

**Rule no. 20/2016**  
**on authorization and monitoring of insurance and**  
**reinsurance companies**

*In force as of April 11, 2016*

*Published in the Official Gazette, Part I no. 271 of April 11, 2016. There are no amendments until November 29, 2017.*

*In line with the provisions of Art. 2 par. (1), letter b), Art. 3 par. (1) letter b), art. 6 par. (2) of the Government Emergency Ordinance no. 93/2012 on the establishment, organization and operation of the Financial Supervisory Authority (ASF), approved as amended and supplemented by Law no. 113/2013, as subsequently amended and supplemented,*

*under the provisions of art. 173 par. (1) letter a) and b) and art. 179 par. (4) of Law no. 237/2015 on the authorization and supervision of the insurance and reinsurance activity,*

*following the deliberations of the Board of the Financial Supervisory Authority during the meeting held on March 30, 2016,*

The Financial Supervisory Authority issues this rule.

**CHAPTER I**

General provisions

**ARTICLE 1**

General provisions

**(1)** This rule sets out:

**a)** the conditions and documents on the basis of which the Financial Supervisory Authority (ASF) grants the operating authorization to the companies referred to in art. 1 par. (2) point 56 of Law no. 237/2015;

**b)** monitoring the work carried out by companies.

**(2)** The process of company authorization by ASF comprises two steps:

**a)** approval for registration with the Trade Registry Office;

**b)** issuance of the operating authorization, in accordance with art. 20 par. (1) of Law no. 237/2015.

**(3)** The approval for registration with the Trade Registry Office does not guarantee the receipt of the operating authorization, this only indicates the permission given to the shareholders to proceed with the establishment of the company according to the legal provisions and according to the modalities stipulated in the submitted documentation; companies can be registered in the Trade Register only after obtaining the approval from ASF.

**(4)** Changes to the conditions under which the approval was given lead to a new assessment from ASF in the second stage of the authorization process, and may result in the revocation of the approval, if these changes are contrary to the legal provisions.

**(5)** The approval is accompanied by approvals for the persons designated in the company's management and its significant shareholders.

**(6)** The documentation submitted in support of the application for authorization, in both steps provided for in par. (2), shall be drafted in compliance with the provisions of art. 7 par. (15) and (16) and shall be accompanied by a schedule of the documents included; for documents drawn up in an international language, ASF may exempt, on a case-by-case basis, the requirement for notarized translation.

**(7)** ASF terminates the authorization procedure and closes the related documents in the following situations:

**a)** if the requested additional information or documents are submitted to ASF after the 30-day deadline;

**b)** if the documentation is incomplete and the submission of missing documents exceeds 30 days.

**(8)** The time limits provided for in par. (7) may be extended with the agreement of ASF and in accordance with the principle of documentation and qualified reasoning, with a maximum of 90 days.

## **ARTICLE 2**

### **Definitions**

**(1)** The terms, expressions and acronyms used in this Rule shall have the meanings provided by Law no. 237/2015, as well as the meanings provided in paragraph (2).

**(2)** For the purposes of this Rule, the terms below shall have the following meanings:

**a)** approval - individual document issued by ASF for the registration with the Trade Register Office;

**b)** LEI code - the code defined in art. 2 par. (1) point 4 of Rule no. 28/2015;

**c)** Law no. 31/1990 - Companies Law no. 31/1990, republished, as subsequently amended and supplemented;

**d)** Law no. 32/2000 - Law no. 32/2000 regarding the activity and supervision of intermediaries in insurance and reinsurance, as subsequently amended and supplemented;

**e)** Law no. 656/2002 - Law no. 656/2002 on the prevention and sanctioning of money laundering and on setting up of certain measures for the prevention and combating terrorism financing, republished, as subsequently amended;

**f)** Law no. 503/2004 - Law no. 503/2004 regarding the financial recovery, bankruptcy, dissolution and voluntary liquidation in the insurance activity, republished, with the subsequent amendments;

**g)** GEO no. 202/2008 - Government Emergency Ordinance no. 202/2008 on the implementation of international sanctions, approved with amendments by Law no. 217/2009, as subsequently amended and supplemented;

