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**No. 11**  
**European**  
**Parliament's New**  
**Powers**  
**and the Implications**  
**for China**

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Please cite this working paper as:  
Bing, Qu (2011), 'European Parliament's New Powers and the  
Implications for China', *GR:EEEN Working Paper, No.11*  
[www.greenfp7.eu/papers/workingpapers](http://www.greenfp7.eu/papers/workingpapers)

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This research acknowledges the support of the FP7 large-scale integrated research  
project **GR:EEEN - Global Re-ordering: Evolution through European Networks**  
European Commission Project Number: 266809

## Introduction

European Parliament (hereinafter EP) is always described as the 'anti-China base' and 'troublemaker' by the Chinese media or netizens. Indeed, there are a number of reasons for this: The EP opposes lifting the arms embargo or granting Market Economic Status to China; EU-China relations have often been overshadowed, even jeopardized, by events such as the MEP's fierce criticism of China's 'violation' of human rights, the decision to give Hu Jia the Sakharov Prize and invite the Dalai Lama to address in Brussels, and numerous resolutions on Tibet, Xinjiang and Taiwan. The latest issue is a resolution approved by the EP on the case of Ai Weiwei on 7 April 2011.<sup>1</sup> These resolutions have no binding force, but can exert public pressure on a certain issue and badly damage China's global image. More importantly, they defy and challenge China's 'core interests'.

Since the Lisbon Treaty came into force, the EP has been granted more power and has been further reinforced as a legislative, budgetary and political actor in the EU political system. There's a great deal of discussion on the EP's new powers under the Lisbon Treaty in the Chinese academic community. Some discussions argue that the EP is an important player but do not elaborate on this view or indicate the full extent of the EP's role in EU-China relations. Based on documentary analysis and interviews with diplomats, MEPs and researchers, this paper aims to examine the EP's new powers, the implications for China and address the lesser studied question of how to respond. Some recommendations are hence presented on how to deal with this 'troublemaker'.

## The practice of EP's new powers

With the Lisbon Treaty in place, the EP enjoys much wider powers. It exercises legislative and budgetary functions jointly with the Council of Ministers and has moved from a consultative assembly to a genuine co-legislature.

### 1. Legislative power

Since the early 1990s, the EP has involved in the EU legislative process, as a result of the introduction of 'co-decision procedure'. Under the Lisbon Treaty, the 'co-decision procedure' has been extended to a further 50 legal bases, bringing the total to 86.<sup>2</sup> It is now applied in areas that previously were almost exclusively the Council's responsibility (e.g. agriculture, fisheries, justice and home affairs), as well as the EU's new areas of action, such as tourism, youth

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<sup>1</sup> Available at <<http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2011-0274&language=EN>>

<sup>2</sup> For details, see 'List of decision-making procedures by article', available at <[http://ec.europa.eu/codecision/docs/Legal\\_bases.pdf](http://ec.europa.eu/codecision/docs/Legal_bases.pdf)>.

and sport.<sup>3</sup> The EP now has as much weight as the Council when it comes to lawmaking in almost all of the EU's areas of competences.

The 'co-decision procedure' has been renamed as 'ordinary legislative procedure' and is the standard procedure for adopting legislative proposals. The other legislative process is called 'special legislative procedure' which is divided into 'consultation procedure' and 'assent procedure'. The 'assent procedure' (previously called 'consent procedure') is only extended to a few new competences, but these are significant ones, such as the budget and many international agreements.<sup>4</sup> Hence the assent power is a kind of veto power.

