



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères
et européennes

Direction des relations
économiques internationales
et des affaires européennes

GOVERNMENT
OF THE GRAND DUCHY OF LUXEMBOURG

Ministry of Foreign and European Affairs

Directorate for International Economic Relations
and European Affairs

**Report on the implementation
of the European Commission Decision
of 20 December 2011
on services of general economic interest**

(July 2014)

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INTRODUCTION

On 20 December 2011 the European Commission adopted the Decision on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ L 7, 11/01/2012, p. 3, hereinafter referred to as 'the Decision').

Under Article 9 of that Decision, each Member State is required to submit a report on the implementation of this Decision to the Commission every two years. The reports are to provide a detailed overview of the application of the Decision in all relevant economic sectors.

The aid granted to the relevant sectors in the Grand Duchy of Luxembourg is as follows:

- compensation granted to the Post and Telecommunications Corporation (EPT) for the transport and distribution service for press publications (Ministry of the Economy and External Trade),
- compensation granted to hospitals (Ministry of Health),
- compensation granted to the Housing and Settlement Development Fund (Ministry of Housing), and
- compensation granted to bodies operating in the realms of social work, family services and therapy (Ministry of the Family, Integration and the Greater Region, Ministry of National Education, Childhood and Youth and Ministry of Equal Opportunities).

This report covers the years 2012 and 2013.

I. Ministry of the Economy and External Trade

The compensation granted to the Post and Telecommunications Corporation (Entreprise des Postes et Télécommunications - EPT) for the transport and distribution service for press publications is based on Article 2(1)(a) of the Decision (compensation not exceeding an annual amount of EUR 15 million).

Clear and comprehensive description of how the respective services are organised in your Member State	
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible	<p>Transport and distribution of the daily press throughout the territory of Luxembourg.</p> <p>Transport and postal distribution of periodicals and reduced-rate mailings throughout the territory of Luxembourg as well as the distribution of periodicals in border regions of neighbouring countries where a significant part of the Luxembourg labour force lives.</p>
Explanation of the (typical) forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.	<p>Agreements on the transport and postal distribution of the daily press and of periodicals and reduced-rate mailings, concluded between the Post and Telecommunications Corporation (EPT) and the State.</p> <p>Statutory orders enacted by the Council of Government.</p>
Explanation of the (typical) duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years.	Typical duration 2 to 5 years.
Explanation whether (typically) exclusive or special rights are assigned to the	n/a

undertakings	
Explanation of the (typical) compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used	The State covers SGEI expenditure in excess of revenue plus a reasonable profit margin, which it meets by means of a tax deduction. This cover is capped at EUR 15 million per annum.
Explanation of the (typical) arrangements for avoiding and repaying any overcompensation	<p>The audited corporate accounts must indicate separately the costs and revenue pertaining to the SGEI and those arising from other postal services. The Corporation's cost accounting is validated by the regulator.</p> <p>In the event of any overcompensation, the State requires repayment. Where the amount of overcompensation does not exceed 10% of the average annual compensation, such overcompensation may be carried forward to the next period and deducted from the amount of compensation payable in respect of that period.</p>
Amount of aid granted	
Total amount of aid paid. This <u>includes all aid paid in your territory, including aid paid by regional and local authorities.</u>	Compensation has not yet been paid for expenditure incurred in 2012 and 2013.
Other quantitative information	The sole beneficiary of this SGEI compensation is the Post and Telecommunications Corporation (EPT).

II. Ministry of Health

The compensation granted to hospitals is based on Article 2(1)(b) of the Decision (compensation for the provision of services of general economic interest by hospitals providing medical care, which may be granted regardless of its annual cost).

Clear and comprehensive description of how the respective services are organised in your Member State	
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible	<p>All entrusted hospitals are listed in Annex 1 of the hospitals plan (see the hospital classification table below).</p> <p>The territory covered is that of the Grand Duchy of Luxembourg.</p>
Explanation of the (typical) forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.	<p>The Hospitals Act of 28 August 1998, as amended, prescribes that hospitals have the task of providing, within their field of activity, beneficial essential in-patient and out-patient care of a quality that matches the health needs of the patients who use their services.</p> <p>The Act lays down detailed provisions on the creation and extension by the Ministry of Health of any hospital or hospital service.</p> <p>The Ministry of Health coordinates the activities of all hospitals.</p> <p>The hospitals plan established by the Grand Ducal Regulation of 13 March 2009 defines the minimum tasks and composition of structures for the assessment and quality assurance of hospital services and the arrangements for the national coordination of those structures.</p>

	<p>Its aim is to coordinate the hospital system in the interests of public health and in the light of the foreseeable development of national health needs and of the requirement to ensure equitable access to high-quality care and treatment that reflect scientific progress while taking account of the constraints arising from the need for operational efficiency.</p> <p>With a view to coordinating the national hospital system, the Regulation lays down:</p> <ul style="list-style-type: none"> - the geographical composition of the three hospital areas; - the hospital classification categories and the classification criteria; - the country's health needs in terms of hospital beds; - the departments that may be part of hospitals; - the list of equipment and devices that are subject to national planning. <p>The hospitals plan also defines the defines the minimum tasks and composition of structures for the assessment and quality assurance of hospital services and the arrangements for the national coordination of those structures.</p>
<p>Explanation of the (typical) duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than</p>	<p>The nature and the duration of public-service obligations are defined in the instruments referred to above. The provisions of the hospitals plan will remain in force until it is amended or replaced by a new Grand Ducal</p>

10 years.	regulation.
Explanation whether (typically) exclusive or special rights are assigned to the undertakings	The exclusive rights granted to hospitals are described in the Hospitals Act of 28 August 1998, as amended, and in the hospitals plan established by the Grand Ducal Regulation of 13 March 2009.
Explanation of the (typical) compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used	<p>Hospitals may be entrusted as providers of services of general interest in respect of care services. To this end, the infrastructure they need to provide care services is made available to them.</p> <p>The Luxembourg state finances all of the hospital infrastructure required by the undertakings listed below, meeting 80% of the total cost through its Hospital Investments Fund and 20% through the National Health Fund (CNS).</p> <p>Each financial contribution is the subject of a financing agreement concluded between the State and the manager of the relevant hospital.</p> <p>Hospital operating costs other than doctors' services but including expenditure on nursing staff are covered by the CNS and are the subject of a financing agreement.</p> <p>As regards the provision of medical care, however, it should be noted that the principle of an independent medical profession applies in the Grand Duchy of Luxembourg. Every doctor who is licensed to practise medicine is linked to the CNS by an agreement. Patients are free to choose their doctor for both in-patient and out-patient care, and the CNS pays the medical fees of those whom it insures. The independent doctor</p>

	is paid by patients' insurers for the treatment he or she administers.
Explanation of the (typical) arrangements for avoiding and repaying any overcompensation	<p>The State and the CNS have established a system for monitoring and checking payments that are made.</p> <p>No overcompensation is paid to hospitals.</p>
Amount of aid granted	
Total amount of aid paid. This <u>includes all aid paid in your territory, including aid paid by regional and local authorities.</u>	<p>1. Infrastructure financed by the special Hospitals Investment Fund (state share):</p> <p>2012 EUR 33 500 000</p> <p>2013 EUR 37 400 000</p> <p>2. Hospital operating costs met by the CNS, including depreciation costs relating to the 20% CNS contribution to infrastructure but excluding fees paid to independent doctors:</p> <p>2012 EUR 747 400 000</p> <p>2013 EUR 749 500 000</p> <p><u>Sum of amounts 1 and 2:</u></p> <p>2011 EUR 771 800 000</p> <p>2012 EUR 780 900 000</p> <p>2013 EUR 786 900 000</p>
Other quantitative information	<p>When funding infrastructure, the State reimburses all expenditure relating to the creation and upgrading of hospital infrastructure, acting on the basis of accounts cleared by the hospital auditors, its own expert and its Financial Control Directorate.</p> <p>In the case of hospital operating costs,</p>

	the CNS determines the amount to be allocated and checks the accounts presented by hospitals.
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Hospital classification table

Southern Hospital Region (RH Sud)	
Regional General Hospital (CHR)	
CHEM	Emile Mayrisch General Hospital
Community Hospital (HP)	
CSM	Sainte Marie Clinic
Central Hospital Region (RH Centre)	
Regional General Hospitals (CHRs)	
CHL	Luxembourg General Hospital
HK/Bohler	Kirchberg Hospital and Dr E Bohler Private Clinic
General Hospital (HG)	
Zitha	Zitha Clinic
Northern Hospital Region (RH Nord)	
Regional General Hospital (CHR)	
CHN	Northern General Hospital (since the merger of the HSL and the CSJ)
General Hospital (HG)	
HSL	Saint Louis Hospital (prior to its merger with the CSJ)
Community Hospital (HP)	
CSJ	Saint Joseph Clinic (prior to its merger with the HSL)
Specialised facilities	

National acute-care facilities	
INCCI	National Institute for Heart Surgery and Cardiac Intervention
CFB	François Baclesse National Radiotherapy Centre
National medium-stay facilities	
CNRFR	National Rehabilitation Centre
CHNP	Hospital for Neurological and Psychiatric Disorders
Other medium-stay facilities	
HIS	Steinfort Intercommunal Hospital
Thermal-treatment and convalescence facilities	
CTH	Mondorf Thermal and Health Centre
CCEM	Emile Mayrisch Convalescence Centre

III. Ministry of Housing

Compensation in the field of social housing is based on Article 2(1)(c) of the Decision (compensation for the provision of services of general economic interest meeting social needs as regards social housing, which may be granted regardless of its annual cost).

By means of a Housing Assistance Act of 25 February 1979, referred to in this part of the report as 'the Act', the legislature established a public facility known as the Low-Cost Housing Fund. A legal amendment enacted in 2002 gave the fund its new name, the Housing and Settlement Development Fund, hereinafter referred to as 'the Housing Fund'

Clear and comprehensive description of how the respective services are organised in your Member State	
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Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible	<p>The Housing Fund is a social service of general interest and, more particularly, an institution in the realm of social housing. The legislature has entrusted this public body with a task of general interest, namely to perform, on its own initiative, in cooperation with other developers and in the framework of an annual or multiannual programme, all operations for the acquisition and development of building land and the construction of low-cost housing for sale or rent. Since the enactment of a legal amendment in 2002, the Housing Fund has been able to perform all operations for the development of housing and settlements in fulfilment of the urban and rural development tasks enumerated in Articles 54 and 55 of the Act.</p> <p>According to Article 55 of the Act, the activity of the Housing Fund under the multiannual programme for the construction of subsidised housing developments and in conformity with the legal and regulatory provisions pertaining</p>
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	<p>to urban and rural development and to spatial planning comprises the following tasks:</p> <ul style="list-style-type: none"> • acquiring building land, developing building plots and constructing housing for sale or rent; • forming land reserves in accordance with Article 97 of the Local Planning and Urban Development Act of 19 July 2004, as amended, and reserves of land plots suitable for medium- or long-term integration into the urban fringe; • creating new urban districts, settlements and living spaces; • promoting the quality of urban development, architecture and methodology; • reducing the cost of developing building land; • promoting the use of emphyteutic leases and rights of <i>superficies</i>; • increasing the stock of public rented housing and helping to manage it.
<p>Explanation of the (typical) forms of entrustment. If standardised templates for entrustments are used for a certain sector, please attach them.</p>	<p>Entrustment is prescribed by law.</p> <p>Decisions on state contributions are taken in the framework of an annual or multiannual programme which takes account of regional and local housing needs and of projects submitted by developers. The programme is the subject of a Grand Ducal regulation, which also lays down the conditions and the amount of the state contribution, the developer's rights and obligations and</p>

