

Conclusions

Policymaking in a state of permacrisis: can the EU uphold its social ambitions?

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Introduction: lurching from crisis to crisis¹

Unleashed in February 2022, the war in Ukraine has put paid to Europe's fragile economic recovery from the Covid-19 pandemic, triggering a devastating humanitarian crisis in Europe, sharp rises in food and energy prices and globally exacerbating inflationary pressure. The European Union's (EU) annual inflation was 9.6% in June 2022; a year earlier, it had been just 2.2% (Eurostat 2022). At the same time, Covid-19 continued to rage worldwide in 2021, spurred by more contagious variants. Vaccines proved highly effective but were unevenly distributed. It is estimated that 3.5 million people died worldwide from Covid-19 in 2021, or around 50,000 people every week (WHO 2021).

The climate crisis continued unabated in 2021, repeating the catastrophic extreme weather events of 2020, from fires to floods. Four key climate change indicators – greenhouse gas concentrations, sea level rise, ocean heat and ocean acidification – set new records in 2021. Extreme weather – the day-to-day 'face' of climate change – led to hundreds of billions of dollars in economic losses and wreaked a heavy toll on human lives and well-being, while triggering shocks for food and water security and displacement (WMO 2022). Unsurprisingly, the outlook for the global economy, still reeling from the pandemic and Russia's invasion of Ukraine, is increasingly gloomy and uncertain. Higher-than-expected inflation is triggering a tightening of global financial conditions. The pandemic is now recognised as having triggered the largest synchronised fall in global GDP in modern history, constituting the worst recession since the Great Depression (following the Wall Street Crash of 1929), and far worse than the 2007-2008 global financial crisis. At the same time, the impact of what the International Monetary Fund (2020) framed as the 'Great Lockdown' was quickly mitigated by the EU and Member State governments, guided by lessons learned from the global financial crisis (Vanhercke and Spasova 2022).

For the first time in the 32 years that the United Nations Development Programme (UNDP) has been calculating the Human Development Index, this index – which measures a nation's health, education, and standard of living – declined globally for two years in a row (UNDP 2022). As a result of Covid-19 and the war in Ukraine hitting the

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world back-to-back, human development slipped back to its 2016 levels in nine out of ten countries, reversing much of the progress made towards achieving the Sustainable Development Goals (SDGs). While some countries are beginning to get back on their feet, recovery is patchy and partial, further widening inequalities in human development (ibid.).

The uncomfortable background to this book are thus multiple global crises: a health crisis, an economic and financial crisis and a climate crisis unfolding in parallel, while war has returned to Europe. According to some, rather than being the exception, a state of ‘permacrisis’² with one challenge seamlessly followed by the next, ‘will be the environment in which Europe will have to continue to operate for the foreseeable future’ (Zuleeg et al. 2021). Importantly, Hans Kluge of the World Health Organization (WHO) argues that the European Region is in a permacrisis that stretches well beyond Covid-19 (arguably the most visible pandemic in our lifetime), climate change and war. Indeed, other long-running crises are relatively discreet, but continue to compromise the health of millions and burden health systems. As a matter of fact, the WHO (2022) points out, noncommunicable diseases³ often go unnoticed but cause several times more deaths than Covid-19 (WHO 2022).

The remainder of this chapter is structured as follows. Section 1 summarises the initiatives topping the EU agenda which have been analysed in-depth in the respective chapters of this book. Section 2 completes the picture of the EU’s social policy agenda during 2021 and the first half of 2022 (the period covered by this book), discussing some of the more recent initiatives not addressed in the volume. Section 3 discusses the need for a reform of EU economic governance to promote social progress and environmental sustainability, including the setting up of an EU ‘Social Imbalances Procedure’. Section 4 glances ahead to 2023, while the final section raises the question whether the EU’s new agenda on ‘Open Strategic Autonomy’ (OSA) could possibly provide a framework for sustaining an ambitious EU social agenda in a context of permacrisis.

1. An ambitious EU social policy agenda: chapter by chapter

The unsettling reality of a ‘multi-crisis Europe’ provides essential background when analysing EU social policymaking in 2021 and the first half of 2022. As Zuleeg et al. (2021) point out, ‘the functioning of EU governance increasingly relies on national leaders being able to overcome domestic constraints and act more in the European interest. National governments (and parliaments) are, in many cases, politically overwhelmed by this dual challenge’. And yet, the chapters of this book suggest that – building on the policy momentum created by the Juncker European Commission (2014-2019) and the seeds sown in 2020 (see Vanhercke and Spasova 2022) – the von der Leyen European Commission has been able to pursue an ambitious social policy

2. The word permacrisis is most widely understood as a portmanteau of ‘permanent’ and ‘crisis’ and refers to an extended period of instability and insecurity (Collins Dictionary).

3. These include cancer, heart disease, alcohol- and tobacco-related disease, and the epidemic of obesity (WHO 2022).

agenda throughout 2021 and the first half of 2022, despite the global turmoil and in many cases with Covid-19 acting as a catalyst.

