



2017/0143(COD)

28.2.2018

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DRAFT REPORT

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

Committee on Economic and Monetary Affairs

Rapporteur: Sophia in 't Veld

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM (2017)0343),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0219/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 19 October 2017¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) Old age pensions constitute an essential part of a retiree's income, and for many people an adequate pension provision makes the difference between a comfortable old age or poverty; it is a

¹ Not yet published in the Official Journal.

precondition for exercising fundamental rights laid down in the Charter of Fundamental Rights of the European Union, including in Article 25 on the rights of the elderly which states: "The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life".

Or. en

Amendment 2

Proposal for a regulation Recital -1 a (new)

Text proposed by the Commission

Amendment

(-1a) A substantial part of old age pensions is provided under public schemes, so that there is a direct connection between national pension systems and the sustainability of public finances. Notwithstanding the exclusive national competence regarding the organisation of pension systems as determined by the Treaties, income adequacy and financial sustainability of national pension systems are crucial to the stability of the Union as a whole, and of the euro area in particular.

Or. en

Amendment 3

Proposal for a regulation Recital -1 b (new)

Text proposed by the Commission

Amendment

(-1b) The Union is facing several challenges, including demographic challenges because of the fact that

Europe is an ageing continent. In addition, career patterns, the labour market and the distribution of wealth are undergoing radical changes, not least as a result of the digital revolution. At the same time, it is increasingly clear that national security systems are not adjusted to a globalised knowledge economy with open borders, labour mobility and migration. Too many people are not, or are inadequately covered by the traditional national pension systems, including, inter alia, women, young people, migrants, low-skilled workers, self-employed workers, workers with atypical contracts.

Or. en

Amendment 4

Proposal for a regulation Recital -1 c (new)

Text proposed by the Commission

Amendment

(-1c) Priority should be given to further developing, strengthening and reforming the first (public) and second (occupational) pillars of the national pensions systems. However, it is expected that the share of first pillar pay-as-you-go public pensions as part of the placement rate will decline. This could be partly compensated by accrued pension entitlements from second pillar funded schemes. But a well-developed third pillar could and should contribute substantially to improving the adequacy and sustainability of the existing national pension systems. It should be possible for the Pan-European Personal Pension Product (PEPP) to complement and strengthen the market for individual pension products across the Union.

Or. en

Amendment 5

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The European pension market is highly fragmented and diverse, so the impact of PEPP will be very different across Member States, and the target audience is equally varied. In Member States where the first and second pillar are insufficiently developed, PEPP might offer solutions for people who do not currently have access to adequate provisions. In Member States with highly developed pension markets, the PEPP could broaden the consumer choice, or offer solutions to mobile citizens.

Or. en

Amendment 6

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) As announced in the Commission's Action Plan on building a CMU²⁸, in September 2015, "the Commission will assess the case for a policy framework to establish a successful European market for simple, efficient and competitive personal pensions, and determine whether EU legislation is required to underpin this market."

deleted

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

Amendment 7**Proposal for a regulation****Recital 11**

Text proposed by the Commission

(11) A legislative framework for a PEPP will lay the foundations for a successful market in affordable and voluntary retirement-related investments that can be managed on a pan-European scale. ***By complementing the existing pension products and schemes, it will contribute to meeting the needs of people wishing to enhance the adequacy of their retirement savings, addressing the demographical challenge and providing a powerful new source of private capital for long-term investment.*** This framework will not replace or harmonise existing national personal pension schemes.

Amendment

(11) A legislative framework for a PEPP will lay the foundations for a successful market in affordable and voluntary retirement-related investments that can be managed on a pan-European scale. This framework will not replace or harmonise existing national personal pension schemes.

Or. en

Amendment 8**Proposal for a regulation****Recital 12**

Text proposed by the Commission

(12) ***The Regulation harmonises a set of core features for the PEPP, which concern key elements such as distribution, investment policy, provider switching, or cross-border provision and portability. The harmonisation of these core features will improve the level playing field for personal pension providers at large and help boost the completion of the CMU and the integration of the internal market for personal pensions. It will lead to the creation of a largely standardised pan-***

Amendment

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

Or. en

Amendment 9

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) Article 114 TFEU allows the adoption of acts both in the shape of Regulations or Directives. The adoption of a Regulation has been preferred as it would become directly applicable in all Member States. Therefore, a Regulation would allow a quicker uptake of the PEPP and contribute more rapidly to address the need for more pension savings and investments in the CMU context. Since this Regulation is harmonising the core features of the PEPPs, they do not have to be subject to specific national rules, so a Regulation appears better suited than a Directive in this case. ***On the contrary, the features which are out of the scope of the Regulation (e.g. accumulation phase conditions) are subject to national rules.***

Amendment

(13) Article 114 TFEU allows the adoption of acts both in the shape of Regulations or Directives. The adoption of a Regulation has been preferred as it would become directly applicable in all Member States. Therefore, a Regulation would allow a quicker uptake of the PEPP and contribute more rapidly to address the need for more pension savings and investments in the CMU context. Since this Regulation is harmonising the core features of the PEPPs, they do not have to be subject to specific national rules, so a Regulation appears better suited than a Directive in this case.

Or. en

Amendment 10

Proposal for a regulation Recital 15

Text proposed by the Commission

Amendment

(15) The single PEPP passport will ensure the creation of a single market for PEPP.

deleted

Or. en

Amendment 11

Proposal for a regulation Recital 16

Text proposed by the Commission

Amendment

(16) In order to ensure a high quality of service and effective consumer protection, home and host Member States should closely cooperate in the enforcement of the obligations set out in this Regulation. Where PEPP providers and distributors pursue business in different Member States under the freedom to provide services, the competent authority of the home Member State should be responsible for ensuring compliance with the obligations set out in this Regulation, because of its closer links with the PEPP provider. In order to ensure fair sharing of responsibilities between the competent authorities from the home and the host Member States, if the competent authority of a host Member State becomes aware of any breaches of obligations occurring within its territory, it should inform the competent authority of the home Member State which should then be obliged to take the appropriate measures. Moreover, the competent authority of the host Member State should be entitled to intervene if the home Member State fails to take appropriate

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measures or if the measures taken are insufficient.

Or. en

Amendment 12

Proposal for a regulation Recital 17

Text proposed by the Commission

Amendment

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

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appropriate measures or if the measures taken are insufficient.

Or. en

Amendment 13

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) The pan-European nature of the PEPP product should be expressed in pan-European consumer rights and consumer protection, including in the creation of mechanisms for cross border collective complaints and compensatory redress.

Or. en

Amendment 14

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

(20) A PEPP should comprise national compartments, each of them accommodating personal pension product features ***allowing that contributions to the PEPP qualify for incentives.*** At the level of the individual PEPP saver, a first compartment should be created upon opening of a PEPP.

(20) A PEPP should comprise national compartments, each of them accommodating personal pension product features. At the level of the individual PEPP saver, a first compartment should be created upon opening of a PEPP.

Or. en

Amendment 15

Proposal for a regulation Recital 21

Text proposed by the Commission

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

Amendment

(21) Upon launching a PEPP, the provider should provide information on which national compartments are immediately available ***in the contract.***

Or. en

Amendment 16

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) In order to ensure optimal product transparency, PEPP ***manufacturers*** should draw up the PEPP key information document for the PEPPs that they manufacture before the product can be distributed to PEPP savers. They should also be responsible for the accuracy of the PEPP key information document. ***The PEPP key information document should replace and adapt the key information document for packaged retail and insurance-based investment products under Regulation (EU) No 1286/2014 of the European Parliament and of the Council³³ which would not have to be provided for PEPPs.***

Amendment

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

³³ Regulation (EU) No 1286/2014 of the

³³ Regulation (EU) No 1286/2014 of the

European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs), OJ L 352, 9.12.2014, p. 1.

European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs), OJ L 352, 9.12.2014, p. 1.

Or. en

Amendment 17

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) A Union pension tracker, enabling citizens to calculate their accumulated pension capital and accrued pension entitlements, so as to have a complete overview, should be developed as a matter of urgency, alongside the development of products like PEPP.

Or. en

Amendment 18

Proposal for a regulation Recital 27

Text proposed by the Commission

Amendment

(27) The details of the information to be included in the PEPP key information document in addition to elements already provided for in the key information document for packaged retail and insurance-based investment products under Regulation (EU) No 1286/2014 and the presentation of this information should be further harmonised through regulatory technical standards that complement the regulatory technical standards laid down by Commission delegated Regulation of 8 March 2017³⁴,

deleted

taking into account existing and ongoing research into consumer behaviour, including results from testing the effectiveness of different ways of presenting information with consumers.

³⁴ Commission Delegated Regulation of 8 March 2017 supplementing Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs) by laying down regulatory technical standards with regard to the presentation, content, review and revision of key information documents and the conditions for fulfilling the requirement to provide such documents.

