

Article

Reviving Social Europe: a critical assessment of EU social policy in the wake of multiple crises

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Abstract. The concept of "Social Europe" encompasses the European Union's social policy framework. This paper argues that the financial crisis of 2007-2009, the subsequent Euro crisis, and the ensuing austerity measures diverted significant attention away from Social Europe. This neglect led to declining living standards, reductions in public services, and the emergence of critical challenges such as the gig economy. In recent years, the COVID-19 pandemic has further exacerbated these issues, prompting a renewed focus on Social Europe by EU institutions. This paper conducts a chronological analysis of recent legislative (*acquis*) and non-legislative (soft power) instruments implemented to address these challenges and assesses the prospects of Social Europe in the near term.

Keywords: Social Europe; European Union; crises; *acquis*; soft power

JEL classification: H1; N44

1. Introduction

A constant feature of the EU discourse is *social Europe*. In this paper, I ask three questions. Firstly, what does it mean? Secondly, to what extent is it substantiated and thirdly, is it any nearer to being so in an era of polycrisis? As Jean Monnet famously remarked in 1978, "Europe will be forged in crises, and will be the sum of the solutions adopted for those crises". I hypothesise that critical events over the past decade have latterly led to a sharpened focus on social policy and its mode of governance by the EU institutions, exemplified by instruments of both a legally binding (hard law) and particularly a normative (soft law) nature which have been a characteristic *modus operandi* of the EU in this field. Achieving consensus in a policy field where the EU only (currently) has limited competence acts as a continual brake. Moreover, we should not overlook that social policy entails both expenditure and regulation, the former on welfare and health, and the latter on regulation of such matters as employment rights. As we shall see throughout this paper the EU is proficient at regulation but finds it more problematic when it comes to raising and committing the funds required to implement it.

What has happened in the EU as a result of the spate of crises fits with a view of historical institutionalism, which holds that exogenous factors may not directly change policy-making but lead

to self-induced agent-led endogenous transformations following a period of drift and whose eventual outcome is described as 'layering' (Cartwright, 2019). This is evident, as I shall show, in the EU's slowly evolving (and contested) normative and regulatory response not only to new labour practices, namely the platform economy but also to its re-orientation towards promoting the social market economy.

The social policies of MS borne out of historical cultural and political traditions are many and varied, but procedures for dialogue among MS and EU institutions have increased markedly since the financial crash of 2007-9 and the ensuing eurocrisis. The EU doctrine of a 'European social market model' of which social policy is a component is accepted to a greater or lesser extent among MS but an *idée fixe* of (re)gaining economic competitiveness at Union level and the protection of national sovereignty – the Westphalian legacy – among member states in an age of multiple crises hinders the adoption of a common response particularly through legally binding instruments. I will show, however, that a series of crises has gradually led to a renewed impetus and new ways of collaboration. A return to more stable conditions could cause it to fall back. But climate change and sustainability now represent something more like a 'permacrisis' where social and economic effects are inseparable.

The paper takes the following form. Firstly, I explain my methodology, which consists of a chronological content analysis of a spectrum of recent primary documentation relating to social policy formulation by the EU institutions. The chronology traces the stages of recent social policy formulation, adoption and, wherever the case, addition to the *acquis*. I explain why these documents were selected and look for patterns in the three principal actors, namely the Commission, European Parliament (EP) and Council.

Secondly, I define what is referred to in these documents as 'social Europe', an eye-catching shorthand for EU social policy. Social Europe is a very broad term used by politicians, academic analysts and the media and particularly the unifying vision of the social democrats' EU agenda for several decades (Shrypek, 2023:782). But are we referring to the 'core' welfare state covering, as Scharpf (2001:27) put it, provision and financing of means-tested social assistance, of earnings-related social insurance covering income losses in cases of unemployment, sickness and disability, and in old age, of health care, and of social services for families with small children, for the handicapped, the sick, and the aged'? Or, do we also mean social rights in a wider context which cover employment, universal health service and non-discrimination on grounds of gender, ethnicity, age or sexual orientation? It is difficult to separate them because access to all these is generally regarded by their advocates as 'human' rights (which was not always the case). We also hear, alongside social Europe, references to the 'social market economy' (a fusion, possibly mythical of neo-liberal and mildly progressive social democratic positions) and latterly 'the 'social economy' comprising cooperatives, mutual benefit societies, associations and charities, foundations, and social enterprises (EC, 2021). We must also include 'social dialogue' between the social partners relating to employment issues. All these terms add up to what is also commonly described as the 'social dimension' and invoke the idea (or more accurately the *ideal* or even a *chimera*?) of a specific 'European social model'.

