

Back to the Future in EU Social Policy? Endogenous Critical Junctures and the Case of the European Pillar of Social Rights

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Abstract

The launch of the European Pillar of Social Rights occurred at a phase of endogenous critical juncture for Social Europe. By analyzing the Pillar's formulation and adoption process, we investigate to what extent the European Commission used the involvement of civil society and policy responsiveness to foster change in the modes of governance and legitimize stronger intervention in the social sphere, by re-launching the methods of coordination introduced in the 1990s. Methodologically, we rely on a content analysis of EU policy documents before and after the public consultations, a content analysis of over 60 position papers and on interviews with policy actors. We find that despite increased openness and responsiveness, the Pillar initiative did not allow to alter the predominance of 'soft law' routes and patterns of intergovernmentalism characterizing the governance of EU social policy, a result that further qualifies the conditions that lead (endogenous) critical junctures to generate change.

Keywords: Social Europe; European social policy; modes of governance; critical junctures; Juncker Commission

Introduction

The proclamation of the European Pillar of Social Rights in November 2017 represented the flagship social initiative of the European Commission led by Jean-Claude Juncker (2014–19) and the most comprehensive document produced in the social policy domain at the European Union (EU) level in the last two decades. It constitutes a list of 20 social principles and rights, divided in three chapters, which cover all main areas of social and employment policy (equal opportunities and access to the labour market, fair working conditions, social protection and inclusion). In the absence of direct implementation mechanisms, the European Pillar of Social Rights (henceforth EPSR or the Pillar) can be best understood as an 'agenda' or 'process' (Garben, 2018) or as a 'policy framework' (Sabato and Corti, 2018). In the words of the European Commission, the EPSR can be considered as a 'guidance' for better enactment of social rights among the member states (EPSR preamble, art. 12; see European Commission, 2017a), as well as an instrument for the mainstreaming of social principles in all EU policies (European Commission, 2018).

While its capacity to effectively steer policy changes at the EU and member state level will only be assessable in the coming years (for a preliminary analysis, see Hacker, 2019), the development of the Pillar initiative was characterized by a number of innovative elements with the potential of producing long-lasting changes in the governance of the European social dimension as a whole. Novelties can be detected mainly in two dimensions. Firstly, from the point of view of policy process and policy outcomes, the adoption

of the final text came after a particularly long and broad consultation phase during which the Commission sought the involvement of social partners, civil society organizations and the general public, and actively engaged in the promotion of multi-level participation and transparency. Moreover, in line with a multi-level vision of governance, the only new policy tool that stemmed from the EPSR initiative was an updated list of social indicators, the Social Scoreboard, to be integrated in the European Semester for monitoring and benchmarking purposes.¹ Secondly, from a discursive point of view, the European Commission highlighted the need to achieve a stronger balance between economic objectives and social necessities, and to address social issues for purposes of protection and inclusion, beyond those of macroeconomic stabilization and smoother functioning of labour markets (European Commission, 2017b). In particular, the adoption of a rights-based discourse to justify further integration in the social sphere signaled a potential shift from the recurring view of social policy as a 'productive' factor mainly serving an economic function (Hendrickx, 2018).

Both aspects appear as a deviation from the previous governance practices characterizing the European social dimension. For at least two decades, within the area of social policy, tools of policy coordination and involvement of civil society had been sidelined to allow the adoption of an increasingly intergovernmental approach that would favour economic and fiscal objectives and relegate social policy to an ancillary position, especially after the 2008 crisis (de la Porte and Heins, 2014, 2015; Crespy and Menz, 2015a; Graziano and Halpern, 2016; Graziano and Hartlapp, 2019).

Against this background, the article investigates whether and to what extent EU policy-makers used the Pillar initiative to promote bottom-up participation and policy responsiveness in order to strengthen their legitimacy to intervene in the social sphere and shift the EU social policy agenda away from the paradigms of productivity and fiscal consolidation. To answer our research questions, we analyse the ways through which the European Pillar of Social Rights was formulated and adopted, with a particular focus on the role of non-institutional actors such as civil society organizations and social partners. In order to assess change in the modes of governance we adopt a historical institutionalist approach that identifies the years preceding the proclamation of the Pillar as a moment of critical juncture during which EU policy-makers faced heightened possibilities to subvert previous path dependencies. Through an innovative multi-method research design, we examine the novelties of the formulation and adoption process, to what extent the final document reflected the demands coming from the different actors involved, and whose preferences were eventually attained, thereby assessing the responsiveness of the European Commission towards the different interests at stake and shedding further light on the distribution of powers within the EU multi-level governance framework.

