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Social Europe in the 1990s:
After All an Era of Corporatism?

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Summary:

Political scientists have used to argue that Corporatism was (and would stay) absent from Euro-level politics. By contrast, this article suggests that the Maastricht Treaty has indeed introduced modes of corporatist concertation at the meso-level of social policy-making Furthermore, the practise of those legal provisions does, as the first example (i.e. the European Works Councils Directive) has shown, create secondary effects and incentives for evolution of the structure of interest representation at the European level.*

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1. (Neo-)Corporatism and European Integration: The Pre-Maastricht State of the Art

Academic debate on (neo-)corporatism[1] has continued ever since the re-discovery of the notion by both Lehmbruch and Schmitter in 1974. Basically, this concept opposed the pluralist way of analysing the role of organized interests in the political life of Western democracies which had dominated post-war political science. The new perspective was to think of the state as a constituent actor in the organisation of collective interests in society (Streek 1994: 9). Government was thus not only passively influenced or 'captured' any more by organised interests 'representing' their constituency. Instead, the state was found to be 'engaged in defining, distorting, encouraging, regulating, licensing and/or repressing the activities of associations -- and backed in its efforts, at least potentially, by coercive action and claims to legitimacy' (Schmitter 1982: 260). Furthermore, the interest associations were perceived to be not only transmitting but to some extent also to be actively governing their members' interests.

In his classic conceptualisation, Schmitter contrasted pluralism and corporatism by setting out clear criteria for distinguishing pluralist from corporatist *styles of interest intermediation*:

> 'Corporatism can be defined as a system of interest represention in which the constitutent units are organized into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports.' (Schmitter 1979: 13)
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> 'Pluralism is a system of interest representation in which the constituent units are organized into an unspecified number of multiple, voluntary, competitive, non-hierarchically ordered and self-determined (as to type and scope of interest) categories not specially licensed, recognized, subsidized, created or otherwise controlled in leadership selection or interest articulation by the State and which do not exercise a

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1 By calling the newly depicted features of democratic systems 'neo'-corporatism, 'liberal corporatism' or 'democratic corporatism', scholars wanted to distinguish them from the fascist counterparts predating World War II. After two decades of debate on contemporary corporatisms, the evocation of the spectre of fascism and authoritatian rule seems less probable so that I will use the term 'corporatism' without prefix. On various concepts of 'corporatism' within political science and industrial relations, see e.g. Lehmbruch 1982; Grant (ed.) 1985; Cawson (ed) 1986; Williamson 1989; Streek 1994.

monopoly of representational activity within their respective categories.' (Schmitter 1979: 15)

But 'corporatism' has always been a pluri-dimensional concept. Thus, Lehmbruch laid emphasis on 'patterns of policy-formulation' and opposed 'corporatist' co-operation of organizations and public authorities to 'pluralist' pressure politics (see Lehmbruch 1982: 8 with further references). A corporatist mode of policy formation was also described as one 'in which formally designated interest associations are incorporated within the process of authoritative decision-making and implementation. As such they are officially recognised by the state not merely as interest intermediaries but as co-responsible "partners" in governance and social guidance' (Schmitter 1981: 295).

The more research was done, the more 'corporatism' developed into a 'highly complex phenomenon (or set of phenomena) of which different dimensions are covered by diverse conceptualizations' (Lehmbruch 1982, 2). E.g., it was soon thought to be premature to imply that corporatism was necessarily a phenomenon located on the *'macro' level* of national policy formation. Case studies uncovered that corporatist 'arenas' may emerge at the level of industrial sectors, subnational areas or single policy arenas as well (Lehmbruch 1982: 27; for case studies see e.g. Cawson 1985). This new concept was labelled 'meso-corporatism' (see Streek 1994: 17)[2].

When studying a specific political system, we may therefore distinguish (at least) four dimensions in which corporatist elements might be detected: the structural versus procedural[3], and the macro versus the meso levels.

Concerning the applicability of the *corporatist approach at the European level*, the prevailing assessment during the pre-Maastricht era is well summarized by Streek's and Schmitters' 1991 paper entitled 'From National Corporatism to Transnational Pluralism'. The authors state that

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2 The term corporatism has meanwhile even been applied to the firm or company level ('micro-corporatism', see below).

3 There are obviously affinities between the structural versus the procedural 'corporatisms'. Actually, Schmitter would later on have preferred 'to conserve the label of corporatism for interest intermediation. The second (type of corporatism, GF) I would call "concertation" as distinguished from its polar opposite mode of policy-making which I would term "pressure"...' (Schmitter 1982, 262). Although Schmitter's concept was certainly concise and useful, the term corporatism had by then already been adopted by those two 'schools' (if not more) and most scholarly writing did not follow his suggestion

'interest representation around and within the Community was always much more "pluralist" than corporatist; more organizationally fragmented; less hierarchically integrated; more internally competitive; and with a lot less control vested in peak associations over their affiliates, or in associations over their members' (Streek/Schmitter 1991: 200).

Concerning the procedural dimension, their major point was

'that in the uniting supra-national Europe, it was not only the case that labor was and continues to be *under-organized,* but there also was never a real possibility of a mutually organizing *interaction effect*, a *Wechselwirkung*, between labor and the two other major players in the political economy, capital and the state.' (ibid., 204; emphasis in original)

Streek and Schmitter came to the conclusion that

'the evolutionary alternative to neo-liberalism as a model for the European political economy is clearly not ... neo-corporatism. More likely appears an American-style pattern of "disjoint pluralism" ... characterized by a profound absence of hierarchy and monopoly among a wide variety of players of different but uncertain status' (ibid., 227).

Undoubtedly some of Streek's and Schmitter's arguments[4] do still support their prognosis for the European Union as a whole even after the Maastricht Treaty came into force. Nevertheless, there have been relevant innovations which might, especially at the meso-level (which was actually not studied in detail by Streek and Schmitter), change the tide for corporatist arrangements. Among all sectors included in the Treaty on European Union (TEU), this is certainly most probable for the field of social policy as set out in a specific Protocol annexed to the Maastricht Treaty.

2. The Social Agreement and its Corporatist Potential

The Intergovernmental Conference (IGC) preceeding the Maastricht Treaty negotiated a possible extension of the social and employment policy provisions within the Social Chapter of the Treaty establishing the European Economic Community (EECT). However, those could not be altered significantly because of the strong opposition from Great Britain. At the end of most difficult negotiations (which even threatened the rest of the IGC's compromises) the UK was granted an opt-out from the social policy measures agreed by the rest of the member

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4 Many authors came to similar conclusions (e.g. Sargent 1985; this is even true for research carried out around the time of the Maastricht Treaty's signature and/or entry into force: e.g. Falkner 1993; Keller 1993; Korinek 1993 und 1994; Tàlos 1994; Traxler/Schmitter 1994; Timmesfeld/Sadowski 1994).

states. In the *'Protocol on Social Policy'* annexed to the Treaty establishing the European Community (ECT), the eleven were authorized to have recourse to the institutions, procedures and mechanisms of the Treaty for the purposes of implementing their 'Agreement on Social Policy'.

In this so-called *Social Agreement*, which comprises what had been perceived as amendments to Art. 117 to 122 ECT, the remaining eleven states were cautious in terms of policy innovation -- especially when compared with the pre-Maastricht debates. Despite the enormous political difficulties and last minute compromises, however, a degree of policy innovation did, indeed, take place, both in terms of procedures and in terms of the EU competence for the eleven who signed up. Thus, there is an explicit extension of the Community competence in a wider range of social policy problems than hitherto (e.g. working conditions, integration of persons excluded from the labour market, protection of workers where their employment contract is terminated etc.); majority voting has been accepted for many more issues (e.g. information and consultation of workers), and -- last but not least -- the role of the so-called social partners has been significantly enhanced in the area of social policy.

