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Socialising the European semester? Measuring member states' implementation of country-specific recommendations in the social policy field

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Socialising the European Semester?

Measuring Member States' implementation of country-specific recommendations in the social policy field

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Rayan Al-Kadi and Stefan Clauwaert

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Introduction

The European Union (EU) has become increasingly politically delegitimised following the Great Recession that hit Europe in the aftermath of the 2008 financial crash. The economic crisis may have greatly amplified the visibility of the EU, but it also weakened the legitimacy of its system of economic governance (van der Veer and Haverland, 2018). In particular, EU interference in national economies and budgets has been heavily criticised, particularly due to the strong focus on austerity and labour market flexibilisation at the expense of social investment (Blyth, 2013), as well as the avoidance of issues such as the single currency's imbalances and tax avoidance schemes. Populist and nationalist parties – currently on the rise, fuelled by growing inequalities and a lack of positive prospects for the middle and working classes, and for citizens in general – are specifically targeting the European Semester as a tool of economic 'submission' (Copeland and Daly, 2018).

Whether the EU's economic governance prevents rather than encourages welfare state-improving policies is a central debate in EU integration literature. Long before the crisis, scholars had already pointed out the structural imbalances of the European project and the dominance of the 'economic' dimension over a proclaimed yet mostly intangible 'social' dimension (Scharpf, 1999). Following the economic crisis, there was a greater willingness in the EU to address the risks stemming from macroeconomic imbalances between countries, in order to ensure the stability of the single market and single currency. For many amongst the EU political elites, a key problem that led to the crisis was the lack of effective 'legal or administrative enforcement', particularly regarding levels of national public debt (Parker and Pye, 2018). As a result, in 2010 the European Council adopted the so-called 'six pack', which consisted of six legislative acts to reform the Stability and Growth Pact (SGP). It created an institutional mechanism known as the 'European Semester' which arguably granted greater influence to EU institutions (and to the European Commission in particular) regarding policy developments at national level (Bauer and Becker, 2014). The Semester, inaugurated in 2011, was designed as the EU's annual economic and fiscal policy coordination cycle through which the European Commission was to supervise Member States' fiscal and economic policies. Through several tools, such as the Annual Growth Survey (AGS), country reports and in-depth reviews (IDR), the Commission has been able to wield significant power in assessing imbalances in Member States' budgets and economies (Seikel, 2016). But its strongest lever of influence on social policy developments is the issuing of so-called country-specific recommendations (CSRs) to Member States in areas of perceived weakness (Copeland and Daly, 2018). CSRs have an undoubtedly prescriptive and

coercive character, underpinned by the threat of sanctions under the SGP and the macroeconomic imbalance procedure (MIP) (Dawson, 2015). This leads to the question: has the Commission used the European Semester to push for more social policies, or has it intensified 'social retrenchment'?

Similar to the EU's economic governance in general, the Semester is widely decried as being based on an outdated model overly focused on growth and competitiveness (Crespy and Menz, 2015). However, some authors argue against this, claiming that from 2012 onwards there was a 'socialisation' of the European Semester, as evidenced by the increased visibility and activity of the social policy sphere, including a greater social focus in the CSRs (Lelie and Vanhercke 2013, Vanhercke 2013, Zeitlin and Vanhercke, 2014, 2015 and 2018)¹. Data compiled by the ETUI since 2011, quantifying the relative importance of specifically 'social' CSRs, also hint at a steady increase in the proportion of recommendations that contain elements related to the social field, while also questioning whether these social CSRs really represent a step in the right direction, i.e. towards strengthening the rights of workers, workers' representatives and citizens in general (Clauwaert, 2018). In addition, according to Crespy and Vanheuverzwijn (2019), the proportion of 'social investment' CSRs, as opposed to austerity or 'social retrenchment' CSRs increased from 50 per cent to 64 per cent between 2011 and 2016². Besides the increasing emphasis on social and employment issues, Bekker (2015) notes that recommendations promoting social objectives, such as the accessibility of healthcare and the fight against poverty, are sometimes issued under the SGP and the MIP, which are supposed to form a 'harder' legal basis than the 'soft' coordination approach usually reserved for these issues. This evolution could be explained by the fact that EU social and employment policy actors have been able to enhance their participation in the process of monitoring, reviewing and amending CSRs, hence making the Semester's governance less hierarchical, more interactive and more adapted to national circumstances (Vanhercke 2013, Zeitlin and Vanhercke, 2018).

