



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Internal Market and Consumer Protection

2012/0175(COD)

30.1.2013

AMENDMENTS

28 - 182

Draft opinion
Catherine Stihler
(PE502.077v01)

on the proposal for a directive of the European Parliament and of the Council
on insurance mediation (recast)

Proposal for a directive
(COM(2012)0360 – 2012/0175(COD))

AM_Com_LegOpinion

Amendment 28
Olle Schmidt

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) Consumers should be provided in advance with clear information about the status of the persons who sell the insurance product and about the remuneration which they receive. There is a need to introduce a mandatory status disclosure for European insurance intermediaries and insurance undertakings. This information should be given to the consumer at the pre-contractual stage. Its role is to show the relationship between the insurance undertaking and the intermediary (where applicable) as well as the structure and the content of the intermediaries' remuneration.

Amendment

(30) Consumers should be provided in advance with clear information about the status of the persons who sell the insurance product and about the remuneration which they receive. There is a need to introduce a mandatory status disclosure for European insurance intermediaries and insurance undertakings. This information should be given to the consumer at the pre-contractual stage. Its role is to show the relationship between the insurance undertaking and the intermediary (where applicable) as well as the structure, **nature** and the content of the intermediaries' remuneration.

Or. en

Amendment 29
Othmar Karas

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) Consumers should be provided in advance with clear information about the status of the persons who sell the insurance product **and about the remuneration which they receive**. There is a need to introduce a mandatory status disclosure for European insurance intermediaries and insurance undertakings. This information should be given to the consumer at the pre-contractual stage. Its role is to show the relationship between the insurance

Amendment

(30) Consumers should be provided in advance with clear information about the status of the persons who sell the insurance product. There is a need to introduce a mandatory status disclosure for European insurance intermediaries and insurance undertakings. This information should be given to the consumer at the pre-contractual stage. Its role is to show the relationship between the insurance undertaking and the intermediary (where

undertaking and the intermediary (where applicable) as well as the structure *and the content* of the intermediaries' remuneration.

applicable) as well as the structure of the intermediaries' remuneration.

Or. en

Justification

See justification for Article 17.

Amendment 30
Othmar Karas

Proposal for a directive
Recital 31

Text proposed by the Commission

Amendment

(31) In order to mitigate conflicts of interest between the seller and the buyer of an insurance product, it is necessary to ensure sufficient disclosure of remuneration of insurance distributors. Accordingly, for life insurance products, the intermediary and the employee of the insurance intermediary or the insurance undertaking should be obliged to inform the customer about its remuneration, in advance of the sale. For other insurance products, subject to a transitional period of 5 years, the customer must be informed of the customer's right to request this information, which must be provided to the customer upon request.

deleted

Or. en

Justification

See justification for Article 17.

Amendment 31
Othmar Karas

Proposal for a directive
Recital 32

Text proposed by the Commission

Amendment

(32) In order to provide a customer with comparable information on the insurance mediation services provided regardless of whether the customer purchases through an intermediary, or directly from an insurance undertaking, and to avoid the distortion of competition by encouraging insurance undertakings to sell direct to customers rather than via intermediaries in order to avoid information requirements, insurance undertakings should also be required to provide information about remuneration to customers with whom they deal directly in the provision of insurance mediation services about the remuneration they receive for the sale of insurance products.

deleted

Or. en

Justification

See justification for Article 17.

Amendment 32
Olle Schmidt, Jorgo Chatzimarkakis

Proposal for a directive
Recital 40

Text proposed by the Commission

Amendment

(40) This Directive should specify the minimum obligations which insurance undertakings and insurance intermediaries should have in providing information to customers. A Member State should be able

(40) This Directive should specify the minimum obligations which insurance undertakings and insurance intermediaries should have in providing information to customers. A Member State should be able

to in this area maintain or adopt more stringent provisions which may be imposed on insurance intermediaries and insurance undertakings independently of the provisions of their home Member State where they are pursuing insurance mediation activities on its territory provided that any such more stringent provisions comply with Union law, including Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). A Member State which proposes to apply and applies provisions regulating insurance intermediaries and the sale of insurance products in addition to those set out in this Directive should ensure that the administrative burden stemming from these provisions is proportionate for consumer protection. In the interest of consumer protection and in order to prevent mis-selling of insurance products, Member States should be permitted to apply *exceptionally* the more stringent requirements to such insurance intermediaries conducting insurance mediation on an ancillary basis if they consider it necessary and proportionate.

to in this area maintain or adopt more stringent provisions which may be imposed on insurance intermediaries and insurance undertakings independently of the provisions of their home Member State where they are pursuing insurance mediation activities on its territory provided that any such more stringent provisions comply with Union law, including Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). A Member State which proposes to apply and applies provisions regulating insurance intermediaries and the sale of insurance products in addition to those set out in this Directive should ensure that the administrative burden stemming from these provisions is proportionate for consumer protection. In the interest of consumer protection and in order to prevent mis-selling of insurance products, Member States should be permitted to apply the more stringent requirements to such insurance intermediaries conducting insurance mediation on an ancillary basis if they consider it necessary and proportionate.

Or. en

Amendment 33
Othmar Karas

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) Cross-selling practices are a common strategy for retail financial service providers throughout the Union. *They can provide benefits to consumers but can*

Amendment

(41) Cross-selling practices are a common strategy for retail financial service providers throughout the Union.

also represent practices where the interest of consumers is not adequately considered. For instance, certain forms of cross-selling practices or products, namely tying practices where two or more financial services are sold together in a package and at least one of those services or products is not available separately, can distort competition and negatively affect consumers' mobility and their ability to make informed choices. An example of tying practices can be the necessary opening of current accounts when an insurance service is provided to a consumer in order to pay the premiums or the necessary conclusion of a motor insurance contract when a consumer credit is provided to a consumer in order to insure the financed car. While practices of bundling, where two or more financial services or products are sold together in a package, but each of the services can also be purchased separately, may also distort competition and negatively affect customer mobility and customers' ability to make informed choices, they at least leave choice to the customer and may therefore present less risk to the compliance of insurance intermediaries with their obligations under this directive. The use of such practices should be carefully assessed in order to promote competition and consumer choice.

Or. en

Justification

See justification for Article 21.

Amendment 34
Othmar Karas

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) Contracts of insurance that involve investments are often made available to customers as potential alternatives or substitutes to investment products subject to Directive [MiFID II]¹⁷. To deliver consistent investor protection and avoid the risk of regulatory arbitrage, it is important that retail investment products (insurance investment products as defined in the Regulation on key information documents for investment products) are subject to the same conduct of business standards: these include provision of appropriate information, requirements for advice to be suitable and restrictions on inducements, as well as requirements to manage conflicts of interest, and in the case of independent advisers, restrictions on the form of remuneration. The European Securities and Markets Authority (ESMA) and the European Insurance and Occupational Pensions Authority (EIOPA) should work together to achieve as much consistency as possible in the conduct of business standards for retail investment products that are subject to either [MiFID II] or to this Directive through guidelines. For insurance investment products, the standards of this Directive which are applicable to all insurance contracts (Chapter *VIII* of this Directive), and the enhanced standards for insurance investment products are cumulative. Accordingly, persons carrying out insurance mediation in relation to insurance investment products should comply with the conduct standards applicable to all insurance contracts as well as to the enhanced standards applicable to insurance investment products.

Amendment

(42) Contracts of insurance that involve investments are often made available to customers as potential alternatives or substitutes to investment products subject to Directive [MiFID II]¹⁷. To deliver consistent investor protection and avoid the risk of regulatory arbitrage, it is important that retail investment products (insurance investment products as defined in the Regulation on key information documents for investment products) are subject to the same conduct of business standards: these include provision of appropriate information, requirements for advice to be suitable and restrictions on inducements, as well as requirements to manage conflicts of interest, and in the case of independent advisers, restrictions on the form of remuneration. The European Securities and Markets Authority (ESMA) and the European Insurance and Occupational Pensions Authority (EIOPA) should work together to achieve as much consistency as possible in the conduct of business standards for retail investment products that are subject to either [MiFID II] or to this Directive through guidelines. For insurance investment products, the standards of this Directive which are applicable to all insurance contracts (Chapter *VI* of this Directive), and the enhanced standards for insurance investment products are cumulative. Accordingly, persons carrying out insurance mediation in relation to insurance investment products should comply with the conduct standards applicable to all insurance contracts as well as to the enhanced standards applicable to insurance investment products.

Or. en

Amendment 35
Othmar Karas

Proposal for a directive
Recital 50

Text proposed by the Commission

Amendment

(50) In order to attain the objectives set out in this Directive, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of details concerning notions of adequate knowledge and competence of the intermediary, management of conflicts of interest, conduct of business obligations in relation to insurance packaged retail investment products and procedures and forms for submitting information in relation to sanctions. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

deleted

Or. en

Amendment 36
Othmar Karas

Proposal for a directive
Recital 52

Text proposed by the Commission

Amendment

(52) By means of delegated acts pursuant to Articles 290 and 291 of the Treaty on the Functioning of the European Union and in accordance with Articles 10 to 15 of Regulation (EU) No 1094/2010 of the

deleted

European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority)¹⁹, the Commission should adopt delegated acts as set out in Articles [8] regarding notions of adequate knowledge and ability of the intermediary, Article [17 and 23] regarding management of conflicts of interest and Articles [24 and 25] regarding conduct of business obligations in relation to insurance packaged retail investment products as well as implementing technical standards as set out in Article [30] regarding procedures and forms for submitting information in relation to sanctions. These delegated acts and implementing technical standards should be developed in draft by EIOPA.

Or. en

Justification

See justification for relevant articles.

Amendment 37
Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive lays down rules concerning the taking-up and pursuit of the activities of insurance and reinsurance mediation, *including professional management of claims and loss adjusting*, by natural and legal persons which are established in a Member State or which wish to be established there.

Amendment

1. This Directive lays down rules concerning the taking-up and pursuit of the activities of insurance and reinsurance mediation, by natural and legal persons which are established in a Member State or which wish to be established there.

Or. xm

Justification

Extending the scope to include loss adjustment and expert services causes serious concern, because it introduces into the distribution of insurance products a fresh series of occupations which are not, by their professional nature, relevant to the activity which is being regulated.

Amendment 38

Olle Schmidt

Proposal for a directive

Article 1 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) the insurance is complementary to goods supplied by any provider, where such insurance covers the risk of breakdown, loss of or damage to the goods supplied by that provider ;

deleted

Or. en

Justification

The distinction between services and goods should be a matter of further analysis.

Amendment 39

Othmar Karas

Proposal for a directive

Article 1 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) the insurance is complementary to goods supplied by any provider, where such insurance covers the risk of breakdown, loss of or damage to the goods supplied by that provider ;

(e) the insurance is complementary to goods **and services** supplied by any provider, where such insurance covers the risk of breakdown, loss of or damage to the goods supplied by that provider; **the impossibility to fulfil fully or in part any contractual obligation related to said goods and services in case of death, disability or unemployment;**

In that case the customer must be informed that his being sold complementary insurance is a non-regulated activity

Or. en

Amendment 40
Othmar Karas

Proposal for a directive
Article 1 – paragraph 2 – point f (new)

Text proposed by the Commission

(f) the amount of the annual premium for the insurance contract, when pro-rated to produce an annual amount, does not exceed EUR 600 .

