

**FACULTY OF LAW  
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**Master Degree Thesis**  
**Bring the “Partnership and Cooperation  
Agreement” to New Heights?**

**- Implications for the Prospective EU-China PCA**

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I hereby declare seriously that the work with the title “Bring the ‘Partnership and Cooperation Agreement’ to New Heights? – Implications for the prospective EU-China PCA” presented in this dissertation is the original research conducted by myself, under the supervisors’ guidance. It has never been submitted anywhere else, either in part or as a whole, for a degree or other academic credits. The thesis does not include any other research production, except for those have been referred as footnotes or quotations. I undertake the sole responsibility for any inaccuracy in this declaration and for the whole text of the thesis.

Yours sincerely,

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## Abstract

The background for this thesis is the negotiation of the EU-China Partnership and Cooperation Agreement (PCA). Under this background, a series of questions arouse the curiosity of the author, such as what the PCA is, why the EU and China search for such a legal instrument, how to negotiate and conclude the PCA, what impacts the PCA would make on the future EU-China relations, *etc.*

Since the practice of the PCA can hardly be found in China's foreign relations, the thesis firstly explores the PCA in the framework of EU's external relations. Mainly through a comprehensive analysis on the ten existing PCAs EU/EC has concluded with its Eastern Europe and Central Asia partners, the thesis concludes that the PCA is a kind of mixed agreement the EU uses to manage its relations with countries of Eastern Europe and Asia, aiming at providing a comprehensive legal framework for the politic and economic relations with the other contracting party and promoting the contracting party with European and/or international standards.

The thesis describes the impetus for concluding the EU-China PCA as “good timing and favourable geographical location” after studying the historical development and the current legal framework of the EU-China relationship, as well as considering demands of both the EU and China.

The negotiating and concluding process is complex for the EU not only because it involves the institutional balance issue but also because the PCA is a kind of mixed agreement which means that a clear competence allocation between the EU and its Member States would be questionable. On the other hand, to negotiate and conclude the PCA with the EU is also a challenging process for China since China is not experienced in negotiating and concluding legally-binding bilateral international agreement, not to say to negotiate and conclude such an agreement with the EU – a unique international actor.

The PCA would, surely, shape the future EU-China relations. However, the degree to which the EU and China manage their disparities especially on sensitive issues decides the degree of the success of the PCA. Due to the framework nature of

the PCA, the future substantive cooperation would further put the achievement of the PCA into practice. The point of view of this thesis is that the process of negotiating is as important as or maybe more important than the PCA itself especially speaking of deepening mutual understanding and mutual trust.

**Key words:**

*Competence Division      EU-China Relationship      EU External Relations  
Legal Basis      Mixed Agreement      Negotiation Conclusion and Implementation  
Partnership and Cooperation Agreement      Regional Strategy*



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**Zhang Jiao**

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## List of Abbreviation

ACP	African, Caribbean and Pacific
ASEM	Asia-Europe Meeting
CCP	Common Commercial Policy
CFSP	Common Foreign and Security Policy
EC	European Community
EC Treaty/TEC	Treaty Establishing the European Community
ECSC	European Coal and Steel Community
ECJ	European Court of Justice
EEC	European Economic Community
EEC Treaty	Treaty Establishing the European Economic Community
EMA	Euro-Mediterranean Association Agreements
EU	European Union
FTA	Free Trade Area
SAA	Stabilisation and Association Agreement
SAR	Special Administration Region
TDCA	Trade, Development and Cooperation Agreement
TECA	Trade and Economic Cooperation Agreement
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
ToN	Treaty of Nice
PCA	Partnership and Cooperation Agreement
PRC	People's Republic of China
SOM	Senior Officials Meeting
UN	United Nations
US	United States
USSR	Union of Soviet Socialist Republics
WTO	World Trade Organisation

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