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# The Evolution of EU Differentiated Integration between Crises and Dilemmas

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## Abstract

This paper analyses the debate about differentiated integration (DI) from the beginning of the European Union integration process to the 2016 referendum on the withdrawal of the United Kingdom from the EU. This debate can be divided in three different periods, according to the main dilemmas that policymakers tried to address: (i) a political dilemma about the final “destination” of the EU integration project between the 1950s and the 1980s; (ii) a legal dilemma about the mechanism to adopt to promote DI in the 1980s and the 1990s; and (iii) an institutional dilemma about the growing complexity of EU institutions, begun in the 2000s and encapsulated in the Lisbon Treaty (2007). As the paper shows, every period of debate coincided with a specific type of crisis – respectively, a “crisis of design”, a crisis of (foreseen) enlargement and a crisis of economic adaptation.

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# Introduction

This paper analyses the debate about differentiated integration (DI) from the beginning of the European Union (EU) integration process to the 2016 referendum on the withdrawal of the United Kingdom (UK) from the EU. This approach is original. While the literature on DI is abundant, particularly since the approval of the Maastricht Treaty, it mainly deals with typologies and legal mechanisms. The literature on the political debates is far more limited (Leruth et al. 2017). This is quite striking: the concepts that political scientists and jurists use in their studies are largely the result of political debates and reflect very closely the concepts and metaphors used by politicians in their documents, interviews, letters, newspaper articles and other contributions.

Building on primary sources and secondary literature, this paper will contribute to filling this gap. It will look at the history of DI primarily from the perspective of policymakers. Its ambition is to present the debate about DI since the approval of the Treaty of Rome; however, the paper will concentrate on the most significant turning points in EU history – showing, at the same time, that the dilemmas that political scientists are now trying to solve have always been part of the debates about DI.

This paper adopts a legal definition of DI. EU integration is deemed to be differentiated when, within the common framework of the Union's competences, not all member states (MSs) are subject to the same and uniform Community rules (Avbelj 2013, Schimmelfenning 2019). Because of its interest in treaty reforms, the paper will mainly deal with DI in primary law, using an intergovernmental perspective. As it will become clear in the following pages, governments were not the only actors participating in the debates about DI. However, the intergovernmentalist theoretical framework is particularly suitable because

DI results from intergovernmental negotiations on European treaties and legal acts if member states either refuse to participate in integrated policies or accepted individual rules, or if they are excluded from participation. [...] DI is an institutional design or instrument to overcome negotiation deadlock caused by [the] increasing heterogeneity of the member states. (Schimmelfenning 2019: 177)

Therefore, it is not surprising that DI has become central to the political debates every time the EU has been confronted with a dilemma of deepening or enlarging its integration (Kelemen et al. 2014, Faber and Wessels 2006).

The paper starts by presenting the three main core dilemmas of DI and their relationships with the crises that the EU had to cope with. It then moves on to an analysis of the political dilemma between unity and flexibility typical of the 1960s and 1970s. Next, it presents the dilemma concerning the most appropriate legal instruments for promoting DI – particularly relevant in the 1980s and 1990s. Finally, it turns to the institutional dilemmas and the reconciliation between the governance structures of the EU and the differently integrated MSs, beginning in the 2000s. To be sure, the dilemmas of each phase still exist; no single one of them has been definitively solved. However, as this paper shows, it is plausible to state that the focus of political leaders shifted from a concern about EU integration *per se* to a more pragmatic debate about the means to cope with an EU increasingly differentiated.

# 1. DI dilemmas and crises in the EU

Nicole Koenig emphasizes three main core dilemmas of DI (Koenig 2015). The first is a political dilemma that reflects the contrast between flexibility and unity. This dilemma is particularly relevant when DI is based on exclusivity: only MSs fulfilling strict accession criteria can have access to the “club”. “The fear”, Koenig points out, “is that differentiation can spur further heterogeneity, undermine the fragile sense of a common European identity and trigger tendencies of disintegration” (Koenig 2015: 7). The second dilemma is legal in nature, and refers to the question of whether DI should be organized within or outside of the EU legal framework. In general, Koenig writes, instrumental differentiation originated by enlargement is temporary and organized within the EU legislation. However, when confronted with important and irreconcilable preferences, MSs may decide to act outside the EU treaties. Finally, the third dilemma refers to the EU’s institutions: when promoting DI, the MSs can use existing institutions, modify their composition or establish parallel governance structures.

These three dilemmas were always present in the minds of the EU’s political leaders each time they discussed DI. It was inevitable: a debate about the creation of a *Europe à la carte* or a “Core Europe” implied a debate about the legal instruments to promote differentiation and about the institutions to be eventually adopted. However, these three dilemmas also reflect three different stages of the debate about DI. The discussion about the unity of the integration process (a political dilemma) took place mainly between the 1950s and the 1980s. This debate was a precondition for the definition of (new) legal instruments to promote DI. The discussion about the legal instruments mainly characterized the period between the mid-1980s and the new century. That about the institutional implications of DI is more recent, and reflects the growing complexity of the EU on the eve of the 2004-7 enlargements and the 2008-12 economic crisis.

As this paper shows, every period of debate coincides with a specific crisis, defined as “a turning point in an unstable and dangerous time when decisive but uncertain change is impending” (Ross 2011: 1-2). The debate regarding the political dilemma of DI was about the uniqueness of the integration process and the final aim of the EU integration process. The corresponding crisis was what George Ross calls a “crisis of design” (Ross 2011: 11) – epitomized by the dramatic rejections of the UK’s application by France in the 1960s, or the “empty chair crisis” instigated by the French President, Charles De Gaulle, and resolved by the Luxembourg compromise. While this type of crisis was not confined to the Union’s early years, its subsequent crises of design rarely matched the drama of those initial watershed moments. However, the debate about the political dilemma was also a consequence of the economic crisis of the 1970s, when the EU’s governments were tempted by a “beggar-thy-neighbour” approach instead of by coordination and collaboration. In that period, as this paper will show, some critical decisions regarding DI were nonetheless taken – for instance, the creation of the European Monetary System.



