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EUROPEAN POLICY ANALYSIS

Europe’s Social Revival: From Gothenburg to Next Generation EU

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Summary

This European Policy analysis traces and reflects on the development of social policy and governance at EU level during and after the adoption of the European Pillar of Social Rights (EPSR) at the Social Summit in Gothenburg in November 2017.

Scepticism initially abounded about the potential of this non-binding declaration and its lofty promises to instigate a substantive shift in ‘Social Europe’ in the shadow of the eurozone crisis. However, David Bokhorst and Sven Schreurs consider the long list of directives, recommendations, funding instruments and changes to the system of European socioeconomic governance adopted since Gothenburg, and they find, contrary to the initial scepticism, that the EU has, in fact, consolidated its role as a ‘holding environment for flourishing national welfare states’.

Questions remain about the effective implementation of EU social policy commitments on the ground, but the authors argue that Social Europe is neither impossible nor a paper tiger with limited significance. Although political developments can be volatile and derail the continuation of the EU social agenda, their examination provides reasons for thinking that this revival of Social Europe will prove to be durable.

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The opinions expressed in the publication are those of the authors.

1. Introduction: the sober reception of the EPSR

On 17 November 2017, European leaders, trade unionists and employer representatives gathered in Gothenburg for the 'Social Summit for Fair Jobs and Growth'. Convened by Commission President Jean-Claude Juncker and Swedish Prime Minister Stefan Löfven, the summit was an historic occasion, 20 years after the last social summit had taken place in Luxembourg. At the Gothenburg meeting, Europe's leaders signed the European Pillar of Social Rights (EPSR), a declaration of 20 principles to make good on Juncker's 2014 promise of a 'social Triple A' rating for Europe.

While many stakeholders welcomed the initiative and the renewed debate on 'Social Europe', the document was met with caution and scepticism by insiders and outside observers. The 'rights' proclaimed in the EPSR were not legally binding, rather vague, and seen as insufficient for truly shaking off the EU's reputation as promoter of austerity and deregulation. It was anything but clear how the Pillar would push either the Member States or the EU itself to deliver on the proclaimed social goals (Sabato and Vanhercke 2017). Besides, conservative forces in the European Parliament and sceptical governments from Northern Europe and beyond had poured cold water over more ambitious initiatives (Vesan and Corti 2019). With the EU's limited social competences, the question arose whether the Pillar agenda would not be mere symbolic politics and yet another of Brussels' famous 'paper tigers' (Crespy 2022).

> 'Scepticism about 'Social Europe' and its potential has [...] been a mainstay of intellectual debate about the EU.'

Scepticism about 'Social Europe' and its potential has not been limited to the political arena; it has also been a mainstay of intellectual debate about the EU. Classic scholarly work has made much of the structural asymmetry between social and economic integration and the nearly insurmountable barriers against the advancement of a (positive) social role for the EU (Scharpf 2002, 2010).

The euro crisis seemed to confirm this thesis as it underlined the resilience of neoliberal ideas about economic policy among European institutions and undermined Europe's social goals (Matthijs 2016; Schmidt and Thatcher 2013). Even after the EPSR was signed, observers continued to describe the EU's role as one of 'displacing' (Kilpatrick 2018) and 'dismantling' (Degryse and Pochet 2018) social objectives, seeing Social Europe as 'a myth' (Höpner 2018) or a 'dead end' (Lechevalier and Wielgohs 2015). Other experts were more sanguine about the social dimension of European policy, noting a gradual 'socialization' away from the austerity narrative (Zeitlin and Vanhercke 2018). In this view, the EPSR was a reinforcement and consolidation of an ongoing trend, driven by Commission entrepeneurship to re-anchor Europe's growth strategy on solid social grounds and formalize a break with the austerity-oriented past (Vesan, Corti, and Sabato 2021). Yet many remained sceptical, considering that the enhanced social focus would be anchored in a Third Way or neoliberal approach to social policy (Streeck 2018) or merely reflect empty language compared to the continued dominance of competitiveness and fiscal goals in EU governance (Copeland and Daly 2018; Crespy and Vanheuverzwijn 2019).

The long and dark shadow which the euro crisis cast over Europe's social revival, in terms of booming (youth) unemployment, higher poverty rates and a decline in investment, makes the sober reception of the EPSR understandable. However, this analysis will demonstrate how the shift in gear initiated under the Juncker Commission and codified with the EPSR (and its later implementation) represents a change in thought and practice with a substantive impact at EU and national levels. While challenges remain, events since Gothenburg give good reasons to suspect a more sustained trend in strengthening the goals of the EPSR. The European agenda is increasingly focused on balancing social investment objectives, in terms of investing in human capital and promoting employment and work-life balance, with more traditional social prerequisites of adequate income provision, poverty mitigation and access to social protection to promote inclusive welfare states.[1] To this end, the EU has intensified its use of existing policy tools and invented novel

[1] See Hemerijck et al. (2023) for a conceptual discussion of welfare state functions from the perspective of social investment theory.

instruments. It has adopted a broad swath of 'hard-law' initiatives that set social minimum standards which bind all Member States. And, simultaneously, it has reinforced its capacities in the 'soft-law' domain of socioeconomic policy coordination and governance, by setting new social objectives, monitoring problems, and providing support for investment and stabilization in crisis.

While future political developments may redefine the social agenda and lead to a reversal of policy choices, there are good grounds to believe that the changes described here will endure. Taking some historical distance, one can appreciate how the EU has matured in its role of a 'holding environment for flourishing national welfare states' (Vandenbroucke 2017).