◆ **MEPs say 'no' to the EU-US SWIFT Agreement.** After 9/11, the U.S. Treasury introduced a secret 'Terrorist Finance Tracking Programme'(TFTP), which allows the U.S. government to request the Society for Worldwide Interbank Financial Telecommunications (SWIFT) to transfer financial transaction data for a counter-terrorism purpose. When American media revealed it in 2006, the US and the Council of the European Union began to negotiate an agreement which would give the US limited use of the European data but allow it access to the SWIFT database. MEPs were opposed to compromising human rights in the name of security. It is during the negotiations in 2009 that the EP started to affirm its own role, conscious that after (at that time still uncertain) the entry into force of the Lisbon Treaty, the agreement would be subject to its consent. After it had become clear that the Treaty would enter into force on 1 Dec 2009, the Council took the decision to conclude the SWIFT Agreement with provisional application as from 1 Feb 2010. The Agreement was then formally forwarded to the EP for consent only on 25 Jan 2010. The EP strongly rejected it on 11 Feb 2010 by 378 votes to 196, with 31 abstentions.<sup>5</sup> The vote came despite intense lobbying by top U.S. officials, including Vice President Biden, Secretary of State Hillary Clinton and Treasury Secretary Timothy Geithner.<sup>6</sup> This case helps us to understand the EP's new legislative power and assertive stance.

## 2. Budgetary power

The Lisbon Treaty has abolished the distinction between 'compulsory'<sup>7</sup> and 'non-compulsory' expenditure and extended EP's budgetary powers to cover all EU expenditure. The direct consequence is, the Council no longer has the

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<sup>3</sup> 'The European Parliament-working for you', available at <[http://www.europarl.europa.eu/pdf/welcome\\_brochures/for\\_you/working\\_for\\_you\\_en.pdf](http://www.europarl.europa.eu/pdf/welcome_brochures/for_you/working_for_you_en.pdf)>.

<sup>4</sup> Damian Chalmers, Gareth Davies and Giorgio Monti, *European Union Law: Cases and Materials*, (2nd edition), Cambridge: Cambridge University Press, 24 Jun 2010, p.95, p.112. The EP has the legal power to accept or reject any proposal but no formal mechanism exists for proposing amendments.

<sup>5</sup> Jörg Monar, 'The Rejection of the EU-US SWIFT Interim Agreement by the European Parliament: A Historic Vote and Its Implications', *European Foreign Affairs Review*, pp.143-151, Vol.15, Issue 2, 2010.

<sup>6</sup> 'EU rejects deal to allow U.S. to access European bank transfers', *Dailymail*, 11 Feb 2010, available at <<http://www.dailymail.co.uk/news/article-1250303/EU-rejects-deal-allow-U-S-access-European-bank-transfers.html>>.

<sup>7</sup> Common Agricultural Policy expenditure and funding of international agreements, etc.

final say on 'compulsory' expenditure and the EP is able to influence the entire EU budget. Moreover, the procedure is supposed to be quicker as there is only one reading in both the Council and in the Parliament. There is, therefore, less time to negotiate it.<sup>8</sup> Now the multiannual financial framework (MFF) and annual budget shall be adopted by the Council, with the consent of the EP. The latter approves them using a special legislative procedure. Prior to the Lisbon Treaty, the MFF was a voluntary agreement between the EU institutions.

◆ **Seesaw battle over EU 2011 budget.** EU 2011 budget is the first to be negotiated under the Lisbon Treaty. The Commission presented a draft budget in April 2010. Some member states, such as the UK and Netherlands, wanted to limit the budget increase. The Council reached an agreement among member states to 2.9 percent expenditure increase on the basis of 2010. MEPs argued that greater EU tasks under the Lisbon Treaty should be matched by greater funding and they claimed the number should be 6 percent. The Council and the EP could not reach a deal and the first round of negotiation failed in November. The Commission offered a revised draft and the second round began. After months of wrangling between national capitals and the EP, MEPs backed the revised spending plan that foresaw a 2.9 percent expenditure increase on 15 Dec 2010. Goran Farm MEP, the budget spokesman for the EP Socialist group insisted that 'this is only the first shots in a bigger battle to come. If the council wants to slash the EU budget, we will face permanent trench warfare'.<sup>9</sup>

### 3. Veto power on the Common Commercial Policy

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Before the Lisbon Treaty, the EP had some informal participation during the EU's multilateral or bilateral trade negotiations. For example, it had to be consulted before a trade agreement was concluded. Now the Lisbon Treaty requires parliamentary consent in Common Commercial Policy (CCP) agreement. It is important to note that, CCP is now an exclusive EU competence which means that it excludes the possibility for EU member states to conclude agreements in these fields.<sup>10</sup> The scope of the traditional trade areas is also extended and the CCP covers trade in goods and services, commercial aspects of intellectual property and foreign direct investment.

