Research Paper

Multi-speed Europe. A view from Romania

Ist edition

Mihai SEBE

December 2019, Bucharest, Romania

A Multi-speed Europe. View from Romania[i]

By **Mihai SEBE**, PhD

Bucharest, Romania

Abstract:

The idea of a multi-speed Europe has become a topic of debate at the European level since the early 1990's as our continent faced the enormous pressures of change induced by the collapse of the communist system in Eastern and Central Europe followed by the continuous reform of the European Communities and later on of the European Union and its process of eastward enlargement.

This debate steamed up after the Brexit Referendum of 2016 as the multi-speed Europe appeared to be one of the solutions of coming up from the crisis. Following the Sibiu Declaration of 2019 that spoke of one Europe and the European Parliament elections, the topic seems to have become dormant for the time being as the political energies are focused upon solving more immediate issues.

Keywords: Brexit; multi-speed Europe; Europe a la carte; Romania.

Contents

Table

Table

A. What's in a name? Multi-speed Europe. Conceptual history

The concept of a multi-speed Europe can be traced in the early 1990's as the then European Communities were slowly advancing toward the European Union and the debate between enlargement and consolidation was already on the agenda. For this paper I would like to have, as chronological point of reference, the Maastricht Treaty (Treaty on European Union) of 1992[ii] a crucial turning point in the European history. It founded the European Union, expanded the competences of the EEC/EU and led to the creation of the single European currency, the euro.

Also it marked the "formal" divergence in Europe as Denmark had a series of opt-out clauses such as the euro zone participation, "Denmark will not participate in the single currency, will not be bound by the rules concerning economic policy which apply only to the Member States participating in the third stage of Economic and Monetary Union, and will retain its existing powers in the field of monetary policy according to its national laws and regulations, including powers of the National Bank of Denmark in the field of monetary policy."[iii]

From a strictly chronological point of view it must be mentioned that the idea that not all European countries must proceed towards an "ever closer union" came in the year 1989 in the context of the collapse of the communist system in Eastern and Central Europe as the emerging democratic countries started to be considered as viable candidates for the European construction.

"In 1989, Michael Mertes and Norbert J. Prill, advisors to the German Chancellor Helmut Kohl, used the term "Europe of concentric circles" to describe a future possible architecture of the European Communities that would consist of the core of six original members (Benelux, France, Italy, Germany), surrounded by the second-tier Europe of twelve countries (or 14, if extended to Austria and Norway).

This "economic and monetary union" would be surrounded by further European states, particularly EFTA members. The openness would have been an important feature of this structure: all states would have been invited to move to the higher stage of integration.

At that time, this idea should have reconciled the need to deepen the integration (finalisation of the Single Market, plans for a monetary union), and the enlargement of the Communities, with changes in the Communist block opening new horizons."

Mertens and Prill have later re-formulated their idea, arguing for a more flexible structure of overlapping integration projects. For the post-Cold World Europe, a "Europe of Olympic Rings" makes more sense, allowing integration of countries which do not want to enter the monetary union, or the post-Communist countries.[iv]

It was, following the debate in Denmark and United Kingdom, as well as the "opting out" clauses adopted also for a latter member of the EU, namely Sweden, that the multi-speed concept had gained traction.

For instance an important ideatic milestone is the 1994 paper of Wolfgang Schäuble and Karl Lamers that "called for a "quasi-constitutional document", based on the model of a federal state.' Europe would be based upon the Franco-German relationship and it "proposed a "hard core" Europe, in which a group of countries centred around France and Germany would co-ordinate their policies in order to lead the Union as a whole. However, this core grouping would not establish specific institutional arrangements beyond those already operating in the broader Union."[v]

This common paper was more or less rebuked by the then French Prime Minister, Edouard Balladur which criticised the idea of a federal Europe stating that "an enlarged Europe, including a greater number of member-states, could not be federal [...] only flexible forms of organisation in such a group can be considered."[vi]

Another ideatic milestone is the speech by German Foreign Minister Joschka Fischer in May 2000 in Berlin. It departed from the idea of transposing the federal model at the European level, instead it tried to focus on various intermediate formulas, focusing on institutions, thus the European Council would play a key role in this new structure or "on the basis of the present structure of the Commission, [fulfilled] by a directly elected president with wide-ranging executive powers."[vii]

First stage
- the most integrationist countries should develop "enhanced co-operation" – the technical term by which, according to the Amsterdam treaty, sub-groups of member-states may move ahead in specific policy areas – between themselves

Second phase
- they should move to adopt a new basic treaty which would be the core of a constitution, "an act of deliberate political refounding for Europe."

Final stage
- the full integration of the European federation," including those countries which had begun in the outer circle.
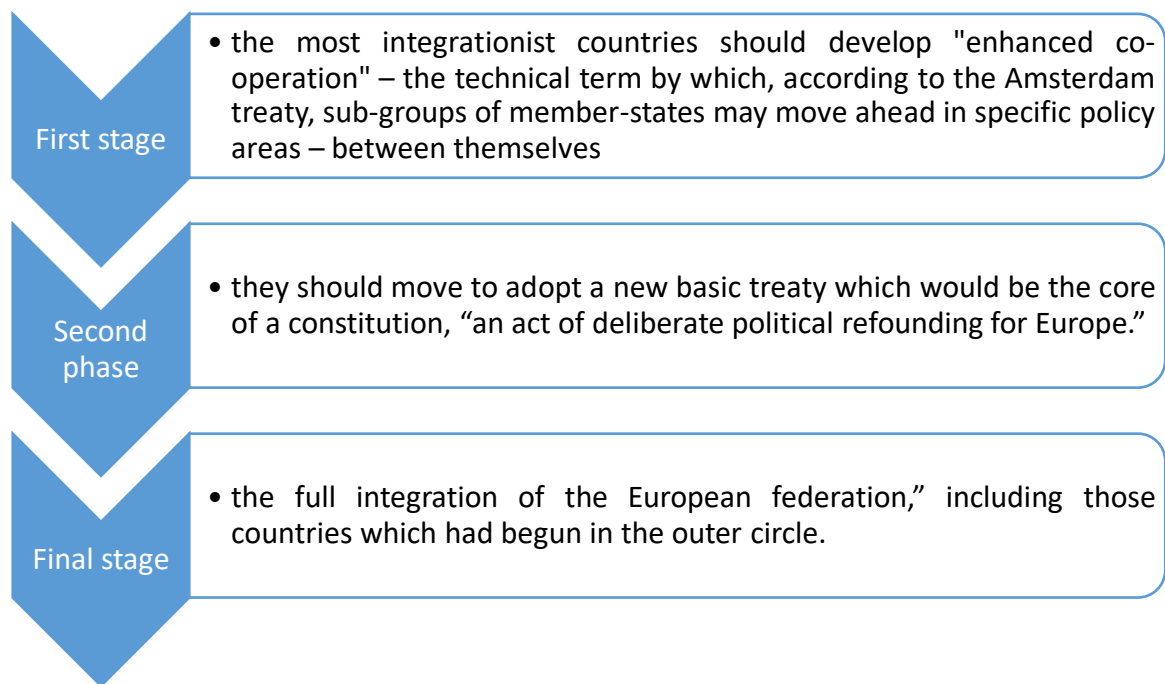
Figure 1. The three stages integration proposed by J. Fischer

