



EIOPA-18-720  
17 October 2018

## **EIOPA Occupational Pensions Stakeholder Group Rules of Procedure**

**Having regard to** Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority) and in particular Article 37 of the Regulation (the "EIOPA Regulation")<sup>1</sup>,

**Whereas:**

Article 37(1) of the EIOPA Regulation provides that the Insurance and Reinsurance Stakeholder Group and the Occupational Pensions Stakeholder Group's role is to "help facilitate consultation with stakeholders in the areas relevant to the tasks of the Authority".

Article 37(6) of the EIOPA Regulation provides that the Insurance and Reinsurance Stakeholder Group and the Occupational Pensions Stakeholder Group (further referred as "Group") "may submit opinions and advice to the Authority on any issue related to the tasks of the Authority, with particular focus on the tasks set out in Articles 10 to 16 and Articles 29, 30 and 32".

Article 17(2) of the EIOPA Regulation provides that the Group may submit a request to the Authority, as appropriate, to investigate the alleged breach or non-application of Union law.

### **EIOPA Occupational Pensions Stakeholder Group HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:**

#### **Article 1 – Membership appointment and mandates**

1. According to article 37(3) of the EIOPA Regulation, the appointment of the Group members shall be made by the Board of Supervisors, on the basis of the applications received following a Call for Expression of Interest.

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<sup>1</sup> O.J., L 331, 15.12.2010, p.48.

2. In making its decision, the Board of Supervisors shall, to the extent possible, ensure an appropriate geographical and gender balance and representation of stakeholders across the Union.
3. Group members shall serve in a personal capacity.
4. In case of change of personal and/or professional circumstances of a member in such a way that he/she might no longer fulfil the requirements of the category he/she is appointed for, he/she has the duty to inform the Authority and Chair and Vice-Chair of the Group. Subsequent steps shall be proposed by the Authority.
5. According to article 37(4) of the EIOPA Regulation Group members shall serve for a period of two and a half years, starting from the public announcement of the composition of the Group, following the acceptance by all members of their appointment.
6. Members may serve two successive terms.

## **Article 2 – Chairperson and Vice-Chairperson**

7. The first meeting of each new appointed Group shall be chaired by EIOPA Chairperson.
8. Subsequently, meetings of the Group shall be chaired by one of the Group members elected as Chairperson by the Group during its first meeting.
9. The first approach for selecting the Group's Chairperson shall be by the Group by consensus. If consensus cannot be achieved or if there is more than one candidate, the Chairperson shall then be elected in a secret ballot by a simple majority of the Group members present at the time of the election.
10. The Chairperson organises and chairs the meetings of the Group; represents the Group before the Authority's Board of Supervisors; and executes all other functions delegated to the Chairperson by the Group.
11. To assist the Chairperson the Group shall also elect one (or two if the Group decides so) Vice Chairpersons among its members by majority. The Vice-Chairperson shall replace and represent the Chairperson in case of absence or impediment.
12. A Group's member cannot serve more than one term as Chairperson. A Group's member cannot serve more than one term as Vice-Chairperson (applies to consecutive terms).
13. The Chairperson and Vice-Chairperson may be removed from office following a decision by the whole Group by 2/3 majority.
14. Should the Chairperson's or Vice-chairperson's position be vacated for whatever reason, a new Chairperson or Vice-chairperson shall be elected as soon as possible or at the next meeting of the Group, following the procedure as outlined under this article.

## **Article 3 – Working language**

15. The working language of the Group shall be English<sup>2</sup>.

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<sup>2</sup> The Decision of the Authority's Management Board on [Language Arrangements](#) provides that English is the working language of the Authority.

## **Article 4 – Convening and location of meetings**

16. Meetings of the Group shall be convened by the Authority. The Group shall meet at least four times a year according to article 37(1) of the EIOPA Regulation in the form and according to the timetable determined in agreement with the Authority. Additional meetings can exceptionally be convened depending on the calendar of EIOPA regulatory output and related consultation procedures.

