

**REPORT OF THE**

**Management Committee for the Advisory Process**

**ICES Headquarters**

**22–24 January 2002**

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International Council for the Exploration of the Sea  
Conseil International pour l'Exploration de la Mer



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## **1 ADOPTION OF AGENDA**

The Chair opened the meeting at 14:15 hrs and welcomed the members. He reviewed the documents available for the meeting according to agenda item. Two new items were added to Agenda Item 8, Any Other Business, and the committee adopted the agenda. Annex I is the list of participants, Annex II is the adopted agenda, and the documentation list is given in Annex III.

## **2 REPORT FROM MCAP 3, 23 SEPTEMBER 2001**

MCAP reviewed the report from its September 2001 meeting and, after amendments at two places, adopted the report.

## **3 REVIEW OF RECENT INPUT TO ICES**

### **3.1 CRITICISM AND RESPONSE**

#### **3.1.1 ICES response to Letter from Danish Minister, September 2001**

The Danish letter to the ICES President was in response to the IBSFC discussion on eastern Baltic cod and a reflection of a very vocal criticism from the industry.

The letter received is one example of the types of pressure that ICES has been receiving recently from Member Countries and the EC. Such pressure includes demands for review of the advice. Industry wants a possibility to comment on the advice before it is finalised. After the advice has been issued, reviews are also requested. ICES must respond to this criticism in a clear way, so that the process and the outcome can be better understood.

The letter from the Danish Minister proposed that before the advice is finalised it should be presented to the industry for comments. MCAP have serious reservations on this proposal, particularly that such a preview may impair the independence of the advice. MCAP finds it a fundamental need to ensure that the advice remains free from political influence. It would be untenable to present the advice to the fishing industry before it has been finalized and at the same time maintain if even only the appearance of an independent advice. MCAP finds this totally unacceptable and not the way forward. Formally, the advice is to IBSFC, not to the industry, and the customer should decide on the presentation of the advice. Therefore, it would be wrong to provide the advice to the fishing industry before it is presented to the IBSFC. A better way is working with organizations, e.g., the North Sea Commission or the Baltic Fishermen Organisation, to obtain access to better data and hear their opinion about the present state of the stocks for evaluation by ICES. It would also be useful to involve the industry in formulating the ground rules for the advice.

There has been some apparent inconsistency in the advice on eastern Baltic cod over the past ten years. These inconsistencies are due to various forms of political pressure partly linked to the adoption of the Precautionary Approach and the early implementation of that approach, and partly due to improvement of the database. There are also problems with misreporting of catches (sometimes very serious under-reporting), as well as problems with survey data.

The Secretariat had prepared a draft of the technical annex in the response and MCAP did not consider it further. The President drafted the cover letter. Later in the meeting, MCAP reviewed and adopted a draft of the cover letter from the President.

#### **3.1.2 Letter from R. Banning (the Dutch Pelagic Freezer Trawler Association) to Gen. Dir. S. Smidt, DG Fish**

This letter was sent to the Dutch administration and was copied to ICES for information, but no official letter has been received from the Commission on this issue. The letter will be considered by the relevant Working Group (WGMHSA) and ultimately by ACFM. However, unless a formal request is received from a member country or from the Commission, no action will be taken on this issue.

#### **3.1.3 Letter from B. Deas (Chief Executive of the National Federation of Fishermen's Organisations)**

This letter directed to ICES concerned the incorporation of the fishing industry's perspective in the preparation of advice by ACFM. ICES has received an invitation to attend a meeting in mid-February with the North Sea Commission Fisheries Partnership. MCAP felt that ICES should be represented at this meeting.

#### **3.1.4 Speech by J. Farnell (Director DG Fish) May 2001**

John Farnell addressed the Directors of national fisheries research organisations and in his speech he discussed how to improve scientific advice to the EU. He mentioned a figure of 1 million Euros as the potential costs for STECF to provide fisheries advice for the EC, a figure that is clearly much too low, as it does not include the costs for the

assessment working groups. ICES needs to provide a clear description of the full scope of the work required to develop the fisheries advice, including sampling of the fisheries, the abundance surveys and other work, as well as the costs associated with this work. MCAP could build on the document prepared by the Consultative Committee and add more details about the process and the costs. Such costs should include those incurred by Member Countries for surveys and other activities to provide the basic data needed for stock assessments. MCAP was convinced that such an analysis would demonstrate the cost efficiency of the ICES process.

MCAP agreed that this document should be prepared, based on existing documents and adding additional information to cover the full scope of the advisory work on both fisheries and the environment. The Secretariat should take the lead in the preparation of this document.

#### **4 WGCOOP APRIL 2002**

##### **4.1 RENEWAL OF MEMORANDUM OF UNDERSTANDING WITH FISHERIES COMMISSIONS**

The MoUs between ICES and the Fisheries Commissions are up for renewal in the near future. The Fisheries Adviser found that it would be useful to standardise the MoUs with each organisation. The standard layout should be reviewed and possibly made less detailed to allow adaptation to changed needs for information. The original layout is based on the 1998 ACFM report and its structure.

MCAP considered the obligations contained in the MoU with a view to deciding whether ICES is committing itself to too much. The general viewpoint was that MCAP should ensure that ICES only makes promises that it can meet. MCAP felt that the MoU commits ICES to a great deal of work over which ICES does not really have control, as much of this work must be conducted by ICES Member Countries, and ICES has no power to manage the conduct of this work. The work that ICES must do under the MoUs is based on work that Member Countries agree to do, but there is no penalty for those countries that do not conduct their share of the work. Therefore, MCAP proposed that a new section be included in the MoUs laying down the understanding that ICES obligations are based on the assumption that the member countries provide data and expertise.

