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沈伟 方荔

欧式自由贸易协定国有企业规制的迭代、特质与启示

周牧

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□ 欧洲一体化

- 1 欧式自由贸易协定国有企业规制的迭代、特质与启示 沈伟 方荔
- 22 欧盟对国有企业补贴的定性和量化分析
——论国家援助“市场经济经营者测试”等规则的适用 周牧
- 51 欧盟印太战略构想：动因、内涵及意义 房乐宪 王玉静

□ 国别与地区

- 72 中欧蓝色伙伴关系研究
——基于区域间主义视角 李雪威 李鹏羽
- 93 “后默克尔时代”的德国：共识政治与否决玩家 杨解朴

□ 欧洲论坛

- 118 思想市场与国际关系理论创新 卢凌宇

□ 学术动态

- 147 “践行真正的多边主义，构建中欧（西班牙）社会经济发展共同体”研讨会综述 张敏
- 154 2021年《欧洲研究》值得关注文章

封面题字：周南

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ARTICLES

1 Evolution, Characteristics and Implications of State-owned Enterprises Norms in the EU FTAs

SHEN Wei FANG Li

The incorporation of a State-owned enterprises (“SOEs”) Chapter is one of the new trends in some newly-enacted free trade agreements (“FTAs”). Both the EU and the US are leaders in formulating SOEs norms, while they are pursuing different approaches from each other. Due to its historical tradition and economic model, while the EU is relying on the SOEs, it at the same time keeps prudent with them. Basic similarities exist between the SOEs and the US-led FTAs such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) on an expanded definition of intensified commercial considerations and non-discrimination obligations. The transparency clauses in the US-led FTAs are intended to function as procedural safeguards for the dispute settlement mechanism, whereas they are more of the substantive competition rules themselves in the EU FTAs. In addition, divergences exist between the US and EU FTAs in subsidies rules for the SOEs. The EU does not introduce the same SOEs-specific subsidies rules as the Non-Commercial Assistance clauses included in the US FTAs. Instead, the EU opts to develop a new legal instrument on foreign subsidies before changing the international rules. Originating from the competition policy clauses, the SOEs norms in the EU FTAs have transformed from scattered and obscure legal principles into more systematized legal rules. Drawing on the experiences of its intra-territorial SOEs disciplines, the EU has established a legal framework of state aids control and transparency requirements. The EU has offered references for China to improve its own SOEs regime, industry policies and competition policies.

22 A Qualitative and Quantitative Analysis of State Aid to Public Undertakings in the EU—Application of the Market Economy Operator Test, etc

ZHOU Mu

The EU State Aid Regime is designed to result in controlled and better targeted subsidies and safeguard fair competition in the internal market, in order to boost the overall competitiveness of the European economy. Under the State Aid Regime, a pertinent element of Aid is competitive “advantage” received by the undertaking concerned. This notion is similar

with those under the other international subsidy control regimes, that is, “benefit” under WTO Law and “NCA” under the CPTPP, all of which mean economic benefits given to undertakings by the member state government that would not have occurred under normal market conditions. Compared with other regimes, the EU State Aid Regime has a richer regulatory experience and “modernized” rules, which may be indistinctly applicable to but in no way discriminates against public undertakings. Rules that determine and quantify “advantage” such as the “Market Economy Operator Test” and parameters of compensation for “Services of General Economic Interest” are closely related with cases on aid to public undertakings, which may serve as a source of reference for other regimes that do not possess such established mechanisms.

51 The EU’s Strategic Vision in the Indo-Pacific: Motivations, Connotations and Implications

FANG Lexian WANG Yujing

The Indo-Pacific is becoming a key region in shaping the international order in the 21st Century. In this context, the European Union issued an *EU Strategy for Cooperation in the Indo-Pacific—Council Conclusions* in April 2021 and officially released *The EU Strategy for Cooperation in the Indo-Pacific* in September, setting up a policy framework for its strategic vision in the Indo-Pacific, which is mainly based on the economic interdependence between the EU and the Indo-Pacific, the common global challenges and the EU’s security concerns in the Indo-Pacific, and which is closely related to the direct pressures from some member states and from Europe’s changing perceptions towards China. The EU attempts to deploy cooperation with its Indo-Pacific partners in mainly three dimensions: deepening economic ties, coping with common challenges, and expanding security and defence engagement. It emphasizes the combination of principles and values, attaches great importance to extensive and inclusive cooperation, and focuses on multi-level cooperation and sub-regional positioning. It also embodies “principled pragmatism”, the basic principle guiding the EU’s external actions. The EU’s strategic vision in the Indo-Pacific is of great significance not only to the EU and its member states, but to the related countries and regional organizations in the Indo-Pacific region. Meanwhile, it will have essential implications to transatlantic relations and EU-China relations.

