## Index

*Age Concern* 112

- ageing, EU governance on 103–21
  - coordinative instruments 116–19
    - indirect influence: older workers in EES 116–17
    - OMC on social protection and inclusion 117–19
  - deconstructing governance: soft OMCs and hard EU law 105–8
  - EU policy targeting national pension policies directly 106
  - market regulation exerting indirect influence 106
- early developments: founding to 1990s 108–11, 119–20
- Charter of Fundamental Social Rights of Workers 109
  - equal treatment cases 108–9
- European Year for Active Ageing 110
- European Year of Older People 109
- First Action Plan for the Elderly 109
- lobbying activities for policy on older people 110
- NGOs, role of 110
- second Action Programme 110–11
- trade unions, role of 110
- Eurolink Age 110
- 'job quality' agenda, older people in 116–17
  - active ageing policy 117
  - exit age 116
  - legislative instruments 111–16
    - direct influence through supplementary pensions 114–15
  - indirect influence: supplementary pensions as financial instruments 113–14
  - 'social sphere': prohibiting age discrimination 111–13
- OMC 104
  - hard EU law, and 105–8
  - pensions, on 117–19
  - pensions core area, as 106
  - CJEU equal treatment rulings 108
  - importance in dealing with ageing workers 103
  - institutionally entrenched 103
  - IORPs 114, 115
  - OMC on 117–19
  - portability of supplementary pension rights 115–16
  - supplementary pensions 113–15
  - see also social services of general (economic) interest (SSGIs)
- Almunia, Joaquín 304
- Altmark 280–82, 303
- Amsterdam Treaty 111
- Association Belge des Consommateurs Test-Achats ASBL 113
- Austria, job quality initiatives in 141, 143
- Barber 108, 246
- Barroso, J. 270
- Belgium (Flanders)
  - job quality initiatives 140, 143
  - social services 269
  - Working Time Directive 159
- BetterCare Group 307–9
- Broad Economic Policy Guidelines 118
- Brundtland Report 43
- Burns, Simon 310

349
Charter of Fundamental Rights of the EU
limits of 32–4
social rights, legal status of 33–4
right to strike 34
‘Solidarity’ chapter 28
working conditions 173, 206
Charter of Fundamental Social Rights of Workers 109, 157, 172–3, 206, 233
citizens/citizenship 37
ambiguities of EU citizenship 32–4
citizens as consumers 26, 268
European Parliament, voting for 33
free movement, and 33
individual rights 31
introduction of 173
preserve of limited number, citizenship as 33
services of general interest/social services 262, 268–9, 270
climate change 46, 52, 53, 54, 63, 71
abatement policies and burden-sharing 55–7, 63–4
adaptation, challenges from 75
atmosphere as ‘common poll’ good 48
carbon capture 60
decoupling 60
distributive consequences of mitigating climate change 75
driver of change, as 74
Emissions Trading System, EU 67
energy 54, 55, 60, 64
energy savings and competitiveness 74
prices rising 75
human activity as main cause 59
mitigating carbon emissions as main challenge 59–60
precautionary principle, and 66
scientific knowledge 59, 65
social policy and climate change, attempts to link 66
sustainable low energy carbon system 60
see also sustainable development
collective action see under social rights

Commission v Germany 347
Common Agricultural Policy 10, 67
‘communicative discourse’ 10
community method 154–8
definition of 154
example of assessing its potential/limits see Working Time Directive
hard law, means of generating 154
success dependent on becoming reflexive 176
whether creates uncertainty 156
working time, governance by 172
competition 303–4
CJEU 267–8, 277
European Commission 267–8
healthcare, UK 309–10
SGEI/SSGIs 280–8, 303–4, 307–8
state aid, and 307–8
Constitution of the EU, draft 2–3
Council 22
role of 108
Working Time Directive, reform of 162–3
Council of Europe 27, 86, 200
Court of Justice of European Union (CJEU) 22
competition 267–8, 277
cross-border interest 264
de-politicised approach to policy making, promoting 9
economic point of view, actively promoting 30–31
exclusive power of naming 262–3, 264
fundamental rights 36
discrimination 268
equal treatment 108–9, 112
freedom of establishment 277
individual rights, and 36
marginal and excluded people, defence of 37
openness and liberal values, supporting 61
promotion of the market, and 31
public procurement/shared services

