

Social Services of General Interest Questionnaire

Autism Europe Answers

Sent to the Social Platform on January 22 2007

Please find attached Autism Europe answers to the questionnaire on Services of General interest.

Note that we extended our comments beyond our usual constituency preoccupations as we felt that these were of "general interest".

We have not provided answers to all questions.

Yours sincerely.



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Questionnaire

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

Field 1 – Description of social services

1. Please indicate whether the description of the social services as provided by the Communication (see above under "scope") is appropriate and adequate, also with a view to social security schemes responding to the criteria deriving from the *Poucet and Pistre* case law.
2. If you consider that the description could be improved or other (type of) services should be added, please provide for concrete drafting suggestions.

SSGI could be extended to service providers selling goods and services at the regular "market prices" but under conditions that make that activity unprofitable. For example home delivery of food and essential home supplies to people who can't go by themselves purchase them as a result of their age or any other handicapping condition. Other case is the service provided by merchants to elderly people living at home in secluded areas by operating their trade in a mobile van. Such services are essential to maintaining a high quality of life and to allow the presence of people in otherwise deserted areas. In most cases, these services are run at an extremely low profit if any and often disappear as desertification on countryside areas increases.

Field 2 – Pertinence of the characteristics

3. Please indicate whether the characteristics identified by the Communication are pertinent to gauge the specific features of social services of general interest as compared to other services (of general interest)?
4. Please provide, if needed, for concrete drafting suggestions for the formulation of the characteristics as they are currently presented by the Communication.
5. Are there characteristics to be added? Please provide for concrete drafting suggestions and examples of services concerned by these characteristics.

Because SSGI are often provided with the help of volunteer workers, the complexity of the service that they provide requires a high level of professionalism, beyond the compassion and warmth of these volunteers. This requires specific training of the volunteers who are working with people with complex dependency needs. Let me take one of these: services to people with autism. This type of services demand a highly

skilled personnel. Many volunteers do work in this domain and without appropriate training they will not be in a position to really help the people they want to support. Provision must be made for the education and training of volunteers working for SSGI. SSGI doesn't mean second class services.

6. Please provide as a maximum 3 relevant examples of social services representing one or more of the (additional) characteristics which could be taken as good example for the special nature. Please indicate which concrete element of the characteristics is clearly deducible from the example chosen.

People who are most vulnerable need the stability of service providers, changes are often traumatic for them. Continuous availability of services is often a question of survival for them. They can't be at the mercy of a "banckrupcy".

They can't "shop around" to seek "better" services or cheaper ones. This means that a quality assurance system should be implemented as they cannot switch service provider. This isn't like going to the other supermarket if one has reasons for discontent with one of them.

7. How could these characteristics relate to the exclusion of specific social services from the scope of the Services Directive (Art. 2(2)(j) read together with the relevant Recital 27) as politically agreed on 29 May 2006 (Doc. 100003/06)¹ ?

Field 3 – Use of characteristics by Member States

8. Please give a definition of what the "general interest" is in your country, and specify in which way (at national, regional or local level) it is defined or is intended to be defined in the future.
9. How can the characteristics be used by the Member States, at national, regional or local level, when defining the particular general interest mission of a social service and determining the arrangement for its performance and organisation?
10. Have there been problems in the past with giving a concrete mandate to fulfil the particular general interest mission of a social service?

In France, the trend to decentralization of "public and socials services" has lead to serious discrepancies in quality of services depending upon the region in which one lives. In addition, some people can be excluded from using nearby services just because these are located across the administrative territory "border" of place of residence of the person who

¹ Text available at the following website: http://ec.europa.eu/internal_market/services/services-dir/proposal_en.htm

needs them. As a result, some people may have to use tiring and expensive transport services to get a service while there is one available just a few miles away but in the "wrong" territory...

Field 4 – Use of characteristics at EU level

11. Please indicate how (e.g. in a binding way or not), in your view, the organisational characteristics could/should be used at EU level (e.g. agreed checklist) in order to verify whether for a specific social service the applicable Community rules are respected?

Regardless of "the subsidiarity principle" individuals should be able to quote the availability of better services in other EU countries. Member states shouldn't be allowed to call upon the subsidiarity principle to refuse to provide the appropriate SSGI quality.

In addition a EU regulation should impose mutual insurance to SSGI providers in order to safeguard continuity of services to a maximum extent. This is imposed upon private businesses such as banks, it would be a minimum that, with regard to services provided to the most vulnerable people, such a mutual insurance system be implemented.

Field 5 – Experiences with the application of Community law

The Communication and its Annex provide for a further clarification on the conditions of application of Community rules and principles to social services in particular in the following fields:

- Public procurement
- Public-private partnerships
- Freedom to provide goods and services and freedom of establishment
- State Aid

12. Please indicate whether difficulties (may) still arise and if so in which legal areas and for which type of social services.

13. Please provide for concrete examples and experiences to illustrate these difficulties.

14. Please give an indication on the debate in your country/organisation on how these difficulties should be addressed (e.g. clarification of the non-applicability of state aid rules to different social services of general interest).

Field 6 – Social security schemes responding to the criteria deriving from the *Poucet and Pistre* case law

15. Please indicate whether the questions in the Fields 2, 3 and 4 could also have significance with regard to social security schemes responding to the criteria deriving from the *Poucet and Pistre* case law.
16. Please indicate whether there is a need for further and specific clarification on the application of Community rules as enumerated in Field 5 with regard to these social security schemes.

Field 7 – Future steps at Community level

17. Which expectations do you have concerning future steps at Community level?

Levels of SSGI quality should be aiming at the maximum quality achieved in member states and not levelled to the minimum service quality observed in the EU.

18. In case further steps should be considered, what could be the content, but also the advantages or disadvantages of these, including in particular intensified exchange of information, open method of co-ordination, Commission's Communications but also a Framework Directive for social services?

A lot more "transnational" exchanges should be implemented and supported by the Commission in order to allow cross fertilisation of SSGI quality. In no country do SSGI present perfect all round services to their users and any country has at least some SSGI which could benefit all other.

19. Please indicate the expectations with regard to the monitoring and dialogue procedure in the form of biennial reports announced by the Communication.

While the technical instruments are essential to the proper functioning of the dialogue between grassroot organisations and the Commission officials, discussions on the matter itself should also take place otherwise the whole process will remain "Eurocratic" and be seen by EU citizens as another expression of the European distance from real life problems.