

## Politicised at Home but not in Council: The European Coordination of Social Security Systems

Christina Grabbe 

Institute of Intercultural and International Studies, University of Bremen, Germany

**Correspondence:** Christina Grabbe ([christina.grabbe@uni-bremen.de](mailto:christina.grabbe@uni-bremen.de))

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### Abstract

After seven years of negotiations, the European Parliament and the Council have yet to agree on the reform of one of the most essential regulations facilitating cross-border worker mobility in the EU: the Coordination of Social Security Systems (EC 883/2004). The lack of agreement remains puzzling, as all negotiating partners are generally in favour of the reform. Similar proposals on social policy, such as the Posting of Workers Directive or the Minimum-wage Directive, were also challenging to achieve but could be agreed upon. This article tests whether “unpolitics”—a destructive approach by populist governments in the Council to undermine EU policymaking—is the reason for the persisting deadlock on the file. The central finding of this article is that the interplay of populism and the status of member states as sending or receiving workers shape unpolitical behaviour. Contrary to expectations, unpolitics is largely absent in the behaviour of populist and non-populist governments. Unpolitical behaviour does not promise high gains for the populist governments from Central and Eastern Europe because these member states send workers. The smooth functioning of the freedom of workers is essential for them and their national discourses do not discuss the freedom of movement in the context of welfare chauvinism. Welfare chauvinism is much stronger in countries that receive workers, however, populists were not in power in these member states and therefore there was no unpolitical behaviour. The findings show that unpolitical behaviour is not used by mainstream governments, not even when it would seem likely from the nature of the policy issue. This article highlights that the probability of unpolitical behavior is influenced not only by the nature of the policy issue itself but also by domestic institutional and structural factors, as well as the national discourse.

### Keywords

coordination of social security systems; free movement; labour migration; unpolitics; welfare chauvinism

## 1. Introduction

After seven years of continuous discussion, the European Parliament and the Council still cannot agree on the reform of one of the most essential regulations facilitating cross-border worker mobility in the EU—the Regulation on the Coordination of Social Security Systems (EC 883/2004). Three provisional agreements were discussed but finally rejected by the governments of the EU member states (Paulic, 2023).

The ongoing struggle to close a deal on this specific file is puzzling for several reasons. First, the freedom of movement (Article 48 TFEU) is a fundamental principle of European integration. EU workers may move freely from one member state to another without suffering discrimination regarding employment, remuneration, and other work conditions. This has been ensured by the Regulation on the Coordination of Social Security Systems since 1958, making it one of the most central regulations in the EU's legal framework (Schmidt et al., 2018). However, the Regulation does not touch national competencies; while every worker has the right to free movement, it only coordinates the diverse national social systems. Member states remain responsible for social security systems and can decide whom they want to insure and give access to their systems (Cornelissen & De Wispelaere, 2020, pp. 146–147).

Second, the lack of an agreement is surprising because all negotiating partners—member states, the European Commission, and the European Parliament—are in favour of the reform as it aims to adjust the social security rules to the case law of the European Court of Justice as well as to modernise it and include new types of benefits (e.g., long-term care benefits; Golynger, 2020). In this way, it can create regulatory clarity for member states and close social protection gaps that negatively affect EU movers.

This article tests whether unpolitics, a destructive approach to politics that populist governments in the Council employ to undermine EU policymaking (Zaun & Ripoll Servent, 2023), is the reason for the persisting deadlock. Such behaviour by populist governments has several characteristics ranging from rejecting formal and informal norms of decision-making to the use of non-decisions to mobilise against the EU in a Eurosceptic way. While unpolitics is generally characterised as a type of populist behaviour, this article more specifically asks whether unpolitics is a behaviour that only populist governments use or whether it is also a strategy of mainstream governments to obstruct decision-making.

Methodically, the file is a highly likely case for unpolitics. Another highly likely case, the negotiations on the accession of the EU to the Istanbul Convention, is also investigated by de Silva and Tepliakova (2024). The reform of social security coordination is a highly likely case because the EU has only limited competence in the area of social policies. Member states face low risks, as they can provide domestic solutions or stick to the status quo of the current regulation in case of no agreement. Furthermore, free movement and social security rules have been politicised under keywords such as welfare tourism and welfare chauvinism in national public debates, for example during the Brexit campaign (Schmidt et al., 2018), and this could have been exploited by populist parties but also by mainstream governments. Therefore, it could be assumed that countries that receive workers are more likely to engage in unpolitical behaviour because welfare chauvinist attitudes are more pronounced in these member states. Data was produced via a combination of expert interviews and the analysis of policy documents and newspaper articles.