While much of the public debate concerning the Maastricht decisions focused on the controversial British opt-out, too little attention has been paid so far to the actual potential of the Treaty's Social Protocol for the development of a pattern of corporatist politics at the EU level. This despite the fact that the Social Agreement contains *three different layers of possible corporatist participation* in the policy process: First, the Commission has now a legal obligation to consult both management and labour before submitting proposals in the social policy field. Secondly, a member state may entrust management and labour, at their joint request, with the implementation of Directives adopted persuant to the Social Agreement. And thirdly, but most importantly[5], management and labour may, on the occasion of such consultation, inform the Commission of their wish to initiate negotitations in order to reach agreements instead of EC legislation. Such agreements could, at the joint request of the signatory parties, be implemented by a Council decision on a proposal from the Commission.

Interestingly enough, those provisions have been suggested by the social partners themselves -- in what represented the most important achievement of the social dialogue at the EU level until then (e.g. Falkner 1993, 87)[6]. Towards the end of the IGC, ETUC[7], CEEP[8] and UNICE[9]

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5 This is a true innovation, while the two other possibilities of social partner involvement had de facto already existed without Treaty base.

6 Since, there have also been joint proposals on the Implementation of the Agreement, addressed by UNICE, CEEP and ETUC to the Council in a letter of 29 October 1993.

followed a suggestion by the EC Commission and concluded an agreement on the role of the social partners which was submitted to the IGC (on 31 October 1991) and finally included in the Treaty's Social Protocol with only minor changes[10]. This constitutes a clear commitment of the three inter-sectoral federatons to be involved in the making and implementation of European social policy. The incorporation of those provisions in the Maastricht Agreements proves that *all major actors* at the EC level (governments/Council, Commission, ETUC, UNICE and CEEP)[11] are *ready to participate* in 'a mode of policy formation in which formally designated interest associations are incorporated within the process of authoritative decision-making and implementation' (Schmitter 1981: 240) - which is the classic formula for procedural corporatism. This is a clear improvement to the pre-Maastricht situation as analysed by Streek and Schmitter -- when at least the employers' federation had no interest in Euro-level collective agreements whatsoever. But it seems that the so-called EC Social Charter[12] and the Commission's Social Action Programme aiming at its implementation actually did change things at least in UNICE's perception. European employers felt that the Commission was very much pressing for European social and labour law activities, thereby sometimes even sacrificing formerly cherrished practices of time-consuming consultation processes with anyhow hostile actors. Therefore, a clearcut Treaty provision guaranteeing their consultation in various stages of the policy process and even setting general time limits for reflection seemed an improvement of the recent status quo to the employers. But UNICE's main reasoning behind its (co-)request for corporatist policy-making procedures was clearly

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7 European Trade Union Conference.

8 European Centre of Enterprises with Public Participation.

9 Union of Industrial and Employers' Confederations of Europe.

10 Apart from changing vocabulary (e.g., 'management and labour' are called the 'Social Partners' in the Agreement), those concern mainly the implementation by the Council of Agreements by the social partners (which should have happened, according to the latter's will, 'as they have been concluded' - what was dropped in the Social Agreement); and the extension of the deadline for legistic standstill during negotiations between the social partners (which according to their Agreement could have been decided by management and labour, but needs Commission approval now).

11 According to officials on both sides of industry, all member organisations of the European social partner federations have supported this approach, too.

12 Which is in fact a non-binding declaration by eleven governments only because the UK could not be convinced to join this activity (see Falkner 1991 in more detail).

the threat of more extended social legislation in the aftermath of the 1990-91 IGC (see also Keller 1993: 593). Assuming that it was still better to keep the steering-wheel in one's own hands, European employers agreed to join the pre-cited social partner proposal which, as will be suggested below, provides a basis for corporatist developments both in the procedural and the structural dimensions. But while the new patterns of social policy-making derive mainly directly from the Social Agreement's provisions (see below point 2.), some effects concerning the structure of interest representation at the European level might only evolve slowly along with the practise of the legal provisions (below point 1.). Nonetheless, there are already some significant developments to be discussed.

1. Associations involved in corporatist policy formation should, following the above-mentioned definition (Schmitter, 1981: 240), be 'officially recognised by the state not merely as interest intermediaries but as co-responsible "partners" in governance and social guidance'. Concerning the official participation of the European 'social partners' in the formation of European policies persuant to the Social Agreement, the provisions do quite clearly install them as co-actors within the new procedures (who may actually even decide independently on matters which might lateron be made into EC law by the Council). But can we talk about 'formally designated interest associations' yet -- considering that the Social Protocol does not specify the notion of 'social partners'? Here, the Commission's Communication on the application of the Social Agreement comes into play [COM(93) 600 endg.; see points 22 ff.]. Therein, the Commission defined a set of criteria for those organisations which will be included in the consultations preceeding legislative proposals persuant to the Social Protocol. Those are: being cross-industry or related to specific categories and being organised at the Euro-level; consisting of organisations which are themselves 'an integral and recognised part of Member State social partner structures', having the capacity to negotiate agreements and being representative of all Member States 'as far as possible'; having adequate structures to ensure their effective participation in the consultation process (point 24). On the basis of a study on the various Euro-level trade union and employers' organisations, the Commission drew up a *list of organisations* which broadly fulfill those criteria -- being subject to review in the light of future experience. This list includes the three general cross-industry organisations UNICE, CEEP and ETUC. Furthermore, there are three organisations at the level of cross-industrial representation of certain categories of workers or undertakings; one specific organisation (Eurochambres); and twenty-two sectoral organisations outside a cross-sectoral federation mentioned. If necessary, the Commission also wants to consult the European Industry Committees within

ETUC and the respective sectoral units of UNICE[13]. All of the organisations set out in the list might therefore be considered 'formally designated interest associations'. It is the same range of associations which may, during the process of consultation, decide to enter into negotiations in order to conclude an agreement. However, experience has already shown that the three general cross-industry federations mentioned in the first category (ETUC, CEEP and UNICE), who also participated in the pre-Maastricht Social Dialogue of Val Duchesse, are predominant in the negotiations between social partners as set out in the Social Protocol -- at least as long as cross-sectoral measures are considered (see below).

Another typical feature of structural corporatism at the national level exists in the Social Agreement, too: the *Commission* has once again been encouraged to get *involved* in the social partners' activities. In the ECT, the relevant article mentioned that the Commission should 'endeavour to develop the dialogue between management and labour which could, if the two sides consider it desirable, lead to relations based on agreement' (Art. 118b). In the Maastricht Social Protocol, the Commission was explicitly assigned 'the task of promoting the consultation of management and labour at Community level' (Art. 3.1). Furthermore, it 'shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties' (ibid.). This is far away from the classic pluralist pattern of pure acceptance of the given pattern of interest representation and the passive reception of lobbying by the government authorities. Indeed, the Commission has in its Communication on the application of the Agreement specified three types of support it will give to the social partners: organisation of meetings; support for joint studies or working groups; and technical assistance necessary to underpin the social dialogue.

2. The most striking feature concerning the potential for *procedural corporatism* (concertation) in the Maastricht Treaty is probably that in the area of the Social Protocol, the involvement of management and labour is not just another facette of the relevant policy-making process, but a prominent one in the important early phase of the process. And in fact, the social partners may even *'take over' the legislative process* and bring the EC institutions' activities to an (at least temporary) halt. Collective agreements are furthermore not simply one more possibility to act in the social field, but from now on the *preferred path towards social legislation*. That is expressed by the so-called double principle of subsidiarity (see point 6c of

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13 It has been suggested that there might be some selection for consultation according to the scope of the individual proposal, and the extent to which it is of general 'horizontal' application or rather specific to a particular sector or category (EIRR 241: 31).

the Commission Communication)[14]: not only shall the principle of subsidiarity, as laid down in Art. 3b ECT, be applied to the social field, implying the Community shall take action only 'if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States ...'. But even if there shall be taken action at the European level, Social Partner agreements shall have priority over legislation. Thus, the national level shall priority over the European one, plus the conventional level shall be preferred to that of EC legislation. In fact, agreements may substitute for proposed legislation!

