

Eu Social Cit

European Social Citizenship

The Future of Social Citizenship in the EU

Edited by

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Flagship Report 2

February 2024



This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870978



This working paper is published as part of the EuSocialCit project, which has received funding from the European Commission's Horizon 2020 Research and Innovation programme under grant agreement no 870978.

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To be cited as: Ferrera, M. (ed.). (2024) The Future of Social Citizenship in the EU, *EuSocialCit Flagship Report 2*, February 2024. Doi: <https://doi.org/10.5281/zenodo.10623001>.

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Summary

EUSOCIALCIT Flagship REPORT 2 emphasizes priorities for the further development of EU social citizenship and the implementation of the European Pillar of Social Rights (EPSR). Grounded in the project's resource-based conception of social rights, this report identifies key findings and proposes recommendations for shaping the future of Social Europe.

The introductory chapter briefly outlines the project's resource-based conception and key concepts, summarizing key findings and paving the way for forward-looking recommendations. Chapter two reviews rationales justifying the EU's role in social rights, providing the general backdrop which has motivated our choice of studying EU social citizenship and arguing in favour of its further development.

Chapter three aligns EUSOCIALCIT's findings with the recent High-Level Group (HLG) Report on social protection and the welfare state in the EU, noting the synergy between the two. The fourth chapter evaluates the EPSR's implementation in terms of power resources, emphasizing the need to address accessibility issues to counter non-take up and its adverse consequences.

Chapter five emphasizes social investments, particularly in Early Childhood Education and Care (ECEC), advocating for a re-evaluation of economic governance and increased social targets in fiscal plans. Chapter six addresses challenges in social protection and inclusion, urging the EU to adopt a more ambitious approach, both legislatively and financially, to achieve 2030 targets.

Chapter seven focuses on the gender issue, particularly work-life balance, highlighting the need for further intervention despite the 2019 directive's legal impetus. Recommendations include addressing low paternal leave uptake and strengthening instrumental resources for vulnerable individuals.

The concluding chapter systematizes insights and proposals, offering policy recommendations under three main headings: institutional recalibration for social inclusion, infrastructural enhancement for instrumental and output production resources, and improved governance of the 'marble cake' metaphor that symbolizes EU social citizenship. These proposals aim to guide the future direction of EU social policy, emphasizing inclusivity, sustainability, and effective governance.

The Future of Social Citizenship in the EU. EuSocialCit Flagship Report 2

Project name	The Future of European Social Citizenship
Project acronym	EuSocialCit
Grant Agreement ID	870978
Deliverable number	D2.5
Lead partner	University of Milan
Work package	<p>EuSocialCit is an interdisciplinary research project aiming to support the EU in strengthening social rights and European social citizenship. It evaluates the current state of social rights in Europe and their relationship to social inequalities, gender inequalities, poverty and precariousness, and diagnoses the shortcomings of current policies and institutions at the level of individual countries and the EU.</p> <p>The EuSocialCit project focuses on three domains in which social rights are important: the empowerment of citizens (e.g. education and activation), fair working conditions and social inclusion. Each of these domains is respectively studied as part of WP3, WP4 and WP5.</p> <p>This report is produced as part of WP2, which is entitled “<i>Social Citizenship in Europe and the role of the EU: conceptual framework, state of play and scenarios for improvement</i>”. EuSocialCit starts from the presumption that EU integration has reached a stage whereby social rights, commonly agreed at the EU level, should become part and parcel of European citizenship. This presumption triggers questions on ‘why’, ‘what’, ‘who’, ‘how’ and ‘criteria for priorities’. WP2 first addresses these questions on a conceptual level.</p>
Web address	For more information about the EuSocialCit project, please visit www.eusocialcit.eu . EuSocialCit’s output can also be found in its community on Zenodo: https://zenodo.org/communities/eusocialcit .

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Presentation

This second flagship Report comes at the end of the EUSOCIALCIT project and is a companion to the first flagship Report. While the latter has focussed on the conception of social rights which has informed our empirical explorations and has presented their key findings, this second Report takes a forward-looking approach. Leveraging on the project's findings and building on its metaphor of EU social citizenship as a 'marble cake', the Report identifies some priorities for the further development of EU social citizenship and the implementation of the European Pillar of Social Rights.

The introductory chapter briefly recaps EUSOCIALCIT's resource-based conception of social rights as well as the key concepts which have been used throughout the project. It then summarises some of the project's key findings and concludes with two broad forward-looking recommendations, setting the stage for the domain-specific chapters and the more specific proposals which will be made in the concluding chapter.

The second chapter reviews the key rationales which justify the EU's role in the domain of social rights. EUSOCIALCIT has taken a realistic, non-normative approach, so the review is not aimed at arguing in favour of one or the other rationale. We rather consider each of them as plausible and reasonable justifications which have already guided various political actors to build a Social Europe in the past. At the same time, the six rationales provide the general backdrop which has motivated our choice of studying EU social citizenship and arguing in favour of its further development.

The third chapter provides a bridge between EUSOCIALCIT and the recent Report prepared by the High-Level Group (HLG) - chaired by Anna Diamantopoulou - on the future of social protection and of the welfare state in the EU. The chapter aligns EUSOCIALCIT's findings and suggestions to the recommendations made at the end of the HLG Report, noting the synergy between the two.

The fourth chapter discusses the implementation, so far, of the EPSR in terms of power resources, with specific reference to 'instrumental' resources, i.e. those which facilitate access to benefits and services. The second area relates to the accessibility of social policies and instrumental resources. The EPSR has not entirely neglected this aspect, but more must be done in order to contrast non-take up and its nefarious consequences.

Chapter five focuses on social investments, in particular on ECEC. The project's findings support the idea that the EU should engage in a re-evaluation of the economic governance architecture and the inclusion of more mandatory social targets in fiscal plans, specifically as regards social investments. The adoption of greater and more explicit social conditionality would serve to strengthen the EU's guiding and monitoring roles, recognising social investment's contribution to sustainable and inclusive growth and changing the narrative about long-term fiscal sustainability.

Chapter six addresses the challenges related to social protection and social inclusion - the third chapter of the EPSR, which has received less attention compared to the other two in terms of power

resources. While acknowledging the importance of all the EPSR principles for achieving the 2030 targets on employment, training and poverty reduction, the chapter calls for a much more ambitious approach on the side of the EU, not only in terms of legislative action, but also in terms of higher budgetary resources.

Chapter seven deals with the gender issue and focuses in particular on work-life balance. The 2019 directive has given a significant legal impetus to the improvement of maternity/paternity/parental leave, but several issues remain on the agenda and need further intervention. Among them, the take up of paternal leaves, which remains very low. The chapter also recommends a strengthening of instrumental resources, in order to favour the actual fruition of work-life balance benefits and services, especially on the side of the most vulnerable.

The concluding chapter summarises and systematises the various insights and proposals of the previous chapters and makes a number of policy recommendations, grouped under three main headings: 1) institutional recalibration (especially towards social inclusion), mainly to do with normative resources; 2) infrastructural enhancement, mainly to do with instrumental and output production resources and 3) improving the overall governance of the marble cake.

1. The EU as a Guide, Guarantor and Supporter of Social Rights: An Introduction

Maurizio Ferrera

During the long ‘polycrisis’ phase started in 2008, the social conditions of European citizens underwent a significant deterioration, which has been particularly severe for vulnerable socio-economic groups and territorial areas – including entire member states. In the labour market, new divides emerged or intensified between insiders and outsiders, winners and losers of globalization and/or of the technological revolution; ‘new’ social risks witnessed a rapid escalation - e.g. employment precariousness, changing skill requirements, work-family reconciliation needs on the side of an increased number of dual-earner households. The most affected categories were the so-called jobless – or low-work-intensity – who suffered increased economic and social vulnerability in most member states. At the same time, labour opportunities and social standards in ‘core’ and ‘peripheral’ countries drifted apart: a syndrome that has been defined as ‘double dualisation’ (Emmenegger et al, 2012, Heidenreich, 2016). The gap in per capita social expenditure in real terms between core EU countries and Southern Europe has widened substantially after 30 years of convergence. Domestic welfare systems, in particular but not exclusively in the European ‘periphery’, were put consistently under stress, being neither able to prevent nor to respond adequately to the dramatic rise of poverty, income insecurity and/or (especially youth) unemployment. The outbreak of the pandemic dramatically accelerated and intensified all these trends.

During the early 2010s, the European Union’s strong involvement in responding to the financial and sovereign debt crisis and in prompting fiscal consolidation and structural reforms further constrained national margins of budgetary manoeuvre. As a consequence, public opinions grew increasingly disoriented and anxious, displaying a declining trust in the capacity and even willingness of existing national welfare arrangements and of the European Union to protect them adequately. The Employment and the Youth packages of 2012, followed by the Social Investment Package were the first timid attempts at mobilising EU resources to alleviate the social aftershock of the financial and sovereign debt crisis. The Commission Communication on ‘Strengthening the Social dimension of the Economic and Monetary Union’ (2013) prompted a gradual ‘socialisation’ of the European Semester (Zeitlin and Vanhercke, 2018), encouraging the Country Specific Recommendations to consider issues related to employment, training, social assistance and to encourage the shift of domestic protection systems towards social investments (De la Porte and Natali, 2018). The role of social policy was thus gradually upgraded from adjustment variable to productive factor – the interpretative frame which the Delors Commission and Alan Larsson had been able to affirm in the 1990s.

The arrival of the Juncker Commission marked a turning point. By setting the goal of gaining for the EU a ‘triple A social rating’, the 2014 Agenda for jobs, growth fairness and democratic change (2014) had the explicit aim of revamping the European Social Model. The crown of the jewel of this process was the adoption of the European Pillar of Social Right in 2017. At first sight, the Pillar presented itself as yet another soft proclamation of principles, almost stating the obvious. A closer reading of the text reveals however the potential inherent in the Pillar. Many of its 20 principles include goals which are not typically enshrined in national constitutions; while various member states still lack secondary legislation regarding such goals. Let us think of the rights of children, gender equality, non-discrimination and equal opportunities, training and life-long learning, employment assistance, work life balance, long term care, homelessness and access to essential services. It does not seem exaggerated to argue that the Pillar today represents the most advanced codified formulation - on a global scale- of the principles that should inspire national social protection systems in the face of the range of new challenges posed by rapid and thoroughgoing transformations of social and economic structures.

The Covid 19 crisis has put an end to the austerity paradigm at both the national and EU levels. The dramatic socio-economic consequences of the pandemic have convinced even the ‘frugal’ (The Netherlands, Austria, Demark and Sweden) about the necessity to suspend the disciplinarian rules and targets of the SGP, thus allowing domestic governments to engage in unprecedented efforts of extraordinary social protection and fiscal stimulus. In the span of six months, the EU was able to make a quantum leap in the social sphere, overcoming long-standing taboos about the despised ‘Transfer Union’ and promoting the most demanding form of cross-national solidarity: from each member state according to its fiscal capacity, to each according to its needs (of investments and reforms) (Ferrera, Miró, and Ronchi, 2021).

The EUSOCIALCIT project has investigated the key steps undertaken (or promoted) by the EU in responding to Europe’s social crisis since the mid-2015s, with a particular focus on the European Pillar of Social Rights and its implementation. The investigation has rested on an original analytical framework for the analysis of social rights. In this Introductory chapter, we briefly present the framework, as well as the key concepts which have been used throughout the project. We will then summarise some of the project’s key findings and conclude with two broad forward-looking recommendations, setting the stage for domain-specific chapters and the more specific proposals which will be made in the concluding chapter of this Report.

1.1 Social citizenship in the EU

According to the classical approach heralded by T. H. Marshall, social citizenship consists in a set of subjective justiciable rights to (a modicum of) economic and social security, guaranteed by the nation-state. EUSOCIALCIT’s perspective has built on the classical approach, but has amended it in two directions (Ferrera, Corti, and Keune, 2023). First, with the progress of European integration, the nation-state is no longer the sole guarantor of social rights: the European Union itself - endowed with legal supremacy vis-à-vis domestic law - has increasingly become a significant player in the social citizenship domain. Second, our perspective has spelled out the power dimension of rights: having a

right means having the *power to claim and obtain* economic and social security benefits. Such power rests on normative resource - deontic and legal - (which confer the power to claim); instrumental resources (which confer the power to access) and enforcement resources (which confer the power to seek redress). The inclusion of instrumental resources allows for appreciating a neglected aspect of the Marshallian approach, i.e. the actual fruition of social rights, whose practical significance may actually be greater than justiciability. Let us examine the two amendments in turn.

In the wake of Marshall, the umbrella concept of ‘social citizenship’ came to cover all existing entitlements to socio-economic security linked to the status of national/citizen or simply legal resident. Such entitlements can be inferred by Constitutional norms or secondary laws. To our knowledge, however, neither constitutional nor secondary legal provisions formally employ the notion of social citizenship and explicitly enumerate the corresponding rights. Social citizenship has thus less a formal, institutional connotation than a purely analytical one. Even the simpler notion of citizenship typically connotes only full membership to a given political community, which is in turn a pre-condition to enjoy rights.

In the EU legal framework, citizenship has instead a clear and relatively thick institutional connotation. First introduced by the Maastricht Treaty, EU citizenship is conceived as an additional status bestowed automatically to all nationals of any member state. In order to differentiate it from national citizenship and confer to it an added value in the eyes of citizens, the Maastricht Treaty has enumerated rather precisely the specific rights originating from it (Box 1). The rights pertain to the economic, civic and political sphere, but no right is mentioned in the social protection domain. This absence has led many commentators to argue that EU citizenship is devoid of a social dimension, that it is a form of market citizenship, as its key foundation is the economic right of free movement.

To some extent, this pessimistic assessment has a political and historical basis. In the run-up to the Maastricht Treaty the Spanish Presidency had tried to push through – in the citizenship chapter - a general clause stating that ‘every citizen shall have the right to enjoy equal opportunities and to develop his abilities to the full’ and that the Union was to take into specific account this objective when implementing common policies, in order to ‘contribute to its attainment by adopting appropriate measures where necessary’. A Commission proposal watered down Spanish ambitions but did recommend that ‘the basis for European citizenship ... be a statement of rights and obligations focusing on ... the setting of targets for the definition of the individual’s civic, economic and social rights and obligations’ at a later stage. Such ambitious proposals were however discarded (Ferrera, 2024a). The key feature of EU citizenship was thus considered to be its ‘negative’ nature: the right not to be discriminated against on grounds of nationality when exercising free movement.

Box 1. EU citizenship

Any national of an EU Member State is considered to be a citizen of the EU. EU citizenship does not replace national citizenship: it is an addition to it. Citizenship gives them the right to:

- move and take up residence anywhere in the EU;

- vote and stand in local government and European Parliament elections in their country of residence;
- diplomatic and consular protection outside the EU from the authorities of any Member State if their own country of nationality is not represented;
- petition the European Parliament and appeal to the European Ombudsman;
- address the European institutions in any of its official languages and receive a reply in the same language;
- non-discrimination on the basis of nationality;
- invite the Commission to submit a legislative proposal (citizens' initiative);
- access EU institutions' and bodies' documents, subject to certain conditions (Article 15 of the TFEU).

All EU citizens have equal access to the EU Civil Service.

Source: Author's elaboration based on articles 9-12 of the Treaty on the European Union and articles 18-25 of the Treaty on the Functioning of the European Union.

Two important objections can be raised to such limitative perception. First, since 1971 secondary legislation has complemented free movement with the rights of accessing domestic social protection systems on a par with nationals. Thus, by inference, it can be argued that 'being a citizen of the EU' implies enjoying the social rights of one's own member state as well as the social rights of any other member state in case of free movement. Second, leveraging on its Treaty competences, over time the EU has adopted an increasing number of measures affecting domestic labour and social law, thus creating a relatively extended *social acquis* which is shared by all the member states. Thus, being a citizen of the EU implies enjoying also a set of social rights which have originated from the EU, whether in one's home country or in any other EU member state.

In this extended perspective, the social dimension of EU citizenship appears as stronger and thicker than it seems at first sight, as it includes the entire *social acquis*. Within the (admittedly limited) Treaty competences, the EU has become a direct source of substantive social rights at the national level (small-dotted lines in Table 1); at the same time, it is the creator and guarantor of a transversal procedural right which neutralises discrimination against non-nationals (large-dotted line).

With the passing of time the activism of the EU has gradually stratified national social citizenship into three different layers of rights:

- EU social rights proper. In this case the rights originate from EU hard legislation, transposed in national law (e.g. parental rights)
- Europeanised social rights. In this case rights are directly legislated by national institutions, but under the guidance of EU soft law (e.g. rights to active labour market policies)
- National but EU observant social rights. In this case, there is no explicit link with the EU, but rights legislated by national institutions must still comply in general with EU law.

If we accept this re-conceptualisation (Table 1), the scope and impact of EU activism in the field of social citizenship appears as much greater than commonly perceived and acknowledged. Thus the principled question of whether the Union ought to play a role in this domain becomes less important

than the question of understanding how exactly such role is already being played and how it could be played better – more effectively and systematically.

Table 1. The social dimension of EU citizenship

EU		Supranational social regulation	
EU rights			EU rights
Europeanised rights			Europeanised rights
National, EU law observant rights		Coordination of domestic social security	National, EU law observant rights
Member state 1			Member state 2

Source: Author’s elaboration.

1.2 Social rights as power resources

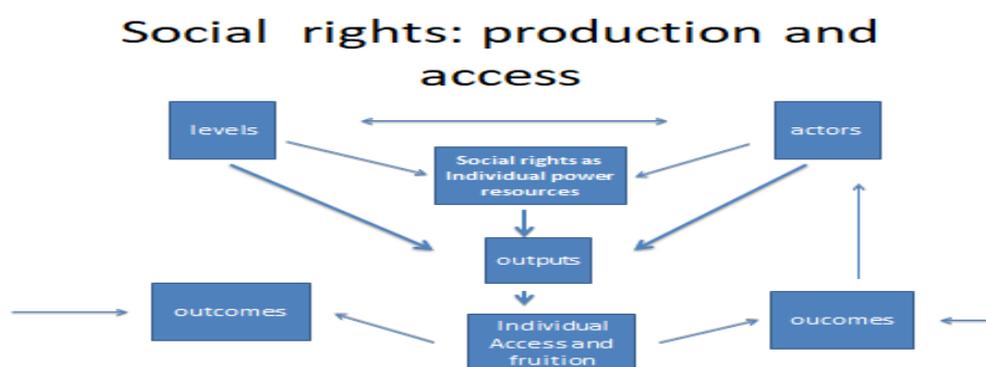
By defining rights as bundles of power resources, our perspective moves beyond a merely juridical conception, based on legal and enforcement provisions. First, it extends the focus upward: normative resources are not merely legal in the strict sense of binding provisions, but also include principles, aspirations and general objectives (deontic resources: e.g. the Charter of Fundamental Rights or the European Pillar of Social Rights). Second, it extends the focus downwards, by including individualised instrumental resources and output supports. We do not deny that justiciability is an important factor for securing the effectiveness of rights. We argue, however, that two other factors are even more important from the point of view of a right holder: the actual *availability* of the benefit envisaged by legal norms and its practical *accessibility*. Availability presupposes a production process which mobilises funds, staff, infrastructures and eventually yields the envisaged benefit (a service, a conditional transfer and so on). The notion of ‘resources’ is typically used also in reference to output production. These are not, however, strictly speaking *power* resources: they are just the means which are necessary on the supply side in order to comply with the obligation to fulfil the claims legitimately made by the right bearers.

Even if available, a benefit may remain inaccessible for lack of appropriate claim making and delivery channels; it may also remain unclaimed, even in the presence of the pertinent conditions – as revealed by the very high rates of non-take up, especially as regards social assistance. Our perspective places particular emphasis on this second factor, which tends to be neglected or not even recognised (analytically and politically). This is all too lamentable if we consider that instrumental power resources are sometimes underpinned by legal provisions (typically under the name of ‘procedural’ rights). More importantly, neglecting the accessibility and availability dimensions of social rights prevents a full appreciation of the sources of inequality in the actual enjoyment of social rights. These can arise from differential distributions of legal resources across the population, but also from obstacles in accessing not adequately counterbalanced by instrumental resources. For example, complicated procedures and delays in delivery may affect citizens with lower education more than those with higher education.

Output resources (availability) and instrumental resources (accessibility) have always been involved in the actual practice of social citizenship since the introduction of social rights at the national level. The Marshallian tradition has taken both aspects for granted – an assumption which is untenable in administrative and policy contexts characterised by ‘soft stateness’, i.e. with low institutional capacities for the full implementation of social rights. As in the case of legal power resources, the EU has come to play an increasingly significant role also in the provision of output resources and individualised instrumental resources. Let us think of the numerous EU funding schemes which co-finance service provision at the national or regional level, or the channels made available to citizens for accessing their social rights (e.g. SOLVIT or the national Equality Bodies).

By dissecting social rights into their constitutive ‘tripod’ of power resources, our conception adds to the vertical dimension of right provision - at what levels are rights produced - a horizontal dimension centred on power resources. Thus, a EU social right involves the supranational level in creating normative/legal resources and enforcement resources through the Court of Justice, but it may also involve that level in the supply of instrumental resources. Conversely, the EU may limit itself to providing general principles for guiding the expansion of social rights (deontic resources) and promoting upward convergence. Or it can just supply instrumental resources, funds to support output production, or enforcement resources - when domestic legal provisions breach EU law. Adding the horizontal dimension allows to capture the complexity, but also the richness of social citizenship in the EU. Contemporary social rights in Europe are not merely multi-level or multi-layered, but creative assemblages of power resources and material output resources made available by different levels and actors – including the social partners in certain domains (Figure 1).

Figure 1. Social rights: production and access



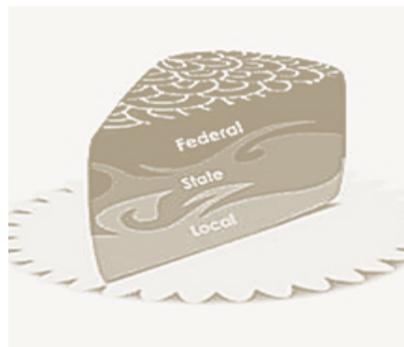
Source: Author’s elaboration

1.3 Social citizenship as a marble cake

To denote the pattern of combinations and intersections between the various layers/resources we draw from US federal theory the term *marble cake*, meant precisely to capture a situation where the federal, state and municipal levels intertwine in the production and governance of social policies. The ‘cake’ is the result of such intertwinement. For individual citizens, what matters is the final output. For

policy makers (and analysts) the contribution of each actor remains relatively visible amidst the fabric of the cake (Figure 2).

Figure 2. Marble cake federalism in the US

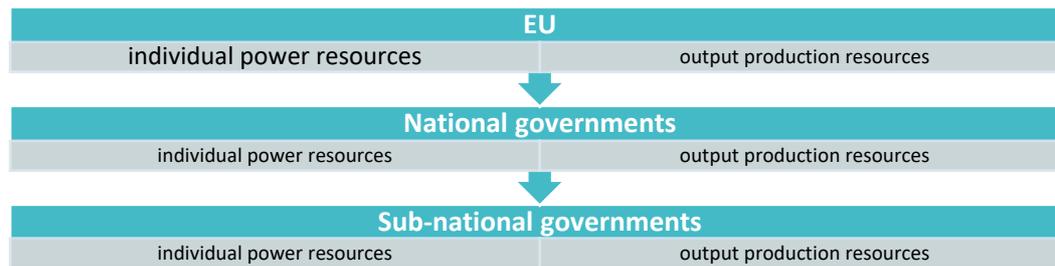


Translated in our vocabulary and applied to the EU, the marble cake pattern in the domain of social citizenship defines a situation whereby the access and fruition of social rights – their outputs - depends on individual power resources (normative, instrumental, enforcement) which are supplied by different actors (public institutions and other collective actors) situated at different levels (EU, national, regional, local). The success of the cake requires a careful dosing and a systematic management of the production process. In other words, the marble cake metaphor is useful not only as a descriptor, but also as a reminder of the necessity to look after the coherence and quality of the entire configuration (Ferrera, Corti, and Keune, 2023).

Social rights address individuals and their needs, but are created by collective entities (typically ‘public authorities’) and collective entities are again involved in the production of outputs (typically public bureaucracies, but also non-public actors in certain cases). The bulk of output resources coming from the EU’s budget are distributed to national governments (and from them to regions and local governments), based on pre-defined legal provisions. Budgetary allocations inevitably imply a degree of cross-national solidarity, in which the addressees are the member states as such – and their social protection systems in particular. Although indirectly, this aspect must be somehow incorporated in the notion of the marble cake.

In federal theory and international law the idea has emerged that political communities as such – e.g. states – can be collective bearers of rights as guaranteed powers vis-à-vis each other or wider communities (Zick, 2004). The legal framework of the European Union is interspersed with solidarity-based provisions that inform all types of dynamics, not only among member states and central institutions but also among and between its member states (Arban, 2017). It is thus not inappropriate to suggest that the social citizenship marble cake is underpinned by a set of norms and rules which foster the economic and social security of each member state and not exclusively its citizens. The importance of these norms has increased in recent years with the establishment of the first large scale funding schemes aimed at cross-national solidarity. Figure 3 provides a visualization of the social citizenship marble cake as we see it.

Figure 3. The social citizenship marble cake in the EU



Source: Author's elaboration.

1.4 What functions for the EU?

The EU marble cake has not resulted from a master plan, but from a slow and winding process of institutional innovation which has incrementally 'EU-ised' and Europeanised domestic social rights through the creation of power resources and has supported output production through the provision of material means. This long-term process has been accompanied by functional differentiation: the EU has started to play a variety of different roles, resting on different resources and/or pursuing specific objectives. As shown by Table 2, six different roles can be identified.

The first role is that of overall *guidance* through normative resources. The latter come in two kinds. First there are deontic resources: principles, aspirations, goals to be reached, typically contained in some declaratory text (e.g. the European Pillar of Social Rights). The second kind is made up of soft law, through Recommendations, Communications etc. Although the ultimate addressee of such resources are individual citizens, in many cases the immediate addressees are the member states: having in mind a certain final objective to strengthen citizens' social protection, the EU lays down deontic or soft political obligations for national governments to act in pursuit of the objective. Other collective actors (e.g. the social partners) can also be the addressees of EU guiding acts.

The second role is that of *guarantor*. In this case, the EU acts by means of hard law which creates normative power resources backed by the threat of legal constriction. Legal resources can be produced by directly applicable Regulations or by Directives which need to be transposed into national legislation. The effectiveness of the EU as a guarantor of social rights hinges on the principle of supremacy: EU law overrides national law. If needed, penalties for non-compliance can be imposed by national authorities themselves or by the CJEU. This holds as well for the rules concerning budgetary allocations to the member states.

The third role is that of *supporter*. The target of support is typically a national government (and through it, regional and local governments) with a view to co-funding output production (e.g. physical infrastructures or social services). But support can be also provided to collective actors or individual citizens, by making available specific instrumental resources. EU support to public authorities or collective actors in the domain of social citizenship is always conditional upon the elaboration of reliable plans of action and the actual achievement of their objectives.

The fourth role is that of knowledge producer and *monitor*: information and data gathering, benchmarking, input, output and outcome indicators etc. This is a transversal and prima facie ‘soft’ function, but it is essential for all the other ones. EU monitoring and evaluation has not only facilitated an accurate profiling of national social protection systems with a view to identifying desirable measures, but it has also significantly improved the quality of domestic policy making, especially in those national contexts traditionally weak in terms of institutional capacities. The knowledge production/monitoring function is of course key for encouraging upward social convergence.

