

The OMC – a deliberative-democratic mode of governance? The cases of employment and pensions¹

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ABSTRACT The open method of co-ordination's (OMC's) emphasis on transparency, democratic participation and learning has led to a particular interest in this governance mechanism from the perspective of deliberative democracy. This article analyses the 'democratic' dimension of the OMC from a normative and an empirical perspective. We first present relevant theories of deliberative democracy, from which we derive a list of normative criteria, which we then use to explore the democratic quality of the OMC in the areas of employment and pensions. The empirical analysis reveals that there are important differences in the democratic quality of the OMC between these two areas, but that, ultimately, the OMC (as yet) does not live up to its own democratic ambitions.

KEY WORDS Deliberative democracy; employment; learning; open method of co-ordination (OMC); participation; pensions; public debate; transparency.

I. INTRODUCTION

This article analyses the 'democratic' dimension of the open method of co-ordination (OMC) – an issue of intense and controversial debate among policy-makers and academics – from a normative as well as an empirical perspective. The OMC is a non-judiciable iterative policy process that is used in areas where the Treaty basis for Community action is generally weak. It is applied in different areas (see Borrás and Jacobsson 2004) to support the 'Lisbon strategy' that aims to render Europe the world's best place in both economic and social terms (European Council 2000). It was formulated amidst debates on European Union (EU) governance as a means to improve the democratic quality of the decision-making process within the EU (Rodrigues 2001; CEC, 2001a). Indeed, the institutional rhetoric of the OMC has qualified it as 'an important tool to improve *transparency* and *democratic participation*' (Council of the European Union 2000: 7). Participation means that 'the Union, the member states, the regional and local levels, as well as the social partners and civil society, will be actively involved, using varied forms of partnership' (European Council 2000: point 38). Telò (2002: 265), an

academic supporter of the OMC, has warned that: 'If the actors of civil society are not concerned, consulted, involved at the level of partnership and negotiation, one of the aspects of the 'openness' of the new method will be belied.'

The discourse of the EU has drawn increasing attention to participatory dimensions of democracy,³ which are meant to refer to the involvement of civil society and social partners in the policy-making process, rather than direct citizen participation. In the template of the OMC (Council of the European Union 2000) it is assumed that the involvement of civil society organizations and social partners at different levels of government is important for its democratic quality in so far as they give voice to citizens' policy concerns. Contrary to this normative ambition, however, the lack of transparency and democratic control as well as the lack of legitimacy owing to the involvement of a large number of experts in the process are some of the principal reasons why the OMC is not referred to by name in the Final Draft of the Constitutional Treaty. And, to the disappointment of those supporting the development of the participatory dimension of the OMC,⁴ the (minimalist) article on the main features of the co-ordination process in social policy (former Article III-107, now III-307) adopted in the proposed Constitutional Treaty does not even hint at the participation of organized civil society or other actors at different levels of the governance process (Barbier 2003).

In addition to improving transparency and democratic participation, the OMC is supposed 'to organize a *learning process* at European level in order to stimulate exchange and the emulation of best practices and in order to help member states improve their own national policies' (Council of the European Union 2000: 6), while leading to convergence on common priorities. The OMC's dimensions of transparency, democratic participation, exchange of information and ideas as well as learning have led to a particular interest in this governance mechanism from the perspective of deliberative democracy. From such a perspective, Cohen and Sabel (2003) have reconstructed the OMC as a decentralized bottom-up process of public deliberation among stakeholders. And Trubek and Mosher (2003) have analysed the European Employment Strategy (EES), a precursor to the OMC, as a mechanism for learning that brings together actors with diverse viewpoints in settings that require sustained deliberation about problem-solving and oblige them collectively to redefine objectives and policies.

In this article, we first briefly present relevant theories of deliberative democracy, from which we derive a list of normative criteria. We then explore the democratic quality of the OMC in the areas of employment and pensions. The area of employment, essentially a regulatory issue, has been selected because it serves as the benchmark for other OMCs. We compare it to pensions, a redistributive policy area, where the OMC is not as mature, and about which there is not much knowledge. The legal obligation of participation is different in these two areas: in the employment strategy, the participation of social partners at all levels is a mandatory provision, while in pensions this

is not the case. In the conclusion, we summarize our empirical findings on the democratic quality of the OMC in the light of deliberative democracy.

II. THEORIES OF DELIBERATIVE DEMOCRACY AND NORMATIVE CRITERIA

In recent years, deliberative theories of democracy have sparked a renewed interest in the role of reasoning, persuasion and normative appeals in democratic politics (e.g. Cohen 1996; Habermas 1996; Gutman and Thompson 1996). From the perspective of deliberative theories, democracy is regarded as intrinsically enhancing the legitimacy of government or governance because it ensures the (procedural) conditions for a high quality of the decision-making process with respect to regulatory choices. Although participants are expected to pursue their interests, an overall interest in the democratic legitimacy of outcomes (understood as responsiveness to the concerns of all stakeholders) ideally characterizes deliberation.⁵

Given the important place of deliberative democracy in current political theory and its emergence in the debate on how to enhance the democratic legitimacy of the EU through a variety of governance mechanisms, it is worth examining these theories in more detail. We distinguish here between three models of deliberative democracy, of which one can find traces in the EU's legitimacy debate: Habermas's procedural theory of deliberative democracy, Joerges's deliberative supranationalism and Sabel and Cohen's directly deliberative polyarchy. Each model of deliberative democracy emphasizes several of the (below mentioned) normative criteria that we will use to examine the democratic quality of the OMC.

1. Procedural theory of deliberative democracy

Jürgen Habermas has not discussed EU governance in general or the OMC in particular from the perspective of procedural theory of deliberative democracy. However, his political theory has ignited an interest in this approach within the context of the EU's debate over the need to enhance democratic legitimacy in the governance of the EU polity.

According to Habermas, democracy is deliberative when collective decisions are founded not on a simple aggregation of interests, but on arguments from and to those governed by the decision, or their representatives. Only those regulations which might claim the agreement of all citizens in a deliberative process are democratically legitimate. Public deliberation ensures that citizens' concerns feed into the policy-making process and that they are *de facto* taken into account when it comes to a decision on binding rules. In the decision-making process, economic considerations are, for example, to be balanced against ethical or justice-related ones. What is important for the notion of deliberation, however, is less that everyone participates than that public opinion is formed on the basis of adequate information and relevant reasons in a

transparent process. Those whose interests are involved should have an equal and effective opportunity to make their own interests (and their reasons for them) known.

