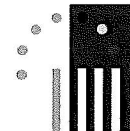


**Rencontre annuelle des Présidents et Secrétaires
généraux des CES nationaux de l'UE et du CESE
Implication de la société civile et des interlocuteurs
sociaux dans la Stratégie Europe 2020**

*Annual meeting of the Chairmen and Secretaries-
general of the ESCs of the EU Member States
and the EESC*

*Involvement of civil society and social partners
in the Europe 2020 Strategy*

Résumé Etude ETOS
Executive Summary - ETOS Team Study



Programme "Society and Future"

Final report – "Description of the Research Project"

PROJECT ACRONYM: **ETOS.BE**

TITLE: EUROPEAN TOOLS FOR SOCIAL POLICY IN BELGIUM

RESEARCH CONTRACT: TA/00/14

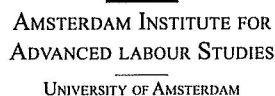
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Description of the ETOS.be Research Project

During the past few months six Belgian, French and Dutch research teams, constituted of political scientists, lawyers and sociologists, produced a scientific report of more than 300 pages reflecting the outcome of 3 years of collaboration in the context of the ETOS.be research project¹. Summarising this rich theoretical and empirical contribution in a 15 page report is a challenging enterprise. This paper is structured as follows: section 1 sets out its *overall objectives* and *research questions*, while section 2 describes the *conceptual framework* of the research. Section 3 explains the *methodological considerations* which were taken into account. The heart of this report can be found in section 4, as it lays out the *key findings* of our efforts. The final section provides a selection of the publications which resulted directly from ETOS.be as well as of other valorisation initiatives. Please note that other key elements of the Ex-post evaluation, i.e. the *innovative character* of the research, its *contribution to the knowledge* in the field as well as the *support* of the research for *policymakers* can be found in the Self-Evaluation Form.

1. Overall objectives and research questions

Broadly speaking, the European Union currently has three different instruments at its disposal to produce an action in the social field directed towards the member states: classic European law (directives and regulations, including law resulting from collective agreements), open methods of coordination (including the European Employment Strategy), and the financial instruments (in particular the European social fund (ESF)). These instruments are different in nature, because of their distinct historical origins – some date from the beginning of the EU (classic European law and the ESF), other from the 1990's (collective agreements and OMC) – and because of their difference in legal scope – some are binding (classical law), others are inciting (OMC and ESF), some are distributive (ESF) others regulatory (the two others). They also differ in terms of the actor-networks that are connected to them, both formally and factually.

This study focuses on the impact of these forms of EU-level governance on the Belgian welfare state over the last decades. It looks in particular at the *differentiated* effects of the three mentioned EU *policy instruments* (classic European law, the European Social Fund and new modes of governance (OMC)) on three different *policy fields*: gender equality, social inclusion and employment. Even if most research resources were concentrated on Belgium, two research teams (CEVIPOF and AIAS, respectively) undertook “lighter” analyses of the Europeanisation of France and Dutch social policies (the Dutch team focused on Employment and gender equality policies, the French on social inclusion), to put the main findings on Belgium in a comparative perspective.

The general objective of the research was further spelled out in the following research questions, both of which intended to capture Europeanisation as a circular process of uploading (shaping) and downloading (taking) between the domestic and EU level.

Research Question 1 - Shaping

To what extent have a variety of Belgian actors been able to upload their policy preferences in the areas of employment, social inclusion and gender equality to the EU level?

This question implies, among others, that we: (a) describe *which* Belgian actors try to influence EU level interests, ideas and institutions; (b) describe *why* these actors try to influence the EU-level: according to the idea of an “ambiguous agreement” actors may have very different (sometimes conflicting) reasons to support a ‘shaping’ coalition; (c) describe the extent to which (changes in) EU *social and other* policy instruments have been influenced by these ‘uploading efforts’ and (d), establish in a credible way that the *Belgian* uploading efforts (i.e. not primarily uploading from other Member States or other influences) have contributed to this influence at EU level, by explaining the *precise mechanisms* by which the uploading caused (or at least contributed to) these changes at EU level.

As regards the ‘taking’ dimension (which, in our circular model, both *follows* and *precedes* the shaping stage), we formulate the following research question.

¹ From the onset the research team decided – with a view to maximising the output in terms of publications – to write the scientific research output in English. Another report (destined to a larger audience) was written – in conformity with the formal obligation of the Federal Science Policy office – in Dutch and French.

Research Question 2 - Taking

Within a given social policy area in Belgium - gender equality, social inclusion and employment - do different EU instruments (i.e. classic legislation including law resulting from collective agreements, structural funds, and OMC - have a different impact, and why?

This question implies, among others, that we: (a) describe significant changes (which, in most social policies, take a long time to be implemented) in selected cases of social policies in Belgium; (b) describe which (changes in) EU social and other policy instruments *may* have contributed to these domestic changes; (c) that we firmly establish that the EU (as opposed to domestic or other influences) has been the main driver of these changes (or the contribution of EU instruments to maintaining the status quo). This can only be done by explaining the *exact mechanisms by which the EU, through its various policy instruments*, caused (or at least contributed to) these domestic changes. The next sections succinctly explain how we went about to tackle these difficult questions.

2. Theoretical lenses: Europeanisation and Instrument Hybridity

2.1 Studying the Europeanisation of Social Policy

ETOS.be basically dealt with the Europeanisation of social policy through different EU instruments. For a long time, research in the field of European Studies was mainly concerned with the processes and forces leading to the emergence of a separate European political system and its prospective development ('integration theory'). In the field of social policy as well, the initial debate primarily dealt with the institutional dynamics and political logic of EU social policy². Over the last decade, however, attention has shifted from the emergence and significance of a distinct EU polity - both in general as in the field of social policy - towards the actual impact of this polity on its member states.

Since the beginning of the 1990's a new research agenda emerged which focuses on changes in national welfare states that can be attributed to the development of European regional integration. This new research agenda became known under the heading 'Europeanisation', a concept that has enjoyed increasing popularity in academic circles since the late 1990's. Scholars mainly use the concept to assess the influence and effectiveness of European-level politics on the domestic level, as well as to understand how new European opportunities and constraints are used by member states to push through their own agendas³. While earlier European Integration research focused primarily on the creation of a European political arena and the particularities of EU governance, the Europeanisation approach shifts attention principally to the domestic level, focusing on changes in the national policy, politics and polity, induced by EU membership⁴.

As a consequence, a large part of our theoretical framework builds upon the well-established literature in the field of Europeanisation studies, which has put forward many different propositions on when and how - i.e. through which mechanisms - Europe affects the national welfare states. Different causal mechanisms of domestic change that have been identified by the literature are, for instance, *institutional compliance*, where the EU puts forward an implicit or explicit model of 'good policy' that is imposed on the member states, *changing domestic opportunity structures*, where the EU provides new policy resources and instruments that change the power balance between domestic actors, and *policy framing*, which changes the cognitive beliefs of domestic actors⁵. For the sake of this report, it suffices to explain, first, the three major assumptions that the main bulk of the literature shares and, second, how our research dealt with them⁶.

Firstly, most studies agree that Member State responses to Europeanisation are *differential*, i.e. differ across policy sectors, institutions, and time. Our study links up with this approach by analysing the differential effects of different EU instruments in three different policy fields (cf. *infra*). At the same time we take a long-term, dynamic

2 S. Leibfried and P. Pierson, (eds.), *European Social Policy: Between Fragmentation and Integration*, op. cit.

3 P. Graziano, and M. Vink (eds.), *Europeanization: New Research Agendas*, Palgrave Macmillan, Basingstoke, 2007, p. 419.

