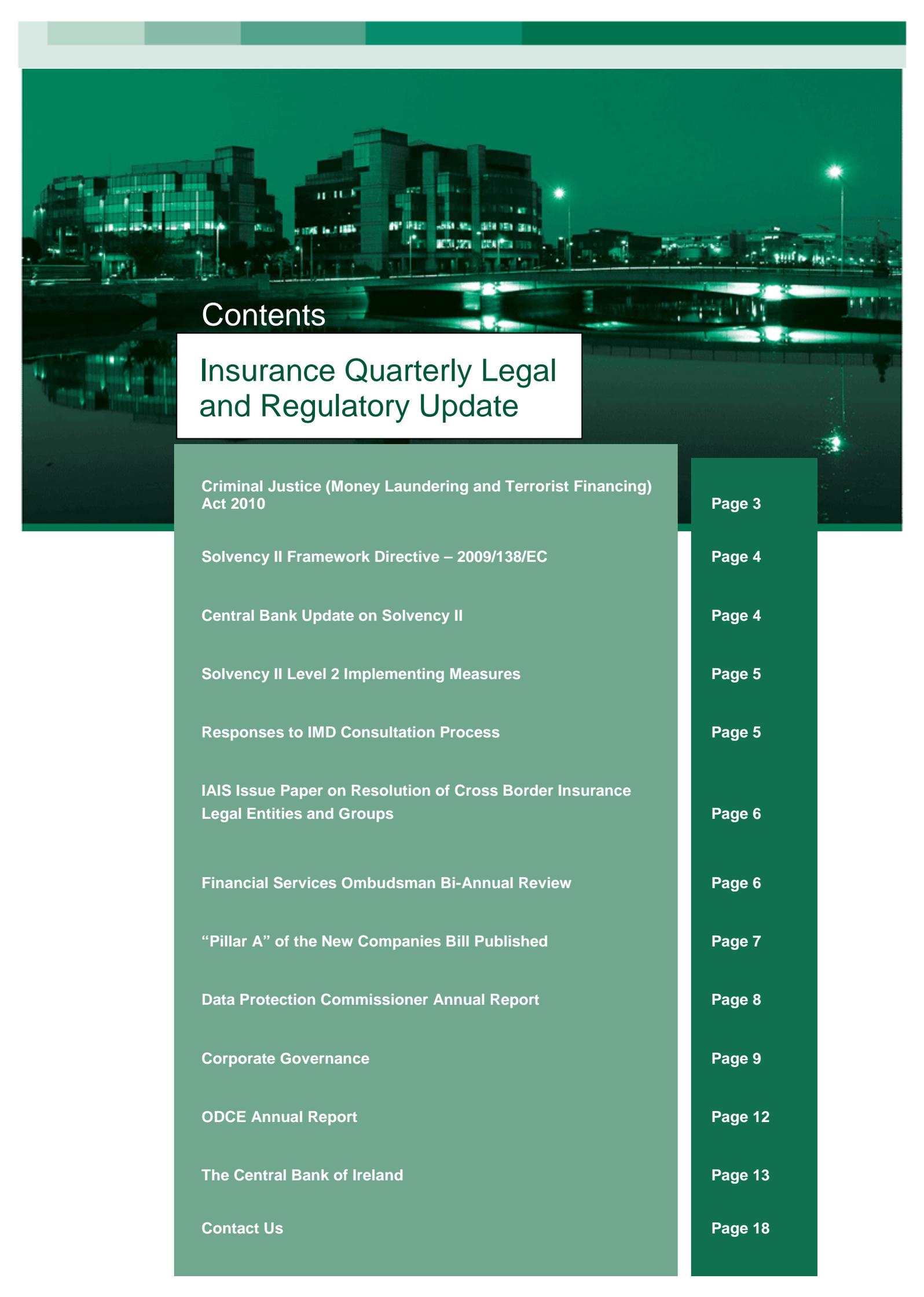


Insurance Quarterly Legal and Regulatory Update

Period covered:
1 April to 30 June, 2011

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INSURANCE QUARTERLY LEGAL AND REGULATORY UPDATE

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010

The Criminal Justice (Money Laundering and Terrorist Financing) Act, 2010 (the “CJA 2010”), implementing the Third Anti-Money Laundering Directive into Irish law, has been effective as of 15 July 2010. Pursuant to Section 107 of the CJA 2010, draft guidance notes have been submitted for approval by the Minister for Justice, Equality and Defence in consultation with the Minister for Finance in May 2011. Final guidance notes have yet to be issued.

