Ensuring access to services of general interest

A mapping of existing European Commission' processes which guarantee universal access to basic services with a particular focus on access of groups facing exclusion and/or discrimination

Contents

Introduction: Why carry out this mapping? How was it done?

Part 1: Transversal EU processes to guarantee access to SGI

Part 2: Specific EU processes to guarantee access to SGI

Part 4: Follow-up actions to be taken on the basis of these conclusions??

Introduction

This paper outlines/gives information on processes that exist at European Commission level to guarantee universal access to services of general interest (SGI). These services – also called 'basic services' in this paper - comprise all services which are essential for people to take part in society and to live a dignified life[1].

Services of general interest are not a 'fixed' group of services. They evolve depending on social, economic or technological developments. They cover services such as education, energy, social services, health services, financial services, transport, water, information technology and communication or postal services.

Existing European Commission processes dealing with services of general interest are diverse: some of them aim to ensure universal access to basic services; some of them are focusing on specific services or specific groups in society (e.g. people with disabilities). Some are linked to EU legislation and the monitoring of its implementation while some processes are 'non-legislative'.The non-legislative processes include for example the open method of coordination, support for research or awareness raising campaigns. Although these 'soft' instruments do not always directly guarantee universal access to basic services, they can help indirectly to achieve this aim.

The paper first details the transversal processes in place to guarantee access to basic services and then – in a second part- describes specific processes for eight services of general interest. This list does not constitute an exhaustive list of SGI.

Why carry out this mapping?

Respect for fundamental rights is one of the core objectives of Social Platform. One way to achieve this respect in practice is to make sure that people – and in particular groups that are facing discrimination and exclusion – have access to SGI.

Considering that the EU has competence in this area, Social Platform decided to start mapping all existing EU processes linked to SGI to get a better idea of both the gaps in the present system and the potential for improvement in order to guarantee access to SGI for all.

How was the mapping done?

The mapping has been carried by Social Platform with the support of an external consultant.

DG MARKT, DG EMPL, DG INFSO, DG COMP, DG EAC, DG TREN, DG ECFIN and DG SANCO were contacted at the end of 2008 and the beginning of 2009 and requested to collect information on processes linked to SGI.

The 'mapping' project was also presented to Robert Madelin (Director General, DG SANCO), Jorgen Holmquist (Director General, DG MARKT) and Nikolaus van der Pas (Director General, DG EMPL) during bilateral meetings.

Following feedback on the draft mapping from all those DGs that made initial contributions, the document has been updated to include all their comments and changes.

First reactions to the mapping were collected from among Social Platform members to check to what extent these EU processes are sufficient to in practice guarantee access at national level. The European umbrella organisations involved in this process were:

- European Anti-Poverty Network (EAPN)
- AGE – The European Older People's Platform
- European Disability Forum (EDF)
- European liaison committee for social housing (CECODHAS)
- European Children's network (EURONET)

---

[1] See articles 14, 34, 35 and 36 of the EU Charter of Fundamental Rights

- European network against racism (ENAR)
- Caritas Europa
- Eurodiaconia
- European federation of national organisations working with the homeless (FEANTSA)
- Confederation of family organisation in the EU (COFACE)
- Solidar

Part 1 - Transversal EU processes to guarantee access to SGI

The European Commission has developed several mechanisms within EU policies that contribute to guarantee universal access to basic services.

1) Consumer protection

⇨ Commission DGs active on measures related to consumer policy and access to SGI: DG SANCO

Implementation of EU legislation on consumer protection

The Commission's DG for consumer protection and public health (DG SANCO) is monitoring closely the implementation of EU legislation in the field of consumer protection. This includes - to some extent – the monitoring of access to SGI. DG SANCO ensures in particular the implementation of the following directives which can apply to some basic services:

- The 2005 "Unfair Commercial Practices Directive" which provides explicit protection for "vulnerable consumers"
- The General Product Safety Directive which has a specific protection mechanism for elderly people, children, and vulnerable consumers (including people with disabilities);
- The recently adopted Directive 2008/48/EC on credit agreements for consumers, which provides for easy to understand and comparable information to be delivered to all consumers across Europe.

National complaint procedures and redress mechanisms for consumers

The Commission is closely following national complaint procedures and redress mechanisms for consumers. They also apply to some basic services provided on a commercial basis. In particular the Commission is assessing the follow-up to the 2001 recommendation on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes and the 1998 recommendation on principles applicable to the bodies for the out-of court settlement of consumer disputes.

Furthermore in November 2008 the Commission adopted a Green paper on consumer collective redress, setting out the possible options to ensure effective redress for consumer complaints, which includes the creation of a European collective consumer claims' procedure.

Consumer scoreboards to monitor the performance of service markets

In 2007 the Commission set up consumer scoreboards to monitor the performance of markets and services delivered to consumers. The Commission plans to improve these scoreboards to take account of quality, affordability and accessibility of services (including basic services) for "vulnerable" users and also plans to develop indicators.

Other measures

The Commission is conducting regular consumer surveys to inform national and EU policy makers about how services are provided to consumers, including if there are any problems in terms of accessibility.

2) Anti-discrimination measures

⇨ Commission DG active on measures related to non-discrimination in the access to SGI: DG EMPL

The Commission is closely monitoring the implementation of EU anti-discrimination directives adopted on the basis of Article 13 of the EC Treaty.

This also implies monitoring of the implementation of the principle of equality in access to basic services. Two directives are of particular importance: Directive 2000/43 on non-discrimination on the grounds of racial or ethnic origins and Directive 2004/113 on equal treatment between men and women in the access to and supply of goods and services.

A proposal for a new non-discrimination directive based on Article 13 EC Treaty was put forward in July 2008. It concerns age, sexual orientation, religion and belief, disability and included in the areas covered by the proposal is the issue of access to basic services i.e. social security, health care, education, access to and supply of goods and services which are available to the public, including housing. The directive is currently being debated between Member States in the Council.