Amendment

(f) the amount of the annual premium for the insurance contract, when pro-rated to produce an annual amount, does not exceed EUR 600 .

EIOPA shall review the amount referred to in paragraph 2 (f) regularly in order to take account of changes in the European Index of Consumer Prices as published by Eurostat. The first review shall take place five years after the entry into force of this Directive and the successive reviews every five years after the previous review date.

EIOPA shall develop draft regulatory standards which adapt the base amount in euro referred to in paragraph 2 (f) by the percentage change in that Index over the period between the entry into force of this Directive and the first review date or between the last review date and the new review date and rounded up to the nearest euro.

EIOPA shall submit those draft regulatory technical standards to the Commission five years after the entry into force of this Directive and the successive reviews every five years after the previous review date.

Power is conferred on the Commission to adopt the implementing technical

standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1094/2010.

Or. en

Amendment 41
Olle Schmidt

Proposal for a directive
Article 2 – paragraph 1 – point 3 – introductory part

Text proposed by the Commission

(3). ‘insurance mediation’ means the activities of advising on , proposing or carrying out other work preparatory to the conclusion of contracts of insurance, concluding such contracts or assisting in the administration and performance of such contracts, in particular in the event of a claim , and the activity of professional management of claims and loss adjusting . These activities shall be considered to be insurance mediation also if carried on by an insurance undertaking without the intervention of an insurance intermediary.

Amendment

(3). ‘insurance mediation’ means the activities of advising on , proposing or carrying out other work preparatory to the conclusion of contracts of insurance, concluding such contracts or assisting in the administration and performance of such contracts, in particular in the event of a claim , and the activity of professional management of claims and loss adjusting . These activities shall be considered to be insurance mediation also if carried on by an insurance undertaking without the intervention of an insurance intermediary.
Comparing information regarding insurance products and prices on a website should be considered as insurance intermediation.

Or. en

Amendment 42
Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 2 – paragraph 1 – point 3 – introductory part

Text proposed by the Commission

(3) ‘insurance mediation’ means the activities of advising on, proposing or

Amendment

(3) ‘insurance mediation’ means the activities of advising on, proposing or

carrying out other work preparatory to the conclusion of contracts of insurance, concluding such contracts or assisting in the administration and performance of such contracts, in particular in the event of a claim, **and the activity of professional management of claims and loss adjusting.** *These activities* shall be considered to be insurance mediation **also** if carried **on** by an insurance undertaking without the intervention of an insurance intermediary.

carrying out other work preparatory to the conclusion of contracts of insurance, concluding such contracts or assisting in the administration and performance of such contracts, in particular in the event of a claim. ***These activities shall be considered activities of advising on, proposing or carrying out other work preparatory to the conclusion of contracts of insurance, or of concluding such contracts,*** shall **also** be considered to be insurance mediation if carried **out** by an **employee of an** insurance undertaking **in direct contact with the client** without the intervention of an insurance intermediary.

Or. xm

Justification

The idea of including ‘the activity of professional management of claims and loss adjusting’ in the definition of ‘insurance mediation’ is not correct, because these are activities which have nothing to do with insurance mediation.

Amendment 43 **Olle Schmidt**

Proposal for a directive **Article 2 – paragraph 1 – point 6 a (new)**

Text proposed by the Commission

Amendment

(6 a). In order to guarantee that the same level of protection applies and that the consumer can benefit from comparable standards it is essential that this Directive promotes a level playing field and competition on equal terms between intermediaries whether they tied to an insurance undertaking or not. There is a benefit to consumers if insurance products are mediated through various channels and intermediaries with different forms of cooperation with insurance undertakings provided they

have to apply the same rules on consumer protection. It is important that these aspects are taken into account by the Member States in the implementation of this Directive.

Or. en

Amendment 44
Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘tied insurance intermediary’ means any person who carries on the activity of insurance mediation for and on behalf of one or more insurance undertakings *or insurance intermediaries, and who acts under the full responsibility of those insurance undertakings or insurance intermediaries, provided that the insurance intermediaries under whose responsibility the person acts do not themselves act under the responsibility of another insurance undertaking or intermediary;*

Amendment

(8) ‘tied insurance intermediary’ means any person who carries on the activity of insurance mediation for and on behalf of one or more insurance undertakings *in the case of insurance products which are not in competition and who acts under the full responsibility of those insurance undertakings for the products which concern them respectively.*

Or. xm

Justification

The change in the definition of ‘tied insurance intermediary’ is not clear. If this occupation is the same as that of a normal assistant to an agent or to a broker already traditionally present in agency and brokerage structures where the main intermediary for whose account such a person works assumes liability for this work through the professional third-party liability policy, we do not see the need to mention this. If it refers to a new type of occupation, a description of it should be given and, above all, the differences in relation to the traditional assistants of agents and brokers should be identified.

Amendment 45
Othmar Karas

Proposal for a directive
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8). ‘tied insurance intermediary’ means any person who carries on the activity of insurance mediation for and on behalf of one or more insurance undertakings or insurance intermediaries, and who acts under the full responsibility of those insurance undertakings or insurance intermediaries, ***provided that the insurance intermediaries under whose responsibility the person acts do not themselves act under the responsibility of another insurance undertaking or intermediary;***

Amendment

(8). ‘tied insurance intermediary’ means any person who carries on the activity of insurance mediation for and on behalf of one or more insurance undertakings or insurance intermediaries, and who acts under the full responsibility of those insurance undertakings or insurance intermediaries;

Or. en

Justification

An intermediary is tied regardless of the capacity of the entity it is tied to. The term also needs to be streamlined with the definition provided in previous legislation, such as in the proposed wording of the Proposal for a Directive of the European Parliament and of the Council on credit agreements relating to residential property, COM(2011) 142 final (CARRP).

Amendment 46
Othmar Karas

Proposal for a directive
Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9). ‘advice’ means the provision of a recommendation to a customer, either upon their request or at the initiative of the insurance undertaking or the insurance intermediary;

Amendment

(9). ‘advice’ means the provision of a ***personal*** recommendation to a customer, either upon their request or at the initiative of the insurance undertaking or the insurance intermediary, ***which is a separate activity from the mediation of***

insurance products or services;

Or. en

Justification

The provision of a personal recommendation is separate from the mediation of insurance products or services. This clarification allows for consistency with previous financial services legislation, such as CARRP and MiFID II.

Amendment 47

Olle Schmidt, Jorgo Chatzimarkakis

Proposal for a directive

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9). ‘advice’ means the provision of a recommendation to a customer, either upon their request or at the initiative of the insurance undertaking or the insurance intermediary;

Amendment

(9). ‘advice’ means the provision of a **personal** recommendation to a customer, either upon their request or at the initiative of the insurance undertaking or the insurance intermediary;

Or. en

Justification

Advice should mean the provision of a recommendation tailored to a single customer for one or more specific products. The definition must be aligned with the same term in MiFID and the mortgage credit directive.

Amendment 48

Olle Schmidt, Jorgo Chatzimarkakis

Proposal for a directive

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10). ‘contingent commission’ means a remuneration in the form of a commission **where the amount payable is** based on the

Amendment

(10). ‘contingent commission’ means a remuneration in the form of a commission based on the achievement of **pre-agreed**

achievement of *agreed* targets relating to the business placed by the intermediary with *that* insurer;

targets *or thresholds* relating to the *volume of* business placed by the intermediary with *the* insurer,

Or. en

Amendment 49
Malcolm Harbour

Proposal for a directive
Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

(19) ‘tying practice’ means the offering of one or more ancillary services with an insurance service or product in a package where this insurance service or product is not made available to the consumer separately.

deleted

Or. en

Justification

See MH AMs to Article 21

Amendment 50
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

(19) ‘tying practice’ means the offering of one or more ancillary services with an insurance service or product in a package where this insurance service or product is not made available to the consumer separately.

(19) ‘tying practice’ means the offering of one or more ancillary services with an insurance service or product in a package where this insurance service or product is not made available to the consumer separately. ***Tying practice does not imply the optional offer of one or more than one insurance product or service as a***

supplement to a financial or insurance product or service.

Or. en

Amendment 51
Malcolm Harbour

Proposal for a directive
Article 2 – paragraph 1 – point 20

Text proposed by the Commission

Amendment

(20) ‘bundling practice’ means the offering of one or more ancillary services with an insurance service or product in a package where this insurance service or product is also made available to the consumer separately but not necessarily on the same terms or conditions as when offered bundled with the ancillary services.

deleted

Or. en

Justification

See MH AMs to Article 21.

Amendment 52
Othmar Karas

Proposal for a directive
Article 2 – paragraph 1 – point 20 a (new)

Text proposed by the Commission

Amendment

(20 a) "product" means an insurance policy covering one or several risks.

Or. en

Amendment 53
Catherine Stihler

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Member States may stipulate that, where an insurance or reinsurance intermediary acts under the responsibility of an insurance or reinsurance undertaking or of another registered insurance or reinsurance intermediary, the *latter* intermediary *or the undertaking shall be responsible for ensuring that it meets the conditions for registration set out in this Directive. In such a case, the person or entity accepting responsibility shall, having been informed by the Member States of the matters set out in paragraph 7 of this Article, subparagraphs (a) and (b), be satisfied as to the matter set out in paragraph 7 of this Article, subparagraph (c).* Member States may also stipulate that the person or entity which takes responsibility for the intermediary shall register that intermediary.

Amendment

Member States may stipulate that, where an insurance or reinsurance intermediary acts under the responsibility of an insurance or reinsurance undertaking or of another registered insurance or reinsurance intermediary, the *insurance* intermediary *shall not be required to provide the competent authority with the information in Article 3(7)(a) and (b) and the insurance entity responsible shall ensure that the insurance intermediary meets the conditions for registration and other provisions set out in this Directive.* Member States may also stipulate that the person or entity which takes responsibility for the intermediary shall register that intermediary.

Or. en

Amendment 54
Catherine Stihler

Proposal for a directive
Article 3 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that the competent authorities do not register an insurance or reinsurance intermediary unless it is satisfied that the intermediary meets the requirements laid down in Article 8.

Amendment

Member States shall ensure that the competent authorities do not register an insurance or reinsurance intermediary unless it is satisfied that the intermediary meets the requirements laid down in Article 8, *or that another intermediary or undertaking will take the responsibility*

for ensuring that the intermediary meets these requirements in accordance with Article 3(1) paragraph 3.

Or. en

Amendment 55
Olle Schmidt, Jorgo Chatzimarkakis

Proposal for a directive
Article 3 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Registered insurance and reinsurance intermediaries shall be allowed to take up and pursue the activity of insurance and reinsurance mediation in the Union by means of both freedom of establishment and freedom to provide services

Or. en

Amendment 56
Catherine Stihler

Proposal for a directive
Article 3 – paragraph 7 – point a

Text proposed by the Commission

Amendment

(a) to provide information to their competent authorities of the identities of shareholders or members, whether natural or legal persons, that have a holding in the intermediary that exceeds 10% and the amounts of those holdings;

(a) tied intermediaries; and

Or. en

Amendment 57
Catherine Stihler

Proposal for a directive
Article 3 – paragraph 7 – point b

Text proposed by the Commission

(b) to provide information to their competent authorities of the identities of persons who have close links with the insurance or reinsurance intermediary;

Amendment

(b) intermediaries where another insurance entity takes responsibility for ensuring that the intermediary meet these requirements in accordance with Article 3 (1) paragraph 3.

