



closing gaps in European social citizenship

***A supranational social protection floor for all?
The politics of minimum income protection in
the European Union***

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- i) to advance the knowledge base that underpins the formulation and implementation of relevant policies in Europe with the aim of exercising the EU social rights as an integral part of EU citizenship and promoting upward convergence, and
- ii) to engage with relevant communities, stakeholders and practitioners in the research with a view to supporting social protection policies in Europe. Contributions to a dialogue about these results can be made through the project website euroship-research.eu, or by following us on Twitter: @EUROSHIP_EU.

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Table of Contents

List of Tables	4
1. Introduction	6
2. The Analytical framework	8
3. EU Institutional framework and policy development in the field of minimum income protection	10
3.1. The Lisbon decade	11
3.2. The Europe 2020 anti-poverty strategy.....	12
3.3. The European Pillar of Social Rights ...and beyond	14
4. From Lisbon to the Pillar: the politics of minimum income at the EU level	17
4.1. Europe 2020 and the poverty target.....	17
4.2. Towards the European Pillar of Social Rights.....	19
5. An EU binding initiative on Minimum Income: legally feasible, political unviable? ..	22
5.1. A binding EU Framework on MI: is it legally feasible?.....	23
5.2. A binding EU Framework: political viability	24
5.2.1. Stakeholders' positions and mobilisation.....	25
5.2.2. Main lines of conflict	26
6. Conclusions	29
References	32
Appendix: List of interviews	36

List of Tables

Table 1. Analytical framework: assessing policy change in the field of poverty and social exclusion .	8
Table 2. Lisbon decade and EU2020: policy initiatives in the field of poverty and social exclusion..	13
Table 3. EPSR: policy initiatives in the field of poverty and social exclusion	16

A Supranational Social Protection Floor for All? The Politics of Minimum Income Protection in the European Union

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Abstract: The fight against poverty and social exclusion has been on the European agenda for a long-time. Since the mid-2010s, a number of events conjured towards stronger mobilization of stakeholders – primarily European social NGOs and trade unions – at supranational level. Moreover, in recent years, institutional, economic-contextual as well as political factors seemed to have built *momentum* for substantial steps ahead in the field of minimum income protection at the EU level. Among these factors, there were the dramatic impact of the Covid-19 pandemic on the economy and labour market; the innovative measures adopted by EU institutions to tackle the economic and social impact of the crisis which put an end to the decade long dominant austerity policy framework. The institutional framework for taking action at the supranational level in the field of minimum income protection had already been laid down with the principle 14 of the European Pillar of Social Rights.

Against such a backdrop, this paper aims at answering the following research questions. What factors were behind the increased relevance of minimum income initiatives at the supranational political arena since the end of the Lisbon strategy? Despite increased relevance, why was the formulation of a directive not feasible, while only a Recommendation will be issued by the Commission in autumn 2022? In order to address these questions this paper looks at the actors' behaviour and interaction within the European institutional framework for the fight against poverty. To that end, it assesses both the *legal feasibility* and the *political viability* of binding EU's actions in the field of anti-poverty and social exclusion policies. Relying on qualitative research including the careful analysis of EU's documents and main actors' publications, and 13 semi-structured interviews with key informants at the supranational level, this paper argues that a binding EU's initiative in the field of minimum income protection is actually feasible within the current constitutional framework. However, since policy development ultimately rests on political conditions and incentives, the paper demonstrates that the constellation of actors and power at the supranational level had played a key role in influencing the policy decision at the EU level. This allows to conclude that, despite legal feasibility and increased salience of the poverty issue during the pandemic, neither political conditions nor timing seem to be favourable for binding EU's actions in this key policy field.

1. Introduction

In the last decades several factors have called for EU-level interventions in the field of poverty and social exclusion. First, the global economic (2008-2011) and sovereign debt (2010-2012) crises negatively impacted on individuals' well-being, leading poverty and several material deprivation rates to go up in many European Member States (Panaro, Shahini and Jessoula 2022). Second, national social protection schemes in many countries proved unable to cope with the deteriorating social situation. Moreover, until recently, some Member States (MS) were not even equipped with an adequate minimum income scheme at the national level (i.e. Italy, Greece, Spain). Third, the outbreak of the pandemic and related lockdown measures posed additional challenges to social protection systems in the last two years.

Meanwhile, the European Union (EU) has increasingly suffered from the so-called “*democratic legitimation crisis*” (Schmidt 2015). Public trust in EU institutions has been reducing and citizens have become more and more sceptical about the EU. This behaviour has translated into increasingly volatile national politics paralleled with the growth of populism and the takeover of right-wing parties in some MS, spreading anti-EU messages and claiming for national sovereignty.

All those factors created strong pressures to open discussion in the field of minimum income (MI) at the EU-level. The revived attention for anti-poverty measures eventually materialized in the launch of the ‘Europe 2020’ strategy, which aimed at turning the EU into a ‘smart, sustainable and inclusive economy’ with high levels of employment, productivity and social cohesion. The new overarching strategy also opened up new opportunities for social actors to mobilize in order to ask for more binding EU initiatives in the field of anti-poverty and minimum income policies. In terms of governance modes, Europe 2020 brought about a shift from the “soft law” and policy coordination mechanisms of the Lisbon Strategy (2000-2009) to “hybrid governance” based on a common quantitative poverty target, a (more) intrusive country specific recommendations (CSRs) linked with dedicated European social funds (Armstrong 2010; Jessoula 2015; Hermans *et al.* 2021; Greiss *et al.* 2021). Additionally, the Europe 2020 decade registered a step towards a ‘right based’ discourse on MIS, especially after the adoption of the European Pillar of Social Rights (EPSR) in 2017, which was seen as a necessary step to fulfil the Commission’s goal of achieving a ‘Triple A’ in employment and social affairs (Juncker *et al.* 2015).

Within this scenario, both national and supranational actors have mobilized to influence policy initiatives in the field of anti-poverty and minimum income policies. More recently, several actors have taken position in favour of adopting an EU’s binding initiative in this field (cf. EPSCO Council meeting of 13 October 2020; EU German Presidency, 16 September 2020) and key stakeholders have launched a mobilization campaign which brought together civil society organizations (CSOs) and the main supranational trade union confederations.

Against this background, the overall political dynamics of MIS at the EU-level remains relatively unexplored. So far, little attention has been devoted to anti-poverty measures and minimum income initiatives at the EU-level. In fact, scholars either unravel national political

dynamics in minimum income schemes within or across EU countries (Jessoula 2015; Natili 2019; 2020; Raitano *et al.* 2021) or, when shifting to the supranational level, they mostly reflect on policy development and political dynamics with regard to the broader field of social protection (Archibugi and Coco 2005; Begg 2007; van Apeldoorn *et al.* 2008; Collignon 2008). Only few studies successfully shed light on the politics of MI at the EU-level. Among those scholars, Armstrong (2010) provides an in-depth study of the EU policy coordination and governance mode in the field of anti-poverty policies, while Jessoula and Madama (2018) analyse the key factors that have favoured or hindered the implementation of the Europe-2020 anti-poverty strategy at the national level. Additionally, in tracing the origin and the negotiations that led to the adoption of the EU2020 target on poverty and social exclusion, Copeland and Daly (2012) show that the insertion of the poverty and social exclusion target in Europe2020 was a product of “timing, opportunism and political bargaining among all actors involved” (p.283). Although these studies provide an important analysis of the governance mode, policy implementation as well as the political dynamics that shape the anti-poverty component of Europe2020, they do not specifically address supranational policy initiatives in the field of minimum income.

In this paper, we complement previous research on social policy at supranational level by studying the political dynamics of MIS at the EU-level. In particular, the paper aims to answer the following research questions:

- What factors were behind the increased relevance of minimum income initiatives in the supranational political arena from the end of the Lisbon strategy to current years?
- Despite increased relevance, why was the formulation of a binding policy framework – such as a directive - not feasible, and only a Recommendation will be issued by the Commission in autumn 2022?

To answer these questions, this paper reconstructs the policy trajectory and the politics of anti-poverty measures and MI at the EU level during three different periods. The first period covers major policy initiatives, governance mode and actor mobilization in the field of anti-poverty social inclusion measures since the launch of EU2020. The second period examines the policy trajectory and the political dynamics in the field of MI since the launch of the EPSR in 2017 while the third period looks at the post-2017 phase, focusing on actor mobilization and the interaction between MS and supranational actors around the forthcoming EC Recommendation on Minimum Income Scheme (expected by the autumn 2022).

Our analytical framework revolves around three main concepts: *structure*, *agency* and *output*. We assume that *structure* determines opportunities and constraints for *agents*, which in turns may mobilize, according to their interests and ideas, in order to influence the decision-making process and produce an *output*.

