SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4135 of 18 December, 2014

LEGAL NOTICE NO. 254 OF 2014.

INTERPRETATION AND GENERAL CLAUSES ACT

FINANCIAL SERVICES (OCCUPATIONAL PENSIONS INSTITUTIONS) ACT 2006 (AMENDMENT) REGULATIONS 2014

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act, and in order to transpose, in part, into the law of Gibraltar Directive 2013/14/EU of the European Parliament and of the Council of 21 May 2013 amending Directive 2003/41/EC on the activities and supervision of institutions for occupational retirement provision, Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) and Directive 2011/61/EU on Alternative Investment Fund Managers in respect of over-reliance on credit ratings, the Government has made the following Regulations-

Title and commencement.

1. These Regulations may be cited as the Financial Services (Occupational Pensions Institutions) Act 2006 (Amendment) Regulations 2014 and come into operation on 21 December 2014.

Amendment of Act.

2.(1) After section 14 of the Financial Services (Occupational Pensions Institutions) Act 2006, insert the following-

> "**Use of credit ratings.**
>
> 14A.(1) The Authority must-
>
> (a) monitor the adequacy of an institution's credit assessment processes;

(b) assess the use of references to credit ratings issued by credit rating agencies in an institution's investment policies; and

(c) where appropriate, encourage mitigation of the impact of references referred to in paragraph (b);

taking into account the nature, scale and complexity of the activity of an institution and with a view to reducing sole and mechanistic reliance on credit ratings.

(2) In this section, "credit rating agencies" means credit rating agencies as defined in Article 3(1)(b) of Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies.".

Dated 18th December, 2014.

A ISOLA,
Minister with responsibility for financial services,
For the Government.

Explanatory Memorandum

These Regulations transpose, in part, into the law of Gibraltar Directive 2013/14/EU of the European Parliament and of the Council of 21 May 2013 amending Directive 2003/41/EC on the activities and supervision of institutions for occupational retirement provision, Directive 2009/65/EC on the coordination of laws , regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) and Directive 2011/61/EU on Alternative Investment Fund Managers in respect of over-reliance on credit ratings.