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**Jonathan Zeitlin**

**Conclusion: The Open Method of Coordination in Action:  
Theoretical Promise, Empirical Realities, Reform Strategy**

**Forthcoming in Jonathan Zeitlin and Philippe Pochet with Lars Magnusson (eds.),  
*The Open Method of Coordination in Action: The European Employment and Social  
Inclusion Strategies*, P.I.E.-Peter Lang, 2005**

As we saw in the introduction, the Open Method of Coordination has aroused fierce controversies about its democratic legitimacy, practical effectiveness, and implications for European integration. Yet as we also saw, much of the debate surrounding the OMC has suffered from a serious empirical deficit, relying on a narrow range of often outdated evidence, and based mainly on official printed sources. Drawing on the previous chapters of this book, as well as on other recent research (both published and unpublished), this concluding essay seeks to redress the balance by reviewing the available evidence about the OMC in action, focusing particularly on the operations and impact of the European Employment and Social Inclusion Strategies at national and subnational levels. In order to establish appropriate criteria for the empirical assessment in the body of the chapter (Part II), the next section (Part I) briefly revisits the core claims for the theoretical promise of the OMC as a new mode or instrument of EU governance advanced by its proponents. Although the resulting assessment, as we shall see, is positive in many respects, it also highlights some significant practical limitations that inhibit the realization of the OMC's theoretical promise. The final section (Part III) therefore considers how to overcome the shortcomings revealed by the empirical assessment, and proposes a reflexive strategy for reforming the OMC by applying the method to its own procedures through benchmarking, peer review, monitoring, and iterative redesign.

**I. Theoretical Promise of a New Mode of EU Governance**

Among the theoretical claims for the OMC's potential as a new mode of EU governance enumerated in the introduction, two are arguably critical to any empirical assessment of its

practical operations and impact.<sup>1</sup> First, the OMC has been hailed as a promising instrument for addressing common European concerns while respecting national diversity because it encourages convergence of objectives, performance, and broad policy approaches, but not of specific programmes, rules, or institutions. This is particularly important in the case of employment and social protection systems, where deep-rooted differences in national institutions and policy legacies largely preclude harmonization at European level. Such capacity for reconciling common European action with legitimate national diversity has become more crucial than ever with the enlargement of the EU to include ten new Member States, which differ widely both from one another and from the original fifteen in their labour market institutions and social welfare regimes, as well as in their levels of economic development and rates of employment, unemployment, and income poverty (Hemerijck and Berghman 2004; Galgóczi, Lafoucriere and Magnusson 2004).

Second, the OMC has been acclaimed as a promising mechanism for promoting experimental learning and deliberative problem-solving insofar as it systematically and continuously obliges Member States to pool information, compare themselves to one another, and reassess current policies against their relative performance. Diversity within Europe, on this view, should be regarded “not as an obstacle to integration but rather as an asset...a natural laboratory for policy experimentation”, which enhances opportunities for cross-national learning through comparison of different approaches to similar or related problems (European Commission DG EMPL 2002: 37; Cohen and Sabel 2003: 368). Such capacity for mutual learning is likewise especially important in fields like employment, inclusion, and social protection, where EU Member States, whatever their differences have been struggling with similar challenges of reconfiguring inherited institutions and programmes to meet the demands of a new economy, with its changing demographic trends, career patterns, household/family structures, and distributions of social risks. Some countries have coped more successfully with these challenges than others, but none can credibly claim to have discovered a comprehensive solution or model. Hence there is good reason to think that Europe might serve in a new way to

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<sup>1</sup> Empirical assessment of a third theoretical claim that the OMC can serve as a promising cognitive and normative tool for defining and building consensus around a distinctive European (or EU) social model based on shared values and policy paradigms Vandenbroucke (2002); Ferrera (2001) would require a fuller analysis of the historical evolution of EU social and employment policies than can be undertaken here. But see the discussion of the influence of OMC on national policy change in Part II below, as well as Pochet’s chapter in this volume.

enhance employment, inclusion, and social protection in a period of increasing uncertainty by creating a forum for discussing, evaluating, and generalizing the results of different national adjustment strategies (Zeitlin 2003; Sabel and Zeitlin 2003).

This is not the place to respond to the various theoretical and political critiques of the OMC's legitimacy summarized in the introduction, a task which would require not only a broader analysis of EU governance, but also a reconceptualization of key terms in the European debate such as subsidiarity, the "Community Method", and democracy itself.<sup>2</sup> But whether one believes that the OMC should be considered part of the solution to the EU's democratic deficit or instead part of the problem, participation and transparency are critical to any empirical assessment of its theoretical promise as a new mode of European governance. For not only the OMC's legitimacy, but also its effectiveness arguably depend on the participation of the widest possible range of actors and stakeholders at all levels, from the European through the national to the regional and local, in order to ensure the representation of diverse perspectives, tap the benefits of local knowledge and initiative, and hold public officials accountable for carrying out mutually agreed commitments. Transparency of deliberation and decision-making within the OMC is no less crucial, both as a procedural safeguard for European citizens and as a vital source of information on which both public and private actors at different levels can draw to drive the coordination process forward.

## **II. Empirical Realities: Impacts, Influences, Ambiguities**

For many participants in the EU governance debate, the acid test of the OMC's value in enhancing the Union's problem-solving capabilities is whether it can deliver measurable performance improvements in relation to agreed objectives and metrics. Yet this type of question is exceptionally difficult to answer, as the Five-Year Impact Evaluation of the EES conducted in 2002 made abundantly clear. Between 1997 and 2001, as the Commission's technical evaluation showed, EU employment performance underwent a structural improvement, very much in line with the objectives of the EES. Unemployment across the EU fell by 3%, with sharper declines in its long-term and structural components. The employment rate likewise rose

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<sup>2</sup> For preliminary efforts in this direction, see Zeitlin (2005), Sabel and Zeitlin (2003), and Cohen and Sabel (2003), as well as the Trubek's chapter in this volume.

by 3%, with improvements concentrated among key groups targeted by the EES such as women, youth, older people, and the low skilled. Compared to previous economic upswings in the 1980s and 90s, the job intensity of growth increased sharply, while the responsiveness of employment and labour-force participation to output also improved. Yet as the Commission itself acknowledged, "...the technical difficulties of a precise impact evaluation should not be underestimated, considering the interaction between different policies, the simultaneous improvement of the economic situation and the relatively short period under review as compared to the long-term nature of certain structural reforms"(European Commission 2002a: 7-8; 2002b: ch. 2). The problem of evaluating the impact of the EES on EU employment performance is actually more complex still, because it involves a double relationship between national policies and employment outcomes on the one hand, and between the EES and national policies on the other, each of whose causal significance is open to question. Hence as Barbier's chapter rightly argues, classical models of programme evaluation cannot properly be applied to the EES – or to the OMC more generally – which is in any case a process rather than a programme (see also Barbier 2004b: 22-31).

Following the example of previous chapters in this book and other recent case study research on the OMC in action, I adopt here instead what may be called a contextualized process-tracing approach to assessing the operations and impact of the European Employment and Social Inclusion Strategies. Consonant with the preceding discussion of the OMC's theoretical promise, the assessment focuses on four major issues: (A) substantive policy change (including broad shifts in policy thinking); (B) procedural shifts in governance and policymaking (including administrative reorganization and institutional capacity building); (C) participation and transparency; and (D) mutual learning. By way of conclusion, the final section (E) evaluates the relative importance of different mechanisms whereby OMC processes may influence policymaking within EU Member States, emphasizing their strategic utilization by domestic actors.

### **A. Substantive Policy Change**

Among the most widely attested findings of recent empirical work on the European Employment and Social Inclusion Strategies, including most of the chapters in this volume as well as official evaluation studies and reports, is that these OMC processes have raised the

political salience and ambitions of employment and social inclusion policies at the national as well as the EU level. A second broadly supported finding is that these OMC processes have contributed to broad shifts in national policy orientation and thinking, involving the incorporation of EU concepts and categories into domestic debates. The most obvious examples of this cognitive influence of OMC on domestic policy orientations concern the shift of emphasis from reducing unemployment to raising employment rates as a core objective, from passive income support to activation services, and from a curative to a preventative approach to fighting unemployment. But many other key concepts associated with the EES and the Social Inclusion process have also entered or gained new prominence on the policy agendas of EU Member States, notably active ageing/avoiding early retirement, lifelong learning, gender mainstreaming, flexicurity (balancing flexibility with security), reconciling work and family life, an inclusive labor market, social exclusion as a multi-dimensional phenomenon beyond income poverty, and an integrated partnership approach to promoting employment, inclusion, and local development.<sup>3</sup>

Beyond these broad shifts in national policy thinking, there is also some evidence that these OMC processes have contributed to specific changes in individual Member States' policies. Such evidence is most abundant for the EES, which has been running considerably longer (seven rounds of NAPs and Joint Reports as against two for the Social Inclusion Process), and has been subjected to more extensive research and evaluation. In France, for example, the EES played a prominent part in the adoption of a preventative and individualized approach to the unemployed through programmes such as PAP-ND (Project d'Action Personnalisé pour un Nouveau Départ) and PARE (Plan d'Aide au Retour à l'Emploi), the introduction of a modest negative income tax/in-work benefit for low earners (the Prime pour l'Emploi, or PPE), and the implementation of measures to close off pathways to early retirement and promote lifelong learning in the context of pension reform (itself the subject of a separate OMC process).<sup>4</sup> In Germany, similarly, the Schröder government referred explicitly to the EES as part of the inspiration and justification for initiatives such as the "Immediate Programme for the Reduction of Youth Unemployment" (JUMP), the amendment of the Work Promotion Act to incorporate a

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<sup>3</sup> In addition to the chapters in this volume, on the EES see Jacobsson (2002); Jacobsson and Vifell (2005a), European Commission (2002a: 9-15; 2002b: ch. 1); on the Social Inclusion process, see Ferrera, Matsaganis and Sacchi (2002); European Commission and Council of the European Union (2004b: esp. 36-42).

<sup>4</sup> See, in addition to the chapters by Ehrel et al. and Barbier in this volume, Barbier and Sylla (2001); Barbier (2004b) and Salais, Raveaud and Mathieu (2002).

more preventative and targeted approach, the Job-AQTIV (Active, Qualify, Train, Invest, and Place) Act, the development of gender mainstreaming, and the “Hartz Laws” on the reform of labour market regulation and unemployment insurance, as well as for its efforts to clamp down on early retirement and expand public childcare provision.<sup>5</sup> In both the Netherlands and Ireland, as the chapters by Visser and O’Donnell and Moss document, the EES’s active and preventative approach had a significant impact on national labour market policy, shifting resources away from an exclusive emphasis on youth unemployment and training towards a broader effort embracing the adult unemployed in the former, and stimulating the introduction of a coordinated system of job referral, interview, guidance, and counseling for the young and long-term unemployed in the latter. In Sweden and Denmark, as Jacobsson’s chapter shows, EU recommendations triggered the initiation of new policy measures aimed at combating gender segregation and improving the labour market integration of ethnic minorities.

Probably the greatest influence of the EES on national policy has come in the area of equal gender opportunities, cited specifically by nearly all Member States in their Five-Year Evaluation reports. Among the key substantive policy developments, as Rubery’s chapter details, were improved access for women to active labour market and lifelong learning schemes, individualization of tax systems, institutionalization of gender mainstreaming and impact assessment practices, measures to reduce occupational segregation and the gender pay gap (embodied in private collective bargaining agreements in some countries such as France and Spain), and the adoption of childcare provision targets at both EU and national levels. The impact of the EES on gender equality policies has arguably been greatest, as she observes in relation to mainstreaming, “in those countries where a comparative evaluation would suggest that the actual measures are weaker or less strongly embedded in the policymaking process”, because it did more there to kick start new initiatives. But the EES has also proved able to raise critical issues for even the best performing Member States, for example by highlighting the problem of occupational segregation in the Nordic countries despite their very high levels of female employment. The revised common objectives for the second round of the Social Inclusion process in 2003-4 likewise underlined the need for a stronger gender mainstreaming

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<sup>5</sup> In addition to the chapter by Büchs and Friedrich in this volume, see Umbach (2004) and Richardt (2004). I have also benefited from reading an unpublished paper submitted to the *Journal of European Social Policy* entitled “Paving the Way for Employment? The Impact of the Luxembourg Process on German Labour Market Policies”.

approach, but as Rubery notes there appeared to be very limited evidence of its practical influence on Member State policies as reported in the NAPs/incl.<sup>6</sup>

Both in the case of broad cognitive shifts and of specific programmatic changes, however, identifying the precise causal impact of the EES and the social inclusion process on national policymaking raises difficult problems of interpretation. Thus changes in Member States' policy orientations, including enhanced attention to employment promotion and social inclusion, often preceded the launch of these OMC processes. Sweden, for example, had long been internationally renowned as a pioneer of active labour market policies, while Denmark reformed her unemployment benefit system, reinforced the "active line" in welfare policy, and began to develop an "inclusive labour market" approach to the disabled during the early 1990s.<sup>7</sup> The Dutch originated the concept of "flexicurity" through collective bargaining agreements and legislation in the mid-1990s, after they had already begun to take serious steps towards reducing the proportion of the workforce on disability schemes and reversing the trend towards early retirement.<sup>8</sup> France had developed the concept of social exclusion in the 1980s, which was then taken up and adapted by other European countries and the Commission during the 1990s, before appearing in rather different form alongside activation in the "New Deal" welfare reform programme of the British New Labour government elected in 1997.<sup>9</sup> A number of EU Member States had already launched high-profile national anti-poverty strategies during the late 1990s, including Ireland, Germany, Belgium, the Netherlands, and Portugal, as well as France and the UK. And as is well known, the 1993 Delors White Paper on "Growth, Employment, and Competitiveness" and the employment objectives agreed at the 1994 Essen European Council already anticipated important elements of both the substance and procedures of the EES.

