

## Council Steering Group on the MSFD

### Report to Council 2014

The ICES CSG MSFD met twice in 2014. Once at ICES HQ (27 May), and once at the Annual Science Meeting at A Coruña, Spain. In addition the CSG MSFD met with external partners at ICES HQ (28 May).

The principal issues arising from these meetings are as follows:

#### **Review of ICES MSFD and Related Activities - 2014**

A summary of the MSFD related activities since the last CSG MSFD report to Council in 2013 is presented in Annex 1. Major activities are described below.

#### *ICES / OSPAR Improving Working Procedures in Relation to MSFD*

The CSG MSFD reviewed the strategic collaboration document between OSPAR and ICES (Annex 2), which was tabled at the June OSPAR Commission Meeting. The document was amended to highlight the ICES focus on science and on the common good and not on national representation. It also noted that ICES expert groups are adhering to the principles of good science.

#### *ACOM Improving Working Practices in Relation to MSFD*

The principle point of contact for external partners requesting ICES advice is ACOM. The CSG MSFD discussed how to strengthen environmental expertise on ACOM. ICES has the expertise, but suffers the usual problems of an overworked system. The CSG MSFD also discussed the difficulties of dividing requests between ACOM and SCICOM expert groups, and the need to identify a strategy for making request work more attractive for science groups.

It was noted that ACOM itself has identified the problem of a lack of engagement with environmental experts, and are developing recommendations of their own to tackle this issue.

**Recommendation:** CSG MSFD recommends that the strategy currently being followed, to primarily use existing expert groups to evolve into joint groups between ICES and external partners continues, but where absolutely necessary ICES also develops new joint groups.

**Recommendation:** The CSG MSFD recommends that ACOM / SCICOM considers how to better engage environmental experts into ACOM and the formal ICES advisory process, and CSG MSFD supports any developments to do this suggested by ACOM.

The CSG-MSFD Chair had subsequent discussions with the ACOM Chair. These are summarised below:

- ACOM will be reviewing how it deals with environmental advice requests at its December 2014 meeting. This meeting is normally attended by national ACOM Members, which are in the majority fishery experts. The CSG MSFD would urge ACOM to attempt to engage the non-fishery environmental experts, who are ACOM Alternates, in the discussion. A WebEx may be necessary as member states may not be able to afford to send two senior staff to the ACOM physical meeting.
- In order to engage ACOM environmental alternates more directly, we need to be able to identify them. ACOM should list Member and Alternate expertise so that we know what the resource is within ACOM.
- While CSG-MSFD understands that creating sub-groups beneath ACOM may be a retrograde step for ICES, and not in the spirit of integrated advice, there are still concerns about how environmental experts who are nominated as ACOM Alternates are engaged in the advisory process. Much of ACOM business is performed inter-sessionally, using the ACOM Forum communication mechanism. One idea might be to establish ACOM communications that can be rapidly identified as pertaining to environmental matters rather than fishery matters. This allows Alternates to quickly filter the bulk of incoming emails, and pay attention to the environmentally relevant ones. Additionally, with a list of environmental ACOM Alternates, they can be emailed directly to alert them to required input.
- While CSG MSFD understands that ICES does not wish to re-create a two-tier advisory system, in some respects one has already evolved implicitly. As Member States can only nominate one ACOM "Member", but several Alternates, there is already a perceived and real difference between the group of ACOM Members (i.e. fisheries) and the group of ACOM Alternates (i.e. environmental experts). CSG MSFD asks ACOM to consider this and how it may respond to this real or perceived division in the advisory process.

The CSG MSFD went on to discuss the need for a new ToR to address the development of a strategy to fulfil the advice demands from joint OSPAR/HELCOM requests under the MSFD, including reference to the difficulties in dividing requests between science and advice expert groups. This is dealt with in the section below dealing with the review of the CSG MSFD ToRs (new ToR 4).

**Action:** The SCICOM chair, Yvonne Walter was asked to consider how to ensure the involvement of and synthesis from the work of the SCICOM expert groups, including suggestions for possible new mechanisms or better use of existing mechanisms, as well as potential barriers to better integration of MSFD work within the ICES Science pillar.

