
71ST MANAGEMENT BOARD MEETING VIA VIDEOCONFERENCE

DATE: 22 NOVEMBER 2023 10:00-12:53

LOCATION: VIDEOCONFERENCE

EIOPA FINAL MINUTES

WELCOME AND INTRODUCTORY REMARKS BY THE ACTING CHAIRPERSON

1. The Chairperson welcomed the attendees to the 71st meeting of EIOPA's Management Board (MB).

AGENDA ITEM 1: ADOPTION OF THE AGENDA

DECISION

2. The MB adopted the agenda by consensus.

CONCLUSIONS AND ACTION POINTS

3. The Chairperson concluded that there is no MB Member that has an interest that could be considered prejudicial to their independence with regard to any item of the adopted agenda following declaration by all MB Members of absence of any such interests.

AGENDA ITEM 2: UPDATE BY THE VICE-CHAIRPERSON, EXECUTIVE DIRECTOR AND THE EUROPEAN COMMISSION

4. The Chairperson updated the MB Members on the following topics:

MEMBERSHIP UPDATES

5. Ms. Margarida Corrêa de Aguiar, President of the Portuguese Insurance and Pension Funds Supervisory Authority (Autoridade de Supervisão de Seguros e Fundos de Pensões (ASF)) and Mr. Domhnall Cullinan, Director of Insurance Supervision at the Central Bank of Ireland (CBI) elected as Members of the EIOPA MB for a period of two and a half years starting as of 28 September 2023 and 15 November 2023, respectively.

6. The newly elected MB Members have appointed Mr. Diogo Alarcão, Member of the Board of Directors at ASF Portugal, respectively Mr. Gerry Cross, Director of Financial Regulation – Policy and Risk at the CBI as their alternates.

HIGH-LEVEL INSTITUTIONAL MEETINGS

7. On 23 October 2023, the EIOPA Chairperson – along with the Chairpersons of the other European Supervisory Authorities (ESAs) – appeared before the ECON Committee in the European Parliament (EP), at their request, for a hearing on the performance of the Authority.
8. On 23 November 2023, the EIOPA Chairperson will meet with the Council of Bureaux (CoB). Among the topics on the agenda are the current state of play and outlook on topics of common interest and prospects for enhanced cooperation between CoB and EIOPA, including areas of future collaboration and mutual interest.

EIOPA'S STRATEGIC PRIORITIES

9. EIOPA initiated to define its strategic priorities in view of the next EU institutional cycle (2024-2029). The strategic priorities identified relate to addressing pension gaps and insurance protection gaps, to enhancing insurance supervision and quality of data, as well as to further promoting consumer protection and strengthen EIOPA's supervisory powers.

MICROSTATES

10. The negotiations on the Association Agreements with the Principality of Andorra and the Republic of San Marino are ongoing. Interaction is taking place between the three ESAs and the European Commission (COM) in that respect.

EIOPA ANNUAL CONFERENCE

11. On 21 November 2023, EIOPA's Annual Conference took place. The theme of the Conference was "Hidden risks and new horizons". The key topics covered were the impact of horizontal regulation on the insurance and pensions sector, DORA and protection gaps.
12. Keynote speeches delivered by Mr. Mike Josef - Lord Mayor of Frankfurt am Main, Ms. Sabine Mauderer – Incoming Chair of the Network for Greening the Financial System and Member of the Executive Board of the Deutsche Bundesbank, and by EIOPA's Chairperson – Ms. Petra Hielkema.
13. More on the event, speakers and the agenda, [here](#) .

INTERNATIONAL ASSOCIATION OF INSURANCE SUPERVISORS (IAIS)

14. The EIOPA Chairperson attended the 2023 IAIS Committee meetings and Annual Conference in Tokyo, Japan within 6 to 10 November 2023. Progress was achieved on a range of topics as well as on the successful election of Chair and Vice-Chair positions. Mr. Peter Braumüller, Managing

Director of Insurance and Pension Supervision at the Austrian Financial Market Authority (FMA) and Vice-Chairperson of EIOPA was re-appointed Chair of the Implementation and Assessment Committee. Mr. Andrea Vetrone, an EIOPA staff member, was appointed for the Vice-Chair position in the newly established Operational Resilience Working Group.