Thirdly, I look at the evidence from the chronological analysis and find that as a specifically EU institutional enterprise, achieving social Europe as far as it has been, has become a multi-layered process

depending upon an eclectic and by no means coherent mixture of procedural practices, principles and recommendations and a paucity of hard law instruments, namely directives, regulations and decisions.

2. Methodology

From a triage of EU institutional documents over the past decade I have found twenty-three most salient for my hypothesis. These are presented in Tables 1-3 in chronological order.

Table 1. EC documentary evidence

Subject	Date	Reference
Commission president Juncker's plan for the European Pillar of Social Rights	2015	'Setting Europe in Motion: Main Messages', opening statement in the EP Plenary Session', Strasbourg, 22/10/ 2015).
Establishing the EPSR	2017	Communication (COM(2017) 250 FINAL, 26/04 2017 Refers inter al. to a new social scoreboard within the European Semester (ES)
The EPSR in Twenty Principles	2017	Proclamation at Gothenburg Social Summit 17/11/2017
Transparent and predictable working conditions in the EU	2019	Directive (EU 2019/1152, 20/06/2019
Revisions to work-life balance for parents and carers	2019	Directive (EU) 2019/158), 20/06/2019 repealing Council Directive 2010/18/EU
Special Euro barometer (509)	2021	Social Issues, November - December 2020, pub. March 2021.
EPRS Action Plan	2021	Communication on Monitoring the Implementation of the European Pillar of Social Rights, 04/03/2021
Porto Social Summit	2021	'Taking forward the EPRS and strengthening Europe's social dimension', 07/05/2021
Social Economy Action Plan	2021	'To boost the social economy and create jobs,'
Employment policy	2021	Proposal for a Council decision, 02/06/2021
Adequate minimum wages in the EU	2022	Directive (EU 2022/2041) 19/10.2022
The Future of social protection and of the welfare state in the EU	2023	Report (Jan 2023) of the High-Level Group that met between November 2021 and December 2022
Strengthening social dialogue in the EU	2023	Proposal for a Council recommendation COM (2023) 38 final and Communication COM (2023), 40 final, both on 25/01/23

Table 2. EP documentary evidence

Subject	Date	Reference
The European Semester	2021	Economic policy coordination: Employment and Social Aspects in the Annual Sustainable Growth Strategy, Plenary Sitting text, 02/03/2021
Revaluation of conditions and wages for essential workers	2022	Study by D-G Internal Policies EMP Committee (PE 703.344) Jan 2022
Evolving EU governance	2023	Study requested by ECON committee (PE 733.742) February 2023
Adequate minimum income	2023	EP resolution (P9_A(2023)0076) text adopted) 15 March 2023
Road map towards social Europe	2023	EP resolution (P9_TA(2023)0203 text adopted) 11 May 2023
Call for tender	2023	For external expertise in the fields of Employment, Social policy and social protection and Health and safety at work, (IP/A/EMPL/FWC 2023-028), 08/06/23

Table 3. Council documentary evidence

Subject	Date	Reference
Access to social protection workers and the self-employed	2019	Recommendation (C 387/01), 08/11/2019
Guidelines for employment policies of MS	2021	Decision (EU) 2021/1868), 15/10/2021
Adequate minimum income	2023	Press release (30/01/2023) on adoption of Commission recommendation(28/09/2021)
Porto Biennial Forum	2023	Notice (6912/23) from Employment and Social Affairs Council (EPSCO), to MS delegations 03/03/23

As is apparent, more relevant documents have emanated from the commission than either the Parliament or the Council (of ministers), as might be expected as it generally has the privilege of initiating legislative and non-legislative proposals.

Several conclusions can be drawn from this chronology. Firstly, the impetus for greater emphasis on social policy derives from the commission. Why might this be so - in addition to the reason given above? What might make the commission more *socially minded*? The Juncker commission (2014-2019) has been described as a 'political commission' (but not more *party* political) compared with its immediate forebears (Kassim and Laffan 2019) and Juncker was the first president to be selected as the leader of the largest party (EPP) in the May 2014 EP elections (the so-called *Spitzenkandidaten* process). Juncker's election manifesto expressly 'aimed to turn the page on austerity' and respond to challenges that had been neglected during the financial and economic crisis. This was accompanied by flexibility in adhering to the Stability and Growth Pact (SGP) rules. Juncker's objective was reflected from the outset by the selection of Franz Timmermans as first vice president responsible for several portfolios, among them, the rule of law and the Charter of

Fundamental Rights and Marianne Thyssen, Commissioner for Employment, Social Affairs, Skills and Labour Mobility.

