

EU-Policies and Fertility:
The Emergence and Implementation of Fertility Issues at the Supra-national Level

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Abstract:

The paper deals with the emergence and implementation of fertility-related policy issues at the European level. During the past decade the European Union has set several initiatives which address low fertility in Europe. Yet, the competences of the European Union to deal with fertility issues are limited to the policy areas in which the European Union has the right to legislate. It is not clear whether the recent EU initiatives mark an expansion of EU activities and whether they are thus as sign of the emergence of a new policy area within the EU, or whether established policy areas are expanded towards demographic issues. This paper traces the development of fertility relevant initiatives at the EU level starting with the Treaty of Rome in 1957 to the present. It provides insight into demographic activities at the EU-level through three investigations: First, it gives a quantitative overview over the development of the topics and legal types of initiatives since 1957. Second, it analyses the process of development with regard to the framing of the initiatives and the changes in framing over time. Third, it presents a content analysis of the initiatives to assess which demographic issues have become anchored in EU policies and which have remained marginal in EU discourses. This comprehensive approach allows us to assess to what extent and with which consequences the EU initiatives are steps towards co-ordinated European policy effort to tackle fertility issues.

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Introduction

During the past two decades the low fertility in Europe has become of increasing concern to policy makers at the national and at the supra-national (EU) level. The number of European countries which state that their fertility levels are too low has risen substantially. More and more countries admit that they have or consider policy measures to raise fertility (Neyer 2012). In several countries, low fertility has become a means of promoting policy changes (Hantrais and Letablier 1996; Hantrais 1999; Letablier 2008; Henninger et al. 2008).

Implicitly or explicitly, fertility issues have also been addressed by the European Union. The suggestions of the Barcelona Summit to increase childcare facilities in EU-member states (Presidency Conclusion 2002), the Green Paper “Confronting demographic change: a new solidarity between the generations” (European Commission 2005), the Communication “The demographic future of Europe - from challenge to opportunity” (European Commission 2006), the establishment of an expert group on demographic issues (European Commission 2007), the biennial European demography forum and European demography report are signs of this development. Since the European Union does not have the authority to pass policies affecting childbearing directly, it has to link its suggestions to areas of EU competences, such as its employment and gender equality strategies. The latter comprise, for example, the reconciliation of paid work and family life, gender equality, and childcare (European Commission 2006; Jacquot et al. 2010; Hantrais 1999, 2007). In turn, issues such as employment and gender equality have been essential in EU-initiatives to further policies which are considered to affect childbearing and fertility development (e.g., parental-leave directive).

Although the recent fertility-related initiatives of the EU have received attention by demographers (Population and Development Review 2006), there exists no systematic overview over the development of such initiatives. There exists also no study that examines the types of fertility-related initiatives, i.e., whether an initiative takes the form of a legally binding norm, which must be adopted by the member states, or whether it belongs to the “soft”, non-binding measures, which suggest policy directions to EU-member states. Such legal aspects are relevant to determine the range and the consequences of the initiatives. Finally, there exists no study which examined the topics and framing of the initiatives, that is, which issue is primarily addressed and how the initiative is justified.

Our paper aims to close this gap. Starting with the Treaty of Rome (1957), we trace which initiatives and measures the EU has set in policy areas which relate directly or indirectly to fertility. We concentrate on aspects which are considered to influence fertility. These cover policies directly related to childbearing, such as maternity leave, parental leave, childcare, as well as aspects which are considered to indirectly affect fertility, such as the reconciliation of work and family, gender equality, equal opportunities, working time, and so forth. Finally, we also include issues which refer fertility in a broader sense, such family and demographic issues. We present a systematic overview over the development of these issues and how the EU has addressed them during the past decades.

Relevance of the European Union for family policies and fertility behaviour in Europe

Since the Treaty of Rome and the creation of the European Economic Community (1957), the European Union has not only expanded from six countries to now 28 member states; it has also acquired more power to influence the member states and their policies (Nugent 2006; McCormick 2011). Four aspects are important for our study and for understanding the impact that the European Union has on family policies and on fertility issues in member states: First, the European Union can define standards and pass legally binding norms that have to be met by or implemented into the national laws of the member states. This can be done through two channels:

The treaties of the European Union set normative standards which member states are obliged to observe in their legislation. For example, the Treaty of Rome introduced the principle of equal pay of women and men and thus set the basis for the expansion of the gender equality principles in subsequent treaties and the implementation of gender equality in national laws. Legally binding norms are also set through directives which must be implemented in the member states. For example, the parental leave directive (Council Directive 96/34/EC of 3 June 1996) granted women and men an individual right to a parental leave of at least three months (and stipulated other conditions with regard to this parental leave). Member states which did not have parental leave measures that fulfilled at least these requirements had to adapt their measures or implement EU-conforming regulations (Falkner et al. 2005). As a consequence, all EU member states now have an individual-rights based parental leave of at least three months.

