



# News Letter

2/2002

## Observatory for the Development of Social Services in Europe

### The European Constitutional Convention and social policy

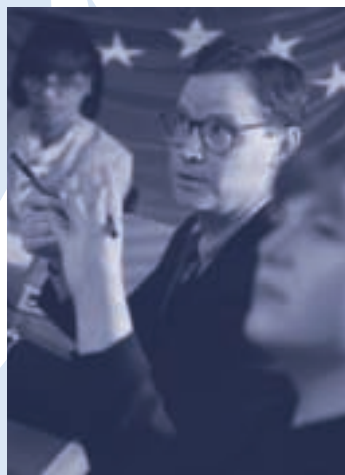
#### Initial situation and objectives

In its declaration on the future of Europe, the Laeken European Council addressed the issues of Europe's new role in the world, the expectations of Europe's citizens, the challenges to be met by the Union and the reforms that need to be made. Current considerations focus on defining the division of competence and simplifying the Union's instruments, improving democracy, efficiency and transparency, and taking steps towards designing a constitution for the citizens of Europe. Europe should be comprehensible and understandable to its citizens; it should allow them to identify with it. The Convention is expected to propose solutions for the future of Europe. It is also important to realise that current structures for discussion and decision-making within the Union seem to be reaching their limits, and that the need for transparency and legitimacy means that new forms of co-operation are necessary.

In order to encourage a comprehensive debate and the participation of European citizens in the consultation process, the Convention established a FORUM open to all organisations representing civil society (e.g. NGOs, the social partners, the business world). The forum provides a platform through which these groups can be kept informed of the Convention's work.

#### The previous debate

The Convention has been meeting monthly since 28 February 2002. Its sessions have focused on a number of specific topics arising from the Convention's task: expectations vis-à-vis the EU; the missions of the EU; efficiency and legitimacy; the role of national parliaments and the area of freedom, security and justice; hearing of the civil



society; foreign and security policies; and the youth convention.

This first phase of the debate concentrated on the hearing. The coming phase (starting in September) will analyse the advantages and disadvantages of the proposals made. In the final phase, proposals will be made for a "constitutional treaty" to be presented to the Heads of State and Government at the 2004 Intergovernmental Conference.

In contrast to the Convention on Fundamental Rights, where concrete discussion and participation were possible on the ba-

sis of text drafts, the early impression here has been that the objectives and structures were initially too diffuse and unclear. Many thought they were also not sufficiently open. NGOs also criticised that too little time had been set aside for consultations.

In order to structure the work and better prepare the content of the issues being approached, the Convention formed working groups to look more closely at individual questions and to ensure that members could produce concrete results.

#### The civil dialogue

From the beginning, European NGOs have done their utmost to participate in the process of discussion. European NGOs dealing with environmental, social and developmental issues as well as with human rights established a contact group with the aim of seeking dialogue and transporting the specific demands of their member organisations into the Convention.

Right from the start, the European Economic and Social Committee saw itself as a mediator between the Convention and the organised civil society. It has developed a dialogue structure to encourage various forms of co-operation with

- the civil society organisations represented in the EESC
- the economic and social councils in the individual Member States
- civil society organisation in the candidate States

### Editorial

DEAR READER,

THE EUROPEAN CONSTITUTIONAL CONVENTION BEGAN ITS WORK ON 28 FEBRUARY THIS YEAR. THE PRIMARY AIM OF THE CONVENTION, WHICH IS CHAIRED BY FORMER FRENCH PRESIDENT VALÉRY GISCARD D'ESTAING, IS TO MAKE THE UNION MORE TRANSPARENT AND EFFICIENT IN VIEW OF ITS UPCOMING EXPANSION. IT ALSO HAS THE MISSION OF EXPLORING THE POSSIBILITY OF A EUROPEAN CONSTITUTION. IN HIS EDITORIAL ARTICLE, ULRICH TIBURCY OF THE EUROPEAN OFFICE OF THE GERMAN FEDERAL WORKING GROUP OF NON-STATUTORY WELFARE SERVICES [BUNDESARBEITSGEMEINSCHAFT DER FREIEN WOHLFAHRTSPFLEGE] IN BRUSSELS WILL LOOK MORE CLOSELY AT THE ESSENTIAL AIMS OF THIS CONVENTION. HE WILL ALSO EXAMINE THE EXTENT TO WHICH CIVIL SOCIETY AND ELEMENTS OF SOCIAL POLICY ARE BEING TAKEN INTO ACCOUNT IN THE CONSTITUTIONAL PROCESS. IN THIS CONTEXT, REPRESENTATIVES OF CIVIL SOCIETY EXPECT THE EU TO BE CLOSER TO ITS CITIZENS; IN ORDER FOR A SOCIAL AND DEMOCRATIC EUROPE TO BE MAINTAINED OR MADE POSSIBLE, THEY WANT THE EU CHARTER OF FUNDAMENTAL RIGHTS TO BE INCLUDED IN THE TREATY OR IN A FUTURE CONSTITUTION. IN OUR GUEST COLUMN, GIAMPIERO ALHADEFF, CURRENTLY CHAIRMAN OF THE EUROPEAN PLATFORM OF SOCIAL NGOS, WILL LOOK MORE CLOSELY AT FOUR CONCRETE INDIVIDUAL DEMANDS.

