31 October 2016

AMICE Response to Commission public consultation on a potential EU personal pension framework

Key messages

Key features: we are in favour of a default investment option in a personal pension product (PPP) with a number of alternative options which should not be limited.

Portability of personal pensions: A personal pension product should be portable both within the Member State and across Member States.

Information to policyholders: It is arguable whether the PRIIPs KID, which has been designed for investment products, is a good basis to design EU personal pension disclosures. Nevertheless, a more standardised KID might be helpful on the condition that it is better tailored to the specificities of PPPs than the PRIIPs KID.

Distribution: All distribution channels should be possible for the benefit of consumers and freedom of choice. Legislation should not restrict or incentivise one channel over another.

Advice should not be mandatory for the provision of PPPs. As distribution of PPPs often requires raising consumers' awareness of their need to save for retirement, they should have the possibility to have some advice if they wish so.

Switching between products or providers: Long-term liabilities cannot be generated if consumers are allowed to switch at any time. Therefore, switching should be only be possible at specific points in time (i.e. the end of a minimum investment period) and only a limited number of times.

Decumulation: There should be flexibility on pay-out. Decumulation phase should comprise mainly of life time annuities with a limited and small proportion of lump sum, in order to provide life-long income to protect the individual.

Effects of key features on the tax regime of personal pensions: There appears to be evidence that in countries with EET regime tax incentives encourage the uptake of personal pension products by savers.

Potential EU action

- **Benefits of providing PPPs on an EU scale**: product innovation, attractive to mobile and regular customers, opening of the market to other providers
- **Type of potential EU action:**
  - **Self-regulatory approach** would partly address the challenges identified by the Commission such as insufficient personal pension take up by individuals, insufficient cross-border provision, insufficient variety in personal pension providers, lack of efficiency of personal pensions on costs and returns, and insufficient innovation in personal pensions.
  - **European personal pension account** would partly address the challenges identified by the Commission. This approach might be the best way to promote changes in national tax regulation.
  - **European personal pension product** could provide additional choice, given that it is a ‘true’ pension product and that it does not replace existing national pension solutions. But there remains a significant risk of creating an uneven playing field because of the different national regulations, tax regimes, general good rules and implementations of EU directives.
  - **Harmonisation of national personal pensions’ regimes** would not be able to take into account the different systems developed in Member States. Therefore, it would not be attractive. An optional second regime would open up the possibility of PEPP for a wider group of EU citizens.

BANKING AND FINANCE

Public consultation on a potential EU personal pension framework

Part B3 - Stakeholders in a professional capacity - for providers, potential providers, stakeholder representatives, public authorities regulating personal pensions, academics etc.

Fields marked with * are mandatory.

Introduction

Creating a true Capital Markets Union (CMU) which strengthens Europe's economy and creates jobs in all 28 Member States is a top priority for the Commission. CMU is intended to mobilise capital in Europe and channel it to companies, including SMEs, and infrastructure projects that need it to expand and create jobs. By linking savings with growth, it will offer new opportunities for savers and investors.

Pension products in general and personal pensions in particular are key players in the capital markets through their central role for linking long-term savers with long-term investment opportunities. In the Action Plan on Building a Capital Markets Union [1], the Commission announced that it will assess the case for a policy framework to establish a successful European market for simple, efficient and competitive personal pensions, and determine whether EU legislation is required to underpin this market.

Personal (or private) pensions are long-term savings products with a retirement objective which are subscribed voluntarily and are neither social security-based nor occupational. Personal pensions can be offered in different forms such as life insurance products, pension insurance or investment funds. Personal pensions complement state pensions and workplace pensions.

The maturity of personal pension markets differs throughout the EU, with the take-up of products being limited in most Member States, where they act as additional savings vehicles targeted primarily at higher-income households. Only a few Member States (for example the Czech Republic or Germany) have achieved wider take-up of personal pensions, thanks to incentives such as tax advantages and public co-payments. However, the volume of savings and their potential contribution to adequate retirement incomes remains limited.

Challenges and opportunities

Costs and charges: Personal pension products are provided to savers throughout the EU, but individuals are often unable or uninterested to save more for retirement. Individuals tend to postpone making decisions for retirement, and when they do, they can be discouraged by the poor performance of investment products, their fees (impacting on the final returns) and their complexity, which limit the attractiveness of personal pension products in particular for lower- and middle-income households. A recent study shows that returns of personal pension products can be very distinct. For instance in Denmark, the average yearly real returns of pension funds after charges and taxation reached almost 4% over the period 2002-2013. However, in other Member States, such as Bulgaria, Estonia, Italy, Latvia, Slovakia, or Spain, there were negative returns for certain pension products in the same period. Consequently, there is potential for improving performance, creating lower cost products and ultimately improving the attractiveness and uptake of personal pensions.

Limited Portability: Personal pension products are not usually available for take-up from other Member States even if more attractively priced or performing better. Cross-border provision is currently limited. When individuals move within the European Union, they are often prevented from taking their investment with them and are, as a consequence, unable to benefit from any economies of scale they might otherwise have developed by pooling their personal pension savings.

Diverse Taxation: Tax aspects can be especially challenging as Member States have different tax regimes for personal pension products. While most Member States use tax advantages or other public incentives, such as co-payments to boost the take-up of personal pensions, individuals might be penalised if they wish to have their accumulated benefits in one Member State recognised in another Member State. As a consequence, individuals may be deterred from buying personal pension products from providers in other Member States if these products do not qualify for the tax relief available for domestic products. Individuals may not be able to continue to pay into their personal pension plan if they relocate to another Member State. The differences in the tax rules add complexity and contribute to higher cost of personal pension products, both for the individual and for the provider. The lack of clarity for providers on how to apply tax rules adds to the complexity and high cost of personal pension products offered across borders. Providers are often unable to offer their personal pension products in other Member States because they might not qualify for tax relief there. While it is not envisaged to harmonise tax requirements for personal pensions, national tax incentives remain very important for the uptake of personal pensions in the framework of a potential EU initiative.