Second, the European Union has also a normative and guiding function beyond its power to set legally binding norms. Recommendations, opinions, green papers, white papers, communications, action programmes and other non-legally binding documents set normative standards or make suggestions regarding policies and policy directions which member states should take. For example, the European council proposed during its Barcelona summit in 2002 that member states increase their childcare facilities to provide childcare by 2010 to at least 33% of children under the age of three and to at least 90% of children aged three to mandatory school entry age. Although in 2010 these goals were still not in place in all member states, there has been progress in the expansion of childcare provision in member states since 2002 due the Barcelona target (European Commission 2013). The European Union can thus contribute to or facilitate the development of family policies in member states.

Third, through the European Union cross-national exchange on issues relevant to the member states and the EU (e.g., low fertility), on policies, and policy directions has been institutionalized. Previously mostly bilateral exchange has been extended to include all member states. The institutionalization is either formal, e.g., through the meetings of ministers, or informal (through expert groups, commissions, etc.). This may also lead to policy changes or adaptation of policies in individual member states (e.g., through adoption of “best practice” examples).

Fourth, the European Union usually frames its legally-binding and non-binding initiatives within wider policy aims. Such aims may be, e.g., to increase fertility, to tackle demographic aging, to promote gender equality, to raise female labor force participation, to support sustainability, to promote economic or inclusive growth. The over-arching aims indicate the broader changes which the European Union envisions to obtain through its legally binding or non-binding norms. As regards fertility, they thus embed and contextualize the fertility-related initiatives of the EU within a setting of EU goals and point to additional policy directions which member states may take.

Data and Methods

To document the development of fertility relevant EU-initiatives since 1957 we make use of the main databases and archives of the EU that provide information on EU laws and on the legal processes of EU initiatives. To find and retrieve all EU initiatives related to fertility we search these databases stepwise. This allows us to countercheck our findings. We start our search using keywords which cover fertility-related policies or fertility-relevant policy areas, such as: childcare, parental leave, maternity leave, pregnancy, part-time work, working time, reconciliation of private and working lives, family, gender equality, equal opportunities between men and women, demographic renewal, and so forth. We also check all documents belonging to thematic areas of the EU, in particular, employment, social inclusion, social cohesion, social affairs, public health, education, training, youth, socio-economic discrimination, child poverty. We systematize the policies on the basis of their main policy domains (e.g., maternity leave,

parental leave, organization of working time, equal opportunities between men and women). We classify each document according to parameters relevant for our analysis, such as, title, type of document (legally binding/legally non-binding and the subcategory of each, e.g., treaty, directive, communication, etc.), information on the decision-making process, such as, initiation date, ratification date (if applicable), and we summarize the content of each initiative to provide a quick overview over the relevance and range of the document. The final product of this search is a systematised database which contains information on and links to the full documents of all EU-initiatives related to fertility-relevant issues. This allows us to not only describe and analyse the development of fertility-relevant issues at the EU-level; it also offers us the possibility to study shifts in focus, range, and policy framing.

First and Preliminary Results

The development of EU-initiatives since 1957 shows that there has been a substantial increase in fertility-related activities and fertility-based argumentation of policy initiatives over time. The increase gained momentum in the 1980s. The majority of initiatives has been of a non-binding character. Binding and non-binding policies show a roughly similar development over time, with most initiatives taking place during the 1990s and 2000s (see Figure 1). This seems to partially contradict the general assumption of the development of EU policy making, which sees a decline in binding policies and an increase of “soft” legislation since the second half of the 1990s. An overview over fertility-related initiatives by year (of ratification or publication) provides a more detailed picture of this development: Non-binding initiatives have increased markedly in the 1990s and in the late 2000s, while binding policies were passed in a more “selective” way (Figure 2). As regards non-binding initiatives, the implementation of an expert group on demographic issues between 2007 and 2012 boost “soft” initiatives, although the trend towards an increased interest of the EU in fertility-related matters had started in the 1990s (Figure 2). This indicates that the recent initiatives of the EU are not a completely new phenomenon, but may suggest a more comprehensive approach of the EU to fertility-related demographic issues.

A first classification of the topics of initiatives (based on the core title keywords) shows several aspects: First, there has been an increase in the number of topics through which fertility-related issues are addressed. This points to an increasing engagement of the EU in different fertility-related areas. Second, different topics have entered the EU agenda “sequentially”, leading to a gradual accumulation of fertility-related initiatives addressing different issues over time. The first topic to emerge systematically over time was gender equality. In the late 1980s, argumentations related to “framework policies”, such as demographic renewal, sustainability, etc., were brought forth more strongly or were newly introduced. In the 1990s demographic change became a topic of fertility-related issues, and since the mid 1990s employment issues have been taken up in fertility-related initiatives more than in prior decades (Figure 3).

Subsequent analysis of our database for this paper will focus on more in-depth – quantitative and qualitative – analysis of the development of EU-policies related to fertility such as the linkages between different policy topics, the motivations for the initiatives, and the argumentation for the initiatives. The aim of these analyses is not only to document the European Union activities in the field of fertility, but also to assess the strength and direction of EU-initiatives in relation to fertility and family-policy development in Europe.