One area of potential difficulty regarding the CJA 2010, which has arisen relates to reliance on third party performance of customer due diligence. While the Third Anti-Money Laundering Directive recognises that such third parties can be located outside of the European Economic Area, the Irish legislation currently only permits reliance on a third party in certain prescribed jurisdictions, as set out in S.I. No. 343 of 2010. Currently in Ireland, it is not permissible to rely on third parties located in any non-prescribed jurisdiction or to apply a risk-based assessment to such jurisdictions. This differs from other Member States which either do not specify a territorial restriction or alternatively permit a risk-based assessment of such jurisdictions. This difference in approach potentially places Irish insurance/reinsurance companies at a disadvantage when compared to similar entities in other Member States who have greater freedom to rely on third parties. This matter has been flagged to the Central Bank and the Department for Justice, Equality and Defence.

On the 24 May 2011, Council Implementing Regulations (EU) No. 502/2011 and No. 504/2011 concerning restrictive measures in view of the situation in Libya and Syria respectively came into effect. Designated persons are required to have appropriate procedures in place to meet with the requirements of these Regulations.

If you would like further information on anti-money laundering requirements or any changes arising out of the CJA 2010, Dillon Eustace regularly advises on all aspects thereof and provides training sessions on this topic. Training can be held either at Dillon Eustace’s office at 33 Sir John Rogerson’s Quay, Dublin 2 or in house training can be provided at a venue of your choosing.

Solvency II Framework Directive - 2009/138/EC

On the 17 December 2009, the definitive text of the Solvency II Directive (2009/138/EC) (“Solvency II”) was published in the Official Journal. The Directive aims to strengthen the supervision and prudential regulation of insurance and reinsurance companies, particularly through the imposition of new solvency and governance requirements. It also establishes a new framework for EU regulation through the recasting of 13 insurance directives into a single text.

On the 19 January 2011 the draft text of the Omnibus II Directive (“Omnibus II”) was published, which if adopted, will amend the Solvency II Directive. Over the last number of months the draft text of Omnibus II has been under review with the Council of the European Union publishing the fourth version of the proposed Presidency compromise text on the 21 June 2011. The updated text proposes a further one year delay, moving the date of implementation to 1 January 2014, and provides further details on the scope of transitional arrangements.

However, on the 29 June 2011, Mr Carlos Montalvo Reuelta, an executive director at the European Insurance and Occupational Pensions Authority (“EIOPA”) advised that the new Solvency II will not be delayed and is still due to be introduced on 1 January, 2013, though the EU might introduce a universal transition period of one year to enable companies to implement the necessary changes. Nevertheless, Solvency II is to take immediate effect if an insurer has less than the minimum capital requirement, the MCR, and the national regulatory body will be required to take action to remedy such a situation.

Central Bank Update on Solvency II

On the 12 May 2011 the Central Bank held a half day Solvency II forum with presentations from both the Central Bank and the Department of Finance. The forum was aimed at individuals responsible for implementing the Solvency II Directive at affected insurance and reinsurance firms. In total 360 representatives attended the forum. Copies of the various presentations are available on www.centralbank.ie.

On the 10 June 2011 the Central Bank issued a Frequently Asked Questions document relating to the various aspects of Solvency II. This is available on www.centralbank.ie and the Central Bank intends to update this document on monthly basis.

Solvency II Level 2 Implementing Measures

The European Commission published on the 5 May 2011 a summary of the responses it received to the consultation process on Solvency II Level 2 implementing measures. The responses received highlighted a small number of key concerns for stakeholders, namely:

- ▣ the impact of the Level 2 implementing measures on long term products, particularly those with guarantees;
- ▣ the need to ensure that measures to address pro-cyclicality work effectively and do not create artificial volatility;
- ▣ the need to apply the proportionality principle across all three of the Solvency II pillars; and
- ▣ the need for robust transitional measures to ensure a smooth transition to the new Solvency II regime (and to avoid market disruption).

In addition, stakeholders highlighted the importance of the European Insurance and Occupational Pensions Authority's ("EIOPA") role in ensuring the harmonised application of the measures, particularly in relation to capital add-ons and the actuarial function.