To assess how the EU has evolved in its social role, the next section of this analysis sets out the development of social and employment legislation after the Gothenburg Summit, covering all directives that have been adopted during this period under the Social Policy Title of the EU Treaties. The subsequent section outlines the major changes in socioeconomic governance, notably in the wake of the COVID-19 crisis. For both dimensions, we discuss what recent changes entail concretely and reflect on their significance in terms of advancing the social agenda. In the conclusion, we set out three reasons that undergird our argument that Europe's social revival represents more than a 'flash in the pan'.

2. Support and protect: the revival of EU social legislation

2.1 The Juncker years: a slow but meaningful restart for EU social regulation

The post-2017 revival of European social regulation can be traced back to the installation of the Juncker Commission in November 2014. By then, legislative processes in the field of social and employment affairs had been on the backburner for many years. The preceding two Commissions, led by José Manuel Barroso, had pushed for legislation on a number of social policy issues but struggled to produce results. In 2008, after nearly a decade of discussions, a strongly watered-down directive on the rights of temporary agency workers was adopted. A 2010 directive on parental leave, based on a social partner agreement, represented the swansong of EU social regulation on the eve of the euro crisis.

On other issues, negotiations had simply stalled. Member States could not agree on a revision of the maternity rights directive, fearing that its provisions might incentivize mothers to stay at home rather than enable them to work. A revision of the Working Time Directive, intended to streamline the unclear definitions and exceptions that made its implementation very difficult, became stranded due to divisions among Member States and social partners.

> 'Most initiatives announced in the years before the Social Pillar would focus on supporting mobility and skills rather than social rights and regulation.'

The inauguration of the Juncker Commission suggested a more proactive approach to social legislation, yet its talk of a 'social Triple A rating' initially seemed more of a change in style than in substance. Most initiatives announced in the years before the Social Pillar would focus on supporting mobility and skills rather than on social rights and regulation. The flagship ambition of Juncker and his Commissioner for Employment and Social Affairs, Marianne Thyssen, to revise the Posting of Workers Directive would not involve setting new social standards, but rather seeking to improve the compatibility of posted work with national models of social protection. In its first work programme, the Commission promised an initiative to replace the failed 2008 maternity directive and an evaluation of the directives on part-time and fixed-term work, yet these commitments remained vague.[2]

A clearer indication of how the Commission would develop a new rights-based framework for 'Social Europe' shone through in Juncker's 2015 State of the Union speech and the 2016 work programme. Besides announcing the ambition to

[2] To date, however, this evaluation has not led to any form of legislative activity.

EU's Social Revival I: Directives

WORKING CONDITIONS

Work life balance (2019/1158)

- gives working parents the right to take four months of parental leave, of which two are paid and non-transferable;
- establishes a new right to 10 days of paternity leave.

Transparent and predictable working conditions (2019/1152)

- extends protection to atypical workers regarding the provision of necessary information about rights and working conditions;
- lays down new minimum requirements for working conditions.

GENDER EQUALITY

Women on boards (2022/2381)

- requires Member States to ensure that members of the underrepresented sex hold at least 40 per cent of non-executive director positions or 33 per cent of all director positions in large listed companies registered in the EU.

Equal pay (2023/970)

- contains measures which operationalize pay transparency, including requirements on pay assessments to address discrepancies.

LABOUR LAW

Adequate minimum wages (2022/2041)

- sets standards and objectives regarding minimum wage formation and collective bargaining;
- establishes different requirements for Member States with a statutory minimum wage and those with collective bargaining.

Digital platform work (under negotiation)

- would, among other things, list criteria that create a legal presumption of employment and limit the processing of personal data by automated monitoring or decision-making systems.

create a Pillar of Social Rights as 'a compass for the renewed convergence within the Euro Area', it put forward a package on work-life reconciliation that mapped various policy interventions 'to allow for parents with children or workers with dependent relatives to better balance caring and professional responsibilities' (European Commission 2015).

This package proved to be the first opening for a revival of European social legislation. Since the social partners disagreed on whether to enter into negotiations, the Commission in April 2017 proposed a legislative initiative to replace the 2010 parental leave directive, eventually adopted as **Directive (EU) 2019/1158 on work-life balance for parents and carers** (Work Life Balance Directive – WLBD). The directive gives working parents the right to take four months of parental leave, of which two are paid and non-transferable (before, only one month had to be non-transferable and there was no requirement for compensation).

Perhaps the biggest innovation is a new right to 10 days of paternity leave, to be compensated at the level of sick pay. As a result, 'at least 10 Member States [had] to introduce or extend paternity leave for workers. In addition, 14 Member States [had] to provide for or increase payment of paternity leave' (D'Andrea 2022, 15–16). The WLBD also lays down a right to five days of carers' leave and the right to request flexible working arrangements for carers and workers with children until at least eight years of age. These are softer provisions, though, as Member States and employers retain considerable leeway to decide on how they implement these rights.

Months after announcing the WLBD proposal, the Commission came forward with another legislative initiative connected to the EPSR. Again, this was an update of the existing social *acquis*, in this case the Written Statement Directive (WSD). This technical piece of legislation from the 1990s was meant to provide workers with necessary information about their (contractual) rights and employment conditions. It had long been a thorn in the side of labour lawyers and Commission officials: enforcement had been lacklustre, but the rise of atypical employment threatened to make the directive even more redundant. A revision offered the opportunity to better connect this legislation to the new world of work, leading to the adoption of **Directive (EU) 2019/1152 on transparent and predictable working conditions in the European Union** (TPWCD).

