

Comments Template on Consultation Paper on Technical Advice on possible delegated acts concerning the Insurance Distribution Directive		Deadline 3 October 2016 18:00 CET
Name of Company:	German Association of Private Health Insurers (PKV)	
Disclosure of comments:	EIOPA will make all comments available on its website, except where respondents specifically request that their comments remain confidential. Please indicate if your comments on this CP should be treated as confidential, by deleting the word Public in the column to the right and by inserting the word Confidential.	Public
<p>Please follow the following instructions for filling in the template:</p> <ul style="list-style-type: none"> ⇒ <u>Do not change the numbering</u> in the column "reference"; if you change numbering, your comment cannot be processed by our IT tool ⇒ Leave the last column <u>empty</u>. ⇒ Please fill in your comment in the relevant row. If you have <u>no comment</u> on a paragraph or a cell, keep the row <u>empty</u>. ⇒ Our IT tool does not allow processing of comments which do not refer to the specific numbers below. <p>Please send the completed template, in Word Format, to CP-16-006@eiopa.europa.eu.</p> <p>Our IT tool does not allow processing of any other formats.</p> <p>The numbering of the questions refers to the Consultation Paper on Technical Advice on possible delegated acts concerning the Insurance Distribution Directive</p>		
Reference	Comment	
General Comment	The German Association of Private Health Insurers (PKV) welcomes the main IDD's objective and fully supports the statements filed by the German Insurance Association (GDV).	

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Question 1	Regarding this question we would like to refer to the statement filed by the German Insurance Association (GDV) that is supported by us.	
Question 2	Regarding this question we would like to refer to the statement filed by the German Insurance Association (GDV) that is supported by us.	
Question 3	Regarding this question we would like to refer to the statement filed by the German Insurance Association (GDV) that is supported by us.	
Question 4	Regarding this question we would like to refer to the statement filed by the German Insurance Association (GDV) that is supported by us.	
Question 5	<p>The proposed basic principle to assess whether the activities of insurance intermediary shall be considered as manufacturing is too broad.</p> <p>The insurance intermediary shall be considered as a manufacturer if he is significantly involved in the product development and product design. However, it is not rare that insurance intermediaries ask the insurance company for a selected target market for new products for distribution in the field of private health insurance.</p> <p>Due to the sales experience of intermediaries their proposals are heard. They act in an advisory capacity in product design and product development. Even though this is an essential contribution to the conception of a new insurance product, the insurance intermediary shall in the case of product recommendation not be considered as manufacturer since the design and development of the tariff (conditions and contributions) are solely with the insurance companies. Against this background, paragraph 4.2.1 item 3 should be amended to the extent that in case of product recommendations by insurance intermediaries they are not considered as manufacturers.</p>	

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Question 6	Regarding this question we would like to refer to the statement filed by the German Insurance Association (GDV) that is supported by us.	
Question 7	<p>First we would like to refer to the statement filed by the German Insurance Association (GDV) that is supported by us.</p> <p>In addition we would like to stress that for substitutive private health insurance, the definition of the target market is only possible at contract conclusion, since the contract period is for life.</p>	
Question 8	<p>It needs to be clarified that the directive applies only to products which are open for new business. A basic principle of the IDD underlines that it exclusively applies to products which are currently distributed, offered or marketed. Health insurance tariffs should last for generations in the best case to form sufficiently large collectives in which risk pooling leads to steady premiums. Thus, it should be avoided that the each product has to be checked in terms of POG rules.</p> <p>For private health insurance a minimum required number of testing is not relevant, since the contributions of the products are reviewed annually anyway. A review of the suitability of the target market is also relevant in the private health insurance. However, larger time periods should be considered as the target market is not subject to rapid changes and contracts run life-long. If ever a minimum number of product reviews should be specified, then a maximum of once every five years.</p> <p>Once premiums no longer match the originally calculated claim expenses, for example due to medical advances or price increases in health care, a premium adjustment (increase or decrease in the premiums) is necessary. To this end, the companies offering substitutive private health insurance are required by law. In addition, benefit cuts and a unilateral termination are excluded by the insurer.</p> <p>It is important that products of private health insurance and their benefits are reviewed regularly. If modifications are needed, however, existing contractual relation-</p>	

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	ships may not be affected. The service contents can be almost changed only in the context of new products. Only § 203 of the Insurance Contract Act enables companies to change existing tariffs under strict conditions. Thus the insurer is entitled to change the general conditions as well as the tariff conditions when significant modifications within the healthcare system have occurred. Any changes of conditions are subject to an approval of an independent trustee. In addition, high court decisions or legislative changes justify an adjustment of the conditions. So standards for those interventions are very high.	
Question 9	Regarding this question we would like to refer to the statement filed by the German Insurance Association (GDV) that is supported by us.	
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Question 11	Regarding this question we would like to refer to the statement filed by the German Insurance Association (GDV) that is supported by us.	
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