◆ **Delay implementation of EU and South Korea Free Trade Agreement.** The EU and South Korea signed a Free Trade Agreement (FTA)<sup>11</sup> on 6 Oct

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<sup>8</sup> Bill Cash, '2011-First EU budget to be agreed under the Lisbon Treaty', 5 July 2010, available at <[http://www.europeanfoundation.org/my\\_weblog/2010/07/2011-first-eu-budget-to-be-agreed-under-the-lisbon-treaty.html](http://www.europeanfoundation.org/my_weblog/2010/07/2011-first-eu-budget-to-be-agreed-under-the-lisbon-treaty.html)>.

<sup>9</sup> Andrew Willis, 'One EU budget battle closes, another prepares to open', *EUobserver*, 15 Dec 2010, available at <<http://euobserver.com/9/31513>>.

<sup>10</sup> Karin Ulmer, 'Lisbon Treaty and impact on EU Trade Policy', APRODEV paper, March 2010; Marc Bungenberg, 'The Common Commercial Policy after Lisbon', Paper presented at the Hebrew University Jerusalem, 14 July 2008.

<sup>11</sup> The agreement would create an estimated \$30 billion in new trade of goods and services annually. EU trade commissioner De Gucht says the deal is 'the most ambitious trade deal ever concluded by the EU and should become a game-changer for our trade relations with Asia'.

2010. When it was forwarded to the EP, the latter set a safeguard clause which was designed to shield the European car industry from an excessive increase in cheaper imports from South Korea. This allows EU industry and governments to request a re-imposition of duties if surging imports hurt EU producers.<sup>12</sup> The pact can only enter into force after both the safeguard regulation (via co-decision procedure) and the FTA (via consent procedure) have been adopted by the EP. This is the first time that EP has exercised its new powers to formally approve or reject international trade deals. After several months of negotiation, the bilateral agreement was backed by MEPs and entered into force on 1 July 2011. This reflects how the EP makes use of its increased powers to influence the implementation of CCP.

## New phenomena

### 1. EP is the biggest winner of the treaty reforms and it has been keen to use its new powers.

EP's competence has been expanded by successive treaty amendments since the 1990s. The Maastricht Treaty (1993) introduced a new legislative procedure known as 'co-decision procedure', which gave the EP the right to amend Commission legislative proposals together with a qualified majority in the Council. Initially only 15 Treaty items were covered by the 'co-decision procedure'. It was extended to 38 policy areas by the Treaty of Amsterdam. Now almost all issues will fall under the 'co-decision procedure', in which the EP and the Council are equal as lawmakers.

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Like any constitutional treaty, the provisions of the Lisbon Treaty are of a very general kind and much will depend on how such provisions are interpreted and used. In practice, the European institutions may battle over competences. With respect to the EP, it is important to understand that the formal legal powers accorded to the EP by the provisions of the Lisbon Treaty are only part of the story, and that these must be seen against the backdrop of how the institutions have interacted in the past and how they are likely to do so in the future.<sup>13</sup> From my observation, the EP is keen to grab power in the gray or vague areas, which we can see clearly from the case of EP-Commission Framework Agreement (see below). Budget can be used by the EP as a powerful lever through which to secure further concessions from other institutions within the polity.<sup>14</sup> The delay tactic (with relation to the budgetary power) allows the EP to enjoy important benefits in the political system.

◆ **New EP-Commission Framework Agreement.** When José Manuel Barroso sought to be re-elected as the President of Commission in 2009, Verhofstadt (Leader of ALDE) and Schulz (Leader of S&D) argued that they

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<sup>12</sup> 'EU-South Korea trade deal backed by European Parliament', *BBC*, 17 Feb 2011, available at <<http://www.bbc.co.uk/news/business-12493775>>.