15. The committee meetings were followed by the IAIS Annual Conference and the Annual General Meeting where the Bank of Greece's Membership in the IAIS was confirmed.

UPDATES BY THE EXECUTIVE DIRECTOR (ED)

16. The ED updated the MB Members on the following topics:

FINANCIAL SERVICES COMMITTEE (FSC) MEETINGS

17. FSC meeting took place on 18 October and 10 November 2023. On the first, EIOPA presented main elements relating to its recent technical advice to COM on the IORP II review. At the meeting on the 10 November, EIOPA informed the FSC about its supervisory convergence activities in 2022-2023 – with a focus on work and challenges relating to the supervision of cross-border activities and internal models. EIOPA also provided some insights on the upcoming planned activities for 2024.

EIOPA'S INTERNAL ORGANISATION

18. In the coming months few changes to EIOPA's internal structure will take place. Firstly, to better align with EIOPA's strategic goals. Secondly, to meet the increasing demands while the staffing situation will remain stable. Lastly, to further develop as a lean and agile organisation. The following changes are planned: i) Merger of the Policy and the Supervisory Process Departments to allow further synergies; ii) Move the Data Analysis and Processes Unit (currently within the Supervisory Process Department) to the Risk and Financial Stability Department, to create synergies with studies and statistics team; iii) Split the current 'International and Sustainable Finance team' to better address the two key areas; iv) Set up a Unit on Digital within the Consumer Protection department by means of splitting the current Conduct of Business Oversight Unit which will remain a key area of work as well.
19. Another change worth mentioning is the internal mobility of two Heads of Department (Supervisory Processes exchanging with Oversight).

DIGITAL OPERATIONAL RESILIENCE ACT (DORA)

20. The Joint Committee on Digital Operational Resilience (JC SC DOR) has recently completed the third batch of policy mandates which will be submitted between 22 November and 6 December to the BoS of the three ESAs for approval to start a 3-month public consultation. The set of the mandates includes four RTSs, one ITS and two guidelines.
21. Following the public consultation significant concerns on the inclusion of the proportionality principle were expressed by the industry. To ensure proper mitigation of the concerns, the

Members were invited to support the smooth implementation of the proportionality principle by closely liaising with the experts, which are part of the JC SC DOR.

22. The ESAs have recently approved the term of reference and have appointed the members to the High-Level Group on Oversight (HLGO), which will hold its first meeting on the 11 December 2023.

EIOPA BUDGET

23. EIOPA will launch a MB approval process for an amendment to its 2023 Budget (amendment No.3), currently planned for 4 December 2023. The amendment will address the automatic updates of the remuneration and pensions that are based on the Staff Regulations.

UPDATE BY THE EUROPEAN COMMISSION (COM)

24. The COM representative informed the MB Members on the following business files:

SOLVENCY II REVIEW PACKAGE

25. The negotiations are progressing well. A fourth political trilogue took place on 22 November 2023, in Strasbourg with an agenda to discuss all open topics of the file, focusing in detail on the core aspects such as the Long-Term Guarantee (LTG) measures, proportionality, cross-border supervision reporting and sustainability related amendments. The next trilogue is envisaged for 13 December 2023.
26. Also, on the Insurance Recovery and Resolution Directive (IRRD) file the negotiations are progressing well. A fourth political trilogue took place on 23 November 2023 focusing on (i) the selection of undertakings that should be subject to pre-emptive recovery and resolution planning requirements; (ii) financing arrangements; (iii) the use of IGS as a bridge undertaking and (iv) the exclusions from write down and conversion. The next trilogue is envisaged for 14 December 2023.

RETAIL INVESTMENT STRATEGY

27. Four Council working parties have taken place under the Spanish Presidency in which all topics have been covered. General support from the Member States (MS) on the general rules of disclosure, marketing, supervisory enforcement. Still challenges on the proposal in the area of financial literacy, client categorisation and professional qualifications. It is expected that negotiations will continue under the Belgian Presidency.
28. The EP rapporteur presented her report. Split views can be observed in ECON.

