

Thursday 17 January 2019

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

(2020/C 411/19)

The European Parliament,

- having regard to the Commission's white paper of 1 March 2017 on the future of Europe: reflections and scenarios for the EU-27 by 2025 (COM(2017)2025), and to its accompanying reflection papers on the future of EU finances, on the future of European Defence, on the deepening of the Economic and Monetary Union, on harnessing globalisation, and on the social dimension of Europe,
 - having regard to its resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty ⁽¹⁾,
 - having regard to its resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union ⁽²⁾,
 - having regard to its resolution of 12 December 2013 on constitutional problems of a multitier governance in the European Union ⁽³⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Budgets (A8-0402/2018),
- A. whereas differentiated integration is a polysemous concept that can define various phenomena from both a political and a technical point of view;
- B. whereas integration processes in the EU are characterised by a rapidly increasing number and diversity of situations entailing differentiated integration, in the context of both primary and secondary legislation;
- C. whereas the political perceptions of differentiated integration vary significantly depending on the national context; whereas in some Member States that have been members of the Union for longer, it can have positive connotations and be associated with the idea of creating a 'pioneer group' designed to achieve more rapid progress in deepening integration, while in the Member States that joined the Union more recently it is often perceived as a path towards the creation of first- and second-class Member States;
- D. whereas differentiated integration also refers to a wide range of different mechanisms, each of which can have a very different impact on European integration; whereas one can distinguish between time differentiation, or a multispeed Europe, where the goals are the same but the speed required to achieve them varies, manners differentiation, or Europe à la carte, and space differentiation, often referred to as 'variable geometry';
- E. whereas differentiation has been a stable feature of European integration, not only in areas in which the EU has competences, but also elsewhere, and has sometimes allowed for the deepening and widening of the EU to be pursued simultaneously; whereas, as a consequence, one cannot oppose differentiation and integration, nor can one present differentiation as an innovative path for the future of the Union;

⁽¹⁾ OJ C 252, 18.7.2018, p. 215.

⁽²⁾ OJ C 252, 18.7.2018, p. 201.

⁽³⁾ OJ C 468, 15.12.2016, p. 176.

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- F. whereas, if differentiated integration can be a pragmatic solution to drive European integration forwards, it should be used sparingly and within narrowly defined limits, in view of the risk of fragmenting the Union and its institutional framework; whereas the end goal of differentiated integration should be to promote the inclusion and not the exclusion of Member States;
 - G. whereas experience shows that while interdependence works as a factor behind integration, politicisation often works as an obstacle to it; whereas, as a consequence, EU policy areas with the deepest integration such as the harmonisation and regulation of the internal market are, for the most part, the least politicised, while differentiated integration seems most likely to arise in policy areas characterised by deep political polarisation, such as monetary policy, defence, border control, fundamental rights or taxation;
 - H. whereas the establishment of political links and interdependence between Member States makes a decisive contribution to their integration within the Union;
 - I. whereas the Treaties provide for the possibility for Member States to take different paths of integration, namely via enhanced cooperation (Article 20 of the Treaty on European Union (TEU)) and permanent structured cooperation (Article 46 TEU) without, however, containing provisions for permanent flexibility or differentiated integration as a long-term objective or principle of European integration; whereas these different paths of integration should only be applied to a limited number of policies, should be inclusive, in order to allow all Member States to participate, and should not undermine the process of creating an ever closer Union as prescribed in Article 1 TEU; whereas, moreover, enhanced cooperation under the common security and defence policy is now a reality, contributing to the construction of a genuine European Defence Union;
 - J. whereas with the exception of the Financial Transaction Tax, all existing cases of differentiated integration could have been adopted in Council by qualified majority voting if this had been provided for in Article 329(2) of the Treaty on the Functioning of the European Union instead of unanimity;
 - K. whereas some forms of differentiated integration might have centripetal effects, attracting more Member States to join the initiative later;
 - L. whereas the process of differentiation has led to the creation of initiatives within the EU legal framework, but also to some more flexible intergovernmental legal arrangements, which have led to the creation of a complex system that citizens find hard to understand;
 - M. whereas Member States are not the only potential actors of differentiated integration; whereas Regulation (EC) No 1082/2006 of the European Parliament and the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) ⁽¹⁾ already allows for transnational cooperation on the basis of a shared interest;
1. Insists that the debate surrounding differentiated integration should not be about pro-differentiation versus anti-differentiation, but the best way to operationalise differentiated integration — which is already a political reality — within the EU's institutional framework in the best interests of the Union and its citizens;
 2. Recalls its conclusions that intergovernmental decision-making structures and processes increase complexity of institutional responsibility, reduce transparency and democratic accountability and that the Community method is best for the functioning of the Union;
 3. Considers that differentiated integration should reflect the idea that Europe does not work to a one-size-fits-all approach and should adapt to the needs and wishes of its citizens; believes that differentiation may sometimes be required for the purposes of embarking on new European projects and overcoming the deadlock arising from national political circumstances unrelated to the common project; believes, moreover, that it should be used pragmatically as a constitutional tool to ensure flexibility without undermining the general interest of the Union and the equal rights and opportunities of its citizens; reiterates that differentiation should only be conceived of as a temporary step on the path towards more effective and integrated policymaking;

⁽¹⁾ OJ L 210, 31.7.2006, p. 19.

