

Resolution on EU policy on public services, adopted by the Executive Committee of the European Federation of Public Service Unions (EPSU), 9 November 2011

The EPSU Executive Committee:

1. Recalls that the Protocol on Services of General Interest (SGI) sets out the common principles that underpin public services and calls for “*a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights*”.
2. Reminds that the EU and Member States have a shared responsibility to protect and improve their public services, in line with the Protocol on services of general interest (SGI) and the ‘horizontal’ social clause, which states “*in defining policies and activities the Union shall take into account requirements linked to the promotion of high level of employment, the adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health*”).
3. Notes with concern that there are a considerable number of EU legislative initiatives in the pipeline that will have an impact on public services - State aid for SGEI, public procurement, concessions, the definition of public services in trade agreements - but that these initiatives are not connected to the ‘positive’ provisions of the Lisbon Treaty regarding public services, e.g., the SGI Protocol and Article 14, and the Charter of Fundamental Rights
4. Is particularly concerned that:
 - the initiative on concessions may encourage public authorities to outsource public services solely to reduce their short-term public deficits; and that
 - the EU Canada trade agreement (and those that follow) risks to shrink yet further the policy space that Member States and municipalities and regions have to provide public services directly to citizens
5. Demands that the SGI Protocol should have a practical impact on EU and national policy and calls on the EC and Member States to assess the above-mentioned initiatives from a public services perspective: i.e., how will the initiatives contribute to more and better public services? Will citizens’ access to public services be safeguarded?
6. Considers that a positive social agenda and greater democracy must be an integral part of economic integration; and that the EU should not only consider public services from a competition perspective. Furthermore, points out that, as shown inter alia by the OECD¹ recent trends regarding privatisation have not produced more efficient outcomes and that the costs incurred by the public sector for the provision of services by the private sector are in many cases increasing at a rapid rate.
7. Calls on the EC and Member States to take stock of such evidence and to pursue a less ideological and more pragmatic approach towards public services that seeks to optimize benefits for society as a whole.

¹ L’Emploi public: un Etat des lieux / State of public service, Paris 2009

8. Recommends that EPSU strives to 'insert' as much as possible of the SGI Protocol into the different legislative initiatives on the table; i.e.
9. *Regarding public procurement directive(s) and concessions, to:*
 - Ensure that the texts do not weaken possibilities for direct provision of public services, including in-house and public-public cooperation provision
 - Urge the EC to wait for the outcome of the revision of the public procurement Directives before taking any initiative on concessions; and that any legislation should fully integrate the provisions of the SGI Protocol
 - Strengthen the 'social' and sustainability dimension of the procurement process, in particular as regards quality of services; employment; information and consultation rights, respect for collective bargaining/agreements, application of social clauses, 'Monti II' clause...)
 - Ensure standards are applied to sub-contractors
10. *Regarding State aid and public services to:*
 - Lobby to secure co-decision by the European Parliament's on the EC proposal (see the 'open letter' to Commissioner Almunia)
 - Reject the EC interference in national/local assessments of whether a SGEI is "*genuine and correctly defined*"
 - Tackle 'over-compensation' by obliging public service providers who receive State aid to reinvest any profits in the service (currently Member States *may* do this)
 - Support broader exemptions for public services
 - Enlarge the notion of 'efficiency' to include public services principles of the SGI Protocol and in particular quality of services and employment
11. *Regarding trade and public services to:*
 - Urge Trade Ministers and the European Parliament to oppose any changes to the current wording in trade agreements regarding public services that risk to weaken current protections
 - Insist on a Green Paper or other form of public consultation on the objectives and possible impacts of proposed changes on public services, integrating the principles of the SGI Protocol and Fundamental Rights Charter