



THE LIMITS OF EU EXTERNAL RELATIONS FOCUSING ON THE 16+1 INITIATIVE WITH THE PEOPLE'S REPUBLIC OF CHINA

Bachelor Thesis Management, Society & Technology

Sanne Zwart

S1843834

First supervisor: Claudio Matera

Second supervisor: Ramses A. Wessel

University of Twente, Enschede

Version: 01-07-19

Word Count:

19 913

Summary/abstract

This research will investigate the extent to which European Union (EU) treaties, policies, legal instruments and soft law allow EU Member States to cooperate with third countries. The research in particular focusses on the 16+1 Initiative, which is a cooperation in certain priority areas of eleven EU Member States, five non-EU Member States and the People's Republic of China (PRC). To be specific, the research will answer the following question: **To what extent are EU Member States allowed to cooperate with the People's Republic of China (PRC) on the 16+1 Initiative?** To give us an idea of the situation, the current framework of policies, treaties and principles regarding EU external relations will be discussed. The PRC's aims with the 16+1 Initiative will be discussed, as well as the prospective steps to be taken by the European countries involved in the 16+1 Initiative. Specific attention to the principle of sincere cooperation, as mentioned in article 4(3) of the Treaty on the European Union (TEU), will be paid. Next to that, the historical diplomatic relations, in an International Relations (IR) perspective, between the PRC and the EU will be discussed. After which the process of European integration will be explained.

Table of Content

Table of Content.....	1
List of Abbreviations.....	4
Chapter 1. Introduction.....	5
I. Research Design and Methodology	6
II. Key concepts and Body of Knowledge	9
a. Overall body of knowledge.....	9
b. Key concepts.....	10
III. Scientific and Social Relevance.....	13
IV. Conclusion	13
Chapter 2. The principles of EU external action	14
I. The principle of sincere cooperation	14
a. Article 86 of the ESCS Treaty	14
b. Articles 4 to 6 of the EEC Treaty	15
c. Post Lisbon Treaty, article 4(3) of the TEU	16
II. EU competences in external relations	17
a. The Common Commercial Policy and Association agreements.....	17
b. The doctrine of implied powers	18
c. Coherence and the European External Action Service.....	19
III. The application of the principle of sincere cooperation	20
a. Commission v Greece	20
b. Commission v Ireland	21
IV. Conclusion	22
Chapter 3. The current relation between the EU and the PRC.....	24

I.	The PRC and diplomatic relations	24
a.	Before the PRC and the Silk Road.....	24
b.	The current diplomatic relations	25
II.	The EU and external relations	26
III.	Policies and treaties on EU-PRC relations	27
IV.	Soft law between the EU and the PRC	29
V.	Does Europe matter?	30
VI.	Conclusion	31
Chapter 4. The implications of the 16+1 Initiative		33
I.	Implications for the 16 European states	33
a.	Liberalism	33
b.	Realism.....	34
c.	Constructivism	35
II.	Motivation behind the 16+1 Initiative	36
a.	The initiative explained	36
b.	Why the CEEC?.....	38
III.	Conclusion	38
Chapter 5. Implementation of the 16+1 Initiative		40
I.	The annual 16+1 summits	40
a.	Sharing of information.....	41
b.	Agreement on guidelines.....	42
II.	Past measure taken in the 16+1 Initiative.....	43
a.	Example of a past measure	43
b.	Assessment of compatibility to EU provisions and policies	44
III.	Future measure to be taken in the 16+1 Initiative.....	45
a.	Example of a future measure	46

b. Assessment of compatibility to EU provisions and policies	47
IV. Conclusion	48
Chapter 6. Conclusion	49
I. Review of previous chapters	49
II. Main conclusion and answer to research question	51
III. Limitations and suggestions for further research	52
Bibliography.....	54
Appendix.....	60
I. Bilateral treaties between the EU and the PRC	60
II. Overview of 16+1 summits	62

List of Abbreviations

BRI	Belt and Road Initiative
CAI	Comprehensive Agreement on Investment
CEEC	Central and Eastern European Countries
CESEE	Central, East and Southeast Europe
COSCO	Chinese Ocean Shipping Company
CPC	Communist Party of China
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
EEAS	European External Action Service
EEC	European Economic Community
EU	European Union
FTA	Free Trade Agreement
IR	International Relations
MoU	Memorandum of Understanding
PRC	The People's Republic of China
TENs	Trans-European Networks
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
WTO	World Trade Organization

Chapter 1. Introduction

As an emerging superpower, the PRC's foreign policy is influential to many states in the world. Having a long history of being isolated from the outside world, the PRC now has diplomatic relations with 157 nations. Since 1975, the EU has a relation with the PRC. According to the European External Action Service (2017) this relationship is aiming to cooperate in the areas of peace, prosperity, sustainable development and people-to-people exchanges. Both actors, the PRC and the EU, depend on each other when it comes to economic benefits. Strengthening the cooperation with the PRC makes the EU a more notable actor in the world when it comes to economy, as well as to diplomacy.

In 2012, the PRC launched the 16+1 Initiative. In this initiative, the 16 stands for 16 Central and Eastern European Countries (CEEC). Of these 16 countries, the group includes five non-EU countries: Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia; and eleven EU countries: Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. The 1 stands for the PRC itself. The PRC aims at cooperating with these 16 states because of them being perceived as the European periphery region. As A. Vangeli (2017) states: "In China's new global vision, Central, East and Southeast Europe (CESEE) is a landbridge, and a partner in developing production capacity cooperation". The initiative should be a so-called "win-win" situation for all parties, increasing cooperation in several areas. The priority areas are infrastructure, high technologies and green technologies. In the infrastructure sector, the 16+1 Initiative can serve as a platform to implement the Belt and Road Initiative (BRI), which is both an economic and diplomatic program of the PRC aiming at the realization of overland and sea routes connecting 67 countries to the PRC. The geographic position of the 16 states involved in the 16+1 Initiative allows for extensive cooperation in the BRI. In yearly summits, officials from the CEEC and the PRC discuss the planned cooperation.

The 16+1 Initiative is a great example of cooperation of EU Member States with an actor from outside of Europe. The initiative causes some unease within the EU, since Member States are concerned of a split between Western EU Member States and the EU Member States within the initiative. It is believed that China might "divide and rule" the EU and that the 16+1

Initiative undermines EU policies and guidelines (Meunier, 2014). Being a member of the EU comes with certain responsibilities and duties. Fellow EU Member States have expectations of what an EU Member can, and cannot do. Sometimes, the EU presents itself as one actor in international negotiations. Even though the Member States present themselves as an independent actor, in a wide variety of policy areas the Member States rely for a great part on the European Union.

The principle of sincere cooperation is laid down in article 4(3) of the Treaty on the European Union (TEU). This duty explains the legal obligation for the EU and the Member States “to assist each other in carrying out the tasks which flow from the treaties”. The aim of the duty is to ensure close cooperation between the EU and the Member States when it comes to participating in international organizations and conventions (Treaty on the European Union, 2007). It is up to the interpretation of the law to determine to what extent the Member States are independent in cooperation with third party states. The autonomy of the Member States is highly influenced by this duty. The question, however, is what the Member States can do in IR while legally staying within the principles of this duty. In this thesis, research will be done on the extent to which EU Member States can engage in relations with an actor from outside the EU. In order to make this research more specific, the focus will be on to what extent the EU Member States are allowed by EU law to cooperate with China on the 16+1 Initiative. Having explained the main topic, the main research question to be answered in this paper is:

To what extent are EU Member States allowed to cooperate with the People’s Republic of China (PRC) on the 16+1 Initiative?

I. Research Design and Methodology

In order to provide an answer to the main research question, hermeneutic research will be performed. Qualitative sources will be used to develop an interpretation of existing EU law. The main research question will be split into four sub questions, which are listed in this section.

The first sub question discusses the current principles of the EU concerning external action. The aim of this question is to explain the existing framework, consisting of policies, treaties and principles. This will entail an extensive explanation of the current rules and regulations

concerning external action. Also, the principle of sincere cooperation and other EU competences in external relations will be discussed. Similar past instances of how EU Member States behaved in external relations and the extent to which this was accepted will be analysed to give historical examples. The analysis of these documents will be done systematically, in which the articles concerning EU external relations will be explained extensively. Also, the different documents will be compared and any conflicting articles will be discussed. Therefore the first sub question will be:

What are the principles that govern the relation between the Member States and the European Union when it comes to external action?

After having discussed the existing framework on external action, the paper will investigate what the current relation between the EU and the PRC is like. As of today, already three pillars of institutional framework have been established between the EU and the PRC. These pillars are the political dialogue, the economic and sectoral dialogue and the people-to-people dialogue (Men, 2014). In 2016, the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission adopted the Joint Communication on Elements for an EU strategy on China (European External Action Service, 2017). This strategy paper aims at reinforcing the EU as a global actor and explains what the EU's goals are concerning the PRC. The second sub question wants to show the existing framework of legal instruments, framework, policies and treaties considering the specific case of the PRC. Also, the answer to this question will include any soft law between the EU and the PRC that might be of interest. The analysis for this question will mainly be done by summarizing the important documents and deducing from these documents the aims of the EU and the PRC concerning cooperation. Theories of IR, liberalism, realism and constructivism, will be used to explain the diplomatic relations between the EU and the PRC. Therefore this sub question will be:

What is the current status of relations between the European Union and the People's Republic of China?

Now that the existing framework of both EU external action and EU-PRC relations are explained, the research can explain the specifics of the 16+1 Initiative of the PRC. It is

important to fully understand the aim of the PRC with their 16+1 Initiative. In the paper by Song (2018) a timely account of the PRC's recent initiatives in Central and Eastern Europe is given. When the aims and motivation of the PRC are understood, the implications for the concerned EU Member States can be deducted. This question aims at explaining the reason for the PRC to cooperate to such a large extent with states in the EU. Just like in the question before, theories of IR will be used for this. Does the PRC want to be a hegemon, are there mainly economic reasons, or are there other explanations for this extensive cooperation? Does the PRC mainly want to be an investor in third countries, or is the PRC aiming at becoming the new United States? The question will also make a comparison between the 16+1 Initiative and any other strategic investments of the PRC elsewhere in the world. Therefore, the third sub question will be:

What does the 16+1 Initiative of the PRC entail for EU Member States?

Lastly, in order to formulate an answer to the central research question of this paper the actions of the EU Member States involved in the 16+1 Initiative will be discussed. The CEEC meet annually with the PRC to discuss their strategies relating business and investments relations. These annual summits are initiated by the Chinese Ministry of Foreign Affairs. Several projects have been agreed upon and are being implemented by the involved states. It will be investigated what has been agreed upon and which measures the involved EU Member States are taking and will be taking in the future. In order to make this question more specific, the focus will be on the infrastructural part of the initiative. The analysis for this question will be done by explaining to what extent the infrastructure projects fall within the limits of the existing EU policies on infrastructure and transport. Therefore, the last sub question to be answered in this paper is:

Which measures and initiatives have and will be taken by the EU Member States to implement the 16+1 Initiative, focusing on infrastructure?

II. Key concepts and Body of Knowledge

a. Overall body of knowledge

As explained above, the 16 European countries involved in the 16+1 Initiative entail both EU Member States and non-EU Member States. Since this paper is EU-focused, the 11 EU countries will be the starting point of the research. Already in 1985 the first Trade and Cooperation Agreement between the EU and the PRC was signed, which today is still the basis of formal EU-PRC relations (Von Muenchow-Pohl, 2012). At the time of the Tiananmen Square events in Beijing, the political ties between the EU and the PRC were on a low level. However, mutual trade and investment kept on rising. Since the first agreement between the EU and the PRC, trade has increased and “China has become the second largest trade partner to the EU, whereas the EU has become China’s number one trading partner” (Charaia, Chochia, & Lashkhi, 2018). Years after in 2003, a strategic partnership between the EU and the PRC was implicitly acknowledged (Von Muenchow-Pohl, 2012). In the meeting preceding the acknowledgement, the “two sides stressed the importance of foreign direct investment and the need for further increase of investment flows in both directions” (Consilium, 2003). Just before that in 2001, the PRC had become a member to the World Trade Organization (WTO), which shows how the PRC integrated more into the global economy.

