



WORLD TRADE
ORGANIZATION

IMPLEMENTING THE WTO AGREEMENT ON FISHERIES SUBSIDIES

Challenges and Opportunities for Developing
and Least-Developed Country Members

About the WTO

The World Trade Organization is the international body dealing with the global rules of trade between nations. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible, with a level playing field for all its members.

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A MESSAGE FROM DIRECTOR-GENERAL NGOZI OKONJO-IWEALA



After many years and tremendous effort, on 17 June 2022, WTO Ministers adopted a binding multilateral Agreement on Fisheries Subsidies at the 12th WTO Ministerial Conference. The Agreement meets the Sustainable Development Goal 14.6 mandate for the WTO to negotiate disciplines to eliminate subsidies contributing to illegal, unreported, and unregulated (IUU) fishing and overfishing, taking into account the needs of developing country members. The Agreement represents a major historic achievement, as the first WTO agreement to place an environmental objective at its core, as well as the first broadly-focused binding multilateral agreement on ocean sustainability.

The Agreement will curb the estimated USD 22 billion¹ in annual global public support that contributes to the depletion of marine resources. In particular, it prohibits subsidies that contribute to IUU fishing, subsidies regarding overfished stocks, and subsidies for fishing in the unregulated high seas. Successful implementation of the Agreement by all WTO members will help secure the livelihoods of the 260 million² people who depend directly or indirectly on marine fisheries, and thus constitute a triple win for trade, development, and the environment.

Importantly, the Agreement also promises to be a ground-breaking tool for better fisheries management, by creating new transparency requirements and greatly improving data collection on the health of fisheries, as well as on related subsidies.

Implementing the new disciplines, and the detailed reporting requirements they entail for fisheries management as well as subsidies, will present challenges for many developing country members, especially the LDCs. As such, the Agreement anticipates and meets their need for technical assistance and capacity building.

Donor support to sustainable fisheries and conservation has already been significant. According to OECD Official Development Assistance (ODA) reporting, between 2010 – 2020, almost USD 5 billion was committed to support the ocean economy, of which 65% targeted sustainable fisheries. This is tremendous work, but much more needs to be done.

Accordingly, as a complement to ongoing assistance, the new Agreement establishes a voluntary WTO funding mechanism to assist developing country members and LDCs with their implementation by:

- Integrating fisheries sustainability elements into their subsidies policies and practices to benefit the fisheries sector;
- Strengthening sustainable fisheries management systems; and
- Improving notifications and transparency.

The objective of this report is to examine existing bilateral and multilateral assistance in support of sustainable fisheries, including how this may be relevant to meeting obligations under the new Agreement on Fisheries Subsidies.

A handwritten signature in blue ink that reads "Ngozi Okonjo-Iweala".

Ngozi Okonjo-Iweala

Director-General

1 Sumaila UR, Ebrahim N, Schuhbauer A, Skerritt D, Li Y, Kim HS, Grace Mallory T, Lam VWL, Pauly D, (2019), *Updated estimates and analysis of global fisheries subsidies*, *Marine Policy*, November

2 Teh LCL, Sumaila UR, (2013) *Contribution of marine fisheries to worldwide employment*, *Fish and Fisheries*, vol. 14, iss. 1, March.

PART 1 – INTRODUCTION

The WTO Agreement on Fisheries Subsidies (the Agreement), adopted at the 12th Ministerial Conference on 17 June 2022, marks a major step forward for ocean sustainability by prohibiting harmful fisheries subsidies, which are a key factor in the widespread depredation of the world's fish stocks. The new disciplines will have important, positive effects on the sustainability of marine fish stocks and fisheries:

- By curbing subsidies to illegal, unreported and unregulated fishing, the Agreement creates a powerful new weapon in the global fight against such fishing.
- By prohibiting subsidies to fishing on overfished stocks, the Agreement puts important protections in place where management measures are ineffective.
- By prohibiting subsidies to fishing on the unregulated high seas, the Agreement also puts important protections in place where management measures do not exist.

Improving the sustainability of fisheries is critical to the development of the sustainable blue economy, and especially to the millions of mostly poor people who make their living by fishing. The new Agreement thus delivers on the mandates of SDG Target 14.6 and the 11th Ministerial Conference (MC11), which mirrors the language of Target 14.6.

SDG Target 14.6



By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, and eliminate subsidies that contribute to IUU fishing, and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiation



In addition to the three main prohibitions under the Agreement, members commit to take special care and exercise due restraint when granting subsidies to vessels not flying their flag and also when granting subsidies to fishing or fishing related activities regarding stocks the status of which is unknown.

The robust notification and transparency provisions are key to the effective implementation of the Agreement. In addition to their regular periodic notifications of subsidies under the Agreement on Subsidies and Countervailing Measures, every member is required to provide information relevant to the implementation of the Agreement. This information includes the type or kind of fishing activity for which the subsidy is provided; and to the extent possible the status of the fish stocks in question, catch data, fisheries management measures, information on vessels benefitting from subsidies, and a list of vessels and operators the notifying member has determined to have engaged in IUU fishing.

In accordance with the mandate from SDG 14.6 and the 11th WTO Ministerial Conference, special and differential treatment has been an integral part of the negotiations, and it is reflected in the outcome. There are two-year peace clauses for WTO disputes relating to subsidies granted by developing country members and LDC members for IUU fishing and for fishing overfished stocks. Article 6 also requires members to exercise due restraint when raising matters involving an LDC member and to take into account that member's specific situation when exploring solutions.

The focus on environmental sustainability of the new Agreement is a somewhat new area of work for the WTO, and this Agreement is comprehensive in imposing multiple new obligations on members. It therefore is anticipated that implementing it may pose challenges for developing country and LDC members in areas such as integrating fisheries-related elements into their subsidies policies and putting in place their fisheries information and management systems.

Members have been aware throughout the negotiations that compliance – even for members whose initial obligations will relate only to notification rather than changing subsidy programmes – will require additional efforts and resources. For that purpose, the Agreement envisages the creation of the voluntary WTO funding mechanism to provide targeted technical and capacity building assistance to developing country and LDC members, supporting their implementation of the new disciplines.

The voluntary WTO funding mechanism is just one part of technical assistance and capacity building envisaged in Article 7 of the Agreement. Bilateral and multilateral donors have historically provided development finance to the fisheries sectors of developing countries and LDCs. As such, existing and anticipated development finance to fisheries, particularly assistance that supports sustainable fisheries, could have a positive spill-over on the effective implementation of this Agreement. The report finds that total support to the fisheries sector in developing countries and LDCs is significantly less than the estimated USD 22 billion per year in harmful fisheries subsidies worldwide.

Total support to the fisheries sector in developing countries and LDCs is significantly less than the estimated USD 22 billion per year in harmful fisheries subsidies worldwide

This report summarizes the main elements of the Agreement on Fisheries Subsidies and its implementation from the perspective of developing country and LDC members. The final section of the report maps out development finance to the fisheries sector based on the OECD Development Assistance data. The overall objective of the report is to provide an overview of the existing development finance to the fisheries sector that could be relevant to the implementation of the Agreement.

PART 2 – SUMMARY OF THE AGREEMENT AND WHAT IT MEANS FOR DEVELOPING COUNTRY AND LDC MEMBERS

In many ways the innovative Agreement on Fisheries Subsidies is a first for the WTO, particularly regarding the sustainability approach and obligations in the substantive provisions and the notification and transparency requirements. Another innovation is that each version of the negotiating text leading to the final version of the Agreement was accompanied by an addendum from the Chair of the negotiations, which explained the background and wording of each draft provision to aid the negotiating process.³

Scope

The scope of the Agreement is set out in Article 1 as: subsidies as defined in the Agreement on Subsidies and Countervailing Measures that are specific as also defined in that Agreement, to wild marine capture fishing and fishing related activities taking place at sea. The first two footnotes make clear that the scope does not extend to aquaculture, inland fisheries, or payments under government-to-government access agreements. The third footnote clarifies that the subsidies referred to in the Agreement are to be attributed to the member conferring the subsidy, regardless of where the vessel is registered or the nationality of the recipient of the subsidy.

