

Rethinking europeanization: The impact of the  
European Employment Strategy in the Central  
& Eastern European new Member States

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Paper prepared for presentation at the  
“Governing Work & Welfare in an Enlarged Europe”  
Graduate Student Conference

University of Wisconsin-Madison

May 19-20, 2006

# 1 Introduction

Research on Europeanization has sought to describe how the on-going evolution of governance in Europe – which occurs at both and between the European and domestic levels – matters for law and policy in the region. This paper aims to contribute to this body of research by investigating how a ‘new’ mode of European governance, the European Employment Strategy (EES), has impacted employment policy<sup>1</sup> in Europe.

I address this question from a theoretical and empirical perspective. After reviewing modes of European policy governance, I consider how existing theories of Europeanization<sup>2</sup> might be used to study the effects of OMC governance processes. I argue that these theories can capture some policy changes we might expect to follow from OMC processes, but suggest that they also fail to capture other, possibly more interesting change dynamics. I suggest that vertical, iterative effects and horizontal, transference effects are two such dynamics that can not be accommodated by the logic of predominant Europeanization theories.

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<sup>1</sup>Through out the paper I use the term employment policy loosely. It should be broadly construed that employment policy may refer to both policy immediately directed at regulating and organizing labor markets as well as policy that has a significant ancillary impact on employment, including for instance pension or welfare policy. I hold that this broad definition is consistent with contemporary shifts towards recognizing and addressing the interrelationships between the economic, social, and employment policy domains.

<sup>2</sup>I adopt Radaelli’s (2003) terminology and use Europeanization to refer to the domestic impact of European governance.

To test this proposition and the implicit hypothesis that OMC governance produces observable policy effects, I conduct an empirical investigation of changes in employment policy dialogues in the context of the European Employment Strategy. In particular, I examine how policy dialogues of the Central and East European new Member States have changed over two cycles of participation in the EES. I find evidence to suggest that the policy dialogues have been effected by the EES and use this to test the adequacy of existing Europeanization theory in capturing such dynamics. I conclude by suggesting directions for further research.

## **2 Employment policy governance at the European level**

Traditional modes of governance in the European Union (EU), such as ‘hard law’ directives and regulations, have in recent years been complimented by newer ‘soft law’ modes such as the Open Method of Coordination (OMC). The trajectory of social policy governance in the EU is in many respects encapsulated within the domain of employment policy. Like the more general trend, the limitations of addressing employment policy through traditional modes of governance led to the emergence and development of alternative governance approaches to address this common European policy concern.

To set the context for both the theoretical and empirical discussions that follow, I begin by reviewing the ‘old’ and ‘new’ modes through which employment policy is governed at the EU level. In this, I devote special attention to contrasting the logic and implementation of the two modes.

The competencies and modes of governing employment at the European level has changed over the history of European integration. Under the Treaty of Rome (1957), the competence of the Community in employment policy was essentially restricted to industrial hygiene, free movement of labor, and gender equality in compensation (Bean, et al. 1998). These limited competencies were not provided for specifically in the Treaty, but rather given a legal basis by unanimous Community decision under Article 235.

On this basis, the Community (EEC) was able to impose binding policy requirements on the Member States (MS) in these few domains. The EEC primarily acted to impose such requirements through directives. Under Community law MS were and are bound to harmonize national laws with the principles codified in these directives. This bindingness is enforced by the possibility of recourse in the European Court of Justice (ECJ). This method of European policy making through binding regulations and directives constitutes the traditional, Community or ‘hard law’ method.

The limited scope for ‘hard law’ employment policy making was moderately expanded under the Single European Act (1986) and the Social Charter of the Second Social Action Program (1989) to include the promotion of social dialogue at the EU level and regulating the employment of youths among others (Ibid.). Despite these moves, the role of the Community in employment policy was highly circumscribed prior to the 1990’s.

The Maastricht and Amsterdam Treaties (1992, 1997) again moderately expanded the range for ‘hard-law’ employment policy making at the European level. Under the Agreement on Social Policy of the Maastricht Treaty (which the UK famously opted out of), the European Council was extended the right to enact minimum standards directives on working conditions, gender equality and social inclusion in employment, and worker consultation (Art. 2(1)). These provisions were solidified following the UK’s acceptance of the Agreement, which allowed for its incorporation in the Amsterdam Treaty. Despite the slow upward trend, the range for ‘hard law’ employment policy making at the EU-level remains truncated to this day.