Since the start of the presidency of President Xi Jinping in 2012, the PRC has worked on diplomatic relations even more. The PRC has proposed a number of initiatives which involve states outside of China, of which the 16+1 Initiative is one. Also the ‘Belt and Road Initiative’ and the ‘New Type of Great Power Relations’ are initiatives as such. However, it is argued that the EU due to its’ economy is only of a second order concern for the PRC, which means Europe plays a marginalized role for the PRC (Zeng, 2017). On the other hand, other authors argue that “Europe still has not fully grasped the extent to which China has become a global power whose actions directly impact key European interests in almost every area and region” (Von Muenchow-Pohl, 2012). This tells us that even though both the EU and the PRC have worked on strengthening the diplomatic and economic ties, the parties are not fully aware of each other’s potential.

b. Key concepts

A. *The principle of sincere cooperation*

The principle of sincere cooperation is a remarkable law seen as a sub-category of loyalty. Already in the European Coal and Steel Community (ECSC) Treaty, loyalty was first introduced. In Article 86 of this Treaty the Member States decided to bind themselves to take measures to facilitate the accomplishment of the ECSC's purposes (Klamert, 2014). Since then, the basic idea of the idea of loyalty within the EU has not changed much. Since the Lisbon Treaty, the law concerning loyalty is now found in Article 4(3) of the TEU and is worded as follows:

“Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties. The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union. The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives”. (Article 4(3), Treaty on the European Union, 2007)

The principle of Loyalty is similar to the concept of federal loyalty (or *Bundestruue*) known in the German constitutional system. In Germany, this concept “presupposes that all actors in a federal system are mutually loyal to each other to achieve the goals of the federation despite its inherent complexity” (Van Elsuwege, 2019). The principle entails both positive and negative obligations for the EU Member States. When it comes to the positive obligation, the Member States' role in EU external relations is to act as a trustee of the Union interest. This means that the Member States should act in the interest of the EU (Van Elsuwege, 2019). This can be of high importance when other states don't see the EU itself as an equal cooperation partner. The negative side of the duty is described by Delgado Casteleiro and Larik (2011) as the “duty to remain silent”. This means that the Member States should refrain from expressing their own opinions when this could jeopardise the unity of the EU's representation (Van Elsuwege, 2019).

In the field of external relations, the main question is in what way a balance can be achieved between the EU's and the Member States' interests. In EU debates, the call for a “single voice”

is often discussed. Former United States Secretary of State Henry Kissinger is famous in Europe for the following quote: who do I call if I want to call Europe? With this quote the emphasis is put on the various voices the EU has and how in external relations it is never clear with which party you are cooperating (Meunier & Kalypso, 1999). Although the institutional setting within the EU has changed since the saying of Kissinger and we now have an elected President of the European Union and a High Representative of the Union for Foreign Affairs and Security Policy, the one voice of the EU is still not clearly formulated and might lead to uncertainties to third countries (Tomuschat, 2010). The aim of the principle in external relations is to pursue cooperation, compliance and complementarity. In practice for the Member States this means that when the EU institutions adopt common rules that concerns common policy envisages by the Treaties, the Member States are no longer allowed to undertake obligations with third countries that affect those new rules (Van Elsuwege, 2019).

In literature and in case-law there is a lack of consistency in terminology concerning the principle. Therefore for clarity in this research, when discussing the content of Article 4(3) of the TEU, the principle of sincere cooperation will always be referred to in this way.

B. Diplomatic relations

In order for us to understand the relations between the PRC and the 16 states involved in the initiative it is important to discuss some IR theories. The most prominent theories in IR, realism, liberalism and constructivism, will be discussed in this chapter.

The first theory to be discussed is realism. “For the realist, the central problem of international politics is war and the use of force, and the central actors are states” (Nye & Welch, 2017, p. 5). A famous realist was President Richard Nixon, since for him it was important that the United States had enough power of its own to minimize the other states from being a threat. In an archaic system of states, the survival of a state is always at least potentially threatened by other states (Nye & Welch, 2017, p. 6).

The second theory to be discussed is liberalism. “Liberals see a global society that functions alongside states and sets an important part of the context for state action” (Nye & Welch, 2017, p. 6). For liberalism, civil society and international institutions are of importance in IR as

well. When it comes to peace, the growth of economic interdependence is crucial. Liberals even argue that in time the differences between domestic and international politics will blur and a world without borders will evolve. Contrary to realists that stress continuity, liberalists stress change (Nye & Welch, 2017, p. 6).

More recently, the third theory in IR, constructivism, evolved. Constructivism “has argued that realism and liberalism both fail to explain long-term change in world politics adequately” (Nye & Welch, 2017, p. 8). For a constructivist, most important are the ideas and culture of a society in shaping the discourse of international politics. In all negotiations, interests of parties are subjective to its identity. Prevailing norms, perceptions, and beliefs determine the nature of anarchy at a specific time. Constructivist scholar Wendt (1992) explained this as: “anarchy is what states make of it”.

C. European integration

Since the focus in this research is on the eleven EU Member States that are part of the 16+1 Initiative, it is important to know what the process of European integration has been like. Just after the Second World War in 1951, the ECSC was founded by the Treaty of Paris. The goals of this precursor of the EU were to prevent another war from happening, to restore the several economies and to stop the rise of communism. This was the first sort of supranational authority in which there was mutual dependency between the Member States. In 1957, a customs union and a common market were created and the European Economic Community (EEC) was founded. This cooperation created the single market, which allowed the free movement of goods, capital, services and people and is still relevant today.

Years later in 1993 the EU was founded in Maastricht. The first Member States were Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany. Since then, the union has grown in size by accession of new Member States into an EU with 28 members. Of the EU Member States involved in the 16+1 Initiative; the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia joined in 2004; Bulgaria and Romania joined in 2007; and Croatia joined in 2013. Of the five non-EU countries in the 16+1 Initiative, Albania is an official EU candidate and Bosnia and Herzegovina is a potential EU candidate. The TEU sets out the principles to which a state wishing to become part of the EU must conform to:

The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States. (Article 6(1), Treaty on the European Union, 2007)

III. Scientific and Social Relevance

In the world we live in today, the rise of the PRC is often discussed in the news. This rise comes with a wide array of economic opportunities, but also with potential diplomatic and economic threats. It is often argued that a state is lacking behind when it does not work on its' diplomatic relations with the PRC. On the other hand, states part of the EU have agreed on what is expected from each other in different policy fields. The EU used to be mainly focused on the states within, but with the rise of third countries and the strengthened position of the EU, the external relations are of more importance than they were before. Therefore it makes one wonder where the boundaries of an EU Member State in external relations lay. This research fills a gap in scientific knowledge since it combines the subjects of law and IR, and relates these to the relatively new case the 16+1 Initiative. Legal instruments can serve as general rules to which every person or every state is accountable. This research is both socially and scientifically relevant since it explains to what extent the new 16+1 Initiative fits within the boundaries of EU external relations rules.

IV. Conclusion

As the previous section on the societal and social relevance of this paper already suggests, having a diplomatic relationship with the PRC is of great importance to the EU and its Member States. The focus of this thesis paper is on the legal limits of EU Member States when it comes to cooperation with the PRC. The four sub questions that were formulated in the section on research design and methodology serve as a guide in which the paper is structured. Every sub question shall be explained in the following four chapters, after which a conclusion is formulated. The goal of this first chapter was to serve as an introduction to the thesis research in order to familiarize the reader with the main question.

Chapter 2. The principles of EU external action

The second chapter of the thesis will address the principles of EU external action. The aim of this chapter is to extensively explain the principles within the EU concerning external action and how these principles were reached. This practical explanation of these principles will help answer the main research question by showing what being committed to the EU means for the states. The principles of EU external action will be analysed in the context of the thesis research, therefore the significance of the different principles concerning the 16+1 Initiative will be shown. The sub question that will be answered in this chapter is:

What are the principles that govern the relation between the Member States and the European Union when it comes to external action?

In order to structure the analysis of the principles of EU external action, the chapter will be divided into sections. The first section discusses the principle of sincere cooperation and will explain the concept of loyalty within the EU. The second section analyses the current EU competences in external action, explaining the competences the Member States have in practice when cooperating with third countries. Finally, the last section will assess some practical examples of EU Member States in external relations that might show similarities to the EU-PRC cooperation in the 16+1 Initiative.

I. The principle of sincere cooperation

One of the most important principles which is amongst other things about the way Member States behave within the EU is the principle of sincere cooperation. This principle is otherwise known as the idea of loyalty within the EU. This section will discuss the principles that led to the current principle, which is article 4(3) of the TEU, as well as the implications of the current principle of sincere cooperation.

a. Article 86 of the ESCS Treaty

In 1951 the European Coal and Steel Community was founded by the Treaty of Paris, integrating six European countries into a supranational organization aimed at regulating their industrial production after World War II. The now inexistent article 86 of this treaty was worded as follows:

The Member States bind themselves to take all general and specific measures which will assure the execution of their obligations under the decisions and recommendations of the institutions of the Community, and facilitate the accomplishment of the Community's purposes. (Article 86, Treaty of Paris, 1951)

This first article present in a European setting on loyalty already included the notion of state liability. The notion of state liability has changed over the years. At the time of the ECSC state liability meant that only some national courts could, under very limited circumstances, award damages to individuals who had suffered from non-compliance from ECSC Member States (Tallberg, 2000). State liability did not yet provide a powerful incentive for the Member States to comply with EU law since only under some, and not all, circumstances it was possible to obtain compensation when rights were infringed upon. An example of when compensation could not be obtained is when a causal link between the state's failure to implement the directive and the loss suffered could not directly be seen, showing how the situation is not always black and white. This forerunner of what we now call state liability led to state liability anno 2019 being a general principle by the European Court of Justice (ECJ) that allows for the possibility to claim compensation when a breach of EU law is attributable to a Member State that caused damage to an individual. A duty to comply to EU law follows from the possibility to claim compensation in case of a breach.

[b. Articles 4 to 6 of the EEC Treaty](#)

The EEC was founded by the Treaty of Rome in 1957 and expanded the idea of loyalty into three following articles. Article 4 discussed the principle of conferral which is about the relationship between the institutions and the Member States and article 6(1) discussed the coordination of economic policies between Member States. The principle of loyalty stems from the idea of conferral since all Member States voluntarily conferred their competences to the Union. Article 5 discussed the actual principle of loyalty and was framed as follows:

Member States shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the Community. They shall facilitate the achievement of the Community's tasks. They shall abstain from any measure which could jeopardise the attainment of the objectives of this Treaty. (Article 6(1), Treaty of Rome, 1957)

This notion of loyalty prescribed both a positive and a negative obligation. The first part of article 5 discussed the positive obligation to act, while the second part of article 5 discussed the negative obligation to abstain. As explained by Klamert (2014) the article only concerned the bottom-up, 'vertical' relationship since it did not expressly impose mutual duties of assistance and cooperation that were also binding on the union. However, differentiating from the literal wording, the ECJ extended loyalty to be also applicable to the institutions. In 1993, the ECJ did state that what used to be article 5 EEC "is worded so generally that there can be no question of applying it autonomously when the situation concerned is governed by a specific provision of the Treaty" (Klamert, 2014). With this is meant that the notion of loyalty will probably not be of relevance to any actual cases as there is always an article more specifically suited to the case which will first be conducted.

c. Post Lisbon Treaty, article 4(3) of the TEU

In 2007 one of the primary Treaties of the EU was reformulated into the TEU. In this reformed Treaty, the concept of loyalty is applied to the whole of EU law and is worded in article 4(3) as follows:

Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties. The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union. The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives. (Article 4(3), Treaty on the European Union, 2007)

As can be seen when comparing article 4(3) TEU to article 5 EEC, the articles greatly overlap. The difference lies with the first part of article 4(3) TEU which discusses the duty of mutual assistance between all actors involved. The mutual duties are underlined even further in article 13(2) TEU when the horizontal application of loyalty is stressed. For EU Member States it is important to note that the duties which flow from the notion of loyalty are binding on national courts. This means that a Member State must behave in a way that complies with EU law and decisions within the EU, protecting the interests of the Union as a whole. As explained in the article by Van Elsuwege (2019) the principle of sincere cooperation implies a duty to act as "trustees of the Union" in EU external relations. The Member States can function as the

mouthpiece of the EU on the one hand, but on the other hand, Delgado Casteleiro and Larik (2011) have critiqued the principle as being a “duty to remain silent” in international relations. Since in international relations it is important for the EU to have a “single voice”, the Member States should be silent until the Union as a whole has made a decision on a matter. An example of how a case in which a state acted before conducting the Union will later be explained in the section III.b. of this chapter. There is still doubt about to what extent a Member State can act in the presence of EU competence but without the EU’s authorization (Delgado Casteleiro & Larik, 2011).

II. EU competences in external relations

a. The Common Commercial Policy and Association agreements

Before the Treaty of Rome, the Union did not yet have mention of external competences. The Common Commercial Policy and the conclusion of Association agreements changed the scope of EU external relations. As explained in section 2.I.b, the competences of the Union stem from the principle of conferral as all Member States voluntarily agreed to transfer certain competences to the Union by means of the treaties. The Common Commercial Policy mainly deals with trade agreements and is identified by the ECJ as “one of the spheres in which the Community’s competence is exclusive” (Leczykiewicz, 2005). The exclusive competence means that all Member States agreed to completely hand over their powers on this subject to the Union, meaning that the Union is the only one deciding how to handle in trade agreements and not the Member States themselves anymore. The policy requires a customs union with a common external tariff for imports from other countries which is uniformly applied to all Member states. What falls under the scope of the Common Commercial Policy is all trade in goods and services, the commercial aspects of intellectual property as well as direct foreign investment. One of the limitations of the Common Commercial Policy is that agreements may not be concluded by the Union when it includes provisions that go beyond its’ internal power, resulting in a range of policy fields not covered by the Common Commercial Policy. The internal distribution of power between the Union and the Member States remains vague (Leczykiewicz, 2005).