The subsequent debate about the legal instruments needed to adopt mechanisms of DI began mainly in the 1980s and continued until the end of the 20th century. During this period, the EU's national governments were all optimistically oriented to find new ways to relaunch the Union's integration. At the same time, after the fall of the Berlin Wall, the prospect of the accession of new member states raised concerns about the sustainability of the enlargement project. As previous enlargements had shown, every such step implies new negotiations about the EU budget, institutions and policies. The foreseen entry of 12 new states was paralleled in that case by a debate about DI as a solution to an inevitably more complex union. Enhanced cooperation is one of DI mechanisms adopted to solve this kind of dilemma. The 1985 Schengen Agreement was another example of an intergovernmental differentiation project. While enhanced cooperation was established within the framework of the EU legal system, the Schengen Agreement (and the subsequent Schengen Convention) was signed outside it – and became part of the *acquis* only in 1997.

Finally, the third (institutional) dilemma was typical of a more recent period – starting around 2008, with the onset of the global economic crisis. In this period, discussions no longer centred on the acceptability of DI but mainly on the coordination mechanisms required between existing and newly adopted institutions – particularly in the extreme attempt to preserve the Eurozone from the global economic turmoil. The dilemma is well expressed by Tobias Kunstein and Wolfgang Wessels: after the adopted decisions, “‘More Europe’ in terms of making EMU [the EU's Economic and Monetary Union] more resilient to crises will in all likelihood be accompanied by ‘less Europe’ in terms of differentiated integration in the EU polity as a whole” (Kunstein and Wessels 2013: 11). The creation of tailor-made governance structures can thus endanger the democratic legitimacy of the EU and can lead to costly institutional duplication.

## 2. The political dilemma: from the Treaty of Rome to the Delors Commission

EU integration has always been considered without a unique and clear *finalité*. With the exception of some of the founding fathers, who saw in the Union an inevitable step towards a United States of Europe, an agreement about the final destination of the EU has never existed – or, at least, has never reached the level of explicit consent. Despite Jean Monnet and Robert Schuman imagining a united Europe in which the states would have been integrated in equal measure, forms of DI were already present in the Treaty of Rome (1957). Indeed, this agreement contained provisions that restricted its territorial scope, specific exceptions for some MSs and numerous safeguard clauses: at least six of the ten final annexes promote forms – albeit bland and transitory – of DI (Hanf 2001).

The debate on DI became central just a few years after the entry into force of the Treaty of Rome, in the context of the first round of enlargements, after the French rejection of the UK application in 1963 and 1967, and the “empty chair crisis”


(always initiated by France) in July 1965. On 4 February 1969, the French President, Charles De Gaulle, hosted a lunch at the Elysée Palace with Christopher Soames, the UK Ambassador to Paris. Taking advantage of the absence of other guests, the General explained to Soames his viewpoint on numerous topics – including the increasingly divergent ideas on EU integration of the six founding MSs. In view of the forthcoming UK accession, de Gaulle suggested that the EU adopt the form of a wide and somewhat loose association of countries, which would include all the then EU MSs plus the seven members of the European Free Trade Association (EFTA). He also proposed that this association be guided by a *directoire* formed by representatives of the larger countries. According to what was reported in the telegram sent by Soames to his Foreign Ministry, the French President hoped for the development of the EU in a broad economic association, but with a limited council formed by France, West Germany, Italy and the UK (Pine 2004: 63).

De Gaulle's proposal was just the starting point of a debate that, since the 1970s, would always characterize the EU (Stubb 2002: 35) and largely coincide with the discussions on EU integration *per se*. As an example, on 19 November 1974 – in a speech entitled “France, Germany and Europe”, delivered to the French Organization of the European Movement – the former West German Chancellor and then President of the Social Democrat Party (SPD), Willy Brandt, declared that no one country has the right to prevent some MSs from cooperating more closely. Therefore, he expressed his preference for what he called a “graduated integration” (*Abstufung der Integration*) (Brandt 1975). The assumption underlying Brandt's reasoning was that the then nine MSs were at different stages of development. For this reason, they needed different treatments in order not to threaten the survival of the integration effort itself.

Brandt in fact anticipated what would be written in the Tindemans Report commissioned by the European Council in December 1974. Emerging from years of economic crisis – with their currencies floating against the dollar and one another, generating fluctuating exchange rates and currency-market speculation – the nine MSs were profoundly interested in continuing on the road to integration. However, there were very different viewpoints among them about the exact meaning of the expression “European Union” as coined by the French President, Georges Pompidou. As a consequence, the Tindemans Report proposed a series of institutional reforms, and it suggested “a new approach” to integration:

It is impossible at the present time to submit a credible programme of action if it is deemed absolutely necessary that in every case all stages should be reached by all the States at the same time. The divergence of their economic and financial situations is such that, were we to insist on this progress would be impossible and Europe would continue to crumble away. [...] This does not mean Europe *à la carte*: each country will be bound by the agreement of all as to the final objective to be achieved in common; it is only the timescales for achievement which vary. (Tindemans 1976: 20-21)

The Tindemans Report remained on the agenda of four European Councils without being discussed. However, the fate of the integration process inevitably became part



of the public debate. In November 1979 German-British philosopher Ralf Dahrendorf gave a Jean Monnet Lecture at the European University Institute in Florence. In his words, the “European Union has been a remarkable political success, but an equally remarkable institutional failure” (Dahrendorf 1979: 8). “The European Communities as such”, Dahrendorf continued, “seemed to have reached the end of their tether. Because the Community got increasingly entangled in technicalities which had little to do with either the political concerns of members or even the European interest, new ways had to be found” (Dahrendorf 1979: 14).

To overcome this setback, Dahrendorf supported the idea of a Europe *à la carte*:

Above and beyond a short list of common and genuinely political decisions [...], there is wide scope for action *à la carte*, and more often than not such action will in the end lead to common policies. The European Monetary System is an example; its comparative success exerts a considerable magnetic force on those who are not members. [...] The general point however seems to me of the utmost importance: Europe *à la carte*, that is common policies where there are common interests without any constraint on those who cannot, at a given point of time, join them, must become the rule rather than the exception, if European Union is not to get stuck in a mixture of incomprehensible technicalities, systematic cheating on the part of some, demands for exceptions which destroy overly complex systems, and a sense of frustration and misery all around. (Dahrendorf 1979: 20-21)

Dahrendorf gave his speech a few months after the signing of the Treaty of Accession of Greece to the Community and on the eve of the enlargements to Spain and Portugal, with the related concerns about the economic implications of these enlargements (European Commission 1979). Moreover, Dahrendorf’s reference to the European Monetary System (EMS) relates to a second major event that took place in the same year. The EMS was created in March 1979 under the European Commission (EC) led by UK Labour politician Roy Jenkins in order to help the coordination of monetary policies in many EU MSs and to prevent excessive fluctuations between their currencies. The EMS was one of the first forms of DI: even if it was open to the participation of all EU MSs, none of them was obliged to take part in it. Furthermore, it was not promoted either by a Community treaty or by a Commission legislative proposal (Fauri 2001: 171-191).