The biggest change from the WSD lies in the range of persons covered by the rights and provisions of this legislation. Although Member States resisted the EU-wide definition of 'employee' that the Commission proposed, the TPWCD limits derogations to working relationships of a predetermined duration of up to three hours a week and extends protection to workers on zero-hour contracts. Information rights have been broadened (e.g. including variable work schedules) and the deadlines by which employers are required to inform workers about their rights are shortened (in most cases to seven days instead of two months). The directive moreover lays down a number of new minimum requirements for working conditions, e.g. a maximum six-month duration of probationary periods, a partial ban on incompatibility restrictions, the right to refuse work outside predetermined reference hours and measures to limit usage of on-demand contracts. A flexible implementation clause allows national social partners to conclude collective agreements that diverge from these minimum standards as long as they respect the overall level of protection of workers.

As always with EU (social) law, the proof of the pudding is in the eating. Bednarowicz (2020, 431) has noted that '[t]he first big win for social policy and for the EPSR [was] that the proposed Directives were adopted in a rather speedy manner. Their success in the field of EU social acquis will, however, mostly hinge on their correct transposition, implementation and enforcement. The toughest challenge might prove to be the adequate transposition related to their personal scope.' The WLBD, while formally covering atypical workers, raises practical obstacles that limit its inclusiveness, such as eligibility criteria that may prevent certain groups of working parents from accessing these rights (Chieregato 2020). As others have noted, 'despite its seemingly broad personal scope, the [TPWCD] may not cover many of the casual workers it originally aspired to' (Georgiou 2022, 205). At the time of writing, we are still waiting for case law from the Court of Justice to clarify how both directives should be interpreted, which may improve the access of non-standard workers to their rights.

Member States were required to transpose both directives into national law by August 2022. What do we know about their practical consequences, thus far? The effects of the TPWCD, perhaps due to its technical substance, have not been studied extensively. It seems that its new rights have – at least on paper – led to a subtle improvement in the information position and working conditions of (atypical) employees in most Member States (CMS 2022). The effective access of vulnerable workers to these rights remains a cause for concern, however (Scheele et al. 2023).

'Leave provisions and flexible work arrangements have been upgraded in many Member States. [...] Yet the directive is also faced with problems of effective implementation and delivery.'

Analyses of the WLBD by scholars and stakeholders have revealed a 'mixed picture' in the adequacy and ambition of its transposition (COFACE Families Europe 2022; de la Porte et al. 2022). Leave provisions and flexible work arrangements have been upgraded in many Member States. Even in 'advanced' welfare states such as Denmark and the Netherlands, we have seen the introduction of earmarking and minimum remuneration for parental leave, while countries including Croatia and Germany were spurred to introduce (paid) paternity leave. Yet the directive is also faced with problems of effective implementation and delivery. Even where new rights have been legislated, such as in Poland, the policy infrastructure to incentivize working parents (fathers in particular) to take up their rights often remains inadequate. This continues to be a challenge for EU social law across the board.

2.2 Gender equality legislation: breathing new life into a long-standing tradition

Like working conditions, gender equality has long been a focal point of EU social policy. Emphasis has been put on equal treatment in the workplace and on the labour market, where gender-related emancipation and social justice are seen to go hand in hand with socioeconomic progress. Nevertheless, the Juncker Commission made less headway on this front than its 'social' image might suggest. As early as 2012, the Barroso II Commission had launched an initiative for a so-called Women on Boards Directive, but this proposal remained stuck in the Council for years as Member States opposed what they saw as undue interference in national company law. Under the von der Leyen Commission, a number of countries (including the Netherlands, Germany and Denmark) changed position and unblocked this file, leading to the rapid adoption of **Directive (EU) 2022/2381 on improving the gender balance among directors of listed companies and related measures**.

This directive requires Member States to promote the representation of women on the boards of large listed companies (i.e. with over 250 employees or an annual turnover of 50 million euro) that are registered in the EU. Countries must ensure that members of the underrepresented sex hold at least 40 per cent of non-executive director positions or 33 per cent of all director positions. Where companies do not fulfil the chosen objective, they must be required to adjust their selection processes to prioritize the underrepresented sex in cases of equal suitability and provide unsuccessful candidates with information about the procedure and considerations made.

The directive obliges Member States to shift the burden of proof, introduce reporting requirements for companies and set effective penalties. However, an escape clause allows the suspension of targets and obligatory measures if, by the end of 2022, Member States already had similar requirements in place in national law or the underrepresented sex held 30 per cent of non-executive director positions or 25 per cent of all director positions. Implementation of the directive and its provisions will be reviewed periodically until it expires at the end of 2038.

Leveraging the momentum for gender equality legislation, in March 2021 von der Leyen and Gender Equality Commissioner Helena Dalli came forward with a proposal to tackle the gender pay gap. This initiative was adopted as **Directive (EU) 2023/970 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms**. This directive takes an innovative approach to equal pay for men and women, a prominent question in EU law and politics since the 1970s (O'Cinneide 2020). It consists of a number of measures which operationalize pay transparency, including a right to information about pay-setting and progression criteria, a prohibition of contractual terms which restrict workers from disclosing information about their pay, and an obligation for large employers (100 or more employees) to report on gender pay gaps – phased in gradually, depending on the number of workers in a company. Companies will be required to conduct a joint pay assessment, together with worker representatives, to address discrepancies.