THE EDITORIAL TEAM

- the Forum and the European networks of the organised civil society.

It is also to a large extent due to the efforts of the various social actors that the Convention has taken up the idea of organising a hearing with “civil society”.

In the consultations, which were prepared by eight contact groups, representatives and organisations were heard from the fields of social work, the



environment, science, regional and local authorities, human rights, development and culture.

In the social sector, there was a high degree of consensus regarding the role, significance and necessary support of civil society organisations in Europe. On behalf of all public welfare associations, the representative of the European Standing Conference of Cooperatives, Mutual Societies, Associations and Foundations argued in favour of recognising the role of services of general interest in the Treaty. This would mean that they could be excluded from competition rules.

### The social policy dimension

Social policy is not one of the main focal points of the work of the Convention. It does, however, come into play indirectly, i.e. in issues regarding the division of competence and tasks of the EU and of the Member States with regard to possible Treaty amendments in the various policy areas or in terms of increased co-operation in the areas of social integration and health.

Nevertheless, there are a number of tendencies evolving in the current debate that are supported by several social associations and networks at both national and European levels:

- Dialogue with civil society must be institutionalised in order to ensure regular consultations and the participation of civil society in European decision-making processes. From the point of view of the welfare associa-

tions, this dialogue could be based on declaration no. 23 of the Maastricht Treaty, which would consolidate the importance of co-operation with local and regional institutions responsible for social services.

- The Treaty should include a separate statement of social policy objectives where Member States acknowledge their commitment to a social model reflecting the interests of the general public and guaranteeing a high degree of social protection. Europe cannot define itself only in economic and political terms: it must also see itself as a social entity taking into account the great variety of individual customs present in the individual member states. The importance of not-for-profit organisations and the special nature of the social services and benefits they provide must be recognised.
- The Charter of Fundamental Rights must become a legally binding component of a European Constitution. This would mean that the individual rights of European citi-

zens would be directly linked to the constitutive elements of the Union. An individual right to social security (Art. 34) and appropriate access to social services (Art. 36) ensures the unhindered development of accessible local structures for the provision of social services compatible with the traditions of any individual Member State.

- Within the scope of the open method of co-ordination and in view of its increasing importance for the implementation of social policy objectives, regulations for more transparency and participation must be incorporated. The participation of Community organs, of Parliament and of civil society organisations must be guaranteed.

### Outlook

It is too early to assess how far the Convention's proposals will go. Laeken leaves a great number of options open. Many fear that the result may ultimately be no more than a purely formal, administrative structural reform that would reorganise the relationship of various institutions to one another without paving the way for new perspectives towards a Europe for its citizens.

On the other hand – and particularly as a result of the dialogue with civil society and the FORUM – we can expect the Constitution to develop a certain momentum of its own that might lead to true progress. The only convincing development would be a uniform and coherent concept that would make it difficult for the 2004 Intergovernmental Conference to ignore the proposals. Meanwhile, expectations have become very high.

*Ulrich Tiburcy*  
German Federal Working Group of Non-Statutory Welfare Services [Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege, BAGFW], European office, Brussels

## Guest column

### For a social Europe closer to its citizens

When the EU Heads of State and Government at their meeting in Laeken at the end of 2001 set up the Convention on the Future of Europe, they created an extraordinary body for an assembly including members of the European Parliament and of the European Commission and representatives of national governments and parliaments from all Member States and accession candidate countries that will meet to make recommendations about how to change the EU Treaty. A task all the more urgent if the enlarged EU is to function with a modicum of efficiency.