When concluding the Treaty Establishing the European Community the idea of Association agreements within the Union was introduced. Article 310 of this Treaty was later formulated into article 217 of the Treaty on the Functioning of the European Union (TFEU):

The Union may conclude with one or more third countries or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedure. (Article 217, TFEU)

This article forms, according to Bretherton and Vogler (2005) the “basis for the construction of a vast network of differentiated and multi-faceted agreements between the EC and countries and regional organizations in all parts of the world.” This article shows how external relations is not only a topic of importance between states but is also something that the Union as a whole can be active in. The Association agreements are ratified by the third country and all EU Member States. Since 2013, the EU is still in negotiations with the PRC on an EU-China Investment Agreement but is active in the PRC through the EEAS and various dialogues. When discussing EU-PRC relations the topic of trade is inevitable as the Communist Party of China (CPC) makes use of the market opportunities to engage in the globalisation process. As explained by Harris (2001) the PRC is becoming more market oriented in its’ handling: “governmentally this is reflected not just in its readying of its economy for World Trade Organization (WTO) membership but also in participating in international activities that respond to market processes and in removing or reducing many of the barriers to market operations.”

b. The doctrine of implied powers

As the competences of the EU are not always explicitly stated in the treaties, the ECJ in 1956 acknowledged the doctrine of implied powers within the Union (Corrias, 2011). The doctrine of implied powers originated in American constitutional law to increase the power and competences of the federal governments. The idea of these implied powers is that the Union has powers not only expressly laid down in the treaties, but also to be implied from express provisions which are codified for internal policies. The European Court of Justice (1956) held that: “without having recourse to a wide interpretation, it is possible to apply a rule of interpretation generally accepted in both international and national law, according to which, the rules laid down by an international treaty or a law presuppose the rules without which that treaty or law would have no meaning or could not be reasonably and usefully applied”. The doctrine of implied powers is particularly important in the field of external relations because it states that the authority to enter into an international agreement as the Union not only comes from an express conferment of the treaty, but also from other provisions and

adopted measures by the Union. The doctrine gives the Union flexibility as to the interpretation of certain cases but usually links the EU's internal and external competences together. As is explained by van Vooren and Wessel (2014) ERTA exclusivity within the Union is "where an implied or express shared EU external competence becomes exclusive to the extent that the Union has adopted common rules" (p. 111). The doctrine of implied powers fits with the idea of loyalty since they both require a uniform and consistent application of the rules. The competence can be exclusive to the Union in cases where external action of Member States would affect EU common rules (Corrias, 2011; van Vooren & Wessel, 2014). As the cooperation of the EU Member States with the PRC within the 16+1 Initiative is likely to affect EU common rules, it can be concluded from the notion of ERTA exclusivity that the Union should have exclusive implied powers.

c. Coherence and the European External Action Service

The EEAS was created by the 2009 Lisbon Treaty with the intention to better equip the EU to pursue European interests and values internationally. The creation of this institution was closely linked to the decision to create the new post of the High Representative of the Union for Foreign Affairs and Security Policy. The institution is expected to assist him/her in fulfilling their responsibilities, which include increasing European coherence and efficiency of the Union's actions. By being better represented internationally the EU is able to increase its' influence on global issues and speak as one voice while doing so. The EEAS in the EU is similar to the ministries of foreign affairs and defence in a state, meaning that tasks range from diplomatic service to guaranteeing safety. Even though the EEAS is not meant to be autonomous in its' decisions, the institution must be strong and independent enough to take decisions in the policy areas under its mandate (Furness, 2013). Coherence, or consistency, when it comes to external action is mentioned in various EU treaties but is most generally mentioned in Article 21(3) of the TEU:

The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect. (Article 21(3), Treaty on the European Union, 2007)

Since one of the main functions of the EEAS is to assist the High Representative, it is their role to ensure coherence in EU external relations. The institution is able to do this by cooperating with the diplomatic services of the Member States, as well as with the Commission. This cooperation between different actors can be described as the obligation for mutual consultation. However, the Treaty is not completely clear as to how far this consultation goes and what falls beyond the scope of normal tasks of the EEAS (Duke, 2012). Sellier (2018) describes the task of the High Representative in light of the EEAS as a “mission impossible” due to the administrative bureaucracy of the EEAS. An expectation of the capabilities of the EEAS to handle on the 16+1 Initiative is that the institution is not yet ready to work on this complex initiative due to their inefficient bureaucratic structure.

III. The application of the principle of sincere cooperation

As mentioned in chapter 1, EU Member States have always been independently engaging with third countries. The reason for the principle of sincere cooperation and the EU competences in external relations being discussed by academic scholars so often is the implications it has for every state. Even though all these cases are separately being treated, similarities and differences between the cases can be seen and be learnt from. The coming sections will discuss some of these cases, after which the relevance for the analysis on the 16+1 Initiative will be discussed. This section will study what the practical limits are that come with EU membership.

a. Commission v Greece

In 2009, the Commission started an infringement procedure against Greece “on the ground that ‘by submitting to the International Maritime Organisation (IMO) a proposal for monitoring the compliance of ships and port facilities with the requirements of Chapter XI-2 of the International Convention for the Safety of Life at Sea (‘the SOLAS Convention’) and the International Ship and Port Facility Security Code (‘the ISPS Code’), the Hellenic Republic had failed to fulfil its obligations under Articles 10 EC, 71 EC and 80(2) EC.” (Hillion, 2009) Case C-45/07 was started against Greece because of its breach of Community law undermining the ‘principle of united external representation for the Community’. In this maritime area the Union has exclusive competence and therefore Greece should not have acted on this matter individually. However, Greece’s reaction to this infringement procedure was that it had tried including its proposal on the agenda of the Maritime Safety Committee, which is in charge of

the safety regulations of the United Nations agency for shipping, but had failed due to ignorance of the agenda setting.

This case C-45/07 within the Union is an example of how a state was limited to handle in external relations, possibly because of inefficient handling by the Commission. This shows how often handling in cooperation between the Member States and the Union is more difficult because of the bureaucratic structure involved. The bureaucratic structure can be seen by the Member States as being too slow to adapt to their national handling. This case shows similarities to the 16+1 Initiative in the sense that the 16+1 Initiative also comes with extra difficulties to the Member States due to the Union's big institutional structure. Having to negotiate with so many actors in a bureaucratic way could lead to the efficiency of the actual actions going down. The case involving Greece is different from the 16+1 Initiative in the sense that for Greece the handling on Union exclusive competences was well-known, while in the 16+1 Initiative the 11 EU Member States are partly handling within their own competence. However, a similarity may be seen as the 16+1 Initiative is closely related to the EU and may have implications on EU competences and the idea of loyalty within the Union.

b. [Commission v Ireland](#)

Another example in which it is seen that an obligation stems directly from the principle of sincere cooperation is in the Case C-459/03. This case, also known as the MOX plant judgement, is on a dispute between the United Kingdom and Ireland concerning the operation of a nuclear power plant in the North West of England. Ireland instituted proceedings against the United Kingdom for their alleged breaches of the United Nations Convention on the Law of the Sea. Because of this action of Ireland against the United Kingdom, the "Commission also contended that Ireland had violated the provisions of Article 10(2) EC and 192(2) EAEC, notably because it instituted the proceedings before the Arbitral Tribunal without having first informed and consulted the competent Community institutions" (Hillion, 2009). The reasoning behind the case against Ireland therefore is that Ireland should have handled in the Union's interest and first should have informed and consulted the competent Community institutions before instituting dispute-settlement proceedings concerning the MOX plant. The rationale for Ireland not firstly conducting the ECJ is still unclear, but may be because Ireland saw the issue not merely as an EU issue.

The case of the Commission against Ireland does not have many similarities to the 16+1 Initiative, which shows that this research on the 16+1 Initiative is more typical and new. Case C-459/03 is different from the 16+1 Initiative because it starts with a dispute between two EU Member States, while the 16+1 Initiative stems from a cooperation between EU Member States and a third country. This example can show what the reach of EU external relations against actions by Member States is. When considering this example in the light of the 16+1 study, the case shows us how Member States are limited in concluding agreements that set up bodies or cases. The 16+1 Initiative in itself would not be a problem for the EU when analysing this case. However, the more specific policies that result from the initiative will have to be checked by the EU first when there is the possibility of contradiction with EU policies.

IV. Conclusion

Chapter 2 of this thesis is aimed at explaining the principles that govern the relation between Member States and the European Union when it comes to external action in order to answer the main research question of this thesis. To conclude, the most important notion on this within the EU is the principle of sincere cooperation. This idea of loyalty has been expanded since it was first introduced in the Union in 1951 and comes down to the obligation for the Member States to act in pursuance with the treaties by showing mutual respect and taking measures to fulfil the obligations of the treaties, as well as facilitating the achievement of the Union's tasks. The examples mentioned in section 2.III. show us how it is important for the EU Member States to firstly conduct the EU before taking action. Next to that, the examples show us that the 16+1 Initiative is a typical case and is therefore more difficult to study in the light of EU law. The principle of sincere cooperation is related to all competences of the EU, and therefore functions as a starting point in EU external relations. A lot of EU external relations involve trade and therefore the EU has the Common Commercial Policy regulating this. The Union has agreements with some third countries but is still negotiating a Union wide agreement with the PRC. As of June 2019, the EU is only active in the PRC through the EEAS, which can regulate EU external relations, and various dialogues. However, it is not always clear how far the competence of the EEAS reach. The doctrine of implied powers is closely related to the idea of loyalty within the EU as the competences of the EU are not always explicitly stated in the treaties. The Union is granted exclusive competence in cases where Member States' external action would affect EU common rules. This chapter helped the study of this

thesis on the extent to which EU Member States are allowed to cooperate with third countries by showing how the principle of sincere cooperation is applicable to all actions of Member States and therefore explaining that the 11 EU countries within the initiative should always handle within the Union's interest. Also, this chapter explained that the EU is active in external relations but is still working on a Union wide agreement that specifies cooperation between the EU and the PRC, and thus it can be concluded that the EU Member States according to the principles are not yet fully granted permission to cooperate on the 16+1 Initiative.

Chapter 3. The current relation between the EU and the PRC

The third chapter of this thesis will discuss the current relation between the EU and the PRC. Understanding how both the EU and the PRC behave in international relations will help understand the goals and implications of the 16+1 Initiative, which will be discussed in chapters 4 and 5. Next to the behaviour of the actors, this chapter will explain what the existing relations entail in order to understand the significance of the 16+1 Initiative from an EU perspective. Having an understanding of the historical background of external relations helps understand current choices that are being made. Theories of IR, liberalism, realism and constructivism, can be used to explain the diplomatic relations between the EU and the PRC. The sub question to be answered in this chapter will be as follows:

What is the current status of relations between the European Union and the People's Republic of China?

In order to formulate an answer to this question, the chapter will look at several aspects of diplomatic relations. To start off, the diplomatic relations of the PRC and the EU will be highlighted, taking into account historical aspects. After that, an analysis of the policies and treaties in EU-PRC relations will be done to explain the current framework that the actors have to stay within. Also, any soft law between the EU and the PRC will be identified and analysed to see how this may influence the diplomatic relations. Lastly, the question of whether Europe actually matters to the PRC will be discussed.

I. The PRC and diplomatic relations

a. Before the PRC and the Silk Road

The People's Republic of China was only founded in 1949, when the Chinese Civil War ended and the CPC took what we now know as China, and the Kuomintang-government took the island of Taiwan, or otherwise known as the Republic of China. What we now know as the PRC has had many different dynasties as its' form of government. When looking at foreign policy, the question remains whether the Chinese empire ever had a conscious foreign policy? The first form of foreign policy seen in China was when China took a defensive strategic position towards invaders from border states (Fairbank, 1969). China's nationalistic nature made it into

a closed-minded country that relatively late became interested in the great possibilities of international relations.

Beginning in the Han dynasty (206BC-220AD), the Chinese export of silk, as well as other products, started along several trade routes. Other valuables that came along with trade were religions, philosophies and sciences, but also diseases such as the plague were brought along. Italian merchant Marco Polo is known for travelling the Silk Roads and documenting his travels in the book “Livres des merveilles du monde” (“Book of the Marvels of the World”) around the year 1300, which helped people in the West get a better understanding of what China was like. The routes were closed in 1453 when the Ottoman Empire boycotted trade with the West, resulting in European merchants having the need to find new trade routes to meet the demand for these goods. In 2013, Xi Jinping called out for a revival of the ancient Silk Road which resulted in the current BRI. From this moment onwards we see both sides, the PRC and other states, actively reaching out to each other to engage in trade relations.

b. The current diplomatic relations

As of today, the PRC is part of several international institutions, such as the United Nations (UN) and the WTO, which makes the PRC a relevant actor in IR. According to Shi (2013) these international institutions are of crucial importance for areas like security and economy to the PRC, and vice versa: “China’s rapid economic development and social transformation cannot be accomplished without the support of a reliable international institutional environment, while international institutions cannot work effectively and legitimately without China’s participation.” This mutual influence gives the PRC the opportunity to be a rule-maker in world politics since their strong power position can be used as leverage over other states. Due to the PRC’s position compared to other states we cannot speak of the PRC having normative power in which there is a legitimate normative justification but rather a coercive power influence. As opposed to ancient Chinese history in which China’s position was quite unknown and vague to the outside world, during the past decade “the Chinese government has pursued greater engagement with a range of international regimes, opening the economy more fully to foreign trade and investment, engaging in human rights diplomacy and intensifying participation in international institutions” (Potter, 2007). Next to this, the PRC also has economic and political partnerships with states in particular of which the 16+1 Initiative and the BRI are great examples.

