

Reforming the European Union's Common Fisheries Policy

Why was there a successful reform of the Common Fisheries Policy possible in 2013, after years of ineffective policy and unsuccessful attempts at reforms?

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Abstract

In January 2014 a reformed CFP came into force in the EU. The reformed policy tackled many of the policy field's troubled areas and offered realistic solutions for elements of the policy which had been criticised for years by academics, stakeholders and even EU institutions. The purpose of this thesis is to explain how the reformed policy came about and in doing so it adopts a case study design which allows for an in-depth study of the policy field. The thesis' material is primarily made up of official documents and secondary sources. In order to help clear up the complexities of the recent changes and understand the process involved, a theoretical framework was created that makes use of punctuated equilibrium theory, path dependency and the concept of policy windows.

The paper's findings suggest that the reforms which came into effect in 2014 are a part of a path dependent process that dates back to the 1990s. However, in order to place the CFP on this path, an event was required to rupture the equilibrium of the policy field. This destabilising event came about through international environmental negotiations at the UN. This would allow the European Commission to act as a policy entrepreneur and push for further reaching policy changes. However, for years the Council of Ministers withstood fundamental changes and a policy window was required to create the conditions where the reformed policy proposal could be agreed upon by the major decision making institutions. External pressures can be an essential factor in reforming policy fields where it has been hard to bring about change.

Key words: CFP, reforms, path dependency, punctuated equilibrium theory, EU
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1 Introduction

Below, a short introduction chapter discusses the paper's subject. The paper's research questions and aim are introduced, the paper's contribution is discussed before previous research is examined and the relevant definitions are provided.

1.1 General introduction

“We find ourselves in a vicious circle. We have subsidised fishing capacity and helped the European fleet modernise. As a result, the fleet has grown too big for the stocks, and the stocks are depleted. The fewer fish are left to catch, the more the industry's profit margins are squeezed. So fishers try to fish even more to make up the loss of earnings and so we subsidize further. And so on and so forth.”

Joe Borg 2009a.

The description above was used by the then Commissioner responsible for Fisheries and Maritime Affairs, when describing the Common Fisheries Policy (CFP) in 2009 as the Green paper on the Reform of the Common Fisheries Policy was adopted. This admission by Joe Borg was interesting as the Commissioner effectively conceded that that previous reforms had failed. Overall the European Union's (EU) fisheries employed over 120.000 workers on full time basis (STECF 2013, p. 17) and accounted for almost 1% of the total EU budget or EUR 4.3 billion (European Commission, 2013). Hence the admission of mismanagement of the policy field by the commissioner responsible for it meant that the pressure was on to deliver fundamental reforms.

On January 1st 2014 a reformed CFP came into force within the EU. The reform process followed extensive negotiations between the relevant EU institutions and can be regarded as being quite fundamental reforms to the policy field. While the reforms are so recent that as of yet little research has taken place where they are scrutinised. However, it can be said that they tackled many longstanding issues of the CFP often cited by critics. In the reformed policy four main goals can be identified, first to stop overfishing, second to end the discarding of fish, third to increase regionalization within the policy and fourth to have

sustainable standards for EU fisheries (Damanaki 2014). There is ample literature by those that maintain that the CFP has been a troubled area within the EU for an extended time.¹ Constant overfishing has left many stocks of fish endangered which would have dramatic effects on the fisheries industry throughout Europe and not to mention the environment. Large subsidies for the industry as a whole have been questioned and the CFP has been accused of being overly centralised. The overall common theme of the reformed policy can be said to involve a stance to promote sustainable development and responsible exploitation of the fisheries resource. However, there is evidence to suggest that these changes were over two decades in the making and in this paper I will attempt to trace the evolution of said changes, the rationale behind them, and particularly how the recent reforms which took effect in January 2014 can be explained.

The CFP is somewhat a special policy field within the EU as it involves a truly common resource, fish, where the various member states must share the resource. One might imagine that the EU should be in an optimum position to tackle the dilemma of how effectively to distribute the rights to efficient and responsible exploitation of this resource among its member states, through the pre-existing centralised mechanisms in the EU. However, this has not been the case and instead the policy field has seen the member states which have more pressing interests when it comes to the fisheries industry, scramble to receive as large proportion of the available quota as possible. This has led to overfishing and at the beginning of the new millennium several important EU fishing stocks were believed to be over exploited and nearing depletion (Payne 2000, p. 304).

In this paper a theoretical framework using punctuated equilibrium theory, path dependency and policy windows will be used. In doing so, this thesis uses a case study analysis involving an in-depth historical examination of the CFP. The analytical framework will help identify the factors needed to bring about reforms to an EU policy field, thus explaining why a certain policy field can be difficult to reform and how change can be brought on. Here, the CFP was more or less stagnant for an extended time and an external event was needed to bring about change in the system.

1.2 Aim and research question

The study aims to discover how the EU brought about and agreed on an extensive reform package after decades of unsuccessful policy which came into force in 2014. Hence, this paper has a somewhat general aim and involves a relatively high level of abstraction where the conceptual meaning can be broadened out

¹ See chapter 4.1.

(Benson & Jordan 2012, p. 336). Here, the following research questions will be addressed:

1. Why was there a successful reform of the Common Fisheries Policy possible in 2013, after years of ineffective policy and unsuccessful attempts at reforms?

2. What do the reforms to the Common Fisheries Policy indicate about policy reforms in the EU in general?

1.3 Previous research

Through the years the CFP has been a popular subject for scholars of various disciplines. That is to be expected since the EU has been unable to avoid the “[t]he tragedy of the commons” (European Commission 2011, p. 2) where a common resource is overexploited, despite seemingly having all the tools and means to control the resource responsibly and fairly.

While the CFP had been popular among scholars doing economical and fisheries management studies, somewhat less has been written on it regarding policy studies. Jill Wakefield took a normative look at the proposed reforms in two recent papers (Wakefield 2013; Wakefield 2012). Loizou et al. (2013) studied the impact of sustainable development of rural coastal areas within the proposed CFP reforms. David Symes (2012) studied the 2012 CFP reforms with regards to regionalising the EU fisheries and increased decentralisation of decision making in the policy area. Raakjær (2011) viewed the social, economic and political influences brought on by the CFP and found that certain problems caused by the CFP could be mended by changing the institutional structure of the policy field. Princen (2010) looked at the 2002 CFP reforms and stated that in EU policy-making the policy content was equally important to the institutions involved in the process and that policy images and policy venues had changed. Markus (2010) examined the 2009 Green Paper proposing a review of the CFP, analysing how subsidies affected the policy field and what takes for a policy to be efficient and encourage sustainable fishing in the Unions waters. Hegland and Raakjaer (2008) stated that the fisheries policy was stuck on a specific path due to path dependence in the system itself. Payne (2000) used game theory to explain the failure of the CFP. Indeed, scholar have criticised elements of the CFP for decades as is evident in Stephen Cunningham’s critique of the CFP objectives in 1980 (Cunningham 1980).

Path dependency framework has been used at length to analyse political systems in the United States and Europe. There is ample literature on path dependency in economics and technology, but this paper makes use of the historical institutional approach to path dependency (Thelen 1999, p. 387-388). Influential scholars have recently advocated the use of path dependency in analysing political processes. Paul Pierson studied the temporal aspects processes

and how increasing returns can shape path dependent processes (Pierson 2000a; Pierson 2000b). With regards to the European context, Adrian Kay used path dependency to explain the policy process of the Common Agricultural Policy (CAP) in an attempt to understand the policy direction there within (Kay 2003). Furthermore, in an attempt to explain the evolution of the CAP, Carsten Daugbjerg (2009) uses reactive sequences rather than more common approach of path dependency, self-reinforcing processes, in explaining the policy process of the CAP.

1.4 Scope and contribution

The aim of this paper is to explain how the 2013 CFP reforms can be explained and how to understand the overall reform process of the CFP. There are separate rules that relate to various fringe areas of maritime affairs in the EU. These include rules on the creation of a market for fisheries products, the European Maritime and Fisheries Fund (EMFF) and various specific rules on the external dimension of the policy, which I will address only in passing. Instead, in this paper I intend to examine the basic regulation of the CFP which addresses how fish stocks are managed and how this regulation has evolved since its creation, identifying to forces of change. Furthermore, the analysis used here involves a relatively high level of analysis, meaning I will identify the principle institutions involved on the EU level and use an analysis based on temporality in order to get a clear understanding of the events that transpired within the policy field.

The paper's contribution lies in the showing how policy change can occur in a policy field which has proved difficult to reforms. The theoretical framework used helps identify the relevant components needed to bring about fundamental changes to an isolated policy field. Furthermore, I ask what the findings of this paper can tell us about policy reforms in a wider EU context. I found that there seemed to lack a study that takes an in-depth look at the fisheries policy within the EU and examines the rationale behind the latest reforms and examines how this policy field, described as being stuck in a political deadlock due to its "nested institutional context" (Payne 2000, p. 311) finally saw real reform.

1.5 Definitions

For clarification purposes some pressing definitions will be provided for from the beginning. Although the literature on path dependency is primarily focused on institutions it can also be used when analysing public policies (Daugbjerg 2009, p. 397). Hence, in this paper public policies, such as the CFP, will be regarded as an

institution. With that in mind, Pierson argues that “major public policies also constitute major rules of the game, influencing the allocation of economic and political resources, modifying the costs and benefits associated with alternative political strategies, and consequently altering ensuing political development” (Pierson 1993, p. 596). Furthermore, Adrian Kay, finds that institutions are defined by “shared concepts between humans in situations of repeated interaction that are prescriptions for behaviour that are enforced by external agency (rules) or by the individuals themselves (norms), or derive from strategies that individuals adopt within the accepted rules, norms and their expectations about how everybody else will behave” (Kay 2003, p. 407). The definition set above allows the CFP to be regarded as an institution and not merely as a public policy, allowing for the use of frameworks more commonly used to examine institutional setups.

In general terms, policy making is readily viewed as a policy cycle. Analysts generally agree that it is made up of agenda-setting, policy shaping, decision making, implementation and finally evaluation (Buonanno and Nugent 2013, p. 101). While some might say that the policy cycle is too simple to fully grasp the complexities of modern day decision making, with some simplification these are the steps necessary for a policy to go from an idea to becoming a reality. In modern day liberal democracies these different steps may be affected by different actors, the main ones being politicians, bureaucrats and various interest groups. In the EU context these actors are also present, the bureaucrats in the Commission are quite influential in the early phases of the decision making process. The role of the politicians is mostly in two institutions; first the EP where the directly elected parliamentarians are active in the making of EU legislation, and second, in the Council of Ministers where ministers from each member state sit together, is also very important when it come to the latter stages of the EU’s legislative process. Interest groups are quite prominent in the EU, attempting to lobby for certain outcome and offering expertise, they will often attempt to influence the Commission when creating draft legislations as it is most accessible to outside influence. However, the Council of Ministers, where national ministers preside has historically been a staunch defender of national interests (Young 2010, p. 49-50).

The ratification of the Lisbon Treaty brought the ordinary legislative procedure² to the CFP for the first time (Lutchman & Adelle 2008, p. 21-22). The procedure involves the three institutions mentioned above, the European Commission, the Council of Ministers, and the EP participating in the legislative procedure. Here the decision making procedure starts with the Commission drafting a proposal which the Council and the EP decide on together. This process can include up to three readings of proposals being passed between the two. If the two are unable to agree on the proposal it does not pass (Wallace 2010, p. 83). Before the Lisbon treaty came into force in 2008, the role of the EP was considerably more limited. The Commission would submit a proposal to the

² Sometimes referred to as the co-decision procedure.

Council which then would consult the EP. However the Council was in no way obligated to take the view of the EP into consideration and could proceed without its backing (Chalmers et al. 2010, p. 110).

The CFP is an area of exclusive competence but the treaties make a distinction between areas of exclusive competence and shared competence when it comes to legislation. This means that in the field of exclusive competence only the EU can legislate while in fields of shared competence the member states may legislate where the EU has not done so (Chalmers et al. 2010, p. 207-208). The fields that belong to exclusive competences are rather few in numbers as this involves almost total surrender of decision making from the member states to the EU institutions.

1.6 Outline

In chapter two of this thesis I introduce the paper's theoretical framework which is made up of three different concepts. This framework will help me unmask the various processes and events that have taken place inside and outside the policy field. The framework is intended to help explain the policy process and involves the concepts of punctuated equilibrium theory, path dependency and policy windows. Chapter three focuses on the research method, the use of a case study and how this method will help me answer the paper's research questions. Chapter four introduces the historical background of the CFP and traces its evolution. Chapter five features the empirical analysis of the paper and will present answers to the paper's research questions before the sixth chapter will sum up the paper's overall findings.

2 Theoretical framework

In the following chapter a theoretical framework will be introduced that is primarily made up of three separate concepts; path dependency, punctuated equilibrium theory and the policy windows approach. When attempting to make sense of the policy process of a complex *sui generis* political and legal structure like the EU, such a framework can help make sense of complex processes and events. Furthermore, due to the inherent complexities of the EU's policy process it is quite helpful to use theories to examine the subject for simplification and to get a better grasp of the process (Sabatier 2007, p. 4-5).

2.1 Path dependency

Path dependency is based on historical institutionalism which sees institutions as “product of concrete temporal processes” (Thelen 1999 p. 384). It involves the idea that the institutions are reflections of a larger political and social landscape involving elements of inertia and change. Those who adhere to historical institutionalism are generally quite focused on studying how institutions came about and their likelihood to change (Thelen 1999, p. 370). Historical institutionalism belongs to a school of thought generally called the new institutionalism that surfaced in the 1990s. Paul Pierson states that analysis based on historical institutionalism should help explain political processes, one should study them over time that the institutions can have an impact on the actors around them, constraining possible options, and that case study analysis can be influential in understanding political change (Pierson 1993, p. 598). Change either happens incrementally through sequences where small steps are taken in an effort to bring about change, or through critical junctures where decisions taken at earlier steps in the life spans of institutions can have substantial influence at later intervals for those institutions. In fact, historical institutionalism has been quite popular when analysing the EU integration process (Pollack 2010, p. 21-23).