Owing to the inability to expand traditional Community processes into the deeply, nationally rooted domains of social and employment policy, a new method of EU policy making was envisioned. As opposed to the binding nature of the Community method, the new ‘soft law’ approach is based on the concepts of mutual learning and feedback (Presidency Conclusions 1997).

Under this method, the EU acts to affect policy by suggesting directions for action, coordinating Member State activities, fostering learning across countries, and providing critical feedback on progress and policy outcomes.

With regards to employment policy, the EU was extended ‘soft law’ competency under the Amsterdam Treaty (Title VII). Here the obligation for member states to prepare annual employment policy reports (Art. 128(3)) is stipulated. Likewise, the Commission and Council are called upon to prepare a “joint employment report” (Art. 128(1)) on the status of European employment. These reporting functions are further coupled with an advice and evaluation mechanism, whereby the Council is charged with establishing employment policy guidelines and conducting an annual review of member states’ progress towards employment goals (Art. 128(2,4)). Finally, the Council and a newly established Employment Committee are given responsibility for encouraging coordination and cooperation between member states on employment (Art. 126, 129-130).

The legal foundations for ‘soft law’ EU employment policy making set out in the Amsterdam Treaty were given shape at the Luxembourg Employment Summit (1997). An agreement reached there established the European Employment Strategy (EES). The EES thus became the formal process for carrying out the EU’s ‘soft law’ employment policy competencies. It involves annual reporting and feedback as well as ongoing policy deliberation and co-

ordination. Participants at the EU level include the Council, Commission, European Parliament, Member States, and other actors. The social partners - trade unions and employer's representatives - are encouraged to participate in the EES at both the national and EU levels (Galgóczi, et al. 2004).

Unlike the 'hard law' method the 'soft law' method of EU employment policy making is in most respects non-binding on the Member States. Only in so far as they are obliged to produce National Reform Programs (formerly National Action Plans for Employment) and otherwise take part in the EES must the Member States abide by the EU's soft-law employment policies. However, it does not necessarily follow that the 'soft law' method will be ineffective.

Rather, it can be argued that the EES and other OMC approaches operate via a different logic as compared to that of the Community method. Instead of imposing binding directives, the EES seeks to coordinate, strengthen, and improve Member States' employment policy making. The aim is not to decree specific policies but rather to suggest general directions and goals. That the Member States adhere to this direction is enforced not by the threat of sanction but rather through iteration and communication.

While there is considerable controversy on the question of whether such a mechanism can actually produce meaningful policy effects,<sup>3</sup> there is a theo-

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<sup>3</sup>See for instance: Zeitlin, et al. 2005; Keller 2003; Offe 2003; Sabel & Zeitlin 2003.

retical basis for holding that it may. Recent work in deliberative democratic theory (Risse 2000) has suggested that processes structured to include key features<sup>4</sup> like those found in the ‘soft law’ governance mechanism can produce change absent traditional enforcement. Thus, whether and how the EU’s ‘soft law’ approach to employment policy making effects employment policy in Europe should be considered an empirical question. It is to this that I now turn.

### **3 Theories of Europeanization**

Before we can consider whether and how the EES has had an impact, we should first ask where we should look and what sorts of impacts we might expect to see. This question has been considered in the sizable body of Europeanization theory, and in this section I outline the major facets of these theories and consider how they might be applied to study ‘soft law’ processes. I identify two points at which this application raises questions and suggest how we might alternatively conceptualize theory to accommodate the unique features of OMC-type EU policy governance.

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<sup>4</sup>Risse (2000) describes the features necessary for “argumentative seeking” as: 1) the ability to empathize, 2) a shared common life-world between actors, 3) a recognition of equality between actors, and 4) an open and public discourse (p. 10-11). The concept and theory is, of course, derived from Habermas.

In practice, nearly all theories of Europeanization suggest that effects should be sought at the domestic level (Börzel & Risse 2003; Bulmer & Radaelli 2004; Giuliani 2003; Héritier & Knill 2000; Radaelli 2003; Risse, Cowles & Caporaso 2000; Schimmelfenning & Sedelmeier 2005). This orientation owes to the emphasis on identifying changes in policy outputs as the measure of Europeanization effects. As the earlier review of employment policy governance at the EU level suggested, under both ‘old’ and ‘new’ modes of EU policy making the Member States retain responsibility for and latitude in implementing EU policy. From this perspective, the focus on the domestic level as the site of Europeanization seems reasonable

However, this move requires that the issue of the link between the EU and domestic levels be addressed. That is, we must ask: How should we treat the two levels, which in actuality overlap and interact in complex ways? Most theorists have elected to treat the two levels as analytically distinct and separable (e.g. Börzel & Risse 2003, Radaelli 2003). The assumption underpinning this treatment is that implementation of EU policy at the domestic level is primarily determined by domestic politics. The EU plays only a residual role in that it exerts adaptational pressures (e.g. Börzel & Risse 2003) or other change pressures (e.g. Radaelli 2003) to which domestic politics then responds. In this way, the effects of Europeanization are mainly explained by the constellation of political actors, institutions, and contexts within a given Member State.