Subsidy: The meaning of “subsidy” in the Agreement on Fisheries Subsidies is the same as in the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement). That definition (Article 1 of the SCM Agreement) provides that a subsidy exists if there is a financial contribution by a government or any public body (including through entrustment or direction of a private body), or there is any form of income or price support, and a benefit is thereby conferred. The term “financial contribution” is defined in broad terms, encompassing direct transfers of funds, such as grants and loans, and potential direct transfers of funds such as guarantees, as well as revenue foregone, and provision of goods or services and purchase of goods, by or on behalf of a government or a public body.

Specificity: Also taken from the SCM Agreement is the concept of specificity of the subsidy. To be covered by the Agreement on Fisheries Subsidies, a subsidy must be specific to an industry or enterprise, or to a group of industries or enterprises, or to a particular region, or be one of the two kinds of subsidies prohibited by the SCM Agreement, which are deemed to be specific.⁴

3 WTO documents TN/RL/W/276/Add.1, 11 May 2021; TN/RL/W/276/Rev.1/Add.1, 30 June 2021; TN/RL/W/276/Rev.2, 8 November 2021; WT/MIN(21)/W/5/Add.1, 24 November 2021; and WT/MIN(22)/W/20/Add.1, 10 June 2022.

4 Under the SCM Agreement, specificity is deemed to exist in respect of the two kinds of subsidies prohibited by that Agreement, namely subsidies contingent upon export performance (export subsidies), and subsidies contingent on the use of domestic over imported goods (import substitution subsidies).

Definitions

Five terms that occur frequently in different parts of the Agreement on Fisheries Subsidies are defined in Article 2: fish, fishing, fishing related activities, vessel, and operator. The definitions of all of these terms, apart from the definition of “operator”, are taken from the Port State Measures Agreement.⁵ Also, the definitions limit the covered activities to those occurring at sea. Onshore activities are excluded.

The main prohibitions



Prohibition on subsidies contributing to IUU fishing

The first substantive discipline is in Article 3 which prohibits subsidies for illegal, unreported and unregulated (IUU) fishing. Once again, the definition of IUU fishing is taken from another international agreement, in this case the International Plan of Action to Prevent, Deter and Eliminate IUU fishing.⁶ Once a final finding or determination has been made against a vessel or operator for IUU fishing or fishing related activities, and subject to the entity that made the determination following certain procedural rules, including notification of the determination to the WTO, the subsidizing member is required to stop any subsidies to the vessel or operator. The entities that can make these findings are the coastal member for areas under its jurisdiction (in nearly all cases this would be the member’s Exclusive Economic Zone, or “EEZ”), the flag State Member for vessels flying its flag, or a Regional Fisheries Management Organization or Arrangement (RFMO/A) for areas and species under its competence.

Article 3.3 includes procedural steps that should be respected by a coastal Member in making an IUU determination, such as basing the determination on relevant factual information; informing the flag State Member and, if known, the subsidizing member; providing an opportunity to exchange information; and notification to the other Member(s) and to the WTO of the final determination. Similarly, Article 3.2 provides that RFMO/As are to follow their own procedures and international law, including through the provision of timely notification and relevant information, in making IUU determinations.

Other parts of Article 3 include an obligation on subsidizing members to take account of the severity of the IUU offence in applying the subsidy prohibition, and a recognition of the importance of port State Members in tackling IUU fishing. Each member also is required to have provisions in place to remove subsidies to vessels and operators found to have engaged in IUU fishing. The final paragraph of Article 3 provides for a 2 year “peace clause” for developing country and LDC members within their EEZs. During this period, such members will be bound by the rules of Article 3 but will be exempt from WTO dispute settlement proceedings under Article 3.

Prohibition on subsidies regarding overfished stocks

The second substantive provision is the prohibition in Article 4 on subsidies for fishing or fishing related activities regarding overfished stocks. Under this Article, responsibility for recognizing that a stock is overfished rests with the coastal state for areas under its jurisdiction, and with an RFMO/A for areas and species under its competence. These responsibilities are consistent with provisions of the United Nations Convention on the Law of the Sea (UNCLOS) and the UN Fish Stocks Agreement (UN FSA).

⁵ Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, FAO, 2016.

⁶ International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, FAO, 2001.

- Under UNCLOS, a coastal State has
 - full sovereignty over its territorial sea (Article 2);
 - sovereign rights for the management and exploitation of marine resources in its EEZ (Articles 55 and 56); and
 - a duty to cooperate with other states sharing the same fish stock (Articles 63 and 64).
- The UN FSA elaborates on the provisions in UNCLOS on shared stocks and highly migratory stocks by, *inter alia*, providing a legal basis for the establishment of RFMO/As.

Article 4 allows, in certain circumstances, the provision of subsidies to fishing regarding an overfished stock. In particular, such subsidies must be for rebuilding the stock or the subsidizer must have other measures being implemented to rebuild the stock to a biologically sustainable level. Similar to Article 3, the final paragraph of Article 4 provides for a two year “peace clause” for developing country and LDC members within their EEZs. During this period, these members will be bound by the rules of Article 4 but will be exempt from WTO dispute settlement proceedings under Article 4.

Other subsidies

The third substantive provision, in Article 5.1, is a straightforward prohibition on all subsidies to fishing and fishing related activities in areas outside the jurisdiction of coastal members and non-members and outside the competence of a relevant RFMO/A, that is, in the unregulated high seas.

In addition, Article 5 contains two “due restraint” clauses: one for subsidies provided to vessels not flying the subsidizing member’s flag; and the other for subsidies for fishing when the status of the stock is unknown.

The provisions of Article 5 apply equally to all members – developed, developing and LDCs.

Notification and transparency

A key element in the Agreement on Fisheries Subsidies relates to notifications and transparency. Under the SCM Agreement, all members already are required to notify their subsidies by 30 June every two years. Under the Agreement on Fisheries Subsidies, as part of these notifications members will be required to notify the type or kind of fishing activity being subsidized and, to the extent possible, to provide information on stock status, conservation measures, fleets and vessels being subsidized, along with catch data. In respect of the additional information other than on fishing activity, developing country members with a share of the global volume of catch of not more than 0.8%, and LDC members, can provide this information every four years, instead of every two years.

As part of SCM Agreement notifications members will be required to notify the type or kind of fishing activity being subsidized and, to the extent possible, to provide information on stock status, conservation measures, fleets and vessels being subsidized, along with catch data.

In addition, every year each member must provide a list of vessels that it has found to have engaged in IUU fishing.

Other notification requirements relate to measures concerning implementation and administration of the Agreement, as well as descriptions of fishing regimes and participation in RFMO/As.

Other provisions

The Agreement on Fisheries Subsidies contains several other provisions relating to its application, such as Article 9 on institutional arrangements, including the establishment of a Committee on Fisheries Subsidies to oversee implementation through, *inter alia*, the review of notifications. This Article also includes a provision to allow for the evolution of the Agreement through a review that will be conducted five years after entry into force, and every three years thereafter.

The Agreement contains a dispute settlement provision in Article 10, indicating that Articles XXII and XXIII of the General Agreement on Tariffs and Trade (GATT) 1994 as elaborated by the Dispute Settlement Understanding shall apply generally to disputes under the Fisheries Subsidies Agreement, with Article 4 of the SCM Agreement (on prohibited subsidies) applying to disputes arising under Articles 3, 4 and 5 of the Agreement on Fisheries Subsidies.

In addition, Article 11, Final Provisions, provides for several specific issues, including:

- an exemption to allow subsidies for disaster relief;
- a provision ensuring that the Agreement does not have any implications for territorial claims or the delimitation of maritime boundaries, and preventing a panel in a WTO dispute from making findings on any claim that would require it to base its findings on any asserted territorial claims or delimitation of maritime boundaries;
- making it clear that the Agreement does not prejudice existing jurisdiction, rights and obligations of members under international law;
- making it clear that, except as provided otherwise in the Agreement, the Agreement does not imply that a member is bound by measures or decisions of, or recognizes, any RFMO/As of which it is not a party or a cooperating non-party; and
- that existing rights and obligations under the SCM Agreement are not affected by the Agreement on Fisheries Subsidies.

