



**Fisheries Subsidies Negotiations:**  
**Towards Negotiating Positions for the OECS at 13th WTO**  
**Ministerial Conference (MC13)**

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## Introduction

At the WTO's 12th Ministerial Conference (MC12), held in June 2022, Members negotiated the WTO Agreement on Fisheries Subsidies, which aims to ensure sustainable global fisheries by establishing new multilateral trade rules on harmful fisheries subsidies, such as those related to illegal, unreported, and unregulated fishing. All WTO Members are expected to ratify or accept the phase 1 Agreement to enable entry into force, which will take place once two-thirds of the Membership has accepted the protocol.

Phase 1 of the WTO Agreement on Fisheries Subsidies covers:

- Illegal, Unreported and Unregulated Fishing;
- Overfished Stocks;
- Other subsidies: Fishing related activities outside of the jurisdiction of a coastal Member or a coastal non-Member and outside the competence of a relevant RFMO/A (Regional Fisheries Management Organisation/Agency) & subsidies to vessels not flying a Member's own flag;
- Technical assistance and capacity building; and
- Notification and transparency.

In order to identify any gaps in the current laws of the Eastern Caribbean States, the following texts were consulted:

**Antigua & Barbuda:** The Fisheries Act 2006, the Fisheries Regulation 2013 and the Barbuda (Fisheries) Regulation 2014.

**Dominica:** The Dominica Fisheries Act of 1987 & the Commonwealth of Dominica Statutory Rules & Orders No.7 of 2001.

**Grenada:** Grenada Fisheries Act 1986, Grenada Fisheries Act Amendment 2013, Fisheries Regulation 1987 & Fisheries Regulation 1999.

**St. Kitts & Nevis:** Fisheries Aquaculture and Marine Resources Act, 2016

**St. Lucia:** St. Lucia Fisheries Act 2001

**St. Vincent & the Grenadines:** St. Vincent & the Grenadines Statutory Rules & Orders, 1987 & the Fisheries (Fish and Fish Products) Regulations 2006.

## ARTICLE 1: SCOPE

This Agreement applies to subsidies, within the meaning of Article 1.1 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement) that are specific within the meaning of Article 2 of that Agreement, to marine wild capture fishing and fishing related activities at sea.

## ARTICLE 2: DEFINITIONS

purpose of this Agreement:

"fish" means all species of living marine resources, whether processed or not;

"fishing" means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;

"fishing related activities" means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;

"vessel" means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities;

"operator" means the owner of a vessel, or any person, who is in charge of or directs or controls the vessel.

Country	Current Policy	Observation/Recommendation
Antigua & Barbuda	<p>"fish" means any aquatic animal, whether piscine or not and includes marine mammals, shellfish, turtles, molluscs, crustaceans, corals, sponges, echinoderms, their young and their eggs;</p> <p>"fishing" means the harvesting or taking of marine flora, seeking to catch, catching, taking or killing</p>	<ul style="list-style-type: none"><li>▪ Legislative amendment would be required to ensure the definitions of "fish" and "fishing" are in line with the WTO Fisheries Agreement.</li><li>▪ No definition for Operator.</li><li>▪ Legislative amendment is required to define "Operator".</li></ul>

	<p>fish by any method, or the placing of a fish aggregating device, and includes searching for fish;</p> <p>"fishing vessel" includes a vessel used for fishing or related activities including commercial fishing, sports fishing and recreational fishing;</p> <p>"vessel" includes a ship, boat, canoe, lighter, floating platform, decked boat equipped with inboard or out-board motor or any other craft, whether surface craft or submarine.</p> <p>"related activities" in relation to fishing means-</p> <p>(a) trans-shipping fish and fishery products to or from a vessel or attempting or preparing to do so;</p> <p>(b) preparing, freezing, chilling, packaging, processing, storing or transporting of fish and fishery products up to the time it is first landed or attempting or preparing to do so; or</p> <p>(c) refuelling or supplying fishing vessels, or performing other activities in support of fishing or attempting or preparing to do so.</p>	
Dominica	<p>"fish" means any aquatic animal, whether piscine or not and includes</p>	<ul style="list-style-type: none"> <li>▪ Legislative amendment would be required to ensure</li> </ul>

