

**Resumed Sixth Renegotiation Session (RS6-resumed)**  
**28 September 2022**

**PIPs FIRST STATEMENT**

**Introduction**

1. Thank you for your time to meet again today in the resumed RS6 session.
2. Thank you also for the US representatives' participation in the TWG meetings on Tuesday 20 and Thursday 22 September 2022. We acknowledge with appreciation the good progress made by the members of the TWG, co-chaired by Shannon Tau of New Zealand and yourself Dave Hogan, in progressing the work on the MOU for 2023.
3. However, there are still some remaining issues which cannot be resolved by the TWG and that require further clarification and consideration by the Parties before the proposed arrangements for fishing operations for 2023 can be agreed and finalised. PIPs therefore want to focus this session on resolving those remaining issues.

**Remaining issues**

4. We understand there are three major issues to be resolved.

*(i) Form of the MOU*

5. With regard to the form of the MOU for 2023, we appreciate the work of the US in proposing a new MOU format which the TWG has been considering. We understand that the MOU would represent political commitments from all but would be non-binding in a legal sense and that this would enable a streamlined process to give effect to agreed changes that will only apply for 2023.

6. We would appreciate your further clarification of this, including that Annex II of the current Treaty remains intact, to be read alongside the MOU setting out the specific further terms for fisheries access arrangements that will apply in 2023. This will help ensure we all have the same understanding.

*(ii) Retaining paragraphs 11 and 12 of Annex II*

7. We understand the position of the US that retaining these paragraphs is unnecessary given the agreement that has already been reached for 2023 to remove para 10(a) of Annex II as reflected in para 4 of the proposed MOU, which also sets out the fixed price for any EP days when fish is caught.

8. EP members accept that this is the case with respect to 2023 arrangements. However, the concern is to ensure the framework of the Exploratory Pool remains intact so that it can be drawn on in the negotiations to follow on arrangements for 2024 and beyond.

9. In this regard, we seek the understanding of the US that agreements reached in relation to the proposed MOU for 2023 shall not prejudice the position of the Exploratory Pool members in relation to the framework for the Exploratory Pool, including paras 11 and 12 of Annex II, in the negotiations on arrangements for 2024 and beyond.

*(iii) Changes to paragraph 23 on additional costs under additional days arrangements*

10. PIPs reiterate our position on the US proposed changes to para 23 of Annex II. We have explained that national laws of PIPs are paramount and must be respected. We believe the US proposal has the

potential to undermine the primacy of national laws and the ability of PIPs to determine the terms and conditions of fishing in their waters. These issues are to be worked through at the national level. Therefore, the PIP position is to delete paragraph 7 of the draft MOU.

11. Thank you. That concludes our first Statement.