**TAREGETED CONSULTATION ON THE SERVICE OF GENERAL ECONOMIC INTEREST (SGEI) RULES APPLICABLE TO HEALTH AND SOCIAL SERVICES - invuldocument**

**INTRODUCTION**

The purpose of the stakeholder consultation is to collect evidence and views from the different government levels in Member States in order to assess the effectiveness, efficiency, coherence, relevance and EU added value of the [2012 SGEI package](http://ec.europa.eu/competition/state_aid/legislation/sgei.html) with regard to health and social services as well as to other services in the specific case of the SGEI de minimis Regulation.

The evaluation announced by the Commission in June aims at verifying to which extent the SGEI rules on health and social services reached the envisaged objectives under the 2012 SGEI package. The evaluation includes both a general consultation (addressed to all stakeholders) and this targeted consultation (addressed to Member States). Further information on the general consultation is available under [this link](https://ec.europa.eu/eusurvey/runner/SGEIhealthandsocial_deminimis). The targeted consultation aims at gathering Member State’s views on the implementation of the SGEI rules applicable to health and social services and to receive insights about potential gaps, overlaps, or excessive regulatory burden.

You are kindly invited to reply to a set of 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.

Please note that Member States do not have to answer to the general consultation since the present consultation is especially dedicated to national authorities and partially overlaps with the general consultation.

**ABOUT YOU**

For your information, the Commission services do not intend to make any of the information and data contributed to this targeted consultation publicly accessible. Answers received will be analysed by the Commission services and the findings will serve as a basis for drawing conclusions on the evaluation of the 2012 SGEI package as applicable to health and social services and, on the SGEI de minimis Regulation. For the general rules on personal data protection on the EUROPA website, please click [here](https://ec.europa.eu/info/legal-notice_en#personaldata).

1. Language of my contribution: English
2. I am giving my contribution as: Public authority
3. Please indicate whether your reply is on behalf of all levels of government.: Yes
4. I reply on behalf of: Dutch authorities: Interdepartementaal Staatssteun Overleg (ISO)
5. First name: Dutch authorities: Interdepartementaal Staatssteun Overleg (ISO)
6. Surname: Dutch authorities: Interdepartementaal Staatssteun Overleg (ISO)
7. E-mail (this won’t be published): [WJZStaatssteun@minezk.nl](mailto:WJZStaatssteun@minezk.nl)
8. Scope: National
9. Organisation name (255 charactr(s) maximum: Dutch authorities: Interdepartementaal Staatssteun Overleg (ISO). 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.
10. Organisation size: Large (250 or more)
11. Transparency register number: /
12. Country of origin: The Netherlands
13. Publication privacy settings: Public
14. I agree with the [personal data protection provisions](https://ec.europa.eu/info/law/better-regulation/specific-privacy-statement_en)

**GENERAL QUESTIONS**

1. How often do you use the different documents that together form the SGEI package? (More than 12 times per year, Less than 12 times per year, Never, I do not know, This is not relevant for me

* [2012 SGEI Decision](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32012D0021): PM
* [2012 SGEI Communication](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012XC0111(02)): PM
* [2012 SGEI Framework](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012XC0111(03)): PM
* [2012 SGEI de minimis Regulation](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32012R0360): PM

1. To the best of your knowledge, please enter in table 1 and 2 the approximate funding amount for health and social SGEI compensation granted by all levels of government in 2018. Please note that only the amounts for 2018 are being asked since for previous years, the amounts should be reflected in the biennial reports supported by Member States.

Table 1: Health services:

* 1. Hospitals providing medical care (incl. emergency services): PM
  2. Health insurance: PM
  3. Other (e.g. general practitioners, medical laboratories, care provided by private clinics): PM
  4. Total of a,b and c: PM

1. Table 2: Social services:
2. Social services (for example: social housing, long-term care childcare, access and reintegration into the labour market, care and social inclusion of vulnerable groups): PM
3. Other sectors (aggregate amounts): PM
4. Total of e and f: PM
5. Total amount in EUR million: PM
6. To the best of your knowledge, please provide the approximate total funding amount for health and social services for the level(s) of government that you represent under the SGEI rules for each level of government in 2018:
   1. National/ federal: PM
   2. Regional/ provincial/ state level: PM
   3. Local/ municipal: PM
   4. Other: PM

Total a,b,c and d. PM

1. Are the amounts you provided in the previous questions in EUR? YES

21: Which currency did you use: EUR.