Nevertheless, even if social actors were able to advance EU social policy under relatively unfavourable conditions, Copeland and Daly (2018) still argue that social policy progress has been conditional and contingent. They claim that the past five years were dominated by recommendations that supported market functioning, promoted competition and encouraged labour market flexibilisation. According to this reading, instead of correcting market failures by emphasising social rights to support 'fair and well-functioning labour markets and welfare systems', social policy is absorbed into these more prioritised macroeconomic goals (Copeland and Daly, 2018). The scope of social policy is thus often reduced to enabling efficient market functioning and restoring competitivity by means of different forms of 'social devaluation'

^{1.} Jessoula (2015) has been arguing along the same lines in relation to the particular issue of fighting poverty in Europe.

^{2.} For a quantitative analysis of the CSRs in relation to pension reform over the period 2011–2016, see Guidi and Guardianchich, 2018.

(Degryse and Pochet, 2018). A look at the CSRs indicates that recommendations that encourage social devaluation are more often prescribed to countries lacking competitivity, particularly highly indebted Member States with low growth rates (Parker and Pye, 2018), while social investment is more often prescribed to those that are competitive so as to achieve some kind of market balance.

Moreover, it must be acknowledged that recommendations issued by the Semester are not solely the product of objective technical analysis, but that they are also very much subject to politicisation. In fact, Van der Veer and Haverland (2018) have shown that the Commission issues more CSRs to those Member States where public opinion on the EU is more polarised, and that these recommendations are less likely to urge social investment. It also delivers CSRs on those issues where it has a stronger mandate, which explains the greater focus on economic and fiscal objectives rather than social objectives. In this way, the Commission tries to wield more influence and assert its role as the 'guardian of the markets' by 'policing the limits of the possible' in national economic policies (Parker and Pye, 2018). This analysis also suggests that economic policy actors have dominance over their social and employment policy counterparts within the Commission's decision-making procedures (despite the increased participation of social actors), as they operate in areas where the EU has strong jurisdiction (de la Porte and Heins, 2015). The obvious risk, formerly identified by Armstrong (2012), that the Europe 2020 strategy's targets for social improvement lose out (against the economic dimension) in the competition for political time and attention seems to have been confirmed.

That being said, none of the considerations above tell us much about what policies get implemented in practice. In fact, Bekker (2015) explains that stricter governance rules and enhanced cooperation mechanisms 'do not necessarily mean automatic changes in national policy responses, and studies still observe some leeway for countries to deviate from EU-level recommendations' (p.5). Indeed, the EU's economic governance model carries an inherent contradiction, which is that, on the one hand, Member States subject to excessive imbalance procedures are supposed to establish a corrective action plan and follow the Commission's recommendations (Articles 121 and 126 TFEU); but, on the other hand, the EU Treaties are crystal clear on the fact that the 'Union' – i.e. all EU institutions and in particular the Council (and thus the Member States) and the Commission, as main players in the European Semester – should fully respect the autonomy of the social partners (Article 152 TFEU).

Therefore, to ensure a more comprehensive study of the European Semester, it is useful to verify the extent to which Member States actually comply with CSRs. A study by Efstathiou and Wolff (2018) has already done so for all CSRs in general, finding that overall implementation of the recommendations by EU countries has worsened in the past few years, in particular when it comes to recommendations addressed to countries with excessive macroeconomic imbalances.