Understanding the evolution of the European governance in the field of social policy has been especially relevant in a post-austerity context and appears all the more important

¹Even though, on the day it presented the final recommendation for the Pillar, the Commission also published a number of documents pertaining to the social sphere, to highlight its engagement in strengthening the EU social dimension (a Proposal for a Directive on work-life balance for parents and carers, a first-stage consultation of the European social partners on access to social protection, a first-stage consultation of the European social partners on the Written Statement Directive, a communication on the Working Time Directive), these cannot be considered as implementation of the EPSR, as they were part of legislative initiatives that were already ongoing before the launch of the Pillar (for further information on the Pillar 'package', see Sabato and Vanhercke, 2017).

today as member states and EU policy-makers face the covid-19 health emergency. The EPSR represents a relevant case study in this respect not only for the relative novelty of the initiative and the scarcity of scholarship addressing it (Vesan and Corti, 2019, Hacker, 2019, Garben, 2018, and Rasnača, 2017 being important exceptions) but especially given the breadth of its scope (spanning all main areas of social and employment policy) and the innovative initiatives the Commission devised to foster its formulation and adoption process. The remainder of the article is organized as follows. The first section addresses the latest developments of the European social dimension from a historical institutionalist perspective. The second section presents our research hypotheses and describes the research design. The two following sections illustrate and discuss the outcomes of our empirical analysis. The last section concludes.

I. The Emergence of an *endogenous* Critical Juncture for Social Europe

The historical institutionalist approach, centred on the notion of path dependency (North, 1990; Thelen, 1999; Pierson, 2000), provides useful lenses to understand the evolution of Social Europe (Anderson, 2015). This theoretical framework, which underlines the tendency in EU policy-making to proceed through prolonged phases of incremental adjustments and self-reinforcing mechanisms, has been applied to various aspects of the European social dimension (see Pierson, 1996; Kay, 2003; Tsarouhas, 2005; Greer, 2008). In this article we use it in order to focus on the evolution of the EU *modes of governance* (Graziano and Halpern, 2016, p. 7) – that is, with regard to the policy tools and ways of organizing common goals and initiatives. At the level of governance, the European social dimension for long developed by means of regulations (Cram, 1993, 1997; Majone, 1996), which allowed the Commission to progressively expand its role in this policy area (Lange, 1992; Leibfried and Pierson, 1995; Pierson, 1996; Heidenreich and Zeitlin, 2009). However, by the mid-1990s the widespread belief at the EU level was that, in absence of a treaty-based mandate, integration was bound to incur into stalemates. This was the moment of the ‘participatory turn’ in EU policy-making (Saurugger, 2010), when top-down methods of establishing binding rules and sanctions for non-compliance (the so-called ‘hard law’ route) was to be accompanied, if not replaced, by ‘soft’ mechanisms of policy coordination (joint definition of objectives and indicators; delivery of performance reports and action plans; peer reviews; publishing of recommendations) and bottom-up involvement of citizens and civil society actors. The introduction of these ‘new modes of governance’ was justified as a way to avoid deadlocks in the integration process precisely in those policy areas where the EU had no legislative competence and it eventually found substance in the introduction of the Open Method of Coordination (OMC) in 1997 (Héritier, 2003; Mosher and Trubek, 2003; Radaelli, 2003; Sabel and Zeitlin, 2003; Kohler-Koch and Rittberger, 2006; Graziano and Halpern, 2016).

The OMC figured prominently in the EU overarching strategy for the new millennium, the Lisbon agenda (European Council, 2000), but the narratives and tools that characterized it were short-lived. While in the Lisbon strategy the social dimension was presented as an autonomous policy area, with specific objectives to be fulfilled through the OMC, in the course of its implementation social targets were excluded from the core of the Lisbon framework and the main monitoring, reporting and reviewing tools that defined the OMC were progressively eliminated, in particular after the strategy’s mid-term review (Trubek

