

Public Social Responsibility Charter



Public Social Responsibility Union. The floor to discuss livelihood

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by the P/S/R Expert Advisory Board, Außeruniversitäres Institut Public Social
Responsibility gemeinnützige Gesellschaft mbH

Public Social Responsibility Charter

European Declaration for the Assurance of Socially Equitable
and High-quality Services of General Economic Interest



Public Social Responsibility Institut. Das Institut für Daseinsforschung



KOMPETENZZENTRUM
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We would like to express our deepest gratitude to the members of our Expert Advisory Council for their valuable contributions and their assistance in drafting the P/S/R Charter. The latter may serve as a framework document and demonstrate how to guarantee that competition in services of general interest in Europe is based on the principles of social equity and high quality.

We would also like to express our sincere appreciation and thanks to all those, who have contributed to the success of this framework document.

Foreword

Sylvia Freygnier

Head of Institute | P/S/R Institut

As a political union, the European Union was originally founded to secure peace and to concentrate the European economic power by means of open and fair competition. It stands for the values of peace, freedom and democracy. The principle of a social market economy and of a social union is, besides competition, a keystone of European unification and a principle rooted in European primary law. Services of general interest constitute an integral part of this social union. This is a concept which emerged at the same time as the principles of the welfare state. It describes a particularly sensitive social field that basically constitutes the essential services. Services of general interest and, particularly the liberalisation of a significant part of these – in terms of services of general economic interest (SGEI) – have already been mentioned in the EEC Treaty of 1957. According to this treaty SGEI are not exempted from liberalisation (Article 90 TEEC). These aims have been maintained up to the present and have, in practice, lead to a political and social paradigmatic shift concerning services of general interests. Public authorities increasingly limit their activities to controlling and regulatory tasks, outsourcing operations, transferring these tasks to (partly) privatised companies or competing with private enterprises for or within the market for services of general interest.

Within the European Union the primacy of competition has thus introduced a change in the organisation and perception of services of general interest. The European Union's fundamental values, as well as the conclusion that the implementation of a single European market cannot be achieved without a social union, shape the structure of SGEI. There are, however, still different levels with regard to the provision or quality of SGEI within Europe that can be attributed (amongst others) to the distribution of competences between the Union and its member states.

Given the importance of services of general interest for society, various protective measures have been enacted to guarantee the provision of adequate essential services. In this context we have to mention that neither the principles of competition nor competition law undermine the Union's social principles because the fundamental freedoms established by primary law and the primary law's principles of fundamental rights (which include the social principles) are governed by the principle of equivalence.

With regard to the protection of services of general interest as determined by the Union's primary law Prot. No 26 TFEU defines SGEI as a common added value of the European Union and as a fundamental element of a European identity. According to the principle of subsidiarity it thereby acknowledges the competence and the margin of discretion of national, regional and local authorities which are in charge of provision, procurement and organisation of the services of general interest. Furthermore Prot. No 26 TFEU requires the member states to ensure the availability of services of general economic interest with "a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights".

The Charter of Fundamental Rights of the European Union is also of utmost importance in the discussion of services of general interest: According to Article 36 of the Charter all national laws and practices in relation to the access of services of general economic interest are considered safeguarding instruments promoting social and territorial cohesion. This Charter of Fundamental Rights forms part of the Union's primary law, as is the TFEU. As previously mentioned, this confronts the principle of fundamental rights to services of general interest in primary law with the fundamental freedoms. The Fundamental Rights Charter's provision thus confirms the legislative content of Article 14 TFEU according to which and given the status occupied by services of general economic interest in the shared values of the Union, as well as their role in promoting social and territorial cohesion, the Union and the Member States, each within their respective powers and within the scope of application of the Treaties, shall take care that such services operate on the basis of principles and conditions, particularly

economic and financial conditions, which enable them to fulfil their missions. SGEI and local supply services thus constitute the basis for preserving a life of high quality and dignity as well as a coherent and fair society. Quality, affordability and equal access to these essential services, represent substantial and fundamental requirements which have to be considered with regard to their provision. We require a common European model for the internal market to take the identified organisational changes of services of general interest into account. The present P/S/R Charter is intended to offer suggestions to the member states for national implementation and legal structures which may ensure the quality of services of general interest.