By looking at the interaction among actors during the last two decades, the ultimate goal of the paper is to analyse policy change in the field of minimum income and assess whether the absence of a binding framework in this field is to be attributed to EU’s constitutional structure – i.e. *legal unfeasibility* – or it is rather due to political factors – i.e. *political non-viability*. So

far, scholars have suggested that a binding framework was never introduced – even when the EU made steps forward (e.g. with the EU2020 quantitative poverty target) – because MS in the Council played a strong gatekeeping role against what was perceived as a potentially dangerous ‘intrusion’ of the EU in domestic social policy-making (Jessoula 2015; Jessoula and Madama 2018). On the other hand, the work of Copeland and Daly (2012) shed light on the role of transnational NGOs, a small group of Member States (MS) in the Council as well as the position taken by the Parliament and the Commission in supporting the insertion of the poverty and social exclusion target in Europe 2020 strategy. This work demonstrates that, when a window of opportunity opens, some actors may mobilize to strengthen the role of EU in the social sphere, as it happened with the EU2020 target in the field of poverty and social exclusion. Our conclusions support this argument according to which the EC decision to adopt a recommendation rather than a directive on an EU-level MIS is attributed to political non-viability, in light of the strong gatekeeping role played by some MS eager to protect social sovereignty in this policy field.

The paper is organized as follows: Section 2 presents the analytical framework which focused on actors’ behaviour and interaction within the existing structure to explain policy development (i.e. policy output) in the field of MI. Section 3 lays out a historical reconstruction of the EU institutional framework and policy initiatives in the field of poverty, social exclusion and minimum income protection, with a special emphasis on the period starting from the end of Lisbon until most recent development. Section 4 and 5 examine the role of actors and the political dynamics in the evolution of such policy initiatives respectively from the end of the Lisbon period until the adoption of the European Pillar of Social Right (section 4) and after the establishment of the latter (2017-22, Section 5) In more details, Section 5 analyses most recent developments and discusses the legal feasibility and the political viability of adopting a binding EU-level initiative in the field of minimum income. Section 6 concludes by summarizing the main findings and discussing the potential implications for further research on MIS at the EU-level.

The empirical material that informs the analysis on the policy development and the political dynamics of minimum income protection at the supranational level is drawn from multiple sources, such as secondary literature, documentary analysis of policy documents – namely official documents by various EU institutions and the main stakeholders involved in EU social policy making. Additionally, the analysis rests on 13 semi-structured interviews conducted with EU institutions, social stakeholders and experts (see the Appendix for a full list). The empirical analysis proved particularly useful to map actors’ positions and interests as well as to shed light on interaction among main stakeholders.

2. The Analytical framework

Major approaches in the existing literature on European social policy development look either at the role of institutions – i.e. *structure* – or the relevant actors – *agency* – in determining social policy change (e.g. Copeland and Daly 2012; 2014; Daly 2007; Zeilinger 2021). Against this backdrop, the analytical framework presented here rests on the assumption that

institutional structures create *opportunities* and *constraints* for actors to pursue their own goals. Within the EU institutional framework, actors mobilize and interact with each other in order to shape policy decisions and eventually influence policy outputs.

Table 1. Analytical framework: assessing policy change in the field of poverty and social exclusion

Structure: Institutional context

- Treaties
- Governance frameworks: OMC; European Semester
- Europe 2020
- European Pillar of Social Rights (EPSR)

Agency

- European institutions: European Commission, European Parliament, EESC
- Supranational social actors: European social partners and CSOs
- Member States

Output

- European strategies and policy initiatives:
 - Europe 2020 poverty target
 - EPSR, principle 14
 - MI Commission Recommendation

Source: Authors' elaboration

Following the same line of reasoning, our framework builds on three key concepts: *structure*, *agency* and *output* to understand policy development and the political dynamics in the field of minimum income at the EU-level. In doing so, this framework resonates with the work of Halvorsen et al. (2022) who adopt a similar approach to study gaps and inequalities in the conceptualization of social citizenship. Table 1 summaries our analytical framework and provides some examples of structure, agency and output.

Structure is intended as the institutional setting within which actors mobilize. More specifically, we argue that the EU institutional framework determines both constraints and opportunities for different actors to influence EU-level policy decisions. We consider as structure: the EU Treaties, the EU2020 strategy and the EPSR. Clearly, while the Treaties have a binding nature, EU2020 and the Pillar are non-binding, but we consider them as structures because they may condition actors' behaviour by providing goals, targets, norms and guidelines. For instance, the EU2020 strategy brought back the concept of poverty and social exclusion at the centre of the EU agenda by setting up the quantitative target of lifting 20 million EU citizens out of poverty by 2020 and supported a series of initiatives which changed the EU role in this field. The Pillar, instead, can be considered as *structure* because it introduced a set of principles in the field of social and employment which are intended to guide EU's and MS' actions in the field. As it will be argued, actors used both the EU2020 strategy and the EPSR to push for more substantial steps forward in the field of MI.

The concept of *agency* points to the different actors that mobilize in support, or in opposition, to new policy initiatives in the field of MI. Among agency, we include European institutions – primarily the European Commission, the European Parliament, the Council - supranational social actors - i.e. European social partners and European civil society organisations - and Member States (MS).

Finally, *output* indicates the product of the policy process. In particular, it refers to the adopted European strategies and policy solutions, which could have either a binding (directives and regulations) or non-binding (recommendations and conclusions) nature. Hence, we include the poverty and social exclusion target of Europe 2020, the principle 14 of the European Pillar of Social Rights (EPSR) and the forthcoming Commission Recommendation on minimum income. Importantly, once adopted and implemented policy initiatives at time 0 become themselves institutions at time 1 (Pierson 1996), thus subsequently constraining agent behaviour.

3. EU Institutional framework and policy development in the field of minimum income protection

The European Union has embarked on a series of actions in the field of anti-poverty policies over the last decades. After first steps in the mid-1970s, a step forward was made towards the end of the 20th century, when the debate over a European institutional framework in this field started. In July 1989, the European Economic and Social Committee (EESC) acknowledged the need for an adequate minimum income and recommended the introduction “of a minimum social income, both to act as a safety net for the poor and to boost their reintegration into society” (EESC 1989). Along the same line of reasoning, the 1989 Resolution of the Council and the Ministers for Social Affairs Meeting within the Council (89/C277/01) highlighted that “*combating poverty and social exclusion may be regarded as an important part of the social dimension of the internal market*” (Council 1989).

The last decade of the century actually opened up opportunities to strengthen the coordination of anti-poverty policies at the EU-level. In particular, in December 1991 the European social partners reached an Agreement on Social Policy, which was subsequently annexed to the Protocol of Social Policy in the Maastricht Treaty in 1992. According to Ferrera *et al.* (2002), the Social Policy Protocol represented “*the first time in the history of the EU that the fight against social exclusion was explicitly mentioned and formally listed among the main objectives of the Community in the Treaties*” (p. 229).

In a context of increasing salience of the European social dimension, in 1992 the Council adopted two significant Recommendations related to anti-poverty measures. The first Recommendation 92/441/EEC recognized the importance of tackling social exclusion and poverty, together with economic growth, and invited MS to establish minimum income schemes, while the second Recommendation 92/442/EEC set the ground for an EU-level ‘convergence strategy’ in social protection systems and policies (Ferrera *et al.* 2002). According to some scholars, these two Recommendations fostered the adoption of minimum

income protection systems in some MS where safety nets were still missing (e.g. Italy, Spain, Greece and Portugal) and established a consultation strategy between MS and the Commission towards further development of national social protection policy (Ferrera et al. 2002; Marx and Nelson 2013; Matsaganis et al. 2003).

Later, in 1999 the Commission adopted a Communication on ‘A Concerted Strategy for Modernising Social Protection’ (European Commission, 1999), which promoted a *common political vision* of the Social Protection in the European Union, where the Council was formally invited to elaborate an EU strategy in the field of social protection. Yet, it was only with the new century that EU-level policy initiatives in the field of poverty and social exclusion emerged.

3.1. The Lisbon decade

Initially envisaged as a ‘turning point’ in the evolution of social policy at the EU-level (Armstrong et al. 2008; Ferrera et al. 2002; Marlier and Natali 2010), the launch of the Lisbon strategy in 2000 was welcomed with great enthusiasm. For the first time, it set out a long-term strategy with ambitious goals: transform the EU into “the most competitive and dynamic knowledge-based economy in the world” by promoting “economic growth, better jobs and greater social cohesion” (Council 2000). Compared to the previous period, the expectations were also high in relation to the policy objectives to combat poverty and social exclusion, which were set in the Nice European Council in December 2000.

