ADVICE

Advancing Sustainability in EU-Linked Fishing Joint Ventures

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NB: this advice complements the first advice produced on this topic entitled 'Improving Transparency of Fishing Joint ventures in third countries', adopted on 23rd May 2025

1. Introduction[1]

Between the 1990's and 2004, EU legislation included in the OJEU contained the regulations governing Fishing Companies in Third Countries (FJV) integrating them in the CFP structure.

In 2006 already, the European Economic and Social Committee (EESC) adopted an opinion on joint ventures calling for the necessary rules and mechanisms to be introduced into Community legislation to provide fishing joint ventures with legal certainty within a specific framework ensuring, inter alia, sustainable fisheries resource management, job creation in areas dependent on fishing, the creation of added value, cooperation and international exchange.

Furthermore, in 2012, the European Parliament, in its resolution on the external dimension of the Common Fisheries Policy (CFP), considered that European fisheries investments should be included as a third component in the CFP's external dimension, together with fishing agreements and the RFMOs, and that the CFP must encourage sustainable external fisheries investment[2].

Today, in the context of the CFP evaluation, building on these earlier positions, LDAC members feel that the External Dimension of the Common Fisheries Policy should cover Sustainable Fisheries Agreements (SFPAs), Regional Fisheries Management Organisations (RFMOs), and fishing joint ventures (FJVs).

[1] Fishing joint ventures have been on the Long Distance Advisory Council (LDAC) agenda since it was created because it has been a fundamental part of the growth of the European industry abroad since the coming of the National Exclusive Zones in the 70's.

[2] Vid. European Parliament resolution of 22 November 2012 on the external dimension of the Common Fisheries Policy (2011/2318(INI)) Point 70 "*Considers that European fisheries investment should be included as a third component within the external dimension of the CFP, alongside fisheries agreements and RFMOs, and that the CFP should promote external fisheries investment of a sustainable nature*".

Clearly, since 2006, environmental as well as social sustainability and contributions to local development by joint ventures in third countries have been constant preoccupations of EU decision makers, EU industry, and NGOs[3]. This advice examines these aspects and how they could be addressed to ensure joint ventures contribute positively to the sustainability, transparency, and development goals of the CFP external dimension.

Dedicated EU rules on fishing joint ventures could:

- Establish an EU-wide public registry of fishing joint ventures, or failing that, as a first step, a registry for MS having FJV.
- Define minimum requirements for sustainability and transparency.
- Establish a voluntary incentivised sustainability scheme for joint ventures (which could include that the certified joint ventures could get better access to EU markets and its instruments, better visibility, long-term legal certainty, access to EU support schemes like Global Gateway…).
- Set rules for the disqualification of non-compliant fishing joint ventures from benefits.

2. Environmental sustainability and transparency

The sustainability requirements for fishing joint ventures should align with those under the SMEFF (Sustainable Management of External Fishing Fleets) regulation.

The first step is to establish an EU-wide Fishing Joint Venture Register[4], where all fishing joint ventures involving EU companies would disclose: beneficial ownership, operating area, target species, flag state, and applicable authorisations. This register should be publicly accessible, with confidentiality only applied when necessary.

The EU register should also include details on vessel capacity (including engine power), catch volumes, and compliance records, and it should be cross-referenced with international IUU vessel lists.

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[3] Vid. European Parliament resolution of 12 April 2016 on common rules in respect of application of the external dimension of the CFP, including fisheries agreements (2015/2091(INI)) Point 41: "Considers that the EU should encourage third countries, starting with those with which it negotiates an SFPA, to establish a regulatory framework for joint ventures by EU and other interests in the catching, processing and marketing sectors; is of the opinion that such a framework is the best means of ensuring that joint ventures are set up and operate in line with high sustainability and transparency standards as promoted by the reformed CFP, thus also providing better legal stability for EU interests in supporting sustainable fisheries development in third countries".

