

MEMO# 24962

February 11, 2011

DOL Extends Compliance Deadline for Service Provider Disclosure Rules to January 1, 2012

[24962]

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TO: PENSION MEMBERS No. 11-11
OPERATIONS COMMITTEE No. 7-11
BANK, TRUST AND RECORDKEEPER ADVISORY COMMITTEE No. 10-11
TRANSFER AGENT ADVISORY COMMITTEE No. 13-11 RE: DOL EXTENDS COMPLIANCE DEADLINE FOR SERVICE PROVIDER DISCLOSURE RULES TO JANUARY 1, 2012

The Department of Labor announced it will extend to January 1, 2012 the deadline for its new regulation under ERISA section 408(b)(2) regarding the information that plan fiduciaries must receive, and service providers must provide, in order for a service contract or arrangement to be considered reasonable under ERISA. Under the interim final regulation released in July 2010, the new requirements were due to apply beginning July 16, 2011. [\[1\]](#)

DOL states that it intended to have final rules in place sufficiently in advance of the July 16 applicability date to avoid compliance problems for both plans and their service providers, but an extension will ensure that DOL has time to review input on the interim final rule, including suggestions for a summary document to further assist plan fiduciaries in their review of furnished information.

Michael L. Hadley
Associate Counsel

endnotes

[\[1\]](#) For a description of the interim final regulation, see [Memorandum](#) to Pension Members No. 29-10, Bank, Trust and Recordkeeper Advisory Committee No. 21-10, Operations Committee No. 18-10 and Transfer Agent Advisory Committee No. 37-10 [24432], dated July

16, 2010. The Institute filed a comment letter on the interim final regulation which discussed the need for an extension if the final regulation imposes new obligations on service providers. See [Memorandum](#) to Pension Members No. 36-10, Bank, Trust and Recordkeeper Advisory Committee No. 30-10, Transfer Agent Advisory Committee No. 52-10 and Operations Committee No. 24-10 [24520], dated August 30, 2010.

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