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The European Governance and Politics Programme

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Differentiated integration in the European Union: Its role for cooperating with non-members and for the EU's future as perceived by academic experts

Sandra Kröger and Maria Dede

European University Institute
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Abstract

There is now an abundant conceptual and empirical literature on differentiated integration in the EU. However, what are academic experts' more political and normative views on the matter? This paper enlarges our knowledge about how academic experts perceive of DI in general, as well as about questions relating to external DI, enlargement, and the EU's future. From the analysis emerge four main findings. First, there continues to be very strong support for the idea of a flexible Europe, though there remain strong differences in support between different types of DI. Second, a large majority of our experts considered that DI should not be allowed in all EU policies areas, not least the Rule of Law. Third, the majority of respondents support external DI, however not unconditionally. Fourth, and finally, despite the overall support for DI in many areas of policy, experts in their majority thought that uniform integration would better allow the EU to realise its goals, and so DI appears as a second-best which is supported when uniform integration does not seem politically feasible.

Keywords

Differentiated Integration, European Union, Expert survey, Enlargement, EU Future, European Neighbourhood Policy

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Introduction

Differentiated integration (DI) refers to the idea of a flexible Europe (Bellamy, Kröger and Lorimer, 2022). DI denotes particular member states either being allowed to opt out of specific EU policies, or being excluded or exempted from participating in them, at least temporarily, until certain conditions are met (Holzinger and Schimmelfennig, 2012, p. 292). As a result, member states possess different rights and obligations in these areas. Whereas capacity DI refers to temporary DI which occurs due to a lack of financial, economic, or administrative capacity, sovereignty DI is motivated by constitutional and identity issues which stand against integration in a specific policy area. It mostly happens in the context of Treaty revisions when a government successfully negotiates an opt-out (Schimmelfennig and Winzen, 2020). Whilst there now exists an abundance of individual contributions to the topic, still little is known about how academic experts assess DI. Drawing on a novel expert survey, this paper contributes to closing this gap.

DI has been welcomed both by academics and policy-makers as a way for European integration to progress in a context of greater heterogeneity and growing contestation of the integration process within many member states. It serves the dual purpose of reconciling the social, economic and cultural heterogeneity of member states, and accommodating their political disagreements about the extent European integration should take (Bellamy and Kröger, 2017). For some, it can potentially play an important role in accommodating national sovereignty in a complex multi-level political order (Walker, 1998). However, if DI has had the merit of facilitating integration by making it possible for MS to 'leave their fundamental disagreement about the finalité of European integration' (Thym, 2016, p. 64) aside, it has also been the source of possible challenges to it by, for example, potentially subverting the uniformity of EU law, the equal rights of EU citizens, and EU-level solidarity (Curtin, 1993; Eriksen, 2018; Kelemen, 2019; Michailidou and Trenz, 2018).

Whilst there is now an abundant conceptual and empirical literature on DI, we have little knowledge of the views of academic scholars on the matter (but see Kröger and Loughran, 2022a, 2022b). The little we do know focuses on the perceived benefits and risks of DI, as well as on where the limits of support of DI, by academic experts, are. But what about questions relating to external DI, and enlargement? The war in Ukraine has painfully brought back to the top of the EU agenda questions of enlargement and of how to increase the EU's influence beyond its current membership. Indeed, the latest initiative of French President Emmanuel Macron, of a Political European Community, testifies to the urgency. And what about the relevance of DI for the EU's future more broadly, and for achieving the EU's goals in specific policy areas? The present paper contributes to closing this knowledge gap. It brings into focus the views academic experts have of DI, in general, as well as in regard to questions of external DI and the EU's future in particular.

From the analysis emerge four main findings. First, there continues to be very strong support for the idea of a flexible Europe, though there remain strong differences in support between different types of DI. Second, the majority of our experts considered that DI should not be allowed in all EU policies areas, not least the Rule of Law. Third, the majority of respondents support external DI, however not unconditionally. Fourth, and finally, despite the overall support for DI in many areas of policy, experts in their majority thought that uniform integration would better allow the EU to realise its goals, and so DI appears as a second-best which is supported when uniform integration does not seem politically feasible.

The text unfolds as follows. We will first detail our data set. In a next step, we display our findings, before the last section concludes and discusses the findings.