The task is extensive and ambitious. The Summit Declaration posed nearly 80 questions to be answered by the Convention, ranging from what the EU's role should be in a globalised world to whether the number of legislative measures should be reduced. However, one of the overarching objectives was to bring Europe closer to its citizens, to address the perceived democratic deficit. The challenge is now how to ensure that European citizens feel that this Union does indeed protect them, their values and their way of life.

### Widening the debate

The EU is growing from a Union of 6 member states to one that could comprise as many as 28 member-countries once all new accession nations have joined. The question is how the European Commission and the European Council, not to mention the rotating EU Presidency, can function in a Union of 28 members. At the same time, the EU has become an economic giant. But although the single market and the Euro have strengthened the economic dimension of the Union, these advances have not been matched in social policy or foreign affairs. A recent gathering of 1000 young Europeans, brought together by the Danish newspaper Mandag Mor-

gen and the World Economic Forum, found that their aspirations were for a Europe that would look after them at home and protect them abroad. Of course they wanted a prosperous Europe of employment, but they also wanted quality education, social protection, a non-discriminatory culture and a Europe that would stand up for our values across the globe. If the European Union is to fulfil this task, then it will need a clear set of values and objectives to be stated in the Treaties and the political will to put these values and objectives into practice.

The 2004 Treaty revision will have to light a spark in people's imagination. To do so, it will need to concentrate on those matters which have the capacity to rouse passion. In this article we propose four such issues.

### Charter of Fundamental Rights into the Treaty

The Charter of Fundamental Rights was drafted by a Convention set up at the Cologne Council in 1999 and then proclaimed by the Nice Council a year later. The Charter asserts common values in the political, economical and social fields. Though not legally binding, it has become a key legal benchmark for the Commission, the European Parliament and also the European Court of Justice. It is now time that the Charter be given a legal status – either by incorporating it into the Treaty or by including a reference to it in Article 6 of the Treaty. While the first option ensures great visibility and high political significance, the second makes it easier to strengthen the Charter at a later stage.

### The values of Europe

In response to citizens' concerns about the future of Europe, the Convention should revise the Treaty so that the EU is obliged to develop policies that individual women, men, young people and children can clearly identify as contributing to the improvement of their everyday lives. The eradication of poverty should be made an objective of the EU, Article 13 on non-discrimination should

be strengthened by ensuring that any proposed actions to fight discrimination do not need the agreement of all the Member States, and there should be a new title on gender equality to strengthen the fight against the inequality which still persists between women and men.

### Involving citizens in the building of the future European Union

Recognising the growing disaffection with a European Union structured and governed by "few people working in Brussels", the Convention was given the task to "include civil society in its working process". An Internet Forum was created and one of the Convention's plenary sessions was devoted to civil society. Many NGOs from the social, environmental, human rights and development sectors took the opportunity to address the Convention. For the first time since the Convention started working, voices in support of making the eradication of poverty an objective of the EU, or the implementation of the Charter of Fundamental Rights or the inclusion of a Treaty article on civil dialogue were heard by the Convention's delegates. But a two-day hearing in Brussels and an Internet forum do

not constitute a Europe-wide dialogue on the future of Europe. What is needed is a much broader debate outside Brussels, including as many people at national level as possible.

### Creating an inclusive political system

To bridge the gap between the EU and its citizens, it is important that everybody feels that their voice can be heard when it comes to decide on their future. The political system is not inclusive, and those who suffer the most are often the people excluded from the decision-making processes. The Convention has the unique opportunity to formally promote an innovative way of governance within the EU by incorporating parity democracy, i.e. equal representation of women and men in decision-making, into the future Treaty as well as by adding a Treaty article on the consultation of civil society.

Even if the results of the Convention were to be very good, we believe that the European Union will need to engage civil society on a permanent basis to make sure that it creates a real connection with its citizens. Millions of citizens, in thousands of associations throughout the Union, from

small island communities to town centres, are committed to the public good and ready to be engaged in the European policy debate. But civil society must be given the tools to do so. The Convention should therefore recognise the role of civil society at the European level in the Treaty and give a strong signal to the Commission that it should work with civil society organisations to put in place a strategy on how to use this terrific potential. Until that is done, we will continue to hear politicians decry how remote the EU is and how so very few bother to vote in European elections. Without a partnership between civil society and the EU institutions, politicians will simply not be able to take forward the idea of Europe.