Implementation of the United Nations Convention on the Rights of Persons with Disabilities:

The European Community and all the Member States have signed the Convention[2], expressing their commitment to comply with its provisions. It is the first Human Rights International Treaty signed by the European Community. The Convention covers a wide range of policy objectives and obligations to State Parties. In particular, the Convention provides for a general principle of accessibility and several articles refer to equal access of persons with disabilities in such areas as protection services, community support services, including personal assistance, information and communication, media, electronic services, emergency services, health, habilitation and rehabilitation services, employment cultural, leisure and tourism services.

The matters covered by the Convention fall both within the competence of the Community and within the competence of Member States (mixed agreement). The Commission adopted two proposals[3] for the conclusion of the Convention and its Optional Protocol. Both proposals are currently under negotiations in the Council.

Finally, the Commission is working together with the Member States (through the Disability High Level Group) to monitor the implementation of the Convention.

The Disability Action Plan 2003-2010:

The Disability Action Plan 2003-2010[4], by means of mainstreaming the principles of non-discrimination and accessibility in all EU policies, has contributed to raising the awareness of the issue of access to basic services for people with disabilities (education, information and communication technologies, transport, social services, health services, community-based services, etc) at EU level. The Commission is currently in the process of preparing the strategy in this area post - 2010, putting particular emphasis on the implementation of the UN Convention on the Rights of Persons with Disabilities.

3) Internal market and competition policy

⇨ Commission DGs active in the fields of internal and competition policy with an impact on SGI: DG MARKT, DG COMP, DG EMPL

---

[2] http://www.un.org/disabilities/documents/convention/convoptprot-s.pdf
[3] http://www.cc.cec/home/dgserv/sg/sgvista/i/sgv2/repo/repo.cfm?institution=COMM&doc_to_browse=COM/2008/0530&refresh_session=YES&lng=en
[4] http://ec.europa.eu/social/main.jsp?catId=430&langId=en

Several measures adopted in the field of internal market and competition policy can help to ensure universal access to basic services.

Measures in the field of internal market policies

According to EU rules, public procurement at national level can be used as a tool to promote social objectives. However, socially responsible public procurement remains voluntary for the time being[5]. To further clarify this possibility under EU legislation, in 2009 the Commission will publish a guide on the inclusion of social considerations in public procurement.

Measures in the field of competition policy

Several EU regulations and decisions in the field of state aid are framing public financing of services of general interest. Of particular importance for basic services is the <u>Commission Decision of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest</u>.

This decision regulates how state aid has to be notified when it aims to support providers of services of general economic interest. This decision is obviously crucial as regards the public financing of many basic services. More favourable procedures for notification shall apply for state aid given to the social housing and hospital sectors.

4) Evaluation of SGI performance

In the past, DG ECFIN/DG MARKT and Sec Gen were the lead services in cooperation with SANCO on the annual evaluation of the SGI performance. No evaluation took place in 2008.

An independent assessment on the methodology to evaluate SGI performance was carried out in 2007[6]. Recommendations were made in particular in relation to the need for an independent observatory for vulnerable consumers.

The need to broaden the scope of the horizontal evaluation to explicitly cover social data, the compliance with universal service obligations and the accessibility and affordability of SGI was also covered in this assessment.

---

[5] Article 23(1) of the Directive 2004/18/EC provides: "Whenever possible … technical specifications should be defined so as to take into account accessibility criteria for people with disabilities or design for all users."
[6] http://ec.europa.eu/internal_market/economic-reports/docs/2007/final_report_311007_en.pdf

Part 2 – Specific EU processes to guarantee access to SGI

1) ENERGY

⇨ Commission DGs active on this SGI: DG SANCO, DG TREN

Monitoring the implementation of EU legislation on energy supply services

EU legislation explicitly protects universal access to energy supply services and "vulnerable" consumers. The directive on the internal market in electricity (Directive 2003/54/EC) underlines the obligation of Member States to ensure universal service provision of electricity (Article 3 of the Directive). The directive states that "Member States shall ensure that all household customers (…) enjoy universal service that is the right to be supplied with electricity of a specified quality within their territory at reasonable, easily and clearly comparable and transparent prices".

Without defining what is meant by "vulnerable" customers", the directive underlines that "Member States shall take appropriate measures to protect final customers, and shall in particular ensure that there are adequate safeguards to protect vulnerable customers, including measures to help them avoid disconnection".

Similar provisions are in EU legislation in the field of gas supply services (Directive 2003/55/EC).

The Commission is monitoring the implementation of these two directives as part of its general obligation to control and ensure the application of EU legislation.

In September 2007 the Commission has put forward a package of legislative proposals to further regulate the opening of the EU electricity and gas markets (the so-called "3rd legislative package").

The package includes two proposed directives modifying the above-mentioned directives on internal in electricity and gas. The proposal states that "vulnerable customers have already a high degree of protection in the current directive to ensure that they will have access to the energy they need to lead a normal life". However the Commission acknowledges that "these measures have however been incorrectly applied in some countries". To strengthen the rights of all customers, "binding guidelines" shall be adopted to clarify already applicable rules. In addition, national regulatory authorities shall be obliged to ensure high standards of universal and public service for electricity and the protection of vulnerable customers.

The proposed directives are currently being debated at the Council (the common position was adopted in January 2009) and the European Parliament (the second reading is planned for May 2009) and the issue of "vulnerable" costumers has already been debated in detail.

The Commission stated that it could support a revised directive which includes:
- an obligation on Member States to define energy poverty within the confines of a definition of vulnerable consumers at national level
- a general objective to reduce the number of people suffering from energy poverty
- an obligation on Member States to ensure specific protection of pensioners and disabled people in winter and to report to the Commission on the measures adopted in this regard.

The on-going legislative debate within the Council and the European Parliament will show if and how the rights of "vulnerable" users will be strengthened.

The European Energy Consumer Charter

In July 2007 the Commission initiated a public consultation on a European Consumer Energy Charter. The text of the charter as proposed by the Commission puts forward several suggestions on how to implement the social measures of the energy supply services directives:

- European energy consumers with special needs caused by impairments or in a poor financial situation should benefit from essential energy services to maintain their physical and mental health and well-being, at reasonable prices or, where necessary, free of charge.

