

**Proposal for a Council Directive amending Directive 78/660/EEC as regards the revision of amounts expressed in ecus**

(1999/C 114/05)

COM(1998) 724 final

*(Submitted by the Commission on 19 January 1999)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Fourth Council Directive 78/660/EEC of 25 July 1978 based on Article 54(3)(g) of the Treaty on the annual accounts of certain types of companies<sup>(1)</sup>, and in particular Article 53(2) thereof,

Having regard to the proposal from the Commission,

Whereas Articles 11 and 27 of Directive 78/660/EEC and, by way of reference, Article 6 of Directive 83/349/EEC<sup>(2)</sup> and Articles 20 and 21 of Directive 84/253/EEC<sup>(3)</sup> contain thresholds expressed in ecus for the balance sheet total and the net turnover within which the Member States may grant derogations from the provisions of those Directives;

Whereas, in accordance with Article 53(2) of Council Directive 78/660/EEC, every five years the Council, acting on a proposal from the Commission, is to examine and, if need be, revise the amounts expressed in ecus in that Directive, in the light of economic and monetary trends in the Community;

Whereas to date the Council, in accordance with Article 53(2) of Directive 78/660/EEC, has on three occasions revised the amounts expressed in ecus by Directives 84/569/EEC<sup>(4)</sup>, 90/604/EEC<sup>(5)</sup> and 94/8/EEC<sup>(6)</sup>;

Whereas the fourth five-year period following the adoption of Directive 78/660/EEC of 25 July 1978 ends on 24 July 1998 and a review of those amounts is thus justified;

Whereas over the last five years, the ecu has lost part of its value, measured in real terms; whereas, on the basis of the economic and monetary trends in the Community, an increase in the amounts expressed in ecus is necessary;

Whereas Council Regulation (EC) No 974/98 provides that as from 1 January 1999, the currency of participating Member States shall be the euro and that euro shall be substituted for

the currency of each participating Member States at the fixed conversion rate; whereas Council Regulation (EC) No 1103/97 provides that during the transitional period (1 January 1999 to 31 December 2001) the euro shall be divided into national currency units according to the conversion rates; whereas it is therefore appropriate that amounts in this Directive be expressed in euro; whereas amounts in euro appearing in this Directive shall be converted into the national currency units of Member States adopting the euro according to the conversion rates; whereas amounts in euro appearing in this Directive shall be converted into the national currency of Member States not adopting the euro according to the exchange rate published in the *Official Journal of the European Communities* of 4 January 1999,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

1. Article 11 of Directive 78/660/EEC is amended as follows:

— in the first indent 'balance sheet total: ECU 2 500 000' is replaced by 'balance sheet total: EUR 3 125 000',

— in the second indent 'net turnover: ECU 5 000 000' is replaced by 'net turnover: EUR 6 250 000';

2. Article 27 of Directive 78/660/EEC is amended as follows:

— in the first indent 'balance sheet total: ECU 10 000 000' is replaced by 'balance sheet total: EUR 12 500 000',

— in the second indent 'net turnover: ECU 20 000 000' is replaced by 'net turnover: EUR 25 000 000'.

3. The revision of the above amounts in euros shall constitute the fourth five-yearly revision provided for in Article 53(2) of Directive 78/660/EEC.

*Article 2*

For Member States not adopting the euro, the equivalent amount in national currency shall be that obtained by applying the exchange rate published in the *Official Journal of the European Communities* published on 4 January 1999.

<sup>(1)</sup> OJ L 222, 14.8.1978, p. 11.

<sup>(2)</sup> OJ L 193, 18.7.1983, p. 1.

<sup>(3)</sup> OJ L 126, 12.5.1984, p. 20.

<sup>(4)</sup> OJ L 314, 4.12.1984, p. 28.

<sup>(5)</sup> OJ L 317, 16.11.1990, p. 57.

<sup>(6)</sup> OJ L 82, 25.3.1994, p. 33.

*Article 3*

1. Those Member States which intend to make use of the option provided for in Articles 11 and 27 of Directive 78/660/EEC, as amended by this Directive, shall bring into force the measures necessary for them to comply with this Directive at any time after its publication. They shall forthwith inform the Commission thereof.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

3. The Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

*Article 4*

This Directive shall enter into force on the date of its publication in the *Official Journal of the European Communities*.

*Article 5*

This Directive is addressed to the Member States.

**Proposal for a Council Regulation amending for the third time Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms**

(1999/C 114/06)

(Text with EEA relevance)

COM(1999) 141 final — 1999/0081(CNS)

*(Submitted by the Commission on 29 March 1999)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the area and where and the time-period during which spawning of a certain herring stock has changed; whereas, therefore, the special provisions relating to fishing in said area and during said time-period have to be changed;

Whereas Article 29 contains a number of exemptions for the use of specific fishing gears; whereas these exemptions should apply equally to the gear-type Danish seine; whereas, as an oversight, exemptions for this gear were not originally included in that Article; whereas, therefore, Danish seine should be included among the exemptions of Article 29;

Whereas Article 33 prohibits the use of purse seines on schools of fish found in association with marine mammals; whereas such use would be acceptable in the case of fishing vessels operating under the conditions agreed within the

Agreement for the International Dolphin Conservation Program, which the Community has decided to apply provisionally by Decision ...; whereas, therefore, an exemption clause to that effect should be added to Article 33;

Whereas Annex VI establishes categories of mesh sizes for fixed gears to be used for catching certain species or groups of species; whereas in the light of data made available to the Commission, the mesh size categories for two species of spotted dogfish should be revised;

Whereas Regulation (EC) No 850/98 <sup>(1)</sup> has therefore to be amended,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 850/98 is hereby amended as follows:

1. In Article 20, paragraph 1(f) shall be replaced by:

'(f)(i) from 21 September to 15 November, within the part of ICES Division VIIa bounded by the coast of the Isle of Man and straight lines drawn consecutively between the following coordinates:

— latitude 54°20'00" N, longitude 04°25'05" W and latitude 54°20'00" N, longitude 03°57'02" W,

<sup>(1)</sup> OJ L 125, 27.4.1998, p. 1.