Competition between providers: the maturity of personal pension markets differs throughout the EU, with the take-up of products being overall limited in most Member States. Differing regulatory requirements applicable to personal pensions limit providers' willingness and ability to create new business opportunities in other countries. Markets are predominantly national and dominated by local providers. Insurance companies manage approximately 90% of personal pension assets. Other suppliers, such as pension funds, investment companies or banks play only a marginal role. This indicates there is an opportunity to create stronger competition resulting in more choice for consumers.

Potential opportunities of an EU personal pension framework

European pension systems are facing the dual challenge of remaining financially sustainable and being able to provide Europeans with an adequate income in retirement. Not saving enough for retirement is a top concern for the British, German and Irish workforce (54%, 53% and 50% respectively) [2]. The old age dependency ratio – the ratio between the number of elderly persons who are inactive and the number of persons of working age – is highest in Italy, Sweden and Germany (above 30%). It is also high in Belgium, France, Denmark and the United Kingdom (25%). Demographic trends anticipate that the proportion of workers supporting those in retirement will halve from an average of four today, to just two, by 2060. In recent years, Member States have adopted a multitude of reforms aimed at managing public spending on pensions to safeguard their sustainability. The 2015 Pension Adequacy Report highlights that the lowering of benefit levels could imply significant risks for the future adequacy of incomes in old age. The impact of lower pensions from public schemes could be offset or mitigated by increased entitlements from supplementary retirement savings [3].

Personal pensions can help secure adequate replacement rates in the future as a complement to state-based or occupational pensions. There is scope for further development of personal pensions at EU level, in particular by making them more attractive and accessible to potential savers. They can also fit the increasing mobility of EU citizens better as well as the needs of a future workforce with fluctuating work patters.

An EU single market for personal pensions could offer individuals more choice between products and providers, as well as more understanding and control of the risks that they face at different stages of their private pension investment. A single market would also create new market opportunities for providers, including SMEs, and help decrease the costs for savers.

Personal pensions are a flexible way to build up additional retirement income for a large category of individuals. This includes everybody wishing to save more for retirement, such as employed people willing to complement their public or occupational pension; individuals who are self-employed or those who have an irregular activity on the labour market, as well as individuals who do not work but can afford to invest in a pension.

European personal pension solutions could be particularly attractive to individuals who move from one country to another and wish to continue to contribute to their existing personal pension savings while having the accumulated benefits recognised for tax relief in the new country.

Personal pension savings also have an important role to play in channelling retail savings into capital markets, a key building block of a Capital Markets Union.

The ultimate goal is to support individuals in the EU to save more to achieve appropriate levels of retirement income. To achieve this, it should be possible:

for providers based in one EU Member State to offer personal pensions in other EU Member States; for savers to be able to sign up for a personal pension offered in other EU Member States; and for savers to transfer the benefits accumulated in one or more Member State(s) if they move from one Member State to another, whether to work or to retire – facilitating so-called "portability".

Objective of the consultation

The consultation will help the Commission analyse the case for an EU personal pension framework. It builds on previous consultations [4] launched by the Commission and EIOPA on personal pensions, but increases their scope. In July 2012 and in 2014, the European Commission asked EIOPA to develop technical advice on an EU Internal Market for personal pension schemes or products. The Commission sought advice in particular on the cross-border, prudential regulation and consumer protection measures that would be required to develop an EU single market for personal pension schemes. EIOPA has responded to those requests and favoured the creation of a harmonised legal framework for a Pan-European personal pensions market [5].

The Commission, in this consultation, aims to build on that advice and widen the range of possible options and stakeholders consulted.

The consultation also builds on recent initiatives such as the Call for Evidence on the EU Regulatory Framework for Financial Services [6] and the Green Paper on Retail Financial Services [7], placing personal pensions in the area of retail financial services to benefit European consumers and facilitate the cross-border supply of these services.

In particular, it will help the Commission map individuals' and providers' expectations for an EU personal pension framework. It will also help in identifying a set of key features to build on when assessing the case for an EU personal pension framework. It will seek views on how, in the future, personal pensions can better complement retirement income. The Commission also intends to make individuals more confident about using personal pensions to save for their retirement.

This consultation seeks views on how to best address the current obstacles within the personal pensions market and will contribute to assessing the feasibility of a potential EU policy framework to establish a successful European market for simple, efficient and competitive personal pensions.

The public consultation is open until **31 of October 2016**.

---

[1] COM(2015) 468 final

[2] European Employee Benefits Benchmark, Expectations vs. Reality: Meeting Europe’s Retirement Challenge (Aon Consulting, 2010)

[3] The 2015 Pension Adequacy Report: current and future income adequacy in old age in the EU

[4] During the consultation launched by the Commission in 2015 on Building a Capital Markets Union, most respondents indicated that personal pension savings have an important role to play by channelling retail savings into capital markets and expressed support for the creation of a single market for personal pensions as one of the building blocks of a Capital Markets Union.

[5] EIOPA's advice on the development of an EU Single Market for personal pension products (PPP's), ref.EIOPA-16/457, available at: https://eiopa.europa.eu/publications/submissions-to-the-ec. During the consultation launched by the Commission in 2015 on Building a Capital Markets Union, most respondents indicated that personal pension savings have an important role to play by channelling retail savings into capital markets and expressed support for the creation of a single market for personal pensions as one of the building blocks of a Capital Markets Union.

