

## Summary of Conclusions

### Insurance and Reinsurance Stakeholder Group

#### Inaugural meeting

---

Date: 22 October 2013

Time: 10:00 – 16:00

Location: EIOPA premises

Contact: [Giulia.Conforti@eiopa.europa.eu](mailto:Giulia.Conforti@eiopa.europa.eu)

---

#### List of participants:

IRSG: Kay Blair (Chair IRSG), Olav Jones (Vice-Chair IRSG), Renzo Avesani, Jean Berthon, Yannick Bonnet, Paul Carty, Alexandru Ciuncan, Andreea Cosma, Seamus Creedon, Maria Aranzazu Del valle, Marie Dequae, Frank Ellenbürger, Francis Frizon, Marcin Kawiński, Thomas Keller, Edgar Koning, Damien Lagau, Baiba Miltovica, Annete Olesen, Ioannis Papanikolaou, Nino Savelli, Martin Simhandl, Mojca Strucl, Claes Thimrén, Karel Van Hulle, Rick Watson, Dieter Wemmer and Małgorzata Więcko-Tułowicka.

Excused: Maria Georgieva and Maria Heep-Altiner.

EIOPA: Sandrine Lemery (FR) and Sergej Simoniti (SI) (Management Board representatives); Gabriel Bernardino, (EIOPA Chair), Carlos Montalvo (EIOPA Executive Director), Manuela Zweimueller (EIOPA Director of Regulations), Katja Wuertz (Head of Consumer Protection and Financial Innovation Unit), Justin Wray (Head of Policy Unit), Gabriele Arnoldi (External Relations coordinator), Giulia Conforti and Yvonne Schmerfeld.

Excused: Commission representative.

---

### **1. Introductory remarks by Gabriel Bernardino, EIOPA Chair and**

### **2. Approval of the draft agenda**

EIOPA Chair welcomed IRSG members to the inaugural meeting and introduced the draft agenda. IRSG members were also informed that on an exceptional basis EIOPA Chair shall lead the IRSG first meeting until agenda item 7 -Elections of the IRSG Chair and Vice-Chair. From this point forward, the meeting shall be chaired by the elected IRSG Chair.

### **3. Tour de table – introduction of IRSG members**

Each panel member was invited to provide a brief overview of his/her professional background and of the input he/she expects to provide to the Group's work.

EIOPA Chair welcomed the well balanced composition of the Stakeholder Group and noted that the vast and varied experience available through membership will be most useful not only in the area of Solvency II, but also as regards to additional topics, such as: intermediation, catastrophe risk, risk management, etc.

#### **4. General introduction to the role & tasks of EIOPA and the Stakeholder Groups, by Carlos Montalvo, Executive Director**

Presentation is available on IRSG website: [22 October meeting](#).

EIOPA Executive Director presented IRSG members with a detailed overview of the Authority including:

- EIOPA's Strategic Goals
- EIOPA's Powers
- Insurance and Reinsurance Stakeholder Group's composition 2013 – 2016
- Stakeholder Groups' Role (Article 37 of EIOPA Regulation)
- EIOPA's Role with regard to its Stakeholder Groups

IRSG members asked if EIOPA could elaborate on the timeline perspective for IRSG to deliver its input and as well how to tackle the overwhelming list of topics. EIOPA Chairman replied that once the decision on Omnibus II is taken, there will be more clarity and EIOPA will communicate it to the IRSG. The IRSG may then decide about their yearly Work Plan (topics, priorities).

#### **5. Rules of procedure of the EIOPA Insurance and Reinsurance Stakeholder Group, by Manuela Zweimueller, Head of Directorate Regulations**

EIOPA Head of Directorate of Regulations (Manuela Zweimueller) introduced the draft Rules of Procedure that the Authority has circulated to IRSG members for the purpose of discussion.

The revised draft was prepared by EIOPA staff and aims at:

- Taking on board the experience from the former Stakeholder Groups - in the areas of mandate, convening of meetings, Subgroups on technical issues and Reporting and Transparency
- Taking into account the Article 37 of the EIOPA Regulation – for the modification of the Rules of Procedure
- Clarifying the practical steps for the adoption of opinions – an annex with diagram charts has been developed
- Update references to EIOPA decisions (now included as footnotes under each relevant chapter).