[4] Vid. LDAC advice on *'Improving Transparency of Fishing Joint ventures in third countries'*

3. Social sustainability

Sustainability in fishing joint ventures goes beyond environmental aspects and includes social and economic contributions[5]. Ventures are therefore encouraged to demonstrate how their activities support the long-term development priorities of the partner state, such as employment, local value chains, and fair opportunities for small-scale fisheries. EU joint ventures benefits for the partner state include:

- Employment opportunities: Whenever possible, joint ventures should promote the recruitment of nationals from the partner country, both on board and in related sectors such as processing or logistics, ensuring decent working conditions.
- Value addition: Joint ventures are encouraged to contribute to local value addition by landing and/or processing part of their catches in the partner country, where infrastructure and sanitary conditions allow.
- Working in complementarity with artisanal fisheries: Joint ventures should strive to operate in ways that are compatible with the needs of small-scale fisheries, including through dialogue with fishers' organisations and, where appropriate, measures that facilitate co-existence such as spatial planning or seasonal management. Fishing activity should be avoided in all spawning areas.

4. Better access to the market for sustainable joint venture products

Vessels under joint ventures meeting these transparency, environmental and social criteria could obtain better conditions to access the EU market, the main and almost exclusive destination for their products (like fast-track management at border inspection points)[6]. We all agree that only products from sustainable sources, including those from vessels under joint ventures, should enter the EU markets.

To ensure fairness and effectiveness, we all agree that all fishing products, including from all JFV (e.g. Joint ventures with ACP or MED countries Chinese, Korean, Turkish or other

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[5] Vid. Presentation of Mr. Sadaki, COMHAFAT, https://ldac.eu/images/31-SAD1.PDF and Vid. Examples of good practices by the FJVs:
- Case study on Indian Ocean: "The role of ALBACORA and tuna in fostering growth in Small Island Developing States and small-scale economies" (Mr. Alfonso Menoyo, Albacora Group)
- Case study on Namibia: "NOVANAM as the backbone of the economy and the development of Luderitz from independence to this day" (Mr. David Troncoso, Nueva Pescanova Group)
- Case study on Mozambique: "PESCAMAR´s contribution to the economic and social development of Beira since 1980" (Mr. David Troncoso, Nueva Pescanova Group)
- Case study on Senegal: "Working together for a better world" (Mr. Roque Serrano, Armadora Pereira)
- Case study on Nigeria: "Investing in Nigerian Shrimp Trawling" (Mr. Stewart Harper, Cornelis Vrolijk Holding BV)

[6] Some old (2014) report regarding the case of tuna joint ventures: https://static1.squarespace.com/static/5d402069d36563000151fa5b/t/62cbf45a01e51a00cd76e9be/1657533536683/Report_v5.pdf

foreign-owned ventures operating in African waters) should meet sustainability criteria when coming to EU market. In that context:

We should examine sustainability requirements in EU trade arrangements and see determine how they could be better applied across the board. Any fishery product entering the EU market, regardless of vessel ownership or flag, must meet the same sustainability, legality and traceability requirements[7]. This would establish a level playing field, avoid discrimination under WTO rules, and promote EU sustainability values globally.

Preferential tariff access (e.g. under Economic Partnership Agreements, Autonomous Tariff Quotas or GSP) should be conditioned on demonstrated sustainability and social responsibility in fishing practices.

As mentioned in the LPF advice joint LDAC-MAC advice on Level Playing Field[8]:
'*Secure the need to level the playing field between European industries that implement ambitious climate, environmental, ecological and social standards, and those trade partners that do not pursue the same high standards.*
Where import duties need to be suspended or reduced for fishery products to ensure that there is an adequate supply to the Union's market, ensure fair competition between imported fishery products and Union fishery products by taking into consideration the impact of the measures on the competitiveness of Union fish producers and ensure they respect Europe's high norms and standards in sensitive sectors & human rights'

Sustainability market incentives must go hand in hand with rigorous due diligence and monitoring. It should be aligned with the EU Corporate Sustainability Due Diligence Directive (CSDDD), formally adopted in 2024, to foster sustainable and responsible corporate behaviour in companies' operations and across their global value chains. Covered EU importers and retailers should conduct sustainability due diligence for all sourced seafood. All FJVs should comply with this directive.

5. Inclusion of joint ventures in SFPAs[9]

When FJVs operate in a country with an SFPA, the protocol should specify the transparency and sustainability criteria applying to joint ventures, equivalent to those

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[7] Vid. LDAC-MAC joint advice on : « Urgent need for effective implementation of EU import control rules across Member States »

[8] The LDAC-MAC joint advice on Level Playing Field can be found at: https://ldac.eu/images/EN_LDAC_Advice_LPF_25May2021.pdf

[9] 'It needs also to be noted that SFPAs include an article promoting cooperation between fishing operators of both parties, including under joint ventures, but without stipulating the conditions for such joint ventures to be sustainable. In many partner countries, the context for the establishment and for controlling the operations of such enterprises set up with foreign companies is weak and opaque'. Vid. Joint LDAC-MAC advice on LPF.

applying to the local fleet and to the EU vessels fishing under the SFPA, require JV flag state/coastal state cooperation in enforcing these criteria, and leverage SFPA sectoral support funds to improve traceability and monitoring across all fleets of foreign origin.

