

User's manual for the EU Social Policy database

1 Introduction¹

The EU Social Policy database provides an overview of the European Union's Social Policy development from the start of the integration to the end of 2020. It is part of a multi-annual project carried out at the University of Bremen, at Leipzig University and at the Freie Universität Berlin.

European social policy differs in form and content from national social policy. Transfer payments for social issues play a minor role in the EU's already limited budget and a "soft" coordination approach prevails at European level when it comes to core areas of national social policy, such as pensions and employment. Therefore, the nature of EU social policy has early on been described as "regulatory" (Majone 1993). However, in the last two decades research has focussed mostly on new modes of governance in EU Social Policy. What is missing is structured information how regulative social policy has developed over a longer period of time, i.e. to assess whether the social dimension is growing or changing in nature. This newly established and comprehensive database on EU Social Policy attempts to close this gap by providing data on all legal social policy acts (regulations, directives and decisions) adopted 1957-2020.

Information in the database has been collected from EUR-Lex. EUR-Lex covers all formal acts adopted by the EU institutions. To capture as many legal social policy acts as possible, disregarding e.g. portfolio lead, we use two distinct search logics. We combine a keyword search for 'Social Policy' and 'Worker Mobility' with a directory code search. The directory codes covered are freedom of movement for workers (05.10), general social provisions (05.20.05), European Social Fund (ESF, 05.20.10), working conditions (05.20.20), employment and unemployment (05.20.30), social security (05.20.40), approximation of certain social provisions (05.20.50), insurance related to the right of establishment and freedom to provide services (06.20.20.10), social conditions of transport policy (07.20.40.20), health protection (15.30), and European citizenship (20.20). The resulting data is merged, cleaned up and all acts were checked individually to remove double entries.

In the manual at hand, we give some explanations on the different sections and fields of the database to facilitate its use for further research and analysis. All abbreviations can be found in the appendix. Please note that missing are coded with 'n.a.'

2 Year

'Year' lists the available information about the year an act was adopted from 1957 to 2020.

¹ I wish to thank Saskia Klüver, Monika Rohmer, Charly Uster and Antonia Fidler for research assistance.

3 Number

‘Number’ lists the available code or reference number. All official EU documents adopted in a year are numbered consecutively, starting with number 1 early in January. In combination with the year of adoption the reference number allows to uniquely identify an act.

4 Treaty base

‘Treaty base’ refers to the legal base of an act. It mentions the primary legal act (Euratom, ECSC (European Coal and Steel Community), EEC (Rome), EC (Maastricht), EC (Amsterdam), EC (Nice), TFEU (Lisbon)) that constitutes the general basis for the act as well as article(s) in these treaties on which the act draws specifically. The treaty base is taken from the preamble of an act and usually follows wording like “Having regard to ...”. As the numbering of articles has changed over the course of integration, we provide an equivalent table in the annex (see Annex B).

5 Based on secondary law

‘Based on secondary law’ refers to the secondary legal base of an act. It mentions the regulation(s) (only Regulations and not Directives or other secondary law) that is mentioned as basis for the act as well as article(s) in these secondary acts on which the act draws specifically. The Regulations are taken from the preamble of an act and follows wording like “Having regard to ...”.

6 Subject area

‘Subject area’ groups treaty articles together on the basis of their proximity in primary legal acts and substance. The data base differentiates four substantial subject areas and a catch all category that comprises acts that formally belong to other areas than social policy but demonstrate a substantial link to social policy. Each subject area is exclusive at the level of an article:

- Free Movement of Workers
- Social Provisions
- Funding
- Management & Organization
- Others

In some cases the treaty article is of very general nature and concerns formal procedures rather than substantial areas. In these cases assignment of the subject area is carried out by individually checking the substance of the act. Typically this concerns Art 100 (approximation of law, *de facto* mostly used to adopt social provisions in the earlier integration period since at that time more specific treaty bases did not exist) and Art 235 (decision procedure, frequently used in the subject areas management & organization or funding).

