

# The Civil Society Brexit Project: *Information*

## KEEPING UP WITH THE EU: OVERVIEW OF EU SOCIAL RIGHTS FRAMEWORK

### About the Civil Society Brexit Project

The Civil Society Brexit Project is a collaboration between the Scottish Universities Legal Network on Europe (SULNE) and the Human Rights Consortium Scotland, funded by the Legal Education Foundation. We give information, insight and independent advice to make sure that organisations in Scotland are able to influence Brexit as much as possible. The Project will also help organisations to prepare for Brexit consequences for themselves or their beneficiaries.

[www.civilsocietybrexit.scot](http://www.civilsocietybrexit.scot)

### Who is this Civil Society Brexit Project: *Information* for?

This briefing is written for civil society organisations working in Scotland. For more information, contact [civilsocietybrexitscot@gmail.com](mailto:civilsocietybrexitscot@gmail.com)

## Introduction

A key concern of civil society around Brexit was that the UK, whether deliberately or inadvertently, may begin to fall behind its European neighbours on social rights protections. Certain measures to address this concern are being developed or are in place in Scotland. For example, 'keeping pace' powers within the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 are aimed at maintaining and advancing standards relating to areas such as equality, non-discrimination and human rights, and social protection by fast-tracked legislative change.

However, one of the challenges for civil society is that it can be difficult to understand, and to find out about, current and upcoming policy and law developments in the EU. This briefing provides an

overview of the different types of EU social law and policy, some of the restrictions and some the key pillars of this framework:

1. EU social law and policy – legal framework
2. Overview of key measures in force
3. The European Pillar of Social Rights
4. Institutional framework
5. Glossary

Other briefings in this series which provide information around current EU developments are available at [www.civilsocietybrexit.scot](http://www.civilsocietybrexit.scot)


## 1. EU social law and policy – legal framework

**The EU only has competence – that is, the legal authority to do something – in certain areas of government decision-making.** EU social policy competences are scattered throughout the EU Treaties. This is chiefly because social policy developed incrementally as an area of EU activity and the Member States still determine the core of this policy area themselves. For this reason, EU competences in the field of social policy do not usually stand on their own, but are often complementary competences to ‘support, coordinate or supplement’ actions of the Member States. Hence **social policy at the EU level differs significantly from social policy conducted by states and is much narrower:** the EU’s measures are regulatory in nature and often spell out only minimum standards that the Member States must achieve. By contrast, social policy at the Member State level involves the (re-)distribution of financial resources through welfare payments; provision of health services; pensions; etc.

However EU law may nonetheless constrain Member States’ leeway for action when it comes to their (autonomous) social policy choices. E.g. EU law will mandate equal treatment of EU nationals, or EU free movement law may – politically highly controversially

– result in constraints to collective bargaining.

EU social law and policy relies on a mix of hard law and soft law measures:

-  **Hard law** is usually legislation, i.e. measures that are binding (typically on the Member States) and enforceable in the courts. The EU can only adopt hard law measures where it has competence. Hard law measures in the field of social policy are typically EU directives that lay down minimum standards in a given field, e.g. on working time. Member States are then given a specified period of time to transpose these directives into national law.
- **Soft law** measures are not technically law, but agreed policy goals. They are pursued not by legal enforcement, but by way of agreed targets, benchmarking, mutual surveillance (peer-review), etc. Soft law is used to circumvent two types of constraints that the EU suffers from: a lack of competence (i.e. it allows the EU to ‘do something’ in areas that are actually within Member State competence); and a lack of agreement (i.e. it can be a compromise where no majority for the adoption of hard law measures can be found in the Council of the EU).

### Soft law

Soft law measures are not law in the technical sense. In the field of social policy, the EU uses the so-called “Open Method of Coordination” (OMC) to achieve certain pre-agreed policy goals. Member States are entirely free in their choice of methods, i.e. how they wish to achieve these goals. However, Member States subject themselves to a coordinated process, which involves guidelines, annual national action plans (which receive feedback from peers, the Commission and Council), sharing of best practices, and benchmarking against top performers.

