Basic information

2022/0364(NLE) NLE - Non-legislative enactments	Procedure completed
Marrakesh Agreement establishing the World Trade Organization (WTO): Agreement on Fisheries Subsidies. Protocol **Subject** 6.20.01 Agreements and relations in the context of the World Trade Organization (WTO)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	LANGE Bernd (S&D)	30/11/2022

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	The committee decided not to give an opinion.	
PECH Fisheries	Chair on behalf of committee KARLESKIND Pierre (Renew)	24/01/2023

Council of the European Union

European Commission

Commission DG	Commissioner
Trade and Economic Security	DOMBROVSKIS Valdis

Key events

Date	Event	Reference	Summary
09/11/2022	Preparatory document	COM(2022)0582	Summary
05/12/2022	Legislative proposal published	14557/2022	Summary
12/12/2022	Committee referral announced in Parliament		
21/03/2023	Vote in committee		
22/03/2023	Committee report tabled for plenary, 1st reading/single reading	A9-0068/2023	Summary
19/04/2023	Decision by Parliament	T9-0108/2023	Summary

19/04/2023	Results of vote in Parliament		
25/05/2023	Act adopted by Council after consultation of Parliament		
08/06/2023	Final act published in Official Journal		

Technical information

Procedure reference	2022/0364(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6 Treaty on the Functioning of the European Union TFEU 207-p4
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/9/10605

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE739.720	07/02/2023	
Specific opinion	PECH	PE745.331	15/03/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0068/2023	22/03/2023	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0108/2023	19/04/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	14557/2022	05/12/2022	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2022)0582	09/11/2022	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2023/1116
OJ L 148 08.06.2023, p. 0001

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

2022/0364(NLE) - 05/12/2022 - Legislative proposal

PURPOSE: to conclude, on behalf of the European Union, the Protocol amending the Marrakech Agreement establishing the World Trade Organisation, with regard to the Agreement on fisheries subsidies.

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 of the World Trade Organisation (WTO), which launched the Doha Round of trade negotiations, known as 'the Doha Development Agenda', in November 2001. The task of the WTO negotiations on fisheries subsidies was to deliver on Target 14.6 of the United Nations Sustainable Development Goals.

The Commission negotiated with other WTO Members in consultation with the Committee established by Article 207(3) of the Treaty. The negotiations were concluded at the 12th WTO Ministerial Conference on 17 June 2022. That Conference adopted the Protocol amending the Marrakesh Agreement

establishing the World Trade Organization and declared it open for acceptance by the WTO Members.

CONTENT: the draft Council Decision seeks the approval, on behalf of the Union, of the **Protocol amending the Marrakesh Agreement** establishing the World Trade Organisation.

The Annex to the Protocol contains the Agreement on fisheries subsidies which will be inserted, upon entry into force of the Protocol, into Annex 1A to the Marrakesh Agreement establishing the World Trade Organization.

The Agreement on Fisheries Subsidies applies to subsidies, as defined in Article 1.1 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement), which are specific, as defined in Article 2 of that Agreement, to marine capture fisheries and related activities.

The Agreement contains provisions on:

- subsidies contributing to illegal, unreported and unregulated fishing;

- subsidies for overexploited stocks;

- subsidies provided to fishing or fishing-related activities outside the jurisdiction of a coastal Member or coastal non-Member and outside the competence of a relevant RFMO/A taking into account the specific situation of LDC Members;

- the provision of targeted technical and capacity-building assistance to developing country Members, including LDC Members, for the implementation of the disciplines under the Agreement;

- strengthening and improving fisheries subsidy reporting and more effective monitoring of the implementation of fisheries subsidy commitments;

- the establishment of a Committee on Fisheries Subsidies, composed of representatives of each Member;

- the settlement of disputes.

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

2022/0364(NLE) - 19/04/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 593 votes to 7, with 43 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol amending the Marrakesh Agreement establishing the World Trade Organisation, with regard to the Agreement on fisheries subsidies.

Parliament **gave its consent** to the conclusion of the Protocol.

The Fisheries Subsidies Agreement takes the form of a Protocol to the Marrakech Agreement establishing the WTO and is incorporated into the Marrakech Agreement.

The Fisheries Agreement therefore contains several important disciplines, including the prohibition of the granting or continuation of fisheries subsidies to:

- vessels or operators engaged in illegal, unreported and unregulated (IUU) fishing or fishing-related activities supporting IUU fishing;

- fishing or fishing-related activities concerning overexploited stocks; and

- unregulated fishing or fishing-related activities on the high seas.

The Agreement contains detailed transparency and reporting provisions to monitor the implementation of the agreement.

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

2022/0364(NLE) - 22/03/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted the report by Bernd LANGE (S&D, DE) containing a recommendation on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol amending the Marrakesh Agreement establishing the World Trade Organisation, with regard to the Agreement on fisheries subsidies.

The committee recommended that the European Parliament **give its consent** to the conclusion of the Protocol.

After more than two decades of negotiations, the members of the World Trade Organisation (WTO) concluded the agreement on fisheries subsidies at the 12th WTO Ministerial Conference in June 2022. The Agreement on fisheries subsidies takes the form of a protocol to the Marrakesh Agreement establishing the WTO and is inserted into the Marrakesh Agreement after the agreement on subsidies and countervailing measures.

The WTO agreement on fisheries subsidies is the first ever multilateral trade agreement to focus on environmental sustainability.

It is also the first UN Sustainable Development Goal (SDG) to be fully achieved through a multilateral agreement. UN SDG target 14.6 aims to prohibit fisheries subsidies that contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing, and refrain from granting new subsidies, recognising that effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiations.

The fisheries Agreement therefore contains several important disciplines, including the prohibition of the granting or continuation of fisheries subsidies to:

- vessels or operators engaged in illegal, unreported and unregulated (IUU) fishing or fishing-related activities supporting IUU fishing;

- fishing or fishing-related activities concerning overexploited stocks; and

- unregulated fishing or fishing-related activities on the high seas.

In addition to disciplines on these types of harmful fisheries subsidies, the Agreement:

- includes strict transparency requirements aimed at strengthening notification of fisheries subsidies by WTO members and enabling effective monitoring of the implementation of obligations under the Agreement;

- also requires WTO members to take particular care and restraint in granting subsidies to vessels not flying their flag and in granting subsidies to fisheries or fisheries-related activities in respect of stocks whose status is not known;

- makes special provisions for Least Developed Countries and developing members regarding prohibitions on subsidies contributing to IUU fishing and subsidies for overexploited stocks;

- contains the fisheries financing mechanism, which aims to provide developing and least developed country (LDC) members with targeted technical assistance and capacity building for the implementation of the disciplines under the Agreement.

The Agreement on Fisheries Subsidies will enter into force upon acceptance by two thirds of the WTO Members.

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

2022/0364(NLE) - 09/11/2022 - Preparatory document

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.