[6] http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0630&from=EN

[7] COM(2015) 630 final, available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2015:630:FIN

Please note: In order to ensure a fair and transparent consultation process **only responses received through our online questionnaire will be taken into account** and included in the report summarising the responses. Should you have a problem completing this questionnaire or if you require particular assistance, please contact fisma-personal-pension-framework@ec.europa.eu.

More information:

- on this consultation
- on the protection of personal data regime for this consultation

1. Information about you

*First name and last name:

Belma Yasharova

*Name of your organisation:

AMICE

Contact email address:

The information you provide here is for administrative purposes only and will not be published

belma.yasharova@amice-eu.org

*Is your organisation included in the Transparency Register?
(If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. Why a transparency register?)

- (x) Yes
- ( ) No

*If so, please indicate your Register ID number:

62503501759-81

*Type of organisation:

- ( ) Academic institution
- ( ) Company, SME, micro-enterprise, sole trader
- ( ) Consultancy, law firm
- ( ) Consumer organisation
- (x) Industry association
- ( ) Media
- ( ) Non-governmental organisation
- ( ) Think tank
- ( ) Trade union
- ( ) Other

*Type of public authority

- (x) International or European organisation
- ( ) Regional or local authority
- ( ) Government or Ministry
- ( ) Regulatory authority, Supervisory authority or Central bank
- ( ) Other public authority

*Where are you based and/or where do you carry out your activity?

Belgium

*Field of activity or sector (*if applicable*):

at least 1 choice(s)

- [ ] Accounting
- [ ] Auditing
- [ ] Banking
- [ ] Credit rating agencies
- [x] Insurance
- [ ] Pension provision
- [ ] Investment management (e.g. hedge funds, private equity funds, venture capital funds, money market funds, securities)
- [ ] Market infrastructure operation (e.g. CCPs, CSDs, Stock exchanges)
- [ ] Social entrepreneurship
- [ ] Other
- [ ] Not applicable

Important notice on the publication of responses

*Contributions received are intended for publication on the Commission's website. Do you agree to your contribution being published?

(see specific privacy statement)

- (•) Yes, I agree to my response being published under the name I indicate (*name of your organisation/company/public authority or your name if your reply as an individual*)
- ( ) No, I do not want my response to be published

2. Your opinion

B3. Questions for stakeholders in a professional capacity – for providers, potential providers, stakeholder representatives, public authorities regulating personal pensions, academics etc.

Please justify your choice(s) - where possible please provide reference to any evidence, data, reports or studies.

Section 2: Challenges and key features

A. On the challenges to personal pension development in the EU

At present, the EU personal pensions market does not seem to be reaching its full potential, both in terms of the products supplied and the level of demand from potential investors. There is evidence that personal pensions markets remain fragmented along national borders, are dominated by a limited number of national providers, and national tax requirements limit the possibility to purchase personal pension products from another Member State. As a consequence, cross-border provision of these services is limited. Competition is imperfect, restricting investors from enjoying the benefits of more innovative and efficient personal pension products.

Encouraging the provision of third pillar personal pensions by a wider range of financial institutions would foster more competition and could offer more choice with more attractive prices to consumers. Provided the above-mentioned challenges are overcome, the uptake of personal pensions would increase with more coverage among policyholders. Consumers could benefit from simpler, more innovative and more efficient personal pensions to complement their retirement income.

***1. Do you offer personal pension products to consumers?**

- ○ No, we do not offer personal pension products
- ● Yes , in one Member State
- ○ Yes, in more than one Member State

*If yes, please specify in which Member States:

```
AMICE is the voice of the mutual and cooperative insurance sector in Europe.
The Brussels-based association advocates for appropriate and fair treatment
of all mutual and cooperatives insurers in a European Single Market. AMICE
has 102 full members in 21 Member States.
The close to 2,700 insurers united in the mutual and cooperative sector
account for more than half of all insurance undertakings and for a market
share of more than 30%. They provide cover for close to 400 million members
/policyholders and employ more than 430,000 staff.
```

2. What are the issues which limit the development of personal pensions in your Member State? (Please specify your answer below in maximum 500 characters. You may reply to one or several categories)

a. National legal requirements (e.g. prudential rules governing providers, administrative rules, tax regime for personal retirement saving, non-tax legal requirements, etc.)

500 character(s) maximum

```
Differences in national legislation, such as administrative rules, contract law, taxation, social security law and supervision are important barriers which limit the development of personal pensions. Some PPPs are governed by Solvency II capital requirements which are poorly adapted to the risk management of the retirement business. Moreover, tax exemption rules are quite complex, volatile and prevent potential transfers from one product to another.
```

b. Barriers to entry for providers (e.g. costs are too high to enter the market, competition is not strong enough on the market, the current low interest rates disincentivise providers to offer long-term products, etc.)

500 character(s) maximum

```
Solvency II capital requirements as applied to long-term guarantees and to supplementary retirement benefits are not appropriate as they are founded on a short-term approach to risk assessment.Low interest rates are also an important barrier which limit the opportunity for providers to offer long-term products. There is also inconsistent level of competition on the markets.
```

c. Insufficient demand from individuals for personal pensions (e.g. lack of information about pension savings, low level of individuals' financial literacy, lack of interest in pension savings, insufficient income for pensions savings purposes)

500 character(s) maximum

```
There is a lack of interest in pension savings, in particular among young generations and people with low income. Other limitations are the lack of information about pension savings, low level of individuals' financial literacy and the perception whether state pension system is sufficient.
```

d. Insufficient public policy incentives to stimulate saving in personal pension products

500 character(s) maximum

```
As pensions have a strong national component and Member States have the prerogative as regards the organisation of their pension systems, public policy incentives play a crucial role in stimulating saving in personal pension products.
```

e. Any other limitation

500 character(s) maximum

3. What are the issues which limit the development of personal pensions across borders?

(Please specify your answer below in maximum 500 characters. You may reply to one or several categories)

a. Varying national legal requirements (e.g. complexity of national legal frameworks, differing national tax requirements, difference in conduct of business rules, etc.)