	<p>the supervisory rights of the State (Article 19 of the Act). The most recent Grand Ducal regulation to be enacted in this field was the Regulation of 27 August 2013 amending and supplementing the ninth programme for the construction of subsidised housing developments and updating the state contributions.</p> <p>The applicable provisions prescribe the conclusion of an agreement between the developer – the Housing Fund – and the Minister of Housing, which recapitulates the conditions of award and the amount of the maximum state contribution to each adopted project as well as the main rights and obligations of the developer and the supervisory rights of the State.</p>
<p>Explanation of the (typical) duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years.</p>	<p>For obvious reasons, and given the scale of the service of general interest to be provided, the Act does not prescribe a fixed duration for this entrustment.</p> <p>In the agreements relating to social-housing projects, the Housing Fund must undertake to let the dwellings in question for at least 20 years in accordance with the provisions of the Act, particularly its Articles 32 to 36, and of the associated implementing regulations regarding the management of rented housing and the standards of health and hygiene that it must meet and in accordance with the Grand Ducal Regulation of 16 November 1998 laying down implementing measures relating to rented housing, to housing-construction subsidies and to buildings leased on the basis of an emphyteutic lease and a right</p>

	of <i>superficies</i> , as provided by the Act.
Explanation whether (typically) exclusive or special rights are assigned to the undertakings	<p>Under the terms of the Act, there are two types of collective housing assistance from which the Housing Fund could benefit:</p> <ul style="list-style-type: none"> (a) state financial contributions for the construction of low-cost housing intended for <i>sale</i> (Articles 20 to 26 of the Act); (b) state financial contributions for the construction of low-cost housing intended for <i>letting</i> (Articles 27 to 30^{quater} of the Act). <p>The Act also provides for these forms of assistance for other private or public developers, provided that the relevant legal and regulatory conditions are met.</p> <p>In addition, the Fund is exempt from all taxes, duties and charges levied by the State and the municipalities, with the exception of remuneration fees (Article 60 of the Act).</p>
Explanation of the (typical) compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used	<p>1. <u>Housing intended for sale</u></p> <p>The Act lays down basic conditions governing the award of state financial contributions for housing intended for sale; all of these conditions must be met for each building project.</p> <p>For example, state contributions are not granted unless <i>at least 60% of the buyers</i> of the dwellings fulfil the award criteria for a construction or purchase grant; in other words, during the process of acquiring the dwelling, they must obtain individual housing assistance in the form of a construction or purchase</p>

	<p>grant, which may be subject to means-testing defined in a Grand Ducal regulation.</p> <p>This proportion of at least 60% of buyers must be observed over a period of <i>at least 10 years</i> – at least 10 years for flats and at least 20 years for family houses – from the date on which the construction or purchase grant was awarded, otherwise the Housing Fund must repay all of the state assistance it has received.</p> <p>Every project for the construction of housing developments for sale must include at least 10% rented social housing to encourage social diversity. The Housing Fund seeks to prevent the formation of ‘ghettos’. To promote social diversity by mixing people from all social strata, the legislature allows the Housing Fund to sell up to 40% of its dwellings on the private property market. The sale of some property at public auction was always the most effective way – and remains so, moreover – to achieve this social mix to which the management team of the Housing Fund is strongly committed. The Housing Fund does <i>not</i> receive any state aid for any of the housing sold in this way.</p> <p>All sales of dwellings by the Housing Fund are made under the system of emphyteutic leases or the right of <i>superficies</i>. Accordingly, they are not sales in the strict sense of the term but the granting of 99-year leaseholds. Each deed of sale for housing released by the Housing Fund – a deed entitled ‘Right of emphyteusis and sale’ or ‘Right of <i>superficies</i> and sale’ – also indicates the</p>
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	<p>exact amount of state aid.</p> <p>The amount of state aid granted to the Housing Fund for a given dwelling forming part of a building project is thus known and can be verified very easily, since the Act prescribes that the deed of sale must show the normal price, the state contribution and the subsidised price. The Housing Fund, moreover, practises transparent accounting, based on cost-accounting principles, with a breakdown for each project. The finances of the aid mechanism are therefore perfectly transparent, and the mechanism does not serve the purposes of the Housing Fund but only those of prospective property buyers, and the state contribution is payable in full to the party acquiring the property.</p> <p>2. <u>Housing intended for rent</u></p> <p>In the case of housing intended for rent, the Housing Fund can obtain a financial contribution from the State of up to 70% of the construction cost.</p> <p>In return for this state aid, however, the Housing Fund – like all other developers receiving such assistance – must let the constructed housing in accordance with all of the conditions prescribed by the applicable regulation, that is to say <i>the Grand Ducal Regulation of 16 November 1998 laying down implementing measures relating to rented housing, to housing-construction subsidies and to buildings leased on the basis of an emphyteutic lease and a right of superficies, as provided by the Housing Assistance Act of 25 February 1979, as amended</i>. The</p>
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	<p>Regulation lays down very strict selection criteria, and the amount of rent that is chargeable for such housing is fixed by the legislature; it must always be based on the disposable income and composition of the occupying household and on the habitable surface area of the dwelling.</p> <p>In view of the strict conditions imposed for the granting of state aid, private developers remain uninterested in creating any social housing for rent.</p> <p>The Act allows the Housing Fund, following deliberations within its Board of Management, to designate up to 25% of the dwellings in its rentable housing stock which, on account of their exceptional quality and/or location, are to be rented under the terms of the legislation governing rental leases. For these dwellings, which are rented on prevailing local market terms and conditions, the Housing Fund does not receive any financial contribution from the State.</p> <p><u>3. Multiannual programme laying down the maximum amount of state contributions</u></p> <p>Under the Act, <i>all</i> state contributions, whether made to public or private developers, must be the subject of a decision taken in the framework of an annual or multiannual programme.</p> <p>The programme that is currently in force is the <i>Ninth Programme for the Construction of Subsidised Housing Developments</i>, which was adopted on the basis of the following four Grand</p>
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	<p>Ducal regulations:</p> <ul style="list-style-type: none"> (a) Grand Ducal Regulation of 24 March 2010 adopting the Ninth Programme for the Construction of Subsidised Housing Developments as well as State Contributions, (b) Grand Ducal Regulation of 22 January 2011 amending and supplementing the Ninth Programme for the Construction of Subsidised Housing Developments as well as State Contributions, (c) Grand Ducal Regulation of 28 June 2012 amending and supplementing the Ninth Programme for the Construction of Subsidised Housing Developments as well as State Contributions, and (d) Grand Ducal Regulation of 27 August 2013 amending and supplementing the Ninth Programme for the Construction of Subsidised Housing Developments as well as State Contributions. <p>In accordance with the requirements of the Act, state aid for the construction of housing developments is paid to developers – public or private – <i>on condition</i> that they subsidise <i>all</i> eligible persons acquiring housing. State support for social housing therefore benefits all persons/ final consumers on low incomes who are seeking accommodation.</p>
<p>Explanation of the (typical) arrangements for avoiding and repaying any overcompensation</p>	<p>Article 31 of the Act lays down that aid for the construction of housing developments is granted only to buyers who meet the conditions of award for construction grants, subject to the</p>

	<p>following rules:</p> <ul style="list-style-type: none"> - the aid is assigned in equal shares to all the constructed dwellings; - it is allocated only to eligible buyers on the basis of rates to be set by a Grand Ducal regulation and are repayable in accordance with the same conditions and procedures as construction grants. <p>The buyer and the developer are jointly and severally bound to repay state contributions in accordance with Articles 1197 <i>et seq.</i> of the Luxembourg Civil Code, the developer being authorised to obtain recovery from the buyer of all of the contribution that the former has had to repay to the State.</p> <p>In the event of non-compliance with the Act and/or the Grand Ducal Regulation adopting the annual or multiannual programme for the construction of subsidised housing developments, state contributions are repayable to the Treasury by the Housing Fund – and, indeed, by any other public or private developer in a similar situation – at the legal interest rate for commercial transactions, developers being unable to indemnify themselves against claims from buyers or tenants.</p> <p>Since its creation in 1979, the Housing Fund has been under the supervisory authority of the member of the Government holding the housing portfolio. The latter therefore oversees the activities of the Fund.</p> <p>Under Article 65 of the Act, the Housing Minister may review the management of</p>
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	<p>the Housing Fund at any time or have it reviewed.</p> <p>In addition, the following operations are subject to his or her express approval:</p> <ul style="list-style-type: none"> - disposals, transactions and exchanges relating to movable or immovable property or rights belonging to the Fund, emphyteutic leases, borrowing, creation of mortgages and splitting of jointly owned property, if the value of such property exceeds an amount of EUR 25 000; - acquisitions of buildings; - investments of Housing Fund assets; - annual accounts and budgets; - recruitments of staff. <p>Since its creation, the Housing Fund has tried to ensure that costs are meticulously controlled when it invests in new housing stock. To this end, it keeps separate accounts, with a breakdown for each project, particularly with a view to quantifying any overspend and avoiding any cross-subsidisation. The Government possesses the means to arrange for measures to verify the accuracy of accounting information provided by the public institution.</p> <p>The financial management of the Housing Fund is subject to audit by the Court of Auditors.</p> <p>The format of the budgets and accounts of the Housing Fund is prescribed by the</p>
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	<p>Minister of Housing acting on the advice of the Minister of Finance.</p> <p>An audit conducted by an independent auditor is an integral part of annual reports and balance sheets.</p> <p>The budgetary appropriations that may be allocated as aid for the construction of subsidised housing developments, including aid granted to the Housing Fund, are limited. The amount of these appropriations is laid down every year in the Budget Act.</p> <p>Checks relating to the state aid referred to above are conducted by state officials, particularly those of the Ministry of Housing – the departments for housing assistance, accounting and aid for the construction of housing developments – and of the Ministry of Finance. The data presented for the most recent financial years have been checked and found to be correct.</p> <p>Information and other items enabling the European Commission to determine whether the compensation granted is compatible with the Decision are stored for at least 10 years, in accordance with Article 8 of the Decision.</p>
Amount of aid granted	
<p>Total amount of aid paid. This <u>includes all aid paid in your territory, including aid paid by regional and local authorities.</u></p>	<p><u>Government budget for 2012:</u></p> <p>Sales: EUR 1 791 872</p> <p>Rent: EUR 5 247 669</p> <p>Allocation: EUR 7 500 000</p> <p>⇒ Total: EUR 14 539 541</p>

	<p><u>Government budget for 2013:</u></p> <p>Sales: EUR 434 832</p> <p>Rent: EUR 2 813 153</p> <p>Allocation: EUR 1 000 000</p> <p>⇒ Total: EUR 4 247 985</p>
Other quantitative information	<p>Other information on SGEI provision in the social sphere (Housing Fund), on the Ministry of Housing and on aid to developers may be obtained from websites such as:</p> <p>www.logement.lu</p> <p>www.ml.public.lu/fr/index.html</p> <p>www.fondsdulogement.lu</p>

MISCELLANEOUS / OTHER COMMENTS

To enable the social-housing sector to operate in an urban context and to ensure the sustainability of the built environment, the Housing Fund tries to incorporate into its major building projects a *mix of urban functions*; in other words, when it builds urban complexes, it also makes provision for the inclusion of some local shops and service facilities. Needless to say, the Housing Fund does not receive any state subsidies for the construction of these premises and facilities.

For obvious reasons, the task of the Housing Fund must encompass urban renewal and the human dimension, that is to say ensuring optimum urban development planning, rehabilitation of old urban districts, maintenance of organised social activities, preservation of local economic functions, safeguarding a significant cultural heritage, creating convivial public spaces – children’s playgrounds, green areas, etc. – and public amenities, such as crèches, local police stations and schools, in order to allow the creation of socially mixed districts and to meet the primary needs of their residents.

