

# **Economic governance in Europe 2020: socialising the European Semester against the odds?<sup>1</sup>**

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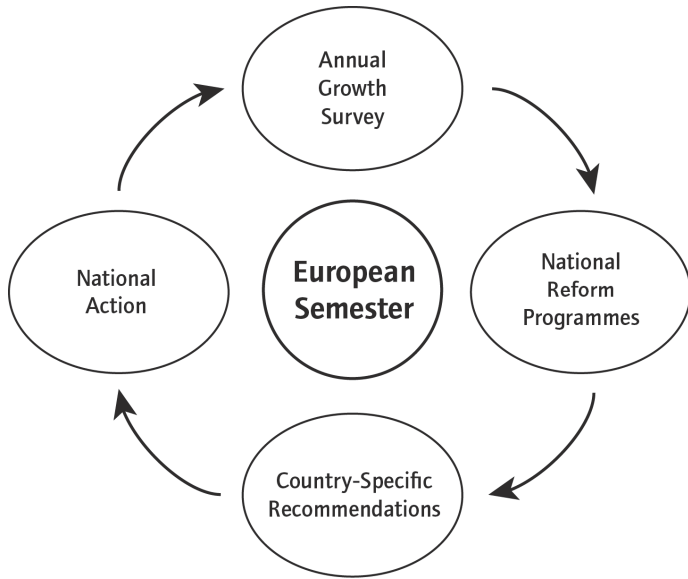
## **Introduction: what is at stake?**

Since the onset of the Euro crisis, the EU has introduced a series of far-reaching changes in its institutional architecture for economic and social governance. At the heart of this new architecture is the ‘European Semester’ of policy coordination. Through the European Semester, the Commission, the Council, and the European Council set priorities for the Union in the Annual Growth Survey (AGS), review National Reform Programmes (NRPs) and issue Country-Specific Recommendations (CSRs) to Member States, backed up in some cases by the possibility of financial sanctions. The process is graphically represented in Figure 1. The European Semester brings together within a single annual policy coordination cycle a wide range of EU governance instruments with different legal bases and sanctioning authority, from the Stability and Growth Pact (SGP), to the Macroeconomic Imbalances Procedure (MIP), and finally to the Fiscal Treaty to the Europe 2020 Strategy and the Integrated Economic and Employment Policy Guidelines. This process, in turn, has given EU institutions a more visible and intrusive role in scrutinizing and guiding national economic, fiscal, and social policies, especially but by no means exclusively within the Eurozone

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1. An earlier and expanded version of this chapter was published as a Report prepared for the Swedish Institute of European Studies (SIEPS), which provides fuller references for each section (Zeitlin and Vanhercke 2014).

Figure 1 The European Semester Policy coordination cycle



Source: European Commission.

The rapid evolution of the European Semester has raised a series of hotly contested theoretical, empirical and normative questions about the nature and dynamics of the EU's emerging socio-economic governance architecture. These questions, in turn, reflect deep and longstanding divisions not only among analysts of EU governance, but also among European policy actors themselves.

The first set of questions addressed concern the coordination of social and economic policy within the EU and its Member States. Has the integration of EU social policy coordination, as developed through the Open Method of Coordination on Social Protection and Social Inclusion (Social OMC), into the Europe 2020 Strategy and the European Semester resulted in its subordination to economic objectives of fiscal discipline, budgetary austerity, and welfare retrenchment imposed by the Directorate-General for Economic and Financial Affairs (DG ECFIN) and the Economic and Financial Affairs (ECOFIN) Council? Or does such integration offer new opportunities for social and employment policy actors to mainstream objectives such as the fight against poverty

and social exclusion across the new governance architecture of the European Semester?

A second, crosscutting set of questions addressed concern the impact of the new governance architecture on the relationship between EU institutions and the Member States. Has the European Semester reinforced intergovernmental decision-making within EU socio-economic governance, as many influential commentators claim? Or have the new procedures of the ‘Six-Pack’, ‘Two-Pack’, and ‘Fiscal Compact’, even if approved and initiated by the European Council, materially elevated the Commission’s supranational powers and prerogatives over national policy-making?

A third, less evident but no less important set of questions addressed concern the nature of the European Semester as an evolving governance process. Should the European Semester be understood as a more effective framework for enforcing national compliance with EU rules and policy recommendations, as many economists and policy-makers claim? Or does the EU’s new socio-economic governance architecture offer opportunities for joint exploration and mutual learning among Member States about how to pursue multi-dimensional objectives and provisional solutions to uncertain problems in diverse national contexts, as theorists of experimentalist governance advocate? (e.g. Sabel and Zeitlin 2012).

Based on extensive analysis of EU documents as well as a series of interviews with high-level policymakers, we argue that since 2011, there has been a partial but progressive ‘socialisation’ of the content and procedures of the European Semester. We define this progressive socialisation in terms of an increasing emphasis on social objectives in the EU’s priorities and Country-Specific Recommendations; an intensification of social monitoring, multilateral surveillance, and peer review; and an enhanced role for social and employment policy actors, especially the EU Employment and Social Protection Committees. We interpret these developments as not only a response by the Commission and other EU institutions to rising social and political discontent with the consequences of post-crisis austerity policies among European citizens but also as a product of reflexive learning and creative adaptation on the part of social and employment actors to the new institutional conditions of the European Semester. We consider such reflexive learning as another form of ‘socialisation’.

The chapter draws on four rounds of expert interviews with current and former members of the European Commission (13 from the Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL), 3 from the Secretariat General (SECGEN), and 1 each from DGs ECFIN, Health and Food Safety (SANTE), and Regional and Urban Policy (REGIO). Other respondents are from EU Committees, including Secretaries and former Secretaries employed by the Commission (5 each from Employment Committee EMCO, SPC, and European Policy Committee EPC), the European Council Secretariat, the European Parliament, and European NGO networks. A total of 38 separate people were interviewed, 8 of them more than once. This chapter is also based on near-complete access to the papers of EMCO and the Social Protection Committee (SPC) during this period. Wherever possible, we have tried to refer to the publicly available version of these documents if they exist. Taken together these qualitative sources allowed us to carefully check the results through triangulation: any claims made by respondents have been confronted, first, with the views of other interviewees and, second, with as many available written sources as possible.

