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# POLICY KIT

**with regard  
to the German Presidency of  
the Council of the EU**  
1 July 2020 – 31 December 2020

CEEP, the European Centre of employers and enterprises providing public services and services of general interest, represents employers and enterprises providing public services and services of general interest, since 1961. Our members are organisations active in fields such as:

- Central & local administrations,
- Healthcare,
- Education,
- Housing,
- Waste management,
- Energy,
- Transport,
- Water,
- Environment,
- Communications.

Modern public services and services of general interest (SGIs) support the fundamental goals of the EU, enabling business, cohesion, economic and social solidarity and a better quality of life for citizens. This Policy Kit, prepared considering the priorities of the German presidency of the European Union, aims at presenting key CEEP positions on the main files to be discussed at EU level for the next 6 months.

## EUROPE'S RESPONSE TO THE COVID-19 PANDEMIC

- The COVID-19 outbreak is expected to be amongst the most violent ever, with social consequences aggravated by its very nature. It has clearly shown how crucial the provision of public services and SGIs, such as healthcare, water, energy, waste management, telecommunications, education, housing and transport, is to the well-being of citizens and the economic resilience of the EU.
- CEEP has issued 3 separate papers on the management of the COVID-19 pandemic, focusing respectively on the emergency response, the exit strategy and the recovery.

### THE CONTRIBUTION TO SHARPENING EMERGENCY MEASURES

- Most SGIs have been working properly throughout the crisis up to now but are dealing with several constraints that must immediately be addressed in order to ensure their continuity, such as the disturbances in supply chains and the shifts in the demand for services, which are asymmetrical amidst SGIs with some sectors facing a sharp increase and others an unprecedented drop.
- Some aspects have not yet been fully integrated into the EU emergency response:
  - A level-playing field on State aid, with clarification that all public undertakings may also be subject to Article 107 TFEU.
  - Addressees of State aid in the crisis: one of the main challenges for SGIs is to maintain financial management, with the support of the banks. Additional support on the preparation of a recovery plan is necessary in the form of aid to enterprises, to ensure that advance payments are recoverable over a long period.
  - Supporting Public Services' SMEs: The COVID-19 outbreak is affecting small and medium sized public services' enterprises, calling for special support based on a general problem of SMEs in such times of crisis, independently of the ownership structure.

**More:** [CEEP Position on COVID-19: Contribution to sharpening Emergency Measures](#)

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### THE DESIGN OF AN EFFICIENT AND UNIFIED ECONOMIC RESPONSE

- Whilst the economic and social impact of the COVID-19 outbreak remains difficult to estimate, we urgently need measures aimed at protecting economic structures in order to avoid their collapse and enable their rehabilitation.

- CEEP highlighted the following comments on the tools set forward to support the immediate response of the EU to the crisis:
  - The European Stability Mechanism: The use of the ESM to face symmetric shocks can only be effective if provisions are adapted to the specific challenge, such as a long duration and a commitment to full transparency.
  - The SURE Instrument: SURE funding must be dedicated to measures protecting employees and self-employed against unemployment and loss of income, and should therefore be transparent and monitored in the context of the European Semester, in cooperation with the social partners.
  - The Coronavirus Response Investment Initiative and the suspension of the SGP: new resources must properly address the urgent needs of the actors fighting the COVID-19 outbreak. Beyond the immediate emergency, the challenge ahead lies in dealing more constructively with fiscal consolidation whilst keeping debt levels at sustainable levels.
  - The European Central Bank: The ECB provides a comprehensive financial protection shield. However the ECB cannot act alone and there is an urgent need for an EU fiscal policy and a solidarity between Member States to further materialise in order to properly tackle this crisis.