All of these values and objectives are codified, explained and duly quantified in the annual reports and balance sheets that the Housing Fund publishes and makes available to the competent authorities.

Moreover, if the Housing Fund wishes to build in particular districts or areas, the written part of the General Spatial Development Plan (PAG) for the large municipalities of the Grand Duchy of Luxembourg, such as Luxembourg City, imposes a specific obligation on the developer, whether it is a public body, like the Housing Fund, or a private entity, to provide for the construction of a number of local shops. If the Housing Fund does not agree to that proviso, it will not obtain a building permit, which the mayor of the relevant municipality is empowered to issue in every case, for its development project. In such circumstances, it goes without saying that the Housing Fund would not receive a state contribution for fulfilling this imposed obligation.

Scope for private developers to obtain state aid

Aid for the construction of subsidised housing developments for sale may also be granted to private developers.

Article 15 of the Act clearly specifies that the State is authorised “to promote, by means of financial contributions, initiatives taken by public or *private* developers to acquire and develop building plots and to build low-cost housing for sale or rent”.

It is clear that *all* of the conditions to be met by public developers in order to obtain the collective housing aid for which the Act provides must also be fulfilled by interested private developers.

The Government, and especially the Ministry of Housing, hope that private developers will follow the example of the Socimmo company, which benefited from collective housing aid some twenty years ago and which, regrettably, remains the only private company to have done so. In spite of the numerous forms of collective housing assistance that are open to the private sector, it seems that the latter have little interest, given the legal conditions imposed on developers seeking to benefit from such forms of state aid and, probably, the unduly low rate of return compared with other types of property investment.

Reform of the Housing Fund

Lastly, it should be noted that the Luxembourg Government put into power for a five-year term in the parliamentary elections of October 2013 intends to reform the Housing Fund.

On this point, the coalition agreement published on 3 December 2013, reads as follows: *“Without wishing to anticipate the findings of the analysis and evaluation of the work of the aforementioned public developers, the Government declares itself in favour of a restructuring of the Housing Fund with a view to adapting its operation and its output to the real needs of social housing policy and to the political priorities defined by the Government with regard to housing. To this end, the Housing Fund, as a public institution, will lend itself to the performance of certain governmental tasks, particularly the construction, as a matter of priority, of social housing for rent and of social housing for sale, the administrative and technical management of the building stock, possibly through regional branches, the provision of suitable social care for customers of the Housing Fund, in collaboration – where appropriate – with other social bodies and welfare offices, and the creation of land reserves.”*

IV. Ministry of the Family, Integration and the Greater Region, Ministry of National Education, Childhood and Youth and Ministry of Equal Opportunities

This fourth and final part of the report relates to financial contributions that may be granted to certain social services by the Ministry of the Family, Integration and the Greater Region, by the Ministry of National Education, Childhood and Youth and by the Ministry of Equal Opportunities.

It should be borne in mind that there is no national definition of a social service of general interest or of social services in general. The same is true of the concept of a public service. Neither the Constitution nor the law provides a definition of the public service.

This part of the report reproduces some of the information contained in the first and second national reports on services of general economic interest.

The legal and contractual framework for state contributions to certain social services derives not only from the provisions of the Act of 8 September 1998 regulating relations between the State and bodies operating in the realms of social welfare, family assistance and therapeutic services, as amended – hereinafter referred to as the ‘ASFT Act’¹ – and its various Grand Ducal implementing regulations, but also to a particular degree from the agreements concluded under Article 11 of the ASFT Act with a body administering a service that falls within the scope of that Act.

The approval prescribed by the ASFT Act is compulsory for any entity engaged in a service activity for which the Act provides, regardless of whether the service provider benefits from a financial contribution.

Besides the ASFT Act, various instruments, particularly the Disabled Persons’ Income Act of 12 September 2003,² the Act of 30 April 2004 authorising the National Solidarity Fund to bear part of the cost of some services provided in connection with the care of persons admitted to an integrated centre for the elderly, a care home or any other residential care establishment,³ the Children and Families

¹ **Mémorial A No 82 of 1998**, at <http://www.legilux.public.lu/leg/a/archives/1998/0082/index.html>;
Mémorial A No 167 of 2011, at <http://www.legilux.public.lu/leg/a/archives/2011/0167/index.html>

² **Mémorial A No 15 of 2014**, at <http://www.legilux.public.lu/leg/a/archives/2014/0015/index.html>

³ **Mémorial A No 70 of 2004**, at <http://www.legilux.public.lu/leg/a/archives/2004/0070/index.html>

Assistance Act of 16 December 2008, as amended⁴ (see the section below headed *Miscellaneous*), the Youth Act of 4 July 2008, as amended,⁵ and the Grand Ducal Regulation of 13 February 2009 establishing Childcare Service Vouchers, as amended,⁶ as well as the system of welfare pricing are designed to guarantee the affordability of social services for users.

The Act of 29 April 1999 establishing a Guaranteed Minimum Income, as amended,⁷ permits the creation within municipal welfare offices of private bodies with the status of non-profit associations or institutions of public interest, regional social-work services responsible for supporting the National Welfare Service in its task of social protection by means of exclusively social and entirely non-profit activities meeting national solidarity obligations and requirements.

The Act of 16 December 2008 concerning the Admission and Integration of Aliens in the Grand Duchy of Luxembourg,⁸ along with its implementing regulations, entrusts the Luxembourg Admission and Integration Office (OLAI) with the task of conducting and supporting, together with other non-profit bodies, exclusively social activities meeting European and national solidarity obligations and requirements, the purpose of such activities being to admit and integrate new arrivals from abroad, and with the task of granting social assistance to applicants for international protection.

(1) The Act of 8 September 1998 regulating relations between the State and bodies operating in the realms of social welfare, family assistance and therapeutic services, as amended

The ASFT Act establishes a requirement for governmental authorisation of the performance, for payment, of the following activities in the realms of social welfare, family assistance and therapeutic services:

- the simultaneous admission and accommodation, by day and/or by night, of more than three persons;

⁴ **Mémorial A No 192 of 2008**, at <http://www.legilux.public.lu/leg/a/archives/2008/0192/index.html>

⁵ **Mémorial A No 109 of 2008**, at <http://www.legilux.public.lu/leg/a/archives/2008/0109/index.html>

⁶ **Mémorial A No 26 of 2009**, at <http://www.legilux.public.lu/leg/a/archives/2009/0026/index.html>
Mémorial A No 162 of 2012, at <http://www.legilux.public.lu/leg/a/archives/2012/0162/index.html>
Mémorial A No 300 of 2012, at <http://www.legilux.public.lu/leg/a/archives/2012/0300/index.html>

⁷ **Mémorial A No 103 of 2004**, at <http://www.legilux.public.lu/leg/a/archives/2004/0103/index.html>

⁸ **Mémorial A No 209 of 2008**, at <http://www.legilux.public.lu/leg/a/archives/2008/0209/index.html>

- the provision of advisory, assistance, care, support, guidance, social-education, outreach or careers services;
- the provision of services for the individualised assessment of resources and difficulties as well as for the direction, coordination and evaluation of measures developed in the light of the individualised assessment.

The ASFT Act refers to “actual needs identified by the Government in Council”, and consequently the Luxembourg legislature wished to take the following action:

- provide a legal framework for relations between the State and bodies subject to private or public law operating in the realms of social welfare, family assistance and therapeutic services;
- guarantee the quality of established mechanisms;
- ensure maximum protection of service users affected by the introduction of the authorisation system.

Under Article 2 of the AFST Act, anyone intending to initiate or engage in an activity regulated by the Act must possess an authorisation. To obtain this authorisation, he or she must:

- fulfil the condition of good repute, which must be met by the person or, in the case of a corporate entity, by the members of the governing bodies responsible for the management of the activities as well as by the managerial and executive staff;
- possess buildings, premises or any other infrastructure meeting minimum hygiene, health and safety standards and fulfilling the needs of users;
- have a sufficient number of suitably qualified staff available to take responsibility for users or assist them;
- present his or her financial situation and a draft budget, except in the case of public-sector applicants who are subject to this requirement under another legal or regulatory provision,
- guarantee that the activity in question is accessible to users, regardless of any ideological, philosophical or religious considerations, and that service users are entitled to privacy and respect for their religious and philosophical convictions.

In the case of services providing admission and accommodation by day and/or by night, rights and obligations must also be the subject of a form of written contract (Article 10 of the ASFT Act).

Various Grand Ducal regulations enacted in implementation of the ASFT Act specify the activities covered by the Act, the conditions laid down by Article 2 of the Act and the procedures for verifying compliance with those conditions.

Articles 11, 12 and 13 of the Act authorise the State to grant financial support for engagement in the Activities referred to in Article 1 and for related investments.

Article 12 of the Act specifies that the following expenses may be taken into account:

- routine maintenance and management costs;
- staff costs;
- costs arising from the use of casual employees or volunteers;
- costs relating to the letting, maintenance and repair of buildings and movable equipment;
- where appropriate, costs resulting from specific services provided by the body in question.

Article 13 of the ASFT Act defines the procedures for state contributions to investment expenditure.

The State is authorised to fund up to 50% of the investment expenditure of beneficiary bodies on the acquisition, construction, transformation, modernisation, development and equipping of buildings intended for the performance of activities covered by the ASFT Act.

Should a project meet an urgent regional or national need that has been duly identified by the Government in Council, the rate may be increased to 80%; it may even be increased to 100% in the event of the State having to take the initiative for a project designed to address a lack of infrastructure if the capacity of the relevant bodies has proved insufficient to provide for such action. The State may require the allocated amounts to be reimbursed if, within a period to be set in the contract, the beneficiary body disposes of the subsidised asset or decides to use it for purposes other than those for which the state aid was granted.

(2) AFST agreements

To obtain the financial support for which Article 11 of the ASFT Act provides, beneficiaries must conclude an agreement with the State, which specifies:

- (1) the services to be provided and the financial-management rules to be observed by the beneficiary;
- (2) the nature of the State's financial contribution;
- (3) the means of information, oversight and sanction available to the State with regard to the beneficiary's performance of the duties defined in section (1) above;
- (4) the procedures for cooperation between the contracting parties; such cooperation, however, does not affect project management, for which the beneficiary is responsible.

The beneficiary, moreover, must maintain proper accounts in accordance with state requirements, and the projected activities must respond to actual needs identified by the Government in Council.

The instrument of the agreement, which, under Article 11 of the Act, binds both the party engaged in an activity covered by Article 1 of the Act and the State, reflects the Luxembourg model of cooperation between the private sector and the public authorities. This model rests on the following two basic principles:

- the initiation and implementation of the project are the task of the managing body, in accordance with the principle of subsidiarity;
- subject to the conditions laid down by the Act for the performance of such an activity, the State, if it approves the initiative, may help to fund it.

Users' own financial contributions are often based on their household and financial circumstances.

- **Specific agreements**

Every beneficiary of a financial contribution within the meaning of the ASFT Act must, under Article 11, conclude a specific agreement with the State. This agreement is concluded for a term of one year and is tacitly renewed from year to year unless notice of termination is given.

The agreement defines in detail the respective obligations of the beneficiary body and the State and sets the annual budgetary allocation for each of the services to which it relates.

- **General conditions**

The General Conditions governing, for a period of three years, the agreements for which Article 11 and 12 of the law of 8 September 1998 known as the ASFT Act provide are concluded for a three-year term and cover the years 2013 to 2015.

They are an integral part of the specific agreements that are concluded annually with each recipient of a financial contribution.

Their purpose is to lay down common conditions applying to all agreements to be concluded under Articles 11 and 12 of the ASFT Act.

