



《政治学与国际关系智库丛书》 总主编：陈 琪

欧盟贸易



决策中的公私互动

Public-Private Interactions in
European Trade Policy Making

王宏禹◎著



中国出版集团



世界图书出版公司



《政治学与国际关系智库丛书》总主编：陈琪

基金项目：

教育部人文社会科学基金青年项目（12YJCGJW012）

中国国家留学基金委奖学金

比利时佛拉芒政府奖学金

比利时VLIR-UOS基金会短期访学奖学金

This book is funded by:

Project of Humanities and Social Sciences of Ministry of Education in China (Project No.12YJCGJW012)

China Scholarship Council

Flanders Governmental Scholarship, Belgium

Short Research Scholarship from VLIR-UOS, Belgium

欧盟贸易决策中的公私互动

Public-Private Interactions in
European Trade Policy Making

王宏禹◎著

中国出版集团

世界图书出版公司

广州·上海·西安·北京

图书在版编目 (CIP) 数据

欧盟贸易决策中的公私互动: 英文 / 王宏禹著. —广州:
世界图书出版广东有限公司, 2014.6
ISBN 978-7-5100-7928-3

I. ①欧… II. ①王… III. ①欧洲国家联盟—贸易
政策—研究—英文 IV. ① F755.00

中国版本图书馆 CIP 数据核字 (2014) 第 101625 号

欧盟贸易决策中的公私互动

Public-Private Interactions in European Trade Policy Making

策划编辑 刘婕妤

责任编辑 黄琼

出版发行 世界图书出版广东有限公司

地 址 广州市新港西路大江冲 25 号

<http://www.gdst.com.cn>

印 刷 虎彩印艺股份有限公司

规 格 880mm × 1230mm 1/32

印 张 9.125

字 数 150 千

版 次 2014 年 6 月第 1 版 2014 年 10 月第 2 次印刷

ISBN 978-7-5100-7928-3/F · 0138

定 价 36.00 元

版权所有, 翻版必究

《政治学与国际关系智库丛书》总序

2014年伊始，世界政治就被层出不穷的冲突和纠纷所困扰，亦显示出变化的曙光。一方面，俄罗斯与西方世界围绕克里米亚的角力，隐隐然让世人看到传统冷战思维的回潮；另一方面，包围在马航MH370航班失联事件的疑团，凸显了在全球化时代国家间合作的必要性与困难度。在和平与发展成为世界公认价值的今天，很多老问题尚待解决，不少新问题也应运而生。面对略显纷乱嘈杂的现实，古老的政治学和国际关系学，迎来了前所未有的发展机遇和严峻挑战。

重新聚焦政治学与国际关系学研究，是全球化浪潮和信息时代的必然要求。首先，伴随着经济全球化程度的不断加深，全球治理的概念开始受到越来越多的关注，这一趋势在国际金融危机爆发之后更加明显。在武器扩散、恐怖主义、环境保护、疾病预防以及经济发展等诸多领域，都要将全球看作一个相互联系的体系来解决问题，政治学者需要及时提出有效的理论分析和政策建议。其次，国家作为国际关系中最主要的行为体，既要对外面对国家间冲突、政经纠纷等问题，也要对内面对因贫富差距拉大、扁平化社会所带来的诸多矛盾。这些理论及操作层面的疑问，都亟需学者从政治学与国际关系学的视角给出相应的答案。

重新聚焦政治学与国际关系学研究，是对正走在“圆梦之路”上的中国自身的突出贡献。其一，正在崛起的中国，对内正在进入全面深化改革和经济结构转型的“深水区”，学者需要为促进经济发展和缓解社会矛盾提供更多的政

治智慧。其二，随着中国实力的不断提升，伴随而来的外面环境压力也在逐渐增强。如何妥善解决包括海洋争端和贸易摩擦在内的国际议题，如何为已经秉承了近三十年的“韬光养晦”的对外战略注入新的内涵，是理论界必须承担的责任。其三，中国怎样更好地履行负责任大国的职责，并更好地向全世界传达属于自己的政策主张乃至价值取向，也是一个有价值的前瞻性课题。

