



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

Direction des affaires européennes et
des relations économiques internationales

**Report on the implementation
of the Commission Decision
of 20 December 2011
on
services of general economic interest
(2016)**

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INTRODUCTION

On 20 December 2011, the European Commission ('the 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, 11.1.2012, p. 3, hereinafter 'the 2012 SGEI Decision').

Under Article 9 of the 2012 SGEI Decision, each Member State is required to submit a report on the implementation of the Decision to the Commission every two years, containing 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 Entreprise des Postes et Télécommunications (Post and Telecommunications Company, EPT) for the transport and distribution service for press publications (Ministry of the Economy);
- compensation granted to hospitals (Ministry of Health);
- compensation granted to the *Fonds pour le développement du logement et de l'habitat* (Housing and Settlement Development Fund) (Ministry of Housing);
- compensation granted to bodies operating in the realms of social welfare, family assistance and therapy:
 - o Ministry of the Family, Integration and the Greater Region;
 - o Ministry of National Education, Childhood and Youth;
 - o Ministry of Equal Opportunities.

This report covers the years 2014 and 2015. As far as possible, it follows the Commission guidelines of 16 March 2016 concerning the report to be submitted in accordance with the 2012 SGEI Decision.

I. Ministry of the Economy

The compensation granted to Entreprise des Postes et Télécommunications for the transport and distribution service for press publications is based on Article 2(1)(a) of the 2012 SGEI Decision (compensation not exceeding an annual amount of EUR 15 million).

1. Description of the application of the 2012 SGEI Decision

Clear and comprehensive description of how the respective services are organized in your Member State
<i>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.</i>
<ul style="list-style-type: none"> - transport and distribution of the daily press throughout the territory of Luxembourg. - 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.
<i>Explanation of the (typical) forms of entrustment. If standardized templates for entrustments are used for a certain sector, please attach them.</i>
<ul style="list-style-type: none"> - Agreements on the transport and postal distribution of the daily press and of periodicals and reduced-rate mailings, concluded between Entreprise des Postes et Télécommunications and the State. - Statutory orders enacted by the Council of Government (i.e. the Council of Ministers)
<i>Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.</i>
Typical duration 2 to 5 years
<i>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</i>
Not applicable.
<i>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</i>
Tax deduction- if the tax charge was insufficient, the remainder can be paid in the form of a direct subsidy.
<i>Explanation of the typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</i>
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.

Typical arrangements for avoiding and repaying any overcompensation.	
<p>The audited company accounts must show separately the costs and revenue pertaining to the SGEI and those relating to other postal services. The company'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 amount of the average annual compensation, the overcompensation may be carried forward to the next period and deducted from the amount of compensation payable in respect of that period.</p>	
<p>A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid above EUR 15 million to undertakings which also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (if so, provide the link to this website), or alternatively explain if and how the publication takes place at the level of the body granting the aid (e.g. central, regional or local level).</p>	
Not applicable.	
Amount of aid granted	
Total amount of aid granted. This includes all aid granted in your territory, including aid granted by regional and local authorities.	
2014	2015
<p>Compensation has not yet been paid for expenditure incurred in 2014 and 2015.</p> <p>The 2014 data is being finalised and the 2015 data is being calculated. The exact amounts will be notified to the Commission as soon as possible.</p>	
Share of expenditure per aid instrument (direct subsidy, guarantees etc.), if available	
2014	2015
Not applicable.	Not applicable.
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).	
The sole beneficiary of this SGEI compensation is Entreprise des Postes et Télécommunications.	

2. Complaints by third parties

There were no complaints by third parties during the reference period.

3. Miscellaneous questions

Luxembourg has not experienced any particular difficulties in applying the 2012 SGEI Decision.

II. Ministry of Health

The compensation granted to hospitals is based on Article 2(1)(b) of the 2012 SGEI 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).

1. Description of the application of the 2012 SGEI Decision

Clear and comprehensive description of how the respective services are organized in your Member State
<i>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.</i>
<p>All entrusted hospitals are listed in Annex 1 to the hospitals plan drawn up under the Grand Ducal Regulation of 13 March 2009.</p> <p>The territory covered is that of the Grand-Duchy of Luxembourg.</p>
<i>Explanation of the (typical) forms of entrustment. If standardized templates for entrustments are used for a certain sector, please attach them.</i>
<p>The Hospitals Act of 28 August 1998, as amended, lays down that hospitals have the task of providing, within their field of activity, beneficial, essential and high-quality in-patient and out-patient care that matches the health needs of the patients using 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 also 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 developments in the hospital system in the interests of public health and in the light of the foreseeable national health needs and of the requirement to ensure equitable access to high-quality, state-of-the-art care and treatment 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 hospitals plan defines:</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.

The hospitals plan also 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.
Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. <i>Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.</i>
The type and duration of public service obligations are set out in the legislation referred to above. The provisions of the hospital plan will remain applicable until the plan is amended or replaced by a new Grand Ducal Regulation, which is currently being drafted.
<i>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</i>
The exclusive rights granted to hospitals are defined 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.
<i>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</i>
Not applicable.
<i>Explanation of the typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</i>
<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 hospitals referred to above, meeting 80 % of the total cost through its <i>Fonds des Investissements Hospitaliers</i> (Hospital Investments Fund) and 20 % through the National Health Fund (<i>Caisse Nationale de Santé</i> - 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 bound by an agreement with the CNS. 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. Private doctors are paid by patients' insurers for the treatment they administer.</p>

