



Negotiating Group on Rules

FISHERIES SUBSIDIES

**WORKING DOCUMENTS ON: PROHIBITED SUBSIDIES RELATING TO
IUU FISHING, OVERFISHED STOCKS, OVERCAPACITY, CAPACITY-ENHANCING
SUBSIDIES, AND OVERFISHING; NOTIFICATIONS AND TRANSPARENCY; AND SPECIAL
AND DIFFERENTIAL TREATMENT**

COMMUNICATION FROM THE CHAIR

*Revision**

The attached working documents have emerged from the intensive work in the Negotiating Group on Rules, based on the proposals contained in document RD/TN/RL/29/Rev.3. These working documents relate to the proposed prohibitions on fisheries subsidies relating to IUU fishing, overfished stocks, overcapacity, capacity-enhancing subsidies, and overfishing, and to provisions on notifications and transparency, and special and differential treatment, which are being considered in the Group.

These working documents are the result of a collective effort by delegations, and represent an effort to develop working texts that could present with some degree of clarity the numerous issues, approaches, and views before the Group in these areas. Their purpose is to facilitate further work of the Group, and they can be expected to continue to evolve. They are of course entirely without prejudice to the position of any delegation.

These documents cover only some of the many issues before the Group. For all remaining areas reflected in document RD/TN/RL/29/Rev.3 - preamble; definitions; scope; transitional provisions; and institutional arrangements – the Group will need to continue its efforts, with a view to developing similar working texts and otherwise advancing its work.

* This Rev.2 is circulated exclusively to incorporate certain agreed changes to the texts on IUU fishing and overfished stocks that were inadvertently omitted from the versions of those texts that were circulated in TN/RL/W/274/Rev.1. All of the attached texts are as agreed in the Negotiating Group as of 29 November 2017.

ARTICLE 3: PROHIBITED SUBSIDIES

No Member shall grant or maintain any of the following subsidies within the meaning of Article 1.1 of the SCM Agreement [that are specific within the meaning of Article 2 of that Agreement] [to vessels, operators], [fishing or fishing activities]:

Illegal, Unreported and Unregulated (IUU) fishing

3.1 Subsidies [provided to] [granted to] a fishing [vessel, [regardless of the flag of the vessel involved,] or operator] engaged in IUU fishing,

[**ALT1:** including those]

[**ALT2:** [as] [while]]

[identified by,] determined by, or listed in an IUU fishing list¹ of:

- a) a Member in respect of vessels flying its flag [in accordance with its law] [in accordance with its domestic laws, regulations and administrative procedures]. [When the flag Member and the subsidizing Member are not the same, the fishing vessel concerned shall be notified to the subsidizing Member, and [the determination shall be] verified by the subsidizing Member [in accordance with its law.] [in accordance with its domestic laws, regulations and administrative procedures.]
- b) a subsidizing Member [in accordance with its domestic laws, regulations and administrative procedures].
- c) a Member in respect of foreign-flagged vessels found fishing in waters under its jurisdiction. In this case, a subsidizing Member shall, upon request by that Member [or on its own initiative,] [recognize] [take into account, as appropriate] this determination provided that the subsidizing Member promptly [verifies] [the determination] [determines], [in accordance with its law] [in accordance with its domestic laws, regulations and administrative procedures], [and] that the [relevant] international law and principles of non-discrimination, due process, [including a procedure for appeal or review,] and transparency were respected in making that determination.