**More:** [CEEP Position on COVID-19: The Design of an Efficient and Unified Economic Response](#)

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## THE PATH TO RECOVERY

- The EU must play a fundamental role in coordinating the macro-economic response to the COVID-19 crisis, relying on a well-designed Multi-Financial Framework (MFF) allowing the materialisation of a fully-fledged unprecedented investment plan, as well as a dedicated Recovery Fund and related tools.
- CEEP believes that the EU institutions must step up their efforts and progress to agree on a revamped MFF 2021-2027, adapted to the challenge of the COVID-19 crisis. The MFF must rely on a genuine rethinking of cohesion policy to help regions, ensuring the funds are now directed more towards social infrastructures (healthcare in particular), and maintaining a focus on the agreed priorities, such as the fight against climate change and digitalisation.
- In the context of the recovery instrument, the EU should set up an effective set of measures oriented to future-proof and sustainable investment. This approach is the only way to allow a genuine capacity of sharing the burden of the crisis.
- Counter-cyclical investment is the key element to build resilience and re-instate growth, in consonance with promoting climate neutrality and enhancing social fairness. Investment in research and innovation, as well as in social infrastructure must be a priority. The EU's ability to boost and coordinate these investments will largely define our competitiveness and leadership in the post-crisis world.

**More:** [CEEP Position on COVID-19: The Path to Recovery: a Strong MFF and an Unprecedented Investment Plan](#)

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## THE MFF AND THE NEXT GENERATION EU RECOVERY INSTRUMENT

- The crisis has drastically exposed the result of years of underinvestment in social and physical infrastructures in some Member States. CEEP consequently calls for a precise and consistent emphasis with the Next Generation EU recovery instrument and the MFF 2021-2027 on public

services and services of general interest, which are the pillar underpinning the economic and social infrastructure of the EU.

- The lack of an appropriate framework supporting those essential services will seriously jeopardise our economy's overall capacity to recover and overcome our long-term challenges: Next Generation EU gives EU and national institutions the chance to demonstrate that investment in physical and social infrastructures are indispensable preconditions to ensure long-term competitiveness, employment and growth.
- EU social partners represent a unique bridge capable of connecting stakeholders and bringing together the EU, national, sectoral and company levels. Joint actions to foster social partners at national level must be a priority: their active participation, also at regional and local levels, will be especially crucial when it comes to the design of national recovery plans.
- EU leaders must remain aware of the evolving nature of the recovery instrument and be ready for adaptations. This can be achieved by Member States continuously showing flexibility and commitment to the core principles of unity and solidarity.
- Special attention must be given to enhancing top-down and bottom-up articulations between levels of governance and across key stakeholders. The scale and scope of the recovery should not jeopardise the active participation of local and regional authorities.

**More:** [CEEP Input on the Next Generation EU recovery instrument](#)

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## A STRONGER AND MORE INNOVATIVE EUROPE

### AN INCLUSIVE DIGITAL TRANSFORMATION

- CEEP welcomes the emphasis on the importance of digital services and the EU plan to prepare an ambitious Digital Services Act (DSA) package. The DSA package needs to ensure that the responsibility and accountability of global online platforms is brought in line with their role as active hosting service providers disseminating illegal content as a result of their users' activities as well as their ability to influence public opinion.
- CEEP also emphasises the need to:
  - Ensure that known illegal content is quickly removed and does not appear – or reappear and strengthen the effectiveness of notice/take-action procedures.
  - Maintain the Country of Origin principle whilst ensuring proper application of standards serving general interest objectives.
  - More responsibilities of active hosting service providers for what is relayed through their platforms.
  - Adopt a new and flexible ex ante regulatory framework for gatekeepers.

**More:** [CEEP Remarks on the Digital Services Act](#)

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### THE SME STRATEGY

- CEEP welcomed the inclusion of the SME strategy in the Industrial Package presented by the European Commission on 10 March 2020. The new Commission's framework has rightly identified the measures necessary to assist SMEs whilst recognising their diversity. Local public services' SMEs

are instrumental for achieving the EU sustainability and competitiveness objectives and call for the strategy to also address their needs in the assessment of the SME definition.