Path dependency can be described as concept rather than a strict political theory, as it is particularly efficient when it comes to identifying and classifying a process that unfolds over a certain period in time. James Mahoney states that analyses that are based on path dependency have three defining features (2000, p. 510-511). First, these analyses examine processes that are dependent on an event that happened at a previous stage in some sort of a historical sequence. Second, these historical events are dependent incidents which cannot be explained solely on the basis of a previous event or on initial configurations. Third, after an

unforeseeable historical event has taken place the process that follows is called 'inertia' and involves a certain course of action taking place which will lead to an outcome based the event that took place previously.

Adrian Kay states that a political system can be described as being path dependant when "initial moves in one direction elicit further moves in that same direction; in other words there are self-reinforcing mechanisms or positive feedbacks" (2003, p. 403). Increasing returns and positive feedback mean that when steps are taken in a specific direction, it will further increase the chances that more steps in the same direction. This is because the cost of exit becomes higher as more steps are taken in a specific way (Pierson 2000b, p. 252). Furthermore, that "[i]n path-dependent sequences, the key mechanism at work is some form of self-reinforcement or positive feedback loop. Initial moves in a particular direction encourage further movement along the same path" (Pierson 2000a, p. 74). Institutional change in this version of path dependency can be likened to steering a big ship, as swift turns are difficult to make.

Path dependency framework has both strengths and weaknesses. Its strengths lay in the framework's ability to highlight the importance of a timeline in any policy analysis. Thus, path dependence highlights the need to look back at history in order to get any sort of a meaningful insight of current affairs, as the options available to current policy makers are always constrained by previous events (Kay 2005, p. 558). In fact, some state that the increasing popularity of the path dependent framework is connected to an increasingly "historic turn" in the academia (Pierson 2000b, p. 264) where scholars are ever more looking at past events, big and small as explanatory factors.

An inherent danger involved in using path dependency is to ignore policy complexity and get caught up in the dualism of stability and change of policy (Kay 2005, p. 567). When using path dependency the researcher must look towards the mechanisms that produce positive feedbacks because "[w]ithout careful attention to the identification of the mechanisms at work, analyses of path dependence can easily become descriptions of what happened rather than explanations for why it happened" (Pierson 2000a, p. 76). However path dependency can be particularly suitable to study policy reforms as demonstrated by Adrian Kay when looking at the CAP how one policy reform can have a cumulative effect and created the required event to make further reforms possible (2003, p, 416-417).

The term critical juncture is a part of the overall path dependency framework and refers to points in time in the past where decisions were made that somehow constrain or somehow stifle policy makers within institutions. It involves how path dependency is used to make explicit distinction between change and stagnation. Here scholars will look at how institutions go through periods of change that break longer periods of institutional calm (Streeck & Thelen 2005, p. 7). Mahoney states that "[c]ritical junctures are characterized by the adoption of a particular institutional arrangement from among two or more alternatives. These junctures are "critical" because once a particular option is selected it becomes progressively more difficult to return to the initial point when multiple alternatives were still available" (2000, p. 513). Thus, in these instances policy

makers must purposely chose one particular path of action over other alternatives and whichever option is chosen will have repercussions for future policymaking as critical junctures can be significant in deciding the path dependency of a particular institution or policy (Capoccia & Kelemen 2007, p. 342). It is also worth mentioning that the options available to policy maker and the relevant actors at these critical junctures do not exist in a vacuum. Rather, the available options come about because of prior events and development put into place often long before (Mahoney 2001, p. 113).

I will state that the reforms to the CFP involved path dependency as the reforms involved positive feedbacks, where initial steps towards a 'greener' policy field lead to the policy field moving further in a 'greener' direction due to mechanisms of increasing returns. The option to go back became unattainable to the policy makers as the cost of exit becomes too high.

2.2 Punctuated equilibrium theory

Punctuated Equilibrium theory looks to explain both stability and change in policy making. The theory can be especially helpful when researchers are looking to explain a process or the evolution of a particular policy change. The theory is focused on the historical process within a specific policy area. Here the goal is to explain why there are occurrences of critical changes to policy fields and processes that have been slow moving and stable for long periods of time. Punctuated equilibrium theory acknowledges that policymaking is generally characterised by incremental change and that the equilibrium can be ruptured, allowing changes to occur. The theory focuses on the policy process that contains political institutions and policymakers which are constrained by bounded rationality. This means the researcher must look at the issues at hand and how the agenda setting takes place (True et al. 2007, p. 155-157).

The theory focuses on the concept of destabilising change and how policy subsystems can shift dramatically when external supporting mechanisms, for one reason or another, shift. The theory first appeared in the 1990s in a book by Baumgartner and Jones that examined public policy making in the United States, drawing attention to the trend of political systems to have radical changes disrupt long spells of incremental change (Baumgartner & Jones 1993, p. 155). The theory readily acknowledges that most political systems have inclination to involve gradual change and inertia. However, occasionally these political systems can suddenly change dramatically and the systems can jump forward. In order for a researcher to get an overall picture of the political system, he or she must take a prolonged temporal view of the system as a whole, as a short term viewpoint does not capture all the parts of the overall jigsaw (Baumgartner et al. 2006, p. 961-963). Hence, just as in path dependency above, a historical view is necessary in order to understand the complexities involved in policy change.

When the political system is in a phase of stasis, policy change is resisted by negative feedbacks. This decreases the likelihood of major policy change and maintains the equilibrium of the system. Positive feedbacks however, work the other way and can cause a seemingly moderate change somewhere in or around the political system to be intensified and bring about a greater change than originally envisaged. Closely connected to negative and positive feedbacks are policy images. The term involves information and emotive appeals about the policy process. When a policy only has a single policy image, the policy is generally accepted and it involves a policy monopoly. However, if there is not a consensus about the policy in question, opponents might promote a competing policy image, one where different reasoning starts to play a larger role (True et al. 2007, p. 160-162). Hence, a new policy image allows issues to be framed differently than before.

Punctuated Equilibrium theory belongs to a group of so-called evolutionary theories of the institutional perspective. An example of a contrasting evolutionary theory would be the Darwinian synthesis which views change as being incremental, slow and steady. There are elements of the Darwinian synthesis in the works of the great European thinkers like Adam Smith and Jeremy Bentham, who saw historical change as slow moving evolution (Krasner 1988, p. 78). Stephen D. Krasner who has written extensively on evolutionary theories characterised by punctuated equilibrium, has highlighted some weaknesses in the Darwinian synthesis. First, it ignores the impact previous choices can have, thus somewhat ignoring how previous choices can place constraints on preceding situations. Second, without a punctuated equilibrium view of evolution unforeseen change is impossible. Without it, interrelated structures where change in one, will affect the other, are ignored (Krasner 1988, p. 79-80). Hence, when looking at the standpoints of evolutionary theories, punctuated equilibrium theories strength lay in their adaptability when it comes to interrelations between different structures and how previous decisions can place constraints on things to come.

Punctuated equilibrium theory makes no attempt to predict when these punctures to the equilibrium will take place. It merely reminds a researcher that situations exogenous to the policy field can influence it to a great degree (Schlager 2007, p. 310). With that in mind the theory emphasizes the importance of looking at the agenda setting and who is involved at the legislative stage. As mentioned above those who adhere to punctuated equilibrium, are most interested in policy dynamics of political institutions and these institutions are usually subject to external pressures when it comes to major change. In fact, a criticism heard of punctuated equilibrium is that it ignores the internal aspects of policy making (Capano 2009, p. 22-23). The focus is very much on the instances a puncture to the policy equilibrium is identified rather than identifying some sort of grand scale policy evolution.

Below, I intend to show how events in the international arena would influence the dynamics of the CFP, breaking the negative feedback within the policy field. Decisions taken at the UN Earth Summits placed constraints on policy makers within the CFP allowing for positive feedback and thus breaking the policy image monopoly.

2.3 Policy windows

Policy windows are openings in time which allow policy makers to push through solutions to perceived problems or bring attention to specific issues. These windows can open either predictably, as a result of certain legislation being pushed through, or unpredictably, when policy entrepreneurs must be ready to lash on to proceedings, in order to make use of the opportunity (Kingdon 2011, p. 165). Three different streams make up the policy system. First, the problem stream which involves a problem of some sort that is acknowledged by policy makers. Second is the policies stream which involves the clashing ideas for the how to proceed in policy networks. The third and final stream is the politics stream which involves three different aspects, national mood, lobbying power and “administrative or legislative turnover” (Zahariadis 2007, p. 70-73).

When the three streams are joined, policy windows are realised for the policy entrepreneurs which are a necessary part of the approach as they exploit the opportunities that open up (Ackrill et al. 2013, p. 873). These windows are either problem windows or political windows. Problem windows open when a problem becomes pressing for policy makers and they seek solutions in the policy stream. However, a political window opens when there is a change in the political structure, through change of government or radical shift in the public opinion (Kingdon 2011, p. 174). Hence, when policy entrepreneurs are successful in using policy windows they can bring about real change that otherwise would be hard to achieve.

Here, I intend to show that procedural changes brought on by the Lisbon Treaty opened a policy window which brought about fundamental changes to the CFP which were over two decades in the making. The policy window would be characterised as a political window presented an opportunity to bring about clear change to the CFP.

2.4 Combining the approaches in a single framework

This paper attempts to connect different theories together, path dependency, punctuated equilibrium theory, and policy windows, in an attempt to better understand policy change. A note of caution though in the beginning is that in general, studies on policy change can focus overly on the relationship between stability on one and change on the other, resulting in *dualism*. David Marsh instead advocates for a position of *duality*, allowing for the possibility of stability and change to coexist in some instances and he goes on to say, “it is crucial to

recognize that change occurs within a given political system/policy making structure/political tradition etc.; so stability provides the context within which change occurs” (Marsh 2010, p. 96).

This paper’s analysis centres on an EU policy field best categorised as being in a stasis. From early on questions of the efficiency of the policy field were asked and to some, the policy clearly was neither optimal nor potent in addressing the issues at hand. However, policy change happened very slowly in its first years of the policy and only incremental at best. In order to break the inertia, an exogenous event was required that ruptured the stasis of the policy field. The analytical tool for these exogenous circumstances is punctuated equilibrium theory. This external event was enough to make the policy field more susceptible to change and allow for certain advance in the functioning of the policy field in question. However, this change was not sudden or rapid in nature. Rather, it was slow and would take place over several years. Path dependency will be the analytical tool for this phase of the policy field. Specifically, critical junctures created positive feedbacks, where previous decisions constrained decision makers and made it impossible to turn back. However, a policy entrepreneur required a policy window to finally be able to push through the changes required and that windows appeared due to political changes.

3 Methodology

The following chapter focuses on the methodological approaches used in answering the research questions put forth in this paper. Here, a case study research design is used to examine decisions within a policy field. The case study design will allow for detailed examination of the process as a whole, and explain the evolution of a process that has taken place throughout the years. First, the basic idea behind qualitative research methods is introduced. Second, the case studies research method is discussed, laying out its strengths, weaknesses and addressing the different case study designs available. Finally, the material and limitations are discussed.

3.1 Research design

The research design used in this paper involves a case study where a reform within an EU policy area, the Common Fisheries Policy, is explained using the chosen theories. This paper makes use of qualitative research methods, as opposed to quantitative methods. The choice of research methods should not merely be chosen by coincidence but rather should be suited to the research's choice of theory and data collection methods (Boeije 2010, p. 4). Hence, the research question put forth is the predominate factor in deciding which method I will employ. There are inherent differences between the two methods, quantitative research is situated closer to natural sciences, it is based on positivism and views social reality as an objective reality. Qualitative research however focuses more on words rather than numbers as is inherent in natural sciences and it generally rejects positivism, instead focusing on how the world is socially constructed (Bryman 2001, p. 20-21). The strengths of qualitative research lie in the areas where quantitative methods seem to be lacking in answers. This predominantly applies when dealing with issues of social sciences where there is room for interpretation of some sort (Flick 2014, p. 13-14). Here absolute truths are not as common as in the natural world and when examining some sort of political or institutional setup, research that is centred on words rather than the analysis of numbers is likely to yield more convincing results.

The research being done here on the CFP will primarily focus the examination of official documents from the various institutions and is supplemented by secondary sources. This is in line with the focus of qualitative research and should allow me to explore different processes that take place in the social world which would else be difficult to see. Andrew M. Pettigrew calls this procedural analysis

and his definition of processes as “a sequence of individual and collective events, actions, and activities unfolding over time in context” (Pettigrew 1997, p. 338). Hence, it is clear that where I intend to unmask reasons for changes or disturbances in the relevant procedures within the CFP, qualitative research is a strong choice.

3.2 Case study analysis

This paper takes a historical view of a single policy field within the EU and it involves a within-case analysis of a single unit of analysis (de Vaus 2012, p. 220). Here, the 2013 reform to CFP is the unit of analysis and the object of this case analysis, however in order to answer the research questions, the analysis will require a historical look at the CFP. Hence, this research is a case study involving an EU policy field that has proved notoriously difficult to reform and where national short term preferences have seemingly mattered more than the sustainable development of the policy field as a whole. In the words of George & Bennett, the case study method involves a “detailed examination of an aspect of historical episode to develop or test historical explanations that may be generalizable to other events [...]” (George & Bennett 2005, p. 5). Furthermore, the method allows for a researcher to get an in-depth picture of a historical event, giving insight otherwise difficult to come by. Case study analysis is highly useful when the case being examined is complex and multi-layered, meaning other research methods might not be able to grasp the whole picture but rather just fragments here and there. The case in question might be a country, organization, a person or an event, to name a few (Bryman 2001, p. 47-48). Hence, the focus of the research is very much on this single entity, examining it thoroughly often looking to find factors contributing to its development.

The strengths of the case study approach, as discussed above, lie in the rigorous research involved and are especially helpful when attempting to identify a causal process in a specific case. Typically, case studies ask *how* or *why* questions in order to identify causality. In short the aim of the case study approach should be to identify causal processes through these intensive researches (Thomas 2007, p. 301-302). In this case I intend analyse the empirical information regarding the CFP and offer explanations for the development within the policy field. Here I intend to use a model to illustrate the causality between the evolution of the CFP and the relevant factors. It is worth remembering that “a model is a simplification of reality, and a degree of pragmatism is unavoidable” (Davies 1994, p. 28-29). A case study which is well constructed should shed light on the causality involved and which factors are at play (Gerring 2007, p. 45). Hence, I will attempt to identify the relevant causal mechanisms that have led the CFP to be successfully reformed and increased the sustainable development aspects of the policy.

