

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

Maarten

* 4 Surname

Janssens

* 5 Email (this won't be published)

maarten.janssens@wvg.vlaanderen.be

* 6 Scope

- ☐ International
- ☐ Local
- ☐ National
- ☒ Regional

* 7 Organisation name

255 character(s) maximum

Ministerie Welzijn, Volksgezondheid en Gezin

* 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 |
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| <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 |

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

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| <input type="radio"/> Comoros | <input type="radio"/> Jordan | <input type="radio"/> Poland | <input type="radio"/> US Virgin Islands |
| <input type="radio"/> Congo | <input type="radio"/> Kazakhstan | <input type="radio"/> Portugal | <input type="radio"/> Uzbekistan |
| <input type="radio"/> Cook Islands | <input type="radio"/> Kenya | <input type="radio"/> Puerto Rico | <input type="radio"/> 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

Service provision in our policy domain (welfare, public health and family) does only partially fall within the scope of application of State aid rules (not all services count as economic activities, not all financial support counts as aid to an undertaking). Our main goal is to ensure these services are available, accessible and of sufficient quality. We do so, in part by financially supporting service providers and citizens.

State aid rules are relevant for us, because they define to what extent we can - directly or indirectly - provide financial support to service providers.

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

1500 character(s) maximum

The question about the compatibility of systems for financial support arises whenever we develop new systems or adapt older ones.

In most cases we consider financial support either to be given to consumers, to entities not engaged in an economic activity or to fall within the scope of the 2012 SGEI Decision.

We almost never directly contact the services of the European Commission to discuss our systems for financial support and - until now - never had any trouble concerning any of our systems being investigated or declared incompatible with the internal market.

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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* 2012 SGEI Communication	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* 2012 SGEI Framework	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* SGEI de minimis Regulation	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* 2012 SGEI Framework	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* SGEI de minimis Regulation	<input checked="" 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

In general: yes.

In some cases, however, it is not entirely clear whether activities qualify as economic or non-economic.

In these cases, the obligation to specifically mention the SGEI decision forces us - a prudent regional administration - to 'hand over' services in these grey areas to the application of not just state aid rules, but to competition rules in general, in exchange for protection under the current legislative framework. That leaves us in a difficult spot if the legislation changes over time and exceptions become less generous.

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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Guidance in the 2012 SGEI Communication on the definition of a genuine SGEI	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Guidance in the 2012 SGEI Communication on the concept of 'market failure'	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*						

The definition of social housing as laid down in the 2012 SGEI Decision (recital 11 of the preamble)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<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

The definition of an economic activity is not always clear-cut in the field of health and social services. A slightly simplified definition to be used in the context of the SGEI framework would be very welcome.

In the same way, it would be appreciated if the slightly simplified definition of an undertaking, used in article 2, 2 of the regular de minimis regulation (no 1407/2013) could also be used in the successor to the de minimis regulation for aid to SGEI's (no 360/2012).

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"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

22 Please explain your answers

3000 character(s) maximum

See answer to question 17.

* 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

See answer to question 17.

Also, the constant monitoring and recovery of compensation is burdensome, both for service providers and subsidising, especially when tens or hundreds of small and medium sized care providers receive compensation, exceeding the limits of the SGEI de minimis regulation.

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"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* For the beneficiaries (health and social service providers entrusted with an SGEI)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The requirement to define the territory concerned in the entrustment act	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The requirement to include exclusive or special rights assigned to the company in the entrustment act	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The requirement to define the parameters for calculating, controlling and reviewing the compensation in the entrustment act	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The requirement to include the arrangements for avoiding and repaying any overcompensation in the entrustment act	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The requirement to refer to the 2012 SGEI Decision in the entrustment act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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

One of the difficulties we experience is the following: a considerable amount of health and social services in Belgium are provided by non-profit organisations. For these organisations, it is, however, difficult to calculate the reasonable return on capital, as it is usually underestimated and not reflected on the balance sheet (in Belgium non-profit organisations do not have capital in a legal sense).
 Also, it is difficult to assess a reasonable profit for self-employed service providers, where compensation for labour and capital employed are mixed, where the SGEI Decision mainly focusses on a reasonable compensation for capital employed.

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

In some cases, the constant monitoring and recovery of overcompensation is overly burdensome, especially when tens or hundreds of small and medium sized care providers receive compensation, exceeding the limits of the SGEI de minimis regulation. In these cases, the 2012 SGEI Decision is burdensome both for care provider and the subsidising governments, because it requires a meticulous bookkeeping and screening of overcompensation which doesn't fit well with the size of the care provider.

In our region, to reduce administrative burdens, we started to provide 'envelope' subsidies some 20 years ago. Under this system, we sometimes pay care providers a fixed sum, without them having to prove all the expenses related to the service. If they can provide the service more cheaply, they can keep the extra, if their service provision is more expensive, they have to pay for the extra costs themselves. To avoid overcompensation, every couple of years, the size of the 'envelope' is adjusted to the costs a typical service provider might incur providing the service.

We are wondering whether next to the SGEI de minimis regulation and the SGEI decision, a third path could be elaborated which creates room for envelope subsidies to undertakings. In our view, this path could be build on the concept of the typical well-run company (Altmark-decision) and the idea of giving incentives to gains in productive efficiency (article 5, 6 of the 2012 SGEI Decision). Every couple of years, a peer reviewed study or an audit could then adjust the size of the envelope to the costs a typical service provider might incur.

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.

Contact

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