- SGIs are essential actors of the competitiveness and adaptability of the EU industrial base. SGIs are responsible for the provision of the infrastructure without which most, if not all, of our economies' value chains would collapse: We call for a balanced approach, fully taking into account the specificities and achievements of employers and enterprises of services of general interest.
- With respect to the level-playing field between public and private sector entities, CEEP raises the issue of differentiating between public and private SMEs in the current EU SME Definition.
- Many local-level providers of public services and SGIs need targeted support measures. They fulfil all criteria of the current SME Definition, including their number of employees and level of turnover – except that SMEs with a public ownership of more than 25% are excluded from the scope.
- Because of this exclusion, local public services' enterprises face undue regulatory and financial burden. These SMEs must also cope with increasing challenges in accessing financing.
- Therefore, CEEP calls for an update to the European SME Definition, guaranteeing equal treatment of all SMEs which fulfil the criteria regarding their number of employees and turnover, irrespective of their ownership structure.

**More:** [CEEP Opinion “For an Inclusive EU SME Policy”](#); [CEEP Comments on the role of Public Services and SGIs in the EU Industrial Future](#)

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## THE REVIEW OF STATE AID AND COMPETITION POLICIES

- SGIs are in a special position in terms of competition policy because they have a fundamental role in the daily life of EU citizens and represent a democratically chosen tool for competent authorities at national, regional and local level to fulfil tasks of general interest. The importance of SGEIs is reflected in primary EU law through Article 14 TFEU and Protocol No.26 TFEU as well as in secondary law, as collected in the CEEP Acquis + for SGEIs.
- An excessive focus on efficiency may go against the spirit of the Treaties. More particularly, the Treaty on the Functioning of the European Union includes several provisions that establish non-economic considerations. In this sense, it is of great relevance that the *acquis communautaire* and the presented rules are respected, so that the specific role of SG(E)Is is protected.
- The scope and organisation of SGEIs vary considerably between Member States. SGEIs are therefore extremely diverse and the state, at national, regional or local level, decides on the nature and scope of a service of general interest according to the principles of subsidiarity and proportionality.
- In EU State aid law, it is not the specific sector but the way in which it is provided that is decisive. This approach is very useful in view of the heterogeneity of the public sector in Europe. However, the exceptions for SGEIs may exclude sectors that would otherwise fall under the scope of social services under the methodology outlined above, calling for introducing references to the need for the existence of a general interest.
- Legal clarity in State aid regulations is vital concerning the high level of investment needed for SGEI providers to fulfil their mission. Public infrastructures that are subject to a general interest should therefore generally not be subject to State aid rules, as they face completely different requirements and frameworks.
- State aid must support the overarching EU policy objectives, such as the EU Green Deal. The state aid requirements should be adapted in such a way that state support measures have a noticeable effect on the achievement of the EU policy objectives.

**More:** [CEEP Remarks on the Commission's evaluation and fitness Roadmap concerning new tool to combat emerging risks to fair competition](#); [CEEP Position to the amending regulation \(EU\) NO 651/2014 \(GBER\)](#); [CEEP Acquis+](#)

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## A FAIR EUROPE

### IMPLEMENTATION OF THE PILLAR OF SOCIAL RIGHTS

- Since its proclamation, back in 2017, CEEP has been strongly supportive of the European Pillar of Social Rights (EPSR) and has frequently reiterated how crucial its implementation will be for overcoming the structural challenges the EU faces.
- CEEP always considered the EPSR as a key compass to achieve the objective of fostering a resilient, sustainable, and fair European Union, constantly aiming at upward convergence.
- The Covid-19 outbreak has further exposed the multiple investment gaps, particularly when it comes to social infrastructures across Member States. In this context, the materialisation of the action plan on the EPSR becomes more necessary than ever.
- CEEP believes the Pillar is an important instrument to guide policymaking as well as overall actions at the national level. In this spirit, we consider that the implementation process of the EPSR should focus on fostering the national ownership of its principles via a set of different instruments, such as the European Semester.
- That is why CEEP firmly believes the forthcoming Action Plan must seek to foster this ownership at national level and to finally materialise the expectations that many public services and SGI employers developed once the EU identified essential services, long-term care, health-care and housing as social policy priorities.
- The EPSR has rightfully identified the importance of public service obligations for Services of General and Economic Interest under Protocol 26 – i.e. quality, safety, affordability, equal treatment, universal access and user's rights. Now, we believe the action plan should give emphasis to the considerations of quality, and particularly of affordability and of equality of access.