重新聚焦政治学与国际关系学研究，也是中国政治学和国际关系学术界自身发展的诉求。政治学是一个古老的学科，中国的政治学研究则是一个肇始于19世纪末，繁荣自20世纪70年代末的新局面。学者们目前的工作，不仅是要积极追赶和呼应西方政治学科的发展前沿，提高我国政治学研究的科学性；也要充分汲取中国传统政治文化和政治治理的丰富养分，扎根于目前的政治现实，缔造具有中国特色和普遍适用价值的理论观点。对国际关系学科而言，国内学界在学科建设、研究方法和运用研究资料等方面，也存在着追赶国际先进水平的压力。在目前国际关系学科内范式融合和全球治理理念盛行的背景下，国内学者需要在思想创新和议题选择上做出更多努力。

当然，一个学科的发展和壮大，绝不能仅仅依赖于学者个人或者群体的努力，更需要有蓬勃向上的国力和理性有序的社会氛围作为支撑，需要来自于政府、高校、非政府组织乃至公司企业的资源倾斜。与此同时，学者也有责任将相关理论和政策研究的成果，以及自身所具有的文化视角和国际视野，转化为推动国家发展的动力，即所谓智库的作用。目前，智库在中国的发展尚属方兴未艾，我们也希望有更多的学者同仁加入其中，群策群力间实现本学科的跨越式发展，一同积极面对现实，踏实研究问题。

基于以上的目的与意义，为了向国内外学者与公众展示和分享政治学和国际关系学领域的研究成果，中国出版集团世界图书出版公司武汉学术出版中心精心策划和推出了《政治学与国际关系智库丛书》。我们期望通过这样一个平台，收集和推出一批高质量的兼具理论与现实意义的专著、译著、论文集等，展现本学科学者们笃学省思的风采。在此，也拜求学界各同道先进，不吝赐稿，共襄盛举。

最后，该丛书的顺利出版有赖中国出版集团世界图书出版公司武汉学术出版中心和清华大学国际关系学系的大力支持，有赖有关部门的关心与指导，有赖学界同仁们的关注与帮助，更有赖广大读者、学人的阅评和指教。本人在此一并致上诚挚的谢意！

陈 琪

2014年3月28日

（陈琪，政治学与国际关系学术共同体秘书长，清华大学社会科学学院教授、博导、副院长，《国际政治科学》执行主编）

Abstract

In the field of European trade policy making, public and private actors exchange goods in a multilevel network on the basis of resource-interdependency. These goods may be of different types, such as information about the possible implications of trade policy negotiations, or interest representation, as in trade policy negotiations there are of course interests to be defended. Information and representativeness are resources that the private actors have and that the public actors want. The public actors are able to defend the interests of the private ones, and that is a resource that the latter need. The exchange of goods between public and private actors takes place on the European supranational, national and sub-national levels, and this doctoral dissertation analyzes the influence of network structures on the initiation and formulation of European trade policies through a comparison of the actors involved and their resource-dependent interactions, in European trade negotiations on the one hand and in anti-dumping regulations on the other. This comparative research is based on an analysis of official documents, on secondary sources and on interviews.

The research is divided into five parts. The first chapter reviews the literature on public/private interactions in multilevel networking and gives an overview of European policymaking on trade. The second chapter analyzes the institutional power of public EU actors, the resources of private actors, the intermediary roles played by partner actors, and the types of goods the public and private actors exchange. The third chapter is a literature review, analyzing public/private interactions in European

trade negotiations with a focus on the European Commission, Council and Parliament. The EU's anti-dumping policy as applied against Chinese footwear (2005-2009) is analyzed in the fourth chapter, by tracking the Commission's official documents and analyzing data from interviews. The conclusion compares the exchange of goods between public and private actors involved in European trade negotiations on the one hand and those involved in anti-dumping legislation on the other, and in doing so it assesses the influence of network structures on the forging of European trade policies.

