COMMISSION REGULATION (EC) No 1115/94

of 16 May 1994

providing for the grant of compensation to producers' organizations in respect of tuna delivered to the canning industry during the period 1 April to 30 June 1993

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products [1], as last amended by Council Regulation (EEC) No 1891/93 [2], and in particular Article 18 (8) thereof,

Whereas the compensating allowance 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 a calendar quarter for which prices are recorded, where the average quarterly price on the Community market and the free-at-frontier price plus any applicable countervailing charge are both lower than 93 % of the Community producer price for the product in question;

Whereas examination of the situation on the Community market has shown that for all species of the product in question, during the period 1 April to 30 June 1993, 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 applicable as laid down in Commission Regulation (EEC) No 351/93 adjusting for the 1993 fishing year the Community producer prices for tuna delivered to the industrial production falling within CN code 1604 [3];

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

Whereas the quantities sold and delivered during the quarter concerned to the canning industry established in the customs territory of the Community were higher overall than 62,8 % of the quantities of tuna used by the industry during that quarter and, in the case of albacore, higher than those sold and delivered during the same quarter of the last three fishing years and, in the case of Yellowfin tuna (the two presentations, i.e. weighing less than and more than 10 kg), higher than 110 % of those sold and delivered during the same quarter of the 1984, 1985 and 1986 fishing years; whereas these quantities exceed the limits laid down in the first indent of Article 18 (4) of Regulation (EEC) No 3759/92 for skipjack and bigeye tuna, in the second indent for albacore tuna and in the third indent for Yellowfin tuna (the two presentations); whereas the total quantities of these products that may be eligible for the allowance should be limited and the quantities allocated to the producers' organization concerned should be determined in proportion to their respective production during the same quarter of the 1984, 1985 and 1986 fishing years;

Whereas a decision to grant the compensating allowarice for the period 1 April to 30 June 1993 should be adopted therefore for the products in question;

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 compensating allowance referred to in Article 18 of Regulation (EEC) No 3759/92 shall be granted for the period 1 April to 30 June 1993 in respect of the products listed below.

(Ecu/tonne)

Product	Maximum amount of allowance within the meaning of the first and second indents of Regulation (EEC) No 3759/92
Yellow tuna, larger than 10 kg	118
Yellow tuna, smaller than 10 kg	92
Skipjack tuna	73
Bigeye tuna	89
Albacore tuna	55

[1] OJ No L 388, 31. 12. 1992, p. 1.
[2] OJ No L 172, 15. 7. 1993, p. 1.
[3] OJ No L 41, 18. 2. 1993, p. 12.

Article 2

1. For each of the species the total quantities that may be eligible for the allowance are hereby limited as follows :

	(tonnes)
Yellow tuna, larger than 10 kg	27 104
Yellow tuna, smaller than 10 kg	2 256
Skipjack tuna	10 849
Bigeye tuna	2 141
Albacore tuna	96

2. The allocation of the total quantities amongst the producer' 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, 16 May 1994.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

ANNEX

Allocation among the producers' organizations of the quantities of tuna that may be eligible for the compensating allowance for the period 1 April to 30 June 1993, pursuant to Article 18 (5) of Regulation (EEC) No 3759/92, with quantities for each percentage tranche of allowance

Yellowfin tuna, > 10 kg

Producers' organization	Quantities eligible for allowance			Total quantities
	of 100 % (1st indent of Article 18 (5))	of 95 % (2nd indent of Article 18 (5))	of 90 % (3rd indent of Article 18 (5))	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	5 720	568	0	6 288
Organización de Productores de Tunídos Congelados (OPTUC)	8 902	883	0	9 785
Organisation de producteurs de thon congelé (Orthongel)	10 018	1 002	11	11 031
Total quantities	24 640	2 453	11	27 104

Yellowfin tuna, < 10 kg

Producers' organization	Quantities eligible for allowance			Total quantities
	of 100 % (1st indent of Article 18 (5))	of 95 % (2nd indent of Article 18 (5))	of 90 % (3rd indent of Article 18 (5))	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	725	73	710	1 508
Organización de Productores de Tunídos Congelados (OPTUC)	743	0	0	743
Organisation de producteurs de thon congelé (Orthongel)	5	0	0	5
Total quantities	1 473	73	710	2 256

Skipjack tuna

Producers' organization	Quantities eligible for allowance			Total quantities
	of 100 % (1st indent of Article 18 (5))	of 95 % (2nd indent of Article 18 (5))	of 90 % (3rd indent of Article 18 (5))	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	4 618	462	356	5 436
Organización de Productores de Tunídos Congelados (OPTUC)	4 740	55	0	4 795
Organisation de producteurs de thon congelé (Orthongel)	589	0	0	589
Associação de Produtores de Atum e Similares dos Açores (APASA)	29	0	0	29
Total quantities	9 976	517	356	10 849

Albacore

Producers' organization	Quantities eligible for allowance			Total quantities
	of 100 % (1st indent of Article 18 (5))	of 95 % (2nd indent of Article 18 (5))	of 90 % (3rd indent of Article 18 (5))	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	50	0	0	50
Organización de Productores de Tunídos Congelados (OPTUC)	6	1	14	21
Organisation de producteurs de thon congelé (Orthongel)	2	0	0	2
Associação de Produtores de Atum e Similares dos Açores (APASA)	23	0	0	23
Total quantities	81	1	14	96

Bigeye tuna

Producers' organization	Quantities eligible for allowance			Total quantities
	of 100 % (1st indent of Article 18 (5))	of 95 % (2nd indent of Article 18 (5))	of 90 % (3rd indent of Article 18 (5))	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	463	0	0	463
Organización de Productores de Tunídos Congelados (OPTUC)	23	2	146	171
Organisation de producteurs de thon congelé (Orthongel)	40	0	0	40
Associação de Produtores de Atum e Similares dos Açores (APASA)	1 467	0	0	1 467
Total quantities	1 993	2	146	2 141