Member states shall ensure that their competent authorities require that insurance and reinsurance intermediaries to whom Article 3(7) applies inform them without undue delay where information provided under Article 3 (7)(a) and (b) changes.

Or. en

Amendment 58
Othmar Karas

Proposal for a directive
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 a

Registered insurance and reinsurance intermediaries shall be allowed to take up and pursue the activity of insurance and reinsurance mediation in the Community by means of both freedom of establishment and freedom to provide services.

Or. en

Justification

This former article 3.5 of IMD I should be reintroduced to bring more clarity to the fact that registered and declared intermediaries are allowed to operate cross border by means of both

freedom of establishment and freedom to provide services when they have notified their competent authorities.

Amendment 59
Olle Schmidt

Proposal for a directive
Article 4

Text proposed by the Commission

Amendment

Article 4

deleted

Declaration procedure for providing ancillary insurance mediation; professional management of claims or loss assessment services

1. The registration requirements in Article 3 shall not apply to an insurance intermediary which conducts insurance mediation on an ancillary basis, provided that its activities meet all the following conditions:

(a) the principal professional activity of the insurance intermediary is other than insurance mediation;

(b) the insurance intermediary only mediates certain insurance products that are complementary to a product or service and clearly identifies them in the declaration;

(c) the insurance products concerned do not cover life assurance or liability risks, unless that cover is incidental to the main cover.

2. The registration requirements in Article 3 shall not apply to insurance intermediaries whose sole activity is professional management of claims or loss assessment services.

3. Any insurance intermediary who is subject to paragraphs 1 and 2 of this Article shall submit to the competent authority of its home Member State a

declaration whereby it informs the competent authority of its identity, address and professional activities.

4. Intermediaries who are subject to paragraphs 1 and 2 of this Article shall be subject to the provisions of Chapters I, III, IV, V, VIII, IX and Articles 15 and 16 of this Directive.

Or. en

Justification

In principle, intermediaries should be registered, and something between registration and lack of registration should be avoided. It is also difficult to see that the procedure means any real simplification for the companies in question, given that the requirements in Article 8 shall be met.

Amendment 60
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) the insurance products concerned do not cover life assurance or liability risks, unless that cover is **incidental** to the **main cover**.

Amendment

(c) the insurance products concerned do not cover life assurance or liability risks, unless that cover is **a complement** to the **service or product offered by the insurance intermediary in their principal professional activity**.

Or. en

Justification

Clarification of the conditions to allow for a simplified registration procedure for ancillary intermediaries to allow for a proportionate approach in the registration procedure of various distribution channels. The original wording »main cover « is ambiguous and not supported by a clear definition in the legislative proposal.

Amendment 61
Othmar Karas

Proposal for a directive
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

Registered intermediaries under IMD I do not need to register again under IMD II.

Or. en

Justification

Those intermediaries who are already registered under the previous directive and fulfilling the requirements of training and experience of the new directive should be automatically registered to avoid unnecessary administrative burden.

Amendment 62
Olle Schmidt

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. An insurance intermediary is operating under freedom of establishment if he carries on business in a host Member State for an indefinite period via a permanent presence in that Member State.

Or. en

Amendment 63
Catherine Stihler

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

Text proposed by the Commission

Amendment

Registered insurance and re-insurance intermediaries shall be allowed to take up and pursue the activity of insurance and reinsurance mediation in the Union by means of both freedom of establishment and freedom to provide services.

Or. en

Amendment 64
Catherine Stihler

Proposal for a directive
Article 6 – paragraph 4 – subparagraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. A registered insurance or reinsurance intermediary carries on an insurance mediation activity under the 'freedom of services' if:

a) it carries on insurance or reinsurance mediation with or for a policyholder who resides or is established in a Member State different from the home Member State of the intermediary;

b) any risk to be insured is situated in a Member State different from the home Member State of the intermediary;

c) it must comply with article 6 paragraph 1 and paragraph 4.

Or. en

Amendment 65
Catherine Stihler

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. If an insurance intermediary's primary place of business is located in another Member State, then the competent authority of that other Member State may agree with the home Member State competent authority to act as if it were the home Member State competent authority with regard to the obligations in chapters VI, VII and VIII of this Directive. In the event of such an agreement, the home Member State competent authority shall notify the insurance intermediary and EIOPA without delay.

Amendment

1. Each Member State shall require that:

a) any insurance intermediary which is a legal person have its head office in the same Member State as its registered office and that it actually operates there;

b) any insurance intermediary which is not a legal person or any insurance intermediary which is a legal person but under its national law has no registered office have its head office in a Member State in which it actually carries on its business.

If an insurance intermediary's primary place of business is located in another Member State, then the competent authority of that other Member State may agree with the home Member State competent authority to act as if it were the home Member State competent authority with regard to the obligations in chapters VI, VII and VIII of this Directive. In the event of such an agreement, the home Member State competent authority shall notify the insurance intermediary and EIOPA without delay.

Or. en

**Amendment 66
Catherine Stihler**

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PE504.096v01-00

EN

Proposal for a directive
Article 7 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where the host Member State has grounds for concluding that an insurance or reinsurance intermediary acting within its territory under the freedom to provide services or through an establishment is in breach of any obligation set out in this Directive it shall refer those findings to the competent authority of the home Member State which shall take the appropriate measures. In cases where, despite measures taken by the competent authority of the home Member State, an insurance or reinsurance intermediary persists in acting in a manner that is clearly prejudicial to the interests of host Member State consumers or the orderly functioning of insurance and reinsurance markets, the insurance or reinsurance intermediary shall be subject to the following measures:

Amendment

3. Where the host Member State has grounds for concluding that an insurance or reinsurance intermediary acting within its territory under the freedom to provide services or through an establishment is in breach of any obligation set out in this Directive, **and where the host Member State does not have powers under this Directive to take action in response to such breaches**, it shall refer those findings to the competent authority of the home Member State which shall take the appropriate measures. In cases where, despite measures taken by the competent authority of the home Member State, an insurance or reinsurance intermediary persists in acting in a manner that is clearly prejudicial to the interests of host Member State consumers or the orderly functioning of insurance and reinsurance markets, the insurance or reinsurance intermediary shall be subject to the following measures:

Or. en

Amendment 67
Othmar Karas

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Member States **may** adjust the required conditions with regard to knowledge and ability in line with the particular activity of insurance or reinsurance mediation and the products mediated, particularly if the principal professional activity of the intermediary is other than insurance

Amendment

Member States **shall** adjust the required conditions with regard to knowledge and ability in line with the particular activity of insurance or reinsurance mediation and the products mediated, particularly if the principal professional activity of the intermediary is other than insurance

mediation. *In such cases, that intermediary may pursue an activity of insurance mediation only if an insurance intermediary fulfilling the conditions of this Article or an insurance undertaking assumes full responsibility for the intermediary's actions. Member States may provide that in the cases referred to in the second subparagraph of Article 3(1), the insurance undertaking or intermediary shall verify that the knowledge and ability of the intermediaries are in conformity with the obligations set out in the first subparagraph of this paragraph and, if need be, shall provide such intermediaries with training which corresponds to the requirements concerning the products sold by the intermediaries.*

mediation.

The training and monitoring requirements of this article should not directly apply to those intermediaries who provide insurance mediation on an ancillary basis, but to the insurance undertakings or other intermediaries under whose responsibility they act and who themselves fulfil these obligations.

Member States may provide that in the cases referred to in the second subparagraph of Article 3(1), the insurance undertaking or intermediary shall verify that the knowledge and ability of the intermediaries are in conformity with the obligations set out in the first subparagraph of this paragraph and, if need be, shall provide such intermediaries with training which corresponds to the requirements concerning the products sold by the intermediaries.

Or. en

Justification

Upon a change of the professional requirements the insurance undertaking which is underwriting a policy not only assumes full responsibility for the intermediary's actions but is

also responsible for the training and monitoring of the ancillary intermediary.

Amendment 68
Othmar Karas

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

3. Insurance and reinsurance intermediaries shall hold professional indemnity insurance **covering the whole territory of the Union or some other comparable guarantee against liability arising from professional negligence, for at least EUR 1,120,000 applying to each claim and in aggregate EUR 1,680,000 per year for all claims, unless such insurance or comparable guarantee is already provided by an insurance undertaking, reinsurance undertaking or other undertaking on whose behalf the insurance or reinsurance intermediary is acting or for which the insurance or reinsurance intermediary is empowered to act or such undertaking has taken on full responsibility for the intermediary's actions.**

Amendment

3. Insurance and reinsurance intermediaries shall hold professional indemnity insurance

or provide some other equivalent suretyship relative to:

- the amount of mediation they undertake;*
- whether or not insurance mediation is their main business activity; and*
- the complexity of the products they mediate.*

It shall cover the whole territory of the Union and provide suretyship against liability arising from professional negligence, for at least EUR 1,120,000 applying to each claim and in aggregate EUR 1,680,000 per year for all claims, unless such insurance or comparable suretyship is already provided by an

insurance undertaking, reinsurance undertaking or other undertaking on whose behalf the insurance or reinsurance intermediary is acting or for which the insurance or reinsurance intermediary is empowered to act or such undertaking has taken on full responsibility for the intermediary's actions.

Or. en

Justification

There should be a certain degree of proportionality between the complexity of insurance products and the indemnity insurances to be held by intermediaries. The word « guarantee » is quite a narrow legal term, which should be changed to encompass equivalent instruments, e.g. allowing for suretyships (German : Bürgschaft).

Amendment 69
Malcolm Harbour

Proposal for a directive
Article 8 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

EIOPA shall develop draft regulatory standards which adapt the base amount in euro referred to in paragraphs 3 and 4 by the percentage change in that Index over the period between the entry into force of this Directive and the first review date or between the last review date and the new review date and rounded up to the nearest euro.

deleted

Or. en

Justification

Given the very different characteristics of national markets it is entirely appropriate that home member states should set the required level of professional standards.