Termination

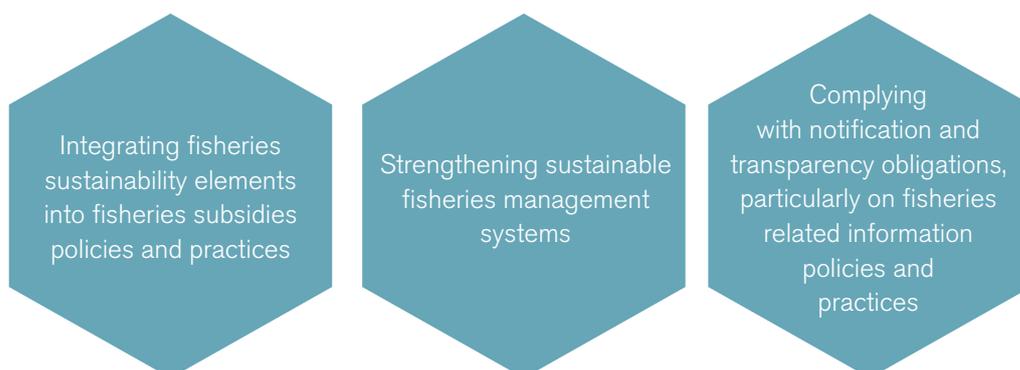
The final Article of the Agreement, Article 12, states that if comprehensive disciplines are not adopted within four years of entry into force, the Agreement is terminated unless WTO members decide otherwise. The objective of this clause is to ensure that negotiations on enhanced disciplines – particularly in respect of subsidies contributing to overcapacity and overfishing – are completed within a reasonable time-frame after the Agreement enters into force. This will happen when two-thirds of members have deposited their “instruments of acceptance” with the Director General. The [Annex](#) provides information on how WTO members can deposit their instruments of acceptance.

Special and differential treatment

Appropriate and effective special and differential treatment has been an integral part of the fisheries subsidies negotiations. In addition to the two-year dispute settlement peace clauses for developing country members and LDC members in Articles 3 and 4 (subsidies contributing to IUU fishing and subsidies regarding overfished stocks), Article 6 requires members to exercise due restraint when raising matters involving an LDC member and to take into account that member’s specific situation when exploring solutions. Furthermore, as noted above, developing members with a share of the volume of global fish catch of not more than 0.8%, and LDC members, can provide notifications of most of the required fisheries-related information every four years instead of every two years.

As the above summary makes clear, the Agreement on Fisheries Subsidies is comprehensive and innovative, creating new obligations including in areas that are new for the WTO. Developing country and LDC members may find it particularly challenging to integrate fisheries-related elements into their subsidies policies, to put in place their fisheries information and management systems, and to meet the new notification requirements, particularly on fisheries-related information. For that purpose, Article 7 of the Agreement envisages the creation of a voluntary WTO funding mechanism, to provide targeted technical assistance and capacity building to developing country members, for the purpose of implementing the new disciplines.

What will the WTO Fisheries Funding Mechanism assist with?



This establishment of a dedicated Fisheries Funding Mechanism (the Fund) to support implementation of the Agreement provides certainty on the availability of assistance as part of the overall package of disciplines. The way the Fund will be structured mirrors how the new disciplines will operate. Article 7 of the Agreement refers explicitly to cooperation with other relevant international organizations – including the UN Food and Agriculture Organization and the International Fund for Agricultural Development. As the disciplines will implicate both subsidy policies (the typical domain of the WTO) and fisheries sustainability (a domain also supported by other international organizations), the Fund will take an approach to technical assistance and capacity building that aims at integrating and creating coherence between these two domains within the beneficiary governments.

Article 7 of the Agreement envisages the provision of technical assistance and capacity building beyond the Fund. Specifically, bilateral and multilateral donors have a long history of providing development finance to the fisheries sectors of developing countries and LDCs. As such, development finance to fisheries, particularly to support sustainable fisheries, will have a positive spill-over on the effective implementation of this Agreement, while avoiding duplication.⁷

To explore these opportunities for synergy in more detail, the next section provides an overview of the existing bilateral and multilateral development finance to the fisheries sector of developing country and LDC members. It relies on data provided to the OECD Development Assistance Committee (DAC).

PART 3 – DEVELOPMENT FINANCE TO THE FISHERIES SECTOR IN DEVELOPING MEMBERS AND LDCS

Overview

The aim of this section is to describe and explain development financing to the fisheries sector. It has been prepared by the WTO Secretariat with support and assistance of the OECD.

In particular, this section describes bilateral and multilateral development finance to the fisheries sectors of developing country and LDC members, drawing on data contained in the OECD DAC database, known as the Creditor Reporting System (CRS), which covers around 90% of all Official Development Assistance (ODA). The CRS collates data on ODA based on entries made by 52 reporting governments and organizations during the 2010-20 period. It is recognised as the best available data source for tracking global development finance.

Three somewhat overlapping breakouts of relevant CRS data are presented below – overall data on ODA for projects for fishing and fishing-related activities; data on ODA for the ocean economy; and data on ODA for sustainable fisheries in the context of the ocean economy. One key distinction among these breakouts is that the first includes inland fisheries and aquaculture, while the latter two are limited to ocean-based activities.

CRS data for fishing

The CRS includes several codes relating to the purpose of each project. Five of these purpose codes are under the general heading of fishing, and cover assistance for projects for fishing and fishing related activities:

- **Fishing policies and administrative management** (31310) which provides data on fishing sector policy, institutional capacity building and advice, ocean and coastal fishing, marine and freshwater fish surveys and prospecting, fishing boats/equipment, and unspecified fishing activities;
- **Fishery development** (31320) which includes exploitation and utilisation of fisheries, fish stock protection, aquaculture, and integrated fishery projects;
- **Fishery education/training** (31381);
- **Fishery research** (31382) which includes pilot fish culture, and marine and freshwater biological research; and
- **Fishery services** (31391) which covers fishing harbours, fish markets, and fishery transport and cold storage.

⁷ This is in addition to the regular technical assistance activities of the WTO, which could for example involve support to members with their processes for accepting the Agreement.

As noted, the total data reported under these five codes include projects for all types of fishing in all areas, that is, for wild capture and aquaculture in both marine and inland fisheries. Thus, the total data reported under these categories taken together have a broader scope than the Agreement on Fisheries Subsidies marine wild capture fishing and fishing related activities at sea. By the same token, there could as well be some projects related to marine fishing that are reported under codes other than the above five fishing-specific codes. These could be projects that cover a variety of objectives, one of which is fishing, or where fishing is a secondary objective. For example, code 403010 for multisector aid could include aid for fishing as well as other sectors.

Data on both commitments and disbursements are available for the five codes for the total data on fishing.

ODA data for the ocean economy

Also in the CRS, and closely related to and somewhat overlapping with the data reported under the five purpose codes for "Fishing", are ODA flows for projects for the ocean economy⁸ As these data pertain to the ocean, they exclude development assistance for inland fisheries and inland aquaculture. That said, the overall scope of the reported projects for the ocean economy includes but goes well beyond fishing, to cover other ocean-based industries (e.g. tourism, minerals, or off-shore electricity generation).

A subset of ODA for the ocean economy is ODA for the *sustainable* ocean economy, which contains development assistance for ocean-based industries with sustainability integrated into the project. Here again, the covered projects include not only fishing and fishing related activities but also non-fishing projects, such as sustainable coastal tourism. From this subset, data on ODA for sustainable fishing as part of ODA for the Sustainable ocean economy – i.e., for sustainable marine fishing and fishing-related activities – can be isolated. These different sets of data are presented below.

It should be noted that for all of the data pertaining to ODA for the ocean economy, data are available only for commitments and not also for disbursements.

It is clear that the reported ODA flows are considerably greater than the USD 10-20 million target envisaged for the WTO Fisheries Fund. Of course, the scope of activities to be supported by the Fund – implementation of the new Agreement – is much narrower than the gamut of activities covered by the fishing and ocean economy projects reported in the CRS. Moreover, a stated purpose of the Fund is to fill gaps in assistance that already are being provided to help developing country and LDC members leverage that other assistance to meet their obligations under the Agreement, which are grounded in sustainability considerations.

Therefore, among other things the Fund is likely to play a coordinating function, such that projects under the Fund will be linked in a complementary way to assistance for projects that is or would be included in the ODA data. In this respect, WTO cooperation through the Fund with the FAO, IFAD, other international organizations, and bilateral donors should help to improve policy coherence generally between ODA for fishing and the ocean economy, and sustainability considerations as embodied in the Agreement. Thus, the Fund coupled with the new WTO rules on fisheries subsidies should be a catalyst for increasing the sustainability orientation of new and existing financing for fishing and the ocean economy, giving the Fund an impact beyond its size relative to the ODA flows.