- Member States should adopt and publish a definition of vulnerable consumers to be applied - without further request by the vulnerable consumer - by all suppliers of electricity and gas, where gas supply meets basic household needs.
- Member States should ensure that the rights linked to the status of vulnerable consumer are applied without placing an excessive burden on the consumers demanding it. Particular attention should be granted in this respect to cases of pending disconnection.
- Existing measures for the benefit of vulnerable consumers should be well targeted and periodically reassessed. They should be well balanced in order not to prevent market opening, create discriminations among European energy suppliers, distort competition, restrict resale or create discriminatory treatment of other consumers.

This Charter is not yet adopted but the conclusions of the consultation have been published. Discussions are on-going as whether the Charter should be included in the current revision of the energy supply services directive.

The European Energy Consumer Checklist

During the EU conference on the "Promotion of the Rights of Energy Consumers", organised in May 2008, the Commission presented several documents, including a compilation of industry's best practices regarding the protection of rights of consumers.

The Commission has also drawn up a European Energy Consumer Checklist. This document lists Frequently Asked Questions and shall ultimately be available in each country to private consumers to inform them about local or regional retail markets and their consumer rights. The Commission has asked national authorities, in cooperation with all national stakeholders to establish the conclusive answers with a view of creating an Energy Consumer Checklist in each country.

The Citizen's Energy Forum

In October 2008 the Commission organised the first meeting of the Citizen's Energy Forum bringing together operators, regulators, European and national administrations and consumer organisations. The Forum took note of the growing concern of energy poverty and recommended that, at national level, Member States develop definitions of the scope of the vulnerable consumers in compliance with the electricity and gas directives.

2) SOCIAL SERVICES

⇨   Commission DGs active on this SGI: DG EMPL, DG MARKT

According to the European Commission, social services cover two different types of services[7]:
- statutory and complementary social security schemes covering the main risks of life, such as those linked to health, ageing, occupational accidents, unemployment, retirement and disability
- essential services provided directly to the person through customised assistance to facilitate social inclusion and safeguard fundamental rights. This includes services such as:
  - assistance for persons faced by personal challenges or crises (such as debt, unemployment, drug addition or family breakdown)
  - activities to ensure that the persons concerned are able to completely reintegrate into society (rehabilitation, language training for immigrants) and, in particular, the labour market (occupational training and reintegration)
  - activities to integrate persons with long-term health or disability problems
  - social housing, providing housing for disadvantaged citizens or socially less advantaged groups.

The list is an open list of "essential social services" and according to the Commission certain services can cover all of these four dimensions.

---

[7] See Commission's Communication on social services of general interest in the European Union of April 2006

Monitoring the implementation of EU legislation

No specific legislation on universal access to social services has been adopted at EU level.

However the EU non-discrimination directives (directive 2000/43 and directive 2004/113) also apply to the provision of social services and ensure that people cannot be discriminated against on the grounds of gender or racial and ethnic origin when accessing social services.

Other measures and initiatives ensuring universal access to social services

The Commission has adopted several communications which relate to social services of general interest (SGI) (White Paper on services of general interest of May 2004, Communication on social services of general interest in the European Union of April 2006). Although access to social services is not the central point of these communications, accessibility is recognised as being part of the specific nature of social SGI.

In November 2007 the Commission published a communication on services of general interest, including social services of general interest underlining several crucial points:

- The Disability High Level Group on 12 October 2007 issued a position paper on quality of Social Services of General Interest. The position paper seeks to define the concept of quality in that context and sets out a practical quality framework at EU level, based on human rights and total quality management. The paper was presented to the Social Protection Committee and its recommendations have been taken into consideration as part of the EU action in the area on Social Services of General Interest.
- access to services of general economic interest is recognised as a right in the EU Charter on Fundamental Rights and universal access to social services must be ensured, and in particular the accessibility for "vulnerable" users. At the same time universal access to social services must be viewed as part of the high level of quality of services.
- the application of EU rules to social services' provision raises difficulties among public authorities and service providers that the Commission is committed to tackle.

The Commission's initiatives focus therefore on two different areas, both aiming to contribute directly or indirectly to better access to social services:

Clarifying the application of EU legislation to social services

The Commission reaffirmed several times that EU legislation on state aids, public procurement and freedom to provide services applies to social services, insofar as they can be considered as economic activities.

After a first public consultation on social SGI in 2006 and a study on social services of general interest in 2007, the Commission has adopted several instruments to further clarify the application of EU rules to social services.

- in November 2007 two "Frequently Asked Questions" (FAQ) documents , answering a series of questions relating to the application of EU rules on state aid and public procurement to social services were published. The Commission will in 2009 update these two documents on the basis of the practical issues raised, including in particular the issues raised by social services stakeholders.
- an interactive information service (IIS) was set up in 2008 to answer questions from citizens, public authorities and service providers with regards to the application of EU legislation to services of general interest. The service will extend to all EU languages in 2009.
- The Social Protection Committee initiated a second public consultation on the application of public procurement and state aid rules to the provision of social services and as a result a published a report, the operational conclusions of which were endorsed by the Council on 17 December 2008.

These instruments do not however directly ensure the access to social services, but help to create the necessary legal certainty to allow public authorities to organise and finance accessible services.

Promotion of quality social services

In its 2007 communication on services of general interest and social services, the Commission proposed a strategy aimed at promoting the quality of social services. As mentioned above the accessibility of services is viewed as integral part of the quality of services. Several initiatives have been set up since then:

- Via the PROGRESS programme, the Commission is supporting several <u>cross-European bottom-up initiatives aimed at developing tools for the definition, measurement and assessment of social services quality</u>. 8 projects started in 2008 for a period of two years
- The Commission is supporting <u>training</u> of national public authorities on Community public procurement and State aid rules allowing for a better understanding of such rules and the possibilities they already offer for the organisation and financing of quality social services
- The Social Protection Committee with the support of the Commission will, in the second half of 2009, start discussions on a voluntary <u>European Quality framework for social services</u>
- The Commission will launch a <u>study</u> in 2009 to examine what initiatives EU Member States have set up to promote quality of social services.

