

TRADE AND ENVIRONMENT WEEK 2022 ¹⁷⁻²¹ OCTOBER

The IISD Self-Assessment Tool for Implementation of the WTO Fisheries Subsidies Agreement



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A few preliminary remarks

- The Self-Assessment Tool has been designed to support WTO Members' efforts to **prepare for the implementation** of the WTO Fisheries Subsidies Agreement
- The Tool will be published **next week** on IISD's website
- It will **be available for all** Members to use, and can then be **used internally** by government officials
- Each Member will decide for itself what to do with the **results** of the self-assessment
- The Tool **is not** an official legal interpretation of the Agreement and should **not** be taken as legal advice

The Self-Assessment Tool includes two documents:

- A **Checklist**: A series of tables to be filled out by providing information and answering questions
- A **Guide**: A supporting document that gives explanations on how to fill out the Checklist

The Tool has been designed to help WTO Members to:

- Identify, collect, and record **key information** and data needed for implementation
- Assess **current alignment** with the new rules and identify corrective actions
- Assess whether the mechanisms needed for **ongoing alignment** with the new rules are in place
- Identify and articulate possible **technical assistance** and capacity-building needs

Collecting key information and data

- The Tool first allows users to collect key information and data needed for implementation
- This information collection is guided by “**inventory**” **tables**, allowing to record information on:
 1. Domestic fisheries **subsidies** that fall within the scope of the Agreement
 2. The **fleets** receiving subsidies and the stocks they fish (+ catch data table)
 3. The **status** of **fish stocks** that are fished by subsidized fleets
 4. Vessels and operators identified as having engaged in **IUU fishing** activities
- The information from inventory tables is then useful to answer many questions of the Checklist
- Maintaining such lists up-to-date can allow WTO Members to regularly collect and record key information for ongoing implementation

Example of an “inventory” table : List of relevant fisheries subsidies

Number	Programme name	Authority responsible for the subsidy	Form and type of the subsidy	Description (objective, to whom and how the subsidy is provided)	Amount (subsidy per unit, annual amount for the most recent year, and/or total amount) and duration	Is this subsidy....	
						Implemented to rebuild an overfished stock, as per Article 4.3? (yes/no) If yes, indicate which stock(s)	For disaster relief, as per Article 11.1? (yes/no)
#	<i>Fleet development support programme</i>	<i>Ministry of Fisheries</i>	<i>Direct grant for the acquisition of a new fishing vessel</i>	<i>All fishing vessel owners or charters can claim this assistance, which is calculated as a percentage of the total amount invested.</i>	<i>USD 3.7 million in 2021 Total amount of USD 15.1 million for 2019–2022</i>	<i>No</i>	<i>No</i>
1							
2							
3							

Current alignment, mechanisms for ongoing alignment, and assistance needs

The Tool takes **legal obligations** one by one, addressing each obligation in **two steps**:

- 1. Current alignment table:** To assess a Member's current level of alignment with an obligation and identify required actions to align with the obligation, if any.
 - ➔ Snapshot of immediate alignment situation at the moment the self-assessment is made (e.g. Is any prohibited subsidy being provided today?)
- 2. Ongoing alignment table:** To assess if the mechanisms needed to enable ongoing alignment with an obligation are in place, identify gaps, and articulate needs for **technical assistance**
 - ➔ Assessment of “mechanisms” that enable ongoing alignment, and of TACB needs (e.g. Do legislation and procedures operate so that no prohibited subsidy can be provided?)

Example of a “current alignment” table: IUU fishing subsidy prohibition

Consideration	Article	Question	Information required	Relevant information	Yes/no/unknown	Further actions
Obligation not to provide subsidies to IUU fishing and support activities	3.1 - 3.4	<p><u>Simplified question:</u></p> <p>Does the Member provide subsidies to vessels or operators identified as engaged in IUU fishing?</p>	<p>List of relevant fisheries subsidies (<u>Inventory Table 2.1</u>).</p> <p>Information on subsidised fisheries (<u>Inventory Table 2.2</u>).</p> <p>List of vessels and operators subject to an IUU fishing determination (<u>Inventory Table 2.4</u>).</p> <p><i>Verify if the IUU list has any vessels or operators that receive subsidies.</i></p>			<p>If “No,” no immediate action needs to be taken.</p> <p>If “Yes,” the <u>subsidy must be removed</u> from that vessel or operator for at least as long as any sanction resulting from the IUU determination lasts or any RFMO/A listing stands, whichever is longer.</p>

Example of an “ongoing alignment” table: IUU fishing subsidy prohibition

Consideration	Question	Yes/no/unknown	Short description	Actions required to enable ongoing alignment	Technical assistance and capacity-building needs
IUU fishing subsidy prohibition	<p><u>Simplified question 1:</u></p> <p>Do domestic procedures operate so that an IUU determination regarding domestic vessels or operators is communicated in a timely way to the authorities responsible for fisheries subsidies?</p>		Describe existing procedures providing for communication among relevant national authorities in case of an IUU determination		
	<p><u>Simplified question 2:</u></p> <p>Do the domestic laws, regulations, and/or administrative procedures that govern the provision of subsidies operate so that no subsidy can be provided to vessels or operators that are subject to an IUU determination?</p>		Describe existing laws, regulations, and/or procedures providing for the removal or non-granting of subsidies following an IUU determination		

What about the Guide?

- A **supporting document**, to be used if and when useful
- It gives general background on the Tool and the Agreement
- It provides guidance on how to fill out the “inventory” tables
- For each obligation, the Guide:
 - Reproduces the relevant **legal provisions** from the Agreement
 - Includes a **summary box** to present the obligation in a concise way
 - Provides general explanations on what the obligations mean
 - Provides detailed explanations on how to answer the particular questions in the current alignment table and the ongoing alignment table

Thank you!

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