Jean-Claude Barbier, Ralf Rogowski, and Fabrice Colomb - 9781781951767
Downloaded from PubFactory at 09/15/2023 09:42:48PM via free access
Index

social services of general interest 257, 261, 277
‘manifest error’, determining 270–80
shared services 302
social housing in Netherlands 293–4
working time 194
Working Time Directive, case law on 159–61, 194
Czech Republic 11, 12
EU Agendas, and 317–19
attitude of key political actors towards EU 317–18
attitude of public towards EU 317
labour law system, general characteristics of 164
low respect for labour legislation 185
national approach in implementing EU law 164–5, 179–82
collective dismissals 182
market economy, effects of 182
problems following transposition 180–81
protection of workforce 179
social services of general interest 257, 265–6, 269, 316–29
contradictory national position towards EU Directive on SGI 321
developments in employment services after 2004 321–2
emerging labour market insecurities 327–8
employment agencies, problems with 323–7
employment services/regulations in EU national agenda 319–28
ineffective state regulation 325–7
non-owned notion of services of general interest 320
privatization in job mediation and agency work 323–5
social services of general interest as contradictory EU agenda 319
Working Time Directive 164–6, 179–91
application and enforcement problems 181, 184–9
Czech courts and their reaction 165
enforcing rights, difficulties with 185–6
general political awareness/discussion of 165–6, 189–90
implementation, national measures for 164–5, 171, 183–9
opt-out 159
overtime, problems with 183–5, 187, 188–9
problems in specific industries 165
rest periods, problems with 183, 185, 187, 188
state control mechanisms, ineffectiveness of 186–9

Defrenne 108
Dellas 160, 167, 197–200, 203
Delmas-Marty, Mireille 27
Delors, Jacques 2
democratic deficit 25
‘input legitimacy’/’output legitimacy’ 25
Denkavit International 114
Dillard, Jesse 6
discrimination
age discrimination, prohibiting 111–13
compulsory retirement 113
equal treatment as priority 113
justifying discrimination 111–12
occupational requirements 111–12
anti-discrimination legislation 27, 33, 36–7
equality between men and women 33, 36, 37, 111
pensions 108–9
insurance 113
justifying discrimination 112
nationality, prohibition on grounds of 33, 111