The PRC is no longer engaging in partnerships as usual, but is often said to have a strategy of having “strings attached” when doing business. What is seen in close to all foreign initiatives coming from the PRC is the combination of an economic approach with institution-building and policy coordination (A. Vangeli, 2017). The notion of having “strings attached” means that when doing trade with the PRC an equal return of trade or investment is always expected. An example often used by journalists in the media is of the Chinese state-led company COSCO buying stakes in the port of Piraeus in Greece. However not yet publicly confirmed, within the EU there is fear of the PRC having strategically done this to be able to turn the ports into Beijing’s military bases. As explained by Ferdinand (2016) the logic behind the PRC engaging in Europe is somewhat similar to the functionalist approach that launched the ECSC. Just like this form of institutionalisation, the 16+1 Initiative and the BRI envisage “the building of a shared cross-border infrastructure that will facilitate foreign policy cooperation and limit the risks of conflict” (Ferdinand, 2016).

II. The EU and external relations

The fields of external relations that the EU is active in ranges from external trade to democracy promotion, as well as cooperation in various policy areas. According to the European Commission (2013) the most successful aspect of foreign policy is EU enlargement. This EU enlargement shows us the particular interest for European countries to become an EU Member State. However this aspect of EU foreign policy might soon be over: “yet whereas the ‘externalities of European integration’ persist, and interdependence with the surrounding world creates the need for further external engagement, the ‘enlargement model’ might soon reach exhaustion” (Lavenex & Schimmelfennig, 2009). Due to less countries not already being an EU member, the criteria to become an EU member becoming harder to reach and some countries persistently opposing becoming an EU Member State this enlargement might soon lose its momentum.

Since the Lisbon Treaty, the power of initiative in EU foreign policy is not only held with the Member States and the rotating Presidency of the Council anymore, but is now also shared with the High Representative of the Union for Foreign Affairs and Security Policy who now has a stronger and bigger role as mentioned in section 1.II.b.A. Although this shared competence of foreign policy strengthened the EU as a global actor, decision-making in the areas of Common Foreign and Security Policy and Common Security and Defence Policy within the EU

remains intergovernmental. In order to become a global player in trade the EU set up Free Trade Agreements (FTA) with several third countries. These FTAs are more than just tariff cuts, but also include clauses on trade facilitation and rule-making in areas such as investment, intellectual property, technical standards and sanitary issues. A successful example of an FTA is The Comprehensive Economic and Trade Agreement, or better known as CETA. CETA is the trade agreement that was reached in 2017 between the EU and Canada and will create jobs and economic growth for both actors. The EU did launch negotiations for stand-alone bilateral investment treaties with the PRC but has not yet reached an FTA. As can be seen in appendix I. the EU has signed 18 agreements or Memorandums of Understanding (MoU) with the PRC of which 16 entered into force already. The first agreement, which was on trade and economic cooperation, was signed in 1985 when the establishment of the Single European Market was first spoken of. As discussed by Baldwin (2006) the Single Market programme had a “galvanizing impact on business and on EU trade politics”.

As discussed in the article by Thomas (2012) ‘EU actorness’ is “the Union’s capacity to aggregate preferences and select policies on international issues, and then to pursue them in relations with other states, non-state actors and international institutions”. The EU does not yet act as a unitary actor in many institutions because of the difficulty of establishing a ‘one voice’, but does have special roles within the UN and the WTO. Already since 1974, the EU has had the permanent observer status in the UN, meaning they do not have voting rights but can participate in the debates like all UN Member States. Within the WTO, the Commission is able to negotiate trade agreements on behalf of the EU due to the exclusive competence of the Common Commercial Policy. Due to the often discussed topic of where sovereignty within the EU should lay, it is still hard for the EU to act completely without the Member States being present. However, these steps of the EU to act more and more as a single actor will make it more likely for the EU to engage in economic and political agreements with other third countries.

III. Policies and treaties on EU-PRC relations

In the field of EU law we can make the distinction between primary and secondary law. Primary law are the starting point of EU law and thus are the treaties. Secondary law will be discussed in the following sections and includes law that comes from the principles and objectives of the treaties, both binding and non-binding. Some examples of secondary law

include directives, regulations, recommendations and opinions. The most important treaty in EU-PRC relations is the EU-China Comprehensive Agreement on Investment (CAI), on which the 20th negotiation session just took place in Brussels.

The negotiations on the EU-China CAI were launched at the 15th EU-China Summit, which took place in 2012. According to European Parliament Rapporteur Winkler (2019) the reason for the EU for launching the negotiations on this treaty topic is: “the EU’s general objective is to use the exclusive competence for foreign direct investment it gained with the entry into force of the 2009 Lisbon Treaty to replace the bilateral investment treaties (BITs) all EU Member States except Ireland have concluded with China by a single EU-China CAI which takes into account the latest developments in EU investment policy as set out inter alia in the 2015 Trade for All communication.” Having only one general EU Treaty with the PRC instead of multiple country-specific treaties shows us once again that the EU Member States are very much interested in presenting themselves as a united actor towards the PRC. Besides the economic advantage of being presented as one united Union, the EU has to act as one due to their agreement on having a European internal market. The difficulty in the negotiation on the agreement is the different perception of ‘openness’ and what a fair competition environment entails. When we look at the BRI this difficulty can clearly be seen in the way the investing Chinese companies have to deal with Europe’s norms and standards. European fears will lead to “China not only faces an investment screening mechanism, trade protection measures and the refusal to be granted Market Economy Status, but also deep wariness towards infrastructure projects funded by Chinese loans”, according to Duchâtel (2019). When doing trade between the PRC and the EU a trend can be seen in a Chinese willingness to invest a lot but a European tendency to contain this to a certain limit.

When analysing the way the EU has reacted in the process of the negotiations on the EU-China Comprehensive Agreement on Investment, it can be said that the EU is more reserved when it comes to cooperation in trade. Rules and norms within the EU are much more strict than in the PRC on topics such as intellectual property, technical standards and sanitary standards. In order to be able to invest in Europe, companies coming from the PRC will have to live up to these higher standards. In the jointly adopted EU-China 2020 Strategic Agenda for Cooperation, the EU has said to respect the PRC’s sovereignty and territorial integrity in return for China’s support to EU integration (European External Action Service, 2013). The aspect of

supporting EU integration can be interpreted in different ways, but in the most strict sense as the PRC taking into account the power game within the EU Member States when deciding on with which country to cooperate in trade. However, the decision of the PRC to initiate the 16+1 Initiative with these states in particular makes us think otherwise. Although the EU-China CAI has a clear output, the PRC does take strategic steps when cooperating in trade relations with EU Member States.

IV. Soft law between the EU and the PRC

The concept of soft law refers to quasi-legal instruments between actors and does not, or only somewhat, have a binding character. Some examples of this kind of law include recommendations, opinions, working papers and guidelines. “The notion of a ‘soft’ or ‘civilian’ power refers to the EU’s preference for diplomacy and dialogue over peremptory military threats in pursuit of foreign policy aims. The conventional wisdom holds that the EU may be more influential as a global actor by celebrating its differences with the USA and NATO rather than by attempting to imitate those actors” (Chan, 2010). Soft law is defined as “rules of conduct that are laid down in instruments which have not been attributed legally binding force as such, but nevertheless may have certain (indirect) legal effects, and that are aimed at and may produce practical effects” (Senden, 2004, p. 112). Soft law does not have the legal effect a regulation or directive has because they have not been adopted through procedures laid down in the treaties (van Vooren & Wessel, 2014, p. 37). A form of soft law that is often seen, and will be shown in an example in chapter 5.II.a, is a MoU which reflects “a political agreement between the Union and one or more third states or international organizations, with the express intention not to become bound in a legal sense” (van Vooren & Wessel, 2014, p. 53)

One of the ways in which the EU strengthens its’ relation to the PRC is by reaffirming the EU’s one-China policy. Even though both the Republic of China and the PRC government still exist, the PRC only wants countries to recognize them. Although this might seem for the EU as clearly established, the PRC still gets remarks on this from other states. By doing this, the recognizing countries show by simple means what their view on the political debate is and gain the PRC’s trust and respect. Vice versa, the PRC also makes use of soft law to influence the EU, and mainly does so via communication mechanisms. As explained by d’Hooghe (2010) “in their discussion of soft power and public diplomacy, Chinese policy-makers pay much attention to

the role of the media in enhancing or damaging the country's image. Beijing is deeply sensitive to foreign perceptions of China and its policies abroad". By portraying a positive picture in the national and international media, the PRC hopes to be seen as a stable, reliable and responsible trade partner and can increase the legitimacy of the CPC.

The two examples of how soft law can be used to strengthen the relation between actors are only two examples out of many. Since the EU and the PRC are different in so many ways it is very strategic to always acknowledge each other in a respectful way. The leaders of both the EU and the PRC take time for working on mutual bonds and this is well-portrayed in the media. Because of the extensive amount of bilateral meetings, it could be said that soft law between these actors is of greater importance than written-down, binding, hard law.

V. Does Europe matter?

Both in academic literature and the media the question of whether Europe, or the EU, actually matters to the PRC is asked. The fast rise of power might make the PRC look like an actor that does not take into account any other actors and only handles in its' own interest. The question remains how Europe and the EU fit into the PRC's strategic narratives? Since the PRC's leadership is in the hands of Xi Jinping, the PRC has experienced several ambitious reform programs. Next to changing the situation in the PRC, Xi is also actively working on the PRC's position in the world, as explained by Zeng (2017) "In the meantime, the shift of China's grand strategy has also become obvious under Xi's rule. It is argued that China's grand strategy has now moved from 'keeping a low profile' towards 'striving for achievement'".

The 2008 financial crisis led the PRC into being the focus of the world. The PRC realized their possibility to become a central actor in global governance, while at the same time the eurozone crisis negatively changed the PRC's perception of Europe and the EU. Currently, the EU is important to the PRC when it comes to economy, due to the EU's status as largest trading partner (Franco, 2002). Also, the United States become of less importance to the PRC due to the 2019 ongoing trade war. According to Guorui and Alex (2018) the trade war with the United States might even be beneficial for the PRC government: "it also gives the administration ample firepower to push forwards many reforms and regulations that help China's economic transition, but would otherwise face opposition from the manufacturing and the export industry".

The PRC's closed form of government makes it difficult to determine what the real perception of the EU is. However, the strong economic position the EU as a whole has to the PRC gives reason to believe the PRC is well aware of the importance of keeping a good relation. This strong position could only have been realized because the different European countries united in the institutional structure of the EU. Without the Union's structure, the separate Member States on their own are not so relevant to the PRC when it comes to trade relations. The EU even uses its' trade power to achieve non-trade objectives such as political and strategic linkages of which the BRI is a good example (Meunier & Nicolaïdis, 2006). The geopolitical situation of the EU is less interesting for the PRC. On the one hand this is because the United States already has that role of central actor to the PRC, but on the other hand the reason for this is that the EU Member States do not always represent themselves as one Union. The different Member States of the EU make it hard for the PRC to determine what direction the EU and its' Member States are going in. Therefore it can be concluded that having a strong and clear institutional setting is of great importance for the EU (Meunier & Nicolaïdis, 2006).

VI. Conclusion

The third chapter of this thesis was aimed at explaining the current status of relations between the European Union and the People's Republic of China. In the chapter it could well be seen that external action of both the EU and the PRC have been developing over the last years. A major reform for the EU is the bigger role for the High Representative of the Union for Foreign Affairs and Security Policy that makes taking initiative in foreign affairs for the EU a more feasible option. The PRC has gone through a large opening of its' global strategy and since the presidency of Xi Jinping is working hard on the rise of the PRC as a global power. The subject of sovereignty within the EU leads to the question of whether the Member States or the EU are in power when it comes to trade relations. Since trade is an area in which the EU is stronger united, the EU is part of the EU-China Comprehensive Agreement on Investment. As explained by Meunier and Nicolaïdis (2006) the EU can even use their position in trade to reach other objectives. Apart from this form of hard law, the EU and the PRC have multiple forms of soft law between the two, which are mostly based on acknowledging mutual respect for each other. In order to be of relevance for the PRC, this chapter showed how it is important for the EU to be united as one actor. When formulating an answer to the question what is the current status of relations between the European Union and the People's Republic of China, this

chapter showed how the EU and the PRC have relations which are mainly based on economic investment and trade. This chapter helped answer the main question introduced in chapter 1 of to what extent the EU Member States are allowed to cooperate with the PRC on the 16+1 Initiative by explaining that the current relations between the actors mainly entail trade agreements, as well as several examples of soft law.