<sup>13</sup> Paul Craig, 'The Role of the European Parliament under the Lisbon Treaty', in Stefan Griller, Jacques Ziller eds., *The Lisbon Treaty: EU constitutionalism without a constitutional treaty?* Wien; New York: Springer, 2008, p.110.

<sup>14</sup> See note 13, p. 129.

would not have enough time to meet with Barroso and scrutinise his working plans, and suggested that the EP should take a vote on his candidacy after the summer recess. This delay tactic allowed the two leaders to set out a series of demands for Barroso as the price for their support for him.<sup>15</sup> Consequently, Barroso agreed to build a 'special partnership' between the two institutions. The EP adopted the revised framework agreement on relations between the EP and the European Commission on 20 October 2010. The Framework Agreement requires the Commission to apply the principle of **equal treatment** in its relations with the EP and the Council, especially with regard to access to meetings and the provision of information. A new **Question Hour** with Commissioners, including the VP/HR, will be included in Parliament's plenary sessions. The Commission commits itself to respond to the '**legislative initiative requests**' by the EP within three months. It must come forward with a legislative proposal within one year or include the proposal in the next year's Work Programme. If the Commission does not submit a proposal, it shall give the EP detailed explanations of the reasons. **Enhanced parliamentary role in international negotiations.** EP will in future receive full information on the negotiations at *all* stages. In addition, the Commission will act as facilitator to enable the chair of the EP delegation to be granted observer status at international conferences.

## 2. EP's influence is extended to the fields of EU's external relations.

Traditionally, the Commission and the Council are the main actors in the decision-making process of the EU's external relations. MEPs can ask questions and make recommendations but their opinions are always ignored. Although the Common Foreign and Security Policy (CFSP) remains the most intergovernmental area in the Lisbon Treaty age, the EP is trying to use its budgetary power as a means to get its foot in the door of CFSP decision-making and extend its powers beyond the limited information and consultation rights.<sup>16</sup> Similarly, it seeks to increase its clout in other fields of EU external relations, especially in the areas of security, trade, energy and climate change.

**Increasing its influence on foreign policy by controlling the European External Action Service (EEAS).** Considering the EEAS is a new institution with more than 5000 staff and an annual budget of its own of €3 billion, the EP will not tolerate the EEAS being out of its political control. While the EEAS can only begin to work after the personnel and financial regulations have been modified, these two requirements have given the EP strong bargaining position in the negotiations on the establishment of the EEAS.<sup>17</sup> EP insisted the EEAS should have a strong 'community identity' so that the differing views

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<sup>15</sup> Simon Hix, 'What to Expect in the 2009-14 European Parliament: Return of the Grand Coalition?', *European Policy Analysis*, Issue 8, Swedish Institute for European Policy Studies, 2009.

<sup>16</sup> CFSP's administrative expenditure is charged to the budget of the EU. Operating expenditure is also charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

<sup>17</sup> Stefani Weiss, 'External Action Service. Much Ado about Nothing', *Spotlight Europe*, Issue 5, 2010.

of the member states won't interfere with the common foreign policy, and asked the Service to focus more on human rights issues. When Catherine Ashton, the head of the EEAS, cancelled a public hearing for the new ambassador to Japan in the EP, the EP's Budgets Committee later froze the funds needed for 18 new EEAS posts. The EP also keeps a close eye on EEAS' work after it is formally launched. Lady Ashton is regularly invited to report to the plenary on EU's activities around the world.

