

EIOPA 4TH ANNUAL REPORT ON ADMINISTRATIVE SANCTIONS AND OTHER MEASURES UNDER THE INSURANCE DISTRIBUTION DIRECTIVE (IDD) (2022)

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EXECUTIVE SUMMARY

This Report provides an overview of the administrative sanctions or other measures (hereinafter referred to simply as “sanctions”) imposed by national competent authorities (NCAs) under the Insurance Distribution Directive (IDD) during 2022. This is EIOPA’s fourth annual report on sanctions imposed by NCAs following the application of the IDD in 2018.

As in its previous reports, EIOPA would like to highlight that the imposition of sanctions is just one element of the toolbox available to NCAs after carrying out supervisory activities. Sanctions are an essential tool to dissuade misconduct, but, given that they are generally targeted at individual companies or individuals, other informal measures can also be an efficient and effective means to address broader market failures. In addition, there are significant divergences in approaches across Member States, such that differences in the numbers of sanctions can be the result of procedural differences, for example certain types of IDD breaches may result in a sanction being imposed in one Member State, but a different supervisory measure being taken in another Member State.

In this context, the sanctions data can reveal relevant aspects, such as areas of IDD where there has been significant non-compliance. However, it provides only a partial perspective of conduct or supervisory issues and, in particular, it is not feasible to draw conclusions regarding the effectiveness of the supervision of the IDD based only on the number of sanctions imposed in that Member State.

EIOPA’s report seeks to provide a nuanced analysis that draws out some pertinent themes from the data, but which equally takes into account the limitations of the data. In addition, as EIOPA continues to gather more data and experience in this area with each annual report, EIOPA aims to better contextualise the sanctions data.

Based on the data on sanctions imposed during 2022, as well as the previous years of sanctions data, the main themes are considered to be the following:

- ▶ Since the implementation of IDD in 2018, and in particular between 2021 and 2022, there has been a rise in the number of sanctions imposed for breaches of the information and conduct of business requirements in Chapters V and VI, IDD. These can be characterised as the most substantive consumer protection requirements within the IDD, which were not present in the previous legal framework, the Insurance Mediation Directive (IMD). This includes developments in the number of sanctions concerning product oversight and governance requirements, following no sanctions being imposed in this area prior to 2021.
- ▶ During this period, requirements on professional and organisational measures in Article 10, IDD (covering formalities for accessing and maintaining access to the profession), have represented the clear majority of sanctions imposed. This feature has been driven by a high number of such sanctions in a small number of Member States. As part of this year’s report, EIOPA looked into why a number of Member States have imposed a high number of sanctions and concluded that the substantial differences in figures between Member States is likely to be due to differences in

national legal or procedural aspects rather than, for example, the actual level of non-compliance in terms of professionalism and competence.

- ▶ Overall, after four complete years of application of the IDD, the sanctions data is considered to no longer represent a transitional phase between the IMD and the IDD, at least for the vast majority of Member States, but rather the ongoing application of the IDD. Sanctions have now been imposed in all but three Member States and in most Member States a pattern seems to be emerging of a broadly similar number of sanctions being imposed each year, with relatively limited fluctuations.

More specifically, the sanctions data for 2022 includes an overall total of 2 762 sanctions across 21 Member States. This includes 630 administrative pecuniary sanctions that were of an aggregated value of EUR 528 807, excluding pecuniary sanctions imposed in specific cases where the value was not available at the time of reporting.

Since the implementation of IDD, the annual number of sanctions at EU/EEA level has fluctuated. However, it is important to note that the changes at EU/EEA level have been driven by the figures in several Member States, where a large number of sanctions have been imposed since 2018 (over 80% of the total number of sanctions for each reporting period). In terms of the other Member States, the total number of sanctions reported shows an increase since the start of IDD with a stabilisation over the last two years: 335 (2018-2019), 380 (2020), and 489 (2021) and 491 (2022).

Concerning the nature of misconduct resulting in sanctions, as stated above, one of the main points emerging from the 2022 sanctions data is a rise in sanctions relating to information and conduct of business requirements, for instance covering selling methods and product design. This increase pertains to two principal aspects:

- ▶ Those requirements related to information and advice on insurance-based investment products (an increase of around 90% compared with 2021); and
- ▶ Product oversight and governance requirements (a tenfold increase compared with 2021).

It can be interesting to relate the sanctions data to the themes identified in EIOPA's second IDD application report¹. In the application report, over the last two years 2022-2023, one of the main trends observed was some persisting difficulties related to selling methods and advice, and a correct and consumer-centric implementation of the product oversight and governance rules.

For product oversight and governance, the increase is, nevertheless, to still a relatively low level of sanctions (ten sanctions across five Member States in 2022). This seems to be consistent with the findings of the EIOPA's Peer Review on product oversight and governance finalised earlier this year². One of the results of the peer review exercise, was that the principle-based nature of the product oversight and governance rules has led to difficulties for some NCAs in formulating supervisory expectations on the way product oversight and governance requirements have to be operationalised by manufacturers resulting in challenges when performing supervisory activities and, in some cases, in issuing sanctions.

¹ [Second IDD application report 2022/2023 - European Union \(europa.eu\)](#)

² [Peer Review on Product Oversight and Governance \(POG\) \(europa.eu\)](#)

As regards the *types* of sanctions employed by Member States, at EU/EEA level the proportion of different types of sanctioning measures used has been broadly similar across the different years of IDD application. Looking at the most severe measure, the withdrawal of an intermediary's registration, such measures were applied mainly for breaches of the professional and organisational requirements in Article 10, IDD. However, there was also a material number of withdrawals for breaches of the duty for distributors to act honestly, fairly and professionally in accordance with the best interests of their customers in Article 17(1). It is notable that this fundamental principle promoting a customer-centric approach has been used as a basis to issue sanctions in numerous Member States, despite the fact that applying sanctions using broad behavioural principles might present additional challenges, such as providing firm evidence of non-compliance.

1. INTRODUCTION AND CONTEXT

- 1.1. Administrative sanctions or other measures (hereafter generally referred to as “sanctions”) may be imposed by NCAs when insurance undertakings or insurance intermediaries are in breach of national provisions implementing the Insurance Distribution Directive (IDD)³.
- 1.2. This Report is drafted pursuant to Article 36(2), IDD. According to this Article, NCAs within the 30 EU/EEA Member States shall provide EIOPA annually with aggregated information regarding all sanctions imposed and EIOPA shall publish that information in an annual report.
- 1.3. The information on sanctions is shown for 2022, as well as the previous reporting periods since the introduction of IDD – 2021, 2020 and 2018-2019⁴ - in order to show the development in the number of sanctions being imposed.
- 1.4. This Report is divided into the following sections:
 - ▶ Section 1 which introduces the report and provides some contextual elements.
 - ▶ Section 2 presents an overview of the sanctions imposed.
 - ▶ Section 3 develops an analysis of the sanctions imposed notably for breaches of different IDD requirements.
 - A) Sanctions related to breaches of the professional and organisational requirements (article 10)
 - B) Sanctions related to breaches of other more basic or formalistic IDD requirements
 - C) Sanctions relating to breaches of the information and conduct of business rules in Chapters V and VI of IDD
 - ▶ Section 4 shows the different types of sanction used by Member States.
 - ▶ The Annex I provides background information, including on the legislative provisions and other relevant context and on the methodology used to report and aggregate the information on sanctions;
 - ▶ The Annex II includes more detailed aggregate information on sanctions including per Member State individually.
 - ▶ The Annex III includes general data on each national market which is referred to in some cases during the report.
- 1.5. All article references in this Report are to the Insurance Distribution Directive unless otherwise stated.

³ DIRECTIVE (EU) 2016/97 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 January 2016 on insurance distribution (recast), OJ L26, 2.2.2016, p. 19.

⁴ The first annual report covered the period from the application of the IDD in 2018 until the end of 2019 rather than a normal calendar year. Taking into account that, in most Member States, IDD was only applicable for several months of 2018, it was decided that EIOPA’s first report on sanctions should cover the period until the end of 2019, rather than only until the end of 2018. The second and third annual reports covered sanctions imposed in 2020 and 2021 respectively.

- 1.6. It should be noted that the report covers only sanctions imposed because of infringements of the requirements in IDD. It does not include sanctions imposed for breaches of the Insurance Mediation Directive (IMD)⁵, which may still have occurred following the application of IDD, given the considerable amount of time, sometimes over a period of years, that sanction proceedings can take. In addition, it can be noted that NCAs may have imposed sanctions on insurance undertaking or intermediaries concerning national conduct or consumer protection rules that are outside the scope of IDD.
- 1.7. It is also relevant to take into account that there is not currently a harmonised sanctions regime under the IDD. The Directive sets out essential requirements that sanctions need to satisfy, but certain substantive and, in particular, procedural aspects of the sanctioning regime remain subject to national law. In particular, IDD as a minimum harmonisation directive requires Member States to ensure that NCAs have the power to impose sanctions. It does not oblige NCAs to impose sanctions in all cases of a failure to comply with the national provisions implementing IDD. Instead, Member States are subject to a general principle that the use of sanctions shall be ‘effective, proportionate and dissuasive’.⁶ This means that certain types of breaches may result in a formal sanction being imposed in one Member State, but a different measure in another Member State. This can depend, for example, on the application of proportionality principle and type of the procedure conducted at national level before imposing formal measures.
- 1.8. In addition, in some Member States, not all withdrawals of registration of distributors are due to sanctions imposed for breaches of the national provisions implementing the IDD⁷, and these cases are therefore not within the scope of this Report. Similarly, it is relevant to note that there may be differences between the requirements of the IDD and national legislation on sanctions, that either goes beyond or is outside the scope of IDD. For some jurisdictions, this may result in certain NCA activities (e.g. pre-emptive activities) that are reported as sanctions under the national legal framework, not qualifying as a sanction under the IDD.⁸

⁵ Directive 2002/92/EC of the European Parliament and of the Council of 9 December 2002 on insurance mediation OJ L 9, 15.1.2003, p. 3–10.

⁶ Article 31(1)

⁷ There may be additional national rules regarding registration that are not within the scope of IDD. For example, in some Member States, a failure to pay taxes or to carry on business for a certain period of time without good reasons results in a withdrawal of the registration.

⁸ This might be because the sanction, while a formal measure following an infringement, is a “persuasive” rather than strictly enforceable measure, and therefore for example is not subject to a right of appeal as required by the IDD. In this case, an enforceable measure may be used by the NCA if the company or individual does not follow the initial persuasive measure.

2. OVERVIEW OF SANCTIONS IMPOSED

- 2.1 The information reported to EIOPA reveals that in 2022 in 21 Member States, NCAs imposed sanctions under the IDD framework which resulted in a total of 2 762 sanctions. Of the sanctions that were fines, an aggregate value of EUR 528 807 was reported. This number does not include the total value of the fines reported in one case⁹, since it was reported that the value of fines imposed by some competent authorities in that Member State is not available.
- 2.2 It is also relevant to note that for this year's report a high number of sanctions was reported by one Member State¹⁰ for the first time. This development follows a review by the NCA of the types of national measures that fall within the scope of IDD sanctions, as a result of which it was concluded that certain administrative measures, which had not previously been reported to EIOPA, fulfil the criteria for IDD sanctions in accordance with the rules in Chapter VII of the Directive. A high number of such measures were also imposed by the NCA in 2021, and these measures were also reported to EIOPA for the first time this year and have been included in the report in the figures covering 2021. In view of the high number of such measures in this Member State, these additional IDD sanctions have a significant impact on the figures at EU/EEA level.
- 2.3 Table 1 below provides an overview of the number of sanctions and total amount of fines per Member State since the introduction of the IDD in 2018. With four sets of sanctions data now existing, some themes in the data seem to be emerging, and the most notable aspects are considered to be the following:
- ▶ The latest figure of IDD sanctions being imposed in 21 Member States in 2022 continues the trend of sanctions being imposed in an increasing number of Member States each year. However, the increases of the last years have been more modest than the initial increase between 2018-19 and 2020 (9 in 2018-19, 18 in 2020, 19 in 2021).
 - ▶ Taking into account that in various Member States sanctions have been imposed during some years but not other years, the number of Member States which had imposed a sanction under IDD (in at least one year) increased to 26 by the end of 2022. After a significant increase between the first and second annual reports, this number has been increasing more steadily over the last years (18 by the end of 2020, 22 by the end of 2021). In this light, since the application of the IDD in 2018, in three Member States IDD sanctions have not yet been imposed¹¹.
 - ▶ At EU/EEA level, the overall number of sanctions has fluctuated over the reporting periods. However, there is not a balanced picture across Member States, such that this development at EU/EEA level does not reflect the position in most Member States. Therefore, it is important to further breakdown the figures.
 - ▶ In 9 Member States there was an increase in the number of sanctions between 2021 and 2022, while in 13 Member States there was a decrease in the number of sanctions over this period. However, when looking across the years of application of the IDD, for almost all Member States it is difficult to discern a tendency of either an increasing or decreasing number of sanctions.

⁹ Germany.

¹⁰ Portugal.

¹¹ Estonia, Latvia and Norway.

Rather, in a clear majority of Member States a pattern seems to be emerging of a broadly similar number of sanctions being imposed each year, with relatively limited fluctuations both up and down. This is particularly the case when the first year, or for some Member States the first two years, of application are not taken into account. Such an approach can be reasonable given that the initial years of application of any new regulatory framework are not necessarily representative of a regular sanctioning approach¹². There is only one Member State¹³ where there has been a consistent trend in the sanction figures year on year. This is of a decreasing number of sanctions each year and in total by around 40% between the figures for 2018-2019 and those for 2022.