Nor was the OMC the only external influence on the employment, inclusion, and social protection policies of EU Member States. The OECD and its 1994 Jobs Strategy also had a significant impact on policy orientations and programmes in a number of European countries,

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<sup>6</sup> See also Rubery, Smith, Figueiredi, Fagan and Grimshaw (2004); European Commission and Council of the European Union (2004b).

<sup>7</sup> On the Danish labour market and welfare reforms of the 1990s, see in addition to the chapters by Jacobsson and Barbier in this volume Madsen (1999).

<sup>8</sup> In addition to Visser's chapter in this volume, see Visser and Hemerijck (1997) and Hartog (1999).

<sup>9</sup> In addition to the chapters by Ehrel et al. and Armstrong in this volume, see Atkinson and Davoudi (2000) and Mayes, Berghman and Salais (2001).

often through the channel of Finance rather than Employment and Social Affairs ministries, as the chapters by Barbier, Visser, and Ehrel et al. illustrate. And the relationship between the EES and the OECD Jobs Strategy has itself become closer and less competitive in recent years, as the former has placed greater emphasis on concepts such as “active ageing” and “making work pay”, while the latter has relaxed its critique of employment protection legislation and acknowledged the need to balance flexibility with security.<sup>10</sup>

In important respects, moreover, these OMC processes cannot be considered truly external to national policymaking, since Member States actively supported their initiation and continuously participate in the definition of objectives, guidelines, and indicators, into which they often seek to “upload” (Börzel 2002a) their own domestic priorities and preferences. Thus as recent historical research has shown, Sweden, the Netherlands, and other social democratic controlled Member States played a key part in launching the EES alongside the Party of European Socialists, the Commission’s DG EMPL (led by the former Swedish Social Democratic Finance Minister Allan Larsson), and the Luxembourg Presidency (led by the Christian Democratic Finance and Labour Minister Jean-Claude Juncker), with additional last-minute support from the newly elected Blair and Jospin governments of the UK and France. The conceptually heterogeneous four-pillar structure of the original EES (employability, entrepreneurship, adaptability, equal gender opportunities) clearly reflects its origins as a political compromise among Nordic social democrats, continental socialists and Christian Democrats, and British New Labourites. The incorporation of gender mainstreaming into the employment guidelines likewise resulted, as Rubery points out, from a successful EU-wide campaign orchestrated by the female Ministers for Women and Labour under the 1998 Austrian Presidency. More recently, the French and Belgian Presidencies fought hard to secure the integration of quality in work objectives and indicators into the EES to counterbalance what they saw as its one-sided quantitative emphasis, resulting in the revised goal of “more *and* better jobs” enunciated at Lisbon in March 2000 and retained in the new set of EU employment objectives and guidelines agreed in 2003. Even countries like Italy, which initially operated as passive “takers” of employment policy orientations defined by other Member States, have subsequently learned how to “upload” their own priorities such as regional disparities and undeclared work

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<sup>10</sup> See, for example, the February 2004 presentation by John P. Martin, OECD Director of Employment, Labor, and Social Affairs to the EU Employment Committee (EMCO): Martin (2004).

into the new employment guidelines, as Ferrera and Sacchi's chapter shows.<sup>11</sup> In the case of social inclusion, similarly, France, Portugal, the UK, and Belgium all played crucial roles in launching the new OMC process in 2000-1, while the Dutch, Finnish, and Swedish Presidencies of the late 1990s also made important contributions to the emergence of a "concerted strategy for modernizing social protection" at EU level, embodied in the ambitious European Social Agenda agreed at Nice in December 2000.<sup>12</sup>

Not only have EU Member States actively participated in defining OMC goals and metrics, but they have also exercised considerable selectivity (both conscious and unconscious) in "downloading" (Börzel 2002a) and inflecting European concepts and policy approaches in the fields of employment and social inclusion. Thus for example Barbier's chapter argues that EU Member States have interpreted their shared commitment to "activation" of labour market and social protection policies in sharply different ways, influenced but not fully determined by their pre-existing employment systems and welfare regimes, with the UK opting for a liberal model, Denmark and other Scandinavian countries a universalistic one, and some continental countries like France following a hybrid "insertion" approach, where the state serves as "republican employer of last resort". Other well-informed commentators like Lindsay and Mailand (2004) instead view the UK and Denmark, despite continuing differences in administrative arrangements, levels of expenditure, and benefit generosity, as converging towards a new hybrid activation model, based on a combination of some measure of compulsion, client-centred services, a human resource development approach, and a "real work" focus, delivered through local partnerships. But whichever interpretation may be closer to the truth, continuing variations in national interpretation and implementation of common policy concepts and approaches form an integral part of the OMC's logic.

As signaled in the introduction, interpretation of the OMC's substantive policy impact is further complicated by the strategic behaviour of national governments in communicating with

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<sup>11</sup> On the historical origins and evolution of the EES, see in addition to the chapters in this volume, Johansson (1999); van Riel and van der Meer (2002) Barbier and Sylla (2001); Barbier (2004b) Salais, Raveaud and Mathieu (2002); Goetschy (2003) and Trubek and Mosher (2003).

<sup>12</sup> On the historical evolution of EU social inclusion and social protection policies, see in addition to Pochet's chapter in this volume, Pochet (2002); Pochet (2004); Ferrera, Matsaganis and Sacchi (2002) and Chassard (2001).

domestic publics on the one hand and EU institutions on the other.<sup>13</sup> Thus governments often use references to OMC processes as a source of legitimation and blame-sharing in order to advance their own domestic agenda, sometimes irrespective of their real influence on policy decisions. Thus as the chapters by Visser and Büchs and Friedrich observe, the Schröder government in Germany has very deliberately sought to deploy the EES and the 2003 report of the Employment Task Force chaired by former Dutch Prime Minister Wim Kok (for whose creation it pressed in the Council along with Britain, Spain, Portugal, and France) as levers for overcoming opposition to its unpopular Agenda 2010 package of labour market and social welfare reforms. And the Berlusconi government in Italy, as Ferrera and Sacchi's chapter notes, invoked a highly selective interpretation of the EES to support the controversial labour market reforms proposed in its 2001 White Paper and partially enacted by the 2003 Legge Biagi, even while sharply criticizing the European strategy in its 2002 evaluation report for its limited relevance to Italian employment conditions.<sup>14</sup>

Conversely, governments may also consciously play down the influence of OMC processes in communicating with domestic audiences, especially in Member States or policy areas where the legitimacy of EU intervention is weak. For example, as Jacobsson's chapter remarks, in neither Sweden nor Denmark did governments publicly explain the adoption of new measures to reduce gender segregation or improve labour market integration of immigrants as a response to EU recommendations, even though the linkage is clearly attested both in interviews and these countries' own NAPs (see also Vifell 2004).<sup>15</sup>

Governments may likewise deliberately over- or understate the influence of OMC processes on domestic policy in reporting to the EU, depending on whether they want to burnish

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<sup>13</sup> For a subtle and insightful analysis of the Swedish case, see Vifell (2004).

<sup>14</sup> Other perhaps less blatantly instrumental appeals to the EES as a justification for domestic reforms include the Employment Conference organized by Frank Vandebroucke as Belgian Federal Minister in September 2003: see Smets (2003); "Conclusions de la Conférence pour l'Emploi", <http://www.vandebroucke.fgov.be/zwerkgelegenheidsconferentie.htm>, accessed 4 November 2003); and the references to the guidelines by the Spanish government in strengthening active labour market policies López-Santana (2004b).

<sup>15</sup> Even in private interviews, national officials may prefer, whether for reasons of *amour propre* or selective memory, to focus on the influence of their Member State on the direction of EU policy rather than vice versa. See for example the somewhat exaggerated claims of French officials quoted in the Ehrel et al. chapter about national influence on the Delors White Paper and the EU Social Inclusion process, each of which arguably blended diverse elements from a much wider range of sources.

their credentials as “good Europeans” by demonstrating consummate compliance with guidelines and recommendations, or instead to present themselves as defenders of subsidiarity and the national interest against Brussels. Thus the French, German, and Danish national reports for the Five-Year Evaluation of the EES generally made stronger claims for its substantive impact on domestic policy than would be accepted by independent researchers (including the contributors to this volume), while the Italian national report, which followed a sharp political shift in government from centre-left to centre-right, downplayed the findings of its own preparatory studies concerning the strategy’s positive influence on institutional capacity building.<sup>16</sup>

Hence both on substantive and methodological grounds, the relationship between OMC processes and Member State policies should be analyzed as a two-way interaction rather than a one-way causal impact. The EES and the Social Inclusion process, as the chapters in this volume show, often operate as catalysts or “selective amplifiers” (Visser) for national reform strategies, increasing the salience and urgency of particular issues and policy approaches, which may already have been familiar domestically, at least in certain quarters. But there is also hard evidence of the OMC’s ability to challenge and expand the terms of national policy debate, especially in fields like gender equality and social inclusion (see also Jacobsson and Vifell 2005a). Yet given the ongoing variations in national interpretation and implementation of European concepts and policy approaches, OMC processes in employment and social inclusion should be viewed less as mechanisms for producing “cognitive harmonization” (Palier 2004) than for the creation of a common language and categorical framework to discuss and evaluate different solutions to similar problems.

## **B. Procedural Shifts in Governance and Policymaking**

More profound and more easily traceable than the OMC’s influence on substantive policy changes within EU Member States has been its contribution to shifts in governance and policymaking arrangements, including administrative reorganization and institutional capacity building, though here too there are many other causal factors. Nearly all accounts of OMC processes in action at a national level report that they have stimulated improvements in horizontal or cross-sectoral integration across formally separate but practically interdependent

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<sup>16</sup> For a critical discussion of the French and other national evaluation reports, see Barbier (2004: 22-31). For evidence of the positive influence of the EES on Italian institutional capacity building, see the chapter by Ferrera and Sacchi in this volume.

policy fields: labor market policy, unemployment benefits, social assistance, pensions, taxation, education/training, and local development in the case of the EES; housing, health care, justice, sport/leisure, and transport as well as the above in the case of social inclusion. Production of NAPs typically requires collaboration among multiple ministries and government agencies: at a minimum the ministries of Labour and Finance in the case of employment, but usually also the ministries of Social Affairs, Education, and whatever unit is responsible for women's rights and/or gender equality (which were often created or strengthened, as Rubery's chapter shows, in response to the mainstreaming provisions of the EES). In many countries, especially those of southern Europe (Italy, Spain, Portugal, and Greece), the NAPs/empl have led to the creation of new inter-ministerial working groups or specialized coordination units, an arrangement which has also become normal for preparing the NAPs/incl in most Member States. In several cases, such as Denmark, the Netherlands, and Italy, the OMC has reinforced ongoing trends towards the merger of Labour/Employment and Social Affairs/Welfare ministries, though such developments have not always proved beneficial for their effective management, as Ferrera and Sacchi's chapter points out in relation to the Italian social inclusion process. Often too, the NAPs have served as a focus for general reviews and rationalization of policymaking across ministries and agencies, as the chapters by Ehrel et al. and O'Donnell and Moss report for France and Ireland respectively.<sup>17</sup>

A second major effect of the OMC has been to stimulate improvements in national statistical and steering capacities. Thus participation in the EES and the Social Inclusion process has pushed Member States to upgrade their policy monitoring and evaluation capabilities, as well as to harmonize national and European statistics. In Italy, for example, Ferrera and Sacchi's chapter demonstrates how the EES spurred the enhancement of national data collection and assessment capacities, not only through the establishment of a new inter-departmental monitoring group, but also through reorganization of the Directorate-General for Employment and Training, together with the development of new statistical tools and a computerized employment information system. In Spain, too, as López-Santana (2004b) found, new data collection arrangements introduced to meet the demands of the EES exposed duplications of spending effort between the national government and the autonomous regions. But significant

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<sup>17</sup> On the NAPs as a stimulus to improved horizontal policy integration, see also European Commission (2002b: 37-8); European Commission and Council of the European Union (2004b: 113).

disparities between national and European statistics still persist in many countries even for OMC key indicators, as Visser's chapter on the Netherlands documents.