**Exerting influence over the EU's purse-strings.** Since Parliamentary approval is required for the EU budget to take effect, MEPs can exert influence over the EU's purse-strings. According to the Lisbon Treaty, if no budget has been agreed by the start of the financial year (1 January), the appropriations in the previous year's budget are carried forward until a new budget is agreed.<sup>18</sup> In general, the Commission and Council need to think about how to integrate the EP's concerns from the beginning. The EP using its budgetary right as leverage for more parliamentary involvement is called 'democratic blackmail' by some researchers.<sup>19</sup>

**Veto power over most international agreements.** We have seen that the EP showed its muscle in the SWIFT Agreement and the EU-South Korea FTA cases described above. The rejection of the SWIFT Agreement is a historic vote on EU external relations. The Council and Commission have to take the EP's interests and position into account in nearly all international agreements, not only at the conclusion stage but also at the negotiation stage.

### 3. EP has been the target of intense lobbying

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More power granted to the EP also means that more lobbyists try to influence this institution. Since the Lisbon Treaty entered into force, many lobbyists shifted their emphases from the Commission to the EP.

**Interest groups lobby intensively on the EP.** During the MEPs discussed the 'traffic light' labelling system, which health campaigners said would inform consumers about levels of fat and sugar in food and halt rocketing levels of obesity, members of the food industry lobbied intensively against it. It was reported that they had spent €1 billion lobbying to block the 'traffic light' system, including TV commercials, lunchtime debates with MEPs and 'voting recommendations' delivered to deputies. Struan Stevenson MEP told BBC that hundreds of people from the food industry had been attempting to meet with him. He had five meetings with the Italian chocolate company Ferrero Rocher alone.<sup>20</sup> The lobby did have an effect and the EP rejected the 'traffic light' labelling system on 16 June 2010.

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<sup>18</sup> House of Lords European Union Committee (UK), 'EU Financial Framework from 2014', available at

<<http://www.publications.parliament.uk/pa/ld201011/ldselect/lducom/125/12516.htm>>.

<sup>19</sup> Daniel Thym, 'Beyond the Parliament's Reach? The Role of the European Parliament in the CFSP', *European Foreign Affairs Review*, pp.109-127, Vol.11, Issue 1, 2006.

<sup>20</sup> Leigh Phillips, 'MEPs reject "traffic light" food labels after €1bn lobby effort', *EUobserver*, 16 June 2010, available at <<http://euobserver.com/9/30301>>; 'Food Lobby Wins, as MEPs vote against Traffic Lights Food Labelling', posted on 18 June 2010, available at

**Member states pay more attention on the EP.** An ALDE policy advisor indicates that the lobbying from the UK permanent representation (UKRep) is massive. UKRep lobbies not only their EP national delegations, but also key MEPs working on a dossier of specific interest to the UK.<sup>21</sup> One British diplomat confirmed that the UKRep has officials stationed in the EP, observing and following EP affairs closely.<sup>22</sup> They will keep the UKRep informed on a day-to-day basis and brief UK's position, if necessary.

## Implications for China

### 1. The change of balance of power between the EU institutions deserves close observation.

The Lisbon Treaty has brought major changes in EU political system and the institutional balance has been changed dramatically. As some researchers point out, the most significant change in the institutional structure of the European governance over the past two decades has been the growing power of the EP, which experienced a greater amount of change than any other major EU institution. The EP could have been justly labelled a 'multi-lingual talking shop'. This is no longer the case: the EP is now one of the most powerful legislatures in the world.<sup>23</sup> When the EP and the Commission reached the new Framework Agreement in 2010, the Council was dissatisfied and regarded it as a change in the balance of powers between the EP and the Council, affecting the Commission's power of legislative initiative.

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But it is too early to say that an empowered EP means the Council and Commission are the losers. Matters are not that simple. Competitions coexist with co-operations. Intensive contacts and informal negotiations between the EP, Commission and Council are prevalent at the very early stage of the procedure. More than 70% of acts are approved at the first reading stage. What kind of balance will eventually emerge between the main EU institutions? Only time can tell.

### 2. EP has and will play a bigger role in EU-China relations.

The EP has a 'huge role to play'<sup>24</sup> in developing EU-China relations, since it has more instruments to shape the policy outcomes. Here I would concentrate on there specifics.