## **1. Policy orientations**

The first European Semester in 2011 was clearly dominated by the pursuit of fiscal consolidation and macroeconomic austerity, with limited concern for social cohesion and inclusion goals (Vanhercke 2013; Pochet and Degryse 2012). But as the sovereign debt crisis within the Eurozone morphed into a broader economic and employment crisis, leading to a rapid erosion of public support for the EU, a significant rebalancing between social, economic, and employment objectives became visible in the policy orientation of successive European Semesters.

### **1.1 The Annual Growth Surveys**

The 2011 AGS had set three overarching priorities for the EU: ‘rigorous fiscal consolidation for enhancing macroeconomic stability’, ‘labour market reforms for higher employment’, and ‘growth enhancing measures’. The 2012 AGS replaced these with a broader and more socially balanced set

of priorities, including ‘tackling unemployment and the social consequences of the crisis’ alongside ‘pursuing differentiated growth-friendly fiscal consolidation’, ‘restoring normal lending to the economy’, ‘promoting growth and competitiveness for today and tomorrow’, and ‘modernising public administration’. Both the 2013 and 2014 AGS reaffirmed these more balanced priorities.

## 1.2 Pacts and packages

As EU institutions came under increasing pressure to tackle the deepening economic and employment crisis, the Commission and particularly DG EMPL responded by launching a succession of socially oriented ‘pacts’ and ‘packages’. Foremost among these were the Employment Package (April 2012), the ‘Compact for Growth and Jobs’ (June 2012), the Youth Employment Package (December 2012), and the Social Investment Package (February 2013). In addition to specific policy measures (such as the Youth Guarantee) and EU recommendations (on child poverty and active inclusion), a notable feature of these pacts and packages was that Member States’ implementation of the proposed measures should be reported on, monitored, and reviewed within the European Semester (European Commission 2013d).

## 1.3 Country-Specific Recommendations

As the policy priorities of the European Semester, expressed through the AGS and other Commission initiatives, reoriented themselves towards a more socially balanced stance beginning in late 2011, so too did the CSRs.

In 2012, seven Member States received CSRs addressing poverty reduction and three addressed Roma inclusion. Five Member States received recommendations regarding the effectiveness of their social protection systems. 17 States received recommendations on pension reform, and five on health and long-term care. Most Member States also received recommendations on education, training, and active labour market policies (ALMPs), many of which requested the states to improve the quality, coverage, and effectiveness of individually targeted employment services.

These trends were extended in 2013 when 11 Member States received CSRs on social inclusion and poverty reduction, linked in three cases to the Macroeconomic Imbalances Procedure. 15 CSRs addressed pensions and 16 health and long-term care, with some explicit emphasis on ensuring their adequacy and accessibility, especially in the explanatory text (based on the longer Commission Staff Working Documents). Nine Member States also received CSRs on improving the effectiveness and efficiency of their social protection systems, while most again received recommendations on education, training, and ALMPs.

In 2014, the social scope of the CSRs continued to expand. Thus 12 Member States received recommendations on poverty and social inclusion, while 19 received recommendations on reform of their health-care and/or pension systems. In the latter case, the accompanying communication from the Commission emphasized that the purpose of such reforms is to ensure that these systems ‘continue to be socially adequate’ and ‘to provide universal access to high-quality care’, as well as to be cost-effective and financially sustainable (European Commission 2014: 8-10). As in previous years, of course, not all CSRs that dealt with social and employment issues can be considered ‘socially orientated’, and a number of countries continued to receive recommendations to reform their wage determination systems to better reflect productivity developments at firm and sectoral level (6 Member State, MS), reform their employment protection systems (2 MS) or strengthen job search requirements for unemployment benefits (1 MS).

But such recommendations were overshadowed by the much larger number of CSRs urging Member States to improve their education, training, and activation systems (most MS), reduce early school leaving (8 MS), improve skills (12 MS), implement the youth guarantee (8 MS), enhance educational outcomes and access to the labour market for disadvantaged groups, including those with a Roma or migrant background (7 MS), increase the availability, accessibility, and quality of childcare facilities (9 MS) and promote the employability of older workers, for example through expansion of lifelong learning (11 MS). Eleven Member States received recommendations to ensure the adequacy and coverage of their social assistance and unemployment benefits, while six were exhorted to improve the accessibility and quality of their public social services, especially those targeted at low-income people.

## 2. Governance procedures

The substantive reorientation of the European Semester towards a more socially balanced policy stance from 2011 to 2014 was accompanied by a set of organizational and procedural developments which have reinforced the role of social and employment policy actors in its governance.

### 2.1 Drafting the CSRs: a more collaborative process

The progressive opening up of the CSRs to social issues, as our 2014 interviewees explained, reflects the fact that the process of drafting them has become increasingly collaborative within the Commission itself. The groundwork for the CSRs is prepared by Country Teams led by SECGEN, with bottom-up input from desk officers and support from horizontal policy units across a wide range of DGs, including, when relevant, the DG Health and Food Safety (SANTE), the Education and Culture DG, DG Enterprise and Industry, and DG Justice and Consumers, as well as the other three ‘core’ DGs: ECFIN, EMPL, and Taxation and Customs Union (TAXUD). Although DG ECFIN ‘holds the pen’ in drafting the Commission Staff Working Documents, which provide the rationale for the CSRs, this is a ‘collegial exercise’, which means it is based on written contributions from all the relevant DGs, and reviewed in the Country Teams. Only the In-Depth Reviews under the MIP are written independently by ECFIN and then circulated for comment to the other DGs. The CSRs themselves are drafted by the Country Team leaders, drawing on intelligence, ideas, and some wording supplied by the various DGs. These are then discussed by the Directors of the four core DGs (SECGEN, ECFIN, EMPL, TAXUD), before being submitted for approval to the full College of Commissioners, which often makes final changes.

Our interviewees also concurred that the process of drafting the CSRs has become increasingly deliberative and ‘evidence-based’. As one Country Team leader put it, ‘if you want a CSR, then you need to provide evidence, and this evidence needs to be in the Staff Working Document, and it needs to be well argued... if you don't have hard numbers and figures on a specific CSR, then forget it’. A DG EMPL official involved in the process underlined how this emphasis on

evidence and argument could overturn any implicit hierarchy among the participating units.