Chapter 4. The implications of the 16+1 Initiative

Chapters 2 and 3 have focused on the topics of EU external relations and EU-PRC relations. The 16+1 Initiative has been mentioned in the first three chapters but will be deeper explained in the coming chapter. This thesis is specified on the 16+1 Initiative which is a relatively new topic in academics. Chapter 4 aims at analysing the European side of the initiative coming from the PRC. Therefore, the following chapter will answer the third sub question:

What does the 16+1 Initiative of the PRC entail for EU Member States?

This sub question will be answered firstly by looking at what the PRC actually aims to reach with the 16+1 Initiative. The implications for the 16 European countries will be analysed. The question of what is in it for them will be asked. This theoretical analysis will be done with the use of three theories of IR. The second section of this chapter will explain in detail what the aims and motivation to be part of the 16+1 Initiative are, as well as the specific motivation to cooperate with these 16 states.

I. Implications for the 16 European states

a. Liberalism

Liberalism is a theory in IR that focusses on both states and non-state actors. The economic strand of liberalism has a strong focus on trade since it believes trade offers states the possibility to transform their position towards each other without turning to war. As explained by Nye and Welch (2017, p. 68) “trade may not prevent war, but it does change incentives, which in turn may lead to a social structure less inclined to war”. Also, liberalists would say it is important to have person-to-person contacts to reduce conflict and increase cooperation by promoting understanding. People believe institutions matter because they provide them with information and a framework that shapes expectations, as well as gaining mutual benefits. The advantage of having institutions is, according to liberalism, the continuity provided. Institutions and agreements are long-term and therefore are able to stabilize the diplomatic relations between actors (Nye & Welch, 2017, p. 69).

A liberalist would argue that the 16+1 Initiative will have a positive outcome because of the institutional setting to it. The 16+1 Initiative revolves around trade between the 16 European countries and the PRC, which is a great tool to increase cooperation in an economic way

between all actors. The 16+1 Initiative is a long term policy project and therefore gives the people of the 17 countries an expectation of what is to come. This form of multilateralism helps all 17 countries involved reach similar common goals in trade. Understanding between the European countries and the PRC is created by the exchange of people when companies from the PRC do investments and bring their workers to work on the project in Europe. Having the cooperation between the PRC and the European countries under one umbrella allows for the exchange of knowledge in a friendly and respectful way. On the other hand, the cooperation with the PRC does not fit with liberalist theory when it comes to the safeguarding of universal rights and the emphasis on wellbeing of individuals. The situation of human rights within the PRC is not accepted according to EU standards. Therefore, the implications of the 16+1 Initiative according to liberalist theory is that the institutional cooperation under the initiative will lead to mutual benefits coming from the trade, but only if the view on values for individuals is overcome.

b. Realism

Contrary to liberalism, realism believes states are the only important actors in international politics. The international system is anarchic and thus realists believe there should be no higher entity controlling the states. Also, a realist believes that states are unitary actors and therefore speak and act with one voice only. Liberalism puts emphasis on cooperation, while realism stresses competition and conflicting interest. For a realist, a country's security is of utmost importance which results in putting their own interests first and being fearful and sceptic when it comes to cooperation. Having strong military power makes an actor relevant in world politics. When it comes to military and police forces, the international system does not have an established hierarchy and thus the states can only rely on themselves in times of conflict (Nye & Welch, 2017, p. 66). In the book "The Prince", one of the founding figures of realism Machiavelli (1532) explains that a good leader should be a fox and a lion at the same time. In foreign policy, a leader's primary concern is promoting national security, which can be done by being alert and at the same time coping effectively with internal and external threats.

A realist would not have a positive opinion on the 16+1 Initiative for several reasons, of which one is the emphasis put on an entity above the states. Since the initiative is an agreement between the states, the states are bound to keep to this initiative on the long run and are

therefore not autonomous in their actions anymore. In realism, cooperation in such initiatives is not seen as helpful for the states because it might conflict with the states' security. A realist would expect the 16 European states to be sceptical about the PRC's intentions, as these are not always completely elucidated. Also, the PRC is known for its' great military power, which is less present in the European countries. Therefore, an implication of the 16+1 Initiative for the European states is having a weaker position in negotiations compared to the PRC, which in turn might lead to destabilization within the country. Another implication of the initiative for the European states is the risk of the 16 European states resulting in conflict with one another since they all want to benefit most from the cooperation with the PRC and therefore lose the idea of presenting themselves as one actor towards the PRC.

c. Constructivism

The last theory of IR to be discussed is called constructivism and is drawn heavily from the field of sociology. In constructivism identities and interests are shaped by the social and historical structures that are present at the time, and thus continuously change. As explained by Nye and Welch (2017, p. 72) "for constructivists, structures include not just the number or configuration of units, but also the intersubjective meanings – the shared discourses, ideas, practices, norms, rules, and logics of appropriateness – that help make them who they are and enable them to interact in an intelligible way". Therefore, according to constructivists the identity and interest of an actor are not a given and can only be determined when analysing the bigger picture. Realists would argue that the behaviour of states is determined by the anarchic structure of the international system, while constructivist Wendt (1992) has said "anarchy is what states make of it". With this he meant that anarchy can be interpreted in different ways, dependent on the meaning that actors assign to it.

When the 16+1 Initiative would be interpreted by constructivists, the analysis would change over time. The opinions on the initiative are being constructed by the opinions of the people in both the PRC and in Europe. The views of the people in the states is determined by the positive and negative results they are seeing from the initiative. The way the initiative is portrayed in the media has an impact on the discourses and ideas gained, and is therefore of crucial importance for the success of the projects. Also, according to constructivism the way the PRC takes the initiative in the cooperation and portrays their ideas to the European states matters for how the European states interpret the 16+1 Initiative. The implication of the 16+1

Initiative for the European states is that the cooperation with the PRC is not stable and changes according to their perception of how the implementation is going. Another implication of the 16+1 Initiative is that the PRC has a strong position over the European states as they can behave in a certain way and with that change their perception of reality.

II. Motivation behind the 16+1 Initiative

a. The initiative explained

Explaining the 16+1 Initiative starts with understanding what the reasons for the PRC to start this cooperation are. The 16+1 Initiative can be seen as a specified cooperation under the Belt and Road Initiative, which is a development strategy by the PRC involving infrastructure development and investments in 152 countries and international organizations. The chronological order of the 16+1 Initiative being introduced before the BRI gives reason to believe the initiative was a policy experiment or testing ground for policy innovations. The 16+1 Initiative is an intergovernmental mechanism aiming at reducing transaction costs between the actors. In the 16+1 Initiative the 1 stands for the PRC itself and the 16 stand for eleven EU Member States: Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia; and five non-EU countries from Europe: Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia. As argued by Ping and Zuokui (2017) these 16 states have had a long history of flexibility, which is explained as the CESEE being a malleable region where everything goes, and testing in the global political and economic landscape. The initiative was founded in 2012 in Budapest with the aim to provide promising opportunities for the PRC and Europe in the fields of infrastructure, transportation and logistics, trade and investment. Cooperation between the PRC and the CEEC had been lagging behind cooperation between the PRC and Western Europe. Even though all 16 European states have the opportunity to work on trade relations with the PRC, it can well be seen that the 11 EU Member States are more active and therefore benefit more than the 5 other states. In 2016, the CEEC imported for \$61.25 billion and exported for \$9.15 billion of which respectively \$60.54 billion and \$8.96 billion was between only the PRC and the 11 EU Member States (Butler, 2018). However, the limited amount of data available on the budget shows we cannot speak of a structure cooperation. As there is little scrutiny or database present, the reliability and transparency of the initiative can be questioned.

The PRC is well known for being a state driven economy, which is reflected in the top-down 16+1 Initiative as it includes state-led investments in infrastructure. The idea of the initiative is to have a constant flow of economic benefits which can only be achieved through a regional platform for diplomacy. “Therefore, 16+1 is not just a simple “pragmatic” form of cooperation, but rather a complex platform where China inspires and coordinates state-led cooperation between itself and a number of countries, with the goal not only of invigorating economic cooperation, but especially creating the conditions for this to happen” (Ping & Zuokui, 2017). Even though the annual summits are held in both Europe and the PRC, a trend of the PRC being the leader in this initiative can be seen. As discussed by Przychodniak and Vangeli (2019) in a debate reflecting on the initiative, the inequality between the PRC and the other partners is highlighted and explained as being visible if you consider how the PRC has without consultation rejected the inclusion of new partners such as Ukraine and Austria. The choice of these countries in particular shows how the PRC makes use of its’ powerful position in symbolically creating the CEEC that fit with the Chinese view. Therefore it could be said that in the 16+1 Initiative the PRC is always one step ahead of the 16 European states.

An example of an investment that was realized partly because of the 16+1 Initiative is the Budapest-Belgrade Railway. When finished, the travel time from Budapest to Belgrade should be decreased from eight hours to three and a half hours due to new infrastructure allowing trains to drive up to 200km/h. This infrastructural project is part of the international railway connection and should become a part of the connection from Budapest to Athens, close to the PRC-run Piraeus port in Greece, which will later be expanded on in chapter 5. The Serbian side of the railway is being reconstructed by China Communications Construction Company together with China Railways International, funded with a loan of \$350.1 million from the Export-Import Bank of China. Also the Hungarian side is financed by actors coming from the PRC, which shows their great investment in this railway. The Hungarian section of the project is expected to cost \$3.6 billion and will be financed for 85% by the PRC (Budapest Business Journal, 2019; Hungarian Ministry of Foreign Affairs and Trade, 2015). This example shows how the PRC uses its’ financial situation to steer a country into a direction favourable for them. Since the investments are done by companies from the PRC, it is hard for the European countries to be neutral in negotiations with the PRC.

b. Why the CEEC?

As said before, the PRC's relation to the CEEC has been lagging behind its' relation to Western Europe. This gives us reason to believe the particular choice for these 16 countries is a strategic choice which fits in the PRC's new way of diplomacy. Notably, it were some of these 16 countries that were the first worldwide to sign MoUs with the PRC concerning the BRI. The rethinking of boundaries made the CEEC an area that was easy to target for the PRC, as explained by Anastas Vangeli (2018) "the making and unmaking of groups is reflected in the social (re)construction of regions, a process of symbolical (re)structuring of social space, intrinsically linked to questions of symbolic power." The fact that the 16 countries have not yet worked together with each other in a form like this gives the PRC an information advantage over them. The '16' of the 16+1 Initiative could not have existed without the '1', which explains why the PRC is perceived as being more important. Since cooperation on such a big scale as this is relatively new to the CEEC, they are gladly welcoming the PRC. It could be said that these countries are more open to these big investments as they are less experienced on the potential risks involved.

Another reason for the PRC choosing these 16 countries in particular could be the combination of both EU and non-EU Member States, which gives the PRC an even bigger influence in Europe. The five non-EU countries are in different stages of their accession which also makes them interesting actors in EU-PRC relations. The eleven EU Member States give the PRC a good entrance to the EU single market, which the PRC could in turn use for their BRI. Economically speaking in this part of Europe the PRC can make greater benefits than in Western Europe, as explained by A. Vangeli (2017): "engagement with CESEE on a practical level also provides Chinese Government agencies and state-owned enterprises (SOEs) the opportunity to learn and adjust to European regulations at a lower cost (it is cheaper to set up projects in CESEE than in Germany or France), while the variation in terms of EU membership within CESEE also allows China to develop a flexible approach in terms of regulations." Therefore, the particular decision of these 16 states could be related to the already existent cooperation with the EU.

III. Conclusion

The fourth chapter of this thesis research was aimed at explaining what the 16+1 Initiative would mean for the 16 European states involved. The implications of the initiative for the European states were analysed with the use of three different IR theories. To conclude, a

liberalist would argue that institutional cooperation under the initiative will in turn lead to mutual benefits coming from trade. Contrary, realism does not see the benefits of institutional cooperation and therefore would expect the European states on their own to have a weaker position which will result in internal destabilization. Lastly, constructivists would argue that the positions of the PRC and the European states depend on social and historical structures present, which gives the PRC an advantage as they are taking the lead in portraying themselves to the other actors. In order to answer the fourth sub question, the aim of the PRC was explained as realizing successful financial benefits on both the short and long run. The PRC makes use of their stronger financial position to steer states into a direction that is more favourable to them. The reason for choosing these 16 states in particular has to do with their geographical position being on the route of the BRI, of which the 16+1 Initiative can be seen as a policy experiment for. Next to that, the PRC might believe engaging with a combination of both EU and non-EU states will lead them to have a bigger influence in Europe. This chapter helped answer the main question of to what extent EU Member States are allowed to cooperate with the PRC on the 16+1 Initiative by showing that there are several ways in which a scholar can think. It was found that liberalism is more positive about the results of this sort of cooperation than realism, but according to both of them this cooperation should be allowed in such an institutional setting. Also, since the EU itself is active in cooperation with the PRC, for example on the BRI, the implications for the 11 EU of the 16 European states involved will not be much different from the implications they are getting through the EU, which would answer the main research question as the states being allowed to participate in the initiative to a great extent.

