# The European Union–India Strategic Partnership: An Examination of the Economic Aspects



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# • 1 Introduction

The European Union (EU) and India have a long relationship history that can be 1 traced back to the Cooperation Agreement in 1994, subsequently cemented with 2 the 2004 strategic partnership and the 2018 EU strategy on India. The EU-India 3 partnership has evolved over the last decade and ambitious free trade agreement 4 (FTA) negotiations were launched in 2007. This was followed by an Agenda for 5 Action that was adopted at the EU-India summit in 2016. But it was not until the 6 EU-India summit in October 2017 that both the partners agreed on a common vision 7 of global governance, shared values and principles that led to the 2018 "EU Strategy 8 on India" (European Commission 2018a, c).<sup>1</sup> 9 Of late, strategic partnerships have become an important foreign policy instrument 10 and are increasingly being used by countries in the multipolar world to indicate their 11 commitment to engage on policy issues. Despite the lack of a concrete definition of 12 what a strategic partnership is, it is observed that such a partnership provides "a useful 13 instrument for pursuing European objectives and interests" (European Council 2010: 14 3), and serves as a means to find "a balance of mutual advantages and commitments" 15 (van Rompuy 2010), of which trade is an increasingly important component (Jain 16 and Sachdeva 2019: 1). The EU-India Strategic Partnership is no exception, and 17 reaches beyond the formal agreement between the EU and India to form a network 18 partnership to share finance, skills, information and/or other resources in the pursuit 19 of common goals. 20

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<sup>1</sup>For an analysis of the role, function and impact of partnership strategies on EU strategy-making, see the contribution by Aspengren and Nordenstam in this volume.

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The 2018 strategy focuses on appraising the current EU-India ties, and sets out the 21 EU's vision for a strategy to strengthen partnership with India (European Commis-22 sion 2018a). The factsheet released by the European External Agency Service (2018) 23 stated that "The European Union and India upgraded their long-standing relationship 24 to a strategic partnership in 2004, acknowledging their common goals and princi-25 ples. Nowadays, in a challenging international environment, the EU and India share 26 the same values of democracy, human rights, fundamental freedoms and support 27 the rules-based global order centred on multilateralism". The Joint Communication 28 explicitly recognises India's economic power as a rapidly growing economy and 29 acknowledges its geopolitical role in the region. In order to strengthen the economic 30 partnership between the EU and India, the *strategic* partnership focuses on sustain-31 able modernisation and developing common responses to global and regional issues 32 (European Council 2018).<sup>2</sup> 33

A key aim of this chapter is to unravel the economic aspects of the EU-India 34 Strategic Partnership by discussing the driving forces of the EU-India relationship 35 as a whole and how this might provide an opportunity for both sides to re-engage 36 in discussions on how to further the EU-India Broad-based Trade and Investment 37 Agreement (BTIA) negotiations (De Nederlense Grondwet 2019). In addition, this 38 chapter fleshes out why it has not been possible for the EU and India to exploit their 39 economic partnership to its full potential and provides insights into how and with 40 what effect the strategic partnership may be an important milestone for both partners. 41

# 42 2 The Timing for This Partnership Is Appropriate

Both the EU and India are important partners for each other, for economic, political 43 and strategic reasons. From the EU's perspective, the declaration of an EU strategy 44 on India can be attributed to seismic shifts in the EU's landscape—including Brexit, 45 and Eurozone and migration crises—that are likely to have profound implications for 46 the EU as a bloc. An important factor driving the partnership is the need to find new 47 markets for EU businesses at a time when the EU–US relationship is suffering from 48 the imposition by the Trump administration of tariffs on EU exports. The strategic 49 partnership with India is an opportunity and offers potential for the EU to revitalise 50 its economy, especially in light of the recent political developments such as the 51 UK's departure from the EU on 31 January 2020, which has inflicted a blow to 52 the credibility of the EU's integration project. These developments, complemented 53 by growing nationalistic approaches in EU member states such as Hungary and 54 Poland, lend credence to the importance of strengthening strategic partnerships for 55 geopolitical reasons. From an economic perspective, the faltering of the Eurozone 56 economy due to uncertainty and declining global trade compounded by the slowing 57 down of the Chinese economy, is having a negative impact on EU trade. Further, trade 58

<sup>&</sup>lt;sup>2</sup>Regarding the normative foundation of EU Foreign Policy as well as norm contestation within and beyond the EU–India Strategic Partnership, see the contribution by Lowinger et al. in this volume.