But even if efforts to reach an agreement should fail, there will still be a certain extent of meso-corporatism in the area of the Social Agreement -- guaranteed by the double consultation of the social partners at a time when the Commission proposal to the Council is not decided yet. By this, the major interest groups are 'incorporated within the process of authoritative decision-making' (see above-mentioned definition by Schmitter 1981: 295)[15]. Contrary to the weak signs of corporatist involvement during the pre-Maastricht era (mainly via the Economic and Social Committee which could often deliver its opinions only at a stage when compromise had already been reached in the Council), the now established rules guarantee a significant deal of attention for the positions of the social partner federations even if they should not conclude an agreement between themselves. In any cases where new proposals will be debated persuant to the Social Agreement, the European peak associations will be major actors in the early stage of the policy process. Thereby, they will definitely be able to influence the further debate or even to shape the whole issue. E.g., public opinion will be influenced by their press statements during the consultation phases -- and the same might happen to Council delegations whose positions might not yet have been decided by then. Clearly, common denominators between the industrial groups will normally not be ignored by the EC institutions[16].

A further important innovation favouring corporatist concertation at the European level is that the Social Agreement lifts the burden of *unanimous decision-making* in the Council for some

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14 The principle of 'double subsidiarity' was during the IGC proposed by the Commission and taken up by both the social partners and the Council.

15 Direct involvement of the European peak associations in the implementation phase will probably not exist, as agreements between the social partners would according to widespread consensus in Brussels normally be 'implemented' by Council decision, which would in turn be implemented by the national legislatures or national social partners.

16 This is eased by the fact that the Commission itself makes the divers social partner institutions' statements submitted during the double consultation process public in an annex to later proposals to the Council (see 1994 proposal an a Works Councils Directive).

additional aspects of social policy -- thus diminishing intergovernmentalism, which has in the past 'made both encompassing organization and centralized negotiations with labor largely dispensable for European business, whose social policy interests ... tend(ed) to be realized, as it were, by default' (Streek/Schmitter 1991: 207). One feature which has often been criticised within corporatist styles of national policy-making, the *bypassing and downgrading of parliaments* (see ibid.: 200), is by no means absent in the Social Protocol. The directly elected European Parliament (EP) is not involved in decisions taken by the social partners, even if they are implemented by a Council Decision! And in cases of 'traditional' legislation persuant to the Protocol (i.e., the Council decides in the consultation or co-operation procedures), the EP has no veto powers -- whatever the quorum. Clearly, the Social Agreement favours corporatist arrangements compared to democratic ones (in the traditional sense). If management and labour agree on an issue, the directly elected representatives of the European citizens are deprived of influence on the matter -- a feature de facto (but not de iure) shared by many national corporatisms.

In general, the cited provisions of the Social Agreement can be seen as a first token for a 'mutually organizing interaction effect, a Wechselwirkung', between the state (here: the EC institutions) and the social partners (see Streek/Schmitter 1991, 204). Quite obviously, the 'indispensable contribution of public power' (see Streek/Schmitter 1991: 209) to the genesis of corporatism is not lacking any more. With the Social Protocol, the governments (at the request of both social partners and the Commission) try to promote corporatist patterns in social policy-making, and they have even assured that proper support to the prospective 'social partners' be given by the Commission. Their hope may well be that in turn, possible agreements on social policy measures will confer social legitimacy to the Union in an area which since has the outset of European integration been disputed and marked by Council deadlocks.

Looking at the course of events since the TEU's entry into force on 1 November 1993, I shall subsequently analyse whether the outlined provisions furthering corporatism have had any effect so far -- and which are the prospects for the future.

3. Trial and Error: The European Works Councils Directive

The European Works Councils Directive (EWCD) was the first (and so far the only completed) instrument to be considered under the UK-exclusive procedures established by the Maastricht Agreement on social policy. Because the consultation process did in the end not lead to the opening of formal negotiations on an agreement between the social partners, this first experiment has been deemed a failure and been taken as an argument against any evolving

Euro-corporatism (see Obradovich 1995). A closer look at the developments shows, however, that this might be an inadequate interpretation.

1) Unfavourable Preconditions

The debate on Europe-wide employee information, consultation and participation dates back to the 1970s, and the predecessing proposal to the later EWCD dates as early as November 1980. The Commission's reasoning was that a common market should also comprise equal information and consultation rights[17]. During six years of negotiations, no compromise could be reached -- due to perceived incompatibility with national practices and ideological objections (Hall 1992, 548). Then, the Council already tried to get rid of the difficult issue by involving the social partners (see Council Conclusions OJ 86/C 203/01). The EC governments stressed that in some member states, the social partners were even solely responsible for the matter. They went on to ask the Commission to continue its work on employee information and consultation by studying national developments and by contacting the social partners. Employers' and employees' federations within the Community were encouraged to continue their dialogue 'at all appropriate levels' in order to reach agreements providing for the information and consultation of employees. The Council, on his part, statet that it would not continue to negotiate until the beginning of 1989. But during that period, little progress could be made at the level of European social partners' federations A common position of the working group 'social dialogue and new technologies', signed on 6 March 1987 by UNICE, ETUC and CEEP, reveiled that the signatories had antagonistic views about the necessity of Euro-level provisions in the field of employee information and consultation [Commission (ed.) 1991: 45].

In the early 1990s, the Commission could draw on somewhat more favourable circumstances when reviving its initiative for employee participation at the EU-level. In 1989, eleven member states had signed the so-called Social Charter, which states in Point 17 that 'Information, consultation and participation for workers must be developed along appropriate lines, taking into account of the practices in force in the various Member States. This shall apply especially

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17 The proposed Vredeling-Directive (OJ 80/C 297/3) would have obliged transnational and complex national firms to inform their staff annually on the structure of the enterprise, its economic and financial situation as well as on the foreseeable development of employment and investment. The local managements of subsidiaries should have given those informations to the local employee representatives, while the establishment of an organ representing all employees of a transnational enterprise was only mentioned as a possibility (see Art. 8 par. 3).

in companies or groups of companies in two or more Member States of the European Community.' The Commission's 1989 Social Action Programme to implement the Charter had provided for an 'instrument on the procedures for the information, consultation and participation of the workers of European-scale undertakings'. Furthermore, the establishment of employee-management relations at the European level had meanwhile developed into a major aim of ETUC within the so-called 'social dimension of the Internal Market'. Trade unions specifically called for Community legislation establishing group works councils in European transnationals (see ETUC 1988). Trade union pressure via ETUC and ECOSOC redirected the Commission's approach towards information and consultation bodies at the European level (see Hall 1992, 550 f.). Despite the Commission had originally envisaged to represent a draft resembling the Vredeling proposal (providing for information and consultation and via the *local* managements), its 1990 proposal (OJ 91/C 39/10) envisaged the creation of a new transnational body on which members from existing national employee representative bodies (if existing) were to sit -- the European Works Council (EWC).

Despite this the draft gave *considerable leeway* to, firstly, the subsequent *social partner* negotiations at the micro-level during the implementation phase, and, secondly, to the single *governments* concerning their legal minimum requirements, little progress was being made in the Council until 1993. Then, the Belgian Presidency suggested a compromise text which provided for the choice of some other 'information and consultation procedure' instead of the establishment of an EWC. This responded to the employers' fight against any 'imposed centralised structure'. On that basis, the Council President announced that the majority of the member states broadly agreed to the draft after the last Social Affairs Council before the entry into force of the TEU (AE 14 October 1993: 7) -- but unanimity was still required to adopt the measure. By then, fourteen expert meetings had been held, five meetings of COREPER and five at Council level since the new proposal had been presented in 1990 (AE 20 November 1993: 14) Considering the constant British opposition in principle, it was clear to everybody that without qualified majority voting or exclusion of Great Britain from the deliberation, no decision would be reached at all.

