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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

COUNCIL REGULATION fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Subject:

Mediterranean and Black Seas

COUNCIL REGULATION (EU) 2019/...

of ...

fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 43(3) of the Treaty provides that the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities.
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹ requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries.
- (3) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including, where appropriate, certain conditions functionally linked thereto. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities are to be fixed in accordance with the objectives of the Common Fisheries Policy (CFP) established in Article 2(2) of that Regulation. Article 16(1) of Regulation (EU) No 1380/2013 provides that fishing opportunities be allocated to Member States in such a way as to ensure the relative stability of fishing activities of each Member State for each fish stock or fishery.

28.12.2013, p. 22).

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Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354,

- Article 16(4) of Regulation (EU) No 1380/2013 provides that for stocks subject to specific (4) multiannual plans, the fishing opportunities should be established in accordance with the rules laid down in those plans.
- The Multiannual plan for the fisheries exploiting demersal stocks in the western (5) Mediterranean Sea was established by Regulation (EU) 2019/1022 of the European Parliament and of the Council¹ and entered into force on 16 July 2019. In accordance with Article 4(1) of that Regulation, fishing opportunities for stocks listed in Article 1 of that Regulation should be fixed to achieve fishing mortality at maximum sustainable yield on a progressive, incremental basis by 2020 where possible, and by 1 January 2025 at the latest. Fishing opportunities should be expressed as maximum allowable fishing effort and fixed in accordance with the fishing effort regime laid down in Article 7 of that Regulation. For 2020, the maximum allowable fishing effort should therefore be reduced by 10 % compared to the baseline calculated in accordance with Article 7(4) of that Regulation.

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¹ Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172, 26.6.2019, p. 1).

- At its 42nd annual meeting in 2018, the General Fisheries Commission for the (6) Mediterranean (GFCM) adopted recommendation GFCM/42/2018/1 on a multiannual management plan for European eel in the Mediterranean Sea, which established management measures for European eel (Anguilla anguilla) in the Mediterranean Sea (GFCM geographical subareas 1 to 27). Those measures include an annual closure period of three consecutive months to be defined by each Member State in accordance with the conservation objectives of Council Regulation (EC) No 1100/2007¹, the national management plan(s) for eel and the temporal migration patterns of eel in the Member State. The closure shall apply to all marine waters of the Mediterranean Sea and to brackish waters such as estuaries, coastal lagoons and transitional waters, in accordance with that recommendation. That measure should be implemented in Union law.
- **(7)** At its 42nd annual meeting in 2018, the GFCM also adopted recommendation GFCM/42/2018/8 on further emergency measures in 2019-2021 for small pelagic stocks in the Adriatic Sea (geographical subareas 17 and 18), which established catch and effort limits for small pelagic stocks for the years 2019, 2020 and 2021 in the GFCM geographical subareas 17 and 18 (Adriatic Sea). Those measures should be implemented in Union law. The maximum catch limits are fixed exclusively for one year and without prejudice to any other measures adopted in the future and any possible allocation scheme between Member States

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Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

- (8) At its 43rd annual meeting in 2019, the GFCM adopted recommendation GFCM/43/2019/5 on a multiannual management plan for sustainable demersal fisheries in the Adriatic Sea (geographical subareas 17 and 18), which introduced a fishing effort regime for certain demersal stocks. Those measures should be implemented in Union law.
- (9) Taking into account the particularities of the Slovenian fleet and their marginal impact on the stocks of small pelagic and demersal stocks, it is appropriate to preserve the existing fishing patterns and to ensure access of the Slovenian fleet to a minimum quantity of small pelagic species and a minimum fishing effort for demersal stocks.
- (10) At its 43rd annual meeting in 2019, the GFCM adopted Recommendation GFCM/43/2019/3 amending Recommendation GFCM/41/2017/4 on a multiannual management plan for turbot fisheries in the Black Sea (GFCM geographical subarea 29). That recommendation introduces an updated regional Total Allowable Catch (TAC) and a quota allocation scheme for turbot and further conservation measures for that stock, in particular a two months closure period and a limitation of fishing days to 180 days per year. Those measures should be implemented in Union law.
- (11) In accordance with the scientific advice provided by the GFCM, it is necessary to maintain the current level of fishing mortality to ensure the sustainability of the stock of sprat in the Black Sea. It is therefore appropriate to continue setting an autonomous quota for that stock.