ALT: a Member in respect of foreign-flagged vessels fishing in its waters, provided that the subsidizing Member promptly [verifies] [determines], [in accordance with its law] [in accordance with its domestic laws, regulations and administrative procedures], that the Member followed fair, transparent, and non-discriminatory procedures and acted in conformity with [international law] in making its determination [based on positive evidence].
- d) a Regional Fisheries Management Organization [or Arrangement] [including those organizations [or arrangements] of which Members are not Party], provided that the subsidizing Member promptly [investigates and] [verifies] [determines], [in accordance with its law] [in accordance with its domestic laws, regulations and administrative procedures], that the [vessel/operator] concerned has been listed [based on positive evidence] in accordance with the rules and procedures of that organization [or arrangement] [including a procedure for appeal or review] and in conformity with international law applicable to the subsidizing Member and those organizations [or arrangements] are in conformity with [FAO IPOA-IUU,] principles of non-discrimination, openness to all WTO Members, due process and transparency. [Provided, however, that in the case of fishing in waters under the national jurisdiction of a subsidizing Member, such determinations shall be made by the national authority of the subsidizing Member.]²

¹ For the purposes of paragraphs (a) and (b), each Member maintains the right to determine what constitutes such [identification,] determination, or listing of IUU fishing [based on paragraph 3 of IPOA-IUU].

² [For the purpose of this Agreement, Regional Fisheries Management Organizations shall be recognized by the FAO before XX-XX-201X, and incorporated as Annex 1 of this Agreement.]

[ALT: a Regional Fisheries Management Organization [or Arrangement] in accordance with the rules and procedures of that organization [or arrangement] and in conformity with international law.] [including verification mechanisms to enable Members that are not a party to those organizations [or arrangements] to engage in the listing process under the rules of procedure] [; and, if the subsidizing Member is not a party to a Regional Fisheries Management Organization [or Arrangement], provided that [it promptly verifies that] that organization [or arrangement] is in conformity with [FAO IPOA-IUU,] principles of non-discrimination, openness to all WTO Members, due process and transparency.]

e) [the FAO [subject to its recognition by the SCM committee.]]

OVERFISHED DISCIPLINE (TO REPLACE 3.6-3.9)

3.6. Subsidies for fishing [and fishing related activities] [outside the territorial sea] [of] / [that negatively affect] [targeted] fish stocks that are in an overfished condition.

[The negative effect of such subsidies shall be determined] [by the subsidizing Member] based on the [best] scientific evidence [available to] [recognized by] [that Member.] [This determination shall take into account the implementation of management measures designed to rebuild the concerned stocks, adapted as necessary to the particular situation of the fisheries in question.]]

[A fish stock is overfished if

[**A** it has not been assessed or has been assessed to be in an overfished condition.]

[Members shall exercise due restraint when granting subsidies to vessels or operators that target unassessed stocks. Any Member can challenge a subsidy granted to vessels or operators that target unassessed stocks if it provides positive evidence that an unassessed stock is overfished.]

[**B ALT1:** it is recognized as such by the Member in whose [national jurisdiction] [EEZ] the fishing is taking place or by a Regional Fisheries Management Organization [or Arrangement] based on [best] scientific evidence available to [and recognized by] them.]

[**B ALT2:** the stock is at such a low level that mortality from fishing needs to be [restricted] to allow the stock to rebuild to a level that produces maximum sustainable yield or [alternative] reference points based on the [best] scientific evidence [available]. Fish stocks that are recognized as overfished by the national jurisdiction where the fishing is taking place or by a relevant fisheries management organization [or arrangement] shall also be considered overfished.]

[**B ALT2bis:** the stock is at such a low level that mortality from fishing needs to be [restricted] to allow the stock to rebuild to a level that produces maximum sustainable yield or [alternative] reference points based on the [best] scientific evidence [available] and with no effective management plan in place. Fish stocks that are recognized as overfished by the national jurisdiction where the fishing is taking place or by a relevant fisheries management organization [or arrangement] shall be considered overfished.]

[**B ALT3:** the stock is at such a low level that mortality from fishing needs to be [restricted] to allow the stock to rebuild to a level that produces maximum sustainable yield or [alternative] reference points based on the [best] scientific evidence available [to the Member within its jurisdiction or to the relevant RFMO [or Arrangement]], [as recognized by the national jurisdiction where the fishing is taking place or by the relevant fisheries management organization [or arrangement.]]

