

**EIOPA Board of Supervisors Meeting  
27 November 2013  
Approved Deliberations and Conclusions**

Chairman: Gabriel Bernardino

Members and Observers:

**Voting:** AT: Peter Braumüller, BE: Jean Hilgers, BG: Nikolay Petkov (Acting Alternate), CY: Victoria Natar, CZ: Zuzana Silberova, DE: Felix Hufeld, DK: Jan Parner, EE: Kaido Tropp, ES: María Flavia Rodríguez Ponga Salamanca, FI: Hely Salomaa, FR: Sandrine Lemery, GR: Ioannis Chatzivasiloglou, HR: Gordana Letica, HU: Koppány Nagy, IE: Cyril Roux, IT: Alberto Corinti, LV: Dina Mikelsona, LT: Mindaugas Salcius, LU: Victor Rod, MT: Marisa Attard, NL: Joanne Kellermann, PL: Damian Jaworski, PT: Mario Ribeiro, RO: Ion Giurescu, SK: Julia Cillíková, SI: Jernej Merhar (Acting Alternate), SE: Martin Noréus, UK: Julian Adams

**Non-voting:** BE: Luc Kaiser, Wim Coumans, ES: Pablo Muelas Garcia, IS: Unnur Gunnarsdottir, IE: Mark Burke, Brendan Kennedy, IT: Fausto Parente, Raffaella Capuano, LI: Alexander Imhof, LU: Claude Wirion, NL: Petra Hielkema, SK: Lucia Stefunkova, COM: Steve Ryan, EBA: Corinne Kaufman, ESMA: Sophie Vuarlot Dignac, ESRB: Francesco Mazzaferro

Experts:

AT: Gerlinde Taurer, CZ: Jan Bouska, Marcela Gronychova, DE: Petra Faber Graw, HU: József Banyar, NO: Runa Saether, PL: Katarzyna Malgorzata Chrzanowska, RO: Daniel Daianu, Corneliu Moldoveanu, Rodica Popescu, Adina Maria Dragomir, UK: Fiona Rogers

EIOPA Working Group Chairs:

Patrick Darlap (FSC Chair), Pauline de Chatillon (CCPFI Chair), Evelyn Masse (FinReq Chair), Fausto Parente (IGSC Chair), Damian Jaworski (Peer Review Chair), Veronique Hijl (IGSRR Chair), Paolo Cadoni (IM Chair), Edward Forshaw (Equivalence Committee Chair), Brendan Kennedy (OPC Chair)

EIOPA Staff:

Carlos Montalvo Reuelta (EIOPA Executive Director), Manuela Zweimüller (EIOPA Head of Regulation), Patrick Hoedjes (EIOPA Head of Operations), Susanne Rosenbaum, Catherine Coucke

<b>1.</b>	Welcome and introductory remarks by the EIOPA Chairman	Information
<b>Conclusions and Action points:</b>		
<ul style="list-style-type: none"> <li>▪ Not applicable</li> </ul>		
<b>2.</b>	Adoption of the Agenda	Decision by SMV <sup>1</sup>
<b>Conclusions and Action points:</b>		
<ul style="list-style-type: none"> <li>▪ Agenda (EIOPA-BoS-13/160 Rev.2) was adopted with no change.</li> </ul>		
<b>3.</b>	Update by Chairman, Executive Director (ED) and COM	Information
<b>Conclusions:</b>		

