

Master Thesis pulse fishing

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The Netherlands fishing behind the net?

An analysis of the ban on electric pulse fishing

Dyonne M.A.W. Dekker s2314061
Political Science International Organisation
Supervisor: K.M. Pomorska
Second reader: A. Verdun
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Abstract

Led by economic interest and domestic pressures, the Netherlands had a need to legalize electric pulse fishing. The technique was supported by scientific advice and the European Commission thus a proposal was released with a permanent admission for pulse on 11 March 2016. The Council preferred the status-quo but also stipulated that with certain conditions the practice could be expanded. PECH also amended the article to include more strict conditions nevertheless, these could lead to a non-prohibited status. However, disagreement about other parts on the proposal ensured that PECH did not give the mandate to continue with the trialogue meetings. Instead a plenary vote was held in hope to include amendments left out in the Committee vote. During the plenary vote an amendment regarding a total ban on pulse fishing was accepted. During the final vote the regulation was adopted with a ban on pulse fishing from 1 July 2021. This thesis aims to discover how this ban could have been introduced via the Europeanisation, lobby groups and epistemic communities approach.

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Introduction

On the 13th of February 2019, the European Parliament and the Council of Ministers reached an agreement about the new technical conservation measures for fishing which includes an EU-wide ban on pulse fishing starting mid 2021 (European Commission, 2019; Council of the EU, 2019). The French lobby camp argued in favour of the ban whereas the Dutch camp argued against (EurActiv, 2019; Politico, 2019; Spekschoor, 2018). Electric pulse fishing uses trawls with electrodes that emits pulses to startle the common sole, and plaice fish and have them swim up into the net (WUR, 2019). The technique's proponents proclaim that it reduces by-catch and fuel usage by halve, is more selective and leaves the sea floor almost entirely intact (Politico, 2019; STECF, 2012; an Marlen et al. 2006; Turenhout, Taal and Klok, 2015). Whereas, the opponents proclaim that the electricity damages marine life as it stuns all the fish in the vicinity and harms juvenile fish and eggs (Bloom, 2018). The research question that will guide this thesis will be the following: 'How can the introduction of the ban on electric pulse fishing be explained?'

While it is possible that this technique would enable European fisheries to become more resource-efficient and protect the biodiversity which are European goals, the ban still has been introduced (European Union, 2019; European Commission, 2019). Even though the Scientific Technical Economic Committee of Fisheries (STECF) and International Council of the Exploration of the SEA (ICES) gave positive scientific, technical and economical advice in regards to electric pulse fishing (STECF, 2012; VISNED, 2019). This is significant as the Common Fisheries Policy (CFP) legislation is legally

required to consider such advice (EU, 2013, p. 31). Moreover, extensive scientific research is ongoing about the effects on the ecosystem (Quirijns et al., 2018).

The ban seems controversial as there is positive scientific advice, demonstrated valuable advantages, and ongoing research about further effects. Furthermore, the regulation aims to reduce unwanted catches and by-catches of sensitive species and minimise the impact of fishing activities on seabed (Council of the EU, 2019). There is high social relevance for this topic in the Netherlands due to the heavy complications the ban has on Dutch fishery (Politico, 2019).

This is a valuable political case to study as the introduction of the ban came unexpected. The European Commission supported electric pulse fishing and the initial proposal had allowed the technique to expand. Moreover, the CFP specifically must consider the scientific, technical and economic advice which was positive (STECF, 2012). Nevertheless, opposition in the Parliament led to an amendment that would not even keep the status-quo but reversed the situation to a complete ban.

This is a recent occurrence so there is almost no literature on this specific case. Nevertheless, the body of literature on decision-making, policies and explanations of the process is extensive. This thesis will combine existing approaches based on Europeanisation, lobby groups and epistemic communities to explain how the ban could be introduced. Firstly, a literature review will elaborate on these approaches. In addition, the theoretical framework of the thesis will be presented. Then the methodology will describe the data and used methods. Next, the analysis will provide the context of pulse fishing, the legislative process, the important actors and use Europeanisation, lobby

groups and epistemic community approach to analyse the process. Lastly, the conclusion of the thesis will be presented.

Literature review

In order to answer the research question three distinct literatures are used. The first is about Europeanisation, the second about lobby groups and the third about epistemic communities. This section will define the concepts and explain the approaches.

Europeanisation

The EU might be an international intergovernmental organisation with supranational powers and institutions, still its members are States with their own valued national interests. Europeanisation is chosen as it explains how national and European policy and interest influence each other. Europeanisation was first used in the literature to explain how European policy affects domestic policy and this process was referred to as downloading (Ladrech, 1994). Nevertheless, Börzel, Bulmer and Burch, and Dyson (2002) recognized Europeanisation as a two-way process of uploading and downloading. Uploading refers to Member States' influence on the European institutions or other Member States or policy to adopt their views, values or ideas.

Börzel (2002) borrows from the theoretical framework about the two-level game and the idea of reciprocity in political negotiations at domestic and European level to explain uploading. She argues that National executives strive to minimize the implementation costs of European norms and rules imposed on their home constituencies. This creates the incentive to upload domestic policies to the European level. Consequently, States compete at the European level for policies that conform to their own interest and approach

(Börzel, 2002). Member States differ not only in interest but also in their capacity to participate in European policy contest. Börzel (2002) identifies three strategies used by Member States: pacesetting, foot-dragging and fence-sitting. The Member States either actively push for their preferred policy, block or delay costly policy or tactically build coalitions with foot-draggers or pacesetters. She explains that the Member States' responses are shaped by the interest, policy preference and their action capacity. The capacity is determined by economic development, the offering of expertise and information and lastly coalition-building and interest accommodation (Börzel, 2002). Europeanisation will analyse the positions of engaged Member States and whether their approach had been successful.

Lobby groups

The Europeanisation literature accounts for the States as sole actors. Nevertheless, different theories on international organisation and the literature on policy-making state that more actors are involved and influential in the process (Birkland, 2015). One of these actors is lobby groups which are often studied to explain the success of the adoption of a European policy. Consequently, the lobby groups approach was chosen. Klüver, Braun and Beyers (2015) argue that the actual importance of interest group politics cannot be underestimated in the EU. The institutional characteristics of the Commission and Parliament allow lobby groups to assert their interests and influence.