The decision to set up the Convention and for the very first time to engage accession countries in the revision of the EU Treaty has broken new ground. Now the Convention itself has the chance of breaking even more new ground and of having the vision to broaden our European concept of democracy.

*Giampiero Alhadeff*  
Chairman of the Platform of Social NGOs  
in Brussels



## Main report

**Cross-border social services/  
social work**

This was the rather factual title of a conference that, in April of this year, brought together social scientists, researchers and representatives of social services providers, local authorities, federal ministries and some Länder governments in the German border city of Aachen. More than 50 participants from various inner-European border regions gathered in this highly symbolic site of European history and European change to exchange practical information and experience on the central challenges of cross-border social work and on the provision of social services adapted to the circumstances of border regions, and to examine a number of model projects in this field.

*“Is it possible to learn from and with one another while looking at the European unification process not only in its political, mercantile and financial dimensions, but in addition – and primarily – in the context of social issues and problems affecting the everyday life of Europeans?”*

This was the comprehensive and overarching question posed by the Observatory for the Development of Social Services in Europe in the invitation to the conference which was organised in close co-operation with the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Euregio Meuse-Rhine and the Aachen region.

The speakers – who reported on related activities in Austria, Switzerland, Liechtenstein, France, Belgium, Luxembourg, the Netherlands and Germany – and the participants – who were intensely involved in the course of the discussion – examined this core question in detail during the two-day conference. Their discussions centred on:

1. The possibilities of cross-border social work and the transnational provision of social services in European border regions as an initial step to-



wards a comprehensive “European social model”, without denying the continuing existence of barriers which, in some cases, might seem quite insurmountable;

2. The “extraction” of impulses for a more effective and efficient co-ordination of national social systems out of the experience gathered so far and the transferability of the concepts of social work presented here to another system. Furthermore, an overview of social work training-courses which transcend the borders of national states and are conceived for uniform implementation were discussed.

The aim of the conference participants was

- to explore the social-law and social-policy framework and the resulting challenges for national and cross-border social work;
- to investigate the role, position and prospects of the Euregios as potential small-scale models for the social integration of Europe.

The projects presented dealt with issues ranging from cross-border youth and family welfare services, drug policies and assistance with drug-related problems, (youth) unemployment and the resulting social problems to co-operation schemes between public authorities and organisations at volunteer or full-time level. All were met with great interest.

Of course, the principles of solid financing and economic efficiency also apply to cross-border social work. This was the basis for papers on financing possibilities for cross-border social work from national and European sources and their instruments. Especially the possibilities of participation or development of EU regional co-operation in the social and health field, particularly within the scope of the so-called INTERREG programmes, as well as for the foundation and operation of so-called “European Economic Interest Groupings” (EEIG) were met with great interest. The EEIG with their flexible and relatively simple structure can be an important and useful instrument for Euro-

pean co-operation at the level of small and medium-sized (social) enterprises. Cross-border social work, according to a definition of the International Council of Nurses, can have the following features:

1. Provision of a service by a provider in a border area within another EU Member State without having a subsidiary in this other EU state;
2. Demand for the provision of social services in another EU state provided by local services or facilities in this state, generally by personnel whose professional qualifications or official certification were not acquired in the user’s country of residence;
3. Establishment of subsidiaries in other EU Member States;
4. Employment of foreign personnel in the country of the provider;
5. Co-operation through central authorities/bureaus on the basis of bilateral agreements or international conventions.

Beyond concrete professional circumstances, all efforts made within the scope of the provision of services through cross-border co-operation ultimately serve the central, indispensable objective of European integration. During the concluding session assessing the results of the conference, all participants agreed that the ultimate aim was to build bridges between cultures and between people on either side of national borders. The individual papers and the central results of this conference have been published in a conference documentation, which is available from the Observatory for the Development of Social Services in Europe.

*Bernhard Döveling*  
former head of department, German Red Cross

## Services of general interest – latest European political developments

Services of general economic interest – a field which includes social services – and their treatment under competition law have, particularly in the last three years, become a standing issue in European policy debate (cf. also Newsletter 1/2002, p. 3-4, and, for more details, the Observatory publication on “The future of social services in Europe”). Communications and reports of the EU Commission and European Court of Justice jurisdiction have created considerable challenges for public and non-profit providers of social services and their facilities in organising, financing and ensuring quality of these services in the field of tension between state, market and civil society. Furthermore, social services are confronted with changing national conditions regarding processes of financing and policy management and the increased introduction of market elements.