The general conditions prescribe that specific agreements must define the commitments made by each party, that is to say:

- the services to be provided by the managing body – the type of work performed by the managing body, the target population, the admission criteria and procedures and the volume of services to be provided (Article 2(1) of the General Conditions);
- the quality of the services to be provided and the General Action Strategy (CAG) to be devised by the managing bodies; this CAG “defines the quality standards as well as a system for assessing the quality of services delivered” (Article 2(1)(2));
- the type of financial contribution to be made by the State, that is to say a financial contribution covering any deficit, a payment per unit of service provided, a lump-sum grant or an allocation per project or a hybrid form of contribution (Article 2(2)(1));

- Financial contribution covering any deficit (Article 2(2)(1)(1))

The financial contribution made by the State under Article 12(a) and (b) and Article 23 of the Act amounts to 100% of the balance of operating costs accepted by the State less revenue from invoiced users and other revenue collected in connection with service provision.

- Financial contribution per unit of service provided (Article 2(2)(1)(2))

The financial contribution made by the State under Article 12(a) and (b) and Article 23 of the Act is determined on the basis of the volume of services provided and of the unit price per service that is set by the agreement.

- Financial contribution made as an all-inclusive lump sum or for each project (Article 2(2)(1)(3))

The financial contribution made by the State under Article 12(a) and (b) and Article 23 of the Act comprises an invariable amount set on the basis of negotiations between the parties.

- Hybrid financial contribution (Article 2(2)(1)(4))

The financial contribution made by the State under Article 12(a) and (b) and Article 23 of the Act is a combination of diverse types of financial contribution that apply to the various services for which the agreement provides.

- the financial management arrangements (users' own financial contributions, donations, legacies and interest, financial contributions from the State, advances, deductions, etc. – Article 3(1));
- arrangements for cooperation between contracting parties (Article 4);
- the information channels, supervisory mechanisms and sanctions available to the State (Article 5);
- the beneficiary's accounting system (Article 6);
- the applicable procedures (Article 7).

The General Conditions that have applied since January 2013 make reference to the Decision.

It should be borne in mind that, in the view of the Luxembourg Government, many of the activities covered by the ASFT Act are not to be regarded as economic activities within the meaning of EU law and are beyond the scope of the Decision.

This part of the report has enumerated all of the social services that are covered by the ASFT Act and may be the subject of a specific agreement.

Accordingly, it goes beyond the scope of the Decision, because it includes information not only on the social services of an economic nature but also on social services that are non-economic in nature.

For this reason, in the present part of the report, the term 'SGEI' has been replaced by 'SSGI' – social services of general interest.

Lastly, it should be noted that, since the new Government was formed (Grand Ducal Order of 4 December 2013), some activities in the realms of social welfare, family assistance and therapeutic services now fall within the purview of the Ministry of National Education, Childhood and Youth.

Services covered by Article 2(1)(c) of the Decision: services meeting social needs as regards the care and social inclusion of vulnerable groups, whose entitlement to compensation is not subject to an annual ceiling

**Services for persons with disabilities
(Ministry of the Family, Integration and the Greater Region)**

<p>Explanation of what kind of services in the respective sector have been defined as SSGI in your Member State. Please list the contents of the services entrusted as SSGI as clearly as possible</p>	<p>Services for persons with disabilities</p> <p><i>1. Early-assistance service</i> This heading covers any service that provides early care of young children with special needs as well as assisting their families. The purpose is to limit the effects of a deficiency or even to compensate for retarded development by means of physical rehabilitation, educational stimulation, social and educational guidance and support for the family.</p> <p><i>2. Home-based support service</i> This heading covers any service that provides care and/or material and psychological assistance at home for persons with disabilities and their families. The purpose is to make it easier for such persons to continue living at home and, in cases of terminal illness, to guarantee care that matches the individual needs and expectations of the persons concerned.</p> <p><i>3. Accommodation service</i> This heading covers any service that provides accommodation and/or multidisciplinary professional mentoring for persons with disabilities on the basis of a consistent holistic approach by providing them, on the one hand, with assistance and care within the meaning of the Long-term Care Insurance (Introduction) Act of 19 June 1998, as amended, and, on the other hand, with counselling and care in the event of terminal illness that match the individual needs and expectations of the persons concerned.</p> <p><i>4. Training service</i> This heading covers any service that provides vocational training for more than three persons with disabilities who are over the minimum school-leaving age. The purpose</p>
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	<p>is to equip them with general and/or vocational knowledge and skills for entry into working life or for occupational retraining.</p> <p>5. Day-centre service</p> <p>This heading covers any service that provides daytime activities for more than three persons with a medium-grade or serious disability or multiple disabilities. Besides assistance and care within the meaning of the Long-term Care Insurance (Introduction) Act of 19 June 1998, as amended, the service provides mentoring and therapy through a variety of activities that match the individual needs and expectations of disabled persons. During daytime hours the service takes in persons with disabilities who, because of their condition or age, are unable to pursue a course of vocational training or an occupation on a continuous basis; during the school holidays, it also takes in minors of school age with disabilities. The purpose is to provide multidisciplinary professional mentoring for persons with disabilities and to support families responsible for the care of a disabled person.</p> <p>6. Information, advice and encounter service</p> <p>This heading covers any service that provides activities involving the dissemination of information, the provision of advice, the organisation of activities and the facilitation of encounters for persons with disabilities and their families. The purpose is to encourage full involvement of people with disabilities and prevent their isolation and social exclusion.</p> <p>(Article 3 of the Grand Ducal Regulation of 23 April 2004, as amended, concerning governmental authorisation of bodies managing services for disabled persons and implementing the Act of 8 September 1998 regulating relations between the State and bodies operating in the realms of social welfare, family assistance and therapeutic services)⁹</p>
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⁹ **Mémorial A No 73 of 2009**, at <http://www.legilux.public.lu/leg/a/archives/2009/0073/index.html>

Explanation of the forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.	The obligations of the managing body are defined in the AFST agreement , of which the General Conditions form an integral part. Each service covered by such an agreement must have an authorisation conforming to the ASFT Act and its Implementing Regulation.
Explanation of the duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years.	<p>Specific agreements are concluded for a <u>term of one year</u> and are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>In the case of an agreement that enters into force in the course of a year, it is concluded for the period up to 31 December of the current year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>The General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Act were concluded for a period of 36 months, covering the years 2013 to 2015.</p>
Explanation whether exclusive or special rights are assigned to the undertakings	Not applicable
Explanation of the typical compensation mechanism as regards the respective services , including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used	<p>Early-assistance service, home-based support service, training service and information, advice and encounter service:</p> <p>Financial contribution covering any deficit</p> <p>Accommodation service and day-centre service:</p> <p>Fixed amount of compensation per unit of service provision</p>

<p>Explanation of the arrangements for avoiding and repaying any overcompensation</p>	<p>The calculation parameters are defined in the specific agreements and are based on the principles established by the Act and by the General Conditions (see chapter 3 – Financial management procedures – of the General Conditions).</p> <p>Compensation is checked and reviewed in the context of the annual statement of account (see chapter 3(5) – Statements of account – of the General Conditions).</p> <p>It should also be mentioned that the Harmonisation Committee for which Article 14 of the ASFT Act provides has the task of analysing and issuing an opinion on the annual statements of operating expenditure for the services covered by agreements.</p> <p>Under the General Conditions, every managing body undertakes to repay to the Treasury any amount wrongfully received. It undertakes to refrain from claiming from any other body whatsoever an amount that is already covered by the agreement. Double invoicing of a single item of expenditure may result in termination of the agreement, notwithstanding the assignment of civil liability and the criminal prosecution of the invoicing party (Article 3.6 of the General Conditions).</p>
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Total amount of aid paid per calendar year

	<u>Statement of account, 2012</u>	<u>Agreement(s), 2013</u>
Subtotal for <i>lump-sum contributions</i> per unit of service provision		
<i>Accommodation services and day-centre activities</i>	EUR 31 831 690	EUR 35 856 906
Subtotal for financial contributions covering any deficit		
<i>Home-based support services and information, advice and encounter services</i>	EUR 9 279 615	EUR 8 028 829
Subtotal for training services (3)	EUR 6 576 597	EUR 6 934 709
Total	EUR 47 687 902	EUR 50 820 444

Compensation for investment expenditure

	2012	2013
Accommodation services	EUR 5 693 844	EUR 8 495 353
Employment services or sheltered workshops	EUR 2 597 957	EUR 5 862 517
Day-centre services	EUR 895 777	EUR 677 957
TOTAL	EUR 9 187 578	EUR 15 035 827

Other quantitative information			
		2012	2013
	Home-based support service	144 places	136 places
	Accommodation service	787 beds	784 beds
	Training service	204 places	213 places
	Day-centre service	435 seats	437 seats
	Information, advice and encounter service	6 419 beneficiaries	6 181 beneficiaries
<p>The activity reports from the Ministry of the Family, Integration and the Greater Region for 2012¹⁰ and 2013¹¹ also contain quantitative information on the services listed above.</p>			

¹⁰ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2012.pdf

¹¹ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2013.pdf

**Services for individual adults alone or with children
(Ministry of the Family, Integration and the Greater Region)**

<p>Explanation of what kind of services in the respective sector have been defined as SSGI in your Member State. Please list the contents of the services entrusted as SSGI as clearly as possible</p>	<p>- Reception centre</p> <p>A reception centre is a service the purpose of which is to receive and accommodate, on a continuous or temporary basis, more than three adults in difficulty, accompanied where appropriate by their children. It provides users with specialised mentoring and educational, psychological and social support tailored to their individual needs.</p> <p>(Article 3(1) of the Grand Ducal Regulation of 9 January 2001 concerning the authorisation to be granted to bodies managing services for individual adults alone or with children,¹² and Article 3 of the agreement for individual adults alone or with children)</p> <p>- Emergency refuge facility</p> <p>An emergency refuge facility is a service providing, on a purely temporary basis, with minimal supervision, housing for more than three adults in difficulty, accompanied where appropriate by their children.</p> <p>(Article 3(2) of the Grand Ducal Regulation of 9 January 2001 concerning the authorisation to be granted to bodies managing services for individual adults alone or with children, and Article 3 of the agreement for individual adults alone or with children)</p> <p>- Day centre</p> <p>A day centre is a service for the daytime reception of more than three adults in difficulty. The activity of the service may include catering, counselling and assistance with social integration and jobseeking</p>
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¹² **Mémorial A No 11 of 2001**, at <http://www.legilux.public.lu/leg/a/archives/2001/0011/index.html>

	<p>(Article 3(3) of the Grand Ducal Regulation of 9 January 2001 concerning the authorisation to be granted to bodies managing services for individual adults alone or with children, and Article 3 of the agreement for individual adults alone or with children)</p> <p>- Aid, advice and assistance services for adults Aid, advice and assistance services for adults are services providing individuals and households in difficulty with aid, advice and assistance in specific employment, unemployment, housing and debt situations and/or providing multi-source or community-based social support. Besides the types of activity enumerated above, other kinds of activity for adults in difficulty may be authorised.</p> <p>(Article 3(4) of the Grand Ducal Regulation of 9 January 2001 concerning the authorisation to be granted to bodies managing services for individual adults alone or with children, and Article 3 of the agreement for individual adults alone or with children)</p>
Explanation of the forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.	The obligations of the managing body are defined in the AFST agreement , of which the General Conditions form an integral part. Each service covered by such an agreement must have an authorisation conforming to the ASFT Act and its Implementing Regulation.
Explanation of the duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years.	<p>Specific agreements are concluded for a <u>term of one year</u> and are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>In the case of an agreement that enters into force in the course of a year, it is concluded for the period up to 31 December of the current year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p>

