



WTO Agreement on Fisheries Subsidies

UN Sustainable Development Goal Target 14.6

By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation.

Scope and definitions

- Specific subsidies
 - **as per WTO Subsidy Agreement**
- Marine wild capture fishing and fishing related activities at sea
 - **Not for inland fishing, aquaculture or on-land processing or port infrastructure**
- Definitions
 - **Using existing ones from Port State Measures Agreement**

Subsidies to IUU fishing

- New type of WTO subsidy prohibition: targeting recipient (vessel or operator)
- Scope: IUU fishing and fishing related activities
- Determination of IUU fishing by coastal State, flag State, RFMO... and role for port State
- Due process requirements on coastal State
- Proportionality by subsidising Member (but at least as long as sanctions)
- 2-year peace clause (EEZ)

Subsidies regarding overfished stocks

- Conditional prohibition with a sustainability standard
- Coastal State or regional fisheries management organisation to decide if stock is overfished
- Subsidies only allowed if 'subsidies or other measures are implemented to rebuild the stock to a biologically sustainable level'
- 2-year peace clause (EEZ)

Other subsidies

- Unregulated high seas (Article 5.1)
 - **Absolute prohibition of subsidies**
- Reflagged vessels (Article 5.2)
 - **Attributability** (FN3); **special care and due restraint**
- Unassessed stocks (Article 5.3)
 - **Special care and due restraint** (precautionary principle)

Next steps

- Entry into force: WTO Members domestic procedures
- Technical assistance and capacity building trust fund
- Continued negotiations
 - **Issues: overcapacity and overfishing, special and differential treatment, other issues**
 - **WTO Ministerial decision (recommendations to the 13th WTO Ministerial Conference)**
 - **Sunset clause (four years after the entry into force, unless otherwise decided by the WTO General Council)**