



ARTICLES

DIFFERENTIATED GOVERNANCE IN A EUROPE IN CRISES

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REGIONAL GROUPS IN THE EUROPEAN UNION: MAPPING AN UNEXPLORED FORM OF DIFFERENTIATION

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ABSTRACT: Within the EU there are several regional forums in which member states cooperate with one another outside the EU institutional framework. The purpose of this *Article* is to define, identify, compare and explain these intra-EU bottom-up regional groups (BURGs). A BURG may be defined as a group of geographically proximate current EU member states engaging in a form of institutionalized and active cooperation that is institutionally separate from the EU. By this definition this *Article* identifies at least thirteen BURGs. Comparing the BURGs, this *Article* observes that they vary according to their longevity (including whether they were established pre- or post-accession), institutional complexity, policy scope, and frequency of meeting. Explaining BURGs, this *Articles* argues that they may serve one or more of four purposes – integration vanguard, functional cooperation, policy coordination, or resistance. These BURGs represent an unexplored form of differentiated governance within the EU. They do not conform to the classic definition of differentiated integration, which is measured according to whether member states opt-out of common EU policies. Rather, they are a bottom-up form of differentiation, that sits at an intermediate level between the member states and the EU.

KEYWORDS: bottom-up – cooperation – differentiation – European Union – integration – regional groups.

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I. INTRODUCTION

Within the European Union (EU), there are numerous regional groups of member states that engage in formalized cooperation that is separate from their cooperation within EU institutions. By our reckoning, there are thirteen such groups that are currently active. They are found in every part of Europe – North, South, East and West – and every current EU-27 member state participates in at least one. These groups vary in numerous ways. Some of these groups are long-standing (e.g. Benelux, established in 1944) whereas others are quite recent creations (e.g. New Hanseatic League, established in 2018). They range in size from two members (Franco-German Cooperation, Iberian Summit) to 12 (Three Seas Initiative). Some are deeply institutionalized (e.g. Baltic Assembly) whereas others are only minimally so (e.g. Weimar Triangle, Slavkov Triangle). Some involve extensive cooperation across a range of policy areas (e.g. Visegrád Group) whereas others are focused on one policy area only (e.g. Salzburg Forum). Some are focused mainly on internal cooperation (e.g. Central European Defence Cooperation) whereas others are also concerned with policy coordination at the EU level (e.g. EuroMed and the Nordic-Baltic groups). Despite these variations, all these groups represent forms of bottom-up cooperation that reside at an intermediate level between the individual member state and the EU as a whole.

The purpose of this *Article* is to examine the phenomenon of regional caucusing in the EU, with the aim of mapping this unexplored political dynamic, and consider its consequences for the process of European integration. As such, this *Article* pursues a dual objective. On the one hand, it endeavors to identify the bottom-up regional groups (BURGs) of cooperation existing in the EU, compare their function, and assess their organization. On the other hand, this *Article* analyzes the impact that these regional groups have on EU integration, distinguishing between groups that pursue a purely administrative framework of cooperation and groups which instead are created to serve as agenda-setting arenas, multiplying the capacity of participating member states to shape EU policies within the EU governance architecture.

As such, this *Article* fills a gap in the law and political science literature on European integration. While many regional experts may have studied one or another of these groups on an individual basis, there has been very little research conducted with the aim of analyzing and comparing them as a general phenomenon. Indeed, this is reflected in the fact that there is not even a commonly accepted name for these groups – variously called “partnerships, alignments, blocs, alliances or groupings”¹ – let alone a commonly

¹ I Rüse, 'Nordic-Baltic Interaction in European Union Negotiations: Taking Advantage of Institutionalized Cooperation' (2014) *Journal of Baltic Studies* 230.

accepted definition of what they are. Only a few works have sought to give a comprehensive survey of the BURGs within the EU. Those that have done so² are not up to date with recent developments in this rapidly evolving field, which has seen the creation of three new BURGs since 2015 (the Slavkov Triangle, the Three Seas Initiative, the New Hanseatic League) and the significant upgrade of an older one (Franco-German Cooperation, strengthened by the Aachen Treaty of 2019). More recent work in this field has been less comprehensive, tending towards shorter pieces analysing the bottom-up cooperation among member states in the light of the policy challenges created by the euro-crisis,³ Brexit⁴ and Covid-19.⁵ Many of the works in the wider literature focus on one single BURG as their object of study⁶ rather than comparing them or studying them as a general pan-EU phenomenon. Some works have more broadly focused on BURGs in one particular region, *i.e.* Central and Eastern Europe,⁷ which has seen a proliferation of multiple adjacent, overlapping and nested BURGs. Some scholars have mainly focused their attention on one BURG but are also alert to broader questions such as how to typologize BURGs⁸ or how to study inter-BURG cooperation, as seen for example in the relations of the Baltic Assembly with Benelux and the Visegrad Group.⁹ Another scholarly angle is to look at how a single member state can stake out its diplomatic position through its engagement

² M Dangerfield, 'The Visegrád Group in the Expanded European Union: From Preaccession to Postaccession Cooperation' (2008) *East European Politics and Societies* 630; A Inotai, 'Correlations between European Integration and Sub-Regional Cooperation: Theoretical Background, Experience and Policy Impacts' (1998) *Russian & East European Finance and Trade* 3; M Klemenčič, 'Formal Intergovernmental Alliances in the European Union: Disappearing or Still Alive?' (2011) *EUSA Twelfth Biennial International Conference*; I Rüse, *(Why) do Neighbours Cooperate? Institutionalised Coalitions and Bargaining Power in EU Council Negotiations* (Budrich UniPress 2013) 1.

³ G Lewicki, 'Hansa 2.0. A Return to the Golden Age of Trade?' (2019) *Polish Economic Institute* 1.

⁴ E Brattberg, K Brudzińska and B Pires de Lima, 'Contending European Views on a New Post-Brexit Balance' (25 March 2020) *Carnegie Endowment for International Peace* carnegieendowment.org.

⁵ KO Lang and N Von Ondarza, 'Friends in Need: the Corona Pandemic Changes the Landscape of Groups and Coalitions in the EU' (2020) *Stiftung Wissenschaft Und Politik Comment* 1.