A third important influence of the EES and the Social Inclusion process has been to encourage the reinforcement of arrangements for vertical coordination among levels of governance. Such coordination has become both increasingly necessary and increasingly challenging as a result of the widespread decentralization of the public employment services (to which the EES itself often contributed)<sup>18</sup> and the devolution of welfare and employment policies in federal or federalizing polities such as Italy, Spain, Belgium, Austria, Germany, and the UK. Sometimes this vertical coordination occurs through well-established institutional channels such as the National Institute for Employment (INEM) in Spain (López-Santana 2004b) or the Länder Conferences of Labour and Social Affairs Ministers (ASMK) and of the Highest Social Authorities (KOLS), as described in Büchs and Friedrich's chapter on Germany. In other cases, the NAP preparation process has led to the creation of new mechanisms for vertical coordination between federal and regional governments, whether through informal cooperation agreements as in Belgium, or formal coordination committees as in Austria (European Commission 2002b: 39; European Commission and Council of the European Union 2004a: 113).<sup>19</sup> In the UK, which has recently devolved a wide range of powers to new elected regional authorities in Scotland, Wales, and Northern Ireland, Armstrong's chapter suggests that "...[T]he NAP/incl has created the opportunity to develop a truly national overview of what is going on in the UK post-devolution" in a way that counteracts, to some degree, otherwise fragmentary governance tendencies.

The most contradictory case is that of Italy. There, as Ferrera and Sacchi's chapter shows, the EES led to a marked improvement in vertical as well as horizontal coordination capacities through the establishment of new inter-institutional coordination committees for employment at regional and provincial levels as well as common indicators for territorial monitoring of decentralized employment policies. A similar process of coordinated

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<sup>18</sup> In France, for example, the EES directly influenced the reorientation and restructuring of the French National Employment Agency (ANPE) from direct provision of centralized services to coordination of a mix of services provided by multiple bodies (internal and external, public and private) at a decentralized territorial level: see Salais, Raveaud and Mathieu (2002).

<sup>19</sup> Coordination among the Belgian Federal, regional, and community authorities within the EES is also assured by a dedicated ESF-NAP Impact Assessment Cell (ENIAC) created in response to EU recommendations with support from the European Social Fund: see Plasschaert and Pochet (2004: 18).

decentralization appeared to have been set in motion for social assistance by the passage of a long-awaited framework law in 2000. But the emergent system of national social plans, data gathering, and guaranteed minimum standards which was supposed to guide the decentralization process was almost immediately “disemboweled” by a constitutional reform in 2001 and the uncontrolled devolution of social welfare competences to the regions permitted by the incoming centre-right coalition (which includes the radical autonomist Lega Nord). Since then, the OMC has been proposed by the Berlusconi government itself as a possible template for vertical coordination of regional welfare policies and expenditure, but no concrete steps in this direction have actually been taken.<sup>20</sup>

### **C. Participation and Transparency**

Discussion of the impact of OMC processes on governance and policymaking arrangements leads naturally into the questions of participation and transparency. As the chapters in this book illustrate, the OMC and particularly the EES is widely regarded as a narrow, opaque, and technocratic process involving high domestic civil servants and EU officials in a closed policy network, rather than a broad, transparent process of public deliberation and decision making, open to the participation of all those with a stake in the outcome.

Although OMC processes, objectives, guidelines, and recommendations are formally authorized by Member State governments in the European Council and the sectoral formations of the Council, most of the actual work is done by unelected committees of national civil servants and Commission officials (the Employment, Social Protection, and Economic Policy Committees), whose decisions are rarely overturned. The deliberations of these committees take place behind closed doors and remain far from transparent, though all three committees have now established public websites on which they post their formal opinions and reports.<sup>21</sup> The European Parliament has no direct decision-making or oversight role in OMC processes, although it does have the right to be consulted about the employment guidelines, which are the subject of regular committee hearings, reports, and parliamentary resolutions.

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<sup>20</sup> In addition to the chapter by Ferrera and Sacchi in this volume, see also Ministero del Welfare (2003) and Ferrara and Gualmini (2004: 165-8). For a similar proposal by Frank Vandembroucke for open coordination of employment and social policy between the federal and regional governments in Belgium, see Plasschaert and Pochet (2004: 15).

<sup>21</sup> For a careful, well-informed, and balanced analysis of the operation of these committees, see Jacobsson and Vifell (2005b).

At a national level, too, NAP preparation has typically been dominated by bureaucratic insiders oriented towards relations with European institutions, though a clear tendency towards greater “domestication” of the process has become visible over time in many Member States, such as the shift in responsibility for the German NAP/incl from “Europeans” to “Socials” described in Büchs and Friedrich’s chapter.<sup>22</sup> National parliaments are hardly involved in most countries even if they are formally consulted or informed (as for example in Germany, Denmark, the Netherlands, and the UK). In some countries, like Italy or France, key administrative bodies such as the public employment services or labour market boards have been effectively integrated into the NAPs, while in others like Sweden and Denmark they have not.<sup>23</sup> Often, too, as O’Donnell and Moss observe in their chapter, the NAPs are not well coordinated with other influential consultation and planning mechanisms, such as Ireland’s social partnership programmes, Community Support Frameworks and National Development Plans for the use of EU structural funds, and National Anti-Poverty Strategy. In most Member States, as recent research has shown, both media coverage and public awareness of OMC processes remain rather low, and have tended if anything to decline over time.<sup>24</sup> Behind each of these limitations lies the crucial fact that in almost every Member State, NAPs are presented domestically as backward-looking activity reports to the EU and government documents “owned” by the relevant ministries rather than as forward-looking action plans or strategic programming instruments subject to normal public scrutiny and debate.<sup>25</sup>

### *Social Partners*

What about participation in OMC processes by non-state and sub-national actors? Much of the debate on participation in the EES has focused on unions and employers’ associations, whose cooperation is necessary for progress on issues subject to collective bargaining such as adaptability and modernization of work organization. The European social partner organizations

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<sup>22</sup> For similar developments in the case of the EES, see the chapters by Jacobsson and Ferrera and Sacchi, as well as Vifell (2004) on Sweden, and Tholoniati (2001) and Barbier and Sylla (2001) on France.

<sup>23</sup> Compare the chapters by Jacobsson and Ferrera and Sacchi, as well as Salais, Raveaud and Mathieu (2002) on France.

<sup>24</sup> In addition to the chapters in this volume, see Meyer (2005). The major exception concerns critical recommendations from the EU to Member States about the (non)compliance of their fiscal and budgetary policies with the Broad Economic Policy Guidelines, which do receive extensive media coverage.

<sup>25</sup> For official endorsement of these criticisms, see European Commission and Council of the European Union (2004a: 18).

(ETUC, UNICE/UAPME, and CEEP) are formally consulted about the employment guidelines, regularly comment on the evolution of the EES, and since 2003 participate in an annual tripartite social summit preceding the spring European Council. They also now report with assistance from the Dublin Foundation on actions by their national affiliates to advance the employment strategy, largely in response to ongoing pressure from the Commission and the Council. As mentioned in the introduction, the European social partners have developed their own independent multi-year work programme and are experimenting with non-binding framework agreements and guidelines on issues like teleworking and lifelong learning, whose implementation by their national affiliates is monitored and followed-up along OMC lines.

At the national level, most Member States have sought to involve unions and employers' associations more fully in the preparation and implementation of their NAPs/empl, in response to the employment guidelines' growing emphasis on the role of the social partners, reinforced in some cases by country-specific recommendations from the Commission and the Council.<sup>26</sup> In most countries, the national social partner organizations now produce some kind of joint text, sometimes incorporated directly into the NAP, or more often attached as a separate appendix. The EES has not simply followed existing national patterns of social partnership (or lack thereof), but has also stimulated the creation of new bi- and tripartite consultative fora (e.g. France, Greece) or their reinvigoration after a period of decline (e.g. Sweden), with the UK as a conspicuous negative outlier. According to recent surveys, national unions and employers' organizations are generally satisfied with the NAP consultation arrangements, despite widespread criticisms of the excessively tight timetable and bureaucratic rigidity of the procedures (especially under the annual reporting schedule of the EES before 2003). Substantively, however, the social partners often complain about their lack of real influence over the NAPs' content, especially following the recent rightward changes of government in certain Member States, though there are also disagreements between unions and employers on this point, as Visser observes in the case of the Netherlands. More generally, fuller participation by the social partners in the implementation of the EES is inhibited by ongoing disagreements between

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<sup>26</sup> The number of guidelines specifically mentioning the role of the social partners increased from two in 1998 to six in 2002, including all those grouped under the adaptability pillar. A new "horizontal objective" was introduced in 2001 instructing the Member States to "develop a comprehensive partnership with the social partners for the implementation, monitoring and follow-up of the Employment Strategy." France, Greece, Portugal, and the UK all received country-specific recommendations in 1999-2003 to strengthen social partnership, especially in relation to modernization of work organization.

unions and employers (and among unions themselves in some countries like France and Italy) about the objectives themselves. Thus employers typically embrace the tax-cutting and labour market flexibility guidelines, while unions are more enthusiastic about those aimed at lifelong learning and quality in work. Beyond these conflicting views, both unions and employers in many countries fear that more active involvement in the EES could compromise their autonomy and control of the bargaining agenda, even if they may be willing to integrate some of its objectives into collective agreements (e.g. on gender equality in France and Spain). And the social partners are also understandably reluctant to invest too much energy and resources in developing a National Action Plan that remains in their eyes fundamentally a government document.<sup>27</sup>

### *Civil Society and Social NGOs*

A second key category of non-state actors whose participation in OMC processes has been widely debated is “civil society”, comprising in practice social NGOs and advocacy networks. The civil society group most active in both the European Social Inclusion and Employment Strategies is undoubtedly the European Anti-Poverty Network (EAPN), which operates as a dynamic two-way pump between the European and national levels, drawing domestic information upwards from its national affiliates, mobilizing pressure on EU institutions, diffusing European information downwards to its affiliates, and linking them horizontally. Financially supported by the EU under successive Community Action Programmes, EAPN has been granted a semi-official place in the Social Inclusion process. The network is consulted on key elements of the process such as the indicators, NAP common outlines, and objectives, while also regularly co-organizing conferences and roundtables financed by the Commission. At the same time, however, EAPN also independently reviews and critically evaluates the NAPs and Joint Inclusion Reports, pushing for greater Member State commitment, a stronger social rights approach, and a more general “right to be heard” on the part of people experiencing poverty and organizations representing them. Other transnational NGO networks active in the Social Inclusion process include FEANTSA (the European Federation of National Organisations Working with the Homeless) and ATD Fourth World (an international

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<sup>27</sup> On the participation of the social partners in the EES, see in addition to the chapters in this volume (especially that by de la Porte and Pochet) Foden (1999); Winterton and Foden (2001); Goetschy (2003) and European Commission (2002b: 40-41), as well as ETUC, UNICE/UEAPME and CEEP (2004) and the national reports posted on EIROnline.

organization of people experiencing extreme poverty), both of which have also published evaluations of the NAPs/incl and JIRs based on submissions from their national affiliates, as well as the Platform of European Social NGOs to which all of these groups belong.<sup>28</sup>

At the EU level, EAPN has also fought for a voice in the EES. The network produces regular independent reports on the NAPs/empl and the JERs and organizes self-funded conferences on how to make the employment strategy work for social inclusion. EAPN is sharply critical of what it sees as a “jobs first” approach to the unemployed and an increasing turn towards sanctions in “making work pay”, but supports the emphasis of the EES on opening up employment opportunities for all those who are genuinely able to work. On this basis, EAPN has vocally pressed for the right to be consulted alongside the social partners about the employment strategy at both EU and national level, complaining publicly for example about their exclusion from the preparatory hearings conducted by the Kok Employment Task Force.<sup>29</sup>

At the national level, the Social Inclusion process has stimulated the development of new consultative bodies or structures to facilitate input from NGOs. In Finland, for example, both the 2001 and the 2003 NAP/incls were drafted by a joint committee of civil servants and NGOs. In the UK, as Armstrong’s chapter reports, EU criticisms of the over-centralized character of the first NAP/incl resulted in the establishment of a new dialogue between the Department of Work and Pensions and a Social Policy Task Force of NGOs, which “gave anti-poverty groups and networks access to central government civil servants in a way that simply had not been possible before within the domestic arena”, thereby not only providing opportunities for NGOs to mobilize but also for civil servants to “break out of the traditional bureaucratic processes” and “do something different”. One striking consequence has been the creation of a joint Participation Working Group aimed at “enabl[ing] people in poverty to participate in the development of the UK NAP 2005 and beyond by establishing a real partnership [with] government at all levels in order to improve anti-poverty policy and practice...” In other Member States, such as Sweden,

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<sup>28</sup> For reports, position papers, information bulletins, and conferences on the European Social Inclusion process produced by these organizations, see the relevant sections of their websites: EAPN: <http://www.eapn.org/code/en/publ.asp?section=x1x>; FEANTSA: <http://www.feantsa.org/code/en/theme.asp?ID=6>; ATD Fourth World: [http://www.atd-quartmonde.org/europe/del\\_ue\\_en.htm](http://www.atd-quartmonde.org/europe/del_ue_en.htm); Social Platform: <http://www.socialplatform.org/code/EN/abou.asp?Page=107>. For an assessment of their role in the Social Inclusion process, see in addition to the chapter by de la Porte and Pochet in this volume, Armstrong (2003).

