Inside the Social Open Method of Coordination: The hard politics of 'soft' governance
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CHAPTER 1

The hard politics of ‘soft’ governance: setting the scene

Introduction: the founding fathers’ fundamental assumptions

The process of European integration has gradually but irreversibly altered the configuration of national welfare states. Yet until recently scholarly analyses of European welfare states commonly treated each of them as though its structure and development was shaped predominantly by socio-political factors endogenous to the country concerned (e.g. Esping-Andersen, 1990; Pierson, 2001). Such a purely endogenous analysis was indeed defensible in the early days of European integration. When it was launched in the 1950s, the European project did not intend to challenge the institutional foundations of the welfare state. European integration was rather seen as a project ‘capable of creating and sustaining a virtuous circle between open economies and outward-looking economic policies on the one hand and closed welfare states and inward-looking social policy on the other’ (Ferrera, 2006: 262). Two fundamental goals have indeed been part and parcel of the European project since the Treaty of Rome of 1957: the simultaneous pursuit of economic progress on the one hand, and of social progress and cohesion on the other, both within countries (through the gradual development of the welfare states) and between countries (through upward convergence across the Union).

The limited competences given by the 1957 Rome Treaty to the supranational level in the social policy sphere reflected this explicit objective of a neat division of labour between national welfare states on the one hand and the European Economic Community (EEC) on the other. Although the Treaty contained a small number of social policy provisions such as the establishment of a 'European Social Fund' (ESF) and provisions on equal pay for men and women, social and redistributive policies were basically left under control of national governments. The scarce EU social policy initiatives were for the most part addressed as ‘spill over’ problems arising from market integration, for instance, enabling the cross-border mobility of workers. It would seem that the founding fathers of the European project optimistically assumed that its social objectives could be reached by supranational economic cooperation – namely through the ‘four freedoms’ of the single market which would boost economic growth – together with specific financial instruments for raising the standard of living across the Member States, which were later brought together in the EU’s ‘economic, social and territorial’ cohesion policy (Vandenbroucke with Vanhercke, 2014).

1 Section 1.1 of this chapter draws on the sections I authored in Vandenbroucke with Vanhercke (2014). Section 1.2 refines my discussion on new governance in Greer and Vanhercke (2010). Section 1.3 further develops the Europeanisation perspective from Vanhercke et al. (2011b), while section 1.5.4 is very much inspired by my contribution to a European Commission-funded project (PPI, 2011).
Domestic social policies were to redistribute the fruits of economic progress and upward economic convergence, while remaining a national prerogative. The Treaty of Rome furthermore stipulated that:

‘Member States agree upon the need to promote improved working conditions and an improved standard of living for workers, so as to make possible their harmonisation [...]. They believe that such a development will ensue [...] from the functioning of the common market, which will favour the harmonisation of social systems’ (Article 117).

In other words: drawing on the Spaak (1956) report, there was a genuine belief in the spontaneous harmonisation of social systems. The Ohlin Report – which together with the Spaak report provided the basis for the Treaty of Rome – explains the logic behind this belief, which made sense at the time:

‘when account is taken of the strength of the trade union movement in European countries and of the sympathy of European governments for social aspirations, [this will] ensure that labour conditions would improve and would not deteriorate’ (Ohlin, 1956: § 210).

In spite of these historical assumptions, over the last decades, incremental European social regulation has led to the development of a genuine EU social policy, which has gradually affected the workings of welfare states’ institutional structures and policy making processes. The view that national welfare policies can be adequately analysed without taking into consideration the European policy-context hence is no longer tenable.

This PhD contributes to the understanding of whether and how one particular EU social policy instrument – the Open Method of Coordination – has become a significant element in the shaping of national and EU policies over the last decade.

In order to understand how the European level interacts with the national welfare state, section 1.1 will briefly outline the current debate about ‘Social Europe’. It will do so by sketching the incremental development of EU social policy over time through different policy instruments: EU law, structural funds and European social dialogue. Section 1.2 introduces open coordination as a policy instrument, and frames it in the wider debate about ‘new modes of governance’ in the EU. Section 1.3 then provides a synoptic overview of the main approaches in the literature to understanding the reciprocal relationship between EU and Member States’ policies (a ‘Europeanisation’ perspective). Section 1.4 presents the research design: it elaborates the central puzzle and argument as well as the research questions and hypotheses; it also introduces the ‘critical case studies’. Section 1.5 then describes the methods used: literature review, document analysis and semi-structured interviews, supported by an on-line survey, media content analysis and website research. The final section introduces the substantive chapters of this PhD and provides the necessary acknowledgements as well as publication details for each of them.
1.1 The debate about ‘social Europe’ five decades on

As mentioned above, the EU’s founding fathers saw the harmonisation of social systems as the spontaneous result of the functioning of the common market, and not as a policy to be actively pursued. Despite the initial Treaty stipulations, a European social dimension has been actively pursued during the past fifty years, which has led to a non-trivial ‘social acquis’ broadly understood, including employment and non-discrimination. This section – which elaborates on my contribution to Vandenbroucke with Vanhercke (2014) – briefly outlines the historical development of three variants of day-to-day EU social policymaking: the traditional Community method, the EU distributional mode, and social dialogue. I discuss a fourth EU social policy instrument, the Open Method of Coordination, in the next section.

1.1.1 The traditional community method and the Court’s activism

In the institutional dynamic of the EU, law has played a crucial role. Fuelled by a continuous process of legal expansion, the EU has come to be probably ‘the most ‘legalized’ international institution in existence’ (Alter, 2000: 490). Judicial processes have indeed been a powerful force for integration in the Union, creating in the first instance a European economic constitution establishing rights and foundational standards with which the Member States are expected to comply, laws being enforced by a hierarchy of courts headed by the European Court of Justice (now the Court of Justice of the European Union, CJEU). For a long time, therefore, the Community method was seen as the predominant (and even ideal) method of supranational policy making (Wallace, 2010).

And yet, the EU’s legislative involvement in employment and social policy should in principle be a rather short story to tell. After all, the consecutive Treaties only provided a limited transfer of powers from the national to the EU level in these areas. For decades the EC indeed had very few explicit powers of action in the area of social policy and no explicit mandate at all to legislate on it. It is true that the original version of the Treaty establishing the European Economic Community (the 1957 Treaty of Rome, or EEC Treaty) included a Title III on ‘Social Policy’. But apart from provisions on the European Social Fund (see section 1.2.2), and despite having a chapter entitled ‘Social Provisions’, it contained lofty declarations but very little by way of a specific mandate (Falkner, 2007).

This is not to say that there has been no activist role for Brussels in social policy developments, but the obstacles to such activism are formidable (Leibfried, 2010): first, institutionally, because either unanimity or a qualified majority is needed for most initiatives in social policy. Indeed, Member State governments continue to protect their social policy prerogatives on the basis of the subsidiarity principle, even if they have been willing to cede authority over much of their economic and fiscal policy. Second, politically, there is the historical opposition of some large Member States (notably the UK) to any new transfer of power to the EU, while other (notably Scandinavian) countries believe that European intervention in social policies would reduce the level and the quality of their own social protection system (Scharpf, 2002: 650). There is also contestation between different schools of thought on EU-level social policy (Falkner, 2007) over the functions to be served by social policy in what is primarily seen as an economic project:
some are more ‘interventionist’ and strive for a market-correcting approach while others are willing to include some social policy provisions, but without empowering the EU to act.

In spite of these formidable hurdles, the EU has accumulated substantial regulatory mandates in employment, social and anti-discrimination policy. After a series of Treaty reforms in the 1980s (Single European Act), 1990s (Maastricht and Amsterdam Treaties) and the adoption of the Treaty of Nice in 2001 that European Economic Community — renamed the ‘European Community’ after Maastricht — was increasingly given an explicit mandate for social policy. Since the Maastricht Social Agreement, the EC has acquired a series of additional legislative powers for social matters (for an overview, see Falkner, 2007). The Maastricht Treaty also brought two innovations in the institutional governance of EU social policy: extending the ability of collective bargaining partners to intervene in agenda-setting around EU social policy; and extending qualified majority to health and safety of workers working conditions, equal treatment and the integration of persons excluded from the labour market (Lange, 1993, Daly, 2008).

The high point in the development of social policy mandates occurred in the mid-1990s. The 1997 Treaty of Amsterdam, with its Social Chapter, enlarged the scope of the original mandates on health and safety (now broadened to all working conditions) and gender equality (extended to all labour force issues). The latter was now placed under QMV, as was the case for worker information and consultation and integration of people excluded from the labour market. The Amsterdam Treaty (1997) brought a further broad-based mandate to combat discrimination. In addition to ensuring equal treatment for men and women at work, the Community also had to combat discrimination on grounds of racial or ethnic origin, religion or belief, or disability. The Amsterdam Treaty also contained an Employment Chapter which drastically widened the EU’s room of manoeuvre in the field of employment, and which launched the European Employment Strategy (EES). At the same time, the range of subjects on which bargaining can be initiated between the social partners was considerably limited, by explicitly excluding some key topics: pay, the right of association, and the right to strike or the right to impose lock-outs.

Leibfried and Pierson (1995: 74) have famously described the EU as a unique multi-tiered system of social policy with three main characteristics: a ‘hollow core’; a prominent role for courts in policy development; and an unusually tight coupling to market-making processes. Nevertheless, most commentators have also pointed out that, by now, EU social policy has developed beyond what was expected two decades ago (on the grounds of limited legal competences, political dissent, etc.), and also that it has transcended the purely intergovernmental realm, both in terms of decision-making procedures and of social partner participation. So what then are the milestones of EU social policy?

First, because of the lack of legislative competences, EC social policy initially limited itself to removing obstacles to mobility, especially of manual workers, among national – and still nationally governed – labour markets (Scharpf, 2002). Leaving national systems basically as they were, EU policy concentrated on building interfaces between them, for through the technical coordination of social security rights. The latter obliges countries to let EC ‘foreign’ workers enter freely to seek work and to eliminate any legal discrimination that impeded the
free movement of persons across national borders (Streeck, 1995). The Council of Ministers gave high priority to the Regulation on this issue, which was one of the first measures ever taken by the European Economic Community: already on 1 January 1959, Regulations No 3 and 4 – later Regulation 1408/71, now Regulation 883/2004 – on social security for migrant workers entered into force.

Second, there is the case of gender equality at work, which has had a sound treaty base ever since the Treaty of Rome (Article 119 EEC). As a result, since the mid-1970s, a range of directives have been adopted by the Member States. The CJEU played an activist role in this which (a) gave a broad interpretation to the Treaty provisions and the directives, (b) provided legitimation to the Commission’s ambitious legislative agenda, and (c) helped to ensure the implementation of directives: a number of ‘negative integration’ measures (see section 1.3.1 below) struck down national rules and practices discriminating against women. And, which is more, these measures latter have brought in protective gender equality legislation that was previously non-existent in several Member States (Macrae, 2010: 160). Some therefore argue that EU institutions have been important catalysts in shaping women’s economic, political and social equality in Europe.

Yet it has equally been argued that gender equality is visible only in pure gender legislation: the EU as a gender-equal polity is, according to critics, a ‘myth’ (Ibid: 171). This said, the activist stance taken by the ECJ in the 1980s and 1990s paved the way for the adoption of a broader series of more general anti-discrimination Directives (on Anti-Racism and Employment). This was done by extending, in the Treaty of Amsterdam, the prohibition on labour discrimination from the longstanding areas of ‘nationality’ and ‘gender’, to new grounds such as ‘racial and other origins, religion or belief, disability, age or sexual orientation’.

A third case in the area of EU social policymaking is health and safety in the workplace, where a number of ‘positive integration’ measures (see section 1.3.1 below) defined and improved workplace social standards (Ferrera, 2005: 116). The first and arguably most important European Framework Directive on Safety and Health at Work (89/391 EEC) produced a range of daughter directives on specific hazards. Rhodes (2010) describes how the European Commission played a ‘treaty-base game’, in which it stretched the interpretations of ‘health and safety’ as far as possible to develop an agenda on working conditions and workers’ rights, when a firm legal treaty base was missing. Directives on Atypical Work (91/383/EC) and Pregnant Workers (92/85/EC) required more generous policies in several EU countries; they were adopted under the ‘health and safety’ provisions, allowing qualified majority voting (QMV). This was also the case for the highly contested Working Time Directive (2003/88/EC), which set a limit to weekly working hours, but excluded a number of sectors and allowed important derogations for the Member States. The Young Workers’ Directive (94/33/EC) prohibited work by children under the age of 15 and gave rights to those under the age of eighteen (again, with many derogations allowed). EU legislation also supported social dialogue: the European Works Councils were established (Directive 94/45/EC) in 1994, after the failure to reach an agreement among the cross-industry social partners.

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2 Examples include exposure to chemical agents (98/24/EC), biological agents (2000/54/EC), electromagnetic fields (2004/40/EC), and asbestos (83/477/EEC).
The Amsterdam Treaty added a new chapter on Employment (see section 1.2.1 below). The extended QMV (and decreased possibility to form a blocking minority after the ‘northern enlargement’ in 1995) led to the adoption of directives on Parental leave (96/34/EC), Part-time work (97/81/EC) and Fixed-term contracts (1999/70/EC), all three of which had been agreed by the cross-industry social partners and constitute the prime (some would argue ‘scarce’) achievements of Euro-corporatism endowed with legislative powers. Following the strengthened legal base in the Treaty of Amsterdam, a Framework directive was adopted on equal treatment in employment and occupation (Directive 2000/78) which aims to combat a wide range of discriminations. A European Company Statute was created in 2001, which also provides for the involvement of employees in such companies; on a similar topic, a highly controversial directive (2002/14/EC) on national information and consultation rules was agreed in 2002. The issue of equal treatment between women and men was moved outside the workplace, through a Directive (2004/113/EC) aimed at combating sex discrimination in access to and supply of goods and services.

Reference should also be made to the range of EU directives which were primarily aimed at the consolidation of the internal market, but de facto supported employment and social protection, such as the early directives on dismissals (75/129/EEC) and procedural rights under collective redundancies (98/59/EC)\(^3\). As importantly, there is the legislation relating to the safety of machinery, which led to the development of an unprecedented body of protective European standards. Crucially, these were often the synthesis of the highest protective standard available, and therefore represented a significant step forward in most countries. The first Machinery Directive (89/392/EEC) was adopted in 1989 and contributed to a significant reduction in the number and severity of occupational accidents and illnesses (Fraser, 2012). Many of these European standards have also been ‘exported’ to the rest of the world through ISO (now so-called ‘EN ISO’) standards.

More recent legislative initiatives have become scarcer, but are still ongoing ‘under the radar’ (Vanhercke, 2013a). Thus, at least some of the legal uncertainties surrounding the issue of cross-border healthcare were removed in 2011 through a Directive (2011/24/EU) on the application of Patients’ Rights in Cross-border Healthcare. In the area of health and safety, Member States agreed (December 2013) on a review of the abovementioned directive (2004/40/EC) concerning the protection of workers exposed to electromagnetic fields, which encountered huge implementation problems. A consensus emerged (December 2013) regarding the acquisition and preservation of supplementary (occupational) pension rights, but the text was watered-down and excluded the key issue of transferability. A far more significant and hard-fought agreement was reached (December 2013) by Social Affairs Ministers on the controversial posting-of-workers enforcement directive\(^4\).

\(^3\) Other examples include the rights of employees under change of ownership of undertakings (77/187/EEC), worker’s rights in the event of cross-border mergers (2005/56/EC) and state compensation in case of insolvency (80/987/EEC).

\(^4\) Note that negotiations between the cross-industry social partners concerning a revision of the Working Time Directive failed in 2012. The European Commission also proposed legislation with the aim of attaining an objective
In sum, it would seem that in spite of the important hurdles, the legislative output is significant. Around 60 labour market directives have been introduced since 1987 (Vaubel, 2008), as well as more than 20 health and safety directives. There are many more occupational safety and health (OSH) directives and regulations, while in gender equality 13 directives have been adopted so far. As a consequence, national social policies have increasingly become enmeshed in an EU policy-formulation process which involves many different actors in a highly complex set of interactions with many different points of entry (e.g. Schmidt, 2006).

1.1.2 The EU distributional mode: radical transformations

Once the Single European Act (1986) had enshrined the EU’s ‘Cohesion policy’ in a constitutional text, the 1988 reform of the Structural Funds\(^5\) meant the start of a genuine Community policy which ‘is not simply a matter of throwing money at problems...It implies rather a willingness to act at Community level to redress the disparities between regions and between different social groups’ (Delors, 1988). Over the past decades this policy has undergone radical transformations in at least four important respects.

First, expenditure on cohesion policy through the structural and cohesion funds – namely the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Cohesion Fund – grew steadily, from a modest 5% of the EU budget in 1975 to more than one third (35%, or 347 billion Euros) in the period 2007-2013. It is thereby the second largest EU budget item. At the same time, it remains modest, both in terms of the national GDP of recipient countries (the highest share was 4% of national GDP in Greece, before 2004) and in terms of the EU GDP (about 0.46% in 2013). Each of the two ‘Delors Packages’, in 1988 and 1992 respectively, doubled the allocations for cohesion policy (Jouen, 2012). In both cases the need for more European solidarity through a major cash injection was presented by the Commission as a \textit{sine qua non} as well as a matter of fairness, in the context of establishing the internal market and the prospect of EMU\(^6\), respectively (Manzella and Mendez, 2009).

Second, cohesion policy has been increasingly concentrated in terms of beneficiaries and goals. In terms of the beneficiaries, a majority of resources are targeted (since 1988) on the most

\(^5\) The ERDF and the ESF are the two ‘Structural Funds’ (for a long time the rural development fund and the fisheries fund were regarded as Structural funds as well, but then became ‘independent’). The ERDF is the largest: since 1975 it has provided support for the creation of infrastructure and job-creating investment (mainly for small businesses) in declining industrial regions. The ESF, set up in 1958, supports EES objectives such as raising employment rates and preventing long-term unemployment, mainly through training measures. The Cohesion Fund was set up in 1993 and finances environment and transport networks, first in Spain, Greece and Portugal and later in the ten new Member States. Structural Fund and Cohesion Fund support always involves a degree of co-financing from the Member States. The purpose of the Cohesion Fund is to grant funding to the environment and transport infrastructure.

\(^6\) The very first Council commitment to the creation of a regional development fund - in the early 1970s – already made an explicit link with EMU, the move towards which had been decided in 1969 (Manzella and Mendez, 2009:23).
disadvantaged European regions. These received 81.5% of the budget in the period 2007-2013; in the 2014-2020 period the most developed countries will receive a modest 16% of the funds. While some Member States have repeatedly tried to restrict cohesion policy support to the less developed Member States, it is still the case that all regions in all EU Member States – even the richest – are eligible for at least some degree of funding; thus, the ERDF has provided ‘something for everyone’ since 2007.

At the same time, the large number of (sometimes conflicting) objectives the money could be spent on will be considerably reduced in all funds in the new programming period; in the ERDF, for example, Member States always had great leeway to spend the money on their own preferences. The ESF has been the first to have moved to a policy approach (abandoning the earlier target group approach); since 2000, ESF spending has provided financial support for the actions taken with the framework of the European Employment Strategy, which I will demonstrate to be of great significance for our understanding of the OMC’s domestic impact (see chapter 9). In the new programming period the structural funds will have to support the Europe 2020 Strategy. This points to a progressive embedding of cohesion policy within the EU’s more general socio-economic strategy.

Third, the actors involved and the power relations between them have changed considerably. Until 1988, regional policy was largely an intergovernmentalist policy mode, with Member States governments dominating every step of the management and implementation. The European Commission acquired a more strategic role (e.g. in project selection) in the short period between 1994 and 1999, as did regional and local actors as a result of the new ‘partnership’ principle which introduced a multi-level governance space. The 1999 reform of the funds largely decentralized the responsibility for programme content, management, monitoring evaluation and control to the Member States, who thereby re-asserted much of the control they had lost to the European Commission. The latter’s role was thereby essentially restricted to a role in the programming exercise (drafting the Community Support Frameworks) and formal audit and control of spending; at the same time, subnational governments saw their newly acquired role diminishing, confirming member government’s determination to retain a gatekeeping role in the funds (Allen, 2010). Interestingly, it would seem that the European Commission is now somewhat back in the driving seat for the new programming period (2014-2020), in view of its key role in monitoring both macroeconomic and ex-ante conditionality in the funds (see Vandenbroucke with Vanhercke, 2014).

Fourth, the structural and cohesion funds also underwent important changes in terms of their conditionality and control. Especially in view of the consecutive enlargements, the controls over spending have been tightened considerably over the years, to the extent that the system became overly complex and bureaucratic. These checks include multi-annual planning (inspiring more long-term and strategic approaches, at least in the ESF), additionality (EU expenditure is not to be substituted for national expenditure), concentration (on a smaller set of priorities and on the least developed regions), partnership (ensuring a policy space for regional and local authorities as well as social partners and NGOs), evaluation and monitoring (improving national and regional public administration).
In spite of these manifold changes, the EU cohesion funds remain contested territory, as the 2.5 years of negotiations over the Multiannual Financial Framework (MFF) 2014-2020 clearly illustrates. EU cohesion policy has been vulnerable to criticism from policy-makers, academics and stakeholders: in spite of the past reforms, it is, they claim: (a) too loosely linked to a large number of EU priorities, (b) spreading resources too thinly across policy areas, (c) too under-resourced to have a serious macro-economic effect, and (d) excessively complex and bureaucratic to administer. All this with an impact that is often difficult to measure in (macro-)economic terms (Allen, 2010; Manzella and Mendez, 2009). At the same time, the ESF impact has recently been well-documented at the micro level as well as in terms of governance (European Commission, 2011; van Gerven et al., 2014; Verschraegen et al., 2011).

Fabrizio Barca wrote a report in 2009 at the request of European Commissioner Danuta Hübner, in which he called for a place-based approach to the 'EU’s only true development policy' (Barca, 2009). He insisted on the necessity of returning to the original idea of regional development policy and thus the enhancement of local and regional potential rather than viewing the funds as a compensation for handicaps. This new paradigm was a major argument used by the Commission to justify aligning EU cohesion policy and the Europe 2020 Strategy. It would seem that both the European Commission and the Member States have partly taken on board some of the criticism and obvious dysfunctions when designing the new rules for the cohesion policy for the next period (2014-2020): the European Structural and Investment Funds (ESIF) 2014-2020 provide concrete opportunities to increase orientation to results and surveillance (one can also link the reporting part of the regulations with the planned ‘performance reserve’ which can provide a further incentive to deliver results), while at the same time promoting the establishment of incentive mechanisms to actually promote the achievement of results in the social field.

In general it would seem that there has been a gradual shift in the debate over the EU’s cohesion policy: Member States tend to be more interested now in the conditions of use (their substantive purpose), and somewhat less in the question of the amount and allocation, even if this aspect was of course also part and parcel of the last MFF negotiations.

1.1.3 The disappointing results of European social dialogue

EU Social dialogue is part and parcel of the European Social Model and the acquis communautaire, as it is promoted by the Treaty (TFEU Articles 151-155) and is given a specific role in the EU’s decision-making process through a complex set of procedures for the pursuit of law via collective agreements. Crucially, before submitting proposals in the social and employment policy field, the Commission is required to consult management and labour on the possible direction of Union action. Once social partners have reached an EU-level agreement, the Council can only decide whether or not to adopt the directive; it does not have the opportunity to amend the agreement’s provisions. The EU also promotes social partnership and cooperation by

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7 This section draws on the excellent ‘Social Europe guide. Volume 2’ on Social Dialogue produced by Mark Carley and the European Commission staff (European Commission, 2012a), to whom I am indebted.
setting minimum standards for employee representation in national and cross-border firms, and by consulting EU-level social partners on policy initiatives.