The opening chapter by Federico Fabbrini (this volume) explores how the invasion of Ukraine has affected the process of European integration and reflects on prospects for the future of the EU. He argues that Russian military aggression in early 2022 prompted the EU to respond with unprecedented steps forward in integration, particularly in the fields of defence and energy. The EU's Common Foreign and Security Policy has been enriched by a new 'Strategic Compass' (long in the making). In addition, the revamped Common Security and Defence Policy (CSDP) made it possible to deploy, for the first time, the European Peace Facility to provide weapons to the Ukrainian army, while Denmark abandoned its CSDP opt-out. In the area of asylum and migration, the EU's 'open-door' policy in response to the massive inflow of Ukrainian refugees contrasted with the 2015-2016 refugee crisis, with the possibility created to redirect EU cohesion policy funds to assist refugees. The EU also decided to reduce energy dependence on Russia, to promote transnational connections and speed up the transition to clean energy, including through 'RePower EU' – the common European action plan for more affordable, secure and sustainable energy.

At the same time, the chapter by Fabbrini highlights key weaknesses in the EU governance system, power structure and financial architecture exposed by the geopolitical situation. These include a lack of adequate supranational competences, difficulties in decision-making due to the rule on unanimity and limited financial resources (lack of significant fiscal capacity). As a result of these limitations, the EU response to the invasion of Ukraine suffered several setbacks. For example, the chapter argues, the objective of establishing a 5,000-strong EU Rapid Reaction Force by 2025 can be seen as 'too little, too late' – and far less ambitious than what was already envisaged in the 2000s – for the EU's Common Foreign and Security Policy. The abovementioned open-door policy for Ukrainian refugees has not been applied evenly, and there have been reports of border officials committing serious and illegal acts of racial discrimination against refugees. Just as importantly, no progress has been made on the EU Pact on Asylum and Migration. Finally, the EU's ambition to leverage the collective force of the EU on the international energy markets did not take off, while further financial sanctions against Russia were slowed down by internal disagreement.

At a time when the war in Ukraine made reform of the EU more urgent, the Conference on the Future of Europe (CoFoE) – established in May 2021, concluded in May 2022 and hence profoundly influenced by the invasion of Ukraine – mapped a path for addressing some of these shortcomings, including recommendations for Treaty changes, in health, social policy and migration among other policy areas. Hopes for progress in this respect were however dashed by the fact that no less than 13 Member States immediately raised a red flag against such Treaty changes. Even so, in June 2022 the European Parliament adopted a resolution calling on the European Council to agree to start the process of revising the EU Treaties (European Parliament 2022). In the meantime, the European Commission (2022a: 4) claims that many of the key initiatives outlined in the 2023 work programme 'follow up on the ambitious proposals made during the Conference'.

Another 2021 milestone was Member States' submission of their national Recovery and Resilience Plans (RRPs) setting out hundreds of policy initiatives for the next years under the Recovery and Resilience Facility (RRF). A significant subset of these initiatives focus on the EU's green and digital transitions, though, as David Bokhorst (this volume) argues, many also have a social orientation. This is the logical result of the structure of the RRF. On the one hand, 'social and territorial cohesion', 'health, and economic, social and institutional resilience', as well as 'policies for the next generation, children and youth' are among the six pillars of the RRF. On the other hand, Member States are required to explain how their RRP is expected to contribute to the implementation of the European Pillar of Social Rights (EPSR). Furthermore, to gain access to the funding, Member States need to show how their plans address the challenges set out in the European Semester's Country-specific Recommendations (CSRs), some of which concern the adequacy of social provisions and the longer-term challenges facing the welfare state.

According to the European Commission, Member States generally delivered ambitious reform and investment plans, although countries set to receive less funding are also less ambitious in terms of CSR implementation. Importantly, Bokhorst's chapter finds that welfare state resilience in the RRP is primarily understood in terms of 'social investment', with many measures targeting human capabilities and enabling a better balance between work and family. There are also reforms and investments in the adequacy of social protection programmes, although key policy problems, such as pension reforms, are insufficiently addressed by Member States. According to the author, the RRF can be seen as a further step in the progressive 'socialisation' of EU economic governance: for future steps it will be important to ensure that the welfare transitions initiated under the RRF receive sufficient support for a longer time horizon and do not conflict with fiscal rules (see the debate on an EU Social Imbalances Procedure in Section 3).

In addition to making fiscal resources available (very significant amounts for some Member States), Bokhorst argues that a key innovation of the RRF is the 'performance-based financing' approach. This foresees much greater detail in the plans than previously in the European Semester, and an enhanced monitoring role for the European Commission. A key finding is that, while the RRF has been designed to operate in a machine-like manner in terms of monitoring implementation, in practice, the Commission may not be able to refuse some room for manoeuvre to meet changing political demands. Importantly, according to the author, one could expect the performance-based financing approach to be the 'new normal' in EU governance. While this approach has considerable potential for more effective monitoring (a clear demand from the so-called 'Frugal Four'⁴), it depends greatly on a high degree of ex-ante knowledge, placing the Commission in the driving seat. Performance-based financing also tends to centralise domestic decision-making, favouring the executive, with social players and national parliaments pressured to deliver at short notice. Due consideration should therefore be given to the implications of further 'hardening' the

4. Austria, Denmark, the Netherlands and Sweden.

Semester in the sensitive area of welfare state reform with a view to striking a balance between efficiency and legitimacy.

