



IUU fishing in the draft WTO fisheries subsidies agreement

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**Article 3:
Subsidies to
Illegal, Unreported,
and Unregulated
(IUU) Fishing**



Subsidies to IUU Fishing

Overall approach: Subsidy prohibition triggered by a determination of IUU fishing, subsidizer decides duration

Article 3.1

- Subsidies prohibited for **vessels and operators** engaged in IUU fishing and fishing related activities in support of (**such?**) IUU fishing.

Article 3.2

- Subsidies prohibited when a coastal state, flag state or relevant RFMO/A makes an “**affirmative**” determination that a vessel or operator engaged in IUU fishing.

Article 3.8 grace period...

[Subsidies provided by developing and LDC Members to low income, resource poor and livelihood fishing or fishing related activities up to [12] nautical miles from the baseline cannot be challenged for [2] years]

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Article 3.3

Determinations by coastal state Members must be based on **relevant factual information**, and must provide the flag and subsidising Member, when known, with:

- **Notification**, including factual information and applicable laws/regulations, of vessel detention or of initiation of an investigation; and
- **Opportunity to exchange relevant information, coastal state decides how and when.**
- Notification of the final determination and sanctions

Articles 3.4, 3.5

- Subsidising Member can decide the duration of the prohibition, depending on the “nature, gravity and repetition” of the infraction.
- But the prohibition lasts at least as long as the sanction or listing remains in place.
- Subsidising Member must notify measures taken to implement the subsidy prohibition.

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Article 3.6

Where a port state Member notifies a subsidizing Member that it has **clear grounds to believe that a vessel in one of its ports has engaged in IUU fishing,**

the subsidizing Member **shall give due regard to the information received and take such actions in respect of its subsidies as it deems appropriate.**

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