The Open Method of Coordination in the field of social inclusion and social protection

In 2000, the EU established the Open Method of Coordination (OMC) which provided a framework for policy coordination between the Member States on social protection and social inclusion issues without any legal constraints. Initially, issues treated related to poverty and social exclusion with the aim to make a decisive impact on eradicating poverty by 2010. In 2001 the framework was extended to the field of pensions.

In March 2006 the Commission adopted a new framework for the social protection and social inclusion process[8]. The existing OMC in the fields of social inclusion and pensions, and the current process of co-operation in the field of health and long-term care, are brought together under common objectives and simplified reporting procedures ("streamlined OMC"). Participation by actors such as NGOs, social partners and local and regional authorities has become an important part of this process.

Access to services, including social services is addressed as part of one of the new overarching objectives of the revised OMC: To make a decisive impact on the eradication of poverty and social exclusion "access shall be guaranteed for all to the resources, rights and services needed for participation in society, preventing and addressing exclusion, and fighting all forms of discrimination leading to exclusion".

Key instruments of the OMC include the following:

- A <u>system of reporting</u> between Member States and the EU to help evaluate progress achieved towards the commonly agreed objectives. The *National Reports on Strategies for Social Protection and Social Inclusion* are submitted by the Member States to show how the commonly agreed objectives are achieved by the Member States. The *Joint Reports* provide an analysis and assessment by the European Commission and the Council of the national reports and assess progress made in the implementation of the OMC objectives, set key priorities and identify good practice. The national reports and the joint reports also indicate how Member States currently ensure access to social services, in particular for disadvantaged people and how it could be improved
- The <u>definition of common indicators</u> to compare best practices and to measure progress towards the common objectives of the OMC
- <u>Peer Reviews</u>[9] to enable an open discussion on social protection and social inclusion policies in the different EU Member States and to facilitate the mutual learning process among them. Several peer reviews, which are linked to access to social services, have been organised. This includes peer reviews on: high-quality social services of general interest, access to care, homelessness and housing exclusion, assistance for young people with special needs and other issues.

---

[8] See: <u>communication from the Commission, December 2005: "A new framework for the open coordination of social protection and inclusion policies in the European Union"</u>
[9] <u>http://www.peer-review-social-inclusion.eu/peer-reviews</u>

In July 2008, in a new [communication to reinforce the Open Method of Coordination in the social field](#) the European Commission proposed to achieve better results for the 2008-2010 period and pave the way for a new coordination framework from 2010 on. Amongst other ideas the Commission proposed to support the implementation of the objectives in the field of healthcare and long-term care by committing to start a reflection process on targets in the area of poverty and health.

Monitoring the implementation of the "active inclusion strategy"

Following a public consultation[10] in 2006, in 2007 the Commission decided to adopt a strategy on active inclusion[11]. This strategy considers access to "enabling" social services as one of the pillars to ensure inclusion of people furthest away from the labour market.

A recommendation adopted in October 2008[12] recommends that Member States shall design and implement an integrated comprehensive strategy for the active inclusion of people excluded from the labour market combining adequate income support, inclusive labour markets and access to quality services.

To guarantee access to quality services, Member States are namely asked to take every measure to enable those concerned to receive appropriate social support through access to quality services. In particular, measures should be taken to provide services which are essential to supporting active social and economic inclusion policies, including social assistance services, employment and training services, housing support and social housing, childcare, long-term care services and health services.

Member States shall do this in accordance with a set of common principles, including amongst others the territorial availability, physical accessibility, affordability of social services and the users' involvement and personalised approaches to meet the multiple needs of people as individuals.

The implementation of the recommendation is followed up within the mechanisms set up by the OMC on social inclusion and social protection. This means Member States have to report on the measures they have adopted to ensure access to quality social services in accordance with the principles of the Commission's recommendation.

Other initiatives

The Commission has set up other initiatives to raise awareness and public debate to help ensure better access to social services. One such initiative includes the organisation of conferences like the EU *Forum on social services* or the *European Roundtables on Poverty and Social Exclusion* where access to social services is debated and policy recommendations to improve access are put forward.

3) HEALTH SERVICES

⇨ Commission DGs active on this SGI: DG SANCO, DG EMPL

EU legislation

There is currently no specific EU legislation on universal access to health services.

Monitoring the implementation of non-discrimination legislation

The EU non-discrimination directives ensure non-discriminatory access to health services on the grounds of racial or ethnic origin and gender ([directive 2000/43](#) and [directive 2004/113](#)).

---

[10] See: [Communication from the Commission concerning a consultation on action at EU level to promote the active inclusion of the people furthest from the labour market](#), COM 2006 (44)
[11] See: [Communication from the Commission "Modernising social protection for greater social justice and economic cohesion: taking forward the active inclusion of people furthest from the labour market"](#), COM 2007 (620)
[12] See: [Recommendation of the Commission on the active inclusion of people excluded from the labour market](#) of 3 October 2008; See also: [Communication from the Commission on a Commission Recommendation on the active inclusion of people excluded from the labour market](#), COM (2008) 639.

Legislation on cross-border healthcare

European Community legislation[13], and more precisely Regulation 1408/71 on the coordination of national social security schemes, guarantees that any EU citizen exercising his/her right to free movement within the EU will not lose his/her rights to social security protection.

According to the Regulation any person insured in one of the Member States, who requires the necessary health care during the temporary stay abroad, has a right to this health care under the same conditions as the persons insured in this Member State. Moreover the Regulation provides the right to seek planned treatment abroad, when the same treatment cannot be delivered in the Member State where the person is insured within a medically justified time limit. A patient, after receiving authorisation in the Member State of insurance, is then treated in another Member State as if he/she had been insured there.