	<p>any shellfish. turtle, mollusc. crustacean, coral. sponge, echinoderm, its young and its eggs.</p> <p>fishing" means fishing for or catching or taking or killing fish by any method or placing, searching for or retrieving any fish aggregating device and includes searching for fish;</p> <p>local fishing vessel" means any fishing vessel –</p> <p>(a) wholly owned by the Government or by any public corporation established by or under any law;</p> <p>(b) wholly owned by one or more persons who are citizens of Dominica; or</p> <p>(c) wholly owned by any company, society or other association of persons incorporated or established under the laws of Dominica of which at least fifty-one per cent of</p> <p>locally based foreign fishing vessel" means any foreign fishing vessel based in Dominica which lands all its catch in Dominica;</p>	<p>the definitions of “fish” and “fishing” are in line with the WTO Fisheries Agreement.</p> <ul style="list-style-type: none"> <li>▪ No definition for Operator. Uses Master instead.</li> <li>▪ Determination needs to be made whether master and operator can be used interchangeably.</li> <li>▪ If the terms can be used interchangeably then the legislation will need to be amended to reflect this.</li> <li>▪ However, if the two terms convey different meanings then the legislation will also need to be updated to include “Operator”.</li> </ul>
Grenada	<p>“fish” means any aquatic animal, whether piscine or not, and includes shellfish, turtle, mollusc, crustacean, coral, sponge, sea moss,</p>	<ul style="list-style-type: none"> <li>▪ Legislative amendment would be required to ensure the definitions of “fish” and</li> </ul>

	<p>weed, echinoderm, their young and their eggs;</p> <p>“fishing” means fishing for or catching or taking or killing fish by any method or placing any fish aggregating device and includes searching for fish;</p> <p>“related activities”, in relation to fishing, means—</p> <ol style="list-style-type: none"> <li>1. (a) transshipping fish to or from any vessel;</li> <li>2. (b) storing, processing or transporting fish taken from the fishery waters up to the time it is first landed;</li> <li>3. (c) refuelling or supplying fishing vessels or performing other activities in support of fishing operations;</li> <li>4. (d) attempting or preparing to do any of the foregoing.</li> </ol> <p>“fishing vessel” means a vessel used for commercial fishing or related activities and includes sport fishing;</p> <p>“foreign fishing vessel” means a fishing vessel other than a local fishing vessel;</p>	<p>“fishing” are in line with the WTO Fisheries Agreement.</p> <ul style="list-style-type: none"> <li>▪ No definition for Operator.</li> <li>▪ Legislative amendment is required to define “Operator”.</li> </ul>
St. Kitts & Nevis	Aquaculture and Marine Resources Act, 2016.	<ul style="list-style-type: none"> <li>▪ Legislative amendment would be required to ensure the definitions of “fish” and</li> </ul>

	<p>“fish” means any water-dwelling aquatic or marine animal or plant, alive or dead, and includes their eggs, spawn, spat and juvenile stages, and any of their parts and sedentary species;</p> <p>“fishing” means -</p> <ul style="list-style-type: none"> <li>(a) searching for or taking fish;</li> <li>(b) the attempted searching for or taking of fish;</li> <li>(c) engaging in any activity which can reasonably be expected to result in the locating or taking of fish;</li> <li>(d) placing, searching for or recovering any fish aggregating device or associated electronic equipment including radio beacons;</li> <li>(e) any operation at sea in support of or in preparation for any activity in relation to a fishing vessel described in paragraphs (a) to (d); or</li> <li>(f) any use of an aircraft which is related to any activity described in paragraphs (a) to (d), except where flights in emergencies involving the health or safety of a crew member or the safety of the vessel;</li> </ul> <p>“related activities”, in relation to fishing, includes –</p>	<p>“fishing” are in line with the WTO Fisheries Agreement.</p>
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	<p>(a) refuelling or supplying fishing vessels or performing other activities in support of fishing operations;</p> <p>Fisheries Aquaculture and Marine Resources Act, 2016 - 1.</p> <p>(b) transshipping, storing, processing or transporting fish or fish products up to the time they are first landed;</p> <p>(c) on-shore storing, or processing fish or fish products from the time they first landed; and</p> <p>(d) attempting or preparing to do any of the above activities;</p> <p>“vessel” means a ship or vessel of any type whatsoever operating in the aquatic or marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units and floating production storage and off-loading units and other water going craft;</p> <p>“operator” means any person who is in charge of, responsible for the operations of, or directs or controls</p>	
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	<p>a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel's operations;</p>	
St. Lucia	<p>" fish" means any aquatic animal, whether piscine or not and includes shellfish, turtles, molluse, crustacean, coral, sponge, echinoderms, their young and their eggs;</p> <p>" fishing" means fishing for or catching or taking or killing fish by any method or placing any fish aggregating device and includes searching for fish;</p> <p>Vessel means fishing vessel;</p> <p>fishing vessel" means any vessel used for commercial fishing or related activities and includes sport fishing;</p> <p><i>*also includes a definition for local fishing vessel.</i></p> <p>" related activities" in relation to fishing means:</p> <p>(a) trans-shipping fish to or from any vessel;</p> <p>or</p> <p>(b) storing, processing or transporting fish</p>	<ul style="list-style-type: none"> <li>▪ Legislative amendment would be required to ensure the definitions of “fish” and “fishing” are in line with the WTO Fisheries Agreement.</li> <li>▪ No definition for Operator.</li> <li>▪ Legislative amendment is required to define “Operator”.</li> </ul>

