



Stakeholder perceptions on regionalisation of the common fisheries policy and its impact on the legitimacy of fisheries policy in the European Union

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Abstract

The Common Fisheries Policy (CFP), established in 1983, is the European Union's policy for sustainable management of European fishing fleets and conservation of fish stocks. In 2002, the CFP was reformed with the objective of improving its legitimacy towards fisheries management. This involved the introduction of 'Regionalisation', establishing Advisory Councils (ACs) for each European sea basin. Regionalisation advanced in 2013 by setting up Member States Groups (MSGs), facilitating more tailor-made management proposals at decentralised levels. We examine whether these reforms have reached their objectives of improving the CFP's legitimacy and effectiveness, using the concepts of input and throughput legitimacy. Results from interviews, an online survey and focus groups show that Regionalisation is considered necessary and has fulfilled most expectations (to a certain extent). European and national policy-makers were more positive than ACs. Regionalisation increased legitimacy of the CFP by giving diverse stakeholders direct access to the policy-making process. Yet, in practice stakeholders (unevenly) struggle with different aspects of participation, and clarity about the extent to which AC advice is taken on board is lacking. Improving these aspects of input and throughput legitimacy are therefore required to arrive at a truly legitimate fisheries policy. The ACs and MSGs developed under Regionalisation provide structured procedures of cooperation and dialogue. ACs have demonstrated to be crucial boundary organisations where consensus is built and mediated, information is shared, capacity is built, and knowledge is co-produced. This is crucial considering increasingly wicked problems associated with the blue economy agenda and climate change.

Keywords Regionalisation · Common fisheries policy · Stakeholder perceptions · Legitimacy · Stakeholder involvement · Advisory councils

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Introduction

The Common Fisheries Policy (CFP), implemented in 1983 after several years of negotiations (Holden and Garrod 1996; Penas Lado 2016), is the key European Union (EU) regulation to sustainably manage all European fleets and conserve marine living resources in European waters. The CFP's first basic regulation (CEC 1983) has since been reformed three times: in 1992, 2002 and 2013 in an attempt to correct the outcomes of policy which were seen as a failure (Gray and Hatchard 2003; Penas Lado 2016; Symes 2023). Literature on fisheries management has emphasised the importance of (at least) including the perspectives of user groups, arguing that it will also improve compliance, by enhancing the feeling of ownership (Gray and Hatchard 2003; Hegland et al. 2012; Jentoft and McCay 1995; Raakjær Nielsen and Mathiesen 2003; Symes 2023; Wilson et al. 2003). Between the early 1970s and 2002, the fishing industry was consulted about policy developments through the Advisory Committee on Aquaculture (EC 1999; Long 2010). Policy measures aimed at significantly enhancing the involvement of a more targeted group of stakeholders in the decision-making process, to improve the legitimacy of the policy, were not introduced until the second reform of the CFP in 2002 (Long 2010). This was executed through the implementation of a process called 'Regionalisation'. The initial Regionalisation process took shape through the establishment of seven stakeholder-led Regional Advisory Councils (RAC), corresponding to a different sea basins, migratory pelagic species or long distance fisheries (EC 2015). These new forms of stakeholder collaboration at a regional level, aimed at involving different stakeholders (including fishers, environmental or other interest groups) more closely in the decision-making process. They would contribute to achieving the objectives of the CFP by considering the knowledge and experience of fishers and other stakeholders, as well as the diverse conditions throughout EU waters (Eliassen et al. 2015; Hegland et al. 2012). RACs may be consulted by both the European Commission (EC) and Member States in respect of proposals for management measures affecting fisheries, such as multi-annual recovery or management plans (EC 2015; Eliassen et al. 2015).

In the CFP reform in 2013, RACs were renamed Advisory Councils (ACs) to reflect the creation of four additional ACs including those focussing on horizontal issues like aquaculture and the marketing of seafood products. This reform also sought to further enhance Regionalisation as the next step forward for fisheries management, following proposals by the EC in their 2009 Green Paper (EC 2009; Symes 2023). Member States with a direct management interest in a relevant geographical area, were to cooperate with one another in Member States Groups (MSGs), formulating so-called

joint recommendations on fisheries management measures, and consulting the relevant ACs. These changes marked a shift towards a more bottom-up approach to fisheries governance, enabling lower-level authorities and stakeholders (ACs) to step into the fisheries management process and design tailor-made management at a regional level (EP & CEC 2013). Local-level authorities hold the powers to decide on joint recommendation, while the ACs have an advisory role. This enhancement of Regionalisation was intended to solve complaints about "micro-management from Brussels" and the rigid top-down approach in EU fisheries management (Hegland et al. 2012; Penas Lado 2016; Raakjær et al. 2012; Symes 2023). The question is whether this has been achieved. Few studies have monitored the topic or process of Regionalisation. In this paper we explore whether Regionalisation has delivered its main goals since the 2002 CFP reform. In particular, we examine whether Regionalisation aligns with the principles of 'good governance' such as transparency and stakeholder participation in final decision-making, and whether it proves to be more pragmatic, effective and timely in addressing fisheries management challenges. We assess what legitimacy means and how the main stakeholders involved perceive the legitimacy of the Regionalisation process, and, if for them, Regionalisation has delivered what it promised. We assess whether Regionalisation is an effective way to balance different CFP policy objectives and draw out conclusions. In the next section, we present our methodology. This is followed by a historical outline of the Regionalisation process of the CFP, after which we discuss key concepts used to assess the legitimacy of policy processes. We then present views of the stakeholders involved in the Regionalisation process, on whether they perceive Regionalisation has improved the legitimacy of the CFP.

