

## SCHEDULE 2

### Commission Tertiary Legislation

#### *Solvency 2*

**26.** In Commission Delegated Decision (EU) 2015/1602 of 5 June 2015 on the equivalence of the solvency and prudential regime for insurance and reinsurance undertakings in force in Switzerland based on Articles 172(2), 227(4) and 260(3) of [Directive 2009/138/EC](#) of the European Parliament and of the Council—

- (a) in Articles 1, 2 and 3, after “requirements of”, each time it occurs, insert “United Kingdom enactments and rules which implemented”;
- (b) after Article 3, insert—

#### *“Article 3A*

In this decision, references to the United Kingdom enactments and rules which implemented provisions in [Directive 2009/138/EC](#) are to the law of the United Kingdom or any part of the United Kingdom which was relied on immediately before exit day to implement [Directive 2009/138/EC](#) and its implementing measures—

- (a) in rules made by the Financial Conduct Authority or by the Prudential Regulation Authority under the Financial Services and Markets Act 2000 as they have effect on exit day, and
- (b) as amended from time to time, in all other cases.”

**27.** In Commission Delegated Decision (EU) 2016/309 of 26 November 2015 on the equivalence of the supervisory regime for insurance and reinsurance undertakings in force in Bermuda to the regime laid down in [Directive 2009/138/EC](#) of the European Parliament and of the Council and amending Commission Delegated Decision (EU) 2015/2290—

- (a) in Articles 1, 2 and 3, after “laid down in”, each time it occurs, insert “United Kingdom enactments and rules which implemented”;
- (b) after Article 3, insert—

#### *“Article 3A*

In this decision, references to the United Kingdom enactments and rules which implemented provisions in [Directive 2009/138/EC](#) are to the law of the United Kingdom or any part of the United Kingdom which was relied on immediately before exit day to implement [Directive 2009/138/EC](#) and its implementing measures—

- (a) in rules made by the Financial Conduct Authority or by the Prudential Regulation Authority under the Financial Services and Markets Act 2000 as they have effect on exit day, and
- (b) as amended from time to time, in all other cases.”

**28.** In Commission Delegated Decision (EU) 2016/310 of 26 November 2015 on the equivalence of the solvency regime for insurance and reinsurance undertakings in force in Japan to the regime laid down in [Directive 2009/138/EC](#) of the European Parliament and of the Council—

- (a) in Articles 1 and 2, after “laid down in”, each time it occurs, insert “United Kingdom enactments and rules which implemented”;
- (b) after Article 2, insert—

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Equivalence Determinations for Financial Services and Miscellaneous Provisions (Amendment etc) (EU Exit) Regulations 2019 No. 541*

*“Article 2A*

In this decision, references to the United Kingdom enactments and rules which implemented provisions in [Directive 2009/138/EC](#) are to the law of the United Kingdom or any part of the United Kingdom which was relied on immediately before exit day to implement [Directive 2009/138/EC](#) and its implementing measures—

- (a) in rules made by the Financial Conduct Authority or by the Prudential Regulation Authority under the Financial Services and Markets Act 2000 as they have effect on exit day, and
- (b) as amended from time to time, in all other cases.”

**29.** In Commission Delegated Decision (EU) 2015/2290 of 12 June 2015 on the provisional equivalence of the solvency regimes in force in Australia, Bermuda, Brazil, Canada, Mexico and the United States and applicable to insurance and reinsurance undertakings with head offices in those countries—

- (a) in Article 1, after “laid down in”, each time it occurs, insert “United Kingdom enactments and rules which implemented”;
- (b) after Article 1, insert—

*“Article 1A*

In Article 1, references to the United Kingdom enactments and rules which implemented provisions in [Directive 2009/138/EC](#) are to the law of the United Kingdom or any part of the United Kingdom which was relied on immediately before exit day to implement [Directive 2009/138/EC](#) and its implementing measures—

- (a) in rules made by the Financial Conduct Authority or by the Prudential Regulation Authority under the Financial Services and Markets Act 2000 as they have effect on exit day, and
- (b) as amended from time to time, in all other cases.”