[The determination by an RFMO [or Arrangement], shall be made after examination of the objections, if any, of the Member concerned].

In the cases of straddling and highly migratory fish stocks, shared among Members, the evaluation related to the fish stocks in the fishery for which the subsidy is provided shall be made pursuant cooperation of the Members involved.]

3.X [Notwithstanding the provisions of Article 3.x, above, nothing in this [instrument] shall be construed to prohibit subsidies to fishing vessels, fishing or fishing activity in respect of fish stocks that are not overfished, provided that other fish stocks in an overfished condition situated in the same [geographical area/jurisdiction] are not targeted.]

C ALT 1 [In the absence of sufficient data to make such a determination, the stock shall be presumed to be in an overfished condition.]

C ALT 2 [In the absence of scientific evidence to make such a determination due to a lack of capacity, this paragraph does not apply until the Member acquires the capacity to conduct stock assessments.]

3.7. [Subsidies [to vessels or operators fishing] [in connection with fishing and fishing related activities] in areas beyond national jurisdictions which are not aimed to fulfill a quota or a right established by a RFMO [or Arrangement].]

3.7. ALT [Subsidies [to vessels or operators fishing] [in connection with fishing and fishing related activities] in areas beyond national jurisdictions which are not aimed to fulfill a quota or a right established by a RFMO [or Arrangement] and which negatively affect targeted fish stocks that are in an overfished condition].

3.8. [Illustrative list of subsidies that do not negatively affect targeted fish stocks that are in an overfished condition:

- (a) subsidies that improve fishery management systems and [thus] promote sustainable fisheries including subsidies for research and development activities;
- (b) subsidies that improve hygiene, health, safety and working conditions for fishers;
- (c) subsidies aiming at improving the concerned Member's capacity to fight against IUU fishing;
- (d) subsidies for [permanent] cessation of fishing activities provided that the fishers [or fishing vessels] concerned effectively cease all fishing activities within a reasonable timeframe after receiving the subsidy concerned.]
- (e) [subsidy programmes of Members aimed to fulfill a quota or a right established by a RFMO]

[Overcapacity] [Capacity enhancing subsidies]³ and Overfishing [to replace 3.10-3.15 of the room document]

[3.11 Subsidies:

- i. [that increase [or allow to be maintained] the [marine fishing capacity] of [a fishing vessel] [or a fishing fleet of vessels][the total marine fishing capacity of the whole fishing fleet of vessels of a Member] [including fleet renewal programmes];]
- ii. [that support the acquisition of [machines and] equipment for fishing vessels [(including fishing gear and engine, fish-processing machinery, fish-finding technology, [refrigerators,] [or] machine for sorting or cleaning fish)] [or any other equipment on-board the fishing vessel] that increases [or maintains] the ability of [a fishing vessel][or a fishing fleet of vessels] to find fish;]
- iii. [that support the [construction,] [acquisition] [modernization, renovation, modification, repair, upgrading] [renewal,] of [existing] fishing vessels;]
- iv. [that support the importation or transfer of fishing vessels] [including through the creation of joint ventures with partners of those countries;]
- v. [within the meaning of Art. 1.1 of the SCM Agreement, for provision or use of fuel or schemes which can reasonably be expected to result in the provision or use of fuel, which benefit the fisheries sector.]
- vi. for [operational costs to fishing vessels and fishing related activities] [, including] licence fees or similar charges, fuel, ice, bait, personnel, income support, price support, social charges, insurance, and at-sea support; or operating losses of such vessels or activities.
- vii. [that enhance the capacity of large scale industrial fishing activities outside of the subsidizing Member's maritime jurisdiction.]

3.12 [Subsidies [to vessels or operators fishing] [in connection with fishing and fishing related activities] in areas beyond national jurisdictions which are not aimed to fulfill a quota or a right established by a RFMO] [and which negatively affect targeted fish stocks that are in an overfished condition].]