Methodology

This paper uses data and information from two related studies: (a) a study commissioned by the EC on the functioning of Regionalisation, hereafter referred to as CINEA study (van Bogaert et al. 2022), and (b) an additional study into perceptions on the legitimacy of ACs as part of a MSc-thesis (Ten Napel 2022). Both studies were conducted in 2021. We used a mixed methods approach with: (1) desk research, (2) social network analysis, (3) interviews, (4) online survey, and (5) focus groups. The desk study for the CINEA study evaluated the main policy documents and peer-reviewed literature in relation to Regionalisation. It also identified the relevant stakeholders and their involvement. This led to the identification of three main stakeholder groups with a formal role in the Regionalisation process: (a) Advisory

Council (AC) management team, (b) AC members, and (c) MSG & EC.

Interviews for the CINEA study were carried out using a standardised questionnaire of open-ended and closed questions. For the development of this questionnaire, eight pilot interviews were held with key stakeholders. The first four interviews were used to explore the suitability of our questions, terminology used by stakeholders and topics stakeholders raised in relation to Regionalisation. The last four interviews were used to test the outline for the questionnaire. A total of 36 online interviews were carried out with stakeholders from the three main stakeholder groups (Table 1). All participants were selected through purposeful sampling, meaning that part of the population can provide information on the research topic (Suri 2011). Interviews were documented in the form of an executive summary. They were iteratively coded using Atlas.TI software. The MSc-thesis study carried out a total of 12 one-on-one interviews with AC members and management. These participants were also selected through purposeful sampling (Suri 2011). The set-up of the interviews was semi-structured, ensuring that the necessary topics were covered while there was also room for follow-up questions. The transcribed interviews were manually coded according to a thematic analysis, which is commonly used to analyse experiences and perceptions.

To reach a larger stakeholder audience for the CINEA study, an online survey was conducted. The survey was

Table 1 Overview of participation of stakeholders with a formal role in the regionalisation process in formal interviews, online survey and focus groups

Stakeholder category	Interviews	Online survey	Focus groups		
			#1	#2	#3
(R)AcS	(27)	(110)	8	n/a	(22)
Management	6	35			19
Members	21	75			3
MSGs	9	5			18
EC		(1)			(14)
DG MARE		1			12
DG ENV					2
CINEA					1
Unidentified		3			
Total	36	118	8	33	22

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. FG #1 was aimed at (R)AC members with a long track record and focussed on an historic assessment of the impacts of regionalisation and stakeholder involvement as well as on filling in information gaps from data collected otherwise, FG #2 aimed at Understanding the impact of regionalisation on the effectiveness of policy and on the interaction with ACs as perceived by managers, FG #3 aimed at receiving input from AC members on the preliminary outcomes. Source: (van Bogaert et al. 2022). A further breakdown of the participants to this study can be found as supplementary material

available in five languages (French, Spanish, Polish, Portuguese, Italian). The online survey questions were based on the findings from the desk research, the social network analysis and preliminary results of the interviews for the CINEA study. The online survey comprised mainly closed questions and some open-ended questions. It generated a total of 119 responses from the main stakeholder groups (Table 1). The survey results and the codes attached to the open-ended questions from the interviews were combined to reveal important themes that were brought up by the respondents.

Finally, for the CINEA study, three focus groups were held to explore how different interests had been represented and reflected in the ACs' advice and areas for further improvement. The first focus group was directed at AC or former RAC members with long track records and focused on the historic assessment of the impacts of Regionalisation and stakeholder involvement as well as on filling in information gaps from the document analysis, interviews and survey. The second focus group was for MSG and EC representatives and was oriented at obtaining perspectives on the impact of Regionalisation on the effectiveness of policy and on the interaction with ACs. The third focus group involved the AC Chairs and Executive Secretaries and was aimed at receiving input on the preliminary results of the Regionalisation.

All stakeholders who were interviewed, participated in the online survey, or took part in the focus groups gave prior consent for aggregated use of the (pseudonymised) information they provided.

To draw conclusions from qualitative data, it is important that results are representative, i.e., give a complete as possible picture of the potential views, attitudes or behaviours within the entire stakeholder population (Dinklo 2006). Using the described mixed method approach, we are confident our results are representative of the views of the stakeholders who are members of (in)formally established groups involved in the CFP Regionalisation process.

Regionalisation: a new approach to governance in the most recent CFP reform (2013)

Aim of regionalisation

The aims of Regionalisation are to foster increased stakeholder involvement and facilitate a bottom-up approach for tailor-made regional management (Eliassen et al. 2015). Regionalisation cannot add an additional level of decision-making under the current Lisbon Treaty (Signatories 2007). However, by directly involving various actors in the formulation and the implementation of management measures,

Table 2 Comparison of main characteristics of (R)ACs and MSGs

Aspect	(Regional) Advisory Council ((R)AcS)	Member States Groups (MSGs)
Establishment	Established in 2004 as part of the CFP reform to involve stakeholders in fisheries management	Introduced with the 2013 CFP reform to facilitate regionalization and allow Member States to formulate joint recommendations.
Composition	Comprised of stakeholders, including representatives from the fisheries sector and other interest groups like environmental organisations and consumer groups but also recreational fishers.	Comprised exclusively of representatives from EU Member States sharing a common interest in a specific sea basin or field of competence e.g. Pelagic fisheries.
Role	Provide advice and recommendations to the European Commission and Member States on fisheries management and conservation measures on their own accord or at the request of the EC or a Member States.	Develop and agree on joint recommendations for regional fisheries management, which are then submitted to the EC.
Focus	Focuses on stakeholder engagement, fostering dialogue, and ensuring diverse perspectives in decision-making	Focuses on intergovernmental collaboration among Member States to implement regionalized fisheries policies.
Decision-making power	Advisory in nature; they do not have decision-making authority but influence policy through recommendations	Have the authority to propose joint recommendations that can directly shape fisheries management under the CFP.