Following the amended communication from the EU Commission on “Services of General Interest in Europe” of 20 September 2000 (COM(2000) 580 final), the Commission was asked by the Nice European Council of 7-9 December 2000 to present a Report on Services of General Interest to the Laeken European Council of 14-15 December 2001 (COM(2001) 598 final). The Barcelona European Council of 15-16 March 2002 asked the Commission in particular to report to the Seville European Council of 21-22 June 2002 on the progress of work concerning the guidelines on government aid and, if appropriate, to present a proposal for a regulation on block exemption in this field. The report from the Commission on the status of work on the guidelines for government aid and services of general economic interest (COM(2002) 280 final) was presented on 5 June 2002 in response to this request. The report summarises the current opinion of the EU Com-

mission on the legal nature of compensation for services of general economic interest, which also include social services. It lists the options for action in the light of not yet consistent ECJ rulings. The pivotal case mentioned in the report is the Ferring ruling on the wholesale distribution of medicinal products in France, which was pronounced on 22 November 2001.

In its judgment, the Court stated that, granting a tax exemption to an undertaking entrusted with the operation of a public service does not constitute a government aid when that tax exemption simply offsets the additional costs of the public service, as the recipients do not enjoy an advantage within the meaning of Article 87(1) of the EC Treaty.

Public service obligations can entail additional costs that competitors do not have to bear. In the field of social services, for instance, this could mean that the state obliges a provider to offer a particular social service universally or 24 hours a day, thus increasing the provider's costs. The ECJ al-

so took such aspects into consideration, for instance, in the “Ambulanz Glöckner/Landkreis Südwestpfalz” case (ruling on 25 October 2001). The favoured company is placed in the same situation as its competitors by the compensation payment. If, however, the tax exemption exceeds the amount required for the fulfilment of the public commission, it then constitutes government aid. Until now, the Commission has based its decisions on these ECJ rulings.

If in its forthcoming rulings the Court of Justice upholds Ferring, public service compensation will have to be regarded as not constituting state aid under Article 87(1) of the Treaty, as long as it does not exceed the amount necessary to allow the public interest services to operate. In that case, compensation would not be subject to the prior notification obligation provided for in Article 88(3) of the Treaty.

If the ECJ's forthcoming rulings confirm that compensation payments for public interest services do constitute government aid, the EU Com-

mission proposes the preparation of a Community framework. In a second step, the Commission could pass a regulation exempting some forms of aid for services of general economic interest from the prior notification obligation (block exemption regulation). Such an exception could also include economic activities in the area of social work. According to this logic, compensation would indeed constitute government aid.

But under Article 86(2) of the Treaty it would be viewed as compatible with the common market as long as internal trade were not affected to such an extent as would be contrary to the interests of the Community. For social facilities and services, verification would then be made as to whether co-financing with public funds placed suppliers from other countries at an inappropriate disadvantage and whether supply in inner-European border regions were being distorted. Because of the local character of social services, this is the only place where internal trade could be affected.

The complete report (COM(2002) 0280) can be downloaded from [http://europa.eu.int/eur-lex/en/com/availability/en\\_dpi\\_availability\\_month\\_2002\\_06.html](http://europa.eu.int/eur-lex/en/com/availability/en_dpi_availability_month_2002_06.html).

Mathias Maucher



## Social services in Europe

### Social Services in Ireland

Looking at the history of various countries, we often read of a parallel state, a state within the state. Looking at Ireland, however, the picture that pops up is one of two states in one nation. This statement does not only hold in respect to general differences in lifestyles – these can be found in every country, but it is particularly accurate when we look at social services.

There is – on the one hand – the traditional picture: social policy by donation, mutual support and mercy as part of parish life in this very Catholic country. There is also poverty, there are large families – and the air of modest bliss.

Then – on the other hand – there is the picture of Ireland the ‘Celtic tiger’: a modern, economically emergent nation, young, successful, fashionable, a country with a modern administration and infrastructure – straightforward, serving the privileged, based on the recklessness of competition, and thus producing the “new poor”.

What these two states in the one nation have in common is that both largely draw upon what we can call the old boys network – which is nothing more than a nice paraphrase for clientelism and even bribery.