7 Subfield

‘Subfield’ lists 17 different subfields. They draw on and develop further the Code Book by Stone Sweet and Brunell (1999). Subfields are situated at a hierarchically lower level than ‘subject areas’. Information on subfields is taken from treaty paragraphs or subparagraphs. Subfields are exclusive but in some cases different subfields draw on the same treaty base. Here acts have been assessed individually to assign subfield. As the numbering of articles has changed over the course of integration, we provide an equivalent table in the annex (see Annex B).

The following table groups subject areas together with the corresponding subfields.

Subject area	Subfield
Social provisions	
	Anti-discrimination
	Health and Safety
	Labour law
	Social insurance
Free movement of workers	
	Security Systems
	Right of residence
	Worker mobility
	Recognition of qualification
Funding	
	European social fund/ ESF
	Direct distributions
	Other spending measures
Management & Organization	
	Agencies & Committees
	Data & statistics
Others	
	European Citizenship
	Health
	Employment
	Transport
	n.a.

8 Instrument Type

‘Instrument Type’ refers to the nature of a legal instrument. Information is taken from the title of the legal act. We distinguish three different types of instruments:

- *Regulations* are legal acts that apply automatically and uniformly to all EU countries as soon as they enter into force, without needing to be transposed into national law. They are binding in their entirety on all EU countries.

- *Directives* require EU countries to achieve a certain result, but leave them free to choose how to do so. EU countries must adopt measures to incorporate them into national law (transpose) in order to achieve the objectives set by the directive. National authorities must communicate these measures to the European Commission. Transposition into national law must take place by the deadline set when the directive is adopted (generally within 2 years). When a country does not transpose a directive, the Commission may initiate an infringement proceeding.
- *Decisions* are fully binding on those to whom it is addressed.

9 Euratom

‘Euratom’ refers to the Treaty establishing the European Atomic Energy Community, including annexes and protocols. If an act is based on the Euratom Treaty it is coded ‘Yes’, if not ‘No’.

10 Specific Member State

A legal act which specifies to address one or a limited number of member states is binding only on them. Examples are acts that are adopted in the context of accession or funding instruments that apply to a specific member state. The information is listed in the citations/ recitals of a legal act. We code ‘yes’ for an act that addresses a limited number of member states. Acts that apply to all member states in their entirety are coded ‘no’.

11 Author

‘Author’ lists the EU institution that adopts a legal act. Information is taken from the legislative procedure. We differentiate acts by the following authors:

- Council
- Commission
- Council/ European Parliament

Note that these procedures have changed over time. With the Amsterdam treaty the ordinary legislative procedure turned the European Parliament into a (together with the Council) fully fledged legislator. Hence author Council/ EP becomes relevant after the Amsterdam treaty.

12 Lead DG

‘Lead’ list the department responsible for drafting an act in the Commission. The Commission is divided into several departments and services. The departments are known as Directorates-General (DGs). There are policy DGs, classified according to the policy they deal with, and Commission services that deal with more general administrative issues or have a specific mandate, for example fighting fraud or creating statistics. The task of assigning the right lead is complicated by changes in the portfolio structure and naming over time. We use the Von der Leyen I Commission as reference point for the acronyms (see Annex A). In rare cases lead responsibility is split between two DGs, in these cases one DG was assigned after considering the substantial center of gravity of the act.

We take information on the lead DG from EUR-Lex. Here lead DGs are either directly named or the signing Commissioner indicates the portfolio. Note that in the early years up to mid-1970s, no information on the lead is available (n.a.).

13 Title

The full title of the act is listed in English. It is taken from EUR-Lex. For some older acts, English titles were not available and we used German title instead, which we translated into English in order to standardize the column.

14 Date of Adoption

The date of adoption of the act is listed in format DD/MM/YYYY.

15 Celex

Most documents in EUR-Lex are assigned a CELEX number, which is a unique identifier. The CELEX number has four 4 parts: a) number identifying the sector (12 sectors), b) year, c) document type and d) document number. As the data base covers legal instruments only, the document types (c) are L for Directives, R for Regulations or D for Decisions

16 Official Journal

The Official Journal of the European Union (OJ) is the main source of EUR-Lex content. It is published daily (from Monday to Friday regularly, on Saturdays, Sundays and public holidays only in urgent cases) in the official EU languages. Information on publication of an act is displayed in the format: series (L for legislation), publication date and pages of the OJ.