<sup>29</sup> See for example EAPN (2002a); EAPN (2002b); EAPN (2003a); EAPN (2004a); EAPN (2004b).

Germany, Denmark, and the Netherlands, new or existing national networks of social NGOs have been mobilized to coordinate their participation in the Social Inclusion process. NGO bodies have likewise been given a formal role in monitoring the implementation of the NAP/incls in a number of countries like Denmark, Portugal, and Luxembourg.<sup>30</sup>

As de la Porte and Pochet's chapter shows, the national affiliates of EAPN and ATD Fourth World in most Member States are moderately satisfied with the participation arrangements for the NAP/incls, with the partial exception of countries where centre-right governments less committed to the objectives of the process have recently come to power, such as Italy, Austria, Portugal, and the Netherlands. But both of these groups would like to see the NAPs/incl become more operational and politically committing documents.<sup>31</sup> NGOs, like other actors, are understandably reluctant to invest time and resources on participating in OMC processes if they do not yield substantive results, such as the positive influence on Danish national poverty reduction targets reported in Jacobsson's chapter. Thus Büchs and Friedrich's chapter finds some disillusionment with the second round of the social inclusion process setting in among German NGOs, though less for those more directly engaged in European policy networks.

At the national as at the European level, social NGOs have campaigned to participate in the EES, especially EAPN and organizations of the disabled. In some Member States, like Spain, Portugal, and Ireland, the NAP/empl process has been opened up to NGO consultation without much controversy. But in countries with highly institutionalized social partnership arrangements such as Belgium and Denmark, there has been strong resistance to any involvement by civil society groups. Perhaps the most interesting case is that of Sweden, where as Jacobsson's chapter describes, a network of social NGOs has consciously set out to "break the monopoly" of the social partners over the NAP/empl, and was invited to a separate dialogue on employment policy by the Ministry of Industry, Employment, and Communications for the first time in 2003.<sup>32</sup>

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<sup>30</sup> See in addition to the chapters in this volume, European Commission and Council of the European Union (2004b:113-28) and EAPN (2003b: 13-17).

<sup>31</sup> See also EAPN (2003b) and ATD Fourth World (2003).

<sup>32</sup> In addition to the chapters in this volume, see Jacobsson and Vifell (2005a) and EAPN (2003a: 9-10).

### *Women's Organizations and Feminist Groups*

Less visible in OMC processes than either the social partners or anti-poverty NGOs have been women's organizations and gender equality networks. Insofar as feminist groups have played an active part in the European Employment and Social Inclusion Strategies, it seems to have been primarily behind the scenes, through linkages to "femocrats" in the Commission and the Expert Group on Gender and Employment (EGGE), recently extended to cover social inclusion.<sup>33</sup> At the national level, too, the most significant development has been the creation or strengthening of gender equality units within government, though as Rubery's chapter notes, "pressure groups and political parties have used the commitment to gender equality within the EES and perhaps more importantly within the structural funds to press for more attention." In the UK, as Richardt (2004) documents, women's organizations have not used the EES childcare targets as a mobilizing tool, partly because of the top-down, closed character of the NAP/empl process there (in contrast to social inclusion) and partly because of these groups' established focus on using European law and the courts as primary tools for advancing gender equality.

### *Local and Regional Authorities*

In most EU Member States, local and regional governments have extensive responsibilities and expertise in both employment and social inclusion policy. In some countries, as we have already seen, subnational authorities are formally consulted in OMC processes, especially in federal polities whose regions or states enjoy constitutional status. But such consultations have typically focused on the implementation and dissemination rather than the formulation, monitoring, and evaluation of the NAPs, especially in the case of the EES (European Commission 2002b: ch. 10). Local and regional authorities are often more deeply involved in the Social Inclusion process, as for example in Spain where the Social Services Commission of the Federation of Municipalities and Provinces (FEMPL) has been formally entrusted with responsibility for monitoring the implementation of the NAP/incl (López-Santana 2004b). In Germany, by contrast, as Büchs and Friedrich observe, the Länder, especially those controlled by the Christian Democrats, have remained suspicious of the NAPs for both inclusion

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<sup>33</sup> For the national and synthesis reports of EGGE (now EGGIE), see [http://www2.umist.ac.uk/management/ewerc/egge/egge\\_publications/publications.html](http://www2.umist.ac.uk/management/ewerc/egge/egge_publications/publications.html). The European Women's Lobby also publishes regular position papers on strengthening the gender equality dimension of OMC processes in employment, inclusion, and social protection, as well as of the Lisbon Strategy more generally: see <http://www.womenlobby.org/polselect.asp?SectionID=13&LangName=english>.

and employment as a “Trojan horse” which might allow the EU (and through it the Federal Government) to encroach on their constitutionally reserved competences and saddle them with unfunded spending mandates.

From an early stage in the EES, local and regional authorities began to demand the right to participate more fully in the process, lobbying at a European level through horizontal networks like the EU’s Committee of the Regions, the Council of European Municipalities and Regions (CEMR), and EUROCITIES. Between 1998 and 2001, the employment guidelines were progressively revised to call for the mobilization of “all actors at regional and local levels” in the implementation of the EES; local and regional authorities in particular were encouraged to develop their own territorial employment strategies and to “promote partnerships between all actors concerned” in carrying them out. The Commission organized a year-long campaign and consultation process on “Acting Locally for Employment”, and the European Parliament created a new budget line to support pilot projects that would “encourage cooperation, improve knowledge, develop exchanges of information, promote best practices, support innovative approaches and evaluate experience gained in implementing the National Action Plans for Employment at local and regional level” (European Commission 2000; 2001c; Committee of the Regions 2001: esp. 20-24; CEMR 2001; Eurocities 2001). Among the innovative projects supported under this budget line are numerous Local and Regional Action Plans for Employment (LAPs and RAPs); the development of local and regional employment indicators; and the creation of a European network for identification, dissemination, and exchange of good practices in local and regional employment development (IDELE), capped by an annual Local Development Forum (Engender ASBL 2002; Groupe Bernard Brunhes Consultants 2003; European Commission DG EMPL 2004b). In the Social Inclusion process, where the participation of local and regional authorities is less controversial, the Commission has likewise used the Community Action Programme to support horizontal networking through co-sponsorship of conferences and roundtables, as well as through the creation of new umbrella organizations such as the European Social Network (comprising directors of social service agencies) and the European Public Social Platform.<sup>34</sup>

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<sup>34</sup> See for example the EAPN-EUROCITIES conference on “The EU Strategy for Social Inclusion: Making It Work at the Local Level” EAPN-EUROCITIES (2003) and the 1<sup>st</sup> annual conference of the European Public Social Platform on “Strengthening the Role of Local and Regional Government in the EU Strategy for Social Inclusion”,

These EU initiatives have met with an active response from local and regional authorities in many Member States. In Sweden, as Jacobsson's chapter shows, associations of local authorities, county councils, and municipalities have sponsored a proliferation of LAPs, "intended to be tangible action plans, i.e. operational documents which should be followed up and results evaluated", and have pressed the central government for "more of a bottom up perspective" in the NAP/empl (see also Vifell 2004). In Denmark, where the associations of local and county authorities already participate in the social partner consultation about the NAP/empl, they have also supported a number of municipalities in developing LAPs, and the new Ministry of Employment which has replaced the former Ministry of Labour is expected to integrate their work more fully into future NAPs. In Spain, the Autonomous Communities have embraced the OMC for their own purposes, especially in the case of social inclusion, where there are now 13 regional plans. A number of other European regions have likewise adopted their own RAs/empl, including not only relatively prosperous areas such as Lombardy, Tuscany, and Flanders, but also unemployment black spots like Molise and Saxony-Anhalt. Often, too, local authorities have used EU support to integrate the EES into their employment policymaking. Thus for example a Spanish municipality reorganized its employment services around the four pillars of the first EES, while Offenbach am Main restructured its employment promotion, statistics, and European affairs departments into a single office. Perhaps the most imaginative such initiative was undertaken by the east German town of Döbeln, which used European funding to benchmark its local labour market situation against those of other areas experiencing similar structural problems of industrial decline.<sup>35</sup>

#### *Actors and Processes Compared*

What accounts for the wide variations in participation patterns observable in these OMC processes? The much higher level of participation by non-state and subnational actors in the Social Inclusion Strategy than in the EES partly reflects underlying differences in the nature and objectives of the two processes. Thus "mobilizing all the relevant bodies" figures as one of the four core objectives of the Social Inclusion process, but not of the EES, where the main emphasis has fallen instead on ensuring the involvement of the social partners because of their

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Turin, 14-15 October 2003, [http://www.socialeurope.com/english/e\\_conferences.htm#Turin%20presentations](http://www.socialeurope.com/english/e_conferences.htm#Turin%20presentations). For the European Social Network (ESN), see also [http://www.socialeurope.com/english/e\\_about.htm](http://www.socialeurope.com/english/e_about.htm).

<sup>35</sup> See in addition to the chapters in this volume López-Santana (2004b) on Spain and Nauerz (2004) on Germany.

responsibility for many of the issues at stake in labour market reform, and Member States are more reluctant to open up their NAPs to input from social NGOs and local authorities, especially in unitary polities with historically centralized administrative structures.

But these variations in participation also reflect differences in the situation and strategies of the actors themselves. Thus the social partners, as we have seen, are profoundly ambivalent about deeper involvement in the EES, which they often regard as a threat to their bargaining autonomy, and feel less acute need than other actors for new channels of influence on public policy because of their privileged constitutional status in employment matters both at EU level and in many Member States (with the conspicuous exception of the UK). Social NGOs by contrast are hungry for new ways to make their voice heard by government, especially in countries where the national policymaking process offers them few such opportunities, as in the case of the UK's anti-poverty strategy. Women's organizations and feminist groups within the EU are accustomed to operating through parliamentary lobbying, court litigation, and linkages to sympathetic "femocrats" in EU and national administrations, which may have diminished their interest in pressing for participation rights in apparently soft, non-binding OMC processes. Local and regional authorities have a great deal at stake in the Employment and Social Inclusion Strategies, both of which bear directly on some of their core activities. They have pressed hardest for the right to participate in the preparation and implementation of the NAPs where their autonomy and prerogatives in national policymaking are newer or more contested (as for example in Sweden, Spain, and the UK), but have been most ambivalent or outright hostile to the OMC where the domestic division of competences is most constitutionally entrenched, giving rise to fears of disruption from Europe, as in Germany.<sup>36</sup> Finally, national Social Affairs ministries appear more interested than their Labour or Employment counterparts in mobilizing external support for their policies from NGOs and civil society groups, while the Commission and the Parliament have long sought to cultivate allies at both European and subnational levels in their ongoing power struggles with Member State governments in the Council (see also Jacobsson and Vifell 2005a).

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<sup>36</sup> For a comparative analysis of the impact of Europeanization on relations between national states and regions, see Börzel (2002b). Interestingly enough, the OMC appears to have reversed the pattern identified in her book, with the Spanish regions pursuing a strategy of cooperative federalism and the German Länder one closer to competitive regionalism.

Clearly, weaker and less constitutionally entrenched actors show greater interest in seizing opportunities for participation in both the EES and the Social Inclusion process. But the contrast between the creativity of the social NGOs on the one hand and the relative passivity of the trade unions on the other cannot be fully explained in such structural terms. Even among similarly situated actors, sharp differences in participatory behaviour within OMC processes can be observed, as for example among German regions and municipalities. More fundamentally, it is hard to believe that trade unions could not have found more proactive and imaginative uses for their privileged position in the EES, for example to demand increased joint influence over work reorganization and other historic areas of managerial prerogative in the name of promoting adaptability, especially given their weakening organizational and political position in many Member States (see also Winterton and Foden 2001).<sup>37</sup>

For all non-state and subnational actors, however, the limited integration of OMC processes into domestic policymaking forms a crucial disincentive to greater participation. For even where they are allowed to participate in the preparation and implementation of the NAPs, as is often the case in social inclusion, civil society groups and subnational authorities will not continue to invest time, energy, and resources in the process unless it leads to forward policy commitments with real practical and financial consequences.

#### **D. Mutual Learning**

Perhaps the most critical claim for the novelty of the OMC concerns its capacity to promote mutual learning among EU Member States. As in the case of substantive policy change, the strongest impact of the European Employment and Social Inclusion Strategies in this area has come through a series of indirect or higher-order effects, which are not always recognized as

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<sup>37</sup> Among the rare examples of creative use of the EES by the social partners is the COPARSOC project, coordinated by the European Territorial Excellence Association (EUREXCTER), an action-research network sponsored by the European Centre of Enterprises with Public Participation (CEEP), with financial support from the European Commission. This project brought local and regional representatives of unions and employers from a dozen EU countries to France for a number of thematic workshops to share experiences, exchange good practices, and critically review the territorial dimension of the EES. It also involved a series of networked meetings between national union and employer representatives from nine EU member states to evaluate jointly the operation of the EES through comparative discussion of each country's NAP. The project's methodology drew explicitly on the peer review and multilateral monitoring developed within the OMC, emphasizing the importance of improving mutual understanding of cross-national differences in employment practices through reciprocal information about the institutional context and explanation of the local concerns motivating participants' questions. Based on the experience of the COPARSOC project, social partner representatives from a number of the participating countries expressed their support for establishing ongoing networks at both local and national levels for peer review, exchange of good practices, and multilateral monitoring of employment action plans EUREXCTER (2002).

