

Reinsurance Trade Barriers and Market Access Issues Worldwide

Global Reinsurance Forum (GRF) – 22 February 2017

Table of Contents

I) Executive Summary

II) Current trade barriers and market access issues:

African Union	Malaysia
Conférence Interafricaine des Marchés d'Assurances (CIMA)	Namibia
Argentina	Nigeria
Brazil	Pakistan
Canada	Philippines
China	Poland
Ecuador	Portugal
Egypt	Russia
Ethiopia	Singapore
France	South Africa
Germany	South Korea
India	Sri Lanka
Indonesia	Thailand
Israel	UK
	USA

III) Potential future trade barriers and market access issues:

Canada	Russia
China	South Africa
Indonesia	Vietnam
Nepal	

Executive Summary

Global Reinsurance Forum (GRF) members account for more than 65% of global net reinsurance premiums. The GRF believes that positive and significant economic benefits will result from the free global flow of risk through open and competitive reinsurance markets.

The GRF has identified 30 major territories including regional groupings around the world which have either implemented, or are in the process of implementing, barriers to the transfer of risks through global reinsurance markets. This is an increase of 2 new territories from the last edition of this document (August 2016) and 4 new territories since January 2016. This rise marks an increasing worldwide trend, which undermines the efficiency of reinsurance markets. Such barriers reduce competition leading to reduced customer choice, higher reinsurance costs and less capacity over the long-term horizon. These reinsurance trade barriers and market access issues include but are not limited to:

- Restrictions on the ability of reinsurers to freely conduct business on a cross-border basis, thus limiting the capacity of global reinsurers to spread risk globally and to prevent domestic concentrations of risk. Varying levels of restriction are witnessed or developing in Argentina, China, Ecuador, Egypt, Ethiopia, Germany, India, Indonesia, Malaysia, Nepal, Nigeria, the Philippines, Poland, Russia, South Africa, South Korea, Sri Lanka, Vietnam, as well as the groupings of other member countries of the African Union and the grouping of the Conférence Interafricaine des Marchés d'Assurances.
- Requirements for reinsurers operating on a cross-border basis to collateralise or localise assets, preventing the global reinsurance market from transferring and spreading risk on the basis of a competitive, level playing field across borders. Such requirements exist or are evolving in jurisdictions including Brazil, Canada, China, Ecuador, Israel, Portugal, Singapore, South Africa and the United States.
- Barriers to the establishment of branches, subsidiaries and operations restricting the ability of reinsurers to deliver their full economic benefit by providing local underwriting expertise and direct services to transfer risk out of domestic markets on an open and competitive basis. Such barriers are present or developing to varying extents in a number of jurisdictions including, but not limited to: Brazil, China, Egypt, India, Indonesia, Malaysia, Nigeria, Russia, South Africa, Thailand and the UK.
- The use of discriminatory and anti-competitive mechanisms such as compulsory cessions to domestic entities, systems of 'right of first refusal', and compulsory, subsidized or monopolistic governmental mechanisms limiting the competitive capacity of global reinsurers to operate on a level playing field. Such practices concentrate risk domestically, whilst limiting customer choice, and can be witnessed to varying degrees in the African Union, Argentina, Brazil, China, Egypt, France, India, Indonesia, Malaysia, Namibia, Nepal, Nigeria, the Philippines, Sri Lanka, Thailand, the United States, Vietnam and elsewhere.

Developments since the last edition of this document was published in August 2016:

- On 1 August 2016, the Ethiopian regulator published Directive No SIB/44/2016 that imposes mandatory cession requirements for each reinsurance policy in Ethiopia. A minimum 25% of all treaty cessions and 5% of each reinsurance policy must be ceded to a local reinsurer. Reinsurance policies that were concluded prior to 1 August 2016 will be subject to the new requirements at renewal.
- On 1 January 2017, the Namibia National Reinsurance Corporation Act 1998 will be enforced, establishing mandatory 12.5% cession of each insurance policy and 20% of each reinsurance policy issued in or outside of Namibia for Namibian risks to be ceded to NamibRe. NamibRe will have the right of first refusal to take on reinsurance business over and above the compulsory cession.
- On 16 January 2017, the Indian regulator, IRDAI, enforced its Regulation 28(9) which puts into place an Order of Preference for reinsurance business in India. The regulation comes into effect immediately. It creates a four tiered system that effectively creates a 'first right of refusal' in favour of domestic reinsurers for reinsurance business before it goes to branches of foreign reinsurers and cross-border reinsurers.
- During their Management Board Meeting on 15 October 2016, the 10 member countries of Asian Re (Afghanistan, Bangladesh, Bhutan, China, India, Iran, Philippines, South Korea, Sri Lanka, and Thailand) published and discussed a report which explored options to introduce compulsory cession requirements from the 10 member countries to Asian Re. This seems to be a response to a significant decrease in the flow of business to Asian Re as a result of the downgrading of its credit rating. At present, the 10 member countries have a flexible and loosely enforced agreement to provide cessions to Asian Re of 5% of all outward reinsurance business or \$0.5m, whichever is the lesser amount. A decision on compulsory cessions will be made by the Council of Asian Re in June 2017.
- After consideration, the Korean insurance regulator (FSS) decided in December 2016 not to introduce restrictions on the placement of Korean risks on a cross-border basis in 2017. FSS considered introducing a right of first refusal with preference for local placement or introducing local collateral requirements for licenced cross-border reinsurers.
- On 11 November 2016, the Argentine insurance regulator (SSN) issued Resolution No. 40,163 which included amendments to the Argentine reinsurance regime aimed at gradually opening up the local reinsurance market. The main amendment being a gradual annual increase in the amount of business permitted to be ceded from local insurers to Admitted reinsurers from 2017 until 2024. There will be a 10% cumulative increase annually, starting with 10% of ceded premiums in 2017 and culminating at 80% of ceded premiums in 2024.
- On 16 January 2017, the US and European Union announced the successful completion of negotiations for a bilateral agreement on prudential measures for insurers and reinsurers. The agreement calls for an end to mandatory statutory reinsurance collateral and local presence requirements for EU and US reinsurers. This agreement is still subject to approval processes in both the US and EU.

The GRF continues to encourage jurisdictions to remove existing and remaining barriers to reinsurance. Such improvements will be in the interests of governments, policyholders, taxpayers and national economies.

Current Trade Barriers and Market Access Issues

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
African Union (54 member states)	It depends on individual jurisdictions' rules.	It depends on individual jurisdictions' rules.	It depends on individual jurisdictions' rules.	Yes. African Union members are required to offer 5% of each risk to Africa Re. Other reinsurers have been established in accordance with regional trade agreements and all receive mandatory cessions, largely in respect of treaty contracts e.g. CICA Re 15%, ZEP PTA Re 10%, WAICA Re 5%. Many territories have also established state owned reinsurers which benefit from mandatory cessions, e.g. Ghana Re 20%, Kenya Re 18%.
Francophone Countries belonging to the Conférence Interafricaine des Marchés d'Assurances (14 Member States)	Yes. Foreign reinsurers are excluded from writing accident, health, life and death, motor liability, land vehicles except for railway stock, goods in transit, capitalisation, tontines and unit-linked insurance and there are restrictions for cessions abroad above 50% for all other classes of business.	No.	No.	Please see African Union restrictions above. Also: CIMA Code only permits up to 50% of any reinsurance risk to be placed internationally. To reinsure more than 50% of a risk with unlicensed overseas reinsurers, local regulatory approval must be secured. If it is not granted the remaining 50% must be reinsured locally or with a re-insurer established in another CIMA member state.