**More:** [CEEP Comments on the Upcoming Plan on the Pillar of Social Rights](#)

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### FAIR MINIMUM WAGES

- CEEP believes that future EU action to address the challenges related to fair minimum wages should not seek to directly harmonise the level of minimum wages across the EU, nor to establish a uniform mechanism to set minimum wages or the level of pay which falls within the contractual freedom of the Social Partners and remit of Member States' authorities.
- CEEP deems crucial to state that any European action must first recognise the fact that no two Member States are identical with respect to the labour market institutions that influence how minimum wages are determined, implemented, adjusted and monitored.
- CEEP believes that the scope of the EU initiative should be directed at reducing the number of workers paid at minimum wage levels and increasing their take-home pay and opportunities to move into higher-paying jobs, by addressing, amongst others, the design of tax-benefit systems supporting the income of low-wage workers, education or training and upskilling policies and active labour market policies (ALMPs) to support labour market transitions.

- Social dialogue and collective bargaining must be the basis for any possible forthcoming initiative on minimum wage systems. Social dialogue and collective bargaining should also be the central pillar of the discussion between Social Partners and the European Commission in the context of this two-stage consultation.
- CEEP believes that an EU minimum wage action might not address the needs and specificities of each Member State and, depending on the design of the initiative, CEEP is also concerned that a minimum wage proposal at EU level could potentially erode the autonomy of existing national or local labour market institutions.

**More:** [CEEP Response to the first-stage consultation on a possible action addressing the challenges related to fair minimum wages](#)

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## THE SKILLS AGENDA AND YOUTH GUARANTEE

- Whilst the EU needs to address the fallout of the COVID-19 crisis and prepare for the green and digital transition, CEEP welcomed the European Commission proposals which kept the long-term perspective in mind. The proposed Skills agenda for Europe should now be fully implemented and properly connected to the other initiatives such as the EU Green Deal, the digital industrial strategy and the action plan for the pillar of social rights.
- With its focus on “Strengthening skills intelligence”, the European Commission rightly provided pathways to address skills mismatch and shortages. The existing articulations between labour market and education and training programmes are currently insufficient. Developing a common understanding of future skills needs should help to address the shortages experienced in essential utilities such as transport, waste management, water, energy or housing.
- CEEP welcomes the steps taken to guarantee structural funds and establish pan-EU initiatives and programmes focused on equipping citizens with the skills they need.
- Social partners have a central role to play in developing education and training. Social partners should have the possibility to be more actively involved in the design and implementation of VET curricula. Social partners are the best-placed to assess what skills are needed on labour markets. Better cooperation between sectors could help individuals in their career planning, facilitate mobility and contribute to the development of an overall educational strategy.

**More:** [CEEP and EFEE Comments on the Update of the Skills Agenda for Europe](#)

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## EQUALITY BETWEEN WOMEN AND MEN

- CEEP wants to emphasise that there is a strong European legal framework providing women and men with the right to equal pay for equal work and work of equal value. There is no need to amend the current European legislation or to introduce new instruments. It is better to focus on the full and comprehensive implementation of existing regulation at national level.
- Further progress in some cases might be needed when it comes to the application of the legislative framework. To tackle the gender pay gap, the Commission can continue to monitor Member States compliance with the equal pay principle in the context of the annual European Semester exercise.
- Collective bargaining, practical tools such as guidelines and information, exchange of good practice and gender disaggregated statistics are ways to raise awareness and to tackle the gap.