Method and data

This paper builds on a previous expert survey which took place between October and December of 2020 and which in part had identical questions (Kröger and Loughran, 2022b). It is based on an expert survey with participants across the EU which ran between 13 May and 4 July 2022, and which had 75 respondents. Respondents are political scientists, sociologist, and legal scholars. They consist of members of three EU funded consortiums working on DI between 2020 and 2022 as part of the “Differentiation: Communicating Excellence” as well as other EU scholars publishing on the topic of DI. The response rate was 39.11 per cent.

The survey consisted of 22 questions which were mostly close questions in which respondents expressed their views on an eleven-point scale. For the analysis, the scale was grouped into three categories, from 0 to 3, from 4 to 6, and from 7 to 10¹. There also was one open-ended question in which participants could elaborate on what they think is the most pressing political issue in regard to DI. Overall, the questions fell under four broad themes: general normative questions, Brexit and DI, external DI and enlargement, and the future of the EU.²

Results

General questions

There is an ongoing debate on the merits and dangers of DI amongst both academics and policy makers (Bellamy, Kröger and Lorimer, 2022; Eriksen, 2018; Kröger and Loughran, 2022a; Lord, 2015, 2021). DI has raised concerns over whether it might lead to economic and regulatory fragmentation. Some argue that it can exaggerate existing divides within the EU, thereby undermining mutual trust. DI can likewise undermine the uniform composition of EU institutions (Curtin, 1993), potentially leading to or reinforcing power asymmetries and related domination (Eriksen, 2018). Furthermore, DI can lead to second-class citizenship for some nationals, raising issues of fairness and equality. Finally, there are concerns that DI not only undermines equality across the EU, but also leads to centrifugal tendencies amongst member states (Leruth et al., 2019).

However, DI has also been seen as a useful tool in increasing the efficiency of the EU. It offers pragmatic solutions to increased heterogeneity within the EU (Bellamy and Kröger, 2017). It enables member states to follow their domestic preferences, thus increasing democratic participation and as a result the overall legitimacy of the EU. Moreover, DI recognizes that one size does not fit all and as a result better promotes equality between member states and their citizens. These considerations lead to arguments that DI can serve integration and as such plays an integral role for the future of Europe (Chopin and Lequesne, 2016; Kroll and Leuffen, 2015).

The survey started with a few general questions about DI, such how legitimate the prospect of flexible Europe was in general, as well as capacity and sovereignty DI more specifically.

In the first DiCE survey, over half of the respondents ranked the possibility of a flexible EU as highly legitimate at 53.69 per cent whilst 15.78 per cent ranked it low³. The second survey roughly confirms those findings. We find a very small increase in those deeming flexible EU highly legitimate at 54.3 per cent. At the same time, we see a more important increase of those who judged DI to have low legitimacy (18.6 per cent).

1 See table 1 in the annex for the scale labelling of the related questions. The full survey and the data set can be found here: <https://doi.org/10.24378/exe.4164>.

2 Please see the annex for the full survey.

3 We acknowledge that comparison between the two surveys is not straightforward and to some extent problematic given the lower response rate than in the first survey, the smaller sample, and the fact that in all likelihood, the 75 respondents of the second survey did not all participate in the first survey – we have no way of knowing given the anonymity of both surveys. We consider that it is nonetheless interesting to explore whether the exact same questions were roughly answered in the same way a year and a half later, or whether experts' views have (considerably) shifted in this time frame.

The quite strong support for DI is also reflected in how important our experts considered DI to be for the EU's long-term development. Overall, 58.5 per cent of our respondents agreed that DI is key to the EU's long-term survival, up from 55.42 per cent in the first survey. By contrast, 10.8 per cent considered that DI will lead to the long-term disintegration of the EU, up from 8.7 per cent in the first survey.

Not all the cases of DI are the same. DI can be of different nature – temporary or permanent – and driven by different factors. In the literature, the terminology that best captures these differences and that has been largely adopted by interested scholars distinguishes between capacity and sovereignty DI (Winzen, 2016)⁴. *Capacity* DI is mainly 'motivated by efficiency and distributional concerns' linked to EU enlargements (Schimmelfennig and Winzen, 2014: 355). It occurs when either existing member states temporarily *exclude* new member states from certain policy areas because they 'fear economic and financial losses as a result of market integration with the new member states, the redistribution of EU funds or weak implementation capacity' (Schimmelfennig and Winzen, 2014: 361); or new member states seek to be *exempted* temporarily from integration in a given area and be granted more time to adapt to EU rules and market pressures. In such constellations, DI is seen as a temporary and transitional measure that ideally aids both sides.