⁶ M Górka, 'The Three Seas Initiative as a Political Challenge for the Countries of Central and Eastern Europe' (2018) *Politics in Central Europe* 55; V Kleinberga, 'Bowling Together: Nordic Baltic Six in the European Union' (2019) *Latvijas intereses Eiropas Savienībā* 17; M Vidal and J Wouters, 'The Trials and Tribulations of the Benelux' in T Giegerich, D Schmitt and S Zeitmann (eds), *Flexibility in the EU and Beyond: How Much Differentiation Can European Integration Bear?* (Nomos - Oxford Hart Publishing 2017) 283.

⁷ L Cabada, 'The Visegrad Cooperation in the Context of Other Central European Cooperation Formats' (2018) *Politics in Central Europe* 165; V Jančoškova, 'Regional Cooperation in Central and Eastern Europe and its Implications for the EU' (2017) *European View* 231.

⁸ M Dangerfield, 'The Visegrád Group in the Expanded European Union' *cit.* 630.

⁹ RM Cutler and A von Lingen, 'Emerging Interregional Parliamentarism: The Case of the Baltic Assembly' in M Müftüler-Baç, K Raube and J Wouters (eds), *Parliamentary Cooperation and Diplomacy in EU External Relations* (Edward Elgar Publishing 2019) 120.

with multiple BURGs, e.g. Poland¹⁰ or Austria.¹¹ But overall, it is evident that there is a gap in the literature, exposing a pressing need for an up-to-date and comprehensive survey of regional groupings within the EU.

This *Article* therefore goes beyond this *ad hoc* scholarship, by assessing the phenomenon of regional grouping from a broader theoretical perspective and reflecting on its implications for EU integration studies, and especially theories of differentiated governance. In particular, we argue that this kind of bottom-up political cooperation represents a particular form of differentiation within the EU, albeit one that is not always recognized as such. This is because much of the analysis of differentiated integration is focused on the extent to which common EU rules are not applied uniformly across the EU due to the various derogations and opt-outs that apply to different member states.¹² The problem with this rule-based conceptualization is that it is effectively a top-down measure of differentiation in that it takes full application across the whole EU as the baseline and then measures deviations away from that. This is of course a valid and very useful kind of analysis, but it cannot capture the complete picture because it tends to leave out forms of bottom-up cooperation such as those analysed here.

It should be emphasized that BURGs as defined here are institutionally separate from the EU and do not significantly encroach upon the competences of the EU. Many of the BURGs are largely informal in structure, lacking a legal personality and any formal decision-making capacity, and so do not have “competences” in the legal sense. Furthermore, the BURGs are generally forums for interstate cooperation in policy areas outside the EU’s sphere of exclusive competence, in fields in which the EU competence is shared with the member states (e.g. energy, transport, justice and home affairs) or supporting of the member states (e.g. industry, tourism).¹³ Many of the BURGs involve cooperation in foreign policy, a field in which member states retain significant policy autonomy even if it is also in part an EU-level competence. Moreover, some BURGs operate as forums for policy coordination, in which groups of member states coordinate their positions on current EU policy questions, but they do not have “competence” as such in these policy areas. For all these reasons, BURGs do not conform to the most common definition of differentiated integration, which typically occurs when one or more member states do not participate in a common policy where the EU has competence and has taken legislative action.

¹⁰ A Kirpsza, 'With Whom to Cooperate in Brussels? The Effect of Coalition-building with the Three Seas Initiative, Visegrad Group and Germany on Poland's Success in EU Lawmaking' in M Grabowski, A Mania and T Pugaczewicz (eds), *Global Politics in the 21st century: Between Regional Cooperation and Conflict* (Peter Lang Verlag 2019) 205.

¹¹ P Müller, 'Europeanization and Regional Cooperation Initiatives: Austria's Participation in the Salzburg Forum and in Central European Defence Cooperation' (2016) *Austrian Journal of Political Science* 23.

¹² F Schimmelfennig and T Winzen, *Ever Looser Union? Differentiated European Integration* (Oxford University Press 2020) 3.

¹³ There is one BURG which does encroach on an area of exclusive EU competence: Benelux, which is among other things a customs union that pre-dates the EU customs union and is recognized in the EU treaties, as discussed below.

BURGs are a different form of differentiation insofar as they represent “bottom-up” cooperation that occurs frequently outside the EU’s field of competence.

This *Article* aims to provide a comprehensive study of BURGs, defined as forms of cooperation among EU member states that are not institutionally connected to the EU, whether or not they promote European integration. Our method is to first identify the BURGs according to objective criteria, and then to compare them; this avoids selection bias. In fact, what will be observed below is that a BURG may *i)* work in favour of European integration, *ii)* work against European integration, or *iii)* have a neutral effect with respect to European integration; and indeed, the disposition of a given BURG towards European integration may change over time. The literature on differentiated integration in the EU has generally focused on cases of *i)*, while leaving aside cases of *ii)* and *iii)*. In this way, this survey makes an important contribution to the literature on differentiated integration in the EU precisely because it broadens the field of empirical analysis to include all instances of institutionalized cooperation among member states within the EU.

This *Article* is structured as follows. Section II provides a definition of regional groups, clarifying what are the properties which we regard as necessary for a specific regional form of cooperation to fall within our definition of the concept; and it offers a list of existing EU regional groups. Section III compares the existing regional groups, classifying them with regard to their longevity (pre- vs. post-accession), institutional structure (thick vs. thin), policy scope (sectoral vs. general) and the degree to which they are active/inactive. Section IV examines the different purposes which the BURGs may serve – integration vanguard, functional cooperation, policy coordination, or resistance. Section V, finally, concludes and reflects on the potential for further research on regional groups as a tool to enrich understanding of EU integration and differentiated integration.

II. DEFINING BURGS

Europe is a geographical region of complex interdependence in which there are multiple forms of international cooperation among states both within and outside the EU. In this *Article* we are only concerned with a particular form of cooperation, one that takes place inside the EU but is not part of the EU institutional structure. For this reason, we have five criteria by which we define an intra-EU Bottom-Up Regional Group (BURG). A BURG is a form of international cooperation that meets the following five criteria: *i)* it is institutionalized cooperation; *ii)* it is currently active; *iii)* its participants are all current EU member states; *iv)* it is institutionally separate from the EU; and *v)* the participating states are geographically proximate, by belonging to the same regional area of the EU. Further elaboration of these five criteria is provided below, along with examples of other forms of cooperation that they exclude, in order to clarify the nature of the BURGs that are the subject of this *Article*.