Source: Gilles Andreani, *What future for federalism*, Centre for European Reform, 2002, p. 10

As for the previous German paper of 1994 we had in the same year a response from the French side that had provided the vision Paris had on this topic. For Hubert Vedrine, then foreign minister, the main issue was 'whether the discussion was about a "federation of states or traditional federalism", implying France's possible agreement with the former but not with the latter.' The then President Jacques Chirac endorsed, in a speech held in Bundestag, "the idea of a European constitution and the need for a hard-core Europe." Yet this new project was supposed to have only a very small institutional framework - "small-scale secretariat".viii

After this moment the debate was relaunched following the failure to ratify the *Treaty establishing a Constitution for Europe* in 2005 which had its provisions on enhanced cooperation as well as the ensemble of the Treaty rejected following a series of referendums.

The third inflexion point was the Brexit Referendum of 2016 which generated a series of intense periods of reflexion concerning the future of the European Union.

The seismic shock of Brexit breath a new life into the debate concerning a multi-speed Europe as all the parties involved put on the table the against and for arguments. We witnessed an effervescence of opinions on the topic, either in more formal formats (academic or political

ones) or on the day to day conversations on social media for instance. The East – West divisions on the topic re-emerged and the need for a centralisation of the arguments emerged.

For that purposes the Debating Europe platform summoned up the main arguments in order to provide a clear overview of the stakes (see the Figure below). The "against" arguments mainly fall into three categories. The most important one relates to its divisive character – a multi-speed Europe would only perpetuate the already existing divisions. That in return would undermine the much needed solidarity and cohesion at the European level. Solidarity is a well-established presence in the legal framework of the EU as the EU Treaties explicitly mention the concept of "solidarity", as being a value and objective of the Union, solidarity between generations and among the Member States. Finally a multi-speed Europe would be just too complicated to manage and would increase the perceived feeling of disenchantment of the European citizens toward the EU institutions and accentuate the feeling that the Union is suffering from a deficit of democracy.

The arguments in favour are mostly about the core values and the need of those Member States who want to have a more closer Union to be able to realise it despite the opposition of other Member States. It is also about the need to acknowledge the de facto existence of this type of Europe and therefore the need to have policies adapted to the existing reality. This need for reality must take into consideration the specificities of the Member States, each has its own pace and rhythm of integration and a tailor based approach is needed to ensure that each Member States reaches its full potential.
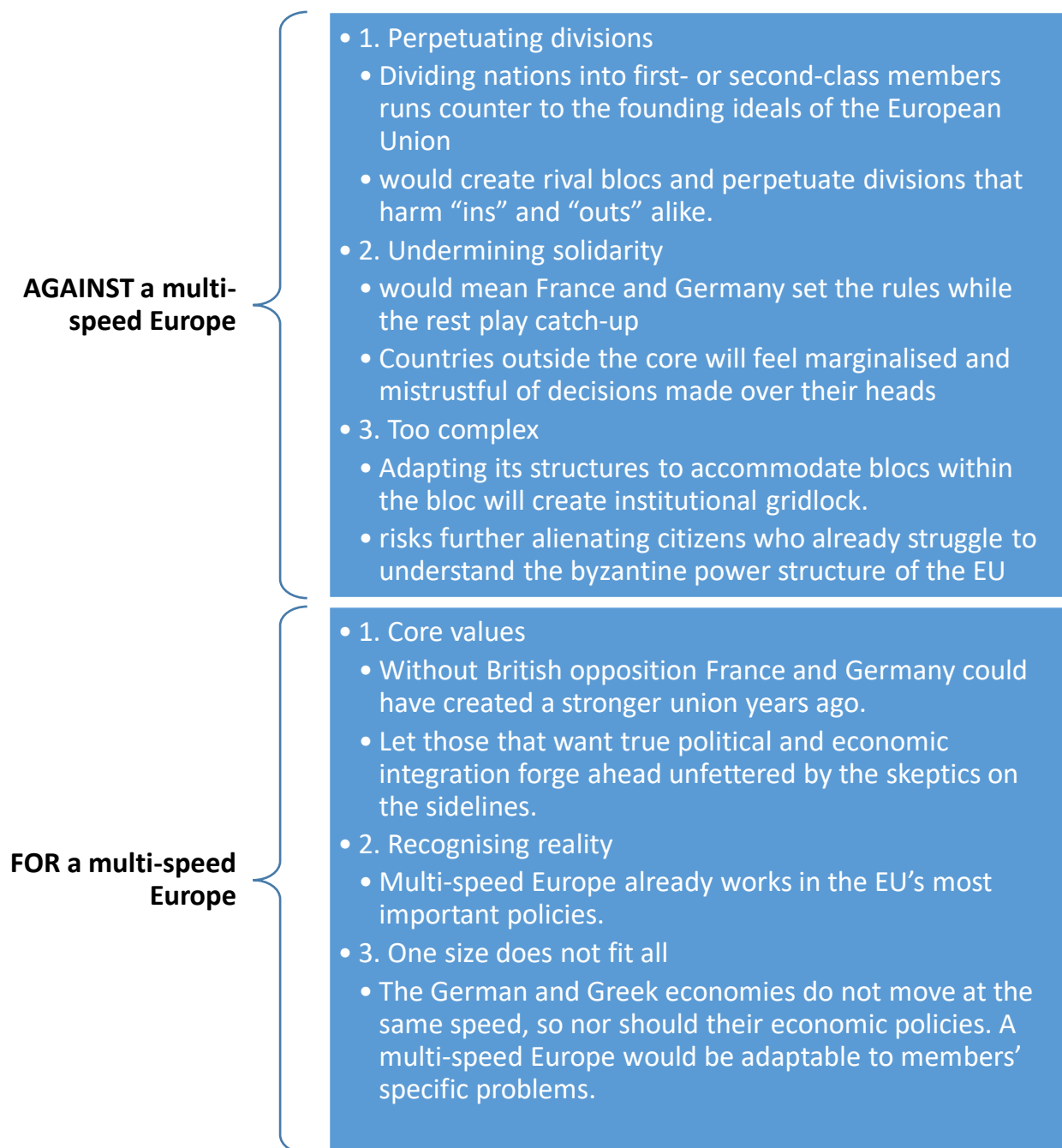
AGAINST a multi-speed Europe