The fifth role is relatively new and has mainly to do with *surveillance* activities aimed at contrasting violations and abuses of EU law in delicate domains, such as gender equality and labour mobility. The newly established European Labour Authority (ELA), for example, can organise concerted and joint inspections in areas such as abuse of posting of workers, bogus self-employment, fraudulent letterbox companies, bogus temporary work agencies and undeclared work. In their turn, equality bodies can undertake surveys and fact-finding activities with a view to preventing discrimination.

Finally the sixth role is *adjudication*. The main producer of enforcement resources is of course the Court of Justice of the European Union. Adjudication can also take ‘lighter’ forms of dispute mediation, for example through the European Ombudsman and, again, ELA or the Equality bodies.

The six functions are of course analytical abstractions which in practice can combine with each other. There can also be a temporal evolution, e.g. from guide, monitor and support to guarantor.

Table 2. EU functions in upholding the marble cake

Function	Description	Addresses
Guide	Deontic power resources, soft law	States, collective actors and citizens
Guarantor	Legal power resources (hard law)	Citizens, collective actors (e.g. social partners), states
Supporter	Instrumental power resources output production resources	States and collective actors
Monitor	Benchmarking, assessing (inputs, outputs, outcomes)	States
Surveyor	Mutual Surveillance, whistleblowing	States, collective actors
Adjudicator	Enforcement resources	Citizens, states, collective actors

Source: Author’s elaboration.

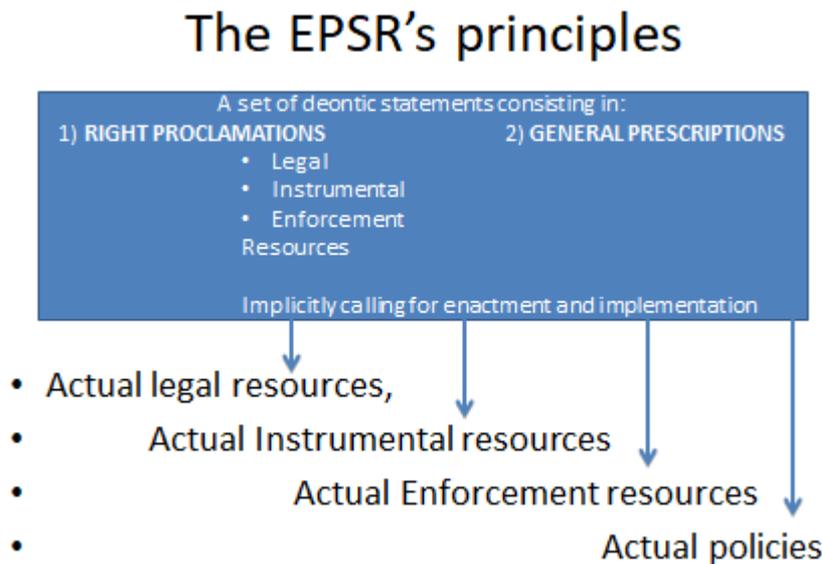
1.5 The status quo and its frontiers

We can now offer a brief review of the institutional status and its current frontiers of development quo by using the list of functions discussed in the previous section.

1.5.1 Guide

Here the most important lever for guiding the overall social citizenship marble cake is the European Pillar of Social Rights. In our perspective, the Pillar can be seen as a set of deontic statements which proclaim a number of rights and/or formulate general prescriptions about what should be done in a given domain (Figure 4). When rights are proclaimed, explicit mention is made to one or more individual power resources. Such mentions are purely deontic, they do not generate usable power resources. The aim of the proclamation is to call for the actual creation of such resources by the competent authorities.

Figure 4. The EPSR's principles



Source: Author's elaboration.

To fully capture the guidance function of the Pillar, in addition to the 20 principles we must consider the Pillar's Preamble. The latter explicitly states that the point and purpose of the 20 principles is 'to serve as a *guide* towards efficient employment and social outcomes when responding to current and future challenges, which are directly aimed at fulfilling people's essential needs and ensuring *better enactment and implementation of social rights*'. Such statement nicely fits with Figure 2. The ultimate goal of the Pillar is to shape outcomes (which however depend also on a host of other factors, as indicated by the horizontal arrows aiming at outcomes in Figure 2). The overarching aim is 'to enable people to live a decent life, change personal and professional statuses over the lifetime and make the most of their talent'.

As regards outputs, according to the Preamble the 20 principles 'should help to modernise, broaden and deepen social rights, at work and in society, by facilitating their actual take-up and by promoting practices that can be beneficial from an individual, firms and societal point of view'. The mention of non-take up and beneficial practices implicitly underlines the importance – in our vocabulary – of instrumental power resources.

The guiding role of the EPSR is specified as follows: the Pillar ‘should become a reference framework to screen the employment and social performance of participating Member States, to drive reforms at national level and, more specifically, to serve as a compass for renewed convergence within the euro area’. This statement clearly assigns to the Pillar a political function vis-à-vis the member states, by encouraging domestic reforms and upward convergence. In other words, the EPSR is not merely a set of programmatic and aspirational rights for EU citizens; it is also conceived as a tool for social governance – the set of institutions and practices through which the EU steers the evolution of the marble cake. In fact, the enactment and implementation of each principle crucially depends on the effectiveness of the Pillar as a governance tool.

The governance impact of the Pillar can be captured on three main fronts. First, the adoption of an ambitious Action Plan by the Commission for the implementation of the Pillar. So far, 91 measures have been adopted, of which 48 introduce some individual power resources through recommendations (18), communications (4), regulations (4), directives (16) and other types of acts (6).

The second front is the adoption of a Social Convergence Framework, to be integrated in the European Semester, aimed at identifying progress towards the 20 principles and more generally to analyse and give better visibility to overall risks and challenges to upward social convergence in the Union. The third front is the increasing use of the Pillar in filtering access to EU funds. This latter development has inaugurated a novel form of ‘social conditionality’ through which the EU orients domestic social policies towards the Pillar’s deontic agenda. As we shall see, the strengthening of Pillar-based social conditionality is the key frontier for the effective exercise of the EU’s guidance function.

1.5.2 Guarantor

Since the adoption of the Pillar, the role of guarantor has significantly extended its scope beyond the pre-existing *social acquis*. Various new directives have been enacted, touching upon health and safety at work, posted workers, adequate minimum wages, transparent and predictable working conditions, work-life balance. Others are at the stage of proposal, touching on pay transparency, equal treatment, working conditions in platform work.

The guarantor function has also extended its breadth with the introduction of a new instrument called ‘social guarantees’. Despite their label, guarantees are not subjective judicial rights; they establish however a soft (political) obligation to introduce national schemes providing specific target groups with a relative precise list of benefits. of soft rights which entitle eligible beneficiaries to partake of public schemes providing various sorts of support. The first EU guarantee was introduced already in 2013: the Youth Guarantee, which was ‘reinforced’ in 2019. The scheme provides the member states with funds for the production of a specified range of active labour market and training services to young people (especially if NEETs). Access to EU funds is conditional on the actual implementation of the envisaged services. Even if no legal or enforcement power resources are involved, the Youth Guarantee does provide young people with instrumental resources and the participating member states have a binding obligation to deliver the outputs in order to receive funds. In 2021 a second

guarantee scheme was introduced, i.e. the European Child Guarantee, aimed at children at risk of poverty.

1.5.3 Supporter

The EPSR contains various calls for introducing instrumental resources. Some of these calls have been taken up by the Commission's action plan. So far, the various initiatives launched to enact and implement the EPSR have included a variety of instrumental resources in the domains of information, outreach and awareness rising, the facilitation of access to public administrations and to benefits, the promotion of forms of individualised guidance or counselling, assistance in case of disputes and, more generally, the involvement of stakeholders and the social partners.

The biggest form of EU support is targeted to output production. More or less directly, most of the structural and investment funds (ESIF) can be mobilised for implementing social rights: 'a more social Europe implementing the European social rights floor' is one of the key priorities for the multi-annual budgetary framework until 2027. The largest fund is of course the European Social Fund + (ESF+). Smaller funding schemes include the EU Programme for Employment and Social Innovation (EaSI), the European Globalisation Adjustment Fund for Displaced Workers (EGF) and the Fund for European Aid to the Most Deprived (FEAD). The Green Deal has in turn created two additional funds: the Just Transition and the Social Climate Funds. All these funds mention the implementation of EPSR as an important requisite for receiving financial transfers.

During the COVID 19 crisis, the support function of the EU has been strengthened with the establishment of two innovative and large-scale schemes: SURE and the RRF, which provide loans and grants to the member states to compensate for the excess expenditure incurred by job retention schemes (SURE) and to promote public investments, including in the social domain (RRF). To a large extent, these funds work as re-insurance schemes: they intervene when domestic welfare states face acute financial stress due to systemic risks. SURE is explicitly meant to undergird the production of outputs linked to income maintenance rights for workers. The RRF supports the implementation of ambitious national resilience and recovery plans. The presence of reforms inspired by the EPSR has been one of the criteria considered by the Commission in dispensing grants and loans. Recent research has shown that, out of the 166 social reforms included in the plans, 49 directly affect individual power resources, either by introducing new social rights or introducing new instrumental resources to facilitate access to already existing entitlements (Vesan and Corti, 2021). Another virtuous example of social conditionality.

1.5.4 Monitor

The adoption of the EPSR has boosted the knowledge production and monitoring role of the EU in the social domain. Three headline targets have been identified by the Commission, to be achieved by 2030, in the areas of employment, skills and social protection: at least 78% of the population aged 20 to 64 years should be in employment; at least 60% of all adults should participate in training every year; the number of people at risk of poverty or social exclusion should be reduced by at least 15

million. Progress and convergence is gauged by means of a Social Scoreboard. Starting from 2022, the latter is used by the annual Joint Employment reports and feeds into the European Semester process of economic policy coordination, generating input for country-specific recommendations. Finally, the Regulation on the Integrated European Social Statistics has improved the timeliness of data production in the social domain.

The European Social Convergence Framework is expected in its turn to feed into the ongoing review of the EU's fiscal framework, by means of an operational rulebook clarifying the criteria for deciding which investments and reforms will be eligible for an extension of the debt-adjustment plans. The rulebook is also meant to safeguard public social investments to prevent pro-cyclical cuts in times of crisis.

1.5.5 Surveyor

As mentioned above, this role is carried out primarily in the labour market domain by the European Labour authority (ELA). In 2022 joint inspections focused on the road transport sector, in 2023 in the construction sector. In the area of undeclared work, ELA has set up a European Platform for enhancing cooperation between Member States' relevant authorities and other actors involved to fight undeclared work. The platform is addressed to social partners and enforcement authorities, such as labour inspectorates and tax and social security authorities.

In the wake of the EPSR, a legislative proposal has been drafted in late 2022, aimed at introducing binding standards for the activity of equality bodies. The proposed directive enhances the surveillance function of these bodies, enabling them to collect the necessary information to establish discrimination and cooperate with the relevant public services – such as labour inspectorates or education inspectorates. On the basis of the evidence gathered through investigations, equality bodies will be able to propose measures to remedy any breach found and to prevent further occurrences.

1.5.6 Adjudicator

The key actor regarding this function is of course the CJEU. There are three main pathways for the Court to enhance the efficacy of the EPSR by vesting it with legal effects (Dura, 2023): 1) by interpreting secondary law; 2) by interpreting the fundamental rights of the Charter of Fundamental Rights and 3) by using the EPSR in the Court's balancing exercise between EU economic rights and national public interests, e.g. in the area of free movement of services and freedom of exercise. The CJEU has already started to make reference to the Pillar in its rulings (e.g. regarding the 'right of health', proclaimed by principle 16), demonstrating how deontic resources can actually be mobilised also at the individual level, by leveraging on enforcement.

The adoption of the Pillar has also boosted, as mentioned, the adjudication role of ELA and the Equality Bodies as well as – more indirectly – that of the European Ombudsman. A transversal reading of the

Pillar suggests that it formulates a general deontic call for a more ‘effective exercise of rights’ , including through, the procedural right to effective remedies and to a fair trial.

1.6 The way forward: two general recommendations

The general picture emerging from the previous section is that the EPSR has given a significant contribution to the enhancement of the EU’ s role in the domain of social citizenship – even though several shadows remain alongside with the lights. Various specific proposals on how to further strengthen the social citizenship marble cake will be made by the various chapters of this Report and will be summarised in the concluding chapter.

We conclude this Introduction by highlighting two general points, both related to the guidance function of the EU.

The Pillar has created a systematic set of deontic resources which empower citizens and collective actors to demand and EU institutions to prompt a full enactment and implementation of the 20 principles. To a large extent, in the Pillar’s preamble we do find an echo of the ambitious proposals of the early 1990s regarding the purpose of EU citizenship: ensuring that citizens enjoy equal opportunities and can develop their abilities to the full, with the concrete contribution of EU policies in setting the targets for the definition of the individual’s civic, economic and social rights and obligations.

As already mentioned, the success of the Pillar depends on the identification of concrete initiatives and measures for an adequate and balanced implementation of its substantive principles in all the covered domains. But success also crucially hinges on the extent to which the Pillar becomes an effective tool of social governance – the governance of the marble cake in all its aspects and interconnections. What are the basic conditions for moving ahead on both fronts?

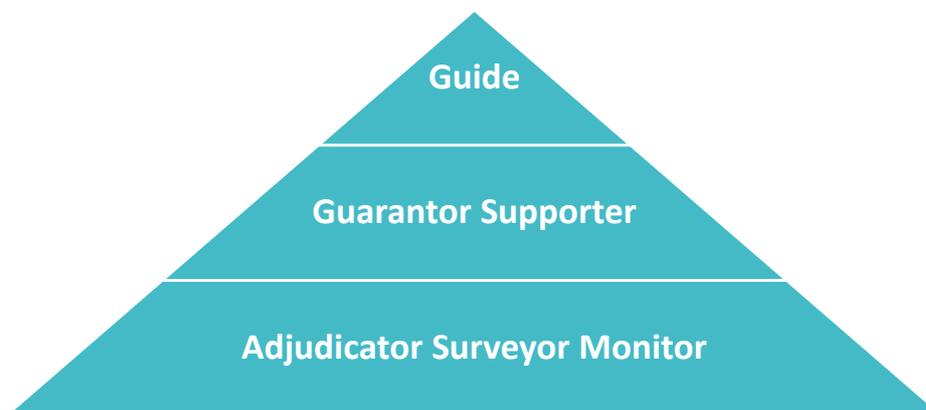
Let us start with the substantive dimension. The 20 principles of the EPSR are well distributed across the broader categories of ‘Equal opportunities and access to the labour market’, ‘Fair working conditions’ and ‘Social protection and inclusion’. However, the initiatives undertaken since its adoption and the Action Plan have been uneven, putting more emphasis on the first and second chapters than on the third. This partly reflects the previous achievements of the social acquis and/or the formal competences of the EU in different domains. But especially as regards social inclusion and social protection neither the acquis nor the competence distribution seem to justify the lack of ambition. This lack raises the important question of whether the current approach will be able to deliver on the third headline target, i.e. poverty reduction.

The Pillar has fully embraced the social investment paradigm, which clearly informs most of the principles of the first and second chapters. But -as explicitly confirmed by the Preamble – the fight against poverty and social exclusion by means of adequate social protection, the guarantee of sufficient resources and of access to essential services remain key priorities. While the Minimum Wage Directive serves as a foundational element for elevating the social safety net, the EU could and should

do more by extending both power resources (including instrumental ones, to address the challenge of non-take up) and output production resources. The failure of the Europe 2020 on the poverty reduction front should not be repeated.

The second side of guidance is political and institutional. As shown by Figure 5, the six functions should be performed in systematic interconnection and guidance is the overarching one. Politically and institutionally, guidance implies a strategic planning of the desirable and feasible mix of the power resources and output production resources that need to be created and made available to the various levels and actors, in order to maximise results. In other words, what needs to be guided is the creative assemblage of the various components of the marble cake: an assemblage which will then be orchestrated by means of the other five functions. The key choices involve the appropriate combination of guarantees (individual power resources) and supports (funds and collective instrumental resources). The functions included in the bottom layer of the pyramid are themselves important, but only as ‘servants’ to functions included in the middle and top layer.

Figure 5. The hierarchy of functions



Source: Author’s elaboration

A two-pronged, pragmatic but long-sighted guidance on the side of EU institutions is key for a successful performance of the social citizenship marble cake, and especially for a correct calibration of the guarantee and the support functions. The main logics of the marble cake are those illustrated above in Table 1 and figure 3. In both of them, the EU features as the keystone for upholding the economic and social security of both EU citizens and the member states – with free movement and social security coordination ensuring the consolidation of a compound open system, aimed at expanding the frontiers of individual life chances and enhancing the joint collective capabilities for sustaining and managing such expansion.

2. What Justifications for EU Social Rights and Social Policy¹

Maarten Keune

2.1 Introduction

In recent years, in particular since the adoption of the European Pillar of Social Rights (EPSR) there has been a considerable expansion of European social rights, social policy and related modes of financing (Keune and Pochet, 2023; Kilpatrick, 2023). The nature, implementation and outcomes of much of this expansion have been analysed in the EUSOCIALCIT Flagship Report The State of European Social Rights and Social Citizenship (Keune, 2024). The present report is more forward-looking and offers a series of proposals and recommendations as to how to further strengthen Social Europe. Expanding Social Europe is however contested terrain and there has been an on-going debate about the reasons why the EU should or should not be involved in social rights and social policy. Indeed, in the decade before the adoption of the EPSR there was very little advancement in these areas as the Barroso Commissions did not see much of a role here for the EU. And since the conception of the EU the development of Social Europe has experienced significant ups and downs.

This raises the question why the EU should be involved in the production of social rights, what the possible rationales or justifications are for the EU to take up this role. This question is all the more relevant since there are a number of reasons for this role to be limited at best. Three such reasons stand out: the fact that the Treaty includes only restricted EU competences in the social area; the importance of the subsidiarity principle in the EU; and the continued differences of opinion between the EU member states on the need for EU social rights and social policy. The latter reason may have become less important after Brexit, with the United Kingdom being the main traditional opponent of the expansion of Social Europe, but major political disagreements remain present among the 27 EU members.

Still, over time, a significant social *acquis* has developed with an increasing number of social Directives, recommendations and other soft law instruments (Aranguiz, 2022a). And with the paramount role the EPSR has acquired in recent years, the ambition of the EU seems to be to continue to enlarge the social *acquis*. Six justifications for the expansion of the body of EU social rights can be identified in the literature and political debate (see Table 3). These justifications can be divided in two groups: those that see EU social rights as an end in itself and those that see EU social rights as a means to an end.

¹ This chapter is to an important extent based on section 2 of Vandenbroucke, Keune et al (2021) and further develops the arguments of that section.

They all have their own objectives related to EU social rights. In the remainder of this chapter these justifications and their objectives will be discussed.

Table 3. Six rationales for EU social rights

	EU Social Rights as end in themselves			EU Social Rights as a means to and end		
Rationale for EU social rights	Redressing imbalances	Immanent critique	Self-standing normative approach	Functionalist	Increase legitimacy of polity building	Responding to people's demands and preferences
Objective	Adequate social rights	Adequate social rights, upward convergence	Adequate social rights, upward convergence	Improve functioning economic integration	Strengthen the legitimacy of the EU polity under construction	Strengthen legitimacy and cohesion

Source: Author's elaboration

2.2 EU social rights as an end in itself

This first set consists of three approaches that consider the creation of EU social rights an important goal in itself and necessary to guarantee adequate social rights to EU citizens. The first of the three argues for the redressing of negative integration while the other two are normative approaches, one an immanent critique of the EU itself and the other a self-standing normative approach. The latter two consider EU social rights as key to achieving upward social convergence in the EU, one of the key aims of the EPSR.

2.2.1 Redressing negative integration

A first set of arguments for EU involvement in social rights claims that European economic integration has reduced the ability of national actors to maintain strong welfare states with high social standards (Scharpf, 1998; Crouch, 2013). The Single Market, the Euro and the Stability and Growth Pact (SGP) weaken national welfare states by fostering wage and tax competitions between countries and limiting public expenditure. There is not a similar level of social integration to offset the negative impact of economic integration, and therefore, social standards are not guaranteed through EU social policies. Rather, there is a 'constitutional imbalance' (Garben, 2018) or a 'structural asymmetry' (Scharpf, 2010) between 'the market' and 'the social' in the EU legal order. Moreover, it is argued that this imbalance is reinforced by the case law of the CJEU, the austerity policies promoted by the EU in the context of the financial crisis, and by initiatives like the Better Regulation agenda- all of which prioritize the market over the social (Scharpf, 2010; Kilpatrick, 2018; Garben and Govaere, 2018).

There are various interpretations of how to redress this imbalance and ensure coherence between national and EU policies. One interpretation prioritizes the protection of national welfare states and

suggests that this is best achieved through less - rather than more- Europe, for example, by abandoning monetary integration (Höpner, 2018; Scharpf, 2016). A second view argues that this imbalance can be largely tackled by increasing the role of EU social policies. In this respect, the adoption of the EPSR has been an important advancement (Garben, 2019). Furthermore, additional and stronger social rights can potentially be fostered by a Social Compact that would imprint the importance of social policy on the courts and the legislature and would therefore lead to more balance in EU legislative action and court decisions (Barnard, 2014). At the same time, there is widespread skepticism in this approach concerning the EU's capacity to remedy the observed imbalance through EU social rights alone. They can reduce the observed imbalance to some extent and strengthen the legitimacy of the integration project, but there need to be important changes in European economic governance as well to safeguard the effective functioning of national welfare states and maintain high social standards (Keune and Pochet, 2023; Garben, 2019). For example, these changes might include measures to avoid corporate tax competition, reduce market governance or lessen the restrictions on debt and deficits in the EMU architecture.

2.2.2 Immanent critique

The starting point of an immanent critique is a 'crisis diagnosis' that the EU fails to deliver on its own 'point and purpose' and that it does not achieve some of the stated objectives of the European project. To reach these objectives, or to realize the respective underlying principles of the EU, new or improved policies at the EU level are essential. It is argued that improving the current unsatisfactory state of affairs requires the development of social rights at the EU level. These EU social rights are the expression of shared objectives with regard to the EU's social model and of the need to develop supranational social rights to effectively advance these objectives. One such fundamental objective is the pursuit of social cohesion within and between EU countries. In practical terms, this would mean the reduction of inequalities within and between countries (Vandenbroucke, 2017). This prompts the following question: can we expect inequality within and between Member States to be reduced without an EU role in the realm of social rights? Vandenbroucke (2017) argues that in an integrated market that fosters the mobility of capital and people, Member States have a shared responsibility for the social situation in each state and that the redistributive capacity of the Member States has to be protected by supranational policies, including social policy: 'A union of welfare states needs collective action with regard to principles of taxation of mobile factors (corporate taxes, wealth taxes). And it must see to it that the openness, which creates opportunities across the whole union, does not diminish the internal redistributive capacity of national welfare states. Therefore, openness must be embedded in principles of reciprocity, within and between welfare states' (ibid.: 40). The immanent critique approach hence asks whether existing policies are sufficient to achieve the EU's fundamental objectives or if the EU needs to pursue additional policies, in this case policies developing social rights. Achieving such social rights, however, requires a strong sense of common values and of common objectives between the Member States. In recent years, the EPSR has marked a new step towards such common values and objectives.

2.2.3 A self-standing normative approach

A self-standing normative approach argues that considerations of international social justice justify the development of social policy at a supranational level, and more precisely, the development of social rights. Supranational social rights can achieve social justice in ways that Member States alone cannot. This argument is initially developed independently of the existence of the EU and its 'point and purpose'. At the same time, it can consider the EU level to be an (or the) appropriate level to develop such social rights, hence EU social rights. The literature on international social justice focuses predominantly on issues of distributive justice. Distributive justice is achieved 'when entitlements to economic goods are allocated to people as they ought to be' (Van Parijs, 2007, 638). This then depends on the reigning views on the criteria for certain persons (or groups) to receive and others to provide distributive support, and the boundaries of the group within which redistribution takes place (Vandenbroucke, 2017). Distributive justice has traditionally been a domestic matter, discussed at the level of nations or cities; however, with the on-going globalization of communication and economic activity, the debate has increasingly become about international distributive justice, based partly on the argument that increasing global interdependence and interconnectedness demand global solidarity (Van Parijs, 2007). The same can be argued for EU integration. Here we can ask the questions: 'To what extent are Member States responsible for their nation's social situation, and to what extent can they count on pan-European solidarity?' (Vandenbroucke, 2017).

2.3 EU social rights as a means to an end

The second set consists of three approaches that regard EU social rights as a means to an end, allowing to achieve certain key economic or political objectives. The first is a functionalist approach regarding the relationship between social rights and the functioning of economic integration, the second focuses on legitimizing polity building and the third on responding to citizens' demands and preferences.

2.3.1 The functionalist approach

This first approach follows a functionalist logic: certain functional demands for social rights emerge from the on-going integration process in the economic sphere, i.e. from the completion of the Economic and Monetary Union but also from the Single Market and the four freedoms. It is argued that certain EU social rights are indispensable for economic integration to work. They should guarantee a certain degree of convergence in the social models of the Member States to reduce the diversity or improper functioning of national labour markets and welfare systems (Vandenbroucke, 2017). This argument appears in a number of analyses from the European Commission, which may partly explain the Commission's renewed interest in social rights and social policy. For example, the 5-presidents' report states that: 'For EMU to succeed, labour markets and welfare systems need to function well and in a fair manner in all euro area Member States. Hence, employment and social concerns must feature highly in the European Semester. Unemployment, especially long-term unemployment, is one of the main reasons for inequality and social exclusion. Therefore, efficient labour markets that promote a high level of employment and are able to absorb shocks without generating excessive unemployment are essential: they contribute to the smooth functioning of EMU as well as to more inclusive societies.' (Juncker et al, 2015, 8).

One proposal that corresponds with this argument is to remedy some of the instability of the EMU setup through a common unemployment insurance system in which Member States share (part of) the costs of short-term unemployment insurance (De Grauwe and Ji, 2017; Andor, 2014; Vandembroucke, 2020). Such a system would strengthen certain social rights, while the main objectives would be to act like an automatic stabilizer and strengthen the EMU's resilience against financial and economic shocks (Andor, 2014). This approach starts from the assumption that all Member States will suffer from an economic downturn at some point. The common unemployment insurance system would 'provide a limited and predictable short-term fiscal stimulus to economies undergoing a downturn in the economic cycle' (ibid.). This would help to uphold domestic demand and therefore economic growth in the EU and would help prevent 'repeating vicious circles of downgrades, austerity and internal devaluation in the eurozone' (ibid.). The closest to such a system was the temporary Support to mitigate Unemployment Risks in an Emergency (SURE) programme set up during the COVID-19 crisis, providing cheap loans of €98.4bn in total from the EU to Member States to finance the preservation of employment. And indeed, there have been calls to make the SURE programme a permanent one (e.g. Corti and Alcidi, 2021, Müller et al, 2022).

