

УДК 327.39(4-6ЄС)
DOI: 10.60022/2(9)-32S

Savka Vitalii

Candidate of Political Sciences
Associate Professor of the Department of International Politics
Uzhhorod National University, Ukraine

Савка Віталій Янович

кандидат політичних наук
доцент кафедри міжнародної політики
Ужгородський національний університет, Україна
ORCID: 0000-0002-4900-2125

ENHANCED COOPERATION WITHIN THE SYSTEM OF FLEXIBLE INTEGRATION OF THE EUROPEAN UNION

Abstract. *The article provides a comprehensive analysis of the phenomenon of flexible integration in the European Union, with particular emphasis on the relationship between the concepts of "flexible integration" and "enhanced cooperation." It substantiates the argument that flexible integration is broader in scope and encompasses various forms and mechanisms of uneven development of integration processes. The study examines the practice of applying flexible integration in key areas of EU activity, notably within the Economic and Monetary Union, the Schengen Area, common policies, and transitional arrangements for new member states. It demonstrates that, unlike flexible integration, the mechanism of enhanced cooperation has clearly defined areas of application and cannot extend to fields of exclusive EU competence or undermine the functioning of the common internal market. Particular attention is paid to debates concerning the appropriateness of using enhanced cooperation in the economic, social, environmental, security, and legal spheres. Emphasizes the dual nature of flexible integration, which simultaneously facilitates the advancement of integration and creates potential risks to the unity of the Union. It is argued that enhanced cooperation should be applied selectively – primarily in new areas of cooperation or where it aligns with the common objectives of European integration and does not generate discrimination among member states.*

Keywords: *European integration, flexible integration, enhanced cooperation, European Union, institutionalization of the enhanced cooperation, Economic and Monetary Union, European Economic Community.*

ПОСИЛЕНА СПІВПРАЦЯ В СИСТЕМІ ГНУЧКОЇ ІНТЕГРАЦІЇ ЄВРОПЕЙСЬКОГО СОЮЗУ

Анотація. *Стаття присвячена комплексному аналізу гнучкої інтеграції як одного з ключових механізмів розвитку Європейського Союзу, а також з'ясуванню сутності, меж і перспектив застосування інструменту посиленої співпраці. Розмежовується поняття «гнучка інтеграція» і «посилена співпраця», доводячи, що перше є значно ширшим за змістом і охоплює всю сукупність винятків, перехідних режимів та варіативних форм участі держав-членів у спільних політиках ЄС. Посилена співпраця, натомість, розглядається як інституціоналізований механізм поглиблення інтеграції в окремих сферах за участю обмеженого кола країн, який має чітко визначені умови та обмеження, закріплені в установчих договорах Європейського Союзу.*

Проаналізовано історичну практику застосування гнучкої інтеграції, зокрема у формі винятків для окремих держав-членів, перехідних періодів для нових членів ЄС, а також у рамках таких проєктів, як Економічний і валютний союз, Шенгенська зона, Європейський економічний простір і співпраця у сфері спільної зовнішньої та безпекової політики. Показано, що гнучка інтеграція фактично пронизує всі напрями діяльності ЄС і слугує інструментом подолання політичних, економічних та інституційних розбіжностей між державами-членами.

Особливу увагу приділено аналізу сфер можливого застосування посиленої співпраці. Обґрунтовано, що вона не може використовуватися в галузях виключної компетенції ЄС і не повинна підривати функціонування Спільного внутрішнього ринку, принципи економічної та соціальної

згуртованості, а також свободи пересування товарів, послуг, капіталів і робочої сили. Разом з тим розглядаються наукові дискусії щодо потенційної доцільності посиленої співпраці у сферах соціальної, податкової, екологічної політики, досліджень і технологічного розвитку, інфраструктури, безпеки, поліцейського та судово-правового співробітництва. Підкреслюється суперечливість оцінок щодо її застосування в межах Економічного і валютного союзу, зовнішньої політики та міграційних питань.

Наголошується на дуалістичній природі гнучкої інтеграції, яка, з одного боку, сприяє подальшому поглибленню європейської інтеграції, а з іншого — створює ризики фрагментації та ослаблення єдності Союзу. Посилена співпраця розглядається як потенційна альтернатива системі винятків, проте її використання має бути виваженим, обмеженим і спрямованим на досягнення спільних інтеграційних цілей ЄС без дискримінації між державами-членами.

Ключові слова: європейська інтеграція, гнучка інтеграція, посилена співпраця, Європейський Союз, інституалізація посиленої співпраці, економічний і валютний союз, Європейське економічне співтовариство.