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- (12) The fishing opportunities should be established on the basis of the available scientific advice, taking into account biological and socioeconomic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of the opinions expressed during the consultation of stakeholders.
- Council Regulation (EC) No 847/96¹ introduced additional conditions for year-to-year management of TACs, including, under Articles 3 and 4 of that Regulation, flexibility provisions for precautionary and analytical TACs. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Article 3 or 4 of that Regulation is not to apply, in particular on the basis of the biological status of the stocks. More recently, the year-to-year flexibility mechanism was introduced by Article 15(9) of Regulation (EU) No 1380/2013 for all stocks that are subject to the landing obligation. Therefore, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of marine biological resources, hinder the achievement of the objectives of the CFP and cause the biological status of the stocks to deteriorate, it should be established that Articles 3 and 4 of Regulation (EC) No 847/96 apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.

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Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

- The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009¹ and in particular to Articles 33 and 34 of that Regulation, concerning the recording of catches and fishing effort and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by Member States when sending data to the Commission relating to landings of stocks subject to this Regulation.
- (15) In order to avoid the interruption of fishing activities and to ensure the livelihood of Union fishermen, this Regulation should apply from 1 January 2020. For reasons of urgency, this Regulation should enter into force immediately after its publication.
- (16) Fishing opportunities should be used in full compliance with Union law,

HAS ADOPTED THIS REGULATION:

22.12.2009, p. 1).

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Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343,

Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing

TITLE I GENERAL PROVISIONS

Article 1

Subject matter

This Regulation fixes for 2020 the fishing opportunities applicable in the Mediterranean and Black Seas for certain fish stocks and groups of fish stocks.

Article 2

Scope

- 1. This Regulation applies to Union fishing vessels exploiting the following fish stocks:
 - (a) European eel (*Anguilla anguilla*) in the Mediterranean Sea, as defined in Article 4(b);
 - (b) blue and red shrimp (*Aristeus antennatus*), deep-water rose shrimp (*Parapenaeus longirostris*), giant red shrimp (*Aristaeomorpha foliacea*), European hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*) and red mullet (*Mullus barbatus*) in the western Mediterranean Sea, as defined in Article 4(c);
 - (c) anchovy (*Engraulis encrasicolus*) and sardine (*Sardina pilchardus*) in the Adriatic Sea, as defined in Article 4(d);

- (d) European hake (*Merluccius merluccius*), Norway lobster (*Nephrops norvegicus*), common sole (*Solea solea*), deep-water rose shrimp (*Parapenaeus longirostris*) and red mullet (*Mullus barbatus*) in the Adriatic Sea, as defined in Article 4(d);
- (e) sprat (*Sprattus sprattus*) and turbot (*Psetta maxima*) in the Black Sea, as defined in Article 4(e).
- 2. This Regulation also applies to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 3

Definitions

For the purposes of this Regulation, the definitions laid down to in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

- (a) 'international waters' means waters falling outside the sovereignty or jurisdiction of any State;
- (b) 'recreational fisheries' means non-commercial fishing activities exploiting marine living aquatic resources for recreation, tourism or sport;

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- (c) 'total allowable catch' (TAC) means:
 - (i) in fisheries subject to the exemption of the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that can be landed from each stock each year;
 - (ii) in all other fisheries, the quantity of fish that can be caught from each stock over the period of a year;
- (d) 'quota' means a proportion of the TAC allocated to the Union or a Member State;
- (e) 'Union autonomous quota' means a catch limit autonomously allocated to Union fishing vessels in the absence of an agreed TAC;
- (f) 'analytical quota' means a Union autonomous quota for which an analytical assessment is available;
- (g) 'analytical assessment' means a quantitative evaluation of trends in a given stock, based on data about the stock's biology and exploitation which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches.

