



ETWelfare

Proposal from
ETWelfare

(European Round Table of Charitable Social Welfare Associations)
concerning the European Convention "the Future of Europe"

Initial Remarks:

There is a wide range of proposals for the work of the European Convention. At present there is a representative document for a new EU-Treaty which was completed by Mr Alain Lamassoure: „Draft Report on the division of powers between the European Union and the Member States" dated 17 January 2002 (see <http://www.europarl.eu.int/meetdocs/committees/afco/20020220/AFCO20020220.htm>). Based on this report it makes sense to propose so-called „shared powers", falling not only into the category of those „which underpin the internal market, including the four ‚freedoms' " but also the „policies complementing or flanking the single area", namely „social policy" and „competition". The following three proposals correspond with the Lamassoure Report stating that „in this area of powers, Community legislation must establish the guidelines, general principles and objectives":

1. Area "Civil Dialogue"

The difference between „objectives and powers" has to be clarified in a new EU-Treaty (see EP's draft Lamassoure report). From the point of view of charitable associations as organisations responsible for social establishments and services, whose co-operation with the Community is given special recognition in the Maastricht Declaration No 23, there is an absence of a definition of objectives relating to the meaning of „European Civil Society" for the European Union, something along the following lines:

The European Union is committed to offering a social and societal model close to its citizens, and therefore leads an ongoing „civil dialogue“ with the actors of the European Civil Society.

Explanation:

Without a mission statement of the EU relating to its relationship with its citizens, the Community lacks a civic profile for the European social and societal model. Part of this must be the „Ongoing Dialogue with the European Civil Society“ besides the „Social Dialogue“.

2. Area "Social Policy"

Among the objectives for European Social Policy, the following guideline should be established:

Society acknowledges the principle that social services are provided, both locally and regionally, in co-operation with non-profit organisations.

Explanation:

Both the Community and its Member States must be responsible for European Social Policy. Shared powers are necessary because there is always a problematic overlapping with the concept of the European internal market. This requires a guideline based on Europe's social and societal model.

The principle that social services should be provided on a local and regional level derives from the principle of subsidiarity which has already been adopted by the Community. The principle of co-operation with common good-oriented organisations has already been accepted in political terms by the Union in the Treaty of Maastricht amending the EC-Treaty (see Declaration No. 23 „Co-operation with charitable associations“). This principle should now be made a binding guideline.

3. Area "Competition"

The difference between „objectives and powers“ has to be clarified in a new EU-Treaty (see EP's draft Lamassoure report). From the point of view of charitable associations as organisations responsible for social establishments and services, whose co-operation with the Community is given special recognition in the Maastricht Declaration No 23, the report fails to offer clarification on when aids for the organisations of the Civil Society are compatible with competition

rules, a clarification to be placed right after the Lamassoure report mentions competition law:

In the case of State aids of all kinds, the Union shall draw up rules on their compatibility with the internal market and establish a system of penalties applicable to donors and beneficiaries. However, aids for economic and non-economic activities carried out by non-profit organisations of the Civil Society, who invest their profits entirely in the social services, are excluded.

Explanation:

This ties in with the proposal made in the EP's draft Lamassoure report, stating the need for clear rules on State aids. Aid for the activities of non-profit organisations of the Civil Society must be excluded from such rules in the best interest of welfare. Such should apply to economic as well as to non-economic activities. It must also be ensured that these organisations use their profits entirely for the social services they provide.

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