Oliver Rottmann

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The citizens' prosperity and economic and social progress constitute the guiding principles of the European Union. The public provision of services of general interest represents a key pillar of the citizen's supply with vital services of general interest in a European context. Therefore many national, but also European policies and incentive programs rightly focus on their safeguarding and development. Those sectors of infrastructure that are assigned to services of general interest or to these services mentioned in the European context respectively are frequently provided for by the public sector. When private companies assume these tasks, a guarantee responsibility of public authorities continues to persist. This dynamic development of transformation from a providing model to a model of guaranteed responsibility is an inherent and long-term element of the EU legislation. However, these services are subject to permanent pressure for adjustments owing to general framework conditions of demography, European or national legislation, technology or finance with regard to their extensive allocation, but also to their funding and provision.

The interaction of local and cross-border procedures thereby increasingly reveals itself to be an important and challenging issue with relevance for the future. The national and European orientation of the public sector which exceeds the local level becomes apparent, using the examples of numerous sectors of infrastructure development and preservation, sustainable public finances, efficient and effective administration and the handling of multifaceted demographic transformation. Dynamic frameworks require a responsible consideration across borders as regards the provision of functions of public character, ranging from an autonomous provision by public institutions to their transfer to private suppliers or to public-private cooperation in the context of European competition.

As a European centre of excellence for public services, the Public Social Responsibility Union meets these challenges on a scientific basis, neutrally and solution oriented, and supports the European level, the member states, public and private providers of services of general interest as well as their associations to cope with the challenges arising in the field of public services, pursuant to an efficient, competent, interdisciplinary, cross-sector and sustainable standard. In this context and as a European declaration to secure services of general interest of high quality, the present P/S/R Charter intends to make a contribution to secure the citizens' comprehensive provision with pivotal services of general interest in the European common market

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1 Public Social Responsibility Principles

In the context of their commitment to the values of the Charter of Fundamental Rights the member states of the European Union are responsible for an adequate provision of services of general interest.

The Public Social Responsibility Union (“P/S/R Union”) considers services of general interest a fundamental right. Services of general interest constitute the basis for a life of high quality for all humans. They stand for a sustainable society and the preservation of social peace. Ensuring a European provision of services of general interest constitutes the engine for an economically and internationally strong European common market.

Public Social Responsibility

STANDS FOR the promotion of social coherence and its values and principles.

STANDS FOR supporting public welfare and ensuring quality of life in Europe.

IS a commitment to creative, innovative and constructive solutions for the future of services of general interest in Europe as well as a guidance for efficient and innovative action in order to offer products and services of high quality in this field.

AIMS at transparency, clarity, highest ethical standards and high quality in services of general interest.

PROMOTES strategic partnerships and actively supports these through its networks.

CREATES products and services of high economic as well as social benefit and supports decision-making in relation to services of general interest.

MEANS taking responsibility for services of general interest in politics, economics and science in particular and in society in general.

P/S/R Theses

Statement 1 | Services of general (economic) interest are a human right

Everyone has the right to clean water, food, , health services, energy, public transport, local supply ICT, postal and waste management and waste water services. In conformity with the principles of the European internal market, the fundamental right to services of general (economic) interest has to be enshrined in the national constitutions of the EU member states as a guarantee to provide these for its citizens.

Statement 2 | The member states have to define (their) public service obligations

In accordance with art 36 Charter of Fundamental Rights of the European Union, the member states are encouraged to spell out their public service obligations – at least in the form of framework obligations – in the respective sector-specific national laws.

Statement 3 | Stakeholders are to draft guidelines used to define KPIs in a dialogue

In accordance with relevant legal stipulations, contracting authorities, contractors, social partners and further stakeholders should develop guidelines in Expert Advisory Boards and transform them into operative ratios to establish key performance indicators (KPIs).

Statement 4 | Guidelines are used in public procurement

Contracting authorities integrate the operative ratios formulated in the guidelines, which conform with the respective material laws, in their tenders. In public procurement processes the contracting authorities are obliged to monitor the compliance with these operative ratios.

Statement 5 | Implementation of control and monitoring systems in core administrative bodies

To ensure a fair and socially balanced competition for public contracts and concessions in services of general (economic) interest and to comply with the public services obligations imposed on a European level requires public management to implement quality assurance systems and control instruments in core administrative.

Statement 6 | Respect of Good Governance Principles

Compliance systems ought to guarantee lawfulness and legal certainty in controlling and monitoring public procurement processes. This applies to public contracting authorities as well as divested legal entities who award the contracts as well as the provision of these services by the contracted service providers.. In this regard the core administration needs to ensure abidance by the principles of transparency, accountability, legitimacy and compliance.