The Commission's small staff size led to a reliance on private actors for information and aid with drafting proposals (Broscheid and Coen, 2003). Therefore, affected actors mobilize to shape the outcome of policy debate as early as the proposal stage (Broscheid and Coen, 2003; Klüver, Braun and Beyers, 2015). The political parties are attractive for

lobbying because of the defused national interest, and proactive pursuit of expertise and support from organized interest groups. There is primary attachment to national political parties and no stringent mandate in Brussel (Hardacre, 2011). Nevertheless, Hardacre (2011, p. 97) indicates that “Group voting in the Parliament is seen to be very coherent. This trend is very important and makes working successfully with members of the Group vital”.

In the literature, Brocheid and Coen (2003) distinguish two types of interactions between lobbyist and policymakers: pressure politics and information approach. The information approach is deemed important for studying lobbying in the EU by Crombez (2002). Private actors promote their interest by providing selective and partisan information or strategically interpreting such information (Brocheid and Coen, 2003). However, decision-makers are aware of the interest-led information and attempt to minimize the effects with legitimate consultation rights. The selected insider lobbyists are involved in bargaining and negotiations and receive inside information to create an incentive to provide more neutral information (Brocheid and Coen, 2003; Klüver, Braun and Beyer, 2015).

Brocheid and Coen (2003) stipulate that the mechanisms of interaction between the Commission and interest representatives help us understand who influences policy in the European Union. They identified 1) the lobbying cost, 2) number of lobbyists in the system, 3) the quality of information and 4) the choice of lobbying insiders as variables of the mechanisms of interaction.

Klüver, Braun and Beyers (2015) explain the lobbying success often by a combination of the policy and institutional factors. They hypothesized that the contextual nature of

specific policy debates is highly important for interest group lobbying. The context is never constant, thus the level of attention for policy issue, scope of European competencies, complexity and level of conflict vary (Klüver, Braun and Beyers, 2015). The institutional factors refer to the complex multi-layered environment due to the variety of international venues at the EU. This environment constrains or enable interest groups to pursue their interests. The contextual and institutional factors affect EU interest group mobilization, strategies and influence (Klüver, Braun and Beyers, 2015).

Klüver (2013) believes that interest group properties influence the lobbying success during the policy formulation stage. She writes that success is determined by three elements 1) the ability of lobby groups to provide political or technical information. 2) the reach and ability to mobilize people/voters for the EC/EP, and 3) the extent to which groups can control business environment and create jobs (Klüver, 2013). However, the success of lobby groups also depends on lobbying as a collective enterprise in which the aggregated information supply, citizens support and economic power of entire camps of likeminded interest groups are decisive.

The lobby groups approach explains the importance of lobby camps involved in different policy formation stages and interaction with institutions. Furthermore, the literature can identify the reasons why one lobby camp was more successful than another.

Epistemic communities

Generally, scientific knowledge is seen as important by the EU as this justifies policy choices and legitimizes the legislation. Furthermore, the legal requirement and the technical nature of the regulation create a necessity for available scientific advice (EU,

2013). Additionally, pulse fishing was allowed under the pretext of science since 2006 (EU, 2006). Thus, the epistemic communities' approach was chosen. Haas (1992) indicates that technical uncertainties and more complex issues require in-depth knowledge and understanding before taking decisions. The literature states that epistemic communities can equip the policy makers with this knowledge. Therefore, Cross (2015) notes that epistemic communities can be highly influential in the legislative process. He defines epistemic communities as networks of experts that persuade others to adopt their norms and policy goals with their professional knowledge. Haas (1992) adds that the experts must have recognition, policy-relevant knowledge and competence in a domain or issue-area.

Dunlop (2017) writes that epistemic communities are the most influential in new and technically complex policy issues when decision-makers and stakeholders' understanding is limited. She introduces the irony of epistemic learning. This entails the phenomenon that taught knowledge enables policy actors to recognize their preferences. When the issues become better understood the policy preferences are formed and solidified (Dunlop, 2017). If community's advice points are unfavourable then rival lessons or alternative knowledge are used to counter epistemic communities' influence (Dunlop, 2017). The approach is useful to understand the context of the previous legislation on pulse fishing. Moreover, it can contribute to understand the relation between the positive scientific advice and the introduction of the ban.

Theoretical Framework

In this section the theoretical arguments are presented in a model. They will be supported by the previously mentioned literature on Europeanisation, lobby groups and epistemic communities approach. The model also incorporates the expectations and assumptions.

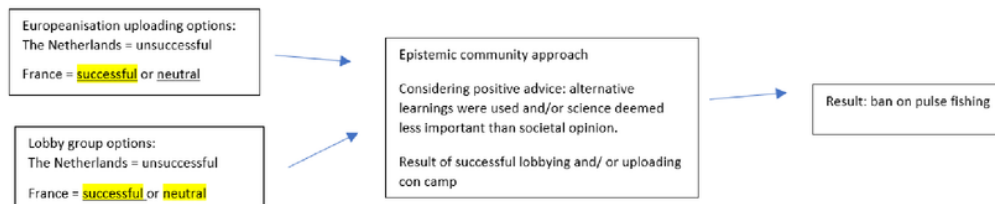


Figure 1 author's compilation

Option 1: France is both successful in Council to upload its ideals and in lobbying in Parliament
Option 2: France is neutral in its position towards pulse and strong con lobby is successful
Option 3: France is successful in Council to upload its ideals and other factors led to vote in Parliament

The model depicts that the Netherlands can only be unsuccessful considering their interest and the policy outcome. Moreover, if the Netherlands had been successful in either uploading or lobbying this would have led to a stalemate. However, the stalemate was resolved, thus the Netherlands was unsuccessful.