The Recovery and Resilience Plans are analysed from a different angle in the chapter by Sebastiano Sabato and Sotiria Theodoropoulou (this volume). Since the objective of promoting a just, green transition dominates the RRF Regulation, the authors scrutinise the ‘socio-ecological dimension’ of the RRFs of six Member States, with a view to identifying the measures explicitly aimed at integrating social and green transition objectives and policies. For this, the authors use an original analytical framework aimed at identifying the specific ‘eco-social’ functions that welfare states are expected to perform in the green transition. They find that, while the RRFs do have a socio-ecological dimension, it seems, overall, rather limited and somehow unbalanced. Most of the measures identified in the six countries under scrutiny pertain to the ‘enabling’ function of the welfare state and are aimed at linking education, training and skill development policies to the needs of the green transition. Other measures have the potential to help meet the objectives of the green transition by reducing the environmental impact of social infrastructure. A significant number of measures pertain to what the authors label the ‘benchmarking’ function of the welfare state, meaning measures that – while primarily aimed at achieving ‘green’ objectives – are designed in a way that considers social objectives and concerns. Examples of this include measures for promoting energy efficiency in buildings, with specific incentives for vulnerable households.

By contrast, measures linking social protection and green transition assistance schemes with a view to providing citizens and workers with ‘buffers’ against the negative consequences of the transition are underdeveloped in the RRFs. Also, the role to be played by social and civic dialogue in the transition, to create consensus and manage conflicts, is not always made explicit in the measures proposed. The authors conclude that a ‘just transition’ requires more comprehensive and coherent policy frameworks to simultaneously pursue the social and green objectives. The need to adapt traditional welfare state provision to ensure adequate and sustainable buffers for citizens during the green transition is becoming increasingly pressing, as learned from the pandemic. Will implementation of the Council Recommendation on ensuring a fair transition towards climate neutrality (June 2022) be a step in this direction?

The politics of the December 2021 proposal (European Commission 2021a) for an ambitious Directive on improving the working conditions of people working through platforms are at the heart of the chapter by Slavina Spasova and Matteo Marengo (this volume). The authors trace in detail the emergence of the proposal in the political context of the post-Juncker Commission and the social situation of platform workers, exacerbated by the Covid-19 pandemic. They demonstrate that the European Commission played a key role, acting as a *policy entrepreneur* in setting the policy agenda. The Commission was prominent in the *problem definition*, focusing the consultations and the final proposal on the issue of ‘employment status’ and notably the ‘presumption of employment’. The Commission also acted as a *coalition builder*, working in close collaboration with the European Parliament – in a dynamic defined by the authors as a ‘symbiosis’ and reciprocal influence – thus reflecting Commission President von der Leyen’s wish to improve cooperation with other EU institutions.

Spasova and Marengo also demonstrate the extent to which the European Parliament (and individual members) played a key role in politicising the issue, especially in pushing for the legal instrument (a Directive rather than a Recommendation) and the presumption of employment. This role was also vital in making the voice of platform workers heard at EU level. Highlighting the need to strengthen protection of these workers, the pandemic favoured the decision-making process and made it possible to overcome traditional political divides within the European Parliament (such as left/right, liberals/regulators and creditors/debtors). The mobilisation of stakeholders, i.e., traditional social partners and newly emerging players, was also crucial in this dossier. While traditional trade unions were mostly aligned with representatives of platform workers (supporting the proposal), employer organisations mostly agreed with platform companies (opposing the proposal). Crucially, the authors emphasise that the rise of platforms has accentuated the mismatch between the core interests of traditional social partners (i.e., standard employment), the new constellation of players (platforms and platform workers) and an increasingly differentiated labour market structure. The politics surrounding the proposed Directive demonstrate that regulating digital work is possible, while emphasising the extent to which EU social dialogue mechanisms need to be reformed.

As described in the chapter by Petra Debusscher (this volume), the current European Commission – with the unparalleled support of the first-ever female European Commission President, the appointment of a dedicated Commissioner for Equality, and a near-gender-balanced College – has put gender equality firmly back on the EU political agenda. This represents a change of perspective compared to *all* previous European Commissions, except for the Delors Commission (1985-95) which encouraged a flourishing of equality initiatives linked to the single market project. The von der Leyen Commission has made significant efforts to move forward with the implementation of the Gender Equality Strategy 2020-2025 over the past two years, supported by gender advocates within and outside the institutions. Key advances in 2021 and 2022 include: a) exploring alternative legislative options to achieve the goals of the Istanbul Convention on preventing and combating violence against women and domestic violence; b) a European Commission proposal on binding pay transparency measures and a Commission proposal for a European care strategy; c) political agreement between the EU institutions on the ‘women on boards’ Directive which had been stalled in the Council for a decade; and d) embedding gender equality in the design of the 2021-2027 Multi-Annual Financial Framework (MFF), as well the adoption of a new methodology for tracking social expenditure (including on gender equality) in Member States through the RRF. At the same time, clearly, the EU’s gender mainstreaming strategy in all policy areas in all phases of the policy cycle continues to be implemented in a patchy and ad hoc fashion. For example, the European Green Deal and the European Commission’s initial RRF proposal (May 2020) lacked gender considerations, suggesting that the Commission is still working in silos on the topic.

The real question, Debusscher argues, is whether the present European Commission will be able to sustain its ambition in this area in the coming years: over the past years, several European Member States have undergone unprecedented de-democratisation, with negative consequences for (gender) equality and social justice (see Atanasova and

Rasnača, this volume). Conservative governments, often supported by religious groups, have been systematically attempting to remove the word ‘gender’ and ‘gender equality’ from key EU policy documents, thereby undermining progress in the gender equality agenda. All in all, however, the author concludes that there are grounds for optimism: it is time to move beyond the idea that the EU as a gender equality polity is merely a ‘foundational myth’: the EU, she argues, has been an important catalyst in promoting women’s economic, political and social equality.

