



EU EXIT

EU LEGISLATION
MAPPING EXERCISE

ABI



INTRODUCTION

On behalf of its members the Association of British Insurers has conducted an extensive, in-depth analysis of all EU Directives and Regulations that have a particular impact upon the insurance and long term savings market. This analysis will help our members assess the implications of exiting the EU and consider what action needs to be taken during the negotiations and once the UK has left.

The analysis identifies 80 relevant pieces of legislation and outlines when they came or are due to come into force and whether they apply directly or through UK legislation.

While comprehensive, given the nature of legislation it is very possible that some impacts have not been captured. Indeed many secondary effects can be complex and difficult to determine. This will therefore continue to be updated by the ABI.

Key:

Transposition means that the UK has implemented the legislation through domestic laws.

Regulations do not require domestic legislation for implementation and primarily apply directly.

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Policy area: Conduct

Directive/Regulation	Status	Transposed or applies direct?
Data Protection Regulation (EU/2016/679)	To enter into force May 2018	Direct
Data Protection Directive (EU/2016/680)		
Packaged Retail and Insurance-based Investment Products (PRIIPs) Regulation EU/1286/2014	To enter into force from 31-12-16	Direct
Insurance Mediation Directive (IMD) (2002/92/EC)	Implementation 15-01-05	Transposed
Insurance Distribution Directive (replaces IMD) (2016/97/EC)	To enter into force from 23-02-18	Transposed
Markets in Financial Instruments Directive (MiFID) I (EC/39/2004)	Implementation November 2007	Transposed
MiFID II (replaces MiFID I) (EU/65/2014)	Implementation 03-01-18	Direct
Markets in Financial Instruments Regulation (MiFIR) (EU/600/2014)		
Distance Marketing of Financial Services Directive (2002/65)	Implementation October 2004	Transposed
Market Abuse Directive (MAD) (2014/57/EU)	Implementation 03-07-16	Transposed
Market Abuse Regulation (MAR) (596/2014)		
e-commerce Directive (2000-31-EC)	Implementation by 17-01-02	Transposed
Benchmarks Regulation (2016/1011)	To enter into force on 01-01-18	Not in force yet
Alternative Investment Fund Managers Directive (AIFMD) (2011/61)	Transposed 22-07-13	Transposed
Undertakings for the Collective Investment in Transferable Securities (UCITS) (2014/91/EU)	Implementation 18-03-16	Transposed
Regulation on European long-term investment funds (ELTIFs) (2015/760)	Implementation from 09-12-15	Transposed
Money Market Fund Regulation (COD) 0306/2013	Still being negotiated	Not in force yet



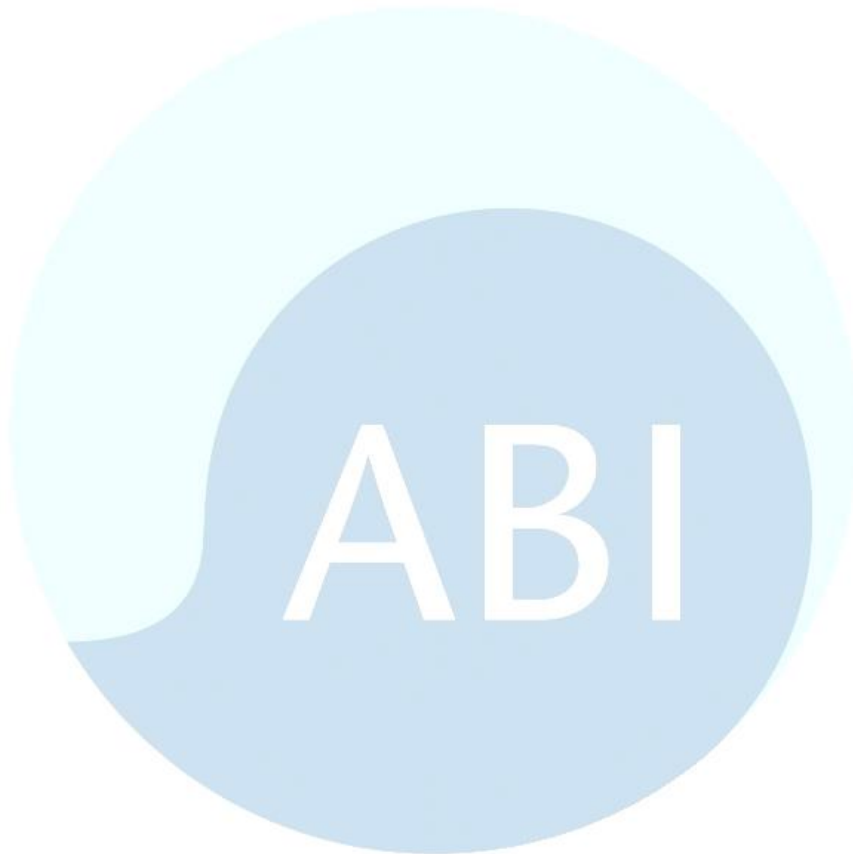
Directive/Regulation	Status	Transposed or applies direct?
Directive 2005/29/EC Unfair Commercial Practices	Adopted in UK law as Consumer Protection From Unfair Trading 2008	Transposed
Alternative Dispute Resolution Directive (ADR) (2013/11/EU)	Implementation 09-07-15 Implementation 09-01-16	Transposed
Online dispute resolutions (ODR) (EU/524/2013)		
Prospectus Directive 2003/71/EC Updated by Directive 2010/73/EU	Implementation 01-07-05 Implementation 01-07-12	Transposed
Consumer Credit Directive (2008/48/EC)	Implementation 12-05-10	Transposed
Consumer Rights Directive (2011/83/EC)	Implementation 31-01-11	Transposed





