II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 29 June 1976

amending Directive 73/239/EEC on the co-ordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct insurance other than life assurance

(76/580/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 57 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas Council Directive 73/239/EEC of 24 July 1973 on the co-ordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct insurance other than life assurance (3), to facilitate the taking up and pursuit of the said business, has eliminated certain divergencies between national legislations; whereas it has ensured adequate protection for insured and third parties in all the Member States and, at the same time, co-ordinated in particular the provisions relating to the financial guarantees required of insurance undertakings;

Whereas, pursuant to that Directive, the minimum guarantee fund which each Member State requires of all insurance undertakings with head offices in its territory may not be less than certain amounts which are expressed in units of account in the Directive;

Whereas the unit of account is also referred to in order to determine the amount of the contribution revenue of certain mutual associations below which the Directive does not apply;

Whereas, for the purposes of the said Directive 'unit of account' means that unit which is defined in Article 4 of the Protocol on the Statute of the European Investment Bank; whereas on the basis of this definition the conversion of the amounts mentioned in the Directive into national currencies would lead to distortions of competition between undertakings whose head offices are situated in the various Member States;

Whereas by Decision 75/250/EEC (4) the Council defined on 21 April 1975 a European unit of account representing the average of any changes in the value of the currencies of the Member States; whereas the conversion rate for each currency against this unit of account is fixed automatically by reference to daily quotations on the exchange markets; whereas the use of this European unit of account places insurance undertakings on the same competitive footing;

(1) OJ No C 28, 9. 2. 1976, p. 16.
(2) OJ No C 35, 16. 2. 1976, p. 17.
(3) OJ No L 228, 16. 8. 1973, p. 3.
(4) OJ No L 104, 24. 4. 1975, p. 35.