IRSG members were informed that the same draft was shared with the Occupational Pensions Stakeholder Group, with the objective to have the same Rules of Procedure, in order to ensure consistency of the IRSG and OPSG management within EIOPA. As indicated in Article 21 the Stakeholder Groups shall adopt their rules of procedure on the basis of the agreement of a two-thirds majority of their respective members.

EIOPA staff further suggested that the document is approved through a written procedure, for which IRSG members will be invited to submit written comments in a 2 weeks period. Comments from both the IRSG and OPSG members will be integrated in a single revised document, which shall be submitted for written approval.

IRSG/OPSG members welcomed the revised draft RoP and made the following comments:

- IRSG: What is the impact of an 'Abstention', when it comes to count the votes?
  - EIOPA confirmed that the value of Abstention is zero and that this was the same rule used for the voting procedures of EIOPA Board of Supervisors<sup>1</sup>.

---

<sup>1</sup> The BOS Rules, Article 4(1) states: "Abstentions will not be counted as approvals or as objections, and will not be considered when calculating the number of votes cast."

- OPSG: What is the legal hook for 'Personal capacity', as this is not stated in the Regulation?
  - EIOPA Executive Director explained that the reasoning behind is to ensure a level playing field amongst members and an efficient participation by the members in the Group. Once members are appointed in the Stakeholder Groups they are expected to act on a personal capacity, which means they are not bound to express their institutional opinion/views and that due to their personal commitment, they are not allowed to send alternates to the Group/Subgroups meetings or nominate alternates to represent their views.
- OPSG: the current Rules of Procedure do not forbid electing a second Vice-Chair; this is a current practice in ESMA Stakeholder Group, which could be considered for EIOPA SGs.

**Conclusion/Action points:**

- Draft Rules of procedure will be sent to both IRSG and OPSG members with a two weeks period for submitting comments, followed by approval in written procedure.

**6. Housekeeping, by Giulia Conforti, expert on External Relations**

Presentation is available on IRSG website: [22 October meeting](#).

EIOPA External Relations expert provided IRSG members with a detailed overview of the Authority including:

- Stakeholder Groups website – access via the 'quick link' on EIOPA page; publication of IRSG membership, institution and short biographies.
- Stakeholder Groups support – what can IRSG members expect in terms of communication policy, drafting of documents, support to subgroups, preparation and follow-up of meetings, etc.
- Reimbursement & LEF, BAF documentation – relevant documents for IRSG members eligible for reimbursement (Consumers, Academics, Employee representatives and Users)
- Registration to meetings – attendance and non-attendance
- Travel arrangements & thresholds for reimbursement

**Conclusion/Action points:**

- IRSG members approved the publication of the details on the Institution they represent or are employed by.
- IRSG members agreed to exchange the contact details (e-mails and telephone numbers) amongst IRSG.
- EIOPA to circulate the lists for verifying the correctness of data.

---

*Lunch break (13:00-14:00)*

---

## 7. Election of IRSG Chair and Vice – Chair

EIOPA Chair introduced the topic by welcoming the candidates for the two positions of IRSG Chair and IRSG Vice-Chair and presented the procedure to be observed for the purpose of the elections (as per IRSG Rules of Procedure and guidance note prepared by EIOPA).

Candidates were invited to briefly introduce themselves before the election procedure for each position is initiated. For the purpose of the election procedure, two EIOPA teams - composed by two legal experts and two policy unit experts- surveyed the distribution and counting of the ballots. The results of the election were communicated to EIOPA Chair and subsequently announced to the Group.

### Conclusion/Action points:

- Following the consensus of the Group for the Chair position, Ms. Kay Blair was elected as IRSG Chair
- Following casting of votes for the Vice- Chair position, Mr. Olav Jones was elected as IRSG vice-Chair

## 8. Focus of upcoming IRSG work by the IRSG Chair

The newly elected IRSG Chair introduced the discussion by referring to the current negotiations on Solvency II and Omnibus II at the trialogue and by asking members to feed-back on the former IRSG subgroup structure in order to start to organise the current IRSG.

