

ANNEX

Services of General Economic Interest: guidance for report to be submitted following the 2012 SGEI Decision and the 2012 SGEI framework

The reporting obligations are set out in Article 9 of the 2012 SGEI Decision:

Each Member State shall submit a report on the implementation of this Decision to the Commission every 2 years. The reports shall provide a detailed overview of the application of this Decision for the different categories of services referred to in Article 2(1), including:

- a) a description of the application of this Decision to the services falling within its scope, including in-house activities;*
- b) the total amount of aid granted in accordance with this Decision, with a breakdown by the economic sector of the beneficiaries;*
- c) an indication of whether, for a particular type of service, the application of this Decision has given rise to difficulties or complaints by third parties; and*
- d) any other information concerning the application of this Decision required by the Commission and to be specified in due time before the report is to be submitted.*

Paragraph 62 of the 2012 SGEI Framework sets down in principle identical reporting obligations for aid granted under the 2012 SGEI Framework.

Please structure your report as follows:

1. EXPENDITURE OVERVIEW

Please complete the following table:

Total SGEI government expenditure by legal basis (millions EUR)		
	2020	2021
<i>Total compensation for Services of General Economic Interest (1+2)</i>	263	341.5
(1) Total compensation granted on the basis of the SGEI Decision	263	341.5
(2) Total compensation granted on the basis of the SGEI Framework	/	/

2. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI DECISION

Please structure this part of your report by the following sections:

- 1) Hospitals providing medical care, including, where applicable, emergency services (Art. 2(1)(b))

- 2) Social services (Art. 2(1)(c))
 - a) Health and long term care
 - b) Childcare
 - c) Access to and reintegration into the labour market
 - d) Social housing
 - e) Care and social inclusion of vulnerable groups
 - f) Other social services (if applicable)
- 3) Air or maritime links to islands with average annual traffic not exceeding the limit set in Art. 2(1)(d)
- 4) Airports and ports with average annual traffic not exceeding the limit set in Art. 2(1)(e)
- 5) SGEI compensation not exceeding an annual amount EUR 15 million (Art. 2(1)(a))
 - a) Postal services
 - b) Energy
 - c) Waste collection
 - d) Water supply
 - e) Culture
 - f) Financial services
 - g) Other sectors (please specify)

1) Social housing:

Section
Social housing
Clear and comprehensive description of how the respective services are organized in your Member State¹
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.

¹ If in a certain sector only a small number of individual SGEIs exist in your Member State, we would appreciate a detailed description of those services. **If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details**

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.
Explanation of the (typical) forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.
<p>The entrustment is provided for by Article 15 of the Housing Aid Law of 25 February 1979, as amended, which states 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.’</p> <p>The entrustment for the Housing Fund is in addition set out in the Law of 24 April 2017 on the reorganisation of the public body called the ‘Housing Fund’.</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. Payments are made via a special fund (Law of 25 March 2020 establishing the Special Housing Development Support Fund).</p> <p>A Grand Ducal Regulation 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 Law). 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>
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?
<p>Given the specific nature of the social housing sector, and especially the volume of investment, the Law of 25 February 1979 on housing aid, as amended, 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 40 years in accordance with the provisions of the Law of 25 February 1979 on housing aid, as amended, 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 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 Law on housing aid.</p>
Explanation whether (typically) exclusive or special rights are assigned to the undertakings.
<p>Given the shortage of social housing, the Luxembourg State does not grant any exclusive or special rights in this area.</p> <p>In relation to the Housing Fund, it should be pointed out that the Grand Ducal Regulation of 20 June 2017 lays down a list of exclusive or special rights granted to the Housing Fund</p>

of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial.

(status as public developer, right of expropriation in case of public utility, right to reserve certain areas, right of first refusal).

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

The Luxembourg State grants financial contributions to developers providing social housing. The percentages of these financial contributions are set out in the Law of 25 February 1979 on housing aid, as amended, and in the implementing regulations of this Law.

The public service compensation for the Housing Fund is set out in Articles 15 to 23 of the Law of 24 April 2017 on the reorganisation of the public body called the 'Housing Fund', and the possibility of being authorised to obtain one or more State-backed loans up to a total of €120 000 000 is set out in Article 24.

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

1. For housing for sale:

The Law of 25 February 1979 lays down the conditions governing the award of State financial contributions for housing for sale which must be met for each building project.

For example, State contributions are not granted unless at least 60% of the buyers 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.

Every project for the construction of housing developments for sale must include at least 10% social rental housing to encourage social diversity.

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 Law requires that the deed of sale must show the normal price, the State contribution and the subsidised price.

2. For housing for rent:

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 in compliance with all the conditions laid down in the applicable regulation, for instance the Grand Ducal Regulation of 16 November 1998, as amended, establishing the implementing measures for 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 Law of 25 February 1979 on housing aid, as amended, which provides for selection criteria and fixes the rental rate. The rent must

be based on the disposable income and composition of the occupying household and on the living space of the dwelling.