The use of the OMC has the advantage of not being confined to EU legislative competences, so that it can be used to achieve broader social policy objectives as well. The basis for the OMC in the field of social policy is in Article 156 TFEU, which tasks the EU Commission with ‘encouraging cooperation between the Member States and facilitating the coordination of their action in all social policy fields.

## Hard law: EU competences

The EU's legislative competences in the field of social law and policy cover the following areas:

<p><b>Anti-discrimination law</b></p>	<p><b>Article 19 (1) TFEU</b></p>	<p>Competence to outlaw discrimination based on certain grounds: sex, racial or ethnic origin, religion or belief, age disability, or sexual orientation</p> <p>This is a broad competence as it allows for bans on discrimination on a wide range of grounds to be adopted in relation to all areas (e.g. in the workplace, in relation to access of goods and services, education etc)</p> <p>See section 2. Table on Measures in Force to see how far the EU has acted on this competence.</p> <p>Note that in area of employment/labour, legislation has been adopted on the basis of Article 19 to combat discrimination on all of the listed grounds of discrimination (also known as ‘characteristics’)</p> <p>Around supply of goods and services including housing, social advantages, education (i.e. most other sectors of economic life): even though the EU would have competence to prohibit discrimination in relation to all characteristics, this has so far only been activated regarding race (incl. education) and sex (NB: not education), not the other characteristics.</p>
<p><b>Gender equality</b></p>	<p><b>Article 157 (1) &amp; (2) TFEU</b></p> <p><b>Article 157 (3) TFEU</b></p> <p><b>Article 153 (1) (i) TFEU</b></p>	<p>Right to equal pay (directly effective; can be enforced against employers)</p> <p>Legal basis for adoption of equal treatment measures in the field of employment</p> <p>Equal treatment regarding labour market opportunities and treatment at work; competence to supplement and complement Member States’ measures; EU can adopt directives stipulating minimum requirements for gradual implementation (Article 153 (2)).</p>

<p><b>Labour law</b></p>	<p><b>Article 153 (1) TFEU</b></p> <p><b>Article 153 (2) TFEU</b></p> <p><b>NOTABLY:</b></p> <p><b>Article 153 (1) (a) TFEU</b></p> <p><b>Article 153 (1) (b) TFEU</b></p> <p><b>Article 153 (1) (c) TFEU</b></p> <p><b>Article 153 (1) (d) TFEU</b></p> <p><b>Article 153 (1) (e) TFEU</b></p> <p><b>Article 153 (1) (f) TFEU</b></p> <p><b>Article 153 (1) (g) TFEU</b></p> <p><b>Article 153 (1) (h) TFEU</b></p> <p><b>ADDITIONALLY:</b></p> <p><b>Article 153 (1) (j) TFEU</b></p> <p><b>Article 153 (1) (k) TFEU</b></p>	<p>Competence “to support and complement the activities of the Member States”</p> <p>EU has competence to adopt directives stipulating “minimum requirements for gradual implementation” (for Art 153 (1) (a)-(i))</p> <p>Working environment</p> <p>Working conditions</p> <p>Social security and social protection of workers</p> <p>Protection of workers where their employment contract is terminated</p> <p>Information and consultation of workers</p> <p>Representation and collective defence of the interests of workers and employers, including co-determination</p> <p><b>NB:</b> subject to important exceptions relating to pay, the right of association, the right to strike, and the right to impose lock-outs.</p> <p>Conditions of employment for third-country nationals legally residing in Union territory</p> <p>Integration of persons excluded from the labour market (note however, the specific competence concerning vocational training in Article 166 TFEU)</p> <p>Combating of social exclusion; <b>NB:</b> no legislative competence (mainly done via OMC – see below)</p> <p>Modernisation of social protection systems;</p> <p><b>NB:</b> no legislative competence (mainly done via OMC – see below)</p>
<p><b>Public health</b></p>	<p><b>Article 168 TFEU</b></p>	<p>Competence to complement national policies to improve public health, prevent physical and mental illness and diseases, and obviate sources of danger to physical and mental health</p>
<p><b>Measures facilitating free movement</b></p>	<p><b>Articles 45-46 TFEU</b></p> <p><b>Article 48 TFEU</b></p>	<p>General measures facilitating free movement of workers</p> <p>Social security coordination</p>