and Trubek, 2005; Jessoula, 2015). The policy innovations introduced since then did not reflect a vision of social objectives as part of an autonomous policy area with principles of its own and with a specific set of governance tools. On the contrary social policy initiatives started to be heavily embedded in an economic rationale. Such process of ‘governance displacement’ (Kilpatrick, 2018) of Social Europe and the subsidiarity of social objectives to economic and employment ones started in the mid-2000s was replicated by all the main following initiatives with implications for the EU social dimension, such as the Europe 2020 Strategy in 2010, the Social Investment Strategy in 2013 and the Youth Guarantee in 2014, while at the same time macroeconomic coordination and fiscal surveillance were strengthened, with the adoption of the European Semester (2011), the Six Pact (2011), the Fiscal Compact (2012) and the Two-Pack (2013; see de la Porte and Heins, 2015; Crespy and Menz, 2015b; Seikel, 2016). Even though the relevance of social issues within the European Semester process progressively increased through the years (Zeitlin and Vanhercke, 2015, 2018), social objectives were still considered from an economic growth, employment-friendly perspective and social recommendations most commonly reflected a mix of market-making and market-correcting orientations (Copeland and Daly, 2018; Dawson, 2018).

In the mid-2010s, a number of factors created favourable conditions to introduce changes in the European social dimension. Firstly, the new President of the Commission Jean-Claude Juncker wanted to find a policy area where he could immediately be perceived as different from his predecessor and therefore be the ‘political agent’ who underlined the relevance of the relaunch of Social Europe. In his first speeches as candidate President and then as President-elect, Juncker underlined the importance of not prioritizing market logic and economic objectives over social protection, and the need to consider the social impact of structural reforms (Juncker, 2014a, 2014b). More specifically, the Commission highlighted the urgency to foster social convergence of member states’ social and employment policies and address the lack of a full-fledged social ‘dimension’ (or ‘pillar’) in the overall EU set-up, especially among euro area countries (Juncker *et al.*, 2015; European Commission, 2016a). Secondly, by the mid-2010s member states had already undergone years of structural reforms in response to the financial and sovereign debt crisis, and the social consequences of austerity measures had fully revealed themselves. The success of Eurosceptic parties in the 2014 European elections confirmed the discontent of voters towards EU institutions. Moreover, the European public opinion was on average supportive of a stronger Social Europe: Eurobarometer surveys of the time systematically show welfare and employment policies as the most preferred areas of spending in the EU budget (European Commission, 2011, 2015, 2016b) and, among the policy areas indicated as preferred for more supranational decision-making, the largest increase in respondents’ preferences between 2012 and 2016 was recorded in the area of health and social security (European Commission, 2017d; see also Ferrera and Burelli, 2019). Finally, party affiliation among the Commissioners was also considerably more favourable than the previous Barroso Commission, since the number of Commissioners affiliated to the Socialists and Democrats almost doubled between 2009 and 2014 (Graziano and Hartlapp, 2019), giving more momentum to social-democratic claims possibly as a response to the Eurosceptic electoral success of 2014 (Treib, 2014).

Having considered these circumstances, we argue that by the time the new Commission started being operative in 2014, the conditions for a(n *endogenous*) critical juncture to change the modes of governance of the EU social dimension had emerged. As defined by Capoccia and Kelemen (2007, p. 348; italics in the text), critical junctures are ‘*relatively* short periods of time during which there is a *substantially* heightened probability that agents’ choices will affect the output of interest’. In the authors’ view, the two main elements that characterize critical junctures are therefore the *duration* and the fact that, during the juncture, *agents face a broader range of feasible options* (see also Capoccia, 2016). The phase in which the EPSR was launched reflects the conditions that – building on Capoccia and Kelemen (2007) – we can label as an *endogenous* critical juncture: on the one hand, the period between the appointment of the Juncker Commission and the proclamation of the Pillar was relatively brief (2014–17) compared to the path-dependent phase that preceded it (from the introduction of the OMC in 1997, until 2014). On the other hand, the Commission’s President appeared to have built precisely on the OMC framework, rather than proposing an entirely new governance setting; for this reason, and because it was not generated by exogenous factors as usually argued in critical juncture theories, we describe this critical juncture as ‘*endogenous*’. As noted by Büchs (2007) in reference to the OMC, the European Commission’s interest in a consensual approach emerges especially in contexts where member states are reluctant to co-ordinate and to adapt to a supranational agenda: consultations with social partners and representatives of civil society are then encouraged to attain their consent. This would be in line with ‘lobby sponsoring’ techniques that the Commission had already used in the past (Mazey and Richardson, 1993; Bauer, 2002). In particular, the several channels of participation offered by the consultation process, together with the vagueness of the original proposal (European Commission, 2016a), provided policy actors at various levels with increased possibilities to express their demands and pursue their agendas, hence allowing the Commission to face a ‘*broader range of feasible options*’ in a context that, considering the electoral trends, the composition of the European Parliament and the general preferences as expressed in the EU surveys, was favourable to call for a stronger Social Europe.

