



Institutional Barriers

Policy Brief 1

June 2024

Background

Institutional barriers were identified using [a diagnostic tool](#) that PERMAGOV developed based on [a literature review](#) and co-creation sessions with end-user partners and stakeholders. The diagnostic tool assigns governance issues and institutional barriers to governance attributes.

PERMAGOV considers institutional barriers to be symptoms of deeper governance design issues. PERMAGOV identifies three categories of institutional attributes, i.e. rules, procedures and norms in terms of: 1) their scale, rigidity and formality, 2) actor participation, accountability and connectivity, and 3) managing conflict and knowledge processes.

As barriers are deeply rooted in prevailing governance practices and institutions, they will continue to hamper effective policy implementation if left unaddressed. Developing solutions to these barriers requires identifying how they link to specific institutional attributes.

Highlights

The [PERMAGOV](#) project sets out to improve EU marine governance to meet better the goals and objectives established in the European Green Deal. A core part of the project focuses on assessing institutional barriers. Institutional barriers are critical obstacles to policy implementation and innovation. This policy brief is derived from ongoing research across nine case studies covering marine energy, maritime transport, marine plastics, and marine life. The case studies used key informant interviews, document analysis, and PERMAGOV's diagnostic tool (see background) to identify institutional barriers. The two most common barriers that have been reported across the nine case studies are:

1. **There is a mismatch between the scale of a governance problem and the scale of the governance institutions;** and
2. **The processes through which knowledge is produced, used or communicated have caused barriers to effective policy implementation.**

PERMAGOV recommends:

1. **The development of nested and multi-level marine governance arrangements;** and
2. **That future iterations of relevant directives include a commitment to open science and data sharing.**

Key findings

PERMAGOV's analysis across the nine case studies identifies two common barriers: 1. **Scalar mismatches**; and 2. **Knowledge production, communication and use**. These barriers conform with the findings of our [systematic scoping review](#) of relevant literature, which found that both **scalar mismatches and knowledge production, communication and use were the most commonly reported barriers in the literature**.

Barrier 1: There is a mismatch between the scale of an issue and the scale of the governance arrangements

Mismatches in spatial scale arise when the scale at which an issue occurs and the scope of the management and governance systems that have jurisdiction over the issue are incompatible. Scale mismatches are aggravated by a lack of coordination and cooperation between actors, and across multiple jurisdictions, resulting in conflicting goals and objectives. For example, in our case study on the decarbonisation of shipping, there is a mismatch between global emissions of greenhouse gases and the European approach to managing them, i.e. the Emissions Trading System (ETS). Inversely, the implementation of the latter is also affected by regional and local specificities at the EU level, insufficiently considered in the design of the ETS (e.g.: transshipment affecting some ports). Such a mismatch between the scale of the issue (carbon emission) and the scale of governance arrangements, limits the effective implementation of the ETS. Several studies and position papers have highlighted the (potential) challenges in the implementation of ETS in dealing with carbon leakage and the competitive disadvantage of ETS on European companies and economies (ESC, 2024; Flodén et al., 2024).

Barrier 2: How knowledge is produced, communicated or used.

The efficiency of knowledge production is hampered by a lack of coordination between actors that generate data, resulting in a limited ability to optimise, standardise, or exchange data and an increased likelihood of data gaps. For example, in our case study of Seabed Integrity in the Baltic Sea, **the lack of a coordinated system for collating and mapping habitats was identified as a barrier** to achieving Marine Strategy Framework Directive goals. Likewise, in our case study of Marine Protected Areas in Italy, data fragmentation and the lack of clear data-sharing mechanisms, particularly around the issues of surveillance and enforcement, have **resulted in poor implementation and compliance**. The **lack of robust and standardised data** was also a critical barrier identified in our case study of floating wind in the Celtic Sea:

A lack of reliable data is a major contributor to delays in the consenting process, in particular in relation to Habitats Regulations matters, where lack of alignment on baselines leads to misalignments as to impacts and compensation measures and contributes to what can become a quite adversarial (as opposed to procedural) process (Department for Energy Security and Net Zero, 2023, p.37).

As a result of this barrier, knowledge development occurs slowly and provides only partial insights into a problem or issue, delaying or preventing the realisation of EU Green Deal goals.



Recommendations

1. The development of nested and multi-level marine governance arrangements

Fragmentation and mismatches between governance mechanisms and environmental issues are long-standing marine governance challenges. These challenges are likely to be exacerbated by Blue Growth and marine conservation and restoration commitments. To overcome them, the EU and Member States should seek to **develop nested and multi-level marine governance arrangements**, in full cooperation with regional and local actors. The Regional Seas Conventions are good examples of multi-level arrangements but are limited in focus. The introduction of regional seas marine spatial planning presents an opportunity to build multi-level governance institutions that encompass the full range of marine activities. A nested approach to Marine Spatial Planning should include regional sea coordination, national planning and the development of plans for intensely used marine areas (see for example, [the sub-national marine plans being developed in Ireland](#)). Ensuring coherence across the various scales of marine governance will reduce the likelihood of barriers arising from fragmentation and scalar mismatches.

2. That future iterations of relevant directives include a commitment to open science and data sharing.

Lack of access to relevant data and poor data-sharing procedures is hampering the effective implementation of a range of marine policies. Data producers should be mandated to make their data open and accessible. This commitment should be extended beyond Member States' competent authorities and include, for example, wind farm developers who collect a vast array of data to comply with Environmental Impact Assessment (EIA) commitments but are not obliged to share these data. The European Marine Observation and Data Network provides an excellent platform for data sharing.

References

Department for Energy Security and Net Zero (2023) Independent report of the Offshore Wind Champion: Seizing our Opportunities. UK Government. London. p.86.

ESC (2024). Joint Letter to DG CLIMA regarding ETS Maritime, December 2023. [Joint Letter to DG Clima regarding ETS Maritime, December 2023 - ESC \(europeanshippers.eu\)](#) (Accessed May 25, 2024).

Flodén, J., et al (2024). Shipping in the EU emissions trading system: implications for mitigation, costs and modal split. *Climate Policy*, 1-19.