2.3.2 Social rights as a necessary element of polity building

This approach builds on the state-building school of political development (Bartolini, 2005; Ferrera, 2005, 2017), which argues that the EU is, to some extent, replicating the process of polity-building that nation states went through starting in the sixteenth century (Ferrera, 2017). Polity building and the preservation of a polity over time involve three constitutive elements: bounding, binding and bonding (Ferrera, 2023). Bounding refers to boundaries or borders, i.e. the external exclusion and internal confinement. These are constitutive of polity in that they bring it into existence as a recognizable space, with distinctive features. Binding concerns legitimacy in terms of authority norms (who can rule) and evaluative norms (what authorities can do, including their accountability to the social effects of policies). Bonding refers to 'the "warm" and caring dimension of both spatial closure and vertical authority' (Ferrera, 2023, 114) and the fraternisation among the members of the polity, connecting them to an 'imagined community' of fellow subjects or citizens and creating a common identity. These identities are tightly coupled to organized solidarity, building diffuse support and loyalty vis-à-vis the polity by giving all members both symbolic and material stakes in the polity (Ferrera, 2023). Starting from the bounding, binding, bonding analysis, Ferrera (2018) argues that:

[A] territorially organized collectivity cannot survive and prosper without the diffuse support of its members, i.e. a set of general and positive evaluative orientations towards the collectivity as such and its authority structure, providing diffuse support capable of motivating compliance beyond self-interest. Historically, organized solidarity has played a key role in political legitimation by nurturing positive feelings about the effectiveness and fairness of the territorial government. Just like external security and internal peace, the welfare state has gradually established itself as a basic political good, i.e. an instrument serving the purpose of facilitating social cooperation, managing conflicts, sustaining generalized compliance and thus, ultimately, 'keeping the polity together.

(Ferrera, 2018, 2-3).

Extending this argument to the EU, Ferrera argues that there is a ‘free-standing political justification’ for fostering bonding in the EU through EU social policies and expanding the EU’s role in social rights (ibid.). This would be crucial for the legitimacy, long-term survival and prosperity of the EU and for strengthening the bonds of its citizens and stabilizing it as a collective association/community (Ferrera, 2017).

2.3.3 Responding to citizens’ demands and preferences

A final argument legitimizing EU social rights argues that these can be a response to the demands and preferences of EU citizens and hence play a key role in fostering the legitimacy of the existence and activities of the EU and in counteracting Euroscepticism. Indeed, the EU confronts growing Euroscepticism, exemplified by the growth of anti-EU political parties, which threatens to undermine the stability of the Union (e.g. Treib, 2021). And public opinion data suggest that a large part of the EU population supports a role for the EU in the production of social rights (Gerhards et al, 2016; Eick, Burgoon, and Busemeyer, 2023). Increasing the body of EU social rights could possibly increase citizens’ support for the EU, which, in principle, could also affect their voting behaviour, reducing support for Eurosceptic parties. Recent research underlines for example that awareness of EU social policy programmes tends to result in more support for the EU (Natili et al, 2023). One condition for this would however be that the visibility of EU social policy is increased, it often remains ‘invisible’ to the citizen (ibid.).

2.4 Discussion

All six approaches present some compelling arguments for a role for the EU in social rights, with the exception of the Scharpf and Höpner version of the redressing negative integration approach that calls for less rather than more Europe. All other approaches make a case for more EU social policy, as an end in itself or as a means to an end. They differ substantially in the extent to which they offer specific substantive prescriptions or rather general principles or ideas. The redressing imbalances approach and the functionalist approach offer specific prescriptions on the type of rights needed to redress negative integration or foster economic integration. The other four rather offer general principles or ideas for the involvement of the EU in social rights but without a priori offering specific substantive proposals. Hence, there are six points of view from which we can consider the rationale for EU social rights, which all offer important (but by themselves insufficient) insights.

All six approaches can be of relevance depending on the policy area and the social, economic and political conditions of particular moments in time, and one is not better than the other. Also, they are not mutually exclusive. For example, the Minimum Wage Directive (2022) is first of all argued to have the objective of achieving decent living and working conditions for workers and citizens, as well as upward social convergence in this sense. This is a normative way of legitimizing the Directive, based on an immanent critique. However, the European Commission also sees clear links between higher minimum wages and economic objectives. It has argued that appropriate minimum wages support

aggregate wage growth and, as a result, domestic demand, increasing the resilience of the economy (European Commission 2020, 4). In this way, improving minimum wages is also aimed at improving the functioning of economic integration. However, while the approaches might overlap in aspects of their practical conclusions, there are important tensions between the various approaches concerning their level of analysis and scope, the primacy they give to social rights and the guidance they provide in terms of what EU social rights are required.

It can be concluded that the rationale for EU social rights will be found somewhere at a crossroads of these six approaches; together, they constitute the field of play. Rejecting one-dimensional approaches opens up the space for politics and a historicised analysis of the social role of the EU.

3. European Social Citizenship in the Future of the Welfare State and Social Protection

Agnieszka Chłoń-Domińczak

3.1 The future of the welfare state in Europe

The welfare state in Europe is one of the most important achievements of the European Union. The evolution of social Europe, including the adoption of the European Pillar of Social Rights is one of the major successes of the European Union. Important advancements in the European social model were made at time when Europe enjoyed a demographic dividend and a period of relatively stable economic growth. The development of megatrends, that affect the societies and economies in Europe, including demographic change: population ageing, the labour force shrinking, immigration, climate change, changing world of work and the digital transformation impact the future evolution of the social protection and of the welfare state in the EU.

In February 2022, the European Commission presented a report prepared by the High-Level Group (HLG) on the future of social protection and of the welfare state in the EU. This policy report, prepared by the group of experts chaired by Anna Diamantopoulou, former European Commissioner for Employment, Social Affairs and Equal Opportunities, former Minister in Greece, reflected on the challenges posed by these megatrends, as well as crises emerging due to the COVID-19 pandemic, the Russian aggression to Ukraine, and the resulting consequences, such as energy crises. These challenges include:

- the rising old-age dependency rate that impacts the sustainability of social protection systems, calling for longer working lives and higher employment in quality jobs;
- the under-employment of selected populations: young and older people, women, people with disabilities, those with low skills, migrants;
- persistence of low-quality jobs and non-standard work that results in the in-work-poverty and insecurity;
- digital transformation, that provides many opportunities, also led to the emergence of platform economy, that is characterised by a high level of precariousness;
- gaps in skills and IT access that bring the risk of rising economic and social inequalities;
- green transition and climate change affecting labour markets and leading to the increasing inequalities.

The HLG report reflects on the impact of these challenges on the future of the welfare state in a life course perspective, focusing on the three functions of the welfare state: labour market protection, social investment and social protection, which are also a focus of the EUSOCIALCIT approach. The life-

course approach is a framework adopted to present policy recommendations on modernisation and reform of the welfare state in the EU.

The HLG report includes a set of 21 recommendations grouped along the main life course stages: childhood and youth, economically active, transition to retirement and old-age, and relevant policy challenges for these stages. There are also horizontal recommendations related to financing the welfare state and stepping up the EU capacity to secure social protection in the future, which are directly linked to the European social citizenship.

These recommendations together with the European Pillar of Social Rights can be seen as a guide for reforming and modernising the welfare state in Europe. It is important to underline, that both should not be seen as one-size-fits-all recommendations. The social challenges are different among the Member States, including the risk of poverty, income redistribution, as well as social investment policies.

In this chapter, we reflect on the HLG recommendations, the European social citizenship approach, and the power resources as means supporting implementation of these recommendations.

3.2 European social citizenship and the megatrends

The EUSOCIALCIT project focused mainly on the delivery of the social rights in Europe, from the perspective of power (normative, instrumental, and enforcement) resources. Therefore, there are limited considerations related to the impact of most of the megatrends considered in the HLG report on the social development in the project results. The demographic change, in particular population ageing, as well as technological revolution are mentioned as a context of the current and future development of the European social citizenship (Busemeyer et al, 2023). Technological change is also considered as opportunity to support observing social rights, for example in the context of working conditions (Ramos Martín et al, 2023).

The megatrend, focused in the project, is the changing world of work. One of the areas investigated were the three labour market challenges: the increase in female labour market participation during the last decades and the related need for adequate and effective work- life balance policies; the increase in highly flexible forms of non-standard employment, and the deficient implementation of health and safety regulations in certain sectors of the labour market and the related need to broaden coverage and strengthen compliance (Vandenbroucke, Keune et al, 2021).

3.3 How to modernise and reform the welfare state using the power resources? Reflection on the recommendations of the High-Level Group (HLG)

In the project, the European social citizenship and the access to power resources was considered at a broad scope of areas, that to a large extent cover the range of recommendations presented in the HLG report.

In this section, we summarise the main points considered in the EUSOCIALCIT project that cover the scope of the recommendations of the HLG. It should be noted that some recommendations, particularly relating to the earlier stages of the life course and to the social investment attracted more focus in the project than others. Table A1 in the Appendix at the end of this Report summarizes the recommendations of the High-level Group and EUSOCIALCIT's findings.

3.3.1 A. Starting strong: nurturing child development for all (HLG recommendations 1 and 2)

This group of recommendations was broadly covered in the EUSOCIALCIT project, which is summarised below.

All children under the age of 3 should have access to high-quality, full-day early childhood education and care services, thereby fostering early childhood development, while making it easier for people to reconcile work and family life and for women to be in employment. These services should be affordable for all families and free to all those with children in need.

(HLG Recommendation 1)

The area of childcare was one of the key areas considered in the project. Children's rights to affordable early childhood education and quality care, enshrined in article 24 of the EU Charter of Fundamental Rights, article 27 of the Convention on the Rights of the Child (CRC) and article 16 of the European Social Charter (ESC). This means that, even though the rights enshrined in the EPSR are not judicially cognisable, they define the perimeter of action of the EU institutions, which shall respect them and promote their application in accordance with their powers. This right is also reflected in the Child guarantee that prompts Member States to ensure free access to education, healthy nutrition, and adequate housing to children at risk of poverty or social exclusion (principle 11 of the EPSR 'Childcare and support to children'). The analysis of the social investment strategies in the EU countries revealed that there is a group of countries with limited investment in both childcare services and parental leave, and the social investment strategy in these countries is characterised by a life-course orientation of social investment at older ages, rather than early in life (Baiocco et al, 2021). The trends in the ECEC spending observed since 1980s show that the Northern European countries consistently spend more

on the ECEC policies, while Western European countries gradually converge to that level. Countries in the Southern Europe remain more modest in the trends in the ECEC spending (Busemeyer et al, 2023).

The analyses of the country-level data also provides evidence that in the case of smaller children (below 3 years old), the better access (coverage) to formal care is associated with the lower gender employment gap (Chłoń-Domińczak, Kotowska et al, 2022). The interdependency between formal childcare and women's employment, in particular mothers' employment, is moderated by the interplay of formal and informal care coverage. If there is a strong substitution between formal care and informal care, the effect on female employment is much lower. This evidence supports the proposed HLG recommendation. Access to power resources (normative and instrumental) related to childcare can empower people to cope with the social and labour market risks. Empowering children requires access to both normative and instrumental power resources. As highlighted in the (Westhoff et al, 2022) the existence of a right to childcare alone does not necessarily guarantee access to high-quality childcare services, other resources also play an important role. Another important aspect refers to affordability, related to the financing of childcare, that in some countries is means-tested, while other countries have more universal and direct funding. These arrangements have different effects on the net costs of childcare, and ultimately on the affordability of early childhood education and care for parents. The case studies of Germany, Italy, and Poland shows that only in Germany there is a legal right to childcare for children below age 3. Yet, at the same time the regional funding provision results in limitations of access due to the high cost of childcare. In all three analysed countries, there is either cost reduction or funding support for children from disadvantaged families, who in many cases have higher barriers to participating in ECEC, that contributes to rising inequalities. Furthermore, the mix of private and public provision, as observed in Italy and Poland, tends to be associated with higher cost of parents, and reduced access. Further insight using the econometric analysis (Alcidi and Di Salvo, 2023) of the national data related to childcare participation by AROPE status and the national policies, such as entitlement to childcare, parental leaves, as well as employment patterns of parents show that flexible work arrangements appear to be associated with higher rates of attendance. Results of the analysis also show that the low educational attainment of fathers, even more than the AROPE, is a penalty in the case of ECEC attendance. Finally, the EUSOCIALCIT researchers also looked into the results of public opinion surveys. According to citizen's opinions, in some countries the support for financing ECEC education is lower than for financing general or vocational education. However, further exploration of this topic should be continued.

We also point out that the Recovery and Resilience Facility (RRF) represents a unique opportunity for EU Member States to expand their offer of early childhood education and care (ECEC), based on the assessment for six countries (Belgium, Germany, Italy, Poland, Portugal, and Spain) (Corti and Ruiz 2023). Based on 18 interviews with national public officials in charge of drafting the recovery plans at the ministerial level (Ministry of Finance and/or Social Affairs), Commission representatives (from the Directorate-General for Economic and Financial Affairs and the Secretariat-General), officials in charge of the country desks and national experts in childcare policies., the project provides assessment of the relevance, effectiveness and coherence of the measures. What emerges from the analysis is that all six countries have included childcare investments in their RRF plans. These investments might increase ECEC coverage in these countries, while also reducing existing territorial inequalities, with a prime

example of Italy, where the inflow of EU funds allowed to finance infrastructure projects that otherwise would not have been implemented.

Member States should provide targeted minimum income protection and capacitating services for vulnerable families with children to prevent child poverty (which is most common in households with single parents and large families).

(HLG Recommendation 2)

The minimum income protection, as highlighted in the recommendations, is mainly the area of Member States policy. In the countries with comprehensive social investment policies, the life-course orientation of transfers towards early ages is related to high benefits paid on parental leaves, which is an instrument that serves not only income replacement, but also prevents child poverty.

There is some support provided by the ESF+, related to the implementation of the EPSR, to support those in a vulnerable situation after the loss of job or income, provide food and basic material assistance to the most deprived. This includes integrating Fund of European Aid for the most Deprived (FEAD) in the ESF+, and invest in children and support social innovation and entrepreneurship through the new Employment and Social Innovation (EaSI) funds, which are instrumental resources at the European level (Aranguiz, 2022a).

Another approach that could support the minimum income policy developments are reference budgets (Storms et al, 2023). Departing from a solid theoretical and methodological framework, reference budgets aim at answering the highly normative question: what is the minimum amount of income that well-defined family types, including families with children, need to fully participate in the society in which they live?

3.3.2 B. Creating a springboard for the young generation (HLG recommendations 3 and 4)

The European social rights of the young generation were also at the focus of the project. In this section, the issues raised with respect to the two following recommendations are summarised.

Member States should have in place adequate financial support, services, and in-kind benefits to enable people – when they wish – to start a family and have children.

(HLG Recommendation 3)

In the area of the income protection, the EUSOCIALCIT project examined the role of the EU in providing deontic and normative resources, the instrumental and the enforcement resources in the domains of the minimum income protection and housing, with the focus on people in working age and their families (D2.1), which is linked to this recommendation.

This included, among others, the study of the potential of the Work-life Balance Directive. (de la Porte, Im et al, 2022) analysed the work-life regulations in six European countries (Denmark, Poland,

Netherlands, Germany, France, Spain) prior to the adoption of the directive. Three kinds of instrumental resources were under focus: easily accessible (digital) application procedures; information targeted at workers (also through union representatives or HR departments); and targeted information campaigns. The study shows a difference in commitment to instrumental resources by the six countries. Denmark developed a digital tool available to parents to plan leave, whereas in other countries administrative procedures are more complex, with separate applications for the right to leave and the compensation. Instrumental resources, together with normative ones, are therefore important to ensure that families have broad access to benefits.

Groups of countries identified in the project according to their social investment strategies (Baiocco et al, 2021) differ in terms of investment in childcare and parental leave, which are an important part of supporting families. Countries with the stripped-down strategy (mainly Southern Europe) have very limited expenditure on both cash benefits for parental leave and childcare services, while countries with the sprouting-up strategy (mainly Central and Eastern Europe) tend to have higher expenditure on parental leave. Several countries of this group have high expenditure on parental leave and low expenditure on childcare services, while others have high expenditure on parental leave and intermediate levels on childcare. Spain is an exception: it has an intermediate level of expenditure on childcare and almost none on parental leave.

The findings of the project also identify vulnerable groups that face higher social risks, particularly related to rebalancing employment and family obligations, which particularly affect women with low skills (Chłoń-Domińczak et al, 2022). Results of the analyses indicate that access to the power resources related to childcare and active labour market policies can empower people to cope with new risks and reduce vulnerabilities, which reinforce the HLG recommendations. The analysis of vulnerabilities in the life course perspective (Chłoń-Domińczak and Strzelecki, 2022) showed that having children relatively early in life was linked to an increased risk of economic stress at later ages, particularly in the countries characterised by low expenditures for childcare services and parental leave, the prioritisation of family benefits over childcare, no legal entitlement to ECEC, and the provision of support mainly to single-earner households. This confirms that country policies related to providing access to power resources related to childcare and labour market policies at early stages of adult lives impact the economic vulnerability experienced at the old-age. Results of the EUSOCIALCIT show that people who had job-poor employment paths, and people who had a large number of children and their first child relatively early in life, are more susceptible to old-age poverty.

Member States should pursue the implementation of the reinforced Youth Guarantee, strengthen provision of high-quality education and training, and provide an environment that favours the creation of high-quality jobs and entrepreneurial opportunities for young people. Member States should provide an adequate allowance for young people from low-income families that enables them to pursue high-quality education and training after compulsory schooling.

(HLG Recommendation 4)

The rationale of the Youth Guarantee is also confirmed by the findings of the EUSOCIALCIT project. The starting point for the analyses was that the transition from education to the employment can be seen as a ‘checkpoint’ of the efficiency of social investment in early life stages. During the prime age, social investment policies are aimed at supporting access to good quality work, which is important both for individual life chances, reducing health and labour market risks, such as unemployment or precarious employment (Chłoń-Domińczak et al, 2022). Active labour market policies, that are also a part of Youth Guarantee, can empower people to cope with new risks and reduce vulnerabilities. Despite not being a legally binding measure, evidence shows that the YG has provided (albeit indirectly) young European citizens with new resources of power in case of unemployment or inactivity (Alcidi and Corti, 2022). Hence, the Youth Guarantee has also acted in the area instrumental resources, facilitating access to social rights, and is a successful example of how the EU can still affect significantly citizens’ social entitlements with soft recommendations. Net of the heterogeneous effects recorded among Member States and as highlighted by the European Court of Auditors (2017) and by the impact analysis conducted by the Commission (Jeffrey et al, 2020), the Youth Guarantee can be considered a representative case of how the European Union, even without legal competences *stricto sensu*, can be relevant in the definition of social rights and in the empowerment of its citizens in the domain of social investment (Alcidi and Corti, 2022). It is for example the case of the Recommendation ‘A Bridge to Jobs’, which builds on and reinforces the Youth Guarantee (Ferrera and Bruno, 2023). In this regard, it is the Youth Guarantee should be the part of the future welfare state and social protection in Europe.

3.3.3 C. Ensuring inclusive social protection and lifelong learning (HLG recommendations 5-9)

Referring to this group of recommendations, the EUSOCIALCIT project is focusing mainly on the quality of work aspects. HLG recommendations related to access to lifelong learning, inclusion of migrants, or job-retention schemes were not addressed specifically. Some references to these recommendations were noted in the assessment of the role of the EPSR, that is the first document that offers conceptualisation of an individual entitlement to access to activation policies, Directive on Transparent and Predictable Working Conditions (TPWC), that has the potential to improve working conditions for all workers in the EU including lifelong learning. In the case of migrants, their labour market inclusion can be supported by the. However, whether it will be able to do so to a sufficient degree for workers who currently face greatest precarity, including migrant workers, it is yet to be seen.

All people in employment, irrespective of their work status, should be able to access and contribute to adequate social protection and contributions should take account of all sources of income. Such social protection should be accessible throughout the life-course, maintain a decent standard of living, providing appropriate income replacement and reducing the need for means-tested minimum income, as well as avoiding unfair competition on social security contributions.

(HLG Recommendation 5)

In the EUSOCIALCIT project, a broader approach of social citizenship also refers to the adequate social protection. Social citizenship as a key distinctive feature of European nation-states is a part of the

future of the welfare state. It complements individuals' freedoms based on civil and political rights with an entitlement to benefit from social cooperation. Social entitlements are both a result and a multiplier of power resources (Vandenbroucke, Keune et al, 2021). In the conceptual approach of the project, the area of social protection and inclusion was under consideration. Social inclusion and social protection are long-standing and core functions of national welfare states. In the realm of social inclusion and social protection, in the EUSOCIALCIT project we found examples of the multidimensional resource-based understanding of social rights that were pursued in the project, with a broad issue on the role of the EU in a multidimensional development of social rights in the broad domain of social inclusion and social protection. In particular, the EUSOCIALCIT has developed a new conceptual framework for the analysis of social rights, that must be understood as bundles of individual power resources, which enable right-holders to obtain conformity from public authorities or other individuals and to access a pre-defined range of benefits, including normative, instrumental and enforcement resources (Ferrera and Bruno, 2023).

One of the issues related to the social protection, strictly connected to instrumental resources, is the non-take up of social benefits, which is recognised as a major weakness of the welfare systems of high-income countries and severely impairs the effectiveness of social policies. To that end, the project also pursued the EPSR Recommendation on effective access to social benefits, comprising formal and effective coverage, adequacy of benefits and transparency, understood as both access to the necessary information and simplification of the provision of benefits. Formal coverage and adequacy cover, respectively, the personal and material scope of the social benefits; thus, they are related to legal resources. Also effective coverage relates to normative resources, as it deals with the rules and criteria to access social benefits, which are part of the material scope of the social schemes. The category of transparency, instead, is fully compatible with the concept of instrumental resources, as it focuses on the means and channels through which right-holders can access the benefits (Ferrera and Bruno, 2023).

There are four junctures related to social protection coverage that were elaborated in the EUSOCIALCIT project. The first one is knowledge. Power resources should be available for accessing clear, user-friendly information about rights and obligations relating to social protection, both by providing such information to the public, as well as reaching out to raise awareness of social entitlements (Ferrera and Bruno, 2023). Information is particularly important as the increasing complexity of schemes and rules and the transitions between different employment status and contracts forms, existing in many European countries, tend to inhibit the possibility of taking informed decisions. This includes also provision of individualised information on pension rights, which is more and more available, also through relevant legislation. Second, access to social protection requires also transparent procedures related to claim-making, from simple, if not automatic, application procedures, simplification of administrative and organisational structures, and personalised guidance and counselling. The third juncture is acquisition of benefits, supported by such resources as accessibility of benefits, and again simplification of procedures and administration. Finally, the fourth juncture are problems of non-compliance, that require problem solving and mediation, including ability to complain. Important power resources in this juncture are equality bodies, social partners, and civil society organisations (Ferrera and Bruno, 2023). An example of the social security coordination shows one of the earlier

impacts of free movement on the social dimension of Europe. While it falls outside the social competences *stricto sensu*, it has served as a powerful engine to advance social rights at the EU level (Aranguiz, 2022a).

The findings of the project confirm a necessity to ensure adequate social protection coverage for vulnerable workers, that have limited access to social protection and welfare institution due to their type of work (self-employed, non-standard workers) or because of their lack of awareness or reluctance to use their rights, as they fear to lose their jobs or people with a history of low-wage jobs or instable employment. One of the instruments, referred to in the EUSOCIALCIT, that can help to support access to adequate social protection and illustrate a given living standard are reference budgets. In many countries, they refer to the minimum required resources that people need in order to fully participate in society (Storms et al, 2023).

Empirical findings of the project show that in many countries European households most dependent on the welfare state are increasingly at-risk-of-poverty and this seems, at least in part, related with the weakening of social protection (Akarçeşme et al, 2023). In this strand of this project, the ability of the EPSR Action Plans to reach its poverty goal was analysed. It was revealed that there are much less of power resources related to social protection and minimum incomes, than gender equality. This can be detrimental for the achievement of the European social targets (Akarçeşme et al, 2023).

Other findings also relate to the importance of information and awareness in having access to likelihood that being unemployed translates into receiving unemployment or redundancy benefits as key sources of household income. The analysis revealed that key target groups of social protection – such as the less-educated, the poor, and foreign-born, the unemployed, the old-age population, and working parents – tend to be more negative than their counterparts about such subjective judgments of social-rights quality. Subjective judgments of social-rights outcomes shows the important challenge to reach out and ensure the access to social protection for those most vulnerable (Burgoon et al, 2023).

Member States, in co-operation with the social partners at all levels, should develop an approach to the quality of work that is sensitive to life-course issues, encompassing a decent and secure income; autonomy in work tasks; good physical and mental health; opportunities for career development; and a suitable work-life balance.

(HLG Recommendation 6)

The EUSOCIALCIT researchers also investigated numerous areas related to the quality of work and work-life balance. In particular, they took stock of social rights and social policy in the domain of working conditions and examined areas for improvement. The project focused on three labour market challenges: the increase in female labour market participation during the last decades and the related need for adequate and effective work- life balance policies; the increase in highly flexible forms of non-standard employment, which requires more effective policies to ensure labour rights for the most flexible non-standard worker; and the deficient implementation of health and safety regulations in certain sectors of the labour market and the related need to broaden coverage and strengthen compliance (Frank Vandenbroucke, Keune et al, 2021). Employment policies take a central place in

debates about the future of European social citizenship as they are crucial in countering trends towards labour market dualisation, rising levels of in-work poverty and inequality related to changing gender relationships (Ramos Martín et al, 2023).

There are numerous European-level policies and initiatives related to these issues. The EPSR dedicates an entire chapter to ‘fair working conditions’, including the right to ‘work-life balance’, the right to ‘secure and adaptable employment’, the right to ‘information about employment conditions and protection in case of dismissals’, the right to ‘fair wages’ and the right to ‘healthy, safe and well-adapted work environment’. Moreover, working conditions have been charted territory for the EU for decades, with clear competencies on the subject. Article 153 of the Treaty on the Functioning of the European Union (TFEU) explicitly defines the role of the EU as supporting and complementing the activities of Member States in a number of policy fields, including working conditions. Hence, in this domain, the EU directly or indirectly provides normative resources to individuals, which take the form of binding legislative acts or soft recommendations. The EPSR contributes to this by setting an agenda for further initiatives, but it also provides additional deontic resources to citizens. In case of some principles of the EPSR, as highlighted in the project, measures that are implemented on the European level are not numerous, but important. This includes crucial directives, such as the directive on minimum wages, the directive on work-life balance, or the Directive on transparent and predictable working conditions. Power resources have also been established through non-binding acts such as recommendations, such as an already mentioned Recommendation ‘A Bridge to Jobs’, or guidelines, such as ‘Guidelines on collective agreements by solo self-employed people’. However, the EUSOCIALCIT analysis shows that some principles remain less developed than others. For example, principle 10 ‘Healthy, safe and well-adapted work environment and data protection’ includes three rights: one related to safety and health protection, one about a fitting working environment, and one about personal data protection. The three measures related to this principle identified in the project all focus on the first one, leaving out the other two not addressed (Ferrera and Bruno, 2023).

Instrumental resources comprise also European agencies that support the development of policies in the area of quality of work. These include: the European Centre for the Development of Vocational training (CEDEFOP), which helps develop and implement vocational training policies by monitoring labour market policies to assist the Commission, Member States employers’ and workers to match training provisions tailored to labour market needs (Regulation 2019/128); The European Agency for Safety and Health at Work (EU-OSHA), which provides research on new risks, statistics, tools for management, education and strategic network for the purpose of making European workplaces safer, healthier and more productive (Regulation 2019/126); The European Foundation for the Improvement of Working and Living Conditions (Eurofound) that provides evidence-based research for policy on working conditions, quality of life and employment practices (Regulation 2019/127) and whose reports have been key for initiatives like the WLB Directive; the European Insurance and Occupational Pensions Authority (EIOPA) that promotes a round regulatory framework and consistent supervisions of insurance and occupational sectors in Europe for the benefit of policyholders, pension scheme members and beneficiaries (Regulation 1094/2010); the European Training Foundation (ETF) that, in the context of external action, assists neighbouring countries (a total of 29 partner countries) to strengthen their people’s abilities and skills by enhancing vocational educational training (Regulation

No 1339/2008); and, the European Labour Authority (ELA). The Role of ELA also includes certain enforcement resources. The empirical evidence (Chłoń-Domińczak et al, 2022) indicates that in the life course there are differences in levels of labour income, related both to gender and age, with labour income in the sprouting-up countries (mainly in Central and Eastern Europe) declining at relatively early stages of the life course. There is also persistent gender pay gap. Overall, the Central and Eastern European countries tend to have higher raw differences in pay of men and women. Gender and age differences are also visible in the quality of work in times of crisis. During the economic downturn, relatively more men become unemployed and their flexible wage components are also more reduced. The explanation is different in case of the long-term unemployment. It is positively correlated with labour market inequality as usually women more frequently experience long-term unemployment. The gender pay gap is strongly correlated with the long-term unemployment of young people indicating that difficulties in entering the labour market by young people reduce more wage prospects of women. Social investment measures aiming at reducing long-term unemployment also result in lower gender gaps on the labour market. People who have job-poor employment paths are also more susceptible to old-age poverty (Chłoń-Domińczak and Strzelecki, 2022).