The General Secretary stated that ICES is now being strained to and beyond the limit, asking people to come to Copenhagen to analyse data that are incomplete or inadequate under a great deal of pressure. ICES needs to review the working group structure and determine if it is still feasible to ask Member Countries to send their experts to meetings to review the data together to obtain an overall interpretation of these data. This is a very resource-demanding procedure and it may no longer be feasible to continue in this way.

MCAP instructed the Chair that at WGCOOP he should make it clear to the Fisheries Commissions that the ICES advisory system is strained to the limit or even beyond that limit. Further, MCAP instructed the Secretariat to prepare a text describing ICES obligations and possibilities to meet its obligations with a view to present this to WGCOOP.

Also, internally ICES must face up to this fact. ICES must question whether a voluntary working group structure is still a realistic option as the basis for the advisory system to which ICES is committed by MoUs. Scientists have less time and the whole process should be analysed. MCAP also finds it necessary to look to the Commissions for the political lever for introducing changes. The Delegates apparently have no or little possibility to introduce such changes.

One example of the type of pressure being put on the system is the requirement for ACFM to provide the autumn advice by mid-October. This has had the consequence that the working group (WGNSSK) does not have the data from the autumn surveys available for their work. Survey data are available at the time of the ACFM meeting and the inclusion of these data in the predictions during the ACFM meeting gives much added pressure to people already under a great deal of pressure. This will be even more difficult in 2002, when the ACFM meeting starts before the end of the Statutory Meeting, meaning that ACFM members attending both meetings will need to spend three weeks in Copenhagen. This will probably imply a dropout in attendance at ACFM.

MCAP (somewhat reluctantly) agreed that the MoUs should remain as they are today, with a brief preliminary statement concerning the dependence on ICES Member Countries for the fulfilment of the MoU obligations. The Fisheries Adviser will draft a background paper for presentation at WGCOOP on the stress put on the system and the problems with the voluntary assessment system.

## 4.2 Cost Recovery

Table 2 from the 2001 WGCOOP report indicates the level of cost recovery from the Commissions over the past seven years. This showed the amount contributed by each Commission in relation to the amount of work conducted for or allocated to that Commission, along with the per cent cost recovery. The cost recovery has not yet reached 100 % for the fisheries Commissions.

## 5 REQUESTS FROM SINGLE PARTIES (COST RECOVERY)

There was no special request that would entail extra cost recovery from single parties this year. However, the expected requests discussed below in Section 6.3 may imply extra cost recovery by ICES.

## 6 REVIEW OF TORS FOR THE ADVISORY COMMITTEES

### Tasks related to ACFM

### 6.1 ATTRIBUTE REQUESTS TO ACFM

All recurrent requests have already been allocated to ACFM Working Groups at the Statutory Meeting, except for the two special requests discussed later on the agenda. This year, all requests were routine, but there was some additional text explaining more precisely what is required. There were several letters that contained long-term wishes concerning how DG Fish would like ICES to develop its advice, particularly in the area of ecosystem work. MCAP reviewed the list of requests from the Fisheries Commissions, which will be handled by ACFM during 2002.

The EC has requested ICES to review the effectiveness of the management measures described in a Commissions Communication and their conformity with the ICES interpretation of the precautionary approach. The remainder of the EC requests are standard.

The IBSFC, DG Fish, NASCO and NEAFC requests follow the MoUs. The NEAFC request draws special attention to redfish, blue whiting, and Rockall haddock. Norway has requested ICES to evaluate the present assessment approach to treating different species of deep-sea fish. Spain has requested a review of CPUEs for hake stocks. France has requested an expansion of the advice on *Nephrops* stocks in the Bay of Biscay (see Section 6.3.2, below). Russia has asked ICES yet once more to reconsider the reference points for Northeast Arctic cod (see Section 6.3.1, below). The Fisheries Adviser did not foresee any problems with handling these requests, as long as the working groups receive the usual level of support from member countries.

### 6.2 QUALITY ANALYSIS OF CRITERIA OF ADVICE

Document Nos. 10 and 14 present a summary of a quality analysis of fisheries advice for 2001 and the success in meeting the deadlines for its presentation to the various Commissions and at other meetings. Under the heading "Responsive", five situations were listed in which ICES was requested to respond, sometimes at very short notice, to requests to clarify questions or otherwise resolve problems in understanding the fisheries advice. It was proposed that the situations in which responses were not possible should also be listed. MCAP asked the Fisheries Adviser to develop this paper into a document for WGCOOP for its meeting in April 2002.

### 6.3 SPECIAL REQUESTS

#### 6.3.1 Review of reference points on Northeast Arctic cod (Russia)

The assessment of the NEA Cod was reviewed in autumn 2001 on the request of Norway. A follow-up letter from Russia was received in January 2002 requesting a review of the reference points for this stock. This letter has been answered telling Russia that ICES will address this issue. There is a difference in opinion concerning the correct level of  $B_{pa}$ , with the Arctic Fisheries Working Group providing a lower figure (375,000 t SSB) and the ACFM deciding to keep the previous, higher value of  $B_{pa}$  (500,000 t SSB). The Working Group will not have new data, and therefore undoubtedly would reach the same conclusion as last year, a conclusion that ACFM did not consider well founded. ICES needs to consider this issue again, for ultimate resolution by ACFM. It was found less useful to have the AFWG address this problem. Rather, ACFM should deal directly with this issue.

MCAP asked the ACFM Chair to ensure that the correct experts are available to provide a good analysis to back the conclusion that will be made at the ACFM meeting. If ACFM decides that additional experts are required at the ACFM meeting, then Russia will be asked to pay for travel and *per diem* of such experts.