Habermas's version of deliberative politics extends beyond the more formally organized political system to the broader public sphere that comprises mass media and voluntary associations within civil society (Habermas 1996: 275). His theory separates the broader, decentred public sphere from the political institutions (or decision-making bodies). This 'two-track' model does not allow stakeholders or civil society organizations to be placed as participants *within* governance structures (Nanz and Steffek 2004). In Habermas's view, political decision-making as well as the further 'filtering' of public reasons via more formal parliamentary (or administrative) procedures should remain the task of the political system. Democratic practice is not focused on society as a whole, but on the legal system which indirectly steers the political-administrative and the economic systems: it 'imposes' fundamental values on governance.

The procedural theory of democracy emphasizes several normative requisites for the democratic process: the transparency of the policy process (since information is seen as a precondition for the formation of public opinion), public debate (since public opinion should be formed on the basis of relevant reasons for alternative policy choices), participation (understood here as participating in the broader public sphere rather than in the policy-making process), learning (in the sense that reasoning among decision-makers enhances the quality of regulatory choices), and responsiveness to the concerns of all citizens as well as to constitutional values (meaning that the policy process should 'filter' all relevant public reasons and should adhere to fundamental legal norms).

2. Deliberative supranationalism

In deliberative supranationalism, the process of political deliberation is viewed primarily in a functional fashion as a prerequisite for a high level of efficiency, efficacy and quality in political regulation. Well-informed and consensus-seeking discussion in expert committees is conceived as legitimate in transnational governance regimes. Within the context of the EU, such a 'functional use' of deliberation is exemplified by the debate on 'deliberative supranationalism' (Joerges and Neyer 1997; Joerges 1999; Everson 1999), which has above all focused on the role of 'comitology committees'. These committees, composed of representatives from national administrations, play a role in delegated risk regulation. 'Comitology' has been characterized as a 'forum of deliberative politics' (Joerges and Neyer 1997; Joerges 1999). Deliberation in this perspective becomes an important element of 'good governance' via responsive administration: citizens' concerns feed into the policy-making process only hypothetically through the links to member state representatives (Joerges 1999; Meyer 2003). Its dynamic is top-down, and there is no ambition to include stakeholders in the process. The focus of 'deliberative

supranationalism' has been on the science-based nature and quality of expert deliberation (Joerges 1999: 334), and cannot be said to be democratic per se. What is missing from the committee model in order to be responsive in a 'democratic' sense is a mechanism that links expert deliberation with the concerns of affected citizens.

There is some evidence that expert deliberation is an important element of the OMC process (see below, section III 2d for more details). While supportive of the comitology model, Joerges and Everson (2004) do not claim that this model is adequate for addressing politically sensitive issues (such as social policies) through the committees of the OMC. They are, however, less concerned with its participatory shortcomings than with the missing constitutional legitimacy of the OMC.

Besides the need for a legal legitimacy, Joerges's supranationalism generally emphasizes two normative requisites for regulatory process: learning (in the sense that reasoning among experts enhances the quality of regulatory choices) and the responsiveness of policy-makers to societal concerns (indirectly and 'hypothetically' through member state representatives rather than through the participation of stakeholders or their civil society representatives).

3. Directly deliberative polyarchy

In contrast to deliberative supranationalism, 'directly deliberative polyarchy' stresses the importance of the participation of stakeholders in a bottom-up logic (Gerstenberg and Sabel 2002; Cohen and Sabel 2003). This version of deliberative democracy assumes that modern polities as a whole are in need of a new principle of differential, democratic problem-solving. The starting point is that (centralized) political decision-making is ultimately not effective, if it is disconnected from local reality. In directly deliberative polyarchy, local agents participate directly in problem-solving, 'representing as it were themselves, rather than delegating responsibility for their choices to an actor who commands a language beyond them' (Gerstenberg and Sabel 2002: 340). This theory of democracy is deliberative and participatory in that it is meant to enable actors to decide contested policy issues in local settings, where collective decisions are made through public deliberation in arenas open to affected parties. In contrast to Habermas's procedural theory of deliberative democracy, directly deliberative polyarchy connects stakeholders and civil society directly to practical decision-making in the political-administrative realm. Eberlein and Kerwer (2002) have argued that deliberative democracy provides the most valuable theoretical framework for analysing the dynamics of the OMC.

Cohen and Sabel claim that the OMC, in particular the EES, can serve as an example of directly deliberative polyarchy, although they recognize that the 'democratisation of deliberative polyarchy remains a project' (Cohen and Sabel 2003: 369). The theory of directly deliberative polyarchy emphasizes several normative requisites for the democratic process: participation (understood here as direct participation of stakeholders in decentralized deliberative fora), public

debate (in the sense that deliberation in the arena of decision-making should ramify into broader democratic debate), learning (understood here as experimentation and the creation of new knowledge in a bottom-up process of deliberation among stakeholders), and responsiveness (ensured by direct participation of stakeholders in the policy process).

4. Criteria

Derived from the theoretical approaches of deliberative democracy, we have tentatively developed five normative criteria understood as ideals of democratic politics. This list is not meant to capture all dimensions of democracy, but rather to guide empirical analysis of the OMC processes.

- (a) *Transparency*. This dimension of democratic governance means that interested citizens, stakeholders and civil society organizations, as well as European, national, regional and local actors should have access to all the relevant information and documents at all stages of the process – from agreement on objectives to implementation. The EU institutions and member states must actively communicate about what the EU does in a way that is accessible and comprehensible to the general public. ‘Transparency’ is explicitly mentioned in the OMC template.
- (b) *Public debate*. Transparency is a necessary condition for broader public debate on policy-making processes through the OMC. The criterion of public debate means that deliberation by policy-makers has to be rendered public and debated in national (and European) media and through (national and European) parliaments. Public debate is a crucial dimension for democratic governance since public opinion should be formed on the basis of relevant reasons for alternative policy choices. Although the exchange of information and ideas among the participants is suggested by the OMC template, public debate is not.
- (c) *Participation*. This dimension of democratic governance means that citizens whose concerns and interests are affected by decisions should have an equal and effective opportunity to make their interests and concerns known. From the perspective of deliberative democracy, this should occur either through articulation in the public sphere or through direct involvement of stakeholders or their representatives (civil society organizations, social partners as well as European, national and regional parliaments) in the political process. In the OMC, participation should be possible throughout the policy chain – from agenda-setting to implementation and monitoring – and in all fora: committees subordinate to the relevant Council formations, indicators’ working groups, peer review process. ‘Participation’ is explicitly mentioned in the OMC template, although there is no specification on the mechanism through which this is to happen. It can take on different forms (from consultation in committees to active participation in decision-making) and degrees of institutionalization (from a mandatory Treaty provision to informal consultation).

