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EU governance and transnational labour mobilization.  
Explaining the unequal success of the “Right2Water”  
and the “Fair Transport” European Citizens’ Initiative

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# **EU governance and transnational labour mobilization. Explaining the unequal success of the “Right2Water” and the “Fair Transport” European Citizens’ Initiatives**

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## **Introduction**

What role does organized labour play in the politicization of EU integration and governance? So far, most scholars of European labour politics and policies have focused their attention on the responses of labour movements at the national level. Whereas the economic and political pressures caused by European integration processes are often acknowledged (Marginson and Sisson, 2004), most comparative labour scholars present these as external contexts that are not the subject of their empirical analysis. As a result, we know much about the varieties of capitalism, welfare states, and unionism (Gumbrell-McCormick and Hyman 2013; Frege and Kelly 2004) or about the different adaptive strategies that unions have conceived to cope with the EU’s horizontal transnational market and vertical supranational governance pressures (Doellgast, Lillie, and Pulignano 2018). The politicization of EU integration by organized labour is thus seen as a one-way street: external EU-related pressures come from the ‘outside’, and unions react to these at the national, sectorial or workplace level, by exploiting the “heterogeneity of institutional ‘power resources’” that still exist across nation-states (*ibid.* 30). By contrast, studies that go beyond country-by-country comparisons and challenge the perception of labour as a social actor confined by national boundaries are all-too rare. Labour mobilizations that escape national silos and aim to build solidarity across borders along class lines therefore often fall outside the analytical focus of comparativists in the field.

In this paper, we move beyond methodological nationalist frames of reference that dominate our field and investigate the conditions under which transnational, cross-border labour mobilization in reaction to European integration emerges and becomes successful. We build on previous research that pointed out the continued presence of transnational labour solidarity in the wake of the Eurocrisis and the EU’s New Economic Governance regime (Bieler and Erne 2014; Erne *et al* 2015; Erne 2019; Parks 2015). Here, we compare two transnational campaigns launched by European trade union federations. The European Federation of Public Service Unions (EPSU) coordinated the first successful European Citizens’ Initiative on the Right to Water (R2W ECI) in 2012-2013. The European Transport Workers’ Federation (ETF) followed suit in 2015 with its own initiative on “Fair Transport” but failed to collect the necessary number of signatures that is required before EU institutions will formally engage with the demands of the initiative. Both of these campaigns fell outside the scope of traditionally defined union mobilization (e.g. strikes or demonstrations). Therefore, they can be considered not only as transnational but also as innovative actions that took advantage of new instruments of direct democracy at the EU-level (Erne and Blaser 2018).

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It is not without risks that trade union federations engage with instruments of direct democracy, especially if their goal is not the immediate improvement of their members' working conditions. The outcome of the two campaigns is surprising in this respect. Whereas the much more worker-focussed Fair Transport initiative failed; the successful Right to Water ECI, on the other hand, was not about the direct improvement of working conditions in the sector, but about broader claims such as the defence of public services, social rights, and access to commons. This finding challenges the idea that successful transnational labour initiatives depend on the immediate outcomes for workers (Brookes 2019).

We argue that the success of EPSU (and the failure of ETF) is attributable to actor-centred factors of coalition building and issue framing. At the same time, our findings highlight that EPSU's and ETF's decisions were conditioned by the different modes of European integration in the two sectors - horizontal market integration dominates the transport sector, hindering transnational collective action, while more recent vertical political integration in the water sector provides crystallization points for transnational collective action. When presenting our argument, we follow an inductive logic, describing our cases first and teasing out propositions relevant to scholarly debates as we go along the way. In doing so, we combine insights from industrial relations, social movements research and European studies.

A qualitative study based on the comparison of two cases is not suited to assess the frequency of transnational action compared to national-level reactions to political and economic integration. We do not claim that transnational labour reactions to EU integration are more frequent or more typical than national ones. Rather, we identify the conditions under which transnational mobilization can emerge and achieve success in the context of European governance.

### **Two similar cases of trade union-led European Citizens' Initiatives**

In the EU, transnational labour mobilization includes events like transnational strikes, demonstrations, days of action, and European Citizens' Initiatives (ECIs) (Nowak and Erne 2020). In this study, we focus on direct democratic ECI campaigns, albeit in the broader temporal frame of EU governance and its attendant politicization struggles. ECIs have a relatively long timeframe and must have an explicit link to EU policy making. The Lisbon Treaty introduced the ECI, thereby providing the possibility for civil society to engage directly with EU institutions and call upon the European Commission to propose legislation. To be successful, an ECI proposal must be endorsed by at least one million EU citizens and has to reach a population-specific threshold of signatures in at least seven member states. Since the ECI entered into effect in April 2012, over seventy-five ECIs have been registered by the EU Commission until December 2020. Whereas over nine million signatures have been collected, only six of all registered initiatives have satisfied the EU's requirements and can therefore be considered successful.

