

How to access information related to fishing vessels and activities to control their legality

1. Introduction

In the ongoing battle against illegal fishing, this Guide is designed for use by civil society organisations and journalists who are seeking to obtain information collected under national, European Union and international regulations designed to preserve and protect marine resources.

The Guide looks first at obligations on national governments and the EU to publish information proactively, and where this information can be found. It then sets out how to request further information using national and EU rules on access to information, often referred as freedom of information laws.

The Guide focuses on the European Union region, but there are also references to relevant sources of information in other parts of the world, and to general obligations on states with respect to registering fishing vessels.

2. Regulations on Ship and Fishing Vessel Registers

There is an obligation on all states to create registers encompassing all vessels sailing under their flag, and specifically of fishing vessels. These obligations emanate from two key international treaties:

- **The United Nations' 1982 Convention on the Law of the Sea ("the Law of the Sea Convention").** Every State has to define the conditions for granting ships the right of flying their flag. Crucially, *"there must exist a genuine link between the State and the ship"* (article 91, Nationality of ships). In line with this, every State must *"maintain a register of ships containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size"* (article 94, Duties of the flag State). This Convention has been ratified by 198 countries.
- **The UN Food and Agriculture Organisation (FAO) 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the FAO Compliance Agreement").** The Agreement requires that all parties shall *"maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing on the high seas, and shall take such measures as may be necessary to ensure that all such fishing vessels are entered in that record"* (article IV). An acceptance to comply with this Agreement has been submitted by 44 countries as well as by the European Union itself.

Moreover, FAO launched the **Global Record of Fishing Vessels**, Refrigerated Transport Vessels and Supply Vessels in 2018. Its primary purpose is to provide a database which can be used by stakeholders across the seafood supply chain, NGOs and civil society organisations to *"help combat IUU fishing by enhancing transparency and traceability"*. The Global Record includes voluntary information modules for ownership

and beneficial ownership which, however, are underused with low upload rates. As of January 2022, 66 countries have submitted certain information categories, including vessel details, historical details, authorisation details, inspection and surveillance, port entry denials, or IUU lists and ports.

Within the European Union, each Member State is obligated to maintain a fishing fleet register, as outlined in **Regulation 1380/2013 on the Common Fisheries Policy**. Article 24 specifies that these registers must include minimum information regarding vessel characteristics and activities necessary for the management of measures established at EU level. This information is made available to the European Commission, which employs it to establish a Union fishing fleet register available to all Member States.

Subsequent **Regulation 2017/218 on the Union Fishing Fleet Register** defines precisely the data to be collected (compulsory or optional). This data includes, among other:

- Unique identification number of a fishing vessel;
- Name of vessel;
- Country of registration;
- Place of registration (e.g. port);
- Name, nationality and contact details of legal owner;
- Name, nationality and contact details of operator.

Other information in the registers is a set of physical and technical specifications relating to each vessel (e.g. length, tonnage and power).

For the operators and owners of the vessel there must be a specification of whether this is a natural or legal person, and the addresses must be *“sufficiently clear for the agent/owner to be contacted”* and must include *“street, number, box, postal code, town and country”*.

Regarding the access to these registers, the **Commission Implementing Regulation 2017/218 on the Union Fishing Fleet Register** establishes that all Member States shall have access to the information contained in the EU register, provided they comply with protection of personal data rules. Article 10 also establishes that *“the public shall have access to a limited version of the Union fishing fleet register which shall not contain personal data”*.

The public version of the EU Fleet Registers is available [here](#)

3. Information Collected by the European Union

Regulation 1005/2008 to Prevent and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing mandates the collection of specific documents as part of reporting obligations, including those indicated in articles 22, 39, 40 and 55.

Information	Who collects	Published?
Member State (MS) shall notify the name of national authorities competent for: a) the validation of catch certificates;	European Commission	YES! The European Commission publishes a list of competent authorities here .

