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WORKING PAPER

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Abstract

The present paper investigates the positions of individual member states, European institutions and organizations towards the 16+1 cooperation framework. At the institutional level, the European Commission's Joint communication on elements for a new EU strategy on China of June 2016, the reports and joint statements of the European Economic and Social Committee and China Economic and Social Council (May 2016 and June 2017) and European Parliament publications underline: the absence of a common EU-level strategy on recent large scale Chinese initiatives and some member states pursue individual economic interests, which do not correspond to those of the EU as a whole; 16+1 format as "controversial", as its arrangements are "in conflict with the EU law" which leads to the "erosion of EU norms"; the necessity to "cooperate with the Commission, the EEAS and other Member States to help ensure that relevant aspects to the EU are in line with EU law, rules and policies, and that the overall outcome is beneficial for the EU as a whole". We analyze the concerns and make specific proposals so that the 16+1 format might cease to be an issue in China-EU relations.

Key words: *China, Central and Eastern Europe CEE, 16+1, European Commission, European Parliament, European External Action Service EEAS, China-Europe Land-Sea Express Passage.*

1. Introduction

Even from the very beginning the "China-centred" 16+1 initiative generated suspicion, mistrust and caution from the old EU member states and EU institutions as it was seen as "divisive". Compared by Western diplomats and experts with a "new Berlin Wall", "a Trojan horse" and a "divide and conquer" strategy, it soon became **a new sensitive issue in the EU-China relations**, in spite of the evidence that "neither the CEE countries nor China have any motivation to try to weaken the EU" (Turcsányi, 2014).

The initial critiques were related to the deficiencies of the platform and associated threats to the EU such as: the lack of transparency, the inadequate financing model, the impediments to the common foreign policy, the potential contradictions with the EU high standards and breaking EU competition laws, the prospect of diminishing EU project attractiveness for candidate countries for future membership (Long, 2016, pp. 25-26).

Moreover the 16+1 narrative started to include comments and remarks suggesting that the financial crisis and the Euro zone sovereign debt crisis have limited the EU's ability to support the development of CEE countries, which stressed the tensions.

As the 16+1 project became clearer and each country chose to coordinate a distinct field of cooperation according to its priorities, the critics included in their list of arguments that of “power asymmetry” in China’s favour (Jakóbowski, 2018), especially as this format is mainly a “network of bilateral relations” (Turcsányi, 2017a). The evident goal of such criticism was to discourage the CEE countries to engage more strongly in this cooperation platform. Such arguments are used also regarding the Belt and Road initiative, which now includes the 16+1.

In spite of the significant gap between accomplishments and expectations (in terms of implemented projects and substantial increase of exports to China and investment flows from China), CEE countries support this initiative as: (1) they are interested in the diversification of their export markets and investment/financing sources; (2) most of them need a better infrastructure; (3) they perceive the cooperation with a strong country outside the EU as a supplementary negotiation power inside the EU (CEE-11: Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) or during the EU accession (CEE-5: Albania, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia, Montenegro, Serbia), where the old member states are at the core at the decision-making process; (4) Russia’s opponents (including Poland and Romania) intend to diminish their dependency on Russian energy; (5) Poland is trying to balance the power between Russia and Germany and increase its regional role. Even if in this equation intervene many other determinants (including the US factor) and the variable geometry of preferences and approach towards China, 16+1 is rather seen as an opportunity by the CEE participants, which offers the premises for good results.

Taking into account the considerations depicted above, the present paper is structured around the following research questions: Which are the real motivations behind the critical EU attitude towards the 16+1? How can this platform resonate with the EU’s goal of internal balanced development? Can the five initiatives outlined by the Chinese prime-minister at the 6th China-CEE Economic and Trade Forum be transposed into practice?