The results show that populist and mainstream governments in the Council formed a blocking minority against the reform. This blocking minority was created due to the heterogeneous preferences of member

states. Contrary to expectations, unpolitics is largely absent in the behaviour of populist and non-populist governments. The interplay of populism and the status of member states as sending or receiving workers shapes unpolitical behaviour. Unpolitical behaviour does not promise high gains for the populist governments from Central and Eastern Europe because these member states send workers. The smooth functioning of the freedom of workers is essential for them and their national discourses do not discuss freedom of movement in the context of welfare chauvinism. In contrast, welfare chauvinism is much stronger in Western European countries that receive workers. However, these countries, led by non-populist governments, did not engage in unpolitics even though the welfare chauvinistic sentiments in their national publics could have been a reason to do so. Also, the partly populist government in Austria did not engage in unpolitics. Instead, it aligned with the arguments of non-populist governments from other Western European member states because it was a rational decision made by the Austrian government and also in the interest of the Austrian public. The case of Austria particularly shows that, although a populist government is in power, it might not engage in unpolitics because it may not be necessary to exploit a topic for political gains. Additionally, the negotiations also lacked venues to mobilise domestic audiences and therefore did not encourage unpolitical behaviour.

The findings provide evidence that non-populist governments do not engage in unpolitics as populists do. However, as seen in the case of Austria, populist governments do not necessarily have to show unpolitical behaviour. Instead, this article demonstrates that the scope conditions are relevant. This means that not only the nature of the policy issue per se but also the domestic institutional and structural factors and the national discourse determine whether it is necessary to mobilise domestic audiences via unpolitical behaviour.

This article proceeds as follows: the next section (Section 2) provides the theoretical background on the framework of unpolitics and additional literature on social Europe and welfare chauvinism. The article continues with the methods of case and data collection (Section 3). The empirical analysis (Section 4) starts with the presentation of the issues of the reform (Sub-section 4.1), followed by an analysis of whether unpolitics can explain the deadlock and is used by populist and mainstream governments (Sub-section 4.2), and concludes with an explanation for the absence of unpolitics (Sub-section 4.3). Section 5 concludes the article.

## 2. Theoretical Arguments

Ripoll Servent and Zaun (2024) characterise unpolitics as a destructive approach to politics that populist governments in the Council employ to undermine EU policy-making. Unpolitics is described as a “two-level game” because EU parliamentarians and national governments represented in the Council are elected by domestic voters. Therefore, the target group that should be mobilised by unpolitical behaviour is national voters. They identify three gateways to achieve this aim: (a) populists reject shared formal and informal norms of EU decision-making such as the norm of finding consensual agreements in the Council. This can be either rhetorical or in the form of specific actions, such as the use of vetoes; (b) populists reject compromise solutions while demanding maximum positions; and (c) populist governments use non-decisions to mobilise against the EU.

Ripoll Servent and Zaun (2024) have identified two factors facilitating unpolitical behaviour: the politicisability of the issues and the choice of venues. Concerning the first, they argue that the easier it is to mobilise domestic

voters, the more appealing it is for populist governments to engage in unpolitics. The politicisability of the issues is determined by the nature of the policy issue. This concerns two dimensions, namely risks and gains. Schimmelfennig (2020) argued that areas of low risk or where potential policy failures can be addressed at the domestic level are more likely to be politicised. Also, areas with clear winners and losers bear a higher risk of politicisation, such as areas of core state powers (Genschel & Jachtenfuchs, 2016). Therefore, Ripoll Servent and Zaun (2024) expect politicisation, particularly in areas that have the potential for high gains, but face low risks. In this context, areas of high gains are understood as those where populists can capitalise on their gains by appealing to identity and culture, whereas low-risk areas are those in which non-decisions cause no immediate disadvantages to populist governments.

Concerning the nature of the policy issues, the framework by Ripoll Servent and Zaun can be extended to fit better into the discussion around free movement and social policy which is the key concern of this article. Scharpf (2006, p. 856) and others (Martinsen & Falkner, 2011, p. 129) have argued that shared agreements are unlikely in EU social policies. They explain the increasingly diverse preferences of policy-makers with the EU enlargements. From originally only six insurance-based EU member states in the 1950s, the heterogeneity of welfare state systems has increased over the last 50 years (Scharpf, 2006, p. 851; Schmidt, 2021, p. 100). Similar to Scharpf, Martinsen and Falkner (2011, p. 129) find persisting “problem-solving gaps” because the EU falls short in far-reaching conceptions such as a social Europe, but consists of national social systems. However, recent research has questioned whether the EU’s social policies are stuck in collective action traps but stresses that since 2014, the EU has strengthened its social agenda (Zeitlin & Vanhercke, 2017). They remark that, particularly since the Covid-19 pandemic, a window of opportunity has opened for joint action, which is, for example, reflected in the agreement over NextGenerationEU (Crespy, 2022).