500 character(s) maximum

There are several aspects which affect providers' decisions to offer PPPs across borders, such as legal and regulatory framework: applicable law, local legal interpretations in the courts, the tax, differences in conduct of business rules and the supervisory environment.

b. Challenges for providers to operate cross-border (e.g. high set up costs, high operating costs in another Member State, language issues, unfamiliar customer base, branding issues, local dominant distribution channels, presence of conflicts of interest in the distribution channels, etc.)

500 character(s) maximum

The following factors limit providers to operate cross-border: companies' size and policies, variety of markets in which they operate, their business strategies and risk appetite, language issues, unfamiliar customer base, branding issues, the set up costs.

c. Insufficient demand from individuals for cross-border pensions (e.g. uncertainties about cross-border providers, perception that a cross-border pension would only be relevant in case of mobility, etc.)

500 character(s) maximum

Lack of information and lack of security about cross-border providers
In some countries pillar 2 pensions are well developed and responsible for future pay of current employees, while pillar 3 pensions are underdeveloped and lacking in cost-effectiveness and safety.

d. Any other limitation

500 character(s) maximum

B. What should be the key features of an EU personal pension framework?

As outlined in the 2014 EIOPA preliminary report [1], personal pension savings are expected to be a successful alternative source of retirement income and provide for replacement rates in the future but only in so far as those savings are safe in the sense of trustworthiness, cost effectiveness and transparency. They should also be sufficiently flexible to cater for a European labour market where workers' mobility is increasing.

Furthermore, the 2016 EIOPA technical advice [2] to the EU Commission outlined that objectives for personal pensions determine and affect to some extent the required product characteristics:

- **Safe products** imply the need for addressing conflicts of interests and information asymmetries between providers and savers. Conflicts of interests need to be addressed and incentives need to be aligned to facilitate optimised results for consumers. The main tools for ensuring safety could include authorisation and governance requirements and also cover controls and limits on product design and characteristics. Those product limitations could entail investment limitations or the inclusion of guarantees on capital or returns.

- **Transparent products:** As long-term saving products are often perceived as being complex, relevant information on those products needs to be provided to consumers to enable them to make well-informed decisions about taking up and maintaining long-term savings. The nature, frequency of disclosure and presentation of information contributes to the overall transparency of these products. There are several recent examples in EU financial services legislation about information disclosure requirements, such as in the Regulation on Key Information Documents for Packaged Retail and Insurance-based Investment Products (PRIIPs) [3], in the Markets in Financial Instruments Directive (MiFID II) [4] and in the Insurance Distribution Directive (IDD) [5] which could serve as a basis for establishing the appropriate disclosure requirements for personal pension products.

- **Cost-effective products:** building a stronger market for personal pensions could provide efficiency gains for providers through standardisation, enabling economies of scale and allowing for improved risk diversification. This can help reducing administrative costs arising from distribution, information and manufacturing, and lower the asset management costs by increasing the size of the asset portfolio under management. According to EIOPA, such efficiency gains could be offered by a well-functioning Single Market for personal pension products, without obstacles to cross-border activities, facilitating healthy competition and financial innovation. Online distribution is often seen as a relevant alternative distribution channel that can help reduce those costs.

Building on the essential features of an EU personal pension framework as outlined above through the EIOPA technical advice, an EU personal pension framework should be complemented by a number of areas which could be subject to enhanced standardisation in order to facilitate the cross-border provision of personal pensions and to offer appropriate consumer protection. These areas include investment rules, guarantees provided, portability of pensions, information requirements, rules on switching providers or products and the options for pay-out. In addition, the key features should not be looked at in isolation, but in the context of the tax regime on personal pensions, which is a key driver for the take-up of personal pensions.

This section is thus divided into key features first (B1), and secondly how they affect the tax regime applied to personal pensions (B2).

---

[1] EIOPA: Towards an EU single market for personal pensions: An EIOPA Preliminary Report to COM, 2014

[2] EIOPA's advice on the development of an EU Single Market for personal pension products (PPP's), ref.EIOPA-16/457, available at: https://eiopa.europa.eu/publications/submissions-to-the-ec

[3] Regulation (EU) No 1286/2014 of the European Parliament and of the Council on key information documents for packaged retail and insurance-based investment products (PRIIPs)

[4] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU

[5] Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast)

B1. Key features

INVESTMENT RULES

Many long-term retirement savings are reliant on investments (in capital markets or other areas) in order to grow. Personal pension products create the opportunity for savers to invest for the long-term, potentially maximising their retirement savings. The range of investment options is a key issue to address in this area to balance various risk profiles and respond to the needs and expectations of individuals in terms of investment strategy, given the various levels of financial literacy.

According to the 2016 EIOPA advice [1], savers tend to have difficulties to determine their own investment portfolio, are often overwhelmed by the choice of investments and strongly influenced by the way that choice is presented to them. Savers seem to prefer choosing a "standard" default investment option over complex options. Savers are not aware that their needs may change over the lifetime of the product and may not monitor, review or rebalance the asset allocation of their investment portfolio over time.