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
Argentina	<p>Yes, but cross-border foreign reinsurers have to be registered with the regulator and are only able to provide coverage for the portion of a risk above USD 50mn or retrocessions from locally incorporated reinsurers. Some exceptions are allowed by the regulator on a case-by-case basis. Foreign reinsurers must set up an Argentine branch with capital equalling the greater of 30m Argentine Pesos (approx. USD 3.75 million) or 16% of premium retained or 40% of gross written premium, in order to enjoy unrestricted access as a "local reinsurer".</p>	No.	No.	<p>Yes. Local reinsurers must retain at least 15% of reinsurance premiums ceded to them and may not transfer more than 40% of premium corresponding to each transaction to subsidiaries or companies belonging to the same financial conglomerate located abroad. If reinsurance business constitutes up to 10% of a local insurer's annual premiums, it can only place their retrocessions with local reinsurers.</p> <p>From 2017 onwards, there will be a gradual annual increase in the amount of business permitted to be ceded from local insurers to Admitted reinsurers. This will be a 10% cumulative increase, starting with 10% of ceded premiums in 2017 and culminating at 80% of ceded premiums by 2024.</p>
Brazil	<p>Yes, but there is requirement to be registered as either an 'admitted' or an 'occasional' reinsurer.</p>	<p>Yes, foreign admitted reinsurers must hold a minimum "BBB-" S&P risk rating and net assets of USD 100mn ("BBB" S&P risk rating and USD 150mn for occasional reinsurers) and a</p>	<p>Yes, foreign reinsurers must set up and capitalise an insurance company in Brazil, with a required minimum 50% risk retention. A 2% withholding tax applies to overseas premium</p>	<p>Yes, requirement to place at least 40% with 'local' reinsurers and there is a 20% premium limit on intra-group reinsurance placed abroad. Resolutions published in July 2015, however, gradually amend the limits on cessions to foreign affiliates up to</p>

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
		foreign currency bank account in Brazil tied to the regulator, with a minimum deposit of USD 5mn (USD 1mn for life reinsurers), plus an additional deposit of between 10% and 30% according to the reinsurer's risk rating (only applies to admitted reinsurers with S&P rating below A-).	remittances. The reinsurer must not be domiciled in a tax haven jurisdiction, as defined in relevant regulations. The president must give approval for a foreign insurer to set up a branch. A financial operations tax of 0.38% applies to foreign exchange transactions.	75% whilst decreasing the requirement for local placement to 15% over the next five years. A related company or a company belonging to the same financial conglomerate is defined as a set of directly or indirectly related legal persons, with either a shareholding of 10% or more in capital in the Brazilian company or active operational control.
Canada	Yes.	Yes, collateral requirement of 115% of gross reinsurance liability for ceding insurer to get credit for reinsurance from unauthorised reinsurers.	No.	No.
China	Yes. However, Chinese insurers face credit risk charges on all cessions, based upon solvency ratios and collateralised assets of the reinsurer. The charges applied in respect of foreign reinsurers are greater than those applied to domestic reinsurers.	Yes. In order to avoid a credit risk charge of 58.8% for all cessions, foreign reinsurers will need to collateralise their reinsurance assets. Doing so will lower the credit risk charge they face to 8.7%, assuming they meet the additional solvency requirement.	Yes. Under China's 1st-generation solvency regime, foreign reinsurers' branches in China are permitted to use their parent companies' solvency ratio to satisfy CIRC solvency supervision. However under C-ROSS regime foreign reinsurers' branches in China are required to establish their own solvency ratios in	Yes. With the exception of aviation, aerospace, nuclear, oil and credit reinsurance contracts, the amount of proportional business ceded to any one reinsurer in respect of any one risk should not exceed 80% of the sum insured or liability limit of the direct insurance policy. The amount of each facultative cession to an affiliated company of the cedant should not exceed 20% of the sum insured or limit of liability of

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
			<p>accordance with the applicable C-ROSS Codes.</p> <p>Life and non-life insurer subsidiaries are permitted. Branches of non-life foreign insurers are also permitted. However, licences are issued on a 'province by province' basis. In addition, in order to be considered for a branch, joint venture or subsidiary licence, foreign insurers must have been in business for over 30 years; have a representative office in mainland China for at least two years; total assets of at least USD 5bn; and meet other conditions which CIRC deems prudently necessary.</p>	the direct insurance policy.
Ecuador	Yes, but subject to restrictions.	Yes. Recent regulations mandate that insurers must retain 95% of risks in certain classes: life, health, and personal accident, motor.	No.	No.
Egypt	Yes, but all reinsurance must be placed with reinsurers	No.	Yes. Foreign branches are not allowed. No limit on the	Yes. As a member country of the Organisation of African Unity, local