A clear case in point cited by this interviewee was that of the 2014 CSRs that included the implementation of the youth guarantee scheme. The inclusion of the scheme was initially opposed by both DG ECFIN and SECGEN, but DG EMPL eventually succeeded in getting it through by using evidence from the SWDs and the Country Teams.

The centrality of evidence and argument within the CSR drafting process has pushed the participating Commission services to upgrade their intelligence-gathering and analytical capacities. Thus, sectoral fact-finding missions by the various DGs are increasingly coordinated through the Country Teams by SECGEN. The latter DG has also intensified the exchange of information and perspectives with Member States by increasing the number of bilateral meetings to four or five per year. DG EMPL in particular has substantially enhanced its analytical capacities in recent years. For example, it has stepped up work on social and employment indicators, made thematic fiches more operational, and introduced radar charts for work on the efficiency and effectiveness of social protection systems, all in order to participate in the process ‘on an equal footing with DG ECFIN’. This quest on all sides for better knowledge about the actual situation in Member States has also led to a ‘cross-fertilization’ between the Commission’s analytical work in preparing the CSRs and the multilateral surveillance reviews of CSR implementation conducted by EMCO and the SPC (discussed in section 3.4), which are increasingly attended not only by officials from DG EMPL, but also from SECGEN, and in some cases ECFIN, SANTE, and other concerned DGs.

## 2.2 Reviving the Social OMC

The other major developments which have reinforced the role of social and employment policy actors in the European Semester were driven less by the Commission than by the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) and its preparatory committees. The first of these was the 2011 initiative by Member State representatives in the SPC, subsequently endorsed by EPSCO, to ‘reinvigorate’ the Social OMC in the context of Europe 2020. Member



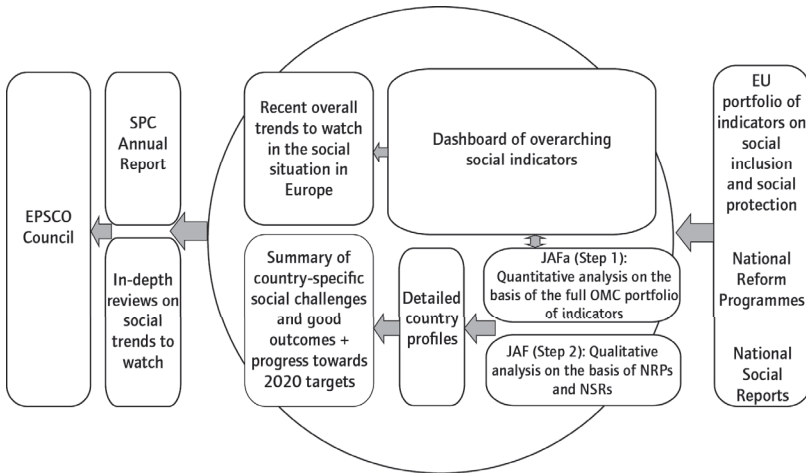
States were invited to prepare regular National Social Reports, which were to be developed in ‘close partnership’ with civil society stakeholders as well as subnational authorities, and submitted alongside the NRPs. In 2014, 19 Member States submitted NSRs, which were generally longer, more standardised, and more substantial than they were the first time around. The SPC also took over responsibility for the production of an annual *Social Europe Report*, a punchier and more reader-friendly replacement for the previous *Joint Social Report*, but which included the same core features: key policy messages, country profiles, and an in-depth analysis of social trends in the EU (SPC 2014a).

### 2.3 Extending social and employment policy monitoring

In addition to taking primary responsibility for the continuation of the Social OMC, the SPC has established itself as a significant player in monitoring, reviewing, and assessing national reforms within the European Semester, alongside EMCO, EPC, and EFC (Economic and Financial Committee).

At the EPSCO Council’s request, EMCO and the SPC have developed a Europe 2020 Joint Assessment Framework (JAF) for monitoring the Employment Guidelines (cf. Vanhercke 2013: 109). The results produced by the JAF feed in turn into the Employment and Social Protection Performance Monitors developed by the two committees at the request of EPSCO and the European Council. The Social Protection Performance Monitor (SPPM) also highlights common social ‘trends to watch’, where indicators in a significant number of countries are moving in the wrong direction relative to the Europe 2020 targets and guidelines (SPC Indicators Sub-Group 2012). For a graphical representation of the SPPM, see Figure 2 below. In 2013, the SPC Indicators Sub-Group developed, in cooperation with the Council Working Party on Public Health at Senior Level (WPPHSL), a Joint Assessment Framework in the field of health in order to complement the existing framework focused on employment, social inclusion, and pensions.

Figure 2 The social protection performance monitor



Source: Social Protection Committee.

Both EMCO and the SPC are committed to using the JAF, Employment Performance Monitor (EPM), and SPPM as analytical tools that can underpin multilateral surveillance and support Member States in establishing their reform priorities, identifying good practices, and stimulating mutual learning. They also feed these tools into the broader EU policy debate. Furthermore, they serve as an important point of reference for discussions within the committees about amendments to the Commission's proposed CSRs.

Finally, in response to the debate on the 'Social Dimension of the Economic and Monetary Union (EMU)' initiated by the President of the European Council in 2013 (President of the European Council 2013; Irish Presidency 2013), the SPC and EMCO developed, at the request of the Commission and the EPSCO Council, a new 'Scoreboard of Key Social and Employment Indicators' (also known as the 'Social Scoreboard'). This was designed to 'serve as an analytical tool allowing better and earlier identification of major employment and social

problems, especially any that risk generating effects beyond national borders'. This Social Scoreboard, which is intended to complement the JAF, EPM and SPPM, currently comprises 5 indicators<sup>2</sup>, and was included both in the 2014 Joint Employment Report and the Commission communication on the CSRs (European Commission 2013b: 6; SPC 2014d).