But meanwhile, the Maastricht Treaty was definitely to enter into force on 1 November 1993, so that new possibilities arising from its Social Policy Protocol signed by the eleven member states except the UK would soon be ready to be employed -- including qualified majority voting on the one hand (Art. 2.2) and social partner agreements on the other (Art. 3 and 4). Following the new procedures, the two sides of industry now had to be consulted -- despite the fact that their disagreement had already been visible for more than a decade. Under those circumstances, nobody could really expect a break-through of corporatism.

2) The Social Partners: Close to Agreement

It was a surprise to many that in this moment, UNICE changed its former attitude of rejecting any binding Euro-level provision concerning information and consultation. This had by no means been obvious considering its earlier attitude. When the Commission had launched its new initiative on EWCs at the beginning of the 1990s, UNICE rejected the draft because it was deemed to undermine national law, the authority of management and the autonomy of the Social Partners (UNICE 1991, 2), and to be 'over-institutional, over-rigid, and bureaucratic in character' (UNICE 1991a, 1). The effects were estimated to be 'unnecessary and intolerable complications' and a 'negative impact on investment, especially in the less developed regions' (UNICE 1991, 2). While acknowledging in principle the great importance of the information and consultation, UNICE went on to present an alternative proposal to the Council. It suggested a 'practical, workable Recommendation (...), laying down the basic principles of information and consultation ... (and making) it possible to adapt employee information and consultation processes to the ... widely differing structures and decision-making procedures which prevail in the Community' (UNICE ibid.). But this non-binding form of EC intervention was surely enough rejected by the Commission as well as by the European trade unions who stressed the fact that it could not be left to local managers to decide if and how workers should be informed on the state of their parent enterprise (AE 21 October 1991: 14).

UNICE's U-turn concerning a collective agreement on worker information and consultation in 1993 was clearly in anticipation of the decision to use the 11-only-procedures. European employers adapted to the post-Maastricht circumstances despite the fact that until then, UNICE had strictly rejected in principle to enter into anything like European collective agreements. Shortly before the magic date of 1 November 1993, UNICE's General Secretary Tyszkiewicz announced that 'UNICE is ready to sit down with the Commission and/or the European unions to develop a positive and constructive procedure for information and consultation that is acceptable to all parties...' (cited from EIRR 238, 13; see also AE 15 October 1993, 7). It is not surprising that the trade unions nevertheless remained somewhat sceptical. ETUC's Secretary General, Gabaglio, stated that the employers' 'professed desire' to negotiate at the very last minute before the eleven governments would legislate was hardly credible (ibid.; see also AE 23 September 1993, 15). Nonetheless, there soon followed some more pragmatic statements, and commentators speculated that ETUC might be 'swayed by the legitimacy that its involvement in European-level agreements would confer' (EIRR 238, 14).

On 17 November 1993 the Commission officially decided to start the procedure laid down in the Maastricht Social Protocol and held primary consultation of the social partners during six weeks. After explaining the history of the legislative project and its possible effects, the Commisson's text to the social partners asked some questions on the scope and contents of a

possible regulative act (EuroAS 3/1994: 4). It was circulated to the full list of representative organisations named in the Commission's Communication on the application of the Social Policy Agreement. Apparently most of them responded within the six weeks given, reiterating their already well-known policy stances: e.g. UNICE favouring a flexible and voluntary approch, ETUC demanding a Council directive (EIRR 242: 14). The organisations consulted during the second phase of consultation were those which had responded during the first stage (see list in AE 24 January 1994: 13). After having evaluated the responses, the Commission presented, persuant to Art. 3.3 of the Social Agreement, a new draft proposal (8 February 1994). Against common expectations this text was not the Belgian compromise draft of Autumn 1993, but -- according to a Commission spokesman -- 'introduced a greater degree of flexibility' in order to increase the chances of agreement (see AE 10 February 1994: 8). In fact, *thresholds and standards were lowered significantly*. Primarily, the new draft aimed at setting up mechanisms for transnational information and consultation of employees which might *or might not* (!) imply the setting up of a transnational structure. Thus, the very notion of European Works Councils was even dropped from the title and throughout the document replaced by the formula 'mechanisms for informing and consulting employees'. ETUC called this a 'complete U-turn by the Commission in relation to its intial plans' (cited in AE 3 February 1994: 16) and reproached the Commission for prejudicing the second phase of consultation with the social partners by a change which affected the very basis of the proposal (ibid.). Even the employers' side admitted that its critical attitude seemed to have enclined the Commission to 'slightly relax' the draft Directive (UNICE Secretary General Tyskiewicz, cited from AE 11 February 1994: 15). Despite their remaining criticism of certain aspects incorporated in the Commission's text[18], the general cross-sectoral European employers' federations (UNICE and CEEP) reiterated their willingness to enter into collective negotiations with ETUC.

ETUC is said to have asked the employers to first enter into *preliminary* talks on the possiblity of opening formal negotiations (Hornung-Draus 1994, 3). After two exploratory meetings between the social partners on 23 February and on 9 March 1994, European employers (UNICE and CEEP) handed over a document outlining their official offer to negotiate to the Secretary General of ETUC, Gabaglio (AE 16 March 1994: 15) The two organisations therein confirmed to '1. accept that appropriate arrangements should be introduced to inform and consult employees in multinational companies about transnational issures of importance to

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18 An appeal was launched to the Commission, Council and ETUC 'not to impose a centralised worker information-consultation system' (AE 11 February 1994, 15). This referred to the minimum conditions for the case of failure of enterprise-level negotiations on the model of consultation contained in an annex to the Commission proposal.

them; 2. agree to open negotiations about the contents of an agreement which would meet the requirements of both the companies and the employees concerned; 3. recognise the need for the negotiating parties to adopt a flexible approach and to examine alternative methods and procedures' (cited in AE 16 March 1994: 15).

This beginning of a negotating process between the three major actors of EC-level industrial relations (although still informal in terms of the Social Agreement) seems to have been rather promising even in the eyes of ETUC. Its Secretary General Gabaglio then stated in a press conference that an agreement on worker information and consultation in Community-scale enterprises would be 'a major step forward which will open the road to European collective agreements'. A resulting text could be 'submitted to the Council under Article 4 of the Social Agreement to be subsequently endorsed as an obligation for everyone in the European area' (cited by AE 19 March 1994: 14). But still, the employers' offer was considered insufficient in substance, and ETUC presented a proposal for a text of pre-agreement, geared to three essential conditions: 1) the right to information for workers in transnational companies must be clearly recognised; 2) the central management of a transnational company must, with a delegation of workers from subsidiaries concerned, negotiate the possibility of establishing either transnational representation of workers or equivalent procedures; 3) in the event of failure of the negotiations or in case of refusal on the part of the central management to negotiate, minimum provisions should have immediate application (AE 19 March 1994: 14). In the employers' federations' eyes, these provisions came close to the Belgian compromise proposal, and would have left purely 'technical details' for the proper negotitations (Hornung-Draus 1994, 4). They would in the first run not agree to those preconditions, but continuously pledge to be willing to negotiate (EuroAS 5/1994: 7). Only three days before the closing date of the second phase of consultation, and after relevant involvement of the Commission as a mediator, UNICE and CEEP proposed a new text, 'which broadly conceded the ETUC's principles' (Gold/Hall 1994: 180) -- so that compromise on a common text was de facto reached. There was also agreement between the parties to submit any final agreement to the Council for implementation as European law.