By contrast, *sovereignty* DI tends to be permanent, and occurs most commonly when competences in core state powers are transferred to the EU in the context of treaty revisions, and a government successfully negotiates a Treaty opt-out of a policy transfer due to constitutional and/or identity issues (see Winzen, 2016). These issues may reflect ideological or pragmatic preferences by certain political actors, as when governments of largely Eurosceptic countries, which either are ideologically opposed to further integration or fear domestic opposition to it, seek a permanent or temporary opt-out. However, they may also reflect deeper cultural and political differences in core areas about which a government or citizens feel strongly, such as those related to marriage and divorce, abortion and euthanasia, or the use of stem cell research. In such areas, some governments may be reluctant to integrate a policy and seek to opt out if it is integrated, so as to protect the predominant cultural values of their citizens. Or sovereignty DI may result from diverging views about how much political integration is desirable. In other words, sovereignty DI is usually guided by the perception of a member state's government that in these areas the EU is 'the inferior legislator' (Winzen, 2016: 103).

Capacity DI has been linked to the idea of a 'multi-speed' Europe. On this account, though some states may integrate faster than others, all are assumed to eventually integrate to the same extent. By contrast, sovereignty DI has been allied to a Europe of 'concentric circles' or 'variable geometry', whereby different geographic areas have different levels of integration (for an overview, see Schimmelfennig and Winzen, 2020).

Regarding capacity DI, the first expert survey saw it ranked highly legitimate by 77.9 per cent of the experts. The second survey shows an increase of support for capacity DI, with 81.4 per cent of respondents considering it highly legitimate, with those who consider it to have a low legitimacy remarkably dropping from 10.54 to 1.4 per cent. The case of sovereignty DI is less clear. The second survey sees an increase in those who considered it highly legitimate from 45.26 to 50 per cent. However, there is also a significant increase in those who ranked it low in terms of legitimacy from 15.79 per cent to 24.3 per cent.

⁴ Frank Schimmelfennig and Thomas Winzen previously spoke of 'instrumental' and 'constitutional' DI (2014) and use both pairs interchangeably.

One might imagine that the degree to which respondents support capacity or sovereignty DI respectively could be seen in relation to whether they understand the EU as being a supranational or an intergovernmental organization. Supranationalism can be fairly easily reconciled with a multi-speed Europe and thus support for capacity DI. Intergovernmentalism, in turn, can be linked to an EU 'a la carte' or a 'geometry variable' EU, and by extension to sovereignty DI. Therefore, one could expect a fair amount of overlap between support for capacity DI and support for supranationalism on the one hand, and support for sovereignty DI and support for intergovernmentalism on the other hand.

In the survey, we asked whether the EU should be an intergovernmental organization or not. Of those who considered capacity DI to be highly legitimate, only 11.3 per cent considered that the EU should be an intergovernmental organization, even though 30.2 per cent thought it could currently be characterized as such. Meanwhile, 71.7 per cent considered it should be a supranational organization. This is consistent with the expectation that support for capacity DI would coincide with support of the EU as a supranational organization.

Regarding those who consider sovereignty DI highly legitimate, 14.7 per cent thought that the EU should be an intergovernmental organization, while 38.2 per cent considered the EU an intergovernmental organization at present. Interestingly, even of those who considered sovereignty DI highly legitimate, 61.8 per cent thought that the EU should be a supranational organization. This goes against the assumption that strong defenders of sovereignty DI would in their majority also be strong defenders of the EU as an intergovernmental organization.

In a next step, we asked our respondents which policy areas, if any, should be exempt from DI. Not all policy areas are necessarily appropriate for DI. Respect for fundamental rights and values relating to Article 2 of the Treaty of the European Union or the idea of the indivisibility of the Single Market make these policy areas seemingly incompatible with DI. EU Single Market law ensures that nationals from all member states have equal market rights. Any discrepancies in market rights based on nationality or residency that DI could lead to would be considered unjust. They would also undermine the reciprocity of mutual trust amongst EU citizens. Similar problems of undermining mutual recognition, a cornerstone of how the EU functions, could rise from DI in the context of the Rule of Law. Experts were therefore also asked whether DI should be permitted in all EU policy areas, and if not, which areas should be exempt from allowing such flexibility.

