



Omnibus II Trilogue (COM(2011)0008 - 2011/0006 (COD))

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	COMMISSION	COUNCIL	PARLIAMENT	COMPROMISE
Title				
	<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>amending Directives 2003/71/EC and 2009/138/EC in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority</p>	<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>amending Directives 2003/71/EC and 2009/138/EC in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority</p>	<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>amending Directives 2002/92/EC, 2003/71/EC and 2009/138/EC and Regulation (EC) No 1060/2009 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority)</p>	<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>amending Directives [2002/92/EC], 2003/71/EC and 2009/138/EC and Regulation (EC) No 1060/2009 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority)</p> <p>Comments: Reference to Directive 2002/92/EC depends on agreement on ARTICLE -1 (IMD)</p>

Citations				
	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Cit. 1	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 50, 53, 62, and 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 50, 53, 62, and 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 50, 53, 62, and 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 50, 53, 62, and 114 thereof,
Cit. 2	Having regard to the proposal from the Commission ,	Having regard to the proposal from the Commission ,	Having regard to the proposal from the Commission ,	Having regard to the proposal from the Commission ,



Cit. 3	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
Cit. 4	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,
Cit. 5	Having regard to the opinion of the European Central Bank ,	Having regard to the opinion of the European Central Bank ,	Having regard to the opinion of the European Central Bank ,	Having regard to the opinion of the European Central Bank ,
Cit. 6	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,

Recitals				
	Whereas:	Whereas:	Whereas:	
Rec. -1 (new)			<i>-1. The financial crisis in 2007 and 2008 exposed important shortcomings in financial supervision, both in particular cases and in relation to the financial system as a whole. Nationally based supervisory models have lagged behind financial globalisation and the integrated and interconnected reality of European financial markets, in which many financial institutions operate across borders. The crisis exposed shortcomings in the areas of cooperation, coordination, consistent application of Union law and trust between national competent authorities.</i>	<i>-1. The financial crisis in 2007 and 2008 exposed important shortcomings in financial supervision, both in particular cases and in relation to the financial system as a whole. Nationally based supervisory models have lagged behind financial globalisation and the integrated and interconnected reality of European financial markets, in which many financial institutions operate across borders. The crisis exposed shortcomings in the areas of cooperation, coordination, consistent application of Union law and trust between national competent authorities.</i>
Rec. -1a (new)			<i>(-1a) In a number of resolutions adopted before and during the financial crisis, the European Parliament called for a move towards more integrated European supervision, in order to ensure a truly level playing field for all actors at Union level, and for such supervision to reflect the increasing integration of financial markets in the Union (in particular, in its resolutions of 13 April 2000 on the Commission communication on</i>	<i>(-1a) In a number of resolutions adopted before and during the financial crisis, the European Parliament called for a move towards more integrated European supervision, in order to ensure a truly level playing field for all actors at Union level, and for such supervision to reflect the increasing integration of financial markets in the Union (in particular, in its resolutions of 13 April 2000 on the Commission communication on</i>



			<p><i>implementing the framework for financial markets: Action Plan, of 21 November 2002 on prudential supervision rules in the European Union, of 11 July 2007 on financial services policy (2005-2010) – White Paper, of 23 September 2008 with recommendations to the Commission on hedge funds and private equity, and of 9 October 2008 with recommendations to the Commission on Lamfalussy follow-up: Future Structure of Supervision, and in its positions of 22 April 2009 on the amended proposal for a directive of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) and of 23 April 2009 on the proposal for a regulation of the European Parliament and of the Council on Credit Rating Agencies).</i></p>	<p><i>implementing the framework for financial markets: Action Plan, of 21 November 2002 on prudential supervision rules in the European Union, of 11 July 2007 on financial services policy (2005-2010) – White Paper, of 23 September 2008 with recommendations to the Commission on hedge funds and private equity, and of 9 October 2008 with recommendations to the Commission on Lamfalussy follow-up: Future Structure of Supervision, and in its positions of 22 April 2009 on the amended proposal for a directive of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) and of 23 April 2009 on the proposal for a regulation of the European Parliament and of the Council on Credit Rating Agencies).</i></p>
Rec. -1b (new)			<p><i>(-1b) In November 2008 the Commission instructed a High-Level Group chaired by Jacques de Larosière to make recommendations on how to strengthen European supervisory arrangements with a view to better protecting Union citizens and rebuilding trust in the financial system. In its final report presented on 25 February 2009 (the ‘de Larosière Report’), the High-Level Group recommended that the supervisory framework be strengthened to reduce the risk and severity of future financial crises. It recommended far-reaching reforms to the supervisory structure of the financial sector within the Union. The de Larosière Report also recommended that a European System of Financial Supervision (ESFS)</i></p>	<p><i>(-1b) In November 2008 the Commission instructed a High-Level Group chaired by Jacques de Larosière to make recommendations on how to strengthen European supervisory arrangements with a view to better protecting Union citizens and rebuilding trust in the financial system. In its final report presented on 25 February 2009 (the ‘de Larosière Report’), the High-Level Group recommended that the supervisory framework be strengthened to reduce the risk and severity of future financial crises. It recommended far-reaching reforms to the supervisory structure of the financial sector within the Union. The de Larosière Report also recommended that a European System of Financial Supervision (ESFS)</i></p>



			<i>be created, comprising three European supervisory authorities – one for each of the banking, the securities and the insurance and occupational pensions sectors – and a European Systemic Risk Council.</i>	<i>be created, comprising three European supervisory authorities – one for each of the banking, the securities and the insurance and occupational pensions sectors – and a European Systemic Risk Council.</i>
Rec. -1c (new)			<i>(-1c) Financial stability is a prerequisite if the real economy is to provide jobs, credit and growth. The financial crisis has revealed serious shortcomings in financial supervision, which has failed to anticipate adverse macro-prudential developments or to prevent the accumulation of excessive risks within the financial system.</i>	<i>(-1c) Financial stability is a prerequisite if the real economy is to provide jobs, credit and growth. The financial crisis has revealed serious shortcomings in financial supervision, which has failed to anticipate adverse macro-prudential developments or to prevent the accumulation of excessive risks within the financial system.</i>
				<i>(1a) In its conclusions following its meeting of 18 and 19 June 2009, the European Council recommended that a European System of Financial Supervisors, comprising three new ESAs, be established. It also recommended that the system should be aimed at upgrading the quality and consistency of national supervision, strengthening the oversight of cross-border groups, establishing a single European rulebook applicable to all financial institutions in the internal market. It emphasised that the ESAs should also enjoy supervisory powers in respect of credit rating agencies, and invited the Commission to prepare concrete proposals as to how the ESFS could play a strong role in crisis situations.</i>
Rec. 1	(1) On 23 September 2009, the Commission adopted proposals for three Regulations establishing the European System of Financial Supervisors including the creation of the three European Supervisory Authorities (ESA).	(1) On 23 September 2009, the Commission adopted proposals for three Regulations establishing the European System of Financial Supervisors including the creation of the three European Supervisory Authorities (ESA).	(1) On 24 November 2010 , the European Parliament and the Council adopted three Regulations establishing the European Supervisory Authority (European Insurance and Occupational Pensions Authority) (EIOPA) , the European	(1) On 24 November 2010 , the European Parliament and the Council adopted three Regulations establishing the European Supervisory Authority (European Insurance and Occupational Pensions Authority) (EIOPA) , the European



			<i>Supervisory Authority (European Banking Authority) (EBA) and the European Supervisory Authority (European Securities and Markets Authority) (ESMA) (collectively referred to as the European Supervisory Authorities (ESAs), which are part of the European System of Financial Supervision.</i>	<i>Supervisory Authority (European Banking Authority) (EBA) and the European Supervisory Authority (European Securities and Markets Authority) (ESMA) (collectively referred to as the European Supervisory Authorities (ESAs), which are part of the European System of Financial Supervision.</i>
Rec. 1a (new)			<i>(1a) In its conclusions following its meeting of 18 and 19 June 2009, the European Council recommended that a European System of Financial Supervisors, comprising three new ESAs, be established. It also recommended that the system should be aimed at upgrading the quality and consistency of national supervision, strengthening the oversight of cross-border groups, establishing a single European rulebook applicable to all financial institutions in the internal market. It emphasised that the ESAs should also enjoy supervisory powers in respect of credit rating agencies, and invited the Commission to prepare concrete proposals as to how the ESFS could play a strong role in crisis situations.</i>	Comments: Moved. Now before Recital 1
Rec. 2	(2) In order for the European System of Financial Supervisors (ESFS) to work effectively, changes to Union legislation in the field of operation of the three Authorities are necessary. Such changes concern the definition of the scope of certain powers of the ESAs, the integration of certain powers in existing processes established in relevant Union legislation and amendments to ensure a smooth and effective functioning of the ESA in the context of the ESFS.	(2) In order for the European System of Financial Supervisors (ESFS) to work effectively, changes to Union legislation in the field of operation of the three Authorities are necessary. Such changes concern the definition of the scope of certain powers of the ESAs, the integration of certain powers in existing processes established in relevant Union legislation and amendments to ensure a smooth and effective functioning of the ESA in the context of the ESFS.	(2) In order for the ESFS to work effectively, changes to Union legislation in the field of operation of the three ESAs are necessary. Such changes concern the definition of the scope of certain powers of the ESAs, the integration of certain powers in existing processes established in relevant Union legislation and amendments to ensure a smooth and effective functioning of the ESAs in the context of the ESFS.	(2) In order for the ESFS to work effectively, changes to Union legislation in the field of operation of the three ESAs are necessary. Such changes concern the definition of the scope of certain powers of the ESAs, the integration of certain powers in existing processes established in relevant Union legislation and amendments to ensure a smooth and effective functioning of the ESAs in the context of the ESFS.



Rec. 3	<p>(3) The establishment of three ESAs should be accompanied by the development of a single rule book to ensure consistent harmonisation and uniform application and thus contribute to a more effective functioning of the internal market. The regulations establishing the ESFS provide that the ESAs may develop draft technical standards in the areas specifically set out in the relevant legislation, to be submitted to the Commission for adoption in accordance with Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU) by means of delegated or implementing acts. Whereas Directive .../.... [Omnibus I] has identified a first set of such areas, this Directive should identify a further set of areas, in particular for Directive 2003/71/EC and Directive 2009/138/EC, without prejudice to adding further areas in the future.</p>	<p>(3) The establishment of three ESAs should be accompanied by the development of a single rule book to ensure consistent harmonisation and uniform application and thus contribute to a more effective functioning of the internal market. The regulations establishing the ESFS provide that the ESAs may develop draft technical standards in the areas specifically set out in the relevant legislation, to be submitted to the Commission for adoption in accordance with Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU) by means of delegated or implementing acts. Whereas Directive 2010/78/EU has identified a first set of such areas, this Directive should identify a further set of areas, in particular for Directive 2003/71/EC and Directive 2009/138/EC, without prejudice to adding further areas in the future.</p>	<p>(3) The establishment of three ESAs should <i>therefore</i> be accompanied by the development of a single rule book to ensure consistent harmonisation and uniform application and thus contribute to <i>the even</i> more effective functioning of the internal market <i>and the more effective implementation of micro-level supervision</i>. The regulations establishing the ESFS provide that the ESAs may develop draft technical standards in the areas specifically set out in the relevant legislation, to be submitted to the Commission for adoption in accordance with Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU) by means of delegated or implementing acts. Whereas Directive 2010/78/EU <i>of the European Parliament and of the Council of 24 November 2010 in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority)</i>¹ has identified a first set of such areas, this Directive should identify a further set of areas, in particular for <i>Directives 2002/92/EC, 2003/71/EC and Directive 2009/138/EC, and Regulation 1060/2009. Directive 2003/41/EC, for which the Commission should put forward a proposal for revision before the end of 2012, should</i></p>	<p>(3) The establishment of three ESAs should <i>therefore</i> be accompanied by the development of a single rule book to ensure consistent harmonisation and uniform application and thus contribute to <i>the even</i> more effective functioning of the internal market <i>and the more effective implementation of micro-level supervision</i>. The regulations establishing the ESFS provide that the ESAs may develop draft technical standards in the areas specifically set out in the relevant legislation, to be submitted to the Commission for adoption in accordance with Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU) by means of delegated or implementing acts. Whereas Directive 2010/78/EU <i>of the European Parliament and of the Council of 24 November 2010 in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority)</i>² has identified a first set of such areas, this Directive should identify a further set of areas, in particular for <i>Directives [2002/92/EC], 2003/71/EC and Directive 2009/138/EC, and Regulation 1060/2009.</i></p> <p>Comments: Reference to Directive 2002/92/EC depends</p>
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¹ OJ L 331, 15.12.2010, p. 120.

² OJ L 331, 15.12.2010, p. 120.



			<i>not be covered by this Directive.</i>	on agreement on ARTICLE -1 (IMD)
Rec. 4	(4) The relevant legislation should define those areas where the ESAs are empowered to develop draft technical standards and how such standards should be adopted. The relevant legislation should lay down the elements, conditions and specifications as detailed in Article 290 TFEU in the case of delegated acts.	(4) The relevant legislation should define those areas where the ESAs are empowered to develop draft technical standards and how such standards should be adopted. The relevant legislation should lay down the elements, conditions and specifications as detailed in Article 290 TFEU in the case of delegated acts.	(4) The relevant legislation should define those areas where the ESAs are empowered to develop draft technical standards and how such standards should be adopted. The relevant legislation should lay down the elements, conditions and specifications as detailed in Article 290 TFEU in the case of delegated acts.	(4) The relevant legislation should define those areas where the ESAs are empowered to develop draft technical standards and how such standards should be adopted. The relevant legislation should lay down the elements, conditions and specifications as detailed in Article 290 TFEU in the case of delegated acts.
Rec. 5	(5) The identification of areas for technical standards should strike an appropriate balance between building a single set of harmonised rules and avoiding unduly complicated regulation and enforcement. The only areas selected should be those in which consistent technical rules will contribute significantly and effectively to the achievement of the objectives of the relevant legislation, while ensuring that policy decisions are taken by the European Parliament, the Council and the Commission in accordance with their usual procedures.	(5) The identification of areas for technical standards should strike an appropriate balance between building a single set of harmonised rules and avoiding unduly complicated regulation and enforcement. The only areas selected should be those in which consistent technical rules will contribute significantly and effectively to the achievement of the objectives of the relevant legislation, while ensuring that policy decisions are taken by the European Parliament, the Council and the Commission in accordance with their usual procedures.	(5) The identification of areas for technical standards should strike an appropriate balance between building a single set of harmonised rules and avoiding unduly complicated regulation and enforcement. The only areas selected should be those in which consistent technical rules will contribute significantly and effectively to the achievement of the objectives of the relevant legislation, while ensuring that policy decisions are taken by the European Parliament, the Council and the Commission in accordance with their usual procedures.	(5) The identification of areas for technical standards should strike an appropriate balance between building a single set of harmonised rules and avoiding unduly complicated regulation and enforcement. The only areas selected should be those in which consistent technical rules will contribute significantly and effectively to the achievement of the objectives of the relevant legislation, while ensuring that policy decisions are taken by the European Parliament, the Council and the Commission in accordance with their usual procedures.
Rec. 6	(6) Matters subject to technical standards should be genuinely technical, where their development requires the expertise of supervisory experts. The technical standards adopted as delegated acts should further develop, specify and determine the conditions for consistent harmonisation of the rules included in basic instruments adopted by the European Parliament and the Council, supplementing or amending certain non-essential elements of the legislative act. On the other hand, technical standards adopted as implementing acts should set conditions for the uniform application of legally binding Union acts. Technical	(6) Matters subject to technical standards should be genuinely technical, where their development requires the expertise of supervisory experts. The technical standards adopted as delegated acts should further develop, specify and determine the conditions for consistent harmonisation of the rules included in basic instruments adopted by the European Parliament and the Council, supplementing or amending certain non-essential elements of the legislative act. On the other hand, technical standards adopted as implementing acts should set conditions for the uniform application of legally binding Union acts. Technical	(6) Matters subject to technical standards should be genuinely technical, where their development requires the expertise of supervisory experts. Regulatory technical standards adopted as delegated acts should further develop, specify and determine the conditions for consistent harmonisation of the rules included in basic instruments adopted by the European Parliament and the Council, supplementing or amending certain non-essential elements of the legislative act. On the other hand, implementing technical standards adopted as implementing acts should set conditions for the uniform application of legally binding Union acts.	(6) Matters subject to technical standards should be genuinely technical, where their development requires the expertise of supervisory experts. Regulatory technical standards adopted as delegated acts should further develop, specify and determine the conditions for consistent harmonisation of the rules included in basic instruments adopted by the European Parliament and the Council, supplementing or amending certain non-essential elements of the legislative act. On the other hand, implementing technical standards adopted as implementing acts should set conditions for the uniform application of legally binding Union acts.



	standards should not involve policy choices.	standards should not involve policy choices.	Technical standards should not involve policy choices.	Technical standards should not involve policy choices.
Rec. 7	<p>(7) In the case of regulatory technical standards it is appropriate to introduce the procedure provided for in Articles 10 to 14 of Regulation (EU) No .../2010 [EBA], of Regulation (EU) No .../2010 [ESMA], and of Regulation (EU) No .../2010 [EIOPA]. Implementing technical standards should be adopted in accordance with the procedure provided for in Article 15 of Regulation (EU) No .../2010 [EBA], of Regulation (EU) No .../2010 [ESMA], and of Regulation (EU) No .../2010 [EIOPA]. The European Council endorsed the four-level 'Lamfalussy' approach to make the regulatory process for Union financial legislation more efficient and transparent. The Commission is empowered to adopt level-2 measures in many areas, and a large number of level-2 Commission regulations and directives are in force. In cases where the technical standards are designed to further develop, specify or determine the conditions of application of such level-2 measures, they should be adopted only once the relevant level-2 measures has been adopted and should respect the content of that level-2 measure.</p>	<p>(7) In the case of regulatory technical standards it is appropriate to introduce the procedure provided for in Articles 10 to 14 of Regulation (EU) No <u>1093/2010</u> [EBA], of Regulation (EU) No <u>1095/2010</u> [ESMA], and of Regulation (EU) No <u>1094/2010</u> [EIOPA]. Implementing technical standards should be adopted in accordance with the procedure provided for in Article 15 of Regulation (EU) No <u>1093/2010</u> [EBA], of Regulation (EU) No <u>1095/2010</u> [ESMA], and of Regulation (EU) No <u>1094/2010</u> [EIOPA]. The European Council endorsed the four-level 'Lamfalussy' approach to make the regulatory process for Union financial legislation more efficient and transparent. The Commission is empowered to adopt level-2 measures in many areas, and a large number of level-2 Commission regulations and directives are in force. In cases where the technical standards are designed to further develop, specify or determine the conditions of application of such level-2 measures, they should be adopted only once the relevant level-2 measures has been adopted and should respect the content of that level-2 measure.</p>	<p>(7) In the case of regulatory technical standards it is appropriate to <i>apply</i> the procedure provided for in Articles 10 to 14 of Regulation (EU) No <i>1093/2010</i>, of Regulation (EU) No <i>1094/2010</i>, and of Regulation (EU) No <i>1095/2010</i>, <i>respectively</i>. Implementing technical standards should be adopted in accordance with the procedure provided for in Article 15 of Regulation (EU) No <i>1093/2010</i>, of Regulation (EU) No <i>1094/2010</i>, and of Regulation (EU) No <i>1095/2010</i>, <i>respectively</i>. <i>It should be recognised that regulatory technical standards are adopted as delegated acts under Article 290 TFEU and implementing technical standards are adopted as implementing acts under Article 291 TFEU.</i></p>	<p>(7) In the case of regulatory technical standards it is appropriate to <i>apply</i> the procedure provided for in Articles 10 to 14 of Regulation (EU) No <i>1093/2010</i>, of Regulation (EU) No <i>1094/2010</i>, and of Regulation (EU) No <i>1095/2010</i>, <i>respectively</i>. Implementing technical standards should be adopted in accordance with the procedure provided for in Article 15 of Regulation (EU) No <i>1093/2010</i>, of Regulation (EU) No <i>1094/2010</i>, and of Regulation (EU) No <i>1095/2010</i>, <i>respectively</i>. <i>It should be recognised that regulatory technical standards are adopted as delegated acts under Article 290 TFEU and implementing technical standards are adopted as implementing acts under Article 291 TFEU.</i></p>
Rec. 8	<p>(8) Binding technical standards contribute to a single rulebook for financial services legislation as endorsed by the European Council in its conclusions of June 2009. To the extent that certain requirements in Union legislative acts are not fully harmonised, and in accordance with the precautionary principle on supervision, binding technical standards developing,</p>	<p>(8) Binding technical standards contribute to a single rulebook for financial services legislation as endorsed by the European Council in its conclusions of June 2009. To the extent that certain requirements in Union legislative acts are not fully harmonised, and in accordance with the precautionary principle on supervision, binding technical standards developing,</p>	<p>(8) <i>Regulatory and implementing</i> technical standards <i>should</i> contribute to a single rulebook for financial services legislation as endorsed by the European Council in its conclusions of June 2009. To the extent that certain requirements in Union legislative acts are not fully harmonised, and in accordance with the precautionary principle on supervision, <i>regulatory and</i></p>	<p>(8) <i>Regulatory and implementing</i> technical standards <i>should</i> contribute to a single rulebook for financial services legislation as endorsed by the European Council in its conclusions of June 2009. To the extent that certain requirements in Union legislative acts are not fully harmonised, and in accordance with the precautionary principle on supervision, <i>regulatory and</i></p>



	specifying or determining the conditions of application for those requirements should not prevent Member States from requiring additional information or imposing more stringent requirements. Technical standards should therefore allow Member States to do so in specific areas, where those legislative acts provide for such discretion.	specifying or determining the conditions of application for those requirements should not prevent Member States from requiring additional information or imposing more stringent requirements. Technical standards should therefore allow Member States to do so in specific areas, where those legislative acts provide for such discretion.	implementing technical standards developing, specifying or determining the conditions of application for those requirements should not prevent Member States from requiring additional information or imposing more stringent requirements. Regulatory and implementing technical standards should therefore allow Member States to do so in specific areas, where those legislative acts provide for such discretion.	implementing technical standards developing, specifying or determining the conditions of application for those requirements should not prevent Member States from requiring additional information or imposing more stringent requirements. Regulatory and implementing technical standards should therefore allow Member States to do so in specific areas, where those legislative acts provide for such discretion.
Rec. 9	(9) As set out in the regulations establishing the ESFS, before submitting the technical standards to the Commission, the ESA should, where appropriate, conduct open public consultations relating to them and analyse the potential related costs and benefits.	(9) As set out in the regulations establishing the ESFS, before submitting the technical standards to the Commission, the ESA should, where appropriate, conduct open public consultations relating to them and analyse the potential related costs and benefits.	(9) As set out in the regulations establishing the ESAs , before submitting regulatory or implementing technical standards to the Commission, the ESAs should, where appropriate, conduct open public consultations relating to them and analyse the potential related costs and benefits.	(9) As set out in the regulations establishing the ESAs , before submitting regulatory or implementing technical standards to the Commission, the ESAs should, where appropriate, conduct open public consultations relating to them and analyse the potential related costs and benefits.
Rec. 10	(10) It should be possible for technical standards to provide for transitional measures subject to adequate deadlines, if the costs of immediate implementation would be excessive compared to the benefits involved.	(10) It should be possible for technical standards to provide for transitional measures subject to adequate deadlines, if the costs of immediate implementation would be excessive compared to the benefits involved.	(10) It should be possible for regulatory and implementing technical standards to provide for transitional measures subject to adequate deadlines, if the costs of immediate implementation would be excessive compared to the benefits involved.	(10) It should be possible for regulatory and implementing technical standards to provide for transitional measures subject to adequate deadlines, if the costs of immediate implementation would be excessive compared to the benefits involved.
Rec. 10a (new)			<i>(10a) At the moment of adoption of this Directive, the work relating to the preparation of and the consultation to the first set of measures to implement the framework rules under Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking up and pursuit of the business of insurance and reinsurance (Solvency II)¹ is well underway. In the interests of an early finalisation of those</i>	<i>(10a) At the moment of adoption of this Directive, the work relating to the preparation of and the consultation to the first set of measures to implement the framework rules under Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking up and pursuit of the business of insurance and reinsurance (Solvency II)² is well underway. In the interests of an early finalisation of those</i>

¹ OJ 335, 17.12.2009, p. 1.

² OJ 335, 17.12.2009, p. 1.



			<p><i>measures, it is appropriate to allow the Commission, for a transitional period, to adopt some of the regulatory technical standards provided for in this Directive, in accordance with the procedure for the adoption of delegated acts. Any amendments to such standards or, after the transitional period has expired, any new measures to implement Directive 2009/138/EU, should be adopted in accordance with the procedure referred to in this Directive.</i></p>	<p><i>measures, it is appropriate to allow the Commission, for a transitional period, to adopt some of the regulatory technical standards provided for in this Directive, in accordance with the procedure for the adoption of delegated acts. Any amendments to such delegated acts or, after the transitional period has expired, any new measures <u>regulatory technical standards</u> to implement Directive 2009/138/EU, should be adopted in accordance with the procedure referred to in this Directive <u>Articles 10 to 14 of Regulation (EU) No 1094/2010.</u></i></p>
Rec. 10aa (new)				<p><i>(10aa) Furthermore, it is appropriate to allow EIOPA, after a transitional period of two years, to propose updates to a number of delegated acts in form of regulatory technical standards. These updates should be limited to technical aspects of the relevant delegated acts and should <u>not imply strategic decisions or policy choices.</u></i></p>
Rec. 10ab (new)				<p><i>(10ab) When EIOPA is preparing and drafting regulatory technical standards to adjust delegated acts to technical developments on financial markets, the Commission should ensure simultaneous, timely and appropriate transmission of information on the scope of those draft regulatory technical standards to the Parliament and the Council.</i></p>
Rec. 10b (new)			<p><i>(10b) Due to the extensive nature of the delegated acts and the regulatory technical standards provided for in this Directive, the European Parliament and the Council should have three months from the date of notification to object to a delegated act or a regulatory technical standard. At the</i></p>	<p>Comment: Can be deleted as this relates to the general 3 months period in art 301a(3) which is covered by Recital 28. As the RTS will be adopted as a DA first time round, the three months are guaranteed.</p>



			<i>initiative of the European Parliament or the Council, it should be possible to prolong that period by a further three months.</i>	
Rec. 11	(11) The Regulations establishing the ESFS provide for a mechanism to settle disagreements between competent national authorities. Where a competent authority disagrees with the procedure or content of an action or inaction by another competent authority in areas specified in legal acts of the Union in accordance with Regulation (EU) No .../ 2010 [EBA], Regulation (EU) No .../ 2010 [ESMA] and Regulation (EU) No .../ 2010 [EIOPA], where the relevant legislation requires cooperation, coordination or joint decision-making by competent national authorities from more than one Member State, the ESA, at the request of one of the competent authorities concerned, should be able to assist the authorities in reaching an agreement within the time limit set by the ESA which should take into account any relevant time limits in the relevant legislation, and the urgency and complexity of the disagreement. In the event that such disagreement persists, the ESA should be able to settle the matter.	(11) The Regulations establishing the ESFS provide for a mechanism to settle disagreements between competent national authorities. Where a competent authority disagrees with the procedure or content of an action or inaction by another competent authority in areas specified in legal acts of the Union in accordance with Regulation (EU) No 1093/2010 [EBA], Regulation (EU) No 1095/2010 [ESMA] and Regulation (EU) No 1094/2010 [EIOPA], where the relevant legislation requires cooperation, coordination or joint decision-making by competent national authorities from more than one Member State, the ESA, at the request of one of the competent authorities concerned, should be able to assist the authorities in reaching an agreement within the time limit set by the ESA which should take into account any relevant time limits in the relevant legislation, and the urgency and complexity of the disagreement. In the event that such disagreement persists, the ESA should be able to settle the matter.	(11) The Regulations establishing the ESAs provide for a mechanism to settle disagreements between national supervisory authorities. Where a supervisory authority disagrees with the procedure or content of an action or inaction by another supervisory authority in areas specified in legal acts of the Union in accordance with Regulation (EU) No 1093/2010 ■, Regulation (EU) No 1094/2010 ■ and Regulation (EU) No 1095/2010 ■, where the relevant legislation requires cooperation, coordination or joint decision-making by ■ national supervisory authorities from more than one Member State, the competent ESA, at the request of one of the supervisory authorities concerned, should be able to assist the authorities in reaching an agreement within the time limit set by the ESA which should take into account any relevant time limits in the relevant legislation, and the urgency and complexity of the disagreement. In the event that such disagreement persists, the competent ESA should be able to settle the matter.	(11) The Regulations establishing the ESAs provide for a mechanism to settle disagreements between national supervisory authorities. Where a supervisory authority disagrees with the procedure or content of an action or inaction by another supervisory authority in areas specified in legal acts of the Union in accordance with Regulation (EU) No 1093/2010 ■, Regulation (EU) No 1094/2010 ■ and Regulation (EU) No 1095/2010 ■, where the relevant legislation requires cooperation, coordination or joint decision-making by ■ national supervisory authorities from more than one Member State, the competent ESA, at the request of one of the supervisory authorities concerned, should be able to assist the authorities in reaching an agreement within the time limit set by the ESA which should take into account any relevant time limits in the relevant legislation, and the urgency and complexity of the disagreement. In the event that such disagreement persists, the competent ESA should be able to settle the matter.
Rec. 12	(12) The regulations establishing the ESAs require that the cases where the mechanism to settle disagreements between competent national authorities may be applied are to be specified in the sectoral legislation. This Directive should identify a first set of such cases and should be without prejudice to adding further cases in the future. This Directive should not prevent the ESAs from	(12) The regulations establishing the ESAs require that the cases where the mechanism to settle disagreements between competent national authorities may be applied are to be specified in the sectoral legislation. This Directive should identify a first set of such cases and should be without prejudice to adding further cases in the future. This Directive should not prevent the ESAs from	(12) The regulations establishing the ESAs require that the cases where the mechanism to settle disagreements between ■ national supervisory authorities may be applied are to be specified in the sectoral legislation. This Directive should identify a second set of such cases and should be ■. This Directive should not prevent the ESAs from acting in accordance with other powers or	(12) The regulations establishing the ESAs require that the cases where the mechanism to settle disagreements between ■ national supervisory authorities may be applied are to be specified in the sectoral legislation. This Directive should identify a first set of such cases <u>in the insurance and reinsurance sector</u> and should be without prejudice to adding further cases in the



	<p>acting in accordance with other powers or fulfilling tasks specified in their establishing regulations, including non-binding mediation and contributing to the consistent, efficient and effective application of legal acts of the Union. Moreover, in those areas where some form of non-binding mediation is already established in the relevant legal act, or where there are time limits for joint decisions to be taken by one or more competent national authorities, amendments are needed to ensure clarity and minimum disruption of the process for reaching a joint decision, but also that where necessary, the ESAs should be able to resolve disagreements. The binding procedure for the settlement of disagreements is designed to solve situations where competent supervisors cannot resolve, among themselves, procedural or substantive issues relating to compliance with legal acts of the Union.</p>	<p>acting in accordance with other powers or fulfilling tasks specified in their establishing regulations, including non-binding mediation and contributing to the consistent, efficient and effective application of legal acts of the Union. Moreover, in those areas where some form of non-binding mediation is already established in the relevant legal act, or where there are time limits for joint decisions to be taken by one or more competent national authorities, amendments are needed to ensure clarity and minimum disruption of the process for reaching a joint decision, but also that where necessary, the ESAs should be able to resolve disagreements. The binding procedure for the settlement of disagreements is designed to solve situations where competent supervisors cannot resolve, among themselves, procedural or substantive issues relating to compliance with legal acts of the Union.</p>	<p>fulfilling tasks specified in their establishing regulations, including non-binding mediation and contributing to the consistent, efficient and effective application of legal acts of the Union. Moreover, in those areas where some form of non-binding mediation is already established in the relevant legal act, or where there are time limits for joint decisions to be taken by one or more national supervisory authorities, amendments are needed to ensure clarity and minimum disruption of the process for reaching a joint decision, but also that where necessary, the ESAs should be able to resolve disagreements. The binding procedure for the settlement of disagreements is designed to solve situations where national supervisory authorities cannot resolve, among themselves, procedural or substantive issues relating to compliance with legal acts of the Union.</p>	<p>future. This Directive should not prevent the ESAs from acting in accordance with other powers or fulfilling tasks specified in their establishing regulations, including non-binding mediation and contributing to the consistent, efficient and effective application of legal acts of the Union. Moreover, in those areas where some form of non-binding mediation is already established in the relevant legal act, or where there are time limits for joint decisions to be taken by one or more national supervisory authorities, amendments are needed to ensure clarity and minimum disruption of the process for reaching a joint decision, but also that where necessary, the ESAs should be able to resolve disagreements. The binding procedure for the settlement of disagreements is designed to solve situations where national supervisory authorities cannot resolve, among themselves, procedural or substantive issues relating to compliance with legal acts of the Union.</p>
Rec. 13	<p>(13) This Directive should therefore identify situations where a procedural or a substantive issue of compliance with Union law may need to be resolved and the supervisors may not be able to resolve the matter on their own. In such a situation, one of the supervisors involved should be able to raise the issue with the competent ESA. That ESA should act in accordance with the procedure set out in its establishing regulation and in this Directive. It should be able to require the competent authorities concerned to take specific action or to</p>	<p>(13) This Directive should therefore identify situations where a procedural or a substantive issue of compliance with Union law may need to be resolved and the supervisors may not be able to resolve the matter on their own. In such a situation, one of the supervisors involved should be able to raise the issue with the competent ESA. That ESA should act in accordance with the procedure set out in its establishing regulation and in this Directive. It should be able to require the competent authorities concerned to take specific action or to</p>	<p>(13) This Directive should therefore identify situations where a procedural or a substantive issue of compliance with Union law may need to be resolved and the national supervisory authorities may not be able to resolve the matter on their own. In such a situation, one of the national supervisory authorities concerned should be able to raise the issue with the competent ESA. That ESA should act in accordance with its establishing regulation and with this Directive. It should be able to require the supervisory authorities concerned to</p>	<p>(13) This Directive should therefore identify situations where a procedural or a substantive issue of compliance with Union law may need to be resolved and the national supervisory authorities may not be able to resolve the matter on their own. In such a situation, one of the national supervisory authorities concerned should be able to raise the issue with the competent ESA. That ESA should act in accordance with its establishing regulation and with this Directive. It should be able to require the supervisory authorities concerned to</p>



	refrain from action in order to settle the matter and to ensure compliance with Union law, with binding effects on the competent authorities concerned. In cases where the relevant legal act of the Union confers discretion on Member States, decisions taken by a ESA should not replace the exercise of discretion by the competent authorities in compliance with Union law.	refrain from action in order to settle the matter and to ensure compliance with Union law, with binding effects on the competent authorities concerned. In cases where the relevant legal act of the Union confers discretion on Member States, decisions taken by a ESA should not replace the exercise of discretion by the competent authorities in compliance with Union law.	take specific action or to refrain from action in order to settle the matter and to ensure compliance with Union law, with binding effects on the <i>supervisory</i> authorities concerned. In cases where the relevant legal act of the Union confers discretion on Member States, decisions taken by <i>an</i> ESA should not replace the exercise of discretion by the <i>supervisory</i> authorities in compliance with Union law.	take specific action or to refrain from action in order to settle the matter and to ensure compliance with Union law, with binding effects on the <i>supervisory</i> authorities concerned. In cases where the relevant legal act of the Union confers discretion on Member States, decisions taken by <i>an</i> ESA should not replace the exercise of discretion by the <i>supervisory</i> authorities in compliance with Union law.
Rec. 14	(14) Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking up and pursuit of the business of insurance and reinsurance (Solvency II) ¹ provides for joint decisions as regards the approval of applications to use an internal model at group and subsidiary levels, the approval of applications to make a subsidiary subject to Articles 238 and 239 of that Directive and the identification of the group supervisor on a different basis from the criteria set out in Article 247 of that Directive. In all of these areas, an amendment should clearly state that in the event of disagreement, the European Insurance and Occupational Pensions Authority (EIOPA) may resolve the disagreement using the process outlined in Regulation .../... [EIOPA]. This approach would make it clear that disagreements can be resolved and cooperation strengthened before a decision is made or issued to an institution. EIOPA's role in resolving disagreements is to mediate between the conflicting views of	(14) Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking up and pursuit of the business of insurance and reinsurance (Solvency II) ² provides for joint decisions as regards the approval of applications to use an internal model at group and subsidiary levels, the approval of applications to make a subsidiary subject to Article 238 [...] of that Directive and the identification of the group supervisor on a different basis from the criteria set out in Article 247 of that Directive. In all of these areas, an amendment should clearly state that in the event of disagreement, the European Insurance and Occupational Pensions Authority (EIOPA) may resolve the disagreement using the process outlined in Regulation (EU) No 1094/2010. This approach would make it clear that disagreements can be resolved and cooperation strengthened before a decision is made or issued to an institution. EIOPA's role in resolving disagreements is to mediate between the conflicting views of	(14) Directive 2009/138/EC provides for joint decisions as regards the approval of applications to use an internal model at group and subsidiary levels, the approval of applications to make a subsidiary subject to Articles 238 and 239 of that Directive and the identification of the group supervisor on a different basis from the criteria set out in Article 247 of that Directive. In all of these areas, an amendment should clearly state that in the event of disagreement, EIOPA may resolve the disagreement using the process outlined in <i>Regulation (EU) No 1094/2010</i> . This approach <i>makes</i> it clear that <i>while EIOPA should not replace the exercise of discretion by the supervisory authorities in compliance with Union law, it should be possible for</i> disagreements to be resolved and cooperation <i>to be</i> strengthened before a <i>final</i> decision is <i>taken by the national supervisory authority</i> or issued to an institution. EIOPA <i>should resolve</i> disagreements <i>by mediating</i> between the conflicting views of the supervisory authorities .	(14) Directive 2009/138/EC provides for joint decisions as regards the approval of applications to use an internal model at group and subsidiary levels, the approval of applications to make a subsidiary subject to Articles 238 [and 239] of that Directive and the identification of the group supervisor on a different basis from the criteria set out in Article 247 of that Directive. In all of these areas, an amendment should clearly state that in the event of disagreement, EIOPA may resolve the disagreement using the process outlined in <i>Regulation (EU) No 1094/2010</i> . This approach <i>makes</i> it clear that <i>while EIOPA should not replace the exercise of discretion by the supervisory authorities in compliance with Union law, it should be possible for</i> disagreements to be resolved and cooperation <i>to be</i> strengthened before a <i>final</i> decision is <i>taken by the national supervisory authority</i> or issued to an institution. EIOPA <i>should resolve</i> disagreements <i>by mediating</i> between the conflicting views of the supervisory authorities .

¹ OJ L 335, 17.12.2009 p. 1-155

² OJ L 335, 17.12.2009 p. 1-155



	the supervisory authorities rather than to substitute judgements in the matters concerned. The fact that EIOPA has acted to mediate a specific disagreement should not be understood as meaning that EIOPA should have an ongoing role in the supervision of the subject matter of the application.	the supervisory authorities rather than to substitute judgements in the matters concerned. The fact that EIOPA has acted to mediate a specific disagreement should not be understood as meaning that EIOPA should have an ongoing role in the supervision of the subject matter of the application.		Comments: Linked to Binding mediation agreement in Art 239. Council = If compromise proposal on mediation is adopted, the inclusion of Art. 239 shall be fine.
Rec. 15	(15) The new supervisory architecture established by the ESFS will require national supervisory authorities to cooperate closely with the ESAs. Amendments to the relevant legislation should ensure there are no legal obstacles to the information sharing obligations included in the regulations proposed by the Commission establishing the ESAs.	(15) The new supervisory architecture established by the ESFS will require national supervisory authorities to cooperate closely with the ESAs. Amendments to the relevant legislation should ensure there are no legal obstacles to the information sharing obligations included in the regulations proposed by the Commission establishing the ESAs.	(15) The new supervisory architecture established by the ESFS will require national supervisory authorities to cooperate closely with the ESAs. Amendments to the relevant legislation should ensure <i>that</i> there are no legal obstacles to the information-sharing obligations included in the regulations ■ establishing the ESAs <i>and that the provision of data does not give rise to unnecessary red tape.</i>	(15) The new supervisory architecture established by the ESFS will require national supervisory authorities to cooperate closely with the ESAs. Amendments to the relevant legislation should ensure <i>that</i> there are no legal obstacles to the information-sharing obligations included in the regulations ■ establishing the ESAs <i>and that the provision of data does not give rise to unnecessary administrative burden.</i>
Rec. 15a (new)			<i>(15a) Supervisory knowledge of the assets held by insurance and reinsurance undertakings is an important tool with respect to macroeconomic surveillance. A full list of an undertaking's assets can be essential for supervisory authorities to assess financial risks properly, and in particular for insurance and reinsurance undertakings that are significant in terms of their size, internal organisation, and the nature, scale and complexity of risks inherent to their business. Supervisory authorities should therefore be able to require insurance and reinsurance undertakings to submit a full list of assets on an item-by-item basis when such information is necessary for them to effectively undertake their supervisory role. A full list of assets is not essential for supervisory authorities concerned to assess</i>	<i>"(15a) Insurance and reinsurance undertakings should only be required to provide information to their supervisory authorities that is relevant for the purposes of supervision taking into account, where appropriate, the objectives of financial stability—supervision as laid down in Articles 27 and 28. Information on a full list of assets to be provided on an item-by-item basis and other information to be provided with a frequency shorter than annually should only be required where the additional knowledge obtained by the supervisory authorities for the purpose of monitoring the financial health of the undertakings or considering the potential impacts of their decisions on financial stability outweighs the burden associated with the calculation and submission of that information. After assessing the nature,</i>



			<p><i>risks with respect to financial stability where insurance and reinsurance undertakings concerned do not play a major role in financial markets. This is particularly relevant for undertakings which do not hold a significant part of the total market share of a Member State's life or non-life insurance market.</i></p>	<p><i>scale and complexity of the risks inherent in the business of the undertaking, supervisory authorities should have the power to allow limitations on the <u>frequency and the scope</u> of information to be reported or to exempt from reporting on an item-by-item basis only where that undertaking does not exceed specific thresholds. It should be ensured that the smallest undertakings are eligible for <u>limitations and exemption</u> and that those number of those undertakings do not represent more than is limited to [20%] of <u>a Member State's the life and non-life insurance or reinsurance market respectively</u> total number of undertakings authorised by the Member State concerned.</i></p> <p>Comments: Council to confirm percentage</p>
				<p><i>(15b) In order to ensure that the information reported by participating insurance and reinsurance undertakings or insurance holding companies at the level of the group is accurate and complete, supervisory authorities should not allow limitations on the information to be reported or exempt from reporting on an item-by-item basis undertakings which belong to a group, unless the supervisory authority is satisfied that reporting would be inappropriate given the nature, scale and complexity of the risks inherent in the business of the group.</i></p>
Rec. 16	(16) In areas where the Commission is currently empowered by Directive 2009/138/EC to adopt implementing	(16) In areas where the Commission is currently empowered by Directive 2009/138/EC to adopt implementing	(16) In areas where the Commission is currently empowered by Directive 2009/138/EC to adopt implementing	(16) In areas where the Commission is currently empowered by Directive 2009/138/EC to adopt implementing



	measures where these measures are non-legislative acts of general application to supplement or amend certain non-essential elements of that Directive in the sense of Article 290 TFEU, the Commission should be empowered to adopt delegated acts in accordance with that Article.	measures where these measures are non-legislative acts of general application to supplement or amend certain non-essential elements of that Directive in the sense of Article 290 TFEU, the Commission should be empowered to adopt delegated acts in accordance with that Article.	measures where these measures are non-legislative acts of general application to supplement or amend certain non-essential elements of that Directive in the sense of Article 290 TFEU, the Commission should be empowered to adopt delegated acts in accordance with that Article <i>or regulatory technical standards in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i>	measures where these measures are non-legislative acts of general application to supplement or amend certain non-essential elements of that Directive in the sense of Article 290 TFEU, the Commission should be empowered to adopt delegated acts in accordance with that Article <i>or regulatory technical standards in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i>
Rec. 16a (new)		<u>(16a) In order to ensure that the same treatment is applied to all insurance and reinsurance undertakings calculating the Solvency Capital Requirements on the basis of the standard formula, or to take account of market developments, the Commission should be empowered to adopt delegated acts in relation to Solvency Capital Requirement on the basis of the standard formula.¹</u>		<u>(16a) In order to ensure that the same treatment is applied to all insurance and reinsurance undertakings calculating the Solvency Capital Requirement on the basis of the standard formula, or to take account of market developments, the Commission should be empowered to adopt delegated acts in relation to <i>the calculation of</i> the Solvency Capital Requirement on the basis of the standard formula.²</u>
Rec. 16b (new)		<u>(16b) In order to address risks which are not adequately covered by a sub-module, the Commission should be empowered to adopt delegated acts in relation to quantitative limits and asset eligibility criteria for the Solvency Capital Requirement on the basis of the standard formula.³ Those delegated acts should apply to assets covering technical provisions, excluding assets held in respect of life insurance contracts where the investment risk is borne by the policy holders.</u>		<u>(16b) <i>Where</i> risks are not adequately covered by a sub-module, <i>EIOPA</i> should be empowered to adopt <i>draft regulatory technical standards</i> in relation to quantitative limits and asset eligibility criteria for the Solvency Capital Requirement on the basis of the standard formula.⁴</u>
Rec.		<u>(16c) In order to ensure a harmonised</u>		

¹ recital taking over initial part of Art 111(1) from 2009/138

² recital taking over initial part of Art 111(1) from 2009/138

³ recital taking over initial part of Art 111(2) from 2009/138

⁴ recital taking over initial part of Art 111(2) from 2009/138



16c (new)		<u>approach to the use of internal models throughout the Community and to enhance the better assessment of the risk profile and management of the business of insurance and reinsurance undertakings, the Commission should be empowered to adopt delegated acts in relation to the use of internal models.¹</u>		Comment: Deleted, reflected in Article 127
Rec. 16d (new)		<u>(16d) The Commission should ensure that the new prudential regime avoids undesirable impacts in its treatment of insurance business with long term guarantees. While adopting delegated acts, the Commission should also ensure that the continuity and further development of insurance activities with long term guarantees is not impaired.</u>		<u>(16d) The Commission should ensure that the new prudential regime avoids undesirable impacts in its treatment of insurance business with long term guarantees. While adopting delegated acts, regulatory technical standards and implementing technical standards, the Commission should also ensure that the continuity and further development of insurance activities with long term guarantees is not impaired.</u>
Rec. 17	(17) In order to allow for the consistent calculation of technical provisions by insurance and reinsurance undertakings under Directive 2009/138/EC, it is necessary for a central body to derive, publish, and update certain technical information related to the risk-free interest rate term structure, which takes account of observations in the financial market, and for the body to be able to do this on a regular basis. Given the technical and insurance related nature of these tasks, they should be carried out by EIOPA.	(17) In order to allow for the consistent calculation of technical provisions by insurance and reinsurance undertakings under Directive 2009/138/EC, it is necessary for a central body to derive, publish, and update certain technical information related to the risk-free interest rate term structure, which takes account of observations in the financial market, and for the body to be able to do this on a regular basis. Given the technical and insurance related nature of these tasks, they should be carried out by EIOPA.	(17) In order to allow for the consistent calculation of technical provisions by insurance and reinsurance undertakings under Directive 2009/138/EC, it is necessary for a central body to derive, publish, and update certain technical information relating to the risk-free interest rate term structure on a regular basis, taking account of observations in the financial market. The manner in which the risk-free interest rate term structure is derived should be transparent in such a manner that insurance and reinsurance undertakings are able to use this term-structure in their risk management policies. Given the technical and insurance related nature of these tasks, they should be	(17) In order to allow for the consistent calculation of technical provisions by insurance and reinsurance undertakings under Directive 2009/138/EC, it is necessary for a central body to derive, publish, and update certain technical information relating to the risk-free interest rate term structure on a regular basis, taking account of observations in the financial market. The manner in which the risk-free interest rate term structure is derived should be transparent. █ Given the technical and insurance related nature of these tasks, they should be carried out by EIOPA.

¹ recital taking over initial part of Art 127 from 2009/138



			carried out by EIOPA.	
Rec. 17a (new)			<p><i>(17a) The risk-free interest rate term structure should be determined on the basis of a holistic and consistent approach to the setting of all assumptions and parameters on which the curve is based ensuring consistency over time and avoiding artificial volatility of technical provisions and eligible own funds in excess of the capital requirements. The choice of the starting points of the extrapolation of risk-free interest rates should allow undertakings to match with bonds the cash-flows which are discounted with non-extrapolated rates in the calculation of the best estimate. Under market conditions similar to those at the date of adoption of this Directive, the starting point for the extrapolation of risk-free interest rates in euro should be 20 years.</i></p>	<p><i>(17a) The risk-free interest rate term structure should be determined on the basis of a holistic and consistent approach to the setting of all assumptions and parameters on which the curve is based ensuring consistency over time and avoiding artificial volatility of technical provisions and eligible own funds in excess of the capital requirements. The choice of the starting points of the extrapolation of risk-free interest rates should allow undertakings to match with bonds the cash-flows which are discounted with non-extrapolated rates in the calculation of the best estimate. Under market conditions similar to those at the date of adoption of this Directive, the starting point for the extrapolation of risk-free interest rates in euro should be 20 years.</i></p> <p>Comments: Linked to agreement on Long term Guarantees</p>
Rec. 18	<p>(18) In order to ensure that certain technical inputs to the Solvency Capital Requirement (SCR) using the standard formula are provided on a harmonised basis, for instance to allow for harmonised approaches toward the use of ratings, specific tasks should be assigned to EIOPA. The detailed manner for the exercise of such tasks should be further specified in measures to be adopted by delegated act.</p>	<p>(18) In order to ensure that certain technical inputs to the Solvency Capital Requirement (SCR) using the standard formula are provided on a harmonised basis, for instance to allow for harmonised approaches toward the use of ratings, specific tasks should be assigned to EIOPA. The detailed manner for the exercise of such tasks should be further specified in measures to be adopted by delegated act.</p>	<p>(18) In order to ensure that certain technical inputs to the Solvency Capital Requirement (SCR) using the standard formula are provided on a harmonised basis, for instance to allow for harmonised approaches <i>towards</i> the use of ratings, specific tasks should be assigned to EIOPA. Recognition of rating agencies should be aligned and made consistent with Directive 2006/48/EC, including the upcoming revision of that Directive, and Regulation (EC) No 1060/2009. Overlap with Regulation (EC) No 1060/2009 should be avoided and therefore a role for the Joint</p>	<p>(18) In order to ensure that certain technical inputs to the Solvency Capital Requirement (SCR) using the standard formula are provided on a harmonised basis, for instance to allow for harmonised approaches <i>towards</i> the use of ratings, specific tasks should be assigned to EIOPA. Recognition of rating agencies should be aligned and made consistent with Directive 2006/48/EC, including the upcoming revision of that Directive, and Regulation (EC) No 1060/2009. Overlap with Regulation (EC) No 1060/2009 should be avoided and therefore a role for the Joint</p>



			<p><i>Committee of supervisory authorities is justified. EIOPA should make optimal use of ESMA's competences and experience.</i></p> <p>The detailed manner for the exercise of such tasks should be further specified in measures to be adopted by delegated <i>or implementing</i> act.</p>	<p><i>Committee of supervisory authorities is justified. EIOPA should make optimal use of ESMA's competences and experience.</i></p> <p>The detailed manner for the exercise of such tasks should be further specified in measures to be adopted by delegated <i>or implementing</i> act.</p> <p>Comments: Part of the agreement on ratings</p>
Rec. 18a (new)				<p><u>(18a) Lists of regional governments and local authorities published by EIOPA should not be more granular than is necessary to ensure that such governments or authorities are granted the same treatment only where the risks of the exposure are the same as for central governments</u></p> <p>Comments Recital linked to Article 109a.</p>
Rec. 19	<p>(19) In order to ensure a harmonised approach under Directive 2009/138/EC in determining where an extension to the recovery period in cases of breaches of the SCR is permitted, the conditions which constitute "an exceptional fall in the financial markets" should be specified. EIOPA, upon request from the supervisory authority concerned, should be responsible for determining whether those conditions have been fulfilled and the Commission should be empowered to adopt measures by means of delegated acts specifying the relevant procedures to be followed.</p>	<p>(19) In order to ensure a harmonised approach under Directive 2009/138/EC in [...] <u>declaring</u> where an extension to the recovery period in cases of breaches of the SCR is permitted, the conditions which constitute "an exceptional fall in the financial markets" <u>that may exist in one or more Member States</u> should be specified. EIOPA, upon request from the supervisory authority concerned, should be responsible for [...] <u>declaring</u> whether those conditions have been fulfilled and the Commission should be empowered to adopt measures by means of delegated acts specifying the relevant procedures to be followed.</p>	<p>(19) In order to ensure a harmonised approach under Directive 2009/138/EC in determining where an extension to the recovery period in cases of breaches of the SCR is permitted, the conditions which constitute 'an exceptional fall in the financial markets' should be specified. EIOPA ■ should be responsible for determining whether those conditions have been fulfilled and the Commission should be empowered to adopt measures by means of delegated <i>and implementing</i> acts specifying the relevant procedures to be followed.</p>	<p>(19) In order to ensure a harmonised approach under Directive 2009/138/EC in determining where an extension to the recovery period in cases of breaches of the SCR is permitted, the conditions which constitute 'an exceptional fall in the financial markets' should be specified. EIOPA ■ should be responsible for <u>declaring the existence of an exceptional fall in financial markets</u> and the Commission should be empowered to adopt measures by means of delegated <i>and implementing</i> acts specifying <u>the criteria and</u> the relevant procedures to be followed.</p> <p>Comments: Linked to Article 138</p>



Rec. 20	(20) In order to ensure cross-sectoral consistency and to remove the misalignment between the interests of firms that "repackage" loans into tradable securities and other financial instruments (originators) and the interests of insurance or reinsurance undertakings that invest in such securities or instruments, the Commission should be empowered to adopt measures by means of delegated act in the context of investments in repackaged loans under Directive 2009/138/EC, specifying not only the requirements but also the consequences of breaching those requirements.	(20) In order to ensure cross-sectoral consistency and to remove the misalignment between the interests of firms that "repackage" loans into tradable securities and other financial instruments (originators) and the interests of insurance or reinsurance undertakings that invest in such securities or instruments, the Commission should be empowered to adopt measures by means of delegated act in the context of investments in repackaged loans under Directive 2009/138/EC, specifying not only the requirements but also the consequences of breaching those requirements.	(20) In order to ensure cross-sectoral consistency and to remove the misalignment between the interests of firms that "repackage" loans into tradable securities and other financial instruments (originators) and the interests of insurance or reinsurance undertakings that invest in such securities or instruments, the Commission should be empowered to adopt measures by means of delegated act in the context of investments in repackaged loans under Directive 2009/138/EC, specifying not only the requirements but also the consequences of breaching those requirements.	(20) In order to ensure cross-sectoral consistency and to remove the misalignment between the interests of firms that "repackage" loans into tradable securities and other financial instruments (originators) and the interests of insurance or reinsurance undertakings that invest in such securities or instruments, the Commission should be empowered to adopt measures by means of delegated act in the context of investments in repackaged loans under Directive 2009/138/EC, specifying not only the requirements but also the consequences of breaching those requirements.
Rec. 21	(21) In order to allow for greater convergence on procedures for supervisory approvals provided for in Directive 2009/138/EC of undertaking specific parameters, model change policies, special purpose vehicles and the setting and removal of capital add-ons, the Commission should be empowered to adopt measures by means of delegated act specifying procedure in these areas.	(21) In order to allow for greater convergence on procedures for supervisory approvals provided for in Directive 2009/138/EC of undertaking specific parameters, model change policies, special purpose vehicles and the setting and removal of capital add-ons, the Commission should be empowered to adopt measures by means of delegated act specifying procedure in these areas.	(21) In order to allow for greater convergence on procedures for supervisory approvals provided for in Directive 2009/138/EC of undertaking specific parameters, model change policies, special purpose vehicles and the setting and removal of capital add-ons, the Commission should be empowered to adopt measures by means of delegated act specifying procedure in these areas.	(21) In order to allow for greater convergence on procedures for supervisory approvals provided for in Directive 2009/138/EC of undertaking specific parameters, model change policies, special purpose vehicles and the setting and removal of capital add-ons, the Commission should be empowered to adopt measures by means of delegated act specifying procedure in these areas.
Rec. 22	(22) The development of international convergence toward risk-based solvency regimes should be encouraged. In order to acknowledge that some third countries may need more time to adapt and implement a solvency regime that would fully satisfy the criteria for being recognised as equivalent, it is necessary to enable Commission measures adopted by means of delegated act to specify transitional arrangements in relation to the treatment of such third country regimes, particularly where a public commitment to converge to a regime equivalent to Directive 2009/138/EC has	(22) The development of international convergence toward risk-based solvency regimes should be encouraged. In order to acknowledge that some third countries may need more time to adapt and implement a solvency regime that would fully satisfy the criteria for being recognised as equivalent, it is necessary to enable Commission measures adopted by means of delegated act to specify transitional arrangements in relation to the treatment of such third country regimes, particularly where a public commitment to converge to a regime equivalent to Directive 2009/138/EC has	(22) The development of international convergence toward risk-based solvency regimes should be encouraged. In order to acknowledge that some third countries may need more time to adapt and implement a solvency regime that would fully satisfy the criteria for being recognised as equivalent, it is necessary to <i>specify conditions</i> in relation to the treatment of such third country regimes <i>in order for these third countries to be recognised temporarily equivalent. It should also be stressed that, in the case of third countries, risk-based supervision is not enough: third countries</i>	(22) <u><i>The International Association of Insurance Supervisors' development of a global, risk-based solvency standard is ongoing and continues to foster greater supervisory coordination and cooperation internationally. The development of The provision in Directive 2009/138/EC for Commission decisions regarding the equivalence of third-country solvency and prudential regimes is consistent with the objectives of encouraging international convergence towards the introduction of risk-based solvency and prudential regimes the introduction of</i></u> should be encouraged.



	been made.	been made.	<i>must also have group supervision systems similar to that of the Union.</i>	In order to acknowledge that some third countries may need more time to adapt and implement solvency <u>and prudential regimes</u> that would fully satisfy the criteria for being recognised as equivalent, it is necessary to <i>specify conditions</i> in relation to the treatment of such third country regimes <i>in order for these third countries to be recognised temporarily equivalent. Commission decisions on temporary equivalence should, where appropriate, take into account international developments. Where the Commission decides that a third country's prudential regime for group supervision is temporarily equivalent, additional supervisory reporting should be allowed for in order to ensure the protection of policy holders and beneficiaries within the Union.</i> Comments Part of agreement on equivalence.
Rec. 23	(23) In order to enable the European Cooperative Society, established in Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE), to provide insurance and reinsurance services, it is necessary to extend the list of permissible legal forms of insurance and reinsurance undertakings under Directive 2009/138/EC to include the European Cooperative Society (SCE).	(23) In order to enable the European Cooperative Society, established in Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE), to provide insurance and reinsurance services, it is necessary to extend the list of permissible legal forms of insurance and reinsurance undertakings under Directive 2009/138/EC to include the European Cooperative Society (SCE).	(23) In order to enable the European Cooperative Society, established in Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) ¹ , to provide insurance and reinsurance services, it is necessary to extend the list of permissible legal forms of insurance and reinsurance undertakings under Directive 2009/138/EC to include the European Cooperative Society (SCE).	(23) In order to enable the European Cooperative Society, established in Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) ² , to provide insurance and reinsurance services, it is necessary to extend the list of permissible legal forms of insurance and reinsurance undertakings under Directive 2009/138/EC to include the European Cooperative Society (SCE).
Rec. 24	(24) The amounts in euro of the Minimum	(24) The amounts in euro of the Minimum	(24) The amounts in euro of the Minimum	(24) The amounts in euro of the Minimum

¹ OJ L 207, 18.8.2003, p. 1.