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Article 4

Fishing zones

For the purposes of this Regulation, the following zone definitions apply:

- (a) 'GFCM geographical subareas' means the areas as defined in Annex I to Regulation (EU)

 No 1343/2011 of the European Parliament and of the Council¹;
- (b) 'Mediterranean Sea' means the waters in GFCM geographical subareas 1 to 27, as defined in Annex I to Regulation (EU) No 1343/2011;
- (c) 'western Mediterranean Sea' means the waters in GFCM geographical subareas 1, 2, 5, 6, 7, 8, 9, 10 and 11, as defined in Annex I to Regulation (EU) No 1343/2011;
- (d) 'Adriatic Sea' means the waters in GFCM geographical subareas 17 and 18, as defined in Annex I to Regulation (EU) No 1343/2011;
- (e) 'Black Sea' means the waters in GFCM geographical subarea 29, as defined in Annex I to Regulation (EU) No 1343/2011.

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Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p.44).

TITLE II FISHING OPPORTUNITIES

CHAPTER I

Mediterranean Sea

Article 5

European eel

- 1. All activities by Union fishing vessels and other Union fishing activities catching European eel (*Anguilla anguilla*), namely targeted, incidental and recreational fisheries, shall be subject to the provisions of this Article.
- 2. This Article applies to the Mediterranean Sea and to brackish waters such as estuaries, coastal lagoons and transitional waters.

3. It shall be prohibited for Union fishing vessels to fish for European eel in Union and international waters of the Mediterranean Sea for a consecutive three-month period to be determined by each Member State. The fishing closure period shall be consistent with the conservation objectives set out in Regulation (EC) No 1100/2007, with national management plans in place and with the temporal migration patterns of European eel in the Member States concerned. Member States shall communicate the determined period to the Commission no later than one month prior to the entry into force of the closure and in any case no later than 31 January 2020.

CHAPTER II

Western Mediterranean Sea

Article 6

Demersal stocks

- 1. The maximum allowable fishing effort for 2020 for demersal stocks in the western Mediterranean Sea is set out in Annex I to this Regulation.
- 2. Member States shall manage the maximum allowable fishing effort in accordance with Article 9 of Regulation (EU) 2019/1022.

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Article 7

Data transmission

Member States shall record and transmit the fishing effort data to the Commission in accordance with Article 10 of Regulation (EU) 2019/1022.

When submitting effort data to the Commission in accordance with this Article, Member States shall use the fishing effort group codes set out in Annex I to this Regulation.

CHAPTER III

Adriatic Sea

Article 8

Small pelagic stocks

1. Catches of sardine (*Sardina pilchardus*) and anchovy (*Engraulis encrasicolus*) by Union fishing vessels in the Adriatic Sea shall not exceed the levels set out in Annex II to this Regulation.

2. Union fishing vessels targeting sardine and anchovy in the Adriatic Sea shall not exceed 180 fishing days per year. Within that total of 180 fishing days, a maximum of 144 fishing days targeting sardine and a maximum of 144 fishing days targeting anchovy shall apply.

Article 9

Demersal stocks

- 1. The maximum allowable fishing effort for 2020 for demersal stocks in the Adriatic Sea is set out in Annex II.
- 2. Member States shall manage the maximum allowable effort in accordance with Articles 26 to 35 of Regulation (EC) No 1224/2009.

Article 10

Data transmission

When pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009 Member States submit to the Commission data relating to landings of quantities of stocks caught and fishing effort data, they shall use the stock codes and the effort group codes set out in Annex II to this Regulation.

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CHAPTER IV

Black Sea

Article 11

Allocation of fishing opportunities for sprat

The Union autonomous quota for sprat (*Sprattus sprattus*), the allocation of such quota among Member States and the conditions functionally linked thereto, where appropriate, are set out in Annex III to this Regulation.

Article 12

Allocation of fishing opportunities for turbot

The TAC for turbot (*Psetta maxima*) applicable in Union waters in the Black Sea for Union fishing vessels and the allocation of such TAC among Member States and the conditions functionally linked thereto, where appropriate, are set out in Annex III to this Regulation.

