



CFP Regionalisation

EASME/EMFF/2018/011 Lot 1: Specific Contract No. 06
EASME/EMFF/2018/011 Lot 2: Specific Contract No. 07

Final Report

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LIST OF ABBREVIATIONS

Term	Description
AC	Advisory Council
AAC	Aquaculture Advisory Council
BISAC	Black Sea Advisory Council
BSAC	Baltic Sea Advisory Council
BS	Baltic Sea
CECAF	Fishery Committee for the Eastern Central Atlantic
CFP	Common Fisheries Policy
CM	Conservation Measures
DG MARE	Directorate-General for Maritime Affairs and Fisheries
DCF	Data Collection Framework
DP	Discard Plan
EASME	Executive Agency for Small and Medium-sized Enterprises
EFCA	European Fisheries Control Agency
EEZ	Exclusive Economic Zones
EMFF	European Maritime and Fisheries Fund
EU	European Union
EC	European Commission
EP	European Parliament
ExCom	Executive Committee
FG	Focus Group
GA	General Assembly
GES	Good Environmental Status
GFCM	General Fisheries Commission for the Mediterranean
HLG	High Level Groups
IBSFC	International Baltic Sea Fisheries Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
IF	In force
ISSG	Intersessional Subgroups
ILVO	Flemish Institute for Agriculture Fisheries and Food
IUU	Illegal, unreported and unregulated
JR	Joint Recommendation
LDAC	Long Distance Fisheries Advisory Council
LO	Landing Obligation
MAC	Market Advisory Council
MAP	Multi- annual plan
MEDAC	Mediterranean Advisory Council
MoU	Memorandum of Understanding

Term	Description
MPA	Marine Protected Area
MS	Member state
MSG	Member State Group
MSFD	Marine Strategy Framework Directive
MSP	Marine Spatial Planning
NA	North Atlantic
NASCO	North Atlantic Salmon Conservation Organisation
NEAFC	North East Atlantic Fisheries Commission
NGO	Non-Governmental Organization
NIF	No longer in force
NSAC	North Sea Advisory Council
NWWAC	North Western Waters Advisory Council
OIG	Other Interest Groups
OR	Outermost Region
PELAC	Pelagic Advisory Council
PGECON	Planning Group on Economic Issues
PIG	Principal Interest Group
RAC	Regional Advisory Council
RCG	Regional Coordination Group
RCG LDF	Regional Coordination Group Long Distance Fisheries
RCG LP	Regional Coordination Group Large Pelagic
RCG Med & BS	Regional Coordination Group Mediterranean and Black Sea
RCG NA, NS & EA	Regional Coordination Group North Atlantic, North Sea & Eastern Arctic
RCG ECON	Regional Coordination Group on Economic Issues
RCM	Regional Coordination Meetings
RFMO	Regional Fisheries Management Organisation
RoP	Rules of Procedure
SC	Specific Contract
SH	Stakeholder
SNA	Social Network Analysis
STECF	Scientific, Technical and Economic Committee for Fisheries
SSF	Small scale fisheries
SWWAC	South Western Waters Advisory Council
ToRs	Term of References
TM	Technical Measure
WEcR	Wageningen Economic Research
WG	Working Group
WMR	Wageningen Marine Research

ABSTRACT

Regionalisation was established to enable a bottom-up approach to fisheries governance by allowing lower-level authorities and stakeholders to step into the fisheries management process and design tailor-made management on a regional scale. A review has been undertaken to provide improved understanding on how regionalisation has worked until now and contribute information towards the European Commission (EC) report on the functioning of the Common Fisheries Policy (CFP). Findings show that there are large differences in how regional groups operate and whether they have formal working procedures. The Advisory Councils (ACs) have clear working procedures and are transparent in the work that they do. However, this is not the case for the Member State Groups (MSGs), for which a lot of information regarding structure, working procedures and meeting outcomes are not publicly available. The onset of the Landing Obligation resulted in a large increase in the number of measures (i.e. discard plans) for several geographical areas. Stakeholders feel that there are gains and losses in participating in the regionalisation process, stating that regionalisation has provided a useful channel for individuals to put their points across and discuss them with a broader spectrum of stakeholders as opposed to writing individual position papers. The distribution of the ACs (different seas basins) is also seen as a gain as it provides EU-wide fora for discussions in fisheries management issues. The direct and closely working among different institutions (EC, ACs, scientists, MSGs) is also seen as an advantage of regionalisation. However, many of the perceived benefits have not yet been realised. Overall, regionalisation is necessary and has fulfilled its expectations although not in all fields. Regionalisation has given powers to Member States to perform functions that used to be the preserve of the EU. Without regionalisation, it would be difficult to get the same level of detail towards the various fisheries management and policy aspects. This is because, a one size fits all approach would miss a lot of detail and local specificities that apply in a particular sea basin. While regionalisation is seen as an improvement to the system that was there before 2004, stakeholders agree that more work is needed to apply regionalisation in practice. There is need for more transparency and more meaningful engagement and collaboration between AC and MSGs.

RÉSUMÉ

La régionalisation a été établie pour permettre une approche ascendante de la gouvernance de la pêche en permettant aux autorités et aux parties prenantes subalternes d'intervenir dans le processus de gestion de la pêche et de concevoir une gestion sur mesure à l'échelle régionale. Une étude a été entreprise pour mieux comprendre comment la régionalisation a fonctionné jusqu'à présent et fournir des informations pour le rapport de la Commission européenne sur le fonctionnement de la Politique Commune de la Pêche. Les résultats montrent qu'il existe de grandes différences dans la façon dont les groupes régionaux fonctionnent et s'ils ont des procédures de travail formelles. Les conseils consultatifs ont des procédures de travail claires et sont transparents dans le travail qu'ils effectuent. Ce n'est toutefois pas le cas des groupes d'États membres pour lesquels de nombreuses informations concernant la structure, les procédures de travail et les résultats des réunions ne sont pas accessibles au public. L'entrée en vigueur de l'obligation de débarquement a entraîné une forte augmentation du nombre de mesures (c'est-à-dire des plans de rejet) pour plusieurs zones géographiques. Les parties prenantes estiment qu'il y a des avantages et des inconvénients à participer au processus de régionalisation, affirmant que la régionalisation a fourni un canal utile aux individus pour faire valoir leurs points de vue et en discuter avec un plus large éventail de parties prenantes plutôt que de publier des prises de position de façon isolée. La répartition des comités consultatifs (différents bassins maritimes) est également considérée comme un avantage car elle offre des forums de discussion à l'échelle européenne sur les questions de gestion de la pêche. La collaboration directe et étroite entre les différentes institutions (CE, CC, scientifiques, GMS) est également considérée comme un avantage de la régionalisation. Toutefois, bon nombre des avantages apparents ne se sont pas encore concrétisés. Dans l'ensemble, la régionalisation est nécessaire et a répondu à ses attentes, mais pas dans tous les domaines. La régionalisation a donné aux États membres le pouvoir de remplir des fonctions qui étaient auparavant l'apanage de l'UE. Sans régionalisation, il serait difficile d'obtenir le même niveau de détail pour les différents aspects de la gestion et de la politique de la pêche. En effet, une approche unique ne tiendrait pas compte d'un grand nombre de détails et de spécificités locales qui s'appliquent à un bassin maritime particulier. Si la régionalisation est considérée comme une amélioration par rapport au système en place avant 2004, les parties prenantes s'accordent à dire qu'il reste du travail à faire pour appliquer la régionalisation dans la pratique. Il faut plus de transparence et un engagement et une collaboration plus significatifs entre les AC et les GMS.

EXECUTIVE SUMMARY

The aim of regionalisation is to enable a bottom-up approach to fisheries governance by allowing lower-level authorities and stakeholders to step into the fisheries management at a regional level. When the CFP (Common Fisheries Policy) was reformed in 2002, regionalisation was established in EU fisheries governance through the creation of seven stakeholder-led Regional Advisory Councils (RACs) (Council Regulation No 2371/2002). These RACs enabled new forms of regional stakeholder involvement in the decision-making process. In the last CFP reform in 2013¹, RACs were renamed Advisory Councils (ACs). The regional approach was also intensified during this reform through the creation of four additional ACs (Regulation No 1380/2013). In each marine region², different EU Member States collaborate on conservation measures for their fisheries within Member State Groups (MSGs) (i.e. regional groups). In terms of the CFP, regionalisation concerns both work by the MSGs and the ACs. The two entities need to work together to operationalise the regionalisation process under the CFP.

The main aim of this Specific Contract (SC) is to contribute to an improved understanding of how regionalisation has functioned until now and how it has contributed to achieving the objectives of the CFP. Our objective was to provide a comprehensive overview of the regionalisation process and to examine its main developments over time, explicitly mapping the stakeholders involved, the regional groups and management measures adopted. We also assessed the perspectives of the different stakeholders towards their level and mode of involvement in the preparation of management measures, their gains and losses in participating, how advice from ACs is taken on board by MSGs and EC, and how different interests are balanced in the advice provided by ACs. To achieve this, we used both literature reviews and stakeholder consultations. The latter took the form of multiple oral interviews and an online survey. The information and data obtained was complemented with input from three focus groups. Eight case-studies of regional management measures were also selected to evaluate how stakeholders were involved. To understand how regionalisation has influenced the attainment of CFP objectives, we reviewed the objectives of Article 2 and appraised how the establishment and structure of the ACs and MSGs (Article 18 of the CFP) has contributed to the conservation and management measures initiated/implemented.

The outcomes of this study are presented in three sections that build on each other: (i) mapping of the stakeholders, regional groups and measures, (ii) assessment of the regionalisation process, and (iii) conclusions. In the mapping section, key stakeholders involved in regional groups are mapped and different types of regional management measures are described. In addition to describing the key regional groups (ACs and MSGs) and their working methods, this study also dedicates a separate section to the Regional Coordination Groups (RCGs) involved in regionalising data collection among Member States and Regional Fisheries Management Organisations (RFMOs) as international bodies of ocean governance. However, these two regional groups are not part of the assessment and conclusion section. In the second section, on the assessment of the regionalisation process, the level and mode of involvement of different stakeholders in the preparation of regional measures is explored. The assessment also considers how advice is taken on board, how different stakeholder interests are balanced and the gains and losses perceived by participants. Building on the outcomes of the mapping and assessment sections, the third section assesses whether regionalisation has resulted in (i) better involvement of stakeholders; (ii) more tailor-made management (iii) better account of local/regional specificities, (iv) taken interests of stakeholders into account and (v) led to a bottom-up approach to governance.

Identification of the main stakeholders and mapping of the regional groups (ACs, MSGs, RCGs and RFMOs) using Social Network Analysis (SNA) shows that collaborating entities

¹ https://ec.europa.eu/oceans-and-fisheries/policy/common-fisheries-policy-cfp_en

² Article 9(2) of the Regulation (EC) No 2017/1004.

mainly cluster by organisation type and geographical activity range. Findings indicate that there are large differences in how regional groups operate and whether they have formal working procedures. The CFP clearly stipulates, for example, that ACs need to promote a balanced representation of all stakeholders and contribute to the achievements of the objectives set out in Article 2 of the EU regulation 1380/2013. Results show that ACs have clear working procedures and are transparent in the work they do. However, this is not the case for the MSGs for which a lot of information (regarding structure, working procedures, meeting outcomes) is not publicly available.

In this study, around 121 regional management measures were categorised according to type (i.e. discard plans, measures within the multi annual plans, conservation and technical measures) and geographical region. This overview shows that the onset of the Landing Obligation (LO) resulted in a large increase in the number of measures (i.e. discard plans) for several geographical areas. A large number of these are, however, no longer in force because they were either repealed or amended during the implementation of the LO. One of the reasons for this is that neither scientific evidence demonstrating high survival rates nor evaluating requirements for *de minimis* regulations were readily available for all species, areas or gears in the early stages of the discard plans. Newly generated scientific evidence gradually supported joint recommendations (JRs) submitted by the Member States (MS) and ACs. Following the article 18 procedure, these JRs were then evaluated by the Scientific, Technical and Economic Committee for Fisheries (STECF) and adopted into legislation if considered sufficiently justified by the Commission. The onset of the LO, therefore, also shifted the focus of the work of ACs. This was confirmed by stakeholders during the interviews who stated that ACs and MS got swamped by the LO regulation.

The case-studies show that an idea or initiative for certain regional management measures can come from different actors. For example, through individual NGOs, fisheries sector organisations, MS governments supported by input from national scientific institutes, RFMOs or the EC. The case-studies also show that obtaining a consensus and going through the many iterative discussion steps and actors (e.g. ACs, MS and STECF) often takes time (months to several years) before regional measures are adopted into legislation. While the long timeframe may frustrate stakeholders, the fact that the measures have immediate impact e.g. on fishing practices, mean that it is extremely important there is enough time for the ACs and MSGs to get it right.

In terms of output (i.e. pieces of advice delivered) by the ACs, an upward trend is detected over time (since 2013). This can be partially explained by the fact that there are more ACs now (from the last CFP reform in 2013). It can also be attributed to the many measures taken in relation to the LO, phased in since 2015. The majority of AC members and managers believe that the current rules of procedure provide transparency in the preparation of advice, but this transparency has its boundaries (e.g. more things happen than are mentioned in official documents). Regional and national interests sometimes make it hard for people to work together in an AC. Despite this, ACs strive to provide advice through consensus. This can sometimes lead to recommendations being watered down because agreements are reached on the lowest common denominator. Whenever there is no consensus, this is often caused by the different opinions between other interest groups (OIG) and industry representatives. Nonetheless, in some situations where there is no consensus, ACs submit separate opinions.

While EC officials acknowledge the importance of attending AC meetings, it appears that in practice actual involvement is limited due to workload and other priorities. This lack of involvement, as well as the lack of detailed feedback on advice that is not incorporated, is considered problematic by AC management teams (because of the difficulty to illustrate the added value and impact of the ACs). Focus group discussions with MSGs and EC, however, revealed that it is very difficult to articulate how advice from the ACs is incorporated since the legislative process is very long, lasting for more than one year. A more standardised feedback procedure on what happens with the

recommendations provided by ACs would allow regional stakeholders to check how their input and recommendations are incorporated into legislation.

Overall, stakeholders who responded to the survey and interviews and took part in the focus group discussions felt that there were gains to be made by participating in the regionalisation process. Stakeholders stated that regionalisation has provided a useful channel for individuals to get their points across and discuss them with a broader range of other stakeholders compared to writing individual position papers. Regionalisation has provided an opportunity for stakeholders to work closely to initiate management measures thereby improving decision making. Stakeholders felt that regionalisation has validated them as regional actors, saying that they took part in the process to keep abreast of management measures and to influence policy decisions. The distribution of the ACs (different sea basins) is also seen as a positive, as it provides EU-wide fora for discussions about fisheries management issues. The direct and close-cooperation with different groups (EC, ACs, scientists and MSGs) is also seen as an advantage of regionalisation.

Stakeholders felt that many of the perceived benefits of regionalisation had not been realised yet. Some stated that regionalisation has contributed to a watering down of the good management objective of the CFP. Given that ACs are not often able to give consensus recommendations on important questions, this was seen as diminishing their role and possible contribution. This has led to some AC members feeling as if the ACs are a sideshow for bigger industry participants. Some stakeholders indicate that they are dissatisfied that their advice is not sufficiently incorporated, and consider this a loss. The lack of EC representation at some of the AC meetings was also reported as a loss. While regionalisation encourages bottom-up fisheries management and policy decision-making, some stakeholders feel that it is promise currently not being kept as the EC and MSGs still tell the ACs what to do.

In conclusion, regionalisation is necessary and has fulfilled its expectations although not in all fields. Regionalisation has given powers to MSs to perform functions that used to be the preserve of the EU. Without regionalisation, it would be difficult to get the same level of detail towards the various fisheries management and policy aspects. This is because, a one size fits all approach would miss a lot of detail and local specificities that apply in a particular sea basin. While regionalisation is seen as an improvement to the system that was there before 2004, stakeholders agree that more work is needed to apply regionalisation in practice. Consequently, regionalisation should be seen as work in progress. More meaningful engagement and collaboration between ACs, MSGs and EC is needed for regionalisation to work to its full potential. Assessment based on the objectives of Article 2 shows that establishment of the ACs and MSGs through the structure of regionalisation (Article 18 of the CFP) and the management measures taken in this context have influenced the attainment of different CFP policy objectives since 2013. We provide recommendations on how the regionalisation process can be improved.

RÉSUMÉ EXÉCUTIF

L'objectif de la régionalisation est de permettre une approche ascendante de la gouvernance de la pêche en permettant aux autorités et aux parties prenantes subalternes d'intervenir dans la gestion de la pêche au niveau régional. Lorsque la PCP (Politique commune de la pêche) a été réformée en 2002, la régionalisation a été établie dans la gouvernance de la pêche de l'UE par la création de sept conseils consultatifs régionaux (CCR) dirigés par les parties prenantes (règlement du Conseil n° 2371/2002). Ces CCR ont permis de nouvelles formes d'implication des parties prenantes régionales dans le processus décisionnel. Lors de la dernière réforme de la PCP en 2013³, les CCR ont été rebaptisés Conseils consultatifs (CC). L'approche régionale a également été intensifiée au cours de cette réforme par la création de quatre CC supplémentaires (règlement n° 1380/2013). Dans chaque région marine⁴, différents États membres de l'UE collaborent à des mesures de conservation pour leurs pêcheries au sein de groupes d'États membres (GEM) (c'est-à-dire des groupes régionaux). En ce qui concerne la PCP, la régionalisation concerne à la fois le travail des GEM et celui des CC. Les deux entités doivent travailler ensemble pour rendre opérationnel le processus de régionalisation dans le cadre de la PCP.

L'objectif principal de ce Contrat spécifique (CS) est de contribuer à une meilleure compréhension de la façon dont la régionalisation a fonctionné jusqu'à présent et comment elle a contribué à atteindre les objectifs de la PCP. Notre objectif était de fournir une vue d'ensemble du processus de régionalisation et d'examiner ses principales évolutions au fil du temps, en cartographiant explicitement les parties prenantes impliquées, les groupes régionaux et les mesures de gestion adoptées. Nous avons également évalué les perspectives des différentes parties prenantes concernant leur niveau et leur mode d'implication dans la préparation des mesures de gestion, leurs gains et leurs pertes dans la participation, la manière dont les avis des CC sont pris en compte par les GEM et la CE, et la manière dont les différents intérêts sont équilibrés dans les avis fournis par les CC. Pour ce faire, nous avons eu recours à des analyses documentaires et à des consultations avec les parties prenantes. Cette dernière a pris la forme de multiples entretiens oraux et d'une enquête en ligne. Les informations et les données obtenues ont été complétées par les contributions de trois groupes de discussion. Huit études de cas de mesures de gestion régionales ont également été utilisées pour évaluer la manière dont les parties prenantes étaient impliquées. Pour comprendre comment la régionalisation a influencé la réalisation des objectifs de la PCP, nous avons examiné les objectifs de l'article 2 et évalué comment l'établissement et la structure des comités consultatifs et des groupes de travail multisectoriels (article 18 de la PCP) ont contribué aux mesures de conservation et de gestion initiées/mises en œuvre.

Les résultats de cette étude sont présentés en trois sections qui s'appuient les unes sur les autres : (i) cartographie des parties prenantes, des groupes régionaux et des mesures, (ii) évaluation du processus de régionalisation, et (iii) conclusions. Dans la section cartographie, les principales parties prenantes impliquées dans les groupes régionaux sont cartographiées et différents types de mesures de gestion régionales sont décrits. Outre la description des principaux groupes régionaux (CC et GEM) et de leurs méthodes de travail, cette étude consacre également une section distincte aux groupes de coordination régionaux (GCR) impliqués dans la collecte de données régionales entre les États membres, et aux organisations régionales de gestion des pêches (ORGP) en tant qu'organes internationaux de gouvernance des océans. Cependant, ces deux groupes régionaux ne font pas partie de la section d'évaluation et de conclusion. Dans la deuxième section consacrée à l'évaluation du processus de régionalisation, sont explorés le niveau et le mode d'implication des différentes parties prenantes dans la préparation des mesures régionales. L'évaluation porte également sur la manière dont

³ https://ec.europa.eu/oceans-and-fisheries/policy/common-fisheries-policy-cfp_fr

⁴ Article 9, paragraphe 2, du règlement (CE) n° 2017/1004.

les conseils sont pris en compte, sur l'équilibre entre les intérêts des différentes parties prenantes et sur les gains et les pertes perçus par les participants. Sur la base des résultats des sections de cartographie et d'évaluation, la troisième section évalue si la régionalisation a permis (i) une meilleure implication des parties prenantes, (ii) une gestion plus adaptée, (iii) une meilleure prise en compte des spécificités locales/régionales, (iv) la prise en compte des intérêts des parties prenantes et (v) une approche ascendante de la gouvernance.

L'identification des principales parties prenantes et la cartographie des groupes régionaux (CC, GEM, GCR et ORGP) à l'aide de l'analyse des réseaux sociaux, montrent que les entités collaboratrices se regroupent principalement par type d'organisation et par zone géographique d'activité. Les résultats indiquent qu'il existe de grandes différences dans la façon dont les groupes régionaux fonctionnent et s'ils ont des procédures de travail formelles. La PCP stipule clairement, par exemple, que les CC doivent promouvoir une représentation équilibrée de toutes les parties prenantes et contribuer à la réalisation des objectifs définis à l'article 2 du règlement (CE) n° 1380/2013. Les conseils consultatifs (CC) ont des procédures de travail claires et transparents dans le travail qu'ils effectuent. Cependant, ce n'est pas le cas pour les GEM, pour lesquels beaucoup d'informations (concernant la structure, les procédures de travail, les résultats des réunions) ne sont pas disponibles publiquement.

Dans cette étude, environ 121 mesures de gestion régionales ont été classées par type (c'est-à-dire plans de rejets, mesures dans le cadre des plans pluriannuels, mesures de conservation et mesures techniques) et par région géographique. Cette vue d'ensemble montre que l'entrée en vigueur de l'obligation de débarquement (OD) a entraîné une forte augmentation du nombre de mesures (c'est-à-dire des plans de rejet) pour plusieurs zones géographiques. Un grand nombre d'entre elles ne sont toutefois plus en vigueur car elles ont été soit abrogées, soit modifiées pendant la mise en œuvre de l'OD. L'une des raisons en est que ni les preuves scientifiques démontrant des taux de survie élevés ni l'évaluation des exigences pour les règlements de minimis n'étaient facilement disponibles pour toutes les espèces, zones ou équipements dans les premières étapes des plans de rejet. Des preuves scientifiques nouvellement générées ont progressivement étayé les recommandations conjointes (RC) soumises par les États membres (EM) et les CC. Suivant la procédure de l'article 18, ces RC ont ensuite été évaluées par le Comité scientifique, technique et économique de la pêche (CSTEP) et adoptées dans la législation si la Commission les considérait comme suffisamment justifiées. L'arrivée de l'OD a donc également modifié l'orientation du travail des CC. Ceci a été confirmé par les parties prenantes au cours des entretiens qui ont déclaré que les CC et les EM ont été submergés par la réglementation de l'OD.

Les études de cas montrent que l'idée ou l'initiative de certaines mesures de gestion régionale peut provenir de différents acteurs. Par exemple, par l'intermédiaire d'ONG individuelles, d'organisations du secteur de la pêche, des gouvernements des États membres, avec l'aide des instituts scientifiques nationaux, des ORGP ou de la CE. Les études de cas montrent également que l'obtention d'un consensus et le passage par plusieurs étapes de discussion itératives et acteurs (par exemple, les CC, les EM et le CSTEP) prennent souvent du temps (des mois à plusieurs années) avant que les mesures régionales ne soient adoptées dans la législation. Bien que le long délai puisse frustrer les parties prenantes, le fait que les mesures aient un impact immédiat, par exemple sur les pratiques de pêche, signifie qu'il est extrêmement important que les comités consultatifs et les groupes de travail multisectoriels disposent de suffisamment de temps pour faire les choses correctement.

En ce qui concerne les résultats (c'est-à-dire les avis délivrés) par les CC, une tendance à la hausse est détectée au fil du temps (depuis 2013). Cela peut s'expliquer en partie par le fait qu'il existe plus de CC à présent (depuis la dernière réforme de la PCP en 2013). Cette tendance peut également être attribuée au fait que plusieurs mesures ont été prises par rapport à l'OD, mises en place progressivement depuis 2015. La majorité des membres du CC et des gestionnaires estiment que les règles de procédure actuelles

assurent la transparence dans la préparation des avis, mais cette transparence a ses limites (par exemple, il se passe plus de choses que ce qui est mentionné dans les documents officiels). Les intérêts régionaux et nationaux rendent parfois difficile la collaboration des personnes dans un CC. Malgré cela, les CC s'efforcent de fournir des avis par consensus. Cela peut parfois conduire à des recommandations affaiblies, car les accords sont conclus sur le plus petit dénominateur commun. Lorsqu'il n'y a pas de consensus, cela est souvent dû aux opinions différentes entre les autres groupes d'intérêt et les représentants de l'industrie. Néanmoins, dans certaines situations où aucun consensus n'est trouvé, les CC soumettent des avis séparés.

Alors que les fonctionnaires de la CE reconnaissent l'importance de participer aux réunions du CC, il semble que dans la pratique, leur participation réelle soit limitée en raison de leur charge de travail et d'autres priorités. Ce manque d'implication, ainsi que l'absence de retour détaillé sur les conseils qui ne sont pas incorporés, est considéré comme problématique par les équipes de gestion des CC (en raison de la difficulté à illustrer la valeur ajoutée et l'impact des CC). Les discussions de groupe avec les GEM et la CE ont toutefois révélé qu'il est très difficile d'articuler la manière dont les avis des CC sont incorporés, car le processus législatif est très long et dure plus d'un an. Une procédure de retour d'informations plus standardisée sur ce qu'il advient des recommandations fournies par les CC permettrait aux parties prenantes régionales de vérifier dans quelle mesure leur contribution et leurs recommandations sont intégrées dans la législation.

Dans l'ensemble, les parties prenantes qui ont répondu à l'enquête et aux entretiens et qui ont pris part aux discussions de groupe ont estimé qu'il y avait des avantages à participer au processus de régionalisation. Les parties prenantes ont déclaré que la régionalisation a fourni un canal utile aux individus pour faire valoir leurs points de vue et en discuter avec un plus large éventail d'autres parties prenantes, par rapport à la rédaction de documents de position individuels. La régionalisation a donné l'occasion aux parties prenantes de travailler en étroite collaboration pour mettre en place des mesures de gestion, améliorant ainsi la prise de décision. Les parties prenantes ont estimé que la régionalisation les a confirmés en tant qu'acteurs régionaux, affirmant qu'elles ont pris part au processus pour se tenir au courant des mesures de gestion et pour influencer les décisions politiques. La répartition des CC (différents bassins maritimes) est également considérée comme un point positif, car elle offre des forums de discussion à l'échelle de l'UE à propos des questions de gestion de la pêche. La coopération directe et étroite avec différents groupes (CE, CC, scientifiques et GEM) est également considérée comme un avantage de la régionalisation.

Les parties prenantes ont estimé que bon nombre des avantages apparents de la régionalisation n'avaient pas encore été réalisés. Certains ont déclaré que la régionalisation a contribué à diluer l'objectif de bonne gestion de la PCP. Étant donné que les CC ne sont pas souvent en mesure de formuler des recommandations consensuelles sur des questions importantes, cela a été perçu comme une diminution de leur rôle et de leur contribution possible. Cela a conduit certains membres des CC à avoir l'impression que les CC ne sont qu'une attraction pour les grands acteurs du secteur. Certaines parties prenantes indiquent qu'elles sont mécontentes du fait que leurs conseils ne sont pas suffisamment intégrés et considèrent donc cela comme une perte. Le manque de représentation de la CE à certaines des réunions du CC a également été signalée comme une perte. Alors que la régionalisation encourage la gestion de la pêche et la prise de décision politique ascendante, certaines parties prenantes estiment qu'il s'agit d'une promesse qui n'est actuellement pas tenue, car la CE et les GEM disent toujours aux CC ce qu'ils doivent faire.

Pour conclure, la régionalisation est nécessaire et a répondu à ses attentes, mais pas dans tous les domaines. La régionalisation a donné aux EM le pouvoir de remplir des fonctions qui étaient auparavant l'apanage de l'UE. Sans régionalisation, il serait difficile d'obtenir le même niveau de détail pour les différents aspects de la gestion et de la politique de la pêche. En effet, une approche unique ne tiendrait pas compte d'un grand

nombre de détails et de spécificités locales qui s'appliquent à un bassin maritime en particulier. Bien que la régionalisation soit considérée comme une amélioration du système en place avant 2004, les parties prenantes s'accordent à dire que des efforts supplémentaires sont nécessaires pour appliquer la régionalisation dans la pratique. Par conséquent, la régionalisation doit être considérée comme un travail en cours. Un engagement et une collaboration plus significatifs entre les CC, les GEM et la CE sont nécessaires pour que la régionalisation fonctionne à son plein potentiel. L'évaluation fondée sur les objectifs de l'article 2 montre que la création des CC et des GEM par la structure de la régionalisation (article 18 de la PCP) et les mesures de gestion prises dans ce contexte ont influencé la réalisation des différents objectifs politiques de la PCP depuis 2013. Nous fournissons des recommandations sur la manière dont le processus de régionalisation peut être amélioré.

1 INTRODUCTION

1.1 Background

In April 2009, the European Commission (EC) released a Green Paper⁵ on the future of the European Union's (EU) Common Fishery Policy (CFP). This discussed possibilities for regionalisation of the CFP, as well as possible solutions to address the complaints about "micro-management from Brussels", as well as the rigid top-down approach in EU fisheries management. Following this paper, the CFP (Regulation (EU) 1380/2013 CFP) introduced a novel approach to governance in 2013: regionalisation. Regionalisation is intended to enable a bottom-up approach to governance by allowing the lower-level authorities to step into the process and design more tailor-made management solutions for particular areas. It should also lead to the increased involvement of stakeholders in the fisheries management process. By bringing decision making much closer to stakeholders and with a more direct involvement of actors in the formulation and implementation of management measures, regionalisation promotes a greater sense of shared ownership of the fisheries management process which should enhance commitment to, and compliance with the regulations.

In terms of the CFP, regionalisation covers work by the EU Member States Groups (MSGs) as referred to in Article 18 of the CFP regulation, the European Parliament as well as the work of the Advisory Councils⁶ (ACs), previously called "Regional Advisory Councils" (RACs). According to recital 67 of the CFP, the key topics covered by regionalisation include the (i) adoption of conservation measures accompanying certain environmental obligations by Member States, (ii) adapting of the landing obligation for the purpose of complying with the EU's international obligations, (iii) extension of the landing obligation to other species, (iv) adoption of specific discard plans, (v) adoption of *de minimis* exemptions to the landing obligation if no other implementation measure for that obligation has been adopted, and (vi) establishment of detailed rules for the functioning of ACs.

Member States and ACs need to work together to make a regionalised CFP operational. The CFP regulation stipulates that ACs need to promote a balanced representation of all stakeholders and contribute to the achievements of the objectives set out in Article 2. By promoting dialogue among stakeholders, taking into account the diverse conditions throughout EU waters, ACs should enable the CFP to benefit from the knowledge and experience of all stakeholders. As such, the ACs provide recommendations to help ensure that fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.

The procedural steps for the adoption of different types of conservation measures are described in Article 6, with specific conservation measures possible to be adopted pursuant to the articles 11, 15 and 18. Article 15 relates to the landing obligation and article 11 relates to environmental obligations that Member States are obligated to fulfil in their sovereign waters under the Habitats Directive⁷ (Article 6 of Directive 92/43/EC), the Birds Directive⁸ (Article 4 of Directive 2009/147/EC), and the Marine Strategy Framework Directive⁹ (MSFD, Article 13(4) of Directive 2008/56/EC).

According to Article 18, where regionalisation applies, EU Member States affected by those measures (discard plans, multi-annual plans, conservation measures necessary

⁵ Green Paper Reform of the Common Fisheries Policy - COM(2009)163 final

⁶ Council Decision 2004/585/EC establishing Regional Advisory Councils under the Common Fisheries Policy

⁷ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p.7) (Habitats Directive).

