

WEBINAR

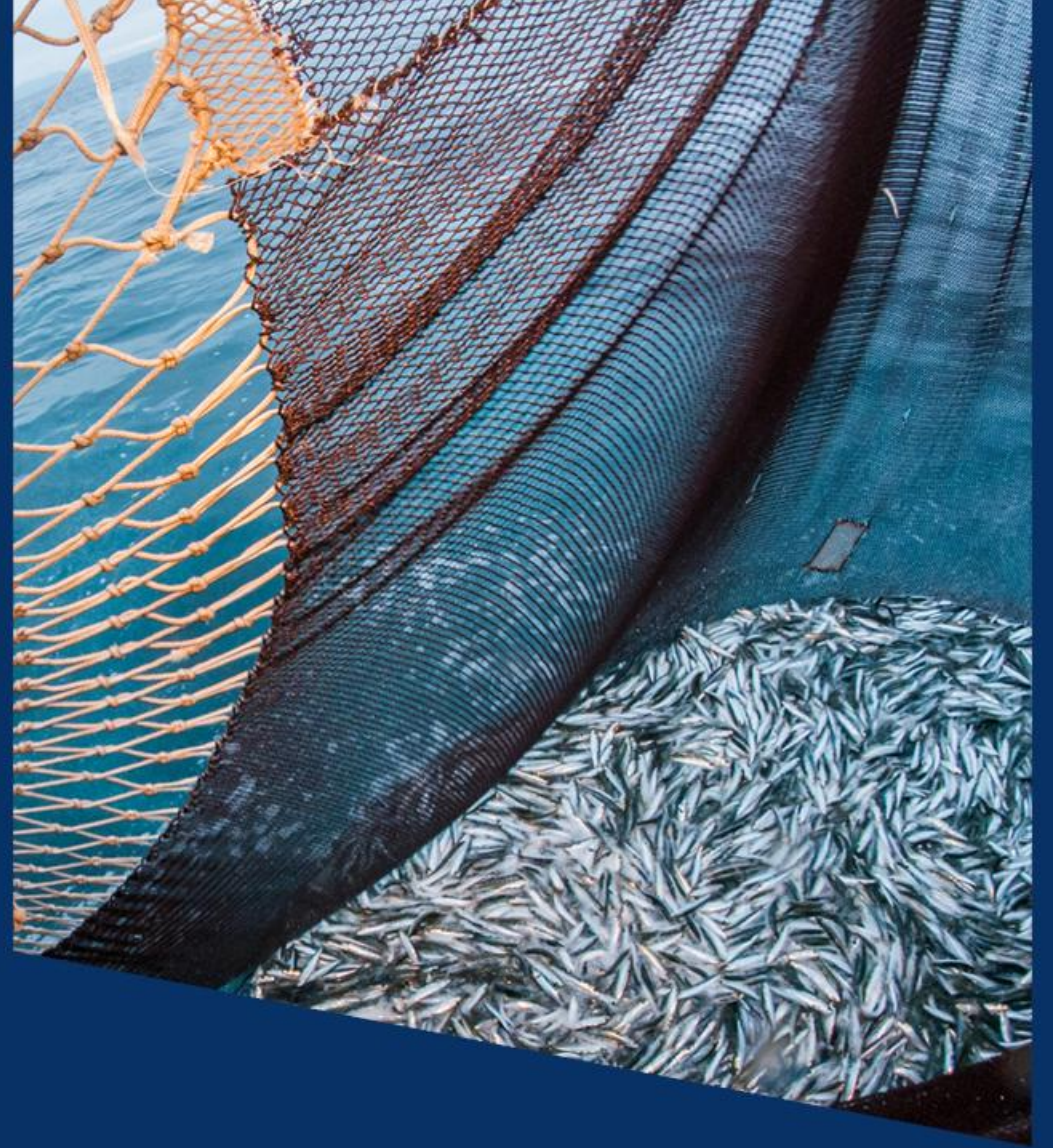
# Fish 2 Negotiations

A review of key steps in  
the process

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**Tuesday, June 9, 2026**

2:00 p.m. to 3:15 p.m. CEST





# Examining Key Steps in "Fish 2" negotiations

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**9 June 2026**

**Where are we?**



# A word on where we are

- The Agreement on Fisheries Subsidies establishes subsidy prohibitions that **target** the **most alarming** (“red light”) situations:



Identified cases of IUU fishing



Stocks assessed as overfished (and no management measure in place)



Fishing on high seas outside the competence of any management arrangement

- **Other situations** are still **unaddressed**: Subsidies to fishing in domestic EEZs, foreign EEZs, and under RFMOs when no stock is assessed as overfished and no IUU activity is identified.
- But subsidies can have **harmful impacts** in such situations by encouraging oversized fleets (overcapacity) and unsustainable levels of fishing (overfishing).