With less fanfare, we can see from the chronology that the von der Leyen commission has put ‘some flesh on the bones’ of Juncker’s social initiative. In contrast to the latter’s grandiloquent ‘Triple A for social Europe’, von der Leyen’s presidential manifesto contented itself with the only slightly less rhetorical ‘An economy that works for people: Ensuring social fairness and prosperity’. More recently, we can see that such proposals have been endorsed by the EP and the Council, though the former had been ‘the defender of social Europe during austerity’ and the Conclusions of the 2017 Council ‘were the most extensive on social Europe since the launching of the Lisbon Strategy in 2000’ (Copeland, 2022:1639).

Secondly, the chronology reveals mainly ‘soft law’ measures (recommendations and principles) arising out of reports, studies, opinions and resolutions, a very small number of which have resulted so far in additions to the *acquis*. This is hardly surprising given that social policy is mainly a national competence and the EU’s role is chiefly one of co-ordination. Relating to the latter, the reanimation of the European Semester (ES) is apparent and specifically its engagement with social policy, though the extent of its influence is disputed and requires further research (Ma, 2023:36; Zeitlin & Vanhercke, 2018:169). Thirdly, the moving spirit and guiding force has been the European Pillar of Social Rights (EPSR), an ambitious project of the Juncker commission, conceived soon after the eurocrisis and a response to electoral discontent with the effects of fiscal consolidation (i.e. austerity). The incoming von der Leyen commission was soon faced with responding to the economic and social dislocation of the Covid-19 crisis, which it did with massive income support (SURE) and subsequently the €723 billion Recovery and Resilience Facility (RRF) in grants and loans adopted in February 2021. ‘Contributing to the implementation of the European Pillar of Social Rights’, is mentioned no less than ten times in the Regulation (EU, 2021) and also in other communications from the commission. Of the RRF’s six pillars, only one refers specifically to the social dimension and another is largely devoted to health services,

- Pillar 4: social and territorial cohesion, ‘especially contributing to the implementation of the EPSR’
- Pillar 5: health, and economic, social and institutional resilience ‘with the aim of, inter alia, increasing crisis preparedness and crisis response capacity’

What is less clear, however, is the extent to which redistributive social policies are advantaged, let alone mainstreamed in national recovery and resilience plans (NRPPs). I will return to this aspect in a later section of this paper.

A further important set of documents was also consulted. These relate to precarious working conditions in the platform economy. The social protection of workers is inherent in social policy. Platform work is a specific but important instance but it should not be left out. Its rise has been facilitated by the digital revolution but has coincided with the financial crises as traditional forms of more reliable employment have declined.

Table 4. A chronological triage of EU institutional documentary evidence on the platform economy

Institution and subject	Date	Reference
EP - The platform economy and precarious work'	2017-2020	Studies y by D-G Internal Policies (1) 07/12/ 2017 and (2) 17/09/2020
EC- Impact of the digital transformation on EU labour markets	2019	Report of the high-level expert group 08/04/2019
Council - access to social protection for workers and the self-employed	2019	Recommendation (2019/C 387/01)
EC- Improving working conditions of platform workers	2020 2021	Study to gather evidence s (VT/2018/032 Final Report), 13/03/2020 Study of impact of an EU initiative, Final Report), 22/10 2021). Proposed directive (COM(2021) 762 final), 09/12/2021
EP - Fair working conditions, rights and social protection for platform workers	2021	Resolution (P9_TA(2021)0385) 16/09/2021
EC- Access to social protection for workers and the self-employed	2023	Report on Council recommendation (COM 2023)43 FINAL), 31/01/2023
Council – Rules on platform work	2023	Press release 12/06/23. Agrees position and ready to negotiate text of proposed new directive with EP

The documents in Tables 1-4 were selected as milestones in the EU's institutional discussion on social policy following the eurocrisis, which started in 2009. A number of conclusions stand out. Firstly, we can see that attention, which was diverted during this period, was first re-directed by the incoming commission in 2015, specifically by the new president Jean-Claude Juncker and his foundational initiative the EPSR. Secondly, it was the commission that successively 'ran with the ball' accelerating during successive crises, namely the Covid-19 and energy crises. The latter brought the EP into the discussion when the social dimension was formally added to the existing European Semester of Policy Coordination (the ES) – whose legal foundation was itself established following the eurocrisis. The Covid-19 crisis gave rise to several social policy initiatives, namely "Support to mitigate unemployment risks in an emergency" (SURE), and a strengthening of cohesion support, (REACT-EU) and most prominently the €723 billion Recovery and Resilience Facility (the cornerstone of NewGeneration EU). There is debate, however, as to the extent of allocation in member states' national recovery plans (NRPs) of RRF funds to social policies (Rainone and Pochet 2022:28,30). The contribution of the council has been mainly confined to a third conclusion as we can see from the chronology (as shown in Tables 3 and 4), namely the rise of the platform economy, a critical change in employment conditions over the past decade.