² OJ L 207, 18.8.2003, p. 1.



	Capital Requirement floor for captive reinsurance undertakings should be adapted. Such an adaptation arises out of the periodic adjustment of the existing capital requirement floors for such undertakings to take account of inflation.	Capital Requirement floor for captive reinsurance undertakings should be adapted. Such an adaptation arises out of the periodic adjustment of the existing capital requirement floors for such undertakings to take account of inflation.	Capital Requirement floor for insurance and reinsurance undertakings should be adapted. Such an adaptation arises out of the periodic adjustment of the existing capital requirement floors for such undertakings to take account of inflation.	Capital Requirement floor for insurance and reinsurance undertakings should be adapted. Such an adaptation arises out of the periodic adjustment of the existing capital requirement floors for such undertakings to take account of inflation.
Rec. 24a (new)			<i>(24a) The calculation of the SCR for health insurance should reflect national equalisation systems and should also account for changes in the national health legislation, as they are a fundamental part of the insurance system within those national health markets.</i>	<i>(24a) The calculation of the Solvency Capital Requirement for health insurance should reflect national equalisation systems and should also account for changes in the national health legislation, as they are a fundamental part of the insurance system within those national health markets.</i>
Rec. 25	(25) In order to better reflect the date which marks the end of the financial year for the majority of insurance undertakings (31 December) and to enable a smoother transition between the old and new regimes, the relevant transposition, repeal and application dates in Directive 2009/138/EC should be extended by two months.	(25) In order to better reflect the date which marks the end of the financial year for the majority of insurance undertakings (31 December) and to enable a smoother transition between the old and new regimes, the relevant transposition, repeal and application dates in Directive 2009/138/EC should be extended by two months.	(25) In order to better reflect the date which marks the end of the financial year for the majority of insurance undertakings (31 December) and to enable a smoother transition between the old and new regimes, the relevant transposition, repeal and application dates in Directive 2009/138/EC should be extended by two months.	Deleted. Comments: The Quick-fix Directive overrides this extension.
Rec. 26	(26) Certain implementing powers designed under Article 202 of the Treaty establishing the European Community (EC Treaty) should be replaced with the appropriate provisions in accordance with Article 290 TFEU.	(26) Certain implementing powers designed under Article 202 of the Treaty establishing the European Community (EC Treaty) should be replaced with the appropriate provisions in accordance with Article 290 TFEU.	(26) Certain implementing powers designed under Article 202 of the Treaty establishing the European Community (EC Treaty) should be replaced with the appropriate provisions in accordance with Article 290 TFEU.	(26) Certain implementing powers designed under Article 202 of the Treaty establishing the European Community (EC Treaty) should be replaced with the appropriate provisions in accordance with Article 290 TFEU.
Rec. 27	(27) The alignment of comitology procedures to the TFEU and, in particular, to Article 290 thereof, should be effected on a case-by-case basis. In order to take account of the technical developments in the financial markets and to specify the requirements laid down in the directives amended by this Directive, the Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU.	(27) The alignment of comitology procedures to the TFEU and, in particular, to Article 290 thereof, should be effected on a case-by-case basis. In order to take account of the technical developments in the financial markets and to specify the requirements laid down in the directives amended by this Directive, the Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU.	(27) The alignment of comitology procedures to the TFEU and, in particular, to Article 290 thereof, should be effected on a case-by-case basis. In order to take account of the technical developments in the financial markets and to specify the requirements laid down in the directives amended by this Directive, the Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU.	(27) The alignment of comitology procedures to the TFEU and, in particular, to Article 290 thereof, should be effected on a case-by-case basis. In order to take account of the technical developments in the financial markets and to specify the requirements laid down in the directives amended by this Directive, the Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU.



	In particular, the delegated acts should be adopted in respect of details concerning governance requirements, valuation, supervisory reporting and public disclosure, the determination and classification of own funds, the standard formula for the calculation of the Solvency Capital Requirement (including any consequential changes in the area of capital add-ons) and the choice of methods and assumptions for the calculation of technical provisions.	In particular, the delegated acts should be adopted in respect of details concerning governance requirements, valuation, supervisory reporting and public disclosure, the determination and classification of own funds, the standard formula for the calculation of the Solvency Capital Requirement (including any consequential changes in the area of capital add-ons) and the choice of methods and assumptions for the calculation of technical provisions.	In particular, the delegated acts should be adopted in respect of details concerning governance requirements, valuation, supervisory reporting and public disclosure, the determination and classification of own funds, the standard formula for the calculation of the Solvency Capital Requirement (including any consequential changes in the area of capital add-ons) and the choice of methods and assumptions for the calculation of technical provisions.	In particular, the delegated acts should be adopted in respect of details concerning governance requirements, valuation, supervisory reporting and public disclosure, the determination and classification of own funds, the standard formula for the calculation of the Solvency Capital Requirement (including any consequential changes in the area of capital add-ons) and the choice of methods and assumptions for the calculation of technical provisions.
Rec. 27a (new)		<u>(27a) In the Declaration (No 39) on Article 290 TFEU, annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, the Conference took note of the Commission's intention to continue to consult experts appointed by the Member States in the preparation of draft delegated acts in the financial services area, in accordance with its established practice.¹</u>		<u>(27a) In the Declaration (No 39) on Article 290 TFEU, annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, the Conference took note of the Commission's intention to continue to consult experts appointed by the Member States in the preparation of draft delegated acts in the financial services area, in accordance with its established practice.²</u>
Rec. 28	(28) The European Parliament and the Council should have two months from the date of notification to object to a delegated act. At the initiative of the European Parliament or the Council, it should be possible to prolong that period by one month with regard to significant areas of concern. It should also be possible for the European Parliament and the Council to inform the other institutions of their intention not to raise objections. Such early approval of delegated acts is particularly appropriate when deadlines need to be met, for example where there are timetables in	(28) The European Parliament and the Council should have [...] <u>three</u> months from the date of notification to object to a delegated act. At the initiative of the European Parliament or the Council, it should be possible to prolong that period by [...] <u>three</u> months with regard to significant areas of concern. It should also be possible for the European Parliament and the Council to inform the other institutions of their intention not to raise objections. Such early approval of delegated acts is particularly appropriate when deadlines need to be met, for example where there are	(28) The European Parliament and the Council should have three months from the date of notification to object to a delegated act. At the initiative of the European Parliament or the Council, it should be possible to prolong that period by three months with regard to significant areas of concern. It should also be possible for the European Parliament and the Council to inform the other institutions of their intention not to raise objections. Such early approval of delegated acts is particularly appropriate when deadlines need to be met, for example where there are timetables in	(28) The European Parliament and the Council should have three months from the date of notification to object to a delegated act. At the initiative of the European Parliament or the Council, it should be possible to prolong that period by three months with regard to significant areas of concern. It should also be possible for the European Parliament and the Council to inform the other institutions of their intention not to raise objections. Such early approval of delegated acts is particularly appropriate when deadlines need to be met, for example where there are timetables in

¹ Corresponds to recital 25 of Omnibus 1

² Corresponds to recital 25 of Omnibus 1



	the basic act for the Commission to adopt delegated acts.	timetables in the basic act for the Commission to adopt delegated acts.	the basic act for the Commission to adopt delegated acts.	the basic act for the Commission to adopt delegated acts.
Rec. 28a (new)			<i>(28a) In the light of the financial crisis and the pro-cyclical mechanisms that contributed to its origin and aggravated its effect, the Financial Stability Board, BCBS, and the G20 made recommendations to mitigate the pro-cyclical effects of financial regulation. Those recommendations have direct relevance to insurance and reinsurance undertakings as important components of the financial system.</i>	<i>(28a) In the light of the financial crisis and the pro-cyclical mechanisms that contributed to its origin and aggravated its effect, the Financial Stability Board, BCBS, and the G20 made recommendations to mitigate the pro-cyclical effects of financial regulation. Those recommendations have direct relevance to insurance and reinsurance undertakings as important components of the financial system.</i>
Rec. 28b (new)			<i>(28b) In order to achieve coherent application and to assure macro-prudential oversight across the Union, it is appropriate that the European Systemic Risk Board develops principles tailored for the Union economy and is responsible to monitor the application of the counter-cyclical buffer.</i>	<i>(28b) In order to achieve coherent application and to assure macro-prudential oversight across the Union, it is appropriate that the European Systemic Risk Board develops principles tailored for the Union economy.</i>
Rec. 28c (new)			<i>(28c) The financial crisis highlighted that financial institutions massively underestimated the level of counterparty credit risk associated with over-the-counter (OTC) derivatives. This prompted the G20, in September 2009, to call for more OTC derivatives to be cleared through a central counterparty. Furthermore, they asked to subject those OTC derivatives that could not be cleared centrally to higher capital requirements in order to reflect properly the higher risks associated with them.</i>	<i>(28c) The financial crisis highlighted that financial institutions massively underestimated the level of counterparty credit risk associated with over-the-counter (OTC) derivatives. This prompted the G20, in September 2009, to call for more OTC derivatives to be cleared through a central counterparty. Furthermore, they asked to subject those OTC derivatives that could not be cleared centrally to higher capital requirements in order to reflect properly the higher risks associated with them.</i>
<i>Recital 28ca (new)</i>				<i><u>(28ca)</u> <u>The calculation of the standard formula for the Solvency Capital Requirement should treat exposures to authorised central counterparties consistently with the</u></i>



			<p><u><i>treatment of such exposures in the capital requirements for credit institutions and financial institutions within the meaning of Article 4(1) and (5) of Directive 2006/48/EC, specifically with regard to differences in the treatment between authorised central counterparties and other counterparties.</i></u></p> <p>Comment: Part of agreement on CCP</p>
Rec. 28d (new)		<p><i>(28d) The sovereign debt crisis and the statement of 26 October 2011 of the Heads of State or Government of Member States whose currency is the euro have demonstrated that a zero-risk treatment for government bonds no longer corresponds with economic reality. The Commission should submit a report to the European Parliament and the Council proposing options to adapt the calculation of own funds requirements for such exposures accordingly as soon as possible, while taking into account potentially destabilising effects of tabling such proposals during periods of market stress.</i></p>	<p>Comments: Council = cannot accept an explicit reference to government bonds; suggests more general wording. leave a reference to the crisis and the effect it has had on different asset classes and ask the COM to report on this</p> <p>EP = key message review on capital requirements in relation to government bonds</p> <p>To be submitted to the political trilogue</p>
Rec. 29	<p>(29) In order to allow for a smooth transition under Directive 2009/138/EC to a new regime, it is necessary to provide for transitional requirements relating to governance requirements, valuation, supervisory reporting and public disclosure, the determination and classification of own funds, the standard formula for the calculation of the Solvency Capital Requirement (including any consequential changes in the area of capital add-ons) and the choice of methods and assumptions for</p>	<p>(29) In order to allow for a smooth transition under Directive 2009/138/EC to a new regime, it is necessary to provide for transitional requirements relating to insurance and reinsurance undertakings which have closed their activity, [...] the [...] classification of own funds, the standard formula for the calculation of the Solvency Capital Requirement, [...] the choice of methods and assumptions for the calculation of technical provisions, and occupational retirement provision by</p>	<p>(29) In order to allow for a smooth transition under Directive 2009/138/EC to a new regime, it is necessary to provide for <i>phasing in and specific transitional periods.</i></p> <p>(29) In order to allow for a smooth transition under Directive 2009/138/EC to a new regime, it is necessary to provide for <i>phasing in and specific transitional periods.</i></p>



	<p>the calculation of technical provisions. Where such changes are made at the level of the individual undertaking, corresponding and consequential changes should be made to the calculation of group solvency, and supervisory reporting and public disclosure at group level. Where such changes concern group supervisory reporting and group public disclosure, the appropriate transitional provisions should apply mutatis mutandis at group level. In relation to group solvency, Article 218(2) and (3) provide the basis for solvency requirements for supervision in cases of application of group supervision mentioned in Article 213. The methods and principles for calculating group solvency referred to in Article 218 are set out in more detail in Articles 220 to 235. Those methods and calculations apply (whether directly or by analogy) to cases of application of group supervision mentioned in Article 218. To the extent that such group solvency rules make reference to solvency rules at the level of the individual undertaking and where a transitional solvency regime is applied at individual level corresponding adaptations may need to be made to the group solvency rules.</p>	<p><u>insurance undertakings. The transitional requirements relating to the classification of own funds should relate to basic own-fund items, including subordinated mutual member accounts, preference shares and subordinated liabilities, which have been issued in compliance with the laws, regulations and administrative provisions adopted pursuant to Directive 2002/83/EC, Directive 73/239/EEC and Directive 2005/68/EC.</u></p>		
Rec. 29a (new)		<p>(29a) Where such changes are made at the level of the individual undertaking, corresponding and consequential changes should be made to the calculation of group solvency [...]. Article 218(2) and (3) provide the basis for solvency requirements for supervision in cases of application of group supervision mentioned in Article 213. The methods and principles for calculating</p>		<p>Deleted</p> <p>Comments: Text is 2nd part of original Commission Recital 29.</p>



		group solvency referred to in Article 218 are set out in more detail in Articles 220 to 235. Those methods and calculations apply (whether directly or by analogy) to cases of application of group supervision mentioned in Article 218. To the extent that such group solvency rules make reference to solvency rules at the level of the individual undertaking and where a transitional solvency regime is applied at individual level corresponding adaptations may need to be made to the group solvency rules.		
Rec. 30	(30) The transitional requirements should aim at avoiding market disruption and limiting interferences with existing products as well as ensuring the availability of insurance products. The provisions of transitional requirements should also allow proper consideration to be taken of the significant and valuable industry -wide information to be obtained from the quantitative impact study (QIS5). The transitional provisions set out in Directive 2009/138/EC should further specify non-essential elements to be determined by delegated acts. While the maximum periods for the transitional provisions are to be set out in Directive 2009/138/EC, the actual time period selected in any delegated act may be for a shorter period and should reflect the specific characteristics of the provisions and facilitate the application of the new regime. The transitional requirements should at least be equivalent, in effect, to the existing framework on insurance and reinsurance directives and should not result in more favourable treatment for insurance and reinsurance	(30) The transitional requirements should aim at avoiding market disruption and limiting interferences with existing products as well as ensuring the availability of insurance products. The provisions of transitional requirements should also allow proper consideration to be taken of the significant and valuable industry -wide information to be obtained from the quantitative impact study (QIS5). The transitional provisions set out in Directive 2009/138/EC should further specify non-essential elements to be determined by delegated acts. While the [...] periods for the transitional provisions are to be set out in Directive 2009/138/EC, further specifications should be introduced through delegated acts and should reflect the specific characteristics of the provisions and facilitate the application of the new regime. The transitional requirements should at least be equivalent, in effect, to the existing framework on insurance and reinsurance directives and should not result in more favourable treatment for insurance and reinsurance undertakings, or lower	(30) The transitional <i>periods</i> should aim at avoiding market disruption ■. The transitional <i>periods</i> should encourage undertakings to move towards compliance with the particular requirements of the new regime as soon as possible.	(30) The transitional <i>periods</i> should aim at avoiding market disruption ■. The transitional <i>periods</i> should encourage undertakings to move towards compliance with the particular requirements of the new regime as soon as possible.



	undertakings, or lower protection for policy holders, than currently exists. In terms of solvency requirements, this means that these should during any possible transitional period be no higher than the Solvency Capital Requirement and no lower than the sum of the Minimum Capital Requirement and fifty per cent of the difference between the Solvency Capital Requirement and the Minimum Capital Requirement. The transitional requirements should encourage undertakings to move towards compliance with the particular requirements of the new regime as soon as possible.	protection for policy holders, than currently exists. The transitional requirements should encourage undertakings to move towards compliance with the particular requirements of the new regime as soon as possible.		
Rec. 30a (new)		<u>(30a) The period for the transitional provisions in relation to third country equivalence are to be set out in Directive 2009/138/EC, the actual time period should end on the date on which, in accordance with this Directive, the solvency regime of the third country concerned has been deemed to be equivalent to that laid down in Directive 2009/138/EC.</u>		deleted
Rec. 30b (new)		<u>(30b) In order for the solvency regime laid down in this Directive to operate effectively, supervisory authorities should have the necessary powers to require insurance and reinsurance undertakings to provide them at an early stage with an implementation plan which will enable them to monitor the progress achieved by undertakings in view of the consistent and timely application of this Directive [...].To achieve this aim EIOPA should develop guidelines concerning the content of the implementation plan. Supervisory authorities may require insurance and reinsurance undertakings to provide any</u>		Comments: Linked to implementation plan in phasing-in



		<u>information on the actions outlined in the implementation plan.</u>		
Rec. 30c (new)		<u>(30c) The guidelines to be issued by EIOPA as regards the requirements related to the implementation plan should provide the necessary flexibility for supervisory authorities to take into account the actual level of preparedness a particular insurance or reinsurance undertaking has achieved. These guidelines should also ensure the proper application of the proportionality principle.</u>		Comments: Linked to implementation plan in phasing-in
Rec. 30d (new)		<u>(30d) Notwithstanding the anticipated application of the Solvency II provisions particularly for the purposes of the assessments related to the approval of internal models, ancillary own funds, classification of own funds, undertaking specific parameters, special purpose vehicles, the duration based equity risk sub-module, and the transitional provision on the calculation of the best estimate with respect to insurance or reinsurance obligations corresponding to paid-in premiums for existing contracts, the provisions of Solvency I (Directives 64/225/EEC, 73/239/EEC, 73/240/EEC, 76/580/EEC, 78/473/EEC, 84/641/EEC, 87/344/EEC, 88/357/EEC, 92/49/EEC, 98/78/EC, 2001/17/EC, 2002/83/EC and 2005/68/EC, as amended by the acts listed in Part A of Annex VI) will continue to apply during the course of 2013.</u>		<u>(30d) Notwithstanding the anticipated application of the Solvency II provisions particularly for the purposes of the assessments related to the approval of internal models, ancillary own funds, classification of own funds, undertaking specific parameters, special purpose vehicles, [the duration based equity risk sub-module], and the transitional provision on the calculation of the best estimate with respect to insurance or reinsurance obligations [corresponding to paid-in premiums] for existing contracts, the provisions of Solvency I (Directives 64/225/EEC, 73/239/EEC, 73/240/EEC, 76/580/EEC, 78/473/EEC, 84/641/EEC, 87/344/EEC, 88/357/EEC, 92/49/EEC, 98/78/EC, 2001/17/EC, 2002/83/EC and 2005/68/EC, as amended by the acts listed in Part A of Annex VI of Directive 2009/138/EC) will continue to apply during the course of 2013.</u>
Rec. 30e (new)		<u>(30e) In accordance with point 34 of the Interinstitutional Agreement on better law-making , Member States are encouraged to draw up, for themselves and in the interest</u>		<u>In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011, Member States have</u>



		<p><u>of the Union, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.</u></p>		<p><u>undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified</u></p> <p>Comments: This is the new standard text on correlation tables based on the political declaration of 27 October 2011.</p>
Rec. 31	<p>(31) Since the objectives of this Directive, namely improving the functioning of the internal market by means of ensuring a high, effective and consistent level of prudential regulation and supervision, protecting policy holders and beneficiaries and thereby businesses and consumers, protecting the integrity, efficiency and orderly functioning of financial markets, maintaining the stability of the financial system, and strengthening international supervisory coordination, cannot be sufficiently achieved by the Member States and can, therefore, by reason of scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive should not go beyond what is necessary in order to achieve those objectives.</p>	<p>(31) Since the objectives of this Directive, namely improving the functioning of the internal market by means of ensuring a high, effective and consistent level of prudential regulation and supervision, protecting policy holders and beneficiaries and thereby businesses and consumers, protecting the integrity, efficiency and orderly functioning of financial markets, maintaining the stability of the financial system, and strengthening international supervisory coordination, cannot be sufficiently achieved by the Member States and can, therefore, by reason of scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive should not go beyond what is necessary in order to achieve those objectives.</p>	<p>(31) Since the objectives of this Directive, namely improving the functioning of the internal market by means of ensuring a high, effective and consistent level of prudential regulation and supervision, protecting policy holders and beneficiaries and thereby businesses and consumers, protecting the integrity, efficiency and orderly functioning of financial markets, maintaining the stability of the financial system, and strengthening international supervisory coordination, cannot be sufficiently achieved by the Member States and can, therefore, by reason of scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive should not go beyond what is necessary in order to achieve those objectives and should not, in</p>	<p>(31) Since the objectives of this Directive, namely improving the functioning of the internal market by means of ensuring a high, effective and consistent level of prudential regulation and supervision, protecting policy holders and beneficiaries and thereby businesses and consumers, protecting the integrity, efficiency and orderly functioning of financial markets, maintaining the stability of the financial system, and strengthening international supervisory coordination, cannot be sufficiently achieved by the Member States and can, therefore, by reason of scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive should not go beyond what is necessary in order to achieve those objectives.</p>



			<i>particular, lay down any solvency requirements for occupational pension bodies.</i>	
Rec. 32	(32) The Commission should, by 1 January 2014, report to the European Parliament and to the Council on the submission by the ESA of the draft technical standards provided for in this Directive and present any appropriate proposals.	(32) The Commission should, by 1 January 2014, <u>and every three years thereafter</u> , report to the European Parliament and to the Council on the submission by the ESA of the draft technical standards provided for in this Directive and present any appropriate proposals.	(32) The Commission should, by 1 January 2014, report to the European Parliament and to the Council on the submission by the ESAs of the draft technical standards provided for in this Directive and present any appropriate proposals.	(32) The Commission should, by 1 January 2014, report to the European Parliament and to the Council on the submission by the ESAs of the draft technical standards provided for in this Directive and present any appropriate proposals.
Rec. 33	(33) Directives 2003/71/EC and 2009/138/EC should therefore be amended accordingly,	(33) Directives 2003/71/EC and 2009/138/EC should therefore be amended accordingly,	(33) Directives 2002/92/EC, 2003/41/EC, 2003/71/EC and 2009/138/EC and Regulation (EC) No 1060/2009 should therefore be amended accordingly,	(33) Directives [2002/92/EC] , 2003/71/EC and 2009/138/EC and Regulation (EC) No 1060/2009 should therefore be amended accordingly, Comments Reference to Directive 2002/92/EC depends on agreement on ARTICLE -1 (IMD)
	HAVE ADOPTED THIS DIRECTIVE	HAVE ADOPTED THIS DIRECTIVE	HAVE ADOPTED THIS DIRECTIVE	HAVE ADOPTED THIS DIRECTIVE

ARTICLE -1 Amendments to Directive 2002/92/EC (Insurance Intermediaries)				
Art. -1 (new)			<i>Article -1</i> <i>Amendments to Directive 2002/92/EC</i>	Comments: Political issue. Inclusion dependant on Commission proposal expected first in May, now on 3 July.
Art. -1 introductory part (new)			<i>Directive 2002/92/EC is amended as follows:</i>	
Art. -1 point 1 (new)			<i>(1) In Article 3(2), the following subparagraph is added:</i>	
Art. 3 para 2			<i>"Member States shall communicate the information gathered by their single information point on a regular basis and at least quarterly to the European</i>	



			<i>Supervisory Authority (European Insurance and Occupational Pensions Authority) (EIOPA), established by Regulation (EU) No 1094/2010 of the European Parliament and of the Council¹, which shall publish it on its website.</i>	
Art. -1 point 2 (new) Art. 6 para 2			(2) <i>In Article 6, paragraph 2 is replaced by the following:</i> "2. Member States shall notify the Commission of their wish to be informed in accordance with paragraph 1. The Commission shall in turn notify all the Member States and EIOPA of this.";	
Art. -1 point 3 (new) Art. 7 para 1			(3) <i>In Article 7, paragraph 1 is replaced by the following:</i> "1. Member States shall designate the competent authorities empowered to ensure implementation of this Directive. They shall inform the Commission and EIOPA thereof, indicating any division of those duties.";	
Art. -1 point 4 (new) Art. 9 title			(4) <i>In Article 9, the title is replaced by the following:</i> "Exchange of information between Member States and EIOPA";	
Art. -1 point 5 (new) Art. 9 para 1a			(5) <i>In Article 9, the following paragraph is inserted:</i> "1a. The competent authorities shall cooperate with EIOPA for the purposes of this Directive, in accordance with Regulation (EU) No 1094/2010. The	

¹ *OJ L L 331, 15.12.2010, p. 48."*



			<p><i>competent authorities shall, without delay, provide EIOPA with all information necessary to carry out its duties under this Directive and under Regulation (EU) No 1094/2010, in accordance with Article 35 of that Regulation.";</i></p>	
			<p><i>(6) In Article 12, paragraph 5 is replaced by the following:</i></p> <p>"5. Member States may maintain or adopt stricter provisions regarding the information requirements referred to in paragraph 1, provided that such provisions comply with Union law.</p> <p>Member States shall communicate to the Commission and EIOPA the national provisions set out in the first subparagraph.</p> <p><i>Member States shall update that information on a regular basis and at least every two years and EIOPA shall make that information available on its website.</i></p> <p>In order to establish a high level of transparency by all appropriate means, the Commission shall ensure that the information it receives relating to national provisions is also communicated to consumers and insurance intermediaries.</p> <p><i>6. In order to ensure uniform conditions of application of paragraph 5, EIOPA shall develop draft implementing technical standards on the procedures to be followed and formats and templates to be used by</i></p>	



			<p><i>the competent authorities when transmitting and updating the relevant information to EIOPA.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>	
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ARTICLE 1 Amendments to Directive 2003/71/EC (Prospectus)				
Art. 1 title (new)			Article 1 <i>Amendments to Directive 2003/71/EC</i>	Article 1 <i>Amendments to Directive 2003/71/EC</i>
Art. 1 introductory part	Directive 2003/71/EC is amended as follows:	Directive 2003/71/EC is amended as follows:	Directive 2003/71/EC is amended as follows:	Directive 2003/71/EC is amended as follows:
Art. 1 point 1	(1) In Article 5(4), the third subparagraph is replaced by the following:	(1) In Article 5(4), the third subparagraph is replaced by the following:	(1) In Article 5(4), the third subparagraph is replaced by the following:	(1) In Article 5(4), the third subparagraph is replaced by the following:
Art. 5 para 4	"Where the final terms of the offer are neither included in the base prospectus, nor in a supplement, the final terms shall be made available to investors and filed with the competent authority of the home Member State, as well as communicated, by the issuer, offeror or person asking for the admission to trading on a regulated market, to the competent authority of the host Member State(s) and to the European Securities and Markets Authority (ESMA)	"Where the final terms of the offer are neither included in the base prospectus, nor in a supplement, the final terms shall be made available to investors and filed with the competent authority of the home Member State, as well as communicated, by the issuer, offeror or person asking for the admission to trading on a regulated market, to the competent authority of the host Member State(s) and to the European Securities and Markets Authority (ESMA)	"Where the final terms of the offer are neither included in the base prospectus, nor in a supplement, the final terms shall be made available to investors and filed with the competent authority of the home Member State, as well as communicated by that competent authority to the competent authority of the host Member State(s) and to ESMA when each public offer is made as soon as practicable and, where possible, in advance of the beginning of the public offer	"Where the final terms of the offer are neither included in the base prospectus, nor in a supplement, the final terms shall be made available to investors and filed with the competent authority of the home Member State, as well as communicated by that competent authority to the competent authority of the host Member State(s) and to ESMA when each public offer is made as soon as practicable and, where possible, in advance of the beginning of the public offer



	when each public offer is made as soon as practicable and, where possible, in advance of the beginning of the public offer or admission to trading. The final terms shall only contain information that relates to the securities note and shall not be used to supplement the base prospectus. Article 8(1)(a) shall apply in such cases."	when each public offer is made as soon as practicable and, where possible, in advance of the beginning of the public offer or admission to trading. The final terms shall only contain information that relates to the securities note and shall not be used to supplement the base prospectus. Article 8(1)(a) shall apply in such cases."	or admission to trading. The final terms shall contain only information that relates to the securities note and shall not be used to supplement the base prospectus. Article 8(1)(a) shall apply in such cases.";	or admission to trading. <u>The competent authority of the home Member State shall communicate the final terms to ESMA.</u> The final terms shall contain only information that relates to the securities note and shall not be used to supplement the base prospectus. Article 8(1)(a) shall apply in such cases.";
				Comment: Redraft by Council.
Art. 1 point 2 Art. 11 para 3	(2) Article 11(3) is replaced by the following: "3. Powers are delegated to the Commission to adopt regulatory technical standards to specify the information to be incorporated by reference. The regulatory technical standards referred to in the first subparagraph shall be adopted in accordance with Articles 10 to 14 of Regulation .../... [ESMA]. ESMA shall develop draft regulatory technical standards for submission to the Commission by 1 January 2014 at the latest."	(2) Article 11(3) is replaced by the following: "3. <u>In order to ensure consistent harmonisation of this Directive, ESMA shall develop draft</u> regulatory technical standards to specify the information <u>to</u> be incorporated by reference. ESMA shall <u>submit those</u> draft regulatory technical standards to the Commission by 1 January <u>2014</u> . <u>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.</u> "	(2) Article 11(3) is replaced by the following: "3. <i>In order to ensure consistent harmonisation in relation to this Article, ESMA shall develop draft</i> regulatory technical standards to specify the information to be incorporated by reference. <i>ESMA shall submit those draft regulatory technical standards to the Commission by 1 January 2014.</i> <i>Power is delegated to the Commission to adopt regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.</i> ";	(2) Article 11(3) is replaced by the following: "3. <i>In order to ensure consistent harmonisation in relation to this Article, ESMA shall develop draft</i> regulatory technical standards to specify the information to be incorporated by reference. <i>ESMA shall submit those draft regulatory technical standards to the Commission by 1 January 2014.</i> <i>Power is delegated to the Commission to adopt regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.</i> ";
Art. 1 point 3 Art. 13 para 7	(3) Article 13(7) is replaced by the following: "7. Powers are delegated to the Commission to adopt regulatory technical standards to specify the procedures for the approval of the prospectus and the conditions in accordance with which time limits may be	(3) Article 13(7) is replaced by the following: "7. <u>In order to ensure consistent harmonisation of this Directive, ESMA shall develop draft</u> regulatory technical standards to specify the procedures for <u>the</u> <u>scrutiny of the information in</u> the prospectus	(3) Article 13(7) is replaced by the following: "7. <i>In order to ensure consistent harmonisation in relation to the approval of prospectuses, ESMA shall develop draft regulatory technical standards to</i> specify the procedures for the approval of the	(3) Article 13(7) is replaced by the following: "7. <i>In order to ensure consistent harmonisation in relation to the approval of prospectuses, ESMA shall develop draft regulatory technical standards to</i> specify the procedures for the approval of the



	<p>adjusted.</p> <p>The regulatory technical standards referred to in the first subparagraph shall be adopted in accordance with Article 10 to 14 of Regulation .../... [ESMA].</p> <p>ESMA shall develop draft regulatory technical standards for submission to the Commission by 1 January 2014 at the latest."</p>	<p>for its approval [...] and the conditions in accordance with which time limits may be adjusted.</p> <p>ESMA shall <u>submit those</u> draft regulatory technical standards to the Commission by 1 January 2014.</p> <p>Power is delegated to the Commission to <u>adopt the</u> regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010."</p>	<p>prospectus and the conditions in accordance with which time limits may be adjusted.</p> <p><i>ESMA shall submit those draft regulatory technical standards to the Commission by 1 January 2014.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.";</i></p>	<p>prospectus and the conditions in accordance with which time limits may be adjusted.</p> <p><i>ESMA shall submit those draft regulatory technical standards to the Commission by 1 January 2014.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.";</i></p>
<p>Art. 1 point 4</p> <p>Art. 14 para 8</p>	<p>(4) Article 14(8) is replaced by the following:</p> <p>"8. Powers are delegated to the Commission to adopt regulatory technical standards specify the provisions relating to the publication of the prospectus in paragraphs 1 to 4.</p> <p>The regulatory technical standards referred to in the first subparagraph shall be adopted in accordance with Articles 10 to 14 of Regulation .../... [ESMA].</p> <p>ESMA shall develop draft regulatory technical standards for submission to the Commission by 1 January 2014 at the latest."</p>	<p>(4) Article 14(8) is replaced by the following:</p> <p>"8. <u>In order to ensure consistent harmonisation of this Directive, ESMA shall develop draft</u> regulatory technical standards to specify the provisions relating to the publication of the prospectus in paragraphs 1 to 4.</p> <p>ESMA shall <u>submit those</u> draft regulatory technical standards to the Commission by 1 January 2014.</p> <p>Power is delegated to the Commission to <u>adopt the</u> regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010."</p>	<p>(4) Article 14(8) is replaced by the following:</p> <p><i>"8. In order to ensure consistent harmonisation in relation to this Article, ESMA shall develop draft</i> regulatory technical standards <i>to</i> specify the provisions relating to the publication of the prospectus in paragraphs 1 to 4.</p> <p><i>ESMA shall submit those draft regulatory technical standards to the Commission by 1 January 2014.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.";</i></p>	<p>(4) Article 14(8) is replaced by the following:</p> <p><i>"8. In order to ensure consistent harmonisation in relation to this Article, ESMA shall develop draft</i> regulatory technical standards <i>to</i> specify the provisions relating to the publication of the prospectus in paragraphs 1 to 4.</p> <p><i>ESMA shall submit those draft regulatory technical standards to the Commission by 1 January 2014.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.";</i></p>
<p>Art. 1 point 5</p>	<p>(5) Article 15(7) is replaced by the following:</p>	<p>(5) Article 15(7) is replaced by the following:</p>	<p>(5) Article 15(7) is replaced by the following:</p>	<p>(5) Article 15(7) is replaced by the following:</p>



<p>Art. 15 para 7</p>	<p>"7. Powers are delegated to the Commission to specify the provisions concerning the dissemination of advertisements announcing the intention to offer securities to the public or the admission to trading on a regulated market, in particular before the prospectus has been made available to the public or before the opening of the subscription, and specify the provisions laid down in paragraph 4.</p> <p>The regulatory technical standards referred to in the first subparagraph shall be adopted in accordance with Articles 10 to 14 of Regulation .../... [ESMA].</p> <p>ESMA shall develop draft regulatory technical standards for submission to the Commission by 1 January 2014 at the latest."</p>	<p>"7. <u>In order to ensure consistent harmonisation of this Directive, ESMA shall develop draft regulatory technical standards</u> to specify the provisions concerning the dissemination of advertisements announcing the intention to offer securities to the public or the admission to trading on a regulated market, in particular before the prospectus has been made available to the public or before the opening of the subscription, and specify the provisions laid down in paragraph 4.</p> <p>ESMA shall <u>submit those</u> draft regulatory technical standards to the Commission by 1 January <u>2014</u>.</p> <p><u>Power is delegated to the Commission to adopt the</u> regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation <u>(EU) No 1095/2010</u>."</p>	<p><i>"7. In order to ensure consistent harmonisation in relation to this Article, ESMA shall develop draft regulatory technical standards to specify the provisions concerning the dissemination of advertisements announcing the intention to offer securities to the public or the admission to trading on a regulated market, in particular before the prospectus has been made available to the public or before the opening of the subscription, and specify the provisions laid down in paragraph 4.</i></p> <p><i>ESMA shall submit those draft regulatory technical standards to the Commission by 1 January 2014.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010."</i></p>	<p><i>"7. In order to ensure consistent harmonisation in relation to this Article, ESMA shall develop draft regulatory technical standards to specify the provisions concerning the dissemination of advertisements announcing the intention to offer securities to the public or the admission to trading on a regulated market, in particular before the prospectus has been made available to the public or before the opening of the subscription, and specify the provisions laid down in paragraph 4.</i></p> <p><i>ESMA shall submit those draft regulatory technical standards to the Commission by 1 January 2014.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010."</i></p>
<p>Art. 1 point 5a (new)</p> <p>Art. 31a (new)</p>			<p><i>(5a) the following Article is inserted:</i></p> <p><i>"Article 31a</i> <i>Staff and resources of ESMA</i></p> <p><i>ESMA shall assess the staffing and resources needs arising from the assumption of its powers and duties in accordance with this Directive and submit a report to the European Parliament, the Council and the Commission."</i></p>	<p><i>(5a) the following Article is inserted:</i></p> <p><i>"Article 31a</i> <i>Staff and resources of ESMA</i></p> <p><i>ESMA shall assess the staffing and resources needs arising from the assumption of its powers and duties in accordance with this Directive and submit a report to the European Parliament, the Council and the Commission."</i></p>

ARTICLE 2



Amendments to Directive 2009/138/EC (Solvency II)				
Art. 2 title (new)			Article 2 <i>Amendments to Directive 2009/138/EC</i>	Article 2 <i>Amendments to Directive 2009/138/EC</i>
Art. 2 introductory part	Directive 2009/138/EC is amended as follows:	Directive 2009/138/EC is amended as follows:	Directive 2009/138/EC is amended as follows:	Directive 2009/138/EC is amended as follows:
Art. 2 point 0 (new) Art. 3a (new)		<p><u>(0) The following Article 3a is added:</u></p> <p><u>"Article 3a</u> <u>Insurance and reinsurance undertakings</u> <u>closing their activity</u></p> <p><u>"(1) Without prejudice to Article 12, insurance or reinsurance undertakings which by 1 January 2014 cease to conduct new insurance or reinsurance contracts and exclusively administer their existing portfolio in order to terminate their activity shall not be subject to Titles I, II and III of this Directive until the dates set out in paragraph 2 where either:</u></p> <p><u>(a) the undertaking has satisfied the supervisory authority that it will terminate its activity before 1 January 2017¹; or</u></p> <p><u>(b) the undertaking is subject to reorganisation measures set out in Chapter II of Title IV and an administrator has been appointed.</u></p> <p><u>(2) Insurance or reinsurance undertakings falling under:</u></p> <p><u>(a) point a) of paragraph 1 shall be subject</u></p>		<p>Comments: Linked to Transitional Measures.</p>

¹ 3 years after 1 January 2014



	<p><u>to Titles I, II and III of this Directive as from 1 January 2017¹ or as from an earlier date when the supervisory authority is not satisfied with the progress that has been made towards terminating the undertaking's activity:</u></p> <p><u>(b) point b) of paragraph 1 shall be subject to Titles I, II and III of this Directive as from 1 January 2019² or as from an earlier date when the supervisory authority is not satisfied with the progress that has been made towards terminating the undertaking's activity.</u></p> <p><u>(3) Insurance and reinsurance undertakings shall only be subject to the transitional measures in paragraphs 1 and 2 if the following conditions are met:</u></p> <p><u>(a) the undertaking is not part of a group, or if it is, all undertakings that are part of the group cease to conduct new insurance or reinsurance contracts:</u></p> <p><u>(b) the undertaking shall provide its supervisory authority with an annual report setting out what progress has been made in terminating its activity:</u></p> <p><u>(c) the undertaking has notified its supervisory authority that it applies the transitional measures.</u></p> <p><u>(4) Member States shall draw up a list of the</u></p>	
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¹ 3 years after 1 January 2014

² 5 years after 1 January 2014



		<p><u>insurance and reinsurance undertakings concerned and communicate that list to all the other Member States."</u></p> <p><u>(5) Paragraphs 1 and 2 shall not prevent any undertaking from operating in accordance with Titles I, II and III of this Directive.</u></p>		
Art. 2 point -1 (new)			<p><i>(-1) in Article 13, the following point is inserted:</i></p> <p><i>"(32a) 'authorised central counterparty' means a central counterparty within the meaning of Article 2(1)(1) of Regulation (EU) No .../2012 of the European Parliament and of the Council of ... [EMIR] which is authorised under Article 10 of that Regulation;"</i></p>	<p><i>(-1) in Article 13, the following point is inserted:</i></p> <p><i>"(32a) 'authorised central counterparty' means a central counterparty within the meaning of Article 2(1)(1) of Regulation (EU) No .../2012 of the European Parliament and of the Council of ... [EMIR] which is authorised under Article 10 of that Regulation;"</i></p>
Art. 2 point -1a (new)				<p><i>(-1a) in Article 13, the following point is inserted:</i></p> <p><i>'external credit assessment institution' ('ECAI') means a credit rating agency that has been registered or certified in accordance with Regulation (EC) No 1060/2009 or a central bank issuing credit ratings which are exempt from the application of that Regulation.</i></p> <p>Comments: Part of the agreement on Ratings</p>
Art. 2 point 1	(1) Article 17(3) is replaced by the following:	(1) Article 17(3) is replaced by the following:	(1) Article 17(3) is replaced by the following:	(1) Article 17(3) is replaced by the following:
Art. 17 para 3	"3. The Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, relating to the extension of the list	"3. The Commission may adopt delegated acts, in accordance with Article 301a [...], relating to the extension of the list of forms set out in Annex III."	"3. The Commission may adopt delegated acts, in accordance with Article 301a ■ relating to the ■ list of forms set out in points 1 to 27 of Part A, of Part B and of	"3. The Commission may adopt delegated acts, in accordance with Article 301a ■ relating to the ■ list of forms set out in Annex III, excluding points 28 and 29 of



	of forms set out in Annex III."		<i>Part C of Annex III.</i> ; <i>(1a) the following Article is inserted:</i>	<i>Parts A, B and C.</i> ; <i>(1a) the following Article is inserted:</i>
Art. 2 point 1a (new) Art. 25a (new)			<p><i>"Article 25a</i> <i>Notification and publication of</i> <i>authorisations, withdrawals of</i> <i>authorisation and refusals of authorisation</i></p> <p><i>Every authorisation, withdrawal of</i> <i>authorisation and refusal of authorisation</i> <i>shall be notified to the European</i> <i>Supervisory Authority (European</i> <i>Insurance and Occupational Pensions</i> <i>Authority) (EIOPA) established by</i> <i>Regulation (EU) No 1094/2010 of the</i> <i>European Parliament and of the Council</i>¹. <i>The name of each insurance undertaking</i> <i>or reinsurance undertaking to which</i> <i>authorisation has been granted shall be</i> <i>entered in a list. EIOPA shall publish and</i> <i>keep up to date that list on its website.</i></p>	<p><i>"Article 25a</i> <i>Notification and publication of</i> <i>authorisations or withdrawals of</i> <i>authorisation</i></p> <p><i>Every authorisation or withdrawal of</i> <i>authorisation shall be notified to the</i> <i>European Supervisory Authority</i> <i>(European Insurance and Occupational</i> <i>Pensions Authority) (EIOPA) established</i> <i>by Regulation (EU) No 1094/2010 of the</i> <i>European Parliament and of the Council</i>². <i>The name of each insurance undertaking</i> <i>or reinsurance undertaking to which</i> <i>authorisation has been granted shall be</i> <i>entered in a list. EIOPA shall publish and</i> <i>keep up to date that list on its website.</i></p>
Art. 2 point 1b (new) Art. 29 para 4			<p><i>(1b) in Article 29, paragraph 4 is replaced</i> <i>by the following:</i></p> <p><i>"4.The Commission shall ensure that</i> <i>delegated acts, regulatory and</i> <i>implementing technical standards take</i> <i>into account the principle of</i> <i>proportionality, thus ensuring the</i> <i>proportionate application of this</i> <i>Directive, in particular to small</i> <i>insurance undertakings.</i></p> <p><i>EIOPA shall ensure that draft regulatory</i></p>	<p><i>(1b) in Article 29, paragraph 4 is replaced</i> <i>by the following:</i></p> <p><i>"4.The Commission shall ensure that</i> <i>delegated acts, regulatory and</i> <i>implementing technical standards take</i> <i>into account the principle of</i> <i>proportionality, thus ensuring the</i> <i>proportionate application of this</i> <i>Directive, in particular to small</i> <i>insurance undertakings.</i></p> <p><i>EIOPA shall ensure that draft regulatory</i></p>

¹ * *OJ L L 331, 15.12.2010, p. 48.*";

² * *OJ L L 331, 15.12.2010, p. 48.*";



			<i>technical standards, submitted in accordance with Article 10 to 14 of Regulation (EU) No 1094/2010, draft implementing technical standards submitted in accordance with Article 15 thereof and guidelines and recommendations adopted in accordance with Article 16 thereof, take into account the principle of proportionality, thus ensuring the proportionate application of this Directive, in particular to small insurance undertakings."</i>	<i>technical standards, submitted in accordance with Article 10 to 14 of Regulation (EU) No 1094/2010, draft implementing technical standards submitted in accordance with Article 15 thereof and guidelines and recommendations adopted in accordance with Article 16 thereof, take into account the principle of proportionality, thus ensuring the proportionate application of this Directive, in particular to small insurance undertakings."</i>
Art. 2 point 2 introductory part	(2) Article 31 is amended as follows:	(2) Article 31 is amended as follows:	(2) Article 31 is amended as follows:	
Art. 2 point 2 point a Art. 31 para 4	(a) Paragraph 4 is replaced by the following: "4. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, relating to paragraph 2 specifying the key aspects on which aggregate statistical data are to be disclosed, and the format , structure, contents list and publication date of the disclosures."	(a) Paragraph 4 is replaced by the following: "4. The Commission shall adopt delegated acts, in accordance with Article 301a [...], relating to paragraph 2 specifying the key aspects on which aggregate statistical data are to be disclosed, and the format , structure, contents list and publication date of the disclosures."	(a) paragraph 4 is replaced by the following: "4. <i>In order to ensure uniform conditions of application of paragraph 2 of this Article, and without prejudice to Article 35, Article 51, Article 254(2) and Article 256, EIOPA shall develop draft implementing technical standards to specify the key aspects on which aggregate statistical data are to be disclosed, and to determine the format, structure, contents list and publication date of the disclosures provided for in this Article.</i> <i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i> <i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first</i>	(a) paragraph 4 is replaced by the following: "4. <i>Without prejudice to Article 35, Article 51, Article 254(2) and Article 256,</i> the Commission shall adopt delegated acts, in accordance with Article 301a, relating to paragraph 2, specifying the key aspects on which aggregate statistical data are to be disclosed, contents list and publication date of the disclosures.



			<i>subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i>	
Art. 2 point 2 point b Art. 31 para 5	<p>(b) The following paragraph 5 is added:</p> <p>"5. Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of paragraph 2 as supplemented by the delegated acts referred to in paragraph 4 concerning the matters covered by those delegated acts, specifically with regard to the templates and structure of the disclosures.</p> <p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA]. The European Insurance and Occupational Pensions Authority (EIOPA) shall develop draft implementing technical standards for submission to the Commission by 31 December 2011 at the latest."</p>	<p>(b) The following paragraph 5 is added:</p> <p>"5. <u>In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft</u> implementing technical standards [...] specifically with regard to the templates and structure of the disclosures <u>referred to in paragraph 2.</u></p> <p>The European Insurance and Occupational Pensions Authority (EIOPA) shall <u>submit those</u> draft implementing technical standards to the Commission by 31 December 201<u>6</u>. <u>Power is conferred on the Commission to adopt the</u> implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010. "</p>	<p> </p>	<p>"5. <i>In order to ensure uniform conditions of application of paragraph 2 of this Article, and without prejudice to Article 35, Article 51, Article 254(2) and Article 256, EIOPA shall develop draft implementing technical standards to determine the templates and structure of the disclosures provided for in this Article.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by <u>30 June 2015</u>.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i></p>
Art. 2 point 3 Art. 33 para 2 a (new)	<p>(3) In Article 33, the following third paragraph is added:</p> <p>"Where a request for cooperation in relation to an on-site verification in accordance with this Article has been rejected or has not been acted upon within a reasonable period of time, the supervisory authorities may refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation .../2010 [EIOPA]. In that case, EIOPA may act in accordance with the powers conferred on it by that Article."</p>	<p>(3) In Article 33, the following third paragraph is added:</p> <p>"Where a <u>supervisory authority has informed the supervisory authorities of the host Member State of its intention to carry out</u> an on-site verification in accordance with this Article <u>and does not receive the necessary cooperation, or where it does not allow for participation of the supervisory authorities of the host Member State in the verification</u>, the supervisory authorities may refer the matter to EIOPA [...] in accordance with Article 19 of Regulation</p>	<p>(3) In Article 33, the following <i>paragraphs are</i> added:</p> <p>"Where a <i>supervisory authority has informed the supervisory authorities of a host Member state that it intends to carry out on-site verifications</i> in accordance with <i>paragraph 1 and where that supervisory authority is practically prohibited to exercise its right to carry out those on-site verifications or where those supervisory authorities are practically prohibited to exercise their right to participate in accordance with paragraph 2</i>, the</p>	<p>(3) In Article 33, the following <i>paragraphs are</i> added:</p> <p>"Where a <i>supervisory authority has informed the supervisory authorities of a host Member state that it intends to carry out on-site verifications</i> in accordance with <i>paragraph 1 and where that supervisory authority is practically prohibited to exercise its right to carry out those on-site verifications or where the supervisory authorities of the host Member State are practically prohibited to exercise their right to participate in accordance with</i></p>



		(EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by [...] Article 19 [...] of that Regulation."	supervisory authorities may refer the matter to EIOPA and request its assistance in accordance with Article 19, <i>paragraphs 1 to 3 and 6</i> , of Regulation (EU) No 1094/2010 EIOPA. In that case, EIOPA may act in accordance with the powers conferred on it by that Article. <i>In accordance with Article 21 of Regulation (EU) No 1094/2010, EIOPA may participate in on-site verifications where they are carried out jointly by two or more supervisory authorities."</i>	<i>paragraph 2</i> , the supervisory authorities may refer the matter to EIOPA and request its assistance in accordance with Article 19, <i>paragraphs 1 to 3 and 6</i> , of Regulation (EU) No 1094/2010 EIOPA. In that case, EIOPA may act in accordance with the powers conferred on it by that Article. <i>In accordance with Article 21 of Regulation (EU) No 1094/2010, EIOPA may participate in on-site <u>examinations</u> where they are carried out jointly by two or more supervisory authorities."</i>
Art. 2 point 4 Art. 35	(4) Article 35 is amended as follows:	(4) Article 35 is amended as follows:	(4) Article 35 is amended as follows:	(4) Article 35 is amended as follows:
Art. 2 point 4 point -a (new) Art. 35 para 2 point a subpoint (i)			<i>(-a) in paragraph 2, point (a)(i) is replaced by the following:</i> "i) at predefined periods; whereby, supervisory authorities concerned may limit regular supervisory reporting to information that changes significantly in the course of the year provided that: – derogations from regular supervisory reporting may only be granted to insurance and reinsurance undertakings whose combined contribution to the total market share does not exceed 20 % of a Member State's life or non-life insurance market respectively; and – a full reporting is done at least annually.";	Article 35, paragraph 1, subparagraph 1, introductory part is amended as follows: "1. <u>Member States shall require insurance and reinsurance undertakings to submit to the supervisory authorities the information which is necessary for the purposes of supervision, taking into account, where appropriate, the objectives of financial stability supervision as laid down in Articles 27 and 28. That information shall include at least the information necessary for the following when performing the process referred to in Article 36:</u> "
Art. 2 point 4 point -			<i>(-aa) in paragraph 2, the following subparagraphs are added:</i>	Deleted Comments:



<p>aa (new)</p> <p>Art. 35 para 2 subpara 1a and subpara 1b</p>			<p><i>"Member States shall require insurance and reinsurance undertakings to submit to the supervisory authorities concerned, as part of their regular reporting or on an ad hoc basis, a full list of assets on an item-by-item basis, only when such information is necessary for the supervisory authorities concerned to undertake their supervisory role effectively, in particular with respect to financial stability.</i></p> <p><i>The supervisory authorities concerned may exempt from reporting obligations on an item-by-item basis insurance and reinsurance undertakings whose combined contribution to the total market share does not exceed 20 % of a Member State's life or non-life insurance market respectively."</i></p>	<p>Part of agreement on reporting</p>
<p>Art. point 4 point a</p> <p>Art. 35 para 6 and para 6a (new)</p>	<p>(a) Paragraph 6 is replaced by the following:</p> <p>"6. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying the information referred to in paragraphs 1 to 4, with a view to ensuring to the appropriate extent convergence of supervisory reporting."</p>	<p>(a) Paragraph 6 is replaced by the following:</p> <p>"6. The Commission shall adopt delegated acts, in accordance with Article 301a [...], specifying the information referred to in paragraphs 1 to 4 <u>and the deadlines for the submission of that information</u>, with a view to ensuring to the appropriate extent convergence of supervisory reporting."</p>	<p>(a) paragraph 6 is replaced by the following:</p> <p><i>"6. In order to ensure consistent harmonisation in relation to this Article, EIOPA shall develop draft regulatory technical standards to specify the information and points in time referred to in paragraphs 1 to 4.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p>	<p>Article 35, paragraph 6 is replaced by the following:</p> <p><i>"6. Without prejudice to Article 129(4) when the predefined periods referred to in point (i) of paragraph 2 are shorter than one year, the supervisory authorities concerned may limit regular supervisory reporting, where:</i></p> <p>(a) <i>the submission of that information would be overly burdensome in relation to the nature, scale and complexity of the risks inherent in the business of the undertaking;</i></p> <p>(b) <i>the information is reported at least once a year.</i></p> <p><i>Supervisory authorities shall not limit regular supervisory reporting with a</i></p>



			<p><i>6a. In order to enhance a coherent and consistent application of paragraph 2, EIOPA shall elaborate guidelines in accordance with Article 16 of Regulation (EU) No 1094/2010 to determine criteria for the calculation of market shares, taking into account the principle of proportionality as well as financial stability aspects.</i></p> <p><i>Those guidelines shall also be used for the purposes of the derogations from regular supervisory reporting at group level, where such derogations are applied mutatis mutandis in accordance with the first paragraph of Article 254(2).</i></p> <p><i>Those criteria shall be reviewed at least every five years.</i></p>	<p><i>frequency shorter than one year in the case of insurance or reinsurance undertakings that are part of a group within the meaning of point (c) of paragraph (1) of Article 212, unless the undertaking can demonstrate to the satisfaction of the supervisory authority that regular supervisory reporting with a frequency shorter than one year is inappropriate, given the nature, scale and complexity of the risks inherent in the business of the group.</i></p> <p><i>The limitation to regular supervisory reporting shall only be granted to undertakings that do not represent more than [20%] of a Member State's life and non-life insurance and reinsurance market respectively, where the non-life market share is based on exceed thresholds based on a set or a subset of the following variables: gross written premiums; and the life market share is based on gross technical provisions. or total assets. For this purpose, the supervisory authorities applying the option set out in the first subparagraph shall determine the thresholds that correspond to a limitation on regular supervisory reporting of 20% of the total number of undertakings authorised by the Member State concerned.</i></p> <p><i>Supervisory authorities shall prioritise the smallest undertakings when determining the <u>eligibility of the undertakings for these limitations thresholds.</u></i></p>
Art. 2 point 4	(b) The following paragraph 7 is added:	(b) The following paragraph 7 is added:		<p><i>"7. The supervisory authorities concerned may limit regular supervisory</i></p>



<p>Art. 35 para 7</p>	<p>"7. Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of paragraphs 1 and 4 as supplemented by the delegated acts adopted under paragraph 6, specifically with regard to the templates and procedures for the submission of information to the supervisory authorities. The procedures may include, where appropriate, requirements for approval.</p> <p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011 at the latest."</p>	<p>"7. <u>In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards [...] specifically with regard to the templates [...] for the submission of information to the supervisory authorities referred to in paragraphs 1 and 2.</u></p> <p>EIOPA shall <u>submit those</u> draft implementing technical standards to the Commission by <u>30 September 2012.</u></p> <p><u>Power is conferred on the Commission to adopt the</u> implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</p>	<p>7. <i>In order to ensure uniform conditions of application of this Article, EIOPA may develop draft implementing technical standards to establish standard forms, templates and procedures for the submission of information to the supervisory authorities. The procedures may include, where appropriate, requirements for approval by the administrative, management or supervisory body of the insurance or reinsurance undertakings of the information submitted.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>	<p><i>reporting or exempt insurance and reinsurance undertakings from reporting on an item-by-item basis, where:</i></p> <p><i>(a) the submission of that information would be overly burdensome in relation to the nature, scale and complexity of the risks inherent in the business of the undertaking;</i></p> <p><i>(b) the submission of that information is not necessary to effectively supervise the undertaking; and</i></p> <p><i>(c) the exemption does not undermine the stability of the financial systems concerned in the European Union.</i></p> <p><i>(d) the undertaking is able to provide the information on an ad-hoc basis</i></p> <p><i>Supervisory authorities shall not exempt from reporting on an item-by-item basis insurance or reinsurance undertakings that are part of a group within the meaning of point (c) of paragraph (1) of Article 212, unless the undertaking can demonstrate to the satisfaction of the supervisory authority that reporting on an item-by-item basis is inappropriate, given the nature, scale and complexity of the risks inherent in the business of the group and taking into account the objective of financial stability.</i></p> <p><i>The exemption from reporting on an item-by-item basis shall only be granted to undertakings that do not represent more than [20%] of a Member State's life and non-life insurance or reinsurance market respectively, where the non-life market</i></p>
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			<p>share is based on exceed thresholds based on a set or a subset of the following variables: gross written premiums and the life market share is based on; gross technical provisions or total assets. For this purpose, the supervisory authorities applying the option set out in the first subparagraph shall determine the thresholds that correspond to an exemption of undertakings from reporting on an item-by-item basis of less than 20% of the total number of undertakings authorised by the Member State concerned.</p> <p>Supervisory authorities shall prioritise the smallest undertakings when determining the <u>eligibility of the undertakings for these exemptions thresholds</u>.</p>
			<p>8. For the purposes of paragraph 6 and 7, as part of the supervisory review process, supervisory authorities shall assess whether the submission of information would be overly burdensome in relation to the nature, scale and complexity of the risks of the undertaking, taking into account, at least:</p> <ul style="list-style-type: none"> - the volume of premiums, technical provisions and assets of the undertaking; - the volatility of the claims and benefits covered by the undertaking; - the market risks that the investments of the undertaking give rise to;



			<p><i>- the level of risk concentrations;</i></p> <p><i>- the total number of classes of life and non-life insurance for which authorisation is granted;</i></p> <p><i>- possible effects of the management of the assets of the undertaking on financial stability;</i></p> <p><i>- the systems and structures of the undertaking to provide information for supervisory purposes and the written policy referred to in paragraph 5;</i></p> <p><i>- the appropriateness of the system of governance of the undertaking;</i></p> <p><i>- the level of own funds covering the Solvency Capital Requirement and the Minimum Capital Requirement;</i></p> <p><i>- whether the undertaking is a captive insurance or reinsurance undertaking only covering risks associated with the industrial or commercial group to which it belongs.</i></p>
			<p>9. The Commission shall adopt delegated acts specifying the information referred to in paragraphs 1 to 4 and the deadlines for the submission of that information, with a view to ensuring to the appropriate extent convergence of supervisory reporting.</p>



