Evaluation of SGEI rules applicable to health

and social services and the SGEI de minimis

Regulation - Public consultation

**INTRODUCTION**

The European Commission is carrying out an evaluation of the 2012 SGEI package as regards health and social services and of the SGEI de minimis Regulation. More information can be found [here](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2019-3777435_en).

You are kindly invited to reply to a set of 18 questions. Please make sure you use the save button as you proceed with the questionnaire to avoid losing information that was already inserted - especially in the case of questions with open replies. At the end of the survey you will have an opportunity to provide broader, more general comments and to upload documents, which you consider as relevant.

The questionnaire will take approximately 30 minutes to complete.

A summary report of the public consultation will also be published in Q1 2020 on the European Commission’ s public consultations page of [the better regulation portal](https://ec.europa.eu/info/law/better-regulation/have-your-say_en).

**ABOUT YOU**

1. Language of my contribution: English
2. I am giving my contribution as: Public authority
3. First Name: Dutch authorities: Interdepartementaal Staatssteun Overleg (ISO)
4. Surname: Dutch public authorities: Interdepartementaal Staatssteun Overleg (ISO)
5. Email (this won’t be published): [WJZStaatssteun@minezk.nl](mailto:WJZStaatssteun@minezk.nl)
6. Scope: National
7. Organisation name: Dutch authorities: Interdepartementaal Staatssteun Overleg (ISO)
8. Organisation size: Large (250 or more)
9. Transparency register number: /
10. Country of origin: The Netherlands
11. Publication privacy settings: Public
12. I agree with the [personal data protection provisions](https://ec.europa.eu/info/law/better-regulation/specific-privacy-statement_en)

**GENERAL QUESTIONS**

1. Please describe the relevance of State aid rules for you: The ISO is a central State aid coordination body composed of all Dutch ministries and representatives of the regional and local authorities who have to comply with the State aid rules. The ISO is chaired by the Ministry of Economic Affairs and Climate Policy. The Minister of Economic Affairs and Climate Policy is responsible for competition policy in the Netherlands
2. How would you best describe the nature of your understanding and involvement in matters related to State aid rules? The ISO is a central State aid coordination body composed of all Dutch ministries and representatives of the regional and local authorities who have to comply with the State aid rules and therefore have a broad knowledge and experience with the State aid rules.
3. Are you familiar with the SGEI package?

(Very familiar, I use this document often, Familiar, I heard about it and use it sometimes, Neutral, I have heard about it, but do not use it, Not familiar at all, I do not know this document)

* 1. [2012 SGEI Decision](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32012D0021): PM
  2. [2012 SGEI Communication](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012XC0111(02)): PM
  3. [2012 SGEI Framework](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012XC0111(03)): PM
  4. [SGEI de minimis Regulation](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012XC0111(03)): PM

1. How often do you grant compensation under the different documents that are part of the SGEI package? (More than 12 times per year, Less than 12 times per year, Never, I do not know, This document is not relevant for me/ I do not use it)
   1. 2012 SGEI Decision: PM
   2. 2012 SGEI Framework: PM
   3. SGEI de minimis Regulation: PM

**SPECIFIC QUESTIOS – EFFECTIVENESS (Have the objectives been met?)**

In this section, we would like to have your opinion on the extent to which the SGEI rules for health and social services met their objectives, notably:

* Clarifying the basic concepts relevant for the application of the State aid rules to health and social SGEIs; and
* Providing a more diversified and proportionate approach for a large variety of health and social SGEIs, taking into account their nature and scope and the extent to which they posed a serious risk of competition distortions in the internal market

1. Based on your experience, has the 2012 SGEI package in so far as applicable to health and social services overall led to a clearer and more simple set of rules?

PM (1000 character(s) maximum).

1. Based on your experience, did the factors below facilitate the compliance with the SGEI rules applicable to health and social services? (Fully agree, Partially agree, neutral, Partially disagree, Fully disagree, I do not know/ no opinion)
   * Guidance in the 2012 SGEI Communication on when the SGEI rules apply: PM
   * Guidance in the 2012 SGEI Communication on the definition of a genuine SGEI: PM
   * Guidance in the 2012 SGEI Communication on the concept of ‘market failure’: PM
   * The scope of social services as laid down in the 2012 SGEI Decision (Article 2(1)(C) and recital 11 of the preamble: PM
   * The definition of social housing as laid down in the 2012 SGEI Decision (recital 11 of the preamble): PM
   * Publication by member States or regional and local authorities of a Member State of aid awards above EUR 15 million on the internet: PM
2. Please explain your answers (3000 character(s) maximum): PM
3. Based on your experience, which other specific elements, besides the elements listed in the previous question, could be clarified to improve the implementation of the SGEI rules applicable to health and social services.

