

**Comments Template on  
Consultation Paper on Further Work on Solvency of IORPs**

**Deadline  
13 January 2015  
23:59 CET**

Name of Company:	GDFSUEZ	
Disclosure of comments:	Please indicate if your comments should be treated as confidential:	Public
<p>Please follow the following instructions for filling in the template:</p> <ul style="list-style-type: none"> <li>⇒ Do <b>not</b> change the numbering in the column "reference"; <b>if you change numbering, your comment cannot be processed by our IT tool</b></li> <li>⇒ Leave the last column <u>empty</u>.</li> <li>⇒ Please fill in your comment/response in the relevant row. If you have <u>no response</u> to a question, keep the row <u>empty</u>.</li> <li>⇒ Our IT tool does not allow processing of comments/responses which do not refer to the specific numbers below.</li> </ul> <p><b>Please send the completed template, in Word Format, to <a href="mailto:CP-14-040@eiopa.europa.eu">CP-14-040@eiopa.europa.eu</a> . Our IT tool does not allow processing of any other formats.</b></p> <p>The numbering of the questions refers to <b>Consultation Paper on Further Work on Solvency of IORPs</b>.</p>		
<b>Reference</b>	<b>Comment</b>	
General Comment	<p><b><u>About GDFSUEZ</u></b></p> <p>GDFSUEZ sponsors several pension schemes operated through IORPs, among others in the United Kingdom, Belgium and the Netherlands.</p> <p><b><u>About this consultation</u></b></p> <p>Given that the EU Commission indicated in May 2013 that it did not intend to proceed with Pillar I funding requirements as part of the current review of the IORP directive, EIOPA should not continue with work on the holistic balance sheet on its 'own</p>	

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initiative' without an explicit mandate from the EC.  
It makes no sense to discuss prudential rules for IORPs before any political decision is made about their role in the overall pension system and in the economy of the European Union. The starting point of the debate should be the principles stated in the White Paper "An Agenda for Adequate, Safe and Sustainable Pensions" and in the Green Paper on "Long-Term Financing of the European Economy".  
First pillar pensions will be limited by the scarcity of Member States resources, and occupational pensions must then form a growing part of European pension systems. Today, less than a half of European citizens have access to a workplace pension. Increasing the regulatory burdens would jeopardize existing and well-established pension schemes and dissuade sponsors to establish new schemes.

Nevertheless we welcome this opportunity to express our concerns about the future of occupational pensions in Europe. Our answer below follows discussions held with many other international companies that sponsor major IORPs in the European Union. Sponsoring companies are key stakeholders in this debate, and we need to stress that their representation is in our view not properly ensured in the OPSG of EIOPA.

**About the relevance of solvency requirements for IORPs**

We strongly reject the idea of establishing EU capital/funding requirements for IORPs and do not believe the holistic balance sheet should be used for this purpose or any other. More generally, we do not agree that the prudential framework for occupational pensions is derived from Solvency II.

Like many other stakeholders (pension funds, employers, trade unions, governments, OECD...), we fear that the proposed quantitative approach might have serious adverse consequences on pension systems, employment and long term investment in Europe.

Moreover, addressing the solvency of pension schemes only when they are operated through

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	<p>IORPs would be in complete contradiction with the principle of “level playing field” the project of a new directive was supposed to promote. It is fundamental to make a distinction between the solvency of pension institutions taking financial commitments and the solvency of pension schemes when it relies on the sponsoring entity.</p> <p>The European Commission has, to a large extent, acknowledged these concerns and decided not to introduce additional solvency requirements in its future IORP Directive. Therefore, it is not clear why EIOPA continues technical work in this area.</p>	
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Q36	<p>Q36: Do stakeholders agree that at the EU level, there should only be a principle based approach to valuing sponsor support with the specifics being left to member states/supervisors and/or IORPs?</p> <p>Yes. Were an EU-level approach to valuing sponsor support to be taken, this should be principles based only, with the local supervisor left to determine the detail of how any valuation is undertaken, if one is needed in the absence of simply being able to count sponsor support as a</p>	

