

FUTURE OF EUROPE. BETWEEN REMARKABLE ASPIRATIONS AND CRUCIAL REFORMS

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Abstract:

The numerous challenges faced by the European Union today from Brexit or the rise in popularity of populist parties, to reinforced West-East as well as North-South divisions or querying the democratic values, in particular the European ones, or a drift towards a kind of nationalism resistant to a deeper European integration have made necessary a new underpinning of the internal unity and solidarity. Against this background the 60th anniversary of the signing of the Treaty of Rome was used as an opportunity to reaffirm the dedication to working together and open a continent-wide discussion on the future of the European Union. The idea of the form that the European Union will take in the near future has begun to emerge with the White Paper dedicated to this subject, launched by the European Commission. The 5 scenarios that represent the Commission's contribution to the new European chapter were not a product of the imagination, but a highlight of the continuous reaffirmation of trust in the Union. They represent a commitment to further working together, albeit in some cases at a different pace, towards the advancement of European integration. This contribution aims to assess the state of the current debate on the future of Europe and to outline the main directions of the present discussion.

Key words: future of Europe, differentiated integration.

„The European Union is presently facing an epochal challenge, on which will depend not only its future but that of the whole world“ (Pope Francis). By stating this in his *Urbi et Orbi* 2020, Pope Francis had in mind the great difficulty caused by the coronavirus pandemic, but he certainly did not lose sight of the fact that the present crisis is only the last in a long series that have tested the European project – from Brexit or the rise in popularity of populist parties, to reinforced West-East as well as North-South divisions or querying the democratic values, in particular the European ones, or a drift towards a kind of nationalism

resistant to a deeper European integration. „This is not a time of division“ or „self-centeredness“ as this could only come „at the risk of severely damaging the peaceful coexistence and development of future generations“ reminded the Pope the Europeans. He then moved on prompting that exactly as „[a]fter the Second World War, this continent was able to rise again, thanks to a concrete spirit of solidarity that enabled it to overcome the rivalries of the past“ it is now high time „that all recognize themselves as part of a single family and support one another.“ At a time when solidarity as a core European value started to be distrusted because of the awkwardness of the EU response to the pandemic since it proved to be extremely slow in taking measures to prevent the spread of the disease, in assisting its Member States or in coordinating their efforts, the Pope considered it his duty to remind Europeans of the importance of the unity of the European continent. Even so, it was not the first time that the High Pontiff considered it his duty to warn Europeans of the stalemate in his view of such a generous project as the unification of the European continent. No later than in 2014, in a speech to the European Parliament, the Pope referred to the fact that „the great ideas which once inspired Europe seem to have lost their attraction only to be replaced by the bureaucratic technicalities of its institutions“ (Pope Francis 2014).

This is not to say that the European Union has done nothing during the corona crisis. On the contrary, it took measures to ensure border management, to limit non-essential travel to the EU, to create green lanes for a speedy and continuous flow of goods across the continent, to uphold the free movement of workers, to mobilize financial resources for supporting companies and jobs, to support research on medicines and vaccines to combat COVID-19, to fight disinformation in order to mention just a few. Although the provisions of Article 168 of the TFEU and the Third EU Health Programme 2014-2020 specified as key EU objectives to reduce health inequality across regions and Member States, to increase the sustainability of national healthcare systems, to encourage innovation in the healthcare sector and to reduce cross-border health risks the EU reaction in terms of health policy proved to be extremely weak. EU remained rather relaxed after the pandemic set off in China, failed to take swift action when the disease started to spread on the continent, left the whole responsibility to individual efforts and capacities of the Member States. Against the background of the deep crisis generated by the coronavirus pandemic, what appeared to be extremely annoying was the EU's ability to address health risks and it was precisely this that once again exposed the deepening abyss between EU's remarkable aspirations and the need for crucial reforms.

This article aims to discuss the need for consistent reforms of the European project in order to make it more amenable to meeting the high expectations to which its very existence is linked. As a matter of fact discussions on the reform of the European project have accompanied the European Union since its launch in the 1950s. It was obvious from the beginning that such a complex construction could not be built all at once. The Union has so far gone through several important stages of reform that have allowed it to adapt to a constantly

changing world and to accommodate an ever-increasing number of Member States. Nevertheless, it is more often than not in times of crisis that the reform ideas are floated with increased intensity. Despite „a certain mood of gloom and doom among EU scholars“ (Bürzel 2018, 476) as far as the Union’s capacity to handle complex situations is concerned, there is another side of the story that deserves to be uncovered, namely that the crises have always ushered in a process of introspection into the Union’s inner strengths and weaknesses, as well as its abilities for crisis management (Ciceo 2018, 317).