Typical arrangements for avoiding and repaying any overcompensation.	
The State and the CNS have established a system for monitoring and checking the amounts granted.	
No overcompensation is paid to hospitals.	
<p><i>A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid above EUR 15 million to undertakings which also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (if so, provide the link to this website), or alternatively explain if and how the publication takes place at the level of the body granting the aid (e.g. central, regional or local level).</i></p>	
Not applicable.	
Amount of aid granted	
Total amount of aid granted. This includes all aid granted in your territory, including aid granted by regional and local authorities.	
1. Infrastructure financed by the special Hospitals Investment Fund (State share)	
2014	2015
EUR 30 000 000	EUR 35 000 000
2. Hospital operating costs borne by the CNS (including depreciation costs relating to the 20 % infrastructure contribution by CNS, but excluding fees paid to private doctors)	
2014	2015
EUR 764 700 000	EUR 781 400 000
Total amount of aid granted (1+2)	
2014	2015
EUR 794 700 000	EUR 816 400 000
Share of expenditure per aid instrument (direct subsidy, guarantees etc.), if available.	
2014	2015
Not applicable.	Not applicable.

Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).

When funding infrastructure, the State reimburses all expenditure relating to the creation and upgrading of hospital infrastructure, acting on the basis of statements of account cleared by the hospital auditors, its own expert and its Financial Control Directorate.

With regard to the hospitals' operating and running costs, the CNS determines the amount allocated and checks the statements of account submitted by the hospitals.

2. Complaints by third parties

There were no complaints by third parties during the reference period.

3. Miscellaneous questions

No difficulties were encountered in applying the 2012 SGEI Decision.

III. Ministry of Housing

1. Description of the application of the 2012 SGEI Decision

Clear and comprehensive description of how the respective services are organized in your Member State
<i>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.</i>
The provision of social housing, for rent or sale, for disadvantaged people who, for reasons of solvency, are not able to find housing on market terms.
<i>Explanation of the (typical) forms of entrustment. If standardized templates for entrustments are used for a certain sector, please attach them.</i>
<p>The entrustment is provided for by Article 15 of the Housing Aid Act of 25 February 1979, as amended ('the 1979 Act'), which states that: <i>'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'</i>.</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 the supervisory rights of the State (Article 19 of the 1979 Act). The most recent Grand Ducal Regulation to be enacted in this field was the Regulation of 26 April 2016 adopting the ninth programme for the construction of subsidised housing developments and updating the State contributions.</p> <p>The Regulation requires an agreement to be concluded between the developer and the Minister for 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>
<i>Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.</i>
<p>Given the specific nature of the social housing sector, and especially the volume of investment, the 1979 Act does not set out any timeframe for the entrustment to the developers to which it refers.</p> <p>In the agreements relating to social rental housing projects, the developers must undertake to let the dwellings in question for at least 20 years in accordance with the provisions of the 1979 Act, particularly Articles 32 to 36 thereof, and of the associated implementing regulations regarding the management of rented housing and the health and hygiene standards that it must meet, and in accordance with the <i>Grand Ducal Regulation of 16 November 1998 laying down implementing measures relating to rental housing, to housing-construction subsidies and to buildings leased on the basis of a long-term lease and a right to build, as provided by the 1979 Act on housing aid</i>.</p>

<i>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</i>
Given the shortage of social housing, the Luxembourg State does not grant any exclusive or special rights in this area.
<i>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</i>
<p>The Luxembourg State grants financial contributions to developers providing social housing. The percentages and arrangements of these contributions are laid down by the 1979 Act and its implementing regulations.</p> <p>The <i>Fonds pour le développement du logement et de l'habitat</i> (Fund for the development of housing and accommodation, hereinafter 'the Housing Fund') is a public entity that receives a contribution from the Luxembourg State of up to EUR 200 million (Article 56 of the 1979 Act) and can receive a State-backed loan of EUR 25 million (Article 57 of the 1979 Act).</p> <p>It should be emphasised that a Bill reorganising the fund was introduced on 26 November 2015. This draft legislation and its implementing rules are aimed at avoiding overcompensation by this public entity. The bill is available at www.chd.lu (parliamentary file no 6916).</p>
<i>Explanation of the typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</i>
<p>1. Housing for sale</p> <p>The 1979 Act lays down the conditions governing the award of State financial contributions for housing for sale which 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 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 all of the State assistance received must be repaid.</p> <p>Every project for the construction of housing developments for sale must include at least 10 % social rental housing to encourage social diversity.</p> <p>The amount of State aid for a given dwelling forming part of a building project is thus known and can be verified very easily, since the Act requires that the deed of sale must show the normal price, the State contribution and the subsidised price.</p> <p>2. Housing for rent</p>

In the case of housing for rent, the State can grant a financial contribution of up to 75 % of the construction cost..

However, in return for the aid granted by the State, this housing must be rented and fulfil all of the conditions laid down by the applicable rules, namely the aforementioned Grand Ducal Regulation of 16 November 1998, as amended, which sets out the criteria for setting the rent. The rent must be based on the disposable income and composition of the occupying household and on the living space of the dwelling.

3. Multiannual programme laying down the maximum amount of State contributions.

All 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 within the meaning of Article 19 of the 1979 Act.

The programme currently in force is laid down by the aforementioned Grand Ducal Regulation of 26 April 2016.

State aid for the construction of housing developments (housing-construction subsidies) is paid to developers on condition that they subsidise all eligible persons acquiring housing. State support for social housing is therefore passed on to citizens on low incomes who are seeking accommodation.

Typical arrangements for avoiding and repaying any overcompensation.

Article 31 of the 1979 Act lays down that aid for the construction of housing developments is granted only to buyers who meet the conditions for awarding construction grants, subject to the following rules:

- the aid is assigned in equal parts 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 is repayable in accordance with the same conditions and procedures as construction grants;
- the buyer and the developer are jointly and severally liable to repay State contributions in accordance with Articles 1197 et seq. of the Luxembourg Civil Code; developers are authorised to recover from the buyer the full amount of the contribution that they have had to repay to the State.

