

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(90) 650 final

Brussels, 13 December 1990

Amendment to the proposal for a

COUNCIL REGULATION (EEC)

on the application of Article 85(3) of the Treaty
to certain categories of agreements, decisions and
concerted practices in the insurance sector

(presented by the Commission pursuant to Article 149(3)
of the EEC-Treaty)

Amendment to the Proposal for a Council Regulation (EEC)
on the application of Article 85(3) of the Treaty
to certain categories of agreements, decisions and
concerted practices in the insurance sector (1)

(Submitted by the Commission under Article 149(3)
of the EEC Treaty)

EXPLANATORY MEMORANDUM

1. On 18 December 1989 the Commission presented its proposal for an enabling regulation which would enable the Commission to adopt a group exemption for the insurance sector.
2. At its plenary session of 11 September 1990 the European Parliament approved the Commission's proposal subject to certain amendments. The Commission has decided to accept a number of the amendments and to amend its proposal accordingly.
3. Furthermore, following suggestions made by some Member States, the Commission has decided to complete its proposal by including a new Article 8.

(1) OJ C 16, p. 13 of 23.01.1990.

AMENDMENTS

Third recital

add: Whereas the application of Council regulation (EEC) n° 4064/89 on the control of concentrations between undertakings enables the Commission to exercise close supervision on issues arising from concentrations in all sectors, including the insurance sector;

Seventh recital

add: Whereas, in the exercise of such powers, the Commission will take account not only of the danger of competition being eliminated in a substantial part of the relevant market and of any benefit conferred to policyholders resulting from the agreements but also of the danger which the proliferation of restrictive clauses and the setting up and operating of accommodation companies would entail for policyholders; whereas the keeping of registers and the handling of information on aggravated risks should ensure the proper protection of confidentiality;

Article 1 (1) (f)

add: provided that the keeping of these registers and the handling of this information ensure the proper protection of confidentiality.

Article 8

new: The Commission shall send a report on the implementation of the present regulation to the Council and to the European Parliament, not later than six years after the entry into force of the Commission regulation referred to in Article 1, together with any proposals for amendment of the present regulation which might appear necessary in the light of experience.

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DOCUMENTS

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