Focusing not only broadly on social policies but more specifically on intra-EU mobility, research has observed that free movement was remarkably uncontested until the 2000s. Political conflicts increased after the EU enlargements in 2004 and 2007, which considerably promoted intra-EU labour mobility from East to West. To a lesser extent, the financial crisis also encouraged mobility from the South to the North of Europe (Blauberger et al., 2020, p. 931; Ruhs & Palme, 2018, p. 1484). This heightened mobility of workers has been driven by the heterogeneity of welfare state institutions and large differences in social security benefit levels and wages (Blauberger et al., 2020, p. 932; Ruhs & Palme, 2018, p. 1484, 2022, pp. 12–13).

Several scholars have argued that heightened migration causes restrictive attitudes towards migrants (Blauberger et al., 2018, 2023; Ennser-Jedenastik, 2018, p. 307; Mortera-Martinez & Odendahl, 2017). These attitudes are referred to as “welfare state chauvinism,” a term originally coined by Andersen and Bjørklund (1990, p. 212) as an agenda of populist radical right parties and their electorate to exclude immigrants from national redistributive systems. Since these early studies in the 1990s, welfare chauvinism has become an ambiguous concept, nowadays used under different operationalisations and as dependent or independent variables in research focusing on parties’ ideological positions, voters’ individual attitudes, or a cause of policy reforms that limit the access of migrants to welfare states (Careja & Harris, 2022, pp. 213, 215). For example, Roos (2019) demonstrates that, in the UK, the rightist ideology of the UK Independence Party drove a critical debate among the public and policy-makers about EU membership.

Regarding the effects of politicisation on the EU legislative process, research has found that politicisation at the domestic level affects the voting behaviour of member states in the Council (Pircher & Farjam, 2021,

p. 488). The differing salience of social policies in member states enhances the diversity of preferences of policy-makers. It makes it more difficult to come to agreements when representatives of member states have to balance the demands at the EU table with those of their national constituency (Gheyle, 2022, p. 11; Scharpf, 2006, p. 856). Nonetheless, Im (2024) also found that party-level dynamics influence the position of domestic parties in social Europe more than national economic contexts.

Politicisation of social policies and intra-EU labour mobility grew as a result of the Eastern enlargements in 2004 and 2007 and the euro crisis (Martinsen, 2020, p. 269). In particular, politicisation had a dramatic range in some Western European member states between 2013–2015 under the slogans of “welfare tourism,” “welfare migration,” and “benefit tourism” (Blauberger et al., 2018; Martinsen, 2020, p. 270). Since then, the political leadership and public debates in these member states have become highly critical of the access of EU citizens to national social security systems. For example, in April 2013, Austrian, Dutch, British, and German home affairs ministers expressed their worries about social benefit fraud and demanded that access to these benefits should not be unconditional (Blauberger et al., 2018; Roos, 2019). Further, Brexit can be seen as an outcome of this politicisation and welfare chauvinism (Schmidt, 2021, p. 78). In contrast to this critical debate among Western EU member states, not all member states are equally affected by the politicisation of free movement and access to social security. Blauberger et al. (2023) show that in Poland, a member state with many outgoing mobile workers, the debate was much less polarised and stressed more the individual and practical aspects of working abroad. Therefore, it could be assumed that those countries that receive workers are more likely to engage in unpolitical behaviour because welfare chauvinist attitudes are more pronounced in these member states.

Apart from the politicisability of issues, a second condition for the successful use of unpolitics is that suitable venues can be used. Schimmelfennig (2020, p. 350) argues that this is easier for governmental representatives in the Council than for members of the European Parliament. Whereas elections of the European Parliament are perceived as second-order elections and, therefore, their link to voters might be fragile, populists can more easily claim that their actions are directly linked to the will of the people. Additionally, it is easier for individual governments to impede an agreement there (Ripoll Servent & Zaun, 2024).

Based on this theoretical framework, this article examines the case of the EU coordination of social security systems and whether unpolitics is a behaviour that is only used by populist governments or whether also mainstream governments employ it to strategically follow their aims. It further elaborates on the scope conditions of unpolitical behaviour.

### 3. Case Selection and Data Collection Method

The regulation can be considered a highly likely case (Gerring, 2007) of unpolitics. At first sight, the explanation for the blockage of the file seems to be easily attributable to unpolitical behaviour in the Council. Research has found that politicisation at the domestic level affects the voting behaviour of member states in the Council (Pircher & Farjam, 2021, p. 488). After the EU enlargements in 2004 and 2007, EU free movement and welfare access have become increasingly contested and politicised in Western member states (Blauberger et al., 2018; Martinsen, 2020; Roos, 2019). Welfare chauvinist opinions, stating that immigrants’ access to national welfare states should be restricted, determined political positions and elections (Cappelen & Peters, 2018; Ruhs & Palme, 2018). Also, Brexit can be seen as an outcome of this politicisation and welfare chauvinism (Schmidt,

2021, p. 78). Therefore, it seems likely that these politicised attitudes at the national level could have been taken on by populists during the negotiations.

