Fisheries Subsidies Video Series: Overcapacity and Overfishing
### Key Decisions – Overcapacity and overfishing

**Key decision 1:** Which prohibition or qualitative restrictions should apply to fisheries subsidies?

**Options:**

- **Prohibition of subsidies that contribute to overcapacity and overfishing**
  
<table>
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<tr>
<th>What subsidies are prohibited?</th>
<th>Under what circumstances?</th>
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<tr>
<td>All subsidies</td>
<td>When provided to large-scale industrial fishing</td>
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<td>Subsidies for operational and capital costs</td>
<td>When the rate of fishing or the capacity of the fleet is beyond sustainable levels (unless effective management in place)</td>
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<td>Except when fisheries management is in place</td>
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- **Prohibition for subsidies to fishing in areas beyond national jurisdiction**
  - Only subsidies “contingent or tied to” fishing in ABNJ or “for” fishing in ABNJ; or more broadly any subsidy “to” vessels or operators fishing in ABNJ.
  - Geographical limits (high seas, RFMO/A, EEZ of third countries)

- **Prohibition of subsidies to re-flagged vessels**
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**Key decision 2:** Should the agreement include quantitative as well as qualitative restrictions on subsidies? If so, how should these be designed?

**Options:**
- Tiers of Members by level of capture, with different rules for each tier:
  - Tier 1: Negotiated individual caps and reduction commitments (default cap in specific cases)
  - Tier 2: Default cap or negotiated cap. No reduction commitment.
  - Tier 3: No cap or reduction commitment.

- Caps according to % of (a) the total level of subsidization, or (b) level of capture, or (c) global average x number of fisherman; negotiated reductions.

- Caps (and resulting reductions) according to % of value of marine capture, across four tiers of Members.

- Caps (and resulting reductions) according to a common formula, with higher reduction percentages for higher portions of a total subsidy amount.
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Key decision 3: Should the discipline contain a “Green Box” of allowable subsidies? If so, what should its contours be?

Options:

• Should it exempt subsidies from qualitative or quantitative rules, or both?
• Should it be conditional or restricted in some way?
• Which elements should it cover?
  - Fisheries management, R&D
  - Reduction of fishing capacity
  - Subsidies to small-scale fishing
  - Health and safety
  - Others?
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**Key decision 4:** What special and differential treatment would be appropriate and effective?

Options:
- Longer timeframes for implementation of rules
- Technical assistance and capacity building
- Exceptions for subsidies to fishing in geographic areas (territorial sea, EEZ)
- Exceptions for subsidies to small-scale fishing
- Differentiated commitments based on development status
- Objective criteria and thresholds to deal with differentiation