- (d) *Learning*. Policy learning generally means that actors involved in the decision-making process draw lessons from past policy successes and failures (or from policy successes and failures of other countries) and use these lessons and new knowledge in dealing with novel problems. The OMC process should institutionalize intensive consultations among actors at various (European, national and regional) levels, and thus allow for mutual learning from their respective experiences. In deliberative democracy, learning occurs in processes of deliberation (or reasoning), understood as an epistemic 'struggle' of diverse perspectives in relation to a certain policy, and thus ensures a high quality of regulatory quality. Whereas deliberative supranationalism emphasizes learning among experts and delegates of member states in the committees, directly deliberative polyarchy seeks to involve stakeholders at different (also lower) levels. The latter extends 'learning' to wider social learning that results when the outcomes of many concurrent (local) experiments are pooled in a bottom-up process to permit public scrutiny. 'Learning' is explicitly mentioned in the OMC template.
- (e) *Responsiveness*. This dimension of democratic governance is generally the correspondence of political decisions to the desires of citizens created through institutionalized arrangements. From the perspective of deliberative theories of democracy, the concerns of affected citizens ('voiced', for example, by organized civil society or the broader public sphere) should be included in a governance process. Policy choices should also be responsive to constitutional values. If the OMC aims to reach political decisions in a 'responsive' way, it should ensure a balanced approach between economic and social concerns. 'Responsiveness' is only implicitly suggested in the OMC template through the mention of 'democratic participation' which assumes that organized civil society and social partners as well as European and national parliaments give voice to the concerns of affected citizens in the decision-making process.

The democratic quality of the OMC is examined in the following section using these normative criteria.

III. EMPIRICAL ANALYSIS OF THE DEMOCRATIC QUALITY OF THE OMC

This section first describes the key features and actors of the OMC in the areas of employment and pensions (summarized in Table 1). It then analyses the democratic quality of the OMC in these two areas.

1. Features of the OMC in employment and pensions

In the EES, the Labour and Social Affairs Council and the European Commission are the main participants. They mostly influence the process in

Table 1 Key features of the OMC in employment and pensions

<i>Features/Process</i>	<i>European Employment Strategy (EES)</i>	<i>Pensions OMC</i>
Started	1997	2001
Cycle	Yearly	Tri-annual
Number of cycles undergone	Six	One
Key participants – initiators and decision makers	European Commission; Ministers of labour and social affairs	European Commission; Ministers of labour and social affairs with ministers of finance
Mandatory consultative participants	European and national social partners	None
Legal or political mandate	Employment Chapter of Amsterdam Treaty, 1997	Stockholm Summit, 2001
Technical dimension of process	64 indicators in 2003	No indicators

the Employment Committee (EMCO), made up of two delegates per Member State and two members from the Commission. Its composition and mandate are set out in article 130 of the Amsterdam Treaty. Under EMCO, there is a technical working group which discusses and proposes quantitative indicators for the EES. At both the European and national level, representatives of labour and management have a Treaty-based mandate to participate in the EES. No other set of actors has such a mandate within the EES.

Since the historical dimension of the EES has been analysed elsewhere (Goetschy 2003; Trubek and Mosher 2003), only key aspects will be discussed here. The EES was agreed upon at the Amsterdam Summit in 1997. During the Luxembourg European Council, in November 1997, the process in the Employment Chapter of the Amsterdam Treaty was launched. Guidelines (nineteen) were agreed upon and structured along four pillars: employability, the development of entrepreneurship, adaptability, equal opportunities. Each pillar contained between three and seven guidelines. Some benchmarks were proposed; few were adopted at the time. Then member states presented the first version of their National Action Plans (NAPs), which were evaluated by the Commission (and endorsed by the Labour and Social Affairs Council). This process has been repeated on a yearly basis since then. Up to the year 2002, the guidelines became more detailed yearly while building on the existing foundation of four pillars. Their development also reflects that the EES has evolved through three tensions – economic versus social concerns, left-right divide and ‘more European integration’ versus ‘more national autonomy’ (Pochet 2003). The evaluation of the employment strategy after five years (see Barbier *et al.* 2002; CEC 2002b) led to significant changes. Substantively, ten guidelines, the ‘10 commandments’, organised around the objectives to achieve

full employment, to raise quality and productivity at work and to promote cohesion and inclusive labour markets, structure the process.⁶ This change resulted from the demand of most member states, who are, *de facto*, the main actors in the process. Also, the timetable of the EES has been changed to be in line with the Broad Economic Policy Guidelines (BEPG) (CEC 2002d). Since 1999, recommendations have been made yearly to individual member states on the weaknesses of their implementation of the EES.

Compared to the EES, the OMC in pensions is quite young, and this policy area is much more sensitive and significant in budgetary terms for member states. It can be traced back to March 2001, when the Economic Policy Committee (EPC) and the Social Protection Committee (SPC) were first assigned a joint mandate in the area of pensions. Like EMCO, the membership and mandate of these two committees is Treaty-based. The principal members are member state delegates, while the Commission is also represented. There is no requirement for any other actor to participate or to be consulted in this process.

The aim of this process is to propose the reform of pension systems as a whole: state pension schemes, occupational pension schemes and private personal pensions (CEC 2002a). Eleven objectives around three 'pillars' – adequacy, financial sustainability of pension systems, responding to changing needs – have been agreed between the SPC and the EPC as well as endorsed by the European Council. The 'adequacy' objectives appear to emanate from the socially oriented players. These are to prevent social exclusion in old age, to allow people to maintain their living standards, and to promote solidarity between and within generations.

The objectives around the need to maintain the financial sustainability of pension systems emanate from the economically oriented players. They are to raise employment levels (to reach 50 per cent by 2010), to extend working lives, to ensure sustainable pensions in a context of sound public finances, to adjust benefits and contributions so as to share the financial consequences of ageing in a balanced way between the generations, and to ensure that private pension provision is both adequate and financially sound.