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, the developers must repay the State contributions to the State at the legal interest rate for commercial transactions and cannot take action against buyers or tenants to recover the amount.

The Housing Fund falls under the supervision of the member of the Government responsible for housing. The Minister therefore oversees the activities of the Housing Fund.

Under Article 65 of the 1979 Act, the Minister for Housing may review the management of the Housing Fund at any time or have it reviewed.

In addition, the following operations are subject to the Minister's express approval:

- disposals, transactions and exchanges relating to movable or immovable property or rights belonging to the Fund, long leases, borrowing, creation of mortgages and splitting of jointly owned property, if the value of such property exceeds an amount of EUR 25 000;
- acquisition of buildings;
- investment of Housing Fund assets;
- annual accounts and budgets;
- recruitment of staff.

The financial management of the Housing Fund is subject to audit by the Court of Auditors.

The format of the budgets and accounts of the Housing Fund is laid down by the Minister for Housing, acting on the advice of the Minister for Finance.

An audit conducted by an independent auditor is an integral part of the annual report and accounts.

The budgetary appropriations that may be allocated as aid for the construction of subsidised housing developments are limited. The amount of these appropriations is laid down every year in the Budget Act.

Checks relating to the State aid referred to above are conducted by the Ministry of Housing and the Ministry of Finance.

Information and other items enabling the Commission to determine whether the compensation granted to SGEI is compatible with the 2012 SGEI Decision are stored for at least 10 years, in accordance with the Decision.

As indicated above, a Bill reorganising the Housing Fund was introduced on 26 November 2015 (available at www.chd.lu, see parliamentary case no 6916). This draft legislation and its implementing regulations are intended to prevent any overcompensation by this public entity.

A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for aid above EUR 15 million to undertakings which also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (if so, provide the link to this website), or alternatively explain if and how the publication takes place at the level of the body granting the aid (e.g. central, regional or local level).

The relevant available data are published on the websites of the Ministry of Housing (<http://www.ml.public.lu>) and the Housing Fund (<http://www.fondsdulogement.lu>).

Amount of aid granted

Total amount of aid granted. This includes all aid granted in your territory, including aid granted by regional and local authorities.

2014 State Budget	2015 State Budget
Sale / rental (all developers):	Sale / rental (all developers):
EUR 41 774 000	EUR 38 343 000
Allocation (Housing Fund only):	Allocation (Housing Fund only):
EUR 1 000 000	EUR 12 197 000
Total: EUR 42 774 000	Total: EUR 50 540 000

Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).

The activity report of the Ministry of Housing is published every year on its website.

www.logement.lu

www.ml.public.lu/fr/index.html

2. Complaints by third parties

There were no complaints by third parties during the reference period.

3. Miscellaneous questions

As indicated above, a Bill reorganising the Housing Fund, with three implementing Grand Ducal Regulations, was tabled before the Luxembourg Parliament on 26 November 2015.

In brief, the Bill proposes paying into the Housing Fund, from the State budget, public service compensation under arrangements to be determined by a Grand Ducal Regulation. The draft Grand Ducal Regulation determining the arrangements for the public service compensation provides for compensation comprising two parts: the first consists of allocations covering part of the price or the balance in the case of the purchase or exchange of land; the second consists of compensation for operating deficits of social housing sale and rental activities.

This compensation for operating deficits, determined on the basis of separate accounts relating to these activities, can under no circumstances cover any deficit of the activity performed by the Housing Fund outside of the scope of aid for the construction of housing developments. In the past, the Housing fund enjoyed significant annual allocations provided from the State budget, covering its overall deficit indiscriminately. The new approach, based on cost accounting methods, should lead to substantial savings for the State budget.

IV. Ministry of the Family, Integration and the Greater Region

In Luxembourg, the State's financial contribution to certain social services¹ derives from the Act of 8 September 1998 regulating relations between the State and the bodies operating in the realms of social welfare, family assistance and therapy, as amended (hereinafter referred to as the 'ASFT Act'²).

It should be noted that the ASFT Act exceeds the scope of application of the 2012 SGEI Decision, insofar as Luxembourg law includes social services of both an economic and a non-economic nature. The decision was therefore taken to set out, in this part of the report, all social services relating to the Ministry of the Family, Integration and the Greater Region that are covered by the ASFT Act.

1. Services for persons with disabilities

1.1 Description of the application of the 2012 SGEI Decision

Clear and comprehensive description of how the respective services are organized in your Member State
<i>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.</i>
1. Home-based support service This heading covers any service that provides care and/or physical 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. 2. Accommodation services This heading covers any service that provides accommodation and/or multidisciplinary professional mentoring for more than three people 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 Act of 19 June 1998 introducing long-term care insurance, as amended, and, on the other hand, with socio-educational support and care in the event of terminal illness that match the individual needs and expectations of the persons concerned. 3. Training service

¹ In Luxembourg, there is currently no legal definition of a 'social service of general interest' or 'social service' in general. The same applies to the concept of 'public service'.

² Luxembourg Official Gazette A No 82, 1998
<http://www.legilux.public.lu/leg/a/archives/1998/0082/index.html>

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 is to equip them with general and/or vocational knowledge and skills for entry into working life or for occupational retraining.

4. Day-centre service

This heading covers any service that provides daytime activities for more than three persons with a moderate or severe disability or multiple disabilities. Besides assistance and care within the meaning of the Act of 19 June 1998 introducing long-term care insurance, the service provides socio-educational support and therapy through a variety of activities that match the individual needs and expectations of disabled persons. During daytime hours the service hosts 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 hosts 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.