To strengthen the right to equal pay in practice, the directive lays down remedies and enforcement mechanisms. This encompasses the right to compensation, a shift in the burden of proof, restrictions on limitation periods and equal pay requirements in public procurement.

'[...] the reporting obligations and information rights that they introduce can be expected to contribute to the visibility of gender inequalities in the workplace and the labour market at national and EU levels.'

Member States have until December 2024 and June 2026, respectively, to transpose these directives, so it is difficult, at present, to anticipate their effects. However, the reporting obligations and information rights that they introduce can be expected to contribute to the visibility of gender inequalities in the workplace and the labour market at national and EU levels. Increased awareness and more refined data about these issues may also feed into the processes of EU socioeconomic governance, discussed in the next section of this analysis, and stimulate critical discussion among Member States.

2.3 New horizons in EU labour law: attempts to address ill-paid and precarious work

During the von der Leyen Commission mandate, Social Affairs Commissioner Nicolas Schmit has made significant progress on two files in the 'traditional' domain of working conditions. Both initiatives were innovative – and indeed controversial – in view of their scope and substance.

The first of these dealt with the question of minimum wages, an issue that had been discussed in the EU context for a number of years, in particular among social democrats and trade unions, yet was regarded by many as a legal and political impossibility. However, with growing attention to in-work poverty, and under pressure from the Party of European Socialists and the European trade union movement, the issue gained momentum and a legislative initiative was announced in 2020 as one of the flagship social promises of the von der Leyen Commission. In the space of two years, it was adopted as **Directive (EU) 2022/2041 on adequate minimum wages in the European Union** (AMWD).

While this directive does not create an individual right to a (fair) minimum wage, it sets a number of procedural standards and substantive objectives that deal with minimum wage formation and collective bargaining. Member States with a statutory minimum wage (SMW) are required to set it in line with a number of broad criteria, assess its adequacy using nationally defined indicative reference values (e.g. 60 per cent of the median wage) and update it at least every two years (or four years, if a country has an automatic indexation mechanism). The social partners must be involved in this process. Variations and deductions from the SMW must be proportionate and non-discriminatory, making explicit what was already required under EU law. Regarding collective bargaining, the minimum wage directive requires Member States to facilitate negotiations on wages, with particular attention to the rights of workers and trade union representatives. Where the rate of collective bargaining coverage is below 80 per cent of workers, a Member State has to develop an action plan with a clear timeline and measures to increase collective bargaining, to be reviewed every five years.

While it is unclear what its direct effects will be, Ratti (2023, 24) has observed that 'the AMW Directive represents a paradigm shift in what is commonly identified as Social Europe, for long decades driven by an asymmetrical process of integration […] the symbolic effect of an EU instrument capable of impinging on the very core of all employment relationships across the EU is, to say the least, remarkable.' We can expect the normative objective of higher (minimum) wages to resonate in the reform recommendations of EU governance, rendering earlier pressures for competitiveness-oriented wage restraint less palatable. For the moment, the future of the directive remains uncertain as the Danish government has brought a case for annulment before the Court of Justice. Together with Sweden, Denmark had been hostile to the directive from the start, fearing that it might undermine their domestic system of wage-setting through collective bargaining. However, its plea that the law conflicts with the exclusion of 'pay' from EU regulation or, alternatively, that part of it relies on the wrong legal basis appears to have little chance of success (Ratti 2023).

'Together with Sweden, Denmark had been hostile to the directive from the start, fearing that it might undermine their domestic system of wage-setting through collective bargaining.'

The other recent EU labour-law initiative seeks to address a key phenomenon of the digital economy: platform work. In December 2021, the Commission proposed a directive that would aim to improve working conditions in platform work. After months of heated debate, the Council reached a general approach in June 2023 and the file moved to the interinstitutional negotiations.

To ensure the correct classification of workers and prevent bogus self-employment, the envisaged directive would list a number of criteria that create a legal presumption of employment. If three out of seven criteria that define the 'control of the performance of work' by a digital labour platform (e.g. restrictions on the ability to turn down assignments or rules on their appearance) are fulfilled, a presumption of employment status applies. However, Member States retain leeway to disapply the presumption in certain cases. Additionally, the directive aims to regulate the algorithmic management of platform work. It would limit the processing of personal data by automated monitoring or decision-making systems, set rules on the transparency of these systems (e.g. on parameters used) and require regular human evaluation of the impact of individual decisions, while giving workers the right to have significant automated decisions reviewed. Beyond the realm of platform work, these provisions might provide the basis for future legislation on the intersection of artificial intelligence and labour law.

2.4 Steering inclusive reform in social protection and social inclusion

Besides the fields of working conditions and gender equality, recent years have seen new EU activity in the area of social protection and social exclusion. Here, the competence of the Union to make policy is (even) more politically sensitive and subject to unanimity, so it has not resorted to legally binding directives but to 'soft' recommendations. The first of these, the **Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed**, sets out a number of principles that the Member States should consider in the design and implementation of social protection schemes. They are asked to ensure the formal and effective coverage, adequacy and transparency of social security benefits and entitlements. With its reaffirmation of the core value of social protection, the recommendation is a far cry from the crisis view of social policy as an 'adjustment variable' that could be tweaked to improve competitiveness and fiscal consolidation (Costamagna 2018).

> '[...] recent years have seen new EU activity in the area of social protection and social exclusion.'