The third axis is around the need to adapt to changing societal patterns. The objectives under this axis represent both economic and social concerns. They are to adapt to more flexible employment and career patterns, to meet the aspirations for greater equality of women and men, to make pension systems more transparent and demonstrate their ability to meet the challenges, and to promote the broadest possible consensus regarding pension policies and reforms (CEC 2001b).

Compared to the EES, which has undergone five rounds, only one round of pensions OMC has been achieved. Pensions OMC is clearly softer than the EES. Key aspects of the procedure are actually labelled differently to reflect this. The 'NAPs' that are central to the EES are replaced by 'National Strategy Reports' (NSRs) in the pensions OMC. The NAPs in employment are meant to reflect how, through specific policy measures and actions, the member states

comply with the European Employment Guidelines (EEG). The NSRs seek only to describe the strategies undertaken by member states in their national pension reform processes on the basis of the eleven objectives agreed. Also, in the EES, there are quantitative indicators (63 in 2003), which is not the case for pensions OMC. However, in pensions OMC there is reference to quantitative indicators adopted through other processes, in particular the benchmark of achieving a 50 per cent employment rate among the 50 to 64 age group (part of the EES). The recommendation tool is not used in pensions OMC. The analysis below also reveals that there are differences in the democratic quality of the OMC in these two areas.

2. Analysis of the democratic quality of the OMC

This section examines the democratic quality of the OMC in employment and pensions according to the criteria of transparency, public debate, learning and participation.⁷ The data used for the assessment is primary and secondary empirical research and official documentation. The results are exploratory and require more in-depth research to be confirmed.

Table 2 classifies the findings according to three levels: low, medium, high. While it is a rather crude evaluation, it serves to schematically summarize the democratic quality of the OMC.

Table 2 Overview of democratic quality of the OMC in employment and pensions

	<i>Employment</i>	<i>Pensions</i>
Transparency	Medium	Low
Public debate	Low	Low
Learning	Medium	Medium
Participation	Medium	Low

(a) *Transparency*

Analysis of the transparency of the OMC is limited to the European level. It would also be important to undertake a similar analysis for the national, regional and local levels, but so far there is a lack of available comparable data.

In the employment process, there has been some increase in transparency over time. This can, for example, be seen in the evaluation of the strategy in 2002 that sought to analyse the successes and failures of the EES after five years. These documents were initially secret, but were subsequently made available publicly (see http://europa.eu.int/comm/employment_social/news/2002/may/eval_en.html). The documents from the specialized programme on the exchange of experiences on active labour market policies (<http://peerreview.almp.org>) within the EES are also available publicly, including a mid-term review and expert reports.

Access to information and key documents pertaining to the EES has improved considerably since March 2003 with the creation of a website specifically dedicated to it. This includes historical notes of the strategy, descriptions of key aspects of the strategy, as well as access to all the key Commission communications, guidelines, NAPs, recommendations and indicators. It also clearly explains the recent changes that have been made to the strategy. Prior to the creation of this website, the key documents were scattered throughout the website of the Directorate-General of Employment, which made it much more difficult to gain access to clear information on the strategy (http://europa.eu.int/comm/employment_social/employment_strategy.htm). There is also access to selected opinions and contributions of EMCO (http://europa.eu.int/comm/employment_social/employment_strategy/emco_en.htm).

In pensions OMC, key documents – official communications, reports, etc. – are also published on the web. However, in contrast to the (recent) clear website devoted to the EES, there is currently no site dedicated exclusively to pensions OMC. The documents are more difficult to access, which means in practice that the process is quite opaque. There is little access to or information on the meetings of the committees.

(b) Public debate

The following analysis of the public debate (national media as well as national and European parliamentary debates) of the OMC processes is partial, as there are few analyses of this aspect of the method.

The only available analysis of national media coverage of the employment strategy to date (in Britain, France and Germany) reveals that the debates about employment policies covered in the media have, from 1997 to 2002, been guided by issues put forward by national prerogatives, rather than by European prerogatives. The analysis also shows that the learning which takes place in the context of the EES within the administrative structures is not linked to public debate. Owing to this relative isolation of the EES, governments do not face pressure from broader public debate to comply with the recommendations of the EES (Meyer 2003: 6). The study also reveals that media attention on the EES declined considerably from 1997 to 2002 in the three countries selected, even when taking the overall decrease for the topic in national media coverage into account. The study concludes that 'few home-based journalists and even fewer citizens will know that there is such a thing as the Luxembourg process and the policy impulses and recommendations are lost on all but those directly involved in the review process' (Meyer 2003: 18). The sparse media coverage detected during this period focuses principally on the individual country recommendations of the EES. For the French case, Barbier and Samba Sylla (2001: 67–8) have revealed that the European Commission intentionally contacted the media about the individual country recommendations the first time they were issued in 1999. In subsequent years, the member states have

become more involved in the process of negotiating the recommendations and media coverage has been much more limited. Trade union representatives from Germany, Sweden and the United Kingdom have pointed to the low level of public debate on the EES as a whole, with low political salience nationally (www.eiro.eurofound.ie).

The parliamentary debate on the EES, both at European and national levels, has been quite low key. Although the European Parliament (EP) should be consulted on the EES, in practice its role was marginalized during the first five years, owing, among other reasons, to the lack of time to prepare positions or opinions that could be influential (EP 2003). This has been recognized by the other players involved. The changed timetable of the EES should provide the EP with the opportunity to be involved more closely by having additional time to prepare its opinion for the June European Council, where the EES is discussed (CEC 2002d). As for national parliaments, there is no empirical analysis of their involvement in the EES. However, academic and political experts close to the process point to the fact that national parliaments have hardly debated the EES and there is clearly not enough knowledge of the process among national parliamentarians (Jacobsson and Vifell 2003). This is also recognized by the Commission which encourages member states to communicate more effectively about the EES to their national parliaments and citizens so as to enhance understanding and contribute to greater involvement (CEC 2002d).