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Figure 1: Development of fertility-related binding and non-binding EU initiatives by decades

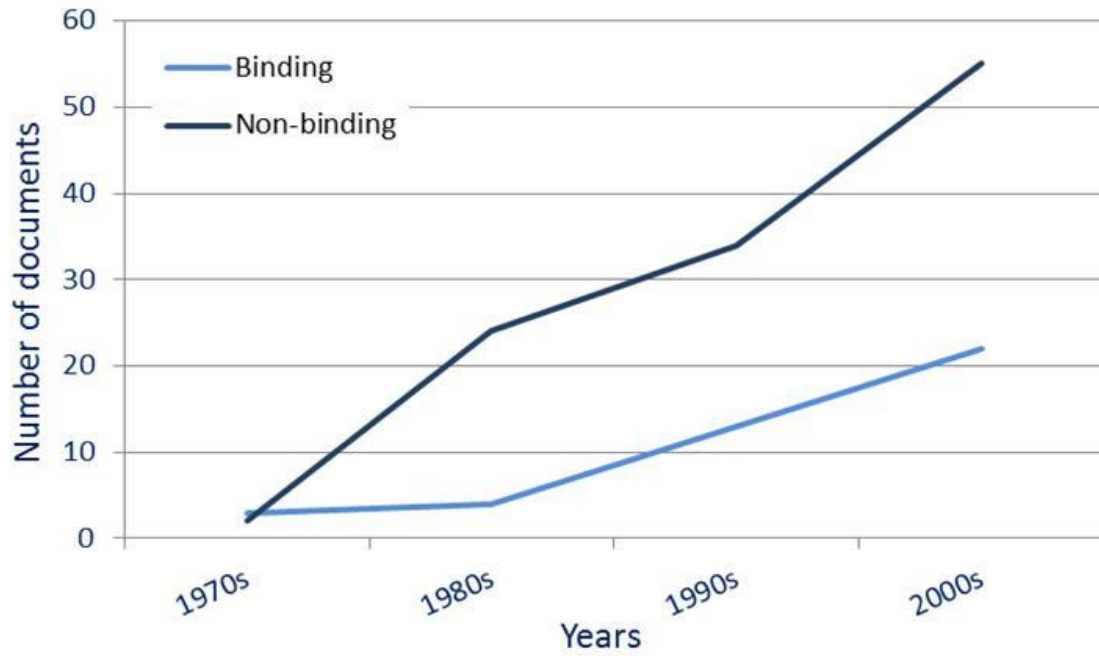


Figure 2: Development of fertility-related binding and non-binding EU initiatives by year

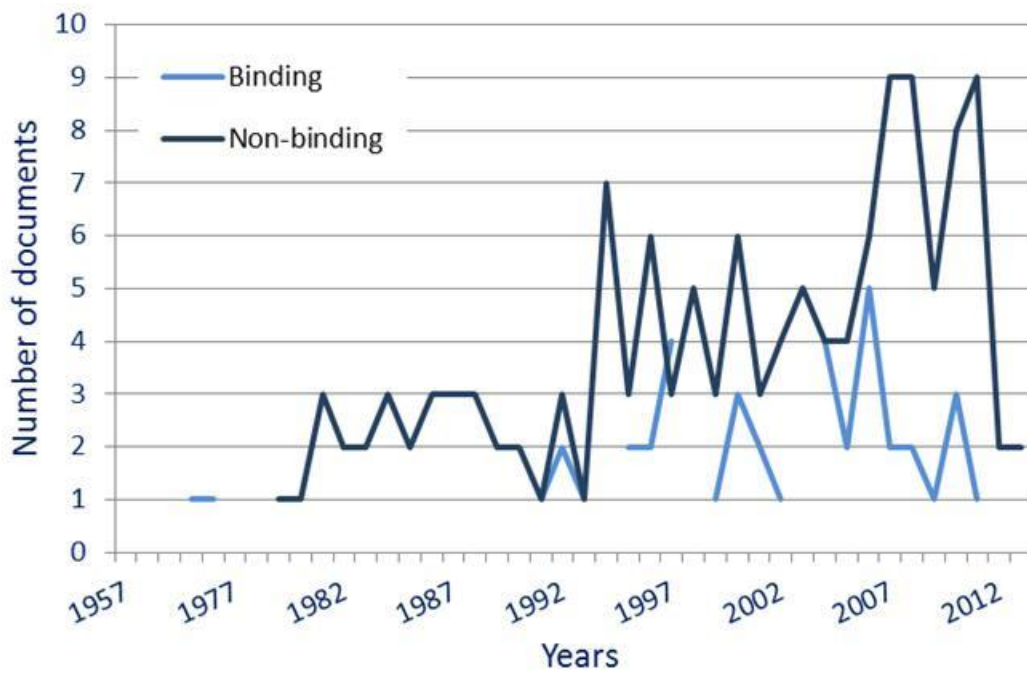


Figure 3: Development of fertility-related EU-initiatives by topics over time