**h)** Law no. 237/2015 - Law no. 237/2015 regarding the authorization and supervision of the insurance and reinsurance activity;

**i)** Rule no. 6/2015 - Rule of the Financial Supervisory Authority no. 6/2015 on the management of operational risks generated by computer systems used by regulated entities, authorized / approved and / or supervised by the Financial Supervisory Authority;

**j)** Regulation no. 16/2014 - Regulation of the Financial Supervisory Authority no. 16/2014 regarding the revenues of the Financial Supervisory Authority, as subsequently amended;

**k)** Rule nr. 19/2015 - Rule of the Financial Supervisory Authority no. 19/2015 on the application of International Financial Reporting Standards by insurance, insurance-reinsurance and reinsurance companies;

**l)** Rule no. 28/2015 - Rule of the Financial Supervisory Authority no. 28/2015 on the operation of insurers supervised under the national regime;

**m)** Regulation no. 14/2015 - Regulation of the Financial Supervisory Authority no. 14/2015 regarding the evaluation and approval of the members of the management structure and of the persons holding key positions within the entities regulated by the Financial Supervisory Authority.

## **CHAPTER 2**

### The authorization process

## **SECTION 1**

### Obtaining the approval

## **ARTICLE 3**

### Documentation

**(1)** In order to obtain the approval, the applicants shall submit to ASF the following documents:

**a)** the standard application, in the form provided in Appendix no. 1;

**b)** the authentic mandate or, as the case may be, the power of attorney, signed by all the direct shareholders of the company, by which they designate one or more persons to represent them in the relationship with ASF during the examination of the application for authorization, and in case of the companies set up by public subscription, the minutes of the constituent assembly held under the conditions of Law no. 31/1990 shall be submitted;

**c)** the draft of the Articles of Incorporation;

**d)** documents and information regarding the shareholding, required by ASF for the assessment of its quality, in accordance with the legal provisions;

**e)** the statement of account on the full payment of the share capital, as of the filing date of the documentation, signed by the head of the branch / agency of the credit institution where the capital account was opened;

**f)** copies of the documents evidencing the full payment in cash by each shareholder of the contribution to the share capital, in accordance with the legal provisions in force, certified by the natural person shareholder / legal representative of the legal entity shareholder;

**g)** the list of persons acting in concert, the description of the financial commitments, the contributions of each person and other information that the shareholders consider relevant for establishing the concerted action;

**h)** the structure of the group, if the company is to be a group entity;

**i)** a copy of the document certifying the transfer of the authorization fee to the ASF account, according to Regulation no. 16/2014;

**j)** the documents necessary for the approval of the management members by ASF in accordance with Regulation no. 14/2015;

**k)** documents attesting:

**(i)** compliance with the requirements of art. 21 par. (1), (2) and (6) of Law no. 237/2015, for companies authorized under Part I of Law no. 237/2015;

**(ii)** compliance with the requirements of par. (2) and art. 21 par. (1) letter a) of Law no. 237/2015 for the authorized insurers, according to Part II of Law no. 237/2015;

**l)** other information that the shareholders consider them to be supportive of the viability of the submitted project.

**(2)** Insurers authorized under Part II of Law no. 237/2015 meet the requirements of art. 21 par. (1) letters a), f), h) and i) of Law no. 237/2015 and draw up a five-year business plan for all risks in a class or for certain risks in a class, according to the application for authorization, comprising:

**a)** the elements provided in art. 22 par. (1) letters a) -c) and f) and par. (2) letters d) and e) of Law no. 237/2015;

**b)** in the case of class 18 of Appendix no. 1 Section A of Law no. 237/2015, the resources necessary to provide assistance;

**c)** estimating the financial resources required for the establishment of the technical reserves and the solvency margin;

**d)** a forecast balance sheet;

**e)** estimate of the minimum solvency margin and the methods used to calculate it;

**f)** elements of the minimum safety fund, according to the provisions of art. 37 paragraph (2) of Rule no. 28/2015.

**(3)** By the business plan provided in par. (2), the insurers authorized according to Part II of Law no. 237/2015 demonstrate that financial resources are proportionate to the nature, scale and complexity of the proposed activity.