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<<http://www.wellsphere.com/general-medicine-article/food-lobby-wins-as-meps-vote-against-traffic-lights-food-labelling/1145761>>.

<sup>21</sup> Maja Kluger Rasmussen, 'Lobbying the European Parliament: A necessary evil', *CEPS Policy Briefs*, May 2011.

<sup>22</sup> Interview with one FCO official, London, May 2011.

<sup>23</sup> Simon Hix, Roger Scully & David M. Farrell, 'National or European Parliamentarians? Evidence from a New Survey of the Members of the European Parliament', available at <<http://www2.lse.ac.uk/government/research/resgroups/EPRG/pdf/Hix-Scully-Farrell.pdf>>.

<sup>24</sup> These are the words of Song Zhe, the Chinese ambassador to the EU. When addressing at the Dinner Reception Organized by the EP on 25 January 2011, Song Zhe said, 'the EP will play an

**Influencing the EU's policy adjustment towards China.** Catherine Ashton, EU's foreign policy chief, is rethinking new EU foreign policies towards emerging powers. In the relationship with China, Ashton reiterates that Europe's interests lay in enhancing trade, investment and co-operation on 'global challenges'. In a strategy paper on China delivered to EU leaders, she recommended to drop the arms embargo on China and elaborate 'a way forward'. But the EP prompts a more active EU human rights policy and urges Ashton to be speaking out more aggressively on rights 'violations' in China. Ashton may compromise as a result of pressure from the EP and add more human rights elements into EU-China relations.

**Politicisation of EU-China bilateral agreements.** EP will be called upon to give its assent to the future EU-China trade, investment and Partnership and Cooperation Agreement (PCA) before they can enter into force. The EP can insist non-economic objectives should be taken into account and use the veto power as a leverage in EU's negotiations with China. These arrangements will not give the parliament as much influence as US Congress does. However they may open the door to the politicisation of trade issues, with the EP pressing, for example, for the inclusion of tough labour and environmental standards in EU trade accords with other parts of the world.<sup>25</sup> Professor Simon Hix argues that EP would not veto the trade agreement between the EU and China, but will set up its positions by resolutions on non-commercial issues which will be subject to a review and linked to a potential refusal of a future bilateral agreement.<sup>26</sup>

**Raising the risk of protectionism in Europe.** In recent years, European manufacture industry concerned about the competition from China and promoted to raise the EU anti-dumping duties on Chinese products. The EP tends to pay more attention on the trade deficit and unemployment issues. Meanwhile, as an elected assembly, it has to listen and react to appeal of the press groups. The EP might become an ally of protectionists who oppose free trade. In that sense, full participation of the EP in Common Commercial Policy matters may lead to the rise of trade protectionism in the Europe.<sup>27</sup>

### **3. New ways of thinking are needed when engaging with EP.**

Inter-parliamentary meetings between the EP and the National People's Congress (NPC) of China have taken place since 1980. In the first two decades of the 20th century, the two sides expressed their own concerns and positions separately. China held on its political principles but lacked flexibility and pragmatism. From Chinese perspective, EP is a bureaucracy which is parallel to European Commission. China hence preferred the 'bureaucrat-to-

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increasingly stronger role in the EU's external policies and participate more actively in Europe's relations with China.'

<sup>25</sup> Tony Barber, 'EU embarks on voyage of discovery after Lisbon', *Financial Times*, 9 October, 2009.

<sup>26</sup> Interview, London, July 2011.

<sup>27</sup> Zhang Jian, 'The impact of Lisbon Treaty on EU's commercial policy', *XIAN DAI GUO JI GUAN XI*, Issue 3, 2010.

bureaucrat' and 'top-down' approach. When facing fierce criticism from the EP, China does not have any counter measures besides oral condemnations. Reviewing China's approach to the EP in the last decade, we can observe some new changes. The Parliamentary Affairs Section was set up within the Mission of China to the EU to engage with EP specially. The Chinese ambassador pockets his pride and contacts actively with individual MEPs, assistants and officials. A series of events held by the Mission of China to the EU, such as 'Chinese New Year in the European Parliament', are impressive. By comparing the two different approaches, we can summarize that new ways of thinking contribute to policy wins.