In terms of social governance mode, the Lisbon strategy represents a step forward as it provided a mix of ‘hard’ and ‘soft’ measures to enhance cooperation among MS and encouraged learning dynamics. More specifically, it set out a new governance framework – the ‘open method of coordination’ (OMC) – originally implemented in the field of employment, and then extended to fight poverty and social exclusion. The OMC Poverty and Social Inclusion was mostly made up of common guidelines, national action plans, joint evaluation reports and recommendations. All these institutional instruments have a non-binding character, although they generate potential channels for policy convergence among Member States through multiple incentives for compliance with EU common guidelines. The Social OMC represented the first effort to foster convergence of social protection systems among MS.

Nevertheless, a major step towards the establishment of a common framework in the field of minimum income was the adoption of a Commission Communication in 2008¹, according to which labour market integration and good quality services were central to the fight of poverty and social exclusion. As stated, the Commission eventually adopted a Recommendation (2008/867/EC) on the active inclusion of people excluded from the labour market, which for the first time invites Member States to combine adequate income support with active labour market policies (ALMPs) and access to quality services, as an EU-level integrated active inclusion strategy. Following these steps, the European Parliament (EP) Resolution (May

¹ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0412:FIN:EN:PDF>

2009) on the ‘Renewed Social Agenda’ stressed the need to modernise and reform social security systems, with a view to eradicating poverty in the long term and establishing a scheme for an adequate minimum income.

Especially during the first phase (Lisbon I), a key role was played by the Portuguese Presidency of the Council (Jan-June 2000), who clearly envisaged the importance of an EU strategy in social policies, and in particular in the field of poverty and social exclusion (Ferrera et al. 2002). Overall, the Lisbon strategy signed out an important step towards the development of Europe’s fight against poverty and social exclusion since it established policy coordination mechanisms and soft tools within the OMC framework (Jessoula and Madama 2018). While some authors criticize the Social OMC for its non-binding nature and the lack of coercion in supporting learning processes (Armstrong et al. 2008; Barbier 2005), empirical evidence demonstrates that the Lisbon strategy set the ground for a series of EU initiatives in the field of minimum income (Heidenreich and Bischoff 2008), which were fully implemented into the Europe 2020 strategy.

3.2. The Europe 2020 anti-poverty strategy

The end of the Lisbon decade was followed by the launch of a new overarching strategy, the Europe 2020 strategy (2010-2020). Welcomed as promising institutional framework towards a more Social Europe (Marlier *et al.* 2010) and a major brick of “social Europe” (Armstrong 2010), the new strategy aimed at bringing poverty and social exclusion at the core of the EU project (Jessoula 2015; Jessoula and Madama 2018). More specifically, compared to the Lisbon-Social OMC period (2001-2010), the Europe 2020 anti-poverty strategy boosted EU interventions in the field of anti-poverty policies in three main respects.

First, Europe 2020 moved away from the vague objective of “eradicating poverty” included in the Lisbon strategy to a more ambitious, though realistic and potentially more incisive, quantitative target of *lifting at least 20 million EU citizens out of poverty or social exclusion by 2020* – reducing poverty within the EU by 25% by 2020 (European Commission 2010). The quantitative target was linked to people “at risk of poverty or social exclusion” (AROPE), an indicator built on three sub-indicators: (i) at risk of poverty (AROP); (ii) severe material deprivation (SMD); and (iii) joblessness, i.e. people living in households with low work intensity (LWI) (Panaro, Shahini and Jessoula 2022). The inclusion of a quantitative target represented the major social innovation of Europe 2020 in the field of poverty and social exclusion (Agostini *et al.* 2013). In line with this goal, the 10th Integrated Guidelines (IGs) on “promoting social inclusion and combating poverty” emphasised the need to “*fight social exclusion, empower people and promote labour market participation, social protection systems, lifelong learning and active inclusion policies should be enhanced to create opportunities at different stages of people’s lives and shield them from the risk of exclusion*” (Commission 2010, p. 22). Importantly, the 10th IG was subsequently coupled with the quantitative target on poverty and social exclusion.

A second major innovation in this field was the governance framework adopted in parallel with the EU2020 strategy. In 2010, the Council introduced a new governance mode which built on a more direct involvement of EU institutions into the domestic policy making through the Semester. The European Semester is usually inaugurated in late Autumn each year during which the Commission adopts the Annual Growth Survey (AGS) where it identifies the main policy challenges and advice. Additionally, the Commission publishes Country Reports (CRs), where it assesses the progress each MS has made in addressing the previous year Country Specific Recommendations (CSRs). Then, by mid-April, MS draft their National Report Programs (NRPs) to specify MS actions have undertaken and the economic and social strategies to reach their national goals. In June the Commission and the Council review NRPs and drafts CSRs, while in July they provide country specific recommendations (CSRs) to MS (Frazer et al. 2010).

Third, following the launch of Europe 2020, a series of policy initiatives in the field of poverty and social exclusion was adopted. First and foremost, a “flagship initiative” – the European Platform against Poverty and Social Exclusion (EPAP) – was established to address the needs of groups particularly at risk of poverty and social exclusion. Second, the EP Resolution (6 October 2010) stressed the role of minimum income in combating poverty and promoting an inclusive society in Europe. The Resolution states that “minimum income schemes should be embedded in a strategic approach towards social integration”. Third, the Commission’s initiative in 2013 on the ‘Social Investment Package’ called upon MS to set reference budgets ensuring adequate means of subsistence, taking account of consumption patterns, different situations, and types of households.

Table 1. Lisbon and EU2020: policy initiatives in the field of poverty and social exclusion

Strategies	Policy initiatives
Lisbon strategy	<p>European Commission Recommendation (3 October 2008) on the active inclusion of people excluded from the labour market.</p> <p>EP Resolution (6 May 2009) on the ‘Renewed Social Agenda’. The European Parliament stressed the need to modernise and reform social security systems, with a view to eradicating poverty in the long term and establishing a scheme for an adequate minimum income.</p>
EUROPE 2020	<p>EESC Opinion (14 July 2010) on the development of social welfare benefits where the EESC advocates phasing in a guaranteed minimum level of income and services as part of the social welfare system using a new instrument, which would provide more effective support for the policies to combat poverty pursued within the various Member States.</p> <p>EP Resolution (6 October 2010) on the role of minimum income in combating poverty and promoting an inclusive society in Europe. It states that "minimum income schemes should be embedded in a strategic approach towards social integration".</p> <p>EESC opinion (2013) stating that a European solidarity fund should be set up to support Member States in the process of fostering an EU-level MIS.</p> <p>EC initiative (2013) on ‘Social Investment Package’. The Commission calls upon Member States to set reference budgets ensuring adequate means of subsistence, taking account of consumption patterns, different situations and types of households.</p>

Source: Authors’ elaboration

In assessing the role of Europe 2020 in the field of poverty and social exclusion, some scholars cast doubts on the potential and the effectiveness of the new strategy – and more generally the EU project – in pursuing social goals (Pochet 2010; Copeland and Daly 2012; 2014; Armstrong 2012; Peña-Casas 2012). In terms of *outcomes*, there has been a very limited progress along several dimensions (Frazer *et al.* 2010; Frazer and Marlier 2015; Bouget *et al.* 2015) and, more importantly, the poverty and social exclusion target was not reached. The latest Eurostat figures (cf. [Eurostat online](#)) show that in 2020 there were 96.5 million Europeans at risk of poverty and social exclusion, representing 21.9% of the population: a considerable reduction from the peak of 123 million in 2012 and around 8.5 million fewer individuals than in 2008, taken as the reference year when the strategy was designed, but still very far from the objective of Europe 2020 - a reduction of 20 million.

Despite criticism, other scholars contend that the Europe 2020 strategy in the field of poverty and social exclusion was innovative in many aspects. For instance, while assessing the implementation of EU2020 strategy in some MS, Jessoula and Madama (2018) argue that the Europe 2020 anti-poverty strategy provided a quantum leap for EU's action in three important ways. First, compared to the OMC-Lisbon phase, the introduction of 'hard quantitative target' – lifting 20 million EU citizens out of poverty by 2020 – produced both substantive and procedural effects. With regard to substantive effects, it *“increased the salience of poverty as well as prompted agenda shifts and revisions of national legislation”* (Jessoula and Madama 2018, p. 187). While on the procedural effects, in some countries the Europe 2020 anti-poverty strategy triggered more integration across social policy sectors through the Semester (e.g. Belgium, Poland and partly Italy) and enhanced both horizontal (multi-stakeholder) and vertical (multi-level) participation (Jessoula and Madama 2018). Second, in terms of governance, the launch of the Semester and its subsequent “socialization” (Jessoula 2015; Zeitlin and Vanhercke 2015; Sabato *et al.* 2018) represented a watershed in the EU governance framework as it introduced a multi-level socio-economic coordination, which relied on a mix of hard and soft-law mechanisms. Third, a series of policy initiatives adopted during this period set the ground for what came next: the European Pillar of Social Rights (EPSR).