II. Research Hypotheses, Methods and Data

Following the analytical framework presented in the previous section, two research hypotheses have been developed, one related to the formulation phase and one to the adoption phase:

H1 In organizing in a relatively short period of time the formulation process for the EPSR, the European Commission (and namely its leadership) intended to encourage the involvement of civil society actors through participatory and bottom-up mechanisms, and by so doing relaunching some of the practices that characterized the Open Method of Coordination.

H2 By enhancing its engagement with civil society, the European Commission selected – among others – one specific *feasible option* aimed at increasing its responsiveness and

accountability by reflecting in the final text the concerns of a larger range of actors. This was done in order to gain broader legitimacy in an overall context that had been increasingly dominated by intergovernmentalism and marginalization of Social Europe.

In order to investigate the changes introduced by the EPSR, we developed a multi-method research design that combines different research instruments and sources of data. Firstly, we conducted a step-by-step examination of the consultations phase by recollecting and analysing the documents produced by the EU institutions throughout the formulation process. We considered the period between the publication of the preliminary outline of the Pillar in March 2016 and the final proposal put forward by the European Commission in April 2017. The objective of our analysis was to identify all the innovative procedures arranged by EU policy-makers to enhance the involvement of the various actors and to make the formulation of the text more open and participated (H1). After having traced the consultation process, we complemented the assessment with 16 semi-structured interviews with representatives of the policy actors that took part in the consultations. The identification of the relevant categories of actors, and of influential organizations within each category, followed the positional method (see Denzin and Lincoln, 2005; Hoffmann-Lange, 2007; Jurje, 2013). The selected respondents were either the authors of the position paper submitted for the consultation, or researchers and advisors responsible for social policy who had been monitoring the EPSR initiative within their organization.

Secondly, we conducted a one-to-one textual comparison between the preliminary outline of the document and the final version proposed by the European Commission after the consultations ended. We then performed a content analysis of over 60 position papers submitted through the online consultation procedure by a total of 62 policy actors, including both institutional and non-institutional ones. The aim of the analysis was to identify the specific demands expressed by the different policy actors and juxtapose them with the changes that were made to the final text: from the comparison between the pre- and post-consultation versions of the document we highlighted 39 main discursive and re-phrasing adaptations. Then, for each significant change made to the final version we analysed which of the 62 policy actors expressed a preference in regard to that specific part of the text and which kind of preference, dividing them in four categories: (a) actors that proposed the same final wording used by the Commission; (b) those who proposed a different wording but the same substantial change adopted by the Commission; (c) those which were in favour of dropping partly or entirely a sentence that was eventually kept; (d) those in favour of keeping partly or entirely a sentence that was dropped. The first two cases represent the 'winners' of the public consultations in terms of preference attainment, while the latter two the 'losers'.²

The results of the content analysis highlight to what extent the European Commission was effectively responsive to the demands coming from the broad range of consulted social actors, and, among them, whose demands were reflected in the final document. Even though we were mainly interested in the involvement of civil society actors (such as

²The complete set of discursive changes that occurred between the preliminary and final version, and the preference expressed in regard to each change by the policy actors in their position papers, is available in an Online Appendix, together with the list of policy actors whose position paper was included in the analysis.

non-governmental organizations, social partners and research institutes), we considered all the position papers submitted during the consultation process by institutional and non-institutional actors, at the EU level and beyond, to make the analysis as comprehensive as possible and shed light on the *relative* degree of preference attainment for civil society actors. The assessment does not include the preferences expressed by the EU Council or the member states, which go beyond the scope of the present study and would require to devise a different methodology given the only partial availability of position papers on the side of the single countries and the lack of statements submitted by the Council during the consultation phase.

The content analysis of the position papers was further integrated with the outcomes of the semi-structured interviews, in which respondents were asked about their perceptions in relation to the attainment of their preferences and the responsiveness showed by the European Commission (H2). The possibility of comparing the two versions of the document, before and after the public consultations, and assessing which and whose demands were eventually reflected in the final EPSR proposal, can then be considered as a proxy of the impact of the various policy actors that participated in the consultations, allowing to mitigate the methodological constraints that characterize the analysis of interest groups' influence, such as the measurement of policy actors' preferences and the assessment of their actual impact (see Dür and De Bièvre, 2007; Beyers *et al.*, 2008; Pederson, 2016). While a direct causal relation of impact cannot be inferred, the decision to re-write or drop some parts of the document in the same or in the opposite direction indicated by a policy actor can be considered as an indicator at least of the Commission's degree of responsiveness towards that actor, which is what we are interested in verifying. Moreover, the integration of the semi-structured interviews in the analysis allowed to investigate the actors' perceptions on the unfolding of the formulation and adoption process and the way the Commission balanced the different interests.