<ul style="list-style-type: none"> <li>▪ Not applicable</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>▪ EIOPA to start written procedure on EIOPA's Training &amp; Events Programme 2014.</li> </ul>		
<b>4.</b>	Quality Control Committee (QCC): Update on current project	Information
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>▪ The BoS welcomed the QCC report.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>▪ EIOPA to organise an information session in view of the application of the Rules regarding potential Conflict of interest for the BoS Members at the January BoS meeting.</li> </ul>		
<b>5.</b>	<p>Working Group mandates</p> <ul style="list-style-type: none"> <li>5.1. Internal Governance, Supervisory Review and Reporting Committee (IGSRR)</li> <li>5.2. Internal Models Committee (IMC)</li> <li>5.3. Insurance Groups Supervision Committee (IGSC)</li> <li>5.4. Financial Requirements Committee (FinReq)</li> <li>5.5. Equivalence Committee</li> <li>5.6. Occupational Pensions Committee (OPC)</li> <li>5.7. Financial Stability Committee (FSC)</li> <li>5.8. Internal Monitoring Group (IMG)</li> <li>5.9. Committee on Consumer Protection and Financial Innovation (CCPFI)</li> <li>5.10. Review Panel</li> <li>5.11. IT and Data Committee (ITDC)</li> <li>5.12. EMIR Taskforce Mandate</li> </ul>	Decision by SMV <sup>1</sup>
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>▪ Mandates of IMC, IGSC, FINREQ, OPC, EMIR, CCPFI, Review Panel, ITDC, FSC adopted without amendments. Small changes to be made to the mandates of IGSRR and Equivalence Committee.</li> <li>▪ Possible need to revise priorities and resources of the Equivalence Committee mandate in light of the new equivalence framework in OMD II.</li> <li>▪ OPC Chair to consider the timing of the intermediate steps regarding the deliverables on the work on solvency.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>▪ EIOPA to revise the IGSRR and Equivalence Committee mandate in light of the agreed suggestions.</li> <li>▪ EIOPA to consider how certain developments (e.g. Solvency II) will be reflected upon within the EIOPA committee structure.</li> <li>▪ OPC and ITDC: Committees to discuss the need for alignment of deadlines on the timeline on registers of IORPs.</li> </ul>		
<b>6.</b>	Solvency II (SII): valuation of insurers' pension liabilities	Decision by SMV <sup>1</sup>

<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>BoS decided in favour of option 1 using IAS 19 Employee Benefits unchanged for the purpose of incorporation in the SII Delegated Acts.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>EIOPA to submit BoS decision in favour of using IAS 19 unchanged to COM as input for the SII Delegated Acts.</li> </ul>		
<b>7.</b>	EIOPA strategy towards international capital standards	Decision by SMV <sup>1</sup>
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>Support for a European approach as being most effective with the IAIS.</li> <li>Support among BoS Members for the positions set out by EIOPA on development of basic capital requirement and a global insurance capital standard. Include more clearly in the strategy note that a <i>leverage ratio</i> (following the Banking sector) is no option for the BCR.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>EIOPA to clarify the Strategy note regarding the leverage ratio.</li> <li>Note on strategic vision for the future framework of global solvency standards and the link with SII to be discussed by the BoS in the first quarter 2014.</li> </ul>		
<b>8.</b>	IORPs: Implementing Technical Standards (ITS) on reporting of prudential provisions	Decision by QMV <sup>2</sup>
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>BoS adopted the Draft ITS Final Report (which includes the ITS itself) and the Reasoned Feedback with a qualified majority of votes in accordance with Art. 44(1) in conjunction with Art. 16 EIOPA Regulation.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>EIOPA to send Draft ITS Final Report to COM by 1 January 2014.</li> </ul>		
<b>9.</b>	<p>Consumer Protection and Financial Innovation</p> <p>9.1. Guidelines &amp; Best Practices Report on complaints-handling by insurance intermediaries</p> <p>9.2. Report on Good Supervisory Practices regarding knowledge and ability requirements for distributors of insurance products</p> <p>9.3. Opinion on beneficiary protection arrangements regarding life insurance contracts</p> <p>9.4. Consumer Trends Report</p> <p>9.5. Report on the Review of the Consumer Trends Methodology</p> <p>9.6. National general good provisions</p>	<p>Decision by QMV<sup>2</sup></p> <p>Decision by SMV<sup>1</sup></p> <p>Decision by SMV<sup>1</sup></p> <p>Decision by SMV<sup>1</sup></p> <p>Decision by SMV<sup>1</sup></p> <p>Information</p>
<p>9.1. <u><i>Guidelines &amp; Best Practices Report on complaints-handling by insurance intermediaries</i></u></p>		
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>BoS approved with a qualified majority of votes in accordance with Art. 44(1) in conjunction with Art. 16 EIOPA Regulation that EIOPA issue the Guidelines on complaints-handling by insurance intermediaries, subject to minor editorial changes to be made to Guidelines 1 and 3.</li> </ul>		