EIOPA Chair highlighted 3 key elements as to the Solvency II process:

1. Clear date on implementation, provided by the Quick Fix Directive: 01.01.2016
2. An agreement on Long Term Guarantees (LTG) at the trialogue level is near, following the Report & recommendations provided by EIOPA in summer 2013.
3. EIOPA opinion on Preparatory Guidelines is an important step towards Solvency II for supervisors and industry within the scope of EIOPA's powers. Guidelines are now being translated and cover certain areas of implementation: validation of Internal Models (IM), parts of Reporting, Governance, etc.

Once the trialogues are over, hopefully by the second week of November, EIOPA will look into the implementation tables and have more clarity on the upcoming timeline for the consultation of Technical Standards and Recommendations.

### Conclusions:

- Initial views on topics:
  - The principle of consumer protection will underpin all working groups. A key focus will be given to consumer protection issues and impact, such as IMD II, selling of insurance products by different distribution channels and other entities, impact of Solvency II on consumer protection, product range etc;
  - Implementation of Solvency II should be dealt in specific subgroups;
  - Also strategic topics need to be covered, such as long term investments, natural catastrophes, global issues on accounting, transatlantic trade, investment partnership, etc.
- On procedure:
  - EIOPA work programme is basis but IRSG needs to be realistic what to achieve in given time: the challenge will be to prioritise and focus;
  - Upcoming public EIOPA consultations will give frame;
  - Meaningful outcomes with clear objectives are critical, not IRSG as discussion group;
  - Subgroups need to be linked to concrete deliverables;

- Not all topics need to be dealt within a subgroup: also ,topics owners` can volunteer to lead a draft opinion/statement or to write position papers for discussion

#### **Action points:**

- IRSG members are invited to look at EIOPA Work Programme for 2014 and provide initial comments and suggestions IRSG work plan by mid-November.

#### **Next steps:**

- A follow-up discussion is expected during the Joint meeting on 26 November.
- Approval of the IRSG Work Plan by the beginning of next year.

### **9. Feedback on SII preparatory Guidelines by Justin Wray, Head of Policy Unit**

Presentation is available on IRSG website: [22 October meeting](#).

EIOPA feedback given to the IRSG Opinions on the preparatory guidelines is available on IRSG website (08.10.2013): [SGs Opinions & Feedback](#).

IRSG members welcomed the presentation and praised the outstanding work carried out by EIOPA before, during and after the consultation process.

The comment made by a cooperative representative was on the status of the 'explanatory text' (ET) and the expectations that this might raise amongst companies in terms of additional requirements. EIOPA Chair assured that the aim of the ET is to provide further understanding of the guidelines, given that some of them might not be perceived as 'self-explanatory'. EIOPA Management Board representatives reminded the audience that the Preparatory Guidelines are not binding and welcomed input from IRSG members as regards to the 'comply or explain' process.

### **10. Feedback on Industry training standards by Katja Würtz, Head of Consumer Protection and Financial Innovation Unit**

Presentation is available on IRSG website: [22 October meeting](#).

In relation to IMD II, IRSG members enquired about EIOPA's role in the implementation of legislation. The EIOPA Chairman explained that the preparatory work is aimed at having tangible results for consumers and companies. He argued that EIOPA cannot legislate or issue technical standards, but that it intends to use its powers to make a difference. In particular, EIOPA has in the past issued guidelines in the area of complaints handling and considers issuing guidelines on training standards in the future, depending on the final outcome of IMD2.

Another point raised by a consumer representative was whether EIOPA will raise a campaign on Solvency II awareness to consumers. The EIOPA Chairman responded that a communication strategy for consumers and investors community will be launched in due time.

Finally, he invited IRSG members to feed-back on the national issues or trends in the area of consumer protection, which is currently envisaged to be initiated in the Spring of 2014.

### **11. AOB**

See reference made to the exchange of data amongst IRSG members in the conclusions and action points of item 6. Housekeeping.