

Evaluation of SGEI rules applicable to health and social services and the SGEI de minimis Regulation - Public consultation

Fields marked with * are mandatory.

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](#).

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](#).

About you

* 1 Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish

- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* 2 I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* 3 First name

* 4 Surname

* 5 Email (this won't be published)

* 6 Scope

- International
- Local
- National
- Regional

* 7 Organisation name

255 character(s) maximum

* 8 Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)

- Large (250 or more)

9 Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

* 10 Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|---|---|--|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Anguilla | <input type="radio"/> Eritrea | <input type="radio"/> Malaysia | <input type="radio"/> Senegal |
| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Serbia |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini | <input type="radio"/> Mali | <input type="radio"/> Seychelles |
| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Malta | <input type="radio"/> Sierra Leone |
| <input type="radio"/> Armenia | <input type="radio"/> Falkland Islands | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore |
| <input type="radio"/> Aruba | <input type="radio"/> Faroe Islands | <input type="radio"/> Martinique | <input type="radio"/> Sint Maarten |
| <input type="radio"/> Australia | <input type="radio"/> Fiji | <input type="radio"/> Mauritania | <input type="radio"/> Slovakia |
| <input type="radio"/> Austria | <input type="radio"/> Finland | <input type="radio"/> Mauritius | <input type="radio"/> Slovenia |
| <input type="radio"/> Azerbaijan | <input type="radio"/> France | <input type="radio"/> Mayotte | <input type="radio"/> Solomon Islands |
| <input type="radio"/> Bahamas | <input type="radio"/> French Guiana | <input type="radio"/> Mexico | <input type="radio"/> Somalia |
| <input type="radio"/> Bahrain | <input type="radio"/> French Polynesia | <input type="radio"/> Micronesia | <input type="radio"/> South Africa |
| <input type="radio"/> Bangladesh | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova | <input type="radio"/> South Georgia and the South Sandwich Islands |
| <input type="radio"/> Barbados | <input type="radio"/> Gabon | <input type="radio"/> Monaco | <input type="radio"/> South Korea |
| <input type="radio"/> Belarus | <input type="radio"/> Georgia | <input type="radio"/> Mongolia | <input type="radio"/> South Sudan |
| <input type="radio"/> Belgium | <input type="radio"/> Germany | <input type="radio"/> Montenegro | <input type="radio"/> Spain |
| <input type="radio"/> Belize | <input type="radio"/> Ghana | <input type="radio"/> Montserrat | <input type="radio"/> Sri Lanka |
| <input type="radio"/> Benin | <input type="radio"/> Gibraltar | <input type="radio"/> Morocco | <input type="radio"/> Sudan |

- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu

- | | | | |
|--|----------------------------------|---|---|
| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Qatar | <input type="radio"/> Vatican City |
| <input type="radio"/> Côte d'Ivoire | <input type="radio"/> Kosovo | <input type="radio"/> Réunion | <input type="radio"/> Venezuela |
| <input type="radio"/> Croatia | <input type="radio"/> Kuwait | <input type="radio"/> Romania | <input type="radio"/> Vietnam |
| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Rwanda | <input type="radio"/> Western Sahara |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Yemen |
| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Helena Ascension and Tristan da Cunha | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

* 11 Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

12 I agree with the [personal data protection provisions](#)

General questions

13 Please describe the relevance of State aid rules for you

1500 character(s) maximum

14 How would you best describe the nature of your understanding and involvement in matters related to State aid rules?

1500 character(s) maximum

15 Are you familiar with the SGEI package?

	Very familiar, I use this document often	Familiar, I have 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
* 2012 SGEI Decision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* 2012 SGEI Communication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* 2012 SGEI Framework	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* SGEI de minimis Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

16 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
* 2012 SGEI Decision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* 2012 SGEI Framework	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* SGEI de minimis Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Specific questions - 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

* 17 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?

1000 character(s) maximum

18 Based on your experience, did the factors below facilitate the compliance with the SGEI rules applicable to health and social services?

