COMMISSION REGULATION (EC) No 2000/96

of 18 October 1996

providing for the grant of compensation to producers' organizations in respect of tuna delivered to the processing industry during the period 1 July to 30 September 1995

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 Regulation (EC) No 3318/94 [2], and in particular Article 18 (6) 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 processing industry during the calendar quarter for which prices were recorded, where both the average quarterly selling price recorded on the Community market and the free-at-frontier price plus any applicable countervailing charge are lower than 91 % of the Community producer price for the product in question;

Whereas examination of the situation of the Community market has shown that for bigeye tuna and skipjack, for the period 1 July to 30 September 1995, both the average quarterly selling price and the free-at-frontier price referred to in Article 18 of Regulation (EEC) No 3759/92 were lower than 91 % of the Community producer price in force as laid down in Council Regulation (EC) No 3138/94 of 15 December 1994 fixing the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604 for the 1995 fishing year [3];

Whereas the quantities eligible for compensation, within the meaning of Article 18 (1) of Regulation (EEC) No 3759/92, may not under any circumstances exceed, for the quarter concerned, the limits laid down in paragraph 3 of that Article;

Whereas during the quarter concerned the quantities sold and delivered to the processing industry established in Community customs territory were higher for skipjack than the quantities sold and delivered during the same quarter of the three previous fishing years; whereas since these quantities exceed the limit set by the second indent of Article 18 (3) of Regulation (EEC) No 3759/92, the total quantities of this product eligible for compensation should therefore be limited;

Whereas the compensation granted to each producers' organization in accordance with Article 18 (4) of Regulation (EEC) No 3759/92 is to be graded; whereas the qualities eligible per grade are to be allocated between the producers' organizations concerned in proportion to their respective outputs during the same quarter of the 1992 to 1994 fishing years;

Whereas the grant of compensation for the products in question should therefore be decided for the period 1 July to 30 September 1995;

Whereas the operative event giving entitlement to compensation and the date thereof should be specified for the calculation of payments;

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 compensatory allowance referred to in Article 18 of Regulation (EEC) No 3759/92 shall be granted for the period 1 July to 30 September 1995 in respect of the following products:

(Ecus per tonne)

Product	Maximum allowance (application of first and second indents of Article 18 (2) of Regulation (EEC) No 3759/92)
Bigeye tuna	50
Skipjack	60

Article 2

1. The total quantities on which the allowance may be granted for these species are:

— bigeye tuna: 2 123,542 tonnes,

— skipjack: 14 182,333 tonnes.

[1] OJ No L 388, 31. 12. 1992, p. 1.
[2] OJ No L 350, 31. 12. 1994, p. 15.
[3] OJ No L 332, 22. 12. 1994, p. 9.

2. The allocation of these total quantities among the producers' organizations concerned is specified in the Annex hereto.

Article 3

The operations to be taken into account to determine entitlement to the compensatory allowance shall be sales for which the invoices are dated within the quarter concerned and which have been used to calculate the average monthly selling price referred to in Article 7 (1) (b) of Commission Regulation (EEC) No 2210/93 [1].

Article 4

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, 18 October 1996.

For the Commission

Emma BONINO

Member of the Commission

[1] OJ No L 197, 6. 8. 1993, p. 8.

ANNEX

Allocation among producers' organizations of the quantities of tuna which may qualify for compensation for the period 1 July to 30 September 1995 in accordance with Article 18 (4) of Regulation (EEC) No 3759/92, with quantities per compensation percentage band

(in tonnes)

Bigeye tuna	Quantities eligible for 100 % compensation (1st indent of Article 18 (4))	Quantities eligible for 50 % compensation (2nd indent of Article 18 (4))	Total eligible quantities (1st and 2nd indents of Article 18 (4))
OPAGAC	514,801	0,000	514,801
OPTUC	324,977	0,000	324,977
OP 42 (CAN.)	20,700	0,000	20,700
ORTHONGEL	30,884	0,000	30,884
APASA	725,480	0,000	725,480
MADEIRA	251,907	254,793	506,700
EU — Total	1 868,749	254,793	2 123,542

(in tonnes)

Skipjack	Quantities eligible for 100 % compensation (1st indent of Article 18 (4))	Quantities eligible for 50 % compensation (2nd indent of Article 18 (4))	Total eligible quantities (1st and 2nd indents of Article 18 (4))
OPAGAC	4 722,694	985,292	5 707,986
OPTUC	5 015,087	1 046,293	6 061,380
OP 42 (CAN.)	27,629	5,764	33,394
ORTHONGEL	22,186	0,000	22,186
APASA	278,030	0,000	278,030
MADEIRA	1 720,427	358,931	2 079,358
EU — Total	11 786,053	2 396,280	14 182,333