Alongside this new Social Scoreboard, the Commission decided on its own initiative to add a set of auxiliary social and employment indicators to the portfolio used in the Alert Mechanism Report and In-Depth Reviews of the MIP, in order 'to better reflect the social implications of macroeconomic imbalances' and 'help to improve the design of the policies recommended to countries undergoing macroeconomic adjustment' (European Commission 2013b: 4-5). The 2014 Alert Mechanism Report (AMR) included nine new auxiliary indicators, most covering both absolute levels and change over the preceding three years: the year-on-year percentage change in employment; the activity rate (15-64 years); the long-term unemployment rate; the youth unemployment rate; the youth Not in Education, Employment or Training (NEET) rate; the proportion of people at risk of poverty or social exclusion; the at-risk-of poverty rate; the severe material deprivation rate; and the proportion of persons living in households with very low work intensity (European Commission 2013c, table A.3).

## 2.4 Intensifying multilateral surveillance and peer review

This extended social and employment policy monitoring has gone hand-in-hand with a significant intensification of multilateral surveillance and peer review within both EMCO and the SPC, in response to successive requests from the EPSCO Council. Since 2011, EMCO has systematically sought to deepen and reinforce multilateral surveillance of the implementation of Member States' employment policy reform commitments. EMCO begins in the autumn with a review of the

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2. These indicators are the unemployment level and changes; the NEET [not in employment, education, or training] and youth unemployment rate; real disposable income of households [Gross Household Disposable Income, GHDl]; the at-risk-of-poverty rate for the working age population; and inequality (S80/20 ratio).

previous year's CSRs, grouped by theme to facilitate horizontal discussion and comparison across Member States. The reviews are framed by a series of thematic and country-specific background documents prepared by the Commission, the EMCO Indicators Group, the Member State under review, and a discussant country. The resulting conclusions are formally adopted as a multilateral position by the full committee and integrated with indicators from the JAF to produce the country-specific element of the Employment Performance Monitor. They are also reported to the Council (EMCO 2014a) and serve as the 'primary evidence base' for discussing the new set of proposed CSRs (EMCO 2013a).

Whereas until 2012 SPC peer reviews occurred once a year and focused (rather superficially) on the NSRs, now multilateral surveillance activities are conducted throughout the year, with in-depth thematic reviews in the autumn and country reviews in the spring focused on Member States' implementation response to the previous year's CSRs. SPC Members were asked in 2012 if they were ready to give country surveillance a new orientation that would be 'less descriptive, more critical' and more analytical (SPC 2012a), which our 2014 interviewees confirm has, in fact, occurred. On overlapping issues such as employment and healthcare, SPC country reviews of CSR implementation are conducted jointly with EMCO and (since 2013) with the WPPHSL, but not with the EPC and EFC (on which more below). As in EMCO, the conclusions of the country reviews are summarised in a written report, which is submitted to the Council, and feeds into discussions on the new set of proposed CSRs (SPC 2014b).

The SPC's thematic reviews in particular are aimed at fostering mutual learning and stimulating multilateral discussion on promising approaches to specific policy challenges identified as common 'trends to watch' by the SPPM. They invite countries performing weakly in a particular area to examine those achieving better outcomes. The whole process is facilitated by background papers prepared by the Commission which provide an analysis of the identified trends based on the SPPM, the JAF, and other indicators. Thematic reviews also include final evaluations of the work done over the year in the context of multilateral surveillance, which feed into the SPC's annual *Social Europe Report*, as well as into more specialized reports on issues such as child poverty, pension adequacy, and long-term care (SPC 2013a, 2014b; 2014 interviews).

Clearly, both EMCO and the SPC are looking for ways to combine 'tougher' multilateral surveillance in employment and social policies with increased opportunities for deliberation and mutual learning (cf. Vanhercke 2013: 111). Commission officials as well as committee members see this mutual surveillance process as a 'game changer', making exchanges within the committees less 'cozy' and more incisive than in the past, while also transforming 'the bilateral discussion on the CSRs between Member States and the Commission into a multilateral decision making process' (interviews 2014; EMCO 2013a).

Perhaps the most innovative developments in terms of mutual learning are the pilot *ex ante* reviews of prospective social reforms conducted by the SPC. These grew out of a proposal from the Commission for *ex ante* coordination of plans for major economic policy reforms. The EPC took up this proposal and conducted two pilot exercises in 2013-14, covering reforms in seven Member States and across a series of policy fields.

In response to these initiatives from the Commission and the EPC, the SPC decided in the autumn of 2013 to launch a 'feasibility test' of its own for *ex ante* coordination of major social policy reforms within the framework of the OMC. Five Member States (CY, EE, IT, SI, RO) volunteered to present their planned reforms in the fields of minimum income, incapacity-for-work benefits, active inclusion, long-term care, and pensions respectively. Presenting countries appear to have particularly appreciated the exercise, as they benefitted from 'experience-based feedback of other Members who had implemented similar reforms in the past', including what not to do, and 'received concrete advice on how to improve the policy design of the envisaged reforms and work toward acceptance of difficult policy choices'. Since potential spillovers proved difficult to identify, these *ex ante* pilots 'proved to be less a coordination exercise and more a learning exercise', said one participating Commission official. Inspired by the SPC's experience, EMCO conducted its own first *ex ante* pilot review in October 2014 (2014 interviews; SPC 2014c, SPC 2013b).

At the same time, EMCO and the SPC have also continued to organize an extensive programme of voluntary peer reviews of good national practices through the European Employment Strategy (EES) Mutual Learning Programme and PROGRESS (Programme for Employment and Social Solidarity). Many of these peer reviews have focused on core

themes related to Europe 2020, such as youth unemployment, flexicurity, extending working lives, and others (Jessoula *et al.* 2013). DG Employment has now agreed with the SPC and EMCO to connect the next generation of peer reviews under the new Employment and Social Innovation (EaSI) programme much more closely to the CSRs and to the *ex-ante* reform discussions. Peer reviews may be organized to support Member States seeking more detailed input from other countries on the design of their proposed reforms (interviews 2014).

## 2.5 Enhancing the influence of social and employment policy actors

Such intensified monitoring, multilateral surveillance, and peer review has in turn formed the basis for enhanced input by EMCO and the SPC into the adoption of the CSRs, which are the culmination of the European Semester. In the first European Semester of 2011, the SPC (and Ministers of Social Affairs more generally) were largely excluded from the review and adoption of the CSRs.