	<p>taken from the fishery waters up to the</p> <p>time it is first landed; or</p> <p>(c) refuelling or supplying fishing vessels or</p> <p>performing other activities in support of fishing operations; or</p> <p>(d) attempting or preparing to do any of the above;</p>	
St. Vincent & the Grenadines	<p>" fish" means any aquatic animal, whether piscine or not and includes shellfish, turtles, molluse, crustacean, coral, sponge, echinoderms, their young and their eggs;</p> <p>" fishing" means fishing for or catching or taking or killing fish by any method or placing any fish aggregating device and includes searching for fish;</p> <p>" related activities" in relation to fishing means:</p> <p>(a) trans-shipping fish to or from any vessel;</p> <p>or</p> <p>(b) storing, processing or transporting fish</p> <p>taken from the fishery waters up to the</p> <p>time it is first landed; or</p>	<ul style="list-style-type: none"> <li>▪ Legislative amendment would be required to ensure the definitions of “fish” and “fishing” are in line with the WTO Fisheries Agreement.</li> <li>▪ No definition for Operator.</li> <li>▪ Legislative amendment is required to define “Operator”.</li> </ul>

	(c) refuelling or supplying fishing vessels or performing other activities in support of fishing operations; or (d) attempting or preparing to do any of the above;	
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### **ARTICLE 3: SUBSIDIES CONTRIBUTING TO ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

3.1 No Member shall grant or maintain any subsidy to a vessel or operator<sup>5</sup> engaged in illegal, unreported and unregulated (IUU) fishing or fishing related activities in support of IUU fishing.

3.2 For purposes of Article 3.1, a vessel or operator shall be considered to be engaged in IUU fishing if an affirmative determination thereof is made by any of the following:

1. (a) a coastal Member, for activities in areas under its jurisdiction; or
2. (b) a flag State Member, for activities by vessels flying its flag; or
3. (c) a relevant Regional Fisheries Management Organization or Arrangement (RFMO/A), in accordance with the rules and procedures of the RFMO/A and relevant international law, including through the provision of timely notification and relevant information, in areas and for species under its competence.

3.3 (a) An affirmative determination<sup>8</sup> under Article 3.2 refers to the final finding by a Member and/or the final listing by an RFMO/A that a vessel or operator has engaged in IUU fishing.

(b) For purposes of Article 3.2(a), the prohibition under Article 3.1 shall apply where the determination by the coastal Member is based on relevant factual information and the coastal

Member has provided to the flag State Member and, if known, the subsidizing Member, the following:

1. (i) timely notification, through appropriate channels, that a vessel or operator has been temporarily detained pending further investigation for engagement in, or that the coastal Member has initiated an investigation for, IUU fishing including reference to any relevant factual information, applicable laws, regulations, administrative procedures, or other relevant measures;
2. (ii) an opportunity to exchange relevant information<sup>9</sup> prior to a determination, so as to allow such information to be considered in the final determination. The coastal Member may specify the manner and time period in which such information exchange should be carried out; and
3. (iii) notification of the final determination, and of any sanctions applied, including, if applicable, their duration.

The coastal Member shall notify an affirmative determination to the Committee provided for in Article 9.1 (referred to in this Agreement as "the Committee").

3.4 The subsidizing Member shall take into account the nature, gravity, and repetition of IUU fishing committed by a vessel or operator when setting the duration of application of the prohibition in Article 3.1. The prohibition in Article 3.1 shall apply at least as long as the sanction<sup>10</sup> resulting from the determination triggering the prohibition remains in force, or at least as long as the vessel or operator is listed by an RFMO/A, whichever is the longer.

3.5 The subsidizing Member shall notify the measures taken pursuant to Article 3.1 to the Committee in accordance with Article 8.3.

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.