				<p>10. In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards <u>on regular supervisory reporting</u> with regard to the templates for the submission of information to the supervisory authorities referred to in paragraphs (1) and (2).</p> <p>EIOPA shall submit those draft implementing technical standards to the Commission by <u>30 June 2013</u>.</p> <p><u>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</u></p>
				<p>11. In order to enhance a coherent and consistent application of paragraphs (6) and (7), EIOPA shall elaborate guidelines in accordance with Article 16 of Regulation (EU) No 1094/2010 to further specify the methods to be used when determining the thresholds <u>market shares</u> referred to in the third subparagraph of paragraphs (6) and (7)."</p>
Art. 2 point 5 introductory part Art. 37	(5) Article 37 is amended as follows:	(5) Article 37 is amended as follows:	(5) Article 37 is amended as follows:	(5) Article 37 is amended as follows:
Art. 2 point 5 point a	<p>(a) paragraph 6 is replaced with the following:</p> <p>"6. The Commission shall adopt delegated</p>	<p>(a) paragraph 6 is replaced with the following:</p> <p>"6. The Commission shall adopt delegated</p>	<p>(a) paragraph 6 is replaced with the following:</p> <p>"6. The Commission shall adopt delegated</p>	<p>(a) paragraph 6 is replaced with the following:</p> <p>"6. The Commission shall adopt delegated</p>



<p>Art. 37 para 6, para 6a (new), para 6b (new)</p>	<p>acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, laying down further specifications for the circumstances under which a capital add-on may be imposed and the methodologies for the calculation thereof and the process of decisions to set, calculate and remove capital add-ons."</p>	<p>acts, in accordance with Article 301a[...], laying down further specifications for the circumstances under which a capital add-on may be imposed and the methodologies for the calculation thereof and the process of [...]setting, calculating and removing capital add-ons."</p>	<p>acts, in accordance with Article 301a, laying down further specifications for the circumstances under which a capital add-on may be imposed.</p> <p><i>6a. In order to ensure consistent harmonisation in relation to capital add-ons, EIOPA shall develop draft regulatory technical standards to specify the methodologies for the calculation of capital add-ons. EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p>	<p>acts, in accordance with Article 301a, laying down further specifications for the circumstances under which a capital add-on may be imposed.</p> <p>Comment: agreed DA. <i>6a. The Commission shall adopt delegated acts, in accordance with Article 301a, laying down further specifications for the methodologies for the calculation of capital add-ons.</i></p>
<p>Art. 2 point 5 point b</p> <p>Art. 37 para 7</p>	<p>(b) The following paragraph 7 is added:</p> <p>"7. Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of this Article as supplemented by the delegated acts referred to in paragraph 6 concerning the matters covered by those delegated acts, specifically with regard to the process of decisions to set, calculate and remove capital add-ons referred to in the delegated acts adopted under paragraph 6.</p> <p>The implementing technical standards</p>	<p>(b) The following paragraph 7 is added:</p> <p>"7. <u>In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft</u> implementing technical standards concerning the matters covered by those delegated acts, specifically with regard to the process of [...]setting, calculating and removing capital add-ons referred to in the delegated acts adopted under paragraph 6.</p> <p>EIOPA shall <u>submit those</u> draft</p>	<p><i>6b. In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards on the procedures to be followed for decisions to set, calculate and remove capital add-ons.</i></p>	<p><i>6b. In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards on the procedures to be followed for decisions to set, calculate and remove capital add-ons.</i></p>



	<p>referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p>implementing technical standards to the Commission by 31 December 2016.</p> <p><u>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</u> "</p>	<p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i></p>	<p><i>EIOPA shall submit those draft implementing technical standards to the Commission by <u>30 June 2015</u>.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i></p>
<p>Art. 2 point 6</p> <p>Art. 38 para 2</p>	<p>(6) In Article 38(2), the following subparagraph is added:</p> <p>"Where a request for cooperation in relation to an on-site inspection in accordance with this paragraph has been rejected or has not been acted upon within a reasonable period of time, the supervisory authorities may refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation .../2010 [EIOPA]. In that case, EIOPA may act in accordance with the powers conferred on it by that Article."</p>	<p>(6) In Article 38(2), the following subparagraph is added:</p> <p>"<u>If a supervisory authority has not informed the appropriate authority of the Member State of the service provider of its intention to carry out an on-site inspection in accordance with this paragraph , or where it carries out an on-site inspection in accordance with this paragraph and does not receive the necessary cooperation</u> , the supervisory authorities may refer the matter to EIOPA [...] in accordance with Article 19 of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by [...] Article 19 [...] of that Regulation."</p>	<p>(6) In Article 38(2), the following subparagraphs are added:</p> <p>"Where a <i>supervisory authority has informed the supervisory authorities of a host Member state that it intends to carry out</i> an on-site inspection in accordance with <i>the first subparagraph and where that supervisory authority is practically prohibited to exercise its right to carry out that on-site inspection</i>, the supervisory authority may refer the matter to EIOPA and request its assistance in accordance with Article 19, <i>paragraphs 1 to 3 and 6</i>, of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by that Article.</p> <p><i>In accordance with Article 21 of Regulation (EU) No 1094/2010, EIOPA shall be entitled to participate in on-site inspections where they are carried out jointly by two or more supervisory authorities."</i></p>	<p>(6) In Article 38(2), the following subparagraphs are added:</p> <p>"Where a <i>supervisory authority has informed the appropriate authority of the Member State of the service provider that it intends to carry out</i> an on-site inspection in accordance with this paragraph , <u>or where it carries out an on-site inspection in accordance with the first subparagraph where that supervisory authority is practically prohibited to exercise its right to carry out that on-site inspection</u>, the supervisory authority may refer the matter to EIOPA and request its assistance in accordance with Article 19, <i>paragraphs 1 to 3 and 6</i>, of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by that Article.</p> <p><i>In accordance with Article 21 of Regulation (EU) No 1094/2010, EIOPA shall be entitled to participate in on-site examination where they are carried out jointly by two or more supervisory authorities."</i></p>



Art. 2 point 6a Article 44(4a) (new)				<p><u>(6a) in Article 44, the following paragraph 4a is inserted:</u></p> <p><u>In order to avoid overreliance on external credit assessment institutions when they use external credit rating assessment in the calculation of technical provisions and the Solvency Capital Requirement, insurance and reinsurance undertakings shall assess the appropriateness of these external credit assessments as part of their risk management by using additional assessments wherever practicably possible in order to avoid any automatic dependence on external assessments. EIOPA shall develop draft implementing technical standards on the procedures to be followed when assessing external credit assessments. EIOPA shall submit those draft implementing technical standards to the Commission by 30 June 2013. Power is conferred on the Commission to adopt the implementing technical standards referred to in the third subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</u></p> <p>Comments: Part of agreement on Ratings</p>
Art. 2 point 7 Art. 50	<p>(7) Article 50 is replaced by the following:</p> <p><i>"Article 50 Delegated acts</i></p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b</p>	<p>(7) Article 50 is replaced by the following:</p> <p><i>"Article 50 Delegated acts</i></p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], to further specify the following:</p>	<p>(7) Article 50 is replaced by the following:</p> <p><i>"Article 50 Regulatory technical standards</i></p> <p><i>1. In order to ensure consistent harmonisation in relation to this Section, EIOPA shall develop draft regulatory</i></p>	<p>(7) Article 50 is replaced by the following:</p> <p>Comments: Agreed points (a) and (b) should remain DA Agreement that points (c) and (d) are RTS</p> <p><i>"Article 50 Delegated acts and Regulatory technical standards</i></p>



<p>and 301c, to further specify the following:</p> <p>(a). the elements of the systems referred to in Articles 41, 44, 46 and 47, and in particular the areas to be covered by the asset–liability management and investment policy, as referred to in Article 44(2), of insurance and reinsurance undertakings;</p> <p>(b). the functions referred to in Articles 44, 46, 47 and 48;</p> <p>(c) the requirements set out in Article 42 and the functions subject thereto;</p> <p>(d) the conditions under which outsourcing, in particular to service providers located in third countries, may be performed.</p> <p>2. Where necessary to ensure appropriate convergence of the assessment referred to in point (a) of Article 45(1), the Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, to further specify the elements of that assessment."</p>	<p>(a) the elements of the systems referred to in Articles 41, 44, 46 and 47, and in particular the areas to be covered by the asset–liability management and investment policy, as referred to in Article 44(2), of insurance and reinsurance undertakings;</p> <p>(b). the functions referred to in Articles 44, 46, 47 and 48;</p> <p>(c) the requirements set out in Article 42 and the functions subject thereto;</p> <p>(d) the conditions under which outsourcing, in particular to service providers located in third countries, may be performed.</p> <p>2. Where necessary to ensure appropriate convergence of the assessment referred to in point (a) of Article 45(1), the Commission may adopt delegated acts, in accordance with Article 301a[...], to further specify the elements of that assessment."</p>	<p><i>technical standards</i> to further specify the following:</p> <p>(a) the elements of the systems referred to in Articles 41, 44, 46 and 47, and in particular the areas to be covered by the asset–liability management and investment policy, as referred to in Article 44(2), of insurance and reinsurance undertakings;</p> <p>(b) the functions referred to in Articles 44, 46, 47 and 48;</p> <p>(c) the requirements set out in Article 42 and the functions subject thereto;</p> <p>(d) the conditions under which outsourcing, in particular to service providers located in third countries, may be performed.</p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>2. In order to ensure consistent harmonisation in relation to the assessment referred to in point (a) of Article 45(1), EIOPA shall develop draft regulatory technical standards</i> to further specify the elements of that assessment.</p> <p><i>EIOPA shall submit those draft regulatory</i></p>	<p><i>I.</i> The Commission shall adopt delegated acts, in accordance with Article 301a[...], to further specify the following:</p> <p>(a) the elements of the systems referred to in Articles 41, 44, 46 and 47, and in particular the areas to be covered by the asset–liability management and investment policy, as referred to in Article 44(2), of insurance and reinsurance undertakings;</p> <p>(b). the functions referred to in Articles 44, 46, 47 and 48;</p> <p><i>1a. In order to ensure consistent harmonisation in relation to this Section, EIOPA shall develop draft regulatory technical standards</i> to further specify the following:</p> <p>(a) the requirements set out in Article 42 and the functions subject thereto;</p> <p>(b) the conditions under which outsourcing, in particular to service providers located in third countries, may be performed.</p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission–by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p>
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			<p><i>technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i></p>	<p>Comments: Council+COM: RTS Article 50 para. 2 is OK.</p> <p><i>2. In order to ensure consistent harmonisation in relation to the assessment referred to in point (a) of Article 45(1), EIOPA shall develop draft regulatory technical standards to further specify the elements of that assessment.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission—by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i></p>
Art. 2 point 8 Art. 51 para 2	(8) In the third subparagraph of Article 51(2) the date "31 October 2017" is replaced by the date "31 December 2017".	(8) In the third subparagraph of Article 51(2) the date "31 October 2017" is replaced by the date "31 December 2018".	<p>(8) In Article 51(2), <i>the third subparagraph is replaced by the following:</i></p> <p>"However, and without prejudice to any disclosure that is mandatory under any other legal or regulatory requirements, Member States may provide that, although the total Solvency Capital Requirement referred to in point (e)(ii) of paragraph 1 is disclosed, the capital add-on or the impact of the specific parameters the insurance or reinsurance undertaking is required to use in accordance with Article 110 need not be separately disclosed during a transitional period ending no later than 31 December 2017.";</p>	<p>(8) In Article 51(2), <i>the third subparagraph is replaced by the following:</i></p> <p>"However, and without prejudice to any disclosure that is mandatory under any other legal or regulatory requirements, Member States may provide that, although the total Solvency Capital Requirement referred to in point (e)(ii) of paragraph 1 is disclosed, the capital add-on or the impact of the specific parameters the insurance or reinsurance undertaking is required to use in accordance with Article 110 need not be separately disclosed during a transitional period ending no later than 31 December 2018.";</p>
Art. 2	(9) Article 52 is replaced by the following:	(9) Article 52 is replaced by the following:	(9) Article 52 is replaced by the following:	(9) Article 52 is replaced by the following:



point 9 Art. 52	<p><i>"Article 52 Information for and reports by the European Insurance and Occupational Pensions Authority</i></p> <p>1. Member States shall require the supervisory authorities to provide the following information to EIOPA on an annual basis:</p> <p>(a) the average capital add-on per undertaking and the distribution of capital add-ons imposed by the supervisory authority during the previous year, measured as a percentage of the Solvency Capital Requirement, shown separately as follows:</p> <p>(i) for all insurance and reinsurance undertakings;</p> <p>(ii) for life insurance undertakings;</p> <p>(iii) for non-life insurance undertakings;</p> <p>(iv) for insurance undertakings pursuing both life and non-life activities;</p> <p>(v) for reinsurance undertakings;</p> <p>(b) for each of the disclosures set out in point (a) of this paragraph, the proportion of capital add-ons imposed under points (a), (b) and (c) of Article 37(1) respectively.</p> <p>2. EIOPA shall publicly disclose, on an</p>	<p><i>"Article 52 Information for and reports by the European Insurance and Occupational Pensions Authority</i></p> <p>1. <u>Without prejudice to Article 35 of Regulation (EU) No 1094/2010</u> Member States shall require the supervisory authorities to provide the following information to EIOPA on an annual basis:</p> <p>(a) the average capital add-on per undertaking and the distribution of capital add-ons imposed by the supervisory authority during the previous year, measured as a percentage of the Solvency Capital Requirement, shown separately as follows:</p> <p>(i) for all insurance and reinsurance undertakings;</p> <p>(ii) for life insurance undertakings;</p> <p>(iii) for non-life insurance undertakings;</p> <p>(iv) for insurance undertakings pursuing both life and non-life activities;</p> <p>(v) for reinsurance undertakings;</p> <p>(b) for each of the disclosures set out in point (a) of this paragraph, the proportion of capital add-ons imposed under points (a), (b) and (c) of Article 37(1) respectively.</p> <p>2. EIOPA shall publicly disclose, on an</p>	<p><i>"Article 52 Information for and reports by the European Insurance and Occupational Pensions Authority</i></p> <p>1. <u>Without prejudice to Article 35 of Regulation (EU) No 1094/2010</u> Member States shall require the supervisory authorities to provide the following information to EIOPA on an annual basis:</p> <p>(a) the average capital add-on per undertaking and the distribution of capital add-ons imposed by the supervisory authority during the previous year, measured as a percentage of the Solvency Capital Requirement, shown separately as follows:</p> <p>(i) for all insurance and reinsurance undertakings;</p> <p>(ii) for life insurance undertakings;</p> <p>(iii) for non-life insurance undertakings;</p> <p>(iv) for insurance undertakings pursuing both life and non-life activities;</p> <p>(v) for reinsurance undertakings;</p> <p>(b) for each of the disclosures set out in point (a) of this paragraph, the proportion of capital add-ons imposed under points (a), (b) and (c) of Article 37(1) respectively.</p> <p>2. EIOPA shall publicly disclose, on an</p>	<p><i>"Article 52 Information for and reports by the European Insurance and Occupational Pensions Authority</i></p> <p>1. <u>Without prejudice to Article 35 of Regulation (EU) No 1094/2010</u> Member States shall require the supervisory authorities to provide the following information to EIOPA on an annual basis:</p> <p>(a) the average capital add-on per undertaking and the distribution of capital add-ons imposed by the supervisory authority during the previous year, measured as a percentage of the Solvency Capital Requirement, shown separately as follows:</p> <p>(i) for all insurance and reinsurance undertakings;</p> <p>(ii) for life insurance undertakings;</p> <p>(iii) for non-life insurance undertakings;</p> <p>(iv) for insurance undertakings pursuing both life and non-life activities;</p> <p>(v) for reinsurance undertakings;</p> <p>(b) for each of the disclosures set out in point (a) of this paragraph, the proportion of capital add-ons imposed under points (a), (b) and (c) of Article 37(1) respectively.</p> <p>(c) <i>the number of insurance and</i></p>
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<p>annual basis, the following information:</p> <p>(a) for all Member States together, the total distribution of capital add-ons, measured as a percentage of the Solvency Capital Requirement, for each of the following:</p> <p>(i) all insurance and reinsurance undertakings;</p> <p>(ii) life insurance undertakings;</p> <p>(iii) non-life insurance undertakings;</p> <p>(iv) insurance undertakings pursuing both life and non-life activities;</p> <p>(v) reinsurance undertakings;</p> <p>(b) for each Member State separately, the distribution of capital add-ons, measured as a percentage of the Solvency Capital Requirement, covering all insurance and reinsurance undertakings in that Member State;</p> <p>(c) for each of the disclosures referred to in points (a) and (b) of this paragraph, the proportion of capital add-ons imposed under points (a), (b) and (c) of Article 37(1) respectively.</p> <p>3. EIOPA shall provide the information referred to in paragraph 2 to the European Parliament, the Council and the Commission, together with a report outlining the degree of supervisory convergence in the use of capital add-ons</p>	<p>annual basis, the following information:</p> <p>(a) for all Member States together, the total distribution of capital add-ons, measured as a percentage of the Solvency Capital Requirement, for each of the following:</p> <p>(i) all insurance and reinsurance undertakings;</p> <p>(ii) life insurance undertakings;</p> <p>(iii) non-life insurance undertakings;</p> <p>(iv) insurance undertakings pursuing both life and non-life activities;</p> <p>(v) reinsurance undertakings;</p> <p>(b) for each Member State separately, the distribution of capital add-ons, measured as a percentage of the Solvency Capital Requirement, covering all insurance and reinsurance undertakings in that Member State;</p> <p>(c) for each of the disclosures referred to in points (a) and (b) of this paragraph, the proportion of capital add-ons imposed under points (a), (b) and (c) of Article 37(1) respectively.</p> <p>3. EIOPA shall provide the information referred to in paragraph 2 to the European Parliament, the Council and the Commission, together with a report outlining the degree of supervisory convergence in the use of capital add-ons</p>	<p>annual basis, the following information:</p> <p>(a) for all Member States together, the total distribution of capital add-ons, measured as a percentage of the Solvency Capital Requirement, for each of the following:</p> <p>(i) all insurance and reinsurance undertakings;</p> <p>(ii) life insurance undertakings;</p> <p>(iii) non-life insurance undertakings;</p> <p>(iv) insurance undertakings pursuing both life and non-life activities;</p> <p>(v) reinsurance undertakings;</p> <p>(b) for each Member State separately, the distribution of capital add-ons, measured as a percentage of the Solvency Capital Requirement, covering all insurance and reinsurance undertakings in that Member State;</p> <p>(c) for each of the disclosures referred to in points (a) and (b) of this paragraph, the proportion of capital add-ons imposed under points (a), (b) and (c) of Article 37(1) respectively.</p> <p>3. EIOPA shall provide the information referred to in paragraph 2 to the European Parliament, the Council and the Commission, together with a report outlining the degree of supervisory convergence in the use of capital add-ons</p>	<p><i>reinsurance undertakings benefiting from the limitation from regular supervisory reporting and the number of insurance and reinsurance undertakings benefiting from the exemption of reporting on an item-by-item basis referred to in Article 35(6) and (7), together with their volume of capital requirements, premiums, technical provisions and assets, respectively measured as percentages of the total volume of capital requirements, premiums, technical provisions and assets of the insurance and reinsurance undertakings of the Member State.</i></p> <p>(d) — the thresholds referred to in the last subparagraph of Article 35(6) and (7).</p> <p><i>(e) the number of groups benefiting from the limitation from regular supervisory reporting and the number of groups benefiting from the exemption of reporting on an item-by-item basis referred to in Article 254(2,) together with their volume of capital requirements, premiums, technical provisions and assets, respectively measured as percentages of the total volume of capital requirements, premiums, technical provisions and assets of all the groups.</i></p> <p>2. EIOPA shall publicly disclose, on an annual basis, the following information:</p> <p>(a) for all Member States together, the total distribution of capital add-ons, measured as a percentage of the Solvency Capital</p>
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	between supervisory authorities in the different Member States."	between supervisory authorities in the different Member States."	between supervisory authorities in the different Member States.";	<p>Requirement, for each of the following:</p> <p>(i) all insurance and reinsurance undertakings;</p> <p>(ii) life insurance undertakings;</p> <p>(iii) non-life insurance undertakings;</p> <p>(iv) insurance undertakings pursuing both life and non-life activities;</p> <p>(v) reinsurance undertakings;</p> <p>(b) for each Member State separately, the distribution of capital add-ons, measured as a percentage of the Solvency Capital Requirement, covering all insurance and reinsurance undertakings in that Member State;</p> <p>(c) for each of the disclosures referred to in points (a) and (b) of this paragraph, the proportion of capital add-ons imposed under points (a), (b) and (c) of Article 37(1) respectively.</p> <p><i>(d) for all Member States collectively, the total number of insurance and reinsurance undertakings and groups benefiting from the limitation from regular supervisory reporting and the total number of insurance and reinsurance undertakings and groups benefiting from the exemption of reporting on an item-by-item basis referred to in Articles 35(6), (7) and 254(2), together with their volume of capital requirements, premiums, technical</i></p>
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				<p><i>provisions and assets, respectively measured as percentages of the total volume of capital requirements, premiums, technical provisions and assets of all insurance and reinsurance undertakings and groups;</i></p> <p><i>(e) for each Member State separately, the number of insurance and reinsurance undertakings and groups benefiting from the limitation from regular supervisory reporting and the total number of insurance and reinsurance undertakings and groups benefiting from the exemption of reporting on an item-by-item basis referred to in Articles 35(6), (7) and 254(2), together with their volume of capital requirements, premiums, technical provisions and assets, respectively measured as percentages of the total volume of premiums, technical provisions and assets of the insurance and reinsurance undertakings and groups of the Member State, as well as the thresholds referred to in the last subparagraph of Article 35(6) and (7).</i></p> <p>3. EIOPA shall provide the information referred to in paragraph 2 to the European Parliament, the Council and the Commission, together with a report outlining the degree of supervisory convergence in the use of capital add-ons between supervisory authorities in the different Member States.";</p>
Art. 2 point 10	(10) Article 56 is replaced by the following: "Article 56	(10) Article 56 is replaced by the following: "Article 56	(10) Article 56 is replaced by the following: "Article 56	(10) Article 56 is replaced by the following: "Article 56



Art. 56	<p><i>Solvency and financial condition report: delegated acts and implementing acts</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, further specifying the information which must be disclosed and the means by which this is to be achieved.</p> <p>Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of Articles 53, 54 and 55 as supplemented by the delegated acts referred to in this Article concerning the matters covered by those delegated acts, specifically with regard to the templates for the public disclosure.</p> <p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011 at the latest. "</p>	<p><i>Solvency and financial condition report: delegated acts and implementing <u>technical standards</u></i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a[...], further specifying the information which must be disclosed, <u>the deadlines for the disclosure of the information</u> and the means by which this is to be achieved.</p> <p><u>In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards [...]</u> specifically with regard to the templates for the public disclosure <u>referred to in Articles 51.</u></p> <p>EIOPA shall <u>submit those</u> draft implementing technical standards to the Commission by <u>30 September 2012.</u></p> <p><u>Power is conferred on the Commission to adopt</u> the implementing technical standards referred to in the <u>second</u> subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</p>	<p>Solvency and financial condition report: delegated acts and implementing acts</p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a ■, further specifying the information which must be disclosed in accordance with section 3.</p> <p><i>In order to ensure uniform</i> conditions of application of <i>this section, EIOPA shall develop draft implementing technical standards on the procedures to be followed and formats and templates to be used.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the second subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>	<p>Solvency and financial condition report: delegated acts and implementing <u>technical standards</u></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a ■, further specifying the information which must be disclosed and <u>the deadlines for the annual disclosure</u> of the information in accordance with section 3.</p> <p><i>In order to ensure uniform</i> conditions of application of <i>this section, EIOPA shall develop draft implementing technical standards on the procedures to be followed and formats and templates to be used.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by <u>30 June 2013.</u></i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the second subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>
Art. 2 point 11	(11) Article 58(8) is replaced by the following:	(11) Article 58(8) is replaced by the following:	(11) Article 58(8) is replaced by the following:	(11) Article 58(8) is replaced by the following:
Art. 58 para 8, para 8a (new)	"8. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, further specifying the adjustments	"8. The Commission shall adopt delegated acts, in accordance with Article 301a[...], further specifying the adjustments of the criteria set out in Article 59(1), in order to	"8. <i>In order to ensure consistent harmonisation in relation to this section, EIOPA may develop draft regulatory technical standards to establish an</i>	"8. <i>In order to ensure consistent harmonisation in relation to this section, EIOPA may develop draft regulatory technical standards to establish an</i>



	<p>of the criteria set out in Article 59(1), in order to take account of future developments and to ensure the uniform application of Articles 57 to 63."</p>	<p>take account of future developments and to <u>specify the requirements laid down in</u> Articles 57 to 63."</p>	<p><i>exhaustive list of information, referred to in Article 59(4), to be included by proposed acquirers in their notification, without prejudice to Article 58(2).</i></p> <p><i>In order to ensure consistent harmonisation in relation to this section and to take account of future developments, EIOPA shall develop draft regulatory technical standards to specify the adjustments of the criteria set out in Article 59(1).</i></p> <p><i>EIOPA shall submit the draft regulatory technical standards referred to in the second subparagraph to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first and second subparagraphs in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>8a. In order to ensure uniform conditions of application of this Directive, EIOPA may develop draft implementing technical standards to establish common procedures, forms and templates for the consultation process between the relevant supervisory authorities as referred to in Article 60.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i></p>	<p><i>exhaustive list of information, referred to in Article 59(4), to be included by proposed acquirers in their notification, without prejudice to Article 58(2).</i></p> <p><i>In order to ensure consistent harmonisation in relation to this section and to take account of future developments, EIOPA shall develop draft regulatory technical standards to specify the adjustments of the criteria set out in Article 59(1).</i></p> <p><i>EIOPA shall submit the draft regulatory technical standards referred to in the second subparagraph to the Commission.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first and second subparagraphs in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>8a. In order to ensure uniform conditions of application of this Directive, EIOPA may develop draft implementing technical standards to establish common procedures, forms and templates for the consultation process between the relevant supervisory authorities as referred to in Article 60.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i></p>
			<p><i>(11a) The following article is inserted:</i></p>	<p><i>(11a) The following article is inserted:</i></p>



			<p>"Article 65a Cooperation with EIOPA</p> <p><i>Member States shall ensure that the supervisory authorities cooperate with EIOPA for the purposes of this Directive in accordance with Regulation (EU) No 1094/2010.</i></p> <p><i>Member States shall ensure that the supervisory authorities provide EIOPA, without delay, with all the information necessary to carry out its duties in accordance with Regulation (EU) No 1094/2010."</i></p>	<p>"Article 65a Cooperation with EIOPA</p> <p><i>Member States shall ensure that the supervisory authorities cooperate with EIOPA for the purposes of this Directive in accordance with Regulation (EU) No 1094/2010.</i></p> <p><i>Member States shall ensure that the supervisory authorities provide EIOPA, without delay, with all the information necessary to carry out its duties in accordance with Regulation (EU) No 1094/2010."</i></p>
Art. 2 point 12 Art. 69 para 2	<p>(12) In Article 69, the second paragraph is replaced by the following:</p> <p>"Such disclosure shall be made only where necessary for reasons of prudential control. Member States shall, however, provide that information received under Articles 65 and Article 68(1), and information obtained by means of on-site verification referred to in Article 33, may only be disclosed with the express consent of the supervisory authority from which the information originated or the supervisory authority of the Member State in which the on-site verification was carried out."</p>	<p>(12) In Article 69, the second paragraph is replaced by the following:</p> <p>"Such disclosure shall be made only where necessary for reasons of prudential control. Member States shall, however, provide that information received under Articles 65 and Article 68(1), and information obtained by means of on-site verification referred to in Article 33, may only be disclosed with the express consent of the supervisory authority from which the information originated or the supervisory authority of the Member State in which the on-site verification was carried out."</p>	<p>(12) In Article 69, the second paragraph is replaced by the following:</p> <p>"Such disclosure shall be made only where necessary for reasons of prudential control. Member States shall, however, provide that information received under Articles 65 and Article 68(1), and information obtained by means of on-site verification referred to in Article 33, may only be disclosed with the express consent of the supervisory authority from which the information originated or the supervisory authority of the Member State in which the on-site verification was carried out."</p>	<p>(12) In Article 69, the second paragraph is replaced by the following:</p> <p>"Such disclosure shall be made only where necessary for reasons of prudential control. Member States shall, however, provide that information received under Articles 65 and Article 68(1), and information obtained by means of on-site verification referred to in Article 33, may only be disclosed with the express consent of the supervisory authority from which the information originated or the supervisory authority of the Member State in which the on-site verification was carried out."</p>
			<p><i>(12a) Article 70 is replaced by the following:</i></p> <p>"Article 70 Transmission of information to central banks, and monetary authorities, payment systems overseers and the</p>	<p><i>(12a) Article 70 is replaced by the following:</i></p> <p>"Article 70 Transmission of information to central banks, and monetary authorities, payment systems overseers and the</p>



			<p><i>European Systemic Risk Board</i></p> <p>1. Without prejudice to this Section, a supervisory authority may transmit information intended for the performance of their tasks to the following:</p> <p>(a) central banks of the European System of Central Banks (including the ECB) and other bodies with a similar function in their capacity as monetary authorities where this information is relevant to their respective statutory tasks, including the conduct of monetary policy and related liquidity provision, oversight of payments, clearing and securities settlement systems and safeguarding the stability of the financial system;</p> <p>(b) where appropriate, other national public authorities responsible for overseeing payment systems; and</p> <p>(c) the European Systemic Risk Board (ESRB), where that information is relevant to carrying out its tasks.</p> <p>2. Such authorities or bodies may also communicate to the supervisory authorities such information as they may need for the purposes of Article 67. Information received in this context shall be subject to the provisions on professional secrecy laid down in this Section.</p> <p>3. In an emergency situation, including a</p>	<p><i>European Systemic Risk Board</i></p> <p>1. Without prejudice to this Section, a supervisory authority may transmit information intended for the performance of their tasks to the following:</p> <p>(a) central banks of the European System of Central Banks (including the ECB) and other bodies with a similar function in their capacity as monetary authorities where this information is relevant to their respective statutory tasks, including the conduct of monetary policy and related liquidity provision, oversight of payments, clearing and securities settlement systems and safeguarding the stability of the financial system;</p> <p>(b) where appropriate, other national public authorities responsible for overseeing payment systems; and</p> <p>(c) the European Systemic Risk Board (ESRB), where that information is relevant to carrying out its tasks.</p> <p>2. In an emergency situation, including a situation as defined in Article 18 of Regulation (EU) No 1094/2010, Member States shall allow the supervisory authorities to communicate, without delay, information to the central banks of the European System of Central Banks (including the ECB) where that information is relevant to their statutory tasks including the conduct of monetary</p>
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			<p><i>situation as defined in Article 18 of Regulation (EU) No 1094/2010, Member States shall allow the competent authorities to communicate, without delay, information to the central banks of the European System of Central Banks (including the ECB) where that information is relevant to their statutory tasks including the conduct of monetary policy and related liquidity provision, oversight of payments, clearing and securities settlement systems and safeguarding the stability of the financial system, and to the ESRB, where such information is relevant to its tasks."</i></p>	<p><i>policy and related liquidity provision, oversight of payments, clearing and securities settlement systems and safeguarding the stability of the financial system, and to the ESRB, where such information is relevant to its tasks.</i></p> <p>3. Such authorities or bodies may also communicate to the supervisory authorities such information as they may need for the purposes of Article 67. Information received in this context shall be subject to the provisions on professional secrecy laid down in this Section.</p> <p>";</p>
Art. 2 point 13 introductory part Art. 71	(13) Article 71 is amended as follows:	(13) Article 71 is amended as follows:	(13) Article 71 is amended as follows:	(13) Article 71 is amended as follows:
Art. 2 point 13 point a Art. 71 para 2	<p>(a) Paragraph 2 is replaced by the following:</p> <p>"2. Member States shall ensure that in the exercise of their duties supervisory authorities have regard to the convergence in respect of supervisory tools and supervisory practices in the application of the laws, regulations and administrative requirements adopted pursuant to this Directive. For that purpose, Member States shall ensure that:</p> <p>(a) the supervisory authorities participate in the activities of the EIOPA;</p>	<p>(a) Paragraph 2 is replaced by the following:</p> <p>"2. Member States shall ensure that in the exercise of their duties supervisory authorities have regard to the convergence in respect of supervisory tools and supervisory practices in the application of the laws, regulations and administrative requirements adopted pursuant to this Directive. For that purpose, Member States shall ensure that:</p> <p>(a) the supervisory authorities participate in the activities of the EIOPA;</p>	<p>(a) Paragraph 2 is replaced by the following:</p> <p>"2. Member States shall ensure that in the exercise of their duties supervisory authorities have regard to the convergence in respect of supervisory tools and supervisory practices in the application of the laws, regulations and administrative requirements adopted pursuant to this Directive. For that purpose, Member States shall ensure that:</p> <p>(a) the supervisory authorities participate in the activities of the EIOPA;</p>	<p>(a) Paragraph 2 is replaced by the following:</p> <p>"2. Member States shall ensure that in the exercise of their duties supervisory authorities have regard to the convergence in respect of supervisory tools and supervisory practices in the application of the laws, regulations and administrative requirements adopted pursuant to this Directive. For that purpose, Member States shall ensure that:</p> <p>(a) the supervisory authorities participate in the activities of the EIOPA;</p>



	<p>(b) the supervisory authorities follow the guidelines and recommendations of the EIOPA and provide reasons where they fail to do so;</p> <p>(c) national mandates conferred on the supervisory authorities do not inhibit the performance of their duties as members of the EIOPA under this Directive."</p>	<p>(b) the supervisory authorities <u>shall make every effort to comply with</u> the guidelines and recommendations <u>issued by</u> EIOPA <u>in accordance with Article 16 of Regulation (EU) No 1094/2010</u>;</p> <p>(c) <u>national mandates</u> conferred on the supervisory authorities do not inhibit the performance of their duties as members of EIOPA <u>or</u> under this Directive."</p>	<p>(b) the supervisory authorities follow the guidelines and recommendations of EIOPA and <i>state the</i> reasons <i>if they do not</i> do so;</p> <p>(c) national mandates conferred on the supervisory authorities do not inhibit the performance of their duties as members of EIOPA <i>or</i> under this Directive.";</p>	<p>(b) the supervisory authorities <u>shall make every effort to comply with</u> the guidelines and recommendations <u>issued by</u> EIOPA <u>in accordance with Article 16 of Regulation (EU) No 1094/2010</u> and <i>state the</i> reasons <i>if they do not</i> do so;</p> <p>(c) national mandates conferred on the supervisory authorities do not inhibit the performance of their duties as members of EIOPA <i>or</i> under this Directive.";</p>
<p>Art. 2 point 13 point b</p> <p>Art. 71 para 3</p>	(b) Paragraph 3 is deleted.	(b) Paragraph 3 is deleted.	(b) Paragraph 3 is deleted.	(b) Paragraph 3 is deleted.
<p>Art. 2 point 14</p> <p>Art. 75</p>	(14) Article 75 is amended as follows:	(14) Article 75 is amended as follows:	(14) Article 75 is amended as follows:	(14) Article 75 is amended as follows:
<p>Art. 2 point 14 point -a (new)</p> <p>Art. 75 para 1 subpara 1 point b</p>			<p><i>(-a) in paragraph 1, point b of the first subparagraph is replaced by the following:</i></p> <p>"(b) liabilities shall be valued at the amount for which they could be transferred, or settled, between knowledgeable willing parties in an arm's length transaction. The discounting of liabilities shall not take into account information concerning assets held by insurance or reinsurance undertakings.";</p>	<p><i>(-a) in paragraph 1, point b of the first subparagraph is replaced by the following:</i></p> <p>"(b) liabilities shall be valued at the amount for which they could be transferred, or settled, between knowledgeable willing parties in an arm's length transaction. The discounting of liabilities shall not take into account information concerning assets held by insurance or reinsurance undertakings.";</p> <p>Comment Linked to Long Term Guarantees</p>
Art. 2 point 14	(a) Paragraph 2 is replaced by the following:	(a) Paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:



point a Art. 75 para 2	"2. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, to set out the methods and assumptions to be used in the valuation of assets and liabilities as laid down in paragraph 1."	"2. The Commission shall adopt delegated acts, in accordance with Article 301a [...], to set out the methods and assumptions to be used in the valuation of assets and liabilities as laid down in paragraph 1."	"2. In order to ensure consistent harmonisation in relation to valuation of assets and liabilities, EIOPA shall develop draft regulatory technical standards to specify: (a) methods and assumptions to be used in the valuation of assets and liabilities as laid down in paragraph 1;	"2. The Commission shall adopt delegated acts, in accordance with Article 301a [...], to set out the methods and assumptions to be used in the valuation of assets and liabilities as laid down in paragraph 1." Comments: Agreed = point a should be DA
Art. 2 point 13 point b Art. 75 para 2 a (new)	(b) The following paragraph 3 is added: "3. Powers are conferred on the Commission to adopt implementing technical standards to: (a) determine the conditions of application of paragraph 1 as supplemented by the delegated acts referred to in paragraph 2 in relation to the matters covered by those delegated acts, as regards: (i) valuation approaches where quoted market prices are either not available or not consistent with paragraphs 1 and 2; (ii) the consistency of international accounting standards as endorsed by the Commission in accordance with Regulation (EC) No 1606/2002 with the valuation approach set out in this Article;	(b) The following paragraph 3 is added: "3. <u>In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards in relation to:</u> (a) [...] the matters covered by those delegated acts, as regards: (i) [...] <u>to the extent that the delegated acts require the use of international accounting standards as endorsed by the Commission in accordance with Regulation (EC) No 1606/2002 or other [...] valuation methods, the consistency of these accounting standards or other valuation methods with the valuation approach set out in paragraphs 1 and 2;</u> (ii) [...] <u>the methods and assumptions to be used where quoted market prices are either not available or where international</u>	 (b) <i>international accounting standards as endorsed by the Commission in accordance with Regulation (EC) No 1606/2002 that are consistent with the valuation approach of assets and liabilities as laid down in paragraph 1;</i> (c) <i>valuation approaches where quoted market prices are either not available or not consistent with the valuation approach of assets and liabilities as laid down in paragraph 1;</i> (d) <i>alternative valuation methods to be used where international accounting standards, as endorsed by the Commission in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council¹, are either temporarily</i>	(b) The following paragraph 2a is added: <i>2a. In order to ensure consistent harmonisation in relation to valuation of assets and liabilities, EIOPA shall develop draft regulatory technical standards to specify:</i> <i>(a) to the extent that the delegated acts referred to in paragraph 2 require the use of international accounting standards as adopted by the Commission in accordance with Regulation (EC) No 1606/2002, the consistency of those accounting standards that are consistent with the valuation approach of assets and liabilities as laid down in paragraphs 1 and 2;</i> <i>(b) the methods and assumptions to be used valuation approaches where quoted market prices are either not available or</i>

¹ OJ L 243, 11.9.2002, p. 1.



	<p>(b) determine the conditions of application of paragraph 1 as supplemented by the delegated acts referred to in paragraph 2, in relation to the matters covered by those delegated acts, specifically with regard to the methods and assumptions to be used in the valuation of assets and liabilities as laid down in paragraph 1 including alternative valuation methods to be used where international accounting standards, as endorsed by the Commission in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council¹, are either temporarily or permanently not consistent with the valuation approach set out in this Article.</p> <p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p><u>accounting standards as endorsed by the Commission in accordance with Regulation (EC) No 1606/2002 [...]are either temporarily or permanently not consistent with the valuation approach set out in paragraphs 1 and 2;</u></p> <p>(b) [...] the [...] methods and assumptions to be used in the valuation of assets and liabilities as laid down in paragraph 1 where the delegated acts allow for the use of <u>alternative valuation methods.</u></p> <p>EIOPA shall <u>submit [...] to the Commission the draft implementing technical standards concerning the matters covered in:</u> (a) point (a) of the third paragraph of this Article by 30 September 2012. (b) point (b) of the third paragraph of this</p>	<p><i>or permanently not consistent with the valuation approach of assets and liabilities as laid down in paragraph 1.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p>	<p><u>where international accounting standards as adopted by the Commission in accordance with Regulation (EC) No 1606/2002 are either temporarily or permanently not consistent with the valuation approach of assets and liabilities as laid down in paragraphs 1 and 2;</u></p> <p><u>(c) the alternative valuation methods and assumptions to be used where international accounting standards, as endorsed by the Commission in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council³, are either temporarily or permanently not consistent with in the valuation approach of assets and liabilities as laid down in paragraph 1, where the delegated acts referred to in paragraph 2 allow for the use of alternative valuation methods.</u></p> <p>Comments Council = RTS in points b, c and d is OK. COM will send suggestion for redraft.</p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p>
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¹ OJ L 243, 11.9.2002, p. 1.

³ **OJ L 243, 11.9.2002, p. 1.**



		<p><u>Article to the Commission by 31 December 2014.</u></p> <p><u>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</u></p>	<p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i></p>	<p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i></p>
<p>Art. 2 point 14a</p> <p>Art. 76, para 2</p>			<p><i>(14a) Article 76(2) is replaced by the following:</i></p> <p>"2. The value of technical provisions shall correspond to the current amount insurance and reinsurance undertakings would have to pay if they were to transfer their insurance and reinsurance obligations immediately to another insurance or reinsurance undertaking. The discounting of technical provisions shall not be affected by assets held by insurance or reinsurance undertakings.";</p>	<p><i>(14a) Article 76(2) is replaced by the following:</i></p> <p>"2. The value of technical provisions shall correspond to the current amount insurance and reinsurance undertakings would have to pay if they were to transfer their insurance and reinsurance obligations immediately to another insurance or reinsurance undertaking. The discounting of technical provisions shall not be affected by assets held by insurance or reinsurance undertakings.";</p> <p>Comment Linked to Long Term Guarantees</p>
<p>Art. 2 point 14b</p> <p>Art. 77, para 2</p>			<p><i>(14b) In Article 77(2) the first subparagraph is replaced by the following:</i></p> <p>"2. The best estimate shall correspond to the probability-weighted average of future cash-flows, taking account of the time value of money (expected present value of future cash-flows), using the relevant risk-free interest rate term structure. The relevant risk-free interest rate term structure used to discount the insurance liabilities shall not take into account information concerning assets held by insurance or reinsurance undertakings.";</p>	<p><i>(14b) In Article 77(2) the first subparagraph is replaced by the following:</i></p> <p>"2. The best estimate shall correspond to the probability-weighted average of future cash-flows, taking account of the time value of money (expected present value of future cash-flows), using the relevant risk-free interest rate term structure. The relevant risk-free interest rate term structure used to discount the insurance liabilities shall not take into account information concerning assets held by insurance or reinsurance undertakings.";</p>



				Comment Linked to Long Term Guarantees
Art. 2 point 15 Art. 77 a (new)	<p>(15) The following Article 77a is inserted:</p> <p style="text-align: center;"><i>Article 77a</i></p> <p><i>"Technical information produced by the European Insurance and Occupational Pensions Authority</i></p> <p>EIOPA shall publish technical information including the relevant risk-free interest rate term structure. Where EIOPA observes an illiquidity premium in the financial markets in periods of stressed liquidity, information relating to the illiquidity premium, including its size shall also be published. EIOPA shall carry out the observation of the illiquidity premium and the derivation of the information on a transparent, objective and reliable basis. Information for all these purposes shall be derived according to methods and assumptions which may include formulae, or determinations made by EIOPA.</p> <p>The information referred to in the first</p>	<p>(15) The following Article 77a is inserted:</p> <p style="text-align: center;"><i>"Article 77a</i></p> <p><i>"Technical information produced by [...] EIOPA</i></p> <p>EIOPA shall publish technical information including <u>information concerning</u> the relevant risk-free interest rate term structure, <u>including a counter-cyclical premium in periods of stressed financial markets</u>. Where the relevant risk-free interest rate term structure provides for [...] <u>a counter-cyclical premium [...] in periods of stressed [...] financial markets observed by EIOPA, the published relevant risk-free interest rate term structure [...] shall include information, including its size, relating to [...] that premium. In that case EIOPA shall also carry out the observation of the [...] counter-cyclical premium and the derivation of the information in a transparent, objective and reliable [...] manner</u>. Information for all these purposes shall be derived <u>in a manner which is consistent with the methodologies, principles and techniques referred to in Article 86(b) and according to the detailed criteria, the calculation methods and assumptions specified in the delegated act referred to in Article 86(i) [...]</u>.</p> <p>The[...] information referred to in the first paragraph shall be published for each</p>	<p>(15) the following <i>articles are</i> inserted:</p> <p style="text-align: center;"><i>"Article 77a</i></p> <p><i>"Technical information produced by the European Insurance and Occupational Pensions Authority</i></p> <p><i>1. The relevant risk-free interest rate term structure to be used to calculate the best estimate referred to in Article 77(2) shall be laid down and published by EIOPA for each relevant currency on at least a monthly basis. Chapter VII of this Title shall apply based on this best estimate.</i></p> <p><i>2. Where EIOPA, in close co-operation with ESRB, observes a stressed situation of financial markets for a given currency and where EIOPA demonstrates that this temporary and exceptional situation is more likely than not to result in undertakings selling a large and substantial part of their fixed income securities portfolio, an adapted relevant risk-free interest rate term structure shall be published for each relevant currency in the same frequency as the relevant risk-free interest rate term structure referred to in paragraph 1.</i></p> <p><i>The adaptation shall be calculated with reference to a portion of the spread between the interest rate that could be</i></p>	Comment Linked to Long Term Guarantees



	<p>paragraph shall be published for each relevant currency on at least a quarterly basis in a manner which is consistent with the methodologies referred to in Article 86."</p>	<p>relevant currency on at least a quarterly basis [...].</p> <p><u>Insurance and reinsurance undertakings shall use information concerning the relevant risk-free interest rate term structure published by EIOPA in accordance with this Article when calculating technical provisions in accordance with this directive."</u></p>	<p><i>earned from assets included in a representative portfolio of assets that insurance and reinsurance undertakings are invested in and the rates of the basic risk-free interest rate term structure. The portion shall not be attributable to a realistic assessment of expected losses or unexpected credit risk on the assets or any other risk.</i></p> <p><i>Insurance and reinsurance undertakings may use that adapted relevant risk-free interest rate term structure in calculating the best estimate only for certain substantially illiquid liabilities, identified in accordance with Article 86.</i></p> <p><i>In that event, insurance and reinsurance undertakings shall publicly disclose the use of this adapted relevant risk-free interest rate term structure and the monetary effect on their financial position.</i></p> <p>3. EIOPA shall carry out the <i>tasks referred to in paragraphs 1 and 2 in</i> a transparent, objective and reliable <i>manner</i>.</p>	
<p>Art 2 point 15a</p> <p>Art 77b</p>			<p>Article 77b Extrapolation</p> <p><i>EIOPA's determination of the rates of the risk-free interest rate term structure shall make use of and be consistent with information derived from relevant financial instruments. This shall take into account relevant financial instruments of those maturities where the markets for</i></p>	<p>Comment Linked to Long Term Guarantees</p>



			<p><i>those financial instruments as well as for bonds can be considered as deep, liquid and transparent. For maturities where the markets for the relevant financial instruments as well as for bonds cannot be considered as deep, liquid and transparent anymore, the risk-free interest rate term structure shall be extrapolated.</i></p> <p><i>For each currency, the extrapolated part of the basic risk-free interest rate term structure shall be based on forward rates converging smoothly from one or a set of interest rates in relation to the longest maturities for which the relevant financial instruments and the bonds in that currency can be observed in a deep and liquid market to an ultimate forward rate.</i></p> <p><i>The extrapolated part of the basic risk-free interest rate term structure shall converge in such a way to the ultimate forward rate that for maturities 10 years past the longest maturities referred to in the second paragraph the extrapolated forward rates do not differ more than three basis points from the ultimate forward rate.'';</i></p>	
<p>Art. 2 point 16</p> <p>Art. 86</p>	<p>(16) Article 86 is replaced by the following:</p> <p><i>"Article 86</i> <i>Delegated acts and implementing acts</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, laying down the following:</p>	<p>(16) Article 86 is replaced by the following:</p> <p><i>"Article 86</i> <i>Delegated acts and implementing [...]</i> <i>technical standards</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a[...], laying down the following:</p>	<p>(16) Article 86 is replaced by the following:</p> <p><i>"Article 86</i> <i>Regulatory technical standards</i></p> <p><i>In order to ensure consistent harmonisation in relation to the methods and calculations for technical provisions, EIOPA shall develop draft regulatory technical standards to specify:</i></p>	<p>(16) Article 86 is replaced by the following:</p> <p><i>"Article 86</i> <i>Delegated acts and Regulatory technical standards</i></p> <p>Comments: agreed: points (a), (b), (c), (d) and (da), (e) and (f) should be DA</p> <p>1. The Commission shall adopt delegated</p>



	<p>(a) actuarial and statistical methodologies to calculate the best estimate referred to in Article 77(2);</p> <p>(b) the methodologies, principles and techniques for the determination of the relevant risk-free interest rate structure to be used to calculate the best estimate referred to in Article 77(2);</p> <p>(c) the circumstances in which technical provisions shall be calculated as a whole, or as a sum of a best estimate and a risk margin, and the methods to be used in the case where technical provisions are calculated as a whole;</p> <p>(d) the methods and assumptions to be used in the calculation of the risk margin including the determination of the amount of eligible own funds necessary to support the insurance and reinsurance obligations and the calibration of the Cost-of-Capital rate;</p> <p>(e) the lines of business on the basis of which insurance and reinsurance obligations are to be segmented in order to calculate technical provisions;</p>	<p>(a) actuarial and statistical methodologies to calculate the best estimate referred to in Article 77(2);</p> <p>(b) the methodologies, principles and techniques for the determination of the relevant risk-free interest rate structure to be used to calculate the best estimate referred to in Article 77(2);</p> <p>(c) the circumstances in which technical provisions shall be calculated as a whole, or as a sum of a best estimate and a risk margin, and the methods to be used in the case where technical provisions are calculated as a whole;</p> <p>(d) the methods and assumptions to be used in the calculation of the risk margin including the determination of the amount of eligible own funds necessary to support the insurance and reinsurance obligations and the calibration of the Cost-of-Capital rate;</p> <p>(e) the lines of business on the basis of which insurance and reinsurance obligations are to be segmented in order to calculate technical provisions;</p>	<p>(a) actuarial and statistical methodologies to calculate the best estimate referred to in Article 77(2);</p> <p>(b) the methodologies, principles and techniques for the determination of the relevant risk-free interest rate term structure to be used to calculate the best estimate referred to in Article 77(2);</p> <p>(c) the circumstances in which technical provisions shall be calculated as a whole, or as a sum of a best estimate and a risk margin, and the methods to be used in the case where technical provisions are calculated as a whole, as referred to in Article 77(4);</p> <p>(d) the methods and assumptions to be used in the calculation of the risk margin including the determination of the amount of eligible own funds necessary to support the insurance and reinsurance obligations and the calibration of the cost-of-capital rate, as referred to in Article 77(5);</p> <p>(da) the detailed criteria for the methodology to calculate the illiquidity premium and the methodology to identify substantial illiquid liabilities, as referred to in Article 77a;</p> <p>(e) the lines of business on the basis of which insurance and reinsurance obligations are to be segmented in order to calculate technical provisions referred to in Article</p>	<p>acts, in accordance with Article 301a[...], laying down the following:</p> <p>(a) actuarial and statistical methodologies to calculate the best estimate referred to in Article 77(2);</p> <p>(b) the methodologies, principles and techniques for the determination of the relevant risk-free interest rate term structure to be used to calculate the best estimate referred to in Article 77(2);</p> <p>(c) the circumstances in which technical provisions shall be calculated as a whole, or as a sum of a best estimate and a risk margin, and the methods to be used in the case where technical provisions are calculated as a whole, as referred to in Article 77(4);</p> <p>(d) the methods and assumptions to be used in the calculation of the risk margin including the determination of the amount of eligible own funds necessary to support the insurance and reinsurance obligations and the calibration of the cost-of-capital rate, as referred to in Article 77(5);</p> <p>(da) Comment text of (da) Linked to Long Term Guarantees</p> <p>(e) the lines of business on the basis of which insurance and reinsurance obligations are to be segmented in order to calculate technical provisions referred to in Article</p>
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	<p>(f) the standards to be met with respect to ensuring the appropriateness, completeness and accuracy of the data used in the calculation of technical provisions, and the specific circumstances in which it would be appropriate to use approximations, including case-by-case approaches, to calculate the best estimate;</p> <p>(g) the methodologies to be used when calculating the counterparty default adjustment referred to in Article 81 designed to capture expected losses due to default of the counterparty;</p> <p>(h) where necessary, simplified methods and techniques to calculate technical provisions, in order to ensure the actuarial and statistical methods referred to in points (a) and (d) are proportionate to the nature, scale and complexity of the risks supported by insurance and reinsurance undertakings including captive insurance and reinsurance undertakings;</p> <p>(i) the detailed criteria for the elements of technical information, the calculation methods and assumptions, and where appropriate the formulae and determinations, according to which the</p>	<p>(f) the standards to be met with respect to ensuring the appropriateness, completeness and accuracy of the data used in the calculation of technical provisions, and the specific circumstances in which it would be appropriate to use approximations, including case-by-case approaches, to calculate the best estimate;</p> <p>(g) the methodologies to be used when calculating the counterparty default adjustment referred to in Article 81 designed to capture expected losses due to default of the counterparty;</p> <p>(h) where necessary, simplified methods and techniques to calculate technical provisions, in order to ensure the actuarial and statistical methods referred to in points (a) and (d) are proportionate to the nature, scale and complexity of the risks supported by insurance and reinsurance undertakings including captive insurance and reinsurance undertakings;</p> <p>(i) the detailed criteria for the elements of technical information, the calculation methods and assumptions [...] according to which the information is to be derived by EIOPA as referred to in Article 77a.</p>	<p>80;</p> <p>(f) the standards to be met with respect to ensuring the appropriateness, completeness and accuracy of the data used in the calculation of technical provisions, and the specific circumstances in which it would be appropriate to use approximations, including case-by-case approaches, to calculate the best estimate, <i>as referred to in Article 82;</i></p> <p>(g) the methodologies to be used when calculating the counterparty default adjustment referred to in Article 81 designed to capture expected losses due to default of the counterparty;</p> <p>(h) where necessary, simplified methods and techniques to calculate technical provisions, in order to ensure the actuarial and statistical methods referred to in points (a) and (d) are proportionate to the nature, scale and complexity of the risks supported by insurance and reinsurance undertakings including captive insurance and reinsurance undertakings;</p> <p>■</p>	<p>80;</p> <p>(f) the standards to be met with respect to ensuring the appropriateness, completeness and accuracy of the data used in the calculation of technical provisions, and the specific circumstances in which it would be appropriate to use approximations, including case-by-case approaches, to calculate the best estimate, <i>as referred to in Article 82;</i></p> <p><i>2. In order to ensure consistent harmonisation in relation to the methods and calculations for technical provisions, EIOPA shall develop draft regulatory technical standards to specify:</i></p> <p>(<u>a</u>) the methodologies to be used when calculating the counterparty default adjustment referred to in Article 81 designed to capture expected losses due to default of the counterparty;</p> <p>(<u>b</u>) where necessary, simplified methods and techniques to calculate technical provisions, in order to ensure the actuarial and statistical methods referred to in points (a) and (d) are proportionate to the nature, scale and complexity of the risks supported by insurance and reinsurance undertakings including captive insurance and reinsurance undertakings;</p> <p>■</p>
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	<p>information is to be derived by EIOPA as referred to in Article 77a.</p> <p>Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of Article 77(2) as supplemented by the delegated acts referred to in points (a) to (h) of the first paragraph of this Article, concerning the matters covered by those delegated acts.</p> <p>The implementing technical standards referred to in the first paragraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p><u>In order to ensure uniform conditions of application of the provisions referred to in points (a) to (i) of the first subparagraph, EIOPA shall develop draft implementing technical standards [...] concerning the matters covered by those delegated acts, to specify in particular, in the case of point (i), the formulas for the calculation of the counter-cyclical premium.</u></p> <p><u>EIOPA shall submit [...] to the Commission the draft implementing technical standards concerning the matters covered in:</u> <u>(a) points (a), (b), (h) and (i) of the first paragraph of this Article by 30 September 2012;</u> <u>(b) points (c) to (g) of the first paragraph of this Article by 31 December 2014.</u> <u>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first paragraph in accordance with Article 15 of Regulation (EU) No 1094/2010. "</u></p>	<p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i> ";</p>	<p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i> ";</p>
Art. 2 point 17 Art. 92	(17) Article 92 is amended as follows:	(17) Article 92 is amended as follows:	(17) Article 92 is amended as follows:	(17) Article 92 is amended as follows:
Art. 2 point 17 point a	<p>(a) The title is replaced by the following:</p> <p style="text-align: center;"><i>"Article 92 Delegated acts and implementing acts"</i></p>	<p>(a) The title is replaced by the following:</p> <p style="text-align: center;"><i>"Article 92 Delegated acts and implementing [...]"</i></p>	<p>(a) the title is replaced by the following:</p> <p style="text-align: center;"><i>"Article 92 Regulatory and implementing technical</i></p>	<p>(a) the title is replaced by the following:</p> <p style="text-align: center;"><i>"Article 92 Delegated acts and Regulatory and</i></p>



Article 92 Title		<i>technical standards "</i>	<i>standards";</i>	implementing <i>technical standards";</i>
Art. 2 point 17 point b Article 92 para 1	<p>(b) Paragraph 1 is replaced by the following:</p> <p>"1. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying the following:</p> <p>(a) the criteria and procedure for granting supervisory approval of ancillary own funds in accordance with Article 90;</p> <p>(b) the treatment of participations, within the meaning of the third subparagraph of Article 212(2), in financial and credit institutions with respect to the determination of own funds."</p>	<p>(b) Paragraph 1 is replaced by the following:</p> <p>"1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], specifying the following:</p> <p>(a) the criteria [...] for granting supervisory approval of ancillary own funds in accordance with Article 90</p> <p>(b) the treatment of participations, within the meaning of the third subparagraph of Article 212(2), in financial and credit institutions with respect to the determination of own funds."</p>	<p>(b) paragraph 1 is replaced by the following:</p> <p>"1. <i>In order to ensure consistent harmonisation in relation to determination of own funds, EIOPA shall develop draft regulatory technical standards to specify:</i></p> <p>(a) the criteria ■ for granting supervisory approval of ancillary own funds in accordance with Article 90;</p> <p>(b) the treatment of participations, within the meaning of the third subparagraph of Article 212(2), in financial and credit institutions with respect to the determination of own funds.</p> <p><i>■ EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010."</i></p>	<p>(b) paragraph 1 is replaced by the following:</p> <p>"1. <i>In order to ensure consistent harmonisation in relation to determination of own funds, EIOPA shall develop draft regulatory technical standards to specify:</i></p> <p>(a) the criteria ■ for granting supervisory approval of ancillary own funds <i>as laid down in</i> Article 90;</p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010."</i></p> <p><i>1a.</i> The Commission shall adopt delegated acts, in accordance with Article 301a[...], specifying the following:</p> <p>(b) the treatment of participations, within the meaning of the third subparagraph of Article 212(2), in financial and credit institutions with respect to the determination of own funds."</p> <p>Comments: agreed = RTS in part (a) is OK, and (b) "participations" must be DA</p>