To date, two EU-level trade union federations have ventured launching these initiatives. We provide the main features of the two campaigns in Table 1. EPSU coordinated the first successful ECI on the Right to Water, collecting 1,839,484 valid signatures and reaching the population-specific threshold in 13 countries (Berge *et al* 2018, 227). The ECI Fair Transport campaign launched a few years later by the ETF failed to collect the required number of signatures and only passed the necessary quorum in Belgium, Denmark and Sweden. The two

initiatives also had opposite outcomes in terms of the direction of subsequent EU legislation. In reaction to the popular support of the ECI R2W, the European Commission excluded water from the scope of the commodifying Concessions Directive. The ETF failed in its attempt to “explicitly include” transport workers in the revised Posted Workers Directive. As the main goal of the Posted Workers Directive was to harmonize social standards across the EU, the exclusion in that case meant that transport remains an area where horizontal pressures prevail. Paradoxically, this ‘trigger[ed] widespread mobilization among trade unions’ (Riesco-Sanz *et al* 2020, 195).

**Table 1: Main features of the two European Citizens’ Initiatives**

<b>Main coordinator</b>	ETF - European Transport Workers’ Federation	EPSU - European Federation of Public Service Unions
<b>Title of the initiative</b>	“Fair Transport Europe – equal treatment for all transport workers”	“Water and sanitation are a human right! Water is a public good, not a commodity”
<b>Time frame (start of – closing of collection)</b>	14 Sep 2015 – 14 Sep 2016	10 May 2012 – 1 Nov 2013
<b>Number of collected signatures</b>	≈200,000	1,839,484
<b>Countries surpassing threshold</b>	Belgium, Denmark, Sweden	Austria, Belgium, Finland, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, Netherlands, Slovakia, Slovenia, Spain

Source: own compilation based on [https://europa.eu/citizens-initiative/home\\_en](https://europa.eu/citizens-initiative/home_en). (Berge *et al* 2018, 227; internal ETF documents)

How and why did EPSU and ETF decide to launch these initiatives and what are the reasons for the different outcomes in the two cases? To answer these questions, we will exploit the fact that we have two very closely matching cases that nevertheless exhibit different outcomes. We can therefore apply a method of analysis that is close to what is variably called most similar systems case study design, Mill’s method of difference, or more recently “natural experiment” (Ragin 2014). We list the similarities between the two campaigns and then focus on the more limited number of differences that can explain differences in outcomes. We modify this analytical framework to the extent that we also have to deal with attributes that are different across the two cases but paradoxically favour the eventually unsuccessful case. Therefore, instead of using the terms ‘differences’ and ‘similarities’ we talk about “factors that can explain outcomes” and factors that cannot. For example, ETF spent more money on the campaign. This is a difference, but more importantly, it is a difference that cannot explain the outcome as the ETF’s initiative eventually failed. We group these factors along two dimensions: actor-centred

factors and structural factors. Actor-centred factors include the organizational characteristics of the two trade union federations, their track record of transnational collective action preceding the ECI campaigns and their conscious decisions during the campaigns in terms of the message they send to the public and the alliances they build. The structural factors are the economic and political developments that condition the decisions of actors in the two sectors and relate to the corresponding vertical (market) respectively horizontal (political) pressures of EU governance (Erne 2018; 2019).

### **Actor-centred factors that cannot explain the unequal success of the two ECIs**

In this section, we will discuss actor-centred factors that cannot explain our puzzle. The sectoral federations under study, ETF and EPSU, share a number of common features, displayed in Table 2. We have also displayed and italicised the differences that favour the eventually unsuccessful case (ETF).

**Table 2: Actor-centred factors that cannot explain the different outcomes**

	ETF	EPSU
<i><b>Power over affiliates</b></i>		
Small secretariat	Yes	Yes
High degree of heterogeneity	Yes	Yes
<i><b>Track record of transnational mobilization (“outsider strategies”)</b></i>		
European Industrial Action	<i>Yes</i>	<i>No</i>
European Political Protests	Yes	Yes
<i><b>Track record of “insider strategies” to influence EU policymaking</b></i>		
EU Lobbying	Yes	Yes
EU Social Dialogue	Yes	Yes
<i><b>ECI specific factors</b></i>		
Prior Experience with ECI	No	No
Financial Support for ECI	<i>€322,000</i>	<i>€140,000</i>

Source: our own compilation based on our research

### ***Power over affiliates:***

Through its affiliates, EPSU claims to be the voice of eight million public sector workers, while ETF’s affiliates have a 3.5 million-strong membership base. What matters here is that both EPSU and the ETF are second-order organisations (Müller and Platzer 2018, 310) with small secretariats, and their power over diverse national affiliates is weak. Between 2008 and 2018 EPSU and ETF’s staffing barely increased from 16 to 19 and from 14 to 16 persons, respectively (Müller and Platzer 2018). This means that the ECI could not be conducted as a top-down procedure or “introduced” as a prerogative by the EU-level trade union leadership, as it did not have an effective bureaucratic apparatus allowing it to transmit its will to its affiliates and the rank-and-file (Gajewska 2009, 3). Rather, the ECI collection had to rely mostly on grassroots and voluntary activity. That said, the ECI has the potential to serve as a new tool in the hands of European trade union federations not only to influence EU policy making, but also to revitalize their links with affiliated unions, as well as to increase their visibility to the general public.