4 T. Börzel, "Europeanization and Territorial Institutional Change. Towards Cooperative Regionalism?", op. cit.

5 T. Börzel, "Europeanization: How the European Union Interacts with its Member States", op. cit., p. 49.

6 Ibid., p. 50 and T. Börzel and T. Risse, "Conceptualizing the Domestic Impact of Europe", in *The Politics of Europeanization*, edited by Kevin Featherstone and Claudio Radaelli, Oxford University Press, Oxford, 2003, pp. 55-78.

perspective that looks at the relation between the EU and the national welfare state over time rather than taking a snapshot picture at a given moment in time.

Secondly, there is a consensus that the relationship between the EU and its Member States is *not a one-way street*. The European policy process is a reciprocal, two-way relationship between political negotiations at the domestic and the European level. "For practical reasons, however, students of Europeanisation usually bracket European institutions and processes, i.e. take them as given and analyze their effects on the Member States. How Member States responses to Europeanization feed back into EU institutions and policy processes is rarely explored"⁷. As will be explained in more detail later on, this study will attempt to link the 'bottom-up' and 'top-down' dimension in the relationship between the EU and the domestic level by focusing on the role of national governments in the ascending (uploading) and descending (downloading or implementation) phase of the policy process.

Thirdly, the lion's share of the studies find that there must be some 'misfit'⁸ or 'mismatch'⁹ between European and domestic policies, processes and institutions. The 'goodness of fit'¹⁰ or congruence between the European and domestic level determines the degree of pressure for adaptation generated by Europeanisation by the member states. "Only if European policies, institutions, and/or processes differ significantly from those found at the domestic level, do member states feel the need to change"¹¹. In line with recent literature¹² our study took a critical stance towards the explanatory power of the goodness of fit model, mainly for two reasons. The fit/misfit model is too static and does not sufficiently allow to take into account the recursive or circular dimension of Europeanisation: the domestic impact of European policies changes continuously, because member respond to European pressures by trying to influence and reshape European policies and institutions. Furthermore, the relevance of the fit/misfit model differs according to the specific policy instrument one is looking at. While 'legal misfit' or 'policy misfit' is rather easily identified in the case of precise European legal requirements (f.i. labour directives), the explanatory power of 'goodness of fit' is less in the case of more flexible policies, which positively prescribe a 'good model' for policymaking and thus "leave the member states too much flexibility and discretion in order to exert pressure for adaptation"¹³. This does not rule out however that 'softer' policy instruments such as the OMC may equally challenge domestic institutions to change their policies and induce learning processes.

2.2 Hybridisation of Instruments

Once we have the theoretical framework enabling us to study Europeanisation, the next question is: which *sources* of EU influence will we scrutinise? At first sight the answer seems rather straightforward: EU social policy is mainly constructed through (a) legal regulation (be it in a non-negotiated or negotiated form), (b) financial instruments such as the ESF and (c) newer instruments such as OMC (including the EES). Yet, studying the impact of these different policy instruments separately is not sufficient: over the last decennia, several indications point to an increased dependence and even 'hybridisation' of the different instruments¹⁴. For instance, programmatic ESF-investment has been more closely coupled to the EES policy-framework and, over time, EU legislation has started to incorporate more 'flexible' or 'soft law' elements, which leave member states more flexibility and discretion in order to adapt with European regulations.

This changing configuration can be partly explained by the distinct historical origins of the different policy instruments in EU social policy (see section 1 above). The adoption of the new policy instruments such as OMC has drastically changed the policy context and altered the traditional 'Community Method', which was mainly

7 T. Börzel and T. Risse, "Conceptualizing the Domestic Impact of Europe", op. cit.

8 Börzel, T., "Towards Convergence in Europe? Institutional Adaptation to Europeanisation in Germany and Spain", *Journal of Common Market Studies*, 37(4), 1999, pp. 573-96.

9 A. Héritier, "The accommodation of diversity in European policy-making and its outcomes: policy as a patchwork", *Journal of European Public Policy* 3(2), 1996, pp. 149-67.

10 M.G. Cowles, J. Caporaso and T. Risse (eds.), *Transforming Europe: Europeanization and Domestic Change*, Cornell University Press, Ithaca NY, 2001.

11 T. Börzel, "Europeanization: How the European Union Interacts with its Member States", op. cit., p. 50.

12 C. Knill, D. Lehmkuhl & D. Fach, "How Europe matters: different mechanisms of Europeanization", *European Integration online Papers (EIoP)*, 1999 and G. Falkner e.a., *Complying with Europe: EU Harmonization and Soft Law in the Member States*, op. cit.

13 T. Börzel, "Europeanization: How the European Union Interacts with its Member States", op. cit., p. 51.

14 D.M. Trubek & L.G. Trubek, "Hard and Soft Law in the Construction of Social Europe: The role of the Open Method of Coordination", *European Law Journal*, 11 (3), 2005, pp. 343-64.

based on harmonized legislation put forward by the Council and Commission and closely guarded by the ECJ¹⁵. With the introduction of new policy frames such as the OMC, the EU has moved to more complex and differentiated modes of governance in the field of social policy. Although the traditional instruments of social policy (legislation, financial regulation) continue to function, new and additional forms have emerged which have altered the role and functioning of the traditional instruments as well. In terms of the 'neo-institutionalist' language¹⁶, EU social policy has been characterized by a gradual "institutional layering, which involves the partial renegotiation of some elements of a given set of institutions, while leaving others in place"¹⁷.

Although dealing with the differential impact of the different instruments, our research will also probe the question whether the increasing diversification of regulatory modes in EU social policy introduces or not a change in domestic policies and regulatory regimes. This relates to the more fundamental question whether the EU can be characterised as a homogeneous political regime or as a combination of different regimes where the 'community method' coexists with more intergovernmental methods (based on coordination policies). As J. Goetschy points out, "the social domain can serve as an interesting test in so far as it entails a variety of policy regimes based on different institutional processes (the community method; contractual method; open method of coordination; structural fund procedures). Is a complementarity possible or are those different regulatory regimes in competition with each other? Is it likely that in the future, the traditionally dominant community method will be slowly nibbled by more inter- governmental methods - the latter rendering ambitious Treaty reforms redundant? Or will a subtle mechanism of hybridization between the variety of regulatory tools occur?"¹⁸.

In answering the question whether the diversification of regulatory modes and the perceived shift from EU-binding rules to a more complex system of European governance, creates a risk of inefficiency and non-compliance or rather produces better and more efficient social policies, the literature is undecided. Some authors, mainly from a legal background, are rather sceptical about the overall effects of the introduction of new governance methods, while others believe that the stricter coupling or even 'hybridization' is already functioning in an effective and fairly successful manner in areas like employment policy. According to C. Kilpatrick, for instance, the ESF, the EES and EU labour law play different, but integrated and mutually reinforcing roles in dealing with issues such as gender discrimination or part-time work. The integration of the different EU employment instruments in a broader, hybridised governance system, may thus provide the EU with a policy framework that has "a regulatory strength and potential it did not previously possess"¹⁹.

2.3 Polity, politics and policies

As this study investigates the way in which the EU, through its various policy instruments, causes changes at the domestic (i.c. Belgian) level, it was essential to provide, from the onset, a concise description of the nature of that domestic context. To give such a systematic description, we make use of the well-known triad of Polity, Politics and Policy.

