Basic information

2000/0213(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Insurance mediation Repealed by 2012/0175(COD) Amended by 2011/0298(COD) **Subject** 2.50.05 Insurance, pension funds	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ECON Economic and Monetary Affairs	BERENGUER FUSTER Luis (PSE)	25/10/2000

Former committee responsible	Former rapporteur	Appointed
ECON Economic and Monetary Affairs	BERENGUER FUSTER Luis (PSE)	25/10/2000

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market (Associated committee)	FERRI Enrico (PPE-DE)	11/04/2001
ENVI Environment, Public Health, Consumer Policy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2389	2001-11-26
Competitiveness (Internal Market, Industry, Research and Space)	2371	2001-09-27
Competitiveness (Internal Market, Industry, Research and Space)	2451	2002-09-30
Agriculture and Fisheries	2419	2002-03-18

European Commission

Commission DG	Commissioner
Financial Stability, Financial Services and Capital Markets Union	

Key events

Date	Event	Reference	Summary
20/09/2000	Legislative proposal published	COM(2000)0511	Summary
27/10/2000	Committee referral announced in Parliament, 1st reading		
27/09/2001	Debate in Council		
16/10/2001	Vote in committee, 1st reading		Summary
16/10/2001	Committee report tabled for plenary, 1st reading	A5-0359/2001	
13/11/2001	Debate in Parliament		
14/11/2001	Decision by Parliament, 1st reading	T5-0599/2001	Summary
18/03/2002	Council position published	05462/1/2002	Summary
10/04/2002	Committee referral announced in Parliament, 2nd reading		
04/06/2002	Vote in committee, 2nd reading		
04/06/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0219/2002	
12/06/2002	Debate in Parliament		
13/06/2002	Decision by Parliament, 2nd reading	T5-0309/2002	Summary
30/09/2002	Act approved by Council, 2nd reading		
09/12/2002	Final act signed		
09/12/2002	End of procedure in Parliament		
15/01/2003	Final act published in Official Journal		

Technical information

Procedure reference	2000/0213(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2012/0175(COD) Amended by 2011/0298(COD)
Legal basis	EC Treaty (after Amsterdam) EC 055 EC Treaty (after Amsterdam) EC 047-p2 Rules of Procedure EP 57_o
Stage reached in procedure	Procedure completed
Committee dossier	ECON/5/15446

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0359/2001	16/10/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0599/2001 OJ C 140 13.06.2002, p. 0167-0304 E	14/11/2001	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0219/2002	04/06/2002	
Text adopted by Parliament, 2nd reading		T5-0309/2002 OJ C 261 30.10.2003, p. 0386-0484 E	13/06/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	05462/1/2002 OJ C 145 18.06.2002, p. 0001 E	18/03/2002	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0511 OJ C 029 30.01.2001, p. 0245 E	20/09/2000	Summary
Commission communication on Council's position	SEC(2002)0335	04/04/2002	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0454	01/08/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0720/2001 OJ C 221 07.08.2001, p. 0121	30/05/2001	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2002/0092
OJ L 009 15.01.2003, p. 0003-0010 Summary

Insurance mediation

2000/0213(COD) - 20/09/2000 - Legislative proposal

PURPOSE : to lay down rules for the taking-up and pursuit of the activities of insurance and reinsurance mediation. CONTENT : the proposal for a Directive establishes a legislative framework designed to ensure a high level of professionalism and competence among insurance intermediaries. A single registration system for intermediaries will facilitate cross-border activities by way of freedom of etsablishment and freedom to provide services. The proposal also guarantees a high level of protection of customers' interests. The proposal focuses on the objectives which should be attained in order to reconcile insurance mediation with the internal market while properly protecting insurance customers. The Commission considers that it is better to rely as much as possible on mutual recognition among the Member States rather than trying to harmonise in detail the methods of control actually used. At present, only Directive 77/92/EEC contains binding provisions on insurance intermediaries. However, its scope is limited since it does not harmonise the professional qualifications required of persons working as agents or brokers. The Directive does not prevent the Member States from laying down specific provisions on access to and pursuit of these activities, or indeed from not doing so, and in fact Member States have adopted widely differing rules. In addition, the aim of the proposal for a Directive may be summed up as follows: - to guarantee that all persons (natural and legal) taking up and pursuing the activity of insurance or reinsurance mediation have been registered on the basis of a minimum set of professional requirements. Registered intermediaries will be able to operate in other Member States by availing themselves of the freedom to provide services or by establishing a branch. Member States may add to the professional requirements laid down in the Directive, but only for the intermediaries that they register. The proposal also sets minimum requirements as regards the arrangements for, and content of, the information which the insurance intermediaries must make available to their potential customers. It should be noted that this proposal for a Directive is based on the approach put forward by the Commission in Recommendation 92/48/EEC and takes up the principles outlined there. The Commission believes that this approach will make it possible to achieve the objectives pursued by means of measures tailored to those objectives.