	The General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Act were concluded for a period of 36 months, covering the years 2013 to 2015.
Explanation whether exclusive or special rights are assigned to the undertakings	Not applicable
Explanation of the typical compensation mechanism as regards the respective services , including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used	Financial contribution covering any deficit
Explanation of the arrangements for avoiding and repaying any overcompensation	<p>The calculation parameters are defined in the specific agreements and are based on the principles established by the Act and by the General Conditions (see chapter 3 – Financial management procedures – of the General Conditions).</p> <p>Compensation is checked and reviewed in the context of the annual statement of account (see chapter 3(5) – Statements of account – of the General Conditions).</p> <p>It should also be mentioned that the Harmonisation Committee for which Article 14 of the ASFT Act provides has the task of analysing and issuing an opinion on the annual statements of operating expenditure for the services covered by agreements.</p> <p>Under the General Conditions, every managing body undertakes to repay to the Treasury any amount wrongfully received. It undertakes to refrain from claiming from any other body whatsoever an amount that is already covered by the agreement. Double invoicing of a single item of expenditure may result in termination of</p>

	the agreement, notwithstanding the assignment of civil liability and the criminal prosecution of the invoicing party (Article 3(6) of the General Conditions).															
Total amount of aid paid per calendar year. This amount This includes all aid paid, including aid paid by regional and local authorities	<p><u>Statement of account for 2012:</u> EUR 12 662 759 for bodies managing contracted services for individual adults alone or with children.</p> <p><u>Agreement(s) for 2013:</u> EUR 13 234 500 for bodies managing contracted services for individual adults alone or with children.</p> <p>Compensation for investment expenditure (Article 13 of the ASFT Act)</p> <table><tr><td></td><td>2012</td><td>2013</td></tr><tr><td>Reception centre</td><td>EUR 397 862.71</td><td>EUR 309 413.49</td></tr><tr><td>Emergency refuge facilities</td><td>EUR 99 630.70</td><td>EUR 92 359.82</td></tr><tr><td>Aid, advice and assistance services for adults</td><td>EUR 230 097.09</td><td>EUR 2 125 244.70</td></tr><tr><td>Total</td><td>EUR 727 590.50</td><td>EUR 2 527 018.01</td></tr></table>		2012	2013	Reception centre	EUR 397 862.71	EUR 309 413.49	Emergency refuge facilities	EUR 99 630.70	EUR 92 359.82	Aid, advice and assistance services for adults	EUR 230 097.09	EUR 2 125 244.70	Total	EUR 727 590.50	EUR 2 527 018.01
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Aid, advice and assistance services for adults	EUR 230 097.09	EUR 2 125 244.70														
Total	EUR 727 590.50	EUR 2 527 018.01														
Other quantitative information	<p>The financial contribution earmarked by the State for contracted services for adults in the 2013 financial year amounts to EUR 13 234 500 after the deduction of recurrent revenue, estimated at EUR 746 000. This figure covers 143.7 staff posts, at a cost of EUR 11 671 500. Operating costs amount to EUR 1 563 000.</p> <p>This quantitative information is available in the activity report issued by the Ministry of the Family, Integration and the Greater Region</p> <p>The activity reports from the Ministry for 2012¹³ and 2013¹⁴ also contain quantitative information on the services listed above.</p>															

¹³ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2012.pdf

¹⁴ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2013.pdf

Services for the elderly
(Ministry of the Family, Integration and the Greater Region)

<p>Explanation of what kind of services in the respective sector have been defined as SSGI in your Member State. Please list the contents of the services entrusted as SSGI as clearly as possible</p>	<p>1. Regional activity and guidance centre for the elderly (senior citizens' club)</p> <p>A regional activity and guidance centre for the elderly (senior citizens' club) is any service intended primarily for elderly persons and offering them, among other things, various catering services, assistance in everyday matters, guidance in social matters relating to the family and to physical and mental health, consultation on age-related medical, psychological and social issues, training in the form of special courses for the elderly and initiatives such as the 'University of the Third Age' (U3A), organised activities and leisure facilities, one of the aims of such services being to help forestall deficiencies linked to the ageing process.</p> <p>(Article 4(6) of the Grand Ducal Regulation of 8 December 1999, as amended, concerning the authorisation to be granted to bodies managing services for the elderly, and Article 3 of the agreement on regional activity and guidance centres for the elderly (senior citizens' clubs)</p> <p>2. Personal alarm service</p> <p>A personal alarm service is any activity that consists in providing at least three persons with a round-the-clock call service and, where necessary, communicating with helpers and the emergency services.</p> <p>(Article 4(10) of the Grand Ducal Regulation of 8 December 1999, as amended, concerning the authorisation to be granted to bodies managing services for the elderly)</p> <p>3. Activities for senior citizens</p> <p>Activities for senior citizens are the provision of training in the form of special courses for the elderly and initiatives such as the 'University of the Third Age' (U3A) or of supervision, consultation, mediation, activity organisation and assistance offered by the same service</p>
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	<p>for at least 20 hours a week and addressed primarily to the elderly or the terminally ill, their families or persons and services working for the benefit of these users and their families.</p> <p>(Article 4(11) of the Grand Ducal Regulation of 8 December 1999, as amended, concerning the authorisation to be granted to bodies managing services for the elderly)¹⁵</p>
Explanation of the forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.	The obligations of the managing body are clearly defined in the AFST agreement , of which the General Conditions form an integral part. Each service covered by such an agreement must have an authorisation conforming to the ASFT Act and its various implementing regulations.
Explanation of the duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years.	<p>Specific agreements are concluded for a <u>term of one year</u> and are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>In the case of an agreement that enters into force in the course of a year, it is concluded for the period up to 31 December of the current year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>The General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Act were concluded for a period of 36 months, covering the years 2013 to 2015.</p>
Explanation whether exclusive or special rights are assigned to the undertakings	Not applicable

¹⁵ **Mémorial A No 107 of 2010**, at <http://www.legilux.public.lu/leg/a/archives/2010/0107/index.html>

<p>Explanation of the typical compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used</p>	<p>1. Regional activity and guidance centre for the elderly (senior citizens' club)</p> <p>The agreements that are concluded for such centres are either bilateral, between the Ministry and the responsible managing body, or tripartite, in which case they are signed by the Ministry, the managing body and the relevant municipal authority or authorities. They relate to the coverage of expenditure on the permanent staff of regional activity and guidance centres for the elderly (senior citizens' clubs).</p> <p>The agreement sets the state contribution rate at a maximum of 87% of the eligible cost of staffing posts covered by the agreement (Articles 9 and 11 of the specific agreement). The remaining 13% is the responsibility of the municipality or municipalities that are co-signatories to the agreement.</p> <p>Besides this agreement, bilateral arrangements can exist between the managing body and the municipal authority or authorities on the coverage of any costs that might arise in connection with the recruitment of additional staff, with the premises occupied by the service, with the information and advertising channels used to reach the local target population, with the coverage of any deficit, etc. The terms of these arrangements may relate to contributions in cash or in kind.</p> <p>2. Personal alarm service</p> <p>Financial contribution covering any deficit.</p> <p>3. Activities for senior citizens</p> <p>Either financial contribution covering any deficit or lump-sum grant.</p>
<p>Explanation of the arrangements for avoiding and repaying any overcompensation</p>	<p>The calculation parameters are defined in the specific agreements and are based on the principles established by the Act and by the General Conditions (see chapter 3 – Financial management procedures – of the General Conditions).</p> <p>Compensation is checked and reviewed in the context of</p>

	<p>the annual statement of account (see chapter 3(5) – Statements of account – of the General Conditions).</p> <p>It should also be noted that the Harmonisation Committee for which Article 14 of the ASFT Act provides has the task of analysing and issuing an opinion on the annual statements of operating expenditure for the services covered by agreements.</p> <p>Under the General Conditions, every managing body undertakes to repay to the Treasury any amount wrongfully received. It undertakes to refrain from claiming from any other body whatsoever an amount that is already covered by the agreement. Double invoicing of a single item of expenditure may result in termination of the agreement, notwithstanding the assignment of civil liability and the criminal prosecution of the invoicing party (Article 3(6) of the General Conditions).</p>								
Total amount of aid paid	<p>1. Regional activity and guidance centre for the elderly (senior citizens’ club)</p> <table><tr><td><u>Statement of account, 2012</u> EUR 3 144 063</td><td><u>Agreement(s), 2013</u> EUR 3 807 638</td></tr></table> <p>2. Personal alarm service</p> <table><tr><td>Financial contribution from the State</td><td><u>Statement of account, 2012</u> EUR 714 704</td><td><u>Agreements, 2013</u> EUR 751 877</td></tr><tr><td>Financial contribution from local authorities for their residents who are beneficiaries of the service</td><td><u>2012 financial year</u> EUR 375 923.70</td><td><u>2013 financial year</u> EUR 374 493.27</td></tr></table> <p>The contribution methods vary between municipalities. There are four different contribution methods:</p> <ul style="list-style-type: none">- a lump-sum contribution,- a contribution based on means-testing,	<u>Statement of account, 2012</u> EUR 3 144 063	<u>Agreement(s), 2013</u> EUR 3 807 638	Financial contribution from the State	<u>Statement of account, 2012</u> EUR 714 704	<u>Agreements, 2013</u> EUR 751 877	Financial contribution from local authorities for their residents who are beneficiaries of the service	<u>2012 financial year</u> EUR 375 923.70	<u>2013 financial year</u> EUR 374 493.27
<u>Statement of account, 2012</u> EUR 3 144 063	<u>Agreement(s), 2013</u> EUR 3 807 638								
Financial contribution from the State	<u>Statement of account, 2012</u> EUR 714 704	<u>Agreements, 2013</u> EUR 751 877							
Financial contribution from local authorities for their residents who are beneficiaries of the service	<u>2012 financial year</u> EUR 375 923.70	<u>2013 financial year</u> EUR 374 493.27							

	<ul style="list-style-type: none">- a contribution to the single provision fee, and- a contribution made on a case-by-case basis. <p>3. Activities for senior citizens</p> <table><tr><td><u>Statement of account, 2012</u></td><td><u>Agreement(s), 2013</u></td></tr><tr><td>EUR 2 709 490</td><td>EUR 2 695 779</td></tr></table> <p>Compensation for investment expenditure (Article 13 of the ASFT Act)</p> <table><tr><td></td><td>2012</td><td>2013</td></tr><tr><td>Integrated centres for the elderly</td><td>EUR 20 631 765.00</td><td>EUR 19 509 378.00</td></tr><tr><td>Care homes</td><td>EUR 56 599 055.00</td><td>EUR 6 993 626.00</td></tr><tr><td>Centres for geriatric psychiatry</td><td>EUR 33 085.00</td><td>EUR 694 157.00</td></tr><tr><td>Regional activity and guidance centres for the elderly</td><td>EUR 88 141.00</td><td>EUR 0.00</td></tr><tr><td>TOTAL</td><td>EUR 67 983 811</td><td>EUR 27 197 161</td></tr></table>	<u>Statement of account, 2012</u>	<u>Agreement(s), 2013</u>	EUR 2 709 490	EUR 2 695 779		2012	2013	Integrated centres for the elderly	EUR 20 631 765.00	EUR 19 509 378.00	Care homes	EUR 56 599 055.00	EUR 6 993 626.00	Centres for geriatric psychiatry	EUR 33 085.00	EUR 694 157.00	Regional activity and guidance centres for the elderly	EUR 88 141.00	EUR 0.00	TOTAL	EUR 67 983 811	EUR 27 197 161
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TOTAL	EUR 67 983 811	EUR 27 197 161																					
Other quantitative information	<p>1. Regional activity and guidance centre for the elderly (senior citizens' club)</p> <p>Number of posts established under 17 agreements concluded with the State for 2012 and 2013: 54.5</p> <p>2. Personal alarm service</p> <p>As of 31 December 2012, the service had 4 734 active clients (76% women and 24% men). Of these clients, 89% were aged 70 or over.</p> <p>During 2012, the service received 5 917 alarm signals from persons in genuine distress.</p> <p>As of 31 December 2013, the service had 4 758 active clients (77% women and 23% men). Of these clients,</p>																						