To give these non-binding principles more 'bite', the recommendation created a reporting procedure in which Member States and the Commission would use common indicators to collect relevant data and, by 2021, develop national action plans to be further discussed in the pre-existing framework of EU social governance and the Recovery and Resilience Facility (see below). Every Member State except Luxembourg submitted such a plan. A Commission (2023c, 8) report found 'a mixed picture in terms of focus and of level of ambition' in national implementation plans. The announced measures varied considerably in their scope, timing and detail: about half of the Member States had carried out, or planned, significant reforms to increase the formal coverage and/or adequacy of social protection schemes, but much less attention had been paid to effective coverage and transparency. As the initial reporting stage has passed, a number of EU actors have mulled the idea of incorporating the principles of the recommendation into a directive as regards (non-standard) workers.

A more recent development is the **Council Recommendation of 30 January 2023 on adequate minimum income ensuring active inclusion**. Building on earlier EU initiatives in the fight against poverty and social exclusion, this recommendation urges Member States to develop social safety nets that combine an adequate minimum income and in-kind benefits with access to essential services. This is intended to ensure the inclusion of people into society and the labour market. Member States are encouraged to achieve an adequate income provision taking into consideration the national at-risk-of-poverty threshold, a basket-of-goods approach, or a comparable reference value. It also sets out principles to guide the effective coverage and take-up of minimum income benefits, as well as inclusive active labour market policies and individualized support measures.

Like the recommendation on access to social protection, it foresees monitoring and reporting by Member States and the Commission, but does so in a much less structured manner and thus arguably has more symbolic than practical value. In either case, this issue has also been touted as a candidate for a future directive. Two further recommendations that deal with early childhood education and care (ECEC) and long-term care, respectively, were adopted in late 2022. We take these up in the next section.

EU's Social Revival II: Recommendations

Access to social protection for workers and the self-employed

- Member States are asked to ensure coverage, adequacy and transparency of social security benefits and entitlements, and to submit national action plans (8 November 2019).

Adequate minimum income ensuring active inclusion

- Member States are urged to develop social safety nets that combine an adequate minimum income and in-kind benefits with access to essential services (30 January 2023).

Early childhood education and care

- Benchmarks are set for high quality in childcare (22 May 2019).

Access to key services for children in need

- A European Child Guarantee is established by earmarking funds for the aim of breaking the cycle of poverty and social exclusion across generations (14 June 2021).

3. The relaunch of socioeconomic coordination and fiscal solidarity

3.1 From deadlock to decisiveness

Around the time of the Gothenburg summit, policymakers had started searching for new anchors and a new purpose for the European Semester of socioeconomic policy coordination. The Juncker Commission sought to break away from the austerity paradigm with an enhanced focus on social objectives in policy recommendations to Member States via the Semester, by stretching flexibility in the budgetary rules to its limit, and leveraging the EU budget to stimulate (private) investment (Schmidt 2016; Zeitlin and Vanhercke 2018). The substantive policy orientation of the Semester was steadily shifting towards social goals to deliver on the EPSR (Vesan et al. 2021).

At the same time, controversy grew over the strength of the instruments to deliver on this message. The Semester was slowly receding in prominence, with implementation rates of the policy recommendations dropping and attention in Europe's capitals waning (D'Erman and Verdun 2022).[3] Europe was stuck in a deflationary trend of modest growth under expansionary monetary policy. Despite the European Fund for Strategic Investments, or 'Juncker Fund', which aimed to leverage the EU budget to stimulate private investment, public investment remained far below the pre-crisis trend. Meanwhile, the Commission and Member States were searching for new tools and instruments to re-commit Member States to structural reforms based on the Semester's policy prescriptions and to provide the means to deliver on Europe's social goals. The Commission (2017) suggested a structural reform support tool focused, among other things, on the implementation of social minimum standards as defined under the EPSR, while France and Germany proposed a specific eurozone budget in their 'Meseberg declaration'.

Member States ended up spending most of 2018 and 2019 on rather fruitless arguments over different options. A persistent division in the Council between creditor and debtor states, with organized opposition from the Northern countries, meant that the more ambitious proposals stood little chance. Eventually, the Council drifted far away from any substantial support for social goals, when positions converged on a small (€25 billion euro) **budget for competitiveness and convergence (BICC)** within the 7-year EU budget cycle. The BICC meant considerably less redistribution than existing Cohesion Funds, under much tougher conditionality requirements to obtain the funds. In early 2020, proponents of solidarity instruments, like France, held high hopes that the BICC would be the start to something new, whereas hawkish states like the Netherlands had set up parliamentary vetoes to kill off any potential move in this direction early on (Bokhorst and Schoeller 2023).

[3] See Bokhorst (2022), for a more nuanced discussion of implementation rates, the Semester's effects and cognitive influence on Member States.

A realization of the need to support the welfare state and stimulate (public) social investment had slowly taken hold among EU institutions between 2017 and 2020, but it took a deep crisis like COVID-19 to move beyond classic intergovernmental debates about 'moral hazard' and thereby to allow for a shift in EU instruments. The COVID-19 crisis put the welfare state front and centre to absorb the shock. Short-time work and furlough schemes were expanded to provide employment and income security, while support schemes were widened to cover and protect the self-employed and workers on non-standard contracts (Ebbinghaus and Lehner 2022; Spasova et al. 2022). During and after the Global Financial Crisis, the welfare state had already proven its capacity for shock absorption, as the more inclusive social models – based on universal access to protection and services – showed the ability to bounce back better, but during the COVID-19 crisis the welfare state received a truly salutary homecoming (Hemerijck and Matsaganis forthcoming).