The EUSOCIALCIT analyses (Alcidi and Corti, 2022) summarised, that in the realm of normative resources overall, 17 regulations, 57 directives, and 2 decisions were adopted over the past 20 years in the social domain. Most of the initiatives fall under the three categories that are related to these HLG recommendations: Health and safety at the workplace (19), Organisation of work and working condition (21), and Labour mobility (15). This is also complimented by normative resources, including for example the EURES network of employment services that is an important source of information related to the employment rights and benefits, targeted at supporting both citizens seeking a job, and employers in recruiting workers from all over the EU. To this end, an online portal is established within EURES to provide both workers and employers with information and guidance, notably through a Targeted Mobility Scheme, which functions also as a platform to facilitate the encounter of job vacancies and CVs. European enforcement resources comprise the EU case law. The largest share of the EU case-law in the social domain regards issue related to non-discrimination (207 cases), employment protection legislation (154 cases), and organisation of work and working conditions (79 cases (Alcidi and Corti, 2022).

The EUSOCIALCIT project also investigates social-rights in the realm of employment, empirically applying the resource-based framework of the research consortium. The (Burgoon, 2022) study explores the hypothesised causal chain linking resources, outputs and outcomes observed at the macro-level and relevant to the realisation of social rights. The study found that key aggregate measures of employment-related outcomes (e.g. employment rates, non-standard employment, poverty), outputs (e.g. spending-based measures of UI/ALMP and ECEC/Parental-leave efforts), and macro-level resources (e.g. generosity of unemployment assistance, labour power, democratic transparency, etc.) vary substantially over time and space. Across countries, familiar cleavages in European political economy hold tone – where the Northern member states tend to have the most developed or highest social-rights realization related to employment; Southern member states much less so. And over time, there a mixed pattern, but after the post-2010 financial/debt crisis the project noted substantial increase of outcomes, outputs and resources constituting employment-related

social citizenship. The country-year quantitative exploration of interconnections reveals substantial support for the main expectation that normative, instrumental and enforcement resources are important to spurring and undergirding employment-related outputs and outcomes. With respect to the roots of employment-related outputs, normative measures – particularly generosity of unemployment assistance and generosity of parental leave – are strongly related to spending-based output measures of UI/ALMP and ECEC/Parental-leave (and many of their policy subcomponents). The macro-level measures or proxies for instrumental resources – particularly labour power measures related to employment-related interactions – spur such spending-based outputs and also take-up measures with respect to UI/ALMP provisions. And less obviously, the tendency of normative resources to actually foster more spending-based outputs is enhanced by instrumental and enforcement resources.

An example that the project focused on was the Directive on Transparent and Predictable Working Conditions (TPWC). It has the potential to improve working conditions for all workers in the EU. However, whether it will be able to do so to a sufficient degree for workers who currently face greatest precarity and worst working conditions remains to be seen. In part, this depends on whether the implementation of the Directive responds to the circumstances that these workers are subject to (Scheele et al, 2023; Eick, Burgoon, and Busemeyer, 2021). Based on the analyses, the EUSOCIALCIT researchers argue that the Directive can have an impact also on some of the most precarious workers, but it risks being limited and selective for several reasons. There is extensive variation in working conditions within a single sector, within countries and across countries. Overall, the Directive may have positive impacts on some types of atypical work including part-time work, temporary work, and zero-hour contract work which was an explicit target of the directive. However, the EUSOCIALCIT analysis suggests that the impact of the Directive on platform work may be more constrained. Even if the TPWC does improve some of the currently poor working conditions of platform work, it does so unevenly and, importantly, it does not directly address other disadvantages that platform workers face. For instance, platform workers, if they are solo self-employed, often have more limited social protection rights than workers with open-ended or even temporary contracts.

In the area of health and safety, the EUSOCIALCIT research combined the legal analysis with the document analysis, semi-structured interviews, and descriptive statistics from national sources and offers a picture of the implementation, compliance, and enforcement measures of EU occupational health and safety standards, one of the areas where most EU legislation exist (D4.4). The analysis focuses on the sectors of construction and personal and household services (PHS), that experience important health and safety challenges in Denmark, Ireland, the Netherlands, Germany, France, Spain, and Poland. At the level of normative resources, some experts indicate that while OSH at work is dealt with properly in the national legislation, one of the main problems is that the exact obligations established in the OSH legislation are not always known by the employers and other stakeholders. In the construction sector, posting workers enforcement Directive 2014/67/EU has improved the situation regarding posted workers in the construction sector but all the problems are not completely solved from the point of view of sufficient health and safety protection at work. An interesting proposal for improving the instrumental resources for workers' involvement in the field of OSH will be using new technologies, such as use of sensors. Another interesting similar example is a cell-phone

app developed by the main trade union federation in the Netherlands, FNV, monitoring the levels of noise at work which sends an awareness signal to the employee in case of a high risk of exposure. This is especially useful for avoiding that risk in the construction sector. In the PHS sector, there is need of further intervention at the EU level on improving OSH prevention for PHS workers regarding both traditional and new emerging psycho-social risks. In this sector, instrumental resources such as training and awareness raising for workers and employers are key tools. Overall in some countries, for strengthening of health and safety at work rights, more institutional resources are needed and there is a need to carry out more inspections, more specific enforcement measures; and more investment in resources promoting effective safety management in all sectors. If policy-makers aim to close the current OSH protection gap and improve the health and safety at work and the working conditions of workers in the PHS sector, more instrumental resources are needed.

The work-life balance is subject to the guaranteed normative legal resources in the EU. The Work-Life-Balance Directive sets minimum standards in the domain of care leaves. The work-life balance is also subject to the EU case law, however in a much smaller scale than other areas of the EU legislation. In 1999-2021 with respect to work-life balance (WLB), there are 19 cases, all regarding parental and maternity leaves, which fall under the scope of the Maternity Leave Directive (1996) and the Council Directive on parental leave (2010) (Alcidi and Corti, 2022).

Furthermore, the in-depth analysis related to the implementation of the WLB Directive underscores that, irrespective of implementation of formal social rights, there are differences in the intentions of governments and stakeholders with father-specific leave, and different levels of resources devoted to the shift from de jure to de facto rights. The findings also confirm that information campaigns, are relevant instrumental resources, especially in countries and/or sectors, where the change in take-up is expected to be a challenge.

Last but not least, the analysis of the 35 years of opinion surveys (Eick, Busemeyer, and Burgoon, 2022) shows that while there are high levels of support for policies that allow for a balance between family and work more research is needed to better understand cross-national differences. In particular, survey data on EU-led family policies seems to be incomplete. It would be interesting to explore EU citizens' attitudes, especially in the fields of education and employment.

3.3.4 D. Supporting longer careers in good health to safeguard adequate retirement incomes (HLG recommendations 10-12)

This group of HLG recommendations is also less covered in the EUSOCIALCIT project, that focuses on the earlier stages of life, which in turn should contribute to the longer careers, better health and adequate retirement incomes. This is partially related to the fact, that pensions policy is predominantly the area of the responsibility of the national legislations.

The analysis of legal documents related to two rights established in the EPSR: the right to fair pensions and to resources that ensure living in dignity. The analysed Staff Working Document mentions two

measures related to this principle. The first is a series of initiatives on demographic change, which hardly establish any power resource. The second is the technical assistance to the Member States for the creation of web portals and pension tracking systems provided by the Commission; this contributes to the establishment of instrumental resources but falls short of giving substance to right to fair pension enunciated by the principle. Moreover, the second right of the principle – the right to resources that ensure living in dignity – seems to be left out. This is especially problematic, considering that pension adequacy is a particularly pressing issue, especially for non-standard workers and the self-employed (Ferrera and Bruno, 2023).

The empirical findings with focus on the life course and inter-generational aspects show that in countries with higher ECEC coverage there is a positive impact on the employment rate of older women, which contributes to the postponed retirement and higher pension benefits (Chłoń-Domińczak et al, 2022).

3.3.5 E. Ensuring equitable and high-quality long-term care provision (HLG recommendation 13)

The EUSOCIALCIT project did not reflect on the long-term care provision.

3.3.6 F. Promoting inclusive and environment-friendly housing and transport (HLG recommendations 14 and 15)

Member States should foster housing that is affordable, energy-efficient, and based on 'universal design' principles, ensuring that it is accessible to all. Support should be provided to households with low incomes or savings (in particular young people and families with children), and people with disabilities or older people with special needs. Member States should support local authorities, housing associations, and social economy organisations in this process, and the EU funds should support pilot social innovation projects.

(HLG Recommendation 14)

The EUSOCIALCIT project looked at the housing rights from the perspective of the EPSR principle and related actions at the EU level. The right to housing is the responsibility of national states and is usually guaranteed at local/municipal level. Therefore, there are few EU initiatives in this area. The main initiative in this area is the Lisbon declaration, which launched the Platform on Combatting Homelessness, which involves EU institutions, governments, municipalities, and civil society organisations with the aim of fighting homelessness, but which establishes no power resources. In the area of energy poverty the Recommendation on energy poverty conceives the liberalisation of energy markets and the competition among energy providers as the main tools to tackle energy poverty. Within the EUSOCIALCIT project, attention was also put to assessing housing rights in the EU countries (Aidukaitė and Ubarevičienė, 2023). The main findings show that housing policy decisions and outcomes have shifted towards greater convergence in the EU Member States over the past decades. However, the government expenditure on housing-related policies is declining, and the sector's

performance in ensuring housing availability, affordability and adequacy is not improving, and in some cases is even deteriorating. The findings also show that it is not the case that the more states invest in housing, the better the results. One possible reason is that the investment effect has a time lag. One of the most important indicators, which is highly related to many others, is the form of home ownership. In countries with higher ownership rate, the affordability of housing is higher, but other housing parameters are worse: higher overcrowding rate, more problems with the physical parameters of housing (housing deprivation). In Western countries, there is more available social housing, which helps those living in poverty to secure a certain standard of living, but at the same time housing policies in these countries increasingly promote home ownership. Social housing is almost non-existent for those living in poverty in the CEE countries, so although the majority of low-income population live in their own homes, these homes are of poor quality. These findings show that 'one size fits all' is not at all suitable for finding solutions to secure housing rights in the EU countries. Until now, housing support policies have focused mainly on low-income people, young people, families with children and the elderly. More complex solutions are needed: housing should be addressed through such areas as employment, education, inequality, segregation, inclusion, migration, etc. Another important issue is to develop a comparable definitions and data related to housing indicators. The definition of the social housing varies greatly from country to country. This makes it difficult to interpret the results of quantitative studies, because a number of questions arise what the share of social housing in the total housing stock is, who finances it, who supervises it, who lives there, and how much does it cost – everything is based on national approaches. There is a lack of data to perform a more detailed comparative analysis of the European countries and to provide a reliable statistical models.

To foster social cohesion and a fair green transition Member States should ensure affordable and energy-efficient public transport, with reliable networks and green alternatives. Social inclusion and equal access to public transport should be part of urban and rural planning and supported by public subsidies, with particular attention being paid to deprived areas.

(HLG Recommendation 15)

The EUSOCIALCIT project did not reflect on the public transport issues.

3.3.7 G. Ensuring inclusive service provision that enhances well-being and capabilities (HLG recommendation 16)

To provide effective, high-quality and comprehensive social services, Member States need to improve service provision at local level, foster co-production and professionalisation, and make the most of digitalisation opportunities. Member States should have quality standards and quality-assurance mechanisms for social services and apply them to both public and private providers. Member States should increase the involvement of non-profit and social economy organisations in the design and delivery of social services. The EU should foster more research and exchange of information on good practice to support innovations in the governance and provision of social services.

(HLG Recommendation 16)

The analyses in the EUSOCIALCIT project also contribute to understanding the role of EU instruments in developing the provision of the high-quality social services. One of the examples is the analysis of the ECEC development using RRF funding (Corti and Ruiz, 2023). The RRF certainly represents an important novelty for the European integration process from a political, institutional, financial and operational perspective. This is also true with reference to the development of Social Europe, since the RRF has opened new political and institutional rooms to the multilevel coproduction of social policies. The provision of fresh financial resources represents an important input for the adoption and implementation of welfare initiatives that would probably have otherwise remained on paper, especially for those countries with limited fiscal capacity.

Another contribution of the project, related to this recommendation, is further exploration of the statistical data from the EU Statistics on Income and Living Conditions (EU-SILC) between 2005 and 2019 to implement the proposed well-being inequality measures and their decomposition for the EU. Information about five dimensions of well-being: income, health, employment, crime and pollution was included in the analysis to investigate well-being convergence, or the lack thereof, before, during and after the turbulent years of the Great Recession in Europe. The results showed that overall well-being inequality has slightly decreased indicating mild interpersonal well-being convergence over the considered period in the EU. Furthermore, the intercountry well-being convergence was found (Decancq and Gamage, 2023).

As a result, the project proposed a new method for policymakers to monitor well-being convergence in the EU, which acknowledges the multiple dimensions of well-being and diverse preferences among Europeans. In particular, a life satisfaction regression is used to estimate these preferences. The method then computes well-being inequality using a Generalized Entropy inequality measure. Several decompositions are provided to disentangle the between- and within-country component of total well-being inequality, the marginal contribution of dimensions and countries, and the contribution of preferences and outcomes, that can feed into further development of the policies supporting the development of the welfare state in the EU (Decancq and Gamage, 2023).

3.3.8 H. Ensuring sustainable financing for a resilient welfare state (HLG recommendations 17-19)

To address the increasing financial needs of the welfare state, Member States should consider broadening the tax basis and readjusting the revenue mix beyond social contributions that add to labour costs and to expand the revenue from progressive taxes on income, consumption, capital and wealth, as well as from carbon and energy taxes. To prevent harmful tax competition and social dumping, the EU should co-ordinate Member States' efforts to pursue a common policy on capital taxation and to counter tax evasion and tax avoidance.

(HLG Recommendation 17)

The EU and Member States should consider a European agreement on minimum tax rates on capital and harmonised EU rules on capital taxation to strengthen the potential basis for funding social protection and to help to avoid competition on social protection standards.

(HLG Recommendation 18)

19. In the context of the future EU fiscal governance, social protection and especially social investments need to be secured. A 'golden rule for public finances' should allow borrowing for social investment, in a starting phase at least, for investment in social infrastructures.

(HLG Recommendation 19)

The EUSOCIALCIT project focused on the analyses related to social investment, which particularly refers to the Recommendation 19, and did not cover the topics mentioned in the Recommendations 17 and 18. The EUSOCIALCIT analyses confirm that the EU offers a broad, coherent and rich framework for social investment principles, especially after the proclamation of the European Pillar of Social Rights. The pillar indeed offers a normative framework of individual entitlement to social investment provisions (Alcidi and Corti, 2022).

The project outcomes reaffirmed that social investment is welfare provision that helps to 'prepare' individuals, families and societies ex ante to respond to social risks in advanced economies. This occurs through investing in, maintaining and protecting human capabilities from early childhood through old age (Vandenbroucke, Keune et al, 2021). By focusing on enhancing people's capabilities to participate in the labour market and be fully included in society, the social investment approach is associated with the concept of empowerment (Baiocco et al, 2021). At the same time, the social investment strategies that come out from the analysis of the policy outputs differ between countries. There are three broad different types of social investment strategies that were identified, as discussed earlier (Baiocco et al, 2021). Empirical analyses based on the panel regression models also confirm the role of social investment strategies, such as childcare policies, in reducing the gender gaps on the labour market and long-term unemployment (Chłoń-Domińczak et al, 2022). At the same time, evidence shows that developments in countries with limited social investment some life events at early life course stages (i.e. early parenthood) may result in economic vulnerability at the old-age.

The EUSOCIALCIT project also contributes to measuring social citizenship. In particular, the orientation in social-rights outputs was analysed. It shows the distinction between transfers and services, related to cash and in-kind provisions, and more generally the social protection is distinct from 'social investment'.

In the context of building the social citizenship in Europe, the EUSOCIALCIT findings present that public spending on education has declined enormously in the recent time period. It is accompanied by a shift in funding resources from public to private as the share of private funding in higher education increased significantly, which in turn leads to increased inequalities (Eick, Busemeyer, and Burgoon, 2022). In case of another anchor of social investment – ECEC – there are significant differences between Nordic countries (highest spenders), the Western countries, that converge to the Nordic

levels and Southern countries that remain modest (Eick, Busemeyer, and Burgoon, 2022). In the area of employment policies, the obtained result shows that the more passive, transfer oriented aspects of employment policy are consistently larger in their fiscal footprint than the ALMP counterparts and that the trends tend to track one another.

This trend may possibly reflect that investment-oriented social policy types are more vulnerable to cutbacks in hard times of fiscal austerity compared to social protection or consumption-oriented spending. At the same time, spending on family policies has incrementally increased (Eick, Busemeyer, and Burgoon, 2022). Such a pattern likely mirrors the different and complex political constituencies, with more consumption-based aspects of social-rights outputs being better protected by the interests of influential welfare state clientele.

The contours of this European model of the welfare state increasingly resemble the social investment approach of the Nordic countries in some policy areas, such as education, employment and/or family policy. EUSOCIALCIT analyses show consistent and persistent cross-national differences between sub-sectors of the welfare state and no overwhelming support for convergence towards social investment.

The analysis of public opinion surveys (Eick, Busemeyer, and Burgoon, 2022) shows that the preferences for education policies are significantly affected by the particular trade-offs that citizens are confronted with. When presented with the constraint that taxes would need to be increased for additional education spending, support for such spending drops significantly. The public support decreases even further when the constraints would be higher levels of public debt, while cutting back on other parts of the welfare state, for instance, pensions, is the least popular scenario. While there are some cross-country variations in the results, this variation is much smaller than the variations across the different scenarios. Another item that was assessed were variations in public support across different sub-sectors of the welfare state (for example, social transfers versus social investment) and to what extent these trends change during and since the crisis years (2007-2008). We found out that the support for social investment policies (such as ALMPs) has been high and increasing over the past 35 years. In contrast, we find declining support for social transfers and benefits (such as unemployment benefits). In general, differentiating between policy areas, the focus group data conducted in the EUSOCIALCIT project confirm that citizens tend to be more in favour of the EU playing a larger role with regard to social investment policies compared to more traditional compensatory policies (Busemeyer et al, 2023).

The evidence provided by the EUSOCIALCIT project shows, that the implementation of the golden rule recommendation will require significant consensus building, but there is an increasing public opinion support to some of the social investment directions.

3.3.9 I. Stepping up EU capacity to secure social protection in the future (HLG recommendations 20 and 21)

The EU should consider the adoption of additional legislative initiatives in respect of employment and social policy in order to fulfil all principles of the European Pillar of Social

Rights, ensure consistent enforcement across the EU, and limit any unfair competition on social protection standards.

(HLG Recommendation 20)

The EUSOCIALCIT approach fits well with developing evidence supporting implementation of normative resources – legislative initiatives that can support the future developments of the welfare state and social protection in Europe. The project conclusions show that programmatic rights contained in each principle should be enacted through some form of legislation, indicating how the EU and especially the Member States intend to bring the EPSR 20 principles to actual fruition, ideally through the production of individualised legal, instrumental and enforcement resources (Ferrera and Bruno, 2023). In the analysis, the EUSOCIALCIT researchers have identified 91 measures related to the EPSR since its proclamation. Of these, only 48 have established power resources. The analysis also includes an assessment of the degree of implementation of the EPSR principles. This gave a mixed picture of the implementation of the EPSR. In the case of principles 1, 2, 3, 4, 5, 6, 9, 11, and 18, the measures adopted (and those that have been proposed) seem congruent with the rights and general prescriptions stated in the EPSR. The same cannot be said for the other principles. In the case of principles 7, 8, 10, 12, 14, and 17, we observe a limited implementation of the EPSR: the measures implement only partially the EPSR rights and general prescriptions. In the case of the remaining principles – 13, 15, 16, 19, 20 – there has been barely any advancement. This assessment could form a starting point for further discussion on the need for further legislative initiatives.

The EUSOCIALCIT project findings confirm that the European pillar of social rights aims to lead to upwards social convergence across the EU. It is relevant to examine not only how the directives are implemented, but also, how they are likely to impact the actual compliance with relevant rights in different EU countries (Ramos Martín et al, 2023). Furthermore, the EUSOCIALCIT research confirms EPSR proposes a prima facie balanced distribution of employment and equal opportunity rights on the one hand and social protection on the other, but power resources continue to be developed more for the first set of rights than for the second. Taken together, this suggests that we might not expect that progression in the domain of employment and gender equality will naturally translate to progression in terms of social inclusion. Without equally strong power resources in the field of social protection and truly intersectional approaches of the implementation of the EPSR, it will remain difficult to make significant progress in terms of social inclusion and substantive equality (Akarçesme et al, 2023).

Member States should guarantee to all their residents a minimum package of social rights, based on the principles of the European Pillar of Social Rights, which need to be upheld at all times, including after external shocks.

(HLG Recommendation 21)

The starting point for the EUSOCIALCIT was the asymmetry between economic and social rights within the EU, whereby the former have been systematically prioritized over the latter, presented in the literature. Furthermore, after the Great Recession 2007-2009, national social legislation has come under the increasing scrutiny of European economic surveillance, as a result of extensive changes to individual employment rights, wage and pension entitlements and collective bargaining systems.

In the EUSOCIALCIT project, the mapping of social rights, related to the EPSR principles was conducted. Some principles include more than one right, thus 27 rights were identified, as well as prescriptions that are following these rights. Rights were identified as statements where it is explicitly stated that some categories of people are entitled to a right (e.g., ‘everyone has the right’, ‘workers have the right’). General prescriptions were assessed as such statements that specify the rationale of a right or express a general encouragement towards certain goals (e.g., ‘The transition towards open-ended forms of employment shall be fostered’, ‘Adequate shelter and services shall be provided to the homeless in order to promote their social inclusion’), but do not establish a right in the strict sense. A breakdown of the rights established by the EPSR detailing the domain the personal and material scopes, the power resources mentioned, and the general prescriptions are presented in (Ferrera and Bruno, 2023).

According to the EUSOCIALCIT resource-based conception, implementing the principles of the Pillar means to shift from the deontic level to the practical level. Programmatic rights contained in each principle should be enacted through some form of legislation, indicating how the EU and the Member States intend to bring the 20 principles to reality, through the development of individualised legal, instrumental and enforcement resources. An important step towards the implementation of the social rights is also the EPSR Action Plan adopted in 2021, that takes stock of the state of the art in relation to the 20 principles and outlines a series of concrete actions to proceed with the implementation of the Pillar (Ferrera and Bruno, 2023).

The EUSOCIALCIT findings also indicate, that there is an imbalance of power resources in different domains of social rights. There are abundant and balanced power resources available in the area of gender equality but this is much less the case for social protection and minimum incomes. While the objectives of promoting gender equality and employment are just as legitimate as the objective of reducing poverty, the existing imbalance of available power resources in these fields is detrimental for the achievement of the European social targets. Without equally strong power resources in the field of social protection and truly intersectional approaches of the implementation of the EPSR, it will remain difficult to make significant progress in terms of social inclusion and substantive equality (Akarçesme et al, 2023).

The EUSOCIALCIT measurements of social policy outputs, resources, and outcomes in the EU (Eick, Busemeyer, and Burgoon, 2022) also confirm that implementation of a European welfare state model – if desired – definitely requires additional efforts. The convergence trend was mostly observed for the pre-crisis years leading up to 2007/2008. Divergence in outputs, resources and, potentially in the long term, outcomes increased again after the crisis, even though European-level efforts to establish and expand the social pillar of European integration intensified significantly in the 2010s. This suggests that EU-level efforts to expand and further develop the social pillar of European integration must be coordinated and integrated with member states’ efforts.

An important pre-condition of further advancement of the European welfare state is also the societal awareness of the existing social rights and the gaps. The analysis of understanding of European social

citizenship, based on the quantitative survey results and focus group analysis shows, that the most vulnerable groups usually have less awareness of their rights. People of higher education attainment are more aware of their social rights, and also have more knowledge where they can refer in case of uncertainties and questions (Eick, Berriochoa et al, 2023). Focus group participants gave different reasons for the challenges in accessing social rights, including mainly a national level. Some of the hurdles, that are mentioned, include an overly complex bureaucracy, health factors, education levels, or understaffing of public services. The most important issue to be addressed is an information deficit, mainly when social rights administered at the EU level are discussed.

3.4 The role of the European Union in the European social policy

An important strand of the EUSOCIALCIT project was also related to the discussion of the role of the European Union in the European social policy, which is also important from the perspective of discussing the future of the European welfare state and social protection in Europe. The trajectory of European economic and social policy has demonstrated that social policy convergence does not happen automatically but requires decisive political actions (Eick, Busemeyer, and Burgoon, 2022). The convergence versus divergence part of the story deserves more attention across the EU and across time as it can give important insights into the future of the European social citizenship, welfare state and social protection (Burgoon et al, 2023).

In the paper conceptualising the EUSOCIALCIT approach (Vandenbroucke, Keune et al, 2021) authors describe the potential roles that EU can play in the area of social policy.

First, the EU can act as a ‘supporter’ of the social policies deployed in the Member States. Such support can be ‘material’ by providing budgetary resources to Member States, or by offering ‘cognitive support’, such as comparative analyses, quantitative indicators and the establishment of expert networks for which the EU is traditionally an important catalyst. The EU can support Member States in implementing social rights. Cognitive support has deliberately been mixed with ‘guidance’ in various coordination processes, from the Open Method of Coordination on Social Inclusion and Social Protection to the analyses underpinning recommendations in the context of the European Semester. Through country-specific recommendations, the EU supports Member States with cognitive resources for designing national social investments policies, and also provides provide resources that can be valorised by citizens and social actors in the national policy debates.

Second, it is also conceivable that the EU would act as a direct provider of social policy outputs to citizens, even if the EU does not currently play such a role. An example would be a European basic income that is directly distributed to citizens.

Third, the EU can provide power resources to individuals that are constitutive of individual social rights, which was the focus of EUSOCIALCIT.

The role of the EU in social policy is also related to the general principle of subsidiarity of Member States in their design of social policies. As underlined by (Aranguiz, 2022a) subsidiarity can be understood as a mediating principle between having competences and using them, and it responds to the query of when should the EU exercise its conferred powers. In this sense, subsidiarity embodies the fundamental concern of federalism regarding the balance of powers between the Member States and the EU (Fabbrini, 2018). This also means that the primary obligation to reach the objectives of cohesion in the EU lies within Member States, while the EU provides instruments, mostly in the form of Funds, to support their actions. The EUSOCIALCIT researchers also distinguish different types of power resources that are developed by the European Union, therefore defining the role of the EU in social policy. These include:

- binding legal power resources, including: fundamental rights, and treaty provisions;
- legal complements: delegated and implementing acts;
- soft law: formal instruments such as recommendations, opinions, informal instruments, governance and monitoring.