Donor support

Fisheries in ODA

For ODA to fisheries (marine and inland), CRS data are available for both commitments⁹ and disbursements. Commitments are greater than and run ahead of disbursements in all categories of ODA. While a commitment is entered in full in the year the commitment is made, disbursements may be spread over several years.

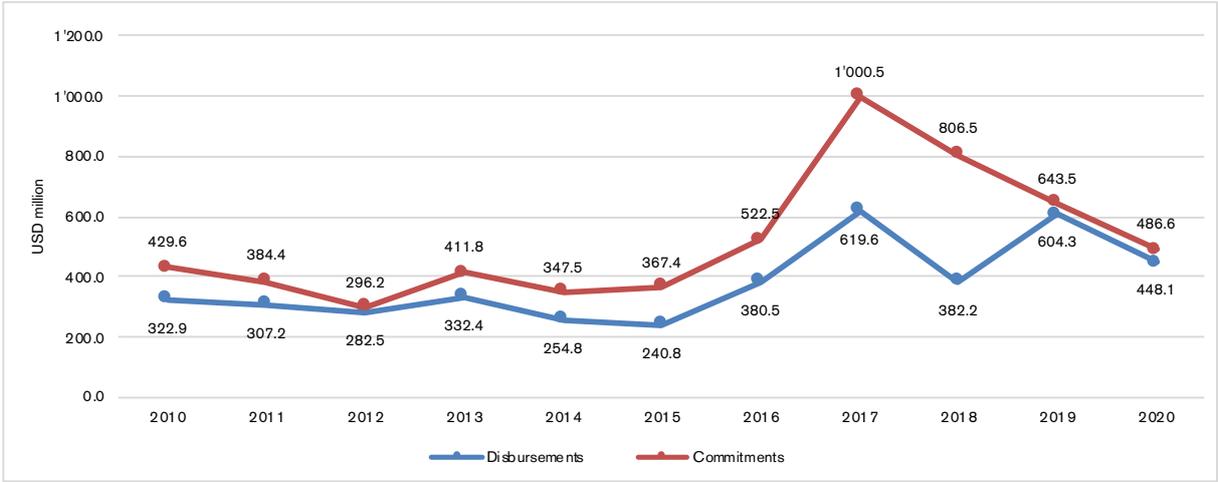
According to the CRS, a total of USD 5,697 million in ODA was committed and USD 4,175 million was disbursed to the fisheries sector (marine and inland) over the period 2010–2020 ([Figure 1](#)).¹⁰

⁸ ODA for the Ocean Economy consists of ODA in support of ocean-based industries and marine ecosystems.

⁹ The OECD defines a commitment as a firm obligation, expressed in writing and backed by the necessary funds, undertaken by an official donor to provide specified assistance to a recipient country or a multilateral organisation. Definition of commitment available at: <https://stats.oecd.org/glossary/detail.asp?ID=385>

¹⁰ USD 5,697 million was committed in ODA over the period 2010-2020, of which USD 4,175 million was disbursed, with the remainder equalling USD 1,521 million.

Figure 1: Total commitments and disbursements of ODA to support the fisheries sector (marine and inland) in 2010-2020



Source: OECD Creditor Reporting System

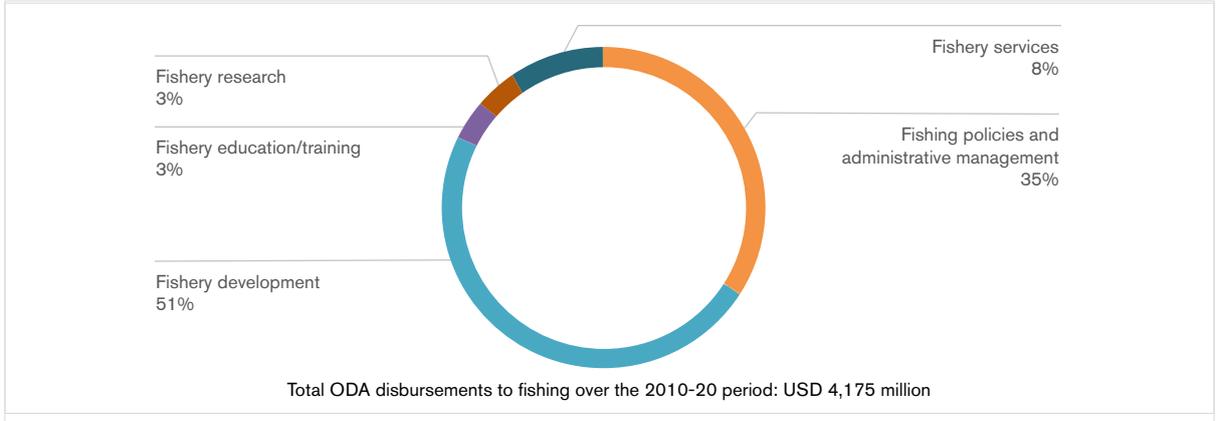
The annual ODA commitments varied from USD 296 million in 2012 to USD 1,001 million in 2017 while the annual disbursements varied from USD 241 million in 2015 to USD 620 million in 2017.

Several large projects explain the high level of commitments in 2017, including:

- USD 143 million by Japan to the Oceania region;
- USD 160 million by the United Arab Emirates to Morocco for a new fishing port in Casablanca; and
- USD 70 million by Norway for improving marine ecosystems in developing countries.

Out of the total of USD 4,175 million in ODA disbursements in support of fishing over the 2010-2020 period, most of the support (USD 2,141 million) was for fishery development (51% of total disbursements), while the second largest category was fishing policy and administrative management, at USD 1,472 million (35%). Other disbursements, totalling USD 562 million, were for financing fishery services (8%), fishery research (3%) and fishery education/training (3%) (Figure 2).

Figure 2: Total ODA disbursements to the fisheries sector (marine and inland) by reporting category in CRS, 2010-20

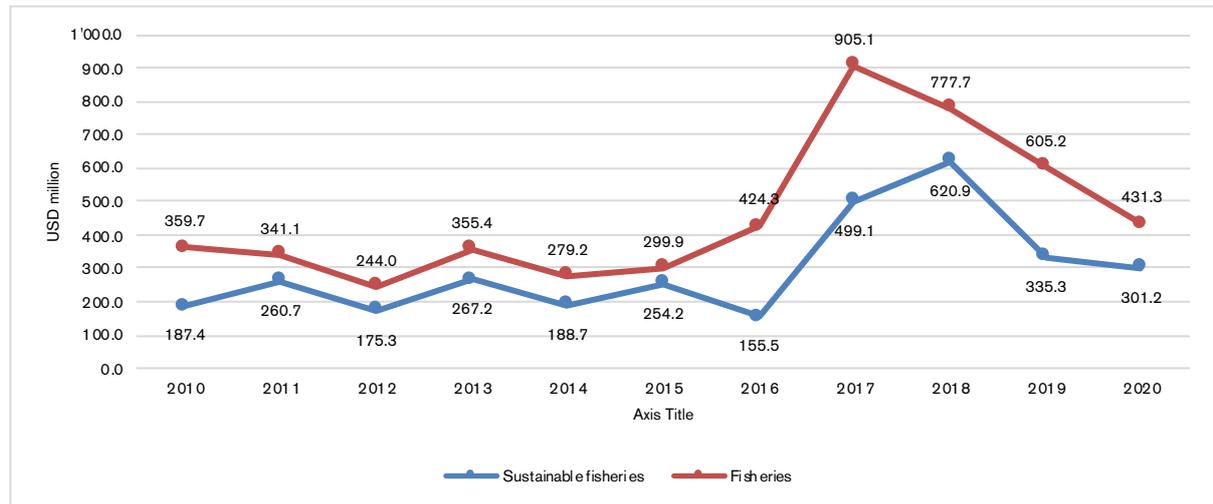


Source: OECD Creditor Reporting System

Ocean economy in ODA

For the period 2010 to 2020, total ODA commitments for the ocean economy in support of the (marine) fisheries sector amounted to USD 5,023 million, of which USD 3,245 million (65%) was allocated to sustainable fisheries (Figure 3). As noted above, data on disbursements are not available for ODA for the ocean economy.

