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AMENDMENTS

51 - 398

Draft report
Stéphanie Yon-Courtin
(PE790.827v01-00)

Amending Regulation (EU) 2019/1238 on a pan-European Personal Pension Product (PEPP)

Proposal for a regulation
(COM(2025)0840 – C10-0307/2025 – 2025/0363(COD))

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Amendment 51

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) *In view of the Union's ageing population and the rising dependency ratio, strengthening complementary sources of retirement income has become indispensable to preserve intergenerational solidarity, social cohesion and the long-term stability of multi-layered pension systems across the Union.*

Amendment

(1) *Public pension schemes under the first pillar and occupational pension schemes under the second pillar form the backbone of pension systems in the Union and provide workers with strong protection in retirement.*

Or. en

Amendment 52

Martin Schirdewan

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) In view of the *Union's* ageing population and the rising dependency ratio, *strengthening complementary sources of retirement income has become indispensable* to preserve intergenerational solidarity, social cohesion and the long-term stability of *multi-layered* pension systems across the Union.

Amendment

(1) In view of the ageing population *of the European Union* and the rising dependency ratio, *it is essential to ensure that all people in the Union can rely on adequate, safe and sustainable pension systems that guarantee a decent standard of living and* retirement income to preserve intergenerational solidarity, social cohesion and the long-term stability of pension systems across the Union.

Or. en

Amendment 53

Regina Doherty

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) In view of the Union's ageing population and the rising dependency ratio, strengthening complementary sources of retirement income has become indispensable to preserve intergenerational solidarity, social cohesion and the long-term stability of multi-layered pension systems across the Union.

Amendment

(1) In view of the Union's ageing population and the rising dependency ratio, strengthening complementary sources of retirement income ***by expanding the availability and attractiveness of supplementary private pensions*** has become indispensable to preserve intergenerational solidarity, social cohesion and the long-term stability of multi-layered pension systems across the Union.

Or. en

Amendment 54 Martin Schirdewan

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Public statutory pension schemes must remain and be enhanced as the cornerstone of pension systems in the Union, providing European workers with postretirement income and playing a fundamental role in preventing poverty in old age. Developing supplementary pensions across the EU must not justify, directly or indirectly, weakening public pensions.

Or. en

Amendment 55 Virginijus Sinkevičius on behalf of the Verts/ALE Group

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) While the organisation of pension systems remains a national competence, the adequacy and financial sustainability of pensions are of common concern for the stability and cohesion of the Union. Ensuring that citizens have access to well-designed personal pension products contributes both to individual financial security and to the resilience of the Union's economy.

Amendment

(2) While the organisation of pension systems remains a national competence, the adequacy and financial sustainability of pensions are of common concern for the stability and cohesion of the Union. Ensuring that citizens have access to well-designed personal pension products contributes both to individual financial security and to the resilience of the Union's economy. ***The development of personal pension products should complement and must not substitute well-functioning first-pillar pension systems. Member States should ensure the long-term sustainability and adequacy of public pension systems that provides sufficient revenues to all beneficiaries.***

Or. en

Amendment 56

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) ***While the organisation of pension systems remains a national competence, the adequacy and financial sustainability of pensions are of common concern for the stability and cohesion of the Union. Ensuring that citizens have access to well-designed personal pension products contributes both to individual financial security and to the resilience of the Union's economy.***

Amendment

(2) Personal pension products ***under the third pillar, including PEPP, can provide an additional source of retirement income alongside those schemes and contribute*** to the resilience of the Union's economy ***by fostering long-term savings and investment.***

Or. en

Amendment 57

Martin Schirdewan

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) ***While*** the organisation of pension systems remains a national competence, ***the adequacy*** and financial ***sustainability of pensions are of common concern for the stability and cohesion of the Union. Ensuring that citizens have access to well-designed personal pension products contributes both to individual financial security and to the resilience of the Union's economy.***

Amendment

(2) The organisation of pension systems remains a national competence, and ***Article 153(4) TFEU prevents EU action from significantly affecting the financial equilibrium of Member States' social security systems***

Or. en

Amendment 58
Regina Doherty

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) While the organisation of pension systems remains a national competence, the adequacy and financial sustainability of pensions are of common concern for the stability and cohesion of the Union. Ensuring that citizens have access to well-designed personal pension products contributes both to individual financial security and to the resilience of the Union's economy.