Europeanisation

This thesis's argument is that Member States' national interests were present during the legislation process and influenced the European interest. In the case of pulse fishing, there were two conflicting interests that must have led to competition in the Council (Börzel, 2002). The Netherlands had an interest in defending the practice of pulse fishing whereas, France had an interest in banning it (Politico, 2019; EurActiv, 2019).

This thesis first expectation is that the Netherlands was unsuccessful in uploading their interest due to their capacity. The problems could be in the factors that build up the capacity: economic development, the offering of expertise and information and/or coalition-building and interest accommodation (Börzel, 2002). The exact reason will be

analysed later in the thesis. Regarding France, it is possible that they were successful in influencing the EU institutions by forming alliances to establish the ban. Another possibility is that France was more neutral than expected in their position and that other factors such as the lobby approach resulted in the ban.

Although Europeanisation does provide a good start for explaining the ban on pulse fishing, this is insufficient. The ordinary legislative procedure involves different institution in the decision-making process; the Commission drafts a proposal and both the Council, and the Parliament may revise the proposal with amendments (Hardacre, 2011). Therefore, the procedure complicates the Member States' pursue of national interests. Furthermore, non-state actors such as lobby groups and epistemic communities have room in the European decision-making (Brocheid and Coen, 2003; Dunlop, 2017; Cross, 2015; Klüver, Braun and Beyers, 2015).

Lobby groups

This thesis argues that lobby groups in favour and against the technique of pulse fishing mobilized and sought to assert their interests in the Commission and the Parliament to influence the outcome of the legislative process. The EU's structure provides lobby groups with promising political opportunity (Klüver, 2013). Nevertheless, the moment of mobilization, the lobbied institutions and political parties, and the amount of influence differ. The first assumption is that these differences are explained by whether the lobby groups are insiders/outside, the composition and properties of lobby groups, policy and institutional factors (Brocheid and Coen, 2003; Klüver, Braun and Beyers, 2015; Klüver, 2013). The second assumption is that these factors are interrelated and a combination of them explains the lobbying success or failure.

The thesis expects that the Dutch lobby camp's strategy was unsuccessful. Whereas, the French lobby camp was either successful in asserting their interest or other factors such as successful uploaded interests from France led to the ban.

Epistemic communities

The technical nature of the pulse technique and the regulations intend to stimulate scientific research, indicates that epistemic communities must have had opportunity for influence and that their role must be analysed (Cross, 2015). All three the approaches utilize information as a power tool to assert their influence. The thesis argues that the Netherlands as well as the Dutch lobby camps used the knowledge from epistemic communities ICES and STECF to justify the policy preference. Considering, that the ban was introduced this thesis expects the scientific advice was marginalized and affected by the French lobby camp and/or France.

In short, this thesis beliefs that the Netherlands was both unsuccessful in uploading their interest and lobbying while France could have been successful in both or in only one of these actions. The regulation's nature ensures that epistemic communities must have been involved. However, the ban was established, which entails that there were either alternative learnings or the science was marginalized. Combined these theories will complete each other and are not exclusive. However, this thesis expects that these approaches will not be equally dominant or important in the explanation. Therefore, the thesis aims to establish which theory was most predominant.

Methodology

This section gives an overview of the data collection methods, analysis approaches and the research design. The research design and methods will aid with answering the research question ‘how can the introduction of the ban on electric pulse fishing be explained?’. The aim of this section is to justify the choices and provide more reliability to the research. ‘Reliability refers to how accurately we have measured our indicator’ (Halperin and Heath, 2017, p. 173). Transparency about the research design, the data collection methods and analysis will enhance the research’s reliability. The chosen methods are suitable considering the size and the time constraints of the research.

Methods of data collection

Before discussing the research design and data analysis methods, the type of data and the gathering methods will be discussed. The thesis aims to explain and identify the factors that have led to the ban. In this regards, qualitative data collection is more relevant as it is better suited to gain the necessary in-depth information and come to insights in the legislative process. The used qualitative data will be both primary as well as secondary in nature. The primary data that will be gathered during desk research is less extensive than the secondary data. This data consists of European regulations regarding pulse fishing, parliament and council questions, and evaluation reports. This primary data is relevant and will be analysed to identify the initial reasons for the previous legislation and find indications that the ban would be proposed. Other primary data will be gathered via field research by conducting multiple semi-structured interviews. A conventional semi-structured interview will be held with a public official from the DG MARE responsible for the pulse fishing dossier. In addition, an interview with the director of

VISNED Pim Visser will be watched and a follow-up interview over the phone will take place. Lastly, questions will be sent to a Dutch MEP. Rathbun (2008, p. 1) writes that intensive interviewing is a 'powerful underused tool'. Interviews are a well-suited method for this research as it is necessary for establishing motivations and reasonings behind the taken decisions. In addition, the researcher can ask questions that require immediate answers with an interview (Rathbun, 2008). In this particular case, the interviews are helpful to gain insight into the attitudes and behaviour of the Commission, Council and MEPs. Moreover, lobbying takes place in the hallways and is off the record. Consequently, it is important to ask questions to the involved people. However, it must be noted that coincidentally all interviewees are Dutch. This must be kept in mind when analysing their responses. Due to time constraints and geographical problems, no French interviewee had been sought.

The secondary data will be drawn from extensive desk research. Existing analysis of academic papers regarding the approaches of Europeanisation, lobby groups and epistemic communities will be used. These academic papers will be the basis of the framework that guides the thesis. In addition, the secondary data consists of newspaper articles about the ban, which will be used to form a general idea about the topic, explain the social value of the research and provide information. In order to avoid bias, the method of triangulation is used. The articles will be taken from different sources such as Dutch newspapers, EurActiv and Politico.

Research design: In-depth study

The thesis will use an in-depth study of the regulation's legislative process from the initial proposal to the adoption of the legislation in April to analyse the data and answer the

research question. The thesis' size is limited, and it is advantageous that the events during the legislative process can be intensively examined. Furthermore, the in-depth study can provide a detailed analysis with rich textual description. This approach is fitting as the research question regards a small part of a larger regulation. This in-depth study applies existing approaches (Europeanisation, lobby groups and epistemic communities) to a new context (the ban on electric pulse fishing). In addition, another advantage and reason for using this study is its high internal validity (Halperin and Heath, 2017).