Further, the nature of the policy issue also makes it an easy target for unpolitical behaviour as it promises low risks and high gains for governments. The EU has only weak competence in the area of social policies. Welfare states are historically organised and financed at the national level (Béland et al., 2021). Against this background, the regulation on the coordination of social security systems does not strive for the harmonisation of social rights among member states; it only coordinates national welfare systems (Geddes & Hadj-Abdou, 2016, p. 224). Social benefits remain a national responsibility and member states are free to decide who is insured and who benefits in their systems (Cornelissen & De Wispelaere, 2020, p. 146). Therefore, member states face low risks as they can provide domestic solutions or stick to the status quo of the current regulation in case of no agreement.

Data for the analysis was assembled by a triangulation of document analysis and expert interviews conducted via video call or telephone. 21 experts were interviewed on the EU and national levels, including representatives from the European Parliament, permanent representations of member states in Brussels, and trade unions (see the list of interviews in the Supplementary File). Further, I examined policy documents from European and national sources and newspaper articles of *Agence Europe* (see the newspaper articles in the references list). I chose *Agence Europe* because it is an independent news agency that concentrates on information relating to EU politics. Articles were searched via the Factiva database using the keywords “883/2004,” “social security,” and “coordination of social security.” The expert interviews were transcribed and—together with the collected documents—examined by qualitative content analysis (Schreier, 2012).

## 4. Empirical Analysis

This section starts by describing the content of the reform of the social security coordination and its controversial issues (Sub-section 4.1). Then it analyses whether unpolitics was used by populist and mainstream governments (Sub-section 4.2), followed by an explanation of the absence of unpolitics (Sub-section 4.3).

### 4.1. The Reform Setting and Its Main Issues

Established already in 1958 and, since then, continuously extended in the scope of benefits and persons covered (Cornelissen & De Wispelaere, 2020), the social security regulation received heightened attention under the Juncker Commission, starting in 2014. The Juncker Commission made the free movement of workers one of its political priorities. Unlike the previous Barroso Commission, which focused on a stronger social dimension, the Juncker Commission also highlighted the rights of member states to fight social abuse and fraud in welfare systems (Im, 2024, p. 622; Zelano, 2018, pp. 105–106). Following a thorough impact assessment that also involved consultations with member states and social partners, the proposal was published in December 2016 as part of the Juncker Commission’s mobility package, which also included the proposal for the amendment of the Posting of Workers Directive (European Commission, 2015; Zelano, 2018, p. 106). The proposal focused on several areas of coordination: (a) to clarify the circumstances in which member states can limit access to social benefits claimed by economically inactive citizens; (b) to

provide coherent rules for the coordination of long-term care benefits; (c) new provisions for the coordination of family benefits intended to replace income during child-raising periods; (d) to propose new arrangements for the provision of unemployment benefits in cross-border cases; and (e) to tighten the rules for EU movers working in more than one member state (European Commission, 2016b, pp. 2–3). Additionally, prior notification before posting became a crucial point in the negotiations. Posting means that EU-based companies can send their workers temporarily to another member state, while they remain insured in the sending member state.

Since January 2019, the interinstitutional negotiations on the social security coordination file have been conducted in the form of trilogues (for a timeline see Figure 1 in the Supplementary File). Trilogues are an informal negotiating device and are composed of a negotiating team, representing all political groups of the European Parliament, and the Council Presidency, acting as an agent for all member states of the EU. They aim for a provisional agreement that is accepted by both co-legislators. Compromises on most issues of the file were reached during the first provisional agreement in the spring of 2019 (Golynger, 2020; Pennings, 2020). In contrast to these solutions, agreed upon in the first trilogue, member states were not convinced by the agreements in this trilogue on prior notification before intra-EU posting and the export of unemployment benefits for cross-border workers and regular unemployed workers. Therefore, the provisional agreement was rejected by the Council on 29 March 2019. Trilogue negotiations have continued since then. The Council rejected two further provisional agreements until the end of 2023 because of controversies on the same issues (Paulic, 2023). This article concentrates on these controversial issues and focuses on analysing the presence of unpolitics in the negotiations around the first and second provisional agreements from 2019 until the end of 2021.

The first controversial issue was the reform of the responsibility of unemployment benefits for cross-border workers. Currently, Article 65 of Regulation (EC) 883/2004 foresees that the country of residence is responsible for the social benefits of an unemployed cross-border worker, a person residing in a member state other than the competent one. A competent member state is one in which laws apply to the worker and from which the worker is entitled to receive benefits. Due to developments in the case law of the European Court of Justice (*Jeltes judgement*, C-443/11) and because it would be beneficial to cross-border workers, the Commission proposed a shift of competence concerning the social benefits of cross-border workers to the member state of activity after twelve months of employment in this member state (European Commission, 2016b). Cross-border workers are likely to work in member states where higher salaries and social benefits are paid. Therefore, they would be entitled to higher benefits if the responsibility shifted (European Commission, 2016a, p. 81; Pennings, 2020, p. 154).