3.3. The European Pillar of Social Rights ...and beyond

The need for strengthening the EU social dimension and the ambition to earn a “social triple A” for Europe pushed the Juncker Commission (2014-2019) to launch a new *initiative*: the European Pillar of Social Rights (EPSR). In the field of antipoverty and social exclusion, the principle 14 of the Pillar laid the foundations for new actions towards a MI initiative at the European level by stating that *“Everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services. For those who can work, minimum income benefits should be combined with incentives to (re)integrate into the labour market”* (European Pillar of Social Rights, principle 14).

Moreover, functional pressures for taking actions in the field of minimum income increased dramatically due to the impact of the COVID-19 pandemic on the economy and labour market

(EPC-SPC 2021), which threatened a return to rapidly increasing poverty and social exclusion rates in many European Member States. This functional pressure led to the adoption of Council Conclusions on “*Strengthening Minimum Income Protection to Combat Poverty and Social Exclusion in the COVID-19 Pandemic and Beyond*” (2020). With the aim to implement the Social Pillar and address the remaining gaps in minimum income protection in combating poverty and social exclusion, the Council conclusions invited MS and the European Commission to: (i) strengthen employment and social aspects within the European Semester with regard to minimum income protection; (ii) strengthen the exchange of best practices, the networking of national contact points for cross-country assistance and the mutual learning in further developing minimum income protection at national and regional level; and (iii) make best use of targeted support from available EU funds to promote social inclusion and labour market participation as well as to tackle poverty (European Council 2020). The Council conclusions were subsequently endorsed by the European Parliament’s resolution adopted on 17 December 2020 (European Parliament 2020).

In a similar vein, the von der Leyden Commission (2019-2024) prepared the ground for more EU social policy goals (Anderson and Heins 2021). Taking office in December 2019, the Commission announced an Action Plan to bring the EPSR to life, including proposals on a Child Guarantee, a legal instrument for minimum wages, an unemployment benefit reinsurance scheme and a MI initiative (von der Leyen 2019). Those intentions came to life in 2021 when the Commission published the Action Plan to implement the principles of the EPSR, which also outlined *three headline targets* to be reached by 2030: (i) at least 78% of the population aged 20 to 64 should be in employment by 2030; (ii) at least 60% of all adults should participate in training every year; (iii) the number of people at risk of poverty or social exclusion should be reduced by at least 15 million by 2030, of which at least 5 million should be children (European Commission 2021a).

In more details, the Action Plan proposes EU strategies on the rights of the child and to combat homelessness. Regarding the former, in June 2021 the Council adopted the European Child Guarantee aimed at preventing and combating children social exclusion by guaranteeing access to early childhood education, healthcare, nutrition and housing (European Commission 2021b). As for the latter, the European Commission launched the European Platform on Combatting Homelessness and Affordable Housing initiative aimed at supporting MS in sharing best practices and identifying efficient and innovative approaches (European Commission 2021a). Importantly, the Action Plan anticipated a Commission recommendation on Minimum Income to be adopted by the end of 2022.

Finally, in July 2021 the Indicator Sub-Group of the Social Protection Committee (SPC) provided an update of the 2017-2018 benchmarking framework in the area of minimum income for all MS. In particular, the updated benchmarking framework outlined a series of indicators – output indicators, performance indicators and policy levers – on minimum income directed to the working age population with working abilities not in employment and not eligible or having exhausted entitlements to social insurance benefits. The document aimed to better compare performance and design of minimum income schemes across EU MS in order to foster convergence towards the best performing countries (SPC 2021).

Table 3 summaries the main policy initiatives in the field of poverty and social exclusion during the EPSR (2017-2020) and after it (2021-2022).

Table 2. EPSR: policy initiatives in the field of poverty and social exclusion

Strategy	Policy initiatives
ESPR	EPSR (2017): Launch of the EPSR and its Principle 14 on minimum income which lays the foundation for the right to an adequate minimum income
	Council conclusions (9 October 2020) on “Strengthening Minimum Income Protection to Combat Poverty and Social Exclusion in the COVID-19 Pandemic and Beyond”.
	EP Resolution (17 December 2020)
After EPSR	EPSR Action Plan (2021)
	SPC ISG (2021) on Benchmarking Framework in the area of Minimum Income
	Council Recommendation (forthcoming 2022) on adequate minimum income schemes in the EU (forthcoming)

Source: Authors’ elaboration

Overall, the EU2020 strategy brought about an increasing relevance of poverty and social exclusion at the EU level, which in the Lisbon strategy was mostly confined into the general social dimension. In particular, the adoption of a quantitative target, a new flagship initiative (at least on paper) and the 10th integrated guideline under the Europe 2020 strategy prompted a shift toward increasing relevance of poverty and social exclusion at supranational level. This shift is also supported by changes in the Semester which endorsed a more direct intervention of EU institutions in the domestic policy making through CSRs. At the same time, the EPSR encouraged a series of policy initiatives in the field of minimum income (e.g. 2020 Council Conclusions, the 2021 Action Plan and the forthcoming Council Recommendation). All those changes can be interpreted as institutional signals of an increased EU intervention in the field of poverty and social exclusion.

In brief, this section points to a change of policy development into the direction of strengthening EU framework in the field of poverty and social exclusion since the end of the Lisbon strategy. This shift goes in parallel with a growing political salience of MI initiatives in the political debate at the supranational level, which moved towards a “right-based” language (Sabato and Corti, 2018). However, even though the relevance of anti-poverty policies has increased at the European level, this change has been incremental because EU interventions in this field remain limited in their scope and most of the initiatives still have a non-binding nature.

In order to understand why and how there has been such incremental change, the next section looks at the political dynamics underpinning minimum income initiatives at the EU level since the launch of Europe 2020. To this end, we identify the main actors who mobilized to promote more binding measures at the supranational level as well as the defenders of the *status quo*.

4. From Lisbon to the Pillar: the politics of minimum income at the EU level

This section traces back the political dynamics that shaped the EU policy trajectory in the field of minimum income in the last two decades. The first part maps the actors' constellation when the EU2020 strategy was adopted. In doing so, it aims at identifying the relevant actors involved in the decision-making process in the field of anti-poverty and social exclusion policies, their preferences and positions towards the EU2020 poverty target. Findings from existing research on this juncture provide us with some input about the potentially relevant factors that influenced the policy trajectory of MI at supranational and national level. The second part of the section reconstructs the policy-making process during the launch of the EPSR.

4.1. Europe 2020 and the poverty target

As seen in the previous section, during the second Barroso Commission the issue of poverty and social exclusion received particular attention, with the first draft proposal of Europe 2020 replacing the vague objective of 'eradicating poverty' of the Lisbon Strategy with a quantitative headline target: reducing poverty within the EU by 25% by 2020 (European Commission 2010). Among the factors that influenced the change in the Commission's position, Copeland and Daly (2012) identify the position taken by the Parliament – as a defender of Social Europe – a strong lobbying by supranational NGOs, and a small group of Member States (MS) in the Council – calling for a strengthening of the social dimension in Europe 2020.

For its part, the European Parliament pointed to a lack of progress within Social Europe during the Lisbon II strategy (European Parliament 2009). In particular, in its Resolution on the Renewed Social Agenda, the European Parliament emphasized "*the need to find ways to modernise and reform national security systems to eradicate poverty with a long-term perspective, especially concerning adequate minimum income, pensions and health care services ... respecting the principle of subsidiarity, and supporting increased efforts to establish progressive taxation systems in order to reduce inequality*" (European Parliament 2009).

Against this backdrop, the introduction of the poverty target within Europe 2020 was welcomed by the Parliament. While acknowledging that the headline poverty target fell "*short of the initial ambitions of the Lisbon Strategy (to overcome poverty), which, regrettably, have not been achieved*" (European Parliament 2010), the Parliament proposed to achieve this target

through concrete and binding measures, in particular through the introduction of minimum income schemes by all EU MS (European Parliament 2010).

Turning to the role played by supranational NGOs, Copeland and Daly (2012) acknowledge a strong engagement from the European Anti-Poverty Network (EAPN). In particular, prior to the announcement of the new strategy, EAPN mobilized and voiced for strong commitment “*to make a decisive impact on the eradication of poverty*” (EAPN 2009). Under the banner of ‘A New Vision: An EU we can trust’ (EAPN 2009), EAPN publicly campaigned for a new social and sustainable post-2010 EU strategy which might make progress on poverty and inequality a pre-requisite, by developing more effective tools to ensure implementation (including EU and national targets on poverty and exclusion) and an EU directive on adequate minimum income schemes.