Responses to IMD Consultation Published

On 21 April 2011, the European Commission published a summary of the 125 responses it has received following its recent consultation regarding the review of the Insurance Mediation Directive. The majority of respondents advocated a revision of the Directive. Other interesting majority views in the responses included –

- ▣ that the level of policyholder protection in the context of insurance mediation needs to be raised;
- ▣ that insurance intermediaries should be obliged to indicate whether they own a percentage of the capital of the insurer they represent, and whether they are entitled to any other incentives or bonuses provided by that insurer; and
- ▣ that the scope of the Directive should be extended to cover all market players which mediate insurance as part of their activities (including, for example, direct-writing insurers).

Certain respondents suggested the creation of a central clearing system for passporting notifications and storage of Member State general good rules. Views were also expressed that lowering commission due to disclosure of remuneration could have detrimental effects,

e.g. lower quality of advice, encouragement of mis-selling, and a shift to cheaper internet non-advised sales. The individual responses have also been published by the Commission.

IAIS Issues Paper on Resolution of Cross Border Insurance Legal Entities and Groups

The International Association of Insurance Supervisors (IAIS) has published an Issues Paper on Resolution of Cross-Border Insurance Legal Entities and Groups. The IAIS promotes the global development of well-regulated insurance markets and has developed the IAIS Insurance Core Principles (ICPs) to establish the fundamental requirements in relation to aspects of insurance supervision.

The paper discusses various issues including the definition of insolvency from a cross-border perspective, Financial Stability Board developments, the causes of non-viability, and general challenges, considerations and approaches to the resolution of cross-border insurance entities.

In relation to insolvency, ICP 16 sets out the supervisory requirements necessary to enable an orderly winding-up of an insurance legal entity. However, it fails to address the issue from a cross-border perspective. The paper suggests the harmonisation of insurance restructuring and insolvency laws and the use of supervisory colleges and recovery and resolution plans. At this point, however, the IAIS is not making any specific recommendations for particular courses of action.

One of the recurring themes of the paper is the need for supervisors to act proactively in supervising insurance legal entities and groups as the ability to intervene effectively and the likelihood of the insurer recovering becomes less as it approaches the stage of non-viability. The paper should serve as a basis for the IAIS to contribute relevant insurance perspectives to international discussions on the resolution of complex cross-border financial institutions.

The paper is available on www.iaisweb.org/view/element_href.cfm?src=1/12008.pdf.

Financial Services Ombudsman Bi-Annual Review

The Financial Services Ombudsman ("FSO"), Mr William Prasifka, published his Office's Bi-Annual Review on the 21 April 2011, which deals with consumer complaints made against financial institutions between July and December 2010. During that period, it is notable that 49.6% of the complaints received by the FSO related to the insurance sector. The highest

numbers of insurance-related complaints were in respect of motor (20%), household building (17.8%) and payment protection (12.8%) insurance. The majority of all insurance-related complaints received by the FSO concerned repudiation of claims/settlement amounts.

In relation to 2011, it is also interesting to note that complaints received in the first quarter reveal a further increase in dissatisfaction levels by consumers with the performance of financial institutions. The Office received more complaints in March 2011 than in any month since its establishment.

A copy of the Bi-Annual Review is available on www.financialombudsman.ie.

“Pillar A” of the New Companies Bill Published

The new Companies Bill represents a significant consolidation and simplification of Irish Company legislation.

In May 2011 Richard Bruton, Minister for Enterprise, Trade and Innovation, published Parts 1-5 of the Companies Bill (“Pillar A”) which contains legislative provisions relating to private company limited by shares (“CLS”). As this type of company accounts for over 90% of companies in Ireland, its publication is designed to afford stakeholders, including business owners, practitioners, advisers and representative bodies, an opportunity to become familiar with the proposed new legislation and prepare accordingly.