***Track record of transnational mobilization to influence EU-policymaking:***

Notwithstanding the national and occupational diversity common to both federations, they also have a track record of successful campaigns that influenced EU policy making. Not only were these critical to their functioning as representative groups, but they too provided both federations with positive experiences upon which to draw when embarking upon an ECI campaign. Both EPSU and the ETF have a long history of engaging with the Brussels policy-making machinery and have engaged both ‘insider’ and ‘outsider’ advocacy strategies (Dür and Mateo 2016). Whereas the former includes lobbying EU institutions and participating in sectoral social dialogue committees, the latter involves employing what social movement scholars call ‘action repertoires’ (Tarrow 1994). Such strategies involve engaging the public sphere by initiating or participating in European political protests so as to raise the visibility and political salience of a particular issue. For instance, both federations participated in the European Social Forum (unlike the ETUC), and their involvement is seen as being significant (Upchurch, Taylor, and Mathers 2009, 155). On sector specific issues, both federations fought against EU-vertical commodification attempts through an admixture of insider and outsider strategies. The latter are of greater relevance for this paper as they involve raising the public salience of an issue (Dür and Mateo 2016, 5), a critical aspect of any form of direct democracy, including running an ECI.

Liberalising transport is a longstanding preference of the EU Commission (Golden 2019). Consequently, the ETF has found itself leading the resistance in a broad range of transport-related issues, with mixed results. The ETF’s most successful campaign was undoubtedly against the Port Services Directives (PSD). The PSD is rather unique in that it is the only Directive to have been rejected twice following transnational mobilisations (Gentile 2016; Turnbull 2006).

EPSU’s track record in mobilizing against EU-vertical (political) interventions can be best seen in the example of Commissioner Bolkestein’s Services in the Internal Market Directive. The Directive proposed in 2004 sought to open the public services (including water) to transnational competition. EPSU was at the forefront of popular mobilization against the commodifying Directive, including street protests in Brussels and Strasbourg with unprecedented levels of participation (Nowak and Erne 2020). In addition, EPSU published an emergency resolution entitled ‘Europe has to be more than an Internal Market!’, which was adopted at the 2004 EPSU congress. EPSU ‘organised meetings with other European trade union federations’ (Fischbach-Pyttel 2017, 93) and disseminated a campaigning leaflet offering ‘10 reasons why EPSU says NO to the [Services] Directive’, to emphasize the potential impact on the suite of public services. Despite attempts by Commissioner Bolkestein to tarnish the opposition as nationalist and xenophobic (Béthoux, Erne, and Golden 2018, 660; Fischbach-Pyttel 2017, 92) EPSU, with support from the ETUC (but also in defiance of it), succeeded in having the most controversial elements removed from the Directive (Crespy 2016). Although the ETF was critical of the Services Directive, their presence was diminished most probably on account of the resources expended on the PSD campaign.

Notwithstanding these similarities, there is one notable difference between the two successful historical campaigns which would suggest that the ETF has the edge on EPSU in organising a transnational campaign, namely the coordination of transnational industrial action, including work stoppages and blockades. The two successful anti-PSD campaigns, which were

contingent on navigating legacy issues resulting from the Cold War, saw transnational strike action in a number of member states (Gentile 2016). In January 2006, strike action occurred in France, Spain, Portugal, Belgium, the Netherlands, Greece, Germany, Sweden, and Denmark. These actions demonstrate not only the structural power resources of the ETF (which we will get back to in later sections) but might also lead one to think that organising a transnational strike is surely more difficult than organising an ECI. Conceivably, the learning experiences amassed from the PSD campaign would only serve to strengthen the ETF's capacity in launching an ECI and securing the necessary number of signatures.

### ***ECI-specific factors:***

The most obvious similarity here is that neither organisation had any prior experience with ECIs. If there are differences, those again favour the ETF whose campaign could learn from the pioneering EPSU campaign and thereby avoid some of the hurdles that EPSU had faced as a forerunner, such as setting up the offline and online infrastructure to collect and validate signatures or formulating the official text of the initiative in a way that meet the legal requirements for registration. (The EU Commission only registers ECIs that can demonstrate their relevance for EU law-making). Another important disparity is in terms of the budget allocated to the ECI. The ETF had a budget of €322,000, which was over double the €140,000 budget of EPSU. The additional funds allowed hiring a consultancy company specialised in European public affairs and the employment of a full-time official working solely on the Fair Transport ECI (interview, ETF official, Brussels). This difference might once again lead one to believe that increased funds and manpower would increase the likelihood of success, but we know this turned out not to be the case.

To summarize, we have identified a long list of similarities in the constitution of EPSU and ETF and in their history of engaging with EU policymaking. Even where we discern differences, these appear to strengthen the hand of the ETF rather than EPSU. Yet, in the ECI, it was the union that historically 'engaged more with advocacy campaigns than protest and adversarial industrial action' (Crespy 2016, 77) that enjoyed a successful outcome. To explain this conundrum, we must look elsewhere for an explanation.