In the first DiCE survey, 80.43 per cent of respondents agreed that there should be EU policy areas where DI should not be permitted. Our second survey indicates a considerable increase of those who agree (85.7 per cent). Amongst those who considered sovereignty DI highly legitimate, the support for exemptions in specific policy areas was considerably higher (28.6 per cent) than amongst those who considered capacity DI as highly legitimate (17.5 per cent).

If we take a closer look at which policy areas, according to our experts, should be exempt from DI, we find the following⁵. Firstly, a high majority of 80 per cent indicated that DI should not be allowed in areas pertaining to the Rule of Law, confirming the above-sketched concerns on protecting core EU principles. Between 44.3 per cent and 51.4 per cent selected trade policy, competition policy and the Single Market. Asylum and immigration policy was selected by 28.6 per cent. Finally, between 12.9 per cent and 21.4 per cent point towards foreign policy, home affairs and social policy as areas in which DI should not be allowed. That a high number of our experts would oppose DI in areas pertaining to the Rule of Law is perhaps not surprising, not least after years of continued political debate around this issue between EU actors and Hungary and Poland, as well as increasing academic attention to the topic (Kelemen, 2019; Bellamy and Kröger, 2021). What is more striking is that roughly half of our experts considered that the Single Market could be an object of DI.

⁵ Comparison between the first and second survey here is problematic given that in the first survey, this was an open question, whereas in the second survey, this item was multiple choice, with the effect that more respondents answered the question than in the first survey, and also ticked more policy areas than the respondents who engaged with the open question in the first survey did.

Brexit and differentiated integration

Following the result of the 2016 referendum, the UK decided to leave the EU. Brexit was presented by the Leave campaign as an opportunity for the UK to regain legal sovereignty, 'take back control', particularly as regards immigration, and increase its economic competitiveness. Immediately after the referendum, fears that some other member states might follow the British example and call a membership referendum were looming large. The worry was that Brexit encourages nationalistic tendencies in other member states, strains relations between remaining member states and thus underlines the limits of a shared EU identity (Oliver, 2017; Wellings, 2020). However, the difficult leaving process and the realization of the price at which leaving the EU would come made most of these voices disappear before too long. In other words, Brexit rather reinforced the integration process by means of a new-found unity, and has since allowed the EU to move forward without the UK as a reluctant partner (Leruth et al., 2019). In the meantime, the UK opted for a Trade and Cooperation Agreement with the EU which makes trade between both parties much more difficult, given it locates the UK firmly outside the Single Market and the Customs Union.

Our survey engaged with these developments by asking whether Brexit could lead to further integration or disintegration. 43.5 per cent of our experts thought that Brexit would lead to further integration, whilst 5.8 per cent thought the opposite. The respective numbers of the first survey are 46.24 per cent and 7.53 per cent respectively.

We furthermore wanted to know whether experts thought that Brexit had changed the EU's attitude in the sense of having become either stricter or less strict in regard to DI. 32.4 per cent strongly considered that Brexit has led the EU to adapt a stricter stance towards DI, whereas 11.8 per cent of our respondents thought the opposite.

External differentiation and enlargement

External DI refers to the relationships the EU establishes with non-member states. It occurs when membership is not feasible (not in the medium term anyway), but when there is high interdependence and low politicization (Schimmelfennig, Leuffen, and Rittberger, 2015). Non-member states assume an agreed upon degree of responsibilities and obligations to comply with EU laws and standards for which they are offered a degree of access to the EU Single Market. Through external DI, the EU can expand its scope of influence beyond the member states at relatively little cost. Indeed, the ongoing war in Ukraine has shown the importance for the EU to establish a mutually beneficial relationship with states in its periphery.

There are different models of external DI based on how close a relationship they stipulate. The European Economic Area, Customs Unions, Free trade Agreements and the European Neighborhood Policy (ENP) are some of the most common models of external DI. For all these models, the EU aims at protecting the integrity of the Single Market and its legal unity by maximizing regulatory alignment of non-members. Non-members, in turn, aim at maintaining their state sovereignty and democratic control.

Our experts were asked questions pertaining to the desirability and limits of external DI, i.e. whether the EU should establish some forms of external DI with countries that are its near neighbors, and if it should do so with not fully democratic states. They were also asked if it should be harder or easier for non-members to opt into the ENP than it is now, and if the EU should dedicate more funds to facilitate such participation.