II.1. INSTITUTIONALIZED COOPERATION

We define an intra-EU BURG as a group that is institutionalized, *i.e.* it has permanence that is regularly reproduced in practice. For example, a BURG could be classified as institutionalized if regular meetings, among ministers or parliamentarians, were held under its auspices – although, as we explain in Section III below, the depth of organizational structuring of BURGs can vary significantly from one regional group to another. What this criterion excludes is temporary tactical alliances among member states such as are manifest, for example, when they cast their votes together in the Council of the EU.¹⁴ It also excludes groups of EU member states that are sometimes described as having a collective identity but which lack any institutional form. For example, the “Founding Six” – the original six member states of the European Coal and Steel Community (ECSC) and the European Economic Community (EEC) – are sometimes described as a distinctive group, but we cannot find any extant institutional manifestation of this particular group identity – except, perhaps, a one-off meeting by the Foreign Affairs Ministers of the Six prior to the UK’s Brexit referendum¹⁵ – and so we do not classify this group as a BURG.

II.2. CURRENTLY ACTIVE

Closely related to the previous criterion, we define an intra-EU BURG as one in which cooperation is currently active. The rationale for this criterion is that our purpose here is not to provide an historical account of all BURGs that have existed within the EU but only to survey those that currently exist. This excludes forms of cooperation among EU member states that existed previously but have been dissolved or fallen into disuse. One example of BURG that no longer exists is the Western European Union (WEU), a military cooperation organization that was active in the late 1980s and 1990s, made up of EU member states that were also members of the North Atlantic Treaty Organization (NATO): Over time the tasks of the WEU were transferred to the EU and it was dissolved in 2011. In this *Article*, we have applied this criterion liberally so as to include those BURGs that are currently active even if there have been some gaps in their recent past activity – *e.g.* they have not always held an annual meeting. For this reason we include both the Slavkov Triangle (aka the Austerlitz Triangle/Trilateral) of Austria, the Czech Republic and Slovakia, founded in 2015, and the Weimar Triangle (France, Germany, Poland) founded in 1991, because both of them held meetings in 2020.¹⁶

¹⁴ M O Hosli, ‘Power, Connected Coalitions, and Efficiency: Challenges to the Council of the European Union’ (1999) *International Political Science Review* 371.

¹⁵ E Zalan, ‘EU Founding States Pledge Deeper Integration’ (10 February 2016) EuObserver eu-observer.com.

¹⁶ I Romanyshyn, ‘The Surprise Return of the “Weimar Triangle”’ (7 January 2021) EuObserver eu-observer.com; NewsNow, ‘Matovic: Borders between Slovakia, Czech Republic and Austria Remain Open’ (9 September 2020) NewsNow newsnow.tasr.sk.

II.3. ONLY CURRENT EU MEMBER STATES

We define an Intra-EU BURG as one in which only current EU member states are full members. The rationale behind this criterion is that our purpose is to analyze BURGs as a phenomenon that is internal to the EU, and European integration. This criterion does have the effect of excluding important regional cooperation forums that include countries both inside and outside the EU, such as the long-standing Nordic Council (founded in 1952), which includes three EU member states (Denmark, Finland and Sweden) and two non-EU countries (Norway and Iceland), along with the semi-autonomous regions of Åland, the Faroe Islands, and Greenland. This criterion also excludes regional cooperation that involves the UK (now an ex-member-state as of 31 January 2020), most notably its multi-layered bilateral relationship with Ireland, including the British-Irish Council, the Common Travel Area and the British-Irish Parliamentary Assembly.¹⁷ Prior to Brexit, the UK-Ireland Common Travel Area was an important instance of differentiated governance within the EU in that it was a separate zone of passport-free movement outside of the Schengen area. However, now that the UK has left, this bilateral relationship is no longer an intra-EU BURG.

II.4. INSTITUTIONAL SEPARATION FROM THE EU

A BURG is a group of EU member states pursuing a form of cooperation that is separate from the common policies that are pursued at the EU level. By this definition, the Eurozone, in which currently 19 of the 27 EU member states share a common currency, is not a BURG because those states are pursuing a common EU policy, the third stage of Economic and Monetary Union (EMU).¹⁸ It is an instance of differentiated governance, but it is top-down rather than bottom-up in that the non-Eurozone states are opting-out or derogating from the common policy.¹⁹ This is also true of many other common EU policies wherein certain member states exercise an opt-out. It should be noted however that sometimes a BURG will forge a common policy that is eventually adopted at EU-level. The Schengen Agreement of 1985 is a good example: it was a pact made by five of the then ten EU member states to work to abolish internal border controls. As the Schengen area expanded, the EU eventually endorsed the policy of a Europe-wide passport-free travel zone. Thus whereas the original

¹⁷ See E Tannam, 'Brexit and the Future of British-Irish Relations' in F Fabbrini (ed), *The Law & Politics of Brexit. Vol. 2. The Withdrawal Agreement* (Oxford University Press 2020) 254.

¹⁸ See further F Fabbrini, *Economic Governance in Europe: Comparative Paradoxes, Constitutional Challenges* (Oxford University Press 2016) 1.

¹⁹ See also in this *Special Section* S Baroncelli, 'Differentiated Governance in European Economic and Monetary Union: From Maastricht to Next Generation EU' (2022) *European Papers* www.europeanpapers.eu 867.

Schengen Five were arguably a BURG, *i.e.* distinct from the EU, this is no longer true, because the Schengen *acquis* has been incorporated into the EU treaties (save for five member states which have an opt-out or do not yet meet the criteria to join).²⁰

Otherwise, the EU treaties are silent as regards the existence and *status* of the BURGs, with one exception – Benelux. As the oldest existing BURG, created in 1944, the Benelux is also the only regional caucus which is explicitly recognized in the EU treaties, as art. 350 TFEU (still) states that: “The provisions of the Treaties shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by the application of the Treaties”.²¹ This provision, which was written into the EU treaties by the 1957 Treaty of Rome establishing the EEC, simply acknowledged the existence of the Benelux as a pre-EU BURG. There are no other provisions of the EU treaties which recognize the existence of individual BURGs or which permit or enable their creation; this absence underscores their institutional separation from the EU.