**SPECIFIC QUESTIONS REGARDING HEALTH AND SOCIAL SGEI’S – EFFECTIVINESS**

**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:**

* **To clarify basic concepts relevant for the application of the State aid rules to health and social SGEIs;**
* **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;**
* **to simplify the state aid rules applicable to health and social services / SGEIs compared to the 2005 Package.**

1. Based on your experience, to what extent 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 now know)

* 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 regardless of the compensation amounts: 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 answer and state which objectives you refer to. 4000 character(s) maximum: PM
2. Please explain whether the SGEI rules helped you in achieving any (other) objectives set with regard to health and social services. 1500 character(s) maximum: PM

**Applicability of SGEI rules**

1. Based on your experience, have you faced difficulties in assessing whether funding in the health and social services sector would be granted for economic or non-economic activities?

* A lot of difficulties
* Few difficulties
* No difficulties
* I do not know/ no opinion

1. If your authority or authorities has/have faced any difficulties, please list the main difficulties encountered and explain their nature (for example the classification of activities within a system with certain social and competitive elements or the coexistence of both economic and non-economic activities carried out by the same beneficiary). 2000 character(s) maximum: PM
2. Based on your experience, with regard to health and social services, have you faced difficulties in assessing whether a measure would have an effect on trade between Member States?

* A lot of difficulties
* Few difficulties
* No difficulties
* I do not know/ no opinion

1. If your authority or authorities has/ have faced any difficulties, please list the main difficulties and explain their nature. 2000 character(s) maximum: PM
2. 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. 2000 character(s) maximum: PM

**Qualification of a service as SGEI**

1. Based on your experience, have you faced difficulties in characterising the specific market failure (i.e. funding measures for health and social SGEIs are commercially unattractive and, therefore, not provided, or not provided to the same extent or under the same conditions by the market) that the SGEIs aim at addressing in the health and social services sector?

* A lot of difficulties
* Few difficulties
* No difficulties
* I do not know/ no opinion

1. If your authority or authorities has/ have faced any difficulties, please list the main difficulties and explain their nature. 2000 character(s) maximum: PM
2. Based on your experience, have your authorities noticed substantial changes in society with regard to the following aspects that the SGEI Package with regard to health and social services aims at addressing or which may impact how it is applied: (Yes, al lot/ major changes, Yes, a few/ small changes, Neutral, No, I do not know/ no opinion)

* Needs of citizens: PM
* Technological and market developments: PM
* Social preferences: PM

1. Needs of citizens – please explain, 1500 character(s) maximum: PM
2. Technological and market developments – please explain, 1500 character(s) maximum: PM
3. Social preferences – please explain 1500 character(s) maximum: PM

**Compatibility with the SGEI Decision and other texts**

1. Based on your experience, what is/are the most challenging requirement(s) to meet with regard to entrusting health and social services providers that need to form part of the entrustment act as laid down in Article 4 SGEI Decision? Please, rate them on a scale of 1 to 5 in the table below, 1 being not at all challenging to meet and 5 very challenging to meet/ I do not know.

* The content and duration of the public service obligations: PM
* The undertaking and, where applicable, the territory concerned: PM
* The nature and any exclusive or special rights assigned to the undertaking by the granting authority: PM
* A description of the compensation mechanism and the parameters for calculating, controlling and reviewing the compensation: PM
* The arrangements for avoiding and recovering any overcompensation: PM
* A reference to the 2012 SGEI Decision: PM

1. Please explain for the criteria you find most challenging to meet, why you consider this to be the case and please share any other comments regarding the entrustment act requirements you might have. 4000 character(s) maximum: PM
2. Did your authorities face any difficulties in the ex-ante calculation of the compensation under Article 5 SGEI Decision with regard to health and social services?

* A lot of difficulties
* Few difficulties
* No difficulties
* I do not know/ no opinion

1. If your authorities faced any difficulties, please what these difficulties relate to. 2000 character(s) maximum: PM
2. Did your authorities face any difficulties in determining a reasonable profit, as explained in Article 5 of the 2012 SGEI Decision, for health and social services providers?