This paper endeavours to conduct a similar effort but by specifically targeting CSRs related to social policy, regardless of their scope, intention (social 'investment' versus social 'retrenchment') and/or legal basis. Analysing the implementation of the CSRs in social policy is not only relevant to have a better understanding of Member States' compliance within the European Semester, it also provides a snapshot of their adherence to and compliance with one or more of the 20 Principles of the European Pillar of Social Rights (EPSR) as proclaimed by the European Parliament, Council and Commission in November 2017. The European Semester has been appointed to be the main vehicle for the implementation of the EPSR and 'developments at EU and Member State level that fall under the Pillar's scope are closely monitored as part of the European Semester'; the CSRs 'made as part of the Semester will therefore reflect and promote the development of social rights' (European Commission 2018). If the CSRs are not properly implemented, or not in a timely manner, this therefore represents a serious deficiency and even failure on the part of Member States to honour the (fundamental) social rights enshrined in the EPSR as well as in the international and European human and social rights instruments which formed its basis, such as the ILO (fundamental) Conventions, the Council of Europe European Social Charter (both its initial 1961 and revised 1995 versions), the European Code of Social Security, the EU Charter of Fundamental Rights and the 1989 Community Charter of the Fundamental Social Rights of Workers.

Looking more closely at the implementation of the CSRs at national level should also help us to understand who, between the EU institutions and national governments, should be held responsible for policies weakening welfare states and social protection. This is an important and controversial, yet unresolved, debate that is playing out in the current context of high political and social tensions. It is also a matter of strategic interest for trade unions. This paper therefore provides some insights which should help them decide how to best target their lobbying efforts.

Our research found that Member States do not fully implement social CSRs, and that the level of implementation has worsened in the past few years to more or less the same extent as for CSRs overall. The same countries tend to perform best (i.e. Finland and the UK) and worst (i.e. Germany, Luxembourg and central and eastern European countries). In general, the social CSRs that tend to be the least complied with are those related to 'hard' economic and political 'tinderbox' issues, such as wages and pensions, which hints at their sensitivity and which might deter national governments from implementing them.

1. Data and methodology used

Member States' compliance with the European Semester's CSRs is a matter of regular political friction. However, little was known about their actual implementation levels until the publication of the study by Efstathiou and Wolff (2018), which attempted to measure compliance by quantifying the qualitative implementation scores that the Commission assigns every year to Member States. They then analysed Member States' compliance across time, countries and policy areas. Largely inspired by their methodology, the ETUI constructed an analogous dataset and conducted a comparable analysis, but used its own classification so as to specifically isolate recommendations containing elements related to the social policy field. In a similar vein, the focus was to identify trends and patterns of how those recommendations had been implemented across time, countries and policy areas. Findings were also compared to the overall compliance scores found by Efstathiou and Wolff. The overarching objective was to analyse how, or to what extent, the 'socialisation' of the European Semester translates concretely in the policies implemented at the national level.

1.1 Measuring compliance

The construction of the dataset consisted in collecting the qualitative implementation scores that the European Commission assigns every year to each Member State's CSRs of the previous year. Those evaluations are published as part of the Commission's country reports every year around March. The Commission's assessment methodology consists in assigning to each CSR one of the following five qualitative scores: 'no progress', 'limited progress', 'some progress', 'substantial progress' or 'full implementation'. Following Efstathiou and Wolff's approach, these scores were transformed into numerical values, respectively: 0, 25, 50, 75 and 100. However, these scores should be interpreted carefully. For example, if a given country scores 45 on average, this does not mean that it has implemented 45% of the recommendations it received, but rather that its performance is on average closer to 'some progress' than to 'limited progress'.

The data range from 2013 to 2017, which corresponds to the timeframe studied by Efstathiou and Wolff. Choosing 2013 as the first year of the timeframe is a sensible choice since it is only then that the Commission started evaluating the different components within each CSR. Indeed, because of length constraints, among other issues, CSRs are often characterised by their vagueness and large scope. They recurrently bundle together totally different policy measures.

Before 2013, the Commission only awarded one single score to each entire CSR, making it impossible to study the implementation of social-related elements specifically. Assessing CSRs as they stand would therefore hardly be meaningful. On the other hand, evaluating the implementation of CSRs by breaking them into more refined components allows the analysis of Member States' compliance, or lack thereof, in a much more detailed and informative way. The different elements contained in each CSR are referred to as 'subparts'. In practice, subparts are to be found on the right-hand side of the 'overview table' that comes with every country report published by the Commission. They are broken down into paragraphs, or bullet points, that usually begin with one of the qualitative scores listed above (e.g., 'limited progress', 'some progress', etc.).

