

漁業補貼主席版草案與韓國提案對照表

條文	主席版草案(TN/RL/W/213)	韓國提案 (TN/RL/GEN/168)
<p><i>Article I</i> 禁止性補貼</p>	<p>I.1 Except as provided for in Articles II and III, <u>or in the exceptional case of natural disaster relief</u>, the following subsidies within the meaning of paragraph 1 of Article 1, to the extent they are specific within the meaning of paragraph 2 of Article 1, shall be prohibited:</p> <p>(a) Subsidies the benefits of which are conferred on the acquisition, construction, repair, renewal, renovation, modernization, or any other modification of fishing vessels or service vessels, including subsidies to boat building or shipbuilding facilities for these purposes.</p> <p>(b) Subsidies the benefits of which are conferred on transfer of fishing or service vessels to third countries, including through the creation of joint enterprises with third country partners.</p> <p>(c) Subsidies the benefits of which are conferred on operating costs of fishing or service vessels (including licence fees or similar charges, fuel, ice, bait, personnel, social charges, insurance, gear, and at-sea support); or of landing, handling or in- or near-port processing activities for products of marine wild capture fishing; or subsidies to cover operating losses of such vessels or activities.</p> <p>(d) Subsidies in respect of, or in the form of, port infrastructure or other physical port facilities exclusively or predominantly for activities related to marine wild capture fishing (for example, fish landing facilities, fish storage facilities, and in- or near-port fish processing facilities).</p>	<p>I.1 Except as provided for in Articles III and IV, the following subsidies within the meaning of paragraph 1 of Article 1, to the extent they are specific within the meaning of paragraph 2 of Article 1, shall be prohibited:</p> <p>(a) Subsidies the benefits of which are conferred on the acquisition, construction, repair, renewal, renovation, modernization, or any other modification of fishing vessels or service vessels, including subsidies to boat building or shipbuilding facilities for these purposes. 原主席版之 I.1 第(a)點：漁船新建及現代化之補貼</p> <p>(b) Subsidies the benefits of which are conferred on transfer of fishing or service vessels to third countries, including through the creation of joint enterprises with third country partners. 原主席版之 I.1 第(b)點：漁船移轉第三國之補貼</p> <p>(c) Subsidies arising from the further transfer, by a payer Member government, of access rights that it has acquired from another Member government to fisheries within the jurisdiction of such other Member. 原主席版之 I.1 第(g)點：入漁費之補貼</p> <p>(d) Subsidies the benefits of which are conferred on any vessel engaged in illegal, unreported or unregulated fishing. 原主席版之 I.1 第(h)點：對非法捕魚(IUU)之補貼</p>

	(e) Income support for natural or legal persons engaged in marine wild capture fishing.	
	(f) Price support for products of marine wild capture fishing.	
	(g) Subsidies arising from the further transfer, by a payer Member government, of access rights that it has acquired from another Member government to fisheries within the jurisdiction of such other Member.	
	(h) Subsidies the benefits of which are conferred on any vessel engaged in illegal, unreported or unregulated fishing.	
<p>Article II 漁業補貼通則 (含可控訴補貼) <i>General Discipline on the Use of Subsidies</i> 韓國提案將原主席版第 IV 條之漁業補貼通則改列為第二條，將主席版第二條之一般性例外(General Exception)改為第三條</p> <p>該條文變更之主要目的：</p> <ol style="list-style-type: none"> 1. 將原主席版本所列部分禁止性補貼項目改為可控訴補貼，例如：(c)營運成本、(d)漁港硬體設施、(e)漁民所得支持、(f)漁產品價格支持 2. 補貼造成過漁及漁撈能力過剩就應禁止，然非經科學性調查並考量各項實質因素，則不應斷言補貼與漁業負面效果之因果關係。 	<p>II.1 Except as provided for in Articles III and IV, no Member shall provide following subsidies within the meaning of paragraph 1 of Article 1, to the extent they are specific within the meaning of paragraph 2 of Article 1, that cause adverse effects to fish stocks through overcapacity¹ and over-fishing²:</p> <p>(a) Subsidies the benefits of which are conferred on operating costs of fishing or service vessels (including licence fees or similar charges, fuel, ice, bait, personnel, social charges, insurance, gear, and at-sea support); or of landing, handling or in- or near-port processing activities for products of marine wild capture fishing; or subsidies to cover operating losses of such vessels or activities. 原主席版之 I.1 第(c)點營運成本</p>	

¹ For the purpose of this Agreement, the term "overcapacity" means that the fishing capacity at issue is greater than a desirable level of fishing capacity (*i.e.*, target level) which may be either a long-term target sustainable yield, as reflected in the short-term in a total allowable catch (TAC), or a related long-term target for fixed inputs employed in fishing activity for the fishery in question.

² For the purpose of this Agreement, the term "overfishing" is normally expressed in terms of fishing mortality levels, that is, in terms of how many fish are killed during a certain reference period. Thus overfishing exists when total fishing mortality (harvesting) is at a rate that exceeds the maximum level that the stock can withstand on a sustainable basis (*i.e.* the maximum sustainable yield).

- | | |
|--|--|
| | <p>(b) Subsidies in respect of, or in the form of, port infrastructure or other physical port facilities exclusively or predominantly for activities related to marine wild capture fishing (for example, fish landing facilities, fish storage facilities, and in- or near-port fish processing facilities), provided that the main beneficiary of the infrastructure or facilities is not the general public of a Member.原主席版之 I.1 第(d)點：漁港建設之補貼。</p> |
| | <p>(c) Income support for natural or legal persons engaged in marine wild capture fishing. 原主席版之 I.1 第(e)點：收入支持之補貼。</p> |
| | <p>(d) Price support for products of marine wild capture fishing. 原主席版之 I.1 第(f)點：價格支持之補貼。</p> |