2. The larger context of the EU-China relations and 16+1 cooperation platform

2.1. New determinants of the EU-China strategic partnership

At present, the EU-China deep and comprehensive strategic partnership is demonstrated and sustained by robust trade and investment flows, by more than sixty sectoral dialogues, by common interests and priorities on the international stage. The 2015 China-EU summit joint statement, marking the 40th anniversary of diplomatic relations, revealed a harmonious partnership, mutual beneficial cooperation and shared common interests. The establishment of the EU-China connectivity platform with that occasion was considered a strong link between the Belt and Road Initiative and the Investment Plan for Europe and **put in the shade sensitive issues** such as non granting China market economy status until it becomes a “market-led economy” or “greater respect for human rights and the rule of law” or adherence to “international rules and norms” or “reciprocity” and the “level playing field for domestic and foreign companies”.

Box 1: Relevant documents on the EU-China relations

The European Union factsheets and official documents on EU-China relations underline the following evidences.

➤ EU's diplomatic relations with China were established in 1975 and are still governed by the 1985 EU-China Trade and Cooperation Agreement to which have been added other legally binding agreements.

➤ The EU-China comprehensive strategic partnership was launched in 2003, followed in October 2006 by a Communication entitled "EU-China: Closer Partners, Growing Responsibilities" and a policy paper on *trade, aiming for a close and comprehensive partnership with China, bilaterally and in the multilateral context*. China released a White paper on relations with the EU in 2003, *its first-ever White paper on relations with a foreign partner*. The negotiations for a Partnership and Cooperation Agreement (PCA) were started in 2007, but stalled in 2011 due to deep divergences related mostly to norms and values.

➤ The *EU-China 2020 Strategic Agenda for Cooperation*, adopted in 2013, is the *highest-level joint document in EU-China relations, setting out cooperation in the areas of peace, prosperity, sustainable development and people-to-people exchanges*. It was followed by *The Joint Communication on elements for a new EU strategy on China, adopted by the High Representative and the European Commission on the 22nd of June 2016, together with the Council Conclusions adopted on the 18th of July 2016, which form the EU Strategy on China*.

➤ Year 2017 was dominated by unfavourable documents:

- September 2017: EU Chamber of Commerce in China – *European business in China – Position paper* (402 pages);

- December 12, 2017: EU new anti-dumping regulation, the legal basis to evaluate the dumping actions taking into account the "significant market distortions" (REGULATION (EU) 2017/2321 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 December 2017 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union);

- December 20, 2017: European Commission's Report on Significant Distortions in the Economy of the People's Republic of China for the purpose of trade defence investigations (465 pages).

However since 2015, the EU's tone changed. 2016 was a "tough" year for bilateral relations. François Godement (2017) synthesizes several reasons: "*Chinese expectations to obtain market economy status and have special anti-dumping criteria lifted were frustrated; the Hague arbitration panel ruled against China's claims in the South China Sea on the day*

that the 2016 summit opened; and China was unhappy about the insertion of unprecedented language about 'reciprocity' and 'values' in the EU's emerging China strategy." Arms embargo on China remained also an impediment. In the 2016 EU Strategy on China was also mentioned that "the EU policy-making on China should take full account of the EU's close relationships with the US and other partners" which contradicts the finding of studies underlining that "EU's dependence on the US" is "the main obstacle to a comprehensive Sino-European partnership" (Shi, Trigas, 2013).

In 2017 the tone was even harsher. Regarding the EU's attitude towards the 16+1 platform, that was much more critical compared to the position towards the Belt and Road Initiative. According to the European Parliament research service (Grieger, 2017), "the format is controversial, given the concerns expressed about arrangements made under its umbrella being in conflict with EU law and about a perceived erosion of EU norms, values and unity. Nearly five years on from its creation, mutually satisfactory results still lag behind expectations." Godement and Vasselier (2017) consider that China practises "pick and choose" in its relations with the European Union, focusing on its direct interests, and often ignoring EU norms in its proposals.