But at that point the British employers' federation CBI withdrew from the negotiations. The reason given was that the latest pre-conditions of negotiations went too far towards conceding the establishment of a transnational structure (Hornung-Draus 1994: 4). But it is no secret in Brussels that pressure by the British government obviously played a role in CBI's action. When UNICE's executive committee was informed that its British member organisation would not participate in the agreement, this constituted a major turmoil as the internal structure of the employers' federation, was not yet fully prepared for such a situation. Despite a change in

UNICE's statutes in June 1992 in order to meet the challenges of the Social Protocol[19], it was not only natural that the association would 'normally seek a consensus among its members', but even that it would 'not adopt a position if this is contrary to the vital and truely justified interests of one of its members' (point 7.1 of UNICE statute). ETUC, on the other hand, made it a necessary precondition for entering into formal negotitiations that CBI would participate -- this despite the fact that the implementation of an Euro-agreement would have been most difficult to imagine in the UK as any Council implementation decision would not have bound this country. Here, the European federation has been seen as taken hostage by the British TUC which wanted to force its national counterpart into an agreement[20]. Thus, the controvers declaration of CBI was a letal stumbling-block to a collective Euro-agreement on EWCs. ETUC asked the Commission to follow the legislative line and to present a draft Directive after the expiry of the three months consultation period by 30 March.[21]

3) The Directive and its Significance for Meso- and Micro-Corporatism

As a consequence of the failure of the social partners to declare their wish to negotiate an agreement the Commission approved a formal proposal to the Council concerning 'the establishment of a European committee or a procedure for informing and consulting workers in companies and groups of companies of Community dimension' on 13 April 1994. It returned in most parts to the Belgian Presidency compromise text, thereby renouncing amendments and easier terms that had been introduced into the text submitted to the industry federations as they were no longer considered to be justified (AE 13 April 1994: 7).

Primarily, the Commission bowed to the right of self determination of the social partners at the micro-level: 'The entire thrust of the legislation on the table now is to allow management and labour to negotiate their own settlements' (Commissioner Flynn, cited from AE 21 May 1994: 13). E.g., no minimum provisions applied at all concerning negotiated methods of information and consultation or concerning a negotiated form of the 'European committee', and no specific

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19 UNICE was formally assigned the task of representing its members in the dialogue between the social partners provided for in the Social Protocol, and (if 'all reasonable attempts to reach common agreement fail') given the possibility of approving proposals unless three member states vote against it (see Art. 7 of its Statute).

20 As long as the strong German unions would not support the agreement, TUC was indispensible for the necessary two thirds majority within ETUC.

21 This was by the employers esteemed to express ETUC's initial preference for the legislative road (AE 24 March 1994: 10).

system or body of employee information and consultation was determined[22]. Art. 13 even provided that the obligations of the Directive would not apply to companies or groups which already have an agreement covering the entire workforce and providing for transnational information and consultation of employees. The parties may furthermore jointly decide to renew such arrangements in case they expire (without any deadline for this being mentioned). Only failing this, the Directive should apply!

After receiving positions from both EP and ECOSOC (which clearly played a minor role), the Social Affairs Council eventually adopted *Council Directive* 94/45/EC 'on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees' according to the Commission proposal[23] on 22 September 1994.

Eventually, the EWCD is a legislative act by the EC Council. In this first procedure according to the Maastricht Social Protocol, the social partners did not arrive at a collective agreement. But for various reasons this should not be taken as a counter-argument against meso-level corporatism on the base of the Social Agreement: Firstly, the chances for an agreement on that specific subject were almost zero from the outset. The controvers negotiations on employee participation in general and on EWCs in particular had already been going on for many years (see also Hornung-Draus 1994, 5)[24]. Secondly: despite the absence of a final agreement, the

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22 Subsidiary minimum provisions were to be binding only if the central management rejected to negotiate for at least six months, if within two years (instead of one) the negotiations had no result, or if management and labour agreed on it. Secondly, no subsidiary provisions applied if the 'special negotiating body' (SNB) decides with a two-thirds-majority that negotiations with central management should not be conducted or ended. In such a case, no further negotiations could be triggered for two years.

23 Portugal eventually abstained because it considered the subject to require 'the greatest consensus between the social partners, at Community level, which unfortunately was not the case' (quotation from AE 20 July 1994, 15). The only change to the relevant Commission's text was the prolongation of the negotiation period for the SNB to three (instead of two) years, at the request of the French delegation. For the French, 'this additional period supplements the determination to leave the field open to negotiation as far as possible' (AE 23 June 1994, 9).

24 Furthermore, ETUC had repeatedly voiced that the major labour law proposals originating from the Commission's 1989 Social Action Programme were no adequate topics for agreement. On those issues, which it considers central to the 'social dimension' of the Internal Market, ETUC wants to see legislative

course of events shows nonetheless significant progress towards corporatist patterns in the sense that an intensive dialogue between the various EC institutions and the federations took place. What was lateron described as the 'approached standpoints' of the social partners was many times referred to by Commission and Council delegations[25]. Furthermore, a quite far-reaching agreement to enter into formal collective negotiations (including many details of the envisaged agreement) had de facto almost been reached, when the then unclear (but crucial!) institutional position and political role of the two British members organisations of UNICE and ETUC brought the process to a halt.

That UNICE was at all ready to enter into collective negotiations may be seen as a first 'success' of the Social Agreement's promotion of corporatism. Compared to its clear rejection of both the EWC proposal and any binding Euro-level agreement with labour, this is a significant development -- even though there may be doubt whether this was strategic behaviour aimed at preventing EC legislation and/or gaining time. In the end, an agreement to negotiate seems to have been very close. This may be seen as a promising sign for compromises on other issues soon to be debated persuant to the Social Agreement.

Concerning the system of interest intermediation, the commitment of its relevant actors, and the involvement of state-like EC actors, considerable news are to be reported which at least point in the direction of evolving corporatist patterns in the area studied here. E.g., there is now a range of interest groups designated by the Commission to be consulted under the Social Protocol. Those are not always singular, non-competitive or hierarchically ordered and never compulsory, as suggested by Schmitters definition. But experience has already shown that the three general cross-industry federations ETUC, CEEP and UNICE which originally suggested the new procedures in 1991, have almost 'naturally' developed into *the* actors in the negotiations between social partners as set out in the Social Protocol. At least as long as general measures are considered, we therefore may expect also for future negotiations a definite set of quasi-monopolistic, non-competitive, functionally differentiated and officially recognised actors with (if only in this specific framework) de facto representational monopoly. Besides the three major federations, who unequivocally pledge for continuing the trilogue, also

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action. This might already be different concerning the next text negotiated under the Social Protocol, parental leave.

25 E.g., the Commission argued that it would not take over most of the EP's amendments in the first reading because it wanted to stick as closely as possible to the existing Council compromise at eleven and to the social partners' 'approached standpoints' (EuroAS 6/1994: 4; AE 6 May 1994, 11).

the Commission favours this scenario which has already proved workable in the frame of the Val Duchesse Dialogue[26].

Typically for corporatist patterns, there was strong involvement of 'the state' to be seen within the social partner negotiations on the EWC (while the so-called Social Dialogue, without comparable pressure by the EC Treaties and institutions, still bears few significant results): The text submitted to them by the Commission gave considerable leeway by lowering standards compared to those debated in the Council before. This was a backing for the employers' side. But the fact that Commissioner Flynn made it very clear from the beginning that the Commission would as a consequence of any failure to collectively agree on worker information follow the legislative path (AE 2 December 1993: 12), strengthened the unions' position on the other hand.

Interestingly enough: the EWCD, although eventually being a Council Directive and not a collective agreement, may itself be seen as a means to further the corporatist potential of the European system of interest representation. By following the unions' appeals for EWCs, the Commission has clearly made an effort to further the organisation of employee interest representation at the European (despite only enterprise-) level. This may well bear positive effects on the further internationalisation and modernization of the trade union movement. Another significant feature of the EWCD lies in the development of micro-level corporatisms induced by it. The 'independence of the social partners' in this case even reaches the level where the Directive may be pre-empted by enterprise-level agreements -- a so far unknown form of 'principle of subsidiarity'[27].

