

Comments Template on EIOPA-CP-11/006 Response to Call for Advice on the review of Directive 2003/41/EC: second consultation		Deadline 02.01.2012 18:00 CET
Company name:	Ministry of Social Affairs and Health in Finland	
Disclosure of comments:	EIOPA will make all comments available on its website, except where respondents specifically request that their comments remain confidential. <i>Please indicate if your comments on this CP should be treated as confidential, by deleting the word Public in the column to the left and by inserting the word Confidential.</i>	Public
<p>The question numbers below correspond to Consultation Paper No. 06 (EIOPA-CP-11/006).</p> <p>Please follow the instructions for filling in the template:</p> <ul style="list-style-type: none"> ⇒ <u>Do not change the numbering</u> in column "Question". ⇒ Please fill in your comment in the relevant row. If you have <u>no comment</u> on a question, keep the row <u>empty</u>. ⇒ There are 96 questions for respondents. Please restrict responses in the row "General comment" only to material which is not covered by these 96 questions. ⇒ Our IT tool does not allow processing of comments which do not refer to the specific question numbers below. <ul style="list-style-type: none"> ○ If your comment refers to multiple questions, please insert your comment at the first relevant question and mention in your comment to which other questions this also applies. ○ If your comment refers to parts of a question, please indicate this in the comment itself. <p>Please send the completed template to CP-006@eiopa.europa.eu, in MSWord Format, (our IT tool does not allow processing of any other formats).</p>		
Question	Comment	
General comment	In our comments on EIOPA's response to CfA on the review of Directive 2003/41/EC we have focused on EIOPA's advice on the possibility of extending the scope of the IORP directive. We consider that it is useful to examine the alternative solutions but at the same time one should be very careful not to	

**Comments Template on EIOPA-CP-11/006
Response to Call for Advice on the review of Directive 2003/41/EC: second consultation**

**Deadline
02.01.2012
18:00 CET**

intervene with the extended scope in the responsibility of Member States to organise their pension systems. We notice that in the OPC report that EIOPA used as its source for the advice, it has not been possible to take into account all pension systems or pension institutions in Member States. We believe that the future proposal for the revised directive will be based on information that will carefully consider all pension systems in each Member State taking into account their differences and characteristics and will take appropriate consideration also on minor pension schemes.

It is in everyone's interest that members and beneficiaries of all types of pension schemes should be protected by appropriate regulatory and supervisory standards for the institutions operating pension schemes. It is useful to examine the possibility of bringing the rules concerning supervision and public disclosure under the II and III pillar of Solvency II directive to the IORP directive. If the supervisory and prudential legislation under the revised IORP Directive will be approached from the premise of the Solvency II framework we see that also the scope of application concerning the pension insurance undertakings should in principle be limited similarly as under Solvency II directive. Taking into account a number of small undertakings, e.g. exclusion from scope due to size of an undertaking as under Article 4 of Directive 2009/138/EC would be appropriate.

However, there is not yet definitive experience of what kind of effects the Solvency II provisions might have on insurance undertakings. It should also be taken into account that occupational pensions and other insurance products are very different which is why they should be dealt with differently. Given the diverse circumstances in each Member State, we see that an attempt to achieve full level playing field for IORP would be very difficult. The differences in solvency rules are perhaps not the main explanation for small number of cross border activities of IORPs. Considering the principle of proportionality it is evident that the revised directive should not increase the complexity of its application or the administrative burden of the pension funds.

In EIOPA's response to CfA on the scope of the IORP directive it was mentioned that the lines between 1st, 2nd and 3rd pillars could be clarified. If there is a need for such clarification in the connection of reviewing the IORP directive, it should only be done after a very thorough preparation in order to find the best scope of application. We see that the current scope of the IORP directive should not be extended. However, if the scope will be redefined, the risk that institutions that administer the statutory pension system would fall under the new scope for the part of the statutory social insurance should be avoided. Pension schemes falling outside the current scope of the IORP

**Comments Template on EIOPA-CP-11/006
Response to Call for Advice on the review of Directive 2003/41/EC: second consultation**

**Deadline
02.01.2012
18:00 CET**

	directive are most often subject to other national or EU prudential legislation and risk based solvency requirements.	
1.		
2.		
3.	Preferably to leave the scope of IORP Directive unchanged.	
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		

**Comments Template on EIOPA-CP-11/006
Response to Call for Advice on the review of Directive 2003/41/EC: second consultation**

**Deadline
02.01.2012
18:00 CET**

25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		
37.		
38.		
39.		
40.		
41.		
42.		
43.		
44.		
45.		
46.		
47.		
48.		
49.		

**Comments Template on EIOPA-CP-11/006
Response to Call for Advice on the review of Directive 2003/41/EC: second consultation**

**Deadline
02.01.2012
18:00 CET**

50.		
51.		
52.		
53.		
54.		
55.		
56.		
57.		
58.		
59.		
60.		
61.		
62.		
63.		
64.		
65.		
66.		
67.		
68.		
69.		
70.		
71.		
72.		
73.		
74.		

**Comments Template on EIOPA-CP-11/006
Response to Call for Advice on the review of Directive 2003/41/EC: second consultation**

**Deadline
02.01.2012
18:00 CET**

75.		
76.		
77.		
78.		
79.		
80.		
81.		
82.		
83.		
84.		
85.		
86.		
87.		
88.		
89.		
90.		
91.		
92.		
93.		
94.		
95.		
96.		