

Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008

TITLE II

**FISHING OPERATIONS BY UNION FISHING VESSELS OUTSIDE UNION WATERS**

CHAPTER II

*Fishing operations by Union fishing vessels in third-country waters*

Section 3

*Fishing operations under direct authorisations*

Article 17

**Conditions for fishing authorisations by the flag Member States**

1 A flag Member State may only issue a fishing authorisation for fishing operations carried out in third-country waters outside the framework of an agreement referred to in Section 1 or 2 if:

- a the eligibility criteria set out in Article 5 are fulfilled;
- b no SFPA or agreement on exchange of fishing opportunities or joint management with the third country concerned is in force or provisionally applied;
- c the operator has provided each of the following:
  - a copy of or an exact reference to the applicable fisheries legislation as provided to the operator by the third country with sovereignty or jurisdiction over the waters where the activities take place,
  - a scientific evaluation demonstrating the sustainability of the planned fishing operations, including consistency with the provisions of Article 62 of UNCLOS, as applicable,
  - a designated official, public bank account number for the payment of all the fees;
- d in the event that the fishing operations are to be carried out on species managed by an RFMO, the third country is a contracting party to that organisation; and
- e the operator has provided either:
  - a valid fishing authorisation for the fishing vessel concerned, issued by the third country with sovereignty or jurisdiction over the waters where the fishing operations take place; or
  - a written confirmation issued by the third country with sovereignty or jurisdiction over the waters where the fishing operations take place, following the discussions between the operator and that third country, of the terms

---

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) 2017/2403 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

of the intended direct authorisation to give the operator access to its fishing resources, including the duration, conditions, and fishing opportunities expressed as effort or catch limits.

2 In any event, fishing operations shall not commence until the third country has issued the valid fishing authorisation referred to in point (e) of paragraph 1. The flag Member State shall suspend its authorisation if the third-country authorisation has not been issued by the beginning of the planned fishing operations.

3 The scientific evaluation referred to in the second indent of point (c) of paragraph 1 shall be provided by an RFMO or by a regional fisheries body with scientific competence or shall be provided by, or in cooperation with, the third country. The scientific evaluation emanating from the third country shall be reviewed by a scientific institute or body of a Member State or of the Union.

### Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) 2017/2403 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

### Changes and effects yet to be applied to :

- Regulation revoked by [2020 c. 22 Sch. 11 para. 8](#)
- Art. 17 heading words omitted by [S.I. 2019/739 reg. 8\(18\)\(a\)](#)
- Art. 17(1) words substituted by [S.I. 2019/739 reg. 8\(18\)\(b\)](#)
- Art. 17(2) words substituted by [S.I. 2019/739 reg. 8\(18\)\(c\)](#)
- Art. 17(3) words substituted by [S.I. 2019/739 reg. 8\(18\)\(d\)](#)

### Changes and effects yet to be applied to the whole legislation item and associated provisions

- Title IIIa addition by [EUR 2019/498 Regulation](#)
- Title 2Ch. 2s. 4 addition by [EUR 2019/498 Regulation](#)
- Ch. 2 heading words substituted by [S.I. 2019/739 reg. 8\(10\)](#)
- Ch. 3 heading words substituted by [S.I. 2019/739 reg. 8\(20\)](#)
- Ch. 4 heading words substituted by [S.I. 2019/739 reg. 8\(25\)](#)
- Ch. 5 heading words substituted by [S.I. 2019/739 reg. 8\(29\)](#)
- Art. 2(a) words substituted by [S.I. 2019/739 reg. 8\(3\)\(b\)](#)
- Art. 2(b) words substituted by [S.I. 2019/739 reg. 8\(3\)\(b\)](#)
- Art. 2(c) words substituted by [S.I. 2019/739 reg. 8\(3\)\(c\)](#)
- Art. 3(2)(b) substituted by [S.I. 2019/739 reg. 8\(4\)\(a\)](#)
- Art. 3(2)(b) words inserted in earlier amending provision [S.I. 2019/739, reg. 8\(4\)\(a\)](#) by [S.I. 2019/1312 reg. 8\(2\)\(b\)\(i\)](#)
- Art. 3(2)(c) words substituted by [S.I. 2019/739 reg. 8\(4\)\(b\)](#)
- Art. 3(2)(d) words omitted by [S.I. 2019/739 reg. 8\(4\)\(c\)](#)
- Art. 3(2)(e) words substituted by [S.I. 2019/739 reg. 8\(4\)\(d\)](#)
- Art. 3(2)(f) words inserted by [S.I. 2019/739 reg. 8\(4\)\(e\)\(i\)](#)
- Art. 3(2)(f) words omitted by [S.I. 2019/739 reg. 8\(4\)\(e\)\(ii\)](#)
- Art. 3(2)(f) words omitted by [S.I. 2019/739 reg. 8\(4\)\(e\)\(iii\)](#)
- Art. 5(1)(a) words substituted by [S.I. 2019/739 reg. 8\(7\)\(a\)\(iii\)](#)
- Art. 5(1)(c) words substituted by [S.I. 2019/739 reg. 8\(7\)\(a\)\(iv\)](#)
- Art. 5(1)(d) words substituted by [S.I. 2019/739 reg. 8\(7\)\(a\)\(v\)](#)
- Art. 5(1)(e) words substituted by [S.I. 2019/739 reg. 8\(7\)\(a\)\(vi\)](#)
- Art. 6(2)(d) omitted by [S.I. 2019/739 reg. 8\(8\)\(b\)\(ii\)](#)
- Art. 6(3)(d) words substituted by [S.I. 2019/739 reg. 8\(8\)\(c\)\(ii\)](#)
- Art. 6(4)(b) omitted by [S.I. 2019/739 reg. 8\(8\)\(d\)\(ii\)](#)
- Art. 18a Text replacement by [EUR 2019/1797 Regulation](#)
- Art. 20(1)(a) words substituted by [S.I. 2019/739 reg. 8\(22\)\(a\)\(ii\)](#)
- Art. 20(1)(b) words substituted by [S.I. 2019/739 reg. 8\(22\)\(a\)\(iii\)](#)
- Art. 21(b) words substituted by [S.I. 2019/739 reg. 8\(23\)\(c\)](#)
- Art. 24(b) words substituted by [S.I. 2019/739 reg. 8\(27\)\(c\)](#)
- Art. 33(1)(c) words substituted by [S.I. 2019/739 reg. 8\(38\)\(c\)](#)
- Art. 33(1)(d) words substituted by [S.I. 2019/739 reg. 8\(38\)\(d\)](#)
- Art. 38a Text replacement by [EUR 2019/1797 Regulation](#)
- Art. 38b replacement by [EUR 2019/1797 Regulation](#)
- Art. 38c para. 2 Point (f) replacement by [EUR 2019/1797 Regulation](#)