



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**Amending**

**Council Directive 91/675/EEC setting up a European insurance and occupational pensions committee, as regards the implementing powers conferred to the Commission**

(presented by the Commission)

Proposal for a

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**Amending**

**Council Directive 91/675/EEC setting up a European insurance and occupational pensions committee, as regards the implementing powers conferred to the Commission**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 47(2) thereof,

Having regard to the proposal of the Commission<sup>1</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>3</sup>,

Whereas:

- (1) Directive 91/675/EC<sup>4</sup> provides that certain measures are to be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>5</sup>.
- (2) Decision 1999/468/EC has been amended by Decision 2006/512/EC which introduced a regulatory procedure with scrutiny to be used for the adoption of implementing measures of general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> OJ C [...], [...], p. [...].

<sup>3</sup> OJ C [...], [...], p. [...].

<sup>4</sup> OJ L 375, 31.12.1985, p. 3. Directive as last amended by Directive 2005/1/EC of the European Parliament and of the Council (OJ L 79, 24.3.2005, p. 9).

<sup>5</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

- (3) In accordance with the joint statement of the European Parliament, the Council and the Commission<sup>6</sup> on Decision 2006/512/EC, instruments which are already in force must be adjusted in accordance with the applicable procedures. That statement indicates a list of instruments which should be adjusted as a matter of urgency, including Directive 2005/1/EC. To align this Directive, Directive 91/675/EC should be amended.
- (4) The measures necessary for the implementation of Directives in the field of direct non-life insurance and direct life insurance, reinsurance and occupational pensions should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. When those measures are of general scope and are designed, to amend non-essential elements or supplement such Directives by the addition of new non-essential elements of, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (5) Directive 91/675/EEC should therefore be amended accordingly.

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

Article 2 of Directive 91/675/EC is replaced by the following:

"Article 2

"1. Where acts adopted in the field of direct non-life insurance and direct life assurance, reinsurance and occupational pensions confer on the Commission powers to adopt measures falling under Article 2 (1) (b) of Council Decision 1999/468/EC<sup>7</sup> for rules which they lay down, Articles 5 and 7 of this decision shall apply, having regard to the provisions of Article 8 thereof.

2. Where acts adopted in the field of direct non-life insurance and direct life assurance, reinsurance and occupational pensions confer on the Commission powers to adopt measures falling under Article 2 (2) of Decision 1999/468/EC for rules which they lay down, Article 5a(1) to (4), and Article 7 of this decision shall apply, having regard to the provisions of Article 8 thereof."

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<sup>6</sup> OJ C 255, 21.10.2006, p. 1.

<sup>7</sup> OJ L 184, 17.7.1999, p. 23.

*Article 2*

This Directive shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*