In short, '**polity**' refers to the structure in which policy-making takes place. Concretely, the concept signals the importance of political, economic and administrative institutions, state traditions, state-society relations and collective identities. Two crucial characteristics of the Belgian polity are worth mentioning. Firstly, Belgium is a federal state which is subject to strong centrifugal tendencies. As a consequence of a continuous process of state reform over the past forty years, a number of policy areas have (partly or entirely) become competences of either (Walloon, Flemish or Brussels) Regions or (Flemish, French-speaking or German-speaking) Communities. In other words, several competences have gradually left the central state level. These regional entities are entrusted with considerable political, legal and spending autonomy and by now are very close to being constitutionalised

15 Cf. H., Wallace and W. Wallace (eds.), "The Institutional Setting. Five variations on a Theme", in *Policy-Making in the European Union*, 4th ed., Oxford University Press, Oxford, 2001, pp. 28-29.

16 K. Thelen, "How institutions evolve: Insights from comparative-historical analysis", in J. Mahoney and D. Rueschemeyer (eds.), *Comparative Historical Analysis in the Social Sciences*, Cambridge University Press, New York, 2003, pp. 208-40.

17 K. Thelen, "Timing and temporality in the analysis of institutional evolution and change", *Studies in American Political Development*, 14, 2000, p. 225.

18 J. Goetschy, "The Implications of the Lisbon Strategy for the Future of Social Europe 'On the Road' or 'New Age'?", *International Journal of Comparative Labour Law and Industrial Relations*, 23 (4), 2007, pp. 499-523.

19 C. Kilpatrick, 'New EU Employment Governance and Constitutionalism' in G. de Búrca and J. Scott (eds.), *Law and Governance in the EU and the US*, Hart Publishing, Oxford, 2006.

units of a federal state²⁰. Most interestingly, it has been argued that federalism has a negative impact on the Europeanisation process²¹. P. Bursens added that this is very likely to be the case in Belgium, since the 'falling apart' federalism creates an inward-looking mentality, which 'colours' European awareness of political elites²². Hence, it can be expected that Belgium is subjected to a difficult Europeanisation process. Secondly, Belgium has a background of consociationalism, referring to "a closed but consensual system"²³ with an important role for political parties from the two main linguistic communities. Also social partners enjoy a central role in socio-economic policy-making, wage setting and social security policies. Although some characteristics of consociationalism have disappeared today, achieving structural reform still often implies that agreements must be found among multiple veto players. Even more specific to the Belgian setting, is that there is no hierarchy in legal norms. This means that federal government and sub-national entities (Regions and Communities) are on an equal footing.

Next, the concept of '**politics**' refers to the process of decision-making and interest representation. As a consequence of the fragmented nature of the Belgian polity sketched above, consensus building and informal and ad-hoc decision-making mechanisms characterise Belgian politics²⁴. Several mechanisms have been built into the Belgian political system in order to protect the rights and interests of minority groups. For instance, the Federal government follows a so-called 'parity rule': there are as many Dutch-speaking as French-speaking ministers. Moreover, the Federal government decides by consensus, i.e. decisions emerge from a continuous negotiating process until compromise is reached²⁵. This implies that regional tensions can easily paralyse the central government. Regional conflict could be mitigated through 'buying off' new balances of power, but this resulted in the further 'hollowing out' of the centre (Hooghe, 2003, p. 45).

The third component of the triad refers to '**policies**', i.e. the standards, instruments, problem-solving approaches and policy discourses. This component will be elaborated on concisely in the thematic chapters, where we will indicate the major developments of substantive policies within each policy domain at stake.

3. Research methodology

3.1 A three-fold research strategy: policy fields, instruments and case study selection

To answer the question how the European Union has an effect at the domestic level of the Belgian welfare state, and vice versa we have opted for a three-fold strategy

Firstly, we have structured our object of analysis by selecting 3 thematic policy fields: gender equality, social inclusion and employment. These 3 topics not only cover a substantial part of current national social policy, they also provide considerable variation as far as (1) they use a variety of EU policy instruments in these issue areas: law, soft governance, financial instruments (2) the institutional embeddedness of these issue areas at EU level: how long has EU been involved, presence of clear and uncontested EU competencies, degree of constitutionalisation) and (3) the pre-existing national level playing field: degree of 'stickiness' due to existing actor constellations and policy legacies.

Gender equality is an issue area with long and firmly established EU competences and initiatives, which are made operational through the whole set of available policy instruments. Not unimportantly, this area of policy was largely 'unclaimed territory' in the sense that it had no central place in Member States' social policy programmes prior to the development of European policy. The EU framework on gender equality was introduced at a time when this topic was not at all key on the policy agenda in many Member States. Consequently, national and

20 W. Swenden, M. Brans & L. De Winter, "The politics of Belgium: Institutions and policy under bipolar and centrifugal federalism", *West European Politics*, 29(5), 2006, p. 864.

21 T. Börzel, "Towards Convergence in Europe? Institutional Adaptation to Europeanisation in Germany and Spain", *op. cit.*

22 P. Bursens, "Why Denmark and Belgium Have Different Implementation Records: On Transposition Laggards and Leaders in the EU", *Scandinavian Political Studies*, 25(2), 2002, pp. 173–95.

23 L. Hooghe, "Belgium: Hollowing the Center", in U. Amoretti and N. Bermeo (eds.), *Federalism, Unitarism, and Territorial Cleavages*, Johns Hopkins Press, Baltimore, 2003, p. 19.

24 B., Kerremans, "Intergovernmentalism and Coordination of Belgium's EU Policies", in Kassim H., Peters B. Guy, Wright V., *National Coordination in the EU: The National Level*, Oxford University Press, Oxford, 2000, pp. 184-5.

25 W. Swenden, "Asymmetric Federalism and Coalition-Making in Belgium", *Publius: the Journal of Federalism*, vol. 32, No.3, 2002, p. 76.

European policies have developed in tandem. In this study, we focus our attention on one particular dimension of gender equality: the conciliation of work and family life.

Social inclusion is an issue area in which direct EU involvement is quite recent due to limited legal EU competences, which moreover face high political obstacles. As a consequence, the potentially available EU policy instruments are not fully used, which can partly be explained by the fact that EU initiatives in this area face reluctant Member States and stakeholders who jealously watch any legislative threat to the organisation and financing of 'their' social protection and social inclusion systems, and therefore continue to challenge the legitimacy of the EU to take (even 'soft') initiatives in this area.

EU initiatives in the field of employment and working conditions take a middle position between gender equality and social inclusion policies. A significant body of EU legislation guarantees minimum levels of protection, but does so in a context of continuing contestation of the form, substance, and level of regulation, a weak institutional architecture underpinning this policy area, and a series of trade-offs between efficiency and experimentation in policy formulation and execution²⁶ which are the result of domestic entitlements and vested interests. EU employment policies (including working conditions) use the full range of available policy instruments.

As explained above, this variation between policy fields is required, secondly, to trace the differential effects of the EU policy instruments that are being studied: legislation, OMC and financial instruments (for a full description of instruments, see p.2). The analysis of variation between policy fields provides insights on the effects of EU policy instruments at the domestic level but also vice versa, while these thematic fields also allow to integrate findings across issue areas: for example, 'employment' policies are related to activation of women (gender equality) and people with marginal positions in the labour market (social inclusion). This is the reason why the analysis of different policy fields has focused especially on some themes which provide links to different policy fields, such as the reconciliation of work and private life (gender equality and employment) and labour market inclusion (social protection and employment).