The European social policies are also supported by the work of a number of bodies, that play an important advisory role in the development of social Europe, gather important information and offer authoritative opinions. These include the European, Economic, and Social Committee or the Social Protection Committee. Whereas these bodies have a decisive impact on the legal design of new instruments and the monitoring of existing tools, they do not, however, generate individual power resources. The national and European social policy development can also be supported by the activity of numerous European agencies (i.e. CEDEFOP, EU-OSHA, Eurofound, EIOPA, ETF, and ELA).

The EU role in social policy is also affected by the enlargement. The EU political situation changed considerably around the mid-2000s. The extension of the EU from 15 to 25 Member States in 2004 and to 27 by 2007 added an extra layer of complexity and heterogeneity to the EU and its welfare states, which is also confirmed by the EUSOCIALCIT typology of the social investment regimes in the Member States. Furthermore, since the end of the 1990s, the EU has been advocating for a progressive recalibration of European welfare states towards more social investment policies. Elements of family servicing, reconciling work and family, active labour market policy, education, training, lifelong learning, active ageing have increasingly and progressively permeated the EU social agenda (Alcidi and Corti, 2022).

It should be also noted that EU policies are also influenced by national priorities. The EUSOCIALCIT empirical research shows that the RRF has only partially contributed to reinforcing Member States' compliance with the social country-specific recommendations. A significant proportion of measures included in the NRRPs are not aligned with the social CSRs, and some CSRs are not translated into specific measures (Corti and Ruiz, 2023).

3.5 Conclusion

During the focus groups conducted in the EUSOCIALCIT project, participants of focus groups asked for their perception of the long-term vision for Social Europe, suggested that in many ways, Europe stands at a crossroads (again). In light of unprecedented changes, resulting from the megatrends, the question arises, if there is a need for new consensus for the future of the social protection and the welfare state in the European Union.

The results of the EUSOCIALCIT project can contribute to this discussion, both by providing a conceptual framework based on the concept of the European social citizenship and the appropriate use of the mix of power (normative, instrumental, and enforcement) resources that would enable not only to grant social rights to European citizens, but also enable these rights to be effectively executed.

Rich empirical research and evidence provided in the EUSOCIALCIT project feed into the set of the recommendations set forth by the High-Level Expert Group on the Future of the Social Protection and the Welfare State in the EU.

4. The View from the Bottom: Social Investment: input, output and outcomes

Cinzia Alcidi

Social investment, traditionally conceptualized as welfare provision, is designed to 'prepare' individuals, families, and societies to effectively navigate the evolving landscape of social risks in advanced economies. This approach involves strategically investing in, sustaining, and safeguarding human capabilities from early childhood through to old age, contrasting with policies that solely address social misfortune retrospectively.

Emerging in the late 1990s, the social investment approach is a response to the confluence of challenges arising from a growing number of welfare recipients, diminished contributions to welfare, and heightened budgetary constraints. In that context, the primary objective was to enhance the productivity and activity rates of the workforce across the life course while simultaneously preserving and expanding adequate income support and protection. This dual aim seeks to compensate for and mitigate social inequalities (Dheret and Fransen, 2017).

Despite the recognition of the imperative to recalibrate the welfare state, social investment has not been immune to criticism. A notable critique revolves around the questionable employment effects of social investment measures and the so-called 'Matthew Effect'—a phenomenon where middle-class groups disproportionately benefit from capacitating services, potentially exacerbating disparities in society at the expense of more vulnerable groups (Cantillon, 2011; Cantillon and Van Lancker, 2013).

The absence of conventional legal entitlements associated with social investment policies has intensified criticism that social investment may reinforce the dominance of markets at the expense of social equity, prioritizing recommodification over decommodification (Laruffa, 2017). Similarly, the categorization of certain social expenditures as 'investment' while implicitly or explicitly labelling others as 'consumption' has faced scrutiny for placing economic impact as the primary consideration, potentially distorting decisions regarding social spending (Nolan, 2013).

In response to these critiques, Work Package 3 seeks to recalibrate the social investment discourse by repositioning it within the framework of social rights. This involves evaluating social investment policies from the perspective of individual power resources: Who benefits from social investment policies? how are these policies implemented? What are the outcomes of such policies?

To answer these questions, we focus on early childhood education and care (ECEC) and family policies. After mapping social investment strategies across countries over the periods 2004 to 2019, we found that social investment strategies have evolved in a progressively complex way, deviating from canonical welfare state models and devoid of a distinct geographical connotation (see Baiocco et al,

2021). The distinctiveness of these strategies lies not solely in varying levels of expenditure on social investment but in their life-course orientation. Different social investment strategies appear to be broadly characterised by the prominence accorded to policies targeting early life stages, specifically those related to children and families.

This finding seems consistent with the lynchpin of the new social investment paradigm. Centred around the idea of work-family life course (Kuitto, 2016), this paradigm requires state intervention over the life course to break the cycle of disadvantage and to smooth life transitions by facilitating women's participation in the economy. An abundant scholarship has focused in particular on the benefits of early childhood education and care for children, families and society. Investment in children is thought to lead to long-term benefits for children by enhancing their human capital, improving their learning outcomes and cultivating their longer-term social and labour market prospects (Van Lancker and Ghysels, 2016).

While social investment policies have been traditionally studied by looking at the monetary effort, i.e. the budgetary allocation per potential beneficiaries of a certain service, WP3 investigated ECEC and family policies by looking at the interplay between institutional policy input, monetary output and policy outcomes (take-up), from a multilevel perspective, i.e. both at the national and European level.

4.1 ECEC policies in the EU – policy input

To investigate and assess ECEC policies through a rights-based lens, primary analytical focus has been directed towards the resources made available to parents for accessing quality childcare, encompassing both entitlements and financial support. The evaluation of childcare provisions is underpinned by four criteria that inherently impact the take-up of ECEC-associated rights and services: availability, accessibility, affordability, and quality.

A fundamental factor influencing the uptake of childcare services is the presence or absence of a legal entitlement to such services. The scope of the legal entitlement correlates positively with its fruition. Conversely, when a child's admission is contingent upon preferential criteria such as parental employment, income, or sibling status, service provision becomes constrained.

The availability of childcare services is contingent upon the mode of provision with services or goods being supplied through market mechanisms (for profit), state provision, or mixed provision. In the mixed provision model, childcare is delivered through formal private not-for-profit organizations with public subventions. It is important to note that none of these modes inherently guarantees a sufficient provision to accommodate all children. Public policies do matter.

The affordability of childcare, and consequently access to it, is strongly influenced by the fee structure delineated in legislation or the subsidies offer to families. Some countries prioritize market-based childcare systems, often supplementing parental costs with financial contributions. In contrast, others direct public funding to services, which may be either publicly managed or overseen by third parties, typically private non-profit entities. This dichotomy has implications for access rates, with the former

tending to limit access, while the latter typically ensures broader access and equity. In general, a market-based system is more prone to exacerbate inequalities, whereas a publicly funded one to mitigate them.

Finally, the quality of childcare affects the take-up of the service but also the benefits for children. Benefits derived from childcare provision, particularly for children from lower socio-economic households, depend on parameters encompassing teachers' qualifications, child ratios, group sizes, inclusive curricula, and teaching/education practices. In contrast, services characterised by low quality may result in adverse outcomes concerning child development relative to home care. The overall quality of childcare depends on the structural features (as those indicated above) but also on procedural aspects such as staff modus operandi (e.g., the play and learning environment, child-teacher and child-child interaction, and interactions with parents).

Within this framework, notable cross-country differences emerge in the institutional setup of ECEC policies. Focussing on the federation of Wallonia-Brussels, Germany, Italy, Poland, Portugal, and Spain, we find that, over the past two decades, despite significant reforms in the ECEC systems aimed at expanding facility coverage, particularly for 0-3 age groups, there exist substantial variations in the policy input.

For instance, in a country like Portugal, with the highest coverage of childcare, though 60 per cent of places are publicly funded, only a small share of children living in the poorest households, according to national criteria have free access. This is in part due to the asymmetrical geographical availability of the service across the regions, with places lacking in Lisbon, Porto and Setubal. In terms of affordability, the Ministry of Labour and Social Security provides funding directly to providers, once accredited to run their operations. However, the amount of the contribution by the MTSS does not cover the total cost per child. Lack of educational guidelines, and low levels of staff qualifications and salaries, are among the main factors undermining quality.

Similar concerns related to the institutional setting of childcare facilities emerge also in other countries. The asymmetrical geographical distribution of nurseries both between and within regions characterizes also Germany, Spain, Italy, the federation of Wallonia-Brussels and Poland. In terms of providers, in Germany the level of financing varies among territories, and so are contributions to enrolling low-income children (poorer areas, less accessible places). The financial barriers to access to childcare in part reduce the benefits of having introduced in Germany an individual right to childcare. In Spain, Poland and Italy, a large share of private providers undermine access to lower-income children. In Spain, the low level of coordination between communities and the national level, as well as the low efficiency of the existing income-related criteria to access childcare which are meant to support lower households are not efficient, negatively affecting low household income. In terms of quality, in Spain, low salaries and temporary contracts for staff, the lack of national standards on the minimum number of hours affects the service (non) take-up. By contrast, in Germany, the Wallonia-Brussels Federation and Italy the quality is higher, but with large differences among territories and with important differences based on the providers (public or private or not-for-profit). In Poland, no quality standards exist (e.g. no official qualification requirements for staff).

4.2 Monetary outputs and policy outcomes

While access to social investment services ultimately depends on the institutional design of policies, financial resources play a key role. The allocation of public resources, either to provide the service or to subsidise access to services, is a precondition of not only the availability of the services but directly affects their affordability, accessibility, and quality. In this respect, Poland, Italy and Germany, all increased expenditures on childcare and family policies over the period 2004-2019 but what differentiates them is the initial levels of spending and the magnitude of the increase. Germany is the country that invested the most in early childhood education per number of pupils aged 0-3, with a significant increase between the early 2000s and the post-Great Recession period. Poland, which started from very low levels of spending, experienced a net increase of spending per targeted population in the immediate period after accession to the EU. Italy has the lowest budgetary effort in childcare and did not increase much.

Monetary output measured as public spending in ECEC does not always lead to better policy outcomes, as measured by childcare service take-up. That said, countries with the highest (lowest) budgetary effort tend to exhibit the highest (lowest) use of ECEC and the lower gender gaps in the labour market. Alternative childcare indicators show different effects on employment and pay gender gaps, revealing that the associations between selected indicators of this type of social investment and gender gaps in the labour market are not always straightforward. At the same time, parallel increases in employment precariousness, such as involuntary part-time and in-work poverty, question the reach of these policies. Significant regional and intersectional disparities warn against broad generalizations. The mismatch between evidence of convergence in childcare expenditure across countries and stagnating or growing inequalities in employment conditions and policies could mean that recent employment dynamics risk eroding the efforts most countries are putting towards promoting a better work-life balance.

The overall assessment of policy inputs, including entitlement to ECEC and parental leaves, and monetary outputs to explain social outcomes, shows some interesting findings, despite the methodological difficulty in operationalizing the ECE institutional variables.

First, entitlement to ECEC provided before 2 years of age is the most relevant right that affects the participation of children (between 0 to 2). This effect declines when the age threshold grows, as in most EU member states the right is granted or participation in ECEC is even compulsory. Second, while parental and paternity leaves seem to have a positive effect on participation in ECEC for children between 0 to 2 years old, evidence that the length of maternity leave affects ECEC participation is very weak. The reason for this is that maternity leave is in the majority of countries statutory and concentrated (and often limited) to the very first months after childbirth and the last week(s) of pregnancy when formal childcare often does not exist at all. When considering the age group 3 to 5 years old, instead, maternity leave appears to be negatively correlated to participation in ECEC: this finding seems to be in line with evidence from the literature that prolonged leaves can delay mothers' return to work and even encourage their withdrawal from the labour market, by favouring home-

based care, especially in low-income households. Consistent with this explanation, parental leave is also found to be negatively correlated with participation rates of 3 to 5 years old, whereas it was positive when analysing 0 to 2 years old. Paternity leave, instead, is positively associated with participation in ECEC also for the age group 3 to 5 years old, potentially because it can provide flexibility to families in re-balancing care responsibilities between the two earners in the household.

4.3 EU as guide and supporter of ECEC policies

Since the end of the 1990s, the EU has been advocating for a progressive recalibration of European welfare states towards more social investment policies. Elements of family servicing, reconciling work and family, active labour market policy, education, training, lifelong learning, and active ageing have increasingly and progressively permeated the EU social agenda. Despite its advocacy for social investment, the EU has limited competences in this policy domain and is mostly related to non-discrimination legislation. This is also reflected in the policy initiatives adopted by the EU in childcare and family policies. Citizens are not legally entitled to any specific social investment right, with the only exception of work-life balance-related parental and care leaves. Similarly, enforcement channels are only limited to paid leave-related issues, while instrumental resources to facilitate access to social investment services are mostly limited to mobile EU citizens. By contrast, the EU offers a broad, coherent and rich framework for ECEC principles, especially after the proclamation of the European Pillar of Social Rights.

In addition to providing the normative principle-based framework for childcare and family policies, the EU has progressively developed a set of soft recommendations inviting member states to put in place ECEC facilities. A first step forward was the adoption in 2013 of the Recommendation on Investing in Children, which first recognized ECEC as a key service not only to foster female employment but also as an educational policy to support the cognitive and societal development of pupils, especially the most disadvantaged ones. Yet, except for a non-binding recommendation to facilitate access to ECEC for the most disadvantaged groups, the 2013 Recommendation remained silent on how ECEC policies should be designed. In this respect, the most decisive step in understanding ECEC from a capability perspective at the EU level has been taken first in 2019 with the Council Recommendation on High-Quality ECEC Systems and then with the Recommendation on the Revision of the Barcelona targets in December 2022 which for the first time explicitly adopt a child-centred approach and provide clear policy input on how to design accessible, affordable, and high-quality ECEC, at the same time setting quantitative targets on the participation rate as well as on the minimum number of hours to be guaranteed and the targeted policies to support the most disadvantaged households.

If the EU's role in social investment policy input remains a more recent development, its role as a supporter of monetary outputs has largely been investigated, especially with respect to the Cohesion funds. With the launch of the Recovery and Resilience Facility (RRF) in 2021, however, the EU put in place creative and innovative modes of output-oriented enactment and implementation of rights, by means of conditionality attached to financial assistance. Zooming in on ECEC policies, we investigated whether the RRF can be conceived as a new instrument to enhance the EU's role within social

citizenship through the deployment of a huge amount of ‘carrots’ rather than the traditional ‘sticks’. The answer is mixed. The RRF represents certainly an important novelty for the European integration process from a political, institutional, financial and operational perspective. This is also true with reference to the development of ECEC policies since the RRF has opened new political and institutional rooms to the multi-level co-production of social policies. The provision of fresh financial resources indeed represents an important input for the adoption and implementation of welfare initiatives that would have probably remained on paper, especially for those countries with limited fiscal capacity.

In terms of RRF capacity to trigger policy reforms, our analysis shows a mixed scenario. Only one country, Poland, introduced an important reform aimed at reviewing, for instance, the financing framework and introducing a set of binding minimum education and quality standards for childcare facilities, or even introducing a new legal entitlement to pre-primary education. Spain adopts measures to support the most disadvantaged children and guarantee them free access to childcare, it recognizes childcare as an educational service and introduces structural and procedural quality standards for childcare facilities. Yet, the remaining countries under study (Italy, Federation Brussels-Wallonia, Germany and Portugal) did not significantly engage with the structural problems characterizing their childcare system. Even countries that received an explicit recommendation to review the institutional setting of their ECEC system to increase affordability, availability, accessibility and quality, did not accompany to ECEC investments also reforms. In this respect, the lack of a systematic assessment of the coherence between the RRF reforms and investment weakens the argument of the RRF as a combination of sticks and carrots.

4.4 Recent developments

The EU policy discourse on social investments is undergoing a transformative phase at the time we write this report. Spearheaded by the Spanish presidency of the EU in 2023 and the following Belgian presidency in 2024, policy momentum is growing around the idea that the ongoing EU economic governance review needs to take into account social investment. While the concept of a ‘social’ golden rule, which proposes favourable treatment or even exclusion of social investment from the calculation of budget variables related to fiscal rules, has been discarded, there is a rising consensus that social investment should be acknowledged for its contribution to future growth through social returns and enhanced social resilience. Because of such positive impacts, social investment should be preserved from unfavourable cyclical conditions conducive to cuts in public expenditure.

This idea is different but still related to the one of introducing a social convergence framework in the economic governance review. In September 2022 the Czech presidency mandated the Employment Committee (EMCO) and the Social Protection Committee (SPC) to establish an ad hoc joint working group to discuss a proposal to introduce a social convergence framework (then named Social Imbalance Procedures) in the European Semester. The idea was to create an opportunity to improve the coordination of national efforts to achieve upward social convergence through better use of the EU governance architecture. In that context, social imbalances were defined as the critical situations identified by the social scoreboard and clear deviations from the path towards achieving the EPSR

Action Plan targets. In May 2023 the EMCO and SPC agreed on conclusions concerning the design of the Social Convergence Framework.

While the current work on Social investment is not directly related to the SCF, they both call for a re-evaluation of the economic governance architecture and the inclusion of more mandatory social targets in fiscal plans. The political support that is gathering around such an idea is a major turning point.

The ongoing Belgian Presidency is actively investing significant political capital in advancing the proposal. For the first time, a joint ECOFIN-EPSCO council meeting is scheduled in March 2024. This unprecedented gathering will bring together Economic and Finance Ministers with Employment and Social Affairs Ministers to deliberate on the interplay between social investments and reforms, economic growth, macroeconomic stabilisation, and upward social convergence. This will be followed by a declaration that could pave the way for a novel approach to economic governance, with explicit recognition of the role of social policies and, notably, Social Investment.

While refining the operational details of the proposal will entail further effort, this juncture presents an opportunity to shape a fresh narrative surrounding the EU's role in these critical areas and to enhance its role as a positive 'monitor'. The prevailing depiction of EU fiscal rules as a deterrent to social policies and of the EU as a 'negative' monitor could change. A governance framework which formally recognises social investment's contribution to sustainable and inclusive growth could change the narrative and contribute to achieving long-term fiscal sustainability by building social and hence economic resilience in the face of shocks and transformations.

5. The View from the Bottom: The case of Social Inclusion, Minimum Incomes and the Social Funds

Bea Cantillon and Gianna Maria Eick

Reaching the three social inclusion targets of the European Pillar of Social Rights (EPSR) Action Plan is the litmus test for the success of the EPSR. The targets include an employment rate of at least 78%, at least 60% of adults attending training courses every year and lifting 15 million people out at risk of poverty or social exclusion. To attain these goals all the principles and rights defined in the EPSR are involved. Prima facie, the EPSR puts forward a balance between employment, equal opportunities and social protection. Concerning employment, the EU-level policies reiterated in the EPSR are nested in the social investment approach, including equal opportunities and active labour market policy. Regarding fair working conditions, many novel or substantially updated legislative initiatives were launched, for instance relating to work-life balance and minimum wages. In the area of social protection and inclusion, multiple principles highlight the importance of well-functioning, accessible and adequate social protection systems. However, initiatives mostly rely on soft law even if the social funds are relevant to consider. While the Minimum Wage Directive serves as a foundational element for elevating the social safety net, the EU could and should do more by extending both power resources (including instrumental ones, to address the challenge of non-take up) and output production resources. The failure of the Europe 2020 Strategy on the poverty reduction front should not be repeated.

5.1 Disappointing poverty trends, social protection and the inadequacy of minimum incomes

The empirical evidence on poverty trends in the past decades points to qualified successes in terms of employment, lifelong learning and gender equality but less in terms of the reduction of the number of people at risk of poverty or social exclusion. A significant employment growth and defeminization of poverty among the working-age population went along with a marked precarisation of low-skilled men and women. Particularly striking is the rise in the risk of poverty among jobless households (Cantillon, Goedemé, and Hills, 2019; Fischer & Strauss, 2021).

Consistent with poverty among jobless households, minimum income protection falls short in virtually all Member States (see most recently Gãbos and Tomka, 2022; Aerts et al, 2022). Results of assessments based on comparisons between the disposable incomes of households dependent on social assistance and the 60% at-risk-of-poverty threshold are confirmed by studies that have used comparable reference budgets (Goedemé, Penne et al, 2017). There are, however, massive disparities across the EU. Some Eastern European countries cluster at the very bottom with benefit levels below half of the poverty line, indicating severe exposure to poverty for non-working households with no

social insurance or other entitlements. In most countries, trends over time do not show any improvements, on the contrary. Gàbos and Tomka (2022) concluded that ‘recent changes around 2009-2013 seem to constitute a part of an overall trend of decline in benefit levels compared to median incomes which already started long before the financial crisis’. Comparisons across time in Europe and beyond suggest indeed that the inadequacy of minimum income protection is a long-standing and fairly universal problem in mature welfare states (Cantillon, Goedemé, and Hills, 2019; Cantillon, Marchal, and Luigjes, 2019). At least in part, this seems to be a structural problem related to the weak labour market position of lower-skilled, the sluggish growth of low wages and the fact that in many countries for families with children, minimum wages are inadequate (Cantillon, Parolin, and Collado, 2020; Hick and Marx, 2022). Hence, achieving adequate minimum income protection assumes great efforts going far beyond merely the increase and optimization of social assistance benefits. The entire fabric of society is involved: adequate minimum wages and social protection, affordable services, and individual support. Efforts are, moreover, very unevenly distributed between countries: poorer countries must deploy far more resources, both quantitatively and qualitatively, than richer countries. Hence, binding agreements at the European level on adequate social minimums presuppose greater solidarity, between and within countries.

5.2 Democratic demand for adequate European minimum incomes

Guaranteeing a basic level of income security is not only necessary to achieve the social inclusion targets, it would also enhance legitimacy, especially among lower socioeconomic status groups. A few articles have examined the levels and predictors of a means-tested European minimum income proposal (Baute and Meuleman, 2020; Roosma and Van Oorschot, 2020; Eick, forthcoming). On average, two of three respondents support the means-tested European minimum income benefit. However, sizable cross-national differences exist. Notably, respondents in southern and eastern EU countries are more likely to support the proposal, whereas those in the north and west are more ambiguous about it. Similar trends can be observed on the individual level. Eick (forthcoming) shows that amongst almost all Member States the support for a means-tested European minimum income benefit is significantly more pronounced amongst lower socioeconomic status groups (measured in terms of income, employment, occupation, and education). Cash-benefits are known to be less popular amongst higher socioeconomic status groups, particularly on the EU level. First, this could be because higher socioeconomic status groups benefit more from social services, such as education. Second, cash benefits might appear more expensive to the higher socioeconomic status groups since the perceived link between tax or insurance payment and social investment is more indirect. Third, it is also evident that lower socioeconomic status groups are more in need of immediate poverty relief, such a minimum income, while higher socioeconomic status groups can afford to prioritise more future-oriented policies.

5.3 Shortcomings of EU initiatives aimed at improving social inclusion

From the sobering experiences in the past, it follows that if the three social inclusion targets of the EPSR Action Plan are to be taken seriously, and considering the opinion of the European population, an equal commitment to social protection and social investment is needed. The analysis of priorities in the implementation of the EPSR so far shows that this implies a strengthening of the initiatives regarding social protection and minimum incomes.

Although not directly, there are some binding hard-law instruments that implement the objective of combating social exclusion to which individuals may take recourse. The *directive on minimum wages* ensures access to minimum wages for an important number of people and may have an impact on the living conditions of work-poor households and the working poor. A couple of directives do include provisions that guarantee disadvantaged individuals a certain living standard. This is the case of unaccompanied children, asylum-seekers and refugees, or victims of crimes.² There are, moreover, a couple of instruments for people with disabilities, like the UN Convention on the Rights of Persons with Disabilities — to which the EU is a party — or Article 5 of the framework Directive 2000/78, which establishes a duty for reasonable accommodation for disabled persons.³

European Funding has proved instrumental in enabling national policies to provide basic needs (FEAD), finance temporary unemployment services during the Covid-19 pandemic (SURE) and require that at least 25% of the ESF+ funding is dedicated to the fight against poverty and social exclusion (Greiss, Cantillon, and Penne, 2021; Hermans, Greiss et al., 2021). While these and other available funds do not directly empower individuals, they may be instrumental in making their rights effectively available to them. European funds also finance important institutions like FEANTSA or EAPN, leading in the past to successful litigations before international bodies to defend their victims (ECSR, *FEANTSA v. NL*). The social funds can also initiate political processes toward binding agreements on social protection and minimum income protection (see Greiss, Hermans et.al, 2022).

Taken as a whole, however, there is a striking imbalance between employment and social investment related initiatives on the one hand and the instruments deployed in the domains of social protection and minimum income guarantees on the other hand. The vast majority of instruments regarding social inclusion and protection follow a soft-law approach, with very few instrumental resources to back these up. As soft-law instruments, the above are capable of triggering changes at the national level, but pressure on governments remain weak while without further (national) action, individuals cannot rely on them directly to gain access to a certain benefit.

² Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

³ Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation [2000]OJ L 303.

Moreover, although the Council Recommendation on Minimum Incomes signifies progress on various fronts, there are also significant shortcomings such as its status as soft law, the very loose definition of benchmarks, the limited effectiveness of social assistance as a tool, challenges related to unemployment traps and informal work, non-take-up, and conflicts with employment strategies, as well as the significant diversity within the EU. Improvements are also necessary in the realm of social funding, particularly concerning the distribution of resources.

5.4 The Council Recommendation on minimum incomes

Together with the Directive on adequate minimum wages and the Council Recommendation on access to social protection, the Council Recommendation on adequate minimum income aims ‘at combating poverty and social exclusion by promoting adequate income support, effective access to enabling and essential services for persons lacking sufficient resources and fostering labour market integration of those who can work’ marks a further step in a long process to fulfil the right to adequate incomes for European citizens and, in doing so, to take the high road towards upward social convergence.

The Recommendation puts forward three benchmarks to assess adequacy: (1) the ‘national-at-risk-of poverty threshold’ (AROP), (2) the monetary value of necessary goods and services, including adequate nutrition, housing, healthcare and essential services, according to the national definitions and (3) a benchmark that Member States are free to define and which is ‘established by national law or practice and is of a comparable level as the previous two’. Importantly, the at-risk-of-poverty threshold is mentioned as the prime European benchmark for adequate minimum incomes. It defines adequacy as a percentage of median household income (in parallel with the Directive on minimum wages, where adequacy is defined as 50 or 60% of average or median wages, respectively). Notwithstanding shortcomings this commonly agreed and widely used benchmark is timely, statistically validated, measurably in a sufficiently comparable way, statistically robust and transparent. The second and third proposed benchmarks are, however, problematic: they are vaguely defined and do not allow cross-country nor intertemporal comparability.

While the at-risk-of-poverty threshold should be the leading benchmark for income adequacy it is necessary to elaborate a methodology that allows its contextualization, taking into account the large differences in living conditions across the union and the importance of the affordability of essential goods and services. To that end we recommend building on previous analytical and empirical work (Goedemé, Bosch et al, 2016; Goedemé, Storms et al, 2015; Menyhert et al, 2021) that attempted to develop cross-nationally comparable reference budgets in Europe in order to: a) clarify which necessities should be taken into account (i.e., how should the three necessities mentioned in article 5 of the Recommendation -adequate nutrition, housing and healthcare- be complemented?); b) develop a methodology to document how national reference budgets are constructed and calculated and whether the reference budgets used are robust across time; c) to study which data are needed in order to construct cross-national comparable reference budgets and to d) develop a methodology to construct reference budgets that can be compared, at least in a procedural way, across Member States.