George and Bennett identify four major potential benefits of using the case study method (2005, p. 19-22). First, the case study method helps the researcher identify and assess the theoretical concept being used each time. This, is especially relevant for some of the more vague concepts often being studied in political science, such as power, democracy, influence etc. Here the detailed nature of case study analysis is of great use. Second, case studies are particularly useful when deriving new hypotheses. The very nature of the detailed work involved in case studies helps identify new variables and create new theories. Third, case studies are valuable when it comes to the identification of causal mechanisms. These causal mechanisms can in specific instances, bring about a particular outcome. Finally, in the words of George and Bennett, a benefit of case studies “is their ability to accommodate complex causal relations such as equifinality, complex interactions effects and path dependency” (George & Bennett 2005, p, 22). Meaning, when attempting to trace a complex process over time, the method is particularly strong.

Case studies have been criticised for allowing overgeneralization, where a doubt is cast on whether a single case can be generalized at all. However, the case itself should not be generalized but rather the theoretical proposition being argued for in the research. Case studies can sometime become too vast in size and too time consuming, but this in no way confined to just case studies but rather applies to field work that can be too time consuming (Yin 2009, p. 14-16). Therefore, it seems oblivious that many of the pitfalls involved in using case studies can be avoided when the researcher is thorough in his or her application of the method. To this George and Bennett highlight that case studies can sometimes suffer from a ‘degrees of freedom problem’ where it becomes difficult to select the right explanation from two or more competing explanations. Connected to this, the researcher conducting a case study must ensure the independence of one case from another in order to uncover all explanations and causes involved (George & Bennett 2005, p. 32-33).

Single case analysis as implied by the name involves the analysis of a single case, as opposed to the multiple case designs. Yin (2009, p. 53) states that there should not be a separate rationale for using single case design and for multiple case designs, because both are simply different options of the same methodological framework. Yin goes on to provide a general rationale for choosing a single case design. The first rationale is when the case could be regarded as a critical case in testing a theory or a theoretical framework. Here the single case is used to test if the theory is true or false. The second rationale introduced by Yin is the extreme case design, which involves a rare situation where any case has merits. There third rationale, involves a typical case, where the case study involves a typical situation. Finally, Yin introduces the revelatory case where an opportunity arises to investigate a phenomenon previously unavailable (Yin 2009, p. 47-48).

Here a theoretical framework has been created in order to shed light on a particular policy field within the EU. I am most interested in the decisions made regarding reforms to the policy field and it will involve “understanding the decision as a whole, examining the process by which it was made, the

participants, the consequences etc” (de Vaus 2001, p. 220). Furthermore, the rationale for using a case study analysis directly connects to the paper’s research question and my choice of theories. The case study design is in my opinion the most likely method to provide answers to the research questions of this thesis.

3.3 Material and limitations

The requirements of what data to use is an important part of any case study. These requirements should in the words of George and Bennett “be determined by the theoretical framework and the research strategy to be used for achieving the study’s research objectives” (George & Bennett 2005, p. 86). Hence, the nature of question asked by the researcher will inevitably control the data requirement of his or her study. Here, this translates to successfully mapping out certain evolution that has taken place in a certain timeframe, by analysing the relevant documents.

In this paper I will attempt to make use of several different types of data. They include official documents; mainly from the relevant EU institutions as well as other relevant international organisations. However, the material obtained from official sources must always be analysed with a hint of scepticism as the data might be distorted for some reason. These documents are created by actors involved and often the reader must consume the material with a critical mind as in the words of Lindsay Prior, “one set of questions that may quite justifiably be asked by the social scientist researcher concern the processes and circumstances in term of which document ‘X’ has been manufactured” (2003, p. 4). With that in mind, when examining documents from the EU institutions one must be aware that there might be certain bias involved in said documents where each institution attempts to portray a certain reality.

In order to supplement the official documents, various secondary sources are used to assist the argumentation put forth in this paper. This paper analytical chapter is largely made up of official documents and secondary literature but does not use interviews as I felt there was ample information available from those sources. This position is in line with the reasoning of Robert E. Stake who states that “we try not to disturb the ordinary activity of the case, not to test, not even to interview, if we can get the information we want by discrete observation or examination of records” (1995, p. 12). The reason for this is that the paper uses a high level of analysis where I am more interested in understanding the policy process as a whole. However, future research on this subject might benefit from using triangulation in data. Meaning that in order to triangulate causal relationships such studies could make use of discursive analysis of interviews with key actors, in order to increase the validity of the study (Bache et al. 2012, p. 80).

Finally, while this paper examines one specific case, the 2013 reforms and the recent evolution of the CFP, the analysis is mostly limited to the basic regulation covering the policy field (Regulations 1380/2013, 2371/2002 and 3760/92) and

does not look at surrounding regulations relating to the creation of a common market with fisheries products nor how the CFP funding schemes have developed through the years as these processes are independent of the overall factors causing the developments controlling fishing opportunities, conservation of the fisheries resource.

4 Historical background

What follows is a short introduction to the background of the CFP, its origins are discussed and the different stages of reforms the policy field has undertaken in the last decades are introduced.

4.1 Mismanagement within the CFP

The Common Fisheries Policy is the legal framework that stipulates how the Unions fish stocks are managed. Until recently an often cited opinion among scholars was that the CFP was regarded as a failure, where politics simply mattered more than findings and recommendations of scientists which warned of the harmful consequences of the continuation of a destructive policy (Daw & Gray 2005, p. 195-196). Among them, Dexter C. Payne indeed claimed in 2000 that the CFP had been unsuccessful in stemming over-fishing and that “the CFP has largely failed in its aim of conserving fishery resources over its 15-year history, in spite of its seeming advantages over other functionally similar international fisheries institutions” (Payne 2000, p. 304). The reason major reforms had fail until recently was said to be because vested interest within the policy field had resulted in inertia (Daw & Gray 2005, p. 195). Al-Fattal maintained in 2009 that the CFP was a prime example of a policy failure, where no less than nine community managed types of fishery stock were over exploited. Payne attributes this to the “nested institutional context in which the CFP is negotiated” (quote in Al-Fattal 2009, p. 546). However, in order to get a clearer picture of why the policy field evolved as it did and why the shortcomings mentioned above went unaddressed for so long, it is helpful to look back at its origins. Below the historical background of the Union’s fisheries policy will be examined, the changes to the policy field will be traced and the current situation of the CFP will be briefly introduced.

4.2 The establishment of the CFP: 1957-1983

The issue of fisheries within the EU or as it was called then, the European Economic Community (EEC) can be traced back to Article 38 (1) of the Treaty of Rome in 1957. There fisheries are merely mentioned as an agriculture product in

the section of agriculture in general and the overriding goal of the agricultural policy was to increase food production. Because fisheries were simply any other agricultural product, this also applied to fisheries within the EU at the time (Frost 2010, p. 472-473). However, fisheries are fundamentally different from agriculture in an important way as fisheries can be characterised as a common good. This means in the words of the EU itself that, “[i]ndividuals operating in their own interests tend to overexploit a common pool resource, rivalling others as they capture 'their' share. What one fisherman takes today cannot be caught tomorrow by another” (European Commission 2011b, p. 2). Hence, the early legislation which the fisheries pertained to could be said to have led to the over-exploitation and little attention was paid to the fact that the resource might be depleted.

In 1970 the EU states or EEC states as they were known then, agreed on the establishment of a basic legal framework for the fisheries. This legal framework was primarily made up of two regulations, Regulation (EEC) No. 2141/1970 of the Council of 20 October 1970 laying down a common structural policy for the fishing industry, and Regulation (EEC) No. 2142/1970 of the Council of 20 October 1970 on the common organisation of the market in fishery product. Some, scholars maintain that the reason for the timing of this legislation of fisheries was closely tied to the upcoming enlargement of the EEC at the time (Pálsson & Stefánsson 2003, p. 15; Lutchman et al. 2009, p. 12). Hence the six founding members of the EEC³ looked to create a binding legislation regarding the EEC's fisheries before the big fishing nations of Denmark, United Kingdom, and Ireland, would join.

In the late seventies and late eighties events occurred that would influence the future development the common fisheries policy within the EU. In 1982 *UN Convention on the Law of the Sea* (UNCLOS) was concluded after years of negotiations. The establishment of a 200 nautical miles exclusive economic zone (EEZ), allowing coastal states sovereign rights to exploit and manage the areas living resources would force the EU to act because this meant that member states would lose access to some of their traditional fishing areas which would place increased pressure on EU fishing stocks (Churchill and Owen 2010, p. 6-7). The Commission created a proposal amending the legislation where the member states would adopt the 200 nm EEZ's and all management of fish stocks in EU waters would now be overseen at the Union level rather than by the member states themselves and losses due to the 200 nautical miles rule would be compensated through future Total Allowable Catch (TAC)⁴ allocations which indicates how little issues like sustainability mattered at the time (Karagiannakos 1996, p. 235-

³ The six founding members of the EEC were Germany, France, Italy, Belgium, Luxembourg, and the Netherlands.

⁴ TOCs are catch limits that are set for commercial fish stocks. When distributing the TACs among the member states, three points should determine the allocation following the 1992 reforms. Traditional fishing patterns within EEC waters, the Hague preferences which gave preferential quotas to fishermen from regions that were particularly dependent on fishing and if the fishing industry of a particular member state had lost fishing catch due to the 200-mile EEZ change in 1982 (Karagiannakos 1996, p. 235-236).

236). Finally, these developments would have structural impact on the EU's fishing fleet which would entail considerable cost. Meaning, that the fleet had to be adapted to these changes and that the EEC had to subsidise its fisheries (European Commission 1976). The European Council agreed to most aspects of the Commission's proposal, however the transfer of oversight of fisheries management to the EU level rather than having it at the member states level was more troublesome as some member states desired more quota than a centralised system would give to them. It was not until 1983 that the fisheries management agreement was reached and again the pressure of further enlargement somewhat forced the member states to come to an agreement as the two big Iberian fishing states, Portugal and Spain were poised to join the community in the near future (Churchill and Owen 2010, p. 8).

Another significant event in the evolution of fisheries in the EU, was a European Court of Justice (ECJ) judgment in case 804/79 between the United Kingdom and the Commission, where the ECJ interpreted the EC treaties to mean that the competence to regulate fisheries in EC member states' belonged rather to the institutions of the EU, than the member states themselves (Churchill 1993, p. 261). Despite this the Commission did not have full authority for enforcement in the final regulation as the member states were unified in their opposition against the ideas that the Commission would be the party monitoring and enforcing the conservation policy. Rather it was allowed only minimal authority while the member states were in control of monitoring and enforcement (Payne 2000, p. 305-306).

The Common Fisheries Policy was formally established in 1983 and could be said to have largely entailed continuation of the already existing rules when it came to fisheries management. The regulation was primarily made up of four elements (Churchill 1993, p. 261). First, regulation 170/83, established a Community system for the conservation and management of fishery resources. The regulation stated that the EU could limit the TACs and that a Scientific and Technical Committee for Fisheries should be created to assist in the formulation of TACs and quotas. Second, regulation 172/83 further stated the allocation of TACs and national quotas for certain fish stocks and groups of fish stocks occurring in the EU's fishing zone. Third, regulation 171/83 set certain technical measures for the conservation of fishery resources. Finally, regulations were created that provided aid and subsidies for restructuring of fishing fleets in the member states.

4.3 Reforms in the 1990s and 2000s

The framework described above, allowed the Council to set the quotas and TACs each year based on recommendation by the Commission. The Commission's recommendations were based on marine research carried out by scientists within the International Council for the Exploration of the Seas (ICES) (Daw & Gray

2005, p. 190). Somewhat predictably, because of pressure from fisheries industry and national lobbying, these quotas and TACs were routinely placed considerably higher by the Council than what fisheries scientists would recommend (Churchill & Owen 2010, p. 12). Some amendments were made to the system in the coming years and in some cases consolidating regulations were created that replaced old regulations, but overall this system was in place for a decade, until the 1990's. Again changes were made to the CFP in 1992 and 1993 as a part of a review of the CFP. Regulation 3760/92 establishing a Community system laying down rules for the minimum information to be contained in fishing licences, replaced regulation 170/83. The new regulation contained new rules involving harvesting restriction and a system of vessel licensing (Churchill and Owen 2010, p. 15-17).

In the CFP each regulation change typically called for a review of the policies and regulations to take place ten years after the adoption of said regulation. Hence, the regulations that took place in the 1990s stipulated a review of the main regulations that made up the CFP to take place in the early 2000s. The Commission initiated the process and was quite critical of the policy field and claimed that major imperfections had to be addressed (Churchill and Owen 2010, p. 18). Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy was issued and replaced regulation 3760/92. The new regulation included some amendments to the policy field but in essence the reforms of 2002 were only modest, despite some lofty aspirations. The conservation part of the CFP remained more or less unchanged despite clear indicators the current scheme of TACs and quota recommendations was inadequate and lead to in overexploitation of various EU managed fish stocks. Though, certain changes were brought to the policy filed but in reality they can only be regarded as being small in scale.

4.4 Reforms in 2013

In 2007 the CFP came under increased scrutiny when the European Court of Auditors (ECA), a European institution which is charged with examining how the EU budget is implemented, came to the conclusion that the CFP was severely lacking when it came to the implementation of the fisheries policy. Primarily, the audit found that the proper functions of the TAC and national quota systems were not up to scratch. The policy lacked the necessary tools to provide guarantees that possible infringements were being prevented and detected. When infringement had taken place the ECA found penalties to have been handed out haphazardly and that the relevant EU institutions lacked the instruments to hand out penalties. Finally, the ECA found that the policy had failed to prevent overfishing and to adapt when it came to change in fishing capacity (European Court of Auditors. 2007, p. 4). Following the ECA report, the Commission started a process of a fundamental revision of the CFP where the main problem with the CFP was identified as a lack of environmental sustainability which was attributed to

overfishing. Different factors added to this problem, including over capacity of the fleet, the ignoring of scientific advice when recommending the TACs to name a few. The second issue was the poor economic sustainability, meaning many fleets were unprofitable. Third, social sustainability had to be addressed; meaning solutions had to be found for rural communities highly dependent on fisheries, where jobs in the sector were decreasing. Fourth, the Commission acknowledged that the complex decision making procedure of the CFP had to be addressed. Finally, the external aspects of the CFP had to some extent failed (European Commission 2011a, p. 1).