Dutch Housing Association 293–4, 305
economic/financial crisis 1, 9
impact of 49, 65
increased ‘Euro scepticism’ 26
‘Social Europe’, on 12, 26
toughening of EU coordination
mechanisms 70
uncertainty increasing after 39
underlying problems not noticed 49
economics/economic law
EU law as ‘economic’ 30
solidarity allowing for exceptions to
economic law 31–2
Emissions Trading System 67
employment see workers/employment
Employment Committee (EMCO) 126,
133, 134, 136–7
enforcement procedures see under
European Commission
environmental issues see climate
change; sustainable development
Europe 2020 Agenda
inclusive growth, priority of 136
job quality in 136–9
social economy 339
sustainable development 67–70, 73
European Central Bank 10
European Commission 22
anti-discrimination 37–8, 111
competition 267–8
de-politicised approach to policy
making, promoting 9
enforcement role/procedure 154–7
capacity deficit 155–6
informal letter 154
Letter of Formal Notice 155
proceedings 155
Reasoned Opinion 155
reflexive implementation strategies
156
ESD and ESSED, and 87–8, 97
transnational collective agreements
85–6
ESM 3
notion of 4
EU law, creation of 24–5
Europe 2020 and EU budget 67
exclusive power of naming 262–3,
264
‘job quality’ agenda 130, 136–9
contested indicators and
fluctuating political priorities
130–34
neo-liberal economic policies 4
policy making 108
political choices 9
role of 270
services of general economic interest/
social services 273
Commission’s concept of social
services 271, 280–81
economic activities, social services
as 277–8, 300, 339–40
‘manifest error’, determining
270–80
modernization, nature of 277
new legislation/proposals 39,
266–7, 268, 269–72
types of social services 276–7
social dimension of European
integration 4
social policies 9
Working Time Directive, reform of
161–3
justifications for 201–3
European Committee on Social Rights
200
European Convention on Human Rights
31, 34
European Employment Strategy (EES)
2, 10, 11, 105, 233
content of 126
EU employment governance to
establishing indicators 125–30
employment governance at
European level, overview of
126–8
possible interactions between
policy targets and indicators
128–30
governance mode, as 126–7
introduction of 2
‘job quality’ agenda see ‘job quality’
agenda
key pillar of risk management, as 124
multilevel initiatives and governance
139–45
evaluation/reciprocal commitments: regional initiatives 141–2
job quality as fluctuating priority for social partners 143–5
national initiatives 139–41
structured developments in national states/local communities 139–44
nature of 124
New Skills for New Jobs Initiative 133
older people in 116–17
active ageing policy 117
exit age 116
OMC, and 126, 127–8, 133
governance of working time 172, 173
role model for other OMCs, as 116
soft nature of EES governance 125, 126, 127, 128
working time policy, importance of 173
see also working time; Working Time Directive
European law making/influence on social policy 19–39
bifurcated legitimacy of EU legal order 34–9
contestation and uncertainty 38–9
expected/unexpected alliances in fora and arenas 35–8
creation of EU law
length of implementation 28–9
litigation 28, 32, 33
lobbying 28, 32
opaque processes 29
process of 24–5
foreignness of EU law: special characteristic 23–5, 30
EU law as judge-made/‘praetorian’ 25
lack of public spaces for debating EU law 25
linguistic problems 24
national law, public discussion of 25
intrinsic asymmetry of EU law 20
‘Janus-faced’ nature of EU law 20, 36–7
overarching asymmetry between economics and ‘the social’ 26–34
ambiguities of EU citizenship and limits of Charter 32–4
economics vs. solidarity: individual vs. collective, mobile vs. immobile 30–32
subordination and practical consequences of EU law supremacy 26–8
vagaries of implementation: actual rights 28–30
sociological view of relevant actors in fora and arenas 21–3
actors, typology of 22
arenas, nature of 22
fora, types of 21–2, 25
policy communities fora 22
roles of social actors 21
European Monetary Union 106, 131
European Parliament 22, 263
elections 32, 33
fragmentation of issues debated 29
increasing role 25
services of general economic interest 266
Working Time Directive, reform of 161–3
European Social Charter 27, 200–201, 204
European Social Dialogue (ESD) 2, 10, 11, 79–100
autonomous framework agreements 79, 80
cross-sector social dialogue 92–6
implementation not dependent on European institutions 79, 81–2
relationships of dependency for implementation 88–9, 99
cross-sector social dialogue: autonomous agreements 92–6
‘national procedures and practices’, problems with 94–6
The sustainability of the European Social Model

national procedures and practices' route 92–4
teleworking 92–3
work stress 92, 93
dependency and autonomy in ESD 81–7
ESD as multi-governance 82–4
limitations of multi-governance approach 84–7
dependent to autonomous agreements, from 90–91
ESD 90
ESSD 91
European Sector Social Dialogue (ESSD) 80
different notions of concept of social dialogue 96
new generation joint texts 97–8
relations with industrial relations structures/social partners 96–7
European Social Model, core feature of 78
European social partners as co-regulators of labour market 79–80
autonomous framework agreements, concluding 79, 80
framework agreements, negotiating 79, 80
evolution of European Social Dialogue 80, 98–100
nature of 172
framework agreements 79, 80, 172
dependent on institutions for implementation 79, 81, 86
introduction of ESD 79
multi-governance and ESD/ESSD 87–9
ESD as multi-governance 82–4
limitations of multi-governance approach 84–7
relationships of dependency for implementation 88–9
working time, governance through social dialogue of 172
Working Time Directive, social dialogue for reform of 161–3, 176
European Social Model (ESM) challenges to 12
contradictory set of values 4
defining characteristics of 'existing ESM' 2
empirical analyses, ESM in light of 11–12
ESD as core feature of 79, 82
functions/functional aspects of 4–5
multi-layered structure, and multi-layered governance 4
plural nature of 4–5
reflexive policymaking at core 4, 5
governance of 8–10
main instruments in social protection/social rights 10
integration of economic, social and employment policies 2
mobilising European Social Model v. existing ESM 2–3
meaning of 'mobilising ESM' 3
neo-liberal free market policies, and normative ESM, soziale Marktwirtschaft similarities to 2
social market economy, and 2–3
social protection systems and economic policy 3
sustainability of 1–12
social sustainability see social sustainability whether ESM is sustainable 5–8
US model, competition with 2, 3
European Trade Union Congress (ETUC) 31, 324
job quality 136
fluctuating priorities 143–4
Social Dialogue, and 172
Working Time Directive opt-out 246
reform of 163
European Union Commission see European Commission
Index

