



2017/0143(COD)

26.4.2018

DRAFT OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Economic and Monetary Affairs

on the proposal for a regulation of the European Parliament and of the Council
on a pan-European Personal Pension Product (PEPP)
(COM(2017)0343 – C8-0219/2017 – 2017/0143(COD))

Rapporteur for opinion: Birgit Collin-Langen

PA_Legam

SHORT JUSTIFICATION

The rapporteur welcomes the Commission's initiative for a pan-European Personal Pension Product and the proposal to encourage Europe's citizens to make arrangements for their private pensions. It is in everybody's interest to combat the impact of the demographic shift on retirement policy in each Member State and introduce private savings schemes at an early stage. This applies particularly to the young generation and people on low incomes.

There is currently no single market for private pensions. In some Member States there are currently few or no private pension products available, and the existing national markets are extremely fragmented. It is not possible to take a product into another Member State or arrange a pension product in another Member State in order to gain a fiscal advantage. A standardised pan-European product would improve this situation. The proposal puts forward adequate and appropriate ways of removing the barriers to making cross-border pension arrangements and moving pension products across borders. The proposal is proportionate, as barriers to the portability of a product into another Member State cannot be removed by one Member State acting alone, even though private pension markets are governed by national jurisdiction.

The objective is to have a pension product which is voluntary, simple, safe, transparent, consumer-friendly and reasonably-priced.

Only then can the concept of a portable pan-European pension product succeed.

People buy PEPPs in order to make provision for their old age. As a rule, therefore, that provision must take the form of an annuity payable until a person's death.

A necessary condition for the PEPP to succeed will be support from the Member States, as only they can provide the same fiscal incentives and benefits as are available with comparable national products.

Various amendments and clarifications are proposed which will guarantee a high level of consumer protection.

Information obligations: One suggestion is for the provisions on advertising and the pre-contractual information (PEPP-KID) to be dealt with in the Regulation itself and for the reference to Regulation (EU) No 1286/2014 (the PRIIPS Regulation) to be removed. This would give more legal clarity and certainty.

Portability: The rapporteur welcomes the ambitious aim of having PEPPs available in all the Member States. However, the timeframe would seem to be too tight; the deadline for setting up the compartments needs to be extended to five years. Compartment partnerships will also be introduced to help PEPP providers to make their products available in all the Member States.

Investment options: The rapporteur is in favour of a simple, safe, transparent, consumer-friendly and reasonably-priced pension product. The standard option should enable people to conclude the contract without taking advice. Many consumers have insufficient knowledge to make such far-reaching financial decisions. To ensure a well-informed basis for consumers'

decisions, a decision tree will be provided. This will be developed by the EIOPA and will not give recommendations; it will help PEPP customers decide whether obtaining a PEPP will in fact provide them with the right kind of pension. There will also be a presentation of the various designs of the standard option so that the customer can see how they vary and come to an informed decision.

The design of the investment option will ensure the saver that the capital accumulated by the start of the pay-out phase will at least equal the contributions paid, including all costs and charges.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Economic and Monetary Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The proposal for a Regulation will enable the creation of a pension product which, as far as possible, will be simple, safe, reasonably-priced, transparent, consumer-friendly and portable EU-wide and will complement the existing systems in the Member States.

Or. de

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(3) Currently, the ***functioning of the*** internal market for personal pensions ***is impeded by the high degree of fragmentation between national markets and the limited degree of portability of personal*** pension products. This can result in difficulties for individuals to make use

(3) Currently, the internal market for personal pensions ***does not function smoothly. In some Member States there is not yet a market for pension products. In others, private*** pension products ***are available, but there is a high degree of fragmentation between national markets.***

of their basic freedoms. For instance, they may be prevented from taking up a job or retiring in another Member State. In addition, the possibility for providers to use the freedom of establishment and the freedom to provide services is hampered by the lack of standardisation of existing personal pension products.

As a result, personal pension products have only a limited degree of portability. This can result in difficulties for individuals to make use of their basic freedoms. For instance, they may be prevented from taking up a job or retiring in another Member State. In addition, the possibility for providers to use the freedom of establishment and the freedom to provide services is hampered by the lack of standardisation of existing personal pension products.

Or. de

Amendment 3

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) As announced in the Commission's Action Plan on building a CMU²⁸, in September 2015, 'the Commission 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.'

deleted

²⁸*Action Plan on Building a Capital Markets Union, European Commission, 30 September 2015 (COM(2015) 468 final).*

Or. de

Amendment 4

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) In its Resolution of 19 January 2016²⁹, the European Parliament stressed that ‘an environment must be fostered that stimulates financial product innovation, creating more diversity and benefits for the real economy and providing enhanced incentives for investments, and that may also contribute to the delivery of adequate, safe and sustainable pensions, such as, for example, the development of a pan-European Pension Product (PEPP), with a simple transparent design’.

deleted

²⁹European Parliament, Resolution of 19 January 2016 on stocktaking and challenges of the EU Financial Services Regulation: impact and the way forward towards a more efficient and effective EU framework for Financial Regulation and a Capital Markets Union, 2015/2106(INI), point 20.

Or. de

Amendment 5

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) In its conclusions of 28 June 2016³⁰, the European Council called for ‘swift and determined progress to ensure easier access to finance for business and to support investment in the real economy by moving forward with the Capital Markets Union agenda’.

deleted

³⁰European Council Conclusions of 28 June 2016, EUCO 26/16, point 11.

Amendment 6**Proposal for a regulation****Recital 8**

Text proposed by the Commission

Amendment

(8) *In its Communication of 14 September 2016 Capital Markets Union – Accelerating Reform³¹, the Commission announced that it ‘will consider proposals for a simple, efficient and competitive EU personal pension product [...] Options under consideration include a possible legislative proposal which could be tabled in 2017.’* **deleted**

³¹COM(2016) 601 final, p.5.

Amendment 7**Proposal for a regulation****Recital 9**

Text proposed by the Commission

Amendment

(9) *In its Communication Mid-Term Review of the Capital Markets Union Action Plan³², the Commission announced ‘a legislative proposal on a pan-European Personal Pension Product (PEPP) by end June 2017. This will lay the foundations for a safer, more cost-efficient and transparent market in affordable and voluntary personal pension savings that can be managed on a pan-European scale. It will meet the needs of people wishing to enhance the adequacy of their retirement savings, address the demographical challenge, complement the existing pension products* **deleted**

and schemes, and support the cost-efficiency of personal pensions by offering good opportunities for long-term investment of pension savings’.

³² COM(2017) 292 final, p.7.

Or. de

Amendment 8

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Insecure employment arrangements and changes to the law mean that pension rates are constantly decreasing. It is therefore especially important for the young generation and people with low incomes in particular to be able to ensure their standard of living in old age. This means that PEPPs must be attractive and accessible to these groups in particular.

Or. de

Amendment 9

Proposal for a regulation Recital 12

Text proposed by the Commission

Amendment

(12) The Regulation harmonises a set of core features for the PEPP, which concern key elements such as distribution, investment policy, provider switching, or cross-border provision and portability. The harmonisation of these core features will improve the level playing field for personal pension providers at large and help boost

(12) The Regulation harmonises a set of core features for the PEPP, which concern key elements such as distribution, ***contracts***, investment policy, provider switching, or cross-border provision and portability. The harmonisation of these core features will improve the level playing field for personal pension providers at

the completion of the CMU and the integration of the internal market for personal pensions. It will lead to the creation of a largely standardised pan-European product, available in all Member States, empowering consumers to make full use of the internal market by transferring their pension rights abroad and offering a broader choice between different types of providers, including in a cross-border way. As a result of fewer barriers to the provision of pension services across borders, a pan-European Personal Pension Product will increase competition between providers on a pan-European basis and create economies of scale that should benefit savers.

large and help boost the completion of the CMU and the integration of the internal market for personal pensions. It will lead to the creation of a largely standardised pan-European product, available in all Member States, empowering consumers to make full use of the internal market by transferring their pension rights abroad and offering a broader choice between different types of providers, including in a cross-border way. As a result of fewer barriers to the provision of pension services across borders, a pan-European Personal Pension Product will increase competition between providers on a pan-European basis and create economies of scale that should benefit savers.

Or. de

Amendment 10

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) PEPP providers should have access to the whole Union market with one single product authorisation issued by the European Insurance and Occupational Pensions Authority ('EIOPA'), on the basis of a single set of rules.

Amendment

(14) PEPP providers should have access to the whole Union market with one single product certification issued by the European Insurance and Occupational Pensions Authority ('EIOPA'), on the basis of a single set of rules. ***The certification will ensure that only safe, tested investment products described as PEPPs can be obtained on the market. The EIOPA shall check the contractual conditions of PEPPs to ensure that the requirements of this Regulation are fulfilled.***

Or. de

Amendment 11

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In the case of the establishment of a branch or a permanent presence in another Member State, it is appropriate to distribute responsibility for enforcement between home and host Member States. While responsibility for compliance with obligations affecting the business as a whole – such as the rules on professional requirements – should remain with the competent authority of the home Member State under the same regime as in the case of provision of services, the competent authority of the host Member State should assume responsibility for enforcing the rules on information requirements and conduct of business with regard to the services provided within its territory. However, where the competent authority of a host Member State becomes aware of any breaches of obligations occurring within its territory with respect to which this **Directive** does not confer responsibility on the host Member State, a close cooperation demands that that authority informs the competent authority of the home Member State so that the latter takes the appropriate measures. Such is the case in particular as regards breaches of the rules on good repute, professional knowledge and competence requirements. Moreover, in view of protecting consumers, the competent authority of the host Member State should be entitled to intervene if the home Member State fails to take appropriate measures or if the measures taken are insufficient.