<p>Art. 2 point 17 point c</p> <p>Article 92 para 3</p>	<p>(c) Paragraph 3 is replaced by the following:</p> <p>"3. Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of Article 90 as supplemented by the delegated acts referred to in paragraph 1(a) of this Article concerning the matters covered by those delegated acts, specifically with regard to the procedure to be followed for granting supervisory approval of ancillary own funds.</p> <p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p>(c) <u>The following paragraph 3 is added:</u></p> <p>"3. <u>In order to ensure uniform conditions of application of the provisions referred to in paragraph 1, EIOPA [...] may develop draft</u> implementing technical standards concerning the matters covered by those delegated acts specifically with regard to the <u>application of the criteria [...]</u> to be followed for granting supervisory approval of ancillary own funds.</p> <p><u>[...]</u> <u>Power is conferred on the Commission to adopt</u> the implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation (EU) No 1094/2010. "</p>	<p>(ba) <i>the following paragraph is added:</i></p> <p>"2a. In order to ensure uniform conditions of application of Article 90, EIOPA shall develop draft implementing technical standards concerning the procedures to be followed and the formats and templates to be used for granting supervisory approval for the use of ancillary own funds.</p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>	<p>(ba) <i>the following paragraph is added:</i></p> <p>"2a. In order to ensure uniform conditions of application of Article 90, EIOPA shall develop draft implementing technical standards concerning the procedures to be followed to be used for granting supervisory approval for the use of ancillary own funds.</p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by <u>31 March 2013</u>.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>
<p>Art. 2 point 18</p> <p>Article 97</p>	<p>(18) Article 97 is replaced by the following:</p> <p><i>"Article 97</i> <i>Delegated acts and implementing acts</i></p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, laying down the following:</p> <p>(a) a list of own-fund items, including those referred to in Article 96, deemed to fulfil the criteria, set out in Article 94, which contains for each own-fund item a precise description of the features which determined its classification;</p>	<p>(18) Article 97 is replaced by the following:</p> <p><i>"Article 97</i> <i>Delegated acts and implementing [...]</i> <i>technical standards</i></p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], laying down the following:</p> <p>(a) a list of own-fund items, including those referred to in Article 96, deemed to fulfil the criteria, set out in Article 94, which contains for each own-fund item a precise description of the features which determined its classification;</p>	<p>(18) Article 97 is replaced by the following:</p> <p><i>"Article 97</i> <i>Regulatory technical standards</i></p> <p>1. <i>In order to ensure consistent harmonisation in relation to classification of own funds, EIOPA shall develop draft regulatory technical standards to specify:</i></p> <p>(a) a list of own-fund items, including those referred to in Article 96, deemed to fulfil the criteria, set out in Article 94, which contains for each own-fund item a precise description of the features which determined its classification;</p>	<p>(18) Article 97 is replaced by the following:</p> <p><i>"Article 97</i> <i>Delegated acts and Regulatory technical standards</i></p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], laying down the following:</p> <p>(a) a list of own-fund items, including those referred to in Article 96, deemed to fulfil the criteria, set out in Article 94, which contains for each own-fund item a precise description of the features which determined its classification;</p>



	<p>(b) the methods to be used by supervisory authorities, when approving the assessment and classification of own-fund items which are not covered by the list referred to in point (a);</p> <p>The Commission shall regularly review and, where appropriate update, the list referred to in point (a) of paragraph 1 in light of market developments.</p> <p>2. Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of Articles 93 to 96 as supplemented by the delegated acts referred to in paragraph 1 of this Article, concerning the matters covered by those delegated acts, specifically with regard to the classification methods.</p> <p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p>(b) the methods to be used by supervisory authorities, when approving the assessment and classification of own-fund items which are not covered by the list referred to in point (a);</p> <p>The Commission shall regularly review and, where appropriate update, the list referred to in point (a) of paragraph 1 in light of market developments.</p> <p>2. <u>In order to ensure uniform conditions of application of the provisions referred to in paragraph 1, EIOPA shall develop draft implementing technical standards [...]</u> concerning the matters covered by those delegated acts, specifically with regard to the classification methods.</p> <p>EIOPA shall <u>submit those</u> draft implementing technical standards to the Commission by <u>30 September 2012</u>.</p> <p><u>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</u></p>	<p>(b) the methods to be used by supervisory authorities, when approving the assessment and classification of own-fund items which are not covered by the list referred to in point (a);</p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>The Commission shall regularly review and, where appropriate update, the list referred to in point (a) of paragraph 1 in light of market developments.</i></p> <p><i>"</i></p>	<p><i>2. In order to ensure consistent harmonisation in relation to classification of own funds, EIOPA shall develop draft regulatory technical standards to specify:</i></p> <p>(b) the methods to be used by supervisory authorities, when approving the assessment and classification of own-fund items which are not covered by the list referred to in point (a) <u>paragraph 1</u>;</p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>The Commission shall regularly review and, where appropriate update, the list referred to in point (a) of paragraph 1 in light of market developments.</i></p> <p><i>"</i></p> <p>Comments: Agreed= Article 97 point (a) should be DA, RTS in point (b) is OK. COM agrees with this approach.</p>
Art. 2 point 19 Article 99	<p>(19) Article 99 is replaced by the following:</p> <p style="text-align: center;"><i>"Article 99 Delegated acts and implementing acts</i></p>	<p>(19) Article 99 is replaced by the following:</p> <p style="text-align: center;"><i>"Article 99 Delegated acts and implementing [...] technical standards</i></p>	<p>(19) Article 99 is replaced by the following:</p> <p style="text-align: center;"><i>"Article 99 Regulatory technical standards on the eligibility of own funds</i></p>	<p>(19) Article 99 is replaced by the following:</p> <p style="text-align: center;"><i>"Article 99 Delegated acts on the eligibility of own funds</i></p>



	<p>1. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, laying down:</p> <p>(a) the quantitative limits referred to in Article 98(1) and (2);</p> <p>(b) the adjustments that should be made to reflect the lack of transferability of those own-fund items that can only be used to cover losses arising from a particular segment of liabilities or from particular risks (ring-fenced funds).</p> <p>2. Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of Article 98 as supplemented by the delegated acts referred to in paragraph 1 of this Article concerning the matters covered by those delegated acts, specifically with regard to adjustments in relation to ring-fenced funds.</p> <p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA]. EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p>1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], laying down:</p> <p>(a) the quantitative limits referred to in Article 98(1) and (2);</p> <p>(b) the adjustments that should be made to reflect the lack of transferability of those own-fund items that can only be used to cover losses arising from a particular segment of liabilities or from particular risks (ring fenced funds).</p> <p>2. <u>In order to ensure uniform conditions of application of the provisions referred to in paragraph 1(a), EIOPA shall develop draft implementing technical standards [...]</u> concerning the matters covered by those delegated acts [...]. EIOPA shall <u>submit those</u> draft implementing technical standards to the Commission by <u>31 December 2016</u>.</p> <p><u>Power is conferred on the Commission to adopt the</u> implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010. "</p>	<p>1. <i>In order to ensure consistent harmonisation in relation to eligibility of own funds, EIOPA shall develop draft regulatory technical standards to specify:</i></p> <p>(a) the quantitative limits referred to in Article 98(1) and (2);</p> <p>(b) the adjustments that should be made to reflect the lack of transferability of those own-fund items that can only be used to cover losses arising from a particular segment of liabilities or from particular risks (ring-fenced funds).</p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010."</i></p>	<p>1.—The Commission shall adopt delegated acts, in accordance with Article 301a[...], laying down:</p> <p>(a) the quantitative limits referred to in Article 98(1) and (2);</p> <p>(b) the adjustments that should be made to reflect the lack of transferability of those own-fund items that can only be used to cover losses arising from a particular segment of liabilities or from particular risks (ring-fenced funds).</p> <p>; Comments: Agreed= Article 99 point (a)+(b) should be DA.</p>
Art. 2 point 19a(new)			<p><i>(19b) In Article 105(6), the following subparagraph is inserted after the second subparagraph:</i></p>	<p>Comments: Agreed to delete.</p>



Article 105 para 6			<i>"Where a derivative contract is cleared through an authorised central counterparty, the corresponding counterparty default risk capital requirement shall be lower than if the contract were not cleared in this manner.";</i>	
Art. 2 point 19b(new) Article 106a (new)			<p><i>(19a) The following article is inserted:</i></p> <p>"Article 106a Calculation of the spread risk sub-module: symmetric adjustment mechanism</p> <p><i>1. The spread risk sub-module calculated in accordance with the standard formula shall include a symmetric adjustment to the spread capital requirement applied to cover the risk arising from changes in the level of bond prices and prices of other fixed income securities with similar cash-flow characteristics.</i></p> <p><i>2. The symmetric adjustment made to the standard spread capital requirement calibrated in accordance with Article 104(4), covering the risk arising from changes in the level of bond prices and prices of other fixed income securities with similar cash-flow characteristic, shall be based on a function of the current level of an appropriate fixed income securities index and a weighted average level of that index. The weighted average shall be calculated over an appropriate period of time which shall be the same for all insurance and reinsurance undertakings.</i></p> <p><i>3. The symmetric adjustment made to the</i></p>	<p>Comment Linked to Long Term Guarantees</p>



			<p><i>standard spread capital requirement covering the risk arising from changes in the level of bond prices and prices of other fixed income securities with similar cash-flow characteristics shall not result in a spread capital requirement being applied that is more than 25 % lower or higher than the standard spread capital requirement.</i></p> <p>4. Insurance and reinsurance undertakings applying the adapted relevant risk-free interest rate term structure referred to in Article 77a(2) shall not apply the symmetric adjustment made to the standard spread capital requirement in the event the result of the adjustment in accordance with Article 106a is a spread capital requirement lower than the standard spread capital requirement.";</p>	
<p>Art. 2 point 20</p> <p>Article 109 a</p>	<p>(20) The following Article 109a is inserted:</p> <p><i>"Article 109a</i> <i>Harmonised technical inputs to standard formula: role of European Insurance and Occupational Pensions Authority</i></p>	<p>(20) The following Article 109a is inserted:</p> <p><i>"Article 109a</i> <i>Harmonised technical inputs to standard formula: role of <u>EIOPA</u></i></p>	<p>(20) The following article is inserted:</p> <p><i>"Article 109a</i> <i>Harmonised technical inputs to standard formula</i> ■</p> <p>1. For the purposes of calculating the market risk module and counterparty default risk module referred to in Article 105(5) and (6), an external credit assessment may be used to determine the probability of default provided that the following conditions are met:</p> <p>(a) the external credit assessment is issued by an external credit assessment institution (ECAI);</p>	<p>(20) The following article is inserted:</p> <p><i>"Article 109a</i> <i>Harmonised technical inputs to standard formula</i> ■</p> <p>1. For the purposes of the calculation of the Solvency Capital Requirement in accordance with the standard formula, the ESAs through the Joint Committee shall develop draft implementing technical standards on the allocation of credit assessments of ECAIs to an objective scale of credit quality steps applying the steps specified in accordance with Article 111(1)(n).</p>



		<p><i>(b) the ECAI is a credit rating agency that has been registered or certified in accordance with Regulation (EC) No 1060/2009 or, where an ECAI is not registered in accordance with Regulation (EC) No 1060/2009, its eligibility has been assessed by the ESAs, through the Joint Committee as established under Article 54 of Regulation (EU) No1093/2010, of Regulation (EU) No1094/2010 and of Regulation (EU) No1095/2010 (the Joint Committee) and subject to the methodological requirements laid down in Articles 6 to 13 of Regulation (EC) No 1060/2009;</i></p> <p><i>(c) the external credit assessments are allocated to an objective scale of credit quality steps by the Joint Committee in accordance with paragraph 2;</i></p> <p><i>2. For the purposes of the first subparagraph the Joint Committee shall:</i></p> <p><i>(a) make publicly available a list of eligible ECAIs;</i></p> <p><i>(b) verify that individual credit assessments are accessible at equivalent terms at least to all institutions having a legitimate interest in those individual credit assessments;</i></p> <p><i>(c) without prejudice to Article 56 of Regulation (EU) No1093/2010, of Regulation (EU) No1094/2010 and of Regulation (EU) No1095/2010, allocate external credit assessments to an objective</i></p>	<p>The ESAs' Joint Committee shall submit those draft implementing technical standards to the Commission by <u>30 June 2013</u>.</p> <p>Power is conferred on the Commission to adopt the implementing technical standards referred to in the third subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</p> <p>Comments Linked to Long Term Guarantees Article 308c(2)(d) (new) <i>the use of external credit assessments in the calculation of the matching adjustment shall be in line with the specifications referred to in Article 111(1)(n).</i></p>
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			<p><i>scale of credit quality steps applying the steps specified in accordance with Article 111(1)(n).</i></p> <p><i>In order to avoid overreliance on ECAs, insurance and reinsurance undertakings shall verify the appropriateness of external credit assessments as part of their risk management by using additional assessments wherever possible in order to avoid any automatic dependence on external assessments.</i></p> <p><i>EIOPA shall develop draft implementing technical standards on the procedures to be followed to verify external credit assessments.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the third subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p>	
	<p>1. For the purposes of evaluating risk mitigation techniques as referred to in Article 101(5) facilitating the calculation of the market risk module referred to in Article 105(5) and, where appropriate, facilitating the counterparty default risk module referred to in Article 105(6), EIOPA shall:</p>	<p>1. <u>In order to ensure uniform conditions of application of this Article and for the purposes of facilitating the calculation of the market risk module referred to in Article 105(5), facilitating the calculation of the counterparty default risk module referred to in Article 105(6), evaluating risk mitigation techniques referred to in Article 101(5), and</u></p>	<p><i>1a. For the purposes of facilitating the calculation of the market risk module referred to in Article 105(5), EIOPA shall:</i></p> <p><i>(a) publish lists of regional governments and local authorities, exposures to whom are to be treated as exposures to the central government of the jurisdiction in</i></p>	<p>1. 2. In order to ensure uniform conditions of application of this Article and for the purposes of facilitating the calculation of the market risk module referred to in Article 105(5), facilitating the calculation of the counterparty default risk module referred to in Article 105(6), evaluating risk mitigation techniques referred to in Article 101(5), and calculating technical provisions, EIOPA</p>



	<p>(a) assess the eligibility of external credit assessment institutions and allocate their credit assessments to an objective scale of credit quality steps;</p> <p>(b) publish lists of regional governments and local authorities, exposures to whom are to be treated as exposures to central government;</p> <p>(c) specify the equity index referred to in Article 106(2), calculate the symmetric adjustment referred to in Article 106 and publish both sets of information on a regular basis;</p> <p>(d) specify the adjustments to be made for currencies pegged to the euro in the currency risk sub-module referred to in Article 105(5).</p>	<p><u>calculating technical provisions, EIOPA shall develop draft implementing technical standards concerning:</u></p> <p>(a) [...] lists of regional governments and local authorities, exposures to whom are to be treated as exposures to the central government <u>in whose jurisdiction they are established to the extent there is no difference in risk between such exposures because of the specific revenue-raising powers of the former, and the existence of specific institutional arrangements the effect of which is to reduce the risk of default;</u></p> <p><u>[...]</u></p> <p>(b) <u>a list of the [...] external credit assessment institutions and an allocation of their credit assessments to an objective scale of credit quality steps, in accordance with the detailed criteria for the recognition of external credit assessment institutions and for the association of credit assessments to a scale of credit quality as established by the delegated act referred to in Article 111(1)(n).</u></p> <p>(c) [...] the equity index referred to in Article 106(2)[..], <u>in accordance with the detailed criteria established by the delegated act referred to in points (c) and (o) of Article 111(1)(o);</u></p> <p>(d) [...] the adjustments to be made for currencies pegged to the euro in the currency risk sub-module referred to in Article 105(5), <u>in accordance with the detailed criteria for the adjustments for currencies pegged to the euro for the</u></p>	<p><i>which they are established, provided there is no difference in risk between such exposures because of specific revenue-raising powers of the former, and specific institutional arrangements exist, the effect of which is to reduce the risk of default;</i></p> <p><i>(b) specify the adjustments to be made for currencies pegged to the euro in the currency risk sub-module referred to Article 105(5)(e) applying the criteria specified in Article 111(1)(p); and</i></p> <p><i>(c) specify the appropriate equity index referred to in Article 106(2), calculate the symmetric adjustment referred to in Article 106 applying the methods, assumptions and standard parameters specified in accordance with Article 111(1)(c) and the detailed criteria specified in Article 111(1)(o), and publish both sets of information on a monthly basis; and</i></p> <p><i>(d) specify the appropriate fixed income securities index referred to in Article 106a(2), calculate the symmetric adjustment referred to in Article 106a applying the methods, assumptions and standard parameters specified in accordance with Article 111(1)(c) and the detailed criteria specified in Article 111(1)(o), and publish both sets of information on a monthly basis.</i></p> <p><i>1b. In order to avoid overreliance on ECAs, insurance and reinsurance undertakings shall verify the appropriateness of external credit</i></p>	<p>shall develop draft implementing technical standards concerning:</p> <p>(a) lists of regional governments and local authorities, exposures to whom are to be treated as exposures to the central government in whose of the jurisdiction in which they are established, to the extent provided that there is no difference in risk between such exposures because of the specific revenue-raising powers of the former, and the existence of specific institutional arrangements exist, the effect of which is to reduce the risk of default;</p> <p>(b) a list of the external credit assessment institutions and an allocation of their credit assessments to an objective scale of credit quality steps, in accordance with the detailed criteria for the recognition of external credit assessment institutions and for the association of credit assessments to a scale of credit quality as established by the delegated act referred to in Article 111(1)(n).</p> <p>(c) the equity index referred to in Article 106(2)[..], in accordance with the detailed criteria established under points (c) and (o) of Article 111(1);</p> <p>(d) the adjustments to be made for currencies pegged to the euro in the currency risk sub-module referred to in Article 105(5), in accordance with the detailed criteria for the adjustments for currencies pegged to the euro for the purpose of facilitating the calculation of the currency risk sub-module, as established under Article 111(1)(p).</p> <p><i>EIOPA shall submit those draft</i></p>
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		<p>purpose of facilitating the calculation of the currency risk sub-module, as established by the delegated act referred to in Article 111(1)(p).</p> <p><u>Power is conferred on the Commission to adopt the implementing technical standards referred to in the second paragraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</u></p>	<p>assessments as part of their risk management by using additional assessments wherever possible in order to avoid any automatic dependence of risk management on external assessments.</p>	<p>implementing technical standards to the Commission by <u>30 June 2013</u>.</p> <p>Power is conferred on the Commission to adopt the implementing technical standards referred to in the second paragraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</p> <p>3. EIOPA shall publish technical information including information concerning the symmetric adjustment referred to in Article 106 on at least a quarterly basis.</p> <p>Insurance and reinsurance undertakings shall use information concerning the symmetric adjustment published by EIOPA when calculating the solvency capital requirement in accordance with this directive.</p> <p>2. 4. In order to ensure uniform conditions of application of this Article and for the purpose of facilitating the calculation of the health underwriting risk module referred to in Article 105(4), EIOPA shall develop draft implementing technical standards, in accordance with taking into account the calculations provided by the supervisory authorities of the Member States concerned, establishing standard deviations in relation to specific national legislative measures of Member States which permit the sharing of claims payments in respect of health risk amongst insurance and reinsurance undertakings and which meet detailed the criteria in paragraph 5 and any additional criteria established by the</p>
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				<p>delegated acts referred to in Article 111(1)(g).</p> <p>EIOPA shall submit those draft implementing technical standards to the Commission <i>by 30 June 2013</i>.</p> <p>Power is conferred on the Commission to adopt the implementing technical standards referred to in the second paragraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</p>
	<p>2. For the purpose of facilitating the calculation of the health underwriting risk module referred to in Article 105(4), EIOPA shall calculate and publish standard deviations in relation to specific national legislative measures of Member States which permit the sharing of claims payments in respect of health risk amongst insurance and reinsurance undertakings and which meet specified criteria."</p>	<p>2. <u>In order to ensure uniform conditions of application of this Article and</u> for the purpose of facilitating the calculation of the health underwriting risk module referred to in Article 105(4), EIOPA shall <u>develop draft implementing technical standards establishing [...]</u> standard deviations in relation to specific national legislative measures of Member States which permit the sharing of claims payments in respect of health risk amongst insurance and reinsurance undertakings and which meet <u>detailed criteria established by the delegated</u></p>	<p>2. For the purpose of facilitating the calculation of the health underwriting risk module referred to in Article 105(4), EIOPA shall publish, <i>in accordance with the calculations provided by the supervisory authorities of the Member States concerned</i>, standard deviations in relation to specific national legislative measures of Member States which permit the sharing of claims in respect of health risk amongst insurance and reinsurance undertakings and which meet <i>the following</i> criteria:</p>	<p>5. The implementing technical standards referred to in paragraph 4 shall only apply to the national <u>legislative</u> measures of Member States which permit the sharing of claims payments in respect of health risk amongst insurance and reinsurance undertakings and which meet the following criteria:</p> <p>(a) the mechanism for the sharing of claims is transparent and fully specified in advance of the annual period to which it applies;</p> <p>(b) the mechanism for the sharing of</p>



		<p><u>act referred to in Article 111(1)(q).</u></p> <p><u>EIOPA shall submit those draft implementing technical standards to the Commission by 30 September 2012.</u></p> <p><u>Power is conferred on the Commission to adopt the implementing technical standards referred to in the second paragraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</u></p> <p><u>[...]</u></p> <p><u>3. EIOPA shall publish technical information including information concerning the symmetric adjustment referred to in Article 106.</u></p> <p><u>Insurance and reinsurance undertakings shall use information concerning the symmetric adjustment published by EIOPA when calculating the solvency capital requirement in accordance with this directive."</u></p>	<p><i>(a) the mechanism for the sharing of claims is transparent and fully specified in advance of the annual period to which it applies;</i></p> <p><i>(b) the mechanism for the sharing of claims, the number of insurance undertakings that participate in the health risk equalisation system (HRES) and the risk characteristics of the business subject to the HRES ensure that for each undertaking participating in the HRES the volatility of annual losses of the business subject to the HRES is significantly reduced by means of the HRES, both in relation to premium and to reserve risk;</i></p> <p><i>(c) health insurance subject to the HRES is compulsory and serves as a partial or complete alternative to health cover provided by the statutory social security system;</i></p> <p><i>(d) in the event of default of insurance undertakings participating in the HRES, one or more Member States' governments guarantee to meet the policyholder claims of the insurance business that is subject to the HRES in full.</i></p> <p><i>The Commission may adopt delegated acts, in accordance with Article 301a, laying down additional criteria.";</i></p>	<p>claims, the number of insurance undertakings that participate in the health risk equalisation system (HRES) and the risk characteristics of the business subject to the HRES ensure that for each undertaking participating in the HRES the volatility of annual losses of the business subject to the HRES is significantly reduced by means of the HRES, both in relation to premium and to reserve risk;</p> <p>(c) health insurance subject to the HRES is compulsory and serves as a partial or complete alternative to health cover provided by the statutory social security system;</p> <p>(d) in the event of default of insurance undertakings participating in the HRES, one or more Member States' governments guarantee to meet the policyholder claims of the insurance business that is subject to the HRES in full.</p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a, which set out the additional criteria that the national legislative measures arrangements shall meet, and the methodology and the requirements for the calculation of the standard deviations referred to in paragraph 4."</p>
Art. 2 point 21	(21) Article 111 is replaced by the following:	(21) Article 111 is replaced by the following:	(21) Article 111 is replaced by the following:	(21) Article 111 is replaced by the following:
Article	"Article 111	"Article 111	"Article 111	"Article 111



111	<p><i>Delegated acts and implementing acts"</i></p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, providing for the following:</p> <p>(a) a standard formula in accordance with the provisions of Articles 101 and 103 to 109;</p> <p>(b) any sub-modules necessary or covering more precisely the risks which fall under the respective risk modules referred to in Article 104 as well as any subsequent updates;</p> <p>(c) the methods, assumptions and standard parameters to be used when calculating each of the risk modules or sub-modules of the Basic Solvency Capital Requirement laid down in Articles 104, 105 and 304, the symmetric adjustment mechanism and the appropriate period of time, expressed in the number of months, as referred to in Article 106, and the appropriate approach for integrating the method referred to in Article 304 in the Solvency Capital Requirement as calculated in accordance with the standard formula;</p> <p>(d) the correlation parameters, including, where necessary, those set out in Annex IV,</p>	<p><i>Delegated acts and implementing [...] technical standards "</i></p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], providing for the following:</p> <p>(a) a standard formula in accordance with the provisions of Articles 101 and 103 to 109;</p> <p>(b) any sub-modules necessary or covering more precisely the risks which fall under the respective risk modules referred to in Article 104 as well as any subsequent updates;</p> <p>(c) the methods, assumptions and standard parameters to be used when calculating each of the risk modules or sub-modules of the Basic Solvency Capital Requirement laid down in Articles 104, 105 and 304, the symmetric adjustment mechanism and the appropriate period of time, expressed in the number of months, as referred to in Article 106, and the appropriate approach for integrating the method referred to in Article 304 in the Solvency Capital Requirement as calculated in accordance with the standard formula;</p> <p>(d) the correlation parameters, including, where necessary, those set out in Annex IV,</p>	<p><i>Regulatory technical standards concerning Articles 103 to 109</i></p> <p>1. <i>In order to ensure consistent harmonisation in relation to Article 101 and Articles 103 to 109, EIOPA shall develop draft regulatory technical standards to specify:</i></p> <p>(a) a standard formula in accordance with the provisions of Articles 101 and 103 to 109;</p> <p>(b) any sub-modules necessary or covering more precisely the risks which fall under the respective risk modules referred to in Article 104 as well as any subsequent updates;</p> <p>(c) the methods, assumptions and standard parameters <i>to be calibrated to the confidence interval referred to in Article 101(3) and</i> to be used when calculating each of the risk modules or sub-modules of the basic Solvency Capital Requirement laid down in Articles 104, 105 and 304, the symmetric adjustment mechanism and the appropriate period of time, expressed in the number of months, as referred to in Article 106 <i>and Article 106a</i>, and the appropriate approach for integrating the method referred to in Article 304 in the Solvency Capital Requirement as calculated in accordance with the standard formula;</p> <p>(d) the correlation parameters, including, where necessary, those set out in Annex IV, and the procedures for updating those</p>	<p><i>Delegated acts and Regulatory technical standards concerning Articles 103 to 109</i></p> <p><u>Comments:</u></p> <p>Agreed = Article 111 para. 1 should be DA in whole, RTS in Article 111 para. 2 is OK.</p> <p><u>Comment:</u> Check references with regard to points o, p, q, n, r in relation to Article 109a</p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], providing for the following:</p> <p>(a) a standard formula in accordance with the provisions of Articles 101 and 103 to 109;</p> <p>(b) any sub-modules necessary or covering more precisely the risks which fall under the respective risk modules referred to in Article 104 as well as any subsequent updates;</p> <p>(c) the methods, assumptions and standard parameters <i>to be calibrated to the confidence interval referred to in Article 101(3) and</i> to be used when calculating each of the risk modules or sub-modules of the basic Solvency Capital Requirement laid down in Articles 104, 105 and 304, the symmetric adjustment mechanism and the appropriate period of time, expressed in the number of months, as referred to in Article 106 <i>[and Article 106a]</i>, and the appropriate approach for integrating the method referred to in Article 304 in the Solvency Capital</p>
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	<p>and the procedures for updating those parameters;</p> <p>(e) where insurance and reinsurance undertakings use risk-mitigation techniques, the methods and assumptions to be used to assess the changes in the risk profile of the undertaking concerned and to adjust the calculation of the Solvency Capital Requirement;</p> <p>(f) the qualitative criteria that the risk-mitigation techniques referred to in point (e) must fulfil in order to ensure that the risk has been effectively transferred to a third party;</p> <p>(g) the methods and parameters to be used when assessing the capital requirement for operational risk set out in Article 107, including the percentage referred to in Article 107(3);</p> <p>(h) the methods and adjustments to be used to reflect the reduced scope for risk diversification of insurance and reinsurance</p>	<p>and the procedures for updating those parameters;</p> <p>(e) where insurance and reinsurance undertakings use risk-mitigation techniques, the methods and assumptions to be used to assess the changes in the risk profile of the undertaking concerned and to adjust the calculation of the Solvency Capital Requirement;</p> <p>(f) the qualitative criteria that the risk-mitigation techniques referred to in point (e) must fulfil in order to ensure that the risk has been effectively transferred to a third party;</p> <p>(g) the methods and parameters to be used when assessing the capital requirement for operational risk set out in Article 107, including the percentage referred to in Article 107(3);</p> <p>(h) the methods and adjustments to be used to reflect the reduced scope for risk diversification of insurance and reinsurance</p>	<p>parameters;</p> <p>(e) where insurance and reinsurance undertakings use risk-mitigation techniques, the methods and assumptions to be used to assess the changes in the risk profile of the undertaking concerned and to adjust the calculation of the Solvency Capital Requirement;</p> <p>(f) the qualitative criteria that the risk-mitigation techniques referred to in point (e) must fulfil in order to ensure that the risk has been effectively transferred to a third party;</p> <p><i>(fa) the method to be used when assessing the capital requirement for counterparty default risk in the case of exposures to authorised central counterparties as referred to in Article 105. These parameters shall be set to ensure consistency with the treatment of such exposures in the case of credit institutions and investment firms as required under Directive 2012/xx/EU (CRD IV);</i></p> <p>(g) the methods and parameters to be used when assessing the capital requirement for operational risk set out in Article 107, including the percentage referred to in Article 107(3);</p> <p>(h) the methods and adjustments to be used to reflect the reduced scope for risk diversification of insurance and reinsurance</p>	<p>Requirement as calculated in accordance with the standard formula;</p> <p>Comments Linked to Long Term Guarantees</p> <p>(d) the correlation parameters, including, where necessary, those set out in Annex IV, and the procedures for updating those parameters;</p> <p>(e) where insurance and reinsurance undertakings use risk-mitigation techniques, the methods and assumptions to be used to assess the changes in the risk profile of the undertaking concerned and to adjust the calculation of the Solvency Capital Requirement;</p> <p>(f) the qualitative criteria that the risk-mitigation techniques referred to in point (e) must fulfil in order to ensure that the risk has been effectively transferred to a third party;</p> <p>Comments point (fa): part of agreement on CCP</p> <p><i>(fa) the method and parameters to be used when assessing the capital requirement for counterparty default risk in the case of exposures to authorised central counterparties as referred to in Article 105. These parameters shall be set to ensure consistency with the treatment of such exposures in the case of credit institutions and financial institutions within the meaning of Article 4(1) and (5)</i></p>
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<p>undertakings related to ring-fenced funds;</p> <p>(i) the method to be used when calculating the adjustment for the loss-absorbing capacity of technical provisions or deferred taxes, as laid down in Article 108;</p> <p>(j) the subset of standard parameters in the life, non-life and health underwriting risk modules that may be replaced by undertaking-specific parameters as set out in Article 104(7);</p> <p>(k) criteria in relation to the standardised methods to be used by the insurance or reinsurance undertaking to calculate the undertaking-specific parameters referred to in point (j), and any criteria with respect to the completeness, accuracy, and appropriateness of the data used that must be met before supervisory approval is given together with the procedure to be followed for such approval;</p> <p>(l) the simplified calculations provided for specific sub-modules and risk modules, as well as the criteria that insurance and reinsurance undertakings, including captive insurance and reinsurance undertakings, shall be required to fulfil in order to be entitled to use each of those simplifications, as set out in Article 109;</p> <p>(m) the approach to be used with respect to related undertakings within the meaning of Article 212 in the calculation of the Solvency Capital Requirement, in particular the calculation of the equity risk sub-</p>	<p>undertakings related to ring-fenced funds;</p> <p>(i) the method to be used when calculating the adjustment for the loss-absorbing capacity of technical provisions or deferred taxes, as laid down in Article 108;</p> <p>(j) the subset of standard parameters in the life, non-life and health underwriting risk modules that may be replaced by undertaking-specific parameters as set out in Article 104(7);</p> <p>(k) criteria in relation to the standardised methods to be used by the insurance or reinsurance undertaking to calculate the undertaking-specific parameters referred to in point (j), and any criteria with respect to the completeness, accuracy, and appropriateness of the data used that must be met before supervisory approval is given together with the procedure to be followed for such approval;</p> <p>(l) the simplified calculations provided for specific sub-modules and risk modules, as well as the criteria that insurance and reinsurance undertakings, including captive insurance and reinsurance undertakings, shall be required to fulfil in order to be entitled to use each of those simplifications, as set out in Article 109;</p> <p>(m) the approach to be used with respect to related undertakings within the meaning of Article 212 in the calculation of the Solvency Capital Requirement, in particular the calculation of the equity risk sub-</p>	<p>undertakings relating to ring-fenced funds;</p> <p>(i) the method to be used when calculating the adjustment for the loss absorbing capacity of technical provisions or deferred taxes, as laid down in Article 108;</p> <p>(j) the subset of standard parameters in the life, non-life and health underwriting risk modules that may be replaced by undertaking-specific parameters as set out in Article 104(7);</p> <p>(k) criteria in relation to the standardised methods to be used by the insurance or reinsurance undertaking to calculate the undertaking-specific parameters referred to in point (j), and any criteria with respect to the completeness, accuracy, and appropriateness of the data used that must be met before supervisory approval is given together with the procedure to be followed for such approval;</p> <p>(l) the simplified calculations provided for specific sub-modules and risk modules, as well as the criteria that insurance and reinsurance undertakings, including captive insurance and reinsurance undertakings, shall be required to fulfil in order to be entitled to use each of those simplifications, as set out in Article 109;</p> <p>(m) the approach to be used with respect to related undertakings within the meaning of Article 212 in the calculation of the Solvency Capital Requirement, in particular the calculation of the equity risk sub-</p>	<p><u>of Directive 2006/48/EC;</u></p> <p>(g) the methods and parameters to be used when assessing the capital requirement for operational risk set out in Article 107, including the percentage referred to in Article 107(3);</p> <p>(h) the methods and adjustments to be used to reflect the reduced scope for risk diversification of insurance and reinsurance undertakings relating to ring-fenced funds;</p> <p>(i) the method to be used when calculating the adjustment for the loss absorbing capacity of technical provisions or deferred taxes, as laid down in Article 108;</p> <p>(j) the subset of standard parameters in the life, non-life and health underwriting risk modules that may be replaced by undertaking-specific parameters as set out in Article 104(7);</p> <p>(k) criteria in relation to the standardised methods to be used by the insurance or reinsurance undertaking to calculate the undertaking-specific parameters referred to in point (j), and any criteria with respect to the completeness, accuracy, and appropriateness of the data used that must be met before supervisory approval is given together with the procedure to be followed for such approval;</p> <p>(l) the simplified calculations provided for specific sub-modules and risk modules, as well as the criteria that insurance and</p>
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	<p>module referred to in Article 105(5), taking into account the likely reduction in the volatility of the value of those related undertakings arising from the strategic nature of those investments and the influence exercised by the participating undertaking on those related undertakings;</p> <p>(n) the detailed criteria for the eligibility of external credit assessment institutions and for the association of credit assessments to a scale of credit quality referred to in Article 109a(1)(a);</p> <p>(o) the detailed criteria for the equity index referred to in Article 109a(1)(c) ;</p> <p>(p) the detailed criteria for the adjustments for currencies pegged to the euro for the purpose of facilitating the calculation of the currency risk sub-module referred to in Article 109a(1)(d);</p> <p>(q) the detailed criteria that the national legislative measures arrangements shall meet, and the requirements for the calculation of the standard deviation for the purpose of facilitating the calculation of the health underwriting risk module referred to in Article 109a(2)</p>	<p>module referred to in Article 105(5), taking into account the likely reduction in the volatility of the value of those related undertakings arising from the strategic nature of those investments and the influence exercised by the participating undertaking on those related undertakings;</p> <p>(n) the detailed criteria for the <u>recognition</u> of external credit assessment institutions and for the association of credit assessments to a scale of credit quality referred to in Article 109a(1)(a);</p> <p>(o) the detailed criteria for the equity index referred to in Article 109a(1)(c);</p> <p>(p) the detailed criteria for the adjustments for currencies pegged to the euro for the purpose of facilitating the calculation of the currency risk sub-module referred to in Article 109a(1)(d);</p> <p>(q) the detailed criteria that the national legislative measures arrangements shall meet, and the requirements for the calculation of the standard deviation for the purpose of facilitating the calculation of the health underwriting risk module referred to in Article 109a(2).</p>	<p>module referred to in Article 105(5), taking into account the likely reduction in the volatility of the value of those related undertakings arising from the strategic nature of those investments and the influence exercised by the participating undertaking on those related undertakings;</p> <p>(n) the <i>allocation</i> of credit assessment institutions and for the association of credit assessments to a scale of credit quality <i>steps</i> referred to in <i>Article 109a(1)(c)</i>;</p> <p>(o) the detailed criteria for the equity index referred to in <i>Article 109a(1a)(c) and fixed income securities index referred to in Article 109a(1a)(d)</i>;</p> <p>(p) the detailed criteria for the adjustments for currencies pegged to the euro for the purpose of facilitating the calculation of the currency risk sub-module referred to in <i>Article 109a(1a)(b)</i>;</p> <p><i>(q) the conditions for a categorisation of regional governments and local authorities referred to in Article 109a(1a)(a);</i></p> <p>(r) the detailed criteria that the national legislative measures arrangements shall meet, and the <i>methodology and the</i> requirements for the calculation of the standard deviation for the purpose of facilitating the calculation of the health underwriting risk module referred to in Article 109a(2).</p>	<p>reinsurance undertakings, including captive insurance and reinsurance undertakings, shall be required to fulfil in order to be entitled to use each of those simplifications, as set out in Article 109;</p> <p>(m) the approach to be used with respect to related undertakings within the meaning of Article 212 in the calculation of the Solvency Capital Requirement, in particular the calculation of the equity risk sub-module referred to in Article 105(5), taking into account the likely reduction in the volatility of the value of those related undertakings arising from the strategic nature of those investments and the influence exercised by the participating undertaking on those related undertakings;</p> <p><u>Comments Article 111(1)(n) Part of agreement on ratings</u></p> <p><u>(n) how to use external credit assessments from ECAIs in the calculation of the Solvency Capital Requirement in accordance with the standard formula and the allocation of external credit assessments to a scale of credit quality steps referred to in Article 109a(1)(e) which shall be consistent with the use and allocation in the calculation of the capital requirements for credit institutions and financial institutions within the meaning of Article 4(1) and (5) of Directive 2006/48/EC;</u></p> <p>(o) the detailed criteria for the equity index referred to in <i>Article 109a(2)(c) [and fixed income securities index referred to in</i></p>
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			<p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards on the procedures to be followed and formats and templates to be used concerning:</i></p> <p><i>(a) the updating of the correlation parameters referred to in point (d);</i></p> <p><i>(b) the supervisory approval to use undertaking-specific parameters referred to in point (k).</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the fourth subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p>	<p><i>Article 109a(1a)(d)];</i> Comments Linked to Long Term Guarantees</p> <p>(p) the detailed criteria for the adjustments for currencies pegged to the euro for the purpose of facilitating the calculation of the currency risk sub-module referred to in <i>Article 109a(2)(d)</i>;</p> <p>(q) <i>the conditions for a categorisation of regional governments and local authorities referred to in Article 109a(2)(a);</i></p> <p>Comments = COM proposes to delete point (r) in EP text and point (q) in Council text, as it should be covered in Article 109a(5).</p> <p><i>1a. In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards on the procedures to be followed and formats and templates to be used concerning:</i></p> <p>(a) the updating of the correlation parameters referred to in point (d);</p> <p>(b) the supervisory approval to use undertaking-specific parameters referred to in point (k).</p> <p><i>EIOPA shall submit those draft implementing technical standards on point (a) to the Commission by 30 June 2015.</i></p>
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	<p>2. The Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, laying down quantitative limits and asset eligibility criteria. Those delegated acts shall apply to assets covering technical provisions, excluding assets held in respect of life insurance contracts where the investment risk is borne by the policy holders. Those measures shall be reviewed by the Commission in the light of developments in the standard formula and financial markets.</p> <p>3. Powers are conferred on the Commission to adopt implementing technical standards to determine:</p> <p>(a) the conditions of application of Articles 101 to 110 as supplemented by the delegated acts referred to in paragraph 1(a) to (m), concerning the matters covered by those delegated acts; and</p> <p>(b) the standardised methods to be used to calculate the undertaking specific parameters as referred to in paragraph 1(j).</p>	<p>2. The Commission may adopt delegated acts, in accordance with Article 301a[...], laying down quantitative limits and asset eligibility criteria <u>to address risks which are not adequately covered by a sub-module</u>. Those delegated acts shall apply to assets covering technical provisions, excluding assets held in respect of life insurance contracts where the investment risk is borne by the policy holders. Those measures shall be reviewed by the Commission in the light of developments in the standard formula and financial markets.</p> <p>3. <u>In order to ensure uniform conditions of application of the provisions referred to in paragraph 1, EIOPA shall develop draft implementing technical standards concerning [...]:</u></p> <p>(a) <u>the matters covered by the delegated acts as regards points 1(a) to (m), with the exception of points (h) and (j); and</u></p> <p>(b) the standardised methods to be used to calculate the undertaking specific parameters as referred to in paragraph 1(j).</p>	<p>2. <i>In order to ensure consistent harmonisation of in relation to the Solvency Capital Requirement, EIOPA shall develop draft regulatory technical standards, laying down quantitative limits and asset eligibility criteria in order to address risks which are not adequately covered by a sub-module.</i></p>	<p><u>EIOPA shall submit those implementing technical standards on point (b) to the Commission by 31 March 2013.</u></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the fourth subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p> <p><u>Comments:</u> COM= only with regard to procedures to be followed for supervisory approval.</p> <p>2. <i>In order to ensure consistent harmonisation in relation to the Solvency Capital Requirement, EIOPA shall develop draft regulatory technical standards, laying down quantitative limits and asset eligibility criteria where those risks are not adequately covered by a sub-module.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p>Such regulatory technical standards shall apply to assets covering technical provisions, excluding assets held in respect of life insurance contracts where the investment risk is borne by the policy</p>
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	<p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p>EIOPA shall <u>submit [...]</u> to the Commission <u>the draft implementing technical standards in relation to paragraph 3[...] of this Article covering:</u></p> <p>(a) the methods, assumptions and standard parameters to be used when calculating the <u>non-life catastrophe risk sub-module</u> referred to in Article 105(2)(b) and <u>the standardised methods in relation to point (b) of the first subparagraph[...]</u> of this Article by 30 September 2012;</p> <p>(b) <u>matters other than those referred to in point (a) of this subparagraph by 31 December 2014.</u></p> <p><u>Power is conferred on the Commission to adopt the implementing technical standards</u> referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</p>	<p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p>Such <i>regulatory technical standards</i> shall apply to assets covering technical provisions, excluding assets held in respect of life insurance contracts where the investment risk is borne by the policy holders. Those <i>regulatory technical standards</i> shall be reviewed by the Commission in the light of developments in the standard formula and financial markets.";</p>	<p>holders. Those <i>regulatory technical standards</i> shall be reviewed by the Commission in the light of developments in the standard formula and financial markets.";</p> <p>Council = RTS in Article 111 para. 2 is OK. Rewording by COM</p>
<p>Art. 2 point 22</p> <p>Art. 114</p>	<p>(22) Article 114 is replaced by the following:</p> <p style="text-align: center;"><i>" Article 114</i> <i>Delegated acts and implementing acts</i></p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, setting out the following:</p> <p>(a) the procedure to be followed for the approval of an internal model;</p>	<p>(22) Article 114 is replaced by the following:</p> <p style="text-align: center;"><i>" Article 114</i> <i>Delegated acts and implementing [...]</i> <i>technical standards</i></p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], setting out the following:</p> <p>(a) the procedure to be followed for the approval of an internal model;</p>	<p>(22) Article 114 is replaced by the following:</p> <p style="text-align: center;"><i>"Article 114</i> <i>Regulatory and implementing technical standards concerning the Solvency Capital Requirement internal models</i></p> <p><i>1. In order to ensure consistent harmonisation in relation to the Solvency Capital Requirement full and partial internal model, EIOPA shall develop draft regulatory technical standards to specify:</i></p>	<p>(22) Article 114 is replaced by the following:</p> <p style="text-align: center;"><i>"Article 114</i> <i>Delegated acts and implementing technical standards concerning the Solvency Capital Requirement internal models</i></p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], setting out the following:</p> <p>(a) the adaptations to be made to the standards set out in Articles 120 to 125 in</p>



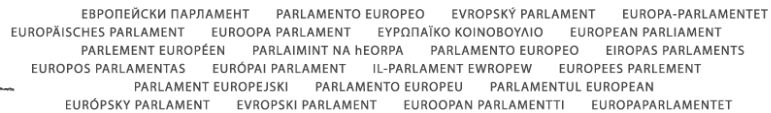
	<p>(b) the adaptations to be made to the standards set out in Articles 120 to 125 in light of the limited scope of the application of the partial internal model;</p> <p>(c) the procedures to approve major changes to an internal model and changes to the policy for changing an internal model referred to in Article 115;</p> <p>(d) approaches, including, where appropriate, default techniques which allow a partial internal model to be fully integrated into the Solvency Capital Requirement standard formula and requirements for the use of alternative techniques.</p> <p>powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of Articles 112 to 126 as supplemented by the delegated acts referred to in paragraph 1 of this Article, concerning the matters covered by those delegated acts, specifically with regard to the procedures, adaptations and alternative techniques referred to in that paragraph . The implementing technical standards referred to in the second subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA]. EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p>(b) the adaptations to be made to the standards set out in Articles 120 to 125 in light of the limited scope of the application of the partial internal model;</p> <p>(c) the procedures to approve major changes to an internal model and changes to the policy for changing an internal model referred to in Article 115;</p> <p>(d) approaches, including, where appropriate, default techniques which allow a partial internal model to be fully integrated into the Solvency Capital Requirement standard formula and requirements for the use of alternative techniques.</p> <p><u>In order to ensure uniform conditions of application of the provisions referred to in the first subparagraph, EIOPA shall develop draft implementing technical standards [...] concerning the matters covered by those delegated acts, specifically with regard to the procedures, adaptations and alternative techniques referred to in that paragraph .</u></p> <p>EIOPA shall <u>submit [...]</u> to the Commission <u>the draft implementing technical standards</u></p>	<p>(b) the adaptations to be made to the standards set out in Articles 120 to 125 in light of the limited scope of the application of the partial internal model;</p> <p>(c) ■ the policy for changing an internal model referred to in Article 115;</p> <p>(d) the way in which a partial internal model shall be fully integrated into the Solvency Capital Requirement standard formula referred to in Article 113(1)(c) and requirements for the use of alternative integration techniques.</p> <p>EIOPA shall submit those draft regulatory technical standards to the Commission by</p>	<p>light of the limited scope of the application of the partial internal model;</p> <p>(b) ■ the policy for changing an internal model referred to in Article 115;</p> <p>(b) the way in which a partial internal model shall be fully integrated into the Solvency Capital Requirement standard formula referred to in Article 113(1)(c) and requirements for the use of alternative integration techniques.</p> <p>Comments: Agreed = DA in Article 114 is OK</p>
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	<p><u>covering the matters referred to in:</u></p> <p><u>(a) paragraph 1(d) of this Article by 30 September 2012;</u></p> <p><u>(b) paragraph 1(b) of this Article by 31 December 2014;</u></p> <p><u>(c) paragraph 1(a) and (c) of this Article by 31 December 2016.</u></p> <p><u>Power is conferred on the Commission to adopt the implementing technical standards referred to in the second subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</u></p>	<p><u>[...].</u></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the second subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>2. In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards on the procedures to be followed and formats and templates to be used concerning:</i></p> <p><i>(a) the approval of an internal model in accordance with Article 112; and</i></p> <p><i>(b) the approval of major changes to an internal model and changes to the policy for changing an internal model referred to in Article 115.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to</i></p>	<p><i>2. In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards on the procedures to be followed and formats and templates to be used concerning:</i></p> <p><i>(a) the approval of an internal model in accordance with Article 112; and</i></p> <p><i>(b) the approval of major changes to an internal model and changes to the policy for changing an internal model referred to in Article 115.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by <u>31 March 2013</u>.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the fourth subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i></p> <p>Agreement to delete formats and templates</p>
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			<i>adopt the implementing technical standards referred to in the fourth subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i>	from the ITS. ITS agreed.
Art. 2 point 23 Art. 127	<p>(23) Article 127 is replaced by following:</p> <p><i>"Article 127 Delegated acts and implementing acts</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, with respect to Articles 120 to 126, regarding the use of internal models throughout the Union.</p> <p>Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of Articles 120 to 126, as supplemented by the delegated acts referred to in the first paragraph, concerning the matters covered by those delegated acts.</p> <p>The implementing technical standards referred to in the second paragraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA]. EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p>(23) Article 127 is replaced by following:</p> <p><i>"Article 127 Delegated acts and implementing [...] technical standards</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a [...], with respect to Articles 120 to 126, regarding the use of internal models throughout the Union.</p> <p><u>In order to ensure uniform conditions of application of the provisions referred to in the first subparagraph, EIOPA shall develop draft implementing technical standards [...]</u> concerning the matters covered by those delegated acts.</p> <p>EIOPA shall submit those draft implementing technical standards to the Commission by 31 December 2016.</p> <p><u>Power is conferred on the Commission to adopt</u> the implementing technical standards referred to in the second paragraph in accordance with Article 15 of Regulation</p>	<p>(23) Article 127 is replaced by following:</p> <p><i>"Article 127 Regulatory technical standards concerning Articles 120 to 126</i></p> <p><i>In order to ensure consistent harmonisation in relation to Articles 120 to 126 and to enhance the better assessment of the risk profile and management of the business of insurance and reinsurance undertakings, EIOPA shall develop draft regulatory technical standards to specify</i> the use of internal models throughout the Union.</p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of</i></p>	<p>(23) Article 127 is replaced by following:</p> <p>Agreed = DA in Article 127.</p> <p><i>"Article 127 Delegated acts concerning Articles 120 to 126</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a [...], with respect to Articles 120 to 126 and to enhance the better assessment of the risk profile and management of the business of insurance and reinsurance undertakings, regarding the use of internal models throughout the Union.</p>

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			Capital Requirement calculated in accordance with Chapter VI, Section 4, Subsection 2.";	Capital Requirement calculated in accordance with Chapter VI, Section 4, Subsection 2.";
			<p><i>(c) in paragraph 4, the following subparagraph is inserted after the first subparagraph:</i></p> <p><i>"For the purposes of calculating the limits referred to in paragraph 3, undertakings shall not be required to calculate the Solvency Capital Requirement on a quarterly basis.";</i></p>	<p><i>(c) in paragraph 4, the following subparagraph is inserted after the first subparagraph:</i></p> <p><i>"For the purposes of calculating the limits referred to in paragraph 3, undertakings shall not be required to calculate the Solvency Capital Requirement on a quarterly basis.";</i></p>
Art. 2 point 26 Art. 129 para 5	(26) In Article 129(5), the date "31 October 2017" is replaced by the date "31 December 2017",	(26) In Article 129(5), the date "31 October 2017" is replaced by the date "31 December 2018",	<p><i>(d) In paragraph 5, the first subparagraph is replaced by the following:</i></p> <p>"5. The Commission shall submit to the European Parliament and the European Insurance and Occupational Pensions Committee established by Commission Decision 2004/9/EC¹*, by 31 December 2017, a report on Member States' rules and supervisory authorities' practices adopted pursuant to paragraphs 1 to 4.</p>	<p><i>(d) In paragraph 5, the first subparagraph is replaced by the following:</i></p> <p>"5. The Commission shall submit to the European Parliament and the European Insurance and Occupational Pensions Committee established by Commission Decision 2004/9/EC²*, by <u>31 December 2018</u>, a report on Member States' rules and supervisory authorities' practices adopted pursuant to paragraphs 1 to 4.</p>
Art. 2 point 27 Art. 130	<p>(27) Article 130 is replaced by the following:</p> <p><i>"Article 130 Delegated acts</i></p> <p>The Commission shall adopt delegated acts,</p>	<p>(27) Article 130 is replaced by the following:</p> <p><i>"Article 130 Delegated acts</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a[...],</p>	<p>(27) Article 130 is replaced by the following:</p> <p><i>"Article 130 Regulatory technical standards</i></p> <p><i>In order to ensure consistent harmonisation in relation to minimum</i></p>	<p>(27) Article 130 is replaced by the following:</p> <p><i>"Article 130 Delegated acts</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a[...],</p>

¹ *OJ L 3, 7.1.2004, p. 34."*

² *OJ L 3, 7.1.2004, p. 34."*



	in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying the calculation of the Minimum Capital Requirement, referred to in Articles 128 and 129."	specifying the calculation of the Minimum Capital Requirement, referred to in Articles 128 and 129."	<p><i>capital requirements, EIOPA shall develop draft regulatory technical standards to specify the calculation of the Minimum Capital Requirement, referred to Articles 128 and 129.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010."</i></p>	specifying the calculation of the Minimum Capital Requirement, referred to in Articles 128 and 129."
Art. 2 point 28 Art. 131 para 1	(28) In the first paragraph of Article 131, the dates "31 October 2012" and "31 October 2013" are replaced by the dates "31 December 2012" and "31 December 2013 respectively".	(28) In the first paragraph of Article 131, the dates "31 October 2012" and "31 October 2013" are replaced by the dates "31 December 2013" and "31 December 2014 respectively".	(28) In the first paragraph of Article 131, the dates "31 October 2012" and "31 October 2013" are replaced by the dates "31 December 2012" and "31 December 2013 respectively".	(28) In the first paragraph of Article 131, the dates "31 October 2012" and "31 October 2013" are replaced by the dates " 31 December 2013 " and " 31 December 2014 " respectively".
Art. 2 point 29 Art. 135	<p>(29) Article 135 is replaced by the following:</p> <p><i>"Article 135 Delegated acts</i></p> <p>1. The Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying qualitative requirements in the following areas:</p> <p>(a) the identification, measurement, monitoring, managing and reporting of risks arising from investments in relation to the first subparagraph of Article 132(2);</p>	<p>(29) Article 135 is replaced by the following:</p> <p><i>"Article 135 Delegated acts</i></p> <p>1. The Commission may adopt delegated acts, in accordance with Article 301a[...], specifying qualitative requirements in the following areas:</p> <p>(a) the identification, measurement, monitoring, managing and reporting of risks arising from investments in relation to the first subparagraph of Article 132(2);</p>	<p>(29) Article 135 is replaced by the following:</p> <p><i>"Article 135 Regulatory and implementing technical standards concerning qualitative requirements</i></p> <p>1. <i>In order to ensure consistent harmonisation in relation to Articles 132(2) and 132(4), EIOPA shall develop draft regulatory technical standards to specify qualitative requirements in the following areas:</i></p> <p>(a) the identification, measurement, monitoring and managing █ of risks arising from investments in relation to the first subparagraph of Article 132(2);</p>	<p>Agreed= Article 135 para. 1 should be DA. RTS in Article 135 para. 2a is OK.</p> <p><i>"Article 135 Delegated acts and Regulatory technical standards concerning qualitative requirements</i></p> <p>1. The Commission may adopt delegated acts, in accordance with Article 301a[...], specifying qualitative requirements in the following areas:</p> <p>(a) the identification, measurement, monitoring and managing █ of risks arising from investments in relation to the first subparagraph of Article 132(2);</p>



	<p>(b) the identification, measurement monitoring, managing and reporting of specific risks arising from investment in derivative instruments and assets referred to in the second subparagraph of Article 132(4).</p>	<p>(b) the identification, measurement monitoring, managing and reporting of specific risks arising from investment in derivative instruments and assets referred to in the second subparagraph of Article 132(4).</p>	<p>(b) the identification, measurement monitoring and managing ■ of specific risks arising from investment in derivative instruments and assets referred to in the second subparagraph of Article 132(4) and the determination of to what extent the use of such assets qualifies as risk reduction or efficient portfolio management as referred to in the third subparagraph of Article 132(4).</p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>1a. In order to ensure uniform conditions of application of points (a) and (b) of the first subparagraph of paragraph 1, EIOPA shall develop draft implementing technical standards on the reporting procedures to be followed and formats and templates to be used.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first</i></p>	<p>(b) the identification, measurement monitoring and managing ■ of specific risks arising from investment in derivative instruments and assets referred to in the second subparagraph of Article 132(4) and the determination of to what extent the use of such assets qualifies as risk reduction or efficient portfolio management as referred to in the third subparagraph of Article 132(4).</p> <p>Comments: Commission para 1a: ITS is not necessary as this is covered by art 35 para 9 and 10. Para 1a therefore deleted.</p> <p>Comments:</p>
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	<p>2. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, laying down:</p> <p>(a) the requirements that need to be met by undertakings that repackage loans into tradable securities and other financial instruments (originators) in order for an insurance or reinsurance undertaking to be allowed to invest in such securities or instruments issued after 1 January 2011, including requirements that ensure that the originator retains a net economic interest of no less than 5 %;</p> <p>(b) qualitative requirements that must be met by insurance or reinsurance undertakings that invest in such securities or instruments;</p> <p>(c) the consequences of breaching the requirements laid down under points (a) and (b) of this paragraph, including, where appropriate, and notwithstanding Article 101(3), measures which impose a proportionate additional capital charge."</p>	<p>2. The Commission shall adopt delegated acts, in accordance with Article 301a[...], laying down:</p> <p>(a) the requirements that need to be met by undertakings that repackage loans into tradable securities and other financial instruments (originators) in order for an insurance or reinsurance undertaking to be allowed to invest in such securities or instruments issued after 1 January 2011, including requirements that ensure that the originator retains a net economic interest of no less than 5 %. <u>With respect to insurance and reinsurance undertakings investing in tradable securities or other financial instruments based on repackaged loans that were issued before 1 January 2011, these requirements shall apply from 31 December 2014, but only in circumstances where new underlying exposures are added or substituted after 31 December 2014;</u></p> <p>(b) qualitative requirements that must be met by insurance or reinsurance undertakings that invest in such securities or instruments;</p> <p>(c) the consequences of breaching the requirements laid down under points (a) and (b) of this paragraph, including, where appropriate, and notwithstanding Article 101(3), measures which impose a proportionate additional capital charge."</p>	<p><i>subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p> <p>2. The Commission shall adopt delegated acts, in accordance with Article 301a ■, laying down:</p> <p>(a) the requirements that need to be met by undertakings that repackage loans into tradable securities and other financial instruments (originators) in order for an insurance or reinsurance undertaking to be allowed to invest in such securities or instruments issued after 1 January 2011, including requirements that ensure that the originator retains a net economic interest of no less than 5 %;</p> <p>(b) qualitative requirements that must be met by insurance or reinsurance undertakings that invest in such securities or instruments;</p> <p>(c) the <i>specifications for the circumstances under which a capital add-on may be imposed when</i> the requirements laid down under points (a) and (b) of this paragraph <i>have been breached, without prejudice to Article 101(3) ■</i>.</p>	<p>Council = Article 135 para. 2 should be DA=EP text.</p> <p>2. The Commission shall adopt delegated acts, in accordance with Article 301a ■, laying down:</p> <p>(a) the requirements that need to be met by undertakings that repackage loans into tradable securities and other financial instruments (originators) in order for an insurance or reinsurance undertaking to be allowed to invest in such securities or instruments issued after 1 January 2011, including requirements that ensure that the originator retains a net economic interest of no less than 5 %;</p> <p>Council = Text on repackaged loans (grey) shall be dealt with in the framework of transitional measures.</p> <p>(b) qualitative requirements that must be met by insurance or reinsurance undertakings that invest in such securities or instruments;</p> <p>(c) the <i>specifications for the circumstances under which a proportionate additional capital charge may be imposed when</i> the requirements laid down under points (a) and (b) of this paragraph <i>have been breached, without prejudice to Article 101(3) ■</i>.</p>
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			<p><i>2a. In order to ensure consistent harmonisation in relation to paragraph 2(c), EIOPA shall develop draft regulatory technical standards to specify the methodologies for the calculation of capital add-ons referred to therein.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p>	<p>Comments: Council = RTS in Article 135 para. 2a is OK.</p> <p><i>2a. In order to ensure consistent harmonisation in relation to paragraph 2(c), EIOPA shall develop draft regulatory technical standards to specify the methodologies for the calculation of a proportionate additional capital charge referred to therein.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p>
Art. 2 point 29 a (new) Art. 138 para 3a (new)		<p><u>(29a) The following paragraph 3a is added to Article 138:</u></p> <p><u>"(3a) By way of derogation from paragraph 3, where insurance and reinsurance undertakings comply with the Required Solvency Margin referred to in Article 28 of Directive 2002/83/EC, Article 16a of Directive 73/239/EEC or Article 37, 38 or 39 of Directive 2005/68/EC respectively as implemented in the law of the Member State on the day before 1 January 2014 but do not comply with the Solvency Capital Requirement during the first year of application of this Directive, the supervisory authority shall require the insurance or reinsurance undertaking</u></p>		<p>Comment Covered by Article on Transitionals</p>