Amendment 70
Catherine Stihler

Proposal for a directive
Article 8 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

EIOPA shall develop draft regulatory standards which adapt the base amount in euro referred to in paragraphs 3 and 4 by the percentage change in that Index over the period between the entry into force of this Directive and the first review date or between the last review date and the new review date and rounded up to the nearest euro. **deleted**

Or. en

Amendment 71
Malcolm Harbour

Proposal for a directive
Article 8 – paragraph 7 – subparagraph 3

Text proposed by the Commission

Amendment

EIOPA shall submit those draft regulatory technical standards to the Commission five years after the entry into force of this Directive and the successive reviews every five years after the previous review date. **deleted**

Or. en

Justification

To be read in conjunction with other MH AMs to Article 8

Amendment 72
Catherine Stihler

Proposal for a directive
Article 8 – paragraph 7 – subparagraph 3

Text proposed by the Commission

Amendment

EIOPA shall submit those draft regulatory technical standards to the Commission five years after the entry into force of this Directive and the successive reviews every five years after the previous review date.

deleted

Or. en

Amendment 73
Malcolm Harbour

Proposal for a directive
Article 8 – paragraph 7 – subparagraph 4

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

To be read in conjunction with other MH AMs to Article 8

Amendment 74
Catherine Stihler

Proposal for a directive
Article 8 – paragraph 7 – subparagraph 4

Text proposed by the Commission

Amendment

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

Or. en

Amendment 75
Catherine Stihler

Proposal for a directive
Article 8 – paragraph 8

Text proposed by the Commission

Amendment

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 33. Those delegated acts shall specify: ***deleted***

(a) the notion of adequate knowledge and ability of the intermediary when carrying on insurance mediation with its customers as referred to in paragraph 1 of this Article;

(b) appropriate criteria for determining in particular the level of professional qualifications, experiences and skills required for carrying on insurance mediation;

(c) the steps that insurance intermediaries and insurance undertakings might reasonably be expected to take to update their knowledge and ability through continuing professional development in order to maintain an adequate level of performance.

Or. en

Amendment 76
Mitro Repo

Proposal for a directive
Article 8 – paragraph 8

Text proposed by the Commission

Amendment

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 33. Those delegated acts shall specify: *deleted*

(a) the notion of adequate knowledge and ability of the intermediary when carrying on insurance mediation with its customers as referred to in paragraph 1 of this Article;

(b) appropriate criteria for determining in particular the level of professional qualifications, experiences and skills required for carrying on insurance mediation;

(c) the steps that insurance intermediaries and insurance undertakings might reasonably be expected to take to update their knowledge and ability through continuing professional development in order to maintain an adequate level of performance.

Or. fi

Justification

The laying-down of more detailed rules geared to national training practices and national training requirements should be a matter for decision at national level, not by the Commission.

Amendment 77
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 8 – paragraph 8

Text proposed by the Commission

Amendment

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 33. Those delegated acts shall specify: *deleted*

(a) the notion of adequate knowledge and ability of the intermediary when carrying on insurance mediation with its customers as referred to in paragraph 1 of this Article;

(b) appropriate criteria for determining in particular the level of professional qualifications, experiences and skills required for carrying on insurance mediation;

(c) the steps that insurance intermediaries and insurance undertakings might reasonably be expected to take to update their knowledge and ability through continuing professional development in order to maintain an adequate level of performance.

Or. en

Justification

Delegated acts are, according to Article 290 of the TFEU intended to deal with non-essential aspects of a legislative text. The professional requirements are, however, clearly essential to the legislative act at hand. Contrary to making this directive a minimum harmonisation instrument, delegated acts would correct certain aspects by means of a maximum harmonisation instrument. According to Article 8 (1) of this proposal the Member States are to determine the appropriate knowledge and ability an insurance intermediary has to possess.

**Amendment 78
Malcolm Harbour**

**Proposal for a directive
Article 13 – paragraph 1 – introductory part**

Text proposed by the Commission

1. Member States shall ensure the setting-up of appropriate, effective, impartial and independent complaints and redress procedures for the out-of-court settlement of disputes between insurance intermediaries and customers, and between insurance undertakings and customers, using existing bodies where appropriate.

Member States shall further ensure that all insurance undertakings and insurance intermediaries participate in the procedures for the out-of-court settlement of disputes where the following conditions are met:

Amendment

1. Member States shall ensure the setting-up of appropriate, effective, impartial and independent complaints and redress procedures for the out-of-court settlement of disputes between insurance intermediaries and customers, and between insurance undertakings and customers, using existing bodies where appropriate.

Or. en

Justification

The draft proposal would fundamentally undermine consumer protection by requiring that the decisions of ADR should not be binding on firms. If firms do not face the risk of being bound, their incentives to reach a mediated settlement will be significantly reduced. These AMs propose that all conditions imposed on ADR schemes in Article 13 are omitted. This will allow member states the flexibility to adopt ADR arrangements that are suited to the specificities of their market and legal system.

Amendment 79
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure the setting-up of appropriate, effective, impartial and independent complaints and redress procedures for the out-of-court settlement of disputes between insurance intermediaries and customers, and between insurance undertakings and customers, using existing bodies where appropriate.

Amendment

1. Member States shall ensure the setting-up of appropriate, effective, impartial and independent complaints and redress procedures for the out-of-court settlement of disputes between insurance intermediaries and customers, and between insurance undertakings and customers, using existing bodies where appropriate.

Member States shall further ensure that all insurance undertakings and insurance intermediaries participate in the procedures for the out-of-court settlement of disputes where the following conditions are met:

Or. en

Amendment 80
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure the setting-up of appropriate, effective, impartial and independent complaints and redress procedures for the out-of-court settlement of disputes between insurance intermediaries and customers, and between insurance undertakings and customers, using existing bodies where appropriate.
Member States shall further ensure that all insurance undertakings and insurance intermediaries participate in the procedures for the out-of-court settlement of disputes where the following conditions are met:

Amendment

1. Member States shall ensure the setting-up of appropriate, effective, impartial and independent complaints and redress procedures for the out-of-court settlement of disputes between insurance intermediaries and customers, and between insurance undertakings and customers, using existing bodies where appropriate.

Or. en

Justification

Redress procedures shall be set up for out-of-court settlement of disputes for both intermediaries and insurance undertakings and customers. This provision should be consistent with recent initiatives for an Alternative Dispute Resolution Directive (ADR).

Amendment 81
Malcolm Harbour

Proposal for a directive
Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

***(a) the procedure results in decisions
which are not binding;*** ***deleted***

Or. en

Justification

To be read in conjunction with other MH AMs to Article 13.

Amendment 82
Olle Schmidt

Proposal for a directive
Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

***(a) the procedure results in decisions
which are not binding;*** ***deleted***

Or. en

Amendment 83
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

***(a) the procedure results in decisions
which are not binding;*** ***deleted***

Or. en

Amendment 84
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a a) Where a customer initiates a procedure for alternative dispute resolution laid down in national law against an insurance intermediary or insurance undertaking with regard to a dispute concerning rights and obligations established under this Directive the insurance intermediary or insurance undertaking shall be required to participate in that procedure.

For the purposes of the application of this of this Directive the competent authorities shall cooperate with each other and with the entities responsible for out-of-court complaint and redress procedure referred to above and to the extent permitted by EU Directives or regulations in force.

Or. en

Amendment 85
Malcolm Harbour

Proposal for a directive
Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) [the running of] the limitation period for bringing the dispute before a court is suspended for the duration of the procedure for alternative dispute resolution;

deleted

Or. en

Justification

To be read in conjunction with other MH AMs to Article 13.

Amendment 86
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

*(b) [the running off] the limitation period
for bringing the dispute before a court is
suspended for the duration of the
procedure for alternative dispute
resolution;* *deleted*

Or. en

Amendment 87
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

*(b) [the running off] the limitation period
for bringing the dispute before a court is
suspended for the duration of the
procedure for alternative dispute
resolution;* *deleted*

Or. en

Amendment 88
Malcolm Harbour

Proposal for a directive
Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the period of prescription of the claim is suspended for the duration of the procedure; ***deleted***

Or. en

Justification

To be read in conjunction with other MH AMs to Article 13.

Amendment 89
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the period of prescription of the claim is suspended for the duration of the procedure; ***deleted***

Or. en

Amendment 90
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the period of prescription of the claim is suspended for the duration of the procedure; ***deleted***

Or. en

Amendment 91
Malcolm Harbour

Proposal for a directive
Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the procedure is free of charge or at moderate costs; ***deleted***

Or. en

Justification

To be read in conjunction with other MH AMs to Article 13.

Amendment 92
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the procedure is free of charge or at moderate costs; ***deleted***

Or. en

Amendment 93
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the procedure is free of charge or at moderate costs; ***deleted***

Or. en

Amendment 94
Malcolm Harbour

Proposal for a directive
Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) electronic means are not the only means by which the parties can gain access to the procedure and; *deleted*

Or. en

Justification

To be read in conjunction with other MH AMs to Article 13.

Amendment 95
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) electronic means are not the only means by which the parties can gain access to the procedure and; *deleted*

Or. en

Amendment 96
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) electronic means are not the only means by which the parties can gain *deleted*

access to the procedure and;

Or. en

Amendment 97
Malcolm Harbour

Proposal for a directive
Article 13 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) interim measures are possible in exceptional cases where the urgency of the situation so requires. *deleted*

Or. en

Justification

To be read in conjunction with other MH AMs to Article 13.

Amendment 98
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) interim measures are possible in exceptional cases where the urgency of the situation so requires. *deleted*

Or. en

Amendment 99
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 13 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) interim measures are possible in exceptional cases where the urgency of the situation so requires.

deleted

Or. en

**Amendment 100
Malcolm Harbour**

**Proposal for a directive
Article 13 – paragraph 1 – subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

Where a customer initiates a procedure for alternative dispute resolution laid down in national law against an insurance intermediary or insurance undertaking with regard to a dispute concerning rights and obligations established under this Directive, the insurance intermediary or insurance undertaking shall be required to participate in that procedure.

Or. en

Justification

To be read in conjunction with other MH AMs to Article 13.

**Amendment 101
Malcolm Harbour**

**Proposal for a directive
Article 13 – paragraph 1 – subparagraph 1 (a) (new)**

Text proposed by the Commission

Amendment

For the purposes of the application of this Directive the competent authorities shall

cooperate with each other and with the entities responsible for out-of-court complaint and redress procedures referred to above and to the extent permitted by EU Directives or Regulations in force.

Or. en

Justification

To be read in conjunction with other MH AMs to Article 13.

Amendment 102
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that these bodies cooperate in the resolution of cross-border disputes.

deleted

Or. en

Amendment 103
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that these bodies cooperate in the resolution of cross-border disputes.

2. For business-to-customer transactions, these bodies shall comply with Directive XXX/XXXX/EU of the European Parliament and of the Council of the European Union on alternative dispute resolution for consumer disputes.

For the purposes of the application of this Directive, Member States shall ensure

that, in the resolution of cross-border disputes, these bodies and the competent authorities cooperate with each other and with the entities responsible for out-of-court complaint and redress procedures referred to above and to the extent permitted by EU Directives or regulations in force.

Or. en

Justification

Redress procedures shall be set up for out-of-court settlement of disputes for both intermediaries and insurance undertakings and customers. This provision should be consistent with recent initiatives for an Alternative Dispute Resolution Directive (ADR).

Amendment 104
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall ensure that insurance intermediaries established on their territories inform consumers about the name, address and website address of the ADR entities by which they are covered and which are competent to deal with potential disputes between themselves and consumers.

Or. en

Amendment 105
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Insurance intermediaries within the Union engaging in online and cross-border online sales shall inform consumers about the ODR platform, if applicable and about their email address. This information shall be made easily, directly, prominently and permanently accessible on the insurance intermediaries' website and if the offer is made by e-mail or another textual message transmitted by electronic means, in that message. It shall include an electronic link to the ODR platform's homepage. Insurance intermediaries shall also inform consumers about the ODR platform when the consumer submits a complaint to the insurance intermediary, a consumer complaint handling system operated by the insurance intermediary or to a company ombudsman.