The implementation scores assigned by the Commission to each socially relevant subpart were extracted and transformed into numerical scores in the way described above. They were then compiled in a data table and classified by country, year and category. The years in the dataset correspond to the year of the recommendations' issuance, so the scores included under each year correspond to the implementation scores released in the country reports of the following year.

1.2 Identifying and classifying 'social' recommendations

To construct this dataset, the ETUI scanned the Commission's country reports from 2013 to 2017 and identified all the 'social' CSR subparts that they contained. The social relevance of the measures prescribed in the CSRs was determined and classified based on Clauwaert's background analyses (see Clauwaert 2013–2018): see Table 1).

A few adjustments and additions (marked in bold in Table 1) were made to the original classifications to adapt them to this more refined dataset. Firstly, a new row was created for measures specifically designed for the labour market integration of people with a migrant or Roma background, and another one for participation measures targeting disabled people. Secondly, a new row was created for measures related to active labour market policies (ALMP), which broadly targets the unemployed and those on the margins of the labour market. It also includes measures aimed at improving public employment services. Finally, three categories were added that are of interest to trade unions, in particular because of the social impact of reforms in these areas: state-owned enterprises, public administration and the shadow economy.

Table 1 Classification used in Clauwaerts' background analyses

Categories	Measures
Wages	Reviewing wage indexation
	Reviewing wage-setting system (align with productivity developments)
Employment protection legislation (EPL)	Adjusting employment protection legislation
Labour market participation	Enhancing participation of women
	Enhancing participation of older workers, promoting active ageing, Life Long Learning (LLL)
	Reducing tax disincentives for second earners
	Enhancing participating of people with a migrant or Roma background
	Enhancing participation of disabled people
	Active labour market policies (ALMP) (general)
Youth employment	Youth (guarantee)
	Facilitating transition from education/school to work (addressing skills mismatches)
	reducing school/education 'drop-outs'
Pensions	Explicit link between pensionable age and life expectancy
	Reducing early retirement
	Pension reform
Social	Ensuring the adequacy and coverage of social protection systems
protection/assistance	Access to quality social services
	Better targeting of social assistance
Child poverty	Making child support more effective
	Facilitating access to childcare services
Tax	Shift away from labour, with a focus on low-income earners
State-owned enterprises	
Public administration	
Shadow economy	

For each social subpart, the corresponding score was assigned to every category where it was found relevant. One subpart's score may therefore fit in several categories. Efstathiou and Wolff's (2018) methodology limits the number of categories in which a subpart can be included to three, while in this study no limit was set; however, in practice it rarely exceeded this number. On the other hand, some of the Commission's subparts were found to be redundant, in which case their corresponding scores were only recorded once. The classification of subparts was first and foremost based on the content of the Commission's evaluation paragraph, and also on the content of the initial CSR itself, but not on recitals. This is a major difference with Clauwaert's (2018) CSR classification, which might explain discrepancies since it is often the case that some of the social content found in recitals, or even in CSRs themselves, is not addressed in the Commission's evaluations.

1.3 Analysis and limitations

In the final stage, implementation scores were computed to produce means per country, year and category. This dataset therefore allows for comparing the level of compliance with social CSRs across countries, time and policy areas.

Caution is required when interpreting the results. First, it is very hard to verify the exhaustiveness of the dataset, as the process of identifying and classifying socially relevant subparts involves a certain degree of subjectivity. When comparing the main implementation scores found per policy area to the scores found for comparable categories in Efstathiou and Wolff's paper – when they exist (as enumerated in Figure 1) – Table 2 shows that scores do not differ significantly (with some exception for state-owned enterprises, public administration and pension reforms). On average, they in fact come very near to each other, with a main implementation score of 35.14 using the ETUI's method, and a main implementation score of 36.2 using Efstathiou and Wolff's method. This paper therefore considers that the method used is satisfactory enough to allow for meaningful comparison and provides a reliable overview of Member States' compliance with social CSRs. This hypothesis is also supported by the fact that trends and patterns in compliance scores across countries and time tend to converge in both studies.