The final chapter of the book by Angelina Atanasova and Zane Rasnača addresses the ‘rule of law dismantling’ process from a social policy perspective, illustrating it with two country cases: Hungary and Poland. The rule of law involves a set of formal and procedural principles addressing the way in which a community is governed. It guarantees fundamental rights and values and allows application of EU law. The recent rule of law backsliding in some EU Member States has been described by some as ‘arguably the only truly existential risk’ to the EU’s institutional survival. In the last decade, multiple charges of breaching the rule of law have been levied against Hungary and Poland. Examples include interference with the independence of the judiciary through forced early retirement and disruption of academic freedom.

The EU responses to the rule of law crisis have involved the use of a wide array of approaches. The so-called ‘emergency brake’ (Article 7 TEU) was triggered for the first time ever in 2017 against Poland by the Commission, and against Hungary in 2018 by the European Parliament. A second mechanism used has been the infringement procedure: since 2018, more than 20 such procedures regarding the rule of law have been initiated, mostly against Poland (e.g., against the disciplinary regime for domestic judges) but also Hungary (rights of asylum seekers, racial discrimination). Finally, a new instrument – the Rule of Law Conditionality Regulation – was adopted by Council and the European Parliament in 2020. During 2023, the European Commission will put forward a ‘Defence of Democracy’ legislative package to deepen the action under the European Democracy Action Plan.

The chapter focuses on the various institutional tools used in the EU response to the rule of law crisis, specifically in the social policy domain, emphasising that social policy and equality legislation not only provided the Court of Justice of the EU (CJEU) with a ‘door-opener’ for developing an EU-level framework for protecting the rule of law, but also broadened our understanding of the rule of law as a concept. A key question raised by Atanasova and Rasnača is *to what extent can the EU’s conditionality mechanisms be used to discipline Member States regarding the rule of law?* Strict application of the EU’s cohesion policy and the RRF would indeed enable, in principle, large amounts of national funding to be withheld: the question is whether and how this could be done without a negative impact on the final recipients of EU funds. Further research will have to scrutinise the possible impact on domestic labour markets and social policies.

2. Deeping Social Europe: other social policy initiatives (2021-2022)

Looking at the wider range of EU social policy initiatives launched in 2021 and the first half of 2022, the chronology by Atanasova and Moja (this volume) flags that negotiations on EU social security coordination remained on the agenda of both the Portuguese and Slovenian Presidencies of the Council of the EU, with no compromise reached with the European Parliament by the end of 2021. By contrast, both Presidencies consistently negotiated and made progress on the key proposal for a Directive on adequate minimum wages. One of the highlights of the Portuguese Presidency was the Porto Social Summit, with its spotlight on such key topics as the revival of the EU economy after the Covid-19 pandemic and the commitment to make progress on implementing the European Pillar of Social Rights. As the authors describe, during 2021, the Court of Justice of the EU handed down several ground-breaking decisions strengthening social protection rights for EU citizens. Several other social policy initiatives were implemented in 2021 and 2022, including the adoption of a Recommendation on the European Child Guarantee and of the new EU Strategic Framework on Health and Safety at Work for 2021-2027, as well as the adoption of the Commission's strategy for the rights of people with disabilities for the period 2021-2030. The next paragraphs briefly discuss some of these initiatives.

A milestone in EU social policymaking is the agreement reached on 7 June 2022 between the European institutions on a European Minimum Wage Directive. As Müller and Schulten (2022) point out, though care should be exercised when using the term 'historic', the term seems appropriate for this agreement cementing the first ever EU legislation explicitly aimed at ensuring adequate minimum wages and strengthening collective bargaining. The most important provision for *setting national minimum wages* is Article 5(4), which states that Member States may be guided by indicative reference values when assessing the adequacy of statutory minimum wages, using internationally recognised indicators such as 60 per cent of the gross median wage and 50 per cent of the gross average wage. The Directive, thus, de facto establishes a double 'decency threshold'. In the majority of EU states, more or less substantial increases in statutory minimum wages are necessary to reach the double decency threshold. Although this threshold is not legally binding, it is a strong normative benchmark for setting minimum wages at national level which Member States will find it difficult to escape (ibid.).

To *strengthen collective bargaining*, the Directive also contains various provisions aimed at strengthening the role of trade unions. Thus, Article 4(1) guarantees the right to collective bargaining and protects workers and their representatives who participate (or wish to participate) in collective bargaining from discrimination. Crucially, Müller and Schulten (2022) point out that Article 4(2) obliges Member States with collective bargaining coverage of less than 80 per cent to take measures to increase it. This includes national action plans containing clear timetables and concrete measures to do so. These plans must be developed in cooperation with the social partners, reviewed regularly and updated at least every five years. In other words: the Directive provides an unprecedented window of opportunity to strengthen the institutional power of national

trade unions (ibid.). However, implementing the non-binding thresholds at national level is set to be an uphill struggle for trade unions in many Member States.