To understand our social services today, we probably have to know a bit about both: the ongoing importance of the “old Ireland” and the sober analysis of the modern administrative state. The traditional picture is more or less well described in the few lines above. The role of the Catholic Church, which well over 90 % of the population once actively belonged to, was not solely a matter of bringing people together under the roof of faith. Indeed, for a long time the Church undermined the true development of social services. Although a thorough look provides more subtle insights, it is surely not wrong to say that the emphasis on family support

patterns, strict subsidiarity and mutual informal help shaped the way of living together, and in a way “replaced” the need for social services.

This pattern continues to have strong repercussions. One of them is the lasting importance of the Christian faith. The other an increasing inner rejection of the authoritarian father figure, going together a little bit like the devil with the holy water. This reflection on attitudes must be seen against the background of three major influences, emerging in different ways from the various steps of the history of the Republic: independence in 1922, proclamation of a constitution in 1937 and membership in the EC, the ‘club’ of developed western countries, in 1973.

- As a result of Ireland’s strong roots in British tradition, a social state in contemporary Western terms has been developing only quite recently, partly as a result of influence from the EC/EU and of the opportunities the membership has opened up. There are both universal provisions and strong private elements, which leave public services as a last resort.
- However, the lacks and gaps of a half-hearted social state cannot be hidden – in particular in the medical and health services, which had been and are still in a desperate state. Another challenge is the provision of care for senior citizens and for smaller children. Changes in family organisation require new support structures, as previous patterns of care at home in the multigenerational family, are eroding. A strong pressure is being exerted under the heading of the so-called Strategic Management Initiative. This initiative involves an opening of public services in general, but one of its foremost aims is the provision of accessible social services. The services in question are often public services, but predominantly they are private services under public control. Many hospitals, nursing homes, Montessori-schools and the like are privately run even though publicly financed.
- As this system leaves many people behind – the ‘Celtic tiger’ was by no means a tide that lifted all boats in its wake – the Irish government, in connection with the 1st World Social Summit in Copenhagen, launched the National Antipoverty Strategy (NAPS). The objective of this programme, while taking into account the multidimensional quality of the problem, is the reduction and finally elimination of poverty in Ireland. The programme offers a variety of services, for instance educational support, transition into work programmes, housing initiatives, health support and the like. Increasingly the NAPS has been mainstreamed, i.e. its orientation has shifted from policies for the most vulnerable, supporting them in all courses of life to an approach focusing on (a) better management and (b) integration into the labour market.
- In any case, what is of particular relevance – and this is largely the success of the voluntary and community sector organisations as well as the result of EU influences – is a strong emphasis on equality issues and social rights rather than leaving social questions



Part of this new strategy is also the systematic development of the relationship between the voluntary/community sector and the state.

as a matter of mercy and good will. As this is a rather new development, it is not yet clear whether the old patronising welfare officer or the advocate of social rights will actually gain the upper hand. Two important elements in this battle are the Freedom of Information Act introduced in 1997, which guarantees every citizen’s right to information on public activities affecting him/herself, and the Equality Authority.

As this system leaves many people behind – the ‘Celtic tiger’ was by no means a tide that lifted all boats in its wake – the Irish government, in connection with the 1st World Social Summit in Copenhagen, launched the National Antipoverty Strategy (NAPS). The objective of this programme, while taking into account the multidimensional quality of the problem, is the reduction and finally elimination of poverty in Ireland. The programme offers a variety of services, for instance educational support, transition into work programmes, housing initiatives, health support and the like. Increasingly the NAPS has been mainstreamed, i.e. its orientation has shifted from policies for the most vulnerable, supporting them in all courses of life to an approach focusing on (a) better management and (b) integration into the labour market.

In all these settings it is of particular relevance that social work and community work – which are strictly divided in the academic world – are closely related and sometimes overlap. One reason is the strong tradition of youth and community work, which is strongly rooted in protest movements and in Catholic cooperative traditions and influences from returning missionaries, who learned from liberation theology.

Another reason is the structure of and the relationships between the various actors. The most important agency concerned with social services is the Health Board – which of course deals with health issues but also works in areas such as services for children and families, drug addicts, asylum seekers, community services and other types of services. One of the conse-

quences of bundling such a variety of services under one roof is a strong overlap between professional activities. This overlap is supported by the National Social Services Board and the Citizen Information Centres – (semi-)state bodies for the provision of information and “distributing” people to different – statutory and non-statutory – services. Similar statements can be made about the various Boards – for instance for adoption, crisis pregnancies, rehabilitation, pensioners, etc.