“learning”. Thus both OMC processes, as Ferrera and Sacchi suggest, have stimulated cross-national learning through heuristic, capacity-building, and maieutic effects (see in addition to the chapter by Ferrera and Sacchi in this volume, Ferrera et al. 2002).

In heuristic terms, as we have already seen, the EES and the Social Inclusion process have been rather successful in identifying common European challenges and promising policy approaches, which have in turn contributed to broad shifts in national policy thinking. Both OMC processes have likewise enhanced mutual awareness of policies, practices, and problems in other Member States, even if such knowledge has largely been concentrated in EU committees and the higher echelons of national administrations. Beyond the formal framework of the OMC itself, moreover, EU Member States show increasing interest in learning from one another in preparing their own domestic policy reforms. Thus, for example, in early 2003 the French Minister of Social Affairs François Fillon led a study tour of parliamentarians and trade unionists to Spain, Germany, Sweden, and Finland to investigate the conditions for successful pension reforms in Europe.<sup>38</sup> In Germany, as Büchs and Friedrich report in their chapter, not only did the Hartz Commission draw on other Member States’ NAPs as a source for good practices in labour market reform, but government officials have also initiated bilateral exchanges with individual countries such as Denmark and the UK on specific issues such as job rotation, activation, and welfare-to-work policies. In the Netherlands, as Visser’s chapter details, civil servants invited foreign colleagues to teach them how to implement the preventative approach to unemployment, while others traveled to Sweden, the UK, Germany, France, and Denmark to learn about subjects like child care and women’s labour force participation, “one-stop shops” for social security, disability policies, and the integration of ethnic minorities, respectively.<sup>39</sup>

In terms of capacity building, both the EES and the Social Inclusion process have given rise to the development of common European indicators and the creation of new data sources, such as the EU Statistics on Income and Living Conditions (EU-SILC). Despite continuing data limitations, moreover, they have also contributed to revisions and improvements in national social and employment statistics. In so doing, these OMC processes have stimulated cross-

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<sup>38</sup> See in addition to the chapter by Ehrel et al. in this volume, “Les retraites en Europe: bilan des voyages de François Fillon”, 27/1/03, [www.retraites.gouv.fr/rubrique32.html](http://www.retraites.gouv.fr/rubrique32.html).

<sup>39</sup> Visser also suggests that Germany may have similarly learned from the Dutch approach to part-time work and the Netherlands from the Belgian approach to funding career breaks.

national debate and deliberation about the comparability, appropriateness, and significance of these indicators and the statistical data on which they are based, even if such discussions are largely confined to technical experts within the Employment and Social Protection Committees along with their academic interlocutors.<sup>40</sup>

In maieutic or reflexive terms, the EES and the Social Inclusion process have pushed EU Member States to rethink established approaches and practices as a result of comparisons with other countries on the one hand and of the obligation to re-examine and re-evaluate their own policies and performance on the other. These OMC processes have undoubtedly “destabilize[d] existing understandings” (Trubek and Mosher 2003: 46) and “pressured policy-makers to give a second thought to existing policy choices in the light of new ideas and the agreed common framework, and to accept being compared to better performers” (Jacobsson and Vifell 2005a). In some cases, such reflexive learning has involved making new connections between hitherto separate policy issues, such as pensions and lifelong learning or women’s employment and childcare provision. In others, it has entailed recognizing that policies which seemed beneficial from one perspective can be harmful from another, such as early retirement as a palliative for unemployment created by industrial restructuring or high female employment in public social services as a source of occupational segregation and gender pay gaps.

At the same time, however, there are relatively few concrete cases at national level of direct or first-order policy learning from abroad about what works and what does not. Most of the examples of such direct learning cited in interviews and evaluation reports tend to focus on gender mainstreaming, the provision of personalized activation services, and the shift from a curative to a preventative approach to fighting unemployment.<sup>41</sup> Other examples of national policy learning tend to involve more problem recognition than adoption of foreign “best practice” solutions, as for example with lifelong learning, gender segregation, and labour market integration of immigrants and ethnic minorities. Even where national policy makers refer

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<sup>40</sup> On the social inclusion indicators, see Atkinson, Cantillon, Marlier and Nolan (2002; 2004). For a critical discussion of the employment indicators, see Salais (2004). Both the EMCO and SPC Indicators Groups regularly produce highly informative internal reports on their work. Those of the SPC are available on the Committee’s website, [http://europa.eu.int/comm/employment\\_social/social\\_protection\\_committee/spc\\_indic\\_en.htm](http://europa.eu.int/comm/employment_social/social_protection_committee/spc_indic_en.htm), whereas those of EMCO are regrettably unavailable to the general public at the present time.

<sup>41</sup> Some Member States such as France and Belgium with high levels of long-term unemployment still have significant reservations about the latter shift. See Salais, Raveaud and Mathieu (2002) and DULBEA (2002).

explicitly to other countries' practices and the influence of OMC processes, they typically borrow selectively and adapt foreign programmes to the peculiarities of their own domestic social, institutional, and political contexts, as for instance in the case of French activation and tax-benefit policies or German labour market reforms.

The limited incidence of direct policy transfer, as Visser's chapter points out, is a natural consequence of the OMC's "contextualized benchmarking" approach, which unlike the "decontextualized benchmarking" associated with the OECD Jobs Strategy, is more conducive to reflexive "learning with others" than to "adaptive mimicking" or what sociological institutionalists call "mimetic isomorphism", which can easily degenerate into uncritical trend following (see also Hemerjick and Visser 2001, 2003; DiMaggio and Powell 1991). Such contextualized benchmarking as a mechanism for reflexive learning from others also fits well with the findings of comparative-historical research, which shows that foreign practices, whether in the economic or the political field, can rarely be successfully transferred from one social and institutional context to another without significant modification (Zeitlin 2000; 2003; Boyer, Charron, Jürgens and Tolliday 1998). The need for such contextualization is explicitly recognized in OMC mutual learning programmes, which emphasize *in situ* explanation of "good practices" by host country experts on the one hand and creative adaptation to different local conditions by visiting participants on the other. Thus as a preliminary evaluation of the EES peer review programme reported: "although Member States may not necessarily adopt the policies reviewed in an identical form, they are interested in adapting them to their own circumstances. In most cases, Member States have been inspired by their participation in the peer reviews to develop new initiatives or improve existing ones" (European Commission DG EMPL 2001: 3; ÖSB/INBAS 2001).

More problematic, however, is the limited evidence of reflexive learning from the results of OMC processes at EU level. According to the Commission's own technical analysis of the Impact Evaluation reports, the EES did not do an especially good job during its first five years in identifying which types of active labour market policies or tax-benefit reforms were most effective under what circumstances, and revising the guidelines accordingly, despite all the political attention devoted to these issues, although the exercise itself generated a great deal of empirical material which could be used for that purpose (European Commission 2002a: chs. 3-4;

cf. also the chapters by Visser and O'Donnell and Moss in this volume). Nor does the new EES agreed in 2003 fully incorporate the empirical findings of the Impact Evaluation in this regard, even if they do respond to the widely expressed demands of Member State governments and other participating actors for fewer, simpler, and more outcome-oriented guidelines (European Commission 2003a; Council of the European Union 2003).

Even more strikingly, the Member States do not seem to have made much tangible progress in drawing on cross-national learning at the level of local practice about how best to integrate labor market activation with social inclusion, balance flexibility with security, or extend the scope of lifelong learning to a wider section of the population (European Commission 2002a: chs. 5, 6, 8). As the Commission's technical analysis observes: "a sufficient flow of information from the local and regional levels to the national level can enrich the basis upon which decisions are taken. Yet, there are *hardly any examples of a transfer of experiences from the bottom to the top* where nationally designed programmes have been modified according to the experiences or needs of the lower territorial levels...to date information has flowed only one-way - from the national to other levels" (European Commission 2002a: 313, emphasis in original). The potential for such "bottom up" and "horizontal" learning from local and regional experimentation is amply illustrated by reports of the European networking conferences and Commission-sponsored innovative local employment projects discussed in the previous section (see for example EAPN-EUROCITIES 2003; European Commission DG EMPL 2004b). By stimulating the mobilization of non-state and subnational actors, moreover, the EES, and still more the Social Inclusion process, appears to be creating the conditions for such "bottom up" learning in many EU Member States even where national governments do not formally acknowledge this in their NAPs or impact evaluation reports.

What accounts for these limitations on mutual learning within OMC processes? Part of the problem stems from the ambivalent commitment to this objective on the part of the key actors themselves. Thus the failure to capitalize at a European level on opportunities for reflexive learning from practical experience with the implementation of activation and prevention policies reflects the primary focus within the Commission and EMCO on ensuring national compliance with the action targets in the guidelines, rather than on reviewing the recommended measures in light of accumulated evidence about their effectiveness. The

assumption has been, as Visser's chapter observes of the recent EU Employment Task Force report (Employment Taskforce 2003), that "we know and agree about what we want, we even know what are the best practices, but we need more political will and better governance of reform delivery to make it work." And the failure to take full account of the empirical findings of the Five-Year Evaluation in the redesign of the EES likewise reflects the predominance of political bargaining over the new guidelines between the Commission and the Member States, even if the negotiations within EMCO also appear to have been subject to a certain deliberative discipline (Jobelius 2003; Jacobsson and Vifell 2005b; Vifell 2004).

Other limitations on mutual learning, however, stem from more readily corrigible defects in OMC procedures and instruments. Thus, for example, there is broad agreement that the increasingly full agendas of EMCO and the SPC on the one hand and the very tight timetable for peer review of the NAPs on the other have crowded out opportunities for mutual learning among the participants. Although the EES peer review programme for the exchange of good practices is generally considered to have been more satisfactory, widespread criticisms have also been raised about its "show and tell" character, whereby Member States nominate "poster child" programmes, which are then selected through a "beauty contest" for presentation to a restricted audience of national officials and experts from those countries that choose to participate (see for example de la Porte and Pochet 2003: 26; Jacobsson and Vifell 2005b). These criticisms have been taken to heart by the members of EMCO and the SPC themselves, who have redesigned their peer review procedures and introduced new programmes to strengthen mutual learning, which will be examined in Part III below.

A second set of procedural limitations concern the indicators which are supposed to serve as crucial performance metrics within OMC processes. A major problem here is the persistent lack of comparable data for many key indicators, despite the development of new European survey instruments. This in turn necessitates continued reliance for many questions on national statistics, whose construction often reflects divergent policy choices and may produce misleading results when combined for comparative purposes, as for example in relation to definitions of unemployment (Salais 2004) or the gender pay gap and segregation index (Rubery, this volume). Some Member States like the Netherlands have also proved resistant to developing national equivalents for European indicators, preferring to rely on idiosyncratic domestic metrics in their

NAPs (Visser, this volume). A closely related issue regards the limited applicability of OMC employment and social indicators at local and regional levels due to the absence of corresponding data, though the Commission has been active in supporting the development of new territorially disaggregated metrics (see Groupe Bernard Brunhes Consultants 2003, and the further discussion in Part III below).

Other problems with the indicators concern their definition and design, particularly in the case of the EES. Thus a number of the employment indicators, as Visser's chapter observes, focus on input rather than outcome measures, especially those dealing with activation and prevention. Other employment indicators are of questionable pertinence or lack clear causal significance, such the ratio of educational spending to GDP or the new firm formation and survival rates. Even in the case of a key indicator like the employment rate, there are unresolved political disagreements among Member States about the appropriateness of different measures, such as the reliance on gross rather than full-time equivalent rates in the Lisbon targets, or the failure to adjust for varying proportions of young people in education (Salais 2004). The situation is much better in the case of the Social Inclusion process, where the SPC has drawn up a clear and transparent set of methodological principles for the definition of OMC indicators, which should be balanced and multidimensional, outcome rather than means oriented, "responsive to policy interventions", and have a "clear and accepted normative interpretation", as well as being "robust and statistically validated, measurable in a sufficiently comparable way across Member States, and timely and susceptible to revision" (European Commission and Council of the European Union 2004b: 129). But even there, the SPC has not yet managed to agree on common indicators for some contentious issues like decent housing and non-monetary indicators of poverty (SPC Indicators 2001; 2003).

