Taking-up and pursuit of the business of insurance and reinsurance (Solvency II): dates of transposition and application; date of repeal of certain directives

2013/0327(COD) - 11/12/2013 - Final act

PURPOSE: to report the dates for the transposition and application of Directive 2009/138/EC on the taking up and pursuit of the business of Insurance and Reinsurance ('Solvency II') and their exercise, as well as the date of repeal of some Directives.

LEGISLATIVE ACT: Directive 2013/58/EU of the European Parliament and of the Council amending Directive 2009/138/EC (Solvency II) as regards the date for its transposition and the date of its application, and the date of repeal of certain Directives ('Solvency I').

CONTENT: Directive 2009/138/EC ('Solvency II') of the European Parliament and of the Council provides a modern, risk-based system for the regulation and supervision of insurance and reinsurance undertakings of the Union.

Directive 2012/23/EU amends Directive 2009/138/EC by postponing the date for transposition from 31 October 2012 to 30 June 2013, the date of application from 1 November 2012 to 1 January 2014 and the date of repeal of the existing insurance and reinsurance Directives (collectively referred to as 'Solvency I') from 1 November 2012 to 1 January 2014.

The Commission adopted a proposal (the 'Omnibus II proposal') to amend, inter alia, the Directive ' Solvency II' following the setting-up of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) (EIOPA) and to adapt it to the new rules introduced by the Treaty on the Functioning of the European Union in relation to the Commission's delegated and implementing powers.

Given the complexity of the 'Omnibus II proposal', there is a risk that it will not have entered into force before the date for transposition and the date of application of Directive 2009/138/EC.

Meanwhile, in order to avoid legal uncertainty and to give the supervisory authorities and industry sufficient time to prepare for the application of the rules, this Directive delays the repeal of the Directive ' Solvency II' from 30 June 2013 to **31 March 2015**. It also provides a later date (**1 January 2015**) for the application of 'Solvency II'and a report as a result of the date of repeal of 'Solvency I'.

ENTRY INTO FORCE: 19/12/2013.