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Francis Snyder, *The European Union and China, 1949–2008: basic documents and commentary*

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Relations between the European Union and the People's Republic of China have developed apace in recent decades, particularly after the end of the Cold War, culminating in the establishment of a 'strategic partnership' in 2003. Today the EU is China's largest trading partner (while China is Europe's second largest), and EU–China relations are conducted in a highly institutionalized environment consisting of a multitude of agreements, meetings and sectoral dialogues covering a very broad range of political, economic and technical issues. As a result of its growing scope and importance, the relationship between Brussels and Beijing is naturally attracting ever more attention from the academic and policy community.

In this context, *The European Union and China, 1949–2008: basic documents and commentary* by Francis Snyder certainly constitutes a welcome reference book which will prove useful to students and scholars interested in understanding the legal framework which underpins EU–China relations. Written by one of the most distinguished experts in the field, the volume provides a collection of basic documents which until now were scattered among different sources, including some previously unpublished documents as well as translations of materials which were not previously available in English. The book follows a roughly chronological order. Each chapter contains a short introduction setting the general context for the documents, a table listing the basic documents with complete references, and the full text of the most important ones. All documents are also preceded by the author's concise commentary explaining their context and significance.

Chapter 1 traces the origins of diplomatic relations between China and the states which now constitute the European Union, mainly through a collection of communiqués on the creation of bilateral ties. Snyder points out how the establishment of diplomatic contacts between European countries and China was strongly influenced by the evolution of the Cold War. Accordingly, he distinguishes four generations of countries, on the basis of the period in which they decided to recognize the PRC. The first generation (1949) includes those European states which were part of the USSR or of the Soviet bloc, and which recognized the new Chinese government immediately

after its foundation. The second generation, in the early 1950s, consists of the Nordic countries of Denmark, Finland and Sweden, which had not been involved in the Korean War and did not follow the American policy of non-recognition and containment of China. The third generation is the longest and perhaps most heterogeneous, ranging from 1954 to 1964. Among other countries, this group notably includes the United Kingdom, which established relations with China in 1954 on the level of *chargés d'affaires*, and France, which exchanged ambassadors with Beijing in 1964 as part of General de Gaulle's ambition to conduct a foreign policy independent of the USA. Curiously, Snyder does not mention the fact that the British government had recognized the PRC already in 1950, and that it was the opposition on the Chinese side which prevented an earlier establishment of diplomatic relations. The fourth generation identified by Snyder runs throughout the 1970s, in the wake of the normalization of US–China relations, and includes ten European countries such as the German Federal Republic, Italy and Belgium (also, in 1972 the United Kingdom and China upgraded their relationship to ambassadorial status). Most importantly, 1975 was marked by the establishment of formal diplomatic relations between the EEC and China.

Since its inception, the relationship between modern Europe and China has been marked by a strong focus on trade. Accordingly, the second chapter of this book deals with the development of the legal framework for bilateral trade between Europe and China, both in general and with regard to textiles in particular. The first section of the chapter concerns trade in general, and includes both the 1978 Trade Agreement, which instituted the EEC–China Joint Committee for Trade, and the much broader 1985 Agreement on Trade and Economic Cooperation (TEC). The latter is of particular significance, as it still constitutes the general legal framework for economic relations between the EU and China (although negotiations began in 2007 – and are still under way – to replace it with a more comprehensive Partnership and Cooperation Agreement). The second section collects the main documents regarding trade in textiles, including the Textiles Agreements of 1979 and 1988. The main feature of this section is the analysis of the interplay between the EU–China bilateral regime and the multilateral legal framework provided by the WTO Agreement on Textiles and Clothing (ATC), and of how EU–China trade relations were affected by Beijing's accession to the WTO in 2001 and by the expiration at the end of 2004 of the transitional period established by the ATC.