#### *Improving Working Relationships between the OSPAR and ICES Secretariats*

The CSG MSFD took note of the development of improved relationships and working procedures between the ICES and OSPAR Secretariats throughout the reporting period, and are very pleased with the developments and work to date.

**Recommendation:** The CSG MSFD would ask ICES Council to note the extensive work carried out by the ICES and OSPAR Secretariats during 2014 in order to improve working relationships and procedures.

#### *Review of the European Commission 2010 Decision Document (L232/14)*

The JRC Competence Centre and ICES are working together during 2014 to handle the review of the European Commission 2010 Decision Document (L232/14).

ICES is working on Descriptors 1 (jointly with JRC), 3, 4, 6, and 11. A consultant (Milieu) is filling in templates with as complete information as they can assemble, including outcome from Article 12 assessments. ICES will then seek input from experts and draft provisional revised sections of the Decision Document.

Workshops will then be organized to provide feedback on the draft, then the smaller groups of experts will finalize the recommended changes.

As a final step in the process, ACOM will be consulted.

The process will not result in formal ICES advice, but instead will be a technical service.

The ICES process aims to balance an open legitimate process and a pragmatic approach by inviting small groups of experts who have the experience of turning science into "Advice". There are differences in the ICES/JRC processes and both have been agreed by DG Environment.

Although the CSG MSFD made an offer to the Secretariat that they could review the membership of the expert groups assembled to run the ICES review processes, the Secretariat thought this was not needed. Instead, the CSG MSFD made the following recommendation:

**Recommendation:** The CSG MSFD recommends that the Secretariat ensures a balance of geography, competence/expertise when choosing the core group of experts in the review of the commission decision process.

#### **Proactive Demonstration Advice**

The ICES Strategic plan foresees that ICES will provide integrated advice to competent authorities within marine policies.

In order for this to materialise two things must happen: the advice recipients must identify their needs sufficiently precisely to request such advice from ICES and ICES must develop the concept, content and processes to produce such advice.

ICES' experience has been that such development does need guidance and support. One way to promote this development is via provision of proactive 'demonstration advice' forming the basis for a dialogue with the advice recipients helping them to identify their specific needs and understand the potential advice products they can get from science. For ICES such dialogue helps to steer the processes appropriately to generate the required advice. In the end this may then lead to specific advice requests to ICES to receive an answer ICES is well prepared for.

The advisory component of the Implementation Plan, (Implementing the ICES Strategic Plan, 2014-2018 – Linking Science, Advice, Data and Information, and

Secretariat) refers to this: “To develop the scope of the advice, ACOM will ... provide demonstration examples of new advice approaches to promote an exchange of ideas on the nature of the advice. Demonstration examples will address issues such as integrated assessment advice, process understanding as a basis for the development of advice, and social and economic implications of different management scenarios and options.” And a specific task for ACOM and SCICOM is “In cooperation with the Member Countries and regional seas organizations, develop integrated ecosystem assessments for the Baltic Sea, North Sea, and Barents Sea for use in advice. Provide examples of how these integrated ecosystem assessments can be used in advice”.

Examples of this proactive demonstration advice is the process set up in 2010 to produce advice regarding the MSFD D3 and associated descriptors. ICES was not requested to deliver advice regarding any MSFD related issues at the time, but the D3+ process was seen as a good example by the main competent authority responsible for the MSFD and has since been followed up so that ICES today is a core scientific advisor to the MSFD implementation.

The move to integrated advice which is a core element of the ICES Strategic Plan can be pursued by similar demonstration advice, being the basis for future dialogue and development of an operational science-policy relationship in this regard.

**Recommendation:** ACOM should be encouraged to continue developing proactive demonstration advice where appropriate, e.g. on integrated advice on basis of the ecosystem overviews and emerging integrated assessments, to be presented to the relevant authorities as basis for dialogue on further development of advice needs.

### **Integrated Monitoring and the MSFD**

CSG MSFD and ICES Secretariat have prepared a discussion paper on Integrated Monitoring (Annex 3). A major recommendation derived from that report is the urgent need for a revision of the ICES coordinated surveys at sea. CSG MSFD is pleased that this recommendation has already been taken up by Bureau and action initiated.

