Abstract: Repeatedly, different initiatives and developments in the EU been occasionally challenged and even impeded by certain member states. Meanwhile, as the Union enlarges and diversifies repeatedly, the chances of acting and speaking with one voice become lesser and lesser. One way to deal with this matter safely is to resort to flexible approaches that can accommodate the ever growing diversity of the EU. Along these lines, those countries that are less able or willing to sustain and trace the deepening integration trajectory can still militate within the common framework of the EU, while simultaneously allowing the continuation of the union's widening policy without causing a reasonable stir. Seen from this perspective, the goal of our research is to explore the flexibility puzzle as a consistent and viable model that can enable not only the present, but also the future mixity of EU member states (including the six Western Balkans' aspirants) to face the increasing challenges of the European integration journey as effectively and successfully as possible.

Keywords: flexibility, diversity, enlargement, integration, European Union, Western Balkans

INTRODUCTION

The history of the European Union has been one of continuous growth and change. It started with a relatively homogenous group of six countries and has evolved into a big heterogeneous entity of twenty-eight Member States. While it is impossible to identify a specific point in time, when this metamorphosis occurred; it can be said that over years the uniformity paradigm, homogeneity and one-directional integration is gradually being replaced by one of flexibility, mixity or differentiation (De Burca & Scott, 2000, pp. 1-2). On one hand, some Eurosceptic member states with strong national identities, by threatening to block deeper integration, have managed to secure differentiations in treaty reform, particularly regarding certain core state powers. On the other hand, during the EU enlargement process, some 'old' member states impose differentiation on newcomers due to their fear of economic disadvantages, and low administrative capacity (Winzen & Schimmelfennig, 2015).

Indeed, as internal cooperation among the EU countries has not been dominated by standardization, occasionally certain states have already experienced embarking outside, alongside or within the Community's framework with limited numbers of participants. Prominent examples, which sometimes even predate the European Community or deal with issues that were not within its competences at that time (La Serre & Wallace, 1997, p. 10), can be seen in regional groupings, such as the Benelux
and the Nordic Council; the special bilateral relations, such as the Franco-German couple or the UK and Irish one; in the defense field, such as the now defunct Western European Union; in the particular formula adopted in the Schengen Agreement; the Eurozone specifications regarding the use of a common currency; in the Social Charter UK exemptions; etc. Such aforementioned arrangements and other comparable ones provide priceless information about circumstances, which influence the flexibility model, its successfulness and ability to replicate.

In the framework of the 2004, 2007 and 2013 enlargements towards the 11 former communistic countries of the Eastern block the EU has already become diverse and large enough. Logically, the subsequent question raised is whether the future EU can sustain further enlargements with additional Western Balkans' states and still run things smooth enough? In the EU-Western Balkans Summit held in Sofia in May, 2018, the French president, Macron, claimed that enlargement weakened Europe and that he is not in favor of future enlargement "before having made a real reform to allow a deepening and better functioning of the EU" (Sofia Globe, 2018). Indeed, considering the variety of historical experiences, geopolitical interests and socio-economic structures that the current EU countries have to share amongst one-another, this article argues that a diverse future Union of three dozen member states or so, could function safely only in the framework of flexible integration.

In order to understand better the way, how flexibility has emerged as a viable model of the EU integration processes – by concentrating the analysis mainly on secondary sources of research – the paper begins by outlining a couple of outstanding issues and viewpoints related to the flexibility theme. Furtheron, the focus of this piece of work targets some of the existing pros and cons of the flexibility mode of integration seen from the context of an ever-increased heterogeneous and diverse membership. Finally, keeping in mind the challenges of the union due to the perspective of further enlargements – mainly towards the Western Balkans' region – the paper attempts to clarify the existing dilemma of the flexibility EU integration model, given the context of certain areas of application noticed so far and possible successful replications in the upcoming future.