The in-depth study is set up in different parts. Firstly, the political context of electric pulse fishing will be provided. Secondly, the legislative process will be outlined and then analysed via the approaches. Lastly, a table with the influential actors, their positions and roles will be presented. The research question is divided over four sub-questions. Firstly, 'how can Europeanisation explain the ban on pulse fishing?'. Secondly, 'how can the lobby groups approach explain the ban on pulse fishing?'. Thirdly, 'how can the epistemic community approach explain the ban on pulse fishing?'. Lastly, 'which of these three approaches is more predominant?'. The data will be analysed through content analysis. This method allows for exploring beliefs, attitudes and preferences of actors (Halperin and Heath, 2017). Content analysis provides evidence about subjectivity which is a phenomenon in every type of social research according to Halperin and Heath (2017). The particular reason why content analysis fits with the thesis is that this method can find clues about decision-makers'/or other actors' perceptions and attitudes.

In short, this section has elaborated on the qualitative data collected via desk research and semi-structured interviews. Furthermore, content analysis will analyse the data. Given the scope, size and time span of the thesis, these methods are appropriate.

In-depth study: the introduction of the ban on pulse fishing

This section will commence by elaborating on the pulse fishing context. Then an overview of the legislative process will be provided. In addition, the findings will be analysed via the three approaches. At the chapter's end a table will be presented with the important actors.

Context of electric pulse fishing and its legislation

The pulse trawl was developed by Dutch Company Firma Verburg, researched by University Wageningen and sponsored by the Ministry of Agriculture, Nature and Food quality to solve the problem of the seabed disturbance caused by conventional trawling methods (Visser, 2019). The Regulation for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (Technical Measures) banned all the practice of fishing with electric current in 1998. This was done under Title V, article 31 in the first paragraph. "The catching of marine organisms using methods incorporating the use of explosives, poisonous or stupefying substances or electric current shall be prohibited" (EU, 1998). ICES had evaluated that the pulse trawl technique was too premature to implement but noted its potential (STECF, 2012).

The research continued as the involved parties believed in the benefits of the technique. Around 2006 the European Union became concerned with managing the fishing efforts, reducing by-catch and maritime life protection. Consequently, strategies were developed to promote more scientific research to develop more suitable, selective and environmentally fishing methods. In addition, a legislation was adopted that allowed an exception of electric pulse fishing (EurActiv, 2019). The ICES was requested to evaluate the use of an electric pulse-trawl on the ecosystem effects to allow the use of pulse trawl

on a commercial basis (STECF, 2012). ICES indicated that pulse trawling had many positive aspects. Nevertheless, several issues regarding inflicting unaccounted mortality on target and non-target species required further investigation. Consequently, STECF advised that a derogation could not be emplaced before resolving these issues. Nevertheless, the EU decided to allow electric pulse fishing based on STECF's statement that the technology should not be halted (EU, 2006).

Despite investments of the fishing sector and the derogate for 5% of the fleet, there was little interest among the Dutch fishers (Haasnoot, Kraan and Bush, 2016). In 2007, the Dutch Government decided that the commercial fisheries should get involved otherwise the project would be terminated (Visser, 2019). An initial group of 5 fishermen had an interest in using pulse fishing. After the technique became better developed another group of around 20 fishers also applied for licenses. Around 2008 the fuel prices spiked while fishing prices reached a low this made the conventional beam trawl fishing no longer profitable (Spekschoor, 2018). This brought the trawl fishing sector on the brink of bankruptcy (Nederlandse Vissersbond, 2018). The pulse trawl fishers gained a competitive advantage. The demand for licenses grew however, the 5% was reached (Spekschoor, 2018). Consequently, the Dutch government was pressured for more licenses (Haasnoot, Kraan and Bush, 2018). The ministers of Economic Affairs, Agriculture and Innovation sought and found other possibilities within the European legislation (Nederlandse Vissersbond, 2018). Regulation 850/1998 art 43 allowed 20 additional vessels under a derogation to stimulate research (Pastoor, 2018).

However, 42 licenses were not enough to register all the fishers, the Netherlands had a need to further legalize pulse fishing. Therefore, The Dutch Ministry in consultation with

the Commission asked ICES to update its advice on the effects of electric trawl on the ecosystem with new research and experiment results in 2009 (STECF, 2012). The eventual advice of the ICES was positive, but issues were raised about the methodology as the experiments may not be representative of commercial fishing conditions (STECF, 2012). In 2012, the STECF was requested to give its opinion whether the ICES' concerns regarding the ecosystem and other effects were adequately addressed (STECF, 2012).

STECF (2012) concluded that the ecological concerns were adequately addressed. Although the ecological issue of the mortality of the cod remains, this could not be quantified at present. STECF indicated that the low voltage gear with specific characteristics should be the only allowed gear as it reduces catches and fishing mortality for target and non-target species. Furthermore, control and enforcement should be better regulated before the derogation can be lifted. Therefore, STECF proposed a result-based approach and an impact assessment on the effects of new gears on the ecosystem before the application of pulse technology in other gear types should be considered (STECF, 2012).

Proposals about permanent admission for pulse trawl and expansion of the derogation met with large resistance despite the positive scientific evidence (Haasnoot, Kraan and Bush, 2016). The Netherlands attempted to use an unrelated regulation about European Fisheries Fund to stipulate that technical measures regulation should be altered. "The other European member states were unable to vote against the Dutch provision in the regulation, because then they would also vote against a regulation that contained important subsidies to them" (Haasnoot, Kraan and Bush, 2016, p. 1239). This strategy failed as the rapporteur decided that the provision had no place in the negotiations

(Haasnoot, Kraan and Bush 2016). Afterwards, the Dutch State Secretary met with the Commissioner of MARE and the president of the European Fishery Council instead to attain more permits. It was agreed on that more permits would be allowed under regulation 1380/2013 art. 14 a derogation to facilitate the implementation of the Landing Obligation thus, in total 84 ships of the Dutch trawl fleet were equipped with the pulse trawl (Haasnoot, Kraan and Bush, 2016).