**Recommendation:** CSG MSFD welcomes and appreciates very much that Bureau has (i) considered its concerns regarding ICES coordinated surveys at sea and (ii) tasked ACOM and SCICOM to conduct a review with a view to adapt and optimise existing surveys with a view to free resources for integration of ecosystem and environmental aspects.

CSG MSFD recommends that the review should in addition to its focus on adaptation and optimisation additionally consider what are minimum requirements to fulfil the ICES obligations at agreed quality standards to advise on fish stocks and the marine environment. The philosophy of this approach departing from the “essentials” is considerably different from the bureau approach departing from present status and seek for efficiency gains and adaptations.

### **Review of CSG MSFD Annual Meeting with External Partners**

The CSG MSFD annual meeting with partners is an informal meeting, which has occurred twice now; 2013 and 2014. Participation at the meetings, and rationale for

selecting national representation, was discussed. For 2015 it should be considered if more participants should be invited including representatives from the Mediterranean, and national representatives from countries who are parties to more than one Regional Sea Convention (OSPAR and the Barcelona Convention), as was the case for HELCOM and OSPAR. There is a need to come up with a mechanism for discussing long-term strategic needs.

**Action:** The Secretariat is asked to develop a paper on the intended participation, and purpose of future CSG MSFD annual meetings with external MSFD partners.

## Review of the 2013 Council Feedback to CSG MSFD

The CSG MSFD reviewed the extract from the 2013 Council meeting report.

One issue raised by the 2013 Council was a question as to how the CSG MSFD and Bureau would communicate with one another. The CSG MSFD noted that the SCICOM and ACOM Chairs are *ex officio* on Bureau and will be the link between CSG MSFD and Bureau.

Another issue which arose concerned what the focus of the group in 2014 should be. The group considered this, and agreed that the focus of CSG MSFD should now be on internal coordination and specific actions to develop contributions to MSFD. (E.g. ToRs have already been amended for Shellfish expert groups, ref Descriptor 3 of the EU MSFD).

## Review of CSG MSFD ToRs

The CSG MSFD reviewed the ToRs of the Group to ensure they are sensible and current, and match the current activities of CSG MSFD. The following changes were agreed (in track changes).

*1. To identify the principle elements of ICES work that are relevant to the implementation of the MSFD, and to consider how best the internal coordination of these elements can be achieved.*

*2. ~~To consider~~ Maintain strategic oversight of how current or new working arrangements with Client Commissions, principally the European Commission, OSPAR, and HELCOM, may be best used to link the ICES Science and Advice structures to those of the Regional Seas Conventions so that ICES can provide appropriate input to the continuing MSFD process.*

The CSG MSFD discussed the possibility to amend the second ToR to ensure the Secretariat has the mandate to engage with these groups, provide information to Council members, and Council members can then give feedback.

*3. To consider how best ICES can contribute to the development of (a) integrated surveys and monitoring in support of the MSFD, (b) programmes of measures, c) integration across indicators, and d) cumulative effects.*

*4. ~~To consider the potential role of ICES in developing advice concerning the outcomes of possible programmes of measures which will be needed to ensure GES is reached at the regional level.~~*

The CSG MSFD decided that ToR 4 was too specific and no longer appropriate.

The group discussed the need to think strategically about the development of advice and the need for a request, versus the development of pro bono advice, as was the case for the Descriptor 3+ work that has later become a cornerstone in the requests from EC DG Environment. CSG MSFD should review the work that is being done on both the science and advisory side to evaluate and provide feedback. The CSG MSFD was updated on the development of the STAGES project and how it is a case where we can show our ability to contribute with concrete outcomes.

ICES does have a mandate to develop integrated advice. The Commission have confirmed that they are expecting ICES to assist DG ENV and DG MARE with integration. There is still a need to identify the gaps in the advice (CSG MSFD could provide guidance to ACOM and consider implications for pro bono advice).

The Commission is developing a document on programmes of measures (will be looked at by marine directors), ICES could look at this and identify gaps and see if there is something that could be offered.