- 1. Perpetuating divisions
  - Dividing nations into first- or second-class members runs counter to the founding ideals of the European Union
  - would create rival blocs and perpetuate divisions that harm "ins" and "outs" alike.
- 2. Undermining solidarity
  - would mean France and Germany set the rules while the rest play catch-up
  - Countries outside the core will feel marginalised and mistrustful of decisions made over their heads
- 3. Too complex
  - Adapting its structures to accommodate blocs within the bloc will create institutional gridlock.
  - risks further alienating citizens who already struggle to understand the byzantine power structure of the EU

FOR a multi-speed Europe

- 1. Core values
  - Without British opposition France and Germany could have created a stronger union years ago.
  - Let those that want true political and economic integration forge ahead unfettered by the skeptics on the sidelines.
- 2. Recognising reality
  - Multi-speed Europe already works in the EU's most important policies.
- 3. One size does not fit all
  - The German and Greek economies do not move at the same speed, so nor should their economic policies. A multi-speed Europe would be adaptable to members' specific problems.

Figure 2. Arguments for and against a multi-speed Europe

Source: Debating Europe, 2017, available online at

https://www.debatingeurope.eu/focus/arguments-for-and-against-a-multi-speed-europe/#.XffiIPxS-Uk

Table 1. Working definitions

'MULTI-SPEED' EUROPE	"Multi-speed" Europe is the term used to describe the idea of a method of differentiated integration whereby common objectives are pursued by a group of EU countries both able and willing to advance, it being implied that the others will follow later.
EUROPE 'À LA CARTE'	This refers to the idea of a non-uniform method of European integration which allows EU countries to select policies, as if from a menu, and involve themselves fully in those policies. The EU would still have a minimum number of common objectives. However, different countries would integrate at different levels (variable geometry) or at different speeds (multi-speed). Europe 'à la carte' is already a reality with some countries being part of the eurozone and others not.
'VARIABLE-GEOMETRY' EUROPE	"Variable-geometry" Europe is the term used to describe the idea of a method of differentiated integration in the European Union. It acknowledges that, particularly since the EU's membership almost doubled in under a decade, there may be irreconcilable differences among countries and that there should be a means to resolve such stalemates.

	It would enable groups of countries wishing to pursue a given goal to do so, while allowing those opposed to hold back.
CONCENTRIC CIRCLES EUROPE	Describes a Europe made up of subsets of states with different levels of integration. The concept does not need to be related to the integration structures, or membership of the European Union. As described in the previous section, in the past the concept has also included countries of the European Free Trade Association, integrated in a wider circle of the EEA, and possibly other non-member states, participating on the cooperation in selected areas (research, defence, etc.)
EUROPE OF OLYMPIC RINGS	Describes a flexible structure of overlapping integration projects.
HARD CORE (ALSO CORE EUROPE, OR EUROPE CORE – PERIPHERY)	Refers to a limited group of countries able and willing to develop closer cooperation. Within (as with euro, or enhanced cooperation), or outside (originally, Schengen) of the EU institutional framework.

Source: EuroPolicy, *Visegrad Countries And Multispeed Europe: Perceptions, Positions, Strategies*, December 2018, available online at https://euractiv.sk/wp-content/uploads/sites/8/2018/12/EUROPOLICY-ANALYSIS-Visegrad-countries-and-multispeed-Europe1.pdf

EUR-Lex, *Glossary of Summaries*, 2019, available online at https://eur-lex.europa.eu/summary/glossary.html

B. Enhanced Cooperation.

Currently the closest form for the multi-speed Europe is the so-called enhanced cooperation. Basically it is a procedure where a minimum of 9 EU countries are allowed to establish advanced integration or cooperation in an area within EU structures but without the other EU countries being involved. This allows them to move at different speeds and towards different goals than those outside the enhanced cooperation areas. The procedure is designed to overcome paralysis, where a proposal is blocked by an individual country or a small group of countries who do not wish to be part of the initiative. It does not, however, allow for an extension of powers outside those permitted by the EU Treaties.

Authorisation to proceed with the enhanced cooperation is granted by the Council, on a proposal from the Commission and after obtaining the consent of the European Parliament[ix].

From a historical point of view the enhanced cooperation was introduced by the Treaty of Amsterdam (1997) for judicial cooperation and criminal matters. The Treaty of Nice (2001) simplified the mechanism and forbade opposition to the creation of enhanced cooperation. It also introduced the cooperation for the Common Foreign and Security Policy, except for defence matters. Currently the Treaty of Lisbon (2007) extended cooperation to include defence.

As for the Treaties currently in force for the purposes of this paper I would like to mention the Treaty on European Union with the Article 20 on enhanced cooperation. It stipulated that the enhanced cooperation can take place within the framework of the Union's non-exclusive competences.[x]

Also in the Treaty on the Functioning of the European Union there is the Title III – Enhanced cooperation. Article 326 establishes the limits of enhanced cooperation stipulating that: "Any enhanced cooperation shall comply with the Treaties and Union law.

Such cooperation shall not undermine the internal market or economic, social and territorial cohesion. It shall not constitute a barrier to or discrimination in trade between Member States, nor shall it distort competition between them."[xi] Further details are provided in the Articles 327 to 334[xii].

