

The European Union in 2021: key events

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Introduction¹

With the Covid-19 pandemic slowly losing its grip, European Union (EU) social policymaking in 2021 has been largely aimed at promoting economic recovery in Member States and adapting to new realities in the social domain. In February, the European Parliament adopted the interinstitutional agreement on the 'Recovery and Resilience Facility'. Furthermore, as a consequence of the pandemic and the subsequent joint efforts of EU Member States in the public health domain, the EU4Health programme was launched in March.

Besides its economic and health consequences, the pandemic spurred major developments in the social domain. Digitalisation and platform work increased significantly during the pandemic, calling for further social protection measures to cover atypical workers and teleworkers. In January, the European Parliament adopted a resolution on the right to disconnect, while forward-looking measures for regulating and protecting atypical and platform workers were adopted.

Looking at other key social initiatives, negotiations on EU social security coordination remained on the agenda of both the Portuguese and Slovenian Presidencies of the Council of the EU, with no compromise reached with the European Parliament by the end of the year. By contrast, both Presidencies consistently negotiated and furthered the key proposal for a directive on 'adequate' minimum wages. One of the highlights of the Portuguese Presidency was the Porto Social Summit, with its spotlight on such key topics as the revival of the EU economy after the Covid-19 pandemic and the commitment to make progress on implementing the European Pillar of Social Rights. Last but not least, a brand-new initiative, the 'Conference on the Future of Europe', brought EU citizens together to discuss the future of the EU.

Over the year, the Court of Justice of the EU (CJEU) handed down several groundbreaking decisions strengthening social protection rights for EU citizens (Case C-709/20, Case C-909/19, Cases C-344/19 and C-580/19). At the same time, the CJEU negatively surprised European trade unions with its judgement (in Case C-928/19 P) confirming an earlier judgement of the EU General Court rejecting the European Federation of

1. The present chronology is based on two main sources: the European Daily Bulletin in 2021, and the trimestral 'European and international Digests' which the European Social Observatory produces for the *Revue Belge de Sécurité Sociale* (RBSS): <https://socialsecurity.belgium.be/fr/publications/revue-belge-de-securite-sociale>.

Public Service Unions' (EPSU) case against the EU Commission. This may result in weakening the position of social partners in future institutional negotiations at EU level.

Several other initiatives in the social policy domain were implemented, including the adoption of a Recommendation on the European Child Guarantee in June and of the new EU Strategic Framework on Health and Safety at Work for 2021-2027 in October; the launch of the European Platform on Combatting Homelessness in June; and the adoption of the Commission's strategy for the rights of people with disabilities for the period 2021-2030 in March.

In the context of the pandemic, during which gender inequalities became increasingly evident, the EU institutions made progress on several gender equality initiatives. Member State Ministers of Social Affairs agreed on a general approach on the draft directive on pay transparency. The European Parliament adopted a report on extending the European list of crimes to include gender-based violence in September, and a new resolution defending abortion rights in November.

At the same time, in 2021, the rule-of-law crisis in some EU Member States continued to deepen, calling for further involvement of the EU institutions, and becoming one of the four priorities of the Slovenian Presidency. The second annual report on the rule of law in the EU27 was published in July. In that same month, the European Commission opened infringement proceedings against Hungary and Poland for their failure to respect fundamental rights, while the CJEU issued a key judgement on the independence of Polish judges (Case C-791/19).

Some positive developments occurred on the climate and green transition front. The European Parliament adopted its position on the revision of EU regulations to improve citizens' access to justice in environmental matters. Turning to climate change policies, the failure of the G20 energy and climate ministers, meeting in Naples, to agree on a joint commitment to limit global warming to 1.5°C was a disappointment. In the same vein, the compromise reached at the 26th session of the United Nations Climate Conference (COP26) in Glasgow in November was castigated by civil society organisations for its lack of ambition.

January

1 January: Portugal begins its fourth Presidency of the Council of the EU, to run until 30 June 2021. One of the central themes for the Portuguese Presidency is to strengthen the European social model, giving momentum to the realisation of the European Pillar of Social Rights goals.

6 January: Eurostat publishes a survey on the state of housing in Europe, according to which 9% of those surveyed considered that their housing was not properly heated (compared to 10.8% in 2021). The gap across countries was considerable, ranging from just 2% in Germany, Austria and Finland to as high as 30% in Bulgaria, 26.7%

in Lithuania and 21% in Cyprus (EC, Eurostat, *Housing in Europe – 2021 interactive edition*).

14 January: the European Parliament’s Employment and Social Affairs Committee (EMPL), approves by majority (29 in favour, 2 against and 21 abstentions) that the threshold for minimum wages in Europe should be set above the poverty line in the respective countries (EP, EMPL, *Result of roll-call votes of 14.01.2021*).

15 January: in a statement, the European Trade Union Confederation (ETUC) underlines why EU action is needed to ‘end the scandal of platforms not accepting their responsibilities as employers’. In Spain, Deliveroo is to pay 1.3 million euros in social contributions following a Barcelona Court ruling establishing that 748 Deliveroo’s riders are false self-employed (12/01/21). In Belgium, the government’s administrative committee on work relations issued a decision on an Uber driver’s working conditions, stating that they are incompatible with a self-employed status (13/01/21) (European Trade Union Confederation, *National rulings on platform work show need for EU action*, press release).