Our results were the following. Firstly, 74.6 per cent of our respondents support external DI, up from 71.74 per cent in the first survey. However, over half of the respondents (50.7 per cent) stated that the EU should not establish such relations with states that are not fully democratic, up from 45.56 per cent in the first survey. By contrast, 25.4 per cent thought that the EU should form such relationships with not fully democratic states, down from 31.11 per cent in the first survey. These numbers indicate an important shift towards experts being more reluctant to support external DI with not fully democratic states.

As regards the ENP, 34.4 per cent favored the EU facilitating participation in the ENP compared to 3.1 per cent who thought the EU should make this process harder for non-members, and 44.6 per cent thought that the EU should dedicate additional funds to support this process compared to 6.2 per cent who considered that fewer funds be used for this purpose.

Whilst the above shows an overall direction of experts supporting external DI, this does not directly translate into how they think about enlargement. Participants were asked whether the EU would benefit from any future enlargement. 29.9 per cent responded that the EU would benefit greatly from any future EU enlargement, whilst 34 per cent consider that enlargement would not benefit at all the EU, indicating a certain level of caution or scepticism towards future enlargement, possibly under the influence of recent developments of democratic backsliding in some East European states.

However, there seems to be more support for a layered membership than for enlargement. Participants were asked if the EU should avoid different types of membership to safeguard its legal unity, or if the EU should introduce different types of membership to increase its sphere of influence. Experts were evenly split regarding the prospect of a layered membership with 41.8 per cent responding that it should introduce different types of membership and the same number disagreeing. Tellingly, 100 per cent of those who support introducing different types of membership also highly support capacity DI whilst this number falls to 64.3 per cent for those who strongly support sovereignty DI. This confirms the idea of capacity DI support going hand in hand with the idea of a multi-speed EU.

The future of the EU

There are different possible scenarios as to the EU's future, ranging from a federal union over muddling through and increased DI to disintegration (Chiocchetti, 2022; Laffan, 2019). Some scenarios suggest that the way forward for the EU will involve enlargements or an extension of the EU's sphere of influence through external DI. Other scenarios predict a future of external disintegration where the EU maintains more distant relationships with its neighboring non-member states. There also is the possibility of the EU disintegrating, or its competences being reduced in any event (Chiocchetti, 2020; Emmanouilidis, 2021; Patberg, 2021).

Reflecting what the literature discusses as potential scenarios, respondents were presented the options of unified integration, differentiated integration, differentiated disintegration and unified disintegration. Participants were firstly asked which of the above they think is the most plausible scenario regarding the EU's future. Following this, participants were asked which of these scenarios would enable the EU best to realize its goals in terms of economic growth, foreign policy and security, environmental protection, as well as for accountability and legitimacy.

In terms of future scenario, DI was assessed as by far the most likely scenario, with 70.8 per cent rating it highly likely. This is followed by the possibility of unified integration at 18.6 per cent, differentiated disintegration at 4.8 per cent, and unified disintegration with 2.1 per cent ranking it as highly likely⁶.

⁶ Given the very low numbers for the last two options, we will not follow up on those in the remainder of this section.

There is no significant difference amongst those who highly value capacity and sovereignty DI respectively in terms of considering DI as the most likely future scenario. The former considered it highly likely at 77.4 per cent and the latter at 76.5 per cent. The difference is significantly larger between how our respondents view the EU. 44.4 per cent of those who think the EU should be an intergovernmental organization rated DI as highly likely, as opposed to 80 per cent of those who think the EU should be a supranational organization.

When it comes to unified integration as the most likely scenario, experts are likewise somewhat divided. Whereas 19.1 per cent of those who strongly support capacity DI thought it the most likely, only 12.9 per cent of those who strongly support sovereignty do. This result is mirrored when applying the supranational vs. intergovernmental axis to this question. Whereas 20.5 per cent of those who consider that the EU should be a supranational organization thought that unified integration is the most likely scenario, 11.1 per cent of those supporting an intergovernmental EU did.