Perhaps the most serious problem with OMC indicators from the perspective of mutual learning regards their use as "soft sanctions" to enforce Member State compliance with European targets rather than as diagnostic tools to highlight areas for improvement and self-corrective action by national and local actors.<sup>42</sup> This instrumental "naming and shaming" approach can provoke resistance from Member States to using European indicators in their NAPs, sometimes

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<sup>42</sup> For this distinction between performance metrics as sanctioning mechanisms and diagnostic tools, see Salais (2004) and Liebman and Sabel (2003).

due to their genuine lack of policy pertinence, as in the case of Denmark's focus on social inclusion of the most vulnerable groups, for which there are no agreed indicators, but sometimes due to political preference for policy input rather than outcome-based measures, as in the Netherlands NAP/incl (European Commission and Council of the European Union 2004b: 129-30; Visser this volume). It can also lead to a counterproductive politicization of the debate over the indicators themselves, as in the case of the employment rate discussed above.

A final set of procedural limitations on mutual learning within OMC processes concerns the barriers to participation and integration into domestic policymaking discussed in the previous section. Thus the paucity of "bottom-up" cross-national learning within the EES identified by the Five-Year Evaluation and the chapters in this volume is closely linked to the limited opportunities for participation by non-state and subnational actors in the process at all stages, from the definition of objectives, guidelines, and indicators, through the preparation, monitoring, and evaluation of the NAPs to the peer reviews and exchange of good practices. And the limited integration of both OMC processes into domestic policymaking, as we have likewise seen, inhibits the broad participation and public debate that is a necessary condition for experimental learning from local practice.

### **E. How Does It Work? Mechanisms of Domestic Influence**

Among the most widely debated questions about the OMC concerns how it might work in influencing Member State policies in the absence of legally binding sanctions. A number of possible mechanisms of domestic influence have been proposed in the theoretical literature, including peer pressure; socialization and discursive diffusion; mutual learning; and the strategic use of OMC processes as a "lever" or resource by domestic actors.<sup>43</sup> What light do the studies in this volume and other recent empirical research on the OMC shed on the relative importance and effectiveness of these mechanisms in practice?

There is certainly evidence that peer pressure and associated practices such as recommendations and rankings do have an influence on the behavior of Member State governments. National representatives in EU committee and Council meetings do feel pressure

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<sup>43</sup> For discussions of these possible mechanisms of domestic influence, see in addition to the chapters in this volume (especially those by Trubek and Trubek on hard and soft law and Ehrel et al. on the "leverage effect") Jacobsson and Vifell (2005a and b); Jacobsson and Schmid (2003); Jacobsson (forthcoming); Hodson (2004); Hodson and Maher (2001).

to reach common targets and carry out mutually agreed commitments (or at least to be seen to be doing so by the other participants). As one Swedish committee member quoted in the chapter by Jacobsson put it, “peer pressure feels”, and conscientious compliance with the agreed procedures is also an important strategy for Member States (like Sweden) who want to influence the future evolution of OMC processes (cf. also Jacobsson and Vifell 2005b; Vifell 2004). Member State governments also want to avoid EU recommendations and low rankings on common indicators as a potential source of embarrassment in domestic politics, especially since these are sometimes taken up as points of criticism by opposition parties and interest groups (e.g. in relation to tax policy in Sweden). In many cases, national governments have been prepared to take some corrective action, such as increasing expenditure on activation and prevention services, stepping up consultation of the social partners in preparing the NAPs/empl, developing gender mainstreaming, and adopting measures to reduce gender segregation and improve the integration of immigrants and ethnic minorities in the labour market.

But as other commentators have observed in the context of economic policy coordination, the effectiveness of such peer pressure, and especially of public “naming, shaming, and blaming”, depends on the perceived legitimacy of the recommendations, national sensitivity to criticism from the EU, and the domestic visibility of the process, including media coverage (see for example Hodson 2004; Hodson and Maher 2001). Where EU recommendations are perceived to be intellectually questionable, procedurally unfair, or politically illegitimate, Member State governments may be prepared to resist them publicly, and may even gain support by so doing (e.g. in the case of Swedish tax policy or the controversy over the Irish expansionary budget in 2001). Such criticism from Brussels will also bite less deeply where domestic public opinion is openly skeptical or hostile towards the EU (as in the UK) or where the recommendations themselves attract little media attention (as is increasingly true of the EES, though not of the Broad Economic Policy Guidelines and especially the Growth and Stability Pact).<sup>44</sup>

Precisely because such “naming, shaming, and blaming” by the EU can have significant domestic political repercussions for Member State governments, it may also generate perverse

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<sup>44</sup> On changing patterns of media coverage of economic and employment policy coordination, see Meyer (2003 and 2005). Büchs and Friedrich’s chapter reports that the influence of employment policy recommendations in Germany has tended to diminish over time as their novelty wore off.

feedback effects on the evolution of OMC procedures. Thus after the shock produced by the first set of employment recommendations in 1999 (which were released by Commission without any prior consultation), Member State governments in a number of countries (notably Germany) have sought to tone down or pre-empt critical recommendations through bilateral negotiations between national officials and the Commission. More significantly, as discussed earlier fears of domestic political consequences have given rise to fierce struggles within EU committees over the adoption of OMC indicators which might cast particular Member States in an unfavourable light. Such domestic political concerns likewise lie behind the reluctance of Member State governments to agree quantitative targets for many OMC objectives and even in some cases to use common European indicators in their NAPs. In the Social Inclusion process, Member State representatives in the SPC have explicitly rejected any explicit performance ranking, and forced a modification of the first Joint Inclusion Report in 2001, which contained an implicit ranking of the various NAPs/incl. Member State governments have also remained so far unwilling to stiffen the procedures of the Social Inclusion process by adding formal guidelines and recommendations like those of the EES.<sup>45</sup>

There is also evidence from the studies in this book and other recent empirical research of socialization and discursive diffusion effects associated with the OMC. We have already underlined the influence of the EES and the Social Inclusion on national policy thinking, especially through the incorporation of European categories and concepts into domestic debate. Kerstin Jacobsson (2002; forthcoming) in particular has analyzed in fine detail how the EES has contributed to the development of a common discursive frame of reference for national employment policies through participation of high civil servants in EU committees and the adoption of a common vocabulary, reporting format, and set of performance metrics. Jacobsson and Åsa Vifell (Jacobsson and Vifell 2005a and b; Vifell 2004) have likewise shown how participation in OMC processes can lead to a mutual socialization of national officials and their internalization of the discursive “rules of the game”. Thus to operate persuasively in committees like EMCO and the SPC, Member State representatives cannot simply advance positions on the basis of naked national interest, but must instead offer reasoned arguments grounded in the

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<sup>45</sup> On such negotiations and conflicts between Member State and Commission representatives within EMCO and the SPC, see in addition to the chapters in this volume, Jacobsson and Vifell (2005b); Jobelius (2003); Barbier (2004b: esp. 83-5); Armstrong (2003). I have also drawn on my own interviews with Commission and Member State officials between 2002 and 2004.

common objectives, guidelines, targets, and indicators of the EES and Social Inclusion process. In this sense, the institutional setting and conceptual framework of these OMC processes serve as a deliberative discipline on interest-based bargaining, even where the participants may not be fully committed to their underlying principles.<sup>46</sup> But shared procedural norms and a common discursive frame of reference do not preclude sharp political disagreements and interpretive differences among the participants in these discussions, which is why it seems excessive to characterize their outcome as “cognitive harmonization” (Palier 2004). And such internalization of European discursive categories and procedural norms is undoubtedly strongest within EU committees and among actors engaged in regular interactions with EU institutions, even if, as a number of chapters in this volume illustrate, there are also clear signs in many Member States of diffusion outwards and downwards to other groups within and beyond central government.

We have already examined in some depth the influence of mutual learning within the EES and the Social Inclusion process. Both OMC processes, we found, have contributed to indirect or higher-order shifts in national policy thinking 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. Conversely, we found relatively little direct or first-order learning and policy transfer at the national level, especially in terms of bottom-up learning from local experimentation, together with limited evidence of reflexive learning at the EU level itself. EU Member States remain vocally interested in the possibilities of mutual learning and exchange of good practices through the OMC, and are taking active steps to strengthen the mechanisms for this purpose within the EES and Social Inclusion process, as well as to extend them to new social policy fields such as health care, elder care, and social services. But so far, the mutual learning potential of both OMC processes has remained underutilized at both European and national levels.

Probably the strongest and most effective mechanism of domestic influence identified by recent empirical research on the OMC is its strategic use by national and subnational actors as a

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<sup>46</sup> For the influence of deliberative settings and social norms of impartiality and reason-giving on public debates and decision-making, even where the participants themselves are not fully committed to such norms, see Elster (1998) and for an application of this argument to the Convention on the Future of Europe, see Magnette (2004) and Magnette and Nicolaidis (2004).

resource for their own purposes: what Barbier and Ehrel et. al's chapters term the "leverage effect". Like other European policy commitments (most famously the Maastricht convergence criteria for EMU), national governments use the objectives, guidelines, targets, performance comparisons, and recommendations associated with OMC processes as a tool to advance their own domestic political agenda, promote desired reforms, and overcome entrenched veto positions. The OMC may thus serve as a "selective amplifier" (Visser), a source of external legitimation and blame-sharing device for unpopular or controversial measures that national governments would like to push through for their own reasons (see for example Büchs and Friedrich's chapter on Germany).

But this leverage effect of the OMC is by no means confined to national governments or their executives as unitary actors. As Ehrel et al., Visser, Jacobsson, and other contributors to this volume emphasize, OMC processes have also been widely used as a strategic resource in internecine struggles between different ministries and agencies within Member State governments themselves. Thus the EES and the Social Inclusion process have strengthened the hand of employment and social affairs ministries in negotiations over budgets and policy with finance and other ministries in fields such as activation and prevention services, training and lifelong learning, social assistance and support services for those most remote from the labour market, housing, transport, and so on. These OMC processes have also often been used to raise the profile and reinforce the position of specialized units and independent agencies within government, notably gender equality/mainstreaming units and public employment services. The "Brussels arena", as the chapters by Barbier and Ehrel et al. observe, has thus become an increasingly crucial venue in domestic power struggles (even if Barbier claims that the strategic use of this arena is still largely confined to a small elite of insiders, at least in France).

Both the EES and the Social Inclusion process have also empowered non-state and subnational actors in different ways. Opposition parties and social partners have used EES guidelines, targets, and recommendations to challenge state policies, as for example over taxation in Sweden (Jacobsson) or childcare provision in Germany (Richardt 2004). NGOs and civil society organizations, as we have seen, are among the most proactive users and beneficiaries of the Social Inclusion process, and have also gained influence through the EES in some countries. Local and regional authorities have likewise begun to use the EES and the

Social Inclusion process as a vehicle for coordinating their own activities and engaging central administrations in new ways. Thus, for example, a representative of the Swedish Association of Municipalities and County Councils recently declared that the EES appeared as “the answer to a silent prayer” by his members who had been searching for ways to expand their participation in the country’s historically centralized labor market and employment policies.<sup>47</sup>

Member State governments, as Jacobsson’s chapter observes, would clearly like to serve as gatekeepers between the European and domestic policy arenas. In Sweden, for example, as (Vifell 2004) has shown, the national government very deliberately set out to “decouple” its active participation in shaping the EES at European level from any feedback effect on domestic policymaking. But even where Member States have rigorously sought to control the influence of OMC on domestic policymaking, evidence from the chapters in this book and other recent empirical studies suggests that they are decreasingly successful. Thus as we have already seen, despite the Swedish government’s decoupling strategy, local and regional authorities have become increasingly active participants in the EES, with the assistance of innovative programmes and European networks supported by the Commission and the Parliament (cf. also Jacobsson and Vifell 2005a). In many Member States, as we also saw earlier, there has been a gradual “domestication” of OMC processes within national administrations, interest groups, and NGO networks, like the shift from “Europeans” to “Socials” described in Büchs and Friedrich’s chapter on Germany.<sup>48</sup>

Nor have these OMC processes simply reinforced existing power balances and institutional arrangements within EU Member States. As detailed above, both the EES and the Social Inclusion process have empowered weaker actors inside and outside government, rather than strengthening the executive and the authority of finance ministries within it, as much of the literature on “top-down” Europeanization contends (see for example Featherstone 2004; Featherstone and Radaelli 2003; Börzel 2002b; Cowles, Caporaso and Risse 2001). Careful empirical studies of the OMC in action, such as those presented in this volume, offer tangible

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<sup>47</sup> Statement made at a public conference on “The European Employment Strategy: Discussion and Institutionalisation”, International Trade Union House, Brussels, August 30-31 2004.

<sup>48</sup> In this sense, as Jacobsson and Vifell (2005a) also point out, the findings of empirical research on the OMC in action fit better with multi-level governance analyses of EU policymaking than with intergovernmentalist models of a two-level game controlled by the Member States. For the former, see Hooghe and Marks (2001); for the latter, Moravcsik (1998) and Pollack (1995, 2003).

evidence that it can stimulate the development of new channels of communication, participation, and negotiation between state and civil society, between national and subnational governments, and even between the social partners themselves. Among the unlikely examples are the collaboration between UK civil servants and anti-poverty NGOs in the Participation Working Group created for the NAP/incl, described in Armstrong's chapter, the emerging dialogue on employment policy between Swedish local authorities and central government, and the re-emergence of union-employer concertation around the Swedish NAP/empl, both discussed in Jacobsson's chapter. There is even evidence that participation in OMC processes can contribute not merely to advancing domestic actors' pre-existing interests and goals, but also to subtle shifts in their preferences and identities. Thus as Vifell (2004: 21) argues: "Local level actors in Sweden have increasingly come to define themselves as actors belonging to the European project and an augmentation of interest for the LAPs can also be noted at state level."