Key reforms to streamline the operation of this company-type provided for in Pillar A include the following:-

- ▣ A CLS will have the same contractual capacity as a natural person, precluding the need for objects clauses, thereby reducing legal disputes arising from the ultra vires doctrine and facilitating transactions with private companies;
- ▣ A CLS will be allowed to have only one director, as opposed to two under the current law, facilitating the use of companies to start businesses;
- ▣ A CLS will have a one-document constitution as the memorandum and articles of association will be replaced by one document. The Bill provides for a default document, removing the need for lengthy internal requirements in the form of articles of association, unless a company’s constitution provides otherwise;
- ▣ A CLS will be permitted to have a “written” AGM so that if all the members consent, the need for a “physical” AGM can be dispensed with; and
- ▣ Directors’ duties as developed by the courts will be codified so as to increase transparency.

It is expected that the drafting of the remaining portion of the Bill (“Pillar B”), containing the law applicable to all other company types, including the public limited company (“plc”), will be completed in mid-2012.

If you need further information on the above subject matter, please contact the Regulatory & Compliance Unit of Dillon Eustace.

Data Protection Commissioner Annual Report

The Data Protection Commissioner (the “Commissioner”) published his Annual Report 2010 (the “Report”) on 30 May 2011. Some highlights from the Report include the following:

(i) Fall in Complaints

The Report published figures showing that the number of formal complaints for investigation fell from 914 in 2009 to 783 in 2010. However, the Commissioner notes that this decrease may be attributed to greater focus on investigating claims only where evidence of a likely breach of legislation exists. Other complaints are dealt with by providing the complainant with suitable information on their rights.

(ii) Insurance Link Database

A detailed investigation of data sharing in the insurance sector through the database Insurance Link was prompted by concerns about the legitimacy and compliance of the database with data protection legislation. The Insurance Link database allows member organisations to share and cross-reference their insurance claims data and contains details of almost two and a half million claims. The investigation identified a number of issues relating to Insurance Link including a major lack of transparency as well as the accessing of the database by huge numbers of individuals with no supervision of that access. A number of serious incidents of inappropriate access were identified in the Report.

The Irish Insurance Federation (“IIF”) has been actively working with the Office of the Data Protection Commissioner to address issues that have been raised in relation to the operation of Insurance Link since the investigation concluded. Insurance Link is an essential tool used by insurers to protect customers from fraud. IIF members have co-operated fully with all aspects of the investigation and took immediate corrective action where possible.

(iii) Data Security Breaches

The Commissioner also reports on his publication of the Data Security Breach Code of Practice (the “Code”), which was approved in September 2010. The Code focuses on informing those affected by security breaches thereby allowing them to take appropriate measures to protect themselves. It also encourages the voluntary reporting of breaches to the Commissioner. The number of data security breach incidents reported in 2010 increased by 350% on the previous year as a result of the more exacting demands of the Code.

(iv) Privacy Audits

The Commissioner carried out thirty two privacy audits in 2010. Those audited included financial institutions, schools, pharmacies and charities. The Report outlines a number of concerns arising from these audits including the use of CCTV systems in schools and workplaces without sufficient justification and the collection and retention of PPS Numbers by charities for indefinite periods of time. In relation to the use of biometrics to record attendance in workplaces and schools, amongst other things, the Report notes numerous complaints. In relation to one particular audit, it was found that the inability of employees to opt out of such monitoring along with an absence of information on how the data would be used constituted a breach of the data protection legislation.

The full report is available on www.dataprotection.ie .

Corporate Governance

(i) European Commission Green Paper

On 5 April 2011 the European Commission published a green paper on the EU corporate governance framework to generate a debate on issues including: the effective functioning of more diverse boards of directors; enhancing shareholder engagement with corporate governance issues; and improving monitoring and enforcement of existing national corporate governance codes.

The Commission simultaneously launched a public consultation process on such corporate governance issues, which is open until 22 July 2011. A feedback statement is due to be given in the autumn to determine whether legislative proposals are in order.

(ii) OECD Revised Guidelines on Corporate Governance

On 27 May 2011, the Organisation for Economic Co-operation and Development (“OECD”) published revised guidelines on corporate governance for insurers. The Guidelines are consistent with the OECD Principles of Corporate Governance. The Guidelines are non-binding and are intended to provide guidance to policymakers and insurers/reinsurers.

They highlight the importance of corporate governance standards for insurers, stating that they should be to a very high standard as they are a key component of the regulatory and supervisory framework.

The Guidelines were compiled in conjunction with the International Association of Insurance Supervision and contain four main sections:

- ▣ Governance Structure;
- ▣ Internal Governance Mechanisms,
- ▣ Groups and Conglomerates; and
- ▣ Stakeholder Protection.