As the regards the sector of defence the permanent structured cooperation referred to in Article 42(6) of the Treaty on European Union is detailed in the Protocol (No 10) on Permanent Structured Cooperation Established by Article 42 of the Treaty on European Union[xiii]. The

Protocol establishes, in its Article 1, the conditions that the Member States must fulfil for this process:

"Article 1. The permanent structured cooperation referred to in Article 42(6) of the Treaty on European Union shall be open to any Member State which undertakes, from the date of entry into force of the Treaty of Lisbon, to:
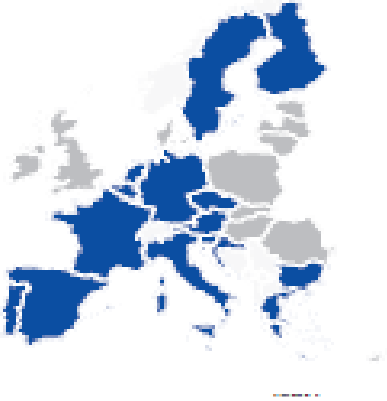
*(a) **proceed more intensively to develop its defence capacities through the development of its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency)**, and*

*(b) **have the capacity to supply by 2010 at the latest, either at national level or as a component of multinational force groups, targeted combat units for the missions planned, structured at a tactical level as a battle group, with support elements including transport and logistics, capable of carrying out the tasks referred to in Article 43 of the Treaty on European Union, within a period of five to 30 days, in particular in response to requests from the United Nations Organisation, and which can be sustained for an initial period of 30 days and be extended up to at least 120 days**."*

Table 2. Enhanced cooperation already in place

EUROPEAN UNITARY PATENT	
A **specialised patent court** will allow cases to be heard before judges with the highest level of legal and technical expertise in patents. A unified court will also mean that **parties do not have to litigate in parallel** in different countries incurring high costs.	
26 Member States *Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Finland, France, Italy, Cyprus, Latvia, Lithuania,*	

Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Sweden, The United Kingdom	
DIVORCE LAW	
International couples will be able to agree which law would apply to their divorce or legal separation. In case the couple cannot agree, judges would have a common formula for deciding which country's law applies.	
17 Member States: *Belgium, Bulgaria, Germany, Estonia, Greece, Spain, France, Italy, Latvia, Lithuania, Luxembourg, Hungary, Malta, Austria, Portugal, Romania and Slovenia*	
EUROPEAN PUBLIC PROSECUTOR (EPPO)	
A European Public Prosecutor's Office will make sure that every case involving suspected fraud against the EU budget is followed up and completed, so that criminals know they will be prosecuted and brought to justice. This will have a strong deterrent effect.	
20 Member States: *Belgium, Bulgaria, Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Austria, Portugal, Romania, Slovenia, Slovakia and Finland*	
PROPERTY REGIME RULES	

Regulations dealing with the property regimes of international couples will establish clear rules in cases of divorce or death and bring an end to parallel and possibly conflicting proceedings in various Member States, for instance on property or bank accounts.	
18 Member States: *Belgium, Bulgaria, the Czech Republic, Cyprus, Germany, Greece, Spain, France, Croatia, Italy, Luxembourg, Malta, the Netherlands, Austria, Portugal, Slovenia, Finland and Sweden*	

Source: European Commission, 2017, *Enhanced Cooperation. Already a reality in the EU*, available online at https://ec.europa.eu/commission/sites/beta-political/files/enhanced_cooperation_-_already_a_reality_in_the_eu_1.pdf

Table 3. Enhanced cooperation on the way.

FINANCIAL TRANSACTION TAX (FTT)	
A Financial transaction tax will strengthen the Single Market by reducing the number of divergent national approaches to financial transaction taxation and it will ensure that the financial sector makes a fair and substantial contribution to public revenues.	
10 Member States: Belgium, Germany, Greece, Spain, France, Italy, Austria, Portugal, Slovenia, Slovakia	

Source: European Commission, 2017, *Enhanced Cooperation. Already a reality in the EU*, available online at https://ec.europa.eu/commission/sites/beta-political/files/enhanced_cooperation_-_already_a_reality_in_the_eu_1.pdf

C. After Brexit. What's next for Europe's future as regards the multi-speed concept?[xiv]

The Brexit outcome came for some less as a surprise than as a long lasting fulfilment of inner tensions of the European construction[xv]. Therefore a key question aside all other aspects is where are we going in future as a Union. What is the future in store for us Europeans? What is already clear is that we cannot have in the future a business as usual attitude towards the European institutions as they need to be reformed perhaps alongside the clear lines that the Euro Zone and Schengen Area provide.

The results of the Brexit referendum, in my opinion, can be seen also as failure of both the UK and the European Union. The main factor in deciding to take the referendum can be identified in the British local political infighting and we can blame the egoism of British politicians. Yet we can also criticize the major EU institutions and officials who did not got involved enough in the Brexit referendum campaign in order to debunk the fake news and explain what the EU is and has done for the UK. Similarly, the Member States treated the Brexit referendum as a domestic internal policy even though its topic had an EU wide impact. It is time to begin a long process of soul searching toward a common model that would have to meet the requirements of these 4 questions the EU is facing: "What is the European Union after all for and what are its goals? Where are we heading towards? Will we remain one of the leading economic and democratic blocks in the world? How do we approach this and with whom? [xvi]"

One of the first documents dealing with that was published a day after the Brexit referendum by Sigmar Gabriel — Social Democratic Party (SPD) chairman, German vice chancellor, and minister of economic affairs — and EU Parliament President Martin Schulz. Their *Strategy Paper*[xvii] aimed at dealing with the legitimacy crisis of the European Union and the rise of the far right. They have an economic based approach demanding "a change in economic policy and a growth pact for the European Union." They want to "regenerate enthusiasm for Europe" by "democratizing Europe". "They demand that the EU Parliament become a real parliament and elect a European government just like in the member states' legislatures."[xviii]

The multi-speed Europe tendency has become even more visible[xix] if we take into consideration the (2016) "remarks made by the French Minister of Foreign Affairs Jean-Marc

Ayrault and his German counterpart Frank-Walter Steinmeier (*A strong Europe in a world of uncertainties) [that]* seem to have laid the basis for *new fault lines* inside the EU, between euro zone members and the rest, between those countries who advocate for a transatlantic security umbrella under NATO and those Member States who favour the creation of a *European Security Compact*. In short, between those countries who desire more integration and, on the other hand, those who plead for greater autonomy in all aspects of their sovereignty."[xx]

Their starting premises is that "the European Union is being severely put to the test". They perceived a Union challenged by crises in the South and East that has a slow recovery and economic growth that have brought something new and troublesome: "the perception that these crises jeopardise the very fabric of our societies, our values, our way of life". This new model has some red lines that must be taken into consideration: "combination of growth, competitiveness and social cohesion" plus "common values" while taking into consideration that "member states differ in their levels of ambition when it comes to the project of European integration".[xxi].