Methodologically, the article relies on written sources, both primary (mainly speeches and official documents) and secondary (mostly scholarly and policy-related literature), coupled with observations from specialized research on the ongoing debate on the reform of the European project released by research centers and think tanks, the private sector and non-governmental organizations (NGOs). The article is going to be divided into three parts – a first one discussing the state of the ongoing discussion on the future of the European Union, a second one aimed at shedding light on the underlying conceptual problems that need to be addressed by the reform.

1. The state of the debate on the future of Europe

By the time the pandemic was just about to hit the European continent, the details of an upcoming conference on the Future of Europe were beginning to be finalized. Nevertheless, the conference is just an intermediate point in an itinerary with a destination still unknown. Since the last amendment to the Treaty establishing the European Union, the question of the next stage of reform has been raised, all the more so as the Treaty of Lisbon has only succeeded in finding partial solutions to the problems identified by the Convention on the Future of Europe, which should have paved the way for a true Constitution of the European Union. It hadn’t even dried up the ink on the Lisbon Treaty that talks about a new reform had quickly returned against the background of the 2008 crisis. Even though Lisbon Treaty provided some flexibility to accommodate solutions to the then crisis without the need to amend the founding treaties, discussions on a necessary overhaul of the entire EU system have continued unabated at higher or lower levels of intensity. It was only on the occasion of the 60th anniversary of the European Union that a more articulate discussion on necessary reforms got underway and it has gained momentum ever since. Back then President of the European Commission Jean-Claude Juncker tried to organize the discussion by proposing five scenarios seen as purely intellectual tools meant to inform and better structure the reflection process, therefore being „neither mutually exclusive, nor exhaustive.“ So designed as to circumvent the old irreconcilable distinction between ‘less Europe’ and ‘more Europe,’ they ranged progressively „from the status quo, to a change of scope and priorities, to a partial or collective leap forward“(Juncker 2017).

The first scenario outlined in Juncker’s White Paper on the Future of Europe, titled ‘Carrying On,’ exposed the vision of an EU27 focused on delivering its

positive reform agenda in ‘incremental’ steps, tackling problems as they arrive. Practically, EU would continue to muddle through agreeing to deepen the integration in some policy areas (e.g. single market, defense), while preserving key responsibilities (e.g. border control). The second scenario called for ‘Nothing but the Single Market’ considered that the EU retreated to market integration. As such, the EU27 would have been gradually re-centered around the single market. The third scenario, ‘Those who want more, do more,’ presumed more horizontal differentiation in the form of closer integration among those Member States „who want more.“ This would have meant that those „coalitions of the willing“ could agree to do more together in specific policy areas (e.g. defense, internal security, taxation or social matters). The ‘Doing less more efficiently’ proceeded from the assumption that EU should focus on some key strategic policy fields, delivering at a steady pace in these areas, while leaving more room for maneuver to national and sub-national authorities, by ‘doing less’ in those areas. ‘Doing Much More Together,’ the last among these five scenarios, assumed that Member States decided to do much more together across all policy areas to answer key challenges for cross-border cooperation (e.g. fiscal policy, integration of refugees etc.). Consequently, European institutions would need to be better equipped for „far greater and quicker decision-making“ even at „the risk of alienating parts of society“ concerned about EU’s „lack of legitimacy.“

However, Juncker was not the only one to comment on the future of the European Union. He only stirred a thorough introspection into how EU works and what needs to be done in order to improve its work. The Rome Declaration of the heads of state and government of the EU27 adopted just few weeks later transformed this discussion into a commitment of the European leaders for „the ten years to come“ to make „European Union stronger and more resilient, through even greater unity and solidarity amongst us“ (European Council 2017a). From this point onward the discussion gained momentum and involved all the great European personalities, who felt compelled to intervene. Based on this declaration a Leader’s Agenda (European Council 2017b) was adopted few months later which was to provide an overview of the steps to be taken at the highest level to boost the European project. The climax was to be reached at the summit of the European Council in Sibiu on 9 May 2019, Romania, shortly before the European elections, when a joint statement was to be adopted outlining EU priorities for the next ten years. As a concrete contribution to the Sibiu Summit and in order to boost this period of reflection, the president of the European Parliament Antonio Tajani invited Heads of State or Government during plenary sessions to set out their vision of the future path that Europe should follow.

