



**Comité européen de liaison
sur les Services d'intérêt général**

**European Liaison Committee
on Services of General Interest**

**Europäisches Verbindungskomitee
"Dienstleistungen von allgemeinem Interesse"**

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To
Mister Nicolas SARKOZY
President of the European Council

Brussels, 22nd October 2008

Mr. President

The French presidency intends to continue with the examination of the issue regarding the legal certainty for services of general economic interest in order to ensure that the specificity of their mission and their proper features are taken into account. To this end, the French presidency is holding a series of forums, in particular "The Second Forum on social services of general interest" and a conference on "the quality of European public services" that are being held in October in Paris on 28th and 29th and from 20th to 22nd.

Community Institutions have, hitherto, preferred the sectoral approach to the matter, whilst acknowledging, on a number of occasions, that the cross-sectoral approach is equally essential, as manifested by the 1996 and 2001 communications and the Green and White Papers published in 2003 and 2004, as well as, the communication on "Services of General Interest, including social services of general interest: a new European commitment" dated 20th November 2007.

The European Council meeting of June 2007 adopted a Protocol No. 9 annexed under number 26 to the Treaty on the European Union and the Treaty on the Functioning of the European Union, specifying the principles on which are based Services of General Interest and Services of General Economic Interest in Europe. Among these principles, one may cite the following:

- the essential role and the wide discretion of national, regional and local authorities in providing, commissioning and organising services of general economic interest as closely as possible to the needs of the users,
- the diversity between various services of general economic interest and the differences in the needs and preferences of users that may result from different geographical, social or cultural situations,
- a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights.

These principles depict a transversal approach and should be taken into account in all sector-based approaches in order to become fully operational and lead to the removal of legal uncertainties. In this respect the cross-regulatory approach, which France has persistently defended, remains relevant.

In addition, under the Vienna Convention, the Protocol and the Treaty of Lisbon commit Signatory States and the European Commission.

In the Eighteen-month Programme of the Council, the Trio presidency of France - Czech Republic - Sweden brings forth the "significant role of Services of General Economic Interest through preserving social, economic and territorial cohesion as well as competitiveness and economic growth in the Union. The Trio stress that they continue to ensure that the evolution of the situation in this area is closely monitored, particularly with regard to "the laid out guidelines on the application of the EU rules to Services of General Economic Interest."

In view of the risks that the current financial crisis poses on the "real economy", Services of General Interest clearly stand out as a guarantee for European citizens and residents.

The European Liaison Committee on Services of General Economic Interest (CELSIG) strongly believes that it is vital that, in application of Protocol No. 26 and the Treaty of Lisbon on the functioning of the Union (Article 14), transversal provisions should become regulatory proposals.

The Committee, therefore, suggests to the French Presidency that it introduces a paragraph in the conclusions of the European Council meeting of December 2008, which would call on the European Commission to present to the Council and to the Parliament, a cross regulation stating principles of the Protocol No. 26 on SGI.

We remain at your disposal, Mr President, for further contributions to the issue.

Yours sincerely

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For the CELSIG Secretariat