Or. en

Amendment 19

Proposal for a regulation

Recital 30

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 20

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) In view of the long-term retirement objective of the PEPP, the investment options granted to the PEPP savers should be framed, covering the elements which allow investors to make an investment decision, ***including the number of investment options they can choose from. After the initial choice made upon the subscription of a PEPP, the PEPP saver should have the possibility to modify this choice at reasonable intervals (every five years), so that sufficient stability is offered to providers for their long-term investment strategy whilst at the same time investor protection is ensured.***

Amendment

(38) In view of the long-term retirement objective of the PEPP, the investment options granted to the PEPP savers should be framed, covering the elements which allow investors to make an investment decision.

Or. en

Amendment 21

Proposal for a regulation Recital 39

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 22

Proposal for a regulation Recital 44

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

deleted

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

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

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

716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

Or. en

Amendment 23

Proposal for a regulation Recital 46

Text proposed by the Commission

Amendment

(46) *With a view to establishing an efficient and effective dispute resolution procedure, PEPP providers and distributors should put in place an effective complaints procedure that can be followed by their customers before the dispute is referred to be resolved in an ADR procedure or before a court. The complaints procedure should contain short and clearly defined timeframes within which the PEPP provider or distributor should reply to a complaint. ADR entities should have sufficient capacity to engage in an adequate and efficient way in cross-border cooperation with regard to disputes concerning rights and obligations pursuant to this Regulation.*

deleted

Or. en

Amendment 24

Proposal for a regulation Recital 53

Text proposed by the Commission

Amendment

(53) PEPP savers should be given the freedom to decide upon subscription of a PEPP about their pay-out choice (annuities, lump sum, or other) in the decumulation

(53) PEPP savers should be given the freedom to decide upon subscription of a PEPP about their pay-out choice (annuities, lump sum, or other) in the decumulation

phase, *but with a possibility to revise their choice once every five years thereafter, in order to be able to best adapt their pay-out choice to their needs when they near retirement.*

phase.

Or. en

Amendment 25

Proposal for a regulation

Recital 54

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 26

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) Although the ongoing supervision of PEPP providers is to be exercised by the respective competent national authorities, EIOPA should coordinate the supervision with regards to PEPPs, in order to

Amendment

(56) Although the ongoing supervision of PEPP providers is to be exercised by the respective competent national authorities, EIOPA should coordinate the supervision with regards to PEPPs, in order to

guarantee the application of a unified supervisory methodology, contributing in this way to the *pane-European* nature of the pension product.

guarantee the *consistent* application of a unified supervisory methodology, contributing in this way to the *pan-European* nature of the pension product.

Or. en

Amendment 27

Proposal for a regulation Recital 56 a (new)

Text proposed by the Commission

Amendment

(56a) In order to strengthen consumer rights and to facilitate access to a complaints procedure, PEPP savers should be able, either individually or collectively, to submit complaints through their own national competent authority, by way of “one stop shop”. The competent authority where the complaint was submitted should be responsible for the further steps in the complaints procedure.

Or. en

Amendment 28

Proposal for a regulation Recital 57

Text proposed by the Commission

Amendment

(57) EIOPA should cooperate with national competent authorities and facilitate cooperation between them. In this respect, EIOPA should play a role in the power of competent national authorities to apply supervisory measures by providing evidence about PEPP-related infringements. EIOPA should also provide binding mediation in the event of disagreement between competent authorities in cross-border situations.

(57) EIOPA should cooperate with national competent authorities and facilitate cooperation ***and consistency*** between them. In this respect, EIOPA should play a role in the power of competent national authorities to apply supervisory measures by providing evidence about PEPP-related infringements. EIOPA should also provide binding mediation in the event of disagreement between competent

authorities in cross-border situations.

Or. en

Amendment 29

Proposal for a regulation Recital 64 a (new)

Text proposed by the Commission

Amendment

(64a) Given the pan-European nature of PEPP and the provision of PEPP, cross-border mechanisms for collective compensatory redress for consumers should equally be available.

Or. en

Amendment 30

Proposal for a regulation Recital 66

Text proposed by the Commission

Amendment

(66) Any processing of personal data carried out within the framework of this Regulation, such as the exchange or transmission of personal data by the competent authorities should be undertaken in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council³⁹ **and** any exchange or transmission of information by the ESAs should be undertaken in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council⁴⁰.

(66) Any processing of personal data carried out within the framework of this Regulation, such as the exchange or transmission of personal data by the competent authorities, ***the storage of personal data in the central register held by EIOPA, the processing of personal data by PEPP providers or PEPP distributors*** should be undertaken in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council³⁹ ***Directive (EU) 2016/680 of the European Parliament and of the Council and a Regulation on the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)***. Any

exchange or transmission of information by the ESAs should be undertaken in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council⁴¹.

³⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

³⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

^{39a} Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

⁴⁰ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁴⁰ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Or. en

Amendment 31

Proposal for a regulation Recital 66 a (new)

Text proposed by the Commission

Amendment

(66a) Given the sensitivity of personal financial data, strong data protection is of the utmost importance. Therefore it is recommended that data protection authorities are closely involved in the implementation and supervision of this Regulation.

Or. en

Amendment 32

Proposal for a regulation Recital 70 a (new)

Text proposed by the Commission

Amendment

(70a) Given the possible long term implications of this Regulation, it is essential to closely monitor the developments during the initial phase of application. A panel of stakeholders and experts should be set up for the purpose of monitoring on an ongoing basis all relevant aspects of PEPP, and report to the European Parliament, the Council and the Commission any observations it might have.

Or. en

Amendment 33

Proposal for a regulation Article 2 – paragraph 1 – point 1 – point a

Text proposed by the Commission

Amendment

(a) is based on a contract between an individual saver and an entity on a voluntary basis;

(a) is based on a contract between an individual saver and an entity on a voluntary ***and complementary*** basis;

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

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

Amendment

(2) "pan-European Personal Pension Product (PEPP)" means a long-term savings personal pension product, which is provided under an agreed PEPP scheme by a financial undertaking **as listed in Article 5**, authorised under Union law to manage collective or individual investments or savings, and subscribed to voluntarily by an individual PEPP saver in view of retirement, with no or strictly limited redeemability;

Or. en

Amendment 35

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

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

Amendment

(10) "accumulation phase" means the period during which assets are accumulated in a PEPP account and normally runs until the age of retirement of the PEPP beneficiary;

Or. en

Amendment 36

Proposal for a regulation

Article 2 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

Amendment

(13a) “lump sum” means the full payment of the accumulated pension capital at the end of the accumulation phase;

Or. en

Amendment 37

Proposal for a regulation

Article 2 – paragraph 1 – point 20

Text proposed by the Commission

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

Amendment

(20) "compartment" means a section which is opened within each individual PEPP account and which corresponds to the legal requirements by the Member State of the PEPP saver's domicile. Accordingly, an individual may be a PEPP saver or a PEPP beneficiary in each compartment, depending on the respective legal requirements for the accumulation and decumulation phases;

Or. en

Amendment 38

Proposal for a regulation

Article 2 – paragraph 1 – point 21

Text proposed by the Commission

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

Amendment

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

Amendment 39

Proposal for a regulation

Article 2 – paragraph 1 – point 24

Text proposed by the Commission

Amendment

(24) "default investment option" means an investment strategy applied when the PEPP saver has not provided instructions on how to invest the funds accumulating in his PEPP account;

deleted

Or. en

Amendment 40

Proposal for a regulation

Article 2 – paragraph 1 – point 28

Text proposed by the Commission

Amendment

(28) "PEPP customer" means a PEPP saver, a prospective PEPP saver and/or a PEPP beneficiary.

deleted

Or. en

Amendment 41

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(28a) "biometric risks" means risks linked to longevity, disability or death;

Or. en

Amendment 42

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(28b) “partnerships” means cooperation between PEPP providers to offer compartments in different Member States, in the view of portability service as referred to in Article 12.

Or. en

Amendment 43

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) where authorised by this Regulation, the provisions of the contract for the provision of a PEPP ***concluded between a PEPP saver and a PEPP provider,***

(b) where authorised by this Regulation, the provisions of the contract for the provision of a PEPP,

Or. en

Amendment 44

Proposal for a regulation

Article 3 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) the provisions of Member States' laws which would apply to a comparable personal pension product manufactured and distributed in accordance with the law ***of the Member State in which the manufacturer has its registered office.***

(ii) the provisions of Member States' laws which would apply to a comparable personal pension product manufactured and distributed in accordance with the ***applicable*** law.

Or. en

Amendment 45

Proposal for a regulation

Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) institutions for occupational retirement provision registered or authorised in accordance with Directive 2016/2341/EU of the European Parliament and of the Council⁴⁵ ;

⁴⁵ Directive 2016/2341/EU of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) (OJ L 354, 23.12.2016, p. 37).