**(4)** The business plan, submitted in accordance with the provisions of paragraph (1) letter k) point (i) and par. (2), is signed by the significant direct shareholders of the company and signed by the persons designated as members of the management.

**(5)** The subscribed and paid-up share capital:

**a)** represents at least 80% of the values provided in art. 95 par. (1) letter d) of Law no. 237/2015, as the case may be, for authorized companies under Part I of Law no. 237/2015;

**b)** represents the equivalent in lei of two million Euros for the authorized insurers, according to Part II of Law no. 237/2015.

**(6)** The subscribed and paid-up share capital, both in the establishment and the increase:

**a)** is fully paid in cash;

**b)** it complies with the requirements stipulated in art. 7 par. (5) letter c).

## **ARTICLE 4**

Issuing the approval

**(1)** ASF shall analyze, within 15 days of receipt of the documents and the information, the completeness of the documentation and inform the applicant accordingly.

**(2)** ASF may request the submission of additional documents and information in order to substantiate the decision on the approval.

**(3)** ASF shall decide on the granting of the approval within 90 days as of the date on which it informs the applicant according to par. (1).

**(4)** If ASF requests additional information and documents according to par. (2), the 90-day period shall be extended by a maximum of 30 days.

**(5)** If ASF notes that some of the documents or information on the basis of which the approval was given are inconsistent with reality, it shall withdraw its approval.

## **SECTION 2**

Obtaining the operation authorization

## **ARTICLE 5**

Documentation

**(1)** In order to obtain the operating authorization, the companies shall submit to ASF the following documents:

**a)** the application for the granting of the operating authorization, according to Annex no. 2;

**b)** copies of the documents issued by the Trade Register Office, certifying the registration as a legal person, certified for compliance with the original copy by the person empowered to represent the company in relation to the third party;

**c)** the authenticated or certified copy of the Articles of Incorporation or an original copy thereof, the moment of subscription of the share capital being considered as the certified date of the Articles of Incorporation obtained under the law;

**d)** the report of an IT auditor approved by ASF or the certified internal resource which will indicate that the information system implemented at the level of the company is adequate in relation to the specificity and volume of the activity to be carried out during the first 2 years of activity and meets the requirements of Rule no. 6/2015;

**e)** for each of the significant direct and indirect shareholders, legal entities, the most recent individual and consolidated annual financial statements, audited, as the case may be, as well as the most recent individual and consolidated interim financial statements drawn up after the filing date of the application for authorization, according to legal provisions, and, to the extent that the information declared during the first stage of the authorization process has been amended, an update thereof;

**f)** estimates of the balance sheet and profit and loss account for the following 3 years, individually and consolidated, signed by the significant direct and indirect shareholders, legal entities, accompanied by a substantiation note of the projections of the projected values initially presented, if there have been significant adverse developments in the financial statements referred to in letter e) to the statement submitted in the first stage of the authorization process;

**g)** for each of the significant direct and indirect shareholders, natural persons, up-to-date financial statement information and, to the extent that the other information declared in the first stage of the authorization process has been amended, an update thereof;

**h)** in the case of entities without legal personality, significant direct and indirect shareholder of the company, the provisions of letters e) and f) or letter g) shall be applicable as appropriate.

**(2)** Companies shall make sure that the documents and information required for the granting of the operating authorization are in line with the reality.

## **ARTICLE 6**

### **Granting the operating authorization**

**(1)** The operating authorization decision issued by ASF shall be accompanied by an annex which includes:

**a)** the name of the company;

**b)** the registered office;

**c)** the unique registration code issued by the Trade Register Office;

**d)** the code from the Register of insurers-reinsurers provided in art. 8 par. (13) of Law no. 237/2015;

**e)** authorized insurance activity;

- f)** the date starting which the company may commence business.
- (2)** ASF shall decide on the granting of the operating authorization within 30 days as of the date of submission of the complete documentation referred to in art. 5.