<sup>59</sup> tensions between the EU and USA, as well as between India and the USA—following

- <sup>60</sup> Trump's pursuit of a protectionist agenda—have serious implications compelling the
- 61 EU to look for new trade partners.

Both the EU and India are big influencers-the EU as a global power and India as 62 a rising power—and the strategic partnership is an acknowledgement of this reality 63 (Jain and Sachdeva 2019). Current realities make the EU–India strategic relationship 64 synergetic; India has until recently been the world's fastest-growing large economy 65 (Khorana 2019). It represents a sizable and dynamic market, with an annual gross 66 domestic product (GDP) growth rate of around 7% in 2018 with over 1.3 billion in 67 population (EEAS 2018). Despite a dip in the growth rate in 2019, India remains 68 an attractive economic partner and has tremendous potential as an export market for 69 EU businesses. The Belgian European Council Representative (ECR) deputy Geert 70 Bourgois stated that "the market remains largely untapped as India accounts for only 71 2.3 percent of EU trade and only ranks ninth in EU trading partners", which explains 72 the economic rationale for the strategic partnership. Further, the importance of India 73 as a trade and investment partner for the EU reflects that through the EU-India 74 Strategic Partnership, India is likely to seek to capitalise on its growing economic 75 status. The EU's perception is that in light of growing global trade tensions restarting 76 the languishing EU–India trade negotiations might be useful, and all the more so as 77 this would also lead to a separate Investment Protection Agreement which could be 78 a step towards an ambitious FTA in the long term. 79

From the perspective of India, the strategic partnership with the EU could well be 80 a blessing in disguise given that having been the fastest-growing developing country 81 in the world, India has experienced broad-based growth deceleration; India's growth 82 rate has slumped from 9% in 2018 to 4.5% in the third quarter of 2019, the slowest 83 pace in six years (Financial Times 2019). The Indian economy has lost momentum 84 with unmistakable signs of slowing down characterised by a decline in consumption, 85 investment and exports (Khorana 2020). Further, the automotive, real estate and 86 aviation sectors have suffered a slowdown in demand. To address the signs of the 87 faltering Indian economic engine, India's Prime Minister Narendra Modi initiated 88 reforms to boost the economy. Corporate tax rates were lowered from 30 to 22% and 89 taxes for greenfield manufacturing plants were reduced from 25 to 15%; foreign direct 90 investment (FDI) limits were raised in a range of sectors; a nationwide goods and 91 services tax (GST) and bankruptcy legislation have been enacted (Economic Times 92 2019). But these reforms have failed to invigorate the stalling economy; so much so 93 that the South Asia Economic Focus report (2019) states "India's cyclical slowdown ٩ı is severe". The political situation in India is far from comfortable for PM Modi, 95 who despite leading the National Democratic Alliance (NDA) to an unprecedented 96 victory in the Lok Sabha election, is floundering (Business Standard 2020). This 97 explains why India might be willing to invest in the strategic partnership with the 98 EU. 99

From as early as the 2004 partnership India has looked at the strategic partnership with the EU as a key element of its foreign policy. The Indian Ministry of External Affairs (2004) identified key elements of the 2004 EU–India Strategic Partnership: First, that the primary objective of this relationship was to increase the potential for

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trade and investment, and ensure enhanced market access for Indian goods in the EU into the European market. Second, the partnership was perceived as a means to enhance India's strategic autonomy and there was enthusiasm for independent foreign and security policies with other countries. Third, the strategic partnership was to be based on sovereign equality and on "comparative advantage and a mutuality of 108 interests and benefits" (2004: 4, para 2). 100