Key words: European trade policy making, multilevel networks, public/private interactions, European business lobbying, EU governance

Contents

Introduction	001
1 Multilevel Networks Approach to European Trade Policy making	009
1.1 European Multilevel Governance	010
1.2 Policy Networks Analysis	015
1.2.1 Explicating Policy Networks	016
1.2.2 The Levels of Analysis of Policy Networks	019
1.2.3 The Applicability of Policy Networks to European Policy Studies	023
1.2.4 Summary	028
1.3 Multilevel Networks Approach	029
1.3.1 The Combination of Multilevel Governance and Policy Networks Analysis	029
1.3.2 European Multilevel Network Governance	031
1.3.3 Multilevel Network Approach	034
1.3.4 Summary	043
1.4 Applicability of the Multilevel Networks Approach to the European Trade Policy Making	044

1.4.1 European Trade Policy	044
1.4.2 Applicability of Multilevel Networks Analysis to the European Trade Policy Making	047
1.5 Chapter Summary	052
2 The Actors and Their Roles in European Trade Policy Making	053
2.1 Public Actors and European Trade Policy making	054
2.1.1 Public Actors and Their Roles in European Trade Policy Making	055
2.1.2 The Institutional Power Structure of European Trade Policy Making	070
2.1.3 Consultation Process and the Goods-demand of Public Actors	075
2.1.4 Summary	079
2.2 Private Actors and European Trade Policy Making	080
2.2.1 Companies and Their Roles in European Trade Policy making	082
2.2.2 Trade Associations and Their Roles in European Trade Policy Making	089
2.2.3 Trade Unions and Their Roles in European Trade Policy Making	100
2.2.4 Lobbying Activities and the Goods-supply of Private Actors	101
2.2.5 Summary	109
2.3 Partner actors and European Trade Policy Making	110
2.3.1 External Partners	112
2.3.2 Consultants	114
2.3.3 Civil Society Organizations/NGOs	119
2.3.4 Think Tanks	123
2.3.5 Media	126
2.3.6 Interest intermediation and the Roles of Partner Actors	128

2.3.7 Summary	129
2.4 Resource-interdependency and Goods-exchange Network Structure	130
2.5 Chapter Summary	135
3 The Public/Private Interactions in European External Trade Negotiations ...	136
3.1 Institutional Background of European External Trade Negotiation	137
3.2 Public/private Interactions in the Commission	139
3.2.1 Policy Communication and Consultation by the Commission in Trade Negotiation	141
3.2.2 Lobbying and Interest Representation by Private Actors	151
3.3 Public/Private Interactions in the Council	158
3.3.1 Private Lobbying to the Council	158
3.3.2 Private Lobbying to the 133 Committee	159
3.3.3 Private Lobbying to the National Authorities	162
3.4 Public/Private Interactions in the European Parliament	163
3.5 Goods-exchange Network Structure and European Trade Negotiation	168
3.6 Chapter Summary	180
4 Public/Private Interactions in European Anti-dumping Policy Making towards Chinese Footwear (2005-2009)	181
4.1 Institutional Setting of Anti-Dumping Regulation	182
4.2 Background of the Example of AD-FLC	187
4.3 Public/Private Interaction during the Initiation, Investigation and Provisional Measures (2005.05-2006.08)	192
4.3.1 Notice of Initiation of an Anti-dumping Investigation by the Commission	192