<ul style="list-style-type: none"> <li>▪ BoS adopted the Report on Best Practices by Insurance Intermediaries in handling complaints, subject to minor editorial changes resulting from the changes made to Guidelines 1 and 3.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>▪ EIOPA to publish the Final Report on CP-13/006a regarding the Guidelines on complaints-handling by insurance intermediaries.</li> <li>▪ EIOPA to publish the Best Practices Report.</li> <li>▪ EIOPA to develop a “One Minute Guide” on the application of the guidelines to small intermediaries (sole traders).</li> </ul>		
<p>9.2. <u>Report on Good Supervisory Practices regarding knowledge and ability requirements for distributors of insurance products</u></p>		
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>▪ BoS adopted the Report on Good Supervisory Practices regarding knowledge and ability requirements for distributors of insurance products.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>▪ EIOPA to publish the Report on Good Supervisory Practices regarding knowledge and ability requirements for distributors of insurance products.</li> </ul>		
<p>9.3. <u>Opinion on beneficiary protection arrangements regarding life insurance contracts</u></p>		
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>▪ BoS adopted unanimously the EIOPA Opinion on Beneficiary Protection Arrangements Regarding Life Insurance Contracts.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>▪ EIOPA to publish the opinion on its website.</li> </ul>		
<p>9.4. <u>Consumer Trends Report</u></p>		
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>▪ BoS adopted the Consumer Trends Report without any amendments.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>▪ EIOPA to publish the report on its website.</li> </ul>		
<p>9.5. <u>Report on the Review of the Consumer Trends Methodology</u></p>		
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>▪ BoS adopted the Review of the Consumer Trends Methodology without amendment.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>▪ EIOPA to publish the Review on its website.</li> </ul>		
<p>9.6. <u>National general good provisions</u></p>		
<p><b>Conclusions and Action points:</b></p> <ul style="list-style-type: none"> <li>▪ CCPFI to conclude the work on this dossier in time for the January BoS meeting, including the text of a legal disclaimer.</li> </ul>		
<table border="1"> <tr> <td data-bbox="129 1906 1157 1962"> <p><b>10.</b> External Relations: Advice to the European Commission on</p> </td> <td data-bbox="1157 1906 1441 1962"> <p>Decision by SMV<sup>1</sup></p> </td> </tr> </table>	<p><b>10.</b> External Relations: Advice to the European Commission on</p>	<p>Decision by SMV<sup>1</sup></p>
<p><b>10.</b> External Relations: Advice to the European Commission on</p>	<p>Decision by SMV<sup>1</sup></p>	

	Equivalence gap analyses China and Singapore	
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>BoS adopted the Chinese professional secrecy equivalence assessment and Gap Analysis report.</li> <li>BoS adopted the Singaporean professional secrecy equivalence assessment and Gap Analysis report.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>EIOPA to send the Chinese and Singaporean reports to COM by 15 December 2013.</li> </ul>		
11.	Joint Committee: Draft note on “Interactions between Solvency II, CRR/ CRD IV and the proposed Recovery and Resolution Directive”	Discussion
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>JC note to be further updated, taking in particular into account the recent Solvency II developments arising from the agreement on the Omnibus II Directive.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>BoS Members are invited to submit their further written comments and contributions on the draft note by 4 December 2013 cob.</li> </ul>		
12.	ITDC update on BoS mandate to define Preparatory phase data	Information
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>BoS acknowledged project status.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>ITDC to coordinate with the other working groups their involvement in preparation of the ITDC recommendation.</li> <li>ITDC to present its recommendation for the BoS to conclude on the scope of data to be submitted to EIOPA within the Preparatory Phase – by the end of Q1 2014.</li> </ul>		
13.	Replacement of Stakeholder Group member (IRSG)	Decision by SMV <sup>1</sup>
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>BoS endorsed the Management Board’s proposal to select Mr Jari Eklund (Finland) as a replacement for the position of mutual representative in the IRSG.</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>EIOPA to inform the selected candidate, and subsequently inform the IRSG about the change in its composition.</li> </ul>		
14.	AOB	Information
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>Not applicable</li> </ul> <p><b>Action points:</b></p> <ul style="list-style-type: none"> <li>EIOPA to start written procedure on the draft report on Long-Term Investments next week.</li> <li>EIOPA to analyse the treatment of Insurers within Member States with regard to Article 4</li> </ul>		

of the Solvency II Directive and to provide overview to BoS.

<sup>1</sup>: Decision by simple majority (Article 44(1) 1<sup>st</sup> para. EIOPA Regulation)

<sup>2</sup>: Decision by qualified majority (Article 44(1) 2<sup>nd</sup> para. EIOPA Regulation)

Frankfurt am Main,

[Signed]

Gabriel Bernardino

Chairman of EIOPA