



Intergroup on "Common Goods & Public Services"

"Common Goods and Public Services: a short methodology"

Thursday, October 29th 2015 - Conference - 10/11am - European Parliament (Strasbourg)

Jean-Paul DENANOT (S&D/FR), MEP and Co-Chairman of the "Common Goods and Public Services" Intergroup, opened the meeting by recalling that for the intergroup to work properly, there needs to be at least two meetings a year in Strasbourg. In the wider context of the "Common Goods and Public Services" themes, it has been decided that the two plenary sessions would be dedicated to an exchange of view concerning subjects of common interests such as water, the digital age and energy.

The need was then underlined for an exchange allowing for a holistic approach integrating historical, philosophical and political aspects, along with the legal concept of both "common goods" and "public services" notions. Such a need was deemed obvious in light of the vote concerning the Lynn Boylan own initiative report (INI) that followed the European Citizens' Initiative (ECI) "Right to water". The ECI, for which more than 1,6 million signatures were collected in 2013, calls for the recognition of a fundamental right to water, it defends the access to a water public supply service as a common good, and underscores the social dimension of the European water policy by calling for access to a public water supply service for all, in economic conditions acceptable to all.

Even though he strongly supports the general stand taken in the report, Jean-Paul Denanot, as Chariman of the Working Group "Public Services" has expressed a slightly divergent point of view as regards the idea of restraining the possibility for public authorities (especially local and regional ones) to choose their own management method. By promoting exclusively public private partnerships (PPP), the Boylan report doesn't take into account the diversity and richness of the various management methods existing in the Member States (direct, in house, entrusted to a public operator or to a social and cooperative economy organization, delegated to

a private undertaking - in which case a **structural** frame is created and adequate controls are put into place by public authorities). When it comes to water, a distinction needs to be done between the resource, that needs to be considered a common good (local resource and circular economy), and the collection, treating and distribution service for which local organizing authorities have the right to choose their own management method (subsidiarity principle).

Pierre BAUBY, teacher-researcher in Science-Po Paris and creator of RAP (Refonder l'Action Public, "Rethinking Public Action"), presented (see table below):

- The origins and story of the concepts of "Common Goods (CG)" and "Public or General Interest Services (PS)". The origin of CG goes a long way back: the concept was first marginalized by the economic development and merchandizing, then came back thanks notably to the work of Elinor Ostrom, Nobel Prize for Economics in 2009. The PS is more recent; the idea was gradually built upon since the end of the 19th century in Europe through the social movements and political choices that were made.
- The main applications and grounds today. A CG is rival and non-exclusive. It is characterized by common property, management and governance, and certain defiance towards the State. PS covers sovereign, administrative, industrial and commercial services, at the local or national level. Two definitions exist: the organic one merges PS and public entity; the functional one defines an SP by its goals and mission rather than ownership. PS are built upon three pillars: defending the right to access for all, solidarity, preparing the future;
- EU, MIS and common goods: CG have not yet been integrated into the reference acts of the UE, whilst PS are precisely referenced (Article 14 and 86 of the TFEU, Fundamental Rights Charter, Protocol 26), and shared as common values.
- Convergences: for convergence to be attained there needs to be a union above the differences as well as a structural integration to the democratic participation at all levels.

Pablo SANCHEZ is a former member of the EFPS (European Federation of Public Services) and coordinator of the campaign "Right to water". He endorsed Pierre Bauby's presentation and gave some precisions on CG on three points:

- their position with regard to ownership, in the context of a market economy : he used the example of water and the digital age to show how important it is to focus on the question of container to understand that mutual interests exist between CG and PS. The digital content is everyone's content, but the container - i.e. the material element that allows the diffusion to happen - is owned by a few, such as the GAFA, the for multinational companies that effectively own the Internet and form the "new enclosures".
- their collective management, not coming from the State (up-bottom) and the inclusivity, the participatory approach of a community; its idea of general interest.
- CB put the collective decisions taken by the "community" at the heart of the socioeconomic game. It is a tool to think big, a new form of activism for social change. It can be measured taking the example of culture - culture produces, but how is culture produced? Who owns it and how can the community of creators decide of the future of its works? A never-ending debate.