The expectation that DI is the most likely scenario for the EU's future is not reflected in which scenario our experts thought would be the most beneficial for specific EU policy areas. In a first step, participants were asked which of the abovementioned four scenarios for the future of the EU would best facilitate the EU's *economic growth*. Experts were split evenly between supporting unified integration and DI, at 48.4 per cent. DI was supported by 51.9 per cent of those who consider capacity DI as highly legitimate and by 63.6 per cent of those who think of sovereignty DI as highly legitimate. When we look at the supranational vs. intergovernmental axis, the result is somewhat different. 56.8 per cent of those who think the EU should be a supranational organisation thought that unified integration would be the best scenario, whereas 40.9 per cent preferred DI. By contrast, 33.3 per cent of those who consider the EU should be an intergovernmental body opted for unified integration, while 66.7 per cent thought that DI was the best scenario. What is noticeable in this policy field is that even those who strongly consider that the EU should be an intergovernmental organization in their majority now think that economic policy should best be differentiated, possibly a lesson learned from the Euro and debt crisis.

In terms of which scenario would best enable the EU to achieve its *foreign policy goals*, there is a preference for unified integration at 50.8 per cent over DI which is preferred by 46.2 per cent. Amongst those who consider capacity DI highly legitimate, 52.8 preferred unified integration whereas DI was selected as the best scenario at 43.4 per cent. Rather surprisingly, amongst strong supporters of sovereignty DI, the preference for DI in foreign policy increases, with 55.9 per cent preferring DI over 41.2 who opted for unified integration. Those who think the EU should be a supranational organization were split equally in supporting both unified integration and DI at 48.9. Amongst those who think it should be an intergovernmental organization, 66.7 per cent preferred unified integration compared to 33.3 who opted for DI.

Answers were more clear-cut in the area of *environmental protection*. Here, 64.4 per cent thought that unified integration would enable the most effective environment protection policies whilst 33.8 per cent preferred DI. Out of those who think capacity DI is highly legitimate, 62.3 per cent favored unified integration compared to 35.8 who favored DI. This gap slightly closes amongst those who think sovereignty DI is highly legitimate, with 52.9 preferring unified integration over 44.1 who opted for DI. These numbers are roughly mirrored when looking at the supranational vs. intergovernmental axis. Amongst those who think the EU should be a supranational organization, 71.1 per cent preferred unified integration over 28.9 per cent who preferred DI. By contrast, 55.6 per cent of those who think the EU should be an intergovernmental organization prefer unified integration while 44.4 per cent preferred DI.

A similar result can be observed when it comes to accountability and legitimacy. 66.2 per cent deemed that unified integration would provide a better framework for accountability and legitimacy compared to 26.2 per cent who thought that DI is the best scenario to achieve these aims. Strong supporters of both capacity and sovereignty DI preferred unified integration, the former at 64.2 per cent and the latter at 55.9 per cent. DI came as the second choice for both groups, with 26.4 per cent for the former and 32.4 per cent for the latter. These preferences are mirrored when looking at the supranational vs. intergovernmental axis. 68.9 per cent of those who consider the EU should be a supranational body preferred uniform integration while 55.6 per cent of those who consider it should be an intergovernmental organisation did. DI, in turn, was preferred by 26.7 per cent and 33.3 per cent respectively.

Conclusion

This survey looked at the views academic experts have of DI. Apart from a few general questions, it was particularly interested in questions to do with external DI as well as with possible future scenarios, and which type of integration would best help the EU realise its goals in a number of policy areas as well as in terms of accountability and legitimacy.

Our findings show the following. First, there is very strong support for the idea of a flexible Europe. However, capacity DI enjoys considerably more support than sovereignty DI (81.4 vs. 50 per cent). Second, the majority of our experts considered that DI should not be allowed in all EU policies areas, with the Rule of Law identified by 80 per cent as incompatible with DI. Furthermore, roughly half of our experts considered that the Single Market could be an object of DI, which is unexpected and certainly deserves further research. Third, the majority of respondents support external DI, but just over half thought that the EU should not establish such relations with not-fully democratic states. Fourth, the majority of experts thought that DI is the most probable way forward for the EU. However, and finally, despite the overall support for DI in many areas of policy, experts in their majority thought that uniform integration would better allow the EU to realise its goals.

The above indicates how DI is supported by the majority of respondents as a pragmatic solution that is integral to the EU's future. DI is considered as a second-best option when uniform integration is considered unavailable, even though the latter would be preferred by the majority of our experts, including those who strongly support sovereignty DI. What is remarkable is that there is such strong support for flexible Europe even though the majority of experts does not think it serves the EU's policy goals best or is at least very controversial, as is the case for economic policy.