21 January: the European Central Bank (ECB) declares its commitment to maintain its policy of quantitative easing (ECB, *Monetary policy decisions*, press release).

21 January: the European Parliament adopts a resolution on the right to disconnect, laying down minimum requirements enabling workers using digital tools for work purposes to exercise their right to disconnect and to ensure that employers respect such right. The resolution applies to all sectors, both public and private, and to all workers, independent of their status and their working arrangements (EP, P9 TA(2021)0021).

28 January: the European Parliament and the Council of the EU reach political agreement to allocate a quarter of the European Social Fund Plus (ESF+) to social inclusion, mainly to the most deprived groups in the population. This agreement marks a redirecting of the original plan, strongly geared towards work and employment, to a broader policy of social inclusion, particularly for children suffering impoverished living conditions or young people not in education, employment or training (Council of the EU, *European Social Fund Plus: Council and Parliament reach a provisional deal*, press release).

February

3 February: European Commission President Ursula von der Leyen calls for a ‘new social rulebook’ to better reconcile climate and social issues, at a conference jointly organised by the ETUC and the European Trade union Institute (ETUI). During this conference, the Commissioner for Employment and Social Rights, Nicolas Schmit, and the Vice-President of the European Commission responsible for the ‘Green Pact’, Frans Timmermans, state that the ecological transition will only succeed if the role of the social partners is reinforced (European Trade Union Institute, *Towards a new socio-ecological contract*, ETUI-ETUC conference, 3-5 February).

3 February: in the new European Commission's Europe's Beating Cancer Plan, 'A new EU approach to prevention, treatment and care', the 'workplace dangers from priority cancer actions' were omitted. According to the ETUC, 'work-related cancer should be a specific "flagship initiative" in the plan', since more than 100,000 people die every year from occupational cancer – around 10% of all cancer deaths in Europe (ETUC, *Commission omits workplace dangers from priority cancer actions*, press release)

5 February: as part of the strategy on the rights of the child, the European Commission undertakes to prepare new laws and regulations to prevent and criminalise female genital mutilation, to provide prevention, protection and care services and to raise awareness on its consequences (EC, *Joint Statement ahead of the International Day of Zero Tolerance for Female Genital Mutilation*, press release). The European Commission also launches a public consultation on combating gender-based violence and domestic violence (EC, ec.europa.eu, *Combating gender-based violence – protecting victims and punishing offenders*).

8 February: following a previous commitment to maintain its *quantitative easing* policy (European Central Bank (ECB), *Monetary policy decisions*, press release 21 January 2021), during a debate at the European Parliament the President of the ECB announces a shift in lending towards 'green' loans (EP, *European Central Bank – annual report 2020 (debate)*).

10 February: the European Parliament adopts, with a substantial majority (582 in favour, 40 against, 69 abstentions) the interinstitutional agreement on the 'Recovery and Resilience Facility' (€672.5 billion, made up of €360 billion in loans and €312.5 billion in grants) (EP, P9_TA(2021)0038). This 'facility' is the key element of NextGenerationEU, a temporary economic recovery instrument enabling the European Commission to leverage funds used to mitigate the economic and social impact of the Covid-19 pandemic. In response to trade union criticism as to the scarcity of social actions in the recovery plan, the social dimension of the recovery plan is emphasised at a European Parliament session (EP, *First virtual European Parliamentary Week 2021 – 22 February 2021*).

10 February: the European Parliament adopts (365 in favour, 118 against, 208 abstentions) a report by MEP Demiral (The Left, Germany) calling for the introduction of a statutory national minimum wage for all workers – including non-standard workers, particularly workers through platforms – which is to be set above the country's poverty threshold (EP, P9_TA(2021)0044). Strong opposition to the report came from Scandinavian MEPs.

24 February: the European Commission adopts a new EU strategy on adaptation to climate change which sets out how the EU can adapt to the unavoidable impacts of climate change and become climate resilient by 2050 (COM/2021/82).

24 February: In view of the increased digitalisation of work and the precarious position of platform workers, the European Commission launches the first-stage consultation of European social partners on how to improve the working conditions for people working

through digital labour platforms. The consultation is aimed at collecting the views of social partners on the way forward in improving the situation of platform workers (EC, *Protecting people working through platforms: Commission launches a first-stage consultation of the social partners*, press release).

25 February: the CJEU hands down a judgment on a case concerning parental leave. The *Caisse nationale pour l'avenir des enfants* (Luxembourg) refused to grant parental leave three years after the birth of twins, since the person was not employed at the time the children were born. According to the Court, while the birth (or adoption) of a child and worker status are criteria which must be met to obtain this benefit, this does not mean that the worker must actually be employed at the time of the birth (CJEU, Case C-129/20).

March

2 March: the gap in earnings between the richest and poorest Europeans was widening even before the Covid-19 crisis struck. The European Commission's Social Scoreboard, which measures progress in implementing the European Pillar of Social Rights, shows that the richest 20% of Europeans were making 4.9 times more than the poorest 20% in 2010 (ETUC, *EU inequality got worse before Covid crisis, data shows*, press release).