3. Specification

Since 1 July 2021, any new application for a financial contribution has been analysed on the basis of maximum eligible amounts and the recommendations set out in the tender specifications for the development of affordable housing, which can be consulted on the Ministry's website: www.logement.lu.

4. 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 5 of the Law of 25 March 2020 establishing the Special Housing Development Fund.

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.

5. Public service compensation for the Housing Fund

Article 15 of the Law of 24 April 2017 on the reorganisation of the public body called the 'Housing Fund' runs as follows:

'(1) In order to perform the missions set out in Article 2(1), the Fund shall receive public service compensation from the State budget consisting of two components:

1. allocations covering part of the price or the balance to be paid by the Fund in the case of the exchange of land;
2. compensation for operating deficits of social housing operations.

(2) In addition to this public service compensation, the Fund receives aid for the construction of housing developments as set out in the Law of 25 February 1979 on housing aid, as amended.

(3) The public service compensation referred to in paragraph 1 cannot under any circumstances be used to subsidise activities other than sale with a long-term lease or renting eligible for aid for the construction of housing developments as set out in the Law of 25 February 1979 on housing aid, as amended.

6. Reform and modernisation of the Law of 25 February 1979 on housing assistance, as amended

The Luxembourg State also points out that the legislative procedure for the reform and modernisation of the law of 25 February 1979 on housing aid, as amended, is currently under way. Bill No. 7937 on affordable housing was tabled before the Chamber of Deputies on 24 December 2021. www.chd.lu

Typical arrangements for avoiding and repaying any overcompensation.

Article 31 of the Law of 25 February 1979 states 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 Law and/or the Grand Ducal Regulation, the developers must repay the State contributions to the State and cannot take action against buyers or tenants to recover the amount.

The Housing Fund is a public institution under the aegis of the Minister responsible for housing.

Under Article 29 of the Law of 24 April 2017 on the reorganisation of the public body called the 'Housing Fund', 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 approval:

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

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

Articles 15 to 23 of the Law of 24 April 2017 on the reorganisation of the public body called the 'Housing Fund' contain the rules on calculating the public service compensation, in particular the rules on repayment of any overcompensation. They are summarised below.

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; second, compensation for operating deficits of social housing sale and rental activities.

The amount of the contributions is provisionally established in line with the proportion of the purchase price of the land not covered by the aid for the construction of housing developments set out in Chapter 3 of the Law of 25 February 1979 on housing aid, as

amended, and with mean ratios during a reference period of three calendar years immediately preceding the year of purchase of the land in question.

In the case of the purchase of built-up land, the price to be taken into account to determine the contributions is the purchase price minus the value of the buildings.

The provisional contributions are released upon presentation of the notarised deeds accompanied by the calculations.

The final amount of the contributions is established once the figures for the project to be built on the land in question are available. Insufficient or surplus amounts will be balanced once the final amount has been established.

If the Fund transfers the land, it must pay into the State treasury:

1. the sales price in line with the proportion of the contributions and purchase aid in terms of the purchase price in the case of the sale of land which benefited from a contribution at the time of purchase;
2. the entire sales price in the case of the sale of land purchased before the entry into force of the Law of 24 April 2017;
3. the balance in favour of the Fund in the case of the exchange of land in line with the proportion of the contributions and purchase aid in terms of the purchase price;
4. the entire balance in favour of the Fund in the case of the exchange of land purchased before the entry into force of the Law of 24 April 2017.

The public service compensation granted to the Fund also comprises:

1. compensation covering any deficit from the activity of subsidised sale;
2. compensation covering any deficit from the activity of subsidised rental.

The amount of the contributions (operating deficits) is adopted by the Cabinet following the approval, where necessary preceded by a rectification, of the annual accounts excluding the purchase prices paid, compensation and adjustments provided for in the Law of 24 April 2017 on aid for the construction of housing developments set out in Chapter 3 of the Law of 25 February 1979 on housing, as amended. During the financial year, quarterly deposits can be made depending on the results of the previous financial year and the forecasts for the current year.

Determining the result in order to calculate compensation (operating deficits) is based on separate accounts relating to the social sales and rental activities. Provisional compensation for damages, depreciation and the other headings not corresponding to expenditure in the coming twelve months are excluded from the calculation. These amounts are included in the calculation of the compensation for the financial year in which they are actually applied.

When, proceeding as described above, the Cabinet finds that the subsidised sales activity is producing a profit, the revenue from the long-term lease payments must be paid into the State treasury until they match the profit from this activity. The additional profit can be placed in a reserve provided that it does not exceed 3% of the turnover from this activity. Amounts above that percentage must be paid into the State treasury. If there is a deficit in the subsidised sales activity in subsequent financial years, the profit placed in the reserve in previous years is deducted from the compensation to be paid.

As for the profit resulting from ordinary commercial activities, 50% is used to cover the deficit of subsidised sales and rental activities; it reduces the compensation (operating deficits). The rest of the profit is available to the Fund.

If the subsidised rental activity is in deficit, any profit from the subsidised sales activity is used to make good the shortfall.

If the subsidised rental activity produces a profit, the entire amount must be paid into the State treasury

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.