The importance of this agreement is fourfold: first, it brings to a successful end a decades-long debate on the possibilities and limits of a European minimum wage policy. Second, it marks nothing less than a paradigm shift for a social Europe, contrasting greatly with the period that followed the 2008/2009 financial crisis when the crisis management pursued at European and national level promoted the freezing or even cutting of minimum wages, the decentralisation of collective bargaining and, thus, an overall weakening of collective bargaining coverage (Schulten and Müller 2015). Third, it has the potential to become a real game changer in the fight against in-work poverty and social inequality. Fourth, the 80 per cent collective bargaining threshold will, in practice, provide a strong push to promote sectoral collective bargaining, especially in countries where this is currently weak. Now that the European Parliament and the Council have formally adopted the Directive (in September and October 2022 respectively), Member States have two years to transpose it into national law.

Important progress has also been made in the field of occupational health and safety (OHS). In June 2021, the European Commission (2021b) published the 'EU strategic framework on health and safety at work 2021-2027'. In a previous edition of the *Bilan social*, Laurent Vogel (2018) described a decade of very productive legislative activity on health and safety issues following the Single European Act (1986), which led to a radical overhaul of national health rules in many Member States. This period was followed by the 'Better Regulation' paradigm which put OHS on the backburner from the 2000s onwards. The revision of the Directive on carcinogens and mutagens (2015-2017) seems to have revamped the EU's OHS agenda, even if Vogel (ibid.) warned that 'one swallow does not make a summer'. Indeed, when looking at the causes of work-related deaths, 52% are caused by cancer (European Commission 2021b). Moreover, although some Member States improved their performance, other Member States are seeing an increase in workplace accidents. Against this background, the Commission announced a series of concrete initiatives to start implementing the new Strategic Framework, including a proposal (September 2022) for revising the 2009 Directive (2009/148/EC) on protecting workers from the risks of exposure to asbestos at work. The European Trade Union Confederation (ETUC) promptly expressed its disappointment concerning the proposal, stressing that the proposed revision lacks ambition (ETUC 2022a). The need to reconcile the interests of business with workers' health will be at the heart of the negotiations on the file between the EU institutions in the following months.

Remaining in the field of health, the Commission announced a new European Care Strategy in September 2022. Its objective is to ensure high-quality, affordable and accessible care services across the EU and to improve the situation for both care receivers and the people caring for them, professionally or informally (European Commission 2022b). The strategy put forward by the Commission aims to attract more investment in care, ensure a better gender balance and improve early education and care by setting ambitious targets. The Strategy is accompanied by two proposals for Council Recommendations: one on the revision of the Barcelona targets on early childhood education and care; the other on access to affordable high-quality long-term care (LTC).

Once adopted, the latter will launch the first-ever EU (soft governance) initiative on the topic and increase the profile of the ‘affordability’ and ‘quality’ dimensions of LTC in the European Semester, alongside its ‘financial sustainability’. This could lead to supporting reforms and investment through available EU funding in LTC, a policy area firmly in Member State hands and where the EU will have to tread carefully.

The pandemic highlighted the need for a common European space for health. In the context of the development of a ‘European Health Union’ (Deruelle 2021), the Commission published a proposal for a Regulation on the European Health Data Space in May 2022. Its aim is to create a shared cross-border space for health data, facilitating the use of health data for innovation, research and public policy protection (European Commission 2022c). While the Regulation would arguably represent a leap forward in the digitalisation of health services in the EU, many issues have been raised regarding the protection of patient and citizen data: the new legislation should be human-centred and protect the sensitive information of patients. At the time of writing (winter 2022), negotiations among the EU institutions are ongoing, while the Council has already outlined a consensus on a legal framework for health data.

At the European Summit held during the Portuguese Presidency of the Council of the EU in May 2021, the Action Plan of the European Pillar of Social Rights was endorsed in the Porto Social Commitment (European Union 2021) by the EU institutions, the European social partners and European civil society representatives (7-8 May 2021). Considered a salient moment for Social Europe (Fernandes and Kerneis 2021), the endorsement of the Action Plan gives strong political legitimacy to the proposed three EU-level headline targets in the areas of employment, skills and social protection to be achieved by 2030 and key actions to achieve them (see Vanhercke and Spasova 2022). One key initiative taken in this context was the June 2021 Council Recommendation on a European Child Guarantee which strives to make essential childcare (early childhood education and care, education, healthcare, nutrition and housing) free or affordable to children in need.

In addition, the European Platform for Combatting Homelessness was set up by the European Commission and the Portuguese Presidency. The Platform is underpinned by the June 2021 Lisbon Declaration (European Union 2021b) in which Member States unanimously commit to cooperating at European level to make substantial progress towards ending homelessness by 2030. The Platform’s governance is now in place (ministerial meetings every two years; a steering board which includes civil society organisations; a secretariat provided by the European Commission) and its work programme was agreed under the French Presidency in February 2022. The priority actions for the platform are to: a) support monitoring of homelessness, strengthen analytical work and data collection; b) support mutual learning of good practices; and c) promote the use of EU funding by the Member States (Ministère chargé du logement 2022). In view of the recent warning issued by the Foundation Abbé Pierre and FEANTSA (2022) about the surge in rent arrears and the ensuing risk of the number of evictions in the EU increasing – while the exceptional and temporary protection measures adopted over the past two pandemic years are gradually coming to an end, household energy

costs have soared in the wake of the war in Ukraine –, the operation and effectiveness of the Platform deserve close scrutiny.