	<p>89.5% were aged 70 or over.</p> <p>During 2013, the service received 9 811 alarm signals from persons in genuine distress. (Source: activity reports for 2012 and 2013 from the Ministry of the Family and Integration)</p> <p>Number of posts established under 17 agreements concluded with the State for 2012 and 2013: 11.0.</p> <p>3. Activities for senior citizens</p> <p>At the present time, five services are involved in these activities:</p> <ul style="list-style-type: none"> - a managing body providing an administrative support service, which performs all kinds of work relating to accounting and pay calculations for the services managed by its member management organisations, providing a studies, documentation and communication service, engaging in large-scale information and promotion activities targeting elderly people and organising, together with the competent ministerial department, regular meetings of all managers of the organisations operating in the realm of 'active ageing'; - a managing body committed to making society more aware of illness, death and bereavement, to combating the isolation of the terminally ill and the bereaved. to encourage authentic communication between the sick and those around them, to counsel and support people who have to come to terms with an illness, to raise awareness of pain, to counsel the bereaved and to help develop 'palliative thinking' in all care establishments; - a body providing a training service for managers, carers and other staff working with the elderly and a senior citizens' academy open to anyone over the age of 50; - a nationwide self-help association offering various services and activities to its members, either on a
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	<p>national scale or through its local sections;</p> <ul style="list-style-type: none"> - an organisation providing information, training and support for persons affected by psychogeriatric conditions and for informal helpers, focusing on the conditions and the behaviour of those suffering from them, on family care of sufferers, a telephone helpline known as Helpline-SOS Alzheimer, peer support groups, public information and awareness-raising activities and a documentation and information centre. <p>The activity reports from the Ministry of the Family, Integration and the Greater Region for 2012¹⁶ and 2013¹⁷ also contain quantitative information on the services listed above.</p>
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¹⁶ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2012.pdf

¹⁷ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2013.pdf

**Consultation, training, advice and mediation services for families
(Ministry of the Family, Integration and the Greater Region)**

<p>Explanation of what kind of services in the respective sector have been defined as SSGI in your Member State. Please list the contents of the services entrusted as SSGI as clearly as possible</p>	<p>Consultation, training, advice and mediation services (hereinafter referred to as ‘family-welfare services’)</p> <p>Family-welfare services are any services offering activities in the following fields:</p> <ol style="list-style-type: none"> 1. Therapeutic consultation Therapeutic consultation is any psychological support activity for the benefit of adults or families confronted with personal crises or interpersonal conflicts. 2. Socio-educational training Socio-educational training is any preventive activity involving the provision of information, advice or training to adults or families for reasons of social or family welfare, upbringing or education. 3. Social and family counselling Social and family counselling is any advisory and support activity for the benefit of adults or families confronted with social or family conflicts. 4. Social and family mediation Social and family mediation is any activity enabling adults or families to settle current and future differences within their relationships in an amicable manner. <p>(Article 2 of the Regulation of 10 November 2006, as amended, implementing Articles 1 and 2 of the ASFT Act as regards the authorisation to be granted to persons or entities initiating or engaging in a consultation, training, counselling, mediation, reception and organisation activity for families)¹⁸</p>
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¹⁸ **Mémorial A No 241 of 2011**, at <http://www.legilux.public.lu/leg/a/archives/2011/0241/index.html>

Explanation of the forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.	The obligations of the managing body are clearly defined in the AFST agreement , of which the General Conditions form an integral part. Each service covered by such an agreement must have an authorisation conforming to the ASFT Act and its various implementing regulations.
Explanation of the duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years.	<p>Specific agreements are concluded for a <u>term of one year</u> and are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>In the case of an agreement that enters into force in the course of a year, it is concluded for the period up to 31 December of the current year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>The General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Act were concluded for a period of 36 months, covering the years 2013 to 2015.</p>
Explanation whether exclusive or special rights are assigned to the undertakings	Not applicable
Explanation of the typical compensation mechanism as regards the respective services , including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used	Financial contribution covering any deficit
Explanation of the arrangements for	The calculation parameters are defined in the specific agreements and are based on the principles established

avoiding and repaying any overcompensation	<p>by the Act and by the General Conditions (see chapter 3 – Financial management procedures – of the General Conditions).</p> <p>Compensation is checked and reviewed in the context of the annual statement of account (see chapter 3(5) – Statements of account – of the General Conditions).</p> <p>It should also be mentioned that the Harmonisation Committee for which Article 14 of the ASFT Act provides has the task of analysing and issuing an opinion on the annual statements of operating expenditure for the services covered by agreements.</p> <p>Under the General Conditions, every managing body undertakes to repay to the Treasury any amount wrongfully received. It undertakes to refrain from claiming from any other body whatsoever an amount that is already covered by the agreement. Double invoicing of a single item of expenditure may result in termination of the agreement, notwithstanding the assignment of civil liability and the criminal prosecution of the invoicing party (Article 3(6) of the General Conditions).</p>					
Total amount of aid paid	<table><tr><td><u>Statement of account, 2012</u></td><td><u>Agreement(s), 2013</u></td></tr><tr><td>EUR 4 190 593</td><td>EUR 4 490 501</td></tr></table>	<u>Statement of account, 2012</u>	<u>Agreement(s), 2013</u>	EUR 4 190 593	EUR 4 490 501	
	<u>Statement of account, 2012</u>	<u>Agreement(s), 2013</u>				
	EUR 4 190 593	EUR 4 490 501				
<p>Compensation for investment expenditure (Article 13 of the ASFT Act)</p> <table><tr><td>2012</td><td>2013</td></tr><tr><td>EUR 74 968.71</td><td>EUR 20 582.33</td></tr></table>		2012	2013	EUR 74 968.71	EUR 20 582.33	
2012	2013					
EUR 74 968.71	EUR 20 582.33					

Other quantitative information	<p>The area of family-welfare services comprises nine services that are authorised and covered by agreements under the ASFT Act. These services operate in the fields defined above.</p> <p>In 2013, 38.3 full-time equivalent (FTE) posts were funded on the basis of nine agreements. Staff costs amounted to 84.11% of the costs covered by the agreements for 2013.</p> <p>The activity reports from the Ministry of the Family, Integration and the Greater Region for 2012¹⁹ and 2013²⁰ also contain quantitative information on the services listed above.</p>
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¹⁹ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2012.pdf

²⁰ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2013.pdf

Services for women and men; shelters for women, girls and women with children
(Ministry of Equal Opportunities)

<p>Explanation of what kind of services in the respective sector have been defined as SSGI in your Member State. Please list the contents of the services entrusted as SSGI as clearly as possible</p>	<p>1. <u>Traditional shelter facility</u></p> <p>This is a service designed to admit and provide permanent and temporary day and night accommodation, on a placement basis, for more than three users simultaneously, accompanied by their children where appropriate; these are persons who find themselves in acute distress and have an urgent need of educational, psychological, social and therapeutic support that meets their individual requirements. Priority will be given to women who are victims of violence and/or women in difficult pregnancy or maternity situations.</p> <p>2. <u>Sheltered-housing service</u></p> <p>The purpose of this service is to admit and provide permanent and temporary day and night accommodation, on a placement basis, for users and their children when such persons are in social distress or have just undergone a stabilisation process in a traditional shelter facility. Its priority aim is to procure for its users temporary housing and assistance in obtaining or resuming employment, managing their financial and legal circumstances and in achieving social integration and participation. It is designed to improve the general quality of life of its users and to reinforce their mental and social skills so that they can organise their everyday lives independently.</p> <p>3. <u>Open housing service</u></p> <p>This service intervenes on departure from a traditional shelter facility or from sheltered housing and is designed to provide support for users who have difficulties but are sufficiently independent to manage with only sporadic supervision.</p>
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	<p>4. <u>Reception and emergency-aid service</u></p> <p>This is a service, or part of a service, designed to provide emergency day and night placements for children and young adults aged 12 to 21.</p> <p>As well as providing accommodation, the managing body also offers ancillary services.</p> <p>5. <u>In-house day nursery</u></p> <p>The purpose of this service is to provide care for part of the day for the children of registered users of authorised services working in the interests of gender equality. It provides educational, psychological, social and therapeutic support by means of varied activities tailored to the needs of young children.</p> <p>6. <u>Parental centre</u></p> <p>The purpose of this service is to admit and provide permanent and temporary day and night accommodation, on a placement basis, for women and girls who are pregnant or accompanied by their infant children and for men or couples accompanied by their infant children.</p> <p>Parental centres can possess any of three different forms of care and accommodation structure, that is to say they can be parental centres in the real sense of the term or else maternal or paternal centres.</p> <p>Parental centres specialise in assisting users who need to develop as parents by bonding with their children. The mentoring team oversees the welfare of the child and of its parents in their parental role but also, where appropriate and necessary, in their conjugal relationship.</p> <p>Maternal centres are specific reception centres specialising exclusively in permanent and temporary day and night accommodation, on a placement basis, of</p>
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	<p>pregnant women, whether or not they are accompanied by an infant, and/or young mothers raising infants with a view to enabling them to develop or re-establish themselves as mothers by bonding with their unborn or infant children.</p> <p>The intensive multidisciplinary support offered by these centres is available 24 hours a day, and the maximum period for which it can be granted lasts until the infant's third birthday.</p> <p>The paternal centre will be a specific reception facility for young fathers accompanied by infant children and is expected to operate along the same lines as a maternal centre.</p> <p><u>7. Consultation centre</u></p> <p>This is a service offering reception, consultation, information, guidance, assistance, mentoring and support for adults and minors and their families and friends.</p> <p>It also seeks to provide crisis intervention, enabling users to find emergency help if they are in a distressing situation.</p> <p>This type of service also engages in public efforts to promote activities for the benefit of men and boys and activities benefiting women and girls with a view to providing information and raising awareness with regard to all issues relating to the male and female condition respectively.</p> <p>To this end, it may promote specific activities and organise working groups, conferences and training for professionals. It will also offer publicly accessible documentation on the male and the female condition.</p> <p>8. Integration and reintegration centre</p> <p>This service offers users basic theoretical and practical</p>
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	<p>instruction to prepare them to lead independent lives.</p> <p>9. Assistance service for victims of domestic violence</p> <p>This service assists, mentors and counsels victims of domestic violence within the meaning of the Domestic Violence Act of 8 September 2003, as amended.</p> <p>10. Counselling service for perpetrators of domestic violence</p> <p>This service provides counselling for those who have committed acts of domestic violence within the meaning of the Domestic Violence Act of 8 September 2003, as amended.</p> <p>11. Assistance service for victims of human trafficking</p> <p>This service assists victims of human-trafficking within the meaning of the Act of 8 May 2009 concerning the Assistance, Protection and Security of Victims of Traffic in Human Beings.</p>
Explanation of the forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.	The obligations of the managing body are defined in the AFST agreement , of which the General Conditions form an integral part. Each service covered by such an agreement must have an authorisation conforming to the ASFT Act and its various implementing regulations.
Explanation of the duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years.	<p>Specific agreements are concluded for a <u>term of one year</u> and are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>In the case of an agreement that enters into force in the course of a year, it is concluded for the period up to 31 December of the current year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by</p>