Reflecting widespread practice in the Member States, EU social dialogue takes two basic forms and occurs at two main levels:

- **Bipartite** social dialogue (launched in 1985 by Jacques Delors at Val Duchesse) involves only the social partners (organisations representing employers and workers). **Tripartite** social dialogue involves both the social partners and the EU institutions.

- **Cross-industry (or ‘intersectoral’)** social dialogue on the one hand covers the whole EU labour market, and all sectors. In this case, trade unions are principally represented by the European Trade Union Confederation (ETUC), and employers by BUSINESSEUROPE (private sector employers), CEEP (public services employers) and UEAPME (small and medium-sized enterprises). **Sectoral** social dialogue on the other hand, covers one specific industry across the EU: in this case the dialogue brings together 62 European-level employers and 17 European trade union federations, which represent national unions and employers’ associations operating in a particular industry across Europe.

In a rather complex set-up, bipartite social dialogue occurs both at cross-industry level (through the Social Dialogue Committee, SDC) and at the sector level (through some 10 Sectoral Social Dialogue Committees and nearly 1,000 European Works Councils in individual multinational companies).

Tripartite dialogue (also referred to as *concertation*), occurs mainly at cross-industry level. The best-known example is the ‘Tripartite Social Summit for Growth and Employment’ which was established by a Council Decision in 2003, with the role of ensuring continuous dialogue between the Council, Commission and social partners on the Union’s economic and social strategy. The Summit has met twice a year since its conception and allows the social partners to provide an input into the Lisbon Strategy and later the Europe 2020 Strategy.

Once the Maastricht Treaty and its Agreement on Social Policy had given the social partners a specific consultation and negotiation procedure, cross-industry dialogue took two distinct courses. First, consultations based on the Commission’s legislative agenda shaped much of the partners’ dialogue and marked the (very short) ‘golden years’ of EU cross-industry social dialogue in the years 1995-1999. Consultations on the reconciliation of professional and family life resulted in a first cross-industry agreement on parental leave in 1995. Consultations on flexibility in working time and workers’ security led to two agreements: in 1997 on part-time work and in 1999 on fixed-term work. In all three cases, the agreements were made binding in the Member States through directives. A further framework agreement in 2009, again implemented by a directive, amended the 1995 accord on parental leave. In the sectoral social dialogue, consultations led in some cases to agreements between the social partners, e.g. on working time in sea transport and civil aviation. Importantly, at the partners’ request, these sectoral agreements can also be – and have at times been – implemented by Council directives.
Secondly, the social partners followed their own autonomous agenda, as expressed in their 2001 joint contribution to the Laeken European Council: cross-industry social partners announced their own (independent) work programmes, which have indeed been agreed since 2003, each covering two-three years. Following consultations by the Commission, the cross-industry social partners signed an autonomous framework agreement on teleworking in 2002. In contrast to earlier cross-industry agreements, the partners did not ask for the teleworking agreement to be implemented by a directive. Instead, the agreement was to be implemented by the signatories’ national member organisations, ‘in accordance with the procedures and practices specific to management and labour in the Member States’.

In quantitative terms, the output of EU social dialogue is rather impressive: all in all some 650 joint texts have been produced, most of them since the second half of the 1980s. However, over three-quarters are joint opinions and tools, agreements make up only 3% of the total. What do these agreements look like in practice? The most tangible achievements of the EU-level social dialogue are those agreements that have been made legally binding across the Union by Council directives. As discussed above, there are four such cross-industry agreements, two dealing with parental leave and one each with part-time work and fixed-term work. These agreements have resulted in changes to legislation in many Member States. In addition, five sectoral agreements have also been implemented by directives. So all in all, EU social dialogue resulted in nine directives so far.

In view of the robust (constitutionalised) institutional framework for European social dialogue, it would seem that it has not yet been fully explored, to put it mildly. There has not been a single cross-industry agreement in 15 years and social partners’ work programmes have become less ambitious. The number of (key) issues on which the social partners have been unwilling or unable to negotiate, in spite of the Commission’s efforts to get the social partners to negotiate, far outnumber the successes represented by agreements. The European Trade Union Confederation (ETUC) has historically been in favour of the creation of legally binding new EU-wide rights and protection for workers, but internal divisions weaken its mandate in a number of issues, and ETUC prefers the Community method which usually leads to higher benefits for its members. The employers’ bodies, especially BUSINESSEUROPE, generally oppose new EU regulation of employment rights. As a result, the European Commission has increasingly withdrawn from its role of promoter of social dialogue, and is now a ‘supporter’, at best (OSE, 2011), which implies that bargaining is no longer taking place ‘in the shadow of the law’ (Pochet, 2003). Sectoral social dialogue seems to have been somewhat more successful, even if it is relatively young. At the same time, sectoral Social Dialogue Committees sometimes experience problems of representativeness, which is sometimes challenged by national governments and

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8 These are concerned with (a) seafarers’ working time, (b) the working time of mobile civil aviation staff, (c) the working conditions of mobile workers assigned to ‘interoperable’ cross-border rail services, (d) the implementation in EU law of the Maritime Labour Convention, and (e) preventing of ‘sharp injuries’ (for example, from needles and scalpels) in the hospital and health care sector.

9 Recent developments include the setting up of a sectoral social dialogue committee in the food and drink industry (January 2012), an agreement on working time for inland waterway transport; an agreement on minimum standards for football players’ contracts, and a sea fisheries sector agreement to Adopt ILO Convention no 188.
labelled as ‘red tape’ for that reason by the European Commission (as was supposedly the case with ‘high heels’ in the hairdressing sector, see Vandebroucke with Vanhercke, 2014).

In sum, this section showed that EU social policy involves a complex institutional arrangement for shared governance and ‘joint policy-making’. What has emerged is a ‘multi-leveled, highly fragmented system in which policy ‘develops’ but is beyond the firm control of any single political autonomy (Leibfried and Pierson, 1995: 433). The EU as a political system comprises EU institutions, Member States but also regional actors, all acting together (Hooghe and Marks, 2001). This institutional context, a multi-level and multi-arena playing field, also involves the use that actors at the national and subnational level make of the European level to achieve their goals, and vice versa (Room, 2006). In this EU setting, different policy levels are to a high extent interlocked, rather than clearly separated. It also became clear that, in spite of Member States carefully guarding their prerogatives, an EU Social dimensions has (prudently) developed through legislation, funding and social dialogue.

And yet, by the end of the 1990s, important changes occurred as regards the perceived validity of the model of harmonisation by means of EU directives, be they initiated by EU institution or the social partners. This leads us to the discussion on new mode of Governance, and the OMC.

1.2 Open coordination and new modes of governance

In 2001, in a context marked by the White Paper on Governance, European Commissioner Anna Diamantopoulou, then in charge of Social Affairs, called legislation an ‘outdated’ form of policymaking (European Voice, March 2001). Several, interrelated factors can explain such a statement.

First, the law-making process in social matters continuously face political difficulties, for instance, because of difficulties of governments and social partners alike to reach agreements (see section 1.1.1). Secondly, political deadlocks lead to fewer directives, of a weaker content. Thirdly, the relatively open-ended formulation of some of these EU directives lead to an active re-regulation on the part of the CJEU when it is called to interpret these norms. The Court in its case law addresses this situation upfront. Thus, writing about the Directive on transfer of undertakings, the Advocate General Ruiz-Jarabo Colomer states that the ‘complexity inherent in the regulation of national labour markets meant that the adoption of this legislation involved achieving wide consensus, with the result that its provisions, which are open-ended and ambiguous, often require the intervention of the Court of Justice in the form of preliminary rulings’\(^{10}\). Fourthly, a negative stance is taken vis-à-vis the role of ‘judicial legislator’ assumed by the CJEU. For A. Lo Faro (2000:13), ‘the wide ranging scope of intervention by the judges in Luxembourg over the years both presumes and reveals a pathology of the Community model of legislative harmonisation’. For this scholar ‘the weakness of Council decision-making recorded from the 1980s onwards was the price to be paid for the work done by the Court of justice in strengthening the instruments of the effectiveness of Community law’ (Ibid: 16).
The perception of a regulatory deficit of the classic Community method is further strengthened by a concern for the effective implementation of the directives. In a Resolution adopted in 1995, the Council considered that ‘if the Directives are not fully and accurately transposed, the very existence of a European social area may be put at risk’ (Council of the EU, 1995). The lack of effectiveness of directives has often lead the Commission itself to promote the adoption of an approach of non-legislative nature. Comprehensive compliance studies have emerged over recent years and established rates of problematic transpositions in the national legal orders (Falkner et al., 2005).

The (real or perceived) inadequacy of the classic Community method has stimulated a debate on the advantages and disadvantages of the role of law in European integration and led to a broad reflection on the alternatives to legislative activity. This debate on new governance has proposed solutions based on new governance processes and self-regulation (including social dialogue), which turn away from command-and-control in favour of ‘regulatory’ approaches that are less prescriptive and less committed to uniform approaches. I focus most on the clearly defined and well researched process: the Open Method of Coordination.

1.2.1 Policy coordination from the Broad Economic Policy Guidelines to Europe 2020

From the first steps of European integration, Member States provided the possibility for ‘close cooperation between Member States in the social field’, including in sensitive areas such as employment and social security; this was to be done by ‘making studies, delivering opinions and arranging consultations’ (Treaty of Rome, Article 118). The founding fathers also addressed economic policies: ‘Member States shall co-ordinate their economic policies’ (Ibid, Article 105), while the chapter on conjunctural policies stipulates that they ‘shall consult each other and the Commission on the measures to be taken’ (Ibid, Article 103).

Wallace (2010) points to the fact that already in its early years the Commission used this technique to develop loose forms of cooperation and coordination in order to make the case for direct policy powers: this happened for environmental issues, research and development, education policy and the conservation of fish stock. In these cases, policy coordination was intended (but not always successful) as a mechanism of transition from nationally rooted policy-making to an EU collective regime.

EU cooperation on economic policies was the first to be firmly institutionalized. During the 1960s three committees were established to this end: the Short-term Economic Policy Committee (1960), the Budgetary Policy Committee (1964) and the Medium-Term Economic Policy Committee (1964). In 1974 these three committees were merged to form the Economic Policy Committee (Degryse, 2012: 10). It would take until the Maastricht Treaty of 1992, which launched the EMU, to firmly anchor an EU process of coordination and surveillance of Member States’ economic policies, through so-called Broad Economic Policy Guidelines (BEPG, Article

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121 TFEU). These involved non-binding recommendations from the Council to Member States to monitor the consistency of national economic policies with those of the European Monetary Union. Important from a political point of view is the fact that the European Commission could issue a ‘warning’ to a Member State whose economic policies do not conform to the BEPG, which have been adopted annually since 1993 (and every three years since 2003). Even if a ‘recommendation’ is a legislative act that suggests a course of action, it is not legally binding. Economic policy coordination can therefore be seen as the pioneer of a structured EU ‘policy coordination’ mode of governance, drawing inspiration from the looser ‘OECD technique’ in this international organisation, where economic surveys began in the 1960s.

Even if governance by persuasion (Streeck, 1996: 80) was soon judged to be rather ineffective for coordinating economic policy (Math, 2002), a political spill-over to the domain of employment followed (Rhodes, 2010). Indeed, the sharp rise in unemployment immediately after the Maastricht Treaty was signed, made it necessary for governments to defend their support for Monetary Union and the unpopular convergence efforts it required. They had to make it clear to their electorate that the EU was not only concerned with price stability and budgetary discipline, but also with employment. As a result, a new Employment Chapter was added to the 1997 Treaty of Amsterdam, which can be regarded as a ‘correction’ to the legitimacy deficit caused by Maastricht (van Riel and van der Meer, 2002). The new Employment Chapter made it possible to codify the European Employment Strategy (EES) that had been decided upon by the Extraordinary European Council on Employment in Luxembourg in 1997. In practice, the European Employment Strategy (EES) is implemented by the Employment Committee (EMCO). Thus, a number of pre-existing European policy coordination processes have retrospectively been interpreted as full or partial examples of ‘OMC avant la lettre’. Some have argued, for example, that policy processes such as that the OECD Economic Surveys, the Employment Strategy undertaken by the Nordic Council and the Article IV consultations by the International Monetary Fund (IMF), all of which have been up and running for at least two decades, are OMC-like types of cooperation between countries as well (Schäfer, 2004; Nørgaard, 2005).

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11 The European Council added the subject of employment to the agenda at the Copenhagen Summit in June 1993, merely a few months after the signature of the Maastricht Treaty. Following the 1993 White Paper on Growth, Competitiveness and Employment, the contours of the EES were decided by the Essen European Council in 1994.

12 The EMCO was formally established in 2000 and is one of the two advisory committees of the EPSCO Council (together with the SPC). It has its Treaty base in Article 150 TFEU.

13 To ensure that OECD Member States follow the code of conduct for sound economic policies laid down in the OECD Convention, the OECD produces, every 12 to 18 months, an Economic Survey for each country (Schäfer, 2004: 5). See Groenendijk (2009) for a comparison between EU and OECD Benchmarking and Peer Review. Schäfer sees no substantial differences whatsoever between the OECD Jobs Strategy and the European Employment Strategy: ‘these procedures are forms of multilateral surveillance that do not differ in kind’ (Schäfer 2004:1).

14 The Nordic cooperation in the employment field involves Iceland, Finland, Norway, Sweden, Denmark, Greenland, the Faroe Islands and the Aaland Islands (Nørgaard, 2005: 19).

15 The ‘Article IV Consultations’ consist of an annual multilateral surveillance procedure, used with a view to ‘firm surveillance’ of the exchange rates of the IMF members (Schäfer, 2004: 7).
The emergence and visibility of the Employment Chapter in turn set an example for cooperation in other areas, as became clear at the Lisbon European Council in 2000, which put forward the central idea that economic performance (competitiveness) and social cohesion are not mutually exclusive but rather mutually reinforcing (Room, 2002). The European Council formally coined the ‘Open Method of Coordination’ (OMC) as a new – and at the initial stage rather experimental – policy instrument for the EU. The OMC clearly drew on the experience and institutional framework that was established by the European Employment Strategy, and can be seen as a direct spill over of the EES (van Riel and van der Meer, 2002). As I will argue in more detail in chapter 2, the concrete architecture of the OMC indeed shows how it is modelled on the EES, which includes spreading best practice, fixing guidelines, establishing quantitative and qualitative indicators and benchmarks, national and regional targets and periodic monitoring, evaluation and Peer Review.

Following the mandate from the Lisbon European Council, OMC began to provide a Europe-wide approach to social policy: it was first launched in the area of social inclusion (2000) to be followed by pensions (2001) and health care (2004) and in practice implemented by the Social Protection Committee (SPC)16. Importantly, the Lisbon Council Conclusions stipulated the introduction of the OMC ‘at all levels’ (European Council, 2000: § 7), and explicitly referred to the use of the OMC in the areas of information society/e-Europe (Ibid: § 8), innovation and research and development (Ibid: § 13). Furthermore, even though the term ‘OMC’ was not explicitly used with regard to enterprise promotion, economic reform and education and training, the wording of the Lisbon Council Conclusions were such that they gave a de facto support for the development of open coordination in more than ten policy areas, as indeed happened in the early 2000s. Nowadays, around a dozen OMCs are up and running, while OMC-instruments inspire more lose forms of EU cooperation in around thirty different policy areas. Even though these OMCs clearly involve to some extent the specific ensemble of elements defined by the Lisbon European Council (objectives, indicators etc.), ‘actual OMC processes as they have evolved since Lisbon vary considerably in their modalities and procedures, depending on the specific characteristics of the policy field in question, the Treaty basis of EU competence, and the willingness of the Member States to take joint action’ (Zeitlin, 2005a).

The post-Lisbon enthusiasm for policy cooperation through the OMC came to a rather abrupt end in 2004, when the High Level Group headed by Wim Kok assessed the overall Lisbon Strategy, and stated that ‘The open method of coordination has fallen far short of expectations,’ and called for ‘a radical improvement of the process’ (Kok, 2004: 42), including through naming, shaming and faming (Ibid: 43). While the operational conclusions of the Kok report were largely dismissed by the European Council, the re-launched ‘Lisbon II’ Strategy from 2005 onwards focused on ‘Jobs’ and ‘Growth’. The Broad Economic Policy Guidelines (BEPG) and Employment Guidelines were merged into a single set of ‘Integrated Guidelines’, reporting on which was to take place through new National Reform Programmes (NRPs). The Social OMC was reduced to a ‘parallel’ process to the revised Lisbon Strategy, rather than an integral (but rather weak) part of it.

16 The SPC is the second advisory body of the EPSCO Council of Ministers, next to the EMCO. It was set up in 2000 and is formally based on Article 160 TFEU.
To some extent, this situation has been corrected through the initial design of the Europe 2020 Strategy, which replaced the Lisbon Strategy in 2010 and is intended ‘to turn the EU into a smart, sustainable and inclusive economy delivering high levels of employment, productivity and social cohesion’. Thus, at the time when it was launched, Europe 2020 had a rather all-encompassing political agenda (to some extent, a return to the original Lisbon Strategy) and provided considerable visibility and importance for employment and social inclusion. More concretely, Europe 2020 has been organised around three integrated pillars: macroeconomic surveillance, thematic coordination (in areas such as employment, education and social inclusion) and fiscal surveillance under the Stability and Growth Pact.

Thematic coordination combines EU priorities with EU headline targets, seven EU flagship initiatives. Thus, ‘Inclusive growth’ is one of Europe 2020’s key objectives; there is the target to raise to 75% the employment rate for women and men aged 20-64, as well as the target of lifting at least 20 million people out of the risk of poverty and exclusion; there are the flagships on ‘An agenda for new skills and jobs’ and the ‘European Platform Against Poverty’ (EPAP); and finally four Integrated Guidelines concerning employment, including Guideline 10 on promoting social inclusion and combating poverty. The first six guidelines relate to the economic policies of the Member States and the EU.

Since 2011 the different building blocks of the Strategy are organized through the ‘European Semester’, which starts every year with the Commission identifying the key economic challenges and priorities through its Annual Growth Survey (AGS). Member States then write National Reform Programmes and Stability and Convergence Programmes, in which they set out the action they will undertake: these programmes are then assessed by the Commission, and result in Country-specific Recommendations (CSRs). The latter are discussed and amended by the respective EU Committees preparing the work for the ‘Economics and Finance’ (ECOFIN) and Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council formations, and are ultimately adopted by the Council. Although most of the recommendations focus on economic and employment reforms, an increasing proportion also address social cohesion issues, including combating poverty and social exclusion. While at first sight the employment and social issues in the Europe 2020 Strategy had some visibility, these were quickly subsumed by the other objectives (for a more detailed description of the Europe 2020 architecture, see the concluding chapter as well as Vanhercke, 2011b, 2013).

Unsurprisingly, these changes resulted in CSRs and AGS that have been largely focused on economic issues, as was the case with the National Reform Programmes (Degryse, 2012; Degryse et al., 2013; EAPN, 2013). Yet recent research (Costamagna, 2013; Vanhercke, 2013a, Bekker, 2015) shows a partial rebalancing in that the social dimension is slowly acquiring its substantive place in Europe 2020. Indeed, after two years of trial and error in the implementation of the European Semester, the employment and social actors involved have begun to formalise their positions and continue to do so in the preparation of the 2014 European Semester (Council of the EU, 2013b). Recent AGS have a more nuanced account of social issues, while there is an increasing number of CSRs paying attention to social objectives (notably with a view to reduce poverty), which are no longer accepted as ‘given’ by the Member States (i.e. they are being successfully amended, despite RQMV). Certainly, this ‘socialization’ of the European
Setting the scene

Semester’ (Barcevicius et al., 2014), is a slow evolution and the role of the SPC in Europe 2020 still needs further clarification. Similarly, there is considerable confusion about the exact place of the ‘Social Investment Package’ (SIP) which was launched in February 2013 (European Commission, 2013a; Hemerijck, 2012; Vandenbroucke et al., 2011), which sets out a rather coherent European-level policy framework that addresses the whole range of social policies and has some of the features of the European Commission’s earlier encompassing Social Agendas. The SIP argues that the choice between either achieving social or economic objectives is in fact a false dichotomy and seems to be the European Commission’s new pet tool for coordinating the EU’s social dimension.

It is remarkable that in an environment so strongly defined by the economic crisis, EMCO, the SPC, and Directorate General (DG) EMPL of the European Commission have used the context of intensified ‘mutual surveillance’ throughout the year to strengthen their own analytical toolbox. The latter includes the newly developed Joint Assessment Framework (JAF), the Social Protection Performance Monitor (SPPM) and the Employment Performance Monitor (EPM). At the same time, Member States seem to have chosen to combine ‘being tough’ on each other (through the ‘comply or explain’ rules of the European Semester) with securing mutual learning opportunities, as many objectives of Europe 2020 do not lend themselves easily to top-down prescriptions. The latter element will be key in the coming discussion about the proposed ‘contractual arrangements’ through which the European Commission hopes to enhance Member State compliance with the CSRs.

All in all, it would seem that policy coordination in employment and social policy has demonstrated to be rather resilient. Which is more: policy coordination through the (Social) OMC has become a template for EU, domestic and even regional policy coordination in sensitive policy areas, or to achieve better practice in the absence of centralized policy regimes (see Greer and Vanhercke, 2010 and Vanhercke, 2014b for a more detailed discussion). It remains therefore part and parcel of the EU’s social policy. This PhD will try to establish why this is so, including by drawing on a new governance perspective.

1.2.2 New modes of governance

What’s in a name? Defining new governance

The term ‘new governance’ arose from recent regulatory developments in the EU and US domestic contexts designed to embrace diversity and promote innovation. It refers to a variety of approaches that differ from traditional forms of command and control governance. The term elicits strong reactions – from scorn to enthusiasm – and provides the basis for some of the conceptual confusion surrounding ‘new governance’, ‘soft law’, ‘soft governance’, ‘experimentalist governance’ and other such concepts that emerge in the relatively young yet voluminous literature. We know better what they are not than what they are. And if it is hard...
to say what new governance is, then it is also hard to say if it is actually new, or if it actually governs anything\(^{19}\). Nor is it easy to work out what it means in practice. Jordan and Schout (2006), for example, observe that the ‘EU governance literature still has not fully explored what governance actually means in terms of implementation. In fact, academics are still struggling to agree common definitions of terms like the ‘Open Method of Coordination (OMC)’.

In its simplest formulation, new governance is governance that takes place outside ‘traditional’ hierarchical, legal mechanisms such as the ‘Community method’ of legislation taught in EU textbooks (Majone, 2005: 59). In more precise terms, new governance involves ‘a shift in emphasis away from command and-control in favour of ‘regulatory’ approaches, which are less rigid, less prescriptive, less committed to uniform approaches, and less hierarchical in nature’. The idea of new (or experimental) governance ‘places considerable emphasis upon the accommodation and promotion of diversity, on the importance of provisionality and reversibility [...] and on the goal of policy learning’ (de Búrca and Scott, 2006: 2–3). In practice, EU policy often fits these criteria.

According to Sabel and Zeitlin (2008), EU policy is indeed increasingly:

- deliberative (consensus is often regarded as provisional);
- multilevel (connecting different levels of government – crucially, this means that it is not strongly hierarchical, or hierarchical at all);
- a departure from norms of representative democracy (accountability is defined in terms of transparency and scrutiny by peers);
- a combination of framework goals set from above combined with considerable autonomy for lower-level units and agents to redefine the objectives in light of learning; and
- built on reporting (on their performance) and participation in Peer Review (in which results are compared with those pursuing other means to the same general ends).

For these authors, experimental governance will be most powerful when there is an unattractive ‘penalty default’ – i.e., something worse that will happen if the experimental governance fails (Ibid: 305). This can include a ‘destabilization regime’, in which the direction of policy creates a search for alternatives ‘by in effect terrorizing them into undertaking a search for novel solutions’ (Ibid: 306). Note that while the unattractiveness of the penalty default – say market-oriented social policy-making by the CJEU – is clear, the extent to which new governance would prevent it remains to be established.