A draft new ToR 4 was suggested for discussion (also see section on ACOM Improving Working Practices above for further background discussion):

*4. Develop a strategy that encourages expert working groups under both the advisory and science committees to contribute to producing high-quality MSFD advice products.*

*5. To create the opportunity to co-convene an MSFD related symposium in 2014 / 2015 with recipients of ICES advice [and interested collaborative partners](#).*

The CSG MSFD discussed dialogue meetings as a potential tool to help develop ideas around further science needs for MSFD implementation. Such a meeting may be useful in 2015. However, there would need to obtain buy-in/support from DG ENV, DG MARE, and RSCs to ensure an open and useful discussion.

A further topic that might be addressed through dialogue meetings and/or symposia would be lessons learnt from the MSFD process to date. As the MSFD progresses through successive 6 year cycles, science must learn from the previous cycle.

**Recommendation:** CSG MSFD recommends that SCICOM convene a Symposium about the science processes that link measures and desired state. Or consider a symposium about the cycle of integrated ecosystem assessment and how this can serve policies such as the MSFD.

*~~6. To advise the Bureau working group on the ICES Strategic Plan (ISP) on MSFD activities that should be included in the 2014-2018 ICES Strategic Plan and associated Science, Advice, Data and Information Services, and Secretariat Plans.~~*

This ToR is now completed, and hence should be deleted.

**Recommendation:** The CSG MSFD recommends that a new set of Terms of Reference are adopted for the CSG MSFD for 2015, following discussions with the new Chair of CSG MSFD.

## Review of CSG MSFD Membership

The CSG MSFD reviewed the current membership:

Bill Turrell	ICES Delegate (Chair)	UK
Gerd Kraus	ICES Delegate	Germany
Eugene Nixon	ICES Delegate	Ireland
Pierre Petitgas	ICES Delegate	France
Eduardo Balguerías Guerra	ICES Delegate	Spain
Serge Scory	ICES Delegate	Belgium
Steve Murawski	ICES Delegate	US
Tore Nepstad	ICES Delegate	Norway
Eskild Kirkegaard	ACOM Chair	Denmark
Yvonne Walther	SCICOM Chair	Sweden

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Dave Reid	Chair Regional Seas Steering Committee / Chair WGECO	Ireland
Nils Olav Handegard	Chair Ecosystem Surveys Science and Technology (SSGESST)	Norway
Yvonne Walther	ICES Scientist	Sweden
Carlos Vale	ICES Scientist	Portugal
Mark Tasker	ACOM Vice-Chair	UK

With Secretariat membership as:

Anne Christine Brusendorff	ICES General Secretary
Claus Hagebro	ICES Environmental Advisor
Mark Dickey-Collas	ICES Ecosystems Advisor
Ellen Johannesen	ICES Secretariat
Neil Holdsworth	ICES Head of Data
Poul Degnbol	ICES Head of Advice
Sebastian Valanko	ICES Ecosystem Professional Officer

An interim Chair for CSG MSFD is needed for 2015. The CSG MSFD discussed the role of the Chair and recommended that a) a single Chair would be best rather than co-Chairs, and b) the Chair of the Group should be a national Delegate. The Group recommends that Dr Eugene Nixon (Delegate, Ireland) is nominated as CSG MSFD Chair for 2015.

**Recommendation:** The CSG MSFD recommends that Dr Eugene Nixon (Delegate, Ireland) becomes Chair of CSG MSFD in 2015, and that he reviews the membership of CSG MSFD and its ToRs.

Annex 1

Summary of 2013–2014 MSFD-related ICES Activities

Who?	When?	What?	Outcome
<b>2014</b>			
WKD3R	January 2014	Workshop to draft recommendations for the assessment of Descriptor D3	<a href="http://www.ices.dk/community/groups/Pages/WKD3R.aspx">http://www.ices.dk/community/groups/Pages/WKD3R.aspx</a> Advice developed based on the WK
ICES Ecosystem Advisor	March	ICES Journal paper on the approach taken by the ICES to integrate ecosystem assessments	Dickey-Collas, M. 2014. Why the complex nature of integrated ecosystem assessments requires a flexible and adaptive approach. – ICES Journal of Marine Science, doi: 10.1093/icesjms/fsu027.
WKFooWI	31 March – 3 April	Workshop on food web indicators	<a href="http://www.ices.dk/community/groups/Pages/WKFooWI.aspx">http://www.ices.dk/community/groups/Pages/WKFooWI.aspx</a>
	3–4 April	D3+ Workshop to translate science messages into relevant information for policy-makers.	
WGECO	8–15 April	Development of Large Fish Indicator	1) Advice drafting in May