Regionalisation promotes a greater sense of shared ownership of the fisheries management process which should enhance commitment to, and compliance with the regulations. This stakeholder involvement was particularly sought through the establishment of the (R)AC as of 2004. Furthermore, the creation of MSGs on ad hoc basis after 2013 aimed to develop more tailor-made fisheries management plans for the different sea basins within the EU. Below the roles, responsibilities and interplay between (R)ACs and MSGs are briefly described. Table 2 compares their main characteristics.

(Regional) advisory councils (ACs)

The first step of Regionalisation, implemented with the reform of the CFP in 2002, led to the establishment of seven stakeholder-led (Regional) ACs (CEC 2002). Table 3 provides an overview of all ACs. Figure 1 shows the history of

Table 3 Overview of all ACs, their year of establishment and when they became operational

Official name	Common name	Established	Operational
North Sea Advisory Council	NSAC	2004	2004
Baltic Sea Advisory Council	BSAC	2004	2006
Pelagic Advisory Council	PELAC	2004	2005
North Western Waters Advisory Council	NWWAC	2004	2005
South Western Waters Advisory Council	SWWAC	2004	2007
Mediterranean Sea Advisory Council	MEDAC	2004	2008
Long Distance Advisory Council	LDAC	2004	2007
Black Sea Advisory Council	BISAC	2013	2016
Outermost Regions Advisory Council	CCRUP	2013	2020
Aquaculture Advisory Council	AAC	2013	2016
Market Advisory Council	MAC	2013	2016

the implementation of these councils as part of the Regionalisation approach. ACs may submit recommendations and suggestions on matters relating to the management of fisheries and the socio-economic and conservation aspects of fisheries and aquaculture to the EC and to the Member State concerned, and, in particular, recommendations on how to simplify rules on fisheries management. At the same time, ACs shall be consulted on joint recommendations developed by Member States Groups (see below). They may also be consulted by the EC and by Member States in respect of other measures.

The structure of the ACs was intended to guarantee balanced representation of all legitimate stakeholders in the field of fisheries, including small-scale fleets and where appropriate aquaculture (EP & CEC 2013). Balanced representation was required in the light of the important role that the ACs are expected to play in the regionalised CFP and in accordance with the principles of good governance (EP & CEC 2013) to take into account regional specificities as well as to involve appropriate stakeholders at all stages of decision-making (EP & CEC 2013). Members consist of representatives of fishing industry organisations (fishers, processing and trade) and Other Interest Groups (OIGs). The latter include groups affected by the CFP other than sector organisations, such as environmental organisations and consumer groups but also recreational fishers. The ACs as platforms for stakeholder input to policy, function as boundary organisations as they broker information, mediate and

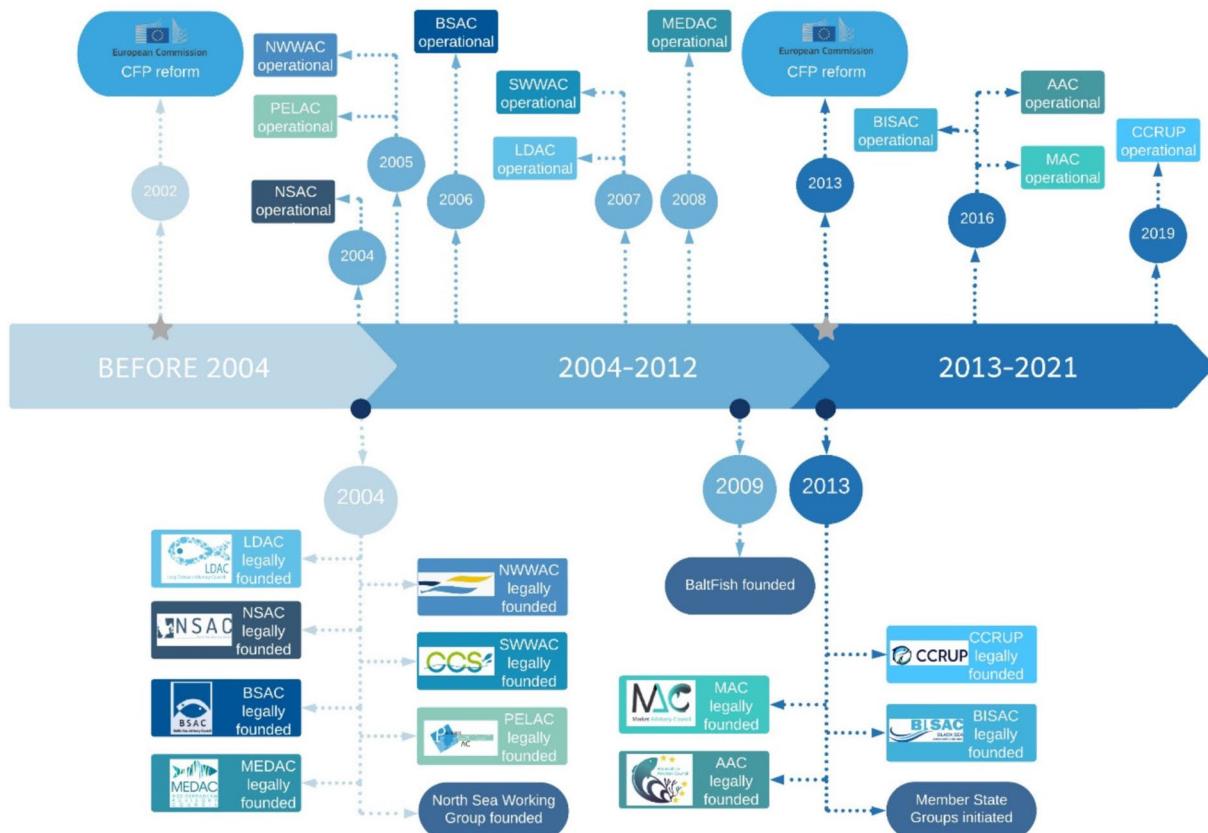


Fig. 1 Timeline representing when each AC was founded (legally and operationally) and first MSGs were established. ACs founded between 2004 and 2012 were initially called RACs. For MSGs other than the North Sea Working Group and BaltFish, founding dates are unknown.