Or. en

**Amendment 106
Olle Schmidt**

**Proposal for a directive
Article 17 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1 a. An insurance intermediary is regarded as providing advice on an independent basis only if the intermediary in its information to the customer has stated that this is the case.

Or. en

Justification

The last paragraph is added in order to clarify that "non-tied" intermediaries should not per

se be regarded as providing advice on an independent basis

Amendment 107
Olle Schmidt

Proposal for a directive
Article 17 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) it gives advice on the basis of a fair analysis, or

(i) it gives advice on the basis of a fair **and independent** analysis, or

Or. en

Justification

The word independent is inserted since it is important that consumers are well informed about the basis for advice.

Amendment 108
Olle Schmidt

Proposal for a directive
Article 17 – paragraph 1 – point c – point iii

Text proposed by the Commission

Amendment

(iii) it is not under a contractual obligation to conduct insurance mediation business exclusively with one or more insurance undertakings and does not give advice on the basis of a fair analysis. In that case, it shall provide the names of the insurance undertakings with which it may and does conduct business;

(iii) it is not under a contractual obligation to conduct insurance mediation business exclusively with one or more insurance undertakings and does not give advice on the basis of a fair **and independent** analysis. In that case, it shall provide the names of the insurance undertakings with which it may and does conduct business ;

Or. en

Justification

The word independent is inserted since it is important that consumers are well informed about the basis for advice.

Amendment 109
Malcolm Harbour

Proposal for a directive
Article 17 – paragraph 1 – point d

Text proposed by the Commission

Amendment

***(d) the nature of the remuneration
received in relation to the insurance
contract;*** ***deleted***

Or. en

Justification

Appears to duplicate point e)

Amendment 110
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 17 – paragraph 1 – point d

Text proposed by the Commission

Amendment

***(d) the nature of the remuneration
received in relation to the insurance
contract;*** ***deleted***

Or. en

Justification

The disclosure of remuneration is an unnecessary detail to distract consumers from more essential characteristics of an insurance product or service, such as the level of protection and the associated insurance premium. The income of employees of an intermediary is personal information. The inherent proportionality of non-life insurance intermediaries, for whom a five year transitional period of mandatory disclosure shall be put into effect, and life insurance intermediaries is eroded and obsolete by the mandatory remuneration disclosure upon customer request. Delegated acts as foreseen by article 17 (5) are, according to Article 290 of the TFEU intended to deal with non-essential aspects of a legislative text. The specific attributes of disclosure and calculation/determination of remuneration are, however, clearly

essential to the legislative act at hand. Contrary to making this directive a minimum harmonisation instrument, delegated acts would correct certain aspects by means of a maximum harmonisation instrument.

Amendment 111

Othmar Karas, Andreas Schwab

Proposal for a directive

Article 17 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) if the intermediary will receive a fee or a commission of any kind, the full amount of the remuneration concerning the insurance products being offered or considered or, where the precise amount is not capable of being given, the basis of calculation of all the fee or commission or the combination of both; ***deleted***

Or. en

Justification

The disclosure of remuneration is an unnecessary detail to distract consumers from more essential characteristics of an insurance product or service, such as the level of protection and the associated insurance premium. The income of employees of an intermediary is personal information. The inherent proportionality of non-life insurance intermediaries, for whom a five year transitional period of mandatory disclosure shall be put into effect, and life insurance intermediaries is eroded and obsolete by the mandatory remuneration disclosure upon customer request. Delegated acts as foreseen by article 17 (5) are, according to Article 290 of the TFEU intended to deal with non-essential aspects of a legislative text. The specific attributes of disclosure and calculation/determination of remuneration are, however, clearly essential to the legislative act at hand. Contrary to making this directive a minimum harmonisation instrument, delegated acts would correct certain aspects by means of a maximum harmonisation instrument.

Amendment 112

Matteo Salvini, Mario Borghezio

Proposal for a directive

Article 17 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) if the intermediary will receive a fee or a commission of any kind, the full amount of the remuneration concerning the insurance products being offered or considered or, where the precise amount is not capable of being given, the basis of calculation of all the fee or commission or the combination of both;

(f) whether in relation to the insurance contract, the source of remuneration is:

(i) the policyholder;

(ii) the insurance undertaking;

(iii) another insurance intermediary;

(iv) a combination of (i), (ii) and (iii).

Or. xm

Justification

With reference to the issue of transparency in remuneration, an appropriate solution is to provide information about the form of remuneration used and the source of that remuneration.

**Amendment 113
Malcolm Harbour**

**Proposal for a directive
Article 17 – paragraph 1 – point f**

Text proposed by the Commission

Amendment

(f) if the intermediary will receive a fee *or a commission* of any kind, the full amount of the *remuneration* concerning the insurance products being offered or considered or, where the precise amount is not capable of being given, the basis of calculation of all the fee *or commission* or the combination of both;

(f) if the intermediary will receive a fee of any kind, the full amount of the *fee* concerning the insurance products being offered or considered or, where the precise amount is not capable of being given, the basis of calculation of all the fee;

Or. en

Justification

The proposed amendment will ensure the full disclosure of fees to customers.

Amendment 114
Malcolm Harbour

Proposal for a directive
Article 17 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) if the amount of the commission is based on the achievement of agreed targets or thresholds relating to the business placed by the intermediary with an insurer, the targets or thresholds as well as the amounts payable on the achievement of them. ***deleted***

Or. en

Justification

Customers should not be denied information on firms' remuneration if they value it as part of their decision making process – so we support the EIOPA (CEIOPS) advice that the Commission adopt an approach under which customers are given remuneration information "on request".

Amendment 115
Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 17 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) if the amount of the commission is based on the achievement of agreed targets or thresholds relating to the business placed by the intermediary with an insurer, the targets or thresholds as well as the amounts payable on the ***deleted***

achievement of them.

Or. en

Amendment 116

Othmar Karas, Andreas Schwab

Proposal for a directive

Article 17 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) if the amount of the commission is based on the achievement of agreed targets or thresholds relating to the business placed by the intermediary with an insurer, the targets or thresholds as well as the amounts payable on the achievement of them. ***deleted***

Or. en

Justification

The disclosure of remuneration is an unnecessary detail to distract consumers from more essential characteristics of an insurance product or service, such as the level of protection and the associated insurance premium. The income of employees of an intermediary is personal information. The inherent proportionality of non-life insurance intermediaries, for whom a five year transitional period of mandatory disclosure shall be put into effect, and life insurance intermediaries is eroded and obsolete by the mandatory remuneration disclosure upon customer request. Delegated acts as foreseen by article 17 (5) are, according to Article 290 of the TFEU intended to deal with non-essential aspects of a legislative text. The specific attributes of disclosure and calculation/determination of remuneration are, however, clearly essential to the legislative act at hand. Contrary to making this directive a minimum harmonisation instrument, delegated acts would correct certain aspects by means of a maximum harmonisation instrument.

Amendment 117

Matteo Salvini, Mario Borghezio

Proposal for a directive

Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. By derogation from paragraph 1 (f) for five years from the date on which this Directive comes into force, the intermediary of insurance contracts other than contracts in any of the classes specified in Annex I of Directive 2002/83/EC, shall, prior to the conclusion of any such insurance contract, if the intermediary is to be remunerated by a fee or commission,

(a) provide the customer with the amount or, where the precise amount is not capable of being given, the basis of calculation of the fee or commission or the combination of both, if the customer so requests.

(b) inform the customer of his right to request the information referred to in point (a).

deleted

Or. xm

Justification

With special reference to the provisions on the marketing of non-financial insurance products, since such products do not comprise any investment component and the commission does not in any way affect its performance, we propose that these provisions be deleted.

Amendment 118
Othmar Karas

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. By derogation from paragraph 1 (f) for five years from the date on which this Directive comes into force, the intermediary of insurance contracts other than contracts in any of the classes specified in Annex I of Directive

deleted

2002/83/EC, shall, prior to the conclusion of any such insurance contract, if the intermediary is to be remunerated by a fee or commission,

(a) provide the customer with the amount or, where the precise amount is not capable of being given, the basis of calculation of the fee or commission or the combination of both, if the customer so requests.

(b) inform the customer of his right to request the information referred to in point (a).

Or. en

Justification

The disclosure of remuneration is an unnecessary detail to distract consumers from more essential characteristics of an insurance product or service, such as the level of protection and the associated insurance premium. The income of employees of an intermediary is personal information. The inherent proportionality of non-life insurance intermediaries, for whom a five year transitional period of mandatory disclosure shall be put into effect, and life insurance intermediaries is eroded and obsolete by the mandatory remuneration disclosure upon customer request. Delegated acts as foreseen by article 17 (5) are, according to Article 290 of the TFEU intended to deal with non-essential aspects of a legislative text. The specific attributes of disclosure and calculation/determination of remuneration are, however, clearly essential to the legislative act at hand. Contrary to making this directive a minimum harmonisation instrument, delegated acts would correct certain aspects by means of a maximum harmonisation instrument.

Amendment 119 Malcolm Harbour

Proposal for a directive Article 17 – paragraph 2 – introductory part

Text proposed by the Commission

2. By derogation from paragraph 1 (f) for five years from the date on which this Directive comes into force, the intermediary of insurance contracts other than contracts in any of the classes

Amendment

2. If the intermediary is to be remunerated by a commission, **it shall:**

specified in Annex I of Directive 2002/83/EC, shall, prior to the conclusion of any such insurance contract, if the intermediary is to be remunerated by a fee or commission,

Or. en

Justification

Customers should not be denied information on firms' remuneration if they value it as part of their decision making process – so we support the EIOPA (CEIOPS) advice that the Commission adopt an approach under which customers are given remuneration information "on request".

Amendment 120
Malcolm Harbour

Proposal for a directive
Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. The insurance undertaking or insurance intermediary shall also inform the customer about the nature and the basis of the calculation of any variable remuneration received by any employee of theirs for distributing and managing the insurance product in question.

deleted

Or. en

Justification

The limitations of disclosure are particularly acute with variable employee remuneration. Pay and bonus structures vary widely and are often complex and potentially difficult for customers to understand. Furthermore, the potential conflicts of interest that exist in direct sales arguably do not present the same consumer risk as those which exist in intermediated sales.

Amendment 121
Matteo Salvini, Mario Borghezio

**Proposal for a directive
Article 17 – paragraph 3**

Text proposed by the Commission

Amendment

3. The insurance undertaking or insurance intermediary shall also inform the customer about the nature and the basis of the calculation of any variable remuneration received by any employee of theirs for distributing and managing the insurance product in question.

deleted

Or. xm

Justification

Supplying this information will not provide customers who sign contracts with any decisive assistance in making the final decision, but meanwhile will add further to the precontractual information to be supplied.