The chronological evidence moreover reveals a change of direction in the commission towards the platform economy. Up to the proclamation of the EPSR, the commission was repeatedly stating (e.g. Bieńkowska, 2017a; Bieńkowska, 2017b; Bulc, 2017) that it did not intend 'at this stage' to introduce any new legislation to regulate the platform economy', exemplifying 'a certain regulatory reluctance' (EP, 2017:3) on its part and a preference for 'creating the right framework

conditions and the right environment', namely soft rather than hard law initiatives. The change is evident in Table 4. The council's 'conversion' to the issue of the platform economy is also quite recent – no previous reference on the subject having been found, rather a preoccupation with 'mainstreaming' competitiveness following the eurocrisis.

3. Defining Social Europe

The adjective 'social' and the proper name 'Europe' do not sit easily together. Let us assume that by 'social', is meant 'social justice' or 'fairness', perhaps in the form famously expressed in John Rawls' *Theory of Justice* (1977, 1997). By 'Europe', in this context, is meant the EU, and specifically, its supranational policy (in so far as it exists) manifest in hard and (mainly) soft law instruments under the Treaty. Achieving 'fairness' as an objective, in our Western contemporary sensibility, has gradually extended to most areas of our communal life. Few would overtly dissent with the intent, but succeeding remains problematical – and divisive for two principal reasons.

Firstly, there is a seemingly permanent conflict of policy priorities between competitiveness ('growth') – some would call it the 'economic realities' - and distribution (denounced by some as 'creeping socialism'). The chronology presented above shows that after a period in which the former was prioritised following the financial crises there has been a (re)turn towards the latter in recent years. Not that the social repercussions were not quite rapidly appreciated at least by the incoming commission president in 2014. Meanwhile, the commission continued to emphasise the doctrine of innovation and competitiveness as critical in the face of globalisation. Although the tide was turning with the proclamation of the EPSR, it would take further crises of a wholly unanticipated character, namely Covid-19, the Russian invasion of Ukraine and resulting high inflation (particularly food and energy) to further 'shift the dial'.

Secondly, the EU is not 'Europe' or a proxy for it. A social dimension, however, has existed since the founding Treaty creating the EEC in 1957 taking the form of Action Plans, Programmes and Charters. A Social Protocol and Agreement among eleven MS was adopted with the formalisation of the Union at Maastricht (TEU) and the Social Chapter, a facilitating legislative mechanism, at Amsterdam in 1997 (see Figure1). Since then, social policy has been adopted, which is presumed to be legitimised by the 'Social Clause' in the current treaty of Lisbon (TFEU Art.9). According to this,

"In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health."

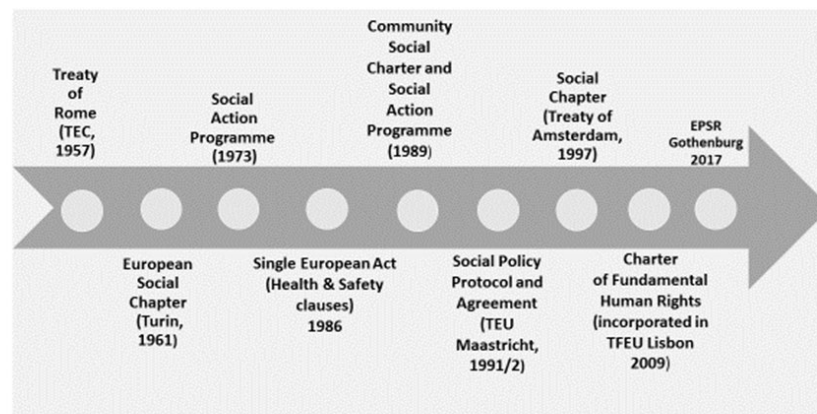


Figure 1. Milestones in EC/EU social policy from TEC to the EPSR

The Union's competence, however, remains opaque, resulting in ambiguity as to the binding nature of EU policy in the social field. This is exemplified by the EUs' shared competence under TFEU. The operative role of the EU is defined in Art.5 (3), namely,

The Union may take initiatives to ensure coordination of Member States' social policies.

But, finally, as laid down in TFEU Art.153, 4

“[the provisions]shall not affect the right of Member States to define the fundamental principles of their social security systems”

It is to be concluded, therefore, that the EU's role is one of coordination and not harmonisation, of procedure rather than regulation, and that of member states one of 'mutual adjustment', to borrow Scharpf's (2001:2.6) term for cooperation 'where European solutions are not available'.