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26 Nonetheless, there are on both sides of industry groups which might challenge the three major federations' monopoly in negotiating as cross-sectoral social partners in the frame of the Social Agreement (e.g.: UAPME representing small and medium size enterprises, and CESI representing independent trade unions). Yet, there seem only small chances that in case of a legal action the ECJ would open 'Pandora's box' and de facto hinder the development of effective collective bargaining at the European level by enhancing the number of participants against the will of the key actors.

27 By contrast, the governments of the EU-member states had always been held responsible for the full and correct implementation of directives by the European Court of Justice so far -- even if the implementation happened via collective agreements. It is quite innovative within EC law that the social partners can get around the standards granted in fall-back provisions of a Directive by a joint decision.

4. Prospects for Agreements in the Future

By asking for the new corporatist procedure within EC social policy, the European federations UNICE, ETUC and CEEP created high expectations. The strongest argument for the probability of a social partner agreement persuant to the Social Agreement in the near future seems thus the fact that there should be a strong *desire to meet those expectations* -- especially considering that the next Intergovernmental Conference is approaching. If there was no single example for a successful use of the Maastricht Social Agreement by the social partners until then, what would be more logic than putting an end to the time-consuming double consultation process and the possible nine-month standstill for Community action? Furthermore, not everybody welcomed the new procedures from the outset -- mostly because of democatic concerns as they marginalize the EP. As the Members of EP will definitely press for an extension of the so-called co-decision procedure to all EC legislation, the relationship between corporatist and representative democratic elements in the Social Agreement will become virulent soon[28] -- what would be even more crucial without any 'success story' backing the status quo.

Even the strongest ally of the so-called social partners, the European Commission, might at some point loose interest in supporting a procedure against all odds[29]. This is even more probable as, contrary to all initial hopes, the new procedures (if unsuccessful) might increasingly harm the prospect of a social dimension to the European Union: instead of adding legitimacy to the Commission's pledges for social and labour laws at the European level (reluctant governments might well be convinced by agreements between the 'social partners'), stalemates at the corporatist level could even lower the chances for later compromise between the Council members (many governments might not want to legislate against the will of either

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28 Furthermore, the Social Protocol's involvement of social partner representatives at the level of the European peak federations has somewhat (at least for the relevant area) put into question the raison d'être of ECOSOC, where employers, employees and 'diverse interests' are represented.

29 Especially, as there is an unlucky predecessor to this in recent EC history: During its campaign for an EC social charter, the Commission asked the Economic and Social Committee, who had before issued a favourable opinion in that regard, to prepare a draft proposal. It was hoping for a backing in the political fight against British hostility against the Charter (see Falkner 1994 in more detail). But because of the internal splits and antagonisms of this institution, the outcome was an ambiguous text without political significance. Against this background it was no surprise that the Commission furtheron stressed the cooperation with the European industry federations, e.g. within the Val Duchesse Social Dialogue.

labour or capital), and furthermore delegitimise EC action in the relevant field in the eyes of the wider public. If so, the Commission might rather build an issue coalition with the EP in the forthcoming IGC in order to strengthen this institution's powers within social policy to the detriment of corporatist procedures.

Also from the view of the labour and industry, continuing failure in collective negotiations might seem dangerous: if European employers continue to present themselves as internally split and unwilling to contribute to what has often been called the European 'social model' (i.e. market economy with a 'human face' in form of social and labour law protection of workers), this might favour tendencies to overrule them by EC-level legislation (because they do not seem willing to compromise, and because they are not united enough to protest strongly). On the other hand, the trade unions have an urgent interest to show that they are united and strong in fighting for a 'social dimension' of European integration. If they cannot prove to be a fit actor in EC social politics, the legitimacy of their frequent demands for progress in that area could be endangered. For both sides of industry, political influence even outside the Social Protocol is at stake in the long run if they cannot come up to the standards they set for themselves[30].

Another activating factor within the Social Protocol is the possibility of legislation by the Council in the case of failure to reach an agreement on a certain issue (see the case of the EWCD). The incentive by this option would certainly come from adverse angles in the case of labour versus industry: while ETUC might fear that comparatively low standards might prevail in the Council, the employers would rather like to prevent any provisions they would perceive as too costly or rigid (as was, again, the case concerning the EWCD). In either case, the lever of Council legislation[31] in the field of social policy might prove to be a (minor, but significant) compensation for the absence of a real keynesian-expansionist capacity (or political will in that direction) at the EC-level which had seemed indispensable for the 1970s macro-corporatist concertation at the national level (see e.g. Streek/Schmitter 1991: 211). At least some kind of 'coercion' is now at the dispense of the Community institutions. Therefore, the complete absence, on the side of business, of interest in centralized negotiations with labour (especially

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30 Without doubt, specific egoisms and short-sightedness are not yet completely outdated within national workers' and employers' organisations. Real 'policy-entrepreneurs' prompting more consistent and powerful action at the European level have been missing so far, especially at the labour side If the unique and maybe ultimate chance to become a relevant European policy actor in their own right as given by the Social Agreement, will be taken, remains to be seen.

31 Or of deliberate absence of legislation, what might put enormous pressure on ETUC.

in the field of social policy), which has been correctly described by Streek/Schmitter for the pre-Maastricht era (ibid., 206), is not the case any longer. The same is true for the political strenght business was able to draw from its organisational weekness (ibid.)!

Diverse arguments thus speak in favour of what may currently be perceived as an 'issue coalition' between relevant actors within the Commission and the European peak federations, aiming at the conclusion of a social partner agreement on the next issue to be processed persuant to the Social Agreement (i.e. the combination of family and professional life, especially the question of parental leave[32]).

5. Corporatism and the State of 'Social Europe'

Assuming that corporatists arrangements might shape EC policies persuant to the Social Agreement in the near future, one crucial question remains to be answered: Could those new decision-patterns (here especially: collective agreements on specific policy projects) put an end to both the frequent deadlocks and the recently often quite low standards (e.g young workers Directive, pregnant workers Directive) in the so-called social dimension of European integration?

Caution seems necessary as involvement of and even compromise between the social partners is not to be seen as a panacea. Not all (and maybe: not even many) issues currently debated within Euro-social policy are considered appropriate for settlement via collective agreements by the main actors themselves. E.g, the so far unsuccessful proposal for a Directive concerning the reversal of the burden of proof in sex discrimination law cases is right now under Commission consideration for possible re-submission under the Social Agreement. Yet, such topics which touch established judicial principles are in no member state being regulated by collective agreements. Thus, both sides of industry have already indicated that they are reluctant to negotiate the matter at the European collective level. Even if issues are considered appropriate for collective negotiations, specific external circumstances may determine their chances for agreement. This is mainly important for those cases under the Social Agreement which have already before been negotiated under the normal Treaty provisions[33]. As the

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32 This subjects seems especially apt for a compromise because of its (compared to the EWCD) lower degree of politisation in the past and its lower ranking within the priorities of both sides (what might certainly be criticised by feminists).

33 This is the case concerning all proposals still remaining from the 1989 Social Action Programme, which might be submitted under the Social Agreement soon.

EWCD has shown, probable Council deliberation may provide a sort of 'whip' to the social partners. But drawing on the recent past, this means of coercion might often not be at the disposal of Council and Commission, because the governments use to disagree on the very appropriateness of many social policy deliberations. The current tide of neo-liberal approaches and cuts in social expenditure in most of the member states has hindered the adoption of much proposed (or at least considered) social legislation at the European level. As quite naturally the goals of labour and industry are rather antagonistic concerning European social regulation and policy, no 'corporatist breakthroughs' seem probable in the absence of (at least near) consensus at the Council level. If corporatism has been seen as a lever to break Council stalemates, Council compromise seems a necessary tool for bringing about collective agreements at the Euro-level, too.