Thirdly, we've opted to study some of the instruments in more detail by selecting cases. As regards hard law, we have chosen to study the Directives on working time and part-time work (both of which presented low ex ante legal misfit, but followed quite different transposition pathways), and the parental leave directive (which we hypothesised to be 'soft hard law'). Yet, for the 'softer' policy instruments (OMC and EES) and financial instruments we have opted to study their domestic effects in full. Selecting specific cases here was not appropriate because a) the iterative and integrated nature of these instruments which make it difficult to isolate the effects of sub-instruments (e.g. indicators, targets, peer reviews etc.) or specific topics (e.g. the issue of child poverty is intrinsically related to general attention to the issue of poverty); b) the unsuitability of the 'goodness of fit' model (in soft law even small misfits can create large effects) and c) our interest in the different mechanisms by which these instruments challenge domestic institutions to change their policies and induce learning processes. Finally note that the Belgian cases were complemented by a Dutch case study (the part time work directive) and broad assessments of the EES in The Netherlands as well as the Social Inclusion OMC in France. The latter were developed in parallel with the Belgian assessments and led to a fully integrated and comparable analysis.

3.2 Multi-tool methodology: pooling of research methods from different disciplines (triangulation)

Since this research addresses a multitude of policy instruments, ranging from legally binding policy tools to formally non-binding policy coordination efforts, it is multidisciplinary in nature (combining law, political science and sociology). This stands in contrast to mainstream academic research on Europeanisation, which faces a discord between legal scholarship (traditionally focusing on law in the strict sense of the word) and social science research (with a preference for new governance methods). As a consequence, each instrument tends to be studied through the methodology custom to its discipline. The ETOS.be-research, however, attempts to travel across the borders of disciplines and to 'pool' research methods from various disciplines.

Our analysis of up- and downloading is first of all based on a large set of **interviews** (more than hundred in total) which were conducted with around European, national and regional civil servants, cabinet²⁷ members and social

²⁶ Ibid., pp. 279-280.

²⁷ In Belgium a minister is entitled to a 'ministerial cabinet' consisting of a staff of personal advisers whom the minister appoints personally when she takes office and who are not Programme » Society and Future »

partners in Belgium, the Netherlands and France. The extensive use of interviews (a 'tool' typically used by social scientists) is mainly inspired by the focus on uploading. Processes of negotiation are much less visible than gauging impact. Gaining information on this topic for the better part has to take place through interviews with key informants. Below, we will somewhat elaborate on the selection of interviewees and analysis of data gained through interviewing.

As far as the first issue is concerned, the selection of interviewees, it must be noted that interviews were conducted in various phases. Based on first insights in the various up- and downloading channels, a list of interviewees was drawn up, which was consecutively expanded with names mentioned by respondents during the first round of interviews. Next, interviewees were categorised in different groups according to various criteria in order to safeguard a balanced representation of all actors involved. A first criterion consists of the *field of expertise* in which interviewees are involved in European policy coordination, i.e. the subject area(s) in which they work (employment, social protection and gender policies). Some respondents are experts in/responsible for more than one issue area. A second and third criterion take into account interviewees' *institutional affiliation* in their fields of expertise (political, administrative, social partners or permanent representation) as well as the *level of government* (European, federal or regional) at which they are active. A fourth criterion checks *interviewees' degree of involvement*. We consider it necessary to also interview persons not directly involved in the European law/OMCs/ESF, in order to get a more nuanced picture of reality, for these procedures give more 'power' to a small circle of bureaucrats who are therefore more likely to have a positive attitude towards them.

For conducting these interviews, a semi-structured questionnaire has been defined. Given the wide diversity of respondents' expertise and role in European processes, a general questionnaire was designed including questions for various points of interest and various groups of interviewees. This general questionnaire ('database' of questions) then served as a guideline for the composition of each interviewee's questionnaire, departing from the respondent's expertise and knowledge. Doing so, we aimed at consistency of the questions within one group of respondents, e.g. interviewees within the group of social partners received more or less the same questions (within a thematic field). Such consistency of questions warrants against taking respondents' claims and opinions for granted since it allows for cross-checking of information provided by interviewees. All interviews were transcribed and summarised into reports. The availability of detailed transcriptions allowed a thorough analysis of data gathered through interviewing. They were analysed with the use of comprehensive coding schemes, which allow a screening of the material through different viewpoints (up/downloading, actor-centred, temporal or thematic perspective).

A second source of information next to interviews self-evidently consists of a series of **primary sources**, such as legislation, national action plans, national reform programmes, recommendations, policy declarations etc. Such primary sources also served to cross-check information acquired from the interviews.

Finally, all of our findings were checked against the state of the art **secondary** literature, which was elaborately discussed between the research teams through regular reading sessions and the ETOS.be-blog (web log).

3.3 Taking actors seriously

Discussing interview methodology obviously raises the issue: **who** are we actually studying? In other words: who are the 'actors' in our Europeanisation story?

Classical accounts of European integration focus on the 4 sets of actors playing a key role in deciding and implementing the community method: the Member States (represented in different Council formations), the European Commission, the European Parliament and the European Court of Justice. Since law is one of the EU policy instruments studied in this research, this quartet of institutional actors will indeed be part of our analysis. However, other policy actors will have to be included as well.

An abundant literature about the EU's regional policy, implemented through the EU structural funds, has made it clear that regional governments²⁸ play a key role both in the up- and downloading of these policies, and

part of the administrative hierarchy. Cabinet staffers form the hub of the policy-making networks.

²⁸ The Dutch, French and German-speaking Communities and the Flemish, Walloon and Brussels Regions.

sometimes even form coalitions with the European Commission to by-pass national governments. Even if the Member States and the European Commission hold on to their dominant position in 'new forms of governance' (OMC and the like), the European Parliament and the European Court of Justice have no significant role to play. At the same time, the introduction of these 'soft' processes confirmed the active role of regional governments in EU affairs and, more importantly, further expanded the range of actors involved in the European governance of social policies: local actors, (networks of) European and national non-governmental organizations, social partners (trade unions and employers' organisations), agencies, networks of experts (epistemic communities) etc. Even though the relative weight of each of these actors varies considerably and their influence should not be taken for granted, our research design forces us to take into account the multi-level governance in EU social policy. In other words: we will take the potential influence of a wide variety of sub national and non-governmental actors in up- and downloading of EU social policy seriously.

For this reason, this research opts for a **policy network** approach, which is basically a metaphor that seeks to test the basic proposition that, in any given EU policy sector, the way in which networks of private and public actors are structured will substantially determine, and thus help explain policy outcomes. More particularly, policy network analysis argues that EU policy outcomes are determined by how integrated and exclusive policy-specific networks are, and how mutually-dependent actors within them are. Policy network analysis assumes that modern governance is frequently non-hierarchical, i.e. involves mutuality and interdependence between public and non-public actors, as well as between different kind of public actors.

The approach draws attention to the decisive impact of informalities in the everyday politics of the EU and therefore directs empirical research away from the formal arena of decision-making. Policy network analysis can also help us explain why EU policy outcomes in a particular sector reflect purely technocratic rationality or, alternatively, the overtly political agenda of key actors²⁹. And it draws our attention to management and legitimacy concerns, e.g. because supranational networks of government officials and experts are usually subject to less scrutiny than is the case at the national level. Finally, most proponents of policy network analyses reject as artificial and false the dichotomy between 'intergovernmental' and 'supranational governance', since virtually 'no administrative [EU] action can be deployed without national administrative authorities being associated with it'³⁰. Two prominent examples of network analyses are the literatures on 'epistemic communities' and the 'advocacy coalition framework', which "bring actor-based analysis into the issue of agenda setting"³¹.