Broader rules are essential to better address the **underlying role** of subsidies as a driver of overcapacity and overfishing, and protect the environment and people’s livelihoods

# A brief reminder on approaches



# Approaches that have been considered (main rule)

## List-based prohibition

A list of particular kinds of subsidies is prohibited

## Effect-based prohibition

Subsidies that have a negative effect on fish stocks are prohibited

## Situational prohibition

Subsidies in particular situations (overfishing or overcapacity in a fishery) are prohibited

## Broad prohibition + management (situational) exemption

All subsidy prohibited unless fisheries management is in place

## Broad prohibition + "green box" exemptions

All subsidies prohibited, except if part of a list of exempted subsidies

## Capping approaches

Quantitative limit placed on the total level of subsidies that Members can provide

**Hybrid:** Combinations of different approaches

# Approaches that have been considered (SDT)

Exemptions from the prohibition(s) based on:

**Established country groups**  
(developing countries, LDCs)

**Threshold-defined country groups**  
(based on catch, subsidies, type of fishing, etc.)

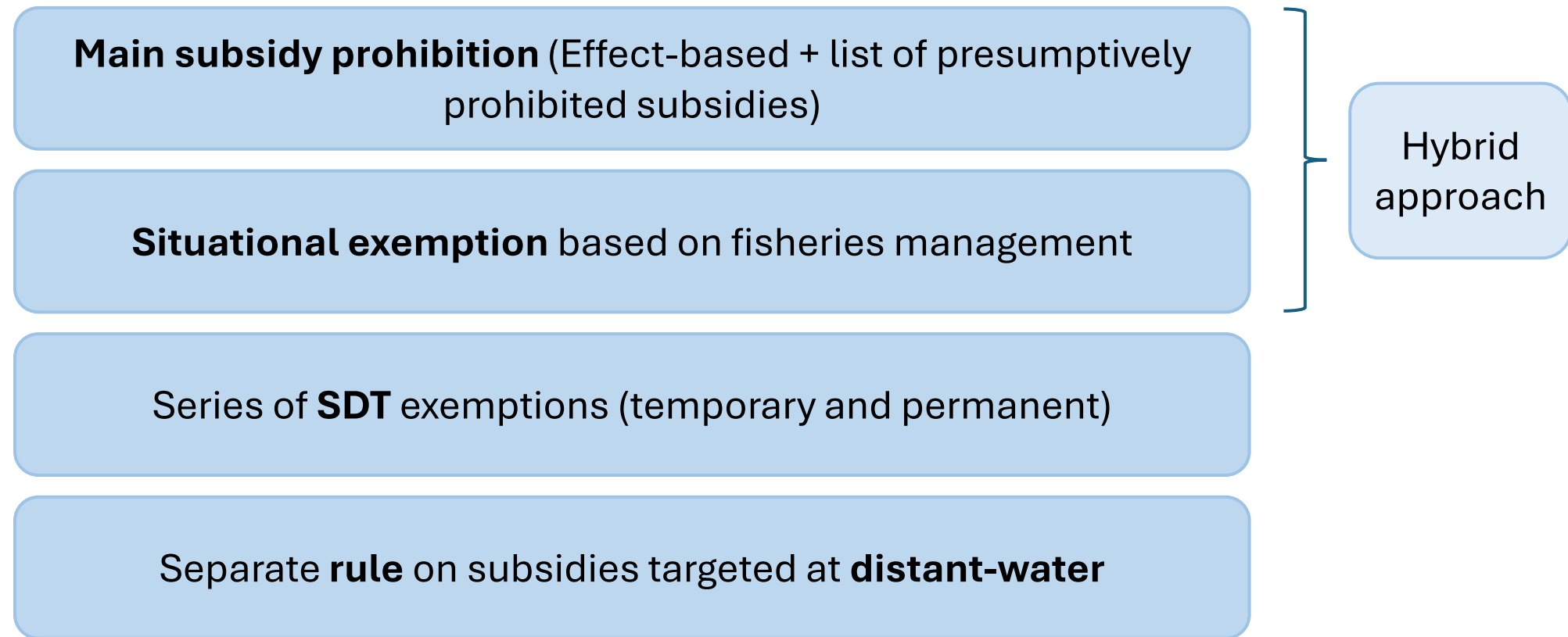
**Geographical areas**  
(territorial sea, contiguous zone, EEZ, RFMOs)