III. The Public Consultations: Back to an Open and Participatory Mode of Governance?

The consultation procedure is a standard practice in EU policy-making in the social field and consists of multiple parts: one dedicated channel for social partners, which is mandatory for social and employment policies (the social dialogue procedure) and the option to launch an online public consultation open to all individuals and organizations interested in expressing their opinion on the policy at hand. Beside recurring to both these practices, for the EPSR initiative the Commission managed the consultation phase in a way that was innovative in several respects.

The period dedicated to the consultations lasted nearly ten months, from the publication of the preliminary outline of the document on 8 March 2016 (European Commission, 2016a), until the end of the year. Through the online platform, both collective actors and single individuals could participate in the process either by replying to a standardized questionnaire or by submitting a written, open-ended statement (the position paper) explaining more in detail concerns and expectations related to the Pillar. In parallel to the public consultation, the Commission collected the views of social partners through the regular social dialogue procedure, as well as through a number of dedicated hearings aimed at engaging with social partners in a more informal and direct way. In addition to

gathering the comments of the wider public and of social partners, the European institutions held meetings with organized civil society in all member states, to identify the specific national stances in relation to the European social dimension and the Pillar. On 23 January 2017 a high-level conference took place in Brussels at the European Commission's headquarters to discuss the main results of the consultation process and to identify pathways for future action. In the months that followed the release of the final proposal (published on 26 April 2017; European Commission, 2017b), the Commission organized, in partnership with the Swedish government, a 'Social Summit for Fair Jobs and Growth' to be held in the city of Gothenburg on 17 November 2017 (the second social summit in the history of the European Union, 20 years after the introduction of the OMC). The summit was set as the venue of the joint proclamation of the document in the presence of heads of state and government. Finally, the Commission appears to have sought higher transparency about the formulation process in two ways. Firstly, it provided, as one of the staff working documents accompanying the final proposal, a 52-page report on the public consultation, based on the replies to the online questionnaires, the position papers received and the meetings held in the member states (European Commission, 2017c). Secondly, the Commission made available upon request the complete dataset of responses in exportable format, opening up the opportunity for a close assessment of the questionnaire and also for quantitative analyses of the answers.

These elements altogether seem to indicate a deeper commitment by the European institutions to enhance the visibility of the initiative and make the consultation process more inclusive and more transparent. While they were doubtful that it will mark a stable change in the way consultations will be organized in the future, most of the interviewed policy actors recognized that it was a peculiar process in many respects, that signaled the intention by the European Commission to enhance the visibility and the sense of ownership about the document (Interviews 1, 2). The length of the process, the dedicated hearings and national meetings allowed to positively broaden and deepen the involvement of non-institutional actors, although this also created tensions between social partners on one side and civil society organizations on the other side (Interviews 5, 15). While the latter called for an even more formalized participation via a 'civic dialogue procedure', trade unions were especially sceptical with regard to the online consultation and defended their privileged position, out of concerns of representativeness of the submitted replies and transparency with regard to the use that the Commission makes of them.

Respondents attributed a pivotal role to the President of the Commission in opening up the process to civil society and in the efforts to raise awareness about the initiative (Interviews 10 and 11). Several actors observed how the multiple crises faced by the EU (the outcome of the Brexit referendum, the consequences of the financial crisis and the rising Euroscepticism) created momentum for the Pillar initiative and were used to enhance a sense of urgency to act. The Gothenburg social summit was broadly perceived as a relevant added element to the consultation phase, which showed the higher engagement of the Commission and contributed to a sense of stronger involvement and the perception of a new phase being started. However, it was unanimously highlighted by the interviewees that the lack of clarity regarding the use of the remarks gathered during the consultation (namely, how the latter would be taken into consideration and elaborated into the final policy output) was still a major shortcoming that hinders the effective accountability and legitimacy of the overall process, despite the apparent efforts by the Commission to

increase transparency (and in line with long-standing practices; Quittkat, 2011; Marxsen, 2015).