2.2. Multilateralism perspective

Beyond such evidences, the 16+1 framework and its impact on the **EU-China partnership cannot be correctly assessed in the absence of the larger picture of the actual international economic order, where both EU and China are key actors**. The following points deserve special attention. The strategic partnership between EU and China is based not only on the economic complementarities but also on the need to solve together global issues. Both parties endeavour to have a stable relationship on the backdrop of global uncertainty and volatility. They are strong supporters of multilateralism or in other words, 'multilateralism first' is at the centre of China-EU relations (Scimia, 2017).

Especially since the turn of the 20th century, **China has demonstrated that it embraces multilateralism**. According to Wu and Lansdowne (2008), among China's imperatives of multilateralism there are: the requisite of economic development and social stability in the era of globalization; desideratum to counterbalance the United States unilateralism and to narrow the ideological gap with the rest of democratic capitalist world, correlated with an "image-improving measure in international society"; the objective to address security issues.

Nonetheless the Chinese-led **regional multilateralism** is largely criticized as it is associated with a "Chinese grand strategy" to create a *Eurasian order* with new governance norms, principles, values and rules (Sverdrup-Thygeson *et al.*, 2018). Other studies are even more critical (Economy, 2018).

Cooperation platforms such as the Forum on China-Africa Cooperation, China-Latin America and the Caribbean Forum, China-Arab Cooperation Forum, Lancang-Mekong Cooperation, 16+1 and the potential Nordic-China sub-regional platform in the 5+1 format are governed by principles of *equality, sovereignty, non-interference, democratization of international relations, consensus, voluntarism, non-binding agreements* and conducted within the approach of *learning-by-doing, flexibility and adaptability*. CEE became the "testing ground for the Chinese-led regional platform model in the global North", "the most

sophisticated” of such platforms and it has a “dual nature”, “a combination of multilateralism and bilateralism, a distinctive feature of China’s regional approach” (Jakóbowski, 2018).

Such flexible and loose institutional structures are considered as enablers for China to combine multilateral and bilateral approaches, the latter being associated with power asymmetry and advantages for the stronger partner (Jakóbowski, 2018). In our opinion China’s focus is not to keep its relative power in these asymmetric relationships but to bring benefits for all the participants, as all of them are invited to contribute to the agenda setting according to their priorities which contradicts the accusations associated with a “China-centric agenda”.

2.3. Factors influencing the EU’s attitude towards China and 16+1

There are several main categories of determinants of the EU’s stance regarding China and the 16+1 cooperation framework, both internal and external. In this section we will analyze four of them.

First, after the Euro zone debt crisis, EU was confronted with other internal challenges, starting with weaknesses of the European economy, migration crisis, separatist movements, rise of populism and nationalism, Brexit. The migration crisis unveiled once again the EU governance failures, accompanied by tensions and divisions among the EU member states. Among the opponents, the Visegrad group countries (V4) but especially three of them, namely Poland, Hungary and Czech Republic, had a strong stand against the mandatory refugee quotas. EU values and norms came again to the forefront. The reform process makes the EU even more sensitive at new cooperation mechanisms between China and sub-regions of Europe, including CEE (Long, Dai, 2018, p. 10), as the EU main institutions and countries with a significant role in the EU decision-making process (especially Germany and France) associate such mechanisms with supplementary erosion of their own authority.

Second, in 2016, the Chinese COSCO Group (China Ocean Shipping Company) acquired control over the Greek port of Piraeus, which made possible the opening of the rapid route named China-Europe Land-Sea Express Passage (linking the Mediterranean with Greece, Macedonia, Serbia and Hungary). That was one of the results associated with the 16+1 cooperation platform, as an integrating part of the Belt and Road Initiative. Such ambitious projects in the heart of the EU were not welcomed by the already established powers as the current economic order is largely based on rules created by the North, in spite of the inclination of the balance of power towards the emerging economies and repeated trials to adjust these rules. That is why, at present, the South (led by China and its large scale initiatives) calls for these rules to be changed according to new realities, which is reflected also by the Chinese initiatives, including 16+1.