Table 2 Comparing the ETUI and Efstathiou and Wolff's dataset construction methods

Policy area	ETUI	Efstathiou and Wolff's
Active ageing/LLL	40	43
Childcare	43	41
State-owned enterprises	32	41
Labour market participation	37	39
ALMP	41	38
EPL	33	36
Tax burden on labour	37	35
Wages and wage setting	33	34
Public administration	36.5	32
Pension reform	24	30
Unemployment benefits/social protection	30	29
Main	35.14	36.2

Secondly, it should be acknowledged that the Commission's evaluation method itself is questionable³ and, as argued above, a rather political process. In fact, the discretion that the Commission has in assessing imbalances in Member States' budgets and economies and in issuing CSRs (see Seikel, 2016) may also apply to the assessments that it makes of countries' compliance with those recommendations. In addition, the fact that country reports – where compliance assessments are published – do not require the Council's approval like CSRs do could arguably increase the Commission's powers of discretion.

Therefore, results should not be interpreted as exact or scientific figures representative of Member States' actual performance, but rather as indicators of how they performed *according* to the Commission. While those compliance scores may not represent an objective reality, observing their evolution across time, countries and policy areas provides a good basis for comparison and allows for the identification of trends and patterns. Finally, it should be noted that while the purpose of this paper is to verify to what extent Member States translate social CSRs into their national policies, it is beyond its scope to examine the political and economic factors driving governments' actions.

^{3.} Inconsistencies in the evaluation of different countries' performance are highly probable. It seems that the Commission has different teams working on different countries, meaning that it is very possible that some teams are more zealous in their work than others, that their evaluations of CSRs are more or less detailed, or that they have different biases. This consideration makes comparison an even more delicate task.

2. Main findings

2.1 Comparison across time

Efstathiou and Wolff (2018) found that Member States do not fully implement CSRs, and that the overall implementation of recommendations by EU countries has worsened in the past few years, as shown in Figure 1. Figure 2, below, shows the aggregated mean compliance scores of all Member States, per year, according to our analysis. Clearly, these findings confirm that the downward trend observed over the years also applies to the implementation of social CSRs and in comparable proportions. The logical conclusion here is that Member States comply with CSRs that relate to the social policy field to the same extent as with other CSRs.

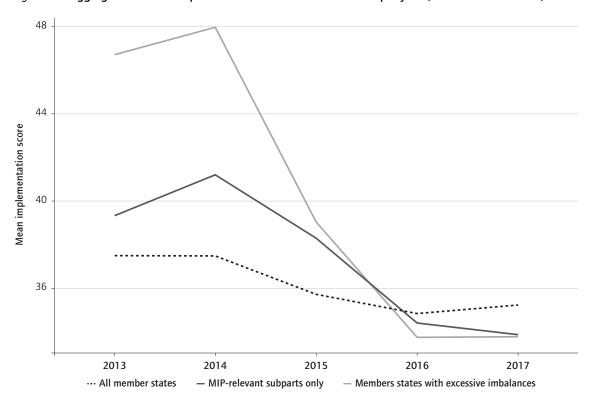


Figure 1 Aggregated mean compliance scores of all Member States per year (Efstathiou and Wolff)

Note: subparts related to fiscal policy in terms of SGP targets are excluded. Source: Bruegel based on Country Reports.

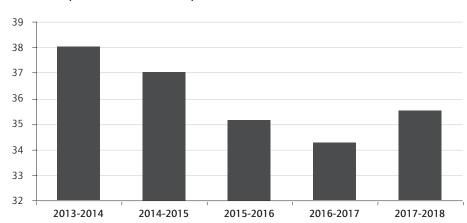


Figure 2 Aggregated mean compliance scores of all Member States per year (Al-Kadi and Clauwaert)

2.2 Comparison across countries

A comparison of the data found by Al-Kadi and Clauwaert (Figure 3) and Efstathiou and Wolf (Figure 4) reveals that Member States' compliance with social CSRs does not differ significantly from their overall compliance with CSRs. The same countries tend to perform best (i.e. Finland and the UK) and worst (i.e. Germany, Luxembourg and central and eastern European countries). One notable difference is that Sweden and Denmark appear to implement social CSRs with significantly more assiduity than they do with CSRs overall.⁴ Regarding the effects of politicisation, while it may impact the Commission's behaviour in defining the scope and content of CSRs, there is no clear correlation to be found in national governments' responses. Indeed, while it could explain the low compliance of eastern European countries, it does not explain at all the low compliance of Germany and Luxembourg, where public opinion on the EU is not very polarised.

