



Conference of European Churches
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Electronic Bulletin

Church and Society Commission
of the

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Contents

- 1. The European Parliament adopts Services Directive in Second Reading**
- 2. Calendar of major CSC events**
- 3. Information and Subscription**

1. European Parliament adopts Services Directive in Second Reading **European Commission clarifies the exclusion of social services provided by churches and church related organisations from the scope of the directive.**

Last week, the European Parliament adopted by a large majority the Common Proposal of the Council of the European Union on the Directive on Services in the Internal Market. Thus the Parliament accepted the delicate balance reached between the Member States of the European Union based on the results of the Parliament's First Reading. In a declaration of the European Commission, a number of open questions were clarified before the Parliament's vote. One aspect of this declaration deals with the exclusion of social services provided by churches and church organisations from the scope of the Directive. After nearly three years of public debate, the decision of the European Parliament is now paving the way for cross-border competition in services.

In the course of the Second Reading, the exclusion of social and health services was of special interest for churches and church-related organisations. The final text states that healthcare is exempted from the scope of the Directive "whether or not it is provided via healthcare facilities; and regardless of the ways in which it is organised and financed at national level or whether it is public or private" (Art. 2, par 2 (f)). It also states that "social services relating to social housing, childcare and support in the areas of housing, childcare and support to families and persons in need which are provided by the State, by providers mandated by the State or by charities recognised as such by the State" will be excluded from the scope of the Directive. (Art. 2 par. 2 (j)).

During the Second Reading, the Church & Society Commission of CEC invested a lot of energy on the clarification of the wording of this article, as some of its member churches in the European Union neither have the status of a charity nor are they recognised or mandated by the state, while it is very evident that they are as well pursuing charitable aims. We discussed this intensively with the European institutions, not at least at a Dialogue Seminar on Social Services with the European Commission on 18 October. The Parliament's Rapporteur on the Services Directive, Evelyne Gebhardt MEP, tabled the concern of the churches in the debate of the Parliament's Committee on the Internal Market. In the end, we are satisfied that the European

Commission fixed in its declaration that this exclusion also covers services provided by churches and church organisations. The relevant paragraph reads: "Concerning the impact of the Services Directive on Social Services, social services relating to social housing, childcare and support of families and persons in need are a manifestation of the principle of social cohesion and solidarity in society and are provided by the State, by service providers on behalf of the State or by acknowledged charitable organisations. These services have thus been excluded from the scope of application of the Services Directive. It is clear that this exclusion also covers services provided by churches and church organisations which serve charitable and benevolent purposes."

Commentary:

As healthcare services and social services are not treated equally, the Services Directive might lead to legal uncertainty in those areas where a combination of activities is needed (e.g. rehabilitation measures). The same goes for the exclusion of social services, which might lead to different legal conditions for service providers according to their legal status.

The EU Member States will now have three years in which to transmit the Services Directive into national law. The churches will have to monitor these national processes very carefully.

Further information:

http://www.europarl.europa.eu/comparl/imco/services_directive/default_en.htm

<http://www.cec-kek.org/content/economic.shtml>

2. Calendar of major CSC events:

- ◆ CEC Gender Brainstorming meeting, 29-30 November 2006, Brussels, Belgium
- ◆ Church Leaders Consultation on "Values, religion, identity" 12-13 December, Brussels, Belgium
- ◆ CSC Plenary meeting, 15-19 June 2007, Etchmiadzin, Armenia

3. Information and subscription

We are pleased to send you the first electronic bulletin of the Church and Society Commission. We will send this occasionally in the future whenever there is relevant information from the European Institutions that will be important to share with you.

This electronic bulletin is an internal tool of communication with people in CEC member churches and associated organisations dealing with issues relating to the European institutions. Please help us to spread this electronic bulletin by sending it to people who might be interested.

Recommendations for action are addressed to CEC members and associated organisations.

The content is not designed for publication in other media.

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