The Commission particularly highlighted the importance of achieving environmental sustainability within the CFP. This could be done by setting TACs and quotas based on maximum sustainable yield (MSY), meaning that catch taken from any fish stock over a specific period is done so without harming it. Annual TACs and quotas would furthermore be based on scientific advice which should lead to healthier stocks and less undersized fish which again would mean less discarding (European Commission 2009, p. 5-7). The rationale behind MSY was not particularly new as it was first included in the UNCLOS convention in 1982, and would be committed to by the EU and its member states in two successive Earth Summits in 1992 and 2002 where they agreed to bring fish stocks to levels compatible with the standard of MSY no later than 2015 (Salomon & Holm-Müller 2012, p. 627). Alongside having recommendations based on MSY the member states were expected to harmonise data collection and increase scientific research in the area with increased funding (European Commission 2009, p. 20). One of the major criticisms put forth in the report by ECA was the lack of enforcing tools in the CFP. Though the European Fisheries Control Agency was set up in 2005 to handle control and inspections, it had not been very efficient in tackling the matter and member states generally had the task of monitoring their own fishermen. The funding of the CFP is stipulated in Council Regulation (EC) 1198/06 on the European Fisheries Fund (EFF) and relates to the various structural aspects involved in the CFP. There are considerable amounts spent on the EFF as approximately €4305 million were estimated to projects under the EFF between 2007 and 2013 (Markus 2010, p. 1119).

In the end reforms to the policy field were agreed to, after laborious negotiations stretching over three years. Two regulations were created, Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, generally referred to as the basic regulation on fisheries, and Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, referred to as the market regulation. For the purposes of this paper the focus is on the former regulation rather than the latter. Article 15 of Regulation 1380/2013 states that an end is to be put to the wasteful practices of fish discharges. When unwanted catches will occur only specific species are permitted to be discarded, according to the most reliable scientific advice on species that have a high survival rate when released into the sea. When this does not apply, a landing obligation will apply, meaning that the vessel will have to land it with the rest of the catch. Furthermore, Article 16 states that TACs and quota

recommendation will in future be based on MSY, but fishing opportunities can be arranged by the Council only when the scientific evidence behind those opportunities has clearly changed.

An important aspect of the reformed policy is an increased commitment to sustainable fishing by means of a multiannual plan where MSY is applied as stipulated in the policy. This will not only stop overfishing but rebuild fish stocks by 2015 for some stocks and as a rule for all stock in 2020. A third important change in the reformed policy is the introduction of a decentralized decision making through regionalisation. Here Article 18 grants the member states the right to put into practice measures better fitting to their own fisheries. Here the multiannual plans for a specific stock member states are allowed to set national measures to control the stocks at a sustainable level together with the relevant stakeholders. The Commission will only get involved if for some reason the member states are unable to reach an agreement regarding stock recommendations. Article 22 of the reforms saw the creation of maximum fleet capacity ceilings and each member state is to be responsible for ensuring that fishing vessels are proportionate with available fishery resources. New vessels could only be introduced when older ones were scrapped.

Overall, this was a dramatic jump forward and put environmental issues and sustainable development at the forefront of the policy. How was such a fundamental change possible? In the following analysis chapter I will attempt to explain the necessary factors in the 2013 CFP reforms.

5 Empirical analysis

The following chapter offers the paper's analysis of the events leading up to the latest reform of the Common Fisheries Policy which came into force in 2014. The argument put forth in this paper stipulates that the latest reforms cannot be viewed in isolation but rather that a historical perspective is necessary and hence two earlier CFP reforms are examined along with the latest reforms in an attempt to understand how the recent fundamental reforms came about. The analytical chapter is made up of several sub-chapters which when viewed together offer explanations for the development of the policy field using punctuated equilibrium theory, path dependency and the policy window approach as analytical tools.

5.1 The UN Earth Summits

In order to fully understand some of the changes to the CFP which were a part of the 2013 reform package, a historical perspective is needed. In fact, this paper states that in order to understand the recent evolution of the policy field, external pressures to the EU relating to environmental issues within the structure of the United Nations in the 1990s and early 2000s must be addressed. The importance of environmental issues has been increasing slowly and surely within international politics for several decades. With regards to the EU, the issue has been a part of the Union's agenda for little over a half a century as the fact that environmental issues are a matter well suitable to be tackled within international institutions due to the fact that environmental threats do not abide to national borders but must rather be addressed internationally (Carter 2007, p. 242). In fact, in the EU context, environmental issues inherently have spillover effects when it comes to other policy fields as "many complex environmental issues have a significant international dimension that forces the EU policy process to interact with other political structures and actors" (Kellow & Zito 2002, p. 44). This stems from the fact that in order to reach goals set in order to safeguard the environment other policy areas would inevitably be affected as a cut in carbon dioxide emissions is also an economic issue and similarly new rules intended to preserve fish stock will certainly also impact the fisheries policy.

In the late 1980s environmental issues became increasingly prominent on the international scene and the issue was ever more being framed as being about ensuring sustainable development - meaning that the goal should be to ensure that the earth and the environment should be returned to future generations in similar condition as current generations had received them and that societal factors should

be increasingly connected to environmental protection. Therefore, sustainable development would more or less become a key theme of the UN Earth summit in Rio which was to be held in 1992 (Vogler 2011, p. 356-357). There, negotiations were to take place on issues connected to the environment, such as climate change, emissions and energy policy to name just a few. At the time this issue area was a little uncomfortable for the EU as the running of several policy areas, such as the CAP and the CFP, was anything but environmentally friendly (Vogler 2011, p. 356). Still the EU had ambitions to change this and the Earth Summit in Rio would become the first steps towards the EU becoming a real power in the area of environmental protection worldwide.

In the build-up to the Earth Summit in Rio there had been some discussion about what the role of the EU in the UN negotiations should be. As the EU's member states were already present in the negotiations some saw the European countries as trying to secure more voting leverage by also having the EU present. In the end a compromise was reached where the EU was allowed to be present in the discussions and have many of the same rights as the sovereign states had, however it would have no voting rights (Lightfoot & Burchell 2004, p. 338). In the negotiations the dual representation of the EU member states through national delegations on one hand, and through the EU Commission was a little complex. The Commission represented the EU in the negotiation in areas of exclusive competences, negotiating at its behalf and presenting its standpoints (Gstöhl 2008, p.19). In the negotiations the EU would take the stance of an environment protection entrepreneur, highlighting issues such as climate change, dangers to the ozone and the importance of biodiversity. Though the Rio Summit did not bring about the change in environment degradation many had hoped it would, the summit certainly created a new role for the EU at the forefront of environmental issues (Cihelková & Krc 2008, p. 37). However, as the EU was creating the internal market around the same time as these developments occurred, environmental issues were sure to increasingly influence the various policy areas of the EU. In fact, this was acknowledged by the EU in a report back in the 1990s, where the imminent completion of the internal market would require environmental issues to be integrated into the various policy areas (CEC 1993, p. 98).

The Rio conference in 1992 was attended by representatives from over 170 nations and numerous NGOs to discuss various environmental issues including climate change, fossil fuel consumption, and scarcity of water to name just a few. One of the summit's agreements was the Agenda 21 action plan, a non-binding agreement where the parties involved looked to implement the plans objectives into force. Chapter 17 of Agenda 21 was devoted to protection of the oceans and was intended to build on the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) which the EU was a contracting party to, but the general wording of the agreement has been criticized for allowing "economic and social objectives being given a higher weighting than environmental objectives" (Proelss & Houghton 2012, p. 24). The chapter set "forth rights and obligations of States and provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its

resources” (United Nations 1992, p. 238). Various issues regarding the oceans were highlighted, they included improved management and sustainable development, the importance of sustainable exploitation and conservation of marine living (United Nations 1992, p. 238). A particular programme area of the chapter on oceans centred on sustainable use and conservation of marine living resources of the high seas was particularly applicable to the EU as large part of its fisheries fell into that category. The report lists the problem as being that “[t]here are problems of unregulated fishing, overcapitalization, excessive fleet size, vessel reflagging to escape controls, insufficiently selective gear, unreliable databases and lack of sufficient cooperation between States (United Nations 1992, p. 252). This picture drawn by the UN report was quite bleak when it came to fisheries and mirrored the state of affairs in EU waters at the time.

The report recommends that the parties involved start using a new measurement for its stocks recommendation system, the system of maximum yields (MSY) The idea behind the MSY is that the fish stock is exploited to such a point that it is always allowed to regenerate and make possible the highest possible harvest for the indefinite future. This system is more or less unique for each fish species meaning the MSY must therefore be calculated separately for each species (Rudolph 2008, p. 195-196). Furthermore, fishing gear should be used that is selective when it comes to the structure of the catch, highlighting the importance of limiting discards and management and enforcement should be increased. Discards were a considerable problem in fisheries at the time of the report as fishermen would routinely catch unwanted stocks of fish in their catches which they would simply discard into the sea again. When it came to management and enforcement many areas lacked infrastructure and instruments to enforce the quota recommendations and to ensure fishing bans were being adhered to. The report also called for more scientific measure when it came to the quota management and where such infrastructure was lacking, measures should be taken to improve technical and research programmes in order for decision maker to have more reliable figures when issuing quota and catches (United Nations 1992, p. 252-256). Principle 15 of the UN declaration highlights the importance of precautionary principle and states “[w]here there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation” (United Nations 1992, p. 6).

Representatives from all twelve EU member states were present and agreed to the Agenda 21 declaration⁵ and the EU itself had used its participant status effectively to lobby for a position that supported sustainable development as a norm. However, the declaration signed in Rio was non-binding and as such it did not oblige the EU or its member states to use the measurement of MSY when recommending stocks or to follow sustainable exploitation, following the Rio summit. That commitment did however come in 2002 following the Earth Summit

⁵ Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxemburg, Netherlands, Portugal, Spain and the UK all agreed to the proposal.

in Johannesburg in 2002. There article 31 states “[m]aintain or restore stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015” (United Nations 2002, p. 23). Furthermore, to “[p]romote the implementation of chapter 17 of Agenda 21, which provides the programme of action for achieving the sustainable development of oceans, coastal areas and seas [...]” (United Nations 2002, p. 22). Here the relevant parties committed themselves to reaching the targets set out in Agenda 21 declaration of the Rio Summit a decade earlier. By committing to the goals set out in the declaration at the Johannesburg summit, the EU added considerable political weight to responsible fisheries as now the goals set out in the declaration had to be implemented somehow by the EU which was increasingly ambitious when it came to environmental issues on the world scene (Froese & Proelß 2010, p. 195). However, the Agenda 21 declaration would stand as a reminder of just how substandard the conservation methods of the CFP were for years to come and little progress was made initially to reform the CFP.

5.1.1 UN Earth Summits punctuating CFP equilibrium

A seemingly incremental change happened when the EU and its member states signed up to Agenda 21 in Rio in 1992 and later committed to in Johannesburg a decade years later. However, the declaration’s focus on environmental protection and sustainable development would influence the EU in various ways. However, the focus of this paper is on the CFP specifically and how the signing of an international agreement on the environment would, by advocating a stock recommendation measurement based on responsible exploitation and a call to achieve sustainable development, punctuate the equilibrium of a stagnated and somewhat wasteful policy field. The theory seems to fit neatly to the events that are described here above, where external supporting mechanisms can cause considerable shifts in a policy subsystem. Here the external mechanism being the Earth Summit and the policy subsystem being the CFP.

John Vogler states that once environmental issues started to be framed in line with sustainable development following Rio in 1992 it became unavoidable that the various EU policy fields would be affected (Vogler 2011, p. 356). There was increased attention to these issues in the Treaties while the CFP can be said to have struggled to follow these developments which led to lack in policy coherence. However, the policy field would slowly and surely catch up with other developments. As discussed in the background chapter above, from the time that the first legislation was created around EU fisheries in 1970, until the nineties, the policy field was best described as involving incremental change and inertia, where fishing opportunities were awarded haphazardly. The Council routinely set the fishing quotas and TAC recommendations substantially higher than the levels recommended by the Commission on advice from marine scientists, often due to national pressure. Fish discards were a huge problem and enforcement of the

actual legislation was poor (Churchill & Owen 2010, p. 12). This inevitably led to the overexploitation of the resource and valuable fish stocks came close to a collapse (Daw & Gray 2005, p. 190). These problems were for all to see, but there seemed to be little possibility that the forces of change would come from within the policy field and throughout the years the policy instruments did not change in any real way. When the EU decided to pursue an active role at the UN Earth summits in 1992 and 2002 it was clear the environmental issues would infuse the various EU policy process as a result. Various EU documents, particularly those from institutions which called for change to the CFP, referred to the binding commitment made in Johannesburg in 2002 when calling for the policy field to bring about more sustainable and responsible policy tools. Hence, the Rio summit and the subsequent Johannesburg summit, acted as an external shock to the CFP, rupturing the very fabric of the policy field. The negative feedback within the CFP where change was difficult and complex was stopped and by agreeing to certain 'greening' aspects to the CFP, constraints were placed on those within the policy field which were inescapable.

Furthermore, as discussed above in the theory chapter, punctuated equilibrium theory makes use of policy images of the policy process. When a policy only has one policy image the likelihood of change is quite limited. However, when a competing policy image is introduced, the possibility of change greatly increases. This was precisely what occurred in connection to the CFP when a new policy image appeared, the environmental policy image. Admittedly, the concept of environmental protection did not begin with the Earth Summits, but my reasoning is that following them, the issue became much more pressing within the CFP. Here, the policy had traditionally centred on economic factors and to some extent these economic factors were coupled to food production. But after the Rio Summit environmental issues were higher on the agenda and the two summits discussed above would legitimate the environmental policy image into the actual policy process allowing for new ideas and thus helping to disrupt a stagnated policy field and usher in the possibility for actual change. Furthermore, the new policy image would allow policy entrepreneurs to frame CFP issues closer to sustainable development making reforms more feasible.