Beginning in 2012, however, the social players began to acquire a more influential place in the CSR process, drawing on the expertise gained through the extended monitoring, mutual surveillance, and peer review activities described above, as well as through political challenges to the jurisdiction of economic policy actors over social policy issues within the Council (cf. Vanhercke 2013).

The mounting pressure for reorientation of the European Semester and revision of its governance procedures gained additional momentum and political salience during 2013 through the EU-wide debate on the social dimension of the EMU. Thus, in response to an initiative by Herman Van Rompuy, the EU Ministers of Employment and Social Affairs issued a ringing declaration on the social dimension of ‘a genuine EMU’ in May 2013 (European Commission 2013a). EPSCO ministers called for a strengthening of the governance role of the EES and the Social OMC, building on the employment guidelines, monitoring instruments, peer reviews, and multilateral surveillance procedures. Furthermore, the SPC Ministers demanded the development of mechanisms to facilitate ‘more effective interaction’ between the Council formations involved, ‘especially as regards the adoption and review of the

implementation of Country-Specific Recommendations' (EU Ministers of Employment and Social Affairs 2013). At the same time, several authors (see for example Stamati and Baeten, this volume) argue that health authorities are only marginally involved in the European Semester process and remain extremely reluctant to engage in the EU level debates. As a result, 'economic' actors remain for now largely dominant in the area of healthcare, in spite of prudent attempts of the 'health' actors to enhance their influence (Baeten and Vanhercke 2015).

## 2.6 Towards a revised procedural framework for the European Semester

The highly charged conflicts over the organization of the second European Semester gave rise in turn to a substantially revised procedural framework for the 2013 cycle. The Irish Presidency went to considerable lengths to ensure that arrangements for reviewing and amending the CSRs would be based on a clearer allocation of responsibilities and cooperation in areas of overlapping competences between the various committees and Council formations involved (Irish Presidency of the EU 2012).

Thus, the SPC presented the results of their review of the implementation of the 2012 CSRs on pensions to a meeting of the EFC alternates, and participated in a joint meeting with the EPC and EMCO to finalize amendments to the 2013 CSRs on issues of cross-cutting responsibility (such as pensions and health care). Unlike in 2012, the views of the SPC and EMCO on the CSRs appear to have received a full hearing, and cooperation with the EPC and EFC is generally agreed to have proceeded much more smoothly than the preceding year (SPC 2013c; EMCO 2013b; interviews 2013).

Underlying this revised procedural framework for the European Semester were new decision-making processes and working methods within and between the committees involved. In each case, amendments to the CSRs were required to be supported by qualified majority voting (QMV) to test the support among Member States for changes to the Commission's proposals and then the amendments had to be justified by reference to the results of the multilateral surveillance reviews conducted within the committees.

Since EMCO and the SPC had always worked through consensus decisions or occasionally a simple majority vote, the adoption of QMV for amendments to the CSRs (in 2012 and 2013 respectively) represented a quantum shift in procedure for both committees. The move to QMV by the two committees means that ‘any changes agreed...could be strongly defended by the Presidency in Council’ (EMCO 2013a). QMV likewise strengthens the two committees’ position in negotiations with the EPC (which also uses this procedure in relation to the CSRs) and the Commission, which has resisted on principle any substantive modification of its policy recommendations. Voting in the committees on proposed amendments can thus be seen as an institutional mechanism for forcing the Commission to deliberate multilaterally with Member State representatives on the CSRs by demonstrating their capacity to reach a qualified majority.

Multilateral surveillance within the committees is likewise crucial to the review and amendment of the CSRs. Only issues that have been extensively discussed by Member States during the multilateral surveillance process stand a chance of securing the needed qualified majority vote within the committees. Both EMCO and SPC draw extensively on evidence from their multilateral surveillance reviews in negotiating with the EPC and EFC and Commission over the adoption of amendments to CSRs. The more accurate and detailed the evidence about national challenges and CSR implementation the committees are able to provide, the more likely their proposed amendments are to be accepted. Under the ‘comply or explain’ rules of the European Semester, the Council is expected to provide a written explanation of its reasons for modifying the Commission’s recommendations. Both committees refer explicitly to these mutual surveillance reviews in the formal reports justifying their amendments (Council of the EU 2012, 2013, 2014b).

In 2014, the Greek Presidency strictly followed the same arrangements for the organization of the European Semester developed by the Irish Presidency. For the most part, these arrangements again appear to have worked relatively smoothly, with one conspicuous exception, attributable in part to the very tight time pressures under which the final review of the Commission’s draft CSRs was conducted. Prior to a joint meeting with EMCO and the EPC in June, the SPC reviewed and voted by QMV on proposed amendments to the CSR in the social field. When it came to the joint meeting, however, the vote on five CSRs went



counter to what had been previously agreed on in the SPC (either because some national delegations were overruled by their finance ministries, or because some delegates were absent when the votes were taken). Since the EFC and EPC do not formally recognize the SPC's legal right to participate in the amendment of the CSRs, the SPC chose to submit its own separate opinion to the Council on 'recommendations falling within the competence of Ministers responsible for social protection issues irrespective of the proposed legal basis', rather than endorsing the outcome of the joint meeting.

This incident resulted in a public exchange of letters to the Council from the SPC and EMCO Chairs, in which the former defended his committee's proposed amendments on substantive grounds, while the latter insisted that such joint meetings are 'the only feasible and effective way of ensuring commonly reached compromise decisions from both the ECOFIN and EPSCO committees, thereby allowing for a meaningful discussion in both Council formations', and should not be questioned afterwards by either side. The Greek Presidency upheld EMCO's position, and the opinion of the joint meeting was adopted by both the EPSCO and ECOFIN Councils. Poland and the Czech Republic took their pensions issues all the way to the European Council, where their amendments failed. The clear lesson from this principled but quixotic defeat is that at least for now, the SPC can only hope to obtain amendments to the CSRs on social issues when the committee works closely together with EMCO in joint meetings with the EPC and the EFC, rather than trying to go it alone (Council of the EU 2014a; 2014 interviews).