While this theoretical frame has been fruitfully employed in empirical studies of policy change following from 'hard law' EU policy making (see for instance contributions in Featherstone & Radaelli 2003; Schimmelfenning & Sedelmeier 2005), we must ask whether it can reasonably be extended to investigate change resulting from the EES and other OMC processes. At least two obstacles to extension exist.

The first relates to the vertical relationship between the domestic and EU levels. Existing theories of Europeanization generally conceptualize the relationship between these levels as one-off and top-down. The EU is taken to exert downward adaptational pressure on the Member States, who in turn respond to this pressure in a singular fashion. Reciprocal upward pressures, emanating from the Member States to the EU, are generally and intentionally set aside (Börzel 2003 and Mazey 1998 are notable exceptions). This treatment presents a problem for studying an iterative policy process such as the EES.

To extend existing Europeanization theory to the EES and other OMC processes would necessitate that we view them as a series of one-off, downward pressures. For the EES, this would mean that we view each cycle of reporting, review, and policy change as a single chain of events. By studying these single chains over time we could then begin to capture the policy effects of the EES.

There is a sound theoretical basis for questioning whether this sort of approach could adequately capture the effects of an iterative policy process. Within game theory it is a well-studied finding that under certain conditions infinite- or unknown-horizon games can support different behavioral equilibria than identical one-period or known-horizon games. This suggests that by taking an iterative policy process as a series of individual events we may well fail to capture or explain resultant policy changes.

Whether the features of the EES and other OMC processes are sufficient to produce qualitatively different outcomes as compared to one-off, top-down adaptational pressures remains an empirical question. However, given the theoretical potential, it seems that we should look for iterative vertical effects when studying the Europeanization of policy resulting from OMC-type processes.

The second obstacle to extending prevailing theories of Europeanization to investigate the EES is the issue of horizontal relationships across member states. Prevailing theories of Europeanization suggest that political contexts within individual Member States explain the outcomes of response within each member state. They do not conceptualize the possibility of interaction across domestic political contexts. This presents a challenge to studying the EES, which is structured so as to promote learning and policy transference

between Member States.

Existing Europeanization theories would suggest that we define learning and transference as a similarity of policy outcomes, which could in turn be explained by the similarity of domestic contexts. That is, if we were to observe that several Member States had undertaken similar policy changes we would expect that this occurred because domestic political actors faced similar adaptational pressures and response constraints in both cases.

Again, there is a theoretical basis for questioning this approach. As I noted earlier, theories of deliberative democracy suggest that contexts such as those found in the EES and other OMC processes can foster learning among participants (Risse 2000). This would then suggest that the understanding and interests of domestic political actors might in fact be altered by participation in the EES. From this perspective, we might expect similar policy outcomes to result from learning or the reconstitution of interests.

Whether similarities in Member States' domestic politics or learning processes can better account for horizontal policy linkages is an empirical question. However, as was the case for vertical linkages, theory suggests that we should look for learning across Member States in investigating policy impacts of the EES.

In this discussion, I have reviewed predominant theories of Europeanization and suggested how they might account for policy change under the EES or similar OMC processes. I have also raised questions about their applicability to ‘soft law’ contexts. I identified vertical and horizontal relationships as problematic for existing theory and suggested how alternative, theoretically grounded concepts might differently account for policy change. In the next section, I turn to examine how employment policy dialogues in the Central and East European new Member States have been effected by participation in the EES.

## **4 Europeanization of employment policy in the Central and East European new Member States**

In this portion of the paper, I examine the employment policy dialogues of the Central and East European (CEE) new Member States.<sup>5</sup> To this end, I look to the employment policy strategies expressed in the 2004 National Action Plans for Employment (NAP-Es) and the 2005-2008 National Reform Programs (NRPs). These documents, prepared for and submitted under the European Employment Strategy by the new MS, provide a window into re-

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<sup>5</sup>The group of countries I consider includes: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia. Each acceded to the European Union on May 1, 2004.

sponses to the EES as well as the general thrust of employment policy making at the domestic level.