Chapter 5. Implementation of the 16+1 Initiative

Now that the principles of EU external relation and the current relations between the EU and the PRC, as well as the key objectives of the 16+1 Initiative have been analysed, the actual implementation of the initiative can be discussed. In order to formulate an answer to the broader research question of this thesis, the actions of the EU Member States that have been taken and will be taken need to be analysed. This last chapter has the aim of studying more in detail what the initiative entails for the 16 European states involved. As the 16+1 Initiative is closely related to the Belt and Road Initiative, this last sub question will more specifically focus on the infrastructural part of the initiative. The PRC is very active in the establishment of for example rail roads in the CEEC. The analysis for this question will be done by explaining to what extent the infrastructural policy of the initiative falls within the limits of the existing transport and infrastructure policy at EU level. The question to be answered in chapter 5 is as follows:

Which measures and initiatives have and will be taken by the EU Member States to implement the 16+1 Initiative, focusing on infrastructure?

The question will be answered using three different sections. Firstly, the annual 16+1 summits will be discussed to see in what way the negotiations are done. After that, a past measure that was taken in the field of infrastructure will be explained, and an analysis will be done on to what extent this is within the boundaries the EU has in the field of infrastructure. The same sort of analysis will be done regarding a measure that will still be taken. The conclusion of this chapter will answer the above mentioned sub question.

I. The annual 16+1 summits

Chapter 4 explained the annual 16+1 summits are the main event in which representatives from all 17 involved actors come together to discuss the initiative. This event gives all actors the opportunity to look back on measures and actions that have been performed as part of the initiative and formulate policy goals for the future. In order to analyse the measures that have been and will be taken, it is important to understand the context in which these decisions were made. This section will firstly discuss what kind of information is shared by the different actors during these summits. Subsequently, an assessment will be done on the agreements that are actually made during the event.

a. Sharing of information

From 2012 onwards the participants of the 16+1 Initiative have met annually to discuss the progress of the cooperation, as well as the coming projects to be established by the different actors. Technically the cooperation was never institutionalised and the so-called ‘guidelines’ offer the actual details of the cooperation on a year by year basis, following the arrangements of summits (Matura, 2019). The last meeting was hosted on April 12th 2019 by the Croatian city of Dubrovnik. The official website¹ of the cooperation between the CEEC and the PRC has a wide array of summaries of the meetings that happened throughout the years. Besides summaries of meetings, the website also holds information on the guidelines that were decided upon during the meetings, as well as bilateral events that happen between any of the CEEC and the PRC. Unfortunately, the website is not always kept up to date which results in information missing. Appendix II. gives an overview of the agreements of the summits since 2012. As can be seen in appendix II. the guidelines set at each summit are not always directly published to the official website but are sometimes only published on the website of the Chinese Ministry of Foreign Affairs. This indicates how the secretariat, which only consists of Chinese nationals, does not have a clear structure and is in closer contact to the PRC government than any of the other governments.

When analysing the web pages that document the meetings, it can be seen that a lot of time during the meetings is spent on formalities and showing respect to each other. An example of this is a press statement by Premier Li (2019) of the PRC in which he only emphasizes the importance of the cooperation, but not the policy made during the meeting in Dubrovnik: “As a cross-regional cooperation platform, the “16+1” cooperation now serves as an important part of and a beneficial supplement to China-EU cooperation, and China and Central and Eastern European Countries, or CEECs, should intensify efforts to develop it into a model of trans-regional cooperation platform” (as cited by Secretariat for Cooperation between China and Central and Eastern European Countries, 2019). This shows us once again how the PRC is very much aware of the way they are perceived by the other states. The representatives from the PRC visit landmarks in the hosting country, showing their sincere interest in their cooperation partner.

¹ <http://www.china-ceec.org/eng/>

Next to the formalities, the summits are the time to look back on the past meetings and see whether the states are engaging in the activities they said they would. The goal of this is to put the measures in the light of the desired effects in order to see whether the measure needs updating or can keep on being executed in this way. For the CEEC and the PRC it is of importance that mutual respect and equal treatment are kept which is one of the reasons why the cooperation decided to hold the meeting in different cities, European or Chinese, every year. The way the summits are filled in makes for a very open and respectful cooperation, which is concluded because of the 360 companies from the different states being invited and present in the last summit (Hina, 2019). Even though the PRC could be seen as the leading state in the 16+1 Initiative, during the summits all representatives from the different states should have an equal voice. As was shortly mentioned in the section before, the secretariat of the 16+1 Initiative consists of only people with a Chinese nationality. Therefore it can be concluded that the PRC government has the biggest role in setting the agenda for the summits.

b. Agreement on guidelines

Next to the actions mentioned in the last section, the summits also give the opportunity to decide on projects that should be implemented within the 16+1 Initiative. Within the yearly guidelines formulated, the actors have the opportunity to start projects. However, the guidelines are quite extensive and cover areas from the coordination of the cooperation to connectivity, trade and investment, education, youth and sports cooperation as well as health and scientific cooperation. In the field of connectivity, one of the guidelines can be summarised as being about participants' willingness to promote railway projects cooperation in line with respective laws and regulations and through consultations. The aim of this guideline on connectivity is to enhance the use of modern, safe and environmentally friendly technologies. This guideline is a great example of how the cooperation between the CEEC and the PRC is able to give a broad picture of what should happen as part of the initiative, but leaves the giving of specifics to the different actors themselves. One of the concrete projects that was formulated within this guideline will be analysed in the following section. This way, the 16 European states can cooperate with the PRC in a way that is fitting to their state and their way of behaving in external relations, while still using the benefits of working together with the other European states.

The yearly summit are also the place to set the agenda for the coming period. The setting of the agenda is done by the secretariat of the initiative, which once again shows the influence the PRC has. At the yearly summits all states are represented by their premier, prime minister or minister of foreign affairs, which explains the fact that the meeting discusses mostly general plans. During the yearly summit different events are planned which have a focus on policy areas that the initiative is active in. These more specific events allow the states to be represented by nationals that have more knowledge concerning these specific policy fields. This also explains why at the yearly summits there is little need to agree on specific details within the initiative. Therefore, we can conclude that the actual workings of the 16+1 Initiative on infrastructure are not so much determined during the yearly summits, but more during the meetings which are specifically discussing infrastructural policy.

II. Past measure taken in the 16+1 Initiative

In order to analyse what the 16+1 Initiative means for the various actors it is possible to reflect on a measure that has been agreed upon in the past. As the initiative was already founded in 2012, some of the policy goals set at that time are already fully operating. This makes it possible to look back on the proposed ideas of the states and see what has happened since then, as well as assessing the compatibility of both measures to EU provisions and policies on infrastructure.

a. Example of a past measure

The yearly summit in 2014 was held in Belgrade and was just a day before the conclusion of the China-Europe Land-Sea Express Passage. The goal of this passage is to speed up transportation from the Greek port in Piraeus to Budapest in Hungary, with a stop in Skopje and Belgrade, by building more express lanes with investment money from the PRC government. Next to Premier Li and his European counterparts signing a MoU on joint construction on the railway, agreements on customs clearance facilitation with the countries the railway is running through were signed. The idea of the route was that imports and exports between Europe and the PRC were facilitated which could result in a boost in cooperation with the EU for the PRC. Next to that, Premier Li (2014) claimed that: "It will be good news for the balanced development of the overall Europe and also for the speeding up of the European integration" (Xinhua, 2014). The conclusion of this MoU, which was earlier explained as being a form of soft law and therefore not legally binding but by political nature only, shows us how

this passage is of relevance because the signing is like a pact and therefore shows some form of commitment from both sides.

At the beginning of 2017 the railway was first used carrying Chinese cargo containers travelling from the port in Piraeus to Budapest. The opening of the railway happened after the ownership of some of the docks at Piraeus by China Ocean Shipping Company (in short: COSCO), which is a Chinese state-owned company. Shortly after, Greece agreed to the privatization of the port of Piraeus and sold the operator of the port to COSCO. The significance of COSCO can be seen well in the building of the China-Europe Land-Sea Express Passage. COSCO played a great role in pushing forward economic and trade exchanges between Europe and Asia, as well as the promotion of economic development in the CEEC. Due to this new infrastructure, the number of trains travelling on this route increased from three to fourteen, and the “Maritime Silk Road” got an upgrade into European inland.

b. [Assessment of compatibility to EU provisions and policies](#)

Since 1993 the Trans-European Networks (TENs) in Transport, Energy and Telecommunications is the EU policy present on amongst other things transportation. This policy is based on articles 170 to 172 of the TFEU and has the aim of interconnecting national infrastructure networks and ensuring their interoperability, as well as setting standards for the removal of technical barriers (Commission, 2019). The main article discussing this policy area, article 170 of the TFEU, is framed as follows:

1. To help achieve the objectives referred to in Articles 26 and 174 and to enable citizens of the Union, economic operators and regional and local communities to derive full benefit from the setting-up of an area without internal frontiers, the Union shall contribute to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures. 2. Within the framework of a system of open and competitive markets, action by the Union shall aim at promoting the interconnection and interoperability of national networks as well as access to such networks. It shall take account in particular of the need to link island, landlocked and peripheral regions with the central regions of the Union. (Article 170, TFEU)

The following two articles go more into detail as to how the EU has to achieve the objectives referred to in article 170. Next to that, article 171 states that the Union may

cooperate with third countries to promote projects of mutual interest and to ensure the interoperability of networks. Lastly, the article 172 does state that a guideline or project of common interest do require approval of the Member State concerned when it relates to their territory. The articles in this treaty confer competences on railroad infrastructure from the Member States to the Union after which the Union decides on what is to be achieved. The policy of the EU that is to be obtained in this field was formulated in Directive 2012/34/EU (European Parliament & European Council, 2012). Article 14 of this Directive is about the 'general principles for cross-border management'.

When considering the China-Europe Land-Sea Express Passage in the light of the above mentioned three articles that fall within the TENs of the EU as well as article 14 of Directive 2012/34/EU, it can be said that the 11 EU Member States from the 16+1 Initiative are handling within the boundaries of EU principles. It is clearly stated that the EU Member States are allowed to cooperate with third countries, in this case the PRC, when a mutual interest is promoted. As the 16+1 Initiative is planned to have positive effects on the economies of both the CEEC and the PRC, this article is kept to. Article 14 of Directive 2012/34/EU mentions that "Member States shall notify the Commission of their intention to enter into negotiations on, and to conclude, new or revised cross-border agreements between Member States and third countries" and so far the author has not found a document of a notification of the 11 EU Member States in the initiative. However, the EU ideas might not cover all aspects of the cooperation, such as when economic means are used for political benefits. When looking at the significant role COSCO is getting at the port of Piraeus, it could be thought that the PRC has more intentions in Europe than just creating economic opportunities, which EU policy is not yet accounting for.

III. Future measure to be taken in the 16+1 Initiative

The last meeting of the 16+1 Initiative was held in 2019 in Dubrovnik. This section will first discuss a measure that was decided upon during this summit. Just like the section before, the measure will then be put in the light of EU principles in order to discuss whether the EU Member States that are in the 16+1 Initiative are behaving within the boundaries of the Union.

a. Example of a future measure

Already in 2015 the European Commission signed a MoU with the PRC on establishing a Connectivity Platform between the EU and the PRC. When discussing the area of connectivity, the following was decided upon in the 2019 summit: “China is welcome to participate in joint development of new freight lines in connecting markets in Asia and Europe, under the understanding that it respects the principles of transparency and non-discrimination” (Ministry of Foreign Affairs of the People's Republic of China, 2019). All actors have decided to explore the utilization and construction of logistics hubs. This way the transportation possibilities between the continents will be increased in terms of speed and quantity. This decision clearly fits with the aims of the 16+1 Initiative as this also requires all actors to cooperate on a project together and take advantage of the possibilities of cooperation. This measure shows how the imports and exports to and from the PRC are increasing which requires more trains. The first discussions on the establishment of more sustainable rail transport corridors were done in the framework of EU-PRC relations during the EU-China Connectivity Platform in Brussels in April 2019. The EU and the PRC together started with the conducting of a Joint Study to analyse problems the corridor could be facing and to identify the most sustainable railways-based transport corridors between Europe and the PRC. The concrete plans will be based on this study and are expected to be signed at the end of 2019.

Particularly interesting about this guideline from the 16+1 Initiative is the continuation of a project launched by the EU. Some of the 16 states were already involved in the project through their EU membership, but for the 5 other states the dedication to the development of new freight lines is new. Also, the phrasing of the measure in the text of the Dubrovnik guidelines gives the impression of the project being a new 16+1 measure in which the PRC is only recently invited to join, while the PRC was already involved in the project since the EU-China Connectivity Platform. The sounding like the PRC is only just invited to join the project gives reason to believe the European states are getting a more prominent and leading role compared to the past years. New for the PRC is them also working together with the 5 non-EU states on this project. The guideline does not specify much further what the direction is the 16+1 Initiative is aiming at. Due to the institutional structure of the 16+1 Initiative of the projects made concrete only after the yearly summit has passed it is still unclear what the policy goals concerning connectivity between Europe and the PRC will be. Next to that, as long

as the study to find out the possibilities has not yet been conducted by the EU and the PRC, no actor can already start implementing.

b. Assessment of compatibility to EU provisions and policies

In the section which discussed how the EU principles relate to a past measure from the 16+1 Initiative, the EU policy on transport was discussed. However, this measure relates to very different EU principles as the articles 170 to 172 of the TFEU mainly discuss the interconnection within the Union, while this measure is about the connection from the continent Europe to the PRC. 'An area without internal frontiers', as mentioned in article 170 of the TFEU is therefore not applicable to this situation. The new railways that are to be established will travel carrying only goods that travel to and from the EU, while the goods being carried by the trains on the China-Europe Land-Sea Express Passage have already reached the continent by ship. The TENs were created in 1991 with the goal of interconnecting the EU Member States, but are not being extended to also connect the EU to many countries outside the EU. Because of this extension of the scope of the TENs it is hard to find EU principles that specifically discuss the connectivity to and from the EU from outside the continent. This can be explained by this sort of transport being relatively new for the EU.