⁸ Directive 2009/147/EC of the European Parliament and of the Council of 20 November 2009 on the conservation of wild birds (OJ L 20 26.1.2010 p.7)

⁹ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (OJ L 164 25.6.2008, p.19) (Marine Strategy Framework Directive).

for compliance with obligations under EU environmental legislation, landing obligation, fishing opportunities) may, within a deadline to be stipulated in the relevant conservation measure and/or multiannual plan, agree to submit joint recommendations for achieving the objectives of the relevant EU conservation measures, the multiannual plans or the specific discard plans. The recommendations must be based on the best available science and compatible with the objectives of the CFP. When applying this Regulation, the Commission shall consult the relevant advisory bodies and the relevant scientific bodies. Conservation measures shall be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, advice received from Advisory Councils and joint recommendations made by Member States pursuant to Article 18. If all these conditions are met the Commission can then adopt a delegated act or implementing act to transform these joint recommendations into EU law applicable to all operators. It is worth noting that where the Commission considers that a Member State's measure does not comply with the conditions set out in the relevant conservation measure, it may, subject to providing relevant reasons, request that the Member State concerned amend or repeal that measure.

Focusing on the need to provide improved understanding on how regionalisation has functioned until now, this study (i) maps the stakeholder (groups) involved in the regionalisation processes and their interlinkages; (ii) maps the regional groups of Member States including their functioning and procedures when preparing joint recommendations, (iii) maps the different measures adopted under the regionalisation process since 2013, (iv) identifies the level and mode of the stakeholders' involvement in the preparation of measures, (v) assesses how advice from ACs was taken on board by Member States regional groups and the Commission, including the reasons why advice was or was not incorporated, (vi) assesses the gains and losses in participating in the regionalisation process from the points of view of the principal participants, (vii) assesses how different interests (e.g., industry and Other Interest Groups) have been represented and reflected in the AC's recommendations, and any issues with ensuring balanced reflection of these interests, and (viii) assesses the level to which regionalisation has had impact on the attainment of the different CFP policy objectives stated in Article 2. The findings are expected to provide timely and scientific advice in support of the CFP and contribute to the EC report to the European Parliament and the European Council on the functioning of the CFP.

2 APPROACH AND METHODOLOGY

2.1 Approach

The overall objective of this study was to provide a comprehensive overview of the functioning of the regionalisation process under the CFP. It examines the developments under three time-periods: before 2004 (no RACs, no ACs), 2004–2012 (RACs) and after 2013 (latest CFP reform, ACs). Before 2004, the idea of regionalisation was introduced for the first time by Regulation EC 2371/2002, which established the setting up of RACs.

Seven RACs were set up in 2004¹⁰. They cover sea areas that are of interest to at least two member states (MS). RACs were therefore established for the:

- Baltic Sea (BSAC);
- Mediterranean Sea (MEDAC);
- North Sea (NSAC);
- North Western Waters (NWWAC);
- South Western Waters (SWWAC);
- Pelagic stocks (PELAC);
- High seas/Long Distance fleet (LDAC).

These RACs have been functioning since then. In 2013, four new ACs were created¹¹, two of which were regional: the Black Sea and Outermost Regions (BISAC and CCRUP); the other two, the Aquaculture Advisory Council (AAC) and Market Advisory Council (MAC) covered the whole EU territory waters. From this moment, the term “Regional Advisory Council” disappeared and became Advisory Council (AC). The MAC, the AAC and the BISAC started functioning in 2016, while the CCRUP started functioning in 2020.

To make the regionalised CFP operational¹² (Article 18 Regulation No 1380/2013), Member States in a relevant geographical area are empowered to adopt measures (discard plans, multiannual plans, conservation measures) within a set deadline. ACs work together with the Member States, some of which are grouped as Member State (regional) Groups (MSGs) that collaborate on regional fisheries management measures for a region of common interest (e.g. the North Sea). The Commission facilitates the cooperation between Member States, including, where necessary, by ensuring that a scientific contribution is obtained from the relevant scientific bodies. According to Article 18, Member States are required to only adopt their respective national measures if an agreement on the content of those measures has been reached by all the Member States concerned.

The approach to this study is based on three phases, each with a number of linked tasks (Figure 1).

¹⁰ Council Decision 2004/585/EC (OJ L256, 3.8.2004, p. 17).

¹¹ CFP Regulation EU 1380/2013

¹² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

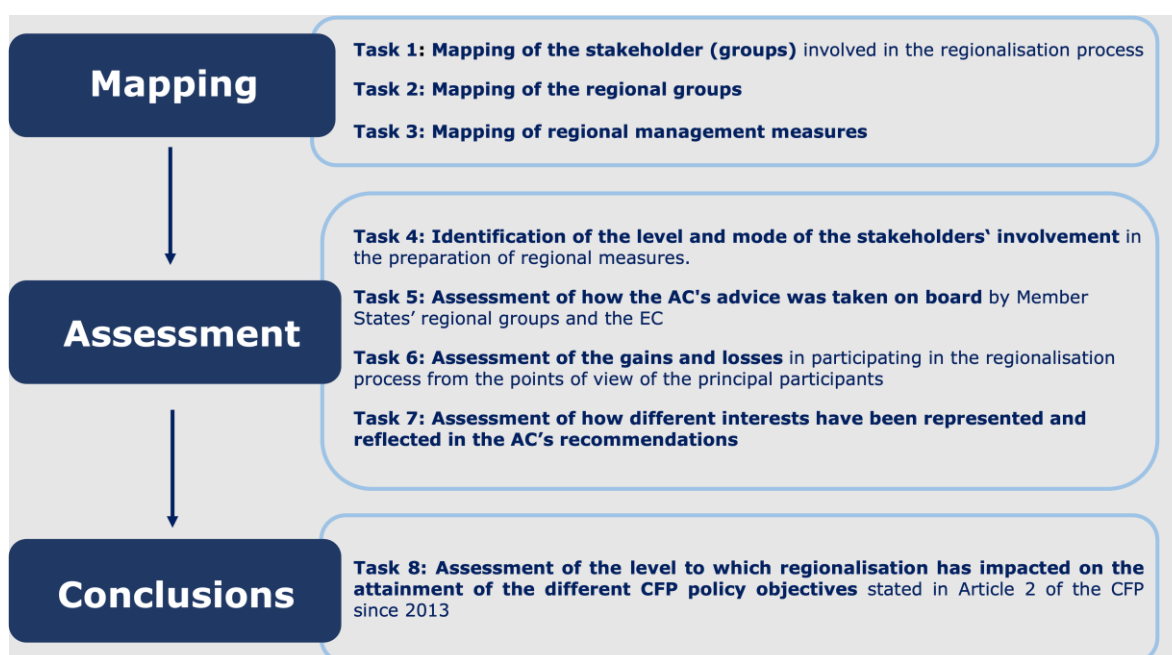


Figure 1: Schematic overview of the different Tasks

Text box 1: Scope of this study

There is not one single definition of what regional ocean governance entails exactly, but it usually comprises multiple countries working together to conserve and use their oceans, coasts and marine resources sustainably. To fully "map" regionalisation according to this broad definition, this study also dedicates a separate subchapter to Regional Coordination Groups (RCGs) and Regional Fisheries Management Organisations (RFMOs), in addition to the Advisory Councils (ACs) and Member States Regional Groups (MSGs). RCGs are involved in regionalising data collection, which is essential for contributing or providing the data/evidence for scientific advice and the basis for management measures and policy-making. In accordance to the Regulation (EC) 2017/1004¹³, RCGs should aim at developing and implementing procedures, methods, quality assurance and quality control for collecting and processing data with a view to enabling reliability of scientific advice to be further improved. RFMOs on the other hand play a critical role in the global system of fisheries governance. They are the primary way to achieve cooperation between and among fishing nations and consequently are essential for the conservation and effective management of international fisheries. **Hence, in this study, we have not only mapped regionalisation by ACs and MS as referred to in Article 18 of the CFP regulation, but we have also looked at regionalisation in a wider sense by mapping the basic structure and working procedures of RCGs, involved in regionalising data collection, and RFMOs, as international bodies of regional ocean governance.** Mechanisms by which these organisations are linked to one another and through which they cooperate and coordinate their activities are therefore also described within the context of EU policy.

¹³ Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008

2.2 Methodology

To ensure a coordinated approach, we developed a joint impact assessment framework to assess how regionalisation of the CFP has contributed to achieving its objectives. We reviewed the objectives of Article 2 and appraised how the existence of the ACs and MSGs in the structure of regionalisation (Article 18 of the CFP) and the management measures taken in this context might have influenced the attainment of the different CFP policy objectives since 2013. We did not evaluate whether these CFP objectives have been achieved. Table 1 summarises how the good governance principles of regionalisation have been assessed. The key research questions were further operationalised and included in a stakeholder questionnaire (Annex 1) and used during focus group discussions.

Table 1: Operationalisation of the good governance principles of regionalisation in key questions and tasks where these were addressed.

Principles of good governance of regionalisation	How have these been addressed in this study?	
	Key Questions	Tasks addressing this
Better involvement of all relevant stakeholders	Who is involved?	Task 1,2, 6 and 8
Better account of local/regional specificities	Which measures are taken? Level and mode of involvement (in relation to measures)	Task 3, 4, 5, 6, 7 and 8
Interests of stakeholders taken into account	Was the advice taken on board? Are different views incorporated in the advice?	Task 6, 7 and 8
Bottom-up approach	Who takes initiative?	Task 3, 4, 5, 6,7 and 8
More tailor-made management	Which measures only taken in less than all regional seas?	Task 3, 4, 5, 6, 7 and 8
All	How has regionalisation influenced the attainment of the different CFP policy objectives since 2013?	Task 8

Figure 2 shows which groups play a role in regionalisation (Tasks 1, 2 and 4), summarises which measures have been taken (Task 3), what advice the ACs have given over the years (Task 5), how the ACs work (Task 7) and the level of their involvement (Task 4 and 7). It then evaluates the perceived gains and losses of regionalisation (Task 6) and ends by evaluating whether regionalisation has delivered on its aims (Task 8) by looking at the core objectives of regionalisation (grey boxes).

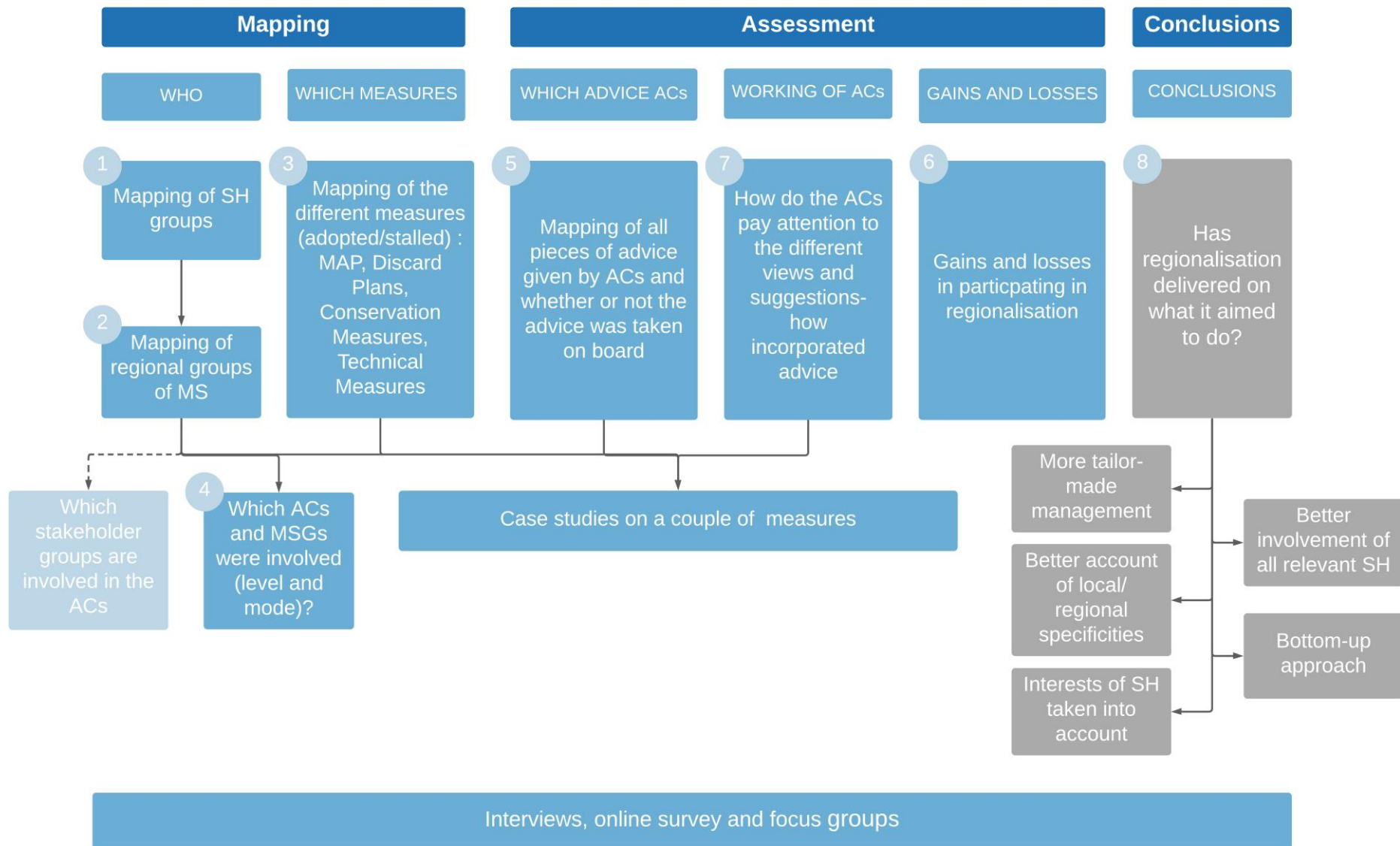


Figure 2: Joint impact assessment framework: The numbers refer to the different tasks in this project. SH = Stakeholder

In order to provide a comprehensive review of regionalisation under the CFP, five main data gathering tools were used: desk research, case studies, stakeholder interviews, online survey and focus group discussions (Table 2).

Table 2: Methods for data collection. SNA = Social Network Analysis.

Key aspect	Methods for data collection					
	Desk research	Social Network Analyses	Case studies	Joint interviews	Online survey	Focus Groups
Mapping of stakeholders	X	X				
Mapping of Regional Groups	X			X	X	X
Mapping of measures	X			X	X	X
Identification of the level of stakeholder involvement	X		X	X	X	X
Assessing how advice was taken on board	X		X	X	X	X
Assessing gains and losses in participation				X	X	X
Assessing how different interests have been represented and balanced				X	X	X
Assessing how regionalisation contributed to achieving CFP objectives			X	X	X	X

2.2.1 Desk research

Desk research was used to address different topics during mapping, in particular to identify the different stakeholders and stakeholder groups involved in the regionalisation process and to map the regional groups including their links. Besides peer-reviewed literature, we also consulted grey literature, official websites and EC reports (see: References). As part of the desk research, a stakeholder list was compiled (Annex Tables A1–A4). This list contains stakeholders that are part of ACs, MSGs, RFMOs and RCGs. The list was compiled using various sources including internet searches using official websites, information obtained from templates filled in by consortium partners and official reports. Through an extensive literature review, we gathered publicly available information on stakeholder participation in the different regional groups, and the management measures that were adopted (or initiated) under the regionalisation process. These were categorised into different types (i.e. multi-annual plans (MAPs), discard plans, technical and conservation measures) and organised according to geographical area. To make these lists, different data sources were used:

- 1) The recent STECF report including lists of technical measures (Rindorf et al. 2021);
- 2) The tables with discard plans per geographic region produced within a previous scientific contract on the Landing obligation (EASME/EMFF/2018/011 Specific Contract Lot 1 No.2);
- 3) For MAPS and conservation measures, the list was compiled via online searches and information received from a template that was sent to national fisheries institutes participating in this contract.

To check the provided measures, the team used the EU legislation website (<https://eur-lex.europa.eu/>). While this combination of methods resulted in an extensive list of regional measures per type, there are some limitations, e.g. the fact that many conservation measures (as described below Art. 11) were insufficiently captured.

2.2.2 Social Network Analysis

Social network analysis (SNA) is the process of investigating social structures through the use of networks/graphs. It characterises network structures in terms of nodes (e.g. individual actors, people or things within the network) and the ties, edges or links (relationships or interactions) that connect them. The relationships in the network depend on the social structure under investigation, such as acquaintance networks, business settings and knowledge networks. In this study, SNA was used to map relationships between regional groups (= nodes) and collaboration/reporting between them (= ties).

To conduct the SNA, the stakeholder data was imported into R Studio (Version 1.2.5019) running R statistical software (Version 4.0.2¹⁴) and converted into a network data frame using the "igraph" package (Csardi and Nepusz, 2006). Attributes (such as group type and geographical location) were attached to the network data frame. The networks were visualised in directed¹⁵ graphs using the "ggraph" package (Pedersen, 2021). All statistics were calculated using the "igraph" packages (Csardi and Nepusz, 2006).

2.2.3 Case studies

Eight case studies were used to gather in-depth insights into regional management measures and how different stakeholders were involved in them. To select the case studies, a literature review was executed by different partner institutes, and, in some cases, stakeholder consultation was set up to retrieve answers to specific questions. The final list of case studies was selected based on: i) geographical coverage; ii) the actors involved; and iii) the implementation status of the management measure in question. Concerning geographical scope, the selected case studies offer a wide coverage of the sea basins, encompassing the Baltic Sea, North Sea, North and South Western Waters, one of the Outermost Regions, the Mediterranean Sea, Black Sea and Adriatic Sea. Regarding actors involved, the case studies describe the role of a wide variety of actors, including ACs, MSGs, EU institutions, and the General Fisheries Commission of the Mediterranean (GFCM). One of the case studies describes a management measure proposed before the CFP reform. Finally, the case studies include measures that were proposed and indicate whether these were adopted or not.

2.2.4 Interviews

We developed a questionnaire to assess the perceptions of key stakeholders on how regionalisation has functioned, and to gather information to address the assessment and concluding tasks. The questionnaire was finalised after an initial set of eight pilot interviews. Four of these pilot interviews were used to explore the suitability of the questions, the terminology used by stakeholders and the topics stakeholders raised in relation to regionalisation. Information gathered from the pilot interviews was incorporated leading to the development of the first version of the questionnaire. The

¹⁴ R Core Team. R: A Language and Environment for Statistical Computing. <https://www.R-project.org>. 2020.

¹⁵ A directed graph uses the convention of connecting nodes or actors with arrows that have arrow heads, indicating who is *directing* the tie toward whom.

questionnaire was then tested and further improved using outputs from another four pilot reviews (two with stakeholders and two with consortium team members).

The questionnaire (Annex 1) comprised of open-ended and closed questions. The open-ended questions aimed to capture stakeholder opinions on, for example, the consequences of changes in stakeholder composition in the ACs. The closed questions were statement-based and used Likert scale answer categories (such as: definitely, probably, possibly, probably not and definitely not) for the stakeholder to choose from.

The questions were grouped into five broad categories to encapsulate the key issues being studied. These included:

(i) Respondent information. The first section required basic information from the respondent, including their institution, position, the AC or MSG group they belong to.

(ii) Composition of stakeholders. The second section of the questionnaire focused on the composition of the stakeholders, with questions asking respondents to indicate whether there have been any changes in the composition of stakeholder within the ACs. Using broad stakeholder categories (i.e. fishing sector organisation or other interest groups (OIG)), this section explored whether the composition of the stakeholders had changed during three time periods: before 2004 (no ACs), between 2004 and 2012 (RACs) and 2013 onwards (latest CFP reform, ACs). Stakeholders were asked to provide the reasons and consequences for these changes.

(iii) Preparation of management measures. The third section focused on the preparation of management measures and explored stakeholders' involvement and exchanges in the preparation of the measures. Stakeholders were asked to indicate whether there were differences in the influence and impact of the different stakeholders in the preparation of recommendations and advice, whether the current structure of the ACs allows for effective stakeholder consultation and the extent to which the preparation of recommendations and advice is scientifically underpinned. Stakeholders were also asked to state the extent to which opposing opinions in the ACs manifest and how they are usually reconciled.

(iv) Provision and uptake of advice. The fourth section had specific questions on: (a) the provision of advice targeted to AC management teams and members, and (b) uptake of advice targeted to MSGs and the EC. The questions to AC Management team and AC members asked respondents to state who was currently involved in the process of creating and formulating the advice, whether the advice ACs currently provide to the MSGs and EC is usually solicited or based on ACs own initiative or both. Respondents were asked to state who currently drafts the advice within their AC and indicate the extent to which current procedures of drafting of advice are effective and efficient. To explore whether ACs provide a balanced value-based advice, AC management teams and members were asked to state how they usually proceed when there is no consensus in their deliberations towards provision of advice. They were also asked to indicate whether it is more difficult to reach consensus now (from 2013 onwards, with ACs) compared to when the RACs were operational (2004–2012). Similar questions were asked to the MSGs and EC, although the questions for these two stakeholder categories focused on the uptake of advice. They were asked to state whether they provided feedback to the ACs including justification on why they incorporated advice from the AC or not in a timely manner. All stakeholder groups were asked to state what they considered to be the best practice for ensuring the uptake of advice.

(v) Gains and losses in participating in the regionalisation process. The final section of the questionnaire explored the gains and losses perceived by principal participants (AC management teams, AC members, scientific experts, MSG and EC) in the regionalisation process. While some of the questions required yes/no responses, the majority used Likert scale answer categories (i.e. definitely; probably; possibly; probably not; and definitely not). To ensure that participants provided their opinions about what

they have gained or lost and their level of satisfaction with the process, respondents were also required to provide an explanation or a comment to each Likert scale category they chose. Through the harmonisation of plans and measures at a regional sea's level, regionalisation ought to have led to improved benefits by integrating stakeholder experiences and knowledge, and allowing lower-level authorities to design more tailor-made management approaches for specific stocks and regions. Stakeholders were therefore asked to state whether their expectations regarding the regionalisation process had been met so far, whether they felt that their investment (in terms of time, effort, etc.) in the regionalisation process had had an impact on the advice put forward and the making of fisheries policy. Stakeholders were asked to indicate their agreement or disagreement on whether regionalisation had met its specific objectives, including whether it has led to: better involvement of all relevant stakeholders in fisheries management, the bottom-up approach to fisheries governance, the design of more tailor-made management for specific stocks in your area, better accounting of local and regional specificities and better decision making. Stakeholders were asked to state whether ACs contribute to EU decision-making, and how satisfied they were with the regionalisation process.

Five key stakeholder groups involved in the regionalisation process were targeted including the AC management teams (Chairs, Executive Secretaries), AC members, Scientific experts, and the MSGs. While the five themes of the questionnaire were the same, it included specific questions for each of the four respondent groups: Member States Groups, AC management (secretaries, chairs), AC members, and scientists. A cross section of stakeholders from AC members, science, AC management teams and MSGs that are knowledgeable on the regionalisation process and its functioning were selected and entered onto a list of candidates to interview. The list included stakeholders who could provide the project team with a time series perspective of the changes and the functioning of regionalisation. Additional close attention was paid to an equal division among the different regions of the EU, different MS and functions and interviewees. All consortium partners contributed by suggesting potential respondents. The EC was not included in the in-depth interviews. This was because the EC commissioned the study and asked for an assessment that included the views of the main stakeholders in the regionalisation process without explicitly asking to include itself as a stakeholder. EC views were, however, sought through the online survey (Section 2.2.5) and focus groups (Section 2.2.6) when it became clear from the stakeholder interviews how much importance was given to the organisation of interactions with the EC. Prior to carrying out the interviews, research team members with a background in natural sciences received training in interview techniques from the social science team members.

In total, 43 interviews were conducted with representatives of the regional groups, ACs, MSGs and the scientific community (

Table 3) from 25 May to 12 July 2021. Interviewees cooperated on the basis that all information they provided during the interview would be treated anonymously. Furthermore, it was agreed that responses from the interviews would only be presented in aggregated form so that they cannot be traced back to individuals or organisations. Only a selection of the research team had access to interview responses and these team members signed a non-disclosure agreement.

Most interviews were not fully transcribed but documented in the form of an extensive summary, whereby the interviewees' words were used as much as possible. Interview findings were stored in a secure location on Microsoft Teams. All interviews were coded using Atlas.TI software, facilitating analysis of results. The interviews were coded in two ways. First, by the answers given by the respondents according to the specific content. Coding keywords were developed on the basis of specific topics of enquiry and linkage to the online survey to allow for easy comparison of findings. During the coding, several new code words were added in case parts of text could not be covered by already existing codes. Afterwards the two researchers who executed the coding both coded two interviews and reviewed each other's work and discussed until agreement was reached to make sure that they both had the same understanding of the codes and the process. Second, all answers to one question were given the same code. For example, 'question 1' was the code given to all answers to question 1. This way, it became easier to compare answers to the same question with each other.

After all interviews were coded, the codes were exported from the Atlas.TI programme in order for the other team members to also be able to access the quotes and codes. They were provided with an overview of which question and which codes could be of use for the specific tasks they were working on. All questions and all codes were covered by at least one researcher working on a task.

2.2.5 Online survey

To get a more complete picture of the views of stakeholders involved in the regionalisation process, the questionnaire was set up as online lime survey. It was modified slightly by reducing the number of open-ended questions as these would need the respondent to write loads of text. Instead, the online survey relied more on the closed-ended questions. The survey was originally set up in English. Once the link had been circulated to the AC management teams for them to pass it round to their members, it became clear that some members would have language difficulties. Feedback from AC managers and Executive Secretaries confirmed this with some of them suggesting that the survey should be translated into different languages. The translations would not be accommodated via the research contract, and therefore a request was made to the AC management teams on whether they could cover translation costs. The NWWAC offered to translate the survey into French and Spanish, BSAC translated it into Polish, AAC translated it into Italian while the CC-RUP translated the survey into Portuguese. Links with the various translations were therefore circulated to all AC members and AC management teams asking them to take part. For the MSGs, EC and scientific experts, the English survey link was distributed. The online survey was carried out between 28 May and 16 July 2021.

For the online survey, 142 completed responses were received that have been grouped by AC Members (75) and AC Management (35) based on their affiliated ACs (

Table 3). The responses also include a total of 23 completed surveys from Scientific experts and nine respondents who completed the MSG/EC survey. Five of these indicated that they were MSGs, 1 was from DG MARE while the other three did not identify their organisations or positions. Due to the way the survey was distributed, by forwarding request to our contacts, it is not clear how many people received the request to participate in the survey and hence the associated response rate.

For the closed questions using Likert scales, responses to the online survey were grouped with the responses to the same questions in the interview questionnaire. Unlike open-ended questions from the interviews, open-ended questions from the online survey were not coded in Atlas.TI. However, the code responses from the open-ended questions from the interviews were used to group these to the relevant questions in the online survey. By bringing the coded responses to the interviews and the online survey together, we were able to reveal themes based on the issues under study.

The quantitative data on the responses to the Likert scale questions in the online survey were sorted based on the questions that had been used across the stakeholder categories and analysed using the R statistical package. The mean scores provided by the four main stakeholder groups (AC management team, AC members, MSG & EC and scientific experts) were plotted for each of the questions under study.

2.2.6 Focus groups

Three focus group discussions were set up to explore how different interests had been represented and reflected in the ACs' advice and areas for further improvement (

Table 3). The first focus group was directed at (R)AC members with long track records. The second was for MSG representatives and EC officials, while the third was with the AC Chairs and Executive Secretaries. There was no focus group discussion held with the scientific community, as science has a supportive role in the policy process and is not a formally established group involved in regionalisation. All focus group meetings were organised online using MS Teams and recorded with consent of the participants to allow for note taking. Recordings were saved in a secure location and deleted following completion of the notes. All focus groups combined plenary sessions with breakout groups.

Plenary parts included an opening session, where the background to the project and preliminary findings were presented, and a closing session, where next steps were explained. The discussion of specific topics was organised in smaller breakout groups of four to eight people. Each breakout group had a facilitator and note taker from the research team. The information obtained from the focus groups was included in the analysis for each of the project tasks.

The first focus group was dedicated to a historic assessment of the impacts of regionalisation and stakeholder involvement. Participants included stakeholders that have a long history with (R)ACs. This focus group was aimed at filling in information gaps from the document analysis, interviews and survey. It focussed on identifying any changes resulting from regionalisation and in particular the operationalisation of MSGs on: (a) the effectiveness of the ACs in the policy process and (b) the internal effectiveness of the ACs. Potential participants were selected based on the research team's knowledge about their history of involvement and by consulting AC secretariats. They included still active and recently "retired" AC members and secretaries from both the fishing industry and OIGs. A total of 21 people were invited, of which eight accepted the invitation and participated in the focus group. The meeting was held in English as there were no translation facilities. This was made clear on the invitation.

The second focus group was aimed at the MSGs and EC. This group focussed on obtaining perspectives on: (a) the impact of regionalisation on the effectiveness of policy and on (b) the interaction with ACs. Initially, this focus group was only planned for MSGs. However, as no interviews had been carried out with the EC (section 2.2.4) and the response rate from EC representatives to the online survey (section 2.2.5) was low, including a focus group with the EC was an opportunity to improve our insight in EC perspectives in relation to regionalisation. Due to budgetary and time constraints, it was decided to combine the MSGs and the EC into one focus group discussion. However, in the breakout groups MSGs and EC were deliberately separated. In this way, we created a safe environment for both MSG and EC members to speak freely, as each of these groups had its own role to play while recognising that performing this role is affected by the other party. In relation to the second topic, separating MSGs and EC allowed for differentiation in questions, as the nature of interaction within ACs differs between MSGs and EC.

The third focus group was aimed at presenting the preliminary findings from the study to the ACs and discussing these with the ACs. The focus group was aimed at the AC management (secretaries and chairs). As translation could not be provided due to budgetary constraints, the meeting was held in English. Because of language difficulties, some ACs members and (vice)chairs attended representing their ACs. A total of 21 participants from the ACs attended this focus group. The first part of the meeting was a plenary session where preliminary findings were presented. Three representatives from DGMARE attended only the plenary part of the focus group to explain how the study fits in current EC policy processes and answer any related questions. Following the plenary session, discussions continued in four breakout groups. Two breakout groups were formed with (deputy) secretaries and two with chairs or members. This division was done deliberately as secretariats, as part of their role, have different interactions with the EC and Member States than chairs and different involvement in the processing of advice.

Separating the AC secretariat staff from the chair, allowed for getting perspectives and perceptions from both 'role types' within AC management without them influencing each other.

Table 3: Overview of stakeholder participation in formal interviews, online survey and focus groups. Between brackets () total number of participants for the relevant stakeholder category. n/a = not applicable, meaning this group was not included in the specific data collection activity. FG = Focus group.

Stakeholder category	Interviews	Online survey	Focus Groups		
			FG1	FG2	FG3
(R)ACs	(27)	(110)	8	n/a	(22)
Management	6	75			19
Members	21	35			3
MSGs	9	5		18	
EC		(1)		(14)	
DGMARE		1		12	
DGENV				2	
CINEA				1	
Science	7	23			
Unidentified		3			
Total	43	142	8	33	22

2.3 Representativeness

The interviews, online survey and focus group discussion aided in the assessment of how regionalisation has contributed to achieving the objectives of the CFP and in gathering information to address the assessment tasks of this study. To draw conclusions from these qualitative data, it is important that results are representative. In qualitative research, representativeness means a complete picture of the possible views, attitudes or behaviours in the total stakeholder population has been achieved (Dinklo, 2006). In this study, we used a mixed methods approach to build a picture of the views of a wide range of stakeholders involved in regionalisation (

Table 3) and focused on formally established groups.

We used pilot interviews to get a picture of terminology used by stakeholders and topics in relation to regionalisation they considered important. We then conducted 43 in-depth interviews using a structured questionnaire. Analysis of the open-ended questions in this questionnaire indicated we were reaching theoretical saturation, whereby additional interviews would not bring new information for certain topics, for the AC and science stakeholder groups in relation to the current functioning of the AC. The online survey enabled us to access a much larger stakeholder group and obtain additional views on topics that had been raised during the interviews. The 142 responses strengthened representativeness of the findings for the ACs and science stakeholders. Participation of the MSGS and EC in the online survey was, however, low despite several reminders. Therefore, a dedicated focus group was set up to fill gaps in information from these groups. For the scientific community, no additional efforts were made to increase representativeness following interviews (7) and the online survey responses (23) as the role of science is limited to providing support on request to the formally established groups in the regionalisation, yet essential as JRs or proposed measures need to be based upon the best scientific advice available.

In terms of achieving representativeness, the focus groups served two purposes. The first was to fill information gaps in the ACs' history of the regionalisation process (Focus group 1) and the underrepresented views in MSGs and the ECs (Focus group 2). The second was to validate preliminary findings. The first two focus groups also included a session where initial findings were presented, and participants were invited to respond. Initial findings were confirmed, and any further clarification requests from participants were included in subsequent work and analysis. The third focus group was specifically aimed at validating the preliminary findings of the study. Using this mixed method approach, we are confident our results are: (1) indicative for scientific community members who provide support to the development of management measures and are (2) representative of the views of the stakeholders who are members of formally established groups involved in the CFP regionalisation process.

