

***Declaration of ESIP
in response to the questionnaire on social services
of general interest
of the Social Protection Committee***

***Joint Position Paper
of the European Social Insurance Platform***

submitted in January 2007

About the *European Social Insurance Platform (ESIP)*

The *European Social Insurance Platform (ESIP)* represents the social insurers of over thirty organisations from thirteen Members States and Switzerland, active in the field of health insurance, pensions, family benefits, occupational safety and accident insurance and unemployment insurance. The aims of ESIP and its members are to preserve high-profile social security for Europe; to reinforce solidarity-based social insurance systems and to maintain European social protection quality. ESIP builds strategic alliances for developing common positions to influence the European decision-making process and is a consultation forum for the European institutions and other multinational bodies active in the field of social security.

For more information please visit the ESIP website at: www.esip.org

***Declaration of ESIP
in response to the questionnaire on social services
of general interest
of the Social Protection Committee***

***Joint Position Paper
of the European Social Insurance Platform
submitted in January 2007***

The European Social Insurance Platform considers it important to highlight the fact that for more than half a century social security in their countries has developed around missions and values that have become the cement of European societies, that is, solidarity, equality, equity and universality. These systems, recognised by the citizens, play an essential role in contributing to their well-being and guaranteeing their fundamental rights.

By covering the various circumstances of life, family responsibilities, retirements, financial repercussions due to illness in general, but also to childbirth, to disability, to occupational illness, to workplace accidents and to death, social security constitutes a vital actor in social cohesion and a stabilising element for economic transformation.

The signatories of the present declaration are eager to:

- emphasise from the outset the importance of respect for the ***subsidiarity principle***: in fact, in accordance with the arrangements in effect, the Member States have full control over the organisation of their system of social protection (article 137 of the EC Treaty);
- recall that the compulsory social protection schemes are the object of ***European coordination*** that is strictly supervised by the regulations (EEC) 1408/71 and 574/72 amended by the regulation (EC) 883/2004: these regulations coordinate the national social security legislation in order to protect the social security rights of people who move within the European Union;
- speak in support of ***the Poucet and Pistre precedent*** of the Court of Justice of the European Communities, which ruled that social security is not an economic activity, as well as later case law which specifies in particular the concrete procedures for fulfilling their non-economic missions within the framework of the internal market;

- confirm their attachment to paragraph 1 of article 34 – “Social security and social assistance” – of the *Charter of Fundamental Rights of the European Union*: “The Union recognises and respects the entitlement to social security benefits and social services ..., in accordance with the rules laid down by Community law and national laws and practices.”

In response to the Social Protection Committee’s questionnaire on social services of general interest, the signatories of the present declaration:

- note with satisfaction the confirmation of the non-economic categorisation of the activity of the social security schemes in the recent initiatives of the European Commission (Green Paper, White Paper, communication of 26 April 2006);
- take advantage of certain organisational characteristics illustrating the special nature of the achievement of mission of general interest of the social security schemes: an operation based on the required principle of solidarity, especially through the absence of selection of risks and the absence of equivalency on an individual basis between contributions and benefits; the absence of the profit motive; the participation of the beneficiaries in decision-making processes (social partners and users associations);
- are convinced that social protection, social security and public health are not marketable, economic services on which - if at all - public welfare obligations are imposed, but they are themselves the expression and concretisation of the public welfare. Any market-oriented concept of social services would contribute to an **erosion of the “objectives of social policy”**, combined with a **loss of democratic control**. Therefore it is not only a matter of the method of organisation (close to or far from the market), but in the end, of the content and extent of publicly guaranteed social protection. The choice of the means to be used is in no way neutral with regard to the social policy objectives that are being pursued;
- therefore endorse any progress in the European Constitution building process that readjusts current Art. 86 EG: In general, social oriented activities, executed by public authorities or other organisations without the aim of making profits, and completely or primarily financed by public means or obligatory contributions, should be exempted from the application of any European competition and Single market laws, whether or not such services might be provided in other countries on a commercial basis.

On the basis of these foundations and these principles, the signatory bodies of the present declaration reaffirm that the social security activities they perform, as long as they are executed by non-profit-making institutions, do not fall under the category of economic social services of general interest and request that these activities always be clearly understood and handled as non-economic at Community level.

This position paper has the support of the following organisations as far as their competences are touched:

AUSTRIA	HVSVT	Hauptverband der österreichischen Sozialversicherungsträger, Vienna
BELGIUM	ONP/RVP	Office National des Pensions/Rijksdienst voor Pensioenen, Brussels
CZECH REPUBLIC	CSSZ	Czech Social Security Administration, Prague
FINLAND	FAII	Federation of Accident Insurance Institutions, Helsinki
	TVR	Finish Unemployment Insurance Fund, Helsinki
FRANCE	FNMF	Fédération Nationale de la Mutualité Française, Paris
	CNAF	Caisse Nationale d'Allocations Familiales, Paris
	CNAM	Caisse Nationale d'Assurance Maladie, Paris
	CNAV	Caisse Nationale d'Assurance Vieillesse, Paris
	CCMSA	Caisse Centrale de la Mutualité Sociale Agricole, Paris
GERMANY	AOK-BV	AOK-Bundesverband, Bonn
	BKK-BV	Bundesverband der Betriebskrankenkassen, Essen
	IKK-BV	Bundesverband der Innungskrankenkassen, Bergisch Gladbach
	LKK-BV	Bundesverband der landwirtschaftlichen Krankenkassen, Kassel
	VdAK	Verband der Angestellten-Krankenkassen, Siegburg
	AEV	Arbeiter-Ersatzkassen-Verband, Siegburg
	Kn	Knappschaft, Bochum
	See-KK	See-Krankenkasse, Hamburg
	HVBG	Hauptverband der gewerblichen Berufsgenossenschaften, Sankt Augustin
	BLK	Bundesverband der landwirtschaftlichen Berufsgenossenschaften, Kassel
	BUK	Bundesverband der Unfallkassen, Munich
	DRV	Deutsche Rentenversicherung Bund, Berlin
	GLA	Gesamtverband der landwirtschaftlichen Alterskassen, Kassel
ITALY	INPDAP	Istituto Nazionale di Previdenza per i Dipendenti Dell'Amministrazione, Rome
	INPS	Istituto Nazionale della Previdenza Sociale, Rome
LUXEMBOURG	ALOSS	Association Luxembourgeoise des Organismes de Securite Sociale, Luxembourg
THE NETHERLANDS	SVB	Sociale Verzekeringsbank, Amstelveen
POLAND	ZUS	The Social Insurance Institution of Poland, Warsaw
ROMANIA	CNAS	Casa Națională De Asigurări De Sănătate, Bucharest
SWEDEN	FK	Försäkringskassan, Stockholm
SWITZERLAND	SUVA	Schweizerische Unfallversicherungsanstalt, Lucerne
UNITED KINGDOM	IPC	International Pension Centre, Newcastle upon Tyne