3.12 ALT [Subsidies [to vessels or operators fishing] [in connection with fishing or fishing related activities] in areas beyond the national jurisdiction of the subsidizing Member;] [and which negatively affect targeted fish stocks that are in an overfished condition].]

3.13 [Notwithstanding the provisions of Article 3.x, above, nothing in this [instrument] shall be construed to prohibit subsidies to fishing vessels, fishing or fishing activity in respect of fish stocks that are not overfished, provided that other fish stocks in an overfished condition situated in the same [geographical area/jurisdiction] are not targeted.]

³ [Disciplines related to overcapacity shall be limited to areas beyond national jurisdiction and shall not cover subsidy programs of Members aimed to fulfill a quota or a right established by a RFMO.]

Article 6: Notification and [Transparency] [Surveillance]

6.1 Each Member shall provide the following information [as part of] [in addition to] its regular notifications [of fisheries subsidies] under Article 25.3 of the SCM Agreement [to the extent that a Member is providing subsidies prohibited under Article X of this instrument]:

- a) [programme name, legal basis, and granting authority for the programme];
- b) [level and type] [amount and nature] of support provided;
- c) [type or kind of marine fishing activity that the programme supports];
- d) [vessels and operators fishing in areas beyond national jurisdiction, for which the subsidy is granted];
- e) [name of the recipient and, where known, name and identification number of the fishing vessel];
- f) [catch data [by species] in the fishery for which the subsidy is provided];
- g) [status of the fish stocks in the fishery for which the subsidy is provided (i.e., overfished, fully fished, or underfished)];
- h) [fleet capacity in the fishery for which the subsidy is provided];
- i) [conservation and management measures in place for the [relevant] fish stock [for which the subsidy is provided]] [as well as any relevant fishing capacity management plans]; and
- j) [total [imports and] exports [per species] [for which the subsidy is provided]].

[Each Member shall [endeavor to] provide the information set out in subparagraphs [(c)][(d)][(f)] through (j) [to the extent possible][where available] [where relevant, and to the extent practicable].]

6.2 [Each Member [shall][may] also provide, [to the extent possible,] information in relation to other subsidies that the Member provides to [[persons engaged in] fishing [or fishing-related activities]] [the fisheries sector] that are not covered by paragraph 6.1, in particular [aquaculture and] [fuel subsidies].]

6.2 ALT [Notwithstanding [Article 2.3] / [chapeau of Article 3] of this instrument, Members shall notify the information referred to in Article 6.1 with respect to non-specific subsidies for the provision or use of fuel or for schemes that can reasonably be expected to result in the provision or use of fuel, which benefit the fisheries sector.]

6.3 [Nothing in this notification provision requires the provision of confidential information, including confidential business [and/or scientific] information.]

6.4 [Each Member shall provide to the SCM Committee, within [one year] of the date of entry into force of this Agreement, a notification describing how it has implemented the prohibitions set out in Article XX. Each Member shall periodically update its notification in accordance with guidance to be established by the SCM Committee.]

6.5 [Each [subsidizing] Member shall notify the SCM Committee on an [annual basis] of any list of vessels [and operators] that it has [identified] [determined] as having engaged in IUU fishing.]

6.6 [In order to enable the effective surveillance of subsidies elimination established in Article 3.1.1 the SCM Committee shall, upon receipt, circulate communications from:

- a. RFMOs [⁴] informing a determination finding that a vessel or operator has engaged in IUU fishing activities in waters covered by such organization, and;
- b. Members informing a determination finding that a vessel of a third country flag state has engaged in IUU fishing activities within waters under the national jurisdiction of the Member making the determination.]

⁴ [For the purpose of this Agreement, Regional Fisheries Management Organizations shall be recognized by the FAO before XX-XX-201X, and incorporated as Annex 1 of this Agreement.]