However, the idea that DI threatens the unity of the EU is still present. In 1979 Barend Biesheuvel, former Prime Minister of the Netherlands; Edmund Dell, former UK Trade Minister; and Robert Marjolin, former Vice-president of the European Commission presented their “Report on European institutions” to the Dublin European Council. These “three wise men” condemned DI without appeal:

We have said there is no magic solution for the problems of the Community of Nine. There is none for those of the Ten or Twelve either. One possible *general* approach has been mooted from time to time, and while it has never reached the stage of formal proposals it needs to be brought out into the open for examination now. This would be to introduce a permanent

and systematic *differentiation* in the position of various States within the Community, resulting in an implicit or explicit two-tier system. [...] We believe this model of development, whether the two-tier effect be deliberate or merely implicit, must be rejected outright. It goes without saying that any limitation of States *institutional* rights to participate in Community business, other than by the traditional system of “weightings”, is quite out of the question for a Community that wishes to regard itself as democratic. [...] “Differentiated” solutions should not be allowed to proliferate either by design or by oversight after enlargement. They should be adopted only where there is no practical alternative, after careful consideration of the possible ill effects [...] (Biesheuvel et al. 1979: 68-69).

However, the “Three Wise Men Report” did not put an end to reflection on the possible use of differentiation mechanisms. During the same period, Italian politician Altiero Spinelli proposed to the European Parliament (EP) the “Draft Treaty establishing the European Union” (Spinelli 1979, Graglia 2008: 583-616). This text, approved by the EP on 14 February 1984, advocated, for the first time, the creation of a “core Europe” (European Parliament 1984). In particular, its Article 82 reads,

This Treaty shall be open for ratification by all the Member States of the European Communities. Once this Treaty has been ratified by a majority of the Member States of the Communities whose population represents two-thirds of the total population of the Communities, the Governments of the Member States which have ratified shall meet at once to decide by common accord on the procedures by and the date on which this Treaty shall enter into force and on relations with the Member States which have not yet ratified.

On 24 May 1984, a few weeks before the Fontainebleau Summit, the French President François Mitterrand suggested the creation of a “two-speed Europe” in a speech to the EP plenary session (Mitterrand 1984; see also Moravcsik 1991: 36-37). Mitterrand probably thought that Article 82 of the “Spinelli Treaty” might serve the French cause as a counterbalance to the minimalist British integrationist position. Although supported by President Mitterrand, Spinelli’s project did not meet the favour of all EU national governments (Beach 2005).

During this period the ad hoc committees established by the European Council to study institutional reform and the eventual adoption of DI mechanisms were always very cautious: they feared that DI could be useful only in certain circumstances, and that it also posed a threat to the unity of the EU. An example is the report presented by the Irish Senator James Dooge to the Brussels European Council in March 1985 (Dooge et al. 1985), according to which DI could be useful only if it was “limited in time [...], based solely on economic and social considerations and respect[ed] the principle of budget unity” (Dooge et al. 1985: 109).

Meanwhile, on 6 January 1985, the new European Commission took office, chaired by French socialist Jacques Delors, who had been a member of the EP since 1979. It was precisely in Strasbourg that Delors would have the opportunity to develop ideas about a variable-geometry Europe that would guide his future actions. As Olivi and



Santaniello recall (2005: 129-130),

On the EEC, he lacked a thoughtful vision and had therefore elaborated “pragmatic” proposals. Delors didn’t believe in an “ideological” construction of Europe, made impossible by insuperable contrasts between member states, but aimed at sectoral integration projects, which could have been attended by member states able to do so. The deepening of the integration could, therefore, have been carried out at different levels and at different “speeds”, without prejudice to the fundamental core of the Community.

In January, 1990, before the European Parliament, Delors (often described as a “pragmatic visionary” – Drake 2000) put forward the hypothesis of a concentric Europe with a federal heart or inner circle, a second circle comprising an economic European space, a third one consisting of a cooperation-agreement network and a fourth one of agreements with a more typical confederal variable-geometry nature.

Delors alone would not have been able to relaunch the EU integration project. His appointment was the consequence of a more favourable climate towards integration in the mid-1980s created by the convergence of economic rationales (Europe was falling behind in global competitiveness, unemployment was rising and was higher than in competitor countries) and political will. The emphasis in the debate on DI was no longer on the eventual survival of the EU *per se* as a unique process of integration, but on the most effective instruments to deal with the challenges that the EU faced.

### 3. The legal dilemma: from Schengen to Nice

On 14 June 1985, five of the then ten MSs (Belgium, France, Luxembourg, the Netherlands, and West Germany) signed in Schengen what is considered the first example of the institutionalization of DI, a sort of forerunner of enhanced cooperation. The agreement concerned the gradual abolition of border controls for citizens of the signatory countries, but also for those of other EU MSs and third countries. Three of the signatory countries (Belgium, Luxembourg and the Netherlands) had already abolished border controls in 1960 as part of the Benelux Economic Union, and precisely this agreement served as a model for the idea launched at the Rambouillet Summit on May 1984 by the French President Mitterrand and the West German Chancellor Helmut Kohl.

The Schengen Agreement was signed outside the EU legal and regulatory framework for two main reasons: the lack of consensus among MSs on the desirability of border-controls removal, and the fact that the five signatory countries did not accept waiting for other MSs to approve new standards. Nevertheless, the agreement remained open to other MSs, some of which will, in fact, join the signatory countries during the 1990s. Only the UK and the Republic of Ireland would sustain their resistance over time.

The convention implementing the Schengen Agreement entered into force in September 1993, and became operational in March 1995. Nevertheless, the participating countries required the application of numerous clauses and derogations, as well as periods of suspension at times of heightened social tension or during terrorist attacks. Since the approval of the Amsterdam Treaty, the Schengen Agreement has been part of the Union's *acquis communautaire*. However, the UK and Ireland were granted a permanent derogation.