Subsequently, the Commission’s headline poverty target and the idea of developing a broader platform against poverty were welcomed by EAPN. However, in order to reach the target, EAPN proposed to move beyond soft instruments and develop new and more powerful EU instruments, by mobilizing EU funding mechanisms and by giving priority to an EU Framework Directive for guaranteeing an adequate minimum income for a dignified life (EAPN 2010a). As regards the latter point, in 2010 EAPN presented a concrete proposal for an EU Framework Directive on Minimum Income (EAPN 2010b).

Regarding the influence exerted by MS in the Council, the group of supporters for a stronger European social dimension included Austria, Belgium, Cyprus, France, Italy, Portugal and Spain, which lobbied the Commission for the inclusion of a social component in the Europe 2020 framework. In particular, Copeland and Daly (2012) attribute a significant role to Spain, which used its strategic position as President of the Council of the EU in the first half of 2010 to put Social Europe on the agenda, with respect to both Europe 2020 and to the broader process of European integration (Copeland and Daly 2012).

However, the original proposal by the Commission which included a poverty target related to a single indicator – the ‘at risk of poverty rate’, i.e., people living on less than 60% of the national median equivalized income – provoked mixed reactions among the MS in the Council. While a small group of MS, namely Austria, Belgium, Cyprus, France, Italy, Portugal and Spain, supported the Commission’s initiative (Copeland and Daly 2012), others reacted against what was perceived as a potentially dangerous ‘intrusion’ of the EU in domestic social policy-making (Jessoula 2015). Importantly, Germany, Sweden, the UK, Ireland and some of the new member states raised the issue of the subsidiarity principle in the field of social policy and social protection and tried to either water down or remove the poverty target (Copeland and Daly 2012).

Against this backdrop, MS proved unable to reach an agreement on the poverty target (Copeland and Daly 2012; Peña-Casas 2012). As a compromise, the Spanish presidency replaced the Commission’s proposal of having a poverty measure composed of one single indicator – i.e. at risk of poverty – with a measure composed of three indicators related to different dimensions of poverty and social exclusion: (i) at risk of poverty; (ii) severe material

deprivation; and (iii) people living in jobless households. Moreover, in responding to the poverty target, it was agreed that MS would be given the freedom to choose one or a combination of these components when fixing their national targets.

Therefore, as argued by Sabato *et al.* (2018), in the Europe 2020 phase the EU's commitment to fighting poverty and social exclusion was constrained not only by the *subsidiarity principle* and the *respect of national sovereignty* in the field of social protection, but also by the design of the Europe 2020 anti-poverty strategy: the possibility for the MS to choose freely among the three indicators. Thus, although the EU2020 marked a 'quantum leap' (Jessoula and Madama 2018) – i.e. the introduction of a quantitative poverty target – the new strategy did not represent a break from past policy development in the social field and it continued to rely on non-binding instruments. By making explicit their opposition to the poverty target, a few MS reacted against what was perceived as a potentially dangerous intrusion of the EU in domestic social policy-making. Such tensions, in turn, constrained the implementation of the Europe 2020 anti-poverty strategy at the national (Jessoula 2015). "Here, claims about the *defence of national 'social' sovereignty* went in parallel with the domestic reframing and reinterpretation of the EU anti-poverty target in accordance with country specific approaches as well as governments' orientations to combat poverty and social exclusion" (Jessoula and Madama 2018, p. 188).

Moreover, even though the launch of the Europe 2020 strategy remarkably increased the *political salience* of the poverty issue both at the national and the supranational level (Jessoula and Madama 2018), no reference at all was made to a European minimum income or to any binding initiative relating to social inclusion (Peña-Casas 2012).

To sum up, against the backdrop of increased problem pressure, the setting of a quantitative target increased relevance of anti-poverty policies in two different ways. On the one hand, the EU became more intrusive in the national social policy-making. On the other, opposing MS reacted against such supranational 'intrusion' in an area of national competence (Jessoula 2015). The existing literature shows that the agreement on an EU poverty target was a result of a political bargaining created by particular political conditions surrounding the formation of Europe 2020 (cf. Pochet 2010; Copeland and Daly 2012; Armstrong 2012; Peña-Casas 2012; Jessoula 2015, Jessoula and Madama 2018). However, the transition from Lisbon to the Europe 2020 agenda acted as a 'focal point' (Armstrong 2012) for demands by a small group of MS, strong lobbying by supranational social NGOs, the position taken by the Parliament, and the Commission's commitment to come up with a successor to the Lisbon Strategy (Copeland and Daly 2012). Differently, the MS in the Council exploited the genetic moment of Europe 2020 to reorient or remove the poverty target and 'set the stage' for its implementation (Jessoula 2015).

4.2. Towards the European Pillar of Social Rights

In the early years of Europe 2020 (2010–2012), the social dimension of the EU's overarching strategy was largely displaced by the narrow focus on financial stability, economic recovery and related austerity measures. This bias towards fiscal-economic policies resulted in a

subordination of social and employment objectives to economic objectives. On the other hand, the economic hardship and austerity measures created growing *problem pressure* – i.e. increasing poverty and severe material deprivation rates – which called for actions aimed at addressing the social consequences of the crisis (Agostini *et al.* 2013).

For their part, the main anti-poverty supranational NGOs continued to advocate for an effective EU strategy to fight poverty and social exclusion starting with a directive on adequate minimum income schemes (EAPN 2014). In particular, EAPN considered the current institutional environment as an opportunity for making progress in this direction, arguing that the new Lisbon Treaty gave a “*binding value to the Charter of Fundamental Rights of the European Union. It also contains a new horizontal social clause that strengthens the social dimension of the Union.*” (EAPN 2010b). In addition, EAPN saw the EU 2020 strategy as “*a commitment to promoting social inclusion, in particular through the reduction of poverty, by aiming to lift at least 20 million people out of the risk of poverty and exclusion, as an ambitious target in the Europe 2020 strategy*” (EAPN 2010b).

In a similar vein, in its position paper on the European social dimension, the European Trade Union Confederation (ETUC) supported “the introduction of a social minimum income in every Member State on the basis of common European principles” (ETUC 2013).

Importantly, Sabato *et al.* (2018) add that stakeholder mobilization was followed by the reaction of the more ‘socially oriented’ EU bodies – namely, the Directorate General for Employment, Social Affairs and Inclusion (DG EMPL), the Employment, Social Policy, Health and Consumer Affairs Council configuration (EPSCO Council), the Employment Committee (EMCO), the EESC and the SPC – which aimed at both increasing their influence on the governance process and reinforcing the social dimension of Europe 2020.

At the same time, many MS showed rising discontent towards the EU, attributing the social consequences of the economic crisis to the austerity measures implemented at the national level under the EU economic governance architecture (Vesan *et al.* 2021). This in turn, as argued by Vesan *et al.* (2021), put the European project in political jeopardy.

Against this backdrop, the need to reinforce the EU’s social dimension ranked high on the agenda of the Juncker Commission since it came into office in November 2014 (Sabato *et al.* 2018). Most of the initiatives proposed by the Commission explicitly pointed at the need to complement the EMU with an effective social dimension. To this purpose, the Juncker Commission pushed for a stronger social agenda which would not only correct the social consequences of the economic crisis, but it would regain the citizens’ trust in Europe (Juncker 2016). More specifically, from March to December 2016 the Commission launched a public consultation on a preliminary outline of the EPSR, which aimed at strengthening the social acquis of the EU by steering a renewed process of upward social convergence across MS (European Commission 2016).

The preliminary outline of the Pillar was welcomed by social stakeholders (cf. EAPN 2016; ETUC 2016; CESI 2016) and social EU bodies (cf. EMCO and SPC 2016). Using its ‘rights-

based' language, they saw the Pillar as an opportunity to strengthen the European social dimension. In more detail, in its position paper on the EPSR, EAPN called for a right-based integrated EU anti-poverty strategy which would ensure "*decent incomes through minimum/living wages and inclusive labour markets, adequate minimum income schemes and social protection, and access to universal quality services*" (EAPN 2016). Similarly, in its position paper, ETUC emphasized a right-based approach to social protection, supporting among other social rights "*a European Directive on adequate minimum income schemes to establish common principles, definitions and methods to grant rights throughout the EU*" (ETUC 2016).

However, employers' organisations had different views. Even though they welcomed the initiative, they were clearly against any binding EU framework in the social field, arguing that social policy reforms are a competence of MS and actions at the national level should be in line with the principle of subsidiarity (BusinessEurope 2016).