Third, China’s advances in terms of competitiveness, innovation, science and technology as well as its recently initiated large scale initiatives and objectives to become a “leading innovator by 2030” and a “world-leading science and technology power by 2049” raised concerns among the Western European countries. At the same time, the increasing Chinese acquisitions of Western European high-tech companies led in September 2017 to a regulation proposal to create a new framework for screening FDI into the EU. Developed countries’

arguments related to **national interest** and **national security** and the use of **protectionist tools** have become the leitmotif. As globalization seems to generate now more positive effects for emerging economies, the anti-globalization trend is evident and the “America first” (putting the United States’ interests above those of the other nations’) is not any more a simple slogan.

Fourth, China continues to defend its “core interests” as a way to maintain its political and social stability and to spur the economic, technological and social progress. Its “core interests” include: “state sovereignty, national security, territorial integrity and national reunification, China’s political system established by the Constitution and overall social stability, and the basic safeguards for ensuring sustainable economic and social development.” Besides “China fully respects other countries’ legitimate rights to protect their interests. While developing itself, it fully accommodates other countries’ legitimate concerns and interests and never makes gains at others’ expense or shifts its own troubles onto others” (State Council of the People’s Republic of China, 2011). Defending its principles induces also frictions with the EU as regards priorities, values and domestic economic models, which is added to the triangular relationship with the United States – sceptical about EU and China coming too close together – (García-Herrero *et al.*, 2017).

3. CEE position towards 16+1

According to recent researches (Oehler-Şincai, 2018), among the CEE countries, “higher levels of cooperation intensity with China are generally correlated with negative attitudes towards the EU, the importance attached to national interest and the recognized need of developing balanced relations with significant actors on the world stage”, while “lower levels of cooperation intensity with China correspond to euro-optimist/euro-moderate stances, extreme dependency on the EU internal market or a political inertia”.

Poland and Hungary, members of the Visegrád group (V4), already eurosceptics and also Serbia (“currently walking a very fine line between an obvious need to cooperate closely with China and Russia, and to continue successfully its accession to the EU – proclaimed as the country’s highest priority”, Teokarević, 2016) were not discouraged by the EU stance and soon became the “champions” of cooperation with China. They consider that *a balance should be struck between the EU decisions and their own national interest* (Oehler-Şincai, 2018). Serbia was the first country in the region to conclude a strategic partnership with China in 2009, followed by Poland in 2011 and Czech Republic in March 2016. China and Poland upgraded their strategic partnership to a comprehensive level in June 2016. Hungary is a partner with a “special status” (Chen, 2017) and it manifests the most obvious political will to strengthen bilateral relations with China (Góralczyk, 2017) even by hindering EU to adopt a common position against China in sensitive issues.

Other countries as well were interested and even succeeded to consolidate their cooperation relationship with China. One of the motivations is related to *their own priorities* (political, economic or both), the other to the fact that the 16+1 mechanism has a *mobilizing effect on all the participants due to the intrinsic networking effects*. For instance, the Baltic countries became the “new bright spot” in the China-CEE cooperation especially after the

three sea harbour area cooperation project was launched (complementary with the Polish-Croatian *Three Seas Initiative* of 2016). Their interest in having a better connectivity with the EU transportation routes was supplemented by their need to reduce the negative effects of the reciprocal EU-Russia sanctions. Therefore Latvia successfully prepared the Riga summit of 2016 and set up a logistics coordination centre. Estonia signed at the high-level summit of Budapest in November 2017 three economic treaties with China: the Silk Road Initiative Memorandum, the Digital Silk Road agreement and the e-commerce agreement, according with its own priorities. Lithuania signed also in Budapest the Silk Road Initiative Memorandum; its cooperation priorities with China are related to: transport and logistics; agriculture; financial services and e-commerce.