II.5. GEOGRAPHICAL PROXIMITY

The final criterion that determines whether states comprise a BURG is geographical proximity. This is admittedly the least precise criterion to define a BURG, and in our view this is met when states participating to a regional group belong to the same geographical area of Europe: as such, the relevant states do not need to be adjacent (with contiguous land or sea borders) but they should be situated in the same general region within Europe. This criterion arises from our observation that, with one exception (the Arraiolos Group), each group is concentrated in a particular region of Europe, even if the cooperating member states are relatively dispersed geographically. For example, the members of New Hanseatic League are all located in Northern Europe, even though they are spread widely West to East (from Ireland to Estonia). Equally, the Weimar Triangle, which includes France, Germany and Poland, includes three bordering member states at the heart of the EU, which due to their landmass span from the Atlantic Ocean to the border with Russia and Belarus. Identifying a criterion of regional proximity excludes from our definition of BURGs forms of cooperation based on factors that are completely unrelated to region or geography. For this reason, this *Article* excludes the Arraiolos Group – the one exception noted above – which is an informal summit, begun in 2003, of the presidents of EU member states that are parliamentary or semi-presidential republics.

²⁰ See also in this *Special Section* J Silga, ‘Differentiation in the EU Migration Policy: “The Fractured” Values of the EU’ (2022) European Papers www.europeanpapers.eu 909.

²¹ In addition to Benelux, art. 350 also recognizes the even older Belgium-Luxembourg Economic Union (BLEU), which dates back to 1921. For our purposes we consider that BLEU is not a separate BURG as it has effectively been subsumed by Benelux. M Vidal and J Wouters, ‘The Trials and Tribulations of the Benelux’ cit. 286.

With these five criteria in hand, we can identify thirteen groups of member states within the EU today that meet our definition of a BURG (see Table 1). To this potentially one could add a fourteenth group, Franco-Italian cooperation, which was launched on 26 November 2021 with the signing of the Quirinale Treaty by French President Emmanuel Macron and Italian Prime Minister Mario Draghi.²² The Quirinale Treaty seeks to establish a more entrenched relationship between the two member states, including with institutional fora for coordination of common positions in EU affairs – and as such it is modeled on the Elysee Treaty of 1963 which established Franco-German cooperation. Nevertheless, the Quirinale Treaty still has to be ratified by the two nations, and it remains to be seen how it will operate in practice. So we are identifying it here only as a potential fourteenth BURG, leaving its real assessment to future research.

Grouping	Countries Involved	Est.	Purpose	Institutional Features
Benelux	Belgium, Luxembourg, Netherlands	1944	Politico-economic union	Customs Union (1944); Parliamentary Assembly (1955); Economic Union (1958); Benelux Court of Justice (1965); Benelux Union (2008)
Franco-German Cooperation	France, Germany	1963	Political cooperation	Élysée Treaty (1963); Aachen Treaty (2019); Franco-German Parliamentary Assembly
Iberian Summit	Portugal, Spain	1983	Political dialogue	Bilateral summit of prime ministers
Visegrád Group	Czechia, Hungary, Poland, Slovakia	1991	Political cooperation	Ministerial meetings and summits of leaders; Visegrad Fund (2000); Interparliamentary cooperation (2003)
Baltic Assembly	Estonia, Latvia, Lithuania	1991	Political cooperation	Baltic Assembly (1991); Baltic Council of Ministers (1994)
Weimar Triangle	France, Germany, Poland	1991	Political dialogue	Meetings of foreign ministers, occasional summits of leaders
Salzburg Forum	Austria, Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia, Slovenia	2000	Home affairs cooperation	Meetings of interior ministers (2x/yr.); Meetings of police chiefs; meetings on margins of EU
Nordic-Baltic Six	Denmark, Estonia, Finland, Latvia, Lithuania, Sweden	2004	Policy coordination	Ministerial meetings in proximity to EU meetings
Central European Defence Cooperation	Austria, Croatia, Czechia, Slovakia, Hungary, Slovenia (Poland: observer)	2010	Military collaboration, migration control	Meetings of defence ministers

²² See Trattato tra la Repubblica italiana e la Repubblica francese per la cooperazione bilaterale rafforzata [2021].

Grouping	Countries Involved	Est.	Purpose	Institutional Features
EuroMed	Cyprus, France, Greece, Italy, Malta, Portugal, Spain, and since 2021 also Slovenia, and Croatia	2013	Political cooperation	Ministerial meetings; South EU Summit of national leaders
Slavkov/Austerlitz Triangle	Austria, Czechia, Slovakia	2015	Political cooperation	Summits of leaders
Three Seas Initiative	Austria, Bulgaria, Croatia, Czechia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia	2016	Cooperation on North-South infrastructure, economics, energy, transport, business	Annual summits of national presidents; business forums
New Hanseatic League	Denmark, Estonia, Finland, Ireland, Latvia, Lithuania, Netherlands, Sweden	2018	Economic policy coordination	Meetings of finance ministers
French-Italian cooperation [?]	France, Italy	2021	Political cooperation	Quirinale Treaty (2021)

TABLE 1. Bottom-up regional groups in the European Union.

III. COMPARING BURGS: KEY VARIABLES

Having identified the list of existing intra-EU BURGs, based on the definition provided in the prior section, we now offer a classification of these forms of regional caucusing. The phenomenon of BURGS is, in fact, quite heterogenous, and the types of regional caucuses currently operational within the EU range across multiple dimensions. In particular, for analytical purposes we suggest it is helpful to differentiate BURGs according to these four variables: *i*) their time of establishment – with old regional groups pre-dating EU-membership and new regional groups post-dating EU membership; *ii*) their level of institutionalization, which ranges from very light to very sophisticated machineries; *iii*) their policy scope – with some regional groups dealing with sectoral-specific issues, and others dealing with a broader, general ambit; and finally *iv*) their degree of activity, which ranges from very active, with BURGs which are regularly summoned, to fairly inactive, with BURGs which are only episodically revived by the participating member states for specific purposes. Understanding the features of these regional groups is helpful to assess their impact on EU integration (which we do in the next section), hence a further elaboration of these four criteria is offered below.

III.1. LONGEVITY, PRE- OR POST-ACCESSION

BURGS can be classified depending on whether participating member states created these frameworks of cooperation before joining the EU, or after joining the EU, or when some were in the EU and others were not. Of the 13 existing groups we have identified

based on the definition of section II, four were created prior to their members joining the EU (Benelux, the Iberian Summit, and the Visegrad and the Baltic groups). However, Benelux may be described as a “pioneer”, *i.e.* established before the EU, whereas the other three are “followers” in that their members acceded together to the already-existing EU.²³ The Benelux Customs Union (1944) foreshadowed and served as a working model for the EEC (1957) which it helped to found. As for the other three, a large part of their *raison d’être* was to help their members with preparation for EU accession in the intervening years after the BURGs’ creation – 1983-1986 for Portugal and Spain, 1991-2004 for the states of the Baltic Assembly and the Visegrad Group. However, the cooperation among participating states within these BURGs has persisted and continued to evolve in the decades since they became member states of the EU.