PM (2000 character(s) maximum).

1. Based on your experience, have the SGEI rules applicable to health and social services achieved the objectives listed below while maintaining a competitive internal market?

(To a large extent, To some extent, Neutral, Not at all, I do not know/ no opinion)

* + To clarify basic concepts relevant for the application of the State aid rules to health and social SGEIs: PM
  + To make a more diversified and proportionate approach for health and social SGEIs possible, taking into account their nature and scope and the extent to which they posed a serious risk of competition distortions in the internal market: PM
  + To simplify the State aid rules applicable to health and social services/ SGEIs compared to the 2005 Package by exempting them from notification to the Commission? PM
  + To make it possible for Member States to provide health and social services to the (vulnerable part of the) population at affordable conditions. PM

1. Please explain your answers

PM (3000 character(s) maximum)

1. Based on your experience, has the 2012 SGEI package with regard to health and social services had any positive impacts that were not expected or not intended? (Yes, No, I do not know/ no opinion)
2. Please explain your answer

PM (1000 character(s) maximum

1. Based on your experience, has the 2012 SGEI package with regard to health and social services had any negative impacts that were not expected or not intended? (Yes, No, I do not know/ no opinion)
2. Please explain your answer

PM (1000 character(s) maximum

1. The content of the act assigning an SGEI to a beneficiary (‘the entrustment act’) and the amount granted to the company benefiting from the SGEI compensation and falling under the SGEI Decision, when exceeding EUR 15 million, have to be published by the Member State or its regional and local authorities on the internet, also with regard to health and social services defined as an SGEI (Article 7 of the [2012 SGEI Decision](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32012D0021)).

Based on your experience, did the publication on the internet or by other means of SGEI compensation for health and social services above EUR 15 million mate it easier to check the entrustment acts, possibly to challenge them and did it make aid transparent for you, (other) stakeholders and companies and the general public? (To a large extent, To some extent, Neutral, Not at all, I do not know/ no opinion)

* + To increase transparency of SGEI compensation towards stakeholders, companies and the general public: PM
  + To enable companies and other interested parties to check whether aid was granted in line with the SGEI rules: PM

1. Please explain your answers

PM (1500 character(s) maximum)

**SPECIFIC QUESTIONS - EFFIENCY (Were the costs involved proportionate to the benefits?)**

In this section, we would like to have your view concerning the efficiency of the SGEI rules for health and social services analysed under this evaluation. Were the costs involved in complying with the rules proportionate to the benefits of having such rules?

1. To the best of your knowledge, has the 2012 SGEI package reduced the administrative burden with regard to health and social services compared to the rules in force under the 2005 package?

(Fully agree, Partially agree, Neutral. Partially disagree, Fully disagree, I do not know/ this is not relevant for me.

* + For the public authorities: PM
  + For the beneficiaries (health and social service providers entrusted with an SGEI): PM

1. Please explain your answers

PM (1000 character(s) maximum

1. To what extend did the amount of resources (for example money and personnel) you spent on administrative activities with regard to health and social services change, compared to the period 2005-2012 when the [2005 SGEI package](http://ec.europa.eu/competition/state_aid/legislation/sgei_archive_en.html) was still in force (if you never used the 2005 SGEI package, please tick ‘I do not know/ not applicable’)
   * Strong increase
   * Limited increase
   * No change
   * Limited decrease
   * Strong decrease
   * I do know/ not applicable
2. To what extend did the amount of resources (for example money and personnel) you spent on administrative activities with regard to health and social services change, since 2012 when the 2012 SGEI package entered into force.
   * Strong increase
   * Limited increase
   * No change
   * Limited decrease
   * Strong decrease
   * I do not know/ not applicable
3. Please support your answer with reference to statistics if possible and also explain if you believe the change in amount of resources spent on administrative activities has changed for reasons unrelated to the SGEI rules

PM 3000 characters maximum

**SPECIFIC QUESTIONS- RELEVANCE (is EU action still necessary?)**

1. Based on your experience, how well do the objectives of the 2012 SGEI package as applied to health and social services still correspond to todays (EU internal) market situation?