Policy area: Prudential (Regulation)

Directive/ Regulation	Status	Transposed or applies direct?
Solvency II (2009/138/EC)	Implemented 01-01-16	Transposed
European Market Infrastructure Regulation - EMIR (2012/648/EC)	Implemented 16-08-12	Direct
Financial Conglomerates Directive (2002/87/EC) (2011/89/EC)	Implemented 10-08-04, updated 10-06-13	Transposed





Policy area: Prudential (Accounting)

Directive/Regulation	Status	Transposed or applies direct?
Regulation 1606/2002/EC Application of International Accounting Standards	Implemented 19-07-02	Transposed
Regulation 1126/2008 Adopting certain international accounting standards in accordance with Regulation 1606/2002/EC	Implemented 03-11-08	
Directive 2013/34/EU Financial statements and annual reports	Implemented 26-06-13	Transposed
Directive 91/674/EEC Annual and consolidated accounts of insurance undertakings	Implemented 19-12-91	Transposed





Policy area: Accounting / Taxation

Directive/Regulation	Status	Transposed or applies direct?
Regulation 537/2014/EU Statutory audit of Public Interest Entities	Implemented 16-04-14	Transposed
Directive 2006/43/EC Statutory audit of accounts		
Directive 2004/109/EC Harmonisation of transparency requirements (trading securities)	Implemented 15-12-04	Transposed
VAT (primarily 2006/112/EC)	Implemented 01-01-07 (certain elements 01-01-08)	Transposed
Anti-tax avoidance package: <ul style="list-style-type: none">• Anti-tax avoidance Directive (Council Directive) (2016/0011 CNS)• Revision to Administrative Cooperative Directive (2016/0010 CNS)	Date of implementation TBC Applicable from 1 January 2017	Not in force yet

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Policy area: Taxation

Directive/Regulation	Status	Transposed or applies direct?
Directive on mandatory automatic exchange of information in the field of taxation (2014/107/EU)	Applicable from 01-01-16	Transposed
Country by Country Reporting (Directive on disclosure of income tax information by certain undertakings and branches 2016/0107)	Commission proposal made on 12-04-16.	Not in force yet
Parent Subsidiary Directive (PSD) (Council Directive 2003/123/EC)	Applicable from 01-01-05	Transposed
Interest and Royalties Directive (Council Directive 2003/49/EC)	Applicable since 01-01-04	Transposed
EU Mergers Directive (Council Directive 2005/19/EC)	Applicable from 01-01-07	Transposed

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Policy area: Long-Term Savings

Directive/Regulation	Status	Transposed or applies direct?
Institutions for Occupational Retirement Provision (IORPs) Directive (2003/41/EC)	Implemented 23-09-05	Transposed
IORP II (2014/0091 (COD)) (Will replace IORP Directive).	To enter into force between October - December 2018.	Not in force yet
Portability Directive (2014/50/EU)	To enter into force 21-05-18	Not in force yet
Track & Trace Your Pension in Europe - TTYPE	Non-legislative.	N/A
Equal treatment of men and women in employment and occupation (EC/54/2006)	Implementation 15-08-08 Updated in Equality Act 2010.	Transposed

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Policy area: General Insurance