Even if we agree that on such an understanding of new governance, there are still basic definitional problems (Greer and Vanhercke, 2010): the tension between definitions that rely on

\(^{19}\) An overview by Treib, Bähr and Falkner (2007) avoids ‘the fashionable labels of ‘old’ and ‘new’ modes of governance. [...] Whether a given mode of governance is ‘new’ or ‘old’ is an empirical rather than an analytical question. [...] Should we consider a mode of governance new if it emerged within the last five or ten years, within the last two or three decades, or within the last century? [...] Moreover, the question of whether a given mode of governance should be considered ‘old’ or ‘new’ also depends on the specific policy area one is focusing on. Many supposedly innovative forms of governance that occurred rather recently in one particular field of study ‘may turn out to be quite old in other contexts’.
intention (i.e., whether something is intended to be new governance), definitions that rely on mechanisms (standard-setting, norms, credentialing) and definitions that rely on identifiable impact. If we define new governance based on the intention of participants, then every committee that sets out to define standards or promote convergence counts, even if nobody notices it. If we define new governance by mechanisms, then almost any decent international conference qualifies. And if we define it by impact, then we cannot identify new governance other than by tracing an event backwards and finding something other than hierarchical law-making by states. Given this problem, it is not surprising that new governance is often defined by its negative.

Linda Senden has built a helpful set of definitions on the intentions of EU institutions: the EU is indeed one of the great producers of explicit new governance mechanisms. This scholar divides EU new governance into three broad categories. A first, rather general, category is ‘soft governance’, which Senden designates as ‘preparatory and informative instruments’. This means green papers, white papers, action programmes and informative communications. These instruments are adopted with a view to preparing further Community law and policy and/or providing information on Community action. As such, they can also be regarded as fulfilling a pre-law function (Senden, 2005: 23). This category also includes preparatory documents and recommendations of expert groups.

Second, ‘interpretative and decisional instruments’ are instruments that aim at:

‘providing guidance as to the interpretation and application of existing Community law. [...] The decisional instruments go further than mere interpretation by indicating in what way a Community institution – usually the Commission – will apply Community law provisions in individual cases when it has implementing and discretionary powers. To this category belong notably the Commission’s communications and notices and also certain guidelines, codes and frameworks frequently adopted in the areas of competition law and state aid. [...] As such, they can be considered to fulfill primarily a post-law function (Ibid).

In this PhD, I concentrate on a third category of new governance instruments identified by Senden. These are ‘steering instruments’. These aim at establishing or giving further effect to Community objectives and policy or related policy areas. Sometimes, this means declarations and conclusions, but it can also mean other efforts to create closer cooperation or even harmonization through recommendations, resolutions and codes of conduct, which are ‘used as alternatives to legislation and, in view of this, they can often be said to fulfill a para-law function’ (Ibid). The most widely known of these policy coordination mechanisms is, without doubt, the Open Method of Coordination (OMC). I use it as my main case study because OMC has become, as we will illustrate, a template for new governance in the EU (including in the field of health).

In sum, by new governance processes I mean a (a) an assemblage of processes that aim at giving further effect to Community norms, objectives and policies which (b) do not operate primarily through formal mechanisms of command-and-control: even if they can be initiated through
legislation\textsuperscript{20}, they provide steering through reporting, reviewing and monitoring. This definition is not self-evident: for some others the absence of a ‘shadow of hierarchy’ (legislative and executive decisions) in new modes of governance imply that they cannot ‘deliver the goods’, i.e. deal effectively with the problems that it is supposed to solve (Héritier and Lehmkuhl, 2008). It would seem that the shadow of hierarchy argument has not sufficiently acknowledged two important dimensions: instrument hybridity and policy learning.

**Surpassing the shadow of hierarchy: instrument hybridity and policy learning**

Section 1.1 described how EU social policy is constructed through legal regulation, financial instruments, social dialogue and policy coordination. There are however several indications about an increased dependence or even ‘hybridization’ of these instruments (Trubek and Trubek, 2007; Hervey and Trubek, 2007), which we have so far neatly separated. I have already indicated, for instance, that programmatic ESF-investment has been more closely coupled to the EES policy-framework and that over time, EU legislation has started to incorporate more ‘flexible’ or new governance elements, which now leave Member States more flexibility and discretion in order to adapt with European regulations than they did before.

This changing configuration can partly be explained by the temporal development of the different EU social policy instruments: some date from the beginning of the EU (classic European law and the ESF), other from the 1990s (collective agreements and open coordination). The adoption of new policy instruments such as the OMC has changed the policy context and altered the traditional ‘Community Method’, which was mainly based on harmonized legislation put forward by the Council and Commission and closely guarded by the CJEU (cf. Wallace, 2010). With the introduction of these new policy instrument, the EU has moved to more complex and differentiated modes of governance in the field of social policy. The recent cross-fertilization between law and governance seems to point towards the future development of ‘hybrid’ policy instruments: far from abandoning traditional policy instruments (legislation, financial regulation), the EU institutions are keen to pursue them *alongside* the array of governance mechanisms now available to them (Hervey and Vanhercke, 2010).

In answering the question whether the diversification of regulatory modes and the perceived shift from EU-binding rules to a more complex system of European governance, creates a risk of inefficiency and non-compliance or rather engenders better and more efficient social policies, the literature is undecided. Some authors, mainly from a legal background, are rather sceptical about the overall effects of the introduction of new governance methods, while others believe that the stricter coupling or even ‘hybridization’ is already functioning in an effective and fairly successful manner in areas like employment policy. According to Claire Kilpatrick, for instance, the ESF, the EES and EU labour law play different, but integrated and mutually reinforcing roles in dealing with issues such as gender discrimination or part-time work. The integration of the different EU employment instruments in a broader, hybridized governance system, may thus

provide the EU with a policy framework that has ‘a regulatory strength and potential it did not previously possess’ (Kilpatrick, 2006).

If we want to understand how new governance can ‘deliver the goods’, we need some kind of understanding of the role of ‘learning’ in policymaking. Hugh Heclo was among the first to acknowledge that:

‘Governments not only ‘power’ […] they also ‘puzzle’. Policymaking is a form of collective puzzlement on society’s behalf […] Much political interaction has constituted a process of social learning expressed through policy’ (Heclo, 1974).

While Heclo only emphasises the role of ideas in policymaking and the capacity of the state to act autonomously from societal pressure – i.e., he rejects the view that outside factors, such as socio-economic development, elections political parties, and organized interest, play a primary role in the development of social policy – others have underlined the cognitive and the normative aspects of learning, as well as influences from outside the state. But what is ‘learning’, then? Peter Hall’s classic definition of social learning as ‘a deliberate attempt to adjust the goals or techniques of policy in response to past experience and new information’ seems a useful starting point (Hall, 1993). Hall furthermore states that learning is indicated when policy changes ‘as the result of such a process.’

Hall furthermore disaggregates the concept of social learning into 3 distinct kinds of changes in policy (Ibid: 278-279):

- First order learning occurs when the overarching goals that guide policy in a particular field as well as the techniques or policy instruments used to attain such goals remain stable, while the precise settings of these instruments change.
- Second order change occurs when the instruments of policy change, as well as their precise settings, while the overall goals remain stable.
- Simultaneous change in all three components of policy can be described as third order change. The latter can also be described as a change in ‘policy paradigm’, which is the framework of ideas and standards that specified not only the goals of policy and the kind of instruments that can be used to attain them, but also the very nature of the problem they are meant to be addressing.

Four nuances to these approaches to learning are introduced in this PhD. First of all, while Hall sees learning as a ‘response to past experience and new information’, the EU promotes ‘mutual learning’, namely learning through ‘a combination of enhanced awareness of different approaches and performance standards elsewhere on the one hand, and reflexive self-assessment, including improvements in institutional capacity for information gathering and monitoring on the other’ (Zeitlin, 2005b: 479). In other words, ‘thick’ learning may occurs when actors become increasingly aware of different approaches elsewhere, or of their own practices, and therefore change their policy orientations (Visser, 2009: 42).
A second nuance is that Hall, even in his ‘first order learning’ supposes that actors enact changes in policy (in this case, the precise settings of the instruments). I will add a ‘variety of learning’ in that sometimes actors simply ‘learn how to use’ the EU instruments for their own purpose: they readjust their discourses and funding strategies, which enables them to pursue the same objectives in a new context. I will consider this as ‘thin’ (or strategic) learning, which may or may not result in changes in the precise settings of the instruments (e.g. when Member States simply ‘translate’ their existing policies into ‘OMC-speak’ and pay lip service to the OMC).

Third, for Peter Hall learning is a ‘deliberate’ act with a view to adjusting policy. I will also consider ‘diffusion’ as another form of learning through which actors change their goals and preferences. Diffusion does not presuppose that actors purposefully look for ideas or solutions to problems they are faced with. It rather ‘happens’ because actors are influenced by ‘ways of doing things’. Finally, it would seem that real-world learning does necessarily follow the logic of Peter Hall’s ‘orders’: I will consider the possibility that involvement in EU-level cooperation may contributed to a shift in the ‘policy paradigm’ of policymakers, even if this has not been preceded by changes in the other components of policy (the instruments and their precise settings).

Now that we know what new governance is, the question still is: how could it actually influence domestic social policies. In other words, what is needed is a perspective on ‘Europeanisation’.

1.3 How the EU and its Member States interact: a ‘Europeanisation’ perspective

This section introduces some of the key insights for understanding the Europeanisation of social policy. These comprise the distinction between positive and negative integration (which has played a pivotal role in explaining the dynamics of the EU’s common market) and critically visiting key concepts from the compliance literature.

1.3.1 Positive and negative integration

While the literature on European social policy has generated sufficiently elaborate knowledge about the development and political dynamics in EU-level social policy making, the same cannot be said about the (top-down) effects of Europeanisation on national welfare states (Falkner, 2007: 259). This PhD therefore aims to understand the general significance and practical effects of the EU’s social policy output on national social policies, notably through the Social OMC. Existing theoretical literature is helpful to distinguish the different pathways through which the process of European integration affects national social policy.

A first key insight to understand the different channels of the Europeanisation of social policy, is the distinction between negative and positive integration policies, introduced by Scharpf (1996). Negative integration, or ‘market-making’ integration, refers to those measures and policies that aim to increase the integration of markets through the elimination of restraints on trade and the distortions of competition. Positive integration, or ‘market-correcting’ integration, refers to

21 This section partly draws on Part I of the ‘European tools for social policy in Belgium’ ETOS.be research project (Vanhercke et al., 2011b), which I wrote with Gert Verschraegen, Mieke Beckers and Philippe Reyniers.
policies that actively shape or correct the market and aim positively at social goals and regional imbalances. Negative integration policies such as product-market or labour-market deregulations, remove existing barriers to integration, while active policies create new institutions for integrated economies (Scharpf, 1999; Leibfried, 2000). Positive integration in the field of social policy first of all happens through more traditional social policy initiatives (labour legislation and equal opportunities) by the European Commission and the Council of Ministers, as well as through the judgements of the Court of Justice of the European Union (CJEU), in which European law is interpreted (see section 1.1.1 above). Attempts to coordinate employment and social policies through the OMC are other illustrations of ‘positive integration’. Negative integration aims to produce the conditions required for market compatibility; as when the CJEU makes the welfare payments of the Member States ‘portable’ and thereby limits social policy—it can, for instance, no longer be restricted to the state’s own citizens within the state’s own territory—and also remoulds it.

In the literature, the distinction between negative and positive integration has raised the question whether European policymaking is inextricably and systematically biased in favour of market-making policy or negative integration (economic regulation), as opposed to market correcting policy or positive integration (social regulation). Fritz Scharpf argues that such a bias exists and is in fact due to the supremacy of European law, the Treaty-based prevalence of the four freedoms and the injunctions of the Commission against distorting competition (Scharpf, 1999). This decision-making avenue – so the argument goes – is relatively easy to handle and does not run into many decision-making obstacles. By contrast, market-correcting policy arguably has a greater need for consensus because it has to be passed by the Council and, increasingly, by the Parliament. Literature has also pointed to tensions between national social protection policies and the principles of free circulation of people, services and goods (e.g. Ferrera, 2005; Bartolini, 2005: 233-241). ‘All regulations of the national welfare states which stood in opposition to the unimpeded ‘free circulation’ of the labour force and social services were suspected (often justifiably) of being prohibited by European law. (…) In Germany, for instance the introduction of a minimum pension was resisted in the 1980s, thanks to such considerations’ (Leibfried, 2000: 49). Another example of the imposing logic of negative integration are the European regulations on state aid control, a part of competition policy, which significantly constrains the potential for Member States to distort competition by reducing their ability to subsidize industry and protect industrial employment (Blauberger, 2008). It should be remembered however, that ‘negative’ integration measures not necessarily entail a deterioration of the social situation. In the field of gender equality for instance a number of negative integration measures have struck down national rules and practices discriminating against women.

The process of European integration also gives rise to a multiple indirect pressures which do not bind the national welfare states by law, but exert de facto pressures, for example when individual national economies have to be adjusted to the demands of international competition or have come under a single currency regime from 1999 onwards, putting severe limits on fiscal and thus social policy room of manoeuvre (Leibfried, 2000). Seen from the viewpoint of the national welfare state, autonomy is called into question here, but not sovereignty. The process of Europeanisation has created a context in which social policies are still – formally – decided at the
national level, yet in which it has become increasingly difficult for Member States to neglect transnational demands and pressures and to address the social challenges on their own.

Finally, it should be noted that the EU is not the only transnational actor that is creating incentives for change in European welfare states. It is important to distinguish EU sources of change from cross-border influence, or from global or other European supranational actors. Horizontal influences, whereby policy ideas and instruments in one state are imitated in another should also not be neglected. In the case of activation, for instance, many of the policy frames and instruments come from Scandinavian countries such as Denmark and Sweden (see Weishaupt, 2011). Furthermore, the development of EU policies takes place alongside other processes of internationalization. Many decisions at national level are influenced by international demands of international actors such as the OECD, ILO and the WTO.

1.3.2 Studying the Europeanisation of social policy: key concepts

How does the literature go about analysing and explaining the concrete effects of Europeanisation on national welfare states? For a long time, research in the field of European Studies was mainly concerned with how to conceptualize and explain the effect of Member States on processes and outcomes of European integration (Börzel, 2001; 2005). The body of literature which is usually referred to as ‘integration theory’ deals primarily with the processes and forces leading to the emergence of a separate European political system and its prospective development. The most important debate here was about whether European integration could be better explained by autonomous state actors (intergovernmentalism) or social processes (neofunctionalism). With Haknho Kim (2007) we argue that these two perspectives can in fact be reconciled by adopting a constructivist reconstruction of neofunctionalism. Such an approach provides a promising way to synthesize rationalism with constructivism and can serve as a middle-range analysis of European sectoral policy development (see the chapter 10).

The debate of the 1990s in the field of social policy primarily dealt with the institutional dynamics and political logic of EU social policy (e.g. Leibfried and Pierson, 1995). Over the last decade, however, attention has shifted from the emergence and significance of a distinct EU polity - both in general as in the field of social policy - towards the actual impact of this polity on its Member States. Since the beginning of the 1990s a new research agenda thus emerged which focuses on changes in national welfare states that can be attributed to the development of European regional integration. This new research agenda became known under the heading ‘Europeanisation’, a concept that has enjoyed increasing popularity in academic circles since the late 1990s. Scholars mainly use the concept to assess the influence and effectiveness of European-level politics on the domestic level, as well as to understand how new European opportunities and constraints are used by Member States to push through their own agenda’s (Graziano and Vink, 2007). While earlier European Integration research focused primarily on the creation of a European political arena and the particularities of EU governance, the Europeanisation approach shifts attention principally to the domestic level, focusing on changes in the national policy, politics and polity, induced by EU membership (Börzel, 2001).
Literature in the field of Europeanisation studies has put forward many different propositions on when and how – i.e. through which mechanisms – Europe affects the national welfare states. Different causal mechanisms of domestic change that have been identified by the literature are, for instance, *institutional compliance*, where the EU puts forward an implicit or explicit model of ‘good policy’ that is imposed on the Member States, *changing domestic opportunity structures*, where the EU provides new policy resources and instruments that change the power balance between domestic actors, and *policy framing*, which changes the cognitive beliefs of domestic actors (Börzel, 2005: 49). For the sake of presentation, I concur with Börzel (2005: 50; 2003) that the main bulk of the literature shares three major assumptions, and explain how my research deals with them.

Firstly, most studies agree that Member State responses to Europeanisation are differential, i.e. differ across policy sectors, institutions, and time. This PhD links up with this approach by analysing the differential effects of different EU instruments in three different policy fields: social inclusion, pensions and health care. At the same time I take on a long-term, dynamic perspective that looks at the relation between the EU and the national welfare state over time (the period 2000-2010) rather than taking a snapshot picture at a given moment in time.

Secondly, there is a consensus that the relationship between the EU and its Member States is not a one-way street. The European policy process is a reciprocal, two-way relationship between political negotiations at the domestic and the European level. ‘For practical reasons, however, students of Europeanisation usually bracket European institutions and processes, i.e. take them as given and analyse their effects on the Member States. How Member States responses to Europeanisation feed back into EU institutions and policy processes is rarely explored’ (Börzel, 2003). As will be explained in more detail in section 1.4, this study will attempt to link the ‘bottom-up’ and ‘top-down’ dimension in the relationship between the EU and the domestic level by focusing on the role of national governments in the ascending (uploading or shaping) and descending (downloading or taking) phase of the policy process.

Thirdly, the lion’s share of the studies find that there must be some ‘misfit’ (Börzel 1999) or ‘mismatch’ (Héritier, 1996) between European and domestic policies, processes and institutions. The ‘goodness of fit’ (Cowles, Caporaso and Risse, 2001) or congruence between the European and domestic level determines the degree of pressure for adaptation generated by Europeanisation by the Member States. ‘Only if European policies, institutions, and/or processes differ significantly from those found at the domestic level, do Member States feel the need to change’ (Börzel, 2005: 50).

How does this goodness of fit ‘hit home’ exactly? Analytically, a distinction should be made between ‘institutional’, ‘political’ and ‘policy’ fit.

- First, Schmidt's seminal book *Democracy in Europe* (2006) shows that Europeanisation has radically changed the governance practices of all EU Member States, but that its effect largely depends on the 'institutional fit' between national polities and the EU polity. As a 'compound' polity whose governing activity is highly diffuse, the EU will most affect Member States
whose governance practices are ‘simple’, i.e., with unitary, not decentralized, structures, concentrated rather than diffuse power and single rather than multiple authority.

- Second, the impact of European integration is also determined by the degree of Member States’ ‘political fit’ with the EU, i.e., how pro-European (or Eurosceptical) are national policy-makers. Graziano et al. (2011a) argue that the ‘usage of Europe’ by domestic actors depends upon the general relationship of each country with Europe. More specifically, while public opinion towards the EU clearly matters, Graziano et al. (2011b), as well as Heidenreich and Zeitlin (2009), suggest that elite opinion is what counts most in explaining EU-induced policy-making.

- Third, the impact of EU initiatives on domestic policies varies with the degree of ‘policy fit’ between the EU and its Member States, which often precedes policy change. More specifically, this refers to the extent to which the objectives and policy practices of the EU align with those of domestic actors. A greater degree of institutional and policy misfit and a higher degree of political fit between the EU and the Member State practices can therefore be expected to generate more pressure for adaptation and, ultimately, domestic change.

The ‘goodness of fit’ framework has many critics (Knill & Lehmkuhl, 1999; Falkner et al., 2005), mostly for being too static. Indeed, the fit/misfit model does not sufficiently allow to take into account the recursive or circular dimension of Europeanisation: the domestic impact of European policies changes continuously, because Member States respond to European pressures by trying to influence and reshape European policies and institutions. On the other hand, the model is overtly deterministic, assuming for example that domestic policy-makers want to maintain the status quo at all costs; in other words: it is a bit blind to (sub-)national politics. Thirdly, it seems that the explanatory power) of the goodness of fit model (and thus is relevance) strongly differs according to the specific policy instrument at stake. While ‘legal misfit’ or ‘policy misfit’ is rather easily identified in the case of precise European legal requirements (e.g. labour directives), the explanatory power of ‘goodness of fit’ is less in the case of more flexible policies, which prescribe a ‘good model’ for policymaking and thus ‘leave the Member States too much flexibility and discretion in order to exert pressure for adaptation’ (Börzel, 2005: 51).

This does not rule out, as we will argue, that policy instruments such as the OMC, under certain conditions, effectively challenge domestic institutions to change their policies. These shortcomings lead some to wonder if misfit is either a necessary or a sufficient condition for Europeanisation (Mastenbroek and Kaeding, 2006). While I agree with a critical stance towards the framework, it remains widely used, and provides a useful set of theoretical lenses which I will assess (including its critiques) empirically.
1.4  Research design: questions, hypothesis and case studies

This section explains the research questions this PhD endeavours to answer, and the type of evidence that is needed to answer the questions in a convincing way. A preliminary warning is warranted: while the research design described below allows to arrive at valid (read: plausible) conclusions, it is not – and cannot be – a classic model aimed to discharge ‘the burden of proof’. In other words: this research (design) is about establishing plausibility.

1.4.1  Limitations of a classic research design: the problem of causal inference

There are a few good reasons why a ‘classic’ research design would not be helpful for the sake of this research. First of all, in a classic research design the researcher usually varies or manipulates so-called ‘independent variables’ (say participation in intensive study program), while the dependent variable is the response that is measured (say graduation rates). The research questions raised in this PhD exclude such a setup, since the variables under scrutiny cannot be considered as ‘independent’ from one another. Thus, most instruments of the OMC toolkit – such as the European Commission’s prudent ‘Recommendations’ on Member States’ social policies, or the battery of indicators – are often adopted only after intense negotiation between the EU and domestic actors involved. In other words: these OMC processes cannot be considered as truly external to national policymaking, since Member States often seek to upload their own domestic priorities and preferences into the OMC cycle; and then take these ideas ‘back home’.

Secondly, the very nature of the operation of the Social OMC makes it challenging to establish a causal relationship between variables, which is of course a more general challenge in research: ‘rarely are causal mechanisms observable in the literal sense of the term. Social science is not a bit like billiards’ (Gerring, 2007a: 245). There are indeed a few good reasons why identifying the precise causal impact of the OMC on national policymaking raises particularly difficult problems of interpretation:

- The Social OMC will always be one among many factors causing change in policies, most of which can presumed to be domestic. It is therefore possible that countries show very little interest in the OMC while largely implementing policies that resonate with the broad messages coming from the OMC;
- Other external influences may have caused changes: for example, the OECD, the ILO and the World Bank also promote exchange of good practices, provide support to mutual learning, and encourage information sharing. In addition, Member States officials may use bilateral contacts (e.g. meeting with colleagues in another country) which are not part of the formal OMC framework for exchanging ideas;
- Member States exercise considerable selectivity in downloading and inflicting European concepts and policy approaches;
- Some innovative reforms/policy changes occurred (or have been initiated) before the launch of these OMC’s (temporal disjunction);
• Strategic behaviour of national governments intervenes: reference to OMC processes serve as a source of legitimating and blame-sharing, sometimes irrespective of their real influence on policy decisions; but in some case governments also consciously play down (or simply deny) the influence of the OMC process.

In all of these examples, the OMC tools cannot simply be seen as a one-way causal impact. The relationship between OMC processes and Member State policies must be analysed as a two-way interaction which operates as a catalyst or selective amplifiers for national reform strategies and is thereby able to challenge and expand the national policy debate (see Zeitlin (2005 and 2009) for an earlier version of these arguments).