EES see European Employment Strategy (EES)
ESM see European Social Model (ESM)
governance 8–9
ageing, on see ageing, EU governance on communication with general public 10
integration process, concern with 12
legislation and formal regulation 10
main instruments in social protection/social rights 10
money redistribution 10
OMC see open methods of coordination (OMCs)
political nature of 9
social dialogue 10
sustainable development, of see under sustainable development
working time see working time
law-making see European law-making/influence on social policy
social policy 9
social sustainability see under social sustainability
sustainable development see sustainable development
European Working Conditions Survey 133, 134, 138–9

Family Educational Rights and Privacy Act (FERPA) 109
feminism: socio-feminist discourse of sustainability 7–8
Financial Action Service Plan 114 ‘flexicurity’ 8–9, 70, 127
Experts’ Group 133
focus on 132–3
FP7 project 1
framework agreements see under European social dialogue (ESD)
France 11, 12

influence on EU working time policy 201–4
job quality initiatives 141–2
fluctuating priorities, and 143–5
labour law system, general characteristics of 166
national approach in implementing EU law 166
referendum 26
Services Directive 29, 337, 338
social services of general interest 257–8, 265, 269, 331–47
childcare 333, 343–4, 346, 347
diversification/economization of 336–42
failed attempts at advocacy coalition for positive integration 336–7
French associations as key actors for social services 332–5
healthcare 333
long-term economization trend 339–40
not for profit sector 333–4
old age long-term care 333, 345–6, 347
social care at home 333–4, 345–6
social housing 334
‘social economy’, importance of 333–4, 339
SSGIs and long tradition of services publics in France 335–6
uncertainty among actors 331
uncertainty and government’s strategic choices for transposition 341–2
contradictory standards of Charter of Social Rights and managers 200–201
dellas ruling: social and health professions 197–200
French courts and their reaction 166–7
French law generally ‘on track’ 195–7
general political awareness/discussion of 167
implementation 166, 171
opt-out 159
problems in specific industries 167
free movement
citizenship/rights, and 33
freedom of movement of workers 24
fundamental right as 31
Fuß 161
fundamental rights/freedoms 31
individual rights, and 273
economic freedom 31
employment, governance of through 172–3
respect for human rights not applicable to firms 27
social services 257

Germany
job quality initiatives 139–40, 143
social services 271
Working Time Directive 159
globalisation 49
sustainable development, and see under sustainable development
women affected by 64
goods, types of 48–9, 58
governance and government 83
GUSTO research 1, 52, 73, 153, 255

Hallstein, Walter 2
Hamburg 302
Herzog, P. 336
housing associations
France, in 305
French associations as key actors for social services 332–5
Netherlands, in 279, 285–8
see also under Netherlands
United Kingdom, in 305–6
housing market 283–8
dual rental and unitary rental markets 283–4, 285

Jaeger 160, 166, 170, 176, 182, 184, 194, 195, 198, 203, 239, 242
‘job quality’ agenda 124–46
concern about job quality 130
construction of 130–39
blurred conceptual framework/fluctuating priorities 130–34
continued interest in other areas 134–6
‘flexicurity’, focus on 127, 132–3
job quality in 2020 European Agenda 136–9
introduced 124
multidimensional concept/Laeken definition 131–2
Kok, Wim 132, 133

Laval 32, 156, 176, 324, 347
law, influence on social policy of see European law-making/influence on social policy
legal uncertainty
SSGIs see under social services of general (economic) interest (SSGIs)
Working Time Directive
increased uncertainty in national laws 175–6
increased uncertainty as result of CJEU decisions 176
legal uncertainty and long-term sustainability, and 175–7
Lisbon Strategy 11, 58, 71

The sustainability of the European Social Model

variations in European housing markets/social housing 283–5
human rights see fundamental rights/freedoms
indicators and agendas, relationship between 128–30
‘institutionalised cognitive frames’ 129
International Labour Organisation (ILO) 31, 64
‘Decent Work agenda’ 128, 131, 134–6, 137, 143, 144, 145

Jean-Claude Barbier, Ralf Rogowski, and Fabrice Colomb - 9781781951767
Downloaded from PubFactory at 09/15/2023 09:42:48PM via free access
Index

introduction of 2
relaunch 133, 143–4
Lisbon Treaty 33
social hopes in 39
sustainable development 45