## 2.7 Amending the CSRs

In 2012, a well-informed EMCO source estimated that proposed social and employment policy amendments had no more than a 10 per cent chance of success. In 2013, interviewees from both EMCO and SPC estimated that one-third of all such proposed amendments to the CSRs were adopted without objection by the Commission, while the success rate for contested amendments had reached 50%. While these are only rough estimates by our interviewees, they nevertheless seem to point to the fact that in 2013, there were 14 non-consensual amendments to the CSRs, of which 10 concerned social and employment issues, compared

to 11 in 2012, of which eight concerned social and employment issues (own calculations from Council of the EU 2012, 2013).

Most of these amendments concerned details, focusing on better contextualization of individual CSRs in relation to Member State challenges and reform measures. It was also sometimes possible to obtain ‘horizontal’ amendments to CSRs addressed to multiple Member States. The key case in point in 2013 concerned pension reform, the flashpoint of conflict the previous year between the SPC, the Commission, and the economic policy actors. Thus for eight Member States (AT, BE, CZ, ES, FI, FR, LU, MT), an across-the-board injunction to ‘link the statutory retirement age to life expectancy’ was replaced by a recommendation to ‘increase the effective retirement age’. The comply-or-explain text underlined the importance of allowing Member States to choose among alternative paths to reaching the objective: ‘It was agreed that there are different channels to raise the effective retirement age and, hence, to address challenges to the pension system and the sustainability of public finances. The original Commission text, focusing only on raising the (statutory) retirement age, appeared too prescriptive and narrowly defined’ (Council of the EU 2013).

As a result of these experiences, the European Semester synthesis report by the Lithuanian Presidency of the Council of the EU (2013) recommended specifically that:

- ‘[T]he Commission continues to enhance its dialogue with Member States when preparing CSR proposals, sharing the underlying analysis and making further efforts towards evidence-based recommendations’
- ‘The Commission should ensure that its CSR proposals are sufficiently precise as regards policy outcomes but not overly prescriptive as regards policy measures so as to leave sufficient space for social dialogue and, more generally for national ownership<sup>3</sup>; more detailed recommendations could refer to

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3. See also SPC (2012b): ‘A genuine multilateral discussion necessitates full participation of the Commission in the policy dialogue... For recommendations to be successfully implemented and to become an effective instrument for change, it is crucial that an enhanced policy dialogue

examples of the best practice. Their formulation should also recognize efforts already undertaken by the Member State and reflect the time-horizon for CSR implementation’.

Despite the SPC’s failure to win its separate amendments to the 2014 CSRs, non-consensual revisions on social and employment issues continued at a similar rate to the previous year, accounting for 10 of 11 successful amendments adopted over the Commission’s opposition. Six of these amendments concerned pension CSRs, where the Commission returned to its previous year’s recommendation that Member States align the statutory retirement age with increased longevity. The Council endorsed the SPC’s view that there were alternative pathways to tackling pension challenges, notably by raising the effective age of retirement. Amendments of employment CSRs focused mainly on better contextualization to take into account the specific situation in Member States and the ongoing reform measures, based on evidence from EMCO’s multilateral surveillance (Council of the EU 2014b; 2014 interviews).

### **3. Summary, discussion and conclusions**

By way of conclusion, we return to the three sets of key questions about the nature and dynamics of the EU’s emerging socio-economic governance architecture with which we began.

#### **3.1 Economic vs. social Europe?**

Regarding the first set of questions about the coordination of social and economic policy, the core claim of this chapter is that since 2011 there has been a progressive ‘socialisation’ of the European Semester. This evolutionary shift is visible at the level of substantive policy orientations, in terms of a growing emphasis on social objectives in the EU’s priorities. CSRs have expanded considerably from year to year in social scope (the range of ‘social’ topics covered) and ambition (asking for

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between Member States and the Commission generates common understanding and ownership at national level.’

recalibration, not retrenchment, of social policies), even if the expanding volume and coverage of these social CSRs is still counterbalanced by other imperative recommendations on fiscal consolidation under the SGP.

The progressive socialisation of the European Semester is equally visible at the level of governance procedures, in terms of an enhanced role for social and employment policy actors – EMCO the SPC, DG EMPL and the EPSCO Council – in monitoring, reviewing, and amending the CSRs. Jurisdictional struggles continue with the economic policy actors about overlapping issues, especially those linked to the SGP and the MIP. But the revised procedural framework for the European Semester introduced in 2013, coupled with the detailed knowledge of the situation in the Member States, has made it possible for EMCO and the SPC to obtain amendments of the Commission’s draft CSRs on both larger and smaller issues – provided that they work together and argue their case effectively in joint meetings with their counterparts on the ECOFIN side.

In addition to carving out a place within the European Semester process, the SPC has made effective use of the knowledge base, governance instruments, and working methods developed through the Social OMC to play a proactive role in monitoring and assessing national performance against the EU’s common social objectives and indicators. Thus Member State representatives in the committee have exploited the flexibility of the Social OMC to develop their own social reporting initiatives at both the national and EU levels across all three of its policy strands. And they have also taken the lead in the development of *ex ante* review of planned social reforms, which DG EMPL now sees as the next step in deepening policy debate, peer review, and mutual learning within the European Semester itself (2014 interviews).

Our interviewees were more ambivalent about the new social monitoring instruments introduced as a result of the 2013 EU-wide debate on strengthening the social dimension of the EMU. The December 2013 European Council approved the integration of a scoreboard of key employment and social indicators into the 2014 European Semester. But contrary to the original hopes of EPSCO and the Commission that this scoreboard would be used as an early warning system for signaling ‘serious employment and social imbalances...that could threaten the

stability of the EMU', the European Council concluded instead that 'the use of this wider range of indicators will have the sole purpose of allowing a broader understanding of social developments (European Council 2013: pars. 38-9; EU Ministers of Employment and Social Affairs 2013; European Commission 2013b). Highly placed interviewees wondered how much had really been accomplished considering the intensity of the political struggle needed to get this scoreboard adopted and the fact that its initial use in the Commission's 2014 communication on the CSRs was rather critically received by social Non-Governmental Organisations (NGOs), trade unions and MEPs (Euractiv 2014). The latter should not come as a surprise in view of ongoing debate around the European social model (Pochet 2006).

