

Insurance: supplementary supervision of insurance undertakings belonging to a group

1995/0245(COD) - 28/01/1998 - Modified legislative proposal

The amended proposal incorporates a number of amendments adopted by Parliament at first reading, particularly those aiming to: - include a definition of a 'third country insurance undertaking'; - include in the definition of 'participation' the criterion of a 'durable link' as provided by Article 17 of Directive 78/660/EEC (while maintaining the automatic criterion of a 20% threshold); - clarify the definition of a 'mixed activity insurance holding company' by specifically excluding third country insurance undertakings and reinsurance undertakings; - ensure that direct access to information about an undertaking or group is granted only when such information has not been supplied by the insurance undertaking subject to supplementary supervision; - change the date of implementation of the Directive (1 January 1999) to bring it into line with the proposed timetable; - specify the first financial year from which the supplementary supervision provided by the Directive shall be applicable (financial year beginning on 1 January 2000); - provide that within five years the Commission is to submit a report to the insurance committee on implementation of the Directive and, if appropriate, on any need for further harmonization in this area. With regard to the annexes, the Commission has also taken account of the amendments aiming to: - accept without restriction certain elements which were totally excluded from the calculation of the adjusted solvency situation in the initial proposal, when they concern the participating insurance undertaking at the level of which the calculation is made; - include a reference to Directive 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings; - extend the waiver provided in the initial proposal for related undertakings in the same Member State to cases in which the undertaking is related to an insurance undertaking in another Member State; - recognize the funds of an insurance holding company from outside the group; - explain precisely how participating undertakings in a third country should be treated.