5.2 Reforms in 1992

As is stated in this paper's background chapter, the CFP only changed incrementally up to the 1992 policy reforms and the policy field was generally viewed as being wasteful and depleting the oceans of various species. The CFP was a policy field in many ways characterized by nested policy making, where the internal functioning's of a policy field obstructed possible agreements on more effective policies (Payne 2000, p. 307-308). However, the rationale of this paper is that environmental negotiations outside the policy field disrupted the stasis of the policy field allowing for change.

The 1992 reforms were the first review of the CFP and took place the same year as the Earth Summit in Rio but then already environmental issues were increasingly prominent within EU as sustainable development was the central theme of the Environmental Action Programme being promoted by the Commission that year (Collier 1997, p. 4). Hence, the whole early nineties review of the CFP took place to the backdrop where environmental issues could not be escaped. The process of reviewing the CFP went back to 1991 when the Commission presented some general analysis of the CFP, rather than concrete proposals, in a report to the Council and the EP. The report was quite critical of the CFP, highlighting some of its deficiencies. These included bringing attention to the over-exploitation of various stocks and called for improved resource management and conservation policy within the CFP. Here the Commission reasoning is based both on socio-economic factors and also a biological approach (European Commission 1991a, p. iii-v). The report also called for a system of catches that would “maintain or restore stocks of harvested species at levels which can produce the maximum sustainable yield” (European Commission 1991b, p. 8). Here the Commission was clearly attempting to play the role of a policy entrepreneur attempting to rectify shortcomings to CFP policy and offering solutions.

In the end of 1992 Regulation 3760/92 was adopted which repealed and replaced Regulation 170/83. In the new regulation, the objectives of the CFP were for the first time spelled out in a detailed way. They highlighted points such as protection, conservation and sustainability, but referred to economic efficiency in a lesser degree, and did not mention specific exceptions regarding fishing in poor regions more dependent on fishing as in the previous regulation (Churchill 1993, p. 266). This indicates that there was less tolerance for inefficient CFP policy justified on the grounds of socioeconomic handouts. In Regulation 3760/92, there were clear indications that the policy image monopoly was under increased pressure as environmental language was becoming increasingly prominent in official legal documents. While Regulation 170/83 used the term conservation in rather vague and general terms, Regulation 3760/92, Article 2 (2) states that “[t]o that end, and in order to ensure sustainable exploitation activities, this Regulation establishes a framework for the regulation of access, management and monitoring of exploitation activities, as well as the requisite means and procedures.” Here the new regulation made use of the term sustainable development which is a much more decided term. Indeed in only a few years after its introduction in the 1980s it became a central term in discussion on policy making and environmental issues (Bruyninckx 2006, p. 265).

Article 4 of the new regulation stated that the Council determined the TACs and quotas by qualified majority and stated that following scientific advice is not required but rather optional. The article in question highlighted several measures that the Council could use in order to achieve the goals of the regulation, such as limiting catches, limiting time at sea and various other steps available to the Council, should it feel the goals of the regulation were not being met. This is understandable as at the time the fishing fleet of the EU was considerably larger than the fishing opportunities called for, thus meaning fewer vessels could go to

sea each time. This part of the regulation was more or less identical to the previous regulation and the member states through their Council activities still were in control of quota management. While, the Council had a multitude of tools to combat harmful practices related to the CFP, it never made use of these tools when problems arose within the policy field (Hegland & Raakjær 2008, p. 146). However, in response to criticism put forth by the Commission in its 1991 report on the CFP, Regulation 2847/93 which established a control system for the CFP was agreed to in 1993 which looked to create an effective system of control regarding the policy field in general. This regulation gave the Commission certain oversight when it came to national monitoring of the policy and it even meant that satellite surveillance could be used to monitor fishing efforts (Hegland & Raakjær 2008, p. 147). This is another example of how the Commission was gaining increasing powers within the policy field. The new regulation also acknowledged the increased role of the EP which under Article 43 of the EEC Treaty had acquired a consultative role in the EU decision making procedure when it came to the CFP. While the powers of the EP were still quite limited, following the changes it would have an official role in future reform procedures.

5.2.1 The 1992 CFP reforms as a critical juncture

Generally the 1992 CFP reform did not bring about the fundamental change to the policy field that the Commission had envisaged and the ministers within the Council of Ministers saw little reason to bring about any significant changes to the CFP despite various warning signs. The reform did little to end the overexploitation of the resource and the wasteful practices of discards, as national governments were still in the driving seat when it came to quota management, through the Council where the relevant ministers of the member states were seated, essentially meaning that national politicians were making the decisions. These democratically elected ministers are by definition most occupied with taking the right decisions in order to secure their party's and their own re-election (Daw & Gray 2004, p. 191). Hence, it is very questionable whether these individuals will make decisions that secure sustainability of an resource which might not materialize until decades later. Indeed, through the use of the Regulation 3760/92 the Council would rather ensure generous fishing quotas for the member states than side with those who campaigned for environmental issues and the sustainable use of the fisheries resource.

Despite the fact that the reform might individually be regarded as being disappointing in bringing about fundamental change to an inefficient policy field, the reform itself ended the negative feedback which the CFP had been stuck in since its inception. The reform through its emphasis on sustainable development created a positive feedback and by deciding to apply various environmental goals and use concepts agreed to at Rio a critical juncture occurred which would have repercussions for future policy makers as the option not to *go green* was now much more difficult to revert to as the cost of exit became too high. This was

possible due to the impact the Rio Summit had on the CFP, a competing policy image had arisen, the environmental policy image, breaking the policy image monopoly, allowing the Commission to frame the CFP more according to environmental issues. Furthermore, it seems clear that the critical juncture which is represented in the 1992 reform was “followed by a more constrained choice-set once reinforcement sets in” (Pierson 2000a, p. 75). By choosing to pursue a greener policy instead of continuing down the same route as the policy field had been would lead the policy down a specific path where reinforcements or positive feedbacks would continue.

5.3 Reforms in 2002

As stipulated in Article 14(2) of Council Regulation No 3760/92, a deadline was set for the review of the 1992 changes to the policy field and the effectiveness of the package was to be analysed. Hence, in 2001 the Commission which at the time was headed by the Austrian Franz Fischler, issued two documents reviewing the CFP, the *Green Paper on the Future of the Common Fisheries Policy* in 2001, and *Communication from the Commission on the reform of the Common Fisheries Policy – Roadmap* in 2002 (European Commission, 2002). Here the Commission highlighted the need for changes to the policy field and that the “policy has not delivered sustainable exploitation of fisheries resources and will need to be changed if it is to do so. Its shortcomings can be expressed in conservation, economic and political terms” (European Commission 2001, p. 4). It was acknowledged that stocks were overexploited, catch limits had exceeded recommendations and proper enforcement of the regulations in place was lacking. However, the paper maintained that the policy reforms had not been a total failure as it had somewhat stemmed the tide and averted the complete collapse of certain stock in EU waters and stabilised the EU fisheries industry (European Commission 2001, p. 4-5). Among the improvements suggested was the increased involvement of stakeholders through participation in a network of Regional Advisory Councils (RAC) on fisheries, where the voices of diverse groups would be heard such as fishermen, industry representatives, environmental NGOs, and fisheries biologists to name a few and the Commission also called for increased scientific advice into the decision-making process (European Commission 2001, p. 28-29).

The paper discussed the objectives of the CFP and the legal requirements faced by it. At the time the CFP did not have a specific chapter in the Treaty but fell under Article 33 of Treaty establishing the European Community, on the CAP where the main goals are to increase productivity, availability of supplies at a fair price while ensuring a fair standard of living for those involved in the industry. However, Article 6 of the Treaty called for environmental protection requirements to be a consideration in EU policies at the time and this too applied to the CFP. Other requirements also involved consumer protection and the protection of

marine aquatic resources (European Commission 2001, p. 5-6). Therefore, the Commission had to combine environmental protection, the increase of production, the right supply at a fair price while minding for socio-economic factors, in a single legislation. However, the Commission's Green Paper states that more should be done to integrate an environmental dimension into the CFP and that a "balance has to be struck between environmental and fisheries interests" (European Commission 2001, p. 9). Here, the Commission headed by Fischler again acts as a policy entrepreneur, emphasizing the shortcomings of the policy, calling for ratifications to the policy in question and framing the issue prominently in terms of the environment.

Following the establishment of the consultation procedure introduced via Article 43 of the EEC Treaty, the EP now had a role to play in the reform procedure and the EP's Committee on Fisheries in which Rosa Miguélez Ramos held the position of Rapporteur, would consider the Commission's Green Paper and issue an opinion on it on 20 December 2001 (European Parliament 2001, p. 4). In the report the EP's position was to be even more adamant in its opinion on the need for reforms to the CFP and even felt the Commission's Green Paper was not progressive enough. The Ramos's report called for a thorough revision of the CFP in light of the challenges it faced but argued that the Green Paper was short on solutions to the problems the policy field faced. The report goes on to say "it is not a Green Paper for the reform of the CFP but for its continuation, without making any substantial changes to a policy which has attracted so much criticism" (European Parliament 2001, p. 24). Furthermore, the EP felt the Green Paper failed in creating legislation which combined fishing activities and the protection of the environment. The Commission's goals of reducing fleet capacity were deemed unrealistic due to lack of cooperation from member states and that the system of controls and penalties should rather be at Union level rather than at member state level (European Parliament 2001, p. 24-25). The EP then laid out its own ideas for the new CFP. These included the establishment of a single EU fleet, where vessels sailed under the European flag rather than individual member states flags, where there is a single market for fisheries resources. The CFP should look to maintain the socio-economic fabric of coastal areas and the EP called for rational management of resources through improved system of TACs and quotas and by adapting the fleet to the state of stocks. The socio-economic challenges of the people in the fishing industry had to be addressed and for increased research with the establishment of research centre for the marine environment (European Parliament 2001, p. 26-29). The Ramos report though did not call for unrealistic or overly radical change. It did not mention a discard ban, but merely called for a reduction in discards. It called for more research, the increased application of precautionary principal and general improvements to the EU's fisheries management. Here, the Commission had an ally and the EP acts an avid yet a responsible environmental proponent.

The Council did not have a unified position when it came to the Commission's proposal. France, Greece, Ireland, Italy, Portugal and Spain formed an informal group called Amis de la Pêche (AdIP) within the Council to guard against what these member states felt was an excessive emphasis of conservation in the

Commission's proposals. They maintained that socio-economic aspects should be the key point of the CFP. In the first set of proposals issued by the Commission, aid to the building of new vessels gave way to subsidies for the scrapping of vessels. The AdIP group objected to these proposals and after laborious negotiations an agreement was done where public aid was to be phased out over a two year period and subsidies for small and medium-sized vessels would still be permitted in some cases. In the end Finland, the UK and the Netherlands joined the AdIP group and voted for what would become Council Regulation (EC) No 2369/2002 regarding Community structural assistance in the fisheries sector, but Sweden and Germany voted against the proposal meaning that the Council did not vote unanimously (Schweiger 2010, p. 59-60). With regards to the basic regulation, the Commission's proposals had intended the responsibility for setting the TACs to be transferred from the Council to the Commission and its Committee for Fisheries and Aquaculture after a year of transition but this did not materialise. While the Commission's proposal had proposed that quotas should be based on scientific opinion, Council Regulation 2371/2002 stated that this scientific opinion was only to be taken into account when recommending TACs and quotas. This left the Council in charge of setting these recommendations meaning that the Commission in fact failed in transforming the way quota management were set, leaving the member states still in control (Schweiger 2010, p. 61-62).

On December 20th 2002 Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy was agreed to by the Council. The policy outcome could be said to have been somewhat underwhelming as the reforms were in no way the thorough revision of the CFP the EP had advocated in its report. The system of TACs and quotas was more or less left unchanged with the Council in charge of setting fishing limits in accordance with Article 4 of the regulation. Article 23 stated that the member states were charged with the task of ensuring effective control, inspection and enforcement of the rules of the CFP just as had been the case in the 1992 regulation and had been criticised in the EP's report for failing to ensure a level playing field across the Union (European Parliament 2001, p. 14).

However the objectives of the regulation could be regarded as giving hope for the advocates of environmental issues within the CFP. Article 2 of the regulation states that the exploitation of living aquatic resources shall ensure sustainable economic, environmental and social aspects and that the precautionary approach could be applied in order to ensure sustainable exploitation of the fisheries resource. Here, the Union, committed to using the fisheries resource in a sustainable way and that it had to be mindful of the possible negative impact of the exploitation. The introduction of the precautionary approach connects to the Rio Declaration from 1992, but Principle 15 of the 1992 UN declaration called on those involved to apply the precautionary principle when possible and the principle was being applied to ever more areas within the EU. Furthermore Article 2 called for an ecosystem-based approach to be adopted meaning "seeking to promote the sustainable use of the seas and the conservation of marine ecosystems" (Wakefield 2012, p. 3). Articles 31 and 32 of the regulation

established the Regional Advisory Councils (RACs) which were primarily made up of fishermen and representatives of the relevant interests, being from fisheries and aquaculture sector, scientific experts, representing consumers to name some, but all sharing an interest in EU fisheries. This was seen as part of decentralising the policy field and increasing stakeholder participation in the CFP. Furthermore, the RACs were as their name implies, only advisory and the EU's institutions were in no way obligated to listen to their advice (Symes 2012, p. 9). However, the RAC introduction did mean more diverse voices were heard within the CFP. Articles 26 and 27 of Regulation 2371/2002 gave the Commission increased powers when it came to evaluation and control within the regulation. Using these powers the Commission would take action before the European Court of Justice (ECJ) against member states deemed to be in breach of the rules of the regulation (Proelss & Houghton 2012, p. 25). Article 13 of the Regulation created the entry/exit scheme which meant that EU member states fleets could not grow larger than they were in 1 January 2003. This essentially meant that the entry of new capacity into the fleet had to be compensated by the withdrawal of an existing one.