The North Sea Working Group is now known as the Scheveningen Group. Sources: Figure (adapted from) (van Bogaert et al. 2022); MSG dates (Eliassen et al. 2015)

build consensus, build capacity and co-produce knowledge (Vandamme 2014).

The ACs consist of a General Assembly that will appoint an Executive Committee (ExCom) of up to 25 members, or 30 members if necessary to ensure appropriate representation of small-scale fleets. Since the last reform of the CFP, the General Assembly and ExCom, aim to maintain a 60:40 stakeholder ratio, industry to OIGs (EC 2015). The ExCom can establish specialised structural or ad hoc working groups to work on specific topics and prepare draft advice for final approval in the ExCom. The ExCom should, where possible, adopt recommendations by consensus. If no consensus can be reached, dissenting opinions expressed by members are recorded in the recommendations adopted by the majority of its members. The chairs of the AC and the secretariat act as facilitators between parties with diverging positions and aim to find a compromise text acceptable to both during consultation procedure.

In 2009, the Inter-AC initiative was established in response to the need for greater coordination and communication

between the different (regional) ACs. The Inter-AC provides a platform for ACs to come together, exchange views, and work on common fisheries management issues across different EU regions. As the inter-AC has no responsibility in the advisory process and associated legitimacy questions, it will not be discussed further in this paper.

Member States groups (MSGs)

According to Article 18 of the CFP (EP & CEC 2013), where Regionalisation applies, EU Member States with a direct management interest may agree to submit joint recommendations for achieving the objectives of the relevant conservation measures, the multiannual plans or the specific discard plans in relation to their specific sea basin. The joint recommendations must be based on the best available scientific advice, align with the main objective of the CFP, with the scope and objective of the conservation measure or multiannual plan, and be at least as stringent as measures under EU law. To facilitate this process, the MSGs were established

on ad hoc basis. There therefore is no formal register of MSGs as forming them is not a requirement. Until now there are 7 MSGs that are / have been active: NWW, North Sea (known as the Scheveningen group), SWW, PESCA MED, SUDESTMED, ADRIATICA and Baltfish¹. MSGs usually consist of three subgroups, each comprising representatives of the fisheries departments of each Member State: (1) a Technical Group, which prepares draft joint recommendations and facilitates negotiations among Member States; (2) a Control Expert Group, which focuses on fisheries control and collaborates with the European Fisheries Control Agency; (3) a High Level Group, which approves the work of the other two groups and is composed of senior representatives from Member States (van Bogaert et al. 2022). The EC is an observer to these meetings and has a supervisory role, ensuring that the process complies with legislation. As part of the development of joint recommendations, Member States must consult the relevant ACs before submitting them to the EC. This process is organised through the MSGs. However, there is limited guidance on how MSGs should engage stakeholders, ensure transparency, or provide accountability. As a result, MSGs interact with ACs on an ad hoc basis, with practices varying depending on the MSG and its presidency. The presidency of MSGs rotates, further contributing to inconsistencies in stakeholder engagement and procedural practices.

Where a joint recommendation is submitted, the EC may adopt these measures by means of Delegated Acts (EP & CEC 2013 Article 18) or Implementing Acts (EP & CEC 2013 articles 11[3] and 12). As part of this process, the EC should consult the relevant advisory scientific bodies, such as the Scientific, Technical and Economic Committee for Fisheries. Based on the scientific assessment, the EC decides whether or not a Delegated Act will be drafted. Once the EC has adopted the Delegated Act, a 2 months' scrutiny period for the European Parliament and Council of Ministers applies. If no objectives are received, the Delegated Act is implemented. In cases where the joint recommendations are considered inconsistent with the CFP objectives or Member States are unable to agree on joint recommendations within the specified timeframe, the EC may submit a proposal for appropriate measures in accordance with the Lisbon Treaty (Signatories 2007).

