



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE
EUROPEAN PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND
THE COMMITTEE OF THE REGIONS**

on

**the Status of Work on the Examination of a Proposal for a Framework Directive on
Services of General Interest**

A. BACKGROUND

1. As requested by the Nice European Council held on 7, 8 and 9 December 2000, the Commission presented a Report on services of general interest for the Laeken European Council.¹ In its Report, the Commission announced in particular its intention to *“examine the suggestion to consolidate and specify the principles on services of general interest underlying Article 16 of the Treaty in a framework directive.”*
2. In preparation of the European Council meeting at Laeken, the Internal Market Council adopted conclusions on 26 November 2001 stating that the Council was looking forward to the results of that examination. The Laeken European Council of 14 and 15 December 2001 welcomed the Council’s conclusions and the Report from the Commission.
3. Following-on from the Commission’s Report, the European Parliament² and the Economic and Social Committee³ called on the Commission to present a framework directive on services of general interest.
4. The Barcelona European Council of 15 and 16 March 2002 asked the Commission to *“continue its examination with a view to consolidating and specifying the principles on services of general economic interest, which underlie Article 16 of the Treaty, in a proposal for a framework directive, while respecting the specificities of the different sectors involved and taking into account the provisions of Article 86 of the Treaty.”* At the same time, the European Council invited the Commission to present a report by the end of the year.
5. The present communication has been prepared in response to this request of the Barcelona European Council.

B. A GREEN PAPER ON SERVICES OF GENERAL INTEREST

6. As a follow-up to its commitment submitted to the Laeken European Council, the Commission has decided to produce a Green Paper on services of general interest. The Green Paper will allow the Commission to examine the question of a proposal for a framework directive but also to look more thoroughly at the issue of the role of the European Union in ensuring the provision of high-quality services of general interest to consumers and businesses in Europe.
7. The feasibility and possible added-value of a framework directive will be a core subject for the Green Paper. As already suggested by the Commission in its Report to the Laeken European Council, this issue raises complex questions regarding, among other aspects, the possible objectives, the scope of application and the content of such a directive and its links with existing sector-specific legislation.

¹ COM(2001) 598 final, 17.10.2001.

² EP Resolution of 13 November 2001 on the Commission communication “Services of General Interest in Europe”, OJ C 140E, 13.6.2002, p. 153.

³ ESC Opinion of 17 July 2002 on services of general interest, CES 860/2002.

These questions will require further reflection and discussion which is what the Green Paper is designated to stimulate.

8. The Commission has set out general policy orientations in the area of services of general interest in two Communications of 1996 and 2000⁴ as well as in its Report to the Laeken European Council. The two previous Communications and the Report provide a starting point for considering these issues further.
9. The Commission, like European citizens and businesses, attach a great importance to maintaining and developing services of general interest. However, given all the different views and expectations of the various stakeholders, the Commission believes that a broader debate and consultation at European level would be a useful, and indeed necessary, step towards further clarifying and developing the Community's general approach on how to best ensure the articulation between the principles on services of general economic interest underlying Article 16 of the Treaty and other Treaty objectives. The Commission has identified the Green Paper as a key initiative in its Legislative and Work Programme for 2003.⁵
10. The Green Paper will be a consultation document. It will identify questions that need to be explored and discuss issues rather than defining firm positions. The other Community institutions, the Member States and all interested parties, will be invited to comment and will have the opportunity to give their views, in particular on any issue related to a possible framework directive. Our goal is to establish the basis for developing a common approach on how to ensure the future of efficient high-quality services of general interest in the European Union.
11. The Green Paper will focus primarily on the situation under the current Treaty framework. The aim is to open a discussion that is linked to the work currently being pursued by the Convention but it is not intended to be a direct contribution to this debate.
12. The Commission's intention to produce a Green Paper does not imply that ongoing work on issues related to services of general interest has been suspended. The work on these issues continues in parallel with the preparation of the Green Paper⁶ and could provide useful input to it.

⁴ Services of General Interest in Europe, OJ C 281, 26.9.1996, p. 3; Services of General Interest in Europe, Communication from the Commission, OJ C 17, 19.1.2001, p. 4.

⁵ COM(2002) 590 final, 30.10.2002.

⁶ For example, as regards performance evaluation and the application of state aid rules, two other issues addressed by the Report to the Laeken European Council, the Commission in June presented a Communication on an evaluation methodology and a Report on the state-of-play of the preparation of guidelines on state aid and services of general economic interest (A Methodological Note for the Horizontal Evaluation of Services of General Economic Interest, COM(2002) 331 final, 18.6.2002; Report to the Seville European Council on the status of work on the guidelines for state aid and services of general economic interest, COM(2002) 280 final, 5.6.2002).

C. NEXT STEPS

13. The Commission is currently working on the Green Paper and intends to publish the document in the first quarter of 2003.
14. Following a public consultation on the basis of this Green Paper, the Commission will finalise its examination and present its conclusions together with concrete initiatives and legislative proposals, if appropriate, by the summer 2003.