## Conclusions

Without doubt, EP is a big winner in the Lisbon Treaty. It is becoming a fully fledged legislator on equal footing with the Council. In practice, EP has been keen to use its legislative and budgetary power as levers to obtain concessions from the Council and Commission.

They also call for a greater parliamentary role in shaping the EU's foreign policy. The balance of power in EU institutions has changed. There will be a run-in and adjustment period for the main institutions that will cause uncertainty in the relations between the EU and the third countries. In certain cases, the positions of the EP can strengthen the hand of EU negotiators. China needs to give more weight to the EP's positions since the EP has become an influential player in EU-China relations.

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EP's power and its function in bilateral relations should not be exaggerated. My point is that the EP is more complicated than an administrative organization. To some extent, MEPs are more inward-looking, focusing on issues related to the interests of constituencies; they are exempt from any political responsibility for its provocative stance; they vote more along political group than along national lines. In brief, a complicated, empowered and assertive EP means China has to take it seriously and deal with it in new ways.

## Recommendations

China used to deal with Europe both at the Institutional level (primarily the Commission) and the member states level. Now it has to face a tough and ticklish EP which is becoming a counterbalance to the Commission. Labeling the EP as 'anti-China' does not solve the fundamental problems. Generally speaking, China should adapt to EP's increased role and find useful ways to engage with it. Based on the findings of the research, this paper tries to present some recommendations to the Chinese policy makers.

**1. Broader coordination structure should be established in which more government departments come to the frontline and work in unison.**

In China policy decision making process, Taiwan or Hong Kong related issues are out of the competence of Ministry of Foreign Affairs. The latter can not deal with all the 'foreign affairs' by itself. The Co-ordination structure in foreign affairs should involve at least the Ministry of Commerce, National People's Congress, Taiwan Affairs Office, Hong Kong and Macao Affairs Office, as well as the Ministry of Foreign Affairs. In this structure, Ministry of Foreign Affairs can play the central co-ordinating role. It might follow the example of the UKRep. Following devolution, a Scottish government EU Office has been established in Brussels. This office comprises Scottish Executive staff and is also part of the UKRep family and works closely with UKRep.

## **2. Find the 'accurate points'.**

**Key persons.** Committee chairs, rapporteurs, shadow rapporteurs, group co-ordinators and Secretariat staff are influential positions and figures who are making vital contributions to EP's policy-making process.<sup>28</sup> For example, MEPs need more expertise and staff to cope with the increased legislative burden. When Rebiya Kadeer commenced her address by accusing the Chinese government of mishandling the bloody riot in Urumqi, she was challenged by Nirj Deva MEP. Deva asked, 'If the Uygur language is banned, how could Kadeer speak it so fluently today?' 'If her human rights were trampled, is it possible for her to become a member of the Chinese National Committee of the Political Consultative Conference?' Actually, Gai Lin, Deva's parliamentary assistant, prepared for his speech.<sup>29</sup>

**Appropriate platform.** As we know, some events held by the Mission of China to the EU are with the help of 'EU China Friendship Group' in the EP. This Group was founded in 2006 and acted as go-between in series of events, such as, 'The dialogue between the Ambassador and Parliamentary assistants', 'Cultural China-Splendid Sichuan' European Tour & 'splendid Sichuan' Photo Exhibition which was held in the EP Brussels Building on 28 June 2011.

## **3. Chinese companies should learn how to lobby the EP skillfully and effectively.**

Most of the Chinese companies and chambers of commerce do not realize the necessity to lobby the EP. Compared with their European counterparts that are good at lobbying the EU institutions, Chinese companies are inactive and hence at a disadvantage and in a passive position when extending business in Europe. It should be clarified that 'lobby' does not mean illegal or negative activities, such as, offering gifts and red packets. Although MEPs are not dependent on moneyed groups for their re-election, they are dependent on interest groups for information. General principles of lobby are raising MEPs'

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<sup>28</sup> Know about these key players' role, see Christine Neuhold, 'The Role of European Parliament Committees in the EU Policy-Making Process', available at <<http://www.renner-institut.at/download/texte/neuhold2.pdf>>.