As the policy area of transport to and from the EU is not yet as developed as EU policy on transport within the borders of the Union, it is difficult to say to what extent the 16+1 Initiative is handling within the boundaries of the EU. It could be said that when a Member State is behaving in a way that is not explicitly stated in any form of principle, guideline or law, it is behaving within the limits of the EU. In this case, the actors from the 16+1 Initiative do not know in detail yet what will be agreed on since the study has not been conducted. Therefore, on the one hand we cannot say yet whether the actors will behave according to the limits, but on the other hand it is expected to be within EU boundaries since the EU and the PRC themselves are the actors initiating the project in the first place. Very striking is that the way the 16+1 Initiative decided to engage in this project, is like inviting the 5 non-EU Member States to cooperate with the EU without 17 of the 28 EU members being inquired. Of the 5 non-EU states Albania, Macedonia, Montenegro and Serbia are candidate countries; while Bosnia and Herzegovina is a potential candidate country. When considering research done on the forecasting of these candidate states to comply to the acquis by considering a set of core exogenous predictors, it was found that only Macedonia is expected to be able to sufficiently

comply with the *acquis* until 2023 (Böhmelt & Freyburg, 2018). By taking this study, as well as the history of EU enlargement into mind gives reason to believe especially the 5 non-EU states within the initiative will have difficulties implementing projects according to an EU level.

IV. Conclusion

The fifth chapter of this thesis had the aim of discussing the actual implementation of the 16+1 Initiative, with a focus on the infrastructural policy area. The topic of infrastructure in the initiative is closely related to the BRI as this is about the establishment of new sea and land routes connecting the PRC to Europe. This chapter discussed how the annual summit is the opportunity for the leaders of the states to come together and discuss the so-called 'guidelines' of the initiative, while the specific policy areas are discussed more in detail by experts during other meetings. This way, the projects are put into force by experts on the topics from the different states. The chapter gave an example of both a measure that has already been implemented and a measure that was only just decided on, to see to what extent the behaviour of the actors are within the boundaries of EU principles. As can be seen in appendix I. these two measures are only two out of 19 initiatives on infrastructure. It was founded that the past measure, on the establishment of the China-Europe Land-Sea Express Passage, is within the limits of EU principles on interconnecting national infrastructure. However, it is unclear whether the EU Member States within the initiative informed the Union in the right way about their policy plans. The second, more recent example was also on railroads, but instead of within Europe this is about to and from the PRC to Europe. Determining whether the states are handling within the boundaries of EU limits is more difficult because transportation policy to third countries has not been developed like transportation policy within the Union. However, as this last measure is part of an EU policy, the EU Member States are expected to behave according to the Union's *acquis*, while for the 5 non-EU states this does not specifically count.

Chapter 6. Conclusion

The emerging of the PRC and its' influence on the EU was the first reason to start this thesis research. The influence of the PRC on the EU is relatively new in academics and therefore this paper was aimed at answering the following main research question:

To what extent are EU Member States allowed to cooperate with the People's Republic of China (PRC) on the 16+1 Initiative?

This concluding chapter will formulate an answer to this question, after summarising the findings of chapters 2 to 5. In order to reach an overall conclusion, the answers to all 4 sub questions will be elaborated once again. Afterwards, a section will be written on suggestions for further research, as well as the limitations to this research.

I. [Review of previous chapters](#)

What are the principles that govern the relation between the Member States and the European Union when it comes to external action?

Chapter 2 of this thesis firstly explained how the EU principle of sincere cooperation is an obligation for Member States to act in pursuance with the treaties by showing mutual respect and taking measures to fulfil the obligations of the treaties, as well as facilitating the achievement of the Union's tasks. The EEAS is the main body regulating these external relations, although the competences of this body are not fully specified. When it comes to external trade, the EU has the Common Commercial Policy regulating this in general. However, the EU does not yet have a Union wide agreement on trade with the PRC. In cases where the competences of the Union are not expressly laid down in the treaties, the doctrine of implied powers states that EU powers may also be implied from express provisions. ERTA exclusivity states that a Union competence can be exclusive to the Union in cases where external action of Member States would affect common rules (van Vooren & Wessel, 2014, p. 125)

What is the current status of relations between the European Union and the People's Republic of China?

Chapter 3 analysed what external relations for the EU and the PRC are like. As the High Representative of the Union for Foreign Affairs and Security Policy has been granted more

competences since the Lisbon Treaty, taking initiative in foreign affairs is a feasible option now. Subsequently, the PRC under the presidency of Xi Jinping opened up its' global strategy and is aiming to become a global power. When it comes to trade relations, the Union as a whole is part of the EU-China Comprehensive Agreement on Investment. The reason for engaging in these trade relations as a united institution is the economic benefits they are expected to bring, as well as the European internal market that was already established in 1993. Also, the EU in terms of economic power is much more interesting for the PRC as a trading partner than the different Member States on their own.

What does the 16+1 Initiative of the PRC entail for EU Member States?

The first theory of IR discussed, liberalism, believes the initiative will lead to mutual benefits coming from trade due to the strong belief in institutional cooperation. On the other hand, realists are not in favour of institutional cooperation and therefore would expect the initiative to result in internal destabilization for the European states involved. The IR theory of constructivism would reason to believe that the PRC is in an advantageous position as they are taking the lead in the initiative and therefore influence the social and historical structures present. As explained in this chapter, the PRC has several reasons for choosing these 16 states in particular of which one is the geographical position being on the route of the BRI. Next to that, choosing a variety of EU and non-EU states gives the PRC an influence all throughout Europe.

Which measures and initiatives have and will be taken by the EU Member States to implement the 16+1 Initiative, focusing on infrastructure?

This chapter explained how the annual summits are organized by the Secretariat which consists of only Chinese nationals and is the place where the so-called 'guidelines' are decided on. The projects should be within the guideline and is decided in meetings specifically focused on infrastructure. A past measure discussed, on the establishment of the China-Europe Land-Sea Express Passage, was put in the light of article 14 of Directive 2012/34/EU and the TENs of the EU, and was found to be mostly within the limits. However, it is unclear whether the EU Member States informed the Union of their plans. The measure that was discussed and is still

to be implemented is on railroads and is part of an EU policy, which is the motivation to believe this measure will stay within the Union's limits.

II. Main conclusion and answer to research question

The rise of the PRC is very much present nowadays in both newspapers as well as in academic literature. The PRC has for a long time been known as a nationalistic and close-minded country not so interested in the possibilities diplomacy could offer them. However, when in 2013 president Xi called out for a revival of the ancient Silk Road the PRC has very actively been engaging in trade relations with the West. The PRC is active in Europe through different institutional settings, of which the EU and the 16+1 Initiative are two. The 16+1 Initiative consists of both EU Member States and non-EU members, which raises the question of what the influence of the PRC on the EU is. The principle of sincere cooperation within the Union can be seen as the basis for handling in external relations by Member States. For the states it is important to show mutual respect and take measures to fulfil the obligations of the treaties. Therefore the first impression to the research question would be that Member States simply have to take this into account. However, the principles of the EU are more developed and are regulated within different bodies. In the field of external relations, the EEAS is the institution that works on EU foreign relations under its' mandate, which is not always fully clear.

When it comes to the initiative, it is very striking to see that the Secretariat is fully formed by Chinese nationals. Also, some of the information on the yearly summits is published on the website of the Ministry of Foreign Affairs of the PRC before being published on the official cooperation website. This shows that the initiative is to a great extent carried by the PRC. The organization of the initiative depends largely on the city the summit is held in which is shown by the different ways of reporting the meetings and the places to document the meetings in. When looking at the projects that are formulated within the initiative it can be seen that the PRC plays a significant role in the financing. An example of this is how the Serbian side of the Belgrade-Budapest railway is being reconstructed by China Communications Construction Company together with China Railways International, funded with a loan of \$350.1 million from the Export-Import Bank of China. The funding of initiatives like these sounds very appealing for a CEEC that otherwise would not be able to run a project like this. The Chinese influence can also be seen in the decision to cooperate with these 16 European states in particular. The geographical position of these European states is convenient as the BRI also

runs through these states, next to the combination of both EU and non-EU members being a possibility for the PRC to be in power in a great part of Europe.

The main aim of this thesis was to answer the following question: **To what extent are EU Member States allowed to cooperate with the People's Republic of China (PRC) on the 16+1 Initiative?** The answer to this question lies not so much with the actual handling of the EU Member States, but more so with the diplomatic way of handling of the PRC. The EU Member States that are part of the initiative decided to comply to EU standards when they joined the Union with which they showed their dedication to realizing EU goals and cooperating with the other Member States. In the light of the 16+1 Initiative, the PRC is not asking any actor to behave in a way that clashes with EU treaties or legislation. The broad guidelines set at the yearly summits of the initiative emphasize that the specifics of the projects that are part of the 16+1 Initiative can still be decided on in meetings after the yearly summit. However, the influence the PRC is exercising within the Union does show the strategic game the PRC is playing. Notable is how the secretariat of the 16+1 Initiative is formed by only members from the PRC, as well as some of the meetings being documented by the Chinese government before being published by the initiative itself. The PRC makes use of its' position of power to steer Europe in a direction favourable to them. The PRC knows that doing business with these 16 states in particular is for them an easy way of making profit as these states relatively recent started this kind of business compared to states from Western Europe. Next to this, as the 11 EU Member States are part of the latest flow of EU enlargement, these states are more vulnerable to stay within the limits of the EU and will be more closely watched by other Member States. This could also be the reason why some unease is seen within these Western EU states, as mentioned in chapter 1. Therefore, this thesis can be concluded by saying that according to a theoretical perspective EU Member States are allowed to cooperate with the PRC on the 16+1 Initiative. However, from a practical perspective the EU Member States as well as the non-EU states should be aware of the risks cooperating with the PRC can carry.

III. [Limitations and suggestions for further research](#)

When conducting research it is important to take note of limitations that might have been present in this research, which can help future researchers in their research. A limitation that is expected to have had the greatest potential impact is the quality and amount of information currently present on the 16+1 Initiative. It is safe to say there is plenty of both academic and

non-academic material that give the main idea of the initiative. However, finding more in-depth information on the priorities, the budget and a time plan of the initiative brought difficulties. The documents with the specifics of the agreements could not be found. Another limitation to this research is the difficulties that come with such a recent topic. As the 16+1 Initiative is still taking place nowadays, various updates from newspapers have been received during the writing of this thesis. To give an example, during the last 16+1 summit in April 2019 the initiative expanded into the 17+1 Initiative, welcoming Greece to be a part as well.

Now that this limitation has been acknowledged a reflection can be done as to the choices the researcher has made during the writing process. Considering the limited information present on the details of the policy measures that were taken as part of the initiative, the researcher could not do much more than work with the information present. The limited amount of time for this research did not give room to wait for more information. The researcher made use of news sources, as well as the MoUs present, to frame an idea of the concrete measures that were and will be taken in the field of infrastructure. The second limitation that was acknowledged was overcome by explicitly focusing on the main question that was already framed in the beginning of 2019. Also, as existent theories of IR can still be applied to this current topic the researcher made use of this academic approach to analyze the initiative. Subsequently, contrary to the academic research already done on the initiative being very limited, the amount of research present on EU external relations was sufficient.

The reflections on the research limitations give the researcher the opportunity to suggest improvements for further research. Further research can be improved by taking the time to dive deeper into one policy area of the initiative and find more details on the execution of this. Lastly, a future researcher is advised to be aware of the quick progress the actors being part of the initiative are making and account for any changes that may influence the research.