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4. Considers that the European Council should take the time it needs to shape the European agenda by demonstrating the benefit of common actions and attempting to convince all Member States to participate in them; highlights that any kind of differentiated integration upon which agreement is reached is therefore a second-best option, and not a strategic priority;
5. Reiterates its conviction that differentiated integration must remain, as provided for under Articles 20 and 46 TEU, open to all Member States and must continue to serve as an example of deeper European integration where no Member State remains excluded from a policy in the long run, and should not be seen as a means to facilitate à la carte solutions that threaten to undermine the Union method and the EU's institutional system;
6. Affirms that 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;
7. Calls for any future model of differentiated integration to be designed to provide incentives for and fully support Member States aspiring to 'opt in' in their efforts of economic development and conversion aimed at meeting the necessary criteria in a reasonable timeframe;
8. Considers that one appropriate answer to the need for flexible tools is to tackle one of the roots of the problem; calls, therefore, for a further shift in Council voting procedures away from unanimity and towards qualified majority voting, by making use of the 'passerelle clause' (Article 48(7) TEU);
9. Believes that 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;
10. Emphasises that differentiated integration should not lead to more complex decision-making processes that would undermine the democratic accountability of the EU institutions;
11. Considers Brexit an opportunity to move away from models of 'opting out' towards non-discriminatory and supportive models of 'opting in'; stresses that these 'opting in' models would not limit progress towards 'ever closer union' to the lowest common denominator of a one-size-fits-all solution but would allow the necessary flexibility to progress while leaving the door open to Member States that are both willing and able to fulfil the necessary criteria;
12. Demands that the next revision of the Treaties bring order to the current process of differentiation by ending the practice of permanent opt-outs and exceptions from primary EU law for individual Member States, as they lead to negative differentiation in primary EU law, distort the homogeneity of EU law in general and endanger the social cohesion of the EU;
13. Acknowledges, however, that some transitional periods may be necessary for new members on a strictly exceptional, temporary and case-by-case basis; insists that certain clear and enforceable legal provisions should be introduced in order to prevent the perpetuation of these periods;
14. Insists, therefore, that membership of the EU would then require full compliance with primary EU law in all policy areas, while those countries desiring a close relationship with the EU without being willing to commit to full compliance with primary law and which either will not or cannot join the EU should be offered some form of partnership; considers that this relationship should be accompanied by obligations corresponding to the respective rights, such as a contribution to the EU budget, and should be contingent on adherence with the Union's fundamental values, the rule of law and, when it comes to internal market participation, the four freedoms;

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15. Underlines the fact that respecting and safeguarding the EU's fundamental values are the cornerstone of the European Union, a community based on values, and bind the Member States together; considers, therefore, that differentiation should not be permissible when it comes to respect for the existing fundamental rights and values enshrined in Article 2 TEU; insists, moreover, that differentiation should not be possible in policy areas where non-participating Member States could create negative externalities, such as economic and social dumping; demands that the Commission carefully examine the potential centrifugal effects, including in the long term, when it submits its proposal for enhanced cooperation;
 16. Recalls its recommendation to define a partnership in order to set up a ring of partners around the EU for states which cannot or will not join the Union, but nevertheless want a close relationship with the EU ⁽¹⁾;
 17. Suggests 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*;
 18. Underlines the fact that flexibility and differentiation should go hand in hand with reinforcing common rules in core areas in order to ensure that differentiation does not lead to political fragmentation; considers, therefore, that a future European institutional framework should include ineluctable European Pillars on political, economic, social and environmental rights;
 19. Recognises that regional cooperation plays an important role in strengthening European integration and considers that its further development has strong potential to consolidate and deepen integration by adapting it to local specificities and a willingness to cooperate;
 20. Suggests that suitable tools be developed within EU law and a budget established for testing cross-border initiatives within the EU on issues of EU-wide interest, which could eventually be turned into legislative proposals or cases of enhanced cooperation;
 21. Instructs its President to forward this resolution to the Council, the Commission and the parliaments of the Member States.
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⁽¹⁾ OJ C 252, 18.7.2018, p. 207.