- ▶ In terms of the numbers of sanctions imposed in different Member States, while in the majority of Member States that imposed sanctions, these numbered under 20 each year, in various Member States the number of sanctions was significantly higher (e.g. on average over 100 a year)¹⁴. In addition, the number of sanctions has been particularly high in two Member States¹⁵, which represent the majority of IDD sanctions that have been imposed since 2018 (at least over 80% for each reporting period), in accordance with the supervisory approach taken in those Member States. EIOPA does not have evidence to indicate that the much higher number of sanctions in these Member States is disproportionate in the context of the national markets, and in view of the differences between the legal and supervisory frameworks in different Member States, as described above in paragraphs 1.7 and 1.8, and further detailed in Annex I. However, it is relevant to recognise that the trends in the sanction figures in these Member States has a significant impact on the trend at EU/EEA level.
- ▶ Given the significant impact of these two Member States, it can be interesting to look at the trend across the other 28 Member States collectively. Here, there is an overall upward tendency in the number of sanctions over the time period: 335 (2018-2019), 380 (2020), 498 (2021) and 491 (2022). However, as mentioned above, the first years of application of IDD are unlikely to be representative of future years and there was a substantial increase in the number of Member States that imposed sanctions following the first year. In this context, the total number of sanctions for these 28 Member States was very similar between 2021 and 2022 and the development seems to be more towards stabilisation of the figures.
- ▶ In the previous annual report on 2021 sanctions, some preliminary themes regarding the number and types of sanctions imposed in different Member States were identified. These themes are also observable and seem to be strengthened based on the data for 2022, and were the following:
 - There are those Member States¹⁶ where a higher number of sanctions have been imposed (upwards from 10 each year)¹⁷ for a range of different types of breaches, i.e. breaches of provisions in different Articles or Chapters of the IDD.

¹² This reflects, for example, the time needed to undertake sanction proceedings. See Annex I for further information.

¹³ Germany.

¹⁴ Belgium, France, Germany, Italy and Portugal.

¹⁵ Germany and Portugal.

¹⁶ Belgium, Denmark, Hungary, Italy and Slovenia.

¹⁷ Where a Member State did not impose sanctions in the first years of application of IDD, but has subsequently imposed a material number of sanctions each year, they have been included in this list.

- There are those Member States¹⁸ where a lower number of sanctions (less than 10) have generally been imposed for a range of different types of breaches of the IDD.
 - There are those Member States¹⁹ where sanctions have been imposed, but not each year and not more than 1 or 2 in those years where sanctions were imposed.
 - There are those Member States²⁰ where sanctions have only been imposed relating to breaches of Articles 3 or 10. In two Member States²¹, the number of such sanctions has been high.
- ▶ As regards administrative pecuniary sanctions or fines, there was an increase in the total value of fines in 2022 compared to 2021, however, the value for 2022 is still lower than the values for 2018-19 and 2020. In this respect, there is not a discernible development over the years in terms of the amount of fines. It is also important to note that the sample size for the number of fines imposed has been relatively small – fines have so far been imposed in 13 Member States and in all Member States except one, the number of fines has been no more than 10 each year.²² From 2018 to 2022, on average only nine²³ Member States imposed fines. In addition, the overall amount of fines at EU level is driven by the cases in which larger fines are imposed on insurance undertakings. There were such cases in 2018-19, 2020 and 2022, while fines of similar magnitude were not imposed in 2021.²⁴ Equally, it can be interesting to note that in 2022 the number of Member States (13) which imposed fines increased in comparison to 2021 (9).

¹⁸ Bulgaria, Croatia, Czech Republic, Romania and Slovakia.

¹⁹ Finland, Ireland, Lithuania, Netherlands, Spain and Sweden.

²⁰ Germany, Finland, Malta, Liechtenstein, Ireland and Portugal.

²¹ Germany and Portugal.

²² See Table 5.

²³ To obtain this figure, we added up the number of Member States which imposed fines per year divided by the number of periods analysed (4).

²⁴ Fines imposed on insurance undertakings are expected to be larger than those imposed on insurance intermediaries as indicated by the maximum values of fines for legal persons compared to natural persons. They are also expected to be more infrequent than those on insurance intermediaries given the higher number of intermediaries compared to insurance undertakings.

Table 1 – Overview of number of sanctions per Member State²⁵

Member State	2018-2019			2020			2021			2022			Evolution in number of sanctions 2021 to 2022
	Total number of sanctions	Total value of fines	No sanctions imposed	Total number of sanctions	Total value of fines	No sanctions imposed	Total number of sanctions	Total value of fines	No sanctions imposed	Total number of sanctions	Total value of fines	No sanctions imposed	
Austria			x	3	210		4	€11 600		4	€20 500		0
Belgium	165	€660 000		156	€302 500		87	n/a		203	€102 500		+116
Bulgaria	5	n/a		6	€7 158		17	€22 497		9	€10 277		-8
Croatia			x	4	n/a		5	n/a		4	n/a		-1
Cyprus			x			x			x	2	€27 715		+2
Czech Republic			x	7	€31 244		8	€81 255		5	€37 857		-3
Denmark	15	n/a		21	n/a		43	n/a		11	n/a		-32
Estonia			x			x			x			x	0
Finland			x			x			x	1	n/a		+1
France	117	n/a		118	n/a		152	n/a		67	€50 000		-85
Germany	1588	n/a		1562	n/a		1132	n/a		965	n/a		-167
Greece			x			x			x	3	€11 000		+3
Hungary	24	€269 710		23	€79 694		14	€79 634		32	€50 737		+18
Ireland			x			x	1	n/a				x	-1
Italy			x			x	110	€15 000		106	5000		-4
Latvia			x			x			x			x	0

²⁵ In addition to the figures for 2022, as stated above, Portugal also reported sanctions for 2021. These figures have been inserted in the overview table for 2021, which in turn changes the number of sanctions at EU/EEA level for this year that was reported in EIOPA's last annual report on 2021 sanctions. Iceland also reported that the amount of an administrative pecuniary sanctions imposed in 2020 was lowered from €224 215 (35 000 000 KR) to €62 211 (9 000 000 KR) following an appeal decision in 2023. Consequently, the total value of fines at EU/EEA level for 2020 is reduced from €793 571 to €631 567.

Member State	2018-2019			2020			2021			2022			Evolution in number of sanctions 2021 to 2022
	Total number of sanctions	Total value of fines	No sanctions imposed	Total number of sanctions	Total value of fines	No sanctions imposed	Total number of sanctions	Total value of fines	No sanctions imposed	Total number of sanctions	Total value of fines	No sanctions imposed	
Lithuania	2	€8 000		1	n/a		1	n/a				x	-1
Luxembourg			x			x			x	3	€200 000		+3
Malta	7	€8 000		14	€130 550				x			x	0
Netherlands			x			x			x	1	n/a		+1
Poland			x	1	n/a		1	€21 754		4	n/a		+3
Portugal			x			x	3530	n/a	x	1286	n/a		-2244
Romania			x	8	€14 000		19	€27 428		9	€13 221		-10
Slovenia			x			x	13	n/a		34	n/a		21
Slovakia			x	11	€4 000		10	€56 000		3	n/a		-7
Spain			x			x	2	€36 000				x	-2
Sweden			x	1	n/a				x			x	0
Iceland			x	2	€62 211				x			x	0
Liechtenstein			x	4	n/a		2	n/a		10	n/a		+8
Norway			x			x			x			x	0
Total	1923	€945 710	22	1942	€631 567	13	5151	€351 175	9	2762	€528 807	10	-2389

3. ANALYSIS OF SANCTIONS IMPOSED FOR BREACHES OF DIFFERENT IDD REQUIREMENTS

A. SANCTIONS RELATED TO BREACHES OF THE PROFESSIONAL AND ORGANISATIONAL REQUIREMENTS (ARTICLE 10)

- 3.1 Overall, for 2022, as for the previous reporting periods, a clear majority of sanctions were imposed for infringements relating to the professional and organisational requirements in Article 10. However, as stated in the previous section ‘Overview of sanctions imposed’, it is important to bear in mind that there is not a balanced picture across Member States, with the vast majority of these sanctions for breaches of the requirements in Article 10, occurring in several Member States. In view of this ongoing trend, for this year’s report, EIOPA decided to focus on this issue, and for this purpose, EIOPA conducted a survey with NCAs on their approach to sanctioning based on breaches of the professional and organisational requirements.
- 3.2 Overall, the information gathered during the survey supports the assessment that EIOPA had made in previous annual reports that it is not appropriate to draw conclusions at EU/EEA level regarding the degree of non-compliance, or the effectiveness of supervision based only on the number of sanctions imposed in that Member State. This applies, in particular, to some of the provisions in Article 10, given their more formalistic or procedural nature.
- 3.3 Table 2 below shows information across the different Member States relating specifically to sanctions imposed under Article 10. It is important to highlight that the figures concern the number of breaches rather than the number of sanctions. However, in the case of sanctions relating to this Article, the majority of sanctions, in particular regarding the requirements for professional indemnity insurance (PII), relate to breaches of a single provision. Therefore, the number of breaches can be considered as a reasonable proxy for the number of sanctions. At a first level, Table 2 shows that sanctions concerning Article 10 have been imposed in 17 Member States.

Table 2 – Breaches of professional and organisational requirements (Article 10) resulting in sanctions

Member State	Number of breaches			
	2018-2019	2020	2021	2022
Austria	0	0	0	0
Belgium	138	147	76	135
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	64	8	4	4
<i>Good repute (Article 10(3))</i>	36	4	2	5
<i>Professional indemnity insurance (Article 10(4))</i>	37	135	70	126
<i>Other (Articles 10(6) and 10(8))</i>	1	0	0	0
Bulgaria	5	3	14	5
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	0	2	0	0
<i>Good repute (Article 10(3))</i>	0	0	0	0
<i>Professional indemnity insurance (Article 10(4))</i>	5	0	3	1
<i>Other (Articles 10(6) and 10(8))</i>	0	1	11	4
Croatia	0	2	8	0
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	0	2	8	0
Cyprus	0	0	0	0
Czech Republic	0	3	6	5
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	0	0	0	1
<i>Good repute (Article 10(3))</i>	0	1	0	2
<i>Other (Articles 10(6) and 10(8))</i>	0	2	6	2
Denmark	0	0	0	0
Estonia	0	0	0	0
Finland	0	0	0	1
<i>Good repute (Article 10(3))</i>	0	0	0	1
France	122	118	152	64
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	18	45	54	n/a ²⁶
<i>Good repute (Article 10(3))</i>	12	21	22	28
<i>Professional indemnity insurance (Article 10(4))</i>	87	52	76	36
Germany	1331	1435	957	703

²⁶Due to a change in the national IT system, the data regarding the number of sanctions imposed on the basis of Article 10(1) and 10(2) in 2022 is not available.

Member State	Number of breaches			
	2018-2019	2020	2021	2022
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	448	1031	636	321
<i>Good repute (Article 10(3))</i>	59	87	34	34
<i>Professional indemnity insurance (Article 10(4))</i>	329	305	276	341
<i>Other (Articles 10(6) and 10(8))</i>	495	12	6	7
Greece	0	0	0	0
Hungary	4	0	4	4
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	4	0	4	4
Ireland	0	0	1	0
<i>Professional indemnity insurance (Article 10(4))</i>	0	0	1	0
Italy	0	0	38	24
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	0	0	0	4
<i>Good repute (Article 10(3))</i>	0	0	2	0
<i>Professional indemnity insurance (Article 10(4))</i>	0	0	0	2
<i>Other (Articles 10(6) and 10(8))</i>	0	0	34	18
Latvia	0	0	0	0
Lithuania	0	0	0	0
Luxembourg	0	0	0	0
Malta	3	16	0	0
<i>Professional indemnity insurance (Article 10(4))</i>	0	5	0	0
<i>Other (Articles 10(6) and 10(8))</i>	3	11	0	0
Netherlands	0	0	0	0
Poland	0	1	1	1
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	0	0	1	1
<i>Professional indemnity insurance (Article 10(4))</i>	0	1	0	0
Portugal	0	0	3530	1286
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	0	0	0	1099
<i>Good repute (Article 10(3))</i>	0	0	5	0
<i>Professional indemnity insurance (Article 10(4))</i>	0	0	3525	187
Romania	0	8	18	9
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	0	8	18	7

Member State	Number of breaches			
	2018-2019	2020	2021	2022
<i>Good repute (Article 10(3))</i>	0	0	0	1
<i>Other (Articles 10(6) and 10(8))</i>	0	0	0	1
Slovenia	0	0	0	1
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	0	0	0	1
Slovakia	0	20	21	2
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	0	20	20	2
<i>Good repute (Article 10(3))</i>	0	0	1	0
Spain	0	0	0	0
Sweden	0	0	0	0
Iceland	0	0	0	0
Liechtenstein	0	4	2	10
<i>Appropriate knowledge and ability and continuing professional training and development (Article 10(1) and 10(2))</i>	0	3	2	10
<i>Professional indemnity insurance (Article 10(4))</i>	0	1	0	
Norway	0	0	0	0
Totals	1 603	1 757	4 828	2 246

3.4 The subsequent sub-sections include more detailed analysis regarding sanctions relating to the PII requirements (Article 10(4)) and those concerning requirements to possess appropriate knowledge and ability and to conduct continuing professional training and development (Article 10(1) and (2))²⁷, given that these sanctions represent the most significant proportion of sanctions under Article 10.

Professional indemnity insurance

3.5 The IDD requires intermediaries to hold professional indemnity insurance covering the whole territory of the Union or some other comparable guarantee against liability arising from professional negligence.²⁸ The amount of the coverage needs to be at least EUR 1 300 380 applying

²⁷ It can be noted that IDD only sets a minimum standard for ongoing professional training and therefore in some Member States there may be additional requirements that impose a higher standard.

²⁸ This applies unless such insurance or comparable guarantee is already provided by an insurance undertaking, reinsurance undertaking or other undertaking on whose behalf the insurance or reinsurance intermediary is acting or for which the insurance or reinsurance intermediary is empowered to act or such undertaking has taken on full responsibility for the intermediary's actions.

to each claim and in aggregate EUR 1 924 560 per year for all claims²⁹. Consequently, PII coverage is a basic but fundamental requirement for accessing and maintaining access to the profession, and the assessment of compliance should essentially be a factual question, as to whether coverage of a sufficient amount exists or not.

