Appendix 4
PROTOCOL FLOW CHART - ONGOING SUPERVISION

This flow chart illustrates the flows of information required in the ongoing supervision of an IORP’s cross-border activity.

### Change to information previously supplied

**Host MSCA** shall inform home MSCA of any significant changes to social and labour law, investment rules and information requirements asap and in any event by the later of the date the changes take effect or the date that the host MSCA has been able to give full and due consideration to the changes. (para. 3.3.1.)

### Events or significant changes

- When home or host MSCA identify events or significant changes to an IORP or pension scheme that may result in significant risks for the interests of members and beneficiaries or where details of such changes may be needed for supervision purposes, the information about the event or change is shared. (para. 3.2.1. and 3.2.2.)

### Non-compliance

- Host MSCA notifies in writing home MSCA where it is aware of any non-compliance with relevant social and labour law or Art. 20 (7) information requirements. (para. 3.4.1., 3.4.2, and 3.4.3.)

### Interventions

- In case of any supervisory actions taken by the home MSCA against a guest IORP, should the home MSCA’s actions to ensure compliance with the host MS social and labour law prove ineffective or if appropriate measures are lacking, the host MSCA may, after informing the home MSCA, take action against the Guest IORP as permitted by the Directive. (para. 3.4.5., 3.4.6, 3.4.7, and 3.6.2.)

### Ring-fencing

- Host MSCA asks home MSCA to decide on ring-fencing of assets and liabilities attributable to the activities of a Guest IORP in the host MS. (para. 3.7.1.)

- Home MSCA decides to ring-fence.

- Home MSCA decides not to ring-fence.

- Home MSCA notifies the IORP indicating assets and liabilities to be kept separate and notifies the host MSCA thereof indicating the date from which the ring-fencing will be applied. (para. 3.7.2.)

- Home MSCA will in coordination with the host MSCA take action to ensure future compliance, including where appropriate any actions set out under Article 14. (para. 3.4.5 & 3.4.6)

- Home MSCA may notify the host MSCA of any supervisory action taken against the Guest IORP depending on the nature of the concern. The notification will contain details of the event, the name of the Guest IORP and the sponsoring undertaking involved. (para. 3.4.3.)