## Social rights in the Charter of Fundamental Rights

Hard and soft law measures in the field of social policy sit alongside a number of social provisions in the EU Charter of Fundamental Rights. The Charter does not only guarantee enforceable rights, but also so-called principles. Charter Principles are best conceived of as policy goals that the EU (and in some cases the Member States) must strive to achieve. Principles cannot easily be enforced in the courts as they must first be implemented. And once they have been implemented, they are “judicially cognisable only in the interpretation of such acts and in the ruling on their legality”. The courts have not yet clarified what this means; further, it is not clear from the Charter, which social provisions are enforceable rights and which contain mere principles. This has only been partly decided by the Court of Justice, so that **the whole area of EU social rights is very much in flux and developing.**

The Charter does not give the EU any competences that it otherwise would not have. Hence some Charter rights – e.g. the right to free compulsory education for children – cannot be fulfilled by the EU because it does not have legal authority in that area. However, the Member States are also bound by the Charter, where they are ‘implementing Union law’. Again, this does not mean that an individual can invoke every Charter right against a Member State in every case. But **where there is an EU law angle, Charter rights can be relied on.** The right to free compulsory education might for instance become relevant where the child of a migrant EU worker wishes to access free schooling in a Member State.

### CHARTER PROVISION

#### Article 14 – Right to education

##### *Right or principle? Right*

1. Everyone has the right to education and to have access to vocational and continuing training.
2. This right includes the possibility to receive free compulsory education.
3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

#### Article 25 – The rights of the elderly

##### *Right or principle? Principle*

The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

#### Article 26 – Integration of persons with disabilities

##### *Right or principle? Principle*

The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

#### Article 27 – Workers' right to information and consultation within the undertaking

##### *Right or principle? Principle*

Workers or their representatives must, at the appropriate levels, be guaranteed information and

consultation in good time in the cases and under the conditions provided for by Union law and national laws and practices.

### **Article 28 – Right of collective bargaining and action**

#### ***Right or principle? Right***

Workers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

### **Article 29 – Right of access to placement services**

#### ***Right or principle? Right***

Everyone has the right of access to a free placement service.

### **Article 30 - Protection in the event of unjustified dismissal**

#### ***Right or principle? Right***

Every worker has the right to protection against unjustified dismissal, in accordance with Union law and national laws and practices.

### **Article 31 – Fair and just working conditions**

#### ***Right or principle? Right (both paragraphs)***

1. Every worker has the right to working conditions which respect his or her health, safety and dignity.
2. Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.

### **Article 32 – Prohibition of child labour and protection of young people at work**

#### ***Right or principle? Right***

The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age,

without prejudice to such rules as may be more favourable to young people and except for limited derogations.

Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

### **Article 33 – Family and professional life**

#### ***Right or principle? Principle (paragraph 1) & Right (paragraph 2)***

1. The family shall enjoy legal, economic and social protection.
2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

### **Article 34 – Social security and social assistance**

#### ***Right or principle? Principle (paragraph 1) & Right (paragraphs 2&3)***

1. The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Union law and national laws and practices.
2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Union law and national laws and practices.
3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient

resources, in accordance with the rules laid down by Union law and national laws and practices.

### Article 35 – Health care

#### *Right or principle? Principle*

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all the Union's policies and activities.

### Article 36 – Access to services of general economic interest

#### *Right or principle? Principle*

The Union recognises and respects access to services of general economic interest as provided for in national laws and practices, in accordance with the Treaties, in order to promote the social and territorial cohesion of the Union.