In its turn, Slovakia, stimulated by the “pragmatic push from business sectors and economic ministries” approved in April 2017 a “Strategy for the Development of Economic Relations with China 2017-2020” (Turcsányi, 2017b). Recently Slovenia appears also as one of the most active partners in the 16+1 format (Liu, Ju, Ma, 2018, p. 5).

This demonstrates not only the 16+1 interconnectedness with the New Silk Road but also with other European initiatives and the freedom of China’s partners to select their priorities themselves. It is in China’s interest to unify and consolidate Europe, maybe its most important partner worldwide.

However the pace of implementation of large scale projects remains slow and that is explained by the “incremental institutionalization process” in the “established normative environment shaped and enforced by the EU” (Jakóbowski, 2018). Some researchers consider this framework “still in the exploratory phase” (Oehler-Şincal *et al.*, 2017), others in the “maturity stage” (Song, 2018) but independent of its phase the criticism towards the 16+1 platform has continued to intensify. This in spite of China’s and CEE partners’ arguments that this framework is not antagonistic with the China-EU strategic partnership and there are complementarities and synergies with the EU initiatives contributing to the “balanced development throughout Europe”. Moreover China welcomed representatives of the EU institutions and other countries to take part in the high-level meetings as observers (representatives of the European External Action Service, European Bank for Reconstruction and Development, Austria, Belarus, Greece, Switzerland). It should be underlined also that dialogue on international and political affairs was excluded from the 16+1 agenda (Jakóbowski, 2018) especially to not interfere with the common foreign and security policy.

There are from time to time peaceful comments from the EU side even if including the nuance of determination to defend the EU positions, as underlined by statements that “cooperation complements the EU’s overall policy on China, as long as it is compliant with EU rules” and “the role of the both Commission and European External Action Service is to support member states who belong to this format... and help them make sure that these activities are complimentary to what we do in EU-China relations” (Zalan, 2017).

According to Turcsányi (2017a), “China is a hugely important partner for the EU in whole and can be an important *complementary* partner of the CEE countries as well” and the increasing tensions between EU and China over 16+1 are not justified by the “economic rationale”. The Chinese presence in CEE is still limited in terms of trade and investment and

Western Europe will keep its dominant position due to geographic and structural economic factors, both as compared to that of the old member states here or China's presence in Western Europe. One cannot remark any consistent increasing dependence on China in CEE. It should be taken into account the possibility the change of some CEE countries' attitude towards China in the negative way, as remarked already in the case of Poland, which became "less optimistic" (Mierzejewski, 2017), mainly because of the equation China-Russia-United States.

4. Conclusions: How to persuade the critics that 16+1 is profitable not only for individual countries but for the EU as a whole?

At the sixth China-CEE Economic and Trade Forum (Riga, November 2016), the Chinese prime-minister Li Keqiang proposed five initiatives to spur pragmatic cooperation: (1) stimulate bilateral trade through a good trade and investment environment; (2) accelerate interconnection, including infrastructure and logistics development; (3) deepen production capacity cooperation, including by building industrial and technical parks in CEE; (4) invigorate financial cooperation; (5) tap the potential of tourism flows (Liu, Ju, Ma, 2018, pp. 32-33).

16+1 is not a tool to destabilize CEE or EU but to find complementarities and concrete projects of interest for all parties, resonating with the EU goal of internal balanced development. For instance, by building industrial and technical parks in CEE China achieves a larger access to the EU market but at the same time: (1) it offers what this market needs, according to the supply and demand principles; (2) it brings its contribution to diminishing China's trade surpluses; (3) it supports its own reform process, which pace is considered by the EU too slow.

