



Evolution of the regulation of fishing companies in third countries in Spain and the EU and current situation of their registration

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FISHING COMPANIES WITH INVESTMENTS AND OPERATIONS IN THIRD NON-EU COUNTRIES: AFRICA CASE STUDIES



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Background



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- The Spanish fleet was one of the most important in the world.
- Until the 60's of the last century, Spanish ships had access to a large number of fishing grounds worldwide.
- Fish consumption in Spain was one of the highest in the world.



Fishing joint ventures: Drivers



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In 1964, the first joint venture was created in South Africa.

- United Nations Convention on the Law of the Sea (1973-1982): Creation and extension of the 200-mile exclusive economic zones (EEZ).
- The fishing joint ventures offered an outlet for the offshore fleet to continue the activity in fishing grounds rich in species of commercial interest.
- Know-How: The Spanish fleet offered to the local partner the fishing knowledge.



Fishing joint ventures: Phases



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- Phase 1: 1976-1986
- Phase 2: 1986-1990
- Phase 3: 1990-2005
- Phase 4: since 2005.



Phase 1: 1976-1986



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- **Decree 2517/76:** first regulation of fishing joint ventures in Spain.
 - It defined joint ventures.
 - It established the requirements.
 - Their creation was encouraged with tariff incentives.



Objectives:

- Maintain productive activity
- Maintain employment of crews
- Reduction of the national fishing fleet
- To ensure the supply of fish



Phase 2: 1986-1990



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- In 1986, Spain joined the EEC and adopted the *acquis Communautaire*.
- EEC was aware of the difficulties faced by the fishing sector due to:
 - Extension of the exclusive economic zone.
 - Fishing fleet overcapacity
- Regulation (EEC) N° 2909/83
 - It defined fishing joint ventures.
 - Joint ventures are considered a cooperation instrument between EEC partners and partners from a country on the West African coast or the Mediterranean basin.



Phase 2: 1986-1990



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- Entry into the EEC had a major impact on Spanish joint ventures:
 - Article 168 of the Act of Accession eliminated the tariff benefits for the fishery products of these companies.
 - Since then, joint ventures have been equal to any other company in a third country.



Differences in the Spanish and EEC approach:

- **Spain** encouraged the creation of joint ventures and intended to create a permanent link with them
- **EEC** considered joint ventures as an instrument for reducing fishing capacity





- Regulation (EEC) 3944/90:
 - Joint ventures are considered an instrument of structural fisheries policy.
 - The creation of a joint venture is contemplated as an alternative to ship scrapping.
 - The export of a vessel to a joint venture receives the same subsidy as a scrapped vessel (later reduced to 80%).
- The objectives of the joint ventures were:
 - Reduce the overcapacity of the European fleet.
 - To improve the state of fishery resources in European waters.
 - Encourage the development of these companies to favor access to the EEZ and guarantee the supply of fish to the European market.



Phase 4: Since 2005



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- Since December 31, 2004, joint ventures were eliminated from the community's structural policy (Regulation (EC) 2369/2002).
- In 2006, the European Economic and Social Committee (2006/C 65/09) ruled that Joint ventures must comply with the rules applicable at the time of their creation but have no specific regulation.
- According to this opinion, joint ventures are an instrument for achieving the objectives of EU standards:
 - Market supply
 - Regional cooperation and development
 - Promotion of responsible fishing



Spanish joint venture Registry



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- In 1985, the first register of joint ventures was created to keep track of these companies.
- In 1994, the official registry of fishing companies in third countries was created.
 - Entry in the register is obligatory and necessary in order to be able to apply for aid.
 - All Spanish workers in companies included in the registry are guaranteed their social security rights.



Spanish joint venture Registry



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- Royal Decree 601/1999 currently regulates the registration of joint ventures.
 - Registration is voluntary
 - All Spanish workers in companies included in the registry are guaranteed their social security rights.
 - Requirements
 - Minimum % of Spanish capital
 - Minimum number of Spanish workers
 - Priority supply to the European market.
 - Periodic information on the activity



Spanish joint venture Registry



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- The current benefit of registration is to ensure all Spanish workers in companies included in the registry are guaranteed their social security rights.
- The Royal Decree will be amended to adapt the requirements for the registration of a mixed company.





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Thank you very much for your
attention.