First evaluations on the flexibility matter

The question is whether the flexibility recipe is a viable solution to the EU operating framework? It mainly comes from the need to reconcile those efforts that seek to maintain the old status quo for unified integration with those efforts that tend to reform it. On one hand, the advocates of accelerated deepening of the EU have reached conclusion that flexibility is the best choice, because it recognizes the existence of diversity while maintaining the framework of integration (Kelemen, Menon & Slapin, 2014, p. 644). On the other hand, "those committed to European integration as a process of state-building continue to view flexibility as the antithesis of their objectives, and one which is thus to be avoided at all costs" (Warleigh, 2002, p. 57). In fact, as Alexander Stubb points out, the biggest challenge is to strike a balance between preserving the cohesion and coherence of the Union and safeguarding prerogatives of all its member states, while at the same time allowing some willing and able
member states to pursue further integration subject to compliance with certain conditions (1997, p. 47). While the EU continues expanding to other countries, it is likely to have an increasingly diverse membership with heterogeneous preferences and capabilities. Indeed, the old member states have always granted new member states temporary exemptions from the obligations of membership to facilitate their adaptation to market pressures and regulatory obligations or to forestall popular fears and concerns (Winzen & Schimmelfennig, 2015). It is especially true for the 11 former communist countries that have made up the bulk of EU membership during the last three enlargements. Considering the notable examples of free-labor movement restrictions, the Schengen limitations and monetary union exclusions for certain member states, it is obvious that whenever there is a will to apply flexible arrangements, there is an existing way to accomplish them and keep the integration perspective going.

In the past years many scholars and politicians overemphasized the trade-off between widening and deepening, advocating the first would obstruct the second. However, the long and winding road of the EU demonstrates the contrary: deepening and widening go hand in hand (Solioz, 2014, p. 88). Indeed, the relations between enlargement and integration is a very complex issue, but it is worth emphasizing that enlargement has affected the EU's functioning constantly by bringing systematic deepening too. As Kelemen, Menon & Slapin suggest, widening facilitate deepening "first by generating legislative gridlock that in turn increases the room for maneuver of supranational administrative and judicial actors who exploit their discretion to pursue their preferences for deeper integration. Secondly, because it encourages legislative bottlenecks, enlargement creates functional pressures for institutional reform that eventually facilitate deepening" (Solioz, 2014, p. 88-89). In this context, in order to elaborate the matter further, it is worth tackling on some of the weaknesses and strengths of the flexibility puzzle.

### Weighting the pros and cons

Indeed, the flexibility implementation adds certain complexities to the EU system. As it is generally argued, an increase in the number of flexible arrangements implies that different member states will participate in different policies at different times. In turn, it will necessitate the legal accommodation of all the countries' diverse needs through special provisions, such as the case of Schengen (Jensen & Slapin, 2015, pp. 73-74) or the European and Monetary Union (EMU). Consequently, it will cost the complexity and opaqueness within the Union's legal system as the number of derogations and other opt-out exemptions will increase. In such circumstances, it is possible that the level of democratic control and institutional scrutiny will be reduced. This is a risk that Monar (1997) has identified, when he argues that democratic control requires transparency and the multiplication of frameworks of integration, aims, principles, measures and differentiated legislation makes effective control difficult and reduces transparency.

Another inherited drawback that the issue of flexibility generates debate has to do with the creation of a so-called hard core Europe, which will raise the potential to exclude the so-called laggards from further integration. According to Philippart
& Sie Dhian Ho (2000, p. 16), the absence of any reference to bridging mechanisms in the provisions (i.e. helping non-participating member states to catch up with the front-runners) is a clear indication that the unable should rely on self-help rather than assistance, if they wish to join closer cooperation. Indeed, such risks of possible fragmentations that might be created within the membership of the EU, especially in the context of future enlargements towards the Western Balkans, cannot be excluded entirely. The example of EMU provides us with a good evidence on how the Euro-19 Group has constantly made a careful separation of issues on the Council agenda. The same trend is also evidenced in the nominations made at the European Central Bank, which consist of individuals only from the countries of the Euro-zone (Stubb, 2002, p. 157; European Council database, 2018). By reversing the argument from possible drawbacks to the benefits, it is worth emphasizing that one of the good elements of flexibility is that it can be used to facilitate compromise in future EU work (Ibid, p. 155). Indeed, the day-to-day business of the EU, as well as Intergovernmental Conferences, are shaped by negotiations, which lead to agreements (disagreements). As long as a member state has the formal right to block EU decisions than it becomes hard to persuade that country to avoid exercising the veto power. Even a minor disagreement can undermine the whole initiative or block the integration process. Indeed, it is not a speculation, if we recall the difficult experiences that the Community has had with the Greek government ally regarding the formal recognition of the EU aspirant Former Yugoslav Republic of Macedonia, thus being seen by its partners as both [a] perverse and diverse EU member state (Wallace, H. & W., 1995, p. 95).

