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NSAC-LDAC-PelAC-NWWAC-SWWAC-BSAC Advice on stakeholder engagement in ICES advice request formulation

This paper was approved with consensus by the NSAC, LDAC, PelAC, NWWAC, SWWAC and BSAC Executive Committees on 29 October 2024 via written procedure.

1 Background

Building on previous calls for holistic inclusion of stakeholders in scientific advice processes¹²³, and the subsequent meeting between DG MARE and Advisory Councils (ACs) on 29 February 2024 to discuss scientific advice request formulation processes, this paper aims to lay out the need for and possible evolution of enhanced stakeholder engagement in scientific advice request formulation.

The purpose of systematic stakeholder engagement in the scientific advice request processes is to increase their transparency, to ensure requests are aligned with the relevant policy objectives, to include pertinent stakeholder observations, and ultimately to improve the credibility and relevance of scientific advice and resulting policy decisions. As identified by

¹ NSAC. 2023. Advice on stakeholder engagement in ICES Advice Request formulation. Accessible at: <https://www.nsrac.org/wp-content/uploads/2023/10/16-2223-NSAC-Advice-on-stakeholder-engagement-in-ICES-Advice-requests.pdf>

² ICES. 2023. Workshop on Implementation of Stakeholder Engagement Strategy (WKSTIMP), ICES Scientific Reports. 5:77. 68 pp. Accessible at: <https://doi.org/10.17895/ices.pub.23507958>

³ The Pew Charitable Trusts. 2024. To improve Fisheries Management and Protect Ecosystems, Decision-makers must ask better questions. Accessible at: <https://www.pewtrusts.org/-/media/assets/2024/02/to-improve-fisheries-management-and-protect.pdf>



both the scientific community and fisheries managers, stakeholder engagement at the early stage of request formulation is an incentive for stakeholders to participate in the complete advice process, where the early stages are most sensitive to biased/unnuanced assumptions affecting all further stages of advice production.

To this end, ACs attempted to develop specific recommendations that could help the EU guide stakeholder inclusion and participation in the process of developing requests for scientific advice, in particular with regards to the International Council for the Exploration of the Sea (ICES) but potentially also to other scientific processes, such as the Scientific, Technical and Economic Committee for Fisheries (STECF). This paper focuses on the short-term aspiration, which is to enhance stakeholder engagement in the non-recurrent (special) advice request process. A longer-term objective would be to expand successful engagement practices to future recurrent advice request formulations.

This joint-AC advice was developed through consultations in the task force⁴ established to generate a draft advice with recommendations. The task force met twice over the course of the summer of 2024 with frequent written exchanges. The final draft advice was subsequently forwarded to relevant AC Working Groups and Executive Committees for further input and approval.

We consider the main parties of this advice to be the ACs and DG MARE, the latter being the main recipient of the recommendations, given its key role as an advice requester to ICES for the management of EU and shared fish stocks. Member States will, as usual, be informed as well. In addition, with the more general aim of enhanced transparency and further integration of science-policy-society interface, we also informed ICES and the European Parliament's PECH Committee of this paper's submission to the European Commission. We leave it to further discussions with the Commission whether these or any additional actors are to be included in any future steps.

2 Rationale and legal background for stakeholder involvement in requests for scientific advice

Scientific advice is a key element of fisheries management as it addresses the science needs of fisheries managers as they develop measures, such as catch limits or gear restrictions, to achieve their policy objectives. They pose questions to scientists related to these policy objectives, which scientists then do their best to answer.

⁴ Secretariats and certain members of the four initiating ACs.



Traditionally, fisheries managers have asked questions that requested scientists to focus mainly on individual fish populations and catches. These unidimensional questions produce limited advice and resulting, management measures that do not sufficiently address broader issues such as long-term ecosystem health or social considerations. However, global commitments such as the 1995 UNCLOS Agreement on Straddling Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement), the 2001 FAO Reykjavik Declaration, the 2003 UN General Assembly resolutions, several FAO Committee on Fisheries (COFI) Declarations, the 2022 Kunming-Montreal Global Biodiversity Framework (GBF) and the 2023 UN High Seas Treaty, all direct fisheries managers to adopt a broader approach to fisheries management by moving away from considering single-stock yields and by requesting more comprehensive, broader-in-scope, scientific advice. At the EU level, one of the objectives of the Common Fisheries Policy is the implementation of an Ecosystem-Based Approach to Fisheries Management (EAFM)⁵.