3 RESULTS

3.1 Mapping of the regional groups and measures

3.1.1 Mapping of the stakeholder (groups)

3.1.1.1 Identification of the stakeholder (groups)

The stakeholder lists are included in the Annexes (Tables A1–A4) and include:

- fisheries sector organisations and Other Interest Groups (OIGs)¹⁶ in the case of the ACs;
- member state administrations in the case of the MSGs;
- member state administrations and scientific institutes for the RCGs;
- member state administrations and international organisations/bodies in the case of the RFMOs.

3.1.1.2 Connections between the stakeholders

Connections between the stakeholders and regional groups were visualised with social network analysis (SNA). SNA was used to structure relationships, in the form of collaborations and information flows between different regional groups. In the networks developed for this study, the nodes represent the regional groups and the ties (relationships or interactions) represent collaborations/reporting relationships. Hence, the two questions that were used to define the ties were: 1) “who reports to whom?” and 2) “who collaborates with whom?”. Based on these two key questions, ties were categorised into “reporting” and “collaboration”.

The nodes (regional groups) in this SNA were based on information obtained in the stakeholder list, assembled under the mapping of stakeholder phase. To ensure that all existing collaborations between groups would be mapped as accurately as possible, a desk review (literature/online searches) was performed. These data were complemented by means of direct inquiries via email (with the AC secretariats). Various ACs responded by providing a list with other ACs that they collaborate the most with on issues of common interest. The data was then used to make a matrix, mapping the groups and the connections between them as a starting point for the SNA. It is important to note that besides specific collaborations among ACs on certain topics, there is also AC-wide cooperation, especially in more recent years, on certain horizontal subjects (e.g. plastics, CFP reform, blue economy).

Apart from the visualisation of the networks, degree statistics were calculated to provide an understanding of the number of connections for each node (group). Density was calculated to understand the proportion of ties present in all three graph types from the total number of ties possible (i.e. if all groups were connected directly). Diameter was calculated to provide insight into the shortest path between two nodes.

¹⁶ “Other interest groups” means representatives of groups affected by the Common Fisheries Policy other than sector organisations, in particular environmental organisations and consumer groups.

Text box 2: Interpretation of SNA results

Note that this SNA is partially based on inferred data and/or expert judgment, which may be incomplete, inaccurate or untimely. The data obtained through consultation (e.g. through the AC secretariats) is also time dependent as roles of stakeholders and collaborations change over time. This means that the SNA needs updating regularly. Consequently, to be useful, the results of this exercise need to be considered in combination with other sources of information as well as operational experience. Additionally, horizontal collaborations between certain organisations (e.g. ACs) were not part of this exercise and hence not shown in the networks.

Three networks were developed presenting the different connection types: 1) a network showing reporting ties ("who reports to whom?", Figure 4), 2) a network showing collaboration ties ("who collaborates with whom?", Figure 5) and 3) a network where both types of ties are combined. The network focussing on collaboration ties shows which regional groups actively collaborate and communicate on topics of shared interest (Figure 3). From this figure, it is clear that an elevated number of connections are present for the collaboration ties compared to the reporting ties, indicating that groups in this network collaborate with one another (i.e. share information with one another) and report to the same hierarchical level above them (i.e. the EC).

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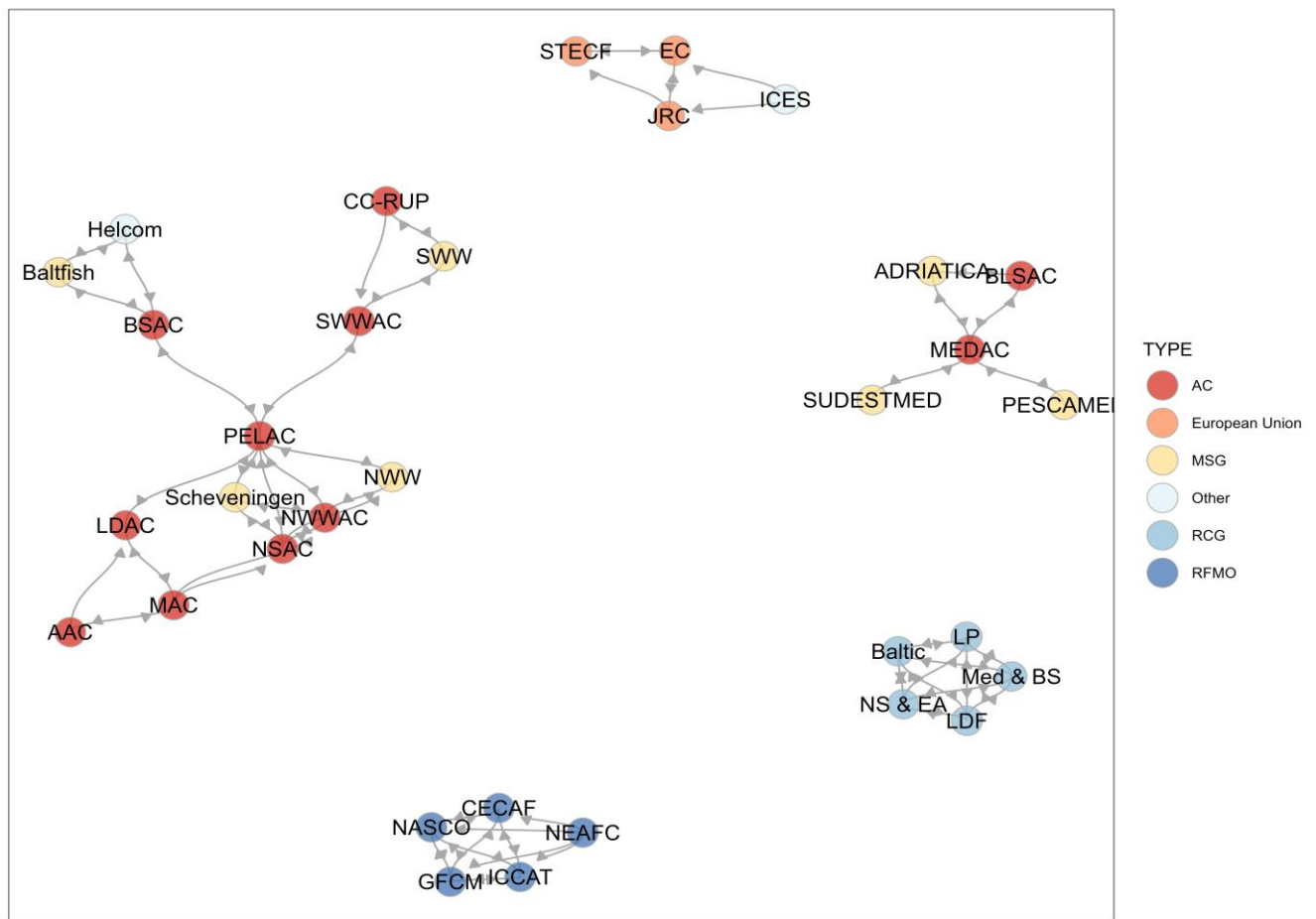


Figure 3: Directed social network presenting all connections between stakeholder groups LP= RCG Large Pelagic, LDF = RCG Long-distance fisheries, NA NS & EA = RCG North Atlantic, North Sea and Eastern Arctic, Med & BS = RCG Mediterranean and Black Sea.

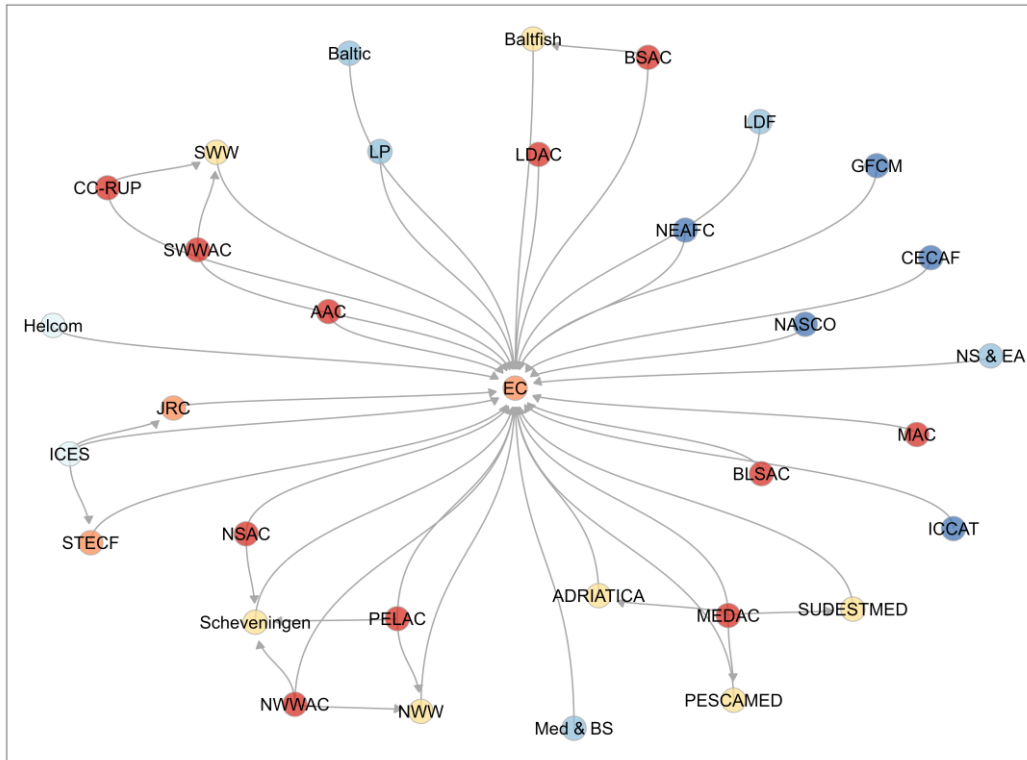


Figure 4: Directed social network presenting the “Reports to” connections between stakeholder groups. P= RCG Large Pelagic, LDF = RCG Long-distance fisheries, NA NS & EA = RCG North Atlantic, North Sea and Eastern Arctic, Med & BS = RCG Mediterranean and Black Sea

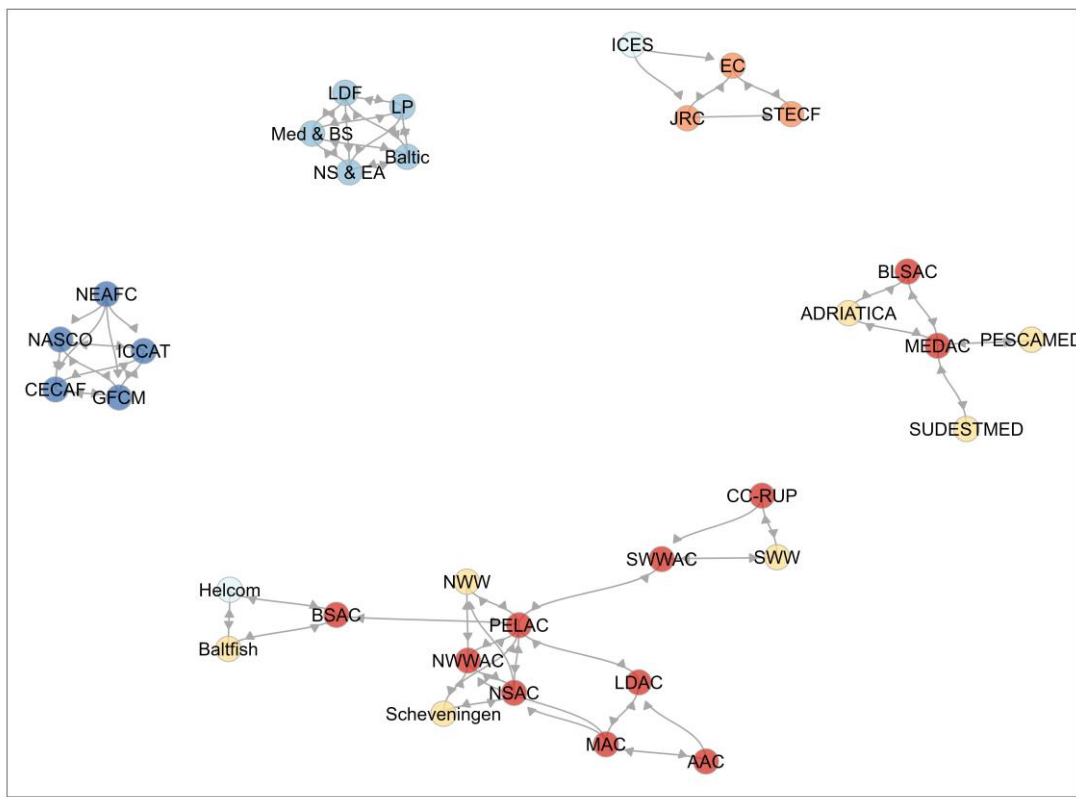


Figure 5: Directed social network presenting the “Shared with” connections between stakeholder groups. P= RCG Large Pelagic, LDF= RCG Long- Distance fisheries, NA NS & EA = RCG North Atlantic, North Sea and Eastern Arctic, Med & BS = RCG Mediterranean and Black Sea

Results show that there are five discrete clusters in the full network (i.e. where links are shown for reporting and collaboration ties (Figure 3)). These include a cluster of: 1) tightly connected RFMOs, 2) a large cluster containing the ACs and MSGs that work in the North East Atlantic, 3) ACs and MSGs of the Mediterranean and Black Sea area, 4) a compact RCG cluster, and 5) an EU organisations cluster. The network where reporting ties are visualised centralises on the EC for all regional groups (ACs, MSGs, RCGs and RFMOs). The network focussing on collaboration ties shows which regional groups actively collaborate and communicate on topics of shared interest (Figure 5). For the network where all connection types (i.e., reporting and sharing of information) were considered (**Error! Reference source not found.**), the mean number of connections per node, termed the "degree", was 7.7 (**Error! Reference source not found.**) indicating an average of eight connections per group. This result is slightly skewed by the presence of inward connections all pointing towards the EU, which is an outlier to the standard range, with 34 connections in total, and 32 inward connections. On average, nodes (i.e. regional groups) were calculated to have a mean of around four inward and outward connections.

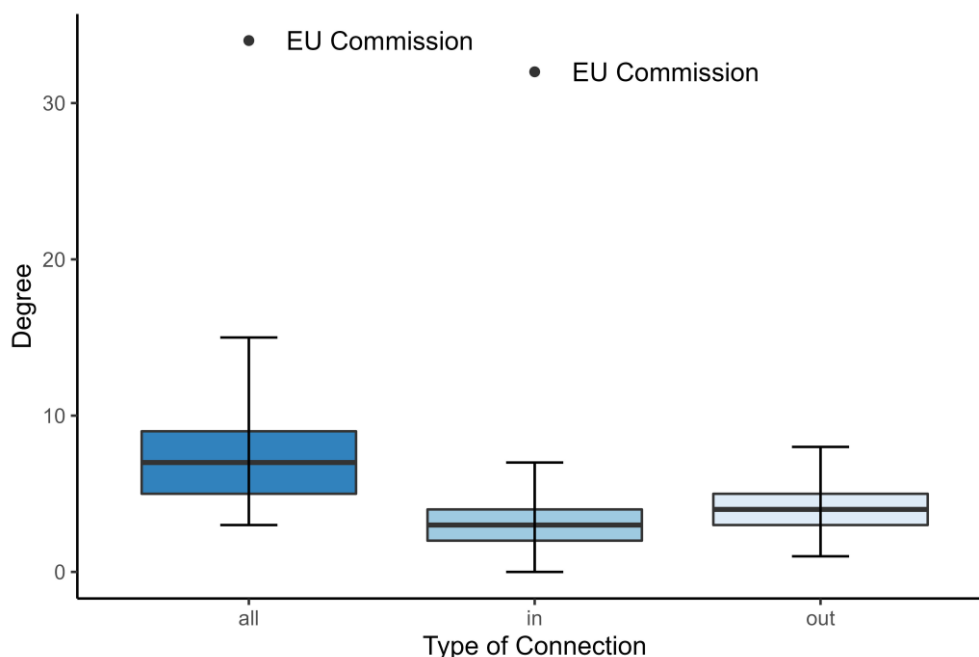


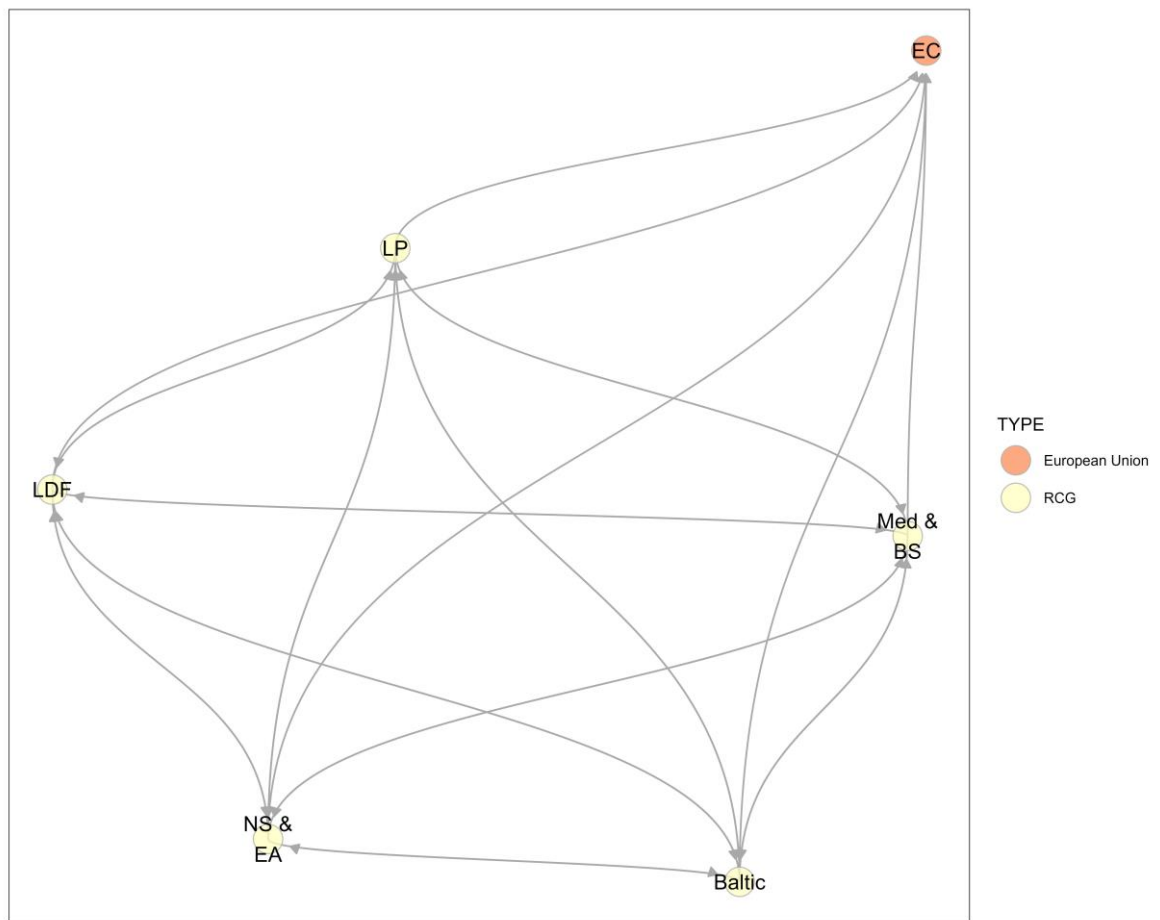
Figure 6: Results of the degree analysis for the network developed based on all connection types. Average number of connections, range and outlier for all connections, inward connections and outward connections.

The groups in this network are connected to one another directly as well as indirectly through intermediaries (i.e. intermediary stakeholders). Density calculations revealed that only 12% (Table 4) of the total possible connections were present in the summary network for all connection types, which may be partially explained by the fact that this is a very large network (international scale) with four very different regional group types (AC, MSG, RCG and RFMOs). The reciprocity is 66% for the full network (Table 4) and 87% for the collaboration network indicating a high proportion of reciprocal relationships between the groups. The diameter, i.e. the shortest path between two nodes, where all connections are considered is 5. This parameter gives an idea of the size of the network. In the reporting network, the diameter is substantially reduced, i.e. the shortest path is 1. Hence, the reporting network is compact and the average distance among actors is rather small. This suggests a system in which a regional organisation reporting to the EC can happen quickly.

Table 4: Network Statistics

Parameter	All connections	Reporting	Collaboration/Sharing
Density	0.12	0.04	0.09
Diameter	5	1	5
Reciprocity	0.66	0	0.87

Investigation into the internal structure of the entire network presented two distinct cliques (i.e. highly interconnected groups, Figure 7, Figure 8). These consisted of the EU and RCGs on the one hand (Figure 7) and the five RFMOs with the EU on the other (Figure 8). These results indicate the importance of large regulatory bodies in transfer of information to overall decision makers.

**Figure 7: First clique identified within the network presenting all connections.**

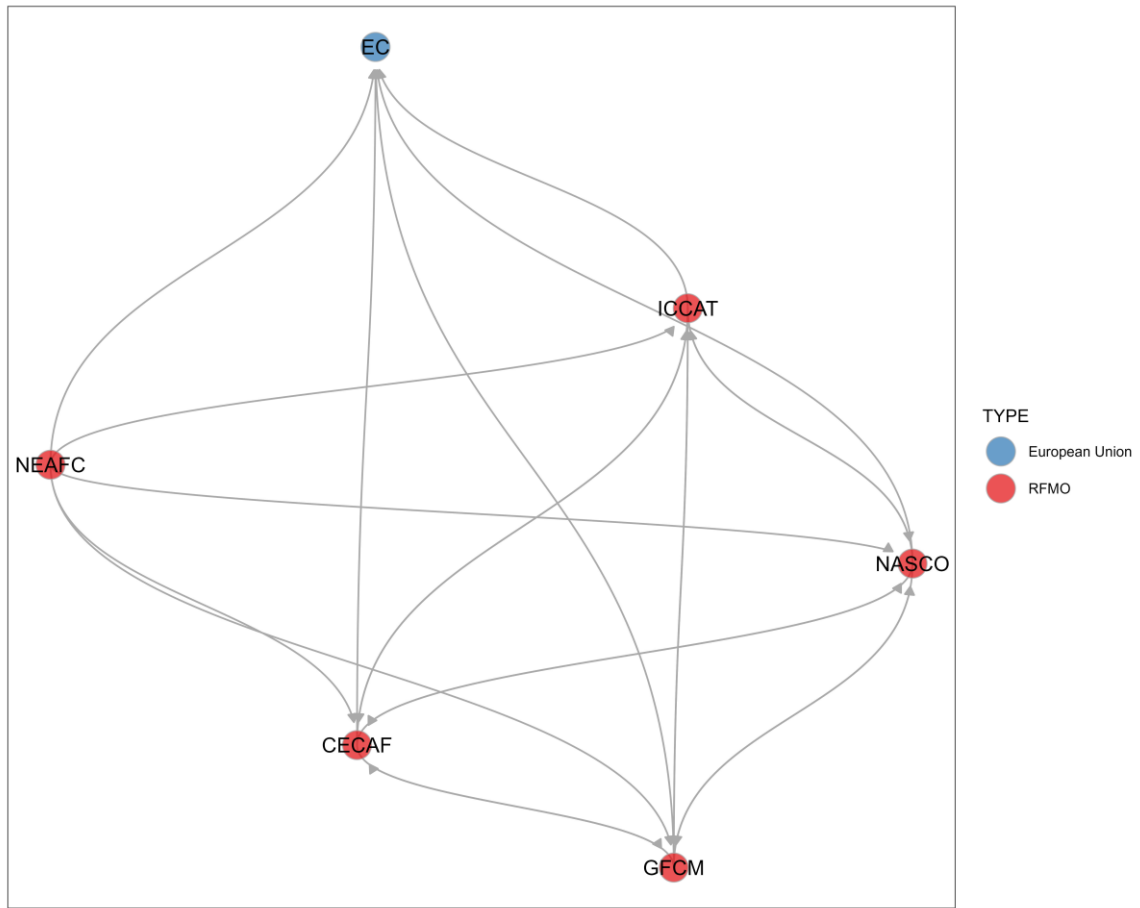


Figure 8: Second clique identified within the network representing all connections.

3.2 Mapping of the regional groups

In this part of the study, the existing ACs and regional MSGs for the different geographical areas are identified and described (Section 3.2.1). A separate subchapter is dedicated to the RFMOs and RCGs, as regional ocean governance organisations that are somehow linked to the functioning of the ACs and Member States (Section 3.2.2). For each of these organisations, the main objectives are provided in Tables A5–8 in the Annex section. The aim of this task is threefold:

- Identification of the regional groups to understand which regional groups exist.
- Exploration over time to elucidate which important changes (e.g. legislative, composition, goals) have occurred over time.
- Working procedure to identify how the groups function (in terms of preparation of advice, conflict resolution, ways of building trust).

For each group type, these research questions are discussed below.

3.2.1 Mapping of the Advisory Councils and Member State Groups

3.2.1.1 Advisory Councils

3.2.1.1.1 Organisation and structure

Council Regulation (EC) No 2371/2002 on the CFP provided the first formalised approach to forms of participation by stakeholders at regional levels through the establishment of Regional Advisory Councils (RACs). The purpose of these RACs was to involve stakeholders in the fisheries sector more closely in the decision-making process. Seven RACs were established in 2004 (Council Decision 2004/585/EC). Now referred to as “Advisory Councils” (ACs, Annex Table A5), the ACs are mandated to make recommendations and suggestions to the European Commission (EC) and the Member States (MS) within their geographical area or field of competence. They are primarily intended to provide a regional stakeholder perspective to the Commission’s deliberations, rather than providing stakeholders with real decision-making authority. Recital 65 of the CFP Basic Regulation states that dialogue with stakeholders is essential for achieving the objectives of the CFP and that ACs should enable the CFP to benefit from the knowledge and experience of all stakeholders. The Member States need to involve the ACs in the joint recommendations (JRs) before sending them to the COM (and STECF) for assessment. The ACs and MS work on proposals for management measures (e.g. multi-annual plans, discard plans, etc.) that relate specifically to fisheries in the regions concerned.

In conformity with the CFP (Regulation (EU) 1380/2013¹⁷) and the Regulation 2015/242 on the functioning of the ACs¹⁸, the ACs consist of a General Assembly (GA). The general assembly shall appoint an Executive Committee (ExCom) of up to 25 members, or 30 members to ensure appropriate representation of small-scale fleets. Each Advisory Council shall designate a chairperson by consensus; who shall act impartially. In practice, the AC are usually chaired by a Chair and two or three vice-chairs, representing both the Other Interest Groups (OIG) and industry stakeholders. The ExCom can establish specialised Working Groups (WG) that work on different topics. The chair and vice-chairs, together with the secretariat are the management team of the AC. The AC’s secretariat is responsible for logistics and administration and in most cases also responsible for drafting advice/collating information/reaching consensus etc.

The secretariat is usually composed of an Executive Secretary and administrative manager, although some ACs have more staff, (e.g. the NWWAC, where a Deputy Executive Secretary is employed, or the LDAC, which employs a Policy Officer). The GA

¹⁷ European Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

¹⁸ Commission Delegated Regulation (EU) 2015/242 of 9 October 2014 laying down detailed rules on the functioning of the Advisory Councils under the Common Fisheries Policy (OJ L 41, 17.2.2015, p.1)

is made up of member organisations representing the European fisheries sector (Principal Interest Groups (PIGs)) and Other Interest Groups (OIGs). The GA is also represented by a chair.

Member organisations representing the sector organisation include the catching sector (e.g. vessel owners, small-scale fishers, employed fishers and producer organisations), the processing and marketing sector. OIGs are environmental organisations as well as consumer groups and recreational or sport fishers. Typically, if an organisation wants to become a member of the GA, they need to show that they have a direct interest in fisheries management of the respective geographical area. If the application is acceptable, it then needs to be approved by the relevant Member State administration from which the organisation is applying. The administration reviews the application and informs the AC on whether this is a genuine and acceptable application before they can become part of the GA. Delegated Regulation (EU) 2017/1575¹⁹ laying down detailed rules on the functioning of the ACs, states in this respect: "Given that there might be mixed organisations, representing both the fisheries sector and other interests, it is necessary to specify that the general assembly decides on the classification of the members of the Advisory Councils in one of the two categories referred to in Article 45(1) of Regulation (EU) No 1380/2013. Delegated Regulation (EU) 2022/204²⁰ laying down detailed rules on the functioning of the ACs, provides criteria for classifying members under the two categories of stakeholders.

ACs are mandated to 'promote a balanced representation of all stakeholders' for policy- and decision-making in the CFP (Council and Parliament 2013). This includes small-scale fisheries, which are underrepresented in the AC system according to Linke and Jentoft (2016). The underrepresentation of small-scale fishing fleets was reiterated during the oral interviews conducted within this study. OIG sector organisations stated that they join the ACs to access information on policies, to understand the views of the counterparts, to build trust, to try to reach consensus and to ultimately influence policy.

Text Box 3 Year AC foundation

Seven ACs were legally founded in 2004; the North Sea Advisory Council (NSAC), Baltic Sea Advisory Council (BSAC), Pelagic Advisory Council (PELAC), North Western Waters Advisory Council (NWWAC), South Western Waters Advisory Council (SWWAC), Mediterranean Sea Advisory Council (MEDAC) and the Long Distance Advisory Council (LDAC). The NSAC was the only AC that became operational in 2004, the other ACs became operational in a later stage. After the CFP reform in 2013, another four ACs were founded focussing on other sea basins, aquaculture activities and the marketing of fishery and aquaculture products; the Black Sea Advisory Council (BISAC), Outermost Regions Advisory Council (CCRUP), Market Advisory Council (MAC), and the Aquaculture Advisory Council (AAC). The BISAC, AAC and MAC officially started functioning after three years in 2013, while the CCRUP started functioning in 2020 (Figure 9). An overview of the different countries represented in each of the ACs is provided in Annex Table A9.

¹⁹ Commission Delegated Regulation (EU) 2017/1575 of 23 June 2017 amending Delegated Regulation (EU) 2015/242 laying down detailed rules on the functioning of the Advisory Councils under the common fisheries policy (OJ L 239, 19.9.2017, p.1)

²⁰ COMMISSION DELEGATED REGULATION (EU) 2022/204 of 8 December 2021 amending Delegated Regulation (EU) 2015/242 laying down detailed rules on the functioning of the Advisory Councils under the Common Fisheries Policy (OJ L 34, 16/2/22, p. 1)

CFP Regionalisation

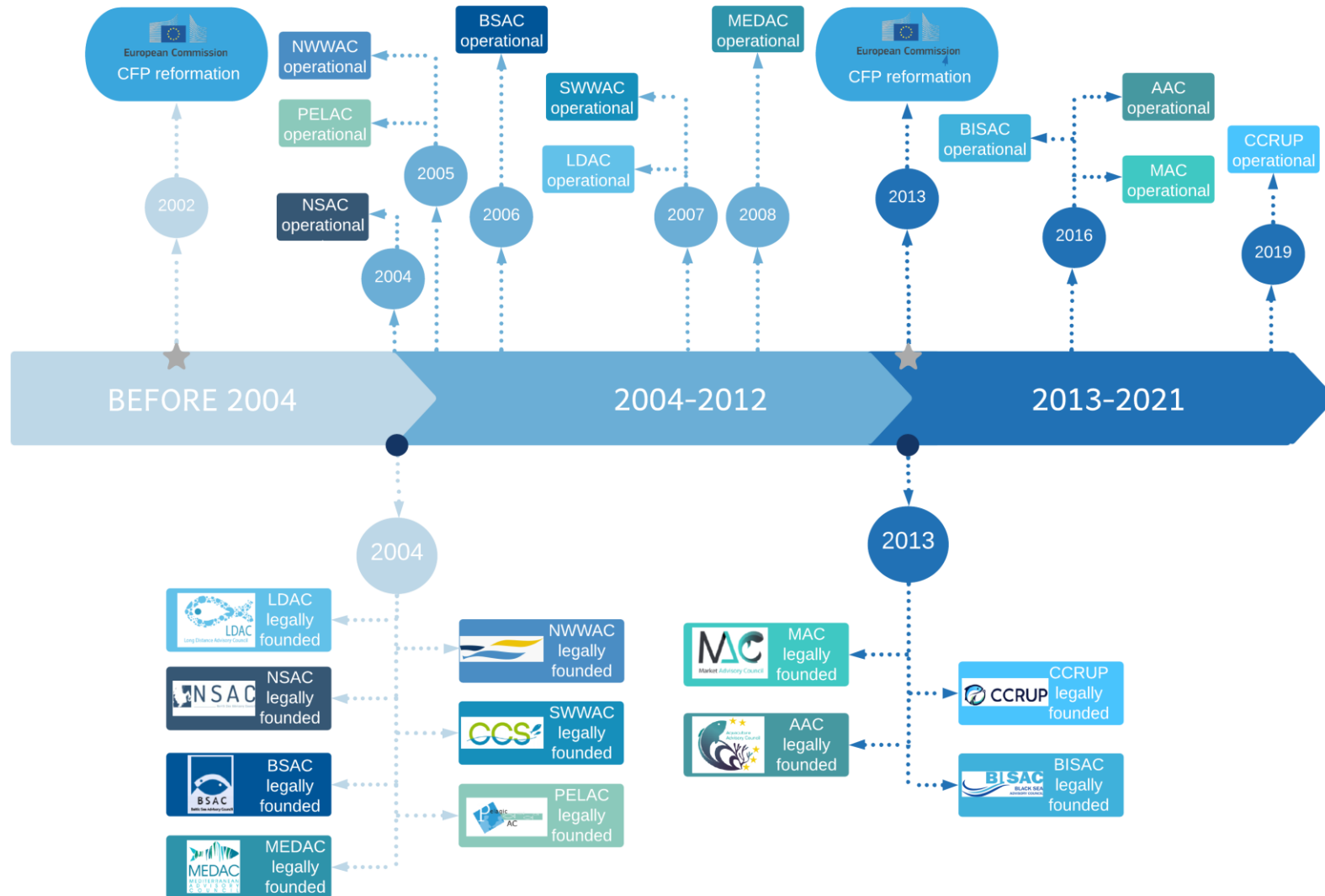


Figure 9: Timeline representing when each AC was founded (legally and operationally).