SPECIAL AND DIFFERENTIAL TREATMENT

TRANSITIONAL ARRANGEMENTS

[No Member shall be obliged to apply Article 3 of this Agreement before the expiry of a period of one year after entry into force of this Agreement. [The Parties may grant or maintain subsidies set out in [Article 1.1⁵] during a transitional period of [X] years following the entry into force of this Agreement, provided that the vessel benefitting from the subsidy does not target fish stocks that are in an overfished condition.⁶] [Existing subsidy programmes which are inconsistent with Articles 1.2-1.4 shall be brought into conformity by 2020.]

[Developed Members shall not be obliged to apply Article 3 of this Agreement before the expiry of a period of [x] year[s] after entry into force of this Agreement.] [Developing countries are entitled to a [further] delay of [x] years, and LDCs are entitled to a [further] [x] years [a] delay of [x]years, after entry into force of this Agreement.] [In the case of LDCs having graduated from LDC status before the entry into force or during the transition period, these Members are entitled to utilise the remaining period of delay provided for LDCs.]

[A Member may grant or maintain subsidies set out in Article 3.11 during a transitional period of [X] years following the entry into force of this instrument, provided that the vessel benefitting from the subsidy does not target fish stocks that are in an overfished condition.]

SPECIAL AND DIFFERENTIAL TREATMENT

LDCs

5.1 [Prohibitions other than those outlined in Articles 3.1, [3.5] and 3.6 above shall not apply to LDCs Members.]

Unreported and Unregulated Fishing

5.2 [With respect to Article 3.1, in order to establish measures against unreported and unregulated fishing, after the period stipulated in Article 7.1, developing countries [except for their] [not engaged in] large scale industrial distant-water fishing are entitled to apply [x] additional years [year] and LDCs [x] additional years of transition period, [except for illegal fishing] [to enable them to establish reporting mechanism and regulations through implementing Article 5.12]. [In the case of LDCs having graduated from LDC status before the entry into force or during the transition period, these Members are entitled to utilise the remaining period of delay provided for LDCs.]]

5.2**bis**[Developing Members and LDCs declaring difficulties on small scale, artisanal and/or subsistence fishing shall have [X] years of transition period in implementing the disciplines related to unreported and unregulated aspects of such small scale, artisanal and/or subsistence fishing under Article 1.1.]

For developing Members and LDCs making such declaration as set out in Article 2.1, if it receives the notification from a relevant flag Member or RFMO that its vessel is engaged in unreported or unregulated fishing, and if the unreported or unregulated fishing activity concerned has been determined in accordance with Article 1.3, the developing Member or LDC concerned shall endeavor to implement Article 1.1.]

5.2**ter** [The prohibition under Art. 3.1 in respect of unreported and unregulated fishing shall not apply to developing countries including LDCs for fishing activities:

- a. In waters under the jurisdiction, including in the EEZ, of the subsidizing Member; and
- b. In areas beyond the EEZ of such Member, for a transitional period of [X] years from the date of entry into force of the Agreement.]

⁵ [Capacity-enhancing subsidies].

⁶ As recognised as overfished by the national authorities of the Party or by the relevant Regional Fisheries Management Organisation or Arrangement. In the absence of sufficient data to make such a determination, the stock shall be presumed to be in an overfished condition.

Overfished Stocks Prohibitions

[This prohibition shall not apply to fishing occurring within [their territorial waters] [the EEZ] of developing countries and LDCs. [In respect of fishing activities in high seas beyond the EEZ, such Members shall be entitled to a period of [X] years, after entry into force of this Agreement, to withdraw any subsidy for fish stocks that have been identified, based on positive evidence, as being in an overfished condition by an RFMO of which such developing country is a Member.]]