The **Commission's Communication on Better Regulation**⁶ was published, among others, to ensure that policy decisions are evidence-based and that those affected by policy decisions are included in their shaping. **Advisory Councils** are bodies specifically set up to enable the CFP and fisheries management to benefit from the knowledge and experience of the stakeholders.⁷ Furthermore, **best practices identified to implement EAFM** include enhanced stakeholder engagement to improve the knowledge base, the advice processes, and the decision-making process of fisheries management⁸

ICES, in its **2023 Guide to ICES Advisory Framework and Principles**⁹ recognises that the expectations of wider society impact the development and delivery of advice and that enhanced dialogue between ICES and advice requesters, but also stakeholders, is required, in particular with the further application of EAFM.

⁵ European Commission. 2022. The implementation of ecosystem-based approaches applied to fisheries management under the CFP (EASME/EMFF/2018/011). Accessible at: https://cinea.ec.europa.eu/document/download/432456b6-15cd-4f8c-aa78-281e8551d2b9_en?filename=theImplementationEcosystem-basedApplied-CFP-HZ0922512ENN.pdf

⁶ European Commission. 2021. Better Regulation: Joining forces to make better laws. Accessible at: https://commission.europa.eu/document/download/199176cf-6c4e-48ad-a9f7-9c1b31bbbd09_en?filename=better_regulation_joining_forces_to_make_better_laws_en.pdf

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1380>

⁸ European Commission. 2022. The implementation of ecosystem-based approaches applied to fisheries management under the CFP (EASME/EMFF/2018/011). Accessible at: https://cinea.ec.europa.eu/document/download/432456b6-15cd-4f8c-aa78-281e8551d2b9_en?filename=theImplementationEcosystem-basedApplied-CFP-HZ0922512ENN.pdf

⁹ Guide to ICES advisory framework and principles. 2020. Accessible at: https://ices-library.figshare.com/articles/report/Guide_to_ICES_advisory_framework_and_principles/18638000?file=33417401



ICES Guidelines on the formulation of advice requests¹⁰ lay down the content of the agreements (i.e. MoU) and processes underlying these agreements, including the interactions ICES has with its advice requesters. The MoU and grant agreements list the scope of recurrent advice (i.e. advice on fishing opportunities, bycatch, VMEs, innovative gears, and sea mammals), the specific fish stocks covered, the overviews, and the approach to special (non-recurrent) requests. It also explains the formulation and evaluation of advice requests.

Both the **fishing industry** and **Other Interest Groups** can play an important role in developing a request. The inclusion of diverse perspectives into the request formulation process improves the credibility, relevance, and legitimacy of scientific advice and related policy decisions¹¹. For example, commissioning advice about an ecosystem, groups of species, or social considerations, may require input from stakeholders with specific expertise on these topics. In order to ensure the robustness and legitimacy of these products, the bodies developing requests should ensure early stakeholder scrutiny and input to requests through systematic consultation.

While recurrent advice is usually decided at the beginning of the year in order for ICES to organize their work accordingly, special requests are submitted intermittently throughout the year, making prioritization of requests and adequate stakeholder engagement in the current system more challenging. Built-in and regular consultation with stakeholders could make this prioritisation more easily attainable.

In 2023, ICES held a **workshop on the implementation of its Stakeholder Engagement Strategy (WKSTIMP)**¹². The WKSTIMP report emphasizes the need for a framework for stakeholder engagement within the ICES network, ensuring ICES science and scientific advice's credibility, legitimacy, and relevance. With the potential to reinforce the strategy, WKSTIMP identified possible external actions to bolster the goals and make the Strategy effective and operational. One of them is to enhance the participation of certain well-functioning and organised stakeholder groups (e.g., Advisory Councils) within different phases of the advisory process. This includes the shaping of the request by ICES clients (i.e. the European Commission).

¹⁰ ICES Guidelines on the formulation of advice requests. 2024. Accessible at: https://ices-library.figshare.com/articles/report/ICES_Guidelines_on_the_formulation_of_advice_requests/24338032?file=42759331

¹¹ Marta Ballesteros & Mark Dickey-Collas. 2023. Managing Participation Across Boundaries: A Typology for Stakeholder Engagement in the International Council for the Exploration of the Sea. *Marine Policy* 147 (2023). Accessible at: <https://www.sciencedirect.com/science/article/abs/pii/S0308597X22004365?via%3Dihub>

¹² https://ices-library.figshare.com/articles/report/Workshop_on_Implementation_of_Stakeholder_Engagement_Strategy_WKSTIMP_/23507958



3 Advice

Considering the above, AC members recommend that the EU as the requester of scientific advice to ICES establishes a **mechanism for early signalling of advice requests and a process for engagement in scientific advice request formulation in a structured step-by-step approach**, by initially focusing on special advice and potentially moving to recurring advice in the future. **Enhanced transparency and information-sharing with Advisory Councils** could be the first step, eventually developing into a **systematic consultation** with the relevant Advisory Councils.