1.4.2 Puzzle, thesis, research questions and hypotheses

This PhD starts from the puzzling reality that the Open Method of Coordination on Social Protection and Social Inclusion – in spite of overwhelmingly skeptical academic accounts and repeated attempts to weaken or even abandon it22 – is not simply ‘out there on paper’ (formally exists), but continues to appeal to a wide range of domestic and EU actors. To be more precise:, nearly 15 years after its formal launch, and in spite of strong academic criticism:

• The OMC is continuously evolving (being re-invented) as an institution (e.g. the ‘reinvigoration’ – or political re-endorsement – by the Social Affairs Ministers in 2011), with new instruments being added to its toolbox (e.g. the Platform Against Poverty, one of the Europe 2020 ‘Flagships’), with new monitoring tools being developed (such as the SPPM, see Zeitlin and Vanhercke, 2014) and new issues raised to the agenda (e.g. Services of General Interest or Roma social inclusion);

• The OMC continues to be the ‘goal to attain’ for EU cooperation in other issues areas (such as education, public health and housing) and now inspires cooperation at the domestic level (e.g. to coordinate regional policies in a federal country like Belgium, see chapter 10).

In other words: since new governance serves the different interests of many actors, it is here to stay. Such robustness to change in a drastically changed environment – including political changes in the European Council, the mid-term revision of the Lisbon Strategy and integration in the Europe 2020 Strategy – is indeed puzzling in view of the fact that many academic accounts dismiss the OMC as a non-binding, merely bureaucratic exercise without real effects (reflected in the literature through labels like ‘smoke without fire’, ‘paper tiger’, and ‘red herring’, see chapters 5 and 10).

The main thesis of this PhD is that the Social OMC continues to appeal (i.e. is being supported and re-invented) because it is seen by influential EU and domestic actors as a helpful tool which has added value in at least two respects:

22 For instance, in March 2005 European Commission President Barroso unsuccessfully tried to convince the European Council to abandon the OMC. [Is that right? I thought he just wanted to keep it out of the relaunched Lisbon Strategy. What is your source for this claim?]
The OMC's so called 'soft' tools (reporting, indicators, targets, Peer Reviews etc.) are being used in the key phases of the 'hard' policy development process (issue emergence, agenda-formation, alternative selection, implementation, evaluation), by domestic and EU policymakers and stakeholders alike. In other words, the Social OMC is considered to be an 'adequate' tool.

Under certain condition, the use of the OMC has had both substantive (e.g. integration of new concepts into the policy discourse) and procedural (e.g. more strategic approach, better steering capacity) effects on domestic and EU policymaking. In other words, the Social OMC is considered to have a certain 'impact'.

The 'adequacy' of the Social OMC, is defined as the extent to which the OMC's architecture (institutional setup) is likely to contribute to reaching its objectives at EU and national level. In other words, adequacy refers to the theoretical capacity of the OMC toolbox to produce results. On the other hand, the 'impact' of the Social OMC is defined as the extent to which the Social OMC has actually influenced policies and policy-making processes at EU and national level. In other words: impact refers to the effects of the Social OMC 'on the ground' (PPMI, 2011; Barcevicius, 2014).

The following five research questions – with associated sub-questions – are formulated with a view to, first describing and, second, answering the empirical puzzle described above.

RQ1. How and why did a variety of actors decide, in 2000, to launch EU cooperation in Social Protection and Social Inclusion as a new governance tool?
- What was the role of the different actors (political entrepreneurs) involved in this ‘emergence’ stage: consecutive EU Presidencies, Member States, European Council formations and their respective advisory Committees, the European commission, (EU and domestic) stakeholder organisations, academics?

RQ2. How did the strands of the Social OMC – in the field of social inclusion, pensions and health care – continue to develop between their emergence and the streamlining into one overarching process in 2006?
- What was the specific role of the different actors involved at this early development stage: what was at stake for them in continuing the OMC?
- What has been the impact of sequencing/timing/certain events on the further development of the three Social OMC strands?

RQ3. To what extent can the Social OMC be considered as an ‘adequate’ policy tool, i.e. does its architecture (operational framework at the EU level) have the potential to contribute to reaching the goals set at EU and national level?
- To what extent does adequacy vary between the three Social OMC strands, and why is this so?
RQ 4. Did the Social OMC have any ‘impact’ – i.e. actual, empirically established effects – on policies and policy-making processes, both at EU and national level?
• To what extent did the Social OCM have an impact on substantive policymaking (e.g. conceptions of social policy) or procedural changes (e.g. involvement of actors) in governance of the Member States and the EU?
• To what extent does the impact vary between the three Social OMC strands, and over time?

RQ 5. Through which mechanisms can a ‘soft’ tool such as the OMC have any (substantive or procedural) effects on hardboiled domestic and EU politics?
• To what extent did the Social OMC effectively encourage policy learning, strategic usages by EU and domestic actors?
• Is the impact of the Social OMC in any way linked to the operation of other EU modes of governance (legislation, funding)?

RQ 6. How can one account for the variation (contradictions) in existing academic accounts of the impact of the Social OMC?
Based on these research questions a number of hypotheses can be formulated as follows.

H1. The emergence of the Social OMC in 2000 resulted from bargaining at the EU level between two groups of actors (‘socially oriented’ versus ‘economically oriented’), who both mobilized to control the reform EU reform agenda; while an agreement to launch the Social OMC was reached, this happened for a variety of (sometimes conflicting) reasons.
• An alternative explanation would be that the Social OMC was launched to serve the interest of some of the larger Member States, for example as a side payment in exchange for more important concessions, or to prevent further EU legislation in the social field.

H2. The different strands of the Social OMC (Social Inclusion, Pensions and Health Care) followed their own particular institutionalization processes; this historical development of the three strands culminated in rather different institutional architectures for each of them.
• An alternative explanation would be that the three strands of the social OMC follow a similar and path-dependent development – inspired by pre-existing forms of cooperation such as the EES – culminating in new forms of governance that do not differ in kind.

H 3. The impact of the Social OMC varies between issue areas, depending on the actors involved, the presence of other (competing) EU processes, the temporal development of the particular strands (when did they become operational), and the actual features of the OMC strand (some having a more developed architecture than others).
• An alternative hypothesis would be that irrespective of the differences between the three strands, the Social OMC’s architecture is an ineffective policy instrument, in view of its bureaucratic, non-binding nature. One could only expect some (marginal) procedural effects, e.g. in terms of statistical capacity building.
H 4. **The Social OMC has become part of the EU and domestic social policymaking and has as a consequence influenced substantive policymaking and induced procedural changes in governance of the Member States and the EU.**

- An alternative hypothesis would be that the impact attributed to the OMC should in fact be attributed to other (domestic or international) influences.

H 5. **The non-binding Social OMC encourages policy learning and strategic usages by EU and domestic actors; its effects acquire further leverage when combined with other mechanisms such as the conditionality of EU funding.**

- An alternative hypothesis would be that learning within the OMC is of a ‘thin’ (purely strategic) nature while ‘hybridity’ between EU policy instruments may exist on paper, they still follow their own, distinctive logic.

H 6. **Varying accounts of the OMC’s adequacy and impact can to a large extent be explained by the methodological choices made by scholars (e.g. which period is assessed, how data are collected, how strands are being compared).**

- An alternative explanation may be that OMC ‘optimists’ and ‘pessimists’ are looking at different aspects of the Social OMC, since they use different yardsticks (theoretical lenses) to assess the Social OMC’s adequacy and impact.

### 1.4.3 Contextual analysis through case studies

**The Social Inclusion, Pensions and Health Care OMCs**

With a view to answering the research questions elaborated in section 1.4.2, I selected the Social Inclusion, Pensions and health care as my primary case studies. As can be seen in a stylised way in Table 1 below, selecting them indeed provides the needed variation on the following, theoretically informed, dimension:

- The level of development of the OMC architecture (institutionalisation), and thus the degree to which it present a ‘good model’ of policymaking;
- The temporal development of the respective OMC strand: how long has it been around so that it could create tangible effects;
- The degree of involvement of Belgian actors in establishing the infrastructure of the OMC strand (uploading);
- The institutional embeddedness of three issue areas at EU level: how long has EU been involved, presence of uncontested EU competencies, degree of constitutionalisation;
- The presence of the risk of a ‘penalty default’ through indirect market-oriented social policy-making;
- The extent to which a variety of EU policy instruments is available in each of these policy issue areas: law, new governance, financial instruments, social dialogue;
- Variation in the presence of competing (EU or international) networks or other ‘new governance processes;
The pre-existing national level playing field: degree of ‘stickiness’ of the issue area, due to existing actor constellations, policy legacies and institutionalised channels of influence;

Variation in the presence of actors at different levels of government (national, regional, local).

As we will explain in chapter 2 in detail, the Social Inclusion strand is clearly the most fully developed of the three strands of the Social OMC and Belgian actors have played a key role – notably during the Belgian Presidency of the EU in 2001 – in establishing its architecture (Common Objectives, Commonly Agreed Indicators, first National Action plans). The latter was developed over a very short period of time: this strand was implemented ‘to the full’ as of 2001, providing a rather clear ‘model’ for policymaking. While the EU’s involvement in the fight against poverty has been constitutionalised (Treaty of Amsterdam) more than 15 years ago, this excludes legal harmonisation. By contrast this issue area can appeal to two different policy instruments: OMC and the European Social Fund. There are very few (if any) competing policy coordination processes in the area of Social Inclusion, while actors in this issue area – which operate at the national, regional and local level – typically do not have firmly institutionalised channels of influence at the domestic level. There is no clearly identifiable risk of a ‘penalty default’ if the OMC in this area were to fail.

Table 1 Social OMC strands: variations in institutionalisation and EU/domestic settings

<table>
<thead>
<tr>
<th></th>
<th>Social Inclusion</th>
<th>Pensions</th>
<th>Health &amp; Long-term Care</th>
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</thead>
<tbody>
<tr>
<td>1. OMC Architecture ('good model' for policymaking)</td>
<td>+++</td>
<td>++</td>
<td>+</td>
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<tr>
<td>2. Temporal development</td>
<td>+++</td>
<td>++</td>
<td>+</td>
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<tr>
<td>3. Domestic involvement in establishing OMC infrastructure</td>
<td>+++</td>
<td>++</td>
<td>+</td>
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<tr>
<td>4. Strength &amp; duration of EU constitutional foundation</td>
<td>+++</td>
<td>++</td>
<td>+</td>
</tr>
<tr>
<td>5. Presence of the risk of a ‘penalty default’</td>
<td>+</td>
<td>++</td>
<td>+++</td>
</tr>
<tr>
<td>6. Density of EU framework: variety of policy instruments</td>
<td>++</td>
<td>++</td>
<td>+</td>
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<tr>
<td>7. Presence of competing networks/cooperation</td>
<td>+</td>
<td>++</td>
<td>+++</td>
</tr>
<tr>
<td>8. Presence of vested interests &amp; domestic channels of influence</td>
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<td>+++</td>
<td>+++</td>
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<tr>
<td>9. Participation of actors at different levels of government</td>
<td>+++</td>
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<td>++</td>
</tr>
</tbody>
</table>

+: weak; ++: weak nor strong; +++: strong
The Health & Long-term Care OMC presents a contrasting case to Social Inclusion strand from several perspectives. First, it is clearly the least developed of the three strands of the Social OMC (e.g. the battery of indicators is still incomplete, the Common Objectives are very general) and as a result does not provide a clear policy ‘model’ to follow. The Health & Long-term Care OMC met a lot of resistance from the side of the Member States and was not fully implemented until 2005. Belgian actors played only a minor role in the establishment of its basic architecture, which was largely driven by the European Commission. In addition, the EU’s involvement in the field of health care is highly contested: the Treaty of Lisbon firmly reasserts the principle of subsidiarity in this field, totally excluding any window on harmonization of health care regulation. As a result, the EU can only take action to encouraging cooperation and coordination: no other policy instruments are available. By contrast, the risk of a ‘penalty default’, namely through market-oriented health policy, looms large. This is the result of the fact that there are several (legislative and new governance) initiatives in the field of health care which compete with OMC for scarce time and resources. Finally, dense actor constellations in the field of health – which operate at the national and Community level – have their own (safely institutionalised) channels of influence at the domestic level, through which they defend their policy legacies.

The Pensions OMC, finally, is situated, for most of the described variables, in between the Social Inclusion strand. Its architecture is not as mature as that of the Social Inclusion OMC, but somewhat better than the Health Care OMC (e.g. this strand had its own, regular National Strategic Reports and Joint Reports). Belgian actors played an important role in getting the process started (agreement on Common Objectives), but the remainder of the basic architecture was managed by other actors (notably the Spanish Presidency of the EU in 2002 and the European Commission). The Pensions OMC started somewhat later than the Social Inclusion strand, but was fully implemented as of 2002. The EU’s involvement in the field of pensions (or rather: social protection) has been constitutionalised since the Amsterdam Treaty, but the double hurdle to take decisions in this area (co-decision procedure and unanimity) has prevented Member States and the EU from legislating in this highly sensitive issue area. In practice, therefore, no other policy instruments are available to the EU than encouraging cooperation and coordination. While the pensions playing field is not as densely crowded as that of health care, the actors in this strand are in intense competition with economic actors (thus, the BEPG also apply to pensions). As in health care, the penalty default of market-oriented pension policy-making is constantly present. In addition, and, as in health, dense actor’s constellations in the field of pensions defend vested interests through firmly institutionalised domestic channels of influence: pensions are considered to be the classic example of ‘sticky’ institutions23

Taken together, these three cases provides the variation we need in order to be able to trace similarities and differences in the use of the OMC in the policy development process by domestic and EU actors. In order to test the second part of our main thesis, namely that EU cooperation in

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23 The mature arrangements of European pension systems create huge electoral incentives as well as lock-in effects which make certain courses of action hard to reverse once they have been initiated (Bonoli and Natali, 2012; Natali, 2007).
these three issue areas has both substantive and procedural effects at the EU and domestic level, we will trace it impact in a particular Member State: Belgium.

**Social policymaking in Belgium: institutional setting and key actors**

Belgium evolved from a unitary into a federal State through a gradual process initiated in 1970. The radical 1993 reform which formally characterised Belgium as a federal state put in place, besides the federal level, both the Communities and Regions, which further hollowed the centre (Hooghe 2004). As these three levels of government are involved in social policymaking, it is especially this ‘vertical’ division of competencies that has to be considered in analysing the operation of the Social OMC.

A second institutional factor that needs to be considered is the existing welfare model. Belgium is considered a ‘typical’ continental welfare state. It was designed as a Bismarckian-type insurance system to protect the population against different kind of social risks. But the Belgian social security system has gradually been subordinated to the need principle over the years (Hemerijck and Marx, 2010: 139). Policymaking in the area of social security in Belgium remains – with some important exceptions – largely a federal matter.

Health (care) policy in Belgium is a responsibility of both the federal authorities and the federated entities. The federal level is in charge of legal regulation and the financing of compulsory health insurance. The Communities are responsible for so-called ‘personal matters’: health promotion, prevention, maternity and child health care, supervision of health-care facilities, and others. To facilitate cooperation between these levels of government, ‘Interministerial Conferences’ occur regularly. At the federal level, important actors are the National Institute for Health and Disability Insurance (INAMI) and the different (ideological) sickness funds Government representatives as well as those of the sickness funds, health care providers, social partners and the self-employed, participate in the decision-making process (for further information see Gerkens et al. 2010).

Although the division of competences in social inclusion is rather complex, even in this area with important subnational competencies, framework rule making remains federal. Vertical coordination of the social exclusion policies of all governments is formalised through a Co-operation Agreement (concluded in 1998). The latter established an Inter-Ministerial Conference for Social Integration responsible for the design and monitoring of coordinated government policies at all levels. Furthermore, the semi-public Resource Centre for the Fight against Poverty, Precariousness and Social Exclusion (hereafter 'Resource Centre') was established in 1999 to guarantee a permanent dialogue between all relevant parties; it produces biannual reports on the evolution of poverty. Municipalities are also active in the field of social inclusion, notably the local social services (Public Centres for Social Welfare, CPAS) responsible for administering the guaranteed minimum income and other forms of social assistance.

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24 Note that the five different governments are on equal footing, since the federal government has no superiority over the subnational levels.
Furthermore, there are many associations representing people living in poverty at all levels of government.

The Belgian pension system is based on three pillars and comprises three schemes: one for salaried workers in the private sector, one for civil servants and one for the self-employed. The first pillar consists of a statutory system and provides retirement pensions for insured persons aged 65 or older. This is often topped up by a second pillar pension for which there are three different options: individual company pensions, collective company pensions, and sectoral pension schemes. The third pillar includes different voluntary saving schemes supported by the government through tax incentives. This pillar is administered by licensed private life insurance companies and pension funds, under the supervision of the FSMA. Compared to other EU Member States, it is not very developed in Belgium. The National Pension Office is responsible for the assessment and payment of statutory pensions covering old-age and survivor risks. The social partners, private life insurance companies, pension funds, and the Financial Services and Markets Authority (FSMA, the responsible prudential authority), various organisations of the elderly are also important actors in this field.

Pathway cases and sub-cases

With this complex institutional setup in mind, we can now present our limited set of ‘pathway cases’ (a variant of the ‘crucial-case’ research design proposed by Eckstein, 1975). An in-depth analysis of a limited set of pathway cases can elucidate causal mechanisms, rather than verifying or falsifying general propositions. John Gerring (2007a) suggests working with pathway cases (only) when (1) a covariational pattern between a cause and an effect is already well known and has been examined across different cases, as in the case with the emergence, institutionalisation and impact of the Social OMC, while (2) the precise causal mechanisms, that is to say, the theory that accounts for the covariational relationship, remains ambiguous. Such pathway cases presents an opportunity to see cause and effects interact, in isolation from other possible causes, so that the pathways that lead from $X$ to $Y$ can be better understood (Gerring, 2007a). Thus, drawing on earlier OMC research I will examine the Social Inclusion, Pensions and Health Care OMCs as my main cases; for each of them I will assess the different stages of their institutional development. As can be seen in table 2 below, the 9 sub-cases allow to compare (1) the three strands of the Social OMC and (2) the emergence, institutionalization and operation (in terms of impact and adequacy) of each of them.

Table 2
Pathway case studies and sub-cases

<table>
<thead>
<tr>
<th>Pathway cases</th>
<th>Case 1</th>
<th>Case 2</th>
<th>Case 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Social Inclusion OMC</td>
<td>Pensions OMC</td>
<td>Health Care OMC</td>
</tr>
<tr>
<td>Emergence</td>
<td>1. Emergence OMC/SI</td>
<td>4. Emergence OMC/P</td>
<td>7. Emergence OMC/HC</td>
</tr>
<tr>
<td>Institutionalisation</td>
<td>2. Institutionalisation OMC/SI</td>
<td>5. Institutionalisation OMC/P</td>
<td>8. Institutionalisation OMC/HC</td>
</tr>
</tbody>
</table>

Now that we know our cases, the question is: how will we collect the necessary data?
1.5 Research methodology: collecting the data

1.5.1 Process tracing and the smoking gun

Section 1.4.1 described the challenges of causal inference in the context of the Social OMC. The way to address this is to do a contextualised process tracing, for each of our pathway case studies. As Gerring (2007b, 178) points out: ‘While other methods can be understood according to their quasi-experimental properties, process tracing involves a more complex logic.’ The process tracing method – which has a fairly long history in the social sciences (see Collier, Mahoney and Seawright, 2004), does not seek to establish whether some causal factor has caused an outcome by looking across multiple observations for a predicted pattern of covariation between independent and dependent variables while selecting or statistically manipulating the observations to ‘control’ for alternative causes. Process tracing (or within-case causal process analysis) indeed relies on a different approach to causal inference. In plain language, several pieces of information are combined in a way that adds up to a convincing causal account, by rendering alternative explanations less plausible while showing that microevidence is consistent with theoretical claims. In other words: process tracing ‘explains the outcomes of interest by going back in time and identifying the key events, processes, or decisions that link the hypothesized cause or causes with the outcomes’ (Falleti, 2006, 11-12).

What does process tracing look like in practice, then? According to George and McKeown (1985: 35), who provided one of the earliest explicit definitions, this method does not solely rely on the comparison of variations across variables in each case, but also ‘investigate[s] and explain[s] the decision process by which various initial conditions are translated into outcomes’ (emphasis added). More concretely, the authors argue that:

‘[t]he process-tracing approach attempts to uncover what stimuli the actors attend to; the decision process that makes use of these stimuli to arrive at decisions; the actual behavior that then occurs; the effect of various institutional arrangements on attention, processing, and behavior; and the effect of other variables of interest on attention, processing, and behavior.’ (Ibid: 35)

In practice, this process tracing meant that I began by identifying the key policy and procedural events and changes in social inclusion, pensions and health care policy in Belgium (since 2000) and asked key policymakers whether there was strong evidence that the Social OMC had any relation to this change. While doing so, and following David Collier, I made sure to be aware of the ‘smoking gun’: this metaphor ‘conveys the idea that a suspect who is caught holding a smoking gun is presumed guilty. However, those with no smoking gun may not be innocent. In other words, this provides a sufficient but not necessary criterion for accepting the causal inference’ Collier (2011: 827). Two examples may illustrate this:
• Some policymakers made rather bold claims about the alleged ‘impact’ of a given PROGRESS Peer Review. The next step was then to ask the officials who took part in Peer Reviews whether and when they passed on the information to people who were in a position to enact reform, and how the information was used afterwards. If they claimed that the information was indeed used (e.g. for generating a policy proposal), then I cross-checked this with the authors of the proposal, the negotiation documents if these were available, any texts (e.g. preparatory or legislative act) etc. Note that in other cases, respondents may have their reasons to deny any form of ‘outside influence’. In both cases (bold impact claims and denial) detailed process tracing provides an empirically plausible reality check.

• I asked stakeholders about procedural changes in how they were being consulted during the national NSR process and other (domestic) social policy processes. If these actors claimed that there had been positive changes in the national social policy process, then the question is whether the NSR process made such consultation more acceptable to public authorities, or in some way increased the capacity of the actors themselves. I then checked whether other actors were of a different opinion, and whether such increased consultation was plausible and verifiable: did the acclaimed effect match chronologically, did it involve the creation of new structures, increased funding etc.?

With a view to enabling such process tracing, this PhD used different methods of data collection in order to check the results: first, systematic document analysis and literature review; and second, several waves of semi-structured expert interviews. In addition, a limited quantitative online survey and press content analysis supported the process tracing. Taken together these qualitative sources allowed for a careful ‘triangulation’ of results, which following King, Keohane, and Verba’s (1994) bible on research design means using the best methodology to analyze ‘data collected at different places, sources, times, levels of analysis, or perspectives, data that might be quantitative, or might involve intensive interviews or thick historical description’. We discuss these methods in turn.

1.5.2 Literature review and document analysis

The literature review and document analysis conducted for this PhD is mainly presented in Chapter 5, but is used throughout the chapters. Its aim is to first of all, provide an analytic overview of the evaluation results of existing publications that address the adequacy (the theoretical capacity of the OMC toolbox to produce results) and impact (the effects of the Social OMC ‘on the ground’) of the Social OMC.

Since the Social OMC consists of three strands which are distinct in terms of their EU-level policy objectives and actor configurations, the literature review and document analysis spelled out differences in evaluation results for these different strands. After all, it is not only at EU level, but also in the domestic contexts, that each of these three strands of policies are governed by distinct combinations of national, regional and local governmental, non-governmental and private actors. Therefore, the ‘adequacy’ and ‘impact’ of each of these OMCs can be assumed to be different for each area, which has consequences for the concepts, indicators and methods.
used for each, as well as for how future research and evaluation can be developed in each strand of the Social OMC.

**Research process**

The literature review and document analysis has focused on English-language publications, even if some relevant sources in French and Italian have been included as well. Publications in German did not provide new information which was not already published in English, hence their exclusion. Apart from this, publications on the Social OMC in Polish, Czech and Slovak were scanned, but this search confirmed the more general finding (including from the English language literature), that there are few assessments of the adequacy and impact of OMC covering the new Member States.