		<p><u>concerned to take the necessary measures to achieve, within 12 months from the observation of non-compliance with the Solvency Capital Requirement, the establishment of the level of eligible own funds covering the Solvency Capital Requirement or the reduction of its risk profile to ensure compliance with the Solvency Capital Requirement.</u></p> <p><u>The insurance or reinsurance undertaking concerned shall, every three months, submit a progress report to its supervisory authority setting out the measures taken and the progress made to establish the level of eligible own funds covering the Solvency Capital Requirement or to reduce the risk profile to ensure compliance with the Solvency Capital Requirement."</u></p>		
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<p>Art. 2 point 30</p> <p>Art. 138 para 4</p>	<p>(30) Article 138 (4) is amended as follows:</p> <p>(a) The first subparagraph shall be replaced by the following: "In the event of an exceptional fall in financial markets, as determined by EIOPA in accordance with this paragraph, the supervisory authority may extend the period set out in the second sub-paragraph of paragraph 3 by an appropriate period of time taking into account all relevant factors."</p> <p>(b) The following fourth and fifth subparagraphs are added: "Without prejudice to the powers of the EIOPA under Article 18 of Regulation .../..., for the purposes of this paragraph, EIOPA shall, following a request by the supervisory authority concerned, address an individual decision to the requesting supervisory authority declaring the existence of an exceptional fall in financial markets. An exceptional fall in financial markets exists, where one or more insurance or reinsurance undertakings are unable to meet one of the requirements set out in paragraph 3 of this Article within the time</p>	<p>(30) Article 138(4) is amended as follows:</p> <p>(a) The first subparagraph shall be replaced by the following: "In the event of an exceptional fall in financial markets, as <u>declared</u> by EIOPA in accordance with this paragraph, the supervisory authority may extend the period set out in the second sub-paragraph of paragraph 3 by an appropriate period of time taking into account all relevant factors."</p> <p>(b) The following fourth and fifth subparagraphs are added: "Without prejudice to the powers of the EIOPA under Article 18 of Regulation (EU) No 1094/2010 [...], for the purposes of this paragraph, EIOPA shall, following a request by the supervisory authority concerned, [...] declare the existence of an exceptional fall in financial markets. An exceptional fall in financial markets exists, [...] where the <u>supervisory authority concerned has informed EIOPA that one or more insurance or reinsurance undertakings are unlikely to meet one of the requirements set out in paragraph 3 [...] as a consequence of a fall in financial markets which is unforeseen,</u></p>	<p>(30) Article 138(4) is replaced by the following:</p> <p>■ "4. In the event of an exceptional fall in financial markets, as declared by EIOPA, in accordance with this paragraph, and in consultation with the European Systemic Risk Board established under Regulation (EU) No 1092/2010, the supervisory authority may extend the period set out in the second subparagraph of paragraph 3 by an appropriate period of time taking into account all relevant factors including the average duration of the technical provisions.</p> <p>Where the average duration of the technical provisions exceeds 12 years, one-third of the duration shall be deemed appropriate for the determination of the period in the first subparagraph with a maximum of seven years.</p> <p>■ Without prejudice to Article 18 of Regulation (EU) No 1094/2010, for the purposes of this paragraph, EIOPA may, following a request by the supervisory authority concerned or on its own initiative, adopt a decision determining the existence of an exceptional fall in financial markets. An exceptional fall in financial markets exists, where there is a fall in financial markets across the Union which is unforeseen, sharp and steep, and which is different from the downturns that occur as part of the economic cycle ■ .</p>	<p>(30) Article 138(4) is replaced by the following:</p> <p>■ "4. In the event of an exceptional fall in financial markets, as declared by EIOPA, in accordance with this paragraph, and in consultation with the European Systemic Risk Board established under Regulation (EU) No 1092/2010, the supervisory authority may extend the period set out in the second subparagraph of paragraph 3 by an appropriate period of time taking into account all relevant factors including the average duration of the technical provisions.</p> <p>Part of agreement of long-term guarantees.</p> <p>Without prejudice to the powers of the EIOPA under Article 18 of Regulation (EU) No 1094/2010, for the purposes of this paragraph, EIOPA shall, following a request by the supervisory authority concerned, declare the existence of an exceptional fall in financial markets. The supervisory authority concerned may make a request if one or more insurance or reinsurance undertakings are unlikely to meet one of the requirements set out in paragraph 3. An exceptional fall in financial markets exists, where there is fall in financial markets which is unforeseen, sharp and steep, which</p>
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	<p>period defined therein as a consequence of a fall in financial markets which is unforeseen, sharp and steep, which is different from the downturns that occur as part of the economic cycle and which has already affected seriously and adversely the financial situation of one or more insurance and reinsurance undertakings collectively representing a substantial part of the insurance or reinsurance market in one or more Member States.</p> <p>EIOPA shall at least once a month review whether the conditions referred to in the fourth subparagraph still apply as of the date of the review and repeal that decision where one or more of the conditions referred to in the fourth subparagraph on which the decision was based is no longer fulfilled. To this end EIOPA shall address an individual decision to the supervisory authority concerned declaring that an exceptional fall in financial markets has ceased to exist.."</p>	<p>sharp and steep, which is different from the downturns that occur as part of the economic cycle [...] <u>and which has already affected seriously and adversely the financial situation of one or more insurance and reinsurance undertakings in one or more Member States.</u></p> <p>EIOPA shall at least once a month review whether the conditions referred to in the fourth subparagraph still apply as of the date of the review [...]. To this end EIOPA shall [...] <u>declare, either following the request by the supervisory authority concerned or on its own initiative, [...]</u> <u>when</u> an exceptional fall in financial markets has ceased to exist."</p>	<p>EIOPA shall at least once a month review whether the conditions referred to in the <i>previous</i> subparagraph still apply as of the date of the review []. To this end EIOPA <i>may, upon a request by the supervisory authority concerned or on its own initiative, adopt a decision determining that the</i> exceptional fall in financial markets has ceased to exist.</p> <p><i>Without prejudice to their competences, the supervisory authorities concerned shall inform in the framework of the colleges of supervisors its decision to refuse the extension of the period referred to in subparagraph 5.</i></p> <p><i>Where there are diverging views in the college of supervisors concerning the refusal by the supervisory authority concerned to extend the period referred to in subparagraph 5, the group supervisor or any of the other supervisory authorities may consult EIOPA. EIOPA shall be consulted during one month and all supervisory authorities concerned shall be</i></p>	<p>is different from the downturns that occur as part of the economic cycle and which has already <u>or is likely to</u> seriously and adversely affect the financial situation of one or more insurance and reinsurance undertakings.</p> <p>EIOPA shall at least once a month review whether the conditions referred to in the <i>previous</i> subparagraph still apply as of the date of the review. To this end EIOPA shall declare, either following the request by the supervisory authority concerned or on its own initiative, when an exceptional fall in financial markets has ceased to exist.</p> <p><i>[Without prejudice to their competences, the supervisory authorities concerned shall inform in the framework of the colleges of supervisors its decision to refuse the extension of the period referred to in subparagraph 5.</i></p> <p><i>Where there are diverging views in the college of supervisors concerning the refusal by the supervisory authority concerned to extend the period referred to in subparagraph 5, the group supervisor or any of the other supervisory authorities may consult EIOPA. EIOPA shall be consulted during one month and all supervisory authorities concerned shall be</i></p>
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			<p><i>informed. Where EIOPA has been consulted, the supervisory authority concerned shall duly consider such advice before taking its decision. In accordance with Article 19(2) of Regulation (EU) No 1094/2010, EIOPA shall act as a mediator at that stage.</i></p> <p><i>Where, at the end of the period referred to in subparagraph 7 of this Article, if no agreement has been reached within the college, the group supervisor or any of the supervisory authorities concerned has referred the refusal of the supervisory authority concerned to EIOPA in accordance with Article 19 of Regulation (EU) No 1094/2010, the supervisory authority concerned shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take its decision in conformity with EIOPA's decision.</i></p> <p><i>The period referred to in subparagraphs 6 and 7, shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation. EIOPA shall take its decision within two months. The matter shall not be referred to EIOPA after the end of the period referred to in paragraph or after an agreement among supervisory authorities concerned has been reached.</i></p> <p><i>The insurance or reinsurance undertaking concerned shall, every three months, submit a progress report to its supervisory authority setting out the measures taken and the progress made to</i></p>	<p><i>informed. Where EIOPA has been consulted, the supervisory authority concerned shall duly consider such advice before taking its decision. In accordance with Article 19(2) of Regulation (EU) No 1094/2010, EIOPA shall act as a mediator at that stage.</i></p> <p><i>Where, at the end of the period referred to in subparagraph 7 of this Article, if no agreement has been reached within the college, the group supervisor or any of the supervisory authorities concerned has referred the refusal of the supervisory authority concerned to EIOPA in accordance with Article 19 of Regulation (EU) No 1094/2010, the supervisory authority concerned shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take its decision in conformity with EIOPA's decision.</i></p> <p><i>The period referred to in subparagraphs 6 and 7, shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation. EIOPA shall take its decision within two months. The matter shall not be referred to EIOPA after the end of the period referred to in paragraph or after an agreement among supervisory authorities concerned has been reached.]</i></p> <p><i>The insurance or reinsurance undertaking concerned shall, every three months, submit a progress report to its supervisory authority setting out the measures taken and the progress made to</i></p>
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			<p>re-establish the level of eligible own funds covering the Solvency Capital Requirement or to reduce the risk profile to ensure compliance with the Solvency Capital Requirement.</p> <p>The extension referred to in the first subparagraph shall be withdrawn where that progress report shows that there was no significant progress in achieving the re-establishment of the level of eligible own funds covering the Solvency Capital Requirement or the reduction of the risk profile to ensure compliance with the Solvency Capital Requirement between the date of the observation of non-compliance of the Solvency Capital Requirement and the date of the submission of the progress report.";</p> <p>█</p>	<p>re-establish the level of eligible own funds covering the Solvency Capital Requirement or to reduce the risk profile to ensure compliance with the Solvency Capital Requirement.</p> <p>The extension referred to in the first subparagraph shall be withdrawn where that progress report shows that there was no significant progress in achieving the re-establishment of the level of eligible own funds covering the Solvency Capital Requirement or the reduction of the risk profile to ensure compliance with the Solvency Capital Requirement between the date of the observation of non-compliance of the Solvency Capital Requirement and the date of the submission of the progress report.";</p> <p>Comments: Paragraph references to be checked Binding mediation issues linked to Articles 239 and 250.</p>
Art. 2 point 31 Art. 143	(31) Article 143 is replaced by the following: <i>" Article 143 Delegated acts</i>	(31) Article 143 is replaced by the following: <i>" Article 143 Delegated acts</i>	(31) Article 143 is replaced by the following: <i>"Article 143 Regulatory technical standards concerning Article 138(4)</i>	(31) Article 143 is replaced by the following: <i>"Article 143 Delegated acts <u>and</u> Regulatory <u>and</u> implementing technical standards</i>



	<p>1. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying the procedures to be followed by EIOPA when determining the existence of an exceptional fall in the financial markets, and the factors to be taken into account for the purpose of the application of Article 138(4) including the maximum appropriate period of time, expressed in total number of months, which shall be the same for all insurance and reinsurance undertakings as referred to in the first subparagraph of Article 138(4).</p>	<p>1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], specifying the procedures [...] and the factors to be taken into account for the purpose of the application of Article 138(4) including the maximum appropriate period of time, expressed in total number of months, which shall be the same for all insurance and reinsurance undertakings as referred to in the first subparagraph of Article 138(4).</p>	<p>1. <i>In order to ensure consistent harmonisation in relation to Article 138(4), EIOPA shall develop draft regulatory technical standards to specify the factors and criteria to be taken into account for the purpose of the application of Article 138(4) including the maximum period of time, expressed in total number of months, which shall be the same for all insurance and reinsurance undertakings as referred to in the first subparagraph of Article 138(4).</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>1a. In order to ensure uniform conditions of application of Article 138(4), EIOPA shall develop draft implementing technical standards to specify the procedures to be followed by EIOPA when determining the existence of an exceptional fall in the financial markets in accordance with Article 138(4).</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to</i></p>	<p><i>concerning Article 138(4)</i></p> <p>Comments: Agreed = Article 143 para. 1 should be DA.</p> <p>1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], specifying the factors and criteria to be taken into account for the purpose of the application of Article 138(4) including the maximum period of time, expressed in total number of months, which shall be the same for all insurance and reinsurance undertakings as referred to in the first subparagraph of Article 138(4).</p> <p>Comments: Council = ITS in para. 1a is OK</p> <p><i>1a. In order to ensure uniform conditions of application of Article 138(4), EIOPA shall develop draft implementing technical standards to specify the procedures to be followed by EIOPA when determining the existence of an exceptional fall in the financial markets in accordance with Article 138(4).</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by <u>30 June 2013</u>.</i></p>
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	<p>2. Where it is necessary to enhance convergence, the Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, laying down further specifications with respect to the recovery plan referred to in Article 138(2), the finance scheme referred to in Article 139(2) and with respect to Article 141, taking due care to avoid pro-cyclical effects."</p>	<p>2. Where it is necessary to enhance convergence, the Commission may adopt delegated acts, in accordance with Article 301a[...], laying down further specifications with respect to the recovery plan referred to in Article 138(2), the finance scheme referred to in Article 139(2) and with respect to Article 141, taking due care to avoid pro-cyclical effects."</p>	<p><i>adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p> <p><i>2. In order to ensure consistent harmonisation in relation to Article 138(2), Article 139(2) and Article 141, EIOPA shall develop draft regulatory technical standards to specify the recovery plan referred to in Article 138(2), and the finance scheme referred to in Article 139(2) and with respect to Article 141, taking due care to avoid pro cyclical effects."</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i></p>	<p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p> <p>Comments: Agreed = RTS in Article 143 para. 2 is OK. <i>2. In order to ensure consistent harmonisation in relation to Article 138(2), Article 139(2) and Article 141, EIOPA shall develop draft regulatory technical standards to specify the recovery plan referred to in Article 138(2), and the finance scheme referred to in Article 139(2) and with respect to Article 141, taking due care to avoid pro cyclical effects."</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i></p>
<p>Art. 2 point 31 a (new)</p> <p>Art. 149</p>		<p><u>(31a) Article 149 is replaced by the following:</u></p> <p><u>"Article 149</u> <u>Changes in the nature of the risks or commitments</u></p> <p><u>Any change which an insurance undertaking intends to make to the information referred</u></p>	<p><u>(31a) Article 149 is replaced by the following:</u></p> <p><u>"Any change which an insurance undertaking intends to make to the</u></p>	<p><u>(31a) Article 149 is replaced by the following:</u></p> <p><u>"Article 149</u> <u>Changes in the nature of the risks or commitments</u></p> <p><u>"Any change which an insurance undertaking intends to make to the</u></p>



		<u>to in Article 147 shall be subject to the procedure provided for in that Article and Article 148."</u>	information referred to in Article 147 shall be subject to the procedure provided for in Articles 147 and 148.";	information referred to in Article 147 shall be subject to the procedure provided for in Articles 147 and 148.";
Art. 2 point 32 Art. 155 para 3 subpara 1a (new)	(32) The following subparagraph is inserted after the first subparagraph of Article 155(3): "In addition, the supervisory authority of the host Member State may refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation .../2010 [EIOPA]. In that case, EIOPA may act in accordance with the powers conferred on it by that Article."	(32) The following subparagraph is inserted after the first subparagraph of Article 155(3): "In addition, the supervisory authority of the host Member State may refer the matter to EIOPA [...] in accordance with Article 19 of Regulation 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by [...] Article 19 of <u>that Regulation</u> ."	(32) the following subparagraph is inserted after the first subparagraph of Article 155(3): "In addition, the supervisory authority of the <i>home or the</i> host Member State may refer the matter to EIOPA and request its assistance in accordance with Article 19, paragraphs 1 to 4 and 6 of Regulation (EU) No 1094/2010 . In that case, EIOPA may act in accordance with the powers conferred on it by that Article.";	(32) the following subparagraph is inserted after the first subparagraph of Article 155(3): "In addition, the supervisory authority of the <i>home or the</i> host Member State may refer the matter to EIOPA and request its assistance in accordance with Article 19, paragraphs 1 to 4 and 6 of Regulation (EU) No 1094/2010 . In that case, EIOPA may act in accordance with the powers conferred on it by that Article.";
Art. 2 point 32a (new) Art. 155 para 9			(32a) in Article 155, paragraph 9 is replaced by the following: "9. Member States shall inform the Commission and EIOPA of the number and types of cases which led to refusals under Articles 146 and 148 or in which measures have been taken under paragraphs 3 and 4 of this Article.";	(32a) in Article 155, paragraph 9 is replaced by the following: "9. Member States shall inform the Commission and EIOPA of the number and types of cases which led to refusals under Articles 146 and 148 or in which measures have been taken under paragraphs 3 and 4 of this Article.";
Art. 2 point 33 Art. 158 para 2 supara 1a (new)	(33) The following subparagraph is inserted after the first subparagraph of Article 158(2): In addition, the supervisory authority of the host Member State may refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation .../2010 [EIOPA]. In that case, EIOPA may act in accordance with the powers conferred on it by that article."	(33) The following subparagraph is inserted after the first subparagraph of Article 158(2): "In addition, the supervisory authority of the host Member State may refer the matter to EIOPA [...] in accordance with Article 19 of Regulation 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by [...] Article 19 of <u>that Regulation</u> ."	(33) in Article 158(2) , the following subparagraph is inserted after the first subparagraph: "In addition, the supervisory authority of the <i>home or the</i> host Member State may refer the matter to EIOPA and request its assistance in accordance with Article 19(1) to (4) and (6) of Regulation (EU) No 1094/2010 . In that case, EIOPA may act in accordance with the powers conferred on it by that article.";	(33) in Article 158(2) , the following subparagraph is inserted after the first subparagraph: "In addition, the supervisory authority of the <i>home or the</i> host Member State may refer the matter to EIOPA and request its assistance in accordance with Article 19(1) to (4) and (6) of Regulation (EU) No 1094/2010 . In that case, EIOPA may act in accordance with the powers conferred on it by that article.";
Art. 2 point			(33a) Article 159 is replaced by the following:	(33a) Article 159 is replaced by the following:



<p>33a (new)</p> <p>Art. 159</p>			<p style="text-align: center;">"Article 159 Statistical information on cross-border activities</p> <p>Every insurance undertaking shall inform the competent supervisory authority of its home Member State, separately in respect of transactions carried out under the right of establishment and those carried out under the freedom to provide services, of the amount of the premiums, claims and commissions, without deduction of reinsurance, by Member State and as follows:</p> <p>(a) for non-life insurance, by <i>lines of business</i> as set out in <i>the corresponding delegated act</i>;</p> <p>(b) for life insurance, by each <i>line of business I to IX</i>, as set out in <i>the corresponding delegated act</i>.</p> <p>As regards class 10 in Part A of Annex I, not including carrier's liability, the undertaking concerned shall also inform that supervisory authority of the frequency and average cost of claims.</p> <p>The supervisory authority of the home Member State shall forward the information referred to in the first and second subparagraphs within a reasonable time and in aggregate form to the supervisory authorities of each of the Member States concerned upon their</p>	<p style="text-align: center;">"Article 159 Statistical information on cross-border activities</p> <p>[Every insurance undertaking shall inform the competent supervisory authority of its home Member State, separately in respect of transactions carried out under the right of establishment and those carried out under the freedom to provide services, of the amount of the premiums, claims and commissions, without deduction of reinsurance, by Member State and as follows:</p> <p>(a) for non-life insurance, by <i>lines of business</i> as set out in <i>the corresponding delegated act</i>;</p> <p>(b) for life insurance, by each <i>line of business I to IX</i>, as set out in <i>the corresponding delegated act</i>.</p> <p>As regards class 10 in Part A of Annex I, not including carrier's liability, the undertaking concerned shall also inform that supervisory authority of the frequency and average cost of claims.</p> <p>The supervisory authority of the home Member State shall forward the information referred to in the first and second subparagraphs within a reasonable time and in aggregate form to the supervisory authorities of each of the Member States concerned upon their</p>
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			request.";	request."]; Comments: COM: Lines of business reporting in delegated acts only refers to reporting on technical provisions. In addition, supervisory action may be taken on this basis, e.g. withdrawal of authorisation if no business is underwritten.
Art. 2 point 34	(35) (a) paragraph 1 is replaced by the following:	(35) (a) paragraph 1 is replaced by the following:	(34) Article 172 is <i>replaced by the following</i> :	(34) Article 172 is <i>replaced by the following</i> :
Art. 172 Art. 2 point 35 point a Art. 172 para 1, para 2, para 3	"1. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying the criteria to assess whether the solvency regime of a third country applied to reinsurance activities of undertakings with their head office in that third country is equivalent to that laid down in Title I...."	"1. The Commission shall adopt delegated acts, in accordance with Article 301a[...], specifying the criteria to assess whether the solvency regime of a third country applied to reinsurance activities of undertakings with their head office in that third country is equivalent to that laid down in Title I."	"Article 172 <i>Equivalence in relation to reinsurance undertakings</i> 1. The Commission shall adopt delegated acts, in accordance with Article 301a, specifying the criteria to assess whether the supervisory regime of a third country applied to reinsurance activities of undertakings with their head office in that third country is equivalent to that laid down in Title I . 2. If the criteria adopted in accordance with paragraph 1 have been fulfilled by a third country, the Commission may, in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the supervisory regime of that third country applied to reinsurance activities of undertakings with the head office in that third country is equivalent to that laid down in Title I of this Directive. <i>Those decisions shall be regularly</i>	"Article 172 <i>Equivalence in relation to reinsurance undertakings</i> 1. The Commission shall adopt delegated acts, in accordance with Article 301a, specifying the criteria to assess whether the solvency regime of a third country applied to reinsurance activities of undertakings with their head office in that third country is equivalent to that laid down in Title I . 2. If the criteria adopted in accordance with paragraph 1 have been fulfilled by a third country, the Commission may, in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the solvency regime of that third country applied to reinsurance activities of undertakings with the head office in that third country is equivalent to that laid down in Title I of this Directive.



			<p><i>reviewed, to take into account any significant changes to the supervisory regime laid down in Title I, and to the supervisory regime in the third country.</i></p> <p><i>EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p> <p><i>3. Where in accordance with paragraph 2, the supervisory regime of a third country has been deemed to be equivalent to that laid down in this Directive, reinsurance contracts concluded with undertakings having their head office in that third country shall be treated in the same manner as reinsurance contracts concluded with undertakings authorised in accordance with this Directive.</i></p>	<p><i>Those decisions shall be regularly reviewed, to take into account any significant changes to the supervisory regime laid down in Title I, and to the supervisory regime in the third country.</i></p> <p><i>EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p> <p><i>3. Where in accordance with paragraph 2, the <u>solvency</u> regime of a third country has been deemed to be equivalent to that laid down in this Directive, reinsurance contracts concluded with undertakings having their head office in that third country shall be treated in the same manner as reinsurance contracts concluded with undertakings authorised in accordance with this Directive.</i></p>
<p>Art. 2 point 35 point a Art. 172 para 1, point a1</p>		<p><u>(a1) paragraph 2 is replaced by the following:</u></p> <p><u>"2. The Commission may, in accordance with the examination procedure referred to in Article 301(2) and taking into account the criteria adopted in accordance with paragraph 1, decide whether the solvency regime of a third country applied to reinsurance activities of undertakings with their head office in that third country is equivalent to that laid down in Title I.</u></p> <p><u>Those decisions shall be regularly reviewed."</u></p>		



<p>Art. 2 point 35 point b</p>	<p>(b) the following new paragraphs 4, 5 and 6 are added:</p>	<p>(b) the following new paragraphs 4, 5 and 6 are added:</p>		
<p>Art. 172 para 3a (new)</p>	<p>"4. By way of derogation from paragraph 3 and the second subparagraph of Article 134(1), the same treatment as in Article 172(3) and the second subparagraph of Article 134(1) shall be accorded, for a transitional period, to reinsurance contracts concluded with undertakings having their head office in a third country the solvency regimes of which are unlikely, by 31 December 2012, to fully meet the criteria for assessing equivalence, referred to in paragraph 1. The transitional period shall last for a maximum of 5 years from the date referred to in the first sub-paragraph of Article 309(1). This derogation shall only apply where the Commission has made a decision in accordance with paragraph 6 that specified conditions have been met by the third country.</p> <p>5. The Commission may adopt delegated acts, in accordance with Article 301a and</p>	<p>"4. By way of derogation from paragraph [...] 2 [...], the same treatment as in [...] paragraph 3 and the second subparagraph of Article 134(1) shall be accorded, for a transitional period, to reinsurance contracts concluded with undertakings having their head office in a third country the solvency regimes of which are unlikely, by 31 December 2013, to fully meet the criteria for assessing equivalence, referred to in paragraph 1. The transitional period shall last [...] from 1 January 2014 until 31 December 2018 or until the date on which, in accordance with paragraph 2 of this Article, the solvency regime of that third country has been deemed to be equivalent to that laid down in Title I, whichever is the earliest. This derogation shall only apply where the Commission has made a decision in accordance with paragraph 6 that specified conditions have been met by the third country.</p> <p>No later than 3 years after 1 January 2014, the Commission shall review in relation to each third country for which the Commission has made a decision in accordance with paragraph 6, the progress on convergence to an equivalent regime that has been made by the third country.</p> <p>5. The Commission may adopt delegated acts, in accordance with Article 301a [...],</p>	<p>4. By way of derogation from paragraph 2, <i>and even if the criteria specified in accordance with paragraph 1 have not been fulfilled, the Commission may, for a limited period and in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the supervisory regime of a third country applied to reinsurance activities of undertakings with the head office in that third country is temporarily equivalent to that laid down in Title I, if that third country has complied with at least the following criteria:</i></p> <p>(a) <i>it has given written commitments to the Union to adopt and apply a supervisory regime that is capable of being assessed equivalent in accordance with paragraph 2, before the end of that limited period;</i></p> <p>(b) <i>it has established a convergence programme to fulfil the commitment under point (a);</i></p> <p>(c) <i>it has allocated sufficient resources to fulfil the commitment under point (a);</i></p> <p>(d) <i>it has a solvency regime that is risk based and based on economic valuation of assets and liabilities;</i></p>	<p>4. By way of derogation from paragraph 2, <i>and even if the criteria specified in accordance with paragraph 1 have not been fulfilled, the Commission may, for a limited period and in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the solvency regime of a third country applied to reinsurance activities of undertakings with the head office in that third country is temporarily equivalent to that laid down in Title I, if that third country has complied with at least the following criteria:</i></p> <p>(a) <i>it has given a commitment to the Union to adopt and apply a solvency regime that is capable of being assessed equivalent in accordance with paragraph 2, before the end of that limited period and to engage in the equivalence assessment process;</i></p> <p>(b) <i>it has established a work programme to fulfil the commitment under point (a);</i></p> <p>(c) <i>it has allocated sufficient resources to fulfil the commitment under point (a);</i></p> <p>(d) <i>it has a solvency regime that is risk based and establishes quantitative and qualitative solvency requirements and requirements relating to supervisory</i></p>



	<p>subject to the conditions of Articles 301b and 301c, specifying in relation to paragraph 4 the length of the transitional period which may be shorter than the maximum of 5 years and the conditions which are to be met by the third country. Those conditions shall cover commitments given by the supervisory authorities, their convergence to an equivalent regime over a set period of time, the existing or intended content of the regime, and matters of cooperation, exchange of information and professional secrecy obligations.</p> <p>6. The Commission may, in accordance with the regulatory procedure referred to in Article 301(2), decide in respect of solvency regimes referred to in paragraph 4 that the conditions set out in Article 174(4) and the delegated act have been met by the third country. Those decisions shall be regularly reviewed."</p>	<p>specifying in relation to paragraph 4 [...] the conditions which are to be met by the third country. Those conditions shall cover commitments given by the third countries, their convergence to an equivalent regime over a set period of time, the existing or intended content of the regime, and matters of cooperation, exchange of information and professional secrecy obligations.</p> <p>6. The Commission may, in accordance with the [...] examination procedure referred to in Article 301(2), decide in respect of solvency regimes referred to in paragraph 4 that the conditions set out in paragraph 5 and the delegated act have been met by the third country. Those decisions shall be regularly reviewed."</p>	<p><i>(e) it has concluded agreements to exchange confidential supervisory information, in accordance with Article 264;</i></p> <p><i>(f) it has an independent system of supervision based on core principles, principles and standards adopted by the IAIS;</i></p> <p><i>(g) it has established obligations on professional secrecy for all persons acting on behalf of its supervisory authorities, in particular on the exchange of information with EIOPA and supervisory authorities as defined in Article 13(10).</i></p> <p><i>Any decisions on temporary equivalence shall take into account the reports by the Commission in accordance with Article 177(2). Those decisions shall be regularly reviewed, on the basis of progress reports by the relevant third country, which are presented to and assessed by the Commission and EIOPA every six months.</i></p> <p><i>EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p> <p><i>The Commission may adopt delegated acts,</i></p>	<p><u>reporting and transparency;</u></p> <p><i>(e) it has entered into written arrangements to cooperate and exchange confidential supervisory information with EIOPA and supervisory authorities as defined in Article 13(10);</i></p> <p><i>(f) it has an independent system of supervision;</i></p> <p><i>(g) it has established obligations on professional secrecy for all persons acting on behalf of its supervisory authorities, in particular on the exchange of information with EIOPA and supervisory authorities as defined in Article 13(10).</i></p> <p><i>Any decisions on temporary equivalence shall take into account the reports by the Commission in accordance with Article 177(2). Those decisions shall be regularly reviewed, on the basis of progress reports by the relevant third country, which are presented to and assessed by the Commission annually. EIOPA shall assist the Commission in the assessment of those progress reports</i></p> <p><i>EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p> <p><i>The Commission may adopt delegated acts,</i></p>
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			<p><i>in accordance with Article 301a, further specifying the conditions laid down in the first subparagraph.</i></p> <p><i>5. The period referred to in paragraph 4 shall be five years from 1 January 2014 or until the date on which, in accordance with paragraph 2, the supervisory regime of that third country has been deemed to be equivalent to that laid down in Title I, whichever is the earliest.</i></p> <p><i>That period may be extended with a maximum of one more year, where such time is necessary for EIOPA and the Commission to carry out the assessment of equivalence for the purposes of paragraph 2.</i></p> <p><i>6. Reinsurance contracts concluded with undertakings having their head office in a third country, the supervisory regime of which has been deemed temporarily equivalent in accordance with paragraph 4, shall be accorded the same treatment as the one set out in paragraph 3. Article 173 shall also apply to reinsurance undertakings having their head office in a third country, the supervisory regime of which has been deemed temporarily equivalent in accordance with paragraph 4.</i></p>	<p><i>in accordance with Article 301a, further specifying the conditions laid down in the first subparagraph.</i></p> <p><i>5. The period referred to in paragraph 4 shall be five years from 1 January 2014 or until the date on which, in accordance with paragraph 2, the supervisory regime of that third country has been deemed to be equivalent to that laid down in Title I, whichever is the earliest.</i></p> <p><i>That period may be extended with a maximum of one more year, where such time is necessary for EIOPA and the Commission to carry out the assessment of equivalence for the purposes of paragraph 2.</i></p> <p><i>6. Reinsurance contracts concluded with undertakings having their head office in a third country, the supervisory regime of which has been deemed temporarily equivalent in accordance with paragraph 4, shall be accorded the same treatment as the one set out in paragraph 3. Article 173 shall also apply to reinsurance undertakings having their head office in a third country, the supervisory regime of which has been deemed temporarily equivalent in accordance with paragraph 4.</i></p>
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<p>Art. 2 point 35a (new)</p> <p>Art. 176</p>			<p><i>(35a) Article 176 is replaced by the following:</i></p> <p style="text-align: center;">"Article 176 Information from Member States to the Commission and EIOPA</p> <p>The supervisory authorities of the Member States shall inform the Commission, <i>EIOPA</i> and the supervisory authorities of the other Member States of any authorisation of a direct or indirect subsidiary, one or more of whose parent undertakings are governed by the laws of a third country.</p> <p>That information shall also contain an indication of the structure of the group concerned.</p> <p>Where an undertaking governed by the law of a third country acquires a holding in an insurance or reinsurance undertaking authorised in the <i>Union</i> which would turn that insurance or reinsurance undertaking into a subsidiary of that third country undertaking, the supervisory authorities of the home Member State shall inform the Commission, <i>EIOPA</i> and the supervisory authorities of the other Member States.";</p>	<p><i>(35a) Article 176 is replaced by the following:</i></p> <p style="text-align: center;">"Article 176 Information from Member States to the Commission and EIOPA</p> <p>The supervisory authorities of the Member States shall inform the Commission, <i>EIOPA</i> and the supervisory authorities of the other Member States of any authorisation of a direct or indirect subsidiary, one or more of whose parent undertakings are governed by the laws of a third country.</p> <p>That information shall also contain an indication of the structure of the group concerned.</p> <p>Where an undertaking governed by the law of a third country acquires a holding in an insurance or reinsurance undertaking authorised in the <i>Union</i> which would turn that insurance or reinsurance undertaking into a subsidiary of that third country undertaking, the supervisory authorities of the home Member State shall inform the Commission, <i>EIOPA</i> and the supervisory authorities of the other Member States.";</p>
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Art. 2 point 35b (new) Art. 177, para. 1			Article 177(1) is replaced by the following: "1. Member States shall inform the Commission and EIOPA of any general difficulties encountered by their insurance or reinsurance undertakings in establishing themselves and operating in a third country or pursuing activities in a third country.";	Article 177(1) is replaced by the following: "1. Member States shall inform the Commission and EIOPA of any general difficulties encountered by their insurance or reinsurance undertakings in establishing themselves and operating in a third country or pursuing activities in a third country.";
Art. 2 point 36 Art. 210 para. 2	(36) Article 210 (2) is replaced by the following: "2. The Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying the provisions of paragraph 1 with respect to the monitoring, management and control of risks arising from finite reinsurance activities."	(36) Article 210 (2) is replaced by the following: "2. The Commission may adopt delegated acts, in accordance with Article 301a[...], specifying the provisions of paragraph 1 with respect to the monitoring, management and control of risks arising from finite reinsurance activities."	(36) Article 210(2) is replaced by the following: "2. In order to ensure consistent harmonisation in relation to finite reinsurance, EIOPA shall develop draft regulatory technical standards to specify the monitoring, management and control of risks arising from finite reinsurance activities. <i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i> <i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i> <i>2a. In order to ensure uniform conditions of application of paragraph 1, EIOPA shall develop draft implementing technical standards on the reporting procedures to be followed and formats and templates to be used.</i>	Agreed = Article 210 para. 2 should be DA. (36) Article 210(2) is replaced by the following: "2. The Commission may adopt delegated acts, in accordance with Article 301a[...], specifying the provisions of paragraph 1 with respect to the monitoring, management and control of risks arising from finite reinsurance activities." Comments: ITS is not necessary as this is covered by art



			<p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>	35. para 9 and 10. ITS will be deleted.
Art. 2 point 37 Art. 211	(37) Article 211 is amended as follows	(37) Article 211 is amended as follows	(37) <i>In Article 211, paragraphs 2 and 3 are replaced by the following:</i>	(37) <i>In Article 211, paragraphs 2 and 3 are replaced by the following:</i>
Art. 2 point 37 point a Art. 211 para 2 and 3	<p>(a) Paragraphs 2 and 3 are replaced by the following:</p> <p>"2. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, laying down the following:</p> <p>(a) the scope of authorisation;</p> <p>(b) mandatory conditions to be included in all contracts issued;</p> <p>(c) fit and proper requirements as referred to in Article 42 of the persons running the special purpose vehicle;</p> <p>(d) fit and proper requirements for shareholders or members having a qualifying holding in the special purpose vehicle;</p> <p>(e) sound administrative and accounting procedures, adequate internal control</p>	<p>(a) Paragraphs 2 and 3 are replaced by the following:</p> <p>"2. The Commission shall adopt delegated acts, in accordance with Article 301a[...], laying down the following:</p> <p>(a) the scope of authorisation;</p> <p>(b) mandatory conditions to be included in all contracts issued;</p> <p>(c) fit and proper requirements as referred to in Article 42 of the persons running the special purpose vehicle;</p> <p>(d) fit and proper requirements for shareholders or members having a qualifying holding in the special purpose vehicle;</p> <p>(e) sound administrative and accounting</p>	<p>"2. <i>In order to ensure consistent harmonisation in relation to Article 211(1), EIOPA shall develop draft regulatory technical standards to specify the following criteria for supervisory approval:</i></p> <p>(a) the scope of authorisation;</p> <p>(b) mandatory conditions to be included in all contracts issued;</p> <p>(c) fit and proper requirements as referred to in Article 42 of the persons running the special purpose vehicle;</p> <p>(d) fit and proper requirements for shareholders or members having a qualifying holding in the special purpose vehicle;</p> <p>(e) sound administrative and accounting</p>	<p>Comments:</p> <p>Council = Article 211 para. 2 should be DA, COM = suggests to delete "<i>criteria for supervisory approval</i>", as this DA/RTS does not only refer to "approval"</p> <p>2. The Commission shall adopt delegated acts, in accordance with Article 301a[...], <i>specifying the following criteria for supervisory approval:</i></p> <p>(a) the scope of authorisation;</p> <p>(b) mandatory conditions to be included in all contracts issued;</p> <p>(c) fit and proper requirements as referred to in Article 42 of the persons running the special purpose vehicle;</p> <p>(d) fit and proper requirements for shareholders or members having a qualifying holding in the special purpose vehicle;</p>



	<p>mechanisms and risk-management requirements;</p> <p>(f) accounting, prudential and statistical information requirements;</p> <p>(g) solvency requirements.</p> <p>The Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, laying down the procedures for supervisory approval of special purpose vehicles and, where the special purpose vehicle which assumes risk from an insurance or reinsurance undertaking is established in a Member State which is not the Member State in which the insurance or reinsurance undertaking is authorised, the procedures for cooperation and exchange of information between supervisory authorities.</p>	<p>procedures, adequate internal control mechanisms and risk-management requirements;</p> <p>(f) accounting, prudential and statistical information requirements;</p> <p>(g) solvency requirements.</p> <p>The Commission may adopt delegated acts, in accordance with Article 301a [...], laying down the procedures for supervisory approval of special purpose vehicles and, where the special purpose vehicle which assumes risk from an insurance or reinsurance undertaking is established in a Member State which is not the Member State in which the insurance or reinsurance undertaking is authorised, the procedures for cooperation and exchange of information between supervisory authorities.</p>	<p>procedures, adequate internal control mechanisms and risk-management requirements;</p> <p>(f) accounting, prudential and statistical information requirements;</p> <p>(g) solvency requirements.</p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>2a. In order to ensure uniform conditions of application of Article 211(1) and (2), EIOPA shall develop draft implementing technical standards on the procedures to be followed and formats and templates to be used for granting supervisory approval to establish special purpose vehicles.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p>	<p>(e) sound administrative and accounting procedures, adequate internal control mechanisms and risk-management requirements;</p> <p>(f) accounting, prudential and statistical information requirements;</p> <p>(g) solvency requirements.</p> <p>Comments: Council = ITS in para. 2a and 2b is OK.</p> <p><i>2a. In order to ensure uniform conditions of application of Article 211(1) and (2), EIOPA shall develop draft implementing technical standards on the procedures to be followed for granting supervisory approval to establish special purpose vehicles and formats and templates to be used for the purposes of paragraph 1f.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by <u>31 March 2013</u>.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p>
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	<p>3. Special purpose vehicles authorised prior to 31 December 2012 shall be subject to the law of the Member State that authorised the special purpose vehicle. However, any new activity commenced by such a special purpose vehicle after that date shall be subject to paragraphs 1 and 2."</p>	<p>3. Special purpose vehicles authorised prior to 31 December 2013 shall be subject to the law of the Member State that authorised the special purpose vehicle. However, any new activity commenced by such a special purpose vehicle after that date shall be subject to paragraphs 1 and 2."</p>	<p><i>2b. In order to ensure uniform conditions of application of Article 211(1) and (2), EIOPA may develop draft implementing technical standards on the procedures to be followed and formats and templates to be used for the cooperation and exchange of information between supervisory authorities, where the special purpose vehicle which assumes risk from an insurance or reinsurance undertaking is established in a Member State which is not the Member State in which the insurance or reinsurance undertaking is authorised.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p> <p>3. Special purpose vehicles authorised prior to 31 December 2012 shall be subject to the law of the Member State that authorised the special purpose vehicle. However, any new activity commenced by such a special purpose vehicle after that date shall be subject to <i>paragraphs 1, 2 and 2a.</i>";</p>	<p><i>2b. In order to ensure uniform conditions of application of Article 211(1) and (2), EIOPA may develop draft implementing technical standards on the procedures to be followed and formats and templates to be used for the cooperation and exchange of information between supervisory authorities, where the special purpose vehicle which assumes risk from an insurance or reinsurance undertaking is established in a Member State which is not the Member State in which the insurance or reinsurance undertaking is authorised.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p> <p>3. Special purpose vehicles authorised prior to 31 December 2013 shall be subject to the law of the Member State that authorised the special purpose vehicle. However, any new activity commenced by such a special purpose vehicle after that date shall be subject to <i>paragraphs 1, 2 and 2a.</i>";</p>
<p>Art. 2 point 37 point a</p> <p>Art. 211 para 3a (new)</p>	<p>(b) The following paragraph 4 is added:</p> <p>"4. Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of this Article as supplemented by the delegated acts referred to in paragraph 2 concerning the matters</p>	<p>(b) The following paragraph 4 is added:</p> <p>"4. <u>In order to ensure uniform conditions of application of the provisions referred to in paragraph 2, EIOPA [...] may develop draft implementing technical standards [...] concerning the matters covered by those delegated acts, specifically with regard to</u></p>		<p>Comments: deletion = included in para 2a/2b</p>



	<p>covered by those delegated acts, specifically with regard to the procedure to be followed for granting supervisory approval of special purpose vehicles and the procedures for cooperation and exchange of information between supervisory authorities.</p> <p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p>the procedure to be followed for granting supervisory approval of special purpose vehicles and the procedures for cooperation and exchange of information between supervisory authorities. [...]</p> <p><u>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</u></p>		
<p>Art. 2 point 37a (new)</p> <p>Art. 212 para 1 point e</p>			<p><i>(37a) In Article 212(1), point (e) is replaced by following:</i></p> <p>"(e) 'college of supervisors' means a permanent but flexible structure for the cooperation, coordination and facilitation of decision making concerning the supervision of a group, the members of which are:</p> <ul style="list-style-type: none"> – the group supervisor, – supervisory authorities supervising undertakings of the group, not being the group supervisor, and – EIOPA, which for the purpose of this definition shall be considered a supervisory authority." 	<p><i>(37a) In Article 212(1), point (e) is replaced by following:</i></p> <p>"(e) 'college of supervisors' means a permanent but flexible structure for the cooperation, coordination and facilitation of decision making concerning the supervision of a group;</p>
<p>Art. 2 point 38</p> <p>Art. 216 para 7</p>	<p>(38) Article 216(7) is replaced by the following:</p>	<p>(38) Article 216(7) is replaced by the following:</p>	<p>(38) Article 216 <i>is amended as follows:</i></p> <p><i>(a) in paragraph 1, the second subparagraph is replaced by the following:</i></p> <p>"In such a case, the supervisory authority</p>	<p>(38) Article 216 <i>is amended as follows:</i></p> <p><i>(a) in paragraph 1, the second following subparagraphs is replaced by the following <u>are added:</u></i></p>



			<p>shall explain its decision to both the group supervisor and the ultimate parent undertaking at <i>Union</i> level. <i>The group supervisor shall notify the college of supervisors in accordance with Article 248(1)(a)."</i>;</p> <p>(b) in paragraph 4, the third subparagraph is replaced by the following:</p> <p>"The supervisory authority shall explain such decisions to both the undertaking and the group supervisor. <i>The group supervisor shall notify the college of supervisors in accordance with Article 248(1)(a)."</i>;</p> <p>(c) <i>paragraph 7</i> is replaced by the following:</p> <p>"7. <i>EIOPA shall develop draft regulatory technical standards</i>, specifying the circumstances under which the decision referred to in paragraph 1 can be made. <i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...]</i>.</p> <p><i>Power is delegated to the Commission to adopt those regulatory technical standards in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010."</i>;</p>	<p>"In such a case, the supervisory authority shall explain its decision to both the group supervisor and the ultimate parent undertaking at <i>Union</i> level. <i>The group supervisor shall notify inform the college of supervisors in accordance with Article 248(1)(a).</i></p> <p><u>Articles 218 to 258 shall apply mutatis mutandis subject to the provisions set out in paragraphs 2 to 6."</u>;</p> <p>(b) in paragraph 4, the third subparagraph is replaced by the following:</p> <p>"The supervisory authority shall explain such decisions to both the undertaking and the group supervisor. <i>The group supervisor shall notify the college of supervisors in accordance with Article 248(1)(a)."</i>;</p> <p>(c) <i>paragraph 7</i> is replaced by the following:</p> <p>Comment: Agreed = Article 216 para. 7 should be DA.</p> <p>7. The Commission may adopt delegated acts, in accordance with Article 301a [...], specifying the circumstances under which the decision referred to in paragraph 1 can be made."</p>
Art. 2	(39) Article 217(3) is replaced by the	(39) Article 217(3) is replaced by the	(39) Article 217 <i>is amended as follows:</i>	(39) Article 217 <i>is amended as follows:</i>

[illegible]



			<p>However, where the third country in which that undertaking has its head office makes it subject to authorisation and imposes on it a solvency regime at least equivalent to that laid down in Title I, Chapter VI, Member States may provide that the calculation take into account, as regards that undertaking, the Solvency Capital Requirement and the own funds eligible to satisfy that requirement as laid down by the third country concerned.</p> <p>2. Where no decision has been taken in accordance with paragraph 4 or paragraph 6 the verification of whether the third-country regime is at least equivalent shall be carried out by the group supervisor at the request of the participating undertaking or on its own initiative. <i>EIOPA shall assist the group supervisor in accordance with Article 33(2) of Regulation (EU) No 1094/2010.</i> In so doing, the group supervisor, <i>assisted by EIOPA</i>, shall consult the other supervisory authorities concerned and EIOPA before taking a decision on equivalence. <i>That decision shall be taken in accordance with the criteria adopted in accordance with paragraph 3. The group supervisor shall not take any decision in relation to a third-country that is contradicting any decision taken vis-à-vis that third-country previously save where it is necessary to take into account of significant changes to the supervisory regime laid down in Title I, Chapter VI</i></p>	<p>However, where the third country in which that undertaking has its head office makes it subject to authorisation and imposes on it a solvency regime at least equivalent to that laid down in Title I, Chapter VI, Member States may provide that the calculation take into account, as regards that undertaking, the Solvency Capital Requirement and the own funds eligible to satisfy that requirement as laid down by the third country concerned.</p> <p>2. Where no decision has been taken in accordance with paragraph 4 or <u>paragraph 5</u> the verification of whether the third-country regime is at least equivalent shall be carried out by the group supervisor at the request of the participating undertaking or on its own initiative. <i>EIOPA shall assist the group supervisor in accordance with Article 33(2) of Regulation (EU) No 1094/2010.</i> In so doing, the group supervisor, <i>assisted by EIOPA</i>, shall consult the other supervisory authorities concerned and EIOPA before taking a decision on equivalence. <i>That decision shall be taken in accordance with the criteria adopted in accordance with paragraph 3. The group supervisor shall not take any decision in relation to a third-country that is contradicting any decision taken vis-à-vis that third-country previously save where it is necessary to take into account of significant changes to the supervisory regime laid down in Title I, Chapter VI</i></p>
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			<p><i>and to the supervisory regime in the third country.</i></p> <p><i>Where supervisory authorities disagree with the decision taken in accordance with subparagraph 2, they may refer the matter to EIOPA and request its assistance in accordance with Article 19(1), (2), (3) and (6), of Regulation (EU) No 1094/2010 within three months after notification of the decision by the group supervisor. In that case, EIOPA may act in accordance with the powers conferred on it by that Article.</i></p>	<p><i>and to the supervisory regime in the third country.</i></p> <p><i>Where supervisory authorities disagree with the decision taken in accordance with subparagraph 2, they may refer the matter to EIOPA and request its assistance in accordance with Article 19(1), (2), (3) and (6), of Regulation (EU) No 1094/2010 within three months after notification of the decision by the group supervisor. In that case, EIOPA may act in accordance with the powers conferred on it by that Article.</i></p>
<p>Art. 2 point 41</p> <p>Art. 227 para 3</p>	<p>(41) Article 227(3) is replaced by the following:</p> <p>"3. The Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying the criteria to assess whether the solvency regime in a third country is equivalent to that laid down in Title I, Chapter VI."</p>	<p>(b) Paragraph 3 is replaced by the following:</p> <p>"3. The Commission may adopt delegated acts, in accordance with Article 301a [...], specifying the criteria to assess whether the solvency regime in a third country is equivalent to that laid down in Title I, Chapter VI."</p>	<p>3. The Commission may adopt delegated acts, in accordance with Article 301a specifying the criteria to assess whether the supervisory regime <i>of</i> a third country is equivalent to that laid down in Title I, Chapter VI.</p> <p><i>4. If the criteria adopted in accordance with paragraph 3 have been fulfilled by a third country, the Commission may, in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the supervisory regime of that third country is equivalent to that laid down in Title I, Chapter VI.</i></p> <p><i>Those decisions shall be regularly reviewed, to take into account any significant changes to the supervisory regime laid down in Title I, Chapter VI, and to the supervisory regime in the third</i></p>	<p>3. The Commission may adopt delegated acts, in accordance with Article 301a specifying the criteria to assess whether the solvency regime <i>of</i> a third country is equivalent to that laid down in Title I, Chapter VI.</p> <p><i>4. If the criteria adopted in accordance with paragraph 3 have been fulfilled by a third country, the Commission may, in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the supervisory regime of that third country is equivalent to that laid down in Title I, Chapter VI.</i></p> <p><i>Those decisions shall be regularly reviewed, to take into account any significant changes to the supervisory regime laid down in Title I, Chapter VI, and to the supervisory regime in the third</i></p>



			<p>country. <i>EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p>	<p>country. <i>EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p>
<p>Art. 2 point 42</p> <p>Art. 227 para 5a, 5b (new)</p>	<p>(42) In Article 227 the following paragraphs 6 and 7 are added:</p> <p>"6. By way of derogation from the second subparagraph of paragraph 1, Member States may for a transitional period provide that the group solvency calculation take into account, as regards the undertaking referred to in that subparagraph, the Solvency Capital Requirement and the own funds eligible to satisfy that requirement as laid down by the third country concerned. The transitional period shall last for a maximum of 5 years from the date referred to in the first sub-paragraph of Article 309(1). This derogation shall only apply where the Commission has made a decision in accordance with paragraph 7 that specified conditions have been met by the third country.</p>	<p>(c) Paragraphs 6 to 8 are added:</p> <p>"6. By way of derogation from the second subparagraph of paragraph 1, Member States may for a transitional period provide that the group solvency calculation take into account, as regards the undertaking referred to in that subparagraph, the Solvency Capital Requirement and the own funds eligible to satisfy that requirement as laid down by the third country concerned. The transitional period shall last from <u>1 January 2014 until 31 December 2018 or until the date on which, in accordance with paragraph 4 of this Article, the solvency regime of that third country has been deemed to be equivalent to that laid down in Title I, Chapter VI, whichever is the earliest.</u> This derogation shall only apply where the Commission has made a decision in accordance with paragraph 7 that specified conditions have been met by the third country.</p> <p><u>No later than 3 years after 1 January 2014, the Commission shall review in relation to each third country for which the Commission has made a decision in accordance with paragraph 6, the progress on convergence to an equivalent regime that has been made by the third country.</u></p>	<p>5. By way of derogation from paragraph 4, and even if the criteria specified in accordance with paragraph 3 have not been fulfilled, the Commission may, for a limited period and in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the supervisory regime of a third country applied to undertakings with the head office in that third country is temporarily equivalent to that laid down in Title I, Chapter IV, if that third country has at least complied with the following criteria:</p> <p><i>(a) it has given written commitments to the Union to adopt and apply a supervisory regime that is capable of being assessed equivalent in accordance with paragraph 2, before the end of that limited period;</i></p> <p><i>(b) it has established a convergence programme to fulfil the commitment under point (a);</i></p> <p><i>(c) it has allocated sufficient resources to fulfil the commitment under point (a);</i></p> <p><i>(d) it has a supervisory regime that is risk-based and based on economic valuation of assets and liabilities;</i></p>	<p>5. By way of derogation from paragraph 4, and even if the criteria specified in accordance with paragraph 3 have not been fulfilled, the Commission may, for a limited period and in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the <u>solvency</u> regime of a third country applied to undertakings with the head office in that third country is temporarily equivalent to that laid down in Title I, Chapter IV, if that third country has at least complied with the following criteria:</p> <p><i>(a) it has given <u>a commitment</u> to the Union to adopt and apply a <u>solvency</u> regime that is capable of being assessed equivalent in accordance with paragraph 2, before the end of that limited period <u>and to engage in the equivalence assessment process</u>;</i></p> <p><i>(b) it has established a <u>work</u> programme to fulfil the commitment under point (a);</i></p> <p><i>(c) it has allocated sufficient resources to fulfil the commitment under point (a);</i></p> <p><i>(d) it has a solvency regime that is risk based and <u>establishes quantitative and qualitative solvency requirements and requirements relating to supervisory</u></i></p>



	<p>7. The Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying in relation to paragraph 6 the length of the transitional</p>	<p>7. The Commission may adopt delegated acts, in accordance with Article 301a [...], specifying in relation to paragraph 6 [...] the conditions which are to be met by the third country. Those conditions shall cover</p>	<p><i>(e) it has concluded agreements to exchange confidential supervisory information in accordance with Article 264;</i></p> <p><i>(f) it has an independent system of supervision based on core principles, principles and standards adopted by the IAIS;</i></p> <p><i>(g) it has been established obligations on professional secrecy for all persons acting on behalf of its supervisory authorities, in particular on the exchange of information with EIOPA and supervisory authorities as defined in Article 13(10).</i></p> <p><i>Any decisions on temporary equivalence shall take into account the reports by the Commission in accordance with Article 177(2). Those decisions shall be regularly reviewed on the basis of progress reports by the relevant third country, which are presented to and assessed by the Commission and EIOPA every six months.</i></p> <p><i>EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p> <p><i>The Commission may adopt delegated acts, in accordance with Article 301a, further</i></p>	<p><u>reporting and transparency;</u></p> <p><i>(e) it has entered into written arrangements to cooperate and exchange confidential supervisory information with EIOPA and supervisory authorities as defined in Article 13(10);</i></p> <p><i>(f) it has an independent system of supervision;</i></p> <p><i>(g) it has established obligations on professional secrecy for all persons acting on behalf of its supervisory authorities, in particular on the exchange of information with EIOPA and supervisory authorities as defined in Article 13(10).</i></p> <p><i>Any decisions on temporary equivalence shall take into account the reports by the Commission in accordance with Article 177(2). Those decisions shall be regularly reviewed, on the basis of progress reports by the relevant third country, which are presented to and assessed by the Commission annually. EIOPA shall assist the Commission in the assessment of those progress reports</i></p> <p><i>EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p> <p><i>The Commission may adopt delegated acts, in accordance with Article 301a, further specifying the conditions laid down in the</i></p>
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	<p>period which may be shorter than the maximum of 5 years and the conditions which are to be met by the third country. Those conditions shall cover commitments given by the supervisory authorities, their convergence to an equivalent regime over a set period of time, the existing or intended content of the regime, and matters of cooperation, exchange of information and professional secrecy obligations.</p> <p>8. The Commission may adopt a decision in respect of solvency regimes of third countries, referred to in paragraph 6 that the conditions set out in paragraph 4 and the delegated act have been met by the third country.</p> <p>Those decisions shall be adopted after consultation with the European Insurance and Occupational Pensions Committee and in accordance with the regulatory procedure referred to in Article 301(2). The decisions shall be reviewed regularly."</p>	<p>commitments given by the <u>third countries</u>, their convergence to an equivalent regime over a set period of time, the existing or intended content of the regime, and matters of cooperation, exchange of information and professional secrecy obligations.</p> <p>8. The Commission may adopt a decision in respect of solvency regimes of third countries, referred to in paragraph 6 that the conditions set out in paragraph 7 and the delegated act have been met by the third country.</p> <p>Those decisions shall be adopted after consultation with the European Insurance and Occupational Pensions Committee and in accordance with the [...] <u>examination</u> procedure referred to in Article 301(2). The decisions shall be reviewed regularly."</p>	<p><i>specifying the conditions laid down in the first subparagraph.</i></p> <p><i>6. The period referred to in paragraph 5 shall be five years from the date referred to in Article 310 or until the date on which, in accordance with paragraph 4, the supervisory regime of that third country has been deemed to be equivalent to that laid down in Title I, Chapter VI, whichever is the earliest.</i></p> <p><i>That period may be extended with a maximum of one more year, where such time is necessary for EIOPA and the Commission to carry out the assessment of equivalence for the purposes of paragraph 4.</i></p> <p><i>7. Where in accordance with paragraph 5 a decision has been taken that the supervisory regime of a third country is temporarily equivalent, that third country shall be deemed to be equivalent of the purposes of the second subparagraph of paragraph 1.";</i></p>	<p><i>first subparagraph.</i></p> <p><i>6. The period referred to in paragraph 5 shall be five years from the date referred to in Article 310 or until the date on which, in accordance with paragraph 4, the supervisory regime of that third country has been deemed to be equivalent to that laid down in Title I, Chapter VI, whichever is the earliest.</i></p> <p><i>That period may be extended with a maximum of one more year, where such time is necessary for EIOPA and the Commission to carry out the assessment of equivalence for the purposes of paragraph 4.</i></p> <p><i>7. Where in accordance with paragraph 5 a decision has been taken that the supervisory regime of a third country is temporarily equivalent, that third country shall be deemed to be equivalent of the purposes of the second subparagraph of paragraph 1.";</i></p>
<p>Art. 2 point 42-a</p> <p>Art. 227a (new)</p>				<p>Comment</p> <p>EP Proposal</p> <p>(42-a) The following Article is inserted after Article 227.</p> <p>Article 227a (new)</p> <p>Exceptional circumstances</p> <p>By way of derogation from Article 227, in exceptional circumstances or where the third country does not wish to be assessed</p>