In addition, the ECJ has stated that on the basis of Article 49 of the EC Treaty medical services are directly subject to the freedom of services. In principle, the patient has a right to seek the treatment abroad and to be reimbursed in the Member State of insurance, under the conditions of insurance of the Member State. In June 2008 in order to codify the jurisprudence of the ECJ, the Commission presented a proposal for a directive on the patient's rights in cross-border health care. The objective of this directive is not to ensure access to health services for citizens, the objective is to reinforce the rights of patients seeking healthcare in another Member State and shall help strengthen cooperation between Member States in cross-border healthcare.

The Open Method of Coordination in the field of social inclusion and social protection

Universal access to adequate and affordable health and long-term care is one of the main objectives under the OMC on social inclusion and social protection[14]. The European Commission and the Council analyses the National Strategy Reports of the EU Member States and verifies how Member States address inequities in access to care and in health outcomes through the Joint Report on Social Inclusion and Social Protection. Various Joint Reports have highlighted existing barriers to access to health and long-term care in different Member States and the impact such barriers have on more vulnerable groups.

Monitoring the progress of EU Member States towards the agreed objectives of universal access to health and long-term care including for vulnerable groups, the OMC does therefore act as a mechanism to help ensure universal access to health and long-term care services.

To monitor Member States progress towards the commonly agreed objectives the indicator' subgroup of the Social Protection Committee has developed a set of indicators related to the access, quality and financial sustainability of systems for healthcare and long-term care. The indicators cover national measures related to health status, unmet need, health insurance coverage, vaccination, cancer screening and survival, satisfaction with services, aggregate expenditure including private expenditure and out-of-pocket payments, life-styles/risk factors. The indicators refer where possible and relevant to age, sex and socio-economic status (income) of people. Several other indicators have been agreed in principle and shall be adopted soon, including care utilisation by age, sex and socio-economic status and access to care and inequity of access by different groups. The European Commission together with Member States is also developing indicators in the field of mental health. Furthermore, the European Commission together with Member States is also investigating how to obtain information on mortality including avoidable mortality, life expectancy and healthy life years by socio-economic status.

To further help define policy action at EU and national level and to better achieve the objectives of the OMC, the EU has also published several studies on care, including a study on 'quality in and equality of access to healthcare services'[15] which looks at access to care for a number of vulnerable groups of people.

In 2008 the European Network of Disability Experts (ANED) presented a report addressing the disability elements of Member States' reports. The report will be revised in 2009.

---

[13] See EU legislation on social security at http://ec.europa.eu/social/main.jsp?catId=516&langId=en .
[14] See in particular: "Review of the Long-term care part of the National Reports on Strategies for Social Protection and Social Inclusion 2006-2008 and updates 2007, Memorandum of the Social Protection Committee", April 2008.
[15] http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/healthquest_en.pdf

EU health policy measures: data collection, identification of indicators, exchange of best practices and other measures

Due to restricted competences at EU level in the field of health (excluding any harmonisation measures) the EU has developed several non-legislative mechanisms to help ensure better access to health services:

- The EU's Second Programme of Community Action in the Field of Health 2008-2013 aims to identify and tackle the causes of health inequalities and to encourage, among other things, the exchange of best practices. The programme helps to support organisations which promote a health agenda in line with the Programme objectives.
- PROGRESS finances a variety of activities in the area of health and long-term care including peer reviews and research studies.
- The EU has developed a set of European Community Health Indicators including demographic and socio-economic factors developed by Eurostat. The objective is to develop instruments which help to compare and analyse better information and the adoption of more efficient policies at national and EU level.
- The European Observatory on the Social Situation and Demography is a tool funded by the European Commission to obtain annual reporting information on health status and access to healthcare where relevant and possible by age, sex and socio-economic status.

Public consultation on health inequalities

In February 2009 the European Commission launched a public consultation on health inequalities to collect views on how the EU can further contribute to reducing health inequalities both within and between Member States. The consultation ran until the beginning of April 2009.

4) FINANCIAL SERVICES

⇨ Commission DGs active on this SGI: DG MARKT, DG EMPL, DG SANCO

Monitoring the implementation of EU legislation

There is currently no specific EU legislation on universal access to financial services.

The EU non-discrimination directives ensure non-discriminatory access to financial services on the grounds of racial or ethnic origin and gender (directive 2000/43 and directive 2004/113). However some services (e.g. insurances) are explicitly excluded from the gender equality directive.

The Commission's proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation also includes provisions related to the access to financial services. Disabled persons, for example, should be able to easily access bank cash machines (ATM). However, the proposed directive clearly states that banks and insurance-providers shall be allowed to consider disability and age as key factors for the assessment of risks and can therefore treat people with disabilities or of a certain age category differently as regards certain financial services.

Measures aiming to improve financial inclusion

Since 2007, the Commission has developed several initiatives related to access to financial services for specific groups of the population (e.g. people with low income or living in poverty). These are composed mainly of studies, communications as well as public consultations and their follow-up.

Following an EU conference in May 2008 on financial inclusion and a study from March 2008 on prevention of financial exclusion, in February 2009 the Commission initiated a public consultation on financial inclusion entitled "ensuring access to a basic bank account". The objective of this consultation

was to collect views from all stakeholders on how best to ensure that by a certain date every EU citizen or resident has access to a basic bank account. The scope of this consultation is limited to access to basic bank accounts which include services such as payments and withdrawals but exclude overdraft facilities. Other financial services like savings, insurance, pensions and credit may be considered at a later stage.