Stakeholder group participation in the ACs was nominally defined based on a specific ratio: fishing, aquaculture and processing sector. Representatives of the fishing sector from respective member countries were assigned two-thirds of the seats, and OIGs were allocated one-third of the seats. Stakeholder representation ratios were changed through the 2013 reform process from a 70:30 to a 60:40 ratio (Council and Parliament 2013). The EU Parliament even recommended levelling the playing field to a 50:50 representation ratio (Hatchard and Gray 2014; EP 2013, Linke and Jentoft 2016).

Using the stakeholder list made in the mapping exercise, the ratio of industry versus OIGs stakeholder organisations in 2021 was calculated for each of the ACs (Figure 10). There were cases where the type of organisation (industry/OIG) could not be easily assigned. This issue was mentioned a couple of times during the oral interviews and focus group discussion with AC and MSG members stating that the increase in stakeholders from “hybrid” organisations has made it increasingly difficult for ACs to classify them as OIG or fishing industry. The EC has now provided guidance on this matter, by formulating clear criteria for the classification of the members into the two categories of stakeholders in Annex I of the Draft Delegated Act amending Delegated Regulation 2015/242 (“Laying down detailed rules on the functioning of the ACs under the CFP”). These criteria were presented and discussed at the 2021 inter-AC meetings held with the European Commission and are now included in Regulation 2022/204. For almost all ACs, in the General Assembly, the percentage of OIG organisations is lower than 40%, and in most cases lower than 30% (anno 2021). This is in accordance with the open-door principle, the purpose being to welcome any stakeholder wishing to belong to an AC provided the Member State concerned agreed. However, in the Executive Committee, the requirement to have 40% of the seats allocated to OIG is strictly applied.

To explore changes in membership over time, an email was sent out to the AC secretariats with a request to provide membership data over time. The PELAC, MAC, MEDAC, BSAC and NSAC responded to this request and their data are presented in Figures 11–15 respectively. For the BSAC, OIG membership decreased over the years (Figure 14) whereas for PELAC (Figure 11) the opposite trend is detected. For MAC and MEDAC the ratios do not seem to fluctuate a lot between the years (Figure 12 and 13).

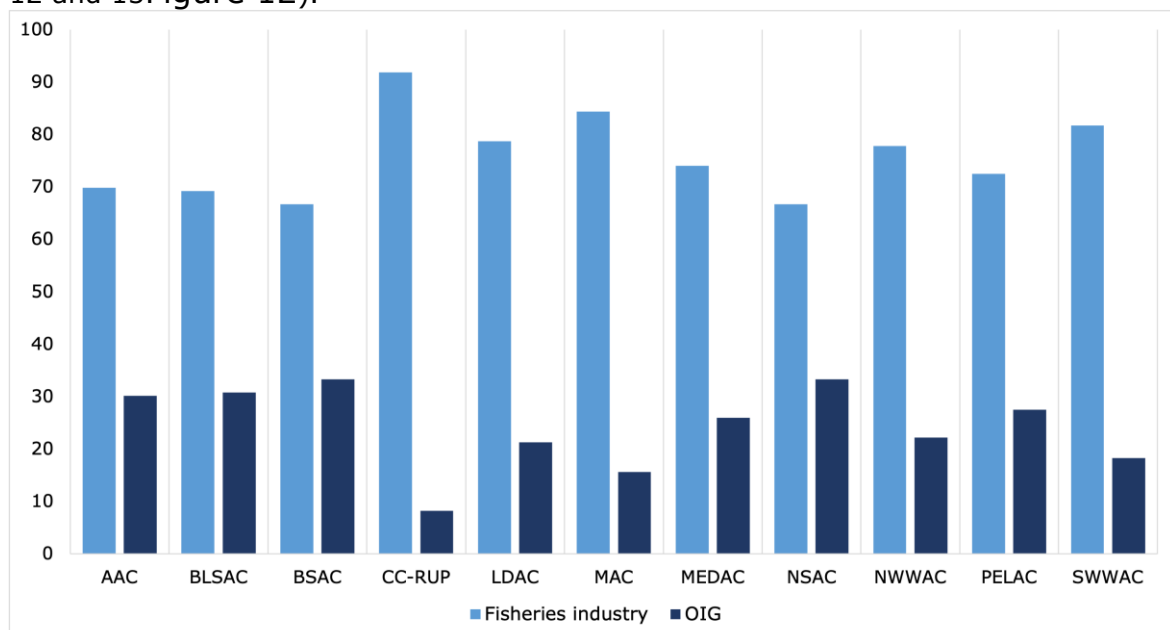


Figure 10: Percentage (%) of fisheries industry organisations (light blue) versus OIGs (dark blue) for the AAC, BLSAC, BSAC, CC-RUP, LDAC, MAC, MEDAC, NSAC, NWWAC, PELAC and SWWAC in 2021.

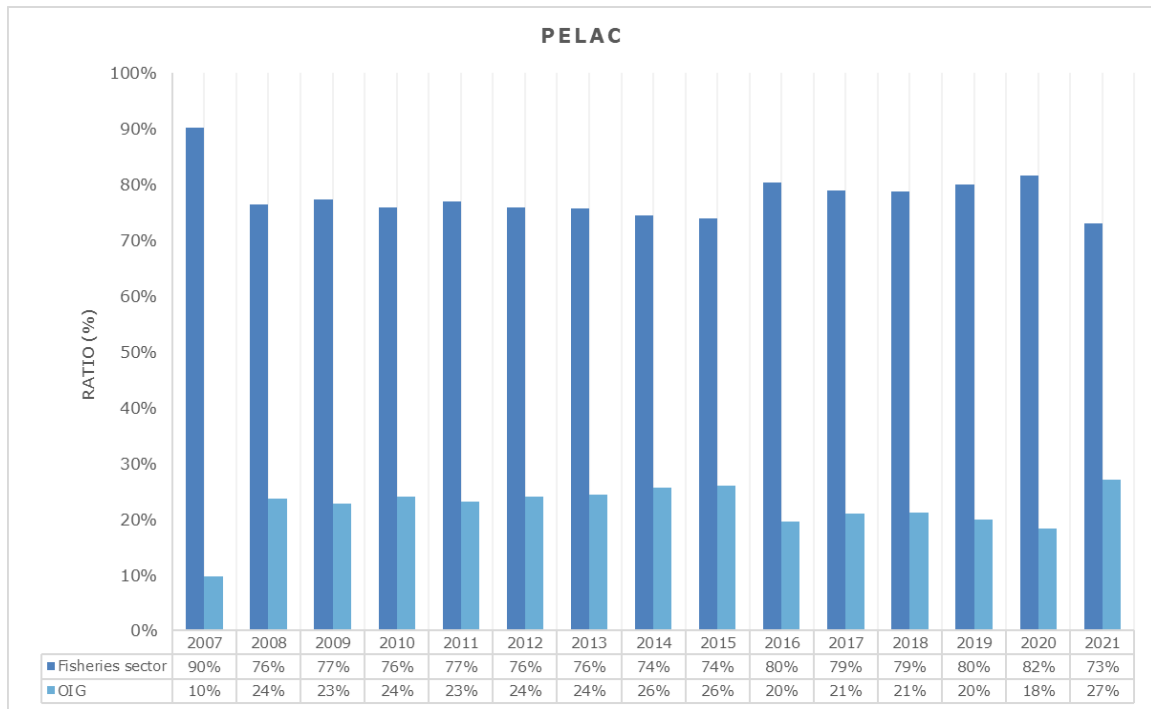


Figure 11: Membership ratio (% Fisheries sector vs. OIG) of the Pelagic Advisory Council (PELAC) between 2007–2021

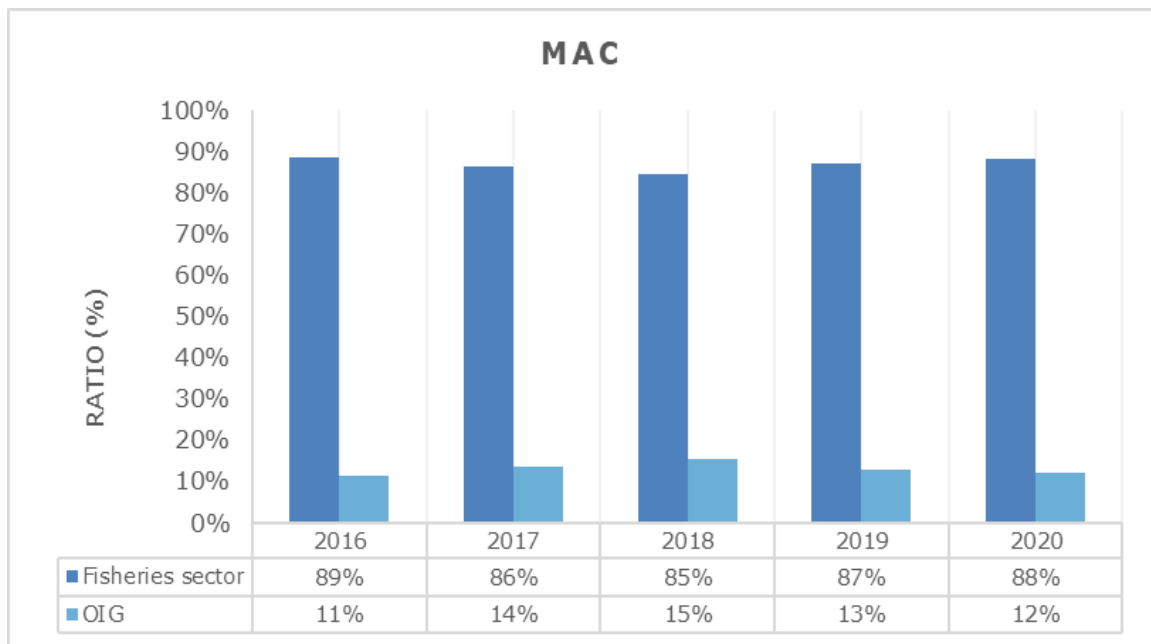


Figure 12: Membership ratio (% Fisheries sector vs. OIG) of the Market Advisory Council (MAC) between 2016–2020.

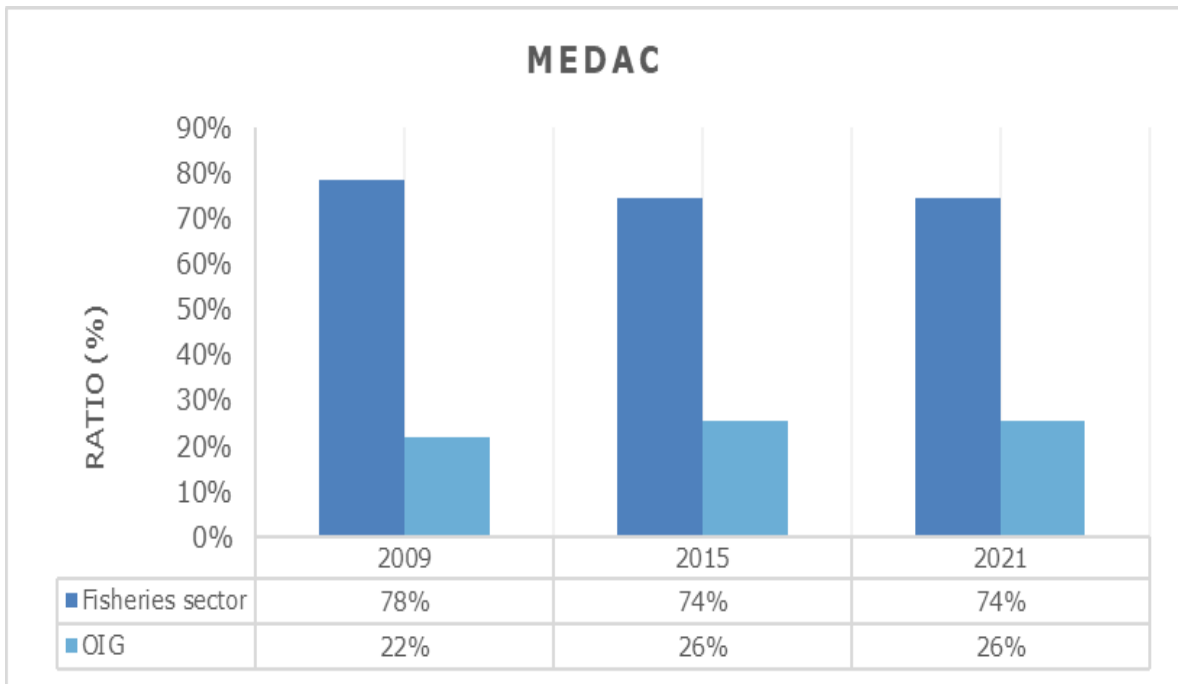


Figure 13: Membership ratio (% Fisheries sector vs. OIG) of the Mediterranean Advisory Council (MEDAC) for 2009, 2015 and 2021.

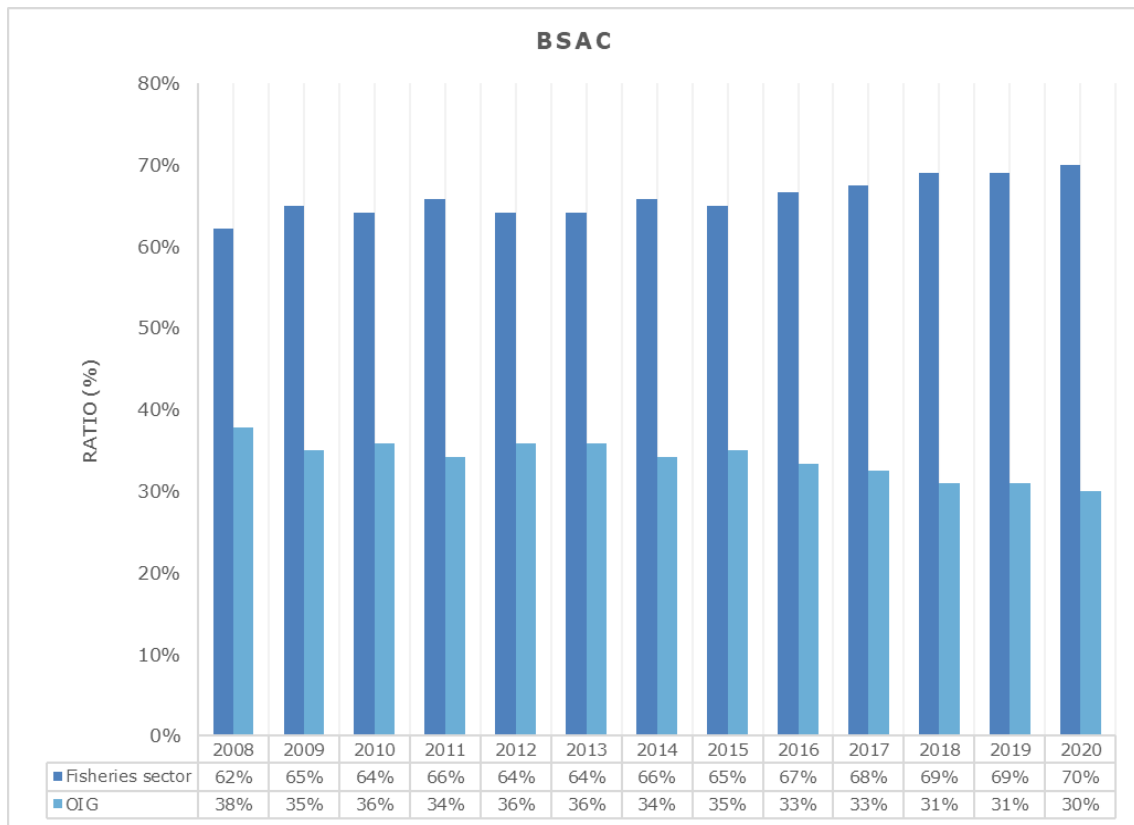


Figure 14: Membership ratio (% Fisheries sector vs. OIG) of the Baltic Sea Advisory Council (BSAC) between 2008–2020.

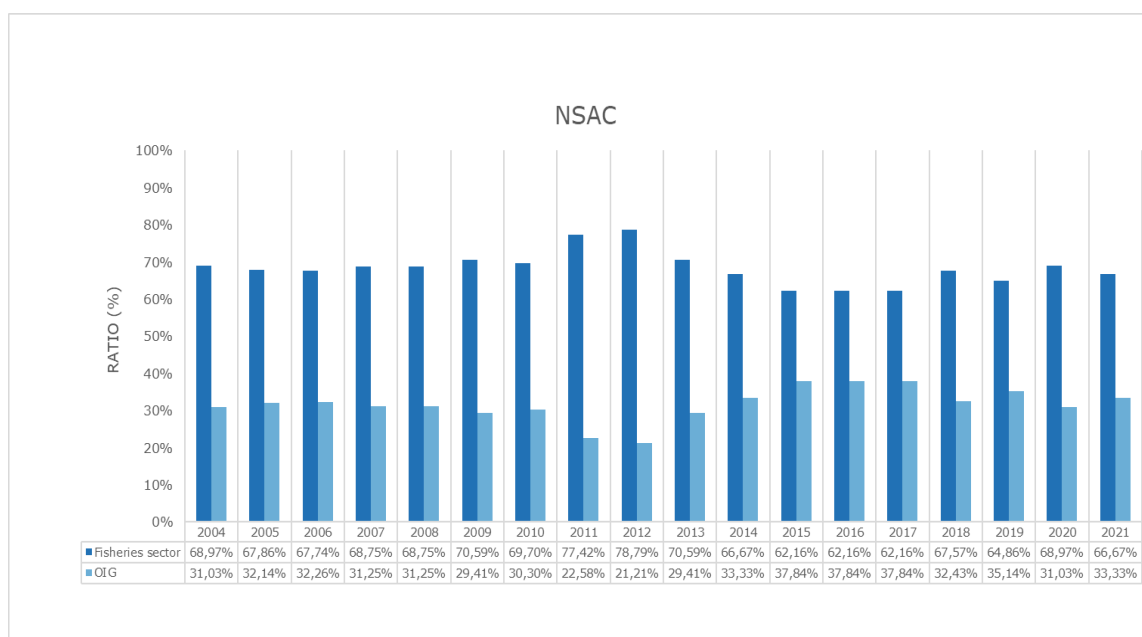


Figure 15: Membership ratio (% Fisheries sector vs. OIG) of the North Sea Advisory Council (NSAC) between 2004–2021.

Several AC members and MSG members have stipulated in the oral interviews and focus group discussions that the change in the OIG versus fishing industry ratio has made it more difficult for the ACs to obtain consensus-based advice, and as a result has made it difficult for the MSGs to take into account the advice from the ACs. However, this has not been a problem in all ACs and/or is topic dependent.

As outlined in the CFP, each AC needs to establish its own rules of procedure. These rules of procedure contain information on the objectives, organisation and structure (e.g. GA/ExCom members, external relations, working groups) and the legal framework. According to the legislation, ACs may:

- submit recommendations and suggestions on matters relating to fisheries management and aquaculture to the Commission or to the Member State concerned;
- inform the EC and Member States of problems relating to fisheries management and aquaculture in their area of competence;
- contribute, in close cooperation with scientists, to the collection, supply and analysis of data necessary for the development of conservation measures.

In general, the ACs' work centres around the achievement of sustainable fisheries, incorporating an ecosystem-based approach, and utilising the precautionary principle for management²¹. Legislation states that ACs can only provide advice to the Member States and EC. The EC and, where relevant, the Member State concerned, replies within a reasonable time period to any recommendation, suggestion or information received by the AC. Information with others can be shared but formal advice cannot be provided. The European Commission, Member States and AC Members each provide contributions that make up the ACs' financial budget. The EC's share is a fixed amount for each AC and was increased in 2016 with 20% (Ballesteros 2018).

AC advice is developed through discussion and iterative working via working groups and focus groups (Figure 16). Usually one or more Working Groups (WGs) decide to create a topic-based focus group where Terms of Reference (ToRs) are drafted, and a call of interest is launched among the members of the respected working group asking for the establishment of the FG. The total number of members for the FG is usually

²¹ Commission Delegated Regulation (EU) 2015/242 of 9 October 2014 laying down detailed rules on the functioning of the Advisory Councils under the Common Fisheries Policy

limited (Figure 16). During drafting, group discussions are held among members and experts ending up with the production of a discussion paper. Then, the paper is discussed during various meetings (face-to-face/online) and a draft proposal is sent back to the WGs and the ExCom for final approval (Figure 16). When the paper is endorsed, it is then submitted to the EC and forwarded to other ACs/bodies when relevant and justified (Figure 16). During the focus group discussions, it was mentioned that some topics in AC or advice take preference above others, i.e. ICES advice and management recommendations are discussed more often than for example ecosystem-based management approaches.

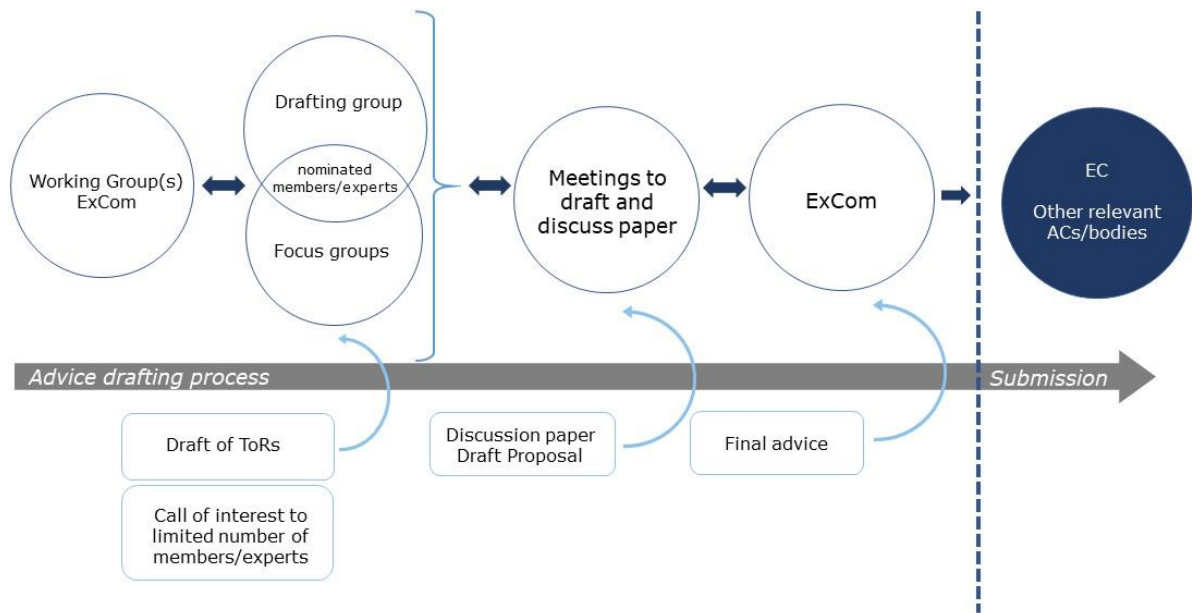


Figure 16: The stepwise advice-drafting approach (graphically adapted based on a PPT detailing the performance review process of LDAC, Guerin et al. 2019). Note: this process can change depending on the AC and topic.

According to the latest EC staff working document²² (2021), the ACs submitted 128 advices to the EC compared to 72 in 2019. These recommendations were related to a large range of subjects on CFP-related issues, the COVID-19 pandemic, the aquaculture guidelines, environmental specific issues or the blue economy.

3.2.1.1.2 AC Performance reviews

In order to assess how the work of the ACs is perceived by stakeholders and to identify strengths and good practices and to make recommendations, several ACs have carried out performance reviews, which have usually been undertaken by independent experts (Guerin 2019, Høst & Wolff 2021). The BSAC external evaluation was carried out in 2020 and the final report was presented in 2021 (Høst & Wolff 2021). Clear reference was made to regionalisation in the questions and in feedback from members (personal communication, BSAC secretariat 2021). This report shows that there is potential for elevating the impact of the BSAC by finding common ground, being proactive and aligning with regional policy makers through the regional fisheries forum BALTFISH. The evaluation points to a basic lack of consensus and areas of common ground (Høst & Wolff 2021). According to this evaluation, improvement can be made on how trust and cooperation between the members can be facilitated. Members raised concerns that the meetings were not always fruitful and were marked by opposition rather than by trust and consensus seeking (Høst & Wolff 2021). In recent years (2017–2019), the chairing

²² COMMISSION STAFF WORKING DOCUMENT Accompanying the document Communication from the Commission to the European Parliament and the Council "Towards more sustainable fishing in the EU: state of play and orientations for 2022" SWD/2021/122 final

of the meetings has improved (compared to the situation before) because of better leadership. However, because of the lack of impact and/or the opposition encountered during meetings, a number of organisations have considered leaving the BSAC or have expressed in interviews that their organisations question their participation and use of resources for this purpose (Høst & Wolff 2021). This statement was repeated during one of the Focus Group with the ACs undertaken in this project. Furthermore, it appeared that the current composition of the BSAC in terms of membership has been a hindrance for its performance and impact (Høst & Wolff 2021).

The external performance review of the LDAC (2016-2018) confirms that although a consensus on the advice put forward is always strived for, it is not always possible. In those cases, diverging positions are reflected in a clear and concise manner. The chairs and Secretariat act as facilitators between parties with diverging positions and aim to find a compromise text acceptable for both during consultation procedure. Trust between members is important in this regard and has remarkably grown since the creation of the LDAC. A high degree of trust or at least some kind of empathy has emerged between sector and OIGs, allowing an exchange of views in an open manner and better understanding of the reasoning and motivation of one another. The quality of the advice is far better as members have common interests in and motivation in driving forward the process to provide an evidence-based detailed advice. Preparatory work is essential and is carried out in advance by the Secretariat and the chairs with a handful of key members. Regular meetings between the Secretariat and the chairs take place to discuss work priorities prepare meetings and representation of the LDAC. Similar internal meetings between Secretariat and the chairs are also taking place in other ACs, such as the NWWAC.

With the introduction of the new Delegated Act²³, performance reviews by external and independent consultants will be required at least once every five years. This Delegated act amends Delegated Regulation 2015/242 ("laying down detailed rules on the functioning of ACs under the CFP") and Delegated Regulation 2017/1575 amending Delegated Regulation 2015/242. This Delegated Act²⁴ contains the following new elements:

- improve the balance between sector organisations and OIGs in chairing positions;
- strengthen requirements for appropriate representation of OIGs;
- detail working methods to ensure compliance with CFP goals, transparency and respect of all opinions;
- specify the criteria for the classification of the members into the two categories of stakeholders (sector and OIG).

3.2.1.1.3 Results from AC consultations

In the online survey developed within this study, one of the questions asked to AC members and managers was whether "the structure of the AC allows for effective stakeholder consultation". From the responses gathered, most AC members and managers think it allows 'to a great extent' for effective stakeholder consultations (Figure 17).

²³ Delegated 2022/204 (OJ L34, 16.2.2022, p.1)

²⁴ COMMISSION DELEGATED REGULATION (EU) 2022/204 of 8.12.2021 amending Delegated Regulation (EU) No 2015/242 laying down detailed rules on the functioning of the Advisory Councils under the Common Fisheries Policy

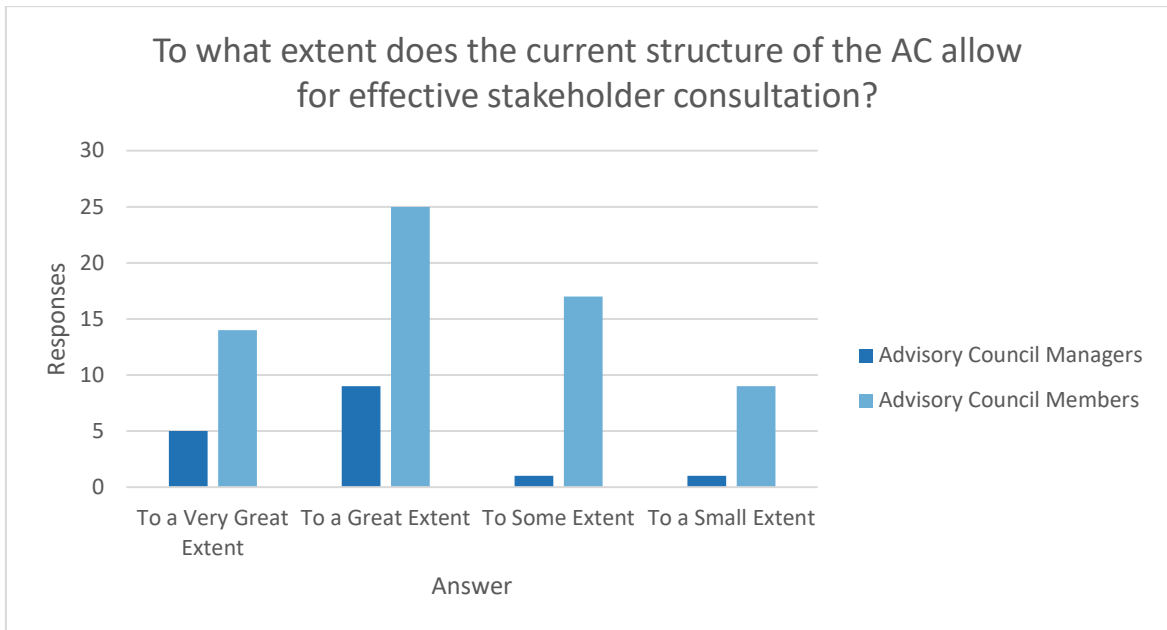


Figure 17: Answers from AC managers and members to the question “To what extent does the current structure of the AC allow for effective stakeholder consultation?” of the online survey.

Results from the online survey also indicate that AC members are familiar with the selection procedure of members that apply to become part of the AC (Figure 18). Additionally, most AC members are happy with the selection procedures for accepting or rejecting member organisation into the AC (Figure 19).

In the oral interviews, most members also stated that they found the procedures to be very open and uncomplicated. However, some concerns were raised including:

- It should be easier to eliminate non-active members from the ACs.
- It is difficult to categorise members as OIG or Industry.
- It should be clear how members are funded, and it is unclear what should be done with members with almost no legal presence in the EU or members funded by US charity funds.
- The current adhesion process can be problematic if an NGO asks the Commission to join an AC. The EC then requests feedback to national administrations that have 15 days to react, while ACs are not consulted.