5. Information, advice and meeting service

This heading covers any service that provides activities involving the dissemination of information, the provision of advice, the organisation of activities and the organisation of meetings 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.

*Explanation of the (typical) **forms of entrustment**. If standardized templates for entrustments are used for a certain sector, please attach them.*

The obligations of the managing body are laid down in the ASFT agreement, of which the General Conditions form an integral part ([Annex 1](#)). Each service covered by such an agreement must have an authorisation under the ASFT Act and its implementing regulation.

***Average duration of the entrustment** (in years) and the proportion of entrustments that are **longer than 10 years** (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.*

Specific agreements are established for a term of one year. They are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities laid down by the General Conditions.

Where an agreement enters into force during the year, it is concluded for the period up to 31 December of that year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities laid down by the General Conditions.

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, from 2013 to 2015.

<i>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</i>
Not applicable.
<i>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</i>
<ul style="list-style-type: none"> - Financial contribution covering any deficit - Fixed contribution per unit of service provision
<i>Explanation of the typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</i>
<p>Home-based support service, training service and information, advice and meeting service:</p> <p><u>financial contribution covering any deficit</u></p> <p>Article 4(c) and Article 8 et seq. of the Agreement on residential, day-centre, training, employment, information, consultation and meeting, early intervention and home-based support services for persons with disabilities (Annex 2)</p> <p>Residential service and day-centre service:</p> <p><u>fixed contribution per unit of service provision</u></p> <p>Chapter 3 of the ASP Agreement on socio-educational support of persons with disabilities in residential and daytime activity services</p>
<i>Typical arrangements for avoiding and repaying any overcompensation.</i>
<p>The calculation parameters are set in the specific agreements and are based on the principles established by the Act and by the General Conditions (see Chapter 3 of the General Conditions, 'Financial management procedures').</p> <p>Compensation is checked and reviewed when the annual statement of account is drawn up (see chapter 3(5) of the General Conditions, 'Statements of account').</p> <p>It should also be mentioned that the 'Harmonisation Committee' provided for by Article 14 of the ASFT Act 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>

A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for aid above EUR 15 million to undertakings which also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (if so, provide the link to this website), or alternatively explain if and how the publication takes place at the level of the body granting the aid (e.g. central, regional or local level).

The Ministry of the Family, Integration and the Greater Region does not grant aid to companies that reaches the threshold of EUR 15 million.

Amount of aid granted

Total amount of aid granted. This includes all aid granted in your territory, including aid granted by regional and local authorities.

Share of expenditure per aid instrument (direct subsidy, guarantees etc.), if available.

Compensation for investment expenditure (Article 13 of the ASFT Act)

	2014	2015
Accommodation services	EUR 6 701 993.14	EUR 2 932 968.95
Training services	EUR 73 570.90	EUR 200 224.53
Day-centre service	EUR 133 714.98	EUR 32 223.99
Sheltered workshops	EUR 4 158 049.72	EUR 4 924 531.95
Total	EUR 11 067 328.74	EUR 8 089 949.42

	Statement of account, 2014	Agreements/budget 2015
<u>Subtotal</u>		
'fixed contribution per unit of service provision'		
	EUR 34 912 484.42	EUR 40 593 333.87
Residential services (2) and day-centre service (4)		
<u>Subtotal</u>	EUR 8 868 930.24	EUR 9 004 146.45

'financial contribution covering any deficit' Home-based support services (1) and information, advice and meeting services (5)		
<u>Subtotal</u> training services (3)	EUR 6 976 498.92	EUR 7 182 310.16
Total	EUR 50 757 913.58	EUR 56 779 790.48

Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).

	2014	2015
Home-based support service	153 places	227 places
Residential services	802 beds	812 beds
Training service	221 places	230 places
Day-centre service	444 seats	463 seats
Information, advice and encounter service	6 332 beneficiaries	7 672 beneficiaries

The activity reports from the Ministry of the Family, Integration and the Greater Region for 2014³ and 2015⁴ also contain quantitative information on the services listed above.

1.2 Complaints by third parties

No complaints were received from third parties during the reference period.

1.3 Miscellaneous questions

No difficulties were encountered in applying the 2012 SGEI Decision.

³ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2014.pdf

⁴ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2015.pdf

2. Services for adults, alone or with children

2.1 Description of the application of the 2012 SGEI Decision

Clear and comprehensive description of how the respective services are organized in your Member State
<i>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.</i>
<p>1. 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 adults alone or with children⁵</p> <p>Article 3 of the Agreement on residential and daytime care services for adults – <u>Annex 4</u>).</p> <p>2. 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, as amended (referred to above).</p> <p>Article 3 of the Agreement on residential and daytime care services for adults – <u>Annex 4</u>).</p> <p>3. 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, general counselling and assistance with social integration and jobseeking.</p> <p>(Article 3(3) of the Grand Ducal Regulation of 9 January 2001, as amended (referred to above).</p> <p>Article 3 of the Agreement on residential and daytime care services for adults – <u>Annex 4</u>).</p>

⁵ Luxembourg Official Gazette A No 11, 2001 - <http://www.legilux.public.lu/leg/a/archives/2001/0011/index.html>

4. 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 listed above, other forms of activity for adults in difficulty may be authorised.

(Article 3(4) of the Grand Ducal Regulation of 9 January 2001, as amended (referred to above).

Article 3 of the Agreement on residential and daytime care services for adults – [Annex 4](#)).

*Explanation of the (typical) **forms of entrustment**. If standardized templates for entrustments are used for a certain sector, please attach them.*

The obligations of the managing body are laid down in the ASFT agreement, of which the General Conditions form an integral part ([Annex 1](#)). Each service covered by such an agreement must have an authorisation under the ASFT Act and its implementing regulation.