For obvious practical reasons, not every single source on the Social OMC (and its three strands on Social Inclusion, Pensions and Health Care) could be included. Rather, an attempt has been made to establish a representative sample of the recent literature and documents, which includes some 60 texts that were assessed in detail, i.e. they were coded into a summary table or ‘analytical grid’ (see Annex 1). Some 40 additional texts which were scanned in a somewhat ‘lighter’ way. In practice, the literature review included several stages.

The first step consisted of the – collaborative – elaboration of an analytical grid\(^25\) which allowed for the identification – in the form of a summary table (see Annex 1) – of the following key information on every of the coded sources: author(s); Social OMC strand and focus; the publication’s goal and approach; theoretical concepts and the categories of impact/adequacy under scrutiny in the source; operationalization; used indicators (criteria for success); mechanism of change; main methods and associated tools; comments; countries covered, years covered (further details about the categories used in the analytical grid are provided in Annex 2). The completed table provides entries that are clear and detailed enough so that a wider readership can understand the key issues without having to read every source in detail.

Secondly, the texts were selected as follows. A very large set of OMC-related texts (including legal texts) obtained through a bibliographical research in online databases were scanned, after which some were excluded if they side-stepped the main purpose of the literature and document review: this mainly involved outdated sources (priority was given to the texts from 2005 onwards); or publications focusing on eventual outcomes of social policies in the Member States, which are beyond the scope of this PhD. All academic literature and documents identified in this way was gathered, if electronically available brought together on a Huddle Workspace, and printed out.

During the third stage I carefully read the sources I deemed most relevant and which tap into how the three strands of Social OMCs have been addressed in the literature in terms of adequacy

\(^25\) The analytical grid was elaborated in close collaboration with Timo Weishaupt and Caroline de la Porte, while Egidijus Barcevicius and Jonathan Zeitlin provided essential feedback. [You should explain that it was carried out on behalf of the Commission as part of the 2009-2011 PPMI evaluation of the Social OMC.]
and impact; this was a collaborative effort which I undertook with Caroline de la Porte. While proceeding with the in-depth analysis of the texts, critical information was entered into an overview table, which constitutes an autonomous and independent reference points for future development of assessment techniques for Social OMCs. The ambition was to locate theory, conceptual frameworks, indicators and mechanisms in as many pieces as possible, even in those texts where these elements are used implicitly.

It seems important to underline that the distinction between studies on ‘adequacy’ and ‘impact’ is not always that clear-cut in the reviewed literature: quite often studies claiming to be about ‘impact’ in fact do not assess the operation of the OMC ‘on the ground’, but rather its institutional infrastructure (in this PhD defined as ‘adequacy’), which is then compared to different theoretical yardsticks and expectations. As a consequence it was sometimes necessary to ‘read between the lines’, on the basis of the framework of analysis they followed, to interpret to which aspect (‘adequacy’, ‘impact’ or both) authors were referring to.

**Written sources of information**

The analysis focused on sources that provide empirical assessments of the Social OMC, and includes a considerable share of sources with a historical or a theory-generating or theory-testing approach. Publications with a largely normative or advocacy approach only constitute a small share of the studied literature (See Annex 2 for a definition of these five broad categories of approaches to OMC study).

While two-thirds of the reviewed literature and documents was published in 2007 or even more recently, the lion’s share describes the situation *prior to* the streamlining of the social inclusion, pensions and health care strands into a single Social OMC in 2006. Note that the demarcation ‘before’ and ‘after’ 2006 does not seem very relevant for academic scholars, let alone that they compare impact or adequacy between these two periods. Which is more: one in three publications is *not clear* about which period is actually covered, even if this was in most cases discernible when the literature was analysed in more detail. Note that even more recent publications do not always take into account changes in the OMC process, e.g. completion of the portfolio of indicators, enhancement of mutual learning activities, streamlining (including the introduction of overarching objectives), etc. This is a flaw the will need to be addressed by future OMC research; I return to this issue in the concluding chapter of this PhD.

The literature review and documentary analysis for this PhD includes academic analyses, evaluations prepared by as well as on behalf of the European Commission, research texts produced by EU Committees and stakeholders (see Box 1 below).

It is striking that most academic research covers the EU-15, i.e., the ‘old’ Member States. Fewer studies have been conducted for the newly-acceded Member States while the ones that do exist conclude that the impact of the Social OMC is far more significant if funding is provided (i.e. through the European Social Fund). Within the EU-15, there is a very strong representation of the Nordic Member States (Denmark, Sweden, Finland: 21 studies) and Germany (18 studies), while France and the United Kingdom (UK) are also well covered. Belgium, Italy, the
Netherlands, Poland and Spain and are addressed in five to seven studies. The other old Member States are covered even less often.

**Box 1  Literature review and document analysis: sources**

The (by far) largest category of reviewed texts consists of academic literature, which has mainly been produced by social scientists (political scientists and sociologists), but there is an increasing quantity of texts by lawyers, especially in recent years, writing about the much debated distinction between ‘hard’ and ‘soft’ modes of governance.

Communications from the Commission include both agenda-setting documents (e.g. proposal for launching new OMC strands, or their ‘streamlining’) as well as more analytical papers (e.g. OMC evaluations). Commission-Council Joint Reports and Social Protection Committee (SPC) publications were taken on board insofar as they provide insights in the results of the OMC ‘on the ground’.

Since National Strategy Reports or National Action Plans essentially represent raw (often politically biased) data, rather than analyses on the basis of clear conceptual frameworks and methodologies, it was decided to exclude systematic primary analysis of them. However, as far they are available, secondary analyses of these reports are used to refine evaluation results.

Reports from stakeholders have been written with the main aim of raising a policy issue on the political agenda (uploading): they would like the OMC to work towards a certain policy aim or set of policy aims, or demand more involvement in the process.

The reports commissioned by the European Commission that are written by ‘other experts’ fall into two categories. There are those reports, which are intended to illustrate how the Social OMC can be used for learning by providing (comparative) in-depth analysis of specific problems (access to healthcare, homelessness etc.) and proposing best practices. And there are those that assess some aspects of the Social OMC (including its ability to push ‘mainstreaming’, ‘feeding in and feeding out’, and the adequacy of the Peer Review process). These reports cover all or almost all EU Member States.

In addition, a series of primary sources, such as national/regional legislation, recommendations, policy declarations were used on an ad-hoc basis to cross-check information acquired from the interviews.

**Source:** author compilation

### 1.5.3  Semi-structured interviews: selection, questions and ‘waves’

The second qualitative method of inquiry consists of semi-structured interviews with European, national, and subnational civil servants, politicians, stakeholders (social partners and NGO representatives) and analysts working in the areas of poverty and social exclusion, pensions and health care.

**Selecting respondents**

The selection of interviewees proceeded as follows: based on preliminary insights drawn from the literature review about (a) recent changes in social policies and (b) the operation of the Social OMC in Belgium, a first list of interviewees was drawn up. This list included the most influential players in formulating and implementing social policies (the key domestic social policy players). As can be seen in Table E in Annex 3, this includes several high-level civil servants, political advisors (‘cabinet’ members), stakeholder representatives and social

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26 Since the creation of Belgium in 1830, ministers are surrounded by advisors chosen by them. These personal advisors are institutionalized in ministerial cabinets.
attachés of the Belgian Permanent Representation to the EU. This list was consecutively expanded with names mentioned by respondents during the first round of interviews, through ‘snowball sampling’ (or chain-referral sampling\(^{27}\)). While the sample group indeed grew like a rolling snowball, I systematically categorized interviewees in different groups according to various criteria in order to safeguard a balanced representation of the actors involved in the Social OMC.

First of all, in order to gauge the impact of the OMC on the national, I balanced respondents according to their ‘degree of involvement in the Social OMC’. Concretely, I made sure to include national social policymakers and stakeholders who were not very familiar with the OMC. The reason is that if one were to select people for interviews only according to their exposure to the OMC (SPC members, international units in social ministries etc.), there is a real risk of obtaining a biased, overly optimistic view. One way of coping with this social desirability bias\(^{28}\) has been to speak to people belonging to different ‘circles of involvement’ in the Social OMC. Based on information obtained during the interview about how familiar the interviewees are with the Social OMC process as such, I defined these ‘Circles’ of respondents as follows.

- **Circle 1** contains the people who are/have been working with the OMC on a day-to-day basis; they are/have been occupied with the design/architecture/planning of these processes, which constitute(d) one of their main professional tasks. In other words, these are the OMC ‘Hard Core’ members. Typically this category includes (former) European Commission officials, Committee (SPC, EMCO) Chairs and Secretaries, leadership of European NGOs and national civil servants working in an EU Presidency.

- **Circle 2** is that of the OMC ‘Insiders’: people who are/have been involved in the OMC on a regular basis; they mainly contribute in terms of contents (and far less so in terms of design/architecture/planning); the OMC constitutes one of many tasks they deal with. OMC Insiders. Typically this category includes civil servants coordinating national reports, political advisors (‘cabinet’ members in Belgium), regular SPC/EMCO delegates or their alternates and people working in European NGO’s.

- **Circle 3** consists of the ‘Informed Outsiders’: respondents who are (vaguely) ‘aware’ of the OMC, but only occasionally contribute to its contents, and not its design/structure. The OMC, or even European affairs more generally, is marginal in their day-to-day work. Among the ‘Informed Outsiders’ are the (social/labour) attachés to the Permanent Representation to the EU, people working in study departments of political parties and social partner organisations and finally regional civil servants working with the ESF.

\(^{27}\) Snowball sampling is a non-probability sampling technique where existing study subjects recruit future subjects from among their acquaintances.

\(^{28}\) The social desirability bias is the tendency of respondents to answer questions in a manner that will be viewed favorably by others, including their superiors and the interviewer.
The ‘Circle’ to which each of the respondents belongs is indicated between brackets below the ‘mode’ of the interview (mostly face-to-face, exceptionally via Skype of phone) in the second-to-last column in the Tables in Annex 3. Other information on these respondents provided in Annex 3 is their full name and surname, their position and the institution/organization they work in, their field of expertise and the place (mostly Brussels) and date of the interview.

As can be seen in Table 3 one in four of interviewees can be seen as belonging (or having belonged) to the OMC ‘hard core’ (Circle 1); more or less the same share is (or has been) an OMC ‘insider’ (Circle 2). These two categories taken together (‘hard core’ + ‘insiders’), it can be argued that about half of the respondents are (or were) regularly involved in the OMC. The other half of the respondents (51 persons) are ‘Informed Outsiders’ (Circle 3). This seems to be an appropriate balance between on the one hand people who ‘live’ the OMC from the inside, but may lack some critical distance towards it; and on the other hand relative outsiders, who have more distance to it but may also miss some of the inside information.

<table>
<thead>
<tr>
<th>Distance to OMC</th>
<th>Circle 1 ‘Hard core’</th>
<th>Circle 2 ‘OMC Insiders’</th>
<th>Circle 3 ‘Informed Outsiders’</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absolute number (%)</td>
<td>26 (25%)</td>
<td>27 (26%)</td>
<td>51 (49%)</td>
<td>104 (100%)</td>
</tr>
</tbody>
</table>

A second criterion for selecting respondents was their ‘field of expertise’, which I defined as the subject area(s) in which they mainly work in relation to the OMC. The fact that many respondents are experts in/responsible for more than one issue area, this is reflected in the high number of respondents in Table 4 that qualify as ‘Social protection and social inclusion’ experts: one in four of our experts (24 persons) are in that case. Nearly the same number (22) has the European Social Fund as their main field of expertise, followed suit by (20) people working primarily on Social Inclusion. Less people work mainly on pensions (14), health care (6) or Europe 2020 (3).

<table>
<thead>
<tr>
<th>Expertise</th>
<th>Social Protection &amp; Social Inclusion</th>
<th>ESF</th>
<th>Social Inclusion</th>
<th>Employment</th>
<th>Pensions</th>
<th>Health care</th>
<th>EU2020</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absolute number</td>
<td>24</td>
<td>22</td>
<td>20</td>
<td>15</td>
<td>14</td>
<td>6</td>
<td>3</td>
<td>104</td>
</tr>
</tbody>
</table>

Thirdly, it was important to have a balance in terms of interviewees’ institutional affiliation: Table 5 below shows that out of 104 respondents, 66 are civil servants, 17 are stakeholders, 16 are political actors, and 5 are analysts (researchers).
Table 5  Summary of respondents by institutional affiliation

<table>
<thead>
<tr>
<th>Respondent’s affiliation</th>
<th>Civil servant</th>
<th>Stakeholder</th>
<th>Political</th>
<th>Analysts</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absolute number (%)</td>
<td>66 (63%)</td>
<td>17 (16%)</td>
<td>16 (15%)</td>
<td>5 (5%)</td>
<td>104 (100%)</td>
</tr>
</tbody>
</table>

Finally, the ‘geographical scope’ of the interviewees reflects whether they work at the EU, national (in Belgium: ‘federal’) or regional level. Table 6 shows that out of 104 respondents, about half are national actors (49 respondents), one in four are regional actors (27), 23 respondents work at the EU level, while 5 work as analysts.

Table 6  Summary of respondents by geographical scope

<table>
<thead>
<tr>
<th>Respondents</th>
<th>National</th>
<th>Regional</th>
<th>EU</th>
<th>Analysts</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Flanders</td>
<td>Wallonia</td>
<td>Brussels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absolute number (%)</td>
<td>49 (47%)</td>
<td>27 (26%)</td>
<td>23 (22%)</td>
<td>5 (5%)</td>
<td>104 (100%)</td>
</tr>
</tbody>
</table>

In sum, I have conducted interviews with more than 100 respondents which are balanced in terms of (1) their degree of involvement in the Social OMC, (2) their primary field of expertise, (3) their institutional affiliation and (4) the geographical scope they cover. In addition to these interviews, several academic colleagues have made available transcriptions of interviews they conducted, and which I used to complement the analysis: for example for studying the French case in chapter 6 and for assessing the impact of the PROGRESS Peer Reviews in chapter 4.

**Interview questions and analysis**

For conducting these interviews, I primarily used a set of open questions that prompt discussion, rather than pre-determined answers as in a structured questionnaire. Such ‘semi-structured’ interviews also provide the opportunity to explore particular themes or responses further during the interview. The open questions also encouraged respondents to raise issues that had not been considered in the questions. In practice, I worked in two steps with these open questions. First, a general questionnaire was drawn up containing questions for various groups of interviewees. This general questionnaire (a ‘database’ of questions) then served as a template to compose each interviewee’s more targeted questionnaire, depending on the specific respondent’s expertise, knowledge and role in the OMC process. This way, I was able to combine consistency of interview questions within groups of respondents (e.g. all social partner respondents were asked more or less the same questions), which allows essential cross-checking of information; at the same time it allowed sufficient variation between groups of respondents (adapting to the specific context).
As I will explain in more detail in section 1.5.4 below, I prepared most 2010 interviewees by sending a set of ‘closed’ questions\(^{29}\) (e.g. about the level of agreement with statements about the influence of the NSR process on national steering capacity) to the interviewees in advance: this freed considerable time to follow them up with the open questions of ‘how’ and ‘why’ during the interview, encouraging them to as much concrete examples and evidence as possible. The closed questionnaire (see Annex 4) asked about the profile of the interviewee (institution/organisation and position, role in the OMC, field of expertise) and had five blocks of questions relating to (a) the operation of the NSR process, (b) involvement in EU-level mutual learning, (c) substantive impacts, (d) procedural impacts of the social OMC, and (e) assessment of EU-level decisions.

Before asking detailed questions about any particular issue, I made sure the interviewee felt that she or he had detailed knowledge on these questions. Wherever relevant, I encouraged the interviewee to differentiate her/his answers among the three OMC strands, or draw comparisons between them, while making sure during the interview to only ask questions about these strand(s) the respondent had actually worked with (hence the introductory ‘profile’ question).

Nearly all interviews – which lasted around one hour on average – were digitally reordered and fully transcribed, occasionally (notably when the interview could not be recorded) they were summarized into more succinct reports. The availability of detailed transcriptions allowed a thorough analysis of the interview material, and revisiting interviews once new concepts or empirical findings came up (e.g. in new interviews or document analysis). Interviews were analysed with the use of comprehensive coding schemes, which allow a screening of the material through different viewpoints (e.g. up/downloading, actor-centred, temporal or thematic perspective). Close to all interviewees agreed to speak on the record and did not mind to be quoted, be it so that the source could not be tracked directly, e.g. by naming only the organisation represented by the interviewee, with a general reference to their position (e.g. ‘Advisor, European Commission official’ rather than ‘Head of Unit, DG EMPL’).

**Respondents: waves of interviews**

In the time span 2007 – 2013 four waves of interviews were conducted with 116 respondents (see Annex 3 for details about respondents). Twelve of these persons have been interviewed twice\(^{30}\), in view of their key role in the emergence, development or implementation of the Social OMC. This means that the total number of individual respondents is 104 (which is – coincidentally’– also the exact number of interviews), as can be seen in Table 7.

In terms of timing, the interviews rounds were scheduled as follows:

- A first wave of 51 interviews was conducted between April and December 2007, mainly providing information about the preparation of the 2006-2008 National Strategic Report, and the impact of the OMC until that moment (table D in Annex 3);

\(^{29}\) The questions were initially drawn up (in English) by PPMI (2010) in the context of a Commission-funded OMC Assessment, see section 1.5.4 below.

\(^{30}\) These names are indicated with an asterisk [*] in the third column in the tables in Annex 3 (e.g. Jim Allen, respondent 1 and 2 in table A).
Setting the scene

- Some 12 interviews between February 2008 and May 2009 with respondents working with the ESF constituted a second wave, providing key insights into the interaction between open coordination and this financial instrument (table C in Annex 3);
- A third round of 21 interviews was conducted in November and December 2010, providing insights in the 2008-2010 reporting exercise and the more recent impact of the Social OMC (table B in Annex 3);
- A fourth and final wave of 20 interviews took place between November 2011 and December 2013, providing insights about developments occurring under the Europe 2020 framework (table A in Annex 3).

<table>
<thead>
<tr>
<th>Table 7 Four waves of interviews 2007-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Period</td>
</tr>
<tr>
<td>Number of interviews</td>
</tr>
</tbody>
</table>

1.5.4 Online survey

As indicated in section 1.5.3, the 2010 round of interviews was complemented by a limited online survey which contained the closed questions of an interview questionnaire (see Annex 4 for the detailed questions) provided by the Public Policy and Management Institute (PPMI, 2010) in the context of an OMC assessment for the European Commission (PPMI, 2011). The survey covers the five blocks of questions discussed in section 1.5.3 above. I translated the questionnaire from English to Dutch and French and further refined the questions after having tested both language versions with selected respondents. The on-line survey was completed – between November and December 2010 – by 59 experts working in the three policy fields. These included the 20 people that were interviewed in 2010. As can be told from Graph 1, some 20 respondents indicated to have their primary expertise in health care; roughly the same number are primarily pensions experts, while 35 are social inclusion experts. Since some people indicated more than one area of ‘primary expertise’, the absolute numbers in the graph add up to more than 59. The online survey results are discussed in chapter 5, and have been analysed in detail in Vanhercke (2011a).

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31 The survey was made available through LimeSurvey, a free and open source on-line survey application.
32 The five blocks of questions relate to (a) the operation of the NSR process, (b) involvement in EU-level mutual learning, (c) substantive impacts, (d) procedural impacts of the social OMC, and (e) assessment of EU-level decisions.
33 All but one of the experts interviewed in 2010 completed the closed questions of the online survey before the interview, so that the interview itself could be concentrated on the open questions, as explained in section 1.5.3 above.
1.5.5 Media content analysis and website research

For the assessment of visibility and awareness of the Social OMC in the media, I confined myself to written documents in leading newspapers and magazines. Such an assessment needs to take into account the large differences in accessibility of information between the Dutch-speaking (Flemish) and Francophone press. As regards Flemish newspapers and magazines, an internet database (www.mediargus.be) contains the full-text articles of the most important newspapers and magazines. In the French-speaking part of Belgium, such a database does not exist – except for some magazines (also www.mediargus.be). Articles (or, more often, parts thereof) were therefore accessed through the websites of individual newspapers. The following key words were used: Open Method of Coordination/OMC; Joint Report; Common Objectives; Peer Review (direct references to OMC); and at-risk-of-poverty; child poverty; Flexicurity; Active ageing; Lisbon Strategy (indirect references to OMC).

The assessment of visibility and awareness of the Social OMC was further completed by scanning a range of websites (see Annex 5 for more details). Roughly speaking, websites in Belgium that relate to the Social OMC can be divided into three broad categories (for website URL’s, see Vanhercke, 2011a):

- I label a first, strictly limited category, as ‘Social OMC resource websites’. Websites within this category contain extensive information on one or more of the key features (indicators, National Action Plans etc.) of one or several of the strands. They may also contain a variety of articles about the operation and impact of the Social OMC.
- A second category of Belgian websites could be termed as ‘Social OMC Light websites’: the Social OMC or its instruments are discussed on these websites, but on an occasional and irregular basis, typically referring to specific events or giving attention to the topic at given times (e.g. Belgian Presidency of the EU, publication of a Commission Communication etc.).
- A third category can be called ‘Social OMC Trickling down websites’: some references are made here to some of the OMC tools or concepts (child poverty, replacement rates etc.), with the process itself being referred to once, or not at all.

In sum, the empirical analysis in this PhD draws on different sources: systematic document analysis and literature review are combined with semi-structured interviews with 104 individual respondents with a different degree of involvement in the OMC; other information comes from on-line survey replies from nearly 60 experts, media content analysis and website research. Taken together, these sources allow to check the results (triangulate): I corroborated any of claims of ‘smoking guns’ made by respondents by tracing them back in time and confronting them, first, with the views of other interviewees and, second, with as many available sources as possible.

Before embarking on a detailed process tracing of the emergence, institutionalization and operation (adequacy and impact) of the three strands of the Social OMC, some acknowledgements are needed.
1.6 PhD outline and acknowledgements

This final section introduces the substantive chapters to this PhD, and provides acknowledgements as well as publication details for each of them.

The present Introductory chapter partly (and notably section 1.1) draws on the sections I authored in the report for Friends of Europe on ‘A European Social Union. 10 Tough Nuts to Crack’ (Vandenbroucke, F. with Vanhercke, B., 2014). It also builds on joint work in the context of the ‘European tools for social policy in Belgium’ (ETOS.be) research project funded by the Belgian Federal Science Policy Office (2006 – 2009). I am particularly grateful to Gert Verschraegen, Mieke Beckers and Philippe Reyniers for the collaborative research effort. The results of the ETOS.be project led to various publications, including ‘L’Europe sociale en Belgique: emploi et inclusion sociale au prisme de L’européanisation’ which was published in French and Dutch – in the Revue Belge de Sécurité Sociale (Vanhercke et al., 2011a). The full report came out as an edited book (‘L’Europe en Belgique, la Belgique dans l’Europe. Configuration et appropriation des politiques sociales’) with Academia Press (Vanhercke et al., 2011b). These publication also laid the foundation for a special issue of the Tijdschrift voor Sociologie on ‘Europese integratie en europeanisering: sociologische perspectieven’ (Verschraegen and Vanhercke, 2011a,b). Finally, I drew on a European Commission-funded project which assessed the adequacy and impact of the Social OMC (see the section on Chapter 5 below).