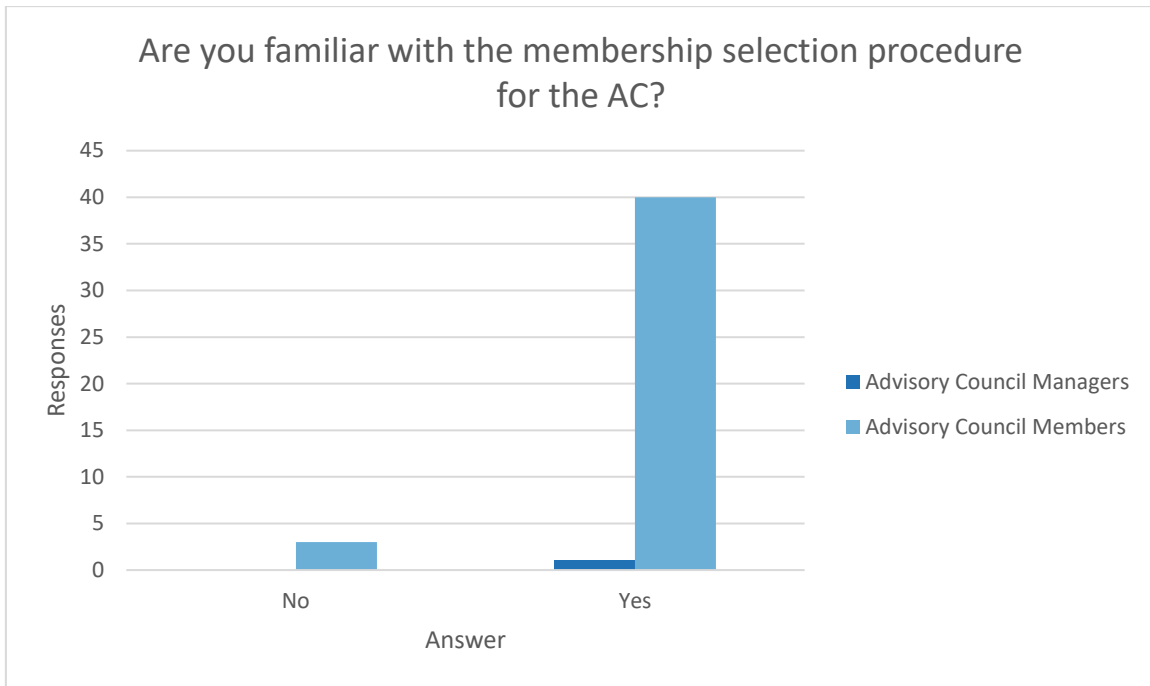


Figure 18: Answers from AC managers and members to the question “Are you familiar with the membership selection procedure for the AC?” on the online survey.

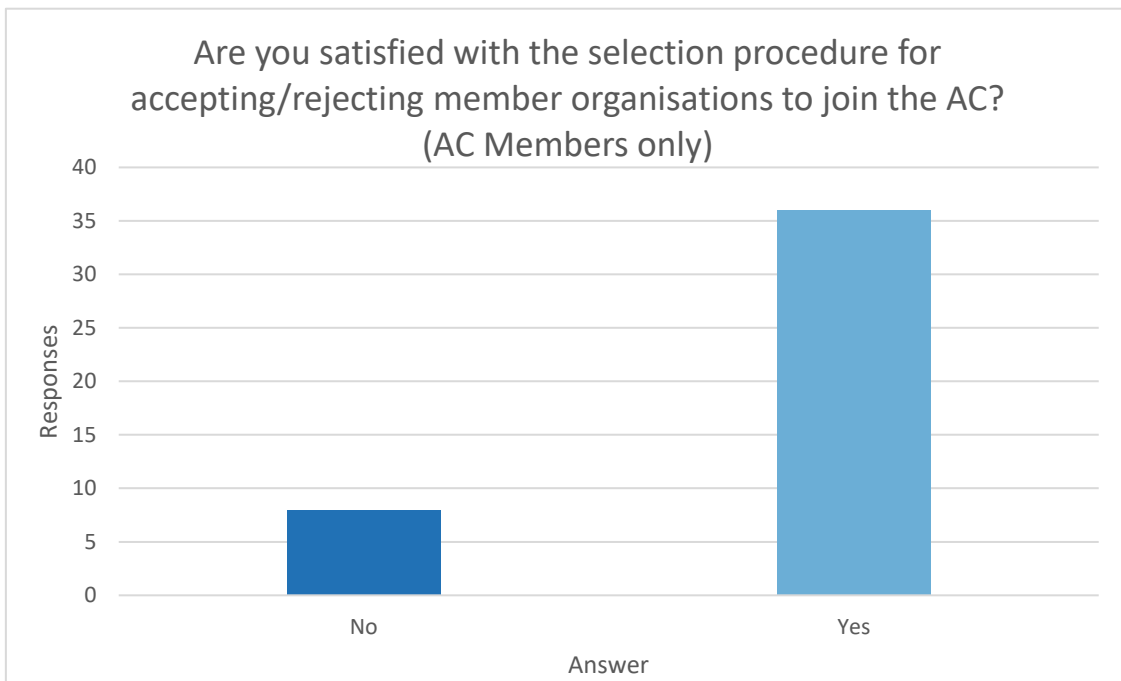


Figure 19: Answers from AC managers and members to the question “Are you satisfied with the selection procedure for accepting/rejecting member organisations to join the AC?” on the online survey.

Most respondents (AC secretaries, OIG and industry members, scientific experts) are very satisfied with the network that the current organisation of the AC fosters between member organisations. By organising physical meetings on a regular basis and allowing time for informal gatherings, trust has greatly improved between organisations. However, there is still room for improvement according to some members. For example, communication could be improved between members, processes could be made more transparent and training courses on facilitating meeting negotiations could be organised.

For some members, particularly small-scale fishing sectors, it can be challenging to physically attend AC meetings due to time and cost constraints. Due to the COVID-19 pandemic, the ACs were forced to organise meetings online, allowing simultaneous translation and interpretation in some cases.

3.2.1.2 Member State Groups

Member State Groups (MSGs, Annex Table A6) gather around sea basins, such as the North Sea or the South Western Waters. Those MSs have a direct interest in conservation and management measures and are required to closely cooperate in the adoption of such measures, and have been empowered to adopt such measures if an agreement on the content of those measures has been reached by all the Member States concerned. They are therefore a key regional group in the regionalisation process.

MSGs are not permanent bodies and do not have a secretariat or bylaws, although they usually have a Memorandum of Understanding (MoU). They usually consist of the following three subgroups, each comprising representatives of the fisheries departments of each MS:

- **Technical Group:** performs preparatory work for the High-Level Groups (HLGs) and negotiates among different MS to compose draft Joint Recommendations. Usually, these groups do not have fixed members/positions as participation depends on which issues are discussed.
- **Control Expert Group:** composed of MS representatives in charge of fisheries control, engaging with the European Fisheries Control Agency (EFCA). The control expert groups will not be further discussed within this contract as their focus lies on control aspects and as their level of engagement with the ACs is limited.
- **High Level Group (HLG):** approves the work of the other two subgroups and is composed of the most senior MS representatives responsible for fisheries. In the HLG, participants may vary depending on the agenda points.

The presidency/chair usually rotates and changes every six months or once a year. It was commented by an ex-AC member during one of the focus groups that full-year presidencies are favoured over the shorter-term ones, as this can benefit the collaboration and consideration of ACs by the MSGs.

MSGs do not have formal rules of procedure, nor official websites with information on their structure and organisation²⁵. This lack of transparency in structure, organisation, working materials is seen as a flaw by AC members and secretariats. According to information obtained via oral interviews, ACs can be invited to attend HLG meetings for a specific slot and to introduce their advice. During the focus group with the ACs, it was mentioned that a dedicated MSG focussing on pelagic species has been proposed in the past, but the idea has not been further developed. This would be a more overarching technical AC instead of a MSG focussing on a specific sea basin.

Overall, the perception of MSG officials is that regionalisation has been very beneficial and has fulfilled its expectations. It achieved a better level-playing field but there is room to improve the collaboration between MS and MSG in general. For example, MS working together on the implementation of the LO has proven to be successful. Both in terms of drafting proposals in a JR as well as the uptake of the JR by the COM. On the other hand, the uptake by the COM of MSG proposals on e.g. TACs and quotas is perceived as less successful.

Specifically for conservation measures taken within article 15 for the implementation of the landing obligation, the MSG representatives consulted during this study stated that there is little time between drafting the Joint Recommendations (JRs), the implementation, enforcement and evaluating its success (Figure 20). However, it should be noted that for certain other cases, e.g. specific measures below Art. 11 this time can be very long. This little time between drafting is due to additional information that is

²⁵ Information on BALTFISH can be obtained via the HELCOM website: <https://helcom.fi/action-areas/fisheries/management/baltfish-forum/>

requested for specific provisions for the following year. Hence, MSG officials claim that there is hardly time to do all of this work properly. Due to this short turnover, it is difficult to find enough time to provide the ACs with advice before the JR has to be submitted. The MSGs mention that the time it takes, also depends on the level of involvement from the EC and stated that they would like to receive more engagement, by providing indication on whether a JR's lacked specific aspects and how it could be improved. Adoption of measures other than measures related to the Landing Obligation (Art. 15 CFP) takes too long according to the MSGs.

Apart from more involvement by the Commission, the MSGs stated that it would also be beneficial to the working process if STECF would clarify their expectations regarding scientific information that the MSGs have to provide in order to facilitate the submission and avoid back and forth exchanges between EC, MSG and STECF. MSGs also have to provide consensus-based advice, which: 1) negotiations among member states may take a lot of time and 2) there is a tendency to not oppose other MS's requests because you do not want other MSs to block your ideas. Until now, MSs work out conflicts by negotiation as opposed to voting. Working out disagreements is preferred to voting as MS do not want to lose support from another MS.

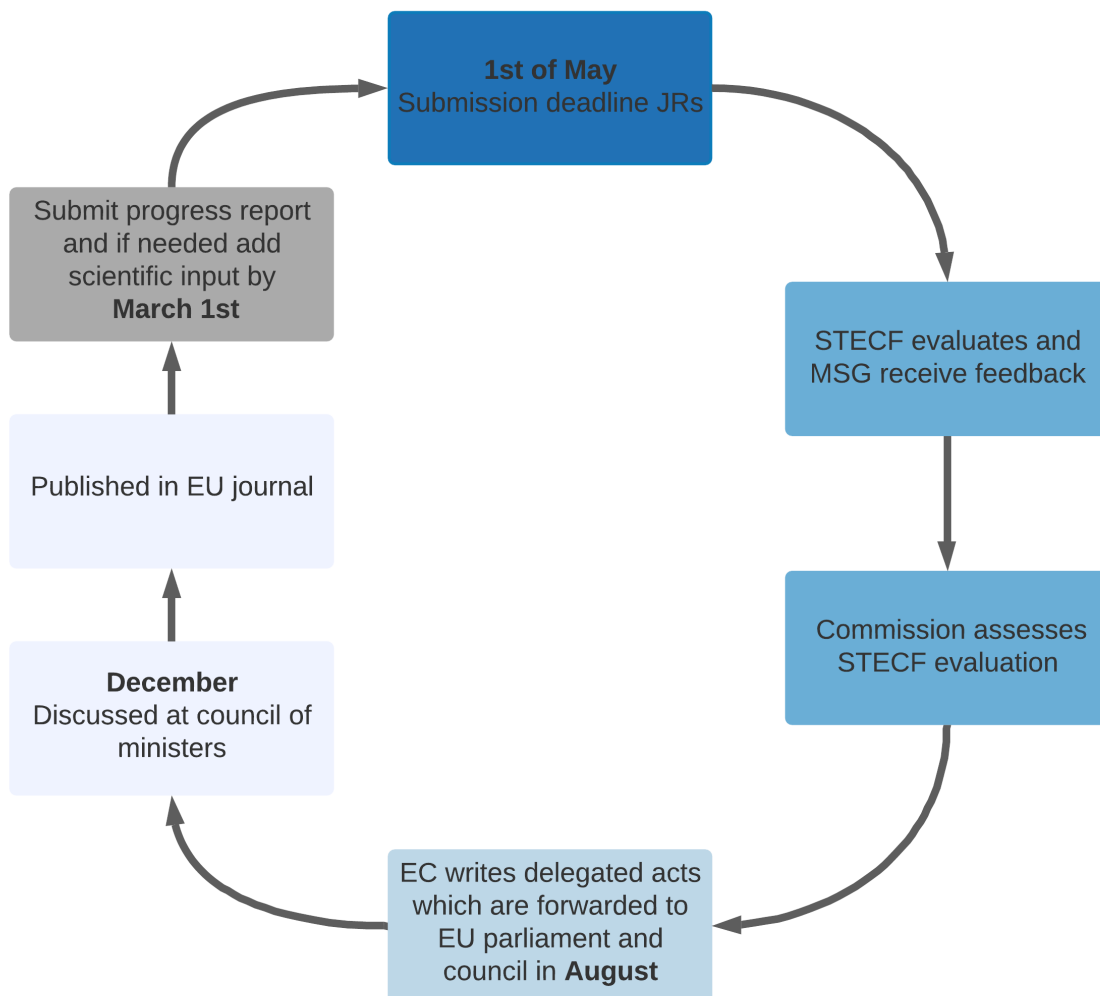


Figure 20: Annual cycle process for the development of the delegated acts for the implementation of the LO MSGs. Information obtained via oral interviews.

During focus group discussions and the online surveys, MSGs stated that ACs are consulted during the development of the JRs. The consultation of Advisory Councils is specifically dealt with in Article 18 of the CFP: *“they shall also consult the relevant ACs”*. However, according to interviewees, the exact way how ACs are consulted and involved differs between MSGs. As stipulated during the focus group discussion with the ACs, this timeslot (of 30–60 minutes) in which the ACs are invited to meetings is too limited and not in proportion to the time that people travel to get to the meetings. It was mentioned that the COVID-19 pandemic has made it easier for the ACs to join these meetings virtually. Some ACs feel like they are not sufficiently taken into consideration and seen as an external partner by the MSGs and they feel like it would be beneficial if one OIG and one industry member would be able to join the full meetings as well. Additionally, there is a need for an output stating why recommendations from the ACs were accepted or not.

In recent years, some ACs have also received invitations from the technical groups. This was much preferred as it is at this stage that joint recommendations of the MSG could be influenced by the AC advice. In case of the Scheveningen group and the NWW MSG, the ACs (NSAC and PELAC, and NWWAC and PELAC, respectively) are usually debriefed during technical and HLG meetings in the final 30 minutes during a so-called “AC session”. AC secretaries and chairs would like to have more involvement (in terms of time and impact) in these meetings. As mentioned by one respondent, the level of engagement between the ACs and the MSGs seems to be very much dependent on who chairs the MSG or the type of advice. One interviewee remarked that the MSG minutes are more like action points instead of minutes, and hence not very transparent in their information flows. Another MSG respondent remarked that having a small secretariat or administrative service as support for the chair could be beneficial to reduce the workload that is currently associated to the chairmanship and improve the information flow.

However, doubts were raised on how this could be financed. The sentiment that a secretariat for the MSGs would be beneficial was reiterated during interviews and the focus groups, as this would reduce the workload of the chair and provide consistency, however it is unclear how this would be financed. The “Commission Staff Working Document”²⁶ (reference: SWD(2018)288) specifying certain obligations for the MS with regards to the ACs, for example:

- *“During the preparation of joint recommendations, in accordance with Article 18(2) of the CFP, Member States have to consult the Advisory Councils established under the CFP”*
- *“Information on the coordination with neighbouring Member States should be provided, as appropriate. Information on the consultation of the respective Advisory Council(s) should also be provided”*

MSGs are aware of these obligations but often struggle to consult the relevant ACs on a timely manner. Changes in the composition of MSGs over time (e.g. in terms of membership) cannot be represented since publicly available data and information is very limited for these groups. One exception is the regional group BALTFISH, for which some data is made available online and in published literature (Sellke et al. 2016). Some MSG members have affirmed their concern around what will happen post-Brexit. According to the MSGs, it would be beneficial for European and British fishers to have a common approach and rules.

Text box 4: Baltic Sea BALTFISH

In case of the Baltic Sea area, the regional group BALTFISH (Annex Table A6) is the successor of the International Baltic Sea Fisheries Commission (IBSFC), which used to be the formal cooperation group between Baltic states from the 1970s to 2007.

²⁶ COMMISSION STAFF WORKING DOCUMENT on the establishment of conservation measures under the Common Fisheries Policy for Natura 2000 sites and for Marine Strategy Framework Directive purposes

According to interviews conducted within this contract, this shift meant three novelties: 1) possibility of Joint Recommendations (JRs), 2) more power for the MS, 3) more formalised involvement of the relevant AC. BALTFISH works on two levels: 1) BALTFISH High-level group – composed of the Member States fisheries directors and invited officials from the European Commission, and 2) BALTFISH Forum Seminar – composed of representatives from the Member States, the European Commission, representatives from BSAC, NGOs as well as the International Council for the Exploration of the Sea (ICES), HELCOM, etc. This “intermediate” level of the BALTFISH forum was established to exchange info with all relevant stakeholders and it is at this level that the observer role of the AC (BSAC) takes place.

3.2.2 Other regional ocean governance bodies

3.2.2.1 Regional Fisheries Management Organisations

RFMOs are the international organisations regulating regional fishing activities in the high seas (Annex Table A7). Countries with fishing interests in a given geographical area or in the whole distribution of some stocks form specific RFMOs. They can broadly be divided into RFMOs focussing only on the management of highly migratory fish stocks, notably tuna, (“tuna-RFMOs”), RFMOs that manage other fish stocks (i.e. pelagic or demersal) in a more specific area and RFMOs with purely advisory status (i.e. Fishery Committee for the Eastern Central Atlantic (CECAF)).

The EU is a contracting party and one of the most prominent actors in RFMOs worldwide, being involved in five tuna-RFMOs and 11 non-tuna RFMOs. Within the geographical focus area of this study²⁷, there are five relevant RFMOs: the General Fisheries Commission for the Mediterranean (GFCM), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Fisheries Committee for the Eastern Central Atlantic (CECAF), the North East Atlantic Fisheries Commission (NEAFC) and the North Atlantic Salmon Conservation Organization (NASCO). These RFMOs were founded between 1949 and 1984 (Figure 21). Most RFMOs have an executive body, a scientific body, a secretariat and subsidiary bodies (e.g. finance committee, implementing committee and a statistical committee). In some cases, these bodies have permanent staff and in others these are made up of representatives of the contracting parties meeting at least once each year in full session, which are assisted by working parties.

²⁷ There is no active RFMO in the Baltic Sea. In the Baltic area, there is the Baltic Marine Environment Protection Commission – also known as the Helsinki Commission (HELCOM), which is an intergovernmental organisation (IGO) and a regional sea convention in the Baltic Sea area. However, unlike RFMOs, HELCOM does not have decision-making competence with respect to fisheries governance in relation to CFP, but rather deals with environment issues having indirect and direct impacts on fisheries.

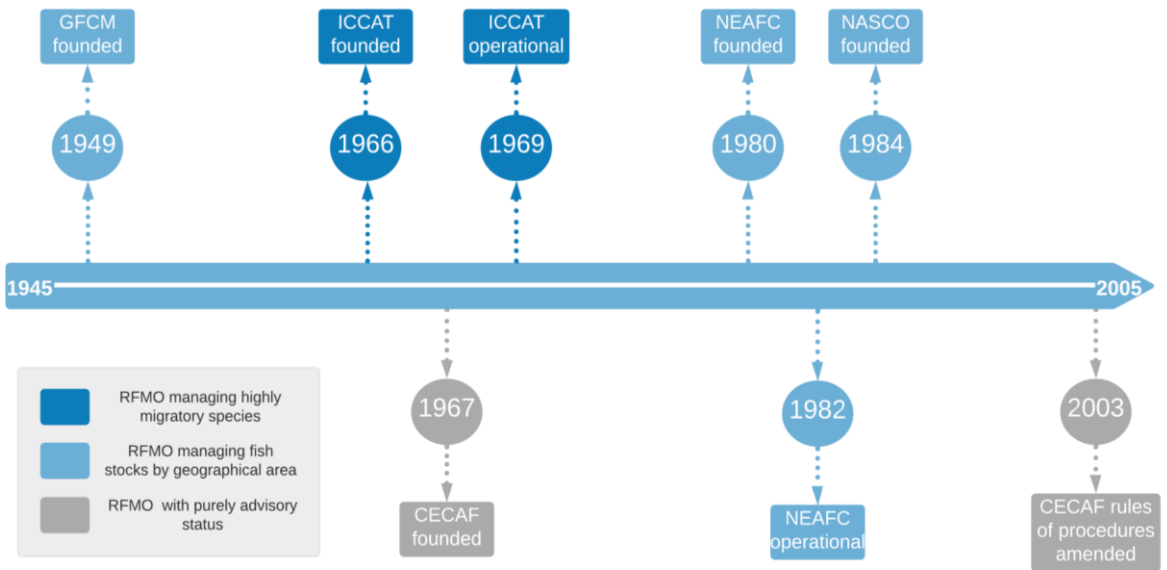


Figure 21: Timeline representing when each RFMO was founded (legally and operationally).

Although some RFMOs date back to the beginning of the twentieth century, they used to play a mainly advisory role. It was only in the early 1970s that new RFMOs began implementing resource management schemes in an attempt to strike a better balance between the exploitation and conservation of resources whilst preventing conflicts of interest between the countries concerned. The change in the role of the RFMO was brought about by the realisation that some stocks were in a precarious state and was marked by several milestones (e.g. the UN conference on the environment and development, Rio de Janeiro 1992). The EU has committed itself to participate in the works of various RFMOs, provided it has a real interest in the fisheries managed by these organisations as a fishing nation or a market state²⁸. The role of the EU in these fora has significantly increased since 1999, when the last "Communication on Community participation in Regional Fisheries Organisations (RFOs)" was published²⁹. In 2011, the EC formulated a series of steps to take for a "more effective functioning of the RFMOs"³⁰. One of the key recommendations was the reform of decision-making systems in RFMOs, in particular to allow for voting where necessary.

Most RFMOs have management powers to set catch and fishing effort limits, conservation measures (e.g. spatial protection measures), technical measures (e.g. minimum landing sizes) and control obligations. Recommendations are based on scientific advice and can be legally binding. RFMOs adopt decisions by consensus or by simple or qualified majority. Decisions are, as a rule, binding although the regulations often provide for a right of objection.

3.2.2.2 Regional Coordination Groups

In order to facilitate regional coordination for the collection of economic, biological and transversal data by Member States, RCGs (Annex Table 4) were established in 2017 by the relevant Member States for each marine region. RCGs aim at developing and implementing procedures, methods, quality assurance and quality control for collecting and processing data with a view to enabling the reliability of scientific advice to be further improved. For that purpose, RCGs have developed regional databases. Regional data collection has improved scientific advice which forms the basis for the CFP objectives (Article 2 EC 1380/2013). RCGs consist of experts appointed by Member States, including national correspondents, end users and the Commission. Each RCG elects a Chair person for a period of two years.

Every RCG holds a liaison meeting at least once a year, with plenary sessions where the Terms of Reference (ToRs) are discussed. The participants of this meeting are nominated by the Member States coordinating the data collection in the specific marine region and the EC. Apart from these nominated participants, relevant observers are invited by the RCG (end users of scientific data, including appropriate scientific bodies and ICES). During this meeting, a summary is shared on the respective RCG's work, as well as future recommendations and decisions. In order to carry out their duties, the RCG works with intersessional subgroups (ISSG), which carry out their work during and between the RCG meetings. The ISSG may be mandated to prepare a draft regional work plan as mentioned in Article 9 of the Regulation, the chairperson of the ISSG keeps the RCG informed on the progress. During the annual meeting of the RCG, a decision is made on the draft regional work plan. Currently a temporary secretariat is being tested as part of the EU-funded SECWEB project³¹ ("Strengthening regional cooperation in the field of data collection"), but the goal is to have an overarching secretariat for all RCGs combined in the coming years.

²⁸ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on External Dimension of the Common Fisheries Policy

²⁹ COM(1999) 613 final, 08.12.1999

³⁰ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on External Dimension of the Common Fisheries Policy

³¹ <https://www.fisheries-rcg.eu/secweb/>

With the implementation of the recast of the Data Collection Framework (DCF)³², RCGs were established as the successors of the Regional Coordination Meetings (RCM). In 2018, the decision was made to merge the RCG North Sea and Eastern Arctic (RCG NS&EA) with RCG North Atlantic (RCG NA). The number of individual participants of various backgrounds (most notably research and government) has increased over the years (Figure 22Figure 22Figure 22).

Article 9 of EU regulation 2017/1004 states the obligation on RCGs to draw up and agree Rules of Procedure (RoP). These RoP can specify the scope of the RCG, provide information on the organisation of the meetings/subgroups, outline the responsibilities of the chairs and election of the chairperson(s), the procedure for recommendations, cooperation with the EC and external parties and the role/invitation of observers during RCG meetings. The RCG may give recommendations for further work to be carried out by the Member States on all issues related to the scope of the Regulation.

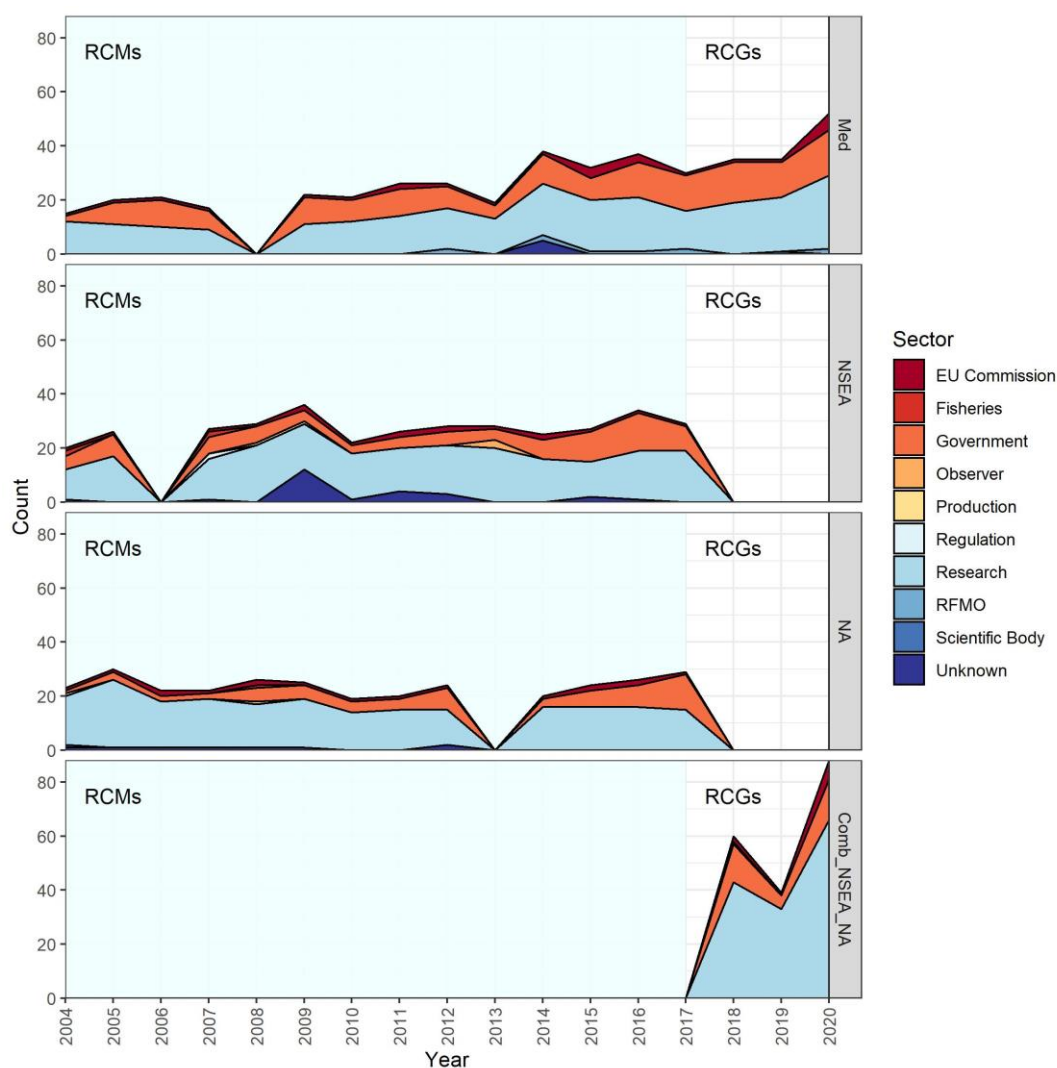


Figure 22: Composition (members and observers) of the NSEA, NA and NSEA/NA combined (since 2017). Light blue = Regional Coordination Meetings (RCMs), Gridded = Regional Coordination Groups (RCGs). Data obtained from: <https://datacollection.jrc.ec.europa.eu/docs/rcg>. The folders were firstly split by Regional Coordination Meetings (RCMs, 2004-2017) and Regional Coordination Groups (RCGs, 2017-2019).

³² Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (recast)

3.3 Mapping of the different measures adopted under the regionalisation process

The objective of this task was to identify and categorise different types of regional management measures (i.e. technical³³ and conservation measures, a.o. some examples of Art. 11 conservation measures, MAPs and discard plans) since 2013. These measures were listed, and relevant metadata was included (e.g. geographical area, type of measure, year of implementation etc., see Annex A10-13). To feed the table, the following data sources were used:

- Output of Scientific Contracts (EASME/EMFF/2018/011 Lot1) SC01 (“Study on ecosystem-based approaches applied to fisheries management under the CFP”) and SC02 (“Synthesis of the landing obligation measures and discard rates”)
- Templates where partner institutes from different countries added relevant management measure for their region;
- EU legislation (<https://eur-lex.europa.eu/>) and the STECF report on technical measures (Rindorf et al. 2021).

The resulting list of regional management measures for different geographical areas was consequently cleaned up and checked for double entries. Their success in terms of attaining implementation status was evaluated and the following scores (with corresponding colours) were attributed:

1. initiated and implemented (green); also termed “in force” on the EU legislation page;
2. initiated but not implemented (yellow);
3. discontinued measures (red); termed “no longer in force” on the EU legislation page.

In total, around 121 regional management measures were listed, with the highest numbers counting for the category of the technical measures (i.e. 54, Table 5). However, for the technical and conservation measures the list is non-exhaustive (see also Text box 5). Therefore the results in terms of counts (Table 5) should be interpreted with case and considered indicative. In terms of geographical area, the highest numbers of regional measures are observed for the Mediterranean, North Sea and Baltic Sea areas.

Text box 5: Conservation measures under Art. 11

The combined methods used in this study to compile lists of regional measures per type and geographical region had certain limitations as it was observed in the end that the lists are not exhaustive. This is especially true for the “conservation measures” where not all measures were captured. We attribute this partially to the fact that: 1) project partners and stakeholders had different interpretations of what “conservation measures” entail, 2) boundaries between the different types of measures were sometimes unclear (e.g. a certain technical measure was by certain people perceived as a “conservation” measure). These different interpretations of what regional conservation measures entail are inherently linked to the complexity of the legislation itself and the different competences of the EU. Article 7 of the CFP list the different types of conservation measures. Conservation measures under Art. 11 comprise a broad range of different measures relating to the Habitats, Birds and MSFD Directives. Although fisheries do receive specific attention under these, they are mainly regulated by the CFP. According to some, this clash in EU competences has made it harder for Member States to fulfil the requirements of e.g. the Habitats Directive in relation to fisheries (compared to other industries, Appleby & Harrison 2019).

³³ Regulation 2019/1241 (new Technical Measures framework)

Tables A10–A13 (Annex) show that the fish species with most management measures (conservation/technical measures, MAPs and discard plans) are cod and demersal species (plaice/sole) for the regions of the North Sea and Baltic; demersal species (e.g. plaice and sole) in North Western Waters; various species of pelagics in South Western Waters and Macaronesia, and pelagics, demersal and red corals in the Mediterranean Sea and Black Sea.

Since the LO was phased in as of 2015³⁴, there has been a large increase in the number of discard plans for different geographical areas (Table A13, Annex). This category holds the highest number of delegated regulations that are no longer in force because they have been either repealed or changed (Table A13, Annex). One of the reasons for this is the fact that scientific evidence demonstrating high survival rates, required to grant species a “high survival exemption” on the LO, was not available for all species/areas/gears in the first years of the LO. The urgent demand for systematic scientific evidence on discard survival rates of many species demanded that research projects were set up by the different Member States. A similar situation is observed in the case of the de minimis exemptions where scientific projects have taken place to evaluate whether an improvement on selectivity was viable, which have led to technical measures when this was feasible, and to de minimis exemptions where selectivity could not be improved.

Newly generated scientific evidence gradually supported JRs submitted by the MS and ACs. Following the regionalisation procedure, these JRs were then evaluated by STECF and if considered sufficiently justified by the Commission, incorporated into legislation. The onset of the LO therefore also implied a shift in focus in the ACs’ work priorities. This was confirmed by stakeholders during the oral interviews stating that ACs and MS groups got swamped by the LO regulation: all discussions revolved around this topic and there was no time left to discuss other types of regional management measures. The implementation of the LO has also triggered the creation of ad hoc working groups within the AC, whose role was regarded as positive by some of the interviewed stakeholders. Besides LO discussions, it was commented by interviewees that ACs increasingly work together to draft advice on horizontal issues e.g. climate change, blue economy, Marine Spatial Planning (MSP) etc.