4. Flesh on the bones: key research findings

This section summarises the *horizontal* results of the ETOS.be research project, i.e. the key findings which go beyond specific issue areas (gender equality, social inclusion and employment) and policy instruments (law, OMC and financial instruments). More specific conclusions can be found in the respective chapters of the final report.

Conclusion 1. Instrument Hybridity

EU Social Policy Instruments are increasingly hybridised: between 'hard' and 'soft' modes of governance a *mélange des genres* is developing

Even though Institutional multiplicity (i.e. multiplication of policy instruments) is not a new feature (see the Treaty of Rome and its many non-binding annexes), we find an increasing degree of hybridisation of **EU Social Policy Instruments** in that:

- Soft governance mechanisms are increasingly integrated in EU hard law (e.g. in the framework-agreement on part-time work), and serve to pave the way for legislative changes (amongst others contributing to the insertion of a focus on "poverty" in the ESF Regulation).
- EU hard law is increasingly underpinning soft governance mechanisms (e.g. Action Programme and EU SILC in the social inclusion OMC)

29 J. Peterson, "Policy Networks", in Wiener, A. and Diez, T. (eds.), *European Integration Theory*, Oxford University Press, Oxford, 2004, p. 121.

30 L. Azoulay, "The Judge and the Community's Administrative Governance", in Dehousse, R. (ed.), *Good Governance in Europe's Integrated Market*, Oxford University Press, Oxford and New York, 2002, p. 128.

31 B. Rosamond, *Theories of European Integration*, Palgrave Macmillan, Basingstoke, 2000, p. 125.

- Soft governance increasingly structures EU funding: the European Employment Strategy and the Social Inclusion OMC constitute the overall framework of the ESF Regulations.

We distinguish three forms of interaction between the EU instruments. In the first strand, we see 'full blown' complementarities from the start, as the interventions in the three EU instruments (law, OMC and EU funding) are paired. For example: right to leave (developed through legislation stemming from social dialogue), flexibilisation of working time (developed in classic legislation), objective of care facilities (Lisbon objectives and targets), and experimentation (European Social Fund) are the pillars of a single policy thought and deployed to realise work-life balance. We call this first strand of instrument hybridity "**complementarity by design**". A second kind of hybridity can be seen, for example, in the framework-agreement on part-time work, in which references are made to objectives of employment (and, in fact, the future EES) and more discretion (in the drafting of the directive at least) is left to the Member State as to its implementation. We there face a shift, over time, in the European social policy, in which the European employment strategy is called to frame (and determine) the content of the labour law measures gravitating around rights. This second strand of hybridity is a lieu of "**de facto subordination**" of law to the strategic objectives of new governance. Another illustration of this strand of hybridity of EU social policy instruments is the framing of ESF priorities by the EES and, more recently, the Social Protection and Social Inclusion OMC. In the third strand, new modes of governance are developed in "**coexistence**" with EU legislation³². Typically the implementation of EU legislation is strengthened by soft law procedures (e.g. complementary pensions). Other examples of coexistence include the institutionalisation of soft law tools (a) by anchoring them in the EU Treaty itself (BEPG, EES), which makes at least participation in this mode of governance an obligation; and (b) through accompanying legislation (e.g. EU-SILC).

Crucially, this hybridisation of EU policy instruments has not been incorporated in the day-to-day follow up of European dossiers at the domestic or the EU level. We found evidence of the 'Balkanisation'³³ of expertise: civil servants identify strongly with a discipline (e.g. law) or work closely within a functioning unit, as a result of which loyalty is expressed to a group or team, rather than something bigger like a department, directorate or the organization as a whole. In 'balkanised' cultures of expertise working in an integrated or cross-boundary setting becomes difficult³⁴ and sharing knowledge is hugely problematic³⁵.

In a similar vein the European Court of Justice has rarely used EU soft law mechanisms as a teleological criterion of interpretation, at least as far as social policy is concerned. When soft law is used by the Court this is only to guarantee deference to the legislator. Since some of the core objectives of the European Union (with regard to employment, social protection, gender equality etc.) are made explicit through such soft norms, there is a clear risk that ECJ judgements interprets EU policy and political reality in a narrow sense, i.e. strongly embedded within the boundaries of the community method.

Conclusion 2.
Instrumentalisation
of social policies

In substantive terms, EU employment, social inclusion and gender policies have been characterised by increasing instrumentalisation, ie subordination in the shadow of the Revised Lisbon Strategy.

Our research points to an instrumentalisation of key elements of European policies in the field of employment, social inclusion and the reconciliation of work and family life: the core objectives of these policies have been focussed or reoriented to support the objectives of the Revised Lisbon Strategy. Thus, in the field of employment (including gender mainstreaming), the focus on "quality of work", which was added to the employment strategy during the Belgian Presidency in 2001, has largely disappeared from the picture and has to a large extent been replaced by the goal of "flexicurity". As far as social inclusion policies through the European Social Fund are concerned: even though there has always been a certain link with "employment", there is now a clear tendency to focus stricter on labour market integration, rather than on promoting social inclusion or fighting social exclusion as such. The goal of achieving gender equality was originally developed as a fundamental principle, aimed at the dignity of persons. Our finding is that the goal of gender equality considered as a full component of *social* policy

³² See also Trubek D, Trubek L (2007) New Governance and Legal Regulation: Complementarity, Rivalry or Transformation. Columbia Journal of European Law 13, 539–564.

³³ The term Balkanization was originally used to describe the division (of a region or territory) into small, often hostile units.

³⁴ For an application of the concept of 'Balkanisation of expertise' to the British National Health Service, see Ghaye, T., Developing the Reflective Healthcare Team, Blackwell Publishing, 2006, pp. 143-145.

³⁵ Ibid.

has been reoriented towards supporting larger objectives of *economic* performance, i.e. increasing employment rates, the sustainability of social protection systems and tackling demographic challenges. For instance, the promotion of childcare facilities has been advocated as a “gender equality” measure, but served much broader economic goals, with doubtful impact on equality between men and women (for instance regarding domestic labour).

Conclusion 3.

Belgium as
a pace setter

Belgium has been a ‘pace setter’ for the emergence and institutionalisation of ‘social Europe’. At the same time there is a risk of unwarranted ‘uploading heroism’

In spite of the clear evidence about missed opportunities as regards uploading (services Directive, pension fund Directive etc.), credible claims can be made of significant Belgian imprint at two levels. First, as a significant contributor to the legal and political foundations of ‘social Europe’, by (a) continuously pushing for more decisions by qualified majority voting, also in social matters and (b) agency with regard to strengthening the “social” provision of consecutive EU Treaties (especially the Maastricht Social Protocol). Second, credible claims can be made of significant Belgian imprint on different stages of the concrete EU policy and political process, including the launch of the Social Inclusion OMC, the institutionalisation of the EES, and the adoption of the parental leave Directive. Such findings are consistent with the pace-setting role of Belgium in other fields (e.g. the creation of EMU).