Closely linked to this was also the proposal to extend the export period of unemployment benefits for regular workers (Article 64 of Regulation (EC) 883/2004) and cross-border workers (Article 65 of Regulation (EC) 883/2004). Currently, an unemployed worker can seek a job in another member state while receiving unemployment benefits from the competent member state for a minimum duration of three months. Member states can voluntarily extend this period to a maximum of six months. The Commission proposed making the export of six months mandatory (European Commission, 2016b).

The last controversial issue was the prior notification before intra-EU posting. Members of the European Parliament feared social security fraud during posting and therefore demanded that the social security

authority in the competent member state provide a notification of the posting before the departure of the worker (Golynger, 2020, p. 119; Hansens, 2018a, 2018b). The current legal framework only demands the notification “whenever possible in advance” (Article 15(1) of Regulation (EC) 978/2009), which means that an A1 certificate is not always requested. A missing or incomplete form often indicates that a person has no social security coverage (De Wispelaere et al., 2023, p. 15). The following subsection analyses the actions and rhetoric of populist and non-populist governments in more detail to see whether the abovementioned interests were the cause of the stalemate or whether unpolitics played a role.

#### 4.2. A Case of Unpolitics or Diverse Interests?

During the first provisional agreement, Austria, Belgium, the Czech Republic, Denmark, Germany, Luxembourg, the Netherlands, and Sweden banded together to block it from reaching the qualified majority needed for approval. Hungary, Malta, and Poland abstained (Hansens, 2019b; Herszenhorn, 2019; Interview 16). Similar alliances between rich Western European and poorer Eastern European states were also observed by Deters (2024). During this time, populist parties were part of the government in Austria (Freedom Party of Austria [FPÖ]), the Czech Republic (Action of Dissatisfied Citizens [ANO]), Hungary (Fidesz—Hungarian Civic Alliance), and Poland (Law and Justice [PiS]; Taggart & Pirro, 2021). The negotiations were led by the Romanian Council presidency.

Similarly, a blocking minority of nine member states voted against the second provisional agreement (Austria, the Czech Republic, Denmark, Finland, Greece, Ireland, Luxembourg, Malta, and the Netherlands) in December 2021, and five member states abstained (Belgium, Latvia, Slovakia, Germany, and Poland). Among these, populist governments were in power in the Czech Republic (ANO), Finland (Finnish Reform Movement [SIN], only 1% share of votes), Greece (Independent Greeks, minimal share of votes), Latvia (For a Humane Latvia [KPV LV], 14.3%), and Poland (PiS; Taggart & Pirro, 2021). The Council presidency at that time was Slovenia, which was led by Prime Minister Janša, who is a member of the populist Slovenian Democratic Party.

##### 4.2.1. Behaviour of Non-Populist Governments

For the non-populist governments, namely the Benelux, Nordic states, and Germany, the main bone of contention was the proposed shift of competence concerning the social benefits of cross-border workers to the member state of activity after a specified period of employment in this state and the period for which a cross-border worker can export unemployment benefits (Pennings, 2020, p. 149). The aforementioned member states were against this proposal because they have a high share of incoming cross-border workers (particularly Germany, Luxembourg, the Netherlands, Austria, and Belgium; European Commission, 2022, p. 81) and comparatively generous social security systems (OECD, 2023). They feared that they would have to pay more according to the revised regulation and considered the proposed export period of unemployment benefits for cross-border workers as too long (Hansens, 2019c; Interviews 13, 14, and 18; Pennings, 2020, p. 149). The non-populist governments had fewer concerns against prior notification before posting. In contrast, the Netherlands, Belgium, Denmark, and France even favoured tighter regulations as they see the intra-EU posting of workers as causing unequal competition and putting their high social security levels under pressure (Cornelissen & De Wispelaere, 2020, p. 160; Seikel, 2022, p. 505).



However, apart from these positions based on asymmetric labour mobility and the generosity of their social security systems, it would have been also possible that politicisation played a role in their decision to vote against the file as media reports in some of these countries accused EU citizens of “welfare tourism” before the elections to the European Parliament in 2019. For example, in 2018, Dutch media reports accused Polish workers of exporting their unemployment benefits to Poland to take holidays (“Overzicht: Onderzoek,” 2018; Interviews 10, 11, 12, and 18).

Taking a closer look at the actions of these non-populist governments, little evidence of unpolitical behaviour that goes against the norms of EU-level decision-making can be found. This is remarkable, as it was assumed in the theory section that those countries that receive workers are more likely to engage in unpolitical behaviour because welfare chauvinist attitudes are more pronounced in these member states. For example, due to reports in the Dutch national media about workers who did not seek work when exporting their unemployment benefits, Dutch members of the European Parliament and the Minister of Social Affairs and Employment Koolmees were under high political pressure (Interview 16). Therefore, members of the European Parliament, but also Council representatives from the Netherlands had concerns against the first provisional agreement fearing that the text contained provisions that would put the protection of insured persons above the interests of the member states (European Parliament, 2019; Golynger, 2020, p. 120). The debate in the national parliament in the Netherlands was so politicised that politicians considered evoking Article 48 TFEU if a shift in the responsibility for unemployed cross-border workers would take place. Article 48 TFEU is a special break clause for the coordination of social security systems allowing a member state to submit an appeal to the Council to put a legislative procedure on hold for four months. Although the mechanism was not utilised, the representatives of the Netherlands used this threat of parliamentary veto to avoid any concessions on their side. An interview partner mentioned that this threat caused the Parliament and Council presidency to limit the export of unemployment benefits for cross-border workers to fewer months than originally planned (Interview 1). However, taking a look at other negotiations in trilogues, this can be seen as normal strategic behaviour in Council negotiations.