Insurance mediation

2000/0213(COD) - 13/06/2002 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution based on a report by Luis BERENGUER FUSTER (PES, Spain) approving the common position with some amendments. One of these states that the register of intermediaries must indicate the country or countries in which the intermediary conducts business. Another that the validity of the registration will be subject to a regular review by the competent authority. In addition, Member States may provide that those persons who exercised a mediation activity before September 2000, who were entered in a register and who had a level of training and experience similar to the required by the Directive, will be automatically entered in the register once the requirements in this directive are complied with.

Insurance mediation

2000/0213(COD) - 18/03/2002 - Council position

The common position takes on board some 20 of the amendments of the European Parliament. This has been done in order to take account of the status of certain intermediaries. The concept of "tied insurance intermediaries" is defined, along with a more substantial role for insurance undertakings in the registration process of such persons as well as in the verification of their professional knowledge and competence. Furthermore, the common position stipulates that only the names of some persons in the management structure of intermediaries (legal persons) have to be specified in the registers. The treatment of intermediaries from third countries was clarified. The provision on indemnity insurance and guarantees was modified accordingly, in addition to which an aggregate ceiling of EUR 1 500 000 per year and per all claims was inserted. The Council added a special provision on information exchange between competent authorities with the objective of facilitating the deletion of names of persons from national registers if the latter have been subject to certain penalties. A special clause regarding telephone selling was also inserted. The Council felt that the exclusion of persons in the event of having insolvency proceedings opened against them was too strict. The wording "declaration of bankruptcy" was felt to be clearer and better justified. The common position also follows the Parliament by requiring the police record of intermediaries to be clean in respect of crimes against property, but adds that criminal offenses have to be serious. Finally, following an extended discussion, the Council preferred an exclusion for insurance contracts that are renewable, but whose total duration would not exceed five years. The threshold for the amount of the annual premium has been reduced from EUR 1000 to EUR 500.

Insurance mediation

2000/0213(COD) - 01/08/2002 - Commission opinion on Parliament's position at 2nd reading

On second reading Parliament adopted thirteen amendments to the Council's common position. They clarify or spell out in more detail certain provisions, without affecting the scope or undermining the fundamental objectives of the proposal. The Commission accepts these amendments. These amendments are as follows: - Clarification of the scope of the proposal. - Recommendation 98/257/EEC to be taken into account by bodies responsible for out-of-court settlement of disputes. - Introduction of a clause of non-discrimination of Community intermediaries in relation to the treatment in a Member State of intermediaries from third countries operating from a third country. - Registration of intermediaries. The register must show the countries in which the intermediary may operate under the rules on freedom of establishment or freedom to provide services. - Registration of intermediaries to be reviewed regularly by competent authority. - Arrangements for checking good repute of insurance and reinsurance intermediaries brought into line with Article 3. - Acquired rights for intermediaries already registered who satisfy requirements concerning training and experience on date of presentation of Commission proposal. - Lodging of complaints. Customers and any other parties concerned, especially consumer associations, may lodge complaints. All complaints must also receive replies. - Insurance intermediaries must inform their customers, in accordance with the

arrangements laid down in the Directive - in writing and before conclusion of the insurance contract - that they are entitled to ask for the name of the company or companies with which the intermediary does business. The intermediary must provide the name of the companies if the customer requests them. - Insurance intermediaries must inform their customers, in accordance with the arrangements laid down in the Directive that they are entitled to ask for the names of companies with which the intermediary does business. - The insurance intermediary must provide an objective (impartial) analysis; he must base that analysis on an adequate number of contracts available on the market to be able to recommend, according to his professional criteria, the insurance contract suited to the customer's needs.