				<p><i>equivalent and even if the criteria specified in that Article have not been fulfilled, the Commission may, for a limited period and in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the solvency regime of a third country applied to undertakings with the head office in that third country is temporarily equivalent for the purposes of Article 227.</i></p>
<p>Art. 2 point 42a (new)</p> <p>Art. 231</p>	<p>(43) Article 231(3) to (6) are replaced by the following:</p>	<p>(43) Article 231 is amended as follows:</p>	<p><i>(42a) Article 231 is replaced by the following:</i></p> <p><i>"Article 231 Group internal model</i></p> <p>1. In the case of an application for permission to calculate the consolidated group Solvency Capital Requirement, as well as the Solvency Capital Requirement of insurance and reinsurance undertakings in the group, on the basis of an internal model, submitted by an insurance or reinsurance undertaking and its related undertakings, or jointly by the related undertakings of an insurance holding company, the supervisory authorities concerned shall cooperate to decide whether or not to grant that permission and to determine the terms and conditions, if any, to which such permission is subject.</p> <p>An application as referred to in the first subparagraph shall be submitted to the group supervisor.</p>	<p><i>(42a) Article 231 is replaced by the following:</i></p> <p><i>"Article 231 Group internal model</i></p> <p>1. In the case of an application for permission to calculate the consolidated group Solvency Capital Requirement, as well as the Solvency Capital Requirement of insurance and reinsurance undertakings in the group, on the basis of an internal model, submitted by an insurance or reinsurance undertaking and its related undertakings, or jointly by the related undertakings of an insurance holding company, the supervisory authorities concerned shall cooperate to decide whether or not to grant that permission and to determine the terms and conditions, if any, to which such permission is subject.</p> <p>An application as referred to in the first subparagraph shall be submitted to the group supervisor.</p>



	<p>"3. During the period referred to in paragraph 2, the group supervisor and any of the other supervisory authorities concerned may consult EIOPA. EIOPA shall also be consulted where the participating undertaking so requests. Where EIOPA is consulted, all supervisory authorities concerned shall be informed and</p>	<p>(a) <u>The last subparagraph of paragraph 1 is replaced by the following:</u> <u>"The group supervisor shall inform EIOPA and the other supervisory authorities concerned without delay."</u></p> <p>(b) Paragraphs (2) to (6) are replaced by the following:</p> <p><u>"2. The group supervisor shall without delay forward the complete application to EIOPA and to the other supervisory authorities concerned and initiate discussions with a view to reaching a joint decision on the application [...]"</u></p> <p><u>[...]The group supervisor shall provide the other supervisory authorities concerned with a document setting out its proposal within five months from the date of receipt of the complete application by the group supervisor.</u></p> <p><u>The supervisory authorities concerned shall do everything within their power to reach a joint decision on the application within six months from the date of receipt of the complete application by the group supervisor.</u></p> <p>[...]</p>	<p>The group supervisor shall inform <i>and forward the complete application to the other members of the college of supervisors</i> without delay.</p> <p>2. The supervisory authorities concerned shall do everything within their power to reach a joint decision on the application within six months from the date of receipt of the complete application by the group supervisor.</p> <p>3. If, within the six-month period referred to in paragraph 2, any of the supervisory authorities concerned has referred the matter to EIOPA in accordance with Article 19 of Regulation (EU) No 1094/2010, the group supervisor shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall</p>	<p>The group supervisor shall inform <i>and forward the complete application to the other members of the college of supervisors</i> without delay.</p> <p>2. The supervisory authorities concerned shall do everything within their power to reach a joint decision on the application within six months from the date of receipt of the complete application by the group supervisor.</p> <p>3. If, within the six-month period referred to in paragraph 2, any of the supervisory authorities concerned has referred the matter to EIOPA in accordance with Article 19 of Regulation (EU) No 1094/2010, the group supervisor shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall</p>
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<p>the period referred to in paragraph 2 shall be extended by two months.</p> <p>4. The group supervisor shall provide the applicant with a document setting out the fully reasoned joint decision referred to in paragraph 2.</p> <p>Where EIOPA has been consulted in accordance with paragraph 3, the supervisory authorities concerned shall duly consider such advice before taking their joint decision. The group supervisor shall provide the applicant with a document setting out the fully reasoned joint decision and an explanation of any significant</p>	<p>4. The group supervisor shall provide the applicant with a document setting out the fully reasoned joint decision referred to in paragraph 2.</p>	<p><i>take its decision in conformity with EIOPA's decision. That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</i></p> <p><i>If, in accordance with Article 41(2) and (3) and Article 44(1)(3) of Regulation (EU) No 1094/2010, the decision proposed by the panel is rejected, the group supervisor shall take a final decision. That decision shall be recognised as determinative and applied by the supervisory authorities concerned. The six-month period shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</i></p> <p><i>EIOPA shall take its decision within one month. The matter shall not be referred to EIOPA after the end of the six-month period or after a joint decision has been reached.</i></p> <p><i>4. EIOPA may develop draft implementing technical standards to ensure uniform conditions of application of the joint decision process referred to in paragraph 2 with regard to the applications for permissions referred to in paragraph 1, with a view to facilitating joint decisions.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p>	<p><i>take its decision in conformity with EIOPA's decision. That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</i></p> <p><i>If, in accordance with Article 41(2) and (3) and Article 44(1)(3) of Regulation (EU) No 1094/2010, the decision proposed by the panel is rejected, the group supervisor shall take a final decision. That decision shall be recognised as determinative and applied by the supervisory authorities concerned. The six-month period shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</i></p> <p><i>EIOPA shall take its decision within one month. The matter shall not be referred to EIOPA after the end of the six-month period or after a joint decision has been reached.</i></p> <p>Comments: Council= ITS in para 4 is OK</p> <p><i>4. EIOPA may develop draft implementing technical standards to ensure uniform conditions of application of the joint decision process referred to in paragraph 2 with regard to the applications for permissions referred to in paragraph 1, with a view to facilitating joint decisions.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p>
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<p>deviation from the advice adopted by EIOPA.</p> <p>5. In the absence of a joint decision within the periods set out in paragraphs 2 and 3 respectively, the group supervisor shall make its own decision on the application.</p> <p>In making its decision, the group supervisor shall duly take into account the following:</p> <p>(a) any views and reservations of the other supervisory authorities concerned expressed during the applicable period;</p> <p>(b) where EIOPA has been consulted, its advice.</p> <p>The group supervisor shall provide the applicant and the other supervisory authorities concerned with a document setting out its fully reasoned decision and an explanation of any significant deviation from any advice adopted by EIOPA.</p> <p>That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</p> <p>6. If, at the end of the periods referred to in paragraphs 2 and 3, respectively, any of the supervisory authorities concerned has</p>	<p>5. In the absence of a joint decision within <u>six months from the date of receipt of the complete application by the group supervisor[...]</u>, the group supervisor shall make its own decision on the application.</p> <p>In making its decision, the group supervisor shall duly take into account the following:</p> <p>(a) any views and reservations of the other supervisory authorities concerned expressed during the applicable period; [...]</p> <p>The group supervisor shall provide the applicant and the other supervisory authorities concerned with a document setting out its fully reasoned decision [...].</p> <p>That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</p> <p>6. If, <u>within the six months period referred</u></p>	<p><i>5. Where the supervisory authorities concerned have reached a joint decision referred to in paragraph 2, the group supervisor shall provide the applicant with a document setting out the full reasons.</i></p> <p>6. In the absence of a joint decision within six months from the date of receipt of the complete application by the group, the group supervisor shall make its own decision on the application.</p> <p>In making its decision, the group supervisor shall duly take into account any views and reservations of the other supervisory authorities concerned expressed during the applicable period.</p> <p><i>The group supervisor shall provide the applicant and the other supervisory authorities concerned with a document setting out its fully reasoned decision.</i></p> <p>That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</p> <p>7. Where any of the supervisory authorities concerned considers that the risk profile of an insurance or reinsurance undertaking under its supervision deviates significantly from the assumptions underlying the internal model approved at group level, and as long as that undertaking has not properly addressed the concerns of the supervisory authority, that authority may, in accordance with Article 37, impose a</p>	<p><i>5. Where the supervisory authorities concerned have reached a joint decision referred to in paragraph 2, the group supervisor shall provide the applicant with a document setting out the full reasons.</i></p> <p>6. In the absence of a joint decision within six months from the date of receipt of the complete application by the group, the group supervisor shall make its own decision on the application.</p> <p>In making its decision, the group supervisor shall duly take into account any views and reservations of the other supervisory authorities concerned expressed during the applicable period.</p> <p><i>The group supervisor shall provide the applicant and the other supervisory authorities concerned with a document setting out its fully reasoned decision.</i></p> <p>That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</p> <p>7. Where any of the supervisory authorities concerned considers that the risk profile of an insurance or reinsurance undertaking under its supervision deviates significantly from the assumptions underlying the internal model approved at group level, and as long as that undertaking has not properly addressed the concerns of the supervisory authority, that authority may, in accordance with Article 37, impose a</p>
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	<p>referred the matter to EIOPA in accordance with Article 19 of Regulation .../... [EIOPA], the group supervisor shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take its decision in conformity with EIOPA's decision.</p> <p>The periods referred to in paragraphs 2 and 3 respectively shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</p> <p>EIOPA shall take its decision within one month. The matter shall not be referred to EIOPA after the end of the periods referred to in paragraphs 2 and 3 respectively or after a joint decision has been reached."</p>	<p>to in paragraph 2[...], any of the supervisory authorities concerned <u>refers</u> the matter to EIOPA in accordance with Article 19 of Regulation (EU) No 1094/2010, the group supervisor shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take its decision in conformity with EIOPA's decision.</p> <p>The <u>five month</u> period referred to in paragraph 2 [...] shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</p> <p>EIOPA shall take its decision within one month <u>after the 6 month period referred to in paragraph 2</u>. The matter shall not be referred to EIOPA after the end of the <u>six month</u> period referred to in paragraph 2[...] or after a joint decision has been reached."</p>	<p>capital add-on to the Solvency Capital Requirement of that insurance or reinsurance undertaking resulting from the application of such internal model.</p> <p>In exceptional circumstances, where such capital add-on would not be appropriate, the supervisory authority may require the undertaking concerned to calculate its Solvency Capital Requirement on the basis of the standard formula referred to in Title I, Chapter VI, Section 4, Subsections 1 and 2. In accordance with Article 37(1)(a) and (c), the supervisory authority may impose a capital add-on to the Solvency Capital Requirement of that insurance or reinsurance undertaking resulting from the application of the standard formula.</p> <p>The supervisory authority shall explain any decision referred to in the first and second subparagraphs to both the insurance or reinsurance undertaking and the other members of the college of supervisors.</p> <p><i>EIOPA may issue guidelines to ensure consistent and coherent application of this paragraph."</i></p>	<p>capital add-on to the Solvency Capital Requirement of that insurance or reinsurance undertaking resulting from the application of such internal model.</p> <p>In exceptional circumstances, where such capital add-on would not be appropriate, the supervisory authority may require the undertaking concerned to calculate its Solvency Capital Requirement on the basis of the standard formula referred to in Title I, Chapter VI, Section 4, Subsections 1 and 2. In accordance with Article 37(1)(a) and (c), the supervisory authority may impose a capital add-on to the Solvency Capital Requirement of that insurance or reinsurance undertaking resulting from the application of the standard formula.</p> <p>The supervisory authority shall explain any decision referred to in the first and second subparagraphs to both the insurance or reinsurance undertaking and the other members of the college of supervisors.</p> <p><i>EIOPA may issue guidelines to ensure consistent and coherent application of this paragraph."</i></p>
<p>Art. 2 point 42b (new)</p> <p>Art. 232 para 3</p>			<p>(42b) In Article 232, the third paragraph is replaced by the following:</p> <p>"Article 37(1) to (5), together with the delegated acts, regulatory and implementing technical standards taken in accordance with Article 37(6) and (7), shall apply <i>mutatis mutandis</i>."</p>	<p>(42b) In Article 232, the third paragraph is replaced by the following:</p> <p>"Article 37(1) to (5), together with the delegated acts and implementing technical standards taken in accordance with Article 37(6), (6a) and (6b) shall apply <i>mutatis mutandis</i>."</p>



Art. 2 point 42c (new) Art. 233 para 6, subpara 3			<i>(42c) In Article 233(6), the third subparagraph is replaced by the following:</i> "Article 37(1) to (5), together with the delegated acts, regulatory and implementing technical standards taken in accordance with Article 37(6) and (7), shall apply mutatis mutandis."	<i>(42c) In Article 233(6), the third subparagraph is replaced by the following:</i> "Article 37(1) to (5), together with the delegated acts and implementing technical standards taken in accordance with Article 37(6), (6a) and (6b), shall apply mutatis mutandis."
Art. 2 point 44 Art. 234	(44) Article 234 is replaced by the following: <i>"Article 234 Delegated acts</i> The Commission shall adopt delegated acts in accordance with Article 301a and subject to the conditions of Articles 301b and 301c specifying the technical principles and methods set out in Articles 220 to 229 and the application of Articles 230 to 233 to ensure uniform application within the Union."	(44) Article 234 is replaced by the following: <i>"Article 234 Delegated acts</i> The Commission shall adopt delegated acts in accordance with Article 301a[...]specifying the technical principles and methods set out in Articles 220 to 229 and the application of Articles 230 to 233."	(44) Article 234 is replaced by the following: <i>"Article 234 Regulatory technical standards concerning Articles 220 to 229 and 230 to 233 In order to ensure consistent harmonisation of this Article, EIOPA shall develop draft regulatory technical standards to specify the technical principles and methods set out in Articles 220 to 229 and the application of Articles 230 to 233, reflecting the economic nature of specific legal structures. EIOPA shall submit those draft regulatory technical standards to the Commission by [...]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i>	Council = Article 234 should be DA. (44) Article 234 is replaced by the following: <i>"Article 234 Delegated acts concerning Articles 220 to 229 and 230 to 233</i> The Commission shall adopt delegated acts in accordance with Article 301a[...]specifying the technical principles and methods set out in Articles 220 to 229 and the application of Articles 230 to 233, reflecting the economic nature of specific legal structures."
Art. 2 point 45 Art. 237	(45) Article 237 is amended as follows:	(45) Article 237 is amended as follows:	(45) Article 237 is replaced by the following:	(45) Article 237 is replaced by the following:
Art. 2	(a) Paragraphs 3, 4 and 5 are replaced by	(a) <u>The last subparagraph of paragraph 1 is</u>	"Article 237	"Article 237



<p>point 45 point a</p> <p>Art. 237, para 3, 4, 5</p>	<p>the following:</p>	<p><u>replaced by the following:</u></p> <p><u>An application as referred to in the first subparagraph shall be submitted only to the supervisory authority having authorised the subsidiary. That supervisory authority shall without delay inform and forward the complete application to EIOPA and to the other supervisory authorities within the college of supervisors and initiate discussions with a view to reaching a joint decision on the application.</u></p> <p>(aa) Paragraphs <u>2 to 5</u> are replaced by the following:</p> <p><u>"2. [...]The group supervisor shall provide the other supervisory authorities concerned with a document setting out its proposal within two months from the date of receipt of the complete application by the group supervisor.</u></p> <p>The supervisory authorities concerned shall do everything within their power to reach a</p>	<p><i>Subsidiaries of an insurance or reinsurance undertaking: decision on the application</i></p> <p>1. In the case of applications for permission to be subject to the rules laid down in Articles 238 and 239, the supervisory authorities concerned shall work together within the college of supervisors, in full consultation, to decide whether or not to grant the permission sought and to determine the other terms and conditions, if any, to which such permission should be subject.</p> <p>An application as referred to in the first subparagraph shall be submitted only to the supervisory authority having authorised the subsidiary. That supervisory authority shall inform and forward the complete application to the other members of the college of supervisors without delay.</p> <p>2. The supervisory authorities concerned shall do everything within their power to reach a joint decision on the application within three months from the date of receipt of the complete application by all supervisory authorities within the college of supervisors.</p>	<p><i>Subsidiaries of an insurance or reinsurance undertaking: decision on the application</i></p> <p>1. In the case of applications for permission to be subject to the rules laid down in Articles 238 and 239, the supervisory authorities concerned shall work together within the college of supervisors, in full consultation, to decide whether or not to grant the permission sought and to determine the other terms and conditions, if any, to which such permission should be subject.</p> <p>An application as referred to in the first subparagraph shall be submitted only to the supervisory authority having authorised the subsidiary. That supervisory authority shall inform and forward the complete application to the other members of the college of supervisors without delay.</p> <p>2. The supervisory authorities concerned shall do everything within their power to reach a joint decision on the application within three months from the date of receipt of the complete application by all supervisory authorities within the college of supervisors.</p>
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	<p>"3. During the period referred to in paragraph 2, in the case of diverging views concerning the approval of the application referred to in paragraph 1, the group supervisor or any of the other supervisory authorities concerned may consult EIOPA. Where EIOPA is consulted, all supervisory authorities concerned shall be informed and the period referred to in paragraph 2 shall be extended by one month.</p> <p>Where EIOPA has been consulted, the supervisory authorities concerned shall duly consider such advice before taking their joint decision.</p>	<p>joint decision on the application within three months from the date of receipt of the complete application by all supervisory authorities within the college of supervisors. [...]</p>	<p><i>3. If, within the three-month period referred to in paragraph 2, any of the supervisory authorities concerned has referred the matter to EIOPA in accordance with Article 19 of Regulation (EU) No 1094/2010, the group supervisor shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take its decision in conformity with EIOPA's decision. That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</i></p> <p><i>If, in accordance with Article 41(2) and (3) and Article 44(1)(3) of Regulation (EU) No 1094/2010, the decision proposed by the panel is rejected, the group supervisor shall take a final decision. That decision shall be recognised as determinative and applied by the supervisory authorities concerned. The three-month period shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</i></p> <p><i>EIOPA shall take its decision within one month. The matter shall not be referred to EIOPA after the end of the three-month period or after a joint decision has been reached.</i></p>	<p><i>3. If, within the three-month period referred to in paragraph 2, any of the supervisory authorities concerned has referred the matter to EIOPA in accordance with Article 19 of Regulation (EU) No 1094/2010, the group supervisor shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take its decision in conformity with EIOPA's decision. That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</i></p> <p><i>If, in accordance with Article 41(2) and (3) and Article 44(1)(3) of Regulation (EU) No 1094/2010, the decision proposed by the panel is rejected, the group supervisor shall take a final decision. That decision shall be recognised as determinative and applied by the supervisory authorities concerned. The three-month period shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</i></p> <p><i>EIOPA shall take its decision within one month. The matter shall not be referred to EIOPA after the end of the three-month period or after a joint decision has been reached.</i></p>
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	<p>4. The supervisory authority having authorised the subsidiary shall provide to the applicant the joint decision referred to in paragraphs 2 and 3, shall state the full reasons and shall, where EIOPA has been consulted, contain an explanation of any significant deviation from the advice adopted by EIOPA. The joint decision shall be recognised as determinative and shall be applied by the supervisory authorities concerned.</p> <p>5. In the absence of a joint decision of the supervisory authorities concerned within the periods set out in paragraphs 2 and 3, the group supervisor shall take its own decision with regard to the application.</p> <p>In taking its decision, the group supervisor shall duly consider the following:</p>	<p>4. The supervisory authority having authorised the subsidiary shall provide the applicant <u>with the fully reasoned</u> joint decision referred to in paragraph 2 [...]. The joint decision shall be recognised as determinative and shall be applied by the supervisory authorities concerned.</p> <p>5. In the absence of a joint decision of the supervisory authorities concerned within <u>three months from the date of receipt of the complete application by all [...]</u>supervisory <u>authorities within the college of supervisors [...]</u>, the group supervisor shall take its own decision with regard to the application.</p> <p>In taking its decision, the group supervisor shall duly consider the following:</p> <p>(a) any views and reservations of the supervisory authorities concerned expressed</p>	<p><i>4. EIOPA may develop draft implementing technical standards to ensure uniform conditions of application of the joint decision process referred to in paragraph 2 with regard to the applications for permissions referred to in paragraph 1, with a view to facilitating joint decisions.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p> <p><i>5. Where the supervisory authorities concerned have reached a joint decision referred to in paragraph 2, the supervisory authority having authorised the subsidiary shall provide the applicant with a document setting out the full reasons. The joint decision shall be recognised as determinative and shall be applied by the supervisory authorities concerned.</i></p> <p><i>6. In the absence of a joint decision of the supervisory authorities concerned within the three-month period set out in paragraph 2, the group supervisor shall take its own decision with regard to the application.</i></p> <p>In taking its decision, the group supervisor shall duly consider the following:</p> <p>(a) any views and reservations of the supervisory authorities concerned expressed during the applicable period;</p> <p>(b) any reservations of the other supervisory</p>	<p><i>4. EIOPA may develop draft implementing technical standards to ensure uniform conditions of application of the joint decision process referred to in paragraph 2 with regard to the applications for permissions referred to in paragraph 1, with a view to facilitating joint decisions.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p> <p><i>5. Where the supervisory authorities concerned have reached a joint decision referred to in paragraph 2, the supervisory authority having authorised the subsidiary shall provide the applicant with a document setting out the decision stating the full reasons. The joint decision shall be recognised as determinative and shall be applied by the supervisory authorities concerned.</i></p> <p><i>6. In the absence of a joint decision of the supervisory authorities concerned within the three-month period set out in paragraph 2, the group supervisor shall take its own decision with regard to the application.</i></p> <p>In taking its decision, the group supervisor shall duly consider the following:</p> <p>(a) any views and reservations of the supervisory authorities concerned expressed during the applicable period;</p>
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	<p>(a) any views and reservations of the supervisory authorities concerned expressed during the applicable period;</p> <p>(b) any reservations of the other supervisory authorities within the college of supervisors expressed during the applicable period;</p> <p>(c) where the EIOPA has been consulted, its advice.</p> <p>The decision shall state the full reasons and shall contain an explanation of any significant deviation from the reservations of the other supervisory authorities concerned and any advice of EIOPA. The group supervisor shall provide the applicant and the other supervisory authorities concerned with a copy of the decision."</p>	<p>during the applicable period;</p> <p>(b) any reservations of the other supervisory authorities within the college of supervisors expressed during the applicable period;</p> <p>The decision shall state the full reasons and shall contain an explanation of any significant deviation from the reservations of the other supervisory authorities concerned [...]. The group supervisor shall provide the applicant and the other supervisory authorities concerned with a copy of the decision."</p>	<p>authorities within the college of supervisors expressed during the applicable period.</p> <p>The decision shall state the full reasons and shall contain an explanation of any significant deviation from the reservations of the other supervisory authorities concerned. The group supervisor shall provide the applicant and the other supervisory authorities concerned with a copy of the decision. <i>The decision shall be recognised as determinative and shall be applied by the supervisory authorities concerned.</i>";</p>	<p>(b) any reservations of the other supervisory authorities within the college of supervisors expressed during the applicable period.</p> <p>The decision shall state the full reasons and shall contain an explanation of any significant deviation from the reservations of the other supervisory authorities concerned. The group supervisor shall provide the applicant and the other supervisory authorities concerned with a copy of the decision. <i>The decision shall be recognised as determinative and shall be applied by the supervisory authorities concerned.</i>";</p>
<p>Art. 2 point 45 point b</p> <p>Art. 237 para 5a (new)</p>	<p>(b) The following paragraph 6 is added:</p> <p>"6. Where, at the end of the periods referred to in paragraphs 2 and 3 of this Article, respectively, any of the supervisory authorities concerned has referred the matter to EIOPA in accordance with Article 19 of Regulation .../... [EIOPA], the supervisory authority concerned shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take its decision in conformity with EIOPA's decision.</p> <p>The periods referred to in paragraphs 2 and 3, respectively, shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation. EIOPA</p>	<p>(b) The following paragraph 6 is added:</p> <p>"6. <u>If, within the three months period referred to in paragraph 2 [...]</u>, any of the supervisory authorities concerned <u>refers</u> the matter to EIOPA in accordance with Article 19 of Regulation (EU) No 1094/2010, the <u>group</u> supervisor concerned shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take its decision in conformity with EIOPA's decision.</p> <p>The <u>two month</u> period referred to in paragraph 2 [...] shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation. EIOPA</p>		<p><u>Comment:</u> deleted</p>



	shall take its decision within one month. The matter shall not be referred to EIOPA after the end of the periods referred to in paragraphs 2 and 3, respectively, or after a joint decision has been reached."	shall take its decision within one month <u>after the period of 3 months established in paragraph 2.</u> The matter shall not be referred to EIOPA after the end of the <u>three month</u> period referred to in paragraph 2[...], or after a joint decision has been reached."		
Art. 2 point 45a (new) Art. 238 para 4			<i>(45a) In Article 238, paragraph 4 is replaced by the following:</i> "4. The college of supervisors shall do everything within its power to reach an agreement on the proposal of the supervisory authority having authorised the subsidiary or on other possible measures. <i>That agreement shall be recognised as determinative and applied by the supervisory authorities concerned."</i>	<i>(45a) In Article 238, paragraph 4 is replaced by the following:</i> "4. The college of supervisors shall do everything within its power to reach an agreement on the proposal of the supervisory authority having authorised the subsidiary or on other possible measures. <i>That agreement shall be recognised as determinative and applied by the supervisory authorities concerned."</i>
Art. 2 point 46 Art. 238, para 5	(46) Article 238(5) is replaced by the following: "5. Where the supervisory authority and the group supervisor disagree, either supervisor may, within one month from the proposal of the supervisory authority, refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation .../... [EIOPA]. In that case, EIOPA may act in accordance with the powers conferred to it by that Article, and shall take its decision within two months of such referral. The matter shall not be referred to EIOPA after the end of the one month period referred to in this subparagraph or after an agreement has been reached within the college in accordance with paragraph 4 of this Article.	(46) Article 238(5) is replaced by the following: "5. Where the supervisory authority and the group supervisor disagree, [...] <u>the group supervisor</u> may, within one month from the proposal of the supervisory authority, refer the matter to EIOPA [...] in accordance with Article 19 of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred to it by that Article, and shall take its decision within <u>one</u> [...] month of such referral. The matter shall not be referred to EIOPA after the end of the one month period referred to in this subparagraph or after an agreement has been reached within the college in accordance with paragraph 4 of this Article.	(46) Article 238(5) is replaced by the following: "5. Where the supervisory authority and the group supervisor disagree, either supervisor may, within one month from the proposal of the supervisory authority, refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred to it by that Article, and shall take its decision within <i>one month</i> of such referral. <i>The one-month period shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</i> The matter shall not be referred to EIOPA after the end of the one month period referred to in this subparagraph or	(46) Article 238(5) is replaced by the following: "5. Where the supervisory authority and the group supervisor disagree, either supervisor may, within one month from the proposal of the supervisory authority, refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred to it by that Article, and shall take its decision within <i>one month</i> of such referral. <i>The one-month period shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</i> The matter shall not be referred to EIOPA after the end of the one month period referred to in this subparagraph or



	<p>The supervisory authority having authorised that subsidiary shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take its decision in conformity with EIOPA's decision.</p> <p>The decision shall state the full reasons on which it is based.</p> <p>The decision shall be submitted to the subsidiary and to the college of supervisors."</p>	<p>The supervisory authority having authorised that subsidiary shall defer its decision and await any decision that EIOPA may take in accordance with Article 19[...] of that Regulation, and shall take its decision in conformity with EIOPA's decision.</p> <p>The decision shall state the full reasons on which it is based.</p> <p>The decision shall be submitted to the subsidiary and to the college of supervisors."</p>	<p>after an agreement has been reached within the college in accordance with paragraph 4 of this Article.</p> <p>The supervisory authority having authorised that subsidiary shall defer its decision and await any decision that EIOPA may take in accordance with Article 19 of that Regulation, and shall take its decision in conformity with EIOPA's decision.</p> <p><i>That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</i></p> <p>The decision shall state the full reasons on which it is based.</p> <p>The decision shall be submitted to the subsidiary and to the college of supervisors.";</p>	<p>after an agreement has been reached within the college in accordance with paragraph 4 of this Article.</p> <p>The supervisory authority having authorised that subsidiary shall defer its decision and await any decision that EIOPA may take in accordance with Article 19 of that Regulation, and shall take its decision in conformity with EIOPA's decision.</p> <p><i>That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</i></p> <p>The decision shall state the full reasons on which it is based.</p> <p>The decision shall be submitted to the subsidiary and to the college of supervisors.";</p>
<p>Art. 2 point 47</p> <p>Art. 239, para 3a (new)</p>	<p>(47) In Article 239 the following paragraph 4 is added:</p> <p>"4. Where the supervisory authority and the group supervisor disagree on the approval of the recovery plan at the end of the four months period referred to in paragraph 1 of this Article or on the approval of the proposed measures at the end of the one month period referred to in paragraph 2 of this Article, either supervisor may, at the end of the applicable period, refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation .../... [EIOPA]. In that case, EIOPA may act in accordance with the powers conferred to it by that Article, and shall take its</p>	<p>(47) [...]</p>	<p>(47) In Article 239 the following paragraph is added:</p> <p>"4. Where <i>any of</i> the supervisory <i>authorities concerned disagrees</i> on the approval of the recovery plan <i>within</i> the <i>four-month</i> period referred to in paragraph 1 or on the approval of the proposed measures <i>within</i> the one month period referred to in paragraph 2, <i>any supervisory authority</i> may refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred to it by that Article, and shall take its decision within one month of such referral. The</p>	<p>Comments: COM proposal, which refers explicitly to extension of the recovery period as part of the plan.</p> <p>4. Where any of the supervisory authority ies and the group supervisor concerned disagrees, (a) on the approval of the recovery plan, including any extension of the recovery period, within the four-month period referred to in paragraph 1, or (b) on the approval of the proposed measures within the one-month period referred to in paragraph 2,</p>



	<p>decision within one month of such referral. The matter shall not be referred to EIOPA after the end of the applicable period referred to in this subparagraph or after an agreement has been reached within the college in accordance with the second subparagraph of paragraph 1 or the second subparagraph of paragraph 2 of this Article.</p> <p>The supervisory authority having authorised that subsidiary shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that regulation, and shall take its final decision in conformity with EIOPA's decision.</p> <p>The decision shall state the full reasons on which it is based.</p> <p>The decision shall be submitted to the subsidiary and to the college of supervisors."</p>		<p>matter shall not be referred to EIOPA after the end of the <i>four-month or the one-month</i> period <i>respectively</i> referred to in this subparagraph or after an agreement has been reached within the college in accordance with the second subparagraph of paragraph 1 or the second subparagraph of paragraph 2. <i>The four-month or the one-month period respectively shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</i></p> <p>The supervisory authority having authorised that subsidiary shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that regulation, and shall take its final decision in conformity with EIOPA's decision. <i>That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</i></p> <p>The decision shall state the full reasons on which it is based.</p> <p>The decision shall be submitted to the subsidiary and to the college of supervisors.";</p>	<p>any supervisory authority either supervisor may refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation (EU) No 1094/2010. In that case those cases, EIOPA may act in accordance with the powers conferred to it by that Article, and shall take its decision within one month of such referral.</p> <p>The matter shall not be referred to EIOPA in case one of the following circumstances occurs:</p> <ul style="list-style-type: none"> (a) after the end of the four-month or the one-month period respectively referred to in this subparagraph 1, (b) after an agreement has been reached within the college in accordance with the second subparagraph of paragraph 1 or the second subparagraph of paragraph 2, (c) in case of emergency situations as referred to in paragraph 2. <p>The four-month or the one-month period respectively shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</p> <p>The supervisory authority having authorised that subsidiary shall defer its decision and await any decision that EIOPA may take in accordance with Article 19(3) of that regulation, and shall take its final decision in conformity with EIOPA's decision. That decision shall be recognised as determinative and applied by the supervisory authorities concerned.</p> <p>The decision shall state the full reasons on which it is based.</p> <p>The decision shall be submitted to the subsidiary and to the college of</p>
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				supervisors."
Art. 2 point 48 Art. 241	<p>(48) Article 241 is replaced by the following:</p> <p><i>" Article 241</i> <i>Subsidiaries of an insurance or reinsurance undertaking:</i> <i>delegated acts</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying:</p> <p>(a) the criteria to be applied when assessing whether the conditions stated in Article 236 are satisfied;</p> <p>(b) the criteria to be applied when assessing what should be considered an emergency situation under Article 239(2);</p> <p>(c) the procedures to be followed by supervisory authorities when exchanging information, exercising their rights and fulfilling their duties in accordance with Articles 237 to 240."</p>	<p>(48) Article 241 is replaced by the following:</p> <p><i>" Article 241</i> <i>Subsidiaries of an insurance or reinsurance undertaking:</i> <i>delegated acts</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a [...], specifying:</p> <p>(a) the criteria to be applied when assessing whether the conditions stated in Article 236 are satisfied;</p> <p>(b) the criteria to be applied when assessing what should be considered an emergency situation under Article 239(2);</p> <p>(c) the procedures to be followed by supervisory authorities when exchanging information, exercising their rights and fulfilling their duties in accordance with Articles 237 to 240."</p>	<p>(48) Article 241 is replaced by the following:</p> <p><i>"Article 241</i> <i>Subsidiaries of an insurance or reinsurance undertaking:</i> <i>delegated acts</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a specifying:</p> <p>(a) the criteria to be applied when assessing whether the conditions stated in Article 236 are satisfied;</p> <p>(b) the criteria to be applied when assessing what should be considered an emergency situation under Article 239(2);</p> <p>(c) the procedures to be followed by supervisory authorities when exchanging information, exercising their rights and fulfilling their duties in accordance with Articles 237 to 240.;"</p>	<p>(48) Article 241 is replaced by the following:</p> <p><i>"Article 241</i> <i>Subsidiaries of an insurance or reinsurance undertaking:</i> <i>delegated acts</i></p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a specifying:</p> <p>(a) the criteria to be applied when assessing whether the conditions stated in Article 236 are satisfied;</p> <p>(b) the criteria to be applied when assessing what should be considered an emergency situation under Article 239(2);</p> <p>(c) the procedures to be followed by supervisory authorities when exchanging information, exercising their rights and fulfilling their duties in accordance with Articles 237 to 240.;"</p>
Art. 2 point 49 Art. 242, para 1	<p>(49) In Article 242(1), the date "31 October 2014" is replaced by the date "31 December 2014".</p>	<p>(49) In Article 242(1), the date "31 October 2014" is replaced by the date "31 December 2015".</p>	<p>(49) Article 242(1) <i>is replaced by the following:</i></p> <p>"1. By 31 December 2014, the Commission shall make an assessment of the application of Title III, in particular as regards the cooperation of supervisory authorities within, and functionality of, the college of supervisors and the supervisory practices concerning setting the capital add-ons, and shall present a</p>	<p>(49) Article 242(1) <i>is replaced by the following:</i></p> <p>"1. By 31 December 2015, the Commission shall make an assessment of the application of Title III, in particular as regards the cooperation of supervisory authorities within, and functionality of, the college of supervisors and the supervisory practices concerning setting the capital add-ons, and shall present a</p>



			report to the European Parliament and the Council accompanied, where appropriate, by proposals for the amendment of this Directive.";	report to the European Parliament and the Council accompanied, where appropriate, by proposals for the amendment of this Directive.";
Art. 2 point 50 Art. 242, para 2	(50) In Article 242(2), the date "31 October 2015" is replaced by the date "31 December 2015".	(50) Article 242(2) <u>is amended as follows:</u> (a) The date "31 October 2015" is replaced by the date "31 December 2016".	(50) Article 242(2) <i>is amended as follows:</i> (a) <i>the date "31 October 2015" is replaced by the date "31 December 2015";</i> (b) <i>point (e) is deleted;</i>	(50) Article 242(2) <i>is amended as follows:</i> (a) <i>the date "31 October 2015" is replaced by the date "<u>31 December 2016</u>";</i> Comment: no point (b)
Art. 2 point 50 a (new) Art. 242 para 2 a (new)		(50a) Article 242 the following paragraph 3 is added: "3. No later than 3 years after 1 January 2014, the Commission shall review the requirements laid down with respect to the calculation of group solvency, in accordance with Article 233, of an insurance or reinsurance undertaking which is a participating undertaking in a third-country insurance or reinsurance undertaking."		Comments: Deleted COM = intended as a review of the use of the equivalence finding to the SCR. Not necessary anymore with the redrafted equivalence articles
Art. 2 point 51 Art. 244, para 4	(51) Article 244 (4) is replaced by the following: "4. The Commission may adopt delegated acts in accordance with Article 301a and subject to the conditions of Articles 301b and 301c as regards the definition and identification of a significant risk concentration and the reporting on such a risk concentration for the purposes of paragraphs 2 and 3."	(51) Article 244(4) is replaced by the following: "4. The Commission may adopt delegated acts in accordance with Article 301a [...] as regards the definition and identification of a significant risk concentration and the reporting on such a risk concentration for the purposes of paragraphs 2 and 3."	(51) Article 244(4) is replaced by the following: "4. The Commission <i>shall</i> adopt delegated acts in accordance with Article 301a as regards the definition and identification of a significant risk concentration for the purposes of paragraphs 2 and 3. <i>In order to ensure consistent harmonisation in relation to supervision of</i>	(51) Article 244(4) is replaced by the following: Comments Council = RTS in Article 244 para. 4 is OK. ITS in para. 4a is OK. "4. The Commission <i>shall</i> adopt delegated acts in accordance with Article 301a as regards the definition and identification of a significant risk concentration for the purposes of paragraphs 2 and 3. <i>4a. In order to ensure consistent harmonisation in relation to supervision of</i>



			<p><i>risk concentration, EIOPA shall develop draft regulatory technical standards to specify the identification of a significant risk concentration and the determination of appropriate thresholds for the purposes of paragraph 3.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the second subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>4a. In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards to establish standard forms, templates and procedures for the reporting on such risk concentrations for the purposes of paragraph 2.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i></p>	<p><i>risk concentration, EIOPA shall develop draft regulatory technical standards to specify the identification of a significant risk concentration and the determination of appropriate thresholds for the purposes of paragraph 3.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission-by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the second subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>4b. In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft implementing technical standards to establish standard forms, templates and procedures for the reporting on such risk concentrations for the purposes of paragraph 2.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by <u>30 June 2015</u>.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i></p>
Art. 2 point 52	(52) Article 245 (4) is replaced by the following:	(52) Article 245 (4) is replaced by the following:	(52) Article 245(4) is replaced by the following:	(52) Article 245(4) is replaced by the following:



<p>Art. 245, para 4</p>	<p>"4. The Commission may adopt delegated acts in accordance with Article 301a and subject to the conditions of Articles 301b and 301c as regards the definition and identification of a significant intra-group transaction and the reporting on such an intra-group transaction for the purposes of paragraphs 2 and 3."</p>	<p>"4. The Commission may adopt delegated acts in accordance with Article 301a[...] as regards the definition and identification of a significant intra-group transaction and the reporting on such an intra-group transaction for the purposes of paragraphs 2 and 3."</p>	<p>"4. The Commission may adopt delegated acts in accordance with Article 301a as regards the definition of a significant intra-group transaction for the purposes of paragraphs 2 and 3.</p> <p><i>In order to ensure consistent harmonisation in relation to supervision of intra-group transactions, EIOPA may develop draft regulatory technical standards to specify the identification of a significant intra-group transaction for the purposes of paragraph 3.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the second subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>4a. In order to ensure uniform conditions of application of this Article, EIOPA may develop draft implementing technical standards to establish standard forms, templates and procedures for the reporting on such intra-group transactions for the purposes of paragraph 2.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the fourth subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>	<p>"4. The Commission may shall adopt delegated acts in accordance with Article 301a as regards the definition of a significant intra-group transaction for the purposes of paragraphs 2 and 3.</p> <p><i>4a. In order to ensure consistent harmonisation in relation to supervision of intra-group transactions, EIOPA may develop draft regulatory technical standards to specify the identification of a significant intra-group transaction for the purposes of paragraph 3.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the second subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>4b. In order to ensure uniform conditions of application of this Article, EIOPA may develop draft implementing technical standards to establish standard forms, templates and procedures for the reporting on such intra-group transactions for the purposes of paragraph 2.</i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the fourth subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>
<p>Art. 2 point 53</p> <p>Art. 247,</p>	<p>(53) Article 247(4) to (7) is replaced by the following:</p>	<p>(53) <u>In</u> Article 247 <u>paragraphs</u> (4) to (7) <u>are</u> replaced by the following: [...]</p>	<p>(53) <i>In</i> Article 247, <i>paragraphs 3 to 7 are</i> replaced by the following:</p> <p>"3. In particular cases, the supervisory authorities concerned may, at the request</p>	<p>(53) <i>In</i> Article 247, <i>paragraphs 3 to 7 are</i> replaced by the following:</p> <p>"3. In particular cases, the supervisory authorities concerned may, at the request</p>



para 4-7	<p>"4. During the three-month period referred to in the third subparagraph of paragraph 3, any of the supervisory authorities concerned may request that EIOPA be consulted. Where EIOPA is consulted, that period shall</p>		<p>of any of the authorities, take a joint decision to derogate from the criteria set out in paragraph 2 where their application would be inappropriate, taking into account the structure of the group and the relative importance of the insurance and reinsurance undertakings' activities in different countries, and designate a different supervisory authority as group supervisor.</p> <p>For that purpose, any of the supervisory authorities concerned may request that a discussion be opened on whether the criteria referred to in paragraph 2 are appropriate. Such a discussion shall not take place more often than annually.</p> <p>The supervisory authorities concerned shall do everything within their power to reach a joint decision on the choice of the group supervisor within three months from the request for discussion. Before taking their decision, the supervisory authorities concerned shall give the group an opportunity to state its opinion.</p> <p><i>The designated group supervisor shall submit the joint decision to the group stating the full reasons.</i></p> <p>4. <i>If, within</i> the three-month period referred to in the third subparagraph of paragraph 3, any of the supervisory authorities concerned <i>has referred the matter to EIOPA in accordance with Article 19(1), (2), (3) and 6, of Regulation (EU) No 1094/2010, the supervisory authorities concerned shall</i></p>	<p>of any of the authorities, take a joint decision to derogate from the criteria set out in paragraph 2 where their application would be inappropriate, taking into account the structure of the group and the relative importance of the insurance and reinsurance undertakings' activities in different countries, and designate a different supervisory authority as group supervisor.</p> <p>For that purpose, any of the supervisory authorities concerned may request that a discussion be opened on whether the criteria referred to in paragraph 2 are appropriate. Such a discussion shall not take place more often than annually.</p> <p>The supervisory authorities concerned shall do everything within their power to reach a joint decision on the choice of the group supervisor within three months from the request for discussion. Before taking their decision, the supervisory authorities concerned shall give the group an opportunity to state its opinion.</p> <p><i>The designated group supervisor shall submit the joint decision to the group stating the full reasons.</i></p> <p>4. <i>If, within</i> the three-month period referred to in the third subparagraph of paragraph 3, any of the supervisory authorities concerned <i>has referred the matter to EIOPA in accordance with Article 19(1), (2), (3) and 6, of Regulation (EU) No 1094/2010, the supervisory authorities concerned shall</i></p>
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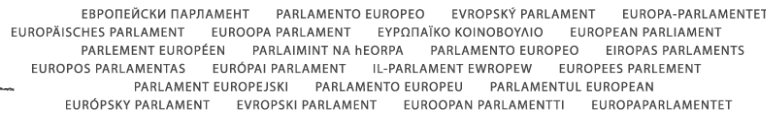
<p>be extended by two months.</p> <p>5. Where EIOPA is consulted, the supervisory authorities concerned shall duly take into account EIOPA's advice before taking their joint decision. The joint decision shall state the full reasons and shall contain an explanation of any significant deviation from any advice given by EIOPA.</p> <p>6. In the absence of a joint decision derogating from the criteria set out in paragraph 2 of this Article, the task of group supervisor shall be exercised by the supervisory authority identified in accordance with paragraph 2 of this Article. However, if at the end of the periods set out in paragraphs 3 and 4 of this Article any of the supervisors concerned have referred the matter to EIOPA in accordance with Article 19 of Regulation .../... [EIOPA], they shall await the decision of EIOPA.</p>	<p>5. [...] The joint decision shall state the full reasons [...].</p> <p>6. In the absence of a joint decision derogating from the criteria set out in paragraph 2 of this Article, the task of group supervisor shall be exercised by the supervisory authority identified in accordance with paragraph 2 of this Article. However, if at the end of the period set out in paragraph 3 [...] of this Article any of the supervisory authorities concerned have referred the matter to EIOPA in accordance</p>	<p><i>defer their joint decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take their joint decision in conformity with EIOPA's decision. That joint decision shall be recognised as determinative and applied by the supervisory authorities concerned. The three-month period shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</i></p> <p><i>EIOPA shall take its decision within one month of a referral under the first subparagraph. The matter shall not be referred to EIOPA after the end of the three-month period or after a joint decision has been reached. The designated group supervisor shall submit the joint decision to the group and to the college of supervisors stating the full reasons.</i></p> <p>6. In the absence of a joint decision ■, the task of group supervisor shall be exercised by the supervisory authority identified in accordance with paragraph 2 of this Article.</p>	<p><i>defer their joint decision and await any decision that EIOPA may take in accordance with Article 19(3) of that Regulation, and shall take their joint decision in conformity with EIOPA's decision. That joint decision shall be recognised as determinative and applied by the supervisory authorities concerned. The three-month period shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation.</i></p> <p><i>EIOPA shall take its decision within one month of a referral under the first subparagraph. The matter shall not be referred to EIOPA after the end of the three-month period or after a joint decision has been reached. The designated group supervisor shall submit the joint decision to the group and to the college of supervisors stating the full reasons.</i></p> <p>6. In the absence of a joint decision ■, the task of group supervisor shall be exercised by the supervisory authority identified in accordance with paragraph 2 of this Article.</p>
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	<p>The periods referred to in paragraphs 3 and 4, respectively, shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation. EIOPA shall take its decision within one month. The matter shall not be referred to EIOPA after a joint decision has been reached.</p> <p>The task of group supervisor shall be exercised by the supervisory authority identified in the decision taken by EIOPA. The decision shall be submitted to the group and to the college of supervisors.</p> <p>7. EIOPA shall inform the European Parliament, the Council and the Commission of any major difficulties with the application of paragraphs 2, 3 and 6 on at least an annual basis.</p> <p>In the event that any major difficulties arise from the application of the criteria set out in paragraphs 2 and 3 of this Article, the Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying those criteria."</p>	<p>with Article 19 of Regulation (EU) No 1094/2010, they shall await the decision [...] that EIOPA <u>may take in accordance with Article 19(3) of that Regulation, and shall take their final decision in conformity with EIOPA's decision.</u></p> <p>The periods referred to in paragraph 3 [...] shall be deemed the conciliation period within the meaning of Article 19(2) of that Regulation. EIOPA shall take its decision within one month <u>after the period of 3 months established in paragraph 3.</u> The matter shall not be referred to EIOPA <u>after the end of the three month period referred to in paragraph 3, or</u> after a joint decision has been reached.</p> <p>The task of group supervisor shall be exercised by the supervisory authority identified in the decision taken by EIOPA. The decision shall be submitted to the group and to the college of supervisors.</p> <p>7. EIOPA shall inform the European Parliament, the Council and the Commission of any major difficulties with the application of paragraphs 2, 3 and 6 on at least an annual basis.</p> <p>In the event that any major difficulties arise from the application of the criteria set out in paragraphs 2 and 3 of this Article, the Commission shall adopt delegated acts, in accordance with Article 301a[...], specifying those criteria."</p>		
Art. 2 point 54	(54) Article 248 is amended as follows:	(54) Article 248 is amended as follows:	(54) Article 248 is amended as follows:	(54) Article 248 is amended as follows:



Art. 248				
Art. 2 point 54 point a	(a) The following subparagraph is added to paragraph 2: "Where the group supervisor fails to carry out the tasks referred to in paragraph 1 or where the members of the college do not cooperate to the extent required in this paragraph, any of the supervisory authorities concerned may refer the matter to EIOPA and request its assistance in accordance with Article 19 of Regulation .../2010 [EIOPA]. In that case, EIOPA may act in accordance with the powers conferred on it by Article 11 of that Regulation."	(a) The following subparagraph is added to paragraph 2: "Where the group supervisor fails to carry out the tasks referred to in paragraph 1 or where the members of the college do not cooperate to the extent required in this paragraph, any of the supervisory authorities concerned may refer the matter to EIOPA [...] in accordance with Article 19 of Regulation 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by Article 19 of that Regulation."	(a) <i>in paragraph 2</i> , the following subparagraph is added: "Where the group supervisor fails to carry out the tasks referred to in paragraph 1 or where the members of the college <i>of supervisors</i> do not cooperate to the extent required in this paragraph, any of the supervisory authorities concerned may refer the matter to EIOPA and request its assistance in accordance with <i>Article 19(1), (2), (3) and 6</i> of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by <i>Article 19</i> of that Regulation.";	(a) <i>in paragraph 2</i> , the following subparagraph is added: "Where the group supervisor fails to carry out the tasks referred to in paragraph 1 or where the members of the college <i>of supervisors</i> do not cooperate to the extent required in this paragraph, any of the supervisory authorities concerned may refer the matter to EIOPA and request its assistance in accordance with <i>Article 19(1), (2), (3) and 6</i> of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by <i>Article 19</i> of that Regulation.";
Art. 248, para 2, subpara 1a (new)				
Art. 2 point 54 point b			(aa) <i>in paragraph 3, the first subparagraph is replaced by the following:</i> " <i>3. The membership of the college of supervisors shall include the group supervisor, the supervisory authorities of all the Member States in which the head office of all subsidiary undertakings is situated, and EIOPA.</i> ";	(aa) <i>in paragraph 3, the first subparagraph is replaced by the following:</i> " <i>3. The membership of the college of supervisors shall include the group supervisor, the supervisory authorities of all the Member States in which the head office of all subsidiary undertakings is situated, and EIOPA in accordance with Article 21 of Regulation (EU) No 1094/2010.</i> ";
Art. 248, para 4, subpara 2-3	(b) The second and third subparagraphs of paragraph 4 are replaced by the following: "Where diverging views concerning the coordination arrangements arise, any member of the college of supervisors may refer the matter to EIOPA. After consulting the supervisory authorities concerned, the group supervisor shall duly consider any advice produced by EIOPA	(b) The second and third subparagraphs of paragraph 4 are replaced by the following: "Where diverging views concerning the coordination arrangements arise, any member of the college of supervisors may refer the matter to EIOPA <u>in accordance with Article 19 of Regulation 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by Article</u>	(b) <i>in paragraph 4, the second subparagraph is replaced by the following:</i> "Where diverging views concerning the coordination arrangements arise, any member of the college of supervisors may refer the matter to EIOPA <i>and request its assistance in accordance with Article 19(1), (2), (3) and 6, of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers</i>	(b) <i>in paragraph 4, the second subparagraph is replaced by the following:</i> "Where diverging views concerning the coordination arrangements arise, any member of the college of supervisors may refer the matter to EIOPA <i>and request its assistance in accordance with Article 19(1), (2), (3) and 6, of Regulation (EU)</i>

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	<p>7. The Commission shall adopt delegated acts in accordance with Article 301a and subject to the conditions of Articles 301b and 301c for the coordination of group supervision for the purposes of paragraphs 1 to 6, including the definition of "significant branch".</p>	<p><u>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first and second subparagraphs</u> in accordance with Article 15 of Regulation (EU) No 1094/2010.</p> <p>7. The Commission shall adopt delegated acts in accordance with Article 301a [...] for the coordination of group supervision for the purposes of paragraphs 1 to 6, including the definition of "significant branch".</p>	<p><i>In order to ensure consistent harmonisation in relation to the coordination between supervisory authorities, EIOPA may develop draft regulatory technical standards to specify the operational functioning of colleges of supervisors based on the guidelines referred to in the first subparagraph.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the second subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p>7. <i>In order to ensure consistent harmonisation in relation to the coordination between supervisory authorities, EIOPA shall develop draft regulatory technical standards to specify the coordination arrangements for group supervision for the purposes of paragraphs 1 to 6, including the definition of "significant branch".</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i></p>	<p><i>for those reviews.</i></p> <p><i>In order to ensure consistent harmonisation in relation to the coordination between supervisory authorities, EIOPA may develop draft regulatory technical standards to specify the operational functioning of colleges of supervisors based on the guidelines referred to in the first subparagraph.</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the second subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p>7. <i>In order to ensure consistent harmonisation in relation to the coordination between supervisory authorities, EIOPA shall develop draft regulatory technical standards to specify the coordination of group supervision for the purposes of paragraphs 1 to 6."</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i></p> <p>8. The Commission shall adopt delegated acts in accordance with Article 301a [...] for the definition of "significant branch".</p>
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				Comments: Council = RTS in para 7 is OK for coordination of group supervision, but Para 8 should be DA for the definition of significant branch
Art. 2 point 55 Art. 249, para 1a (new)	(55) In Article 249, the following paragraph 1a is inserted:	(55) Article 249 <u>is amended as follows:</u> <u>(a)</u> the following paragraph 1a is inserted:	(55) Article 249 <i>is amended as follows:</i> <i>(a) in paragraph 1, the second subparagraph is replaced by the following:</i> "With the objective of ensuring that the supervisory authorities, including the group supervisor, have the same amount of relevant information available to them, without prejudice to their respective responsibilities, and irrespective of whether they are established in the same Member State, they shall provide one another with such information in order to allow and facilitate the exercise of the supervisory tasks of the other authorities under this Directive. In that regard, the supervisory authorities concerned and the group supervisor shall communicate to one another without delay all relevant information as soon as it becomes available <i>or exchange information on request</i> . The information referred to in this subparagraph includes, but is not limited to, information about actions of the group and supervisory authorities, and information provided by the group." <i>(b) the following paragraph is inserted:</i> "1a. Where a supervisory authority has not communicated relevant information or a	(55) Article 249 <i>is amended as follows:</i> <i>(a) in paragraph 1, the second subparagraph is replaced by the following:</i> "With the objective of ensuring that the supervisory authorities, including the group supervisor, have the same amount of relevant information available to them, without prejudice to their respective responsibilities, and irrespective of whether they are established in the same Member State, they shall provide one another with such information in order to allow and facilitate the exercise of the supervisory tasks of the other authorities under this Directive. In that regard, the supervisory authorities concerned and the group supervisor shall communicate to one another without delay all relevant information as soon as it becomes available <i>or exchange information on request</i> . The information referred to in this subparagraph includes, but is not limited to, information about actions of the group and supervisory authorities, and information provided by the group." <i>(b) the following paragraph is inserted:</i> "1a. Where a supervisory authority has not communicated relevant information or a