For further information, please refer to the parliamentary debates concerning the Law of 24 April 2017 on the reorganisation of the public body called the 'Housing Fund' (parliamentary file No 6919 (www.chd.lu)).

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

A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for the aid above EUR 15 million to undertakings that 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. some 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 (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).

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

Amount of aid granted

Total amount of aid granted (in millions EUR)². **This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)**

2020	2021
<u>2020 State expenditure:</u> Sale / rental (all developers): EUR 96.48 million Contribution (Housing Fund only): EUR 11.03 million	<u>2021 State expenditure:</u> Sale / rental (all developers): EUR 170.31 million Contribution (Housing Fund only): EUR 9.91 million
A: Total amount of aid granted (in millions EUR) paid by national central authorities³	
2020	2021
Expenditure paid to municipalities: EUR 16.83 million Expenditure paid to the Housing Fund: EUR 15.73 million Expenditure paid to the Société Nationale des Habitations à Bon marché (SNHBM) (low-price housing association): EUR 30.59 million Expenditure paid to private developers (non-profit and foundations, Kierchefong and private developers): EUR 24.32 million The difference between the total expenditure of the various categories of developers (point A) and the total amount above is due to the expenditure which the State itself incurred for the purchase of land (= EUR 9 million).	Expenditure paid to municipalities: EUR 32.92 million Expenditure paid to the Housing Fund: EUR 41.05 million Expenditure paid to the Société Nationale des Habitations à Bon marché (SNHBM) (low-price housing association): EUR 27.73 million Expenditure paid to private developers (non-profit and foundations, Kierchefong and private developers): EUR 50.94 million The difference between the total expenditure of the various categories of developers (point A) and the total amount above is due to the expenditure which the State itself incurred for the purchase of land (= EUR 17.67 million).
B: Total amount of aid granted (in millions EUR) paid by regional authorities⁴	
2020	2021
C: Total amount of aid granted (in millions EUR) paid by local authorities⁵	
2020	2021

²As stipulated in Article 9(b) of the 2012 SGEI Decision.

³If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

⁴See footnote 3.

⁵See footnote 3.

Share of expenditure per aid instrument (direct subsidy, guarantees, etc.) (if available)	
2020	2021
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ⁶	
2020	2021
<p>Article 5 of the Law of 25 March 2020 establishing the Special Housing Development Fund, in force since 1 April 2020, states that the Minister for Housing must submit a report each year on the operation and activities of the Special Fund and a multiannual programme of expenditure under the Fund taking account of housing needs and the projects submitted by the promoters.</p> <p>Below is the link to the first annual report of the Special Housing Development Fund covering the financial year 2020:</p> <p>Rapport annuel 2020</p>	<p>Below is the link to the first annual report of the Special Housing Development Fund covering the financial year 2021:</p> <p>Rapport annuel 2021https://logement.public.lu/dam-assets/documents/publications/rapports_fonds_sp%C3%A9cial/2020-Rapport-Fonds-Special.pdf</p>

2) HOSPITALS

Section [for example 1), hospitals or 2b), childcare]
Hospitals
Clear and comprehensive description of how the respective services are organized in your Member State⁷
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.

⁶The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Framework, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

⁷ If in a certain sector only a small number of individual SGEIs exist in your Member State, we would appreciate a detailed description of those services. **If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details**

<p>Extension, modernisation and compliance with hygiene and safety standards of existing hospital structures and of all hospital services that have an operating licence.</p> <p>New structures replacing existing structures.</p>
<p>Explanation of the (typical) forms of entrustment. If standardised templates for entrustments are used for a certain sector, please attach them.</p>
<p>Law of 8 March 2018 on hospitals and hospital planning.</p> <p>Grand-Ducal Regulation of 18 April 2001 laying down the standard agreement with hospitals containing the arrangements for State participation in hospital investments.</p>
<p>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.</p>
<p>The duration of projects varies according to their size. Large construction projects can run for five years or even longer.</p>
<p>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</p>
<p>The abovementioned Law of 8 March 2018 defines the hospitals and services covered, as well as the equipment and apparatus falling within its scope.</p>
<p>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</p>
<p>Subsidies of 80% of the costs attributable to the categories eligible for State aid. Expenditure giving rise to revenue for hospitals (e.g. car park open to the public, cafeteria, kiosks) is excluded from State aid.</p>
<p>Typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</p>
<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 referred to above, meeting 80% of the total cost through its hospital infrastructure fund and 20% through the National Health Fund (<i>Caisse Nationale de Santé</i> - CNS). 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 under a global budget and are the subject of a financing agreement.</p>

of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial.

As regards the provision of medical care, however, it should be noted that the principle of an independent medical profession applies in most hospitals 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.

However, there are also hospitals where doctors are recruited as employees.

Typical arrangements for avoiding and repaying any overcompensation.

No overcompensation is paid to hospitals.

A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million euro to undertakings that 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. some 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 (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).

The details of the aid granted are published in the State's general account for each budget exercise (Article 10 of amended Law of 8 June 1999 on the Budget, Accounts and Treasury of the State [...]).