At the same time, Belgian actors should be wary of “uploading heroism” in a post-enlargement era. There are a few reasons for this: (1) Belgium is, since the 2004 enlargement, no longer in the middle of the bed and there is a clear lack of investment in creating alliances with the (not so) “new” EU Member States, as a consequence of holding on to traditional partners such as the Netherlands, France and Luxembourg (path dependency); (2) key actors stress the return of intergovernmentalism since the enlargement of the EU in 2004, i.e. a shift of power away from the Commission towards the Council and notably the larger Member States; (3) as a result of this, the collaboration between Belgium and the European Commission is much less successful (4) decreased investment from the side of the Belgian political class in (social) European integration. In a situation of political ignorance of EU affairs, administrative uploading heroism cannot survive very long.

Conclusion 4.

Soft uploading
techniques

Belgium has used soft techniques of persuasion to effectively influence - against the odds - EU decision making. Informal networks and the Permanent representation are key factors.

But is the significant influence (as described in Conclusion 3) credible, in view of the lack of sheer bargaining “power”, Belgium being a political and economic lightweight? ETOS.be found plausible evidence that Belgium has been able to use several soft techniques of persuasion to influence EU decision-making (in which cooperative games are the typical procedure): (1) **political weight**, derived from being a founding Member State, our geopolitical position, and having a legitimate say on social issues; (2) **political practice**, derived from Belgium’s coalition-building capacity (with other governments) and the ‘fit’ between the domestic practice of consensus-seeking and the procedural norms of the EU system; (3) **social practice**, since Belgium has been able to deploy convincing arguments grounded in observable practice; (4) **persuasive ideas**, ie. the ability to turn practice into framing concepts (‘quality of work’, ‘Europe speaks with one voice on pensions’ or “giving a say to people experiencing poverty”); (5) **compelling demands**, which refers to a few rare occasions where Belgium was a convincing ‘demandeur’ in that it was able to sell a strong demand on a critical issue as being compellingly important (e.g. holding on to the possibility of using ‘private’ funding for the ESF domestic counterpart); (6) **credibility and consistency**, in that certain Belgian position (e.g. the development of “social Europe”, extending QMV) have been deployed iteratively throughout several decades, which creates a degree of predictability and reliability, especially in combination with our political practice of consensus-seeking (see point 2). The credibility is further strengthened by the fact that developing ‘European social policies’ is not only aimed at satisfying mere national interests, but also with what is considered to be the ‘European general interest’³⁶.

The existence of informal networks (in which individuals can play an important role), the proximity to the EU

³⁶ Lieven De Winter and Huri Türsan, The Belgian Presidency 2001, http://www.euractiv.com/en/future-eu/belgian-presidency-2001/article-117671?_print

institutions and consecutive successful Belgian EU Presidencies (1987, 1993, 2001)³⁷ have considerably increased uploading capacity (and agenda-setting power more specifically)³⁸. The permanent Representation to the EU – the interface between EU and Belgian level – plays a key role (even more so in Belgium than in other Member States), to the extent even that its attachés are regularly compelled to operate without political coverage. Also note that several of our interviewees point to the fact that informal contacts with the Commission in part depend on the presence of Belgian civil servants as well as seconded national official in key positions in this institution³⁹, and that their number has considerably decreased, at least in the DG Social Affairs and Employment. Seemingly, Belgium has no clear strategy regarding the seconding of national officials or *parachutage* of top officials⁴⁰.

<p>Conclusion 5. Procedural and substantive impact</p>	and	<p>Belgian social policies in the field of employment, social inclusion and gender have been significantly influenced by European integration, both in procedural and substantive terms</p>
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Stating that Belgian social policies have been significantly influenced by European integration may seem like kicking in an open door, but in view of limited EU competencies in the social field this is not self-evident. And yet the empirical evidence clearly points, first, to significant *procedural* effects in all three fields, including improvements in statistical and monitoring capacity, promoting long-term planning (beyond national or sub-national legislatures) and introducing governance by objectives (target-setting). Comparisons with other member States have led to mirror effects (increased awareness of one's own practices) and emerging internal learning processes ("Belgian OMCs").

But there are equally convincing *substantive* effects on social policies, including cognitive changes (eg regarding activation of young people), agenda setting effects (e.g. child poverty as a new issue) as well as legal changes, including in the area of employment and gender equality. In more general terms European integration has helped Belgium to get a grip (until recently) on its perilous budgetary situation, including in the field of pensions.

<p>Conclusion 6. Changes in (social) politics</p>		<p>Employment, social inclusion and gender politics has been altered to some degree, through EU involvement, by strengthening certain actors, (further) weakening others and by creating new (federal) coordination mechanisms</p>
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Involvement in European integration increases vertical coordination in the three policy areas, which often implies a new or strengthened role for the federal level, be it formal or informal. The new roles played by the Gender Institute, the SPF Employment (EES) and the SPP Social Integration (Social Inclusion OMC and ESF) are illustrations of what some have labelled the 'European Rescue of the Federal State'⁴¹. Even though the evidence is less compelling, we did come across instances where horizontal coordination increased between administrations (e.g. employment and economic affairs). Depending on the policy-field, civil society actors, regional actors and 'local' actors have been empowered so that they could acquire a place in the policy arena, or strengthen their legitimacy. This works in two directions: some of them have been 'armed' by the EU-level, others actively seek out the EU level as leverage. Typical mechanisms of such empowerment are regulation and funding. This being said, the actual relevance (influence, power) of these newly empowered actors remains to be established. So far these new political actors do not seem to have led to changes in the distribution of power or the rules of the political game. In fact it seems that the institutional players 'allow' the new actors to play their role

37 Vos, Hendrik and Bailleul, Emilie, The Belgian Presidency and the post-Nice process after Laeken. ZEI Discussion Papers: 2002, C 102; Bart Kerremans and Edith Drieskens, The Belgian Presidencies of 2001, Journal of Common Market Studies, 2002, 40 (1), pp. 49-51.

38 Talberg, J., The Agenda-Shaping Powers of the EU Council Presidency, Journal of European Public Policy, Vol. 10, No. 1 (2003), 1-19; THOMSON, R., The Council Presidency in the European Union: Responsibility with Power, Journal of Common Market Studies, Volume 46 Issue 3, Pages 593 – 617.

39 In practice seconded national officials make decisions within the Commission almost on the same footing as permanent A-officials (Trondal, J., 2006, 'Governing at the Frontier of the European Commission. The case of seconded national experts', West European Politics, Vol. 29, No. 1: 148).

40 Nearly half of senior appointments are recruited through parachutage, that is, they are appointed in A1 or A2 positions from outside the Commission; the other half are career Commission officials promoted from in-house middle management (Hooghe, L., 1999, Consociationalists or Weberians? Top Commission officials on nationality, Governance 12 (4): 397-424). The influential role of national governments in the selection of these "parachutists" is well-documented (Ross 1995; Nugent 1995; Page 1997 – references in Hooghe 1999)

41 Beyers & Bursens, "The European Rescue of the Federal State: How Europeanisation Shapes the Belgian State", in: West European Politics, vol. 29 (5), 2006, 1057-1078.

precisely because they are not perceived as threatening the existing polity (e.g. new role for social inclusion NGOs in drafting the National Strategic report in the context of OMC). Finally, it is clear that the complexity and information flow of EU 'dossiers' further reinforces the role of different administrations as crucial players, at the expense of social partners and government (not the national and regional parliaments, which remain passive receiver of EU initiatives⁴²).