As for pensions OMC, it fares even worse than the EES in public debate. Exploratory research on media coverage indicates that there has been no mention at all of the process.⁹ While the reform of (national) pension systems is often a focal issue in national media, European discussion under OMC pensions is not mentioned. Concerning parliamentary involvement, there is, contrary to the EES, no requirement to keep the EP informed and the role of the EP in relation to the OMC is unspecified (EP 2003). In order to respond to this deficit, an article on the social policy co-ordination process was included in the draft of the Constitutional Treaty, which mentions the need to keep the EP informed of OMC progress. At the national level, while some parliaments have now discussed the open method (in general), there is no evidence of political debate on OMC pensions. Apart from those involved, there is little awareness of its existence.

(c) Participation

In this section, we do not focus on the participation of key actors – i.e. the Commission and the Committees – but on civil society organizations and social partners, as well as regional and local levels of government.

Concerning the participation of European organizations of labour and management in the EES, it has up to now been rather limited. They are encouraged to make independent contributions to specific aspects of the EES, in particular the adaptability pillar which focuses on issues that directly concern

the workplace, such as work organization and working time issues. However, there seems to be a lack of commitment to the strategy on the Union side (European Trade Union Confederation (ETUC)), and a reluctance to become involved on the employers' side (Union of Industrial and Employers' Confederations of Europe (UNICE)) (Pochet 2003).

For social partner participation at the national level, efforts have been made, especially by the European Commission, to increase participation in the EES. Since 2001, the social partners have been encouraged to make their own contribution to the strategy. While their participation has improved in the form of more direct contributions as well as more commitment to the policies adopted, progress is disappointing overall compared to the incentives taken to improve their participation. It has been recognized in the official evaluation of the EES that the participation of national social partners is a weak point of the strategy, stemming partially from the difficulty that the social partners have in reaching agreement among themselves (CEC 2002c, 2002 Impact Evaluation (EES): technical analysis: 40–2; Modernizing work organization).

In order to better comprehend the dynamics of participation at national level, Table 3 indicates whether the social partners across the fifteen member states participated in the drafting of the NAPs for employment in 2002 and

Table 3 Participation of social partners in the NAPs of the Employment Strategy (2002)

Country	Government document/ joint document	Direct contribution of social partners in writing NAP	Participation in implementation of NAP	Satisfaction re. participatory conditions (low, medium, high)
Austria	GD	No	Yes	Low
Belgium	GD	Yes	Yes	High
Denmark	GD	No	Yes	High
Finland	GD	Yes	Yes	High
France	GD	Yes	Yes	Medium
Germany	GD	No	Yes	Low
Greece	GD	No	Yes	Low
Ireland	GD	Yes	Yes	High
Italy	GD	No	Yes	Low
Luxembourg	JD	Yes	Yes	High
Netherlands	GD	No	Yes	Low
Portugal	GD	Yes	Yes	High
Spain	GD	No	Yes	Low
Sweden	GD	Yes	Yes	Medium
United Kingdom	GD	No	Yes	Medium

Source: Data drawn from a survey by the European Foundation of Living and Working Conditions on the Participation of Social Partners in the NAPs (2002) of the Employment Strategy (www.eiro.eurofound.ie).

schematically characterizes the quality of their participation. Table 3 also reveals social partner level of satisfaction with participatory conditions. Comments follow below, beginning from the column on the left.

In all but one country (Luxembourg), the NAPs are characterized as governmental rather than joint documents. This shows that the process is fundamentally driven by governments. In seven out of fifteen countries, the social partners have, however, made a direct contribution to the NAP. Usually this occurs in the adaptability pillar, which is in line with the mandate for the social partners.

The varying quality of social partner participation shows that their level of involvement is vulnerable to political changes. In Austria, with a right-wing government, participation has reportedly decreased in the writing of the NAP for 2002 compared to previous years. Similarly, participation is low in Greece, Italy and Spain, where right-wing governments were also in power when the NAPs for employment were written in 2002. In the Greek case, recommendations were issued three times on the need to enhance social partner participation in the strategy. This does not appear to have been taken on board.

Satisfaction with participatory conditions was also low in Germany and the Netherlands. In Germany, social partners at the federal level report on their activities and comment on texts prepared by the federal ministries. The social partner organizations at the federal level contact their members on some aspects of the EES. It is rarely only for an issue of the EES, but usually takes place at the same time as other work (Buechs and Friedrich 2004). At the *Länder* level, social partner involvement differs from one *Land* to the next. Greater participation of social partners in the *Länder* coincides with awareness or coincidental involvement in other European processes. In Mecklenburg-Western Pomerania, for example, the social partners take part in decisions at the *Länder*-level labour market policy programmes owing to their co-decisive role in the committee of the Structural Fund (Buechs and Friedrich 2004).

Satisfaction with participation among social partners was considered to be high in six out of twelve countries: in Belgium, Denmark, Finland, Ireland, Luxembourg and Portugal. For some of these countries, this could also be attributed to contingent political factors. For example, in Belgium, since Vandenbroucke's (a supporter of the OMC) term as Minister for Social Affairs and Pensions, the participative dimension of the OMC has increased. Another example is Portugal, where Rodrigues, one of the key engineers of the OMC, played an important role in the domestic political scenario in Portugal, and also pushed for increased participation. Here, the recommendations, issued three times and calling for increased social partner participation in Portugal, have been taken seriously.

A high level of satisfaction with the participatory conditions is correlated with a direct contribution to the NAP in five out of the six cases (Denmark is the exception). A direct contribution to writing the NAP could be considered as an indication of a higher level of satisfaction of the social partners.

Just as social partner participation has increasingly been encouraged in Euro-

pean political discourse, so has the participation of local level actors (see http://europa.eu.int/comm/employment_social/employment_strategy/local_en.htm). The crucial difference is that local level actors have no legal basis for participation in the EES. The mandate referred to is that of the Lisbon Council, which encourages participation in the OMC at all levels. Evidence suggests that there has been a gradual increase of local level actors in the EES although it is mainly at the level of implementation rather than policy design. In Denmark, Germany and Sweden, the role of local level actors has reportedly 'increased in status'. However, these patterns often reflect the continuation of a dynamic that existed before the EES (CEC 2002c, 2002 Impact Evaluation (EES 2002) impact evaluation: employment policy mix and policy-making). In Sweden, local level employment policies which are written up in 'local action plans' mostly take place parallel to, rather than in conjunction with, the policy-making process at the national level. The dynamic of local actor participation is voluntary (Jacobsson 2004).