Just three of our thirteen BURGs are hybrids, in that they were created by a mix of EU and non-EU states (the Weimar Triangle, Salzburg Forum, Central European Defence Cooperation). All three of these are in a way “bridges” between East and West. The Weimar Triangle (established in 1991) enabled a high-level dialogue between East (Poland) and West (France and Germany) just as the Cold War was ending, the Salzburg Forum (2000) enabled home affairs cooperation between Austria and several acceding CEE states, and Central European Defence Cooperation enabled military collaboration between five member states and pre-accession Croatia. Here too, the cooperation persisted after all participating states had acceded to the EU.

Finally, six BURGs were formed when all the participating states were already in the EU: The Franco-German cooperation, the Nordic-Baltic Six, EuroMed, the Three Seas Initiative, the Slavkov Triangle and the New Hanseatic League were created by states which were already members of the EU. With one exception (Franco-German cooperation), all of these are relatively recent creations, a fact which serves to highlight the extent of the tendency towards factionalism in the increasingly heterogeneous EU.

III.2. INSTITUTIONAL STRUCTURE

The BURGs also vary in the extent to which they are institutionalized. At the extremes, they range from Benelux, a complex organization with its own intergovernmental council, committee of ministers, parliamentary assembly, court of justice and secretariat,²⁴ to the Nordic-Baltic Six, a group that has “no leader and no formal structures,” but rather is “merely a loose, informal club whose members have a habit of consulting and coordinating with each other”.²⁵ A BURG may be more or less institutionalized based on a number of factors: *a)* the number and complexity of its institutional structures; *b)* the formal legal status of its founding document – treaty, declaration, joint statement, etc. – if it has one;

²³ A Inotai, ‘Correlations Between European Integration and Sub-Regional Cooperation’ cit. 80.

²⁴ M Vidal and J Wouters, ‘The Trials and Tribulations of the Benelux’ cit. 283.

²⁵ P Kuusik and K Raik, ‘The Nordic-Baltic Region in the EU: A Loose Club of Friends’ (2018) Swedish Institute for European Policy Studies’ European Policy Analysis 2.

and c) whether it has a secretariat, *i.e.* a dedicated civil service. Using these factors, we find that the 13 BURGs may be classified into three groups according to their level of institutionalization. Four of them are *highly institutionalized* (Baltic Assembly, Benelux, Franco-German duo, Visegrad Group), in that they have (quasi-) permanent institutional structures that go beyond intergovernmental meetings to also include *e.g.* interparliamentary cooperation. We find that five BURGs are *moderately institutionalized* (Central European Defence Cooperation, EuroMed 9, Iberian Summit, Salzburg Forum, Three Seas Initiative) in that while their cooperation is mostly confined to intergovernmental meetings, on this level their cooperation is relatively durable and robust. Finally, four BURGs are *minimally institutionalized* (New Hanseatic League, Nordic-Baltic 6, Slavkov Triangle, Weimar Triangle) in that their cooperation is relatively tenuous and somewhat *ad hoc*, with little or no institutional footprint.

Within the four highly institutionalized BURGs the architecture of regional cooperation goes beyond simple summitry, as it is grounded on more permanent institutional structures of cooperation, which involve also other domestic institutions beyond national governments. In particular, the Benelux has since 1955 a Parliamentary Assembly – technically the Benelux Interparliamentary Consultative Council, which is composed of 21 Dutch MPs (elected from the 2 houses of parliament), 7 Luxembourgish MPs (drawn from the unicameral Parliament) and 21 Belgian MPs (elected pro-quota by both the national/federal Parliament and the assemblies of the federated regions and communities).²⁶ The Parliamentary Assembly's seat rotates between the participating states every two years, but the body meets annually, with the task of advising the governments of the participating member states – which are also meeting at intergovernmental level in the Benelux Council of Ministers. Moreover, the Benelux also has a permanent secretariat, based in Brussels, as well as a Benelux court – established in 1965 and operational since 1974, which rules on requests for preliminary rulings from the Dutch, Belgian and Luxembourgish supreme courts regarding regulations which are common to the three countries and serves as a civil service tribunal for personnel of the Benelux Economic Union. Similarly, since 1991 the Baltic states have their own Baltic Assembly composed of 60 delegates, elected 20 each by the Parliaments of Estonia, Lithuania and Latvia, as well as the Baltic Council of Ministers which, together with a secretariat based in Riga, supports the organization. The Visegrad Group does not have a Parliamentary Assembly but it does feature interparliamentary cooperation in the form of regular meetings of parliamentary speakers and committees among its four members.²⁷ In addition, there is a Visegrad Fund

²⁶ For all the details about the Benelux Parliament, see www.beneluxparl.eu.

²⁷ K Borońska-Hryniewiecka and J Grinc, 'Actions Speak Louder Than Words? The Untapped Potential of V4 Parliaments in EU Affairs' (2021) *East European Politics and Societies and Cultures* 1; Polish Sejm, *Interparliamentary Cooperation of the Visegrad Group Countries* oide.sejm.gov.pl.

(established in 2000) which supports regional cooperation, with its own separate institutional structure, including a secretariat.

Similarly, Franco-German cooperation relies on an ever deeper system of bilateral governance, described by some as “the most institutionalized form of member state cooperation within a regional political organization”.²⁸ While the Elysée Treaty of 1963 established the foundations for bilateral relations between these two founding EU member states, with regular summits at the level of heads of state and government, since 2003 a Franco-German Ministerial Council has been convening regularly twice a year – with the full cabinets of the two governments meeting jointly to discuss issues of common concern. Moreover, following the efforts by French President Macron to relaunch Franco-German cooperation, the Treaty of Aachen of 2019 has now established a Franco-German Parliamentary Assembly which, as foreseen in a follow-up inter-parliamentary agreement, is designed to “draft proposition on all questions of interest for Franco-German relations with the aim to go towards convergence of French and German law”.²⁹ The Parliamentary Assembly, which is composed of 100 members – 50 chosen among their MPs by the German *Bundestag* and 50 by the French *Assemblée Nationale* – has now adopted its standing orders and started operating. In sum, as the overview above outlines, BURGs can sometimes be largely unstructured forms of inter-state cooperation, or they can become real unions within the EU, with proper executive, legislative, administrative, and sometimes even judicial structures of their own.