Comparing the 2016 initial outline with the 2017 EPSR Recommendation, Sabato and Vanhercke (2017) highlight many changes regarding the scope and ambition of some of the principles. Importantly, the fight against poverty and social exclusion was made explicit in fifteen out of twenty principles. In more detail, the entitlement to a minimum income, as outlined in principle 14, was reframed as a 'right' in the 2017 Recommendation and its purpose was no longer to ensure a decent standard of living, but rather to enjoy a "life in dignity at all stages of life and effective access to enabling goods and services" (Sabato and Vanhercke 2017). In particular, Sabato and Corti (2018) see this shift towards a 'rights-based' language as a truly 'political' instrument in contrast to previous, mostly 'technical', EU social policy frameworks such as the Social OMC and the SIP. In this regard, Vanhercke *et al.* (2020) add that 'rights' can be understood as sources of power, and power is one of the key ingredients of politics. In fact, many scholars see the increase in the visibility of social issues at the EU level as a political manoeuvre attributed to the entrepreneurship of the Commission in response to rising social and political discontent (cf. Clegg 2017; Pochet 2020; Gaben 2020; Vesan *et al.* 2021). Therefore, Garben (2020) argues that the EPSR constitutes a suitable political platform to 'rebuild Europe's social credentials' in a post-crisis context characterized by the prevalence of austerity-oriented structural reforms, rise of nationalism and Brexit vote (see also Clegg 2017; Pochet 2020). Similarly, Vesan *et al.* (2021) explain the centrality of the social issue in Juncker's agenda as a solution (policy stream) to both the adverse consequences of the austerity measures (problem stream) and the political context surrounding the election of the new Commission in 2014 marked by a rise in populist vote across Europe (political stream).

To conclude, the launch of the EPSR was prompted by political dynamics shaped against the backdrop of rising *problem pressure* – increasing poverty and severe material deprivation rates – and strong *political demand* – i.e. stakeholder mobilization calling for a rights-based integrated EU anti-poverty strategy. At the same time, several countries attributed the deterioration and polarisation of social indicators in Europe to the neo-liberal reforms and austerity measures adopted within the EU2020 framework, thus leading to a political legitimacy crisis of the EU. A change in political leadership opened the opportunity in the political agenda for a stronger EU commitment in fighting poverty and social exclusion

(Verdun and D’Erman 2020). In response to overt criticism, the Juncker commission initiated a shift in discourse away from fiscal consolidation towards social investment (Crespy and Schmidt 2017). In particular, the launch of the EPSR aimed at reinforcing the EU’s social dimension and promoting upward social convergence among MS. Importantly, its ‘rights-based’ language was used by the more socially-oriented stakeholders to call for more binding initiatives in the field of anti-poverty and social exclusion policies and MIS.

Nevertheless, it is important to note that the new *policy initiative* (the EPSR) did not represent a significant break with the previous EU-level commitment in the social domain, in particular with regard to anti-poverty and social exclusion policies. In fact, from the very onset the Commission had stressed that principle 14 of the EPSR would not be legally binding. As it will be discussed below in more detail, the opposition of some key MS in the Council played a strong gatekeeping role with regard to possible stronger EU actions in the field of minimum income. This, in turn, suggests that policy development rests on political conditions and incentives.

5. An EU binding initiative on Minimum Income: legally feasible, political unviable?

The outburst of the Covid-19 pandemic threatened a return to rapidly increasing poverty and social exclusion rates in European MS, whereas the innovative measures adopted by the EU institutions to tackle the economic and social impact of the crisis put an end to the decade-long dominant austerity policy framework (Interviews Caritas, SP, ETUC). These, in turn, opened the opportunity for substantial steps ahead in the field of minimum income protection at the EU level (Interviews Caritas, EAPN, SP, Maucher²).

The institutional framework for taking action at the supranational level in the field of minimum income (MI) protection had already been laid down with the principle 14 of the European Pillar of Social Rights stating that *“Everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services. For those who can work, minimum income benefits should be combined with incentives to (re)integrate the labour market.”* (European Pillar of Social Rights, Principle 14).

Against such a backdrop, it appeared that the political will for supranational actions in the field of MI protection might eventually materialise both among European institutions and across EU Members states, especially under the impulse of the German presidency of the Council of the EU (July–December 2020). In fact, according to the interviewees, at the time the German presidency seemed to constitute a turning point for strengthening EU’s actions in the field (Interviews EAPN, SP, Maucher, Pochet, Boris).

² Interviews with EU level stakeholders were conducted in April 2021. See the full list at the bottom.

In order to assess whether the absence of a binding framework in field of MIS at the EU-level is due to the lack of legal feasibility within the current constitutional European framework or it is rather an issue of political viability, this section looks at actors' behaviours, interactions within the European institutional framework for the fight against poverty. First, relying on a recent contribution in the literature, paragraph 5.1 assesses the room of manoeuvre to adopt a binding framework on MI within the current constitutional architecture. Subsequently, paragraph 5.2 identifies the main lines of conflict on the issue among social stakeholders, across European institutions and between Member States, also showing how these actors tried to exploit the existing institutional framework in order to pursue their goals.

5.1. A binding EU Framework on MI: is it legally feasible?

Since the first attempts to strengthen the social dimension of the EU in the mid-1990s, both the literature and key policymakers have repeatedly scrutinised and assessed the room for manoeuvre for introducing effective policy tools at the supranational level with the aim to reinforce minimum income schemes in EU countries (Ferrera and Rhodes 2000; Leibfried 2001; Hemerijck 2006).

As illustrated in previous sections, in the field of anti-poverty policies and MIS, the EU has so far advanced through the adoption of soft-law measures and “hybrid governance” frameworks aiming to achieve upward policy and social convergence by means of coordination mechanisms, benchmarking, monitoring, exchange of best practices and ensuing policy learning (Barbier 2005; Armstrong 2006; 2010). Both the constitutional architecture of the EU and political equilibria have played against the introduction of more binding measures at the supranational level.

Interestingly, however, an expert study commissioned by EAPN in 2020 argues that a binding directive in the field of MIS could be accommodated within the current constitutional framework of the EU, making a double case for art. 153/1 (h) combined with art. 175 of the TFEU (both of which require a qualified majority voting). Thus, the authors argue that:

“Article 153(1)(h) TFEU on the field of ‘integration of people excluded from the labour market’ can accommodate an EU legal instrument on minimum income that covers all persons who are not included in the labour market. Such an instrument would, however, not cover those included in the labour market.”

Moreover, they add that:

“With the objective of improving social cohesion and reducing disparities between Member States, Article 175 TFEU could accommodate a solid legal

instrument on minimum income that covers all persons at all stages of life as proclaimed by principle 14 EPSR.” (Van Lancker et al. 2020).³

Accordingly, the authors argue as follows:

“Both competences under Article 153(1)(h) TFEU and Article 175 TFEU can fulfil (partly) the objective sought by a legal instrument on minimum income and could in fact accommodate such an instrument. Using only one of the two provisions would entail that either the minimum income legal instrument cannot cover those included in the labour market (in the case of Article 153(1)(h) TFEU) or that the social component in the case of Article 175 TFEU is narrowed to social cohesion. However, because the objectives of both provisions are complementary and, as such, a legal instrument would seek one main goal (to improve the living standards of the EU population) and because both competences require the same procedures to adopt an instrument, a dual basis approach is possible. Not only it is possible but it is desirable as it would allow for an EU-wide instrument on minimum income that is in line with the right to a minimum income as seen by the EU (Principle 14 EPSR).” (Van Lancker et al. 2020).

The expert study concludes by highlighting some key additional elements of a possible EU binding framework on MIS: (i) common monitoring and evaluating procedures; (ii) financial support to ensure that the new legal tool does not disproportionately affect poorer MS; (iii) a strong non-regression clause – as also emphasised in the interviews with the Social Platform and the policy expert Mathias Maucher – should be included to guarantee that MS “will not reduce national standards” (Interview SP) when implementing the MIS directive. On the latter, social NGOs are well aware that a step towards a more binding EU framework on MIS should respect national sovereignty and the key principle of subsidiarity, as clearly stated by Caritas:

“The second point, which is very sensitive for the MS, is that it should respect the subsidiarity principle. So, it should contain general provisions that allow Member States to implement the rules that fit their respective national social protection system and improve them where necessary. So, go for a set of quality criteria which then have to be applied according to the existing systems.” (Interview Caritas).

5.2. A binding EU Framework: political viability

Legal feasibility and institutional signalling do not imply, however, policy change, which ultimately rests on political conditions and incentives. Therefore, the following paragraphs analyse political dynamics by mapping the key actors involved in the decision-making process

³ By contrast, the authors argue that “A legal instrument on the basis of Article 153(1)(c) TFEU would have a rather limited personal scope that covers only workers. As such, this is not in line with Principle 14 EPSR, which encompasses the right to a minimum income for all persons at all stages of life, regardless of whether they qualify or not as a worker. It follows that Article 153(1)(c) TFEU cannot be considered an appropriate legal base for and instrument on minimum income.” (Van Lancker et al. 2020)

and identifying the main line of conflicts among social stakeholders as well as between European institutions and Member States.