Chapter 2 – Political spill-over, changing advocacy coalition, path dependency or domestic politics? – is a single-authored paper (Vanhercke, 2006a) that I presented at the Conference on Governing Work and Welfare in an Enlarged Europe, University of Wisconsin – Madison, 19-20 May 2006, organised by Jontahan Zeitlin. I have updated the paper with a view to include some of the generous comments I received from Alexander Caviedes, Maurizio Ferrera (who pointed me to An Instance of the Fingerpost by Iain Pears), Mariely López-Santana, Laura Nistor, Jesse Norris and the other participants to this formative graduate student conference. A second round of revisions of this chapter followed after the NEWGOV/CONNEX Training Course on ‘New Modes of Governance: Theoretical Approaches and Research Methods’ (Florence, 26-30 June 2006) organised by Jelle Visser. Adrienne Héritier, Wolfgang Wessels, Elisavetta Radulova (who introduced me to the ‘legalisation’ perspective), Anne Meuwese, Claudia Schrag (from whom I learned a lot about the construction of the EU’s legitimacy) and the other participants in the seminar contributed to clarify key concepts. I further elaborated the story of the emergence of the Social OMC in a European Commission report on ‘Social Policy at EU Level: From the Anti-Poverty Programmes to Europe 2020’ (Vanhercke, 2012). Denis Crowley, Isabelle Maquet and

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34 Where relevant, this section highlights my other OMC-related publications which are not part of this PhD. My earlier publications addressed the potential impact of the launch of Economic and Monetary Union on social protection systems in the EU (Pochet and Vanhercke, 1998; Vanhercke, 1998; Vanhercke, 1999) and the role of the local Public Centres for Social Assistance (CPAS) in providing access to health care for welfare beneficiaries (Herscovovi et al., 1996; Vranken et al., 1998). More recent publications pertain to Social Investment strategy (Bouget et al., 2015) and the impact of the crisis on fundamental rights (Ghailani with Vanhercke, 2015).
other European Commission officials generously shared their rich inside knowledge of the OMCs origins during an expert seminar on the topic at DG EMPL in December 2012.


Chapter 4 – Benchmarking Social Europe a Decade on: Demystifying the OMC’s Learning Tools – has been published as a first-authored chapter (Vanhercke and Lelie, 2012) in a book edited by Alan Fenna and Felix Knuepling, who provided invaluable Peer Review. The book was published by the Australian Productivity Commission, which also hosted a conference organised by the Forum of Federations on ‘Benchmarking in Federal Systems’ in Melbourne (19-20 December 2010). Lawrence McDonald, Jeremy Veillard, Kenneth Wong and other participants to this conference provided rich inputs for the chapter and made me realise that the OMC is being studied – with considerable envy – at the other side of the world. With Amy Verdun, Donna Wood and Madeleine Read I discovered, in the context of the Canada-Europe Transatlantic Dialogue, that there is a great potential for policy in this area between Canada and the EU (Vanhercke and Read, 2015). Peter Lelie and I have further elaborated the research on the OMCs learning tools in an OSE Working paper (Lelie and Vanhercke, 2013) on ‘Inside the Social OMC’s Learning Tools: How “Benchmarking Social Europe” really works’. Several co-authored deliverables with Sebastiano Sabato for a European Commission-funded project on mutual learning in the context of the PROGRESS Peer Reviews, allowed me to further deepen this side of the OMC story (OSE and PPMI, 2012a, b,c).

Chapter 5 – Delivering the Goods for Europe 2020? The Social OMC’s Adequacy and Impact Re-Assessed – was published as a single-authored peer-reviewed book chapter (Vanhercke, 2010b) in and edited volume by Eric Marlier and David Natali with Rudi van Dam (Peter Lang). The empirical analysis in chapter 5 resulted from my participation in the abovementioned Commission-funded project (coordinated by PPMI) on ‘Assessing the effectiveness and the impact of the Social OMC in preparation of the new cycle’, and more particularly my own deliverable providing a ‘State of the Art Analytic Overview of Evaluation Results of the Social OMC’ (Vanhercke, 2010a). I much enjoyed working closely together with Jonathan Zeitlin and Egidijus Barcevicius, who played the first violins in the OMC assessment, as well as with Caroline

35 For this project, I also conducted an in-depth analysis, with Charlotte Hick and Teresa Wennherholm Časlavská, of a Peer Review on the NAPInclusion Social Inclusion Forum in Ireland in 2007 (Vanhercke et al. 2012a).

36 I co-authored another chapter in that same edited volume (Frazer et al., 2010).
de la Porte and Timo Weishaupt. More recently I concluded, together with Sebastiano Sabato, that it would be a pity to throw away the European Platform Against Poverty (EPAP) with the bathwater (Sabato and Vanhercke, 2014).

Marie-Pierre Hamel and I contributed equally to **Chapter 6** – The OMC and Domestic Social Policymaking in Belgium and France – which appeared as a peer-reviewed book chapter (Hamel and Vanhercke, 2009) in an edited volume by Martin Heidenreich and Jonathan Zeitlin (Routledge). The chapter greatly benefited from the feedback I received from the editors, as well as from David Natali and George Ross, on the occasion of a paper I presented on this topic at the EUSA Tenth Biennial International Conference, Montreal, 17-19 May 2007 (Vanhercke, 2007). An earlier version of the chapter was published (in Dutch and French) as ‘Politique nationale et coopération européenne: la méthode de la coordination ouverte est-elle devenue plus contraignante?’ in the *Revue Belge de Sécurité Sociale* (Hamel and Vanhercke, 2008). Other work on the OMC on Poverty and Social Inclusion included a report at the request of the Belgian Presidency of the Council of the European Union on ‘Preventing Social Exclusion through the Europe 2020 Strategy: Early Childhood Development and the Inclusion of Roma Families’ (OSE and UNICEF, 2010).

**Chapter 7** – Against the Odds. The OMC as a Selective Amplifier for Reforming Belgian Pension Policies – was published as a single-authored journal article (Vanhercke, 2009b), in a special issue of the *European Integration online Papers*, edited by Sandra Kröger. The participants in the Workshop on ‘The OMC within the Lisbon Strategy: Empirical assessments and theoretical implications’ (Vienna, 28-29 November 2008) provided essential – and sometimes skeptical – feedback. Milena Büchs, Mark Dawson, Mark Flear, Anna Horvath, Oliver Treib and most importantly Sandra Kröger herself importantly contributed to developing a stronger case about the operation of the Pensions OMC ‘on the ground’.

**Chapter 8** – The OMC and Beyond: ‘Soft-to-Hard-to-Soft’ Governance of Health Care in the EU – was published as a first-authored peer-reviewed book chapter (Vanhercke and Wegener, 2012), in an edited volume by Bea Cantillon, Herwig Verschueren and Paula Ploscar (Intersentia). The chapter benefitted from the editors’ feedback as well as from the expert seminar they organised on ‘Social Inclusion and Social Protection in the EU: Interactions between Law and Politics’ (February 10-11, 2011): this seminar contributed to reconciling my ‘new governance’ with a ‘legalisation’ perspective. Chapter 8 also benefited a great deal from two earlier chapters which I had the pleasure of co-authoring with, first, Tammy Hervey on ‘Healthcare and the EU: the Law and Policy Patchwork’ (Hervey and Vanhercke, 2010); and, second, with Scott Greer on ‘The Hard Politics of Soft Law: the Case of Health’ (Greer and Vanhercke, 2010). Those two book chapters were published as an outcome of a research project funded by the INAMI/RIZIV, in the milestone Belgian Presidency of the EU book edited by Elias Mossialos, Govin Permanand, Rita Baeten and Tammy Hervey on health system governance in Europe (Cambridge University Press). I have further deepened the analysis of ‘The Europeanisation of National Health Care

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37 I summarised the key findings (in Dutch) in Vanhercke, B. (2009a).
38 With Sebastiano Cincinnato and Ides Nicaise I wrote a report on behalf of the European Commission on the awareness, perception, strengths and weaknesses of the Social Inclusion strand (Vanhercke et al., 2008).
Inside the Social Open Method of Coordination: the Hard Politics of ‘Soft’ Governance

Systems: Creative Adaptation in the Shadow of Patient Mobility Case Law’ with Rita Baeten and Michael Coucheir (Baeten et al., 2010). Together with Jo De Cock, Nick Fahy and Miek Peeters, these experts have been fellow travelers and critical observers of my take on the role of the EU in health issues39.

Gert Verschraegen, Rika Verpoorten and I co-authored (in the aftermath of the abovementioned ETOS.be project) Chapter 9 – The European Social Fund and Domestic Activation Policies: Europeanisation Mechanisms – which appeared in the Journal of European Social Policy (Verschraegen et al., 2011). I continued working on the topic with Minna Van Gerven and Susanna Gürocak, with whom I recently co-authored an article on ‘Policy learning, aid conditionality or domestic politics? The Europeanisation of Dutch and Spanish activation policies through the European Social Fund’, in the Journal of European Public Policy (Van Gerven et al., 2014). Other collaborative work with Ramon Peña-Casas and Matthieu Paillet on the new European budget (‘Au-delà des postures: vers un budget européen social et durable’) was published as Vanhercke et al. (2012b).

The Conclusions of this PhD (chapter 10) partly draw on my peer-reviewed book chapter ‘An OMC for All Policies: Is Belgium (still) the Best Pupil in the Class?’ (Vanhercke, 2014a), which was published in an edited volume by Egidijus Barcevicius, Timo Weishaupt and Jonathan Zeitlin (Palgrave), who provided helpful feedback41. The Belgian case study originates from the aforementioned Belgian Country study of the European Commission-funded assessment of the adequacy and impact of the Social OMC (Vanhercke, 2011a). The more recent developments in the Social OMC under the Europe 2020 Strategy have been further elaborated in several publications. These include two single-authored chapters: ‘The Social Dimension of Europe 2020: an Oxymoron?’ (Vanhercke, 2011b) and ‘Under the radar? EU social policy in times of austerity’ (Vanhercke, 2013a)42; the latter drew on joint research with Jonathan Zeitlin. Both chapters were published in (the 2011 and 2013 editions of) the European Social Observatory/European Trade Union Institute Social developments in the European Union books. David Natali and I edited the 2012 and 2013 editions of this annual volume (Natali and Vanhercke, 2012a; Natali and Vanhercke 2013a)43. As mentioned above, a broad and forward-looking perspective on Social Europe is developed in Vandenbroucke, F. with Vanhercke, B. (2014)44, while Jonathan Zeitlin and I assessed the socialization of the European Semester (Zeitlin and Vanhercke, 2014).

39 This also resulted in a Discussion Paper (Farrer et al., 2011) on ‘Macro Drivers of Health Equity’ (EuroHealthNet and OSE).
40 I started publishing on ‘Local social policy under the radar. Activating social inclusion through the European Social Fund’ with Geert Campaert (Vanhercke and Campaert, 2009).
41 A more detailed and updated version of this chapter has been published in the Revue Belge de Sécurité Sociale (Vanhercke, 2013b).
42 An updated version of this book chapter was published in Duth (‘De januskop van de Europese armoedebestrijding: sociaal beleid in tijden van crisis’) as Vanhercke and Verschraegen (2013).
43 We equally co-authored the introductory chapters to each of them (Natali and Vanhercke, 2012b; Natali and Vanhercke 2013b).
44 A shorter version of this report has been published as Vandenbroucke et al. (2014).
This introduction has shown that the OMC and its instruments do not transcend the strategies and calculations of EU institutions, states and interest groups. Rather, like other new governance mechanisms and their products, they are deeply affected by those interplays. In the following chapters I will show that new governance in the Open Method of Coordination is intensely linked with 'hard' politics.

References


Blauberger, M. (2008), 'From Negative to Positive Integration? European State Aid Control through Soft and Hard Law', MPIfG Discussion Papers, No.08/4, Max-Planck-Institut für Gesellschaftsforschung.


Council of the European Union (2013), 'European Semester – Roadmap on the implementation of the 2014 European Semester', Doc. 6359/13, 18 November.


Annex 1. Analytical table of reviewed literature

The table below was completed for each of the reviewed documents, with a view to providing a systematic overview of the authors, the main objectives of their research, the approach taken, the geographical coverage and the years considered etc. Particular attention is paid to the way in which their research is carried out (operationalization, methods).

<table>
<thead>
<tr>
<th>Author (source)</th>
<th>Social OMC strand</th>
<th>Goal &amp; Approach</th>
<th>Theoretical Concepts [Evaluation Quest.]</th>
<th>Operationalisation (definitions)</th>
<th>Indicators (success criteria)</th>
<th>Evaluation Results and Mechanisms</th>
<th>Methods (tools)</th>
<th>Comments (+/-)</th>
<th>Years</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Source 1</td>
<td>Source 2</td>
<td>Stakeholders (EU/Nat)</td>
<td>Source 1</td>
<td>Source 2</td>
<td>European Commission</td>
<td>Source 1</td>
<td>Source 2</td>
<td>EU Committees</td>
<td>Source 1</td>
<td>Source 2</td>
</tr>
</tbody>
</table>
Annex 2: Summary/analytical table: definition of terms

The table in Annex 1 offers insights into, first, the ‘adequacy’ of the Social OMC, which is defined as the extent to which the OMC’s architecture (institutional setup) is likely to contribute to reaching its objectives at EU and national level. Second, it provides evidence of the ‘impact’ of the Social OMC, which I have defined as the extent to which the Social OMC has actually influenced policies and policy-making processes at EU and national level.

The table has been completed with more than 60 sources (see Box 1 in section 5.2.2), so as provide a snapshot overview of the authors, the main objectives of their research, the approach taken, the geographical coverage and the years considered. Particular attention is paid to the way in which their research is carried out. In collaboration with Caroline de la Porte, I entered information into the columns as follows:

(1) **Author (source).** Lists sources by the following categories: academic, stakeholders, EU committees, other experts. Within each category authors are classified by their last name and year. Full bibliographic information is provided in a full *List of References.*

(2) **Social OMC strand & Focus.** Distinguishes between the Social Inclusion (Incl), Pensions (Pens) and Healthcare (Health) strands of the social protection and Social Inclusion OMC (SPSI). The parentheses below the *Social OMC strand* indicates the focus within the respective study, if relevant.

(3) **Article Goal & Approach.** This column summarizes (in one sentence) the main goal of the source, and if appropriate – assigns it article to one of five broad categories of approaches to the study of the OMC, namely:

   a) **Historical approach (H):** literature on how the OMC developed in a particular policy field on the EU level (or comparing emerging coordination processes in separate fields) and how it was accepted by the Member States, providing detailed descriptions of process modalities and actors involved. Mostly based on secondary empirical data and document analysis.

   b) **Theory-generating or theory-testing approach (T) seeks to explain why such methods emerged (theory generating) and ‘tests’ existing theories/hypotheses of OMC impact and adequacy. These theoretical studies may compare and characterize the method in the light of other (more binding) modes of policy-making.**

   c) **The Normative approach (N) analyses the OMC from the perspective of normative ambitions.** Some of this literature has focused on the democratic quality of the method, and its ability to become a more legitimate European policy-making tool, and thus serve as a solution to democratic deficit problem in the EU. A large amount of this literature deals with the OMC as a new mode of multi-level or experimentalist governance in the EU.

   d) **Empirical (or Policy change) approach (E).** At the heart of this line of research is an attempt to evaluate method’s real power to trigger policy change in the Member States. This literature tries to understand the causal mechanisms that facilitate the OMC impact on policy-making, its capacity to achieve its goals, and the kind of impact that should be considered as ‘triggered by OMC’.

   e) **Advocacy (A).** An advocacy document has been written with the main aim of raising a policy issue on the political agenda (uploading): it would like the OMC to work towards a certain policy aim or set of policy aims. This may involve highlighting certain tools of the OMC, to facilitate that
process. However, an advocacy coalition can also build on empirical knowledge, and it is relevant to analyse these documents.

(4) Theoretical Concepts & Evaluation Question Number

This column first of all identifies 'meso concepts', which we define as 'analytical categories that can be used to capture the adequacy or impact of OMC and/or allow identifying indicators and causal mechanisms' (thereby excluding meta-theories and approaches). These meso concepts include – but are not restricted to – concepts such as:

a) Policy diffusion (including mechanisms such as learning, benchmarking or peer pressure)

b) Learning (from past experiences, with and from others)

c) Deliberation (challenges pre-conceived notions) and Diagnostic monitoring (adequacy of common indicators, patterns of their usage)

d) Socialization (legitimation, peer pressure, self-reinforcement, logic of appropriateness...)

e) Framing (agenda setting, empowerment of actors, limiting courses of action, identification of 'good' and 'bad' policy...)

f) Creative appropriation (leverage)

g) Mutual reinforcement/feeding in and feeding out between Social OMC and other EU policy areas

h) Institutional change (changing actor configurations and policy-making practices in domestic or EU policy making)

→ Secondly, this column assigns, when applicable and unambiguously identifiable, Evaluation Question numbers. These are as follows:

Adequacy of communication
E1 – Visibility and awareness.

Adequacy of coordinating the OMC process at the EU level
E2 – Pertinence, clarity and operational value of OMC common objectives, messages, recommendations (on EU and national level), including for consensus framing;
E3 – Adequacy of National Strategy reports and adequacy of guidance notes for the reports;
E4 – Adequacy of the process for analysing reports, consulting with MS/other stakeholders and drawing conclusions (including technical aspects thereof such as evaluation grids, balance between quantitative and qualitative analysis, balance between stability over time and ability to focus on topical issues);
E5 – Capacity of the process to stimulate a genuine policy debate and build consensus around promising policy approaches.

Adequacy of features of the OMC process:
E6 – Reporting cycle
E7 – Adequacy of the linkages between policy strands within the OMC and with other policy areas at EU level (mutual reinforcement, feeding in/out)
E8 – Consistency and adequacy of the set of common indicators as tools for measuring progress towards the common objectives, and for providing useful guidance for self-corrective action by domestic actors ('diagnostic monitoring')

Note that at the time of coding we used the term ‘Effectiveness’ of the OMC, rather than the (more appropriate) ‘Adequacy’. Hence all these codes related to adequacy start with an ‘E’.
E9 – OMC tools available for mutual learning

**Impact on substantive policy change at the national level**

I1 – Maintaining or enhancing commitment to the subject-matter of the OMC in the political agenda
I2 – Putting new issues on national political agenda
I3 – Use of OMC concepts, indicators and categories into in domestic policy making
I4 – Effective take-up of EU recommended policies (reception and implementation of policy Recommendations)
I5 – Stimulation of self-reflection on national performance and independent policy initiatives by domestic actors (creative appropriation)

**Impact on process of national policy making (governance/ procedural shifts):**

I6 – Extent of integration of OMC process in the national policy process;
I7 – Strategic approach (planning, targeting, resources assigned, policy analysis);
I8 – Multidimensional, horizontally integrated policymaking (horizontal coordination, streamlining, mutual positive interaction with growth and jobs policies, mainstreaming);
I9 – Multilevel, vertically integrated policy (national, regional and local level);
I10 – Evidence-based policymaking (monitoring and evaluation, use of indicators, data sources and analytical capacity);
I11 – Stakeholder involvement in policy making process (quality of involvement throughout the policy cycle).

(5) **Evaluation Results and mechanisms:** this column identifies main mechanisms inducing (or preventing) change by the OMC at the national or EU level. Dimensions of ‘mechanisms’ may include (*but are not limited to*):

a) Agency/leverage
b) Socialization and discursive diffusion
c) Mutual learning
d) Naming/shaming/blaming/faming
e) Shaping/uploading

This column also highlights the key research findings of the sources.

(6) **Main Methods and Associated Tools:**

a) Qualitative: Content analysis (evaluation of primary and/or secondary sources);
b) Qualitative: Interviews (standardized questions, semi-structured, open);
c) Qualitative: Survey (email, mail, phone, in person);
d) Quantitative: (e.g., regression analysis, maximum likelihood estimations, event history model).

(7) **Comments:** this column includes comments on the respective article's value, e.g., when striking research findings are presented, comprehensive conceptual frameworks and/or ‘innovative’ quantifiable indicators are used etc.

(8) **Year:** this column lists the years of reference for OMC study.

(9) **Country:** this column lists the countries studied in an article/report.

As explained in section 5.3, a large number of semi-structured interviews have been conducted for the sake of this PhD in the time span 2007 - 2013: in total 116 persons have been interviewed. Twelve of these persons were interviewed twice (they are indicated with an asterisk [*] in the tables below), in view of their key role in the emergence, development or implementation of the Social OMC. This means that the total number of individual respondents is 104.

The tables below provides an overview of all interviewed persons, for which the following information is made available:

1. Interview number (1-104).
2. Name and surname: respondents are listed by alphabetical order of surname, within each of the indicated periods ('waves'). As a rule, there is one respondent in each interview, but in several cases there were two respondents.
3. Position: the respondent’s most relevant function(s), either at the time of the interview or at an earlier stage of the respondent’s career, if this is relevant for the purpose of the research.
4. Institution/Organisation: affiliation at the time of the interview, or at an earlier stage of the respondent’s career if relevant for the purpose of the research.
5. Mode of the interview: as a rule, interviews were conducted face-to-face, but occasionally Skype or phone were used.
6. ‘Circle’ of involvement (‘1’, ‘2’ or ‘3’, as explained in section 5.3.1): indicated between brackets below the ‘mode’ of the interview in the second-to-last column in the tables.
7. Field of expertise (indicated between brackets below the ‘mode’ of the interview in the second-to-last column in the tables). This category indicates the primary expertise of the interviewees: Social Protection and Social Inclusion (SPSI), Social Inclusion (SI), Pensions (PENS), Healthcare (HC), Employment (EMPL), Europe 2020 (EU2020) and European Social Fund (ESF).
8. Place/date of the interview: as a rule, interviews were conducted in Brussels, but there were some (rare) exceptions, mostly concerning interviews with people managing local ESF programmes.
<table>
<thead>
<tr>
<th>No.</th>
<th>Surname</th>
<th>Name</th>
<th>Position</th>
<th>Institution/Organisation</th>
<th>Mode of interview ('Circle')(Exp.)</th>
<th>Place/date of interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Jim</td>
<td>ALLEN</td>
<td>Employment Strategy Unit</td>
<td>DG EMPL, European Commission</td>
<td>Face-to-Face (1) (EMPL)</td>
<td>Brussels, 29/05/2013</td>
</tr>
<tr>
<td>2.</td>
<td>[Jim</td>
<td>ALLEN]*</td>
<td>Employment Strategy Unit</td>
<td>DG Employment, European Commission</td>
<td>Face-to-Face</td>
<td>Brussels, 03/07/2012</td>
</tr>
<tr>
<td>3.</td>
<td>Michiel</td>
<td>BERREVOETS</td>
<td>Assistant to Lieve Fransen</td>
<td>DG EMPL, European Commission</td>
<td>Face-to-Face (1) (SPSI)</td>
<td>Brussels, 24/05/2013</td>
</tr>
<tr>
<td>4.</td>
<td>Tom</td>
<td>BEVERS</td>
<td>EMCO Chair</td>
<td>Federal Public Service ('Ministry’) Employment, Labour and Social Dialogue</td>
<td>Face-to-face (1) (EMPL)</td>
<td>Brussels, 1/07/2013</td>
</tr>
<tr>
<td>5.</td>
<td>Michele</td>
<td>CALANDRINO</td>
<td>Policy Coordinator</td>
<td>Secretariat General, European Commission</td>
<td>Face-to-face (1) (EU2020)</td>
<td>Brussels, 15/05/2012</td>
</tr>
<tr>
<td>7.</td>
<td>Tom</td>
<td>DOMINIQUE</td>
<td>SPC Chair</td>
<td>Premier Conseiller de Gouvernement, Ministère de la Sécurité sociale, Luxembourg</td>
<td>Face-to-Face (1) (SPSI)</td>
<td>Brussels, 07/11/2013</td>
</tr>
<tr>
<td>8.</td>
<td>Georg</td>
<td>FISCHER</td>
<td>Director</td>
<td>DG Employment, European Commission</td>
<td>Face-to-face (1) (SPSI)</td>
<td>Brussels, 13/05/2012</td>
</tr>
<tr>
<td>10.</td>
<td>Renate</td>
<td>HAUFPLEISCH</td>
<td>Peer Review Manager</td>
<td>ÖSB Consulting GmbH</td>
<td>Skype (3) (SPSI)</td>
<td>17/10/2011</td>
</tr>
<tr>
<td>11.</td>
<td>Egbert</td>
<td>HOLTHUIS</td>
<td>Head of Unit EMPL/D1</td>
<td>DG Employment, European Commission</td>
<td>Face-to-face (1) (SPSI)</td>
<td>Brussels, 15/06/2012</td>
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</table>
### Table A. Interviews 2011-2013 (continued)