Figure 3: ODA commitments for the ocean economy in support of the (marine) fisheries sector and sustainable fisheries 2010-2020



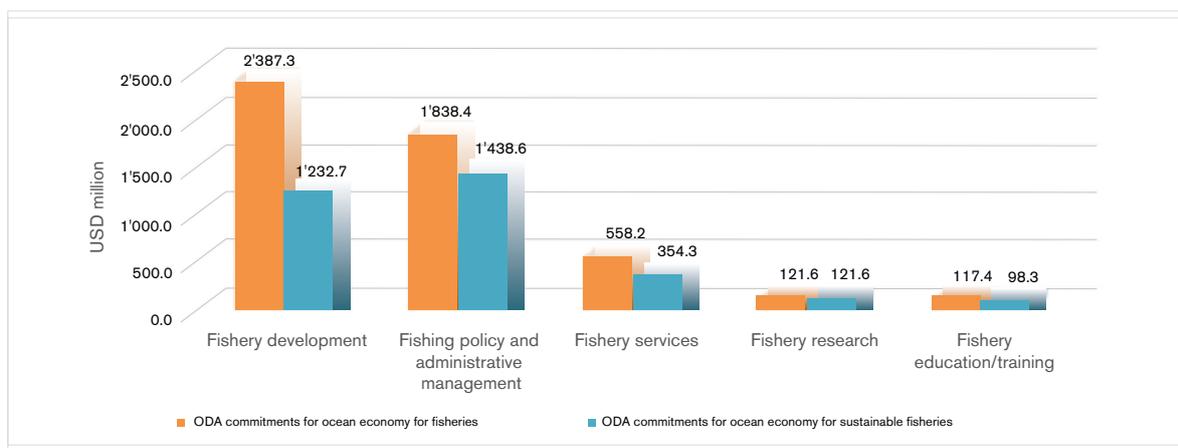
Source: OECD Data Platform on Development Finance for the Sustainable Ocean Economy

The annual commitments of ODA for the ocean economy in support of the fisheries sector for the period 2010 to 2020 ranged from USD 244 million in 2012 to USD 905 million in 2017.

The annual commitments of ODA for sustainable fishing during the same period ranged from USD 156 million in 2016 to USD 621 million in 2018.

Nearly half of the total USD 5,023 million in ODA commitments for the ocean economy in support of the fisheries sector in 2010-2020 was allocated for fishery development (USD 2,387 million or 48% of the total), followed by fishing policy and administrative management (USD 1,838 million or 37% of the total). Other commitments were for financing for fishery services (11%), fishery research (2%) and fishery education/training (2%), totalling USD 797 million (Figure 4).

Figure 4: ODA commitments for the ocean economy in support of the fisheries sector and sustainable fisheries by purpose, 2010-2020



Source: OECD Data Platform on Development Finance for the Sustainable Ocean Economy

Out of the total commitments of USD 5,023 million for the ocean economy in support of fisheries, 65% was for sustainable fisheries. The proportion targeted as sustainable fisheries varied from one category to another, from 100% of commitments for fishery research to 52% for fishery development (Figure 4).

In addition to the five support codes used by OECD to classify different categories of support for the ocean economy relating to fisheries as shown in Figure 4, the detailed descriptions in the database provide additional information about the objectives of commitments such as: coastal disaster risk reduction; disaster recovery; coastal resources for sustainable development; fish market construction; expansion of fishing ports; increasing contributions to fisheries to reduce poverty, improving living conditions and achieve sustainable development; strengthening institutional capacity to enhance governance in the fishery sector; and improving fishing equipment. Although the level of detail varied from one project to another, many projects cited relevant specific objectives including:

- 17 projects that specifically cited controlling IUU fishing as the objective for the aid commitment;
- 28 projects cited sustainable fisheries;
- 11 projects cited sustainable management; and
- 102 projects cited fisheries management.

As to project level data for ODA for the ocean economy in support of the fisheries sector, a total of 1,750 entries are reported for the period 2010-2020, of which there are 1,187 sustainable fisheries projects. For sustainable fisheries, the median size of project finance commitments was USD 72,878 and the average was USD 1.07 million. In 2010-2020, the ten largest projects in support of sustainable fisheries accounted for 19.6% of total commitments for sustainable fisheries. These projects focused on fishery development, fishing policy and administrative development, and fishery services. The top three donors are the World Bank, the EU institutions¹¹ and Norway (Table 1).

Table 1: Ten largest projects in ODA for sustainable ocean economy in support of the fisheries sector

Project title, short description and beneficiary	Reporting category	Donor	USD million
Bangladesh Sustainable Coastal and Marine Fisheries, Bangladesh	Fishery development	The World Bank	135.5
CAPFISH-Capture Cambodia Programme for Sustainable and Inclusive Growth in the Fisheries Sector, Cambodia	Fishing policy and administrative management	EU Institutions*	100.3
Bangladesh Sustainable Coastal and Marine Fisheries, Bangladesh	Fishery services	The World Bank	67.7
EAF-Nansen Programme, unspecified bilateral support	Fishery development	Norway	65.8
Oceanographic and Fishery Research Vessel Construction Project, Morocco	Fishing policy and administrative management	Japan	48.2
Tamil Nadu and Puducherry Coastal Disaster Risk Reduction Project, India	Fishing policy and administrative management	The World Bank	47.6
Agriculture and Fisheries Development Programme, Tanzania	Fishery services	International Fund for Agricultural Development	43.6
Poverty Reduction Support Credit, Senegal	Fishing policy and administrative management	The World Bank	43.2
Pacific-European Union Marine Partnership Programme, Oceania region	Fishing policy and administrative management	EU Institutions*	41.8
Agriculture and Rural Development, Africa region	Fishery development	African Development Fund	41.4

Source: OECD Data Platform on Development Finance for the Sustainable Ocean Economy

* Note: In all data, the EU institutions and EU member states are considered as separate donors. In other words, the EU institutions are considered as a multilateral donor and each EU member as a bilateral donor.

¹¹ ODA data includes assistance provided by the EU institutions separately from that of the EU member states.

Main donors

A total of 52 donors (35 bilateral and 17 international organizations) reported fisheries sector support (disbursements) to the OECD CRS ([Table 2](#)). Of the total disbursements of USD 4,175 million from all donors for 2010-2020, nearly three-quarters (73%) was provided in grant form and the rest as concessional loans.

Table 2: ODA disbursements to the fisheries sector (marine and inland) by donor in CRS, 2010-2020

Bilateral donors		Inter-governmental organizations	
Name of the donor	USD million	Name of the donor	USD million
Japan	1,164.9	World Bank	672.4
Norway	261.2	EU Institutions	385.3
United States	192.5	Food and Agriculture Organization	325.9
United Arab Emirates	174.2	African Development Bank	87.6
Germany	106.9	Global Environment Facility	63.2
New Zealand	97.8	Asian Development Bank	31.7
Australia	91.9	Arab Bank for Economic Development in Africa	16.0
Spain	73.4	OPEC Fund for International Development	13.0
Korea	71.8	Nordic Development Fund	11.0
France	52.9	UN Industrial Development Organization	8.7
Iceland	40.4	Inter-American Development Bank	2.4
Sweden	37.8	Adaptation Fund	1.9
Canada	34.3	UN Development Programme	1.6
Denmark	33.4	Climate Investment Funds	0.7
Belgium	27.2	Others	1.4
United Kingdom	27.1		
Italy	23.3		
Finland	17.9		
Netherlands	12.7		
Switzerland	5.2		
Others	5.6		
Total	2,552.4	Total	1,622.9

Source: OECD Creditor Reporting System

In the ODA data on commitments for the ocean economy, a total of 51 donors (32 bilateral and 19 international organizations) made commitments in respect of the fisheries sector. Among the top three donors, Japan's ODA for the ocean economy to the fisheries sector totalled USD 1,222 million, 21% of which was targeted to sustainable fisheries. The World Bank's commitments related to fisheries amounted to USD 1,032 million, of which 79% was targeted to sustainable fisheries, while the EU institutions committed USD 471 million, of which 98% was for sustainable fisheries. [Table 3](#) provides more details on commitments for the fisheries sector, by donor and percentage for sustainable fisheries. It should be recalled that the data for ODA for the ocean economy are only available for commitments, which, as noted above, are systematically greater than actual disbursements. Thus, the amounts shown in [Table 3](#) – ODA commitments for the ocean economy for the (marine) fisheries sector – are greater than the ODA disbursements to the (marine and inland) fisheries sector in CRS shown in [Table 2](#), even though conceptually ODA for marine fisheries is a subset of ODA for all fisheries, marine and inland.