## **CHAPTER 3**

### Monitoring the activity of companies

## **ARTICLE 7**

### Common provisions

**(1)** In the case of applying for the extension of the authorization to other risks according to art. 20 par. (5) of Law no. 237/2015, companies shall submit to ASF the updated business plan and the authorization fee provided for in Regulation no. 16/2014.

**(2)** In the case of an acquisition project, the assessment of the fulfilment of the criteria set out in Art. 45 of Law no. 237/2015 shall be performed according to the provisions of the Regulation of the Financial Supervisory Authority no. 3/2016 on the applicable criteria and the procedure for the prudential assessment of acquisitions and increase of shareholdings in the entities regulated by the Financial Supervisory Authority and Regulation no. 14/2015, in the case of persons to be in charge of the management as a result of the acquisition project, if the possible acquirer is in a position to appoint those persons and has already identified them.

**(3)** The companies register with the Trade Register, with subsequent information of the ASF, the corresponding amendments to the Articles of Incorporation / Bylaws decided by its competent bodies, except for the amendments provided for in par. (4) or other legal provisions.

**(4)** The following changes in the company's situation, under the conditions set out in this Rule shall be also subject to the approval of ASF:

- a)** increase / decrease of the share capital;
- b)** change of registered office;
- c)** opening of branches in third countries;
- d)** extension of the object according to the provisions of art. 21 of Law no. 237/2015.

**(5)** In the case of changes regarding the share capital in accordance with the provisions of par. (4) letter a), companies shall submit:

- a)** the decisions of the competent bodies approving the operation stating:
  - (i)** the amount by which the share capital is increased / decreased;
  - (ii)** the level of share capital resulting from the increase / decrease action and the ownership structure;
  - (iii)** in the event of an increase, the source of the funds used for this operation;
  - (iv)** in the event of a reduction, the reasons for the reduction and the way to achieve the reduction;
- b)** in the case of a capital reduction that leads to the restitution of amounts to shareholders, the company shall also submit an impact study of this operation on

the level of eligible equity covering the Solvency Capital Requirement (SCR) and the Minimum Capital Requirement (MCR) assumed by the management of the company;

**c)** the supporting documents of the source of funds used to participate in the share capital increase and explanations of the financing mechanism; the funds used to participate in the capital or any to subsequent financial operation must come from legal sources and the funding mechanism must be transparent and presented in full, the origin of the source of funds must be documented and funds transferred through institutions credit or financial institutions subject to supervision by competent authorities in Member States or third states considered to have equivalent systems to those in the European Union to combat money laundering and terrorist financing.

**(6)** In the case of changes concerning the registered office in accordance with the provisions of par. (4) letter b), companies shall submit:

**a)** the decisions of the competent bodies approving the operation;

**b)** the contract on the right of use / ownership of the space for the registered office; this space cannot be located in the basement of buildings or on the floors of dwellings and must correspond to the surface, security conditions and equipment for the proposed activities to be carried out.

**(7)** ASF may oppose to capital reductions that lead to restitution of amounts to shareholders if they affect the level of eligible equity covering SCR and MCR.

**(8)** In the case of changes related to the extension of the object of activity in accordance with the provisions of par. (4) letter d), companies shall submit the decision to the competent bodies for approval of the operation and the draft of the Articles of Incorporation / updated Bylaws.

**(9)** In the case of changes subject to subsequent disclosure of ASF, companies shall submit to ASF the information provided for in par. (3), accompanied by the certified copy of the certificate of registration of the corresponding entries in the Trade Register and the relevant decision of the competent body of the company within maximum 5 days from registration; at the request of ASF, at the initiative of the company, and in the case of significant changes which, through their omission or misrepresentation, may influence the decision-making process or the reasoning of ASF, the company shall also submit the full text of the Articles of Incorporation, updated with the subsequent amendments.

**(10)** In order to properly assess the applications for approval and the changes recorded with the subsequent update of ASF, the Authority may request any additional information and / or documents required to do so, if the information submitted is not sufficient or relevant to the assessment or if the documentation has other deficiencies.