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	balancing item.	
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Q39	<p>Q39: What is the general view of stakeholders with regard to sponsor support as a balancing item?</p> <p>The use of Sponsor Support as a balancing item is essential to the proportionality of any solvency framework for IORPs. Further, our view is that this approach should be used in all cases. Those managing IORPs and national competent authorities can then consider this in the context of risk management and any risk-based supervisory response</p>	
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Q44	<p>Q44: Should considering a pension protection scheme as a balancing item be restricted to cases where a pension protection scheme protects 100% of benefits or is it appropriate to allow for the reduction in benefits in case of sponsor default where there is a pension protection scheme in place?</p> <p>These are matters that should be determined by each Member State against the backdrop of its own supervisory regime and the comparative importance of second pillar retirement provision.</p>	
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Q72	<p>Q72: If it was decided to establish EU capital/funding requirements as part of pillar 1, would there in the stakeholders' view be a role for the holistic balance sheet? Please explain why and, if yes, what that role should be.</p> <p>We strongly reject the idea of establishing EU capital/funding requirements for IORPs and do not believe the holistic balance sheet should be used for this purpose or any other. The existing funding and supervisory regimes in individual Member States should already provide sufficient</p>	

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	<p>protection for members/participants and the principle of Member State subsidiarity should be observed. Amending these has associated costs (both initial and ongoing) and no demonstrable additional benefit. It would also ensure that any existing DB plans were closed and that no new DB plans were opened. Any plan to harmonise regimes is unsuitable and will be detrimental to long term investment, growth and job prospects in the EU.</p>	
Q73	<p>Q73: Do stakeholders believe that the holistic balance sheet should be used as a risk management tool as part of pillar 2 requirements? Please explain.</p> <p>No, use of the HBS should not be mandated. IORPs should be able to develop risk-assessment and risk-management tools that are appropriate to the specific circumstances of their arrangements. At an EU-level, any requirements under pillar 2 should be principles-based, determined by local supervisors and should not stipulate the HBS as the only appropriate risk management tool, as there will be other, more suitable, tools available to different IORPs.</p>	
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Q85	<p>Q85: In the stakeholders' view should the minimum requirement for the level of liabilities to be covered with financial assets be based on the Level A technical provisions or the Level B best</p>	

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	<p>estimate of technical provisions? Please explain.</p> <p>Level B, since this reflects economic reality, not a theoretical « risk-free » rate.</p>	
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Q96	<p>Q96: Do stakeholders agree that IORPs should be required to submit a recovery plan if capital/funding requirements are not met or should more specific supervisory responses be specified on the EU level? Please explain.</p> <p>The detail of how supervisory responses will be implemented (which may include, but is not limited to, submitting a recovery plan) should be determined by the relevant national supervisor. More detailed action should not be specified at an EU level as a one-size-fits all supervisory response is unlikely to capture all of the key variables of the local environment in which IORPS operate</p>	
Q97	<p>Q97: What is the view of stakeholders on the potential impact of a possible future European prudential framework for IORPs on existing contractual agreements and national social and labour law?</p> <p>The application of a EU-wide prudential framework is not compatible with the variety of arrangements which exists at local country level. A one-size-fits all supervisory response is unlikely</p>	



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	to capture all of the key variables of the local environment in which IORPS operate. Social and labour law should prevail on prudential regulation, not the opposite.	
Q98	<p>Q98: In the stakeholders' view is there scope for transitional measures in order to mitigate the potential impact of a possible EU prudential regime on existing contractual agreements and national social and labour law?</p> <p>We believe the impact of a possible future European prudential framework would be inappropriate if applied to existing schemes and would have a significant adverse effect for long term investment growth and job prospects. If such a framework were however, to be introduced, we therefore wholeheartedly support the use of grandfathering to reduce the impact. The new requirements should not apply to either the accrued rights or future rights under any scheme established before any such rules potentially come into force. In the absence of explicit grandfathering then we would strongly support the use of lengthy transitional periods to reduce the impact of any future possible EU prudential regime. This would allow IORPs, investment markets and labour markets to adapt to a new framework and develop appropriate responses in as cost-efficient a manner as is possible</p>	
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Q111