Measures aiming to improve financial education

The Commission has taken several initiatives which aim at improving financial education:

-   The Commission's report on a "Single Market for 21st Century Europe", which was adopted in November 2007, announced financial education as an essential component of its efforts to ensure that the Single Market can bring direct benefits to EU citizens, particularly by empowering them to shop around for the best financial services and to understand some essential basics of personal finance.
-   In December 2007 The Commission adopted a <u>Communication on financial education</u> underlining the Commission's support for the provision of financial education delivered as close as possible to the citizens that need it, namely through Member State, national and regional authorities, non-governmental agencies and the financial services sector.
-   Since 2006 the Commission has been developing DOLCETA, which is a web-based educational tool for adults with learning exercises. Dolceta already includes a module on financial services. At the moment, a new module for teachers to facilitate the provision of financial education for primary and secondary education schools, is being developed and will be launched in March 2010.
-   Since 2003 the Commission, upon request,, distributes the Europa School Diary, to schools. Thjs diary contains articles on consumer issues, including financial topics.
-   In August 2008 the Commission set up an "<u>Expert Group on Financial Education</u> (EGFE)" which is composed of financial education practitioners and aims to promote exchange of ideas, experiences and best practices. The expert group also advises the Commission on its policy-making in the area of financial education. In January 2009 the expert group adopted recommendations to EU Member States on how to improve financial education.
-   In January 2009 the Commission also set up, , a "<u>European Database for Financial Education</u>" (EDFE) to help citizens to get information on the wide range of the schemes available across the EU.
-   The Commission is also offering <u>patronage to events promoting financial education</u>.

Measures aiming to improve out-of-court complaint schemes in the field of financial services

-   In December 2008, the Commission launched a <u>public consultation on Alternative Dispute Resolution (ADR) in the area of financial services</u>. The objective of the consultation was to seek the views of the stakeholders on how ADR schemes in the area of financial services, providing consumers with individual redress, could be further improved. The consultation closed in February 2009. The Commission received almost 70 stakeholder contributions to the consultation, on the basis of which it will assess the need and scope for any policy action in this area.
-   In 2001 the European Commission launched <u>FIN-NET, a financial dispute resolution network of national out-of-court complaint schemes</u> in the European Economic Area countries. These schemes are responsible for handling disputes between consumers and financial services providers, i.e. banks, insurance companies, investment firms and others. FIN-NET aims to help consumers who have a complaint against a financial services provider located in another country.

5) EDUCATION & TRAINING

⇨ Commission DG active on this SGI: DG EAC

Monitoring the implementation of EU legislation

There is no specific EU legislation on universal access to education. Given that Article 149 of the EC Treaty specifically prohibits such legislation, it is furthermore highly unlikely that this situation will change.[16] The Commission is however ensuring the implementation of the EU non-discrimination directive which ensures non-discriminatory access to education with regard to race and ethnic origin (Directive 2000/43/EC).

The Open Method of Coordination in the field of education

Facilitating access for all to education and training systems is one of the objectives of the EU's Lisbon strategy and a goal set out in the 'Education and Training 2010' work programme. This programme was adopted in 2002 and launched a cooperation process between the EU and Member States based on the Open Method of Co-ordination with commonly agreed goals to be achieved by 2010.

As part of the cooperation, every two years the Council and the Commission publish a joint report on the overall progress made towards the commonly agreed objectives and an agreed set of statistical indicators and benchmarks. These reports also analyse progress with regard to equal access for all to quality education and training. A specific focus is put on access to pre-primary, primary and secondary education for disabled children, children from socio-economic disadvantaged backgrounds, minority-background pupils as well as access to higher education and life-long learning possibilities for low-skilled, older or unemployed workers or people with a migrant background. All levels of education are covered by this process, including pre-primary, primary, secondary education, vocational education and training and higher education.

The Commission also organises peer learning activities between Member States interested in jointly developing national policies and systems in specific fields. Such peer learning activities are organised either by groups of Member States interested in specific topics, or by expert groups set up by the European Commission. Specific peer learning activities were organised on "access and social inclusion in lifelong learning".

Other measures, including public consultation, studies and research

In July 2008 the Commission adopted a Green Paper on "Migration & Mobility: challenges and opportunities for EU education systems". The objective of this Green Paper is to open the debate on how education policies may better address the challenges posed by immigration and internal EU mobility flows. Among other issues, it raises the question of how to prevent the creation of segregated school settings, so as to improve equity in education. The European Commission will analyse the results of this consultation and publish its conclusions in 2009.

The Commission has also carried out several studies related to access to education[17]. Most recently the Commission published a study in February 2009 on "Early childhood education and care in Europe: tackling social and cultural inequalities". It analyses what measures are taken by Member States to favour participation of the most disadvantaged social groups in early childhood education and care, what the benefits of the different systems are, and what is needed to provide effective education and care to the youngest.

The European Agency for Development in Special Needs Education[18] addresses the issues related to inclusive education of children with disabilities.

---

[16] Article 149 EC Treaty
[17] See in particular Study on Access to Education and Training, Basic Skills and Early School Leavers, European Commission, DG EAC, 2005
[18] http://www.european-agency.org/

⇨ Commission DGs active on this SGI: DG TREN, DG EMPL

EU general policy on passenger rights

In the White Paper "European transport policy for 2010: time to decide", the European Commission envisaged the establishment of passengers' rights in all modes of transport and thus place users at the heart of transport policy.

The need for action in this regard was further highlighted in the Communication of 2005 on strengthening passenger rights within the European Union, in which the Commission presented a policy approach on how to extend passenger protection measures to all modes of transport.

In the 2006 Commission's Communication "Keep Europe moving - Sustainable mobility for our continent, Mid-term review of the European Commission's 2001 Transport White Paper", the Commission committed itself to ensuring the promotion of passenger rights in all modes of transport.

Since then, two Regulations on aviation have entered into force: a Regulation covering rights of passengers in the event of cancellation, overbooking and denied boarding on flights; and a Regulation for the rights of disabled persons and persons with reduced mobility. Moreover a Regulation on rail transport covering all passengers has been adopted and will enter into force in December 2009 and two new proposals on maritime and bus transport services are being discussed within the European Parliament and the Council.

One of the main objectives of these existing and future regulations is to ensure a high level of protection of rights of disabled persons and persons with reduced mobility.

Monitoring the implementation of EU legislation

The Commission is monitoring the application of several EU regulations in the field of transport which are focusing on the needs of people with reduced mobility. Currently EU regulations do not contain any provisions on "social tariffs" for passengers with low income.

