

## Case 264/86

### French Republic

v

### Commission of the European Communities

(Compensatory allowance for producers  
of tuna for the canning industry)

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#### Summary of the Judgment

*Fisheries — Common organization of the markets — Compensation granted to producers of tuna for the canning industry — Calculation of the maximum amount — Taking into account of quantities produced and income levels — Criteria defined by the Council — Exhaustive — Fixing of an additional upper limit by the Commission — Unlawfulness (Council Regulation (EEC) No 1196/76; Commission Regulations Nos 2469/86, Art. 2 (3), and 2470/86)*

Council Regulation No 1196/76 laying down general rules for the grant of compensation to producers of tunny for the canning industry must be regarded as exhaustive so far as concerns the taking into account, for the purpose of determining the compensation and the maximum amount thereof, of changes in the quantities produced and in producers' income levels. The Commission

was therefore not empowered, in the context of the laying down of detailed rules for the application of the system for granting compensation, to lay down in Article 2 (3) of Regulation No 2469/86 rules setting an additional upper limit based on the same criteria. That provision, and Regulation No 2470/86 which implements it, must therefore be declared void.