Yet from the Sibiu summit came out a less substantial and specific than even traditional summit conclusions declaration in ten points, jokingly referred to the text as „the Ten Commandments“ (Morgan 2019). Again the blueprint for concrete action was postponed for a month later when the EU Strategic Agenda for 2019-2024 should have been adopted, which in turn ended up being insufficiently specific except for a prioritization of some key areas like defense and migration,

economic stability, climate action and improving Europe's standing on the global stage. These were reinforced by a promise to organize a conference on the Future of Europe that would bring together citizens and European institutions as equal partners and would be tasked to make recommendations for new policies and institutional changes.

Given the state of play of the discussion on the future of Europe, we intend to highlight in the next section the difficulties raised by any of the options considered thus far. It should be noted from the outset, however, that the views expressed hitherto, although extremely diverse, have revealed that in their fundamentals they borrow from Jean-Claude Juncker's scenarios and that we find in them either the structure of one or another of these, or a combination of them. Therefore, in the subsequent part of our analysis we intend to structure the discussion around the scenarios put forward by the former President of the European Commission.

2. The conceptual problems that need to be addressed

Considering the myriad of factors complicating the state of play in the relations inside the European Union, three of the above-mentioned scenarios stand only a very slight chance of being weighed up. In a context described by the ex-head of the European Commission in terms of unprecedented gravity as marked by „so much fragmentation, and so little commonality in our Union,“ by „such little common ground between our Member States“ and by „so few areas where they agree to work together,“ where „so many leaders speak only of their domestic problems, with Europe mentioned only in passing, if at all,“ representatives of the EU institutions set „very different priorities, sometimes in direct opposition to national governments and national Parliaments“ and national governments became „so weakened by the forces of populism and paralyzed by the risk of defeat in the next elections“ (Juncker 2016) one can hardly imagine that we could ‘carry on’ as if nothing had happened or that we could ‘do much more together.’ The transition from a technocratic, elite-driven community committed to market integration by regulatory policies (Majone 1994) towards a gradual integration of core state powers (foreign affairs, monetary policy, security and defense, border control) exposed to limited democratic control has led to a gradual politicization of integration and rising hostility to unnecessary centralization (Burzel 2016, De Wilde 2015, Genschel and Jachtenfuchs 2016, 2017). Juncker himself anticipated back in 2017 the problematic nature of these two scenarios (Juncker 2017, 10-12). Especially the latter of these two scenarios raised many questions from the beginning because of its nature anchored essentially in a deeply functionalist paradigm, postulating that political integration would follow naturally economic integration (Ciceo 2017, 26). Consequently, neither the status quo, nor the „collective leap forward“ scenarios could be considered as viable alternatives. The global pandemic only exposed further their limits. On the one hand, it proved to be extremely difficult to make important decisions in the realms of health or social policy for instance within the present

treaty framework. On the other, at a time when the internal borders have closed, when solidarity between the Member States has reached historically low thresholds, when the states most affected by the crisis finger-point at the others for their lack of availability in providing the necessary support that would enable them to overcome the difficult situation, when the Commission is ready to take further the infringement proceedings on the rule of law with Hungary and Poland an advanced integration formula that would quickly pave the way for political integration would be extremely difficult to consider regardless of how high were the expectations that the European Union could have done more during the crisis.

The same goes also with the ‘Nothing but the single market’ scenario, but for different reasons. Its very technocratic nature and limited focus on the single market would have presented the advantage of a more straightforward decision-making in certain policy areas (Ciceo 2017, 27). This would have been Britain’s favorite scenario. However, its close association with a vision of the European Union in the *a-la-carte* format strongly contested ever since its launch by sociologist Ralf Dahrendorf in 1979, as well as the trauma of the British exit has made this scenario extremely unlikely. Furthermore, even though the decision-making had been more straightforward, EU’s capacity to act collectively would have been markedly limited“ while „the gap between expectations and delivery at all levels“ widened which basically means that a reform along these lines would put the EU in difficulty in the event that it should find appropriate answers to public health or social problems when it came to a new crisis.

