

On 17 November 2017, the **Council of the European Union**, the **European Parliament (EP)** and the **European Commission (EC)** officially signed the **inter-institutional Proclamation on the European Pillar of Social Rights (EPSR)**.

The EPSR was launched by **President Juncker in September 2015**, as a new political initiative aimed at fostering an «upward convergence» of social rights, in the first place within the Eurozone. To this end, the Commission presented the Social Pillar as a reference framework composed of twenty principles and rights comprising three main areas: equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion.

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From its inception, the EC has maintained the political momentum at the supranational level and promoted debates in several Member States with the overarching aim of tackling the legitimacy crisis of the European integration process. Thus the need to focus on the reinforcement of its social dimension.

The inter-institutional Proclamation on the Social Pillar indeed represents one of the first concrete (i.e. finalised) results of the debate around the EPSR. **Nevertheless, many analysts have questioned the significance of the Proclamation.** Specifically, it is debatable whether it embodies a concrete step towards a greater upward social convergence in Europe

[David Rinaldi](#) argued that the EPSR, if conceived as a separate Pillar, disregards the idea of a Social Europe that is based on horizontal social goals and not merely on policies. Likewise, others scholars, such as [Philippe Pochet](#), [John Weeks](#) and [Dimitris Papadimoulis](#), have raised their eyebrows. In particular, they questioned the prospects for success of the Social Pillar given the previous, unsuccessful attempts to rebalance the economic and the social within the European Union through an ambitious social programme. Finally, [Frank Vandenbroucke](#),

[Zane Rasnaca](#), [Claire Courteille-Mulder](#) and [Juan Menéndez-Valdés](#) share a more nuanced position: the Social Pillar is a window of opportunity, whose impact largely depends on whether relevant actors will take it seriously. These different views confirm the difficulty in evaluating an ongoing initiative like the Social Pillar.

Nevertheless, concerning the stated intentions of the EC President, Jean Claude Juncker, it is possible to make some preliminary remarks on whether the results achieved to date should be considered a significant move in the direction of a stronger social dimension for the EU. To do so, **we need to recall the complexity of the Social Pillar**. Firstly, **the Social Pillar represents a list of social principles and rights**. However and secondarily, **the EPSR could also become a trigger for a new European Action Plan or Social Agenda**, i.e. for a set of binding legislative instruments and measures in the field of social policy. Thirdly, **the EPSR could modify the opportunity structure for institutional changes in areas like the Single Market and the European Monetary Union**. These three interpretations can serve as an “analytical prism” in the study of Social Pillar. The present article, due to its limited scope, only focuses on the first aspect.

The EPSR Proclamation: wishful thinking or self-fulfilling prophecy?

The EC launched the proposal for an inter-institutional Proclamation in **April 2017**, when **Commissioners Thyssen and Dombrovskis** officially presented the **EC Recommendation** on the EPSR, together with a package of new political initiatives within the framework of the Social Pillar.

The final text of the Proclamation outlines principles and rights which cover a wide range of policy areas. In some of the latter, the EU holds evident legislative competence (e.g. “equal opportunity and health and safety at work”). In other cases, strong legal frameworks are in place (e.g. “gender equality”). However, in many matters, the EU has either limited legislative competence or none at all (e.g. “housing and assistance for homeless” and “wages”).

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confirmed by other parts of the Proclamation.

It took several months of negotiations between the EP, the EC and the Council to reach an agreement on a shared position. The final text of the Proclamation thus reflects a compromise between the need to safeguard the autonomy of Member State against the risk of EU interference in national social-policy spheres on the one hand, and, on the other, the need to avoid watering down the meaning of the inter-institutional Proclamation.

Clear evidence of this compromise can be observed, for example, by considering recital 14 of the preamble of the Proclamation, in which the EPSR reaffirms some of the rights already present in the Union acquis and adds new principles, but with a qualification: *“For them to be legally enforceable, the principles and rights first require dedicated measures or legislation to be adopted at the appropriate level”*.

As a matter of fact, then, the EPSR Proclamation is devoid of binding legal force and “first requires” the adoption of dedicated measures to be legally enforceable. However, the formulation in italics may suggest a double interpretation. On one side, it may suggest an engagement of Member States and EU institutions to go beyond the simple declaration of good intention. On the other, it represents a clear constraint to the scope and significance of the inter-institutional Proclamation which runs the risk of remaining a simple “starting-point”, without real consequences.

The need to preserve Member States’ autonomy by circumscribing the perimeter of the Social Pillar is also confirmed by other parts of the Proclamation. For example, **recital 19** reiterates the right of national governments to define the fundamental principles of their social security system and manage their public finances. Moreover, it states that the Pillar must not significantly affect the financial equilibrium of individual Member States. Similarly, **recital 17** states that, out of respect for the diversity of cultures and traditions of the peoples of Europe, the translation of the Pillar into concrete measures must take due account of different socio-economic environments and the diversity of national systems, including the role of social partners, in accordance the principles of subsidiarity and proportionality.