The Guidelines advise that corporate governance of insurers should place emphasis on the following elements:

- ▣ a prudent approach to business and financial strategies;
- ▣ a well developed risk culture and risk management and internal control systems (supported by effective and independent control functions);
- ▣ a high level of expertise among board members and senior management; and
- ▣ policies and procedures to ensure proper treatment of customers and policyholders.

(iii) Corporate Governance Code for Credit Institutions and Insurance Undertakings

On the 8 November 2010, the Central Bank issued the Corporate Governance Code for Credit Institutions and Insurance firms (“the Code”). The Code sets out minimum statutory requirements on how banks and insurance companies (excluding captives) should organise the governance of their institutions. The purpose of these new rules is to ensure that robust governance arrangements are in place so that appropriate oversight exists to avoid or minimise the risk of a future crisis. The Code includes provisions on the membership of the

Board of Directors, the role and responsibilities of the Chairman and other directors and the operation of various board committees.

The Code applies to existing directors and boards from 1 January 2011 with institutions having until the 30 June 2011 to introduce the necessary changes. However, where changes to the Board are necessary, this period will be extended to 31 December 2011 to identify and assess suitable candidates with appropriate experience and diversities.

On the 27 May 2011, the Central Bank published a Frequently Asked Questions document to assist institutions in interpreting the requirements of the Code. While it clarifies certain aspects of the Code, other areas remain unclear. This may cause difficulties for some institutions in practice given the majority of changes need to be introduced by the 30 June 2011.

In his address at the European Insurance Forum on the 23 May 2011, Mr Matthew Elderfield, Head of Financial Regulation at the Central Bank emphasized the importance of strong corporate governance that is proportionate and risk based. In this regard he noted that of the 308 licensed insurance companies, 110 captives have been carved out of the main Code and will have their own bespoke code as detailed in the next section and of the remainder only 11 insurance companies have been deemed “major institutions”, which have the full weight of the Code applied to them.

(iv) Consultation Paper on New Corporate Governance Standards for Captive Insurers and Reinsurers

On the 29 April 2011, the Central Bank published its consultation paper on a proposed Corporate Governance Code for captive insurance and reinsurance undertakings, which includes a draft of the proposed Code. The proposed Code sets out minimum corporate governance standards and expectations that will apply to the boards of directors of captive insurers and reinsurers. It is proposed that the new requirements introduced by the Code for captive insurers and reinsurers will include the following:

- a) a minimum of three directors on the board of directors;
- b) a minimum of two board meetings per year;
- c) a limitation on the number of directorships which a director may hold at any one time at 25 (provided a director can meet his/her obligations within the relevant time constraints); and
- d) board membership must be reviewed at a minimum every three years.

Regulated entities will also be required under the Code to submit an annual compliance statement to the Central Bank. The closing date for comment on the consultation paper was the 10 June 2011. The Central Bank anticipate that the new Code will be published in Autumn 2011, with a likely transitional period of 6 months to allow affected entities time to implement changes to their systems and structures to ensure compliance.

ODCE Annual Report

On the 2 June 2011, the Office of the Director of Corporate Enforcement (“ODCE”), Mr Paul Appleby, published his Office’s Annual Report for 2010. Highlights from the Report include:

- ▣ the submission by the year end of one complete file and a further three reports to the Director of Public Prosecutions (DPP) in relation to the ongoing investigations into Anglo;
- ▣ the determination of over 1,800 complaints and reports in 2010, a 26% increase on 2009;
- ▣ the volume of reports from liquidators in respect of insolvent companies rose to 1,310 in 2010, a 50% increase on 2009.
- ▣ the restriction of 156 directors (up from 108 in 2009) and the disqualification of eight directors (12 in 2009), on foot of liquidator actions;
- ▣ the issue of some 24,000 copies of various Office publications during the year;
- ▣ attendance by Office staff at 71 public engagements and events attended by some 2,400 people highlighting the importance of compliance with company law.