Statement 7 | Strengthen our regions

The member states need to promote and strengthen their regions at national level in order to counteract a rural exodus in rural and peripheral areas. To ensure that essential supply facilities and utilities exist and to develop new approaches towards regional development and local supply, catalogues of criteria setting forth minimum supply and service standards ought to be developed.

2 Public Social Responsibility Declaration

TAKING INTO ACCOUNT that an adequate provision of services of general (economic) interest is important for social and economic coherence as well as social peace in the EU Member States and Europe,

WHEREAS public and private providers both render services of general (economic) interest,

COMMITTING to the common objective of ensuring high social and quality levels in the organisation of services of general (economic) interest in Europe,

GIVEN THAT only a strong and united Union may excel at an international level,

ENDORISING the provisions of Article 14 and Protocol 26 of the Treaty of Lisbon (TFEU) and Article 36 of the Charter of Fundamental Rights of the European Union:

WHEREBY the states have to ensure a broad range of high-quality services of general (economic) interest,

WHEREBY the states have to guarantee access to essential services is comprehensively covered,

WHEREBY the access to appropriate infrastructure and the universal provision of services of general (economic) interest must be affordable for all,

RESOLVED to ensure quality and social responsibility in services of general (economic) interest,

The members of the P/S/R Union recognize, respect and promote the right to SGEI.

For this reason the P/S/R Union has developed the following Charter as a framework document for member states taking into account these formulated principles.

3 Public Social Responsibility Code

3.1 Scope of application

The P/S/R Charter addresses companies, local authority entities, intergovernmental and international organisations as well as non-governmental organisations that provide services of general interest and local supply in the European Union and countries associated to the European Union, either themselves or via partner companies, through contractual relationships or public contracts in conformity with laws, regulations and other legislative acts (P/S/R Service Providers).

Requirements of social equity and demands on compliance with a commitment to public welfare have to be provided for as far as possible, notwithstanding the European Union's principle of competition. The P/S/R Charter therefore pursues the objective to define social and qualitative standards to ensure the quality of the provision of services of general interest and local supply and to introduce criteria of ecological and social sustainability on a voluntary basis in addition to the "best offer rule".

The "General Section" of the P/S/R Charter is not a legal instrument. It is a general non-binding recommendation on how to take account of Art 36 Charter of Fundamental Rights of the European Union and recognise sound public services. Any actions derived from or based on the P/S/R Charter need to be construed and implemented in accordance with the respective laws.

The P/S/R Charter becomes applicable through the service providers' voluntary commitment and is supposed to guarantee a high standard of transparency and quality in the provision of services of general interest. Service providers show a responsible approach towards the provision of services of general interest and local supply when they comply with this legally non-binding Charter in terms of sustainability and transparency as well as a minimum of standards. While the Charter is legally non-binding, it is binding on P/S/R Service Providers with

regard to a proper provision of the services they offer as they acknowledge that the provisions of the Charter are necessary and proportionate.

3.2 Notes to the P/S/R Charter

The P/S/R Charter comprises the following categories of rules:

Legal Requirement (L)

This category is based on mandatory provisions of law.

Comply or Explain (C)

This category of rules should be complied with; for conduct in conformity to the P/S/R Charter, deviations must be explained and reasons must be given.

Standards (S)

This category of rules is a guideline for developing an in-house quality process which should be described in a P/S/R Report.

By recognising the P/S/R Charter, the P/S/R Service Providers commit themselves to furnishing proof of corporate standards conforming to the P/S/R Guidelines by submitting, within a reasonable period of time, a report documenting compliance with the categories of rules stated in the P/S/R Charter (P/S/R Report).

The P/S/R Charter consists of a General Section and a Special Section. The General Section sets out ethical, social and ecological as well as economic qualitatively sustainable basic requirements for the provision of services of general interest and local supply.

The Special Section defines quality criteria and minimum standards for the provision of services of general interest and local supply in all sectors covered by the P/S/R Charter (P/S/R Guidelines)

3.3 Preamble

The Public Social Responsibility Charter (P/S/R Charter) is a tool which provides companies, local authority entities, intergovernmental and international organisations as well as non-governmental organisations (P/S/R Service Providers) which provide services of general interest and local supply, either themselves or via third parties, with a social regulatory and quality control framework for the provision of these services by introducing minimum standards.