Table 3: ODA commitments for the ocean economy to the (marine) fisheries sector and the share for sustainable fisheries, by donor, 2010-2020

Donor	Bilateral donors			Inter-governmental organizations			
	USD million		sustainable fisheries %	Donor	USD million		sustainable fisheries %
	fisheries sector	sustainable fisheries			fisheries sector	sustainable fisheries	
Japan	1,222.4	258.5	21%	World Bank	1,032.1	818.6	79%
Norway	300.3	287.0	96%	EU Institutions	471.4	462.8	98%
Germany	206.9	206.9	100%	International Fund for Agricultural Development	353.7	292.0	83%
United Arab Emirates	171.2	-	-	Global Environment Facility	234.9	183.0	78%
Korea	153.7	56.5	37%	African Development Fund	70.6	70.6	100%
New Zealand	122.1	96.2	79%	Food and Agriculture organization	54.1	49.2	91%
France	100.9	59.3	59%	OPEC Fund for International Development	25.8	0.3	1%
United States	98.1	51.3	52%	Islamic Development Bank	13.8	2.2	16%
Australia	95.0	84.2	89%	Nordic Development Fund	11.5	11.5	100%
Spain	66.2	51.2	77%	Arab Bank for Economic Development in Africa	9.9	9.6	97%
Sweden	34.7	34.7	100%	Asian Development Bank	6.4	6.0	94%
Iceland	32.2	31.4	98%	Climate Investment Funds	5.3	5.3	100%
Finland	30.4	30.3	100%	Inter-American Development Bank	2.2	2.2	100%
Canada	26.9	26.9	100%	United Nations Development Programme	1.6	0.3	19%
Italy	20.0	16.8	84%	African Development Bank	1.5	-	-
Belgium	15.3	15.2	99%	Adaptation Fund	1.1	1.1	100%
United Kingdom	13.8	10.8	78%	Others	0.6	-	-
Others	16.7	13.6	81%				
Total	2,726.7	1,330.9	49%	Total	2,296.2	1,914.6	83%

Source: OECD Data Platform on Development Finance for the Sustainable Ocean Economy

Regarding ODA for the sustainable ocean economy to the fisheries sector, 41 donors (26 bilateral and 15 international organizations) made commitments totalling USD 3,245 million, 59% by multilateral donors and 41% by bilateral donors (Table 4).

Table 4: ODA commitments for the sustainable ocean economy to the fisheries sector by donor, 2010-2020

Bilateral donors		Inter-governmental organizations	
Donor	USD million	Donor	USD million
Norway	287.0	The World Bank	818.6
Japan	258.5	EU Institutions	462.8
Germany	206.9	International Fund for Agricultural Development	292.0
New Zealand	96.2	Global Environment Facility	183.0
Australia	84.2	African Development Fund	70.6
France	59.3	Food and Agriculture Organisation	49.2
Korea	56.5	Nordic Development Fund	11.5
United States	51.3	Arab Bank for Economic Development in Africa	9.6
Spain	51.2	Asian Development Bank	6.0
Sweden	34.7	Climate Investment Funds	5.3
Iceland	31.4	Islamic Development Bank	2.2
Finland	30.3	Inter-American Development Bank	2.2
Canada	26.9	Adaptation Fund	1.1
Italy	16.8	OPEC Fund for International Development	0.3
Belgium	15.2	United Nations Development Programme	0.3
United Kingdom	10.8		
Others	13.6		
Total	1,330.9	Total	1,914.6

Source: OECD Data Platform on Development Finance for the Sustainable Ocean Economy

Support to the fisheries sector is programmed as part of broader development policy frameworks. Donors (both bilateral and multilateral) use established national or regional dialogues with partner countries to align their support to local development priorities, frequently on the basis of multi-annual country or regional strategies. Policy statements or development policies help guide the areas in which bilateral donors or international organizations offer support. Many donors have policy positions or statements on fisheries support and/or operate dedicated financing windows offering support to this sector.

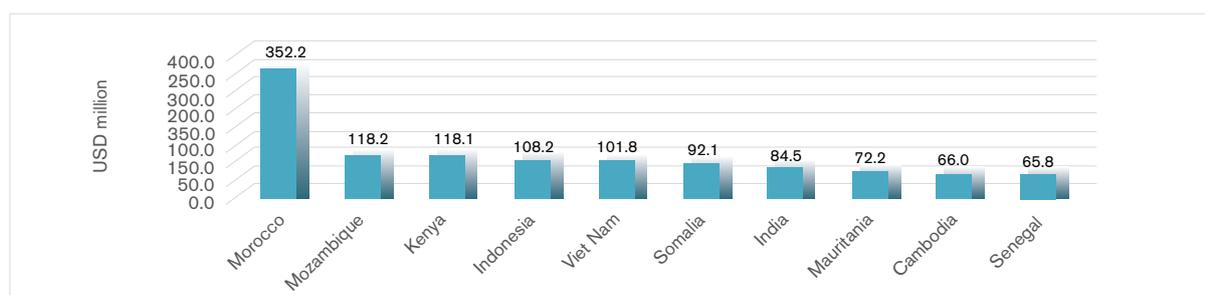
Main beneficiaries

ODA disbursements to fisheries

Of the total of USD 4,175 million in ODA disbursements to the fisheries sector (marine and inland) for the period 2010-2020, information is available on 144 beneficiary countries that received a total of USD 2,613 million. Disbursements in the amount of USD 1,563 million did not have a specific beneficiary.

Among the beneficiary countries, Morocco was the single biggest beneficiary, followed by Mozambique and Kenya (Figure 5).

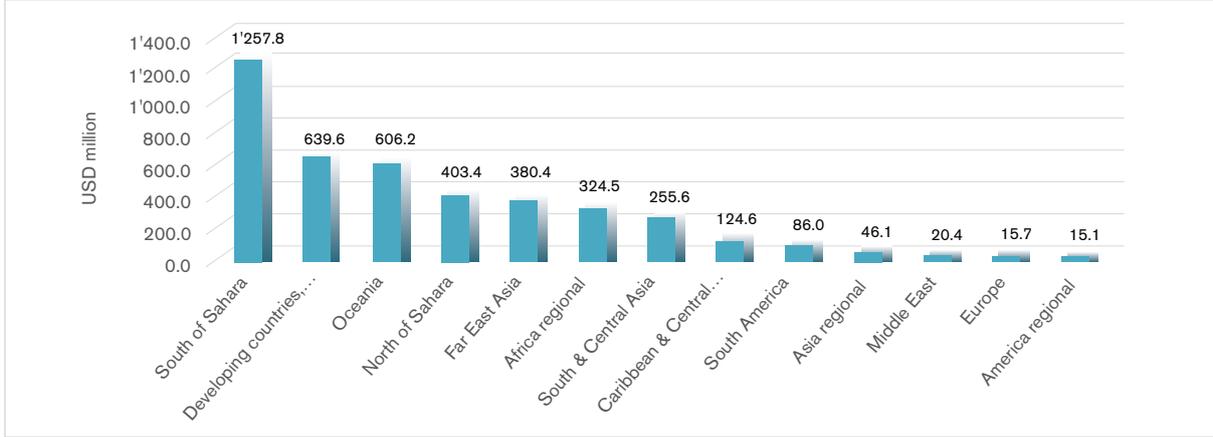
Figure 5: ODA disbursements to the fisheries sector by top recipient countries in the CRS, 2010-2020



Source: OECD Creditor Reporting System

In regional terms, Africa received the highest transfers of ODA, totalling USD 1,986 million or 48% of all fisheries disbursements. Using OECD regional categories, African countries south of the Sahara received USD 1,258 million, followed by African countries north of the Sahara with USD 403 million. Africa also benefitted from regional projects totalling USD 325 million. Oceania received USD 606 million. Asia benefitted from USD 682 million. Other regions listed that also received support included the Middle East with USD 20 million, Europe with USD 16 million and the Americas with USD 15 million (Figure 6).