**Amendment 122
Othmar Karas**

**Proposal for a directive
Article 17 – paragraph 3**

Text proposed by the Commission

Amendment

3. The insurance undertaking or insurance intermediary shall also inform the customer about the nature and the basis of the calculation of any variable remuneration received by any employee of theirs for distributing and managing the insurance product in question.

deleted

Or. en

Justification

The disclosure of remuneration is an unnecessary detail to distract consumers from more essential characteristics of an insurance product or service, such as the level of protection and the associated insurance premium. The income of employees of an intermediary is

personal information. The inherent proportionality of non-life insurance intermediaries, for whom a five year transitional period of mandatory disclosure shall be put into effect, and life insurance intermediaries is eroded and obsolete by the mandatory remuneration disclosure upon customer request. Delegated acts as foreseen by article 17 (5) are, according to Article 290 of the TFEU intended to deal with non-essential aspects of a legislative text. The specific attributes of disclosure and calculation/determination of remuneration are, however, clearly essential to the legislative act at hand. Contrary to making this directive a minimum harmonisation instrument, delegated acts would correct certain aspects by means of a maximum harmonisation instrument.

Amendment 123

Matteo Salvini, Mario Borghezio

Proposal for a directive

Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. If any payments are made by the customer under the insurance contract after its conclusion, the insurance undertaking or intermediary shall also make the disclosures in accordance with this Article for each such payment.

deleted

Or. xm

Justification

Supplying this information will not provide customers who sign contracts with any decisive assistance in making the final decision, but meanwhile will add further to the precontractual information to be supplied.

Amendment 124

Othmar Karas

Proposal for a directive

Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. If any payments are made by the customer under the insurance contract after its conclusion, the insurance

deleted

undertaking or intermediary shall also make the disclosures in accordance with this Article for each such payment.

Or. en

Amendment 125
Malcolm Harbour

Proposal for a directive
Article 17 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 33. Those delegated acts shall specify: *deleted*

(a) appropriate criteria for determining how the remuneration of the intermediary - including contingent commission – shall be disclosed to the customer as referred to in paragraph 1 (f) and (g) and paragraph 2 of this Article;

(b) appropriate criteria for determining in particular the basis of calculation of all the fee or commission or the combination of both;

(c) the steps that insurance intermediaries and insurance undertakings might reasonably be expected to take to disclose their remuneration to the customer.

Or. en

Justification

IMD2 should have a clear and comprehensive level 1 text which goes against the logic of giving the Commission delegated powers.

Amendment 126
Catherine Stihler

**Proposal for a directive
Article 17 – paragraph 5**

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 33. Those delegated acts shall specify: *deleted*

(a) appropriate criteria for determining how the remuneration of the intermediary - including contingent commission – shall be disclosed to the customer as referred to in paragraph 1 (f) and (g) and paragraph 2 of this Article;

(b) appropriate criteria for determining in particular the basis of calculation of all the fee or commission or the combination of both;

(c) the steps that insurance intermediaries and insurance undertakings might reasonably be expected to take to disclose their remuneration to the customer.

Or. en

**Amendment 127
Othmar Karas**

**Proposal for a directive
Article 17 – paragraph 5**

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 33. Those delegated acts shall specify: *deleted*

(a) appropriate criteria for determining how the remuneration of the intermediary - including contingent commission – shall be disclosed to the customer as referred to in paragraph 1 (f) and (g) and paragraph

2 of this Article;

(b) appropriate criteria for determining in particular the basis of calculation of all the fee or commission or the combination of both;

(c) the steps that insurance intermediaries and insurance undertakings might reasonably be expected to take to disclose their remuneration to the customer.

Or. en

Justification

Delegated acts as foreseen by article 17 (5) are, according to Article 290 of the TFEU intended to deal with non-essential aspects of a legislative text. The specific attributes of disclosure and calculation/determination of remuneration are, however, clearly essential to the legislative act at hand. Contrary to making this directive a minimum harmonisation instrument, delegated acts would correct certain aspects by means of a maximum harmonisation instrument.

Amendment 128 **Catherine Stihler**

Proposal for a directive **Article 18 – paragraph 1 – introductory part**

Text proposed by the Commission

1. Prior to the conclusion of any specific contract, the insurance intermediary – including tied ones– or insurance undertaking shall *indentify*, on the basis of information provided by the customer:

Amendment

1. Prior to the conclusion of any specific contract, the insurance intermediary – including tied ones– or insurance undertaking shall *specify*, on the basis of information provided by the customer:

Or. en

Amendment 129 **Olle Schmidt**

Proposal for a directive **Article 18 – paragraph 1 – introductory part**

Text proposed by the Commission

1. Prior to the conclusion of any specific contract, the insurance intermediary – including tied ones– or insurance undertaking shall identify , on the basis of information provided by the customer:

Amendment

1. Prior to the conclusion of any specific contract, the insurance intermediary – including tied ones– or insurance undertaking shall identify, on the basis of information provided by ***or regarding*** the customer:

Or. en

Amendment 130
Olle Schmidt

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. The details referred to in points (a) and (b) of paragraph 1 shall be modulated according to the complexity of the insurance product being proposed and the level of financial risk to the customer.

Amendment

2. The details referred to in points (a) and (b) of paragraph 1 shall be modulated according to the complexity of the insurance product being proposed and the level of financial risk to the customer ***and the distribution route.***

Or. en

Amendment 131
Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. When the insurance intermediary ***or the insurance undertaking*** inform the customer that it gives its advice on the basis of a fair analysis, it is obliged to give that advice on the basis of an analysis of a sufficiently large number of insurance contracts available on the market, to enable

Amendment

3. When the insurance intermediary inform the customer that it gives its advice on the basis of a fair analysis, it is obliged to give that advice on the basis of an analysis of a sufficiently large number of insurance contracts available on the market, to enable it to make a recommendation, in

it to make a recommendation, in accordance with professional criteria, regarding which insurance contract would be adequate to meet the customer's needs.

accordance with professional criteria, regarding which insurance contract would be adequate to meet the customer's needs.

Or. xm

Justification

It is proposed that the reference to the insurance undertaking should be deleted in the part which provides for the undertaking to give independent insurance advice to the customer, as this is a manifest contradiction in terms.

Amendment 132
Olle Schmidt, Jorgo Chatzimarkakis

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. When the insurance intermediary or the insurance undertaking inform the customer that it **gives** its advice on the basis of a fair analysis, it is obliged to **give** that advice on the basis of an analysis of a sufficiently large number of insurance contracts available on the market, to enable it to make a recommendation, in accordance with professional criteria, regarding which insurance contract would be adequate to meet the customer's needs.

Amendment

3. When the insurance intermediary or the insurance undertaking inform the customer that it **provides** its advice on the basis of a fair analysis, it is obliged to **provide** that advice on the basis of an analysis of a sufficiently large number of insurance contracts available on the market, to enable it to make a recommendation, in accordance with professional criteria, regarding which insurance contract would be adequate to meet the customer's needs.

Or. en

Amendment 133
Olle Schmidt

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

4. Prior to the conclusion of a contract, whether or not advice is **given**, the insurance intermediary or insurance undertaking shall **give** the customer the relevant information about the insurance product in a comprehensible form to allow the customer to make an informed decision, while taking into account the complexity of the insurance product and the type of customer.

Amendment

4. Prior to the conclusion of a contract, whether or not advice is **provided**, the insurance intermediary or insurance undertaking shall **provide** the customer the relevant information about the insurance product in a comprehensible form to allow the customer to make an informed decision, while taking into account the complexity of the insurance product and the type of customer. ***It shall be provided in a standardised information sheet, in a plain language, and containing the key information of the insurance contract.***

Or. en

Amendment 134
Othmar Karas

Proposal for a directive
Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18 a

The provisions of this article shall not apply to persons carrying out insurance mediation when carried on in relation to the sale of insurance investment products by:

(a) an insurance intermediary;

(b) an insurance undertaking.

Or. en

Justification

Insurance mediation in relation to the sale of insurance investment products is already dealt with in chapter VII. The associated appropriateness and suitability test are also already applicable and dealt with in Article 25. These rules should therefore not be duplicated.

Amendment 135
Olle Schmidt, Jorgo Chatzimarkakis

Proposal for a directive
Article 19 – paragraph 1

Text proposed by the Commission

1. The information referred to in Articles 16, 17 and 18 need not be **given** when the insurance intermediary or insurance undertaking mediates in the insurance of large risks, in the case of mediation by reinsurance intermediaries or reinsurance undertakings, or in relation to professional customers as specified in the Annex .

Amendment

1. The information referred to in Articles 16, 17 and 18 need not be **provided** when the insurance intermediary or insurance undertaking mediates in the insurance of large risks, in the case of mediation by reinsurance intermediaries or reinsurance undertakings, or in relation to professional customers as specified in the Annex .

Or. en

Amendment 136
Olle Schmidt, Jorgo Chatzimarkakis

Proposal for a directive
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States which maintain or adopt stricter provisions applying to insurance intermediaries shall ensure that these provisions respect level playing field principles and that the administrative burden stemming from these provisions is proportionate relative to the consumer protection benefits.

Or. en

Amendment 137
Malcolm Harbour

Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall allow bundling practices but not tying practices.

deleted

Or. en

Justification

There is no clear evidence of consumer detriment to support a ban on tying insurance products, as these proposals were not part of the Commission's IMD consultation and impact assessment.

Amendment 138
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall allow **bundling** practices **but not tying** practices.

1. Member States shall **not** allow **unfair commercial** practices **as defined in Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market.**

Or. en

Amendment 139
Olle Schmidt, Jorgo Chatzimarkakis

Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States **shall** allow bundling

1. Member States **may** allow bundling

practices but not tying practices.

practices but not tying practices.

Or. en

Amendment 140
Malcolm Harbour

Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

2. When *an* insurance *service or product* is offered together with another service or product as a package, the insurance undertaking or, where applicable, the insurance intermediary shall *offer and* inform the customer *that* it is possible to buy the components of the package separately and shall provide information of the costs and charges of each component of the package that may be bought through or from it separately.

Amendment

2. When insurance is offered together with another service or product as a package, the insurance undertaking or, where applicable, the insurance intermediary shall inform the customer *whether* it is possible to buy the components of the package separately and shall provide information of the costs and charges of each component of the package that may be bought through or from it separately.

Or. en

Justification

This wording brings the proposal in line with the MiFID approach.

Amendment 141
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 21 – paragraph 2

Text proposed by the Commission

2. *When an insurance service or product is offered together with another service or product as a package*, the insurance undertaking or, where applicable, the insurance intermediary shall *offer and*

Amendment

2. *In the case of bundling practices*, the insurance undertaking or, where applicable, the insurance intermediary shall inform the customer *whether* it is possible to buy the components of the package

inform the customer *that* it is possible to buy the components of the package separately and shall provide information of the costs and charges of each component of the package that may be bought through or from it separately.

separately and, *if yes*, shall provide information of the costs and charges of each component of the package that may be bought through or from it separately, *at the client's request*.

Or. en

Justification

Intermediaries should not be obliged to sell insurance products on a stand-alone basis when the insurance is ancillary to the main product or service. This would provide an inconsistency with existing legislation such as the Consumer Credit Directive (Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC). The bundling of insurance products with other products and services provides more cost-effective access to insurance and additional protection, resulting in greater choice and better conditions.

Amendment 142 Malcolm Harbour

Proposal for a directive Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. EIOPA shall develop, by 31 December [20XX] at the latest, and update periodically, guidelines for the assessment and the supervision of cross-selling practices indicating, in particular, situations in which cross-selling practices are not compliant with obligations set out in Articles 16, 17 and 18 or paragraph 1 of this Article.

deleted

Or. en

Justification

In view of the proposed changes to Article 21, this is no longer necessary.

