

Quality public services in Europe – quality of life

EPSU campaign for an EU legal framework on public services

1. Introduction

It is worth recalling why EPSU needs this campaign: *“Without specific EU laws protecting public services, the EU will continue to **“open-up” public services to competition** and, when this is done, to strictly limit the public service obligations of the private operators. A proactive strategy that leads to EU action to support solidarity-based public services is needed. However, this **demands pressure from the “bottom up”**, not least as it is often local and regional actors that determine the status and functioning of public services, e.g., awarding contracts, providing services, ensuring employment, promoting democratic participation.... These actors have to be convinced that EU action in this area will strengthen their freedoms.”*

This quote is from the EPSU background paper¹ adopted by the Executive Committee at its meeting on 7 June setting out why action is needed to support public services in Europe.

The Executive Committee also agreed that the Secretariat should draw up a detailed campaign plan for submission to the autumn Executive Committee. A first version of a campaign plan was submitted to the Steering Committee of 20 September. There was strong support for a campaign in favour of public services, but the need for a clear focus was stressed, putting the emphasis on quality public services as part of an alternative agenda to deregulation and liberalisation.

It has long been argued, within EPSU circles, that the positive contribution of public services towards the European social model needs to be recognised. An EU legal framework on public services is seen as the instrument through which it would be possible to define a set of primary objectives to be fulfilled, as established in the ‘five reasons why action is needed to promote quality public services in Europe’.

- Europe must mean more to citizens than a market.
- Quality public services are key to meeting citizen’s fundamental rights.
- Universality, continuity, affordability and democratic control are important principles for public services.
- EU competition must not undermine solidarity.
- A European framework law should safeguard the rights of national, regional and local authorities to meet citizen’s needs.

Faced with the exponential influence of internal market regulations and subsequent pressures, we have come to recognise that the incremental creep of market influence will continue at EU level unless a ‘protected space’ for public services is clearly identified.

In essence EPSU as an organisation has accepted that it is better to call for positive change collectively at the EU level rather than individually act defensively at national level.

¹ 5 reasons why action is needed now in support of public services in Europe available on the EPSU website at the following link <http://www.epsu.org/a/1219>

However the question remains as to why concrete progress on an EU legal framework has yet to be achieved?

The contrast between the Services of General Interest (SGI) debate and the Services Directive debate is stark. The former attempted to follow a very rigid agenda (Green paper, White paper, European Parliament consultation) and has not yet resulted in a concrete proposal. The latter, however, was presented almost as a *fait accompli* and in the resulting backlash EPSU was part of a very strong mobilising effort to minimise the risks posed by the services directive.

This is the challenge for our campaign. The Services Directive debate illustrated that it is still relatively simple to mobilise AGAINST something, but when we look to put our alternatives on the table (in this case an EU framework for Public Services) our focus and strength dissolves.

Why is this so?

INDIVIDUAL MEMBER PARTICIPATION

Linking to ordinary members on how EU policies are affecting public services is an essential part of the campaign. The threat of the Services Directive sweeping across Europe’s public services has helped to galvanise members. However to have the same effect for a “positive alternative” campaign, we require four elements;

- Educating members about the impact of EU policies on public services
- Mobilise members for an alternative to the current liberalisation policy
- Call for a legal framework instrument to recognise the contribution of public services for the European social model
- Coordinating and facilitating local and national action

This will connect members to the campaign and can be a genuine bottom up approach, by creating local “ownership” of campaigns through thematic flexibility (and adaptability).

EU LEVEL POLITICAL SUPPORT

At the political decision making level in the EU, EPSU are facing two challenges. Firstly there is a dominance of centre/ Centre right parties within the EU institutions. Secondly, even among the left there are varying opinions as to what legislative instrument at EU level would best serve public services.

This ambiguity leaves us with a political vacuum. We need to see this as an opportunity. The creation of a draft proposal could act as a rally point for politicians anxious to be seen “reconnecting” the EU to its peoples.

Using the EU “Constitutional Crisis” as an Opportunity

Since the June Executive met, the outlook regarding a legal framework has become somewhat dimmer. Now that the Constitutional Treaty is “on hold,” and with it the new legal base III.122, what political support there is for such a framework is in danger of fizzling out. Even more worryingly, the social dimension of Europe is also being questioned.

This scenario suggests three things:

- A campaign for quality public services needs to hang on to the “positive” hooks we can find – the European Charter of Fundamental Rights, the 3 pillars of Lisbon Agenda, the idea of a Social Pact (already proposed by the ETUC), the idea of a high level group on the future of public services.
- Such a campaign has to be anchored in a strategy to maintain the European social model (i.e., public services as the key element in a social Europe)
- The campaign has to focus on changing the national realities that are shaping EU policies, as well as influencing the EU debate on public services
- **But most importantly, this is an opportunity for EPSU to put pressure on the EU institutions to demonstrate that they are genuinely committed to reconnecting the EU to citizens.** We have an opportunity to put the responsibility for a positive EU space for public services at the door of the EU institutions. We have already seen that some leaders are attempting to reconnect to citizens by talking about the EU and the Market only, the argument being that we should recognise the limits of the EU. This gives us potential for political leverage. Our argument should be that it is not realistic to expect to reconnect with EU citizens unless you have something concrete to offer

