



ACTUARIAL ASSOCIATION OF EUROPE

IORP DIRECTIVE: TRANSPOSITION

What is an infringement procedure

According to the EU treaties, the Commission may take legal action – an infringement procedure – against an EU country that fails to implement EU law.

DG FISMA launched an infringement procedure for incorrect implementation of the IORP II Directive this year.

What is an infringement procedure

- Formal Procedure
 - It starts with the launch a formal infringement procedure. The procedure follows a number of steps laid out in the EU treaties.
 - It could end up in the Court of Justice.
- Non-compliance with the court decision
 - If, despite the court's judgment, the country still doesn't rectify the situation, the Commission may refer the country back to the court.
- Financial Penalties

Countries with infringement procedure

Country	Problem?	Sorted?
Bulgaria	?	?
Cyprus	?	?
Czech Republic	?	?
France	?	?
Germany	We see no reason for the infringement, we suppose it could be in connection with new requirements for information to employees – but only a guess	Full transposition completed
Greece	?	?
Ireland	Failure to transpose the IORP II directive	No progress on transposition

Countries with infringement procedure

Country	Problem?	Sorted?
Latvia	?	?
Luxembourg	?	?
Malta	?	?
Netherlands	Procedural mistake at the Dutch government	Yes
Poland	?	?
Portugal	?	?
Romania	?	?
Slovenia	?	?
Spain	?	?
Sweden	Late implementation into Swedish law	According to plan the new law will be in place 15 December 2019

Further details

- Ireland
 - A group of Trustees has taken a court case against the Government to try to block transposition of the IORP directive due to fears about the impact on smaller schemes.
 - The Government indicated that an exemption would no longer apply to smaller schemes under the IORP II regime in Ireland.
 - The court case is scheduled for a full hearing in the High Court on 15 October 2019.

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