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 not know/ no opinion

1. If you faced any difficulties, please explain what these difficulties relate to. 2000 character(s) maximum: PM
2. Did your authorities face any difficulties concerning the obligation for those undertakings to show separately the costs and receipts associated with the health and social services SGEI(s) and those of other services?

* A lot of difficulties
* Few difficulties
* No difficulties
* I do not know/ no opinion

1. If you faced any difficulties, please explain what these difficulties relate to. 2000 character(s) maximum: PM
2. Did your authorities face any difficulties ensuring and checking that un undertaking has not received overcompensation for carrying out health and social SGEIs?

* A lot of difficulties
* Few difficulties
* No difficulties
* I do not know/ no opinion

1. If you faced any difficulties, please explain what these difficulties relate to. 2000 character(s) maximum: PM

**Clarification**

1. Which of the factors below were/are most useful in better applying the SGEI rules applicable to health and social services? Rate them on a scale of 1 to 5 in the table below. 1 being very useful and 5 being not useful at all. Or I do not know.

* The guidance provided in the 2012 SGEI Communication on when the SGEI rules apply (Altmark): PM
* Guidance in the 2012 SGEI Communication on the definition of a genuine SGEI and on the concept of ’market failure’: PM
* The scope of social services as laid down in the 2012 SGEI Decision (Article 2.1.(c)): PM
* The definition of social housing as laid down in the 2012 SGEI Decision (recital 11 of the preamble): PM
* Requirements to assess the compatibility of the State aid measures in the field of social services: PM
* Rules to ensure that the aid is limited to the minimum necessary (rules on the calculation of costs and on overcompensation): PM
* The eState aid WIKI: PM
* The publicly available FAQ document from 29 April 2013 (‘Guide to the application of the European Union rules on state aid, public procurement and the internal market to services of general economic interest, and in particular to social services of general interest’ SWD(2013) 53 final/2): PM
* Informal guidance from the Commission (DG COMP): PM

1. Please explain for the least useful instruments listed why they did not help you in better applying the rules applicable to social SGEIs and what kind of other guidance you would need. 3500 character(s) maximum: PM
2. Based pm your experience, has the notification exemption for health and social SGEIs been appropriately defined, so as to exclude from Commission scrutiny all SGEI entrustments with insignificant impact on the internal market?

* Yes, To a large extent
* Yes, to some extent
* Neutral
* No, not at all
* I do now know

1. Please explain your answer. 1500 character(s) maximum. PM
2. Based on your experience, has the 2012 SGEI package with regard to health and social SGEIs had any positive impacts that were not expected or not intended?

* Yes
* No
* I do not know/ no opinion

1. Please explain your answer. 1500 character(s) maximum. PM
2. Based on your experience, has the 2012 SGEI package with regard to health and social SGEIs had any negative impacts that were not expected or not intended?

* Yes
* No
* I do not know/ no opinion

1. Please explain your answer. 1500 character(s) maximum. PM

**Specific questions regarding health and social SGEIs- Efficiency**

**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. Since 2012, there is no maximum threshold for health and social services to fall under the 2012 SGEI Decision and to be exempted from the obligation to notify. Based on your experience, is this rule appropriate?

* Yes, fully agree
* Yes, partially agree
* Neutral
* No, partially disagree
* No, fully disagree
* I do not know/ no opinion

1. Please explain your answer. 1500 character(s) maximum. PM
2. Based on your experience, has the notification exemption supported the following objectives? (Yes, fully agree, No partially agree, Neutral, No, partially disagree, No, fully disagree, I do not know, no opinion)

* To reduce the administrative burden for MS: PM
* To provide SGEIs adapted to the population’s needs: PM

1. To reduce the administrative burden – please explain your answer. 1500 character(s) maximum. PM
2. To provide SGEIs adapted to the population’s need – please explain your answer. 1500 character(s) maximum. PM
3. The content of the entrustment act and the amount granted to the undertaking 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 or by other means. Based on your experience, is the EUR 15 million threshold regarding transparency appropriate to achieve the desired objectives listed above as regards health and social SGEIs?