	<p>the General Conditions.</p> <p>The General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Act were concluded for a period of 36 months, covering the years 2013 to 2015.</p>
Explanation whether exclusive or special rights are assigned to the undertakings	Not applicable
Explanation of the typical compensation mechanism as regards the respective services , including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used	Financial contribution covering any deficit
Explanation of the arrangements for avoiding and repaying any overcompensation	<p>The calculation parameters are defined in the specific agreements and are based on the principles established by the Act and by the General Conditions (see chapter 3 – Financial management procedures – of the General Conditions).</p> <p>Compensation is checked and reviewed in the context of the annual statement of account (see chapter 3(5) – Statements of account – of the General Conditions).</p> <p>It should also be mentioned that the Harmonisation Committee for which Article 14 of the ASFT Act provides has the task of analysing and issuing an opinion on the annual statements of operating expenditure for the services covered by agreements.</p> <p>Under the General Conditions, every managing body undertakes to repay to the Treasury any amount wrongfully received. It undertakes to refrain from claiming</p>

	from any other body whatsoever an amount that is already covered by the agreement. Double invoicing of a single item of expenditure may result in termination of the agreement, notwithstanding the assignment of civil liability and the criminal prosecution of the invoicing party (Article 3(6) of the General Conditions).
Total amount of aid paid	<p><u>Statement of account, 2012:</u> EUR 5 156 822 for bodies managing contracted services for women and men EUR 5 176 551 for bodies managing shelters for women, girls and women with children</p> <p><u>Agreement, 2013:</u> EUR 5 874 318 for bodies managing contracted services for women and men EUR 5 729 119 for bodies managing shelters for women, girls and women with children</p>
Other quantitative information	Quantitative information is available in the activity report from the Ministry of Equal Opportunities and in the report from the Committee of Professionals Against Domestic Violence, accessible at http://www.mega.public.lu/fr/publications/index.html

Services for young people
(Ministry of National Education, Childhood and Youth)

<p>Explanation of what kind of services in the respective sector have been defined as SSGI in your Member State. Please list the contents of the services entrusted as SSGI as clearly as possible</p>	<p>Services for young people</p> <p>(1) Encounter, information and activity service for young people</p> <p>An encounter, information and activity service for young people is any service that provides for the reception of at least three young people, mainly in the 12-26 age range, for at least three days a week, offering them, among other things, information, organised activities and training, in a centre known as a <i>Maison des Jeunes</i> (youth centre).</p> <p>(2) Mediation service</p> <p>A mediation service for young people is any service which, for at least 50 days a year, provides for the reception of young people and adults locked in a dispute in which children or young people are directly or indirectly involved, offering them a voluntary mediation process with the aid of one or more mediators empowered to establish or restore communication between the parties, to seek ways in which the parties can resolve the conflict and to monitor the implementation of any agreements that the parties to the dispute might conclude.</p> <p>(3) Training and assistance service for voluntary leaders in youth organisations</p> <p>A training and assistance service for voluntary leaders in youth organisations is any service that provides instruction in the delivery of activities for the benefit of young people to at least three persons for at least 50 days a year, providing them in particular with training services designed to assist voluntary leaders in national and international youth organisations.</p> <p>1. Information service for young people</p> <p>An information service for young people is any service that provides for the reception of at least</p>
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	<p>three young people, mainly in the 12-26 age range, for at least three days a week, offering them, in particular, consultation, guidance, assistance and information services.</p> <p>(Article 5 of the Grand Ducal Regulation of 28 January 1999 on the authorisation to be granted to bodies managing services for young people)²¹</p> <p>2. Holiday service</p> <p>A reception and organisation service is any activity the main objective of which, for social, educational or family-welfare reasons, is to provide children, adults or families with organised activities, leisure pursuits or holidays.</p> <p>(Article 2(1) of the Grand Ducal Regulation of 10 November 2006, as amended, implementing Articles 1 and 2 of the ASFT Act as regards the authorisation to be granted to persons or entities initiating or engaging in a consultation, training, counselling, mediation, reception and organisation activity for families)²²</p>
Explanation of the forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.	The obligations of the managing body are defined in the AFST agreement , of which the General Conditions form an integral part. Each service covered by such an agreement must have an authorisation conforming to the ASFT Act and its various implementing regulations.
Explanation of the duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are	<p>Specific agreements are concluded for a <u>term of one year</u> and are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>In the case of an agreement that enters into force in the course of a year, it is concluded for the period up to 31 December of the current year and is then tacitly renewed from year to year unless notice of termination is</p>

²¹ **Mémorial A No 9 of 1999**, at <http://www.legilux.public.lu/leg/a/archives/1999/0009/index.html>

²² **Mémorial A No 241 of 2011**, at <http://www.legilux.public.lu/leg/a/archives/2011/0241/index.html>

longer than 10 years.	<p>given in accordance with the formalities prescribed by the General Conditions.</p> <p>The General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Act were concluded for a period of 36 months, covering the years 2013 to 2015.</p>
Explanation whether exclusive or special rights are assigned to the undertakings	Not applicable
Explanation of the typical compensation mechanism as regards the respective services , including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used	A hybrid financial contribution is made, that is to say a combination of a lump sum and coverage of any deficit.
Explanation of the arrangements for avoiding and repaying any overcompensation	<p>The calculation parameters are defined in the specific agreements and are based on the principles established by the Act and by the General Conditions (see chapter 3 – Financial management procedures – of the General Conditions).</p> <p>Compensation is checked and reviewed in the context of the annual statement of account (see chapter 3(5) – Statements of account – of the General Conditions).</p> <p>It should also be mentioned that the Harmonisation Committee for which Article 14 of the ASFT Act provides has the task of analysing and issuing an opinion on the annual statements of operating expenditure for the services covered by agreements.</p> <p>Under the General Conditions, every managing body undertakes to repay to the Treasury any amount</p>

	wrongfully received. It undertakes to refrain from claiming from any other body whatsoever an amount that is already covered by the agreement. Double invoicing of a single item of expenditure may result in termination of the agreement, notwithstanding the assignment of civil liability and the criminal prosecution of the invoicing party (Article 3(6) of the General Conditions).											
Total amount of aid paid	<table><tr><td></td><td><u>Statement of account, 2012</u></td><td><u>Agreement(s), 2013</u></td></tr><tr><td>Services for young people (1, 2, 3 and 4)</td><td>EUR 11 733 016</td><td>EUR 7 972 439</td></tr><tr><td>Holiday service (5)</td><td>EUR 1 302 949</td><td>EUR 1 260 680</td></tr></table>				<u>Statement of account, 2012</u>	<u>Agreement(s), 2013</u>	Services for young people (1, 2, 3 and 4)	EUR 11 733 016	EUR 7 972 439	Holiday service (5)	EUR 1 302 949	EUR 1 260 680
		<u>Statement of account, 2012</u>	<u>Agreement(s), 2013</u>									
	Services for young people (1, 2, 3 and 4)	EUR 11 733 016	EUR 7 972 439									
	Holiday service (5)	EUR 1 302 949	EUR 1 260 680									
	Compensation for investment expenditure (Article 13 of the ASFT Act)											
<table><tr><td>2012</td><td>2013</td></tr><tr><td>EUR 2 907 948</td><td>EUR 2 618 035</td></tr></table>			2012	2013	EUR 2 907 948	EUR 2 618 035						
2012	2013											
EUR 2 907 948	EUR 2 618 035											
Other quantitative information	The activity reports from the Ministry of the Family, Integration and the Greater Region for 2012 ²³ and 2013 ²⁴ also contain quantitative information on the services listed above.											

²³ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2012.pdf

²⁴ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2013.pdf

Services covered by Article 2(1)(c) of the Decision: childcare services, whose entitlement to compensation is not subject to an annual ceiling
(Ministry of National Education, Childhood and Youth)

<p>Explanation of what kind of services in the respective sector have been defined as SSGI in your Member State. Please list the contents of the services entrusted as SSGI as clearly as possible</p>	<p>1. Childcare centres</p> <p>A childcare centre is a facility providing non-residential activities for the temporary socio-educational care of children below the age of 18 years.</p> <p>The activity of childcare centres must include the following compulsory services:</p> <ul style="list-style-type: none"> - opening the service and admitting users, in principle outside school hours, for periods of time to be defined by the managing body, on at least 200 days and for at least 500 hours per calendar year; - catering for users by providing lunch and snacks; - supervising users, providing organised activities and activities of a socio-educational character; - assisting users with their homework. <p>At the discretion of the managing body, the activity of childcare centres may include the following additional services without the need for special authorisation:</p> <ul style="list-style-type: none"> - socio-educational support; - looking after sick users, either in facilities at the centre or at the user's home; - providing encounter sessions, organised activities and leisure pursuits of a socio-educational, instructive or cultural nature for users and their families; - providing training sessions for parents; - taking initiatives involving encounter and organised socio-educational, intergenerational, socio-cultural and intercultural activities within the local communities that host the service or its units. <p>At the request of the managing body, the authorisation may provide for the gradual launching of the various additional services listed above for a phase limited to a maximum of five years.</p>
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	<p>For the services that existed at the time of entry into force of the current regulation, exemptions may be granted from the provisions of the second paragraph of Article 2 of the Regulation of 20 July 2005 concerning the authorisation to be granted to bodies managing childcare centres.</p> <p>(Article 2 of the Grand Ducal Regulation of 20 July 2005 concerning the authorisation to be granted to bodies managing childcare centres)²⁵</p> <p>The third paragraph of Article 2 of the Grand Ducal Regulation of 20 July 2005 concerning the authorisation to be granted to bodies managing childcare centres has been amended to read as follows:</p> <p>“At the discretion of the managing body, the activity of childcare centres may include the following additional services without the need for special authorisation:</p> <ul style="list-style-type: none"> - individual or collective psychosocial support; - looking after sick users, either in facilities at the centre or at the user’s home; - organising musical activities and providing an introduction to music; - organising sporting activities and providing an introduction to sports; - leading recreational activities during school holidays; - providing encounter sessions, organised activities and leisure pursuits of a socio-educational, instructive or cultural nature for users and their families; - providing training sessions for parents; - taking initiatives involving encounter and organised
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²⁵ **Mémorial A No 123 of 2005**, at <http://www.legilux.public.lu/leg/a/archives/2005/0123/index.html>
Mémorial A No 25 of 2009, at
<http://www.legilux.public.lu/leg/a/archives/2009/00252009A0373A.html>
This Regulation was repealed by the Grand Ducal Regulation of 14 November 2013 on educational and reception services for children, accessible at
<http://www.legilux.public.lu/leg/a/archives/2013/1999/2013A3702A.html>

	<p>socio-educational, intergenerational, socio-cultural and intercultural activities within the local communities that host the service or its units.</p> <p>(Article 1 of the Grand Ducal Regulation of 13 February 2009 amending the Grand Ducal Regulation of 20 July 2005 concerning the authorisation to be granted to bodies managing childcare centres)</p> <p>2. Day centres, day nurseries and crèches</p> <p>Non-residential activities for the temporary socio-educational care of more than three children simultaneously within the meaning of the Act are any activities that a natural or legal person initiates or engages in as a primary or secondary remunerated occupation and which consist in hosting simultaneously more than three children with whom the service provider, if a natural person, has no family or guardianship ties on a non-sporadic and non-residential basis in premises that are not used for any other private or commercial purposes during the opening hours of the facility.</p> <p>In particular, these activities may take one of the following forms:</p> <ul style="list-style-type: none"> - Crèche A crèche is any service provided for the purpose of hosting and providing non-residential educational care for children who are below the age of four or who are not yet receiving schooling in a professional establishment. - Children's day centre A children's day centre is any service provided for the purpose of hosting and providing non-residential educational care outside school hours or during school holidays for children who, in a professional establishment, are receiving pre-school education or attending primary school respectively. - School-meal service
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	<p>A school-meal service is any service provided for the purpose of receiving, catering for and supervising children of school age at lunchtime.</p> <p>- Homework-help service A homework-help service is any non-school service provided for the purpose of receiving, on a non-residential basis, and supervising primary-school pupils outside school hours with a view to offering them recreational activities and assistance with their homework.</p> <p>- Day nursery A day nursery is any service provided for the purpose of spontaneously receiving and supervising, on a non-residential basis, children below the age of 8 years in professional establishments for less than 16 hours per child per week.</p> <p>Besides the five types of activity listed above, other forms of non-residential childcare may be authorised. In those cases, the conditions governing infrastructure and staff are deduced from the general guidelines laid down by the current Regulation for a similar type of facility and for similar age groups.</p> <p>(Article 3 of the Grand Ducal Regulation of 20 December 2001 implementing Articles 1 and 2 of the ASFT Act as regards the authorisation to be granted to bodies managing non-residential reception facilities for children)²⁶</p>
<p>Explanation of the forms of entrustment. If standardised templates for entrustments are used for a certain sector,</p>	<p>The obligations of the managing body of an education and reception service are clearly defined in the AFST agreement, of which the General Conditions form an integral part. Each service covered by such an agreement must have an authorisation conforming to the</p>