*Objectives as applied to health and social services: simplifying compatibility criteria and reducing the administrative burden for Member States which compensate undertakings entrusted to provide such services to the (vulnerable part of the population at affordable conditions.*

* + To a large extent
  + To some extent
  + Neutral
  + Not at all
  + I do not know/ no opinion

1. Please explain your answer

PM (1000 character(s) maximum)

1. Based on your experience, to what extent does each separate element of the 2012 SGEI Decision below correspond to the (EU internal) market developments in the field of health and social services that have occurred since 2012? In other words, do these elements still serve a purpose?

(To a large extent, To some extent, Neutral, Not at all, I do not know/ this is not relevant for me)

* + The requirement to define the nature and duration of the SGEI in the entrustment act: PM
  + The requirement to define the territory concerned in the entrustment act: PM
  + The requirement to include exclusive or special rights assigned to the company in the entrustment act: PM
  + The requirement to define the parameters for calculating, controlling and reviewing the compensation in the entrustment act: PM
  + The requirement to include the arrangements for avoiding and repaying any overcompensation in the entrustment act: PM
  + The requirement to refer to the 2012 SGEI Decision in the entrustment act: PM
  + The requirement that the amount of compensation shall not exceed what is necessary to cover the net cost incurred in discharging the public service obligations, including a reasonable profit: PM
  + The requirement that the company does not receive more compensation than the amount determined in accordance with the requirements outlined above and in case this would happen that it can be recovered (recovery of overcompensation): PM

1. Please explain your answers

PM (3000 character(s) maximum)

1. Have you experienced difficulties in calculating and applying the ‘reasonable profit’ requirement as explained in Article 5 of the 2012 SGEI Decision?

‘Reasonable profit’ means the rate of return on capital that would be required by a typical undertaking considering whether or not to provide the service of general economic interest for the whole period of entrustment, taking into account the level of risk.

* + A lot of difficulties
  + Few difficulties
  + No difficulties
  + I do now know/ this rule is not relevant for me

1. Please explain your answers

PM (1000 character(s) maximum)

1. Based on your experience, compared to 2012, when the SGEI package entered into force, do you consider that the risk of distortion of competition in the health and social services sector is still lower than in other sectors?

(Fully agree, Partially agree, Neutral. Partially disagree, Fully disagree, I do not know/ this sector is not relevant for me)

* + Health sector: PM
  + Social housing: PM
  + Long-term care: PM
  + Childcare: PM
  + Access and reintegration into the labour market: PM
  + Care and social inclusion of vulnerable groups: PM

1. Please explain your answers

PM (3000 character(s) maximum)

**SPECIFIC QUESTIONS – Coherence (Des the policy complement other actions or are there contradictions?)**

In this section, we would like to understand the extent to which the State aid rules for health and social services are coherent with each other and with other EU rules.

1. Based on your experience, are the SGEI rules ((the SGEI Decision, SGEI Framework, the SGEI Communication and the SGEI de minimis Regulation) insofar as they are applicable to health and social services coherent with each other?
   * Yes, fully coherent
   * Yes, partially coherent
   * Neutral
   * No, partially incoherent
   * No, fully incoherent
   * I do now know/ no opinion
2. Please explain your answers

PM (1000 character(s) maximum)

**SPECIFIC QUESTIONS – EU added value (Did EU action provide clear added value?)**

In this section, we would like to have your view concerning the EU added value of the SGEI rules for health and social services subject to the current evaluation.

1. To the extent you are in a position to answer this question, has the 2012 SGEI package, with regard to health and social services, allowed for a better task allocation between the Commission and Member States?
   * Yes, fully agree
   * Yes, partially agree
   * Neutral
   * No, partially disagree
   * No, fully disagree
   * I do now know/ no opinion
2. Please explain your answers

PM (1000 character(s) maximum)

**SPECIFIC QUESTIONS – SGEI de minimis Regulation**

1. Is the amount of de minimis aid that can be granted under the [SGEI de minimis Regulation](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32012R0360), i.e. up to EUR 500 000 over any period of three fiscal years, still appropriate?
   * Yes
   * No, it is too high
   * Neutral
   * No, it is too low
   * I do not know
   * The SGEI de minimis Regulation is not relevant for me
2. Please explain your answers

PM (3000 character(s) maximum)

1. Do you have any additional comments on the application of the SGEI de minimis Regulation?

PM (3000 character(s) maximum)

**FINAL COMMENTS AND DOCUMENT UPLOAD**

1. Is there anything else with regard to the 2012 SGEI package that you would like to add?

PM (3000 character(s) maximum)

1. You may upload a file that further explains your position in more detail or further details the answers you have given.
2. Please indication whether the Commission services may contact you for further details on the information submitted, if required. YES