MOTOR INSURANCE DIRECTIVE (MID)

29. COM will launch an internal service consultation which will be followed by a public consultation on an implementing act to promote a single template for the claims history statement to be used through the EU. Close contacts between the COM and Council of Bureaux AISBL (CoB) on arranging the cooperation between the Solvency bodies set for the Motor Insurance.

MICROSTATES

30. Reconfirmed the updates given by the EIOPA Chairperson and reconfirmed the COM's position on the file and ongoing negotiations.

EUROPEAN SINGLE ACCESS POINT (ESAP)

31. On the 9 November 2023 the EP voted in favour of the European Single Access Point (ESAP) legislative package. Entry into force is expected to happen in January 2024.
32. On the implementation aspect the ITSs are expected to be adopted by Q3 2024 making ESAP accessible by the latest mid-2027.

FINANCIAL DATA ACCESS (FIDA)

33. The Financial Data Access (FIDA) proposal was adopted on 28 June 2023. Three working parties have taken place under the Spanish Presidency. A draft report is expected to be delivered in January 2024.

DECISION

34. Not applicable.

CONCLUSIONS AND ACTION POINTS

35. Not applicable.

AGENDA ITEM 3: QUALITY CONTROL COMMITTEE REVIEW TOPIC 2024

36. The Chairperson of the Quality Control Committee (QCC) introduced the item and informed the MB members that, as agreed at the November 2022 BoS meeting, the shortlisted but not selected topic for the 2023 review, i.e. "Efficiency and proportionality in collection of information by EIOPA from NCAs" and "Oversight activities" were reconsidered this year in addition to the new topic proposals.
37. A written procedure was conducted at QCC level and the members expressed support for the "Oversight Activities" topic to be put forward to the MB as topic proposal for the 2024 review.
38. MB Members welcomed the proposal and agreed to a less broad scope of the review, considering the resources implications and time limitations. Members also considered that the Peer Review process could be a valuable option for a future QCC review topic.

DECISION

39. MB approved, by consensus, the "Oversight Activities with a focus on Union-Wide Strategic Supervisory Priorities" as the 2024 Quality Review topic.

CONCLUSIONS AND ACTION POINTS

40. QCC to consider the MB feedback regarding the timeline of the review in order to ensure that the recommendations from the review are considered for the next Union-Wide Strategic Supervisory Priorities (USSP) cycle.

AGENDA ITEM 4: SINGLE PROGRAMMING DOCUMENT 2024-2026

41. The ED introduced the updated 2024-2026 Single Programming Document (SPD). EIOPA has taken the opportunity to update the previous version of the SPD to include the calendar of data requests for 2024, align the 2024 Annual Work Programme (AWP) with the mandates of the working groups (Steering Committees, Committees and Task Forces) as well as include updated information on resources to incorporate those linked to a new legislative proposal and a new service level agreement.
42. Members supported the document and made some suggestions for additional efficiencies to be gained by alternating the publication year of non-legally mandated reports.

DECISION

43. Not applicable.

CONCLUSIONS AND ACTION POINTS

44. MB welcomed the 2024-2026 SPD and made some suggestions for further improvements.
45. EIOPA to submit the document to the December BoS meeting, for discussion.

AGENDA ITEM 5: DRAFT SINGLE PROGRAMMING DOCUMENT 2025-2027 - 2ND ITERATION

46. The ED introduced the 2nd iteration of the 2025-2027 SPD, which was further developed following the discussion at the September BoS meeting to include comprehensive information on EIOPA's multi-annual resource programming and workload outlook, a detailed 2025 AWP and updated annexes.

DECISION

47. Not applicable.

CONCLUSIONS AND ACTION POINTS

48. MB welcomed the 2nd iteration of the Draft SPD 2025-2027.
49. EIOPA to submit the document to the December BoS meeting, for discussion.

AGENDA ITEM 6: BOS PREPARATION

6.1 PRUDENTIAL TREATMENT OF SUSTAINABLE FINANCE

50. EIOPA Staff presented the draft consultation paper on the prudential treatment of sustainability risks.
51. Members welcomed the document with several Members suggesting to acknowledge in the consultation paper that the proposed policy options may influence the transition efforts of the affected companies. In reference to the approach, most Members supported EIOPA not to provide a preference for a particular policy option in the consultation paper, while some Members would prefer to indicate support for the change options.