In response to the demands of a European social model, the P/S/R Charter contains rules to comply with the obligations of socio-economic security and security of supply, in particular the obligation to comply with rules on working conditions, employee protection, and the ensured provision of comprehensive and affordable essential services as well as fairness in competition and economic and ecologic sustainability.

It also aims to safeguard the provision of essential services in rural areas as well as to ensure compliance with national, European and international standards on quality assurance in services of general interest and local supply.

3.4 P/S/R Basic requirement

Every P/S/R Service Provider which has recognised the P/S/R Charter commits itself and the P/S/R Partners bound to it by contractual relations, to comply with the following basic requirements:

3.4.1 Responsible approach to their mandate of providing citizens and consumers with essential services and general supply

- Safeguarding the interests and rights of citizens and consumers (S)
- fair and equal access to SGEIs; (S)
- equal treatment; (S)
- contribution to area-wide coverage of supply; (S)
- adequate quality (e. g. in accordance with ISO 9000); (S)

- application of the same standards throughout the territory of a nation whilst allowing for structural differences; (S)
- preservation of rural structures; (S)
- climate protection and environmental compatibility; (S)
- transparent, appropriate and reasonable prices. (S)

3.4.2 Consumer responsibility

The P/S/R Service Providers recognising the P/S/R Charter commit themselves and their P/S/R Partners to the following principles:

- a high degree of transparency in their offers; (S)
- consumerorientation and responsibility towards consumers as well as guaranteed continuity in the provision of services of general interest and local supply through reliability and area-wide coverage; (S)
- comprehensive services ensuring that human beings are at the centre of the services and that their needs and requirements are appreciated and respected. A risk management system to guarantee such provision of services (e.g. in accordance with ONR 49000) and a business continuity management system (business continuity and corporate security management - e.g. in accordance with ÖNORM S2402); (S)
- accessibility and barrier-free access to all services (Design for all); (S)
- responsibility towards vulnerable consumers; (S)
- quality checks based on consumer expectations and customer satisfaction; (S)
- responsible processing of customer requests and complaints; (S)
- voluntary participation in an arbitration board (S)
- fair and sustainable consumption. (S)

3.4.3 Compliance with legal provisions

The P/S/R Service Providers recognising the P/S/R Charter commit themselves and their P/S/R Partners to comply with all legal provisions (laws, regulations, directives etc.) in force in the respective legislative system as they fulfil their mandate of providing services of general interest and local supply, and to meet all legal and official requirements, including, without being limited to, requirements concerning employment, general and sector-specific rules on competition and the protection of the environment. (L)

3.4.4 Protection of workers and employees

The P/S/R Service Providers recognising the P/S/R Charter commit themselves and their P/S/R Partners to

- comply with minimum standards of worker/employee protection, including, without being limited to, the application of national collective agreements applicable in the respective business sector; (L)
- abide by existing rules on occupational safety (e. g. in conformity with OH-SAS 18001 or AUVA-SGM); (S)
- endorse the principles of social partnership; (S)
- implement fair and respectful dealings with employees; (S)
- resolve conflicts in-house; (S)
- commit to stable wages and salaries as well as adequate working conditions. (S)

3.4.5 Critical infrastructure, data protection and confidentiality

Services in the field of critical infrastructure ought to be provided by companies which have taken measures to increase resilience within their business. Since these services need to be available at all times, these companies ought to possess a holistic security architecture, inclusive of a risk management system, a claim management system, a crisis management system (BCM) and a security management system.

The P/S/R Service Providers recognising the P/S/R Charter commit themselves and their P/S/R Partners

- to implement inhouse measures to enhance ICT Security (e. g. in accordance

with ISO/IEC 27000); (C)

- to treat customer information and data as confidential and in compliance with data protection legislation as amended, and not to pass them on to third parties without authorisation; (C)
- to respect ISO/IEC 27000 and/or the Austrian Informationssicherheitshandbuch (Austrian information security handbook) of the Federal Chancellery of Austria; (C)
- in case of doubt, to appoint a company data protection officer to act as a contact in order to safeguard and protect critical infrastructure, data protection and confidentiality. (C)

3.4.6 Fair and transparent partnership

The P/S/R Service Providers recognising the P/S/R Charter commit to implement balanced contractual models by which an abuse of dominant market positions or anti-competitive cooperations are prohibited. (S)

