

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,656, 2 ta' Lulju, 2021

Taqsimha B

L.N. 278 of 2021

**INSURANCE BUSINESS ACT
(CAP. 403)**

Insurance Business (Supervision of Insurance and Reinsurance Undertakings in a Group) (Amendment) Regulations, 2021

IN EXERCISE of the powers conferred by article 64 of the Insurance Business Act, the Minister responsible for the regulation of financial services, after consultation with the Malta Financial Services Authority, has made the following regulations:-

1. (1) The title of these regulations is the Insurance Business (Supervision of Insurance and Reinsurance Undertakings in a Group) (Amendment) Regulations, 2021 and these regulations shall be read and construed as one with the Insurance Business (Supervision of Insurance and Reinsurance Undertakings in a Group) Regulations, hereinafter referred to as "the principal regulations".

Citation, scope and commencement.

S.L. 403. 17.

(2) The scope of these regulations is to transpose Articles 2(4) and 2(5) of Directive (EU) 2019/2177 of the European Parliament and of the Council of 18 December 2019 amending Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), Directive 2014/65/EU on markets in financial instruments and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing.

(3) These regulations shall be deemed to have come into force on the 30th June 2021.

2. Regulation 23 of the principal regulations shall be amended as follows:

Amends regulation 23 of the principal regulations.

(a) in sub-regulation (1) thereof, for the words "competent authority where is the group supervisor" there shall be substituted the words "competent authority where it is the group supervisor";

(b) in sub-regulation (2) thereof, for the words "it shall inform the other members of the college of supervisors and forward the complete application to them, without delay." there shall be substituted the words "it shall inform:

(a) the other members of the college of supervisors;

and

(b) EIOPA,

of the receipt of application. The competent authority as group supervisor shall forward the complete application, including the documentation submitted under sub-regulation (1) by the undertaking, to the other members of the college of supervisors and EIOPA without delay. The competent authority may request EIOPA to provide technical assistance pursuant to point (b) of Article 8(1) of Regulation (EU) No 1094/2010, with respect to the decision on the application.";

(c) in sub-regulation (4) thereof, for the words "If in accordance with Articles 41(2) and (3) and Articles 44(1) and (3) of Regulation (EU) No 1094/2010, the decision proposed by the panel is rejected, the group supervisor shall take a" there shall be substituted the words "Where EIOPA does not take a decision as referred to in the second sub-paragraph of Article 231(3) of the Solvency II Directive, in accordance with Article 19(3) of Regulation (EU) No 1094/2010, the group supervisor shall take the"; and

(d) in paragraph (b) of sub-regulation (5) thereof, for the words "if in accordance with Articles 41(2) and (3) and Articles 44(1) and (3) of Regulation (EU) No 1094/2010, the decision proposed by the panel is rejected, the competent authority shall take a" there shall be substituted the words "where EIOPA does not take a decision, as referred to in the second sub-paragraph of Article 231(3) of the Solvency II Directive, in accordance with Article 19(3) of Regulation (EU) No 1094/2010, the competent authority shall take a".

Amends
regulation 28 of
the principal
regulations.

3. Sub-regulation (4) of regulation 28 of the principal regulations shall be substituted by the following new sub-regulation:

"(4) Where EIOPA does not take a decision in accordance with Article 19 of Regulation (EU) No 1094/2010 and where the competent authority is the group supervisor, the competent authority shall take the final decision. The decision by the competent authority acting as group supervisor shall be recognised as determinative and shall be applied by all the regulatory authorities concerned."