Conclusion 7. 'Under the radar' effects and poor implementation	The effects of European Integration on Belgian social policies and politics occur largely 'by stealth', and are mitigated by poor implementation records
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Our empirical material shows that the effects are significant and undeniable, but they are at the same time largely hidden. This is partly so because they happen via informal networks and via technical, largely administrative instruments. And because policymakers seem hardly interested in the effects or effectiveness of policies they have implemented as a result of EU initiatives (weak evaluation culture, for example with regard to ESF projects). Furthermore, cognitive changes as well as changes in the "polity" are difficult to grasp (hence somewhat hidden); and the multiplicity of instruments makes it more difficult to gauge the magnitude of effects and disentangle causes and consequences (for example, how to assess and disentangle ESF and OMC/EES effects, or the effects of anti-discrimination legislation as compared to soft governance tools on the same subject).

The interactions (hybridity) between EU law and soft governance instruments described above have some important consequences in the regulatory logic of each instrument. The thematic fields and case studies show that effects on national law go beyond the formal obligations of EU legislation (over-implementation, implementation competition etc.); the methods of coordination have a cognitive impact on the creation of policies at national levels and have been shown to at least inspire domestic legislation (e.g. increasing minimum pensions); and EU funds do not simply redistribute resources to poorer regions: they fundamentally altered the Belgian approach towards 'activation'. In other words: it is precisely the existence of the different forms of instrument hybridity which explains the unintended and hidden effects.

We also found that Belgium has a weak record in at least two stage of the EU policy and political process. The first stage is policy legitimisation, i.e. the absorption into the 'normal' procedures and mindsets of domestic policy-making. The lack of debate on EU dossiers in national and subnational Parliaments and the lack of publicity (or even recognition) on EU decisions are just a few illustrations. Even though this may be seen as a process of 'de-politisation' (or a technocratic move) of the debates on social policy, others would frame them this evolution as 'new accountability mechanisms' (see Majone REF). The second stage is transposition: in spite of the effects described above Belgium has a poor implementation record (e.g. framework-directive on information and consultation of the workers), even if the cost of compliance was often low or moderate. Our finding is that, even (apparently) small misfits may cause long transposition periods.

Conclusion 8. Strands of social policy and degrees of Europeanisation	Europeanisation matters differently according to policy fields: EU influence has been more path-breaking as regards employment and social inclusion than it has been as regards gender equality
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The Europeanisation of social policies varies according to the issue area. As regards employment (where we considered the impact of EU **labour** law, which is now very much inspired by EES setting, and is even being developed 'in the shadow of' EES) we found important substantial and procedural impact at national level, in spite of significant uploading success. There is no EU law in the area of **social inclusion** and yet national legislation has to some extent been inspired by EU-level (see for example the increase of the minimum income for the elderly). Also note cognitive changes: activation of those excluded from the labour market, child poverty, as well as procedural changes (e.g. involvement of people experiencing poverty). In the field of gender, Belgian policies often anticipate European initiatives and so the "impact" of the EU-level, at least as far as reconciling work and family life is concerned, has been rather limited. And yet, lateness and incompleteness of transposition causes

42 Vandevivere, C. (2001) 'The Federal Parliament of Belgium: Between Wishes, Rules and Practice' in Maurer, A. and Wessels, W. (2001) National Parliaments on their Ways to Europe. Losers or Latecomers?, Nomos Verlag; Tapio Raunio, National parliaments and European integration, ARENA Working Paper Series 02/2009.

loss of political credibility. In sum, as far as the reviewed time frame is considered (1985-2005), EU influence has been more path-breaking as regards employment and social policies than it has been as regards gender equality.

A crucial factor in explaining this difference is the degree to which actors at national level had already been socialised in an extra-EU context (and hence did not wait for EU initiatives to act). For example, international players such as the UN, ILO, OECD already set the agenda for gender-related as a result of which EU influence is much less explicit; this is far less the case as regards active labour market policies and social inclusion. Even though these international organisations obviously address the latter issues, they are often not considered as having a legitimate say on this issue area by relevant domestic actors (i.e. the networks around the ministers for employment and social affairs). Another element that explains the different degree of Europeanisation is the degree in which domestic actors “seize” the EU context as leverage at national level, which happens more actively in the fields of employment and social inclusion than in gender. The explanation for the latter is quite straightforward: the issue gender equality is seized by a plethora of actor networks (institutional, political, civil society, academic), whose impact (e.g. on instruments like OMC and ESF is thereby diluted).

Conclusion 9. Europeanisation plays out differently in Belgium, the Netherlands and France in different Member States

Even though we did not intend to undertake a fully comparative research (elements from France and The Netherlands merely served to place finding about Belgium in perspective), it is worth mentioning that some of the results are rather similar between Belgium and the **Netherlands**. As regards ‘uploading’, we found evidence that the Netherlands too has been a power broker with a larger influence than its size would predict. Hence sheer ‘size’ or institutional setting do not pre-define uploading capacity: effective uploading relies mainly on ‘softer’ techniques of persuasion in both countries (see Conclusion 4). Also note that both Belgian and Dutch actors have a tendency towards ‘uploading heroism’, i.e. overestimate their impact at EU level and that in all three countries studied EU Presidencies were seen as an exceptionally effective uploading window of opportunity. Some of the results regarding ‘taking’ also represent similar features Belgium and the Netherlands: (1) EES proved to be instrumental in the upgrading and systematisation of the statistical apparatus for the monitoring of employment issues, in both Belgium and the Netherlands; (2) in the Netherlands as well as in Belgium, interviewees pointed to the role the EES played in mobilising more (financial) resources for the development of active labour market policies; (3) the EES has affected Belgian and Dutch domestic settings in an indirect way, namely by serving as a resource which can be used strategically (e.g. at times of negotiations between the social partners and government, or between unions and employer’s organisations) in order to obtain that some issue ‘must’ be discussed. It can thus put new issues on the table, or render existing policy options less viable (the EES as a ‘selective amplifier’⁴³).

And yet there are some clear differences between Belgium and the Netherlands as well: in the Netherlands, there are some indications of increased cross-sectoral coordination through the EES. In Belgian employment policies, few signs of such increased cross-sectoral policy integration are identifiable. In the Netherlands, the ESF was used to support the implementation of the comprehensive and preventive approach to unemployment, but its role seems to have been less important than in Belgium.

Some of the results regarding ‘taking’ are rather similar between Belgium and France: first, participation in the OMC raised the profile of the poverty issue in general on the political agenda in Belgium and France and pushed child poverty as a new issue onto the policy agendas in both countries, while it increased the focus on activation in French and Belgian social inclusion policies. Second, OMC provided bargaining arguments in budgetary negotiations in both countries, but most clearly in Belgium. The social inclusion OMC also serves as inspiration for the French national administration to redefine its new (coordinating) role in the context of decentralisation; in Belgium, too, OMC is providing new legitimacy to the federal level. Finally, note the significant effects of the OMC on statistical capacity building in Belgium and France, in spite of these countries’ totally different starting positions in this respect. In other respects the Europeanisation affects differ between the two countries: participation in the

43 Visser, Jelle (2005), “The OMC as Selective Amplifier for National Strategies of Reform - What the Netherlands wants and learns from Europe”, in: J. Zeitlin and Ph. Pochet (eds.) *The Open Method of Coordination in Action*, Brussels: Peter Lang, 173-216.

social inclusion OMC convinced domestic social inclusion policy makers of the utility of adopting 'targets', but this happens explicitly in Belgium, and largely covertly in France. On the other hand, several examples have been highlighted where *similar* institutional settings resulted in significantly *different* effects. Thus, in the context of devolution of social inclusion policies in France and Belgium, national and sub-national policymakers have reacted very differently to the social inclusion OMC (an increased national coordination role in Belgium, and rejection, for now, of this 'Parisian' role in France). Finally, even though none of the Belgian or French actors we interviewed said the OMC was shaking domestic social policy making, Belgian actors perceive it as an increasingly important, and useful, tool in domestic policy making. French actors do so too, but to a much lesser extent.