Amendment

(2) While the organisation of pension systems remains a national competence, the adequacy and financial sustainability of pensions are of common concern for the stability and cohesion of the Union. Ensuring that citizens have access to ***flexible, attractive,*** well-designed personal pension products contributes both to individual financial security and to the resilience of the Union's economy.

Or. en

Amendment 59
Sirpa Pietikäinen

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) *The free movement of persons within the Union increasingly requires pension arrangements that can accommodate changing employment and residence across Member States. Such mobility increases the need for individuals to build adequate supplementary pension savings, while differences between national pension systems and the limited portability of existing pension arrangements make it difficult for individuals to maintain and build pension savings throughout their working lives. A genuinely pan-European Personal Pension Product can therefore contribute to greater pension security while providing savers with a portable and flexible means of supplementing their pension savings;*

Or. en

Amendment 60
Georgios Aftias

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) *The development of personal pension products at Union level should be complementary to public and occupational pension schemes in the Member States and should not lead to a reduction in the level of social protection or to a transfer of undue fiscal or investment risk to individual savers. Calls on the Commission to monitor the impact of the development of the PEPP on the adequacy of retirement income, in particular for low- and middle-income earners, and to take these results into account when evaluating the regulatory*

framework.

Or. el

Amendment 61

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) When designing their pension system, Member States shall ensure that pension systems do not exacerbate existing economic and social inequalities. In particular any reform of the pension system should address the gender pension gap issue. While the gender pension gap decreased from 34% in 2010 to 29% in 2019, it stood at 25% in 2024 which is still significantly higher than the gender pay gap. Member States should include specific measures to tackle the gender pension gap.

Or. en

Amendment 62

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(3) Despite being among the world's highest savers, Union households still hold a large share of their financial wealth in short-term bank deposits with limited returns. Developing attractive occupational and personal pension products can help mobilise part of these savings for long-

(3) Despite being among the world's highest savers, Union households still hold a large share of their financial wealth in short-term bank deposits with limited returns. Developing attractive occupational and personal pension products can help mobilise part of these savings for long-

term investment, generating higher returns for savers, which would correspond to their retirement needs.

term investment, generating higher returns for savers, which would correspond to their retirement needs. *As 53% of EU citizens^{1a} are not able to put aside money each month, personal pension products would not reach the vast majority of citizens in the absence of more redistributive policies.*

^{1a} Financial vulnerability in households - statistics explained, October 2023 - <https://ec.europa.eu/eurostat/statistics-explained/SEPDF/cache/120624.pdf>

Or. en

Amendment 63
Regina Doherty

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Despite being among the world's highest savers, Union households still hold a large share of their financial wealth in short-term bank deposits with limited returns. Developing attractive occupational and personal pension products can help mobilise part of these savings for long-term investment, generating higher returns for savers, which would correspond to their retirement needs.

Amendment

(3) Despite being among the world's highest savers, Union households still hold a large share of their financial wealth in short-term bank deposits with limited returns. Developing attractive occupational and personal pension products can help mobilise part of these savings for long-term investment, generating higher returns for savers *and investors*, which would correspond to their retirement needs.

Or. en

Amendment 64
Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Despite being among the world's highest savers, Union households still hold a large share of their financial wealth in short-term bank deposits with limited returns. Developing attractive occupational and personal pension products can help mobilise part of these savings for long-term investment, generating higher returns for savers, which would correspond to their **retirement** needs.

Amendment

(3) Despite being among the world's highest savers, Union households still hold a large share of their financial wealth in short-term bank deposits with limited returns. Developing attractive occupational and **supplementary** personal pension products can help mobilise part of these savings for long-term investment, generating higher returns for savers, which would correspond to their **financial** needs.

Or. en

Amendment 65

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) While financial literacy cannot substitute to more redistributive policies, it is instrumental to develop savers' interest in personal pension products. Financial literacy projects should highlight the benefit for savers to subscribe to personal pension products, in addition to their pillar 1 and pillar 2 coverage. By doing so, financial literacy projects should also highlight to savers the impact of their investment decisions on the real economy, and in particular on the financing of the transition to a green and socially just economy.

Or. en

Amendment 66

Regina Doherty

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Personal pensions are a key link between long-term savers and long-term investment opportunities, helping to deepen capital markets and expand the supply of stable funding for the real economy. Pensions funds are an important category of institutional investors that can help financing productive investments, supporting growth, innovation and the green and digital transitions, which will create better job opportunities and higher productivity.