About six months after the signing of the Agreement, in February 1986, EU MSs signed the Single European Act (SEA): for the first time, a Community treaty recognized the possibility that MSs might proceed with integration at different speeds (see Articles 15 and 18, SEA). However, it was mainly with discussions surrounding the Treaty of Maastricht and the eventual creation of the Economic and Monetary Union (EMU) that the debate about DI saw a relaunch. The Intergovernmental Conference (IGC) leading to the Treaty of Maastricht opened in December 1990 in an EU that was facing new and unexpected scenarios after the fall of the Berlin Wall and the end of the communist regimes in Central and Eastern Europe. However, during the negotiations it seemed even clearer that the countries held profoundly different ideas – not only on which strategy to follow in order to provide the EU with “the necessary means of action” (European Council 1990: 1) but also on the EU's very future. Even at this juncture, the UK's position stood out for its clarity: then Prime Minister Margaret Thatcher announced, before the beginning of the IGC, that the UK would use the right of veto and, in any case, it would have fought hard against any prospect of achieving EMU (Olivi and Santaniello 2005: 168).

Despite British resistance, the other governments continue their discussions – arriving, under the Dutch rotating Presidency, at the agreement that an MS could avoid certain treaty obligations in some policy areas. In other words, they created the premise of opting-out. The opt-out from EMU (and from social policies) thus became an integral part of the Maastricht Treaty. To the new British Prime Minister, John Major, who claimed that London would have reserved the right to “choose the dish on the menu it wants”, the Italian Prime Minister, Giulio Andreotti, replied that the important thing was that the 12 guests were at least “seated at the table” (Castronovo 2004: 100).

The Maastricht Treaty presented significant innovations related to the legal dilemmas of DI. As part of the creation of EMU, the treaty made an important distinction between objective and subjective differentiation (Hanf 2001: 14-15). Objective differentiation referred to those countries that did not meet the economic criteria necessary to participate in the adoption of a single currency. These countries were obliged to participate, but only from the moment at which they met the so-called “Maastricht criteria” (see Article 109K of the Maastricht Treaty). The category of subjective differentiation, on the other hand, referred to countries like the UK and Denmark, which were guaranteed the right – but not the obligation – to adopt the single currency. The situation in Sweden was peculiar. Formally considered an MS with an (objective) derogation, before accessing the single currency it was required to change its national legislation on the regulation of its central bank and adopt the

criteria necessary to access the Exchange Rate Mechanism (ERM II) between the euro and national currencies (Koller 2012: 4).

Another example of variable geometry in the Maastricht Treaty was the Protocol on Social Policy, which would not apply to the UK until 1997 when that country decided to join it. (In the UK, the Protocol was almost universally referred to as the “Social Chapter”.) Its non-application to the UK made it possible for the other MSs to adopt the Agreement on Social Policy, which had always been contained in the Maastricht Treaty. However, the chosen differentiation mechanism also worked in reverse, and constituted the basis for what, in the Amsterdam Treaty, would become the mechanism of enhanced cooperation: it is not that an individual country (e.g. the UK) is “excluded” from greater integration, but that the other countries decide to integrate more closely in a specific public-policy field. In fact, contrary to the EMU decision, the Protocol on Social Policy did not contain provisions on possible UK accession.

The entry into force of the Maastricht Treaty was not a simple matter: on 2 June 1992, the citizens of Denmark reject it in a national referendum. As a consequence, after a long internal negotiation, Danish political parties presented on the following 30 October a document entitled “Denmark in Europe”, focusing on issues such as defence policy, the third stage of EMU, citizenship of the Union, cooperation in the fields of justice and home affairs, openness and transparency in the EU decision-making process, the effective application of the principle of subsidiarity and the promotion of cooperation between MSs in the fight against unemployment. In the Conclusions of the Presidency (European Council 1992), the Council accepted de facto all the conditions set by Denmark, thereby adopting DI measures.

Following the approval of the Maastricht Treaty, an intense period of institutional reform began – and DI was a key element in all the debates. In particular, the prospect of new enlargements to Central and Eastern European countries and the difficulties in implementing the third stage of EMU compelled national governments to continue reflecting on the EU’s institutional structure and on the inevitable forms of DI (European Council 1993).

On 24 and 25 June 1994 the Corfu European Council inaugurated a Reflection Group responsible for preparing the new IGC scheduled for 1996 (Beach 2005). The Reflection Group, composed of representatives of the foreign ministries of the MSs and the President of the Commission, was chaired by Spanish diplomat Carlos Westendorp y Cabeza and began meeting in June 1995. Its mandate included the proposal of “any other measure deemed necessary to facilitate the work of the institutions and guarantee their effective operation in the perspective of enlargement” (European Council 1994: 11).

Certainly, the debates about the political implications of DI continued in this period too. In September 1994, German Christian Democratic Union (CDU) politicians Wolfgang Schäuble and Karl Lamers propose the creation of a “Core Europe” in a document, later adopted by the CDU/CSU group of the German Parliament (i.e. the long-standing grouping between the CDU and its “sister” party, the Bavarian

Christian Social Union – Schäuble and Lamers 1994; see also Letta 1994). The “Schäuble-Lamers Report”, as this document is commonly known, was based on the consideration that European integration was challenged by the enlargement to new countries and by the deepening of Community competences. According to its authors, the process of EU integration had reached a critical point due to the “over-extension” of the Union’s institutions, the growing divergence of interests among the MSs and the strengthening of “regressive nationalism” in (almost) all EU countries. For these reasons,


The further development of the EU’s institutions must combine coherence and consistency with elasticity and flexibility. On the one hand, they must be flexible enough to absorb and compensate for the tensions inherent in a community stretching from the North Cape to Gibraltar and differentiated enough to cope with differences in member countries’ ability (and willingness) to pursue further integration. (Schäuble and Lamers 1994: 16)

Schäuble and Lamers, therefore, revived the idea of strengthening the “hard core” of the EU (composed of France, the recently unified Germany, Belgium, the Netherlands, and Luxembourg), arguing that

In addition to ensuring that the decision-making process within the European Union becomes more efficient and democratic, the existing hard core of countries oriented to greater integration and closer cooperation must be further strengthened. [...] The task of the hard core is, by giving the Union a strong centre, to counteract the centrifugal forces generated by constant enlargement and, thereby, to prevent a South-West grouping, more inclined to protectionism and headed in a certain sense by France, drifting apart from a North-East grouping, more in favour of free world trade and headed in a certain sense by Germany (Schäuble and Lamers 1994: 17).