17. The Group's meetings shall be held in Frankfurt am Main, preferably at the Authority's premises.

18. In order for the Group to be able to convene and make decisions, there shall be a quorum of two-thirds of its members. If the quorum is not met, the Chairperson may convene an extraordinary meeting at which decisions may be taken without quorum and subject to subsequent approval by written procedure.

19. A joint meeting of the Groups (both the Insurance and Reinsurance and the Occupational Pensions Stakeholder Groups) with the EIOPA Board of Supervisors shall be convened one time per year in order to discuss matters of mutual interest and inform each other of other issues discussed. Additional joint meetings may be convened on an exceptional basis at the initiative of the Authority and/or of the Groups themselves.

## **Article 5 – Agenda**

20. The Authority shall draw up the agenda and distribute it to the members of the Group, after being agreed with the Chairperson and the Vice-Chairperson of the Group. The members of the Group can suggest items to be included in the agenda.

21. The agenda shall be adopted by the Group at the start of each meeting.

22. A yearly work plan linked with EIOPA's work programme shall be adopted each year by the Group.

23. All agenda topics shall allow sufficient time for discussion by the Group.

## **Article 6 – Authority support and Group documents**

24. The Authority shall ensure adequate technical support for the activities of the Group, its Chairperson and Vice-Chairperson as requested in article 37(5) of the EIOPA Regulation. The Authority shall send meeting invitations and draft agendas to the Group members no later than four calendar weeks in advance of the date of the meetings.

25. The Authority shall organise meeting facilities, prepare meeting agendas, background materials and meeting conclusions, provide technical coordination for the preparation of opinions, advice or any other input the Group may wish to provide to the Authority and arrange the reimbursement of travel expenses, for the relevant category.

26. Without prejudice to the rules on confidentiality and professional secrecy<sup>3</sup>, the Authority shall send drafts on which the Group is consulted and all other working documents to the Group members no later than seven working days in advance of the date of the meeting. This includes such drafts, which are being provided by members of the Group and which shall be provided to the Authority in time.

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<sup>3</sup> See Management Board Decision on EIOPA Rules [Professional Secrecy and Confidentiality \(EIOPA-MB-17-039\)](#)

27. The technical support mentioned above shall be limited to the compilation of comments or input from Group members on an initial draft, the formatting of documents or the provision of meeting conclusions. EIOPA will not provide drafting of those documents under the responsibility of the Group itself due to potential risk of conflict of interest.

28. In urgent or exceptional cases, the time limits for sending the documentation mentioned in point 26 may be reduced to three working days (according to the calendar of the Authority) in advance of the date of the meeting.

29. Reimbursement arrangements shall be provided in line with the Decision regarding the reimbursement policy<sup>4</sup>.

## **Article 7 – Consultation of the Group and adoption of opinions**

30. The Group may issue opinions at the request of the Authority or at its own initiative.

31. The Group shall deliver opinions to the Authority within the deadline requested by the Authority. Consultation periods shall be established in observance of EIOPA's public consultation policy.

32. As far as possible, the Group shall adopt its opinions or reports by consensus.

33. In the event that a consensus reached and opinions or reports of the Group are put to a vote and the quorum of two-thirds of the members is reached, a simple majority of the members present shall be required in order for the opinion or report to be adopted. In case of equality of votes, the vote of the Group Chairperson or in his/her absence the Vice-Chairperson shall be determinative.

34. In cases of dissent, if supported by 3 or more of the members, minority opinions shall be noted in the meeting conclusions and in the relevant opinions. Minority opinions may also be presented in the Activity Report.

35. The practical steps of the voting procedure are described in Annex I.

## **Article 8 – Written procedure**

36. In between meetings and if a deadline requires it, the Group may adopt its opinions or reports on specific issues through use of written procedure. To this end, the Authority shall be responsible for the distribution to the Group members of drafts on which the Group is being consulted and/or any other working documents.