17 Modifications & Implementation

This code is a nominal indicator for innovation in the area of social policy. It captures whether an act adapts substantially new standards or whether it seeks to a) put existing EU legislation into practice or b) to modify existing standards. Where acts adapt substantially new standards we code “no”. For all other acts we proceed as follows: For acts that put existing EU legislation into practice, “Supplements” are coded as such. Similarly, “implementation” is not a substantially new EU social policy as it concerns legislation adopted to implement and make applicable existing standards of social policy. If an implementing act has been supplemented, it was labelled as “Implementing/Supplement”. Specifying further acts that modify existing standards we code “Amendment” where the title of the act contains the term ‘Amendment’. “Approximation” is not a modification of EU law, but of existing law at member state level. Whenever existing law has been extended to a new group of people or geographically, it has been coded as “Extension” (cf. “geographical extension”). Furthermore, the categories of modification and implementation can overlap where acts that put existing EU legislation into practice are also revised. Consequently “Implementing/Amendment” refers to implementing acts which have been amended. “Approximation/Amendment” revise approximation acts.

Additions to amended acts have been coded as “Amendment/Supplement”. Amended acts that were extended to a new group of people or countries are listed as “Amendment/Extension”.

18 Geographical extension

‘Geographical extension’ refers to possible territorial extension of an existing act. Hence, a geographical extension does not adopt substantially new social policy standards but rather broadens the number of citizens to which rules apply. ‘Negative’ extensions also exist where the territorial scope of an existing standard becomes smaller. Frequently geographical extensions follow (temporary) differentiated integration. An act is coded as ‘yes’ where it constitutes a ‘geographical extension.

19 Number Commission Proposal

‘Number Commission Proposal’ applies to directives and contains the document number for the legislative act as adopted by the Commission (cf. above).

20 Date Commission Proposal

‘Date Commission Proposal’ applies to directives and contains the date (DD/MM/YYYY) for the legislative act as adopted by the Commission (cf. above).

21 OSR/MS

The column assigns a nominal value for social acts in their own right (OSR) and market-supporting (MS) legislation. The information is taken from the codes on Subject Area and Subfields. Part of the treaty articles connect directly to the market freedoms. This is the case for articles under title IV, which support the four freedoms of movement. Chapter 1, in particular, focuses on workers and comprises provisions that ensure non-discrimination on ground of nationality and administrative practices (Art. 45 and 46), social protection necessary for worker mobility (Art. 48) as well as provisions assuring mobility for self-employed (Art. 53). Under a different title Art. 21 enshrines free movement as a fundamental right of every EU citizen. We classify acts that draw on these and related treaty articles as market-supporting (MS). Title X, in turn, is dedicated to social policy. Here, reaching social goals rather than market efficiency is the objective. In particular, articles protect workers against health or social risks and assure good working conditions (Art. 153), empower the weaker part in the relationship of management and labor (Art. 154 and 155) or transfer rights for equal pay between women and men (Art. 157) and promote cooperation to assure individual protection in social matters (Art. 160). Under different titles Art. 19 enshrines non-discrimination as a fundamental right of EU citizens and Art. 21-24 grant citizens political rights and protection, while Art. 168 seeks public health. Equally, articles that envisage the regulation of distributive instruments such as the European Social Fund (Art. 164) and the European Structural Funds (Art. 175) seek intervention in market allocation to integrate disadvantaged people into society and ensure fairer life opportunities for all – thus reaching goals other than market efficiency.

Subfields drawing on these and related treaty articles are classified as social policy in its own right (ORS).

22 Literature

Majone, Giandomenico. 1993. The European Community Between Social Policy and Social Regulation. *Journal of Common Market Studies* 31 (2): 153–170.

Stone Sweet, Alec und Thomas L. Brunell. 1999. *Data Set on Preliminary References in EC Law*. San Domenico di Fiesole: Robert Schuman Centre, European University Institute.