The Report did not bind the German Government. However, the text received great attention and, sometimes, prompted strong opposition. In favour of a more differentiated EU, one can find the French Prime Minister Édouard Balladur (Balladur 1994a and 1994b), but also the British Prime Minister John Major. On 7 September 1994, in a speech at the University of Leiden, Major declared,

I have read with great interest recent contributions by Edouard Balladur and by Wolfgang Schäuble and Karl Lamers. I welcome their emphasis on a more flexible Europe. Diversity is not a weakness to be suppressed: it is a strength to be harnessed. If we try to force all European countries into the same mould we shall end up cracking that mould. Greater flexibility is the only way in which we shall be able to build a Union rising to 16 and ultimately to 20 or more Member States. [...] I see a real danger, in talk of a “hard core”, inner and outer circles, a two-tier Europe. I recoil from ideas for a union in which some would be more equal than others. There is not, and should never be, an exclusive hard core either of countries or of policies. (Major 1994)



As stated before, some leaders also criticized the CDU/CSU paper. The French Defence Minister, Jean-Pierre Chevènement, for example, claimed that the German proposal was critical for France because it assumed that Germany would be a federative and unifying subject of the new EU (Chevènement 1994).

However, all these debates were conducted in the shadow of what Ross calls a “crisis of enlargement” (Ross 2011). All the leaders were aware that enlargements in the past had brought serious consequences for the EU, and they knew that the fifth enlargement was the largest and most uncertain in the Union’s history. They also knew that the new MSs would increase the EU’s economic and social imbalances – altering, at the same time, its institutional and political equilibria. As a consequence, the discussion turned on the institutional reforms that the EU needed to make in order to continue to be effective. The legal mechanisms adopted to make the EU more differentiated were part of this debate.

Invited to present its contribution (as well as those of all the other EU institutions), the Commission published a report (European Commission 1995) and then, in 1996, sent a formal opinion to the IGC (European Commission 1996). In the first document, the Commission linked the possibility of future enlargements to the adoption of DI measures, emphasizing how “[f]urther enlargement will not only require the Union to strengthen its decision-making capacity, but will also force us to look more closely at the possibility of different speeds of integration” (European Commission 1995: 8). For the Commission, DI must not jeopardize the unitary project of integration – and every possible form of DI must guarantee the unity of the European project, coherence with the institutional structure of the EU and openness to every country willing to be part of it. Moreover, it must not touch the Single Market or any policies related to it (European Commission 1996: 17-18).

Over the same months, the EP adopted by a large majority a resolution that differed from the Commission’s opinion in two main respects: that the entire EP should supervise those policies that would have been pursued by a more limited group of countries, and that the countries less favourable to integration should have the possibility of leaving the EU (European Parliament 1996: 61-2).

On 5 December 1995, the Reflection Group in charge of preparing the next IGC presented its report to the European Council (Reflection Group 1995). The group was clearly inspired by the idea that the European institutional system must remain unique and that it was necessary to preserve the uniqueness of the *acquis communautaire*. In particular, its document rejected any possibility of differentiation in the first Community pillar of the Economic Communities, but open to its use in the field of the Common Foreign and Security Policy (Reflection Group 1995: 6-8 and 13-14). However, it was evident to all leaders that the issue of DI would become a topic on the IGC’s agenda (Stubb 2002: 67).

The day before the presentation of the Reflection Group Report, the German Chancellor Helmut Kohl and the French President Jacques Chirac published an open letter expressing their support for a multi-speed Europe (Chirac and Kohl 1995; but also 1996) confirming that, if necessary, the debate was no longer on the possibility


of DI but on the instruments needed to promote it. On 27 February 1996, the German and French Foreign Ministers – respectively, Klaus Kinkel and Hervé de Charette – published a joint paper (Kinkel and Charette 1996). Among other things, the document proposed the introduction of a general clause on enhanced cooperation in order to allow those MSs that had the desire and the ability to develop closer forms of cooperation to do so. It suggested that it would be sufficient for some MSs to submit cooperation projects to the Council. These projects, once approved by the Council, would be considered approved by the Union as a whole. An agreement achieved in this way would have introduced the necessary flexibility into the treaties without reducing the coherence of the Union.

During this period, every MS contributed to the debate on DI by presenting memoranda and position papers to the IGC inaugurated by the Turin European Council on 29 March 1996 (Greece 1996a and 1996b, Belgium 1996, Italy 1996, Portugal 1996). Like other small MSs, Denmark clearly expressed its concerns in a report by its Ministry of Foreign Affairs (Denmark 1996), in which it stated that if, on the one hand, the general idea of multiple speeds was attractive because it made the EU more flexible and allowed different MSs to participate in different levels of integration, on the other hand, it raised many concerns due to the fact that the various areas of cooperation were often interconnected. Moreover, a multi-speed Europe could give rise to the emergence of first-, second-, and, eventually, third-class MSs.

The Amsterdam Treaty, entering into force in May 1999, introduced numerous innovations in EU institutions (Shaw 1998). Among them, it allowed the creation of enhanced cooperation. This provision has never been used. Therefore, it is not surprising that, at least initially, DI was not on the agenda of the 2000 IGC. For this conference, MSs tried to keep the number of issues that they had to address to a minimum in order to maximize the possibilities of agreement and avoid delaying the enlargement. In the European Council meetings held in Cologne (June 1999) and Helsinki (December 1999), the topic of DI was only marginally touched on. However, it was still very present in the minds of policymakers.

In September 1999, European Commission President Romano Prodi invited a group of three independent “wise men” (Jean-Luc Dehaene, former Prime Minister of Belgium; Richard von Weizsäcker, former President of Germany; and David Simon, former British minister) to write a report on the implications of enlargement for the EU. Long and articulate passages of this report are dedicated to DI. In particular, one can read,

the European Union would not survive if Member States were allowed to pick and choose among obligations of the Union. But [enlargement] does imply that, in a more heterogeneous aggregate of Member States, some will wish to go further or faster than others. [...] Flexibility is in no way directed against candidate countries and will not impede accession. On the contrary accession negotiations might well be accelerated if, on some of the more difficult issues, closer co-operation was effectively a practical option. The principle that flexibility initiatives are open to all Member States which fulfil



the necessary conditions has always been the rule in the European Union. If necessary, it should be reaffirmed. (Weizsäcker et al. 1999: 7)

Given the increased importance of institutional flexibility in an enlarged Union, the Dahene Report suggested a revision of the DI mechanisms introduced in the Amsterdam Treaty (Weizsäcker et al. 1999: 10).