**Scale of fishing**  
(artisanal fishing, often described with socio-economic criteria)

**Time**  
(often combined with other factors)

# Basic structure of proposed rules

Since 2020 (2021 for SDT), a stable overall structure:



**The pre-MC12  
period**



# A brief look at the 2020-2022 period

	2020	2021-2022
<b>Main prohibition</b>	<p>Broad <b>list</b> of subsidies (operational and capital costs) + <b>situation</b> (fishing or capacity too high) → Subsidies contributing to OCOF (<b>effect</b>), incl. detailed <b>list</b> of subsidy types</p>	Stable (+/- DWF-contingent-subsidies)
<b>Management exemption</b>	<b>Situational exemption made wider:</b> “implemented to maintain” (no obligation of result), “commensurate” reference points	Link with transparency requirements
<b>SDT</b>	Stable, some discussion but no movement	<ul style="list-style-type: none"> <li>• <b>Proposed approach</b> to find common ground</li> <li>• <b>Gradual widening</b> and adjustments</li> </ul>
<b>Distant water fishing</b>	Stable, double prohibition	Debate on what exemptions should apply to the rule on DWF-contingent subsidies (access subsidies, or all subsidies if management)
<b>Capping, green box</b>	Placeholders	Nothing

# The Pre-MC12 text (WT/MIN(22)/W/20, 10 June 2022)

<p><b>Main prohibition</b></p>	<p><u>Subsidies contributing to OCOF, incl. list of 8 subsidy types</u> (vessels; machines and equipment; fuel, ice and bait; personnel, social charges and insurance; income support; price support; at sea support; operating losses).</p>	
<p><b>Management exemption</b></p>	<p><u>Situational exemption</u>: If Members can show that measures are implemented to maintain the stock at a biologically sustainable level, and notifies the subsidy, the type/kind of fishing, catch data, stock status, and conservation measures.</p>	
<p><b>SDT exemptions</b></p>	<ul style="list-style-type: none"> <li>• EEZ/RFMO fishing for <b>[7 years]/[until 2030]</b> + 2-year peace clause</li> <li>• Members below <b>[0.8%]</b> of global capture</li> <li>• LDCs, and recently graduated LDCs ([X years]) for EEZ/RFMO fishing</li> <li>• Low income, resource-poor and livelihood fishing within <b>[12]/[24]</b> nm</li> </ul>	<p>+ best endeavor sustainability obligation</p> <p>Exemptions can be used only if subsidies are notified</p> <p>[No S&amp;D for Members above [X]% of global capture]</p>
<p><b>Distant water</b></p>	<p><u>Double prohibition</u>:</p>	<ul style="list-style-type: none"> <li>• DWF-contingent subsidies, with exemption for access subsidies if management measures are in place</li> <li>• All subsidies for activities on unregulated high seas</li> </ul>

**The "second wave"  
of negotiations**



**MC12 →**

# The new draft disciplines (RD/TN/RL/174; 4 September 2023 text)

## Main prohibition

Subsidies contributing to OCOF, incl. list of 8 subsidy types (vessels; machines and equipment; fuel, ice and bait; personnel, social charges and insurance; income support; price support; at sea support; operating losses).

## Management exemption

Two-tiered situational exemption: If Members can show that measures are implemented to maintain the stock at a biologically sustainable level, through a notification with info on subsidy, type/kind of fishing, catch data, stock status, and conservation measures.

- Tier 1: [X largest subsidizers]. Demonstration in “immediate” notification, with additional info (fleet capacity)
- Tier 2: Other members. Demonstration in regular notification.