> '[…] it took a deep crisis like COVID-19 to move beyond classic intergovernmental debates about 'moral hazard' and thereby to allow for a shift in EU instruments.'

Meanwhile, a more supportive EU-level framework was developed with determination. Southern European leaders, such as Portuguese and Italian Prime Ministers António Costa and Giuseppe Conte, made it clear early in the crisis that, with people dying *en masse* in hospitals, now was not the time for arguments about moral hazard, but rather an opportunity to break the taboo holding back fiscal solidarity (Smeets and Bekius 2023). Freeing up fiscal space to allow all Member States to expand safety nets in an inclusive manner quickly came to be seen as a prerequisite for preventing an insurmountable North–South divide and sustain the Single Market. Budgetary rules were frozen, restrictions on the use of precautionary credit lines of the European Stability Mechanism were removed, and the Commission scraped together all readily available funds left in the EU budget into its 37-billion-euro **Corona Response Investment Initiative** which allowed for immediate support for health care infrastructure and the protection of employment (Alcidi and Corti 2021).

The real innovation in the EU crisis-fighting package came with the **European instrument for temporary Support to mitigate Unemployment Risks in an Emergency (SURE)**. This new, €100 billion fund allowed for a level-playing field in support for workers across the Union. By leveraging the EU's Triple A status on the bond markets, it provided loans with long maturity for countries to finance their short-term work schemes, so that the cost to a given Member State of financing these measures, intended to prevent economic collapse, would be comparable to that paid by Germany and the Netherlands. No fewer than 19 Member States ended up using the instrument, indirectly affecting 30 milion European workers and saving these countries a total of €9 billion in lower interest costs on the loans (European Commission 2023d). The popularity of the SURE instrument showed that even mature welfare states like Belgium can benefit from some extra support in times of crisis. Although SURE did not contain formal conditionality requirements, studies show that a number of governments broadened the scope of national short-term work schemes to non-standard workers when they received support from the instrument (Elia and Bekker 2023).

Altogether, the shock absorbing package worked surprisingly well. Despite the shock, European unemployment dropped from 6.5% before the COVID-19 crisis to 6% in 2022, against a background of rising employment numbers. Inclusive labour markets with a strong degree of regulatory and financial support proved the best recipe to bounce back from the crisis. The support package to protect employment achieved what many years of weak recovery growth after the euro crisis had been unable to do: in early 2023, public debt-to-GDP levels in high-debt countries like Greece, Portugal and Croatia already stood lower than their pre-pandemic levels.[4] Even if no decision has yet been made on the future of crisis-fighting tools like SURE, the economic performance of the post-shock years suggests that EU policymakers may well follow a similar approach in future crises.

[4] Data in this paragraph is based on Eurostat Labour Force Survey and euroindicators on government debt.

3.2 The Next-Generation EU Recovery Fund

The SURE mechanism can be seen as a significant expansion of fiscal solidarity in crisis fighting, but the real big bazooka in this regard is, of course, the Next Generation EU Fund, with the €723 billion **Recovery and Resilience Facility** as its key instrument.[5] Given the timelag in the distribution of funds, which did not start flowing until 2022, it serves more to support long-term socioeconomic resilience than immediate crisis-fighting. This is also reflected in its governance structure, which builds on the BICC. To obtain the funds, Member States had to design integrated and detailed reform and investment plans (NRRPs) with clear milestones and targets and a timeline for delivery.[6] Only upon the completion of milestones and targets for a set period can they request the next tranche of funding. Despite significant debate, the RRF does not contain minimum spending quotas for social investment, in contrast to investment in digitalization (20%) and the climate transition (37%). However, the national plans need to contribute to the implementation of the EPSR and address a significant subset of the 2019 and 2020 policy recommendations (Country Specific Recommendations, or CSRs) from the Semester. Social investment has long featured as a prominent category in CSRs, but the 2020 batch also focused significantly on classic social protection, including extending coverage of social security systems, strengthening healthcare and re-establishing well-functioning social dialogue (Rainone 2020). The RRF can thus be seen as a significant milestone for Social Europe and perhaps the most powerful argument against the idea that social policy recommendations are mere paper tigers.

The first assessments of the social content of national plans show that they do, in practice, include a significant social investment focus (Bokhorst 2023; Bokhorst and Corti 2023; Corti et al. 2022; Corti and Vesan 2023; European Commission 2023b; Zeitlin, Bokhorst, and Eihmanis 2023). In addition to social reforms, a sizeable 30% of spending is on average directed to social goals. The philosophy behind much of the recovery strategy has been to strengthen welfare institutions, address shortages in skills, boost female employment and ensure more adequate labour market protection and social inclusion. Without

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Support for health care infrastructure and employment protection

- all readily available funds left in the EU budget were pooled into the 37-billion-euro Corona Response Investment Initiative, to support health care infrastructure and protect employment.

Security for short-term work schemes

- providing loans with long maturity to finance short-term work schemes, the European instrument for temporary Support to mitigate Unemployment Risks in an Emergency (SURE) levelled the playing field by making costs comparable across member states.

New incentives for social investments and social protection

- to obtain funds through the Recovery and Resilience Facility (RRF), member states need to meet significant recommendations related to social investments and social protection.

Mitigating adverse social consequences of the climate transition

- through the auctioning of emission rights, the Social Climate Fund is targeted at vulnerable households and may be used for direct income support.

A social focus in the reform of EU budgetary rules

- the proposal to a reform of the EU's budgetary rules includes mechanisms for the implementation of social rights; for this purpose, some member states currently work on a Social Convergence Framework to improve the EU's analysis of national social performance.