4.3.2 Imposing a Provisional Measure by the Commission	195
4.3.3 Proposal for Council Regulation on Definitive Measure by the Commission	204
4.4 Public/Private Interaction during the Legislation of Definitive Measure (2006.08-2008.10)	213
4.4.1 Imposing a Definitive Measure by the Council	214
4.4.2 Initiating an Investigation on Possible Circumvention by the Commission	215
4.4.3 Notice of the Impending Expiry of Anti-dumping Measures by the Commission	217
4.4.4 Proposal for Council Regulation on Extending Anti-Dumping Measures to Macao SAR by the Commission	218
4.4.5 Extending the Definitive Anti-dumping Measures to Macao SAR by the Council	221
4.5 Public/Private Interaction during the Expiry Review and Extension (2008.10-2009.12)	222
4.5.1 Initiation of Expiry Review of Anti-dumping Measures by the Commission	222
4.5.2 Imposing a Definitive anti-dumping Duty on Footwear from China and Macao SAR by the Commission and the Council	224
4.6 Goods-exchange Network Structure and Anti-Dumping Policy Making	233
4.7 Chapter Summary	238
Conclusions	239

Reference	247
Index 1	271
Index 2	275
Acknowledgement	277

Introduction

The interactions of public and private actors during EU external policy making have been studied for decades, from empirical and theoretical perspectives. These studies were a reaction to the growth of interest groups lobbying in the EU during the 1980s. Some of the researchers emphasized the role of public actors and their institutional power,^[1] while others attempted to understand the importance of interest representation from private actors and their resource-dependent lobbying.^[2] Several theories have been proposed on this research agenda, such as pluralism, neo-corporatism, network theory, to name just a few.

The pluralists pointed to the existence of horizontal relations between government, administration and organized interests. Bentley coined the notion of government as a "network of activities"^[3]. In pluralism, the state plays the role of a referee between private actors and multiple interest organizations pursuing individual interests. Based on the plurality of interests and the emphasis of business information, public and

[1] The institutional power is defined in this research as the power distribution and policy making capability among European Union institutions and member states based on the treaties and legislative documents.

[2] The public actors depend on business information and interest representativeness from private actors during policy making. Therefore, the two kinds of resource-based interest representation are defined in this research as resource-dependent lobbying in the EU polity.

[3] Bentley, A. F.(1967)*The process of government: A Study of Social Pressure*. Cambridge, MA: Harvard UP (Chicago 1908): 261; see more in Truman(1971).

private actors compete and bargain to build a minimum winning coalition. In contrast to the pluralists stress on the complexity, neo-corporatism focuses on hierarchical group structure with selective access in the political organization of modern society.^[1] The state plays the role of mediator; meanwhile, conflicting social interests are integrated by corporative interest groups in order to be involved into policymaking process. Public and private actors reach consensus through concerted negotiation and resource-exchange. In network theory, state actors activate the policy process and cooperate with resourceful private interests to gain support through multiple negotiations. Public actors and a multitude of other stakeholders are all involved in the specific policy networks structure. These three theories all have contributed to highlight particular roles of private interests involved in public decision-makers during policymaking, but are not totally suitable for European external trade policy making because of their partial emphasis on particular characteristics of multilevel governance polity.^[2]

There is an approach called multilevel networks, which moves beyond the above-mentioned theories to describe the specific public/private interactions in European external policymaking.^[3] This approach allows us to understand the comprehensive power structure of external policymaking in the EU. Multilevel networks approach emphasizes both formal institutions and informal interactions of public/private relations. The multilevel networks approach is a combination of the multilevel governance approach and the policy networks approach. The multilevel governance

[1] Patrick Kenis, Volker Schneider. Policy Networks and Policy Analysis: Scrutinizing A New Analytical Toolbox. In Marin, B. and Mayntz, R. eds. Policy Networks: Empirical Evidence and Theoretical Considerations. Boulder, Colorado: Westview Press, Inc.: 28. For the neo-corporatism see more in Schmitter/ Lehmbruch (1979); Kriesi(1982) and Traxler/Unger(1990).