+ Obligation to provide a quick, written and comprehensive response if another member asks for clarifications

## SDT exemptions

- EEZ /RFMO fishing for **[7 years]**/~~[until 2030]~~ + 2-year peace clause + possible extension
- Members below **[0.8%]** of global capture or **[USD X]** in total subsidies
- Low income, resource-poor and livelihood fishing within **[12]/[24]** nm
- LDCs, and recently graduated LDCs ([X years]) for EEZ/RFMO fishing

+ best endeavor sustainability obligation

~~Exemptions can be used only if subsidies are notified~~

[Placeholder for criterion-based exclusion from SDT]

## Distant water

Prohibition:

DWF-contingent subsidies are prohibited, [with a possible exemption]

## The first revision (TN/RL/W/277, 12 December 2023)

<p><b>Main prohibition</b></p>	<p><u>Subsidies contributing to OCOF, incl. list of 8 subsidy types</u> (vessels; machines and equipment; fuel, ice and bait; personnel, social charges and insurance; income support [except for seasonal closures]; price support; at sea support; operating losses). + <b>Obligation to consider the consequences on overcapacity and overfishing before granting a subsidy</b></p>	
<p><b>Management exemption</b></p>	<p><u>Two-tiered situational exemption:</u> If Members can show that measures are implemented to maintain the stock at a biologically sustainable level, through a notification with “sufficiently precise” info, incl. on subsidy, type/kind of fishing, <del>catch data</del>, stock status, conservation measures, and fleet capacity (if possible).</p> <ul style="list-style-type: none"> <li>• Tier 1: <b>20</b> largest subsidizers. Demonstration <b>as soon as practicable (max 3 months), with obligation to show measures can reasonably be expected to ensure that stocks are sustainable.</b></li> <li>• Tier 2: Other members. Demonstration in regular notification.</li> </ul> <p>+ <b>Obligation to provide a quick, written and comprehensive response if another member asks for clarifications</b></p>	
<p><b>SDT exemptions</b></p>	<ul style="list-style-type: none"> <li>• EEZ/RFMO fishing for <b>[X years]</b> + 2-year peace clause + possible extension</li> <li>• Members below <b>[0.8%]</b> of global capture <del>or [USD X] in total subsidies</del></li> <li>• Low income, resource-poor <b>[and][or]</b> livelihood fishing within <b>[12]/[24]</b> nm</li> <li>• LDCs, and recently graduated LDCs ([X years]) for EEZ/RFMO fishing</li> </ul>	<p>+ best endeavor sustainability obligation</p> <p>SDT exclusion: <b>Members engaged in far distant water fishing</b></p>
<p><b>Distant water</b></p>	<p><u>Prohibition:</u></p>	<p>DWF-contingent subsidies are prohibited, [with a possible exemption]</p>

# The pre-MC13 text (WT/MIN(24)/W/10, 16 February 2024)

<p><b>Main prohibition</b></p>	<p><u>Subsidies contributing to OCOF, incl. list of 8 subsidy types</u> (vessels; machines and equipment; fuel, ice and bait; personnel, social charges and insurance; income support <del>except for seasonal closures</del>; price support; at sea support; operating losses). + Obligation to consider the consequences on overcapacity and overfishing before granting a subsidy</p>	
<p><b>Management exemption</b></p>	<p><u>Two-tiered situational exemption</u>: If Members can show that measures are implemented to maintain the stock at a biologically sustainable level, through a notification with info <u>enabling an evaluation</u>, incl. on subsidy, type/kind of fishing, <u>catch data</u>, stock status, conservation measures, and fleet capacity <del>(if possible)</del>.</p> <ul style="list-style-type: none"> <li>• Tier 1: <b>Developed members</b>   <b>top 10</b> subsidizers   <b>far distant water fishing nations</b>   <b>SDT-excluded members</b>. Demonstration as soon as practicable (max <b>6 months</b>), <u>with obligation to show measures ensure, or can reasonably be expected to ensure that stocks are sustainable.</u></li> <li>• Tier 2: Other members. Demonstration in regular notification.</li> </ul> <p>+ Obligation to provide a quick, written and comprehensive response if another member asks for clarifications</p>	
<p><b>SDT exemptions</b></p>	<ul style="list-style-type: none"> <li>• EEZ/RFMO fishing for [X years] + 2-year peace clause + possible extension (<b>4 yrs</b>)</li> <li>• Members below [0.8%] of global capture</li> <li>• <b>Artisanal/small-scale (primarily</b> low income, resource poor <del>and/or</del> livelihood) fishing within [12]/<b>[200]</b> nm, <b>as defined by member</b></li> <li>• LDCs, and recently graduated LDCs ([X years]) <del>for EEZ/RFMO fishing</del></li> </ul>	<p><del>+ best endeavor sustainability obligation</del></p> <p><u>[Exemptions usable only if subsidies are notified]</u></p> <p>SDT exclusion: Members <u>significantly</u> engaged in far distant water fishing <b>OR</b> those with <u>competent fisheries management that self-commit.</u></p>
<p><b>Distant water</b></p>	<p><u>Prohibition:</u></p>	<p><u>[[DWF-contingent]</u> subsidies are prohibited, <u>[with exemption for access subsidies if management is in place]</u></p>