IV. The Adoption of the Final Text: Enhancing Legitimacy through Responsiveness

After the period of public consultations, both the wording of the principles and their placement within the document were subject to several changes. Almost all the principles (with the notable exception of access to social housing and services for the homeless) were reformulated as ‘rights’ of workers or the individual, while in the initial version they appeared only as ‘entitlements’ to social and employment benefits. In presenting the rationale of the initiative, the Commission explicitly mentioned the need to address ‘unprecedented societal challenges’ such as long-term unemployment, youth unemployment and risk of poverty, and that the Pillar was aimed at delivering ‘new and more effective rights for the citizens’ and ensuring a ‘social protection floor’, beyond the purposes of macro-economic stabilization and labour market participation (European Commission, 2017b 3 and 5). These changes in narrative are in line with the overall rewording of the principles, which in many cases appear no longer justified by their impact on labour markets or related to the employment status of the beneficiaries, but were rephrased as rights to participate fully in society and live a life in dignity.

From the analytical comparison between the two versions of the text and the position papers submitted by the various actors during the consultation, we could infer that the changes that appeared in the final document largely reflect the demands expressed by civil society organizations and trade unions, and to a lesser extent those by employers’ representatives. In particular, the discursive changes that rephrased the document in more inclusive and ‘protective’ terms, which we highlighted above, are all in line with the concerns voiced in the position papers by non-governmental organization (NGOs) active in the social field. However, when looking at the rewording of individual principles, there are some instances in which the demands of civil society organizations working in the social field were strikingly disregarded: this was the case with principle 15 (‘Old age income and pensions’) and principle 19 (‘Housing and assistance for the homeless’), where the remarks expressed by the main NGOs lobbying in those policy areas (AGE Platform Europe and the European Federation of National Organisations Working with the Homeless) were not reflected in the final proposal. In other cases, the rewording of principles appeared to have been broadly inspired by the position papers of the NGOs active in that policy area, as for instance for principle 2 (‘Gender equality’) and principle 17 (‘Inclusion of people with disabilities’). The explanation behind such discrepancy could be that pension and housing policies are much more controversial issues at the national level than principles of inclusion and equality of opportunity.

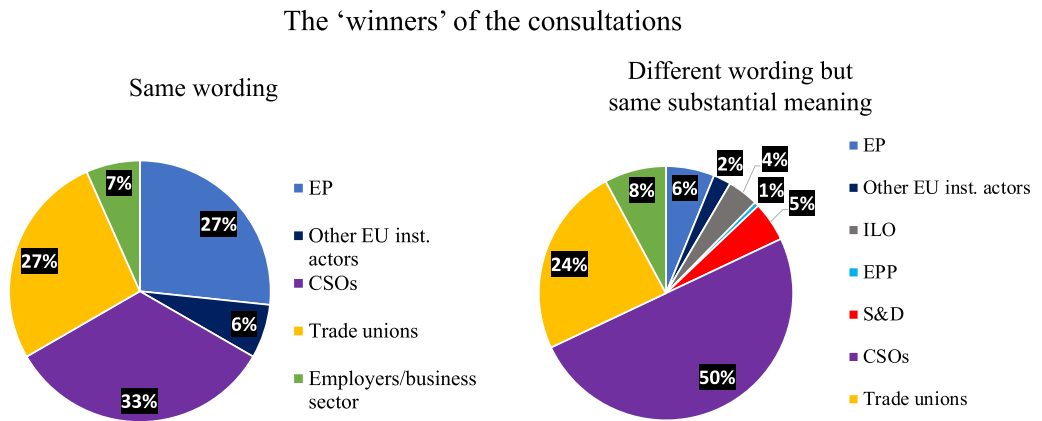
As regards trade unions, their demands were generally aligned with the changes made to the principles from 5 to 10, namely those dedicated to working conditions, and especially in principle 12 on social protection, which has been largely rephrased in the final text (according to Sabato and Vanhercke, 2017, p. 89, it was ‘perhaps the most significant change in the 2017 Recommendation’). On the contrary, most of the requests expressed by employers’ and business sector organizations, in relation to the specific wording of the principles, were not reflected in the final version. At the same time, the most prescriptive parts of the document, which indicated more in detail how the principles should have

been implemented on the ground, were dropped in favour of a more universalistic and generic language, in line with employers’ concerns about efficiency and the principle of subsidiarity (see Sabato and Vanhercke, 2017).

The following graphs show in greater detail the proportion of preferences reflected or ignored in the final text by taking into account the various categories of policy actors. As it can be seen in Figure 1, civil society organizations (CSOs) and trade unions are the most represented categories among the ‘winners’ of the public consultations in terms of preference attainment, followed by the European Parliament (EP) in the cases in which the Commission adopted the same wording proposed by a given actor. Employers’ and business sector associations figure prominently among the actors whose preferences were not taken into account, followed by EU institutional actors other than the Parliament (Figure 2). CSOs also figure as those that in most cases were favourable to a given part of the original proposal which was eventually cancelled. In the assessment of the charts we need to consider, in general, a numerical bias: as shown in the Supplementary Information, civil society organizations were largely over-represented among the actors that submitted a position paper.