In regard to the auxiliary social indicators incorporated into the MIP, our interviewees were similarly divided. Like other auxiliary indicators which form part of the MIP, there are no thresholds attached to these social indicators. They are therefore primarily used to interpret the situations in Member States which have already been selected for In-Depth Review, and to assess the social consequences of proposed corrective measures.

A continuing weakness of the EU's evolving socio-economic governance architecture is the limited involvement of non-governmental stakeholders at both the EU and national levels. Neither social partners nor civil society organizations currently play any significant role in the European Semester, despite calls for strengthening social dialogue, while EMCO meets periodically with the EU social partner organizations and is planning to involve their secretariats in its thematic reviews (EMCO 2014c). At Member State level, the continuation of voluntary NSRs has not compensated for the very restricted participation of both civil society and subnational actors in the preparation of the NRPs (Committee of the Regions 2014). Here, too, however, there are some signs of movement, as the new Structural Funds Regulation enacted in 2013 earmarks 20 per cent of all European Social Fund (ESF) monies for 'promoting social inclusion and combating poverty', and makes access to this funding conditional on the adoption of 'a national strategic framework for poverty reduction aiming at the active inclusion of people excluded from the labour market', involving 'relevant stakeholders' and providing 'a sufficient evidence base to...monitor

developments' (European Parliament and Council of the EU 2013: Annex XI, Thematic objective 9).

### 3.2 Intergovernmentalism vs. supranationalism?

In regard to the second set of questions raised at the outset about the relationship between EU institutions and the Member States, the evolution of the European Semester illustrates the limited ability of received categories like 'intergovernmentalism' and 'supranationalism' to capture the dynamics of post-crisis socio-economic governance. The European Council, to be sure, remains the political master of the Semester process, formally responsible for approving all documents and decisions, including the CSRs, and is the final arbiter of any disputes (at least until the Court of Justice becomes involved). But the European Council cannot and does not run the machinery of the Semester itself. In procedural terms, the role of the Commission has been greatly reinforced by the Six-Pack, the Two-Pack, and other post-crisis measures, since it is now formally responsible for setting the Union's socio-economic priorities through the AGS, selecting Member States for In-Depth Review, issuing draft CSRs, and proposing eventual sanctions under the Excessive Deficit Procedure (EDP) and Excessive Imbalance Procedure (EIP). The Commission's abilities to oversee Member States' economic, social, and employment policies have also increased significantly since the crisis, through the build-up of analytical capacities within DG ECFIN and DG EMPL, the appointment of dedicated 'European Semester officers' in national capitals, and the establishment of cross-DG Country Teams led by SECGEN.

But the Commission's grasp of national situations remains relatively broad-gauge and it cannot really compete with the fine-grained knowledge of policy challenges and developments possessed by specialized committees of Member State officials like EMCO and the SPC. These committees are therefore able to add very substantial value to the European Semester process through their monitoring, multilateral surveillance, and peer review activities, which they have continuously extended and intensified since the crisis. The committees have also been able to push back against what Member State representatives perceive as 'over-prescriptive', 'one-size-fits-all' recommendations from the Commission, which seek to define both the objectives and paths to

reach said objectives without taking proper account of national contexts and competences.

In so doing, however, these committees have not generally sought to ‘water down’ the Commission’s recommendations, but rather, to build national support for social and employment policy reforms by adapting them better to domestic institutional and political realities, based on an emerging ‘European view’ of how such reforms should be carried out in different policy fields. By demonstrating their ability to amend the Commission’s draft CSRs through QMV, these committees have also been able to force the latter to engage more deliberatively with Member States about their content in multilateral and bilateral fora. Although significant differences in perspective persist between the Commission and some of the committees – for example, on the relative priority of increasing the statutory vs. the effective age of retirement – there is growing cross-fertilization and complementarity between their analytical and evidence-gathering work. The same could be said of the relationship between the Commission, the Council, and Member State administrations within the European Semester.

### 3.3 Compliance vs. learning?

What of the third set of key questions raised at the outset about the relationship between compliance and learning within the European Semester? Many prominent actors within both the Commission and the Council certainly understand the Semester as a framework for enforcing national compliance with EU rules and policy recommendations and overcoming past implementation deficits. And the Semester has undoubtedly been used by the EU institutions to put pressure on Member States to address the specific policy challenges flagged by the CSRs. But there is wide disagreement among analysts and policy makers about the extent to which the CSRs have, in fact, been implemented. The Commission claims that 80% of the CSRs have been implemented, while others (especially German officials) have complained that it is more like 10-20%, and a detailed analysis carried out on behalf of the European Parliament shows a more mixed picture (Commission interviews 2014; European Parliament 2013). Both EMCO and the SPC have produced lengthy reports on social and employment policy reforms introduced by Member States since the crisis (e.g. EMCO

2014b; SPC 2013d), but these do not show to what extent these reforms correspond to the CSRs, and there has been considerable pushback against over-prescriptiveness in terms of detailed approach and timetables for specific measures.

No sanctions have yet been imposed on any Member State under the European Semester, including those states under the MIP, and this seems only likely to occur under very exceptional circumstances. There can be no question of formal sanctions for failure to implement recommendations issued under the Employment Guidelines, though there can be consequences in relation to the structural funds. Under the new Structural Funds Regulation covering the 2014-2020 programming period, there are three levers the Commission can use to bring pressure on Member States to implement the CSRs. The first is *ex ante* conditionality: Member States are expected in their Operational Programmes (OPs) to target expenditure on priorities related to the CSRs, and the Commission can refuse to approve their OPs if they fail to do so. The second lever is reprogramming: where new priorities emerge through the CSRs, the Commission can request that Member States redirect a proportion of their structural funding to meet these priorities, to which the Member State in question is obliged to respond. The final lever is suspension: if a Member State fails to comply with recommendations under the corrective arm of the EDP or the MIP, the Commission is obliged to bring forward a proposal for the progressive suspension of its structural funding. Significantly, from the perspective of this chapter, 'programmes or priorities which are of critical importance to addressing adverse economic or social conditions' are exempted from both suspension and reprogramming, including investments related to the youth guarantee scheme or 'supporting poverty reduction'. The maximum rate of suspension of funding is reduced for Member States experiencing above average rates of unemployment or poverty. So far, no such proposals for suspension have been tabled by the Commission, though according to our interviewees some reprogramming has occurred (Regulation No. 1303/2013: Art. 23 and Annex III; 2014 interviews DG EMPL and DG REGIO).