* Yes, it is appropriate
* No, it is too high
* No, it is too low
* I do not know/ no opinion
* This is not relevant for me

1. Please explain your answer. 1500 character(s) maximum. PM
2. Based on your experience, to what extent have the SGEI rules for health and social SGEI services ensure efficient State expenditure?

* To a large extent
* To some extent
* Neutral
* Not at all
* I do now know/ no opinion
* This is not relevant for me

1. Please explain your answer. 1500 character(s) maximum. PM
2. Based on your experience, have the 2012 SGEI rules for health and social services reduced the administrative burden compared to the rules in force under the 2005 SGEI package? (Fully agree, partially agree, Neutral, Partially disagree, Fully disagree, I do not know/ no opinion).

* For the public authorities: PM
* For the beneficiaries: PM

1. Please explain your answer. 1500 character(s) maximum. PM
2. To the best of your knowledge, to what extend did the amount of resources (for example financial and human resources) you spent on administrative activities with regard to health and social services change, compared to the period 2005-2012 when the 2005 SGEI package was still in force?

* Strong increase
* Limited increase
* No change
* Limited decrease
* Strong decrease
* I do not know

1. To the best of your knowledge, to what extend did the amount of resources (for example financial and human resources) 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

1. Please substantiate 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. At the end of this questionnaire you have the possibility to upload a file. 3000 character(s) maximum. PM

**Specific questions regarding health and social SGEIs- Relevance**

**In this section, the Commission services would like to understand if the State aid rules for health and social services are still relevant considering, in particular, new market developments.**

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 today’s (EU internal) market situation?

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

1. Please explain your answer. 1500 character(s) maximum. PM
2. 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)

* No notification obligation and no threshold for health and social SGEIs: PM
* 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 undertakings 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 undertaking does not receive compensation in excess of 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 answer. 1500 character(s) maximum. PM

**Specific questions regarding health and social SGEIs- Coherence**

**In this section, the Commission services 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 and the SGEI Communication) for health and social services coherent with each other?

* Yes, fully
* Partially
* No, not at all
* I do not know/ no opinion

1. Please explain your answer. 1500 character(s) maximum. PM
2. Based on your experience, to what extent are the SGEI rules for health and social services coherent with changes in or new EU legislation/initiatives (such as [the General Block Exemption Regulation from 2014](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014R0651-20170710) and the introduction of the [European Social Pillar in 2017](https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en)) which have occurred since the rules were adopted?

* Yes, fully
* Partially
* No, not at all
* I do not know/ no opinion

1. Please explain your answer. 1500 character(s) maximum. PM
2. Since 2012, have your authorities faced problems regarding the requirement under Article 3 SGEI Decision to bring health and social SGEI funded projects also in compliance with requirements flowing from the Treaties or sectoral Union legislation?

* A lot of problems
* Few problems
* No problems
* I do not know/ no opinion

1. Please explain your answer. 1500 character(s) maximum. PM

**Specific questions regarding health and social SGEIs- EU added value**

**In this section, the Commission 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. Based on your experience, has the 2012 SGEI package, with regard to health and social services, allowed for a better task allocation between the Commission and your authorities?

* Yes, I fully agree
* Yes, I partially agree
* Neutral
* No partially disagree
* No, fully disagree
* I do not know/ no opinion

1. Please explain your answer. 1500 character(s) maximum. PM

**Specific questions regarding the 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

1. Should you be in favour of a different threshold, please explain, if possible, by providing concrete examples. 4000 character(s) maximum: PM
2. Do you have any additional comments on the application of the SGEI de minimis Regulation? 4000 character(s) maximum: PM

**Final questions and additional information**

1. Do you face difficulties with applying the Net Avoided Cost (NAC) Methodology under the [SGEI Framework](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012XC0111(03))?

* Yes, a lot of difficulties
* Yes, few difficulties
* No, no difficulties at all
* I do not know/ this is not relevant for me

1. If you face any difficulties, please explain the difficulties you face. 3000 character(s) maximum: PM
2. Further to the previous questions, you may provide below any additional comments, observations, information, or suggestions you deem relevant to share with us (for example more detailed comments on the SGEI Framework). 3000 character(s) maximum: PM
3. You may upload here a file which provided more detail on your answers or explain in more detail your position.