Chronological order of the political process

The Commission released a proposal to establish a new legislative framework for Technical Measures on 11 March 2016. In order to simplify the multitude of regulations and complex prescriptive measures unable to fully achieve their objective (Weissenberger, 2017). The proposal included a permanent admission for pulse based on the STECF conclusions and recommendations according to Commission public official. On the 11th of May 2017, the Council revealed their position and pulse fishing was a distinctive element (Council of the EU, 2017). The Council's position preferred the status-quo. However, an extension was possible if Member States submitted a joint recommendation including an assessment of the impacts on the targeted species and sensitive species, and habitats.

PECH was the European Parliament committee responsible for the proposed regulation and its rapporteur was Gabriel Mato. PECH amended the original regulation recital 11 about pulse fishing as 'in the specific case of the electric pulse trawl which may be used under certain strict conditions' that

it is necessary to ensure that there is appropriate knowledge about the impacts of innovative fishing gear, such as pulse trawls, including cumulative effects, before use of

the gear is widely adopted. Additionally, a system for monitoring, control and evaluation should be in place, serving for enforcement and research as well as evaluation purposes. Finally, current licences should be made subject to scientific reassessment, before being given a permanently “non-prohibited” status (European Parliament, 2017).

On the 21th of November 2017, the roll call vote on the draft report on technical measures resulted in 20 to 5 with 2 abstained (europarl, 2019). During recess some representatives of the Dutch fishing sector thought that an important step had been taken (Dutch MEP, personal communications, 2019). However, by one vote the rapporteur did not receive the mandate to open inter-institutional negotiations (Dutch MEP, 2019). Thus, a plenary vote must be held before continuing the legislative process (europarl, 2019).

The process continued with the Parliament’s adoption of a draft position on 16 January 2018. The position included a new amendment of a complete ban on electric pulse fishing proposed by the GUE/NGL (EurActiv, 2019). The ban was adopted with 402 in favour, 232 against with 40 abstained (EurActiv, 2019). This indicates that a good majority of the MEPs and the political parties were in favour of the ban. On 25th of January 2018, the Dutch MEPs Jan Huitema, Peter van Dalen and Annie Schreier-Pierik lodged a complaint against Bloom with the EU Integrity Office (Bloom, 2019). The MEPs stated that the lobby approach of the Bloom Association is based on inaccurate data. However, this claim was rejected, it was evaluated that the Bloom Association’s practices do not breach the EU policy and guidelines (Bloom, 2019). On the 25th of February 2018, the Commission had to justify the derogation on pulse fishing and explain the high number of licenses given to the Netherlands in a closed hearing to the MEPs (Bloom, 2019).

The Trialogue process started 19 March 2018 (Bloom, 2019). Shortly after Dutch NOS journalist Thomas Spekschoor revealed that only 32 ships were involved in scientific research while that was the pretext for most licenses. As a result, Minister Schouten had to face questions in the Dutch Parliament. The Minister stressed that the European Commission had given the Netherlands permission to extend the permits to the fishers. Even when it was clear that our research had not started yet, the third round of fisher boats could fish (NOS, 2018). Although the Minister does admit that the research could have been started sooner, she denies that the permits were given to gain an advantage under the pretence of science. Minister Schouten stresses that meanwhile all the 84 ships participate in the research on electric pulse fishing (NOS, 2018). However, the European Commission also requested an explanation from the Netherlands on whether the research had taken place (Bloom, 2019).

Bloom filed a complaint to the Commission against the Netherlands in October (Senet, 2019). The complaint was regarding the lack of transparency about the subsidies and permits given to the fleet (Senet, 2019). Since, no data was published on public subsidies to the Dutch fleet between 2007 and 2014. Bloom received a respond from the Commission about their complaint on 13 April 2018. The Commission informed Bloom that their complaint had been transferred to the EU pilot system which allows an informal exchange of information between the commission and the Member State concerned. Thus, a formal infringement procedure was not launched. As a responds Bloom filed a second complaint against the Netherlands for not complying with European law.

European Commissioner Karmenu Vella said during a plenary meeting to the European Parliament on the 15th of May 2018, 'I was present for the parliamentary discussion. To

be honest, I think the discussion was, again, more political than scientific. Why am I saying this? Because we have scientific assessments, and the scientific assessments are very very clear. Again, we can be consistent when it comes to science. I don't think we can be very consistent when it comes to political approaches. But, again, I have noted the European Parliament's position on that' (Bloom, 2019).

On the 7th of June 2018 Peter van Dalen and Annie Schreijer indicate that they launched a procedure to ban Bloom from the European Parliament due to spreading inaccurate information and fake news. In retrospect, the Bloom association dives into the subject of the Dutch non-compliance with the EU transparency requirements. Bloom together with other fishers and NGOs have requested the European Anti-Fraud Office (OLAF) to investigate potential fraud. The potential fraud negotiation lead to an interest of the (Dutch) media (Bloom, 2019). In the article in the NOS, the spoke person says that the Netherlands is confident and made no mistakes nor commit any wrongdoing while providing the licences (NOS, 2018). On the 21 June 2018, the EU negotiations on the Technical Measures Regulation were temporarily suspended.

On the 4 October 2018 the process recommenced with a triilogue meeting. On November 14, 2018 a technical meeting was held at the European Parliament to discuss a possible compromise on pulse fishing. A proposal by rapporteur Gabriel Mato was rejected. On November 20th, 2018 the MEPs from the Committee on the Environment, Public Health and Food Safety adopted two amendments which ban European subsidies for electric pulse fishing (Bloom, 2019). The European Ombudsman services informed Bloom that they were investigating the affair on illegal electric fishing licences and opened an

investigation on the 23rd November 2018. Simultaneously, the Ombudsman contacted the Commission and requested them to inform Bloom of the status of their complaint.