Amendment

(17) In the case of the establishment of a branch or a permanent presence in another Member State, it is appropriate to distribute responsibility for enforcement between home and host Member States. While responsibility for compliance with obligations affecting the business as a whole – such as the rules on professional requirements – should remain with the competent authority of the home Member State under the same regime as in the case of provision of services, the competent authority of the host Member State should assume responsibility for enforcing the rules on information requirements and conduct of business with regard to the services provided within its territory. However, where the competent authority of a host Member State becomes aware of any breaches of obligations occurring within its territory with respect to which this **Regulation** does not confer responsibility on the host Member State, a close cooperation demands that that authority informs the competent authority of the home Member State so that the latter takes the appropriate measures. Such is the case in particular as regards breaches of the rules on good repute, professional knowledge and competence requirements. Moreover, in view of protecting consumers, the competent authority of the host Member State should be entitled to intervene if the home Member State fails to take appropriate measures or if the measures taken are insufficient.

Or. de

Amendment 12

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) In order to allow a smooth transition for PEPP providers, the obligation of providing PEPPs comprising compartments for each Member State will apply *three* years after the entry into force of this Regulation. However, upon launching a PEPP, the provider should provide information on which national compartments are immediately available, in order to avoid a possible misleading of consumers.

Amendment

(21) In order to allow a smooth transition for PEPP providers, the obligation of providing PEPPs comprising compartments for each Member State will apply *five* years after the entry into force of this Regulation. ***PEPP providers should be able to enter into compartment partnerships if they are to fulfil this requirement.*** However, upon launching a PEPP, the provider should provide information on which national compartments are immediately available, in order to avoid a possible misleading of consumers.

Or. de

Amendment 13

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Taking into account the nature of the pension scheme established and the administrative burden involved, PEPP providers and distributors should provide clear and adequate information to potential PEPP savers and PEPP beneficiaries to support their decision-making about their retirement. For the same reason, PEPP providers and distributors should equally ensure a high level of transparency throughout the various phases of a scheme comprising pre-enrolment, membership (including pre-retirement) and post-retirement. In particular, information concerning accrued pension entitlements, projected levels of retirement benefits,

Amendment

(22) Taking into account the nature of the pension scheme established and the administrative burden involved, PEPP providers and distributors should provide clear and adequate information to potential PEPP savers and PEPP beneficiaries to support their decision-making about their retirement. For the same reason, PEPP providers and distributors should equally ensure a high level of transparency throughout the various phases of a scheme comprising pre-enrolment, membership (including pre-retirement) and post-retirement. In particular, information concerning accrued pension entitlements, projected levels of retirement benefits,

risks and guarantees, and costs should be given. Where projected levels of retirement benefits are based on economic scenarios, that information should also include an unfavourable scenario, which should be extreme but plausible.

projected levels of retirement benefits, risks and guarantees, and costs should be given. Where projected levels of retirement benefits are based on economic scenarios, that information should also include an unfavourable scenario, which should be extreme but plausible.

Or. de

Amendment 14

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) Before joining a PEPP scheme, potential PEPP savers should be given all the necessary information to make an informed choice.

Amendment

(23) Before joining a PEPP scheme, potential PEPP savers should be given all the necessary information to make an informed choice. ***In the case of the standard option, PEPP savers should consult a decision tree to help them make such a choice.***

Or. de

Amendment 15

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) In order to ensure optimal product transparency, PEPP manufacturers should draw up the PEPP key information document for the PEPPs that they manufacture before the product can be distributed to PEPP savers. They should also be responsible for the accuracy of the PEPP key information document. The PEPP key information document should replace and adapt the key information document for packaged retail and

Amendment

(24) In order to ensure optimal product transparency, PEPP manufacturers should draw up the PEPP key information document for the PEPPs that they manufacture before the product can be distributed to PEPP savers. They should also be responsible for the accuracy of the PEPP key information document.

insurance-based investment products under Regulation (EU) No 1286/2014 of the European Parliament and of the Council which would not have to be provided for PEPPs.

³³ Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs), OJ L 352, 9.12.2014, p. 1.

³³ Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs), OJ L 352, 9.12.2014, p. 1.

Or. de

Amendment 16

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) The details of the information to be included in the PEPP key information document ***in addition to elements already provided for in the key information document for packaged retail and insurance-based investment products under Regulation (EU) No 1286/2014*** and the presentation of this information should be further harmonised through regulatory technical standards ***that complement the regulatory technical standards laid down by Commission delegated Regulation of 8 March 2017³⁴***, taking into account ***existing and*** ongoing research into consumer behaviour, including results from testing the effectiveness of different ways of presenting information with consumers.

³⁴ Commission Delegated Regulation of 8 March 2017 supplementing Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information

Amendment

(27) The details of the information to be included in the PEPP key information document and the presentation of this information should be further harmonised through regulatory technical standards, taking into account ongoing research into consumer behaviour, including results from testing the effectiveness of different ways of presenting information with consumers.

³⁴ Commission Delegated Regulation of 8 March 2017 supplementing Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information

documents for packaged retail and insurance-based investment products (PRIIPs) by laying down regulatory technical standards with regard to the presentation, content, review and revision of key information documents and the conditions for fulfilling the requirement to provide such documents.

documents for packaged retail and insurance-based investment products (PRIIPs) by laying down regulatory technical standards with regard to the presentation, content, review and revision of key information documents and the conditions for fulfilling the requirement to provide such documents.

Or. de

Amendment 17

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The key information document should be made up of two parts. The first – general – part should give general information about the PEPP. The second – detailed – part should describe the information which varies between Member States, such as the retirement age.

Or. de

Amendment 18

Proposal for a regulation Recital 30

Text proposed by the Commission

Amendment

(30) PEPP providers should inform PEPP savers sufficiently in advance before retirement about their pay-out options. Where the retirement benefit is not paid out as a lifetime annuity, members approaching retirement should receive information about the benefit payment products available, in order to facilitate financial planning for retirement.

(30) PEPP providers should inform PEPP savers sufficiently in advance before retirement about their pay-out options. ***The standard option should enable a lump sum payment of up to 30% to be made, with the remainder payable as a lifetime annuity.*** Where the retirement benefit is not paid out as a lifetime annuity, members approaching retirement should receive

information about the benefit payment products available, in order to facilitate financial planning for retirement.

Or. de

Amendment 19

Proposal for a regulation Recital 38 a (new)

Text proposed by the Commission

Amendment

(38a) If a provider cannot offer a particular investment option because it cannot provide that option or cannot provide it only in one Member State, it should be able to offer the option in the context of a product partnership.

Or. de

Amendment 20

Proposal for a regulation Recital 39

Text proposed by the Commission

Amendment

(39) The default investment option should allow the PEPP saver to recoup the invested capital. The PEPP providers could in addition include an inflation indexation mechanism to at least partly cover inflation.

(39) The default investment option should allow the PEPP saver to recoup the invested capital, ***including all costs and fees***. The PEPP providers could in addition include an inflation indexation mechanism to at least partly cover inflation.

Or. de

Amendment 21

Proposal for a regulation Recital 44

(44) The Commission should adopt draft implementing technical standards developed by the ESAs, through the Joint Committee, with regard to the presentation and the content of specific elements the PEPP key information document not covered by the [PRIIPs KID RTS] in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council³⁵, of Regulation (EU) No 1094/2010 of the European Parliament and of the Council³⁶ and of Regulation (EU) No 1095/2010 of the European Parliament and of the Council³⁷. The Commission should complement the technical work of the ESAs by conducting consumer tests of the presentation of the key information document as proposed by the ESAs.

deleted

³⁵Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

³⁶Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48).

³⁷Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No

Amendment 22

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) In order to find better conditions for their investments, thus also stimulating the competition among PEPP providers, PEPP savers should have the right to switch providers during the accumulation and the decumulation phases, through a clear, quick and safe procedure.

Amendment

(47) In order to find better conditions for their investments, thus also stimulating the competition among PEPP providers, PEPP savers should have the right to switch providers during the accumulation and the decumulation phases, through a clear, quick and safe procedure. ***In connection with the default option, this should be possible only during the accumulation phase because, for consumer protection reasons, the aim is to ensure reliable annuities and switching may have a negative financial impact.***

Amendment 23

Proposal for a regulation Recital 49

Text proposed by the Commission

(49) Before giving the authorisation for switching, the PEPP saver should be informed of all the steps of the procedure necessary to complete the switching.

Amendment

(49) Before giving the authorisation for switching, the PEPP saver should be informed of all the steps of the procedure ***and costs*** necessary to complete the switching.