Amount of aid granted

Total amount of aid granted (in millions EUR)⁸. **This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)**

2020	2021
51 516 731	41 879 753

A: Total amount of aid granted (in millions EUR) paid by national central authorities⁹

2020	2021

B: Total amount of aid granted (in millions EUR) paid by regional authorities¹⁰

2020	2021

⁸As stipulated in Article 9(b) of the 2012 SGEI Decision.

⁹If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

¹⁰See footnote 3.

C: Total amount of aid granted (in millions EUR) paid by local authorities¹¹	
2020	2021
Share of expenditure per aid instrument (direct subsidy, guarantees, etc.) (if available)	
2020	2021
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ¹²	
2020	2021

3) CARE AND SOCIAL INCLUSION OF VULNERABLE GROUPS

1. Services for persons with disabilities

Clear and comprehensive description of how the respective services are organised 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. Home-based support service:</p> <p>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.</p> <p>2. Residential services:</p> <p>This heading covers any service that provides accommodation and/or multidisciplinary professional mentoring for more than three people with disabilities. The aim is to pursue a consistent holistic approach by providing them, on the one hand, with assistance and care within the meaning of the Law of 19 June 1998 introducing long-term care insurance, as amended, and,</p>

¹¹See footnote 3.

¹²The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Framework, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

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:

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 Law 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 standardised 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; it contains the General Conditions which form an integral part. 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 period 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 Law were concluded for a period of 36 months, from 2020 to 2022.

<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>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</p> <p>Training service</p> <p>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 training, information, consultation and meeting, and home-based support services for persons with disabilities (a traditional Agreement, attached)]</p> <p>Residential services:</p> <p>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, attached]</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 Law and by the General Conditions.</p> <p>Compensation is checked and reviewed when the annual statement of account is drawn up (see general conditions).</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</p>

of expenditure may result in termination of the agreement, notwithstanding the assignment of civil liability and the criminal prosecution of the invoicing party.

*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.

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

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

	2020	2021
Accommodation services	EUR 7 715 404	EUR 5 375 706
Training services	EUR 4 981 381	EUR 5 728 897
Day-centre service	EUR 117 967	EUR 80 489
Home-based support service (SAD) and information, advice and meeting services (5)	EUR 1 541 322	EUR 140 376
Sheltered workshops	EUR 3 273 410	EUR 1 381 383
Total	EUR 17 629 485	EUR 12 706 851

	2020 result	Agreements/2021 budget
Subtotal 'fixed contribution per unit of service provision' <i>Residential services (2) and day-centre service (4)</i>	EUR 53 645 019.73	EUR 62 184 301.86
Subtotal 'financial contribution covering any deficit' <i>Home-based support services (1) and information, advice and meeting services (5)</i>	EUR 13 974 715.02	EUR 18 803 310.57
Subtotal training services (3)	EUR 9 979 631.10	EUR 11 776 757.16
Total	EUR 77 599 365.85	EUR 92 764 369.60
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).		
	2020	2021
Home-based support service	378 places	447 places
Residential services	913 beds	908 beds
Training service	230 places	247 places
Day-centre service	449 seats	455 seats

Information, advice and meeting service	5 128 beneficiaries	5 926 beneficiaries
---	---------------------	---------------------

The activity reports from the Ministry of the Family, Integration and the Greater Region for 2020¹³ and 2021¹⁴ also contain quantitative information on the services listed above.

2. Services for adults, alone or with children

Clear and comprehensive description of how the respective services are organised in your Member State
<p><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> <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 children¹⁵</p> <p>Article 3 of the Agreement on services for adults, alone or with children).</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 concerning the authorisation to be granted to bodies managing services for adults alone or with children</p> <p>Article 3 of the Agreement on services for adults, alone or with children).</p> <p>3. Day centre</p>

¹³<https://mfamigr.gouvernement.lu/fr/publications.gouvernement%2Bfr%2Bpublications%2Brapport-activite%2Bminist-famille-integration-grande-region%2Bmfamigr%2B2020-rapport-activite-mfamigr.html>

¹⁴<https://mfamigr.gouvernement.lu/fr/publications.gouvernement%2Bfr%2Bpublications%2Brapport-activite%2Bminist-famille-integration-grande-region%2Bmfamigr%2B2021-rapport-activite-mfamigr.html>

¹⁵ Luxembourg Official Gazette A No 11 2001 - <http://www.legilux.public.lu/leg/a/archives/2001/0011/index.html>

<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 concerning the authorisation to be granted to bodies managing services for adults alone or with children Article 3 of the Agreement on services for adults, alone or with children).</p>
<p>4. Aid, advice and assistance services for adults</p> <p>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.</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 adults alone or with children, Article 3 of the Agreement for adults alone or with children).</p>
<p><i>Explanation of the (typical) forms of entrustment. If standardised templates for entrustments are used for a certain sector, please attach them.</i></p>
<p>The obligations of the managing body are laid down in the ASFT agreement; it contains the General Conditions which form an integral part. Each service covered by such an agreement must have an authorisation under the ASFT Act and its implementing regulation.</p>
<p>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?</p>
<p>Specific agreements are established for <u>a period of one year</u>. 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.</p> <p>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.</p> <p>The General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Law were concluded for a period of 36 months, from 2017 to 2019.</p>
<p><i>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</i></p>
<p>Not applicable.</p>
<p>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</p>
<p>Financial contribution covering any deficit.</p>
<p><i>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>