**(11)** In the case of changes subject to subsequent disclosure under par. (3) which do not comply with the law or regulations issued in its application, ASF shall dispose the resolution of the existing deficiencies; if these are not remedied within a reasonable period established by ASF, it may apply the sanctions provided in art. 163 of Law no. 237/2015.

**(12)** Companies supervised under Part I of Law no. 237/2015 shall prepare every year the 3-year business plan, stipulated in art. 22 of the same law; this plan shall correlate with the results of the analysis: "achieved versus estimated"



of the first year of the 3-year reference period and shall be submitted to ASF at its request.

**(13)** The members of the management can exercise their attributions only after obtaining the approval from ASF according to the provisions of Regulation no. 14/2015.

**(14)** Companies shall mention in all documents issued, including in their correspondence with third parties:

- a)** the phrase "Company authorized by the Financial Supervisory Authority";
- b)** the code allocated in the Register of Insurers and Reinsurers;
- c)** the LEI code.

**(15)** Companies shall submit the documents and information in Romanian, in original or in notarized copy in the case of official documents or in a signed certified copy of the original; documents issued in another language shall be filed in a notarized copy, together with the notarized translation, except for those mentioned in art. 27 par. (6) of the Law no. 237/2015 which are filed in original, with the notarized translation.

**(16)** Documents and information shall be sent in electronic form and shall be accompanied by the affidavit under holograph signature of the legal representative of the company approved by ASF, certifying that they are real; the provisions of this paragraph shall apply until the date on which ASF communicates to companies that the transmitted documents bear an electronic signature.

**(17)** The correspondence of companies with ASF, their reports, information, documents and requests shall be signed only by the members of the management.

**(18)** The shareholders update the information provided by the Regulation of the Financial Supervisory Authority no. 3/2016 on the applicable criteria and the procedure for the prudential assessment of acquisitions and increase of shareholdings in the entities regulated by the Financial Supervisory Authority.

**(19)** Companies shall include in the written policies on the governance system, provisions for the enforcement of Law no. 656/2002 and GEO no. 202/2008.

## **ARTICLE 8**

Provisions for authorized and supervised companies under Part I of Law no. 237/2015.

**(1)** The authorized and supervised companies under Part I of Law no. 237/2015, shall be subject to the following provisions of Rule no. 28/2015:

- a)** Art. 4 par. (3), (5) and (6);
- b)** art. 5 par. (1) - (6);
- c)** art. 6;
- d)** art. 7 par. (1) letter b), par. (3) letters f), g), j) -l);
- e)** chapter III, except for Art. 11 letters a) and b), art. 12 letter h) points (i) and (ii), art. 16 par. (1) letters b) and c), art. 17 par. (1) letter (e) points (i) and (ii), f), g) and par. (2), art. 21 par. (2) letter c), par. (6) and (7);
- f)** art. 43 par. (6) - (8) and (13).

**(2)** For approval of the merger project, the companies shall submit to ASF the reports on the calculation of the SCR before and after the merger with the reference date of the draft merger date.

**(3)** In order to approve the transfer of the portfolio, the acquiring company has, after taking over the portfolio, gross technical reserves in accordance with the structure provided by the laws in force.

**(4)** After approval of the portfolio transfer, if the Member State of the commitment or the Member State in which the risk of the transferred insurance contracts is situated is Romania, the transferee insurer shall provide the contractors and the beneficiaries of the insurance contracts with information on the transfer, name and address.

**(5)** The contractors notified according to the provisions of paragraph (4) have the right to terminate the contracts and to claim the repayment of pre-paid and unallocated premiums related to the unexpired validity period.

**(6)** In order to approve the portfolio transfer project, companies shall submit to ASF the documentation related to:

**a)** the reports of the transferring company and of the transferee company, reflecting the situation existing at the end of the month preceding the submission of the documentation, regarding the calculation of SCR and MCR;

**b)** the reports of the transferring company, which reflects the post-portfolio situation on the SCR and MCR calculations.