***Average duration of the entrustment** (in years) and the proportion of entrustments that are **longer than 10 years** (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.*

Specific agreements ([Annex 5](#)) are concluded for a term of one year and are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities laid down by the General Conditions.

Where an agreement enters into force during the year, it is concluded for the period up to 31 December of that year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities laid down by the General Conditions.

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, from 2013 to 2015.

*Explanation whether (typically) **exclusive or special rights** are assigned to the undertakings.*

Not applicable.

*Which **aid instruments** have been used (direct subsidies, guarantees, etc.)?*

Financial contribution covering any deficit

*Explanation of the typical **compensation mechanism** as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.*

Financial contribution covering any deficit

Typical arrangements for avoiding and repaying any overcompensation.

The calculation parameters are set in the specific agreements and are based on the principles established by the Act and by the General Conditions (see Chapter 3 of the General Conditions, 'Financial management procedures').

Compensation is checked and reviewed when the annual statement of account is drawn up (see chapter 3(5) of the General Conditions, 'Statements of account').

It should also be mentioned that the 'Harmonisation Committee' provided for by Article 14 of the ASFT Act has the task of analysing and issuing an opinion on the annual statements of operating expenditure for the services covered by agreements.

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).

*A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for aid above EUR 15 million to undertakings which also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (if so, provide the link to this website), or alternatively explain if and how the publication takes place at the level of the body granting the aid (e.g. central, regional or local level).*

The Ministry of the Family, Integration and the Greater Region does not grant aid to companies that reaches the threshold of EUR 15 million.

Amount of aid granted		
Total amount of aid granted. This includes all aid granted in your territory, including aid granted by regional and local authorities.		
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available).		
Compensation for investment expenditure (Article 13 of the ASFT Act)		
	2014	2015
Reception centre	EUR 0	EUR 39 599
Emergency refuge facilities	EUR 0	EUR 9 674
Aid, advice and assistance services for adults	EUR 102 523	EUR 19 847
Total	EUR 102 523	EUR 69 120
For bodies managing contracted services for individual adults alone or with children		
	Statement of account, 2014	Agreement(s), 2015
'Financial contribution covering any deficit'	EUR 13 679 283	EUR 14 769 671
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).		
<p>The financial contribution earmarked by the State for contracted services for adults in the 2015 financial year amounts to EUR 14 769 671 after the deduction of recurrent revenue, estimated at EUR 698 188. This figure covers 149.2 staff posts, at a cost of EUR 12 736 498. Operating costs amount to EUR 2 703 291.</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 of the Family, Integration and the Greater Region for 2014 and 2015 also contain quantitative information on the services listed above.</p>		

2.2 Complaints by third parties

No complaints were received from third parties during the reference period.

2.3 Miscellaneous questions

No difficulties were encountered in applying the 2012 SGEI Decision.

3. Services for the elderly

3.1 Description of the application of the 2012 SGEI Decision

Clear and comprehensive description of how the respective services are organized in your Member State
<i>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.</i>
<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 people 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, institutional guidance, 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 being to help prevent isolation and identify 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 elderly⁶</p> <p>Article 3 of the Agreement on regional activity and guidance centres for the elderly (senior citizens' clubs), <u>Annex 7</u>).</p> <p>2. Personal alarm service</p> <p>A personal alarm service is any activity that consists in providing at least three people 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, referred to above).</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 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(10) of the Grand Ducal Regulation of 8 December 1999, as amended, referred to</p>

⁶ Luxembourg Official Gazette A No 107, 2010
<http://www.legilux.public.lu/leg/a/archives/2010/0107/index.html>

above).
<i>Explanation of the (typical) forms of entrustment. If standardized templates for entrustments are used for a certain sector, please attach them.</i>
The obligations of the managing body are clearly laid down in the ASFT agreement, of which the General Conditions form an integral part (<u>Annex 1</u>). Each service covered by such an agreement must have an authorisation under the ASFT Act and its various implementing regulations. (See also <u>Annexes 6 to 8</u>)
<i>Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.</i>
Specific agreements are established for a term of one year. They are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities laid down by the General Conditions.
Where an agreement enters into force during the year, it is concluded for the period up to 31 December of that year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities laid down by the General Conditions.
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, from 2013 to 2015.
<i>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</i>
Not applicable.
<i>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</i>
Either financial contribution covering any deficit or fixed contribution.
<i>Explanation of the typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</i>
<p>1. Regional activity and guidance centre for the elderly (senior citizens' club)</p> <p>The agreements signed are either bilateral, between the Ministry of the Family, Integration and the Greater Region 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, and relate to the coverage of the cost of the permanent staff of regional activity and guidance centres for the elderly (senior citizens' clubs) (<u>Annexes 7 and 8</u>).</p> <p>The agreement sets the State contribution 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 borne by 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, the premises occupied by the service, the information and advertising channels used to reach the local target population, the coverage of any deficit, etc. The terms of these arrangements may relate to contributions in</p>

<p>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><i>Typical arrangements for avoiding and repaying any overcompensation.</i></p> <p>The calculation parameters are set in the specific agreements and are based on the principles established by the Act and by the General Conditions (see Chapter 3 of the General Conditions, 'Financial management procedures').</p> <p>Compensation is checked and reviewed when the annual statement of account is drawn up (see chapter 3(5) of the General Conditions, 'Statements of account').</p> <p>It should also be mentioned that the 'Harmonisation Committee' provided for by Article 14 of the ASFT Act 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>
<p><i>A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid above EUR 15 million to undertakings which also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (if so, provide the link to this website), or alternatively explain if and how the publication takes place at the level of the body granting the aid (e.g. central, regional or local level).</i></p>
<p>The Ministry of the Family, Integration and the Greater Region does not grant aid to companies that reaches the threshold of EUR 15 million.</p>