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 Law and by the General Conditions.</p> <p>Compensation is checked and reviewed when the annual statement of account is drawn up (see the general conditions).</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.</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>										
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.										
Share of expenditure per aid instrument (direct subsidy, guarantees, etc.) (if available)										
<p align="center">Compensation for investment expenditure (Article 13 of the ASFT Act)</p> <table border="1"> <tr> <td align="center">2020</td> <td align="center">2021</td> </tr> <tr> <td align="center">EUR 470 290.32</td> <td align="center">EUR 715 502.22</td> </tr> </table> <p align="center">For bodies managing contracted services for individual adults alone or with children</p> <table border="1"> <tr> <td></td> <td align="center">2020 result</td> <td align="center">Agreement(s), 2021</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	2020	2021	EUR 470 290.32	EUR 715 502.22		2020 result	Agreement(s), 2021			
2020	2021									
EUR 470 290.32	EUR 715 502.22									
	2020 result	Agreement(s), 2021								

	<i>'Financial contribution covering any deficit'</i>	EUR 26 598 712.20	EUR 29 020 770.20	
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).				

3. Services for the elderly

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.*

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

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 socio-cultural and sports activities, training, meeting and leisure activities, institutional guidance and catering services where necessary, one of the aims being to help prevent isolation and identify deficiencies linked to the ageing process.

(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;

Article 3 of the Agreement on regional activity and guidance centres for the elderly (senior citizens' clubs).

2. Personal alarm service

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.

(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).

3. Activities for senior citizens

Activities for senior citizens comprise the provision of training in the form of special courses for the elderly and initiatives such as the 'University of the Third Age', 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.

(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) ¹⁶ .
<i>Explanation of the (typical) forms of entrustment. If standardised templates for entrustments are used for a certain sector, please attach them.</i>
The obligations of the managing body are laid down in the ASFT agreement; it contains the General Conditions which form an integral part. Each service covered by such an agreement must have an authorisation under the ASFT Act and its implementing regulation.
<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 <u>a period of one year</u> . 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 Law were concluded for a period of 36 months, from 2020 to 2022.
<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 lump-sum grant.
<i>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 bipartite or tripartite agreements between the Ministry and the managing body responsible or between the Ministry, the managing body and the municipal authorities.</p> <p>The agreement sets the State contribution at a maximum of 87% of the eligible cost of staffing posts covered by the agreement. The remaining 13% is borne by the municipality or municipalities that are co-signatories to the agreement.</p> <p>For all other costs, the State's financial contribution consists of a fixed lump sum. The co-signatory municipality(s) contribute to these costs by covering any deficits.</p>

¹⁶Luxembourg Official Gazette A No 107, 2010
<http://www.legilux.public.lu/leg/a/archives/2010/0107/index.html>

2. Personal alarm service

Financial contribution per unit of service provision.

3. Activities for senior citizens

Financial contribution to cover any deficit provided that this concerns staff costs. For all other costs, the State's financial contribution consists of a fixed lump sum which is negotiated by the parties concerned.

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 Law and by the General Conditions.

Compensation is checked and reviewed when the annual statement of account is drawn up (see the general conditions).

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, which does not preclude civil damages and the criminal prosecution of the invoicing party.

*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.

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

Compensation for investment expenditure (Article 13 of the ASFT Act)		
	2020	2021
Integrated centre for the elderly	EUR 1 255 148	EUR 2 591 512
Care homes	EUR 12 467 592	EUR 15 623 739
Centres for geriatric psychiatry	EUR 0	EUR 162 160
Regional activity and guidance centres for the elderly	EUR 10 441	EUR 9 418
Services	EUR 15 948	EUR 31 700
TOTAL	EUR 13 749 129	EUR 18 418 529

Participation based on agreement (Articles 11 and 12 ASFT Law)

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

<u>2020 result</u>	<u>Agreement(s), 2021</u>
EUR 5 132 688.99	EUR 5 905 256

2. Personal alarm service

Financial contribution from the State	<u>2020 result</u>	<u>Agreements, 2021</u>
	EUR 875 274	EUR 875 274

3. Activities for senior citizens

<u>2020 result</u>	<u>Agreement(s), 2021</u>
EUR 3 878 134.80	EUR 4 331 530

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 19 agreements concluded for 2020: 72 450 posts.

Number of posts established under the 20 agreements concluded for 2021: 73 475 posts.

2. Personal alarm service

Number of posts established under the agreements concluded with the State for 2020 and 2021: 0 FTEs

3. Activities for senior citizens

5 departments concluded an agreement:

- 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 relating to the elderly and a senior citizens' academy open to anyone over the age of 50.
- An organisation providing information, training and support activities for people with dementia and their families.
(Helpline-SOS Alzheimer, self-help groups, information and awareness-raising activities for the general public and a documentation centre).
- An association which undertakes to raise awareness in society about euthanasia and assisted suicide (information, awareness-raising, advice, assistance and support)
- A nationwide association offering various activities to the elderly, either on a national scale or through its local sections.