To this end they have three key points:

1. A European Security Compact

- ✓ the European Union should establish agreed strategic priorities for its foreign and security policy, in accordance with European interests
- ✓ in the medium term, we should work towards a more integrated approach for EU internal security
- ✓ in the longer term, it would make sense to enlarge the scope of the European public prosecutor's office, etc.

2. Common European asylum and migration policy

- ✓ no unilateral national answers to the migration challenge
- ✓ the EU should establish the world's first multinational border and coast guard
- ✓ the EU must find a common answer to the rising number of migrants seeking to enter the EU for economic reasons, etc.

3. Fostering growth and completing the Economic and Monetary Union

- ✓ we should develop the European Stability Mechanism (ESM) into a fully-fledged European Monetary Fund subject to parliamentary control, etc.[xxii]

We must also take into consideration the alternate view that comes from the New Member States such as it was expressed on 21 July 2016 in a meeting of the **Visegrad Group** that took place in Warsaw, as it intended to present a joint EU reform proposal.

The Polish Prime Minister Beata Szydło spoke about the need to reform the European Union and the need to "return to its roots and to start concentrating more on its citizens and less on institutional matters". She underlined some basic reform principles such as:

- ✓ "we see the need to enhance control over the EU decision-making processes by member states";
- ✓ EU reforms have to focus on "really adhering to and implementing" the four freedoms, which are the foundations of the EU: free movement of goods, services, capital and people" and it
- ✓ "[there] should be a Union that competes as a global partner, not split into small actors or discussion clubs." xxiii

The Prime Minister of the Czech Republic Bohuslav Sobotka spoke about the democratic deficit and underlined the Czech Republic main European Union reform priorities:

- ✓ an orientation towards security;
- ✓ strengthening the single market;
- ✓ a return by European institutions to their roots. [yet not defined clearly, comment of the author].

For the Prime Minister of Hungary Viktor Orban the main challenge is to find "the answer [to] the question how to rebuild EU's global position" a position lost due to Brexitxxiv.

There are also more alternative views that suggest that Europe must also start a so-called "screening process" that would result in an in-depth analysis of the current situation and therefore propose solutions, which may or may not be accepted.

"[…] to put in place a "**Convention**" composed by one hundred members with the mandate to **screen the current EU institutional architecture**, the European policies and their effectiveness, the budget, the implementation of the subsidiarity principle and **to propose three scenarios to simplify and make the EU more efficient**. Once transmitted to the European Council, there will be no obligation to follow one of the proposed path or all the conclusions, but this democratic exercise will make the case for a fresh momentum, showing to the European citizens that the European Union will respond to the current weaknesses (unemployement, slow

economic growth, migration, terrorism, environmental crisis, etc.) with a different perspective."xxv

A possible answer as regards the future of Europe or at least the reassurance that things are not going to disappear in a smoking blaze was provided by the informal Bratislava Summit of the 27 Heads of State and government in September 2016. One of the major achievements was to agree that the Member States still need the European Union in order to have peace and economic prosperity: "Although one country has decided to leave, the EU remains indispensable for the rest of us. In the aftermath of the wars and deep divisions on our continent, the EU secured peace, democracy and enabled our countries to prosper."

All the Member States have concluded that we must follow a series of four main objectives as a way to maintain a minimum cohesion of the EU27.

➢ "restoring full control of the external borders
➢ ensuring internal security and fighting terrorism
➢ strengthening EU cooperation on external security and defence
➢ boosting the single market and offering better opportunities for young Europeans"xxvi

Another answer officially provided on the question of multi-speed Europe after Brexit was the (in)famous *White Paper on the Future of Europe*xxvii of Jean-Claude Juncker issued on 1 March 2017.

The Scenario 3 **Those Who Want More Do More** in which the EU27 allows willing Member States to do more together in specific areas. Some Member States can decide to cooperate further in new areas. "new groups of Member States agree on specific legal and budgetary arrangements to deepen their cooperation in chosen domains. As was done for the Schengen area or the euro, this can build on the shared EU27 framework and requires a clarification of rights and responsibilities. The status of other Member States is preserved, and they retain the possibility to join those doing more over time."xxviii

Table 4. Pros and Cons of Scenario 3 Those Who Want More Do More

Pros	Cons
The unity of the EU at 27 is preserved while further cooperation is made possible for those who want.	Citizens' rights derived from EU law start to vary depending on whether or not they live in a country that has chosen to do more.
The gap between expectations and delivery starts to close in the countries that want and choose to do more	Questions arise about the transparency and accountability of the different layers of decision-making.

Source: European Commission, *White Paper on the Future of Europe. Reflections and scenarios for the EU27 by 2025*, March 2017, available online at https://ec.europa.eu/commission/sites/beta-political/files/white_paper_on_the_future_of_europe_en.pdf

The document has as starting point the reality of today's Europe, meaning the already in place enhanced cooperation among various Member States.

A couple of weeks later we have had the **Rome Declaration from 25 March 2017** of the leaders of 27 Member States and of the European Council, the European Parliament and the European Commission which opened the door to multi-speed Europe. The Rome Declaration emphasised the message of unity and solidarity by declaring the Union "undivided and indivisible", yet pointed towards a future of differentiated integration as EU leaders pledged to "act together, at different paces and intensity where necessary, while moving in the same direction".[xxix]

The idea would be later on reprised by the French President Emmanuel Macron in the famous **Sorbonne Speech of September 2017** where he spoke about what he called the reality of multi-speed Europe. It does exist and for that he called for those who want more to dare to do more. Calling those countries the "Europe's avant-garde" he spoke about the need to advance further while not excluding any other Member State and also not allowing any Member State to block this march forward[xxx].

For that purposes he called for the renewal of the Élysée Treaty between France and Germany as a sign of this new found confidence. He also invited Italy, Spain, Portugal,

Belgium, the Netherlands, Luxembourg and other countries to work together for this renewed vision.