- The pay gap has multifaceted underlying causes which must be addressed in order to eliminate the barriers facing women with regard to their full and equal participation in the labour market. It is important to tackle the pay gap through specific actions and gender mainstreaming simultaneously, to use the dual approach. One must also look further than just wage setting and acknowledge the interconnection between working and living conditions.
- A way forward to meet the gender equality challenges would be to take a holistic approach: tackling gender norms, gender stereotypes, educational, professional and career choices, opportunities for parental leave and the sharing of caring and unpaid domestic activities, access to childcare and other care services are aspects that influence both women's and men's situation in the labour market. These aspects must be taken into consideration when analysing, as well as addressing, the gender pay gap.

**More:** [CEEP Response to the consultation with social partners on pay transparency](#)

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## A SUSTAINABLE EUROPE

### THE EU GREEN DEAL

- CEEP fully supports its goal to make Europe the first climate-neutral continent by 2050.
- With this ambitious approach for a net-zero emission target by 2050, the meaning of sustainable development will have to be re-defined. A well-balanced climate strategy requires examining the economic, social and environmental dimensions and placing them all at the heart of policy making.
- Public services and services of general interest have always been able to respond to challenges in a universal and inclusive approach by understanding the needs of economic actors, grasping the essential changes linked to the evolution of new technologies as well as the political and civil behaviours, whilst respecting the environment.

**More:** [CEEP Opinion on the EU Green Deal – Working Together on a Sustainable Path](#)

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### MOBILITY

- The transport sector is responsible for almost 25% of greenhouse gas (GHG) emissions in Europe, with urban transport responsible for about 23% of this total.
- Public transport is already a good alternative with low or less CO2 emissions. This highlights the need to include public transport in modal shift campaigns which includes rail services but goes beyond by including trams, metros and buses.
- Public transport's reliability became obvious in the COVID-19 crisis, during which public transport operators maintained their service. After months of operations without users, public transport operators require a considerable financial support. These investments will be vital as the public transport sector is a key location factor and a driver for employment.
- Public transport serves as a basic requirement for successful economic structures. To safeguard the development and the decarbonised transition of this sector, a continued and strong political environment and long-term legal security and better access to European funding for urban transport is necessary.
- CEEP argues that public transport as the vital key for a sustainable modal shift in the context of the upcoming Sustainable and Smart Mobility Strategy. Metros, Trams and buses are collective forms

of transport actively contributing towards the EU's emission abatement targets and improve the air quality and health of citizens.

**More:** [CEEP Opinion on the EU Green Deal – Working Together on a Sustainable Path](#); [CEEP Statement on European Year of Rail 2021](#)

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## ENERGY

- For CEEP, the principle of a carbon border adjustment mechanism (CBA) between the EU and its partners is valuable to promote decarbonised EU products whilst avoiding carbon leakage of industries out of Europe. It should as such prevent competition with imported products that would be less expensive but heavily carbonised. CBA is a solution to explore, especially for simple products.
- If the idea is to create a European decarbonized industry, the CBA could be combined with other solutions to build a decarbonised internal market.
- The upcoming Smart Sector Integration Strategy should be at the center of the EU Green Deal. As a general principle, CEEP calls for developing a holistic approach including electrification, decarbonised and renewable gases, innovative heating/cooling, industry and transport solutions with their respective infrastructures.
- CEEP also recalls that there is not one technology or application that is going to solve all our problems, but we will need to increase the cross-sectoral cooperation to unleash the true potential in all sectors/applications, along the following principles:
  - Cost-effective and energy-efficient principles give a key role to decarbonised and renewable gases to achieve a carbon neutral transition.
  - Existing gas network operators have a clear expertise that must be used to for the introduction of hydrogen in present networks and for the construction and operation of hydrogen networks.
  - Flexibility of energy systems is key to accommodate the growing intermittency of renewables whilst ensuring a level-playing field.
  - To enable decarbonised and renewable gases to make their contribution to achieving climate neutrality by 2050, the course must now be set at EU level.
  - Finally, CEEP would like to underline that the Smart Sector Integration Strategy must also give large room to district heating and cooling which is a sector integration technology.

