

Preferential Access for Fisheries and Aquaculture Products



Market Access

Traditional Access to Markets

- Most Favorable Nation (MFN) import duty
- Import compliance (forms, food safety issue, others)
- WTO rules

Preferential Access to Markets

- Regulated by Trade Agreements
- “Quantitative and Qualitative Benefits”
- WTO rules

Preferential Trade Quantitative and Qualitative Benefits

**Quantitative
Benefits**

Reduction of
Import Duty

**Qualitative
Benefits**

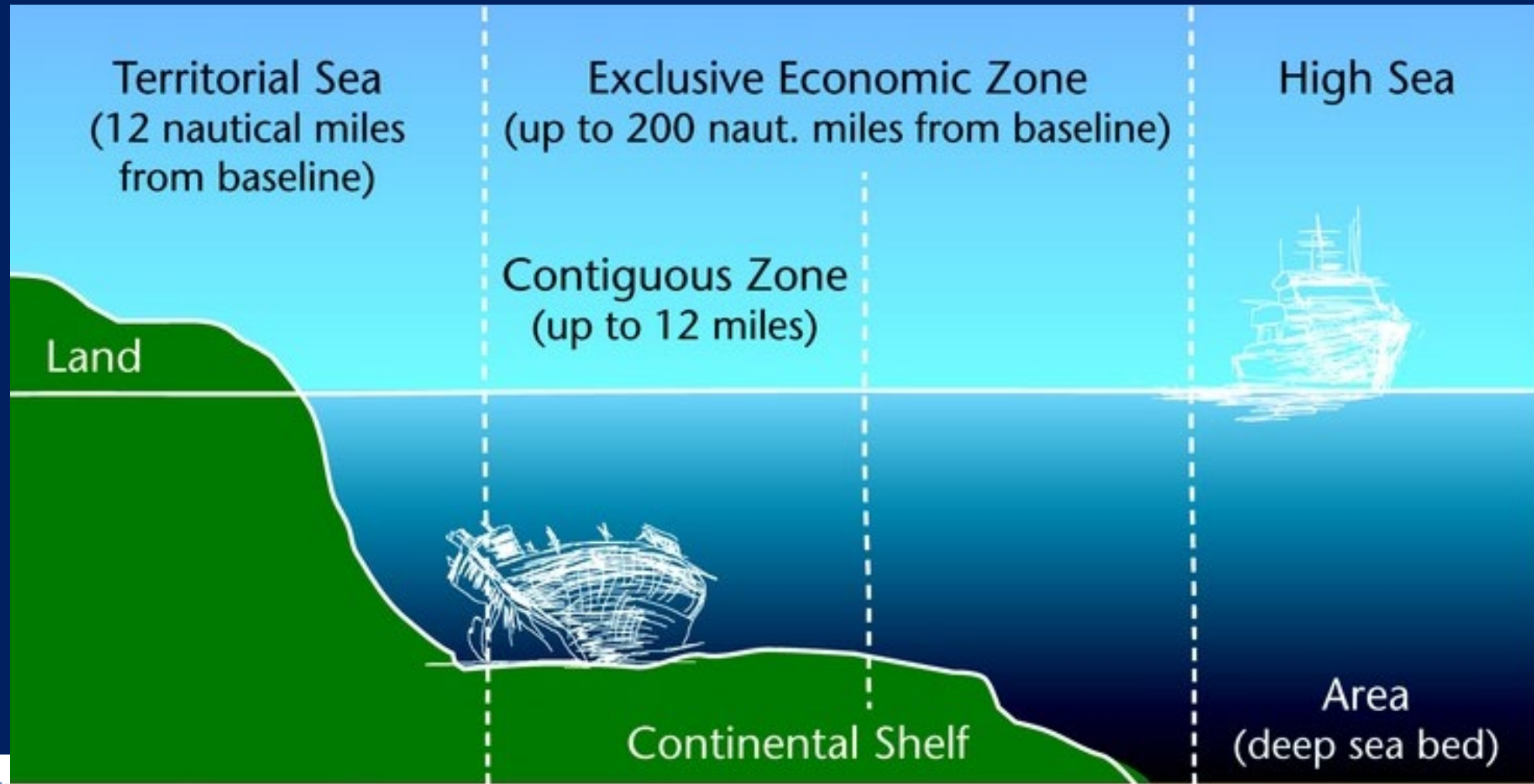
Import
Requirement
Facilitation
(Mutual Recognition)



**In preferential tariffs,
how to determine the
origin of a product?**



UNCLOS Maritime Zones



Preferential Trade – Rules of Origin

Territory Rule

Live animals born and raised there

Products from live animals raised there

Products obtained by hunting or fishing conducted there

Products of sea fishing and other products taken from the sea outside the territorial waters of countries A or B by their vessels

Vessel Rule

Registered or recorded in countries A or B

Sailing under the flag of country A or B

Owned by nationals of country A or B

Masters and officers from country A or B

Minimum percentage of crew being nationals of country A or B



Traditional and “Modern Clauses” in Trade Agreements



Common Trade Agreement Clauses

Traditional Trade Agreements

- Overall clauses of the trade agreement to get the tariff reduction
- Concentrated on trade clauses
 - Rules of origin
 - Tariff reduction