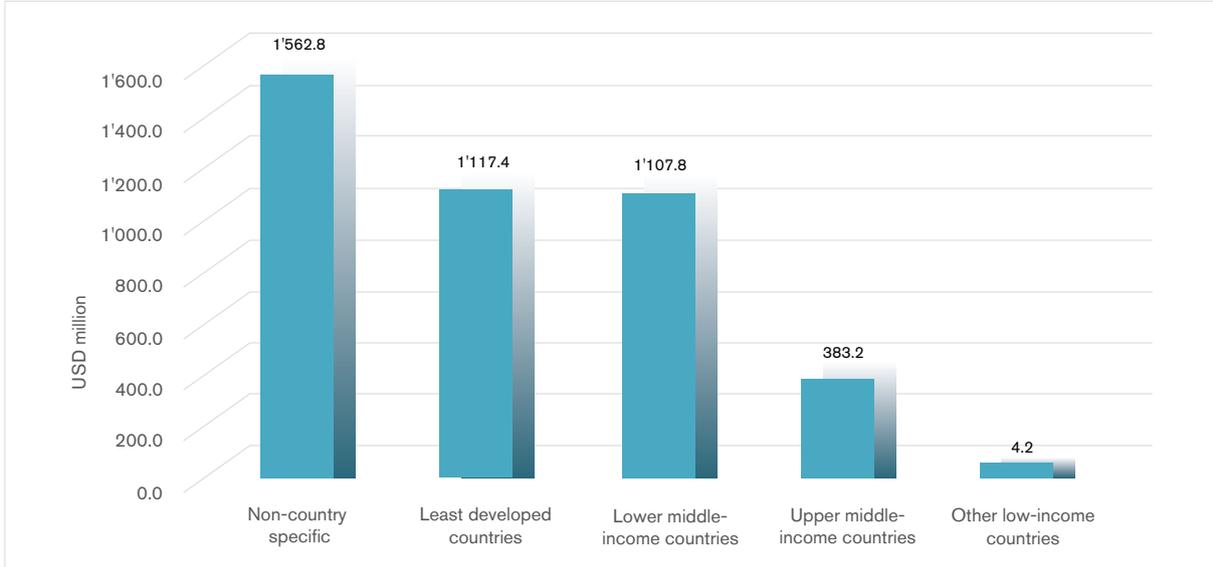
Figure 6: ODA disbursements to the fisheries sector by region in the CRS during 2010-2020¹²



Source: OECD Creditor Reporting System

In terms of income groups, LDCs received USD 1,117 million, closely followed by lower middle-income countries, which received USD 1,108 million (Figure 7).

Figure 7: ODA disbursements to the fisheries sector (marine and inland) per income group in the CRS, 2010-2020



Source: OECD Creditor Reporting System

12 Reference to African countries «South of Sahara» and «North of Sahara» refers to disbursements where one of the regions or a country in one of the regions is specified. Assistance that benefits several recipients is classified by region (e.g. «Africa regional», «Asia» and «America»). If assistance benefits several regions, «developing countries, unspecified» is used.

ODA commitments to the sustainable ocean economy

Regarding ODA for the sustainable ocean economy to the fisheries sector, a total of USD 2,280 million was committed for projects in 108 beneficiary countries in the period 2010-2020, and a further USD 966 million was committed without a beneficiary country being specified.

Table 5 shows the commitments made at country level to the top ten recipients. The largest share of ODA commitments, totalling USD 269 million, was allocated to Bangladesh, followed by Cambodia (USD 192 million) and Mozambique (USD 116 million). The top ten recipients accounted for 36% of the total ODA commitments for the sustainable ocean economy to the fisheries sector between 2010 and 2020.

Table 5: ODA for the sustainable ocean economy to the fisheries sector by top recipient countries, 2010-2020

Recipient countries	USD million
Bangladesh	268.9
Cambodia	192.1
Mozambique	116.1
India	98.8
Madagascar	84.6
Nigeria	84.4
Viet Nam	79.5
Tanzania	78.4
Indonesia	77.9
Senegal	77.3

Source: OECD Data Platform on Development Finance for the Sustainable Ocean Economy

Table 6 provides more detailed information on ODA commitments for the sustainable ocean economy for fisheries made to the top three recipients: Bangladesh, Cambodia and Mozambique. Total ODA projects reported for Bangladesh were 17 from 10 donors. For Cambodia 27 projects were reported from 12 donors, while for Mozambique 49 projects were reported from 17 donors.

Table 6: Overview of the top three recipients in ODA for sustainable ocean economy to the fisheries sector, 2010-2020

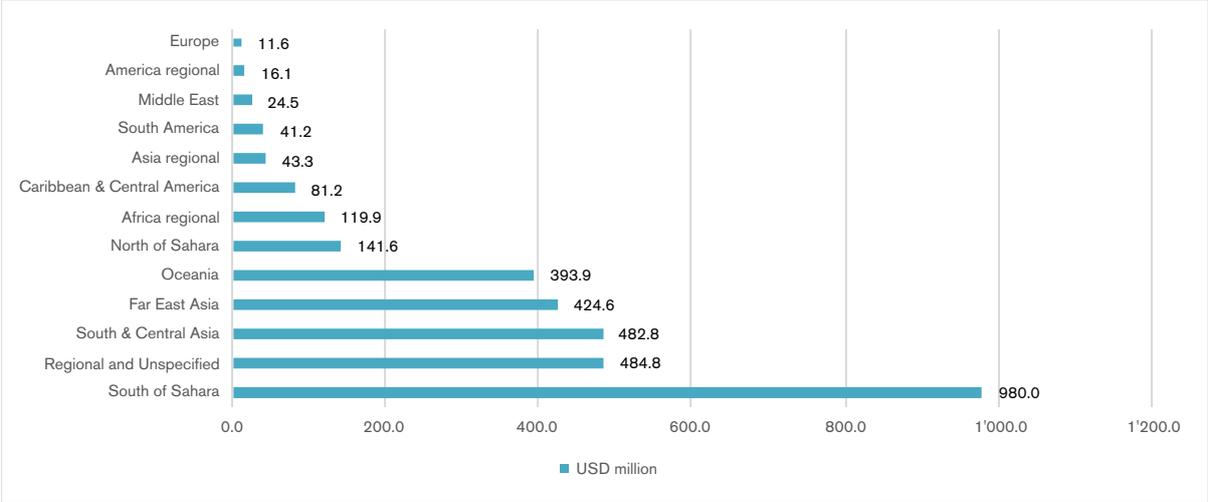
Recipient	Donors	ODA commitments, USD million
	Canada, Denmark, Japan, Korea, Luxembourg, Norway	
Bangladesh	Food and Agriculture Organisation, Global Environment Facility, International Fund for Agricultural Development, International Development Association	268.9
	Australia, Canada, Japan, Korea, Norway, Spain, United States	
Cambodia	EU Institutions, Food and Agriculture Organisation, Global Environment Facility, International Fund for Agricultural Development, International Development Association	192.1
	Belgium, Canada, Iceland, Ireland, Italy, Japan, Korea, Norway, Portugal, Spain, United Kingdom	
Mozambique	Arab Bank for Economic Development in Africa, Food and Agriculture Organisation, International Fund for Agricultural Development, International Development Association, Islamic Development Bank, Nordic Development Fund	116.1

Source: OECD Data Platform on Development Finance for the Sustainable Ocean Economy

Figure 8 shows regional distribution of ODA commitments for the sustainable ocean economy to the fisheries sector. Africa was the region receiving the highest commitments of ODA, totalling USD 1,242 million or 38% of the total, including commitments to African countries south of the Sahara with USD 980 million, followed by African countries north of the Sahara with USD 142 million. Africa also benefitted from regional projects totalling USD 120 million.

Commitments to the regional and unspecified category were USD 485 million (15%), followed by Asia with USD 951 million including South and Central Asian countries (USD 483 million). Far East Asian countries (USD 425 million) and Asia also benefitted from regional projects totalling USD 43 million. Oceania received commitments at USD 394 million. Other regions listed that also received commitments of support included the Caribbean and Central America with USD 81 million, South America with USD 41 million, Middle East with USD 25 million, America with USD 16 million and Europe with USD 12 million.