Amendment

(c) institutions for occupational retirement provision registered or authorised in accordance with Directive 2016/2341/EU of the European Parliament and of the Council⁴⁵, ***which cannot cover biometric risks themselves and do not guarantee an investment performance or a certain level of retirement benefits;***

⁴⁵ Directive 2016/2341/EU of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) (OJ L 354, 23.12.2016, p. 37).

Or. en

Amendment 46

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. Before taking a decision on the application, EIOPA shall consult the competent authority of the applicant.

Amendment

2. Before taking a decision on the application, EIOPA shall consult the competent authority of the applicant ***to verify if there are objections to granting the application.***

Or. en

Amendment 47

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

PEPP providers and PEPP distributors shall comply at all times with the provisions of this Regulation, as well as with the relevant prudential regime applicable to them in accordance with the legislative acts referred to in Article 5(1).

Amendment

PEPP providers and PEPP distributors shall comply at all times with the provisions of this Regulation, as well as with the relevant prudential regime applicable to them in accordance with the legislative acts referred to in Article 5(1) **and Article 8**.

Or. en

Amendment 48

Proposal for a regulation Chapter III – title

Text proposed by the Commission

CHAPTER **III**
CROSS-BORDER **PROVISION** AND
PORTABILITY OF PEPP

Amendment

CHAPTER **VIII A**
CROSS-BORDER **PURCHASE** AND
PORTABILITY OF PEPP
*(Chapter III with all its provisions save
Article 11 to be moved after Chapter VIII)*

Or. en

Amendment 49

Proposal for a regulation Chapter III – section I – title

Text proposed by the Commission

SECTION I
FREEDOM TO PROVIDE SERVICES
AND FREEDOM OF
ESTABLISHMENT

Amendment

deleted

(Section I of Chapter III is deleted as a

subdivision)

Or. en

Amendment 50

Proposal for a regulation

Article 11 – title

Text proposed by the Commission

Article 11

Exercise of the freedom to provide services and freedom of establishment by PEPP providers and distributors

Amendment

Article 3a

Exercise of the freedom to provide services and freedom of establishment by PEPP providers and distributors

(Article 11 to be moved after Article 3)

Or. en

Amendment 51

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In case of using the portability service, PEPP savers are entitled to retain all advantages and incentives granted by the PEPP provider and connected with continuous investment in the same PEPP ***and shall have the right to simultaneously save in more than one compartment.***

Or. en

Amendment 52

Proposal for a regulation

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *PEPP savers shall have the right to acquire or purchase PEPPs in another Member State than the Member State of their domicile.*

Or. en

Amendment 53

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. When proposing a PEPP, the PEPP provider or PEPP distributor shall provide potential PEPP savers with information on which national compartments are immediately available.

2. When proposing a PEPP, the PEPP provider or PEPP distributor shall provide potential PEPP savers with information on which national compartments are immediately available, ***either from the PEPP provider or from a registered partner.***

Or. en

Amendment 54

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

Amendment

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

3. ***The available compartments shall be listed in the contract between the PEPP saver and PEPP provider. The PEPP provider shall be obliged to offer at least the compartments listed in the contract.***

Or. en

Amendment 55

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

Without prejudice to the deadline under Article 13(3), PEPP providers shall ensure that within each individual PEPP account a new compartment could be opened, corresponding to the legal requirements and conditions for using incentives fixed at national level for the PEPP **by** the Member State **to which the PEPP saver moves**.

Amendment

PEPP providers shall ensure that within each individual PEPP account a new compartment could be opened, ***either by transferral or addition***, corresponding to the legal requirements and conditions for using incentives fixed at national level for the PEPP **of** the Member State **where the compartment shall be opened**.

Or. en

Amendment 56

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Immediately after being informed about the PEPP saver's intention to exercise his right of mobility between Member States, the PEPP provider shall inform the PEPP saver about the possibility to open a new compartment within the PEPP saver's individual account and about the deadline within which such compartment could be opened.

Or. en

Amendment 57

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

Text proposed by the Commission

(a) the ***PEPP saver's new*** Member

Amendment

(a) the Member State ***where the***

State of domicile;

compartment shall be opened;

Or. en

Amendment 58

Proposal for a regulation

Article 15 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) whether the mobility concerns a transferral or an addition;

Or. en

Amendment 59

Proposal for a regulation

Article 15 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 60

Proposal for a regulation

Article 17 – title

Text proposed by the Commission

Amendment

Provision of information on portability to the *national* authorities

Provision of information on portability to the competent authorities

Or. en

Amendment 61

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

1. All contractual arrangements for providing the portability service shall be notified by the PEPP provider to ***the respective national authority exercising prudential supervision over it.***

Amendment

1. All contractual arrangements for providing the portability service shall be notified by the PEPP provider to ***EIOPA.***

Or. en

Amendment 62

Proposal for a regulation

Article 17 – paragraph 2 – introductory part

Text proposed by the Commission

2. The information under paragraph 1 shall be filed electronically in a central database held with ***the national supervisory authority*** within one month of opening the new compartment ***and*** shall contain at least:

Amendment

2. The information under paragraph 1 shall be filed electronically in a central database held with ***EIOPA*** within one month of opening the new compartment. ***The database shall be accessible to the national competent authorities, who shall automatically receive information concerning the local compartments in the case of any changes. The database*** shall contain at least:

Or. en

Amendment 63

Proposal for a regulation

Chapter IV – title

Text proposed by the Commission

CHAPTER IV
DISTRIBUTION AND INFORMATION REQUIREMENTS

Amendment

CHAPTER II A
CONSUMER RIGHTS AND COMPLAINTS

(Chapter IV with all its provision to be moved after Chapter II)

Or. en

Amendment 64

Proposal for a regulation Article 23 – paragraph 2

Text proposed by the Commission

2. **PEPP providers and PEPP distributors shall comply with Articles 5(2), and 6 to 18 of Regulation (EU) No 1286/2014.**

Amendment

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

Or. en

Amendment 65

Proposal for a regulation Article 23 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 66

Proposal for a regulation

Article 23 – paragraph 3 – point i

Text proposed by the Commission

Amendment

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

Or. en

Amendment 67

Proposal for a regulation

Article 23 – paragraph 3 – point ii

Text proposed by the Commission

Amendment

(ii) any minimum or maximum period for belonging to the PEPP scheme; *deleted*

Or. en

Amendment 68

Proposal for a regulation

Article 23 – paragraph 3 – point iii

Text proposed by the Commission

Amendment

(iii) the retirement age; *deleted*

Or. en

Amendment 69

Proposal for a regulation

Article 23 – paragraph 3 – point iv

Text proposed by the Commission

Amendment

(iv) general information on the portability service, including information on the compartments;

deleted

Or. en

Amendment 70

Proposal for a regulation

Article 23 – paragraph 3 – point v

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 71

Proposal for a regulation

Article 23 – paragraph 3 – point vi

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 72

Proposal for a regulation

Article 23 – paragraph 3 – point vii

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 73

Proposal for a regulation Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. *In addition to the PEPP key information document, PEPP providers and PEPP distributors shall provide potential PEPP savers with references to any reports on the solvency and financial condition of the PEPP provider, allowing them easy access to this information.*

4. *Notwithstanding paragraph 3, where a PEPP offers the PEPP saver a range of options for investments, such that all information with regard to each underlying investment option cannot be provided within a single, concise stand-alone document, the PEPP key information document shall provide at least a generic description of the underlying investment options and state where and how more detailed pre-contractual information documentation relating to the investment products backing the underlying investment options can be found.*

Or. en

Amendment 74

Proposal for a regulation Article 23 – paragraph 5

Text proposed by the Commission

Amendment

5. *Potential PEPP savers shall also*

5. *The PEPP key information*

be provided with information on the past performance of investments related to the PEPP scheme covering a minimum of five years, or, where the scheme has been operating for fewer than five years, covering all the years that the scheme has been operating, as well as with information on the structure of costs borne by PEPP savers and PEPP beneficiaries.

document shall be drawn up as a short document written in a concise manner and shall consist of a maximum of three sides of A4-sized paper when printed, which promotes comparability, and, when delivered using a durable medium other than paper, may be layered to consider the practicality of the PEPP key information document.

The information referred to in the first subparagraph shall:

(a) be presented and laid out in a way that is easy to read, using characters of readable size;

(b) focus on the key information that PEPP savers need;

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

Or. en

Amendment 75

Proposal for a regulation

Article 23 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where colours are used in the PEPP key information document, they shall not diminish the comprehensibility of the information if the PEPP key information document is printed or photocopied in black and white.