In the work conducted by EIOPA, the options for a personal pensions framework range from including a default investment option to be provided to savers with a very limited number of alternative options in order to steer individuals towards a standard option, towards an approach where more investment options would be provided to cater for individuals with different risk appetites. In this context, the first approach, namely a default investment option, could provide the benefit of simplicity, safety and a limited risk for the majority of savers. The other approach, namely alternative investment options, could provide flexibility to cater for the needs of savers with specific investment profiles, or with different risk return profiles.

EIOPA recommends in its technical advice a limited number of investment options to help limit information overload on consumers. Furthermore, EIOPA recommends a default or "core" investment option in case a product would incorporate more than one investment option in order to simplify decision-making for the majority via choice- and information architecture.

EIOPA also addresses the question whether there should be a guarantee to protect the individual saver, and/or a life-cycle strategy with de-risking when approaching retirement. A life-cycling strategy with de-risking (LCS) is an approach that ensures that savers do not have to make investment decisions during the lifetime of their personal pension product.

EIOPA recommends a de-risking strategy for at least the default investment option unless all investment options contain a guarantee. The de-risking strategy should aim to maximise returns at defined risk levels for that investment option. These conditions would seek to mitigate potential issues of individuals' loss and regret aversion.

---

[1] EIOPA's advice on the development of an EU Single Market for personal pension products (PPP's), ref.EIOPA-16/457, available at: https://eiopa.europa.eu/publications/submissions-to-the-ec

***4. Should there be a default investment option in a personal pension product which would provide simplicity and safety catering for the needs of a majority of personal pension savers?**

- (x) Yes
- ( ) No
- ( ) No opinion

***5. Which type of protection should be attached to the default investment option ensuring simplicity and safety for investors in personal pensions?**

- ○ Guarantee on capital
- ○ Guarantee on returns
- ○ No need for a guarantee
- ● Other

Please specify:

500 character(s) maximum

A product with a limited risk of capital loss through a protection against high market volatility by means of guarantees on accumulated capital at maturity or guaranteed minimum annuity is particularly suitable as a default investment option.

***6. Should the number of alternative investment options be limited?**

- ○ Yes
- ● No

PORTABILITY OF PERSONAL PENSIONS

Personal pensions are typically long-term products as their focus is on retirement. During their lifetime, investors' preferences and needs could change, and they may move between Member States for multiple reasons (employment, settling for retirement etc.).

Following changes in individuals' preferences and/or personal circumstances, the question of portability of pensions arises, within the same country or across borders. Portability would allow for the recognition and transfer of pension contributions across providers and across Member States.

A portability feature of personal pensions across the EU should make personal pensions a more attractive option for mobile workers than they are offered at present through allowing them to keep their pension contributions together and therefore enjoy higher benefits in retirement.

In addition, if personal pensions were portable, providers of personal pensions could scale up their activities in a more integrated EU market, and thus offer products across borders to savers in less mature personal pension markets.

7. Should a personal pension product be portable?

(Please tick the appropriate field, only one choice is allowed per category of reply)

	Not at all important	Rather unimportant	Fairly important	Very important	No opinion
Across Member States	○	○	●	○	○
Within the same Member State	○	○	●	○	○
Both within the same Member State and across Member States	○	○	●	○	○

8. What are the main barriers for portability of existing personal pension products?

5000 character(s) maximum

Differences in national legislation, such as administrative rules, contract law, taxation, social security law and supervision are important barriers which limit the development of personal pensions. Some PPPs are governed by Solvency II capital requirements which are poorly adapted to the risk management of the retirement business. Moreover, tax exemption rules are quite complex, volatile and prevent potential transfers from one product to another.

INFORMATION TO POLICYHOLDERS

In order to determine which personal pension products best fit their needs, individuals should be appropriately informed of the key features of such products, in particular in view of the products' long-term nature and inherent complexity. There are several recent examples in EU financial services legislation about information disclosure requirements, such as in the Regulation on Key Information Documents for Packaged Retail and Insurance-based Investment Products [1] (PRIIPs), Markets in Financial Instruments Directive [2] (MiFID II) and Insurance Distribution Directive [3] (IDD). PRIIPs introduces a Key Information Document (KID – a simple document giving key facts to retail investors in a clear and understandable manner) covering not only collective investment schemes but also other 'packaged' investment products offered by banks or insurance companies.

In the work conducted so far on the key elements of information to be disclosed, the options for personal pensions range from using existing models such as the KID in PRIIPs as a basis with some adaptations, to designing a more specific set of information requirements tailored to the specific nature of personal pensions.

The EIOPA technical advice recommends using the existing rules based on the idea of the PRIIPs KID as a starting point for disclosure requirements for personal pensions. However, EIOPA recommends adjusting the PRIIPs KID to allow for the specificities of personal pensions to be accommodated. This could for example include information related to the choices to be made by savers or options provided by national law and options provided by the provider on reaching retirement.

According to EIOPA it is important to project and estimate how investments (typically including periodic contributions) and the related returns accumulate over a potentially very long time period, and what that could mean in terms of a retirement income. Therefore, projections could also be a feature of the disclosure requirements.

A distinction should also be made between information provided before subscribing to a product (pre-contractual information) and information provided to savers during the product lifetime.