Any semblance of a common social policy is further limited by two factors. One is provided by the principles of subsidiarity and proportionality (Art.G. Clause 5(3b) TEU; Protocols 1. and 2.TFEU), confirmed in an institutional agreement in 2016. The other, as observed by Liebfried and Pierson (1991:22), and later by Pochet (2017) is that under Art.153 2(b) TFEU, decision-making in the Council on social policy, still requires unanimity (despite some changes under the Social Chapter) in many areas, including social security, social protection of workers and some aspects of non-discrimination and labour law. These are 'deeply embedded in national economic, taxation and income redistribution models which differ greatly across the EU' (EC2019:11).

Despite and because of the above, social policy has converged to some extent among member states but not amounting to either *de facto* or *a de jure* commonality. Streeck (1995) observed voluntarism in a nested game between national welfare states and supranational constraints in which the former were not absorbed through integration, though not unaffected by it.

The growing effects of the platform economy and the resulting institutional discourse traced in the chronology have added a further dimension to the formulation of EU social policy. Let us suppose the Rawlsian objective of social justice, predicated on fairness meaning equal access to all the opportunities afforded by living in contemporary society such as we know it. If we think of

essentials such as access to health care, education, housing, communication, mobility, personal safety and to the law, we can hardly exclude decent working conditions and adequate (minimum) income. All these seem to currently invoke in some way the term 'crisis' by which I mean radical changes taking place with adverse societal effects which seem largely out of control and whose outcomes are hard to predict. Changes to working conditions that have arisen following the pandemic and the rise of the platform economy cannot be disassociated from the formulation of social policy. They are inherent in 'social Europe' should we wish to use that term and closely associated with a further aspect in defining it, as mentioned above, namely social dialogue. Engaging the social partners throughout the policy formulation procedure has now received renewed attention from the commission and council as will be shown in the next section.

The chronological evidence presented above has shown that a renewed attention to social policy in the EU is correlated with an exceptional number of recent crises. Only in retrospect will we be able to tell if it has been a 'critical juncture' meaning a *relatively* short space of time during which there is a *substantially* heightened probability that agents' choices will affect the output of interest' (Carella & Graziano, 2022:378, original emphasis). That is a question that cannot be answered now, but I turn back to the chronological evidence to make some assessment of the relative importance of recent and pending legislative changes under critical conditions.

4. Substantiating Social Europe through crises

If a 'leap forward' in the social dimension is now occurring through times of crisis as the chronology presented above suggests, it will be consistent with Monnet's famous dictum. Nor would it be the first time that social change has followed a devastating crisis which has come to be seen, in retrospect, as a critical juncture. Bringing about decisive policy changes in a quasi-federal bloc such as the EU faces what Scharpf (1988) called the 'joint decision-making trap'. The question, therefore, is what developments have occurred under recent critical conditions to exit the 'trap' and accelerate social Europe? Procedures have waxed and waned and, recently, waxed again over the past two decades but I point to the significance of two, namely the Open Method of Coordination (OMC) and the European Semester (ES), together with Country Specific Recommendations and the Social Scoreboard to which it has given rise.

One of the goals of the Lisbon Agenda of 2000 was 'modernising the European social modern model 'by structural reforms of domestic labour markets and welfare states in parallel with policies to tackle social exclusion and increased investment in education and training' (Hix and Høyland 2011:202). In this respect it failed, nor did it reach its overall objective of turning the the EU into 'the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion'. To avoid constraining national objections (the decision-trap) without recourse to legally binding instruments, requiring unanimity in the council in some cases, a method known as OMC was adopted, which involved governments monitoring each other's progress towards agreed goals and 'naming and shaming those that did not honour their commitments'.

The commission under Barroso tried again in March 2010 with the launch of the Europe 2020

Strategy – just *before* fears of Greek sovereign debt default presaged the beginning of the eurocrisis . A social policy flagship initiative (EC, 2010:18) - the European Platform against Poverty and Social Exclusion - was,

“To transform the open method of coordination on social exclusion and social protection into a platform for cooperation, peer-review and exchange of good practice, and into an instrument to foster commitment by public and private players to reduce social exclusion, and take concrete action, including through targeted support from the structural funds, notably the ESF (European Social Fund).”

Member states were enjoined to collectively take responsibility for combating poverty and social exclusion and to deploy their social security and pension systems to ensure adequate income support and access to health care. Its policy content was criticised, however, ‘as it cleaves to the growth and market-first model definitive of liberalism – it underplays social rights, quality job creation or a broad-ranging social programme’ Daly (2012:283). Looking back, it is evident that the ensuing crisis did anything but promote its goals. Instead it ushered in an era of fiscal consolidation (better known as austerity). Regaining competitiveness and growth prevailed again. As can be seen from the chronology (Table 1.), however, the incoming Juncker commission took notice, its legacy being the proclamation of the EPSR in November 2017 and the addition of the Social Scoreboard in the ES (visualisable as a series of interactive charts), promoting Juncker’s ambitious objective to achieve, as he called it a ‘social triple A for the EU as a whole’.