Also, it can be refuted that governments tried to keep with their maximum positions. For instance, in the second half of 2020, the German presidency proposed several compromise solutions to address the issue of prior notification, despite initially being against any form of prior notification. For example, it suggested that prior notification should take place for postings that took longer than 10 days. However, for Parliament, the temporary exemption was not satisfactory as it remained concerned about fraud (Hansens, 2020a).

Also, rhetorically, there were no welfare chauvinistic attitudes. A representative of the Dutch government, who was present during the trilogues mentioned, in an interview concerning the export of unemployment benefits, that “We are not against paying Dutch unemployment benefits based on the Dutch levels instead of the level of member states” (Interview 8). Instead, the main concern of the Netherlands was that a long period of export of unemployment benefits would not be beneficial to swift job resumption as it cannot be monitored that unemployed persons are seeking a job when they export their benefits to another member state (Grabbe, 2023; Pennings, 2020). Similarly, a representative of the German Federal Ministry of Labour and Social Affairs emphasised that EU workers had worked for their claims in another member state and that it would be only fair to grant them access to unemployment insurance (Interview 14). The German Federal Government also stated in an answer to a parliamentary question of the Alternative for Germany (AfD party) that there is no evidence of fraud or misuse concerning the export of unemployment benefits (Deutscher Bundestag, 2018,

p. 3). However, the parliamentary question by the AfD party also shows there could have been more interest in mobilising welfare chauvinistic rhetoric against the reform if a populist party had been in power in Germany. In sum, these findings provide evidence that unpolitical behaviour is not used by mainstream governments, although their status as receivers of workers could have made this likely.

#### 4.2.2. Behaviour of Populist Governments

The three Visegrád states (Poland, Hungary, and the Czech Republic) but also other Eastern European states (e.g., Latvia) voted against the provisional agreements because they were against introducing strict rules on prior notification (Hansens, 2019a; Interviews 14 and 16). The Visegrád states wanted to prevent the introduction of prior notification or they favoured time-based exemptions; they feared that this would put an administrative burden on their competitive advantage of posting workers with comparatively low salaries and social security levels as well as less strict employment conditions than in Western European states (Arnholtz & Lillie, 2020, p. 1; Hansens, 2019a; Interviews 14 and 18). Furthermore, during the first provisional agreement, the member states from the Visegrád group also blocked the deal because they considered the provisions on the shift of competence for unemployment benefits for cross-border workers as overly restrictive to the free movement of workers from their member states (Hansens, 2019d).

Taking a closer look at the actions of the populist governments, it can be observed that, when preparing the second provisional agreement, the behaviour of the Slovenian presidency was controversial. For instance, no regular working party meetings with member states were organised by this presidency and only on the insistence of the Netherlands were bilateral meetings held (Interviews 14, 17, and 18). Representatives of the Netherlands and Luxembourg complained double standards were used by the Slovenian presidency, as small member states were only allowed to come with one person to the bilateral meetings, while larger member states could bring more staff (Interview 14). Further, member states were only given very limited time to analyse the compromise proposal by the Slovenian presidency and develop their position on it before the voting on the text took place (Hansens, 2021; Interview 14). Concerning the motivations of the Slovenian presidency to push for such a quick agreement, this happened not because it favoured larger member states but instead, a participant of the negotiations mentioned that the Slovenian presidency pushed for such tight deadlines because “they wanted to be the glorious ones and get the file through before the end of their presidency” (Interview 14). Nevertheless, that points to behaviour that aims to reach a compromise solution and not to behaviour that would obstruct decision-making.

Similarly, the rhetoric did not contain welfare chauvinistic attitudes. Instead, the functioning of free movement and access to social security were the core issues stressed by the populist governments. For example, in the opinions of the Czech and Polish parliaments on the reform proposal, no concerns against migration or other welfare chauvinistic attitudes were voiced. Instead, the Czech opinion clearly points out that “the right of EU citizens and their families to free movement...is one of the four fundamental freedoms enshrined in the EU treaties” and welcomes “the extension of the export of unemployment benefits...because it supports the mobility of workers and free movement of persons” (The Senate of the Parliament of the Czech Republic, 2017). Similarly, the Polish Parliament underlined that it is important to update the regulations on the coordination of social security systems “to facilitate the exercise of the citizens’ rights while ensuring a fair distribution of burden among EU member states” (The Senate of the Republic of Poland, 2017).