Or. en

Amendment 76

Proposal for a regulation Article 23 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. *Where the corporate branding or logo of the PEPP provider or the group to which it belongs is used in the PEPP key information document, it shall not distract the PEPP saver from the information contained in the document or obscure the text.*

Or. en

Amendment 77

Proposal for a regulation Article 23 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5c. *In addition to the PEPP key information document, PEPP providers and PEPP distributors shall provide potential PEPP savers with a summary of and references to any reports on the solvency and financial condition of the PEPP provider, allowing them easy access to that information.*

Or. en

Amendment 78

Proposal for a regulation Article 23 – paragraph 5 d (new)

Text proposed by the Commission

Amendment

5d. *Potential PEPP savers shall also be provided with information on the past performance of investments related to the PEPP, covering the years the PEPP has*

been operating.

Or. en

Amendment 79

Proposal for a regulation

Article 23 – paragraph 6 – subparagraph 1

Text proposed by the Commission

In order to ensure consistent application of this Article, the European Supervisory Authorities (European Banking Authority, European Securities and Markets Authority and EIOPA) ("ESAs") shall, through the Joint Committee of the ESAs, develop draft **implementing** technical standards specifying the details of the presentation and the content of each of the elements of information referred to in paragraphs **3 and 4**, together with the requirements needed to present that information in a standardised format allowing for comparison.

Amendment

In order to ensure consistent application of this Article, the European Supervisory Authorities (European Banking Authority, European Securities and Markets Authority and EIOPA) (ESAs) shall, through the Joint Committee of the ESAs, develop draft **regulatory** technical standards specifying the details of the presentation and the content of each of the elements of information referred to in paragraphs **4, 5 and 5d** together with the requirements needed to present that information in a standardised **and accessible** format allowing for **easy** comparison.

Or. en

Amendment 80

Proposal for a regulation

Article 23 – paragraph 6 – subparagraph 2

Text proposed by the Commission

When developing the draft **implementing** technical standards the ESAs shall take into account the various types of PEPPs, the differences between them and the capabilities of PEPP savers as well as the features of the PEPPs so as to allow the PEPP saver to select between different underlying investments or other options provided for by the product, including where this selection can be undertaken at

Amendment

When developing the draft **regulatory** technical standards the ESAs shall take into account the various types of PEPPs, the differences between them and the capabilities of PEPP savers as well as the features of the PEPPs so as to allow the PEPP saver to select between different underlying investments or other options provided for by the product, including where this selection can be undertaken at

different points in time, or changed in the future.

different points in time, or changed in the future.

Or. en

Amendment 81

Proposal for a regulation

Article 23 – paragraph 6 – subparagraph 3

Text proposed by the Commission

The ESAs shall submit those draft ***implementing technical standards to the Commission by ...***

Amendment

The ESAs shall submit those draft ***regulatory*** technical standards to the Commission ***six months after publication.***

Or. en

Amendment 82

Proposal for a regulation

Article 23 – paragraph 6 – subparagraph 4

Text proposed by the Commission

Power is conferred the Commission to adopt ***implementing*** technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010, of Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010.

Amendment

Power is conferred ***on*** the Commission to adopt ***regulatory*** technical standards referred to in the first subparagraph in accordance with Article 10 to 14 of Regulation (EU) No 1093/2010, of Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010.

Or. en

Amendment 83

Proposal for a regulation

Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Language of the PEPP key information document

1. The PEPP key information document shall be written in the official languages, or in one of the official languages, used in the part of the Member State where the PEPP is distributed, or in another language accepted by the competent authorities of that Member State, or, where it has been written in a different language, it shall be translated into one of these languages. The translation shall faithfully and accurately reflect the content of the original PEPP key information document.

2. If a PEPP is promoted in a Member State through marketing documents written in one or more official languages of that Member State, the PEPP key information document shall be written in at least the corresponding official languages.

3. The PEPP key information document shall be made available upon request in an appropriate format to PEPP savers with a visual or hearing impairment as well as for low literate and illiterate PEPP savers.

Or. en

Amendment 84

**Proposal for a regulation
Article 23 b (new)**

Text proposed by the Commission

Amendment

Article 23b

Information in the PEPP key information document

1. The title 'PEPP key information document' shall appear prominently at the top of the first page of the PEPP key information document. The PEPP key

information document shall be presented in the sequence laid down in paragraphs 2 and 3.

2. An explanatory statement shall appear directly underneath the title of the PEPP key information document. It shall read: ‘This document provides you with key information about this pension product. It is not marketing material. The information is required by law to help you understand the nature, risks, costs, potential gains and losses of this product and to help you compare it with other products.

3. The PEPP key information document shall contain the following information:

(a) at the beginning of the document, the name of the PEPP and whether it is a basic PEPP, the identity and contact details of the PEPP provider, information about the competent authority of the PEPP provider and the date of the document;

(b) where applicable, a comprehension alert which shall read: ‘You are about to purchase a product that is not simple and may be difficult to understand.’;

(c) under a section titled ‘What is this product and what happens when I retire?’, the nature and main features of the PEPP, including:

- (i)*
- any minimum or maximum period for belonging to the PEPP scheme;*
 - the legal information about the retirement age of the Member State which law is applicable;*
 - the Member States in which the provider offers a PEPP;*
 - the investment options, including the basic option;*
 - information on the portability*

service;

- *information related to the performance of the investment policy of the PEPP in terms of environmental, social and governance factors;*
 - *description of the retirement benefits and the extent to which they are guaranteed and the way of outpayment, including a description of the decumulation options and a statement that it may be prudent to consider advice on options before retirement;*
 - *information on any impact the timing of retirement may have on the risks and retirement benefits for the PEPP.*
 - *and a description of decumulation options and a statement that it may be prudent to consider advice on options before retirement;*
- (ii) *the objective of retirement and the means for achieving an optimal result for the PEPP saver, in particular whether the objective is achieved by means of direct or indirect exposure to the underlying investment assets, including a description of the underlying instruments or reference values, a specification of the markets the PEPP invests in and, where applicable, specific environmental or social objectives targeted by the product, as well as how the return is determined;*
- (iii) *a description of the type of pension saver to whom the PEPP is intended to be marketed, in particular in terms of the ability to bear investment loss and the investment horizon;*
- (iv) *where the PEPP offers insurance benefits, details of those insurance benefits, including the circumstances that would trigger them;*
- (v) *the term of the PEPP, if known;*
- (d) *under a section titled ‘What are the risks and what could I get in return?’, a brief description of the risk-reward*

profile comprising the following elements:

(i) a summary risk indicator, supplemented by a narrative explanation of that indicator, its main limitations and a narrative explanation of the risks which are materially relevant to the PEPP and which are not adequately captured by the summary risk indicator;

(ii) the possible maximum loss of invested capital, including, information on:

– whether the PEPP saver can lose all invested capital, or

– whether the PEPP saver bears the risk of incurring additional financial commitments or obligations, including contingent liabilities in addition to the capital invested in the PEPP, and

– where applicable, whether the PEPP includes capital protection against market risk, and the details of its cover and limitations, in particular with respect to the timing of when it applies;

(iii) appropriate performance scenarios, and the assumptions made to produce them;

(iv) where applicable, information on conditions for returns to PEPP savers or built-in performance caps;

(v) a statement that the tax legislation of the PEPP saver's home Member State may have an impact on the actual payout;

(e) under a section titled 'What happens if [the name of the PEPP provider] is unable to pay out?', a brief description of whether the related loss is covered by an investor compensation or guarantee scheme and if so, which scheme it is, the name of the guarantor and which risks are covered by the scheme and which are not;

(f) under a section titled 'What are the costs?', the costs associated with an investment in the PEPP, comprising both direct and indirect costs to be borne by the

PEPP saver, including one-off and recurring costs, presented by means of summary indicators of these costs and, to ensure comparability, total aggregate costs expressed in monetary and percentage terms, to show the compound effects of the total costs on the investment. The PEPP key information document shall include a clear indication that advisors, distributors or any other person advising on, or selling, the PEPP will provide information detailing any cost of distribution that is not already included in the costs specified above, so as to enable the PEPP savers to understand the cumulative effect that these aggregate costs have on the return of the investment;

(g) under a section titled ‘How long should I hold it and can I take money out early?’

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

(ii) an indication of the recommended and, where applicable, required minimum holding period;

(iii) the ability to make, and the conditions for, any disinvestments before maturity, including all applicable fees and penalties, having regard to the risk and reward profile of the PEPP and the market evolution it targets;

(iv) information about the potential consequences of cashing in before the end of the term or recommended holding period, such as the loss of capital protection or additional contingent fees;

(h) under a section titled ‘How can I complain?’, information about how and to whom a PEPP saver can make a complaint about the product or the conduct of the PEPP provider or a person advising on, or selling, the product;

(i) under a section titled ‘Other relevant information’, a brief indication

of any additional information documents to be provided to the PEPP saver at the pre-contractual and/or the post-contractual stage, excluding any marketing material.

