Marrakesh Agreement establishing the World Trade Organization (WTO): Agreement on Fisheries Subsidies. Protocol

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PURPOSE: to conclude, on behalf of the European Union, of the Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the EU is a Member to the World Trade Organization (WTO) which launched the Doha Round of trade negotiations, known as the Doha Development Agenda in November 2001. The WTO negotiations on fisheries subsidies were tasked to deliver on the United Nations Sustainable Development Goal Target 14.6.

The UN Sustainable Development Goal Target 14.6 sets out the aim to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, and eliminate subsidies that contribute to illegal, unregulated and unreported 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.

At the 12th WTO Ministerial Conference that took place on 12-17 June 2022 in Geneva, consensus was reached on the Agreement on Fisheries Subsidies. The 12th WTO Ministerial Conference adopted the Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization by inserting the Agreement on Fisheries Subsidies, as set out in the Annex to that Protocol, into the Marrakech Agreement after the Agreement on Subsidies and Countervailing Measures.

CONTENT: the proposal seeks to **authorise the conclusion, on behalf of the Union, of the Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization**.

The Protocol includes the Agreement on Fisheries Subsidies in its Annex, which will be inserted into Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization upon entry into force of the Protocol.

The Agreement is a crucial step to **ensure that fisheries subsidies employ sustainability as their core objective** and avoid harm to the oceans and fish stocks that are indispensable for the livelihood of coastal communities around the world. In an unprecedented way, all WTO Members signed up to substantial limitations on subsidising unsustainable fishing, notably:

- prohibition of subsidies to illegal, unregulated and unreported fishing;

- prohibition of subsidies for fishing outside of the jurisdiction of a coastal State and outside the competence of a relevant regional fisheries management organisation (RFMO/A) to protect the most vulnerable areas lacking established and coordinated fisheries management regime;

- prohibition of subsidies to fishing regarding overfished stocks conditional on sustainability standards to rebuild such stocks to healthy level;

- disciplines regarding subsidies benefitting vessels not flying the flag of the subsidising Member; and

- extensive transparency and notification provisions to monitor the implementation of the Agreement.

The WTO Members also committed to continue negotiations based on the outstanding issues with a view to making recommendations to the 13th WTO Ministerial Conference for additional provisions that would achieve a comprehensive agreement on fisheries subsidies.

The Agreement on Fisheries Subsidies will enter into force for the WTO Members that have accepted it upon acceptance by two thirds of the WTO Members. The present Commission proposal for a Council decision aims at formally concluding the Agreement to enable the Union to notify its acceptance to the WTO.