Key concepts of internal legitimacy of the policy process

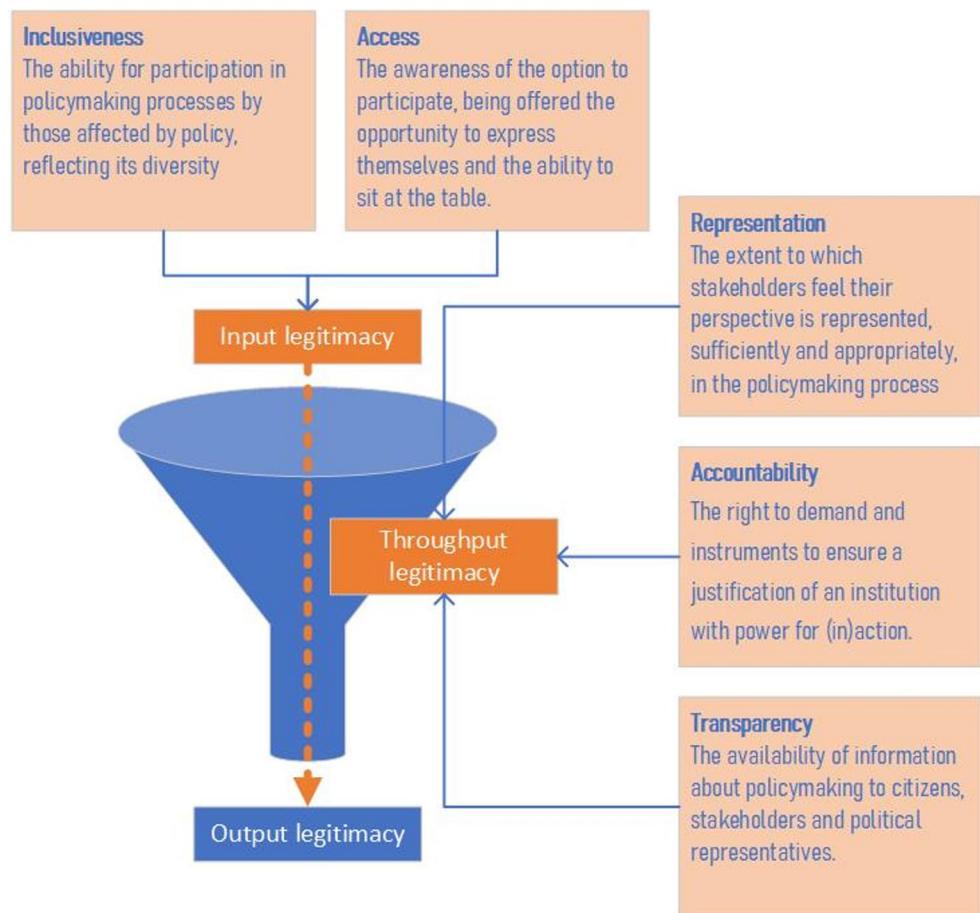
Legitimacy

One of the goals of Regionalisation was improving legitimacy of the CFP. An assessment of whether or not this goal has been achieved requires an understanding of the concept of legitimacy. Legitimacy of policy is about the support stakeholders have for policy, which is linked to their level of influence. A system is perceived to be legitimate if it is able to take up and balance preferences of different actors in a fair and just way (Hegland et al. 2012). This type of legitimacy is called process legitimacy and can be divided into internal and external legitimacy (Mosley and Wong 2021). Internal legitimacy is referred to as whether the process is seen as fair and just by the stakeholders involved in the process, in contrast to external legitimacy which is about what is perceived by those not directly involved (Hegland et al. 2012). Since this study focusses on those involved in the policy process, we focus on internal legitimacy.

Internal legitimacy can further be divided into input and output legitimacy (Scharpf 1999) (See Fig. 2). While input legitimacy is about who is involved, and whether political choices reflect 'the will of the people'; output legitimacy means the "effectiveness, responsiveness, and acceptability" of laws and policies as judged by citizens, and whether the political choices solve the problems it intends to solve (Mosley and Wong 2021; Scharpf 1999). A third legitimacy criterion is 'throughput legitimacy' (Schmidt 2013), to cover the 'black box' of governance between input and output legitimacy (Fig. 2). Throughput legitimacy can capture the quality of the policymaking process itself. Assessing the input and throughput legitimacy of the policymaking process, rather than solely the outcomes, allows for an evaluation of the legitimacy of accessing the policymaking process through Regionalisation as perceived by stakeholders. In literature, a diversity of concepts or criteria is used to assess the input and throughput legitimacy of a policy. For input legitimacy this is inclusiveness and access; for throughput legitimacy these are representation, accountability and transparency (Fig. 2). In this paper, we only look at input and throughput legitimacy of Regionalisation as perceived by those directly involved.

¹ <https://data.europa.eu/doi/10.2760/447445> (page 3) and <https://helcom.fi/action-areas/fisheries/management/baltfish-forum/>.

Fig. 2 Key concepts related to input and throughput legitimacy. Definitions of concepts based on Mosley and Wong (2021); Scharpf (1999); Schmidt (2013); Schmidt and Wood (2019)



Results

The internal legitimacy of regionalisation as a policy process

Regionalisation promised to improve the legitimacy of policymaking. Access to the policy-making process for stakeholders is a core element thereof which can be specified by the concepts of input and throughput legitimacy. As part of Regionalisation, stakeholders are consulted in management decisions in their regional area or on their specific part in the fish value chain through the ACs. Also, the Member States were given more influence by the establishment of MSGs. Here, we first assess how input and throughput legitimacy were perceived by the main stakeholders involved in Regionalisation: the ACs and the MSGs. We have organised these outcomes by structuring according to input and throughput legitimacy with the key concepts of inclusiveness, access, representation, accountability and transparency. Second, we evaluate whether Regionalisation delivered what it promised according to the stakeholders.

Input legitimacy: access

The ACs provide stakeholders with a direct channel of access to the policy-making process. AC members feel they are valued as regional stakeholder and the ACs are a good place to express their interests. In focus groups, specific topics are discussed in which AC members can get directly involved in the drafting of recommendations. However, some areas of improvement were mentioned, especially that it is sometimes difficult for them to have sufficient and relevant capacity, such as scientific support. Sometimes, ACs are invited to MSG meetings to provide additional input beyond their written recommendations. However, respondents pointed out some weaknesses to this approach. Because not all AC member organisations have the same capacity and training, some opinions may be better represented than others. AC members also feel that MSGs and the EC often approach them at short notice for advice. There is structurally insufficient time for AC members to read AC draft documents that require feedback, or to participate in all relevant working groups. When AC members are asked for their opinion and they

do not reply, it is sometimes perceived as consent. Time in general is considered a constraint during interactions of the ACs with MSGs and the EC. Particularly because the procedures of the ACs, in which the secretariat, the board and the general assembly all have input into the process of providing opinions or advice, require substantial coordination and time.

Another part of the concept of access, is access to resources, for instance to science. Opinions on access to science vary during discussions in ACs. A relevant number of OIG delegates tend to employ staff with a scientific background. In contrast, few fishers' representatives have a scientific background. OIGs are therefore regarded to have stronger voice in discussions on scientific topics. It is possible for independent scientists or other experts to be invited to certain AC meetings. This, however, requires availability of financial resources. While some AC members prefer direct connection and engagement with scientists, others are more in favour of clearly separating more practice-based stakeholders' opinions from scientific viewpoints.

