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978-1-107-02137-2 - The Future of Europe: Towards a Two-Speed EU?

Jean-Claude Piris

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## THE FUTURE OF EUROPE: TOWARDS A TWO-SPEED EU?

The European Union is in crisis. Public unease with the project, problems with the euro and dysfunctional institutions give rise to the real danger that the European Union will become increasingly irrelevant just as its Member States face more and more challenges in a globalized world. Jean-Claude Piris, a leading figure in the conception and drafting of the EU's legal structures, tackles the issues head on with a sense of urgency and with candour. The book works through the options available in the light of the economic and political climate, assessing their effectiveness. By so doing, the author reaches the (for some) radical conclusion that the solution is to permit 'two-speed' development: allowing an inner core to move towards closer economic and political union, which will protect the Union as a whole. Compelling, critical and current, this book is essential reading for all those interested in the future of Europe.

JEAN-CLAUDE PIRIS served as the Legal Counsel of the Council of the EU and Director General of its Legal Service from 1988 to 2010. He is an Honorary French Conseiller d'Etat, a former diplomat at the UN and the former Director of Legal Affairs of the OECD. He was the Legal Adviser to the successive intergovernmental Conferences which negotiated and adopted the treaties of Maastricht, Amsterdam and Nice, the Constitutional Treaty and, finally, the Lisbon Treaty. He was also Senior Emile Noël Fellow and Straus Institute Fellow at New York University.

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*To my former colleagues in the Legal Service of the  
Council of the European Union, in recognition of their  
work and dedication*

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2011 could turn out to be the year that a multi-speed Europe starts to look more like a two-speed Europe, with an inner core impelled towards closer political and economic union by the need to rescue the single currency.

David Rennie, political editor, *The Economist*, 4 January 2011

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## *Foreword*

I recall it being said of a legendary former Director General of the Legal Service of the Commission of the European Union that it was as if the Commission had an extra Member. What, then, is one to say of the legendary former Director General of the Legal Service of the Council – the author of this study? That during his tenure it was as if the Council had an extra Member State? If power and influence were the measure, I would have no problem with such a statement as long as it was not a Malta or an Estonia that one had in mind, but one of the ‘biggies’: a France or a Germany or, perhaps, a United Kingdom. It is difficult to overstate the mark of Jean-Claude Piris on the fortunes of Europe. Cast your mind to any major development, challenge or crisis in recent Union history – whether the Charter of Fundamental Rights or the deliciously bureaucratically named Treaty on the Functioning of the European Union, and the large fingerprints of Jean-Claude Piris will be detected. Never at the forefront, but ever present. It is not only in Praxis that Piris has left his mark. Peruse the pages of the European literature and his writing stands out – it was quite laughable when he tried to hide behind a pseudonym: Justus Lipsius. The consummate political-legal fixer has not only a distinct style, direct with a touch of irony, but is refreshingly politically incorrect, compared with the typically smooth, Barbie-style spin-doctors of the European bureaucracy.

That Europe is in crisis – the travails of the euro actually mask how deep and structural the crisis runs – is a common place. Lisbon?, the Constitutional-Mountain-turned-into-Molehill-except-the-Mountain-was-a-Molehill-to-begin-with, is more the problem than a solution. If you wish to read one of the most incisive analyses of the current circumstance of Europe (grim), you will find it



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here. If you wish to read an equally incisive analysis of the various institutional options (grimmer), you will find that here too. But Piris is no Cassandra. You will also find one the most incisive analyses of the indispensability of the European construct for the future welfare of European citizens and their Member States. What, then, to do with the willing patient betrayed by the ageing organs? Where is the Viagra going to come from?

I would normally be inclined to say that the two-speed Europe solution is the refuge not only, like patriotism, of scoundrels (Bavarian Christian Social Union politicians trying to stop the Barbarians at the gate), but normatively and technically the scrapings from the bottom of the barrel. When you have nothing else to serve, *Europe à deux vitesses*, like ever-fresh, ever-stale crackers, is sure to be found in the pantry.

Normatively it seems preposterous. Europe has largely moved to majority voting. The minority is expected to follow the majority decision. That is democracy. But when the majority cannot get enough votes, or a minority cannot persuade enough adherents, you go it alone and, by way of koshering the pig, you call it *deux vitesses*. Technically, all previous attempts usually foundered because of their fracturing effect on the Single Market, still the signal achievement of Europe.

Piris is in a different category. At a minimum, he will make you rethink. He is not starry-eyed about the two-speed option, but shows some distinct political advantages, especially compelling, because situated in a vision of a united Europe. Two-speed, not two-tier: everyone is welcome to an upgrade when ready without the need for a gold or platinum card. The political case is accompanied by the legal machinery, sober and technical, which gives the project a purchase on gritty reality.

The two-speed Europe proposed here is not presented as a panacea, but as a vision rooted firmly in the ground, in which imagination and reality cohere in the best tradition of, might one say it, signal French contributions to Europe.

J. H. H. Weiler

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Any mistakes are those of the author.