COMMISSION REGULATION (EEC) No 751/93

of 30 March 1993

providing for the grant of compensation to producers' organizations in respect of yellowfin tuna, delivered to the canning industry during the period 1 April to 30 September 1992

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery products (1), and in particular Article 18 (8) thereof,

Whereas the compensation referred to in Article 18 of Regulation (EEC) No 3759/92 is granted, under certain conditions, to Community tuna producers' organizations in respect of quantities of tuna delivered to the canning industry, during the calendar quarter for which prices were recorded, where the average quarterly price recorded on the Community market and the free-at-frontier price, plus, if necessary, the contervailing charge, are both lower than 93 % of the Community producer price for the product in question;

Whereas Article 1 (2) of Commission Regulation (EEC) No 575/92, which applies a reference price (2) to yellowfin tuna, imposes a countervailing charge where importation at a free-at-frontier price lower than a reference price fixed for yellowfin tuna, examination of the Community market situation for this species should take into account any countervailing charge imposed; this information not being available, it was deemed advisable to dissociate the compensatory allowance to be granted for this species from that granted in respect of other species;

Whereas, on the occasion that this information became available, an examination of the situation of the Community market for yellowfin tuna showed that for one presentation of the product in question, for the period 1 April to 30 June 1992 and for two presentations of the product for the period 1 July to 30 September 1992, both the average quarterly market price and the free-at-frontier price referred to in Article 18 of Regulation (EEC) No 3759/92 were lower than 93 % of the Community producer price in force as laid down in Council Regulation (EEC) No 3570/91 of 28 November 1991 fixing, in respect of the 1992 fishing year, the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604 (3);

Whereas the quantities eligible for compensation, within the meaning of Article 18 (2) of Regulation (EEC) No 3759/92, shall not under any circumstances exceed, for the quarter concerned, the limits laid down in paragraph 4 of that Article;

Whereas the quantities of yellowfin tuna sold and delivered to canning industries established in Community territory during the second quarter of 1992 do not exceed these limits;

Whereas during the third quarter of 1992 the quantities sold and delivered to canning industries established in the Community customs territory are, in the case of two presentations of yellowfin tuna, higher than those sold and delivered during the same quarter of the last three fishing years; whereas these quantities exceed the limits set in the first indent Article 18 (4) of (EEC) No 3759/92, the total quantities of these products should therefore be limited to those eligible for compensation and the quantities granted to each producers' organization concerned should be determined in accordance with their respective output during the same quarter of the 1984-86 fishing years;

Whereas, the granting of compensation for the products in question should be decided for the period from 1 April to 30 September 1992;

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 18 of Regulation (EEC) No 3759/92, relating to yellowfin tuna, shall be granted for the periods, in respect of the products and within the limits set out below:

(1) OJ No L 388, 31. 12. 1992, p. 1.
(2) OJ No L 62, 7. 3. 1992, p. 9.
(3) OJ No L 338, 10. 12. 1991, p. 6.

(ECU/tonne)

Period Products	Maximum amount of allowance within the meaning of the first and second indents of Article 18 (3) of Regulation (EEC) No 3759/92
1 April to 30 June 1992	
Yellowfin tuna, larger than 10 kg	119
1 July to 30 September 1992	
Yellowfin tuna, larger than 10 kg	119
Yellowfin tuna, 10 kg or less	96

Article 2

1. The total quantities of products set out below that may be eligible for the allowance are hereby limited for the period 1 July to 30 September 1992, as follows :

— yellowfin tuna, larger than 10 kg : 17 062 tonnes,

— yellowfin tuna, 10 kg or less : 3 105 tonnes.

2. The allocation of the total quantities amongst the producers' organizations concerned is specified in 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, 30 March 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

ANNEX

Allocation amongst the producers' organizations of the quantities of yellowfin tuna, which may be eligible, during the period 1 July to 30 September 1992 for compensation, in accordance with Article 18 (5) of Regulation (EEC) No 3759/92, showing quantities by segment of compensation percentage

— Yellowfin tuna, larger than 10 kg

(tonnes)

Producers' organization	Quantities that may be eligible for the allowance			Total quantities
	100 % Article 18 (5), (first indent)	95 % Article 18 (5), (second indent)	90 % Article 18 (5), (third indent)	
Organización de Productores Asociados de Grandes Congeladores (Opagac)	4 731	473	36	5 240
Organización de Productores de Túnidos Congelados (Optuc)	5 691	569	21	6 281
Organisation de producteurs de thon congelé (Orthongel)	5 434	107	—	5 541
Total	15 856	1 149	57	17 062

— Yellowfin tuna, 10 kg or less

(tonnes)

Producers' organization	Quantities that may eligible for the allowance			Total quantities
	100 % Article 18 (5), (first indent)	95 % Article 18 (5), (second indent)	90 % Article 18 (5), (third indent)	
Organización de Productores Asociados de Grandes Congeladores (Opagac)	1 711	171	230	2 112
Organización de Productores de Túnidos Congelados (Optuc)	744	74	175	993
Total	2 455	245	405	3 105