

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 III

**FISHING OPERATIONS BY THIRD-COUNTRY  
FISHING VESSELS IN UNION WATERS**

*Article 31*

**RFMO membership requirements**

A third-country fishing vessel may only carry out fishing operations in Union waters on stocks managed by an RFMO if the third country is a contracting party to that RFMO.

*Article 32*

**General principles**

1 A third-country fishing vessel shall not engage in fishing operations in Union waters unless it has been issued with a fishing authorisation by the Commission. It shall only be issued with such an authorisation if it fulfils the eligibility criteria set out in Article 5.

2 A third-country vessel authorised to fish in Union waters shall comply with the rules governing the fishing operations of Union vessels in the fishing area in which it operates. Should the provisions laid down in the relevant fisheries agreement be different, the provisions shall be stated explicitly either in that agreement or by means of rules agreed with the third country implementing that agreement.

3 If a third-country fishing vessel is sailing through Union waters without an authorisation issued under this Regulation, its fishing gear shall be lashed and stowed in accordance with the conditions laid down in Article 47 of the Control Regulation so that it is not readily usable for fishing operations.

*Article 33*

**Conditions for fishing authorisations**

1 The Commission may only issue an authorisation to a third-country fishing vessel for fishing operations in Union waters if:

- a there is a surplus of allowable catch that would cover the proposed fishing opportunities as required under Article 62(2) and (3) of UNCLOS;
- b the conditions set out in the relevant fisheries agreement are complied with and the fishing vessel is eligible under the fisheries agreement with the third country concerned and, where relevant, is on the list of vessels under that agreement;
- c the information required under the agreement for the fishing vessel and the associated support vessel(s) is complete and accurate, and the vessel and any associated support vessel(s) have an IMO number when so required under Union law;

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- d the fishing vessel is not included in an IUU vessel list adopted by an RFMO and/or by the Union pursuant to the IUU Regulation;
- e the third country is not listed as non-cooperating pursuant to the IUU Regulation or as allowing non-sustainable fishing pursuant to Regulation (EU) No 1026/2012.

2 Point (a) of paragraph 1 shall not apply to third-country vessels carrying out fishing operations under an agreement on exchange of fishing opportunities or joint management of fish stocks of common interest.

#### *Article 34*

### **Procedure for obtaining fishing authorisations**

1 The third country concerned shall send the Commission the applications for its fishing vessels before the deadline in the agreement concerned or that set by the Commission.

2 The Commission may ask the third country for additional information necessary for verifying that the conditions provided for in Article 33 have been met.

3 When it is established that the conditions referred to in paragraph 2 are met, the Commission shall issue a fishing authorisation and inform the third country and the Member States concerned of this without delay.

#### *Article 35*

### **Management of fishing authorisations**

1 If a condition set out in Article 33 is no longer met, the Commission shall take the appropriate action, including amending or withdrawing the authorisation, and inform the third country and the Member States concerned of this.

2 The Commission may refuse, suspend or withdraw the authorisation issued to the third-country fishing vessel in cases where a fundamental change of circumstances has occurred or in cases of a serious threat to the sustainable exploitation, management and conservation of marine biological resources, or where it is essential in order to prevent or suppress IUU fishing, or in cases where the Union has decided to suspend or sever relations with the third country concerned.

The Commission shall immediately inform the third country concerned in the event that it refuses, suspends or withdraws the authorisation in accordance with the first subparagraph.

#### *Article 36*

### **Closure of fishing operations**

1 Where fishing opportunities granted to a third country are deemed to have been exhausted, the Commission shall immediately notify it and the competent inspection authorities of the Member States of this. To ensure the continuance of fishing operations of non-exhausted fishing opportunities, which may also affect the exhausted opportunities, the third country shall submit to the Commission technical measures preventing any negative impact on the exhausted fishing opportunities.

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2 From the date of the notification referred to in paragraph 1, the fishing authorisations issued to vessels flying the flag of that third country concerned shall be considered to be suspended for the fishing operations concerned and the vessels shall no longer be authorised to engage in those fishing operations.

3 Fishing authorisations shall be considered to be withdrawn where a suspension of fishing authorisations in accordance with paragraph 2 concerns all the operations for which they have been granted.

4 The third country shall ensure that the fishing vessels concerned are informed immediately of the application of this Article and that they cease all fishing operations concerned. The third country shall also inform the Commission without delay when fishing vessels flying its flag have ceased their fishing operations.

#### *Article 37*

### **Overfishing of quotas in Union waters**

1 When the Commission establishes that a third country has exceeded the quotas it has been allocated for a stock or group of stocks, the Commission shall operate deductions from the quotas allocated to that country for that stock or group of stocks in subsequent years. The Commission shall endeavour to ensure that the amount of the deduction is consistent with deductions imposed on Member States in similar circumstances.

2 If a deduction in accordance with paragraph 1 cannot be made on the quota for a stock or group of stocks that was overfished as such because that quota for a stock or group of stocks is not sufficiently available to the third country concerned, the Commission may, after consultation with the third country concerned, operate from quotas in subsequent years for other stocks or groups of stocks available to that third country in the same geographical area, or to the corresponding commercial value.

#### *Article 38*

### **Control and enforcement**

1 A third-country vessel authorised to fish in Union waters shall comply with the control rules governing the fishing operations of Union vessels in the fishing area in which it operates.

2 A third-country vessel authorised to fish in Union waters shall provide to the Commission or the body designated by it, and, where relevant, to the coastal Member State, the data which Union vessels are required to send to the flag Member State under the Control Regulation.

3 The Commission, or the body designated by it, shall send the data referred to in paragraph 2 to the coastal Member State.

4 A third-country vessel authorised to fish in Union waters shall provide upon request to the Commission or the body designated by it the observer reports produced under applicable observer programmes.

5 A coastal Member State shall record all infringements committed by third-country fishing vessels, including the related sanctions, in the national register provided for in Article 93 of the Control Regulation.

**Changes to legislation:**

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

- Title 3 heading words substituted by [S.I. 2019/739 reg. 8\(35\)](#)
- Regulation revoked by [2020 c. 22 Sch. 11 para. 8](#)

**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](#)