Input legitimacy: inclusiveness

For inclusiveness, it is important that the group of stakeholders involved, reflects the diversity of affected people in society. Regional-based AC structures better allow for measures tailored to the region. However, the size and composition of some regions make it difficult to deal with its ecological, social, economic and cultural diversity. In addition, transversal ACs (such as the market or pelagic AC) can bring in-depth insights based on the central topic. When politically sensitive topics are discussed in the ACs, with opposing views, it often proves to be difficult to reach consensus advice in ACs. Some respondents were not satisfied with the level of neutrality of the AC management and secretariat. It is the responsibility of the AC chair and secretariat to ensure that everyone can have a say, and the advice includes different perspectives that have been expressed. Some AC members, however, feel that minority positions are not always considered or included.

Throughput legitimacy: representation

The stipulated representation division of 60% fishing industry and 40% OIGs in the AC is, in practice, hardly met, with the percentage of OIGs often being lower. In the early 2000s the percentage of OIG organisations in most ACs was lower than 40%, frequently falling below 30%. AC members in general indicated that their involvement means they can participate in the provision of advice in a democratic way. However, OIG members express dissatisfaction with their

lower percentage of representation, as they feel it diminishes attention to their interests. For most OIG members, this 60/40 division is a point for attention. AC management has tried to improve the balance but it seems to be a vicious circle of OIG members being dissatisfied, which in turn makes it harder to attract new members.

While different AC members generally try to reach consensus on the advice they provide to the EC, this often proves to be difficult. This, according to some AC members, sometimes leads to weak advice when consensus can only be reached on the smallest common denominator. Some EC representatives indicated that in their opinion, advice does not necessarily need to be based on consensus. They believe that it is useful that the different viewpoints and interests of the AC members are represented in the advice.

Throughput legitimacy: transparency and accountability

In relation to the interactions between the ACs and the MSGs, our analysis revealed there is a lack of formal institutional structures regarding the activities of the MSGs and guiding their interactions with the ACs. Where ACs have clear working procedures and are transparent in the work that they do, this is not the case for the MSGs, for which a lot of information regarding structure, working procedures and meeting outcomes are not publicly available. Stakeholders experience difficulties identifying which Member States form the MSGs, the presiding authority, and the duration of their presidency. They also perceive a lack of transparency on the structure and organisation of the MSGs as well as on programmed activities during each presidency period. Members of MSGs point out there is a lack of means to make the organisation visible to the general public, such as websites and press releases. Furthermore, the different MSGs lack permanent secretariats to assist the presidency. This implies that the procedures to liaise with other entities such as the ACs or even the EC do not follow a formal protocol but may depend on the way the temporal presidency decides to organise such interactions.

In addition, for ACs, it is unclear what exactly is done with the advice they provide. This results in a general feeling of disappointment, i.e., they feel that their advice is not sufficiently appreciated by the MSGs and EC. The EC and MSG members, in turn, indicate that the advice is sometimes not specific enough for them to take forward.

Our findings also indicate that, where the ACs have clear working procedures and are transparent in the work they do, this is not the case for the MSGs and the EC. Neither the MSGs nor the EC have a systematic documentation process that may allow ACs and other interested parties like researchers, to explore which parties were consulted and in

what form, and to what extent their advice was considered. Particularly for MSGs, most information regarding structure, working procedures and meeting outcomes are not publicly available. In addition to the short notice of advice requests, AC members also perceive that the ACs get very limited time slots during MSG meetings to elaborate on their advice. At the same time, transparency in the process of drafting a delegated act could be improved. Following the review of a joint recommendation by STECF, the EC decides whether or not a Delegated Act is being drafted or whether the MSG should address specific issues raised in this review within a strict timeline. During the drafting, experts from the Member States are invited to the meetings of Commission expert groups that work on the preparation of Delegated Acts. ACs are not invited.

Did regionalisation deliver what it promised?

Most of the stakeholders consider the Regionalisation process as a key institutional development which has provided the formal mechanisms for the stakeholders to access the EC and provide their insights into the decision-making process. Thus, the formal mechanisms for ACs participation in decision-making are in force as per Regulation 1380/2013 (EP & CEC 2013). Furthermore, Regionalisation in general and ACs in particular, have provided the opportunity for stakeholders to sit at the table with national and international counterparts to discuss different points of view and reach agreements. Nonetheless, a wide group of stakeholders perceive that their efforts are rarely reflected in the final decision. Furthermore, they indicated that they are not always able to identify the reasons why their advice was not considered and at what stage of the decision-making processes their advice was dismissed. This is concerning, as article 44(3) of the CFP stipulates that ACs must be consulted in relation to joint recommendations (and may be consulted by the EC or MSGs on other measures), and that advice shall be taken into account (EP & CEC 2013). In view of this obligation, one would expect that accountability on how AC advice was considered is part of procedures.

Findings from the survey show that 75% of the MSGs respondents are satisfied with Regionalisation compared to around 50% of respondents from both the AC management teams and scientific experts. A little less than 40% of the AC members indicated that they were satisfied and around 30% of them responded neutrally to this question. With 68%, most of the respondents from MSGs and the EC stated that Regionalisation was meeting their expectations. Around 50% of respondents from both AC members and AC management teams agreed that their expectations of the Regionalisation process had been met. Overall, the feeling

that expectations of Regionalisation have been met varies widely, even among the MSGs members.

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 Member States to perform functions that used to be reserved to the EC. Some participants from the focused groups 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.