Annex A

DG in Database (Von der Leyen)	AGRI	BUDG	COMM	EAC	ECFIN
Juncker (Acronyms)	AGRI	BUDG	COMM	EAC	ECFIN
Barroso II (Acronyms)	AGRI	BUDG	COMM	EAC	ECFIN
Barroso I	Agriculture and Rural Development	Budget	Communication	Education and Culture	Economic and Financial Affairs
Prodi I	Agriculture	Budget	Press and Communication	Education and Culture	DG II - Economic and Financial affairs
Santer	DG IV - Agriculture	Split up into DG XIX - Budget; and DG XX - Financial Control	part of DG X — Information, communication, culture, audiovisual	Split up into DG XXII - Education, training and youth; and DG X — Information, communication, culture, audiovisual	DG II - Economic and Financial affairs
Delors III	DG IV - Agriculture	Split up into DG XIX - Budget; DG XVII - Credit and Investments; and DG XX - Financial control	part of DG X — Information, communication, culture, audiovisual	non existent	DG II - Economic and Financial Affairs
Delors II	DG VI - Agriculture	Split up into DG XIX - Budget; DG XVIII - Credit and Investments; and DG XX - Financial control	part of DG X - Audiovisual, information, communication, culture	non existent	DG II - Economic and Financial Affairs
Delors I	DG VI - Agriculture	Split up into DG XIX - Budget; DG XVIII - Credit and Investments; and DG XX - Financial control	part of DG X — Information, communication and culture	non existent	DG II - Economic and Financial Affairs
Thorn	DG VI - Agriculture	Split up into DG XIX - Budget; and DG XX - Financial Control	DG X - Information	non existent	DG II - Economic and Financial Affairs
Jenkins	DG VI - Agriculture	Split up into DG XIX - Budget; DG XVIII - Credit and Investments; and DG XX - Financial Control	DG X - Group of the spokesperson and Information	non existent	DG II - Economic and Financial Affairs
Ortoli	DG VI - Agriculture	Split up into DG XIX - Budget; DG XVIII - Credit and Investments; and DG XX - Financial Control	DG X - Information	non existent	DG II - Economic and Financial Affairs
Malfatti	DG VI - Agriculture	Split up into DG XIX - Budget; DG XVIII Credit and Investments; and DG XX - Financial Control	DG X - Press and information	non existent	DG II - Economic and Financial Affairs
Rey	DG VI - Agriculture	Split up into DG XIX - Budget; DG XVIII Credit and Investments; and DG XX - Financial Control	DG X - Press and information	non existent	DG II - Economic and Financial Affairs
Hallstein II	DG VI - Agriculture	part of DG IX - Administration	'Press and Information' Service	non existent	DG II - Economic and Financial Affairs
Hallstein I	DG VI - Agriculture	part of DG IX - Administration	'Press and Information' Service	non existent	DG II - Economic and Financial Affairs

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DG in Database (Von der Leyen)	EMPL	ENER	ENV	EUROSTAT	FISMA	HR	JUST
Juncker (Acronyms)	EMPL	ENER	ENV	Eurostat	FISMA	HR	JUST
Barroso II (Acronyms)	EMPL	ENER	ENV		non existent	ADMIN	JLS
Barroso I	Employment, Social Affairs and Equal Opportunities	Energy and Transport	Environment		non existent	Personnel and Administration	Justice, Freedom and Security
Prodi I	Employment and Social Affairs	DG XVII - Energy	Environment		non existent	Personnel and Administration	Justice and Home Affairs
Santer	DG V - Employment, Industrial relations and social affairs	DG XVII - Energy	part of DG XI - Environment, Nuclear safety and civil protection		non existent	DG IX - Personnel and Administration	part of Secretariat-General
Delors III	DG V - Employment, Industrial relations and social affairs	DG XVII - Energy	part of DG XI - Environment, Nuclear safety and civil protection		non existent	DG IX - Personnel and Administration	part of Secretariat-General
Delors II	DG V - Employment, Industrial Relations and Social Affairs	DG XVII - Energy	part of DG XI - Environment, Nuclear Safety and Civil Protection		non existent	DG IX - Personnel and Administration	non existent
Delors I	part of DG V - Employment, Social Affairs and Education	DG XVII - Energy	part of DG XI - Environment, Consumer Protection and Nuclear Safety		non existent	DG IX - Personnel and Administration	non existent
Thorn	part of DG V - Employment, Social Affairs and Education	DG XVII - Energy	part of DG XI - Environment, Consumer Protection and Nuclear Safety		non existent	DG IX - Personnel and Administration	non existent
Jenkins	part of DG V - Employment and Social Affairs	DG XVII - Energy	'Environmental and Consumer protection' Service		non existent	DG IX - Personnel and Administration	non existent
Ortoli	DG V - Social Affairs	DG XVII - Energy	'Environmental and Consumer protection' Service		non existent	DG IX - Personnel and Administration	non existent
Malfatti	DG V - Social affairs	DG XVII - Energy	non existent		non existent	DG IX - Personnel and Administration	non existent
Rey	DG V - Social affairs	DG XVII - Energy	non existent		non existent	DG IX - Personnel and Administration	non existent
Hallstein II	DG V - Social affairs	non existent	non existent		non existent	DG IX - Administration	non existent
Hallstein I	DG V - Social affairs	non existent	non existent	non existent	DG IX - Administration	non existent	

