COMMISSION REGULATION (EEC) No 687/90

of 21 March 1990

providing for the grant of compensation to producers' organizations in respect of tuna delivered to the canning industry during the period 13 November to 31 December 1988

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products (1), as last amended by Regulation (EEC) No 2886/89 (2), and in particular Article 17 a (10) thereof,

Whereas the provisions of Regulation (EEC) No 3796/81 governing the compensation were amended with effect from 13 November 1988 by Council Regulation (EEC) No 3468/88 (3); whereas that date divides into two periods the last calendar quarter of 1988;

Whereas the compensation is granted, under certain conditions, to Community tuna producer's organizations in respect of quantities of tuna delivered to the canning industry, during period for which prices were recorded, where the average quarterly price recorded on the Community market and the free-at-frontier price are both lower than 93 % of the Community producer price;

Whereas under these arrangements the situation on the Community market should be examined in order to determine the maximum amount of the compensation, in accordance with the first and second indents of Article 17 a (3) of Regulation (EEC) No 3796/81, for the period 13 November to 31 December 1988; whereas this examination has shown that for some species and presentations of the product in question, during the period concerned, both the average quarterly market price and the free-at-frontier price referred to in Article 17 a of Regulation (EEC) No 3796/81 were lower than 93 % of the Community producer price in force as determined by Council Regulation (EEC) No 3765/87 of 14 December 1987 fixing the Community producer price for tuna intended for the canning industry for the 1988 fishing year (4);

Whereas the quantities eligible for compensation, within the meaning of Article 17 a (2) of Regulation (EEC) No 3796/81, may not under any circumstances exceed, for the quarter concerned, the limite laid down in paragraph 4 of that Article;

Whereas in the case of albacore weighing more than 10 kilograms none of those limits is exceeded and consequently there is no need to determine the maximum quantities in respect of which the allowance may be granted;

Whereas in the case of albacore weighing not more than 10 kilograms, on the other hand, the quantities sold and delivered during the period concerned within the meaning of Article 17 a (2) of Regulation (EEC) No 3796/81 were greater than those sold and delivered during the same period of the preceding three fishing years as referred to in the second indent of paragraph 4 of that Article; whereas they should therefore be limited to the average of the quantities sold and delivered during the same period of the fishing years 1985, 1986 and 1987 and the quantities granted to each producers' organization should be determined in accordance with Article 17 a (6) of Regulation (EEC) No 3796/81;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The compensation referred to in Article 17 a of Regulation (EEC) No 3796/81 shall be granted in respect of products delivered to the canning industry during the period 13 November to 31 December 1988, under the conditions laid down below:

(1) OJ No L 379, 31. 12. 1981, p. 1.
(2) OJ No L 282, 2. 10. 1989, p. 1.
(3) OJ No L 305, 10. 11. 1988, p. 1.
(4) OJ No L 355, 17. 12. 1987, p. 6.

Products	Maximum amount of allowance within the meaning of the first and second indents of Article 17 a (3) of Regulation (EEC) No 3796/81 (ECU/tonne)
Albacore tuna, whole, weighing more than 10 kg	6
Albacore tuna, whole, weighing not more than 10 kg	130

Article 2

In the case of albacore tuna weighing not more than 10 kilograms the quantities that may be eligible for the allowance are hereby limited to 2 472 tonnes.

These quantities shall be allocated among the producers' organizations concerned in accordance with the Annex hereto.

Article 3

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

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

Done at Brussels, 21 March 1990.

For the Commission
Manuel MARÍN
Vice-President

ANNEX

Allocating among the producers' organizations of the quantities of albacore tuna weighing not more than 10 kilograms that may be eligible for compensation and calculation of the maximum amount thereof in accordance with Article 17 a (6) of Regulation (EEC) No 3796/81

Quantities / Producers' organization	Quantities that may be eligible for the allowance (tonnes)			Total quantities (tonnes)
	100 % Article 17 a (6), first indent	95 % Article 17 a (6), second indent	90 % Article 17 a (6), third indent	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	1 336	134	268	1 738
Organización de Productores de Túnidos Congelados (OPTUC)	596	—	—	596
Organisation de Producteurs de thon congelé (ORTHONGEL)	138	—	—	138
Total quantities (tonnes)	2 070	134	268	2 472