5. Valorisation activities and publications

5.1 Valorisation activities

The results of ETOS.be have been valorised 'along the road' through a variety of channels which include (an exhaustive overview can be provided on request):

- ❖ The organisation of four international seminars within the context of the project, each of them bringing together internationally renowned experts, civil servants, policymakers and stakeholders:
 - "The Europeanisation of Social Policies", Brussels, 8-9 February 2007 (CEVIPOF);
 - "Learning and New Social Governance", 30-31 August 2007 (AIAS);
 - "Democratic Legitimacy and Social Europe", Leuven, 17-18 December 2007 (KULeuven);
 - "ETOS.be: Wrapping things Up", Brussels, 30 March 2009 (FUSL).
- ❖ The presentation of research output through interventions in a variety of conferences and seminars in several EU member States and the USA; The presentation of results in multiple courses (in every of the associated universities), guest lectures (in several other academic institutions) and training sessions (trade unions and NGO's);
- ❖ Discussion of research outcomes and policy recommendations during seminars:
 - with domestic decision makers, including the Czech, French and future Belgian EU Presidencies;
 - at EU level, including the European Commission, European Parliament, Committee of the Regions and Economic and Social Committee;
 - in academic networks (such as RECOWE).

5.2 Publications

In view of the fact that ETOS.be only came to an end in March 2009 (i.e. six months ago) the overview below should be considered as provisional, and will certainly be completed during the next weeks and months. Please note that we choose to only include publications which (a) went through some form of peer review and (b) are *strictly* linked to the ETOS.be research project.

5.2.1 Articles

BECKERS, M., VERSCHRAEGEN, G., BERGHMAN, J. (2007), "Europa als leerplatform? De rol van de EU in het Belgische activeringsbeleid", *Belgisch Tijdschrift voor Sociale Zekerheid*, 49/4, 709 – 730.

BELLAL, S., STOFFEL, S. (forthcoming), « Européanisation de l'égalité des genres en Belgique. Le Fonds social européen et la Stratégie européenne pour l'emploi au service de la conciliation emploi/famille », *Courrier Hebdomadaire du CRISP* (submitted).

BLÁZQUEZ CUESTA, M. B., RAMOS MARTÍN N. E. (2009), "Part-time Employment: A Comparative Analysis of Spain and the Netherlands", *European Journal of Law and Economics*, DOI 10.1007/s.10657-009-9109-7.

HAMEL, M.-P., VANHERCKE, B. (2008), "Politique nationale et coopération européenne: la méthode de la coordination ouverte est-elle devenue plus contraignante?", *Revue Belge de Sécurité Sociale*, 1, 73 – 111.

VAN GEHUCHTEN, P.-P., REYNIERS, Ph. (2007), "Information et consultation des travailleurs - De quelques paradoxes du droit du travail à la lumière de la directive 2002/14", *Revue du droit de l'Union européenne*, 1, 15-40 & *Revue de droit social*, 1, 89 – 119.

VAN GERVEN, M., STILLER S. (forthcoming 2010), "Europeanisation by Argumentation. Explicating the Missing Link between Actors and Activation Reforms", *Governance*, Special issue on "The Mechanisms of Welfare State Reform in Europe" (coord. P. Graziano) (submitted).

VERSCHRAEGEN, G., VANHERCKE, B., VERPOORTEN, R. (forthcoming 2010) "The European Social Fund and Belgian Employment Policy: Unknown, Unloved?", *Journal of European Social Policy* (submitted).

VIELLE, P., REYNIERS, Ph. (forthcoming) "It takes two to tango. When Belgium and Europe realise work-life balance", *Social Politics*.

VIELLE, P., BONVIN, J.-M. (forthcoming 2010), "Des droits sociaux communautaires : redéfinir un nouveau panier de sécurité pour les citoyens européens", *Revue belge de sécurité sociale*.

5.2.2 Bookchapters

CAMPAERT, G., VANHERCKE, B. (forthcoming Dec. 2009) "Lokaal Sociaal Beleid Onder de Radar. Activerende Sociale Insluiting via het Europees Sociaal Fonds", in VRANKEN, J., DE BOYSER, K. DIERCKX, D. CAMPAERT, G. (Red.), *Jaarboek Armoede en Sociale Uitsluiting 2009*, Universiteit Antwerpen.

GREER, S., VANHERCKE, B. (forthcoming Nov. 2009), "The Hard Politics of Soft Law: the Case of Health", in MOSSIALOS, E., BAETEN, R., HERVEY, T. (Eds.), *Health System Governance in Europe: the Role of EU Law and Policy*, Cambridge University Press.

HAMEL, M.-P., VANHERCKE, B. (2009), "The OMC and Domestic Social Policymaking in Belgium and France: Window Dressing, One-Way Impact, or Reciprocal Influence?", in HEIDENREICH, M., ZEITLIN, J. (Eds.), *Changing European Employment and Welfare Regimes: the Influence of the Open Method of Coordination on National Labour Market and Social Welfare Reforms*, Routledge, 84 – 111.

VANGHEUCHTEN, P.-P., POCHET Ph. (forthcoming 2009), « Le dialogue social européen, interprofessionnel et sectoriel : quels fruits ? », in LEONARD, E., REMAN, P., ARCQ, E., CAPRON, M. (Dirs.), *Dynamiques de la concertation sociale*, Editions du CRISP.

VAN GERVEN, M., BECKERS, M. (2009), "Unemployment protection reform in Belgium, Finland, the Netherlands, and the UK: Policy learning through open coordination?", in ZEITLIN, J., HEIDENREICH, M. (Eds.), *Changing European Employment and Welfare Regimes. The Influence of the Open Method of Coordination on National Labour Market and Social Welfare Reforms*, Routledge, 61 – 83.

VANHERCKE, B. (forthcoming Dec. 2009), "Hoezo, ver ons bed? Over de wisselwerking tussen het Belgische en Europese armoedebelief", in VRANKEN, J., DE BOYSER, K. DIERCKX, D. CAMPAERT, G. (Red.), *Jaarboek Armoede en Sociale Uitsluiting 2009*, Universiteit Antwerpen.

5.2.3 Papers

HUBERT, G. (2008), "L'Europe en débat. Propositions pour penser l'Europe", in HUBERT, G., *Penser l'Europe en action. Les Fonds structurels européens à l'appui de politiques régionales bruxelloises*, Thèse de doctorat en sciences politiques et sociales, Facultés universitaires Saint-Louis, Bruxelles, 24 – 153.

RAMOS MARTÍN, N. E. (2008), "Gender Equality in the Netherlands: An Example of Europeanisation of Social Law and Policy", Amsterdam Institute of Advanced Labour Studies, AIAS Working Papers Series, 66, 1 – 58.

VAN GERVEN, M. (2008), "Activating Social policy and preventive approach for the unemployed in the Netherlands", Amsterdam Institute of Advanced Labour Studies, AIAS Working Paper Series, 65, 1 – 50.

VANHERCKE, B. (forthcoming 2010), "Under the Radar. Activating Social Inclusion Policies through the European Social Fund", Amsterdam Institute of Advanced Labour Studies, AIAS Working Paper Series.

VERSCHRAEGEN, G. (forthcoming 2010), "Europeanization of Social Policy: instruments and patterns", Harvard, Center for European Studies Working Paper Series.