**More:** [CEEP response to the Carbon Border Adjustment Mechanism Roadmap consultation](#); [CEEP's answers to the Smart Sector Integration Questionnaire](#)

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## THE CIRCULAR ECONOMY ACTION PLAN

- CEEP welcomes the efforts to continue the work on a second Circular Economy Action Plan. The revision of the plan will bring a great opportunity to improve and harmonise previous legislations and enhance the goal for more resource efficiency as a key driver for both economic growth and environmental protection in the EU.
- The intersectorality of public services and services of general interest is the appropriate platform to promote sustainable investments and foster the development of circular economy projects.
- Recycling must be increased in terms of quantity and particularly of quality. Landfill reduction targets are a crucial part of achieving a circular economy. Both landfill targets and recycling targets should apply to all waste, not only municipal waste.

**More:** [CEEP Opinion on the EU Green Deal – Working Together on a Sustainable Path](#)

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## EU BIODIVERSITY

- As providers of general interest, CEEP recalls the importance of the aspects of climate protection such as biodiversity, local air and water quality and land use.
- The decrease in water quality and availability is a problematic consequence of climate change which intensifies each year. Pharmaceutical residues pose a growing challenge to surface water and groundwater quality. These residues are expected to increase in the future and will be intensified by lower river flows.
- CEEP welcomed the proposal for a new EU Biodiversity Strategy for 2030 and its upcoming Zero Pollution Action Plan for air, water and soil, highlighting the importance of developing a holistic approach including all policies of the energy, transport, housing, water and waste management sectors.

**More:** [CEEP Opinion on the EU Green Deal – Working Together on a Sustainable Path](#); [CEEP Input to EU Pharmaceutical Strategy Roadmap](#)

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## A EUROPE OF SECURITY AND COMMON VALUES

### REINFORCING SOCIAL DIALOGUE

- Signed in June 2016, the quadripartite statement of the Presidency of the Council of the EU, the European Commission and the European Social Partners highlights the role of social dialogue as a significant component of the EU employment and social policy making.
- CEEP very much welcomed the emphasis of the quadripartite statement on reinforcing national social partners, as well as the declaration and commitment of support from the European Commission and the Presidency of the Council of the EU.
- National social partners can also contribute to ensuring a better connection between the EU and its citizens. To accomplish this, they need support from the Commission and from national governments.
- Faced with the fallout of the COVID-19, together with EU, national, regional and local institutions, social partners can play a central role in providing the right answers to mitigate the crisis and support the rebound of the EU.

**More:** [Statement of the Presidency of the Council of the European Union, the European Commission and the European Social Partners on the ‘new start for social dialogue’](#)

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## AN EFFECTIVE EUROPEAN UNION FOR A RULES-BASED INTERNATIONAL ORDER ANCHORED IN PARTNERSHIP

- The EU has the potential of a worldwide standard-setter in trade policy by combining the necessary economic weight with a long tradition of values. The EU must commit to promoting a balanced, multilateral and sustainable rules-based international order.
- External trade can stimulate the needed inclusive and environment-friendly economic growth and help level the playing field with other regions of the world. The contribution of public services and services of general interest in providing citizens with a decent lifestyle cannot be over-stressed.
- CEEP presents the following recommendations:
  - The EU should follow a strategic and harmonised approach combining trade policy with other relevant policies such as environmental, competition or economic goals.
  - The EU should recognise legislative provisions for SGIs. SGIs provide citizens with accessible and qualitative services, serve as safety nets and strengthen social cohesion. They also promote an entrepreneurship-friendly climate that fosters the development of metropolitan regions.
  - The EU trade political agenda should push forward ambitious social and environmental criteria, through including Trade and Sustainable Development (TSD) chapters in trade agreements.

**More:** [CEEP Opinion on the Reflection paper ‘Harnessing globalisation’: The EU in a Globalised World; CEEP Opinion on Brexit, Trade and SGIs “Reflection on brexit and trade: possible options”](#)

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