Amount of aid granted		
Total amount of aid granted. This includes all aid granted in your territory, including aid granted by regional and local authorities.		
Share of expenditure per aid instrument (direct subsidy, guarantees etc.), if available.		
Compensation for investment expenditure (Article 13 of the ASFT Act)		
	2014	2015
Integrated centre for the elderly	EUR 2 920 884	EUR 177 015
Care homes	EUR 3 451 865	EUR 1 889 554
Centres for geriatric psychiatry	EUR 523 352	EUR 292 344
Regional activity and guidance centres for the elderly	EUR 23 719	EUR 0
Total	EUR 6 919 820	EUR 2 358 913
1. Regional activity and guidance centre for the elderly (senior citizens' club)		
<u>Statement of account, 2014</u>	<u>Agreement(s), 2015</u>	
EUR 3 438 372	EUR 3 643 853	
2. Personal alarm service		
Financial contribution from the State	<u>Statement of account, 2014</u> EUR 750 687	<u>Agreements, 2015</u> EUR 836 127
Financial contribution from local authorities for their residents who are beneficiaries of the service	<u>Financial year 2014</u> EUR 389 399.36	<u>Financial year 2015</u> EUR 404 393.85
The contribution methods vary between municipalities.		

There are four different contribution methods:

- a fixed contribution;
- a contribution based on means-testing;
- a contribution to the single provision fee; and
- a contribution on a case-by-case basis.

3. Activities for senior citizens

<u>Statement of account, 2014</u>	<u>Agreement(s), 2015</u>
EUR 3 819 075	EUR 3 937 381.75

Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).

1. Regional activity and guidance centre for the elderly (senior citizens' club)

Number of posts established under the 17 agreements concluded with the State for 2014 and 2015: 55.25

2. Personal alarm service

As of 31 December 2014, the service had 4 758 active clients (77 % women and 23 % men). Of these clients, 89.5 % were aged 70 or over.

During 2014, the service received 9 811 alarm signals from persons in genuine distress.

As of 31 December 2015, the service had 5 006 active clients (77 % women and 23 % men). Of these clients, 89.5 % were aged 70 or over.

During 2015, the service received 11 749 alarm signals from persons in genuine distress.

(Source: 2014 and 2015 activity reports of the Ministry of the Family, Integration and the Greater Region)

Number of posts established under the 17 agreements concluded with the State for 2012 and 2013: 11

3. Activities for senior citizens

At the present time, six services are involved in these activities:

- 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 relevant ministerial department, regular meetings of all managers of the organisations operating in the field of 'active ageing'.

- A managing body working to make society more aware of illness, death and bereavement, to combat 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 therapy, 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 national scale or through its local sections.
- an organisation providing information, training and support for people 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.
- In 2015, the Ministry of the Family, Integration and the Greater Region carried out preparatory work to establish a neutral, pivotal body responsible for counselling and advising people suffering from dementia and their families. This national dementia centre, known as IZD (Info-Zenter Demenz), is a key element of the dementia action plan developed in liaison with the Ministry of Health.

The activity reports from the Ministry of the Family, Integration and the Greater Region for 2014⁷ and 2015⁸ also contain quantitative information on the services listed above.

3.2 Complaints by third parties

No complaints were received from third parties during the reference period.

3.3 Miscellaneous questions

No difficulties were encountered in applying the 2012 SGEI Decision.

4. Consultation, training, advice and mediation services for families

4.1 Description of the application of the 2012 SGEI Decision

Clear and comprehensive description of how the respective services are organized in your Member State

⁷ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2014.pdf

⁸ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2015.pdf

*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.*

Consultation, training, advice and mediation services ('family-welfare services') are services that offer activities in the following areas:

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

(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 families⁹).

*Explanation of the (typical) **forms of entrustment**. If standardized templates for entrustments are used for a certain sector, please attach them.*

The obligations of the managing body are clearly laid down in the ASFT agreement, of which the General Conditions form an integral part (Annex 1). Each service covered by such an agreement must have an authorisation under the ASFT Act and its various implementing regulations.

***Average duration of the entrustment** (in years) and the proportion of entrustments that are **longer than 10 years** (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.*

Specific agreements are established for a term of one year (Annex 9). They are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities laid down by the General Conditions.

Where an agreement enters into force during the year, it is concluded for the period up to 31 December of that year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities laid down by the General Conditions.

⁹ Luxembourg Official Gazette A No 241, 2011 - <http://www.legilux.public.lu/leg/a/archives/2011/0241/index.html>

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, from 2013 to 2015.
<i>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</i>
Not applicable.
<i>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</i>
Financial contribution covering any deficit
<i>Explanation of the typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</i>
Financial contribution covering any deficit
Typical arrangements for avoiding and repaying any overcompensation.
<p>The calculation parameters are set in the specific agreements and are based on the principles established by the Act and by the General Conditions (see Chapter 3 of the General Conditions, 'Financial management procedures').</p> <p>Compensation is checked and reviewed when the annual statement of account is drawn up (see Chapter 3(5) of the General Conditions, 'Statements of account').</p> <p>It should also be mentioned that the 'Harmonisation Committee' provided for by Article 14 of the ASFT Act 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>
<i>A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid above EUR 15 million to undertakings which also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (if so, provide the link to this website), or alternatively explain if and how the publication takes place at the level of the body granting the aid (e.g. central, regional or local level).</i>
The Ministry of the Family, Integration and the Greater Region does not grant aid to companies that reaches the threshold of EUR 15 million.
Amount of aid granted
Total amount of aid granted. This includes all aid granted in your territory, including aid granted by regional and local authorities.