III.3. POLICY SCOPE

BURGs vary significantly in the extent of their policy concern, with some of them pursuing a rather specific task, focusing on pre-defined sectoral policies, and others instead covering multiple areas of cooperation between the participating member states. In particular, of the 13 existing BURGs we identified in the prior section, four – the Salzburg Forum, the Central European Defence Cooperation, the Three Seas Initiative and the Hanseatic League – pursue a limited remit, which focuses on the specific policy areas – namely, in the order of the four above-mentioned groups: Home affairs cooperation, military coordination, cooperation on energy, transport, infrastructure and business, and economy policy coordination in the context of EMU reform. By contrast, the other nine BURGs have a much broader remit. This is clearly true for the four highly institutionalized BURGs – Franco-German Cooperation, the Visegrad group, the Benelux and the Baltics – which focus on cooperation both on economic and political issues. Yet, this is also true for the other five BURGs that are not highly institutionalized. The Nordic-Baltic Six is a configuration that permits coordination across a wide range of policy areas, as it enables participating ministers or officials from these states to meet prior to or on the margins of important EU meetings (Council,

²⁸ U Krotz and L Schramm, 'An Old Couple in a New Setting: Franco-German Leadership in the Post-Brexit EU' (2021) *Politics and Governance* 48.

²⁹ Accord Parlementaire Franco-Allemand [2019], art. 6.

COREPER). As for the others, meeting in a format of national leaders or foreign ministers (as in the EuroMed, Iberian Summit, Slavkov Triangle, Weimar Triangle) does permit a wide-ranging policy discussion on any topic of mutual interest, that can encompass high politics (diplomatic dialogue) and low (e.g. regional or local cross-border issues). For example, the Weimar Triangle, while mostly episodic in its operation (see below), focuses on security issues but within a broader scope of political dialogue. The EuroMed, while originally emerging (as EuroMed 7, before Croatia and Slovenia joined in 2021) as a bloc of southern EU member state responding to the Euro-Crisis, focused from the start on issues beyond EMU reform, to address essentially any topic on the EU agenda (including migration, respect for the rule of law, and Brexit). This variation among BURGs and their different policy scope clearly influences their relevance, with groups having a broader remit generally playing a larger role in the EU (see below section IV).

III.4. FREQUENCY OF MEETINGS

As we explained in the Introduction, in this *Article* we are exclusively focusing on BURGs which are currently active within the EU. Nevertheless, active BURGs still can differ significantly in the intensity of their activity, so a final criterion to classify BURGs is the frequency with which BURGs are actually convened and operational. By this metric, four of the 13 BURGs identified in the prior section (the Weimar Triangle, the Salzburg Forum, the Central European Defence Cooperation, and the Three Seas Initiative) are clearly not very active. For instance, the Weimar Triangle, officially established in 1991, has met only erratically: the summit of foreign ministers, in October 2020, was the first to take place since 2016, and there has not been a trilateral summit of national leaders since 2011. This confirms the uncertain strategic weight that the participating member states, and particularly France, give to this BURG. Similarly, the Three Seas Initiative has so far produced limited output: even though the Initiative has organized an annual summit of national presidents (many of whom have limited constitutional powers), and on one occasion saw the participation of a US President (Donald Trump in 2017), in general the 12 participating member states appear to grant limited institutional relevance to the initiative, whose value seems therefore mostly to operate at a lower institutional level, as a business forum.

On the contrary, other BURGs appear to be much more active. In particular, the four BURGs which are endowed with a thick organizational structure (see above) – with both inter-governmental and inter-parliamentary cooperation, such as the Benelux, the Baltics, the Franco-German couple and the Visegrad Group – continue to actively engage with each other through the institutionalized forms foreseen by their partnership agreements. Nevertheless, also other BURGs which still rely on a much thinner institutional organization, appear to be much more relevant. This is the case of the EuroMed, which despite being exclusively a leaders' summit, has allowed heads of state and government of the Mediterranean EU member states to develop joint positions on issues of common concern. In all cases, it should be borne in mind that in addition to meetings in public, there may be many

more behind the scenes: ministers and officials from the BURGs are frequently in the habit of coordinating their position on the margins of meetings at the EU level.

IV. EXPLAINING BURGS

What is the purpose of BURGs? Why are they created? This section seeks to answer this question by distinguishing between BURGs which serve exclusively a function to facilitate cooperation between participating states (e.g. Benelux, Baltics, Salzburg Forum), and BURGs which instead are designed as fora to develop common positions among the participating states, and set the agenda at EU level (Hansa, EuroMed, Franco-German, Visegrad). More specifically, regarding the purpose of the BURGs, we can identify a rough typology according to the different purposes that each of them serves. The list is non-exclusive, meaning that a BURG might fulfill multiple purposes at once, and the purposes it serves might change over time. We can identify four ideal-types of BURGs – what we call *integration vanguard*, *functional cooperator*, *policy coordinator*, and *resistance cell*. These kinds of BURGs emerged – broadly in this order – through the history of the European integration process.

IV.1. INTEGRATION VANGUARD

An *integration vanguard* is a group of states that pursues further integration among themselves with a view to promoting integration in the whole of the EU. The best examples of this are Benelux and Franco-German cooperation, although in different ways: Benelux, begun in 1944 before postwar European integration started, is a *model*, in that it established forms of institutional cooperation among the three countries, e.g. the common external tariff, that would later be adopted by the EU as a whole.³⁰ Franco-German cooperation is a *motor*, in that the two countries jointly initiate further integration with a view that it should be adopted by the EU as a whole, exercising a style of joint leadership that has been termed “embedded bilateralism”.³¹ This bilateral relationship was formalized in the Elysee Treaty of 1963, but it was prefigured in the 1950 Schuman plan, which was initially conceived by France and Germany and joined by Italy and the Benelux countries to form the six-nation ECSC. Benelux and the Franco-German couple persist as separate entities within the EU to this day. Moreover, both of them continue to renew and strengthen their cooperation, as seen in the 2008 treaty instituting a Benelux Union³² and the Franco-German Aachen Treaty of 2019.³³

³⁰ A Inotai, ‘Correlations Between European Integration and Sub-Regional Cooperation’ cit. 80.