3.4.7 Diversity

The P/S/R Service Providers recognising the P/S/R Charter commit themselves and their P/S/R Partners to

- abide by the rules on equal treatment (e.g. Austrian Equal Treatment Act (GIBG)). (L)
- respect and esteem consumers and employees regardless of their age, gender, ethnic origin, religion, disability and sexual orientation. (L)
- recognise the necessity to establish awareness-raising measures concerning equal opportunities, diversity and integration within their companies. (C)

3.4.8 Fairness in competition

- The P/S/R Service Providers recognising the P/S/R Charter commit themselves and their P/S/R Partners to
- heed and respect competition rules, (L)
- not exploit any natural monopoly position or attempt to achieve a monopoly,
- not act in an anti-competitive way (e.g. price fixing) nor to mislead consumers and to comply with the principles of fairness in trade, (L)

3.5 Minimum requirements for P/S/R Service Providers

P/S/R Service Providers have to have at least the following management tools in place in an up-to-date form: (S)

- mission statement;
- sustainability report (e. g. in accordance with the Global Reporting Initiative (GRI) Standards);
- code of conduct;
- compliance programme;
- documented customer relations management (including a feedback system).

P/S/R Service Providers must ensure that they will provide services of general interest and local supply with a view to economic-social and environmental responsibility by fulfilling the following criteria:

- they must be able to fulfil their mandate thoroughly; (L)
- they must fulfil the social and quality criteria defined in the P/S/R Guidelines as they provide services of general interest and local supply; (S)
- they must be trustworthy, responsible and conscientious; (L resp. S)
- they must have sufficient financial resources and/or be sufficiently creditworthy; (L)
- they must have appropriate economic know-how (L)
- they must have appropriate technical expertise. (L)

3.6 Responsibility for P/S/R Partners

The P/S/R Service Providers recognising the P/S/R Charter are free to shape their contractual relations with their P/S/R Partners in keeping with the legal situation in their jurisdiction as regards the form of procurement or order to provide services of general interest and local supply. (L)

The P/S/R Service Providers recognising the P/S/R Charter undertake to design the respective contract model in a fair and balanced way whilst complying with the legal provisions related thereto. (L)

The P/S/R Service Provider recognising the P/S/R Charter undertake not to impose on their P/S/R Partners any unreasonably disadvantageous contractual provisions and to make relevant information about the contractual relations available prior to signing the contract. (L)

The P/S/R Service Providers recognising the P/S/R Charter commit themselves to run internal quality assessments with their P/S/R Partners prior to entering into contracts. This furnishes proof of fulfilled conditions and supports mutual understanding for a sustainable relationship between the P/S/R Service Providers and their P/S/R Partners. (S)

The P/S/R Service Providers recognising the P/S/R Charter are obliged to award contracts or give mandates for the provision of services of general interest and local supply to P/S/R Partners through regulated procedures, adhering to the principles of the Treaty on the Functioning of the European Union (TFEU), regarding transparency, equal treatment and non-discrimination.

Furthermore, they commit themselves to provide information on social, regional, quality and environmental criteria in, such procedures. Subject to general legal requirements, the P/S/R Service Providers are free to choose the procedure freely. (S)

In any event, the involvement of competent authorities (in particular regional or regulatory authorities) should be sought to the extent required, taking into consideration country-specific circumstances and requirements. (L)

The P/S/R Service Providers recognising the P/S/R Charter commit to establish a partner management process and an advisory board for their P/S/R Partners, and to provide education and training for their P/S/R Partners, according to their needs, updated on an ongoing basis. (S)

3.7 Quality management

The P/S/R Service Providers recognising the P/S/R Charter undertake to set up and keep updated a quality assurance system which is adapted to their business processes to ensure the quality of services of general interest and local supply provided. Such a quality assurance system must comprise the following minimum standards:

- description of the responsibility of fulfilling a mandate to provide essential services; (S)
- control elements to ensure and control the quality of the services of general interest and local supply to be provided; (S)
- control elements to review the P/S/R Partners' compliance with the P/S/R Charter; (S)
- Description of how the minimum requirements for the protection of workers/employees are met; (L)
- Description of how the requirements of customer protection are met. (L)

4 Public Social Responsibility Guidelines

This special section defines quality criteria and standards as minimum requirements for the provision of services of general interest and local supply in all sectors covered by the P/S/R Charter (P/S/R Guidelines).