On the 28th of January 2019, OLAF decided not to open an investigation. On the 1st of February, the Commission announces its intention to open a formal infringement procedure against the Netherlands. The Romanian presidency can obtain a mandate that included the total ban on pulse fishing on the 8th of February 2019 in the Council (European Parliament, 2019). On the 13th of February 2019, after 5 hours of negotiations between the European Parliament, the Council of the European Union and the European Commission it is agreed on that electric pulse fishing will be banned from the 1st of July 2021 (European Parliament, 2019).

In the final vote on the 16th of April on the Technical Measures' proposal the result was that 571 voted in favour, 60 against with 20 that abstained (AD, 2019). Whether the attitude towards electric pulse fishing became more negative, is hard to distinguish. For instance, MEP Marco Affronte Greens shadow report indicated that he felt there was too much focus on electric pulse fishing while the scope of the regulation was much broader and involved other catching methods. "The good thing and the reason why I voted in favour is that we now have this framework applicable to all fishermen and that, compared to the status quo, creates a level playing field in the sector," said MEP Marco Affronte (Fortuna, 2019).

Europeanisation

The Netherlands was a pacesetter as it actively tried to influence European policy. Although the Netherlands was ultimately unsuccessful, in the beginning there were positive indications. The implementation of the pulse fishing is reliant on the European

Commission. The Commission was open for this new technology and convinced about the possible benefits. This position can already be detected as early as 2006 when the derogation was granted despite STECF advice that several issues had to be resolved first. Moreover, the Commission continued to grant and approve the licenses for pulse fishing despite the 5% quota being reached (Spekschoor, 2018). This is good start as the large portion of the original text are originally kept and the Commission is still involved in the process after introducing the proposal as mediator and broker (Hardacre, 2011). However, the weakness in the Dutch strategy was their over focus on expertise and information on pulse fishing while neglecting coalition building. Haasnoot et al. (2016) noted a clear pushback reaction due to the remaining uncertainty about the technique but also protectionism before the proposal. Since the year 2012, steering groups on pulse fishing were held to inform and involve other fishing sectors in Belgium, Germany and the United Kingdom (Haasnoot, Kraan and Bush, 2016).

Nevertheless, The Netherlands did too little to address the concerns of the other Member States and was too hasty in pushing through the technology (Haasnoot et al., 2016). In this regard, the policy official said that the Netherlands had thought that the logical arguments and scientific evidence was enough to promote pulse fishing and had done too little and too late to involve other Member States. Only, on the 20th of February 2018, did the Netherlands establish an envoy to lobby governments to convince Member States to embrace pulse fishing. Although, the Netherlands had encountered prior resistance from Member State to implement permanent admission for the pulse trawl technique or expand the derogation from 5% to 40% in the period 2012-2014 (Haasnoot, Kraan and Bush, 2016). Former Dutch Fisheries Minister Cees Veerman was appointed as the ambassador for pulse fishing but could not build ties this late in the game (Bloom, 2019). The reliance

on information became also apparent around the 10th of April when a motion, to reject the total ban on pulse fishing and have Prime Minister Rutte lead the negotiations, was rejected by the Dutch parliament. Minister Schouten stated that the power play will not work and aimed to convince Member States with arguments and negotiations (Schouten, 2018). Moreover, the Commission's public official indicated that the Netherlands was overly convinced about their rightness and conducted itself arrogantly. Another reason for the inability of the Netherlands to form a coalition was that other Member States did not have an interest in pulse fishing and the Netherlands could not accommodate their interests. Pim Visser the director of VisNed indicated in an interview that the Netherlands had little to offer.

The other Member States were thus not so keen on supporting the Netherlands on permitting electric pulse fully. Simultaneously, there were no intentions to ban the practice. This resulted in the Council position to mainly to the keep status-quo. However, during the legislative process the positions of the Member States shifted (Commission's public official, 2019). Primarily, the French position was formulated as being opposed to exemptions granted to pulse fishing beyond the 5% of each Member State's beam trawl fleet in the North Sea (Bloom, 2019). After the amendment to ban pulse was adopted by the Parliament motions in favour of a total ban were repeatedly passed in the French European Affairs Committee and the Committee on Economic Affairs according to Bloom. This led to the National Assembly vote for a prohibition of pulse fishing and hardened their position in the Council. In retrospect, states such as the United Kingdom, Spain and Denmark which were very sceptical towards the new technique became to see its possible benefits at the end of the legislative process. For instance, UK discovered the benefits of the pulse through the pulse fishing on shrimp in Scotland according to the

public official. These States thus changed their positions and stipulated that the technique should not be completely disregarded, and scientific research should be continued (Commission's public official, 2019).

Although the French position towards the pulse hardened it is hard to evaluate whether they were able to upload their new interest. The amendment about pulse fishing was introduced in January 2018. However, it took the Council until February 2019 to reach another common position. The pulse question held up the legislative process for months and Pim Visser indicated that the last triologue meeting was solely about pulse fishing. The Commissioner and Mr. Visser both indicated that the Council was no longer willing to negotiate about the pulse and wanted to pass the regulation before the Parliament's election in April. Consequently, the pulse fishing was relinquished.

Lobby groups

Although the Dutch had failed to build coalitions, their attempt was mainly undermined by a single vote, on the 21th of November 2017, that failed to give the rapporteur the mandate to proceed to the triologue meetings. All interviewees indicated this vote as an important tipping point. A Commission's public official and Pim Visser indicated that this decision was based on other issues with the proposal and amendment that MEPs wanted to adopt but pulse was not one of them. The public official said that before electric pulse fishing was not even discussed. The Dutch MEP stated that he expected hardships if the mandate was not obtained and that he was proven right. However, he also assumes that if the mandate had been given, this decision would have been fought in the next plenary meeting by the Greens.

This was Bloom's window of opportunity as Bloom is not an inside lobbyist part of an advisory council (European Commission, 2019). Therefore, Bloom's biggest chance was to lobby the Parliament. However, the PECH committee was overall supportive of pulse fishing. Thus, when it became apparent that the legislative process would shift from the PECH to the entire Parliament an intense campaign was launched (Bloom, 2019). Bloom's strategy was based on the elements of 1) information, 2) delegitimization, 3) interest formulation, 4) story ownership and 5) broad reach. Bloom was successful in convincing MEPs to introduce a total ban on electric pulse fishing. The Green party proposed the amendment and it was voted for with much favour. In addition, now it hurt the Netherlands and their lobby camp that no coalitions were built with other States. This stresses that the importance of institutional factors and venues.