### **6.3.2 Review of assessment of Nephrops stock in VIIIa,b (France)**

The *Nephrops* Working Group will handle this request at its next meeting in April 2002. This is part of routine advice, so ICES will not receive extra funding for it.

### **6.3.3 Expected Requests from DG Fish**

The Secretariat has had overtures from the EC indicating that there may be a request to reconsider the 2002 TACs for plaice in Kattegat and Skagerrak, Celtic Sea herring, sole in the Bay of Biscay and northern hake. Answers to these requests are required at the latest after the May ACFM meeting. The request is based on an agreement between the EU Council of Ministers and the Commission in December 2001. ICES may need to conduct extra work to respond to this request and additional funds will be required. Most of the reassessments can be done fairly easily either by scientists from one or two countries or during a scheduled working group meeting. The exception is northern hake, which will probably require convening a special group to review new data.

A second potential request concerns an element in the Norwegian-EU negotiations for 2002 covering multi-annual TACs for North Sea cod. L. Kjell from CEFAS has received a contract to conduct simulations in May 2002 and it is requested that ACFM review these simulations at its May meeting. However, ACFM will need additional expertise to conduct a review of these simulations. Thus, if this request actually comes in, it should be accepted with the proviso that funds are made available to call in additional expertise for the ACFM review of these simulations. This review will concentrate on the basic assumptions that were used in the conduct of the simulations; the actual program cannot be reviewed.

Finally, ICES may receive a request on revision of reference points for the blue whiting.

### **6.3.4 Quality control, external reviews**

#### **6.3.4.1 Review of assessments (NEA Cod, Northern hake, Icelandic cod)**

The Fisheries Adviser was aware of three external reviews of ICES assessments: 1) Northeast Arctic cod, conducted by a Canadian and a Chilean expert at the time of the 2001 ASC, 2) northern hake, conducted by a consultant for Spain, and 3) Icelandic cod conducted by external experts for Iceland.

The Northeast Arctic cod assessment review was requested by the government of Norway and was coordinated by ICES. This review concluded that ACFM and the working group had done a reasonable job. The review pointed out a number of points for further investigations, but these had already been identified in the original work. It was proposed that there be a review of the reference points for this stock, but there was no criticism of the advice.

The review of the northern hake advice was conducted outside ICES by a consultant hired by IEO, Vigo, Spain. This review was commissioned owing to the heavy criticism of the ICES advice in Spain. The result of the review was a recommendation that ICES should use a different model in its assessment of this stock. The trend in stock abundance indices is quite different if you look at different areas; one area shows no change in the stocks, while another area shows a strong decline. ACFM was aware of this discrepancy, and generally concluded that there is a decline in the stock. MCAP considered whether any comment should be made on this review, which was provided to ICES from the Spanish Delegate. MCAP decided that, as there was no official complaint or request on this topic, no official answer should be formulated on this topic, but the review should be made available to the Working Group. The Working Group should provide a clear statement to MCAP concerning their view of this analysis.

There has also been a review of the advice on Icelandic cod in 2000 and 2001 by Iceland. No written information was available concerning this review.

#### **6.3.4.2 Proposal for external review**

The Fisheries Adviser presented Document No. 15 on this topic. This review will consider the process of producing the advice, not the scientific quality of the advice. The paper proposed that this review should be confined to the externally requested advice and that this will mainly concern requests in relation to ACFM, while requests relevant to ACE and ACME would not be covered at this time. The paper includes terms of reference for the review and indicates types of reviewers that would be relevant. This review should be conducted in association with an ACFM meeting. Thereafter, MCAP should analyse the review and implement appropriate changes.

Concerning the costs associated with this review, it was agreed that this will be an internal review and that ICES should pay. There was no cost estimate available, but MCAP was convinced that the costs would be substantial and was informed that there would be no provision for such costs in either 2002 or 2003.



A basic review of all advisory procedures should take place, including the distribution of requests among the three Advisory Committees, the contributions of member countries, etc. However, such a strategic review of the overall advisory structure is premature, partly because the structure is very new and also because there is a rapid evolution in thinking on ecosystem management. In any case, it was recognised that it would be too early to review the advisory process in connection with ACE, as this committee is very new and is not yet fully established.

Whether to include ACME in this review was considered in detail. ACME has been operating for nine years and has done a considerable amount of work requested by OSPAR and HELCOM. However, different people would be needed to review the ACFM process from those to review the ACME procedures; two different teams would be needed, but the reviews could be done in parallel. The pressure for a review of ACFM procedures has been coming from a number of sources, but MCAP is not aware of any requests for a review of ACME procedures.

There have been comments that the advisory system is very expensive and not all national members contribute fully to the process. Options could be considered to reduce the national representation on the advisory committees, as well as for decreasing the cost of the advisory system. The review should include both the cost-effectiveness of the system and the question of national representation in terms of whether this would be the best way to ensure credible advice with a high scientific standard. Therefore, the TORs should include the question of whether the system of using national experts has ensured the appropriate level and breadth of expertise, and whether the national experts are truly independent.

In conclusion, MCAP decided that planning should go forward for an internal review of the ACFM advisory process, including review of the use of the national representatives in this work. MCAP requested the Secretariat to continue planning according to the document presented here, but taking into account that there is no specific funding for this task in 2003. It was decided that this document should be presented to the Bureau later this week for information. H. Lassen will expand the document, adding the points brought up in the MCAP discussion. Whether to include ACME in the review was left open for the Council to consider.

Three further elements should be included in the TORs:

- Availability of expertise (National representation);
- Independence of expertise (National representation);
- Cost-effectiveness of the advisory process.

The basic point that ICES will pay for the review should be clarified in the paper.