Pablo Sanchez suggested collecting and capitalizing on all the "best practices" as regards management of CG and PS to create the basis for a new European legislation.

Julie Ward, MEP (S&D/UK) was the first to open the exchange of view with the audience. She recalled the paramount importance of arts and education in order to live together peacefully, public spaces, common goods and public services. She underlined the role of artists as intermediaries, who rethink codes and rules, allowing ideas to progress.

Marie-Christine VERGIAT (GUE/FR) underscored the necessity to find a common definition of SCI/PS/CG. The French, for instance, do not distinguish between the organic and functional approach to public services. Moreover, the MEP insisted on the fact that we need to be cautious with the idea that the State is the ultimate safeguard of public interest. The idea of CG allows the questioning the difference between ideals and reality. Too often is the general interest confiscated to the benefit of the market; common goods are "everybody's and nobody's". Democratic governance is the link missing between the notion of PS and CG - everybody participates in management.

Marisa MATIAS (GUE/PT), MEP and Co-Chairwoman of the Intergroup "Common Goods and Public Services", ended the conferences by suggesting the creation of a working group whose mandate would be to focus on the definitions, in order to create a frame for debate and stay focused on the question of ownership. She then underlined two common challenges post-capitalist and post-Marxist: the urgency to take on board the opinions expressed on the social medias and on the side-lines of big events such as the COP21, endorsed by civil society. "Common (*goods*) are a place where society can express itself, and by consequence solve conflicts" she concluded.

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1. Origins and history

Common goods	Public services / of general interest
<ul style="list-style-type: none"> • Old origins (Roman Empire, <i>Magna carta</i> of 1215, enclosures, customary law), but tendencies to be marginalised by the economic development and commodification (« <i>La tragédie des communs</i> ») • Recent returns (Orstom, ...) 	<ul style="list-style-type: none"> • Origins at the end of the XIXth and XXth centuries in Europe • Progressive constructions resulting from civic, social movements demands and political choices

2. Areas, main current bases (and coverings)

Common goods	Public services / of general interest
<ul style="list-style-type: none"> • A common good is a competitive one (its use by someone restricts anyone else's use), and non exclusive (it is not possible to prevent someone from using it) <p>In general, it is characterised by:</p> <ul style="list-style-type: none"> • Common property • Common management • Common management • Distrust in the State 	<ul style="list-style-type: none"> • Large scope: sovereign services, industrial and commercial; national and local services • Coexistence of 2 notions: organic, which equate public service and public body; functional, which defines the service in the light of its objectives and tasks and not the ownership (EU conception) • Guaranteeing each inhabitant the right of access • Solidarity, social link, economic, social and territorial cohesion • Preparation of the future
<p>Water example: to distinguish the resource, which should be considered as a common good (local resource and circular economy) and the service of collection, treatment, distribution, whose management mode is subject to the free choice by local organising authorities (subsidiarity principle)</p> <p>Digital example: both common good and service of general interest-universal service</p>	

3. EU, SGI and common goods

Common goods	Public services / of general interest
<ul style="list-style-type: none"> • Not yet mentioned in the texts of reference of the EU 	<ul style="list-style-type: none"> • Precise references in EU treaties (articles 14 and 86 TFEU, Charter of fundamental rights, Protocol 26) • Common values (wide margin of discretion of national, regional and local authorities; differences in the needs and preferences of users; a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights)

4. What convergence?

Common goods	Public services / of general interest
<ul style="list-style-type: none"> • Overcome differences: democratic governance and subsidiarity, public services as common goods; democratic participation at all levels, co-definition, co-organisation, co-production, co-evaluation... • The EU should recognise and combine them both • Concerting efforts... 	