72 Research on EU-China Blue Partnership for the Oceans—from the Perspective of Interregionalism

LI Xuewei LI Pengyu

EU-China Blue Partnership for the Oceans is an institutionalized link between China and the EU on maritime affairs, which could be classified as quasi-interregionalism from the

perspective of interregionalism. Viewing the EU–China Blue Partnership for the Oceans as the interaction between countries and regional organizations not only broadens the research space of China–EU relations but also enriches the quasi–interregionalism theory. Based on the literature on interregionalism and the characteristics of China–EU relations, this paper establishes five functions of quasi–interregionalism between China and the EU, namely balancing, idea pluralization, institution building, agenda setting, and norm diffusion. Each function has its influences at both the global and regional levels. Through an investigation of the practice of EU–China Blue Partnership for the Oceans with the help of the above research framework, it can be seen that each function has played its role, but the utility of these functions at the global and regional levels is not always consistent, leading to the gaps in the effectiveness between China and the EU when they implement specific functions. A number of challenges must be overcome in order to deepen the EU–China Blue Partnership for the Oceans. China should continue to strengthen pragmatic cooperation with the EU, forge innovative cooperation modes, intensify interregional dialogues, and enhance the contribution of agenda setting and the discourse power for the oceans.

93 Germany in the Post–Merkel Era: Consensus Politics and Veto Players

YANG Xiepu

After Germany's "traffic light coalition" took office in 2021, the increased number of veto players within the federal government and growing division of ideologies among the governing parties have made it much harder to reach consensus within the coalition compared with that of the Grand Coalition, especially concerning economic and climate policies, where great divergences exist as to the policy positioning of the three governing parties. A minority of seats of the opposition parties within the Bundestag means it is almost impossible for them to veto the bills proposed by the federal government, but it is possible for them to block the passage of some bills by resorting to the constitutional review procedures of the Constitutional Court. Driven by party competition, the CDU/CSU may play the role of a "veto–player" within the Bundesrat. However, whether it could succeed in vetoing a bill is determined by a series of factors such as the prospect of the consensus between the ruling and opposition parties, the interests of the states, the preferences of the voters and the degree of cohesion within the CDU/CSU itself. Confronted with a range of problems and challenges in the fields of economy and society, the stability of German politics will be threatened if the "traffic light coalition" could not promptly promote the policy reform process and satisfy the voters. Starting from the theoretical perspectives of consensus politics and veto players and in view of the reality of the intensified diversification of political fractions under the "traffic light government", this paper attempts to explore the possibility of cooperation and game–playing between the main parties within the federal government, the Bund-

estag and the Bundesrat and analyzes the changing trend of consensus and veto within Germany's decision-making mechanism and the prospects of Germany's politics in the post-Merkel era.

118 The Market for Ideas and Theoretical Breakthroughs in IR

LU Lingyu

International Relations has become a normal science after the Third and Fourth Debate, though scholars have been endeavoring to make theoretical breakthroughs beyond existing paradigms and research programs. The regular approaches to IR theory construction are two-folded, that is, diversification and unification. Whereas the former consists of making incremental contributions to and explore the possibility of the growth of knowledge within and beyond the existing paradigms, theories and issues, the latter is made up of two subcategories, that is, paradigm-oriented theoretical integration that aims to construct new theories or research programs and problem-driven theoretic eclecticism that means to provide sufficient explanations for an event. Following the above two paths, theoretical innovations in IR have achieved significant fruits. Nonetheless, from an epistemological point of view, all the discoveries concentrate on the supply side in the sense that they attempt to pursue the empirical "truth". Meanwhile, IR scholars have not paid adequate attention to the fact that IR theories are knowledge products in nature, largely failing to take the demand side into consideration. As a matter of fact, the significance and market power of an IR theory is jointly determined by not only theory producers but also theory consumers. While theory production is focused upon truth, theory consumption is predominantly characterized by "affinity," specifically cognitive affinity—simplicity, and affective affinity—compatibility. Important new IR theories are supposed to both come as much close to the truth as possible, and at the same time remain compatible with the fundamental beliefs, preferences and interests of the mainstream IR community.

ACADEMIC ACTIVITIES

147 Seminar on "Practising Real Multilateralism and Constructing China-Europe (Spain) Social-economic Development Community"

ZHANG Min

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