DI re-emerged very soon in the political debate as a result of five other debates (Stubb 2002: 107): the creation of EMU; the need of a deeper integration in the third pillar; the creation of a common security policy; the concerns produced by the impending enlargement; and, finally, the need to overcome the opposition of reluctant states to integration in sensitive issues. Although the Cologne European Council of June 1999 proposed limiting the debate to the so-called “open issues” (e.g. the size and composition of the Commission; the weighting of votes in the Council; the possible extension of qualified-majority voting in the Council), DI became part of the IGC agenda in the following semester, under the auspices of the Portuguese Presidency.

Contrary to the more political debates before the approval of the Amsterdam Treaty, this time the discussion was clearly focused on technical issues, such as the decision-making mechanisms and the MS threshold necessary to adopt flexibility mechanisms, its application to the second pillar of Common Foreign and Security Policy and the conditions to be met once closer cooperation between a group of MSs had been achieved.

Germany and France were, once again, among the more proactive MSs. In a speech at Berlin's Humboldt University in May 2000, Joschka Fischer, the German Foreign Minister, proposed the creation of a Europe based on enhanced cooperation: “Does the answer to the twin challenge of enlargement and deepening, then, lie in such a differentiation, an enhanced cooperation in some areas? Precisely in an enlarged and thus necessarily more heterogeneous Union, further differentiation will be inevitable” (Fischer 2000: 12).

A month later, in a speech to the Bundestag in Berlin on 27 June 2000, Jacques Chirac, President of the French Republic, announced the beginning of a transitional period leading to an institutional reorganization of the EU. Chirac proposed that a first draft for a revision of the treaties, open to all, could pave the way for the first European Constitution. The French President also suggested the establishment of a “pioneer group” of countries that, together with Germany and France, intend to participate in all forms of enhanced cooperation (Chirac 2000).

Not all MSs agreed with the French and German positions. Many of them opposed any form of DI outside the treaty framework, fearing that intergovernmental pressures could lead to less common integration. In the Presidency Report to the European Council of Feira (ICG 2000), the Portuguese Presidency clearly summarized the reasons behind the opposition to further forms of differentiation (Philippart and Sie Dhian Ho 2000): the lack of recourse to enhanced cooperation after the entry into force of the Amsterdam Treaty; the fact that treaty changes could be perceived (in particular by candidate countries) as a possible EU fragmentation; and the fact that,

in all probability, the new treaty would have extended the use of qualified-majority voting anyway, making the use of enhanced cooperation increasingly unlikely. Precisely because of its relevance, the Portuguese Presidency therefore proposed that enhanced cooperation be definitely entered onto the agenda of the next IGC, which was then organized under the subsequent French Presidency.

Meanwhile, in the public debate the topic was openly addressed by many leaders – in more or less critical tones depending on their individual, national circumstances. Among the first to do so, the Belgian Prime Minister, Guy Verhofstadt, declared on 21 September 2000, at the European Policy Centre,

I fear that an explicit choice for the intergovernmental approach in a European Union with 28 member states will inevitably take the form of a “Directoire”; a virtual government by a restricted number of larger member states. Even if this fear proves to be exaggerated, I am still convinced that an intergovernmental approach – whatever its nature may be – can never compensate for the lack of community institutions. (Verhofstadt 2000)

In a speech delivered at the Bruges College of Europe on 10 November 2000, the Finnish Prime Minister, Paavo Lipponen, also expressed his concerns – mainly related to the adoption of forms of differentiation outside the treaties:

Closer cooperation, i.e. flexibility, is also an important part of the IGC package. Sensible flexibility within the treaty framework and as a last resort is a useful instrument for deeper integration. The real challenge is to make flexibility more appealing inside than outside the Union. [...] I am afraid that the present tendency towards intergovernmentalism threatens, not only the institutional balance and clarity of rules, but basically the equality of member states, European citizens and European companies. Also a proliferating flexibility can lead to structures that are discriminating and even designed to benefit certain countries. (Lipponen 2000)

The UK position was well represented by a speech given on 6 October 2000 at the Polish Stock Exchange in Warsaw by Prime Minister Tony Blair. “I agree with Guy Verhofstadt”, he said, “that enhanced cooperation is an instrument to strengthen the Union from within, not an instrument of exclusion. That is why enhanced cooperation must not be used to undermine the single market or other common policies” (Blair 2000).

The President of the European Commission, Romano Prodi, also stated, in a speech to the EP on 3 October 2000, that

[w]e need to simplify the mechanism for closer cooperation, at the same time leaving the door open to those Member States that wish to participate. The coherence of the *acquis communautaire* and the uniformity of the judicial framework must be preserved. Closer cooperation should be an inclusive not an exclusive instrument, but no-one should prevent a group of Member States from achieving the closer union to which the Treaties explicitly refer



and which should be properly regulated within the framework of the Union's institutions. (Prodi 2000)

As Alexander Stubb (2002: 119) points out, DI was one of the simplest issues to negotiate in Nice. The only divisive issue was flexibility in defence policy, which was abandoned due to British, Swedish and Irish opposition. However, during the European summit in Nice, an agreement was also reached regarding the adoption of differentiation forms in the second pillar.

The Treaty of Nice in fact introduced four innovations in the matter of differentiation: (i) the removal of the so-called “emergency brake” in the first and third pillars; (ii) the possible adoption of forms of differentiation in many sectors, and not only within the single market; (iii) the approval of an enabling clause in the second pillar; and, finally, (iv) an increase in the minimum number of MSs required to inaugurate a new enhanced cooperation.

The Nice agreement was considered weak and disappointing from the beginning. The political debate on DI did not end in Nice, either (among the others, Jeanneney et al. 2001, Villepin and Fischer 2002, Chirac 2003; for a scientific account of this debate, see Grabbe 2003). What became clear to everyone, however, was that

[f]rom Maastricht up to the end of the IGC in 2003, the debate on flexible integration remained largely theoretical, as the pressure of enlargement was growing but remained a somewhat future perspective. Now, as enlargement approach[e]d, all countries [were] positioning themselves in an effort to either maximise their influence or to limit their perceived marginalisation. (Grevi 2004: 44)

Moreover, between the Maastricht Nice Treaties the EU adopted many new legal instruments that would be applied in the following years.