Maastricht Treaty
citizenship 33
‘common interest’ 126
European social dialogue 79
fragmentation among pillars of 27
Mangold 112
Marshall 108
Millennium Development Goals 6, 66
Monks, John 246
Monti Report 38–9, 272
Müller-Armack, Alfred 2

national law
public discussion of 25
social rights and collective entitlements as constitutive part 27

Netherlands 11
housing market/role of housing associations 283–8
job quality initiatives 139
labour law system, general characteristics of 167
national approach in implementing EU law 167–8, 210
part-time work 174, 176, 208–10
referendum 26
services of general interest/social services 276–9
nature of social services 276
social housing 29, 262, 264, 265, 273, 279–95
Altmark criteria and state aid 280–82, 303
CJEU decision 293–4
Commission’s decision on 270, 271, 278, 280–82, 288–94
criticisms of policy 38
effect of EU ruling on Dutch policy 288–94

financing of housing associations/
state aid issues 279
housing associations 279, 285–8
implementation of EU decision 290–94
legal framework 279–82
problems in definition of SGEI 280–81
state aid, and 280–82, 288–90
social services 257–8, 265, 269
delivered by different providers 267
working hours arrangements/history of part-time work 208–10

Working Time Directive 167–9, 206–29
annualised hours 214–15
case law 223–6
definition of working time and rest time 211–12
derogations and exceptions, use of 219–20
Dutch courts and their reaction 168
fire brigade 221–2
general political awareness/discussion of 168–9, 226–7
health sector 222–3
implementation and practice 167–8, 171, 211–19
on-call work 216–17
opt-out 159, 214
overtime payment 215
specific industries 168, 221–3
shift work 218–19
working week, length of 212–14
working time regulations, pioneered 206–7

NGOs 22
assessing legitimacy of 25
economic services, providing 30, 31
individual/fundamental rights, fighting for 32–3, 271
alliances with legal community 36
legislative process, and 29
litigation strategy, use of 33
old age instruments 110
social protection institutions, importance of 26
social services 271
‘undertakings’, as 30

OECD
‘Job Strategy agenda’ 128, 145
open methods of coordination (OMCs)
8, 71
coordinative governance instrument, as 106
disseminating common standards and ideas 10
EES, and 126, 127–8
governance of working time 172, 173
effect of 105
emergence of 105
ESM, and 5
introduction of 2
nature of 5
pensions see under ageing, EU
governance on reforms/simplification 8

Pension Forum 115
pensions
ageing see under ageing, EU
governance on sustainable development, and 45
Pfeiffer 161
policy targets and indicators 128–30
policy agendas, development of 128–9
Poucet-Pistre (1993) 31–2
public procurement 27
housing associations, status as public bodies 305–6
‘light touch regime’, new 307
local authorities, greater use by 346
modernization of 301, 307
Part B services, former 307
Remedies Directive 306
sharing services by local authorities 302
social services 257, 272, 301–2
Teckal exemption 302
reflexive policymaking 4, 5, 8, 156, 177

community method 176
Remedies Directive 306
Robins 114
Rüffert 347

Schmidt, Viviane 10
France, in 29, 337, 338
social services, and 257, 268, 276, 337, 338
United Kingdom, in 299–301
services of general interest (SGI)/
general economic interest (SGEI)
262, 264, 266, 276
compensation approach 280–81
discretion of governments to decide
‘public interest’ 279
Green Paper 311
legal framework 279–80
‘manifest error’ 279–80
state aid, and 280–82
services, social see social services of general (economic) interest (SSGIs)
SiMAP 160, 166, 170, 176, 184, 194, 195, 198, 203, 239, 242
single market 113
Monti Report 272
renewed extension of 38–9
social dialogue see European social dialogue (ESD)
social housing
France 334
Netherlands 29, 262, 264, 265, 273, 279–95
Altmark criteria and state aid 280–82, 303
CJEU decision 293–4
Commission’s decision on 270, 271, 278, 280–82, 288–94
criticisms of policy 38
effect of EU ruling on Dutch policy 288–94
financing of housing associations/ state aid issues 279
housing associations 279, 285–8
Index