Amendment 143
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. EIOPA shall develop, by 31 December [20XX] at the latest, and update periodically, guidelines for the assessment and the supervision of cross-selling practices indicating, in particular, situations in which cross-selling practices are not compliant with obligations set out in Articles 16, 17 and 18 or paragraph 1 of this Article.

deleted

Or. en

Amendment 144
Matteo Salvini, Mario Borghezio

Proposal for a directive
Chapter 7 – title

Text proposed by the Commission

Amendment

**ADDITIONAL CUSTOMER
PROTECTION REQUIREMENTS IN
RELATION TO INSURANCE
INVESTMENT PRODUCTS**

**CONSUMER PROTECTION
REQUIREMENTS IN RELATION TO
INSURANCE INVESTMENT
PRODUCTS**

Or. en

Amendment 145
Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

This Chapter ***applies additional***

This Chapter ***replaces Articles 15 to 18 of***

requirements to insurance mediation, when carried on in relation to the sale of insurance investment products by:

Chapter VI for the sale of insurance investment products by:

Or. xm

Justification

It ought to be made clear in IMD2 that the sale of insurance investment products should not be subject to all the additional rules of conduct, as this would result in more restrictive rules than apply to the sale of products covered by MiFID.

Amendment 146
Malcolm Harbour

Proposal for a directive
Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Article 23 (1) and (2) shall also apply to insurance intermediaries and insurance undertakings when carrying out insurance mediation in relation to all insurance products.

Or. en

Justification

As for MH AMs in relation to Article 17, remuneration disclosure is of limited value in addressing conflicts of interest. This extends the Article 23 conflicts of interest rules to all insurance products.

Amendment 147
Othmar Karas

Proposal for a directive
Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Article 23 (1) and (2) shall also apply to insurance intermediaries and insurance

undertakings carrying out insurance mediation regarding all insurance products.

Or. en

Justification

Conflict of interest rules should be applicable to all insurance products.

Amendment 148
Catherine Stihler

Proposal for a directive
Article 22 – paragraph 1 – point a

Text proposed by the Commission

Amendment

Articles 23 (1) and (2) shall also apply to insurance intermediaries and insurance undertakings when carrying out insurance mediation in relation to all insurance products.

Or. en

Amendment 149
Malcolm Harbour

Proposal for a directive
Article 22 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States may maintain or adopt stricter provisions regarding the customer protection requirements referred to in Articles 23, 24 and 25 provided that such provisions comply with Union law. ESMA and EIOPA should work together to achieve as much consistency as possible in the conduct of business standards for retail investment products that are subject

to either MiFID II, or to this Directive through guidelines.

Or. en

Justification

As for MH AMs in relation to Article 17, remuneration disclosure is of limited value in addressing conflicts of interest. This extends the Article 23 conflicts of interest rules to all insurance products.

Amendment 150
Catherine Stihler

Proposal for a directive
Article 22 – paragraph 1 – point b

Text proposed by the Commission

Amendment

Member States may maintain or adopt stricter provisions regarding the customer protection requirements referred to in Articles 23, 24 and 25 provided that such provisions comply with Union law. ESMA and EIOPA should work together to achieve as much consistency as possible in the conduct of business standards for retail investment products that are subject to either (MiFID II) or to this Directive through guidelines.

Or. en

Amendment 151
Othmar Karas

Proposal for a directive
Article 22 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States may maintain or adopt stricter provisions regarding the customer

protection requirements referred to in Articles 23, 24 and 25 provided that they comply with Union law.

Or. en

Justification

Conflict of interest rules should be applicable to all insurance products.

Amendment 152
Othmar Karas

Proposal for a directive
Article 23 – paragraph 2

Text proposed by the Commission

2. Where steps taken by the insurance intermediary or insurance undertaking in compliance with Articles 15, 16 and 17 are not sufficient to ensure, with reasonable confidence, that risks of damage to the interests of customers and potential customers arising from conflicts of interest will be prevented, the insurance intermediary or insurance undertaking shall clearly disclose the general nature or sources of conflicts of interest to the customer before undertaking business on the customer's behalf.

Amendment

2. An insurance intermediary or insurance undertaking shall maintain and operate effective organisational and administrative arrangements with a view to taking all reasonable steps designed to prevent conflicts of interest from adversely affecting the interests of its customers.

Or. en

Justification

Modification to align text with MiFID.

Amendment 153
Malcolm Harbour

Proposal for a directive
Article 23 – paragraph 2

Text proposed by the Commission

Amendment

2. Where steps taken by the insurance intermediary or insurance undertaking in compliance with Articles 15, 16 and 17 are not sufficient to ensure, with reasonable confidence, that risks of damage to the interests of customers and potential customers arising from conflicts of interest will be prevented, the insurance intermediary or insurance undertaking shall clearly disclose the general nature or sources of conflicts of interest to the customer **before undertaking business on the customer's behalf.**

2. An insurance intermediary or insurance undertaking shall maintain and operate effective organisational and administrative arrangements with a view to taking all reasonable steps designed to prevent conflicts of interest from adversely affecting the interests of its customers. Where steps taken by the insurance intermediary or insurance undertaking are not sufficient to ensure, with reasonable confidence, that risks of damage to the interests of customers and potential customers arising from conflicts of interest will be prevented, the insurance intermediary or insurance undertaking shall clearly disclose the general nature **and/or** sources of conflicts of interest **and the steps taken to mitigate those risks** to the customer.

Or. en

Justification

It is essential that those sale standards for insurance investment products are consistent, irrespective of whether these products are financial instruments or insurance investment products. This will help reduce confusion and potential for regulatory arbitrage while strengthening policyholder protection. It is therefore important that the IMD2 text mirrors the MiFID text.

**Amendment 154
Malcolm Harbour**

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

Text proposed by the Commission

Amendment

2 a. The disclosure must:
(a) be made in a durable medium; and
(b) include sufficient detail, taking into account the nature of the customer, to

enable that customer to take an informed decision with respect to the service in the context of which the conflict of interest arises.

Or. en

Justification

It is essential that those sale standards for insurance investment products are consistent, irrespective of whether these products are financial instruments or insurance investment products. This will help reduce confusion and potential for regulatory arbitrage while strengthening policyholder protection. It is therefore important that the IMD2 text mirrors the MiFID text.

Amendment 155
Othmar Karas

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall require that, when carrying out insurance mediation with or for customers, an insurance intermediary or insurance undertaking acts honestly, fairly and professionally in accordance with the best interests of its customers and complies, in particular, with the principles set out in this Article and in Article 25.

deleted

Or. en

Justification

Duplication of Article 15.

Amendment 156
Malcolm Harbour

Proposal for a directive
Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The implementation of the information requirements contained in Articles 24 and 25 should be proportionate, taking into account whether or not the customer is a professional customer as specified in the Annex.

Or. en

Justification

The proposed changes to Article 24 provides guidance on the application of these articles in regard to professional customers and other amendments to bring the text in line with the current approach in MiFID II.

Amendment 157

Othmar Karas

**Proposal for a directive
Article 24 – paragraph 2**

Text proposed by the Commission

Amendment

2. All information, including marketing communications, addressed by the insurance intermediary or insurance undertaking to customers or potential customers shall be fair, clear and not misleading. Marketing communications shall be clearly identifiable as such.

deleted

Or. en

Justification

Duplication of Article 15.

Amendment 158

Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 24 – paragraph 3 – point a

Text proposed by the Commission

(a) the insurance intermediary or insurance undertaking and its services. ***When advice is provided, information shall specify whether the advice is provided on an independent basis and whether it is based on a broad or on a more restricted analysis of the market and shall indicate whether the insurance intermediary or insurance undertaking will provide the customer with the on-going assessment of the suitability of the insurance product recommended to the customer;***

Amendment

(a) the insurance intermediary or insurance undertaking and its services.

Or. en

Amendment 159
Othmar Karas

Proposal for a directive
Article 24 – paragraph 3 – point a

Text proposed by the Commission

(a) the insurance intermediary or insurance undertaking and its services. When advice is provided, information shall specify whether the advice is provided on an independent basis and whether it is based on a broad or on a more restricted analysis of the market and shall indicate whether the insurance intermediary or insurance undertaking will provide the customer with the ***on-going assessment of*** the suitability of the insurance product recommended to the customer;

Amendment

(a) the insurance intermediary or insurance undertaking and its services. When advice is provided, information shall specify whether the advice is provided on an independent basis and whether it is based on a broad or on a more restricted analysis of the market and shall indicate whether the insurance intermediary or insurance undertaking will provide the customer with the ***latest information about*** the suitability of the insurance product recommended to the customer;

Or. en

Justification

An on-going assessment, meaning repeated compulsory advice about the insurance product and its suitability is hardly feasible, whereas providing the latest information about a product or service at the customer's request is a necessary service.

Amendment 160

Matteo Salvini, Mario Borghezio

Proposal for a directive

Article 24 – paragraph 3 – point b

Text proposed by the Commission

(b) insurance products and proposed investment strategies. This should include appropriate guidance on and warnings of the risks associated with investments in those products or in respect of particular investment strategies; and

Amendment

(b) whether advice is provided independently on the basis of a fair analysis in the market or on the basis of an analysis of the products offered by an insurance undertaking. The information shall indicate whether the insurance intermediary or insurance undertaking will provide the customer with the on-going assessment of the suitability of the insurance product recommended to the customer;

Or. en

Amendment 161

Matteo Salvini, Mario Borghezio

Proposal for a directive

Article 24 – paragraph 3 – point c

Text proposed by the Commission

(c) costs and associated charges.

Amendment

(c) insurance products while taking into account the complexity of the insurance product and the type of customer (whether consumer or not). This should include appropriate guidance on and warnings of the risks associated with investments in those products.

Amendment 162
Othmar Karas

Proposal for a directive
Article 24 – paragraph 4

Text proposed by the Commission

4. The information referred to in this Article should be provided in a comprehensible form in such a manner that the customers or potential customers are reasonably able to understand the nature and risks of the specific insurance product that is being offered and, consequently, to take investment decisions on an informed basis. This information may be provided in a standardised format.

Amendment

4. The information referred to in this Article should be provided in a comprehensible form in such a manner that the customers or potential customers are reasonably able to understand the nature and risks of the specific insurance product ***type*** that is being offered and, consequently, to take investment decisions on an informed basis. This information may be provided in a standardised format.

Or. en

Justification

Consistency with the wording in MiFID II.