³⁴ Delegated regulation (EU) 1395/2014

Table 5: Counts of regional management measures per region. MAP³⁵= Multi Annual Plans, DP = discard plans, CM = conservation measures, TM = technical measures. Note: the list of measures (especially for CM) is non-exhaustive, and hence these counts should be interpreted as indications.

Area	MAP	DP	CM	TM	Row totals
Baltic Sea	1	4	2	12	19
North Sea (& Skagerrak/Kattegat/English Channel)	2	8	2	9	21
Western Waters (Irish Sea)	5	2		4	11
All Areas	3		6	7	16
Mediterranean/Black Sea	3		1	3	7
Eastern Atlantic/Med	3				3
Mediterranean	4	7	3	8	22
Mediterranean/Western Waters	1				1
South Western Waters	1	5		2	8
Black Sea		1		1	2
North Western Waters		2		1	3
Skagerrak				1	1
High Seas				1	1
Canaries				2	2
North East Atlantic				1	1
South Western Waters/North Sea				1	1
Mediterranean/Canaries				1	1
Totals	25	29	14	54	122

³⁵ The abbreviation MAP employed in this table refers to both EU multiannual plans and multiannual management plans proposed by RFMOs

3.4 Identification of the level and mode of the stakeholders' involvement

3.4.1 Assessment of stakeholders' involvement

3.4.1.1 Previous studies

Table A14 (Annex) provides an overview and the main outcomes of the different AC assessments and performance reviews conducted by scientists and external parties in the past. During the period of the RACs (2004–2012), Griffin (2007) concluded that stakeholder involvement in EU fisheries management became fuller, more inclusive and more complex than before the CFP reform. However, it was noted that exclusions and uneven power relations that are not always readily apparent still occurred (Griffin 2007).

According to the recent external evaluation of BSAC, the nature, time and resources that member organisations have to participate in BSAC meetings varies greatly (Høst & Wolff 2021). While some organisations have other channels for European influence, others see this as their last chance to grasp influence (Høst & Wolff 2021). Small-scale fishers and recreational fishery organisations express the view that they feel "squeezed" in this structure and that important nuances are sometimes forgotten or left as "footnotes" in the advice they give (Høst & Wolff 2021). The external evaluation of the LDAC hence, suggests that the visibility and weight of the AC positions needs to be increased. The contributions from the AC should be prioritised from those received from individual citizen/organisations as they involve a wider range of views and have been carefully drafted based on technical knowledge and expertise. These are a result of a deliberative process that ends in a balanced compromise position.

3.4.2 Mode of involvement of different stakeholders

Questions concerning the representation and interest of stakeholders and the level of involvement in regional groups were part of the oral interviews and online survey. Results obtained by scientists who took part in the online survey (Figure 23) show that they feel they are involved "to some extent" in the preparation or creation of management measures/joint recommendations.

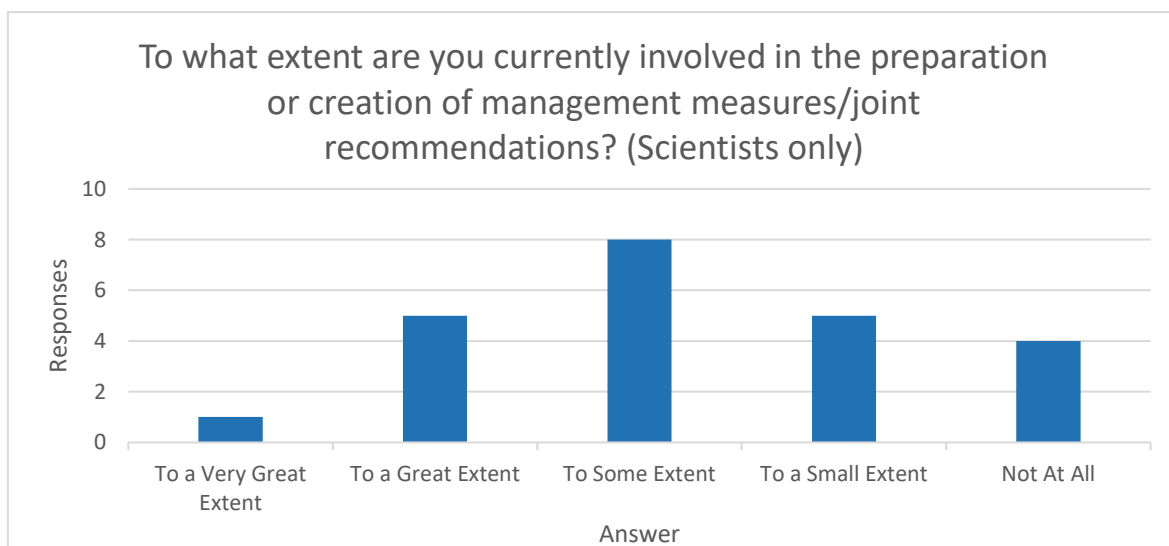


Figure 23: Results of online survey question: To what extent are you currently involved in the preparation or creation of management measures/joint recommendations? Responses are only provided by scientists.

As part of the oral interviews, different questions were used to ascertain the mode of involvement of the different stakeholders (i.e. how consultation was carried out) and in which parts of the decision-making process stakeholders were active (Table 6). From the oral interviews, it emerges that the focus groups are highlighted as a key element for assisting the ACs secretariat in drafting recommendations. Actually, the (ad hoc)

focus groups are formed when a topic that requires technical solutions emerges, and a member is nominated to chair the group. The focus groups are well organised, terms of reference are defined beforehand and an agenda is set.

The role of scientists in the process is also regarded as clear: they only provide scientific information to the ACs on predefined topics. *"Some AC members have expressed to prefer having a direct line of communication with scientists. It was felt this might allow for improved dialogue when AC members disagree with the provided advice. Direct communication would allow AC members to express their desire to include specific regional circumstances to the advice and add their technical knowledge and expertise."*

Environmental NGOs are regarded as having strength when it comes to discussing scientific topics, since many of their representatives have backgrounds in natural sciences. On the other hand, fishers are less familiar with scientific topics. In any case, ACs generally require the scientific support to assess scientific aspects and provide advice underpinned by science. Whether or not scientists should be actively involved in advisory councils has often been debated. Whereas several stakeholders underline the benefit of having scientists present during debates (as mentioned above), others feel that stakeholder opinions should be separated, as ACs reflects stakeholder experience and knowledge from the ground which refers to the participation of national scientists in different meetings.

In general, AC members considered that they can participate in the provision of advice within the regionalisation process (through their ACs), but they expressed frustration when the advice proposed by the AC in question is not adopted by the EC or MSGs. Another source of frustration refers to the time they are provided to respond to the requirements of advice from the EC and MSGs, which limits the ACs ability to discuss the topics following the usual AC procedures for the provision of advice. Some interviewees felt that consultation with the ACs is a box-ticking exercise since it seems that ACs are asked for advice due to a regulatory framework requirement that ACs should be involved (Article 18 of EU). Additionally, there is no certainty that MSGs and EC decisions are made only after the ACs are able to provide their advice.

Currently there are no formal protocols or rules of procedure that guide the relations between MSGs and ACs. There is no fixed "blueprint", i.e., the processes and timeframes vary across MSGs and even within one MSG the relations with the AC may depend on the chairperson in question. For example, the provision of a full briefing of what has happened during meetings and advices is not systematically provided by all MSG to the ACs concerned. It only seems to occur in some cases. Moreover, experienced stakeholders implies that regionalisation lacks a system of putting proposals together.

Table 6: Main questions and answers coming from the oral interviews inquiring about the representation, interest and level of involvement of stakeholders. Condensed answers are provided.

Question	Answer
<i>In general, are you usually consulted during the preparation of management measures in your region? If so, how? (Question No. 8 – for AC Members)</i>	Most AC Members indicated that they were consulted during the preparation of management measures by the AC secretariats in a transparent way, although limited time to review is sometimes a problem. Some other stakeholders pointed out that in some cases the request of advice to the AC comes late in the process. There were also a few stakeholders who answered “no” to this question.
<i>Who is currently involved in the process of creating and formulating the recommendations/advice? (Question No. 2 – for AC Management team)</i>	People involved in the process of creating and formulating the advice are the ACs’ ExCom and GA members and the ACs’ secretariats. The procedures on how to arrive and formulate advice are usually clear, well documented and agreed by consensus (via the Rules of Procedure/Code of Conduct). However, what is lacking according to some, is that in certain situations there is not enough scientific basis/expertise to underpin the advice. Scientists join the meetings for punctual matters, but the ACs do not have permanent scientific back up. Some have highlighted the role of technical working groups to deal with specific matters.
<i>How are stakeholder groups involved by MSGs in the initiation/implementation of management measures? (Question No. 6 – for MSG/EC people)</i>	Stakeholder groups (represented by ACs) are invited to attend certain MSG meetings (e.g. technical groups, sometimes part of the HLG meetings as well) but this is not always the case. It also seems that sometimes there are opposing positions between stakeholders (of the ACs) and MSG officials.

Level of stakeholders' involvement

The three-level terminology proposed by Pita et al (2010): the terms “informed”, “consulted” and “involved” were used to describe the levels of stakeholder participation.

- “Informed”: the first level corresponds to a one-way flow of information, where stakeholders participate by being told what has been decided or has already happened. There is a lack of input in this level but represents a first step to legitimate participation.
- “Consulted”: this second level goes a bit further than being “informed” and consists of seeking stakeholders' opinions. This consultative process may influence decision-making but there is no guarantee of input since management bodies are under no obligation to account for stakeholders' views.
- “Involved”: the third level in the hierarchy involves taking active part in the management process, allowing actual involvement in the decision-making process.

Based on the information gathered in this study (online survey, oral interviews, focus groups), the main stakeholder categories (i.e. the ACs representing people from the industry and OIGs, the scientific community and member states officials) were positioned in a subset diagram representing the three hierarchical levels of stakeholder participation during the development of joint recommendations (Figure 24).

The subset diagram was filled in using information on the attitudes and perceptions of each of these stakeholders towards the process of joint recommendations:

- The ACs (industry/OIGs) were placed in both the “informed” and “consulted” subsets. Some ACs have the feeling being merely “informed” by the Member State Groups (e.g. during the half hour “AC sessions” as mentioned above) instead of being actually “consulted”. According to the legislation, however, Member States have to consult the Advisory Councils while preparing joint recommendations, but the perception among AC management teams is different in the sense that they do not feel consulted enough.
- Scientists are both invited by ACs and commissioned by MSGs to provide scientific advice. In some cases, STECF scientists are invited to AC meetings. Some conflicts of interest may arise when these experts are both scientists in national institutes and close to the topic at stake. In these cases, STECF may decide to send other scientists to the AC meeting. Hence, in this diagram, scientists are shown as “informed”, whereas their scientific advice is solicited via another process (parallel channel).
- Member State officials as part of the MSGs are “involved” as they are actively involved in the process.

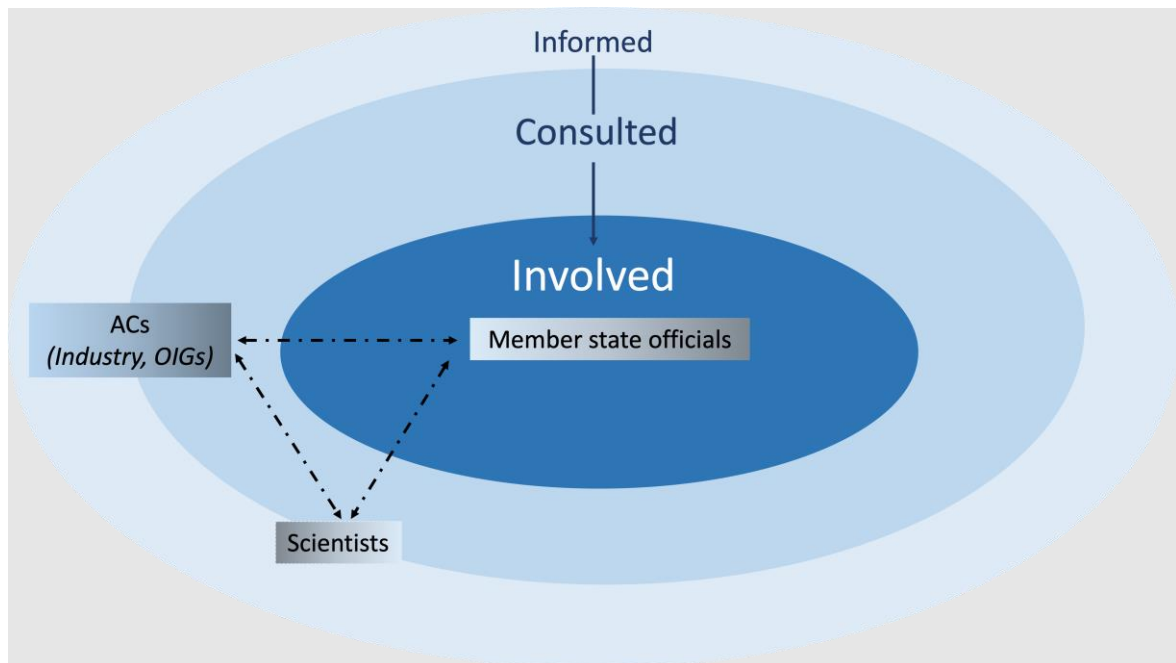


Figure 24: Subset diagram representing the different stakeholders according to the three levels of stakeholder participation: 1) informed, 2) consulted, 3) involved (Pita et al. 2010) during the development of joint recommendations.

3.4.3 Case studies

3.4.3.1 Approach

From the overview with regional management measures (i.e. technical and conservation measures, MAPs, discard plans), a selection of different case studies was made based on the following criteria: inclusion of the different geographical areas (sea basins), types of measures, implementation status and time period (Table 7). Eight case studies are detailed in Annex Tables A15–A46, Annex Figures 37–42. For final selection also the number of available reports/papers and useful contacts within the consortium were taken into account. Each consortium partner was asked to document a template with questions related to the level and methods of stakeholders' involvement in preparations of recommendations and decision-making procedure.

Several case studies were the result of cross-border collaborations between scientific institutes, e.g.

- For the case study on the rays and skates (North Sea), ILVO (Belgium) collaborated with WMR and WEcR (the Netherlands);
- For the case study on the Baltic Sea harbour porpoise, three partner institutes (NMFRI-Poland, BIOR-Latvia and SLU-Sweden) provided input, resulting in three perspectives provided for each question;
- The Black Sea case study was prepared by Bulgaria (IO-BAS) and Romania (NIMRD);
- The case studies in the Mediterranean and Adriatic were jointly drafted by the subcontractor Blue Bio Consulting PC (Greece) assisted by experts from Croatia, Cyprus, Italy & Slovenia;
- Other case studies were conducted by individual partners and subcontractors. The cases concerning the SWW AC; i.e. changes in the MCRS for anchovy in CECAF area 34.1 and de minimis exemption for southern hake were prepared by AZTI (Spain) and MRAG's expert in Portugal respectively. The exemption on plaice in the English Channel and Celtic Sea was drafted by the subcontractor Sakana Consultants (France).

Key questions were:

- What are the interests of the different regional group involved? Have these changed over time? How are different interests taken into account?
- How are stakeholders involved in the decision-making procedure? And in which parts of the decision-making procedure?
- How is the decision procedure set up to allocate priority to what measures to implement?

Table 7: Overview of the eight case studies

NO	Sea basin	Type	Status	Year*	Topic	Regional groups involved	Countries involved	Short description (see references in Reference List below)
1	North Sea	Discard plan**	Implemented	Since 2016 (first discussions) until now?*	High survival exemption of rays and skates and the development of a "Roadmap for rays and skates"	NWWAC, NSAC, Scheveningen group, Advice by scientific experts (from different institutions, STECF)	Key countries involved since initiation: the Netherlands, UK and Belgium. Now applicable to all Member States	On the basis of scientific evidence and a rationale provided in the Joint Recommendation from the Scheveningen Group, a high survivability exemption for Skates and Rays (excluding Cuckoo Ray) was granted for skates and rays until 31 December 2021 as set out in Article 8 of the North Sea discard plan. This exemption requires Member States to collect additional information on survivability and evidence that will contribute to the development of longer-term management measures. The Scheveningen Group submitted a roadmap on Skates and Rays to the Commission on 31 October 2018 to illustrate the further work envisaged.
2	Baltic	Conservation measures	Initiated?	2018–now?*	Emergency measures for the protection of the Baltic Sea harbour porpoise	HELCOM, BSAC Other parties involved: IUCN, BALTFISH, Advice by scientific experts (ICES, STECF)	Sweden, Poland, Latvia and others	On the basis of ICES advice, BALTFISH has prepared a joint recommendation for conservation and technical measures to reduce by-catches of harbour porpoise and alleviate further risk to this population. The BALTFISH proposal is in addition to the current measures set in Annex XIII of technical measures regulation (EU) 2019/1241
3	Black Sea	Technical measures	Implemented	2015* (GFCM recommendations on turbot going back even earlier, e.g. GFCM/37/2013/2)	Recommendation GFCM/39/2015/3 on the establishment of a set of measures to prevent, deter and eliminate illegal, unreported and unregulated fishing in	BISAC, GFCM Advice by scientific experts (ICES, STECF)	Romania, Bulgaria	Implementation of turbot multiannual management plan, including monitoring control and surveillance measures, catch certification scheme and fight against turbot IUU fishing; GFCM/39/2015/3

CFP Regionalisation

NO	Sea basin	Type	Status	Year*	Topic	Regional groups involved	Countries involved	Short description (see references in Reference List below)
					turbot fisheries in the Black Sea			
4	South Western Waters	Technical measure	Implemented	Since 2008 (first discussions)	Exemptions and technical measures	South Western Waters AC	Portugal, Spain, France, Ireland, Netherlands and Belgium	Change in MCRS for anchovy in CECAF area which was proposed by the fishing sector of the Outermost Region of Canary Islands and channelled by the SWW AC.
5	Mediterranean	Conservation measure	Implemented	Since 2018 (first discussions)	Management plan	GFCM, MEDAC, others	Different countries in the Mediterranean	Management plan for the sustainable exploitation of red coral in the Mediterranean Sea. This measure was proposed by the GFCM. The AC contributed with their insights as any other stakeholder in the seabasin.
6	North Western Waters	Technical measures	Implemented	Since 2018 (first discussions)	Exemptions and technical measures	North Western Waters AC	Spain, France, Ireland, UK, Netherlands and Belgium	The survivability exemption for plaice was discussed within the AC and was generally embraced. This measure was part of the JR and finally adopted within the discard plan for demersals in NWW.
7	South Western Waters	Technical measure	Implemented	Since 2016 (first discussions)	Exemptions and technical measures	South Western Waters AC	Portugal, Spain, France, Belgium, and Netherlands	The de minimis exemption for southern hake targeted by trawlers was discussed within the AC and was generally embraced. This measure is included within the discard plan for demersals in SWW.
8	Adriatic	MAP	Withdrawn	Since 2017 (first discussions)	Multiannual plan for small pelagic fish stocks in the Adriatic Sea	MEDAC	Croatia, Italy, Slovenia	The MAP was proposed by the EC. The idea of the MAP was endorsed by the MEDAC although this proposed a focus on effort instead of quotas. The EP debated the proposal and wished to modify this to an extent that was not acceptable to the EC. The EP finally decided to withdraw the proposed MAP. The EC proposal also faced opposition from MS within the MSG concerned.

3.4.3.2 Main outcomes from the case studies (CS) regarding the mode and level of stakeholder involvement

3.4.3.2.1 Rays and skates

Case study one focussed on the survivability exemption for rays and skates including the so-called "Roadmap for rays and skates". In this case for the North Sea geographical region, the initial discussions started with the LO being accepted in 2013 and NGOs and industry being concerned on what would happen with rays and skates. Within the ACs (NWWA, NSAC), discussions initially focussed on the problem of the group-TAC assigned to these species, and the fact that many stakeholders wanted to get rid of this. However, the meetings gradually shifted in focus from the TAC issue to best practices for avoidance, selectivity and survival of skates and rays. Collaboration between stakeholders (industry, OIGs) through joint focus groups/meetings was overall successful. These efforts ultimately resulted in a JR, written by the NEV (NGO/OIG) upon request by the Scheveningen group, introducing the "roadmap for rays and skates", which specified different concrete steps related to data collection and dissemination. Partly because the dialogue started before the issue turned into a real problem for the stakeholders (there was enough time to do research, build a shared understanding), there was mutual trust, all relevant parties were involved right from the start, and scientific evidence formed the starting point for the discussions.

3.4.3.2.2 Harbour porpoise

For the Baltic Sea, the selected case study focussed on the ongoing discussions regarding fisheries conservation measures for the Baltic harbour porpoise. Key to starting the discussions was the formal letter of complaint sent by different NGOs to the EC in July 2019. This document signalled that EU Member States were not complying with EU legislation regarding monitoring and measures for reducing by-catch and also proposed emergency measures for the Baltic harbour porpoise. This case study is still in an initial phase (not adopted in formal legislation yet), as specific measures in the proposal still need to be negotiated with other Member States. It is therefore difficult to draw conclusions on the general "success" of the measure in terms of stakeholder acceptance, collaboration (reaching consensus) or the actual involvement of all actors as the process is still ongoing. However, so far when BSAC has been consulted on two of the areas within the BALTFISH process, there were divergent opinions between the fishers' representatives and OIGs (where OIGs consider that the proposed measures are not ambitious enough).

3.4.3.2.3 Turbot

Case study three revolves around the Recommendation GFCM/39/2015/3 establishing a set of measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing in turbot fisheries in the Black Sea. Despite the fact that the process and history behind the case study in the Black Sea on turbot fisheries are not well registered (in terms of minutes, agendas, fast rotation of people involved etc.), it is regarded as another example of a positive collaboration, with consensus advice obtained among the different actors from Bulgaria and Romania (Member States, stakeholders and scientists). The collaboration efforts resulted in successful writing of measures to reduce IUU catches of turbot.

3.4.3.2.4 Anchovy

Case study four describes the adoption of the change in the MCRS of anchovy in the CECAF area 34.1. This measure affects the small-scale fleet of the Outermost Region (OR) of the Canary Islands. It exemplifies how a management measure can be proposed by the sector itself. Indeed, the proposal was originally made by the Canary Islands sector to the Spanish government before that OR joined the CC-SUD RAC (SWW RAC). But the proposal was not adopted. In 2008, the Canary Islands delegation joined the CC-SUD and became heavily involved in the preparation of the proposal which was endorsed by all RAC members and counted with the scientific back up of a national technician. The recommendation still had

to go a long way before being adopted into the EU regulatory body in 2013 through the regionalisation process. The interests of the stakeholders in this case study were met.

3.4.3.2.5 Red coral

Case study five focuses on the minimum size for red corals in the Mediterranean. This was a process initiated by the GFCM with the aim to counteract and prevent overfishing of this species. The plan could count on the support of the EU and MEDAC has taken part in different technical discussions. The EU has adopted the plan into its legislation in 2019. With regards to the level of involvement of stakeholders, the MEDAC was only informed because the proposal was led by the GFCM and was discussed in a very different forum and decisions were made by the GFCM secretariat and contracting parties. The AC reacted positively to the RFMO proposal and attended workshops.

3.4.3.2.6 Plaice and hake

Case study six describes the adoption of high survivability exemptions for plaice in the English Channel and the Celtic Sea. This exemplifies how discussions on discard exemptions have been considered through the engagement of the sector in the NWW AC, with the support of scientists and further cooperation with the MSG. The case revolves around the survivability of plaice which is a target species for some gear and bycatch for others. Concerns due to the choke situations with the LO led to proposals backed up by scientific evidence, which were finally incorporated into legislation in 2018. Similarly, case study 7 refers to the proposal for the de minimis exemption for southern hake targeted by trawls in ICES subareas eight and nine. This technical measure was adopted for the first time in 2016. In both cases, the role of the focus groups within the two ACs was instrumental in the discussion of the technical aspects and drafting of the recommendations.

3.4.3.2.7 Small pelagics

Finally, case study eight describes the process of withdrawal of the proposed MAP for small pelagics in the Adriatic. The MAP was proposed by the EC for small pelagics encompassing quota management, amongst others measures. Despite the idea of a MAP for these resources was broadly accepted by the MEDAC this made a comprehensive technical revision and proposed to focus on fishing effort management. Nonetheless, the MAP was finally withdrawn by the EC because the EP wished to incorporate changes that were deemed inconsistent with scientific advice and regarded as ineffective in preventing the collapse of these resources. It is also worth commenting that the MS concerned opposed to the adoption of the MAP. The EC withdraw the proposed MAP in 2020. The interests of the MEDAC of having a MAP comprising effort measures were not met. Nonetheless, the management in the area has not been modified and effort measures are still in place.

In conclusion, the eight selected case studies show that the idea or initiative for a certain regional management measures can come from different actors: for example, via individual NGOs and/or fishery sector organisations (e.g. case study one on rays and skates, or the Canary Islands delegation in case study four), via MS governments, in certain cases supported by input from national scientific institutes or via RFMOs (e.g. GFCM measures as in the case-studies on turbot fisheries in the Black Sea and red corals in the Mediterranean), or via the EC itself such as in case study eight. It is also notable that in the latter case, the MSG affected opposed the proposal and the EP did propose substantial modifications to the proposal. The case studies also show that obtaining consensus and going through the many iterative discussion steps and actors (ACs, MS, STECF) often implies a multi-year timeframe of regional measures to become adopted into legislation (Figure 25).

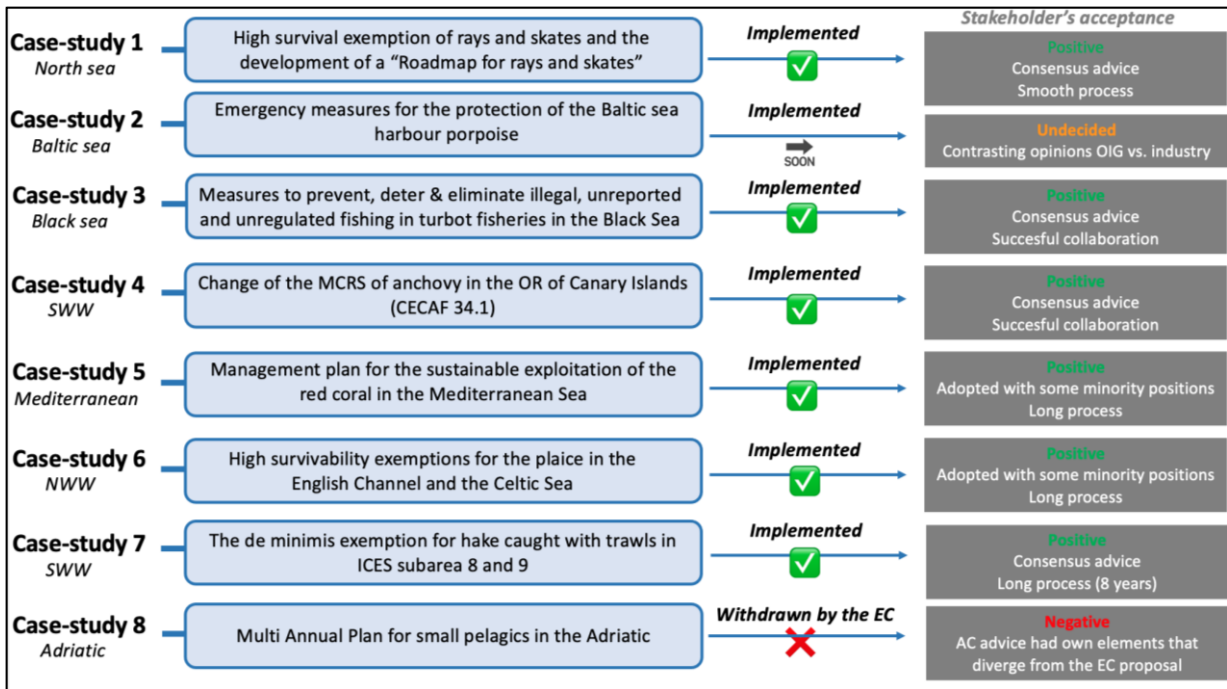


Figure 25: Schematic overview of the eight case-studies, their status (initiated, implemented, withdrawn) and general stakeholder perception. Implemented = measures adopted into EU legislation.

3.5 Assessment on the provision of advice by the ACs

This chapter focusses on the process that takes place before ACs give their advice. Here, we provide insight into the current procedures and how the different interests in an AC are balanced. The information in this chapter is based on the interviews, online survey and focus group discussions.

3.5.1 Procedures of drafting advice

Who drafts the advice differs per AC, but in most instances advice creation depends on some form of interaction between the AC members and the Executive Committee (ExCom), as is explained more in depth in Chapter 4.4.2. In the online survey, most AC managers indicated that the procedures of drafting recommendations are effective (16 out of 19) and efficient (13 out of 16) (some respondents did not answer to all questions). In general, they indicated that the procedures are clear, but some mentioned that they lack the right resources.

Additionally, AC members and management were asked about the extent that rules of procedure provide transparency and accountability in the preparation of advice. The majority of interviewees indicated this was done to a great or very great extent. The main argument for this was that the rules of procedure and the process are published on the website and in some instances presented for verification in a general meeting. However, this was not the case for all respondents. Five people indicated the procedures only provided transparency and accountability to some extent, and three argued this was done only to a small extent or not at all. These respondents indicated that, when time constraints occurred, the procedures seemed to carry less weight. Additionally, one respondent argued that:

"There are minutes of all the meetings, they can be requested. That is transparency up to a certain point. In addition, a lot goes on behind the scenes and there are emails. The reports of all the meetings are what contribute to transparency. But more happens than what is mentioned in the official documents."

Overall, respondents seemed to agree that transparency and accountability exist, but they have their limits. This topic was also included in the online survey (Figure 26). Comparatively, answered that the rules of procedure provided transparency and accountability to 'a small extent'. AC managers (#19) rated the transparency and accountability of the current rules of procedures more positive than the AC members (#58). Only one manager and three members answered that the rules of procedure provided transparency and accountability to 'a small extent'.

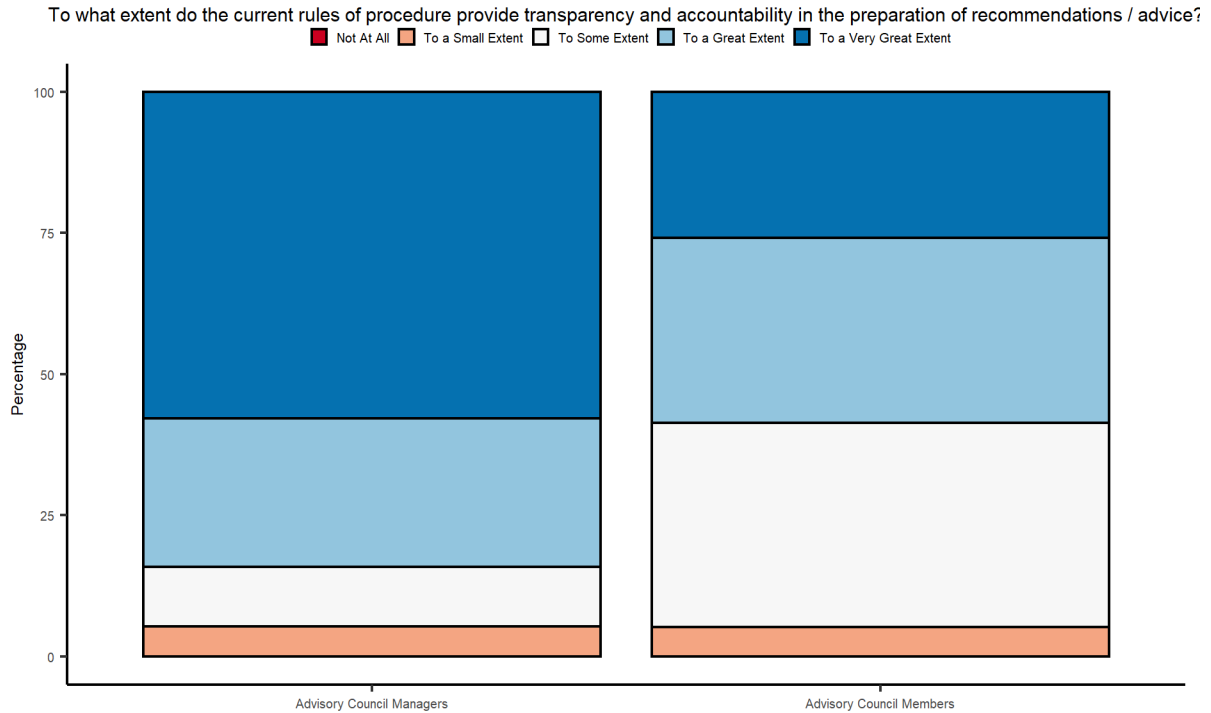


Figure 26: Results from the questionnaire concerning the transparency and accountability of rules of procedure.