<p>b) the checks and verifications of catch certificates;</p> <p>c) validation and verification of the 're-export' section of catch certificates.</p>		<p>It shows that in some Member States there are different bodies for each role.</p> <p>TIP: Use this list to find out to which authority to submit an access to information request. See Section 4 on requesting information.</p>
<p>Flag States shall notify the name of national authorities empowered to:</p> <p>a) register fishing vessels;</p> <p>b) grant, suspend & withdraw fishing licences;</p> <p>c) attest and validate the veracity of catch certificates;</p> <p>d) implement, control and enforce laws, regulations, and conservation and management measures;</p> <p>e) assist Member States verify data;</p> <p>f) communicate sample catch certificate forms;</p> <p>g) update such notifications.</p>	<p>European Commission</p>	<p>YES!</p> <p>The European Commission publishes a list of competent authorities here.</p> <p>TIP: Use this list to find out to which authority in third countries you can try to submit an access to information request. See Section 4 on how to submit requests.</p>
<p>Member State shall notify the name of national authorities responsible for coordinating the collection and verification of information activities of nationals supporting or engaged in IUU fishing.</p>	<p>European Commission</p>	<p>NO!</p> <p>The data is not proactively published but this is something that could be requested to the the European Commission and/or Member State authorities.</p> <p>TIP: Try asking governments what they are doing. See Section 4 on making your request.</p>
<p>Member States are encouraged to collect information about their nationals who own or are linked to fishing vessels flagged to third countries.</p> <p>This is a voluntary arrangement, but to the extent that information is obtained, the Member State should inform the Commission by submitting a list of the fishing vessels concerned.</p>	<p>Member States</p>	<p>NO!</p> <p>It is difficult to know exactly which Member State is doing what. Reports say that information is not being collected.</p>
<p>Bi annual report on how Member States apply the rules of the IUU Regulation.</p>	<p>European Commission by 30 April every two years.</p>	<p>PARTIALLY</p> <p>TIP: Member State reports are not public but could be requested from the European Commission and/or from each Member State. See Section 4 below on how to submit requests.</p>

European Commission uses information from Member States report to the European Parliament and Council on the application of the IUU Regulation.	European Parliament and Council every three years.	YES! The reports from the European Commission to the European Parliament and the Council of the EU are available here .

Other useful resources:

- FAO Guide to Understanding and Implementing Catch Documentation Schemes (2022), [here](#).
- European Court of Auditors Report (2022) on “EU action to combat illegal fishing” [here](#).
- DG Mare study on nationals and sanctions, available [here](#).

4. Requesting information

4.1 Requests to the European Commission or other EU bodies:

Everyone can request information from any EU institution! Strictly speaking the EU only has to accept requests from EU citizens and residents, or organisations registered in the EU, but in practice, they will accept requests from anyone. Especially if you use the AsktheEU.org website, which makes it very easy to submit requests.

How to ask for information in three easy steps:

1. Register your name and email with AsktheEU.org: www.asktheeu.org.
2. Select the EU body to which you want to send the request and fill in your question to them.
3. Press send!

Sometimes the European Commission will come back to you and ask for your postal address. In this case, let us know by writing to team@asktheeu.org and we can help you.

Answers: You should get an answer in 15 working days; if not the AsktheEU.org website will tell you how to chase your request, or you can ask Access Info by writing to us at team@asktheEU.org.

Unhappy? If you are not happy with your answer, you can appeal. More information on how to do that can be found on the [AsktheEU.org website here](#).



4.2 Requests to EU Member States & Other Countries

Every EU Member State and many other countries – a total of 135 globally – have access to information laws. The great majority allow for non-citizens and non-residents to submit requests. In many cases, it's possible to do so by email.

Here are the steps to follow:

1. Check if the country has an access to information law

It is very easy to know if a country has an access to information law; you can just check on the RTI Rating website, www.rti-rating.org. That will also tell you which bodies the national law covers.

Remember: All European Union countries have an access to information law! Sometimes it's called a "freedom of information law" or a "transparency law" but it's generally the same thing, allowing the public to ask the government for information and copies of documents.

2. Use a national request platform

Many countries have civil society run national request platforms. You can find [here](#) a European list of platforms and some in other countries too.

Other countries might have government-run platforms; Mexico is one example of such a country.

3. Requesting in countries with no request platform

For other countries, search the main government website or the website of the relevant authorities.

TIP: Language will be your biggest barrier when searching for how to submit the request. Make good use of online translation systems and if you are really stuck, write to Access Info on the email info@access-info.org

Use the names of the relevant national authorities in the documents that the European Commission publishes as set out in Section 3 above.

TIP: If there are several competent authorities and it is not easy to determine which authority has the information, it is recommended to make a request to each of them.