Amendment 24

Proposal for a regulation Recital 53

Text proposed by the Commission

(53) PEPP savers should be given the freedom to decide upon subscription of a PEPP about their pay-out choice (*annuities*, lump sum, or other) in the decumulation phase, but with a possibility to revise their choice once every five years thereafter, in order to be able to best adapt their pay-out choice to their needs when they near retirement.

Amendment

(53) PEPP savers should be given the freedom to decide upon subscription of a PEPP about their pay-out choice (*periodic pension payments*, lump sum, or other) in the decumulation phase, but with a possibility to revise their choice once every five years thereafter, in order to be able to best adapt their pay-out choice to their needs when they near retirement.

Or. de

Amendment 25

Proposal for a regulation Recital 54

Text proposed by the Commission

(54) PEPP providers should be allowed to make available to PEPP savers a wide range of decumulation options. This approach would achieve the goal of enhanced take-up of the PEPP through increased flexibility and choice for PEPP savers. It would allow providers to design their PEPPs in the most cost-effective way. It is coherent with other EU policies and politically feasible, as it preserves enough flexibility for Member States to decide about which decumulation options they wish to encourage.

Amendment

(54) PEPP providers should be allowed to make available to PEPP savers a wide range of decumulation options *during the decumulation phase*. This approach would achieve the goal of enhanced take-up of the PEPP through increased flexibility and choice for PEPP savers. It would allow providers to design their PEPPs in the most cost-effective way. It is coherent with other EU policies and politically feasible, as it preserves enough flexibility for Member States to decide about which decumulation options they wish to encourage.

Or. de

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

This Regulation lays down uniform rules on the **authorisation**, manufacturing, distribution and supervision of personal pension products that are distributed in the Union under the designation ‘pan-European Personal Pension product’ or ‘PEPP’.

Amendment

This Regulation lays down uniform rules on the **certification**, manufacturing, distribution and supervision of personal pension products that are distributed in the Union under the designation ‘pan-European Personal Pension product’ or ‘PEPP’.

Or. de

Justification

To be able to produce a successful pan-European pension product, it makes sense for EIOPA to certify the product for the EU as a whole and for the product to be given a European label accordingly, while responsibility for supervising providers and distributors should lie with the competent national authorities.

Amendment 27

Proposal for a regulation

Article 2 – paragraph 1 – point 1 – point c

Text proposed by the Commission

(c) provides for capital accumulation until retirement **with only limited possibilities for early withdrawal before retirement**;

Amendment

(c) provides for capital accumulation until retirement;

Or. de

Justification

Because of what PEPPs are, accumulation until retirement should be mandatory irrespective of investment option.

Amendment 28

Proposal for a regulation

Article 2 – paragraph 1 – point 1 – point d

Text proposed by the Commission

(d) provides ***an income*** on retirement;

Amendment

(d) provides ***a retirement benefit*** on retirement;

Or. de

Justification

Brought into line with point 9.

Amendment 29

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

2. ‘pan-European Personal Pension Product (PEPP)’ means a long-term savings personal pension product, which is provided under an agreed PEPP scheme by a ***regulated*** financial undertaking ***authorised under Union law to manage collective or individual investments or savings***, and subscribed to voluntarily by an individual PEPP saver in view of retirement, with no or strictly limited redeemability;

Amendment

2. ‘pan-European Personal Pension Product (PEPP)’ means a long-term savings personal pension product, which is provided under an agreed PEPP scheme by a financial undertaking ***or distributor*** and subscribed to voluntarily by an individual PEPP saver in view of retirement, with no or strictly limited redeemability;

Or. de

Amendment 30

Proposal for a regulation

Article 2 – paragraph 1 – point 3 – introductory part

Text proposed by the Commission

3. ‘PEPP saver’ means:

Amendment

3. ‘PEPP saver’ means ***a natural person who contracts a PEPP with a***

Amendment 31

Proposal for a regulation

Article 2 – paragraph 1 – point 3 – point a

Text proposed by the Commission

Amendment

(a) a retail client as defined in point (11) of Article 4(1) of Directive 2014/65/EU of the European Parliament and of the Council⁴¹; **deleted**

⁴¹ *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 (OJ L 173 12.6.2014, p. 349).*

Amendment 32

Proposal for a regulation

Article 2 – paragraph 1 – point 3 – point b

Text proposed by the Commission

Amendment

(b) a customer within the meaning of Directive 2002/92/EC of the European Parliament and of the Council⁴², where that customer would not qualify as a professional client as defined in point (10) of Article 4(1) of Directive 2014/65/EU; **deleted**

⁴² *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).*

Amendment 33

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

10. ‘accumulation phase’ means the period during which assets (in-payments) are accumulated in a PEPP account and normally runs until the ***age of retirement of the PEPP beneficiary***;

Amendment

10. ‘accumulation phase’ means the period during which assets (in-payments) are accumulated in a PEPP account and normally runs until the ***PEPP decumulation phase begins***;

Or. de

Justification

Cf. justification relating to Article 2(1)(c).

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1 – point 12

Text proposed by the Commission

12. ‘annuity’ means a sum payable at specific intervals over ***a period, such as the PEPP beneficiary’s life or a certain number of years***, in return for an investment;

Amendment

12. ‘annuity’ means a sum payable at specific intervals over the PEPP beneficiary’s life in return for an investment;

Or. de

Justification

The purpose of a pension is to provide an old-age benefit and protection against old-age poverty. There should therefore be lifelong payment.

Amendment 35

Proposal for a regulation

Article 2 – paragraph 1 – point 12 a (new)

Text proposed by the Commission

Amendment

12a. *‘lump sum’ means the payment of the accumulated capital at the end of the accumulation phase;*

Or. de

Amendment 36

Proposal for a regulation

Article 2 – paragraph 1 – point 20

Text proposed by the Commission

Amendment

20. ‘compartment’ means a section which is opened within each individual PEPP account and which corresponds to the legal requirements and conditions for using incentives fixed at national level for investing in a PEPP by the Member State of the PEPP saver’s domicile. Accordingly, an individual may be a PEPP saver or a PEPP beneficiary in each compartment, depending on the respective legal requirements for the accumulation and decumulation phases;

20. ‘compartment’ means a ***national*** section which is opened within each individual PEPP account and which corresponds to the legal requirements and conditions for using incentives fixed at national level for investing in a PEPP by the Member State of the PEPP saver’s domicile. Accordingly, an individual may be a PEPP saver or a PEPP beneficiary in each compartment, depending on the respective legal requirements for the accumulation and decumulation phases;

Or. de

Justification

For clarification.

Amendment 37

Proposal for a regulation

Article 2 – paragraph 1 – point 21

Text proposed by the Commission

21. ‘capital’ means aggregate capital contributions and uncalled committed capital, calculated on the basis of amounts investible **after** deduction of all fees, charges and expenses that are directly or indirectly borne by investors;

Amendment

21. ‘capital’ means aggregate capital contributions and uncalled committed capital, calculated on the basis of amounts investible **before** deduction of all fees, charges and expenses that are directly or indirectly borne by investors;

Or. de

Justification

The purpose of the amendment is to preserve capital.

Amendment 38

Proposal for a regulation

Article 2 – paragraph 1 – point 25 a (new)

Text proposed by the Commission

Amendment

25a. ‘biometric risks’ means risks linked to longevity, disability or death;

Or. de

Justification

As a PEPP can cover biometric risks, too, there ought to be a standard definition for them.

Amendment 39

Proposal for a regulation

Article 2 – paragraph 1 – point 26

Text proposed by the Commission

Amendment

26. ‘switching providers’ means, upon a PEPP customer’s request, transferring from one PEPP provider to another any positive balance from one PEPP account to the other, with **or without closing** the former PEPP account;

26. ‘switching providers’ means, upon a PEPP customer’s request, transferring from one PEPP provider to another any positive balance from one PEPP account to the other, with **closing of** the former PEPP account;

Amendment 40

Proposal for a regulation

Article 2 – paragraph 1 – point 28 a (new)

Text proposed by the Commission

Amendment

28a. ‘compartment partnership’ means a collaboration between several PEPP providers in order to provide compartments in all Member States;

Or. de

Justification

New definition of importance for the portability service.

Amendment 41

Proposal for a regulation

Article 2 – paragraph 1 – point 28 b (new)

Text proposed by the Commission

Amendment

28b. ‘product partnership’ means a collaboration between PEPP providers that is necessary if a provider cannot provide an investment option or cannot provide it in a particular Member State;

Or. de

Justification

New definition of importance for the switching service.

Amendment 42

Proposal for a regulation

Chapter 2 – title

Text proposed by the Commission

Amendment

AUTHORISATION

CERTIFICATION

Or. de

Amendment 43

Proposal for a regulation
Article 4 – title

Text proposed by the Commission

Amendment

Authorisation

Certification

Or. de

Amendment 44

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. A PEPP may only be manufactured and distributed in the Union where it has been *authorised* by EIOPA in accordance with this Regulation.

1. A PEPP may only be manufactured and distributed in the Union where it has been *certified* by EIOPA in accordance with this Regulation.

