



Common view regarding the first reading of the Proposal for a Directive on Services in the Internal Market in the plenary session of the European Parliament

CALL FOR AN EXEMPTION OF SOCIAL AND HEALTHCARE SERVICES FROM THE SCOPE OF THE DIRECTIVE

We note the forthcoming first reading of the draft “Services” Directive in the plenary session of the European Parliament. We wish to comment on the proposal for a Directive on Services in the Internal Market and express some concerns.

Special characteristics of social and healthcare services

Churches, Caritas and Diaconia are major providers of services in many Member States. They have considerable experience in providing social and healthcare services according to the needs of society. The way in which they provide such services depends upon the prevailing legal framework within the Member States of the European Union.

In the field of person-related services, such as social and healthcare services, the close relationship between the service provider and the beneficiary is vital. It should be taken into account that the recipients of these services are often in a weaker position than other consumers. We take the view that the special characteristics of social and healthcare services should be clearly recognised in Community debate and where appropriate in European Community legislation.

Improvements of the draft services directive introduced by the IMCO Report

We welcome the improvements made to the directive as a result of the vote in the Internal Market and Consumer Protection Committee on 22 November 2005. Several amendments reducing the scope of the directive are helpful, notably exemptions for healthcare (article 2 par.2 point cb), labour law (article 1 par.4), social security law (article 1 par.4) and services of general interest (SGIs) as defined by the Member States (article 2 par. 2a). We note that the Committee voted in favour of the exclusion of Services of General Interest (SGI) from the scope of the Directive’s application, but not in favour of excluding Services of General Economic Interest (SGEI).

We are aware that the country of origin principle was maintained, but with particular conditions for reasons of public policy, public security or for the protection of health or the environment required in exercising a service activity.

Call for an exemption of social and healthcare services from the scope of the Directive

However, we are concerned about the impact of the report from the European Parliament's Internal Market and Consumer Protection Committee on social services. A major cause for concern is the need for legal certainty. A lack of clarity in drawing distinctions – especially the key distinctions that determine the whole structure of this Directive – is profoundly unsatisfactory.

The distinction between Services of General Interest and Services of General Economic Interest, which forms part of the Directive is too simplistic for the field of social services. The distinction between “economic” and “non-economic” activity, which forms part of the definition of “services” in the Directive needs further consideration and examination as intended by the Commission in a Communication on Social and Health Services. The reasons employed by the Internal Market and Consumer Protection Committee to exempt healthcare from the scope of the Directive “*whether or not it is provided via healthcare facilities; and regardless of the ways in which it is organised and financed at national level or whether it is public or private*” (Amendment 78 to Art 2, par 2, point (cb) (new)) are equally valid for social services.

If social and healthcare services are not equally exempted from the scope of the Directive this might lead to legal problems, especially in those areas where a combination of activities is needed (e.g. rehabilitation measures or work with disabled people). It should also be taken into account that services to persons should accommodate the changing and developing needs of the beneficiary.

Furthermore, the current proposal for the “Services” Directive might lead to interference in the Member States’ competence in the field of social policy.

An explicit exemption of social services from the scope of the Directive seems adequate and necessary for reasons of legal clarity. Therefore we ask the Members of the European Parliament to provide for a general exemption of social and healthcare services from the scope of the “Services” Directive (article 2 par.2).

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Caritas Europa

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Caritas Europa

Created in 1971, Caritas Europa is one of the seven regions of Caritas Internationalis, the worldwide confederation of 162 Catholic relief, development and social service organisations working to build a better world, especially for the poor and oppressed, in over 200 countries and territories. Caritas Europa is the umbrella organisation of the European network of 48 Caritas member organisations, working in 44 European countries. Caritas Europa focuses its activities on policy issues related to poverty and social inequality, migration and asylum within all countries of Europe, and issues of emergency humanitarian assistance, international development and peace throughout the world. With regard to all these issues, the organisation develops policies for political advocacy and lobbying at European level as well as at national level. The organisation is strongly involved in supporting the activities of its member organisations and those in the wider Caritas Internationalis confederation.

The Church and Society Commission (CSC) is one of the commissions of the Conference of European Churches (CEC). The CSC links CEC's some 125 member churches from all over Europe and its associated organisations with the European Union's institutions, the Council of Europe, the OSCE, NATO and the UN (on European matters).

Its task is to help the churches study church and society questions from a theological social-ethical perspective, especially those with a European dimension, and to represent the member churches of CEC in their relations with political institutions working in Europe.

The Commission of Bishops' Conferences of the European Community (COMECE) is made up of Bishops delegated by the Catholic Bishops' Conferences of the European Union and has a permanent secretariat in Brussels. The work of COMECE follows three main objectives: to monitor and analyse the political process of the European Union, to inform and raise awareness in both the church and society of the development of EU policy and legislation, and to promote reflection based on the Church's social teaching on the challenges facing a united Europe.

Eurodiaconia is a federation of 43 members - churches, non-statutory welfare organisations and NGOs in Europe - operating at national and international level. Our members are rooted in Christian faith within the traditions of the Reformation as well as in the Anglican and Orthodox traditions. We network diaconal and social work of institutions and church communities and co-operate with civil society partners.

Our Mission: We link our members to serve for solidarity and justice. Our strategic aims are to ensure quality of life for all in a social Europe, to link institutions of diaconia, social initiatives and churches in Europe, to be and to enhance a network of competence.