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
	approved by the regulator. These are largely companies with rating of at least BBB+ and/or a minimum capital of USD 50mn.		foreign ownership of Egyptian insurers, but no individual company or person can own more than 10% of an Egyptian insurer without government approval.	insurance companies are required to cede a minimum of 5% of each reinsurance treaty to Africa Re.
Ethiopia	Yes	No.	No.	Yes. The Manner and Criteria of Transacting Reinsurance Directive No SIB/44/2016 that came into force on 1 August 2016 imposes mandatory cession requirements for each reinsurance policy in Ethiopia. Minimum 25% of all treaty cessions and 5% of each reinsurance policy must be ceded to a local reinsurer. Reinsurance policies that were concluded prior to 1 August 2016 will be subject to the new requirements at renewal.
France	Yes.	No. The previous requirement for third country reinsurers from non-equivalent regimes to have guaranteed local assets was removed from January 2016 onwards.	No.	Although it does not receive compulsory cessions, the state-owned reinsurer (CCR) is the exclusive beneficiary of a State guarantee. This allows CCR to offer Nat Cat reinsurance at highly competitive conditions leading to a dominating role in the French Nat Cat reinsurance market. Besides, as

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
				a result of state backing CCR has the same rating from leading rating agencies as the French Republic, giving it an edge in other markets too.
Germany	Yes but it is restricted. The revised German Insurance Supervision Act (VAG), which is in force since 1 January 2016, requires third country reinsurers who want to conduct business in Germany to have a permission from the German supervisory authority (§ 67 VAG) and requires them to establish a branch in Germany (§ 68 VAG). The branch requirement does not apply to reinsurers domiciled in a jurisdiction for which the European Commission has decided on the basis of Article 172 (2) or (4) of the Solvency II Directive that the solvency regime applying to reinsurance activities of undertakings with their head office in that jurisdiction is	No.	No.	No.

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
	<p>(temporarily) equivalent to Solvency II. Cross-border reinsurance in the form of the so-called "insurance by correspondence" continues to be allowed and is not subject to authorisation. According to the BaFin, this applies to reinsurance business if, at the instigation of an undertaking domiciled in Germany, a reinsurance contract is concluded by correspondence with a primary insurer or reinsurer domiciled abroad without one of the parties being assisted by a professional intermediary in Germany or a professional intermediary domiciled abroad but acting as intermediary in Germany.</p>			
India	Yes, but complex registration and onerous local reporting requirements apply.	No.	Yes, but following enactment of the Insurance Act, the limit on direct and indirect foreign ownership and operation changed from 26% to 49%. The IRDAI has issued regulations governing the	Yes, 5% of each non-life policy must be ceded to the "Indian reinsurer", the General Insurance Corporation. No more than 10% of an Indian insurer's reinsurance premium per risk ceded outside India can be placed with any single reinsurer that

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
			<p>establishment and operations of branches of foreign reinsurers and also for Lloyd's.</p>	<p>has a rating of BBB, 15% with a foreign reinsurer with a rating higher than BBB and up to AA, and 20% with one that has a rating higher than AA and up to AAA. If an insurer wants to cede a larger proportion of the risk with a foreign reinsurer, it requires the regulator's specific approval. Indian life insurers must reinsure a percentage of the sum assured on each policy with domestic reinsurers. This may involve the transfer of up to 30% of risks to the General Insurance Corporation. Compulsory cessions are included as provisions in the Insurance Act. India's Direct Taxes Code seems to provide for a withholding tax of 20% on cross-border reinsurance premium. This penalty tax is high compared to international standards; indeed, many jurisdictions have no such tax. In the US, excise tax on reinsurance premiums is 3%. On 16 January 2017, the IRDAI introduced with immediate effect its Regulation 28(9) which establishes an Order of Preference for the placement of reinsurance business.</p>

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
				<p>It stipulates a four-tiered system with (i) first preference going to the state-owned reinsurer and any other domestic reinsurer that has three years of credit ratings (none currently exist); (ii) second preference going to branches of foreign reinsurers and any domestic reinsurer not having three years of credit ratings; (iii) third preference going to offices of foreign reinsurers in special economic zones; and (iv) fourth preference going to cross-border reinsurers. The IRDAI has stated its intention to review the regulation after one year of being in force.</p>
Indonesia	Yes, however it is prohibited to place certain reinsurance business offshore (see compulsory cession section for further information).	No.	Yes, branches of foreign insurers are not permitted. Only an incorporated company in Indonesia can apply for a licence to carry on business as an insurer. Foreign shareholders of any entity carrying on insurance activities are limited to 80% at establishment. There are no further regulations that prohibit foreign shareholders	Yes. As of January 1, 2016, Indonesian insurers are required to place all “simple risks” with domestic Indonesian reinsurers. This includes all reinsurance of life, health, personal accident, motor, credit and suretyship business. However, subject to approval by the OJK, there are three exceptions to the 100% local cession requirement for “simple risks”. 1. Products specifically designed for