Number of posts established under the agreements concluded for 2020: 31 125 posts.

Number of posts established under the agreements concluded for 2021: 31 625 posts.

The activity reports from the Ministry of the Family, Integration and the Greater Region for 2020¹⁷ and 2021¹⁸ also contain quantitative information on the services listed above.

¹⁷<https://mfamigr.gouvernement.lu/fr/publications.gouvernement%2Bfr%2Bpublications%2Brapport-activite%2Bminist-famille-integration-grande-region%2Bmfamigr%2B2020-rapport-activite-mfamigr.html>

¹⁸<https://mfamigr.gouvernement.lu/fr/publications.gouvernement%2Bfr%2Bpublications%2Brapport-activite%2Bminist-famille-integration-grande-region%2Bmfamigr%2B2021-rapport-activite-mfamigr.html>

4. Consultation, training, advisory and mediation services for families (hereafter family welfare services)

Clear and comprehensive description of how the respective services are organised 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>Family welfare services are services that offer activities in the following areas:</p> <p>1. Therapy consultations Therapy consultations are any psychological support activity for the benefit of adults or families confronted with personal crises or interpersonal conflicts.</p> <p>2. Socio-educational training Socio-educational training is any preventive activity involving the provision of advice or training to adults or families for reasons of social or family welfare, upbringing or education.</p> <p>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.</p> <p>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> <p>(Article 2 of the Regulation of 10 November 2006, as amended, implementing Articles 1 and 2 of the ASFT Law 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 families¹⁹).</p>
<i>Explanation of the (typical) forms of entrustment. If standardised templates for entrustments are used for a certain sector, please attach them.</i>
The obligations of the managing body are laid down in the ASFT agreement ; it contains the General Conditions which form an integral part. Each service covered by such an agreement must have an authorisation under the ASFT Act and its implementing regulation.
<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>

¹⁹ Luxembourg Official Gazette A No 241, 2011 - <http://www.legilux.public.lu/leg/a/archives/2011/0241/index.html>

<p>Specific agreements are established for <u>a period of one year</u>. 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.</p> <p>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.</p> <p>The General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Law were concluded for a period of 36 months, from 2020 to 2022.</p>
<p><i>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</i></p>
<p>Not applicable.</p>
<p><i>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</i></p>
<p>Financial contribution covering any deficit.</p>
<p><i>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>
<p>Financial contribution covering any deficit.</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 Law and by the General Conditions.</p> <p>Compensation is checked and reviewed when the annual statement of account is drawn up</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.</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>Not applicable.</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.	
Participation based on agreement (Articles 11 and 12 ASFT Law)	
<u>2020 result</u> EUR 6 936 480.15	<u>Agreement(s), 2021</u> EUR 8 455 201.94
Compensation for investment expenditure (Article 13 of the ASFT Act)	
2020 EUR 74 022.73	2021 EUR 64 983.68
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).	
<p>The area of family-welfare services comprises twelve services that are authorised and covered by agreements under the ASFT Law, operating in the fields referred to above.</p> <p>In 2021, 65 166 full-time equivalent (FTE) posts were funded on the basis of twelve agreements. Staff costs amounted to 83.91% of the costs covered by the agreements for 2021.</p> <p>The activity reports from the Ministry of the Family, Integration and the Greater Region for 2020²⁰ and 2021²¹ also contain quantitative information on the services listed above.</p>	

4) OTHER SOCIAL SERVICES

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.
1. Traditional shelter facility

²⁰<https://mfamigr.gouvernement.lu/fr/publications.gouvernement%2Bfr%2Bpublications%2Brapport-activite%2Bminist-famille-integration-grande-region%2Bmfamigr%2B2020-rapport-activite-mfamigr.html>

²¹<https://mfamigr.gouvernement.lu/fr/publications.gouvernement%2Bfr%2Bpublications%2Brapport-activite%2Bminist-famille-integration-grande-region%2Bmfamigr%2B2021-rapport-activite-mfamigr.html>

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.

2. Sheltered-housing service

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.

3. Open housing service

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.

4. Reception and emergency aid service

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 who have suffered violence. As well as providing accommodation, the managing body also offers ancillary services.

5. In-house day nursery

The purpose of this service is to provide care for part of the day for the children of women supported by authorised services for women. It provides educational, psychological, social and therapeutic support through varied activities tailored to the needs of young people and enables users to seek employment and take various steps to ensure integration or reintegration and empowerment.

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 (SAVVD)

This service seeks out and assists, mentors and counsels victims of domestic violence within the meaning of the Law 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 Law of 8 September 2013, as amended. A consultation centre for perpetrators of domestic violence offers therapy to them.

11. Assistance service for victims of human trafficking

This service assists victims of human trafficking within the meaning of the Law of 8 May 2009 and the Grand Ducal Regulation of 11 September 2014 on the assistance, protection and safety of victims of human trafficking, amending the New Code of Civil Procedure.

