

Intervention of the ACP at the HODs of 29 September 2020

Institutional form of an outcome on fisheries subsidies

Chairman,

We would like to thank you for your communication of 23 September 2020 in which you raise the question on the form of the final outcome of our fishery subsidies negotiations. The institutional design of any instrument is dependent on the nature and scope of the substantive disciplines. Any attempt to prescribe the form of an outcome of fisheries subsidies will interfere with the substantive discussions. Whereas the final form of the agreement is an important consideration in the overall negotiations, the ACP believes that it is premature to bring this matter to the HOD for discussion.

We note that various contributions that were made to this discussion by the AR8 in their submission contained in RD/TN/RL/92 as well as the compendium of the material prepared by facilitators on cross-cutting issue as contained in RD/TN/RL/94/Rev.1. Members have had initial discussions, however more discussions would be required to conclude this matter. The facilitators raise six options and list various issues that remain to be discussed. These options include:

- Amending Article 3 of the SCM Agreement (adding another type of prohibited subsidy);
- Amending Part IV of the SCM Agreement (adding a category of subsidies different from prohibited, actionable and non-actionable);
- Amending Annex 1A to the Marrakesh Agreement (fisheries subsidies disciplines as a stand-alone agreement);
- Individual incorporation of the fisheries subsidies disciplines in Part III of Members' Schedules of Concessions;
- A plurilateral agreement under Article II:3 of the Marrakesh Agreement; or
- A Ministerial Decision

We would add that it is also an option to insert an annex with the distinct fisheries subsidies disciplines into the ASCM similar to follow Annexes I to VII already contained in the agreement.

It seems to us that many of these options will depend on the content of the prohibitions themselves.

It would therefore be difficult for the ACP to agree to drafting modalities tied to a standalone agreement. Having said this Chair, it is unnecessary for us to make such a binary choice at this point in time, we should focus our energies towards addressing the substantive disciplines which in turn will guide us on the final form of the agreement.

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