Adequate minimum income assistance substantiates the social right defined in principle 14 of the EPSR. Although crucial of course for the people involved, it is, however, also important to emphasize that, at a macro-level, social assistance is only weakly related to AROP. In cross-country comparisons, the relationship between social assistance generosity (which is in most cases below the poverty threshold) and working age at-risk-of-poverty is not very strong while, overall, the poverty reducing capacity of social insurance tend to be much higher than social assistance. This is related to the fact that the modus operandi of social assistance suffers from inherent problems, such as non-take up (see, among others, Bargain et al, 2012; Janssens and Van Mechelen, 2022), as well as high operational costs and discretion (De Wilde and Marchal, 2019). Social assistance is less preventative and more error-prone and, as such, offers less security than universal social protection. The inadequacy of social assistance benefits is also structurally linked to the fact that there must be some hierarchy between social assistance benefits, social insurance benefits, and minimum wages. The Recommendation puts forward essential strategies to correct these shortcomings, including adequacy, non-take-up and coverage. However, it should also be recognized that these problems are, to some extent, inherent to assistance systems. The path to adequate minimum incomes for all should, therefore, not only rely on social assistance. Adequate minimum wages, social insurance, child allowances, and affordable housing and services are equally essential.

The implementation of the Minimum Income Recommendation should, therefore, be evaluated together with the directive on minimum wages and the Recommendation on access to social protection for workers and self-employed. More specifically, we recommend the coordination of the implementation of the Recommendation with other social security and social protection measures, including the minimum wage, the minimum floors in social security and the evolution of the number of individuals covered by, respectively, social insurance and social assistance systems.

5.5 Social Funding

Increasingly, social funding is linked to the objective of social inclusion. According to the EPSR Action Plan, ‘Member States should make full use of the unprecedented EU funds available to support reforms and investments in line with the European Pillar of Social Rights’ (European Commission, 2021, 33). Also, the Council Recommendation establishes an explicit link with social funding:

Union funds are available to support the implementation of this Recommendation. Within the European Social Fund Plus, established by the Regulation (EU) 2021/1057 of the European Parliament and of the Council (16), each Member State should allocate at least 25 % of the European Social Fund Plus to combat social exclusion. The European Regional Development Fund and InvestEU can equally support investments in enabling social infrastructure, such as social housing and early childhood education and care, as well as equipment and access to quality services. The Technical Support Instrument and the Recovery and Resilience Facility already support Member States in designing and implementing structural reforms in the area of minimum income.

(Council Recommendation on minimum income ensuring active inclusion)

A staff working document (SWD(2022) 313 final) further specifies that ‘with a budget of almost EUR 99.3 billion for the period 2021-2027, the ESF+ maintains a strong focus on social inclusion, earmarking a dedicated allocation of at least 25% of the shared management resources for this purpose and at least 3% for addressing material deprivation’.

The link between ensuring adequate minimum incomes and social inclusion on the one hand and social funding on the other hand is potentially of great importance because earmarked social funding supports member states in their efforts to meet the objective of increasing social inclusion through the enhancement of their minimum income protection schemes; encourages and incentivizes Member States to take the necessary actions to implement the Recommendation and strengthen and accelerates the political process toward a directive on minimum incomes. After all, in order to avoid shifting responsibilities on safeguarding fundamental social rights from the national to the European level, earmarked social funding makes it necessary to create a social level playing field with, inter alia, minimum standards on minimum incomes.

Fundamentally, enhanced solidarity within Member States to increase minimum income protection cannot be decoupled from enhanced solidarity between Member States, and vice versa. The efforts to be made to increase minimum incomes are significant, especially in poorer countries where the budgetary cost of raising the social floors is very important (Vandenbroucke, Cantillon et al, 2013). Binding agreements on minimum income protection should therefore involve stronger elements of pan-European solidarity. Through budgetary support ESF+ could take on a pivotal role in that policy conundrum. Conversely, however, it also applies that supporting Member States with food aid, for example, presupposes compliance with minimum standards in order to avoid incentives to reduce their own policy efforts. Although the additionality principle is in place, which stresses that EU funding cannot replace national spending, by orienting social funding to poor countries, the risk of moral hazard is looming. The question is particularly pressing for FEAD, which Greiss, Cantillon et al (2021) described as a Trojan horse dilemma: FEAD might open up ways for the EU as an agent to fill the gaps of inadequate social protection systems. Therefore, a level playing field consisting of minimum standards for wages, social assistance and social insurance is a necessary precondition for the extension of the role of social funds and the increase of European solidarity.

So conceived, ESF+, FEAD in particular, could become a powerful vehicle to enforce the implementation of the Recommendation, to gradually move towards a binding European framework on minimum income protection and to enhance European solidarity. In order to get there, however, the distribution of the funds should become more needs-based while the monitoring of the effectiveness of the funds should be improved.

The social funds, especially FEAD, tend to accrue relatively more to countries that have to make the greatest efforts to implement the Minimum Income Recommendation. There are, however, important deviations from this positive association, especially within the group of poorer countries: not all countries with similar social needs receive the same amount of funding. Moreover, from a pan-

European perspective, the solidarity brought about by the funds seems largely insufficient to achieve upward convergence.

Compared to the national poverty gap, the ESF budgets in poor countries are quite substantial: in some countries, the budget allows the reduction of the poverty gap by more than 50% (Hermans, Greiss et.al, 2021). FEAD budgets are much smaller but for poor countries they are not trivial (reflecting more than 2% of the poverty gap in the poorest countries). However, compared to the needs, the funds for poor countries remain limited.

Although ESF proclaims that ‘needs-based funding’ is applied for distributing the budgets, a great weight is however given to other factors linked to economic capacity and country-specific preferences. In general, this concurs with a needs-based distribution. However, the many departures from the trendlines suggest that a more deliberate, intentional and planned social needs-oriented distribution of the European social budgets should be considered. Moreover, even though the social funds accrue more to poor countries which are confronted with greater social needs, the solidarity involved is not strong enough in order to contribute to effective upward convergence. For the funds to be able to contribute to the implementation of the Recommendation and to help gradually move towards a binding European framework on minimum income protection, a better alignment of social funding with the differential efforts Member States have to make to comply with the targets is needed.

5.6 Key proposals

Without strengthening the framework for social inclusion and social protection, it will be difficult to meet the European social inclusion targets in the future. Substantively, this implies the need for:

- a stronger focus on the accessibility and adequacy of social protection and minimum incomes: employment and social investment objectives are now firmly anchored in the European social agenda; equivalent European embedding of social protection and minimum income guarantee is required.
- a ‘social inclusion proof’ implementation of social investment initiatives in the domains of employment, gender and the work-life balance: in implementing these strategies catering for the most vulnerable should be given priority.

More specifically, starting from the EU’s roles in the domain of social citizenship and social inclusion a three-pronged strategy could be pursued:

- A. To strengthen the EU’s role of guarantor further steps should be taken to move toward a framework directive on minimum incomes that would make the pivotal Principle 14 of EPSR enforceable by promoting the formation of a level playing field in terms of national minimum standards (implying the strengthening of individual power resources, e.g. as regards minimum income or unemployment benefits), in order to contain moral hazard and investing in further analytical work to define common benchmarks of adequacy and affordability.
- B. To strengthen the EU’s role of supporter social funding should be reinforced to:

- 1) enable national policies, especially in poor countries, to provide basic needs (FEAD), finance temporary unemployment services (SURE) and increase employability and job opportunities for lower-skilled individuals (ESF);
in particular, FEAD might be used as a vehicle in a political strategy aimed at the implementation of the right to adequate minimum income protection for European citizens. However, if FEAD is to be used as more than a mere symbolic lever for the implementation of the EPSR, not only should the budgets be increased and distributed more according to the Member State's social and economic needs, the very functioning of FEAD should also be revisited: by focusing more on accompanying measures and by encouraging the use of food vouchers. By doing so, the instrumental resources of the poor might be strengthened;
 - 2) support public awareness by organisations like FEANTSA and EAPN;
 - 3) add strength to political processes that may eventually lead to binding agreements on minimum standards in social protection. This implies the enhancement of a needs-oriented distribution of ESF+ and targeting the funds more effectively through smart social conditionality rules. Given the great variation across Member States and their uneven capacity to meet minimum EU standards (the distance between minimum incomes and need is, for instance, greatest in poor Member States) the definition of such standards would imply agreeing on a modicum of cross-national subsidization.
- C. to strengthen surveillance and monitoring the use of social funding should be fully integrated into the monitoring process of the implementation of the Council Recommendation on adequate minimum Incomes and Distributional Impact Assessment (the 'DIA') should be used to capture the impact of social investment policies (e.g. the implementation of the Work-Life Balance Directive) for different income groups, including the most disadvantaged.

6. The View from the Top: The implementation of the EPSR

Federico Bruno and Simon Kuijpers

6.1 Introduction

After the years of austerity following the Euro crisis, social Europe seems to be experiencing a new spring. With the proclamation of the European Pillar of Social Rights (EPSR) in 2017, Europe expressed the will to turn the page and develop its social dimension, which had always remained in the shadow of the economic one. This commitment received renewed impetus in 2021 with the EPSR Action Plan, a roadmap that outlines a series of measures aimed at realizing the principles of the EPSR and at achieving ambitious targets by 2030 in terms of employment, training, and poverty reduction. Attention to the social dimension also emerges in the Next Generation EU: having learned the lesson from the Euro crisis (Armingeon et al, 2023), Europe opted for a crisis management approach that did not sacrifice social spending and, on the contrary, allowed for the unlocking of resources for social investment.

What is the current status of social Europe? And what can be done in the immediate future? In this chapter, we will analyse the achievements and gaps in the implementation of the EPSR and identify some possible priorities for the EU. As we will argue, several steps have been taken in the development of the social dimension of the EU, but the implementation of the EPSR remains uneven; in particular, the principles of the EPSR related to social protection and inclusion appear underdeveloped. This is problematic, as those principles seem most relevant to achieving the goals of the Action Plan. Furthermore, our analysis indicates that the EU could play a broader role in promoting the accessibility of social rights.

This chapter is structured as follows. In the next section, we will discuss how Europe can play a role in promoting a modern and effective social policy. In the subsequent section, we will analyse the contents of the EPSR and the measures contained in the EPSR Action Plan. In the conclusions, we point out two possible priorities for the future development of the EPSR. First, the EU should focus more on the policy areas of the third chapter of the EPSR, ‘Social protection and inclusion’, as these policies are critical in reducing the risks of poverty and social exclusion. Second, the EU can play a crucial role in promoting the accessibility of social rights through the establishment of what we call ‘instrumental resources’; in this regard, the EU could consider adopting an act to promote the establishment of instrumental resources to assist right-holders at each step of the path that leads to the realization of their rights.

6.2 A modern and effective social policy: the role of the EU

In discussing the role that the EU can play in promoting modern and effective social policies, it is necessary to reflect, on one hand, on the nature of social rights and, on the other hand, on how they are ‘produced’. Regarding the first issue, EUSOCIALCIT conceives social rights as bundles of power resources that enable right-holders to demand compliance from various entities – public bodies, private actors, other citizens – in order to receive monetary or in-kind benefits or some form of protection. Specifically, EUSOCIALCIT distinguishes three types of power resources. The first type, normative resources, derives from the law and can be divided into two categories: deontic and legal resources. Deontic resources operate at a more abstract level, encompassing principles found in constitutions, conventions, rights charters, and declarations that define a desirable state of affairs to be realized through individual enablement. At a more concrete level, legal resources define the fundamental aspects of rights, such as who is entitled to the right (personal scope), what the right encompasses (material scope), who is responsible for providing the benefit or adhering to the rules, and the criteria for access.

The mere existence of normative resources that establish the existence of a right, however, is not sufficient to ensure that right-holders actually have access to them. This is where the second category of power resources comes into play, which are instrumental in making social rights accessible – we call them instrumental resources. These resources assist right-holders throughout the process of accessing their rights: from becoming aware of their rights (through general and personalized information, proactive outreach activities, and awareness-raising campaigns), to applying for and utilizing the right (through simplified application procedures, access to public administration, and guidance and counselling services), and in case of difficulties in accessing the rights (for example, through problem-solving, mediation, and legal advice services). Instrumental resources also encompass contextual factors that help citizens access their rights, such as the availability of networks of social organizations that can inform and assist right-holders or digital skills that facilitate access to online services.

Finally, in cases where rights are violated, right-holders must be able to seek justice to ensure compliance. The means and channels that enable legal action against non-compliant rights providers are referred to as enforcement resources.

Where are these power resources produced? In a federal entity like the EU, social rights have gradually lost their exclusive connection to the nation-state. The new model for enacting and implementing social rights resembles a marble cake, where social citizenship results from power resources generated at different levels and by different actors (Ferrera, Corti and Keune, 2023). Against this backdrop, the role of the EU is increasingly evident and blurs the distinctiveness of national legal systems of the Member States and their cultural traditions. The EU intervenes in the production of social rights in manifold ways.⁴ It can produce them directly, by establishing power resources, or indirectly, by establishing standards and criteria for Member States and lesser levels of government must abide by

⁴ For a thorough discussion of the functions of the EU, see Ferrera (2024b) in this report.

when designing their social policies; it can support Member States by providing resources or expertise and can also monitor and survey the implementation of social policies by the Member States.

To summarize, when dealing with the ‘production’ of social policies, two relevant dimensions should be taken into account: the type(s) of power resources involved, how they are produced. Social policies are thus the result of different power resources produced by various actors at different levels.

6.3 The European Pillar of Social Rights and its implementation

The proclamation of the European Pillar of Social Rights (EPSR) in 2017 represents the most significant advancement in the development of the European social dimension in recent years. The EPSR consists of 20 principles divided into three chapters: 1) Equal opportunities and access to the labor market (principles 1-4); 2) Fair working conditions (principles 5-10); 3) Social protection and inclusion (principles 11-20). In 2021, the Commission adopted the EPSR Action Plan, a document that assessed the current status of the 20 principles and outlined specific actions to advance the implementation of the Pillar. It also established headline targets for the EU to achieve by 2030, which are as follows:

- At least 78% of the population aged 20-64 in employment.
- At least 60% of the adult population participating in training annually.
- A reduction of at least 15 million people at risk of poverty or social exclusion.

In this section, we first analyse the contents of the EPSR and then the measures adopted to implement it in the light of the theoretical framework of EUSOCIALCIT.

The 20 principles of the EPSR can be seen as a set of deontic resources. Each of these principles establishes one or more programmatic social rights, identifies a domain, defines the personal and material scopes of the right, and sometimes includes general prescriptions that outline the criteria for creating legal resources.⁵ Most principles serve as a foundation for legal resources and specify particular categories of individuals (personal scope) entitled to specific benefits (material scope). Some principles also explicitly refer to instrumental and enforcement resources. For instance, Principle 7 declares the right of workers to be informed of their rights and obligations in the workplace, Principle 14 stipulates that recipients of minimum income schemes must have effective access to enabling goods and services, and Principle 16 recognizes the right to timely access to healthcare – all of which pertain to instrumental resources. Principle 7 also acknowledges workers’ rights to access effective and impartial dispute resolution, redress, and compensation, which relate to enforcement resources.

We now analyse the actions and measures taken to implement the EPSR since 2017. Overall, we have identified 91 initiatives related to the EPSR. However, not all of these measures establish power resources. Some of them are generic declarations that do not specify particular measures, others are

⁵ For a more detailed analysis of the contents of the EPSR, see (Ferrera and Bruno, 2024). Overall, we identify 27 social rights established by the 20 EPSR principles.

very specific measures and can hardly be qualified as social rights, and in others, finally, the social component seems rather marginal. When considering only those measures introducing power resources, the number decreases from 91 to 48. Table 4 breaks down the measures by principle and reports the number of those establishing power resources.

Table 4. ESPR power resources

ESPR Chapter	Principle	Measures	Measures establishing power resources
Chapter 1 Equal opportunities and access to the labor market	1. Education, training and life-long learning	23	11
	2. Gender equality	6	2
	3. Equal opportunities	9	3
	4. Active support to employment	7	3
Chapter 2 Fair working conditions	5. Secure and adaptable employment	7	5
	6. Wages	1	1
	7. Information about employment conditions and protection in case of dismissals	1	1
	8. Social dialogue and involvement of workers	2	1
	9. Work-life balance	1	1
	10. Healthy, safe and well-adapted work environment and data protection	3	3
Chapter 3 Social protection and inclusion	11. Childcare and support to children	2	2
	12. Social protection	3	3
	13. Unemployment benefits	2	0
	14. Minimum income	1	1
	15. Old age income and pensions	2	1
	16. Health care	7	1
	17. Inclusion of people with disabilities	8	7
	18. Long-term care	1	1
	19. Housing and assistance for the homeless	2	0
	20. Access to essential services	3	1
Total		91	48

Source: Authors' elaboration.

6.3.1 ESPR Chapter 1: Equal opportunities and access to the labor market

All principles declared in the first chapter received appropriate implementation. The measures adopted to implement this chapter seem adequate and effective to pursue all the objectives set out by the EPSR principles. **Principle 1 ‘Education, training and lifelong learning’** is the principle that counts the most initiatives. Incisive measures to tackle the gender pay gap were adopted to implement **Principle 2 ‘Gender equality’**. **Principle 3 ‘Equal opportunities’** counts measures to tackle discrimination and to facilitate access of minorities to social rights. The measures devoted to **Principle 4 ‘Active support to employment’** tackle unemployment with a focus on youth unemployment and long-term unemployment.

6.3.2 EPSR Chapter 2: Fair working conditions

The principles of the second chapter have been implemented to varying extents. Principles 5, 6, and 9 have received adequate implementation. **Principle 5, ‘Secure and adaptable employment’**, includes four measures aimed at safeguarding the rights of various categories of workers (seasonal, platform, transport, and posted workers) and the establishment of the European Labor Authority (ELA), a European agency that brings together the functions various European bodies dealing with cross-border work-related issues. **Principles 6, ‘Wages’**, and **9, ‘Work-life balance’**, count only one measure, but both are particularly significant: respectively, a directive on minimum wages and one on work-life balance.

Principles 7, 8, and 10, instead, have received limited implementation. In the case of **Principle 7, ‘Information about employment conditions and protection in case of dismissal’**, the Directive on Transparent and Predictable Working Conditions improves the principle of information about working conditions, but no new specific measures to improve protection in case of dismissal were adopted. Regarding **Principle 8, ‘Social dialogue and involvement of workers’**, guidelines on collective agreements for solo self-employed individuals have been established, but they target only a specific category: platform workers. For **Principle 10, ‘Healthy, safe, and well-adapted work environment and data protection’**, a three measures were adopted to tackle the right to health and safety at work, but no new measures were devoted to the principles of well-adapted work environment and of data protection.

6.3.3 EPSR Chapter 3: Social protection and inclusion

Also the principles of the third chapters were implemented to a different extent. **Principles 11, ‘Childcare and support to children’**, and **18, ‘Long-term care’**, have seen the most significant developments. The Child Guarantee, associated with Principle 11, urges Member States to ensure free access to education, healthy nutrition, and adequate housing for children at risk of poverty or social exclusion. Principle 18 has seen the introduction of the 2022 Recommendation on access to affordable high-quality long-term care, which establishes criteria for long-term care and formal and informal carers.

Principles 12, 14, and 17 have been partially implemented. **Principle 12, ‘Social protection’**, includes three measures: a proposal for the revision of social security coordination rules, the 2019

Recommendation on access to social protection for workers and the self-employed, and the European Social Security Pass (ESSPASS), a pilot project aimed at ensuring the portability of social entitlements for cross-border workers. These measures address relevant aspects of social policy and represent promising steps towards the development of a new European commitment on these issues. However, given their experimental (ESSPASS) and non-binding (2019 Recommendation) nature of these initiatives, in our view much is left to be done, especially considering the extreme relevance of this principle. Thus, we qualify the principle as partially implemented. **Principle 14, 'Minimum income'**, includes one measure, the 2023 Recommendation on adequate minimum income ensuring active inclusion. Europe dealing with minimum income is an outstanding advancement for social Europe, inconceivable just few years ago; however, the previous considerations still apply: the act is non-binding, and much is left to be done. **Principle 17, 'Inclusion of people with disabilities'**, counts seven measures which focus primarily on access to goods and services in the market. Other aspects of the right established by the principle – income support, services to participate in the labor market and society, and a work environment adapted to the needs of people with disabilities – are less emphasized.

The remaining five principles have received insufficient implementation. We could not identify any measure establishing power resources for **Principle 13 'Unemployment benefits'** and **Principle 19 'Housing and assistance for the homeless'**. For **principles 15 'Old age income and pensions'** and **16 'Access to healthcare'**, we could only identify one measure each, rather marginal in both cases. Respectively, the technical assistance to Member States for the creation of web portals and pension tracking systems provided by the Commission, and the Communication on the digital transformation of health and care, which mentions the use of digital platforms to improve health services. In both cases, the measures fall short to implement such crucial social rights. Regarding **Principle 20, 'Access to essential services'**, the Recommendation on energy poverty emphasizes liberalization of energy markets and competition among energy providers as the main tools to address energy poverty. The Drinking Water Directive mandates Member States to improve or maintain access to water intended for human consumption for all, particularly vulnerable and marginalized groups, but the directive places more emphasis on water quality than access.

6.3.4 A glance at the EPSR power resources

Table 5 presents the types of resources established by various initiatives. The majority of them (39) establish legal resources. These are typically standards that Member States must adhere to (in the case of binding measures) or are encouraged to follow (in the case of non-binding measures) when legislating in related areas. Several measures (29) make reference to instrumental resources, which encompass providing information to (potential) right-holders and streamlining the application and access procedures for social benefits. Instrumental resources will be discussed in greater detail in the next section. Lastly, 12 measures include references to enforcement resources – such as legal protection, the right to lodge complaints, compensation mechanisms, and monitoring and surveillance. These measures pertain to the workplace, where workers may require protection against potential retaliation for seeking compliance with their rights.

Table 5. Breakdown of EPSR-related measures by EPSR principle

EPSR Principle	Power resources		
	Legal	Instrumental	Enforcement
1. Education, training and life-long learning	9	6	0
2. Gender equality	2	1	2
3. Equal opportunities	2	3	1
4. Active support to employment	3	2	0
5. Secure and adaptable employment	4	3	4
6. Wages	1	0	1
7. Information about employment conditions and protection in case of dismissals	1	1	1
8. Social dialogue and involvement of workers	1	0	0
9. Work-life balance	1	1	1
10. Healthy, safe and well-adapted work environment and data protection	3	2	2
11. Childcare and support to children	2	2	0
12. Social protection	2	2	0
13. Unemployment benefits	0	0	0
14. Minimum income	1	1	0
15. Old age income and pensions	0	1	0
16. Health care	0	1	0
17. Inclusion of people with disabilities	5	1	0
18. Long-term care	1	1	0
19. Housing and assistance for the homeless	0	0	0
20. Access to essential services	1	1	0
Total	39	29	12

Source: Authors' elaboration

6.4 Conclusions

Based on the previous considerations, it is possible to put forward proposals regarding the potential next steps to be taken in the development of the social dimension of Europe. In particular, we highlight three possible areas on which the EU could focus its efforts. The first concerns social protection and inclusion policies: our analysis shows that the third chapter of the EPSR, which deals with social protection and inclusion, is relatively less developed than the other two chapters, which deal with equal opportunities and fair working conditions. This can pose a problem for achieving the headline targets of the EPSR. Therefore, our first recommendation is that the EU focuses on those policy areas related to social protection that reduce the risk of poverty and social exclusion. The second area relates to the accessibility of social policies and instrumental resources. Most initiatives adopted to implement the EPSR consist in normative resources; we argue that the EU can play a stronger role in

fostering the accessibility of social rights by contributing – directly and indirectly – to the provision of instrumental resources. The third area has to do with the fine-tuning of the marble cake: the EU should periodically monitor the status of the 20 EPSR in the Member States.

6.4.1 More social protection and inclusion

The analysis of measures aimed at implementing the EPSR demonstrates that the level of implementation of the 20 principles is uneven. The principles of the first chapter, ‘Equal opportunities and access to the labor market’, have received adequate implementation. The adopted measures cover all relevant aspects of the principles and the rights they enshrine. The principles of the second chapter, ‘Fair working conditions’, are implemented adequately for half and limitedly for the other half. As for the third chapter, ‘Social protection and inclusion’, only two principles are adequately implemented; three are implemented to a limited extent, and the remaining five insufficiently.

These results reflect the EU’s commitment in the field of social policies related to employment, equal opportunities, non-discrimination, and social investment. However, they also reveal a gap in the implementation of the principles of the third chapter. Notably, deficiencies are observed regarding employment benefits, old-age income and pensions, and housing. The situation is better concerning social protection and minimum income, where there is still progress to be made, but developments so far are heading in the right direction.

This implementation gap is particularly problematic concerning the goals of poverty reduction and social inclusion set by the EPSR Action Plan for 2030. As emphasized by Akarçesme et al (2023), empirical evidence shows a progressive dissociation between improvements in gender equality and employment on the one hand, and the reduction of the risk of poverty and social exclusion on the other. Furthermore, in the field of social investment policies, there is an increase in the Matthew effect: social investment policies appear to favour work-rich households and leave behind the most disadvantaged, thus exacerbating social imbalances. In other words, the necessary policies for equality, employment, and social investment, which are most developed at the European level, may not be sufficient to reduce the risk of poverty and social exclusion, as envisaged by the EPSR Action Plan. This is due, among other reasons (see Akarçesme et al, 2023) for a more in-depth discussion on this issue), to the weakening of the poverty-reducing capacity of social protection policies; ‘[i]t follows that without policies that duly focus on improving social protection, it may not be possible to meet the European social inclusion targets in the future’ (p. 39).

Consequently, a first priority for the EU could be to bridge the implementation gap that divides the first two chapters of the EPSR from the third chapter, namely social protection and inclusion. In particular, the EU should take action in the policy areas which seem most relevant in reducing the risk of poverty and social exclusion – e.g., social protection, unemployment benefits, minimum income, old age income, and pensions – and promote the production of power resources. Moreover, as Akarçesme et al (2023) point out, the EU should take an intersectional approach ensuring that the progress in equality and fair working conditions also benefits the most vulnerable citizens. In doing this, the EU can perform various functions. It can indicate to the Member States the priority

intervention areas and the objectives to be achieved, thus fulfilling its guiding function. It can act as a guarantor, directly producing power resources through legislative instruments, establishing standards and criteria for national social policies, or using innovative tools such as social guarantees. Finally, the EU can play the role of supporter by co-financing output production.

6.4.2 An increased role in providing instrumental resources

Another potential area of intervention for the EU concerns the production of power resources, particularly instrumental resources. As we have seen, most measures related to the EPSR consist of legal resources. However, there are interesting examples of instrumental resources, both directly and indirectly produced by the EU. Among those directly produced to provide information, we can mention the EURES portal, which enables the search for training courses, internships, and job offers across Europe. One particularly interesting resource ensuring access to social rights is the experimentation of ESSPASS, a digital document that allows the portability of social entitlements for cross-border workers. As an example of instrumental resources directly produced at the European level with problem-solving and legal assistance functions, we can mention the European Ombudsman.