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
			from injecting more monies into the company – diluting the local shareholder share.	multinational companies; 2. Medical reimbursement products with global coverage; 3. New products developed by a foreign reinsurer. A new product designed by a foreign reinsurer can be reinsured with the foreign reinsurer for a maximum of four years, after which the new policies will be subject to the local cession rules. If the OJK grants an exemption, a maximum offshore cession of 75% may be permitted, with a minimum cession to domestic reinsurers of 25% (similar to “non-simple risks”). For other insurance business (“non-simple risks”), a minimum of 25% of reinsurance of that business must be placed with domestic reinsurers and up to 75% may be placed with off-shore reinsurers.
Israel	Yes.	Yes. Regulatory Guidelines specify that foreign reinsurers deposit collateral for proportional treaty reinsurance transactions. The level of the deposit is calculated according to various criteria, including the	No.	No.

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
		reinsurer's rating. There is no such requirement for non-proportional treaties.		
Malaysia	Yes. There is a tiered system of reinsurance. Bank Negara requires all local direct insurers to cede business first to local reinsurers (first tier) and then to Labuan-based reinsurers (second tier). Only after these two options have been exhausted may business be offered to 'offshore' or third tier reinsurers.	No.	Yes, there is a 70% limit on foreign equity ownership.	Yes. From January 2014 to December 2015, 'voluntary' (mandatory) cessions (VC) to Malaysia Re are as follows: (a) the VC level for motor and personal accident classes will remain at 2.5%. The level of VC for other classes of business will be reduced to 2.5%; (b) the levels of VC will not be subject to any cession limits; and (c) The levels of cession under Auto Treaties and Auto Facultative will be maintained at 15% with 20% retrocession. It is expected that the VC arrangement will be removed from 2016, in-line with the de-tariffing of fire and motor premiums.
Namibia	Yes.	No.	No.	Yes. Mandatory per policy cessions under Namibia National Reinsurance Corporation Act 1998 were enforced on 1 January 2017, thereby establishing mandatory 12.5% cession of each insurance policy and 20% of each reinsurance policy issued in or outside of

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
				Namibia for Namibian risks to be ceded to NamibRe. NamibRe will have the right of first refusal to take on reinsurance business over and above the compulsory cession.
Nigeria	No. However, permission to reinsure abroad can be sought from regulator. Specific guidelines state that no (re)insurance risk in the Nigerian oil and gas sector may be placed overseas without written approval of the regulator. Local capacity, which is the aggregate capacity (incl. treaty RI) of all locally, registered (re)insurers must be fully exhausted.	No.	Yes, although it is understood that the often quoted requirement that foreign holdings in local insurance companies are limited to 40% is not enforced.	Yes. 5% of treaty programmes to Africa Re. Additional 5% of treaty programmes, excl. life and aviation, of member companies of the West African Insurance Companies Association must be placed with WAICA Re.
Pakistan	Yes.	No.	No.	Yes. There is a system of mandatory cessions and a right of first refusal by the state-owned Pakistan Reinsurance Co (PRCL or Pak Re) and by the local market. On treaty contracts, insurers are obliged to offer Pak Re up to 35% of their non-life treaty business, which it can choose to accept or not. Facultative

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
				<p>business must be offered to Pak Re, which may accept this or not without limit at its discretion.</p> <p>The Securities Exchange Commission of Pakistan (SECP) has circulated a draft of the new insurance/reinsurance bill for Pakistan on the 28th of December 2016. The draft bill aims to increase the retentions of local insurers. SECP has opened this to public consultation until 28th of February 2017.</p>
Philippines	<p>Yes, but foreign reinsurers need to appoint an agent who is a Philippine resident or company, to represent the reinsurer in cases of legal action. It is illegal for Philippine insurers to cede to non- admitted reinsurers without a 'resident agent', unless there is a foreign broker in the placement chain (who must have a 'resident agent' of their own).</p>	No.	No.	<p>Yes. There is a mandatory cession of 10% of all reinsurance to the Philippine National Reinsurance Company (PhilNaRe, the state owned reinsurer).</p> <p>For marine hull, aviation, money, securities, payroll and robbery risks on a facultative reinsurance placement, cedants/ reinsurers must have unsuccessfully attempted to place the risk with two (2) local direct companies, one (1) foreign authorised company and one (1) domestic professional reinsurer</p>