DG in Database (Von der Leyen)	MOVE	REGIO	RTD	SANTE	SG	TAXUD	TRADE
Juncker (Acronyms)	MOVE	REGIO	RTD	SANTE	SG	TAXUD	TRADE
Barroso II (Acronyms)	TREN	REGIO	RTD	SANCO	SG	TAXUD	TRADE
Barroso I	non existent	Regional Policy	Research	Health and Consumer Protection	Secretariat-General	Taxation and Customs Union	Trade
Prodi I	non existent	Regional Policy	Research	Health and Consumer protection	Secretariat-General	Taxation and Customs Union	Trade
Santer	non existent	DG XVI - Regional and Cohesion policy	DG XII - Science, research and development	DG XXIV - Health and Consumer protection	Secretariat-General	DG XXI - Taxation and Customs Union	part of DG XXIII - Enterprises, Trade and social economy
Delors III	non existent	DG XVI - Regional Policies	DG XII - Science, research and development	'Consumer Policy' Service	Secretariat-General	DG XXI - Indirect Taxation and Customs Union	part of DG XXIII - Enterprises, Trade and social economy
Delors II	non existent	Split up into DG XVI - Regional Policies; and DG XXII - Coordination of Structural Policy	DG XII - Science, research and development	'Consumer Policy' Service	Secretariat-General	DG XXI - Customs Union and Indirect Taxation	part of DG XXIII - Enterprises, Trade and social economy
Delors I	non existent	Split up into DG XVI - Regional Policies; and DG XXII - Coordination of Structural Policy	DG XII - Science, research and development	part of DG XI - Environment, Consumer Protection and Nuclear Safety	Secretariat-General	DG XXI - Customs Union and Indirect Taxation	part of DG I - External Relations
Thorn	non existent	DG XVI - Regional policy	DG XII - Science, research and development	part of DG XI - Environment, Consumer Protection and Nuclear Safety	Secretariat-General	part of DG XV - Financial Institutions and Taxation	part of DG III - Internal Market and Industrial Affairs
Jenkins	non existent	DG XVI - Regional policy	part of DG XII - Research, Science and Education	Split up into DG V - Employment and Social Affairs; and 'Environment and Consumer protection' Service	Secretariat-General	part of DG XV - Financial Institutions and Taxation	part of DG III - Internal Market and Industrial Affairs
Ortoli	non existent	DG XVI - Regional policy	part of DG XII - Research, Science and Education	part of 'Environmental and Consumer protection' Service	Secretariat-General	part of DG XV - Financial Institutions and Taxation	part of DG I - External Relations
Malfatti	non existent	DG XVI - Regional policy	DG XII - General Research and Technology	non existent	Secretariat-General	Part of DG XX - Financial Control	DG XI - External Trade
Rey	non existent	DG XVI - Regional policy	DG XII - General Research and Technology	non existent	Secretariat-General	part of DG XIV - Internal Market, Approximation of Laws	DG XI - External Trade
Hallstein II	non existent	non existent	non existent	non existent	Secretariat-General	part of DG III - Internal Market	part of DG III - Internal Market
Hallstein I	non existent	non existent	non existent	non existent	Secretariat-General	part of DG III - Internal Market	Split up into DG I - External Relations; and DG III - Internal Market