Overfishing and Overcapacity

5.3 [Nothing in Article [3.10], [3.12] and [3.13] shall prevent a developing country Member from maintaining or granting subsidies to the following activities conducted in accordance with the principle of protection and preservation of fisheries resources defined under Article 61 and 62 of the United Nations Conference on the Law of the Sea Treaty (UNCLOS):] [or where any Member is not party to UNCLOS, similar principles on protection and preservation of fisheries resources adopted in domestic legislation may apply:

[Notwithstanding the provisions of Articles [X] regarding overfishing, overcapacity, and capacity enhancing subsidies, developing countries and LDCs shall be allowed to provide subsidies for;] [Except for the prohibited subsidies related to IUU Fishing, developing and least developed countries' members shall be allowed to grant or maintain fisheries subsidies to their:]

- [subsistence fishing⁷];
- [artisanal fisheries⁸ activities];
- [Fishing activities related exclusively to artisanal and small scale fisheries⁹ or the subsistence and livelihood of the fishermen and their families;]
- [small-scale fisheries activities¹⁰];
- [Fishing activities, which exclusively exploit fish stocks within the economic exclusive zone (EEZ) ¹¹of the Member granting the subsidy;] [fishing and fishing activity within their own EEZ¹²];
- [Fishing or fishing related activities provided that the purpose is to exploit underexploited resources in the member's own Economic Exclusive Zone; and
- Fishing or fishing related activities provided that the purpose is to exploit rights held by the member in high seas fishing quotas or any other rights established by a RFMO(s)/A(s)]

5.4 [Developing and least developed countries may grant or maintain subsidies referred to under Articles 3.11 and 3.13 if the following conditions are met:

- the vessel benefitting from the subsidy does not target fish stocks that are in an overfished condition ; and
- the targeted stocks are managed on the basis of the best available science at the disposal of the concerned Member, consistent with the conservation and cooperation obligations under the relevant international law , as reflected in UNCLOS, conservation and management measures

⁷ The term "subsistence fishing" refers to fishing activities undertaken by an individual household for consumption by the members of that household and kin of the fishers as opposed to fishing activities undertaken for commercial purposes. Nevertheless, part of the fish caught can be sold or exchanged for other goods or services.

⁸ For the purposes of this discipline, artisanal fisheries shall be defined as those which operate within its territorial waters and mostly close to shore, use vessels which utilize primarily manual gear, and operated by individual fishermen or family members for the purpose of subsistence or local trade

⁹ For the purpose of this Agreement "artisanal and small scale fisheries" shall be defined in accordance with national laws and regulations and the international agreements entered into by the coastal State, taking into account the "Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication" of the FAO (The SSF Guidelines).

¹⁰ For the purposes of this discipline, small-scale fisheries activities shall be defined as fishing activities which using vessels that are below [24 meters in length. The size limitation refers to Harmonized definition in Conservation Management Measures (CMM) IOTC, concerning authorized fishing vessel, April 2016.]]

¹¹ For the purpose of this Agreements "exclusive economic zone (EEZ)" shall be defined according to principles found in Part V of the United Nations Convention on the Law of the Sea. Where any Member is not party to UNCLOS, similar principles on the exclusive economic zone adopted in domestic legislation may apply.

¹² [Noting the rights, jurisdiction, and duties of coastal states among others, found under UNCLOS Part V.]

of competent RFMO(s)/A(s), and generally accepted standards for the conservation and management of fisheries resources; and

- the subsidizing Member has a management plan for the fleet segment it intends to subsidize.]

[The flexibility set out above shall be reviewed in view of the objectives set out in UN Sustainable Development Goal 14.4 and 14.6 at the end of the 10th year following the entry into force of this Agreement.]

5.5 [Fisheries subsidies which are not covered as subsidies to artisanal fisheries activities, shall be contingent on the following:

- the member has a fishery management plan in place that is effectively monitored and adequately enforced;
- the fisheries do not adversely affect resources governed by the fisheries management plan;
- the fishing activities will not adversely affect fishery resources of other members or the resources governed by relevant regional fisheries management organizations (RFMOs); and
- the member has control mechanism on fisheries subsidies to avoid overfishing and overcapacity.]