#### 3 The EU–India Strategic Partnership Is Driven 110 by Economics 111

Trade flows between the EU and India are important. These have the ability to 112 influence and shape the contours of the 2018 strategic relationship, and are likely to 113 be the "propellant and lubricant" of the partnership. An examination of EU-India 114 annual trade confirms that trade is a major driving force (Jain and Sachdeva 2019; 115 Khorana 2019). Data shows that the EU is India's largest trading partner, accounting 116 for EUR 92 billion worth of trade in goods in 2018 or 12.9% of total Indian trade, 117 ahead of China (10.9%) and the USA (10.1%) (European Commission 2018). In turn 118 India is the EU's 9th largest trading partner, accounting for 2.3% of the EU's total 119 trade in goods in 2018, which is far behind the USA (16.9%) and China (15.3%)120 (European Commission 2018b). 121

Trade in goods between the EU and India presents an upward trend in the last 122 decade and has increased by over 8.8% since 2003. Trade between the EU and India 123 grew by as much as three times over the period 2002-2018, from EUR 28 billion 124 to EUR 91 billion. The main items of export between the EU and India include 125 chemical products (EUR 6.6 billion) and machinery and transport equipment (EUR 126 6.4 billion). Among trading partners, Germany leads (EUR 19.6 billion), followed by 127 the UK (EUR 13.6 billion), Belgium (EUR 12.8 billion), France (EUR 10.9 billion) 128 and Italy (EUR 9.5 billion). Given that trade has been rising between the partners, 129 and in light of India's high growth, the strategic partnership can be a driver to enable 130 both countries to exploit trade potential to the fullest extent. 131

Data confirms that services are an increasingly important component of EU-India 132 trade. At present, India is the fourth largest service exporter to the EU and the sixth 133 largest destination for EU services exports. Trade in services between the EU and 134 India increased from EUR 23 billion in 2010 to EUR 29 billion in 2016. In percentage 135 terms, bilateral trade in services registered a 10% increase between 2016 and 2017, 136 and in value terms the increase was from EUR 30 billion in 2016 to EUR 33.6 billion 137 in 2017. Detailed analysis of flows shows that Indian services exports to the EU 138 were EUR 16.6 billion in 2018, while imports were EUR 17.073 billion (European 139 Commission 2018b; Khorana 2019). 140

The EU's share in foreign investment inflows to India more than doubled from 141 8 to 18% in the last decade, making the EU the largest foreign investor in India. 142 EU FDI stocks in India amounted to EUR 73 billion in 2016, which is significant 143

but still below the EU's foreign investment stocks in China (EUR 178 billion). By 144 2015, total EU FDI stock in India was at EUR 52 billion and Indian companies 145 had invested nearly EUR 16 billion in the EU (Eurostat Database). The Europe 146 India Chamber of Commerce (EICC) commissioned a study which showed that the 147 European companies invested more than EUR 180 billion in India from 2008 to 2017 148 (Charlie 2014). In terms of FDI from the EU, the services sector in particular has 149 attracted investment from the UK, Germany, Netherlands, France, Italy and Belgium. 150 Further, nearly 6000 EU companies are present in India, providing 1.7 million direct 151 jobs and 5 million indirect jobs in a broad range of sectors (European Commission 152 2018b). 153

## <sup>154</sup> 4 What Drives the Strategic Partnership?

Two aspects of the strategic relationship are relevant from an economic perspective 155 and need attention. Firstly, the EU's efforts towards a comprehensive and balanced 156 agreement with partners on trade and investment with a view to driving forward a 157 rules-based global trade regime have been deadlocked, as the EU-FTA talks have 158 stalled.<sup>3</sup> Second, the Joint Communication lays out the road map for strengthening 150 the EU-India Strategic Partnership. In this manner, the Joint Communication seeks 160 to maximise the opportunities in terms of trade and investment, and to seize the 161 full potential of the EU-India Strategic Partnership. In particular, the EU's Agenda 162 for Jobs, Growth, Fairness and Democratic Change and India's Sabka Saath, Sabka 163 Vikas ("Collective Efforts, Inclusive Growth") initiatives create new opportunities 164 for mutually beneficial cooperation between people and businesses on both sides. 165

From a rules-based perspective, the EU and India are partners, with a mutual interest in trade, but they also have a shared commitment to the rule of law, global norms and free and open markets. This has been articulated by both the EU and India at the World Trade Organization (WTO). In this light, a strong EU–India partnership is vital to both countries' interests in protecting and promoting a rules-based international order.