Directive/Regulation	Status	Transposed or applies direct?
Motor Insurance Directive (MID) (2009/103/EC)	Implementation 27-10-09	Transposed
Vnuk Amendment to MID	Under consideration by Commission	Not in force yet
Pan-European in-vehicle emergency call service (ecall) (EU/2015/758)	Partial implementation 08-06-15 Full implementation from 31-03-18 (added to new vehicles)	Direct
4 th Anti-Money Laundering Directive (2015/849)	Implementation 26-06-17	Not in force yet
Package Travel Directive (90/314/EEC)	Implementation by 31-12-92	Transposed
Package Travel Directive (2015/2302/EU)	UK deadline for transposition is 01-01-18 Applicable from 01-07-18	Not in force yet
Air Passenger Rights Directive (EC/261/2004)	Implementation 17-05-05	Transposed
(Bus and coach) Passenger Rights Regulation (EU/181/2011)	Applied from 01-03-13	Direct
Insurance Requirements for Air Carriers and Aircraft Operators (EC/785/2004)	Applied from 30-04-05	Direct
Services Directive (2006/123/EC)	Implementation 28-12-09	Transposed
Clinical trials regulation (EC/536/2014)	Will come into effect by October 2018	Direct
In-vitro diagnostic devices Directive 98/79/EC	Implementation 07-06-00	Transposed
Medical Devices Directive 93/42/EC	Implementation 01-01-95	Transposed
Implantable Medical Devices 90/385/EC	Implementation 01-01-93	Transposed
General Product Safety Directive (2001/95/EC)	The General Product Safety Regulations 2005	Transposed
Liability for Defective Products Directive (85/374/EEC)	Implemented 30-07-1988	Transposed
Regulation on general food law (EC/178/2002)	Effective 01-01-2005	Direct



Directive/Regulation	Status	Transposed or applies direct?
Liability of carriers of passengers by sea in the event of accidents (EC/392/2009)	Merchant Shipping (Carriage of Passengers by Sea) Regulations 2012	Transposed
Network Information Security Directive (cyber security)	Implementation from August 2018	Not in force yet
Environmental Liability Directive (2004/35/EC)	Environmental Damage (Prevention and Remediation) Regulation(s) 2009	Transposed
Directive on assessment and management of flood risks 2007/60/EC	Implemented 26-11-09	Transposed
Common Agricultural Policy (EC/1305/2013) (EC/1307/2013)	Implemented 01-01-2014	Direct
European Health Card Decisions: (2003/751/EC) (2003/752/EC) (2003/753/EC)	Implemented 01-01-04 (replaces E111, and E111B forms)	Direct
89/391/EEC - safety and health of workers at work Framework Directive	Implementation by 31/12/92	Transposed
90/270/EEC – display screen equipment	Implementation by 31/12/92	
90/269/EEC - manual handling of loads	Implementation by 31/12/92	
89/686/EEC – personal protective equipment	Partial implementation by 01/07/92, full by 01/07/95	
89/654/EEC - minimum safety and health requirements for the workplace	Implementation by 31/12/92	
Block Exemption Regulation for vertical agreements in the motor vehicle sector EU/330/2010 EU/461/2010	Implemented 01-06-10.	Direct
Directive 2011/24/EU on application of patients' rights in cross border healthcare	Implemented by 25-10-13	Transposed



Policy area: Cross cutting

Directive/Regulation	Status	Transposed or applies direct?
Equal Treatment in Goods and Services Directive (Gender directive) (2004/113/EC) ECJ Test Achats ruling 01-03-11	Implementation by 21-12-07 ECJ ruling effective from 21-12-12	Transposed
Equal treatment directive (proposal COM/2008/0426)	Being considered in Council	Not in force yet
Regulation establishing European Insurance and Occupational Pensions Authority (EIOPA) (EC/1094/2010)	Effective from 01-01-11	Direct
Regulation establishing European Securities and Markets Authority (ESMA) (EC/1095/2010)	Effective from 01-01-11	Direct





Policy area: Legal

Directive/Regulation	Status	Transposed or applies direct?
European competition policy	In force	Transposed
Insurance Block Exemption Regulation (IBER) (EU/267/2010)	Implemented 01/04/10 – due to expire on 31-03-17.	Direct
Regulation on law applicable to contractual obligations (Rome I) (EC/593/2008)	Entered into force July 2008. (Applies to contracts concluded after 17 December 2009).	Direct
Regulation on the law applicable to non-contractual obligations (Rome II) (EC/864/2007)	Applies from 11-01-09 (except for Article 29 which applies from 11-07-08).	Direct
Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. (“Brussels I”)	Entered into force 01-03-02.	Direct
Recast. (Regulation EU/1215/2012)	Revised version applied partially from 10-01-14, and in full from 10-01-15.	Direct