- 3.6 Sanctions for infringements of these PII coverage rules represent a material proportion of the total sanctions at EU level. However, as shown in Table 2 above, this reflects the fact that, in four Member States, there has been a high number of sanctions for PII breaches since the implementation of IDD with the number being particularly high in two Member States. Sanctions for PII coverage breaches have only been imposed in nine Member States in total and in four of these Member States only one or two PII sanctions have been imposed since the IDD was implemented. Thus, in most Member States, sanctions have not been imposed for PII breaches.
- 3.7 The information gathered from NCAs relating to sanctions imposed for PII breaches indicates that the main factor in explaining these differences in the figures relates to legal or procedural aspects.
- 3.8 One notable aspect relating to the requirements for PII cover, which would not be possible for many other IDD requirements, is that a material number of NCAs³⁰ indicated that they have specific systems in place such that they should be notified of cases where an intermediary is no longer compliant³¹, or that they conduct regular analysis to identify any cases where PII cover is absent or no longer valid.
- 3.9 This includes those Member States where the highest numbers of sanctions have been imposed. However, the presence of such systems does not lead directly to sanctions being imposed, since these systems are also equally in place in numerous Member States which have imposed very few, or also no sanctions. Therefore, as can be expected, where the compliance of all intermediaries is notified or regularly verified, this can be a starting point that ultimately leads to a high number of sanctions being imposed. Nevertheless, it is not the decisive factor, and it depends crucially on the steps, in the national context, that follow from cases where potential non-compliance is identified.
- 3.10 In several Member States where there is a notification or identification that a certain intermediary does not seem to have the necessary PII cover, this triggers a process that can lead to an IDD sanction being imposed and this can be a basis for a higher number of sanctions being imposed in these Member States than others. In one Member State³², for example, the NCA is required to first warn the intermediary to rectify the situation, and, if this is not done, to withdraw the registration. Both of these steps result in an IDD sanction being imposed, the first being an order to cease and desist, and the second being the withdrawal of the registration. Consequently, in this Member State the number of sanctions reflects the degree of non-compliance in the market.
- 3.11 In this Member State, the difference between the number of cease and desist orders, which is considerably higher, and the number of withdrawals, also demonstrates that in the majority of

²⁹ On 5 December 2023, the European Commission has adopted a news RTS related to the Adaptation of the base amounts for professional indemnity insurance and financial capacity of insurance intermediaries: [Insurance Distribution Directive \(europa.eu\)](#). This RTS has been sent to European Parliament and EU council for scrutiny.

³⁰ Belgium, Czech Republic, Denmark, France, Germany, Hungary, Latvia, Luxembourg, Liechtenstein, Portugal and Romania.

³¹ For example, being notified by the relevant insurance undertakings whenever a policy lapses or is terminated.

³² Belgium.

cases the issue is resolved without the need to withdraw the registration. This distinction is also informative more broadly in terms of the link between the number of cases of potential non-compliance and the number of sanctions. As explained further below, in other Member States the initial steps to follow-up with the intermediary where it has been identified that they may not have PII coverage would not result in a formal sanction being imposed. In these Member States, the number of sanctions can be seen as representing only those cases where it was necessary to proceed to the “last stage” of the supervisory or enforcement process, and do not include those cases that could be resolved before that stage.

- 3.12 In another Member State³³ which has imposed one of the highest number of sanctions for contravention of the PII coverage requirements, a notification of a lapse in the PII cover of an intermediary leads to a process whereby the intermediary is given one month to provide proof of a valid PII insurance certificate or alternatively the intermediary can decide to waive (i.e. give back or cancel) their licence. In the absence of either of these two steps being undertaken, the registration is withdrawn and it is reported to EIOPA as an IDD sanction.
- 3.13 An analogous approach is also taken in a further Member State³⁴, in which it is identified annually whether intermediaries have valid PII coverage. Those intermediaries which do not appear in annual reports provided by insurers listing all intermediaries that hold PII with them on 31 December of the previous year, receive a notification from the NCA to provide proof of PII cover within ten days. At the end of this period, there are further interactions between the NCA and the intermediary, and unless the intermediary requests the temporary suspension of the activity or the voluntary cancellation of the registration, the intermediaries who have not provided proof of having PII are notified by the NCA that their registration is cancelled.
- 3.14 Consequently, there are some similarities in the process followed in these three Member States³⁵, and in a material number of cases in which potential non-compliance with the PII requirements is identified, sanctions are imposed. Looking at two³⁶ of these Member States, it can also be noted that, while the number of sanctions is much higher in one of these Member States, when taking into account the differences in the size of the insurance markets and the number of intermediaries (for example, in the larger Member State, the number of intermediaries is around 20 times higher), the figures are not out of proportion.
- 3.15 In the other Member State³⁷ a very high number of sanctions were imposed for the first time in 2021 for breaches of the PII requirements, followed by a reduced number of such sanctions in 2022. The figures for 2021 seem to be exceptional and relate to the transition between the IMD and the IDD. In this Member State under IMD, the requirement for PII was not applied to certain insurance intermediaries, while under IDD the PII obligations apply to all intermediaries. These insurance intermediaries were automatically registered under IDD, but when their PII coverage was subsequently reviewed by the NCA a significant number did not possess the required PII coverage and their registrations were withdrawn. The high number of withdrawals reported for 2021

³³ Germany

³⁴ Portugal.

³⁵ Belgium, Germany and Portugal.

³⁶ Belgium and Germany.

³⁷ Portugal

essentially corresponds to cases where these categories of intermediaries had not established compliance with the PII requirements. The number of sanctions pertaining to PII was much lower in 2022 and was of a broadly similar magnitude to the other two Member States mentioned. Consequently, it seems that the 2022 figures are more likely to be representative of the expected number of sanctions arising during the ongoing application of the Directive.

- 3.16 In addition, it is relevant to bear in mind the nature of the non-compliance, since the absence of PII cover is not necessarily demonstrative of an intention to distribute insurance without valid PII cover. It could reflect, for example, the intermediary's intention to not maintain or renew their licence, or an administrative error either on the part of the intermediary or their PII insurer. It is usually possible for intermediaries to voluntarily cancel their licence and for this to not result in an IDD sanction of the withdrawal of the registration. Nonetheless, where a specific process is triggered following a signal of an absence of PII cover, (e.g. a notification of a policy lapsing), this can mean that some IDD sanctions reflect the case that the intermediary does not intend to maintain their licence.³⁸
- 3.17 In terms of the relevance of procedural aspects and the specific national context, the case of another Member State³⁹ in which a high number of sanctions relating to the PII requirements have been imposed, in particular up to the end of 2021, is also illustrative. In this Member State, in 2022 the number of withdrawals of registration relating to PII coverage fell substantially to 36 (from over 70 on average in previous years). EIOPA understands that this reduction is likely to be linked to the implementation of a new regulation which entered into application on 1 April 2022 and which includes a requirement for insurance brokers to be registered with a specific professional association⁴⁰. These professional associations have responsibilities to monitor their members' activity and their compliance with professional requirements, and this has led to a recasting of the IT system of the French Insurance Intermediaries register⁴¹.
- 3.18 The responses to EIOPA's survey relating to sanctions for breaches of Article 10 was also revealing as to the reasons why in some Member States far fewer, or no sanctions, have been imposed. In various Member States⁴², it was reported that where an absence of PII cover is identified, this would normally not result in an IDD sanction being imposed, even if the intermediary does not subsequently provide proof of valid PII cover or actively "give back" their licence. In one of these Member States, for instance, it was explained that the failure to continue to satisfy certain statutory requirements, including PII cover, results in an intermediary being removed from the register, but that this is an administrative process that is not deemed to be an IDD sanction. Similar cases seem to exist in other Member States. EIOPA understands that the interpretation can be that the conditions on which the original registration was granted no longer apply, in which case that approval of the registration is rescinded. This can be seen as different to the case where the basic registration conditions continue to be met, but the registration is withdrawn due to inappropriate

³⁸ For example, the failure of the intermediary to respond to a request of the NCA to demonstrate proof of PII cover will result in the registration being withdrawn in a way that is considered to be an IDD sanction.

³⁹ France

⁴⁰ [La réforme du courtage | Direction générale du Trésor \(economie.gouv.fr\)](#)

⁴¹ Cf. paragraphs 6 and 7 of the introduction of the ORIAS' annual report for 2020: [Orias](#) (available at the bottom of the webpage)

⁴² Greece, Italy, Luxembourg, Poland and Spain.

business conduct that took place during the distribution process, for example not acting in the best interests of customers (Article 17(1)).

- 3.19 EIOPA also understands that in some of these Member States the failure of an intermediary to demonstrate a valid PII certificate results effectively in the registration being temporarily suspended or in a standstill period, which does not qualify as an IDD sanction. The intermediary can apply for the licence to be restored once they have the necessary documentation.⁴³ In one Member State, where this approach is followed, it was reported that there were over 2000 cases in one year where the registration was removed due to the absence of PII cover, but these were not IDD sanctions. This again demonstrates that the higher number of withdrawals of registration in certain Member States based on the specific legal procedures in that Member State, is not indicative of the degree of non-compliance or the effectiveness of the supervision or sanctioning approach.
- 3.20 Furthermore, there are cases of Member States, usually with a smaller market size or number of intermediaries, in which there is a notification or check for all intermediaries regarding PII coverage, but no sanctions were imposed, for example due to there being no cases where PII cover was not in place or it not being possible to address the issue using informal follow-up steps⁴⁴.
- 3.21 As a result, overall, the approaches taken in different Member States regarding potential lapses in PII cover demonstrate that the number of sanctions is significantly dependent on specific procedural issues, as well as on the national definition of sanctions.

Appropriate knowledge and ability and continuing professional training and development

- 3.22 The IDD requires insurance distributors and employees carrying out distribution activities to possess appropriate knowledge and ability and to comply with requirements on continuing professional training and development. Consequently, similar to PII coverage requirements, these are relatively basic, but fundamental requirements for accessing and maintaining access to the profession. The assessment of compliance should essentially be a factual question, as to whether persons have relevant qualifications and whether they have conducted the necessary hours of annual training and development.
- 3.23 Sanctions for infringements of these rules represent a material proportion of the total sanctions at EU/EEA level. However, as shown in Table 2 above, this reflects the fact that, in four Member States, there has been a high number of sanctions in this area since the implementation of IDD. Sanctions for such breaches have been imposed in 14 Member States in total, and in five of these Member States, less than five sanctions have been imposed since the IDD was implemented. Thus, in a material number of Member States, sanctions have been imposed for breaches of the knowledge and training requirements, but not the majority.
- 3.24 Similar to the case of sanctions for PII breaches, the information gathered from NCAs relating to sanctions imposed for knowledge and training breaches indicates that the main factor in explaining these differences in the figures relates to legal or procedural aspects. In particular, a number of the

⁴³ In these cases, it might not be treated as a formal sanction if, for example, there is not evidence of a breach, i.e. a failure to provide information is not per se evidence of a breach.

⁴⁴ For example, Denmark, Latvia and Liechtenstein.

issues or approaches discussed in the previous sub-section on PII coverage are also relevant in the context of sanctions for knowledge and training infringements.

- 3.25 Some different approaches are taken by NCAs to identify non-compliance with the knowledge and training requirements, with the main types of approaches being:
- ▶ Reporting on compliance with these requirements being part of annual reporting obligations for intermediaries towards the NCA. In some cases, this can include requirements for intermediaries to provide proof of training undertaken, such as uploading training certificates. However, NCAs may still take a risk-based approach to the review of the information reported annually.
 - ▶ These requirements are assessed as part of the NCA's on-site or off-site supervisory cycle whereby they inspect a sample of distributors each year (e.g. each entity is inspected every x years).
 - ▶ NCAs assess compliance with these requirements in response to certain indicators, such as complaints or other indicators of potential non-compliance or poor practice.
 - ▶ The NCA has a system in place such that they should be directly notified if training requirements have not been completed. However, such approaches only exist in several Member States⁴⁵.
- 3.26 Differences in the approach taken by NCAs, as well in the number or proportion of intermediaries that are annually inspected are expected to result in differences in number of cases of non-compliance that are identified. This in turn is likely to impact on the number of sanctions imposed. Nevertheless, as with sanctions for PII breaches, the information gathered by EIOPA suggests that it is not the decisive factor, and that rather it depends crucially on the steps, in the national context, that follow from cases where potential non-compliance is identified.
- 3.27 EIOPA does not have quantitative data on the link between the supervisory approach and the number of sanctions, for example on the number of supervisory reviews conducted or the number of cases of non-compliance identified by each NCA. However, in those Member States where the NCA is directly notified if training requirements have not been completed, these Member States do not have the highest numbers of sanctions. Consequently, the information collected by EIOPA relating more specifically to the use of sanctions indicates that procedural issues play a major role in explaining the differences in the number of sanctions imposed across Member States.
- 3.28 In several Member States⁴⁶, including the Member State with the highest number of sanctions for breaches of the knowledge and training requirements, EIOPA understands that where a failure is identified, for example to conduct the necessary hours of training, this would normally result in a sanction being imposed. In these Member States, the number of sanctions can be seen as a more direct indication of the degree of non-compliance in the market. However, it is still only an indication, because, in these Member States, a risk-based approach is taken to the review of compliance with these requirements and there is not a systematic notification of all cases of potential non-compliance.

⁴⁵ For example, in Slovakia there is a database where training certificates need to be uploaded. A register also exists in Romania, but this does not apply to all types of intermediaries.

⁴⁶ Germany, Hungary and Liechtenstein.