In 1992 the Maastricht Treaty advanced European integration to a new level, mainly by providing the European Union with a Common Foreign and Security Policy (CFSP) and by expanding the legal competences of the European Community. Partially as a consequence of these developments, the relationship between the EU and China became gradually more comprehensive and acquired a deeper political dimension. Chapter 3 presents the key documents which marked this evolution, which Snyder divides chronologically into three phases. The first period (1994–2003) is characterized by the publication of a number of policy papers in the form of Communications by the European Commission outlining the main features of the EU's strategy towards Asia in general and China in particular. In this respect it is worth mentioning the 1995 Communication 'A Long Term Policy for China–Europe Relations', the first of many European policy papers on China, which launched the EU's policy of constructive engagement.

The second period (2003–2006) was inaugurated by the Commission Policy Paper 'A Maturing Partnership – Shared Interests and Challenges in EU–China Relations', which was designed to update EU policy in view of the many developments which had taken place since the previous communications: the adoption of the euro, the imminent enlargement, the Chinese leadership change and the emergence of new international issues. This document was soon echoed by China's first policy paper on Europe, which focused on the establishment of a 'full partnership' based on shared interests and the absence of fundamental conflicts (these two papers formed the basis for the solemn proclamation of a 'strategic partnership' at the 6<sup>th</sup> China–EU Summit which took place in October 2003 in Beijing). Snyder complements his analysis of the Chinese point of view by

reporting a number of important speeches made by Chinese Premier Wen Jiabao in those years.

The final period identified by the author (2006 onwards) is marked by a further broadening and deepening of the relationship, accompanied however by the emergence of new tensions and particularly by concerns on the part of the EU regarding the obstacles faced by European businesses in accessing the Chinese market. These themes are explored in the final section of the chapter through a selection of European policy papers published in preparation for the upcoming negotiations on the new Partnership and Cooperation Agreement, and also as part of a more general review of European trade policy undertaken in light of the changes in the global economy. Once again, due to the dearth of Chinese official documents and policy papers, Snyder's analysis of Beijing's perspective is based on a selection of speeches made by Wen Jiabao during a visit to Europe in 2006.

Faced with the inadequacy of the 1985 TEC Agreement to provide a framework for their growing relationship, since the early 1990s China and Europe have been developing a complex institutional architecture based both on instruments of 'soft law' and on a number of legally binding agreements. These developments are explored in the next three chapters of the book: chapters 4 and 5 deal with the many 'dialogues' based on soft law which take place at different levels between the EU and China, while chapter 6 is devoted to bilateral agreements on subjects other than trade and textiles (these were discussed in chapter 2). Snyder follows the common distinction between political dialogues and sectoral dialogues, the former dealing mainly with issues of 'high politics', while the latter are mostly concerned with economic relations. Accordingly, chapter 4 is dedicated to political dialogues, in the form of EU–China summits and policy dialogues. Here Snyder reports the Joint Press Statements of the annual summits, from the first in 1998 to the tenth in 2007. As for the policy dialogues, the author focuses primarily on documents regarding the highly controversial EU–China Human Rights Dialogue, as well as the arms embargo imposed by the EU as a result of the Tiananmen Square events in 1989. Chapter 5 deals instead with the wide range of sectoral dialogues which have been established over the years as a framework for cooperation on a number of economic and social sectors. After a section devoted specifically to the High Level Economic and Trade Mechanism (HLM) introduced in 2008, the author presents all dialogues in alphabetical order with at least one document for each to describe their structure and function. Snyder pays particular attention to the diverse normative character of these dialogues and to their relation to the many memoranda of understanding adopted by the European Union and China, usually with a status of soft law.

While chapters 4 and 5 are devoted to forms of cooperation based on soft law, chapter 6 presents the full text of the legally binding bilateral agreements concluded by the EU and China on subjects other than trade and textiles. These include treaties in several diverse sectors, such as science and technological cooperation, maritime transport, the civil global navigation satellite system GALILEO, tourist groups, customs cooperation, and the peaceful use of nuclear energy. The author also includes in this chapter the multilateral agreement on the ITER project on nuclear fusion, to which both China and the EU are parties, both for its intrinsic significance and because of its anticipated importance for the future of EU–China relations.