As to civil society involvement in the EES, the European Anti-Poverty Network (EAPN)⁹ has expressed its opinion on the impact of the EEG on poverty since 1998 through various reports and opinions (www.eapn.org). Its participation is initiated voluntarily. Since its involvement in the social inclusion strategy (2001), it has been more eager to participate in the EES. This willingness to participate has been enhanced further in the framework of the new EEG, where there is an explicit reference to the need to involve civil society further (EAPN's response to the revised European Employment Guidelines, PR07-03).

In contrast to the EES, for pensions OMC, there are, aside from member state officials, no mandatory (consultative) participants. Social partners do not have any formal role to play in the writing of the NSRs and the extent to which they participate in the national pension reform processes is dependent on national tradition. The OMC pensions has not enhanced the participation of social partners, but it is not an explicit aim of the process either (de la Porte 2003).

As to the involvement of civil society organizations in pensions OMC, the transnational non-profit civil society organization, European Older People's Platform (AGE)¹⁰ is active. Its expert working group on social protection, made up of representatives from the fifteen member states, includes the mandate of expressing the concerns of AGE for pensions OMC.¹¹ It actively communicated its position to national governments, the European Commission and the SPC. The extent to which its opinion is taken into account is not clear.

(d) Learning

The following analysis focuses on learning among the participants involved in the decision-making of the OMC processes. It has been suggested that the process of consensus-seeking is greater in the committees of the OMC than in traditional Community policies because of the absence of agreement on

binding rules (Dehousse 2003). In the employment process, this type of learning would take place among the members of the EMCO and its subordinate indicators working group, whereas in the pensions OMC it would be the SPC, the EPC and their respective sub-committees.

In the EES, there is evidence that in the EMCO there is some degree of learning among the participants, i.e. a willingness to alter views on an issue. However, there is evidence that for policies considered by member states to be sensitive, the political mandate is usually decisive, while for other less controversial issues, the member states are more open to changing their positions. In addition, the EES is increasingly driven by the Presidency agendas, which suggests that national political mandates have incrementally become more influential. (Jacobsson and Vifell 2003).

In the indicators working group, the discussions are of a more technical nature, and are intended to inform the discussions of the EMCO. It seems that, because of the technical nature of the membership and mandate, the discussions are more prone to be guided by learning, i.e. agreeing on the data to integrate into an indicator (Jacobsson and Vifell 2003). The role of indicators in the EES has increased in political status, i.e. the focus on the quantitative employment rate targets (70 per cent overall, 60 per cent female and 50 per cent of the 50–64 age group to be reached by 2010), at the sessions of the Spring European Council since Lisbon. In addition, the number of European level indicators has increased since 1997. There were 64 indicators in 2003: 39 'key indicators', that reflect the European level objectives and 25 'context indicators', which are more sensitive to national situations. It thus appears that the role of the technical committees has increased since 1997. This means that at European level learning dynamics take place from the bottom (indicators working group) up (through EMCO to the Labour and Social Affairs Council and finally to the level of the European Council).

In the pensions OMC, the objectives agreed upon reflect that learning has taken place between the EPC and the SPC. The EPC has been giving opinions and preparing reports on issues of pension reform prior to the pensions OMC. One of its technical working groups analyses the issue of the ageing of the population. The SPC's work on pensions began with its 2001 mandate. The members of the SPC were driven by the need to find a common (social) position on the issue, which quickly created a consensus among its members. Alongside learning within each committee, the advantage of the OMC pensions is to have brought the economically and socially oriented players together. Through a learning process, they reached a compromise on the objectives of the pensions OMC (de la Porte and Pochet 2002).

There are no agreed upon indicators or benchmarks within this OMC process. However, in the first Joint Report prepared by the Commission and endorsed by the Council on this OMC, there is a reference to the 50 per cent employment rate target among the 50–64 age group (from the employment strategy) and to the forecasts of demographic ageing prepared by the Working

Group on Ageing that is subordinate to the EPC. This could be characterized as a case of (horizontal) learning across committees.

CONCLUSION

The democratic quality of the OMC is mixed, according to our empirical analysis, while the results are better for the EES than the pensions OMC.

In this article, we briefly analysed three theories of deliberative democracy, from which we have tentatively developed four criteria¹² for assessing the democratic quality of the OMC – transparency, public debate, participation and learning. First, the transparency of the EES is clearly better than that of the pensions OMC, although most of the progress to render the process more transparent and intelligible was made following the five-year evaluation of the EES, prior to which it was quite opaque. Second, public debate (in national media as well as in national and European parliaments) is the weakest point of the OMC. Media coverage on the EES has declined since its climax in 1999, and for pensions OMC it is virtually non-existent. Concerning parliamentary debate, the EP has a mandatory consultative role in the EES, which has been weak, but should be improved after the changes introduced to the strategy. In pensions OMC, the EP is merely entitled to be kept informed, according to the final draft of the Constitutional Treaty (article 307). At national level, it is ultimately up to the member states to ensure that the policies of the different OMCs are debated in national parliamentary fora. Third, the participation of the social partners in the EES, particularly at national level, has improved over the last five years, although their input remains weak. As to other civil society actors, the EAPN has (voluntarily) voiced its concerns about how the EES could have an impact on the fight against poverty from the outset of the strategy in position papers and fora, although its role has been minimal. Following increased emphasis by the European institutions on the participation of civil society organizations in the new EES, the EAPN hopes to become more actively involved. In member states where local actors have responsibility for employment policies, there is some evidence of implementation of the EEG at local level (reflected in the local action plans). In the pensions OMC, the role of national social partners in national pension reform is mentioned in the NSRs of those countries where they traditionally participate in the policy process. It is not, however, a stated objective of the pensions OMC to enhance social partner participation in pension reform policies. The civil society organization, European Older People's Platform (AGE), has actively (and voluntarily) shown interest in pensions OMC at the European level, although the extent of its influence is unclear. Fourth, policy learning occurs at the European level within, between and across committees for both processes. However, the OMC has been criticized for its highly technical dimension, for example the employment rate targets, with a bias towards increasing Europe's economic growth and competitiveness.¹³ In many aspects, the OMC process resembles 'expert deliberation' at the

European level (as, for example, in comitology) given the central role of the committees which are ultimately closed. However, this is not to say that there is no involvement of other participants. Albeit imperfectly, the social partners and European civil society organizations do have some say in both OMC processes. The overall dynamics of the process, in particular the objective-setting and benchmarking, remains centralized and top-down rather than decentralized and bottom-up.