In relation to substantive policy change, procedural shifts in governance, and mutual learning, the strongest influence of the EES and the Social Inclusion Strategies on domestic policymaking in EU Member States has come through a series of indirect or higher-order effects, which are nonetheless consistent with the underlying theoretical principles of the OMC. These effects on national policymaking, as we have seen, are not only "pushed from above" through peer pressure, socialization, and discursive diffusion, but also "pulled from below" through the strategic utilization of OMC processes as a resource by domestic actors within and beyond government.<sup>49</sup> The confluence of these mechanisms of influence within the OMC, it should be noted, blurs standard conceptual distinctions between interest-based bargaining and adaptation to external pressure on the one hand and mutual learning and deliberative problem-solving on the other. Thus actors may be forced to learn by external pressures, which make it impossible to continue existing routines unchanged, while interests themselves must be interpreted and reinterpreted in order to serve as a basis for action. Hence "adaptation" may involve "learning", in the form of a redefinition of actors' goals in light of experience, while learning may also involve adaptation, in the sense of responding to external constraints and opportunities. More concretely, the fact that OMC processes pursue multiple objectives which are often considered to be mutually incompatible, such as "more and better jobs", "flexibility and security", or "socially

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<sup>49</sup> For "push from above" and "pull from below" as complementary mechanisms of Europeanization, see Börzel (2000).

adequate and financially sustainable pensions”, may force Member State governments to find practical ways of reconciling them. It may likewise be through a combination of external pressure from EU institutions and internal mobilization by domestic actors that issues such as gender pay gaps and occupational segregation acquire new political resonance, as has already begun to occur in the Nordic countries. In this sense, what Helco (1974) terms “puzzling” and “powering” should not be counterposed to one another as alternative mechanisms of influence on domestic policymaking, but instead work hand-in-hand within OMC processes.<sup>50</sup>

### **III. Opening the Open Method of Coordination: A Reflexive Reform Strategy**

OMC processes in employment and social inclusion, as the preceding review shows, have produced genuine impacts and achievements at both EU and Member State levels. But neither have fully realized the OMC’s theoretical promise in terms of reconciling common European action with national diversity while promoting experimental learning and deliberative problem-solving. These shortcomings, as I argued in the previous section, flow in large measure from procedural limitations: lack of transparency, barriers to broad participation, weak integration into domestic policymaking, and insufficient emphasis on mutual learning. Hence a potentially fruitful strategy for improving the operation of existing OMC processes would be to apply to their own procedures the key elements of the method itself: benchmarking, peer review, monitoring, evaluation, and iterative redesign. Ongoing initiatives and reform proposals within the EES and the Social Inclusion process already point in this direction, and provide evidence for the practical viability of such an approach. But this reflexive reform strategy is not self-actuating, and significant political obstacles would need to be overcome in order to make it work effectively, an issue to which I return below by way of conclusion.

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<sup>50</sup> This perspective has its roots in the pragmatist philosophy of Dewey, Peirce, Mead, and others, which underlies the literature on “learning by monitoring” and “directly-deliberative polyarchy” Sabel (1994, 1997); Sabel and Cohen (1997); Cohen and Sabel (2003); Gerstenberg and Sabel (2002). This current of thought sees ends and means as reciprocally interdependent, with the former constantly being reassessed in the light of experience of their pursuit through particular courses of action, and rejects sharp distinctions between instrumental, normative, and communicative action such as those assumed in different ways by rational-choice utilitarianism, sociological institutionalism, and Habermasian discourse ethics.

## A. Increasing Transparency

A first key step to improving existing OMC processes would be to increase transparency and make information about them more freely available. For lack of transparency and visibility, as we have seen, not only tarnishes the OMC's democratic legitimacy, but also inhibits participation, integration into domestic policymaking, and mutual learning. One broad avenue of reform would be to open up the work of the EU committees responsible for running OMC processes to greater public scrutiny. Both EMCO and the SPC have recently created public websites on which they post their formal opinions and reports. But these committees should also make publicly available the full panoply of internal papers once they have been discussed, including agendas and minutes of meetings, following the best practice example set by the new European Food Safety Authority.<sup>51</sup> Another important dimension of transparency is that citizens are entitled to know the reasons for public decisions, and the deliberative quality of OMC processes (especially the EES and the BEPG) would be by requiring more explicit explanations from the committees, the Commission, and the Council of the rationale for collective choices such as revisions of objectives and guidelines or country-specific recommendations. Both the legitimacy and the effectiveness of the EES and the Social Inclusion process would also be improved by greater visibility at national and subnational levels. According to Jacobsson and Vifell (2005a), opposition by a majority of Member State representatives in EMCO blocked proposals by the Commission for a joint campaign to disseminate knowledge about the EES nationally. But DG EMPL has since issued its own calls for tenders for projects to increase national awareness of the EES and the Social Inclusion process under the Employment Incentive Measures and Community Action Programmes respectively.<sup>52</sup>

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<sup>51</sup> For the EMCO and SPC websites, see [http://europa.eu.int/comm/employment\\_social/employment\\_strategy/emco\\_en.htm](http://europa.eu.int/comm/employment_social/employment_strategy/emco_en.htm) and [http://europa.eu.int/comm/employment\\_social/social\\_protection\\_committee/index\\_en.htm](http://europa.eu.int/comm/employment_social/social_protection_committee/index_en.htm), respectively. The Economic Policy Committee (EPC) also maintains a similar website, [http://europa.eu.int/comm/economy\\_finance/epc/epc\\_reports\\_en.htm](http://europa.eu.int/comm/economy_finance/epc/epc_reports_en.htm). For the European Food Safety Authority, see [http://www.efsa.eu.int/about\\_efsa/catindex\\_en.html](http://www.efsa.eu.int/about_efsa/catindex_en.html).

<sup>52</sup> See VP 2004/15, "Awareness Raising for the European Employment Strategy", [http://europa.eu.int/comm/employment\\_social/calls/2004/vp\\_2004\\_015/tender\\_en.htm](http://europa.eu.int/comm/employment_social/calls/2004/vp_2004_015/tender_en.htm), and VP 2004/05, "National Awareness Raising Actions on Social Inclusion", [http://europa.eu.int/comm/employment\\_social/calls/2004/vp\\_2004\\_05/tender\\_en.htm](http://europa.eu.int/comm/employment_social/calls/2004/vp_2004_05/tender_en.htm).

## **B. Ensuring Broad Participation**

An obvious way to improve participation in the EES (and other OMC processes) would be to extend to them the Social Inclusion objective of mobilizing all relevant bodies and stakeholders. Thus Member States should be expected to involve civil society organizations and local and regional authorities as well as the social partners in the preparation, monitoring, and evaluation, as well as the implementation and dissemination of their NAPs. To avoid any infringement of subsidiarity, they could be required to benchmark openness and participation within OMC processes according to national laws, traditions, and practices. During the first phase of the EES between 1997 and 2001, as we saw in the preceding section, Member States were pressed to step up involvement of the social partners and local and regional authorities through the addition of new guidelines and horizontal objectives, along with country-specific recommendations. Following the Five-Year impact evaluation and the European Parliament's resolution on the future of the EES (European Parliament 2002), the Commission's proposals for the new Employment Guidelines in 2003 included a section on "promoting better governance, partnerships, and implementation" which called for "the mobilization of all relevant actors":

- (1) With due respect to different national traditions and practices...all main stakeholders, including civil society, should play their full part [in] the European Employment Strategy.
- (2) Participation of regional and local actors in the development and implementation [of] the Guidelines should be supported notably through local partnerships, the dissemination of information and consultation (European Commission 2003b; see also European Commission 2002a).

But Member State representatives in EMCO insisted on watering down these proposals in the name of subsidiarity, deleting any explicit reference to civil society from the guidelines and acknowledging only that:

- (1) Good governance and partnership are important issues for the implementation of the European Employment Strategy, while fully respecting national traditions and practices.
- (2) In accordance with national traditions...relevant actors in the field of employment at national and regional level have important contributions to make (Council of the European Union 2003).

Enhancing participation of non-state and subnational actors in OMC processes nonetheless remains a live and politically contested issue on the EU agenda. Thus the 2003 Kok Employment Task emphasized “mobilizing for reforms” through “better governance” as one of its key messages, calling for consultation of social partners and civil society in the preparation of the NAPs/empl and the creation of “reform partnerships” involving local authorities alongside social partners and public agencies. The Task Force also recommended strengthening regional commitment to reforms in countries with devolved competences for employment policy by implementing “an open method of co-ordination between the national and regional levels of government. This would imply introducing open and transparent negotiation between national and regional government to agree regional objectives and reporting and monitoring mechanisms” (Employment Taskforce 2003: 56-8). “Ensuring effective implementation of reforms through better governance” was included at the Commission’s insistence as one of four common recommendations to all Member States in the 2004 Joint Employment Package (European Commission 2004b), and the EMCO Indicators Sub-Group is developing indicators for benchmarking governance in the NAPs/empl (EMCO Indicators Group 2004).<sup>53</sup> Regarding the OMC more generally, the Commission has proposed that the emphasis on openness and the involvement of a wide range of actors (including NGOs and subnational authorities as well as social partners) in the social inclusion process “could usefully be applied to the entire range of the future social protection process” under the new streamlined arrangements to be introduced in 2006, and this participatory approach is fully incorporated into its proposals for a new OMC process for health and elder care (European Commission 2003d; 2004a).

### **C. Mainstreaming OMC Processes into Domestic Policymaking**

As with ensuring broad participation, Member States could be required to mainstream OMC processes by benchmarking and reviewing their integration into domestic policymaking, according to national laws, traditions, and practices, with full respect for subsidiarity. Here again, the Social Inclusion process offers a partial model, which could be extended to the EES and the OMC more generally. Thus the Commission’s proposals for “Taking the European Social Inclusion Strategy Forward” (European Commission 2002c) urged Member States in the

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<sup>53</sup> EAPN also continues to press actively for recognition of social NGOs’ right to participate in the EES at both European and national levels: see EAPN (2004a and b).

second round of NAPs/incl to show how these were integrated into and add value to existing policymaking processes (including national budgetary and fiscal decision-making, as well as the use of EU structural funds), by providing a mechanism for reviewing and where necessary adjusting the latter. Member State representatives in the SPC responded by reaffirming the principle of subsidiarity in the revised common objectives for the Social Inclusion Process: “Combatting social exclusion is first and foremost the responsibility of Member States and their national, regional and local authorities, in cooperation with the full range of the bodies concerned, in particular the social partners and NGOs” (European Commission 2002d). But the revised common outline for the NAPs/incl nonetheless enjoins Member States “to link...the NAPs/inclusion process more clearly with existing policy making processes (including as appropriate the use of budgetary resources) and ensur[e] that a concern with poverty and social exclusion is mainstreamed into all policy areas, including the use of Structural Funds” (Social Protection Committee of the European Union 2003b). The 2003 Joint Inclusion Report observed that in many countries “significant progress has been made in strengthening institutional arrangements to mainstream a concern with poverty and social inclusion”, but also complained that “in spite of the progress that has been made in several Member States to link their NAPs more strongly with national policy making processes there is still little clear evidence of the NAPs directly impacting on national budgetary processes and thus on the overall allocation of resources” (European Commission and Council of the European Union 2004b: 112-13).

Following the Five-Year review of the Employment Strategy, the European Parliament (2002) emphasized “the need to better integrate the EES with national, regional and local labour market policy in the Member States and with the ESF policies”. The Commission endorsed this judgement in its communication on the future of the employment strategy (European Commission 2003a), and its proposal for the new guidelines enjoined Member States to “ensure thei[r] effective implementation...including at the regional and local level”, as well as to “ensure that adequate financial resources are allocated” for this purpose “while complying with the need for sound public finances in line with the Broad Economic Policy Guidelines” (European Commission 2003b). Member State representatives in EMCO responded by adding a blunt statement that “Responsibility for implementation of the Employment Strategy lies with the Member States”, conceding only that they should “ensure transparency and cost-effectiveness in the allocation of financial resources to the implementation of the Employment Guidelines....”

(Council of the European Union 2003).<sup>54</sup> But as in the case of participation, the question of ensuring better integration of the EES into national policymaking remains firmly on the EU agenda. Thus, for example, this issue was emphasized in the recommendations of the Kok Report (Employment Taskforce 2003) and should figure in the proposed governance indicators for monitoring the EES.