4. Layering of the information required under paragraph 3 shall be permitted, whereby detailed parts of the information can be presented through pop-ups or through links to accompanying layers, so as to ensure the PEPP key information document is able to fulfil the obligation regarding its length set out in Article 23(5).

5. In order to ensure consistent application of this Article, the ESAs shall, through the Joint Committee of the ESAs, develop draft regulatory technical standards:

(a) specifying the details of the presentation and the content of each of the elements of information referred to in Article 23 together with the requirements needed to present that information in a standardised format allowing for comparison;

(b) specifying the calculation methodologies necessary for the information under paragraph 3.d.(i), 3.d.(iii) and 3.f;

(c) specifying, where layering of information is permitted, which of the information should be in the core presentation, and which information is provided in the additional layers of detail.

When developing the draft regulatory technical standards the ESAs shall take into account the various types of PEPPs, the differences between them and the capabilities of PEPP savers as well as the features of the PEPPs so as to allow the PEPP saver to select between different underlying investments or other options provided for by the product, including where this selection can be undertaken at different points in time, or changed in the

future.

The ESAs shall submit those draft regulatory technical standards to the Commission by ... [xxx after the date of entry into force of this Regulation] Power is conferred on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010, of Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010.

Or. en

Amendment 85

Proposal for a regulation Article 23 c (new)

Text proposed by the Commission

Amendment

Article 23c

Marketing communication

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

Or. en

Amendment 86

Proposal for a regulation Article 23 d (new)

Article 23d

PEPP key information document revision

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

2. In order to ensure consistent application of this Article, the ESAs shall, through the Joint Committee, develop draft regulatory technical standards specifying:

(a) the conditions for reviewing the information contained in the key information document;

(b) the conditions under which the key information document must be revised;

(c) the specific conditions under which information contained in the key information document must be reviewed or the key information document revised where a PEPP is made available to PEPP savers in a non-continuous manner;

(d) the circumstances in which PEPP savers are to be informed about a revised key information document for a PEPP purchased by them, as well as the means by which the PEPP savers are to be informed.

The ESAs shall submit those draft regulatory technical standards to the Commission by ... [xxx after the date of entry into force of this Regulation] Power is conferred on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010, of Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010.

Amendment 87

**Proposal for a regulation
Article 23 e (new)**

Text proposed by the Commission

Amendment

Article 23e

Civil liability

- 1. The PEPP provider shall not incur civil liability solely on the basis of the PEPP key information document, including any translation thereof, unless it is misleading, inaccurate or inconsistent with the relevant parts of legally binding pre-contractual and contractual documents or with the requirements laid down in Article 23.*
- 2. A PEPP saver who demonstrates loss resulting from reliance on a PEPP key information document under the circumstances referred to in paragraph 1, when making an investment into the PEPP for which that PEPP key information document was produced, may claim damages from the PEPP provider for that loss in accordance with national law.*
- 3. Elements such as ‘loss’ or ‘damages’ as referred to in paragraph 2 which are not defined shall be interpreted and applied in accordance with the applicable national law as determined by the relevant rules of private international law.*
- 4. This Article does not exclude further civil liability claims in accordance with national law.*
- 5. The obligations under this Article shall not be limited or waived by contractual clauses.*

Amendment 88

**Proposal for a regulation
Article 23 f (new)**

Text proposed by the Commission

Amendment

Article 23f

Insurance elements

Where the PEPP key information document concerns an insurance contract, the insurance undertakings' obligations are only towards the policyholder of the insurance contract and not towards the beneficiary of the insurance contract.

Or. en

Amendment 89

**Proposal for a regulation
Article 23 g (new)**

Text proposed by the Commission

Amendment

Article 23g

Provision of the PEPP key information document

- 1. A person advising on, or selling, a PEPP shall provide PEPP savers with the key information document a sufficient time before those PEPP savers are bound by any contract or offer relating to that PEPP.***
- 2. A person advising on, or selling, a PEPP may satisfy the requirements of paragraph 1 by providing the PEPP key information document to a person with written authority to make investment decisions on behalf of the PEPP savers in***

respect of transactions concluded under that written authority.

Or. en

Amendment 90

Proposal for a regulation Article 23 h (new)

Text proposed by the Commission

Amendment

Article 23h

Disclosure of information to PEPP savers related to distribution

1. A sufficient time before the conclusion of a PEPP-related contract, PEPP providers, and PEPP distributors shall provide PEPP savers or potential PEPP savers with at least the following information:

(a) whether it has a holding, direct or indirect, representing 10 % or more of the voting rights or of the capital in a given PEPP provider;

(b) in relation to the contracts proposed or advised upon, whether:

(i) a PEPP provider or parent undertaking of a PEPP provider has a holding, direct or indirect, representing 10 % or more of the voting rights or of the capital in the PEPP intermediary or distributor;

(ii) it gives advice on the basis of a fair and personal analysis;

(iii) it is under a contractual obligation to conduct distribution business exclusively with one or more PEPP providers, in which case it is to provide the names of those PEPP providers; or

(iv) it is not under a contractual obligation to conduct distribution business exclusively with one or more PEPP providers and does not give advice

on the basis of a fair and personal analysis, in which case it is to provide the names of the PEPP providers with which it may and does conduct business;

(c) the nature of the remuneration received in relation to the contract;

(d) whether in relation to the contract, it works:

(i) on the basis of a fee, that is the remuneration paid directly by the PEPP saver;

(ii) on the basis of a commission of any kind, that is the remuneration included in the costs and charges of the distribution of the PEPP;

(iii) on the basis of any other type of remuneration, including an economic benefit of any kind offered or given in connection with the contract; or

(iv) on the basis of a combination of any type of remuneration set out in points (i), (ii) and (iii).

2. Where the fee is payable directly by the PEPP saver, the PEPP distributor shall inform the PEPP saver of the amount of the fee or, where that is not possible, of the method for calculating the fee.

3. If any payments, other than the scheduled payments, are made by the PEPP saver under the contract after its conclusion, the PEPP distributor shall also make the disclosures in accordance with this Article for each such payment.

4. Member States shall ensure that in good time before the conclusion of a contract, a PEPP provider communicates to the PEPP saver the nature of the remuneration received by its employees in relation to the contract.

5. If any payments, other than the scheduled payments, are made by the PEPP saver under the contract after its conclusion, the PEPP provider shall also

make the disclosures in accordance with this Article for each such payment.

6. *Appropriate information shall be provided, a sufficient time prior to the conclusion of a contract, to PEPP savers or potential PEPP savers with regard to the distribution of the PEPP, and with regard to all costs and related charges. That information shall include at least the following:*

(a) *when advice is provided, whether the PEPP intermediary or distributor will provide the PEPP savers with a periodic assessment of the suitability of the PEPP recommended to that PEPP savers ;*

(b) *as regards the information on all costs and related charges to be disclosed, information relating to the distribution of the PEPP, including the cost of advice, where relevant, the cost of the PEPP recommended or marketed to the PEPP saver and how the PEPP saver may pay for it, also encompassing any third party payments in accordance with Article 32(1)(e)(ii).*

7. *The information referred to in paragraph 1 shall be provided in a standardised format allowing for comparison and in a comprehensible form in such a manner that PEPP savers are reasonably able to understand the nature and risks concerning the PEPP offered and, consequently, to take investment decisions on an informed basis.*

8. *The Commission shall adopt delegated acts in accordance with Article 62 in order to specify:*

(a) *the conditions under which the information must comply in order to be fair, clear and not misleading, including the criteria on which the standardised format referred to in paragraph 7 shall be based*

(b) *the details about content and format of information to PEPP savers in relation to PEPP providers, intermediaries and*

Amendment 91

**Proposal for a regulation
Article 24**

Text proposed by the Commission

Amendment

Article 24

deleted

***Disclosure of information related to
distribution***

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

2. The information referred to in this paragraph 1 shall be provided in a standardised format allowing for comparison and in a comprehensible form in such a manner that PEPP savers are reasonably able to understand the nature and risks concerning the PEPP offered and, consequently, to take investment decisions on an informed basis.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 62 in order to specify the criteria on which the standardised format referred to in paragraph 2 shall be based.