# The MC13 “Advanced draft” (TN/RL/W/278, 12 April 2024)

<b>Main prohibition</b>	<p>Subsidies contributing to OCOF, incl. list of 8 subsidy types (vessels; machines and equipment; fuel, ice and bait; personnel, social charges and insurance; income support except for seasonal closures; price support; at sea support; operating losses).</p> <p>+ Obligation to consider the consequences on overcapacity and overfishing before granting a subsidy</p>	
<b>Management exemption</b>	<p><u>Two-tiered situational exemption</u>: If Members can show that measures are implemented to maintain the stock at a biologically sustainable level, through a notification with info enabling an evaluation, incl. on subsidy, type/kind of fishing, catch data, stock status, conservation measures, and fleet capacity.</p> <ul style="list-style-type: none"> <li>• Tier 1: <b>Developed members</b>   top <b>10</b> subsidizers   <b>far distant water fishing nations</b>   <b>SDT-excluded members</b>. Demonstration as soon as practicable (max 6 months), with obligation to show measures <b>ensure</b>, or can reasonably be expected to ensure that stocks are sustainable.</li> <li>• Tier 2: Other members. Demonstration in regular notification.</li> </ul> <p>+ Obligation to provide a quick, written and comprehensive response if another member asks for clarifications</p>	
<b>SDT exemptions</b>	<ul style="list-style-type: none"> <li>• EEZ/RFMO fishing for [X years] + 2-year peace clause + possible extension (4 yrs)</li> <li>• Members below {0.8%} of global capture</li> <li>• Artisanal/small-scale (primarily low income, resource poor or livelihood) fishing <b>within [12]/[200] nm</b>, as defined by member (+ notification), and excluding “significantly commercial” fishing</li> <li>• LDCs, and recently graduated LDCs ([X years])</li> </ul>	<p>[Artisanal exemptions usable only if subsidies are notified]</p> <p>SDT exclusion: Members <b>significantly engaged in far distant water fishing OR those</b> with competent fisheries management that self-commit.</p>
<b>Distant water</b>	<p><u>Best endeavor</u>: Members shall refrain from providing DWF-contingent subsidies “to the greatest extent possible”, unless they can show managements measures</p> <p><u>Conditional prohibition</u>: DWF-contingent subsidies are prohibited, unless Member can show management measures</p>	

## The post-MC13 text (TN/RL/W/279, 10 July 2024)

<p><b>Main prohibition</b></p>	<p><u>Subsidies contributing to OCOF, incl. list of 8 subsidy types</u> (vessels; machines and equipment; fuel, ice and bait; personnel, social charges and insurance; income support except for seasonal closures; price support; at sea support; operating losses). + Obligation to consider the consequences on overcapacity and overfishing before granting a subsidy</p>	
<p><b>Management exemption</b></p>	<p><u>Two-tiered situational exemption</u>: If Members can show that measures are implemented to maintain the stock at a biologically sustainable level, through a notification with info enabling an evaluation, incl. on subsidy, type/kind of fishing, catch data, stock status, conservation measures, and fleet capacity.</p> <ul style="list-style-type: none"> <li>• Tier 1: <b>Developed members</b>   top <b>10</b> subsidizers   <b>far distant water fishing nations</b>   <b>SDT-excluded members</b>. Demonstration as soon as practicable (max 6 months), with obligation to show measures <b>ensure</b>, or can reasonably be expected to ensure that stocks are sustainable.</li> <li>• Tier 2: Other members. Demonstration in regular notification.</li> </ul> <p>+ Obligation to provide a quick, written and comprehensive response if another member asks for clarifications</p>	
<p><b>SDT exemptions</b></p>	<ul style="list-style-type: none"> <li>• EEZ/RFMO fishing for <b>10 years</b> + 2-year peace clause + possible extension (4 yrs)</li> <li>• Members below 0.8% of global capture</li> <li>• Artisanal/small-scale (primarily low income, resource poor or livelihood) fishing, as defined by member (+ notification), and excluding “<b>industrialized</b>” fishing</li> <li>• LDCs, and recently graduated LDCs (<b>4 years</b>)</li> </ul>	<p><del>{Artisanal exemption usable only if subsidies are notified}</del></p> <p>SDT exclusion: <b>Subsidizing members w/ competent fisheries management</b> that self-commit.</p>
<p><b>Distant water</b></p>	<p><u>Best endeavor</u>: Members shall refrain from providing DWF-contingent subsidies “to the greatest extent possible”, unless they can show managements measures</p> <p><u>Conditional prohibition</u>: DWF-contingent subsidies are prohibited, unless Member can show management measures</p>	