implementation of EU decision 290–94
legal framework 279–82
problems in definition of SGEI 280–81
state aid, and 280–82, 288–90
UK 298, 299–300, 305–6
Social Indicators of Development (World Bank) 6
Social Platform 338
social policy and EU law making see European law making/influence on social policy
social protection and rights
ageing see ageing, EU governance on collective rights and fundamental rights 273
dangers for continuity and quality of services 32
discrimination, protection from 111–13
EU level, at 27
‘lack of justiciability’ 28
marginal compared to national law 28
European social dialogue see European social dialogue (ESD)
‘flexicurity’ 8–9, 70
fully recognised by national courts 27
impact on benefits and costs 63
key element of European economies 273
market function, and 28
migrants, classic social rights of 33
negative market integration, and 61, 271
pensions see under ageing, EU governance on
right to strike/collective action 27, 34, 233, 246–7
EU Charter, in 34
right to strike at national level 27
SGI/SGEI see services of general interest (SGI)/general economic interest (SGEI)
‘sheltered’ from the market 32
social investment function of social protection 46–7
social law as preserve of Member States’ jurisdiction 27–8
social protection institutions 26–7
redistribution on legitimate basis 26
social services see social services of general (economic) interest (SSGIs)
stability of expenditure 63
sustainable development, and see social sustainability
social services of general (economic) interest (SSGIs) 255–74
challenges ahead 266–72
unbalanced rationale of EU legal reform 267–9
consequences varying across EU 262–6
exclusive power of naming 262–3, 264
subsidarity, discussing 263–5
variety of systems, variety of impact 265–6
contradictory EU agenda, as 319
Czech Republic, in see under Czech Republic
definition of 258–61
economic activities, as 277–8, 300, 339–40
evolving framework of SSGIs at domestic level 312
France, in see under France
Green Paper 311
influence of EU law on 11–12, 255–6
likely difficulties for future 272–4
main policy lessons 272
Netherlands, in see under Netherlands
spill-over process affecting SSGIs 256, 257, 261, 268
SSGIs as part of public provision 256
types of social services 276–7
UK, in see under United Kingdom (UK)
uncertainty and its consequences 256–62, 311
dimensions of uncertainty 258
interpretation of economic activity as source of uncertainty
legal uncertainty 256–7
main consequences of legal uncertainty 261–2
vagueness of EU law compared to national legislations 256–61
social sustainability 5–8, 46–7, 49
burden-sharing 56
general remarks 6
human capital, social cohesion, and 61–2
meaning of 6
origins of 6
social cohesion as ‘common pool’ good 48–9
social investment approach to welfare 46, 62
sustainable development Europe 2020, and 68–9
integral part of, social sustainability as 7
social dimension as national policy issue 66
social investment or social protection 61–2
three discourses of social sustainability in EU 6–8
socio-ecological discourse of sustainability 6–7
socio-feminist discourse of sustainability 7–8
system-theoretical discourse of sustainable ESM 8
soft law 2, 5
discursive democracy by 10
law/macroeconomic coordination dwarfing role of 39
self-aware policy making 8
solidarity
economic crisis testing limits of 49
economics vs. solidarity 26, 30–32
exceptions to economic law, allowing 31–2
limited attention paid to 26, 32
little effective substantive solidarity at EU level 31
EU Charter 28

Jean-Claude Barbier, Ralf Rogowski, and Fabrice Colomb - 9781781951767
Downloaded from PubFactory at 09/15/2023 09:42:48PM
via free access
EU governance of: social and environmental policies 44–75
core sustainable development challenges 57–65
defining sustainable development in EU 46–52
EU policy approaches 45, 46, 65–71
uncertainty as organising theme in sustainable development 52–7
food prices 64
future infrastructure/social capital, obligations to provide 45
pensions and social care 45
goods, types of 48–9
governance and social science issue, as 72–3
‘green’
‘pro-green’ as brand identity of EU 75
sustainable development equation with 46
globalisation, and 48, 57, 63
global coordination, need for 63–4
global social dimension to sustainable development 66
legacy
avoiding detrimental legacy 44
environmental degradation 44
inequalities and social injustice 45
social and economic dimensions to legacies 44–5
macroeconomic sustainability 46, 51
meaning of Brundtland report definition 44
Lisbon agenda definition 49
loose interpretation 49
measuring performance/social consequences 50–52
approaches to assessing sustainability 51–2
environmental factors affecting quality of life 51
happiness 50, 51
quality 50
stock of capital 50–51
well-being 50
policy approaches, EU 45, 46, 65–71
EU fundamental aim, sustainable development as 45, 65, 66
Europe 2020 67–70, 73
evolution of EU strategy 45, 66–7
impact assessment 69
implementation of policy 70–71
mainstreaming 69–70
Sustainable Development Strategy 65, 66–7
scarce resources
balancing depletion of 44
human capital 44, 45
nature of 44
social sustainability see social sustainability
soft coordination implementing 74
uncertainty as organising theme in 52–7, 73–5
burden-sharing in governing uncertainty 55–6
coping/governing with uncertainty 52
engaging business interests 54–5
fairness 53–4
governance processes, uncertainty about 74
new economic model, need for 75
reconciling tensions between sustainable development axes 74
sustainable development lacking agreed narrative 74
uncertainties around sustainable development 52–3
uncertainty around winners and losers 74–5

