



6 March 2020

(20-1782)

Page: 1/2

Negotiating Group on Rules

Original: English

ARTICLE [X]: SPECIAL AND DIFFERENTIAL TREATMENT

Communication from India

Revision

The following communication, dated 5 March 2020, is being circulated at the request of the delegation of India.

Special and Differential Treatment is incorporated as follows:

Unreported and Unregulated Fishing

X.1 (a) The prohibition under Article [Z] in respect of unreported and unregulated fishing, shall not apply to subsidies granted/maintained by developing countries including Least Developed Countries (LDCs) for fishing and fishing related activities at sea by vessels other than large scale industrial fishing vessels¹ within their territorial sea.²

X.1 (b) The prohibition under Article [Z] in respect of unreported and unregulated fishing, shall not apply to subsidies granted/maintained by developing countries including LDCs for fishing and fishing related activities at sea by vessels other than large scale industrial fishing vessels¹ in their Exclusive Economic Zone [EEZ] and the area of competence of Regional Fisheries Management Organization/Arrangement [RFMO/A] for a period of seven years from the date of entry into force of this instrument.

Overfished Stocks

X.2 (a) The prohibition under Article [Z] in respect of overfished stocks, shall not apply to subsidies granted/ maintained by developing countries including LDCs for fishing and fishing related activities at sea in their territorial sea.

X.2 (b) In respect of fishing and fishing related activities at sea within their EEZ, the developing countries including LDCs shall be entitled to a transition period of **two years** to withdraw or modify any subsidy for fish stocks that have been declared as overfished by the national authorities based on the best scientific evidence available to such Members.

Overfishing and Overcapacity

X.3 (a) The prohibition under Article [Z] in respect of overfishing and overcapacity shall not apply to subsidies granted/maintained by LDCs for fishing and fishing related activities at sea.

X.3 (b) The prohibition under Article [Z] in respect of overfishing and overcapacity shall not apply to subsidies granted/maintained by developing countries for fishing and fishing related activities at sea within their territorial sea.

¹ The definition of large scale industrial fishing vessels is subject to negotiations.

² 12 Nautical miles measured from the baseline.

X.3 (c) The prohibition under Article [Z] in respect of overfishing and overcapacity shall apply to subsidies granted/maintained by a developing countries for fishing and fishing related activities at sea in their Exclusive Economic Zone [EEZ] and the area of competence of Regional Fisheries Management Organization/Arrangement [RFMO/A] if all the following criteria are met:

- i. their GNI per capita crosses US\$ 5000³ (based on constant \$2010) for three consecutive years;
- ii. their individual share exceeds 2% of the annual global marine capture fish production as per most recent published FAO data;
- iii. they engage in distant water fishing⁴;
- iv. the contribution from Agriculture, Forestry and Fishing in their national GDP⁵ is less than 10%for three consecutive years.

Technical Assistance and Capacity Building

X.4 The developed country members, and the developing country members declaring themselves in a position to do so, shall provide targeted technical assistance and capacity building assistance to developing country members and LDCs for the purpose of implementation of the disciplines.

³ US\$ 5000(based on constant \$2010) as per published data of the World Bank.

⁴ A Member is deemed not to be engaged in distant water fishing if its operators or vessels normally fish in FAO Major Fishing Area(s) that is(are) adjacent to the natural coastline of the Flag State.

⁵ Based on the latest published data of the World Bank.