- 3.29 A comparison between these two Member States⁴⁷ where it is understood there are some similarities in the approach in terms of a failure of an intermediary to conduct the necessary hours of training, normally leading to a sanction being imposed, is also instructive in terms of the differences in the number of such sanctions imposed. The number of sanctions is much higher in one of these Member States, but when taking into account the differences in the size of the insurance markets and the number of intermediaries (for example, in the larger Member State, the number of intermediaries is many times higher), the figures do not seem to be out of proportion.
- 3.30 In another Member State⁴⁸ a very high number of withdrawals of registration for breaches of the knowledge and training requirements were reported for the first time in 2022. The high number of withdrawals in this year are related to non-compliance of intermediaries which were registered under the IMD and did not comply with the stricter IDD requirements under a deadline set for a transitional period in this Member State. In this Member State, following the assessment of professional knowledge and competence at the registration phase, each intermediary reports annually on the updated list of persons involved in distribution activity, including information on appropriate qualifications. This allows an assessment of whether the knowledge and competence requirements continue to be met for all persons directly involved at the service of the intermediary.
- 3.31 In the majority of Member States, not all types of breaches would directly result in a sanction being imposed.⁴⁹ In these Member States, as indicated above, it may be possible to address more minor infringements, such as a limited one-off shortfall in relation to the training requirements⁵⁰ without the imposition of a formal sanction. For example, in one Member State⁵¹, in some cases the distributor is given the opportunity to address non-compliance with the professional requirements within a certain time period before starting the sanctioning proceedings.
- 3.32 Consequently, as with the PII coverage requirements, in various Member States, the initial steps to follow-up with the intermediary where it has been identified that they may not be in compliance with the knowledge and training requirements would not result in a formal sanction being imposed. Sanctions would normally be imposed for what might be considered more substantive breaches, such as repeated failures or failures to establish the necessary procedures, or if the intermediary fails to respond to informal warnings issued by the NCA.
- 3.33 In this respect, it can be instructive to consider the number of sanctions for breaches of the training requirements in Article 10(2) which can be deemed as more substantive failings given that they resulted in the withdrawal of the registration of the intermediary. The cases of such withdrawals are much more limited and have only taken place in three Member States⁵² with an average of

⁴⁷ German and Liechtenstein.

⁴⁸ Portugal.

⁴⁹ This includes both Member States which have imposed a higher number of sanctions, such as Belgium, and those that have been imposed only one or two sanctions, such as Italy.

⁵⁰ It is recognised that the training requirements, as with all IDD requirements, are important requirements that should be met in all cases. The severity of the breach is also dependent on the specific context, for example, whether it is the result of broader failures, such as the absence of appropriate procedures or governance arrangements. However, in general terms, it can be said that a limited one-off shortfall is expected to be a more minor breach than some other types of breaches, such as a repeated failure to conduct the necessary training hours.

⁵¹ Italy.

⁵² Belgium, Germany and Slovakia.

around 14 cases each year. Consequently, for these cases, the differences between the number of such sanctions between Member States is much less conspicuous.

- 3.34 The responses to EIOPA's survey relating to sanctions for breaches of Article 10, also revealed several interesting cases concerning sanctioning approaches in this area, including:
- ▶ In one Member State, the registration would be withdrawn if the training requirements are not met for two years in a row.
 - ▶ In another Member State, where a shortfall in the training hours completed is identified, the NCA can require the intermediary to conduct additional training hours in the subsequent year that would exceed the shortfall in training (e.g. requiring 50% more training to be conducted even if the shortfall would only be of 10% of the required hours).
- 3.35 Consequently, as with sanctions for PII coverage breaches, the approaches taken in different Member States regarding sanctions imposed for non-compliance with the requirements to possess appropriate knowledge and ability and to undertake continuing professional training and development demonstrates that the number of sanctions is significantly dependent on specific procedural issues, as well as the national definition of sanctions. This is considered to be the case, in particular, for more minor infractions of the IDD requirements in this area.

B. SANCTIONS RELATING TO BREACHES OF OTHER MORE BASIC OR FORMAL REQUIREMENTS, INCLUDING REGISTRATION

- 3.36 This sub-section addresses IDD breaches that resulted in sanctions except those concerning professional and organisational requirements (Article 10) which are addressed in the previous sub-section and except those concerning the substantive information and conduct of business rules (in Chapters V and VI of IDD) that are discussed in the next subsection.
- 3.37 This includes, as shown in Table 3 below, the registration requirements (Chapter II, Article 3), rules on freedom to provide services and freedom to establishment (Chapter III, Article 4), and other organisational requirements in Chapter IV besides Article 10.
- 3.38 Concerning the registration requirements, at EU/EEA level, there is a general trend downwards which could at first sight be related to the transition towards the IDD and some intermediaries not meeting the higher standards of the IDD. However, similar to the trend in terms of sanctions relating to Article 10, the figures at EU/EEA level are driven by the number of sanctions imposed in a couple of Member States.⁵³ In other respects the figures are relatively stable between 2018 and 2022, with five or six NCAs imposing sanctions for registration breaches each year, and in the other Member

⁵³ Germany and Belgium. In Germany the number of registration breaches resulting in sanctions has remained relatively high - at least over a hundred each year, while in Belgium a high number of sanctions for registration breaches only occurred in the first reporting period (2018-2019).

States⁵⁴ that imposed such sanctions, usually these numbered only a couple each year. It can also be noted that similar registration requirements existed under the IMD.

3.39 Table 3 also indicates that since the implementation of the IDD only two sanctions have been imposed in two Member States⁵⁵ for breaches of the requirements in Chapter III on freedom to provide services and freedom of establishment. In both cases, these sanctions concerned breaches of the requirements in Article 4(1) to notify the home Member State.

3.40 Lastly, sanctions relating to other organisational requirements, such as out-of-court complaint and redress procedures for the settlement of disputes between customers and insurance distributors have been at a relatively constant and low level since the implementation of the IDD. Such sanctions relating to breaches of Articles 14-16 have been imposed in five Member States⁵⁶ in total.

Table 3 – Number of breaches resulting in sanctions of other (besides Article 10) more basic or formal requirements

IDD provision	Number of breaches			
	2018-2019	2020	2021	2022
Registration requirements (Chapter II, Article 3)	394	147	201	139
Exercise of the freedom to provide services (Chapter IV, Article 4)	1	-	-	1
Other organisational requirements (Chapter IV, Articles 14-16)	18	21	13	22

C. SANCTIONS RELATING TO BREACHES OF THE SUBSTANTIVE INFORMATION AND CONDUCT OF BUSINESS RULES

3.41 This sub-section of the report concerns the information requirements and conduct of business rules in Chapter V and additional requirements for insurance-based investments products in Chapter VI,

⁵⁴ Czech Republic, Hungary, Malta, Italy, Poland and Slovakia.

⁵⁵ Belgium and Cyprus.

⁵⁶ Belgium, Bulgaria, Czech Republic, Hungary and Italy.

which can be characterised as the most substantive consumer protection requirements within the IDD, and which were not present within the IMD. In view of the relevance of these requirements, some more detailed analysis and examples are provided relating to the nature of the sanctions imposed.

- 3.42 Similar to the tables in the previous sub-sections, Table 4 on the next page provides a breakdown between the number of breaches for the different provisions in these two Chapters. Subsequently, Table 5 indicates the number of breaches per Member State.

Table 4 – Number of breaches of information and conduct rules resulting in sanctions⁵⁷

IDD provisions	Number of breaches			
	2018-2019	2020	2021	2022
General principle, general information and conflicts of interest and transparency (Articles 17-19)	35	66	201	194
Advice, and standards for sales where no advice is given (Article 20, IPID Implementing Regulation⁵⁸)	4	67	53	82
Information conditions (Article 23)	0	19	24	13
Product oversight and governance (Article 25 and POG Delegated Regulation⁵⁹)	0	0	1	47
Additional requirements for insurance-based investment products (Articles 27-30 and IBIP Delegated Regulation⁶⁰)	51	93	32	311
Totals	90	245	311	647

⁵⁷ The total number of breaches reported in this table does not add up to the table number of sanctions imposed because some sanctions may relate to multiple legislative provisions– see Annex I for further information.

⁵⁸ Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document, OJ L 209, 12.8.2017, p. 19–23

⁵⁹ COMMISSION DELEGATED REGULATION (EU) 2017/2358 of 21 September 2017 supplementing Directive (EU) 2016/97 of the European Parliament and of the Council with regard to product oversight and governance requirements for insurance undertakings and insurance distributors), OJ L341, 20.12.2017, p. 1

⁶⁰ COMMISSION DELEGATED REGULATION (EU) 2017/2359 of 21 September 2017 supplementing Directive (EU) 2016/97 of the European Parliament and of the Council with regard to information requirements and conduct of business rules applicable to the distribution of insurance-based investment products, OJ L341, 20.12.2017, p. 8.

Table 5 – Number of breaches of the information and conduct rules per Member State

Member State	2018-2019		2020		2021		2022	
	Total number of breaches	No sanctions imposed	Total number of breaches	No sanctions imposed	Total number of breaches	No sanctions imposed	Total number of breaches	No sanctions imposed
Austria		x	13		4		8	
Belgium	35		43		18		308	
Bulgaria		x	3		3		4	
Croatia		x	4		58		16	
Cyprus		x		x		x	1	
Czech Republic		x	12		13		9	
Denmark	15		29		50		11	
Estonia		x		x		x		x
Finland		x		x		x		x
France		x		x		x	6	
Germany		x		x		x		x

Member State	2018-2019		2020		2021		2022	
	Total number of breaches	No sanctions imposed	Total number of breaches	No sanctions imposed	Total number of breaches	No sanctions imposed	Total number of breaches	No sanctions imposed
Greece		x		x		x	3	
Hungary	60		119		37		115	
Ireland		x		x		x		x
Italy		x		x	121		124	
Latvia		x		x		x		x
Lithuania	4		2		1			x
Luxembourg		x		x		x	21	
Malta		x		x		x		x
Netherlands		x		x		x	1	
Poland		x	2		2		3	
Portugal		x		x		x		x
Romania		x		x	3		13	
Slovenia		x		x	13		33	

Member State	2018-2019		2020		2021		2022	
	Total number of breaches	No sanctions imposed	Total number of breaches	No sanctions imposed	Total number of breaches	No sanctions imposed	Total number of breaches	No sanctions imposed
Slovakia		x		x	1			x
Spain		x		x	2			x
Sweden		x	4			x		x
Iceland		x	6			x		x
Liechtenstein		x		x		x		x
Norway		x		x		x		x
Totals	114 breaches	26 Member States	237 breaches	19 Member States	326 breaches	16 Member States	676 breaches	14 Member States

- 3.43 As a first overall trend from Table 4, it is noteworthy that the number of breaches resulting in sanctions based on the information requirements and conduct of business rules, has steadily increased each year from 90 breaches in 2018-2019 to 642 in 2022. This evolution seems to indicate a progression in terms of NCAs, year after year, implementing and actively applying the Directive and as needed sanctioning insurance distributors in case of business practises that are contrary to the interests of the customer. In addition, Table 5 above shows that sanctions based on breaches of such provisions have now occurred in more than half of Member States (16). At the same time, similar to the general trends identified for IDD sanctions, there is not a balanced picture across Member States and for example, between 2021 and 2022, there was a material increase in the number of breaches resulting in sanctions in five Member States.
- 3.44 The most common issues⁶¹ regarding the requirements in Chapters V and VI in 2022 were failures of distributors to act honestly, fairly and professionally in accordance with the best interests of their customers⁶², the demands and needs test⁶³, the requirements regarding advice given on the basis of a fair and personal analysis⁶⁴, the product approval process⁶⁵, the suitability assessment⁶⁶ and the requirements to provide customers with adequate reports on the service provided⁶⁷.
- 3.45 More specifically, taking into account that there can be some additional challenges to sanction undertakings in relation to more principles-based requirements, it is interesting that one of the core general principles of the IDD regarding the fair treatment of consumers (Article 17(1)) has been used by seven NCAs⁶⁸ to tackle consumer issues - there have been 127 sanctions taken based on this principle in 2022. This included five public statements, six orders to cease and desist, 32 withdrawals of registration, eight pecuniary sanctions totalling around EUR 3 500 and 76 cases of other types of sanctions.
- 3.46 EIOPA sought to gather some additional information on the types of issues and sanctions that have been imposed using Article 17(1) and two national cases studies have been included below. The first case study concerns the Member State (Italy) which imposed the most sanctions based on this legal basis in 2022. This case study summarises the main types of sanctions imposed during 2022 in Italy. A second case study from Hungary describes sanctions imposed using Article 17(1) based on findings from several thematic reviews.

⁶¹ For these topics, more than 15 breaches were reported.

⁶² Article 17(1)

⁶³ Article 20(1)

⁶⁴ Article 20(3)

⁶⁵ Article 25(1)

⁶⁶ Article 30(1)

⁶⁷ Article 30(5)

⁶⁸ Belgium, Croatia, Czech Republic, Denmark, Hungary, Italy and Poland.

Case study 1

Sanctions imposed in Italy based on Article 17(1) – acting honestly, fairly and professionally in accordance with the best interests of customers

In 2022, in Italy, there were 71 cases (67% of the total IDD sanctions imposed in Italy) that concerned only the application of Article 17(1). It can also be relevant to note that Italy is one of the largest markets and the largest in terms of the number of intermediaries – see Annex III for further details.

The most frequent practices that were punished under this legal basis concerned the following cases:

- ▶ Failure to remit to the mandated company or principal intermediary the amounts collected from customers as insurance premiums (both omitted and late payments are included);
- ▶ Failure to record amounts paid by customers as insurance premiums;
- ▶ Failure to provide insurance documentation in respect of the collection of sums paid by the policyholder by way of insurance premiums;
- ▶ Underwriting of policies for which premiums have not been paid.

There were also examples of very serious conduct with particular detrimental effects on customers. In the following cases, because of possible criminal implications, the cases are also reported to the competent judicial authority:

- ▶ Forgery of insurance documents delivered to customers also for the purpose of misappropriating sums related to insurance premiums (also by fraudulent use of the company's administrative-management software);
- ▶ Delivery of false statements and communications, as well as transmission of untrue information to the policyholder;
- ▶ Forgery of documentation relating to the settlement of insurance claims;
- ▶ Undue receipt of refunds or sums otherwise due to policyholders;
- ▶ Collection from customers of cheques not made out to the insurance company or to the principal intermediary.