Insurance mediation

2000/0213(COD) - 04/04/2002 - Commission communication on Council's position

The Commission feels that the common position preserves the essence of the proposal and the Commission accepts the amendments introduced. To recall, the common position clarifies the main provisions relating in particular to: - scope: the Commission accepts that certain activities involving the provision of information in the course of another professional activity do not constitute insurance or insurance mediation activities where their purpose is not assistance for the customer in concluding or fulfilling an insurance or reinsurance contract, the professional management of claims for such a contract or the estimating or settlement of claims. Parliament's amendments in respect of scope serve to clarify the characteristics of certain insurance contracts which contain life insurance and/or liability insurance cover ancillary to travel insurance taken out in connection with travel booked with the provider; - registration: in particular the amendment that tied insurance intermediaries may be registered by an insurance undertaking under the supervision of a competent authority. Parliament's desire for a three year limit on the validity of registration is not accepted; - professional requirements: The common position specifies that it is up to the intermediary's home Member State to determine the level of knowledge required, which the Commission accepts. The Commission also accepts the new substantive provisions introduced by the common position regarding the notification of establishment and services in other Member States, the exchange of information between Member States and customer information requirements. The Commission does, however, regret that the Council did not accept the amendment relating to the transitional provision. This would cover any insurance or reinsurance intermediaries who, when the proposal for the Directive was submitted, were already registered and had a similar level of knowledge to that required by the proposal. Such persons should be automatically entered in the register that will be created by their home Member State under the Directive.

Insurance mediation

2000/0213(COD) - 14/11/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr Luis BERENGUER FUSTER (PES, E) on insurance mediation. (Please refer to the previous text). It should be added that although the protective purpose of this Directive extends to life insurance, accident insurance policies that are also concluded as part of travel insurance, even where they promise benefits in the event of accidental death, are not covered by the Directive's protective purpose. The amendments mainly seek to clarify some aspects, particularly in relation to the cases in which Member States are not obliged to apply the directive (article 1.2). The amendments refer explicitly to those whose main activity is not to sell insurance but rather offer standardised insurance contracts. For instance tourist assistance packages offered by travel agencies (even if they include compensation in case of death) or animal sickness insurance offered by vets. Member States need not apply the directive to insurance intermediaries for large risks or one-company insurance intermediaries operating exclusively for their company.

Insurance mediation

2000/0213(COD) - 09/12/2002 - Final act

PURPOSE : to lay down rules for the taking-up and pursuit of the activities of insurance and reinsurance mediation. COMMUNITY MEASURE : Directive 2002/92/EC of the European Parliament and of the Council on insurance mediation. CONTENT : the Council has adopted the Directive and incorporates all the amendments approved by the European Parliament at its second reading. The Directive is intended to establish a regulatory framework aimed at ensuring: - a high level of professionalism and competence among insurance intermediaries, with a single system of registration of intermediaries in order to facilitate the cross-border exercise of their activities and; - a high level of protection of policyholders' interests. It should be noted that there are still substantial differences between national provisions which create barriers to the taking-up and pursuit of the activities of insurance and reinsurance intermediaries in the internal market. It is therefore appropriate to replace Directive 77/92/EEC with this new Directive. As regards the scope of the Directive, it lays down rules for taking-up and pursuit of the activities of insurance and reinsurance mediation by natural and legal persons which are established in a Member States or which wish to become established there. The Directive shall not apply to persons providing mediation services for insurance contracts if all the following conditions are met : - the insurance contract only requires knowledge of the insurance cover that is provided; - the insurance contract is not a life assurance contract; - the insurance contract does not cover any liability risks; - the principal professional activity of the person is other than insurance mediation; - the insurance is complementary to the product or service supplied by any provider, where such insurance covers: - the risk of breakdown, loss of or damage to goods supplied by that provider, or - damage to or loss of baggage and other risks linked to the travel booked with that provider, even if the insurance covers life assurance or liability risks, provided that the cover is ancillary to the main cover for the risks linked to that travel; - the amount of the annual premium does not exceed EUR 500 and the total duration of the insurance contract, including any renewals, does not exceed five years. This Directive shall not apply to insurance and reinsurance mediation services provided in relation to risks and commitments located outside the Community. This Directive shall not apply to insurance and reinsurance mediation services provided in relation to risks and commitments located outside the Community. This Directive shall not affect a Member State's law in respect of insurance mediation business pursued by insurance and reinsurance intermediaries established in a third country and operating on its territory under the principle of freedom to provide services, provided that equal treatment is guaranteed to all persons carrying out or authorised to carry out insurancemediation activities on that market. This Directive shall not regulate insurance mediation activities carried out in third countries nor activities of Community insurance or reinsurance undertakings. More specifically, as regards the registration requirements, the Directive

stipulates that insurance and reinsurance intermediaries shall be registered with a competent authority designated by their home Member States. ENTRY INTO FORCE : the Directive shall enter into force on 15 January 2003. IMPLEMENTATION: 15 January 2005.