A P/S/R Guideline contains general quality, social and security/safety criteria set out in the form of rules, guidelines or other specific indications for public procurement processes and the performance of services of general interest and local supply. P/S/R Guidelines are documents which are compiled in a stakeholder dialogue to be used in public procurement processes. These P/S/R Guidelines are application-oriented. They are based on scientific and academic studies, empirical results and the expertise of contracting authorities and service providers as well as academics and political representatives. P/S/R Guidelines help meet existing and future challenges in the provision of services of general interest.

5 Definition of Terms

Deregulation

Deregulation means the decrease of state interventions in order to grant more freedom and creative leeway to private entities. It aims to increase competition and enhance economic competitiveness. Deregulation is antonymous to regulation.

Entity

Entities within the meaning of the P/S/R Charter include any and all economic entities with a uniform organisation of personal, material and immaterial means, irrespective of its legal form and type of funding, if such an entity pursues an ongoing, defined economic objective and provides services of general economic interest (SGEIs), services of general interest or local supply.

Essential services

Essential services as used in the P/S/R Charter is defined as the provision of important infrastructure and fundamental services (universal services) to the entire population at a reasonable price - even in disadvantaged areas (in terms of population density or topography), where this would not be profitable for the provider or the state according to purely economic criteria.

For this purpose, the state usually invests in appropriate infrastructure (such as water supply, electricity, roads/transport infrastructure, postal services and telecommunication, public health care) or cooperates with private providers concerning public service obligations as defined by law. In administrative contexts, the provision of essential services carried out by the public sector (public services) is referred to by the term services of general interest. The term essential services may also be used in connection to individuals (see also basic coverage, unconditional minimum income, and minimum income).

Legislation

Legislation within the meaning of the P/S/R Charter comprises, the entirety of the national laws of EU member states, as well as the EU's *acquis communautaire*.

Since the legal systems implemented in the EU member states diverge, legislation, within the meaning of the P/S/R Charter, shall also refer to case law and customary law and all other kinds of lawmaking processes where appropriate.

Liberalisation

Liberalisation describes the reduction of barriers and limitations. In an economic context, the term liberalisation refers to the abolition of measures which might hinder the free exchange of goods, services or capital and, thus, takes the form of an abolition of trade barriers, state monopolies etc. The approach of economic liberalisation argues that the (free) market is the best market system and that the state ought to limit its actions to pointed measures, targeted at welfare maximisation.

Local supply

Local supply means the supply of all citizens with essential services within their close area. It is the smallest common denominator of services of general interest referring to the provision of these services in all regions so that they are made available to all citizens universally. Local supply is deemed to constitute the basis of services of general interest

Privatisation

Privatisation means a successive displacement of public activities and a replacement of these by the private economy. Privatisation measures are deemed to increase efficiency by leaving the allocation of resources to the free market. The different forms of privatisation include formal, material and functional privatisation. Privatisation efforts may be motivated by fiscal pressure (to consolidate public households) or economic reasons.

Public Social Responsibility (P/S/R)

Public Social Responsibility means to have the public and private sectors work together and assume economic and social responsibility for the assurance of the quality of services of general interest and local supply. Public Social Responsibility has become necessary, as the role of providing public services has shifted towards the private sector, whereby it is incumbent upon the state to ensure that these services are provided in an adequate manner.

P/S/R Guideline

P/S/R Guideline as used in the P/S/R Charter is defined as a quality criteria and minimum standard, required for the provision of services of general interest and local supply in all sectors.

P/S/R Partners

P/S/R Partners as used in the P/S/R Charter is defined as third party entities which have entered into contractual agreements with P/S/R Service Providers to provide services of general interest and local supply.

P/S/R Report

By recognising the P/S/R Charter, the P/S/R Service Providers commit themselves to furnishing proof of corporate standards conforming to the P/S/R Guidelines by submitting, within a reasonable period of time, a report documenting compliance with the categories of rules stated in the P/S/R Charter.

P/S/R Service Providers

P/S/R Service Providers are entities and undertakings of regional authorities which either provide services of general interest and local supply or outsource them to third parties (P/S/R Partners) and have acknowledged the P/S/R Charter.

Regulated markets

Regulated markets mean that the state exercises control by means of legal, market-specific measures directed at companies, in order to correct potential market failures. It may take the form of price regulation, regulation of quality or control of market access.