37. However, if one-third of Group members asks for the question to be examined at a meeting of the Group, the written procedure shall be suspended and the question shall be added to the agenda of the next meeting of the Group or on the agenda of an extra-ordinary meeting to be organised according to the urgency of the issue.

## **Article 9 – Subgroups on technical issues**

38. In agreement with the Authority, the Group may establish Subgroups to examine specific technical issues related to the discharge of the Group's tasks. Subgroups shall be dissolved as soon as their tasks are fulfilled. Subgroups shall appoint a leader who shall coordinate the activity of the Subgroup and inform in the next regular meeting all members of the Group about the tasks and outcomes of the Subgroup. The leader

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<sup>4</sup> Decision of the Management Board on Reimbursement for Travel and Subsistence Expenses for External Persons (EIOPA-MB-16-060-Rev1).

of the Subgroup may be removed from office following a decision by the whole Group by simple majority.

39. When deciding the set-up of such Subgroups, the Group shall decide on their mandate, composition and duration. These Subgroups shall report to the Group.

40. Subgroup meetings/discussions shall preferably be held via communication means such as conference calls and/or e-mail exchanges and only if indispensable at the Authority premises, as per article 4 of these Rules of Procedure on the convening of meetings of the Group and back to back to a regular meeting.

41. The Authority shall reimburse only travel and accommodation expenses related to meetings on technical issues held at its premises, when held back-to-back to a Group's regular meeting.

42. Further it is recommended that the Authority sends drafts and all other working documents on which the Subgroup is officially consulted as early as possible to the Members of this group, e.g. not later than 14 working days in advance of the deadline for comments.

## **Article 10 – Attendance and duties of Group members**

43. The Chairperson of the Authority may attend the official meetings of the Group and can ask the Executive Director and members of the Authority's Management Board/Board of Supervisors and/or the Chairpersons of the relevant EIOPA Working Groups to join the meetings.

44. The European Commission is also invited to attend the meetings of the Group.

45. At each meeting, the Authority shall draw up an attendance list.

46. Members are expected to attend and actively participate in the meetings of the Group. Attendance and participation records shall be important criteria for the renewals of mandate and reappointments of members.

47. Members are expected to actively contribute to the work undertaken by the Group and to undertake any other duties decided on an ad hoc basis by the Group.

48. The Authority shall keep track of the attendance records and inform regularly the Chairperson and Vice-Chairperson. Failure to attend three consecutive meetings of the Group shall be deemed a failure to perform the member's duties. In such a case, upon consultation with the Chairperson, the Authority may ask the Board of Supervisors to vacate the current position and to appoint a new Group member, according to the published selection procedure for the Authority's Stakeholder Groups. The decision shall be promptly communicated to members.

49. In specific cases, the Group may decide to invite external parties to deliver presentations on technical issues. These experts shall participate on an invitation basis only and shall be reimbursed by the Authority for costs related to their attendance.

## **Article 11 – Prevention of conflicts of interest**

50. At the start of each meeting, any member whose participation in the Group's deliberations would raise a conflict of interest on a specific item on the agenda shall inform the Chairperson.

51. In the event of such a conflict of interest, the member shall abstain from discussing the items on the agenda concerned and from any vote on these items.

52. The Authority shall inform members of the Group about these obligations and provide guidance to facilitate compliance. The Authority shall mention explicitly on the circulated documents the confidential nature.

## **Article 12 – Conclusions of the meetings**

53. Conclusions of the discussion on each point on the agenda shall be drafted by the Authority.

54. Draft meeting conclusions shall be reviewed by the Chairperson and in his/her absence by the Vice-Chairperson. They shall be adopted by the Group at its next meeting or by written procedure, as per Chairperson's decision.