The EU’s continuing, as opposed to emergency, response to the unprecedented Covid-19 crisis is the RRF. The only criteria for funding are ‘Relevance, Effectiveness, Efficiency and Coherence’ and milestones and targets being met by 1 August 2026 (EU, 2021). Noteworthy is a pervasive requirement that projects support the principles of the EPSR. As stated in the preamble to the RRF Regulation, the Semester has become the forum for reviewing MS’ performance in this respect with their progress monitored on the social scoreboard.

Since the RRF was established only two and a half years ago and without every national recovery and resilience plan (NRPP) having yet been submitted (or approved), it is far too early to observe any lasting effects, including those in the field of social policy. We can, however, get some idea of MS’ priorities for the grants and loans on very favourable terms which could not have been anticipated before the Covid-19 crisis. What is of specific interest here is the extent of (intended) contribution of NRPPs to implementation of the EPSR. For this we refer to four further institutional documents (Table 5).

Taking these assessments chronologically, the three EP committees raised concerns that NRRPs should allocate the use of RRF funds for reform initiatives contributing to the implementation of the EPSR and not as a substitute for recurring national budgetary expenditure. Their plans would not be endorsed in that case.

Table 5. Assessment of the implementation of the Recovery and Resilience Facility.

Institution	Date
EP REPORT by: Committee on Budgets, Committee on Economic and Monetary Affairs	08/06/2022
EP OPINION of: Committee on Employment and social Affairs	08/06/2022
EC REVIEW REPORT	29/07/2022
EC Proposal for a Council recommendation on strengthening social dialogue in the European Union	25/01/2023

In terms of the two ‘social’ pillars of the RRF (see Section 2) the commission’s report finds that of the twenty five plans adopted by the council, 16% of total expenditure is allocated to policies related to health, economic, social and institutional resilience ‘reflecting also the responses to the COVID pandemic’ (EC, 2022a: 8,9). Where social expenditure is taken to cover four categories of employment and skills, education and childcare, health and long-term care, and social policies, social spending is reported as representing about 30% of the total expenditure. MS ‘significant’ contribution to implementation of the EPSR is specifically noted. Whether the description proves justified during the years following the current RRF ‘window’ ending in 2026, remains to be seen. 70% of the RRF programme is allocated to NRPPs for green and digital transitions with at least 37% for climate and 20% for digital objectives per MS. Could the crises threatened by the latter divert attention from implementing the EPSR?

5. Conclusion

I started with Monet’s dictum that the EU moves forward with crises. The past decade or so has seen as profusion amounting to what is being described as a polycrisis. Using a chronological methodology of analysing institutional documents over this period, I have hypothesised a correlation between such crises and progress towards (re)establishing social Europe. I have explained what I take to mean by this polyvalent headline term, its secular constraints and the EU’s legitimacy for intervening to promote it. The latter, as I showed, is largely, but by no means entirely, restricted to decisions that are not legally binding on MS. I also showed that alternative procedures for collaboration which had existed before the age of polycrisis have now been revived and augmented. The EU’s response to the Covid-19 pandemic, a crisis of unprecedented proportions since the Treaty of Rome, is the RRF (the centre-piece of NextGenerationEU). I showed that one of its central elements is support for the principles of the EPSR.

Since then, the equally unanticipated Russian invasion of Ukraine, the energy shock, high inflation and the looming confrontations of mass immigration, AI and climate change have contributed to the sense of polycrisis. How then might its effects shape the near-term future of social Europe? Could even a ‘post-crisis’ Europe be imagined recalling the great strides in social policy in

many parts of Europe after World War 11 and starting a decade prior to the the EU's founding treaty? On the other hand the effect of the financial crises that started in 2007 was that new modes of economic governance in the EU intensified attention to fiscal continence and diverted attention from progressive social policies until mainstreamed by the Juncker presidency. An exogenous event of this magnitude failed to change the direction of EU social policy (Carella & Graziano, 2022).

Much will ride on the RRF and on the twenty principles of the EPSR whose implementation by MS will achieve the commission's goal of 'more social Europe by 2030' (EC, 2022b). To the extent that they are, the EPSR could in retrospect come to be seen as a critical juncture in decisively furthering social Europe. This is, however, by no means the first time that the EU (like its predecessor the EEC) has attempted to establish its credentials as the guardian of social protection (see Fig 1.) with reforms to the agendas of MS. In the current case, there are, however, a number of constraining factors which can be categorised as follows.