The Office also made a major submission in November 2010 to the Department of Justice and Law Reform in response to its Discussion Document on white collar crime. In the submission the ODCE’s main comments included the following:

- ▣ extending criminal liability in the areas of reckless trading, fraudulent trading and the misuse of a false or misleading identity;
- ▣ raising the penalties for potentially serious white collar crime offences;
- ▣ extending the periods for investigating/prosecuting particular ‘white collar crimes’ where these periods are unrealistically short;
- ▣ requiring potential witnesses to give evidence which may be of use in seeking to determine whether a crime has been committed;
- ▣ clarifying the precise form of a corporation’s criminal liability and the duties of its officers to prevent malpractice;
- ▣ clarifying the extent to which those accused can defend themselves on the basis of erroneous legal advice;

- ▣ improving the ability of An Garda Síochána and regulatory bodies to work together to fight white collar crime;
- ▣ introducing a more widespread use of administrative sanctions as an option in addition to criminal sanction and, in some cases, decriminalising minor regulatory obligations which are subject to administrative sanction;
- ▣ improving the investigation and prosecution of white collar crime by the use (or greater use), in appropriate cases, of immunity programmes, plea bargaining, deferred prosecution agreements, certificate evidence and hearsay evidence in criminal investigations and
- ▣ alleviating, where appropriate, the inhibiting impact of legal professional privilege and the exclusionary rule of evidence in white collar crime investigations and prosecutions.

The Central Bank of Ireland

(i) Private Motor Insurance Statistics 2008

On the 8 April 2011, the Central Bank published the Private Motor Insurance Statistics for 2008. The primary objective of the report was to examine the level of accident frequency and claim costs, and to assess their impact on premiums paid by different categories of drivers.

The document provides useful information on the level of accident frequency and claim costs for that year and assesses the resulting impact on premiums. The statistics show that the annual rate of growth in the number of motor policies written in the Irish market slowed substantially (following an upward trend over the previous ten years).

Additionally, during 2008, there was a substantial rise in claim costs for certain motor insurance policies, and (consistent with prior trends) a reduction in average premiums for both comprehensive and third party fire and theft policies.

The full document is available on www.centralbank.ie.

(ii) Complaints Handling Inspection in Insurance Firms

On the 19 April 2011, the Central Bank published the findings of its inspection of complaints handling processes in insurance firms. The inspection examined whether insurance firms were in compliance with the requirements of the Consumer Protection Code (the Code),

which sets out specific rules on how firms must handle consumer complaints. Over 600 individual complaints across twelve insurance firms were inspected.

Overall it was found that none of the firms investigated were fully compliant with the Code. Concerns highlighted by the Central Bank on foot of the inspection included:

- ▣ failure to acknowledge complaints in writing within 5 business days following receipt of complaint (as required by the Code) and
- ▣ failure to inform consumers of their right to refer matters to the Financial Services Ombudsman and/or to provide the contact details of the Ombudsman.

In addition, the Central Bank identified in all firms instances where consumers were not being provided with details of an individual point of contact (as is required under the Code).

(iii) Quinn Insurance Limited Sale Announcement

On the 28 April 2011, the Central Bank noted the announcement by the Joint Administrators of Quinn Insurance Limited (QIL) (under administration) that Liberty Mutual Direct Insurance Company Ltd proposed to acquire certain assets and liabilities of QIL.

The Joint Administrators also estimate that there is likely to be a call of €600 million on the Insurance Compensation Fund (ICF) in light of the serious and persistent solvency problems at QIL which led to its administration.

The Joint Administrators will have to apply to the High Court for funding and the Accountant of the High Court will pay out amounts ordered by the court.

The Central Bank is working closely with the administrators to ensure that the funds required from the ICF are limited as much as possible. The Central Bank's main concern is to ensure that policyholders' claims are paid as they fall due.

(iv) Consultation Paper 49: Impact Metrics for the Risk Based Supervision of Financial Firms by the Central Bank and on Impact Based Levies ("CP49")

On 27 May 2011, the Central Bank published its response to submissions received on CP49 which outlined proposed metrics to enable the categorisation of all regulated entities based

on their impact on the financial system and consumers and how the Central Bank plans to categorise firms into different impact categories for which different supervisory approaches will be adopted.

Firms will be allocated to impact categories as follows: high; medium-high; medium-low; and low in line with the metrics chosen by the Central Bank to gauge the impact of a firm's failure on the Irish economy and consumers.

The Central Bank is due to notify firms of their impact category in the coming year.

