



LDAC Advice on Improving Transparency of Fishing Joint Ventures in Third Countries

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Following [the recommendation agreed at the *External Dimension Conference* held in Las Palmas de Gran Canaria in September 2015¹](#) as well as the [conclusions of the LDAC-CFFA Seminar on the role of Joint Ventures: case studies from Africa held in Berlin](#), in May 2024², the LDAC is interested in promoting more transparency and recognition of Fishing Joint Ventures (JVs) under the Common Fisheries Policy³.

In order to achieve the objective of transparency, we believe it is very important to have a specific register for fisheries joint ventures. Therefore, the LDAC RECOMMENDS the following:

1) Development of specific registers: All Member States should develop a register, collecting and publishing information on fishing joint ventures in which their nationals are involved in the operation, management, and ownership, including as a beneficial owner.

This could be achieved by taking inspiration from the Spanish fishing joint ventures register⁴, although it is currently under legal review. In addition, due to other regulations in force in Spain against IUU fishing, all bridge and engine operators are required to regularly report to the authorities on which third country fishing vessel they are working (whether it is a joint venture or not).⁵

¹ Vid. points 1.5 and 2.1:

https://ldac.eu/images/documents/events/2015/EN_FINAL_RECOMMENDATIONS_CONFERENCE_LDAC_ED_CFP.pdf

² https://www.ldac.eu/images/EN_Conclusions_Seminar_Berlin_23May2024final.pdf

³ European Parliament Resolution on a common scheme aiming to apply the external dimension of the CFP (2015/2091(INI)) (rapporteur: Linnéa Engstrom)

http://eur-lex.europa.eu/legal-content/ES/TXT/?uri=uriserv:OJ.C_.2018.058.01.0093.01.SPA&toc=OJ:C:2018:058:TOC

The LDAC work is recognised both in the preamble and in point L-11. In addition, the report recommends in point L-43 the inclusion of fisheries investments in third countries as part of the CFP, due to their influence over Community fisheries policies and development cooperation.

⁴ Vid. Presentation on the “Evolution of the regulation of fishing companies in third countries in Spain and the EU and current situation of their registration” <https://ldac.eu/images/111-FC1.PDF>

⁵ The Spanish Royal Decree 1134/2002 mandates Spanish officers assuming command responsibilities on non-EU flagged vessels provide the Spanish Fisheries General Secretariat with detailed data of their commission via an online form. Vid. Box 4: https://www.iuuwatch.eu/wp-content/uploads/2024/05/Beneficial-Ownership-briefing_Final.pdf

Although it is not compulsory, the fishing joint ventures and their vessels must be registered in the Register of Fishing Companies in Third Countries, so that Spanish crew members on board those ships can benefit from the Spanish Social Security Special Scheme for Sea Workers.

2) Consistency with the legislation of third countries: The registers of fishing joint ventures should not include requirements that contravene the legislation of third countries and would prevent registration in these countries, especially with regard to the nationality of the crew members.

3) Study of examples from other Member States: Apart from Spain, some other Member States have taken measures that are also interesting to look at. According to Latvia's Fisheries Law⁶, for example, Latvian legal entities or individuals who own ships or shares in commercial companies operating fishing vessels registered in non-EU countries are required to notify the State Environmental Service within a month of the initiation of the fishing activity.

4) Possibility of creating a European register of fishing joint ventures: Another possibility would be having vessels under joint ventures appearing in the European register of fishing authorisations (established as part of the SMEFF Regulation). Ship-owners involved in fishing joint ventures could be identified as a joint enterprise under foreign law and as an EU company (or individual) participating in the fishing joint enterprise, and their vessels would appear in the Register as such. In this way, their vessels would appear in such a register, a formula that could generate a positive return in any terms of recognition or support set out in the eventual future External Dimension of the CFP.

5) Recognition under the external dimension of the Common Fisheries Policy (CFP) and access to European funding programmes: Request as a requirement that the joint fishing venture is registered in the registers of the Member States or in the European register discussed under Section 4), in order to access funding programmes (as long as they meet the required conditions) such as: the Global Gateway programme or funding from the European Investment Bank.

6) Public information: To establish a level playing field regarding transparency, all registered information of all fishing joint ventures should be made public, including regarding their ownership structure.

7) Coordination with third countries and equal level of transparency: Fishing joint ventures are subject to the legislation of the country where they are incorporated and the vessels are flagged. As such, fishing authorisations do not depend on the EU but on third countries. By implementing the suggested transparency-related measures, the EU

⁶ Vid. Box 3: https://www.iuuwatch.eu/wp-content/uploads/2024/05/Beneficial-Ownership-briefing_Final.pdf



could lead the way, together with, for example, its key partners from the Organisation of African, Caribbean, Pacific States (OACPS), towards the adoption of similar measures in States with which it maintains fishing sector relationships. In 2022, OACPS committed⁷ to *“take measures either as flag states or coastal states to update and implement national legislation requiring reporting of ultimate beneficial owners of fishing vessels and companies whenever flagging or granting authorisation to fish and maintaining a register of beneficial owners of fishing vessels at the national levels...”*.

In addition, the EU should make the import of fishery products of ACP origin caught by non-OACPS and non-EU fishing joint ventures subject to the same level of transparency.

The LDAC could also open a dialogue on how EU and African countries could concretely promote such transparency requirements with its partners COMHAFAT and AFRIFISH-Net, since both highlighted the importance of transparency in joint ventures during the [Berlin seminar on joint ventures](#).

⁷ Vid. https://www.oacps.org/wp-content/uploads/2022/05/Declaration_-7thMMFA_EN.pdf