## 2. Overview of key measures in force

These are the key social rights measures currently in place in the EU:

<p><b>Anti-discrimination law</b> (legal basis = Art. 19 (1) TFEU)</p>	<p><u>Directive 2000/43</u> (race discrimination; in employment law and also in the supply of goods and services)</p> <p><u>Directive 2000/78</u> (discrimination on grounds of religion or belief, disability, age, or sexual orientation; limited to employment and occupation; does not include supply of goods and services)<sup>1</sup></p> <p><u>Directive 2004/113</u> – equal treatment of men and women in the supply of goods and services</p>
<p><b>Gender Equality (legal basis = Art. 157 TFEU)</b></p>	<p><b>Article 157 (1) TFEU (equal pay – is directly effective)</b></p> <p><u>Directive 2000/78</u> – equal treatment in the field of social security and certain other elements of social protection<sup>2</sup></p> <p><u>Directive 2006/54</u> – equal treatment of men and women in employment and occupation<sup>3</sup></p> <p><u>Directive 2010/41</u> – equal treatment between self-employed men and women</p>
<p><b>Labour law (legal basis = Article 153 TFEU)</b></p>	<p><u>Directive 89/391</u> on occupational health and safety</p> <p><u>Directive 94/33</u> on young people at work: prohibition of child labour, minimum rules on working hours, rest periods and health and safety</p>

1. Note, however, that the UK Equality Act 2010 goes further in that regard

2. Adopted on a different legal basis.

3. NB: equal treatment of men and women in the supply of goods and services guaranteed separately by Directive 2004/113.

	<p><a href="#">Directive 90/269</a> on collective redundancies</p> <p><a href="#">Directive 2002/14</a> on information and consultation of employees</p> <p><a href="#">Directive 2003/100</a> on working time (maximum weekly work periods; right to paid holidays; minimum rest periods)</p> <p><a href="#">Directive 2008/94</a> on outstanding wages in case of employer insolvency</p> <p><a href="#">Directive 2008/104</a> on equal treatment of temporary agency workers</p> <p><a href="#">Directive 2009/38</a> framework for the establishment of a European Works Council</p>
<p><b>Public health (legal basis = Article 168 TFEU)</b></p>	<p><a href="#">Directive 2001/83</a> on the collection, testing processing, storage and distribution of human blood and blood components</p> <p><a href="#">Directive 2004/22</a> on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells</p> <p><a href="#">Regulation 726/2004</a> on procedures for the authorisation and supervision of medicinal products and establishing the European Medical Agency</p> <p><a href="#">Regulation 470/2009</a> on procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin</p> <p><a href="#">Directive 2011/24</a> on patients' rights in cross-border healthcare</p> <p><a href="#">Decision 1082/2013</a> on serious cross-border threats to health</p>
<p><b>Measures facilitating free movement</b></p>	<p><a href="#">Directive 2004/38</a> Citizens' Rights Directive</p> <p><a href="#">Regulation 883/2004</a> on the coordination of social security for those moving within the EU and EEA</p> <p><a href="#">Regulation 492/2011</a> banning discrimination on grounds of nationality in employment</p> <p><a href="#">Directive 2014/54</a> on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers</p>



## 3. The European Pillar of Social Rights

The European Pillar of Social Rights was launched in November 2017. It is a soft law instrument i.e. it is not itself legally binding or enforceable. That said, it has been endorsed by all EU institutions – i.e. at the highest political level – and can therefore best be regarded as an agenda-setting document. The European institutions pursue the realisation of the Pillar with a mix of instruments: hard law (legislation) as well as soft law (monitoring of Member State performance against set benchmarks, etc). EU Commission President Ursula von der Leyen committed herself to a full implementation of the Pillar upon taking office.<sup>4</sup>

The European Social Pillar has been integrated into the European Semester, which is a 6-month long cycle of economic and fiscal policy coordination within the EU and forms part of the EU's economic governance framework. The aim is to mainstream social priorities within the – originally austerity driven – European Semester. Whether this will lead to better social policy outcomes is not clear yet.

The Pillar of Social Rights is accompanied by a Commission staff working document that contains useful explanations and sets out the Commission's plans to realise the rights contained in the Pillar.<sup>5</sup>

- Chapter I Equal Opportunities & access to the labour market
- Chapter II Fair working conditions
- Chapter III Social protection and inclusion.

### CHAPTER I: EQUAL OPPORTUNITIES AND ACCESS TO THE LABOUR MARKET

#### EDUCATION, TRAINING AND LIFE-LONG LEARNING

Everyone has the right to quality and inclusive education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in society and manage successfully transitions in the labour market.