The aim of the empirical analysis is two-fold. First I address the question of whether and how employment policy dialogues in the CEE new Member States have been effected by the EES. Second, I use the empirical evidence to test the applicability of Europeanization theory to the EES. Overall, the analysis will shed light on the broader issues of the mechanisms and effectiveness of ‘soft law’ policy making in the EU.

Before embarking on the analysis, some methodological and conceptual issues should be addressed. First, I elect to focus on the CEE new member states for methodological reasons. The recent accession of these countries to the EU has the practical consequence that the impact of the EES can be temporally isolated and traced. Also, the dual features of broadly similar post-Communist contexts and diverse domestic politics across the group of countries has convenient implications. On the one hand, it allows for the identification of the endogenous effects of domestic actors and institutions. On the other, by adopting a cross-country perspective I am able to control for the effects of idiosyncratic confounds. Thus, in studying trends in employment policy dialogues across the CEE new Member States I am able to focus on the hypotheses of interest here.

Second, I should warrant that my analysis in no way attempts a comprehensive review of the employment policy dialogues expressed in the NAP-Es and NRPs. Rather, I focus on on general trends in the employment policy dialogues over the first two periods of CEE new Member State participation in the EES. I argue that the trend over time sheds light on how the vertical dimension of the EES can produce changes not predicted by existing Europeanization theory. This examination allows me leverage on the analytical goals I have laid out.

In 2004 the CEE new Member States submitted their first National Actions Plans for Employment. With the exception of Hungary, the policy dialogue contained in each can be characterized as *broad* and *thin*. The dialogue is broad in the sense that it is wide in scope, in most cases addressing each employment policy guideline suggested by the Council (EC 2003). The dialogue can be characterized as thin in that proposed policy actions are often backward looking, ill defined, or superficial in nature. These characteristics seem to be related – because the NAP-Es address a very wide range of policy guidelines the measures proposed to address each remain underdeveloped.

For instance, if we consider the Czech NAP-E, we notice that the entire dialogue is structured around the employment policy guidelines. The discussion of existing labor market conditions is parceled around each guideline, as too are analyses of challenges to achieving employment targets. Likewise,

proposed policy solutions are addressed to individual guidelines. A similar pattern is observed in the Estonian, Lithuanian, Polish, Slovak, and Slovenian NAP-Es.

The broad and partitioned employment policy dialogues are coupled with shallow policy proposals. Again returning to the Czech NAP-E, we see that the policy measures identified to address guidelines tend to take one of three shapes. First, many policy measures articulate existing policy reforms or programs, as in the case of Measure 2.3:

The Ministry of Industry and Trade, in cooperation with the Ministry of Finance and the Ministry of Labor and Social Affairs, will *continue* to provide investment incentives in accordance with Act No 72/2000, on investment incentives, as amended and will continue to implement the Framework Programme for the Support of Technology centres and Strategic Service Centres (p. 16, emphasis added).

Second, other measures propose that various governmental ministries will study or prepare reports on a given issue. Policy Measure 2.8 asserts that:

The Ministry of Industry and Trade, in cooperation with the Ministry of Labor and Social Affairs, shall *conduct an analysis* in the field of industrial services in order to gauge the potential of this sector for the labour market and for the support of service

exports (Ibid.).

Third, some policy measures proscribe that a new project or initiative will be undertaken. Most measures of these types, however, are vague as to structure, timeline, and funding. Measure 2.7 is one such example:

The Ministry of Labor and Social Affairs shall set up two pilot regional training centres as part of the employment services in Havířov and Jihlava, focusing on a change or increase in the skills and qualifications of inhabitants who have been trained in professions that can no longer guarantee work on the labour market (Ibid.)

The policy measures proposed in the other broad dialogues exhibit similar features.

Overall, we can characterize the employment policy dialogues presented in the majority of CEE new Member States 2004 NAP-Es as broad and thin. This pattern suggests that in their first round of EES participation, the CEE new Member States conducted a detailed comparison of existing domestic policies and those contained within the *Employment Policy Guidelines*. This approach appears to have produced a wide-ranging but shallow dialogue regarding policy responses. This suggests the conclusion that in the initial round of participation, the European Employment Strategy effected policy dialogues only in so far as it prompted a comprehensive review of their do-

mestic employment contexts.

For the second round of EES participation, the CEE new Member States submitted three-year, comprehensive National Reform Programs (NRPs). This document supersedes the NAP-E, consolidating it with economic policy dialogues. The 2005-2008 NRPs, like its predecessor, incorporate the employment policy review and reporting functions of the EES.