Another noticeable finding is that the distinction between capacity and sovereignty DI is not as strong a predictor as that between supranationalism and intergovernmentalism. This is perhaps not surprising given the latter distinction is much more established and also better defined. Furthermore, the first distinction cannot necessarily be taken as a proxy for the latter distinction, with strong defenders of sovereignty DI not necessarily turning out to be strong intergovernmentalists in particular.

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Annex

Table 1. Scale labeling

| | Q1 | Q 2,3 | Q6 | Q7 | Q8 |
|------|----------------------------|-------------------------------------|----------------|-------------|--------------------------|
| 0-3 | oppose flexible Europe | illegitimate | disintegration | less strict | completely avoid |
| 4-6 | neither oppose nor support | Neither legitimate not illegitimate | no impact | no impact | Neither avoid nor pursue |
| 7-10 | support flexible Europe | legitimate | integration | more strict | Completely pursue |

| | Q9 | Q10 | Q11 | Q12 | Q13 | Q14 | Q15 |
|------|--------------------------|---------------------------|------------|--------------|------------------------------|----------------|-----------------------------|
| 0-3 | Not engage | Harder | Less funds | Not speed up | Avoid layered membership | Disintegration | Likely |
| 4-6 | Neither engage nor avoid | Neither harder nor easier | No impact | No impact | Neither avoid nor introduce | No impact | Neither likely nor unlikely |
| 7-10 | Completely engage | Easier | More funds | Speed up | Introduce layered membership | Survival | Unlikely |

Draft of Expert Survey Questions

General normative questions

1. In recent years, EU integration has become increasingly flexible. Some countries have negotiated permanent opt-outs (e.g. UK, Denmark). Others have been temporarily excluded from certain policies (e.g. the Euro, Schengen) or asked for temporary exemptions. Please place your views about the acceptability of this type of flexibility on a 10 point scale where 0 = Completely oppose a flexible Europe and 10 = Completely support a flexible Europe.

0 1 2 3 4 5 6 7 8 9 10

(Oppose flexible Europe)

(Support flexible Europe)

2. Member states can be temporarily excluded, or secure a temporary exemption, from certain EU policies, such as the Eurozone, because they cannot meet the criteria to join (Capacity DI). Please place your views on how legitimate you consider this form of differentiated integration to be on a 10 point scale where 0 = Entirely illegitimate and 10 = Entirely legitimate.

0 1 2 3 4 5 6 7 8 9 10

(Illegitimate)

(Legitimate)

3. Member states can seek to negotiate permanent opt outs from certain Treaty provisions (e.g. membership of the Euro in the case of Denmark) due to concerns relating to particular national values or objections to the transfer of certain state powers (Sovereignty DI). Please place your views on how legitimate you consider this form of differentiated integration to be on a 10 point scale where 0 = Entirely illegitimate and 10 = Entirely legitimate.

0 1 2 3 4 5 6 7 8 9 10

(Illegitimate)

(Legitimate)

4. Please select which of the following statements about differentiated integration in the EU you agree with.

- a) Differentiated integration should not be permitted in certain EU policy areas.
- b) Differentiated integration should be permitted in all EU policy areas.

(If response answer a) has been selected to question 4a then respondent is presented with the following contingent question. If answer b has been selected to question 4a then survey moves on to question 6).

5. Please state the specific EU policy areas where you believe differentiated integration should not be permitted:

Select all that apply:

The Single Market

Rule of Law (Article 2)

Environmental/Climate Policies

Foreign Policy

Asylum/Immigration Policy

Trade Policy

Justice and Home affairs

Social Policy

Competition Policy

Other: Please specify

Brexit and differentiated integration

6. Some believe that the precedent of Brexit will act as a catalyst for further EU disintegration in the future while others believe it will lead to greater levels of integration. Please place your view on a 10 point scale where 0 = The precedent of Brexit will lead to further EU disintegration in the future and 10 = The precedent of Brexit will lead to an increase in EU integration in the future.

0 1 2 3 4 5 6 7 8 9 10

(Further disintegration)

(Further integration)

7. Some consider that Brexit contributed to the EU adopting a stricter attitude towards differentiated integration. Please place your view on a 10 point scale where 0 = Brexit has led to the EU becoming less strict in its tolerance of DI and 10 = Brexit has led to the EU becoming stricter in its tolerance of differentiated integration.