Bibliography

- Baldwin, M. (2006). EU trade politics — heaven or hell? *Journal of European Public Policy*, 13(6), 926-942. doi:10.1080/13501760600838698
- Böhmelt, T., & Freyburg, T. (2018). Forecasting candidate states' compliance with EU accession rules, 2017–2050. *Journal of European Public Policy*, 25(11), 1667-1685. doi:10.1080/13501763.2017.1348385
- Bretherton, C., & Vogler, J. (2005). *The European Union as a global actor: Second edition*. Budapest Business Journal. (2019). Mészáros firm among winners of massive rail contract. *Budapest Business Journal*. Retrieved from https://bbj.hu/business/meszaros-firm-among-winners-of-massive-rail-contract_164893
- Butler, E. (2018). 16+1: The EU's Concerns of a Chinese 'Trojan Horse'. *Europe Now Journal*(Europe-China Relations).
- Chan, K. (2010). Images, visibility and the prospects of soft power of the EU in Asia: the case of China. *Asia Europe Journal*, 8(2), 133-147. doi:10.1007/s10308-010-0259-6
- Charaia, V., Chochia, A., & Lashkhi, M. (2018). The Caucasus 3 Plus the Baltic 3 and Economic Cooperation with China. *Baltic Journal of European Studies*, 8(2), 44-64. doi:10.1515/bjes-2018-0015
- Chen, Z. (2016). China, the European Union and the Fragile World Order. *JCMS: Journal of Common Market Studies*, 54(4), 775-792. doi:doi:10.1111/jcms.12383
- Commission, E. (2019). Infrastructure - TEN-T - Connecting Europe: Legal Basis Treaty establishing the European Coal and Steel Community, (1951).
- Consilium, P. O. (2003). Sixth China-EU Summit [Press release]
- Corrias. (2011). *The Passivity of Law: Competence and Constitution in the European Court of Justice*: Springer Netherlands.
- d'Hooghe, I. (2010). The Limits of China's Soft Power in Europe: Beijing's Public Diplomacy Puzzle. *Clingendael*.
- Delgado Casteleiro, A., & Larik, J. (2011). *The Duty to Remain Silent: Limitless Loyalty in EU External Relations?* (Vol. 36).
- Duchâtel, M. (2019). China Trends #1 - The Long and Winding Road to an EU-China Investment Treaty. Retrieved from

<https://www.institutmontaigne.org/en/blog/china-trends-1-long-and-winding-road-eu-china-investment-treaty>

Duke, S. (2012). The European External Action Service: Antidote against Incoherence?

European Foreign Affairs Review, 45-68.

European Commission. (2013). Wider Europe Neighbourhood: proposed new framework for relations with the EU's Eastern and Southern Neighbours [Press release]. Retrieved from http://europa.eu/rapid/press-release_IP-03-358_en.htm

Case 8-55: Fédération Charbonnière de Belgique v High Authority of the European Coal and Steel Community (1956).

European External Action Service. (2013). *EU-China 2020 Strategic Agenda for Cooperation*.

European External Action Service. (2017). *EU-China relations, fact sheet* Retrieved from

Brussels: https://eeas.europa.eu/delegations/china_en/15398/EU-China%202020%20Strategic%20Agenda%20for%20Cooperation

Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (2012).

European Union. (1957). Treaty Establishing the European Community, Rome Treaty

Fairbank, J. K. (1969). China's Foreign Policy in Historical Perspective. *Foreign Affairs*, 47(3), 449-463. doi:10.2307/20039389

Ferdinand, P. (2016). Westward ho—the China dream and ‘one belt, one road’: Chinese foreign policy under Xi Jinping. *International Affairs*, 92(4), 941-957.

doi:10.1111/1468-2346.12660

Franco, A. (2002). EU Economic Relations with China: An Institutionalist Perspective. *The China Quarterly*(169), 64-77.

Furness, M. (2013). *Who Controls the European External Action Service? Agent Autonomy in EU External Policy* (Vol. 18).

Guorui, S., & Alex, P. (2018). The Sino-US Trade War: Survival, Domestic Reforms and the Belt and Road Initiative. *Contemporary Chinese Political Economy and Strategic Relations: An International Journal*, 4(3), 781-819. Retrieved from

Harris, S. (2001). China and the Pursuit of State Interests in a Globalising World. *Global Change, Peace & Security*, 13(1), 15-29.

- Hillion, C. (2009). *Mixity and coherence in EU external relations: the significance of the duty of cooperation*.
- Hina. (2019). Record Number of Participants at 16 + 1 Initiative Summit. *Total Croatia News* Retrieved from <https://www.total-croatia-news.com/politics/35265-16-1>
- Hungarian Ministry of Foreign Affairs and Trade. (2015). *Intergovernmental agreement on the modernisation of the Belgrade-Budapest railway line has been initialled in Beijing*. Retrieved from <https://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/intergovernmental-agreement-on-the-modernisation-of-the-belgrade-budapest-railway-line-has-been-initialled-in-beijing>.
- Kandilarov, E. (2015). The Economic Relations between Bulgaria and China in the context of "One Belt, One Road" Initiative. *Bulgarian Historical Review-Revue Bulgare D Histoire*(3-4), 48-68.
- Klamert, M. (2014). *The Principle of Loyalty in EU Law*. Oxford: Oxford University Press.
- Lavenex, S., & Schimmelfennig, F. (2009). EU rules beyond EU borders: theorizing external governance in European politics. *Journal of European Public Policy*, 16(6), 791-812. doi:10.1080/13501760903087696
- Leczykiewicz, D. (2005). Common Commercial Policy: The Expanding Competence of the European Union in the Area of International Trade. *German Law Journal*, 6(11), 1673-1685. doi:10.1017/S2071832200014607
- Machiavelli, N. (1532). *The prince*: Antonio Blado d'Asola.
- Matura, T. (2019). China–CEE Trade, Investment and Politics. *Europe-Asia Studies*, 71(3), 388-407. doi:10.1080/09668136.2019.1571166
- Men, J. (2014). EU-China Relations and Diplomacy: Introductory Note. *European Foreign Affairs Review*, 1-3.
- Meunier, S. (2014). *Divide and conquer? China and the cacophony of foreign investment rules in the EU* (Vol. 21).
- Meunier, S., & Kalypso, N. (1999). Who Speaks for Europe? The Delegation of Trade Authority in the EU. *JCMS: Journal of Common Market Studies*, 37(3), 477-501. doi:10.1111/1468-5965.00174
- Meunier, S., & Nicolaïdis, K. (2006). The European Union as a conflicted trade power. *Journal of European Public Policy*, 13(6), 906-925. doi:10.1080/13501760600838623

- Ministry of Foreign Affairs of the People's Republic of China. (2019). *The Dubrovnik Guidelines for Cooperation between China and Central and Eastern European Countries*. Retrieved from https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/t1655224.shtml.
- Musabelliu, M. (2017). China's Belt and Road Initiative Extension to Central and Eastern European Countries - Sixteen Nations, Five Summits, Many Challenges. *Croatian International Relations Review*, 23(78), 57-76. doi:10.1515/cirr-2017-0007
- Nye, J. S., & Welch, D. A. (2017). *Understanding Global Conflict and Cooperation: An introduction to Theory and History* (10 ed.): Pearson
- Ping, H., & Zuokui, L. (2017). How the 16+1 Cooperation promotes the Belt and Road Initiative. *China-CEEC Think Tank Book Series*.
- Popescu, L., & Brinza, A. (2018). Romania-China Relations. Political and Economic Challenges in the BRI Era. *Romanian Journal of European Affairs*, 18(2), 20-38.
- Potter, P. B. (2007). China and the International Legal System: Challenges of Participation. *The China Quarterly*(191), 699-715.
- Pou Serradell, V. (1996). The Asia–Europe Meeting (ASEM): A Historical Turning Point in Relations Between the Two Regions. *European Foreign Affairs Review*, 185-210.
- Przychodniak, M., & Vangeli, A. (2019) *Oxford-style Debate: Should the 16+1 Dissolve?* , China Observers in Central and Eastern Europe.
- Secretariat for Cooperation between China and Central and Eastern European Countries. (2019). Business, trade cooperation hailed at China-CEEC leaders' meeting [Press release]. Retrieved from http://www.china-ceec.org/eng/zdogjhz_1/t1654687.htm
- Sellier, E. (2018). The European External Action Service, Counterterrorism and the Imperative of Coherence. *The International Spectator*, 53(4), 129-151. doi:10.1080/03932729.2018.1504189
- Senden, L. (2004). *Soft Law in European Community Law*. Portland, Oregon: Hart Publishing
- Shi, M. (2013). China and International Institutions: International Order beyond Formal Rules? *International Journal of China Studies*, 4(3), 439-467.
- Song, W. Q. (2018). China's Long March to Central and Eastern Europe. *European Review*, 26(4), 755-766. doi:10.1017/s1062798718000431

- Tallberg, J. (2000). Supranational influence in EU enforcement: the ECJ and the principle of state liability. *Journal of European Public Policy*, 7(1), 104-121.
doi:10.1080/135017600343296
- Thomas, D. C. (2012). Still Punching below Its Weight? Coherence and Effectiveness in European Union Foreign Policy*. *JCMS: Journal of Common Market Studies*, 50(3), 457-474. doi:10.1111/j.1468-5965.2011.02244.x
- Tomuschat, C. (2010). Guest Editorial; Calling Europe by Phone. *Common Market Law Review*, 3-7.
- Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, (2007).
- Van Elsuwege, P. (2019). The Duty of Sincere Cooperation and Its Implications for Autonomous Member State Action in the Field of External Relations: Member State Interests and European Union Law. In (pp. 283-298).
- van Vooren, B., & Wessel, R. A. (2014). *EU external relations law*. Cambridge: Cambridge University Press.
- Vangeli, A. (2017). China's Engagement with the Sixteen Countries of Central, East and Southeast Europe under the Belt and Road Initiative. *China & World Economy*, 25(5), 101-124. doi:10.1111/cwe.12216
- Vangeli, A. (2018). Global China and Symbolic Power: The Case of 16 + 1 Cooperation. *Journal of Contemporary China*, 27(113), 674-687.
doi:10.1080/10670564.2018.1458056
- Von Muenchow-Pohl, B. (2012). EU Relations with China and India: Courting the Dragon, Wooing the Elephant. *Carnegie Endowment for International Peace*.
- Wendt, A. (1992). Anarchy is what States Make of it: The Social Construction of Power Politics. *International Organization*, 46(2), 391-425.
- Winkler, I. (2019). *EU-China Comprehensive Agreement on Investment (EU-China CAI)*.
- Xinhua. (2014). China, CEE countries eye land-sea express passage to speed up delivery [Press release]. Retrieved from http://www.chinadaily.com.cn/world/2014livisitkst/2014-12/18/content_19112188.htm

- Zeng, J. (2017). Does Europe Matter? The Role of Europe in Chinese Narratives of 'One Belt One Road' and 'New Type of Great Power Relations'. *JCMS: Journal of Common Market Studies*, 55(5), 1162-1176. doi:doi:10.1111/jcms.12535
- Zhang, X. (2014). EU-China Economic Diplomacy: When Economics Meets Politics. *European Foreign Affairs Review*, 57-76.

Appendix

I. Bilateral treaties between the EU and the PRC ²

Title	Date of signature
Agreement in the form of an exchange of letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union	19-04-16
Agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports	29-02-16
Agreement between the European Union and the Government of the Macao Special Administrative Region of the People's Republic of China on certain aspects of air services	23-11-13
Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union (*)	09-09-13
Protocol amending the Agreement on maritime transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part	31-03-09
Agreement between the European Community and the Government of the People's Republic of China on drug precursors and substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances	30-01-09
Agreement in the form of an Exchange of Letters between the European Community and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech	13-04-06

² As found on <http://ec.europa.eu/world/agreements/SimpleSearch.do>

Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union	
Protocol amending the Agreement on maritime transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union	05-09-05
Memorandum of Understanding on the export of certain Chinese Textile and Clothing Products to the European Union between the European Commission and the Ministry of Commerce of the People's Republic of China	10-06-05
Agreement between the European Community and the Government of the Peoples Republic of China on cooperation and mutual administrative assistance in customs matters	08-12-04
Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China, on visa and related issues concerning tourist groups from the People's Republic of China (ADS)	12-02-04
Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) - GALILEO between the European Community and its Member States and the People's Republic of China (*)	30-10-03
Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation	13-10-03
Agreement on maritime transport between the European Community and its Member States, of the one part, and the government of the People's Republic of China, of the other part	06-12-02

Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorization	27-11-02
Agreement between the European Community and Hong Kong, China on cooperation and mutual administrative assistance in customs matters	13-05-99
Agreement for scientific and technological cooperation between the European Community and the Government of the People's Republic of China	22-12-98
Agreement on Trade and Economic Cooperation between the European Economic Community and the People's Republic of China	21-05-85

(*) This treaty has not entered into force yet.

II. Overview of 16+1 summits

Year	Host city	Agreement	Source
2012	Warsaw	China's Twelve Measures for Promoting Friendly Cooperation with Central and Eastern European Countries	Official website China-CEEC
2013	Bucharest	The Bucharest Guidelines for Cooperation between China and Central and Eastern European Countries	Official website China-CEEC
2014	Belgrade	The Belgrade Guidelines for Cooperation between China and Central and Eastern European Countries	Official website China-CEEC
2015	Suzhou	The Suzhou Guidelines for Cooperation between China and Central and Eastern European Countries	Official website China-CEEC
2016	Riga	The Riga Guidelines for Cooperation between China and Central and Eastern European Countries	Official website China-CEEC
2017	Budapest	The Budapest Guidelines for Cooperation between China and Central and Eastern European Countries	Website Ministry of Foreign Affairs PRC

2018	Sofia	The Sofia Guidelines for Cooperation between China and Central and Eastern European Countries	Website Ministry of Foreign Affairs PRC
2019	Dubrovnik	The Dubrovnik Guidelines for Cooperation between China and Central and Eastern European Countries	Website Ministry of Foreign Affairs PRC