First, information is essential for lobbying, so it is important to map the environment, track the developments and know all the players (Bigwood, 2019). Bloom knew the Dutch lobby camp, kept track of the Dutch media, investigated the regulation of 2006 and the available research on pulse fishing. Furthermore, the Bloom association had a very good understanding of who and how they should lobby. Bloom had lobbied from top-down as well as bottom-up (Visser, 2019). The interest group had approached the party leader of the European parties and directly engaged with them.

Second, the strategy of delegitimization was used on the derogation, licenses, Dutch usage of European funds and scientific evidence. Bloom argued that the derogation should have never been allowed considering STECF negative advice. Building on these arguments the licenses given to the Netherlands were also formulated as illegal and with economic interest-led with science as pretence. In addition, the Bloom association raised

suspicion of Dutch fraud with financing the pulse fishing technique as the Netherlands had not been transparent with the data (Bloom, 2019). Finally, the Bloom association questioned the results of research as it was conducted mostly by Dutch scientist. Bloom asserted that these scientists could produce biased results. In addition, Bloom association pointed out the gaps still left in the research and argued that pulse fishing is only environmentally friendly compared to most destructive fishing technique beam trawl (Bloom, 2019). The Netherlands was reported to the Commission, OLAF and the Ombudsman. The accusations were damaging for the reputation of pulse fishing according to the Dutch MEP.

Third and Fourth are the interest formulation and the story ownership. Bloom refers to electric pulse fishing as electric fishing instead of the conventional terms pulse fishing, pulse or pulse trawl. These terms are used to differentiate the technique with high voltage fishing. Bloom removed that differentiation. Additionally, Bloom defined pulse fishing as method of mass destruction and extremely harmful for marine sea life. Bloom used the elements of large-scale fishing industry against the small fishermen, the vested economic interests, the unclarity about the subsidies and the licenses. Emotional portray of the technique as a method of mass destruction and small-scale fishermen especially touched the string. Bloom was able to turn a scientific argument into a political social and emotional argument. The far rights and conservatives MEPs saw the vote on the ban as a simple way to appear and appeal as more environmentally friendly without any costs according to the Commissions public official. Commission's public official and Mr. Visser noted the Irish MEP's statement of having warded the destructive technique out of Irish waters while pulse fishing had never been used there. The Dutch MEP indicated that

some MEPs were led by the information of Bloom and for others it fitted with their national interests.

Fifth, the Bloom campaign had a broad reach their target group was not only the European Parliament, French Government and fishing sectors but also the broader society such as the culinary sector, whole sales and civilians. Small fisherman blocked the docks. Cooks spoke out to refuse to use fish caught using pulse. Whole sales refused to buy sea food from the Netherlands. Civilians signed the petition started by Bloom to ban the practice of electric pulse fishing. In addition, Bloom tried to keep pulse fishing in salience. It continuously sought the media and social media to make the (French) public opinion towards pulse fishing negative and biased (Dutch MEP, 2019). Lastly, the Bloom association message was everywhere present in Brussels, the Commission's public official and Mr. Visser were impressed by their visibility, presence and presentation of the message.

Dutch lobby camp included inside lobbyists such as VisNed and the Dutch Visfederation part of the advisory committee on the Market and the committee of the North Sea (European Commission, 2019). These interest groups had an advantage during the proposal formulation phase. Nevertheless, the Dutch lobby camp had too little insight in the situation. The Dutch fishing lobbyists organised a conference at the European Parliament on 21 June 2017. Bloom also attended the conference, and this was VisNed first time meeting the NGO. The amendment that came from the plenary voting was completely unexpected for the Dutch lobby camp as unknow to them, Bloom had lobbied fast and from the top-down according to Pim Visser. Mr. Visser indicated that the main weakness in the Dutch campaign was that the European legislative process was divided

over many different arenas and that there was no wholesome strategy or direction. Fishermen lobbied fishermen; the government lobbied the governments etcetera. In addition, the lobby strategy was a fact-strategy focused on truths and false. However, the debate had turned into an emotional one and where the image in society was important. This was also observed by Mr. Vella as he stated that the facts are clear, but the discussion was political. The Netherlands switched too late to a different strategy and was not able to turn the ties. Mr. Visser also noted that mainstream NGO's such as Greenpeace Nederland were supportive of the technique however, these NGO's were not involved in the debate.

Epistemic communities

Just as the theory argues the epistemic communities were the most influential when the technique was newly developed and not all the immediate effects were clear. Thus, resulted in the Commission following the ICES advice and banned all electric fishing techniques in 1998. The change in attitude about the relevance of scientific evidence versus the political interest is already seen in 2006 when the derogation was allowed. The STECF indicated that the development should not be halted but that primary issues should be addressed first. However, the Commission used the 5% of the National fleets to use the technique as main to encouraging the development. After the derogation was implemented the political interest became even more crystalized. The European Commission and the Netherlands are very supportive of the technique and have a political interest in its legalization. On the other hand, the close countries such as the UK, Denmark, Belgium and France have been affected by the technique and are not in favour of expanding its practice. Bloom is negative about the pulse and started to question the science and create alternative learnings. These alternative learnings were picked up by

MEP's that either believed them or needed a simple vote to appear environmentally friendly.

The NRC revealed in a new article of that Bloom used the statistic incorrect on the spines of cods. Bloom claims that 70 % of the cods break their spine when caught with electric pulse. However, this experiment was regarding cods in a laboratory and not caught in the sea. Similar experiments only resulted in 9% - 5% of the total cods resulted in broken spines (Brouwers, 2018). In addition, Bloom tried to discredit the scientists, however when it attempted to discredit ICES Study Group (SGELECTRA) it led to a counter reaction according to Pim Visser. The integrity of the ICES' scientists was not to be touched, moreover as indicated before Denmark, the United Kingdom and Spain's position began to shift during the legislation process. From the Council it was decided that scientific research should still be allowed on pulse fishing. This signalled to the MEPs that science still had a place in the decision-making process (Fortuna, 2019).