Thus, only two of the five original scenarios in Juncker’s list have managed to remain in the spotlight and become subject to intense scrutiny, namely the third ‘Those who want more, do more’ and the fourth ‘Doing less more efficiently’ (Ciceo 2018). Both have powerful supporters and influential enemies. What is even more important is the fact that the entire discussion on the future of Europe revolves around these two scenarios. They reinforce the image of a European Union of differentiated integration, although point in two different directions of variation currently debated in the academic literature – horizontal and vertical (Leruth and Lord 2015, Schimmelfennig, Leuffen and Rittberger 2015). Nevertheless, both leave a number of important questions unanswered. At a time when perpetuated stereotypes often come to the fore and tend to cast shadow over the reality, it is worth delving into the analytic work by shedding light on the terms under consideration. This is all the more so necessary if we think about that by the mid-1980s differentiated integration existed rather as an academic exercise in solving the problems posed by the growing number of Member States and the divergence of their interests, but since then differentiated integration has become a reality that must be taken into account. In doing so, we proceed from the assumption that differentiated integration is taken to mean that „beyond the Single Market, to which all Member States naturally belong, and assuming the non-negotiable requirements that Members be democracies that respect the rule of law and accept the *acquis communautaire*, Member States need not all proceed together at the same rate with a uniform set of

institutions to converge on the same single array of policies“ (Schmidt 2019, 295).

Horizontal differentiation, also referred to as territorial, builds on the variation in Member State participation in different policy areas. It further distinguishes between internal differentiation if at least one Member State does not participate (e.g. monetary policy) and external differentiation if at least one non-Member State participates (e.g. Schengen cooperation). The third scenario with its emphasis on „coalitions of the willing“ for advancing cooperation in various policy arenas benefited from a huge literature discussing this type of cooperation from different perspectives (Stubb 1996) – time approaches emphasizing the role of the willing States to move faster with the cooperation in a new policy area whereas the other Member States will follow suit once they are ready (often described as two-speed or multispeed or hard core models of integration), spatial approaches that proceed from the assumption that each policy area will benefit from the participation of a different constellation of Member States depending on their willingness to move sooner or later in a cooperation format (known as variable geometry or concentric circles or opt-in/opt-out or multi-track) and a so called *a-la-carte* approach that considers that the decision to take part in any form of policy cooperation remains at the discretion of each Member State since there is no obligation to move forward with the cooperation in any direction. The differentiated integration foreseen by this scenario has left however open the question on how to decide on those who would ‘do more’ together, in the sense of Member States that would be ready to enhance their cooperation in specific policy areas. Moreover, it offers little hints with regard to the institutional setup that will accompany an Europe organized on any of the above-mentioned lines.

Vertical differentiation relates to the distribution of power between EU and the Member States. The discussion on vertical differentiation builds on the work of Lindberg and Scheingold and takes stock of the categories proposed for evaluating this distribution by Tania Burzel (2005), namely (0) no EU-level policy co-ordination; (1) intergovernmental co-ordination (no delegation, no pooling); (2) intergovernmental co-operation (minimal delegation, no pooling); (3) joint decision-making I (‘Community method’, but limited pooling); (4) joint decision-making II (‘Community method’, pooling); (5) supranational centralization (full delegation to supranational bodies) (Schimmelfennig, Leuffen and Rittberger 2015, 767-768). Vertical differentiation has remained a constant companion of European integration from the beginning of the integration process. Moreover, the differences in centralization across policies remained more or less the same across policy areas. The fourth of the Juncker’s scenarios builds on the idea of vertical integration, but connects this with a change of focus in the sense that it aims to prioritize few policy areas in which the national / supranational relationship is reversed in favor of a higher level of centralization. As such even if the name of this fourth scenario is a bit misleading, the basic idea from which it starts is to concentrate EU action in a few areas in order to „better tackle certain priorities together“ by making more in a „reduced number

of areas“ and not on „doing less“ generally speaking. The fundamental problem of this scenario was that it could not offer solutions on how to decide on those policy areas of intensified cooperation. So far there has been no clear treaty provision, or legal doctrine on how to decide on the most appropriate level of action. The latest attempt to come up with the necessary clarifications, the Task Force on Subsidiarity, Proportionality and ‘Doing less more efficiently’ managed to advance only modest solutions.

In conclusion, we can say that the intellectual two possible ways of action associated with differentiated horizontal and vertical integration, respectively. They reflect the preferences expressed so far regarding the integration process, but nevertheless leave open some fundamental questions.

Conclusions

The fact that European Union is beset by a whole range of problems ranging from the difficulties of accommodating too many members with diverging interests and ideas. The recent pandemic has shown once again how difficult it is to reach an agreement on deeper integration into the legal and institutional framework provided by the treaties in force. No matter how high the expectations for a concerted European action would be and how necessary EU endeavors for deepening the integration process, reaching optimal agreements in crisis conditions between a large number of Member States exposed to complex politicization processes both at national and supranational level becomes an almost impossible task. However, for the reform process, which is now about to begin, to be successful, it will first need to clarify these difficult conceptual questions.

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