Or. de

Amendment 45

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. *Authorisation* of a PEPP shall be valid in all Member States. It entitles the *authorisation* holder to manufacture and distribute the PEPP as authorised by

2. *Certification* of a PEPP shall be valid in all Member States. It entitles the *certification* holder to manufacture and distribute the PEPP as authorised by

EIOPA.

EIOPA.

Or. de

Amendment 46

Proposal for a regulation Article 5 – title

Text proposed by the Commission

Amendment

Application for **authorisation** of a PEPP

Application for **certification** of a PEPP

Or. de

Amendment 47

Proposal for a regulation Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Only the following financial undertakings may apply for **authorisation** of a PEPP:

1. Only the following financial undertakings may apply for **certification** of a PEPP:

Or. de

Amendment 48

Proposal for a regulation Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Financial undertakings listed in paragraph 1 shall submit their applications for **authorisation** of a PEPP to EIOPA. The application shall include the following:

2. Financial undertakings listed in paragraph 1 shall submit their applications for **certification** of a PEPP to EIOPA. The application shall include the following:

Or. de

Amendment 49

Proposal for a regulation

Article 5 – paragraph 2 – point b

Text proposed by the Commission

(b) information on the identity of the applicant ***and its current and previous financial experience and history***;

Amendment

(b) information on the identity of the applicant;

Or. de

Amendment 50

Proposal for a regulation

Article 5 – paragraph 2 – point c

Text proposed by the Commission

(c) ***the identity of the persons who effectively conduct the business of manufacturing and/or distributing the PEPP***;

Amendment

deleted

Or. de

Amendment 51

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. EIOPA may request clarification and additional information as regards the documentation and information provided under paragraph 1.

Amendment

3. EIOPA may request clarification and additional information ***from the financial undertakings as defined in paragraph 1*** as regards the documentation and information provided under paragraph 1.

Or. de

Justification

For clarification.

Amendment 52

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. EIOPA may ask the competent authority of the financial undertaking applying for *the authorisation* for clarification and information as regards the documentation referred to in paragraph 2. The competent authority shall reply to the request within 10 working days from the date on which it has received the request submitted by EIOPA.

Amendment

4. EIOPA *shall inform the competent national authority about the application for certification of a PEPP. The competent national authority may invoke objections to the financial undertaking concerned.* EIOPA may ask the competent authority of the financial undertaking applying for *certification* for clarification and information as regards the documentation referred to in paragraph 2. The competent authority shall reply to the request within 10 working days from the date on which it has received the request submitted by EIOPA.

Or. de

Amendment 53

Proposal for a regulation
Article 5 – paragraph 5

Text proposed by the Commission

5. Any subsequent modifications to the documentation and information referred to in paragraphs 1 and 2 shall be immediately notified to EIOPA.

Amendment

5. Any subsequent modifications to the documentation and information referred to in paragraphs 1 and 2 shall be immediately notified to EIOPA *by financial undertakings.*

Or. de

Justification

For clarification.

Amendment 54

Proposal for a regulation

Article 6 – title

Text proposed by the Commission

Conditions for granting *authorisation* of PEPPs

Amendment

Conditions for granting *certification* of PEPPs

Or. de

Amendment 55

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Within two months from the date of submission of a complete application, EIOPA shall grant *authorisation* of the PEPP only where EIOPA is fully satisfied that the following conditions are met:

Amendment

1. Within two months from the date of submission of a complete application, EIOPA shall grant *certification* of the PEPP only where EIOPA is fully satisfied that the following conditions are met:

Or. de

Amendment 56

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. EIOPA shall communicate to the applicant the reasons for any refusal to grant *authorisation* of a PEPP.

Amendment

3. EIOPA shall communicate to the applicant the reasons for any refusal to grant *certification* of a PEPP.

Or. de

Amendment 57

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

4. EIOPA shall withdraw **the authorisation** of a PEPP in the event that the conditions for granting **this authorisation** are no longer fulfilled.

Amendment

4. EIOPA shall withdraw **certification** of a PEPP in the event that the conditions for granting **certification** are no longer fulfilled.

Or. de

Justification

Provision should be made for a procedure for withdrawal of certification.

Amendment 58

Proposal for a regulation Article 6 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In such cases EIOPA, together with Member States' competent national authorities, shall coordinate the transfer of assets in accordance with Chapter VII.

Or. de

Justification

Provision should be made for a procedure for withdrawal of certification.

Amendment 59

Proposal for a regulation Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. EIOPA shall, on a quarterly basis, inform the competent authorities of the financial undertakings listed in Article 5(1)

5. EIOPA shall, on a quarterly basis, inform the competent authorities of the financial undertakings listed in Article 5(1)

of decisions to grant, refuse or withdraw *authorisations* pursuant to this Regulation.

of decisions to grant, refuse or withdraw *certifications* pursuant to this Regulation.

Or. de

Amendment 60

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. The designation ‘PEPP’ or ‘pan-European Personal Pension Product’ in relation to a personal pension product may only be used where the personal pension product has been *authorised* by EIOPA to be distributed under the designation ‘PEPP’ in accordance with this Regulation.

Amendment

1. The designation ‘PEPP’ or ‘pan-European Personal Pension Product’ in relation to a personal pension product may only be used where the personal pension product has been *certified* by EIOPA to be distributed under the designation ‘PEPP’ in accordance with this Regulation.

Or. de

Amendment 61

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. Existing personal pension products may be converted into ‘PEPPs’ following authorisation by EIOPA.

Amendment

2. Existing personal pension products may be converted into ‘PEPPs’ following authorisation by EIOPA. ***In such cases, the customer’s consent to conversion shall be required.***

Or. de

Justification

Consumers should be informed about conversions and should be free not to consent to them.

Amendment 62

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Financial undertakings referred to in Article 5(1) may distribute PEPPs which they have not manufactured ***upon receiving authorisation for distribution by the competent authorities of their home Member State.***

Amendment

1. Financial undertakings referred to in Article 5(1) may distribute PEPPs which they have not manufactured, ***provided that that activity has been authorised under the applicable sectoral rules.***

Or. de

Justification

For legal certainty.

Amendment 63

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. In case of using the portability service, PEPP savers are entitled to retain all advantages and incentives granted by the PEPP provider and connected with continuous investment in ***the same*** PEPP.

Amendment

2. In case of using the portability service, PEPP savers are entitled to retain all advantages and incentives granted by the PEPP provider and connected with continuous investment in ***its*** PEPP.

Or. de

Justification

For clarity.

Amendment 64

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. **Three** years at the latest after the entry into application of this Regulation, each PEPP shall offer national compartments for all Member States upon request addressed to the PEPP provider.

Amendment

3. **Five** years at the latest after the entry into application of this Regulation, each PEPP shall offer national compartments for all Member States upon request addressed to the PEPP provider.

Or. de

Amendment 65

Proposal for a regulation

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Should PEPP savers move to a Member State where there is not yet a compartment for their PEPP, they may switch PEPP provider free of charge.

Or. de

Justification

It is not the responsibility of PEPP savers if there is as yet no compartment in a Member State. They should therefore have the possibility of switching PEPP provider.

Amendment 66

Proposal for a regulation

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Compartments shall be provided by the PEPP provider or under a compartment partnership.

Or. de

Amendment 67

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the deadline under Article 13(3), immediately after being informed about the PEPP saver's intention to exercise his right of mobility between Member States, the PEPP provider shall inform the PEPP saver about the possibility to open a new compartment within the PEPP saver's **individual** account and about the deadline within which such compartment could be opened.

Amendment

1. Without prejudice to the deadline under Article 13(3), immediately after being informed about the PEPP saver's intention to exercise his right of mobility between Member States, the PEPP provider shall inform the PEPP saver about the possibility to open a new compartment within the PEPP saver's **PEPP** account and about the deadline within which such compartment could be opened **for the PEPP saver**.

Or. de

Amendment 68

Proposal for a regulation Article 15 – paragraph 2 – point b

Text proposed by the Commission

(b) the date from which **the investments** should be directed to the newly-opened compartment;

Amendment

(b) the date from which **all deposits made** should be directed to the newly-opened compartment;

Or. de

Justification

For clarification.

Amendment 69

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

3. Not later than **three months**

Amendment

3. Not later than **one month** following

following the reception of the request under paragraph 2, the PEPP provider shall provide the PEPP saver with complete information free of charge *and advice* under Chapter IV, Sections II and III regarding the conditions applicable to the new compartment.

the reception of the request under paragraph 2, the PEPP provider shall provide the PEPP saver with complete information *and advice* free of charge under Chapter IV, Sections II and III regarding the conditions applicable to the new compartment.

Or. de

Amendment 70

Proposal for a regulation Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Immediately after receipt of the application for transfer of the deposits made, the PEPP provider shall inform the PEPP saver about transfer taxes, fees and charges.

Or. de

Justification

PEPP savers should make an informed decision. To be able to make a correct assessment of the effects of a transfer, PEPP savers should be given the relevant information.