[2] See more in Rainer Eising. Beate Kohlor-Koch. Network governance in the European Union. In Chapter Introduction. Beate Kohlor-Koch, Rainer Eising. The transformation of governance in the European union. Routledge, 1999: 6.

[3] Krahmann, E. (2003) Multilevel Networks in European Foreign Policy. Hampshire: Ashgate.

examines the coordination and cooperation among different levels and areas in the European policymaking process; while policy networks help to analyze the public/private interactions, which influence policy outcomes, during the process of policymaking. The multilevel networks theory may further more be used to analyze the exchange of goods on basis of resource-interdependency, the interactions between public and private actors during policymaking, as well as the influence of multilevel networks structure on policy outcomes concerning European trade policy making.

The European trade policy is chosen to be the ideal target for studying the public/private interactions in European external policymaking. This choice is based on the fact that the EU trade policy is the most integrated policy area in the European Union,^[1] and is thus supposed to constitute the area that has the most intense network of public/private interactions. To compare the public/private interactions during different types of European trade policy making, I will first examine external trade negotiations generally, and then analyze the EU anti-dumping measures against Chinese footwear as an example of trade defense instruments. Among numerous external trade relations of the EU, EU-China forms one of the most fruitful and significant ties regarding external trade. China is the biggest developing country, and owns the largest market in the world; it has a mixed system of state planned economy and market economy without having a market economy status recognized by the EU. Since the 1990s, the partnership between China and Europe has been deepened. The dialogue between these two regions has expanded from the economic sphere to the sphere of politics, culture, technology and civil society. However, economic trade

[1] Among those three pillars of European Union, the Common Commercial Policy (trade policy) is under the exclusive competence of the Community. The Commission has the power of initiation and policy making of trade policy. What's more, the Commission opens the policymaking process to social interests to enhance its legitimacy. Therefore, trade policy area is supposed to be the most integrated policy area with closest public-private interactions.

remains the core in EU-China relations.^[1] In terms of EU-China bilateral trade, with the expanding volume of transactions, disputes also have been on the rise, albeit with limited adverse effect upon the EU-China relations.

In the field of European trade policy making, public and private actors exchange goods in multilevel networks on the basis of resource-interdependency.^[2] These goods may be of different types, such as information about the possible implications of trade policy negotiations, or interest representation, as in trade policy negotiations there are of course interests to be defended. Information and representativeness are resources that the private actors have and that the public actors want. The public actors are able to defend the interests of the private ones, and that is a resource that the latter need.^[3]

[1] EU-China trade relations developed quickly. China is the second largest trade partner of the EU, while EU is the largest trade partner of China since 2006. See http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113366.pdf

[2] Pieter Bouven has already studied the commercial lobbying activities in view of goods-exchange. He pointed that the resource of actors is defined by the nature of organization and the institutional environment. None of the actors could make the policy without interact with outside interests. Therefore, public actors and private actors exchange resource-based goods on the basis of rational choice, in order to achieve common objective of making the policy. This theoretical logic becomes the basis of my research. The rational goods-exchanges lead to the logic of cooperation in the governance system of European trade policy area. See more in Pieter Bouven. *Exchanging Access Goods for Access: A Comparative Study of Business Lobbying in the European Union Institutions*. *European Journal of Political Research* 43: 337-369, 2004. More analysis on the exchange theory and resource-interdependency, see Pieter Bouven, "The logic of access to the European Parliament: Business lobbying in the Committee on Economic and Monetary Affairs", *Journal of Common Market Studies*, 42, 3, 2004, P473-495. On the basis of Bouven's research, I use multilevel network approach to compare the similarities and differences of public/private interactions between European trade negotiation and anti-dumping regulation in this research.

[3] The hypothesis of public/private cooperation is based on the following facts: the complex environment of decision-making in modern society, the multiplicity of policy issues and actors, the resource-interdependency between actors, the requirement of democracy and legitimacy of decision-making, the good implementation of public policy, etc. See more analysis in Chapter 1 and 2.