

Expectations of the Deutscher Verein für öffentliche und private Fürsorge e.V. (German Association for Public and Private Welfare) regarding the German Federal Government for its presidency of the Council of the European Union in 2020

The opinion (DV 17/19) was adopted by the executive committee of the German Association on 4 December 2019, following discussion in the specialist committee on “International Cooperation and European Integration”.

Deutscher Verein für öffentliche und private Fürsorge e.V. (German Association for Public and Private Welfare) – the forum for the social sector since 1880.

The German Association for Public and Private Welfare (Deutscher Verein für öffentliche und private Fürsorge e.V.) is the joint forum of municipalities and non-statutory social welfare organisations and their social services in Germany, the Länder (federal states) and academia in all fields of social work and social policy. Through its experience and expertise, it monitors and shapes policy and legislation in relation to children, young people and families, the social insurance system, social assistance, assistance for the elderly, care and rehabilitation, social volunteering, the planning and management of social work and social services as well as international and European social policy and social legislation.

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On 1 July 2020, the Federal Republic of Germany will assume the presidency of the Council of the European Union (EU). The Federal Government is taking over the presidency at a time where the member states of the EU are striving for orientation. The strong focus of EU policy in recent years on economic growth and stability policy is coming up against its limits. It is true that the number of those in employment (aged 20-64) in the EU-28 rose last year to the highest level ever recorded in the EU.¹ But the aim of reducing the numbers of those in poverty in the EU by 20 million by the end of 2020 is no longer achievable. According to Eurostat, the reduction to 2017 was just 4.2 million people. According to an appraisal by the European Commission, the internal market – flanked by the EU Structural and Cohesion Funds – has largely lost its driving force in EU-wide equalization of living standards. The German Association shares this assessment.² It is calling for the potentials inherent in the European treaties³ to be realised, in order to deepen the EU's social dimension. The German Association is calling on the Federal Government to commit itself in the Council, during the negotiations for a strategy for the EU from 2021 onwards, to ensure that the new strategy marks the transition away from the earlier aspiration for convergence driven primarily by economic and fiscal policy considerations, and towards EU-wide convergence that is equally economic and social. Deepening the social dimension also requires social shaping of the digital transformation.

The expectations of the German Association set out below are aimed at the German Federal Government for its actions in the Council of the European Union, especially during the time it holds the presidency of the Council from 1 July to 31 December 2020.

1. Full implementation of the ‘European Pillar of Social Rights’

In the ‘European Pillar of Social Rights’ (EPSR), a plan was agreed two years ago to strengthen the social dimension of the EU politically and to work towards better convergence of the social systems of the Member States. The EPSR sets out 20 social policy principles and social rights to be realized in all EU Member States. The first proposals from the EPSR have now become applicable EU law, e.g. minimum standards for accessibility of products and services, employment contracts being specified in writing, and the release of working parents and carers to undertake the work of caring and support.⁴

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1 Eurostat, employment statistics, https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsl_emp_a&lang=en (as at: May, 10.07.2019).

2 Expectations of the German Association for Public and Private Welfare regarding the European Union on the occasion of the European Elections 2019: Perspective for a social Europe of 5 December 2018, NDV 2019, 49. <https://www.deutscher-verein.de/en/uploads/dateien-stab-internationales/dv-18-18-expectations-eu-elections-2019.pdf>

3 Art. 3 (3) TEU, Art. 8-10 TFEU, Art. 26-34 of the Charter of Fundamental Rights of the EU, Art. 4 (2) in conjunction with Art. 151 et seq. TFEU, Art. 5 (3) in conjunction with Art. 156 TFEU, Art. 5 (2) in conjunction with Art. 145 et seq. TFEU, Art. 157 TFEU, Art. 162 et seq. TFEU

4 Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ L 151 of 7.6.2019, p. 70; Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, OJ L 186 of 11.7.2019, p. 105; Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Directive 2010/18/EU, OJ L 188 of 12.7.2019, p. 79.

It is now important that this is also followed up with initiatives to implement the remaining principles and rights of the EPSR. The President of the European Commission has formulated the policy guideline of shaping the economy in such a way that it works for people. The social market economy is to be strengthened, in order that Europe achieves even more when it comes to social fairness and prosperity.⁵ The German Association expects the German government to use its role as President of the Council next year to enable the necessary measures at Council level for full and rapid implementation of the EPSR, for upward social convergence of the social welfare systems of the Member States. The Association welcomes the aspirations of the European Commission in the EPSR to establish appropriate minimum income systems and encourages the Federal government, in line with its announcements in the current coalition agreement, to develop a framework for national social assistance systems (Grundsicherungssysteme) in the EU states.

Germany's presidency is simultaneously the prelude to the Trio presidency with Portugal and Slovenia, both in 2021. We call on the German Federal Government to use the joint work planning and subsequent cooperation in the Trio actively to make upward social convergence the object of future European policy as well.

2. An EU gender equality strategy with a strategic approach

The German Association welcomes the announcement on development of a European gender equality strategy. The Association takes the view that the current, ongoing "strategic engagement" of the European Commission, based on a Commission staff working document, is inadequate and that a multi-year policy strategy is required if the EU is truly serious about the principle of equality as deriving from the EU treaties. The strategy should not just focus on the principle of wage transparency. It also needs to be concerned with good working conditions. 'Equal pay for equal work' is a key aspect, to lower the higher risk of poverty for women. Other key aspects are the fair distribution of care or support tasks and housework between women and men, the breaking down of persistent gender stereotypes and measures for the effective prevention of violence against women. The German Association calls on the German Federal Government, as part of its Council presidency and Trio presidency, to pursue a new strategy with a broad-based approach to reducing discrimination against women. The German Association is also advocates for the experiences and suggestions derived from equality work by civil society organizations and by local authority and regional administrations to be taken into account when developing the new strategy.