In any case, the fight between the centralist autocratic tradition and efforts towards devolution has only just begun.

*Dr. Peter Herrmann*  
European Social, Organisational and Science Consultancy – ESOSC, Ireland

## News from the Observatory

### Indicators and quality of social services in a European context

On 16 and 17 October 2002, the Observatory for the Development of Social Services in Europe, in co-operation with the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, with the national Arbeiterwohlfahrt Federation and with Paritätischer Wohlfahrtsverband – Gesamtverband, will be holding a two-day conference in Berlin. The conference will combine two topics – indicators and quality of social services – that have so far generally been viewed and handled separately. At the conference’s joint introduction and conclusion sessions intersecting points between the two topics will be elaborated in greater detail. One of the main objectives of the conference will be to take the European perspective into adequate account. It will examine discussions, processes and institutions at European and/or EU level (especially with regard to indicators) and draw comparisons so as to bring the challenges facing social services in Germany (especially with regard to quality) into sharper focus. During the

main part of the conference, parallel working groups will explore the various conference topics. The first working group on the topic of quality will examine “Quality from the perspective of providers and users of social services – an area of suspense” This group will share information on aspects such as efficiency and effectiveness in the provision of social services, qualification measures for professional personnel, choice between providers, benchmarking instruments, etc. A further working group will look at “The quality of social services from the angle of the social benefit systems”. This group will focus primarily on the organisation of social rights and the organisation of the supply infrastructure, but also on the importance and foundation of quality assurance and quality development in the individual EU welfare states.

Three main issues will form the core of the deliberations of the working group on “Indicators for social services in a European perspective”: What indicators are suitable and necessary in order to adequately picture the extent and structure of social services and access to them at national and EU levels? What existing data, what results of completed or continuing research projects can be used to develop a system of indicators and a reporting system on social services? And what new qualitative and quantitative indicators are needed for the elaboration of an appropriate system of social reporting on social services and their contribution to social inclusion?

The next edition of the Newsletter will include a detailed report on the conference and its results.

*Beatrix Holzer*

## D a t e s t o r e m e m b e r

October

### 23-24/Nuremberg:

ConSozial2002, 4th trade fair and congress for the social market in Germany. Information: KI Consult, Zugspitzstr. 45 D-86163 Augsburg Phone +49-811-262 03 36 E-mail: hk@ki-consult.de Website www.consozial.de

### 24-25/Prague, Czech Republic:

“Social Economy 2002” Information: CECOP, Rue Guillaume Tell 59b, 1060 Brussels/Belgium Phone/Fax +32-25 43-10 37 E-mail: praha@cecop.org website http://www.cecop.org/praha2002

November

### 14/Aachen:

Opening event of the „European Year of People with Disabilities” within the scope of the 8th European Regional Conference of Rehabilitation International Information: Deutsche Vereinigung für die Rehabilitation Behinderter e. V. Phone +49-62 21-254 85 E-mail: info@dvfr.de

### 21-22/Vienna, Austria:

“The Future Constitution of Europe” Information: European Community Studies Association, Austria/Research Institute for European Affairs – IEF/Federal Economic Chamber of Austria Contact: ECSA Austria, c/o Research Institute for European Affairs Althanstrasse 39-45 A-1090 Vienna Phone +43-1-313-36-41 35 Fax +43-1-313 36-758 E-mail: Roman.Puff@wuw.at

website

http://fgr.wu-wien.ac.at/ecsa/consconf.html

December

### 3/Europe:

European Day of People with Disabilities 4-6/Frankfurt am Main: Learning from Europe? Challenges for the structural reform of training for the social professions Information: Ms. Winter, German Association for Public and Private Welfare Am Stockborn 1-3 D-60439 Frankfurt a.M./Germany Phone +49-69-958 07-202 E-mail: winter@deutscher-verein.de

2003

May

### 7-9/Freiburg im Breisgau:

German Welfare Conference on the topic „Between welfare and personal responsibility – Participation in the welfare state” Information: German Association for Public and Private Welfare Am Stockborn 1-3 D-60439 Frankfurt a.M./Germany Phone +49-69-958 07-381 E-mail: info@deutscher-verein.de