It should be pointed out that the sanction proceedings initiated against an intermediary may concern one or more conducts violating Article 17(1). In cases of exceptional seriousness, the sanction of withdrawing the registration was imposed (in 2022 these cases were 38% of the total), as a pecuniary sanction was not considered sufficient in these cases. In the remaining cases, other types of non-pecuniary sanctions were applied including censure and reproach, i.e. written statements of reasoned reprimand applied respectively to both serious or more minor violations.

Case study 2

Sanctions imposed in Hungary following findings during a thematic review in the context of compliance with the requirements of Article 17(1)

In 2022, the Central Bank of Hungary (Magyar Nemzeti Bank, MNB) concluded two thematic reviews⁶⁹ with the objective of conducting a thorough analysis of the conflict-of-interest policies and incentive schemes implemented by insurance intermediaries:

- ▶ For the first thematic review, at ten insurance intermediaries the MNB reviewed compliance with the provisions of IDD and the IBIP Delegated Regulation on conflicts of interest and incentives for insurance-based investment products (which are sold exclusively through advised sales in Hungary).
- ▶ The other thematic investigation was carried out at seven insurance intermediaries and focused on the monitoring of the measures taken by brokers to prevent conflict of interest situations arising from their remuneration.

Insurance intermediaries in Hungary are typically remunerated by the insurance companies they collaborate with rather than by individual consumers. These intermediaries often receive varying amounts of remuneration or commission from the insurance companies, depending on the specific insurance products they sell. This situation may lead to a conflict of interest between the customer and the intermediary, as the intermediary may prioritize selling the insurance product that offers the highest commission/remuneration rather than the one that best suits the customer's needs.

According to the relevant legal requirements, including those national provisions implementing Articles 17(1) and 29(2) of the IDD, the remuneration arrangements must not lead the insurance intermediary to act contrary to the best interests of the customer or must not have a detrimental impact on the quality of the service provided to the customer.

The completed thematic investigations resulted in administrative measures within the scope of IDD sanctions (decisions on obligations for the intermediaries to act and imposition of fines) against a total of 12 intermediaries. For 7 of these institutions (consisting of 4 brokers and 3 multiple agents) it was found that their policies/regulations and measures on conflicts of interest or incentives did not address, or insufficiently addressed, the potential risks, including that:

- ▶ they did not address either the remuneration/incentives paid by the insurance intermediary to the distributors who have been involved in the sale of the insurance product or the indirect remuneration/incentives set and paid by the insurance undertaking and paid to the intermediary,

⁶⁹ [Press Release](#) in Hungarian Language.

- ▶ they did not contain an explicit provision for handling the situation where the amount of remuneration related to the distributed product differs between products (in some cases, significantly).

As a result of the aforementioned practices, the examined relevant internal regulations also failed to address the extent to which the paid direct or indirect remuneration and incentives have a detrimental effect on the quality of the service provided to the client, despite the obligation to assess the associated potential risks of the different/various fees. Frequently observed objectionable practices were that:

- ▶ the relevant internal policies were too general, not adapted to the specific activity of the insurance intermediary or not proportionate to its size and structure, and
- ▶ in some cases, the rules were limited to a mere mechanical literal transposition of the legislation.

Based on the results of the investigation, the MNB came to the conclusion that if the incentive system contains an undisclosed or unaddressed conflict of interest, or if the commission (or other remuneration/incentive, non-monetary benefit) has a potentially negative effect on the quality of the service provided to the customer, the result is that (based on the provision in Article 29(2) of the IDD) the legal requirement in Article 17(1) of the IDD that insurance intermediaries must act honestly, fairly and professionally in the best interests of their customers is also violated.

In its decisions closing the thematic investigations, and as part of the IDD sanction proceedings, the MNB required the institutions concerned to:

- ▶ (a) carry out a comprehensive analysis to assess whether the incentives or incentive schemes they apply have an adverse effect on the quality of service provided to customers; and
- ▶ (b) on the basis of the outcome of the comprehensive analysis, take such further measures as may be necessary to ensure that any remuneration or non-monetary benefit paid to or received from any party, other than the customer or a person acting on behalf of the customer, does not have an adverse effect on the quality of service provided to the customer and does not prevent the insurance intermediary from acting honestly, fairly, professionally and in the best interests of its customers.

- 3.47 Table 4 also indicates a relevant increase regarding another crucial aspect of Chapter V, which is the number of sanctions pronounced with regards to product and oversight and governance concerning Article 25 of the IDD and the POG Delegated Regulation. Whereas there was only one breach resulting in one sanction concerning product oversight and governance requirements in 2021, in 2022 we can observe 10 sanctions imposed across five Member States from 47 identified breaches⁷⁰. This trend seems consistent with the main observations developed by EIOPA in its Peer review concerning the implementation of product oversight and governance to insurance-based investment products by NCAs in their supervision on a daily basis. Indeed, that exercise found that most NCAs have adapted their internal processes to include the supervision of product oversight and governance requirements; a few NCAs have done this to the extent EIOPA considers to be sufficient for achieving the outcome sought by the requirements – insurance products are designed and distributed with the consumer’s interest placed first and foremost, but the overall process is still ongoing in terms of concrete and exhaustive implementation⁷¹.
- 3.48 EIOPA considered it interesting to look specifically at the sanctions imposed based on product oversight and governance requirements in order to demonstrate the concrete implementation of this relatively new policy tool. This included a substantial sanction against an insurance undertaking in one Member State⁷² of a fine of EUR 200 000 and a ban on the distribution of a specific category of insurance-based investment products which did not offer value for money that had been distributed after the entry into force of IDD or sold before but submitted to significant change.
- 3.49 The other nine sanctions concerning breaches of the product oversight and governance requirements consisted of one order to remedy identified irregularities, one fine of around EUR 2 500, one written warning and four orders to cease and desist. Some examples of the types of failings that resulted in sanctions are:
- ▶ Failure of the insurer to establish the appropriate intervals for the regular review of their products.
 - ▶ Failure of the intermediary to adequately describe the measures taken during the distribution process within their product oversight and governance procedures and distribution agreement.
 - ▶ Failure of intermediary to document and keep records of the relevant measures taken in light of the product distribution arrangements.
 - ▶ Failure of the intermediary to regularly review and, if necessary, modify its product distribution arrangements.
 - ▶ Failure of the intermediary to have product distribution arrangements that ensure that the objectives, interests and characteristics of its customers are duly taken into account.
- 3.50 At the same time, it is important to have in mind that the low number of sanctions with regards to product oversight and governance does not necessarily imply that NCAs have not taken strong measures to address product related issues as NCAs often engage in dialogue with undertakings and

⁷⁰ Belgium, Croatia, Czech Republic, Luxembourg and Romania.

⁷¹ Please see p.5 (Main Findings) of the report available here: [Peer Review on Product Oversight and Governance \(POG\) \(europa.eu\)](#)

⁷² Luxembourg.

may use other measures (e.g. warnings, letters to the market⁷³) or informal measures, including the threat of sanctions, to ensure products are reviewed or withdrawn from the market.

- 3.51 Concerning Chapter VI covering additional requirements applying to insurance-based investment products, from 2021 to 2022, there was a very significant increase in the overall number of breaches linked to these different requirements and notably based on the IBIP Delegated Regulation (299 breaches more than in comparison with 2021). A further granular analysis can allow one to observe that it is in one Member State⁷⁴ that the majority of breaches occurred and that these related to Article 30 on the assessment of suitability and appropriateness and reporting to customers in relation to insurance-based investment products and the IBIP Delegated Regulation (220 breaches).
- 3.52 Taking this into account, as well as the relevance of the requirements in Article 30, and building on the analysis conducted for the previous annual report on IDD sanctions, EIOPA looked specifically at the nature of sanctions that have so far been imposed in this area. In summary, during the period until the end of 2022 the following elements can be noted:
- ▶ In total, 72 sanctions were imposed in six Member States⁷⁵, including three during the period until the end of 2019, ten during 2020, five during 2021 and 54 during 2022.
 - ▶ Most of these sanctions were for breaches concerning the suitability assessment, with seven sanctions imposed relating to the appropriateness assessment.
 - ▶ The sanctions were imposed less frequently on insurance undertakings (15 cases) compared to insurance intermediaries (55 cases).
 - ▶ In terms of the sanction measures imposed, six fines were issued of a value of around EUR 76 000, two warnings were issued and the remaining measures were orders to cease and desist or establish compliance.
 - ▶ The issues identified included substantive failures to meet the requirements in Article 30. This included the following types of failings:
 - In terms of advice, both failures to obtain the necessary information in order to provide a recommendation, as well as failures to provide a recommendation that was in line with the information collected (e.g. on the customer's risk tolerance).
 - Providing advice on the product before it has been ascertained that the customer has the necessary knowledge and experience.
 - The use of vague terms in forms or questionnaires used to collect information from the customer.
 - To have adequate controls with a view to ensuring the consistency of the information provided by customers, (e.g. between the investment objectives and ability to bear losses).
 - To provide a suitably individualised personal recommendation.

⁷³ For example, in Italy, IVASS published a [Consultation Paper](#) of a draft letter to the market containing supervisory expectations on the implementation of the product oversight and governance process and the assessment of the value for money of the products.

⁷⁴ Belgium.

⁷⁵ Austria, Belgium, Croatia, Hungary, Lithuania and Iceland.

- To provide the necessary suitability statement.
- To provide a suitability statement in line with the relevant requirements, such as not specifying how the advice to the customer meets their investment objectives.
- To provide the warning required by Article 30(3)(c) regarding the appropriateness assessment not being conducted.

4. THE DIFFERENT TYPES OF SANCTIONS USED BY MEMBER STATES

- 4.1 Table 6 below provides a split by the type of sanction imposed, as well as indicating in which Member States this type of sanction was imposed. The types of sanctions follow those in paragraphs 2 and 3 of Article 33⁷⁶; the category “other administrative sanctions or measures” captures any other type of sanction not referred to in Article 33, given that the lists are non-exhaustive.
- 4.2 At EU/EEA level, the high number of withdrawals of registration in one Member State reported for the first time in 2022 has a material impact on the proportion of different types of sanctioning measures used. At this level, in 2022, as in 2021 and 2018-2019, the most frequently used sanctioning measure was the withdrawal of the registration followed by administrative pecuniary sanctions. In 2020, a higher proportion of sanctions were administrative pecuniary sanctions but still a high proportion of withdrawals of registration.
- 4.3 However, looking across different Member States the picture is somewhat different for 2022 with administrative pecuniary sanctions being the most commonly used measure in eight Member States⁷⁷, withdrawals of registration the most commonly used measure in four Member States⁷⁸ and orders to cease and desist the most commonly used measure in three Member States⁷⁹. Only one ban of exercise of management function was pronounced on a case which dealt with conduct of business rules⁸⁰.
- 4.4 In 2022, administrative pecuniary sanctions were used in relation to a range of different types of breaches⁸¹. Withdrawals of registration, the most severe measure, were applied mainly for breaches of the professional and organisational requirements in Article 10⁸², but there were also a material number of withdrawals for breaches of the duty to act honestly, fairly and professionally in accordance with the best interests of their customers in Article 17(1).

⁷⁶ Although Article 33 makes a split between breaches of the additional requirements concerning insurance-based investment products (paragraph 2) and other types of breaches (paragraph 3), given that all of the sanctions listed in Article 33(2) could also be applied in relation to the breaches referred to in points (a) to (d) and (f) of Article 33(1), it was not considered necessary to make a split for the purpose of this aggregate reporting.

⁷⁷ Bulgaria, Cyprus, Czech Republic, Germany, Greece, Hungary, Netherlands and Romania.

⁷⁸ Finland, France, Portugal and Slovakia.

⁷⁹ Belgium, Denmark and Slovenia.

⁸⁰ In France.

⁸¹ Articles 3, 4, 10, 14, 16, 17, 18, 19, 20, 23, 25, 27, 28 and 29 of the IDD, and breaches of the POG and IBIP Delegated Regulations.

⁸² This was the case in Belgium, Finland, France, Germany, Portugal and Slovakia.

