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Negotiating Group on Rules

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**DRAFT DECISION ON THE DEVELOPMENTAL AND FOOD SECURITY ASPECTS  
ON FISHERIES SUBSIDIES DISCIPLINES**

**ACP PROPOSAL<sup>1</sup>**

The following communication, dated 18 November 2015, is being circulated at the request of the African, Caribbean, and Pacific Group of States.

The Ministerial Conference,

*Acknowledging* the critical importance of the fisheries sector to poverty reduction, livelihood and food security in developing countries including LDCs and SVEs,

*Reaffirming* that the rules negotiations on fisheries subsidies constitute a central element of the development component of the Doha Round and should proceed as set out in Annex D, paragraph 9 of the Hong Kong Ministerial Declarations,

*Reaffirming* our commitment under the 2030 Development Agenda to prohibit, by 2020, 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 WTO fisheries subsidies negotiation.

*Decides* as follows:

1. Further negotiations aimed at strengthening disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of subsidies that contribute to overcapacity and over-fishing, shall form an integral part of the post-Nairobi work program.
2. Such negotiations shall prioritise a set of core disciplines on those subsidies that contribute most to perpetuating excess fishing capacity and undermining development prospects.
3. To this end, Members shall establish within one year after the adoption of this decision, a prohibition on:
  - a) Subsidies the benefits of which are conferred on any vessel engaged in illegal, unreported or unregulated fishing;
  - b) Subsidies the benefits of which are conferred on any fishing vessel or fishing activity negatively affecting fish stocks that are in an unequivocally overfished condition.
4. Additional notification requirements beyond those defined under Article 25 of the WTO Agreement on Subsidies and Countervailing Measures (ASCM) shall be established for those Members whose share of global marine wild capture exceeds [...] percent, with the view to enabling other Members to evaluate the contribution of the notified subsidy programme to overcapacity and over-fishing.

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<sup>1</sup> South Africa reserves its position on this proposal.

5. Beyond the disciplines listed under paragraph 3, broader negotiations aimed at strengthening disciplines on fisheries subsidies shall continue, with a view to addressing fisheries subsidies that contribute to overcapacity and over-fishing, ambitiously and expeditiously.

6. Appropriate and effective special and differential treatment for developing countries including LDCs and SVEs shall be an integral part of these negotiations, taking into account the importance of this sector to development priorities, poverty reduction, livelihood, and food security concerns in accordance with Annex D, paragraph 9 of the Hong Kong Ministerial Declaration.

7. In the meantime, Members should refrain from providing capacity enhancing subsidies to their fishing fleets that affect the sustainability of fish stocks and undermine the development, livelihood and food security prospects of developing countries including LDCs and SVEs.

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