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<thead>
<tr>
<th>No.</th>
<th>Surname</th>
<th>Name</th>
<th>Position</th>
<th>Institution/Organisation</th>
<th>Mode of interview ('Circle')(Exp.)</th>
<th>Place/date of interview</th>
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</thead>
<tbody>
<tr>
<td>13.</td>
<td>Peter</td>
<td>LELIE</td>
<td>Former ISG member; Advisor Policy Officer DG EMPL</td>
<td>Federal Public Service ('Ministry') for Social Security; Former Policy Officer DG EMPL</td>
<td>Face-to-Face (1)(SI)</td>
<td>Brussels, 01/02/2012</td>
</tr>
<tr>
<td>14.</td>
<td>Isabelle</td>
<td>MAQUET</td>
<td>Deputy Head of Unit, Social Analysis</td>
<td>DG EMPL, European Commission; Former ISG Chair</td>
<td>Face-to-face (1)(SI)</td>
<td>Brussels, 24/05/2013</td>
</tr>
<tr>
<td>15.</td>
<td>[Isabelle MAQUET]*</td>
<td>Deputy Head of Unit, Social Analysis</td>
<td>DG Employment, European Commission; Former ISG Chair</td>
<td>Face-to-face (1)(SI)</td>
<td>Brussels, 12/06/2012</td>
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<td>16.</td>
<td>Annemie</td>
<td>PERNOT</td>
<td>Labour Attaché</td>
<td>Permanent Representation of Belgium to the EU</td>
<td>Face-to-face (3)(EMPL)</td>
<td>Brussels, 15/07/2013</td>
</tr>
<tr>
<td>17.</td>
<td>Didier</td>
<td>SEEUWS</td>
<td>Special Advisor</td>
<td>Cabinet of President Van Rompuy</td>
<td>Face-to-face (3)(EU2020)</td>
<td>Brussels, 29/05/2012</td>
</tr>
<tr>
<td>18.</td>
<td>Michel</td>
<td>SERVOZ</td>
<td>Director Policy coordination</td>
<td>Secretariat General, European Commission</td>
<td>Face-to-face (1)(EU2020)</td>
<td>Brussels, 27/06/2013</td>
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<tr>
<td>19.</td>
<td>André</td>
<td>SIMON</td>
<td>Alternate EMCO Member; General Advisor</td>
<td>Belgian Federal Public Service ('Ministry') for Employment, Labour and Social Dialogue</td>
<td>Face-to-Face (2)(EMPL)</td>
<td>Brussels, 23/05/2013</td>
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**Table B. Interviews 2010** (including online survey respondents) (in alphabetical order of surname)

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<th>Place/date of interview</th>
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<tr>
<td>22.</td>
<td>Sébastien</td>
<td>BASTAITS</td>
<td>Advisor</td>
<td>Former Advisor in the Federal Public Service ('Ministry') for Social Security (and Coordinator of the healthcare chapter of the NSR)</td>
<td>Face-to-Face</td>
<td>Brussels, 02/12/2010</td>
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<tr>
<td>23.</td>
<td>Henk</td>
<td>BECQUAERT</td>
<td>Member of the Management Committee</td>
<td>Banking, Finance and Insurance Commission (CBFA); Formerly Head of Cabinet to the Minister for Social Affairs and Pensions (Frank Vandenbroucke)</td>
<td>Face-to-Face</td>
<td>Brussels, 30/11/2010</td>
</tr>
<tr>
<td>24.</td>
<td>Estelle</td>
<td>CEULEMANS</td>
<td>Advisor</td>
<td>Studies Department, Belgian General Federation of Labour (ABVV-FGTB)</td>
<td>Face-to-Face</td>
<td>Brussels, 30/11/2010</td>
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<tr>
<td>25.</td>
<td>Koen</td>
<td>DRESSELAERS</td>
<td>Director of the Social Department</td>
<td>Public Centre for Social Welfare (OCMW – CPAS) of Leuven</td>
<td>Face-to-Face</td>
<td>Leuven, 30/11/2010</td>
</tr>
<tr>
<td>27.</td>
<td>Josée</td>
<td>GORIS</td>
<td>Head of Anti-Poverty Policy Unit</td>
<td>Planning Public Service ('Ministry') for Social Integration, Combating Poverty and Social Economy; Coordinator of the NAP/Incl (Federal)</td>
<td>Face-to-Face</td>
<td>Brussels, 29/11/2010</td>
</tr>
<tr>
<td>28.</td>
<td>Renaud</td>
<td>GOSSELIN</td>
<td>Advisor</td>
<td>Cabinet to the Belgian Minister for Pensions and Large Cities (Michel Daerden)</td>
<td>Face-to-Face</td>
<td>Brussels, 09/12/2010</td>
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<tr>
<td>29.</td>
<td>Carine</td>
<td>JANSEN</td>
<td>Interim Director</td>
<td>Interdepartmental Directorate for Social Integration, Ministry of the Walloon Region</td>
<td>Face-to-Face</td>
<td>Brussels, 29/11/2010</td>
</tr>
<tr>
<td>30.</td>
<td>Steven</td>
<td>JANSSEN</td>
<td>General Director</td>
<td>SIGEDIS (Individual pensions Data); Former Head of Cabinet to the Belgian Federal Minister for the Environment and Pensions</td>
<td>Face-to-Face</td>
<td>Brussels, 30/11/2010</td>
</tr>
<tr>
<td>31.</td>
<td>Hendrik</td>
<td>LARMUSSEAU</td>
<td>Former Director General</td>
<td>Federal Public Service ('Ministry') for Social Security; Coordinator of the Pensions chapter of the NSR</td>
<td>Face-to-Face</td>
<td>Brussels, 14/12/2010</td>
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<tr>
<td>32.</td>
<td>Ine</td>
<td>LAVRIJSSEN</td>
<td>Policy Officer</td>
<td>DG EMPL</td>
<td>Face-to-Face</td>
<td>01/02/2010</td>
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<tr>
<td>33.</td>
<td>Ilse</td>
<td>DE MECHELEER</td>
<td>EU policies Team Leader</td>
<td>DG EMPL</td>
<td>Face-to-Face</td>
<td>Brussels, 29/11/2010</td>
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<tr>
<td>34.</td>
<td>[Peter]</td>
<td>LELIE*</td>
<td>Former ISG member ; Advisor</td>
<td>Federal Public Service ('Ministry') for Social Security; Former Policy Officer, DG EMPL</td>
<td>Face-to-Face</td>
<td>Brussels, 02/12/2010</td>
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<tr>
<td>35.</td>
<td>Dirk</td>
<td>MOENS</td>
<td>Advisor of International Affairs</td>
<td>Federal Public Service ('Ministry') for Social Security; key contributor to the Pensions chapter of the NSR</td>
<td>Face-to-Face</td>
<td>Brussels, 02/12/2010</td>
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</table>
## Table B. Interviews 2010 (continued)

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<th>Place/date of interview</th>
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<tbody>
<tr>
<td>35.</td>
<td>Ides</td>
<td>NICAISE</td>
<td>Chair</td>
<td>Belgian ‘Resource Centre for the fight against poverty, precarity and social exclusion’; Belgian Member of the EU Network of Independent Experts on Social Inclusion</td>
<td>Face-to-Face (3) (SI)</td>
<td>Leuven, 26/11/2010</td>
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<tr>
<td>36.</td>
<td>Luc</td>
<td>NOTREDAME</td>
<td>Advisor</td>
<td>Cabinet of the Minister for the Environment, Energy, Urban Regeneration and Aid to Individuals of the Government of the Brussels-Capital Region (Evelyne Huytebroeck)</td>
<td>Face-to-Face (3) (SI)</td>
<td>Brussels, 06/12/2010</td>
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<td>37.</td>
<td>Anette</td>
<td>PERDAENS</td>
<td>Director</td>
<td>Health and Social Observatory of Brussels Capital</td>
<td>Face-to-Face (2) (SI)</td>
<td>Brussels, 06/12/2010</td>
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<tr>
<td>38.</td>
<td>Truus</td>
<td>ROESEMS</td>
<td>Party secretary</td>
<td>Groen! (Belgian Green party); Former Scientific collaborator, Health and Social observatory of Brussels Capital</td>
<td>Face-to-Face (2) (SI)</td>
<td>Brussels, 25/11/2010</td>
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<tr>
<td>39.</td>
<td>Marleen</td>
<td>STEENBRUGGHE</td>
<td>Health Attaché</td>
<td>Permanent Representation of Belgium to the EU; Former Legal Advisor, Federal Public Service (‘Ministry’) Health</td>
<td>Face-to-Face (3)(HC)</td>
<td>Brussels, 10/12/2010</td>
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<tr>
<td>40.</td>
<td>Frank</td>
<td>VAN DEN BRANDEN</td>
<td>Policy collaborator</td>
<td>Flemish Government; Department of Welfare, Public Health and Family - Directorate Welfare and Society; coordinator of the Flemish contribution to the NAP/Incl</td>
<td>Face-to-Face (2) (SI)</td>
<td>Brussels, 14/12/2010</td>
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<tr>
<td>41.</td>
<td>Greet</td>
<td>VAN GOOL</td>
<td>SPC Member; Deputy Director</td>
<td>Cabinet to the Secretary of State for Social Affairs, in charge of disabled persons; Former Federal Government Commissioner attached to the Minister of Social Affairs and Pensions</td>
<td>Face-to-Face (2) (PENS)</td>
<td>Brussels, 09/12/2010</td>
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### Table C. Interviews 2008/2009 (in alphabetical order of surname)

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<th>Surname</th>
<th>Name</th>
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<th>Place/date of Interview</th>
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<tbody>
<tr>
<td>42.</td>
<td>Tom Francis</td>
<td>BEVERS*</td>
<td>Alternate EMCO member Former Alternate EMCO member</td>
<td>General Advisor in the FPS for Employment, Labour and Social Dialogue General Advisors, Belgian Federal Public Service (FPS) for Employment, Labour and Social Dialogue</td>
<td>Face-to-Face (2)(EMPL)</td>
<td>Brussels, 28/02/2008</td>
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<tr>
<td>43.</td>
<td>Jean-Luc</td>
<td>BIENFET</td>
<td>Advisor</td>
<td>Planning Public Service ('Ministry') for Social Integration, Combating Poverty and Social Economy (ESF Unit)</td>
<td>Face-to-Face (3)(ESF)</td>
<td>Brussels, 25/02/2008</td>
</tr>
<tr>
<td>44.</td>
<td>Vincent</td>
<td>LIBERT</td>
<td>Responsible</td>
<td>Service Projets subsidés – Public Centre for Social Welfare (CPAS) of Sint-Jans-Molenbeek</td>
<td>Face-to-Face (3)(ESF)</td>
<td>Brussels, 13/03/2008</td>
</tr>
<tr>
<td>45.</td>
<td>Eliza</td>
<td>CAYMAX</td>
<td>Secretary Former ESF-advisor</td>
<td>Public Centre for Social Welfare (CPAS) of Holsbeek Federal Minister for Employment and Labour (Miet Smet)</td>
<td>Face-to-Face (3)(ESF)</td>
<td>Brussels, 26/03/2008</td>
</tr>
<tr>
<td>46.</td>
<td>Ricardo</td>
<td>CHERENTI</td>
<td>Head of Service</td>
<td><em>Union of Wallon Cities and Municipalities (UVCW)</em></td>
<td>Face-to-Face (3)(ESF)</td>
<td>Namur, 8/04/2008</td>
</tr>
<tr>
<td>47.</td>
<td>Idriss</td>
<td>IBNOU-CHEIKH</td>
<td>HR Manager Former ESF advisor</td>
<td>Public Centre for Social Welfare (CPAS) of Hasselt Flemish Association of Towns and Municipalities (VVS)</td>
<td>Face-to-Face (3)(ESF)</td>
<td>Hasselt, 18/04/2008</td>
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<tr>
<td>48.</td>
<td>Eric</td>
<td>MARLIER</td>
<td>Member; International Senior Advisor</td>
<td>Indicators Subgroup (ISG) of the SPC; CEPS/INSTEAD</td>
<td>Face-to-Face (1)(SI)</td>
<td>Brussels, 31/03/2008</td>
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<tr>
<td>49.</td>
<td>Ann</td>
<td>NEELS</td>
<td>Director</td>
<td>Department for Social Integration, Public Centre for Social Welfare (CPAS) of Antwerp</td>
<td>Face-to-Face (3)(ESF)</td>
<td>Antwerp, 21/04/2008</td>
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<td>50.</td>
<td>Miet</td>
<td>SMET</td>
<td>Minister of State</td>
<td>Federal Minister for Employment and Labour</td>
<td>Face-to-Face (3)(EMPL)</td>
<td>Brussels, 05/06/2009</td>
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<td>51.</td>
<td>Paul</td>
<td>VANDERMEEREN</td>
<td>Programme Manager - Policy Officer</td>
<td>European Commission – Employment and Social Affairs Directorate</td>
<td>Face-to-Face (3)(ESF)</td>
<td>Brussels, 19/03/2008</td>
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<td>52.</td>
<td>Michel</td>
<td>VANHOLDER</td>
<td>Former Head of Cabinet</td>
<td>Former Head of Cabinet to the Federal Minister for Employment and Labour (Miet Smet)</td>
<td>Phone (3)(ESF)</td>
<td>29/05/2009</td>
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<td>53.</td>
<td>Patricia</td>
<td>VROMAN</td>
<td>Policy Advisor</td>
<td>Work and Social Economy (WSE) Department of the Flemish Government <em>Brussels Labour Market and Qualifications Observatory</em></td>
<td>Face-to-Face (3)(ESF)</td>
<td>Brussels, 13/03/2008</td>
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<tr>
<td></td>
<td>Chantal</td>
<td>JACQUEMART</td>
<td>ENIAC Expert</td>
<td></td>
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</table>
Inside the Social Open Method of Coordination: the Hard Politics of ‘Soft’ Governance

### Table D. Interviews 2007 (in alphabetical order of surname)

<table>
<thead>
<tr>
<th>No.</th>
<th>Surname</th>
<th>Name</th>
<th>Position</th>
<th>Institution/Organisation</th>
<th>Mode of interview ('Circle') (Exp.)</th>
<th>Place/date of Interview</th>
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<tr>
<td>54</td>
<td>Raoul</td>
<td>BRIET</td>
<td>Former SPC Chair</td>
<td>Social Protection Committee; Chair of the Haute Autorité de Santé (HAS, France); Chair of the Supervisory Council for the French Pensions Reserve Fund</td>
<td>Face-to-Face (1)(SPSI)</td>
<td>Paris, 15/10/2007</td>
</tr>
<tr>
<td>55</td>
<td>Henri</td>
<td>BOGAERT</td>
<td>Former EPC Member and Chair; Commissioner</td>
<td>Economic Policy Committee; Chairman of the EPC Working Group on Ageing Population (AWG) Federal Planning Bureau</td>
<td>Face-to-Face (2)(PENS)</td>
<td>Brussels, 15/10/2007</td>
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<td>56</td>
<td>Bert</td>
<td>BOONE</td>
<td>Director</td>
<td>ESF-Agency, Flanders</td>
<td>Face-to-Face (3) (ESF)</td>
<td>Brussels, 17/04/2007</td>
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<td>57</td>
<td>Thérèse</td>
<td>BOUTSEN</td>
<td>Labour Attaché EMCO Member</td>
<td>Belgian Permanent representation to the EU; former Advisor to the Minister for Employment. EMCO Member</td>
<td>Face-to-Face (1)(EMPL)</td>
<td>Brussels, 8/06/2007</td>
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<tr>
<td>58</td>
<td>Gabrielle</td>
<td>CLOTUCHE</td>
<td>Former Director</td>
<td>DGV/E (Social Security and Social Integration); DG Social Affairs and Employment; European Commission; Lisbon Advisor ETUC</td>
<td>Face-to-Face (1)(SPSI)</td>
<td>Brussels, 9/10/2007</td>
</tr>
<tr>
<td>59</td>
<td>Guy</td>
<td>COX</td>
<td>Former Belgian EMCO Member; Director General</td>
<td>Employment Committee; Former Head of Cabinet of the Federal Minister for Employment Federal Public Service Employment, Labour and Social Dialogue</td>
<td>Face-to-Face (2)(EMPL)</td>
<td>Brussels, 4/12/2007</td>
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<tr>
<td>60</td>
<td>Dennis</td>
<td>CROWLEY</td>
<td>Former SPC Secretary</td>
<td>Assistant to the Director-General of Education and Culture</td>
<td>Face-to-Face (1) (SPSI)</td>
<td>Brussels, 11/09/2007</td>
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<tr>
<td>63</td>
<td>Lieve</td>
<td>DE GRANDE</td>
<td>Deputy Director; Coordinator</td>
<td>Family and Social Welfare Department, Ministry of the Flemish Community; Flemish contribution to the Belgian NAP/Incl</td>
<td>Face-to-Face (2)(SI)</td>
<td>Brussels, 27/3/2007</td>
</tr>
<tr>
<td>64</td>
<td>Jean-Paul</td>
<td>DELCROIX</td>
<td>Secretary-General</td>
<td>Belgian National Labour Council (CNT/NAR)</td>
<td>Face-to-Face (3) (SPSI)</td>
<td>Brussels, 27/04/2007</td>
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<td>65</td>
<td>Filip</td>
<td>D’HAVé</td>
<td>Flemish Attaché</td>
<td>Belgian Permanent representation to the EU</td>
<td>Face-to-Face (3) (ESF)</td>
<td>Brussels, 19/10/2007</td>
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<tr>
<td>66</td>
<td>Thierry</td>
<td>DELAVAL</td>
<td>General Representative Walloon Region</td>
<td>Belgian Permanent representation to the EU</td>
<td>Face-to-Face (3) (ESF)</td>
<td>Brussels, 10/12/2007</td>
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<tr>
<td>No.</td>
<td>Surname</td>
<td>Name</td>
<td>Position</td>
<td>Institution/Organisation</td>
<td>Mode of interview ('Circle')(Exp.)</td>
<td>Place/date of Interview</td>
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<tr>
<td>67</td>
<td>Marie</td>
<td>DONNELLY</td>
<td>Former Head of Unit</td>
<td>ESF Policy Unit, DG EMPL, European Commission</td>
<td>Face-to-Face (3) (ESF)</td>
<td>06/12/2007</td>
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<tr>
<td>68</td>
<td>Benoit</td>
<td>DRÈZE</td>
<td>Former Head of Cabinet</td>
<td>Cabinet of the Federal Minister for Employment and Labour (Miet Smet)</td>
<td>Face-to-Face (2)(EMPL)</td>
<td>08/10/2007</td>
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<tr>
<td>69</td>
<td>Michel</td>
<td>ENGLERT</td>
<td>Belgian SPC Member; Head of the General Directorate</td>
<td>Belgian Federal Planning Bureau; Member of the EPC's Working Group on Ageing Population (AWG)</td>
<td>Face-to-Face (2)(PENS)</td>
<td>Brussels, 13/6/2007</td>
</tr>
<tr>
<td>71</td>
<td>Jean-Maurice</td>
<td>FRÈRE</td>
<td>ISG Member; Advisor</td>
<td>Belgian Federal Planning Bureau</td>
<td>Face-to-Face (2)(PENS)</td>
<td>Brussels, 21/6/2007</td>
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<td>72</td>
<td>Emilio</td>
<td>GABAGLIO</td>
<td>Chair</td>
<td>Employment Committee (EMCO)</td>
<td>Face-to-Face (1)(EMPL)</td>
<td>Brussels, 26/6/2007</td>
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<td>74</td>
<td>Stefaan</td>
<td>HERMANS</td>
<td>Former EMCO Secretary</td>
<td>Employment Committee Secretariat, DG EMPL</td>
<td>Face-to-Face (1)(EMPL)</td>
<td>Brussels, 04/06/2007</td>
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<tr>
<td>75</td>
<td>Ludo</td>
<td>HOREMANS</td>
<td>President; President and former Chair</td>
<td>Flemish 'Network of associations where the poor take the floor'; European Anti-Poverty Network (EAPN)</td>
<td>Face-to-Face (2)(SI)</td>
<td>Antwerp, 4/4/2007</td>
</tr>
<tr>
<td>76</td>
<td>Michel</td>
<td>JADOT</td>
<td>Former Head Former Chairman</td>
<td>Belgian Employment Committee (EMCO) delegation; Board of the Federal Public Service ('Ministry') Employment, Labour and Social Dialogue</td>
<td>Face-to-Face (2)(EMPL)</td>
<td>Brussels, 11/12/2007</td>
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<tr>
<td>77</td>
<td>Sonja</td>
<td>KOHNENMERGEN</td>
<td>Senior Advisor</td>
<td>Federation of Belgian Enterprises (FEB/VBO)</td>
<td>Face-to-Face (3)(SPSI)</td>
<td>Brussels, 4/12/2007</td>
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<tr>
<td>78</td>
<td>Rafaël</td>
<td>LAMAS</td>
<td>Director</td>
<td>Studies Department, Belgian General Federation of Labour (FGTB/ABVV)</td>
<td>Face-to-Face (3)(SPSI)</td>
<td>Brussels, 08/6/2007</td>
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<tr>
<td></td>
<td>Celien</td>
<td>VAN MOERKERKE</td>
<td>Advisor</td>
<td>Studies Department, Belgian General Federation of Labour (FGTB/ABVV)</td>
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</table>
79. [Ides NICAISE]* Chair Belgian ‘Resource Centre for the fight against poverty, precariousness and social exclusion’; B Member of the Network of Independent Experts on Social Inclusion

80. Hanna Chris NICHOLAS BURTON Head Advisor Department for Work and Pensions, United Kingdom; UK Member of the Social Protection Committee

Table D. Interviews 2007 (continued)

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<th>No.</th>
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<tbody>
<tr>
<td>81.</td>
<td>Ruth</td>
<td>PASERMAN</td>
<td>Deputy Head of Unit</td>
<td>Social Protection and Social Services, DGV, European Commission</td>
<td>Face-to-Face (1)(HC)</td>
<td>Brussels, 24/7/2007</td>
</tr>
<tr>
<td>82.</td>
<td>[Annette PERDAENS]</td>
<td>Director; Coordinator</td>
<td>Health and Social observatory of Brussels Capital; contribution of the Brussels Region to the Belgian NAP/Incl</td>
<td>Face-to-Face</td>
<td>Brussels, 12/4/2007</td>
<td></td>
</tr>
<tr>
<td>83.</td>
<td>[Annemie PERNOT]*</td>
<td>Social Attaché ('Labour')</td>
<td>Belgian Permanent representation to the EU</td>
<td>Face-to-Face</td>
<td>Brussels, 22/10/2007</td>
<td></td>
</tr>
<tr>
<td>84.</td>
<td>Jak</td>
<td>PJETRI DE SMEDT</td>
<td>Director</td>
<td>Managing Authority, European Social Fund (ESF), Walloon Region and French Community</td>
<td>Face-to-Face (3) (ESF)</td>
<td>Brussels, 06/12/2007</td>
</tr>
<tr>
<td>85.</td>
<td>[Truus ROESEMS]*</td>
<td>Scientific collaborator</td>
<td>Health and Social observatory of Brussels Capital; Coordinator of the statistical input of the Brussels Region to the Belgian NAP/Incl</td>
<td>Face-to-Face</td>
<td>Brussels, 05/07/2007</td>
<td></td>
</tr>
<tr>
<td>86.</td>
<td>Chris Andrée</td>
<td>SERROYEN DEBRULLE</td>
<td>Director</td>
<td>Studies Department, Confederation of Christian Trade Unions (CSC/ACV)</td>
<td>Face-to-Face (3) (SPSI)</td>
<td>Brussels 23/10/2007</td>
</tr>
<tr>
<td>87.</td>
<td>Joëlle</td>
<td>SOIR</td>
<td>European Advisor</td>
<td>Walloon Minister for Economy Employment and external trade (Jean-Claude Marcourt)</td>
<td>Face-to-Face (2)(EMPL)</td>
<td>Namur, 23/10/2007</td>
</tr>
<tr>
<td>89.</td>
<td>Freek SPINNEWIJN</td>
<td>Director</td>
<td>European Federation of National Organisations working with the Homeless (Feantsa)</td>
<td>Face-to-Face (1) (SI)</td>
<td>Brussels, 12/02/2007</td>
<td></td>
</tr>
</tbody>
</table>
Table D. Interviews 2007 (continued)