3 March: following the failure of the interinstitutional negotiations in December 2020, the Portuguese Presidency of the EU restarts work on an agreement on revising the regulation on coordination of social security systems in the EU. However, the negotiations between the EU Presidency and the European Parliament again stall, largely due to the obligation for a company based in another EU Member State to give prior notification to the state hosting a worker (*European Daily Bulletin*, no. 12669, 3 March).

3 March: the Commission's strategy for the rights of people with disabilities for the period 2021-2030 is adopted. The strategy is aimed at improving the lives of persons with disabilities in Europe and around the world, allowing them to enjoy their rights and participate fully in society and economy (EC, COM(2021) 101).

4 March: the European Commission publishes its European Pillar of Social Rights Action Plan up to 2030. This sets out legislative and non-legislative measures to implement the EPSR as a joint effort of Member States and the Commission with the active involvement of the social partners and civil society. Specific objectives are the following: at least 78% of the adult population should be in employment; at least 60% of all adults should participate in training every year; and the number of people at risk of poverty or social exclusion should be reduced by at least 15 million (EC, *The European Pillar of Social Rights: turning principles into actions*, press release).

4 March: the European Commission presents its proposal for a directive to introduce binding European standards for pay transparency. It hopes that the standards will

‘reinforce the application of the principle of equal pay for equal work or work of equal value’ (European Commission, COM(2021) 93 final).

9 March: the CJEU rules that a period of stand-by time is to be considered as working time if it significantly affects the employee’s free time. The Court states that, in order to assess whether a stand-by period constitutes ‘working time’, the only factors to be considered are the constraints imposed on the worker, through national regulations, through a collective agreement or by his or her employer (CJEU, C-344/19 and C-580/19).

17 March: the CJEU clarifies the definition of daily rest period. Where a worker has concluded several work contracts with the same employer, the daily rest period should be calculated on the basis of all these contracts as a whole, rather than contract by contract (CJEU, C-585/19).

19 March: the European Committee of the Regions (CoR) adopts an opinion in favour of a statutory minimum wage of at least 60% of the full-time gross national median wage (CoR, CDR 5859/2020).

22 March: the European Commission publishes its first preliminary assessment of the impact of Support to mitigate Unemployment Risks in an Emergency (SURE), the instrument designed to protect jobs and incomes affected by the Covid-19 pandemic. According to the report, the instrument had provided support to between 25 and 30 million people in 2020 and between 1.5 and 2.5 million firms affected by the Covid-19 pandemic (EC, *Report confirms SURE’s success in protecting jobs and incomes*, press release).

24 March: EU leaders and European social partners meet at the Tripartite Social Summit to discuss ‘how to achieve a fair and sustainable recovery’. The three main topics of discussion covered 1) the need to tackle the health, economic and social crisis along with the emergency measures; 2) the role and contribution of social partners for the economic recovery, and 3) the road to the Porto Social Summit (Council of the EU, *Main messages from the Tripartite Social Summit*, 24 March 2021, press release).

25 March: the European Parliament adopts a resolution supporting the obligation to respect ambient air quality directives (EP, P9_TA(2021)0107). The European Parliament, while pointing to some improvements, ‘alerts that as of February 2021, 31 infringement procedures against 20 Member States on the implementation of the Ambient Air Quality Directives² are pending.

30 March: the European Commission disburses €13 billion under the SURE instrument to support six EU Member States (Czechia, Belgium, Spain, Ireland, Italy and Poland) in preserving employment and especially short-time work schemes (EC, *Commission disburses further €13 billion under SURE to six Member States*, press release).

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April

22 April: MEPs welcome the report by Dennis Radtke (EPP, Germany) and Agnes Jongerius (S&D, the Netherlands) on the draft directive to introduce a fair minimum wage in the EU. The draft proposing that Member States draw up action plans on improving collective bargaining coverage to at least 90% is welcomed by the ETUC. In February, Denmark, Sweden, Poland, Hungary, the Netherlands, Austria, Ireland, Greece and Malta had expressed concerns regarding the text, calling on the Commission to propose a recommendation rather than a directive (Agence Europe, Europe Daily Bulletin No. 12704, 23 April 2021).

27 April: the European Parliament unanimously welcomes the interinstitutional agreement reached on the European Globalisation Adjustment Fund for displaced workers (EGF) 2021-2027 (EP, P9_TA(2021)0136). The EGF can be activated when a single company (including its suppliers and downstream producers) lays off over 200 workers. The majority of MEPs welcomed the simplification of the fund and the inclusion not only of the effects of globalisation, but also of the digital and ecological transitions (EC, *European Globalisation Adjustment Fund for Displaced Workers*, EGF).

28 April: the ETUC is alarmed that the number of labour inspections has collapsed across Europe over the last decade, leaving workplaces less prepared for the Covid-19 pandemic. New ETUC research reveals that safety inspections have been cut by a fifth since 2010, falling from 2.2 million annual visits to 1.7 million (ETUC, *Huge fall in labour inspections raises Covid risk*, press release).