Amendment 71

Proposal for a regulation Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

For the distribution of PEPPs, the different types of PEPP providers and distributors shall comply with the following rules:

For the distribution of PEPPs, the different types of PEPP providers and distributors shall comply with the following rules ***in this Chapter***:

Or. de

Amendment 72

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

All documents and information under this Chapter shall be provided to PEPP customers electronically, provided that the PEPP customer is enabled to store such information in a way accessible for future reference and for a period of time adequate for the purposes of the information and that the tool allows the unchanged reproduction of the information stored. Upon request, PEPP providers and distributors shall provide free of charge those documents and information also on another durable medium.

Amendment

All documents and information under this Chapter shall be ***posted in easily accessible form on a PEPP provider's website and*** provided to PEPP customers electronically, provided that the PEPP customer is enabled to store such information in a way accessible for future reference and for a period of time adequate for the purposes of the information and that the tool allows the unchanged reproduction of the information stored. Upon request, PEPP providers and distributors shall provide free of charge those documents and information also on another durable medium.

Or. de

Amendment 73

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The product approval process shall specify an identified target market for each PEPP, ensure that all relevant risks to such identified target market are assessed and that the intended distribution strategy is consistent with the identified target market, and take reasonable steps to ensure that the PEPP is distributed to the identified target market.

Amendment

deleted

Or. de

Amendment 74

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 4

Text proposed by the Commission

The PEPP provider shall understand and regularly review the PEPPs it provides, taking into account any event that could materially affect the potential risk to the identified target market, to assess at least whether the PEPPs remain consistent with the needs of the identified target market and whether the intended distribution strategy remains appropriate.

Amendment

deleted

Or. de

Amendment 75

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 5

Text proposed by the Commission

PEPP providers shall make available to PEPP distributors all appropriate information on the PEPP and the product approval process, *including the identified target market of the PEPP*.

Amendment

PEPP providers shall make available to PEPP distributors all appropriate information on the PEPP and the product approval process.

Or. de

Amendment 76

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 6

Text proposed by the Commission

PEPP distributors shall have in place adequate arrangements to obtain the information referred to in the fifth subparagraph *and to understand the characteristics and identified target*

Amendment

PEPP distributors shall have in place adequate arrangements to obtain the information referred to in the fifth subparagraph.

market of each PEPP.

Or. de

Amendment 77

**Proposal for a regulation
Chapter 4 – section 2 – title**

Text proposed by the Commission

Amendment

PRE-CONTRACTUAL INFORMATION

**ADVERTISING AND PRE-
CONTRACTUAL INFORMATION**

Or. de

Amendment 78

**Proposal for a regulation
Article 23 – title**

Text proposed by the Commission

Amendment

PEPP key information document

General provisions on the PEPP key
information document

Or. de

Justification

As a result of the reference - in Article 23(2) - to Articles 5(2) and 8 to 18 of Regulation (EU) No 1286/2014, there is legal uncertainty. The provisions on advertising and pre-contractual information should preferably be laid down directly in the regulation.

Amendment 79

**Proposal for a regulation
Article 23 – paragraph 2**

Text proposed by the Commission

Amendment

**2. PEPP providers and PEPP
distributors shall comply with Articles
5(2), and 6 to 18 of Regulation (EU) No**

deleted

Amendment 80

**Proposal for a regulation
Article 23 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Any Member State may require the ex ante notification of the key information document by the PEPP provider or the person offering a PEPP to the competent authority for PEPPs marketed in that Member State.

Or. de

Amendment 81

**Proposal for a regulation
Article 23 – paragraph 2 b (new)**

Text proposed by the Commission

Amendment

2b. The information contained in the key information document shall constitute pre-contractual information. The key information document must be accurate, fair, clear and not misleading. It shall provide key information and shall be consistent with any binding contractual documents, with the relevant parts of the offer documents and with the terms and conditions of the PEPP.

Or. de

Amendment 82

**Proposal for a regulation
Article 23 – paragraph 2 c (new)**

Text proposed by the Commission

Amendment

2c. *The key information document shall be a stand-alone document, clearly separate from marketing materials. It shall not contain cross-references to marketing material. It may contain cross-references to other documents including a prospectus where applicable, and only where the cross-reference is related to the information required to be included in the key information document by this Regulation.*

Or. de

Amendment 83

Proposal for a regulation
Article 23 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. *Each key information document shall contain one investment option.*

Or. de

Amendment 84

Proposal for a regulation
Article 23 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2e. *The key information document shall be drawn up as a short document written in a concise manner and of a maximum of three sides of A4-sized paper when printed, which promotes comparability. The key information document shall*

a) *be presented and laid out in a way that is easy to read, using characters of*

readable size;

b) emphasise the key information that is crucial for a PEPP saver in opting for a personal pension product;

c) be clearly expressed and written in language and a style that communicate in a way that facilitates the understanding of the information, in particular, in language that is clear, succinct and comprehensible.

Or. de

Amendment 85

Proposal for a regulation Article 23 – paragraph 2 f (new)

Text proposed by the Commission

Amendment

2f. Where colours are used in the key information document, they shall not diminish the comprehensibility of the information if the key information document is printed or photocopied in black and white.

Or. de

Amendment 86

Proposal for a regulation Article 23 – paragraph 2 g (new)

Text proposed by the Commission

Amendment

2g. Where the corporate branding or logo of the PEPP manufacturer or the group to which it belongs is used in the key information document, it shall not distract from the information contained in the document or obscure the text.

Or. de

Amendment 87

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

Amendment

3. *In addition to the information set out in Article 8(3)(c) of Regulation (EU) No 1286/2014, the section titled ‘What is this product?’ shall contain the following information:* **deleted**

- i) a description of the retirement benefits and the extent to which they are guaranteed;*
- ii) any minimum or maximum period for belonging to the PEPP scheme;*
- iii) the retirement age;*
- iv) general information on the portability service, including information on the compartments;*
- v) general information on the switching service, and a reference to the specific information about the switching service available under Article 50;*
- vi) available information related to the performance of the investment policy in terms of environmental, social and governance factors;*
- vii) the law applicable to the PEPP contract where the parties do not have a free choice of law or, where the parties are free to choose the applicable law, the law that the PEPP provider proposes to choose.*

Or. de

Amendment 88

Proposal for a regulation Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Advertising

Marketing communications that contain specific information relating to the PEPP shall not include any statement that contradicts the information contained in the key information document or diminishes the significance of the key information document. Marketing communications shall indicate that a key information document is available and supply information on how and from where to obtain it, including the PEPP provider's website.

Or. de

Amendment 89

Proposal for a regulation

Article 23 b (new)

Text proposed by the Commission

Amendment

Article 23b

Language requirements for the key information document

- 1. The key information document shall be drawn up in one or more official languages of the Member State in which the PEPP is marketed.***
- 2. If a PEPP is promoted in a Member State through marketing documents drawn up in one or more official languages of that Member State, the key information document shall at least be drawn up in the corresponding official languages.***

Or. de

Amendment 90

Proposal for a regulation Article 23 c (new)

Text proposed by the Commission

Amendment

Article 23c

Form and content of the key information document

- 1. The title ‘Key Information Document’ shall appear prominently at the top of the first page of the key information document. The key information document shall be presented in the sequence laid down in paragraphs 2 and 3.***
- 2. An explanatory statement shall appear directly underneath the title of the key information document. ‘This document provides you with key information about this pension product. It is not marketing material. The information is required by law to help you understand the nature, risks, costs, potential gains and losses of this product and to help you compare it with other products.’***
- 3. The key information document shall consist of two parts. The first general part shall describe the general PEPP information. The second specific part shall describe the information which varies between Member States.***
- 4. The key information document shall contain the following general information:***
 - a) at the beginning of the document, the name of the PEPP, the identity and contact details of the PEPP manufacturer, information about the competent authority of the PEPP manufacturer and the date of the document;***
 - b) if it is not the standard investment product, a warning with the following***

wording: ‘You are about to purchase a product that is not simple and may be difficult to understand.’;

c) in a section titled ‘What is this product?’, the nature and main features of the PEPP, including:

i) a description of the retirement benefits and the extent to which they are guaranteed;

ii) information about existing tax incentives or other benefits;

iii) where applicable, whether there is a cooling off period or cancellation period for the PEPP;

iv) any minimum or maximum period for belonging to the PEPP scheme;

v) the retirement age, which is governed by the applicable national rules;

vi) general information on the portability service, including information on the compartments;

vii) general information on the switching service, and a reference to the specific information about the switching service available under Article 50;

viii) available information related to the performance of the investment policy in terms of environmental, social and governance factors;

ix) the law applicable to the PEPP contract where the parties do not have a free choice of law or, where the parties are free to choose the applicable law, the law that the PEPP provider proposes to choose.

x) Under the title ‘What are the costs?’, the costs associated with an investment in the PEPP, comprising both direct and indirect costs, including one-off and recurring costs, presented by means of summary indicators of these costs and, to ensure comparability, total aggregate costs expressed in monetary and percentage terms, to show the

compound effects of the total costs on the investment.

xi) a clear indication that advisors, distributors or any other person advising on, or selling, the PEPP will provide information detailing any cost of distribution that is not already included in the costs specified above, so as to enable the retail investor to understand the cumulative effect that these aggregate costs have on the return of the investment;

xii) details of the decumulation modalities and the decumulation phase ;

xiii) an indication that a change in the decumulation modalities may have an impact on tax incentives or benefits;

xiv) under a section titled ‘How can I complain?’, information about how and to whom a retail investor can make a complaint about the product or the conduct of the PRIIP manufacturer or a person advising on, or selling, the product;

xv) under a section titled ‘Other relevant information’, a brief indication of any additional information documents to be provided to the retail investor at the pre-contractual and/or the post-contractual stage, excluding any marketing material.