^{4.} However, it should therefore also be noted that neither country, according to the classification of Clauwaert, has received any social CSRs since the 2015-2016 cycle (Clauwaert 2015-2018).

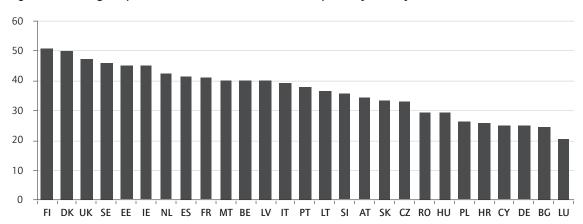
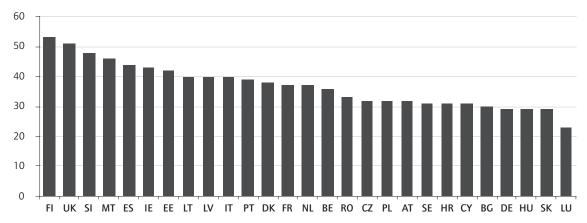


Figure 3 Average implementation score of social CSR subparts, by country (Al-Kadi and Clauwaert)

Figure 4 Average implementation score of social CSR subparts, by country (Efstathiou and Wolff)



Note: subparts related to fiscal policy in terms of SGP targets are excluded. Source: Bruegel based on Country Reports.

2.3 Comparison across policy areas

Figure 5 shows the implementation scores for each specific policy area, according to the classification used by Al-Kadi and Clauwaert. In Figure 7 we provide the average implementation by overarching policy area, as identified in Table 1. Unsurprisingly, measures related to pensions and wages are the least complied with. This is also the case for the CSRs overall (see Figure 6), even though comparisons are less meaningful here since the categories are very different. In general, the social CSRs that tend to be the least complied with are those related to 'hard' economic and political 'tinderbox' issues, which hints at their sensitivity and which might deter national governments from implementing them. However, no further conclusions can be drawn at this point since the content, legal basis and intention (social 'investment' vs. social 'retrenchment') of these recommendations remain unspecified.

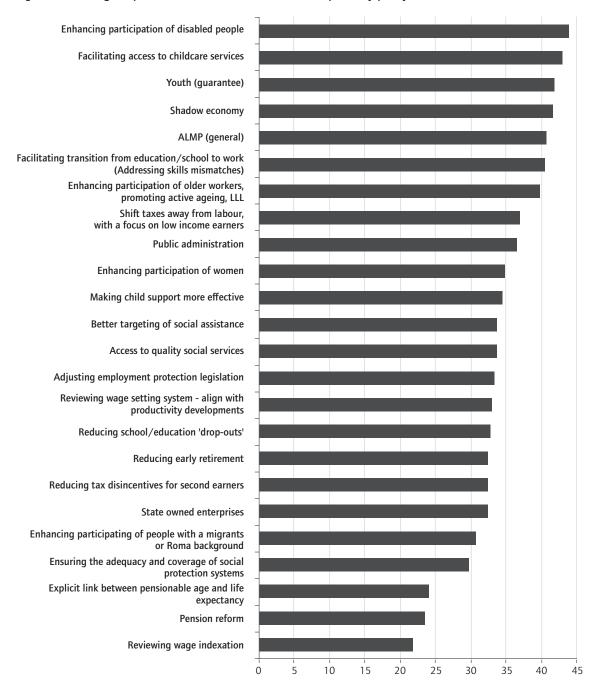


Figure 5 Average implementation score of social CSR subparts, by policy area (Al-Kadi and Clauwaert)