Table 6 – Different types of sanctions imposed

Type of sanction	Number of sanctions	Member States	Number of sanctions	Member States	Number of sanctions	Members States	Number of sanctions	Member States
	2018-2019		2020		2021		2022	
Public Statement	7	Denmark, Malta	12	Denmark, Malta, Iceland	23	Austria, Denmark, Lithuania, Spain	9	Austria, Denmark, Poland
Order to cease and desist	135	Belgium, Denmark, Hungary, Malta	136	Austria, Belgium, Denmark, Hungary, Malta, Poland	92	Belgium, Denmark, Hungary, Slovenia	204	Belgium, Croatia, Denmark, Hungary, Luxembourg, Poland, Slovenia
Withdrawal of registration	1029	Belgium, Bulgaria, Germany, France, Malta	561	Belgium, Czech Republic, France, Germany, Malta, Slovakia, Sweden	4066	Belgium, Bulgaria, Germany, France, Ireland, Italy, Portugal, Slovakia	1815	Belgium, Germany, Finland, France, Italy, Portugal, Slovakia
Temporary ban on exercise of management	0		1	Malta	0		1	France
Administrative pecuniary sanction	735	Belgium, Germany, Hungary,	1141	Austria, Belgium, Bulgaria, Czech Republic, Germany,	798	Austria, Bulgaria, Czech Republic, Germany, Hungary, Italy,	630	Austria, Belgium, Bulgaria, Cyprus, Czech Republic, France, Germany, Greece, Hungary,

Type of sanction	Number of sanctions	Member States	Number of sanctions	Member States	Number of sanctions	Members States	Number of sanctions	Member States
	2018-2019		2020		2021		2022	
		Lithuania, Malta		Hungary, Malta, Romania, Slovakia, Iceland		Poland, Romania, Slovakia, Spain		Italy, Luxembourg, Netherlands, Romania.
Other administrative sanctions or measures	17	Belgium, Denmark, Hungary, Lithuania, Malta	84	Austria, Belgium, Croatia, Denmark, Germany, Hungary, Lithuania, Malta, Liechtenstein	164	Belgium, Croatia, Denmark, Germany, Hungary, Italy, Liechtenstein, Romania	103	Belgium, Denmark, Croatia, Hungary, Italy, Liechtenstein, Luxembourg, Romania

4.5 The final summary table (Table 7) shows the total number of and average value of administrative pecuniary sanctions.

Table 7 – Administrative pecuniary sanctions

Member State	2018-2019		2020		2021		2022		Evolution in number of fines from 2021 to 2022
	Total number of fines	Average value of fines	Total number of fines	Average value of fines	Total number of fines	Average value of fines	Total number of fines	Average value of fines	
Austria	-	-	1	€210	3	€3 867	2	€10 250	-1
Belgium	6	€110 000	4	€75 625	-	-	2	€51 250	+2
Bulgaria	-	-	6	€1 193	15	€1 500	9	€1 142	-6
Cyprus	-	-	-	-	-	-	2	€13 858	+2
Czech Republic	-	-	6	€5 207	8	€10 158	5	€7 571	-3
France	-	-	-	-	-	-	1	€50 000	+1
Germany	718	Not available	1100	Not available	759	Not available	582	Not available	-177
Greece	-	-	-	-	-	-	3	€3 667	+3
Hungary	9	€29 968	8	€9 962	5	€15 927	15	€3 382	+10
Italy	-	-	-	-	3	€5 000	1	€5 000	-2
Lithuania	1	€8 000	-	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-	1	€200 000	+1
Netherlands	-	-	-	-	-	-	1	Not available	+1
Malta	1	€8 000	5	€26 110	-	-	-	-	-

Member State	2018-2019		2020		2021		2022		Evolution in number of fines from 2021 to 2022
	Total number of fines	Average value of fines	Total number of fines	Average value of fines	Total number of fines	Average value of fines	Total number of fines	Average value of fines	
Poland	-	-	-	-	1	€21 754	-	-	-1
Romania	-	-	8	€1 750	7	€3 918	3	€4 407	-4
Slovakia	-	-	2	€2 000	5	€11 200	-	-	-5
Spain	-	-	-	-	1	€36 000	-	-	-1
Iceland	-	-	1	€62 211	-	-	-	-	-

5. ANNEX I – BACKGROUND AND METHODOLOGY

Legal framework for sanctions

5.1 The provisions in Article 36, which provide the basis for this Report, are part of Chapter VII of the IDD. This Chapter sets out an overall framework for how and what types of sanctions can be imposed, and covers *inter alia*:

- ▶ The need for NCAs to have the relevant powers to impose sanctions (Article 31);
- ▶ Procedural aspects, for example, concerning the need for sanctions to be subject to a right of appeal (Article 31);
- ▶ The requirement for sanctions to be published, unless certain conditions are met, such as that the publication jeopardises the stability of financial markets, in which case NCAs may decide to defer publication, not to publish, or publish sanctions on an anonymous basis (Article 32);
- ▶ A non-exhaustive list of the types of breaches of IDD that can result in sanctions, such as a failure of persons to register their distribution activities with the competent authority in the home Member State (Article 33);
- ▶ A non-exhaustive list of the types of sanctions that can be imposed⁸³, for instance, administrative pecuniary sanctions, i.e. fines. A distinction is made between the failure to comply with the conduct of business requirements set out in Chapters V and VI, in relation to the distribution of insurance-based investment products and other types of breaches of the IDD. For the former, a longer list of possible sanctions are specified; this includes provisions concerning the maximum amounts of administrative pecuniary sanctions (Article 33)⁸⁴;
- ▶ Requirements for NCAs to report information on sanctions to EIOPA (Article 36).

5.2 N.B. The IDD uses the term ‘administrative sanctions and other measures’. The same provisions in Chapter VII of the IDD apply to both ‘administrative sanctions’ and to ‘other measures’. Consequently, for the purposes of this Report, EIOPA has not made a distinction between whether or not a particular measure, such as a public statement or an order to cease and desist is deemed to be an ‘administrative sanction’ or ‘other measure’. Indeed, recital 65 of the IDD states that *‘This Directive should refer to both administrative sanctions and other measures irrespective of their qualification as a sanction or other measure under national law.’*

Published and non-published sanctions

5.3 As stated above, NCAs may decide in specified circumstances, not to publish sanctions that they have imposed. However, NCAs are required to report all sanctions to EIOPA, including those that were not published (Article 32(3)). This Annual Report covers all sanctions imposed, including those that were

⁸³ It is explicitly recognised in Article 33(4) that Member States may empower competent authorities to provide for additional sanctions or other measures to those listed in this Article.

⁸⁴ Nevertheless, in accordance with Article 33(4), Member States may empower competent authorities to impose administrative pecuniary sanctions which are higher than those provided for in this Article.

not published, or were published on an anonymous basis by NCAs, since the information in this Report is presented only in aggregate form.

5.4 As recognised in Article 32(2), IDD, national law may provide for the publication of a sanction, which is still subject to an appeal. In view of this, it is possible that sanctions that are reported to EIOPA and then published in this Annual Report could subsequently be annulled on appeal. Should this case arise in the future, EIOPA will consider how to appropriately reflect this in the figures published.

Multiple legal bases and specific issues for administrative pecuniary sanctions

5.5 Some sanctions may relate to multiple legislative provisions. In these cases, NCAs reported each particular sanction separately for each different legislative provision that had been infringed, in order to provide an aggregate overview of the different types of breaches of the IDD. However, in order to avoid duplication, such sanctions were only counted once when calculating the total number of sanctions⁸⁵.

5.6 For the case of sanctions that were administrative pecuniary sanctions, it was also considered important to avoid duplication in the amounts recorded so that the total value of fines reported would correspond to the total value of fines imposed. Therefore, where an administrative pecuniary sanction was imposed for breaches of multiple legislative provisions, NCAs needed to consider the most appropriate way to allocate the value of the administrative pecuniary sanction to each of the legislative provisions that had been infringed. This could have been, for example, by allocating the sanction to the main provision breached, or alternatively dividing the amount of the pecuniary sanction between the different legal provisions.

5.7 In addition, for administrative pecuniary sanctions, these may have been imposed and reported to EIOPA in a currency different from the Euro. In this case, information on the equivalent value in Euro is also provided in the tables below (based on the average foreign exchange reference rates in 2022 calculated via the Euro foreign exchange reference rates tool provided by the European Central Bank⁸⁶).

Degree of harmonisation of sanctions framework and interaction with national law

5.8 It is relevant to take into account that there is not currently a harmonised sanctions regime under the IDD. The Directive sets out essential requirements that sanctions need to satisfy, but certain substantive and, in particular procedural aspects of the sanctioning regime remain subject to national law. In particular, IDD as a minimum harmonisation directive requires Member States to ensure that NCAs have the power to impose sanctions. It does not oblige NCAs to impose sanctions in all cases of a failure to comply with the national provisions implementing IDD. Instead, Member States are subject to a general principle that the use of sanctions shall be 'effective, proportionate and dissuasive'.⁸⁷ This means that certain types of breaches may result in a formal sanction being imposed in one Member State, but a different measure in another Member State. This can depend, for example, on the application of proportionality principle and type of the procedure conducted at national level before imposing formal measures.

⁸⁵ This means that the total number of sanctions shown for different breaches of IDD does not add up to the total number of sanctions imposed.

⁸⁶ [Euro foreign exchange reference rates \(europa.eu\)](https://europa.eu)

⁸⁷ Article 31(1).

5.9 In addition, in some Member States, not all withdrawals of registration of distributors are due to sanctions imposed for breaches of the national provisions implementing the IDD⁸⁸, and these cases are therefore not within the scope of this Report. Similarly, it is relevant to note that there may be differences between the requirements of the IDD and national legislation on sanctions, that either goes beyond or is outside the scope of IDD. For some jurisdictions, this may result in certain NCA activities (e.g. pre-emptive activities) that are reported as sanctions under the national legal framework, not qualifying as a sanction under the IDD.⁸⁹

5.10 It is also relevant to note that the aggregated form for submitting information on sanctions is based on Article 33(2), IDD. This paragraph provides a non-exhaustive minimum list of the types of sanctions that NCAs need to be able to impose for breaches of the provisions concerning insurance-based investment products. However, it was decided to make use of this list of sanctions generally for the aggregated reporting of all sanctions, not only insurance-based investment products (for example, public statement, temporary ban on exercise of management functions). This is based on the fact that, in some Member States, these types of sanctions are used for products other than insurance-based investment products.

Interpretation of the scope of IDD sanctions

5.11 Since the IDD provides a non-exhaustive minimum list of sanctions that can be imposed, there can be some scope for interpretation as to whether specific national measures fall within the scope of IDD sanctions. Through discussions with NCAs, EIOPA has sought to promote a consistent approach to the reporting of measures and this will continue to be relevant over time as further experience with IDD sanctions is gathered. At this stage, a number of points can be mentioned:

- ▶ Although this terminology is not used in the IDD, EIOPA understands that the scope of IDD sanctions (including “other measures”) is limited to “hard” measures taken by NCAs, i.e. formal measures that are directly enforceable and binding. EIOPA considers this to be inherent to the term or concept of sanctions. This interpretation is also supported, for example, by the requirement for sanctions to be subject to a right of appeal, since such a right would not seem applicable in the case of non-binding measures.
- ▶ One area where there can be some scope for interpretation concerns whether a sanction has been imposed for a breach of the *national provisions implementing the IDD*. For example, the fact that a national rule is contained within the legislative act that included the national provisions implementing IDD is not of itself decisive. On the other hand, there are considered to be cases where specific national provisions can be within the scope of the national IDD framework, even though it may not be straightforward to identify a single legal hook at EU level, because the specific subject matter is within the scope of IDD.

⁸⁸ There may be additional national rules regarding registration that are not within the scope of IDD. For example, in some Member States, a failure to pay taxes or to carry on business for a certain period of time without good reasons results in a withdrawal of the registration.

⁸⁹ This might be because the sanction, while a formal measure following an infringement, is a “persuasive” rather than strictly enforceable measure, and therefore for example is not subject to a right of appeal as required by the IDD. In this case, an enforceable measure may be used by the NCA if the company or individual does not follow the initial persuasive measure.

- ▶ Some examples of the types of additional administrative sanctions or other measures that have been used so far by NCAs are orders⁹⁰, warnings, reprimands, and the suspension of a registration⁹¹.

Timing of sanction procedures and IDD implementation

5.12 Another element of context relates to the timing of sanctions and the implementation of IDD. Sanctions are reported to EIOPA at the conclusion of administrative proceedings, which may also include appeal processes. Due the considerable time that such proceedings can take, the reporting of sanctions may occur sometime after enforcement procedures were initiated or an initial decision was taken by the NCA. For example, during this period some NCAs may not have finalised any sanctions relating to breaches of IDD national implementing rules committed by distributors, but did initiate IDD proceedings. It can also be noted that in some Member States, the transposition deadline was not met and IDD was only transposed into national legislation during the course of 2019 or 2020.

Reporting period

5.13 When comparing the sanctions figures between those for 2022, 2021 and 2020 and those for 2018-2019, it is relevant to bear in mind the different reporting periods. Taking into account that in most Member States IDD was only applicable for several months of 2018 (from October), this is not considered to have a material impact for these Member States. However, where IDD was applicable significantly earlier in 2018, such as already from 23 February, this means that the reporting period for the first annual report was significantly longer than the one for the second annual report and this third annual report – up to 22 months compared to 12 months.

⁹⁰ i.e. different types of orders to an order to cease and desist, such as an order to establish a certain type of internal procedure.

⁹¹ i.e. as opposed to a withdrawal of the registration.

6. ANNEX II – DETAILED AGGREGATE INFORMATION

Compiled information across different Member States

The table below compiles the information for the NCAs that reported sanctions to EIOPA in 21 Member States per type of sanction and legislative provision breached. As above, the types of sanctions follow those in Article 33. The article references are to a specific point or subparagraph of an article where possible.