Overall, neither the employment nor the pensions OMC is particularly 'open' with respect to transparency and democratic participation. To be considered a 'deliberative-democratic' mode of governance, the OMC would require broader 'public deliberation' about European policy choices (reported and discussed, for example, within national media). Greater participation of civil society organizations as well as (national and European) parliaments in the OMC process could stimulate media and parliamentary debates in which EU guidelines, as well as the policy orientations of different member states, would be exposed to a form of 'transnational' public scrutiny (Nanz 2003). But whether the OMC can be transformed so that deliberation within the OMC policy processes will lead to democratic debate and broader social learning remains an open question.

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NOTES

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- 2 My research has been supported by a Marie Curie Fellowship of the European Union (contract number MCFI-2001-01348).
- 3 The European Commission and the European Economic and Social Committee have been active in developing a normative discourse on the role of civil society organizations in fostering a more participatory and democratic European governance.
- 4 De Búrca and Zeitlin (2003) had proposed including explicit requirements for transparency and the broad participation of all relevant actors in all OMC processes in the Constitutional Treaty.
- 5 Cohen and Sabel (2003: 346) have defined deliberation as '(self-)reflective debate by which participants reason about proposals, and are open to changing their initial preferences – aimed at consensus'. In deliberative fora actors participate through 'collaborative problem-solving on equal terms' (Cohen and Sabel 2003: 363).

- 6 The new 'ten commandments' of the EES are: 1. Active and preventive measures for the unemployed and the inactive; 2. Making work pay; 3. Fostering entrepreneurship to create more and better jobs; 4. Transforming undeclared work into regular employment; 5. Promoting active ageing; 6. Promoting adaptability in the labour market; 7. Investment in human capital and strategies for lifelong learning; 8. Gender equality; 9. Supporting integration and combatting discrimination in the labour market for people at a disadvantage; 10. Addressing regional employment disparities (CEC 2003).
- 7 While responsiveness is also an important criterion for democratic quality, it is not possible to examine this dimension of governance owing to lack of data. The research required to examine responsiveness of the OMC from the perspective of deliberative democracy would have to rely on participant observation in the committees of the OMC and/or an analysis of the protocols of the meetings of the committees that are not available publicly. Such research would have to reveal the extent to which the concerns of civil society and other actors were actually taken into account in the deliberations of the decision-makers. Parallel to this, the interests and concerns of civil society organizations and other actors would have to be identified. This would require an analysis of documents produced by these actors, as well as interviews with civil society representatives.
- 8 Dominique Jadot of the documentation centre of the Observatoire Social Européen has analysed *Le Monde* (France), *La Libre Belgique* (Belgium), the *Financial Times* (United Kingdom) and *The Economist* (United Kingdom) from the beginning of the pensions OMC–2001.
- 9 EAPN is an independent coalition of non-governmental organizations and groups involved in the fight against poverty and social exclusion in the member states of the EU. It is made up of fifteen members representing the national networks (voluntary and grass-roots organizations in the fight against poverty and social exclusion) and three members representing the European organizations.
- 10 This organization was set up in 2001, to improve and strengthen co-operation between older people's organizations at EU level. It is the first and only civil society organization of this type. Its objective is to voice and promote the interests of older people in the EU. Its members are European, national and regional non-profit making organizations. AGE is co-financed by its members and by the European Commission (www.age-platform.org).
- 11 They emphasized the right to a decent level of pension, mainly through public pension provision; a guarantee of the indexation of the first pillar of the pensions; the need to ensure a high income replacement rate at retirement; the need to focus on the gender dimension of the pensions strategy; and the need to allow and encourage older people to remain in the workforce for a longer period of time.
- 12 The criterion on responsiveness could not be operationalized owing to lack of data.
- 13 To guard the OMC in social policy against the tendency to an economic bias or a regulatory 'race to the bottom', it had been suggested including fundamental principles, e.g. of social protection, in the Constitutional Treaty (Vandenbroucke 2003).

REFERENCES

- Barbier, C. (2003) 'Final amendments to the Convention', *Tomorrow Europe*, Newsletter of the Observatoire Social Européen, July.
- Barbier, C. et al. (2002) 'European briefing', *Journal of European Social Policy* 12(4): 347–57.
- Barbier, J.-C. and Samba Sylla, N. (2001) 'Stratégie européenne pour l'emploi: les