As background for MCAP's discussions of the outcome of the review, it was considered that it might be useful if a review of the advisory systems in other areas of the world could be made and the efficiency of these systems compared to the ICES system. However, the advisory systems are very much linked to the management systems to which they are providing advice, and such a review by persons from other areas may be based on different perceptions of management systems than the system to which ICES is providing advice. An alternative may be to review the models for the production of the scientific basis for the advice, for example, in relation to health advice. MCAP realised that it would take political scientists to provide a basis for comparisons of the different management systems, even in the ICES area. There are various views on the different management systems for fisheries, and it is unclear how much this type of review could contribute to the needs of ICES for a review of the advisory process.

### **6.3.5 Schedule for Assessment Working Group and ACFM meetings 2002 and thereafter**

The ASC and the autumn ACFM meeting are planned virtually back-to-back. This is the source of a great deal of stress for ACFM members and the Secretariat, as there is no time between these two meetings. MCAP agreed that a minimum of one week is needed between these two meetings, but this is still not optimal for North American members of ACFM. MCAP requested the Council to ensure that the 2005 ASC is scheduled with this requirement in mind, bringing it forward as much as possible. MCAP felt that the working conditions for ACFM should be given great priority by the Council in deciding meeting dates.

ICES has gone as far as possible, and probably farther than it should have, to meet the requests made by EC, NEAFC and Norway to provide the autumn advice on 15 October and this should be made clear to WGCOOP (the fisheries commissions). However, EC feels that it is an ICES problem in terms of the timing of the ASC, and the ASC should be moved to meet the requirements of the fisheries advisory role of ICES. This is a classical case of a clash of interests, and ICES must make a decision on how to handle this.

When the autumn ACFM meeting was moved forward, the Commissions were given the choice between receiving the advice somewhat earlier but with less certainty owing to the inability to take the autumn surveys into account, or receiving it at the usual time with the full results of the surveys. Although the Commissions chose the first option, Working Group members are not satisfied with conducting their work without the survey results.

MCAP re-emphasised the need for input from ACFM and the working groups.

### **6.3.6 Structural problems of the advisory process (Chairs and membership)**

Frans van Beek had informed ACFM and MCAP that, due to changes in his working position in RIVO, he must retire as Vice-Chair of ACFM. The Chair of ACFM did not feel that there is a need for a Vice-Chair and the division of responsibilities has not been useful. A clear set of responsibilities is needed to make this office useful. MCAP agreed that no new vice-chair will be appointed at this time.

The term of office of the present Chair of ACFM will end at the end of 2002. Nominations for the next Chair will be made at the May meeting of ACFM, however, the availability of candidates will depend strongly on whether ICES will allocate funds for an honorarium for this office. It could be useful if the ICES President or General Secretary would write to Delegates seeking their support for candidates to stand for this election. The Chair of MCAP was requested to bring this issue up to the Bureau later this week. It appears that some people would be interested in this position, but only on the condition that ICES offers an honorarium.

There is no money for an honorarium on the existing budget, so it would be useful to look for alternative sources for this money, particularly from the Fisheries Commissions. MCAP felt that the Bureau should discuss the issue of an honorarium for all three Advisory Committee Chairs.

Assessment Working Groups are overloaded and MCAP discussed how to reduce their work load. There are two schools of thought concerning this: 1) only do assessments every second year, or 2) conduct a more mechanical assessment every year, but every third year do a comprehensive assessment, including review of the methods used. These procedures would not work well with stocks that are heavily overexploited, as individual attention needs to be given to them each year.

The new Study Group on ACFM Procedures, chaired by Robin Cook, will review existing procedures and make proposals.

MCAP needs substantial feedback from the Assessment Working Groups. This should preferably be in written form, so that MCAP can look into potential solutions. The Chair of ACFM proposed that a questionnaire be sent to all working groups concerning the number of days for their meetings, the timing, etc., so that an overview can be obtained of the problems experienced by them.

### **6.3.7 Recovery plans**

MCAP considered a letter from Henk Heessen (RIVO, Netherlands) concerning a more proactive role for ICES in the development of recovery plans for stocks.

To date, ACFM has indicated when a recovery plan is needed and has indicated the projections for the stock for various fishing mortality scenarios; however, ACFM has not designed an actual recovery plan. H. Heessen feels that ICES should take over the technical work in the development of the recovery plans and develop a firm scientific basis for such work. At present, DG Fish convenes *ad hoc* groups to develop recovery plans, paying for the attendance of the participants. It would be possible for ICES to take over this work if the EC provides the funds to cover convening such groups. However, ICES recognises that input from management is needed to indicate the management options that would be considered for specific cases, as this is essential to narrow the options for the plan.

MCAP misses scientific leadership concerning how recovery plans should be prepared and agrees with H. Heessen that ICES should show such leadership now. ICES should have taken a proactive role on this issue earlier, but still could take it on. This would provide a peer-reviewed framework that could serve as a solid foundation for the future development of recovery plans. The development of recovery plans also requires socio-economics analysis.

The timing for the establishment of an ICES group to devise a scientific framework for recovery plans was considered. To wait for the next Statutory Meeting for the formal establishment of a working group means that the first chance such a group could meet would be at about this time next year. However, although MCAP has the authority to set up an *ad hoc* group that could meet earlier, it was felt that there would not be adequate participation in this group as travel

budgets have already been allocated in the member countries based on, among other considerations, the Council Resolutions agreed at the 2001 Statutory Meeting. Of course, this situation would change if the EC were to provide funds for ICES to convene such a group.