3.7 Each Member shall have laws, regulations and/or administrative procedures in place to ensure that subsidies referred to in Article 3.1, including such subsidies existing at the entry into force of this Agreement, are not granted or maintained.

3.8 For a period of 2 years from the date of entry into force of this Agreement, subsidies granted or maintained by developing country Members, including least-developed country (LDC) Members, up to and within the exclusive economic zone (EEZ) shall be exempt from actions based on Articles 3.1 and 10 of this Agreement.

Country	Current Policy	Observation/Recommendation
Antigua & Barbuda Consulted:	The Act makes provisions for the State to take action against citizens of Antigua and Barbuda that are involved in IUU fishing. Additionally, the Act speaks to the need for licenses, appropriate gears, etc and offenses which in cases may attract a fine or confiscation.	<b>Subsidies</b> for IUU fishing is not addressed by either text. Need to implement IUU subsidies laws.
Dominica	The Act speaks to licenses, the authority of officers in cases of breach of the Act and how these offenses may be dealt with.	<b>Subsidies</b> for IUU fishing is not addressed by either text. Need to implement IUU fishing subsidies laws.
Grenada	It addresses the need for licenses and ways to deal with breaches.	<b>Subsidies</b> for IUU fishing is not addressed. Need to implement IUU fishing subsidies laws.

St. Kitts & Nevis	<p><b>Subsidies for IUU is addressed in the Fisheries Act.</b></p> <p><i>Section 31:</i> Fisheries (Marine Protected Areas) Regulations (Cap. 108)- Fisheries (Marine Protected Areas) Regulations (Cap. 108)- makes provisions for the termination of duty free concessions and tax exemptions at the discretion of the Minister, if the terms of <i>the license is not complied with or an offense against the Act</i> is committed.</p> <p>While Section 32 addresses activities contrary to the law of another state; the punishment for such offenses only involves fines and imprisonment.</p> <p>Section 105 &amp; 106 addresses vessels which may be prohibited from entering the ports as a result of IUU fishing.</p>	<p>While subsidies for IUU fishing is addressed to some extent, further legislative amendment is required to be in line with WTO Fisheries agreement.</p>
St. Lucia	It addresses the issue of IUU in the sense that it	The fisheries Act does not address <b>subsidies</b> for IUU fishing.

	requires licenses and breaches results in fines and imprisonment.	Need to implement IUU fishing subsidies laws.
St. Vincent & the Grenadines	The regulation addresses the issue of IUU in the sense that it requires licenses and breaches results in fines and imprisonment.	The fisheries act does not address <b>subsidies</b> for IUU fishing. Need to implement IUU fishing subsidies laws.

#### ARTICLE 4: SUBSIDIES REGARDING OVERFISHED STOCKS

4.1 No Member shall grant or maintain subsidies for fishing or fishing related activities regarding an overfished stock.

4.2 For the purpose of this Article, a fish stock is overfished if it is recognized as overfished by the coastal Member under whose jurisdiction the fishing is taking place or by a relevant RFMO/A in areas and for species under its competence, based on best scientific evidence available to it.

4.3 Notwithstanding Article 4.1, a Member may grant or maintain subsidies referred to in Article 4.1 if such subsidies or other measures are implemented to rebuild the stock to a biologically sustainable level.<sup>11</sup>

4.4 For a period of 2 years from the date of entry into force of this Agreement, subsidies granted or maintained by developing country Members, including LDC Members, up to and within the EEZ shall be exempt from actions based on Articles 4.1 and 10 of this Agreement.

Country	Current Policy	Observation/Recommendation
Antigua & Barbuda	The regulation addresses management and conservation measures such as prohibiting the use of certain fishing methods; gear and species-size restrictions; close seasons;	<b>Subsidies for Overfished stocks are not addressed.</b> Legislative amendment is required to introduce WTO disciplines on subsidies for overfished stocks in domestic legislation.