2 Outline of the campaign

Because of the broad approach, we need to involve other actors and be citizen-focused. The EPSU campaign has to fit into the “*what kind of Europe?*” discussion that is taking place in many, if not all, countries. In this respect, “subsidiarity” and legal arguments about who is to do what should take a back seat (although we will also address these legal issues). The first question has to be: “*what kind of public services do we want for ourselves and for our children?*” The opportunity we have is to constantly frame our campaign as a genuine attempt to “reconnect” with citizens. Therefore, we think that our campaign should run in two phases:

The first phase will be a coordinated stocktaking exercise regarding public services in the different Member States. Each country will draw up an inventory of public service principles, objectives, standards and instruments. PLEASE NOTE! A significant amount of work has been done in this area. For example, this year, under the coordination of the European Commission DG EMPL, each Member State Labour/ Social Affairs Ministry has submitted responses for Social Services, in their respective countries. In this case, rather than repeat the process undertaken by the Ministries, it would be much more useful if EPSU affiliates scrutinise the Ministry responses to see if it is indeed an accurate reflection. Outside experts may help. The inventory will be based on a common basic framework but adapted to suit different needs and realities.

EPSU secretariat will circulate a list of existing stocktaking exercises in the public service sectors that have already been undertaken. Affiliates will be encouraged to scrutinise for accuracy.

National coordinators, appointed by EPSU affiliates but working closely with civil society, will develop the frameworks and draw up action plans to carry them out. The inventories from the different countries will be presented, discussed and evaluated collectively in a **mid-term**

campaign conference. The national inventories can also though be used to stimulate debate at national level on the future of public services.

The second phase of the campaign will address the aims and content of a EU legal framework on SGI (or some other form of EU instrument – e.g. an Action Plan). It will draw on the findings of the first phase and identify a common basis and content for a EU instrument i.e.:

- Common public service principles
- Legal certainty regarding the prevalence of the general interest over competition rules including exemptions from the latter of social services, healthcare, water, education
- The right for local and regional authorities to self-produce essential services without fears of further encroachment from the Commission or Court of Justice;
- An Observatory on public services with participation of trade unions to monitor and evaluate public services and the impact of liberalisation, to promote cooperation, improve standards, monitor changing needs of citizens etc.);
- Financing mechanisms for public services, which take into account the need and positive aspects of risk sharing.

This phase of the campaign will also link with the task set out in the EPSU priorities paper, i.e., *“to elaborate a set of quality standards or benchmarks for public services at EU level, revitalise and further develop the ETUC Public Services Charter.”*

The results of the 2nd phase will be discussed and evaluated collectively in a final conference.

Part of the strategy of *this phase* will be to generate wide opportunity for discussion and suggestions as to the final form of the instrument/ framework, culminating in adoption of the draft document at the mid term conference. Sufficient momentum and profile for the decision will have to be generated so that there is no ambiguity that this is now the EPSU collective position.

3 Stages of campaign and timetable

The appended table gives an overview of the main elements of the proposed campaign.

It goes without saying that we would like all EPSU affiliates to be involved and to commit the financial and human resources to enable both stages of the campaign to be carried out successfully. Clearly we need a number of countries in each constituency as a minimum.

We also need affiliates to be able to identify other organisations at national level that they can work with on this issue.

The EPSU campaign officer needs to be able to have sufficient time and resources to support the national coordinators.

The Executive Committee is asked to endorse the campaign.

What	Who	When	Finance
Adoption of campaign outline	Executive Committee	November 2005	N/a
Agree campaign coordinators	One union coordinator per country + if possible one civil society member	December 2005	National affiliates to provide resources for union coordinator/s
Development of framework for 1 st phase inventory on public services	National campaign coordinators, in consultation with civil society	January 2006	Budget for meeting, and for translation of framework
Adaptation of framework, elaboration of national action plan, (methodology, timetable, budget)	National campaign coordinators+ other unions + civil society	January - March 2006	EPSU to collect, translate and circulate adapted national frameworks and action plans
Production of initial campaign materials	EPSU Secretariat	January-February 2006	EPSU Other Projects and Meetings
CAMPAIGN LAUNCH: event to coincide with competitiveness council	EPSU Secretariat in cooperation with Austrian affiliates	20 – 21 April 05 (t.b.c.)	EPSU Other Projects and Meetings
National inventories take place	National coordinators + other unions + civil society	From March – December 2006	National budgets for inventories.
	Plus EPSU Standing Committees, constituencies,	May / November	EPSU Campaign Officer will oversee process and provide input as requested
	Journalist meeting		

What	Who	When	Finance
Evaluation of national inventories	National coordinators + unions + civil society	December 2006	Budget for EPSU Conference plus for Publication of results
Development of 2 nd phase of campaign and identification of key EU issues and standards for EU legal framework (or other instrument)	National coordinators	January 2007	EPSU budget for meeting
Discussion on the content of EU legal framework	National coordinators + unions + civil society	January- June 2007	Resources for National debates
	EPSU Standing Committees EPSU constituencies to discuss	May 2007	EPSU Campaign Officer will oversee process and provide input as requested
Discussion and evaluation of results	Everyone	June 2007	Budget for EPSU Conference plus Publication