Amendment 163
Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 24 – paragraph 5 – introductory part

Text proposed by the Commission

5. When the insurance intermediary or insurance undertaking informs the customer that insurance advice is provided ***on an independent basis, the insurance intermediary or insurance undertaking*** shall:

Amendment

5. When the insurance intermediary or insurance undertaking informs the customer that insurance advice is provided ***independently, the appropriate information referred to in paragraph 3 shall include the following which shall be provided before the insurance advice:***

Amendment 164
Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 24 – paragraph 5 – point a

Text proposed by the Commission

(a) ***assess a sufficiently large number*** of insurance products ***available on the market. The insurance products should be diversified with regard to their type and issuers or product providers and should not be*** limited to insurance products issued or provided by entities having close links with the ***insurance intermediary or insurance undertaking***; and

Amendment

(a) ***the range*** of insurance products ***on which the recommendation will be based and, in particular, whether the range is*** limited to insurance products issued or provided by entities having close links with the ***intermediary who represents the customer***; and

Or. en

Amendment 165
Malcolm Harbour

Proposal for a directive
Article 24 – paragraph 5 – point a

Text proposed by the Commission

(a) assess a ***sufficiently large number*** of insurance products available on the market. The insurance products should be diversified with regard to their type and issuers or product providers and should not be limited to insurance products issued or provided by entities having close links with the insurance intermediary or insurance undertaking; and

Amendment

(a) assess a ***range*** of insurance products available on the market. The insurance products should be diversified with regard to their type and issuers or product providers and should not be limited to insurance products issued or provided by entities having close links with the insurance intermediary or insurance undertaking; and

Or. en

Amendment 166
Othmar Karas

Proposal for a directive
Article 24 – paragraph 5 – point a

Text proposed by the Commission

(a) assess a **sufficiently large number** of insurance products available on the market. The insurance products should be diversified with regard to their type and issuers or product providers and should not be limited to insurance products issued or provided by entities having close links with the insurance intermediary or insurance undertaking; and

Amendment

(a) assess a **range** of insurance products available on the market. The insurance products should be diversified with regard to their type and issuers or product providers and should not be limited to insurance products issued or provided by entities having close links with the insurance intermediary or insurance undertaking; and

Or. en

Amendment 167
Othmar Karas, Andreas Schwab

Proposal for a directive
Article 24 – paragraph 5 – point b

Text proposed by the Commission

(b) not accept or receive fees, commissions or any monetary benefits paid or provided by any third party or a person acting on behalf of a third party in relation to the provision of the service to customers.

Amendment

deleted

Or. en

Justification

The prohibition of accepting fees, commissions or any monetary benefits by third parties for the provision of insurance advice on an independent basis does not create a level playing field for all distribution channels. It will not result in greater transparency or consumer protection, but rather eliminate these distribution channels and thus result in reduced competition and higher prices for consumers.

Amendment 168
Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 24 – paragraph 5 – point b

Text proposed by the Commission

(b) *not accept or receive fees, commissions or any monetary benefits paid or provided by any third party or a person acting on behalf of a third party in relation to the provision of the service to customers.*

Amendment

(b) *whether a fee is payable by the customer for the advice;*

Or. en

Amendment 169
Malcolm Harbour

Proposal for a directive
Article 24 – paragraph 5 – point b

Text proposed by the Commission

(b) not accept *or receive* fees, commissions or any monetary benefits paid or provided by any third party or a person acting on behalf of a third party in relation to the provision of the service to customers.

Amendment

(b) not accept *and retain* fees, commissions or any monetary benefits paid or provided by any third party or a person acting on behalf of a third party in relation to the provision of the service to customers.

Or. en

Amendment 170
Matteo Salvini, Mario Borghezio

Proposal for a directive
Article 24 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(b a) whether the insurance intermediary receives any fees or commissions from third parties in relation to the insurance contract.

Or. en

**Amendment 171
Olle Schmidt**

**Proposal for a directive
Article 24 – paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5 a. Member States may impose extra requirements on insurance intermediaries or insurance undertakings who inform the customer that that investment advice is provided on an independent basis.

Or. en

**Amendment 172
Othmar Karas**

**Proposal for a directive
Article 24 – paragraph 6**

Text proposed by the Commission

Amendment

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning measures to ensure that insurance intermediaries and insurance undertakings comply with the principles set out in this Article when carrying on insurance mediation with their customers. Those delegated acts shall specify:

deleted

(a) the nature of the service(s) offered or provided to the customer or potential customer, taking into account the type, object, size and frequency of the transactions; and

(b) the nature of the products being offered or considered including different types of insurance products.

Or. en

Justification

The mandate and objective of the delegated acts is not defined clearly.

Amendment 173
Othmar Karas

Proposal for a directive
Article 25 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Member States shall allow insurance intermediaries and insurance undertakings, when carrying out insurance mediation in relation to sales where no advice is given, to provide those services to their customers without the need to obtain the information or make the determination provided for in paragraph 2 where all the following conditions are met:

- a) the non-advised service refers to insurance-based investments which only provide investment exposure to underlying financial instruments deemed non-complex as set out under Article 25(3)(a) of Directive 2004/39/EC; or*
- b) the product or service is provided at the express wish of the customer or potential customer,*
- c) the customer or potential customer has been clearly informed that in the*

provision of this service the insurance intermediary or insurance undertaking is not required to assess the suitability or appropriateness of the product offered, and

d) the insurance intermediary or insurance undertaking complies with its obligations under Article 23.

Or. en

Justification

Insurance undertakings and intermediaries should be able to sell non-complex insurance investment products without having to assess the knowledge and experience of clients when consumers expressly decide if they wish to take advice on insurance investment products. This serves to create a level playing field with non-insurance investment products.

Amendment 174
Malcolm Harbour

Proposal for a directive
Article 25 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Member States shall allow insurance intermediaries and insurance undertakings, when carrying on insurance mediation in relation to sales where no advice is given, to provide those services to their customers without the need to obtain the information or make the determination provided for in paragraph 2 where all the following conditions are met:

a) the non-advised service refers to insurance-based investments which:

- i) only provide investment exposure to underlying financial instruments deemed non-complex as set out under Article 25(3)(a) of [Directive 2004/39/EC*]; or*
- ii) do not incorporate a structure which makes it difficult for the customer to*

understand the risk involved.

b) the product or service is provided at the initiative of the customer or potential customer,

c) the customer or potential customer has been clearly informed that in the provision of this service the insurance intermediary or insurance undertaking is not required to assess the suitability or appropriateness of the product offered and that therefore he does not benefit from the corresponding protection of the relevant conduct of business rules. This warning may be provided in a standardised format, and

d) the insurance intermediary or insurance undertaking complies with its obligations under Article 23.

Or. en

Justification

While this Article is intended to mirror the protections for non-insurance investments set out in MiFID2, in practice it is far more severe. The proposed addition will allow firms to continue to sell non-complex insurance investment products without having to assess the knowledge and experience of clients. In turn consumers are given the choice to decide whether they wish to take advice on insurance investment products. It creates a level playing field with non-insurance investment products.

Amendment 175
Othmar Karas

Proposal for a directive
Article 25 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Member States shall allow insurance intermediaries and insurance undertakings, when carrying out insurance mediation in relation to sales where no advice is given, to provide those services to their customers without the

need to obtain the information or make the determination provided for in paragraph 2 where all the following conditions are met:

a) the non-advised service refers to insurance-based investments which only provide investment exposure to underlying financial instruments deemed non-complex as set out under Article 25(3)(a) of Directive 2004/39/EC; or

b) the product or service is provided at the express wish of the customer or potential customer,

c) the customer or potential customer has been clearly informed that in the provision of this service the insurance intermediary or insurance undertaking is not required to assess the suitability or appropriateness of the product offered, and

d) the insurance intermediary or insurance undertaking complies with its obligations under Article 23.

Or. en

Justification

Insurance undertakings and intermediaries should be able to sell non-complex insurance investment products without having to assess the knowledge and experience of clients when consumers expressly decide if they wish to take advice on insurance investment products. This serves to create a level playing field with non-insurance investment products.

Amendment 176 **Othmar Karas**

Proposal for a directive **Article 26 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that their administrative sanctions and measures are

Amendment

1. Member States shall ensure that their administrative sanctions and measures are effective, proportionate, *dissuasive*

effective, proportionate *and dissuasive*.

corresponding to the complexity of the product or service.

Or. en

Justification

Sanctions should, more explicitly, also be proportionate in relation to the complexity of the products or service being mediated.

Amendment 177
Othmar Karas

Proposal for a directive
Article 27 – paragraph 1

Text proposed by the Commission

Member States shall provide that the competent authority ***publishes*** any sanction or measure that has been imposed for breaches of the provisions of the national provisions adopted in the implementation of this Directive without undue delay including information on the type and nature of the breach ***and the identity of persons responsible for it, unless such disclosure would seriously jeopardise insurance and reinsurance markets.*** ***Where the publication would cause a disproportionate damage to the parties involved, the competent authorities shall publish the sanctions on an anonymous basis.***

Amendment

Member States shall provide that the competent authority ***informs the Commission of*** any sanction or measure that has been imposed for breaches of the provisions of the national provisions adopted in the implementation of this Directive without undue delay including information on the type and nature of the breach.

Or. en

Justification

The ex-ante assessment of a possible disproportionate damage to the parties involved of a publication of sanctions will no doubt be extremely difficult. Also, the publication of sanctions will lead to a double exposure of the persons affected, since they not only face the sanction itself but the publication of their names, type of the breach and the sanction.

Amendment 178
Othmar Karas

Proposal for a directive
Article 33 – paragraph 1

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 34 concerning *Articles 8, 17, 23, 24* and 25.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 34 concerning *Articles 23* and 25.

Or. en

Amendment 179
Othmar Karas

Proposal for a directive
Article 34 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in *Articles 8, 17, 23, 24* and 25 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.

Amendment

2. The power to adopt delegated acts referred to in *Articles 23* and 25 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.

Or. en

Amendment 180
Othmar Karas

Proposal for a directive
Article 34 – paragraph 3

Text proposed by the Commission

3. The delegation of powers referred to in *Articles 8, 17, 23, 24* and 25 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the

Amendment

3. The delegation of powers referred to in *Articles 23* and 25 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power

delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 181
Othmar Karas

Proposal for a directive
Article 34 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to *Articles 8, 17, 23, 24* and 25 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to *Articles 23* and 25 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Or. en

Amendment 182
Olle Schmidt

Proposal for a directive
Article 35 – paragraph 1

Text proposed by the Commission

1. Five years after the entry into force of this Directive, the Commission shall

Amendment

1. Five years after the entry into force of this Directive, the Commission shall *after*

review this Directive. The review shall include a general survey of the practical application of rules laid down in this Directive taking due account of developments in the retail investment products markets as well as experiences acquired in practical application of this Directive and Regulation on key information documents for investment products and [MIFID II]. The review shall reflect on a possible application of the provisions of this Directive to products falling under the scope of Directive 2003/41/EC. This review shall also include a specific analysis of the impact of Article 17(2), taking into account the situation of competition on the market of intermediation services for contracts other than contracts in any of the classes specified in Annex I of Directive 2002/83/EC and the impact of the obligations referred to in Article 17(2) on insurance intermediaries which are small and medium sized enterprises.

consulting the Joint Committee of European Supervisory Authorities review this Directive ***and submit a first report to the European Parliament and the Council***. The review shall include a general survey of the practical application of rules laid down in this Directive taking due account of developments in the retail investment products markets as well as experiences acquired in practical application of this Directive and Regulation on key information documents for investment products and [MIFID II]. The review shall reflect on a possible application of the provisions of this Directive to products falling under the scope of Directive 2003/41/EC. This review shall also include a specific analysis of the impact of Article 17(2), taking into account the situation of competition on the market of intermediation services for contracts other than contracts in any of the classes specified in Annex I of Directive 2002/83/EC and the impact of the obligations referred to in Article 17(2) on insurance intermediaries which are small and medium sized enterprises.

Or. en