[5] The value of the fund is given here in 2023 prices.
[6] See Bokhorst and Corti (2023) for an extensive analysis and discussion of this new governance approach.

a doubt, countries vary in their level of ambition, with high net recipient countries such as Portugal or Spain showing many social investment projects and reforms, whereas this ambition is mostly absent in Member States like Germany or the Netherlands (Bokhorst and Corti 2023).

An example that can be found in many of the NRRPs is investment in childcare. Countries such as Slovakia and Croatia have linked investments in childcare capacity to reforms that guarantee places for all children in a particular age group, while Italy aims to expand childcare capacity by 122% in its plan. All three have relatively low female employment, low childcare density, and have seen a rise in labour market shortages. Promotion of childcare has long been a goal in socioeconomic governance, but has taken centre stage since the EPSR. The substantive focus has shifted from promoting (female) employment to the role of childcare as an investment in educational quality and the prevention of social exclusion. In 2019, the Council adopted the **Recommendation on High-Quality Early Childhood Education and Care Systems** to set benchmarks on quality, followed up by the **Recommendation (EU) 2021/1004 establishing a European Child Guarantee**, further earmarking funds for the aim of breaking the cycle of poverty and social exclusion across generations.

In many cases, the RRF provides the oft-missing link between non-binding EU norms and substantive policy effects. For example, the norm that the statutory minimum wage should amount to 50% of the average wage, which is set out in the aforementioned minimum wage directive but does not form a legally binding objective, found its way into the Croatian recovery plan and thereby has become a 'hard' commitment. Non-binding norms and objectives also give leverage to the Commission to push Member States on their ambition. In Belgium, the Commission persuaded Walloon policymakers to focus their childcare investments on the most vulnerable households. Most notably, in Latvia, the Commission played an important role in pushing the government to enact a reform on indexation of the guaranteed minimum income scheme, addressing a long-standing recommendation on the need to reduce poverty and social exclusion.[7]

3.3 Sustained trend or temporary resurgence?

All in all, the RRF has given a major fiscal incentive to boosting Social Europe, but whether it is a temporary uplift in fiscal solidarity due to the extreme circumstances of COVID-19 or the start of a more structural development remains an open question. Officially, the RRF is a one-off instrument set to end in 2027. The RRF is, however, not the only recent example of Member States' willingness to pool fiscal resources for common (social) goals. In December 2022, the European Parliament and Council reached an agreement on a **Social Climate Fund** of €65 billion in EU funding, financed through the auctioning of emission rights. The fund is deliberately targeted at vulnerable households and may, in addition to investments in energy efficiency and sustainable transport, be used for direct income support to mitigate adverse social consequences of the climate transition. Surprisingly, given years of deadlock in the Council debates on any type of fiscal solidarity, the fund was passed without major controversy in the national parliaments of the more hawkish Member States.

'All in all, the RRF has given a major fiscal incentive to boosting Social Europe […]'

Finally, the reform of Europe's budgetary rules is another open question in terms of its impact on Social Europe's revival and whether it will be sustained. The freezing of the Stability and Growth Pact due to COVID-19 is set to end in 2024, while discussion on its reform has gone on for years. The return of budget rules may refocus attention on short-term fiscal consolidation, although one of the key elements in the Commission proposal is to allow Member States a longer consolidation path in exchange for reforms, presented in fiscal-structural plans (European Commission 2023a). The relevant sections in the proposal make explicit mention of the need for these plans to address implementation of the Pillar of Social Rights.

In light of the potential implementation of fiscal-structural plans, it should be mentioned that a significant number of Member States in the Council have started working on a **Social**

[7] These examples are described in more detail in Zeitlin et al. (2023).

Convergence Framework to refine the EU's analysis of national social performance. The rationale behind this initiative, as formulated by one of its protagonists, the Belgian Minister Frank Vandenbroucke (2023), is to engrain the idea that social investments and inclusive welfare states lead to economic gain and should therefore be central to long-term budgetary consolidation efforts. The ambition to better embed social investment in economic governance will be a key topic for the upcoming 2024 discussion on the future of the EPSR.

4. Conclusion: is Europe's social revival here to stay?

As our reconstruction of EU social policy and governance after the Pillar of Social Rights shows, recent years have seen a surge in initiatives and commitments; an increase in number as well as ambition. While plenty of lacunae remain in terms of enforcement, implementation and the social outcomes that such policies ultimately achieve on the ground, there can be little doubt that we have observed a clear 'social turn' at the EU level. Recent studies in the field indicate that these developments have subtle but nonetheless substantive policy effects within the Member States. While the Pillar may (rightly) have been received with caution, it has proved a lynchpin for the revival of Social Europe. The machinery of social legislation has been given new life and social policy goals have become engrained in EU socioeconomic governance, now supported with a much richer set of instruments.

Based on recent events and developments, we conclude that there are three good reasons for thinking – in contrast to the pessimistic views set out in the introduction – that Social Europe is not a 'dead end'. We go on to suggest three grounds for thinking that the revival of the EU social agenda that we have described will endure in the coming years.

- The first reason for thinking that Social Europe is not a dead end is the high pace of policymaking activity via a combination of regulatory, governance and financial instruments. This suggests that positive-sum agreements are not impossible, nor even extremely unlikely, in a highly diverse EU.[8] Of course, one can debate about the sufficiency of the progress that has been made. There is always room for more ambition, for example in tackling poverty and social exclusion, as the European Anti-Poverty Network's (2023) annual response to the Semester reminds us. But while such judgements ultimately depend on one's normative (and professional) reference points, the trend in policy over time remains clear.