	the creation of marine reserves, and ways to deal with offenses.	Concomitantly, although the legislation makes provisions for certain conservation efforts such as minimum size, closed seasons, etc.; there needs to be clear identification and designation of overfished stocks for prohibition of the subsidies.
Dominica	The laws addresses management & conservation measures and the penalties linked to these offenses.	<p><b>Subsidies for Overfished stocks are not addressed.</b></p> <p>Legislative amendment is required to introduce WTO disciplines on subsidies for overfished stocks in the domestic legislation.</p> <p>Concomitantly, although the legislation makes provisions for certain conservation efforts such as minimum size, closed seasons, etc.; there needs to be clear identification and designation of overfished stocks for prohibition of the subsidies.</p>
Grenada	<p>The text covers conservation efforts such as approved fishing methods, close seasons, minimum size requirements and penalties for breaches. As well as designates the Minister to make regulations generally for the management and development of fisheries in the fishery waters.</p> <p>In 2018 – Grenada accepted to become parties</p>	<p><b>Subsidies for Overfished stocks are not addressed.</b></p> <p>Legislative amendment is required to introduce WTO disciplines on subsidies for overfished stocks in domestic legislation.</p> <p>Concomitantly, there needs to be clear identification and designation of overfished stocks for prohibition of the subsidies.</p>

	to 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law Of The Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA).	
St. Kitts & Nevis	<p>All functions, duties and responsibilities under this Act shall be exercised in a manner consistent with the following principles:</p> <p>(c) fisheries conservation and management measures shall be based on the best technical knowledge and scientific evidence available to maintain or restore stocks at levels capable of producing sustainable yield, as qualified by relevant environmental and economic factors including fishing patterns, the interdependence of stocks and relevant international standards;</p> <p>(l) over-fishing and excess capacity shall be prevented or eliminated, and levels of</p>	<b>Subsidies that contribute to Overfished stocks would fall under Section 31.</b>

	<p>fishing effort managed so they do not exceed those commensurate with sustainable use of fishery resources;</p> <p>Section 31 covers breaches against the Act, which would trigger the suspension duty free concessions and tax exemption.</p> <p>Section 30 (3) addresses endangered and protected species and the consequences of breaches, which includes fine, imprisonment and forfeiting the fish products.</p> <p>Section 31. (1) Where the holder of a duty-free concession or tax exemption granted by the Minister pursuant to section (7(1)(e)) of this Act does not comply with the terms of an applicable license or otherwise commits an offense against this Act, the Minister shall, on the advice of the Director, immediately terminate such concessions or exemption.</p> <p>Section 4 (2) gives the Minister the authority to</p>	
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	suspend or limit fisheries access if it poses a risk to the fish stock.	
St. Lucia	<p>The regulation addresses management and conservation measures such as prohibiting the use of certain fishing methods; gear and species-size restrictions; the creation of marine reserves, and ways to deal with offenses.</p> <p>The fisheries plan in Section 4. (2) makes provisions for the identification of each fishery and assessment of the present state of exploitation.</p>	<p><b>Subsidies for overfished stocks are not addressed.</b></p> <p>Legislative amendment is required to introduce WTO disciplines on subsidies for overfished stocks in domestic legislation.</p>
St. Vincent & the Grenadines	The fisheries plan in Section 4. (2) makes provisions for the identification of each fishery and assessment of the present state of exploitation.	<p><b>Subsidies for overfished stocks are not addressed.</b></p> <p>Legislative amendment is required to introduce WTO disciplines on subsidies for overfished stocks in domestic legislation.</p> <p>Concomitantly, in order for there to be prohibition on overfish stocks, the identification and designation of overfished stocks needs to be clear in the legislations.</p>

## ARTICLE 5: OTHER SUBSIDIES

5.1 No Member shall grant or maintain subsidies provided to fishing or fishing related activities outside of the jurisdiction of a coastal Member or a coastal non-Member and outside the competence of a relevant RFMO/A.

5.2 A Member shall take special care and exercise due restraint when granting subsidies to vessels not flying that Member's flag.

5.3 A Member shall take special care and exercise due restraint when granting subsidies to fishing or fishing related activities regarding stocks the status of which is unknown.

Country	Current Policy	Observation/Recommendation
OECS Member States	<p>-The law does not cover <b>subsidies</b> provided to fishing or fishing related activities outside of the jurisdiction of a coastal Member or a coastal non-Member and outside the competence of a relevant RFMO/A.</p> <p>-The law does not cover <b>subsidies</b> granted to vessels not flying the member's flag</p> <p>- The law does not cover <b>subsidies</b> granted to fishing or fishing related activities regarding stocks the status of which is unknown.</p>	<p>Implement laws which cover subsidies provided to fishing or fishing related activities outside of the jurisdiction of a coastal Member or a coastal non-Member and outside the competence of a relevant RFMO/A.</p> <p>Implement laws which cover subsidies granted to vessels not flying the member's flag.</p> <p>Implement laws which cover subsidies granted to fishing or fishing related activities regarding stocks the status of which is unknown.</p>

## **ARTICLE 6: SPECIFIC PROVISIONS FOR LDC MEMBERS**

A Member shall exercise due restraint in raising matters involving an LDC Member and solutions explored shall take into consideration the specific situation of the LDC Member involved, if any.