The measures related to the EPSR also include instrumental resources indirectly produced. In these cases, European hard and soft law prompt Member States to provide instrumental resources – such as the provision of information or the organization of outreach initiatives – to increase the accessibility of social protection schemes. Often these provisions are marginal and inserted within the context of broader measures. The 2019 Recommendation on the access to social protection for workers and the self-employed, however, puts the issue of accessibility front and centre. The recommendation identifies four criteria related to the accessibility of six social protection policy areas.⁶ Three of these criteria relate to legal resources and are relevant to the previously discussed intervention priority: formal access (i.e., the extension of eligible subjects to social protection), effective access (related to access criteria for social schemes, which must effectively allow benefit enjoyment for formally entitled categories), and adequacy (related to the type and amount of benefits). The fourth criterion concerns instrumental resources and is relevant to the second intervention priority: the concept of transparency, which includes the provision of clear, updated, and user-friendly information and the existence of simple procedures to apply to and access the scheme. EUSOCIALCIT has analysed national reports on the implementation of the recommendation, revealing a wide variety in the state of instrumental resources and various best practices that make social protection schemes accessible in different Member States (see Bruno and Kuijpers, 2024).

Our recommendation is that the EU focuses more on the issue of the accessibility of social rights. While the policy design is the most relevant dimension in determining the effectiveness of social policy, the question of the tools that make the policy accessible should not be overlooked. Our analysis

⁶ They are: unemployment benefits; sickness and healthcare benefits; parental benefits; invalidity benefits; old age and survivors' benefits; benefits in respect of accidents at work and occupational diseases.

demonstrates that the EU can do more in the field of instrumental resources. The EU can produce instrumental resources directly. This is most effective in situations where cross-country issues arise: the EU can play a crucial role in facilitating access to social rights for citizens living or working in another EU country. The EU can also promote the production of instrumental resources indirectly by setting standards and criteria for national social policy legislation. In this sense, the 2019 Recommendation on access to social protection, with its focus on information and accessible procedures, represents a valuable example that should be explored further and can be replicated in other social policy areas.

6.4.3 Monitoring the social policies of the Member States

Our third and final recommendation concerns the role that the EU can play in fine-tuning the marble cake through its monitoring function. In the context of implementing the 2019 Recommendation on access to social protection, the Commission commissioned an extensive study on the practices and policies implemented by Member States to ensure access to social protection schemes. Such an operation represents a way to disseminate best practices among Member States and facilitate research on social policies, thereby contributing to improving policy making. The EU could organize the periodic monitoring of national social policies of Member States related to the 20 principles of the EPSR. This would contribute to stimulating the debate on social rights in Europe and to disseminating best practices and virtuous examples among the Member States.

7. The European Pillar of Social Rights: The View from a Gender Perspective

Caroline de la Porte, Agnieszka Chłoń-Domińczak, and Iga Magda

7.1 Introduction and background

The EU's impact on shaping women's and men's roles on the labour market and the private sphere, represents, without doubt, one of the most remarkable achievements of the European Union (Kantola, 2010). In the following, I succinctly categorize the EU's activity regarding gender and family in three different periods when looking at the instruments, policies and outcomes.

In a first period, the focus was on legal provisions on gender equality and anti-discrimination on the work-place, targeted at women or other minorities, whether based on sexuality, ethnicity or religion, (Kantola, 2010). This is complemented by EU regulation in issues pertaining to labour contracts, including working conditions, as well as ensuring EU citizens – often women - who work part-time or on fixed-term contracts are treated equally, but on a pro-rata basis, compared to an equivalent full-time worker or full-time comparator (de la Porte and Emmenegger, 2017). Yet these policies do not on their own lead to changes in men's and women's roles in family and on the labour market, which are instead shaped by implicit norms embedded in different welfare states. *In a second period*, from 2000 up to the financial crisis of 2008, soft law - including target-setting, reporting and iterative supranational evaluation - encouraged women to become more active on the labour market. In EU member states - especially those with rigid labour markets - reforms were taken to enhance female labour market participation, but often through flexible jobs, creating dualized labour markets (Emmenegger et al, 2012). As a result of these reforms – including soft law pressure from the EU - the employment rates of women have increased substantially the last three decades, but still remain below the men's level. Furthermore, in some countries with high female labour market participation (i.e. Sweden) many women work part-time. Yet, this strategy was most successful in countries where there was an increase in affordable and high-quality early childhood education and care (ECEC). To accompany EU employment policy, targets were also set for ECEC, which was seen as an essential to enable men and women to engage in paid employment. At this time, the focus was, however, not on policies to share care responsibilities between both parents (Lewis and Giullari, 2005).

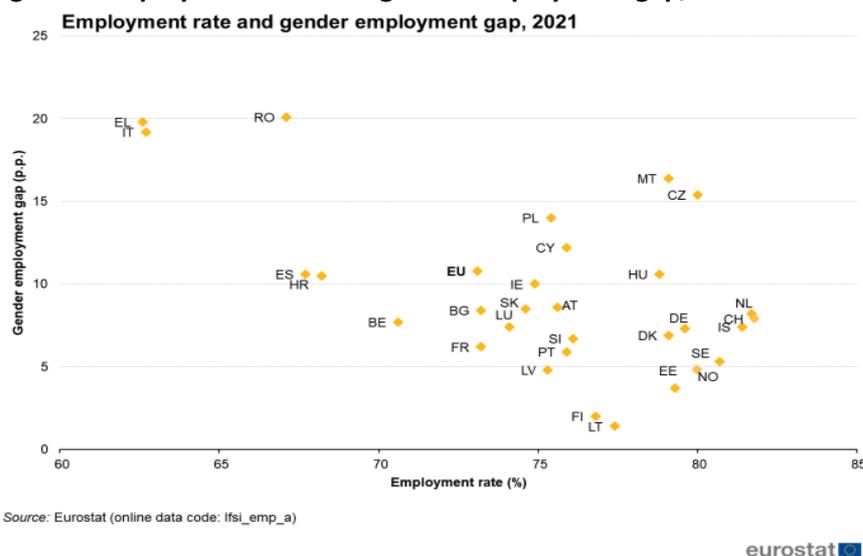
The launch of the EPSR in 2017, marks a third period, whereby the EU underscores and strengthens the previous aims, with the pre-existing legislative and soft law tools, but focuses explicitly on the private sphere in conjunction with the public sphere. More specifically, the focus is on increasing the active role of fathers in care, and thereby, to enhance possibilities for mothers to retain and to strengthen their link to the labour market. This is done by enhancing the targets in ECEC and having a

renewed political focus on high quality child-care. Furthermore, a new directive on work-life balance from 2019 (replacing the previous parental leave directive from 2010), strengthens the EU's role in encouraging behavioural change among fathers (Im et al, forthcoming). The main instruments through which the WLBD seeks to gender roles are paternity leave (10 days, to be paid at the level of sick pay), and earmarked parental leave (2 months, to be paid at a level decided by member states). It is these father-specific provisions which have the most potential to led to changes in gender roles in care.

7.2 Gender gaps are persistent

The data shows that the gender gaps in employment are still persistent, though the gender employment gap tends to be smaller in countries with overall higher employment rate (Figure 6). At the same time, in countries with similar employment rate (i.e. Malta, Czechia, Hungary, Germany, Denmark, Estonia), the gender employment gap varies from around 17 pp. in Malta to around 4 p.p. in Estonia. Southern countries (Greece, Italy, Romania, Malta) have the highest gender employment gaps.

Figure 6. Employment Rate and gender employment gap, 2021

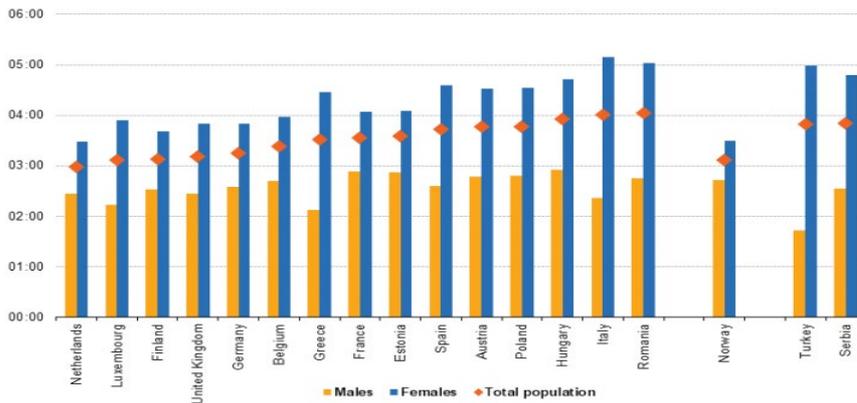


Source: Eurostat (online data code: ifsi_emp_a).

Gender inequality is also visible in the division of work at home. In all countries that participated in the time use survey, women spend more time on household and family care. The gender gap is the largest in those countries that also have the largest employment gap (Italy, Romania, Spain, Greece). Furthermore, in Italy and Romania women tend to spend the largest number of hours on work at home (Figure 7).

Figure 7. Gender gap in unpaid work, most recent data available.

Participation time per day in household and family care, by gender, (hh:mm; 2008 to 2015)



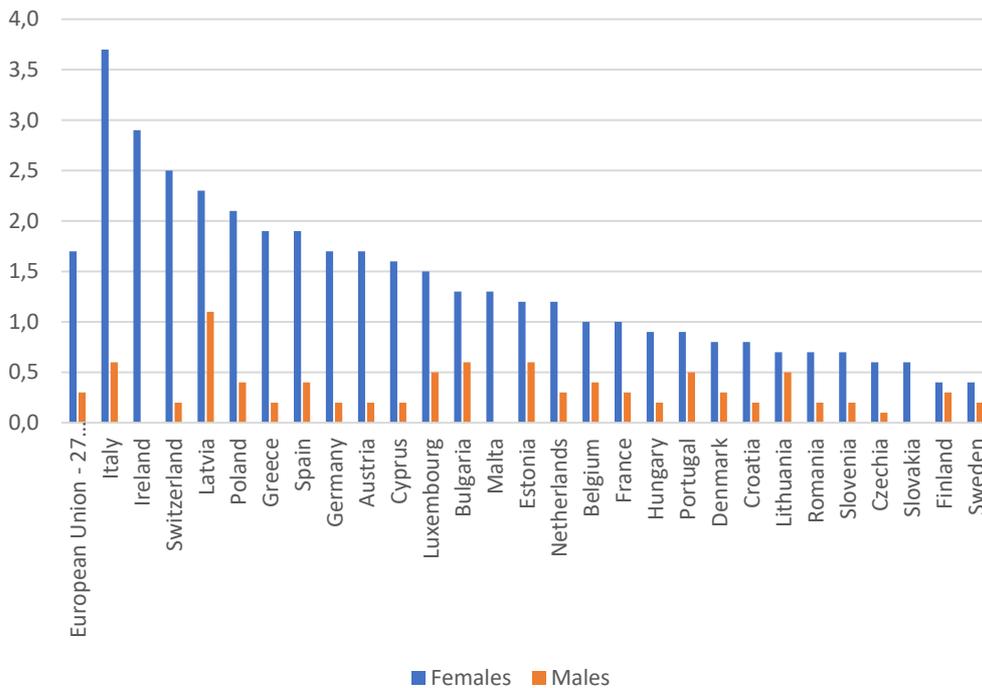
Source: Eurostat (online data code: tus_00age)



Source: Eurostat (online data code: tus_00age).

The care responsibilities for family members are also one of the primary reasons for labour market inactivity among women in age group 24-64. As presented in Figure 8, the share of women aged 25-64 years in total population ranges from 3.7% in Italy to 0.4% in Sweden. Again, countries in Southern Europe, but also some Central and Eastern European countries (Poland, Latvia), and Switzerland, the caring obligations lead to the inactivity of the relatively large share of female population. The gender gap is also quite strong, with very few men declaring inactivity due to this reason.

Figure 8. Persons outside the labour force due to caring responsibilities by sex in 2021.



Source: Eurostat [sdg_05_40_custom_9545057].

Summing up, the data shows that the issue of gender equality and work-life balance is multi-faceted and reducing the gender gap requires both creating conditions for more equal division of work at home, as well as creating conditions to further increase female labour market participation.

7.3 Achievements

As noted above, family policies – specifically the work-life balance directive and the European child guarantee – prompted through the European Pillar of Social Rights are strongly linked to the labour market. The WLBD is remarkable as it has shifted the long-standing EU focus from enhancing female labour market participation, towards sharing the burden of unpaid care between both parents, irrespective of gender. Thus, the aim is to reinforce the double-earner, double-carer model, which is inclusive regarding both parents. This focus is justified, as a recent study by the OECD (2022) has reiterated that leave reserved for mothers is anchored strongly across EU member states in legislation, compensation and take-up, while father-specific leave is just starting to make headway. The European child guarantee is an equally important component of EU policy, as it enables parents to re-enter the labour market after a period of leave. In the following, we present the possibilities but also the Achilles' heel of the WLBD and the European child guarantee.

The WLBD, explicitly seeks to alter gender roles, as it is mainly targeted at fathers/second carers. The father-specific provisions are 10 days paternity leave, to be paid at the level of sick pay, and 2 months of paid earmarked leave per parent, which should be compensated at an 'adequate' level, i.e. to incite fathers to take up leave, but which is to be decided by member states. The care literature has highlighted that leave should be reserved and compensated at a high level (as close as possible to full wages) to incite fathers to take leave. In practice, the lack of specification of a level of remuneration, while respective of the principle of subsidiarity, gives leeway to member states to decide on the level of payment, following the practices and political priorities, thus opening the door for differentiated implementation, and ultimately differentiated *de facto* use of social rights. Regarding eligibility to paid earmarked parental leave, parents must be in work, and have an employment contract or employment relationship defined by law or collective agreements. The directive also specifies that a period of eligibility of up to one year can be introduced by member states. This is a potential hurdle in terms of inclusion, since workers with regular contracts and a continuous employment history are included, but those at the margins of the labour market may not be eligible for parental leave. It is especially those with 0-hour or other types of precarious contracts, which may be excluded. Furthermore, the jobless are excluded from such paid parental leave schemes. Nevertheless, despite these minor limitations, the directive does have some potential for contributing to a shift in gender roles, so that there is at least a move to the double-earner, double-carer model (Lewis and Giullari, 2005). This is also supported by the European child guarantee, which enables both parents to quickly enter the labour market after child-birth. The European child guarantee is particularly relevant for mothers, so that their link to the labour market can *de facto* be retained and strengthened. All member states have now implemented the WLBD – however, policy-makers should recall that there is considerable flexibility in the implementation of the WLBD, especially regarding financial compensation. The EU recommends a high level of compensation, but it is up to member states to decide on this, following the principle of subsidiarity.

7.4 Shortcomings

From a social rights perspective, the Achilles heel of the WLBD – on remuneration – should be considered by policy-makers. In addition, the complexity of leave schemes, which can lead to opaque administrative procedures and lack of information, should also be addressed. First, the formal changes include the legal right to reserved leave, as well as a specification of the level of remuneration. The level of remuneration can be a disincentive for fathers to take leave if it is too low, and thus this is why the wording ‘adequate’ remuneration was important for the proponents of a more equal sharing of leave. Aside from the reservation of leave, which is required by the directive, the level of remuneration is being implemented very differently. For instance, in three of the countries we examined - Denmark, Poland and the Netherlands, the planned financial compensation for the new period of reserved leave will be relatively high. Yet, there are differences regarding the intentions of policy-makers, i.e., in Denmark the aim for policy-makers is to encourage a more equal sharing of leave, while in Poland the government does not have comparable aims. By contrast, in France, where parental leave remuneration is very low, i.e., below the minimum income, changes to the level of compensation have not yet been settled. Furthermore, the aim of the policy-makers in France is to maintain *status quo* in the parental leave system. Policy-makers should thus have an eye to how ‘adequate’ compensation is interpreted and applied in the process of implementation of the WLBD (de la Porte, Im et al, 2023). Regarding the European child guarantee, in countries where services are of high quality and universally available, the class differences in use of leave are not so marked. Even for those at the margins of the labour market, having children in formal care can enhance their cognitive capabilities.

Aside from the formal implementation, it is important to look at additional administrative, digital and information resources devoted to enable a shift from *de jure* to *de facto* social rights across member states. These elements are important, because they indicate whether the commitment to shift from *de jure* to *de facto* rights is secured. Administrative procedures, which are increasingly through digital platforms, can facilitate or hinder take-up of rights. Especially the parental leave area is complex, as application procedures for leave and remuneration are often separate. The German system is known for being quite complex administratively, and thus, the WLBD presented an opportunity to address those challenges. The new government is now addressing these shortcomings. In Denmark, resources are devoted to developing a digital planning tool and to ensure that the application procedure is simple, making social rights *de facto* accessible for parents. This is in line with the political intentions of the policy-makers, to ensure the new leave is actually used by fathers and second carers. In Poland, almost no resources are being developed to simplify procedures or even to inform citizens of their new social rights. Thus, here, the intention of policy-makers is to keep the change at bay as much as possible. But, once a floor of parental leave rights are implemented, a new government could make changes to actually encourage the take up of leave.

Another issue in parental leave relates to the *differences in parental leave rights among different groups of workers*. This has been an issue raised repeatedly by COFACE, the EU level NGO representing families, but also Eurofound, in several reports. Due to labour market segmentation, some workers,

who are often in precarious work, including the self-employed, are ineligible for parental leave. Additionally, variations in company policies in parental leave policies mean that some workers enjoy better remuneration and/or longer duration of leave than other workers. According to the Belgian representative, companies' policies are often polarized with little middle ground. Some companies offer generous terms, whereas others offer paltry ones. In short, the use of parental leave by fathers and second parents may depend on their labour market position as well as, in some Member States, the firm where they work. If socio-economic advantage intersects with better labour market position (and perhaps firms that can afford more generous leave schemes), then the use of parental leave by fathers and second parents would be socio-economically stratified.

7.5 Recommendations and future agenda

Based on our study and previous insights from the care literature, we would like to suggest several policy recommendations. First, the level of remuneration should be generous – preferably at least 80% of wages - to incentivize take-up of leave by mothers and fathers. For low-income households, the replacement rate is even more important to consider than in medium or high-income households. If the replacement rate is low, the risk is, as in France, that the non-take-up is higher among the socio-economically disadvantaged groups, since the level of compensation is lower than the minimum income. Secondly, in most countries there are separate systems of application for leave and for remuneration, which should be simplified and once an application for leave is submitted, the applicant should automatically be directed towards the system of application for remuneration. Thirdly, if there are highly gendered sectors, resources could be devoted to information campaigns targeted at fathers. Fourth, resources on the workplace (HR and unions) could enable easily communicable information for parents, including communication on new gender equalizing aspects of parental leave, rather than previous models (this holds for Poland and France, but also Denmark, The Netherlands and Germany, even if the system in principle is gender-neutral, take-up is still gendered). This could, fifth, entail clear definitions regarding terms associated with leave, i.e., maternity, paternity and parental leave. In Spain and Poland as well, there are various terms, maternity and paternity birth leave, and then there is parental leave. Thus, the WLBD has the potential to alter take-up rates and to increase the length of leave among fathers, if the formal changes are in place for this (i.e., earmarking with high remuneration), but it also requires that resources are devoted to ensuring the take-up of new social rights. Furthermore, it is important that the leave periods also take account of social protection, including pension rights, to avoid the risks of lower pensions upon retirement due to the care leaves.

Yet, even when there are comprehensive resources to improve access to and knowledge about social rights, take-up among fathers is not so straightforward, especially for those that are reluctant, as we know from experiences in the Swedish case (Duvander and Cedstrand, 2022). Also, for fathers who may not be eligible due to their type of labour contract and/or length of service, this suggests unequal social rights. If policy-makers aim to increase take up of parental leave and close the gender care gap, especially among work poor households, these fathers and mothers should not be excluded from parental leave, especially with the rise of highly precarious atypical work like zero-hour contracts and solo self-employed among socio-economically disadvantaged men and women. *The Matthew effects*

which are apparent in take-up of leave, even in countries with generous leave schemes, suggests the relevance of pro-actively developing measures to enhance take-up of leave among sectors where it is not commonplace.

While the WLBD is targeted at parents, initiatives targeted at children can strengthen their opportunities, also for children in jobless households. **Free or heavily subsidized high quality ECEC as in the Nordics, is** key, and in several countries, this is even mandatory for children in vulnerable households. A right to the ECEC participation, present in several EU countries, is also a way to increase coverage and support female labour market participation. This is thus potentially a stronger instrument for jobless households, but only if the services targeted at children are of high quality and easily accessible.

8. A Stronger and more Coherent Marble Cake: Conclusions and some Proposals

Maurizio Ferrera, Bea Cantillon and Maarten Keune

The status of citizens serves important constitutive functions for democratic polities; it creates an area of symmetry and equivalence within which each individual develops feelings of equal worth and dignity, regardless of other factors, promotes inclusion as well as inter-personal trust and loyalty vis-à-vis the territorial government, not to speak of the material and social advantages provided by civil, political and social rights. In the process of state-building at the national level, citizenship did serve as a powerful instrument for achieving 'togetherness', especially in the historical federations. The new rights provided subjects with key power resources to mobilize and organize in society, participate in politics, make legitimate claims, and emancipate themselves from economic and social constraints. Issues of representation, elite responsiveness, and accountability gained centre stage in electoral and policy-making arenas.

In current EU debates there persists a widespread scepticism about the prospect of uplifting the institution of citizenship (and thus harvesting the fruits of its political potential) at the EU level, due to the strong persisting link between citizenship and the nation-state. This scepticism is to a large extent overblown, as it rests on either-or assumptions. Citizenship must be seen instead as a 'gradient category'. It connotes 'degrees of membership' to a community and there are several ways in which persons can straddle (and have historically done so) the binary opposition between inclusion into and exclusion from the space of citizenship. Polities can generate multiple forms of belonging, including 'nested' ones. What is lacking today in Europe is a suitable frame to relaunch the symbols and practice of EU citizenship and to elaborate an agenda on how to strengthen and configure the rights and duties of (social) citizenship in the European Union. The challenge is that of identifying what to add into the half-baked and poorly visible container of EU citizenship created by the Maastricht Treaty.

The EUSOCIALCIT project has made steps in this direction. By looking at both the social acquis and the novelties introduced by the European Pillar of Social Rights and the Commission's Action Plan, the project has unveiled the emergence of a novel pattern in the configuration of social citizenship within the European Union. Borrowing from US studies on federalism, we have termed this pattern as a *marble cake*, which rests on creative assemblages of different individual power resources provided by different levels of government: 1) normative (deontic and legal) resources, 2) instrumental resources and 3) enforcement resources. This tripod is accompanied by a fourth element, i.e. output production resources. The latter do not confer individualised powers, but provide the material means which are needed to produce, precisely, the outputs (benefits and services) prescribed by legal rights.

Our resource-based conception allows to move beyond the perspective which has dominated the social citizenship debate in both academic and policy circles. Such perspective has drawn a sharp line

between the EU and the national level, reducing the EU role to producing and guaranteeing transnational rights in cross-border situations, while considering the nation-state as the prime (sole) underwriter and provider of social protection for its citizens. By unpacking the concept of right in its internal components, our project has shown that the line between levels of government is much less sharp than it is assumed. To begin with, the primacy of EU law means implies that domestic definitions of rights must remain EU-law observant. Moreover, the EU social acquis has put in place an articulated layer of 'EU social rights' whose primary source are, precisely, binding acts of the EU. The expansion of soft law has in its turn increasingly shaped the production of national social rights via communications, recommendations and, increasingly, social conditionality. But that is not the end of the story. The EU contributes to the production of both instrumental and enforcement resources, while the EU budget (including temporary funds like SURE or the RRF) provides a significant share of the material resources required for output production. One can still lament, of course, the subordination of EU social measures to economic measures and argue that more must be done. But it is hard to deny that the Union already plays today an important role in the social domain, by discharging several important functions. It provides in fact overall guidance and material support; in some cases it provides guarantees through hard law; it plays the role of monitor and surveyor of compliance and outcomes; it serves as adjudicator by means of its jurisprudence.

At the end of the introductory chapter, we started to indicate some priorities for future developments. Let us now conclude this Report by better articulating and specifying our range of recommendations, which we group in three clusters: 1) institutional recalibration, mainly to do with normative resources; 2) infrastructural enhancement, mainly to do with instrumental and output production resources and 3) improving the overall governance of the marble cake.

8.1 Recalibration

As mentioned, social citizenship is constitutive in democratic societies, with its foundational essence deeply rooted in its inherent connection to the dignity of human life. At its core, social citizenship embodies the primary right to lead a decent life in accordance with prevailing societal standards. The European headline targets for reducing the number of individuals at risk of poverty or social exclusion directly engage with this fundamental objective. To achieve this, all the principles and rights outlined in the EPSR come into play, the implementation of which requires a delicate balance between economic and social policies and careful calibration of interventions at the local, regional, national, and supranational levels, thereby encompassing the entirety of society's social fabric.

8.1.1 A balanced set of principles and rights, but an unequal implementation

The EPSR presents a balanced distribution of equal opportunity rights and access to the labour market, fair working conditions, social protection, and social inclusion. Particularly with last two mentioned, the EPSR highlights important dimensions that have been underplayed in the European social acquis which has been mainly shaped by derivative economic objectives and, since the Lisbon strategy, by employment and social investment-related rationales. So conceived the EPSR holds the potential to contribute to poverty reduction and enhanced social inclusion insofar as it is effectively utilized to

define minimum standards to fully participate in society and as reference to screen the social performance of Member States, to support social inclusion policies with funds, and to guarantee the basic rights that are necessary to enable European citizens to live a decent life.

The success of the Pillar depends on the concrete initiatives and measures for an adequate and balanced implementation of its substantive principles in all the covered domains, in the first place, for the most vulnerable. The EUSOCIALCIT findings indicate, however, that although the Action Plan promises to 'leave no one behind', there is an imbalance between the EU actions in terms of the available power resources in the fields of employment and gender on the one hand and social protection and basic social services on the other hand while the impact of employment and social investment interventions on the most vulnerable remains underemphasized.

The analysis of measures aimed at implementing the EPSR demonstrates that the level of implementation of the 20 principles is uneven. The principles of the first chapter, 'Equal opportunities and access to the labor market', have received adequate implementation. The adopted measures cover all relevant aspects of the principles and the rights they enshrine. The principles of the second chapter, 'Fair working conditions', are implemented adequately for half and limitedly for the other half. As for the third chapter, 'Social protection and inclusion', only two principles are adequately implemented; three are implemented to a limited extent, and the remaining five insufficiently. Notably, deficiencies are observed regarding employment benefits, minimum income protection, pensions, and housing.

The Pillar has fully embraced the social investment paradigm, a perspective that distinctly influences the majority of principles outlined in the first and second chapters. This reflects and strengthens the existing blocks of EU resources which the Pillar Principals build on in the EU social acquis. By focusing on the first two chapters, the imbalance in the social acquis, favouring social objectives directly derived from and functional for economic goals, is reinforced or, at the very least, perpetuated. The implementation of social rights persist to a certain extent, if not as subordinate, then as primarily driven by economic functionality. The empirical evidence however demonstrates that only a more balanced implementation of the Pillar and a more careful balance between social and economic objectives can ensure that the legitimate goals for poverty and social inclusion can be achieved.

8.1.2 The importance of social protection and inclusion proof social investment

While employment, investments in capacitating services and measures aimed at facilitating the work life balance are essential for the developmental opportunities of individuals, the experience of the past decades teaches us that these policies are insufficient to enhance social inclusion. Employment growth does not necessarily benefit the more vulnerable groups, work is not always a guarantee for a decent life while lower social groups tend to benefit less from social investments.

The evidence on poverty trends in the past decades points indeed to qualified successes in terms of employment and gender equality but not in terms of social inclusion: a significant employment growth and defeminization of poverty went along with a marked precarisation of low-skilled men and women. Particularly striking is the rise in the risk of poverty among jobless households. This fairly universal

trend has numerous causes, but to a large extent, it is attributed to the inadequacy of minimum income protection, and a weakening of the poverty reducing capacity of social protection as a consequence of tightened eligibility criteria, increased conditionalities and more people in non-standard jobs, that do not always entitle social insurance protection.