³¹ U Krotz and J Schild, *Shaping Europe: France, Germany, and Embedded Bilateralism from the Elysée Treaty to Twenty-First Century Politics* (Oxford University Press 2013) 1.

³² M Vidal and J Wouters, ‘The Trials and Tribulations of the Benelux’ cit. 285.

³³ U Krotz and L Schramm, ‘An Old Couple in a New Setting: Franco-German Leadership in the Post-Brexit EU’ cit. 54.

IV.2. FUNCTIONAL COOPERATION

A second purpose of a BURG may be as a *functional cooperator*. In this case, the focus is on internal cooperation among the participating member states rather than coordinating positions *vis-à-vis* common policies at the EU level. The focus of cooperation may be on matters not just of “high politics” (e.g. diplomatic exchange, defence) but areas of “low politics” tied to practical cross-border and regional issues (e.g. energy, transport, tourism). Many of the BURGs that enabled cooperation of this kind were founded by states that at the time were not yet EU members but aspired to join – the Iberian Summit, the Visegrad Group, the Baltic Assembly, the Salzburg Forum (which also included Austria, by then a member state). Functional cooperation also seems to be the main purpose of some of the other BURGs created more recently, including Central European Defence Cooperation and the Three Seas Initiative. Of course, functional cooperation can co-exist with engagement at the EU level. The Salzburg Forum, which began as a forum mainly for internal cooperation in Justice and Home Affairs and to prepare its members for EU accession, is now also engaged in policy coordination at EU level, where its seven members (one quarter of EU member states) have the formal right of legislative initiative in certain Justice and Home Affairs matters (Art. 76 TFEU).³⁴

IV.3. POLICY COORDINATION

The third purpose of a BURG is as a *policy coordinator* that is focused externally on the EU level, as opposed to on internal cooperation among the participating states. Perhaps the best example of this kind of BURG is the Nordic-Baltic Six (NB6), which is made up of the three Baltic states and the three Nordic EU member states (Denmark, Finland, Sweden). This group is a subset of a larger group, the Nordic-Baltic Eight (NB8) which also includes two non-EU states, Norway and Iceland.³⁵ While the NB8 is a complex institution involving extensive internal cooperation among these eight countries, the NB6 exists mainly to allow the six members of the NB8 that are in the EU to coordinate their policy positions in the Council/European Council, typically through ministerial meetings prior to Council meetings. Other examples of BURGs whose purpose is policy coordination is the EuroMed, made up since 2021 of the nine Mediterranean EU member states (Croatia, Cyprus, France, Greece, Italy, Malta, Portugal, Slovenia, Spain) and the New Hanseatic League (made up of the NB6 countries plus Ireland and the Netherlands).

Unlike an integration vanguard, a BURG acting as policy coordinator is not necessarily advancing the cause of EU integration in general, but rather the particular interests of a sub-group of member states. Indeed, different BURGs with competing policy agendas

³⁴ P Müller, 'Europeanization and Regional Cooperation Initiatives' cit. 28.

³⁵ V Kleinberga, 'Bowling Together' cit. 17; I Rüse, 'Nordic-Baltic Interaction in European Union Negotiations' cit. 229.

may clash with one another when negotiating EU policy outcomes in the Council/European Council. This kind of political dynamic emerged in the late 2010s in the years following the Brexit referendum (2016), when the EU was grappling with proposals for the reform of the EU's architecture of economic governance, such as the idea of a fiscal capacity for the Eurozone.³⁶ Such reforms were supported by the EuroMed which included many countries that had been most affected by the euro-crisis, who advocated greater solidarity in the form of shared debt. Northern member states – who no longer had the UK to be their ally in this debate – formed themselves in the New Hanseatic League to oppose these moves. The Franco-German duo tried to find a middle ground between the northern and southern positions, most notably with the “Meseberg declaration” of June 2018,³⁷ but this too failed to gain a consensus. The standoff between these different BURGs – each of which represented a different set of policy preferences for the EU – was eventually resolved in 2020 when the EU was hit hard by Covid-19, which necessitated the creation of a new Recovery Fund to address the economic consequences of the pandemic.³⁸ The most important impetus for the rescue package came from the Franco-German duo, whose joint proposal for a 500 billion recovery fund in May 2020 became the blueprint for the Recovery Fund “Next Generation EU” (NGEU).³⁹ The New Hanseatic League was divided on the issue and opposition was reduced to four member states – the so-called frugal four of Austria, Denmark, the Netherlands, and Sweden (an *ad hoc* grouping which is not, by our definition, a BURG) – and so NGEU was eventually adopted.⁴⁰ Even so, this dispute is a strong signal of the growing importance of the BURGs in EU politics.

IV.4. RESISTANCE

Fourth and finally, there is the possibility that a BURG could act as a *resistance cell*. In this case, a group of member states would actively work together against the fundamental values of the EU. Admittedly, this typology of BURG is a sub-category of the previous group – namely regional caucuses that pursue the coordination of policy priorities at EU level among the participating member states. Nevertheless, in this context, policy coor-

³⁶ F Fabbrini, 'A Fiscal Capacity for the Eurozone: Constitutional Perspectives in Depth Analysis' (February 2019) study commissioned by the European Parliament Constitutional Affairs Committee www.europarl.europa.eu.

³⁷ B Eichengreen, 'The Euro after Meseberg' (2019) *Review of World Economics* 15.

³⁸ F Fabbrini, *Brexit and the Future of the European Union: The Case for Constitutional Reforms* (Oxford University Press 2020).

³⁹ U Krotz and L Schramm, 'Embedded Bilateralism, Integration Theory, and European Crisis Politics: France, Germany, and the Birth of the EU Corona Recovery Fund' (2022) *Journal of Common Market Studies* 526.

