community legally binding commitments, which are not consistent with the nature of the said services, where the application of the community legal framework would create problems. Due to their special nature (solidarity, fundamental rights), the Social Services of General Interest must be governed by a specific status quo and not be dealt with like the rest of the services.

The Open Method of Coordination (OMC) would contribute positively to this specific field, due to the special nature of Social Services of General Interest. However, the OMC does not ensure the achievement of legal certainty and, consequently, of balance between the characteristics of Social Services of General Interest and the principle of free movement of services and goods, which is safeguarded by means of a type of legislative framework.