May

3 and 4 May: Poland and Hungary challenge the use of the concept of ‘gender’ in texts negotiated at European level. They regret the use of this term in a decision on the Union Civil Protection Mechanism. Poland rejects the inclusion of the word ‘gender’ in the new Regulation on the European Institute of Innovation and Technology and in the decision establishing its strategic programme. Both countries consider that the term ‘gender’ refers to ‘sex’ and will interpret any provision on gender equality ‘in the sense of equality between women and men’. Both countries have already prevented the adoption of Council conclusions on this ground and are arguing their case in negotiations (Council of the EU, 2020/0097(COD)).

5 May: the German Constitutional Court in Karlsruhe challenges the Public Sector Purchase Programme (PSPP) of the ECB, deeming it unconstitutional in Germany. The ruling comes after the ECB stressed its commitment, on 21 January 2021, to maintain its *quantitative easing* policy.

6 May: ECB President Christine Lagarde urges the EU to launch a ‘green’ capital markets union to finance the ecological and digital transitions. She stresses the need to match the NextGenerationEU post-pandemic Recovery Plan with ‘a truly green

European capital market that transcends national borders’ (ECB, *Speech by Christine Lagarde, at the European Commission’s high-level conference on the proposal for a Corporate Sustainability Reporting Directive*).

7-8 May: during the Porto Social Summit held by the Portuguese Presidency, the Porto Social Commitment is signed to consolidate the European Pillar of Social Rights. It is aimed at achieving inclusive, sustainable, fair and job-creating recovery for all EU Member States. The European Social Partners and EU institutions commit to the 2030 social targets proposed by the Commission in the European Pillar of Social Rights Action Plan (i.e., an employment rate of at least 78% in the EU; at least 60% of adults attending training courses every year; reducing the number of people at risk of social exclusion or poverty by at least 15 million people, including 5 million children) (Council of the EU, *Porto Social Summit, 7 May 2021*, press release).

9 May: the Conference on the Future of Europe is jointly launched by Parliament, Council and Commission, during an inaugural event in Strasbourg. The purpose of the project is to collect European citizens’ views and perspectives on the future of the EU (EC, *Conference on the Future of Europe: inaugural event in Strasbourg*, press release).

12 May: the European Commission adopts the EU action plan ‘Towards zero pollution for air, water and soil’, with targets to be met by 2030 (EC, *European Green Deal: Commission aims for zero pollution in air, water and soil*, press release). The ambition is to prevent, minimise and remedy pollution by tackling all sources – from agriculture, households, industry and transport. Specific targets are described in the action plan (EC, COM(2021) 400).

June

3 June: the CJEU rules that the equal pay principle set forth in the Treaties (Article 157 of the Treaty on the Functioning of the EU (TFEU)) must be interpreted as having direct effect in proceedings between individuals in which failure to observe the principle of equal pay for male and female workers for ‘work of equal value’ is pleaded (CJEU, C-624/19).

3 June: in the context of the rule-of-law crisis, the CJEU rejects the Hungarian authorities’ appeal against the European Parliament’s resolution calling on the Council of the EU to find a clear risk of violation of 18 fundamental European values in Hungary (CJEU, Case C-650/18).

8 June: the European Parliament approves the interinstitutional agreement on the European Social Fund plus (ESF+) reached on 28 January 2021 (EC, Daily News 09/06/2021).

9 June: the European Commission launches infringement proceedings against Germany for violating the fundamental principle of the primacy of EU law. The initiation

comes after the German Constitutional Court challenges a CJEU judgment validating the ‘quantitative easing’ (Public Sector Purchase Programme, PSPP) of the large-scale buy-back of public securities. The German Constitutional Court’s judgement declared the CJEU judgment to be ultra vires, constituting a serious judicial precedent (EC, *June infringements package: key decisions*).

14 June: the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council adopts conclusions on teleworking, recalling the very narrow competency of the EU. Highlighting the recent framework agreed by the social partners on the digitalisation of work, the conclusions call on the European Commission to analyse the extent to which current social and labour law in the EU ensures ‘decent working conditions’ for teleworkers, including the right to disconnect (Council of the EU, *Council conclusions on telework*, 9747/21).

14 June: the EPSCO Council adopts the Recommendation establishing a European Child Guarantee as a deliverable of the European Pillar of Social Rights. Its aim is to prevent and combat social exclusion by guaranteeing access of children in need to a set of key services. The recommendation extends its protection to children with mental health issues, those who have suffered violence, and those who have been discriminated because of their sexual orientation or gender. It also includes social housing and housing support policies for families with women single-earners (Council of the EU, *Council Recommendation (EU) 2021/1004 of 14 June 2021*).

15 June: the European Commission launches the second-stage consultation of social partners on how to improve the working conditions of platform workers, following the first-stage consultation process held between February and April 2021 (EC, *Protecting people working through platforms: Commission launches second-stage consultation of social partners*, press release). Among social partners’ positions, the ETUC stresses the need to clarify the status of workers performing their tasks via digital platforms.

21 June: EU institutions, relevant ministers and civil society sign the Lisbon Declaration launching the European Platform on Combatting Homelessness, within the Action Plan on the implementation of the European Pillar of Social Rights (EC, *European platform to combat homelessness is launched*, press release).