5. In the case of a non-standard investment product, PEPP providers and PEPP distributors shall be covered by Article 8 (3) (d) and (e) accordingly.

6. The PEPP manufacturer shall review the information contained in the key information document regularly and shall revise the document where the review indicates that changes need to be made. The revised version shall be made available promptly to the PEPP saver.

Or. de

Amendment 91

Proposal for a regulation Article 23 d (new)

Text proposed by the Commission

Amendment

Article 23d

Pre-contractual liability claims

- 1. The PEPP manufacturer shall not incur civil liability solely on the basis of the key information document, including any translation thereof, unless it is misleading, inaccurate or inconsistent with the relevant parts of legally binding pre-contractual and contractual documents or with the requirements laid down in Article 8.***
- 2. A PEPP saver who demonstrates loss resulting from reliance on a key information document under the circumstances referred to in paragraph 1, when making an investment into the PEPP for which that key information document was produced, may claim damages from the PEPP provider for that loss in accordance with national law.***
- 3. Elements such as ‘loss’ or ‘damages’ as referred to in paragraph 2 which are not defined shall be interpreted and applied in accordance with the applicable national law as determined by the relevant rules of private international law.***
- 4. This Article does not exclude further civil liability claims in accordance with national law.***
- 5. The obligations under this Article shall not be limited or waived by contractual clauses.***

Or. de

Amendment 92

Proposal for a regulation Article 23 e (new)

Text proposed by the Commission

Amendment

Article 23e

Provision of the key information document

1. A person advising on, or selling, a PEPP shall provide PEPP savers with the key information document free of charge and a sufficient time before those PEPP savers are bound by any contract or offer relating to that PEPP.

Where the key information document has been revised in accordance with Article 10, previous versions shall also be provided on request of the PEPP saver.

Or. de

Amendment 93

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. In good time before the conclusion of a PEPP-related contract, PEPP providers or distributors referred to in Article **19(c)** of this Regulation shall provide PEPP savers or potential PEPP savers with at least the information in relation to the PEPP contract and themselves set out in Article 19 and in points (a) and (c) of the first subparagraph of Article 29(1) of Directive (EU) 2016/97 in relation to insurance contracts and insurance intermediaries.

1. In good time before the conclusion of a PEPP-related contract, PEPP providers or distributors referred to in Article **5(I) and Article 8** of this Regulation shall provide PEPP savers or potential PEPP savers with at least the information in relation to the PEPP contract and themselves set out in Article 19 and in points (a) and (c) of the first subparagraph of Article 29(1) of Directive (EU) 2016/97 in relation to insurance contracts and insurance intermediaries.

Or. de

Amendment 94

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Prior to the conclusion of a PEPP-related contract, the PEPP provider or distributor referred to in Article **19(c)** of this Regulation shall specify, on the basis of information obtained from the PEPP saver, the retirement-related demands and the needs of that PEPP saver and shall provide the PEPP saver with objective information about the PEPP in a comprehensible form to allow that PEPP saver to make an informed decision.

Amendment

Prior to the conclusion of a PEPP-related contract, the PEPP provider or distributor referred to in Article **5(1) and Article 8** of this Regulation shall specify, on the basis of information obtained from the PEPP saver, the retirement-related demands and the needs of that PEPP saver and shall provide the PEPP saver with objective information about the PEPP in a comprehensible form to allow that PEPP saver to make an informed decision.

Or. de

Amendment 95

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

2. Where advice is provided prior to the conclusion of any specific contract, the PEPP provider or distributor referred to in Article **19(c)** of this Regulation shall provide the PEPP saver with a personalised recommendation explaining why a particular PEPP would best meet the PEPP *savers's* demands and needs.

Amendment

2. Where advice is provided prior to the conclusion of any specific contract, the PEPP provider or distributor referred to in Article **5(1) and Article 8** of this Regulation shall provide the PEPP saver with a personalised recommendation explaining why a particular PEPP would best meet the PEPP *saver's* demands and needs.

Or. de

Amendment 96

Proposal for a regulation

Article 25 – paragraph 3

Text proposed by the Commission

3. When providing advice on PEPPs, the PEPP provider or distributor referred to in Article **19(c)** of this Regulation shall comply with the applicable national laws giving effect to the rules set out in Article 25(2) of Directive 2014/65/EU and with any directly applicable Union legislation adopted under Article 25(8) of that Directive relating to those rules.

Amendment

3. When providing advice on PEPPs, the PEPP provider or distributor referred to in Article **5(1) and Article 8** of this Regulation shall comply with the applicable national laws giving effect to the rules set out in Article 25(2) of Directive 2014/65/EU and with any directly applicable Union legislation adopted under Article 25(8) of that Directive relating to those rules.

Or. de

Amendment 97

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

4. Where a PEPP provider or distributor referred to in Article **19(c)** of this Regulation informs the PEPP saver that it gives its advice on an independent basis, it shall give that advice on the basis of an analysis of a sufficiently large number of personal pension products available on the market to enable it to make a personal recommendation, in accordance with professional criteria, regarding which the PEPP-related contract would be adequate to meet the PEPP saver's needs. Such advice must not be limited to PEPP-related contracts provided by the PEPP provider or distributor itself, by entities having close links with the PEPP provider or distributor or by other entities with which the PEPP provider or distributor has close legal or economic relationships, including contractual relationships, as to pose a risk of impairing the independent basis of the advice provided.

Amendment

4. Where a PEPP provider or distributor referred to in Article **5(1) and Article 8** of this Regulation informs the PEPP saver that it gives its advice on an independent basis, it shall give that advice on the basis of an analysis of a sufficiently large number of personal pension products available on the market to enable it to make a personal recommendation, in accordance with professional criteria, regarding which the PEPP-related contract would be adequate to meet the PEPP saver's needs. Such advice must not be limited to PEPP-related contracts provided by the PEPP provider or distributor itself, by entities having close links with the PEPP provider or distributor or by other entities with which the PEPP provider or distributor has close legal or economic relationships, including contractual relationships, as to pose a risk of impairing the independent basis of the advice provided.

Amendment 98**Proposal for a regulation
Article 25 – paragraph 5***Text proposed by the Commission*

5. PEPP providers and distributors referred to in Article **19(c)** of this Regulation shall ensure and demonstrate to competent authorities on request that natural persons giving advice on PEPPs possess the necessary knowledge and competence to fulfil their obligations under this Chapter. Member States shall publish the criteria to be used for assessing such knowledge and competence.

Amendment

5. PEPP providers and distributors referred to in Article **5(1) and Article 8** of this Regulation shall ensure and demonstrate to competent authorities on request that natural persons giving advice on PEPPs possess the necessary knowledge and competence to fulfil their obligations under this Chapter. Member States shall publish the criteria to be used for assessing such knowledge and competence.

Or. de

Amendment 99**Proposal for a regulation
Article 25 a (new)***Text proposed by the Commission**Amendment**Article 25a**Decision tree*

1. In cases where no advice is provided prior to the conclusion of a PEPP, the PEPP provider or distributor shall provide the PEPP customer with a standardised decision tree. The decision tree shall cover the essential characteristics of a PEPP and the main differences between the default options offered by the various PEPP providers so that the PEPP customer is able to take this information into consideration before concluding a PEPP contract.

2. The decision tree shall be made

available on paper or on another durable medium and the PEPP provider or distributor shall ensure that the PEPP customer has gone through the decision tree before concluding a contract.

3. *The decision tree shall not constitute a personal recommendation.*

4. *In order to ensure a uniform use of the standardised decision tree referred to in paragraph 1, EIOPA shall draw up draft regulatory technical standards:*

a) *specifying the content and presentation of the standard decision tree, including the definition of the main characteristics of PEPPs and types of default options to be included in the decision tree;*

b) *establishing the conditions under which the standardised decision tree shall be provided on a durable medium or on paper, and how it may be adapted for this purpose. When drawing up the draft regulatory technical standards, EIOPA shall carry out consumer tests and take the following into account:*

i) *the different types of PEPPs;*

ii) *the differences between PEPPs;*

iii) *the competence of PEPP savers and the characteristics of PEPPs;*

iv) *the interactive technical implementation, including the use of websites and apps for mobile devices or the use of a different form to provide and complement the decision tree; and*

v) *the need to ensure that it is clear that the decision tree does not constitute a personal recommendation.*

EIOPA shall submit the draft regulatory technical standards to the Commission after their publication. Power is conferred on the Commission to adopt the regulatory technical standards referred to in this paragraph in accordance with Article 15 of Regulation (EU)

Justification

In order to help customers take the right decision for them, customers ought to go through a decision tree. Decision trees can help to take decisions where alternatives and their impact need to be evaluated. In the present case, it should first established whether the conclusion of a PEPP constitutes the correct decision in general. In addition, consideration should be given to what default option might be most appropriate for the customer.