5.3.1 The 2002 CFP reforms as a critical juncture

There is an evident a fairly obvious linkage between the 1992 reforms and the 2002 reforms as the inclusion of the precautionary approach in ensuring sustainable exploitation can be regarded as direct feedback effect of the 1992 reforms, allowing for the increasing significance of environmental issues within the CFP. By applying the precautionary principle within the CFP the EU's institution had to find "the correct balance so that the proportionate, non-discriminatory, transparent and coherent actions can be taken, requires a structured decision-making process with detailed scientific and other objective information" (European Commission 2000, p.3). By failing to ensure the fisheries resource is exploited in a sustainable way through quota management, and failing to reach MSY, the EU institutions were likely in breach of their environmental responsibilities contained in the Treaties (Proelss & Houghton 2012, p. 26).

Just like the 1992 reform, I claim that decisions taken during negotiations on the 2002 reforms by EU decision makers represent a critical juncture. By deciding on pursuing goals of sustainable development such as the precautionary approach in the new regulation, instead of following the voices of those who felt that excessive emphasis was being placed on conservation within the CFP, the path towards greener policy was further reinforced. While voices within the Council called for less emphasis on conservation, previous decisions of 1992 placed constraints on policy makers making it almost impossible to turn away from the goals of sustainable development. In fact, more diverse voices sounded because of the RACs and the increased commitment to sustainable development and obligation to the precautionary principle would simply serve to further the environmental dimension of the CFP and I claim that decisions made in the 1992

reforms were reinforced in 2002 which is a clear example of positive feedback. However the 2002 reforms should also be regarded as a critical juncture because of choices taken by decision makers at the time would constrain future decision makers and the positive feedback loop continued.

5.4 Reforms in 2013

Just as had been the case previously, Regulation 2371/2002 called for a review of the CFP in ten year time, or before the end of 2012. Hence, the review process began in 2009 when the Commission issued a Green Paper for the CFP where it points out that the CFP has a long way to go before the optimal conditions are reached. In the Green Paper, the Commission maintained that this could only happen if fundamental reforms took place within the CFP. While the 2002 reforms were an improvement, they had failed to bring about sustainable fisheries in EU waters and at the time the Green Paper was issued 88 % of Community stocks were exploited beyond MSY (European Commission 2009a, p. 4-5 and 7). This was fundamentally because of overfishing caused by inadequate quota management tools in the regulation. Among the ratifications proposed by the Commission were clearer policy objectives and for the decision making framework to focus on long term objectives rather than short ones. Furthermore, the Commission called for MSY to become the “principle for stock management in the future CFP” (European Commission 2009a, p. 15). The Commission called on stakeholders, the public and all interested parties to comment on the Green Paper and to put forth their views on the future of the CFP. In 2011 the Commission produced a proposal based on opinions gathered for the new CFP regulation in accordance with new procedural rules ushered in by the signing of the Lisbon Treaty. Now the ordinary legislative procedure applied to numerous policy areas, including the CAP and CFP (Shackleton 2012, p. 130). This meant that now the EP was more or less on equal footing with the Council as a co-legislator in EU decision making and its powers had greatly increased from the time it could only issue a non-binding opinion on policy proposals. The Commission still initiated the policy process but overall its influence had decreased as the EP became more powerful (Young 2010, p. 60-61).

Preparation for the 2013 reforms by Commission officials can be traced back to 2006, when Joe Borg was responsible for Fisheries and Maritime Affairs in the Commission and it adopted a Communication on implementing sustainability in EU fisheries through Maximum Sustainable Yield which was an evaluation for all the MSY long term plans needed to achieve the commitment the member states agreed to at the Earth Summit in 2002 in Johannesburg (European Commission 2006, p. 3). Again, evidence of the punctuating equilibrium events at the two Earth Summits was evident within the policy field. Borg highlighted the need for a fundamental reform in a speech to the German Bundestag in 2009 where he stated that “[a]lmost 9 out of 10 stocks are overfished, and although some stocks

have seen improvements, sustainable fisheries are a great distance away from being a reality. We have a European fleet with the capacity to fish two to three times what would be considered sustainable [...]” (Borg 2009b). Here it is evident that sustainable fisheries are the goal of the new policy. However, the commissioner for fisheries which would lead the Commission during the reform negotiations was Maria Damanaki and in the Commission’s proposal, it called for a fundamental reform of the CFP as the 2002 reforms did not achieve sustainable fisheries.

The Commission stated that it had received numerous contributions which were considered in the creation of the proposal. The Commission’s proposal identifies the single most important objective of the CFP as being to ensure long term environmental sustainability to the policy field (European Commission 2011, p. 2). This, the Commission stated was a fundamental prerequisite in order to bring about economically and socially sustainable fishing industry that would end the continued overfishing that has plagued the policy field for so long. An integral part of the 2013 reforms was to achieve the goals of MSY for depleted stocks no later than 2015, thus abolishing overfishing and taking important steps towards eliminating the overcapacity of EU fleet. The Commission’s proposal called for the introduction of a system of transferable fishing rights that would help eliminate overcapacity and strengthen the economic aspects of the fishing industry. Stocks were to be set at levels that would produce MSY levels and an obligation to land all catches of certain stocks was to be introduced. No longer would the Council set the TACs and quotas but rather a decentralised system where member states decided on and adopted the relevant measures and the Commission would come in when member states could not agree on targets (European Commission 2011a, p. 7). Here, just as in the 2002 reforms, the Commission created an ambitious reform package and familiar aspects were highlighted for reform. Environmental issues were quite prominent in the Commission’s documents. Issues were framed in line with the environmental policy image, as in 2002. However, now a new actor, the EP now had a more prominent role than before and perhaps now was a chance to usher in a grander reform than before as had already been evident when the EP had aligned with the Commission earlier in issues of fisheries. In 2009 the EP supported the Commission’s proposal for rules on implementation and enforcement of the CFP (European Commission 2009b).

The EP appointed Ulrike Rodust from Germany as rapporteur for the Commission’s proposal which headed the negotiations on the behalf of the EP. In February 2013, the EP issued its position following the first reading on 6 February 2013. The EP’s position highlighted the importance of achieving MSY and stated that by 2015, fishing mortality rates should be set at levels that would allow populations of harvested fish stocks to recover and by 2020 to be above levels that are capable of producing MSY (European Parliament 2013a, p. 76). In fact the EP went as far as to call for stocks being able to grow beyond sustainable levels in an effort to create a safety margin for the environment and thus ensuring the precautionary principle is met. The EP called for MSY as not only to be a political goal but rather to be legally binding on all future decisions of the CFP and it

called for a reduction in the EU fleet (European Parliament 2013b, p. 7-8). The EP also called for a full ban on discards and fishermen would be obligated to land all catches of managed stocks and that member states would be free to establish systems of transferable fishing concessions. The EP called for an increase in regionalised approaches towards the governance of the CFP more or less in line with the Commission's proposal (European Parliament 2013a, p. 17-24). In the end, the EP voted by a considerable majority in favour of an in depth reform of the CFP, rather than a more modest one, which left the Council faced with the reality that for any reforms to take place, it would need to meet the EP's demands for noticeable change (Agritrade 2013). Overall, the position taken up by the EP was one of calling for radical change to the CFP. It took a strong stance with the application of MSY, for the banning of discards and alongside sustainable development. The policy image more strongly portrayed in the EP's position on the CFP is environmental in nature rather than economic.

The Council's position as a decision maker had changed considerably from the previous CFP reforms as it was no longer the main actor but now it shared the decision making powers with the EP. The Council agreed that MSY should be achieved in general but its position included some ambiguous language when it came to the timeframe, meaning it could be delayed until 2020 rather than 2015 as the Commission and the EP preferred (Council of the European Union 2012, p. 12). While the Commission and the EP called for the elimination of unwanted catches and discards with landing obligations, the Council called for the obligation only to apply to species which were subject to catch quotas and were situated in the heavily overfished Mediterranean Sea. Furthermore, the Council called for a gradual ban on discards, rather than the immediate ban suggested by the EP (Cuvillier 2012). Fisheries ministers from France and Spain would lead a late declaration to stop the proposed fishing discards ban following national lobbying but in the end they were unable to change the stance of the Council (Guardian 2012). Additionally, the Council supported increased regionalisation and stated the transferable fishing concessions should be voluntary (Council of European Union 2012, p. 13). As had been the case in previous reforms the Council approached changes to the CFP with caution. However, from the data available it seems the Council was generally in agreement that certain changes were inevitable in the architecture of the CFP and while it looked to delay the implementation of the MSY and discards bans, in the end it did not stand in the way of these changes. Hence, it can be said that the Council accepted the new policy image of the CFP as being predominantly centred on environment while attempting to defend national interests as best it could.

A deal was reached between the Council and the EP in May 2013 and was introduced as a "complete overhaul of the common fisheries policy" (European Parliament 2013c) and would come into force in January 2014. Article 2 of Regulation 1380/2013 states that fishing levels are to be set at MSY levels by 2015 where possible, and at the latest by 2020 for all fish stocks. Article 15 states that discarding is to be phased out and fishermen are generally obligated to land all catch. Article 21 stipulated that member states were free to establish a system of transferable fishing concessions. In Article 24 of the regulation an obligation is

placed on the member states to see to it that fleet capacity is correct in size with the fishing opportunities available. The Commission gets an increased role with regards to the monitoring and control mechanisms and CFP decisions making is to become more decentralised. The Regulation specifically refers to the World Summit on Sustainable Development at Johannesburg in 2002 (Earth Summit 2002), where the Union and its member states committed themselves to stop the continued decline of many fish stocks. Here there is a clear linkage visible between this isolated policy field and the two international summits on the environment which took place, first in 1992 and then in 2002. These external events caused a disruption which began a chain of reform events within the policy field that would not fully materialise until January 1st 2014.

The reason why the 2012-13 reform was so successful cannot be put down solely to a punctuating event or a path dependent process, though they attributed to the changes. Rather I claim that the Commission exploited a policy window which became available due to Treaty changes. The Lisbon Treaty gave the EP increased powers as a co-decision maker alongside the Council and this also applied to the area of CFP where the increased role of the *greenest* EU institution (Lenschow 2010, p. 315), the EP which I claim represented a policy window, which the Commission would make full use of. In the literature on the EU it is widely accepted that the Commission is a policy entrepreneur within the EU due to its position of initiating legislation (Young 2010, p.53). However, the Commission is unable to open a policy window itself, but it must rather wait for such opportunities to materialise and then act (Ackrill et al. 2013, p. 875).

I claim that, the reform in 2013 constitutes as a positive feedback of earlier reforms. The emphasis on sustainable development and achieving MSY are thus path dependent on earlier decisions that increased the environmental dimension of the CFP. This fits neatly into what Stephen D. Krasner calls path-dependent patterns which “are characterized by self-reinforcing positive feedback. Initial choices, often small and random, may determine future historical trajectories. Once a particular path is chosen, it precludes other paths [...]” (Krasner 1988, p. 83). The two critical junctures in 1992 and again in 2002 were path dependent, as they were originally set off by the UN Earth Summits and set off a temporal sequence which would lead to the 2013 reforms where the most pressing problems of the policy field would be solved.

5.4.1 Reforming the CFP – punctuating the equilibrium, path dependence and a policy window

I primarily attribute the recent changes to the CFP to a punctuating equilibrium event, policy window, and path dependent process. Paul Pierson states that “[w]hen a path dependent process is at work, early developments get deeply embedded in a particular political environment, modifying the incentive structures and hence behaviors of social actors, and thereby changing the social significance or pattern of unfolding of events or processes occurring later in the sequence”

(2000a, p. 79). The reforming process of the CFP fits quite neatly into Pierson's claim as I claim that the CFP involved two critical junctures, the CFP reforms of 1992 and 2002, which would be so important in the 2013 CFP reforms. The first feedback mechanism at work in the CFP would work to maintain the institutional arrangements created by these critical junctures. Hence, I claim that the adaptation of *greener* policy making within the political structure of the CFP, following a punctuated equilibrium event, reinforced the policy objectives of sustainable development and the goal of achieving MSY before the deadline set out in the UN Earth Summits. This can be likened to social and political learning, when policy makers become aware of problems and successes and the policy design builds on this (Pierson 1993, p, 612).

Furthermore, following the creation of the Regional Advisory Councils in the 2002 reforms and the Commission calling for contributions from various stakeholders in the build-up to the 2012-13 reforms, the involvement environmental NGOs such as Green Peace and WWF had considerably increased. This is an example of how the development of the policy leads to increased access of environmental NGOs to decision makers. This constitutes what Pierson describes as when "[p]olicies may also strengthen particular groups by increasing their access to decision makers" (Pierson 1993, p.601). Here, through a second feedback mechanism stemming from the earlier reforms, ideas on the importance of environmental protection have easier access to decision makers alongside those of the fisheries industry which dominated the policy in earlier years. This process is a prime example of a path dependent process where decision made at earlier steps in history of institutions can be paramount in explaining later developments. The critical junctures, in 1992 and 2002 created the necessary mechanisms of increasing returns and positive feedback that would be involved in creating the situation required where substantial reforms could be pushed through.

In the case of the CFP, the Commission was able to put forth more ambitious reform proposal due to the policy window presented by new procedural rules. Here, the Commission acting as a policy entrepreneur could be said to have coupled the three different policy streams. The inefficient fisheries policy represented the problem stream, sustainable development trumped in the policies stream and the increased environmental awareness of the public and the environmental lobby interests influenced the politics stream. Hence, a more ambitious reform of the CFP was successfully applied to the policy field than was possible before. The policy window that opened up was a political window since it stemmed from changes in the structure of decision making rather than stemming from a particular problem.

The reasoning put forth above fits well into Tallberg's writings on the agenda-setting role of the Commission. He states that in order for the Commission to exploit its agenda-setting role to the fullest it routinely makes sure either to have the backing of certain member states in the Council or the EP's support to ensure its proposals have more likelihood of passing (2007, p. 204-205). In fact, Daviter maintains that the Commission strategically uses the various framing of issues to ensure that policies have sufficient political backing to be adopted (2007, p. 658-659). In the case of the CFP, the Commission could only push through the radical

reform package required to mend a policy field clearly not functioning ideally by ensuring that it had a cooperative actor in the EP. Hence, the Commission used the policy window available brought on by the ordinary legislative procedure applying to the CFP, to push through legislation that ensured sustainable development and one that ensured reasonable exploitation of the resource, it originally agreed to over two decades earlier. The Council of Ministers tried to limit the changes and maintain the status quo, but once the policy field became subject to environmental issues in the 1990s it elicited more moves in the same direction.