Teckal 302
trade unions
Czech 181, 184, 188, 189, 190
Dutch 206
ETUC see European Trade Union Congress (ETUC)
increased engagement with EU law 158
job quality, and 143
UK 311–12
The sustainability of the European Social Model

United Kingdom (UK) 11–12
competition law 309–10
EU law, interaction of UK regulation with 299–304
EU competition 303–4
public procurement 301–2
Services Directive 299–301
excessive working time culture 233–4
labour law system, general characteristics of 169
Local Government Association 300–301, 304, 307, 311–12
national approach in implementing EU law 169, 234–7
challenge to legality of WTD 236–7, 238
implementing EU law controversial 234
opposition to EU proposals 235–6
National Housing Federation 305–6
Office of Fair Trading 303, 304
right to strike 27
social services of general interest 257–8, 265, 269, 273, 297–313
definition of 297, 300
delivered by different providers 267
foreign service providers 300
healthcare 297–8, 299, 309–10, 311
interaction of UK regulation with EU law 299–304
nature of 297
social care 298, 299, 307–9
social care, private provision of 312–13
social housing 298, 299–300, 305–6
specific examples 305–10
White Paper on Open Public Services 312
Unison 309, 311–12
Working Time Directive 159–60, 161, 169–70 231–49
annual leave 241–2
general historical context 232–4
general political awareness/discussion of 170
health sector 242–4
incremental change 248–9
implementation 169–70, 171, 237, 238–40
national courts and their reaction 170, 240–42
opt-out 159–60, 238–40, 244–8
political opposition to WTD/impact of regulations 244–8
problems in specific industries 170, 242–4
United Nations sustainable development 6
UN Economic Commission for Europe 134, 134–6, 137, 139–40, 144
Viking 32, 156, 176, 347
welfare see social protection and rights
Wolf 111–12
women
globalisation affecting 64
socio-feminist discourse of sustainability 7–8
work and family commitments, balancing 7
unpaid work 7
workers/employment
Charter of Fundamental Social Rights of Workers 109, 157, 172–3, 206, 233
definition of ‘worker’ 239
EES see European Employment Strategy (EES)
employment and social investment 62
employment services/regulations in EU national agenda 319
ESD, and see under European social dialogue (ESD)
EU labour law, impact on national law of 156–7
pensions/ageing see ageing, EU governance on right to strikeollective action 27, 34, 233, 246–7
EU Charter, in 34
Index

right to strike at national level 27
trade unions
Czech 181, 184, 188, 189, 190
Dutch 206
ETUC see European Trade Union Congress (ETUC)
increased engagement with EU law 157
job quality, and 143
UK 309, 311–12
‘workers’, meaning of 24
working time
basis of legislation as national 28
governance of working time in EU:
sustainability and uncertainty 172–5
alternative methods of governance 172–3
WTD and other working time arrangements 173–5
Working Time Directive (WTD) 153–73
adoption of 25, 158
case law on 159–61
definition of ‘worker’ 239
implementation of 163–71
Czech Republic see under Czech Republic
France see under France
Netherlands see under Netherlands
United Kingdom see under United Kingdom
individual opt-out 159, 160–61, 214, 236, 238
reform of 161–3
legal uncertainty and long-term sustainability, and 175–7
increased uncertainty in national laws 175–6
increased uncertainty as result of CJEU decisions 176
other working time arrangements, and 173–5
annualised hours and working-time accounts 174–5
fixed-term employment 175
flexitime arrangements 174
overtime 175
part-time work 174
purpose of 157
reform of 161–3
revisions/litigation, time taken for 25, 28
scope and content 157, 158–9
women, and 7
flexible working needs 173, 176–7
World Bank
sustainable development 6