#### **6.4 TASKS RELATED TO ACE AND ACME**

Document Nos. 19 and 20 are draft requests from HELCOM and final requests from OSPAR, respectively, for 2002. MCAP considered these requests (see further in Sections 6.4.2 and 6.4.3 for details) and decided that most of the items should be handled by ACME and the remaining by ACE. MCAP also considered in detail the terms of reference for several WG/SG under ACME and the Science Committees. The Environment Adviser and the Chair of ACME provided information on why several of the products that could be foreseen from these groups should be handled by ACME. MCAP agreed to include relevant items on the ACME agenda.

The discussion that followed was on the budgetary constraints for holding the planned meetings of ACE and ACME. The General Secretary pointed out that no budget had been made for ACE for 2001, so holding the ACE meeting in August 2001 had caused an overrun of the ICES budget. MCAP was requested to consider how these extra costs could be kept to a minimum. MCAP was informed that ICES finances have a deficit of about 700,000 DKK on the present 2002 budget. All three advisory committees are aware of the need to save time and money and are looking at cost-efficient organisation of their work. As an example ACFM, in changing the time schedule to provide earlier autumn advice, had reduced its autumn meeting by one day without adding this day to the spring meeting.

Participation in the advisory committee meetings is paid through the ICES budget, while work in Science Committees (SCICOMs) and their working groups is at national expense. For externally requested advice, ICES has a 100 % cost recovery policy and ICES gets funds from OSPAR and HELCOM under this policy. The basis for the cost estimate is a proportion of the relevant advisory committee cost plus salary costs of Secretariat personnel. The allocation to commission is based on the time used to deal with the request (proportion of total costs based on time spent on the problem).

The discussion concentrated on ACE and ACME. The importance of ACE and ACME to ICES was recognised. After considerable discussion and analysis MCAP considered that, although undesirable and in conflict with the intentions of establishing ACE, it would be possible to have a combined ACE-ACME meeting in June 2002 with reduced membership. The Chair of ACE expressed his concern that this joint meeting will give the impression that ACE is an environmental committee, whereas it is a committee that considers the ecosystem from both the fisheries and environmental perspective. There must be adequate representation of fisheries experts at the joint meeting to be able to conduct the ACE work.

Subsequently, the Bureau when presented with this proposal—that would reduce costs of these meetings substantially—decided that money should be found to have two independent meetings and that the MCAP proposal should not be implemented, and the two committees meet with full membership in a back to back meeting in Copenhagen in June 2002.

##### **6.4.1 Towards common understanding of advisory and scientific work in the context of the ICES advisory committees**

The work in the advisory committees should only be advisory work. While ACFM almost only works on externally requested advice, this is not the case for ACE and ACME for which committees such requests are only a proportion of their work. MCAP requires that ACE and ACME clearly distinguish between advisory and scientific work and in the following discussion MCAP tried to define the boundaries between these two concepts. One proposal was to consider as advice only that requested (and paid for) externally. All other work should fall under the SCICOMs. Another proposal was to consider as advice only when a preference is expressed for a specific option among alternatives. It was proposed that the answer to how to do things should be classified as science. However, both ACE and ACME make a distinction between fisheries and environmental advice, e.g., ACME considers providing analytical guidelines or designing a monitoring programme as advice. The monitoring programmes are very costly and the ACE/ACME review was considered to be better than what is done through the prime literature. It was agreed that developing a framework for ecosystem advice is still scientific work. ACME considers that it is also providing advice to Member Countries on quasi-regulatory issues, including Codes of Practice on Introductions and Transfers of Marine Organisms and on Marine Aggregate Extraction. As an example for scientific work that includes “advice” on good practice, the ICES zooplankton handbook was mentioned. This handbook was developed without the involvement of the advisory committees. The science committees established the necessary peer review procedure and obtained approval for the handbook in the scientific community.

On a broader scale, DG Environment is now developing a framework for a marine environmental strategy which will include some broader considerations of the marine environment. Also, OSPAR and HELCOM have begun considering the effects of fisheries on the environment so there are more cross-disciplinary issues now under consideration. If ICES needs money for coordination of activities on ecosystem issues, ICES could start a Concerted Action and search for funding in parallel with many other projects, e.g., the elasmobranch assessment project. If money is needed for research, the source among others could be from the Fifth (Sixth) Framework Programme. If specific studies are needed, DG Fish may invite tenders for studies. ICES receives money for advice either on the basis of MoUs or from specific requests, i.e., that funding is dedicated to requested advice.

The ACE Chair proposed that discussions be started with DG Fish concerning potential funding for some of this work; this negotiation could be started at WGCOOP in April and could be part of the next MoU with the EC. He also noted that there may be some requirement for advice from the Baltic GEF Project regarding ecosystem management, and this could generate some funds for the advisory process.

The term “advisory work” is used differently among MCAP members—reflecting the usage of the committee they chair—and this usage needs to be reconciled.

At its next meeting, MCAP should consider the shape of the advisory system in ICES.

#### **6.4.2 HELCOM Requests**

The text available as Document No. 19 is a draft list of requests prepared by the meetings of HELCOM subsidiary groups. The Helsinki Commission meets in March 2002 and will then decide which requests to forward to ICES. The request procedure with HELCOM is new, the MoU between HELCOM and ICES is only 2 years old (2<sup>nd</sup> year) and neither of the two secretariats has yet fully established their procedures in handling these requests. In 2001 there were only 2 requests. ICES is working on the assumption that the requests will be as proposed and will have held several Working Group meetings in February to be able to deal with the requests.

The list included six items, all of which MCAP found that ICES could meet if the requests would be forthcoming and if member countries would provide the expertise. Several of these requests are standing requests and are under 100% cost recovery from HELCOM. MCAP considered that there may be some groups dealing with quality assurance for HELCOM and OSPAR, respectively, that could preferably be combined, and asked the Secretariat to look into the possibility for this and ask the groups to comment upon this proposal.