24 June: the Regulation (EU) 2021/1056 establishing the Just Transition Fund (JTF) is adopted. The fund is the financial pillar of the Just Transition Mechanism (JTM), an instrument aimed at ensuring that the transition towards a green economic system occurs without prejudice to the most affected regions, sectors and workers (Regulation (EU) 2021/1056 establishing the Just Transition Fund, European Sources Online).

24 June: the European Parliament adopts the agreement reached with the Council of the EU on the regulation on the Public Sector Loan Facility, the third pillar of the JTM. The facility aims to support investments made by public sector entities in those territories most affected by climate transition, in line with the Just Transition territorial plans. The aim is to mobilise between 25 and 30 billion of public investment over the

2021-2027 period. The Facility will be in line with the principle of ‘do no significant harm’ to the environment and climate (EP, P9_TA(2021)0311).

30 June: the European Commission unveils its communication on the EU’s rural areas, which are currently facing ‘challenges posed by globalisation, urbanisation, [and] ageing’. Measures to come include the publication of a guide on EU funding possibilities, the establishment of an observatory within the Commission and a data portal, with the two latter measures aimed at centralising data collection and analysis on rural area and at monitoring implementation of the Commission action plan (EC, *Long-term vision for rural areas: for stronger, connected, resilient, prosperous EU rural areas*, press release).

July

1 July: Slovenia takes over the Presidency of the Council of the EU. Its four priorities are recovery and greater EU resilience, reflecting on the future of Europe, strengthening the rule of law and European values, and ensuring security and stability in the European neighbourhood. One of the goals set is to reach political agreement within the Council on the framework directive on minimum wages, along with a compromise with the European Parliament on the regulation on the coordination of social security systems (European Daily Bulletin, no. 12757, 8 July 2021).

5 July: of the 26,669 citizens surveyed in a Special Eurobarometer survey on climate change, 93% considered climate change to be a fairly serious (15%) or very serious (78%) problem, while 87% felt that the EU should set ambitious targets to increase the amount of renewable energy used. While a similar percentage think that it is important for the EU to support energy efficiency, 81% are in favour of more public financial support for the transition to ‘clean energy’, even if this means reducing subsidies for fossil fuels (EC, *Special Eurobarometer 513 Climate Change*, March-April 2021, 2273 / SP513).

14 July: the European Commission presents its ‘Fit for 55’ legislative package in which it proposes to revise upwards the targets set for Member States to enable the EU to reduce its greenhouse gas emissions in sectors (transport, buildings, agriculture, waste management) not covered by the EU Emissions Trading Scheme (ETS) or the ‘LULUCF’ regulation on land use by 40% by 2030 compared to 2005. In this package, the European Commission also presents the proposal for a Regulation establishing a Social Climate Fund (SCF). The purpose of the fund is to address any social impact arising from the emission trading system revised within the Fit for 55 package (European Commission, Social Climate Fund, COM (2021) 568).

15 July: the CJEU rules that, by adopting the new disciplinary regime for judges, Poland has failed to fulfil its obligations under the EU law and more particularly those under Article 19(1) TEU. According to the CJEU ruling, the disciplinary regime could be used for political purposes, and Polish judges may be exposed to disciplinary proceedings for submitting a request for a preliminary ruling to the CJEU (Article 267 TFEU). This

could undermine the uniform interpretation and application of EU law by domestic judges (CJEU, Case C-791/19).

15 July: the European Commission opens infringement proceedings against Hungary and Poland for failure to respect fundamental rights. Three proceedings are initiated, two of which concern instances of discrimination against the LGBTIQ+ community in Hungary. According to the Commission, the measures adopted at domestic level ‘equate to restricting the right to freedom of expression and the right to non-discrimination’ enshrined in the EU Charter of Fundamental Rights and violate the Unfair Commercial Practices Directive. In Poland, the Commission actions are directed against the emergence of localities declared ‘free of LGBTIQ+ ideology’ since 2019 (EC, *July infringements package: key decisions*).

15 July: the Grand Chamber of the CJEU rules that a ban on employees wearing visible signs of political, philosophical or religious conviction in the workplace can be justified by the employer’s need to present itself in a neutral manner to customers or to prevent social conflict. However, the employer must be able to prove that there is a genuine need, and the prohibition must be uniform, consistent, systematic and limited to what is strictly necessary in view of the scale of the adverse effects it is trying to avoid. Further conditions are presented in the judgement concerning the local context specificities and the ‘appropriateness’ of a difference in treatment (CJEU, joined Cases C-804/18 and C-341/19).

15 July: the CJEU rules that an EU citizen who enjoys a temporary right of residence in a Member State without means testing cannot be systematically excluded from social assistance guaranteed to nationals of that State. In addition, ‘the national authorities empowered to grant social assistance are required to check that a refusal to grant such benefits based on that legislation does not expose that citizen, and the children for which he or she is responsible, to an actual and current risk of violation of their fundamental rights, as enshrined in Articles 1, 7 and 24 of the Charter of Fundamental Rights of the European Union’ (CJEU, Case C-709/20).