Overall, the need to adopt further binding acts in order to implement the Social Pillar (recital 14) and the protection of Member State’s sovereignty foreseen by recitals 17, 18 and 19 can be interpreted as an attempt to safeguard the political discretion of national governments.

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Nevertheless, it would be unfair to state that the Proclamation is devoid of any potential. [Zane Rasnaca](#), for instance, stressed the fact that the European Court of Justice (CEJ) could evoke both the EPSR Proclamation and the related EC Recommendation on the Social Pillar in its rulings. Although these two documents do not have any legally binding force, they can still produce legal effects, Rasnaca argues. The proclamation of the European Charter for Fundamental Rights, used by the CEJ even before its incorporation into the Treaties, is an excellent example of this; however, some might argue the Charter has been mostly ineffective in improving social protections of EU citizens and redressing the social imbalances at the European and national levels.

From a more theoretical viewpoint, the Gothenburg Summit could continue to enjoy high-level political momentum, which may affect the internal dynamics of the so-called “intermediate sphere” of Member States’ relationships (van Middelaar 2013) by **creating “unintended consequences” for the European integration process**. However, to produce these “unintended consequences”, the EC rightly could and should use the political will expressed in Gothenburg as a springboard to advance new initiatives in EU social and employment policy areas.

Will the Social Pillar survive as far as its Proclamation?

Several obstacles stand in the way of the realisation of the European Pillar Social Pillar as a comprehensive policy strategy. The proposal for a European Pillar of Social Rights arose from the necessity of dealing with the profound asymmetry between an underdeveloped EU social dimension and the Single Market on the one hand, and the EMU macroeconomic governance on the other. However, **numerous resistances persist, despite the compromise reached in Gothenburg**. As we have argued [elsewhere](#), the EP debate on the Social Pillar highlighted the existence of multiple—and potentially mutually reinforcing—political conflicts concerning the pooling of sovereignty, national identity and the issue of solidarity among Member States. Similar tensions also emerged in the confrontations between governments and social partners, as the cases of proposals for a directive on [posted workers](#) and on work-

life balance for parents have shown.

Of course, such conflicts are not impossible to overcome. **A [recent REScEU survey](#) conducted in seven EU Member States reveals that there is room for a possible “reconciliation scenario” between economic and social prerogatives on the one hand, and between allegedly diverging national interests on the other.** For instance, large majorities of respondents (including German and Polish citizens) would welcome EU-funded schemes upholding: economic and social investments (**75.9%**), the fight against poverty (**75.6%**), the insurance of mobile workers (**67.7%**), the absorption of unemployment surges (**77.7%**).

The politicisation of the Social Pillar could lead to the achievement of these ambitious goals.

Given this implicit consensus for supranational social policies and the window of opportunity opened by the Social Pillar, the EC could and should play a vital role as “political entrepreneur”. However, as observed by [Crespy and Menz](#) (2015), in recent years the EC has significantly contributed to the enforcement of austerity policies and “internal devaluation” strategies. Moreover, until now, there has been a lack of any fully-fledged social action programme that could deliver results within the framework of the Social Pillar. **The EU budget 2018 proposal itself, on which EU institutions came to an agreement the day after the Proclamation, does not take due consideration of the principles and rights enshrined in the EPSR.** Similarly, the EPSR failed to have an impact on the most recent set of Country Specific Recommendations issued by the EC in May this year. In addition, the next EP and EC elections are only one and half years away; for many, that represents a time-horizon that does not leave room for significant changes. In this context, one can ask the following questions: Can the Social Pillar, Jean Claude Juncker’s “[pet-project](#)”, survive beyond its initiator? Will future representatives of the EC, EP and Member States take up the challenge to achieve a “Social Triple A” for the EU? Under which conditions, if so?

Some months ago, the President of the EC said that the Social Pillar would be “the last chance for (Social) Europe”. If this is true, a lot needs to be done to make it anything more than a tentative step in the right direction. First of all, the Proclamation has to become fully

enforceable: a bunch of concrete legislative initiatives have to follow the high-level meeting in Gothenburg. **Likewise, the Social Pillar needs to be turned into a strategic tool to influence EU macroeconomic governance.** The latter implies that national and European institutions should adopt and implement a new Social Action Plan on the one hand, and overcome the “institutional threshold” of the EU policy-making process in other areas (like the Single Market and the EMU) on the other. Perhaps the politicisation of the Social Pillar could lead to the achievement of these ambitious goals. Consequently, it will be interesting to look at the upcoming national and European elections and see whether or not the EPSR will become a salient issue; that is, an issue able to aggregate strategic actors around a renewed political project for Europe.

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