Formulation of the problem. Flexible integration is considered a component of the integration process characterized by unequal participation of Member States in integration projects, determined by their willingness or capacity to participate. It implies unequal rights and obligations for participants and leads to the creation of various configurations within or outside the EU, with possible involvement of third countries.

The emergence of flexible integration is due to the combination of divergent vectors of EU development – namely, the expansion of the number of countries participating in European integration and the deepening of integration processes. The increase in the number of European Economic Community (EEC) / European Union members inevitably led to growing heterogeneity of interests and capacities within the grouping. In turn, the deepening of integration and its extension to new areas of cooperation objectively intensified these contradictions and revealed significant differences among participants in their understanding of the goals and objectives of integration. In such a situation, it became necessary to search for alternative paths of EEC development that could help avoid stagnation and internal division within the EU. The use of flexible integration mechanisms makes it possible to overcome deadlock situations and move integration forward.

Analysis of recent research and publications. Western scholarship contains an extensive historiography devoted to the theoretical and practical aspects of flexible integration. Until the early 1990s, studies on this topic were relatively few and unsystematic. Among them are the works of Dahrendorf [1], Grabitz [2], Ehlermann [3], and Wallace [4]. The signing of the Maastricht Treaty marked the starting point of an intensive debate on the possibilities of applying flexible integration in the EU, often intertwined with discussions on the future development of a united Europe.

Emphasizing the need for a theoretical justification of the long-term consequences of flexible integration in the EU, A. Kölliker, drawing on existing integration theories and analysis of EU development, proposed his own theoretical model explaining the impact of flexible integration on EU development [5]. Kölliker considers “differentiation” in a broad sense – of which flexible integration is a component – and “unification” within the EU as two main trends in the development of the European Union. Through the interaction of these trends, the author seeks to construct the logic of differentiated integration.

The concept of flexible integration evolved slowly and gradually over more than three decades following the first enlargement of the Community. With the establishment of the European Union in the early 1990s, the issue of applying flexible integration became central in debates about the future structure of the EU. A significant body of research assesses the use of flexible integration throughout the development of the EEC/EU. C.D. Ellermann [6] and H. Wallace [4] view flexible integration as a component of integration dynamics. According to A. Kölliker, differentiation is a powerful tool for overcoming deadlock situations. However, the presence of a centripetal effect – whereby previously skeptical member states join the more advanced group – largely depends on the specific area of cooperation [5, p. 282].

The purposes of the article. The purpose of the article is to examine and analyze existing practices of applying and implementing flexible integration and its specific form – enhanced cooperation – across various areas of EU activity.

The main material presentation. First, it is necessary to note the fundamental difference between the concepts of “flexible integration” and “enhanced cooperation.” The former encompasses the full range of exceptions from the general rules of progressive and uniform EU development. The latter implies deepening integration in specific areas through cooperation among certain EU member states and has strictly defined

parameters and conditions set out in the EU's founding treaties. Thus, the Economic and Monetary Union (EMU) can be considered a classic example of combining different types and forms of flexible integration, but it is not an instance of enhanced cooperation, since it falls within the exclusive competence of the Community and therefore outside the scope of enhanced cooperation. To date, enhanced cooperation has not been applied even once, whereas flexible integration has existed in the EU for decades. Accordingly, the concept of flexible integration is broader and includes various variations, including enhanced cooperation.

The formalization of uneven advancement of integration processes through provisions on enhanced cooperation sparked intense debates about possible areas of its application in the EU. Interest in this issue is understandable, as it is precisely here that theory meets practice with potentially far-reaching consequences. However, it is important to distinguish between the application of flexible integration in general and enhanced cooperation in particular.

Flexible integration, in the form of various opt-outs, has been applied and continues to be applied across different areas of EU development. Examples include all opt-outs granted to the United Kingdom, Denmark, Ireland, and Sweden, as well as transitional periods for new Member States of a temporary nature. Another variant of flexible integration involves projects not encompassing all Member States or including third countries—such as the economic and monetary union (EMU), the Schengen Area, the European Economic Area, and various forms of cooperation within the Common Foreign and Security Policy / European Security and Defence Policy (CFSP/ESDP). It is important to note that the ideal form for advancing integration is a multi-speed model, where all states share a common goal and gradually join existing Union projects. The expansion of the euro area and the Schengen Area illustrates this process well. Slovenia introduced the euro in 2007 after meeting the necessary criteria; Malta and Cyprus followed in 2008; Slovakia joined on 1 January 2009. The Schengen Area expanded in December 2007 to include nine states (all countries that joined the EU in 2004 except Cyprus). In December 2008, Switzerland – whose population had previously approved the move in a referendum – abolished passport controls at its borders with the EU. Regional groupings with possible involvement of third states, such as the Mediterranean cooperation and the "Northern Dimension," may also be considered within the framework of flexible integration. In fact, flexible integration mechanisms are used in all areas of EU activity.