**(7)** In the event of a portfolio transfer involving third-party liability insurance contracts for third-party damage caused by motor vehicle accidents, the transferring and the transferee company shall jointly present to contractors the new compensation representatives following the transfer.

**(8)** The composite insurers shall perform their activity under the conditions mentioned in art. 49 of Law no. 237/2015.

**(9)** Companies requesting approval of ASF in order to be able to underwrite or accept commitments in third countries through a branch, in accordance with the provisions of Art. 25 par. (7) of the Law no. 237/2015, shall submit the following information and documents:

**a)** the decision of the competent body of the company, which shall indicate: the country in which the branch is intended to be opened, the object of activity and the classes of insurance carried out by the branch and, where appropriate, the capital allocated to it at its establishment;

**b)** information regarding: the address of the branch office, the name of the person (s) mandated to represent the branch and the limits of his / her mandate; the agents concerned are assimilated to the persons holding the critical positions provided by art. 3 par. (2) letter c) of Regulation no. 14/2015 and are therefore subject to an assessment of the fulfilment of the conditions and the submission of the information provided for in this Regulation;

**c)** presentation of the legislative and institutional framework in the third country, containing at least information on: the procedure and terms of establishment of the branch, the existence of the obligation to obtain approval from an authority in that state, the law applicable to the branch in the third state in the field of insurance, consumer protection, money laundering and terrorist financing prevention, and any other relevant information on possible impediments to

prudential supervision by ASF, such as restricting access to information or the possibility of carrying out controls at the branch office;

**d)** the business plan of the company, according to the provisions of art. 22 of Law no. 237/2015, which shall include the expected activity to be deployed by the branch for the next 3 years, detailing the influence of the branch activity on SCR, MCR and eligible equity to cover these solvency ratios;

**e)** procedures regarding the activity of the branch;

**f)** a description of the distribution channels that the branch intends to use.

**(10)** ASF may reject the application for approval provided for in par. (9) if it considers that the proposed activity to be carried out by the branch could have a negative impact on the ability of the company to comply with the prudential requirements in accordance with the legal provisions or if the proposed persons suggested as representatives do not meet the requirements of Regulation no. 14/2015.

**(11)** The members of the executive management exclusively hold this position within the companies, without being able to hold this quality to another legal entity, Romanian or foreign, during the entire period of their mandate, with the observance of the provisions of Law no. 31/1990.

**(12)** Companies supervise the work of their own staff, of subordinate units and registered insurance intermediaries with which they collaborate by establishing anti-fraud procedures, so that the activity is not jeopardized.

## **ARTICLE 9**

Provisions for authorized and supervised insurers under Part II of Law no. 237/2015

**(1)** Authorized and supervised insurers under Part II of Law no. 237/2015, shall maintain cumulatively:

**a)** the subscribed and paid-up share capital;

**b)** the safety fund;

**c)** the minimum solvency margin.

**(2)** The insurers referred to in par. (1) cannot underwrite catastrophic risks.

## **ARTICLE 10**

The right of establishment and the freedom to provide services for authorized and supervised insurers under Part I of Law no. 237/2015

**(1)** ASF may prohibit the activity under the right of establishment and the freedom to provide services if it finds during the supervision process that the legal provisions are no longer observed in the same way as on the date of notification according to art. 112 and 113 of Law no. 237/2015.

**(2)** A.S.F. may request the insurers authorized and supervised under Part I of Law no. 237/2015 information in application of the provisions of art. 111-113 of Law no. 237/2015, indicating the response time limit.

**(3)** In the case of carrying out the activity under the right of establishment and the freedom to provide services, the companies authorized and / or supervised under Part I of Law no. 237/2015 shall include in the policies established, provisions related to these activities, appropriate to the nature, extent and complexity of the relevant activity.

