

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 1

Fishing operations under sfpas

Article 12

Temporary reallocation of unused fishing opportunities in the framework of SFPAs

1 During a specific year or any other relevant period of the implementation of a protocol to an SFPA taking into account validity periods of the fishing authorisations and fishing seasons, the Commission may identify unused fishing opportunities and inform Member States benefiting from the corresponding shares of the allocation accordingly.

2 Within 10 calendar days of receipt of this information from the Commission, the Member States referred to in paragraph 1 may:

- a inform the Commission that they will use their fishing opportunities later in the relevant period of implementation by providing a fishing plan with detailed information on the number of fishing authorisations requested, the estimated catches, area and period of fishing; or
- b notify the Commission of the use of their fishing opportunities through exchanges of fishing opportunities, pursuant to Article 16(8) of the Basic Regulation.

3 If certain Member States have not informed the Commission of one of the actions referred to in paragraph 2, or have informed it of a partial use of their fishing opportunities only, and, if as a result, fishing opportunities remain unused, the Commission may launch a call for interest for the available unused fishing opportunities among the other Member States benefiting from a share of the allocation. The Commission shall at the same time inform all Member States of the launch of the call for interest.

4 Within 10 calendar days of receipt of the call for interest referred to in paragraph 3, Member States benefiting from a share of the allocation may communicate their interest in the available unused fishing opportunities to the Commission. In support for their request, they shall provide a fishing plan with detailed information on the number of fishing authorisations requested, the estimated catches, area and period of fishing.

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](#)

5 If deemed necessary for the assessment of the request, the Commission may ask the Member States concerned for additional information.

6 In the absence of interest in the total amount of the available unused fishing opportunities by the Member States benefiting from a share of the allocation at the end of the 10-day period referred to in paragraph 4, the Commission may extend the call for interest to all Member States. A Member State may communicate its interest in the unused fishing opportunities under the conditions referred to in that paragraph.

7 On the basis of the information provided by Member States in accordance with paragraph 4 or 6 of this Article, the unused fishing opportunities shall be reallocated by the Council in accordance with Article 43(3) TFEU, solely on a temporary basis for the relevant period of time referred to in paragraph 1 of this Article.

The Commission shall inform the Member States of the Member States to which the reallocation has been made and the quantities reallocated.

8 The temporary reallocation of fishing opportunities shall be based on transparent and objective criteria including, where applicable, those of an environmental, social and economic nature. Those criteria may include:

- a the fishing opportunities available for reallocation;
- b the number of requesting Member States;
- c the share assigned to each requesting Member State in the initial allocation of fishing opportunities;
- d the historic catch and effort levels of each requesting Member State, where applicable;
- e the viability of the fishing plans provided by the requesting Member States, in light of the number, type and characteristics of vessels and gear used.

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Changes and effects yet to be applied to :

- Regulation revoked by [2020 c. 22 Sch. 11 para. 8](#)
- Art. 12 omitted by [S.I. 2019/739 reg. 8\(14\)](#)

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](#)