4. Always appeal in case of partial or total refusal

It is, unfortunately, relatively common that requesters do not always get full answers to their requests.

TIP: Writing a clear and concise request helps you get a better first response. You can always follow up with additional requests later. For instance, ask for information about a few fishing vessels in your first request. When you get an answer, you can then ask for more.

If you are not happy with the answer, you always have a right to appeal. In some countries, you might need to first appeal to the same body – that's also the case with the European Commission – and a more senior person will look at the request and answer. If you are still not happy, you can go to the next level up.

In other countries, you can appeal directly to the next level up, such as an independent oversight body, often called an Information Commissioner or a Transparency Council or similar. Full details can be found on the RTI Rating www.rti-rating.org where you can check the system for each country.

In every country you have the right to go to court if an access to information request is refused. This usually requires a lawyer, and there may be some court fees linked to it. Try to identify an access to information organisation in that country to help you. If you are really stuck, write to info@access-info.org.

5. Accessing Beneficial Ownership and Company Ownership Information in the EU

5.1 How to get access to beneficial ownership information

Every European Union country should have a register of the beneficial owners of all companies registered in that country. This means the ultimate owners who, sometimes via a complex chain of companies, actually own – and benefit from – the company that you are investigating. Most EU countries have now set up such a register under the Anti-Money Laundering Directive (Directive 2015/849).

The current situation in Europe is, however, that access to these registers is only given if you can demonstrate that you have a legitimate interest (this is the result of a recent court case – you can read more about this on the [Access Info website](#)). As the rules creating these registers are linked to combatting money laundering and terrorist financing, for the press and civil society it's important to demonstrate the relevance of your work.

Not all Member States have the same tests for who has a legitimate interest. For instance, in Luxembourg, only journalists from Luxembourg can access the register. Others, such as Austria, Cyprus and Ireland, do not currently provide public access.

On the positive side, some Member States have decided to keep their registers open for access by the general public, these include Bulgaria, Croatia, Denmark and Estonia.

You can find the full [list of the national beneficial ownership registers here](#).

It is always worth trying to obtain information – Access Info has had some success, even in countries with relatively closed registers. We therefore recommend that you should argue your case. Try writing to the registry to explain why you have a legitimate interest in accessing this information. For example, you could use the following language.

SAMPLE REQUEST TO BENEFICIAL OWNERSHIP REGISTER

On behalf of [ORGANISATION], a civil society/journalists organisation working on multiple projects that focus on combating corruption, fraud, and money laundering, I hereby responsibly declare that [ORGANISATION] has a legitimate interest in accessing the Beneficial Ownership register.

This is according to judgement in joined cases C-37/20 and C-601/20, which states that “both the press and civil society organisations that are connected with the prevention and combating of money laundering and terrorist financing have a legitimate interest in accessing information on beneficial ownership” (para 74). This was specifically clarified in the review of the judgement which states “the Court’s judgment, still allows access to beneficial owner information for persons

and organisations with a legitimate interest, including the press and certain organisations in society”.

[ORGANISATION] should therefore be considered an obliged entity under the Prevention and Suppression of Money Laundering and Terrorist Financing Law of 2007 (188(I)/2007).

On behalf of [ORGANISATION], I thereby request the information of the Beneficial Owners of the company/partnership:[LIST THE COMPANY OR COMPANIES HERE].

Note: Whether the registers are publicly accessible or whether you succeed with this letter, you might be charged a registration fee or be asked to make a payment per record for access.

Comment: In the longer term, Access Info and many other organisations are campaigning for full public access to beneficial ownership data, but in the meantime, we recommend that you try and see what you can get. Do feel free to contact us (info@access-info.org) if you need help. Also, please do support our campaigning for open company and beneficial ownership registers!

5.2 Obtaining Company Ownership Information

Regarding company ownership information, it is still possible to access this information, although in many countries there is also a payment per company record.

Check the European Commission interconnected register: The European Commission has created an interconnected system where you can search in multiple countries. This [register is here](#).

Ask at the Member State level: As not all EU Member States are currently connected to the Commission’s register, you will need to search the national registers. You can find a [list of national company ownership registers here](#).

For other countries: All countries have some kind of company register. In many cases obtaining records is against a fee. You will need to check country-by-country to find out how to access the data.