## 4. The institutional dilemma: Lisbon as a milestone for DI

With the Lisbon Treaty, the debate on DI was more focused on the institutional dilemma. To be sure, questions related to the governance of DI were not completely new. For example, a particularly well-debated aspect in the negotiations for the Maastricht Treaty concerned decision-making procedures in the social-policy field; given the fact that the UK had obtained an opt-out from this policy, what was its role in the related institutions? The outcome of this debate was formalized in Point 2 of the Protocol on Social Policy: the UK accepted to be excluded by the deliberations and the adoption by the Council of legislative proposals made on the basis of the Protocol. At the same time, the British commissioner was not really a national representative, and he could continue to participate in the debates and vote (Watson 1993). The discussion about the Members of the European Parliament (MEPs)

elected in the UK was more complicated: their legitimacy resulted from a direct election and they did not exert a fully European mandate. However, in January 1994 the EP adopted by a large majority a resolution according to which British MEPs could participate in decisions on matters on which their country had obtained an opt-out.


Moreover, the Lisbon Treaty makes the adoption of enhanced cooperation easier; creates a mechanism for permanent, structured cooperation in the field of defence; maintains, if not widens, the number and scope of protocols concerning specific countries (and therefore the derogations granted to them); and formalizes existing differentiation practices. In other words, as Boglárka Koller (2012: 1) writes, the Lisbon Treaty was a “milestone in the realization of differentiated integration”. As a consequence, the debates moved from the legal instruments to the promotion of DI to the governance of DI.

The outbreak of the global economic crisis just after the approval of the Lisbon Treaty made the need for DI even more urgent – especially among the representatives of the countries participating in the Eurozone. The European Council, therefore, proposed to address this issue by December 2011 on the basis of a report written by the President of the Council, Herman Van Rompuy, in close collaboration with the President of the Commission and the president of the Eurogroup (European Council 2011); DI returned to the centre of the agenda, especially with regard to the Eurozone. According to Kunstein and Wessels (2013: 3), in this period

[t]he concept of a multi-tier Europe – giving the core group of (euro) states the opportunity to move forward – is a key aspect of such considerations, and is reflected in major European Council agreements on crisis management measures and efforts to make the euro area and the EU more resilient to future crises.

In terms of institutional differentiation, the Euro Summit (in charge of defining the strategic orientation of economic policies for the Eurozone countries) emerges as a potential rival to the European Council. At the same time, the Eurogroup (formed by the Ministers of Finance and Economic Affairs of the Eurozone countries) works in parallel with the Ecofin Council, and its meetings are prepared by the Eurogroup Working Group, the correspondent of the Economic and Financial Committee, but only gathering together high ranking officials from the Eurozone.

The focus on the Eurozone situation is clear. In a speech to the German Bundestag on 7 September 2011, Chancellor Angela Merkel famously said, “If the euro collapses, Europe collapses”. Always hesitant with respect to the idea of a differentiated Europe for fear of limiting the potential of the Single Market, Merkel changed her opinion when confronted by the need to consolidate the economies of the countries that have adopted the common currency (Simon 2011). At the annual CDU Congress, the German Chancellor stated that “[t]he task of our generation is to complete economic union, and to build political union in Europe, step by step” (Taylor 2011; see also Gardner 2011).



On 8 November 2011, during a debate at the University of Strasbourg, French President Nicolas Sarkozy declared, “We are 27. It is quite clear that we will open to the Balkans. We will soon be 32, 33 or 34. No one can think that federalism, total integration, is possible in 33, 34 or 35 countries”. However, the French President continued, “there will be no single currency without an increase in economic integration and convergence, and it is in this direction that we must follow”. As a result, Sarkozy concluded, “there will clearly be a two-speed Europe: a speed towards greater integration in the euro area and a more confederal speed” (AFP 2011).

This position was not shared by the European Commission. The day after Sarkozy’s speech, the President of the European Commission, José Manuel Barroso, voiced what was intended as a direct reproach to France’s President: “Let me be clear – a split union will not work”. And Barroso continued,

It would be absurd if the very core of our project – and economic and monetary union as embodied in the Euro area is the core of our project – so I say it would be absurd that this core [was] treated as a kind of “opt out” from the European Union as a whole. No, the euro area is not an “opt out” from the European Union. (Barroso 2011)

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Despite the position taken by the President of the Commission, Sarkozy and Merkel addressed a letter to the President of the European Council, Herman Van Rompuy, in which they wrote,

We need more binding and more ambitious rules and commitments for the Euro area Member States. [...] We propose that those new rules and commitments should be enshrined in the European Treaties. Alternatively, the Member States whose currency is the Euro will have to go ahead. In that case, we would ensure that those Member States willing and able to do so would be able to join and the European institutions would play an important role. (Sarkozy and Merkel 2011)

There followed a list of reforms for the policies and institutions of the euro area (including regular summits of the heads of state and governments of the countries that have adopted the single currency, a stronger and more structured role for the Eurogroup, and reinforced tools for enforcing compliance with budget constraints decided at the EU level) as well as a reference to Article 136 of the Treaty on the Functioning of the European Union (TFEU) and to the instrument of enhanced cooperation to allow the adoption of legislation common to the euro-area countries in sensitive matters.

Several countries regarded this Franco-German idea with suspicion. It is worth recalling the point of view of the then Polish Prime Minister, Donald Tusk, the future

President of the European Council. Leaving the rotating presidency of the EU Council on 12 January 2012, Tusk declared “the last thing we [hope] for is a two-speed Europe” (Radio Poland 2012).

Even after the approval of the treaties establishing the European Stability Mechanism (ESM - providing financial assistance, in the form of loans, to Eurozone countries or as new capital to banks in difficulty) and the Fiscal Compact (a new stricter version of the Stability and Growth Pact), the debate on the deepening of the economic (and political) integration of the Eurozone countries continued (Gianniti 2016). In June 2012, the four presidents (of the European Council, the Commission, the Eurogroup and the European Central Bank) presented a report entitled “Towards a Genuine Economic and Monetary Union” (Van Rompuy et al. 2012a), which would be discussed at the European Council in December of the same year (Van Rompuy et al. 2012b). In November 2012, the European Commission presented a communication entitled “A Blueprint for a Deep and Genuine Economic and Monetary Union” (European Commission 2012), followed by a report of the five presidents (from the European Commission, the European Council, the Eurogroup, the European Central Bank and the European Parliament) in June 2015 (Juncker et al. 2015).