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
				before the regulator will grant them permission to approach an unauthorised foreign company. For all other facultative placements, at least five (5) local direct underwriting companies, three (3) foreign authorised companies and one (1) domestic professional reinsurer must have been approached.
Poland	No, it is not permitted in respect of cross- border reinsurance provided by reinsurers from non-EEA non- equivalent countries.	No.	No.	No.
Portugal	Yes.	Yes. Ceding insurers cannot take credit on their balance sheets for reinsurance purchased from non-EEA reinsurers from non-equivalent regimes unless such reinsurers guarantee their obligations by way of collateral.	No.	No.
Russia	Yes.	No.	Yes. Branches of foreign reinsurers are not permitted.	Yes. While it is mandatory to offer up to 10% cession to the national reinsurer NRC for contracts

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
				<p>cepting 1.1.2017 or later, NRC is not obliged to accept the offer. They can also accept a lower share or decline the offer. This represents a discrimination of foreign reinsurers as NRC has a "right of first refusal" for up to 10% of each contract.</p>
Singapore	Yes.	<p>Yes. Under Singapore's Insurance (Authorised Reinsurers) Regulations 2003, authorised reinsurers are required to hold a minimum deposit of SGD2 million, 30% of gross premiums or 30% of gross liabilities in respect of cross-border reinsurance, whichever is greater.</p>	No.	No.
South Africa	Yes.	<p>Yes. Subject to limited exceptions, reinsurers must register and establish a local subsidiary to be considered "approved". Non-approved reinsurers may still transact business but must deposit reserves with cedants or set up a local guarantee. Without collateral local cedants may</p>	<p>Yes. Reinsurers may not be licensed on a branch basis. Subsidiaries must be established or cross border placements must be collateralised (i.e. they are non- approved).</p>	No.

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
		not state their statutory liabilities net of non-approved reinsurance.		
South Korea	Yes, but South Korean insurance companies are prohibited from engaging in face-to-face meetings, including all marketing activities, with unlicensed foreign reinsurers in South Korea. Foreign reinsurers may only contact South Korean cedants by means of mail, telephone, fax, video conference or the internet.	No.	No.	No.
Sri Lanka	Yes.	No.	No.	Yes. There is a mandatory 30% cession of non-life reinsurance to state owned insurance and reinsurance company, the National Insurance Trust Fund (NITF) - aviation and energy risks are exempt from this rule. A 10% cession was first introduced in 2008 and was increased in 2013.
Thailand	Yes.	No.	Yes. Foreign insurers may only operate as a foreign branch office or as a joint	Yes. From 2005, market agreements were in place requiring Thai insurance companies to make

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
			venture partner in a Thai insurance company with foreign ownership limited to 49%. Approval from Ministry of Finance required for foreign equity ownership of insurance and reinsurance companies above 49%.	a 5% cession on most classes of business to Thai Re. However, it is our understanding that since the Thai floods of 2011 these market agreements have no longer been observed.
UK	Yes.	No.	Yes, some non-EU reinsurers have been encouraged to convert their branches into subsidiaries to ensure adequate local capital for the benefit of UK (re) insureds.	No.
USA	Yes.	Yes, unlicensed and non-US reinsurers must post 100% collateral for the ceding insurer to get credit for reinsurance on its balance sheet. As of December 2016, however, 35 US states have introduced reduced collateral legislation.	No.	Yes. By providing flood coverage at highly subsidized rates, the National Flood Insurance Program (NFIP) crowds out private market competition, including from (re)insurers. Historically, the NFIP has purchased no reinsurance – although permitted to do so – hence concentrating residential flood risk in the U.S. We note however that during the 1st January 2017 market renewal season, the NFIP purchased \$1B in reinsurance

Jurisdiction	Is reinsurance permitted on a cross-border basis?	Are there discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Are there discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Are there compulsory cessions, right of first refusal rules, or other trade barriers affecting foreign reinsurers, including examples of Government interference in risk pricing?
				coverage from the private market but restricted participation to only U.S licensed reinsurers.