Joint scientific committees should assess the cumulative impact of the local fleet (FJVs included) and EU distant-water vessels fishing under an SFPA.

Through the SFPAs, the EU should encourage partner countries to apply similar criteria to all vessels of foreign origin (for example, promote efforts by African and Pacific partner countries to implement a measure agreed by the OACPS group, to report on the ultimate beneficial owners of fishing vessels and companies).

6. Access to Global Gateway and other support instruments[10]

FJVs meeting transparency and sustainability criteria could have access to preferential conditions in the available financial institutions and instruments of the European Union to incentivise best practices.
Access to European Investment Bank (EIB) loans or guarantees be subject to this entity´s requirements.

EU budget instruments (e.g. NDICI) could fund critical food systems infrastructure, reinforcing food security and regional economic integration, such us upgrading fish landing sites to accommodate more landings, monitoring and evaluation of all FJV impacts on local economies and ecosystems, etc.

The Global Gateway initiative aims to support sustainable infrastructure and value chains that promote the EU's interests and global partnerships. To fit this, sustainable fishing JVs could be framed as investments supporting partner countries' development and environmental goals.

As JVFs are primarily established with private capital and typically operate outside the scope of EU structural funding, their contribution to the EU's seafood supply and global sustainability goals deserves greater recognition. The EU should explicitly integrate the role of JVFs into its food security strategy, ensuring policy coherence for ventures that promote both economic resilience and sustainable development.

[10] Vid. LDAC letter on : Proposal of using the Global Gateway programme for European fisheries investments in third countries (aka "joint ventures")

Next steps

All LDAC members agree that there should be further work on the following topics:
- Concrete implementation of Joint Ventures sustainability and transparency requirements by the EU and all Member States.
We plan to get into more details about how sustainability and transparency requirements for joint ventures, as agreed by LDAC members, can be operationalised at EU and Member State level.

- Support for third countries (SFPA partners and others) to regulate and monitor JVs. We will examine how the EU can concretely assist partner countries in collecting and publishing Joint ventures related information (beneficial ownership, capacity, catch volumes, compliance records), applicable to all vessels fishing under Joint ventures, not only those of EU origin. We will strive to identify specific links with existing EU instruments (NDICI, Global Gateway, EIB) and SFPA sectoral support, ensuring partner countries have the necessary resources to enact measures to support joint ventures operating sustainably and transparently.

Background

- Conclusions of the joint LDAC-CFFA Seminar on: "The Role of the Fishing Companies with Investments and Operations in Third non- EU Countries: Africa case studies", in Berlin in 2024.

- The LDAC International Conference on the external dimension of the Common Fisheries Policy [11], in Las Palmas de Gran Canaria in 2015, included a specific recommendation (1.5) on joint ventures.

- European Parliament Resolution on a common scheme aiming to apply the external dimension of the CFP (2015/2091(INI)) (rapporteur: Mrs. Linnéa Engstrom)
The LDAC work is recognised both in the preamble and in recital 11. In addition, the report recommends in point 43 and in suggestion 7 the inclusion of fisheries investments in third countries as part of the CFP, due to their influence on Community fisheries policies and development cooperation.

- External dimension of the CFP, including fisheries agreements, European Parliament resolution of 12 April 2016 on common rules in respect of application of the external dimension of the CFP, including fisheries agreements (2015/2091(INI)) (2018/C 058/10)

- Opinion of the European Economic and Social Committee on "Joint ventures in the EU fisheries sector: current situation and future" (2006/C65/09)

- Report on "Estimation of the Economic and Social Impact of Fishing Joint Ventures in Spain" carried out by the research department of the Vigo Free Trade Zone, within the framework of the ARDÁN Chair of the University of Vigo, 2024.

[11] Recommendation 1.5 available at: https://ldac.eu/en/meetings/ldac-international-conference