	<p>"1a. Where a supervisory authority has not communicated relevant information or a request for cooperation, in particular to exchange relevant information, has been rejected or has not been acted upon within a reasonable time, the supervisory authorities may refer the matter to EIOPA and request its assistance.</p> <p>Where the matter is referred to EIOPA, without prejudice to the provisions of Article 258 TFEU, EIOPA may act in accordance with the powers conferred on it by Article 19 of Regulation (EU) No .../2010 [EIOPA]."</p>	<p>"1a. Where a supervisory authority has not communicated relevant information or a request for cooperation, in particular to exchange relevant information, has been rejected or has not been acted upon within a reasonable time, the supervisory authorities may refer the matter to EIOPA <u>in accordance with Article 19 of Regulation 1094/2010[...]</u>.</p> <p>Where the matter is referred to EIOPA, without prejudice to the provisions of Article 258 TFEU, EIOPA may act in accordance with the powers conferred on it by Article 19 of Regulation (EU) No <u>1094/2010</u>."</p>	<p>request for cooperation, in particular to exchange relevant information, has been rejected or has not been acted upon within <i>two weeks</i>, the supervisory authorities may refer the matter to EIOPA.</p> <p>Where the matter is referred to EIOPA, without prejudice to the provisions of Article 258 TFEU, EIOPA may act in accordance with the powers conferred on it by <i>Article 19(1), (2), (3) and 6</i>, of Regulation (EU) No <i>1094/2010</i>.";</p> <p>█</p>	<p>request for cooperation, in particular to exchange relevant information, has been rejected or has not been acted upon within <i>two weeks</i>, the supervisory authorities may refer the matter to EIOPA.</p> <p>Where the matter is referred to EIOPA, without prejudice to the provisions of Article 258 TFEU, EIOPA may act in accordance with the powers conferred on it by <i>Article 19(1), (2), (3) and 6</i>, of Regulation (EU) No <i>1094/2010</i>.";</p> <p>Comments: Council = RTS in para 3 is OK</p>
Art. 2 point 56	(56) Article 249 is amended as follows:	(b) Paragraph 3 is replaced by the following:	(c) paragraph 3 is replaced by the following:	(c) paragraph 3 is replaced by the following:
Art. 249				
Art. 2 point 54 point a	(a) Paragraph 3 is replaced by the following:			
Art. 249, para 3	<p>"3. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, determining the items which are, on a systematic basis, to be gathered by the group supervisor and disseminated to other supervisory authorities concerned or to be transmitted to the group supervisor by the other supervisory authorities concerned.</p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a and subject</p>	<p>"3. The Commission shall adopt delegated acts, in accordance with Article 301a[...], determining the items which are, on a systematic basis, to be gathered by the group supervisor and disseminated to other supervisory authorities concerned or to be transmitted to the group supervisor by the other supervisory authorities concerned.</p> <p>The Commission shall adopt delegated acts, in accordance with Article 301a[...],</p>	<p>"3. <i>In order to ensure consistent harmonisation in relation to the coordination between supervisory authorities, EIOPA shall develop draft regulatory technical standards to specify:</i></p> <ul style="list-style-type: none"> – the items which are, on a systematic basis, to be gathered by the group supervisor and disseminated to other supervisory authorities concerned or to be transmitted to the group supervisor by the other supervisory authorities concerned. – the items essential or relevant for supervision at group level with a view to enhancing convergence of supervisory reporting. <p><i>EIOPA shall submit those draft regulatory</i></p>	<p>"3. <i>In order to ensure consistent harmonisation in relation to the coordination and exchange of information between supervisory authorities, EIOPA shall develop draft regulatory technical standards to specify:</i></p> <ul style="list-style-type: none"> – the items which are, on a systematic basis, to be gathered by the group supervisor and disseminated to other supervisory authorities concerned or to be transmitted to the group supervisor by the other supervisory authorities concerned. – the items essential or relevant for supervision at group level with a view to enhancing convergence of supervisory reporting. <p><i>EIOPA shall submit those draft regulatory</i></p>



	to the conditions of Articles 301b and 301c, specifying the items essential or relevant for supervision at group level with a view to enhancing convergence of supervisory reporting."	specifying the items essential or relevant for supervision at group level with a view to enhancing convergence of supervisory reporting."	<i>technical standards to the Commission by [...].</i>	<i>technical standards to the Commission by [...].</i>
Art. 2 point 54 point b Art. 249	<p>(b) The following paragraph 4 is added:</p> <p>"4. Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of this Article as supplemented by the delegated acts referred to in paragraph 3 of this Article concerning the matters covered by those delegated acts, specifically with regard to the templates and procedures for the submission of information to the group supervisor as well as the procedure for the cooperation and the exchange of information between supervisory authorities as laid down in this Article.</p> <p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing</p>	<p>(c) The following paragraph 4 is added:</p> <p>"4. <u>In order to ensure uniform conditions of application of this Article, EIOPA [...] shall develop draft</u> implementing technical standards [...] concerning the matters covered by those delegated acts, specifically with regard to the templates and procedures for the submission of information to the group supervisor as well as the procedure for the cooperation and the exchange of information between supervisory authorities as laid down in this Article.</p> <p><u>EIOPA shall submit those draft implementing technical standards to the Commission by 31 December 2014.</u></p> <p><u>Power is conferred on the Commission to adopt the implementing technical standards</u></p>	<p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i></p> <p>(d) the following paragraph is added:</p> <p><i>"4. In order to ensure uniform conditions of application in relation to the coordination between supervisory authorities, EIOPA may develop draft implementing technical standards to establish standard forms, templates and procedures for the submission of information to the group supervisor as well as the procedure for the cooperation and the exchange of information between supervisory authorities as laid down in this Article.</i></p> <p><i><u>EIOPA shall submit those draft implementing technical standards to the Commission by 31 December 2014.</u></i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i></p>	<p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.";</i></p> <p>(d) the following paragraph is added:</p> <p><i>"4. In order to ensure uniform conditions of application in relation to the coordination and exchange of information between supervisory authorities, EIOPA shall develop draft implementing technical standards to establish standard forms, templates and procedures for the submission of information to the group supervisor as well as the procedure for the cooperation and the exchange of information between supervisory authorities as laid down in this Article.</i></p> <p><i><u>EIOPA shall submit those draft implementing technical standards to the Commission by 31 December 2014.</u></i></p> <p><i>Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.";</i></p>



	technical standards to the Commission by 31 December 2011."	referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."		
Art. 2 point 56a (new) Art. 250, para 1			<p><i>(56a) Article 250(1) is amended as follows:</i></p> <p><i>"Article 250</i> <i>Consultation between supervisory authorities</i></p> <p>1. Without prejudice to Article 248, the supervisory authorities concerned shall, where a decision is of importance for the supervisory tasks of other supervisory authorities, prior to that decision, consult each other in the college of supervisors with regard to the following:</p> <p>(a) changes in the shareholder structure, organisational or management structure of insurance and reinsurance undertakings in a group, which require the approval or authorisation of supervisory authorities; and</p> <p>(b) major sanctions or exceptional measures taken by supervisory authorities, including the imposition of a capital add-on to the Solvency Capital Requirement under Article 37 and the imposition of any limitation on the use of an internal model for the calculation of the Solvency Capital Requirement under Title I, Chapter VI, Section 4, Subsection 3.</p> <p>For the purposes of point (b), the group supervisor shall always be consulted.</p>	<p><i>(56a) Article 250(1) is amended as follows:</i></p> <p><i>"Article 250</i> <i>Consultation between supervisory authorities</i></p> <p>1. Without prejudice to Article 248, the supervisory authorities concerned shall, where a decision is of importance for the supervisory tasks of other supervisory authorities, prior to that decision, consult each other in the college of supervisors with regard to the following:</p> <p>(a) changes in the shareholder structure, organisational or management structure of insurance and reinsurance undertakings in a group, which require the approval or authorisation of supervisory authorities; and</p> <p><u>(b) the decision on the extension of the recovery period under Article 138 (3) and (4);</u></p> <p>(bc) major sanctions or exceptional measures taken by supervisory authorities, including the imposition of a capital add-on to the Solvency Capital Requirement under Article 37 and the imposition of any limitation on the use of an internal model for the calculation of the Solvency Capital Requirement under Title I, Chapter VI, Section 4, Subsection 3.</p>



			<p><i>For the purpose of consultation on the imposition of a capital add-on under Article 37, the procedure set out in Article 238(4) and (5) shall apply mutadis mutandis, [whereby only the group supervisor may refer the matter to EIOPA.]</i></p> <p>In addition, the supervisory authorities concerned shall, where a decision is based on information received from other supervisory authorities, consult each other prior to that decision.";</p>	<p>For the purposes of point (b) and (c), the group supervisor shall always be consulted.</p> <p>For the purpose of consultation on the imposition of a capital add-on under Article 37, the procedure set out in Article 238(4) and (5) shall apply mutadis mutandis [, whereby only the group supervisor may refer the matter to EIOPA.</p> <p>In addition, the supervisory authorities concerned shall, where a decision is based on information received from other supervisory authorities, consult each other prior to that decision.";</p> <p><u>2. Without prejudice to Article 248, a supervisory authority may decide not to consult in cases of urgency or where such consultation may jeopardise the effectiveness of the decision. In that case, the supervisory authority shall, without delay, inform the other supervisory authorities concerned.</u></p> <p>Comments: This is COM compromise proposal Council = under Article 238 groups are subject to centralised risk management which is not the case under Article 250 and therefore the procedure is questioned. COM=sees that as a possible compromise as it ensures consistency with the CRD.</p>
Art. 2 point 57	(57) Article 254(2) is replaced by the following:	(57) <u>In</u> Article 254(2), <u>the first subparagraph</u> is replaced by the following:		(57) <u>In</u> Article 254(2), <u>the first subparagraph</u> is replaced by the following:



Art. 254 para 2	" 2. Member States shall provide that their authorities responsible for exercising group supervision shall have access to any information relevant for the purposes of that supervision regardless of the nature of the undertaking concerned. Articles 35 and 308a(1) shall apply <i>mutatis mutandis</i> ."	" 2. Member States shall provide that their authorities responsible for exercising group supervision shall have access to any information relevant for the purposes of that supervision regardless of the nature of the undertaking concerned. Article 35 shall apply <i>mutatis mutandis</i> ."		<p>2. Member States shall provide that their authorities responsible for exercising group supervision have access to any information relevant for the purpose of that supervision regardless of the nature of the undertaking concerned. Article 35(1) to (5) shall apply <i>mutatis mutandis</i>.</p> <p><i>The group supervisor may limit regular supervisory reporting with a frequency shorter than one year at the level of the group where all insurance or reinsurance undertakings within the group benefit from the limitation in accordance with Article 35(6) taking into account the nature, scale and complexity of the risks inherent in the business of the group.</i></p> <p><i>The group supervisor may exempt from reporting on an item-by-item basis at the level of the group where all insurance or reinsurance undertakings within the group benefit from the exemption in accordance with Article 35(7), taking into account the nature, scale and complexity of the risks inherent in the business of the group and the objective of financial stability.</i></p>
Art. 2 point 58	(58) In Article 255(2), the following fourth subparagraph is added:	(58) In Article 255(2), the following fourth subparagraph is added:	(58) In Article 255(2), the following subparagraph is added:	(58) In Article 255(2), the following subparagraph is added:
Art. 255 para 2 subpara 3a (new)	"Where the request to another supervisory authority to have a verification carried out in accordance with this paragraph has been rejected or has not been acted within a reasonable period of time, or where a request of the supervisory authority which made the request to participate in the	"Where the request to another supervisory authority to have a verification carried out in accordance with this paragraph has been rejected or has not been acted within a reasonable period of time, or where a request of the supervisory authority which made the request to participate in the	"Where the request to another supervisory authority to have a verification carried out in accordance with this paragraph has not been acted <i>upon</i> within <i>two weeks</i> , or where the supervisory authority <i>is practically prohibited to exercise its right to participate in accordance with</i> the third	"Where the request to another supervisory authority to have a verification carried out in accordance with this paragraph has not been acted <i>upon</i> within <i>two weeks</i> , or where the supervisory authority <i>is practically prohibited from exercising its right to participate in accordance with</i> the



	verification under the third subparagraph has been rejected or has not been acted upon within a period of reasonable time, the requesting authority may refer the matter to EIOPA and may request its assistance in accordance with Article 19 of Regulation .../2010 [EIOPA]. In that case, EIOPA may act in accordance with the powers conferred on it by that Article."	verification under the third subparagraph has been rejected or has not been acted upon within a period of reasonable time, the requesting authority may refer the matter to EIOPA [...] in accordance with Article 19 of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by [...] Article 19 of that Regulation."	subparagraph, the requesting authority may refer the matter to EIOPA and may request its assistance in accordance with Article 19(1), (2) and (6) , of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by that Article.";	third subparagraph, the requesting authority may refer the matter to EIOPA and may request its assistance in accordance with Article 19(1), (2) and (6) , of Regulation (EU) No 1094/2010. In that case, EIOPA may act in accordance with the powers conferred on it by that Article.";
Art. 2 point 58a (new) Art. 255 para 2 subpara 1a (new)			(58a) In Article 255(2), the following subparagraph is added: "In accordance with Article 21 of Regulation (EU) No 1094/2010, EIOPA shall be entitled to participate in on-site verifications where they are carried out jointly by two or more supervisory authorities.";	(58a) In Article 255(2), the following subparagraph is added: "In accordance with Article 21 of Regulation (EU) No 1094/2010, EIOPA shall be entitled to participate in on-site examinations where they are carried out jointly by two or more supervisory authorities.";
Art. 2 point 59 Art. 256	(59) Article 256 is amended as follows:	(59) Article 256 is amended as follows:	(59) Article 256 is amended as follows:	(59) Article 256 is amended as follows:
Art. 2 point 59 point a Art. 256 para 1	(a) Paragraph 1 is replaced by the following: " 1. Member States shall require participating insurance and reinsurance undertakings or insurance holding companies to disclose publicly, on an annual basis, a report on the solvency and financial condition at the level of the group. Articles 51, 53, 54, 55 and 308a(4) shall apply mutatis mutandis."	(a) Paragraph 1 is replaced by the following: "1. Member States shall require participating insurance and reinsurance undertakings or insurance holding companies to disclose publicly, on an annual basis, a report on the solvency and financial condition at the level of the group. Articles 51, 53, 54 <u>and</u> 55 shall apply <i>mutatis mutandis</i> ."	(a) paragraph 1 is replaced by the following: "1. Member States shall require participating insurance and reinsurance undertakings and insurance holding companies and mixed financial holding companies to disclose publicly, on an annual basis, a report on the solvency and financial condition at the level of the group. Articles 51, 53, 54 and 55 shall apply <i>mutatis mutandis</i> ."	Comments EP text on para 1 equals FICOD I text, and therefore this point should be deleted (as a consequence the Commissions proposal on point (a) is deleted)
Art. 2 point 59 point b	(b) Paragraph 4 is replaced by the following:	(b) Paragraph 4 is replaced by the following:	(b) paragraph 4 is replaced by the following:	(b) paragraph 4 is replaced by the following:



Art. 256 para 4	"4. The Commission shall adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, further specifying the information which must be disclosed and the means by which this is to be achieved as regards the single solvency and financial condition report."	"4. The Commission shall adopt delegated acts, in accordance with Article 301a [...], further specifying the information which must be disclosed, <u>the deadlines for the disclosure of the information</u> and the means by which this is to be achieved as regards the single solvency and financial condition report."	"4. The Commission shall adopt delegated acts in accordance with Article 301a ■ further specifying the information which must be disclosed ■ as regards the single solvency and financial condition report.";	"4. The Commission shall adopt delegated acts in accordance with Article 301a ■ further specifying the information which must be disclosed ■ <u>and the deadlines for the annual disclosure of the information</u> as regards the single solvency and financial condition report <u>in accordance with paragraph 2 and the report on the solvency and financial condition report at the level of the group in accordance with paragraph 1.</u> ";
Art. 2 point 59 point c Art. 256 para 4a (new)	<p>(c) The following paragraph 5 is added:</p> <p>"5. Powers are conferred on the Commission to adopt implementing technical standards to determine the conditions of application of this Article as supplemented by the delegated acts referred to in paragraph 4 of this Article, concerning the matters covered by those delegated acts, specifically with regard to the templates for the disclosure of the group solvency and financial report as laid down in this Article.</p> <p>The implementing technical standards referred to in the first subparagraph shall be adopted in accordance with Article 15 of Regulation .../... [EIOPA].</p> <p>EIOPA shall develop draft implementing technical standards for submission to the Commission by 31 December 2011."</p>	<p>(c) The following paragraph 5 is added:</p> <p>"5. <u>In order to ensure uniform conditions of application of this Article, EIOPA shall develop draft</u> implementing technical standards specifically with regard to the templates for the disclosure of the group solvency and financial report as laid down in this Article.</p> <p>EIOPA shall <u>submit those</u> draft implementing technical standards to the Commission by <u>30 September 2012</u>.</p> <p><u>Power is conferred on the Commission to adopt the</u> implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</p>	<p>(c) the following paragraph is added:</p> <p>"5. <i>In order to ensure uniform conditions of application in relation to the group solvency and financial condition report, EIOPA shall develop draft</i> implementing technical standards <i>on the procedures to be followed and formats and templates to be used for</i> the disclosure of the group solvency and financial report as laid down in this Article.</p> <p><i>EIOPA shall submit those draft</i> implementing technical standards <i>to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to adopt the</i> implementing technical standards <i>referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>	<p>(c) the following paragraph is added:</p> <p>"5. <i>In order to ensure uniform conditions of application in relation to the single and group solvency and financial condition report, EIOPA shall develop draft</i> implementing technical standards <i>on the procedures to be followed, the formats and templates to be used and the means for</i> the disclosure of <i>the single and</i> group solvency and financial report as laid down in this Article.</p> <p><i>EIOPA shall submit those draft</i> implementing technical standards <i>to the Commission by 30 June 2013.</i></p> <p><i>Power is conferred on the Commission to adopt the</i> implementing technical standards <i>referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010."</i></p>
Art. 2 point 59a (new)			(59a) The following article is inserted: "Article 256a Group structure	(59a) The following article is inserted: "Article 256a Group structure



Art. 256a (new)			<p><i>Member States shall require insurance and reinsurance undertakings to disclose publicly, at the level of the insurance or reinsurance group, on an annual basis, the legal structure and the governance and organisational structure, including all regulated entities, non-regulated entities and material branches belonging to the group."</i></p>	<p><i>Member States shall require insurance and reinsurance undertakings, <u>insurance holding companies and mixed financial holding companies</u> to disclose publicly, at the level of the insurance or reinsurance group, on an annual basis, the legal structure and the governance and organisational structure, including <u>a description of all subsidiaries</u> regulated entities, <u>material related undertakings</u> non-regulated entities and <u>material significant branches</u> belonging to the group."</i></p> <p><i>Recital (22a) on Article 256a</i> <i>"(22a) In order to ensure that interested <u>stakeholders are properly informed about the structure of insurance and reinsurance groups, it is necessary that information on their legal structure and the governance and organisational structure is made available to the public. That information should include at least information on the legal name, type of business and country of establishment of subsidiaries, material related undertakings and significant branches.</u>"</i></p> <p>Comment New drafting from the Commission, plus recital to clarify that description includes name of company.</p>
Art. 2 point 60	(60) Article 258 (3) is replaced by the following:	(60) Article 258 (3) is replaced by the following:	(60) Article 258(3) is replaced by the following:	(60) Article 258(3) is replaced by the following:
Art. 258 point 3	"The Commission may adopt delegated acts, in accordance with Article 301a and	"The Commission may adopt delegated acts, in accordance with Article 301a [...],	"3. The Commission may adopt delegated acts in accordance with Article 301a ■ for	"3. The Commission may adopt delegated acts in accordance with Article 301a ■ for



	subject to the conditions of Articles 301b and 301c, for the coordination of enforcement measures referred to in paragraphs 1 and 2."	for the coordination of enforcement measures referred to in paragraphs 1 and 2."	the coordination of enforcement measures referred to in paragraphs 1 and 2."	the coordination of enforcement measures referred to in paragraphs 1 and 2."
Art. 2 point 61 Art. 259	<p>(61) Article 259 is replaced by the following:</p> <p style="text-align: center;"><i>Article 259</i> <i>Reporting of EIOPA</i></p> <p>1. EIOPA shall report to the European Parliament annually in accordance with Article 35 of Regulation.../[EIOPA]</p> <p>2. EIOPA shall report, inter alia, on all relevant and significant experiences of the supervisory activities and cooperation between supervisors in the framework of Title III, and, in particular:</p> <p>(a) the process of the nomination of the group supervisor, the number of group supervisors and geographical spread;</p> <p>(b) the working of the college of supervisors, in particular the involvement and commitment of supervisory authorities where they are not the group supervisor.</p> <p>3. EIOPA may, for the purposes of paragraph 1 of this Article, also report on the main lessons drawn from the reviews referred to in Article 248(6), where appropriate."</p>	<p>(61) Article 259 is replaced by the following:</p> <p style="text-align: center;"><i>"Article 259</i> <i>Reporting of EIOPA</i></p> <p>1. EIOPA shall report to the European Parliament annually in accordance with Article <u>50</u> of Regulation (EU) No <u>1094/2010</u>.</p> <p>2. EIOPA shall report, inter alia, on all relevant and significant experiences of the supervisory activities and cooperation between supervisors in the framework of Title III, and, in particular:</p> <p>(a) the process of the nomination of the group supervisor, the number of group supervisors and geographical spread;</p> <p>(b) the working of the college of supervisors, in particular the involvement and commitment of supervisory authorities where they are not the group supervisor.</p> <p>3. EIOPA may, for the purposes of paragraph 1 of this Article, also report on the main lessons drawn from the reviews referred to in Article 248(6), where appropriate."</p>	<p>(61) Article 259 is replaced by the following:</p> <p style="text-align: center;"><i>"Article 259</i> <i>Reporting of EIOPA</i></p> <p>1. EIOPA shall report to the European Parliament annually in accordance with Article 50 of Regulation (EU) No 1094/2010.</p> <p>2. EIOPA shall report, inter alia, on all relevant and significant experiences of the supervisory activities and cooperation between supervisors in the framework of Title III, and, in particular:</p> <p>(a) the process of the nomination of the group supervisor, the number of group supervisors and geographical spread;</p> <p>(b) the working of the college of supervisors, in particular the involvement and commitment of supervisory authorities where they are not the group supervisor.</p> <p>3. EIOPA may, for the purposes of paragraph 1 of this Article, also report on the main lessons drawn from the reviews referred to in Article 248(6), where appropriate.";</p>	<p>(61) Article 259 is replaced by the following:</p> <p style="text-align: center;"><i>"Article 259</i> <i>Reporting of EIOPA</i></p> <p>1. EIOPA shall report to the European Parliament annually in accordance with Article 50 of Regulation (EU) No 1094/2010.</p> <p>2. EIOPA shall report, inter alia, on all relevant and significant experiences of the supervisory activities and cooperation between supervisors in the framework of Title III, and, in particular:</p> <p>(a) the process of the nomination of the group supervisor, the number of group supervisors and geographical spread;</p> <p>(b) the working of the college of supervisors, in particular the involvement and commitment of supervisory authorities where they are not the group supervisor.</p> <p>3. EIOPA may, for the purposes of paragraph 1 of this Article, also report on the main lessons drawn from the reviews referred to in Article 248(6), where appropriate.";</p>
Art. 2 point 62 point a	<p>(62) Article 260 is amended as follows:</p> <p>(a) In paragraph 1, the second subparagraph is replaced by the following:</p>	<p>(62) Article 260 is amended as follows:</p> <p>(a) In paragraph 1, the second subparagraph</p>	<p>(62) Article 260 is replaced by the following:</p>	<p>(62) Article 260 is replaced by the following:</p>



<p>Art. 260 para 1 subpara 2</p>	<p>"The verification shall be carried out by the supervisory authority which would be the group supervisor if the criteria set out in Article 247(2) were to apply, at the request of the parent undertaking or of any of the insurance and reinsurance undertakings authorised in the Union or on its own initiative, unless the Commission had concluded previously in respect of the equivalence of the third country concerned. In so doing, that supervisory authority shall consult the other supervisory authorities concerned and EIOPA, before taking a decision."</p>	<p>is replaced by the following:</p> <p>"The verification shall be carried out by the supervisory authority which would be the group supervisor if the criteria set out in Article 247(2) were to apply, at the request of the parent undertaking or of any of the insurance and reinsurance undertakings authorised in the Union or on its own initiative, unless the Commission had concluded previously in respect of the equivalence of the third country concerned. In so doing, that supervisory authority shall consult the other supervisory authorities concerned and EIOPA, before taking a decision."</p>	<p>"1. In the case referred to in Article 213(2)(c), the supervisory authorities concerned shall verify whether the insurance and reinsurance undertakings, the parent undertaking of which has its head office outside the Union, are subject to supervision, by a third-country supervisory authority, which is equivalent to that provided for by this Title on the supervision at the level of the group of insurance and reinsurance undertakings referred to in Article 213(2)(a) and (b).</p> <p><i>Where no decision has been taken in accordance with paragraph 3 or 5 the verification shall be carried out by the supervisory authority which would be the group supervisor if the criteria set out in Article 247(2) were to apply (hereinafter the "acting group supervisor"), at the request of the parent undertaking or of any of the insurance and reinsurance undertakings authorised in the Union or on its own initiative. EIOPA shall assist the acting group supervisor in accordance with Article 33(2) of Regulation (EU) No 1094/2010.</i></p> <p>In so doing, that <i>acting group supervisor</i> shall, <i>assisted by EIOPA</i>, consult the other supervisory authorities concerned and EIOPA, before taking a decision <i>on equivalence. That decision shall be taken in accordance with the criteria adopted in accordance with paragraph 2. The acting group supervisor shall not take any decision in relation to a third country that</i></p>	<p>"1. In the case referred to in Article 213(2)(c), the supervisory authorities concerned shall verify whether the insurance and reinsurance undertakings, the parent undertaking of which has its head office outside the Union, are subject to supervision, by a third-country supervisory authority, which is equivalent to that provided for by this Title on the supervision at the level of the group of insurance and reinsurance undertakings referred to in Article 213(2)(a) and (b).</p> <p><i>Where no decision has been taken in accordance with paragraph 3 or 5 the verification shall be carried out by the supervisory authority which would be the group supervisor if the criteria set out in Article 247(2) were to apply (hereinafter the "acting group supervisor"), at the request of the parent undertaking or of any of the insurance and reinsurance undertakings authorised in the Union or on its own initiative. EIOPA shall assist the acting group supervisor in accordance with Article 33(2) of Regulation (EU) No 1094/2010.</i></p> <p>In so doing, that <i>acting group supervisor</i> shall, <i>assisted by EIOPA</i>, consult the other supervisory authorities concerned and EIOPA, before taking a decision <i>on equivalence. That decision shall be taken in accordance with the criteria adopted in accordance with paragraph 2. The acting group supervisor shall not take any decision in relation to a third country that</i></p>
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			<p><i>is in opposition to any previous decision taken vis-à-vis that third-country save where it is necessary to take into account of significant changes to the supervisory regime laid down in Title I and to the supervisory regime in the third country.</i></p> <p><i>Where supervisory authorities disagree with the decision taken in accordance with subparagraph 3, they may refer the matter to EIOPA and request its assistance in accordance with Article 19(1), (2), (3) and (6), of Regulation (EU) No 1094/2010 within three months after notification of the decision by the acting group supervisor. In that case, EIOPA may act in accordance with the powers conferred on it by that Article."</i></p>	<p><i>is in opposition to any previous decision taken vis-à-vis that third-country save where it is necessary to take into account of significant changes to the supervisory regime laid down in Title I and to the supervisory regime in the third country.</i></p> <p><i>Where supervisory authorities disagree with the decision taken in accordance with subparagraph 3, they may refer the matter to EIOPA and request its assistance in accordance with Article 19(1), (2), (3) and (6), of Regulation (EU) No 1094/2010 within three months after notification of the decision by the acting group supervisor. In that case, EIOPA may act in accordance with the powers conferred on it by that Article."</i></p>
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			<p>2. The Commission may adopt delegated acts in accordance with Article 301a, specifying the criteria to assess whether the <i>supervisory</i> regime in a third country for the supervision of groups is equivalent to that laid down in this Title.</p> <p><i>3. If the criteria adopted in accordance with the paragraph 2 have been fulfilled by a third country, the Commission may, in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the supervisory regime of that third country is equivalent to that laid down in this Title.</i></p> <p><i>Such a Commission decision shall be regularly reviewed to take into account any significant changes to the supervisory regime laid down in this Title, and to the supervisory regime in the third country. EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p> <p><i>4. In the absence of a decision adopted by the Commission in accordance with paragraph 3 or 5, Article 262 shall apply.</i></p> <p><i>5. By way of derogation from paragraph 3, and even if the criteria specified in accordance with paragraph 2 have not been fulfilled the Commission may, for a limited period and in accordance with</i></p>	<p>2. The Commission may adopt delegated acts in accordance with Article 301a, specifying the criteria to assess whether the <i>prudential</i> regime in a third country for the supervision of groups is equivalent to that laid down in this Title.</p> <p><i>3. If the criteria adopted in accordance with the paragraph 2 have been fulfilled by a third country, the Commission may, in accordance with Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the <u>prudential</u> regime of that third country is equivalent to that laid down in this Title.</i></p> <p><i>Such a Commission decision shall be regularly reviewed to take into account any changes to the <u>prudential</u> regime <u>for the supervision of groups</u> laid down in this Title, and to the <u>prudential</u> regime in the third country <u>for the supervision of groups and to any other change in regulation that may affect the decision on equivalence.</u> EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p> <p><i>4. In the absence of a decision adopted by the Commission in accordance with paragraph 3 or 5, Article 262 shall apply.</i></p> <p><i>5. By way of derogation from paragraph 3, and even if the criteria specified in accordance with paragraph 2 have not been fulfilled the Commission may, for a limited period and in accordance with</i></p>
Art. 2 point 62 point b	(b) Paragraph 2 is replaced by the following:	(b) Paragraph 2 is replaced by the following:		



<p>Art. 260 para 2</p>	<p>"2. The Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying the criteria to assess whether the prudential regime in a third country for the supervision of groups is equivalent to that laid down in this Title.</p>	<p>"2. The Commission may adopt delegated acts, in accordance with Article 301a [...], specifying the criteria to assess whether the prudential regime in a third country for the supervision of groups is equivalent to that laid down in this Title.</p>	<p><i>Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the supervisory regime of a third country applied to undertakings with the head office in that third country is temporarily equivalent to that laid down in Title I, if that third country has complied with at least the following criteria:</i></p> <p><i>(a) it has given written commitments to the Union to adopt and apply a supervisory regime that is capable of being assessed equivalent in accordance with paragraph 3, before the end of that limited period;</i></p> <p><i>(b) it has established a convergence programme to fulfil the commitment under point (a);</i></p> <p><i>(c) it has allocated sufficient resources to fulfil the commitment under point (a);</i></p> <p><i>(d) it has a supervisory regime that is risk based and based on economic valuation of assets and liabilities;</i></p> <p><i>(e) it has concluded agreements to exchange confidential supervisory information in accordance with Article 264;</i></p>	<p><i>Article 301a, and assisted by EIOPA in accordance with Article 33(2) of Regulation (EU) No 1094/2010, decide that the <u>prudential</u> regime of a third country applied to undertakings <u>the parent undertaking of which has its head office outside the Union on 1 January 2014</u> is temporarily equivalent to that laid down in Title I, if that third country has complied with at least the following criteria:</i></p> <p><i>(a) it has given <u>a commitment</u> to the Union to adopt and apply a <u>prudential</u> regime that is capable of being assessed equivalent in accordance with paragraph 3, before the end of that limited period <u>and to engage in the equivalence assessment process</u>;</i></p> <p><i>(b) it has established a <u>work</u> programme to fulfil the commitment under point (a);</i></p> <p><i>(c) it has allocated sufficient resources to fulfil the commitment under point (a);</i></p> <p><i>(d) it has a <u>prudential</u> regime that is risk based and <u>establishes quantitative and qualitative solvency requirements and requirements relating to supervisory reporting and transparency and to the supervision of groups</u>;</i></p> <p><i>(e) it has <u>entered into written arrangements to cooperate</u> and exchange confidential supervisory information <u>with EIOPA and supervisory authorities as defined in Article 13(10)</u>;</i></p>
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		<p><i>(f) it has an independent system of supervision based on core principles, principles and standards adopted by the IAIS;</i></p> <p><i>(g) it has established, for all persons acting on behalf of its supervisory authorities, obligations on professional secrecy in particular on the exchange of information with EIOPA and supervisory authorities as defined in Article 13(10).</i></p> <p><i>Any decisions on temporary equivalence shall take into account the reports by the Commission in accordance with Article 177(2). Those decisions shall be regularly reviewed, on the basis of progress reports by the relevant third country, which are presented to and assessed by the Commission and EIOPA every six months.</i></p> <p><i>EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p> <p><i>The Commission may adopt delegated acts in accordance with Article 301a further specifying the conditions laid down in the first subparagraph.</i></p>	<p><i>(f) it has an independent system of supervision;</i></p> <p><i>(g) it has established obligations on professional secrecy for all persons acting on behalf of its supervisory authorities, in particular on the exchange of information with EIOPA and supervisory authorities as defined in Article 13(10).</i></p> <p><i>Any decisions on temporary equivalence shall take into account the reports by the Commission in accordance with Article 177(2). Those decisions shall be regularly reviewed, on the basis of progress reports by the relevant third country, which are presented to and assessed by the Commission <u>annually. EIOPA shall assist the Commission in the assessment of those progress reports</u></i></p> <p><i>EIOPA shall publish and keep up to date on its website a list of all third countries referred to in the first subparagraph.</i></p> <p><i>The Commission may adopt delegated acts, in accordance with Article 301a, further specifying the conditions laid down in the first subparagraph. <u>Delegated acts may also cover powers for supervisory authorities to impose additional supervisory reporting requirements during the transitional period.</u></i></p> <p><i>6. The period referred to in paragraph 5</i></p>
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			<p><i>6. The period referred to in paragraph 5 shall be five years from the date referred to in Article 310 or until the date on which, in accordance with paragraph 3, the supervisory regime of that third country has been deemed to be equivalent to that laid down in this Title, whichever is the earliest.</i></p> <p><i>That period may be extended with a maximum of one more year, where such time is necessary for EIOPA and the Commission to carry out the assessment of equivalence for the purposes of paragraph 3.</i></p> <p><i>7. Where a decision in accordance with paragraph 5 is taken that the supervisory regime of a third country is temporarily equivalent, Member States may apply Article 261. EIOPA shall issue guidelines for the consistent and coherent application by Member States of this paragraph by 1 January 2014. Member States shall make every effort to comply with those guidelines. Where a Member State decides not to apply Article 261 in respect of a group, no other Member State may apply that Article in respect of that group."</i></p>	<p><i>shall be five years from the date referred to in Article 310 or until the date on which, in accordance with paragraph 3, the <u>prudential regime</u> of that third country has been deemed to be equivalent to that laid down in this Title, whichever is the earliest.</i></p> <p><i>That period may be extended with a maximum of one more year, where such time is necessary for EIOPA and the Commission to carry out the assessment of equivalence for the purposes of paragraph 3.</i></p> <p><i>7. Where a decision in accordance with paragraph 5 is taken that the <u>prudential</u> regime of a third country is temporarily equivalent, Member States <u>shall</u> apply Article 261, <u>unless there is an insurance or reinsurance undertaking situated in a Member State which has a balance sheet total that exceeds the balance sheet total of the parent undertaking situated outside the Union. In that case, the task of the group supervisor shall be exercised by the acting group supervisor.</u>";</i></p>
<p>Art. 2 point 62 point c</p> <p>Art. 260 para 3a (new)</p>	<p>(c) the following paragraph 4 is added</p> <p>"4. By way of derogation from Article 261(1), the first paragraph of Article 262(1) and the second paragraph of Article 263, Member States may, for a transitional</p>	<p>(c) <u>The following paragraphs 4 to 7 are added:</u></p> <p><u>4. By way of derogation from Article 261(1), the first paragraph of Article 262(1) and the second paragraph of Article 263, Member States may, for a transitional</u></p>		



	<p>period, rely on the group supervision exercised by the third-country supervisory authorities. The transitional period shall last for a maximum of 5 years from the date referred to in the first sub-paragraph of Article 309(1). This derogation shall only apply where the Commission has made a decision in accordance with paragraph 5 that specified conditions have been met by the third country. "</p>	<p><u>period, rely on the group supervision exercised by the third-country supervisory authorities of insurance and reinsurance undertakings, the parent undertaking of which has its head office outside the Community on 1 January 2014 in situations other than those covered in paragraph 5. The transitional period shall last from 1 January 2014 until 31 December 2018, or until the date on which, in accordance with paragraph 2 of this Article, the prudential regime of that third country has been deemed to be equivalent to that laid down in this Title, whichever is the earliest. This derogation shall only apply where the Commission has made a decision in accordance with paragraph 7 that specified conditions have been met by the third country.</u></p> <p><u>No later than 3 years after 1 January 2014, the Commission shall review in relation to each third country for which the Commission has made a decision in accordance with paragraph 7, the progress on convergence to an equivalent regime that has been made by the third country.</u></p>		
<p>Art. 2 point 62 point d</p> <p>Art. 260 para 4a (new)</p>	<p>(d) the following paragraph 5 is added:</p> <p>"5. The Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, specifying in relation to paragraph 4 the length of the transitional period which may be shorter than the maximum of 5 years and the conditions which are to be met by the third country. Those conditions shall cover commitments given by the supervisory authorities, their</p>	<p><u>[...] 5. During the transitional period, Member States shall not rely on the group supervision exercised by the third country-supervisory authorities for which a decision has been made in accordance with paragraph 7, where there is an insurance or reinsurance undertaking situated in a Member State which has a balance sheet total that exceeds the balance sheet total of the parent undertaking situated outside the</u></p>		



	convergence to an equivalent regime over a set period of time, the existing or intended content of the regime, and matters of cooperation, exchange of information and professional secrecy obligations.	<u>Community. In that case, the task of the group supervisor shall be exercised by the supervisory authority of the Member State determined in accordance with Article 247.</u>		
Art. 2 point 62 point e Art. 260 para 4b (new)	<p>(e) the following paragraph 6 is added:</p> <p>"6. The Commission may adopt, a decision in respect of prudential regimes of third countries referred to in paragraph 4 that the conditions set out in paragraph 4 and the delegated act have been met by the third country.</p> <p>Those decisions shall be adopted after consultation of the European Insurance and Occupational Pensions Committee and in accordance with the regulatory procedure referred to in Article 301(2). The decisions shall be reviewed regularly."</p>	<p>[...] 6. The Commission may adopt <u>delegated acts, in accordance with Article 301a, specifying in relation to paragraph 4 the conditions which are to be met by the third country. Those conditions shall cover commitments given by the third countries, their convergence to an equivalent regime over a set period of time, the existing or intended content of the regime, including the extent to which a third country's current prudential regime exercises group supervision, and matters of cooperation, exchange of information and professional secrecy obligations. Delegated acts may also cover powers for supervisory authorities to impose additional supervisory reporting requirements during the transitional period.</u></p> <p>7. The Commission may adopt, a decision <u>in respect of prudential regimes of third countries referred to in paragraph 4 that the conditions set out in paragraph 6 and the delegated act have been met by the third country.</u> Those decisions shall be adopted after <u>consultation of the European Insurance and Occupational Pensions Committee and in accordance with the [...] examination procedure referred to in Article 301(2). The decisions shall be reviewed regularly.</u></p>		
Art. 2 point 63	(63) In Article 262 the first subparagraph of paragraph 1 is amended as follows:	(63) In Article 262 the first subparagraph of paragraph 1 is <u>replaced by the following</u> :	(63) In Article 262 the first subparagraph of paragraph 1 is replaced by the following :	(63) In Article 262 the first subparagraph of paragraph 1 is replaced by the following :



Art. 262 para 1 subpara 1	"1. In the absence of equivalent supervision referred to in Article 260, Member States shall apply either of the following to insurance and reinsurance undertakings:	"1. In the absence of equivalent supervision referred to in Article 260, Member States shall apply either of the following to insurance and reinsurance undertakings: [...]	"1. In the absence of equivalent supervision referred to in Article 260, <i>or where a Member State does not apply Article 261 in the event of temporarily equivalence in accordance with Article 260(7), that Member State</i> shall apply either of the following to insurance and reinsurance undertakings:	"1. In the absence of equivalent supervision referred to in Article 260, <i>or where a Member State does not apply Article 261 in the event of temporarily equivalence in accordance with Article 260(7), that Member State</i> shall apply either of the following to insurance and reinsurance undertakings:
Art. 2 point 64 point a	(64) (a) Articles 218 to 235, Article 244 to 258 and Article 308a(9) <i>mutatis mutandis</i>	(a) Articles 218 to 235, Articles 244 to 258 and Article 308a(8) <i>mutatis mutandis</i> ; (b) one of the methods set out in paragraph 2."	(a) Articles 218 to 235, <i>and Articles</i> 244 to 258 <i>mutatis mutandis</i> ; (b) one of the methods set out in paragraph 2.";	(a) Articles 218 to 235, <i>and Articles</i> 244 to 258 <i>mutatis mutandis</i> ; (b) one of the methods set out in paragraph 2.";
Art. 2 point 65 point b	(65) (b) one of the methods set out in paragraph 2."			
Art. 2 point 66 Art. 300 para 1	(66) In the first paragraph of Article 300, the date "31 October 2012" is replaced by the date "31 December 2012".	(66) In the first paragraph of Article 300, the date "31 October 2012" is replaced by the date "31 December 2013".	(66) In Article 300, the <i>first paragraph is replaced by the following:</i> "The amounts expressed in euro in this Directive shall be revised every five years, by increasing the base amount in euro by the percentage change in the Harmonised Indices of Consumer Prices of all Member States as published by Eurostat starting from <i>31 December 2012</i> until the date of revision and rounded up to a multiple of EUR 100 000."	(66) In Article 300, the <i>first paragraph is replaced by the following:</i> "The amounts expressed in euro in this Directive shall be revised every five years, by increasing the base amount in euro by the percentage change in the Harmonised Indices of Consumer Prices of all Member States as published by Eurostat starting from <u>31 December 2013</u> until the date of revision and rounded up to a multiple of EUR 100 000."
Art. 2 point 67 Art. 301 para 3	(67) Article 301 (3) is deleted.	(67) Article 301 is amended as follows: (a) Paragraph 2 is replaced by the following: "2. Where reference is made to this paragraph, Articles 5 and 10 of Regulation (EU) No 182/2011 shall apply, having	(67) <i>In Article 301, paragraphs 2 and 3 are deleted.</i>	



		regard to the provisions of Article[...] 11 thereof." [...] (b) Paragraph (3) is deleted.		
Art. 2 point 68 Art. 301a, 301b, 301c (new)	<p>(68) The following articles 301a, 301b and 301c are inserted:</p> <p style="text-align: center;"><i>"Article 301a</i> <i>Exercise of the delegation</i></p> <p>1. The powers to adopt delegated acts referred to in Articles 17, 31, 35, 37, 50, 56, 58, 75, 86, 92, 97, 99, 111, 114, 127, 130, 135, 143, 172, 210, 211, 216, 217, , 234, 241, 244, 245, 247, 248, 249, 256, 258, 260 and 308b shall be conferred on the Commission for a period of 5 years following the entry into force of this Directive.</p> <p>The Commission shall draw up a report in respect of the delegated power at the latest 6 months before the end of the 5 year period. The delegation of powers shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 301b.</p> <p>2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously</p>	<p>(68) The following article 301a [...] is inserted:</p> <p style="text-align: center;"><i>"Article 301a</i> <i>Exercise of the delegation</i></p> <p>1. <u>The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</u></p> <p>2. The <u>delegation of power</u> referred to in Articles 17, 31, 35, 37, 50, 56, 58, 75, 86, 92, 97, 99, 111, 114, 127, 130, 135, 143, 172, 210, 211, 216, 217, 227, 234, 241, 244, 245, 247, 248, 249, 256, 258, 260 and <u>308a</u> [...] shall be conferred on the Commission for a period of 5 years from ...*.</p> <p>The Commission shall draw up a report in respect of the <u>delegation of power not later than 2 months</u> before the end of the 5 year period. The delegation of power shall be <u>tacitly</u> extended for periods of an identical duration, unless the European Parliament or the Council <u>opposes such extension not later than three months before the end of each period.</u></p>	<p>(68) The following articles are inserted:</p> <p style="text-align: center;"><i>"Article 301a</i> <i>Exercise of the delegation</i></p> <p>1. The power to adopt delegated acts is conferred on the Commission <i>subject to the conditions laid down in this Article.</i></p> <p>1a. The delegation of power referred to in Articles 17, 37, 50, 56, 109a, 172, 216, 217, 227, 241, 244, 245, 247, 256, 258, 260 shall be conferred on the Commission for a period of four years from*.</p> <p><i>The Commission shall draw up a report in respect of the delegated power at the latest six months before the end of the four-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i></p>	<p>(68) The following articles are inserted:</p> <p style="text-align: center;"><i>"Article 301a</i> <i>Exercise of the delegation</i></p> <p>1. The power to adopt delegated acts is conferred on the Commission <i>subject to the conditions laid down in this Article.</i></p> <p>1a. The delegation of power referred to in Article 17(3), Article 31(4), Article 35(9), Article 37(6) and (6a), Article 50(1)(a) and (b), Article 56(1), Article 75(2), Article 86(1), Article 92(1a), Article 97(1), Article 99, Article 109a(5), Article 111(1), Article 114(1), Article 127, Article 130, Article 135(1) and (2), Article 143(1), Article 172(1), Article 210(2), Article 211(2), Article 216(7) Article 217(3), Article 227(3), Article 234, Article 241, Article 244(4), Article 245(4), Article 247(7), Article 248(8), Article 256(4), Article 258(3) and Article 260(2) shall be conferred on the Commission for a period of four years from*.</p> <p><i>The Commission shall draw up a report in respect of the delegated power at the latest</i></p>

* Date of entry into force of this Directive.

* OJ please insert the date of entry into force of this Directive.

* OJ please insert the date of entry into force of this Directive.



<p>to the European Parliament and to the Council.</p> <p>3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 301b and 301c..</p> <p style="text-align: center;"><i>Article 301b</i> <i>Revocation of the delegation</i></p> <p>1. The delegation of power referred to in Articles 17, 31, 35, 37, 50, 56, 58, 75, 86, 92, 97, 99, 111, 114, 127, 130, 135, 143, 172, 210, 211, 216, 217, 227, 234, 241, 244, 245, 247, 248, 249, 256, 258 260 and 308b may be revoked at any time by the European Parliament or by the Council.</p> <p>2. The institution which has commenced an internal procedure for deciding whether to revoke a delegation of power shall inform the other legislator and the Commission at the latest one month before the final decision is taken, stating the delegated power which could be subject to revocation and the reasons for a revocation.</p> <p>3. The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.</p>	<p>3. The delegation of power referred to in Articles 17, 31, 35, 37, 50, 56, 58, 75, 86, 92, 97, 99, 111, 114, 127, 130, 135, 143, 172, 210, 211, 216, 217, 227, 234, 241, 244, 245, 247, 248, 249, 256, 258, 260 and <u>308a</u> may be revoked at any time by the European Parliament or by the Council.</p> <p><u>A</u> decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect <u>the day following the publication of the decision in the Official Journal of the European Union</u> or at a later date specified therein. It shall not affect the validity of <u>any</u> delegated acts already in force.</p>	<p><i>1b. The delegation of power referred to in Articles 17, 37, 50, 56, 109a, 172, 216, 217, 227, 241, 244, 245, 247, 256, 258, 260 may be revoked at any time by the European Parliament or by the Council.</i></p> <p><i>A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</i></p>	<p><i>six months before the end of the four-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i></p> <p><i>1b. The delegation of power referred to in Article 17(3), Article 31(4), Article 35(9), Article 37(6) and (6a), Article 50(1)(a) and (b), Article 56(1), Article 75(2), Article 86(1), Article 92(1a), Article 97(1), Article 99, Article 109a(5), Article 111(1), Article 114(1), Article 127, Article 130, Article 135(1) and (2), Article 143(1), Article 172(1), Article 210(2), Article 211(2), Article 216(7) Article 217(3), Article 227(3), Article 234, Article 241, Article 244(4), Article 245(4), Article 247(7), Article 248(8), Article 256(4), Article 258(3) and Article 260(2) may be revoked at any time by the European Parliament or by the Council.</i></p>
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	<p><i>Article 301c</i> <i>Objections to delegated acts</i></p> <p>1. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council, that period shall be extended by one month.</p> <p>2. If, on expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein.</p> <p>The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.</p> <p>3. If either the European Parliament or the Council objects to the delegated act within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act."</p>	<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p><u>5. A delegated act adopted pursuant to Articles 17, 31, 35, 37, 50, 56, 58, 75, 86, 92, 97, 99, 111, 114, 127, 130, 135, 143, 172, 210, 211, 216, 217, 227, 234, 241, 244, 245, 247, 248, 249, 256, 258, 260 and 308a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 3 months of notification of that act to the European Parliament and the Council or, if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 3 months at the initiative of the European Parliament or the Council."</u> [...]</p>	<p>2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>3. <i>A delegated act adopted pursuant to Articles 17, 37, 50, 56, 109a, 172, 216, 217, 227, 241, 244, 245, 247, 256, 258, 260 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or the Council.</i></p>	<p>.</p> <p><i>A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</i></p> <p>2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>3. <i>A delegated act adopted pursuant to Article 17(3), Article 31(4), Article 35(9), Article 37(6) and (6a), Article 50(1)(a) and (b), Article 56(1), Article 75(2), Article 86(1), Article 92(1a), Article 97(1), Article 99, Article 109a(5), Article 111(1), Article 114(1), Article 127, Article 130, Article 135(1) and (2), Article 143(1), Article 172(1), Article 210(2), Article 211(2), Article 216(7) Article 217(3), Article 227(3), Article 234, Article 241, Article 244(4), Article 245(4), Article 247(7), Article 248(8), Article 256(4), Article 258(3) and Article 260(2) shall enter into force only if no objection has been</i></p>
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				<i>expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or the Council.</i>
			<p>Article 301b Sunrise clause</p> <p><i>When adopting for a first time the regulatory technical standards provided for in Article 35(6), Article 37(6a), Article 50, Article 58(8), Article 75(2), Article 86, Article 92(1), Article 97(1), Article 99(1), Article 111(1) and (2), Article 114(1), Article 127, Article 130, Article 135(1) and (2a), Article 143(1) and (2), Article 210(2), Article 211(2), Article 234, Article 245(4), Article 248(6) and (7), Article 249(3) and for a transitional period of a maximum two years after ...* the publication of this Directive in the Official Journal of the European Union the Commission shall follow the procedure for the adoption of delegated acts as set out in Article 301a. Any amendments to such delegated acts or, after the transitional period has expired, any new regulatory technical standards shall be adopted in accordance with the procedures as set out in the relevant Articles."</i></p>	<p>Article 301b Sunrise clause</p> <p><i><u>1. For a period not exceeding two years after the entry into force of this Directive, the Commission shall, when</u> When adopting for a first time the regulatory technical standards provided for in Article 50(1a)(a) and (b), Article 50(2), Article 58(8), Article 75(2a), Article 86(2), Article 92(1), Article 97(2), Article 111(2), Article 135(2a), Article 143(2), Article 244(4a), Article 245(4a) Article 248(6) and (7), Article 249(3) and for a transitional period of a maximum two years after ...* the publication of this Directive in the Official Journal of the European Union the Commission shall adopt these regulatory technical standards following <u>follow</u> the procedure for the adoption of delegated acts as set out in accordance with Article 301a. Any amendments to such delegated acts or, after the transitional period has expired, any new regulatory technical standards shall be adopted in accordance</i></p>



			<p><i>with the procedures as set out in the relevant Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i><u>1a. The delegation of power referred to in paragraph 1 may be revoked at any time by the European Parliament or by the Council in accordance with Article 12 of Regulation (EU) No 1094/2010.</u></i></p> <p><i><u>2. Two years after the entry into force of this Directive, EIOPA may submit draft regulatory technical standards to the Commission to adjust to technical developments on the financial markets the delegated acts provided for in Article 17(3), Article 31(4), Article 35(9), Article 37(6) and (6a), Article 50(1)(a) and (b), Article 56(1), Article 75(2), Article 86(1), Article 92(1a), Article 97(1), Article 99, Article 109a(5), Article 111(1), Article 114(1), Article 127, Article 130, Article 135(1) and (2), Article 143(1), Article 172(1), Article 210(2), Article 211(2), Article 216(7) Article 217(3), Article 227(3), Article 234, Article 241, Article 244(4), Article 245(4), Article 247(7), Article 248(8), Article 256(4), Article 258(3) and Article 260(2).</u></i></p> <p><i><u>These draft regulatory technical standards shall be limited to the technical aspects of the delegated acts referred to in the first subparagraph, in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010";</u></i></p> <p><i><u>Power is delegated to the Commission to adopt the regulatory technical standards</u></i></p>
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				<i>referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i>
Art. 2 point 69 Art. 304 para 2	(69) In Article 304(2), the date "31 October 2015" is replaced by the date "31 December 2015".	(69) In Article 304(2), the date "31 October 2015" is replaced by the date "31 December 2016".	(69) In Article 304, <i>paragraph 2</i> is replaced by <i>the following</i> : "The Commission shall submit to the European Insurance and Occupational Pensions Committee and the European Parliament, <i>by 31 December 2015</i> , a report on the application of the approach set out in paragraph 1 and the supervisory authorities' practices adopted pursuant to paragraph 1, accompanied, where appropriate, by adequate proposals. That report shall address, in particular, cross-border effects of the use of that approach with a view to preventing regulatory arbitrage by insurance and reinsurance undertakings.";	(69) In Article 304, <i>paragraph 2</i> is replaced by <i>the following</i> : "The Commission shall submit to the European Insurance and Occupational Pensions Committee and the European Parliament, <i>by 31 December 2016</i> , a report on the application of the approach set out in paragraph 1 and the supervisory authorities' practices adopted pursuant to paragraph 1, accompanied, where appropriate, by adequate proposals. That report shall address, in particular, cross-border effects of the use of that approach with a view to preventing regulatory arbitrage by insurance and reinsurance undertakings.";
Art. 2 point 70 Section 4, Art. 308 a (new)	(70) The following Article 308a is inserted: "SECTION 3 Transitional measures specified by delegated acts Article 308a Transitional provisions 1. Where the Commission has adopted a delegated act in accordance with Article 308b(1), Article 35(5) shall not apply for a maximum period of five years from the date referred to in the first sub-paragraph of	(70) The following Article 308a is inserted: "SECTION 3 Transitional measures specified by delegated acts Article 308a Transitional provisions [...] 1. [...] By way of derogation from Article 76(2), Article 76(3) and Article 76(5), [...] the rates of the relevant risk-free interest rate term structure to calculate the best estimate with respect to insurance or	(70) The following <i>section</i> is inserted: "SECTION 3 <i>Insurance and reinsurance</i> Article 308a <i>Phasing-in</i> <i>1. Between 1 January and 31 December 2013, insurance and reinsurance undertakings and supervisory authorities shall take all measures necessary to</i>	70) The following <i>section</i> is inserted: "SECTION 3 <i>Insurance and reinsurance</i> Article 308a <i>Phasing-in</i> <i>1. Between 1 January July and 31 December 2013, insurance and reinsurance undertakings and supervisory authorities shall take all measures necessary to ensure comply compliance</i>



	<p>Article 309(1).</p> <p>2. Where the Commission has adopted a delegated act in accordance with Article 308b(2), the condition referred to in Article 37(1)(a) that the supervisory authority has concluded that the risk profile of the insurance or reinsurance undertaking has deviated significantly from the assumptions underlying the Solvency Capital Requirement as calculated using the standard formula shall not apply for a maximum period of 10 years from the date referred to in the first sub-paragraph of Article 309(1). Equally, the requirement in Article 37(2) that capital add-ons imposed under point a) of Article 37(1) are to be</p>	<p><u>reinsurance obligations corresponding to paid-in premiums for existing contracts:</u></p> <p>(a) <u>for which, according to national law by the last date of the application of Directive 2002/83/EC, technical provisions were calculated using the interest rate referred to in Article 20.B.a.ii of Directive 2002/83/EC; and,</u></p> <p>(b) <u>where the insurance or reinsurance undertaking complies with the laws, regulations and administrative provisions for the establishment of technical provisions which are adopted pursuant to Article 20 of Directive 2002/83/EC, Article 15 of Directive 73/239/EEC and Article 32 of Directive 2005/68/EC;</u></p> <p><u>shall, subject to prior supervisory approval, be calculated as set out in paragraph 2.</u></p> <p><u>2. For each currency and in respect of each maturity the rate shall be calculated as the weighted average of:</u></p> <p>(a) <u>the interest rate referred to in Article 20.B.a.ii of Directive 2002/83/EC as calculated at the last date of the application of Directive 2002/83/EC; and</u></p> <p>(b) <u>the rate for that maturity of the relevant risk-free interest rate term structure as measured in accordance with Article 76(2), Article 76(3) and Article 76(5).</u></p> <p><u>The weight for the rate expressed in point (b) shall increase at least linearly at the end of each year from 0 % during the first year</u></p>	<p><i>comply as of 1 January 2014 with the national laws, regulations and administrative provisions implementing this Directive.</i></p> <p>2. <i>From 1 January 2013 Member States shall ensure that the supervisory authorities have the power to:</i></p> <p>(a) <i>decide on:</i></p> <p>(i) <i>the approval of undertaking specific parameters in accordance with Article 104(7);</i></p> <p>(ii) <i>the approval of ancillary own funds in accordance with Article 90;</i></p> <p>(iii) <i>the approval of the classification of own funds items referred to in the third paragraph of Article 95;</i></p> <p>(iv) <i>the approval of a full or partial</i></p>	<p><i>from as of 1 January 2014 with the national laws, regulations and administrative provisions implementing this Directive.</i></p> <p>2. <i>From 1 January July 2013 Member States shall ensure that the supervisory authorities have the power to:</i></p> <p>(a) <i>decide on the approval of:</i></p> <p>(i) <i>(a) the approval of ancillary own funds in accordance with Article 90;</i></p> <p>(ii) <i>(b) the approval of the classification of own funds items referred to in the third paragraph of Article 95;</i></p> <p>(iii) <i>(c) the approval of undertaking specific parameters in accordance with Article 104(7);</i></p>
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	<p>calculated in such a way so as to ensure the undertaking complies with Article 101(3) shall not apply for a maximum period of 10 years from the date referred to in the first sub-paragraph of Article 309(1).</p>	<p><u>following the last date of the application of Directive 2002/83/EC, to 100 % as of 7 years after 1 January 2014.</u></p>	<p><i>internal model in accordance with Articles 112 and 113;</i> <i>(v) the approval of special purpose vehicles to be established in their territory;</i> <i>(vi) the approval of ancillary own funds of an intermediate insurance holding company in accordance with Article 226(2);</i> <i>(vii) a decision referred to in Article 228;</i> <i>(viii) the approval of a group internal model in accordance with Article 231 and Article 233(5);</i> <i>(ixi) the permission to be subject to Articles 238 and 239, in accordance with Article 236;</i> <i>(b) determine the level and scope of group supervision in accordance with Sections 2 and 3 of Title III, Chapter I;</i> <i>(c) determine the choice of method to calculate group solvency in accordance with Article 220;</i> <i>(d) make the determination on equivalence and temporary equivalence in accordance with Articles 227 and 260;</i> <i>(e) identify the group supervisor in accordance with Article 247;</i> <i>(f) establish a college of supervisors in accordance with Article 248;</i> <i>(g) make the determinations referred to in Articles 262 and 263; and</i> <i>(h) determine the application of waivers</i></p>	<p>(iv) (d) the approval of a full or partial internal model in accordance with Articles 112 and 113; (v) (e) the approval of special purpose vehicles to be established in their territory in accordance with Articles 211; (vi) (f) the approval of ancillary own funds of an intermediate insurance holding company in accordance with Article 226(2); (vii) a decision referred to in Article 228; (viii) (g) the approval of a group internal model in accordance with Article 230, Article 231 and Article 233(5); (h) the use of the duration based equity risk sub module in accordance with Article 304. <p><u>3. From 1 July 2013 Member States shall ensure that the supervisory authorities have the power to:</u> (b) (a) determine the level and scope of group supervision in accordance with Sections 2 and 3 of Title III, Chapter I; (viii) (b) decide to deduct any participation in accordance with the second subparagraph of Article 228; (c) determine the choice of method to calculate group solvency in accordance with Article 220; (d) make the determination on equivalence, <u>where appropriate</u>, and temporary equivalence in accordance with Articles 227 and 260; (ixi) (e) the permission permit insurance and reinsurance undertakings to be subject to Articles 238 and 239, in accordance with Article 236;</p> </p>
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	<p>3. Where the Commission has adopted a delegated act in accordance with Article 308b(3), Article 41(1) and Article 41(3) shall not apply for a maximum period of 3 years from the date referred to in the first sub-paragraph of Article 309(1).</p> <p>4. Where the Commission has adopted a delegated act in accordance with Article 308b(4), Article 51(1) shall not apply for a maximum period of 3 years from the date referred to in the first sub-paragraph of Article 309(1).</p> <p>5. Where the Commission has adopted a delegated act in accordance with Article 308b(5), Article 75(1) shall not apply for a maximum period of 10 years from the date referred to in the first sub-paragraph of Article 309(1).</p>	<p>3. The Commission shall adopt delegated acts further specifying the criteria to be met by existing contracts in order to be eligible for the transitional measure referred to in paragraphs 1 and 2.</p> <p>4. By way of derogation from Article 94, basic own-fund items that meet the criteria set out in the delegated act adopted by the Commission in accordance with paragraph 5, shall be included in Tier 1 or Tier 2 basic own funds for up to 10 years after 1 January 2014.</p> <p>5. The Commission shall adopt delegated acts specifying the basic own-fund items subject to the transitional measures and the transitional requirements referred to in paragraph 4 as to the classification of own fund items, which will apply to those specified basic own-fund items and requiring that during the transitional period insurance and reinsurance undertakings comply at least with the laws, regulations and administrative provisions adopted</p>	<p><i>and transitional periods in accordance with Article 308a(3) and Article 308b.</i></p> <p><i>Member States shall oblige the supervisory authorities concerned to consider applications submitted by insurance and reinsurance undertakings for approval or permission in accordance with paragraph 3. The decisions taken by the supervisory authorities on applications for approval or permission shall not become applicable before the date referred to Article 310.</i></p> <p><i>3. Without prejudice to Article 308b, as of 1 July 2013 insurance and reinsurance undertakings shall:</i></p> <p><i>(a) calculate estimates for the Solvency Capital Requirement, the Minimum Capital Requirement and the amount of own funds, determine the balance sheet in accordance with this Directive, and provide the supervisory authorities concerned with this information;</i></p> <p><i>(b) provide supervisory authorities with the information referred to in Article 35 on an annual basis in relation to the financial year ending on or after 1 July 2013.</i></p> <p><i>The reference date of the balance sheet referred to in point (a) shall be the first day of the financial year starting on or after 1 July 2012, but before 1 July 2013.</i></p>	<p>(e) (f) identify the group supervisor in accordance with Article 247; (f) (g) establish a college of supervisors in accordance with Article 248; (g) (h) make the determinations referred to in Articles 262 and 263. and (h) (i) determine, where appropriate, the application of waivers and transitional periods measures in accordance with Article 308a(3) and Article 308b.</p> <p><i>4. Member States shall oblige the supervisory authorities concerned to consider applications submitted by insurance and reinsurance undertakings for approval or permission in accordance with paragraphs 2 and 3. The decisions taken by the supervisory authorities on applications for approval or permission shall not become applicable before the date referred to Article 310.</i></p> <p>3. Without prejudice to Article 308b, as of 1 July 2013 insurance and reinsurance undertakings shall: (a) calculate estimates for the Solvency Capital Requirement, the Minimum Capital Requirement and the amount of own funds, determine the balance sheet in accordance with this Directive, and provide the supervisory authorities concerned with this information; (b) provide supervisory authorities with the information referred to in Article 35 on an annual basis in relation to the financial year ending on or after 1 July 2013. The reference date of the balance sheet referred to in point (a) shall be the first day</p>
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	<p>pursuant to Article 27 of Directive 2002/83/EC, Article 16 of Directive 73/239/EEC and Article 36 of Directive 2005/68/EC in respect of those own fund items.</p> <p>6. By way of derogation from Article 100, Article 101(3) and Article 104:</p> <p>(a) until 31 December 2015 the standard parameters to be used when calculating the concentration risk sub-module and the spread risk sub-module in accordance with the standard formula shall be the same in relation to exposures to Member States' central governments or central banks denominated and funded in the domestic currency of any Member State as the ones that would be applied to such exposures denominated and funded in their domestic currency;</p> <p>(b) the standard parameters to be used for equities that the undertaking purchased on or before 31 December 2013, when calculating the equity risk sub-module in accordance with the standard formula without the option set out in Article 304 shall be calculated as the weighted averages of:</p> <p>(i) the standard parameter to be used when calculating the equity risk sub-module in accordance with Article 304; and</p>	<p><i>Supervisory authorities may waive the requirement laid down in point (b) for insurance and reinsurance undertakings which do not comply fully with the requirements to have appropriate systems and structures in place in accordance with Article 35(5), provided that insurance and reinsurance undertakings remain subject to the reporting requirements in force in their respective jurisdiction before the date referred to in Article 309(1).</i></p>	<p><i>of the financial year starting on or after 1 July 2012, but before 1 July 2013. Supervisory authorities may waive the requirement laid down in point (b) for insurance and reinsurance undertakings which do not comply fully with the requirements to have appropriate systems and structures in place in accordance with Article 35(5), provided that insurance and reinsurance undertakings remain subject to the reporting requirements in force in their respective jurisdiction before the date referred to in Article 309(1).</i></p>
	<p>6. Where the Commission has adopted a delegated act in accordance with Article 308b(6), Article 76(2), Article 76(3) and Article 76(5) shall not apply for a maximum period of 10 years from the date referred to in the first sub-paragraph of Article 309(1).</p> <p>7. Where the Commission has adopted a delegated act in accordance with Article 308b(7), Article 94 shall not apply for a maximum period of 10 years from the date referred to in the first sub-paragraph of Article 309(1).</p> <p>8. Where the Commission has adopted a delegated act in accordance with Article 308b(8), the first paragraph of Article 100, Article 101(3), Article 102, and Article 104 shall not apply for a maximum period of 10 years from the date referred to in the first sub-paragraph of Article 309(1).</p> <p>9. Where the Commission has adopted a delegated act in accordance with Article 308b(9), Article 218(2) and (3) shall not</p>		