The interviews confirmed the capacity of the European Commission to produce a consensual document balancing the divergent expectations of the whole policy actor community. The satisfaction of social NGOs with the overall responsiveness showed by the Commission varied according to the policy sector, for instance actors working on the inclusion of people with disabilities were more satisfied with the final outcome than those involved in poverty alleviation, who believed that employment and labour markets

Figure 1: Relative frequencies of the actors whose preferences were reflected in the final version of the text. [Colour figure can be viewed at wileyonlinelibrary.com]



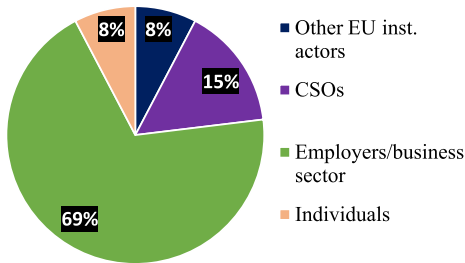
Key:

- EP = European Parliament
- Other EU inst. actors = Committee of the Regions, European Social Policy Network, European Economic and Social Committee, Employment Committee and Social Protection Committee of the Council of the EU
- EPP = European People’s Party
- ILO = International Labour Organisation
- CSOs = civil society organizations

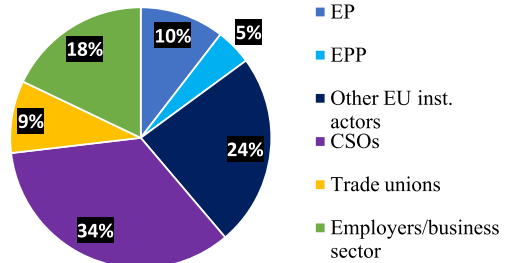
Figure 2: Relative frequencies of the actors whose preferences were not reflected in the final version of the text. [Colour figure can be viewed at wileyonlinelibrary.com]

The ‘losers’ of the public consultations

In favour of dropping partly or entirely a sentence that was kept



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EP = European Parliament

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concerns were still too central (Interviews 5 and 15). Beside the specific demands, all respondents from the civil society sector recognized the relatively higher attention shown by the European Commission to issues of social protection and inclusion. While this element was initially a source of concern for representatives of employers’ organizations and business sector, the latter judged positively the final proposal presented by the Commission as this respected the main requests they voiced during the consultations, namely the relevance attributed to labour markets and the issue of the future of work, as well as the explicitly non-binding nature of the document and its link with the European Semester rather than new legislative proposals (Interviews 4, 6 and 8).

Coupling the outcomes of the interviews with the analysis of position papers and the changes made to the final version of the EPSR, we can argue that in the overall rhetoric in which the initiative was embedded the European Commission responded to the demands coming from civil society, but as regards the more practical aspects of implementation it accommodated the requests of employers (as well as a number of member states) and renounced to the ‘hard law’ route, which was strongly advocated by social NGOs and trade unions, in the attempt to strike a balance with the instances of the universe of policy actors at large. Moreover, all the latter expressed their explicit support, through the position papers, towards tools of policy coordination and monitoring: this emerged as the most consensual element across all categories and was indeed reflected in the introduction of a new Social Scoreboard as main implementation instrument for the Pillar. Respondents themselves considered it as a way for the Commission to strengthen its legitimacy not only in the eyes of the public but especially in view of the

upcoming negotiations with the Council (Interviews 3, 9 and 12), in line with our expectations and with the practice of ‘lobby sponsoring’ adopted by the Commission in the past.

Conclusions

In this article we investigated whether and to what extent the formulation and proclamation of the European Pillar of Social Rights generated changes in the governance of the EU social dimension, considering the phase of critical juncture in which the process took place. With reference to our research hypotheses, the European Commission carried out a more open and participatory consultation phase, by promoting a higher involvement of civil society organizations and social partners and increasing the venues available to policy actors to voice their concerns (H1 confirmed). Nevertheless, the decision adopted by the European Parliament, the EU Council and the European Commission under the form of a joint declaration, is a very ‘soft’ type of decision which at the end was much less ambitious than originally desired by the President of the European Commission, Juncker, and also by most of the policy actors who intervened in the formulation phase (H2 confirmed only with reference to the formulation phase but not to the adoption phase).