Amendment 92

Proposal for a regulation Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24a

Specification of demands and needs and assessment of suitability

- 1. Prior to the conclusion of a PEPP-related contract, the PEPP provider or PEPP distributor shall specify, on the basis of information obtained from the PEPP saver, the retirement-related demands and the needs of that PEPP saver and shall provide the PEPP saver with objective information about the PEPP in a comprehensible form to allow that PEPP saver to make an informed decision. Any contract proposed shall be consistent with the PEPP saver's retirement-related demands and needs.*
- 2. Where advice is provided prior to the conclusion of any specific contract, the PEPP provider or PEPP distributor shall provide the PEPP saver with a personalised recommendation explaining why a particular PEPP would best meet the PEPP saver's demands and needs.*
- 3. Where a PEPP provider or PEPP distributor informs the PEPP saver that it gives its advice on an independent basis, it shall give that advice on the basis of an analysis of a sufficiently large number of personal pension products available on the market to enable it to make a personal recommendation, in accordance with professional criteria, regarding which the PEPP-related contract would be adequate to meet the PEPP saver's needs and also contain factors that may pose a risk for the PEPP saver.*
- 4. When providing advice at any stage during the contract, the PEPP provider shall obtain the necessary information regarding the PEPP saver's*

knowledge and experience in the investment field relevant to the PEPP, that person's financial situation including his or her ability to bear losses, and his or her investment objectives including his or her risk tolerance so as to enable the PEPP provider, intermediary or distributor to recommend to the PEPP saver or potential PEPP saver the PEPP that is suitable for him or her and, in particular, is in accordance with his or her risk tolerance and ability to bear losses.

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

6. EIOPA shall issue by ... [xxx after the date of entry into force of this Regulation] guidelines specifying criteria for the assessment of knowledge and competence required under paragraph 5. Those guidelines shall be adopted in accordance with Article 16 of Regulation (EU) No 1094/2010.

Or. en

Amendment 93

Proposal for a regulation Article 25 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Prior to the conclusion of a PEPP-related contract, the PEPP provider or distributor *referred to in Article 19(c) of this Regulation* shall specify, on the basis of information obtained from the PEPP saver,

Amendment

Prior to the conclusion of a PEPP-related contract, the PEPP provider or distributor shall specify, on the basis of information obtained from the PEPP saver, the retirement-related demands and the needs

the retirement-related demands and the needs of that PEPP saver and shall provide the PEPP saver with objective information about the PEPP in a comprehensible form to allow that PEPP saver to make an informed decision.

of that PEPP saver and shall provide the PEPP saver with objective information about the PEPP in a comprehensible form to allow that PEPP saver to make an informed decision. ***Any contract proposed shall be consistent with the PEPP saver's retirement-related demands and needs.***

Or. en

Amendment 94

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Any contract proposed shall be consistent with the PEPP savers's retirement demands and needs.

deleted

Or. en

Amendment 95

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

Amendment

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

2. Where advice is provided prior to the conclusion of any specific contract, the PEPP provider or distributor shall provide the PEPP saver with a personalised recommendation explaining why a particular PEPP would best meet the PEPP ***saver's*** demands and needs.

Or. en

Amendment 96

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

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

Amendment

3. ***Where a PEPP provider or PEPP distributor informs the PEPP saver that it gives its advice on an independent basis, it shall give that advice on the basis of an analysis of a sufficiently large number of personal pension products available on the market to enable it to make a personal recommendation, in accordance with professional criteria, regarding which the PEPP-related contract would be adequate to meet the PEPP saver's needs and also contain factors that may pose a risk for the PEPP saver.***

Or. en

Amendment 97

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

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

Amendment

4. ***When providing advice at any stage during the contract, the PEPP provider shall obtain the necessary information regarding the PEPP saver's knowledge and experience in the investment field relevant to the PEPP, that person's financial situation including his or her ability to bear losses, and his or her investment objectives including his or her risk tolerance so as to enable the PEPP provider, intermediary or distributor to recommend to the PEPP saver or potential PEPP saver the PEPP that is suitable for him or her and, in particular, is in accordance with his or her risk tolerance and ability to bear losses.***

distributor or by other entities with which the PEPP provider or distributor has close legal or economic relationships, including contractual relationships, as to pose a risk of impairing the independent basis of the advice provided.

Or. en

Amendment 98

Proposal for a regulation Article 25 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 99

Proposal for a regulation Article 25 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. EIOPA shall issue by ... [xxx after the date of entry into force of this Regulation] guidelines specifying criteria for the assessment of knowledge and competence required under paragraph 5. Those guidelines shall be adopted in accordance with Article 16 of Regulation (EU) No 1094/2010.

Amendment 100

Proposal for a regulation

Article 26

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 101

Proposal for a regulation

Article 27 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The information contained in the PEPP Benefit Statement shall be accurate, updated and made available to each PEPP saver free of charge through electronic means, including on a durable medium or by means of a website, or on paper, at least annually. A paper copy shall be provided to PEPP savers on request in addition to any information through electronic means.

Or. en

Amendment 102

Proposal for a regulation

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The PEPP Benefit Statement shall include, at least, the following key information for PEPP savers:

1. The PEPP Benefit Statement shall include, at least, the following key information for PEPP savers **which shall**

be provided annually:

Or. en

Amendment 103

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) personal details of the PEPP saver, name of the PEPP provider, information on pension benefit projections, information on accrued entitlements or accumulated capital contributions paid by the PEPP saver or any third party and information on the funding level of the PEPP scheme;

Or. en

Amendment 104

Proposal for a regulation

Article 28 – paragraph 1 – point b

Text proposed by the Commission

(b) *the Member State in which the PEPP provider is authorised or registered and the name of the competent authority;*

Amendment

(b) *a clear indication of the statutory retirement age of the PEPP saver, the retirement age laid down in the pension scheme or estimated by the PEPP provider, or the retirement age set by the PEPP saver, as applicable;*

Or. en

Amendment 105

Proposal for a regulation

Article 28 – paragraph 1 – point c

Text proposed by the Commission

(c) *where applicable, information on full or partial guarantees under the PEPP scheme and if relevant, the nature of the guarantee and mechanisms protecting accrued individual entitlements;*

Amendment

(c) *the name of the PEPP provider and its contact address and identification of the PEPP scheme of the PEPP saver;*

Or. en

Amendment 106

Proposal for a regulation

Article 28 – paragraph 1 – point d

Text proposed by the Commission

(d) *information on the past performance of the PEPP scheme as a whole or, where relevant, of the PEPP saver's investment option presented in a chart covering performance for any years available and up to the last ten years;*

Amendment

(d) *information on pension benefit projections based on the retirement age as specified in point (b), and a disclaimer that those projections may differ from the final value of the benefits received. If the pension benefit projections are based on economic scenarios, that information shall also include a best estimate scenario and an unfavourable scenario, taking into consideration the specific nature of the PEPP scheme*

Or. en

Amendment 107

Proposal for a regulation

Article 28 – paragraph 1 – point e

Text proposed by the Commission

(e) *a breakdown of the costs deducted*

Amendment

(e) *information on the accrued*

by the PEPP provider at least over the last 12 months, indicating the costs of administration, costs of safekeeping of assets, costs related to portfolio transactions and other costs, as well as an estimation of the impact of the costs on the final benefits.

pension entitlements or accumulated pension capital taking into consideration the specific nature of the PEPP scheme;

Or. en

Amendment 108

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ea) information on the contributions paid by any third party and the PEPP saver into the PEPP scheme, at least over the last 12 months, taking into consideration the specific nature of the PEPP scheme;

Or. en

Amendment 109

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(eb) information on the past performance of the PEPP scheme as a whole or, where relevant, of the PEPP saver's investment option presented in a chart covering performance for any years available;

Or. en

Amendment 110

Proposal for a regulation

Article 28 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) a breakdown of the costs deducted by the PEPP provider at least over the last 12 months, indicating the costs of administration, costs of safekeeping of assets, costs related to portfolio transactions and other costs, as well as an estimation of the impact of the costs on the final benefits;

Or. en

Amendment 111

Proposal for a regulation

Article 28 – paragraph 1 – point e d (new)

Text proposed by the Commission

Amendment

(ed) information on the funding level of the PEPP scheme as a whole.

Or. en

Amendment 112

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. The *Commission shall adopt delegated acts in accordance with Article 62 setting out rules to determine the assumptions on pension benefit projections referred to in point (a) of paragraph 1. Those rules shall be applied by PEPP providers to determine, where relevant, the annual rate of nominal investment returns, the annual rate of*

2. The Pension Benefit *Statement* shall *specify* where *and how to obtain supplementary information including: further practical information about the PEPP savers options provided under the PEPP scheme.*

inflation and the trend of future wages.

Or. en

Amendment 113

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

3. In accordance with Article 55, *Member States shall exchange best practices with regard to the format and the content of the PEPP Benefit Statement.*

Amendment

3. *The Commission shall, in consultation with the European Central Bank, EIOPA and national supervisors, adopt a delegated act in accordance with Article 62 setting out rules to determine the assumptions on pension benefit projections referred to in point (a), the presentation of past performance referred in point (eb) and the presentation of costs referred to in point (ec) of paragraph 1. Those rules shall be applied by PEPP providers to determine, where relevant, the annual rate of nominal investment returns, the annual rate of inflation and the trend of future wages.*

Or. en

Amendment 114

Proposal for a regulation Article 29 – paragraph 1 – point a

Text proposed by the Commission

(a) further practical information *as set out in Article 40, paragraph 1(a) of Directive 2016/2341/EU;*

Amendment

(a) further practical information *about the PEPP savers options provided under the PEPP;*

Or. en

Amendment 115

Proposal for a regulation Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For PEPP schemes where PEPP savers bear investment risk and where an investment option is imposed on the PEPP saver by a specific rule specified in the PEPP scheme, the PEPP Benefit Statement shall indicate where additional information is available.