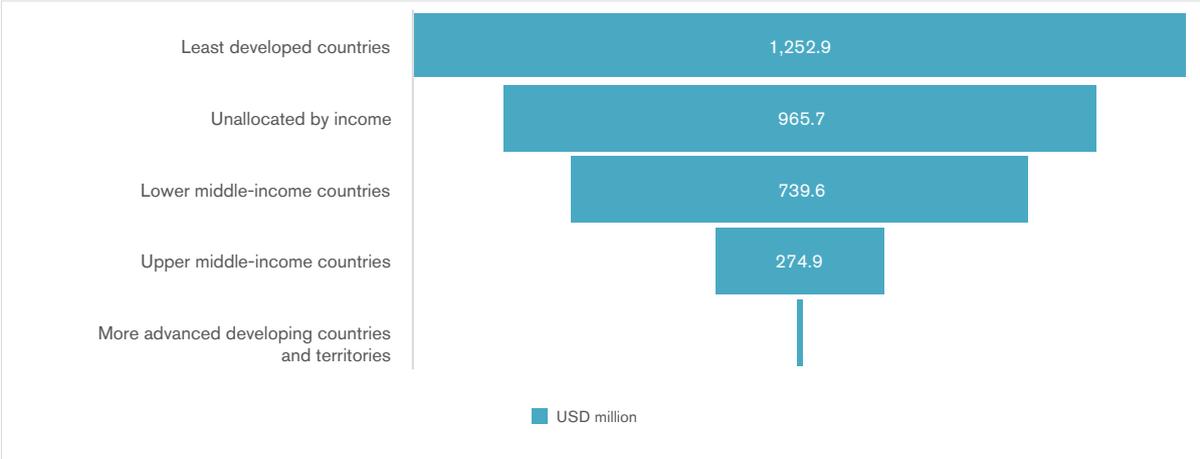
Figure 8: ODA commitments for the sustainable ocean economy to the fisheries sector by region, 2010-2020¹³



Source: OECD Data Platform on Development Finance for the Sustainable Ocean Economy

In terms of ODA for the sustainable ocean economy to the fisheries sector per income group, USD 1,253 million was committed for LDCs, and USD 966 million did not have an income group specified (**Figure 9**).

Figure 9: ODA for the sustainable ocean economy to the fisheries sector per income group, 2010-2020



Source: OECD Data Platform on Development Finance for the Sustainable Ocean Economy

13 Regarding African countries «south of the Sahara» and «north of the Sahara» refer to commitments where one of the regions or a country in one of the regions is specified. Assistance that benefits several recipients is classified by region (e.g. Africa regional). Similarly, for Asia and America. The category: Regional and Unspecified, is used if assistance benefits several regions.

CONCLUSION

OECD data show that tremendous work is being done to support the fisheries sector in developing countries and LDCs. Between 2010 and 2020, just over USD 5 billion was committed in support of the fisheries sector in the ocean economy, of which 65% targeted sustainable fisheries. However, total support to the fisheries sector in developing countries and LDCs is significantly less than the estimated USD 22 billion per year in harmful fisheries subsidies worldwide.

The new Agreement on Fisheries Subsidies aims at curbing those harmful fisheries subsidies. Eliminating harmful subsidies would free up funds that could be used to promote sustainable fisheries management and practices, including development finance to developing countries and LDCs.

The WTO Fisheries Funding Mechanism will be established to assist members in implementing the new Agreement. Coordination of existing and future funding mechanisms is essential to improve the effectiveness of development cooperation and as a result, the implementation of the Agreement.

ANNEX: HOW TO ACCEPT THE PROTOCOL OF AMENDMENT TO INSERT THE AGREEMENT ON FISHERIES SUBSIDIES INTO ANNEX 1A OF THE WTO AGREEMENT

At its twelfth session, held in Geneva, Switzerland from 12 to 17 June 2022, the WTO Ministerial Conference reached a [Decision](#) to adopt an amendment Protocol to insert the Agreement on Fisheries Subsidies into Annex 1A of the WTO Agreement, and opened the Protocol for acceptance by Members.

According to the WTO Agreement, a Member formally accepts the Protocol by depositing what is referred to as an “instrument of acceptance” for the Protocol with the WTO. As stipulated in the Protocol, it shall enter into force upon acceptance by two thirds of the Members, in accordance with Article X:3 of the WTO Agreement. Once the Protocol enters into force, the Protocol shall remain open for acceptance, and will take effect for Members that deposit an instrument of acceptance after that date on such Member’s respective date of deposit.

Frequently asked questions

What is the WTO practice regarding the deposit of acceptances?

The WTO closely follows established United Nations depositary practice, which is based in international treaty law, including the formalities and requirements concerning valid acceptance set out below.

What must be stated in an instrument of acceptance?

There is no single, uniform approach for drawing up an instrument of acceptance for the Protocol; each individual member may have its own practice for accepting international treaties and treaty amendments. However, in line with established depositary practice, the instrument of acceptance must give clear and unambiguous expression to the relevant Member’s intention and consent to be bound by the agreement in question (in this case, the Protocol).

In particular, the instrument of acceptance must:

- clearly identify the Protocol by its full title and by the place and date of its adoption, i.e. “the Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization, Agreement on Fisheries Subsidies, done at Geneva on 17 June 2022” or, alternatively, reproduce the Protocol as an attachment to the instrument of acceptance;
- state that the Member concerned formally accepts the Protocol and expresses its consent to be bound by it;
- state the date and the place of issuance of the instrument of acceptance;
- be signed; and
- state the name and title of the person signing the instrument.

Who may sign the instrument of acceptance?

Established practice is for the instrument of acceptance to be issued and signed by the head of state, the head of government, or the minister for foreign affairs (the “Big Three”).¹ The instrument may be signed by another official provided that he or she produces official documentation (“full powers”) to the effect that one of the “Big Three” has authorized him or her to issue and sign the instrument.

Unsigned instruments in the form of notes verbales, even bearing the seal of the ministry or of the presidency, are not sufficient for accepting the Protocol.

What are the arrangements for depositing a valid instrument of acceptance?

In practical terms, the instrument of acceptance should be deposited with the Depositary Assistant in the WTO Legal Affairs Division. Only original instruments are valid, and the date of deposit corresponds to the date when the valid original instrument fulfilling the above requirements is received by the Depositary Assistant. Copies in electronic or paper form are not acceptable.

Model instrument of acceptance

For the Protocol Amending the WTO Agreement Establishing the World Trade Organization, Amendment on Fisheries Subsidies, done at Geneva on 17 June 2022:

[Member]

INSTRUMENT OF ACCEPTANCE OF THE PROTOCOL AMENDING THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION, AGREEMENT ON FISHERIES SUBSIDIES

Whereas the Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization, Agreement on Fisheries Subsidies (“the Protocol”) was done at Geneva on 17 June 2022 (WT/MIN(22)/33 – WT/L/1144);

Now therefore, I, [name of signatory], [where applicable: head of state, head of government or minister of foreign affairs] of [Member], do hereby formally declare that [Member] accepts the aforementioned Protocol and undertakes faithfully to perform and carry out the stipulations therein contained.

In witness whereof, I [name and title of signatory] have signed this Instrument of Acceptance, at [place] on this [day] of [month] in the year [year].

[Signature, title and seal]

Interested delegations are invited to contact the [Depositary Assistant in the WTO Legal Affairs Division](#) (deposit.assist@wto.org), with any further questions, in particular if further assistance is needed with drawing up a valid instrument of acceptance.

Notes:

1. Alternatively, where applicable, a Member’s competent authority, typically the highest ranking official responsible for external trade matters, may issue and sign the instrument. This is particularly the case for WTO Members that might not have officials with titles directly corresponding to the “Big Three” in a way that is acceptable for the entire WTO Membership.



Further information:

https://www.wto.org/english/tratop_e/rulesneg_e/fish_e/agreement_fisheries_subsidies_e.htm



Further information:

www.wto.org/fish



WORLD TRADE
ORGANIZATION

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CH-1211 Geneva 21, Switzerland

Website: <https://www.wto.org>

Find out more