The ambition of the EU–India FTA was to set the benchmark but, unfortunately, the FTA talks have been lost momentum since 2013. If the FTA talks were to progress, this would be an opportunity for the EU to lead the reform process in the WTO, and support the multilateral system in safeguarding and ensuring the effective functioning of trade liberalisation, monitoring and enforcement, which constitute the key pillars of the WTO system.

Within the context of EU policy, Hardacre and Smith (2009) eloquently argue that
 the EU has pursued an active interregional relations strategy that is linked with trade
 initiatives. The Union has developed a complex architecture of interregional agree ments, varying from agreements at an intercontinental level to those with restricted

<sup>&</sup>lt;sup>3</sup>For an overview of the determinants and impediments of an EU–India Trade Agreement also see the contribution of Köhler-Suzuki in this volume.

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scope. Often these relationships result in "complex inter-regionalism" (Hardacre and Smith 2009, 2014), in which multiple actors at a variety of levels and scales of operation in different regions come into collision or collaboration with each other. Trade policy plays a significant role given that this allows the EU's companies market access on favourable terms to groups of countries and in this manner is a significant incentive to the building of interregional ties (Smith 2018). Strategic relations with India are no exception.

There is evidence that FTAs concluded by the EU with third countries are a step 189 forward in the direction of overcoming the shortcomings of the WTO, in that the 190 FTAs include commitments from partner countries to provide market access and 191 remove barriers to trade at a bilateral level, and these commitments in most cases 192 go beyond the level of WTO provisions. An analysis of FTA commitments between 193 the EU and its partners reveals that these agreements are comprehensive, and allow 194 additional market access to goods, services, investment and public procurement, as 195 well as including rules that improve the broader framework to conduct trade and 196 facilitate investment. Further, there are specific commitments by partners on the 197 rules of origin, competition, intellectual property rights and cross-border data flows. 198 In this manner, the EU employs FTAs as a means to "promote consensus among 199 like-minded partners and to develop a network of relations that can promote not only 200 economic but also political goals, including in the social and environmental areas" 201 (Business Europe 2019). 202

The strategic partnership is an important step in reiterating the importance of 203 the economic aspects of the EU-India relationship. Kick-starting the languishing 204 EU-India FTA talks-formally termed BTIA-which commenced in 2007 but lost 205 momentum after 16 rounds of negotiations, has been a non-mover given the uncom-206 promising stance and unwillingness of partners to narrow down to a manageable set 207 of strategic priorities (Khorana 2019); the priorities vary widely between partners, 208 and the EU focus on deep partnership, which is not on India's agenda, has led to 209 divergent priorities. 210

The obstacles to FTA talks include the lack of an agreement between the EU and 211 India on tariff reductions, the extent of market access in a range of sectors, the extent 212 of procurement and services liberalisation, and the demand for inclusion of social, 213 environment and human rights clauses. While the EU attributes the lack of progress 214 to the inflexibility of Indian negotiators in providing market access in dairy, wine 215 and automotive sectors, India holds the EU's unwillingness to provide access to the 216 services market, data security and transparency laws as the main stumbling block to 217 FTA discussions (Khorana and Garcia 2013). These challenges continue to exist and 218 more demands for liberalisation have been added to the EU and Indian negotiating list. 219 Studies examining the economic outcome of the EU-India FTA have not suggested 220 any promising scenario (see Decreux and Mitaritonna 2007; Achterbosch et al. 2008; 221 Powell 2008; Ecorys 2009; Khorana and Perdikis 2010; Khorana et al. 2011; Khorana 222 and Garcia 2013; Khorana and Asthana 2014; Wouters et al. 2014). The analysis of 223 the economic impacts of the EU-India FTA, which identifies sectors likely to gain 224 and lose, shows that where services constitute over half of GDP, the potential impact 225 of the proposed FTA goes well beyond tariff reductions on goods. 226

