COMMISSION REGULATION (EC) No 618/95

of 22 March 1995

providing for the grant of compensation to producer's organizations in respect of tuna delivered to the canning industry during the period 1 October to 31 December 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), in the version as last amended by Regulation (EEC) No 1891/93 (2), and in particular Article 18 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy (3), as last amended by Regulation (EC) No 150/95 (4), and in particular Articles 12 and 13 (1) 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 both the average quarterly price recorded on the Community market and the free-at-frontier price, plus, where it is applied, the countervailing charge, are both lower than 93 % of the Community producer price for the product in question;

Whereas examination of the situation of the Community market has shown that for three species of the product in question, for the period 1 October to 31 December 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 in force as laid down in Commission Regulation (EEC) No 351/93 (5) fixing, in respect of the 1993 fishing year, the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604;

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 during the quarter concerned the quantities sold and delivered to canning industries established in Community customs territory are, in the case of Bigeye Tuna, higher than those sold and delivered during the same quarter of the last three fishing years and for Yellowfin tuna, weighing more than 10 kg, and the Albacore higher than 110 % of those sold and delivered during the same quarter of the fishing years 1984 to 1986; whereas these quantities exceed the limits set by second indent of Article 18 (4) of (EEC) No 3759/92 for Bigeye tuna and third indent for Yellowfin tuna of over 10 kg and Albacore, 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 to 1986 fishing years;

Whereas the granting of compensation for the products in question should be decided for the period from 1 October to 31 December 1993;

Whereas Article 9 of Commission Regulation (EC) No 2381/89 (6) stipulates that the conversion rate applicable to the compensatory allowance for tuna for canning shall be the agricultural conversion rate in force on the day of sale of the product; whereas the agricultural conversion rate for the period 1 October to 31 December 1993 is, pursuant to Commission Regulation (EEC) No 1209/93 (7), affected by a correcting factor of 1,207509; whereas this must be taken into account in the compensation rate set;

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, shall be granted for the period 1 October to 31 December 1993, in respect of the products listed and within the limits set out below:

(1) OJ No L 388, 31. 12. 1992, p. 1.
(2) OJ No L 172, 15. 7. 1993, p. 1.
(3) OJ No L 387, 31. 12. 1992, p. 1.
(4) OJ No L 22, 30. 1. 1995, p. 1.
(5) OJ No L 41, 18. 2. 1993, p. 12.
(6) OJ No L 225, 3. 8. 1989, p. 33.
(7) OJ No L 122, 18. 5. 1993, p. 41.

(ECU/tonne)

Products	Maximum amount of allowance within the meaning of the first and second indents of Article 18 (3) of Regulation (EEC) No 3759/92
Yellowfin tuna, larger than 10 kg	59
Bigeye tuna	89
Albacore	165

(in tonnes)

Yellowfin tuna, larger than 10 kg	18 189
Bigeye tuna	588
Albacore	256

Article 2

1. The total quantities of products set out below that may be eligible for the allowance are hereby limited for the three species as follows :

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, 22 March 1995.

For the Commission

Emma BONINO

Member of the Commission

ANNEX

Allocation amongst the producers' organizations of the quantities of tuna, which may be eligible, during the period 1 October to 31 December 1993 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

(in 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)	5 280	528	159	5 967
Organización de Productores de Túnidos Congelados (Optuc)	5 802	580	168	6 550
Organisation de producteurs de thon congelé (Orthongel)	5 453	219	—	5 672
Total quantities	16 535	1 327	327	18 189

— Bigeye tuna

(in 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)	233	—	—	233
Organización de Productores de Túnidos Congelados (Optuc)	134	13	25	172
Organisation de producteurs de thon congelé (Orthongel)	14	—	—	14
Madeira	0	0	3	3
Apasa (Açores)	69	6	91	166
Total quantities	450	19	119	588

— Albacore

(in 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)	7	—	—	7
Organización de Productores de Túnidos Congelados (Optuc)	2	—	28	30
Organisation de producteurs de thon congelé (Orthongel)	23	—	—	23
Madeira	0	0	0	0
Apasa (Açores)	152	15	29	196
Total quantities	184	15	57	256