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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directive (EU) 2016/97 as regards the date of application of
Member States' transposition measures (**first reading**)

- Adoption of the legislative act
- Statement

Commission statement

The Commission recalls that under the Interinstitutional Agreement on Better Law-Making of 13 April 2016 the European Parliament, the Council and the Commission agreed that in order to swiftly and correctly apply Union legislation in the Member States, the time limit for transposition of directives would be as short as possible and, generally, not exceed two years.

In view of the particular timeframe for the application of Directive (EU) 2016/97 and of the Delegated Regulations adopted under this Directive, which resulted in difficulties for small and medium-sized insurance companies and insurance distributors to implement the required changes in time for the application date of 23 February 2017, the Commission exceptionally submitted a proposal to amend Directive (EU) 2016/97 by setting the date for application to 1 October 2018.

The co-legislators have also agreed to postpone the transposition date for Directive (EU) 2016/97 to 1 July 2018. The Commission considers that this cannot be interpreted as creating a precedent, as it must be ensured that all Member States are treated equally, but notes that exceptionally it will not stand in the way of this agreement. The Commission expects Member States to fully comply with their obligation to bring their national transposition measures into force at this date at the latest, in order to give insurance companies and insurance distributors enough time to finalise their preparation and adaptation measures with the full knowledge of the European and national legislative frameworks.