## **ARTICLE 11**

### **Dissolution and voluntary liquidation**

**(1)** With a view to granting the prior notice for the entry of the companies in voluntary dissolution and liquidation and the approval of the liquidators designated to carry out the liquidation procedures, according to the provisions of art. 58 par. (1) and art. 61 par. (1) of the Law no. 503/2004, companies shall submit the following documentation:

**a)** the resolutions of the general meeting of the shareholders regarding the voluntary dissolution and liquidation of the company and the appointment of the liquidator;

**b)** the liquidation plan, taking into account the principle of proportionality;

**c)** the documents provided in par. (2) for the designated liquidator;

**d)** the company's estimated balance sheets for the period of completion of the liquidation procedure.

**(2)** For the appointed liquidator, the company shall submit the following documents, valid on the date of registration by ASF of the application referred to in par. (1):

**a)** a supporting document issued by the National Union of Insolvency Practitioners in Romania (UNPIR), which shows the following:

**(i)** the form of practice of the insolvency practitioner profession is entered into the records of UNPIR;

**(ii)** its coordinating associates have not been subjected to any disciplinary sanction in the last 3 years prior to the request for the approval;

**b)** a certified copy of the professional liability insurance policy of the liquidator;

**c)** affidavit on the number of persons affected by the liquidation procedure:

**(i)** the number of qualified and specialist staff in the field of insurance, including at least one actuary;

**(ii)** personnel with experience in the liquidation of damages;

**(iii)** compatible insolvency practitioners;

**d)** affidavit showing the appropriate logistics of the practitioner, including a functional website;

**e)** The tax record of the practitioner, which indicates that there are no facts recorded in it.

**(3)** The affidavit provided for in paragraph (2) letter c) shall be accompanied by the presentation of each person and the proof of the existence of a legal relationship with the practitioner, for each individual person.

**(4)** ASF may request additional information and / or documents relevant to the assessment of the liquidation plan proposed by the company and / or the capacity of the liquidator designated to carry out that operation.

**(5)** ASF may refuse to grant the approval to the liquidator proposed by the company if, as a result of the assessment carried out, ASF has reasonable grounds to consider that the designated liquidator is not able to carry out the transaction in question in relation to the nature, scale and complexity of the company's business.

**(6)** If, as a result of the evaluation carried out, ASF has reasonable grounds to believe that the interests of contractors and beneficiaries are prejudiced, it shall reject the proposed plan.

**(7)** Companies in the process of dissolution and voluntary liquidation are not subject to the provisions of Rule no. 19/2015.

## **CHAPTER 4**

### Transitional and final provisions

## **ARTICLE 12**

### Transitional provisions

**(1)** Within 30 days as of the date of entry into force of this regulation, ASF shall issue to companies a document of equivalence of the names of classes of insurance which they have been authorized to practice pursuant to Law no. 32/2000, with the names of the classes of insurance provided in Appendix no. 1 to Law no. 237/2015; the life assurance class A.IV - permanent health insurance, provided in Appendix no. 1 to Law no. 32/2000 shall be assimilated to the class of insurance provided in Section C, point 1 of Appendix no. 1 to Law no. 237/2015.

**(2)** The provisions of this regulation and those of Regulation no. 3/2016 shall apply to applications falling within the scope of this regulation and to applications submitted to ASF for the approval of acquisition projects and significant shareholders, which are pending at the date of its entry into force, except for those submitted up to December 31<sup>st</sup>, 2015.

## **ARTICLE 13**

### Final provisions

**(1)** Within 30 calendar days as of the date of obtaining the operating authorization, the companies shall send to ASF the LEI code.

**(2)** ASF shall publish on its website the way to access the list of accredited local operational units and how to obtain the LEI code.

**(3)** In the case of changes subject to ASF information after their registration with the Trade Register, according to the provisions of art. 7 par. (3) - (5), which

do not comply with the legal provisions, ASF shall dispose the resolution of the existing deficiencies.

**(4)** The non-observance of the obligations under this rule shall be sanctioned according to the provisions of art. 163 of Law no. 237/2015.

**(5)** Appendices no. 1 and 2 are an integral part of this rule.

**(6)** This rule shall be published in the Official Gazette of Romania, Part I, and shall enter into force on the date of its publication.