The idea was also reprised in a Resolution of the European Parliament - **European Parliament resolution of 17 January 2019 on differentiated integration (2018/2093(INI)).** The Resolution opposes the idea of 'Europe à la carte' and 'second-class membership' while it sets prerequisites in order to ensure that differentiation serves the European project and does not put it into danger: "any form of differentiation initiative that leads to the creation of first- and second-class Member States of the Union, or to a perception thereof, would be a major political failure with detrimental consequences for the EU project".

For the Parliament the "differentiated integration should always take place within the Treaty provisions, should maintain the unity of EU institutions and should not lead to the creation of parallel institutional arrangements or arrangements that indirectly contravene the spirit and the fundamental principles of EU law, but should instead enable specific bodies to be established where appropriate, without prejudice to the competences and role of the EU institutions; points out that flexibility and adaptation to national, regional or local specificities could also be ensured via provisions in secondary law;"

Also as an interesting development proposes "the establishment of a special procedure that would allow, after a certain number of years, when enhanced cooperation is launched by a number of states representing a qualified majority in the Council and after Parliament's consent has been obtained, the integration of the provisions of enhanced cooperation into the EU acquis".xxxi

D. What about Romania?

As regards Romania it had, since it has become a European Union Member State, a rather hostile attitude toward the idea of multi-speed Europe, proclaiming the need for cohesion of the European construction. The factors of this opposition are multiple but one of the most poignant is the already existing differences within the EU, more precisely the case of the Schengen Area where Romania wants to be a part of, it considers it fulfils the technical criteria and yet feels it is not a part of due to "political" reasons.

This idea of non-support was expressed by all the political parties and the political entities with foreign affairs responsibilities in Romania. For instance, both Romanian Presidents Traian Băsescu (2004 – 2014) and Klaus Iohannis (2014 – present) opposed the idea of multi-speed Europe.

President Iohannis, early on in his mandate in a speech held in front of the diplomats accredited to Bucharest, on 29 January 2015 said clearly that: "For the purpose of our unity, we must show restraint toward any approach that would emphasize the idea of multi-speed Europe"[xxxii]. This line of speech would be maintained since then with very few adjustments if any.

The same line of speech was also observed in the documents of the Romanian government. For the purposes of this paper I would mention for instance the Report drawn following the 10th anniversary of Romania joining the European Union (2007 – 2017). The importance of this Report consists not only in the officially endorsed data about the ten years in the European Union but also about the chapter on the future of the European Union from a Romanian perspective. Here the idea of democratic refoundation of the European Union is mentioned, following Brexit, with a focus on a better Europe and a more cohesive one. Europe must be an inclusive one and the decision making process at the European Union level must be a transparent and inclusive one, without any restrictive negotiation formats. On the contrary, all the formats must be inclusive, with a focus on integration and on the idea of avoiding rifts between various Member States groups. Any future enhanced cooperation, in accordance with the Treaties, must be based on the principle of inclusivity and must not create any supplementary barriers for the States that wish and are ready to join them[xxxiii].

These ideas were repeated in a more mild form during the Romanian Presidency of the Council of the European Union (January – June 2019) whose motto was "Cohesion, a Common European Value". One of the main pillars was the **Europe of convergence**, as well as the **Europe of common values**, the accent being put on cohesion and working together rather than on multi-level cooperation[xxxiv].

As a conclusion of the Presidency, the review of the Romanian Presidency of the EU Council speech held by the then Prime-minister of Romania mentioned: "I believe that this feeling of recognition of the significance that the European Union has for citizens needs to be constantly cultivated through concrete results. Our project must not promote a multi-speed Europe or a Europe of concentric circles. Romania will continue to promote the common goal

of strengthening the European project and it will at the same time pursue the completion of its integration." xxxv

A similar objective is now in place in the current Government's Governing Programme 2019 – 2020 focused upon the consolidation of the European project and also on taking part in various formats of enhanced cooperation meant to deepen the European integrationxxxvi.

E. Instead of conclusions

The debate around a multi-speed Europe is still looming at both academic and political level, as the Brexit process is not over yet. In the author's opinion it will resume after Brexit, depending a lot on the 2020 evolutions in major European countries and also after the fallout Brexit has on European politics. However, as it can be seen, the idea of a multi-speed Europe doesn't have a lot of traction in Eastern and Central Europe, Romania included, and it would be very difficult to "sell" such a story in the region.

As a provisional conclusion the 9 May 2019 Sibiu Declaration mention explicitly the fact that the Leaders of the European Union: "will defend **one Europe** - from East to West, from North to South. Thirty years ago, millions of people fought for their freedom and for unity and brought down the Iron Curtain, which had divided Europe for decades. There is no place for divisions that work against our collective interest."xxxvii

More important the idea of a multi-speed Europe is no longer mentioned in the EU Strategic Agenda 2019 - 2024xxxviii nor in the Political guidelines of the European Commission for 2019-2024xxxix

After Brexit, the EU needs a period of consolidation and strategic clarity. For that purpose, the multi-speed Europe debate would only enhance the divergences between the Member States. The author's opinion is that a wise course of action would be to consolidate the already existing structures and put them to good use. Issues such as the Green Deal or the EU enlargement require a great deal of efforts and solving them in a satisfactory way would increase the EU relevance on the world stage.

The author is of the opinion that all efforts must be put into ensuring the full functioning of the EU institutions and Treaties and toward enhancing the cohesion among the Member States. It is only after fully using the existing framework and proving to our citizens that the

EU institutions have listened to their voice, eliminated the perceived democratic deficit and the discriminations, real or perceived, that the debate of a multi-speed Europe can then be put on the table. Postponing the debate does not mean ignoring it, it means only realising that its time has not yet come and that other, more pressing matters, must prevail on the political agenda.