15 July: the European Commission opens infringement proceedings against 24 Member States for not complying with the Directive on the enforcement of posted workers’ rights (Directive 2014/67/EU), which seeks to strengthen the practical application of the rules on the posting of workers, particularly to combat fraud and circumvention (EC, *July infringements package: key decisions*).

23 July: meeting in Naples, G20 energy and climate ministers fail to agree on a joint commitment to limit global warming to 1.5°C. According to the statement of the Italian G20 Presidency issued after the meeting, two points could not be resolved ‘despite a prolonged and tireless discussion’: 1) setting a date for phasing out coal (many argued for 2025); and 2) ending public financing of coal-fired power generation and phasing out inefficient fossil fuel subsidies within a set timeframe (<http://www.g20.utoronto.ca/>, *Presidency Statement towards the G20 Leaders Summit*).

23 July: in its second annual report on the rule of law in the EU27, the European Commission confirms on the one hand its strong concerns about the situation of the judiciary in Poland as well as that of media freedom and corruption in Hungary. On the other hand, it reports some positive developments in Slovenia, Italy and Malta, Romania and Slovakia, with regard to consolidating the independence of the judiciary (EC, COM(2021) 432 final).

28 July: the European Commission launches a consultation on a draft delegated regulation to define the methodology for reporting on social measures taken at national level under the Recovery and Resilience Facility. To this end, the European Commission wants to carry out a detailed monitoring of the social spending in the context of national recovery plans, in particular for children and young people, but also on gender equality (EC, *Recovery and Resilience Facility – methodology for reporting social spending*).

August

5 August: the Commission publishes a proposal for a Council Recommendation on the development of ‘blended learning’, an approach that combines classroom and online learning time. The school closures and restrictions due to the Covid-19 pandemic have highlighted the innovative capacities as well as shortcomings of European education systems. With regard to distance learning, however, the importance of taking into account the different socio-economic and housing conditions of students is highlighted (EC, *Commission steps up action for high quality and inclusive primary and secondary education*, press release).

13 August: the European Commission decides to register the European Citizens’ Initiative ‘ReturnthePlastics’, the aim of which is to establish an EU-wide deposit system for recycling plastic bottles. In line with the ‘polluter pays’ principle, it would encourage supermarkets that sell plastic bottles to set up collection points and thus make producers pay to recycle them. The organisers of the initiative now have one year to collect at least 1 million signatures from at least seven different EU Member States. The Commission will then decide whether to grant the request (EC, *European Citizens’ Initiative: Commission decides to register ‘ReturnthePlastics’ initiative on plastic bottle recycling*, press release).

25 August: the public consultation on the Commission’s initiative on the mutual recognition of parenthood in EU comes to an end. The President of the Commission pledges to ensure the mutual recognition of parenthood amongst the EU27, which will support LGBTIQ+ families in their free movement and settlement in the EU (EC, Ares(2021)6847413).

September

2 September: a CJEU ruling confirms the judgement of the EU General Court, which previously rejected the European Federation of Public Service Unions’ (EPSU) challenge

against the European Commission. In May 2018, EPSU challenged the Commission before the CJEU for denying its request to present to the Council a proposal for a decision to implement an agreement establishing a general framework for information and consultation of workers in central administrations, previously agreed by social partners. According to the EU General Court, the European Treaties do not oblige EU institutions to follow up on requests from social partners to implement at Union level an agreement concluded between them; the CJEU confirms such ruling. European trade unions reacted with dismay to the decision, which is expected to deprive civil servants and public administration workers of unified legal protection and to leave social partners in legal uncertainty (CJEU, Case C-928/19 P).

15 September: President Ursula von der Leyen expresses the Commission's commitment to present a legislative act to protect workers from asbestos. The need to reduce the exposure limit value for asbestos was already pointed out in the EU Strategy for Health and Safety at work 2021-2027, presented in June 2021 (EP, *Plenary – October II 2021, Protecting workers from asbestos*, background material).

16 September: a report by MEP Sylvie Brunet (Renew Europe, France) requesting the European Commission to present a legislative initiative to regulate digital platform work at European level is adopted by the European Parliament (524 in favour, 39 against, 124 abstentions). One of its key points is the suggested reversal of the burden of proof, requiring a platform to prove a worker's self-employed status in the case of a dispute. MEPs also introduce the notion of a rebuttable presumption, i.e., there is no automaticity in the recognition of the employment relationship (EP, P9_TA(2021)0385).

22 September: energy prices soar across Europe. On the first day of the autumn and with winter looming, 15% of Europe's working poor won't be able to turn on the heating – equivalent to 2,713,578 people across Europe (ETUC, *Low wages leave 3 million workers without heating*, press release).

October

6 October: the Council of the EU adopts the Regulation amending the EU Aarhus Regulation (Regulation (EC) No 1367/2006) which aligns European legislation with the Aarhus International Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. The new Regulation improves public scrutiny of administrative acts by both civil society organisations and individuals and ensures better public access to justice (Council of the EU, *Aarhus Regulation - Council adopts its position at first reading*, press release).

6 October: the CJEU confirms that the EU has competence to accede to the Istanbul Convention on the basis of Articles 82(2) and 84 of the Treaty on the Functioning of the EU (TFEU) concerning victims' rights and crime prevention (CJEU, press release no. 176/21).