### **Actor-centred factors that can explain the unequal success of the two ECIs**

In the previous section, we outlined the similarities between EPSU and ETF and those actor-centred differences that favour the ETF and therefore cannot account for the fact that, in the end, EPSU's ECI campaign was more successful. In this section, we still deal with actor-centred factors, but our focus is on those factors that can explain the different outcomes. These are listed in Table 3. Most importantly, even though the two organizations had the same formal objective with the European Citizens' Initiative, they approached the task of mobilizing support for their campaigns very differently. We discuss these differences along two dimensions – mobilizing networks and issue framing (Tarrow 1994). Mobilizing networks refer to the internal relations within the initiating trade union federation, and to the relations that they build with external allies. Issue framing refers to the content of the communication through which the organizations justified the goals of their campaigns in a way that potentially resonates with the broader public.

**Table 3: Actor-centred factors that *can* explain different outcomes**

	ETF	EPSU
<i>Mobilizing networks</i>		
Campaigning organization	No	Yes
Trade Union – Social Movement Coalitions	No	Yes
Prior use of direct democratic instruments	No	Yes
<i>Issue framing</i>		
Against privatization, corporate giants and for human rights	No	Yes
Against unfair competition and social dumping	Yes	No

Source: our own compilation based on our research

### *Mobilizing networks*

**Campaigning organization:** As a starting point, the way in which the decision was made to launch the campaign was different in the two cases, and this had a lasting impact on mobilizing networks and issue framing (Berge *et al* 2018, 236). The idea of the R2W ECI came from within the EPSU secretariat, whereas the concept of the Fair Transport ECI had a dual origin. On the one hand, ETF’s railway section was concerned about liberalization and privatization in the sector. On the other, Scandinavian transport sector unions were worried about social dumping in the road haulage sector and beyond that (NTF 2008). In turn, the ETF secretariat struggled to bring these two separate goals into a single coherent campaign.

As noted above, the ETF allocated more than twice as much money to its campaign as EPSU did. However, EPSU integrated these resources much more tightly into the already existing organization. EPSU’s communications and campaigning officer coordinated all aspects of the R2W ECI. By contrast, the ETF partly outsourced its campaign by hiring a third-party professional communications agency to deliver the public relations tools and infrastructure of the campaign. The ETF did not define itself as a “campaigning organisation”, and this was reflected in the way it carried out the campaign (interview, ETF official, Brussels). Neither the ETF nor EPSU had the vertical power over affiliates to force the collection of signatures. The EPSU campaign, however, gained momentum in several key countries due to the close and strong links of local affiliates to the EPSU headquarter in Brussels and the involvement of other civil society actors.

**Trade Union – Social Movement Coalitions:** In the R2W campaign, social movements and trade union mobilization networks were closely entangled, while the collection of signatures was aided by the commitment of grassroots civil society activists who had pre-existing links with trade unions. According to the calculations of Berge *et al* (2018, 235), 47% of the organizations assisting the collection of signatures in the R2W campaign were trade unions, whereas 53% belonged to the broadly defined “social movements scene”, including the water movement, the global justice movement, and environmental movements (Berge *et al* 2018).



The R2W campaign relied on a broad social movement framework in which the lines of responsibilities between trade unions and social movements were blurred.

EPSU has long-standing links with water-related social movements and played an active role in the formative events of the European water movement, such as the European Social Forum in Malmö in 2008, and the Organization Committee of the Alternative World Water Forum in Marseille in 2012 where the European Water Movement was formally established (Moore 2018, 24; Parks 2015, 71). The water sector is unique in the sense that we find strong civil society activism at all geographical levels: from municipal socialist and religious movements defending water as a common good at the local level, through to country-level movements fighting for the right to water to be included in national constitutions, and all the way to the global justice movement. In this sense, water policies are simultaneously politicized at the national, European and global levels (Zürn 2019). Many of the campaigners active in the R2W campaign were taking inspiration from, or directly participating in, the massive anti-privatization protests in the Global South in the 2000s (Moore 2018).

The diversity of the coalitions enabling the success of the R2W campaign is demonstrated by the fact that employers in the water sector were also taken on board. Aqua Publica Europea (APE), the European network of publicly owned water providers, was an official partner of the initiative as it identifies closely with the campaign's anti-privatization goals. National-level public water providers that are not members of APE were also supportive of the campaign to the extent that AquaFed, the International Federation of Private Water Operators (most importantly the French giants Veolia and Suez) accused the Right to Water initiative as an outlet for "German public lobbies" (AquaFed 2013).

Finally, the R2W ECI also enlisted the support of a group of political and media personalities called "Ambassadors". Altogether, 67 ambassadors made supporting statements of the initiative. Many of them did not have a direct connection to water struggles, but they are well-known public figures in their respective member state or at an international scale (Berge *et al* 2018, 236). Even though not an official ambassador, a German comedian also stood behind the initiative and called on citizens to sign the initiative on his popular TV show, linking the ECI to the criticism of the proposed Concessions Directive. After the comedian's intervention, the signature collection skyrocketed in Germany (Parks 2015, 77).