<i>Explanation of the (typical) forms of entrustment. If standardised templates for entrustments are used for a certain sector, please attach them.</i>
The obligations of the managing body are laid down in the ASFT agreement, of which the General Conditions form an integral part. Each service covered by such an agreement must have an authorisation under the ASFT Act and its implementing regulation.
<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. With the exception of 2016, the General Conditions governing the agreements referred to in Articles 11 and 12 of the ASFT Law were concluded for a period of 36 months, from 2020 to 2022.
<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>
Managing bodies contracted with the Ministry of Equality between men and women 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 Equality between men and women does not use any aid instruments other than agreements.
<i>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.
<i>Typical arrangements for avoiding and repaying any overcompensation.</i>
The calculation parameters are set in the specific agreements and are based on the principles established by the Law and by the General Conditions (see Chapter 2 of the General Conditions: 'Financial management procedures'). Compensation is checked and reviewed when the annual statement of account is drawn up (see Chapter 5 of the General Conditions, 'Means of information, supervision and sanctions available to the State'). 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 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).

*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 total SGEI budget of the Ministry of Equality between men and women is under EUR 20 million.

However, the Ministry of Equality between men and women 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.

<https://mega.public.lu/fr/publications/rapports-activites-ministere/rapport-d-activite-2021.html>

<https://mega.public.lu/fr/publications/rapports-activites-ministere/rapport-d-activite-2020.html>

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.

2020 result:

EUR 8 669 153.91 for bodies managing contracted services for women and men.

EUR 7 413 466.72 for bodies managing shelters for women, girls and women with children.

2021 Agreement:

EUR 8 427 289 for bodies managing contracted services for women and men.

EUR 8 295 758 for bodies managing shelters for women, girls and women with children.

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

2021

Agreement: EUR 16 723 047

2020

Agreement: EUR 17 120 443

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

Quantitative information is available in the activity report from the Ministry of Equality between men and women and in the report from the Committee of Professionals Against Domestic Violence.

<https://mega.public.lu/fr/publications.html>

5) POSTAL SERVICES

Section
Postal services
Clear and comprehensive description of how the respective services are organised in your Member State²²
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.
Two SGEI: <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.
Explanation of the (typical) forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.
<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 <i>Entreprise des Postes et Télécommunications</i> and the State. - Statutory orders enacted by the Cabinet.

²² If in a certain sector only a small number of individual SGEIs exist in your Member State, we would appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial. Since cases falling under the SGEI Framework will be limited in number, the Commission expects a detailed description of each concrete measure.

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.	
Typical duration: 3 years	
Explanation whether (typically) exclusive or special rights are assigned to the undertakings.	
Not applicable	
Which aid instruments have been used (direct subsidies, guarantees, etc.)?	
The balance is paid as a direct grant.	
Typical compensation mechanism as regards the respective services 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 direct grant. 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, such overcompensation may be carried forward to the next period and deducted from the amount of compensation payable in respect of that period.</p>	
A short explanation of how the transparency requirements (see Paragraph 60 of the 2012 SGEI Framework) are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some 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 (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).	
Not applicable	
Amount of aid granted	
Total amount of aid granted (in millions EUR)²³. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
EUR 11 592 662	EUR 13 600 000 (estimate)

²³ As stipulated in Paragraph 62(b) of the 2012 SGEI Framework.

A: Total amount of aid granted (in millions EUR) paid by national central authorities²⁴	
2020	2021
Daily Press: 8 993 019	Daily Press: details not yet available
Reduced-rate mailings and periodicals: 2 599 643	Reduced-rate mailings and periodicals: details not yet available
Total: 11 592 662	Total: 13 600 000 (estimate)
B: Total amount of aid granted (in millions EUR) paid by regional authorities²⁵	
2020	2021
Ibid.	Ibid.
C: Total amount of aid granted (in millions EUR) paid by local authorities²⁶	
2020	2021
Not applicable	Not applicable
Share of expenditure per aid instrument (direct grant, guarantees, etc.) (if available)	
2020	2021
Not applicable	Not applicable
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings)²⁷	
2020	2021
The sole beneficiary of this SGEI compensation is <i>Entreprise des Postes et Télécommunications</i> .	The sole beneficiary of this SGEI compensation is <i>Entreprise des Postes et Télécommunications</i> .

6) OTHER SECTORS: PUBLIC SERVICE MEDIA

²⁴If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

²⁵See footnote **Error! Bookmark not defined..**

²⁶See footnote **Error! Bookmark not defined..**

²⁷The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Framework, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

Section
Public television service
Clear and comprehensive description of how the respective services are organised in your Member State²⁸
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 service consists of offering a diverse choice of quality content (linear and non-linear) aimed at the widest possible resident audience.</p> <p>This comprises:</p> <ul style="list-style-type: none"> - production, operation and broadcasting of a daily television programme mainly in Luxembourgish language; - dissemination, free of charge and as a priority, of official communications or information relating to human safety and police requirements, at the request of the Government, which will assume responsibility for them; - broadcasting, in pre-election periods, of political information programmes, such as television campaigns organised by the Government and reserved for political parties, which assume responsibility for them.
Explanation of the (typical) forms of entrustment . If standardised templates for entrustments are used for a certain sector, please attach them.
The SGEI was entrusted by an agreement comprising terms and conditions.
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.
The public service agreement was concluded for a period of 3 years (1 January 2021-31 December 2021).
Explanation whether (typically) exclusive or special rights are assigned to the undertakings.
/
Which aid instruments have been used (direct subsidies, guarantees, etc.)?