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

External differentiation

8. The European Economic Area is a form of external differentiated integration, whereby Norway and Switzerland have integrated in several core areas without becoming full members. To what extent do you agree that the EU should establish some form of external differentiated integration for countries that are its near neighbours such as Turkey, Ukraine, and potentially others? Please place your view on a 10 point scale where 0 = The EU should not establish any external differentiated integration with its near neighbours at all and 10 = The EU should be completely open in pursuing external differentiated integration with its near neighbours.

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

9. Many today argue that the strategy of appeasement (or democratisation) through trade has failed, so far as Russia is concerned. Do you consider that the EU should engage in external differentiated integration with states that are not fully democratic? Please place your view on a 10 point scale where 0 = The EU should not engage at all in external differentiated integration with not fully democratic states and 10 = The EU should fully engage in external differentiated integration with not fully democratic states.

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

10. The recent developments in Ukraine have shown the relevance for the EU to establish robust relationships with non-member states in its periphery. Please place your view on a 10 point scale where 0 = It should be significantly harder for non-member to opt into the European Neighbourhood Policy than it is now and 10 = It should be significantly easier for non-member states to opt into the European Neighbourhood Policy than it is now.

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

11. Please place your view on a 10 point scale where 0 = The EU should dedicate significantly less funds to facilitate non-member states participating in the European Neighbourhood Policy and 10 = The EU should dedicate significantly more funds to facilitate non-member states participating in the European Neighbourhood Policy.

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

12. The war in Ukraine has brought back the issue of future EU enlargements. Please place your view on 10 point scale where 0 = The EU should not speed up on-going as well as potential future enlargement rounds and 10 = The EU should speed up on-going as well as potential future enlargement rounds so as to link related states to its sphere of influence.

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

13. In light of recent political developments (Brexit, war in Ukraine), some argue that the EU should have different layers of membership. Please place your view on a 10 point scale where 0 = The EU should avoid different types of membership to safeguard legal unity and 10 = The EU should introduce different types of membership to increase its sphere of influence.

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

The future of the EU

14. Please place your views of the long-term impact of differentiated integration in the EU on a 10 point scale where 0 = Differentiated integration will lead to the long-term disintegration of the EU and 10 = Differentiated integration is the key to the EU's long-term survival.

0 1 2 3 4 5 6 7 8 9 10

(Long-term disintegration)

(Long term survival)

15. Please rate the likelihood of the following scenarios regarding the future of the EU on a 10 point scale where 0 = Not likely at all and 10 = Extremely likely.

Uniform integration:

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

Differentiated integration

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

Differentiated disintegration

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

Uniform disintegration

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

Other: please describe

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|----|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | |

16. Which of these scenarios of the future of the EU would be best in facilitating the EU's economic growth?

Uniform integration

Differentiated integration

Differentiated disintegration

Uniform disintegration

Other

17. Which of these scenarios of the future of the EU would best enable the EU to achieve its goals regarding foreign policy and security?

Uniform integration

Differentiated integration

Differentiated disintegration

Uniform disintegration

Other

18. Which of these scenarios of the future of the EU would provide better frameworks for democratic accountability and legitimacy?

Uniform integration

Differentiated integration

Differentiated disintegration

Uniform disintegration

Other

19. Which of these scenarios of the future of the EU would enable the most effective environmental protection policies?

Uniform integration

Differentiated integration

Differentiated disintegration

Uniform disintegration

Other

20. What do you consider to be the most pressing political issue(s) in regard to differentiated integration?

21. In which country did you grow up?

22. These last two questions address your view of how the EU currently can best be characterised as opposed to how you think the EU should ideally operate.

| | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|---|----------------|-------|----------------------------|----------|-------------------|
| The EU is an intergovernmental (rather than a supranational) organisation. | | | | | |
| The EU should be an intergovernmental (rather than a supranational) organisation. | | | | | |

Authors

Sandra Kröger

Department of Social and Political Sciences, Philosophy, and Anthropology

University of Exeter, Rennes Drive, Exeter, EX4 4RJ, United Kingdom

S.Kroeger@exeter.ac.uk

Maria Dede

Department of International Relations, Politics and History

Loughborough University, LE11 3TU

M.Dede@lboro.ac.uk