55. Once adopted, the conclusions of the meetings shall be published on the Authority's website.

## **Article 13 – Reporting and Transparency**

56. The Authority shall make public on its website:

- (a) The names of members of the Group, including a short biography provided by themselves and the institution they are employed by, and any changes or amendments to the Group's membership.
- (b) The opinions, reports and other advice of the Group, including its executive summaries, the results of its consultations and the conclusions of its meetings.
- (c) The response given to each of the Group's opinions and whether it has taken the Group advice into account, giving reasons for EIOPA's position, such as in EIOPA's published comments and resolution templates.

57. The Authority should to the extent possible provide oral feedback on whether it has taken the Group advice into account during the respective Group meeting or immediately after the Group's opinion was submitted.

58. On the Groups' own-initiative work, the Authority should to the extent appropriate provide oral feedback in the course of the same Group meeting that the presentation took place.

59. EIOPA's Annual Reports shall include an overview of the Group's membership and composition, including any changes incurred throughout the year, and overview information of the Group's achievements and topics covered in the respective year.

60. The Activity Report of the Group shall be submitted at the end of the Group's term and contain an executive summary of the opinions and reports listing main achievements and inputs to the Authority, which shall be prepared by the Group and reviewed by the Chair and Vice-Chair.

## **Article 14 – Correspondence**

61. Correspondence sent to the Group shall be addressed to the Authority using the Stakeholder Group contact on the website ([Stakeholder.Groups@eiopa.europa.eu](mailto:Stakeholder.Groups@eiopa.europa.eu)), for the attention of the Chairperson.

62. Correspondence sent to Group members shall be sent to the e-mail address which they provide for that purpose.

## **Article 15 – Access to documents**

63. Public access to the Group’s documents shall be the same as that applying to the Authority’s documents<sup>5</sup>.

64. The Authority shall be competent to take decisions regarding requests for access to Group documents.

## **Article 16 – Confidentiality and professional secrecy**

65. The Authority shall provide to the Group all information that is necessary for it to carry out its role, subject to professional secrecy as set out in Article 70 of the EIOPA Regulation and EIOPAs’ Rules on Professional Secrecy and Confidentiality<sup>6</sup>.

66. Members of the Group shall comply with the obligations of professional secrecy and the protection of classified information laid down in EU law.

67. The Authority shall inform members of the Group about these obligations and provide guidance to facilitate compliance.

68. If members of the Group fail to respect these obligations, the Authority shall seek to undertake appropriate measures.

## **Article 17 – Protection of personal data**

69. All processing of personal data for the purposes of these Rules of Procedure shall be in accordance with Regulation (EC) No 45/2018 and EIOPA implementing Rules on data protection<sup>7</sup>.

## **Article 18 – Collaboration with other interest Groups**

70. The Group could establish contacts with other interest groups outside EIOPA in the financial services area established by the Commission or by Union legislation, such as the Stakeholder Groups at EBA and ESMA.

## **Article 19 – Amendments to these Rules of Procedure**

71. The Stakeholder Group shall adopt their Rules of Procedure on the basis of the agreement of a two-thirds majority of their respective members.

72. The Group may amend these Rules of Procedure in order to take into account possible developments in the role, tasks and organisation of the Authority and the Group.

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Adopted by the EIOPA Occupational Pensions Stakeholder Group on  
17 October 2018