Amendment

(4) Personal pensions are a key link between long-term savers and long-term investment opportunities, helping to deepen capital markets, ***make savings work more effectively***, and expand the supply of stable funding for the real economy. Pensions funds are an important category of institutional investors that can help financing productive investments, supporting growth, innovation and the green and digital transitions, which will create better ***long-term financial security, dynamic markets, competitiveness, business capital***, job opportunities, and higher productivity.

Or. en

Amendment 67

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Personal pensions are ***a key*** link between long-term savers and long-term investment opportunities, helping to deepen capital markets and expand the supply of stable funding for the real economy. Pensions funds are ***an important*** category of institutional investors that can help financing productive investments, supporting growth, innovation and the green and digital transitions, which will create better job opportunities and higher productivity.

Amendment

(4) Personal pensions are ***an important*** link between long-term savers and long-term investment opportunities, helping to deepen capital markets and expand the supply of stable funding for the real economy, ***while providing fair returns to savers***. Pensions funds are ***a significant*** category of institutional investors that can help financing productive investments ***and*** supporting ***Union priorities, such as sustainable*** growth, innovation and the green and digital transitions, which will create better job opportunities and higher productivity.

Or. en

Amendment 68
Regina Doherty

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The pan-European Personal Pension Product occupies a distinctive place within the Savings and Investments Union: unlike national personal pension products, it is designed from the outset to be offered, marketed and held on a genuinely cross-border basis, making it the only retail retirement savings vehicle capable of pooling household savings from across the Union into a single, comparable product. A well-functioning PEPP market can therefore act as a direct channel through which the long-term savings of European citizens are mobilised for productive investment in enterprise, infrastructure, and innovation, in line with the objectives of the Savings and Investments Union, while returning the benefits of that investment to savers in the form of more adequate and reliable retirement incomes. Realising this potential requires a PEPP that is commercially viable for providers to offer at scale, simple and trustworthy enough for savers to choose with confidence, and free of the fragmentation and undue complexity that have, to date, limited its take-up to two providers across the entire Union. The amendments introduced by this Regulation should therefore be assessed not only against the objective of saver protection, but also against their contribution to making the PEPP a credible, scalable retail vehicle for the Savings and Investments Union.

Or. en

Amendment 69

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The Savings and Investments Union (SIU) announced by the Commission in its Communication of 19 March 2015³ aims to enable citizens to save and invest for their future, channel investments towards the priorities of the Union, deepen integration and scale in Union's capital markets, and ensure effective supervision across the single market. Among those four strands, helping citizens save and invest for their future is at the heart of the SIU's ambition. ***Ensuring that Union citizens can build adequate retirement income is one of the most concrete ways in which the Union can make a difference in people's lives.*** The work on supplementary pensions, and in particular on personal pensions, embodies that citizen-centred approach. The pan-European Personal Pension Product (PEPP) is designed to give Union citizens access to a simple, transparent, and portable product that they can trust, helping them to save with confidence and to plan for their retirement wherever they live or work in the Union. By revitalising the PEPP framework, the Union seeks not only to strengthen citizens' financial security but also to channel long-term savings towards productive investments that support the growth, resilience, and green and digital transitions of the Union.

³ Communication from the Commission to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions of 19 March 2015, COM(2015) 124 final.

Amendment

(5) The Savings and Investments Union (SIU) announced by the Commission in its Communication of 19 March 2015³ aims to enable citizens to save and invest for their future, channel investments towards the priorities of the Union, deepen integration and scale in Union's capital markets, and ensure effective supervision across the single market. Among those four strands, helping citizens save and invest for their future is at the heart of the SIU's ambition. The work on supplementary pensions, and in particular on personal pensions, embodies that citizen-centred approach. The pan-European Personal Pension Product (PEPP) is designed to give Union citizens access to a simple, transparent, ***low-cost*** and portable product that they can trust, helping them to save with confidence and to plan for their retirement wherever they live or work in the Union. By revitalising the PEPP framework, the Union seeks not only to strengthen citizens' financial security but also to channel long-term savings towards productive investments that support the growth, resilience, and green and digital transitions of the Union.

³ Communication from the Commission to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions of 19 March 2015, COM(2015) 124 final.