5.2.1. Stakeholders' positions and mobilisation

Knowing that there would be hearings in the new Commission about the framework of the upcoming EPSR Action Plan, at the end of 2019 supranational stakeholders – primarily the Social Platform, EAPN, Caritas Europa, Eurodiaconia and the ETUC – mobilised in a relatively united front in order to get the minimum income dossier higher up on the agenda. In particular, they interpreted the current constitutional framework of the EU, making a double case for art. 153/1 (h) combined with art. 175 of the TFEU, thus demanding a framework directive on MIS that would guarantee three policy design criteria: accessibility, adequacy and enabling capacity (Interviews Caritas, EAPN, SP, ETUC; cf. the Joint Statement of November 12 2020⁴).

Regarding *accessibility*, social NGOs claim that a supranational tool in the field on minimum income protection should improve accessibility of national MIS for all individuals, as it emerges in the words of the Social Platform “*Equal access for everyone who needs it and as long as it is needed*” (Interview SP). Similarly, Caritas Europe stresses the importance of coverage, linking the MIS debate with underpinning institutional statements included in both the SDGs and EPSR. Consequently, it argues that the SDG principle of “leaving no one behind”, should be visible in the application of MIS (Interview Caritas). Moreover, Caritas Europe adds that the EPSR should be considered as a political opportunity to increase and improve the coverage of the MIS, given that its principle 14 does not only puts EU citizens and third country nationals with legal residence at equal level, but it also considers all persons regardless of their employment status (Interview Caritas).

As for *adequacy*, social NGOs acknowledge that the level of minimum income benefits in EU Member States is inadequate to lift people out of poverty. Consequently, they all agree that a supranational measure should target 60% of median wage in each MS in order to effectively bring beneficiaries above the relative poverty line (Interviews Caritas, EAPN, SP, ETUC). Moreover, in this respect, they also conceptualise the key interplay between adequate minimum income benefits and the level of minimum wages (MW) – on which EU institutions have just put forward the proposal for a binding directive⁵ – as well as the fundamental synergies between the two in order to ensure effective income security for both employed and non-employed people (Interviews SP, EAPN). Yet, ETUI Director Philippe Pochet also points at the critical encounter between the current EU's proposal on MW and possible initiatives in the field of MIS arguing that

“there is this debate on the threshold level of the minimum wage and the minimum income. If the minimum wage is set at the 60% of the poverty line, then the minimum

⁴ The Joint Statement is titled “Following the Council Conclusions on Minimum Income, it is time for the European Commission to respond with courage and propose a legally binding EU framework for Minimum Income” and signed by Caritas, EAPN, Eurodiaconia, CES/ETUC and the Social Platform.

⁵ Proposal for a directive of the European parliament and of the Council on adequate minimum wages in the European Union COM/2020/682 final.

income will be very low. If the minimum income is set at 60%, the minimum wages will have to be above that and it might get difficult to reach an agreement between different countries.” (Interview Pochet).

Turning to the *enabling* character of minimum income schemes, both social NGOs and trade unions (ETUC and EPSU) argue that minimum income should be rooted in an active inclusion approach, which should be ensured by the availability of services for MIS beneficiaries in order to “*allow full participation in society, to have a decent standard of living*” (Interview Caritas). Great emphasis on the issue is in fact posed by all interviewed organisations and especially Caritas Europe, which states that “*A very important point for us is that there should be a strong complementarity between MI as financial support and the provision of services, because for our organisation just giving money to people will not help them out of poverty.*” (Interview Caritas).

Overall, since MIS need to provide effective and targeted support through both monetary benefits and social services, the latter must be targeted to the different groups of recipients, primarily distinguishing between those individuals able to work and those who are not. Social services linked to MIS thus need to be designed accordingly, aiming to two partly different objectives that are “social” vs “labour market” (re-)integration. ETUC puts a great emphasis on this issue, arguing that minimum income schemes have to provide concrete opportunities for social inclusion to everyone lacking resources – avoiding negative activation and “workfare” practices for those who can work and ensuring adequate benefits, social services and social participation tools for those who cannot work (ETUC 2020). Moreover, ETUC adds that in order for such schemes to be effective measures against poverty, to guarantee human dignity and to support inclusion, they must be designed and implemented as a combination of benefits, goods and services that are adequate, accessible and enabling (ETUC 2020).

5.2.2. Main lines of conflict

While among trade unions and social NGOs a robust coalition has emerged in favour of a binding EU directive, on the side of employers’ organisations the views are very different. Even though they do not oppose MIS per se, they are clearly against any binding EU framework in the field. Business Europe argues that MIS are best designed at the national level for the following reasons.

“Firstly, it is financed at the national level and corresponds to national context. Secondly, national social safety nets are very different and as such not comparable. Last but not least, all elements of safety nets need to be taken into account to correctly assess the adequacy of minimum income scheme.” (Business Europe 2021).

In addition, Business Europe conceptualises MIS as a measure strictly linked with labour market activation only – “a transition payment towards employment” – whose fiscal cost must be carefully monitored, which in turn runs against a right-based approach to minimum income protection.

Shifting to EU institutions, even stronger resistance against a possible EU directive on MIS is reported on the side of some DGs of the European Commission, within the European Parliament and especially among Member States. As for the Commission, most interviewees perceive the European Commissioner for Jobs and Social Rights N. Schmit as largely favourable to a more binding EU framework, whereas opposition comes from other DGs and especially the Cabinet of Executive Vice-President Valdis Dombrovskis (Interviews EAPN, SP, Maucher). Nevertheless, the Commission's official position on this issue is outlined in the Action Plan of the EPSR and the Commission's Work Program for 2022, which clearly states that the Commission will propose a Recommendation on minimum income to be adopted by September 2022 (European Commission 2021; Interview EC). As argued by a representative of the Commission, the decision to opt for a recommendation was a deliberate political choice: *"As a matter of fact, we did consider what would be the best nature of the initiative. It was on the agenda of the decision-makers whether it should be a directive or a recommendation. The decision to opt for a recommendation was more based on the political environment. The decision took into account what is politically feasible, not legally feasible. The joint mutual support [from the MS] could be achieved if we said that it will not be a binding instrument"* (Interview EC).

Currently, the Commission is developing policy guiding principles to support MS in implementing principle 14 of the European Pillar of Social Rights in accordance with the principle of subsidiarity.

Turning to the European Parliament, the Committee on Employment and Social Affairs gave a strong signal in favour of a core social agenda to be adopted during the 2021 Social Summit in Porto, articulating demands in its motion for a European Parliament resolution of 29 September 2020 on "A Strong Social Europe for Just Transitions" (European Parliament 2020b). Importantly, in the field of social justice and equal opportunities, rapporteurs Dennis Radtke (EPP) Agnes Jongerius (S&D) called for a Commission proposal on "a framework for minimum income schemes, with 100 % coverage" (European Parliament 2020b, pp.8-9). The initiative for a binding EU framework in the field of MIS was supported by the groups of Greens and the Progressive Alliance of Socialists and Democrats (S&D) (European Parliament 2020c, pp.39-40; Interviews Caritas, SP, Feantsa, EC). In particular, during the discussion of 21 October 2020, the Greens/EFA Group insisted that *"the Commission proposes a framework directive for adequate minimum income schemes, with 100 % coverage with the purpose of safeguarding the right to a decent life and eradicating poverty"* (European Parliament 2020c, p.39). Differently, however, the European People's Party (EPP) was divided on the issue, with some MEPs supporting a binding initiative, whereas others were against an EP resolution which called for a Commission proposal on "a framework for minimum income schemes, with 100 % coverage" (European Parliament 2020c, pp.36-40). In a similar vein, centre-right and right-wing groups, such as ECR, ID and Renew Europe, were also against any binding EU framework in the field. According to interviewees, the position of MEPs varies within groups and only a minority of European MPs signed EAPN's Joint Statement "Following the Council Conclusions on Minimum Income, it is time for the European Commission to respond with courage and propose a legally binding EU framework for Minimum Income", of November 12 2020 (Interview EAPN). In fact, even though the amended EP's resolution calls for legally

enforceable social rights and for specific social objectives to be achieved by 2030, it does not openly call for a binding EU framework in the field of MIS. Instead, the EP proposed a framework for MIS aimed at *“safeguarding the right to a decent life and eradicating poverty and addressing the questions of adequacy and coverage, including a non-regression clause”* (European Parliament 2020a).