Concerning the request on statistical aspects of deriving background concentrations of substances, it was discussed if this should be dealt with by an advisory committee or whether such tasks could be more efficiently dealt with by a science committee, e.g., through MHC. It was also questioned if ACME is competent to peer review the working group’s analysis. Again, the need to reduce costs for ICES was emphasised. For the time being until more analysis is available, ACME will deal with this request.

There is a request on biotope classification and mapping. This request should go to ACE, but can only be accepted if it is assured that there will be input from the Baltic countries. The same discussion as for the statistical aspects of monitoring was repeated, i.e., it was questioned if this type of request belongs to an advisory committee.

The request concerning the status of the seal populations in the Baltic will be dealt with by WGMMPH under ACE.

#### **6.4.3 OSPAR Requests (Document No. 20)**

The request for quality assurance on biological measurements is a regular activity that should be continued. Another request concerns the development of assessment tools for joint assessment of concentration and input data to be applied in the trend assessment procedure on relevant data series available in the ICES databanks.

#### **6.4.4 Proposal for a Working Group on Eutrophication Issues**

The Environment Adviser considered that there is a need for work within ICES on eutrophication issues including the biological elements. There was general support for this proposal. It was recognised that there exists a subgroup on chemical oceanography under the Marine Chemistry WG. In addition, there will be a workshop in the coming spring. However, while recognising the work done by this group, MCAP considers that there is not a single Working Group with the necessary critical mass of membership. The Secretariat was asked to have this topic discussed at the appropriate committees (OC and MHC) with a view to take an initiative in this field.

#### **6.4.5 Request from OSPAR on Threatened and Declining Species and Habitats (Document no. 21)**

This request was received only a few days before MCAP met and no real analysis of the request has yet been done. The request is for a peer review of an OSPAR document that includes a list of threatened species and habitats developed within OSPAR, based on national inputs. A review would involve several Working Groups. It is a very important issue with a high public profile and ICES should only accept this request if it can be assured that the request will be handled with the same scientific rigour as other topics. Canada has experience with reviewing such lists using meetings of experts. The estimate is that about 20 species can be reviewed at a 5-day meeting.

MCAP finds that ICES should be part of the international discussion on this topic and therefore should consider the request in a positive spirit.

MCAP asked the General Secretary to contact OSPAR and clarify the status of the two papers, the appendix with the list of threatened species/stocks and the request. ICES needs to have the definitions and criteria applied clarified. Before this is provided, it is impossible to continue to evaluate the list. MCAP also found that it should be clarified how the OSPAR criteria compare with the CITES criteria. The ACE Chair informed MCAP that the criteria and how they should be used have not been finally decided by OSPAR. The list will be used to test the criteria and there will not be a final list until several iterations between criteria and species have been done.

Firstly, MCAP considered whether it will be possible for the working groups to meet the request within the existing workplan and concluded that this may be difficult for the entire list, but some examples could be analysed before early autumn. ICES will only comment on those species for which ICES has the database and the data. In that connection, it was noted that ICES already had done some work in this field, see WGECO 2001 section 6.1.

Second, the approach to the review was considered. The passive approach would be to check the list of references, to see: a) whether the list is comprehensive, and b) whether the species meet the criteria based on the information. This will be taken as an ICES acceptance of the criteria. There was disagreement with this approach. Considering the high public profile and the experience that ICES already has with misinterpretation of the ICES advice in this context (usage of the phrase “outside safe biological limits”) it was not found acceptable to treat this task superficially. ICES will be caught on the criteria. The ICES review should focus on the adequacy of the information. ICES should only consider stocks/species on the list and not evaluate if other stocks/species by the same criteria should be on the list as well.

Third, concerning the cost implications it was agreed that the MCAP Chair is authorised to negotiate with OSPAR to establish the review. Costing of the exercise should be discussed with OSPAR.

In conclusion, it was agreed to contact relevant working group Chairs and solicit their views on the possibility to make the requested review within the time frame asked for. The General Secretary should write to OSPAR at some point describing the procedure.

#### **7 POLICY ON ADMITTING OBSERVERS TO ADVISORY COMMITTEE MEETINGS: GUIDELINES FOR EXTERNAL OBSERVERS**

Document No. 17 is a discussion paper concerning the possibility of admitting observers to ACFM and Assessment Working Groups. The experience of ACFM with observers from DG Fish has generally been good, and there has been a positive contribution. It was felt that the issue at stake concerned NGO observers and the rest of the discussion related to this class of observers.

The practice in fisheries organisations is that observers are admitted to the meetings, but mainly to the plenary sessions and not to the working groups where much of the discussion takes place.

In an ICES context, the advisory process is broken down into specific tasks and the document provides pros and cons regarding the possibility of admitting observers in relation to each task. It then considers the types of rules that will be required, divided according to the types of observers that may be admitted. Given the importance of the ACFM advice to the fishing industry, there is a commercial value associated with the ACFM advice and this must be taken into account in relation to the admission of observers. This problem is recognised by other organisations and in Canada there is a system by which the observers are required to sign statements that they will not trade in relevant shares from the time of the beginning of the meeting until the results are published. In spite of these problems, MCAP considered that there are advantages to having observers, but care must be taken to ensure the independence and scientific credibility of the advice. The discussion within ICES is not confined to ACFM, but it exists also in ACME.

There was a general view that observers should not be admitted at the working group level. At the Advisory Committee level, there was not a strongly favourable view but it was felt that there could be some advantage in having observers from the environmental commissions, but not from NGOs. The criteria for admission of observers were felt to be the same as those for ICES as a whole. It was generally felt that meetings could become more difficult with observers present, and that observers should not influence the outcome in the sense that the observer should not be allowed to twist the direction of the Committee. There was a feeling that it could be useful for the transparency and credibility of the advice to allow the admission of observers from the commissions.