Along these lines, if the treaties provide enough flexibility to escape deadlock, the negotiation process will practically become easier and effective. Any reluctant EU member state, 'new' or 'old', will be more disposed to reach compromise rather than to harness controversy. In this prism, flexibility can be seen as a facilitating instrument to ease the way out of deadlock and make a decision possible (Deubner, 2000, p. 53; Winzen & Schimmelfennig, 2015). Without underestimating the cons, however, it is worth emphasizing that the increasing complexity of the EU system is something unavoidable. In a constitution-building process, which has taken almost half a century and which has doubled and tripled the number of players involved, it is natural that there should be an increase in complexity (Stubb, 2002, p. 156). In such circumstances, the urgent question is whether there is an alternative form to flexibility that can solve the aforementioned complexity better. Unfortunately, the answer thus far seems to be no. Indeed, if the flexible model of cooperation require reassessment, then it is more preferable that it operates within rather than outside the EU institutions. This particular choice is based on two reasons. Firstly, it prevents the creation of parallel structures outside the Union system, which allows member states to by-pass its instruments and procedures. Secondly, it reaffirms the Union system's political role as a framework for creating an ever closer union. In addition, there can always be some legitimate expectation that those member states proceeding with deeper integration would pave the way for the non-participants to follow later (Monar, 1997, p. 11; Downs, Rocke & Barsoom, 1998). It applies in the context of particular Euro-sceptic member states regarding the deepening integration aspect of
certain core state powers, as well as in the context of EU widening, which typically produces "concerns among old member states that some of new entrants may not be fully ready to participate in integrated policies" (Winzen & Schimmelfennig, 2015).

**Flexibility in the perspective of further enlargements**

Whilst enlargement to some former communist states has been the EU’s biggest success, on the negative side, the Union has been castigated for being slow to enlarge (Marsh & Rees, 2012, p. 118). Seen from this point of view, flexibility can be regarded as [an accelerating] useful tool also for the eventual enlargements of the EU (Stubb, 2002, p. 154; Monar, 1997, p. 12). It is easy noticeable that in the present EU there are visible differences in economical, operational and technological capacities between the 'new' or 'old' member states. Plainly, this dissimilarity will be manifested further in the upcoming years as the Union expands to the Western Balkans or so. In such circumstances, on the one hand, the application of flexibility arrangements can assure the avantgarde member states that their objectives and enthusiasm will not be disturbed by the increasing heterogeneity. On the other hand, the skeptic level towards the enlargement process will tend to shift away as the risks posed by membership diversity diminish. Practically, those EU countries, who want to push ahead quickly in particular policies rather to sideline and wait, will not have a strong reason to say 'no' to further enlargements of the EU or, at worst, threaten to replicate the Brexit case in return. The simultaneous presence of 'traditional' Euro-sceptic countries and 'fledging' democratic states of Central and Eastern Europe has already diversified a lot the composition of the EU. While all member states want to secure advantages from this broad community membership despite their various needs and interests, the subsequent concern is related with the handling of the Union, given the possible future inclusion of the remaining Western Balkans' six. What binds these states together in regional terms are geographical proximity, a common and troubled recent history, and late post-communist development politically and economically (Economides, 2008, p. 11), which some critics believe they may serve to dilute EU and make it more diverse. In line with this reasoning, it is understandable, why some of the old and more sceptic EU member states are concerned about losses resulting from inefficiency, competition and redistribution due to enlargement (Winzen & Schimmelfennig, 2015).