Country	Current Policy	Observation/Recommendation
OECS Member States	The current policy does not take into account any raising matters involving an LDC Member and solutions explored shall take into consideration the specific situation of the LDC Member involved, if any.	OECS Member States are obligated to apply due restraint in matters arising with LDC Members. Thus, Member States should ensure that the necessary steps are taken to ensure that consideration is given on raising matters involving an LDC Member and solutions explored shall take into consideration the specific situation of the LDC Member involved, if any.

## **ARTICLE 7: TECHNICAL ASSISTANCE AND CAPACITY BUILDING**

Targeted technical assistance and capacity building assistance to developing country Members, including LDC Members, shall be provided for the purpose of implementation of the disciplines under this Agreement. In support of this assistance, a voluntary WTO funding mechanism shall be established in cooperation with relevant international organizations such as the Food and Agriculture Organization of the United Nations (FAO) and International Fund for Agricultural Development. The contributions of WTO Members to the mechanism shall be exclusively on a voluntary basis and shall not utilize regular budget resources.

Country	Current Policy	Observation/Recommendation
OECS Member States		From a legislative perspective, there is nothing that would need to be done since OECS Member States would be

		the recipients of technical and capacity building assistance. However, some policy discussion in terms of Member States being able to determine where additional resources can be acquired to support the industry from a policy standpoint would be required e.g WTO Fisheries fund, The World Bank, etc.
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## **ARTICLE 8: NOTIFICATION AND TRANSPARENCY**

8.1 Without prejudice to Article 25 of the SCM Agreement and in order to strengthen and enhance notifications of fisheries subsidies, and to enable more effective surveillance of the implementation of fisheries subsidies commitments, each Member shall

1. (a) provide the following information as part of its regular notification of fisheries subsidies under Article 25 of the SCM Agreement<sup>12,13</sup>: type or kind of fishing activity for which the subsidy is provided;
2. (b) to the extent possible, provide the following information as part of its regular notification of fisheries subsidies under Article 25 of the SCM Agreement<sup>12,13</sup>:
  - (i) status of the fish stocks in the fishery for which the subsidy is provided (e.g. overfished, maximally sustainably fished, or underfished) and the reference points used, and whether such stocks are shared<sup>14</sup> with any other Member or are managed by an RFMO/A;
  - (ii) conservation and management measures in place for the relevant fish stock;
  - (iii) fleet capacity in the fishery for which the subsidy is provided;
  - (iv) name and identification number of the fishing vessel or vessels benefitting from the subsidy; and
  - (v) catch data by species or group of species in the fishery for which the subsidy is provided.<sup>15</sup>

8.2 Each Member shall notify the Committee in writing on an annual basis of a list of vessels and operators that it has affirmatively determined as having been engaged in IUU fishing.

8.3 Each Member shall, within one year of the date of entry into force of this Agreement, inform the Committee of measures in existence or taken to ensure the implementation and administration of this Agreement, including the steps taken to implement prohibitions set out in Articles 3, 4 and 5. Each Member shall also promptly inform the Committee of any changes to such measures thereafter, and new measures taken to implement the prohibitions set out in Article 3.

8.4 Each Member shall, within one year of the date of entry into force of this Agreement, provide to the Committee a description of its fisheries regime with references to its laws, regulations and administrative procedures relevant to this Agreement, and promptly inform the Committee of any modifications thereafter. A Member may meet this obligation by providing to the Committee an up- to-date electronic link to the Member's or other appropriate official web page that sets out this information.

8.5 A Member may request additional information from the notifying Member regarding the notifications and information provided under this Article. The notifying Member shall respond to that request as quickly as possible in writing and in a comprehensive manner. If a Member considers that a notification or information under this Article has not been provided, the Member may bring the matter to the attention of such other Member or to the Committee.

8.6 Members shall notify to the Committee in writing, upon entry into force of this Agreement, any RFMO/A to which they are parties. This notification shall consist of, at least, the text of the legal instrument instituting the RFMO/A, the area and species under its competence, the information on the status of the managed fish stocks, a description of its conservation and management measures, the rules and procedures governing its IUU fishing determinations, and the updated lists of vessels and/or operators that it has determined as having been engaged in IUU fishing. This notification may be presented either individually or by a group of Members.<sup>16</sup> Any changes to this information shall be notified promptly to the Committee. The Secretariat to the Committee shall maintain a list of RFMO/As notified pursuant to this Article.