The EPSR is also behind a minimum income initiative at European level⁵, with the European Commission proposing a Council Recommendation on adequate minimum income in September 2022. It is expected to help achieve the EU's 2030 social targets to reduce the number of people at risk of poverty or exclusion by at least 15 million people. As described by Shahini et al. (2022), national and supranational players have taken action in favour of binding EU legislation in this field, while 'key stakeholders have launched a mobilization campaign which brought together civil society organizations (CSOs) and the main supranational trade union confederations' (ibid.: 6). While negotiations over the Recommendation are ongoing at the time of writing, the authors argue that the European Commission's decision to adopt a recommendation rather than a directive on an EU-level minimum income scheme 'is attributed to political non-viability, in light of the strong gatekeeping role played by some Member States eager to protect social sovereignty in this policy field' (ibid.: 8).

3. Reformed EU economic governance for social progress and environmental sustainability

In a context of multiple crises, even the ambitious social policy responses described above will be insufficient to effectively deal with the 'twin transition'. EU governance frameworks also need to be adapted. On 9 November 2022, the European Commission (2022d) published a Communication illustrating its orientations for a *reformed EU economic governance framework*. The debate on this reform started at the beginning of 2020 but was put on hold during 2020 and most of 2021 due to the Covid-19 pandemic, before being officially relaunched in autumn 2021 (European Commission 2021c). The stated objective of the reform proposed by the European Commission is to adapt the EU economic governance framework to the challenges and priorities ahead, including achieving a fair green and digital transition, boosting social and economic resilience, increasing territorial cohesion, reducing energy dependencies, and increasing defence capabilities (European Commission 2022d: 4). In the Commission's view, the reformed framework should be able to simultaneously strengthen debt sustainability and enhance sustainable and inclusive growth, through a combination of prudent fiscal strategies, investment and reforms (ibid.: 1). The Commission proposes several changes to both the Excessive Deficit Procedure (EDP) and Macroeconomic Imbalances Procedure (MIP) – and closer integration between the two tools. The goal is to simplify procedures, increase national ownership, and enhance their effectiveness by strengthening enforcement⁶. The debate on the reform will continue in 2023, with the objective of establishing the new framework ahead of Member States' budgetary processes for 2024 (ibid.: 20).

5. The Pillar states that 'Everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services. For those who can work, minimum income benefits should be combined with incentives to (re)integrate into the labour market' (European Pillar of Social Rights, principle 14).
6. Including by broadening the array of possible sanctions for non-compliance, and making these more stringent.

The importance of ensuring that the new EU economic framework is compatible with achieving the EU's social and green objectives should be stressed here. Indeed, the asymmetry between relatively strong and well-codified EU governance procedures in the fiscal and macroeconomic domains and weaker procedures in the social domain is well known (see Sabato et al. 2022 for a recent review). Especially in the aftermath of the Great Recession, this asymmetry contributed to pushing some Member States to implement tough fiscal consolidation policies, with only scarce consideration of their social implications.

We have argued elsewhere that this risk should be avoided: any reform of the EU's economic governance should be accompanied by a significant strengthening of the EU's social dimension. In this respect, the setting up of a 'Social Imbalances Procedure' (SIP) complementing existing fiscal and macroeconomic procedures would be a promising step forward (Sabato et al. 2019, 2022). The debate on a possible SIP was (re-)opened by the Spanish and Belgian governments which, in a 'non paper' published ahead of the May 2021 Porto Social Summit, proposed equipping the EPSR Social Scoreboard with 'an alert mechanism that triggers a more in-depth follow-up and discussions at committee and ministerial level, based on the approach for macro-economic imbalances in the Alert Mechanism Report' (Belgian and Spanish Governments 2021). This proposal was further developed by the two countries and discussed on several occasions in 2021 and 2022 – including by the Employment and Social Affairs (EPSCO) Council and its advisory committees (Vanhercke and Sabato 2022). More recently, a joint SPC and EMCO ad hoc Working Group on the SIP was created, with a view to launching, in 2023, a pilot scheme to test the practical modalities of such an instrument. A window of opportunity is currently open for an EU Social Imbalances Procedure. The first months of 2023 will be crucial to approving an ambitious SIP and avoiding the risk of a watered-down tool with neither the ambition nor the strength to counterbalance EU fiscal and macroeconomic instruments. In the past months, debates about the SIP have taken place under the radar in specialised EU committees without any meaningful involvement of the European Parliament. Institutional and societal players interested in strengthening Social Europe should therefore raise their voices and contribute to the debate with constructive proposals, possibly encouraging the Swedish Presidency of the Council of the EU (1 January-30 June 2023) as well as the European Commission to vigorously use this window of opportunity to bring an ambitious SIP to fruition in the coming months (ibid).

Helping achieve a fair green and digital transition is among the stated objectives of the Commission's proposal for reforming EU economic governance. The ambition to achieve a 'just' green transition 'that leaves no one behind' was already put forward by the European Commission in its 2019 Communication on the European Green Deal. Since then, an EU just transition framework has gradually emerged through a series of EU-level policy orientations and instruments aimed at ensuring that the EU and its Member States can exploit the opportunities deriving from the green transition while addressing and cushioning the related social challenges. While important initiatives in this respect were already taken in 2021 – including the setting up of the Just Transition Mechanism and Just Transition Fund, and the inclusion of just transition in the RRF objectives (see Sabato and Theodoropoulou this volume) –, further elements of the EU

just transition framework are on the horizon. At the time of writing, trilogue negotiations between the Parliament, the Council and the Commission are ongoing with a view to approving a Regulation establishing a Social Climate Fund.