Sectors within the meaning of the P/S/R Charter

Sectors within the meaning of the P/S/R Charter include, but are not limited to, broadcasting, culture (museums, libraries, theatres), energy (electricity, , gas, mineral oil, renewable energies etc.), financial and insurance services, health care, ICT and critical infrastructure, media, pastoral care, postal services, social service providers, social or educational services (in particular universities, schools, child care and nursing facilities), social housing, transport (air, rail, road, water etc.),

waste disposal, waste water management, waste material recycling, water supply and upkeep, construction and maintenance of rail, road air traffic and telecommunications etc..

Services of general economic interest (SGEI)

Services of general economic interest or services of general, economic interest is used in Article 14 and Article 106, par. 2 of the Treaty on the functioning of the European Union ("Treaty"). Services of general (economic) interest differ from regular services, as governments insist that they must be provided even if the market does not provide sufficient incentive to do so. The term "ensure" should be taken to mean the following: Regional authorities may opt to provide the services themselves or have them provided by third parties. Moreover, due to the importance of these services, the public sector is obliged to ensure that the state will act as a "back-up" in rendering them if third parties fail.

Services of general interest

Services of general interest is used to describe the German term "Daseinsvorsorge". The notion of services of general interest within the meaning of the P/S/R Charter is defined as follows: Services which ensure a recognised, non-discriminatory minimum standard in those areas of life which occur regularly in society. Such services may be market-related or non-market related, however in either case they should ensure equal access for all citizens, security of supply, social accessibility, consumer protection, health protection, sustainability, continuity, availability and high quality at affordable prices.

These services should be available to all citizens alike, thus ensuring essential services and basic supply is provided for the common good.

Services of general interest as referred to in the P/S/R Charter include, yet are not limited to, the following services: Waste management; waste water management; waste recycling; infrastructure services (road, rail, telecommunication); telecommunication services; postal services; water (notably the provision of drinking water); energy (electricity, gas, oil, renewable energies etc.); financial and

insurance services; cultural facilities (museums, libraries, theatres); radio, media and communication facilities; pastoral work; social services, health and education services (notably universities, schools, childcare and nursing facilities); social housing; transport (rail, bus, air, water) and others.

Universal services

Universal services within the meaning of the P/S/R Charter is defined as making sure that important infrastructure and services are available to the entire population at a reasonable price

Universal service providers

Universal service providers under the P/S/R Charter undertake to make important infrastructure and/or services available in all areas to an appropriate degree. It is important to assess, if these services may be provided within a competitive system. If so, universal service providers need to be discharged of their duty.

6 List of Abbreviations

AUVA	Austrian Workers' Compensation Board (Allgemeine Unfallversicherungsanstalt)
EEC Treaty (TEEC)	Treaty establishing the European Economic Community
e.g.	for example
EU	European Union
GewO	Trading Regulations (Gewerbeordnung) 1994 as amended
GIBG	Austrian Equal Treatment Act
GRI	Global Reporting Initiative
ICT	information and communication technology
ISO	International Organization for Standardization or their norms
KPI	key performance indicator
No	number
OHSAS	Occupational Health and Safety Assessment Series
ÖNORM	norm of the Austrian Institute of Standardization
ONR	ON-rule, rule of the Austrian Institute of Standardization
Prot.	protocol
P/S/R	Public Social Responsibility
SGEI	services of general economic interest
TFEU	Treaty on the Functioning of the European Union

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8 Sources

Bundesgesetz über die Gleichbehandlung (Gleichbehandlungsgesetz - GIBG),
BGBl I Nr 66/2004 idF BGBl I Nr 82/2005.

Bundeskanzleramt, Österreichisches Informationssicherheitshandbuch, Version
3.1.5 10. November 2013.

OHSAS 18001, Occupational Health- and Safety Assessment Series.

ÖNORM S 2402, Business Continuity und Corporate Security Management -
Business Continuity Management.

ONR 49000, Risikomanagement für Organisationen und Systeme - Begriffe und
Grundlagen – Umsetzung von ISO 31000 in die Praxis.

AUVA-SGM, Sicherheits- und Gesundheitsmanagementsystem.

ISO 9000, Qualitätsmanagement, Qualitätsmanagementsysteme – Grundlagen
und Begriffe (ISO 9000:2005).

ISO/IEC 27000, Information security management systems.

