



6 December 2017

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**Ministerial Conference
Eleventh Session
Buenos Aires, 10-13 December 2017**

DRAFT MINISTERIAL DECISION FISHERIES SUBSIDIES

At its meeting of 6 December 2017, the Negotiating Group on Rules agreed to forward the following text to the Ministerial Conference for consideration.

[The Ministerial Conference,

Having regard to paragraph 1 of Article IX of the Marrakesh Agreement establishing the World Trade Organization; and

[*Recalling* the mandate contained in the 2001 Doha Declaration and the 2005 Hong Kong Ministerial Declaration; and]

Acknowledging the importance of the fisheries sector, and its contribution to the development priorities, poverty reduction, livelihood [of their fishing communities, including small scale [and] artisanal fishers,] and food security of all Members, in particular developing countries and least-developed countries; and

[*Recognizing*] [*Recalling*] [target 14.6 of the 2030 Sustainable Development Agenda] [the mandate] 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 World Trade Organization fisheries subsidies negotiation; and

[*Desiring* to further the objectives of the Agreement on Subsidies and Countervailing Measures (ASCM).]

Decides as follows:

1. Building on the progress made since the 10th Ministerial Conference as reflected in documents TN/RL/W/274/Rev.2, RD/TN/RL/29/Rev.3, Members agree to continue to engage constructively in the fisheries subsidies negotiations, [with a view to] adopting, by the Ministerial Conference in 2019, an agreement on comprehensive and effective disciplines that prohibit certain forms of fisheries subsidies that contribute to overcapacity and overfishing, and eliminate subsidies that contribute to IUU-fishing recognizing that appropriate and effective special and differential treatment for developing and least developed Members should be an integral part of these negotiations.

2.1

[Alternative 1:

In the interim, until a negotiated Agreement is adopted, Members agree not to grant or maintain subsidies that contribute to illegal, unreported and unregulated fishing.

Alternative 2:

Pending agreement on multilateral disciplines, each Member shall endeavour to eliminate subsidies that contribute to illegal, unreported and unregulated fishing activities set out in paragraph 3 of the IPOA-IUU [2001].

Alternative 3:

Pending agreement on multilateral disciplines, each Member agrees to eliminate subsidies that contribute to illegal, unreported and unregulated fishing activities set out in paragraph 3 of the IPOA-IUU [2001] as implemented in its national laws, regulations and administrative procedures.

Alternative 4:

Pending agreement on multilateral disciplines, each Member agrees to eliminate subsidies that contribute to illegal, unreported and unregulated fishing activities set out in paragraph 3 of the IPOA-IUU [2001] as implemented in its national laws, regulations and administrative procedures, in waters beyond its [EEZ] [jurisdiction].

Alternative 5:

Pending agreement on multilateral disciplines, each Member agrees to eliminate subsidies that contribute to illegal, unreported and unregulated fishing activities set out in paragraph 3 of the IPOA-IUU [2001] as implemented in its national laws, regulations and administrative procedures. If a Member has capacity constraints that prevent it from immediately implementing this commitment in respect of unreported and unregulated fishing [within its EEZ,] [in waters under its jurisdiction] such a Member would [notify] [inform] the SCM Committee of these constraints, and shall not be required to implement this commitment until the necessary capacity has been acquired. In this regard technical assistance and capacity building support should be provided. [Any such notification shall cease to have effect no later than 31 December 2020.]

2.2 [Overfished stocks]

3. [Each Member agrees to make its best efforts to refrain from introducing new, or extending or enhancing existing, subsidies that contribute to overfishing or overcapacity. This commitment shall not [apply to] [affect the rights or obligations of] [developing and LDC] Members [.] [under international law] to exploit, conserve and manage fisheries resources [and expand their fishing capacities] in a sustainable manner.]

4. Members re-commit to implementation of existing notification obligations under Article 25.3 of the ASCM thus strengthening transparency with respect to fisheries subsidies.

[Members further commit to work towards additional transparency in respect of fisheries subsidies [taking into consideration the capacity constraints of developing countries including LDCs].]

5. Within a year of the adoption of this Decision, a subsidizing Member shall notify the Committee on Subsidies and Countervailing Measures how it has implemented paragraphs [2,] [3] and [4] of this Decision.

6. The Committee on Subsidies and Countervailing Measures shall hold a dedicated review in mid-2019 of Members' notifications submitted under paragraph 5 and report to the General Council which shall report thereon to the 12th Ministerial Conference in 2019.

7. Nothing in this Decision shall be interpreted as having any legal implications regarding territoriality, sovereignty or maritime jurisdiction.

8. [Nothing [in paragraphs [2]-[3][4][7]] in this Decision shall prejudice the [final] positions of Members regarding the fisheries subsidies negotiations [or the final outcome of the negotiations].]

[**9.** We also agree that this Decision is not a covered agreement subject to the Dispute Settlement Understanding and it shall not be used to interpret Members' rights and obligations under the WTO Agreement.]