Closely linked to this argument, the Central and Eastern European member states felt that they were limited in their right to exercise freedom of movement by the proposed introduction of prior notification. A representative from the Netherlands stated: “It increases the limitations of workers. For them, it feels like a limitation to the freedom of movement, a protectionist move by Western European Countries” (Interview 8). A representative of the Austrian government also linked the resistance of the Central and Eastern European states to the concessions that they already had to make on the posting of workers directive and describes the rhetoric of these states as follows: “We had to give in on the posting of workers directive, then we do not want to be the losers regarding Regulation 883/2004, now we also want advantages that we can sell nationally” (Interview 7).

Furthermore, populist governments in the Visegrád states received support for their argument from the non-populist German government. After the first provisional agreement, Germany aligned with them and argued that prior notification before posting with no temporal exemptions would create a “bureaucratic overload” (Hansens, 2020b). German Council representatives also received pressure from the German employers’ associations on this issue (Interview 15), which can be explained by the fact that Germany is not only receiving workers from other member states, but also, that it is the biggest sender of posted workers (39.8%) before Poland (10.2%) (De Wispelaere et al., 2023, pp. 17–18). This underlines that the position of the Visegrád states on prior notification was influenced by their status as countries that are the main senders of workers and not by populist behaviour.

Finally, the Austrian rhetoric might also be interesting to analyse, as it is the only Western European state with a populist government and the reform proposal was discussed by its national media after its publication in 2016. Austrian media criticised the shift of responsibility for cross-border workers and this led to a discussion of the issue among all parties in Austria (Interview 7). Nonetheless, the rhetoric of its representatives in the trilogue demonstrates that Austria blocked the file for similar reasons to the other Western European states. It was against the shift of competence for cross-border workers and a prolongation of the export period. Similar to the Netherlands, the Austrian representatives also argued that a prolongation of the export period does not lead to job resumption because it is difficult to control that a worker exporting benefits is looking for a job. So the decision of the Austrian government to block the file was in the interest of the country and can therefore be considered a rational decision. A representative of the Austrian Social Ministry underlined that this position was not difficult to convey to the domestic audience because it is based on facts and it is easy to communicate to the public that job resumption is the foremost goal of unemployment benefits (Interview 7). This shows that it was not necessary to exploit the issue for political gains and mobilise the public with populist behaviour. So, in contrast to the findings by Deters (2024), the Austrian populist government did not engage in unpolitical behaviour in the social security coordination file. The case of Austria shows, in particular, that although a populist government is in power, it might not engage in unpolitics because it might not be necessary if the decision taken is in the rational interest of the government and also in the interest of the public. In this case, mobilising the national public via unpolitical behaviour might not be necessary.

### **4.3. Explanations for the Absence of Unpolitics**

After this analysis of the actions and rhetoric of the populist and non-populist governments blocking the reform of the social security coordination, this chapter provides explanations for the absence of unpolitical behaviour.

#### 4.3.1. The Nature of the Policy Issue

The populist governments in the Council do not have high gains from blocking or politicising the file with welfare chauvinism attitudes. In contrast, they face high risks from non-cooperative behaviour, as the functioning of the freedom of movement and access to social security is essential for them. They are the main senders of posted workers and mobile workers in general and also have a high share of outgoing cross-border workers (De Wispelaere et al., 2023, pp. 17–18; European Commission, 2022, p. 33). For this reason, non-cooperative behaviour could lead to unfavourable conditions for the outgoing workers of these member states and they could show their dissatisfaction in the next elections. Furthermore, the coordination of social security systems is also not an area of high gains for the populist governments in Central and Eastern Europe because they cannot win the support of their electorate by appealing to issues of identity and culture.

In contrast to the populist governments from Central and Eastern Europe, Western European states might have more reasons to engage in unpolitical behaviour because the issues were politicised with welfare chauvinistic attitudes in the national media. However, two factors can explain the absence of unpolitical behaviour from them. First, the issue of free movement and social security was not politicised at the domestic level in all Western European member states to the same extent. For example, Roos (2019) demonstrated that, before Brexit, there was a lack of Euroscepticism among German policy-makers as the AfD was not established yet and free movement was chiefly framed by the ruling parties as a problem of legal loopholes rather than an issue of poverty migration. Therefore, the lack of populists in government can explain the absence of unpolitical behaviour among Western European states. This provides evidence that unpolitics is a behaviour that is not used by non-populist governments. Second, also non-populist parties cannot expect high gains and low risks from unpolitical behaviour because they have a high share of incoming workers. As the Covid-19 pandemic and the labour shortages in the UK after Brexit showed, they are in many professions dependent on intra-EU mobility and workers from Central and Eastern Europe (Blauberger et al., 2023); this can also make non-cooperation in the negotiations a high risk for Western European governments.