### 26-29/Copenhagen, Denmark:

“The Role of Social Work in Future Europe” Information: conference secretariat HK/Kommunal H.C. Andersens Boulevard 50 1780 Copenhagen V, Denmark, Phone +44-33-304-343 E-mail 44gce@hk.dk, website http://www.hk-kommunal.dk

### International Symposium organised by the Observatory in the context of the German Welfare Conference in Freiburg im Breisgau, 7-9 May 2003

The Observatory for the Development of Social Services in Europe is planning an international one-day symposium on the occasion of the 76th German Welfare Conference, which will be held in Freiburg im Breisgau from 7 to 9 May 2003. The meeting, on 8 May 2003, will be an opportu-

nity for experts from the various Member States of the Council of Europe to discuss “the development of social services in Europe and the possibilities for citizens/users to participate in the planning, implementation and evaluation of social services”. English-German/German-English simultaneous interpretation will be available at the symposium, which will be open to all participants in the German Welfare Conference.

*Dirk Jarré*  
Head of the International Department of the German Association for Public and Private Welfare

## Current events

### Publications

#### New Observatory publications:

#### Working papers

Working paper no. 9: "Strickwerk oder Strategie? Netzwerke der sozialen Arbeit in Europa" [„Patchwork or Strategy? Networks of social work in Europe"] by Prof. Franz Hamburger/Felicia Lauer/Eva Stauf, University of Mainz/Germany

#### Content:

The European networking activities of German social work organisations are the focus of a two-year project entitled "Networks of Social Work in Europe" sponsored by the German Research Community [Deutsche Forschungsgemeinschaft, DFG]. Under the leadership of Professor Franz Hamburger of the Pedagogical Institute of the Johannes Gutenberg University in Mainz, the project team began its work with an overview of European networking activities based on a survey of 350 organisations. The team was particularly interested in the establishment and development of inter-organisational, transnational networks.

The evaluation and analysis of the survey will be published this autumn. The results will be further elucidated by interviews with various representatives of national and European social work organisations.

The project team is very interested in sharing their experience with other research groups working on this topic and in receiving information from practitioners in this field.

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#### Documentation

Symposium on "Cross-border social services/social work", Aachen conference hosted by

the Observatory on 23/24 April 2002

These publications are available for download as pdf files from the Observatory website at <http://www.soziale-dienste-in-europa.de>. Hard copies may be ordered (address information in imprint section).

#### Other new publications on topics of interest to the Observatory:

- "The effects of European state aid laws on the privileged position of not-for-profit organisations offering social services in Germany" – a doctoral dissertation in law presented by Arne von Boetticher to the Berlin Humboldt University. The work examines the applicability of European competition laws to not-for-profit organisations offering social services, particularly from the point of view of the efficiency/inefficiency of activities in the four different fields covered by not-for-profit service providers. It includes a review of the various privileges of not-for-profit service providers on the basis of the stipulations of Article 87(1) of the Treaty regarding non-permissible state aid, taking the latest ECJ rulings into account. Finally, it investigates various justification possibilities, focusing particularly on services of general economic interest within the meaning of Article 86(2) of the Treaty. The author comes to the conclusion that the privileged position of not-for-profit organisations offering social services in Germany offends against European law and should be reformed. The dissertation is currently being assessed and is expected to be published in 2003.

- An anthology entitled "Soziale Dienste im Europäischen Binnenmarkt – Im Spannungsfeld zwischen Sozialen Sicherungssystemen und freiem Dienstleistungsverkehr" [Social services in the European internal market – in the field of tension between social security systems and free movement of services] has just been published by the Schulz-Kirner

Verlag (Schulz-Kirner Verlag, Idstein, 2002, ISBN 3-8248-0494-8). The collection was edited by Martin Albrecht and Eckhard Knappe of the Centre for Employment and Social Issues [Zentrum für Arbeit und Soziales (ZENTRAS)] of the University of Trier and includes contributions by Günter Neubauer, Adrian Otnad, Bernd Schulte and Bernd Ketterern. Freedom of establishment and the free movement of goods, services, capital and manpower are the constitutive principles of the European internal market. Because social security systems are organised on a national basis, these basic freedoms are quite limited in their application to the field of social services. In the long term, however, we cannot expect this tension to be maintained, and ultimately social services must also comply with the principles of the EU internal market and competition policies. The papers published in this anthology, which were read at the 13th ZENTRAS symposium on social policy, shed light on the socio-political and legal implications of the European integration process for social services (book cover text, translated for this newsletter).



Observatory for the  
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