H. Lassen noted that the tradition of admitting observers in environmental commissions has been earlier and more lenient. The fisheries commissions have admitted observers more recently and under more stringent conditions. He pointed out that it is difficult to avoid observers from influencing the outcome of the discussions.

The presence of observers at working groups was discussed. It was noted that the EC has requested to send an observer to the Study Group on ACFM Working Procedures, but requests have not been received to participate in other working groups. Scientists from NGOs take part in several SCICOM working groups, such as the Working Group on Seabird Ecology, but these people have been nominated by ICES Delegates.

The Chair of ACE felt that the admission of observers could be useful. It is important to have a balance of observers, and to have clear rules governing their participation.

It was pointed out that allowing observers to ACFM does not mean allowing observers to all aspects of ACFM, such as the sub-groups.

MCAP agreed that ICES must focus on selecting the people who can attend, so that ICES picks people who will be an asset and who will provide credibility.

MCAP agreed to recommend that ICES open itself up to observers at Advisory Committee meetings. For this, there will need to be rules of procedure to select the observers, including representatives of groups of NGOs and industry representatives. There will also need to be rules of procedures for their participation at the meetings. The Chair of MCAP will bring this up to the Bureau with the aim of requesting the Secretariat to develop proposals for observership.

The draft rules of procedure should be considered in the Advisory Committees during the year and at MCAP immediately in advance of the 2002 ASC.

## **8 ANY OTHER BUSINESS**

### **8.1 COPENHAGEN DECLARATION**

This was provided for the information of MCAP. There is no advisory aspect to this draft declaration.

### **8.2 QUALITY CONTROL OF ICES ADVICE IN FOLLOW-UP DOCUMENTS (E.G., NORTH SEA CONFERENCE)**

The Chair pointed out that a number of documents have been prepared in association with the Fifth North Sea Conference. The paper on species and habitats prepared by C. Hopkins reviewed several ICES working group reports and came up with a different interpretation from the ICES working group reports.

H.R. Skjoldal stated that the North Sea Conference progress report on fisheries was based on a report prepared under the auspices of ICES and accepted by ACE. He felt that ICES had done a good job in the preparation of this report. Even so, H. Lassen found that the development of these documents has been somewhat influenced by political processes. The ICES report was required to provide information on the development of fish stocks since the Fourth North Sea Conference in 1995, but subsequently additional information was added on a longer-term perspective. He felt that the mistake made by ICES was to agree to provide a background document that would be transformed by another group into a chapter of the progress report, rather than stating that ICES would provide the chapter itself.

The Chair felt that ICES should be able to play a more prominent role in the quality control of the final report.

The Chair of ACE stated that he would like to look into the problem identified here, together with the Fisheries Adviser, so that we can get a better impression of what actually happened here. It was noted that the amount of resources needed for this project may have been underestimated.

On another topic, the Chair of MCAP queried what can be done when Ministers do not apply the advice of ICES on fish stocks. It was pointed out that the political decisions are made on a broader basis than the biological basis on which ICES provides its advice.

It was felt that it would be very useful to have a table of the ACFM advice and how it was applied in the management process.

### **8.3 DIALOGUE MEETING**

The Vice President has been assigned the task to prepare a proposal for the next Dialogue Meeting (Environmental). This proposal has not yet been received.

The Chair of ACE felt that the proposal of ACE for the next Dialogue Meeting concentrates on ecosystem management advice.

The value of the Dialogue Meetings was discussed and it was noted that the most recent fisheries Dialogue Meetings have had a major influence on the way ACFM works now. Some of the details of the feedback have now been transferred to the WGOOP meetings.

### **8.4 STUDY GROUP ON ACFM PROCEDURES**

MCAP reviewed the terms of reference for the new Study Group on ACFM Working Procedures (SGWP). The justification for establishing this study group mentioned potential changes in the structure of ACFM, along the lines of those rejected by the Council in 2000. MCAP felt that the present advisory structure should remain and some more time would be required before a proper review of the system can be made.

DG Fish has been asked by the Chair of the Study Group to participate in the meeting of this Study Group and MCAP was asked whether this representation would be acceptable. MCAP agreed that this could be useful, as it will give DG Fish the opportunity to express its preference for particular procedures. The DG Fish observer should be invited to participate in the discussions but not in the formulation of recommendations. The DG Fish participant would be there in a personal capacity and could not commit the Commission. MCAP will decide on the implementation of any proposals made by SGWP.

The Chair of ACE stated that he would like to have the report of this Study Group available for review in June as some of the proposals may be useful for ACE. MCAP agreed that the report should be made available to both ACE and ACME. He also found that the outcome of this Study Group should be considered on a broader basis, including the Consultative Committee, as this may have an influence on the working group structure.

### **8.5 NEXT MCAP MEETING**

MCAP noted that it was not scheduled to meet again until the 2002 ASC. It was felt that, intersessionally, MCAP should review the draft rules of procedure for admission of observers.

It was agreed that MCAP should hold a short, e.g., half-day, meeting in association with the 2002 Statutory Meeting. The exact timing of this meeting can be decided later in further planning for the Statutory Meeting.

### **8.6 ACE**

The Chair of ACE reported that ACE had been able to respond very quickly, within three weeks of the ASC, on the issue of the effect of fisheries on deep-sea corals. ACE responded very well to the request for review, and the advice provided was very good. However, there were some delays in providing the advice to DG Fish, and the Chair of SGCOR complained about this delay. It was agreed that MCAP should review this situation at its September meeting.