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 1(4)	2	4	0	0	0	0	0
Article 3	0	0	0	0	126	0	0
Article 3(1)	0	0	0	0	3	7	€22 052

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 3(1) subparagraph 1	0	0	0	0	1	0	€2 500
Article 3(4)	0	0	0	0	0	1	0
Article 3(6)	0	0	1	0	0	0	0
Article 4(1)	0	0	0	0	1	0	€13 858
Article 10(1)	0	1	1111	0	1	4	€639
Article 10(2)	0	1	9	0	315	12	€16 923

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(2) subparagraph 1	0	0	0	0	7	0	€5 231
Article 10(3)	0	2	65	0	2	1	0
Article 10(3) subparagraph 2	0	0	0	0	0	1	0
Article 10(4)	0	87	604	0	1	1	€358
Article 10(6)	0	0	4	0	25	0	€6 647

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(6) subparagraph 1	0	0	0	0	1	0	€1 014
Article 10(8)	0	0	0	0	2	0	0
Article 14	0	3	0	0	2	1	€2 812
Article 15	0	8	1	0	0	1	0
Article 16	0	0	1	0	3	2	€106 773
Article 17(1)	5	6	32	0	8	76	€3 323
Article 17(2)	0	10	0	0	0	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 18	0	0	1	1	4	5	€27 761
Article 18(a)	0	3	0	0	7	2	€7 129
Article 18(a)(i)	0	6	0	0	0	0	0
Article 18(a)(ii)	0	5	0	0	0	0	0
Article 18(a)(iii)	0	1	0	0	0	0	0
Article 18(b)	0	1	0	0	0	1	0
Article 19(1)	0	1	0	0	1	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 19(1)(a)	0	1	0	0	0	0	0
Article 19(1)(b)	0	1	0	0	0	0	0
Article 19(1)(c)	0	3	0	0	0	0	0
Article 19(1)(c)(iii)	0	2	0	0	0	0	0
Article 19(1)(e)	0	2	0	0	0	0	0
Article 19(4)	0	0	0	0	1	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 20	0	0	2	1	6	4	€47 085
Article 20(1)	0	1	0	0	2	5	€4 064
Article 20(1) subparagraph 1	0	0	0	0	1	1	€4 000
Article 20(1) subparagraph 3	1	27	0	0	2	0	€13 000
Article 20(2)	0	2	0	0	0	5	0
Article 20(3)	0	6	0	0	2	4	€3 578

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 20(4)	0	0	0	0	0	1	0
Article 20(5)	0	1	0	0	1	1	€4 000
Article 20(7)	0	1	0	0	0	1	0
Article 20(7)(e)	0	0	0	0	0	1	0
Article 20(8)	0	2	0	0	0	0	0
Article 23	0	2	0	0	1	2	0
Article 23(1)	0	1	0	0	0	1	0
Article 23(2)	0	0	0	0	0	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 23(3)	0	0	0	0	0	1	0
Article 23(4)	0	0	0	0	0	1	0
Article 23(5)	0	1	0	0	0	1	0
Article 23(6)	0	0	0	0	0	1	0
Article 25	0	1	0	0	1	2	0
Article 25(1)	0	17	0	0	0	0	€200 000
Article 25(1) subparagraph 5	0	0	0	0	0	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 25(2)	0	0	0	0	1	0	0
Article 27	0	1	0	0	7	7	€3 333
Article 28(1)	0	1	0	0	7	7	€3 323
Article 29(1)	0	0	0	0	1	0	0
Article 29(1)(a)	0	1	0	0	0	0	0
Article 29(2)	0	0	0	0	7	7	€2 812
Article 30	0	1	0	0	1	2	0
Article 30(1)	1	26	0	0	1	0	€250

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 30(2)	0	3	0	0	0	0	0
Article 30(4)	0	2	0	0	0	0	0
Article 30(5)	0	19	0	0	0	0	0
Article 4 of POG Delegated Regulation	0	1	0	0	1	1	0
Article 5 of POG Delegated Regulation	0	1	0	0	1	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 6 of POG Delegated Regulation	0	1	0	0	1	1	0
Article 7 of POG Delegated Regulation	0	1	0	0	1	1	0
Article 7(2) of POG Delegated Regulation	0	0	0	0	0	1	0
Article 8 of POG	0	1	0	0	1	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Delegated Regulation							
Article 10(1) of POG Delegated Regulation	0	1	0	0	0	0	0
Article 10(2) of POG Delegated Regulation	0	2	0	0	0	0	0
Article 10(3) of POG Delegated Regulation	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(4) of POG Delegated Regulation	0	1	0	0	0	0	0
Article 10(6) of POG Delegated Regulation	0	1	0	0	0	0	0
Article 11 of POG Delegated Regulation	0	1	0	0	0	0	0
Article 12 of POG	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Delegated Regulation							
Article 3 of IBIP Delegated Regulation	0	1	0	0	0	0	0
Article 4 of IBIP Delegated Regulation	0	0	0	0	3	3	€1 661
Article 5 of IBIP Delegated Regulation	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 5(1) of IBIP Delegated Regulation	0	0	0	0	3	3	€1 661
Article 8(2) of IBIP Delegated Regulation	0	0	0	0	8	8	€11 758
Article 9 of IBIP Delegated Regulation	0	2	0	0	0	0	0
Article 9(2) of IBIP Delegated Regulation	0	23	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 9(2) (c) of IBIP Delegated Regulation	0	2	0	0	0	0	0
Article 9(3) of IBIP Delegated Regulation	0	8	0	0	0	0	0
Article 9(4) of IBIP Delegated Regulation	0	13	0	0	0	0	0
Article 9(7) of IBIP Delegated Regulation	0	2	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10 of IBIP Delegated Regulation	0	1	0	0	0	0	0
Article 10(b) of IBIP Delegated Regulation	0	20	0	0	1	0	€1 022
Article 10(c) of IBIP Delegated Regulation	0	12	0	0	0	0	0
Article 10(d) of IBIP	0	7	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Delegated Regulation							
Article 14 of IBIP Delegated Regulation	1	1	0	0	1	0	€250
Article 14(1) of IBIP Delegated Regulation	1	17	0	0	1	0	€10 000
Article 14(2) of IBIP Delegated Regulation	0	16	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 17 of IBIP Delegated Regulation	0	1	0	0	0	0	0
Article 17(1) of IBIP Delegated Regulation	0	17	0	0	0	0	0
Article 17(1)(b) of IBIP Delegated Regulation	0	5	0	0	0	0	0
Article 19 of IBIP Delegated Regulation	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 19(1) of IBIP Delegated Regulation	0	19	0	0	0	0	0
Article 19(2) of IBIP Delegated Regulation	0	5	0	0	0	0	0
Article 19(3) of IBIP Delegated Regulation	0	1	0	0	0	0	0
Article 19(4) of IBIP Delegated Regulation	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 1(1) of IPID Implementing Regulation	0	0	0	0	0	1	0
Totals⁹²	9	204	1815	1	630	103	€528 807

⁹² The totals represent the actual number of sanctions imposed. Since some sanctions related to multiple infringements, this total is different to the sum of values in the columns.

Information per Member State

The tables below show the same aggregate information as provided in the previous sub-section for each relevant Member State individually. In the row “Total”, the total number of sanctions is shown. Where there is a difference between the total number of sanctions and the total number of breaches, the number of breaches is also shown in brackets.

Austria

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 20(1) subparagraph 3	1	0	0	0	1	0	€10 000
Article 30(1)	1	0	0	0	1	0	€250
Article 14 of IBIP Delegated Regulation	1	0	0	0	1	0	€250

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 14(1) of IBIP Delegated Regulation	1	0	0	0	1	0	€10 000
Totals	2	0	0	0	2	0	€20 500

Belgium

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 3(1) subparagraph 1	0	0	0	0	1	0	€2 500
Article 10(1)	0	0	3	0	0	1	0
Article 10(3)	0	2	2	0	0	1	0
Article 10(4)	0	87	39	0	0	0	0
Article 14	0	0	0	0	0	1	0
Article 15	0	8	1	0	0	1	0
Article 16	0	0	0	0	1	0	€100 000

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 17(1)	0	4	0	0	0	0	0
Article 17(2)	0	10	0	0	0	0	0
Article 18	0	5	0	0	0	0	0
Article 18(a)(i)	0	1	0	0	0	0	0
Article 19(1)(c)	0	3	0	0	0	0	0
Article 19(1)(c)(iii)	0	2	0	0	0	0	0
Article 19(1)(e)	0	2	0	0	0	0	0
Article 20(1)	0	27	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 20(2)	0	2	0	0	0	0	0
Article 20(3)	0	4	0	0	0	0	0
Article 23	0	2	0	0	0	0	0
Article 23(1)	0	1	0	0	0	0	0
Article 23(5)	0	1	0	0	0	0	0
Article 25(1)	0	1	0	0	0	0	0
Article 27	0	1	0	0	0	0	0
Article 28(1)	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 29(1)(a)	0	1	0	0	0	0	0
Article 30(1)	0	26	0	0	0	0	0
Article 30(2)	0	2	0	0	0	0	0
Article 30(4)	0	2	0	0	0	0	0
Article 30(5)	0	18	0	0	0	0	0
Article 10(1) of POG Delegated Regulation	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(2) of POG Delegated Regulation	0	2	0	0	0	0	0
Article 10(3) of POG Delegated Regulation	0	1	0	0	0	0	0
Article 10(4) of POG Delegated Regulation	0	1	0	0	0	0	0
Article 10(6) of POG Delegated Regulation	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 11 of POG Delegated Regulation	0	1	0	0	0	0	0
Article 12 of POG Delegated Regulation	0	1	0	0	0	0	0
Article 3 of IBIP Delegated Regulation	0	1	0	0	0	0	0
Article 5 of IBIP Delegated Regulation	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 9 of IBIP Delegated Regulation	0	2	0	0	0	0	0
Article 9(2) of IBIP Delegated Regulation	0	23	0	0	0	0	0
Article 9(2)(c) of IBIP Delegated Regulation	0	2	0	0	0	0	0
Article 9(3) of IBIP Delegated Regulation	0	8	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 9(4) of IBIP Delegated Regulation	0	13	0	0	0	0	0
Article 9(7) of IBIP Delegated Regulation	0	2	0	0	0	0	0
Article 10 of IBIP Delegated Regulation	0	1	0	0	0	0	0
Article 10(b) of IBIP Delegated Regulation	0	19	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(c) of IBIP Delegated Regulation	0	12	0	0	0	0	0
Article 10(d) of IBIP Delegated Regulation	0	7	0	0	0	0	0
Article 14 of IBIP Delegated Regulation	0	1	0	0	0	0	0
Article 14(1) of IBIP Delegated Regulation	0	16	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 14(2) of IBIP Delegated Regulation	0	14	0	0	0	0	0
Article 17 of IBIP Delegated Regulation	0	1	0	0	0	0	0
Article 17(1) of IBIP Delegated Regulation	0	17	0	0	0	0	0
Article 17(1)(b) of IBIP Delegated Regulation	0	5	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 19 of IBIP Delegated Regulation	0	1	0	0	0	0	0
Article 19(1) of IBIP Delegated Regulation	0	19	0	0	0	0	0
Article 19(2) of IBIP Delegated Regulation	0	5	0	0	0	0	0
Article 19(3) of IBIP Delegated Regulation	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 19(4) of IBIP Delegated Regulation	0	1	0	0	0	0	0
Totals	0	153 (393)	45	0	2	3 (4)	€102 500

Bulgaria

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(4)	0	0	0	0	1	0	€358 (BGN 700)
Article 10(6)	0	0	0	0	4	0	€6 447 BGN 13 000
Article 18	0	0	0	0	3	0	€2 761 (BGN 5 400)
Article 20	0	0	0	0	1	0	€511 (BGN 1 000)
Totals	0	0	0	0	9	0	€10 277 (BGN 20 100)

Croatia

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 3	0	2	0	0	0	0	0
Article 17(1)	0	0	0	0	0	1	0
Article 18(b)	0	0	0	0	0	1	0
Article 19(4)	0	0	0	0	0	1	0
Article 20(1)	0	0	0	0	0	1	0
Article 20(4)	0	0	0	0	0	1	0
Article 20(5)	0	0	0	0	0	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 20(7) subparagraph 2	0	0	0	0	0	1	0
Article 20(7)(e)	0	0	0	0	0	1	0
Article 23(1)	0	0	0	0	0	1	0
Article 23(2)	0	0	0	0	0	1	0
Article 23(3)	0	0	0	0	0	1	0
Article 23(4)	0	0	0	0	0	1	0
Article 23(5)	0	0	0	0	0	1	0
Article 23(6)	0	0	0	0	0	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 25	0	0	0	0	0	1	0
Article 30	0	0	0	0	0	1	0
Totals	0	2	0	0	0	2 (16)	0

Cyprus

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 3(1)	0	0	0	0	1	0	€13 857
Article 4(1)	0	0	0	0	1	0	€13 858
Totals	0	0	0	0	2	0	€27 715

Czech Republic

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction ⁹³	Other administrative sanctions or measures	
Article 10(2)	0	0	0	0	1	0	€16 284 (CZK 400 000)
Article 10(3)	0	0	0	0	2	0	0
Article 10(8)	0	0	0	0	2	0	0
Article 17(1)	0	0	0	0	1	0	0
Article 18(a)	0	0	0	0	2	0	0
Article 20	0	0	0	0	4	0	€21 573 (CZK 530 000)
Article 25(2)	0	0	0	0	1	0	0

⁹³ In some cases, no monetary amount is recorded because the amount was allocated to the main provisions breached.

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction ⁹³	Other administrative sanctions or measures	
Article 29(1)	0	0	0	0	1	0	0
Totals	0	0	0	0	5 (14)	0	€37 857 (CZK 930 000)

Denmark

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 1(4)	2	4	0	0	0	0	0
Article 17(1)	2	2	0	0	0	1	0
Totals	4	6	0	0	0	1	0

Finland

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(3)	0	0	1	0	0	0	0
Totals	0	0	1	0	0	0	0

France

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction ⁹⁴	Other administrative sanctions or measures	
Article 10(3)	0	0	28	0	0	0	0
Article 10(4)	0	0	36	0	0	0	0
Article 18	0	0	1	1	1	0	€25 000
Article 20	0	0	1	1	1	0	€25 000
Totals	0	0	65 (66)	1 (2)	1 (2)	0	€50 000

⁹⁴ In some cases, no monetary amount is recorded because the amount was allocated to the main provisions breached.

Germany

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 3	0	0	0	0	126	0	Not available
Article 10(1)	0	0	7	0	0	0	0
Article 10(2)	0	0	1	0	313	0	Not available
Article 10(3)	0	0	34	0	0	0	0
Article 10(4)	0	0	341	0	0	0	0
Article 10(6)	0	0	0	0	7	0	Not available

Article 3/ Article 10⁹⁵	0	0	0	0	136	0	Not available
Totals	0	0	383	0	582	0	<i>Not available</i>

⁹⁵ Germany reported 136 administrative pecuniary sanctions concerning breaches of Article 3 or Article 10. However, for these specific measures, it was not possible to provide a breakdown between which sanctions concerned Article 3 and which concerned Article 10. Consequently, these sanctions are reported separate from the other sanctions concerning Article 3 and Article 10 respectively. In view of this, these sanctions are not reflected in the figures in Table 2 and Table 3 which show the number of breaches for Articles 3 and 10, and are also not included in the previous table in this Annex showing compiled information across different Member States.

Greece

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction ⁹⁶	Other administrative sanctions or measures	
Article 20(1) subparagraph 1	0	0	0	0	1	0	€4 000
Article 20(1) subparagraph 3	0	0	0	0	1	0	€3 000
Article 20(4)	0	0	0	0	1	0	0
Article 20(5)	0	0	0	0	1	0	€4 000
Totals	0	0	0	0	3 (4)	0	€11 000

⁹⁶ In some cases, no monetary amount is recorded because the amount was allocated to the main provisions breached.