	<p>apply for a maximum period of 10 years from the date referred to in the first subparagraph of Article 309(1) .</p>	<p><u>(ii) the standard parameter to be used when calculating the equity risk sub-module in accordance with the standard formula without the option set out in Article 304. The weight for the parameter expressed in point (ii) shall increase at least linearly at the end of each year from 0 % during the year starting on 1 January 2014 to 100 % as of 5 years after 1 January 2014.</u></p> <p><u>7. The Commission shall adopt delegated acts further specifying the procedure and criteria to be met, including the equities that shall be subject to the transitional measure, in order to use the standard parameters calculated in accordance with point b of paragraph 6.</u></p> <p><u>8. By way of derogation from Articles 218(2) and (3), the transitional provisions as referred to in Article 308a(1) to (7) shall apply <i>mutatis mutandis</i>.</u></p> <p><u>The Commission shall adopt delegated acts [...]setting out the changes which relate to the general principles in calculating group solvency set out in Articles 222 and 223 and [...]the application of the calculation methods set out in Articles 225 to 229 and the methods for calculating group solvency in Articles 230 to 233 and Article 235, where the transitional provisions referred to in the first subparagraph are applicable. [...]</u></p> <p><u>9. Where, on the date of entry into force of this Directive, home Member States applied</u></p>		
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		<p><u>provisions referred to in Article 4 of Directive 2003/41/EC, such home Member States may, until 31 December 2015, continue to apply the laws, regulations and administrative provisions that had been adopted by them with a view to comply with Articles 1-19, 27-30, 32-35 as well as Articles 37-67 of Directive 2002/83/EC as in force on the last date of application of Directive 2002/83/EC."</u></p>	
<p>Art. 2 point 71</p> <p>Art. 308b (new)</p>	<p>(71) The following Article 308b is inserted:</p> <p>Article 308b Delegated Acts</p> <p>The Commission may adopt delegated acts, in accordance with Article 301a and subject to the conditions of Articles 301b and 301c, regarding the following :</p> <p>(a) with regard to Article 308a(1), specifying the length of the transitional period which may be shorter than the maximum of 3 years, specifying any phasing of the transitional period, and specifying the transitional requirements as to the systems and structures undertakings shall have in place to comply with information required to be provided for supervisory purposes and requiring that insurance and reinsurance undertakings comply at least with the laws, regulations and administrative provisions related to production of accounts and periodic submission of returns which are adopted pursuant to Article 13 Directive of 2002/83/EC, Article 11 of Directive 84/641/EC and Article 17 of Directive</p>	<p>(71) [...]</p>	<p>Article 308b Transitional measures</p> <p>Article 308b Transitional periods</p> <p><i>1. Member States may allow insurance and reinsurance undertakings or insurance and reinsurance groups with a balance sheet total less than EUR25 billion, which do not comply with the Solvency Capital Requirement on the date referred to in Article 310 a period not exceeding two years in which to do so provided that such undertakings or groups have, in accordance with Article 138(2) and Article 142, submitted for the approval of the supervisory authorities concerned the measures which they propose to take for such purpose.</i></p> <p><i>2. Member States may allow insurance and</i></p>



	<p>2005/68/EC.</p> <p>(b) with regard to Article 308a(2), specifying the length of the transitional period which may be shorter than 10 years, specifying any phasing of the transitional period, specifying a requirement to take the assumptions underlying a transitional Solvency Capital Requirement referred to in Article 308b(8) rather than the Solvency Capital Requirement into account when concluding whether the conditions for imposing a capital add-on under Article 37(1)(a) are met and specifying the calculation of the capital add-on by reference to the calibration and confidence level attributes of that transitional Solvency Capital requirement rather than those of the standard formula Solvency Capital Requirement;</p> <p>(c) with regard to Articles 308a(3), the length of the transitional period which may be shorter than the maximum of 3 years, the phasing of the transitional period and the transitional requirements as to the system of governance and the extent to which the systems, functions, and requirements referred to in Articles 41 to 49 to be complied with by insurance and reinsurance undertakings during the transitional period and requiring that insurance and reinsurance undertakings comply at least with the laws, regulations and administrative provisions requiring sound administrative procedures and internal control which are adopted pursuant to Article 10 of Directive 2002/83/EC, Article 9 of Directive</p>		<p><i>reinsurance undertakings which do not comply fully with the requirements to have appropriate systems and structures in place in accordance with Article 35(5) and Article 55(1) on the date referred to in Article 310, a period not exceeding two years in which to do so.</i></p> <p><i>3. During that period, Member States may allow insurance and reinsurance undertakings which do not comply fully with the requirements to disclose publicly the information referred to in Articles 51 and 53, 54 and 55, to disclose and include in regular supervisory reporting only the information which implemented systems and structures are able to provide.</i></p> <p><i>4. Member States may allow insurance and reinsurance groups which do not comply fully with the requirements to have appropriate systems and structures in place in accordance with Articles 254 on the date referred to in Article 310 a period not exceeding two years in which to do so.</i></p> <p><i>5. During that period, Member States may allow insurance and reinsurance groups which do not comply fully with the requirements to disclose publicly the information referred to in Article 256, to disclose and include in regular supervisory reporting only the information which implemented systems and structures are able to provide.</i></p> <p><i>6. Notwithstanding Article 94, basic own-fund items that were issued prior to ...*, and that could be used to meet the</i></p>	
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<p>84/641/EC and Article 15 of Directive 2005/68/EC.</p> <p>(d) with regard to Article 308a(4), the length of the transitional period which may be shorter than the maximum of 3 years, any phasing of the transitional period, and any transitional requirements as to the content and timing of the information which must be publicly disclosed by insurance and reinsurance undertakings and requiring that insurance and reinsurance undertakings be at least required to disclose a report containing a high level summary of the information listed in Article 51(1).</p> <p>(e) with regard to Article 308a(5) the length of the transitional period which may be shorter than the maximum of 10 years, any phasing of the transitional period, any specification of the assets and liabilities which shall be subject to transitional requirements as to valuation and the transitional requirements as to the methods and assumptions to be used in the valuation of the specified assets and liabilities and requiring that insurance and reinsurance undertakings comply at least with the Member State's laws, regulations and administrative provisions for valuation of such assets and liabilities which were applicable on 31 December 2012;</p> <p>(f) with regard to Article 308a(6) , the length of the transitional period which may be shorter than the maximum of 10 years, the phasing of the transitional period and the transitional requirements as to the</p>		<p><i>available solvency margin up to at least 50 % of the solvency margin according to Article 16(3) of Directive 73/239/EEC, Article 1 of Directive 2002/13/EC, Article 27(3) of Directive 2002/83/EC and Article 36(3) of Directive 2005/68/EC shall be included in Tier 1 basic own funds for up to 10 years after the date referred to in Article 310.</i></p> <p><i>7. Notwithstanding Article 94, basic own-fund items that were issued prior to ...*, and that could be used to meet the available solvency margin up to 25 % of the solvency margin according to Article 16(3) of Directive 73/239/EEC, Article 1 of Directive 2002/13/EC, Article 27(3) of Directive 2002/83/EC and Article 36(3) of Directive 2005/68/EC shall be included in Tier 2 basic own funds for up to 10 years after the date referred to in Article 310.</i></p> <p><i>8. With respect to insurance and reinsurance undertakings investing in tradable securities or other financial instruments based on repackaged loans that were issued before 1 January 2011, the requirements referred to in Article 135(2)(a) shall apply from 31 December 2014, but only in circumstances where new underlying exposures are added or substituted after 31 December 2014.</i></p> <p><i>9. The standard parameters to be used for equities that the undertaking purchased on or before ...*, when calculating the equity risk sub-module in accordance with the standard formula without the option set</i></p>	
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	<p>methodologies and assumptions to be used in the calculation of technical provisions and which will apply during the transitional period and requiring that insurance and reinsurance undertakings comply at least with the laws, regulations and administrative provisions for the establishment of technical provisions which are adopted pursuant to Article 20 of Directive 2002/83/EC, Article 15 of Directive 73/239/EEC and Article 32 of Directive 2005/68/EC;</p> <p>(g) with regard to Articles 308a(7), the length of the transitional period which may be shorter than the maximum of 10 years, the phasing of the transitional period, the specification of the own fund items subject to the transitional, and the transitional requirements as to the classification of own fund items, which will apply to those specified own funds items and requiring that during the transitional period insurance and reinsurance undertakings comply at least with the laws, regulations and administrative provisions adopted pursuant to Article 27 of Directive 2002/83/EC, Article 16 of Directive 73/239/EEC and Article 36 of Directive 2005/68/EC in respect of those own fund items;</p> <p>(h) with regard to Articles 308a(8), the length of the transitional period which may be shorter than the maximum of 10 years, any phasing of the transitional period and any transitional requirements as to the calculation and use of a transitional Solvency Capital Requirement. The</p>		<p><i>out in Article 304 shall be calculated as the weighted averages of:</i></p> <p><i>(a) the standard parameter to be used when calculating the equity risk sub-module in accordance with Article 304; and</i></p> <p><i>(b) the standard parameter to be used when calculating the equity risk sub-module in accordance with the standard formula without the option set out in Article 304.</i></p> <p><i>The weight for the parameter expressed in point (b) of the first subparagraph shall increase at least linearly at the end of each year from 0 % during the year starting on 1 January 2014 to 100 % as from 7 years after 1 January 2014.</i></p> <p><i>The Commission shall adopt delegated acts in accordance with Article 301a further specifying the criteria to be met, including the equities that may be subject to the transitional period.</i></p> <p><i>In order to ensure uniform conditions of application of that transitional period, EIOPA shall develop draft implementing technical standards on the procedures to be followed for the application of this paragraph.</i></p> <p><i>EIOPA shall submit those draft implementing technical standards to the Commission by [...].</i></p> <p><i>Power is conferred on the Commission to</i></p>	
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	<p>calculation of the transitional Solvency Capital requirement may include modifications to the stresses, scenarios, correlation coefficients and parameters of the Solvency Capital Requirement standard formula that would otherwise apply. The delegated act shall also require that insurance and reinsurance undertakings comply with a transitional Solvency Capital Requirement that is no higher than the Solvency Capital Requirement and no lower than the sum of the Minimum Capital Requirement and fifty per cent of the difference between the Solvency Capital Requirement and the Minimum Capital Requirement;</p> <p>(i) with regard to Article 308a(9), changes which relate to the choice of calculation method and general principles in calculating group solvency set out in Article 220 to 229 and Articles 230 to 233 and Article 235 in relation to the methods for calculating group solvency. The delegated acts may also set out the changes which relate to the calculation of group solvency under supervision at group level as referred to in Article 213(2)(c), where the equivalent supervision is absent as referred to in Article 262. Those changes to the calculation of group own funds and the group solvency capital requirement shall be consequential to any transitional requirements on own funds classification and the Solvency Capital Requirement which apply at the level of individual insurance or reinsurance undertakings during the transitional period as referred to</p>		<p><i>adopt the implementing technical standards referred to in the fourth subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.</i></p> <p><i>10. Where, on ...*, Member States applied provisions referred to in Article 4 of Directive 2003/41/EC, such Member States may, until amendments to Articles 17 to 17c of Directive 2003/41/EC have been adopted, continue to apply the laws, regulations and administrative provisions that had been adopted by them with a view to complying with Articles 1 to 19, 27 to 30, 32 to 35 and 37 to 67 of Directive 2002/83/EC as in force on the last date of application of Directive 2002/83/EC.</i></p> <p><i>11. Third countries applying legislation which is recognised as equivalent to this Directive may apply transitional periods equivalent to those laid down in paragraphs 1 to 10.</i></p> <p><i>12. Member States may allow the ultimate parent insurance or reinsurance undertaking during a period of up to seven years after the date referred to in Article 309(1) to apply for the approval of an internal group model applicable to a part of a group where both the undertaking and the ultimate parent undertaking are located in the same member state and if this part forms a distinct part having a significantly different risk profile from the rest of the group.</i></p>	
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	<p>in Article 308a(7) and Article 308a(8) The delegated act shall require that insurance and reinsurance undertakings ensure that eligible own funds, taking account of the transitional provisions in Article 308a(7), are available in the group. Those eligible own funds shall be at least equal to a group Solvency Capital Requirement which shall be calculated by reference to the calculation method of the transitional Solvency Capital Requirement referred to in Article 308a(8) or the amount of the transitional Solvency Capital Requirement;</p> <p>(j) with regard to Article 254(2)), changes which relate to the information to be reported to the authorities responsible for exercising group supervision which are consequential to the requirements for supervisory reporting at the level of individual insurance or reinsurance undertakings which apply during the transitional period referred to in Article 308a(1))</p> <p>(k) with regard to Article 256(1) changes which relate to the content and timing of the information which must be publicly disclosed and which are consequential to the requirements for public disclosure at the level of individual insurance or reinsurance undertakings which apply during the transitional period as referred to in Article 308a(4)."</p>			
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			<p>Article 308c</p> <p><i>Matching adjustment for certain life insurance obligations</i></p> <p><i>1. By way of derogation from Articles 75, 76 and 77, Member States may allow life insurance undertakings to calculate the rates of the relevant risk-free interest rate term structure to calculate the best estimate with respect to life insurance obligations with a matching adjustment as set out in paragraphs 2 and 3, provided that the following conditions relating to the life insurance obligations and the assets covering them are met:</i></p> <p><i>(a) the life insurance undertaking has assigned a portfolio of assets, consisting of bonds and other assets with similar cash-flow characteristics, to cover the best estimate of the portfolio of life insurance obligations and maintains that assignment over the lifetime of the obligations, except for the purpose of maintaining the replication of cash-flows between assets and liabilities where the cash-flows have materially changed such as the default of a bond;</i></p> <p><i>(b) the portfolio of life insurance obligations to which the matching adjustment is applied and the assigned portfolio of assets are ring-fenced, managed and organised separately from</i></p>	
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			<p><i>the other activities of the life insurance undertaking, without any possibility of transfer;</i></p> <p><i>(c) the future cash-flows of the assigned portfolio of assets replicate each of the future cash-flows of the portfolio of life insurance obligations in the same currency and any mismatch does not give rise to risks which are material in relation to the risks inherent in the life insurance business to which a matching adjustment is applied;</i></p> <p><i>(d) the life insurance contracts underlying the portfolio of life insurance obligations do not give rise to future premium payments;</i></p> <p><i>(e) the only underwriting risks connected to the portfolio of life insurance obligations are longevity risk, expense and revision risk and the contracts underlying the life insurance obligations include no options for the policy holder or only a surrender option where the surrender value does not exceed the value of the assets, valued in accordance with Article 75, covering the life insurance obligations at the time the surrender option is exercised;</i></p> <p><i>(f) the cash-flows of the assets of the assigned portfolio of assets are fixed;</i></p> <p><i>(g) the cash-flows of the assets of the assigned portfolio of assets cannot be changed by the issuers of the assets or any</i></p>	
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			<p><i>third parties;</i></p> <p><i>(h) no assets of the assigned portfolio of assets have a credit quality below the adequate credit quality determined in accordance with paragraph 7;</i></p> <p><i>(i) the life insurance undertaking publicly discloses the application of the matching adjustment in accordance with this Article and the monetary effect on its financial position;</i></p> <p><i>(j) the activities of the life insurance undertaking in relation to which the matching adjustment is applied in accordance with this Article are pursued only in the Member State where the undertaking has been authorised;</i></p> <p><i>(k) the supervisory authority has approved the application of the matching adjustment to the portfolio of life insurance obligations where it is satisfied that the requirements set out in points (a) to (j) are complied with.</i></p> <p><i>Where cash-flows of the life insurance obligations as referred to in point (f) depend on inflation, the life insurance undertaking may use assets where the cash-flows are fixed except for a dependence on inflation, provided that those assets replicate the inflation included cash-flows of the portfolio of life insurance obligations.</i></p> <p><i>2. For each currency and in respect of</i></p>	
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			<p><i>each maturity the matching adjustment shall be calculated in accordance with the following principles:</i></p> <p><i>(a) the matching adjustment shall be equal to the difference of the following:</i></p> <p><i>(i) the annual effective rate, calculated as the single discount rate that, where applied to the cash-flows of the portfolio of life insurance obligations, results in a value that is equal to the value in accordance with Article 75 of the portfolio of assigned assets; and</i></p> <p><i>(ii) the annual effective rate, calculated as the single discount rate that, where applied to the cash-flows of the portfolio of life insurance obligations, results in a value that is equal to the value of the best estimate of the portfolio of life insurance obligations where the time value is taken into account using the basic risk-free interest rate term structure;</i></p> <p><i>(b) the matching adjustment shall not include the fundamental spread reflecting the risks retained by the life insurance undertaking;</i></p> <p><i>(c) the matching adjustment shall provide the right management incentives, taking into account at least the credit quality of the assigned assets.</i></p> <p><i>3. For the purposes of paragraph 2(b) the fundamental spread shall be:</i></p> <p><i>(a) assessed dynamically on an ongoing basis, and shall be equal to the sum of the</i></p>	
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			<p><i>following:</i></p> <p><i>(i) the credit spread corresponding to the probability of default of the assets; and</i></p> <p><i>(ii) the credit spread corresponding to the expected loss resulting from downgrading of the asset.</i></p> <p><i>(b) no lower than 75 % of the long term average of the spread over the basic risk free interest rate of assets of the same duration, credit quality and asset class, as observed in financial markets.</i></p> <p><i>The probability of default referred to in point (a)(i) shall be based on long-term default statistics that are relevant for the asset in relation to its duration, credit quality and asset class.</i></p> <p><i>4. Life insurance undertakings applying the calculation method laid down in paragraphs 2 and 3 shall not be allowed to apply any other adjustments to the risk-free interest rate term structure. Life insurance undertakings that apply the matching adjustment to a portfolio of life insurance obligations shall not revert back to the approach that does not include a matching adjustment. Where a life insurance undertaking that applies the matching adjustment is no longer able to comply with the conditions set out in paragraph 1, it shall immediately inform the supervisory authority and take the necessary measures to restore compliance with these conditions. Where such undertaking is not able to restore compliance with these conditions within</i></p>	
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			<p><i>two months it shall cease applying the matching adjustment to any of its life insurance obligations and shall only be able to apply the matching adjustment again after a period of 24 months.</i></p> <p><i>5. Life insurance undertakings applying the matching adjustment laid down in this Article shall not be allowed to apply the adapted relevant risk-free interest rate term structure referred to in Article 77a or the symmetric adjustment mechanism referred to in Article 106a.</i></p> <p><i>6. The Commission shall adopt delegated acts in accordance with Article 301a further specifying:</i></p> <p><i>(a) the criteria to be met by life insurance undertakings in order to be eligible to apply the matching adjustment referred to in this Article;</i></p> <p><i>(b) the criteria in order to approve and verify the compliance with the requirements set out in paragraph 1;</i></p> <p><i>(c) the assumptions and methods to apply in the calculation of the fundamental spread referred to in paragraph 3;</i></p> <p><i>(d) the criteria to verify compliance with the requirements set out in paragraph 2(c).</i></p> <p><i>7. In order to ensure consistent harmonisation in relation to the credit quality of the assets, EIOPA shall develop draft regulatory technical standards to</i></p>	
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			<p><i>specify the credit quality of the assigned assets, which shall be higher than the minimum quality generally considered to be investment grade, for the purposes of paragraph 1(h), including, where relevant, appropriate limits necessary to guarantee an adequate credit quality of all assets for the undertaking as a whole.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the second subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>8. Where life insurance undertakings calculate all or a material part of their technical provisions with a relevant risk-free interest rate term structure that includes a matching adjustment larger than zero, they shall submit to the supervisory authority annually the following written information:</i></p> <p><i>(a) a description of the impact of a reduction of the matching adjustment to zero;</i></p> <p><i>(b) where the reduction of the matching adjustment to zero would result in non-compliance with the Solvency Capital Requirement, an analysis of the undertaking's plans to re-establish in such a situation the level of eligible own funds covering the Solvency Capital</i></p>	
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			<p><i>Requirement or to reduce the risk profile to ensure compliance with the Solvency Capital Requirement;</i></p> <p><i>(c) the amount of technical provisions for life insurance obligations to which the matching adjustment is applied.</i></p> <p><i>9. EIOPA, in close cooperation with the ESRB, and after conducting a public consultation, shall assess the application of Articles 77a, 77b, 106, 106a, 304 and paragraphs 1 to 8 of this Article, including the delegated and implementing acts adopted pursuant thereto. That assessment shall be made in relation to the availability of long-term guarantees in life insurance products, the behaviour of life insurance undertakings as long-term investors and, more generally, financial stability. Based on that assessment, the Commission shall send a report to the European Parliament and to the Council by 1 January 2021, or, where appropriate for the matching adjustment, by 1 January 2019.</i></p> <p><i>The report shall focus, in particular, on the effects on:</i></p> <p><i>(a) the functioning and stability of European life insurance markets;</i></p> <p><i>(b) the internal market and in particular competition and level playing field in European life insurance markets;</i></p> <p><i>(c) policy holder protection;</i></p>	
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			<p><i>(d) the extent to which life insurance undertakings continue to operate as long-term investors;</i></p> <p><i>(e) the availability and pricing of annuity products;</i></p> <p><i>(f) the availability and pricing of other (competing) products;</i></p> <p><i>(g) long-term investment strategies by undertakings in relation to products to which paragraphs 1 to 7 is applied relative to those in relation to other long-term guarantees;</i></p> <p><i>(h) consumer choice and consumer awareness of risk;</i></p> <p><i>(i) well-diversified and less well-diversified life insurance undertakings; and</i></p> <p><i>(j) other effects on the real economy.</i></p> <p><i>In addition, the report shall build on the supervisory experience with the application of Articles 77a, 77b, 106, 106a, 304 and paragraphs 1 to 8 of this Article including the delegated and implementing acts adopted pursuant thereto.</i></p> <p><i>The report shall be followed, if necessary, by appropriate legislative proposals.</i></p> <p><i>10. Where the report referred to in paragraph 9 concludes that the matching adjustment is not the appropriate measure in the context of a well-functioning and</i></p>	
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			<p><i>stable life insurance market and the underlying principles of this Directive, the Commission shall adopt a delegated act in accordance with Article 301a to replace this Article with the following transitional provisions for the application of the matching adjustment:</i></p> <p>Article 308c <i>Transitional measure for the matching adjustment for certain life insurance obligations</i></p> <p><i>1. By way of derogation from Articles 75, 76 and 77, Member States may allow life insurance undertakings to calculate the rates of the relevant risk-free interest rate term structure to calculate the best estimate with respect to life insurance obligations with a matching adjustment as set out in paragraphs 2 and 3, provided that the following conditions relating to the life insurance obligations and the assets covering them are met:</i></p> <p><i>(a) the life insurance undertaking has assigned a portfolio of assets, consisting of bonds and other assets with similar cash-flow characteristics, to cover the best estimate of the portfolio of life insurance obligations and maintains that assignment over the lifetime of the obligations, except for the purpose of maintaining the replication of cash-flows between assets and liabilities where the cash-flows have materially changed such as the default of a bond;</i></p>	
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			<p><i>(b) the portfolio of life insurance obligations to which the matching adjustment is applied and the assigned portfolio of assets are ring-fenced, managed and organised separately from the other activities of the life insurance undertaking, without any possibility of transfer;</i></p> <p><i>(c) the future cash-flows of the assigned portfolio of assets replicate each of the future cash-flows of the portfolio of life insurance obligations in the same currency and any mismatch does not give rise to risks which are material in relation to the risks inherent in the life insurance business to which a matching adjustment is applied;</i></p> <p><i>(d) the life insurance contracts underlying the portfolio of life insurance obligations do not give rise to future premium payments;</i></p> <p><i>(e) the only underwriting risks connected to the portfolio of life insurance obligations are longevity risk, expense and revision risk; the contracts underlying the life insurance obligations include no options for the policy holder or only a surrender option where the surrender value does not exceed the value of the assets, valued in accordance with Article 75, covering the life insurance obligations at the time the surrender option is exercised;</i></p> <p><i>(f) the cash-flows of the assets of the</i></p>	
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			<p><i>assigned portfolio of assets are fixed;</i></p> <p><i>(g) the cash-flows of the assets of the assigned portfolio of assets cannot be changed by the issuers of the assets or any third parties;</i></p> <p><i>(h) no assets of the assigned portfolio of assets have a credit quality below the adequate credit quality determined in accordance with paragraph 7;</i></p> <p><i>(i) the life insurance undertaking publicly discloses the application of the matching adjustment in accordance with this Article and the monetary effect on its financial position;</i></p> <p><i>(j) the activities of the life insurance undertaking in relation to which the matching adjustment is applied in accordance with this Article are pursued only in the Member State where the undertaking has been authorised;</i></p> <p><i>(k) the supervisory authority has approved the application of the matching adjustment to the portfolio of life insurance obligations where it is satisfied that the requirements set out in points (a) to (j) are complied with;</i></p> <p><i>Where cash-flows of the life insurance obligations as referred to in point (f) depend on inflation, the life insurance undertaking may use assets where the cash-flows are fixed except for a dependence on inflation, provided that</i></p>	
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			<p><i>those assets replicate the inflation included cash-flows of the portfolio of life insurance obligations.</i></p> <p><i>2. For each currency and in respect of each maturity the matching adjustment shall be calculated in accordance with the following principles:</i></p> <p><i>(a) the matching adjustment shall be equal to the difference of the following:</i></p> <p><i>(i) the annual effective rate, calculated as the single discount rate that, where applied to the cash-flows of the portfolio of life insurance obligations, results in a value that is equal to the value in accordance with Article 75 of the portfolio of assigned assets; and</i></p> <p><i>(ii) the annual effective rate, calculated as the single discount rate that, where applied to the cash-flows of the portfolio of life insurance obligations, results in a value that is equal to the value of the best estimate of the portfolio of life insurance obligations where the time value is taken into account using the basic risk-free interest rate term structure.</i></p> <p><i>(b) the matching adjustment shall not include the fundamental spread reflecting the risks retained by the life insurance undertaking.</i></p> <p><i>(c) the matching adjustment shall provide the right management incentives, taking into account at least the credit quality of the assigned assets.</i></p>	
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			<p>3. For the purposes of paragraph 2(b) the fundamental spread shall be:</p> <p>(a) assessed dynamically on an ongoing basis, and equal to the sum of the following:</p> <p>(i) the credit spread corresponding to the probability of default of the assets; and</p> <p>(ii) the credit spread corresponding to the expected loss resulting from downgrading of the asset.</p> <p>(b) no lower than 75 % of the long-term average of the spread over the basic risk free interest rate of assets of the same duration, credit quality and asset class, as observed in financial markets.</p> <p>The probability of default referred to in point (a)(i) shall be based on long-term default statistics that are relevant for the asset in relation to its duration, credit quality and asset class.</p> <p>4. Life insurance undertakings applying the calculation method laid down in paragraphs 2 and 3 shall not be allowed to apply any other adjustments to the risk-free interest rate term structure. Life insurance undertakings that apply the matching adjustment to a portfolio of life insurance obligations shall not revert back to the approach that does not include a matching adjustment. Where a life insurance undertaking that applies the matching adjustment is no longer able to comply with the conditions set out in</p>	
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			<p><i>paragraph 1, it shall immediately inform the supervisory authority and take the necessary measures to restore compliance with these conditions. Where such undertaking is not able to restore compliance with these conditions within two months it shall cease applying the matching adjustment to any of its life insurance obligations and shall only be able to apply the matching adjustment again after a period of 24 months.</i></p> <p><i>5. Life insurance undertakings applying the matching adjustment laid down in this Article shall not be allowed to apply the adapted relevant risk-free interest rate term structure referred to in Article 77a or the symmetric adjustment mechanism referred to in Article 106a.</i></p> <p><i>6. The Commission shall adopt delegated acts in accordance with Article 301a further specifying:</i></p> <p><i>(a) the criteria to be met by life insurance undertakings in order to be eligible to apply the matching adjustment referred to in this Article;</i></p> <p><i>(b) the criteria in order to approve and verify the compliance with the requirements set out in paragraph 1;</i></p> <p><i>(c) the assumptions and methods to apply in the calculation of the fundamental spread referred to in paragraph 3;</i></p> <p><i>(d) the criteria to verify compliance with</i></p>	
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			<p><i>the requirements set out in paragraph 2(c).</i></p> <p><i>7. In order to ensure consistent harmonisation in relation to the credit quality of the assets, EIOPA shall develop draft regulatory technical standards to specify the credit quality of the assigned assets, which shall be higher than the minimum quality generally considered to be investment grade, for the purposes of paragraph 1 point h, including, where relevant, appropriate limits necessary to guarantee an adequate credit quality of all assets for the undertaking as a whole.</i></p> <p><i>EIOPA shall submit those draft regulatory technical standards to the Commission by [...].</i></p> <p><i>Power is delegated to the Commission to adopt the regulatory technical standards referred to in the second subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1094/2010.</i></p> <p><i>8. Where life insurance undertakings calculate all or a material part of their technical provisions with a relevant risk-free interest rate term structure that includes a matching adjustment larger than zero, they shall submit to the supervisory authority annually the following written information:</i></p> <p><i>(a) a description of the impact of a reduction of the matching adjustment to zero;</i></p>	
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			<p><i>(b) where the reduction of the matching adjustment to zero would result in non-compliance with the Solvency Capital Requirement, an analysis of the undertaking's plans to re-establish in such a situation the level of eligible own funds covering the Solvency Capital Requirement or to reduce the risk profile to ensure compliance with the Solvency Capital Requirement;</i></p> <p><i>(c) the amount of technical provisions for life insurance obligations to which the matching adjustment is applied.</i></p> <p><i>9. For each currency and in respect of each maturity the interest rate shall be calculated as the weighted average of:</i></p> <p><i>(a) the interest rate referred to in paragraphs 1 to 8; and</i></p> <p><i>(b) the interest rate for that maturity of the relevant risk-free interest rate term structure as measured in accordance with Articles 75, 76 and 77.</i></p> <p><i>The weight for the interest rate shall increase at least linearly at the end of each year from one-seventh during the first year of application of this Article, to 100 % as from seven years after the application date of this Directive.";</i></p>	
Art. 2 point 72	(72) In Article 309(1), the first subparagraph is replaced by the following:	(72) In Article 309(1), the first subparagraph is replaced by the following:	(72) <i>in Article 309, paragraph 1</i> is replaced by the following:	(72) <i>in Article 309, paragraph 1</i> is replaced by the following:
Art. 309 para 1	"Member States shall adopt and publish the laws, regulations and administrative	"Member States shall adopt and publish the laws, regulations and administrative	"1. Member States shall <i>bring into force</i> the	"1. Member States shall <i>bring into force</i> the



<p>provisions necessary to comply with Articles 4, 10, 13, 18, 23, 26 to 32, 34 to 49, 51 to 55, 67, 68, 71, 72, 74 to 85, 87 to 91, 93 to 96, 98, 100 to 110, 112, 113, 115 to 126, 128, 129, 131-134, 136-142, 144, 146, 148, 162 to 167, 172, 173, 178, 185, 190, 192, 210 to 233, 235-240, 243 to 258, 260 to 263, 265, 266, 303 and 304 and Annexes III and IV by 31 December 2012.</p> <p>Member States shall apply those provisions from 1 January 2013."</p>	<p>provisions necessary to comply with Articles 4, 10, 13, <u>14</u>, 18, 23, 26 to 32, 34 to 49, 51 to 55, 67, 68, 71, 72, 74 to 85, 87 to 91, 93 to 96, 98, 100 to 110, 112, 113, 115 to 126, 128, 129, 131-134, 136-142, 144, 146, 148, 162 to 167, 172, 173, 178, 185, 190, 192, 210 to 233, 235-240, 243 to 258, 260 to 263, 265, 266, 303, 304, <u>308a</u> and <u>309a</u>, as well as Annexes III and IV by <u>31 March 2013</u>. [...]</p> <p><u>Member States shall apply the laws, regulations and administrative provisions referred to in the first subparagraph from 1 January 2014.</u></p> <p><u>Notwithstanding the second subparagraph and exclusively for the purposes of the assessments carried out on the basis of Articles 90, 95, 104(7), 112, 113, 211, 230, 231, 304 and 308a Member States shall apply the laws, regulations and administrative provisions referred to in the first subparagraph from 1 June 2013.</u></p> <p><u>Notwithstanding the second subparagraph Member States shall apply the laws, regulations and administrative provisions necessary to comply with Article 309a from 1 April 2013.</u></p> <p><u>The supervisory authorities' decisions regarding approvals taken in accordance with Articles 90, 95, 104(7), 112, 113, 211, 230, 231, 304 and 308a shall not become applicable before 1 January 2014.</u></p> <p><u>By way of derogation of Article 112(4), the supervisory authorities shall decide on the application within six months from the receipt of the complete application or on 31</u></p>	<p>laws, regulations and administrative provisions necessary to comply with Articles 4, 10, 13, 14, Article 17(3), Articles 18, 23, 26 to 32, 34 to 49, 51 to 55, Article 58(8), Articles 67, 68, 71, 72, 74 to 85, 87 to 91, 93 to 96, 98, 100 to 110, 112, 113, 115 to 126, 128, 129, 131 to 134, 136 to 142, 143, 144, 146, 148, 162 to 167, 172, 173, 178, 185, 190, 192, 210 to 233, 235 to 240, 243 to 258, 260 to 263, 265, 266, 303 and 304, and Annexes III and IV by 31 December 2012. <i>They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</i>";</p>	<p>laws, regulations and administrative provisions necessary to comply with Articles 4, 10, 13, 14, Articles 18, 23, 26 to 32, 34 to 49, 51 to 55, Articles 67, 68, 71, 72, 74 to 85, 87 to 91, 93 to 96, 98, 100 to 110, 112, 113, 115 to 126, 128, 129, 131 to 134, 136 to 142, 143, 144, 146, 148, 162 to 167, 172, 173, 178, 185, 190, 192, 210 to 233, 235 to 240, 243 to 258, 260 to 263, 265, 266, 303 and 304, and Annexes III and IV by <u>30 June 2013</u>.</p> <p><u>Member States shall apply the laws, regulations and administrative provisions referred to in the first subparagraph from 1 January 2014</u></p> <p><u>They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</u>";</p> <p><u>Notwithstanding the second subparagraph, Member States shall apply the laws, regulations and administrative provisions necessary to comply with article 308a from 1 July 2013.</u></p> <p>Comments: Quick-fix Directive proposes "30 June 2013" + new subparagraph 1a: "Member States shall apply the laws, regulations and administrative provisions referred to in the first subparagraph from 14 January 2014"</p> <p>Last paragraph needed to allow the phasing-in of Article 308a.</p>
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		<p>December 2013, whichever is the latest.</p> <p>By way of derogation of Article 231(2), the supervisory authorities concerned shall do everything within their power to reach a joint decision on the application within six months from the date of receipt of the complete application by the group supervisors or on 31 December 2013, whichever is the latest. The same shall apply mutatis mutandis to the six months period referred to in Article 231(5) and (6)."</p>		
<p>Art. 2 point 72 a (new)</p> <p>Article 309 a (new)</p>		<p>(72a) The following Article 309a is inserted:</p> <p style="text-align: center;">"Article 309a Implementation plan"</p> <p>1. Supervisory authorities shall [...] require insurance and reinsurance undertakings to provide by 1 June 2013 an implementation plan providing evidence of the progress made in view of the preparation for the application of the laws, regulations and administrative provisions referred to in the first subparagraph of Article 309(1).</p> <p>2. The implementation plan shall contain information on the state of preparedness of insurance and reinsurance undertakings to operate in accordance with this Directive, inter alia with respect to the valuation of assets and liabilities, the calculation of capital requirements, the adaptation of a system of governance, including the Own Risk and Solvency Assessment, and the adaptation of processes and procedures for supervisory reporting and public disclosure. The implementation plan shall also contain</p>		<p>Comments:</p> <p>EP: does not want para 5-8 (implementation plan) to be included in art 308a. COM: can accept EP position Council: to confirm it can be deleted</p> <p>[5. Supervisory authorities shall require insurance and reinsurance undertakings to provide by 1 July 2013 an implementation plan providing evidence of the progress made in view of the preparation for the application of this Directive.</p> <p>6. The implementation plan shall contain information on the state of preparedness of insurance and reinsurance undertakings to operate in accordance with this Directive, inter alia with respect to the valuation of assets and liabilities, the calculation of capital requirements, the adaptation of a system of governance, including the Own Risk and Solvency Assessment, and the adaptation of processes and procedures for supervisory reporting and public disclosure. The</p>



		<p><u>information concerning how insurance and reinsurance undertakings will achieve the full readiness to operate in accordance with Directive 2009/138/EC and whether they intend, where possible, to make use of any of the provisions contained in Article 3a, Article 135(2)(a), Article 138(3a), Article 172(4) to (6), Article 227(6) to (8), 260(4) to (7) and 308a.</u></p> <p><u>3. Supervisory authorities may require insurance and reinsurance undertakings to provide the necessary information on the actions outlined in the implementation plan.”</u></p>		<p>implementation plan shall also contain information concerning how insurance and reinsurance undertakings will achieve the full readiness to operate in accordance with Directive 2009/138/EC and whether they intend, where possible, to rely on transitional provisions contained in Articles 3a, 138(3a), 172, 227, 260 and 308b.</p> <p>7. Supervisory authorities may require insurance and reinsurance undertakings to provide additional information on the actions outlined in the implementation plan.]</p>
<p>Art. 2 point 72b (new)</p> <p>Article 309b (new)</p>		<p>(72b) The following Article 309b is inserted:</p> <p>“Article 309b</p> <p><u>Guidelines on implementation plan</u></p> <p><u>In accordance with Article 16 of Regulation (EU) No 1094/2010 and Article 29(3) of Directive 2009/138/EC, EIOPA shall, by 31 March 2013, issue guidelines as regards the requirements related to the implementation plan.”</u></p>		<p>[8. In accordance with Article 16 of Regulation (EU) No 1094/2010 and Article 29(3) of Directive 2009/138/EC, EIOPA shall, by 31 March 2013, issue guidelines as regards the requirements related to the implementation plan.]”</p>
<p>Art. 2 point 73</p> <p>Art. 310 para 1</p>	<p>(73) In Article 310, the date "1 November 2012" in the first paragraph is replaced by the date "1 January 2013".</p>	<p>(73) In Article 310, the date "1 November 2012" in the first paragraph is replaced by the date "1 January <u>2014</u>".</p>	<p>(73) in <i>the first paragraph of</i> Article 310, the date "1 November 2012" is replaced by the date "1 January 2014".</p>	<p>(73) in <i>the first paragraph of</i> Article 310, the date "1 November 2012" is replaced by the date "1 January 2014".</p> <p>Comments: Quick-fix Directive proposes the same date.</p>
Art. 2			(73a) the following Article is inserted:	(73a) the following Article is inserted:



point 73a (new)			<p>"Article 310a Staff and resources of EIOPA</p> <p><i>EIOPA shall assess the staffing and resources needs arising from the assumption of its powers and duties in accordance with this Directive and submit a report to the European Parliament, the Council and the Commission."</i></p>	<p>"Article 310a Staff and resources of EIOPA</p> <p><i>EIOPA shall assess the staffing and resources needs arising from the assumption of its powers and duties in accordance with this Directive and submit a report to the European Parliament, the Council and the Commission."</i></p>
Art. 310a (new)				
Art. 2 point 74	(74) The second paragraph of Article 311 is replaced by the following:	(74) The second paragraph of Article 311 is replaced by the following:	(74) Article 311 is replaced by the following:	(74) Article 311 is replaced by the following:
Art. 311	"Articles 1, 2, 3, 5 to 9, 11, 12, 14 to 17, 19-22, 24, 25, 33, 57 to 66, 69, 70, 73, 143, 145, 147, 149 to 161, 168 to 171, 174 to 177, 179 to 184, 186 to 189, 191, 193 to 209, 267 to 300, 302, 305- to 08 and Annexes I and II, V, VI and VII shall apply from 1 January 2013."	<p>Articles 1, 2, 3, 5 to 9, 11, 12, <u>15</u> to 17, 19-22, 24, 25, 33, <u>56</u> to 66, 69, 70, 73, 143, 145, 147, 149 to 161, 168 to 171, 174 to 177, 179 to 184, 186 to 189, 191, 193 to 209, 267 to 300, 302, 305- to <u>308</u> and Annexes I and II, V, VI and VII shall apply from 1 January <u>2014</u>.</p> <p><u>Exclusively for the purposes of the assessments carried out on the basis of Articles 90, 95, 104(7), 112, 113, 211, 230, 231, 304 and 308a, the Articles referred to in the second paragraph shall apply from 1 June 2013."</u></p>	<p>"Article 311 Entry into force</p> <p>This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p><i>Articles 308a und 308b shall apply from 1 January 2013.</i></p> <p><i>Articles 1, 2, 3, 5 to 9, 11, 12, 15, 16, Article 17(2), Articles 19 to 22, 24, 25, 33, 57, Article 58(1) to (7), Articles 59 to 66, 69, 70, 73, 145, 147, 149 to 161, 168 to 171, 174 to 177, 179 to 184, 186 to 189, 191, 193 to 209, 267 to 300, 302, 305 to 308, and Annexes I and II, V, VI and VII shall apply from 1 January 2014.</i></p> <p><i>The Commission may adopt delegated acts, regulatory and implementing technical standards prior to the date referred to in the third paragraph."</i></p>	<p>"Article 311 Entry into force</p> <p>This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p><i>Article 308a und 308b shall apply from 1 July 2013.</i></p> <p><i>Articles 1, 2, 3, 5 to 9, 11, 12, 15 <u>to 17</u>, 19 to 22, 24, 25, 33, <u>56</u> to 66, 69, 70, 73, 145, 147, 149 to 161, 168 to 171, 174 to 177, 179 to 184, 186 to 189, 191, 193 to 209, 267 to 300, 302, 305 to 308, <u>308b</u> and Annexes I and II, V, VI and VII shall apply from 1 January 2014.</i></p> <p><i>The Commission may adopt delegated acts, regulatory and implementing technical standards prior to the date referred to in the third paragraph."</i></p> <p>Comments: Part of LTG package to be checked for</p>



				inclusion in the list.
Art. 2 point 75	(75) In Annex III, part A, point 28 is replaced by the following:	(75) In Annex III, part A, point 28 is replaced by the following:	(75) in Annex III, part A, point 28 is replaced by the following:	(75) in Annex III, part A, point 28 is replaced by the following:
Annex III, part A, point 28	"28. in any event and as an alternative to the forms of non-life insurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Council Regulation (EC) No 2157/2001(1)"	"28. in any event and as an alternative to the forms of non-life insurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Council Regulation (EC) No 2157/2001(1)"	"28. in any event and as an alternative to the forms of non-life insurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Council Regulation (EC) No 2157/2001(1)";	"28. in any event and as an alternative to the forms of non-life insurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Council Regulation (EC) No 2157/2001(1)";
Art. 2 point 76	(76) In Annex III, part A, the following point 29 is added:	(76) In Annex III, part A, the following point 29 is added:	(76) in Annex III, part A, the following point is added:	(76) in Annex III, part A, the following point is added:
Annex III, part A, point 28 a (new)	"29. in any event and as an alternative to the forms of non-life insurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Council Regulation (EC) No 1435/2003(*)." * OJ L 207, 18.8.2003, p. 1.	"29. [...] <u>to the extent that Member States allow for the legal form of a cooperative society to take up the business of non-life insurance</u> , [...] as an alternative to the forms of non-life insurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Council Regulation (EC) No 1435/2003(1)."	"29. <i>to the extent that the Member State concerned allows for the legal form of a cooperative society to take up the business of non-life insurance</i> and as an alternative to the forms of non-life insurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Council Regulation (EC) No 1435/2003 ² .";	"29. <i>to the extent that the Member State concerned allows for the legal form of a cooperative society to take up the business of non-life insurance</i> and as an alternative to the forms of non-life insurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Council Regulation (EC) No 1435/2003 ³ .";
Art. 2 point 77	(77) In Annex III, part B, point 28 is replaced by the following:	(77) In Annex III, part B, point 28 is replaced by the following:	(77) in Annex III, part B, point 28 is replaced by the following:	(77) in Annex III, part B, point 28 is replaced by the following:
Annex III, part B, point 28	"28. in any event and as an alternative to the forms of life insurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Regulation (EC) No 2157/2001"	"28. in any event and as an alternative to the forms of life insurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Regulation (EC) No 2157/2001."	"28. in any event and as an alternative to the forms of life insurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Regulation (EC) No 2157/2001";	"28. in any event and as an alternative to the forms of life insurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Regulation (EC) No 2157/2001";
Art. 2 point 78	(78) In Annex III, part B, point 29 is added:	(78) In Annex III, part B, point 29 is added:	(78) in Annex III, part B, <i>the following</i> point is added:	(78) in Annex III, part B, <i>the following</i> point is added:
Annex	"29. in any event and as an alternative to the forms of life insurance undertaking listed in	"29. [...] <u>to the extent that Member States allow for the legal form of a cooperative</u>	"29. <i>to the extent that the Member State</i>	"29. <i>to the extent that the Member State</i>

¹ OJ L 207, 18.8.2003, p. 1.

² OJ L 207, 18.8.2003, p. 1.

³ OJ L 207, 18.8.2003, p. 1.



III, part B, point 28 a (new)	points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Regulation (EC) No 1435/2003."	<u>society to take up the business of life insurance</u> ,[...] as an alternative to the forms of life insurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Regulation (EC) No 1435/2003."	<i>concerned allows for the legal form of a cooperative society to take up the business of life insurance</i> and as an alternative to the forms of life insurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Regulation (EC) No 1435/2003."	<i>concerned allows for the legal form of a cooperative society to take up the business of life insurance</i> and as an alternative to the forms of life insurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Regulation (EC) No 1435/2003."
Art. 2 point 79	(79) In Annex III, part C, point 28 is replaced by the following:	(79) In Annex III, part C, point 28 is replaced by the following:	(79) In Annex III, part C, point 28 is replaced by the following:	(79) In Annex III, part C, point 28 is replaced by the following:
Annex III, part C, point 28	"28. in any event and as an alternative to the forms of reinsurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Regulation (EC) No 2157/2001"	"28. in any event and as an alternative to the forms of reinsurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Regulation (EC) No 2157/2001"	"28. in any event and as an alternative to the forms of reinsurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Regulation (EC) No 2157/2001"	"28. in any event and as an alternative to the forms of reinsurance undertaking listed in points (1) to (27) and (29), the form of a European Company (SE) as defined in Regulation (EC) No 2157/2001"
Art. 2 point 80	(80) In Annex III, part C, point 29 is added:	(80) In Annex III, part C, point 29 is added:	(80) in Annex III, part C, <i>the following</i> point is added:	(80) in Annex III, part C, <i>the following</i> point is added:
Annex III, part C, point 28 a (new)	"29. in any event and as an alternative to the forms of reinsurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Regulation (EC) No 1435/2003."	"29. [...] <u>to the extent that Member States allow for the legal form of a cooperative society to take up the business of reinsurance</u> ,[...] as an alternative to the forms of reinsurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Regulation (EC) No 1435/2003."	"29. <i>to the extent that the Member State concerned allows for the legal form of a cooperative society to take up the business of reinsurance</i> and as an alternative to the forms of reinsurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Regulation (EC) No 1435/2003.";	"29. <i>to the extent that the Member State concerned allows for the legal form of a cooperative society to take up the business of reinsurance</i> and as an alternative to the forms of reinsurance undertaking listed in points (1) to (28), the form of a European Cooperative Society (SCE) as defined in Regulation (EC) No 1435/2003.";
Art. 2 point 81	(81) The correlation table in Annex VII is amended as follows:	(81) The correlation table in Annex VII is amended as follows:	(81) the correlation table in Annex VII is amended as follows:	(81) the correlation table in Annex VII is amended as follows:
Annex VII	(a) Under "This Directive", Article 13(27) is inserted as corresponding to Article 5, point (d) of directive 73/239/EEC. (b) Under "This Directive", the references to Article 210(1)(f) and Article 210(1) (g) shall be replaced respectively with references to Article 212(1) (f) and Article 212(1)(g).	(a) Under "This Directive", Article 13(27) is inserted as corresponding to Article 5, point (d) of directive 73/239/EEC. (b) Under "This Directive", the references to Article 210(1)(f) and Article 210(1) (g) shall be replaced respectively with references to Article 212(1) (f) and Article 212(1)(g).	(a) Under "This Directive", Article 13(27) is inserted as corresponding to Article 5(d) of Directive 73/239/EEC. (b) Under "This Directive", the references to Article 210(1)(f) and █ (g) are replaced respectively with references to Article 212(1)(f) and █ (g).	(a) Under "This Directive", Article 13(27) is inserted as corresponding to Article 5(d) of Directive 73/239/EEC. (b) Under "This Directive", the references to Article 210(1)(f) and █ (g) are replaced respectively with references to Article 212(1)(f) and █ (g).



ARTICLE 2a Amendments to Regulation (EC) No 1060/2009 (Credit Rating Agencies)				
Art 2 a (new)			<p><i>Article 2a</i> <i>Amendments to Regulation (EC) No 1060/2009</i></p> <p><i>Regulation (EC) No 1060/2009 is amended as follows:</i></p> <p><i>Article 2(3) is replaced by the following:</i> "3. A credit rating agency shall apply for registration under this Regulation as a condition for being recognised as an External Credit Assessment Institution (ECAI) in accordance with Article 81 of Directive 2006/48/EC or Article 109a of Directive 2009/138/EC, unless it only issues the credit ratings referred to in paragraph 2."</p>	<p><i>Article 2a</i> <i>Amendments to Regulation (EC) No 1060/2009</i></p> <p><i>Regulation (EC) No 1060/2009 is amended as follows:</i></p> <p><i>Article 2(3) is replaced by the following:</i> "3. A credit rating agency shall apply for registration under this Regulation as a condition for being recognised as an External Credit Assessment Institution (ECAI) in accordance with Article 81 of Directive 2006/48/EC or Article 109a of Directive 2009/138/EC, unless it only issues the credit ratings referred to in paragraph 2."</p>
ARTICLE 2b Revision				
Art. 2b (new)			<p><i>Article 2b</i> <i>Revision</i></p> <p><i>The Commission shall, by 1 January 2015 and every year thereafter, submit to the European Parliament and to the Council a report specifying whether the ESAs have submitted the draft regulatory and implementing technical standards provided for in Directives 2002/92/EC, 2003/71/EC and 2009/138/EC, whether the submission of such draft regulatory technical or implementing standards is mandatory or</i></p>	<p><i>Article 2b</i> <i>Revision</i></p> <p><i>The Commission shall, by 1 January 2015 and every year thereafter, submit to the European Parliament and to the Council a report specifying whether the ESAs have submitted the draft regulatory technical standards and implementing technical standards provided for in Directives 2002/92/EC, 2003/71/EC and 2009/138/EC, whether the submission of such draft regulatory technical standards</i></p>



			<i>optional, with any appropriate proposals.</i>	<i>or implementing technical standards is mandatory or optional, with any appropriate proposals.</i>
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ARTICLE 2c Amendments to Directive 2011/89/EC (amending Financial Conglomerates Directive)				
Art. 2b (new)				<p><i>Article 6(2) of Directive 2011/89/EU is replaced by the following:</i></p> <p>"Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4 of this Directive from 30 June 2013. They shall communicate immediately to the Commission the text of those measures and a correlation table between those measures and this Directive.</p> <p><i>Member States shall apply the laws, regulations and administrative provisions referred to in the first subparagraph from 1 January 2014."</i></p>

ARTICLE 3 Transposition				
Art. 3 para 1	<p><i>Article 3</i> <i>Transposition</i></p> <p>1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with Article 1(1), Article 2(3), Article 2(6), Article 2(8), Article 2(9) Article 2(12), Article 2(13),</p>	<p><i>Article 3</i> <i>Transposition</i></p> <p>Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with Article 1(1), Article 2(0), Article 2(3), Article 2(6), Article 2(8), Article 2(9) Article 2(12),</p>	<p>Article 3 Transposition</p> <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1(1) and Article 2(3), (6), (8), (9), (12), (13), (24), (25), (28), (30), (32), (33), (37),</p>	<p>Article 3 Transposition</p> <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1(1) and Article 2(3), (6), (8), (9), (12), (13), (24), (25), (28), (30), (32), (33), (37),</p>



	<p>Article 2(24), Article 2(25), Article 2(28), Article 2(30), Article 2(32), Article 2(33), , Article 2(39), Article 41) to (42), Article 2(44) to 2(46), Article 2(52) to (54), Article 2(56), Article 2(58), Article 2(61) to (62), Article 2(67), Article 2(69), Article 2(70), and Article 2(71) to 2(80) of this Directive by 31 December 2012 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p> <p>They shall apply those provisions from 1 January 2013.</p> <p>When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p> <p>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p>	<p>Article 2(13), <u>Article 2(15)</u>, Article 2(20), Article 2(24), Article 2(25), Article 2(28), <u>Article 2(29a)</u>, Article 2(30), <u>Article 2(31a)</u>, Article 2(32) <u>to (34)</u>, <u>Article 2 (37)</u>, <u>Article 2(40)</u>, <u>Article 2(43)</u>, Article 2(45) to 2(46), Article 2(53) to (55), Article 2(57) <u>to (59)</u>, Article 2(62) to (63), <u>Article 2(70)</u>, Article 2(72) to 2(80) of this Directive by <u>31 March 2013</u> at the latest. [...].</p> <p>They shall apply those provisions from 1 January <u>2014</u> <u>without prejudice to subparagraphs 3 to 6 of Article 309(1)</u>.</p> <p>When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p> <p>Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p>	<p>(40) to (43), (45), (46), (47), (53) to (55), (57), (59), (62), (63), (66) and (75) to (80) of this Directive by 31 December 2012. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p> <p>They shall apply those measures from 1 January 2013.</p> <p>When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p> <p>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p>	<p>(40) to (43), (45), (46), (47), (53) to (55), (57), (59), (62), (63), (66) and (75) to (80) of this Directive by <u>30 June 2013</u>. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p> <p>Comments: Part of LTG package to be checked for inclusion in the list.</p> <p>They shall apply those measures from <u>1 January 2014</u></p> <p>When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p> <p>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p>
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ARTICLE 4 Entry into force				
Art. 4	<p><i>Article 4</i> <i>Entry into force</i></p> <p>This Directive shall enter into force on the</p>	<p><i>Article 4</i> <i>Entry into force</i></p> <p>This Directive shall enter into force on day</p>	<p>Article 4 Entry into force</p> <p>This Directive shall enter into force on the</p>	<p>Article 4 Entry into force</p> <p>This Directive shall enter into force on the</p>



	<p>twentieth day following that of its publication in the Official Journal of the European Union. Articles 2(15) and 2(20) shall apply from 1 January 2013.</p>	<p>following that of its publication in the Official Journal of the European Union.</p>	<p>twentieth day following that of its publication in the Official Journal of the European Union.</p> <p><i>Article 2(15), (20) and (59a)</i> shall apply from 1 January 2013.</p>	<p>twentieth day following that of its publication in the Official Journal of the European Union.</p> <p><i>Article 2(15), (20) and (70)</i> shall apply from <u>1 July 2014</u>.</p>
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ARTICLE 5 Addressees				
Art. 5	<p><i>Article 5</i> <i>Addressees</i></p> <p>This Directive is addressed to the Member States.</p>	<p><i>Article 5</i> <i>Addressees</i></p> <p>This Directive is addressed to the Member States.</p>	<p><i>Article 5</i> <i>Addressees</i></p> <p>This Directive is addressed to the Member States.</p>	<p><i>Article 5</i> <i>Addressees</i></p> <p>This Directive is addressed to the Member States.</p>