7 October: the lack of compromise on LGBTIQ+ issues among EU Justice Ministers results in a failure to adopt the conclusion on the new EU strategy on the rights of the child (Europe Daily Bulletin, no. 12807, 8/10/2021).

15 October: during an EPSCO policy debate, the Ministers of Employment and Social Affairs welcome the new EU Strategic Framework on Health and Safety at Work for 2021–2027 (Council of the EU, www.consilium.europa.eu), presented by the European Commission in June 2021 (EC, COM(2021) 323 final). The strategic framework is a set of binding and non-binding legal actions based on three pillars: anticipating and managing change in the context of green, digital and demographic transitions; improving the prevention of work-related accidents and diseases; and increasing preparedness to respond to current and future health crises. The need to provide a better framework for telework and to tackle physical and psychological challenges related to increasing digital practices is highlighted.

15 October: Spain and Belgium submit a proposal to introduce a social imbalance alert mechanism within the European Semester. In parallel with the Macroeconomic Imbalance Procedure, the instrument aims to identify and correct social imbalances and to strengthen the social dimension of European governance (Agence Europe, Europe Daily Bulletin No. 12813, 16 October 2021).

20 October: the European Parliament approves a report by Lina Gálvez Muñoz (S&D, Spain) on employment and social policies in the euro area in 2021. The report calls for a stronger social dimension for the European Semester and stresses the importance of social conditionality within the EU. Moreover, it emphasises the importance of aligning the European Semester with the UN Sustainable Development Goals, the European Pillar of Social Rights and the Green Deal (EP, P9_TA(2021)0426).

22 October: the European Commission adopts an implementing decision aimed at making the Erasmus+ programme and the ‘European Solidarity Corps’ inclusive for young people with fewer opportunities. The text includes ten measures, some of which entail the provision of adequate financial support to participants with fewer opportunities. The Commission commits to monitor implementation of such measures within EU Member States (EC, *The Commission makes Erasmus+ and European Solidarity Corps more inclusive*, press release).

28 October: the CJEU rules that the period during which a worker undergoes vocational training imposed by their employers, which takes place on the premises of the training provider and during which the worker does not perform their usual duties, is part of working time, as stipulated in Directive 2003/88/EC (CJEU, Case C-909/19).

29 October: the European Parliament Legal Service lodges a lawsuit with the CJEU against the European Commission for non-application of the Rule of Law Regulation, after the European Parliament twice (in March and July) called on the Commission to implement the conditionality principle (see *Atanasova and Rasnaca*, this volume). The Regulation allows the Council of the EU, at the request of the Commission, to suspend payments from the Union budget or to suspend approval of programmes financed by the

budget, whenever the beneficiary EU Member State does not comply with rule-of-law principles (www.euronews.com/, *European Parliament sues Commission for failing to hold members accountable over rule of law*).

November

5 November: the Community of European Railway and Infrastructure Companies (CER) and the European Transport Workers' Federation (ETF) sign the Women in Rail autonomous agreement. The agreement comes after almost three years of negotiations and is aimed at promoting employment of women in the sector (ETF, *Women in Rail Agreement signed and ready for implementation*, press release).

11 November: a new resolution defending abortion rights is adopted by the European Parliament. The introduction of a near-total ban on abortion in Poland has raised a heated debate. The resolution condemns the Polish legislation and expresses concerns about the possible introduction of a similar bill in other countries, such as Slovakia. The signatories of the text stress the importance of access to reproductive health services and women's autonomy in reproductive matters as fundamental rights which cannot be subordinated to cultural, religious or political considerations (EP, P9_TA(2021)0455).

13 November: a compromise is reached within the 26th session of the United Nations Climate Conference (COP26) in Glasgow. While the President of the European Commission, Ursula von der Leyen, affirms that the deal represents a step in the right direction, civil society organisation, scientific institutes and other stakeholders are disappointed by the text's lack of ambition and point out shortcomings, such as the persistence of a climate finance gap – namely, the need for further funds to be mobilised for developing countries to help them cope with climate change (EC, *COP26: EU helps deliver outcome to keep the Paris Agreement targets alive*, press release).

16 November: the European Commission launches a High-Level Group on the future of social protection. After analysing the consequences of the pandemic and examining the interaction between social protection systems and other social policy fields – such as education, social inclusion, disability, healthcare and long-term care – the group will present its recommendations by the end of 2022 (EC, *Making the social welfare state fit for the future: Commission launches new EU High-Level Group*, press release).

25 November: European social partners adopt a recommendation on skills, innovation and training. Among others, it outlines ways of strengthening cooperation between all stakeholders on providing training and embracing lifelong learning (ETUC, *Social partner recommendations on skills, innovation, provision of and access to training*).

29 November: the ETUC addresses an open letter to the President of the European Commission Ursula von der Leyen calling for an ambitious European legislative initiative to improve working conditions in platform work. The letter is signed by MEPs from the whole political spectrum, i.e., EPP, S&D, The Left and the Greens (ETUC, *Open letter to the President of the European Commission Ursula von der Leyen for*

an ambitious European legislative initiative on improving the working conditions in platform work, 29 November 2021).