## The latest text (TN/RL/W/285, 29 November 2024)

<b>Main prohibition</b>	<p><u>Subsidies contributing to OCOF, incl. list of 8 subsidy types</u> (vessels; machines and equipment; fuel, ice and bait; personnel, social charges and insurance; income support except for seasonal closures; price support; at sea support; operating losses).</p> <p>+ Obligation to consider the consequences on overcapacity and overfishing before granting a subsidy</p>
<b>Management exemption</b>	<p><u>Two-tiered situational exemption</u>: If Members can show that measures are implemented to maintain the stock at a biologically sustainable level, through a notification with info enabling an evaluation, incl. on subsidy, type/kind of fishing, catch data, stock status, conservation measures, and fleet capacity.</p> <ul style="list-style-type: none"><li>• Tier 1: <b>Developed members</b>   top <b>10</b> subsidizers   <b>far distant water fishing nations</b>   <b>SDT-excluded members</b>. Demonstration as soon as practicable (max 6 months), with obligation to show measures <b>ensure</b>, or can reasonably be expected to ensure that stocks are sustainable.</li><li>• Tier 2: Other members. Demonstration in regular notification.</li></ul> <p>+ Obligation to provide a quick, written and comprehensive response if another member asks for clarifications</p>
<b>SDT exemptions</b>	<ul style="list-style-type: none"><li>• EEZ/RFMO fishing for 10 years + 2-year peace clause + possible extension (4 yrs)</li><li>• Members below 0.8% of global capture</li><li>• Artisanal/small-scale (primarily low income, resource poor or livelihood) fishing, as defined by member (+ notification), and excluding “industrialized” fishing</li><li>• LDCs, and recently graduated LDCs (4 years), <b>with facilitated 6-year peace clause</b></li></ul> <p>SDT exclusion: Subsidizing members that self-commit.</p>
<b>Distant water</b>	<p><u>Best endeavor</u>: Members shall refrain from providing DWF-contingent subsidies “to the greatest extent possible”, <del>unless they can show managements measures</del></p> <p><u>Conditional prohibition</u>: DWF-contingent subsidies are prohibited, unless Member can show management measures</p>

# An overview of the text's evolution

	2023	Early 2024 (Pre-MC13 and MC13)	Rest of 2024
<b>Main prohibition</b>	Exception for seasonal closures	Stable	Stable
<b>Management exemption</b>	Introduction of two tiers, tightening, and clarification of operation	Refinement of two tiers, tightening, and clarification of operation	Stable
<b>SDT exemptions</b>	Initial adjustments (widening)	Continued adjustments (widening), esp. artisanal exemption + balancing	Continued adjustments (widening), esp. artisanal exemption + balancing
<b>Distant water fishing</b>	Discussion but no movement	Double rule: Conditional prohibition + due restraint obligation	Technical adjustment

# In a nutshell

**3 broad trends** characterized the evolution of the negotiating text over this “second wave”:

- **Tightening disciplines** (somewhat), in particular for big players
- **Clarifying operational aspects** of the disciplines
- **Widening SDT flexibilities** to provide more comfort to developing countries

Reminder: this presentation has focused on the evolution of the subsidy disciplines, but other aspects of the text are also important (review clause, transparency provisions)