***Prior use of direct democratic instruments:*** In Germany and Italy, the two large EU member states where the R2W initiative surpassed the minimum threshold number of required signatures, water movements had gained experience with the use of direct democratic instruments at local and national level before the ECI. The Italian Water Movements Forum (*Forum Italiano dei Movimenti per L'Acqua*) was the main force behind a national referendum *abrogativo* where 95% of ballots supported the repeal of a law that allowed the private management of local public services (Bieler 2017; Erne and Blaser 2018). However, due to the fatigue of organizers and to the disappointment of the legislative afterlife of the referendum, the R2W ECI only barely passed the threshold in Italy (Berge *et al* 2018, 237). In Germany, social movements focused on the state and municipal level. In Berlin, they successfully organized for a regional referendum that forced the government of the *Land* Berlin to publish the privatization contract of water services and contributed to subsequent re-municipalization. The political party affiliation of these supportive organizations was diverse. Several accounts

mention the political versatility of the R2W campaign and its ability to move beyond traditional left-right politics as an important factor contributing to its success (Berge *et al* 2018, 235; Bieler 2017, 309; Moore 2018, 25).

To summarize, the EPSU Right to Water campaign relied on a dense and diverse web of alliances of non-trade union actors. The European water movement consists of several overlapping circles, where EPSU serves as a hub connecting diverse organizations at different levels of activity. By contrast, the Fair Transport campaign had a much lower density of links outside of the affiliates of ETF. We have found no sign of close alliances to employers, social movements or other civil society actors in that case. In terms of prior experience with direct democracy, the Swiss railway workers' union (SEV) were the frontrunners within ETF. However, even the SEV underestimated the administrative requirements for collecting signatures for an ECI. Given the high number of EU citizens among its membership, the SEV planned to publish the ECI signature sheet in its union press, but then had to abandon the idea as each EU member state required a specific signature sheet with different details on it (interview, ETF Railway Section and SEV President, Giorgio Tuti, Brussels). The Fair Transport campaign also relied on a much narrower range of political allies compared to the Right to Water initiative. For instance, the website of the campaign provides a list of supporters, but only mentions members of the European Parliament who belong to the Parliamentary groups European Socialists, European Left or the Greens. All of these Members of European Parliament come from "old member states". This is, as we shall see below, in and of itself quite telling.

### ***Issue Framing***

***Framing against privatization, corporate giants and for human rights***: The two ECIs also used different messages to frame the issues for which they were fighting for. As clearly stated in the title of the initiative, EPSU's ECI was built on a combination of anti-privatization and human rights framing. Such a framing strategy proved successful because it was both specific enough to give a lasting momentum to the campaign and broad enough to unite actors that had diverging ideas on the details of water sector management. By focusing its struggle against privatization, EPSU also identified concrete negative practices against which popular discontent could be targeted: the pro-market policy ideas of the European Commission and the lobbying of big multinational firms active in water, such as Veolia and Suez, leaders of the privatization wave of water services in the 1990s and early 2000s (Hall and Lobina 2007).

Moreover, EPSU paid attention to develop the details of the other leg of the framing of the R2W campaign, i.e. fighting for water to become a human right. The human right to water has five main dimensions: availability, accessibility, acceptability, affordability, and quality (European Parliament 2015). These dimensions have very concrete relevance for groups of EU citizens. For example, physical accessibility to good quality drinking water and modernized wastewater facilities is (or was until recently) an issue in several member states on the EU's southern and eastern periphery. This factor may have contributed to the balanced popularity of the initiative across member states, with East and West, South, and North relatively equally represented.

The human rights framing was not only concrete but also encompassing enough to form the basis of a diverse coalition, as the campaign united actors that had substantially different ideas on the details of water management and financing. While many organizations in the campaign were against water charges, the German services union *Vereinigte Dienstleistungsgewerkschaft* (Verdi), one of the most active national-level organizations in the campaign, has had a much more nuanced view on the subject. Verdi supports domestic water charges if they form the guarantee of sustainable public water management, the provision of good quality service and decent working conditions in the sector (Verdi 2010). The comparative political economy literature would categorize the links between trade unions, public employers, and water-related social movements in the R2W campaigns as building blocks of consumer-producer coalitions (Rogowski 1990). However, we want to emphasize that the framing of the campaign explicitly rejected the idea that a commercial relationship should be at the core of water provision. R2W ECI documents avoid using the term consumer; instead, they talk about more encompassing categories such as users or citizens.

***Framing against unfair competition and social dumping:*** The main objective of the Fair Transport initiative was to fight for fairness and “equal treatment for all transport workers”. These are vague and ambiguous demands, side-lining the question that no matter how fair competition is, it still creates inequalities and tensions on the labour market. ETF’s decision to build its campaign around the fairness of competition suggests that it regarded competition in itself as an acceptable guiding principle for European industrial relations in the transport sector. This framing alienated the ETF campaign from the more radical French union confederation CGT. The Fair Transport ECI was also framed in traditional industrial relations terms such as “support for the transport workers” – rather than as a campaign for quality (public) transport services to the benefit of everyone. Later, organizers acknowledged that this approach may have been a mistake (ETF Railway Section and SEV President, Giorgio Tuti, cited by Erne and Blaser 2018, 227). The Fair Transport ECI’s demands were not only imprecise, but they could also be interpreted as dividing working class support. An initiative that concentrates on social dumping runs the risk of fuelling debates on the free movement of labour within the EU, dividing workers rather than creating solidarity between them (Bernaciak 2015). As long as it is not clear to the public that the main culprit of social dumping are employers, there is a danger that workers in Eastern Europe interpret the focus on social dumping as an attack on their right to free movement within the EU. Therefore, more careful framing and the provision of accompanying information would have been crucial for the success of the initiative.