A similar problem concerns the level of standards in the 'Social Dimension' -- at least up to the present: Because Great Britain is exempted from the Social Agreement's deliberations (what may lead to distortions of competition), the Commission has so far used to primarily employ the relevant provisions in force for all EC members. The bargaining processes following any proposal during the past years have ended in significant lowering of standards in order to make the UK (plus often other Council members) drop opposition -- an often useless attempt. Clearly those preconditions shape the outcome if the Commission later on puts such a project under the Social Agreement: all informed actors are again strongly influenced by the state of affairs at the Council level. Why should any of the two sides of industry sacrifice more than necessary in terms of standards if any Council compromise or near compromise would protect its interest probably better? If those problems might be less relevant concerning any new policy projects which are immidiately base on the Social Agreement, this is still an unlikely strategy for the Commission to choose as long as the controversial opt-out exists.

6. Conclusion: The Importance of the Meso-level Analysis

Until recently, almost no elements of corporatist interest representation or decision-making could be detected where they were researched at the European level. But the debate on Euro-corporatism seems to have focussed on the least appropriate level so far: i.e. *macro*-politics in *pre*-Maastricht Europe. Classic macro-corporatism has not only quite obviously been absent in EC politics so far, but it is furthermore on the retreat even in the nation states which suited the model best in former days (e.g. Austria)[34]. But for the mid-1990s, things have changed to

34 This is due to a number of reasons mainly related to the internationalisation of the economy and innovative production modes. Furthermore, EC-adhesion could not be expected to strengthen national

some extent: while the focus of European Studies has somewhat shifted to sectoral 'policy analyses' (and the sectoral approach was advocated specifically in connection to the analysis of interest group behaviour[35]), the Maastricht Treaty with its Social Protocol has significantly altered preconditions for sectoral corporatism at least within social policy. The aim of this paper was thus to evaluate the meso-corporatist potential and the earliest experiences of the Social Protocol, in order to check the chances of corporatist influence or even decision-taking in the future

Chances for working *macro*-corporatism at the European level seem still remote[36]. Nonetheless, the evidence discussed above shows that *meso*-corporatism is indeed in the making concerning social policy persuant to the Social Agreement. Beyond the significantly strengthened influence via a mandatory double consultation procedure at the inital phase of future policy projects, there are indicators and considerable incentives suggesting that even the most far-reaching possibility of the Agreement, the take-over of the policy-making process by the social partners (plus, possibly, the implementation of their agreement by a binding Council decision), might soon be employed. Furthermore, *micro*-corporatism is strongly enforced by recent secondary EC-law.

Clearly, it is only to be decided in the long run whether the new preconditions will definitely bring about a somewhat stable and effective corporatism in the sector of EC social policy. But many of the developments analysed above fit already into Schmitter's description of the development of 'societal' corporatism (characterised by piecemeal evolution from below,

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corporatist arrangements -- to the contrary. Since the early days of Austrian memership debate, political scientists have predicted the further weakening of the 'social partnership' resulting from, firstly, the shift of competences to the EC which narrows the field of national political bargaining and exchange; secondly, the relative strenghtening of market powers and deregulation (generally rather weakening the labour side); and, thirdly, also repercussions of the Brussels style of interest intermediation well-known for its prevailing pluralism (e.g. Falkner 1993; Korinek 1994, Tálos 1994).

35 See the recent readers on interest representation in the EU, e.g. Greenwood/Grote/Ronit (eds.) 1992.; Mazey/Richardson (eds.) 1993; Pedler/van Schendelen (eds.) 1994; Eichener/Voelzkow (eds.) 1994;

36 Outside the Social Protocol, no adequate structures and incentives are provided by the European treaties or institutions, and the relevant federations do not seem capable and/or willing to push for it. The so-called Social Dialogue (on matters apart from Commission proposals persuant to the Social Protcol) has since 1993 produced as little relevant agreements as before. Obviously, incentives such as those given by the Maastricht Treaty exclusively in the area of social policy are indispensable for the development of Euro-level corporatism.

without state enforcement)[37]: 'In a nutshell, the origins of societal corporatism lie in the slow, almost imperceptible decay of advanced pluralism' (Schmitter 1979: 23).

And while the developments studied above are clearly but the beginning of a possible process towards corporatist arrangements, the European Union itself is to be seen as a statelike entity still 'in the making'. The inspirative aspect of this situation is that, as Eichener/Voelzkow (1994: 11) stated, we now have the unique chance to study the parallel developments of both a political-administrative system and a system of interest intermediation. Since the early contributions to corporatist thinking, the active contribution of the state in creating supportive conditions for corporatist arrangements has been stressed. Studying European integration, we may now witness how the supportive legal and procedural backing of the Social Protocol and the day-to-day involvement and support by the European Commission *might* help to bring about also more favourable internal institutional circumstances. After all, several authors have in the past voiced their belief that a change in the political framework of European interest group action would prompt intra-group structures favourably in terms of corporatist potentials, and have regretted the long-lasting absence of such incentives at the EU level (see Markmann 1991; Visser/Ebbinghaus 1992; Lanzalaco 1992; Timmesfild/Sadowski 1994[38]). A recent achievement in that direction is the internal agreement of UNICE, implying that CBI will furthermore participate but not have a veto right in negotiations persuant to the social protocol. On the other hand, CBI shall not be bound by an agreement it does not approve[39]. ETUC, on the other hand, has accepted this special status of CBI.

The tentative result that meso-corporatism might well be emerging in the field of the Social Agreement's social policy fits well into other studies which recently detected self-regulative

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37 Schmitter contrasted 'societal' corporatism to 'state' corporatism which is marked by the subordination of interest organisations to the state and established by repressive imposition by authoritarian forces from above.

38 It is astonishing that those authors pay no attention to the Maastricht Social Agreement's potential in that direction. By contrast (and despite her generally rather sceptical position vis-à-vis the Social Protocol which is founded in basically legal arguments), Obradovich at least concedes that the Social Protocol could well develop a 'capability to shape European collective bargaining by defining procedural norms and limiting or expanding the competences of the social partners', i.e. a 'reflexive potential', so that it could eventually be 'regarded as a framework under which the legal premises can be transformed into self-regulatory procedures for social policy in the Union' (Obradovich 1995: 1).

39 This is reportedly laid down in a letter of CBI to UNICE of April 1993, but not made public on a larger scale.

tendences (e.g. in the harmonisation of health and safety at the workplace as well as environmental and consumer protection; see Eichener/Voelzkow 1994: 16) or even meso-corporatist features in other EC policy fields (see e g. Greenwood/Ronit 1992 for the pharmaceutical industry and Cawson 1992 on the European Consumer Electronics Industry; see also general recommendations made by Scharpf 1994: 236).

Also within the corporatist thinking, the sectoral approach employed in this analysis is by no means standing alone. Interestingly enough, Lehmbruch stated already in 1982:

> '... a corporatist "arena" may emerge on ... "meso" level and may eventually .... be encapsulated within a "macro" system characterized by increasing polarization of business and labour (...) [C]onceptualizing of "corporatism" as a macro-type or "polity-model" in the Comparative Politics tradition may certainly be useful in particular research contexts but should not make us overlook the fact that the "neo-corporatist phenomenon" is more complex and multiform and has to be approached from a plurality of research perspectives' (Lehmbruch 1982: 27).

We can't but agree when it comes to studying the emerging European state.

References

AE (Agence Europe), Agence d'information pour la presse, daily news service on EU affairs, Brussels/Luxemburg

Cawson, A. (ed) (1985) *Organized Interests and the State. Studies in Meso-Corporatism*, London: SAGE.

Cawson, A. (ed) (1986) *Corporatism and Political Theory*, Oxford: Basil Blackwell.