<table>
<thead>
<tr>
<th>No.</th>
<th>Surname</th>
<th>Name</th>
<th>Position</th>
<th>Institution/Organisation</th>
<th>Mode of interview ('Circle') (Exp.)</th>
<th>Place/date of Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>94.</td>
<td>Stefaan</td>
<td>THYS</td>
<td>Deputy Head of Cabinet</td>
<td>Belgian Minister for Social Affairs (Rudy Demotte); former Social Attaché, Belgian Permanent representation to the EU</td>
<td>Face-to-Face (2)(HC)</td>
<td>Brussels, 7/6/2007</td>
</tr>
<tr>
<td>95.</td>
<td>Olivier</td>
<td>VALENTIN DOS SANTOS</td>
<td>Director Head</td>
<td>European Department of the Studies Department, Liberal trade Union Organisation (ACLVB – CGSLB)</td>
<td>Face-to-Face (3)(SPSI) (3) (SPSI)</td>
<td>Brussels 11/10/2007</td>
</tr>
<tr>
<td>97.</td>
<td>An</td>
<td>VAN DEN TROOST</td>
<td>European advisor</td>
<td>To the Belgian Federal Minister for the Environment and Pensions</td>
<td>Face-to-Face (3) (PENS)</td>
<td>Brussels, 13/6/2007</td>
</tr>
<tr>
<td>98.</td>
<td>Julien</td>
<td>VAN GEERTSOM</td>
<td>President</td>
<td>Planning Public Services ('Ministry') for Social Integration, Combating Poverty and Social Economy</td>
<td>Face-to-Face (2)(SI)</td>
<td>Brussels, 2 October 2007</td>
</tr>
<tr>
<td>99.</td>
<td>Louis</td>
<td>VERVLOET</td>
<td>Director</td>
<td>ESF-Agency, Flanders</td>
<td>Face-to-Face (3) (ESF)</td>
<td>19/12/2007</td>
</tr>
<tr>
<td>100.</td>
<td>Jerôme</td>
<td>VIGNON</td>
<td>Head of Unit</td>
<td>Social Protection and Social Services, DGV, European Commission</td>
<td>Face-to-Face (1) (SPSI)</td>
<td>Brussels, 24/7/2007</td>
</tr>
</tbody>
</table>
Inside the Social Open Method of Coordination: the Hard Politics of ‘Soft’ Governance

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Position</th>
<th>Organization</th>
<th>Method</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>102.</td>
<td>Paul WINDEY</td>
<td>Chairman</td>
<td>Belgian National Labour Council (CNT/NAR)</td>
<td>Face-to-Face (3) (SPSI)</td>
<td>Brussels, 4/12/2007</td>
</tr>
<tr>
<td>103.</td>
<td>[Paul Andrea WINDEY]*</td>
<td>Chairman; Legal Advisor</td>
<td>Belgian National Labour Council (CNT/NAR)</td>
<td>Face-to-Face (3) (SPSI)</td>
<td>Brussels, 5/6/2007</td>
</tr>
<tr>
<td>104.</td>
<td>Walter ZAMPIERI</td>
<td>SPC Secretary</td>
<td>European Commission</td>
<td>Face-to-Face (1) (SPSI)</td>
<td>Brussels, 9/10/2007</td>
</tr>
</tbody>
</table>

Total number of persons interviewed: 116 (of whom 12 interviewed twice, indicated with an asterisk [*] in the table)

Total number of individual respondents: **104**
TABLE E. Additional respondents to the 2010 web survey (in alphabetical order of surname) 46

<table>
<thead>
<tr>
<th>No.</th>
<th>Surname</th>
<th>Name</th>
<th>Position</th>
<th>Institution/Organisation</th>
<th>Online Survey completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Jean-Pierre</td>
<td>BAEYENS</td>
<td>Researcher</td>
<td>Free University of Brussels (VUB)</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>2.</td>
<td>Rita</td>
<td>BAETEN</td>
<td>Senior Policy Analyst</td>
<td>European Social Observatory (OSE)</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>3.</td>
<td>Jos</td>
<td>BERGHMAN</td>
<td>Full professor</td>
<td>Catholic University of Leuven (Centre for Sociological Research)</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>7.</td>
<td>Jo</td>
<td>DE COCK</td>
<td>SPC Member; Administrator-general</td>
<td>National Sickness &amp; Disability Insurance Institute (INAMI)</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>9.</td>
<td>André</td>
<td>DEWEZ</td>
<td>Representative</td>
<td>DG Employment, Social Affairs and Equal Opportunities</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>11.</td>
<td>Serge</td>
<td>DE WITTE</td>
<td>Legal advisor, Health Care</td>
<td>National Union of Liberal Mutual Funds</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>12.</td>
<td>Michel</td>
<td>ENGLERT</td>
<td>SPC Member; Head of the General Directorate</td>
<td>Belgian Federal Planning Bureau; Member of the EPC Working Group on Ageing Population (AWG)</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>14.</td>
<td>Jean-Maurice</td>
<td>FRÈRE</td>
<td>Expert / Advisor</td>
<td>Belgian Federal Planning Bureau; Belgian Member of the ISG of the Social Protection Committee</td>
<td>Nov 2010</td>
</tr>
</tbody>
</table>

46 As indicated in section 5.3.2, I conducted an online survey in 2010 which was completed by (a) the interviewees listed in table B above, as well as by the 39 respondents in this table E. In total, the on-line survey was therefore completed – between November and December 2010 – by 59 experts working in the three policy fields.
<table>
<thead>
<tr>
<th>No.</th>
<th>Surname</th>
<th>Name</th>
<th>Position</th>
<th>Institution/Organisation</th>
<th>Online Survey completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Mireille</td>
<td>GOEMANS</td>
<td>Collaborator long-term care</td>
<td>Federal Public Service ('Ministry') for Social Security</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>16</td>
<td>Anne-Catherine</td>
<td>GUIO</td>
<td>Researcher</td>
<td>Walloon Institute for Evaluation, Prospective and Statistics (IWEPS); Formerly Policy Officer, Eurostat</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>17</td>
<td>Luc</td>
<td>JANSEN</td>
<td>President</td>
<td>Advisory Committee for the Pension Sector</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>18</td>
<td>Johan</td>
<td>JANSSENS</td>
<td>General Administrator</td>
<td>Pension service for the public sector (PDOS-SdPSP)</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>19</td>
<td>Sylvia</td>
<td>LOGIST</td>
<td>Advisor</td>
<td>General Confederation of Liberal Trade Unions of Belgium (ACLVB/CGSLB)</td>
<td>Dec 2011</td>
</tr>
<tr>
<td>20</td>
<td>Marc</td>
<td>MOENS</td>
<td>Chairman</td>
<td>Belgian Association of Doctors Syndicates (BVAS - ABSym)</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>21</td>
<td>Giusto</td>
<td>MANISCHALSCHI</td>
<td>Attaché</td>
<td>Public Centre for Social Assistance (CPAS) of Charleroi; Responsible for the Social Observatory of the city of Charleroi</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>22</td>
<td>Muriel</td>
<td>RABAU</td>
<td>General Advisor</td>
<td>Federal Public Service ('Ministry') for Social Security; Also Social Attaché, Permanent Representation of Belgium to the EU</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>23</td>
<td>Chris</td>
<td>SERROYEN</td>
<td>Director</td>
<td>Studies Department, Confederation of Christian Trade Unions (CSC/ACV)</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>24</td>
<td>Freek</td>
<td>SPINNEWIJN</td>
<td>Director</td>
<td>European Federation of National Organisations working with the Homeless (Feantsa)</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>25</td>
<td>Yves</td>
<td>STEVENS</td>
<td>Full Professor</td>
<td>Catholic University of Leuven; President of the Belgian Occupational Pension Commission</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>26</td>
<td>Jos</td>
<td>STERCKX</td>
<td>Director</td>
<td>Kleis vzw, Knowledge Centre on Social Europe (NGO)</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>27</td>
<td>Sarah</td>
<td>TAK</td>
<td>Advisor International Relations</td>
<td>Cabinet to the Flemish Deputy Prime Minister and Minister of Innovation, Public Investment, Media and Poverty Reduction (Ingrid Lieten)</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>28</td>
<td>Johan</td>
<td>TOURNE</td>
<td>National Secretary</td>
<td>Belgian Christian Mutuality (Ziekenzorg CM vzw)</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>29</td>
<td>Johan</td>
<td>VANDENBUSSCHE</td>
<td>Deputy Head of Cabinet</td>
<td>Cabinet of Secretary of State for Social Integration and the fight against poverty (Philippe Courard)</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>No.</td>
<td>Surname</td>
<td>Name</td>
<td>Position</td>
<td>Institution/Organisation</td>
<td>Online Survey completed</td>
</tr>
<tr>
<td>-----</td>
<td>---------------</td>
<td>--------------------</td>
<td>------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>30.</td>
<td>Paul</td>
<td>VANDERMEEREN</td>
<td>Program Manager; Desk Officer</td>
<td>European Commission – Employment and Social Affairs Directorate</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>31.</td>
<td>Rudi</td>
<td>VAN DAM</td>
<td>Coordinator Social Indicators</td>
<td>Federal Public Service ('Ministry') for Social Security; Belgian member to the Indicators Sub-Group</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>32.</td>
<td>Anne</td>
<td>VAN LANCKER</td>
<td>Advisor</td>
<td>Cabinet to the Flemish Deputy Prime Minister and Minister of Innovation, Public Investment, Media and Poverty Reduction (Ingrid Lieten); formerly Member of the European Parliament</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>34.</td>
<td>Henk</td>
<td>Van Hootegem</td>
<td>Collaborator</td>
<td>The support point for combating poverty, insecurity and social exclusion of the Centre for Equal Opportunities and Opposition to Racism</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>35.</td>
<td>Pascale</td>
<td>Vielle</td>
<td>Full professor</td>
<td>Université de Louvain</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>36.</td>
<td>Elise</td>
<td>Willame</td>
<td>Former Chair</td>
<td>Social Protection Committee; Formerly Director – General, Federal Public Service ('Ministry') for Social Security</td>
<td>Nov 2010</td>
</tr>
<tr>
<td>38.</td>
<td>Frank</td>
<td>Vandenbroucke</td>
<td>Flemish Senator</td>
<td>Former federal Minister for Social Affairs and Pensions; former Vice-Minister-President of the Flemish Government and Flemish Minister for Work, Education and Training</td>
<td>Dec 2010</td>
</tr>
<tr>
<td>39.</td>
<td>Julien</td>
<td>Van Geertsom</td>
<td>President</td>
<td>Public Services ('Ministry') for Social Integration, Combating Poverty and Social Economy</td>
<td>Dec 2010</td>
</tr>
</tbody>
</table>
Annex 4. Structured questionnaire: interviews and online survey

This structured questionnaire was used before – and in some cases during – the actual interviews. It was completed (during the 2010 wave of interviews, see section 5.3.3) as an online Survey by 59 Belgian respondents working in the fields of social inclusion, pensions and health care, in Dutch and French. The questions were initially drawn up in English by PPMI (2010) in the context of a Commission-funded OMC Assessment.

Questions 1-9 and 15-39 had the following closed answer categories: 'Strongly agree', 'Agree', 'Neither agree nor disagree', 'Disagree', 'Strongly disagree', 'No comment/do not know'. Questions 10-14 could be answered by 'Yes'; 'No'; 'No comment/do not know'. Answers were brought together in tables and charts comparing absolute numbers and (purely indicative in view of the low absolute numbers) percentages between strands, as in the example below. See Vanhercke (2011a) for a detailed discussion of the online survey results.

Questions

Part 1: Operation of the NSR Process

- Q1: Do you agree with the statement: enough time and resources is devoted to producing NSRs?
- Q2: Do you agree with the statement: the national process of producing NSRs sufficiently includes the contributions of all stakeholders?
- Q3: Do you agree with the statement: the national process of producing NSRs has stimulated genuine policy debate among the participants in the process or among a wider public?
- Q4: Do you agree with the statement: the NSRs provide information on the most important new social policy developments in my country?
- Q5: Do you agree with the statement: the NSRs follow the key principles suggested in the guidelines/guidance note?
- Q6: Do you agree with the statement: the guidelines/guidance note are useful for producing a good quality NSR?
- Q7: Do you agree with the statement: the frequency with which the national administration is asked to produce the NSR is optimal (i.e., the 2 years interval is not too frequent and not too infrequent)?
- Q8: Do you agree with the statement: the amount of information that the national administration is asked to provide in the NSRs is optimal (i.e., enough depth and breath, but not too excessive)?
- Q9: Do you agree with the statement: the NSR process is clearly integrated into the formulation and implementation of social policy at the national level?
- Q10: Have you ever read a document, statement or a study produced by Peer Reviews?

Part 2: Involvement in EU-level Mutual Learning

- Q11: Have you ever participated in a Peer Review?
- Q12: Have you ever taken part in a presidency event on social issues (e.g., presidency conference)?
- Q13: Have you ever read a document, statement or a study produced by expert networks, such as Network of Independent Experts on Social Inclusion, ASISP network and Network of experts in gender equality, social inclusion, health and long-term care?
- Q14: Have you ever heard about the activities of EU-level NGO networks, such as European Anti-Poverty Network, European Older People’s Platform and others?
Part 3: Substantive Impacts

- Q15: Do you agree with the statement: in general, most policy actors that deal with/have a stake in social policy matters are familiar with the key features of the Social OMC process: common objectives, common indicators, reporting cycle?
- Q16: Do you agree with the statement: most policy actors that deal with/have a stake in social policy matters in my country have read the national NSRs?
- Q17: Do you agree with the statement: most policy actors that deal with/have a stake in social policy matters in my country have read the Joint Report?
- Q18: Do you agree with the statement: the Joint Report provides a sense of direction to policy development and policy reform?
- Q19: Do you agree with the statement: most policy actors that deal with/have a stake in social policy matters in my country have read the supporting document which comes together with the Joint Report (Commission Staff Working Paper)?
- Q20: Do you agree with the statement: the supporting document which comes together with the Joint Report (Commission Staff Working Paper) provides a useful account of the key trends and challenges in the EU and my country?
- Q21: Do you agree with the statement: most policy actors that deal with/have a stake in social policy matters have read the profile of my country, published together with the Joint Report and supporting document?
- Q22: Do you agree with the statement: the country profile, published together with the Joint Report and supporting document provides useful suggestions for action?
- Q23: Do you agree with the statement: most policy actors that deal with/have a stake in social policy matters in my country have read at least a few studies produced to support the Social OMC by the Commission, Peer Reviews, expert networks or NGO networks?
- Q24: Do you agree with the statement: the ideas associated with the Social OMC are discussed in the key social policy discussion forums (conferences, events, seminars) in my country?
- Q25: Do you agree with the statement: the ideas associated with the Social OMC have had an influence on the policy agenda in my country (i.e. they have shaped the discourse at the official level and had an impact on official statements or political ambitions)?
- Q26: Do you agree with the statement: the ideas associated with the Social OMC are reflected in the policy decisions in my country (amendments/adoption of laws, governmental and ministerial orders and other legal acts)?
- Question 27: Do you agree with the statement: national reforms are consistent with the ideas associated with the Social OMC?

Part 4: Procedural Impacts of the Social OMC

- Q28: Do you agree with the statement: the NSR process has improved national steering capacities (i.e. using data and indicators to monitor progress and to take decisions based on this information)?
- Q29: Do you agree with the statement: the NSR process has helped to improve the horizontal coordination between interdependent policy fields?
- Q30: Do you agree with the statement: the NSR process has helped to increase the vertical coordination between the levels of government?
- Q31: Do you agree with the statement: the NSR process has contributed to a better involvement of non-state actors in the national policy process?
Part 5: Assessment of EU-level Decisions

- Q32: Do you agree with the statement: the coordination of social policy between the Member States has improved after the streamlining of the three strands of social inclusion, pensions, health and long-term care into the Social OMC in 2006?
- Q33: Do you agree with the statement: there is evidence of synergies between the three strands of social inclusion, pensions, health and long-term care after the three OMCs were streamlined into the single Social OMC in 2006?
- Q34: Do you agree with the statement: the Social OMC and the Lisbon Strategy for Growth and Jobs (until 2010) have complemented and reinforced each other?
- Q35: Do you agree with the statement: the common objectives have been specific enough to provide a sense of direction for policies or policy reform in my country?
- Q36: Do you agree with the statement: the common objectives have addressed the most important challenges my country faces?
- Q37: Do you agree with the statement: the common indicators cover the most important policy objectives and challenges at the national level?
- Q38: Do you agree with the statement: data on common indicators is made available before crucial policy decisions have to be taken?
- Q39: Do you agree with the statement: the introduction of thematic reporting has helped to focus attention on the topical issues of the year (2007, 2009)?
Replies to structured questionnaire: example of table

<table>
<thead>
<tr>
<th>Question 18: Do you agree with the statement: the Joint Report provides a sense of direction to policy development and policy reform?</th>
<th>Pensions</th>
<th>Social Inclusion</th>
<th>Health Care</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Absolute number</td>
<td>Percentage</td>
<td>Absolute number</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>0</td>
<td>0.00%</td>
<td>1</td>
</tr>
<tr>
<td>Agree</td>
<td>9</td>
<td>47.37%</td>
<td>10</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>4</td>
<td>21.05%</td>
<td>8</td>
</tr>
<tr>
<td>Disagree</td>
<td>4</td>
<td>21.05%</td>
<td>12</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>1</td>
<td>5.26%</td>
<td>1</td>
</tr>
<tr>
<td>No comment; do not know</td>
<td>1</td>
<td>5.26%</td>
<td>3</td>
</tr>
</tbody>
</table>

Replies to structured questionnaire: example of graph

Graph 18. The Joint Report provides a sense of direction to policy development and policy reform
Annex 5. Belgian websites related to the Social OMC

Roughly speaking, websites in Belgium that relate to the Social OMC can be divided into three broad categories: ‘Social OMC resource websites’, and ‘Social OMC Light websites and Social OMC Trickling down websites’ (for website URL’s, see Vanhercke, 2011a).

- ‘Social OMC resource’ websites

Websites within this category contain extensive information on one or more of the key features (indicators, National Action Plans etc.) of one or several of the strands. They may also contain a variety of articles about the operation and impact of the Social OMC. Such Social OMC resource websites are first of all associated with three academic/research institutes which ‘stand out’ in the sense that they have a relatively longstanding tradition in research on the topic:

- The website of the Higher Institute for Labour Studies (HIVA, K.U.Leuven) contains a variety of publications that provide the Commission with an independent third-party view on the progress made in the implementation of the Belgian NAP/Incl and its ‘feeding in’ and ‘feeding out’ aspects.

- The Center for Social Policy Herman Deleeck (CSB, University of Antwerp) developed an online ‘Vademecum of common EU indicators’ agreed in the context of the SPSI OMC, which does more than its name suggests: it describes the policy process of the Social OMC, its key features and concepts, and the full portfolio of indicators. The general CSB website equally contains research focused on the procedural aspects of the Belgian NAP/Incl and especially on the deficiencies in the procedures.

- The website of the Brussels-based European Social Observatory (OSE) contains (in the ‘publications’, ‘team’ and ‘projects’ pages) many articles, research papers, reports and PowerPoint presentations on the different strands of the Social Protection and Social Inclusion OMC (addressing different Member States) as well as other (non-social) OMCs (employment, education).

The websites of two federal ministries contain some of the key documents emanating from the Social OMC, and can therefore also be considered as Social OMC resource websites:

- The website of the Planning Public Service (PPS) for Social Integration, Combating Poverty and Social Economy contains the full range of Belgian NAP/Incl, the programmes, presentations and background papers of several European conferences organized by the PPS, while it documents the European Year for Combating Poverty and Social Exclusion and makes several PowerPoint presentations available (e.g. summarising the highlights of the 2009 Joint Report on Social Protection and Social Inclusion).

- The website of the Federal Public Service (FPS) Social Security contains links to the Common Objectives, several SPC documents, the consecutive Belgian National Strategic Reports and the initial reports of the three strands before streamlining. A separate page contains links to the indicators of the three strands (even if there are currently problems in accessing these links).
Setting the scene

- **‘Social OMC light’ websites**

  The Social OMC or its instruments are discussed on these websites, but on an occasional and irregular basis, typically referring to specific events or giving attention to the topic at given times (e.g. Belgian Presidency of the EU, publication of a Commission Communication etc.).

  - Perhaps surprisingly, the website of the ‘Resource Center for the Fight against Poverty, Precariousness and Social Exclusion’ falls into this category: it provides summaries of the consecutive National Action Plans on Social Inclusion, but no longer qualifies as a ‘Social OMC resource website’, since almost none of the (many) links to the key features of the OMC (several National Actions Plans, indicators, National Strategic Reports etc.) are accessible.

  - A second ‘Social OMC Light website’ is the one managed by the National Labour Council, which contains several well documented Opinions about the Social OMC (e.g. at the occasion of its streamlining in 2005, the Commission’s Communication on Active Inclusion in 2008 and the adoption of the Belgian National Reform Programme in the same year).

  - The King Baudouin Foundation publishes the programmes and interventions of several conferences during which the OMC objectives or instruments are discussed (e.g. ‘Poverty and Ageing’), but equally reports on OMC-related topics and opinions of stakeholders.

  - Non-profit organisations such as ‘Kleis’ and ‘Pour la Solidarité’ equally provide basic information about the Social OMC, and the latter’s website reports about the events it organises in relation to the OMC. The website of ‘Agence Alter’ (an NGO working around media and research) contains a two-monthly publication about the social situation in Brussels and Wallonia (‘Alter Echos’) with regular articles on social inclusion that sometimes refer to the OMC and its instruments.

- **‘Social OMC Trickling down’ websites**

  Some references are made in these websites to some of the OMC tools or concepts (child poverty, replacement rates etc.), with the process itself being referred to once, or not at all.

  - In this category we find the websites of some of the Belgian trade unions (e.g. the Christian Trade Union in the context of the ‘flexicurity’ debate) and their training centres (e.g. OMC training tool by ‘Formation Education et Culture’).

  - The Credit and Indebtedness Observatory (L’Observatoire du Crédit et de l’Endettement) has a dossier (‘fiche thématique’) on its website about the OMC and the use of social inclusion indicators.

  - The Flemish civil rights-organisation of persons with disabilities briefly explains what OMC means on its website and refers to the website of the Flemish government for further information;

  - The website of the Brussels Council for socio-political coordination (Conseil bruxellois de coordination sociopolitique) reports about a (2007) conference on the OMC at the service of the social economy.

  - Several other non-profit organisations at some point in time made a (single) ’dossier’ about the Social OMC: this is the case for the ‘Revue d’action sociale et médico-sociale’ and ‘Culture Action Europe’.
A number of academic websites equally fall into this third category of 'Social OMC Trickling down websites'. The website of the Institut d'Études européennes of the Free University of Brussels (ULB, Unité de Recherche Europe Sociale) contains a few OMC-related publications; so do different web pages of the UCL (Centre de philosophie du droit, and Chaire Hoover d'éthique économique et sociale) but these are not very recent and largely dependent on one or two researchers.