<sup>29</sup> Gai Lin advised Deva MEP to ask these questions after Rebiya's speech. See Gai Lin, *My Experience in the European Parliament*, Shenyang: Northeastern University Press, October 2009, p.63.

awareness of particular issues and delivering information. They can invite MEPs and parliamentary assistants to attend forum or conference and give them the relevant information. Big companies should establish office or representatives in Brussels to keep them informed and try to influence policy in their favour. They can hire public relations agencies if necessary. Last but not least, they should keep a close eye on the EP and Commission's new code of conduct for lobbyists.

#### **4. Tolerance of criticisms and allowance of different voices.**

Globalisation, especially the wide use of the internet, has made some countries concerned with the domestic affairs of other countries. As an emerging power, China inevitably is examined under the magnifying glass by the others. China should get used to being criticised and avoid overreacting on some sensitive issues. China should understand that respect for human rights is one of EU's aims and values which are clearly set out by the Lisbon Treaty. MEPs think they represent the people and regard themselves as the promoter and keeper of human rights. They will never stop scrutinizing critical human rights situations in all parts of the world. Therefore, it is no surprise to see that the EP investigated the extraordinary rendition and illegal detention of suspected terrorists by CIA in 2006 and criticised the move by the French government to expel its Roma migrants in 2010.

#### **5. It is necessary to institutionalise the position of 'Scholar-in-Residence' within the Mission of China to the EU.**

'Scholar-in-Residence' is a research post in the Mission.<sup>30</sup> He/she can further analyze the inter-institutional balance of the EU, understand the policy implications of these institutional changes, especially the implications for Chinese foreign policy, actively attend seminars, conduct interviews and, at the same time, express or explain China's position. This kind of title and status will facilitate his/her access to the EP's China related public hearings and make China's voice heard in the EP. It is therefore necessary to institutionalise the position of 'Scholar-in-Residence'.

#### **6. For the long term, the main task is to promote MEPs' understanding about China.**

The current problem is that some MEPs are reluctant to learn more about China. As Nirj Deva MEP pointed out, MEPs are preoccupied with a certain idea, 'It is a long way to foster mutual-understanding. The sticking point is, many MEPs have no intention of understanding China.'<sup>31</sup> Victor Boștinăru MEP once claimed that more research on Chinese affairs was needed, otherwise the EU's understanding of China would be 'based on clichés'.<sup>32</sup> An

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<sup>30</sup> The first holder is Professor Wang Yiwei whose tenure of office is end. As I know, the post is currently vacancy.

<sup>31</sup> Zhang Xinghui, 'EU China Friendship Group considering recruiting members', *China Youth Daily*, 6 September 2009.

<sup>32</sup> 'Lawmakers rethinking EU stance on China', 14 April 2010, available at <<http://www.euractiv.com/en/eu-looking-at-china-through-american-lens-news-442322>>.

European expert argues that there are some senior staff in US Congress who are real Chinese experts. As opposed to the US counterpart, the EP lacks MEPs and staff who know much about Chinese affairs.<sup>33</sup> MEPs often have neither the time nor expertise to look into China. Their options are constrained and influenced by the attitudes of the European media.

China can change this situation by taking both strategic and tactic measures: Continues the parliamentary diplomacy, and inviting MEPs to meet Chinese top leaders; Since the mass media is the most important source of information about China, Chinese media should play a key role in shaping China's image in the western world; Set up a joint EU-China think tank research mechanism which offers recommendations for top leaders from both sides; Make more actors, such as provincial government and Chinese NGOs join the engagement with the EP.

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<sup>33</sup> Interview, Brussels, June 2011.