²⁸ If in a certain sector only a small number of individual SGEIs exist in your Member State, we would appreciate a detailed description of those services. **If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate**, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial.

Guarantees and, where appropriate, payment of a direct grant.	
Typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.	
The State is responsible for the ‘deficit’ incurred by the Luxembourg public television service up to a maximum amount. ‘Deficit’ means the total annual cost of Luxembourg’s public television service excluding rent and minus (i) the net revenue generated by that service (namely, advertising revenue invoiced by the advertising sales division minus the division’s rates and plus any other revenue linked to public service television, such as cable operators’ fees or sales of in-house services) and (ii) CLT-UFA’s financial contribution, which is the remuneration for the provision of all frequencies. The accounts must be submitted annually to a recognised external auditor.	
Typical arrangements for avoiding and repaying any overcompensation .	
In order to ensure that the amount to be paid by the State corresponds to the total eligible costs actually incurred, the State contribution is based on an annual statement to be audited by an external auditor.	
A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million euro to undertakings that 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. some 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 (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).	
Amount of aid granted	
Total amount of aid granted (in millions EUR) ²⁹ . This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
	€ 9 515 492
A: Total amount of aid granted (in millions EUR) paid by national central authorities³⁰	
2020	2021
	€ 9 515 492
B: Total amount of aid granted (in millions EUR) paid by regional authorities³¹	

²⁹As stipulated in Article 9(b) of the 2012 SGEI Decision.

³⁰If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

³¹See footnote 3.

2020	2021
	/
C: Total amount of aid granted (in millions EUR) paid by local authorities³²	
2020	2021
	/
Share of expenditure per aid instrument (direct grant, guarantees, etc.) (if available)	
2020	2021
	/
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ³³	
2020	2021

Please also fill out the annexed summary excel file “SGEI Decision 2020 2021” with the total amounts per section for the whole Member State (not per region, local authority or municipality).

3. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI FRAMEWORK

Not applicable.

4. COMPLAINTS BY THIRD PARTIES

Please provide an overview of complaints by third parties, in particular litigation before national courts, regarding measures in scope of the 2012 SGEI Decision or 2012 SGEI Framework. Please be as specific as possible in your reply and include the sector for which you have received the complaints, the contents of the complaints and the possible follow-up by your authorities or the likely outcome of the court proceedings.

No complaints.

5. MISCELLANEOUS QUESTIONS

³²See footnote 3.

³³The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Framework, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

a. We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Decision and ask you to in particular consider the following issues:

- drawing up an entrustment act that complies with Article 4 of the SGEI Decision;
- specifying the amount of compensation in line with Article 5 of the SGEI Decision;
- determining the reasonable profit level in line with Article 5(5)-(8) of the SGEI Decision;
- regularly checking overcompensation as required by Article 6 of the SGEI Decision;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

/

b. We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Framework and ask you to in particular consider the following issues:

- carrying out a public consultation in line with paragraph 14 of the SGEI Framework;
- complying with public procurement rules in line with para 19 of the SGEI Framework;
- determining the net avoided cost as required by paras 25-27 of the SGEI Framework;
- determining the reasonable profit level in line with paras 33-38 of the SGEI Framework;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

/

c. If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them below.

An updated version of the guidelines/FAQ concerning the implementation of SIEG, in particular the areas of application, would be a good idea.

SGEI Decision in your Member State		Total amount for whole Member State	
		2020	2021
Article 2(1)(b)	Hospitals providing medical care, including, where applicable emergency services	€ 51.516.731,00	€ 41.879.753,00
Article 2(1)(c)	Health and long-term care		
	Child care		
	Access and reintegration into the labour market		
	Access and reintegration into the labour market		
	Social housing	€ 107.510.828,38	€ 180.210.502,27
	Care and social inclusion of vulnerable groups	€ 75.344.217,19	€ 80.493.898,04
	Other social services	€ 17.120.443,00	€ 16.723.047,00
Article 2(1)(d)	Air or maritime links		
Article 2(1), point (e)	Airports and ports		
Article 2(1)(a), less than EUR 15 million per year	Postal services	11.592.662€	13.600.000€
	Energy		
	Waste collection		
	Water supply		
	Culture		
	Financial services		
	Other		€ 9.515.492,00

SGEI Framework in your Member State	Total amount for whole Member State	
	2020	2021
Postal services		
Energy		
Waste collection		
Water supply		
Air or maritime links		
Airports and ports		
Culture		
Financial services		
Other		

Not applicable