5.4.2 Reforming the CFP – a typical or unique process?

In order to maximise the likelihood of successfully getting its proposals agreed to, the Commission can frame issues strategically. Hence, there are examples where the Commission has managed to bring about changes to a policy field by changing the discussion on an issue. Wendon discusses how the Commission managed to frame the discussion on social policy and opened up the policy field for more actors but “[b]y shifting the debate about EU social policy from technical issues to ethical issues of social justice, a wider range of actors was drawn into the debate” (1998, p. 345). Hence, the Commission managed to change the policy image of social policy within the EU and advance the issue of social policy within the EU. Here the similarities between fundamentally different policy fields are somewhat striking as the Commission by shifting CFP issues more towards environmental and sustainability, was able to change the direction of the CFP.

The reform process of the CFP is somewhat unique in the EU context and that is because the Union’s fisheries policy is fundamentally different from most Union policy areas. The policy field involves a common resource, fishery products which are caught in oceans shared by numerous different member states and affects simultaneously different issues such as food production, the environment and livelihoods of those involved in the sector. Above, I argue that the catalyst for change in the policy area was the introduction of environmental issues such as sustainability and responsible exploitation which came about due to international arrangements participated in by the EU and its member states disrupted a nestled policy field. It would take several CFP reforms to fully materialise, an external shock which was fundamental in reforming to the policy area. In that sense the road the CFP has taken in its reforms, is almost identical as the reforms which has seen the CAP become less centralised, production less dependent support and overall led to a greener and more sustainable agriculture policy (Roederer-Rynning 2010, p. 194).

In the case of the CAP it was the Commission which headed international trade negotiation on the behalf of the EU as is stipulated in Treaties and pushed

for reforms in line with the negotiation outcome. Indeed the similarities between reform processes of the CAP and the CFP are numerous. The timing of the early reforms in each policy field is quite similar⁶ and while I attribute the CFP changes to international environmental negotiations, the general consensus is that the major factors for CAP reforms were international trade negotiations and pressures brought on by the completion of the single market in the run up to 1992 (Menier & Nicolaidis 2011, p. 288). These pressures would be influential in breaking the stasis of the policy fields and move difficult issues forward.

The same goes for the CFP where the Commission has headed the international negotiations on behalf of the EU and then took up the role of a policy entrepreneur, always pushing for the reforms to match the international obligations taken upon the EU. The Council has usually acted as a buffer on these reform proposals pushed for by the Commission acting as a staunch defender of national interests and of domestic sectors. The two earlier reforms in 1992 and 2002 were quite limited due to the decision making setup they entailed. However, in the latest reforms which came into effect in 2014, the EP was on equal footing in the decision making process as the Council and the EP is traditionally the *greenest* of the three main legislative institutions (Lenschow 2010, p. 315) and this would finally allow for the path towards sustainability, initiated by previous reforms to become complete.

⁶ The CAP was reformed in 1992, the MacSharry reforms, and again in 1999, the Agenda 2000 reforms. While the CFP as is discussed here, saw reforms in 1992 and 2002.

6 Conclusions

The CFP has undergone quite drastic changes since its creation in the 1980s when internal mechanics of the CFP looked to lead to the depletion of various fish stocks in EU waters if left unchanged. The problem facing the Commission as the initiator of policy was to find a solution that would ensure that threatened fish stocks would not be depleted while at the same time creating conditions where the fishing industry of the EU and the various regions depended on fisheries could continue to develop. Below I will quickly summarise the paper's findings and restate the answers to the two research questions originally set out in the introduction chapter.

- *Why was there a successful reform of the Common Fisheries Policy possible in 2013, after years of ineffective policy and unsuccessful attempts at reforms?*

I state that the reform which came into effect in January 2014 cannot be explained separately but rather must be viewed as a part of a further temporal process. Until the 1990s only very modest change occurred within the area of fisheries. However, in the 1990s the EU established a more influential role in environmental negotiations at the United Nations. The EU would participate in these negotiations as an advocate for environmental friendly policies. At Rio in 1992 the EU and its member states agreed to the ambitious Agenda 21 action plan which included a section devoted to the protection of the oceans through increased protection and by achieving sustainable development. A decade later in Johannesburg the parties involved, including the EU and its member states Agenda 21 action plan would commit to achieving the goals agreed to in Rio. I state that the developments in Rio and Johannesburg punctuated the equilibrium of the CFP and broke the stasis the policy field had been in for years.

The decisive role the EU took in Rio would influence future reforms and placed the CFP on a path dependent course. Indeed, as early as in 1992, the Commission pushed for an ambitious reform which would be watered down considerably in the final regulation. However, I claim this reform constitutes a critical juncture where policy makers opted for increased environmental focus in CFP policy making. A positive feedback began when the ideas of sustainable development and increased attention given to environmental issues. Hence, the steps which were taken in an environmental direction, would lead to further steps in the same direction. Thus in 2002 policy makers decided on pursuing even more environmentally focused regulation. There is a clear positive feedback from earlier events of 1992 and I state that the 2002 CFP reform is a another critical juncture where policy maker agreed to a policy which involved a focus on

sustainable development and the precautionary principle which increased the environmental dimension of the CFP even more. This cumulated in the 2013 CFP reforms where goals originally set out in Rio came fully in fruition where the policy became centred on sustainable development, clear goals of achieving MSY in stock management were set and discharging of fish is in most cases phased out. This was only possible due to earlier events and constitutes a path dependent process. The first feedback mechanism at work was the adaptation of *greener* policy making within the political structure of the CFP, reinforced the policy objectives of sustainable development and the goal of achieving MSY. The second feedback mechanism was that due to earlier reforms, ideas on the importance of environmental protection had easier access to decision makers and ideas about sustainability and protection become normalised.

Finally, I claim that a policy window opened when the ordinary legislative procedure was applied to the CFP. This gave increased powers to the EP, and it being the *greenest* of all the major EU decision making institutions, the Commission knew it could count on its support to bring about the fundamental change the previous reforms had failed to do. This policy window was exploited by the policy entrepreneur, the Commission where an ambitious proposal was submitted.

- *What do the reforms to the Common Fisheries Policy indicate about policy reforms in the EU in general?*

With regards to whether the reforms of the CFP have wider implications about the EU reforms on a general level, the results are a bit vaguer. The CFP involves a common resource, the fisheries, where national preferences have reigned supreme through decades of CFP policy making. However, there are similarities to reforms enacted within the CAP, where the Commission pushed for policy change after negotiations on the international scene. External pressures directed at specific issues can become a catalyst for policy reforms. In the case of the CAP, external trade issues placed pressure on the policy field, while with regards to the CFP, environmental issues caused similar pressure. External pressures to EU policy fields can have considerable saying about whether change happens by disturbing the policy image monopoly. When only a single policy image exists changes are difficult, but when the Commission is successful in shifting how issues are argued through the framing of the discussion as was the case with social policy discussed above, change can be brought to these areas. By managing seemingly insufficient changes, they can become reinforced through positive feedbacks where steps in the direction towards a specific reform, will led to further steps in that direction.

For further research within the CFP, I would find it interesting to bring the level of analysis closer to actors involved. In this paper, I have attempted to get an understanding of the overall process involved, which meant looking more specifically at interactions between the EU's major decision making institutions. However, it would be interesting to study internal Commission discussions on the process by interviewing the relevant key actors therein and similarly to go deeper into the internal dynamics of the Council of Ministers to see if there are similar

indicators of a policy images as are visible in the higher level of analysis used here.

Finally, in this thesis I have attempted to explain the process involved in reforming a policy field within the EU characterised by many as being ineffective. While it might be difficult to generalise greatly about the CFP, its reform process highlights the sometimes complex routes reforms within the EU take. Sometimes seemingly small changes brought on by seemingly insignificant events, deemed disappointing at the time, will years later result in extensive changes far bigger than seemed possible earlier. In the case of the CFP, policy makers managed to break the vicious cycle of policy inefficiency, described by Joe Borg in the beginning of this paper, and got the reforms right, though it took them three reform procedures and over two decades of policy making to do so.

7 References

Books, articles and websites

- Ackrill, Robert, Adrian Kay & Nikolaos Zahariadis, 2013. “Ambiguity, multiple streams, and EU policy”, *Journal of European Public Policy*, Vol. 20, No. 6, p. 871-887
- Agritrade, 2013. *European Parliament approves reform of the Common Fisheries Policy*. <http://agritrade.cta.int/Fisheries/Topics/EU-common-fisheries-policy/European-Parliament-approves-reform-of-the-Common-Fisheries-Policy> (2014-04-22).
- Al-Fattal, Rouba, 2009. “The Tragedy of the Commons: Institutions and Fisheries Management at the Local and EU Levels”, *Review of Political Economy* Vol. 21, No. 4, p. 537–47.
- Bache, Ian, Simon Bulmer & Defne Gunay, 2012. “Europeanization: A Critical Perspective” in Theofanis Exadaktylos & Claudio M. Radaelli (eds.) *Research Design in European Studies: Establishing Causality in Europeanization*. Palgrave Studies in European Union Politics, p. 64-84.
- Baumgartner, Frank R. & Bryan D. Jones, 1993. *Agendas and Instability in American Politics*, Chicago, IL: University of Chicago Press.
- Baumgartner, Frank R., Christoffer Green-Pedersen & Bryan D. Jones, 2006. “Comparative studies of policy agendas”, *Journal of European Public Policy* Vol. 13, No. 7, p. 959–974.
- Benson, David & Andrew Jordan, 2012. “Policy Transfer Research: Still Evolving, Not Yet Through?”, *Political Studies Review*, Vol. 10, p. 333–338.
- Boeije, Hennie, 2010. *Analysis in Qualitative Research*. Sage Publications.
- Bruyninckx, Hans, 2006. “Sustainable Development: the Institutionalization of a Contested Policy Concept”, in Michelle M. Betsill, et al., (eds.), *Palgrave Advances in International Environmental Politics*, Palgrave Macmillan, p. 265-298.
- Bryman, Alan, 2001. *Social Research Methods*. Oxford: University Press.
- Buonanno, Laurie & Neill Nugent, 2013. *Policies and Policy Processes of the European Union*. Palgrave Macmillan
- Capano, Giliberto, 2009. “Understanding Policy Change as an Epistemological and Theoretical Problem”, *Journal of Comparative Policy Analysis*, Vol. 11, No. 1, p. 7–31.
- Capoccia, Giovanni & R. Daniel Kelemen, 2007. “The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism”, *World Politics* Vol. 59, p. 341-369.
- Carter, Neil, 2007. *The Politics of the Environment: Ideas, Activism, Policy*. Cambridge University Press.

- Chalmers, Damian, Gareth Davies & Giorgio Monti, 2010. *European Union Law: Cases and Materials*. Cambridge University Press.
- Churchill, Robin & Daniel Owen, 2010. *The EC Common Fisheries Policy*. Oxford University Press.
- Churchill, Robin, 1993. "Shared Fisheries Management in the European Community", *Shared Fisheries Management, Vol. 2, No. 3*, p. 260-269.
- Cihelková, Eva & Jakub Krc, 2008. "Multilateral Governance of the Sustainable Development and the Contribution of the EU", *Acta Oeconomica Pragensia, Vol. 16*, p. 37-42
- Collier, Ute, 1997. "Sustainability, subsidiarity and deregulation: New directions in EU environmental policy", *Environmental Politics, Vol. 6, No. 2*, p. 1-23.
- Cunningham, Stephen, 1980. "EEC fisheries management: A critique of Common Fisheries Policy objectives", *Marine Policy July 1980*, p. 229-235.
- Cuvillier, Frédéric, 2012. "The first Guidelines of the Common Fisheries Policy Adopted by the Council of the EU", Blog Frédéric Cuvillier. [Electronic]. <http://fredericcuvillier.com/article-les-premieres-orientations-de-la-politique-commune-de-la-peche-adoptees-par-le-conseil-de-l-ue-106856261.html>. Download date: 16-04-2014.
- Daugbjerg, Carsten, 2009. "Sequencing in public policy: the evolution of the CAP over a decade", *Journal of European Public Policy Vol. 16, No. 3*, p. 395-411.
- Davies, Richard B., 1994. "From Cross-Sectional to Longitudinal Analysis" in Angela Dale & Richard B. Davies (eds.), *Analyzing Social & Political Change: A Casebook of Methods*, Sage Publications, p. 20-40.
- Daviter, Falk, 2007. "Policy Framing in the European Union", *Journal of European Public Policy, Vol. 14, No. 4*, p. 654-666.
- Daw, Tim & Tim Gray, 2005. "Fisheries science and sustainability in international policy: a study of failure in the European Union's Common Fisheries Policy", *Marine Policy Vol. 29*, p. 189-197.
- de Vaus, David, 2012. *Research Design in Social Research*. SAGE Publications Ltd.
- Flick, Uwe, 2014. *An Introduction to Qualitative Research*. SAGE Publications Ltd.
- Froese, Rainer & Alexander Proelß, 2010. "Rebuilding fish stocks no later than 2015: will Europe meet the deadline?", *Fish and Fisheries, Vol. 11, No. 2*, 194-202.
- Frost, Hans, 2010. "European Union Fishery Management" in Grafton, R. Quentin., et al., (eds.), *Handbook of Marine Fisheries Conservation and Management*, OUP USA, p. 471 – 484.
- George, Alexander L. & Andrew Bennett, 2005. *Case Studies and Theory Development in the Social Sciences*, Cambridge, MA: MIT Press.
- Gerring, John, 2007. *Case Study Research: Principles and Practices*. Cambridge: University Press.
- Gstöhl, Sieglinde, 2008. "'Patchwork Power' Europe? The EU's Representation in International Institutions", *Bruges Regional Integration & Global Governance Papers Vol. 2*, p. 1-31.