Our 2014 interviewees suggested that there are wide differences between Member States in how seriously they take the CSRs, depending on a variety of domestic considerations, including public attitudes towards European integration, the political sensitivity of the issues at



stake, and the national fiscal situation, among others. ‘The more you need from Brussels, the more weight the CSRs carry’, one Member State official observed. Political attitudes towards the EU and issue salience are likewise crucial. In some countries, such as Belgium and the Netherlands, the CSRs make the evening news and are widely discussed, especially where they touch on hot-button issues such as reform of wage indexation, pensions, or social housing. In countries at the other extreme like the UK, where all messages coming from Brussels are politically suspect, the CSRs are largely ignored.

The national influence of the CSRs also depends on how they are used by domestic actors. ‘Certain Member States are happy to receive a certain CSR’, remarked one high Commission official, ‘because it gives legitimacy, and the Commission gives it a push’. Governments sometimes go as far as to request a CSR on a particular issue, but our interviewees were unanimous in reporting that the Commission is increasingly unwilling to play this game. Conversely, CSRs are often picked up by opposition parties and other domestic actors to put pressure on the national government on controversial issues. As another Commission official put it, the ‘opposition can use it to say, listen, government, you have not sufficiently addressed this and that, and this confirms our assessment...’ The same Member State official quoted earlier concurred: ‘if you have a healthy democracy, somebody will be able to use the CSRs. It’s going to be very strange if there is a country where the whole Parliament, from left to right, says no, this CSR we’ve received now, this is really not something we should do’. The broader question of the national influence and domestic usages of the European Semester and the CSRs is one that would fruitfully repay further empirical research.

If there is little consensus on the effectiveness of the European Semester as a top-down compliance mechanism, our 2014 interviewees were surprisingly positive by contrast about the extent of joint exploration and mutual learning, both actual and potential, developing under the European Semester. Such learning was generally considered to be most limited in the country reviews of CSR implementation, partly because of the routinized process and the intense time constraints involved. But even there, some prominent committee members argue that participants learn about what other Member States are doing and draw inspiration and lessons for their own policies, especially when

they need to introduce something new (such as the minimum wage in Germany). Mutual learning and genuine policy exchange were considered to be more intense within the thematic reviews of CSRs, which take place in the fall during the 'low period' of the European Semester cycle when 'there is a bit more time to dedicate to substance'. Within the SPC, as we have seen, the thematic reviews cast weakly performing countries as examiners of their better performing peers, while encouraging them to focus on the identification of policy approaches which could and could not be transferred to meet their own domestic challenges. The thematic reviews are also the moment within both committees when the greatest efforts are made to mobilize specialized expertise across national ministries and the Commission services in order to pose probing questions and stimulate an open policy debate.

Participants in the review process likewise emphasize that its iterative character has produced a strong learning and consensus-building effect within the committees. Another prominent SPC member went further, arguing that in policy fields like pensions and long-term care, Member State representatives in the committee were moving, as a result of the Semester process, towards 'a common European view on social issues', based on a shared knowledge base and understanding of national differences, and a broad 'agreement that when you reform your...system, there are certain things you should and not do.'

There is wide agreement, finally, among both committee members and Commission officials, that the *ex ante* reviews of major policy reforms piloted by the SPC offer a particularly promising setting for mutual learning and genuine deliberation among Member States. 'This has the potential of being the next big thing' in the European Semester, commented one committee official.

A final crucial question raised by the multiplication of CSRs on social issues and the widening of their policy scope is how far such mutual learning activities can contribute practically to helping Member States tackle complex, multi-dimensional problems to which no one has prefabricated solutions. It is to be hoped that ongoing reforms of the multilateral surveillance, performance monitoring, peer review, and mutual learning programmes will enable EMCO, the SPC, and the Commission to tackle such problems more operationally, including by

working more closely with front-line officials in Member States. They have already begun to do this, for example, through collaboration with the recently established Network of EU Public Employment Services, which should help to ensure that such European mutual learning activities involve the 'right people' – those directly involved in the formulation and implementation of national policies – unlike what has sometimes occurred in the past (cf. Greer and Vanhercke 2010).

### 3.4 Socialising the European Semester: actors and processes

The progressive 'socialisation' of the European Semester analysed in this chapter can be interpreted as a response by the Commission and other EU institutions to external developments. Most notable among these is the rising social and political discontent with the consequences of post-crisis austerity policies among European citizens demonstrated, for example, by falling levels of public support for the EU in the Eurobarometer surveys and successive electoral defeats for incumbent governments in many Member States. But the socialisation should also be understood as the product of reflexive learning and creative adaptation on the part of EU social and employment actors to the new institutional conditions of the European Semester. This process began with the employment policy actors within EMCO and DG EMPL who were already familiar with the challenges of debating their positions with the economic policy actors, and who took the first steps to strengthen their intelligence-gathering and analytical capacities through the development of new monitoring instruments, the intensification of multilateral surveillance, and the introduction of QMV on amendments to the Commission's draft CSRs.

But their example was quickly emulated by the social policy actors within the SPC and the Social Policies Directorate of DG EMPL. These actors not only followed suit in developing new instruments to monitor and analyse the social dimension of the European Semester, deepening multilateral surveillance of CSR implementation, and adopting QMV for amending the CSRs, but also proactively used the institutional *acquis* and flexibility of the Social OMC to introduce new social reporting initiatives at both the national and EU levels and to launch an innovative programme of *ex ante* peer review of major social reforms. Other EU policy communities, including the social NGOs and trade

unions assembled in the EU Semester Alliance (2014), have likewise begun to mobilize organizationally and politically to make their voices heard within the European Semester and influence its outcomes. The mid-term review of the Europe 2020 Strategy, coupled with the appointment of a new Commission in October 2014, represents a golden opportunity to build systematically on these emergent developments within the European Semester in order to ensure that the EU's post-crisis socio-governance architecture continues to become more socially balanced, contextually sensitive, and learning-orientated. This golden opportunity, of course, may or may not be taken.

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