Rail transport

Regulation (EC) No 1371/2007 contains several provisions as regards access of disabled persons and persons with reduced mobility.

This includes rules on (amongst others):
- the establishment of non-discriminatory access rules for the transport of disabled persons and persons with reduced mobility
- the reservations and tickets offered to disabled persons and persons with reduced mobility
- the provision of information on the accessibility of rail services
- the station, platforms, rolling stock and other facilities to be accessible to disabled persons and persons with reduced mobility
- assistance at railway stations and on board to disabled persons or persons with reduced mobility, including the conditions on which assistance is provided
- compensation in case of total or partial loss of, or damage to, mobility equipment or other specific equipment

Air transport

The Commission is monitoring the application of two air transport regulations which refer to passenger rights and the rights of persons with reduced mobility:

- Regulation (EC) No 1107/2006 is concerning the rights of persons with reduced mobility when travelling by air

- <u>Regulation 261/2004</u> is dealing with compensation and assistance to passengers in the event of denied boarding and cancellation or long delay of flights.

In 2009 the Commission intends to provide a new report to the Council and Parliament on the 4 years of operation and the results of Regulation 261/2004. The report shall analyse where and why this regulation is still not adequately respected, which are the most recurrent problems and will come up with ideas for necessary solutions. It will also announce the Commission's intentions regarding possible future legislative measures.

In 2010 the Commission also plans to adopt a first report on the operation and the effect of Regulation 1107/2006.

Developing EU legislation on passenger rights in the field of maritime and bus transports

In December 2008 the Commission has adopted two legislative proposals on the rights of passengers and persons with reduced mobility completing the harmonization of passengers' rights throughout all modes of transport. Both proposals benefit from previous experience in the application of the aviation legislation and from previous negotiations and solutions for aviation and rail. The two proposals concern:

- Passengers travelling by sea and inland waterway
- <u>Passengers travelling by bus and coach transport</u>.

All "domestic" and international services are covered by these proposals. However, Member States have the right to exclude services covered by public service obligations if a comparable level of passenger rights is guaranteed.

Both proposals lay down provisions based on the 6 principles already identified and enshrined in existing EU legislation on aviation and rail sectors:

a) Ending commercial discrimination of passengers by means of different price setting and travel conditions based on nationality or the place of residence of the passengers or of the carrier/vendor
b) Granting passengers access to information before, during and after journey, including details on the delay and information on alternative services
c) Providing passengers with access to damage compensation in case of accidents through harmonised liability regimes for (insured) transport operators.
d) <u>Specific measures in favour of disabled persons and persons with reduced mobility</u> based on 4 principles to allow them to travel independently:
- equal treatment, which means the ban of any discrimination on grounds of disability or reduced mobility with regard to booking a journey or boarding a ship or a bus
- information
- assistance
- accessibility to transport service
- appropriate knowledge/training of personnel of companies and staff with regard to provision of assistance to disabled persons
e) Rules on information, assistance, compensation, rerouting and reimbursement in case of interrupted journeys due to cancellation or delay in departure
f) <u>Enforcement and complaint mechanisms</u>
- Companies are obliged to set up complaint handling mechanisms to answer passenger requests for information and financial claims
- Member States have to designate National Enforcement Bodies responsible for enforcing the regulation in all aspects, in particular helping individual passengers but also for reporting on the national situation (essential to identify structural problems). This system does not hinder further claims in judicial procedures but may render them obsolete.

7) INFORMATION TECHNOLOGY

⇨ Commission DGs active on this SGI: DG INFSO, DG EMPL, DG ENTR

Monitoring the implementation of EU legislation

The Commission is monitoring the implementation of EU legislation on universal access to information technology services, including provisions relating to access for specific groups such as older people, people with disabilities or people with low income.

Universal Service Directive in electronic communications

In the package of the EU directives on electronic communications, the Universal Service Directive (Directive 2002/22/EC) establishes a universal service for electronic communications. It requires operators designated with universal service provision to provide a minimum set of services throughout the country, accessible to the public at affordable prices.

The Universal Service Directive also encourages Member States to take specific measures, on the basis of their national conditions, in order to ensure that users with disabilities and special social needs, including those on low income, have access to the services enjoyed by the majority of users. Nevertheless, it should be noted that imposition of such measures is not obligatory.

The forthcoming review of this directive is expected to strengthen those provisions in order to allow the assessment of the conditions of access for disabled persons to networks and services and to take steps to ensure equal access, especially to emergency services, and possibly extended to terminals. The possibility for Member States to take specific measures for disabled users within the context of universal service is to be replaced with an explicit obligation to do so.

The Audiovisual Media Service Directive

The recently adopted Audiovisual Media Service Directive is to be transposed by the Member States into their national legislation by the end of 2009. This directive will cover all "audiovisual media services". Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability. Some of the means envisaged to this end are sign language, subtitling, audio-description and easily understandable menu.

A number of television manufacturers, working with user organisations, are starting to bring digital televisions on the market on which users can activate and make use of these accessibility features. The European Commission is also supporting further innovation in accessible digital television.

Non-discrimination legislation

The existing EU non-discrimination directives (directive 2000/43/EC, "race equality directive" and directive 2004/113/EC, "gender equality directive") are also applicable to information technology services.

From July 2008, the proposed new non-discrimination directive on the equal treatment between persons irrespective of religion, belief, disability, age or sexual orientation contains an article relating to accessibility which covers information technology services.

Initiatives to promote e-inclusion

The Commission has adopted several communications related to E-inclusion since 2005[19], aiming to support the access of "vulnerable" groups to information technology. A strong focus is put on accessibility for people with disabilities and older people.