- Guardian, 2012. *Plans to ban fishing discards threatened by EU member states*. <http://www.theguardian.com/environment/2012/mar/15/ban-fish-discards-eu> (2014-04-22).
- Hegland, Troels Jacob & Jesper Raakjær, 2008. "5 Recovery Plans and the Balancing of Fishing Capacity and Fishing Possibilities : Path Dependence in the Common Fisheries Policy", in Stig S. Gezelius & Jesper Raakjær (eds.) *Making Fisheries Management Work: Implementation of Policies for Sustainable Fishing*. Dordrecht: Springer, p. 131–159.
- Karagiannakos, A. 1996. "Total Allowable Catch (TAG) and Quota Management System in the European Union", *Marine Policy* Vol. 20, No. 3, p. 235-248.
- Kay, Adrian, 2003. "Path dependency and the CAP", *Journal of European Public Policy* Vol. 10, No 3, p. 405–420
- Kay, Adrian, 2005. "A Critique of the Use of Path Dependency in Policy Studies", *Public Administration* Vol. 83, No. 3, p. 553–571.
- Kellow, Aynsley & Anthony R. Zito, 2002. "Steering through Complexity: EU Environmental Regulation in the International Context", *Political Studies*, Vol. 50, No. 1, p. 43-60.
- Kingdon, John, 2011. *Agendas, Alternatives, and Public Policies*. New York: Longman.
- Krasner, Stephen D., 1988. "Sovereignty: An Institutional Perspective", *Comparative Political Studies* Vol. 21, No. 1, p. 66-94.
- Lenschow, Andrea, 2010. "Environmental Policy" in Helen Wallace, Mark A. Pollack & Alasdair R. Young (eds.), *Policy-Making in the European Union*. Oxford: University Press, p. 307-330.
- Lightfoot, Simon & Jon Burchell, 2004. "Green hope or greenwash? The actions of the European Union at the World Summit on sustainable development", *Global Environmental Change* Vol. 14, No. 1, p. 337–344.
- Loizoua, Efstratios, Fotios Chatzitheodoridis, Konstadinos Polymerosb, Anastasios Michailidis & Konstadinos Mattas, 2014. "Sustainable development of rural coastal areas: Impacts of a new fisheries policy", *Land Use Policy*, Vol. 38, p. 41–47.
- Lutchman, Indrani, & Camille Adelle, 2008. *EU Fisheries Decision Making Guide*. IEEP, London, p. 1-29.
- Lutchman, Indrani, Chris Grieve, Sophie des Clers, & Elizabeth De Santo, 2009. *Towards a Reform of the Common Fisheries Policy in 2012 – a CFP Health Check*. IEEP, London, p. 1-80.
- Mahoney, James, 2000. "Path Dependence in Historical Sociology", *American Theory and Society*, Vol. 29, No. 4, p. 507-548.
- Mahoney, James, 2001. "Path Dependent Explanations of Regime Change", *Studies in Comparative and International Development* Vol. 36, No. 1, p. 111-141.
- Markus, Till, 2010. "Towards sustainable fisheries subsidies: Entering a new round of reform under the Common Fisheries Policy", *Marine Policy*, Vol. 34, No. 6, p. 1117–1124.
- Marsh, David, 2010. "Stability and change: the last dualism?", *Critical Policy Studies*, Vol. 4, No. 1, p. 86-101.

- Meunier, Sophie & Kalypso Nicolaidis, 2011. "The European Union as a Trade Power" in Christopher Hill & Michael Smith (eds.), *International Relations and the European Union*, Oxford: Oxford University Press, p. 275-298.
- Pálsson, Óttar, & Stefán Már Stefánsson, 2003. *Fiskveiðireglur Íslands og Evrópusambandsins - Þróun, samanburður og staða Íslands*. Reykjavík: Bókaútgáfa Orators.
- Payne, Dexter C., 2000. "Policy-making in Nested Institutions: Explaining the Conservation Failure of the EU's Common Fisheries Policy", *Journal of Common Market Studies*, Vol. 38, No. 2, p. 303-324.
- Pettigrew, Andrew M., 1997. "What is Procedural Analysis?", *Scandinavian Journal of Management* Vol. 13, No. 4, p. 337-348.
- Pierson, Paul, 1993. "When effect becomes cause: policy feedback and political change", *World Politics* No. 45, Vol. 4, p. 595-628.
- Pierson, Paul, 2000a. "Not just what but when: timing and sequencing in political processes", *Studies in American Political Development* Vol. 14, No. 1, p. 72-92.
- Pierson, Paul, 2000b. "Increasing Returns, Path Dependence, and the Study of Politics", *American Political Science Review*. Vol. 94, No. 2, p. 251-267.
- Pollack, Mark A., 2010. "Theorizing EU Policy-Making" in Helen Wallace, Mark A. Pollack & Alasdair R. Young (eds.), *Policy-Making in the European Union*. Oxford: University Press, p. 15-44.
- Princen, Sebastiaan, 2010. "Venue shifts and policy change in EU fisheries policy", *Marine Policy*, Vol. 34, No. 1, p. 36-41.
- Prior, Lindsay, 2003. *Using Documents in Social Research*. SAGE Publications.
- Proelss, Alexander & Katherine Houghton, 2012. "The EU Common Fisheries Policy in light of the precautionary principle", *Ocean & Coastal Management* Vol. 70, p. 22-30.
- Raakjær, Jesper, 2011. "The EU Common Fisheries Policy – A fisheries management system that has failed!", *Food Economics - Acta Agricult Scand, Section C*, Vol. 8, p. 105-113.
- Roederer-Rynning, Christilla, 2010. "The Common Agricultural Policy" in Helen Wallace, Mark A. Pollack & Alasdair R. Young (eds.), *Policy-Making in the European Union*. Oxford: University Press, p. 181-206.
- Rudolph, Lydia, 2008. "The Hitherto Existing Maritime Policy of the European Union" in Peter Ehlers & Rainer Lagoni (eds.) *Enforcement of International and EU Law in Maritime Affairs*. Transaction Publishers, p. 181-224.
- Sabatier, Paul A., 2007. "The Need for Better Theories" in Paul A. Sabatier (ed.) *Theories of the Policy Process*. Westview Press, p. 3-20.
- Salomon, Markus, & Karin Holm-Müller, 2013. "Towards a sustainable fisheries policy in Europe", *Fish and Fisheries*, Vol. 14, No. 4, p. 625-638.
- Schlager, Edella, 2007. "A Comparison of Frameworks, Theories, and Models of Policy Processes", in Paul A. Sabatier (ed.), *Theories of the Policy Process*, Westview Press, p. 293-320.
- Schweiger, Lukas, 2010. "The Evolution of the Common Fisheries Policy: Governance of a Common-Pool Resource in the Context of European

- Integration“, *Institute for European Integration Research: Working Paper No. 07/2010*, p. 1–88.
- Scientific, Technical and Economic Committee for Fisheries (STECF), 2013. *The 2013 Annual Economic Report on the EU Fishing Fleet (STECF-13-15)*. Publications Office of the European Union.
- Shackleton, Michael, 2012. “The European Parliament” in John Peterson & Michael Shackleton (eds.), *The Institutions of the European Union*. Oxford University Press, p. 124-147.
- Stake, Robert E., 1995. *The Art of Case Study Research*. SAGE Publications.
- Streeck, Wolfgang & Kathleen Thelen, 2005. “Introduction” in Wolfgang Streeck & Kathleen Thelen (eds.), *Beyond Continuity: Institutional Change in Advanced Political Economies*. Oxford: Oxford University Press.
- Symes, David, 2012. “Regionalising the Common Fisheries Policy: context, content and controversy”, *Maritime Studies*, Vol. 11, No. 6, p. 1-21.
- Tallberg, Jonas, 2007. “Executive Politics” in Knud Erik Jorgensen, Mark Pollack & Ben J Rosamond (eds.), *The SAGE Handbook of European Union Politics*. Sage Publications, p. 195-212.
- Thelen, Kathleen, 1999. “Historical Institutionalism in Comparative Politics“, *Annual Review of Political Science Vol. 2, No.1*, p. 369-404.
- Thomas, Allan, 2007. “Challenging Cases” in Allan Thomas & Giles Mohan (eds.), *Research Skills for Policy and Development: How to Find out Fast*. Sage Publications, p. 301-324.
- True, James L., Bryan D. Jones & Frank R. Baumgartner, 2007. “Punctuated-Equilibrium Theory“, in Paul A. Sabatier (ed.), *Theories of the Policy Process*, Westview Press, p. 155-187.
- Vogler, John, 2011. “The Challenge of the Environment, Energy, and Climate Change” in Christopher Hill & Michael Smith (eds.), *International Relations and the European Union*, Oxford: Oxford University Press, p. 349-379.
- Wakefield, Jill, 2012. “Common Fisheries Policy Reform and Sustainability”, *European Policy Analysis 2012:6*. Swedish Institute for European Policy Studies, p. 1-15.
- Wakefield, Jill, 2013. “The Problem of Regulation in EU Fisheries”, *Environmental Law Review Vol. 15*, p. 191–205.
- Wallace, Helen, 2010. “An Institutional Anatomy and Five Policy Modes” in Helen Wallace, Mark A. Pollack & Alasdair R. Young (eds.), *Policy-Making in the European Union*. Oxford: University Press, p. 69-106.
- Wendon, Bryan, 1998. “The Commission as image-venue entrepreneur in EU social policy”, *Journal of European Public Policy*, Vol. 5, No. 2, p. 339-353.
- Yin, Robert K., 2009. *Case Study Research: Design and Methods*. SAGE Publications.
- Young, Alasdair R., 2010. “The European Policy Process in Comparative Perspective” in Helen Wallace, Mark A. Pollack & Alasdair R. Young (eds.), *Policy-Making in the European Union*. Oxford: University Press, p. 45-68.
- Zahariadis, Nikolaos, 2007. “The Multiple Stream Framework: Structure, Limitations, Prospects“ in Paul A. Sabatier (ed.) *Theories of the Policy Process*. Westview Press, p. 65-92.

Official documents

- Borg, Joe, 2009a. "Adoption of the Green paper on the Reform of the Common Fisheries Policy", Speaking points for Press conference, 22 April 2009. http://europa.eu/rapid/press-release_SPEECH-09-185_en.htm (2014-05-05).
- Borg, Joe, 2009b. "Common Fisheries Policy reform: starting now, starting together", Speech to the German Bundestag AGRI Committee Berlin, 17 June 2009. http://europa.eu/rapid/press-release_SPEECH-09-302_en.htm (2014-05-02).
- Case 804/79. Judgment of the Court of 5 May 1981. - Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland. - Sea fisheries - Conservation measures.
- CEC, 1993. "Report of the Commission of the European Communities to the United Nations Conference on Environment and Development", *Official Journal of the European Communities*, No. C 138/5. Luxembourg.
- Council of the European Union, 2012, "Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy - General approach", 11322/12.
- Damanaki, Maraffish, 2014. "Reform in Europe is possible! – The Lesson of EU fisheries", Speech 15/01/2014. http://europa.eu/rapid/press-release_SPEECH-14-26_en.htm (2014-02-20).
- European Commission, 1976. "Future external fisheries policy. An internal fisheries system", COM (76) 500, 21.9.1976.
- European Commission, 1991a. "Report 1991 from the Commission to the Council and the European Parliament on the Common Fisheries Policy", SEC(91) 2288 final.
- European Commission, 1991b. "ANNEX II Development of International law and Implications for the Community in Report 1991 from the Commission to the Council and the European Parliament on the Common Fisheries Policy". SEC(91) 2288 final.
- European Commission, 2000. "Communication from the Commission on the precautionary principle", COM(2000) 1.
- European Commission, 2001. "Green Paper on the Future of the Common Fisheries Policy", COM(2001) 135 final.
- European Commission, 2002. "Communication from the Commission on the Reform of the Common Fisheries Policy – roadmap", Luxembourg: Office for Official Publications of the European Communities.
- European Commission, 2006. "Communication from the Commission to the Council and the European Parliament Implementing sustainability in EU fisheries through maximum sustainable yield", COM(2006) 360 final.
- European Commission, 2009. "Green Paper: Reform of the Common Fisheries Policy", COM(2009)163 final.
- European Commission, 2009b. "Commission welcomes Parliament's support for a new control system for EU fisheries", Press release 22/04/2009. (2014-04-22).

- European Commission, 2011a. “Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy”, COM(2011) 425 final.
- European Commission, 2011b. “Summary of the Impact Assessment accompanying the document ‘Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy’”, SEC(2011) 892.
- European Commission, 2013. “The European fisheries fund (EFF)” Available at: http://ec.europa.eu/fisheries/cfp/eff/index_en.htm (2014-05-09).
- European Court of Auditors, 2007. “Special Report No 7/2007 (pursuant to Article 248(4), second paragraph, EC) on the control, inspection and sanction systems relating to the rules on conservation of Community fisheries resources”, 2007/C 317/01, p. 1-33.
- European Parliament, 2001. “Report on the Commission Green Paper on the Future of the Common Fisheries Policy”, COM(2001) 135 – C5-0261/2001 – 2001/2115(COS).
- European Parliament, 2013a. “I Position of the European Parliament”, EP-PE_TC1-COD(2011)0195.
- European Parliament, 2013b. “II Recommendation for the Second Reading”, A7-0409/2013.
- European Parliament, 2013c. “European Parliament secures sustainable fisheries policy – Press release 30-05-2013”. Available at: <http://www.europarl.europa.eu/news/en/news-room/content/20130527IPR10573/html/European-Parliament-secures-sustainable-fisheries-policy> (2014-04-22).
- United Nations, 1992. “Report of the United Nations Conference on Environment and Development”, A/CONF.151/26 (Vol. I).
- United Nations, 2002. “Report of the World Summit on Sustainable Development”, A/CONF.199/20.

Treaties and regulations

- Council Regulation (EC) No 2369/2002 of 20 December 2002 amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector. OJ L 358, 31/12/2002.
- Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy. OJ 2002 L358/59.
- Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources. OJ L 24, 27/01/1983.
- Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture. Official Journal L 389, 31/12/1992.

Regulation (EEC) No. 2141/1970 of the Council of 20 October 1970 laying down a common structural policy for the fishing industry,

Regulation (EEC) No. 2142/1970 of the Council of 20 October 1970 on the common organisation of the market in fishery product

Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products. OJ L 354, 28/12/2013.

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy. OJ L 354, 28/12/2013.

Treaty establishing the European Economic Community, Art. 38, Available at: <http://old.eu-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:1992:224:FULL:EN:PDF>

Treaty Functioning of the European Union, Art. 289, Available at: <http://old.eu-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:FULL:EN:PDF>