While the concept of flexibility has been viewed with distaste in some quarters, it is a potential solution to the tensions induced by enlargement, as long as this is a historic opportunity that brings the two halves of the continent together and overcomes more than half a century of division (Marsh & Rees, 2012, p. 109). Just like the EU project, the enlargement process has emerged from the bargaining and competing visions of its membership and it remains, even today, a work in the progress. Therefore, considering that the unions encircling boundaries have brought it into contact with a much difficult territory, such as the Western Balkans region, then the flexibility formula can serve as a successful accommodating alternative rather than as an expelling one. As long as the process of enlargement to Western Balkans is that of a 'regatta not a convoy' – where there is a defined finishing line towards which
all are striving, but some will get there sooner than others (Economides, 2008, p. 14), these aspirant countries should be continuously shown the green light on every possible areas of marked progress. In this way, they will increasingly feel being part of the same club and consequently contribute by sharing their values rather than indecency. Abovementioned proves, the flexibility application helps the simultaneous deepening and widening of the EU. By allowing cooperation firstly within a limited group of member states, the integration strategy can be tested better before it is applied further by other countries, be they present or future EU members (Solioz, 2014, p. 88). If the proposed cooperation marks a failure, the damage would be less than if all member states had participated at the same time. Alternatively, if the closer cooperation marks a success, than it could function as a magnet pulling the hesitant member states along towards a deeper integration (Stubb, 2002, p. 156; Marsh & Rees, 2012, p. 111). Membership in the Eurozone represents a prominent example and seen from this angle, flexibility should be regarded as a force of dynamism rather than division between "integrationists and laggards" (Jensen & Slapin, 2015, p. 67). It is a tool that facilitates deepening and widening hand in hand and ensures all present and future member states to continue coexisting within the highly inclusive umbrella of an enlarged European Union.

CONCLUSION

This paper explores some of the issues pertaining to flexibility in the context of the EU integration process. Indeed, finding the balance between deepening and widening has been accompanied by a plethora of challenges. The close interrelation between these two processes has been increasingly problematic given the "wide variety of attitudes towards the character and goal of European integration" (Junge, 1999, p. 57). Indeed, the flexibility matter has been considered by some as a strategy, which dilutes integration and by some as a way forward (Stubb, 1997, p. 50). Although the 'founding fathers' of the Community articulated openly their vision for 'an ever closer union', the increased diversity of the membership shows that this principle has become rather difficult to be achieved in practice. Given the historical, political and economic differences between the present member states as well as additional future ones, this should not be considered a surprise. Hence, flexibility is regarded as a possible and viable means that could help the EU to move ahead with the integration goal uninterruptedly. However, some criticizers are worried about the complexity degree added to the EU structures with implications in the search of greater transparency and legitimacy. Others are more concerned about the potential risks on the creation of a 'hard core' Europe, which can raise the chances for exclusion of the 'laggards' from further integration. Certainly, without underestimating the existing dilemmas it should be emphasized that the EU has provided enough safeguards in order to minimize the fragmentation risks between the countries that participate in flexibility initiatives and those who do not. One of them is the legal provision that grants the right for subsequent participation to every member state that fulfills some objective criteria. The other one has to do with the obligation of the participating member states to encourage the others to join the flexibility
initiative in due course. Seen from this perspective, flexibility should be considered as a means towards an end, i.e. a gradual unification. It should be seen as a method of accommodating diversity within a single political and institutional framework (Grevi, 2004, p. 2).

Indeed, the flexibility initiatives that start with a limited number of member states usually serve as a driving force that pulls the other countries at a later stage. The deepening of integration in new policy areas such as EMU and Schengen could not have reached at the community level without the application of relevant flexibility models. While theory points at certain problems related to common integration goals, the practical side demonstrates that flexibility has already had the chance to explore successfully within the Union's institutional structure. As such, it has managed to accommodate the needs of different member states, it made successive enlargements possible, viz. it has fueled reflections on the future development of the EU. In this context, as the paper argued, the flexibility principle can successfully respond to the increasing heterogeneity of preferences and capabilities resulting from the deepening of the existing EU membership into certain policy areas, as well as the eventual widening of the EU with new member states (Solioz, 2014; Winzen & Schimmelfennig, 2015) from the Western Balkans, as for as long as these two processes continue to be mutually complementary.

REFERENCES