Hungary

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction ⁹⁷	Other administrative sanctions or measures	
Article 3(1)	0	0	0	0	1	1	€3 195 (Ft 1 250 000)
Article 10(1)	0	0	0	0	1	1	€639 (Ft 250 000)
Article 10(2)	0	0	0	0	1	1	€639 (Ft 250 000)
Article 14	0	3	0	0	2	0	€ 2,812 (Ft 1 100 000)
Article 16	0	0	0	0	2	2	€6 773 (Ft 2 650 000)

⁹⁷ In some cases, no monetary amount is recorded because the amount was allocated to the main provisions breached.

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction ⁹⁷	Other administrative sanctions or measures	
Article 17(1)	0	0	0	0	7	7	€ 3 323 (Ft 1 300 000)
Article 18(a)	0	2	0	0	3	1	€3 195 (Ft 1 250 000)
Article 18(b)	0	1	0	0	0	0	0
Article 20(1)	0	1	0	0	1	0	€1 022 (Ft 400 000)
Article 20(3)	0	2	0	0	2	0	€3 578 (Ft 1 400 000)
Article 20(7)	0	1	0	0	0	0	0
Article 20(8)	0	2	0	0	0	0	0
Article 27	0	0	0	0	7	7	€3 323 (Ft 1 300 000)

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction ⁹⁷	Other administrative sanctions or measures	
Article 28(1)	0	0	0	0	7	7	€ 3.323 (Ft 1 300 000)
Article 29(2)	0	0	0	0	7	7	€2 812 (Ft 1 100 000)
Article 30(5)	0	1	0	0	0	0	0
Article 4 of IBIP Delegated Regulation	0	0	0	0	3	3	€1 661 (Ft 650 000)
Article 5(1) of IBIP Delegated Regulation	0	0	0	0	3	3	€1 661 (Ft 650 000)

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction ⁹⁷	Other administrative sanctions or measures	
Article 8(2) of IBIP Delegated Regulation	0	0	0	0	8	8	€ 11 758 (Ft 4 600 000)
Article 10b) of IBIP Delegated Regulation	0	1	0	0	1	0	€ 1 022 (Ft 400 000)
Article 14(1) of IBIP Delegated Regulation	0	1	0	0	0	0	0
Article 14(2) of IBIP Delegated Regulation	0	2	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction ⁹⁷	Other administrative sanctions or measures	
Totals	0	7 (17)	0	0	15 (56)	10 (48)	€50 737 (Ft 19 850 000)

Italy

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 3(1)	0	0	0	0	1	6	€5 000
Article 3(4)	0	0	0	0	0	1	0
Article 10(1)	0	0	1	0	0	2	0
Article 10(2)	0	0	0	0	0	1	0
Article 10(4)	0	0	1	0	0	1	0
Article 10(6)	0	0	4	0	0	14	0
Article 16	0	0	1	0	0	0	0
Article 17(1)	0	0	32	0	0	67	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 18	0	0	0	0	0	5	0
Article 20	0	0	1	0	0	4	0
Article 20(1)	0	0	0	0	0	4	0
Article 20(2)	0	0	0	0	0	4	0
Article 20(3)	0	0	0	0	0	4	0
Article 23	0	0	0	0	0	2	0
Totals	0	0	32 (40)	0	1	73 (115)	€5 000

Liechtenstein

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of registration	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(2)	0	0	0	0	0	10	0
Totals	0	0	0	0	0	10	0

Luxembourg

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 25	0	1	0	0	1	1	€200 000
Article 30	0	1	0	0	1	1	0
Article 4 of POG Delegated Regulation	0	1	0	0	1	1	0
Article 5 of POG Delegated Regulation	0	1	0	0	1	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 6 of POG Delegated Regulation	0	1	0	0	1	1	0
Article 7 of POG Delegated Regulation	0	1	0	0	1	1	0
Article 8 of POG Delegated Regulation	0	1	0	0	1	1	0
Totals	0	1 (7)	0	0	1 (7)	1 (7)	€200 000

Netherlands

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction ⁹⁸	Other administrative sanctions or measures	
Article 23	0	0	0	0	1	0	0
Totals	0	0	0	0	1	0	0

⁹⁸ The administrative pecuniary sanction concerned a breach of Article 23, IDD as well as breaches of provisions outside the scope of the IDD. No monetary amount was allocated to Article 23 because the main provisions breached were those outside the scope of the IDD.

Poland

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(2)	0	1	0	0	0	0	0
Article 17(1)	3	0	0	0	0	0	0
Totals	3	1	0	0	0	0	0

Portugal⁹⁹

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(1)	0	0	1099	0	0	0	0
Article 10(2)	0	0	0	0	0	0	0
Article 10(4)	0	0	187	0	0	0	0
Totals	0	0	1286	0	0	0	0

⁹⁹ As shown in Table 2 above, Portugal also provided updated figures for sanctions imposed during 2021, including 5 withdrawals of registration for breaches of Article 10(3), and 3525 withdrawals of registration for breaches of Article 10(4).

Romania

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(2) subparagraph 1	0	0	0	0	7	0	€5 231 (RON 25 796)
Article 10(3) subparagraph 2	0	0	0	0	0	1	0
Article 10(6) subparagraph 1	0	0	0	0	1	0	€1 014 (RON 5000)
Article 17(2)	0	0	0	0	0	1	0
Article 18(a)	0	0	0	0	2	1	€3 934 (RON 19 400)
Article 19(1)	0	0	0	0	1	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 19(4)	0	0	0	0	1	0	0
Article 20(1)	0	0	0	0	1	1	€3 042 (RON 15 000)
Article 20(2)	0	0	0	0	0	1	0
Article 25(1) subparagraph 5	0	0	0	0	0	1	0
Article 1(1) of IPID Delegated Regulation	0	0	0	0	0	1	0
Article 7(2) of POG Delegated Regulation	0	0	0	0	0	1	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Totals	0	0	0	0	6	3	€13 221 (RON 65 196)

Slovakia

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 3(6)	0	0	1	0	0	0	0
Article 10(1)	0	0	1	0	0	0	0
Article 10(2)	0	0	1	0	0	0	0
Totals	0	0	3	0	0	0	0

Slovenia

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 10(1)	0	1	0	0	0	0	0
Article 18(a)	0	1	0	0	0	0	0
Article 18(a)(i)	0	5	0	0	0	0	0
Article 18(a)(ii)	0	5	0	0	0	0	0
Article 18(a)(iii)	0	1	0	0	0	0	0
Article 19(1)	0	1	0	0	0	0	0
Article 19(1)(a)	0	1	0	0	0	0	0
Article 19(1)(b)	0	1	0	0	0	0	0

Legal Basis	Type of administrative sanction or other measure						Monetary amount of administrative pecuniary sanctions
	Public statement	Order to cease and desist	Withdrawal of authorisation	Temporary ban on exercise of management functions	Administrative pecuniary sanction	Other administrative sanctions or measures	
Article 20(5)	0	1	0	0	0	0	0
Article 25(1)	0	16	0	0	0	0	0
Article 30(2)	0	1	0	0	0	0	0
Totals	0	34	0	0	0	0	0

7. ANNEX III – GENERAL DATA ON EACH NATIONAL MARKET

Table 7 on the number of sanctions based on IDD in relation to the general data of each national markets (2022)

Country	Population (in 1000) ¹⁰⁰ / Share Total EEA	(Re)insurance GWP (in million) ¹⁰¹ / Share Total EEA	Number of (re) insurance Undertakings ¹⁰² / Share Total EEA	Number of Registered insurance intermediaries ¹⁰³ / Share Total EEA	Number of sanctions based on IDD in 2022 / Share Total EEA
Austria	8,979 / 2%	20,815.873 / 1.5 %	33 / 1.9%	17999 / 2.1%	4 / 0.14 %
Belgium	11,618 / 2.6%	44,172.414 / 3.1%	57/3.3%	8911 / 1.1%	203 / 7.3%
Bulgaria	6,839 / 1.5%	2,730.334 / 0.2%	30 / 1.7 %	6839 / 0.8 %	9 /0.33%
Croatia	3,862 / 0.8%	1,681.451 / 0.1%	15 / 0.9%	11131 / 1.3 %	4 /0.14%
Cyprus	904.705 / 0.2%	1,217.479 / 0.09%	29 / 1.7%	2322/ 0.3%	2 /0.07%
Czech Republic	10,517 / 2.3%	8,386.338 / 0.6%	22 / 1.3%	32448 / 3.7%	5 / 0.18%
Denmark	5,873 / 1.3 %	40,744.612 / 3.0 %	72 / 4.2%	2571 / 0.3%	11 / 0.40%

¹⁰⁰Based on eurostat data for 1 January 2022: <https://ec.europa.eu/eurostat/databrowser/view/tps00001/default/table?lang=en>

¹⁰¹ (Re)insurance GWP (gross written premium) includes life and non-life premiums generated by domestically registered undertakings year-end 2022 based on annually reported Solvency II information: [European Insurance Overview report 2023 \(europa.eu\)](https://register.eiopa.europa.eu/ layouts/15/download.aspx?SourceUrl=https://register.eiopa.europa.eu/Publications/Insurance%20Statistics/SQ_Premiums_Claims_Expenses.xlsx)

¹⁰² Number of (re)insurance undertakings (year-end 2022) includes the domestically registered undertakings. Based on Solvency II information:

https://register.eiopa.europa.eu/ layouts/15/download.aspx?SourceUrl=https://register.eiopa.europa.eu/Publications/Insurance%20Statistics/SQ_Premiums_Claims_Expenses.xlsx

¹⁰³ Based on data provided by NCAs for the Second EIOPA IDD application report.

Country	Population (in 1000) ¹⁰⁰ / Share Total EEA	(Re)insurance GWP (in million) ¹⁰¹ / Share Total EEA	Number of (re) insurance Undertakings ¹⁰² / Share Total EEA	Number of Registered insurance intermediaries ¹⁰³ / Share Total EEA	Number of sanctions based on IDD in 2022 / Share Total EEA
Estonia	1,332 / 0.3%	956,810 / 0.07%	9 / 0.5%	394 / 0.05 %	0 / 0%
Finland	5,548 / 1.2%	8,449.683 / 0.62 %	43 / 2.5%	3812 / 0.4%	1 / 0.04%
France	67,872 / 15%	330,940.978 / 24.3%	151 / 8.7%	62284 / 7.2%	67 / 2.43%
Germany	83,237 / 18.4 %	335,298.764 / 24,7%	256 / 14.8%	190708 / 22%	984 / 34.9%
Greece	10,460 / 2.3 %	4,687.315 / 0.4%	34 / 2 %	17164 / 2%	3 / 0.11%
Hungary	9,689 / 2.1%	6,562.353/ 0.3%	22 / 1.3%	45376 / 5.2%	32 / 1.16%
Ireland	5,060 / 1.18%	102,420.675 / 7.5%	163 / 9.4%	2883 / 0.3%	0 / 0%
Italy	59,030 / 13%	135,019.570 / 9.9%	87 / 5%	235404 / 27.2%	106 / 3.84%
Latvia	1,876 / 0.4%	623,982 / 0.05%	6 / 0.3%	1397 / 0.2%	0 / 0%
Lithuania	2.806 / 0.6%	873.670 / 0.06%	9 / 0.5%	3727 / 0.4%	0 / 0%
Luxembourg	645.397 / 0.1%	53,064.155 / 4%	71/ 4.1%	4138/ 0.5%	3 / 0.11%

Country	Population (in 1000) ¹⁰⁰ / Share Total EEA	(Re)insurance GWP (in million) ¹⁰¹ / Share Total EEA	Number of (re) insurance Undertakings ¹⁰² / Share Total EEA	Number of Registered insurance intermediaries ¹⁰³ / Share Total EEA	Number of sanctions based on IDD in 2022 / Share Total EEA
Malta	520.971 / 0.1%	8,957.346 / 0.7%	32 / 1.9%	445 / 0.1%	0 / 0 %
Netherlands	17,591 / 3.9%	81,543.289 / 6 %	96 / 5.6%	6451 / 0.7%	1 / 0.036 %
Poland	37,654 / 8.3%	15,444.623/ 1.1%	52 / 3%	30525 / 3.5%	4 / 0.15%
Portugal ¹⁰⁴	10,352 / 2.3%	11,999.855/ 1%	37 / 2%	10687 / 1.2%	1286/ 46.56%
Romania	19,042/4.2%	2,772.753/ 0.2%	25 / 1.45%	60973 / 7.1%	9 / 0.33%
Slovakia	5,435 / 1.2%	1,867.249/0.1%	10 /0.6%	20938/ 2.4%	3/ 0.11%
Slovenia	2,107 / 0.5%	3,091.949/0.2%	13/ 0.7%	15924 / 1.8%	34/1.23%
Spain	47,433 / 10.5%	70,691.118/5.2%	150/8.7%	62167/7.2%	0 /0%
Sweden	10,452/2.3%	38,954.113/ 2.9%	113 / 6.6%	5963 / 0.7%	0 / 0%
Iceland	376.248 / 0.08%	572,893 / 0.04%	8 / 0.5%	54 / 0.01%	0/ 0%

¹⁰⁴ To ensure that the information about “(Re)insurance GWP (in million)” corresponds to the “Number of (re)insurance undertakings”, based on the annual average, “(Re)insurance GWP (in million)” refers to 37 insurance undertakings (instead of 35 insurance undertakings as indicated in the 4th quarter Solvency II reporting).

Country	Population (in 1000)¹⁰⁰ / Share Total EEA	(Re)insurance GWP (in million)¹⁰¹ / Share Total EEA	Number of (re) insurance Undertakings¹⁰² / Share Total EEA	Number of Registered insurance intermediaries¹⁰³ / Share Total EEA	Number of sanctions based on IDD in 2022 / Share Total EEA
Liechtenstein	39.308 / 0.0001%	5,505.99 / 0.4%	23 / 1.3%	51 / 0.01%	10 / 0.36%
Norway	5,425 / 1.2%	22,877.899 / 1.7 %	59 / 3.4 %	2217 / 0.3%	0 / 0%

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