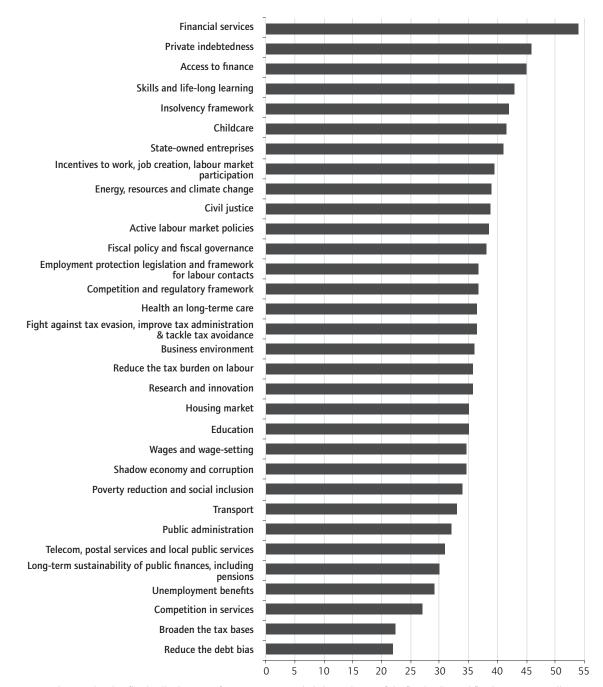
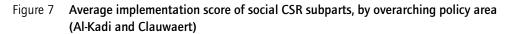
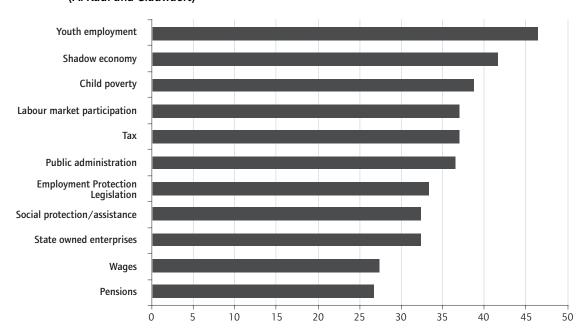


Figure 6 Average implementation score of social CSR subparts, by policy area (Efstathiou and Wolff)

Note: subparts related to fiscal policy in terms of SGP targets are excluded, so subparts of the fiscal policy and fiscal governance policy area mostly relate to questions of fiscal governance at the national or sub-national level, or the structure of government expenditure. Source: Bruegel based on Country Reports.





Conclusions

The question of whether the European Semester has allowed the Commission to push for more social policies is at the heart of this paper. Specifically, the objective was to analyse how, or to what extent, the 'socialisation' of the European Semester translates concretely in the policies implemented at the national level. Indeed, the question of who, between the EU and national governments, bears the responsibility for socially deleterious policies is a central one given the current context of political tension in Europe.

Our research found that Member States do not fully implement social CSRs, and that the level of implementation has worsened in the past few years to more or less the same extent as for CSRs overall. The same countries tend to perform best (i.e. Finland and the UK) and worst (i.e. Germany, Luxembourg and central and eastern European countries). In general, the social CSRs that tend to be the least complied with are those related to 'hard' economic and political 'tinderbox' issues, such as wages and pensions, which hints at their sensitivity and which might deter national governments from implementing them.

Our findings thus reinforce certain doubts regarding the effectiveness of the European Semester and confirm that national policies are put in place by national authorities and parliaments that do not want their sovereignty to be diminished (Pochet 2019). The question therefore arises whether and to what extent this dilemma can be resolved in the European Union in its current form, particularly in light of the more nationalistic tendencies currently prevailing in several Member States.

Finally, the increasingly weaker implementation of, in particular, the social CSRs brings into question the role of the European Semester as the main vehicle for the implementation of the European Pillar of Social Rights. What is more, the Semester's added value for the protection and promotion of the fundamental social rights embedded in the EPSR – and by extension the rights enshrined in the international and European fundamental social rights instruments of the ILO and Council of Europe (which serve as a basic source of the EPSR) – is also up for discussion. This 'human and fundamental rights dimension' of the European Semester and the CSRs is still too often overlooked and (perhaps deliberately) ignored, but it needs to be restored and enhanced if we want to bring Europe closer to its workers and citizens. In order to close this gap, beyond a better implementation of the social CSRs it will also be key to ensure more transparent and depoliticised processes for social policy development than we are currently seeing from the Brussels technocratic elite.

Last but not least, there needs to be a greater involvement of all social stakeholders, in particular national and European social partners, in all phases of the process.

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