The major source of resistance is found, however, in Member States’ willingness to protect national sovereignty in the welfare sector, as already occurred in the implementation of Europe 2020 (Jessoula 2015). Even though every MS acknowledges the importance of the issue (Interview EC) and the Council invites the Commission to *“initiate an update of the Union framework to effectively support and complement the policies of Members States on national minimum income protection”* (European Council 2020), MS have opposing views regarding the nature of an EU initiative on minimum income protection. Although interviewees do not have a crystal-clear picture of political alignments on the issue, most interviewees acknowledge the existence of at least two opposite fronts. In the group of supporters, it is important to single out Germany, which was against the poverty target introduced in 2010 within the framework of EU2020.

According to the Minimum Income Network (MINET) representative, Josée Goris, what accounted for this change in the German government’s position was the fact that they had now *“realized that if they don’t push for a more social Europe, there would be negative social consequences also inside their own country”*. Importantly, Germany, in its government agreement, has emphasized the need of achieving higher social standards and addressing the gaps in social protection at the EU (Interview Goris). Moreover, Goris added that *“it was also important that it was the Germans [that supported a MIS initiative at the EU level] because before that we as a small country [Belgium], try to stimulate but you need big countries in order to have real impact at the European level”*. Other countries in favour of a binding initiative include Italy, Portugal and Spain – whose governments have also written a letter (Interview EAPN) and published it together with Belgium, France and Greece in the newspaper *Publìco*. In the letter these governments claim that *“We have to ensure that all people are guaranteed the satisfaction of their basic needs, so we need a common minimum income system to combat poverty and social exclusion from an ambitious and integrated perspective”*⁶.

The other front is nonetheless including Central and Eastern European countries well represented, and possibly larger, including Central and Eastern European countries – especially Hungary and Poland – as key “blockers”, and the Nordic countries Denmark, Finland and Sweden (very likely together with Netherlands, Austria and Ireland) that are mostly sceptical about EU binding actions but different reasons. In fact, the group of Central and Eastern European countries fear that a binding EU framework would increase the fiscal burden to finance MIS, whereas the latter group is concerned that the EU directive would set too low standards (Interviews EAPN, SP, Caritas, Maucher, Boris). However, the non-regression clause mentioned above should reassure Nordic governments.

⁶ See <https://www.lusa.pt/article/UsakVp8~Z3tM2sBpOZtCbTMSZM5iuSI1/portugal-spain-italy-ministers-in-joint-call-for-minimum-income>

This suggests that the political viability of a more binding EU anti-poverty initiatives has been dramatically limited by the opposition of some key MS in the Council, which have played a strong gatekeeping role with regard to possible stronger EU actions on MIS. As a consequence, all interviewed organisations and experts agree that, especially after the launch of the proposal for EU directive on Minimum wage in Autumn 2020, momentum has been lost. It therefore comes as no surprise that after a “window of opportunity” seemed to open in 2020, subsequent developments watered down the content of the EU’s actions in the field, leaving supranational stakeholders somewhat disappointed and with limited hopes for progress in the field of supranational anti-poverty policies in the short-medium term.

In fact, social NGOs assess critically both the European Commission’s “European Pillar of Social Rights Action Plan” and its poverty goal. On the same note, they all agree that nothing more than the *Council Recommendation on minimum income* – included in the Commission’s Action Plan on the European Pillar of Social Rights and its 2022 Work Program – can be expected before 2022 (when the Recommendation should be enacted) – and in any case before the negotiations on the minimum wage directive come to an end (Interview Caritas, EAPN, SP, ETUC, Maucher, Pochet).

6. Conclusions

Over the last decades, numerous factors have contributed to increase pressure for EU interventions in the field of poverty and social exclusion. First, the outburst of the global and financial crisis and, more recently, the advent of the Covid-19 pandemic have called for more sustainable minimum income protection schemes across MS. At the same time, the EU has suffered from a *democratic legitimisation crisis* due to the rise of extreme right-wing and populist parties across MS, supporting anti-EU messages and claiming for national sovereignty.

In light of such events, there have been signs of *incremental* change in the field of antipoverty, and social exclusion policies and MIS at the EU level since the end of the Lisbon strategy. In particular, the inclusion of a poverty quantitative target among the five main goals of the EU2020 strategy marked a major step forward in the field of anti-poverty and social exclusion. The poverty target not only “*increased the salience of poverty as well as prompted agenda shifts and revisions of national legislation*” (Jessoula and Madama 2018, p. 187), but also enhanced both horizontal (multi-stakeholder) and vertical (multi-level) participation (Jessoula and Madama 2018). In addition, in some EU countries, the Europe 2020 anti-poverty strategy triggered more integration across social policy sectors through the Semester. Finally, the EPSR marked another innovation, introducing a rights-based conceptualisation – at least on paper - of protection against poverty.

Against this backdrop, this paper aimed at answering the following research questions. What factors were behind the increased relevance of minimum income initiatives in the supranational political arena from the end Lisbon strategy to current times? Despite increased relevance, why

was the formulation of a binding policy framework – such as a directive - not feasible, and only a Recommendation will be issued by the Commission in autumn 2022?

In order to provide an answer to these questions, this paper looks at the social and political actors' preferences and interaction in various phases, i.e. launch of the EU2020 strategy, the establishment of the EPSR with principle 14 on minimum income protection. We argue that the transition from Lisbon to the Europe 2020 agenda acted as a 'focal point' (Armstrong 2012) for demands by a small group of MS, strong lobbying by supranational NGOs, the position taken by the Parliament, and the Commission's commitment to come up with a successor to the Lisbon Strategy (Copeland and Daly 2012).

The launch of the Europe 2020 strategy opened up new opportunities for actors to mobilize in the field of anti-poverty policies. In particular, the existence of a quantitative poverty target allowed for supranational NGOs mobilisation demanding stronger policy tools in order to achieve said target. In a similar vein, against the backdrop of rising *problem pressure* and strong *political demand*, the EPSR introduced a 'rights-based' conceptualisation of protection against poverty, which in turn was used by the more socially-oriented stakeholders to call for more binding initiatives in the field of anti-poverty and social exclusion policies and MI.

However, this paper also assesses why, despite increased relevance of poverty and anti-poverty measures in the supranational arena, the formulation of a directive on MIS was not feasible and only a non-binding Recommendation by the Commission is forthcoming in autumn 2022. In particular, we examine whether such (expected) *output* should be attributed to the constraints determined by EU's current constitutional *structure* or it is rather the result of *agency*, most notably political dynamics.

Differently from what has been so far argued in the literature, we show that structural conditioning of the Treaties for EU's actions in the field of MIS might actually be overcome, and a binding initiative could be legally feasible as "*Article 175 of the TFEU could accommodate a solid legal instrument on minimum income that covers all persons at all stages of life as proclaimed by principle 14 EPSR.*" (Van Lancker *et al.* 2020).

We then turn to analyse the supranational politics of MIS in order to detect what actors may have played pro or against, a more binding EU framework in this sector. Mapping the key actors involved in the decision-making process allowed us to identify the main line of conflicts among European stakeholders. We show that the more socially oriented actors pushed for a more radical change in EU's policy toolkit in the field of minimum income in two different ways: first, they anchored their claims for the introduction of a framework directive - that would establish an EU *right* to minimum income protection - to the existing institutional structure, especially the *right*-based characterization of the EPSR; second, they (especially EAPN and the Social Platform) mobilized in order to forge a composite alliance including diverse NGOs, trade unions, EP members as well as experts (primarily those who argued for the legal feasibility of a binding EU initiative). However, the analysis of the political dimension of MIS at the supranational level reveals the persistence of formidable *political* obstacles which prevent any non-incremental change in the field: the political viability of more binding EU

anti-poverty initiatives was in fact dramatically limited by the opposition of some key MS in the Council, which played a strong gatekeeping role in defence of the subsidiarity principle and national sovereignty.

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List of Interviews

BusinessEurope – April 8th 2021, e-mail correspondence;

ETUC – April 13th 2021, Microsoft Teams Interview;

Caritas Europa – April 13th 2021, Skype Interview;

Social Platform – April 14th 2021, Microsoft Teams Interview;

Philippe Pochet, General Director of the ETUI – April 14th 2021, Microsoft Teams Interview;

EAPN – April 14th 2021, Microsoft Teams Interview;

FEANTSA – April 15th 2021, Microsoft Teams Interview;

Mathias Maucher, minimum income expert – April 21st 2021, Microsoft Teams interview;

European Commission, DG EMPL – February 18th 2022, Microsoft Teams interview;

European Commission, DG EMPL – March 9th 2022, Microsoft Teams interview;

Josée Goris, MINET – March 10th 2022, Microsoft Teams interview.

Expert – March 21st 2022, Microsoft Teams interview

Expert – April 6th 2022, Microsoft Teams interview