²⁶ **Mémorial A No 159 of 2001**, at <http://www.legilux.public.lu/leg/a/archives/2001/0159/index.html>

Mémorial A No 229 of 2012, at <http://www.legilux.public.lu/leg/a/archives/2012/0229/index.html>

please attach them.	ASFT Act and its various implementing regulations.
Explanation of the duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years.	<p>ASFT agreements with childcare centres, crèches, day centres and day nurseries are concluded for a term of <u>one year</u> and are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>In the case of an agreement that enters into force in the course of a year, it is concluded for the period up to 31 December of the current year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities prescribed by the General Conditions.</p> <p>The General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Act were concluded for a period of 36 months, covering the years 2013 to 2015.</p>
Explanation whether exclusive or special rights are assigned to the undertakings	Not applicable
Explanation of the typical compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used	For childcare centres, crèches, day centres and day nurseries , a financial contribution covering any deficit is applied. The financial contribution is established on the basis of a budget showing wage costs, fixed overheads and operating costs. The amounts indicated in the budget drawn up by the managing body cannot exceed the amount granted by the State. State verification will take place at the time of the annual statement of account.
Explanation of the arrangements for avoiding and repaying any overcompensation	The calculation parameters are defined in the specific agreements and are based on the principles established by the Act and by the General Conditions (see chapter 3 – Financial management procedures – of the General Conditions).

	<p>Compensation is checked and reviewed in the context of the annual statement of account (see chapter 3(5) – Statements of account – of the General Conditions).</p> <p>It should also be mentioned that the Harmonisation Committee for which Article 14 of the ASFT Act provides has the task of analysing and issuing an opinion on the annual statements of operating expenditure for the services covered by agreements.</p> <p>Under the General Conditions, every managing body undertakes to repay to the Treasury any amount wrongfully received. It undertakes to refrain from claiming from any other body whatsoever an amount that is already covered by the agreement. Double invoicing of a single item of expenditure may result in termination of the agreement, notwithstanding the assignment of civil liability and the criminal prosecution of the invoicing party (Article 3(6) of the General Conditions). Any amount wrongly received, in other words an amount granted but not spent in full, will be recovered by the State on the basis of a statement of expenditure drawn up by the managing body and checked by government officials.</p>										
Total amount of aid paid	<table><tr><td></td><td><u>Statement of account, 2012</u></td><td><u>Agreement(s), 2013</u></td></tr><tr><td>Contracted services under points 1 and 2</td><td>EUR 131 062 572</td><td>EUR 140 830 033</td></tr></table> <p>Compensation for investment expenditure (Article 13)</p> <table><tr><td>2012</td><td>2013</td></tr><tr><td>EUR 8 892 661</td><td>EUR 15 842 182</td></tr></table>		<u>Statement of account, 2012</u>	<u>Agreement(s), 2013</u>	Contracted services under points 1 and 2	EUR 131 062 572	EUR 140 830 033	2012	2013	EUR 8 892 661	EUR 15 842 182
	<u>Statement of account, 2012</u>	<u>Agreement(s), 2013</u>									
Contracted services under points 1 and 2	EUR 131 062 572	EUR 140 830 033									
2012	2013										
EUR 8 892 661	EUR 15 842 182										

<p>Other quantitative information</p>	<p>As of 31 December 2012: Childcare centres, crèches, day centres and day nurseries: 396 contracted services with a total of 32 063 contracted places (source: Ministry of the Family activity report for 2012)</p> <p>As of 31 December 2013: Childcare centres, crèches, day centres and day nurseries: 398 contracted services with a total of 34 053 contracted places (source: Ministry of the Family activity report for 2013)</p> <p>The activity reports from the Ministry of the Family, Integration and the Greater Region for 2012²⁷ and 2013²⁸ also contain quantitative information on the services listed above.</p>
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²⁷ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2012.pdf

²⁸ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2013.pdf

MISCELLANEOUS

Article 4 of the Children and Families Assistance Act of 16 December 2008, as amended, creates a right to apply for assistance. In cases of children in distressing situations, parents or legal representatives and children who are capable of discernment are entitled to seek assistance from the National Children's Office. They help to devise a socio-educational and psychosocial intervention strategy, which is drawn up or approved by the National Children's Office. This strategy does not take effect until it is signed by the child's parents or legal representatives and the child, if he or she is capable of discernment. Children and their parents or legal representatives have the right to request a re-examination and even the revocation of the intervention strategy.

Article 5 of the Act established a National Children's Office (*Office national de l'enfance* - ONE), which has the task, subject to respect for the powers assigned to the judicial authorities by the Youth Protection Act of 10 August 1992, of overseeing the delivery of social assistance to children and young adults in distress.

Under the terms of the Children and Families Assistance Act and without prejudice to the provisions of the AFST Act, social assistance for children and young adults in distress and for their families may comprise the aid measures defined by the Act, in so far as they are provided either by services operating under the supervision of the Ministry or by other services, subject to the prior agreement of the lead Ministry.

Article 13 stipulates that, to be recognised as a social-assistance service for children, the body managing the aid measures is required:

- to possess an authorisation issued by the competent Ministry in accordance with the ASFT Act;
- to define a strategy for its activities which is consistent with the rights of the child and reflects a particular degree of sensitivity to the condition of children with impaired physical, mental, emotional, social or cultural capacities;
- to promote the active involvement of children and parents who are beneficiaries of these aid measures;
- to take part in efforts to combat violence and drug addiction and to prevent suicide;
- to draw up internal regulations specifying the eligibility conditions for aid measures and defining the rights and obligations of staff members and users;
- to document in an appropriate manner the aid measures that have been delivered;
- to hold regular review and in-service training sessions for its staff;
- to cooperate with the government ministries with responsibilities relating to the situation of children, the state prosecutor and the Youth Court, the Committee

for the Protection of Children's Rights (*Ombudscomité fir d'Rechter vum Kand*) and the ONE;

- to ensure that the quality of these aid measures is subject to regular external assessment.

Article 15 prescribes that the State is to help meet the cost of aid measures by means of the following monthly, daily and hourly fixed-rate contributions:

- (1) a daily contribution for each placement in institutional care or in day and night care in a socio-educational facility, based on the standard care package;
- (2) a daily contribution for each placement in institutional care or in residential care in a socio-educational facility, based on the remedial educational care package;
- (3) a daily contribution for each placement in institutional care or in day and night care in a socio-educational facility, based on the psychotherapeutic care package or the package for urgent care in an acute psychosocial crisis or the care package for children under three years of age;
- (4) a daily contribution for each placement with a family or in socio-educational care with a host family, based on the day and night reception package;
- (5) a daily contribution for each placement with a family or in socio-educational care with a host family, based on the daytime reception package;
- (6) a daily contribution for each daytime placement or socio-educational care provision in a centre for remedial education or psychotherapy;
- (7) an hourly contribution for family-welfare assistance in the family setting;
- (8) an hourly contribution for psychological, social or educational support in the family setting;
- (9) an hourly contribution for consultations relating to psychological or emotional conditions or trauma or for psychotherapeutic treatment;
- (10) an hourly contribution for family and social mediation;
- (11) an hourly contribution for interventions in the realms of early remedial education, psychomotor development and speech and language therapy;
- (12) an hourly contribution for psychosocial support in the form of body movement, artistic expression and craft activity or through guided contact with animals or the environment;
- (13) an hourly contribution for medical, paediatric, gynaecological or psychiatric assistance from service providers;
- (14) an hourly contribution for psychotherapeutic or legal assistance from service providers;
- (15) a monthly contribution for the guidance, coordination and evaluation of measures developed for the benefit of a single child, his or her family or a young adult.

The funds required for state contributions to expenditure on the measures of assistance listed above in the form of monthly, daily or hourly fixed rates are entered in the national budget and amounted to EUR 72 400 000 in the 2014 financial year. Article 15 of the Act states that the rules governing state contributions are to be laid down in one or more framework agreements to be concluded between the competent Minister and service providers. These agreements are concluded for a term of one year.

Article 16 specifies that the procedures for setting the fixed rates and the amount of those rates are to be determined by a Grand Ducal regulation. These rates do not cover service providers' investments in infrastructure or equipment.

The Grand Ducal Regulation of 17 August 2011 on the funding of social-assistance measures for children and families, besides specifying the types of expenditure covered by the various fixed-rate contributions, lays down detailed rules for setting these fixed rates and the beneficiaries' own contributions to the cost of aid measures as well as specifying the amounts of the various fixed-rate contributions defined in Article 15 of the Act.

Articles 1 to 6 of the Grand Ducal Regulation of 17 August 2011 provide for certain adjustment mechanisms for the fixed rates so that allowance can be made for any changes in the labour and operating costs of institutions and services providing assistance measures that might result from the provisions of laws, regulations or agreements.

These mechanisms are as follows:

- Daily fixed rates are set once a year at most to reflect changes in the cost-of-living index, adjustments to the apportionment of staff costs for managerial, administrative, logistics and technical staff and amendments to the provisions of the laws, regulations and agreements governing wage costs for all of the staff delivering an aid measure.
- Hourly fixed rates are determined in the light of the development of the charges applied by health insurers and long-term care insurers to similar services.
- The monthly fixed rate is set on the basis of an average of the actual costs generated by the guidance, evaluation and coordination services.

Article 7 establishes a consultation committee, the function of which is to analyse and communicate the procedures for determining the fixed rates, The committee delivers its opinion to the competent minister.

The committee comprises:

- a representative of the Minister of the Family and Integration;
- a representative of the Minister of Finance;
- the director of the ONE;
- two representatives of private managing bodies offering measures of assistance for children and families.

The members of the committee are appointed by the Minister of the Family and Integration and the Minister of Finance for a five-year term.

Experts may be invited to meetings of the committee. The roles of chair and secretary of the commission are each performed by a representative of the State. The consultation period begins on 1 October and ends on 31 December of the same year.

ANNEXES TO PART IV OF THIS REPORT

- General conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Act
- Specific agreements (models)

Services for persons with disabilities

- Agreement on socio-educational support of persons with disabilities in residential and daytime activity services (2013)
- Agreement on residential services, daytime activities, training, employment, information, consultation and encounter activities and early intervention and assistance for persons with disabilities (2013)

Services for adults, alone or with children

- Agreement on residential and daytime care services for adults (2013)
- Agreement on services for adults (2013)

Services for the elderly

- Agreement on services for the elderly (2013)
- Agreement on the regional activity and guidance centre for the elderly (Senior Citizens' Club) (2013)

Consultation, training, advice and mediation services for families

- Agreement on consultation, training, advice and mediation services (2013)

Services for young people

- Agreement on services for young people – encounter, information and activity service for young people
- Agreement on the Youth Information Centre (2013)
- Agreement on services for young people – Mediation Centre (2013)

Childcare services

- Agreement on childcare centres (2013)
- Bilateral agreement on childcare centre (2013)