Services of general interest. White Paper

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The committee adopted the own-initiative report drawn up by Bernhard RAPKAY (PES, DE) in response to the Commission's White Paper on services of general interest published at Parliament's request in May 2004. The report, which called for greater legal certainty on how EU rules will affect the way in which public services are provided in the Member States, set out a consensus position reached between the different political groups.

MEPs in the committee were concerned that individual rulings of the Court of Justice and existing guidelines from the Commission left uncertainty for all those involved in providing public services on the extent to which EU competition and internal market law applies to different sectors, and they wanted the Commission to clarify this. They also wanted a clearer distinction to be made between the concepts of ‘services of general interest’ and ‘services of general economic interest’, though they pointed out that too tight a definition at EU level would conflict with Member States' freedom to decide what to define as a public service.

The report opposed the idea of using this exercise to withdraw wholesale broad areas of services of general interest from competition and internal market rules. It emphasised the success of sector-specific EU regulations enacted so far, calling notably for a directive on social and health care services.

The committee emphasised that it should be for the competent authority to decide whether to supply services ‘in-house’ or contract them out, via a tendering process. It noted that local authorities, under certain conditions, should be able to provide services via joint inter-communal organisations without necessarily going through a tendering process.

The report also said that more legal clarification was needed when it comes to procedures for accessing existing networks needed for provision of services, defining the price for supply of services, securing competition and opportunities for new entrepreneurs, out-of-court settlements between service providers and users and referral to competition authorities. The committee concluded by inviting the Commission to propose appropriate legal initiatives - involving codecision rights where foreseen by the Treaty - to deal with all these issues.