3. Fresh impetus for expanding anti-discrimination rules

Alongside the right to realization of gender equality, the EPSR also states the right of all persons to equal treatment with regard to social protection, education and

⁵ Ursula von der Leyen "A Union that strives for more – My agenda for Europe" of 16 July 2019, p. 9.

access to publicly-available goods and services. Currently, there is an absence of secondary legislative provisions for protection against discrimination in daily life on the grounds of religion or belief, disability, age or sexual orientation in accordance with Art. 18, 19 of the Treaty on the Functioning of the European Union (TFEU), other than in relation to employment and career. The German Association welcomes the announcement from the European Commission that it intends to bring forward a fresh draft Directive to better implement the ban on discrimination. The German Association simultaneously calls on the German Federal Government to make its commitment to the values of freedom, equality and non-discrimination, on which the EU is expressly based, clearly apparent in its own presidency of the Council and Trio presidency and to conduct the negotiations for a new draft Directive in that spirit.

4. Accompanying structural funding by the EU

It remains important to the German Association that the draft Regulation for the European Social Fund from 2021 (ESF+) takes particular account of the principles and rights set out in the EPSR. The EU, as a political union, should also provide impetus to the Member States to acknowledge their public responsibility in framing their social welfare systems and social services and to aspire to a policy of social investment. In its ‘Social Investment Package’ of 2013, the European Commission had underlined the point that precisely those countries with the most efficient social systems were amongst the most successful and most competitive economies in the world, and called on the Member States to put greater emphasis on social investment. At that time, the German Association expressly welcomed the European Commission’s viewpoint of seeing expenditures on social functions as long-term investments in people and in social cohesion and not simply as a cost factor.⁶

To apply EU funding in as practically-oriented a manner as possible, the German Association is committed to involving civil society, in line with the partnership principle⁷. The partnership-based structure of the funds is demonstrably a success factor in the implementation of the current ESF and of the Fund for European Aid to the Most Deprived (FEAD) in Germany. It should be expressly anchored in the new ESF+ Regulation, as defined in the new EU Common Provisions Regulation. To align structural funding effectively to the goal of upward convergence, it is necessary for the European Commission to adopt effective measures to boost actual spending of the sums available to member states. These include retaining the EU co-financing rates from the current funding period, in order to ensure that as many project sponsors as possible can use funds from the ESF+ programmes from 2021. Experience has shown that project sponsors are often unable to contribute higher shares from own resources. A further consideration is that the proposed funding quotas offer too little incentive, when measured against the organ-

⁶ Opinion of the German Association on the European Commission’s Communication “Towards Social Investment for Growth and Cohesion”, NDV 2013, 298.

⁷ The partnership principle enables intensive participation by civil society partners at the level of developing and implementing funding programmes at the Member State level.

izational and financial expense involved in applying for and accounting for ESF funds.⁸

5. Expectations of a European overall strategy from 2021

At the end of 2020, the “Europe 2020” strategy comes to a close. The European Council has already presented “A new strategic agenda 2019-2024” in June 2019, in which it offers very guarded pronouncements on social principles and rights. At least it acknowledges significant political, social and economic risks in inequalities, particularly those affecting young people, and it sees a need for action in realizing equality of opportunity for all. Having regard to strengthening the social dimension in the EU, the German Association is once again speaking out in favour of continuing successful elements of the “Europe 2020” strategy in a new strategy from 2021. To that end, explicit social objectives should be defined and the achievement of those objectives monitored in the “European Semester”, including monitoring implementation of the EPSR, e.g. in the “Social Scoreboard”. A new overall strategy for the EU needs to integrate the goals of the United Nations’ 2030 Agenda for Sustainable Development, such as the goals for combating poverty, for reducing inequalities and for gender equality.⁹

6. Participation of municipal, regional and civil society interests in EU policy

Successful implementation of the EPSR presupposes the inclusion of regional and municipal actors, non-statutory social welfare organizations (e.g. in Germany the Freie Wohlfahrtspflege) and other actors in civil society, including the social insurance providers.¹⁰ The German Association is calling for those interests to be included beyond the already-announced, multi-month “Conference on the Future of Europe” participation process, and for European decision-making processes to be made transparent and accessible in all phases of the procedure, so as to enable these actors to be involved. The German government should use the period of its own presidency of the Council of the EU to make the objectives and decisions relating to EU policy, and likewise the role of the European institutions, more visible and more comprehensible at the regional and municipal level and for citizens.

8 Expectations of the German Association for Public and Private Welfare regarding the European Union on the occasion of the European Elections 2019, NDV 2019, p. 51. <https://www.deutscher-verein.de/en/uploads/dateien-stab-internationales/dv-18-18-expectations-eu-elections-2019.pdf>

9 Ibid. p. 51

10 Opinion of the German Association on the Consultation on a European Pillar of Social Rights of 27 September 2016, NDV 2016, 560. <https://www.deutscher-verein.de/en/uploads/dateien-stab-internationales/dv-21-16-opinion-consultation-epsr.pdf>

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