### **Structural conditions of the two campaigns - Vertical political integration facilitating, horizontal market integration hindering transnational mobilization**

So far, we have analysed EPSU and ETF’s campaigns from an actor-centred perspective, focusing on the decisions that campaign organizers have taken. In the following, we demonstrate that these choices were conditioned by the structural characteristics of the two sectors. We apply the same ordering as in the previous section: first, we present the structural characteristics that are similar across the two sectors, and therefore cannot explain differences in outcomes; secondly, we focus on the differences. In short, we argue that workers occupy similar structural positions in the two sectors, but vertical and horizontal processes of EU

integration affect them differently. Whereas horizontal market integration is more advanced in the transport sector, thereby stifling transnational collective action, the more recent processes of vertical political intervention, on the other hand, facilitate politicization in the water sector.

First and foremost, the economic structure of the two sectors are relatively similar, lending workers in the two sectors similar structural power. Water and transport are both network industries that are built on a concentrated infrastructure and play a pivotal role in the functioning of capitalist economies. Transportation connects the factors of production to each other and it enables trade, while water services supply an essential material not only for human life but also for economic activities. Hence, workers in both sectors occupy a central position within the networks of the technical division of labour and wield, in Beverly Silver's terms, a high degree of structural power resources (Silver 2003). The term 'resource' implies that the 'raw materials', so to speak, are there, but they need to be 'mined' or activated. Depending on the resource in question, they are embedded in different contexts, namely economic, political and social. As Lukes (2005, 69) notes, '[P]ower is a potentiality, not an actuality – indeed a potentiality that may never be actualized'. This statement has particular relevance for transnational social mobilization. The conditions for transnational collective action are determined not only by the structure of production in the two sectors in the abstract, but also by the concrete processes of transnational economic and political integration.

Here, we focus on transnational economic integration at the European level since the mid-2000s. We argue that different modes of European integration characterise the two sectors. We distinguish between horizontal market and vertical political modes of integration and argue that the former has advanced further in the transport sector while the latter dominates water services. Horizontal integration means increasing interconnectedness through *transnational* market pressures, while vertical integration refers to direct interventions from a "*supranational* political, legal or corporate authority" (Erne 2019, 346, *emphasis original*). These two modes are not mutually exclusive as they can work in both directions, either in parallel or in sequence. One typical example of sequencing is when market-making (liberalizing) vertical interventions prepare the ground for stronger horizontal integration in a given area. On the other hand, corporate restructuring (e.g. transnational mergers) in response to competitive market pressures is an example of when horizontal integration comes first and is then followed by a vertical restructuring of corporations, which can trigger counter movements (Erne 2008). What is more important from our perspective is that the two mechanisms have different implications for collective action. Horizontal integration has a primarily constraining effect on transnational labour mobilization, while vertical integration acts more as a catalyst for it. In short, vertical interventions are easier to politicize, albeit within a limited timeframe.

Horizontal integration reinforces the opacity of power relations within transnational capitalism and provides few direct targets for transnational mobilization. Furthermore, horizontal integration is not questioning the formal autonomy of social actors but rather triggers competitive tensions between them. Vertical integration is easier to politicize transnationally not only because it provides more tangible antagonisms, but also because it formally aims to "undermine social actors' and local and national institutions' autonomy" (Erne 2019, 347). How do these propositions apply to our cases? How can we decide what is the dominant mode of integration in the water and the transportation sector; and what are the implications for political mobilization in the two examples?

We take foreign direct investment as a proxy for the extent of horizontal market integration in the two sectors. Table 4 presents comparative data on foreign direct investment in the two sectors and demonstrates that horizontal market integration has advanced much further in the transport sector, even though, due to the larger size of the transport sector, absolute figures must be interpreted carefully.

**Table 4: FDI in the water and the transportation sector 2009-2012, million Euros**

	2009	2010	2011	2012
Water services	11,188	11,938	12,470	8,489
Transportation and storage	91,736	105,988	128,474	111,108

Source: Eurostat

Transportation is not only an increasingly transnationalized sector, but it also has a relatively decentralized market with many competing actors. Despite tendencies of market concentration in certain modalities (such as aviation), cross-border horizontal competition prevails among companies in the sector, potentially pitting workers against each other. Horizontal market competition in the transport sector has several implications that hinders transnational solidarity between workers, and that also had an inhibiting effect on ETF's ECI campaign.

Competition between transport modalities, regional competition and the absence of a clear target are the main structural culprits that conditioned the failure of the Fair Transport initiative. ETF affiliates, from different countries and of different transport modalities, had different ideas about what 'fairness' means in the sector, depending on their positions in relation to horizontal market pressures. As we mentioned previously, the Fair Transport ECI had a dual origin. On the one side, the ETF's railway section was threatened by EU liberalization in a transport modality where state-owned enterprises still dominate. On the other side, Scandinavian transport sector unions' main concern was social dumping (NTF 2008). In Scandinavian countries, an already largely liberalized sector had to face the horizontal pressures of intra-EU competition, exacerbated by the EU's eastern enlargement (*ibidem*). The ETF secretariat therefore asked its Scandinavian affiliates and the ETF railway sector to draft an ECI which would address both concerns (interview, ETF Deputy General Secretary, Sabine Trier, Brussels). The subsequent widening of the focus of the initiative, however, came at the cost of making it less pointed. Furthermore, throughout its campaign, the ETF had to deal with tensions between different modalities as well as public and private sector members.