Chapter 7 on cooperation projects between the EU and China is the shortest one in the book, and some readers may find it somewhat disappointing in comparison with the rest of the volume. In fact, due to the scarcity of publicly available data, Snyder is forced to limit the chapter to an overview of EU–China cooperation projects since 1985, without including any documents. In spite of this, the author manages to present a very informative overall picture and to draw some interesting conclusion on the basis of comparative tables. These show for example the relative importance of cooperation projects conducted bilaterally by China with EU member states, with Germany, France and the UK each spending individually on China projects more than does the European

Commission. Unfortunately, as Snyder warns the reader, the tables are also based on official statistics which are often quite lacking in detail.

As Special Administrative Regions (SARs) within China's 'Once Country, Two Systems' approach, Hong Kong and Macao enjoy a certain degree of autonomy in their relations with Europe. Accordingly, Snyder devotes chapter 8 specifically to EU–Hong Kong and EU–Macao relations, presenting a number of policy papers and bilateral agreements on the subject. Both Hong Kong and Macao were fully returned to the PRC during the late 1990s (Hong Kong was under British rule until 1997, while Macao was governed by Portugal until 1999). Ever since reverting to Chinese rule, they have enjoyed special rights under their Basic Laws to conclude agreements with foreign states in certain domains. The foundations of the relations between the EU and these two regions can be traced in the policy papers published by the EU on both Hong Kong and Macao immediately after their return to full Chinese sovereignty, as well as in the more recent paper relating to both SARs published in 2006. EU–Macao relations are further based on a Trade and Cooperation Agreement concluded in 1992, but continued in force after Macao's return to the PRC. This is a particularly advanced agreement, as it establishes a Joint Committee and includes clauses on the respect of democratic principles and human rights. Hong Kong and Macao have concluded a number of bilateral agreements with Europe, mostly on the subject of trade in textiles. These are no longer in effect, however, as textile trade is now conducted within the framework of the WTO. Other bilateral agreements presented by the author are the agreement between the EU and Hong Kong on cooperation and assistance in customs matter, and the agreements on the readmission of persons residing without authorization, which were concluded with both Hong Kong and Macao (the EU has been trying for some time to conclude a similar agreement also with Beijing, for the purpose of combating illegal migration).

The final chapter of this volume discusses EU–China relations within the framework of the WTO. China became a member of the WTO in 2001, after a long and laborious process involving negotiations at both the bilateral and the multilateral level (the EU and China concluded a bilateral agreement on Chinese accession to the WTO in 2000). Although the EU was always a strong supporter of China's accession, the official documents presented by Snyder clearly show the presence of disagreements between the European Parliament and the Commission regarding the modalities and implications of this process. The chapter also includes the Decision on China's accession taken in 2001 by the WTO Ministerial Conference meeting in Doha, together with the relative Protocol. Finally Snyder makes some comments on the Report of the Working Party on the Accession of China (not included in the text, although the author provides a reference), and on the additional obligations (the so-called 'WTO plus') undertaken by Beijing to acquire membership of the organization. This section is best read in conjunction with chapter 2, in particular for what concerns the dispute which broke out between the EU and China in 2005 on the matter of trade in textiles.

This volume is probably best suited for advanced students and scholars interested in the evolution of the legal framework of EU–China relations, rather than for absolute beginners. It certainly should not be approached as a textbook, even though it does provide a fair amount of background knowledge on its subject. Also, some readers may find the commentary uneasy to navigate, as it is often interrupted by long tables extending over several pages, as well as by the documentary sections (which however are clearly marked by a grey background). On the other hand the book fully succeeds in its aim, which is to contribute a reference work for the study of the legal development of EU–China relations. As a collection of documents, the volume has no pretence of being exhaustive (and it could not possibly be, without turning into an encyclopaedia), but the author makes a careful and quite comprehensive selection of basic documents, providing links and references to other relevant materials whenever possible. The commentary is also very insightful, and useful to set out the context for the documents and to provide a structure for their reading.

Snyder's work is definitely a welcome addition to the bookshelf of any scholar interested in the relationship between China and the European Union. With over a thousand pages of documents and commentary, the book certainly bears witness to the impressive development undergone by EU–China relations over the past decades. It only remains to be hoped that the volume's next edition may be further enriched by the text of the new Partnership and Cooperation Agreement currently under negotiation.