Nevertheless it is more difficult to transform an unfavourable image into a better one than to create a new representation. The narrative associated to this cooperation platform and its mechanisms should be focused on **coordination and synergies** between the 16+1 objectives and the EU priorities, initiatives, strategies, policies and projects. For instance, actual and prospective cooperation projects should be linked to the EU development policy, regional projects, EU macro-regional strategy (related to the Baltic Sea, Danube, Adriatic and Ionian Seas, Alpine region), Trans-European Transport Network, Projects of common interest (PCI), Connectivity agenda for the Western Balkans and so on. In the EU-China specific dialogues should be included topics related to the 16+1 projects and how these can complement each other. The emphasis should be on synergies and common action.

As underscored by Hackaj (2018, pp. 110, 112, 116), CEE is "at the geographical juncture of EU networks and BRI" and in the 16+1 framework China should take into account all the stakeholders: local actors, politicians, both large and small businesses, citizens and also EU priorities and legal framework and standards. The EU is a normative entity and each investor has to respect the rules regarding public procurement, technical standards and norms, labour standards, environmental criteria etc. Therefore the economic cooperation cannot be significantly intensified until the "spirit of doing business" in the partner country/region is not thoroughly understood (Oehler-Şincai *et al.*, 2017). Strongly interconnected with the

“normative” EU are also the European principles and values. Moreover mass media should be taken into account. Mutual trust and understanding are so significant especially taking into account the role of mass media in influencing people, their opinion and behaviour.¹

In our opinion the real motivation from the EU side to disapprove with this initiative is not related to the “divisive” character of the 16+1 cooperation platform. **Confronted with centrifugal forces of other nature, EU is sensitive to (and even opposing) any new factor in the already complicated EU equation.** Rifts are deepening in the EU because of external elements such as migration but especially because of internal weaknesses and discontent. There are contradictions not only between the old member states but also between them and the CEE countries. Brexit, mainly as a consequence of the EU migration policy and the centre-periphery opposition towards the Multi-speed Europe are just two relevant determinants.

Some of the CEE countries, led by the eurosceptic Poland and Hungary, are trying to change their status of “dependant market economies” (DME)² and establish a system of more balanced relations with strong economic partners outside the EU. China’s goal to make the international economic order more ethical and to reflect also the interests of developing/emerging countries intertwines with the CEE interests, to cease their “periphery” status.

It is not China which fuels the euroscepticism in the EU but the latter’s internal failures themselves. In spite of that, most of the CEE countries remain strongly dependent on the EU markets and capital and the situation will remain unchanged on the long term. Besides, after the Ukrainian crisis, countries such as Poland and Romania deepened their partnership with the United States, seen as a guarantor of regional security. Following the same Ukrainian crisis, the strategic partnership between China and Russia became deeper. Therefore the complex relations in the triangle “China-Russia-United States” are significant factors influencing the 16+1 cooperation platform.

The 16+1 will remain a sensitive issue in the EU-China relations in the foreseeable future. But as is the case of other sensitive issues, its intensity might diminish if the EU as an entity focuses on the strengths and synergies of the strategic partnership as it was the case in 2015, when the Connectivity Platform (between the Belt and Road initiative and the Investment Plan for Europe) was established. If representatives of EU institutions and other countries continue to take part in the high-level meetings as observers it can be created the premises for a better understanding of the 16+1 objectives which can lead to mutual trust.

¹ As it was demonstrated by the failure of COVEC (China Overseas Engineering Group) in Poland in 2009-2011, local competitors blocked the Chinese company in its endeavours to hire local subcontractors and rent equipment and machines, which led to increased costs through imports and finally generated the fiasco of the first large Chinese infrastructure investment in the EU. This became a leitmotif in mass media and is still an argument successfully used by critics.

² Nölke and Vliegthart (2009) coined the term underlining that: (1) there is an “extraordinarily high degree of external dependency in DMEs”; (2) Some of the CEE governments have become “extremely dependent on imported industrial goods, foreign markets, and the investment decisions of foreign-owned firms and banks”; (3) the current comparative advantages of CEE might be eroded, due to the decreasing value of the “skill heritage” and the lack of substantial investment into research, development, education and training.

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