Or. en

Amendment 116

Proposal for a regulation Article 29 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The information shall be made easily available through electronic means and free of charge.

Or. en

Amendment 117

Proposal for a regulation Article 29 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. At the request of a PEPP saver or a PEPP beneficiary or their representatives, the PEPP provider shall provide the following additional information:

(a) the annual accounts and the annual reports referred to in point (b) of Article 29(1) or, where a PEPP provider is

responsible for more than one PEPP scheme, the accounts and reports relating to their particular PEPP scheme;

(b) the statement of investment-policy principles, referred to in point (c) of Article 29(1);

(c) any further information about the assumptions used to generate the projections referred to in point (d) of Article (1)

Or. en

Amendment 118

Proposal for a regulation

Article 29 – paragraph 3 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

The information shall be made easily available through electronic means and free of charge.

Or. en

Amendment 119

Proposal for a regulation

Article 29 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 120

Proposal for a regulation

Article 29 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

Amendment

EIOPA shall submit those draft implementing technical standards to the Commission by ... [within six months after the entry into force of the Regulation].
Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010.

Or. en

Amendment 121

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. PEPP savers shall receive information during the pre-retirement phase as set out in Article 42 of Directive 2016/2341/EU.

Amendment

1. PEPP savers shall receive information during the pre-retirement phase as set out in Article 42 of Directive 2016/2341/EU. ***Advice one year prior to the retirement phase shall be mandatory.***

Or. en

Amendment 122

Proposal for a regulation

Article 31

Text proposed by the Commission

Article 31

Additional information to be given on request to PEPP savers and PEPP beneficiaries

Amendment

deleted

At the request of a PEPP saver or a PEPP beneficiary or their representatives, the PEPP provider shall provide the following additional information:

(a) the annual accounts and the annual reports referred to in point (b) of Article 29(1) or, where a PEPP provider is responsible for more than one PEPP scheme, the accounts and reports relating to their particular PEPP scheme;

(b) the statement of investment-policy principles, referred to in point (c) of Article 29(1);

(c) any further information about the assumptions used to generate the projections referred to in point (a) of Article 28(1).

Or. en

Amendment 123

Proposal for a regulation Chapter 5 – section 2 – title

Text proposed by the Commission

INVESTMENT **RULES** FOR PEPP
SAVERS

Amendment

INVESTMENT **OPTIONS** FOR PEPP
SAVERS

Or. en

Amendment 124

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

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

Amendment

1. PEPP providers *and PEPP distributors* shall *in any case* offer *a basic PEPP and may offer alternative* investment options.

Amendment 125

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

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

Amendment

2. *All investment options shall be designed by PEPP providers on the basis of proven risk-mitigation techniques which shall ensure sufficient protection for PEPP savers.*

Or. en

Amendment 126

Proposal for a regulation Article 34 – paragraph 3

Text proposed by the Commission

3. *All investment options shall be designed by PEPP providers on the basis of proven risk-mitigation techniques which shall ensure sufficient protection for PEPP savers.*

Amendment

deleted

Or. en

Amendment 127

Proposal for a regulation Article 36 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The *terms for modification of the investment option shall be listed* in the PEPP contract.

Amendment 128

Proposal for a regulation Article 36 – paragraph 2

Text proposed by the Commission

Amendment

2. *The modification of the investment option shall be free of charge for the PEPP saver.* **deleted**

Or. en

Amendment 129

Proposal for a regulation Article 37 – title

Text proposed by the Commission

Amendment

Default investment option

The basic PEPP

Or. en

Amendment 130

Proposal for a regulation Article 37 – paragraph 1

Text proposed by the Commission

Amendment

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

1. The *basic PEPP* shall be a simple and safe product that can be easily acquired, including through digital channels, in each Member State.

Or. en

Amendment 131

Proposal for a regulation Article 37 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The risk mitigation technique applied to the basic PEPP shall be consistent with the objective to preserve the capital invested.*

Or. en

Amendment 132

Proposal for a regulation Article 37 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *Capital protection shall allow the PEPP saver to recoup the capital invested, including fees, costs and inflation.*

Or. en

Amendment 133

Proposal for a regulation Article 38 – paragraph 1

Text proposed by the Commission

Amendment

1. *If PEPP providers offer alternative investment options, at least one of them shall offer a cost-effective investment option to PEPP savers.* *deleted*

Or. en

Amendment 134

Proposal for a regulation

Article 39 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission shall be empowered to adopt a delegated act in accordance with Article 62 specifying:

Amendment

The use of risk-mitigation techniques shall ensure that the investment strategy for the PEPP is designed so as to build up a stable and adequate individual future retirement income from the PEPP and to ensure a fair treatment of all generations of PEPP savers. The applicable risk-mitigation techniques shall include provisions (ba) or (bb), or a combination thereof, and may be complemented by provisions set out in (bc):

Or. en

Amendment 135

Proposal for a regulation

Article 39 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 136

Proposal for a regulation

Article 39 – paragraph 1 – point b

Text proposed by the Commission

(b) the risk-mitigation techniques to be applied for the alternative investment options.

Amendment

deleted

Amendment 137

Proposal for a regulation

Article 39 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) provisions for gradually adapting the investment allocation to mitigate the financial risks of investments for cohorts corresponding to the remaining duration;

Or. en

Amendment 138

Proposal for a regulation

Article 39 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) provisions establishing reserves from contributions or investment returns, which shall be allocated to PEPP savers in a fair and transparent manner, to mitigate investment losses;

Or. en

Amendment 139

Proposal for a regulation

Article 39 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

(bc) provisions for using appropriate financial guarantees to protect against investment losses.

Or. en

Amendment 140

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

Text proposed by the Commission

Amendment

In order to establish criteria for effective risk-mitigation techniques that can be applied in a consistent manner, EIOPA shall develop draft regulatory technical standards specifying the details of the provisions for the risk-mitigation techniques. EIOPA shall submit those draft regulatory technical standards to the Commission by ... [xxx after the date of entry into force of this Regulation]. Power is conferred on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Article 10-14 of Regulation (EU) No 1094/2010.

Or. en

Amendment 141

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

Amendment

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

1. ***Unless specified in this Regulation, the*** conditions related to the accumulation phase ***of the PEPP*** shall be determined by Member States, ***and shall be no less favourable than, applicable national rules;***

Or. en

Amendment 142

Proposal for a regulation Article 40 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 143

Proposal for a regulation Chapter VI – title

Text proposed by the Commission

Amendment

CHAPTER VI
INVESTOR PROTECTION

deleted

(Chapter VI is deleted as a subdivision and all its provisions become part of Chapter V 'ACCUMULATION PHASE')

Or. en

Amendment 144

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

Amendment

PEPP providers may offer PEPPs with *an* option ensuring the coverage of the risk of biometric risks. *For the purpose of this Regulation, "biometric risks" mean risks*

Without prejudice to Article 5, PEPP providers may offer PEPPs with a supplementary option ensuring the coverage of the risk of biometric risks.

linked to longevity, disability and death.

Or. en

Amendment 145

Proposal for a regulation Article 43 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. *The competent authority of the main establishment or the single establishment of the provider or the distributor shall be competent to act as lead competent authority for cross-border provision of PEPPs.*

Or. en

Amendment 146

Proposal for a regulation Article 43 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. *In cases that concern more than one Member State, the complainant may choose to lodge his complaint through the competent authority of his own Member State, regardless of where the infringement occurred. To this end, and notwithstanding paragraph 6a, each competent authority shall be competent to handle a complaint lodged with it or a possible infringement of this Regulation, if the subject matter relates to an establishment in its Member State, or if it substantially affects PEPP savers in its Member State. In these cases, the competent authority shall inform the lead competent authority without delay of that matter.*

Amendment 147

Proposal for a regulation

Article 43 – paragraph 6 c (new)

Text proposed by the Commission

Amendment

6c. In case there is no agreement between the competent authorities concerned, the dispute resolution procedure foreseen in Article 56 shall apply.

Or. en

Amendment 148

Proposal for a regulation

Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Out-of-court redress

1. Adequate, independent, impartial, transparent and effective ADR procedures for the settlement of disputes between PEPP customers and PEPP providers or distributors concerning the rights and obligations arising under this Regulation shall be established in accordance with Directive 2013/11/EU of the European Parliament and the Council⁴⁹, using existing competent bodies where appropriate. Such ADR procedures shall be applicable, and the relevant ADR body's competence shall effectively extend, to PEPP providers or distributors against whom the procedures are initiated.