- Second, the EU is not inherently promoting a 'wrong' or limited kind of Social Europe, understood as purely market-conforming and employability-oriented social reforms. Recent years have seen a shift, in this respect. While the EU has long implemented and promoted social investment and activation policies to boost employment and skills, it is now also increasingly focused on adequate protection and inclusion as part of its social policy framework. This has been paralleled by a shift from a focus on 'learning from best practice' to a more rights-based approach to social issues (Huguenot-Noël and Corti 2023). The adoption of the minimum wage directive, in particular, suggests a broader change in thinking about social and employment policy among the Member States, which may hint at the potential for a directive on adequate minimum income or access to social protection.

- Third, our analysis has indicated how EU norms and policy commitments are not merely a paper tiger in the shadow of other, hegemonic economic goals and objectives. Questions about the effective enforcement of EU legislation continue to loom large, but this is not peculiar to the social policy field. Recent studies suggest that newly adopted directives have already instigated policy change in a number of countries across the Union – and not only in the 'least developed' welfare states. Similarly, social policy recommendations are more than empty gestures in the shadow of competitiveness promotion and short-term fiscal consolidation. The introduction of the Next Generation EU package has been a major impetus in

[8] For a theoretical analysis of why the development of a Social Europe should be more feasible than often argued by academic and intellectual observers, see Schreurs (2023).

this context, providing considerable financial incentives for inclusive reform.

While we may highlight the entrepreneurship of the Commission in initiating the EPSR and new legislative advances, the ensuing trend shows that Europe's social revival has a broad support base. Despite the continued scepticism of a number of Member States – in particular in Northern and Central-Eastern Europe – the various proposals and initiatives that have been adopted in the last years have found considerable political backing. When it comes to the drivers behind this social revival, we may therefore point to a broader process of reflection and learning among Europe's policy elites in the wake of some of the more unfortunate policy choices made during the euro crisis (Ladi and Tsarouhas 2020).

> '[...] the various proposals and initiatives that have been adopted in the last years have found considerable political backing.'

It is by no means clear how future-proof this social trend will be. There are reasons for a gloomier outlook. Recent surges in inflation and interest rates have put pressure on public finances, while domestic political developments including the growth of Eurosceptic forces may lead large countries like Germany and France to turn inwards again. Frugal Member States have already adopted parliamentary motions against a permanent version of common debt-based instruments like NGEU – as in the case of the Netherlands – or expressed fundamental opposition to such steps in their coalition agreement, as in Finland.

We nevertheless see three reasons – of a structural, cognitive and institutional nature – as to why Europe's social revival may well be sustained.

The *structural* factor is that Europe's Member States are ageing, which creates major shortages in the labour market and puts significant pressure on the future sustainability of large spending items such as pensions and health care. Policymakers have long understood that straightforward retrenchment of these popular social provisions is a political dead end. A policy recipe that will be more sustainable in social, economic and political terms is to promote broad-based, inclusive labour markets built on dual-earner models and operating at higher productivity to broaden and deepen the tax base that sustains spending commitments. As laid out in the report of the Commission's High-Level Working Group on the Future of Social Protection and the Welfare State (European Commission 2023e), the associated transition will require investments in social services and adequate leave policies to allow families to combine work and care. Similarly, the OECD (2023) predicts that Europe will see growing shortages in (skilled) labour in the next decades, not only due to ageing but also in response to the challenge of the climate transition. This will require sustained investment in education and life-long learning, but is also likely to draw attention to questions of job quality, fair pay and the need to re-regulate labour markets.

A second and related reason is *cognitive*. Politicians, bureaucrats and experts in EU venues have increasingly recognized and promoted the importance of adequate welfare provisions to deal with the aforementioned challenges. This message has not only taken hold in Brussels, but seems to have landed in the majority of national capitals as well. The crises of recent decades have underlined how inclusive welfare states bounce back better and have shown how a supportive European framework can add value to efforts made at the national (and subnational) level. Even if current instruments are not made permanent, policymakers will compare the negative political and economic experiences of the euro crisis with the swift rebound after COVID-19 if and when the next crisis comes around.

The third and last ground is *institutional*. While some have been sceptical about the potential for ambitious social action under the current Treaty framework, it has in fact enabled policy innovation to tackle a wide range of issues. Quite telling in this respect is the development of new legislation, which now deals with subjects such as minimum wages that were formerly regarded as legally 'untouchable'. Furthermore, the governance of the RRF has reshaped the relationship between Member States and the Commission. Via the formulation and implementation of recovery plans, the Commission's presence in national policymaking has grown considerably, especially in high net beneficiary countries, with weekly to daily interactions at the operational level. Put simply, the role of the Commission has changed from an auditor who comes in once a year to check the budget, to that of an investor with a profound interest in the country's growth strategy.

This *modus vivendi* may well continue beyond the formal horizon of the RRF, as the latter's governance is seen as a model for the future of fiscal governance and the EU budget. This implies a more central role for (social) CSRs and the EU-level monitoring of social goals. Thus, the institutional setup of the EU has proven flexible and adaptive to new challenges when needed.

In light of these developments and expectations, we are rather confident that the more prominent role of the EU as a 'Social Union' – functioning as a holding environment that allows, enables and stimulates Member States to be flourishing welfare states, as Vandenbroucke (2017) put it – is here to stay and be developed further in coming decades.

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