Table 1 Author's compilation: an overview of the important actors, applicable approaches, position and importance.

<i>Actors</i>	<i>Relevant approaches</i>	<i>position</i>	<i>Importance</i>
European Institution involved with the OLP			
European Commission	Europeanisation/Uploading (Target of MS) Lobby groups approach (Target of Lobby groups)	EC based their decision on the science and advice of ICES/STECF. Pulse safer for the environment due to reduced emissions and less damage to the seabed. Thus, wishes to expand the technique in the North Sea (EurActiv, 2019).	EC has the right of initiative and has much influence over the outcome of the legislative process. High portion of original text remains. Involved during entire process as mediator and broker (Hardacre, 2011)
European Parliament	Lobby groups approach (Target of Lobby groups)	EP is more negative towards pulse and focussed more on social and societal aspects. Indications of prevailing national interests especially among Dutch MEPs and French MEPs.	EP is very sensitive towards lobbying (Visser, 2019). The political group cohesion is high despite primary loyalty to national parties (Bolwer and McElroy, 2015). Though this depends on other factors such as voting methods (Trumm, 2015)
Council of the European Union	Europeanisation/Uploading (Platform of MS to present their interests)	The Council was in favour of the status-quo. With possibility to expand based on positive scientific evidence (Council of EU, 2017). After amendment including ban, scientific research was not to be disregarded.	Legislation is co-decided with EP. National interest can be promoted as the decision is in committees of National ministers.
Lobby groups			
Dutch lobbying side VisNed and Dutch Visserbond	Lobby groups approach (actively lobby to promote their interest)	Lobbied against the total ban on pulse fishing.	VisNed is one of the largest stakeholders in the Dutch fishery sector that protects the interests of Dutch trawler fishers. Presents 2/3 of the Dutch cutter fleet (VisNed, 2019)
French lobbying side Bloom Association	Lobby groups approach (actively lobby to promote their interest)	Lobby for the total ban as pulse fishing is a technique of mass destruction	preserves the marine environment and species from unnecessary destruction and to increase social benefits in the fishing sector (Bloom, 2019).
Epistemic Communities:			
STECF	Epistemic community	Electric pulse fishing could be used and further expanded albeit improvements are made in legislation (STECF, 2012). See context above	Their mandate stipulates that the organisation should advise and collect of data in the fields of fisheries and aquaculture. In addition, STECF must be consulted on matters of 'conservation and management of living aquatic resources, including biological, economic, environmental, social and technical considerations' (Dörner et al., 2018).
ICES	Epistemic community	May 2018 a released report concluded that pulse trawl as replacement of conventional trawl had more advantages and less impact.	The marine science organisation provides impartial evidence on the state and sustainable use of the seas and oceans. It is a network of 5,000 scientists over 700 marine ecosystems from 20 member states (ICES, 2019).
WUR	Epistemic community	WUR found positive indications that pulse fishing is more ecological and sustainable. However, not all effects have been researched additional scientific research remains necessary.	Wageningen involved in the file of pulse fishing. It contributed to the knowledge and information available. Furthermore, two departments are still involved in experiments and research.

Conclusion

To conclude, this thesis answered the research question, 'how can the introduction of the ban on electric pulse fishing be explained?', by using the three approaches of Europeanisation, lobby groups and epistemic communities.

Using the Europeanisation approach, it became apparent that the Netherlands had actively sought to upload their national interest on the European stage. Their strategy mainly consisted of convincing the Commission and had a high reliance on information and scientific evidence and advice. The Dutch strategy neglected coalition-building and interest accommodation. This resulted in the failure of uploading their interest when decision-making process switched arenas from a knowledgeable Parliamentary committee to the entire Parliament. Consequently, the amendment that included a total ban on pulse fishing passed. In the beginning of the legislation process, France was a fence-sitter and decided to defend the status-quo. The passing amendment allowed France to become more hardened in their position and support a total ban. Nevertheless, the Council became deadlocked on a common position until February this year. Although the pulse was ultimately lost when the stalemate broke as Pim Visser indicated, it is highly likely that reason was the dossier fatigue and the desire to close this legislation process before the upcoming European elections (Commission's public official, 2019). Thus, this result cannot be credited to France successfully uploading their policy interest.

On the other hand, the victory of the French lobby camp is very clear. In this case, the institutional structure enabled Bloom to assert their interest. The window of opportunity was the PECH vote that decided to not give the mandate to proceed trialogue meeting. The Bloom's strategy was solid that included a huge information network,

delegitimization of the derogation, licenses, Dutch usage of European funds and the scientific evidence, story formulation and ownership and lastly the broad reach. The Dutch lobby group was unsuccessful in their counterattack. While being an inside lobbyist this advantage was lost when the decision-making venue changed. Moreover, the lobby camp realized too late that the debate had turned political and emotional which could not be won by a fact-oriented campaign.

The irony of epistemic learning was present during the entire legislation process regarding pulse. During the first legislation on fishing with electricity, the science had the most influence. However, now the impacts had become clear and interest had been formed and solidified. In combination with Bloom's strategy to discredit and pointing out weakness in the scientific data, political and social interest were deemed as more important. Nevertheless, in the end the Member States desired to continue the involvement of science in the case of pulse and left a small opening for pulse there.

The Europeanisation and lobby groups approach are equally dominant but both necessary to explain the introduction of the ban on pulse fishing. Both approaches rely heavily on providing information it makes the epistemic communities a supportive approach. Epistemic communities influence depends on how the actors use this information.

This thesis focused primarily on the Netherlands and France as State actors and could have included other States more. Though this would not have changed the conclusions, it could have added more nuance. This was not done due to the thesis' size and time. The analysis has a more Dutch perspective as coincidentally all the interviewees were Dutch. For further research, the used model could be expanded to include results such as impasse and could be tested on another policy case.

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Master Thesis pulse fishing

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