---

[1] Regulation (EU) No 1286/2014 of the European Parliament and of the Council on key information documents for packaged retail and insurance-based investment products (PRIIPs)

[2] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU

[3] Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast)

9. **The PRIIPs Key Information Document (KID) provides an example of pre-contractual information disclosure. Should the KID be used for the purposes of personal pensions disclosures? Alternatively, which KID elements could be directly used for disclosures regarding a potential EU personal pension and what are the elements that should be adapted (e. g. to take into account the long-term nature of the investment)?**

500 character(s) maximum

```
Pensions are outside the scope of the PRIIPs Regulation.It is arguable
whether the PRIIPs KID, which has been designed for investment products, is a
good basis to design EU personal pension disclosures.For PPP only non-
exhaustive and principle-based information requirements should be considered
which are sufficiently flexible to cater for different national systems. For
a PEPP a more standardised KID might be helpful which is better tailored to
its specificities than the PRIIPs KID.
```

10. **What information, in your opinion, is most relevant to individual savers before signing up to a product?**

(Please tick the appropriate field, only one choice is allowed per category of reply)

	Not at all important	Rather unimportant	Fairly important	Very important	No opinion
Available investment options				X	
Different types of fees				X	
Level of fees disclosed annually				X	
The rate of return over the last two years		X			
Level of protection provided				X	
Information provided in a standardised format (similarly to the PRIIPs KID)			X		
The tax regime for contributions, returns and pay-outs			X		

Is there any other information that would be of importance for savers before signing up to a product?

500 character(s) maximum

11. What information, in your opinion, is most relevant to individual savers during the lifetime of the product?

(Please tick the appropriate field, only one choice is allowed per category of reply)

	Not at all important	Rather unimportant	Fairly important	Very important	No opinion
Current investment option	○	○	○	●	○
Available investment options	○	○	●	○	○
Level of fees	○	○	○	●	○
The rate of return	○	○	●	○	○
Level of protection provided	○	○	○	●	○
Accumulated benefits	○	○	○	●	○
Expected benefits at retirement	○	○	○	●	○
The tax treatment of savings	○	○	●	○	○

Any other information that would be of importance for savers during the product lifetime?

500 character(s) maximum

DISTRIBUTION

As personal pension products are often considered complex and information asymmetries between providers and savers subsist, distributors play an important role. Distributors, and in particular the advice they could provide, could have a very significant impact on the development of a sound personal pensions market, reduce the asymmetry of information and ultimately serve the interests of consumers. Distributors can assist consumers in assessing personal pension products before they make a purchase and help identify which product best meets their needs. They can provide advice to those with more complex needs or those who are less financially literate. Distributors can also play a role during the lifetime of a personal pension product, assisting consumers in assessing their retirement provisions over time and helping trigger changes in consumers' allocation of resources within a personal pension product, or switching investment option over time, especially in the run-up to retirement.

Currently, personal pension products tend to be distributed face-to-face and through branches, which may or may not be accompanied by advice. However, technological developments may change the way personal pension products are distributed and how advice is provided. The choice and/or variety of distribution channels is a key factor in determining the success of a personal pension framework.

In the work conducted so far by EIOPA on this key feature (i.e. distribution aspects), the options range from encouraging physical sales in parallel to adapting key features so that personal pensions can easily be sold online. EIOPA recommends that at least for the default option, distribution without advice via the internet should be permitted in the case of non-complex personal pension products, easy for customers to access and understand.

The question of advice, and it being compulsory or not, remains a question in the case of more complex investment options and potentially higher risks for savers.

During the product's lifetime, EIOPA recommends that the distributor should monitor and review the product in the context of the saver's needs and future plans. For known trigger events, for example when the saver is nearing retirement, the distributor should inform the saver about the upcoming event, and provide all relevant information in order to enable the individual to choose the best option for his / her retirement.

12. As a provider, which types of distribution channels would you favour in order to maximise the benefits and efficiency gains of a Single Market for personal pensions (e.g. online/face-to-face, directly/via agents)?

500 character(s) maximum

AMICE believes that all distribution channels should be possible for the benefit of consumers and freedom of choice. Legislation should not restrict or incentivise one channel over another. In view of the growing importance of online distribution channels, providers should be given sufficient flexibility when distributing products in case of online sales.

13. Would you consider that advice should be mandatory for the provision of personal pensions?

500 character(s) maximum

```
We consider that advice should not be mandatory for the provision of personal
pensions.The sale of insurance products remains possible without advice in
accordance with national rules.As distribution of personal pensions often
requires raising consumers' awareness of their need to save for retirement,
they should have the possibility to have some advice.Even when sales are
carried out without advice, all relevant information will still be provided
to consumers in a clear and fair way.
```

SWITCHING BETWEEN PRODUCTS OR PROVIDERS

For personal pension products which are by nature very long-term products, it is necessary to offer consumers the flexibility to switch between products as well as providers. Switching allows investors a choice between products and providers, and could be a means to encourage competition and keep levels of fees under control. Being locked into in a product or with a provider for a long time, especially until reaching retirement age, regardless of whether the performance of the product is satisfactory or not, could be highly detrimental to the individual.

However, this needs to be weighed against the benefits provided by long-term investment, which requires that funds be made available over extended periods. In line with the idea of long-term saving and of creating a Capital Markets Union, personal pensions should help generate funding for long-term illiquid investments (for example infrastructure or unlisted SME equities). This objective could be undermined if consumers shifted providers constantly, leading to short term liabilities and forcing providers to invest in more liquid assets. Consequently, a balance should be struck between allowing savers to switch providers and ensuring that providers can invest in long-term illiquid assets.

In the work conducted so far by EIOPA on this key feature, namely switching, the options range from allowing very limited switching possibilities over time to preserve the long-term investment, to fostering competition by allowing savers to switch more often their personal pension across providers.

