

Q&A

QUESTION ID:

1629

REGULATION REFERENCE:

(EU) No 2017/2359 - info requirements and conduct of business rules applicable

TOPIC:

Other

STATUS:

Final

DATE OF SUBMISSION

10 Jul 2018

Question

In order to be registered as an insurance intermediary, competent authorities have to request certain information from the insurance intermediary on the identities of shareholders, persons with close links etc. Under IDD, the insurance intermediary would also have to provide certain information to the customer on its commercial relationships in the pre-contractual phase or develop certain procedures and measures for managing conflicts of interests relating to the distribution of insurance-based investment products. Is it important that competent authorities would also request the latter information as part of the registration process?

EIOPA answer

Article 3(6), IDD requires that the following information must be requested as a condition of registration for insurance, reinsurance and ancillary intermediaries:

- a) the identities of shareholders or members, whether natural or legal persons, that have a holding in the intermediary that exceeds 10%;
- b) the identities of persons who have close links with the intermediary;
- c) information that those holdings or close links do not prevent the effective exercise of the supervisory functions of the competent authority.

Article 3(6), IDD also requires that intermediaries must inform the competent authorities without undue delay of any change in the above information.

The IDD does not require that competent authorities should request the

information set down under Article 19(1)(a) and (b) of IDD and Article 5(1) of Delegated Regulation 2017/2359 as a condition of registration or at any other time where this is not required by Article 3 (6) of IDD. However, IDD is a minimum harmonisation Directive and Member States may impose requirements for competent authorities to request further information, either as part of the registration process or at any other time.