To help you answering this question, please find [here](#) the SGEI communication and [here](#) the SGEI Decision.

	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	<input type="radio"/>					
* Guidance in the 2012 SGEI Communication on the definition of a genuine SGEI	<input type="radio"/>					
* Guidance in the 2012 SGEI Communication on the concept of 'market failure'	<input type="radio"/>					
* The scope of social services as laid down in the 2012 SGEI Decision (Article 2(1)(c) and recital 11 of the preamble)	<input type="radio"/>					
* The definition of social housing as laid down in the 2012 SGEI Decision (recital 11 of the preamble)	<input type="radio"/>					
* Publication by Member States or regional and local authorities of a Member State of aid awards above EUR 15 million on the internet	<input type="radio"/>					

19 Please explain your answers

3000 character(s) maximum

20 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.

2000 character(s) maximum

21 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	<input type="radio"/>				
* 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.	<input type="radio"/>				
* 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?	<input type="radio"/>				
* To make it possible for Member States to provide health and social services to the (vulnerable part of the) population at affordable conditions.	<input type="radio"/>				

22 Please explain your answers

3000 character(s) maximum

* 23 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

24 Please explain your answer

1000 character(s) maximum

* 25 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

26 Please explain your answer

1000 character(s) maximum

27 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](#)).

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 make 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	<input type="radio"/>				
* To enable companies and other interested parties to check whether aid was granted in line with the SGEI rules	<input type="radio"/>				

28 Please explain your answers

1500 character(s) maximum

Specific questions - Efficiency (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?

29 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	<input type="radio"/>					
* For the beneficiaries (health and social service providers entrusted with an SGEI)	<input type="radio"/>					

30 Please explain your answers

2000 character(s) maximum

* 31 To what extent 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](#) was still in force

If you have 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 not know / not applicable

* 32 To what extent 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

33 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, 3000 characters maximum.

You can upload one file at the end of the questionnaire

Specific questions - Relevance (is EU action still necessary?)

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

- * 34 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?

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

35 Please explain your answer

1000 character(s) maximum

36 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	<input type="radio"/>				
* The requirement to define the territory concerned in the entrustment act	<input type="radio"/>				
* The requirement to include exclusive or special rights assigned to the company in the entrustment act	<input type="radio"/>				

* The requirement to define the parameters for calculating, controlling and reviewing the compensation in the entrustment act	<input type="radio"/>				
* The requirement to include the arrangements for avoiding and repaying any overcompensation in the entrustment act	<input type="radio"/>				
* The requirement to refer to the 2012 SGEI Decision in the entrustment act	<input type="radio"/>				
* 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	<input type="radio"/>				
* 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).	<input type="radio"/>				

37 Please explain your answers

3000 character(s) maximum

- * 38 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 not know / this rule is not relevant for me

39 Please explain your answer

1000 character(s) maximum

40 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	<input type="radio"/>					
* Social housing	<input type="radio"/>					
* Long-term care	<input type="radio"/>					
* Childcare	<input type="radio"/>					
* Access and reintegration into the labour market	<input type="radio"/>					
* Care and social inclusion of vulnerable groups	<input type="radio"/>					

41 Please explain your answers

3000 character(s) maximum

Specific questions - Coherence (Does 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.

- * 42 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 not know / no opinion

43 Please explain your answer

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.

* 44 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 not know / no opinion

45 Please explain your answer

1000 character(s) maximum

Specific questions - SGEI de minimis Regulation

* 46 Is the amount of de minimis aid that can be granted under the [SGEI de minimis Regulation](#), 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

47 Please explain your answer

3000 character(s) maximum

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

3000 character(s) maximum

Final comments and document upload

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

3000 character(s) maximum

50 You may upload a file that further explains your position in more detail or further details the answers you have given

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

* 51 Please indicate whether the Commission services may contact you for further details on the information submitted, if required.

Yes

No

THANK YOU FOR RESPONDING TO THIS QUESTIONNAIRE.