31 November: MEPs from five political groups (EPP, S&D, Renew Europe, Greens/EFA and the Left) call for a change in EU public procurement rules, since the current rules favour prices without giving due consideration to quality of service and the fairness of working conditions. They have requested that public contracts be awarded to companies with decent social practices, such as companies that have concluded collective agreements with their workers. In March, a similar initiative was launched by trade unions. (UNI-Europa, *Over 100 MEPs call for public contracts to only go to decent work employers*).

December

6 December: the Council of the EU agrees with a large majority on a general approach to the proposal for a Directive on adequate minimum wages. The text does not include binding measures – since such would be against the Treaties –, though provides a framework within which national minimum wages evolve. With regard to collective bargaining coverage, Member States with coverage lower than 70% will be required to submit an action plan (Council of the EU, *Council agrees on mandate for negotiations on a EU framework on adequate minimum wages*, press release).

6 December: after just nine months of negotiations (see 4 March), EU Member State Social Affairs Ministers agree on a general approach to the draft directive on pay transparency (see also Debusscher, this volume). The flagship measure of the future directive is the collection of information on the pay gap between male and female workers, which will apply on an annual basis to all companies with 250 or more employees. The main concerns about lowering the threshold relate to placing further administrative burdens on SMEs and potential threats to compliance with the Data Protection Regulation (Council of the EU, *Council agrees on common position to tackle gender pay gap*, press release).

7 December: the European Parliament and the Council of the EU agree to designate 2022 as the European Year of the Youth. The proposal was submitted by the Commission in October 2021 (EC, *Commission welcomes the political agreement on the European Year of Youth*, press release).

8 December: a coalition of civil society organisations and the ETUC sends an open letter to President Ursula von der Leyen requesting stronger political commitment to the Sustainable Corporate Governance initiative, which has been further delayed in time. (ETUC, *Joint open letter to President Von der Leyen: It is time for you to show leadership on the Sustainable Corporate Governance initiative*, 8 December 2021).

9 December: the European Commission proposes a set of measures to improve the working conditions in platform work. The package includes a Communication on EU-level measures on platform work, a proposal for a Directive on improving working

conditions in platform work and Draft Guidelines on the application of EU competition law to collective agreements of self-employed people (EC, *Commission proposals to improve the working conditions of people working through digital labour platforms*, press release). The ETUC welcomes the European Commission's proposal (ETUC, *EU ends free ride for platforms*, press release).

9 December: the European Commission presents an Action Plan to help the European social economy thrive, tapping into its economic and job-creation potential, as well as its contribution to a fair and inclusive recovery and to the green and digital transitions (European Commission, *Commission presents Action Plan to boost the social economy and create jobs*, press release).

14 December: in a case referred from a Bulgarian court, the CJEU rules that Member States must recognise the birth certificate of a child of a same-sex family in order to ensure the right to free movement within the EU (CJEU, Case C-490/20).

14 December: the European Commission presents a Proposal for a Council Recommendation on ensuring a fair transition towards climate neutrality. It provides guidelines on how to implement employment and social policies in response to the challenges posed by the green transition. (EC, *Commission presents guide for a fair transition towards climate neutrality*, press release).

15 December: the European Commission launches the Recovery and Resiliency Scoreboard, an online platform aimed at showing and monitoring progress made in implementing the Recovery and Resilience Facility as a whole and the National Recovery and Resilience Plans (EC, *NextGenerationEU: European Commission launches Recovery and Resilience Scoreboard*, press release).

16 December: the European Parliament adopts a report by MEP Gabriele Bischoff (S&D, Germany) calling for a directive to streamline EU legislation and strengthen workers' rights concerning information, consultation and participation in company decisions (EP, P9_TA(2021)0508).

17 December: IndustriAll European Trade Union and the European Steel Association (EUROFER) send a joint letter to the EU Ministers of Climate and Economy in response to the proposed revision of the Emission Trading System and the establishment of a Carbon Border Adjustment Mechanism within the 'Fit for 55' package (EUROFER, *A sustainable and just transition pathway for industry and workers*, 17 December 2021).

22 December: the Committee of Permanent Representatives I (Coreper I) rejects the Interinstitutional Agreement on the regulation on coordinating social security systems. Points of disagreement include the consequences of exporting unemployment benefits and the transfer of responsibility for monitoring these from the sending to the host Member State (*European Daily Bulletin*, No. 12859, 23 December).

Sources

The follow-up to all these issues is based on information in the **Europe Daily Bulletin**:

<https://agenceurope.eu/en/home.html>

Other important sources of information for this chronology are the following:

Council of the EU: <https://www.consilium.europa.eu/en/press/press-releases/>

European Central Bank: <https://www.ecb.europa.eu/paym/intro/news/html/index.en.html>

European Commission: https://ec.europa.eu/info/news_en

European Parliament: <https://www.europarl.europa.eu/news/en>

Court of Justice of the European Union: <https://curia.europa.eu/juris/recherche.jsf?language=en>

European Trade Union Confederation: <https://www.etuc.org/en>

European Trade Union Institute: <https://www.etui.org/>

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