Article 13

Management of fishing effort for turbot

Union fishing vessels authorised to fish for turbot in Union waters in the Black Sea, irrespective of the vessels' length overall, shall not exceed 180 fishing days per year.

Article 14

Closure period for turbot

It shall be prohibited for Union fishing vessels to carry out any fishing activity, including transhipment, retaining on board, landing and first sale of turbot in Union waters in the Black Sea from 15 April to 15 June.

Article 15

Special provisions on allocations of fishing opportunities in the Black Sea

- 1. The allocation of fishing opportunities among Member States as set out in Articles 11 and 12 of this Regulation shall be without prejudice to:
 - (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
 - (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009; and

- deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009. (c)
- 2. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

Article 16

Data transmission

When pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009 Member States submit to the Commission data relating to landings of quantities of stocks of sprat and turbot caught in Union waters in the Black Sea, they shall use the stock codes set out in Annex III to this Regulation.

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TITLE III FINAL PROVISIONS

Article 17 Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

ANNEX I

FISHING EFFORT FOR UNION FISHING VESSELS IN THE CONTEXT OF THE MANAGEMENT OF DEMERSAL STOCKS IN THE WESTERN MEDITERRANEAN SEA

The tables in this Annex set out the maximum allowable fishing effort (in fishing days) by stock groups, as defined in Article 1 of Regulation (EU) 2019/1022, and overall length of vessels for all types of trawls¹ fishing for demersal stocks in the western Mediterranean Sea.

All maximum allowable fishing efforts set out in this Annex shall be subject to the rules set out in Regulation (EU) 2019/1022 and Articles 26 to 35 of Regulation (EC) No 1224/2009.

The references to fishing zones are references to GFCM geographical subareas (GSAs).

For the purposes of this Annex, the following comparative table of Latin names and common names of fish stocks is provided:

Scientific name	Alpha-3 code	Common name
Aristaeomorpha foliacea	ARS	Giant red shrimp
Aristeus antennatus	ARA	Blue and red shrimp
Merluccius merluccius	НКЕ	European hake
Mullus barbatus	MUT	Red mullet
Nephrops norvegicus	NEP	Norway lobster
Parapenaeus longirostris	DPS	Deep-water rose shrimp

TBB, OTB, PTB, TBN, TBS, TB, OTM, PTM, TMS, TM, OTT, OT, PT, TX, OTP, TSP.

Maximum allowable fishing effort in fishing days

(a) Alboran Sea, Balearic Islands, Northern Spain and Gulf of Lion (GSAs 1-2-5-6-7)

Stock group	Overall length of vessels	Spain	France	Italy	Fishing effort group code
Red mullet in	< 12 m	2 260	0	0	EFF1/MED1_TR1
GSAs 1, 5, 6 and 7; Hake in	≥ 12 m and < 18 m	24 284	0	0	EFF1/MED1_TR2
GSAs 1-5-6-7;	≥ 18 m and < 24 m	46 277	5 144	0	EFF1/MED1_TR3
Deep-water rose shrimp in GSAs 1, 5 and 6; Norway lobster in GSAs 5 and 6.	≥ 24 m	16 240	6 258	0	EFF1/MED1_TR4
	< 12 m	0	0	0	EFF2/MED1_TR1
Blue and red shrimp	≥ 12 m and < 18 m	1 139	0	0	EFF2/MED1_TR2
in GSAs 1, 5, 6 and 7.	≥ 18 m and < 24 m	10 822	0	0	EFF2/MED1_TR3
	≥ 24 m	9 066	0	0	EFF2/MED1_TR4

(b) Corsica Island, Ligurian Sea, Tyrrhenian Sea and Sardinia Island (GSAs 8-9-10-11)

