



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/B4/SK

Dear Mr López,

Thank you for your advice of 23 May 2025 (Ref.: R-12-Ej.18 (2025-2025)/WG4-WG5) regarding improving transparency of fishing joint ventures in third countries.

The Commission can only agree with the need to improve transparency and strengthen the enforcement of applicable rules on EU nationals, whether they operate through joint ventures in third countries or not.

As you know, the role of the coastal State is crucial in this fight, as it is the authority that has the empowerment to authorise fishing vessels (national or third country ones) to conduct fishing operations in its waters. It also lays down its own conditions for the registration and grant of flag (and related possible privileged access to the fishing resources) to economic operators for fishing vessels and fishing activities in waters under their jurisdiction.

Some countries opt for granting such right and access to waters under their jurisdiction to national operators/investment, others envisage granting rights to foreign operators/investment (directly, though joint ventures, through locally owned companies).

These are sovereign decisions, and countries are accountable for their correct implementation and consequences of such policies. Rather than the origin of the investment (national or foreign, which is definitely important from the social perspective), the focus should be placed on the sustainability of the fishery resources, which is the main goal. However, if compliance with the rules is weak, national conservation measures and policies can also lead to unsustainable practices and overfishing.

With regard to joint ventures and the involvement of EU nationals in fishing activities of third country flags vessels but owned or managed by EU nationals, the EU has developed

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legislation that aims at ensuring that such operators are not involved or do not support illegal, unreported and unregulated (IUU) fishing. EU nationals need to comply with the applicable rules.

Engaging in IUU fishing is considered a serious infringement under EU law. Apart from fishing vessels flying the flag of the EU, EU nationals are equally prohibited from engaging in or supporting IUU fishing. This includes EU nationals on board of fishing vessels flying the flag of third countries as well as EU nationals acting as beneficial owners of fishing vessels flying the flag of third countries. According to Article 39 of the IUU Regulation, EU Member States shall cooperate between them and with third countries to identify EU nationals engaged in or supporting IUU fishing and shall take appropriate action against them.

Additional ways to reinforce the obligation under Article 40(1) of the IUU Regulation, according to which Member States shall encourage EU nationals to notify any legal, beneficial or financial interests in, or control of, fishing vessels flagged to a third country, are being discussed. However, any such action will need to be coupled with effective action from the flag State. According to Article 92 of the UN Convention on the Law of the Sea (UNCLOS), vessels shall be subject to the exclusive jurisdiction of the flag State on the high seas. In other maritime zones, the flag State has primacy in the exercise of enforcement jurisdiction. This is why the exercise of effective control by the flag State is essential in the fight against IUU fishing. This principle is the underlying foundation of all the IUU dialogues that the European Commission is conducting with third countries.

The EU will continue to promote ownership transparency of corporate structures, holding vessels registered within and outside the EU, to be in a position to identify those responsible for possible illegal activities or poor implementation of international and other obligations in the maritime, fisheries, environment, taxation, working conditions and labour rights areas and take the necessary measures. The EU is also pushing to ensure that there is more transparency on the actual beneficiaries of the vessels operating in RFMOs' remit.

The Commission is working closely with the Member States to find ways to better implement Article 40(1) of the IUU Regulation and collect the necessary information. The suggestions you provide in your letter, especially the creation of register (whether national or European) could possibly improve information exchange between Member States and third countries. The possibility of using the already existing registers under the Anti-Money Laundering Directive could also be explored by the Member States.

Finally, as regards the request to publish lists of third country vessels owned or operated by EU nationals, the EU has very strict rules on data protection and any such action will need to be carefully assessed. It is also worth mentioning that the Commission does not have access to third country fleet registers, nor does it have access to fishing licences or authorisations granted by third countries to fishing vessels flying the flag of such countries (or other non-EU countries).

Nevertheless, the Commission will continue its work in supporting Member States in the implementation of Article 40(1) of the IUU Regulation and advocate towards increasing transparency.

I am looking forward to our continued fruitful cooperation. Should you have further questions on this reply, please contact Ms Julia Rubeck, our Advisory Councils coordinator, via the functional mailbox MARE-AC@ec.europa.eu.

Yours sincerely,

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