

THE LAW OF UKRAINE

No. 357-V of 16 November 2006

On Amendment of the Law of Ukraine “On Insurance”

The Verkhovna Rada hereby decrees to:

I. Introduce the following amendments to the Law of Ukraine “On Insurance” (Vidomosti Verkhovnoyi Rady Ukrainy, 1996, No. 18, p. 78; 2002, No. 7, p. 50):

1. In Article 2:

1) in Part 1, the last sentence shall be deleted.

2) the following new part shall be added after part one:

“Non-resident insurers shall be forbidden to perform insurance activities within the territory of Ukraine, other than insurance activities exclusively to insure risks relating to marine shipping and commercial aviation and space launching and freight (including satellites), in case the object of insurance is property interests related to goods being transported, and / or motor vehicles used to transport such goods, and / or any liability arising in connection with such transporting.”

In connection with that, parts two-thirteen shall be regarded as parts three-fourteen respectively;

3) the following new part shall be added after part ten:

“A non-resident insurer shall be entitled to engage in insurance business in Ukraine on the following conditions:

1) the country, wherein a non-resident insurer is registered, is a WTO member, does not belong to the countries, which do not participate in international cooperation in the area of prevention of and counteraction against legalization (laundering) of proceeds from crime, and cooperates with the Financial Action Task Force (FATF);

2) a memorandum (an agreement) for an exchange of information has been signed between the authorized agency supervising insurance companies in the country, wherein the non-resident insurer is registered, and the Authorized Body;

3) state supervision over insurance activities is carried out pursuant to the laws of the country of registration of the non-resident insurer;

4) an international treaty for the avoidance of double taxation and the prevention of tax evasion has been concluded between Ukraine and the country, in which the non-resident insurer is registered;

5) the non-resident insurer is located in counties or separate territories, which pursuant to a resolution of the UN Organization for Economic Cooperation and Development have no offshore status, or in other countries if the offshore status of the said insurer is confirmed by a conclusion of the respective Trade and Economy Mission;

6) the non-resident insurer is duly licensed to engage in insurance activity pursuant to the legislation of the state, wherein it is registered;

7) the rating of financial reliability (durability) of the non-resident insurer complies with the requirements prescribed by the Authorized Body”.

In connection therewith, Parts 11 through 13 shall be regarded as Parts 12 through 14, accordingly.

2. Article 3 shall be supplemented with Part 5 as follows:

“Insurants may enter into insurance agreements with non-resident insurers to insure risks relating to marine shipping and commercial aviation and space launching and freight (including satellites), in case the object of insurance is property interests related to goods being transported, and / or motor vehicles used to transport such goods, and / or any liability arising in connection with such transporting. The sum insured under such insurance agreements may not exceed 75 percent of the value of each insurance object.”

3. In Article 15:

1) part 8 shall read as follows:

“No intermediary activities concerned with the concluding of insurance agreements with non-resident insurers shall be permitted within the territory of Ukraine, except for:

insurance agreements against risks relating to marine shipping and commercial aviation and space launching and freight (including satellites), in case the object of insurance is property interests related to goods being transported, and / or motor vehicles used to transport such goods, and / or any liability arising in connection with such transporting;

reinsurance agreements subject to the requirements of this Law.

2) the following new part shall be added after part 8:

“Intermediary activities concerned with the concluding of insurance agreements with non-resident insurers within the territory of Ukraine may be carried out pursuant to the procedures and requirements laid down by the Authorized Body, subject to the requirements set out in Part 11 of Article 2 of this Law.”

4. Article 16 shall be supplemented, after Part 6, with the following new part:

“The Authorized Body shall prescribe the requirements for the procedures applicable to the concluding of insurance agreements with non-resident insurers.”

In connection therewith, part 7 shall be regarded as Part 8.

II. Final Provisions

1. This Law shall enter into force as from the date of Ukraine's accession to the World Trade Organization.

2. Part 8 of Article 15 of the Law of Ukraine "On Insurance" shall lose its effect in 5 years from the date of Ukraine's accession to the World Trade Organization.

3. The Authorized Body – within five months from the day of publication of this Law - shall develop and approve of regulations arising from this Law.