EIOPA recommends that switching providers should be possible but under some limitations such as minimum holding periods. Switching costs should also be fair and transparent. EIOPA favours transparent and clearly allocated costs of switching over free charge switching whereby costs might be hidden elsewhere.

In this context switching refers to changing personal pension products across providers within a Member State; it is not intended to provide for switching outside the personal pensions environment.

***14. Under what conditions should it be possible to switch personal pension providers?**

- ○ Switching should be without conditions
- ○ Switching should be subject to a fee
- ● Switching should be only possible after a minimum period of time and be allowed only a limited number of times
- ○ Switching should not be possible

Please explain: *(optional)*

500 character(s) maximum

```
The personal pension products should allow to generate long-term liabilities.
In this regard, consumers should be incentivised to save for a long period.
Long-term liabilities cannot be generated if consumers are allowed to switch
at any time. Therefore, switching should be only be possible at specific
points in time (i.e. the end of a minimum investment period) and only a
limited number of times.In addition, transfer might require management costs
which should be partly assumed by the consumer
```

PAYOUT (DECUMULATION)

Decumulation, or pay-out, starts at the legal age of retirement or when the policyholder chooses to retire.

Different pay-out options should allow policyholders to choose the most appropriate decumulation option for them. In the work conducted by EIOPA on this key feature, the options range from allowing any type of pay-out, bearing in mind that a personal pension is typically supplementing the main source of pension revenue, to recommending one or several preferred pay-out options, notably in order to maximise consumer protection.

In its technical advice, EIOPA does not recommend standardising the decumulation phase of personal pension products. It considers that more work should be done to determine the advantages and disadvantages of the distinct pay-out options.

***15. Which forms of pay-out should be favoured?**
(Please provide an explanation of your choice)

- ○ lump sum
- ○ life time annuities
- ○ temporary annuities (limited in time)
- ○ individuals' choice
- ○ any other
- ● there should be flexibility on pay-out

Please explain: *(optional)*

500 character(s) maximum

```
Decumulation phase should comprise mainly a true pension product with life
time annuities with a limited and small proportion of lump sum, in order to
provide life-long income to protect the individual.
```

16. Overall, in your opinion, what factors would encourage competition to offer high quality, affordable personal pension products?

(Please tick the appropriate field, only one choice is allowed per category of reply)

	Not at all important	Rather unimportant	Fairly important	Very important	No opinion
Level of fees and returns			X		
Transparency on fees and costs				X	
Type of investment policy (active vs passive)					X
Ease of distribution			X		
Consumer awareness of the availability of retirement products			X		
A benchmark to assess the product's performance, safety and simplicity		X			
Tax and other financial incentives to personal pension savings			X		

B2. Effect of key features on the tax regime of personal pensions

Personal pensions are vehicles which may benefit from national tax incentives under the form of tax relief at different stages of the life of the product. National tax rules may constitute an obstacle to the development of a single market for personal pensions given the complexity and variety of tax regimes applicable in Member States. Increased complexity could create additional administration costs for personal pension products and might reduce incentives for suppliers to operate across borders.

At the same time, taxation is a key factor that determines the success of a framework for personal pensions because tax incentives play an important role in the decision to subscribe to personal pensions savings. Generally, a deferred taxation model is applied to personal pension products; contributions are deducted from an individual's taxable income and pensions are taxed within the framework of income tax or, in many instances at a favourable rate. In most Member States the investment results are tax exempt. However, the taxation rates and regimes vary widely between Member States.

While it is not envisaged to harmonise tax requirements for personal pensions, national tax incentives remain very important for the uptake of personal pensions in the framework of a potential EU initiative.

17. In your experience, to what extent are tax incentives important for the uptake of personal pension products by savers?

Please explain:

5000 character(s) maximum

There appears to be evidence that in countries with EET regime tax incentives encourage the uptake of personal pension products by savers.

***18. If you are a provider offering personal pension products in other Member States, how do you accommodate differing national tax regimes?**

- ○ We operate through branches or subsidiaries
- ○ We operate directly across the border without branches or subsidiaries
- ● Other

Please specify:

500 character(s) maximum

Our members do not offer personal pension products in other Member States.

C. On the benefits of potential EU action on personal pensions

A true EU market for personal pensions could create a number of benefits and contribute to growth and investment within a Capital Markets Union. For investors, this should ensure delivery of affordable personal pensions through better prices at the point of sale, good returns and a wider range of providers due to increased competition. Furthermore, products could be more transparent, easier to understand and also safer, if there were some minimum standards, which should lead to increase consumer confidence. It might also be easier to change providers or to transfer accumulated benefits when moving to another Member State. Providers could benefit from reduced complexity, facilitated cross-border activity, reduced administrative costs, and efficiencies could be created by pooling assets from a larger investor base. Providers would be able to provide similar products within a wide range of Member States.

19. In your opinion, what are the most significant benefits of providing personal pensions on an EU scale?

(Please tick the appropriate field, only one choice is allowed per category of reply)

	Not at all important	Rather unimportant	Fairly important	Very important	No opinion
Larger pools of assets due to a wider reach					X
Opens up the market to other providers			X		
Improved asset allocation					X
Product innovation			X		
Improved returns					X
Lower operating costs					X
Attractive to mobile customers			X		
Attractive to regular (non-mobile) customers			X		
Encourages a level playing field between providers					X

Others? Please specify:

500 character(s) maximum

D. On the type of potential EU action

The previous sections on the key features of a personal pension framework and on the benefits of potential EU action focused on assessing the effects that an EU initiative would have on the personal pension market. The consultation now turns to views on how to best frame such an initiative, from self-regulatory approaches (cooperation among stakeholders) to more comprehensive EU intervention (harmonising at EU level the national personal pension regimes).