In relation to this, it is good to note that there are inherent limitations imposed by the Lisbon Treaty (Signatories 2007) on the effective power of the regional Members States group. The Treaty explicitly designates fisheries as an exclusive competence of the European Union, leaving no room for devolving powers to ACs or regional groups of Member States. This legal constraint has led to a disparity between the EC's vision of sea-basin level cooperation among Member States and the draft Regulation, which primarily empowers Member States to implement national programs. The absence of a clear legal foundation within the EU Treaties for delegating authority to regional groups has resulted in uncertainty and frustration, hindering the effective implementation of Regionalisation. It should be noted however that there always is space for voluntary agreements between Member States at the regional level (Raakjær et al. 2012).

Another angle to take is to assess how Regionalisation has had impact on the attainment of different CFP policy objectives, by looking at the measures taken under Regionalisation: the multi-annual plans, discard plans and the conservation and technical measures. The discard plans and many of the conservation and technical measures of recent years have been developed in response to the landing obligation and as such directly contribute to the achievement of the CFP objectives. These plans were developed by the MSGs with different levels of involvement of the ACs. Further, the multiannual plans help achieve the CFP objective which asks for balance between fishing capacity and fishing opportunities and fishing within the boundaries of Maximum Sustainable Yield (MSY) (where Total Allowable Catches have been set accordingly and fishers comply). The achievement of the objectives based on a precautionary approach and ecosystem-based approach depends on their operationalisation in practice, which requires a different evaluation.

Finally, stakeholders reflected on lobby work outside the ACs, which seems to undermine the whole idea of the organised and transparent process of Regionalisation. Some AC members lobby the EC directly through other channels

than the AC. Access to lobbying is mostly established through networking, and for this, resources in terms of time, available employees and finance are required. AC members feel that resources are not equally distributed among organisations, leading to differences among AC members in access to lobbying. Particularly, industry groups feel that environmental organisations have more access to lobbying than industry groups, e.g., due to financial capacity, access to the media, and because of their (often) physical proximity to Brussels. Some industry members wonder why OIGs need to be part of ACs when they already lobby the EC.

Discussion

Is regionalisation an effective way to balance different policy objectives?

The ACs are valuable for better understanding the trade-offs involved in achieving sustainability. Balancing between long-term environmental sustainability whilst achieving economic and social benefits requires the informed discussions of stakeholders. Furthermore, Regionalisation has helped in distinguishing principles that are discussed at higher EU level, from discussion on implementation, which are now taking place at lower, regional levels. Having the EC focusing on long-term principles, whilst actors at regional level (MSGs) work on the implementation of these principles should improve achieving longer-term goals. In addition, the AC's advice can help in making decisions that address both the socio-economic and environmental aspects. Even when consensus is not reached, the minority positions are noted and can therefore be considered by the EC and MSGs. The presence of the fishing industry in the ACs helps assure attention towards the socio-economic objectives, thereby providing conditions for economic viability of fleets and aquaculture activities. The presence of the OIGs help ensure that this attention is balanced with environmental conservation goals, including the conservation of other resources than just the target species following the ecosystem approach. Although stakeholder involvement in EU fisheries management became fuller, more inclusive and more complex than before the CFP reform, exclusions and uneven power relations still occur (Griffin 2007; Symes 2023). The ACs comprise of stakeholders with different knowledge domains and interests, which ultimately need to be balanced. Balancing these different interests within ACs remains difficult. The required 40% representation of OIGs, for example, is hardly met. In terms of balancing transversal issues, the establishment of the Market Advisory Council (MAC), after the last reform of the CFP in 2013, should help achieve the CFP objectives that focus on the internal

market of the EU, and help take the interests of consumers and producers into account. The Aquaculture Advisory Council (AAC), in addition, addresses issues relevant to the aquaculture sector.

Regionalisation supports the CFP to be coherent with other EU policies. Member States are empowered to take greater initiative to develop measures that help achieve the objectives for their fisheries and waters. However, whilst MSGs can submit joint recommendations, and must consult the ACs, it remains uncertain whether or not these will result in the tailor-made, regional legislation that is aspired. Furthermore, in developing joint recommendations, MSGs have adopted different practices in relation to AC involvement, and transparency of how AC advice has been taken up in drafting joint recommendations (or other policy) is lacking. Improving guidance is needed as to how Member States should involve stakeholders, and a more formalised structure should be adopted (Eliasen et al. 2015). Furthermore, both the MSGs and the EC should enhance transparency by clearly indicating which AC advice is incorporated into respectively joint recommendation and Delegated Acts or other policy measures. This would strengthen stakeholder trust and ensure greater accountability in decision-making processes. However, such steps are not sufficient to address the underlying issue. While the current CFP (EP & CEC 2013) can facilitate transboundary cooperation between Member States and specifically asks for coherence with EU environmental policy, the limits to devolving effective power at the regional level as effect of the Lisbon Treaty (Signatories 2007) has resulted in uncertainty and frustration, and hinders the effective implementation of Regionalisation.

Future perspectives

Regionalisation has contributed to the attainment of different CFP policy objectives via the measures taken under the multi-annual plans, discard plans and the conservation and technical measures. Many of these have been developed in response to fishing at MSY, the landing obligation or the balance between fishing capacity and opportunities and as such directly contribute to the achievement of the CFP objectives.

Looking forward, it is good to realise that the success of the CFP and the support for its measures are increasingly influenced by other policies in the marine domain, such as those on energy, environment, shipping, security and marine spatial planning. Fisheries is becoming a 'small topic' in the blue storm of other maritime uses; and under increasing societal demands and global pressures. Where under the CFP, Regionalisation provides a clear platform and process for collaboration towards policy decisions, these other

policies are primarily organised by the Member States and thereby often lack coordination at the regional level.