2. The bodies referred to in paragraph 1 shall cooperate effectively for

the resolution of cross-border disputes concerning rights and obligations arising under this Regulation.

⁴⁹ *Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC, OJ L 165, 18.6.2013, p. 63.*

Or. en

Amendment 149

Proposal for a regulation Article 45 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The PEPP saver **has the right to** switch **at the moment of retirement.**

Or. en

Amendment 150

Proposal for a regulation Article 46 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 151

Proposal for a regulation

Article 46 – paragraph 3 – introductory part

Text proposed by the Commission

3. Within **two** working days from receipt of the authorisation referred to in paragraph 2, the receiving PEPP provider shall request the transferring PEPP provider to carry out the following tasks, if provided for in the PEPP saver's authorisation:

Amendment

3. Within **five** working days from receipt of the authorisation referred to in paragraph 2, the receiving PEPP provider shall request the transferring PEPP provider to carry out the following tasks, if provided for in the PEPP saver's authorisation:

Or. en

Amendment 152

Proposal for a regulation

Article 48 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The total fees and charges applied by the transferring PEPP provider to the PEPP saver for the closure of the PEPP account held with it shall be limited to no more than **0,5** % of the positive balance to be transferred to the receiving PEPP provider.

Or. en

Amendment 153

Proposal for a regulation

Article 48 – paragraph 4

Text proposed by the Commission

4. ***Fees and charges, if any, applied by the transferring or the receiving PEPP provider to the PEPP saver for any service provided under Article 46, other than those referred to in paragraphs 1, 2 and 3***

Amendment

4. The receiving provider ***may only charge*** the actual costs of ***the switching service***.

of this Article, shall be reasonable and in line with the actual costs of that PEPP provider.

Or. en

Amendment 154

Proposal for a regulation Article 49 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall ensure that cross-border complaints and redress mechanisms are set up, allowing for individual as well as collective compensatory redress across borders.

Or. en

Amendment 155

Proposal for a regulation Chapter VII – title

Text proposed by the Commission

Amendment

**CHAPTER VII
SWITCHING OF PEPP PROVIDERS**

**CHAPTER VIII B
SWITCHING OF PEPP PROVIDERS
(Chapter VII with all its provisions to be moved before Chapter IX)**

Or. en

Amendment 156

Proposal for a regulation Chapter VIII – title

Text proposed by the Commission

Amendment

CHAPTER VIII

DECUMULATION PHASE

CHAPTER VI A

DECUMULATION PHASE

(Chapter VIII with all its provisions to be moved after the merged Chapters V and VI)

Or. en

Amendment 157

**Proposal for a regulation
Article 51 – paragraph 1**

Text proposed by the Commission

Amendment

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

1. *Unless specified in this Regulation, the conditions related to the accumulation phase of PEPP shall be determined by Member States, and shall be no less favourable than, applicable national rules.*

Or. en

Amendment 158

**Proposal for a regulation
Article 51 – paragraph 2**

Text proposed by the Commission

Amendment

2. *Such conditions may include in particular the setting of the retirement age, of a mandatory link between reaching the retirement age and commencing the decumulation phase, of a minimum period of belonging to a PEPP scheme, of a maximum period before reaching the retirement age for joining a PEPP scheme, as well as conditions for redemption in case of particular hardship.*

deleted

Amendment 159

Proposal for a regulation Article 52 – paragraph 2

Text proposed by the Commission

2. *The choice of the form of out-payments for the decumulation phase shall be exercised by PEPP savers upon conclusion of a PEPP contract and can be changed once every five years thereafter during the accumulation phase, if applicable.*

Amendment

2. *For the basic PEPP a minimum of 35% of out-payments in the form of annuities shall be mandatory.*

Or. en

Amendment 160

Proposal for a regulation Article 52 – paragraph 2 a (new)

Text proposed by the Commission

2a. *PEPP savers shall choose the form of out-payments for the decumulation phase upon conclusion of a PEPP contract.*

Amendment

Or. en

Amendment 161

Proposal for a regulation Article 53 – paragraph 2

Text proposed by the Commission

2. EIOPA shall *monitor pension schemes established or distributed in the territory of the Union to verify that they do not use the designation "PEPP" or*

Amendment

2. EIOPA shall verify that the designation "PEPP" *shall not be used* unless authorised under, and *in compliance*

suggest that they are a PEPP unless *they are* authorised under, and *comply* with, this Regulation.

with, this Regulation.

Or. en

Amendment 162

Proposal for a regulation Article 55 – title

Text proposed by the Commission

Amendment

Cooperation *between competent authorities and with EIOPA*

Cooperation *and consistency*

Or. en

Amendment 163

Proposal for a regulation Article 55 – paragraph 1

Text proposed by the Commission

Amendment

1. *EIOPA and the* competent authority of the *PEPP provider* shall cooperate with each other and *exchange information for the purpose of carrying out their duties under this Regulation.*

1. *Each* competent authority *shall contribute to the consistent application of the Regulation throughout the Union. For that purpose, the competent authorities* shall cooperate with each other and *with the Commission.*

Or. en

Amendment 164

Proposal for a regulation Article 55 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

In order to ensure consistent application of this Article, EIOPA shall develop draft

In order to ensure consistent application of this Article, EIOPA shall develop draft

implementing technical standards specifying the details of the mechanism for cooperation and exchange of information, together with the requirements needed to present the information above in a standardised format allowing for comparison.

implementing technical standards specifying the details of the mechanism for **consistency**, cooperation and exchange of information, together with the requirements needed to present the information above in a standardised format allowing for comparison.

Or. en

Amendment 165

Proposal for a regulation

Article 55 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 166

Proposal for a regulation

Article 57 – paragraph 1 – point c

Text proposed by the Commission

(c) a PEPP provider has infringed Article 7(3), ***has not provided the portability service in breach of Article 13 or the information about that service required under Article 17***, or has failed to meet the requirements and obligations set out in Chapter IV, Chapter V, Article 43 and Chapter VII;

Amendment

(c) a PEPP provider has infringed Article 7(3), or has failed to meet the requirements and obligations set out in Chapter IV, Chapter V, Article 43 and Chapter VII;

Or. en

Amendment 167

Proposal for a regulation Article 61 – paragraph 1

Text proposed by the Commission

With regard to the processing of personal data within the framework of this Regulation, PEPP providers and competent authorities shall carry out their tasks for the purpose of this Regulation in accordance with Regulation (EU) 2016/679. With regard to the processing of personal data by EIOPA within the framework of this Regulation, EIOPA shall comply with Regulation (EC) No 45/2001.

Amendment

With regard to the processing of personal data within the framework of this Regulation, PEPP providers and competent authorities shall carry out their tasks for the purpose of this Regulation in accordance with Regulation (EU) 2016/679, **and a Regulation on the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)**. With regard to the processing of personal data by EIOPA within the framework of this Regulation, EIOPA shall comply with Regulation (EC) No 45/2001.

Or. en

Amendment 168

Proposal for a regulation Article 63 – paragraph 2

Text proposed by the Commission

Where the evaluation identifies important problems with the functioning of the Regulation, **the Report should outline how the Commission is intending to address the identified problems, including steps and timings of the potential revision.**

Amendment

The report shall cover all issues concerning the functioning of the Regulation, **in particular the following:**

Or. en

Amendment 169

Proposal for a regulation Article 63 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(a) *portability;*

Or. en

Amendment 170

Proposal for a regulation

Article 63 – paragraph 2 – point b (new)

Text proposed by the Commission

Amendment

(b) *development of the compartments
and partnerships;*

Or. en

Amendment 171

Proposal for a regulation

Article 63 – paragraph 2 – point c (new)

Text proposed by the Commission

Amendment

(c) *the switching mechanism;*

Or. en

Amendment 172

Proposal for a regulation

Article 63 – paragraph 2 – point d (new)

Text proposed by the Commission

Amendment

(d) *the uptake of the basic PEPP;*

Or. en

Amendment 173

Proposal for a regulation Article 63 – paragraph 2 – point e (new)

Text proposed by the Commission

Amendment

(e) *the complains procedure;*

Or. en

Amendment 174

Proposal for a regulation Article 63 – paragraph 2 – point f (new)

Text proposed by the Commission

Amendment

(f) *the application throughout the Union.*

Or. en

Amendment 175

Proposal for a regulation Article 63 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

***The Commission shall set up a panel with relevant stakeholders to continuously monitor the development and implementation of the PEPP. That panel shall include at least EIOPA, the national supervisors, industry and consumer representatives and independent experts.
The secretariat of the panel shall be EIOPA.***

Or. en