References and further readings (selected)

*** *Consolidated version of the Treaty on European Union*

*** *Consolidated version of the Treaty on the Functioning of the European Union*

*** *Discursul Preşedintelui României, domnul Klaus Iohannis, la întâlnirea anuală cu şefii misiunilor diplomatice acreditaţi în România* [The speech of the Romanian president Klaus Iohannis at the annual meeting with the heads of diplomatic mission accreditated in Romania], 29 January 2015

*** *Informal meeting of the 27 heads of state or government*, Bratislava, 16 September 2016

*** *Initiative pour l'Europe - Discours d'Emmanuel Macron pour une Europe souveraine, unie, démocratique*, 26 Septembre 2017

*** *Prime Minister Viorica Dăncilă's address at the plenary session of the European Parliament*, 18 July 2019

*** *Programme of the Romanian Presidency of the Council of the European Union 1 January – 30 June 2019*

*** *Visegrad Group will present EU reform proposal at the EU summit*, 22 July 2016

Andreani, Gilles, *What future for federalism*, Centre for European Reform, 2002

Ayrault, Jean-Marc and Frank-Walter Steinmeier, *A strong Europe in a world of uncertainties*, 27 June 2016

CVCE.EU, 'An EC Commissioner from the GDR?' from Der Spiegel (30 October 1989)

Drăgan, Gabriela, "On BREXIT, or a victory à la Pyrus", *EIR Newsletter*, no. 80, July 2016

Drăgan, Gabriela, Oana Mocanu, Bogdan Mureșan, Eliza Vaș, Mihai Sebe, *Raport România 10 ani în Uniunea Europeană [Report Romania 10 years in the European Union]*, European Institute of Romania, 2017

EUR – Lex, "Enhanced cooperation", *Glossary of summaries*

EUR – Lex, *Denmark and the Treaty on European Union*, Official Journal C 348 , 31/12/1992 P. 0001 – 0001

EUR- Lex, *Treaties currently in force*

European Central Bank, *Five things you need to know about the Maastricht Treaty*, 2017

European Citizen Action Service (ECAS), *Rome Declaration: EU Leaders Open Door to Multispeed Europe*, 27 March 2017

European Commission, *Political guidelines of the Commission 2019 – 2024*

European Commission, *White Paper on the Future of Europe. Reflections and scenarios for the EU 27 by 2025*, 1 March 2017

European Council, *A new strategic Agenda for the EU 2019 – 2024*

European Council, *The Sibiu Declaration*, 9 May 2019

European Parliament resolution of 17 January 2019 on differentiated integration (2018/2093(INI))

EuroPolicy, *Visegrad Countries And Multispeed Europe: Perceptions, Positions, Strategies*, December 2018

Giuliani, Jean-Dominique, *What response do we give to Brexit?*, Fondation Robert Schuman, June 2016

Government of Romania, *Governing Programme 2019 – 2020*

Lafond, François, "Beyond BREXIT: an opportunity?", *EIR Newsletter*, no. 80, July 2016

Prisecaru, Petre, "Europa cu două viteze și poziția României" [Multi-speed Europe and Romania's stance], *Revista de Economie Mondială*, 2017, 9(2), pp. 49-66

SEBE, Mihai, *Die another day. Brexit and its impact upon the European Union. A view from Romania* (revised edition), Institute of European Democrats, December 2016

Sigmar Gabriel and Martin Schulz, *Europa neu gründen*, (in German language only)

Solty, Ingar, "How not to fix Europe", *Jacobin*, 29 June 2016

Turan, Ilter, "BREXIT from a Turkish perspective" *EIR Newsletter*, no. 80, July 2016

Author information

Mihai Sebe is currently an expert in European Affairs and Romanian Politics, *European Institute of Romania* and a member in the Scientific Committee of the *Institute of European Democrats*. He is an editor of the *Romanian Journal of European Affairs* and member in the scientific committee of several international publications. With a Bachelor's Degree in Political Sciences in French Language and in Law he has obtained a PhD in Political Sciences at the University of Bucharest. His main areas of interest are the European Affairs with a focus on the impact of European policies and politics on the national politics. Amidst his research interests: the history of the European idea, the impact of new technologies on the society, the democratisation process and populism, etc. E-mail: mihai.sebe@gmail.com Twitter: @MihaiSebe83

Endnotes

[i] The views and opinions expressed in this working paper are those of the author alone and do not necessarily reflect the official policy or position of any organization he is connected to. This is a working paper, and hence it represents research in progress.

[ii] European Central Bank, *Five things you need to know about the Maastricht Treaty*, 2017, available online at https://www.ecb.europa.eu/explainers/tell-me-more/html/25_years_maastricht.en.html

[iii] EUR – Lex, *Denmark and the Treaty on European Union*, Official Journal C 348 , 31/12/1992 P. 0001 – 0001, available online at https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41992X1231:EN:HTML

[iv] EuroPolicy, *Visegrad Countries And Multispeed Europe: Perceptions, Positions, Strategies*, December 2018, available online at https://euractiv.sk/wp-content/uploads/sites/8/2018/12/EUROPOLICY-ANALYSIS-Visegrad-countries-and-multispeed-Europe1.pdf and CVCE.EU, 'An EC Commissioner from the GDR?' from Der Spiegel (30 October 1989), available online at https://www.cvce.eu/content/publication/1999/1/1/5d6fb375-642e-485e-8a6c-8e213d03ab29/publishable_en.pdf

v Gilles Andreani, *What future for federalism*, Centre for European Reform, 2002, pp 7-8, available online at https://web.archive.org/web/20060925212346/http://www.cer.org.uk/pdf/e335_federalism.pdf

vi Gilles Andreani, *What future for federalism*, Centre for European Reform, 2002, p 8, available online at https://web.archive.org/web/20060925212346/http://www.cer.org.uk/pdf/e335_federalism.pdf

vii Gilles Andreani, *What future for federalism*, Centre for European Reform, 2002, pp 9-10, available online at https://web.archive.org/web/20060925212346/http://www.cer.org.uk/pdf/e335_federalism.pdf

viii Gilles Andreani, *What future for federalism*, Centre for European Reform, 2002, p 11, available online at https://web.archive.org/web/20060925212346/http://www.cer.org.uk/pdf/e335_federalism.pdf

ix EUR – Lex, "Enhanced cooperation", *Glossary of summaries*, available online at https://eur-lex.europa.eu/summary/glossary/enhanced_cooperation.html

x Consolidated version of the Treaty on European Union, Title IV – Provisions on enhanced cooperation, available online at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12016M020

xi Consolidated version of the Treaty on the Functioning of the European Union, Title III – Enhanced cooperation, available online at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12016E326

xii EUR- Lex, Treaties currently in force, available online at https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-force.html

xiii Consolidated version of the Treaty on European Union, Protocol no. 10 on permanent structure cooperation established by article 42 of the Treaty on European Union, available online at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12016M/PRO/10

xiv Parts of this chapter was previously published in Mihai SEBE, *Die another day. Brexit and its impact upon the European Union. A view from Romania* (revised edition), Institute of