### **8.7 CLOSING THE MEETING**

The Chair thanked the participants and the Secretariat for their contributions and, noting that he would meet several in the coming days under the Bureau meeting, wished the remainder a safe travel home. He then closed the meeting.

## **ANNEX I: PARTICIPANTS**

Gerd Hubold (Germany, Chair)

Tore Jakobsen (Norway, Chair ACFM)

Stig Carlberg (Sweden, Chair ACME)

Hein Rune Skjoldal (Norway, Chair ACE)

Jake Rice (Canada, Chair CONC)

Pentti Mälkki (Finland, ICES President)

### **Secretariat**

David Griffith

Janet Pawlak

Hans Lassen



## ANNEX II: ADOPTED AGENDA FOR MCAP 4

22 – 24 January 2002 (14:00-18:00; 9:00-18:00; 9:00-12:00)

- 1) Adoption of Agenda
- 2) Report from MCAP 3, 23. Sept 2001 Oslo
- 3) Review of recent input to ICES
  - a. Criticism and response: Letter from Danish Minister, September 2001 and ICES response November 2001
- 4) WGCOOP April 2002
  - a. Renewal of Fisheries Commissions MoUs
  - b. Cost recovery
- 5) Requests from single parties (cost recovery)
- 6) Review of TORs for the Advisory Committees
  - a. Tasks related to ACFM:
    - i. Attribute requests to ACFM
    - ii. Quality analysis of criteria of advice (from Bureau 2001)
    - iii. Special requests
      1. Review of reference point on NEA cod (Russia)
      2. Review of assessment of Nephrops stock in VIIIa,b (France)
    - iv. Quality control, external review
      1. Review of assessments (NEA Cod, Northern hake, Icelandic cod)
      2. Proposal for external review
    - v. Schedule for WG and ACFM meetings 2002 ff
    - vi. Structural problems of the advisory process (Chairs and membership)
    - vii. Recovery plans (letter from Henk Heessen)
  - b. Tasks related to ACE and ACME
    - i. Attribute requests to ACE and ACME
    - ii. Reconsider the status of ACE
    - iii. Review work plans of ACE and ACME according to the discussions at ASC 2001
- 7) Policy on admitting observers to advisory committee meetings: guidelines for external observers
- 8) Any Other Business
  - a. Copenhagen Declaration
  - b. Quality control of ICES advice in follow up documents (e.g. North Sea Conference)
  - c. Dialogue Meeting
  - d. ICES databank

**ANNEX III: DOCUMENTATION FOR MCAP 4**

**22 – 24 January 2002 (14:00-18:00; 9:00-18:00; 9:00-12:00)**

<b>Document No.</b>	<b>Title</b>	<b>Author(s)</b>	<b>Agenda item no.</b>	<b>Action</b>	<b>Status/Author</b>
1	Draft Agenda		1	To be adoption	Done
2	Documentation (This list)	Secretariat			Done
3	Report of MCAP 3	Secretariat	2	For Approval	Hans
4	Letter from Danish Minister for Food, Agriculture and Fisheries September 2001		3	Information	Louise/Mette
5	Answer to above letter from ICES President		3	Information and comments	Louise/Mette
6	Review of MoUs with Fisheries Commissions	Secretariat	4	For discussion	Hans
7	Review of Cost recovery	Secretariat	4	For Information	Extract from WGCCOOP Report Table 2. Done
8	Request from France on Nephrops in VIIIa,b		6	For information	Louise/Mette
9	Request on review of F <sub>pa</sub> for NEA cod from Russia		6	Information	Louise/Mette
10	Quality analysis of advice for 2002 (assessment round 2001)	Secretariat	6	For report	
11	TORs for ACFM and its working groups 2002		6	Background for discussion	Louise
12	TORs for ACME and its working groups		6	Background for discussion	Louise

<b>Document No.</b>	<b>Title</b>	<b>Author(s)</b>	<b>Agenda item no.</b>	<b>Action</b>	<b>Status/Author</b>
13	TORs for ACE and its working groups		6	Background for discussion	Louise
14	Review of ICES fish stock assessments (NEA Cod, Northern Hake, Icelandic Cod)	Secretariat	6	Background for discussion	Henrik
15	Proposal for external review process	Secretariat	6	For adoption	Hans
16	Developing recovery plans and ICES involvement	Henk Heesen	6	For discussion	Louise
17	Admitting observers in the advisory process	Secretariat	7	For discussion	Hans/Mette
18	Dates for ASC/Statutory and ACFM Meetings in 2002-2004	Secretariat	6	Background for discussion	Louise
19	Draft requests from HELCOM to ICES for 2002	Secretariat	6	For discussion	Louise
20	ICES Work Programme for OSPAR for 2002	Secretariat	6	For discussion	Louise
21	Priority List of Threatened and Endangered Species and Habitats	OSPAR	6	Background for discussion	
22	Cover letter in reply to Danish minister	President	3	For finalisation	Pentti Mälkki
23	Presentation by John Farnell to Directors of national fisheries research organisations	John Farnell EC-DG Fish	3	For information	

<b>Document No.</b>	<b>Title</b>	<b>Author(s)</b>	<b>Agenda item no.</b>	<b>Action</b>	<b>Status/Author</b>
<b>24</b>	<b>Letter to NFFO: ICES advice – Industry input</b>	<b>B. Deas</b>	<b>3</b>	<b>For information</b>	
<b>25</b>	<b>Letter to PFA- Secretariat</b>	<b>Robb Banning</b>	<b>3</b>	<b>For information</b>	
<b>26</b>	<b>Extract from Delegates meeting 2001 on Management Committee on Advisory Process</b>	<b>Secretariat</b>	<b>6</b>	<b>Background for discussion</b>	