#### 2. GENDER EQUALITY

Equality of treatment and opportunities between women and men must be ensured and fostered in all areas, including regarding participation in the labour market, terms and conditions of employment and career progression.

Women and men have the right to equal pay for work of equal value.

#### 3. EQUAL OPPORTUNITIES

Regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities regarding employment, social protection, education, and access to goods and services available to the public. Equal opportunities of under-represented groups shall be fostered.

#### 4. ACTIVE SUPPORT TO EMPLOYMENT

Everyone has the right to timely and tailor-made assistance to improve employment or self-employment prospects. This includes the right to receive support for job search, training and re-qualification. Everyone has the right to transfer social protection and training entitlements during professional transitions.

Young people have the right to continued education, apprenticeship, traineeship or a job offer of good standing within 4 months of becoming unemployed or leaving education.

4. See her political guidelines formulated when she was President-elect.

5. Commission Staff Working Document, SWD/2017/0201 final.

People unemployed have the right to personalised, continuous and consistent support. The long-term unemployed have the right to an in-depth individual assessment at the latest at 18 months of unemployment.

## CHAPTER II: FAIR WORKING CONDITIONS

### 5. SECURE AND ADAPTABLE EMPLOYMENT

Regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training. The transition towards open-ended forms of employment shall be fostered.

In accordance with legislation and collective agreements, the necessary flexibility for employers to adapt swiftly to changes in the economic context shall be ensured.

Innovative forms of work that ensure quality working conditions shall be fostered.

Entrepreneurship and self-employment shall be encouraged. Occupational mobility shall be facilitated.

Employment relationships that lead to precarious working conditions shall be prevented, including by prohibiting abuse of atypical contracts. Any probation period should be of reasonable duration.

### 6. WAGES

Workers have the right to fair wages that provide for a decent standard of living.

Adequate minimum wages shall be ensured, in a way that provide for the satisfaction of the needs of the worker and his / her family in the light of national economic and social conditions, whilst safeguarding access to employment and incentives to seek work. In-work poverty shall be prevented.

All wages shall be set in a transparent and predictable

way according to national practices and respecting the autonomy of the social partners.

### 7. INFORMATION ABOUT EMPLOYMENT CONDITIONS AND PROTECTION IN CASE OF DISMISSALS

Workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including on probation period.

Prior to any dismissal, workers have the right to be informed of the reasons and be granted a reasonable period of notice. They have the right to access to effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation.

### 8. SOCIAL DIALOGUE AND INVOLVEMENT OF WORKERS

The social partners shall be consulted on the design and implementation of economic, employment and social policies according to national practices. They shall be encouraged to negotiate and conclude collective agreements in matters relevant to them, while respecting their autonomy and the right to collective action. Where appropriate, agreements concluded between the social partners shall be implemented at the level of the Union and its Member States.

Workers or their representatives have the right to be informed and consulted in good time on matters relevant to them, in particular on the transfer, restructuring and merger of undertakings and on collective redundancies.

Support for increased capacity of social partners to promote social dialogue shall be encouraged.

### 9. WORK-LIFE BALANCE

Parents and people with caring responsibilities have the right to suitable leave, flexible working

arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way.

#### **10. HEALTHY, SAFE AND WELL-ADAPTED WORK ENVIRONMENT AND DATA PROTECTION**

Workers have the right to a high level of protection of their health and safety at work.

Workers have the right to a working environment adapted to their professional needs and which enables them to prolong their participation in the labour market.

Workers have the right to have their personal data protected in the employment context.

### **CHAPTER III: SOCIAL PROTECTION AND INCLUSION**

#### **11. CHILDCARE AND SUPPORT TO CHILDREN**

Children have the right to affordable early childhood education and care of good quality.

Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.

#### **12. SOCIAL PROTECTION**

Regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed, have the right to adequate social protection.

#### **13. UNEMPLOYMENT BENEFITS**

The unemployed have the right to adequate activation support from public employment services to (re)integrate in the labour market and adequate unemployment benefits of reasonable duration, in line with their contributions and national eligibility

rules. Such benefits shall not constitute a disincentive for a quick return to employment.