European Democrats, December 2016, available online at https://www.iedonline.eu/publications/2016/brexit-revised-edition.php

xv Mihai SEBE, *Die another day. Brexit and its impact upon the European Union. A view from Romania* (revised edition), Institute of European Democrats, December 2016, available online at https://www.iedonline.eu/publications/2016/brexit-revised-edition.php

xvi Jean-Dominique Giuliani, *What response do we give to Brexit?*, Fondation Robert Schuman, June 2016, available online at http://www.jd-giuliani.eu/en/article/cat-2/501_What-response-do-we-give-to-Brexit.html

xvii Sigmar Gabriel and Martin Schulz, *Europa neu gründen*, available online at http://www.spiegel.de/media/media-39397.pdf (in German language only).

xviii Ingar Solty, "How not to fix Europe", *Jacobin*, 29 June 2016, available online at https://www.jacobinmag.com/2016/06/european-union-sdp-germany-gabriel-schulz-brexit-austerity-growth/

xix "What does the future hold? An optimist would say that if the British departure paves the way for a two-speed Europe, it might be easier for Turkey to find a place for itself in the second tier. A pessimist would identify BREXIT as the beginning of the end. If that happens, both all members of the EU and Turkey would end as losers in all domains from security to economics and democracy. That is an outcome that nobody wants.", Ilter Turan, "BREXIT from a Turkish perspective" *EIR Newsletter*, no. 80, July 2016, available online at http://ier.ro/sites/default/files/pdf/newsletter_iulie_en_2016.pdf Last visited on 24 July 2016.

xx Gabriela Drăgan, "On BREXIT, or a victory à la Pyrus", *EIR Newsletter*, no. 80, July 2016, available online at http://ier.ro/sites/default/files/pdf/newsletter_iulie_en_2016.pdf

xxi Jean-Marc Ayrault and Frank-Walter Steinmeier, *A strong Europe in a world of uncertainties*, 27 June 2016, available online at http://www.voltairenet.org/article192564.html

xxii Jean-Marc Ayrault and Frank-Walter Steinmeier, *A strong Europe in a world of uncertainties*, 27 June 2016, available online at http://www.voltairenet.org/article192564.html

xxiii *Visegrad Group will present EU reform proposal at the EU summit*, 22 July 2016, available online at https://www.msz.gov.pl/en/p/msz_en/foreign_policy/europe/visegrad_group/polish_presidency_of_the_visegrad_group_2016_2017/visegrad_group_will_present_eu_reform_proposal_at_the_eu_summit

xxiv *Visegrad Group will present EU reform proposal at the EU summit*, 22 July 2016, available online at https://www.msz.gov.pl/en/p/msz_en/foreign_policy/europe/visegrad_group/polish_presidency_of_the_visegrad_group_2016_2017/visegrad_group_will_present_eu_reform_proposal_at_the_eu_summit

xxv François Lafond, "Beyond BREXIT: an opportunity?", *EIR Newsletter*, no. 80, July 2016, available online at http://ier.ro/sites/default/files/pdf/newsletter_iulie_en_2016.pdf

xxvi Informal meeting of the 27 heads of state or government, Bratislava, 16 September 2016, available online at https://www.consilium.europa.eu/en/european-council/former-euco-presidents/summary-of-donald-tusk-presidency/news/20160916-bratislava-summit/

xxvii European Commission, *White Paper on the Future of Europe. Reflections and scenarios for the EU 27 by 2025*, 1 March 2017, available online at https://ec.europa.eu/commission/sites/beta-political/files/white_paper_on_the_future_of_europe_en.pdf

xxviii European Commission, *White Paper on the Future of Europe. Reflections and scenarios for the EU 27 by 2025*, 1 March 2017, available online at https://ec.europa.eu/commission/sites/beta-political/files/white_paper_on_the_future_of_europe_en.pdf

xxix European Citizen Action Service (ECAS), *Rome Declaration: EU Leaders Open Door to Multispeed Europe*, 27 March 2017, available online at https://ecas.org/rome-declaration/

xxx *Initiative pour l'Europe - Discours d'Emmanuel Macron pour une Europe souveraine, unie, démocratique*, 26 September 2017, available online at https://www.elysee.fr/emmanuel-macron/2017/09/26/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique

xxxi European Parliament resolution of 17 January 2019 on differentiated integration (2018/2093(INI)), available online at https://www.europarl.europa.eu/doceo/document/TA-8-2019-0044_EN.html

xxxii Discursul Președintelui României, domnul Klaus Iohannis, la întâlnirea anuală cu șefii misiunilor diplomatice acreditați în România, 29 January 2015, available online at https://www.presidency.ro/ro/media/agenda-presedintelui/discursul-presedintelui-romaniei-

domnul-klaus-iohannis-la-intalnirea-anuala-cu-sefii-misiunilor-diplomatice-acreditati-in-romania

xxxiii Gabriela Drăgan, Oana Mocanu, Bogdan Mureșan, Eliza Vaș, Mihai Sebe, *Raport România 10 ani în Uniunea Europeană*, European Institute of Romania, 2017, available online at http://ier.gov.ro/wp-content/uploads/publicatii/Raport-Romania-10-ani-in-UE-online_0.pdf

xxxiv *Programme of the Romanian Presidency of the Council of the European Union 1 January – 30 June 2019,* available online at https://www.romania2019.eu/wp-content/uploads/2017/11/en_rogramme_ropres2019.pdf

xxxv Prime Minister Viorica Dăncilă's address at the plenary session of the European Parliament, 18 July 2019, available online at https://www.romania2019.eu/2019/07/18/prime-minister-viorica-dancilas-address-at-the-plenary-session-of-the-european-parliament/

xxxvi Government of Romania, *Governing Programme 2019 – 2020*, available online at https://gov.ro/fisiere/pagini_fisiere/PROGRAMUL_DE_GUVERNARE.pdf

xxxvii European Council, *The Sibiu Declaration*, 9 May 2019, available online at https://www.consilium.europa.eu/en/press/press-releases/2019/05/09/the-sibiu-declaration/

xxxviii European Council, *A new strategic Agenda for the EU 2019 – 2024*, available online at https://www.consilium.europa.eu/en/eu-strategic-agenda-2019-2024/

xxxix European Commission, *Political guidelines of the Commission 2019 – 2024*, available online at https://ec.europa.eu/info/strategy/priorities-2019-2024_en#documents