Amendment 70
Regina Doherty

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The Savings and Investments Union (SIU) announced by the Commission in its Communication of 19 March 2015³ aims to enable citizens to save and invest for their future, channel investments towards ***the priorities of the Union***, deepen integration and scale in ***Union's*** capital markets, and ***ensure effective supervision across the*** single market. Among those four strands, helping citizens save and invest for their future is at the heart of the SIU's ambition. Ensuring that Union citizens can build adequate retirement income is one of the most concrete ways in which the Union can make a difference in people's lives. The work on supplementary pensions, and in particular on personal pensions, embodies that citizen-centred approach. The pan-European Personal Pension Product (PEPP) is designed to give Union citizens access to a simple, transparent, and portable product that they can trust, helping them to save with confidence and to plan for their retirement wherever they live or work in the Union. By revitalising the PEPP framework, the Union seeks not only to strengthen citizens' financial security but also to ***channel*** long-term savings ***towards productive*** investments that support the growth, resilience, and green and digital transitions of the Union.

³ Communication from the Commission to

Amendment

(5) The Savings and Investments Union (SIU) announced by the Commission in its Communication of 19 March 2015³ aims to enable citizens to save and invest for their future, channel investments towards ***innovation and economic growth***, deepen integration and scale in ***European*** capital markets, and ***create a more competitive*** single market. Among those four strands, helping citizens save and invest for their future is at the heart of the SIU's ambition. Ensuring that Union citizens can build adequate retirement income is one of the most concrete ways in which the Union can make a difference in people's lives. The work on supplementary pensions, and in particular on personal pensions, embodies that citizen-centred approach. The pan-European Personal Pension Product (PEPP) is designed to give Union citizens access to a simple, transparent, ***flexible***, and portable product that they can trust, helping them to save with confidence and to plan for their retirement wherever they live or work in the Union. By revitalising the PEPP framework, the Union seeks not only to strengthen citizens' financial security but also to ***improve returns for*** long-term savings ***by making them available for innovative*** investments, ***including those*** that support the growth, resilience, and green and digital transitions of the Union.

³ Communication from the Commission to

the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions of 19 March 2025, COM(2025) 124 final.

the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions of 19 March 2025, COM(2025) 124 final.

Or. en

Amendment 71
Isabel Benjumea Benjumea

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Financial education plays a key role in fostering a culture of long-term savings and enabling citizens to properly plan their financial future and retirement. Better financial knowledge and skills can help citizens understand the importance of long-term savings, properly assess the risk-return ratio, costs, diversification and time horizon of investments, and make informed decisions about personal pension products, and cut reliance on public pension systems.

Or. es

Amendment 72
Isabel Benjumea Benjumea

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) Experience with the pan-European Personal Pension Product (PEPP) established by Regulation (EU) 2019/1238 of the European Parliament and of the Council⁴ has shown very limited take-up,

(6) Experience with the pan-European Personal Pension Product (PEPP) established by Regulation (EU) 2019/1238 of the European Parliament and of the Council⁴ has shown very limited take-up,

with only two providers active across the Union at the end of 2025.

with only two providers active across the Union at the end of 2025. ***This may be due to an overly prescriptive framework for costs, distribution, investment and supervision that is restricting the entry of providers.***

⁴ Regulation (EU) 2019/1238 of the European Parliament and of the Council on a pan-European personal pension product (PEPP), establishing a voluntary, standardised personal pension framework across the EU (PEPP) (OJ L 198, 25.7.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/1238/oj>).

⁴ Regulation (EU) 2019/1238 of the European Parliament and of the Council on a pan-European personal pension product (PEPP), establishing a voluntary, standardised personal pension framework across the EU (PEPP) (OJ L 198, 25.7.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/1238/oj>).

Or. es

Amendment 73 **Isabel Benjumea Benjumea**

Proposal for a regulation **Recital 8**

Text proposed by the Commission

(8) To revive the initial objectives of Regulation (EU) 2019/1238, including the improvement of a level playing field for personal pension providers and the integration of the internal market for personal pensions, and to support the development of viable retirement savings options, it is necessary to create a more flexible and innovation-friendly framework. Such a framework should enable PEPP providers to offer diversified and cost-effective products that deliver value for money and serve citizens' long-term retirement interests and should enhance peoples' options for long-term savings in line with their financing needs in retirement.