Prospective trade barriers and market access issues

Jurisdiction	Are the proposals restricting or liberalising the ability to conduct cross-border reinsurance?	Will reinsurance be permitted on a cross-border basis?	Will there be discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Will there be discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Will there be compulsory cessions or right of first refusal rules?
Canada	Yes, they are restricting.	Yes.	OSFI is proposing a new capital framework for L&H business (LICAT) that is expected to make unlicensed reinsurance less attractive for ceding companies than dealing with a licensed reinsurance carrier. The final framework will be released in September 2016 and will be effective January 1, 2018.	No.	No.
China	No.	Yes.	No.	CIRC is reviewing the supervisory measures on foreign reinsurance company solvency. On 1 November 2016, CIRC issued a consultation paper proposing that branch offices of foreign reinsurers will be required to hold admissible assets in mainland China	No.

Jurisdiction	Are the proposals restricting or liberalising the ability to conduct cross-border reinsurance?	Will reinsurance be permitted on a cross-border basis?	Will there be discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Will there be discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Will there be compulsory cessions or right of first refusal rules?
				<p>equivalent to at least 75% of their admissible liabilities in China.</p> <p>The proposed supervisory measure is only aimed at branches of foreign reinsurance companies operating in China.</p>	
Indonesia	Yes, they are restricting.	Yes, but on a restrictive basis, the exact details of which have not yet been finalised.	No.	Yes. Foreign shareholding limits may be reduced from the current 80%.	No.
Nepal	Yes, they are restricting.	Yes.	No.	No.	Yes. The Ministry of Finance has indicated that minimum reinsurance retention levels are due to be increased from 5% to 30% from a date yet unknown.
Russia	No.	Yes.	No.	No. Russia has committed to allowing foreign reinsurance companies to open branches in 2021, subject to having eight	Mandatory requirement to offer 10% cession to national reinsurer NRC has come into effect. See 'Current trade barriers' table.

Jurisdiction	Are the proposals restricting or liberalising the ability to conduct cross-border reinsurance?	Will reinsurance be permitted on a cross-border basis?	Will there be discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Will there be discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Will there be compulsory cessions or right of first refusal rules?
				years of experience in providing life insurance services and five years' experience in all other remaining sectors, having more than five years of running direct subsidiaries in foreign markets and having aggregate assets of at least USD 5 billion.	
South Africa	Yes, they are restricting - based upon proposed reforms in recent Financial Services Board (FSB) discussion paper.	Yes. South Africa has withdrawn its proposal to give a three-notch downgrade for cross-border reinsurers. However, it is understood that locally incorporated reinsurers will have an assumed upgrade in their credit rating to the extent that the sovereign cap in place has resulted in a downgrade. The FSB argue that this is intended to offset any downgrade for domestic reinsures as a result of South Africa's	No. It is currently believed that existing requirements for collateral will be removed.	Yes. Proposed reforms permit branches though locally incorporated reinsurers will benefit from a credit rating uplift. However, it is understood that a proposed three-notch credit rating downgrade which was due to be applied to the branch and cross-border activities of foreign reinsurers is to be withdrawn.	No.

Jurisdiction	Are the proposals restricting or liberalising the ability to conduct cross-border reinsurance?	Will reinsurance be permitted on a cross-border basis?	Will there be discriminatory requirements on cross-border foreign reinsurers for collateralisation or localisation of assets?	Will there be discriminatory barriers affecting the establishment of branches or subsidiaries (if permitted)?	Will there be compulsory cessions or right of first refusal rules?
		sovereign credit rating.			
Vietnam	Yes, they are restricting.	Yes, but on a restrictive basis.	No.	No.	Yes. The Ministry of Finance is proposing to limit the amount of reinsurance placed overseas by stipulating a compulsory minimum retention level. Under prevailing regulations, the compulsory level of retention is set at a maximum of 10% of the equity on each risk or each separate loss. Currently there is little detail in relation to the timeframes around the development of the regulation, nor what the proposed retention requirements will stipulate.