3.5.2 Effectiveness of stakeholder consultation

The online survey question whether the current structure of the AC allows for effective stakeholder consultation was answered by both managers (#16) and members (#65) of the ACs. As Figure 27 shows, both groups were largely positive and mainly answered with 'a great extent' (nine managers, 25 members) or 'a very great extent' (five managers, 14 members). None of the respondents chose 'not at all'.

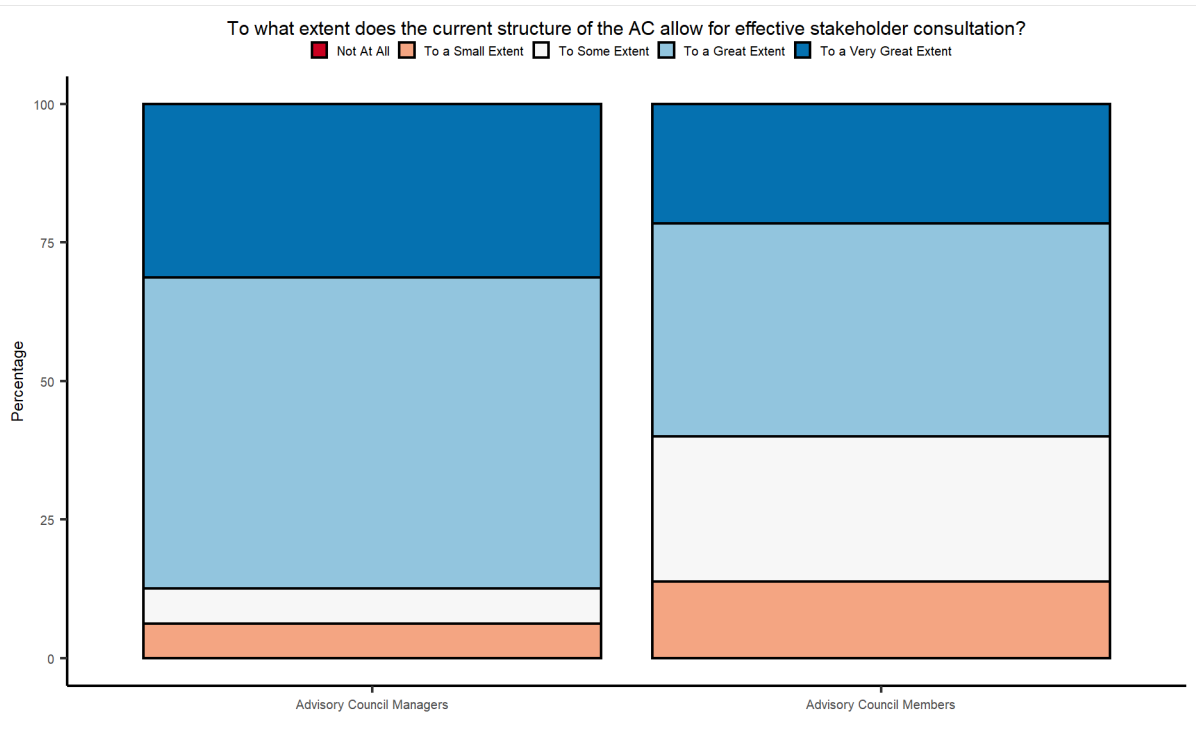


Figure 27: Results from the questionnaire concerning effective stakeholder consultation.

Most respondents from the interviews also believed the current structure allows for effective stakeholder consultation. The main explanations relate to the process, such as: the rules and procedures are clear, it is very democratic because everyone is allowed to participate, and documents are offered in multiple languages. Where most meetings previously were organised in a physical setting, this changed to an online setting in the last 1.5 years due to the COVID-19 pandemic and additional measures. This made it easier for people to attend meetings.

Those who felt the current structure (mainly OIGs, some from fishing sector) did not contribute to effective stakeholder consultation generally provided a more detailed response and mentioned the following reasons:

- AC members are often given short notice when asked for advice. Their experience is that there is structurally too little time for everyone to read everything that requires feedback or to participate in all the working groups. Sometimes, when AC members are asked for their opinions, silence is considered as consent. However, they may have wished to reply if they had more time.
- The 40–60 division of OIG and industry members. OIG feel this distribution sometimes holds back the effectiveness of stakeholder consultation. Whenever there is discussion between industry members and OIG members, OIG members feel that their view is not prominently represented in the eventual advice but rather mentioned as minority position in the footnotes.
- Impartiality of AC management and secretariat. Although the AC chair and secretariat are expected to be neutral, not all AC members feel this is always the case. This is also mentioned in the next section (3.5.3. pages 56–57).
- Lobbying of AC members. Some AC members lobby by the EC besides their involvement in an AC. Some industry members mentioned that predominantly OIG members lobby their organisation, and they then wonder why these organisations feel the need to be part of an AC as well.

3.5.3 Balancing different interests in an AC

Regional and national interests sometimes make it hard for organisations to work together as illustrated by the following quote:

"We are putting two groups with opposing ideas into one body and expect them [to] create a joint advice. But if you want to do that, you need to reach consensus or have a strong minority position to reach a joint recommendation. The process is cumbersome, time-consuming and results in a watered-down, untimely advice that prioritizes consensus and bureaucracy instead of meaningful input."

Some topics are particularly important or sensitive for organisations from specific regions. For example, one NGO representative mentioned (the now banned) pulse fishing in the North Sea as a topic where national interests made collaboration really difficult. The Netherlands and France have completely different interests in this matter and are opposed to each other. This NGO representative observed that *"you can really see that fishery is not a closed community and there is actually a lot of politics [involved]"*. Another way in which regional differences can make it difficult to work together in an AC are the way the regions are shaped. Some ACs cover large areas with many different languages, cultures and ecological circumstances, which makes it hard to work on one single piece of advice.

At the same time, ACs are composed of 60% fisher industry organisations and 40% other interest groups (OIG) (typically environmental NGOs). Generally, everyone is encouraged to participate in the preparation of advice as *"anyone can speak up, justify a statement and argue for it"* and *"each organisation has the right to only one vote and no greater weight is given to certain members"*. However, respondents indicate that industry and OIG typically have different views concerning the advice. When asked *"to what extent are opposing opinions in the AC evident, in your opinion?"*, the answers ranged from *"to some extent"* to *"a very great extent"*. The contrasting views tend to result in thematic coalitions and create friction. Even though the input of each organisation carries the same weight, there are more fishing industry representatives. Consequently, the perception of some stakeholder members (predominantly OIG respondents), is that industry has more influence due to more representation.

Regional interests and the ACs composition are not the only factors influencing the differences in impact on the preparation of advice. Despite that every organisation is treated equally, *"stakeholders that choose to be more active, participate, and get involved, have more influence in the process"*. Therefore, another factor that influences the impact on the preparation of advice is staff of the organisations that take part in the AC. The number of staff, availability and level of training greatly influences the ability of these organisations to contribute to the preparation. More trained staff with more time allows for better and more input.

Lastly, it is the responsibility of the AC chair to oversee that the rules of procedure are upheld, which dictate that everyone should have the possibility to have a say. It is the secretariat's job to ensure the advice is balanced and includes the different views that have been put forward. The secretaries and Chairs are expected to be 'neutral' in their decisions. In case AC members cannot put forward a consensus-based advice, minority positions should be included in some way. However, some NGO representatives state that *"the secretariats can be biased, and minority positions are not taken into account"*. More on minority positions and how is dealt with opposing views is discussed in the following section.

3.5.4 Minority positions in AC advice

As previously established, opposing opinions between AC members are often evident. However, to what degree these are reconciled or settled, differs. Findings from interviews show that in case of diverging views, the ACs generally aim to create a recommendation built on compromise. According to some, this causes the AC to work on agreements between AC members instead of actually solving problems. A lot of the time it is a *“struggle to find an agreement”*. What is done when compromises cannot be reached differs per AC. There is one AC where only consensus advice is given: if there is no consensus, there is no advice. However, this is the exception rather than rule. For all ACs, in order to reach consensus, agreement is sometimes reached on the lowest common denominator, although some AC members believe this makes their advice weak. When no consensus can be reached, alternative views are included according to AC management representatives. The points of discussion are explicitly noted, the organisation is named and an explanation is given for the lack of agreement. Sometimes there is a vote, and this is reported as well. Respondents mainly refer to diverging opinions between fishing industry representatives and OIGs leading to the inability to reach consensus. One respondent explained that when opposing views exist between fishery representatives, these are mostly settled, but when it concerns the fishers versus the OIG, these disagreements are rarely settled, if ever. One interviewee expressed that they did not really believe in an honest and fair approach to reconcile their positions.

In the interviews, several reasons came up as to why it is hard for some ACs to reach consensus. Certain industry representatives blame this on the fact that environmental NGOs do not know the sector, have little empathy for the industry members in the AC, and that environmental NGOs are in general more empowered and influential than industry. Furthermore, industry members believe that environmental NGOs have limited room to adjust their opinions due to decisions made by their head office and that they are less concerned about the feasibility of advice. NGO representatives, on the other hand, argue that they are not always taken seriously, that some industry members do not listen to opinions of NGOs and AC secretariats can be biased in a way that the NGOs position is always regarded as a minority position.

EC and MSG members are not uniform in their preference of receiving consensus advice. One industry representative explained that they asked the EC what they should do, and *“the feedback we received from the commission was simple: find a consensual position with the NGOs or we are not listening”*. However, EC representatives that participated in the focus group pointed towards the value of hearing different opinions. One of the MSG members indicated that *“non-unanimous and more unspecific AC-statements are normally not handled at all.”* A consensus advice is seen as more powerful; advices in which no consensus is reached are seen by some as having *“no value”* and *“useless”*. While all MSG members who participated in the online survey indicate that they prefer consensus advice, a few MSG representatives in the interviews pointed out that they also appreciate reading separate statements to understand the different point of views within an AC and understand that it can be hard to reach consensus.

Even though most AC members regard the process of obtaining consensus advice as difficult, they do feel that opposing interests can be settled (59 of 62). However, the majority think this can only be done ‘to a small extent’ or ‘to some extent’ (34). When asked about the extent to which opposing opinions can be reconciled, representatives of AC management were relatively positive: 17 out of 19 respondents indicated that it is possible. However, the same pattern is seen as for the AC members as 11 of these 17 positive responses indicated that the opinions can only be reconciled ‘to a small extent’ or ‘to some extent’.

Interviewees did have ideas on practices that could support reaching consensus. First, trust relations amongst the AC members are seen as key to reaching consensus. Second, involving stakeholders from the very first beginning enhances the chances of reaching

consensus. They will relate more strongly with the measure, even if it seems like a 'hard' measure for the AC members in the beginning. Third, there are some good examples of ACs in which the two groups – industry members and environmental NGO members – separately work towards an opinion to propagate in the AC meeting, so only two opinions need to align.

3.5.5 Assessment on the advices given by ACs

To assess the advices given by the ACs and the level to which the advices have been implemented by the MSG and EC, information from the interviews, focus groups and an assessment of the advices is used. An extensive overview was created of the advices³⁶ given by the ACs³⁷. For this overview, all correspondence on advices documented on the AC websites was consulted. This overview, among other things, showed for each advice which AC drafted the advice, the main topic, the date the advice was send, response date, advice initiator, advice receiver, and potential coordination with other ACs (Annex Table A29). In total 622 instances of correspondence have been documented, described by respective ACs as: advice, contribution, letter, opinion, position, proposal, recommendation, or response. Because there has not been a clear and unified use of these categories, these are not considered separately in analysis and all the correspondence is referred to as advice.

Since 2012, most advice has been provided by the NSAC and PELAC with a total of 98 advices each (Figure 28). This is not surprising since these ACs were amongst the first ones being operational. The smallest number of advices was provided by CC-RUP due to the fact that it entered into operation in 2020. As can be seen in Figure 29²⁹ an upward trend is seen in the number of advices given per year. In 2020, most advice was given with 115 recorded advices and an average of 13 (12.78) advices per AC. The average number of advices per year, per active AC is 8 (7.95) in the period 2012–2021. It should be said that for 2021, only the advice listed on the webpages in the beginning of August 2021 has been included in the analysis.

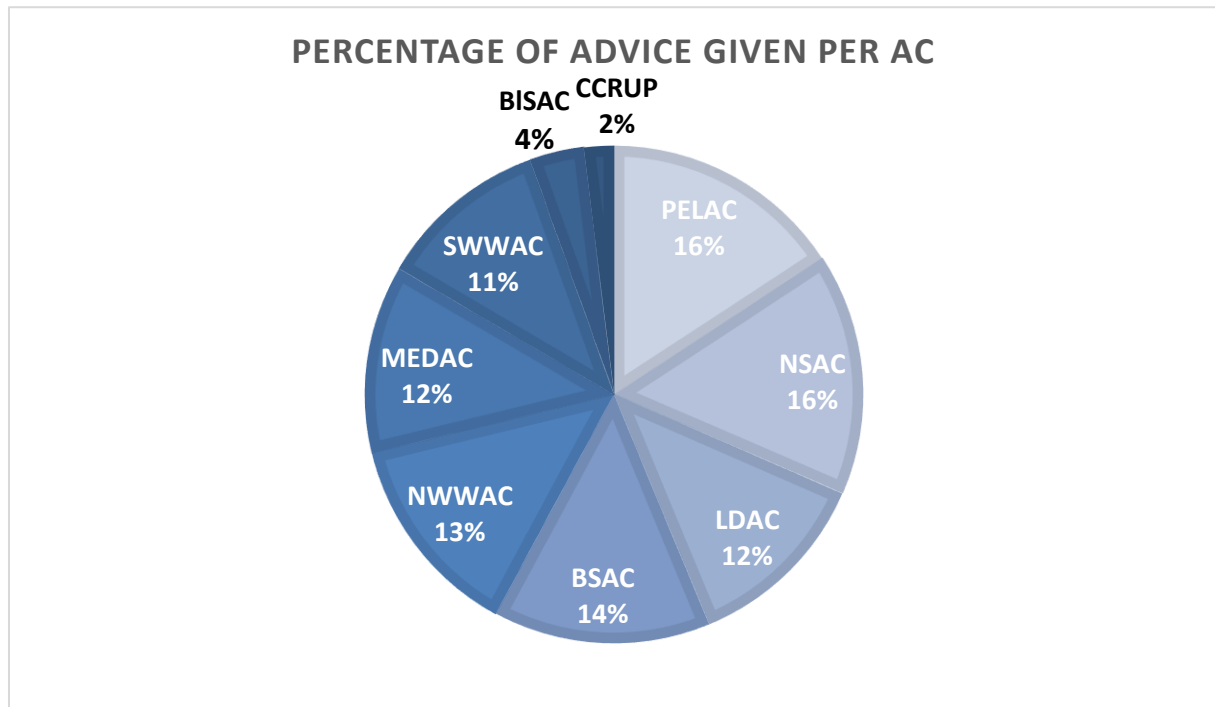


Figure 28: Percentage of advice per regional AC

³⁶ The advice covered here is only formal pieces of advice mentioned on the webpages of the different ACs. Informal advice or other advice that is not listed on the webpages is not included in this assessment.

³⁷ The overview of advices only refers to advices that have been given by regional ACs. This excludes the AAC and MAC.



Figure 29: Total number of advices given per year and average number of advices per active regional AC



Figure 30: Number of advices per regional AC for the 2012–2021 period

For 53% of advice given, there was a documented reply by the receiver of the advice. This concerns both substantive replies as well as confirmations that the advice had been

advice, others argued that the EC should always explain their decision. As a result, not all AC members are satisfied with the amount of justification they receive. In particular, right after the ACs came into existence, ACs did not receive much response from the EC. Over the years, this has changed somewhat, as the EC started providing more formal and detailed replies.

This is appreciated by AC members as the following quote explains:

"I must admit that the Commission [EC] is increasingly responding to our management advice. (...) On [certain] subjects such as control policy or [the] landing obligation, I must say that they [the EC] do a little less with it. So, it's a mixed picture and I have a feeling that if it's purely about fisheries management, if we develop and propose a management plan and if it's approved by ICES, they'll follow that. So, I do have a good feeling about it. But on other subjects [their feedback is] less." Even though some saw an increase in response, most AC members are still not satisfied with the amount of feedback they receive and regard it "more of a thank you very much" note. A desire exists for a more standardised feedback procedure concerning the incorporation of advice. Standardised feedback would, according to one interviewee, "increase the accountability of authorities for decisions and use of advice".

This lack of feedback results in AC members being unsure about what the EC does with their advice. It is unclear to what extent the advices given by the AC are incorporated by the EC members³⁸. From the documents found online, it is difficult to get a clear picture on what pieces of advice have been (partly) taken on board. Most replies from the EC or MSG that we found on the webpages of the ACs do not indicate what is done with the advice. We could also not find another way to unravel this. Some MSG members expressed that there was a difference in quality between the advices they received from different ACs. It is, however, unclear to what extent this influences the uptake of advice.

One AC member claims that the EC should be more proactive and provide clear protocols on how they want the advice to be presented. According to them, the EC should even intervene in an AC if deemed necessary, and give annual performance reviews for each AC. Several respondents did mention two practices that the AC could do to ensure advice is incorporated by the EC. First, the advice should be specific and not too long. Second, making use of scientific arguments in the advice is seen by multiple respondents as an important factor to ensure uptake of advice. An industry representative argued that "as soon as we do things science-based, so with arguments and then often also substantiated, you see that you can then easily convince people, including the EC." However, what stands out is that the main advocates for including scientific arguments in advice are scientific experts themselves which implies there is a strong bias. As discussed previously, AC members feel that in order for them to sufficiently incorporate scientific advice in the advices of the AC, they need to have a direct line of communication with scientists.

Besides these practices, the AC management should have enough resources to coordinate the process consistently. Besides missing feedback on provided advice, some AC members indicate that they miss crucial input from the EC in discussions; this is usually the case when junior staff members attend the meeting who do not – or cannot – communicate their opinion. When EC staff with higher seniority are participating, AC members feel the discussions usually become more valuable. In line with what AC members argue, EC representatives also indicate they are not always fully prepared when they attend AC meetings. They regret this as they indicate that the connection with AC members is important. Attending more meetings and being more prepared is of importance for them, they say. Some AC members feel like the current structure in which the EC allows for public consultation is not fair to the AC members. Besides advices from ACs, other parties are allowed to give their opinion on some of the same matter. AC members can therefore

³⁸ Whenever we in this study mentioned 'uptake of advice' or 'adoption of advice' we refer to level to which the EC or MSG incorporated the advice given by the AC into legislation.

provide advice twice; one time as part of an AC and one time individually. Other organisations can also give advice. This, according to AC members, is not fair given the time and effort that ACs put into drafting their advice.

To the disappointment of AC members, MSGs rarely, if ever, respond to their advice. Some interviewees mention they receive minutes while others argue that they do not get any feedback at all from the MSGs and there is no existing feedback procedure. MSG members acknowledge this as most of them said that they do not give feedback to the ACs on a standard basis. When ACs ask for feedback, this is sometimes given orally. The different MSGs seem to give feedback in a different way. This lack of uniformity contributes to the perception that MSGs are not a transparent actor.

One MSG, BALTFISH, indicated that it has a forum in which AC members can participate. Other MSGs invite AC members to parts of their meetings. AC members feel that due to the online meetings, these meetings have become more accessible. In meetings with MSGs, AC members feel like they do not always get the opportunity to express their opinion. They have to make an effort to be allowed to say something and it strongly depends on the chair whether the input of the AC is considered. More on the involvement of AC members in MSG meetings can be read in chapter 3.2.1.2.

3.6 Assessment of the gains and losses in participation

Specific questions exploring the gains and losses perceived by principal participants (AC management teams, AC members, scientific experts, MSG and EC) in the regionalisation process were included in the questionnaire for the in-depth interviews (Section 2.2.4) and the online survey (Section 2.2.5). While some of the questions required a Yes/No response, the majority used Likert scale answer categories (such as definitely; probably; possibly; probably not; and definitely not). To ensure that participants provide their opinions about what they have gained or lost and their level of satisfaction with regionalisation, respondents were also required to provide an explanation or comment to each Likert scale category they chose. The same questions were used in the interviews and online survey and across all stakeholder categories such that responses could be compared. Furthermore, each of the three focus group discussions (Section 2.2.6) included a session where participants gave their views on whether regionalisation has met its specific objectives.

The following questions were used:

- Have your expectations regarding the regionalisation process been met so far?
- Do you feel your investment (in terms of time, effort etc.) in the regionalisation process has had an impact on the recommendations/advice?
- Do you feel your investment (in terms of time, effort etc.) in the regionalisation process has had an impact on policy making?
- In your opinion, has regionalisation led to:
 - Better involvement of all relevant stakeholders in fisheries management?
 - A bottom-up approach to fisheries governance?
 - The design of more tailor-made management for specific stocks in your area?
 - Better accounting of local/regional specificities?
 - Better decision making?
- Overall, how satisfied are you with the regionalisation process?

The breakdown of results by stakeholder groups reveals a large difference between the responses from MSGs and scientific experts on whether the expectations of the regionalisation process have been met so far (Figure 30). While 68% of respondents from MSG and EC replied yes to this question, only 30% of scientific experts were positive (Figure 30). Around 50% of respondents from both AC members and AC management teams agreed that their expectations of the regionalisation process had been met.

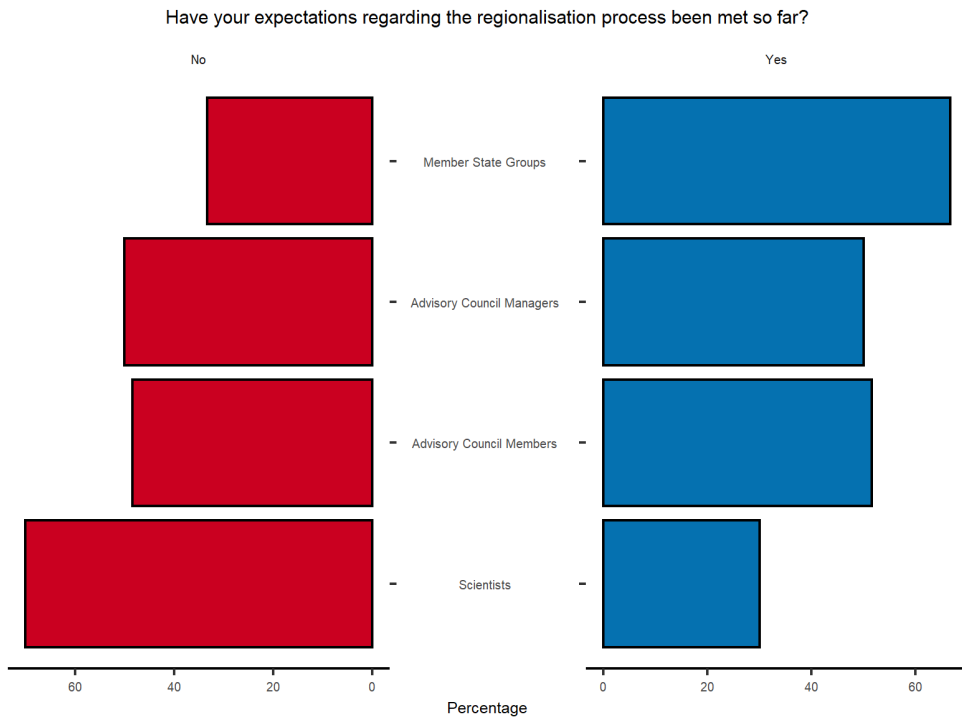


Figure 302: Responses by the various stakeholder groups on whether regionalisation has met their expectations

While these results indicate that the MSGs are more positive about the regionalisation process than scientific experts, discussions during the focus group with the MSGs indicate that they need to be taken with caution. The feeling that expectations of regionalisation have been met varies widely even among the MSGs members. Therefore, while a greater proportion of those who responded to the survey indicated that their expectations have been met, some participants at the focus groups were sceptical, saying that it depends on who you ask. The general feeling, however, is that regionalisation is necessary, and has fulfilled its expectations although not in all fields. Regionalisation has given some power to MSs to perform functions that used to be the preserve of the EU. Some participants observed that, without regionalisation, it would be very difficult to get the same level of detail towards the various fisheries management and policy aspects. This is because, a one size fits all approach would miss a lot of detail and local specificities that apply in a particular sea basin. Regarding why the majority (70%) of scientific experts who responded to the survey and interviews indicated that regionalisation has not met its expectations, participants in the focus group discussions stated that scientists think a bit different since they have not been fully integrated into the regionalisation process. They mainly act as consultants and advisors and are therefore not required to fully engage in the process directly. It was suggested that some scientists know very little about the working arrangements of the ACs and the role ACs play in the policy-decision making process. They are usually invited as experts to deal with specific matters such as cod management plan, and do not provide input into the whole decision-making process.

Findings from the survey and interviews show a similar breakdown from the stakeholder groups regarding their overall satisfaction with the regionalisation process. 75% of MSGs respondents indicated they were very satisfied or satisfied, while around 50% of respondents from both the AC management teams and scientific experts indicated they were satisfied (Figure 313). Around 30% of AC members, AC management teams and scientific experts responded neutrally to this question.

This feedback is generally consistent with the stakeholder groups on whether (i) the ACs contribute to decision making in the EU, (ii) investment (in terms of time, effort etc.) in the regionalisation process has had an impact on the recommendations/advice, and (iii) investment in the regionalisation process has had an impact on policy making (Figure 324).

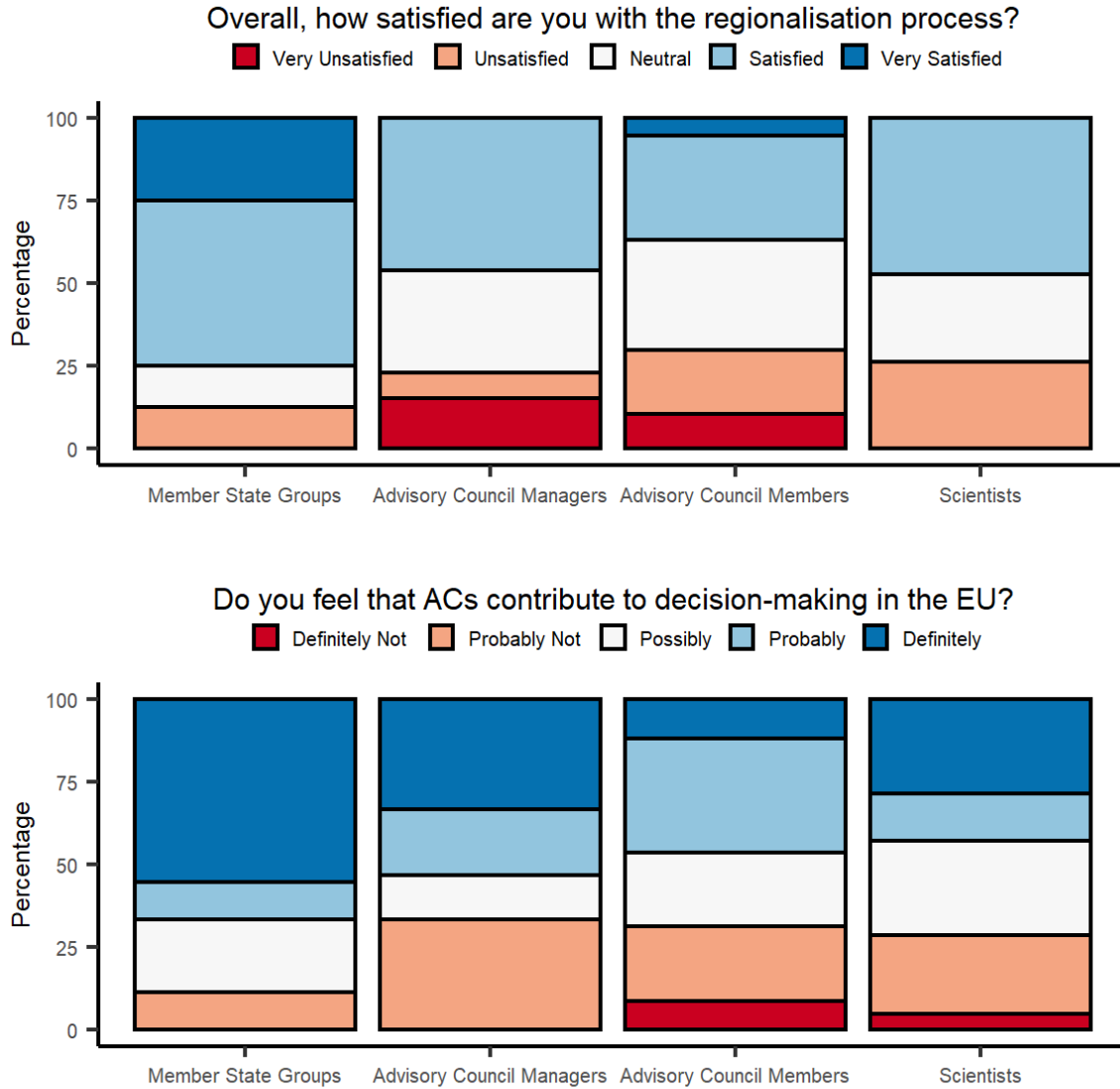


Figure 313: Stakeholder responses on their level of satisfaction with regionalisation and whether ACs contribute to decision-making in the EU

Indicative ideas were provided by some participants in the focus group discussions on why some AC members and AC management teams are unsatisfied with regionalisation. These stakeholders expressed dissatisfaction due to lack of clarity in (a) how some decisions are arrived at, (b) very long decision-making process especially in the case of technical measures and (c) lack of access to the MSGs. Some even stated that the reason MSGs and EC were generally positive with the regionalisation process is because the top-down approach remains with the lower levels of decision making (AC members and AC management teams) being consulted only to “rubber stamp certain things”.



Figure 324: Stakeholder responses on whether their investment in the regionalisation process has an impact on fisheries management and policy decision making.

From the breakdown of responses by the four main stakeholder groups on whether regionalisation has led to a) better involvement of all relevant stakeholders in fisheries management, b) bottom-up approach to fisheries governance, c) the design of more tailor-made management for specific stocks in your area, d) better accounting of local/regional specificities, and e) better decision making, it can be seen that – in line with the results presented above – a higher percentage of MSGs respondents considered regionalisation to be meeting these objectives, followed by respondents from the AC management teams (Figure 335). Respondents from AC members and scientific experts provided lower scores on whether regionalisation is meeting these objectives. Similarly, respondents stated that the scoring provided here is due to the feeling that the ACs are disregarded and dismissed by HLGs in terms of consultations and are allocated a short time-slot at beginning/end of meetings with little interaction and feedback mechanisms. This in turn discourages participation and involvement of AC members in shaping evidence-based advice, which is a complex and time-consuming process.

