COUNCIL REGULATION (EEC) No 109/76

of 19 January 1976

laying down general rules for granting compensation to producers of tunny for the canning industry

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 100/76 of 19 January 1976 on the common organization of the market in fishery products [1], and in particular Article 16 (5) thereof,

Having regard to the proposal from the Commission,

Whereas Article 16 (1) of Regulation (EEC) No 100/76 provides that compensation shall be granted if necessary to Community producers of tunny in respect of the tunny intended for the canning industry; whereas this measure is intended to offset any disadvantages which the system applicable to imports might present for Community producers; whereas, since Community production of tunny is inadequate and the application of the Common Customs Tariff duties has been suspended so that conditions of supply comparable to those ruling in exporting third countries can be maintained for food processing industries using these products; whereas, consequently, a fall in the import price could constitute a direct threat to producers' incomes;

Whereas the extent to which this threat materializes can be assessed by reference to a Community price level which is representative of a normal market situation; whereas the Community producer price must therefore be fixed prior to the opening of the fishing year for a product with given commercial specifications;

Whereas the different species of tunny intended for the canning industry and fished for in the Community contribute simultaneously and as a whole to the formation of the market prices for Community produce; whereas the producer prices actually recorded for each of these varieties must therefore be adjusted to the particular species and presentation adopted as reference bases for fixing the Community producer price;

Whereas the effects of a fall in import prices may be measured, on the one hand, by reference to the average level of import prices which would result from application to the rates of duty of the Common Customs Tariff and, on the other hand, by reference to the level of the Community producer price which is representative of a normal market situation, allowance being made for the normal range of price fluctuations;

Whereas the situation on the tunny market changes considerably according to the pattern of landings by Community fishermen and to actual importing opportunities which in turn largely depend on catches by exporting third countries; whereas the market situation must therefore be reviewed each month with a view to the granting of compensation,

HAS ADOPTED THIS REGULATION:

Article 1

For the products listed in the Annex the Community producer price referred to in Article 16 (4) of Regulation (EEC) No 100/76 shall be fixed before the beginning of the fishing year for the entire fishing year or for each of the periods into which the fishing year is subdivided. This price shall apply to yellow-finned tunny presented 'whole', weighing not more than 10 kg each.

The fishing year for tunny shall begin on 1 January and end on 31 December each year; the subdivision referred to in the preceding paragraph may be made according to species.

Article 2

For each of the products listed in the Annex an average Community market price shall be established each month on the basis of the weighted average of the mean monthly prices recorded for each product, such average being adjusted for any differences in

[1] See page 1 of this Official Journal.

species or presentation by reference to the species and presentation for which the Community producer price has been fixed.

Article 3

For each of the products listed in the Annex the compensation referred to in Article 16 (1) of Regulation (EEC) No 100/76 shall be granted to Community producers of tunny if, at the same time:

(a) the average quarterly Community market price for the product in question, calculated on the basis of the mean monthly prices referred to in Article 2, is less than 95 % of the Community producer price;

(b) the entry price referred to in Article 19 (3) of Regulation (EEC) No 100/76 for this same product or for the product used to fix the Community producer price, increased where appropriate by the countervailing charge levied on it, calculated for the same period or, failing this, for the last period for which prices were recorded, is not more than 110 % of the reference price.

Article 4

1. The compensation shall be equal to the difference between the Community producer price and the average quarterly Community market price. It shall be granted in respect of all quantities of tunny delivered to the food preserving industry during the three-month period for which prices have been recorded. It may not, however, exceed a fixed amount representing 20 % of the reference price applicable during this same period.

2. The compensation shall be paid on application by the producer.

Article 5

The following shall be adopted in accordance with the procedure laid down in Article 32 of Regulation (EEC) No 100/76:

— detailed rules for the application of this Regulation and, in particular, rules concerning the adjustments referred to in Article 2 which are to be made to the weighted average of mean monthly prices;

— the level of the compensation.

Article 6

1. Council Regulation (EEC) No 172/71 of 26 January 1971 laying down general rules for granting compensation to producers of tunny for the canning industry [1], is hereby repealed.

2. References to the Regulation repealed by virtue of paragraph 1 shall be construed as references to this Regulation.

Article 7

This Regulation shall enter into force on 1 February 1976.

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

Done at Brussels, 19 January 1976.

For the Council
The President
J. HAMILIUS

[1] OJ No L 23, 29. 1. 1971, p. 15.

ANNEX

Yellow-finned tunny	(Neothynnus albacora, Thunnus albacares)
Long-finned tunny	(Thunnus alalunga)
Blue-finned tunny	(Thunnus thynnus)
Big-eyed tunny, Patudo	(Parathynnus obesus, Parathynnus macropterus)
Skipjack, Listao	(Euthynnus pelamis, Katsuwonus pelamis)
Little tunny	(Euthynnus alletteratus)