Additionally, jobless households tend to make less use of social investment policies. Workers at the margins of the labour market with irregular contracts and a discrete employment history may not be eligible for parental leave; childcare is underutilized by work poor families while there are significant Matthew effects in lifelong learning. As far as social investment interventions favour work-rich households and leave behind the most disadvantaged, social imbalances are exacerbated while social expenditures are at risk of being diverted towards higher income groups.

Taken together, it follows that without strengthening the resource framework for social protection of groups with serious employability gaps and directing social investment policies towards the most vulnerable groups, it may not be possible to meet the European social inclusion targets in the future. To achieve that goal employment policies should improve the opportunities of the most vulnerable first, job quality (including wages) enhanced, social investment interventions primarily and explicitly directed towards more vulnerable groups and social protection strengthened to ensure a basic standard of living, particularly for individuals who cannot work or do not benefit from job growth. A significant concern in this context is the fact that minimum income protection falls short in virtually all Member States, contradicting the primary social right to lead a decent life in accordance with prevailing societal standards.

The strengthening of the implementation of the third chapter of the Social Pillar is all the more crucial against the backdrop of the big changes of our time. Digitization is poised to diminish job opportunities that demand lower skill levels. Simultaneously, there is a need to strengthen social protection of platform workers and individuals engaged in flexible work arrangements. The climate transition is anticipated to place significant burdens on households, with both the direct impacts of climate change and the policies to counteract it disproportionately affecting those who are least well-off. Additionally, the aging population will introduce added pressures on social welfare states. In order to address these great challenges, basic securities must be established, particularly for the most vulnerable. This involves, firstly, a recalibration of the implementation of the EPSR towards social protection, and secondly, a more explicit focus in the implementation of the first two chapters on strengthening the social rights of the least well off.

8.1.3 The pivotal role of minimum income protection

The recalibration towards social inclusion involves:

- a stronger focus on the accessibility and adequacy of social protection and minimum incomes: employment and gender equality objectives are now firmly anchored in the European social agenda; equivalent European embedding of social protection and minimum income guarantee is required.

- a ‘social inclusion proof’ implementation of social investment initiatives in the domains of employment, gender and the work-life balance (including ECEC): in implementing these strategies catering for the most vulnerable should be given priority.
- the strengthening of the role of social funding to a) enable national policies to provide basic needs (FEAD), finance temporary unemployment services (SURE), increase employability and job opportunities for lower skilled individuals (ESF) and support vulnerable groups in the climate transition (Social Climate Fund) ; b) support the strengthening of public awareness by organisations like FEANTSA and EAPN and c) add strength to political processes that may eventually lead to binding agreements on minimum standards in social protection.

Catering to the needs of the most vulnerable should be the primary focus of the European Social Union, and in this regard, ensuring the guarantee of adequate minimum incomes is pivotal: it directly fulfils the right to lead a decent life in accordance with prevailing societal standards, connects income security with individual assistance, necessitates pan-European solidarity, and, conversely, serves as a prerequisite for the further development of social and climate funding. To achieve this, now that the foundation has been laid with the Directive on minimum wages, further steps must be taken to move toward a framework directive on minimum incomes that would make principle 14 of EPSR enforceable. EUSOCIALCIT identified the following elements in order to prepare for the next step while making the Recommendation on adequate minimum incomes a success: 1) the reinforcement of the analytical work to define common benchmarks of adequacy and affordability; 2) the strengthening of the role of the social funds in supporting member states in their mission to improve minimum income protection schemes and 3) linking the monitoring of the implementation of the minimum income recommendation to the functioning of FEAD and progress made in terms of minimum wages and access to social protection, two essential areas on which binding agreements do already exist.

Given the great variation across Member States and their uneven capacity to meet minimum EU standards (the distance between minimum incomes and need is, for instance, greatest in poor Member States) the definition of such standards would imply agreeing on a modicum of cross-national subsidization, e.g.. through the enhancement of a needs-oriented distribution of ESF+ and targeting the funds more effectively through smart social conditionality rules. Conversely, it also holds that minimum income standards are a necessary precondition for the functioning of social and climate funding.

8.2 Better and more equal access to social rights: Instrumental resources

The European Pillar of Social Rights acts as a catalyst for the creation of more and stronger social rights, first of all expressed in normative power resources. In this way, it aims to reinforce European social citizenship and to provide European integration with a stronger social dimension. However, the success of the Pillar depends not only on the enactment of more social legislation but, crucially, also on the question if the social rights that are created building on the Pillar effectively improve the lives of EU

citizens. In this respect, EUSOCIALCIT has shown that normatively having a right does not necessarily translate into the fruition of a right by the right holders and therefore may not lead to improved life chances. To guarantee effective access to social rights instrumental power resources play a pivotal role. Instrumental power resources help individual to effectively become aware of and get access to the rights conferred upon them by laws and other regulations. They can consist, among others, of information and awareness raising about the existence of and entitlements to certain rights; simplified application procedures, easy access to public administration and guidance and counselling services that support applying for and using the right; and mechanisms for problem-solving, mediation, and legal advice services in case of difficulties in accessing the right. Instrumental resources can be provided by public bodies but also by social partners and civil society organisations.

Without instrumental resources, rights may remain promises, especially for the groups in society that face more difficulties in navigating complex systems of social rights, for example elderly persons, persons with language difficulties, or persons with limited education. More and better instrumental resources can reduce the non-take up of benefits, a major problem across the EU. They can also help to reduce differences between countries and support upward convergence. For example, in the implementation of the work-life balance Directive some countries introduced ample instrumental resources, expected to lead to a higher take up of fathers' leave, while other hardly introduced such instrumental, expected to lead to a limited take up.

Increasingly attention is given by the EU to instrumental power resources, for example through EU agencies providing information (e.g. Eurofound, CEDEFOP), the European Labour Authority, the Child Guarantee or through the EU supported national equality bodies. Also, recently, the 2019 Recommendation on the access to social protection for workers and the self-employed put the issue of accessibility front and centre. However, this attention to instrumental resources has not (yet) been systematic nor comprehensive. Further fostering the development of instrumental resources as part and parcel of social rights can be a powerful contribution of the EU to improve the access to and fruition of social rights in the member states. This can entail:

- Increasing knowledge on the types, functioning and effects of instrumental resources in improving access to social rights, through its agencies and the academic research it finances. And disseminating this knowledge to the member states to foster the production of instrumental resources;
- Consistently including instrumental resources as standard elements in EU social regulations and policies, akin to the 2019 Recommendation on access to social protection, with its focus on information and accessible procedures. In this way, the EU can promote the production of instrumental resources by setting standards and criteria for national social legislation and social policy. Considering the often high non-take up of social assistance, this would be particularly relevant for a future Directive on Minimum Income;
- Producing additional EU level instrumental resources, building on the above-mentioned experiences in this respect. Also here, taking into account the disappointing developments of poverty rates, developing EU instrumental resources directed towards the neediest would be a promising avenue.

8.3 Improving the overall governance of the marble cake

If our concept of the marble cake is accepted as an accurate description of the current state of social citizenship, a third front of action is to improve its overall steering, with a view to making it more coherent and stronger. As we have seen, there are many gaps to be filled and additions to make in order to create more synergies among its constituent parts, i.e. individualised power resources for citizens and material resources for output production.

In addition to serving as a key deontic guide, the European Pillar of Social Rights must be fully turned into an effective governance tool: its prescriptions must be mainstreamed into all EU policies, both as sources of direct EU action for strengthening social rights and as constraints for all measures, including outside the social domain. Moreover, the Pillar must become the key benchmark for social conditionality, i.e. the conditional use of budgetary resources, with a view to promoting social goals and upward social convergence. Social conditionality is a relatively new instrument, which provides both positive and negative reinforcements, ultimately calibrating access to EU funds: the granting of output production resources is subordinated to the creation of individual power resources and/or the achievement of certain outputs. Social conditionality is already being employed to promote the implementation of the EPSR. Since the early 2010s, this principle has also inspired the introduction of ‘social guarantees’ (e.g. the Youth and Child Guarantees), a novel type of measure providing soft power resources to individuals, but hard obligations for state administrations.

In addition to rule-based conditionality, the EU should also extend the use of ‘nudging’ strategies. As is known, a nudge is ‘any aspect of the architecture of choice which changes people’s behaviour in a predictable way, without eliminating any of the options or drastically changing financial incentives’ (Thaler and Sunstein, 2008, 6). The use of nudging could be especially fruitful in increasing the take up rate of the new ‘capacitating services’ funded by social investment, such as ECEC. As Chapter 5 has shown, in certain member states there is still some reluctance to enrol young children in ECEC facilities. In addition to availability, accessibility and affordability obstacles, there are also cultural obstacles: the ‘flourishing’ advantages (which are ‘merit goods’) of ECEC for young children are neither perceived nor known. ECEC should become a universal service on a par with education and health care. Compulsory attendance - as in education - is however inappropriate in this domain, while contrary to health care the perception and pressure of ‘need’ remains weak and does not encourage satisfactory levels of fruition. Nudging could thus provide the right incentives for a more extensive utilization of new-generation social investment services (EESC, 2016).

Several steps have already been made for improving the EU social governance. But there is a need of a dedicated and reinforced steering capacity, supported by adequate instruments of monitoring and surveillance.

As far as the strengthening of social rights is concerned, the reinforced steering capacity should not only redress the existing imbalances in the implementation of the three EPSR chapters, but it should also enhance the focus on the two fronts discussed in the previous sections: the ‘social inclusion

proofing’ of measures and the provision of adequate instrumental resources. The two are related, as both aim at making sure that the most vulnerable social groups be fully integrated within the reach of social adequate, accessible and affordable provisions.

The promotion of upward convergence requires in its turn the establishment of a more systematic institutional architecture. Convergence is today challenged by a number of factors: from sluggish growth to the difficulty of delivering a just transition, from wide disparities of institutional regulations to the lack of adequate fiscal space to introduce and fund reforms. Thus a new impetus should come from the EU, inspired by the rationales discussed in the first chapter of this report. The EPSR principles should be fully incorporated and reinforced within the European Semester – the main mechanism for overseeing wider economic and social policy-making.

In order to fully exploit the potential of social conditionality, it is crucial to establish effective synergies among all existing European funds, making them less fragmented and more blended and bundled. Specific and dedicated forms of surveillance and monitoring should be incorporated in the implementation of the Council Recommendation on adequate minimum Incomes and Distributional Impact Assessment (the ‘DIA’) as well as in the evaluation of social investment policies (e.g. the implementation of the Work-Life Balance Directive), with a view to capturing their impact on different income groups, including the most disadvantaged.

As recommended by various EU leaders during the Porto Summit, it is also desirable to re-open the discussion about SURE, with a view to making it permanent. This scheme was an extremely successful instrument for protecting workers during the pandemic. A permanent SURE could be used to protect workers in all economic sectors exposed to risks associated with the green and digital transitions, in order to reinforce social security and confidence in the huge transformations of EU economies and societies. In due course – in view to the expiration deadline of the RRF - the establishment of a fully-fledged fiscal capacity at the EU level should be discussed, to meet investment needs for common priorities and provide fiscal space for ‘social inclusion proof’ social investment. It would be desirable that specific conditional disregards related to social investment and infrastructure be incorporated in the ongoing revision of the SGP rules. A governance framework formally recognising the contribution of social-inclusion-proof social investment to sustainable and inclusive would change the EU narrative and thus reap the benefits of a more widespread support for the sustainability agenda.

The introduction of the Social Convergence Framework must be welcomed as an important step to monitor and assess the social progress of the member states and the effectiveness of the marble cake pattern in its social outcomes. The integration of the Social Convergence Framework with the multilateral surveillance activities could foster a shared understanding of challenges to upward social convergence and the related policy actions, with a deeper country-specific perspective. The release of dedicated Council Conclusions on Social Convergence in the Union to be adopted by the EPSCO Council every year in June could in their turn upgrade the visibility of the Framework. In its first application (through the Joint Employment Report 2024), the first stage of analysis has flagged seven member states for further analysis during the second stage, in which the causes of divergence will be

explored. This exercise is key to demonstrate that the Framework is meant to be not just cheap talk, but a serious governance tool.

The actual application of the Framework can in itself be considered as an institutional and political success, given the initial contrasting positions of the member states on this issue. Understandably, this new process has remained so far segregated within a restricted epistemic community of officers and experts. The challenge is now to fine tune its analytic traction, political salience within EU decision making arena – particularly the Council – and especially its public visibility. The Social Convergence Framework can in fact play a key role in facilitating and incentivizing the achievement of the social targets set for 2030.

In terms of monitoring a surveillance, the new social governance architecture should widen its remit by expanding the range of indicators, also with a view to stimulating debate and raise awareness. For example, the definition of reference budgets and their measurement in the various member states could provide precious information on minimum protection levels and their adequacy. It would also encourage policy makers to address the highly normative question: what is the minimum amount of income that well-defined family types, including families with children, need in order to fully participate in the society in which they live - one of the overarching objectives which T.H. Marshall assigned to social citizenship.

The establishment of a Well-Being Economy Framework should also be considered. In line with the 2030 Agenda for Sustainable Development, there is now a strong, evidence-based case for going ‘beyond GDP’, incorporating much broader policy tools and initiatives (in the areas of environmental sustainability, health, education, gender equality, social protection and redistribution) and proposing statistical measures that bridge the gap between standard macroeconomic statistics and indicators with a more direct bearing on people’s lives. Italy has been at the forefront in the development of Equitable and Sustainable Well-being (ESW) indicators since the early 2010s and was the first country in the OECD to link well-being indicators to economic and budgetary programming. Interesting insights could be drawn from the Italian experience also in terms of governance and organisational terms.

A final point regards less the rules and practices of social governance than its capacity to include the social partners and civil society organisations. Several studies of our project have shown that these actors play a significant role in both the input and the output sides of EU policy. They serve as transmission belts for the needs and demands of citizens and they contribute to the implementation of social rights on at least two key fronts: facilitating access via instrumental resources and assisting (potential) users in case of complaints. While the EU already has an established tradition as regards the Social Dialogue, civil society associations still have relatively limited formalised opportunities to make their voice heard (including through whistleblowing, which often remains a dead letter). According to a recent Eurobarometer (2023), almost nine in ten respondents (87%) think the role of civil society (associations, NGOs) is important in promoting and protecting democracy and common values, including in terms of fostering a well-informed and pluralistic democratic debate. The proportion who see the role of civil society as important ranges from 71% in Greece to 94% in Sweden. More than half of respondents think there is a need to increase the engagement of civil society

organisations in the decision-making process at the European level (54%). Launching civil society strategy, with a view of establishing a fully-fledged system of Civil Dialogue, should feature as an important element in the reform of EU social governance.

8.4 Conclusion

We want to conclude this Report by quoting one of the recommendation made by the Conference on the Future of Europe (Plenary proposals), to which we fully subscribe:

We need to ensure the full implementation of the European Pillar of Social Rights, including its relevant headline targets for 2030, at EU, national, regional and local level in the area of ‘social protection and inclusion’, with due regard for respective competences and the principles of subsidiarity and proportionality and to include a Social Progress Protocol in the Treaties

(Conference on the Future of Europe, 2022)

It is of paramount importance that the new Commission guarantee continuity with regard to the Pillar. Continuity is key for all policies that require time to become effective, but is especially important for the European institutions, as they must maintain credibility with the public at large. For the EU’s credibility, there is nothing worse than the impression that social policy initiatives are ‘cheap talk’, and as quickly forgotten as they have been launched. In 2025 the Commission will undertake its review of the Pillar’s implementation. We suggest that this exercise be not only the celebration of successful achievements, but also an occasion for re-boosting the entire potential of the Pillar in respect of the – still poorly visible, but already functioning – marble cake of European social citizenship and, more generally, of a European Social Union.

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Appendix

Table A1. Recommendations of the High-Level Group and EUSOCIALCIT findings

HLG recommendations	EUSOCIALCIT findings
A. Starting strong: nurturing child development for all	
1. Universal access to high-quality full-day ECEC for children under age of 3	<ul style="list-style-type: none"> - There is a group of countries with limited investment in both childcare services and parental leave, and the social investment strategy in these countries is characterised by a life-course orientation of social investment at older ages, rather than early in life. - The Northern European countries consistently spend more on the ECEC policies, while Western European countries gradually converge to that level. Countries in the Southern Europe remain more modest in the trends in the ECEC spending. - In the case of smaller children (below 3 years old), the better access (coverage) to formal care is associated with the lower gender employment gap - Access to power resources (normative and instrumental) related to childcare can empower people to cope with the social and labour market risks. Empowering children requires access to both normative and instrumental power resources. The existence of a right to childcare alone does not necessarily guarantee access to high-quality childcare services, other resources also play an important role - The Recovery and Resilience Facility (RRF) represents a unique opportunity for EU Member States to expand their offer of early childhood education and care (ECEC)
2. Targeted minimum income protection and capacitating services for vulnerable families with children	<ul style="list-style-type: none"> - Reference budgets can be an interesting approach to targeted minimum protection. Departing from a solid theoretical and methodological framework, reference budgets aim at answering the highly normative question: what is the minimum amount of income that well-defined family types, including families with children, need to fully participate in the society in which they live?
B. Creating a springboard for the young generation	
3. Adequate support enabling people to start a family and have children	<ul style="list-style-type: none"> - Three kinds of instrumental resources were under focus : easily accessible (digital) application procedures; information targeted at workers (also through union representatives or HR departments); and targeted information campaigns are supportive to the

HLG recommendations	EUSOCIALCIT findings
	<p>implementation of the Work-Life Balance Directive, that is one of the instruments conducive to starting families.</p> <ul style="list-style-type: none"> - Access to the power resources related to childcare and active labour market policies can empower people to cope with new risks and reduce vulnerabilities - People who had job-poor employment paths, and people who had a large number children and their first child relatively early in life, are more susceptible to old-age poverty
<p>4. Implementation of the reinforced Youth Guarantee</p>	<ul style="list-style-type: none"> - Active labour market policies, that are also a part of Youth Guarantee, can empower people to cope with new risks and reduce vulnerabilities. Despite not being a legally binding measure, evidence shows that the YG has provided (albeit indirectly) young European citizens with new resources of power in case of unemployment or inactivity - The Youth Guarantee has acted in the area instrumental resources, facilitating access to social rights, and is a successful example of how the EU can still affect significantly citizens' social entitlements with soft recommendations
<p>C. Ensuring inclusive social protection and lifelong learning</p>	
<p>5. Access to social protection for all employees, irrespective of their work status</p>	<ul style="list-style-type: none"> - European households most dependent on the welfare state are increasingly at-risk-of-poverty and this seems, at least in part, related with the weakening of social protection - Social entitlements are both a result and a multiplier of power resources - The EUSOCIALCIT has developed a new conceptual framework for the analysis of social rights, that must be understood as bundles of individual power resources, which enable right-holders to obtain conformity from public authorities or other individuals and to access a pre-defined range of benefits, including normative, instrumental and enforcement resources - Effective coverage relates to normative resources, as it deals with the rules and criteria to access social benefits, which are part of the material scope of the social schemes. - Important power resources are equality bodies, social partners, and civil society organisations - Vulnerable workers, that have limited access to social protection and welfare institution due to their type of work (self-employed, non-standard workers) or because of their lack of awareness or reluctance to use their rights, as they fear to lose their jobs or people with a history of low-wage jobs or instable employment

HLG recommendations	EUSOCIALCIT findings
<p>6. Quality of work sensitive to life-course issues</p>	<ul style="list-style-type: none"> - the EUSOCIALCIT analysis shows that some principles of the EPSR in the area of quality of work remain less developed than others. For example, principle 10 “Healthy, safe and well-adapted work environment and data protection” includes three rights: one related to safety and health protection, one about a fitting working environment, and one about personal data protection. The three measures related to this principle identified in the project all focus on the first one, leaving out the other two not addressed - Instrumental resources comprise also European agencies that support the development of policies in the area of quality of work. - In the life course there are differences in levels of labour income, related both to gender and age, with labour income in the sprouting-up countries (mainly in Central and Eastern Europe) declining at relatively early stages of the life course. There is also persistent gender pay gap. - Social investment measures aiming at reducing long-term unemployment also result in lower gender gaps on the labour market - In the realm of normative resources overall, 17 regulations, 57 directives, and 2 decisions were adopted over the past 20 years in the social domain. This is - complimented by normative resources, including for example the EURES network of employment services that is an important source of information related to the employment rights and benefits, targeted at supporting both citizens seeking a job, and employers in recruiting workers from all over the EU. - normative measures – particularly generosity of unemployment assistance and generosity of parental leave – are strongly related to spending-based output measures of UI/ALMP and ECEC/Parental-leave - the Directive on Transparent and Predictable Working Conditions (TPWC) has the potential to improve working conditions for all workers in the EU. However, whether it will be able to do so to a sufficient degree for workers who currently face greatest precarity and worst working conditions - While there are high levels of support for policies that allow for a balance between family and work more research is needed to better understand cross-national differences.
<p>7. Lifelong learning systems that provide opportunities for upskilling and reskilling</p>	<ul style="list-style-type: none"> - Access to lifelong learning is a component of power instrumental and normative resources

HLG recommendations	EUSOCIALCIT findings
8. Pursuing inclusion of migrants through social and labour market policies	- Directive on Transparent and Predictable Working Conditions (TPWC), that has the potential to improve working conditions for all workers in the EU including lifelong learning. In the case of migrants, their labour market inclusion can be supported by the. However, whether it will be able to do so to a sufficient degree for workers who currently face greatest precarity, including migrant workers, it is yet to be seen.
9. Job-retention schemes accessible to people in all work statuses to maintain incomes and avoid skill losses during the crisis	- The EUSOCIALCIT project did not reflect on this recommendation
D. Supporting longer careers in good health to safeguard adequate retirement incomes	
10. Flexible working-time arrangements, adjustments to workplaces, and lifelong learning that support longer working lives	- This group of HLG recommendations is also less covered in the EUSOCIALCIT project, that focuses on the earlier stages of life, which in turn should contribute to the longer careers, better health and adequate retirement incomes. This is partially related to the fact, that pensions policy is predominantly the area of the responsibility of the national legislations
11. Tackling poverty and maintaining adequate income in old-age	- The empirical findings with focus on the life course and inter-generational aspects show that in countries with higher ECEC coverage there is a positive impact on the employment rate of older women, which contributes to the postponed retirement and higher pension benefits
12. Credit for periods of care giving for pension purposes	
E. Ensuring equitable and high-quality long-term care provision	
13. Availability of high quality care services, including ambulant, home-based and residential care	- The EUSOCIALCIT project did not reflect on the long-term care provision.
F. Promoting including and environment friendly housing and transport	
14. Fostering affordable, energy-efficient and accessible to all housing	- The EUSOCIALCIT project looked at the housing rights from the perspective of the EPSR principle and related actions at the EU level. - One of the most important indicators, which is highly related to many others, is the form of home ownership. In countries with higher ownership rate, the affordability of housing is higher, but

HLG recommendations	EUSOCIALCIT findings
	<p>other housing parameters are worse: higher overcrowding rate, more problems with the physical parameters of housing (housing deprivation)</p> <ul style="list-style-type: none"> - The main initiative in the area of housing is the Lisbon declaration, which launched the Platform on Combatting Homelessness, which involves EU institutions, governments, municipalities, and civil society organisations with the aim of fighting homelessness, but which establishes no power resources. In the area of energy poverty the Recommendation on energy poverty conceives the liberalisation of energy markets and the competition among energy providers as the main tools to tackle energy poverty
15. Affordable and energy-efficient public transport	<ul style="list-style-type: none"> - The EUSOCIALCIT project did not reflect on the public transport issues.
G. Ensuring inclusive service provision that enhances well-being and capabilities	
16. Improving service provision at local level, fostering co-production and professionalisation, high-quality standards and quality assurance mechanisms for public and private providers of social services, increasing involvement in social economy	<ul style="list-style-type: none"> - Overall well-being inequality has slightly decreased indicating mild interpersonal well-being convergence over the considered period in the EU - The project proposed a new method for policymakers to monitor well-being convergence in the EU, which acknowledges the multiple dimensions of well-being and diverse preferences among Europeans
H. Ensuring sustainable financing for a resilient welfare state	
17. Broadening tax basis and readjusting the revenue mix beyond social contributions and expanding tax revenue	<ul style="list-style-type: none"> - The EUSOCIALCIT project focused on the analyses related to social investment, which particularly refers to the Recommendation 19, and did not cover the topics mentioned in the Recommendations 17 and 18.
18. European agreement on minimum tax rates on capital	<ul style="list-style-type: none"> - The EU offers a broad, coherent and rich framework for social investment principles, especially after the proclamation of the

HLG recommendations	EUSOCIALCIT findings
<p>19. A golden rule for public finances that should allow borrowing for social investment</p>	<p>European Pillar of Social Rights. The pillar offers a normative framework of individual entitlement to social investment provisions</p> <ul style="list-style-type: none"> - Empirical analyses based on the panel regression models also confirm the role of social investment strategies, such as childcare policies, in reducing the gender gaps on the labour market and long-term unemployment - The EUSOCIALCIT findings present that public spending on education has declined enormously in the recent time period. It is accompanied by a shift in funding resources from public to private as the share of private funding in higher education increased significantly, which in turn leads to increased inequalities - In the area of employment policies, the obtained result shows that the more passive, transfer oriented aspects of employment policy are consistently larger in their fiscal footprint than the ALMP counterparts and that the trends tend to track one another - EUSOCIALCIT analyses show consistent and persistent cross-national differences between sub-sectors of the welfare state - The evidence provided by the EUSOCIALCIT project shows, that the implementation of the golden rule recommendation will require significant consensus building, but there is an increasing public opinion support to some of the social investment directions and no overwhelming support for convergence towards social investment.
<p>I. Stepping up EU capacity to secure social protection for the future</p>	
<p>20. Adoption of additional legislative initiatives to fulfil all principles of the European Pillar of Social Rights</p>	<ul style="list-style-type: none"> - The EUSOCIALCIT approach fits well with developing evidence supporting implementation of normative resources – legislative initiatives that can support the future developments of the welfare state and social protection in Europe - In the analysis, the EUSOCIALCIT researchers have identified 91 measures related to the EPSR since its proclamation. Of these, only 48 have established power resources - In the case of principles 1, 2, 3, 4, 5, 6, 9, 11, and 18, the measures adopted (and those that have been proposed) seem congruent with the rights and general prescriptions stated in the EPSR. The same cannot be said for the other principles. In the case of principles 7, 8, 10, 12, 14, and 17, we observe a limited implementation of the EPSR: the measures implement only partially the EPSR rights and general prescriptions. In the case of the remaining principles – 13, 15, 16, 19, 20 – there has been barely any advancement. This assessment could form a starting

HLG recommendations	EUSOCIALCIT findings
	point for further discussion on the need for further legislative initiatives.
<p>21. Guaranteeing a minimum package of social rights based on the principles of the EPSR</p>	<ul style="list-style-type: none"> - The starting point for the EUSOCIALCIT was the asymmetry between economic and social rights within the EU, whereby the former have been systematically prioritized over the latter - Implementation of a European welfare state model – if desired – definitely requires additional efforts. The convergence trend was mostly observed for the pre-crisis years leading up to 2007/2008. Divergence in outputs, resources and, potentially in the long term, outcomes increased again after the crisis - An important pre-condition of further advancement of the European welfare state is also the societal awareness of the existing social rights and the gaps

Source: Author's elaboration.