Horizontal integration meant increasing competition along geographical lines in the transport sector. Road haulage competition, already liberalized since the late 1990s (Héritier 1997), has intensified significantly following the EU's enlargements of the 2000s. Consequently, intra-, and intermodal competition is affected by the proliferation of Eastern European firms (mostly SMEs) but also, more perversely, by the establishment of letterbox companies and the 'posting' of drivers<sup>1</sup> (see ETF 2012). Thus, tensions are running high in the

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<sup>1</sup> Having interviewed around 1,000 professional drivers between 2008 and 2012, the ETF (2012) found that it was common for road haulage companies to open letterbox companies in EU member states with lower levels of social protection and lower labour standards.

sector around east-west labour mobility and social dumping. Eastern European governments vehemently defend the business model of ‘their’ firms based on lower labour standards than in the West and have challenged recent EU legislation on the harmonization of working conditions in the sector (Adamczyk *et al* 2020)<sup>1</sup>. These legislative instruments partly respond to the demands of European-level trade union lobbying. However, as only a marginal fraction of East European truck drivers is unionized, the voice of East European labour was largely missing from these debates.<sup>2</sup> Considering these tensions, it is not a coincidence that the ETF’s Fair Transport initiative only managed to pass the required threshold of signatures in Belgium, Denmark and Sweden and only gathered supporting statements of MEPs from “old member states”. Finally, the decentralized, horizontal structure of the sector also means that there are too many “bad guys” in the transportation sector, and the ETF was not able to provide to the public a clear image of a particular set of big firms that the campaign was fought against.

We do not claim that there were no vertical interventions in transport, but that given the predominance of horizontal market pressures, because of earlier commodifying EU directives, counterreactions eventually faded away. While the ETF was successful with its campaign against the Port Services Directive (an example of vertical intervention), it was not able to sustain the momentum of that mobilization and expand it to other transport modalities due to the staggered implementation of liberalizing ‘packages’ of EU laws in the sector, modality-by-modality, since the 2000s. This led to ever increasing horizontal market pressures.

By contrast, the water sector has so far been largely spared from horizontal market pressures, despite the presence of multinational water companies in the sector. After a rush in the 1990s, the liberalization and privatization wave of water services lost steam and faced stronger public opposition in the 2000s and 2010s in Europe and across the globe. Corruption scandals, price increases and the incessant need for subsidies from public funds had shaken the myth of the superior performance of the private sector in water provision, triggering a wave of remunicipalizations in major European cities, including Paris and Berlin (Kishimoto, Gendall, and Lobina 2015).

Instead of horizontal market pressures, European integration processes in the water sector are dominated by vertical integration attempts aiming at further liberalization and commodification by fiat. The first such attempt was the Services in the Internal Market Directive, also called the “Bolkestein Directive” after Frits Bolkestein, the Commissioner in

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<sup>1</sup> It is important to note that what underlies this supposed clash of capitalisms, whereby ‘old’ member states seek to defend themselves against the perverse practices of companies originating from the East, is often ‘nothing more than a process of offshoring and/or subcontracting by Western companies looking to transfer their operations (either wholly or partially) to cheaper countries’ (Riesco-Sanz *et al* 2020, 201).

<sup>2</sup> National union confederations from the new member states fought together with their Western counterparts within the ETUC for the revision of the EU Posted Workers Directive to thwart social dumping, despite huge pressures from governments, employers, and the media they were facing at home. In international road transport, however, the situation was different. Whereas the ETF and its Western affiliates aimed at using posting of workers rules to tighten control over cabotage (domestic transport performed by foreign hauliers) and cross-trade (transport between two countries by a third-country entity), most Central and Eastern European unions argued that unfair pay competition should be curbed by separate EU regulations for transnational truck drivers, namely the adoption of a European sectoral minimum wage (Czarzasty *et al* 2020, 315-316).

charge of the Commission's Directorate General which initiated the legislation. The "Bolkestein Directive" was a prime example of vertical integration, as it came from a supranational authority questioning the autonomy and basic operating principles of public service providers in member states. The exclusion of water from the scope of the Directive was a result of social movement mobilization with EPSU as one of the main organizers. Later campaigns of EPSU, including Right to Water, was also informed by the experience of the struggles around the Directive. In the words of one long-time right-to-water campaigner affiliated to EPSU, it was with the Bolkestein Directive that the "Commission first showed its true colours" (interview, Brussels, September 2018).