		Joint Research Centre – Centre of Excellence for GES	1) It will be important for ICES to cooperate with and establish our competences, in conjunction with the JRC competence centre.
		ICES to take part in the revision of the 2010 Commission Decision. This should be carried out during 2014 and will be financed through the 2014 MoU.	
Secretariat + President	3–4 March 2014	Healthy Oceans Productive Ecosystems (HOPE) Conference	<p>1) To take stock of the state of Europe's seas five years after the adoption of the Marine Strategy Framework Directive, the European Commission organised a major conference on the marine environment.</p> <p>2) Gen Sec presented ICES and its role in MSFD, President presented Strategic Plan</p> <p>3) ICES Strategic Plan launched</p>
Secretariat	September 2014	Technical service to EEA via the topic centre: review method and concept development for Europe wide assessment of D3.	
Secretariat & Experts	October 2014	ICES has reviewed and delivered technical guidance to the EC for four MSFD descriptors: D3 (commercial seafood and shellfish), D4	<a href="http://ices.dk/news-and-events/news-archive/news/Pages/Making-the-science-integral---ICES-reviews-MSFD-Descriptors-.aspx">http://ices.dk/news-and-events/news-archive/news/Pages/Making-the-science-integral---ICES-reviews-MSFD-Descriptors-.aspx</a>

		(foodwebs), D6 (seafloor integrity) and D11 (energy, with underwater noise).	
Secretariat	October 2014	Involvement in HELCOM BALSAM project and contribution to HELCOM monitoring manual.	ICES delivered the next part of this to HELCOM – the ‘action plan’ to address the monitoring gaps, resourcing issues/synergies, and harmonization that will be needed to fulfil the ambition of the HELCOM assessments, and the Baltic Sea Action Plan.
ICES/ JRC	January 2015	Possible workshop to consider cross-descriptor issues	Being discussed. Date suggested.
2013			
Secretariat + First-Vice President Cornelius Hammer	November	Meetings with DG MARE, DG ENV, and DG R&I	1) ICES to take part in the revision of the 2010 Commission Decision. This should be carried out during 2014 and will be financed through the 2014 MoU. Further details to follow.  2) <b>Doc 14-01</b>
Gen Sec	4- 5 December	Letter to  Informal Meeting of Water and Marine Directors of the European Union, Candidate and EFTA Countries (Vilnius)	1) Marine Directors noted “Invite MSCG to discuss the regional contributions further including an updated Annex 4 as new contributions emerge from other international organisations such as ICES and GFCM”; 2) Marine Directors noted “Agree to invite the Executive Secretaries of the Regional Sea Conventions (RSC) as appropriate (i.e. once per year) to the Marine Directors meetings to discuss the cooperation between the EU CIS

			process and the RSC work programme, starting with June 2014. For the next meeting, also the ICES Secretary General could be invited to discuss their contribution".  3) <b>Doc 14 02</b>

Advisory Processes	Expert Group	EG Chair	EG start date	Advice Drafting Group	ADG Chair	ADG Start date	ACOM WebEx	WebEx Chair	WebEx date	Advice release date
Assessment of descriptor 3	WKD3R		13/01/2014	ADGD3	Ghislain Chouinard	05/03/2014	WCD3	Eskild Kirkegaard	19/03/14	27/03/14
Bycatch of cetaceans and other protected species (EC)	WGBYC	Bram Couperus (The Netherlands)	04/02/2014	ADGBYC_	Mark Tasker	13/03/2014	WCBYC_	Mark Tasker	09/04/14	11/04/14
Marine mammals: biodiversity (D1, D2, D4, D6) (OSPAR)	WGMME	Eunice Pinn, UK,	10/03/2014	ADGMME	Mark Tasker	24/04/2014	WCMME	Mark Tasker	06-May	09/05/14
CEMP sediment monitoring and JAMP monitoring in biota and sediments (OSPAR)	WGMS	Patrick Roose, Belgium, and Lucia Viñas, Spain	03/03/2014	ADGMON	Mark Tasker	28/04/2014	WCMON	Mark tasker	09-May	12/05/14
	MCWG	Katrin Vorkamp, Denmark	03/03/2014							
NEAFC and EU requests on Vulnerable Marine Habitats (NEAFC and EU)	WGDEC	Francis Neat, UK	24/02/2014	ADGVME	Mark Tasker	14/05/2014	WCVME	Mark Tasker	21-May	23/05/14



OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic

Meeting of the OSPAR Commission (OSPAR)  
Cascais: 23-27 June 2014

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## General principles to be applied in connection with the establishment of joint working groups, between ICES and OSPAR, and potentially other Regional Seas Commissions as well as other international organizations

### **Purpose**

Providing the science needed to implement the MSFD is a demanding task, particularly within the constraints of the MSFD time frame. There are a limited number of experts that are able to deliver this work and limited resources available. The proposal for establishing joint working groups would be to capitalise on potential synergies to deliver certain aspects of this work, avoid duplication, and maximize the use of limited resources and expertise.

It is proposed the initial focus of these groups could be on issues such as Litter, Birds, Mammals, Fish, Food webs, depending on need. This would be kept under review by each organisation.

### **Administration**

Costs: each organization/Contracting Party will cover any costs related to the arrangements of and participation in joint working groups, of any of their experts, members of Secretariat, etc. in line with each of their current rules.

Labelling: the full name and acronym of the group will indicate the joint ownership, e.g.: "Joint ICES, HELCOM, OSPAR working group on [issue]". To reflect this joint ownership, the acronym will begin JWG.

### **Working arrangements**

Membership: each organization/Contracting Party will make use of its Rules of Procedure and established practice when deciding on participation. For practical and other reasons the organizations can jointly decide on a maximum number of participants, to be divided among them.

The work of the Joint Working Groups will be science based and participants will be experts with competence within the area(s) considered.

It will be important that the participating organizations have a joint/the same policy when it comes to allowing observers to the meetings, or at least an agreement in place prior to the meeting.

Terms of Reference: the basis for the work of the joint working group shall be established in the Terms of Reference (ToR) adopted by the involved organizations, in accordance with their Rules of Procedure and practice. The ToR shall map the timetable for deliverables needed according to legal and policy instruments, and some supporting information (e.g. scientific justification etc.). In this process the nature of the different organizations shall be respected, and that the main aim of the joint working groups is to further the scientific understanding, in some instances by providing options, and consequences of various options.

Tenure: as a rule of thumb joint working groups will be established for a maximum of three years, after which their work and deliverables will be evaluated, with the view to decide whether to continue.

Chairs: joint working groups will have a maximum of three chairs to be agreed by the participating organisations, with a preference for a single chair, possibly supported by one or two vice-chairs.

Meeting documents: reports and other outcomes from the meeting will be considered public and made accessible online. Reports and other outcomes are published as expert reports and seen as such. Other deliverables could include peer-reviewed publications, cooperative research reports and standard manuals, guidelines etc. (such as the ICES CRR series and TIMES). Following a meeting, all meeting documents will be considered public and can be made available according to the organization's practices (respecting confidentiality as appropriate).

Nature of advisory products: The products of the joint working groups would not be subject to the formal ICES advisory process, unless this is specifically agreed between OSPAR and ICES. Any request for ICES advice would need to pass through the established request process.

Number of meetings: the joint working group will have one or more physical meeting a year where this is required, but preferably work inter-sessionally via e-mail or virtual meetings.

Timing of meetings: The timing of the meeting should be responsive to, but not limited by the timetable set by the CIS of the MSFD. It may be that the timing needs to fit with the meeting cycle of more than one of the organisations and may differ from the existing routines.

Meeting location: Meetings may take place at the respective organizations headquarters, or in a participating country, based on the preference of the Joint Group, and availability of meeting rooms.