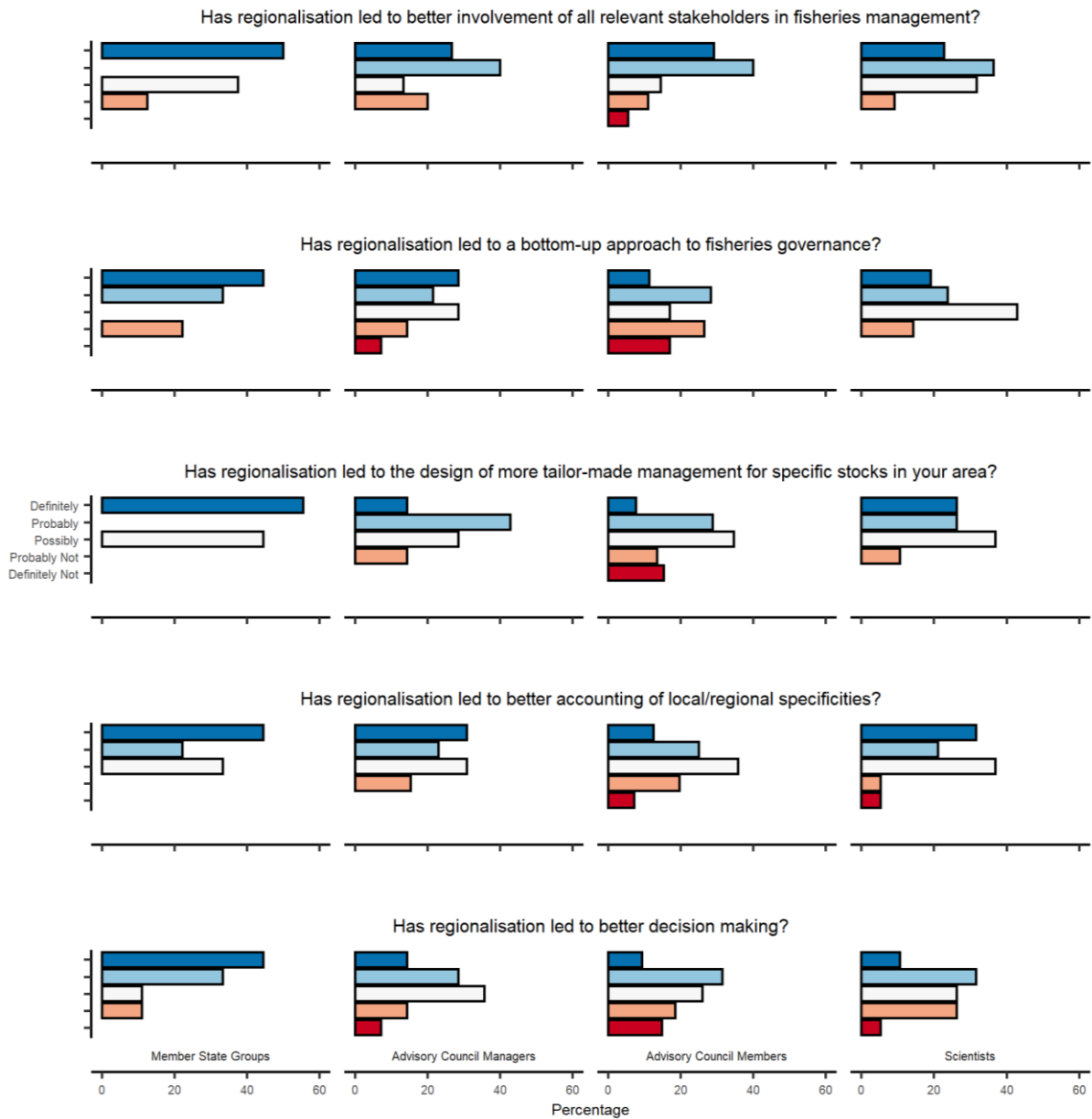


Figure 335: Summary of stakeholder responses on whether regionalisation has met its specific objectives

Overall, respondents feel that there are gains in participating in the regionalisation process stating that regionalisation has provided a useful channel for individuals to put their points across and discuss them with a broader spectrum of stakeholders compared to writing position papers that make direct points. Regionalisation has provided fora where discussions take place and members get direct insight into where other members stand. It therefore provides an opportunity for stakeholders to work closely to initiate management measures thereby improving decision making. Some respondents feel that regionalisation has validated them as a regional stakeholder saying that they take part in meetings to keep abreast of the management measures being put in place and to influence those decisions. The distribution of the ACs (different seas basins) is also seen as a gain as it provides EU-wide fora for discussions in fisheries management issues. The direct and closely working among different institutions (EC, ACs, scientists, MSGs) is also seen as an advantage of regionalisation.

Stakeholders feel that many of the perceived benefits from the regionalisation process have not been realised yet. Some stated that regionalisation has contributed to the watering down of the good management objective of the CFP. Some of the ACs are not often able to give consensus advice on important questions, which waters down their role and the contributions they could make. Some AC members stated that they find it hard to tell the extent to which individual points are taken on-board and therefore feel that the ACs are a sideshow for bigger industry participants. Some stakeholders indicated that they were dissatisfied that their advice was not sufficiently incorporated, the current advisory and decision-making process is delayed and considered this as a loss. Lack of representation of EC representatives to some of the AC meetings was also reported as a loss.

On the whole, regionalisation is necessary and has fulfilled its expectations although not in all fields. Regionalisation has given powers to MSs to perform functions that used to be the preserve of the EU. Without regionalisation, it would be difficult to get the same level of detail towards the various fisheries management and policy aspects. This is because, a one size fits all approach would miss a lot of detail and local specificities that apply in a particular sea basin. While regionalisation is seen as an improvement to the system that was there before 2004, stakeholders agree that more work is needed to apply regionalisation in practice. Consequently, regionalisation should be seen as work in progress. More meaningful engagement and collaboration between ACs, MSGs and EC is needed for regionalisation to work to its full potential. This could start by the setting up of a permanent MSG secretariat to help solve the transparency issues. Collaboration and transparency between the MSGs and ACs could be improved if ACs were systematically invited to the MSG technical groups including attendance of the full meetings.

3.7 SWOT analysis of Regionalisation and its contribution to the Objectives of the CFP

This section presents a SWOT analysis of regionalisation and discusses the level to which regionalisation has had impact on the attainment of the different CFP policy objectives. It draws on the key findings from the earlier sections of this paper.

3.7.1 Strengths and weaknesses of regionalisation

Based on the assessment done in the previous sections, we have established insights into the strengths and weaknesses of regionalisation as perceived by the main actors involved in it, including the members of the ACs, MSGs and the EC (Table 8). We have structured these according to the good governance principles of regionalisation: (i) better involvement of stakeholders; (ii) more tailor-made management taking into account local specificities, (iii) interests of stakeholders taken into account and (iv) bottom-up approach.

Table 8: Strengths and weaknesses of regionalisation

Goals	Strengths of regionalisation	Weaknesses of regionalisation
Better involvement of stakeholders	<p>The establishment of ACs has resulted in formal bodies of stakeholder representation per regional seas or specific activities/species/part of the fish chain. Stakeholders can be found and are consulted in management decisions. In the ACs, these stakeholder groups try to, despite their different interests, reach consensus on advice to managers.</p> <p>The structure of the ACs, rules of engagement, transparency in how they operate are well established. AC members feel the way of working in the ACs is democratic.</p> <p>Respondents feel that regionalisation has validated them as regional stakeholder, it also provides them with direct interaction routes with the other actors.</p> <p>Case studies illustrate the high level of interaction between stakeholders from different Member States, as well as between stakeholders and Member State representatives and EC (e.g., Rays and skates, anchovy, red coral, hake)</p>	<p>Not all stakeholder groups are evenly represented in the ACs. Recreational fisheries, small scale fisheries feel underrepresented. OIGs feel that due to lower percentages of representation, their interests receive less attention.</p> <p>It is often difficult to reach consensus. As a result, sometimes agreement is reached on the smallest common denominator which is seen as 'weak' advice by some AC members, MSGS and EC and some officials.</p> <p>Stakeholders struggle with having enough capacity to participate and many ACs and MSGs alike complain on too short time frames.</p> <p>Involvement through a body such as the AC also requires interactional expertise and meeting conduct, this is not always the case making effective participation difficult.</p> <p>There are no protocols which rule the relation between the MSGs and ACs in terms of attendance and feedback. Also, the dealings of MSGs are not transparent.</p>
More tailor-made management taking local specificities into account	<p>(Ad hoc) working groups (or advice drafting groups) work well and are seen as the heart of AC work (e.g. case study 6 on plaice and hake)</p> <p>In MSG/ACs discussions take place on balancing environmental and socio-economic concerns and impact.</p> <p>Different measures are taken in the regions.</p> <p>Measures are based on a lot more detail and local specificities than would be the case in a one-size fits all, illustrated by the high involvement of stakeholders in drafting management measures (roadmap for skates and rays, change of the MCRS for anchovy). This is</p>	<p>Some regions are so huge, with many different languages (e.g. most advisory councils operate in different EU languages), ecological and cultural differences (i.e., Adriatic in Eastern Med) that it is still difficult to deal with diversity and complexity. As a result, it may take various years between proposing management measures and it being adopted into legislation e.g. roadmap skates and rays, harbour porpoise in the Baltic Sea and red coral in the Adriatic Sea.</p> <p>When some topics are politically sensitive with high interests at stake there is a tendency to not oppose other MS's requests because one does not want other MSs to block theirs. When these interests differ strongly between Member States,</p>

Goals	Strengths of regionalisation	Weaknesses of regionalisation
	<p>illustrated in the case study where fish Stakeholders (AC and MS) learn more about different contexts.</p> <p>Language barriers are taken away due to access to translation facilities.</p>	<p>achieving consensus advice (AC) or JRs (MSGs) may be difficult. This becomes even harder (e.g., with pulse fishing, the management of small pelagics in the Adriatic Sea)</p> <p>The case study on red coral in the Mediterranean shows that when management measures are under the purview of RFMOs, ACs cannot provide advice despite the fact that the resource is relevant for the EU fishing sector concerned. This is beyond the EU regionalisation process due to the participation of non-EU actors in decision-making. The role of the AC in this case is limited and consists of participating in workshops and providing insights to the RFMO, but just as any other stakeholder concerned.</p>
Interests of stakeholders taken into account	<p>Advice is provided and gives MSGs and EC insight in the opinions of stakeholders.</p> <p>ACs are invited to some of the MSGs meetings and also the EC, so they can provide input and are informed of the process.</p> <p>The case study on rays and skates, or the MCRS of Anchovy shows how SH can take initiative resulting in implemented measures.</p>	<p>Although stakeholders are involved, it is often unclear what is done with their advice.</p> <p>AC consultation requests sometimes feel like 'tick box exercise'. MSGs and EC complain that sometimes advice is vague and or non-consensual.</p> <p>Sometimes AC members think AC management is not neutral, resulting in less attention for certain viewpoints.</p> <p>Not all AC member organisations have the same number of staff and the same level of training and knowledge, which means that some organisations are able to influence the AC's contribution more than others. This can lead to several opinions and viewpoint better represented and expressed than others. The development of the skates and rays roadmap (case study one) was written by an OIG (NEV) upon request by the Scheveningen group. The experience and scientific staff of the organisation enables them to do so, which speeds up the process of composing advice/recommendations.</p>
Bottom-up approach	<p>Measures based on local initiative can often count on more support.</p> <p>Member States perform functions that used to be the preserve of the EU</p>	<p>Legislation will not become simpler with different rules in different regions.</p>

The next step in the SWOT is to assess what the opportunities and threats of regionalisation are Table 9: Goals, opportunities and threats of regionalisation. (Table 9).

Table 9: Goals, opportunities and threats of regionalisation.

Goals	Opportunities of regionalisation	Threats of regionalisation
Better involvement of stakeholders	<p>The infrastructure for involving stakeholders before taking decisions is there.</p> <p>Due to COVID-19 we are much more used to virtual meetings, lowering the barrier for participation for many professionals.</p> <p>Small scale fisheries (SSF) in EU are getting better organised.</p>	<p>Due to Brexit, the level of stakeholder involvement in some regional seas has decreased.</p> <p>External funding (i.e. from the USA) empower some SH more than others.</p> <p>Due to COVID-19, people have been meeting less face to face, which makes trust building/maintenance more difficult.</p> <p>With framework policies such as Marine Spatial Planning (MSP) and MSFD, stakeholder involvement is organised differently. Although these policies impact on fisheries, ACs have no formal role there.</p>
More tailor-made management approaches, taking local specificities into account	<p>Technological advances can assist fishers to have real time insight in specific rules at certain places.</p> <p>Article 18 of the CFP provide Member States with the tools to propose specific management measures that allow them to reach goals for their fisheries and waters whilst seeking transboundary cooperation.</p>	<p>Increasingly, seas are used by other actors than fisheries and aquaculture which has implications for the space availability. ACs primarily deal with CFP related topics, yet due to the impact of other uses on opportunities available, it would be good if ACs would also deal with issues related to MSP.</p> <p>In MSP, MS have to take EU policy into account as well as national priorities. As MSP is about the Exclusive Economic Zones (EEZ) of the MS, there is the risk of MS planning for all sorts of activities in their EEZ without taking fisheries interests of neighbouring countries into account.</p>
Interests of stakeholders taken into account	<p>Transboundary cooperation in MSP is on the rise facilitating MS to find each other.</p>	<p>There are different pathways to influence decisions, lobby, responding to public consultations and advice of ACs. There is the risk that successful one-issue lobbies to the EP and EC bypass hard laboured advice of ACs.</p> <p>There is a societal trend of polarisation. In some cases, emphasising differences may pay off better for AC member organisations towards issue or interest constituencies than seeking common issues and agreement. Campaigning against something gives media exposure and puts an organisation 'on the map', whereas seeking consensus in the AC is silent diplomacy work.</p>
Bottom-up approach	<p>The technical possibilities to provide online access to organisations and explain procedures can facilitate bottom-up approaches.</p>	<p>The political reality of multi-level governance can form a barrier to get local initiatives accepted at higher levels.</p>

For each objective of regionalisation, we can now confront the strengths and weaknesses of regionalisation with the foreseen opportunities and risks impacting on regionalisation. Such a confrontation enables us to provide understanding of 1) how strengths can be used to inform opportunities or 2) to defend against threats, and 3) how weaknesses in relation to opportunities require decisions on what to do. Finally, it is important to understand where to 4) control damage when confronting weaknesses with threats. Here we discuss the strongest links (SW vs OT) for each objective.

The SWOT analysis of the regionalisation objective to “better involve stakeholders” shows that the structure, procedures and experience for stakeholder involvement in the CFP is there, but that its functioning can be improved. This could be done through the inclusion of more stakeholder groups, strengthening of their capacity, and improvement of engagement protocols especially between ACs and MSGs. COVID as an external circumstance has had both a positive and negative influence on the opportunities for improving stakeholder involvement: the ease of virtual meetings might assist in increased participation, at the same time as trust-building is important for the willingness to reach consensus, for which physical meetings are important. Brexit poses a challenge for meaningful stakeholder involvement in some regional seas, but as the structure for stakeholder participation at the EU side is well developed, this might be used to expand the EU consultation only to that of third countries, like the UK.

The objective of ‘more tailor-made management whilst taking local specificities into account’ calls attention for the coherence of policy. Together with Article 11 of the CFP, Member States have the tools to propose fisheries and conservation measures for their waters whilst seeking transboundary cooperation. Also, the increased use of the regional seas by other users than fishers such as marine protected areas (MPAs) and renewable energy ask for more alignment between marine spatial measurers (MSP) to achieve good environmental status, the objectives of the Green Deal etc. The structure for stakeholder participation as developed under regionalisation of the CFP should be a good basis for stakeholder involvement in relation to these other policies.

The third objective of regionalisation is ‘taking interests of stakeholders into account’. This study has shown that advice is provided, initiatives taken and that stakeholders are in contact with managers of MSGs and EC. Despite this, uptake of advice is not always clear and as arriving at consensus advice is difficult, advice can in the end be watered down. Two external threats that are related to each other might negatively influence this objective and require attention. First, the societal trend of polarisation is a counter stream of the ACs endeavour to find consensus. This is amplified by the fact that there are two pathways to exert influence on policy; stakeholders can choose the pathway to give advice via the ACs or influence policy via lobbying. Governing actors should discuss how they think objectives of management are best served and how they can strengthen the preferred pathway of influencing policy as well as the preferred form of engagement considering the trend of polarisation.

The SWOT assessment on the fourth objective, ‘bottom-up approach’ showed that it is likely that measures developed at lower levels and have the support from industry are more likely to be complied with. A weakness might be that regulations will become more complex. Technological developments can facilitate the inclusion of bottom-up initiatives yet multi-level governance can form a barrier, as it is still hard to get local initiatives through the whole process and get agreed for at the higher tables.

3.7.2 Assessment of the level to which regionalisation has contributed to achieving the policy objectives of the CFP

As stipulated in the CFP regulation, the ACs need to contribute to the achievements of the objectives set out in Article 2 of the EU regulation 1380/2013. These are listed in Table 10. There are five objectives, of which the fifth is subdivided into a further ten parts, thus 14 objectives in total. The first four CFP objectives are built around four key concepts: (i) sustainability (balancing long term environmental sustainability with

achieving economic, social and employment benefits), (ii) the precautionary approach, (iii) achieving MSY and (iv) using the ecosystem-based approach whilst contributing to the collection of scientific data. The fifth objective has ten parts, stating what the CFP should do in particular. These can be summarised as follows: two are linked to the landing obligation, two to the marketing of marine products assuring a level playing field on the internal market of the EU and taking interests of consumers and producers into account, one is about the need to be coherent with other EU legislation (e.g., achieving good environmental status (GES) as part of the Marine Strategy Framework Directive (MSFD) and the remaining five emphasise the need for taking socio-economic aspects (i.e. fair standard of living) into account and providing conditions for economic viability of fishing and aquaculture and coastal activities (i.e. by adjusting capacity of the fleet to levels of fishing opportunities), and contributing to food supply, security and employment accordingly.

Table 10: CFP Objectives (Article 2 of the EU regulation 1380/2013)

Article 2	Objectives
1	The CFP shall ensure that fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.
2	The CFP shall apply the precautionary approach to fisheries management and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield. In order to reach the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks.
3	The CFP shall implement the ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised and shall endeavour to ensure that aquaculture and fisheries activities avoid the degradation of the marine environment.
4	The CFP shall contribute to the collection of scientific data.
5	The CFP shall, in particular:
5a	gradually eliminate discards, on a case-by-case basis, taking into account the best available scientific advice, by avoiding and reducing, as far as possible, unwanted catches, and by gradually ensuring that catches are landed;
5b	where necessary, make the best use of unwanted catches, without creating a market for such of those catches that are below the minimum conservation reference size;
5c	provide conditions for economically viable and competitive fishing capture and processing industry and land-based fishing related activity;
5d	provide for measures to adjust the fishing capacity of the fleets to levels of fishing opportunities consistent with paragraph 2, with a view to having economically viable fleets without overexploiting marine biological resources;
5e	promote the development of sustainable Union aquaculture activities to contribute to food supplies and security and employment;
5f	contribute to a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic aspects;
5g	contribute to an efficient and transparent internal market for fisheries and aquaculture products and contribute to ensuring a level-playing field for fisheries and aquaculture products marketed in the Union;
5h	take into account the interests of both consumers and producers;
5i	promote coastal fishing activities, taking into account socioeconomic aspects;
5j	be coherent with the Union environmental legislation, in particular with the objective of achieving a good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC, as well as with other Union policies.

We reviewed the objectives of Article 2 and appraised how the existence of the ACs and MSGs in the structure of regionalisation (Article 18 of the CFP) and the management measures taken in this context might have influenced the attainment of the different CFP policy objectives since 2013. We did not evaluate whether these CFP objectives have been achieved.

First, in relation to the first objective of the CFP (Table 10), we can state that the ACs are typically useful for better understanding the trade-offs involved in achieving sustainability. Balancing between long term environmental sustainability whilst achieving economic, social and employment benefits need the informed discussions as they take place in the ACs. Furthermore, in relation to this objective asking for long-term sustainability, regionalisation has contributed to help in distinguishing principles (discussed at higher EU level) from implementation (now taking place at lower, regional levels). Having the European Council focusing on long-term principles whilst actors at regional level (MSGs) work on the implementation of these principles should improve achieving longer term goals. Regionalisation thereby helps solving one of the five structural failings of the CFP as noted in 2009:

"The current decision-making framework of the CFP does not distinguish principles from implementation: all decisions are taken in Council at the highest political level. This has resulted in a focus on short-term considerations at the expense of the longer term environmental, economic and social sustainability of European fisheries" (EC 2009).

The MSGs cooperating on conservation measures, discard plans and multi-annual plans via joint recommendations at regional level contribute to achieving this objective.

Second, also in relation to the first objective of the CFP, the advice of the ACs can help in making decisions that keep an eye on both aspects (socio-economics and environment). Also, when consensus is not reached, the minority positions are noted and can therefore be considered. As it is worded in the pre-amble of the CFP:

"Dialogue with stakeholders has proven to be essential for achieving the objectives of the CFP. Taking into account the diverse conditions throughout Union waters and the increased regionalisation of the CFP, Advisory Councils should enable the CFP to benefit from the knowledge and experience of all stakeholders."

Thirdly, the strong presence of the fishing industry in the ACs (60% of the seats in the Ex-COM) helps assuring attention for the five objectives emphasising to take socio-economic aspects into account and providing conditions for economic viability of fleets and aquaculture activities (Table 11). The presence of the OIGs help ensure that this attention is balanced with conservation goals (see also the first point above), including the conservation of other resources than target species.

Table 11: Subset of the CFP objectives (Art 2 of the EU regulation 1380/2013) focussing on socio-economic aspects

5	The CFP shall, in particular:
5c	provide conditions for economically viable and competitive fishing capture and processing industry and land-based fishing related activity;
5d	provide for measures to adjust the fishing capacity of the fleets to levels of fishing opportunities consistent with paragraph 2, with a view to having economically viable fleets without overexploiting marine biological resources;
5e	promote the development of sustainable Union aquaculture activities to contribute to food supplies and security and employment;
5f	contribute to a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic aspects;
5i	promote coastal fishing activities, taking into account socioeconomic aspects;

Fourth, to assess how regionalisation has had impact on the attainment of the different CFP policy objectives, we can also take a look at the measures taken under regionalisation: the multi-annual plans, discard plans and the conservation and technical measures (listed in the Annex). The discard plans and many of the conservation and technical measures of the last couple of years have been developed in response to the landing obligation and as such directly contribute to the achievement of two of the CFP objectives (5a and 5b, Table 110). These plans were developed by the MSGs with different levels of involvement of the ACs.

Fifth, the multiannual plans help achieve the objective which asks for balance between fishing capacity and fishing opportunities and fishing within the boundaries of MSY (where TACs have been set accordingly and fishers comply) (see objectives 2 and 5d in table 10).

Sixth, to achieve the objectives based on a precautionary approach and ecosystem-based approach (see objectives 2 and 3 in Table 1110) depends on their operationalisation in practice (not part of this study). The ACs comprise of stakeholders, with different knowledge domains and different interests which ultimately need to be balanced. This should help in developing these approaches and reaching the objectives.

Seventh, the establishment of the MAC after the last reform of the CFP (2013) should help achieve the two objectives that focus on the internal market of the EU and help take the interests of consumers and producers into account (articles 5g and 5h, Table 11). The AAC, in addition, helps address issues of relevance for the aquaculture sector (article 1,3, 5e, 5g).

Finally, regionalisation helps achieve Objective 5j, to be coherent with other EU policies. Member States are empowered to take more initiative to develop measures that help reach objectives for their fisheries and waters. Together with Article 11, Article 18 can facilitate transboundary cooperation between Member States and specifically ask for coherence with EU environmental policy.

In conclusion the establishment of the ACs and MSGs through the structure of regionalisation (Article 18 of the CFP) and the management measures taken in this context have influenced the attainment of different CFP policy objectives since 2013.

4 CONCLUSION

In this study, we have provided a comprehensive overview of the functioning of the regionalisation process under the CFP and examined its main developments over time. To achieve this, we used a combination of literature review and stakeholder consultation to map the stakeholders involved, regional groups and measures adopted through regionalisation, and assessed the perceptions of the actors that are key to the functioning of regionalisation. In this section, we present: a) the main outcomes of the study, followed by b) recommendations.

4.1 Main outcomes of the study

We structured the study in such a way that we would be able to map the key actors and measures adopted while also assessing whether the key actors feel that the principles of good governance of regionalisation are being realised. These principles are: 1) better involvement of all relevant stakeholders, 2) better account of local/regional specificities, (3) more tailor-made management, 4) interests of stakeholders taken into account and 5) a bottom-up approach.

To assess the **first objective** (better involvement of all relevant stakeholders), we mapped the stakeholder groups that have played a role in regionalisation between 2002 and 2021 to know who is involved. Findings show that the key groups are: the MSGs, ACs, RFMOs and RCGs. By using SNA, we ascertained who reports to whom and collaborates with whom. This analysis showed that collaborating entities mainly cluster by type of organisation (e.g. RCGs working closely together) and geographical activity range (e.g. the Mediterranean).

We also described the main working procedures of the regional groups and the ACs. We found that there are large differences in how MSGs operate, and whether they have formal working procedures or not. ACs generally have clear procedures, but there are some challenges here. For example, the CFP regulation clearly stipulates “that ACs need to promote a balanced representation of all stakeholders and contribute to the achievements of the objectives set out in Art. 2 of the EU regulation 1380/2013”. It has, however, proven challenging to (better) involve all stakeholders in the ACs or for all stakeholders to feel equally represented in the ACs. In addition, a short annual cycle of drafting joint recommendations brings along challenges for both the ACs (who aim to provide consensus advice between stakeholders with often opposing views), as well as for the MSGs (who have to meet deadlines). For the MSGs to include all stakeholders in a short time means collating input from ACs and national scientists, providing feedback after review by STECF, implementing and enforcing existing regulations, preparing the December Council meeting and evaluating the success of the measures.

The shared perception of stakeholders is that ACs have clear working procedures and are largely transparent in the work that they do. However, this perception is not shared in relation to the MSGs. We found that for most of these groups, information (regarding structure, working procedures, meeting outcomes) is not publicly available. For stakeholders involved in the regionalisation process since 2002, the change in 2013 from RAC to AC and the role of the MSGs meant that good working relations had to be rebuilt. Where the EC had improved in their feedback and approachability over time, the ACs felt they had to start all over again with the MSGs. As the MSGs differ in the way they provide feedback to the ACs, how they deal with advice and its impact on decision-making is not clear. Lack of clear procedures on responding to AC advices are missing. This is also the case for the EC.

The **second objective** involved assessing the level and mode of involvement of regional stakeholders in preparing these measures (amongst others by looking at eight case studies throughout all regional seas). In this study, around 121 regional management measures were categorised according to type (discard plans, MAPs, conservation and technical measures) and geographical region since 2013. A detailed assessment of

regionalisation in terms of Art. 11 conservation measures is currently lacking but would be of interest for the future. The overview of measures shows that the onset of the LO has resulted in a large increase in the number of measures (i.e. discard plans) for various geographical areas. A large number of these are, however, no longer in force because they have been either repealed or changed in the process of the gradual implementation of the LO. One of the reasons for this is the fact that scientific evidence demonstrating high survival rates, or evaluating requirements for de minimis regulations, were not readily available for all species/areas/gears in the first LO years. Newly generated scientific evidence gradually supported JRs submitted by the MS and ACs. These JRs were then evaluated by STECF and if considered sufficiently justified by the Commission, incorporated into legislation. The case studies also show that obtaining consensus and going through the many iterative discussion steps and actors (ACs, MS, STECF) often implies a multi-year timeframe of regional measures to become adopted into legislation.

The onset of the LO also implied a shift in focus in the ACs' and Member States' work priorities. This was confirmed by stakeholders during the oral interviews throughout this study stating that ACs and MSGs got swamped by the LO regulation. The attention for developing measures in relation to the LO is worth some reflection. First, as these measures have such immediate impact on the fishing practices, they are extremely relevant for the fishing industry and member states. It therefore makes sense that a lot of energy was put into this particular CFP objective the last couple of years. Second, at the same time, the focus on the LO might have impacted on the delivery and capacity for other topics. For instance, under Article 11, Member States can propose measures that contribute to objectives in other policies and thereby allow for policy coherence. It has been noted in the focus groups that measures drafted under article 11 take longer to be adopted than the ones drafted under article 15. The ACs, however, have in recent years increasingly worked together to draft advice on horizontal issues e.g. climate change, blue economy, Marine Spatial Planning (MSP) etc.

The **third objective** was assessed by looking at whether different views are incorporated in the advice, and whether the advice given by ACs was taken on board. In terms of output (pieces of advice delivered) by the AC, an upward trend can be detected over time (since 2013). This can be partially explained by the fact that more ACs were founded in the years after. However, this can also be attributed to the many management measures taken in relation to the LO, phased in since 2015 as well as the need for advice on other legislations (e.g. MSP, blue economy etc.).

Most of the AC members and managers believe that the current rules of procedure provide transparency in the preparation of advice, but this transparency has its boundaries (e.g. more things happen than what is mentioned in official documents). Regional or national interests can sometimes make it hard for people to work together in an AC. Despite this, ACs strive to form consensus advice. This can sometimes lead to advice being "watered down" because agreements are reached on the lowest common denominator. Whenever there is no consensus, this is often caused by the different opinions between OIG and industry representatives.

While EC officials acknowledge the importance of attending AC meetings, it appears in practice that actual involvement can be limited due to word load and other priorities. It would be helpful for the EC officials attending AC meetings to receive more information in advance of the meetings (e.g. which topics and what type of questions can be expected) so that they can make informed decisions on which meetings to attend balancing between priorities and capacity. Besides the lack of involvement in meetings, the lack of detailed feedback received from the MSGs and EC regarding the advice provided by ACs, is considered problematic by AC management teams (e.g. because of the difficulty to illustrate the added value/impact of the ACs). A more standardised feedback procedure would allow regional stakeholders to check what happened to their input and recommendations.

To assess the **fourth objective**, we mapped all measures taken under regionalisation. As it was not clear for all measures who took the initiative, we made use of the case studies. These show that the idea or initiative for certain regional management measures can come from different actors: e.g. via individual NGOs and/or fishery sector organisations, via Member State governments, in certain cases supported by input from national scientific institutes or via RFMOs or via the EC itself. The case-studies also show that obtaining a consensus and going through the many iterative discussion steps and actors (ACs, MS, STECF) often implies a multi-year timeframe of regional measures to become adopted into legislation.

Overall, stakeholders feel that there are gains to be made by participating in the regionalisation process stating that regionalisation has provided a useful channel for individuals to put their points across and discuss them with a broader spectrum of stakeholders compared to writing position papers or lobbying etc. The distribution of the ACs (different seas' basins) is also seen as a gain as it provides EU-wide fora for discussions in fisheries management issues. The direct and closely working among different institutions (EC, ACs, scientists, MSGs) is also seen as an advantage of regionalisation. Stakeholders also feel that many of the perceived benefits from the regionalisation process have not been realised yet. Some indicate that they were generally dissatisfied that their advice is not sufficiently incorporated and therefore considered this as a loss to their participation.

In addition to the conclusions for the aforementioned four specific objectives, regionalisation has contributed to distinguishing principles from implementation: the Council of Ministers can now work in triologue with the European Commission and the European Parliament on long-term principles, whilst actors at regional level (MSGs with involvement of ACs) work on the implementation of these principles. Regionalisation as such contributes to addressing one of the five structural failings of the CFP as noted in 2009: the focus on short-term political goals. It facilitates a focus on longer term goals in relation environmental, economic and social sustainability.

4.2 Recommendations

Based on the assessment done in this study, we make the following recommendations.

1. The structure, procedures and experience for stakeholder involvement in the CFP is there. Stakeholders are also aware of the ACs and what is required of them. However, this does not resolve the issues regarding lack of transparency of the MSGs, or the working relationship between ACs and MSGs. A permanent MSG secretariat could help to solve the transparency issues. Collaboration between MSGs and ACs could improve if ACs are systematically invited to the MSG technical groups and can attend the meetings in full.
2. A more standardised feedback procedure surrounding the incorporation of advice, both from EC and MSGs should improve transparency, give ACs feedback on their advice, and also make it easier for stakeholders to demonstrate that their work in ACs matter. Feedback to official advice should be made publicly available.
3. Provisions should be made for the ACs to improve their access to science where needed. This could include funding for specific science support or enabling the process to get access for funding for dedicated research questions on short notice.
4. There is need for a formal/track record of attendance/participation of EC officials at AC meetings, if relevant questions could be provided in advance.
5. The need for online meetings during the COVID-19 pandemic has contributed to a high level of participation and interaction between stakeholders (within ACs, between ACs and MSG). Continuing with hybrid meeting forms or alternating live and video meetings in the post-pandemic phase should be considered.
6. More information on how and where different stakeholder organisations were involved during the development of regional management measures, e.g. by keeping track records of organisation attendance during different meetings/focus groups etc. and making these publicly available.
7. More work should be undertaken to provide an improved understanding of the working of regionalisation under Article 11, 15 and 18. A separate assessment for the involvement of different stakeholders in the Art. 11 conservation measures (Habitats, Birds and MSFD directive) would be valuable.
8. For stocks that are transboundary or pelagic and for regional seas with many adjacent non-EU Member States, regionalisation of the CFP does not provide the needed structure. It is recommended to organise platforms to effectively and participatory discuss trans-EU/regional issues.
9. The structure for stakeholder participation as developed under regionalisation of the CFP works well in many regards (this study) and can be used by organisations participating to the tasks of the Advisory Councils as defined in Article 44 of the CFP Regulation for transboundary cooperation and regional stakeholder involvement in marine spatial planning, which can be improved in this regard. The increased use of the regional seas by other users than fishers such as MPAs and renewable energy ask for more regional alignment in MSP, which currently is mostly done at Member State level.

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