Amendment 100

Proposal for a regulation

Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the PEPP saver waives his right to receive advice, PEPP providers or distributors referred to in *Article 19(c)* of this Regulation shall, when carrying out PEPP distribution activities, ask the PEPP saver or potential PEPP saver to provide information regarding that person's knowledge and experience in the investment field relevant to the PEPP offered or demanded so as to enable the PEPP provider or distributor to assess whether the PEPP envisaged is appropriate for the PEPP saver.

Amendment

Where the PEPP saver waives his right to receive advice, PEPP providers or distributors referred to in *Articles 5(1) and 8* of this Regulation shall, when carrying out PEPP distribution activities, ask the PEPP saver or potential PEPP saver to provide information regarding that person's knowledge and experience in the investment field relevant to the PEPP offered or demanded so as to enable the PEPP provider or distributor to assess whether the PEPP envisaged is appropriate for the PEPP saver.

Amendment 101

Proposal for a regulation

Chapter 4 – section 3 a (new) – Article 26 a (new)

Text proposed by the Commission

Amendment

PEPP contract

Article 26a

Mandatory information to be included in the contract

The PEPP contract shall consist of the PEPP Key Information Document and of the following information:

- a) the type of PEPP;***
- b) personal details of the PEPP saver, his name and address;***
- c) details concerning the benefits offered by the selected investment option: under the default option, benefits are paid out in the form of lifelong annuities as of the date of retirement; alternatively, one may opt for a capital pay-out of 30% on the due date of the first payment. If such a capital pay-out is made, then the remaining capital shall be used to calculate the amount of the annuities.***
- d) benefits in the event of death before retirement under the default option: All contributions paid shall be reimbursed to the heirs free of charge in the event that the PEPP saver dies before the agreed date of retirement. During his lifetime, the PEPP saver shall be able to conclude a contract for the benefit of third parties.***
- e) level and due dates for contributions and information on whether and how one can suspend the payment of contributions and on whether it is possible to make additional payments;***
- f) the procedure to be followed in exercising the right to terminate the contract;***
- g) whether or not there is a right to terminate the contract;***
- h) information on switching investment options;***
- i) an indication regarding the language in which the PEPP provider shall provide the PEPP Benefit Statement;***
- j) information about alternative***

dispute resolution procedures;

k) specific information which differs according to the Member State, such as information regarding the retirement age and tax benefits and incentives.

Or. de

Justification

For reasons of legal certainty, all elements of mandatory information to be included in a PEPP contract should be defined in the regulation.

Amendment 102

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission

a) personal details of the PEPP saver, name of the PEPP provider, information on pension benefit projections, information on accrued entitlements or accumulated capital, contributions paid by the PEPP saver or any third party and information on the funding level of the PEPP scheme, for which Article 39, paragraphs 1(a), (b), (d), (e), (f) and (h) of Directive 2016/2341/EU shall be applied, where the ‘member’ means the PEPP saver, the ‘IORP’ means the PEPP provider, the ‘pension scheme’ means the PEPP scheme and ‘the sponsoring undertaking’ means any third party for the purposes of this Regulation;

Amendment

a) personal details of the PEPP saver, name of the PEPP provider, information on pension benefit projections, information on accrued entitlements or accumulated capital, ***projected levels of retirement benefits***, contributions paid by the PEPP saver or any third party and information on the funding level of the PEPP scheme, for which Article 39, paragraphs 1(a), (b), (d), (e), (f) and (h) of Directive 2016/2341/EU shall be applied, where the ‘member’ means the PEPP saver, the ‘IORP’ means the PEPP provider, the ‘pension scheme’ means the PEPP scheme and ‘the sponsoring undertaking’ means any third party for the purposes of this Regulation; ***information on the accumulated capital or contributions paid shall be broken down by compartment.***

Or. de

Amendment 103

Proposal for a regulation Article 28 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The PEPP customer shall be provided annually with a PEPP Benefit Statement.

Or. de

Amendment 104

Proposal for a regulation Article 29 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

EIOPA, after consulting national authorities and *after* consumer testing, **shall** develop draft implementing technical standards specifying the details of the presentation of the information referred to in Article 28 and in this Article.

EIOPA **shall**, after consulting national authorities and **on the basis of** consumer testing, develop draft implementing technical standards specifying the details of the presentation of the information referred to in Article 28 and in this Article.

Or. de

Amendment 105

Proposal for a regulation Article 32 – paragraph 7

Text proposed by the Commission

Amendment

7. The Commission shall adopt delegated acts in accordance with Article 62 specifying the information referred to in paragraphs 1 to 4, with a view to ensuring to the appropriate extent convergence of supervisory reporting.

deleted

EIOPA, after consulting national authorities and after consumer testing, shall develop draft implementing

technical standards regarding the format of supervisory reporting.

EIOPA shall submit those draft implementing technical standards to the Commission by ... [within 9 months after the entry into force of the Regulation].

Power is conferred on the Commission to adopt the implementing technical standards referred to in the second subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.

Or. de

Amendment 106

Proposal for a regulation Article 33 – paragraph 1 – point c

Text proposed by the Commission

c) the assets shall be predominantly invested on regulated markets. Investment in assets which are not admitted to trading on a regulated financial market must *in any event be kept to prudent levels*;

Amendment

c) the assets shall be predominantly invested on regulated markets. Investment in assets which are not admitted to trading on a regulated financial market must *not exceed 20%*;

Or. de

Amendment 107

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

1. PEPP providers shall offer *up to five investment options to PEPP savers*.

Amendment

1. PEPP providers shall offer *at least one default option. They may also offer additional investment options*.

Or. de

Amendment 108

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

Amendment

2. *The investment options shall include a default investment option and may include alternative investment options.*

deleted

Or. de

Amendment 109

Proposal for a regulation Article 34 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The PEPP shall be cost-effective irrespective of the investment option.*

Or. de

Amendment 110

Proposal for a regulation Article 36 – paragraph 1

Text proposed by the Commission

Amendment

1. *The PEPP saver shall be able to opt for a different investment option once every five years of accumulation in the PEPP.*

1. *After concluding the PEPP contract, the PEPP saver shall be able to opt for a different investment option once every five years of accumulation in the PEPP during the accumulation phase. Further switchings shall only be allowed five years after the last switching. The PEPP provider may allow more frequent switching.*

Or. de

Amendment 111

Proposal for a regulation

Article 36 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The PEPP provider shall prepare the switching at the request of the PEPP saver and shall inform the latter as regards the potential impact of the switching, such as the loss of the capital guarantee and biometric risks.*

Or. de

Amendment 112

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

Amendment

1. *The default investment option shall ensure capital protection for the PEPP saver, on the basis of a risk-mitigation technique that results in a safe investment strategy.*

1. *In the default investment option, the PEPP provider shall guarantee the PEPP saver that the capital accumulated by the start of the decumulation phase will at least equal the contributions paid including all costs and charges;*

Or. de

Amendment 113

Proposal for a regulation

Article 37 – paragraph 2

Text proposed by the Commission

Amendment

2. *Capital protection shall allow the PEPP saver to recoup the capital invested.*

deleted

Or. de

Amendment 114

Proposal for a regulation

Article 37 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In order to comply with the conditions set out in paragraph 1, the PEPP provider shall be able to enter into PEPP product partnerships.

Or. de

Justification

Depending on which investment option is the most appropriate for the PEPP saver, the default option should be based on a lifecycling strategy or a capital guarantee. A product partnership may facilitate this.

Amendment 115

Proposal for a regulation

Article 37 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Total costs and charges may not exceed 0.75 % of the accumulated capital.

Or. de

Amendment 116

Proposal for a regulation

Article 38

Text proposed by the Commission

Amendment

Article 38

deleted

Alternative investment options

1. If PEPP providers offer alternative investment options, at least one of them

shall offer a cost-effective investment option to PEPP savers.

2. *The alternative investment options shall include risk-mitigation techniques to be defined by PEPP providers.*

Or. de

Amendment 117

Proposal for a regulation Article 39 – paragraph 1 – point a

Text proposed by the Commission

a) the risk-mitigation technique to *ensure* capital *protection* under the default investment option;

Amendment

a) the risk-mitigation technique to *safeguard* capital under the default investment option;

Or. de

Amendment 118

Proposal for a regulation Article 39 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

EIOPA shall, in collaboration with the other European Supervisory Authorities, provide the Commission with technical assistance in the performance of the tasks set out in this Article.

Or. de

Amendment 119

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

1. ***In accordance with Article 3(b)***, the PEPP conditions related to the accumulation phase shall be determined by Member States unless they are specified in this Regulation.

Amendment

1. The PEPP conditions related to the accumulation phase shall be determined by Member States unless they are specified in this Regulation.

Or. de

Amendment 120

**Proposal for a regulation
Article 40 – paragraph 2**

Text proposed by the Commission

2. Such conditions may include in particular age limits for starting the accumulation phase, minimum duration of the accumulation phase, maximum and minimum amount of in-payments ***and*** their continuity, as well as conditions for redemption before retirement age in case of particular hardship.