Stock group	Overall length of vessels	Spain	France	Italy	Fishing effort group code
Red mullet in	< 12 m	0	208	3 081	EFF1/MED2_TR1
GSAs 9, 10 and 11; Hake in	≥ 12 m and < 18 m	0	833	46 350	EFF1/MED2_TR2
GSAs 9-10-11;	≥ 18 m and < 24 m	0	208	31 170	EFF1/MED2_TR3
Deep-water rose shrimp in GSAs 9-10-11; Norway lobster in GSAs 9 and 10.	≥ 24 m	0	208	4 160	EFF1/MED2_TR4
	< 12 m	0	0	510	EFF2/MED2_TR1
Giant red shrimp in	≥ 12 m and < 18 m	0	0	3 760	EFF2/MED2_TR2
GSAs 9, 10 and 11.	≥ 18 m and < 24 m	0	0	3 028	EFF2/MED2_TR3
	≥ 24 m	0	0	405	EFF2/MED2_TR4

ANNEX II

FISHING OPPORTUNITIES FOR UNION FISHING VESSELS IN THE ADRIATIC SEA

The tables in this Annex set out the fishing opportunities by stock or vessels effort groups and the conditions functionally linked thereto, where appropriate.

All fishing opportunities set out in this Annex shall be subject to the rules set out in Articles 26 to 35 of Regulation (EC) No 1224/2009.

The references to fishing zones are references to GFCM geographical subareas (GSAs).

For the purposes of this Annex, the following comparative table of Latin names and common names is provided:

Scientific name	Alpha-3 code	Common name
Engraulis encrasicolus	ANE	Anchovy
Merluccius merluccius	HKE	European hake
Mullus barbatus	MUT	Red mullet
Nephrops norvegicus	NEP	Norway lobster
Parapenaeus longirostris	DPS	Deep-water rose shrimp
Sardina pilchardus	PIL	Sardine
Solea solea	SOL	Common sole

1. Small pelagic stocks – GSAs 17 and 18

The table in this section sets out the maximum level of catches expressed in tonnes live weight.

Species	s: Small pelagic species (Anchovy and Sardine)	Zone: Union and International waters of GFCM-GSAs 17 and 18
	Engraulis encrasicolus and Sardina pilchardus	(SP1/GF1718)
Union	101 711 (1) (2)	Maximum level of catches
		Article 3 of Regulation (EC) No 847/96 shall not apply
TAC	Not relevant	Article 4 of Regulation (EC) No 847/96 shall not apply
		based on the level of catches exerted in 2014, up to
(0)	an amount which should not exceed 30	0 tonnes.
(2)	Limited to Croatia, Italy and Slovenia.	

2. Demersal stocks – GSAs 17 and 18

The table in this section sets out the maximum allowable fishing effort (in fishing days) by types of trawls fishing for demersal stocks in GSAs 17 and 18 (Adriatic Sea).

Gear type	Stocks	Member State	Fishing effort (fishing days) Year 2020	Fishing effort group code
Trawls (OTB)	European hake,	Italy,	108 349	EFF/MED3_OTB
	deep-water rose shrimp, Norway lobster, red mullet	GSAs 17-18		
	l localitation	Croatia,	39 257	EFF/MED3_OTB
		GSAs 17-18		
		Slovenia,	*	EFF/MED3_OTB
		GSA 17		
Beam trawls	Common sole	Italy,	8 663	EFF/MED3_TBB
(TBB)		GSA 17		

Fishing vessels flying the flag of Slovenia operating with OTB gear in GSA 17 shall not exceed the effort limit of 3 000 fishing days per year.

ANNEX III

FISHING OPPORTUNITIES FOR UNION FISHING VESSELS IN THE BLACK SEA

The tables in this Annex set out TACs and quotas expressed in tonnes of live weight by stock and the conditions functionally linked thereto, where appropriate.

All fishing opportunities set out in this Annex shall be subject to the rules set out in Articles 26 to 35 of Regulation (EC) No 1224/2009.

The references to fishing zones are references to GFCM geographical subareas (GSAs).

For the purposes of this Annex, the following comparative table of Latin names and common names is provided:

Scientific name	Alpha-3 code	Common name
Sprattus sprattus	SPR	Sprat
Psetta maxima	TUR	Turbot

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