8.7 Members recognize that notification of a measure does not prejudice (a) its legal status under GATT 1994, the SCM Agreement, or this Agreement; (b) the effects of the measure under the SCM Agreement; or (c) the nature of the measure itself.

8.8 Nothing in this Article requires the provision of confidential information.

Country	Current Policy	Observation/Recommendation
OECS Member States	<p>There <b>are no notification requirements for fisheries subsidies</b> under the current laws.</p> <p>While there is information on conservation and management measures, the current law does not cover the status of the fish for which subsidy is provided; fleet capacity for which subsidy is provided, name &amp; identification number/numbers of the fishing vessel/vessels benefiting from the subsidy; catch data by species/group of species in the fishery for which the subsidy is provided.</p>	<ul style="list-style-type: none"> <li>▪ It is not required that OECS Member States change their domestic laws and regulations to reflex the notification requirements of the WTO. However, they must ensure that they fulfill the notification requirements.</li> <li>▪ Thus, policies to improve the capacity of Member States or obtain technical support should be utilized to ensure relevant and timely notification on fisheries subsidies to the WTO are made.</li> <li>▪ Notify in writing annually, no later than 30<sup>th</sup> June the following: <ul style="list-style-type: none"> <li>(i) status of the fish stocks in the fishery for which the subsidy is provided (e.g. overfished, maximally sustainably fished, or</li> </ul> </li> </ul>

		<p>underfished) and the reference points used, and whether such stocks are shared<sup>14</sup> with any other Member or are managed by an RFMO/A;</p> <p>(ii) conservation and management measures in place for the relevant fish stock;</p> <p>(iii) fleet capacity in the fishery for which the subsidy is provided;</p> <p>(iv) name and identification number of the fishing vessel or vessels benefitting from the subsidy; and</p> <p>(v) catch data by species or group of species in the fishery for which the subsidy is provided.</p> <p>(vi) a list of vessels and operators that it has affirmatively determined as having been engaged in IUU fishing.</p> <p>Within one year of entry into force:</p> <p>(i) Inform the Committee of measures in existence or taken to ensure the implementation and administration of this Agreement, including the steps taken to implement prohibitions set out in Articles</p>
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		<p>3, 4 and 5. Each Member shall also promptly inform the Committee of any changes to such measures thereafter, and new measures taken to implement the prohibitions set out in Article 3.</p> <p>(ii) provide to the Committee a description of its fisheries regime with references to its laws, regulations and administrative procedures relevant to this Agreement, and promptly inform the Committee of any modifications thereafter.</p> <p>Upon entry into force:</p> <p>-Notify the Committee in writing, any RFMO/A to which they are parties of, the area the area and species under its competence, the information on the status of the managed fish stocks, a description of its conservation and management measures, the rules and procedures governing its IUU fishing determinations, and the updated lists of vessels and/or operators that it has determined as having been engaged in IUU fishing; which can be done as a group.</p>
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## Towards MC13

The thirteenth World Trade Organization (WTO) Ministerial Conference (MC13) will take place in the week of 26 February 2024 in Abu Dhabi, United Arab Emirates (UAE). In preparation for Phase II Fisheries negotiations, the Eastern Caribbean Fisheries export data was extracted.

### Fish exports in the Eastern Caribbean

#### List of exporters for the selected product

Product: 03 Fish and crustaceans, molluscs and other aquatic invertebrates

The world aggregation represents the sum of reporting and non reporting countries

Data based on the partner reported data (Mirror data) are shown in orange

The data aggregated are mirror and direct data: the values are shown in purple.