**(7)** The provisions of art. 7 par. (14) letters (a) and (c) shall apply as of July 1<sup>st</sup>, 2016.

## **ARTICLE 14**

### **Repeals**

On the date of entry into force of this rule, the following normative acts shall be repealed:

**a)** Order of the Chairman of the Insurance Supervisory Commission no. 6/2002 for the implementation of the Rules regarding the minimum limit of the paid-up share capital, respectively the paid-up reserve fund of the insurers, published in the Official Gazette of Romania, Part I, no. 554 of July 29, 2002, as amended;

**b)** Order of the Chairman of the Insurance Supervisory Commission no. 3.109 / 2004 for the implementation of the Rules regarding the updating of the minimum limit of the paid-up share capital of insurers, published in the Official Gazette of Romania, Part I, no. 1.243 of 23 December 2004, as amended and supplemented;

**c)** Order of the Chairman of the Insurance Supervisory Commission no. 113.104 / 2006 approving the Rules on certain measures regarding the insurers who do not update their minimum limit of the paid-up share capital, published in the Official Gazette of Romania, Part I, no. 184 of February 27, 2006;

**d)** Order of the Chairman of the Insurance Supervisory Commission no. 5/2008 for the implementation of the Rules on the authorization and supervision of reinsurers, published in the Official Gazette of Romania, Part I, no. 351 of May 7, 2008, as subsequently amended and supplemented;

**e)** Order of the Insurance Supervisory Commission no. 14/2009 for the implementation of the Rules regarding the insurance / reinsurance activity in Romania based on the right of establishment and the freedom to provide services, published in the Official Gazette of Romania, Part I, no. 569 of August 14, 2009;

**f)** Order of the Chairman of the Insurance Supervisory Commission no. 12/2012 for the implementation of the Rules regarding the authorization and carrying out of the activity of subscription and re-insurance for natural disaster risks, published in the Official Gazette of Romania, Part I, no. 449 of July 5, 2012, as amended.

Bucharest, March 31st, 2016.  
No 20.

**APPENDIX No. 1**

APPLICATION  
to obtain the approval for registration with the Trade Registry Office

1. Full name proposed for the company	
2. Previous company name. <i>(when applying for authorization by a company resulting from a division, merger or transfer of the portfolio)</i>	
3. Proposed registered office address	
4. Contract person	
5. Contact data	
6. Line of activity (general insurance or life insurance)	
7. The insurance classes or the risks for which authorization is requested <i>(according to Appendix no. 1 to Law no. 237/2015)</i>	
8. Schedule of the documents in the annex to this application, according to art. 3 par. (1) letter a) of the Rule of the Financial Supervisory Authority no. 20/2016 on the authorization and supervision of insurance and reinsurance companies	

I,....., in my capacity as....., knowing the provisions of art. 326 of Law no. 286/2009 on the Criminal Code, as subsequently amended and supplemented, regarding false statements, I declare under my sole responsibility that all the information and documents submitted to ASF are complete and consistent with reality and that there are no other relevant issues to facilitate the assessment of this application by ASF

.....  
(name, first name - in capital letters)  
.....  
(signature)  
.....  
(date)

**APPLICATION  
for the granting of the operating authorization**

1. Full name of the company	
2. Registration Number with the Trade Registry Office	
3. Unique registration code	
4. Legal representative	
5. Contact data	
6. Activity line for which the authorization is requested <i>(general insurance or life insurance)</i>	
7. The insurance classes or the risks for which authorization is requested <i>(according to Appendix no. 1 to Law no. 237/2015)</i>	
8. Schedule of the documents in the annex to this application, according to art. 5 par. (1) of the Rule of the Financial Supervisory Authority no. 20/2016 on the authorization and supervision of insurance and reinsurance companies	

I,....., in my capacity as....., knowing the provisions of art. 326 of Law no. 286/2009 on the Criminal Code, as subsequently amended and supplemented, regarding false statements, I declare under my sole responsibility that all the information and documents submitted to ASF are complete and consistent with reality and that there are no other relevant issues to facilitate the assessment of this application by ASF

.....  
(name, first name - in capital letters)  
.....  
(signature)  
.....  
(date)