Cawson, A. (1992) Interests, Groups and Public Policy-Making: the Case of the European Consumer Electronics Industry, in Greenwood, Grote, and Ronit (eds) *Organized Interests and the European Community*, London: Sage.

Commission of the European Communities, ed., (1991) Common Positions, *The Social Dialogue at the European Level*: Luxemburg.

Ebbinghaus, B., and Visser, J. (1994) Barrieren und Wege 'grenzenloser' Solidarität: Gewerkschaften und Europäische Integration, in Streek (ed) *Staat und Verbände*, Opladen· Westdeutscher Verlag.

Eichener, V., and Voelzkow, H. (1994) Europäische Integration und verbandliche Interessensvermittlung: Ko-Evolution von politisch-administrativem System und Verbändelandschaft, in Eichener, and Voelzkow (eds) *Europäische Integration und verbandliche Interessenvermittlung*, Marburg: Metropolis-Verlag.

EIRR (European Industrial Relations Review), monthly journal.

Falkner, G. (1991) 'EG-Sozialcharta: Feierlich erklärt ist nicht gewonnen', *Österreichische Zeitschrift für Politikwissenschaft* 1991, 3: 289-300.

Falkner, G. (1993) Sozialpartnerschaftliche Politikmuster und Europäische Integration, in Tálos (ed) *Sozialpartnerschaft zwischen Kontinuität und Wandel*. Wien.

Falkner, G. (1994) *Supranationalität trotz Einstimmigkeit? Entscheidungsmuster der EU am Beispiel Sozialpolitik*, Bonn: Europa Union Verlag.

Gold, M., and Hall, M. (1994) 'Statutory European Works Councils: the final countdown?', *Industrial Relations* 25, 3: 177-186.

Grant, W. (1985) Introduction, in Grant (ed) *The Political Economy of Corporatism*, London: Macmillan.

Greenwood, J., and Ronit, K. (1992) Established and Emergent Sectors: Organized Interests at the European Level in the Pharmaceutical Industry and the New Biotechnologies, in Greenwood, Grote, and Ronit (eds) *Organized Interests and the European Community*, London: Sage.

Greenwood, J., Grote, J. R., and Ronit, K. (1992) Introduction: Organized Interests and the Transnational Dimension, in Greenwood, Grote, and Ronit (eds) *Organized Interests and the European Community*, London: Sage.

Greenwood, J., Grote, J. R., and Ronit, K. (1992) Conclusions: Evolving Patterns of Organizing Interests in the European Community, in Greenwood, Grote, and Ronit (eds) *Organized Interests and the European Community*, London: Sage.

Greenwood, J., Grote, J. R., and Ronit, K. (eds) (1992) *Organized Interests and the European Community*, London: Sage.

Hall, M. (1992) 'Behind the European Works Councils Directive: The European Commission's Legislative Strategy', *British Journal of Industrial Relations* 1992, 4: 547-565.

Hornung-Draus, R. (1994) 'Euro-Betriebsrate -- Praxistauglichkeit auf den Prüfstand', *EuroAS* 1994, 12: 4-6.

Keller, B. (1993) 'Die soziale Sicht des Binnenmarktes. Zur Begründung einer euro-pessimistischen Sicht', *Politische Vierteljahresschrift* 1993, 4: 588-612.

Korinek, K. (1993) "Sozialpartnerschaft" als europäische Institution?, in Merten, and Pitschas (eds) *Der Europäische Sozialstaat und seine Institutionen*: Berlin.

Korinek, K. (1994) Interessenvertretungen im Wandel, in Gerlich, and Neisser (eds) *Europa als Herausforderung. Wandlungsimpulse für das politische System Österreichs*, Wien: Signum.

Lanzalaco, L. (1992) Coping with Heterogeneity: Peak Associations of business within and across Western European Nations, in Greenwood, Grote, and Ronit (eds) *Organized Interests and the European Community*, London: Sage.

Lehmbruch, G. (1979) Concluding Remarks: Problems for Future Research on Corporatist Intermediation and Policy-making, in Schmitter, and Lehmbruch (eds) *Trends Towards Corporatist Intermediation*, Beverly Hills/London: Sage.

Lehmbruch, G. (1982) Introduction: Neo-Corporatism in Comparative Perspective, in Lehmbruch, and Schmitter (eds) *Patterns of Corporatist policy making*, London/Beverly Hills: Sage.

Markmann, H. (1991) Die Rolle der Verbände in der EG, in Wildenmann (ed) *Staatswerdung Europas?*: Baden-Baden.

Mazey, S., and Richardson, J. (eds) (1993) *Lobbying in the European Community*: Oxford.

Obradovich, D. (1995) 'Prospects for Corporatist Decision-Making in the European Union: The Social Policy Agreement', *Journal of European Public Policy* 2, 2: (forthcoming, pages from manuscript).

Pedler, R. H., and Van Schendelen, M. P. C. M. (eds) *Lobbying the European Union*, Aldershot et al.: Dartmouth.

Sadowski, D., and Timmesfeld, A. (1994) Sozialer Dialog: Die Chancen zur Selbstregulierung der europäischen Sozialparteien, in Eichener, and Voelzkow (eds) *Europäische Integration und verbandliche Interessenvermittlung*, Marburg: Metropolis-Verlag.

Sargent, J. A. (1985) Corporatism and the European Community, in Grant (ed) *The Political Economy of Corporatism*.

Scharpf, F. W. (1994) 'Community and autonomy: multi-level policy-making in the European Union', *Journal of European Public Policy* 1, 1-2: 220-239.

Schmitter, P. C. (1979) Still the Century of Corporatism?, in Schmitter, and Lehmbruch (eds) *Trends Towards Corporatist Intermediation*, Beverly Hills/London: Sage.

Schmitter, P. C. (1981) Interest Intermediation and Regime Governability in Contemporary Western Europe and North America, in Berger (ed) *Organising Interests in Western Europe*, Cambridge: Cambridge University Press.

Schmitter, P. C. (1982) Reflections on where the Theory of Neo-Corporatism Has Gone and Where the Praxis of Neo-Corporatism May Be Going, in Lehmbruch, and Schmitter (eds) *Patterns of Corporatist policy making*, London/Beverly Hills: Sage.

Streek, W. (1994) Staat und Verbände: Neue Fragen. Neue Antworten?, in Streek (ed) *Staat und Verbände*, Opladen: Westdeutscher Verlag.

Streek, W., and Schmitter, P. C. (1991) 'From National Corporatism to Transnational Pluralism: Organized Interests in the Single European Market', *Politics and Society* 19, 2: 133-165 (also published in: Wolfgang Streek (ed.) 1992: Social Institutions and Economic Performance, Sage: London (cited pages from this edition); Eichener/Voelzkow (ed.) 1994).

Tàlos, E. (1994) Interessenvermittlung und Interessenkonzertierung, in Gerlich, and Neisser (eds) *Europa als Herausforderung. Wandlungsimpulse für das politische System Österreichs*, Wien: Signum.

Traxler, F., and Schmitter, P. C. (1994) Perspektiven europäischer Integration, verbandlicher Interessenvermittlung und Politikformulierung, in Eichener, and Voelzkow (eds) *Europäische Integration und verbandliche Interessenvermittlung*, Marburg: Metropolis-Verlag.

UNICE, *Letter to the Secretary General, Council of Ministers of the EC, 14 March 1991.*

UNICE, *UNICE's Approach to Community-Action with Regard to Information and Consultation, 7 October 1991 (UNICE 1991a).*

Visser, J., and Ebbinghaus, B. (1992) Making the Most of Diversity? European Integration and Transnational Organization of Labour, in Greenwood, Grote, and Ronit (eds) *Organized Interests and the European Community*, London: Sage.

Williamson, P. J. (1989) *Corporatism in Perspective. An Introductory Guide to Corporatist Theory*, London: SAGE.