Most recently the Commission adopted a communication in December 2008 entitled "Towards an accessible information society". This communication builds on independent studies on the situation of e-accessibility in Europe and makes suggestions for improving both, web accessibility in particular and e-accessibility. In particular the Commission suggests to make full use of instruments at European level, notably of standardisation efforts, financial support for research and deployment of technology solutions in favour of people with disabilities and for elderly persons, and the possibilities of current and proposed legislation. The communication also proposes to reinforce cooperation with Member States and other stakeholders towards a common European approach for e-accessibility, including through a new EU high-level e-accessibility expert group to provide strategic guidance. Another very recent initiative by the Commission to be noted is COM/2009/0103 which aims at better access for rural areas to modern ICT.

Awareness raising and sharing of best practices

The Commission is raising awareness on e-accessibility and encouraging exchange of good practices. This includes, for example, the "2008 e-Inclusion: Be Part of It!" campaign, the exchange of best practices through the "ePractice" portal and the "e-Inclusion award scheme".

Cooperation and coordination

Although there is as yet not a unique platform for e-accessibility for systematic coordination and cooperation bringing together all stakeholders and related policy areas, the Commission has initiated several groups where information is shared and policy can be prepared. This includes the "i2010 e-inclusion subgroup", the "Disability Action Plan" and other groups.

Standardisation

The work of European standardisation organisations includes the promotion of standardisation in the field of E-inclusion. In 2009 ICT standardisation work shall include (amongst others) accessible ATMs, assisted geo-navigation, interoperability of assistive technologies with mainstream products and services, independent living, public procurement of ICT goods and services and web accessibility benchmarking (in particular for public administrations websites). The European standardisation organisations shall also support the implementation of the UN Convention on the rights of persons with disabilities which places a number of obligations on State parties on the development of standards and the way to develop them.

The Commission has issued 2 mandates to the European standardisation organisation to develop standards on accessibility requirements to ICT and the built environment to be used in public procurement. This work will contribute to facilitating access to services for persons with disabilities.

Research support

In view of the rapid evolution of information technology and the appearance of new e-accessibility challenges, the European Commission is continuously supporting research and development in e-accessibility.. The approach of the EU is to support a universal design or design-for-all approach encouraging the development of technology which is more usable for nearly everyone including of course disabled persons. Current work on e-accessibility does therefore address the deep embedding

---

[19] See in particular: COM(2005) 425 on "E-accessibility", COM(2005) 604 on "The situation of disabled people in the enlarged EU: the European Action Plan 2006-2007", COM(2007) 332 on "Ageing Well in the Information Society, an i2010 Initiative: Action plan on Information and Communication Technologies and Ageing", COM(2007) 694 on "European i2010 initiative on eInclusion, "to be part of the Information Society" and the e-Inclusion Riga Ministerial Declaration of 12 June 2006 on the promotion of an inclusive and barrier-free Information Society which fosters social and economic inclusion.

of e-accessibility into modern mainstream ICT (e.g. mobile communications, navigation systems, home systems, personal computers and web)[20].

The EU also developed the ICT Policy Support Programme which supports the use of pilots that validate larger-scale user acceptance, cost-effectiveness and business models and cross-border / pan-European interoperability. Thematic networks (cooperation), best practice exchange and benchmarking can also be supported.

8) POSTAL SERVICES

⇨ Commission DGs active on this SGI: DG MARKT, DG SANCO

Monitoring the implementation of EU legislation

The EU has adopted several directives to ensure universal access to postal services across the EU (Directive 2008/06/EC, amending Directive 2002/39/EC and Directive 97/67/EC on the internal market in postal services).

The Commission is monitoring the implementation of these directives which include provisions on "accessibility" of postal services for all, "affordable prices for all users", including non-discriminatory access and specific services for "blind" users.

The Commission also follows the complaint and redress procedures set up by the directives in each Member State. In this regard the Directive 2008/6/EC broadened the scope of obligation to set up complaints and redress procedures to all postal service providers.

Other measures

The European Committee for Standardisation (CEN), through its Technical Committee (TC 331), is adopting quality of service standards for the postal sector. Standards on measurement of complaints and redress procedures while voluntary, is however applied by almost all EU designated universal service providers.

---

[20] An overview of e-accessibility Research and development projects and related work in independent living of elderly with a strong component of e-accessibility is provided at:
http://ec.europa.eu/information_society/activities/einclusion/research/index_en.htm

Part 3 – First conclusions to be drawn from the mapping of Commission processes guaranteeing universal access to basic services

1. Within the European Commission, there is a lack of common terminology for issues relating to services of general interest, different Directorates Generals are using different terms when referring to ensuing that people have access to basic services, for example sometimes "consumers", are referred to sometimes "citizens". Also there is no common understanding of terms like "basic services', "vulnerable users". In certain pieces of legislation where the term "vulnerable consumer" is used it has been indicated that it is a national competence to define this term.

2. There is a lack of centralized responsibility in terms of which service ensures that all legislation relating to SGIs has clauses ensuring universal access with attention to those in vulnerable situations. There is no consistent approach on the part of the various Directorate Generals and the various pieces of legislation to ensure these basic principles.

3. There is an apparent lack of understanding of the evolutionary character of SGI that is to say what it an essential service to ensuring one's dignity today, may not have been yesterday; for example the necessity of a basic bank account to gain employment, to rent or buy a property, to pay bills. There needs to be greater understanding that social development means development of what constitutes a basic SGI.

4. There is an uneven focus on equality and poverty. Some legislation relating to a SGI for example recent energy legislation is aware of the need to specifically refer to ensuring access to those in more precarious situations but other pieces of legislation make no such reference. It is very patchy. There appears to be a need for some obligatory mainstreaming of social clauses.

5. There is a lack of evaluation of the impact of internal market practices/laws on access to basic services for those in the EU and more particularly those in vulnerable situations. Has having "more open, liberal" market practices resulted in greater access for people or for companies or both?

6. There is a lack of evaluation of the implementation of the social clauses that exist. An independent assessment carried out in 2007 on the methodology used to evaluate SGI performance found evaluations needed to focus a lot more on social data and to see if universal service obligations were/are being met[21].

---

[21] http://ec.europa.eu/internal_market/economic-reports/docs/2007/final_report_311007_en.pdf