⁴⁰ See F Fabbrini, 'Europe's Economic and Monetary Union beyond Covid-19' (June 2021) report commissioned by the Department of Finance of Ireland / Presidency of the Eurogroup www.gov.ie.

dination is specifically directed towards frustrating the achievements of EU policy objectives, effectively evading or subverting EU norms.⁴¹ As such, given its ultimate purpose, we treat this as a distinctive function of a BURG. The most prominent example of a BURG taking action of this kind – although one that is highly contested – is the Visegrad Group acting to thwart the implementation of the Common European Asylum System (CEAS),⁴² and by extension the very foundations of the rule of law in the EU.⁴³ As is well known, in response to the migration crisis of 2015, the EU adopted a number of emergency measures which, in a spirit of solidarity between the member states, established among other things a temporary relocation mechanism of asylum seekers. However, even though these measures were legally binding, the Visegrad countries – acting in unison – refused to abide by the relocation mechanism, *de facto* sabotaging it.⁴⁴ While action by Poland, Hungary and the Czech Republic was ultimately found in 2019 to be a breach of EU law by the ECJ, the resistance coordinated by the Visegrad group profoundly shaped EU responses to the migration crisis and plans to reform the CEAS.

V. CONCLUSION: BURGs AND DIFFERENTIATED INTEGRATION

What do BURGs tell us about EU integration and differentiated governance? This *Article* has examined regional caucusing as an unexplored side of differentiated governance in Europe. In their recent book, *Ever Looser Union?*, Schimmelfennig and Winzen have examined in detail mechanisms of differentiated European integration, distinguishing between typologies of differentiation, explaining their drivers, and assessing their normative effects on EU integration. Nevertheless, by embracing a narrow definition of differentiation as a situation arising “when the legally valid rules of the EU, codified in EU treaties and EU legislation, exempt or exclude individual member states explicitly from specific rights or obligations of membership”,⁴⁵ Schimmelfennig and Winzen have left out of their comprehensive analysis the phenomenon of BURGs. Indeed, by their own admission “there are other forms of flexibility such as [...] informal cooperation among group of states”⁴⁶ which must be researched further to obtain a clearer picture of all forms of differentiated integration in the EU. This *Article* has attempted to do just that, focusing on the phenomenon that arises when “groups of members [states] cooperate informally besides and beyond the institutional formats and legal rules of the EU”.⁴⁷

⁴¹ M Dawson, 'Coping with Exit, Evasion, and Subversion in EU Law' (2020) *German Law Journal* 51.

⁴² See also in this *Special Section* J Silga, 'Differentiation in the EU Migration Policy' cit. 909.

⁴³ See also in this *Special Section* R Uitz, 'The Rule of Law in the EU: Crisis, Differentiation, Conditionality' (2022) *European Papers* www.europeanpapers.eu 929.

⁴⁴ B De Witte and E Tsourdi, 'European Union: Slovak Republic and Hungary v. Council' (2018) *CMLRev* 1457.

⁴⁵ F Schimmelfennig and T Winzen, *Ever Looser Union?* cit. 3-4.

⁴⁶ *Ibid.* 176.

⁴⁷ *Ibid.* 4.

To this end, this *Article* has first defined BURGs, conceptualizing the phenomenon of bottom-up regional groups as a case of institutionalized cooperation among caucuses of EU member states belonging to the same geographical region. Moreover, this *Article* has limited the scope of its analysis to currently active BURGs, leaving aside historical cases of interstate cooperation which were dissolved or absorbed into the EU structures. Based on this definition, this *Article* has identified 13 BURGs, and classified them on the basis of several criteria – including their longevity (whether they were established before or after EU membership), their institutional complexity (whether they have a thin organizational structure, based purely on executive intergovernmental cooperation, or rather a thick and sophisticated one, including also inter-parliamentary cooperation and judicial settlement of disputes), their policy scope (whether they have a narrow focus on specific tasks, or a broader mandate), and the frequency of their meetings and operations (whether regularly or infrequently).

This *Article* has then assessed BURGs, reflecting on their purposes. As such, we have distinguished between BURGs which serve purely as frameworks for functional cooperation, increasing the ability of participating states to solve cross-border issues or promote projects of common interest, from BURGs which instead fulfil a policy coordination function, hence increasing the abilities of their members to raise their voice in EU policy-making. A particular type of BURG we identified is that of vanguard of EU integration, with the Benelux and the Franco-German cooperation as examples of regional groups which provide, respectively, a model of integration on a small scale and a motor to develop further inter-state cooperation among all countries which are willing to participate. Nevertheless, our analysis has also pointed out the case of BURGs that serve as cells of resistance towards further European integration. In this case, member states caucusing among themselves promote their shared preferences at EU level but do so in order to evade or subvert EU laws which they dislike – a process dramatically visible in the Visegrad group's refusal to abide by EU emergency laws on the relocation of asylum seekers in the aftermath of the migration crisis.

This comprehensive survey of the BURGs, a hitherto unheralded form of differentiation within the EU, sheds new light on the question of whether differentiated governance should be evaluated positively or negatively from the normative stance of European integration.⁴⁸ While the recent literature tends to be cautiously supportive of differentiated integration,⁴⁹ our analysis draws attention to cases of differentiation that are not institutionally connected to the EU, and as such it goes beyond the standard debate over the

⁴⁸ C Lord, 'Utopia or Dystopia? Towards a Normative Analysis of Differentiated Integration' (2015) *Journal of European Public Policy* 783.

⁴⁹ See F Schimmelfennig and T Winzen, *Ever Looser Union?* cit. 179 (claiming that "DI has enabled the EU to move to a level and scope of European integration [...] that would have been impossible under the constraints of uniform integration"); E Hirsh Ballin and others, *European Variations as Key to Cooperation* (Springer 2020) 1.

relative costs and benefits of flexibility vs. uniformity in EU governance. We have observed that some BURGs have a positive effect on EU integration as a vanguard, and this is also historically true: the Schengen area started out as a BURG but it ceased to be one when its policy goals were adopted by the EU as a whole. In addition, some BURGs began as cooperation among pre-accession states, helping them to prepare to join the EU. BURGs can also have a largely neutral effect, such as when enable member states to coordinate their positions when engaging in policy debates at the EU level. The effect of BURGs may also be neutral when they serve as functional cooperation formats; these are significant, however, insofar as they demonstrate that it is possible for EU member states to participate in durable forms of institutionalized cooperation outside of the structures of the EU (not unlike the interstate compacts in the US federal system). However, it is also true that BURGs can have a negative effect on EU integration, and indeed promote disintegration (taking the form of the erosion of EU norms), by becoming cells of resistance, a forum in which recalcitrant member states can organize in defiance of EU laws. As such, this survey has revealed a wide array of potential effects of BURGs on EU integration – whether positive, neutral or negative. Be that as it may, BURGs remain a factor to be reckoned with in EU law and governance, and as such we hope this paper may have opened a further avenue for research on differentiation.