For each of the potential approaches, we invite respondents to detail how the chosen approach would address the problems identified in the first part of this consultation. These would address issues such as insufficient personal pension take up by individuals, insufficient cross-border provision, insufficient variety in personal pension providers, lack of efficiency of personal pensions on costs and returns, and insufficient innovation in personal pensions.

20. The EU could foster cooperation between stakeholders (Member States, providers, consumers) around a common approach to providing personal pension products. This would imply designing together with the national authorities, pension industry and consumers a series of recommendations which providers could follow when offering personal pensions.

Fostering cooperation among stakeholders would...

	…not address this challenge at all	…partly address this challenge	…largely address this challenge	…decisively address this challenge	No opinion
Enhance the take-up of personal pensions by consumers in the EU	○	◉	○	○	○
Enhance cross border offer of personal pension products by providers in the EU	○	◉	○	○	○
Widen the range of providers	○	◉	○	○	○
Enhance efficiency, asset allocation and returns when offering personal pension products	○	◉	○	○	○
Contribute to innovation within the personal pension product market	○	◉	○	○	○

Other (please specify):

500 character(s) maximum

The self-regulatory approach might be the best way to promote changes in national tax regulation.

21. **A European personal pension account could be established, similarly to the Individual Retirement Account (IRA) offered in the United States. An IRA is a personal savings plan that gives individuals tax advantages when saving for retirement. It encompasses different types of plans, depending on the income or employment status of an individual, their tax circumstances and the investment options they choose. There can be many different types of providers: an IRA can be opened with banks, credit unions, insurance companies, mutual fund companies and brokerage firms. Most IRA providers offer a broad variety of investment options, including stocks and bonds, money market funds and mutual funds.**

Would such an approach address the challenges below?

A personal pension account would...

	…not address this challenge at all	…partly address this challenge	…largely address this challenge	…decisively address this challenge	No opinion
Enhance the take-up of personal pensions by consumers in the EU	○	◉	○	○	○
Enhance cross border offer of personal pension products by providers within the EU	○	◉	○	○	○
Widen the range of providers	○	◉	○	○	○
Enhance the efficiency, asset allocation and returns when offering personal pension products	○	◉	○	○	○
Contribute to innovation within the personal pension product offer	○	◉	○	○	○

Other (please specify):

500 character(s) maximum

```
Adopting a European personal pension account, similarly to the Individual
Retirement Account (IRA) would only partly address the challenges because the
EU is in a very different situation than the US especially regarding the
different national regulation and tax regimes.
```

22. A European personal pension product could be established on a voluntary basis, based on a set of common and flexible features, in order to provide pension income in retirement. Such features could include transparency and disclosure requirements, investment options, accumulation and decumulation options, distribution specificities, guarantees on the product, and fees and charges levied. The main difference between a personal pension account (described under question 36) and a personal pension product is that a personal pension account does not pre-define investment options. The role of tax advantages would be similar for the personal pension account and the personal pension product. This approach could take inspiration from the Undertakings for Collective Investment in Transferable Securities (UCITS), European Long Term Investment Funds (ELTIF), the EuVECA and EuSEF funds, the European company statute and the EIOPA advice on the development of a Pan-European Personal Pension Product.

A European personal pension product would...

	…not address this challenge at all	…partly address this challenge	…largely address this challenge	…decisively address this challenge	No opinion
Enhance the take-up of personal pension products by consumers in the EU	○	●	○	○	○
Enhance cross border offer of personal pension products by providers within the EU	○	●	○	○	○
Widen the range of providers	○	●	○	○	○
Enhance the efficiency, asset allocation and returns when offering personal pension products	○	●	○	○	○
Contribute to innovation within the personal pension product offer	○	●	○	○	○

Other (please specify):

500 character(s) maximum

An EU PEPP could provide additional choice, given that it is a ‘true’ pension product and that it does not replace existing national pension solutions. But there remains a significant risk of creating an uneven playing field because of the different national regulations, tax regimes, general good rules and implementations of EU directives.

23. The EU could consider harmonising national personal pension regimes, in particular on the aspects of prudential supervision, possible providers, maximum costs, disclosure requirements, distribution models etc. but excluding tax requirements. Would such an approach address the challenges below?

Harmonising national personal pension regimes would...

	…not address this challenge at all	…partly address this challenge	…largely address this challenge	…decisively address this challenge	No opinion
Enhance the take-up of personal pension products by consumers within the EU	●	○	○	○	○
Enhance cross border offering of personal pension products by providers within the EU	○	●	○	○	○
Contribute to a wide range of providers to offer personal pension products	●	○	○	○	○
Contribute to enhancing the efficiency, asset allocation and returns when offering personal pension products	●	○	○	○	○
Contribute to innovation within the personal pension product offer	●	○	○	○	○

Other (please specify):

500 character(s) maximum

The proposal to harmonise national personal pension regimes would not be able to take into account the different systems developed in Member States. It would be therefore inattractive. An option second regime would open up the possibility of PEPP for a wider group of EU citizens.

24. Would you favour an alternative EU approach?

Please provide details.

5000 character(s) maximum

3. Additional information

Should you wish to provide additional information (e.g. a position paper, report) or raise specific points not covered by the questionnaire, you can upload your additional document(s) here:

Useful links

Consultation details (http://ec.europa.eu/finance/consultations/2016/personal-pension-framework/index_en.htm)

Specific privacy statement (http://ec.europa.eu/finance/consultations/2016/personal-pension-framework/docs/privacy-statement_en.pdf)

More on the Transparency register (http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en)

Contact

fisma-personalpensions@ec.europa.eu