In the **short term**, we advise that:

- The Commission **provides feedback and discusses** the present AC recommendations on stakeholder engagement in request formulation (*this document*).
- Once this feedback is received, we invite the EU Commission to proactively engage with ACs and **agree on the modes of engagement, format, and timeline** for both, the mechanism for early signalling of potential advice requests, and broader stakeholder engagement in advice processes.
- The Commission and the ACs **discuss, draft, and agree on the principles for stakeholder engagement** in advice request formulation (see first draft of these principles in Annex).
- The Commission considers granting ACs the **observership status at MIRIA and/or organising a debriefing session from MIRIA**, where DG MARE updates ACs about the latest developments in the said forum.
- The Commission arranges a **dedicated annual meeting between DG MARE and ACs in December or early January** to preliminarily discuss request priorities and get a common understanding of the anticipated timeline and potential issues around the EU requests.
- The Commission, through consulting with other ICES clients, seeks to arrange a **joint (half-day) meeting between MIRIA and MIACO members in Copenhagen**, to present and discuss research priorities and get a common understanding of the timeline of request priorities for the year ahead.
- The Commission **considers and discusses the potential necessity for amending the Commission's Terms of Reference** for scientific requests to ICES to include stakeholder consultation as a standard step in the procedure of request formulation.

In the **medium to long term**, we advise:

- To expand successful stakeholder engagement mechanisms to **recurrent advice on fishing opportunities**, in a move towards EBFM implementation.



- To agree and jointly develop a consistent/systematic stakeholder consultation process in line with guidelines and engagement principles.
- In relation to **stocks shared with third countries**, we recommend that the Commission considers expanding systematic stakeholder engagement to those governance levels as well, be it through existing forums (such as the Inter-AC Brexit Forum), individual ACs, or new platforms.
- In the same vein, we call on the Member States involved in annual negotiation processes to ensure that **fair, inclusive, and representative stakeholder involvement** is arranged when discussing requests for special advice stemming from those negotiations.
- To consider **involving dedicated researchers** (externally or internally) **in ACs** to enhance fluidity between research, stakeholder, and policy bodies, and to improve information transfer between fields, as well as to enhance AC representation and proactive involvement in scientific meetings.

With full awareness of the complexity and weight of this initiative, we acknowledge and thank the Commission for their positive engagement with Advisory Councils' stakeholders thus far and look forward to enhanced future engagement with the aim of bringing this important work to fruition. For further questions or comments, please do not hesitate to contact our Secretariats.



ANNEX

Proposed principles for stakeholder engagement and input:

- Adhere, as much as possible, to the set deadlines for input, while also taking into account the inherent complexity and length of AC consultation processes;
- Maintain any input within the lines of existing guidelines and set objectives of ICES and EU;
- When representing an AC as an entity composed of various stakeholders, ensure that representation is agreed by the executive body of the AC and that the position/inputs presented are agreed beforehand and have a mandate by the respective members. When positions are split, be clear whose position is being presented.
- Engage a broad range of stakeholders, including underrepresented groups, to ensure diverse perspectives and knowledge are included. Recognize the different roles and expertise that various stakeholders bring to the table.
- When arranging and engaging in stakeholder interactions, be aware of the various financial, technical, language and capacity limitations of the counterparts.
- Clearly communicate the purpose, process, and potential outcomes of the engagement. Be open about how stakeholder input will be used in the relevant processes.
- Acknowledge and value the expertise and contributions of all stakeholders and other parties. Build trust through consistent and honest communication, and by recognizing and addressing power dynamics.
- Maintain open, two-way communication channels throughout the engagement process. Provide regular updates and seek feedback to ensure stakeholders are kept informed and can meaningfully participate.
- Involve stakeholders early and maintain engagement throughout the process.
- Be adaptable and willing to adjust engagement strategies in response to stakeholder feedback and changing circumstances. Acknowledge and incorporate stakeholders' evolving needs and concerns.
- Provide stakeholders with the information and resources they need to engage effectively. Support stakeholders in understanding the scientific processes and enhance their ability to contribute.
- Foster a collaborative environment where stakeholders are partners in the scientific process, not just participants.
- Establish clear roles, responsibilities, and expectations for all parties involved. Be accountable to stakeholders by acting on their input and demonstrating, as much as possible, how it influences outcomes.



- Regularly assess the effectiveness of stakeholder engagement efforts. Use feedback to refine engagement strategies and practices over time.
- When attending meetings, adhere to the existing Code of Conduct of the body by which the meeting is being hosted.