Many proposals for improving the legitimacy and effectiveness of the EES and the OMC more generally have focused on enhancing the role of national parliaments in the process (European Parliament 2002; 2003a and b; European Commission 2003a; Jacobsson and Schmid 2003).<sup>55</sup> But greater parliamentary involvement *per se* can hardly be regarded as a panacea for the OMC, since there is already a substantial democratic deficit in this respect at the national level, where legislatures have long experienced grave difficulties in exercising detailed control over policymaking and administration in complex fields like employment and social protection. National parliaments (and the European Parliament itself) could valuably participate in framing and debating OMC objectives and procedures, monitoring progress toward agreed goals, and revising the process in light of the results achieved. But this would involve a transformation of the conventional conception of parliaments' role in democratic polities as authoritative principals delegating detailed implementation of legislation to administrative agents, whose behaviour they seek to control through a combination of *ex ante* incentives and *ex post* sanctions. Effective participation by parliaments in OMC processes (as in the working of experimentalist democracies more generally) would require them to develop new roles in passing framework legislation embodying commitments to broad goals (such as OMC objectives); establishing administrative infrastructures to stimulate decentralized experimentation about how best to achieve these goals, monitor the efforts of local units to improve their performance against them, pool the resulting information, and set provisional standards in light of what they have learned; and reviewing the results and revising the framework objectives and administrative procedures

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<sup>54</sup> But Member State representatives did accept the Commission's proposal that they should "fully exploit the potential contribution of the European Structural Funds, in particular the European Social Fund, to support the delivery of policies and to strengthen the institutional capacity in the field of employment" Council of the European Union (2003).

<sup>55</sup> The Commission proposed that "With due respect to different national traditions and practices, close involvement of relevant parliamentary bodies in the implementation of the [employment] guidelines should be ensured" European Commission (2003b). But Member State representatives in EMCO conceded only that "relevant parliamentary bodies...have important contributions to make", along with other actors Council of the European Union (2003).

accordingly.<sup>56</sup> The ability of parliaments to play such a new role in framing, reviewing, and revising OMC objectives and procedures (in collaboration with the Council and the European Parliament as EU legislators) thus depends on the reinforcement of mutual learning mechanisms at all levels, to which we now turn.

#### **D. Reinforcing Mutual Learning**

Increasing transparency, ensuring broad participation, and mainstreaming OMC processes into domestic policymaking would greatly enhance their contribution to mutual learning among EU Member States. But there are also a series of procedural reforms, many of them already initiated by EU institutions, which could significantly reinforce the mutual learning dimension of the EES and the Social Inclusion Process. A first set of reforms concerns the procedures for mutual surveillance and peer review of NAPs at the EU level, which as we saw earlier, have been widely criticized for their cursory nature and limited scope for substantive policy debate. In response to pervasive dissatisfaction among Member State representatives themselves, as well as to prepare for the challenge of enlargement, EMCO has revised its mutual surveillance procedures (the so-called “Cambridge Review”) by breaking the NAP examinations into four smaller working groups, with a rapporteur to summarize the debates for the Ad Hoc Working Group charged with administering the review, whose report is then discussed by the full committee. “In order to promote mutual learning and to strengthen...peer pressure”, the NAP review “should have an even stronger focus on the recommendations and a more in-depth exchange of views on the policy responses to the recommendations” (EMCO Ad Hoc Working Group 2004). Informal reports of the SPC’s operations suggest that this committee has adopted similar practices of breaking up into smaller working groups to facilitate genuine policy discussion in the face of enlargement from 15 to 25 Member States.<sup>57</sup> In social inclusion specifically, the SPC has also established a network of non-governmental experts to provide an independent critical perspective on Member States’ NAPs/incl.<sup>58</sup>

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<sup>56</sup> For this view of the transformed roles of the legislature and administration in experimentalist democracies, see Sabel (2004).

<sup>57</sup> Comments by Belgian members of the SPC to the first workshop on “La Méthode Ouverte de Coordination (MOC) en matière des pensions et de l’intégration européenne”, Office Nationale des Pensions, Brussels, 14 July 2004.

<sup>58</sup> For the reports of this network on the first round of NAPs/incl, see [http://europa.eu.int/comm/employment\\_social/soc-prot/studies/studies\\_en.htm](http://europa.eu.int/comm/employment_social/soc-prot/studies/studies_en.htm).

A second set of reforms concerns the procedures for peer review and exchange of good practices. The EES Peer Review Programme, as we also saw earlier, is in many respects an intelligently designed resource for mutual learning through contextualized benchmarking. But it has suffered from fragmentary coverage (as the choice of practices for examination is dependent on proposals from potential hosts), limited participation (confined to those Member States who wish to attend), and exclusion of non-state and subnational actors. Here again, EMCO has responded to internal dissatisfaction with these limitations by launching an expanded Mutual Learning Programme on Employment Policies, comprising a combination of EU-level thematic review seminars and national-level follow-up activities to be co-funded by the Commission and the Member States. The thematic review seminars will focus for six months at a time on a broad theme of general interest such as active ageing or adaptability, with discussions organized “on the basis of presentations from three to four Member States which perform particularly well in the area, or where major achievements recently have taken place.” These seminars will be “open for a broader group of stakeholders”, from both the national and the European levels, including independent policy experts. The existing peer review meetings on more specific good practices will continue “with the participation of one Member State official and one independent policy expert from each of the participating countries”, but they will be linked to the thematic seminars and may be opened up to representatives of the social partners. The joint national follow-up activities “would focus on furthering the dissemination of the results from the other activities under the Mutual Learning Programme and pursuing discussion on the theme or a more specific policy practice with the social partners and other national stakeholders”, with special priority given to events with a transnational dimension or aimed at promoting closer cooperation among a group of Member States around mutual learning and the transferability of good practices (European Commission DG EMPL 2004c). For the Social Inclusion process, which has been running for a much shorter time, the SPC has just launched a Peer Review Programme modeled on that of the EES, whose first nine events in as many Member States will be completed by January 2005.<sup>59</sup> An unresolved issue for this programme is whether representatives of NGOs and local authorities will be permitted to participate in social inclusion peer review meetings, as EAPN for example has vocally demanded (EAPN 2003b: 19-20; 2003c).

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<sup>59</sup> For details see [http://europa.eu.int/comm/employment\\_social/soc-prot/soc-incl/prp\\_en.htm](http://europa.eu.int/comm/employment_social/soc-prot/soc-incl/prp_en.htm).

A final set of procedural reforms concerns the indicators used in OMC processes. Here again, as in other areas, the Social Inclusion process provides a partial model for the reform of the EES. Thus the employment indicators should be reviewed against the methodological principles outlined by the SPC Indicators Sub-Group (SPC Indicators 2001; 2003), notably that they should be outcome-oriented, responsive to policy interventions, subject to a clear and accepted normative interpretation, timely, and revisable. The Social Inclusion process likewise provides a good example of the participation of non-state actors in the formulation of non-state actors in the definition of OMC indicators, which should be extended to the EES as well.<sup>60</sup> OMC indicators as discussed earlier need to be sufficiently comparable and disaggregated to serve as diagnostic tools for self-corrective action by local actors, which has not been the case for either the EES or the Social Inclusion process, due to a lack of corresponding data at subnational level. But the Commission has recently sponsored the development of a workable set of regional and local employment indicators, which can be applied to existing national data, and a call for tenders has been issued for a similar project in the field of social inclusion. The Commission is also preparing a “non-binding European methodological guide” to facilitate the use of such territorially disaggregated indicators by regional and local actors.<sup>61</sup>

### **E. Overcoming Political Obstacles**

Taken together, the procedural reforms discussed above would go a long way towards improving the operation of existing OMC processes and realizing the method’s theoretical promise. Despite the practical revisions to the EES and the Social Inclusion process initiated by the Commission and the EU committees, this reflexive reform strategy is not self-actuating, and significant political obstacles would have to be overcome to make it work effectively. The central problem here is resistance from Member State governments, as can be seen from the “battle of the clauses” over the governance section of the new Employment Guidelines, and the continuing reluctance of EU Social Affairs ministers to add guidelines or recommendations to the OMC processes in social inclusion and pensions. Even where national governments support the common objectives promoted by OMC processes, they often fear that these may lead to an

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<sup>60</sup> For a recent project coordinated by EAPN with support from the European Commission on “Poverty Indicators Starting from the Experience of People Living in Poverty”, see Horemans (2003).

<sup>61</sup> See Groupe Bernard Brunhes Consultants (2003); Open Call for Tender VT/2003/43, “Regional Indicators to Reflect Social Exclusion and Poverty”, [http://europa.eu.int/comm/employment\\_social/soc-prot/soc-incl/calls\\_en.htm](http://europa.eu.int/comm/employment_social/soc-prot/soc-incl/calls_en.htm).

erosion of their control over the content and timing of the domestic policy agenda. A noteworthy case in point is that of the 2003 French pension reforms, where as Ehrel et al.'s chapter recounts the government played down its participation in the OMC pensions strategy review in order to avoid compromising its negotiations with the social partners by giving the impression that their outcome was already predetermined or imposed by Brussels.

Far from representing a “soft” option, Member State governments sometimes perceive the open-ended Europeanization of a policy field entailed by the OMC as potentially more domestically intrusive than “hard” EU legislation itself. Thus as Caviades (2004: 306) perceptively observes in relation to immigration policy:

The present failure of the Council to adopt the Commission's proposal on a European immigration policy should not be read as a verdict on the innate unsuitability of the OMC in the immigration setting, but as a testament to the perceived discursive power of the OMC process. Being forced to compare and evaluate immigration policy in an open forum together with civil societal and international actors, whose views on immigration are often quite liberal, involves a risk of losing control over the agenda-setting process. This soft law learning process constitutes a greater threat to sovereignty in policy-making than an inchoate Community legislative competence in which the members still designate which areas are incorporated into Community law. The OMC certainly has the potential to be utilized as a mechanism for policy coordination (and as such seems more likely to be applied in areas such as asylum policy or combating illegal immigration), but in an issue area such as labour market-based immigration, characterized by a multitude of divergent policy goals and mechanisms, the OMC constitutes a greater obligation than the member states are currently prepared to accept.

But if Member State governments find the OMC hard to live with, they also appear unable to live without it. Increasing interdependence, strategic uncertainty, and ongoing pressures to “do something” about urgent policy issues at a European level continually push Member States to expand the scope of the OMC and/or to apply closely related approaches based on mutual surveillance, peer evaluation, and exchange of good practices to new issue-areas. Thus for example, despite fears of “opening a box that can then never be closed” again by allowing EU-level discussion of national health-care policies (Baeten 2003: 169), Member States now seem ready to accept a full-fledged OMC process for health and elder care (European Commission 2004a), as well as to extend mutual learning and exchange of good practices to

other domestically sensitive issues such as the provision of social services.<sup>62</sup> In other thorny areas such as the fight against terrorism and regulation of genetically modified crops, the Council and the Commission have likewise reached for OMC-style mechanisms such as guidelines, peer evaluation, recommendations, and exchange of best practices in order to coordinate national policies (Council of the European Union 2002a; European Commission 2003d).<sup>63</sup>

A necessary condition for reflexive reform and effective implementation of OMC processes is deeper commitment on the part of EU Member States (cf. also Jacobsson and Schmid 2003). One possible approach to deepening Member State commitment might be to soften the prescriptions associated with OMC processes in exchange for hardening their procedures. Thus especially in relation to the EES, detailed prescriptions about means (such as targets for specific prevention and activation measures) should be replaced by a stronger focus on strategic objectives and performance outcomes. EU institutions, notably the Commission, should also resist the temptation to instrumentalize OMC reports, indicators, and recommendations to impose stronger European constraints on Member State policies through “naming, shaming, and blaming”. Conversely, however, OMC guidelines, targets, and indicators should become more precise and explicit, but also more diagnostic and revisable. Such steps might make it easier for Member States to accept a hardening of procedural requirements within OMC processes for transparency, participation, monitoring, review of weaknesses, and self-corrective action.

At the same time, however, these efforts to reinforce Member States’ commitment to OMC processes would need to be supplemented by ongoing pressures both from above and from below. Hence EU institutions, from the Commission and the Parliament to the Committee of the Regions and the Economic and Social Committee, should continue to press for procedural reforms to the EES and the Social Inclusion process, while also supporting participation and networking by non-state and subnational actors at both European and national levels. A final consideration, which remains speculative for the moment, is whether European and national

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<sup>62</sup> This latter proposal was supported close to unanimously by national ministers at the Maastricht Informal Council on Employment and Social Affairs, 8-10 July 2004, according to remarks by Belgian officials at the first workshop on “La Méthode Ouverte de Coordination (MOC) en matière des pensions et de l’intégration européenne”, Office Nationale des Pensions, Brussels, 14 July 2004.

<sup>63</sup> I am grateful to Gráinne de Búrca for these references.

courts might also have a part to play in enforcing transparency and participation as procedural requirements for OMC processes, especially if the Constitutional Treaty is eventually ratified.<sup>64</sup>

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<sup>64</sup> For the strengthened commitments to transparency and participation in the Constitutional Treaty, see Articles I-47 and I-50, Intergovernmental Conference (2004).

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