- représentations des acteurs en France', Rapport pour la DARES et la Délégation à l'emploi du ministère du travail et de l'emploi, December.
- Borras, S. and Jacobsson, K. (2004) 'The open method of co-ordination and new governance patterns in the EU', *Journal of European Public Policy* 11(2): 185–208.
- Buechs, M. and Friedrich, D. (2004) 'Surface integration – the national action plans for employment and social inclusion in Germany', in J. Zeitlin, P. Pochet and L. Magnusson (eds), *Opening the Open Method of Co-ordination*, Brussels: P.I.E.-Peter Lang (forthcoming).
- CEC (2001a) 'European Governance: a White Paper', COM (2001) 428 final of 25 July 2001 (http://europa.eu.int/eur-lex/en/com/cnc/2001/com2001_0428en01.pdf).
- CEC (2001b) Communication from the Commission 'Supporting national strategies for safe and sustainable pensions through an integrated approach', COM (2001) 362 of 3 July 2001 (http://europa.eu.int/eur-lex/en/com/cnc/2001/com2001_0362en01.pdf).
- CEC (2002a) 'Pensions/frequently asked questions', MEMO/02/298, Brussels, 17 December 2002 (http://europa.eu.int/comm/employment_social/news/2002/dec/memo_2_298_en.pdf).
- CEC (2002b) Communication from the Commission 'Taking stock of five years of the European Employment Strategy', COM (2002) 416 of 17 July 2002 (http://europa.eu.int/eur-lex/en/com/cnc/2002/com2002_0416en01.pdf).
- CEC (2002c) 2002 Impact Evaluation (EES), http://europa.eu.int/comm/employment_social/employment_strategy/impact_en.htm
- CEC (2002d) Communication from the Commission on streamlining the annual economic and employment policy co-ordination cycles, COM (2002) 487 of 3 September 2002 (http://europa.eu.int/eur-lex/en/com/rpt/2002/com2002_0487en01.pdf).
- CEC (2003) 'The future of the European Employment Strategy (EES): A strategy for full employment and better jobs for all', COM (2003) 6 final of 14 January 2003.
- Cohen, J. (1996) 'Procedure and substance in deliberative democracy', in S. Benhabib (ed.), *Democracy and Difference*, Princeton, NJ: Princeton University Press, pp. 103–32.
- Cohen, J. and Sabel, C. (2003) 'Sovereignty and solidarity: EU and US', in J. Zeitlin and D. Trubek (eds), *Governing Work and Welfare in a New Economy: European and American Experiments*, Oxford: Oxford University Press (forthcoming).
- Council of the European Union (2000) 'The on-going experience of the open method of co-ordination', *Presidency Note*, No. 9088/00, 13 June.
- De Búrca, G. and Zeitlin, J. (2003) 'Constitutionalising the open method of co-ordination – what should the Convention propose?', *CEPS Policy Brief*, No. 31, Centre for European Policy Studies, Brussels, March.
- De la Porte, C. (2003) 'How relevant is the pensions OMC to the reform of pension systems in EU member states?', in C. Degryse and P. Pochet (eds), *Social Developments in the European Union 2002*, Brussels: European Trade Union Institute, Observatoire Social Européen and Saltsa, pp. 253–77.
- De la Porte, C. and Pochet, P. (2002) 'Public pension reform: European actors, discourses and outcomes', in C. de la Porte and P. Pochet (eds), *Building Social Europe through the Open Method of Co-ordination*, Brussels: P.I.E.-Peter Lang, pp. 223–50.
- Dehousse, R. (2003) *La Méthode ouverte de co-ordination: convergence et politiques dans l'UE*, Paris: L'Harmattan.
- Eberlein, B. and Kerwer, D. (2002) 'Theorising the new modes of European Union governance', *European Integration online Papers (EIoP)*, Vol. 6, No. 5, April (<http://eiop.or.at/eiop/texte/2002-005a.htm>).
- European Council (2000) Lisbon European Council, *Presidency Conclusions*, 23–24 March.

- European Industrial Relations On-line (2002) National social partner involvement in the 2002 NAP. (<http://www.eiro.eurofound.eu.int/>), European Foundation of Living and Working Conditions.
- European Parliament (2003) Report on analysis of the open co-ordination procedure in the field of employment and social affairs, and future prospects by the Committee on Employment and Social Affairs, Rapporteur Miet Smets A5-0143/2003 of 30 April.
- Everson M. (1999) 'Review essay: A German cornucopia', *European Law Journal* 5(2): 141–6.
- Gerstenberg, O. and Sabel, C.F. (2002) 'Directly-deliberative polyarchy: an institutional ideal for Europe?', in C. Joerges and R. Dehousse (eds), *Good Governance in Europe's Integrated Market*, Oxford: Oxford University Press, pp. 289–342.
- Goetschy, J. (2003) 'The European Employment Strategy, multi-level governance and policy co-ordination: past, present and future', in J. Zeitlin and D. Trubek (eds), *Governing Work and Welfare in a New Economy: European and American Experiments*, Oxford: Oxford University Press.
- Gutman, A. and Thompson, D. (1996) *Democracy and Deliberation*, Cambridge, MA: Harvard University Press.
- Habermas, J. (1996) *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge, MA: MIT Press.
- Jacobsson, K. (2004) 'Trying to reform the best pupils in the class? The OMC in Sweden and Denmark', in J. Zeitlin, P. Pochet and L. Magnusson (eds), *Opening the Open Method of Co-ordination*, Brussels: P.I.E.-Peter Lang (forthcoming).
- Jacobsson, K. and Vifell, A. (2003) 'Integration by deliberation? On the role of committees in the open method of co-ordination'. Prepared for the workshop on *The Forging of Deliberative Supranationalism in the EU*, EUI, Florence, 7–8 February.
- Joerges, C. (1999) "'Good governance" through comitology?', in C. Joerges and E. Vos (eds), *1999 EU Committees: Social Regulation, Law and Politics*, Oxford: Hart Publishing, pp. 311–38.
- Joerges, C. and Everson, M. (2004) 'Law, economics and politics in the constitutionalization of Europe', in E.O. Eriksen, J.E. Fossum and J. Menéndez (eds), *Developing a Constitution for Europe*, London: Routledge (forthcoming).
- Joerges, C. and Neyer, J. (1997) 'Transforming strategic interaction into deliberative problem-solving: European comitology in the foodstuffs sector', *Journal of European Public Policy* 4(4): 609–25.
- Meyer, C. (2003) 'Towards a Europeanization of socio-economic discourses? A study of quality press coverage of economic policy co-ordination since Amsterdam'. Contribution to the EURO PUB Conference *Europeanization of Public Spheres? Political Mobilization, Public Communication, and the European Union*, 20–22 June.
- Nanz, P. (2003) 'Les voix multiples de l'Europe. Une idée interdiscursive de la sphere publique', *Raisons politiques: etudes de pensee politique*, Paris: Presse de Sciences Po.
- Nanz, P. and Steffek, J. (2004) 'Global governance, participation and the public sphere', in D. Held and M. Koenig-Archibugi (eds), *Global Governance and Public Accountability*, special issue I of *Government and Opposition*.
- Pochet, P. (2003) 'OMC: a way to improve democratic Europe or to Europeanize social rights?'. Prepared for the 8th EUSA conference, Nashville, Tennessee, 27–30 March.
- Rodrigues, M.J. (2001) 'The open method of co-ordination as a new governance tool', *Europa Europe*, Special Issue, No. 2–3, Fondazione Istituto Gramsci, Rome, pp. 96–107.
- Telò, M. (2002) 'Governance and government in the European Union. The open method of co-ordination', in M.J. Rodrigues (ed.), *The New Knowledge Economy in Europe – A Strategy for International Competitiveness and Social Cohesion*, Cheltenham: Edward Elgar Publishing, pp. 242–72.

- Trubek, D. and Mosher, J. (2003) 'New governance, employment policy and the European social model', in J. Zeitlin and D. Trubek (eds), *Governing Work and Welfare in a New Economy: European and American Experiments*, Oxford: Oxford University Press.
- Vandenbroucke, F. (2003) 'Social Europe'. Intervention at the Expert Hearing of the European Convention, Working Group XI, Brussels, 21 January.