The results show therefore that rather than being completely innovative the Pillar appears as a late or renewed (and possibly watered down) implementation of the Open Method of Coordination introduced at the end of the 1990s. The larger involvement of civil society had the double purpose of fostering the image of a European Commission more responsive to societal concerns and closer to the citizens, while at the same time gaining more legitimacy to act in a policy area (that of social protection) whose development had been mainly driven by member states’ own agendas in the past two decades, especially after the financial crisis. The initial proposal to strengthen the monitoring and reporting mechanisms in the EU social dimension, via a higher consideration of social issues in the existing policy coordination framework (the European Semester), further complemented the objective of a ‘revival’ of the OMC. However, as regards the policy content of the initiative (that is, its principles, objectives and implementation tools), the Pillar did not introduce any significant innovation in the social sphere. Despite the discursive changes (the ‘rights-based’ narrative and the higher relevance given to objectives of social protection and inclusion), when it was proclaimed the EPSR only established a new set of social indicators to be vaguely integrated into the Semester process (while the original OMC was much more elaborated in terms of monitoring and benchmarking tools).

The results of our analysis add further insights in relation to the overall theoretical framework we adopted. The interviews with policy actors confirmed the relevance of both policy agency on the side of the European Commission (and especially its President) and of contextual factors (such as the rise of Euroscepticism) in creating favourable ground for an initiative strengthening the European social dimension. As regards the conditions defining a (endogenous) critical juncture, while the period dedicated to consultations was particularly long (ten months), the overall unfolding of the Pillar initiative, from its introduction to the proclamation, was relatively brief (2015–17). The extended channels of participation established by the European Commission and the efforts to produce a consensual document that were highlighted in most interviews confirm the presence of a ‘broader range of feasible options’ to introduce changes in modes of governance. Our

results show however that the emergence of an *endogenous* critical juncture, as we defined it, translated only into a partial alteration of previous path-dependent tendencies: the change in the way civil society is consulted and taken into account was not accompanied by a change in the overall modes of governance and policy content of EU initiatives, but reaffirmed the predominance of intergovernmentalism as main approach in the development of the European social dimension. Such a reaffirmation is key in understanding the reason why the (endogenous) critical juncture was not fully exploited. In particular, our research further qualifies the conditions which have to be met for a critical juncture to determine a radical policy change: the latter will occur when the critical juncture unfolds together with policy preference convergence among the various top decision-making actors involved. In the case of the EPSR, the adoption of a joint declaration and a social scoreboard to be integrated into the European Semester suggest that the ‘lobby sponsoring’ strategy and the increased legitimacy acquired by the Commission were not sufficient to overcome the restraints potentially imposed by other top players, such as the EU Council and the single member states. This research result should be carefully considered when focusing on the innovation potential and availability of opportunities linked to *endogenous* critical junctures.

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Appendix A: List of Interviews

- 1 Committee of the Regions, Alternate Member, rapporteur³ (Brussels, November 2017).
- 2 Committee of the Regions, Member, rapporteur (Brussels, November 2017).
- 3 European Parliament, rapporteur's assistant (Brussels, November 2017).
- 4 European Economic and Social Committee, Employers' Group, rapporteur (Brussels, December 2017).
- 5 European Anti-Poverty Network, policy coordinator (Brussels, December 2017).
- 6 European Economic and Social Committee, Employers' Group, rapporteur (Brussels, December 2017).
- 7 European Economic and Social Committee, Various Interests' Group, advisor to rapporteur (Brussels, December 2017).
- 8 BusinessEurope, senior adviser (Brussels, December 2017).
- 9 Research institute, researcher (Brussels, December 2017).
- 10 Research institute, researcher (Brussels, December 2017).
- 11 European Trade Union Confederation, policy advisor (Brussels, December 2017).
- 12 European Parliament, Member, shadow rapporteur (Skype interview, December 2017).
- 13 University of Amsterdam, scholar (Skype interview, December 2017).
- 14 Eurofound, senior research manager (Brussels, December 2017).
- 15 European Agency of Service Providers for Persons with Disabilities, policy coordinator (Skype interview, December 2017).
- 16 University of Antwerp, scholar (Antwerp, January 2018).

Supporting Information

Additional supporting information may be found online in the Supporting Information section at the end of the article.

Data S1. Supporting Information.

³Hereby and henceforth intended as rapporteur of a policy document related to the EPSR.