DECISION

52. Not applicable.

CONCLUSIONS AND ACTION POINTS

53. MB supported the consultation paper.
54. EIOPA to integrate the MB feedback into the consultation paper and to submit the document to the December BoS meeting, for decision.

6.2 VALUE FOR MONEY BENCHMARKS METHODOLOGY

55. EIOPA Staff presented the proposed methodology to develop Value for Money benchmarks from a supervisory perspective.
56. Members welcomed the work towards the development of a methodology to develop Value for Money Benchmarks. Several Members highlighted the importance of clarifying that this current work is independent from the Retail Investment Strategy (RIS) proposal. Possible concerns were expressed, relating to the burden on NCAs and industry, which however can be assessed as part of the consultation and pilot phase, and to the pros and cons of publishing and not publishing the benchmarks.

DECISION

57. Not applicable.

CONCLUSIONS AND ACTION POINTS

58. MB welcomed the benchmarks methodology, stressing the importance of clarifying that this work is independent from the RIS, and of allowing for more time for public consultation.
59. EIOPA to integrate the MB feedback into the consultation paper and submit the document to the December BoS meeting, for decision.
60. EIOPA to extend the consultation timeline to three months.

6.3 INSURANCE CAPITAL STANDARD AND AGGREGATION METHOD STRATEGY: UPDATES

61. EIOPA staff presented the background, proposed EU strategy for the Aggregation Method (AM) comparability assessment exercise, as well as the landing zones concerning the final development of the Insurance Capital Standard (ICS).

DECISION

62. Not applicable.

CONCLUSIONS AND ACTION POINTS

63. MB supported the proposed EU strategy for the AM comparability assessment exercise as well as the landing zones for ICS.
64. EIOPA to present the strategy at the December BoS meeting, for information.

AGENDA ITEM 7: AOB

DECISION

65. Not applicable

CONCLUSIONS AND ACTION POINTS

66. EIOPA to inform the Members on the modification of the March MB meeting set up, which will be organised as an in-person meeting in Frankfurt am Main.

ANNEX: LIST OF DECISIONS ADOPTED BY WRITTEN PROCEDURE FROM 09.06.2023 TO 22.11.2023

MB-2023-07

67. Decision adopting, by consensus, the Minutes of the Minutes of the 69th Management Board meeting which took place on 8 June 2023.

MB-2023-08

68. Election of Mr Ante Žigman, BoS Member and President of the Board of the Croatian Financial Services Supervisory Agency (HANFA) as a QCC Member.

MB-2023-10

69. Decision adopting, by consensus, the QCC report on the 'Preparations of BoS meetings, meeting modalities (in person / hybrid) and the functioning of written procedures'.

MB-2023-11

70. Decision adopting, by consensus, the draft version of the BoS Decision on the second amendment of EIOPA budget 2023.

MB-2023-12

71. Decision adopting, by consensus, the Minutes of the 70th Management Board meeting which took place on 5 September 2023.

Participants at the Management Board's meeting via videoconference

22 November 2023

Chairperson: Petra Hielkema

Vice-Chairperson: Peter Braumüller

<u>Country</u>	<u>Member/ Alternate</u>
Croatia	Ante Zigman /[-]
Finland	Teija Korpiaho /[-]
Ireland	Domhnall Cullinan /[-]
Italy	Alberto Corinti /[-]
Netherlands	Else BoS /[-]
Portugal	Margarida Corrêa de Aguiar /[-]

<u>Institution</u>	<u>Non-Voting Member/ Alternate</u>
European Commission	Larisa Dragomir

EIOPA Staff

Executive Director	Fausto Parente
Head of Corporate Affairs Department	Susanne Rosenbaum
Head of Corporate Support Department	Danny Janssen
Head of Consumer Protection Department	Valerie Mariatte-Wood
Head of Policy Department	Justin Wray
Head of Supervisory Processes Department	Ana Teresa Moutinho