<u>Statement of account, 2014</u>	<u>Agreement(s), 2015</u>
EUR 4 635 725.66	EUR 4 662 011
Compensation for investment expenditure (Article 13 of the ASFT Act)	
2014	2015
EUR 21 875.02	EUR 37 860.28
<i>Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).</i>	
<p>The area of family-welfare services comprises nine services that are authorised and covered by agreements under the ASFT Act, operating in the fields referred to above.</p> <p>In 2015, 39.3 full-time equivalent (FTE) posts were funded on the basis of nine agreements. Staff costs amounted to 84.3 % of the costs covered by the agreements for 2015.</p> <p>The activity reports from the Ministry of the Family, Integration and the Greater Region for 2014¹⁰ and 2015¹¹ also contain quantitative information on the services listed above.</p>	

4.2 Complaints by third parties

No complaints were received from third parties during the reference period.

4.3 Miscellaneous questions

No difficulties were encountered in applying the 2012 SGEI Decision.

¹⁰ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2014.pdf

¹¹ http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2015.pdf

V. Ministry of National Education, Childhood and Youth

1. Description of the application of the 2012 SGEI Decision

Clear and comprehensive description of how the respective services are organized in your Member State
<i>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.</i>
<p>With regard to education and reception services for children, it should be noted that all of these structures are considered social services of general interest (SSGI) intended specifically for children to help them integrate into Luxembourg society. These services play a key role in the social cohesion of children in Luxembourg society and their enrolment in the country's education system.</p> <p>Under the amended Grand Ducal Regulation of 14 November 2013 concerning the authorisation to be granted to educational and reception services for children, 'education and reception services service for children' is understood to mean a group of day-care activities for children within the meaning of the ASFT Act.</p>
<i>Explanation of the (typical) forms of entrustment. If standardized templates for entrustments are used for a certain sector, please attach them.</i>
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 (<u>Annex 1</u>). Under the Act, all services that have signed an agreement with the State must also have governmental authorisation.
<i>Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.</i>
Agreements concluded between the State and educational and reception services for children are limited to a duration of one year.
<i>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</i>
Not applicable.
<i>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</i>
The legal and contractual framework for State contributions to certain social services derives from the provisions of the ASFT Act, its various Grand Ducal implementing regulations and, in particular, 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.

*Explanation of the typical **compensation mechanism** as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.*

With regard to education and care services for children in receipt of State aid under the ASFT Act, a financial contribution is applied by means of an agreement between the State and the facility in question. The amounts set out in the budget drawn up by the managing body cannot exceed the amount granted by the State. The amounts allocated to the facility by the State are audited annually when the statement of accounts is signed off.

Typical arrangements for avoiding and repaying any overcompensation.

The calculation parameters are set in the specific agreements and are based on the principles established by the Act and by the General Conditions (see Chapter 3 of the General Conditions, 'Financial management procedures').

Compensation is checked and reviewed when the annual statement of account is drawn up (see Chapter 3(5) of the General Conditions, 'Statements of account').

It should also be mentioned that the 'Harmonisation Committee' provided for by Article 14 of the ASFT Act has the task of analysing and issuing an opinion on the annual statements of operating expenditure for the services covered by agreements.

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).

*A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for aid above EUR 15 million to undertakings which also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (if so, provide the link to this website), or alternatively explain if and how the publication takes place at the level of the body granting the aid (e.g. central, regional or local level).*

Not applicable.

Amount of aid granted	
Total amount of aid granted. This includes all aid granted in your territory, including aid granted by regional and local authorities.	
2014	2015
Contracted services (ASFT Act): EUR 190 685 371.67	Contracted services (ASFT Act): EUR 223 031 613.52
A: Total amount of aid granted and paid by national central authorities	
2014	2015
Contracted services (ASFT Act): EUR 157 727 232.24	Contracted services (ASFT Act): EUR 183 372 682.09
B: Total amount of aid granted and paid by regional authorities	
2014	2015
Not applicable.	Not applicable.
C: Total amount of aid granted and paid by local authorities	
2014	2015
Contracted services (ASFT Act): EUR 32 958 138.93	Contracted services (ASFT Act): EUR 39 658 931.43
Share of expenditure per aid instrument (direct subsidy, guarantees etc.), if available.	
2014	2015
Not applicable.	Not applicable.
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).	
2014	2015
The activity report of the Ministry of National Education, Childhood and Youth is published every year on its website. www.men.lu	

2. Complaints by third parties

There were no complaints by third parties during the reference period.

3. Miscellaneous questions

No difficulties were encountered in applying the 2012 SGEI Decision.

VI. Ministry of Equal Opportunities

1. Description of the application of the 2012 SGEI Decision

Clear and comprehensive description of how the respective services are organized in your Member State
<i>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.</i>
<u>1. Traditional shelter facility</u> This is a service designed to receive 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 people who find themselves in acute distress and in 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 situations in relation to pregnancy or motherhood.
<u>2. Sheltered-housing service</u> The purpose of this service is to receive and provide permanent and temporary day and night accommodation, on a placement basis, for users and their children who are in social distress or whose situation has stabilised after a stay in a traditional shelter facility. Its priority aim is to provide its users with 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 improve their psychological and social skills so that they can organise their everyday lives independently.
<u>3. Open housing service</u> 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.
<u>4. Reception and emergency aid service</u> 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. As well as providing accommodation, the managing body also offers ancillary services.
<u>5. In-house day nursery</u>

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.

6. Parental centre

The purpose of this service is to receive 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.

There are three different forms of care and accommodation structure for parental centres, i.e. parental centres in the strict sense of the term, maternal centres and paternal centres.