Firstly, there is an asymmetry of power relations. RRF funds are only disbursable on certain conditions under the RRF Regulation with NRP's vetted in the ES. Based on the analysis of the country reports, the commission proposes adoption of country-specific recommendations (CSRs) to the council. Thus compliance is administered by the commission and the council 'with the EP only playing a marginal role' (Rittberger, 2022:20) as an advisor. Not that there is any doubt as to where its intentions lie. As resolved in its resolution on a roadmap towards a social Europe (see Table 2), the EPSR needs to be reinforced with legislation at EU and MS level and provision made in the Multi Annual Financial Framework (MAFF) for social investment with convergence seen as a top priority. The reference to MAFF recalls the ineffectiveness of regulation without expenditure.

Since in the case of RRF, funds are approved or withheld, the ES becomes an 'instrument of hard rather than soft governance'. The avoidance of excessive deficit procedure under the SGP (Stability and Growth Pact) rules, even though currently relaxed under the general escape clause, still exerts a strong, possibly decisive, influence, in determining the acceptability of NRPs for RRF as it did a decade ago in the context of the financial crisis (de la Porte & Heins, 2014:17; Sabato & Vanhercke, 2017:73). The EU's conflicted relationship between economic and social policy goes back further to the late 1990's and the legitimacy of the former has always been clearer than that of the latter (Zeitlin & Vanhercke, 2018:150,155). As Rittberger (2022:22) says, 'a country's financial stability is at the core of the ES' and this may explain why the proportions of funds so far agreed and disbursed for NRP's 'social' objectives is relatively small compared with digital and green transitions.

Secondly, there is a question of durability and reach. RRF is an essentially short-term response to the Covid-19 crisis and it cannot be predicted whether or not it will be extended or renewed. And the EPSR only formally applies to Eurozone MS – others can join if they want to.

Thirdly, social policy is itself a heterogeneous mixture of objectives and priorities. It is as much orientated towards prevention as well as relief, resulting in a doctrinal conflict of priorities. The former aims at eliminating poverty and social exclusion by social investment measures, whereas the latter aims at relieving their effects through welfare (i.e. the safety net). The two poles are reflected in the 'Recovery' and 'Resilience' of the RRF regulation, the former towards relief and the latter towards prevention in future crises (not least in the event of another pandemic).

On the other hand, there may be a greater role for direct democracy. Maybe the effect of current crises will result in public discontent reflected in the rise again of the populist vote as it did

after the financial crisis. It could embolden a future commission to undertake a new social policy project of the significance of EPSR, as did the Juncker commission after the financial crisis, or to make its principles more binding. That will take a degree of public consultation even wider than for the EPSR, itself novel in its scale. The 2021-2022 Conference of Europe adopted proposals covering forty nine different policy objectives. In the social field, these comprised full implementation of the EPSR, involving common frameworks for minimum income levels and minimum wage protections in each Member State, affordable and accessible quality childcare across the EU, common minimum healthcare standards at the EU level and a European Education Area within which all citizens have equal access to quality education and life-long learning (Fella, 2022:6). Many of the Conference's proposals, however, would require Treaty change which does not have unanimous appeal throughout MS. In 2021 the commission launched a pilot project in Italy and twelve other MS for ESSPASS, a digitally enabled system to make it easier for people to exercise their social security rights and duties when moving and working throughout the EU.

Finally, I return to the aspect of social dialogue alluded to earlier (Section 1) as an aspect of social Europe or the social dimension. The Porto Summit (see Table 1) referred to it as 'a structuring component of the European Social Model'. It is promoted by the Conference of Europe in its final report (Proposal 13) and recognised by the Treaties and underlined by Principle 8 of the EPSR (see Table 1. commission proposal for a council recommendation and communication 25 Jan 2023). The two pillars of Principle 8 are consultation on economic, employment and social policies and collective bargaining, 'according to national practices'. But therein lies a constraint as some Nordic MS, notably Sweden, reject imposition of an EU wide regulatory basis for a minimum wage and collective bargaining in favour of their own separately negotiated collective agreements.

Crises may deepen and strengthen social Europe and there is evidence that the most recent have generated a turn in that direction. But as the financial adverts warn us, the past cannot be taken as a guide to future performance.

References

- Bieńkowska, E. (2017a). Parliamentary Answer to Question E-007579/2016, given by the Commissioner for the Internal Market and Consumer Protection. Retrived from <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2016-007579&language=EN>
- Bieńkowska, E. (2017b). Parliamentary Answer to Question E-000245/2017', given by the Commissioner for the Internal Market and Consumer Protection. Retrived from <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2017-000245&language=EN>
- Bulc, V. (2017). Parliamentary Answer to Question E-004792017, given by Commissioner for Transport. Retrived from <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2017-004790&language=EN>
- Carella, B. & Graziano, P. (2022). Back to the Future in EU Social Policy? Endogenous Critical Junctures and the Case of the European Pillar of Social Rights', *JCMS: Journal of Common Market Studies*, 60(2), 374-390. <https://doi.org/10.1111/jcms.13236>
- Cartwright, M. (2019). Historical institutionalism and technological change: the case of Uber. *Business and Politics*, 23(1), 67-90. <https://doi.org/10.1017/bap.2019.23>
- Copeland, P. (2022). The Juncker Commission as a Politicising Bricoleur and the Renewed Momentum in Social Europe. *CMS: Journal of Common Market Studies*, 60(6), 1629-1644. <https://doi.org/10.1111/jcms.13336>