From the EU's perspective, the main sticking points in the talks are drug patents, 227 tariffs for second-hand cars, agriculture, services, rules of origin and an unacceptable 228 Indian list of 99 sensitive items and domestic pressures in sectors such as agricul-229 ture, where the risk from European imports is marginal. The EU perceives India's 230 reluctance to open up its market to imports and inward investment as impediments to 231 future talks. While the EU has specifically asked India for an Investor-state dispute 232 settlement (ISDS) within the FTA setting, India has not been willing to accept this 233 (Jain and Sachdeva 2019). On the contrary, India has adopted an enterprise-based 234 approach and expressed a desire to narrow the scope of protected investments by 235 reducing the potential liability of the state under ISDS claims. Further, India has 236 dropped the Most Favoured Nation (MFN) clause making it mandatory for foreign 237 investors to seek domestic judicial and administrative remedies for a period of five 238 years before pursuing a claim under international law. India proposes that investors 239 be able to appeal to an arbitration tribunal only after they have addressed the issue 240 in an ordinary court, which is to ensure that domestic interests are protected. To add 241 even more to the misery of the non-progress of the FTA, India firmly believes that 242 tax rulings should not fall under the jurisdiction of investment protection. Simulta-243 neously as the EU requested detailed provisions on ISDS in 2016, India cancelled 244 20 bilateral investment protection treaties with individual EU countries. Another 245 obstacle is that the EU is seeking to negotiate a strong intellectual property regime 246 (IPR) and a sustainable development chapter with social and environmental clauses, 247 both of which India is reluctant to negotiate in the FTA context (Khorana 2019). 248 India has its own expectations from the proposed FTA, and now the EU-India 249

Strategic Partnership could be an opportunity to address those issues not yet settled 250 by the FTA talks. India has consistently demanded a liberal visa regime in the EU, 251 which has been denied and over time become an obstacle to deepening India-EU 252 economic relations. The Indian demand for the relaxation of EU visa restrictions 253 is likely to remain a sticking-point, which could be addressed through the strategic 254 partnership. Another issue is that India has been demanding the status of data-secure 255 *nation* as this would reduce compliance costs for Indian software providers in the EU. 256 However, given the EU's concerns over regulatory norms and data-privacy standards 257 it is unlikely that the EU will agree to this demand under the FTA ambit, and the 258 strategic partnership might just be a forum to address this issue. However, in light 259 of the differences between the EU and India, the prospects of breathing life into the 260 EU-India FTA talks are slim, given that the EU and India continue to have divergent 261 negotiating positions. A word of caution—the divergence in partners' priorities and 262 unwillingness to concede to each other's request is likely to restrict the benefits from 263 the EU-India Strategic Partnership. The current political developments make the 264 prospect of an EU-India trade deal unlikely, which explains why an aspiration of a 265 relationship is best expressed through a strategic partnership. 266

### 267 5 Conclusion

India is a growing economic powerhouse, likely to be the third largest economy by 268 2030. The time has passed when the EU was an economic powerhouse that held 269 sway at the international level. This has since been replaced by FTAs and developing 270 partnerships with strategically relevant countries. As things stand, there is no simple 271 linear relationship between the EU's trade power and its capacity to translate that 272 into foreign policy action (Smith 2019). India, as a rising economy, could, if it plays 273 the relationship well, hold the reins of the EU-India Strategic Partnership. For the 274 EU to ensure that the partnership delivers, it is important to maintain momentum 275 in the long term as both countries continue to carve out their place in what is the 276 beginning of defining their role in an open and inclusive multipolar world order. 277

In light of the economic and political realities, the 2018 EU-India Strategic Part-278 nership can be a vehicle for both the EU and India. This can be used to sensitise each 279 other's expectations and understanding of perspectives towards bilateral, regional 280 and global issues at a time when both the EU and India need each other.<sup>4</sup> India needs 281 support to boost its declining economic and political clout in the Association of 282 South East Asian Nations (ASEAN); failure to demonstrate engagement with FTAs, 283 as demonstrated by pulling out of the Regional Comprehensive Economic Partner-284 ship (RCEP) at the last minute, and growing animosity with Pakistan, are key issues 285 to consider. Hence, both India and the EU need a strategic partnership for geopolit-286 ical and economic reasons. What both partners could realistically do is to re-engage 287 with each other and have a firm commitment to build and consolidate the strategic 288 partnership for mutual gain at a time when multilateralism is under threat and global 289 growth is slowing. 290

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<sup>&</sup>lt;sup>4</sup>On the development of India's view on the liberal world order see the contribution of Kugiel in this volume.

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