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General Secretariat

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Financial Services and Banking Union (IORP) Financial Services Attachés
Subject:	IORP WP 18 March: Questionnaire on the Presidency discussion paper on amendments to IORP II Directive following the WP. DDL 27 March COB.

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Guidelines to be followed

Please kindly provide your contributions in the table below.

Drafting suggestions: you may use '**track changes**'* or formatting (for example **bold-underline** for additions and ~~strike-through~~ for deletions, **where necessary, in a different colour**). *Track changes can only be connected once the cursor is placed in editable areas (Drafting or Comments columns).

To make it feasible to consolidate all contributions, the structure of the table must not be changed, so **no rows can be added or deleted.**

New provisions may only be added in any of the **'existing cells'.**

Name of document: please add the **two initials** of your delegation's country followed by a space (to the MS Word document name), followed by any optional text, for example, for Austria: **AT comments on … .docx**

Thank you for your cooperation!

Questionnaire PCY	Comments
Presidency discussion paper on amendments to IORP II Directive on 18 March 2026 WK 3926/26	
1. Title IV - Information to be given to prospective members, members and beneficiaries – Art. 36 - 43	
Q1: Art. 36 Do MS agree with requiring IORPs offering PPPs to meet information standards equivalent to those applied to other PPP providers at a national level? If not, please elaborate.	
Q2: Art 37 Do MS agree that the extension of the time period for past performance adds value to the information provided to members? If yes, is the proposal for a 10 year period suitable for IORPs, taking into account that other EU frameworks also provide for this?	
Q3: Art. 37a Does Article 37a strike the right balance between improving pension transparency and respecting national system diversity? If not, do MS have any suggestions as to how the proposal could be amended and/or any clarifications that could be made?	

Questionnaire PCY	Comments
1.2 Chapter 2 – Pension Benefit Statement (PBS) and Supplementary Information – Articles 38 – 40	
Q4: With regards to the format and structure of the PBS, do you agree with having a Union standardised format and structure for each type of pension scheme (DC, DB, PPP, other)? Do you have any specific suggestions in relation to the format and structure of PBS?	
Q5: With regards to the contents of the PBS, do you agree with the inclusion in the PBS of the additional information proposed in Articles 38 – 40, which together with the existing info will form the minimum requirement for PBS purposes? If not please elaborate.	
Q6: Do MS see added value in having a Union common format and structure for the PBS? If yes, how do MS suggest this should be achieved? (this question relates to art. 37a, 38, 39 and 40)	
1.3 Chapter 3 – Other information and documents to be provided – Articles 41, 41a, 42 and 43	
Q7: Art. 41, 42, 43 Do MS consider that the proposed amendments regarding information to prospective members and pre- retirement and decumulation disclosures strike the right balance between improving members' and beneficiaries' understanding and decision- making, and excessive complexity and/or information overload? Do MS propose any adjustments to improve the practical application and clarity of Articles 41, 42 and 43?	
Q8: Art. 41a Do MS consider that the provisions of article 41a strike the right balance between providing added value to members and beneficiaries and posing additional responsibilities to IORPs and competent authorities? If not, do MS propose any adjustments to improve the clarity and practical application of the proposed provisions?	
Q9: Do MS see merit in ensuring coherence in supervisory approaches (i.e. for information disclosure requirements and determining underperformance)? If yes, how do MS suggest this should be achieved? (this question relates to art. 36, 41, 41a, 42 and 43)	

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Questionnaire PCY	Comments
2. Title V - Supervision (art. 45-59)	
Q10: Art. 45 & 45a Do Member States have any comments or suggestions for improvement regarding the proposed amendments on the powers and resources of competent authorities?	
Q11: Art. 47 Do Member States have any comments or suggestions on the proposed amendments concerning the general principles of supervision?	
2.2 Supervisory review process - Article 49	
Q12: Do MS agree with the proposed amendments to article 49 concerning the supervisory review process? Please explain.	
Q13: Do MS agree with the proposed amendments concerning IORPs' procedures to identify and notify deteriorating financial conditions? If not, do MS consider that this requirement should be limited to significant or material deteriorations?	
2.3 Regular supervisory dialogue - Article 49a	
Q14: Do MS agree with the proposed introduction of a regular supervisory dialogue between competent authorities and each IORP at least every three years? If not, do MS consider that the frequency and/or scope of the dialogue could be adapted in a risk-based context reflecting the nature, scale, and complexity of the IORP's activities?	
Q15: Do MS have any other suggestions for improving or simplifying the design or implementation of the supervisory dialogue? If so, which elements, in MS' view, could be left to the discretion of national competent authorities to reduce this burden (e.g. early warning parameters, the discussion of appropriate strategic options where potential weaknesses or deficiencies are identified, or any other elements)?	
2.4 Withdrawal of authorisation - Article 49b	
Q16: Which deadlines would MS propose before the withdrawal of authorisation? Are there any additional clarifications needed?	
2.5 Information to be provided to the competent authorities - Article 50	

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Questionnaire PCY	Comments
Q17: Do MS agree with the proposed information framework? If not, what are the main issues? How would they ensure that competent authorities have enough information to carry out their duties?	
2.6 Supervision of outsourced functions and activities - Article 50a	
Q18: Do MS agree with the proposed framework for the supervision of outsourced functions and activities, including the provisions relating to access to service providers and the role envisaged for EIOPA? If not please elaborate/justify your position.	
2.7 Transparency and accountability - Article 51	
Q19: Do MS agree with the proposed transparency and accountability requirements, including the publication of supervisory approaches and information on pension schemes? If not please elaborate/justify your position.	
2.8 Collaboration platforms - Article 55a	
Q20: Do MS consider the creation of a collaboration platform necessary to facilitate cooperation between competent authorities under the Directive? If not, how would they ensure cooperation in cross-border cases? If not please elaborate/justify your position.	
2.9 Publication of national rules - Article 59	
Q21: Do MS agree with the proposed provisions concerning the publication and accessibility of national rules relevant to cross-border occupational pension activities? If not please elaborate/justify your position.	
3. Article 2 - Amendments to IDD	
Q22: Do MS agree with the amendments to the IDD Directive? If not, please elaborate.	

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