#### 4.3.2. Venues

Besides the absence of populist governments in Western Europe and the difficulties in politicising the EU coordination of social security systems, the venues were not suitable for unpolitical behaviour. The negotiations and decisions were not very visible, did not raise broad media attention, and therefore could not be picked up at the domestic level. After the publication of the position of the European Parliament and Council in late 2018, the negotiations took place in trilogues, which are not publicly accessible. Also, after provisional agreements were reached, the reform was decided at a rather low level. It was discussed by the Council at a COREPER meeting and then classified as an A-item that was not further negotiated at the ministerial level (Paulic, 2023). Further, the outcome of the negotiations did not raise much media attention. The main sources reporting on the social security coordination file were specific EU-focused newspapers such as *Agence Europe*. Their articles mostly addressed an expert audience working with the European institutions and less a domestic audience. They also concentrated on the factual developments during the trilogues and only seldom quoted representatives of national governments (see, for example, the newspaper articles in the references list). Therefore, they did not provide an opportunity to

populists for public announcements or to frame the issue as a crisis and to mobilise domestic voters in this way.

## 5. Conclusion

This article analysed whether unpolitics (Ripoll Servent & Zaun, 2024; Taggart, 2018; Zaun & Ripoll Servent, 2023) in the Council is the reason for the persisting deadlock on the social security coordination file, thereby refining this theory as it investigates whether unpolitics is a behaviour that only populist governments use or whether it is also a strategy of mainstream governments. It also highlights thoughts on the scope conditions for unpolitical behaviour.

Although the file has been heavily discussed under the keywords of welfare tourism and poverty migration in some member states and therefore the literature on welfare chauvinism would expect a likely case for unpolitics, the negotiations in the Council barely show unpolitical behaviour, neither among populist governments nor among mainstream ones. A similar absence of unpolitics, replaced by a consensus culture, was also detected in the discussions around the EU's accession to the Istanbul Convention (see de Silva & Tepliakova, 2024). The article also aligns with the findings of Coman (2024), who shows that populist governments engage in opposing behaviour on selected occasions but that, generally, the norms of consensus are preserved in the Council.

The disagreement on the open issues can be attributed to asymmetrical labour mobility from East to West and differences in wages and social security systems between Eastern and Western member states. These factors also explain why the file is difficult to politicise by populist governments in the Council. During the analysed time frame, populist governments were mainly in power in Central and Eastern European states. Unpolitical behaviour did not promise high gains but carried high risks for them because the smooth functioning of the freedom of movement of workers is essential for these member states and their national discourses did not discuss the freedom of movement in the context of welfare chauvinism, but positively stressed the individual opportunities of going abroad.

In contrast, in Western European states, the national discourse was populated with welfare chauvinistic attitudes. However, unpolitical behaviour and rhetoric were impeded by the fact that populists were not in government. An exception is Austria, where populists were part of the coalition government. However, the Austrian government did not engage in unpolitics. Instead, it aligned with the arguments of non-populist governments from Western European member states. These were in the rational interest of the Austrian government and the Austrian public and therefore made unpolitical behaviour unnecessary because it was not needed to mobilise the Austrian population. Furthermore, it speaks against the politicisability of the issue that the Covid-19 pandemic and Brexit showed that Western European states are also dependent on mobile workers. Finally, the file lacked suitable venues to mobilise domestic audiences. The negotiations took place in publicly inaccessible trilogues and information on the file could only be accessed via limited channels. Simultaneously, the interest of national media in the reform largely ceased after 2019.

The case contributes to the theoretical framework of unpolitics by showing that unpolitical behaviour is not used by mainstream governments, not even when it would seem likely from the nature of the policy issue. Instead, the mobilisation of domestic audiences is the main mechanism for unpolitics. In terms of scope

conditions for unpolitics, the article highlights that not only the nature of the policy issue per se but also the domestic institutional and structural factors and the national discourse shape the salience of the topic and thus the likeliness to engage in unpolitical behaviour to mobilise domestic audiences. This salience of the negotiated issue in member states is also underlined by Bergmann et al. (2024) as a scope condition for the use of unpolitical behaviour. The case of Austria shows, in particular, that even a populist government might not engage in unpolitics because it might not be necessary in terms of domestic institutional and structural factors. For the topic of the politicisation of welfare migration, this article can underline the findings by Spies and Rinne (2019, p. 445) as well as Schmidt (2021, p. 86), who stress that the costs and benefits of welfare migration need to be continuously evaluated as member states' welfare systems and labour markets are diverse.

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### Supplementary Material

Supplementary material for this article is available online in the format provided by the author (unedited).

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## About the Author



**Christina Grabbe** holds a PhD from the University of Bremen. Her research interests include economic and social policies in the European Union, in particular labour mobility and policy-making. In her PhD research, she analysed the interplay of the free movement of workers in the EU and the reform of the European coordination of social security systems.