#### **14. MINIMUM INCOME**

Everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services. For those who can work, minimum income benefits should be combined with incentives to (re)integrate into the labour market.

#### **15. OLD AGE INCOME AND PENSIONS**

Workers and the self-employed in retirement have the right to a pension commensurate to their contributions and ensuring an adequate income. Women and men shall have equal opportunities to acquire pension rights.

Everyone in old age has the right to resources that ensure living in dignity.

#### **16. HEALTH CARE**

Everyone has the right to timely access to affordable, preventive and curative health care of good quality.

#### **17. INCLUSION OF PEOPLE WITH DISABILITIES**

People with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs.

#### **18. LONG-TERM CARE**

Everyone has the right to affordable long-term care services of good quality, in particular home-care and community-based services.

#### **19. HOUSING AND ASSISTANCE FOR THE HOMELESS**

a. Access to social housing or housing assistance of good quality shall be provided for those in need.

- b. Vulnerable people have the right to appropriate assistance and protection against forced eviction.
- c. Adequate shelter and services shall be provided to the homeless in order to promote their social inclusion.

## 20. ACCESS TO ESSENTIAL SERVICES

Everyone has the right to access essential services of good quality, including water, sanitation, energy,

transport, financial services and digital communications. Support for access to such services shall be available for those in need.

The Pillar is accompanied by a Social Scoreboard, which monitors Member States' performance in relation to the European Pillar of Social Rights.

## 4. Institutional framework

The European Commission is the main institutional driver behind EU social policy. The main responsibilities lie with the Commission's Directorates General on Employment, Social Affairs and Inclusion, Health and Food Safety, and Justice and Consumers. Additionally, there are a number of EU agencies tasked with various aspects of social policy. These are the

- European Labour Authority,
- the EU Agency for Safety and Health at Work,
- the European Foundation for the Improvement of Living and Working Conditions (Eurofund),
- the European Insurance and Occupational Pensions Authority,
- the European Centre for Disease Prevention and Control,
- the European Medicines Agency,
- the European Monitoring Centre for Drugs and Drug Addiction, and
- the EU Fundamental Rights Agency.

These agencies will typically carry out monitoring work (i.e. they produce country reports, identify best practices, and the like) and their websites are often a rich source of information on particular issues.

As a broad and cross-cutting field of EU activity, there is no one agency dealing with social policy. Instead, various agencies will cover aspects of it. For instance, the Fundamental Rights Agency does not typically deal with social rights, but it has a strong mandate concerning anti-discrimination law and practice and its website contains a wealth of country reports relating to different types of discrimination.

## 6. Glossary

**Competence:** the legal authority to act. The EU only has competence to legislate in certain pre-defined fields as set out in the EU Treaties.

**Member State:** a country that is a member of the EU. There are currently 27 EU Member States<sup>6</sup>.

**EU Directive:** a type of EU law. Directives are addressed to the Member States, who must transpose them into national law within a certain time-frame. National courts, administrations, etc apply the national law that transposes the directive, not normally the directive itself.

**EU Regulation:** a type of EU law. Regulations are directly applicable in the Member States. This means Member States do not need to transpose them, they are simply applied by courts, administrations etc.

**Hard law:** rules that are legally binding, in particular legislation such as Directives and Regulations. It can be enforced in courts.

**Soft law:** rules that are not legally binding, such as recommendations, guidelines, best practices. Soft law cannot be enforced in the courts. Instead there is an expectation that it will be followed for other reasons, such as peer-pressure, voluntary commitment, etc.

**European Pillar of Social Rights:** a set of 20 social principles adopted by the key EU institutions. It is not legally binding or enforceable, but it guides the European Commission's social policy initiatives.

**European Semester:** a framework for the coordination of the EU Member States' economic policies and budget plans. Each cycle of the European Semester lasts six months.

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### WHERE CAN I GET MORE INFORMATION?

If there is any aspect of the briefing or a particular issue around Brexit where you would like more detailed advice or information, we are happy to help! Please get in touch with us at [civilsocietybrexitscot@gmail.com](mailto:civilsocietybrexitscot@gmail.com)

There is also information available online at [www.civilsocietybrexit.scot](http://www.civilsocietybrexit.scot)