The consultation also sought submissions on the proposed introduction of Impact Based Levies, however impact metrics will not be used as a basis for funding levies until after the metrics have been used and considered appropriate for the allocation of supervisory resources.

Speaking about the Central Bank's new risk assessment framework at the Galway Chamber on 5 May 2011, Mr Matthew Elderfield, Head of Financial Regulation at the Central Bank, noted that the Probability Risk and Impact System ("PRISM") is designed to afford a more systematic approach to assessing and applying resources to risk and will entail a greater degree of scrutiny, engagement and follow-up by supervisors in the event of problems being identified.

(v) 2010 Annual Report and Financial Regulation Annual Performance Statement

On 31 May 2010, the Central Bank published its Annual Report for 2010/2011 and for the first time an Annual Performance Statement on its financial regulatory activities undertaken in 2010 as is now required under the Central Bank Reform Act of 2010 (the "Act"). Both documents are available on the Central Bank's website www.centralbank.ie.

In summary, the Annual Report details the work undertaken in 2010 by the Central Bank, particularly in relation to the pursuit of its major priority of resolving the financial crisis, including:

- ▣ the provision of substantial liquidity support to the banking system;
- ▣ supporting the recapitalisation and restructuring of the main domestic credit institutions;
- ▣ the initiation of significant regulatory reform; and
- ▣ the introduction of new consumer protection initiatives.

The Annual Report also specifies the procedures applicable to the governance of the Central Bank and its reorganisation as a result of the Act into a single entity responsible for both central banking and financial regulation.

(vi) **Consultation Paper 51: The Fit and Proper Regime in Part 3 of the Central Bank Reform Act, 2010 (“CP51”)**

The period for submissions on CP51, which concerns proposed statutory and enforceable standards of fitness and probity for individuals across all regulated financial services providers pursuant to the additional powers accorded the Central Bank under the Central Bank Reform Act, 2010 (the “Act”), has closed.

The Central Bank is currently considering the responses it has received, which are available on the Central Bank’s website. Various issues have been raised in the submissions, including for instance concerns that the current definitions of pre-approved control functions (“PCFs”) and controlled functions (“CFs”) are too broad and may lead to uncertainty as to the application of the Fit and Proper Regime.

The Central Bank envisages that the finalised rules will come into force from 1 September 2011. This has however given rise to concern, as expressed in the submissions that the proposed timetable for implementation is too short given that CP51 states final draft Regulations shall only be published by September 2011. Hence, a request for a longer implementation period was made by various respondents.

Dillon Eustace will provide updates on this matter as they become available.

(vii) **Consultation Paper 54: Second Consultation on the Review of Consumer Protection Code (“CP54”)**

In late October, 2010, the Central Bank issued a consultation paper (“CP47”) on amendments to the Consumer Protection Code. In total 51 submissions were received by the Central Bank in respect of CP47.

Having considered the submissions and comments, the Central Bank announced on the 4 May 2011 that it would hold a second public consultation on proposed changes to the Code. On the 28 June 2011, the Central Bank published its Second Consultation of the Review of the Consumer Protection Code (“CP54”).

The purpose of this second consultation is:

- ▣ to outline the position reached by the Central Bank on some of the issues and questions posed in CP47;
- ▣ to highlight a number of new or amended provisions that the Central Bank has included on the remaining issues that were posed in CP47, and the additional and emerging issues which have come to the Central Bank's attention as part of its analysis of the submissions received in response to CP47 and also as a result its ongoing regulatory work which has identified issues that the Central Bank believe warrant the inclusion of further protection for consumers through additional Code provisions; and
- ▣ to give a final opportunity to stakeholders the opportunity to review a full version of the proposed new Code.

It is proposed that consumer protection measures already harmonised in the three EU Directives, namely the Payments Services Directive; the Consumer Credit Directive; and the Electronic Money Directive, will not be repeated in this proposed revised Code. The scope of the proposed revised Code is to set out the additional requirements, which will apply to regulated firms when providing the activities covered by the three EU Directives mentioned above.

Given the Central Bank wishes to introduce the updated Consumer Protection Code by the 1 January 2012, the consultation period is short with the closing date for submissions being the 22 July 2011. All responses to CP54 should be sent to code@centralbank.ie or by post to:

Consumer Protection Codes Division
Central Bank of Ireland
PO Box 559
Dame Street
Dublin 2

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