With regard to enhanced cooperation – whose mechanism is clearly defined in the EU's founding treaties – the situation is fundamentally different. Its areas of application are severely limited. Enhanced cooperation must not lead to changes in EU-wide legislation. Researchers have noted that enhanced cooperation should not be widely applied; its scope should be restricted. In those areas where it may be used, advancing countries must be confident that its application genuinely serves their interests [7, p. 8]. For example, stricter environmental standards should not reduce the competitiveness of the countries adopting them. Enhanced cooperation should primarily be applied in areas where member states' advancement aligns with the common goals of integration and raises no doubts about its usefulness.

Some scholars link the application of enhanced cooperation to qualified majority voting (QMV), suggesting that in areas governed by QMV, enhanced cooperation may not be necessary [7, p. 8]. Indeed, in theory, QMV should minimize the need for enhanced cooperation. In practice, however, there is a significant difference between the number of votes required to adopt a decision under QMV and those needed to establish enhanced cooperation. Enhanced cooperation is particularly promising in areas where cooperation is only beginning to develop or where progress depends on unanimity among member states [8, p. 23].

Enhanced cooperation does not apply to areas of exclusive Community competence, including the customs union, monetary policy for euro area states, common commercial policy, competition rules necessary for the functioning of the internal market, and the conservation of biological resources under the common fisheries policy. Consequently, the EMU cannot be considered an example of enhanced cooperation. Enhanced cooperation cannot affect European citizenship and must not promote discrimination among Member State nationalities.

Enhanced cooperation may be applied in areas of shared competence between the Community and member states, the list of which is quite extensive. However, in areas directly affecting the common internal market – taxation, social policy, environmental policy, and consumer protection – the advisability of enhanced cooperation is often questioned. According to Helen Wallace and Françoise de La Serre, enhanced cooperation should not be applied in areas such as the common agricultural and fisheries policies, common commercial policy, competition policy, cohesion policy, and transport policy, as they are too interlinked and form a single block of common Community policies. Moreover, these areas require a high degree of financial solidarity, which also argues against the use of enhanced cooperation [8, p. 27]. Practically all researchers

and, importantly, member states agree that the single internal market is the least suitable area for enhanced cooperation. Potential disruptions within the EU internal market could threaten the integration process itself, as the single market is the cementing foundation of the EU. Thus, enhanced cooperation should not affect the functioning of the internal market, including the free movement of goods, services, capital, and labor, nor the EU's common agricultural and fisheries policies; it must respect the principles of economic and social cohesion of the Union [9].

By contrast, researchers at the Centre for European Policy Studies (CEPS) argue that enhanced cooperation is possible in areas directly related to the EMU, particularly employment, social, and tax policies. Such contradictory assumptions support the view of British researcher Ben Hall that the expansion of enhanced cooperation's practical scope will depend on the degree of distortion of internal market rules – especially in competition policy – that member states are willing to tolerate [7, pp. 29-30].

Potential application of enhanced cooperation generally meets no opposition in the following areas: research and technological development, transport and trans-European networks, industry, tourism, education and vocational training, culture, public health, and youth policy. Enhanced cooperation is also acceptable in indirect taxation, particularly in energy and environmental fields. Areas such as corporate law, social policy, energy, and environmental standards may also be open to enhanced cooperation. Overall, enhanced cooperation in infrastructure development, environmental protection, industrial cooperation, and research appears logical. The main condition for its application in these fields should be the absence of discrimination against participating states compared to other Member States—for example, higher environmental standards should not undermine competitiveness.

Prior to the signing of the Amsterdam Treaty, enhanced cooperation appeared most promising in foreign and security policy. However, during the 1996-97 Intergovernmental Conference, this area was excluded from its possible application. The treaty introduced the possibility of constructive abstention, whereby a state unwilling to participate refrains from voting without preventing others from adopting a decision. The Nice and Lisbon Treaties extended enhanced cooperation to the CFSP/ESDP. Today, enhanced cooperation appears quite feasible in practical actions within the CFSP/ESDP, provided they do not contradict the EU's general principles and strategies – particularly with regard to EU-led operations and missions. Closer cooperation in military technologies, arms development, and production is possible and already exists.