5.6 In order to bring any subsidy programs into conformity with the obligations provided in this provision, developing and least-developed country Members, that at [the time of entry into force/adoption] of this instrument, have not completed; or, need to update the information related to the status of the fish stocks in the fishery for which the subsidy is provided, shall be granted with a period of time of [X] and [Y] years, respectively, after entry into force, subject to comply with the transparency section provided below in paragraph 3.4.]

5.7 [Developing countries ranking among the world's [X] biggest in terms of marine capture production as determined by the FAO shall endeavour to refrain from making use of the flexibilities set out in Article 4.2.]

5.8 In the case of developing country Members, [paragraph 3.11] shall only apply to [their large scale industrial fishing and] fishing activity outside of their own EEZ¹³.

5.9 Prohibitions for capacity enhancing/overcapacity subsidies shall not apply to small and vulnerable economies.¹⁴

Technical Assistance and Capacity Building

5.10 [Upon request of a developing country or LDC Member] [and with reference to guidance provided by the UN Fish Stocks Agreement,] [Developed countries], [and developing countries in a position to do so] shall provide, [and relevant agencies are invited to provide,] targeted technical assistance and capacity building [assistance] [on mutually agreed terms and conditions] to developing countries, in particular LDCs and small, vulnerable economies (SVEs) to:

- address institutional and financial difficulties faced by LDCs and developing countries [with constraints to implement this Agreement] [countries in the implementation of this Agreement];
- establish reporting mechanisms and regulations to prevent unreported and unregulated fishing;
- to allow them to participate fully in any RFMO adjacent to their exclusive economic zone or archipelagic waters;
- to develop the capacity to initiate, implement, and enforce compliance with a fishery management plan in keeping with the FAO Code of Conduct on Responsible Fisheries and adequate to provide the showing required by Articles 5.8 and 5.9 of this instrument;
- conduct stock assessments;
- conduct monitoring, control and surveillance of fish stocks; and
- research and development]]

¹³ [Noting the rights, jurisdiction, and duties of coastal states among others, found under UNCLOS Part V.

¹⁴ [For the purpose of this paragraph a small and vulnerable economy shall be defined as a Member whose share of global total of wild marine capture for years 2013 to 2015 is not more than XX percent.]

5.10*Bis* [Developed country Members shall endeavour to provide targeted technical assistance and capacity building for conducting stock assessment to developing country and LDC Members.]

5.10*Ter* [Technical and financial assistance and support for capacity building shall be provided to help developing and least-developed country Members acquire the necessary infrastructure and technical capacity for the conduct of effective stock assessments within their jurisdictions. The extent and the timing of implementation of Paragraph [XX (prohibition of subsidies in overfished stocks)] shall be related to the implementation capacities of developing and least-developed country Members. Where a developing or least-developed country Member continues to lack the necessary capacity, it will not be required to comply with the provisions of Paragraph [XX (prohibition of subsidies in overfished areas)] until effective implementation capacity has been acquired.]

5.11 [Members agree to implement an effective scheme of cooperation to help developing and least-developed country Members to acquire capacity building in the form of technical assistance in order to fulfill their commitments. This scheme could include bilateral and regional cooperation as well as technical assistance from relevant international organizations.]

5.12 The provision of technical cooperation and capacity building under this instrument will be notified by providing Members and reviewed in the SCM Committee. The WTO shall cooperate with FAO and UNCTAD in the provision of technical assistance under this Article.

5.13 In order to bring any subsidy programs into conformity with the obligations provided in Article 3.6 developing and least-developed country Members, that at (the time of entry into force/adoption) of this instrument, have not completed; or, need to update the information related to the status of the fish stocks in the fishery for which the subsidy is provided, shall be granted with a period of time of [X] and [Y] years, respectively, after entry into force, subject to comply with Article 6.7]

5.14 [The operationalization of disciplines on fisheries subsidies should not impede the ability developing countries and LDCs to develop and diversify their fisheries sector.]

Transparency

Notification requirements shall not be burdensome on developing countries with capacity constraints, especially LDCs.]

[The notification requirements referred to under Article 4.1 shall not apply to LDC Members.]