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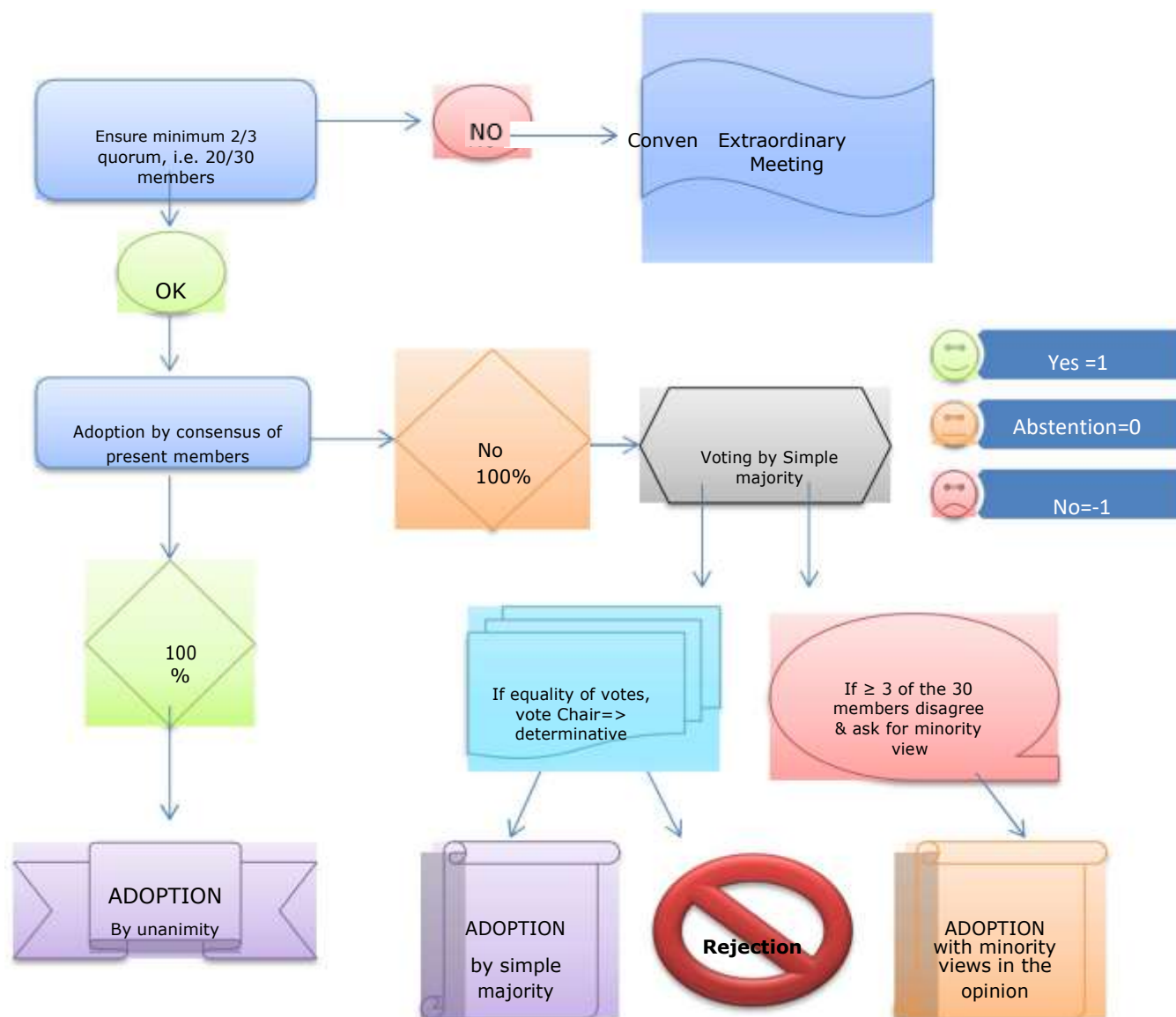
<sup>5</sup> The Decision of the Authority’s Management Board on [public access to documents](#) of the Authority implementing Article 72 of the Regulation, sets the arrangements under which the public shall be granted access to EIOPA documents, according to Regulation (EC) No 1049/2001 regarding public access to documents.

<sup>6</sup> Link to the Rules in footnote 3.

<sup>7</sup> See Data protection notice ([EIOPA-DPO-18-003](#)) and Decision of the Management Board on [implementing rules](#) relating to Regulation (EC) No 45/2001 (...) on the protection of individuals with regard to the processing of personal data (...) and on the free movement of such data.

## Annex 1 – Voting procedures

### Voting at meetings:





## Procedure – Voting by written procedure: of two-thirds of its members