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 relationship as a couple.

Maternal centres are specific reception centres specialising exclusively in permanent and temporary day and night accommodation, on a placement basis, for 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.

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.

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.

7. Consultation centre

This is a service offering reception, consultation, information, guidance, assistance, mentoring and support for adults and minors and their families and friends.

It also seeks to provide crisis intervention, enabling users to find emergency help if they are in distress.

This type of service also engages in public efforts to promote activities for the benefit of men and boys, or women and girls, with a view to providing information and raising awareness with regard to all issues around being a man or being a woman.

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 being a man or being a woman.

8. Integration and reintegration centre

This service offers users basic theoretical and practical instruction to prepare them to lead independent lives.

9. Assistance service for victims of domestic violence

This service seeks out and assists, mentors and counsels victims of domestic violence within the meaning of the Act of 8 September 2003, as amended.

10. Counselling service for perpetrators of domestic violence

This service provides counselling for those who have committed acts of domestic violence within the meaning of the Act of 8 September 2003, as amended.

11. Assistance service for victims of human trafficking

This service assists victims of human trafficking within the meaning of the Act of 8 May 2009 on the assistance, protection and safety of victims of human trafficking.

*Explanation of the (typical) **forms of entrustment**. If standardized templates for entrustments are used for a certain sector, please attach them.*

The obligations of the managing body are laid down in the ASFT agreement, of which the General Conditions form an integral part ([Annex 1](#)). Each service covered by such an agreement must have an authorisation under the ASFT Act and its implementing regulation.

Average duration of the entrustment (in years) and the proportion of entrustments that are **longer than 10 years** (in %) per sector. *Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.*

Specific agreements are established for a term of one year. They are tacitly renewed from year to year unless notice of termination is given in accordance with the formalities laid down by the General Conditions.

Where an agreement enters into force during the year, it is concluded for the period up to 31 December of that year and is then tacitly renewed from year to year unless notice of termination is given in accordance with the formalities laid down by the General Conditions.

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, from 2013 to 2015.

*Explanation whether (typically) **exclusive or special rights** are assigned to the undertakings.*

Not applicable.

*Which **aid instruments** have been used (direct subsidies, guarantees, etc.)?*

Managing bodies contracted with the Ministry of Equal Opportunities all take the legal form of a non-profit organisation (*association sans but lucratif* - a.s.b.l.) or a foundation that is also non profit-making. The Ministry of Equal Opportunities does not use any aid instruments other than agreements.

<i>Explanation of the typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</i>
Financial contribution covering any deficit.
Typical arrangements for avoiding and repaying any overcompensation.
<p>The calculation parameters are set in the specific agreements and are based on the principles established by the Act and by the General Conditions (see Chapter 3 of the General Conditions, 'Financial management procedures').</p> <p>Compensation is checked and reviewed when the annual statement of account is drawn up (see Chapter 3(5) of the General Conditions, 'Statements of account').</p> <p>It should also be mentioned that the 'Harmonisation Committee' provided for by Article 14 of the ASFT Act 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 the agreement being terminated, notwithstanding the incurrance of civil liability and the criminal prosecution of the invoicing party (Article 3.6 of the General Conditions).</p>
<i>A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid above EUR 15 million to undertakings which also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (if so, provide the link to this website), or alternatively explain if and how the publication takes place at the level of the body granting the aid (e.g. central, regional or local level).</i>
<p>The total SGEI budget of the Ministry of Equal Opportunities is less than EUR 15 million.</p> <p>However, the Ministry of Equal Opportunities has published a detailed budget, together with a list of managing bodies and their fields of activity, in its activity report, which can be accessed on the Ministry's website.</p> <p>http://www.mega.public.lu/fr/publications/rapports-activites-ministere/annee-2014/index.html</p>

Amount of aid granted	
Total amount of aid granted. This includes all aid granted in your territory, including aid granted by regional and local authorities.	
<p><u>Statement of account, 2014:</u> EUR 5 260 850 for bodies managing contracted services for women and men.</p> <p>EUR 5 490 792 for bodies managing shelters for women, girls and women with children.</p> <p><u>Agreement, 2015:</u> EUR 6 086 992 for bodies managing contracted services for women and men.</p> <p>EUR 6 236 794 for bodies managing shelters for women, girls and women with children.</p>	
Share of expenditure per aid instrument (direct subsidy, guarantees etc.), if available.	
2014	2015
Agreement: EUR 10 751 642	Agreement: EUR 12 323 786
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).	
<p>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.</p> <p>http://www.mega.public.lu/fr/publications/index.php</p>	

2. Complaints by third parties

There were no complaints by third parties during the reference period.

3. Miscellaneous questions

No difficulties were encountered in applying the 2012 SGEI Decision.

ANNEXES

- **General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Act**

Annex 1: General conditions

- **Specific agreement models**

Services for persons with disabilities:

Annex 2: Agreement on residential services, daytime activities, training, employment, information, consultation and meeting activities and early intervention and assistance for persons with disabilities (2015)

Annex 3: ASP Agreement on socio-educational support for people with disabilities in residential and daytime activity services (2015)

Services for adults, alone or with children:

Annex 4: Agreement on residential and daytime care services for adults (2015)

Annex 5: Agreement on services for adults (2015)

Services for the elderly:

Annex 6: Agreement on services for the elderly (2015)

Annex 7: Agreement on the regional activity and guidance centre for the elderly (Senior Citizens' Club) with NPO (2015)

Annex 8: Agreement on the regional activity and guidance centre for the elderly (Senior Citizens' Club) (2015)

Consultation, training, advice and mediation services for families:

Annex 9: Agreement on consultation, training, advice and mediation services (2015)