



THE PUZZLE OF ENLARGEMENT AND THE ORBAN SYNDROME: IS THERE AN INSTITUTIONAL CHANGE SO TO MAKE THE EU BOTH LARGER AND MORE EFFICIENT?

The Problem Setting

One of the institutional paradoxes of the EU (and, indeed, of all international organizations¹) is that to abandon “unanimity”, they need a unanimous deliberation².

Free riding makes unanimity-based institutions a sub-optimal decision-making arrangement to manage the crises that require quick responses; and such inadequacy is further eroding trust and tempting to act opportunistically.

Recently, Hungary has been often singled out as the most undisciplined partner.

However, the reality is that the EU institutional setting is such that it is exposed to free riding almost for any decision and that the threat comes from virtually all members of the club, and from different levels: it was Ireland to oppose policies to harmonize of taxation in 2018; French citizens to reject the Constitutional Treaty in 2007; the German Federal Constitutional Court to raise objections to European Central Bank’s monetary policies in 2020; Italian government not to accept the reform of the EMS until now; whereas all these decisions were legitimate and the examples may continue.

This is in a nutshell the most important puzzle that the EU must solve: the urgency to do so for two reasons:

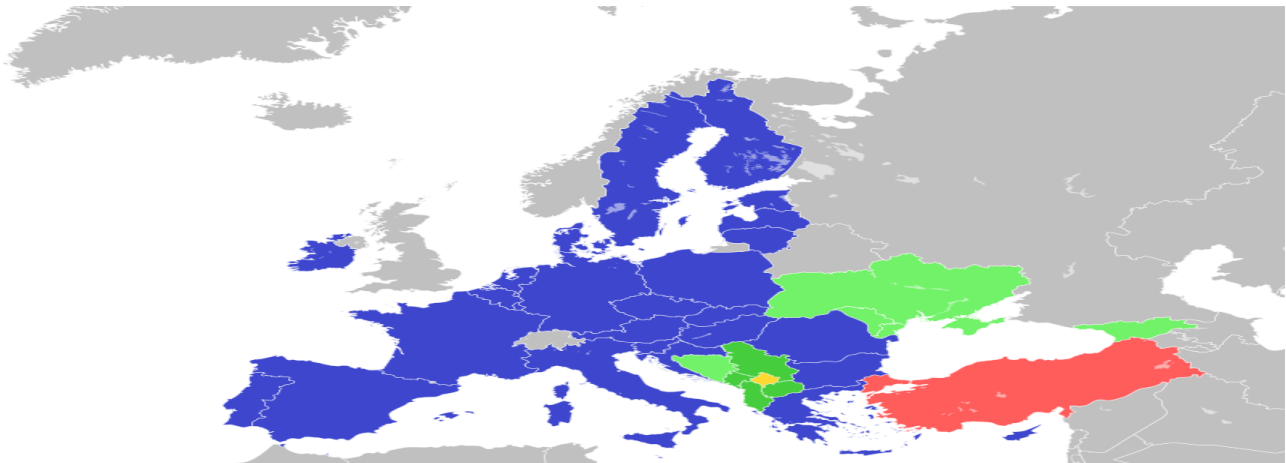
1. the crises that require quick and strong decisions are multiplying in number and intensity and come from different fronts (environmental, economic, immigration, military, technological);

¹ Including NATO, UN Security Council and COP on climate change which are other famous examples of international organizations whose decisions are diluted and delayed by unanimity.

² This applies even to exceptions to unanimity as for the “passarelle clause” at article 48, point 7 of the Lisbon Treaty: yes “the Council can act by a qualified majority in a certain area or for a given issue (not in case of “decisions with military or defense implications”); but the “initiative must be notified to the national Parliaments and if any of those Parliaments makes known its opposition within six months.. the decision .. shall not be adopted”

2. further enlargements are awaiting: currently we have four candidates to be admitted to the EU; four negotiating and one applicant and that may bring the total number of Member States to 36.

Figure – List of Member States plus candidates, negotiating, applicant would be Member States (Turkey is frozen candidate)



Source: Vision on EUROPEAN PARLIAMENT data

The puzzle is a challenge not just for the EU but for the very nature of the “STATE”: we need to go beyond the Hegelian notion of “power” and move towards a novel concept of “flexible institutions” where the organizations of power change quickly and yet orderly (so that citizens still see themselves “represented” and capable to operate within an enough stable environment).

The Problem Solving/ Ideas to be tested and developed

As for the conclusions (the PONTIGNANO PAPER of 2023), two main ideas have been proposed.

The first possibility is to forgo unanimity. And yet the question that Vision is posing would this be enough? Would be enough for taking decisions on defense, for instance?

The objection is that deciding with qualified majority some important enough decision is not a guarantee that dissenting member states will follow. After all, defense, for instance, is still a matter that belongs to sovereign states.

The second idea is to elaborate the idea of “flexible geometries” that the EU has pioneered for fifty years.

The Euro, the Schengen, the Common Market are all arrangements with their own contradictions and that yet for their peculiarity define the nature of the European Union (as

a “half meat/ half fish” institution as one of the participants³ to the PONTIGNANO CONFERENCE 2023 put it). The monetary union and the area of free movement of people only apply to a subset of the MS; the Common Market is extended even beyond the EU (to the EFTA countries and to Turkey with the “customs union”). And yet all these agreements are partial: the EURO is governed by a Stability and Growth Pact which has been often violated and is currently suspended; the free movement applies to an area where each country has still got its own policies to accept immigration; the Common Market is made fragile by different taxations.

The second idea that Vision is proposing to consider is what we may call “clusters of integration”. Subset of countries decide to pool policies (climate change, for instance) or the response to crises (pandemic, as an example) and yet the decisions to share these alliances should be – as opposed to current “flexible geometries”:

- a) transparent and empowered by citizens; one possibility could be even to have nation-wide referenda on each “pooling”;
- b) complete meaning without the contradictions that we just mentioned and that make them exposed to free riding;
- c) with opt-out mechanisms so to give to member states the possibility to divorce (if politics or contexts change) without making the alliance weaker;
- d) even open to not EU members (like the Common Market) and this should expand some EU centered alliances to old member states (like the UK on defense) or to brand new ones (like Tunisia on common market).

An approach like this will transform the very nature of the EU. The Union will become a broader umbrella whose main mission is to coordinate different alliances; minimize inconsistencies; promote new “cluster of integrations”. The EU would transform its nature and pioneer a new notion of “institution” in the 21st century, where its peculiar nature (“half fish/ half meat”) would become an advantage.

The background raises a number of questions:

- a) Is it feasible to abandon unanimity and would this solve the problem?
- b) Which are the advantages and disadvantages of the idea of transforming the EU in “clusters of integrations”?
- c) Is there a maximum limit to enlargement?
- d) Up to what extent do suggested ideas require treaty changes?

SOME REFERENCES:

- 1) Pontignano Papers 2023 and 2022;
- 2) Financial Times: Europe cycles into the digital age
<https://www.ft.com/content/3bff7ce0-c92d-11e7-8536-d321d0d897a3> 2)

³ Romano Prodi, former President of the European Commission.

- 3) Euro news: Young, Portuguese, Green voters most in favor of stronger EU: exclusive poll
<https://www.euronews.com/my-europe/2024/03/20/young-portuguese-green-voters-most-in-favour-of-stronger-eu-exclusive-poll>