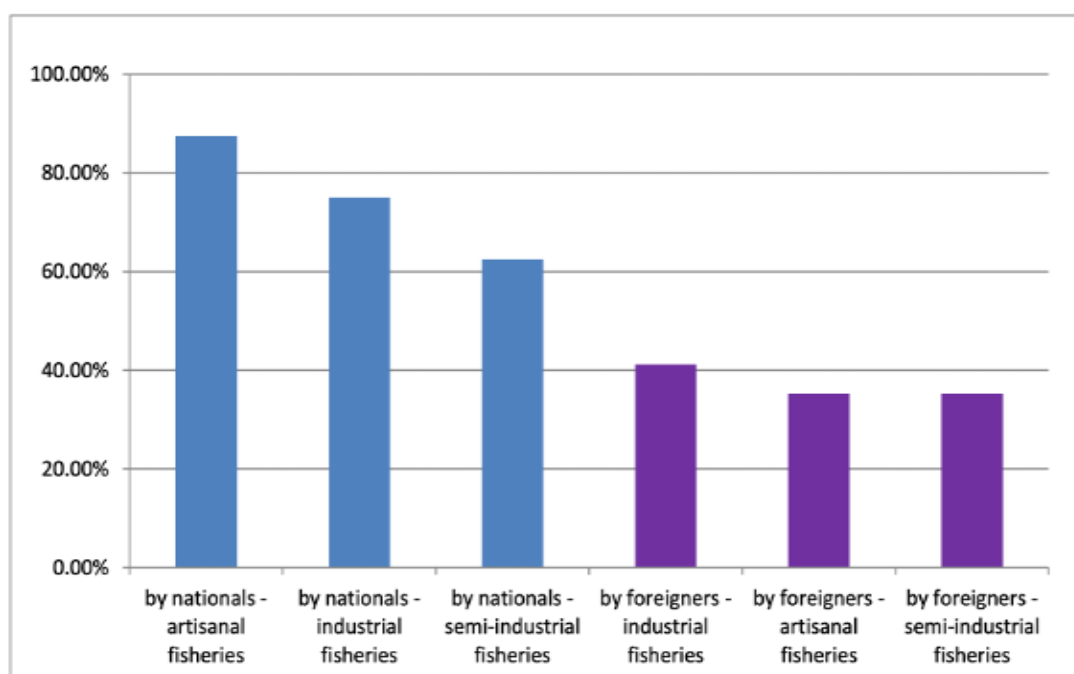
Unit : US Dollar thousand

Exporters	Exported value in 2018	Exported value in 2019	Exported value in 2020	Exported value in 2021	Exported value in 2022
World	124,916,281	123,688,488	112,081,859	133,867,470	
Organisation of Eastern Caribbean States (OECS) Aggregation	6,914	10,161	9,408	11,193	
Saint Vincent and the Grenadines	2,457	5,048	5,554	5,080	

Grenada	3,194	3,732	2,260	2,912	
Antigua and Barbuda	753	1,255	1,450	2,788	
British Virgin Islands	152			210	
Saint Kitts and Nevis	241	68	61	162	
Dominica	115	54	36	39	
Saint Lucia	2	4	47	2	
OECS Combined contribution in % of world export	0.0055%	0.0082%	0.0001%	0.0001%	

**Source:** UN COMTRADE & ITC Statistics

**According to the Caribbean Regional Fisheries Mechanism (CRFM) the following are identified as the most persist form of IUU fishing in national waters:**



**Key regional Monitoring, Controlling & Surveillance(MCS) weaknesses include:**

- outdated legal frameworks
- low penalties for infringements,
- MCS not currently being recognised as an inherent part of fisheries governance; and a low level of MCS planning in national fisheries management structures.

**Other challenges include:**

- a limited number of approved Fisheries Management Plans
- limited number of national plan of action on IUU fishing.
- inadequate data on catch, effort, IUUs incidents, etc.

**The following are steps for compliance with future WTO rules:**

Action	Purpose	Technical support that may be needed
Identifying any existing subsidy schemes	<ul style="list-style-type: none"> <li>• To comply with notification requirements.</li> <li>• Provide required information to comply with qualitative prohibition and any applicable quantitative limit (e.g. subsidy cap)</li> </ul>	<ul style="list-style-type: none"> <li>• Support in conducting national inventories of fisheries subsidies</li> <li>• Support in producing WTO subsidy notifications</li> </ul>

Withdrawal of prohibited subsidies	<ul style="list-style-type: none"> <li>• Following an IUU determination by relevant authority (e.g. RFMO)</li> <li>• When stock recognized as overfished</li> <li>• When listed as prohibited</li> <li>• When in excess of a quantitative limit, if any</li> </ul>	<ul style="list-style-type: none"> <li>• Support in establishing mechanisms for subsidy withdrawal</li> <li>• Establishing internal coordination mechanisms among relevant ministries and institutions</li> <li>• Support for notifications of IUU determination to third countries</li> </ul>
Establishing laws and regulations to comply with subsidy rules	<ul style="list-style-type: none"> <li>• Domestic laws, regulations and/or administrative procedures preventing the granting of subsidies to vessels having engaged in IUU fishing</li> <li>• Domestic laws regulations allowing for the removal of subsidies when they are prohibited</li> </ul>	<ul style="list-style-type: none"> <li>• Support for reform of domestic laws and regulations and/or administrative procedures</li> </ul>