The policy dialogues contained in the CEE new MS NRPs exhibit a shift in their general characteristics. In contrast to the broad focus and thin policy development observed in the 2004 NAP-Es, most NRPs display a *narrowed, introspective, and integrated focus* coupled with a *targeted policy development of varied specificity*.

With the exception of Hungary, the NRP policy dialogues move away from the employment policy guidelines and venture to develop individualized, overarching employment policy priorities. The priorities are more narrow in focus than the guidelines and tend to suggest that the CEE new Member States intend to target employment policy efforts in a few key areas. Relatedly, the NRPs also demonstrate new reflexivity on the part of Member States. National policy priorities are drawn from a introspective analysis of the domestic context and the major obstacles to achieving employment objectives.

Also tied to these shifts is a move towards better integration within the NRPs. As opposed to the partitioning of policy areas observed in the 2004 NAP-Es, the NRPs exhibit increased coherence and linkages across areas. This shift seems to have been fostered in part by the changed reporting format and in part by the move towards a narrowed, introspective policy dialogue.

Changes in the policy development aspects of the NRPs are more varied and less pronounced. In general, the policy solutions proposed in the NRPs were better targeted towards identified deficiencies. While better linked to addressing specific problems, proposed reforms also exhibited a wider variance in specificity. This variance is observed within NRPs. Whereas specific, well-defined reforms are proposed for some objectives, general and ill-defined reforms are proposed for others.

Overall, the most significant change observed in the NRP policy dialogues is the adoption of a narrow, integrated, introspective focus. This shift suggests that in the second cycle of the EES, the CEE new Member States evaluated their domestic contexts from an egoistic perspective. Comparing the current situation against their preferred outcomes, the Member States were able to self-identify and prioritize reform objectives. Considering behaviors in the first cycle, we could interpret this shift to say that the aims and objectives of the *Employment Policy Guidelines* and the EES had been sufficiently in-

ternalized in their policy dialogues so as to permit this self-reflexive activity.

Taking into consideration the evidence of changes in employment policy dialogues across the two cycles of European Employment Strategy participation, we can now return to the theoretical discussion. As I earlier identified, an obstacle to applying existing Europeanization theory to ‘soft law’ modes of European policy making is the potential of OMC-type processes to foster vertical linkages. These would include learning or feedback effects that might result from their iterative nature. The evidence that the thrust of employment policy dialogues shifted across the two cycles of CEE new Member State participation is suggestive of these sorts of vertical linkages.

As I suggested earlier, existing Europeanization theory generally takes the EU and domestic levels as separable. This assumption presents a problem for capturing iterative policy making processes in which the two levels are involved in repeated cycles of interaction. The logic of predominant Europeanization theories would suggest that such cycles be taken as isolated events over time.

Applying this to the two EES cycles considered here, this approach would suggest we should separate the two cycles and take each as an instance of one-off, top-down process. Thus, we would conceptualize each cycle as the Member State adapting to the Council’s general employment policy guide-

lines and, in the second cycle, the country-specific recommendations provided in the prior cycle's *Joint Employment Report* (JER).

This approach would allow us to explain the observation that the first-cycle NAP-Es were largely structured around the employment guidelines. It would also allow us to explain the fact that some second cycle NRPs attended to addressing the critiques presented in the JER (e.g. Slovenia). It would not however provide a means to explain the shift to self-reflexive goal identification, which I have identified as the most significant, common change observed in the employment policy dialogues across the two cycles.

If we accept that this change occurred and is significant, then the conclusion follows that prevailing theories of Europeanization can not be sufficiently extended to capture some important effects of OMC processes. To understand and explain the vertical effects I have suggested here we would need a multi-level theory of Europeanization that can account for interaction between the EU and domestic levels.

## 5 Conclusion

In this paper, I have found empirical evidence to support claims that: 1) the European Employment Strategy has produced changes in Central and East European new Member State employment policy dialogues and 2) these changes, which follow from the vertical dimension of the EES, can not be adequately accounted for by prevailing Europeanization theory. In a broader sense, I have found tentative evidence that suggests that OMC-type governance processes may have meaningful and novel effects. The findings here provide a basis for further research. Several directions might prove especially fruitful. First, empirical research might seek to confirm the relevance of the horizontal OMC features and test the applicability of Europeanization theories in explaining these. Second, whereas I have focused solely on policy dialogues, efforts should be extended to link the changes I have identified here with behavioral outcomes. Finally, the discussion here begs for the development of multi-level theories of Europeanization. Attention should be devoted to developing general, multi-level theories of Europeanization that could be employed to study Europeanization emanating from OMC governance processes.

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