Annex B

	Treaty of Lisbon	Treaty of Lisbon	Treaty of Nice	Treaty of Amsterdam	Treaty of Maastricht	Treaty of Rome
Document	Treaty on the Functioning of the European Union	Treaty of Lisbon	Treaty establishing the European Community	Treaty establishing the European Community	Treaty establishing the European Community	Treaty establishing the European Economic Community
Year	2008 (still in force)	2007	2002	1997	1992	1957
Article N°						
Subject						
principle aims of community/union		2	2	2	2	2
discrimination on grounds of nationality	18	16 D	12	12	6	7
other forms of discrimination	19	16 E	13	13	6A	-
freedom of movement and residence of citizens	21	18	18	18	8A	-
citizen's initiative; right to petition	24	21	21	21	8D	-
restrictions on trade on grounds of public morality, policy, security, health, etc.	36	30	30	30	36	36
common agricultural policies	43	37	37	37	43	43
freedom of movement of workers	45	39	39	39	48	48
specification and implementations freedom of movement of workers	46	40	40	40	49	49
social security to enable freedom of movements of workers	48	42	42	42	51	51
enabling freedom of establishment	50	44	44	44	54	-
enabling self-employment; mutual recognition of diplomas etc.	53	47	47	47	57	57
"services" (in so far as not governed by other articles)	57	50	50	50	60	60
application of articles to all matters of the chapter	62	55	55	55	66	66
committee to ensure cooperation	71	61 D	-	-	-	-
immigration policy	79	63 A	63	63	-	-
asylum	78	-	-	-	-	-
judicial cooperation	82	-	-	-	-	-
legislation for international transports	91	71	71	71	75	75
transport rates; consideration of economic circumstances of carriers	94	74	74	74	78	78
commission advisory committee for transport matters	99	79	79	79	83	83
transport (rail, road, inland waterway)	100	80	80	80	84	84
approximation of laws (Member States)	114	94	95	95	100A	-
approximation of laws (Council)	115	95	94	94	100	100
Economic and Financial Committee	134	114	114	114	109 C	109
financial unity; common monetary interest and aid	138	115 C	111	111	109	109
member state employment policy; education	146	126	126	126	109 O	109
monitoring of employment	148	128	128	128	109 Q	109
encouragement of cooperations regarding employment	149	129	129	129	129 R	129
encouragement of employment cooperations; employment committee	150	130	130	130	109 S	109

common commercial policy	207	188 C	133	133	113	113
coordination of social policy, employment rights, etc.	153	137	137	137	118	118
promotion of consultation of management and labour	154	138	138	138	118A	118
encouragement cooperations in social policy	155	139	139	139	118C	118
equal pay, male/female	157	141	141	141	119	119
Social Protection Committee	160	144	144	144	121	121
European Social Fund (ESF)	164	148	148	148	123-125	123-125 + 128
human health protection	168	152	152	152	129	-
consumer protection	169	153	153	153	129 A	-
competitiveness industry	173	157	157	157	130	-
coordination economic policies; mutual support; European Social Fund (ESF)	175	159	159	259	-	-
multiannual framework programm; supplementary programmes	184	168	168	168	130 K	-
multiannual framework programm; participation in national research and development programmes	185	169	169	169	130L	-
adoption social provisions	188	172	172	172	130 O	-
adoption social policy (Parliament, Council, Economic and Financial Committee...)	192	175	175	175	139 S	-
implementation of Union law by Member States	197	176 D	-	-	-	-
Parliament shall request Commission proposals	225	192	192	192	138 B	138
agreements with third countries, international organisations	218	188 N	300	300	228	-
COREPER Committee	240	207	207	207	151	-
(independence of) Members of the Commission	245	213	213	213	157	-
budgetary rights of the Council	322	279	279	279	209	209
Information rights of Commission	337	284	264	284	213	213
Economic and Social Committee	301	285	285	285	194	194
production of Union statistics	338	285	285	285	213 A	213
rights of the Council; concerning institution language of the EC	344	290	290	290	217	217
rights of the Council	352	308	308	308	235	235
Euratom:						
Year	2012	2010	1957			
definition basic health and Safety standards	30	30	30			
procedure of defining standards	31	31	31			
procedure of revision of standards	32	32	32			