However, the drafting of these documents was accompanied by constant attention to the subject of DI and its institutional implications. On 5 February 2013, France’s President, François Hollande, presented the new French approach to this issue. Hollande was against the two-speed Europe proposed by his predecessor. As an alternative, he put forward a differentiated Europe – that is,

a Europe where states, not always the same ones, decide to go ahead, to start new projects, to unblock the funds, to harmonize their policies, beyond the substantial base, which must remain, of the common competences on the Schengen model of the single currency, of the tax on financial transactions. (Hollande 2013)

In the following July, German Foreign Minister Guido Westerwelle (2013) detailed the position of the German Government. In an article published in the *Frankfurter Allgemeine Zeitung*, one of the leading German newspapers, he wondered,

The dilemma is that in Europe 17 countries share a currency, but there are 28 in the Union. How can we move forward given this tension? That will only be possible if we start thinking in new ways on integration policy. Reinforcing the Eurozone means a clearer commitment by Europe to the principle of different speeds than was previously the case. (Westerwelle 2013)

An important call for a more differentiated Europe also came from the President of the European Commission, Jean-Claude Juncker. On 15 July 2014, on the occasion of his opening speech to the European Parliament session, Juncker declared that the President of the Commission has the task of defending the general interests of Europe and to do so he will have to work with everyone. However, he also said that MSs did not necessarily have to travel at the same speed, as shown by the case of EMU (Juncker 2014: 13).



The British referendum on EU membership obviously provoked new deliberations on the subject. Before the referendum, DI was used as a tool to overcome British reluctance to deeper integration; after the referendum, DI became one of the possible tools for relaunching integration (Delcker 2016).

“The British case is unique”, wrote the French Foreign Minister Jean-Marc Ayrault and his German counterpart, Frank-Walter Steinmeier, three days after the referendum on Brexit,

But [...] we need to recognise that member states differ in their levels of ambition [...] when it comes to the project of European integration. While not stepping back from what we have achieved, we have to find better ways of dealing with different levels of ambition so as to ensure that Europe delivers better on the expectations of all European citizens. (Ayrault and Steinmeier 2016: 1)

The need for greater DI was explicitly mentioned in two passages – one related to security and defence, and one related to immigration. In the first case, France and Germany confirmed that they want to promote new initiatives, including a “European Security Compact”; in the second case, Ayrault and Steinmeier highlighted the need to strengthen Frontex (the European Border and Coastguard Agency) and declared that the Dublin system on asylum policy must be improved to cope with exceptional circumstances through a permanent mechanism that foresees the sharing of tasks between the member states. Finally, the two politicians called for a completion of the EMU, through the start of a renewed phase of economic convergence of the Eurozone; the appointment of a full-time President of the Eurogroup, responsible before a Eurozone subcommittee in the European Parliament; and the development of the European Stability Mechanism (ESM) into a genuine European Monetary Fund.

Finally, it is also worth mentioning the document on the future of Europe from the French, German and Polish Foreign Ministers’ meeting in Weimar on 28 August 2016. In this case too, the signatories declared that

[b]y making the best possible use of the existing possibilities under the Treaties, particularly in the field of the Common Foreign and Security Policy, we are aiming to create a more flexible European Union which respects and reflects the varying levels of ambition among Member States with regard to further integration. (Steinmeier et al. 2016)

## Conclusion

As Frank Schimmelfenning recently emphasized, “[t]he heterogeneity of EU member state preferences, dependencies and capacities has strongly increased thanks to the expansion of the EU’s membership and tasks. Moreover, the recent EU crises have reinforced heterogeneity” (Schimmelfenning 2019: 189). At the same time,

heterogeneity has brought the MSs to increasingly adopt mechanisms of DI. This paper has presented the debate about DI, grouping the main contributions according to the three dilemmas (political, legal, institutional) that the EU's political leaders and officials have had to cope with in their proposals. Even if these three dilemmas were always present in the discussions, they mainly registered the evolution of the debate about DI. In the first phase, broadly corresponding to the period from the 1950s to the 1980s, the political debate was mainly focused on the long-term DI implications for the uniqueness of the EU integration process. In the second period, the EU adopted new treaties establishing new mechanisms to promote DI. Enhanced cooperation was just one of the possible examples. The debates occurring between the 1980s and the 1990s concerned the appropriate legal instruments (inside or outside the EU's legal framework) needed to promote DI. Finally, in the third stage, as a consequence of decisions related to Eurozone economic governance, the attention of policymakers turned to the institutional implications of DI. As this paper has shown, broadly speaking the three dilemmas and their periodization correspond to different crises that the EU had to cope with: the crisis produced by different ideas about the final aim of EU integration; the crisis of enlargement, related in particular to the concerns raised by the anticipated 2004-7 entry of Central European countries; and the crisis of economic adaptation, in particular the global economy turmoil that the EU experienced in the first years of the new century.

To be sure, long years of debates between policymakers have not solved all the problems raised by DI for the EU integration process. For example, policymakers did not agree on the temporal limits of DI. DI can be useful in order to alleviate EU accession burdens, but it is important that it is seen only as an intermediate step in order to avoid major political challenges. At the same time, the EU lacks a new narrative for DI, "portraying and explaining to European citizens the objectives and the overall logic of differentiation" (Emmanouilidis 2008: 61). However, it is plausible to say that DI is, nowadays, taken for granted.

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EU Integration and Differentiation  
for Effectiveness and Accountability

**Differentiation has become the new normal in the European Union (EU)** and one of the most crucial matters in defining its future. A certain degree of differentiation has always been part of the European integration project since its early days. The Eurozone and the Schengen area have further consolidated this trend into long-term projects of differentiated integration among EU Member States.

A number of unprecedented internal and external challenges to the EU, however, including the financial and economic crisis, the migration phenomenon, renewed geopolitical tensions and Brexit, have reinforced today the belief that **more flexibility is needed within the complex EU machinery**. A Permanent Structured Cooperation, for example, has been launched in the field of defence, enabling groups of willing and able Member States to join forces through new, flexible arrangements. Differentiation could offer a way forward also in many other key policy fields within the Union, where uniformity is undesirable or unattainable, as well as in the design of EU external action within an increasingly unstable global environment, offering manifold models of cooperation between the EU and candidate countries, potential accession countries and associated third countries.

EU IDEA's key goal is to address **whether, how much and what form of differentiation is not only compatible with, but is also conducive to a more effective, cohesive and democratic EU**. The basic claim of the project is that differentiation is not only necessary to address current challenges more effectively, by making the Union more resilient and responsive to citizens. Differentiation is also desirable as long as such flexibility is compatible with the core principles of the EU's constitutionalism and identity, sustainable in terms of governance, and acceptable to EU citizens, Member States and affected third partners.



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