Amendment

2. Such conditions may include in particular age limits for starting the accumulation phase, minimum duration of the accumulation phase, maximum and minimum amount of in-payments, their continuity ***and the minimum retirement age***, as well as conditions for redemption before retirement age in case of particular hardship.

Or. de

Amendment 121

**Proposal for a regulation
Article 40 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. When Member States determine the conditions related to the accumulation phase, the same conditions shall apply to PEPPs as to comparable national products.

Or. de

Amendment 122

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

PEPP providers may offer PEPPs with an option ensuring the coverage of the risk of biometric risks. ***For the purpose of this Regulation, ‘biometric risks’ mean risks linked to longevity, disability and death.***

Amendment

PEPP providers may offer PEPPs with an option ensuring the coverage of the risk of biometric risks. ***With that aim in view, PEPP providers may enter into PEPP product partnerships.***

Or. de

Amendment 123

Proposal for a regulation Article 43 – paragraph 4

Text proposed by the Commission

4. PEPP providers and distributors shall inform the PEPP customer about at least one alternative dispute resolution (ADR) entity which is competent to deal with disputes concerning PEPP customers’ rights and obligations under this Regulation.

Amendment

deleted

Or. de

Justification

Should be part of Article 44.

Amendment 124

Proposal for a regulation Article 43 – paragraph 5

Text proposed by the Commission

Amendment

5. The information referred to in paragraph 3 shall be mentioned in a clear, comprehensive and easily accessible way on the website of the PEPP provider or distributor, at the branch, and in the general terms and conditions of the contract between the PEPP provider or distributor and the PEPP customer. It shall specify how further information on the ADR entity concerned and on the conditions for using it can be accessed.

deleted

Or. de

Justification

Should be part of Article 44.

Amendment 125

Proposal for a regulation Article 44 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In accordance with Directive 2013/11/EU of the European Parliament and of the Council, PEPP providers and distributors shall inform the PEPP customer about at least one alternative dispute resolution (ADR) entity which is competent to deal with disputes concerning PEPP customers' rights and obligations under this Regulation.

Or. de

Amendment 126

Proposal for a regulation Article 44 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *The information referred to in the previous paragraph shall be mentioned in a clear, comprehensive and easily accessible way on the website of the PEPP provider or distributor, at the branch, and in the general terms and conditions of the contract between the PEPP provider or distributor and the PEPP customer. It shall specify how further information on the ADR entity concerned and on the conditions for using it can be accessed.*

Or. de

Amendment 127

Proposal for a regulation

Article 44 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. *PEPP providers and distributors shall make provision for out-of-court dispute settlement procedures.*

Or. de

Amendment 128

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Under the standard option, the switching service may only be used during the accumulation phase.

Or. de

Amendment 129

Proposal for a regulation Article 45 – paragraph 2

Text proposed by the Commission

2. The PEPP saver may switch PEPP providers *no more frequently than* once every five years *after conclusion of the PEPP contract*.

Amendment

2. *After conclusion of the PEPP contract*, the PEPP saver may switch PEPP providers once every five years *free of charge*. *In the PEPP contract, PEPP providers may make provision for more frequent switching*.

Or. de

Amendment 130

Proposal for a regulation Article 45 – paragraph 2 a (new)

Text proposed by the Commission

2a. *A switching shall be permissible if the PEPP provider or distributor breaches the general principle*.

Amendment

Or. de

Amendment 131

Proposal for a regulation Article 46 – paragraph 1

Text proposed by the Commission

1. At the request of the PEPP saver, the switching service shall be *initiated* by the receiving PEPP provider. *The switching service shall at least comply with paragraphs 2 to 5*.

Amendment

1. At the request of the PEPP saver, the switching service shall be *prepared* by the receiving PEPP provider.

Or. de

Amendment 132

Proposal for a regulation

Article 46 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In the event of a cross-border switching, the PEPP saver shall be informed about all the implications of the switching. The information shall cover, above all, changes concerning, for example, the loss of the capital guarantee and the biometric risks and information about the loss of tax incentives or other advantages and about taxes for which the saver will be liable.

Or. de

Amendment 133

Proposal for a regulation

Article 48 – paragraph 3

Text proposed by the Commission

Amendment

3. The total fees and charges applied by the transferring PEPP provider to the PEPP saver for the closure of the PEPP account held with it shall be limited to no more than 1,5 % of the positive balance to be transferred to the receiving PEPP provider.

3. The total fees and charges applied by the transferring PEPP provider to the PEPP saver for the closure of the PEPP account held with it shall be limited to no more than 1,5 % of the positive balance to be transferred to the receiving PEPP provider. ***No further fees, costs or charges shall be applied.***

Or. de

Amendment 134

Proposal for a regulation

Article 48 – paragraph 4

Text proposed by the Commission

Amendment

4. Fees and charges, if any, applied by the transferring or the receiving PEPP

deleted

provider to the PEPP saver for any service provided under Article 46, other than those referred to in paragraphs 1, 2 and 3 of this Article, shall be reasonable and in line with the actual costs of that PEPP provider.

Or. de

Amendment 135

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

In the event of a cross-border switching, the PEPP saver shall be informed about all the implications of the switching. The information shall cover, above all, changes concerning, for example, the loss of the capital guarantee and the biometric risks and information about taxes for which the saver will be liable.

Or. de

Amendment 136

Proposal for a regulation

Article 51 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When Member States determine the conditions related to the accumulation phase, the same conditions shall apply to PEPPs as to comparable national products.

Or. de

Amendment 137

Proposal for a regulation Article 52 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *Under the standard option, the out-payment may only take the form of a pension. By way of an exception, a one-off payment of up to 30 % of the capital shall be possible at the start of the accumulation phase.*

Or. de

Amendment 138

Proposal for a regulation Article 53 – paragraph 2

Text proposed by the Commission

Amendment

2. EIOPA shall monitor pension *schemes* established or distributed in the territory of the Union to verify that they do not use the designation ‘PEPP’ or suggest that they are a PEPP unless they are authorised under, **and comply with**, this Regulation.

2. EIOPA shall monitor pension **products** established or distributed in the territory of the Union to verify that they do not use the designation ‘PEPP’ or suggest that they are a PEPP unless they are authorised under this Regulation.

Or. de

Amendment 139

Proposal for a regulation Article 53 – paragraph 3

Text proposed by the Commission

Amendment

3. *In coordination with the other European Supervisory Authorities, EIOPA shall review the annual plans for supervision of the PEPP providers adopted by the competent authorities.*

deleted

Amendment 140

Proposal for a regulation

Article 57 – paragraph 1 – point a

Text proposed by the Commission

a) a financial undertaking as referred to in Article 5(1) has obtained ***an authorisation*** of a PEPP through false or misleading statements or any other irregular means in breach of Articles 5 and 6;

Amendment

a) a financial undertaking as referred to in Article 5(1) has obtained ***a certification*** of a PEPP through false or misleading statements or any other irregular means in breach of Articles 5 and 6;

Or. de

Amendment 141

Proposal for a regulation

Article 57 – paragraph 1 – point b

Text proposed by the Commission

b) a financial undertaking as referred to in Article 5(1) provides, respectively distributes, products bearing the designation ‘PEPP’ or ‘pan-European Personal Pension Product’ without the required ***authorisation***;

Amendment

b) a financial undertaking as referred to in Article 5(1) provides, respectively distributes, products bearing the designation ‘PEPP’ or ‘pan-European Personal Pension Product’ without the required ***certification***;

Or. de

Amendment 142

Proposal for a regulation

Article 57 – paragraph 2 – point e

Text proposed by the Commission

e) in the case of a legal person, the maximum administrative fines referred to in point (d) may be of up to ***10 %*** of the

Amendment

e) in the case of a legal person, the maximum administrative fines referred to in point (d) may be of up to ***5 %*** of the total

total annual turnover according to the last available accounts approved by the management body; where the legal person is a parent undertaking or a subsidiary of the parent undertaking which has to prepare consolidated financial accounts in accordance with Directive 2013/34/EU of the European Parliament and of the Council, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant accounting legislative acts according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking;

annual turnover according to the last available accounts approved by the management body; where the legal person is a parent undertaking or a subsidiary of the parent undertaking which has to prepare consolidated financial accounts in accordance with Directive 2013/34/EU of the European Parliament and of the Council, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant accounting legislative acts according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking;

⁵¹ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

⁵¹ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

Or. de

Amendment 143

Proposal for a regulation Article 61 – paragraph 1

Text proposed by the Commission

With regard to the processing of personal data within the framework of this Regulation, PEPP providers and competent authorities shall carry out their tasks for the purpose of this Regulation in accordance with Regulation (EU) 2016/679. With regard to the processing of personal data by EIOPA within the framework of this Regulation, EIOPA shall comply with

Amendment

With regard to the processing of personal data within the framework of this Regulation, PEPP providers and competent authorities shall carry out their tasks for the purpose of this Regulation in accordance with Regulation (EU) 2016/679 **and Directive 95/46/EC**. With regard to the processing of personal data by EIOPA within the framework of this Regulation,

Regulation (EC) No 45/2001.

EIOPA shall comply with Regulation (EC)
No 45/2001.

Or. de