This Regulation was proposed by the European Commission (2021d) in July 2021, as part of the broad ‘Fit for 55’ policy package setting out initiatives to achieve a reduction of net greenhouse gas emissions in the EU by at least 55 per cent by 2030 (compared to 1990 levels). The Social Climate Fund – which, in the Commission’s proposal, would amount to a maximum of EUR 72.2 billion over the 2025-2032 period – is notably meant to accompany the proposal to revise the Emission Trading Scheme (ETS) to include the building and road transport sectors. As this will entail an increase in fossil fuel prices, the specific objective of the fund is to ‘address the social and distributional impacts on the most vulnerable arising from the emissions trading for the two new sectors’ (ibid.: 2) including: a) by financing temporary direct income support for vulnerable households and transport users to absorb the impact of higher prices; and b) by financing measures and investments to increase the energy efficiency of buildings, to decarbonise heating and cooling of buildings, and granting improved access to zero and low-emission mobility and transport (ibid.: art. 6.1, 6.2).

While both the Just Transition Fund and, if approved, the Social Climate Fund will provide Member States with additional EU funding to ensure a just transition, the two funds have relatively limited scope in terms of territories and sectors targeted, and beneficiaries. Broader guidance to the Member States on just transition policies to be implemented was provided by the Council of the European Union (2022) in its Recommendation on ensuring a fair transition towards climate neutrality, adopted in June 2022. The Council Recommendation calls on Member States to implement *comprehensive and coherent policy packages* addressing the employment and social aspects of the green transition, and indicates specific actions to be taken in four domains: a) active support for quality employment; b) quality and inclusive education, training and lifelong learning, as well as equal opportunities; c) fair tax-benefit systems and social protection systems, including social inclusion policies; and d) access to affordable essential services and housing. The European Semester is expected to be an important vehicle for monitoring implementation of the Recommendation and, in order to do so, further work will be conducted on (among others) developing indicators better capturing the social dimension of the green transition (including, importantly, in the domains of energy and transport poverty).

4. Further building Social Europe in 2023

Building on the ambitious policy agenda of 2021 and the first half of 2022, various social policy initiatives have been scheduled or are set to come to fruition in 2023. With its stated aim to deliver the necessary reskilling and upskilling of the European workforce, the European Year of Skills will *inter alia* see an update of the current EU learning mobility framework (through a Council Recommendation) to enable learners to move more easily between education systems.

In the area of health, the Commission's European Health Union will continue to be rolled out, *inter alia* through continued implementation of the 'Beating Cancer Plan', the European Health Data Space and a comprehensive (non-legislative) approach to mental health, a major societal issue spotlighted during the pandemic. Draft legislation on a European Disability Card should be presented by the end of 2023, with the aim of ensuring the mutual recognition of disability status across all Member States. A legislative initiative is expected on the screening and registration of asbestos in buildings, following up on a European Parliament legislative resolution on the topic. The ambition is also to reach agreement between the EU institutions during 2023 on the abovementioned proposed Directive on combating violence against women and domestic violence, as well as on pay transparency. Stalled in the Council since 2008 due to the unanimity requirement, the European Commission proposal for an anti-discrimination (dubbed 'equal treatment') Directive remains on the agenda.

Following the agreement between the ETUC and European business associations on a work programme for social dialogue 2022-2024, the EU social partners will work towards legally binding measures to regulate telework and institute a right to disconnect at European level. The European Commission had announced, in its Work Programme 2022, that it would put forward a Communication to strengthen social dialogue at EU and national level by the third quarter of 2022. At the time of writing, the Communication – which will consider the implications of the landmark European Public Service Union (EPSU) versus the Commission court case⁷ – has still not been published.

As part of the implementation of the EPSR Action Plan, the Commission will present an initiative for the digitalisation of social security systems and social safety nets in support of labour mobility in connection with the ongoing work on the European Social Security Pass (ESSPASS). The Quality Framework for Traineeships will also be updated (in the context of the European Years of Skills), with a view to addressing such issues as fair remuneration and social protection. The Commission will also propose a Council Recommendation on developing social economy framework conditions. The 2016 Commission proposal for revising EU social security coordination rules remains on the agenda, reflecting the slow progress on the file over the past 18 months. Discussions on the wider question of how the EU can contribute to reinforcing welfare states will draw on the report (expected in January 2023) of the 'Level Group on the future of social protection and of the welfare state'.

As regards the European Green Deal, most proposals have already been tabled by the Commission over the past two years, as reflected in the heading 'priority pending proposals' in the Commission's 2023 work programme (European Commission 2022a: Annex III). The ambition is to reach agreement on them before the end of the parliamentary term in 2024. For 2023, 'swift agreement on the Fit for 55 package is key' (*ibid*:5).

7. EPSU launched legal action in May 2018 against the Commission after it refused to put forward a social partner agreement for adoption as a European directive. In October 2019, the General Court of the Court of Justice of the European Union (CJEU) ruled in favour of the Commission, concluding that the Commission's right of initiative meant it could decide on whether or not to make social partner agreements legally binding in all EU Member States (Judgment of the General Court, 24 October 2019, Case T-310/18).