After the successful anti-Bolkestein mobilization, awareness was growing among EPSU officials and their allies in social movements that the European Commission would renew its efforts to commodify the water sector. The ECI campaign therefore also grew out of the need to sustain the momentum of the anti-Bolkestein mobilizations (interview, EPSU official, Brussels). Indeed, we can see a continuation of attempts to commodify water in the EU's New Economic Governance regime after 2008 and in the proposal of the Concessions Directive in 2011, both being channels of vertical integration. Water sector liberalization and/or privatization was in many cases part of conditionality in the EU bailout programmes in the EU's southern and western periphery (Bieler 2017; Szabó 2019). Country-specific recommendations issued to member states as part of the European Semester process were calling the Italian government to open local public services – including water – to more competition, and they were demanding the German government to increase the value of contracts open to public procurement. The peak of these supranational interventions, in the years 2012–2013, coincided with the collection of signatures for the ECI. The campaign's particular success in Germany can also be explained with the fact that it was linked up with the politicization of the proposed Concessions Directive. The German ECI organizers linked the ECI to the critique of the proposal of the Concessions Directive that they saw as a direct threat to the in-house model of water provision in Germany, built on the local autonomy of municipalities and principles of subsidiarity (Parks 2015).

The Concessions Directive's initial proposal would have created a uniform procedure for concessions in water services all across the EU. This model would have benefited French water multinationals, Veolia and Suez, as this is the legal framework that contributed to their successful long-term operation in France. The spread of the concession model to other parts of Europe would have vested these companies with a competitive advantage over other service providers that are used to a different legal regime, such as the integrated municipal utility company (*Stadtwerke*) model in Germany. In the wake of the success of the R2W ECI, however, the final text of the Directive excluded water from its scope.

This leads us to the last component of EU integration in the water sector that facilitates transnational collective action: vertical integration attempts highlight the asymmetric structure of the sector that in turn helped campaigners to direct mobilization against a limited cluster of clear opponents. Asymmetric structure means that very few truly transnational corporate giants (Veolia and Suez) operate in the sea of much smaller local and regional operators. Whenever a vertical market-making intervention comes from the EU Commission, it is very easy for counter-movements to link that to the interests of these two corporate entities and build up a clear communication frame. This happened in the case of EPSU's Right to Water campaign.

In sum, vertical integration has facilitated transnational collective action in the water sector by providing clear antagonists and crystallization points around which movements could coalesce.

What is the generalizability of our findings? First, we can draw implications from our cases to a broader public-private comparison. Our findings call into question the view that public sector trade unions are less capable of transnational mobilization compared to private sector unions, which have been affected by the horizontal market integration pressures for a longer time (Marginson and Sisson 2004). The criticized proposition is based on the understanding that public sector unions are more constrained by the national setting than private sector unions, due to the nature of the job their members perform: public service employees provide non-traded services, while in the private sector, employees are more and more closely connected to each other through transnational supply chains. Therefore, in the European industrial relations literature, private sector unions receive more attention, while public service unions are often portrayed as organizations that are tied to national labour market institutions and whose EU-level presence is weak compared to private sector manufacturing unions (Müller and Platzer 2018).

By contrast, our findings suggest that trade unions in non-traded public services can create effective transnational links not only with unions in other countries but also with social movements. EPSU's coordination work was crucial in this respect, which puts the role of European trade union federations in fostering transnational solidarity in a new light.

## **Conclusion**

What are the implications of our findings for the study of transnational social movements and for the politicization of EU integration? First, the comparison of the Right to Water and the Fair Transport ECIs calls into question the idea that the success of transnational labour alliances depends on the immediate outcomes for trade union members (Brookes 2019). EPSU's R2W campaign was much broader in its goals than ETF's Fair Transport and, apart from forging alliances with social movements, EPSU itself acted more as a social movement rather than as an interest group during the campaign (Kitschelt 2006).

The EPSU R2W campaign demonstrates that mobilization around broad ideas of social solidarity can be successful even across borders and that unions can serve as the main promoters of such ideas. Müller and Platzer (2018, 307) claim that "the transnational communicative resource of unions is not aimed primarily at 'European public or published opinion' because these are still weakly developed". The example of the EPSU R2W campaign suggests that European trade union federations are capable of actively contributing to the emergence of such a European public sphere.

Second, the success of a purely public sector trade union federation (EPSU) as opposed to a mixed public-private federation (ETF) sheds new light on the chances of transnational mobilization in different economic activities. Based solely on the density of transnational links in production networks, we should have expected transport to become a more fertile ground for building transnational alliances than the public water sector where trade union members have few direct day-to-day contacts with each other. Emerging transnational solidarity between public service unions is all the more important as trade union membership is increasingly concentrated in the public sector all across Europe (Szabó 2018).



Our findings link up with EU politicization studies by helping to identify the conditions under which an issue can become salient not only at the national but also at the supranational level. Here, the distinction between vertical and horizontal integration is pivotal (Erne 2018; 2019). The processes of horizontal market integration - while their consequences can be very real and harmful for labour - do not provide salient crystallization points for transnational collective action. By contrast, if a supranational authority, such as the EU, intervenes top-down to further commodify labour and public services, transnational counter-movements are more likely to emerge, as long as activists can attribute these interventions to tangible targets rather than to abstract market forces. Our cases also show, however, that timing is equally important. To be successful, counter-movements must politicize vertical commodifying EU interventions before they become ingrained in EU law.

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