- Daly, M. (2012). Paradigms in EU social policy: a critical account of Europe 2020. *Transfer* 18(3), 273-284. <https://doi.org/10.1177/1024258912448598>
- de la Porte, C. & Heins, E. (2014). A new era of European Integration? Governance of labour market and social policy since the sovereign debt crisis. *Comparative European Politics* 13, 8-28. <https://doi.org/10.1057/cep.2014.39>
- EC - European Commission (2019). More efficient decision-making in social policy: Identification of areas for an enhanced move to qualified majority voting. COM(2019) 186, 1-16.
- EC - European Commission (2010). EUROPE 2020, A strategy for smart, sustainable and inclusive growth.
- EC - European Commission (2021). Social Economy Action Plan.
- EC - European Commission (2022a). Review report on the implementation of the Recovery and Resilience Facility. COM(2022) 383, final 29 July 2022.
- EC - European Commission (2022b). Commission welcomes Member States' targets for a more social Europe by 2030. Press release 16 June 2022.
- EP - European Parliament (2017). Online Platforms: How to Adapt Regulatory Framework to the Digital Age?, briefing by Policy Department A: Economy and Scientific Policy, pp. 2-9.
- EU - European Union (2021). Regulation 2021 /241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility.
- Fella, S. (2022). The Conference on the Future of Europe: proposals and next steps. House of Commons Library Research Briefing Number 9551, 1-8.
- Hix, S. & Høyland, B. (2011). *The Political System of the European Union*, 3rd ed., Hampshire, UK and New York, NY: Palgrave Macmillan.
- Kassim, H. & Laffan, B.(2019). The Juncker Presidency: The 'Political Commission' in Practice', *JCMS: Journal of Common Market Studies*, 5(S1), 49-61. <https://doi.org/10.1111/jcms.12941>
- Liebfried, S. & Pierson, P. (1991). The Prospects for Social Europe. Program for the Study of Germany and Europe Working Paper Series 1.4, 1-48.
- Ma, Y. (2023). Socialising the European Semester? The limited influence of Danish social partners on EU policymaking. *Journal of Contemporary European Research*, 19(1), 23-40. <https://doi.org/10.30950/jcer.v19i1.1169>
- Pochet, P. (2017). The European Pillar of Social Rights in historical perspective. Blog LSE European Politics and Policy (EUROPP), 14 November 2017.
- Rainone, S. & Pochet, P. (2022). The EU Recovery Strategy: A Blueprint for a More Social Europe or a House of Cards? ETUI Research Paper - Working Paper 2022.18. <http://dx.doi.org/10.2139/ssrn.4270429>
- Rawls, J. (1977). *A Theory of Justice*, Original Edition, (revised 1997), Camb. MS: Harvard University Press.
- Rittberger, B. (2022). Democratic control and legitimacy in the evolving EU economic governance framework', Study requested by the EP ECON committee.
- Sabato, S. & Vanhercke, B.(2017). Towards a European Pillar of Social Rights: from a preliminary outline to a Commission Recommendation', Ch.4, *Social policy in the European Union: state of play*. Vanhercke, B., Sabato, S. & Bouget, D. (eds.),73-96. Brussels: European Trade Union Institute (ETUI), European Social Observatory (OSE).
- Scharpf, F.W. (1989). Decision rules, decision styles and policy choices. *Journal of Theoretical Politics*, 1(2), 149-176. <https://doi.org/10.1177/0951692889001002003>
- Scharpf, F.W. (2001). Problem-Solving Capacity of the Multilevel European Polity. MPIfG Working Paper 01/4, Max Planck Institute for the Study of Societies.
- Shrzymek, A. (2023). The Progressive Europe we want. *Progressive Year Book 2023*. Brussels: FEPS.
- Streeck, W. (1995). Neo-voluntarism: A new European social policy regime? *European Law Journal*, 1(1), 31-59. <https://doi.org/10.1111/j.1468-0386.1995.tb00003.x>
- Zeitlin, J., & Vanhercke, B. (2018). Socializing the European Semester: EU social and economic policy coordination in crisis and beyond. *Journal of European Public Policy*, 25(2), 149-174. <https://doi.org/10.1080/13501763.2017.1363269>