5. Managing the permacrisis: a new 'open strategic autonomy' framework for the EU in the making?

The question is whether the EU will be able to sustain its ambitious social policy agenda in 2023, in view of the permacrisis discussed above. In the second half of 2022, the debate arose as to which overarching framework would allow the EU and its Member States to simultaneously tackle the multiple challenges they face. In June 2022, the ETUC called for an ambitious agenda on European open strategic autonomy (OSA), recognising it as a 'key strategic policy framework' to mitigate EU vulnerability to disruptive crisis situations, while achieving the just, green and digital transition and strengthening industry in Europe (ETUC 2022b: 1). This clear affirmation by the European trade union movement of OSA as 'one of the promising avenues to re-establish a fair and level playing field for a resilient economy, in full respect of EU democratic, social, and environmental values' (ibid.) might have raised some eyebrows among certain 'social' as well as academic observers.

After all, is 'strategic autonomy' not a concept that was (and to some extent still is, see below) linked to the EU's common defence policy, the definition of NATO's European pillar, as well as the EU's common foreign and security policy (Van den Abeele 2021)? For some 25 years, the term has generally been used in reference to the need to be able to conduct military crisis-management operations outside Europe autonomously: without the US but – if need be – with NATO resources. While the concept of strategic autonomy remains rather elusive to this day, it has been crucially transformed since it first appeared in the national debate in 1994⁸ and then at EU level in 1998 (ibid.).

In their new strategic agenda for the EU 2019-2024, the Heads of State and Government paved the way for a broader notion of strategic autonomy, referring amongst others to the dependence of European industries on external sources (European Council 2019). The European Commission (2020a) picked up the gauntlet, proposing a quantum leap in the EU's approach to strategic autonomy in March 2020. Acknowledging the EU's overall dependence, it framed 'Europe's strategic autonomy' in a much broader sense: it is now about 'reducing dependence on others for things we need the most: critical materials and technologies, food, infrastructure, security and other strategic areas' (ibid: 13). Importantly, the strategic autonomy concept is now seen as having two dimensions: *defensive* (reducing the EU's external dependency) and *offensive* (developing markets, products and services externally).

Since the outbreak of Covid-19 in March 2020, the EU's strategic autonomy has come to the surface in the European policy discourse due to deep disruptions in supply chains, impacting the manufacturing of critical goods and products in a wide range of sectors, from pharmaceuticals to industrial machinery. The pandemic thus spotlighted the EU's external dependences and deepened existing vulnerabilities (Akgüç 2021: 2). The 2022 Russian invasion of Ukraine further underlined the need for the EU to rethink not only its energy, security and defence policies, but also food security and affordability,

8. In a White Paper on the Defence of France. The term had been used before, by General de Gaulle during a press interview in 1950 (Van den Abeele 2021).

chemical components and access to critical raw materials. This new context has resulted in important and immediate shifts in the EU's approach to strategic autonomy and 'may well trigger a change in paradigm towards a more radical transformation of economic interdependence and production processes' (ETUC 2022b: 2).

A first novelty is the notion of 'resilience' as a new compass for the EU's OSA, notably along four lines: 'social and economic', 'geopolitical', 'green' and 'digital' (European Commission 2020b). In a second move, the OSA agenda was enlarged to include 'ensuring sustainable and resilient health and food systems' and 'developing and retaining skills and talent [...]' (European Commission 2021e). Thirdly, it is acknowledged that 'fairness and affordability' should be at the heart of the green and digital transition (European Commission 2022e). The fourth novel element in the EU OSA discourse is the Commission's listing of a) 'strengthening economic and social cohesion, by reinforcing social protection and the welfare state'; and b) 'developing monitoring frameworks for measuring wellbeing beyond GDP' as two areas of action needed for twining the two transitions.

In other words: no less than a paradigm shift is taking place as regards the EU's open strategic autonomy. Recent events clearly flag the weaknesses of the excessive openness of EU economic relations and of maximum global marketisation as a desirable socioeconomic optimum. Consequently, the evolving and increasingly broad notion of the EU's OSA – including socioeconomic and environmental considerations – can be considered as a key driver of the European project in the future. It could allow a rebalancing of the EU's economic and (still underdeveloped) social dimensions and may provide a tool for improving social and environmental standards globally (Akgüç 2021).

The topic of the EU's OSA thus seems to have become increasingly important for national and European social players. The expanded vision of European autonomy in economic, social and environmental domains may indeed provide an opportunity for them to influence the policy agenda, especially through dialogue with the European institutions. In a similar vein, Pochet (2022) argues that the war in Ukraine, the climate challenge and the concept of strategic autonomy are paving the way for a 'Single Market 2.0', with reflections on a new type of European single market set to top the EU agenda in 2023. There is one important caveat though: OSA has not been made operational as a concept, let alone a political strategy. External factors (e.g., the invasion of Ukraine) may provide its opponents (e.g., the 'Group of Twelve' in the Council of the EU) with the necessary arguments to water it down and even return to its earlier, narrow scope: 'a defence-oriented "tunnel vision" that would strain public budgets at the expense of welfare and other social expenditure' (Akgüç et al. 2022: 32). In other words: the time to seize OSA as a window of opportunity to sustain the EU's social ambitions is now.

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