Stakeholders can influence policy decisions by taking part in the regional and transversal EU advisory committees. Another way for them is to directly lobby national or EU institutions. While the route via the ACs is formal and transparent, lobbying is informal and non-transparent. Whereas in the ACs stakeholders must negotiate their viewpoint with other interest groups or industries from other Member States, and work towards consensus. In contrast, lobbying allows stakeholders to solely advocate for their own interests without the need for compromise. Lobbying outside the AC can, in some cases, undermine the hard-won consensus reached in the AC, leading some stakeholders to question how best to allocate their limited resources in policy processes. In an increasingly polarised world, lobby is an easier pathway than the slower, complex and watered-down pathway of committee work. This dynamic may partly explain the decision of some OIGs to withdraw from the ACs, disrupting the balance within the ACs and reducing the OIG representation below the 40:60 ratio stipulated in the CFP. This has undermined the effectiveness and representativeness of the advice and work carried out by the ACs. However, the consensus or minority position advice from a mix of stakeholders is exactly what policy-makers need in this era of spatial squeeze at sea, climate change and biodiversity loss. The political reality of today faces multiple wicked problems in the marine environment, demanding decisions that are considered legitimate by stakeholders. ACs, as typical boundary organisations, provide exactly that arena and skill set (Stange 2017; van Damme et al. 2011; Vandamme 2014). Therefore, the contributions from the AC should be prioritised from those received from individual citizens/organisations (for instance via lobby) as they involve a wider range of views and have been carefully drafted based on technical and experiential knowledge and expertise. In this context, we refer to a letter from the Advisory Councils, urging the EC to give greater weight to AC contributions in public consultations, differentiate AC advice from individual responses, improve transparency in how AC advice is considered, extend consultation timelines to accommodate AC working processes, and engage in direct bilateral dialogue alongside online surveys to enhance stakeholder input in fisheries, markets, and aquaculture policy-making (PELAC et al. 2022). The contributions from the AC are a result of a deliberative process that ends in a balanced compromise position. This is fundamentally different from open-ended, non-committal forms of stakeholder participation platforms, such as the European Blue Forum, which was created in 2023 (EuropeanMSPForum, n.d.). As a legal boundary organisation who provide consensus-based advice, the ACs are valuable institutions in the process of

realising more salient and legitimate fisheries policy. However, the visibility and weight of the AC positions needs to be increased (cf. LDAC 2020). Increased transparency on how the AC advice is used in decision-making processes can demonstrate its place in regionalised decision-making processes. This is a strong wish of AC stakeholders and will, if it shows the recommendations matter, most likely increase the clout of the ACs.

Conclusions

For a long time, the CFP was criticised for being top-down, with low levels of participation of stakeholders, resulting in either one-size-fits all management measures that did not work in specific contexts or in 'micro-management from Brussels'. More local know-how and buy-in was needed. Regionalisation was seen as the way forward, resulting in participation of industry and other interest groups in the formulation of policy, by giving advice. This would lead to effective, complied to, tailor-made measures aligned to regional specificities (Eliassen et al. 2015; Gray and Hatchard 2003; Penas Lado 2016; Raakjær et al. 2012; Symes 2023). In this study, we explored whether involved stakeholders think Regionalisation has delivered its main goals since the 2002 CFP reform. Different stakeholders are involved with the Regionalisation process in diverse ways. Because of their level and way of involvement and their personal preferences and capacity, Regionalisation is perceived differently by different actors. By using mixed methods and engaging with these diverse groups of stakeholders in different ways, we managed to get an understanding of their perceptions of the internal (input and throughput) legitimacy of Regionalisation. Assessing the internal legitimacy of the policymaking process, rather than solely the outcomes, allows for an evaluation of the legitimacy of accessing the policymaking process through Regionalisation as perceived by stakeholders.

Overall, the involved stakeholders state that Regionalisation was necessary and has fulfilled expectations, yet not in all fields. There is also variation in the extent to which the expectations were fulfilled. In general, MSG and EC respondents were more positive than AC members and management, which also reflects a different positionality in relation to power and decision-making capability. Structurally, Regionalisation has made the CFP process more legitimate by providing a diverse group of stakeholders with direct access to the policy-making process. Yet, in practice stakeholders (unevenly) struggle with resources, capacity and time resulting in exclusions and uneven power relations and undermining access and representation aspects (cf. Gray and Hatchard 2003; Penas Lado 2016; Symes 2023).

Additionally, where the ACs are highly organised with clear procedures and transparency about their output, the MSGs lack formal institutional structures, and it is often unclear to the ACs what is done with their advice by the EC and MSGs. Moreover, AC members complained about the lack of transparency as to how EC and MSGs dealt with their advice. Improving these aspects of input and throughput legitimacy are therefore still required to arrive at truly legitimate fisheries policy for all.

Although the ACs struggle to reach consensus advice in many cases, the informed discussions the stakeholder groups have within the ACs are crucially important to better understand the underlying trade-offs involved in achieving sustainability. With increasing pressures on the European seas, more and more difficult decisions are needed. Many of these decisions are not limited to fisheries management but are multi-sectoral with many cumulative aspects and related uncertainties. Instead of limiting stakeholder influence to informal and non-transparent pathways such as lobbying, the ACs provide formal and transparent platforms for stakeholders to influence policy. Therefore, ACs are crucial boundary organisations where consensus is built and mediated, information is shared, capacity is built, and knowledge is co-produced (cf. Stange 2017). Moreover, they have a formal advisory role. These characteristics clearly distinguish them from other platforms for stakeholder participation in the EU realm. The ACs and MSGs developed under the Regionalisation of the CFP as such provide structured procedures of cooperation and dialogue between Members States and stakeholder groups that, albeit requiring institutional strengthening, can serve as an example for trans-boundary cooperation and stakeholder involvement in the other marine policy domains.

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reflect the views of the authors, and the European Commission cannot be held responsible for any use which may be made of the information contained therein.

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