New Generation of Trade Agreements

- Introduction of non-trade clauses to allow the tariff reduction to be applied
- Clauses with a global interest but beyond the traditional trade analysis
 - Environmental clauses
 - IUU fishing
 - Fisheries subsidies

Non-Traditional Clauses are becoming the “New Normal” of Trade Agreements,



Rules of Origin



Territorial Rule

- a product obtained by hunting or **fishing** conducted in that Party, but **not beyond** the outer limits of that Party's **territorial sea**
- product obtained from **aquaculture** in that Party if **aquatic organisms**, including fish, molluscs, crustaceans, other aquatic invertebrates and aquatic plants **are born and raised** from seed stock such as eggs, roes, fry, fingerlings, larvae, parr, smolts or other immature fish at a post-larval stage, by intervention in the rearing or growth processes to enhance production such as regular stocking, feeding or protection from predators



Vessel Rule

- a product of sea fishing or another product taken from the sea outside any territorial sea by a **vessel of that Party**
- a product made aboard a **factory ship of that Party** exclusively **from [originated] products**

Vessel Definition *(cumulative)*

- registered in a Party of the Agreement
- sails under the flag of a Party of the Agreement
- Ownership:
 - 50% owned by nationals of a Party of the Agreement**OR**
 - the juridical person has its head office and main place of business in a Party of the Agreement**OR**
 - the juridical person is at least 50% owned by persons of a Party of the Agreement



Does not “Give Origin”

- preserving operations such as drying, freezing, keeping in brine and other similar operations, if their sole purpose is to ensure that the products remain in good condition during transport and storage
- simple addition of water or dilution with water or another substance that does not materially alter the characteristics of the product, or dehydration or denaturation of the product

Certificate of Origin

- A statement on origin shall be made out by an exporter

Other not so traditional clauses



Sustainable Food Systems

- to establish close cooperation in the transition towards sustainable food systems
- Based on cooperation and not mandatory regulatory changes
- fight against fraud
- the reduction of food loss and waste
- improvement of animal welfare standards
- antimicrobial resistance

Competition and Subsidies

- Direct reference to the WTO Agreement on Fisheries Subsidies
- No change in the rights of obligations at the WTO

More Modern Clauses



Food and Agriculture
Organization of the
United Nations

Trade and Sustainable Development

Objective

- recognition that sustainable development encompasses economic development, social development and environmental protection
- address climate change urgently
- enhance the trade and investment relationship in a way that contributes to sustainable development, in particular its labour and environmental dimensions

Levels of Protection

- each Party can determine its sustainable development policies and priorities, to establish the levels of domestic environmental and labour protection it deems appropriate consistent with agreed international standards

Trade and Sustainable Development

Multilateral Standards and Agreements

- Labor
 - ILO Instruments
- Gender equality
- Environmental governance
 - Effectively implement multilateral environmental agreements
- Climate change
 - Effectively implement the UN Framework Convention on Climate with the Paris Agreement
- Biological diversity
 - Convention on Biological Diversity (CBD) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)



Trade and Sustainable Development

Multilateral Standards and Agreements

- Marine biological resources and aquaculture
 - Recognition that illegal, unreported and unregulated ("IUU") fishing undermines sustainable conservation and management of fish stocks
 - Implement long-term conservation and management measures and sustainable use of marine biological resources
 - UNCLOS, Fish Stocks Agreement, Compliance Agreement, PSMA, FAO Code of Conduct for Responsible Fisheries,
 - Participate in the FAO initiative on Global Record of Fishing Vessels and RFMOs

Transparency

How can FAO support compliance?



FAO Instruments

**Code of Conduct for
Responsible Fisheries
(CCRF)
1995**

**International Plan of
Action IPOA-IUU
2001**

**Port State Measures
Agreement (PSMA)
2009**

**International Plan of
Action IPOA-Capacity
2009**

**Voluntary Guidelines
for Small-Scale Fishers
2014**

**Voluntary Guidelines
for Catch
Documentation
Schemes (CDS)
2017**

**Voluntary Guidelines
for Transshipment
2022**



Food and Agriculture
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FAO Code of Conduct for Responsible Fisheries (CCRF)

Comprehensive Instrument

Basic Axiological Values

- Solid, sustainable, precautionary and inclusive actions
- Shared responsibilities
- Holistic approach
- Good source of guidance for the main pillars of WTO Fisheries Subsidies negotiation process

Main Covered Areas

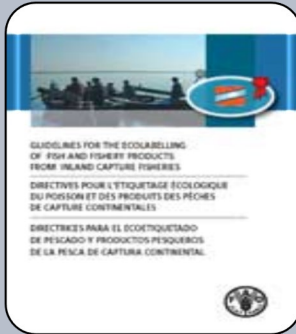
- Fisheries management
 - Overfishing
- Small-Scale Fishers
 - Specific approach
- Post-Harvest Issues



FAO Important Guidelines



Technical Guidelines
on Responsible Fish
Trade - 2009



Ecolabelling
Inland Capture -
2011



Ecolabelling
Marine Capture -
2009



Aquaculture
Certification - 2011

To certify
and
promote
labels
from
well-
managed
fisheries

- principles
- general considerations
- terms and definitions
- substantive requirements and criteria
- procedural and institutional aspects

What ... If ...





In Greek, kosmos refers to something well-organized, has an order, or is arranged harmoniously.