Most Schengen states negatively perceive any actions that could undermine the group's internal cohesion. Therefore, closer cooperation within Schengen is more likely for operational actions than for projects affecting the group's structure [10, pp. 21-25]. The use of enhanced cooperation in combating illegal immigration elicits mixed assessments. On the one hand, given regional specificities, such cooperation may be useful—for example, joint maritime patrols by Mediterranean countries, for whom the issue is far more pressing than for Northern or Central European states. On the other hand, creating different regimes for illegal immigrants within the EU could be short-sighted, potentially redirecting flows toward countries with less stringent requirements [10, p. 20]. Enhanced cooperation in border control is therefore undesirable.

In police cooperation among EU Member States, enhanced cooperation appears to have few opponents. This is due to several factors: deeper cooperation in this area is urgently needed; it is difficult to envisage negative effects on common Community objectives; non-participating countries would not be significantly politically disadvantaged; and there is a long-standing tradition of bilateral or trilateral cooperation. An example of enhanced cooperation could be the creation of a special police corps to address specific tasks within participating states [11, p. 28], ideally in close coordination with Europol. Enhanced cooperation also seems feasible in judicial matters, such as information exchange or the harmonization of sanctions.

As a rule, a member state's position on enhanced cooperation depends on its status in a given policy area and its domestic political context. For instance, France proposed culture, education, a single currency, and the environment as areas for "deepened cooperation of an inner group" [9]. Great Britain identified internal and external security as the most appropriate areas and emphasized the need for European Parliament involvement [9].

Overall, the potential scope of enhanced cooperation is quite diverse. However, the idea remains prevalent that enhanced cooperation should primarily be applied either in new areas of cooperation or in new directions within established policy areas.

Conclusions. Flexible integration has a dual nature. On the one hand, it has helped overcome obstacles to EU development; on the other, unequal rights and obligations undermine the principle of uniform progress and pose a potential threat to the Union's unity. Although flexible integration has largely remained the exception rather than the rule, it is evident that flexibility has been used to advance integration within the European

Union.

Various types and forms of flexible integration have been applied and continue to be applied across virtually all areas of EU cooperation. Enhanced cooperation, institutionalized as one of the EU's foundational principles, has strictly limited areas of application. Even where permitted, its use may produce both positive and negative effects. Therefore, enhanced cooperation should be applied primarily in areas where member states' advancement aligns with common integration goals and raises no doubts about its usefulness, effectively serving as a replacement for the previously practiced system of opt-outs.

References

1. Dahrerdorf R. A Third Europe? Third Jean Monnet Lectures / European University Institute. Florence, 2022. 306 p.
2. Abgestufte Integration: Eine Alternative zum herkömmlichen Integrationskonzept? / Ed. by E. Grabitz. Strasbourg; Kehl a.-Rhein: N.P. Engel Verlag, 2021. 411 s.
3. Ehlermann C.D. How Flexible is Communities Law? An Unusual Approach to the Concept of "Two Speed". *Michigan Law Review*. 1984. Vol.82, N 2. P.1274-1293.
4. Wallace H. and Riley A. Europe: The Challenge of Diversity. Chatham House Papers 29. London, Routledge, 2015. 100 p.
5. Kölliker A. Flexibility and European Unification. The Logic of Differentiated Integration. Oxford, 2023. 323 p.
6. Ehlermann C. D. Differentiation, Flexibility, Closer Cooperation: The New Provisions of the Amsterdam Treaty. URL: <https://onlinelibrary.wiley.com/doi/epdf/10.1111/1468-0386.00052> (accessed November 28, 2025).
7. Hall B. How Flexible Should Europe be? *CER*. London, 2021. P. 5-38.
8. La Serre F. de, Wallace H. Flexibility and Enhanced Cooperation in the European Union: Placebo Rather Than Panacea? *Notre Europe. Research and Policy*. Paris, 1997. Paper N 2. P. 18-38.
9. Bulletin Quotidien Europe / Europe. Agence Internationale d'Information pour la Press. Brussels, 1996-2009. 93 p.
10. Monar J. Flexibility and closer co-operation in an emerging European migration policy: opportunities and risks. CeSPI. Roma, 2021. October. 96 p.
11. Dehousse F., Coussens W. Flexible Integration: Potential Applications? Integrating Europe: Multiple Speeds - One Direction? *EPC Working Paper*. London, 2004. N 9. P.2-38.