Amendment

(8) To revive the initial objectives of Regulation (EU) 2019/1238, including the improvement of a level playing field for personal pension providers and the integration of the internal market for personal pensions, and to support the development of viable retirement savings options, it is necessary to create a more flexible and innovation-friendly framework ***that is attractive to the public, viable for providers and can be scaled up to EU level.*** Such a framework should enable PEPP providers to offer diversified and cost-effective products that deliver value for money and serve citizens' long-term retirement interests and should enhance peoples' options for long-term savings in line with their financing needs in retirement. ***PEPPs should complement and not crowd out well-functioning***

national occupational pension schemes.

Or. es

Amendment 74

Regina Doherty

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) To revive the initial objectives of Regulation (EU) 2019/1238, including the improvement of a level playing field for personal pension providers and the integration of the internal market for personal pensions, and to support the development of viable retirement savings options, it is necessary to create a more flexible and innovation-friendly framework. Such a framework should **enable PEPP** providers to offer diversified and cost-effective **products that** deliver value for money and serve citizens' long-term retirement interests and should enhance peoples' options for long-term savings in line with their financing needs in retirement.

Amendment

(8) To revive the initial objectives of Regulation (EU) 2019/1238, including the improvement of a level playing field for personal pension providers and the integration of the internal market for personal pensions, and to support the development of viable retirement savings options, it is necessary to create a more flexible and innovation-friendly framework. Such a framework should **make it more attractive for pension** providers to offer diversified, **competitive**, and cost-effective **PEPPs that are accessible**, deliver value for money and serve citizens' long-term retirement interests and should enhance peoples' options for long-term savings in line with their financing needs in retirement.

Or. en

Amendment 75

Sirpa Pietikäinen

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In order to give individuals greater choice in organising their retirement savings and to facilitate the free movement of persons within the Union,

individuals should be able to choose a PEPP as an alternative to national personal pension arrangements where participation in such arrangements would place them at a disadvantage. The availability of a PEPP should allow individuals to choose a portable personal pension product that can be maintained when moving between Member States, without prejudice to rights already accumulated under national pension systems.

Or. en

Amendment 76
Sirpa Pietikäinen

Proposal for a regulation
Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) The limited take-up of PEPPs underlines the importance of raising awareness among potential PEPP savers and ensuring that PEPPs receive treatment, including tax treatment, that is equal to that applicable to comparable national or Union pension products. At the same time, PEPP arrangements should not result in unreasonable situations in which the accumulation of PEPP savings leads to a corresponding reduction, offset or loss of occupational pension entitlements, as this could undermine the purpose of supplementary pension saving and render the PEPP redundant for the saver;

Or. en

Amendment 77
Marlena Malag
on behalf of the ECR Group

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(9) *Tax incentives play an important role in encouraging the take-up of personal pension products in several Member States. Tax incentives for personal pension products can take different forms. In many Member States, the contributions paid for personal pension products qualify for some form of tax relief. Similarly, in many Member States, the investment results of the personal pension products are not subject to tax, either on the basis of an explicit exemption or de facto exemption, if the provider is subject to tax but can deduct the dotations to the pension reserve from the tax base. Tax incentives may also be granted in the decumulation phase, by applying a favourable tax rate to the out-payment of the personal pension. The national treatment principle applies to PEPP savers. Therefore, it should be possible for a PEPP that is objectively comparable to a personal pension product marketed in a given Member State to benefit from the same tax relief granted to the personal pension product in that Member State. That should also apply where the PEPP is provided by a provider from another Member State. The same no less favourable treatment should also apply to measures under national law relating to other incentives for personal pension products or measures having an equivalent purpose or effect.* **deleted**

Or. en

Justification

Requiring Member States to treat PEPPs not less favourably for tax purposes than other national individual pension products may infringe upon Member States' competences in the field of income tax.

Amendment 78
Regina Doherty

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(9) Tax incentives play an important role in encouraging the take-up of personal pension products in several Member States. Tax incentives for personal pension products can take different forms. In many Member States, the contributions paid for personal pension products qualify for some form of tax relief. Similarly, in many Member States, the investment results of the personal pension products are not subject to tax, either on the basis of an explicit exemption or de facto exemption, if the provider is subject to tax but can deduct the dotations to the pension reserve from the tax base. Tax incentives may also be granted in the decumulation phase, by applying a favourable tax rate to the out-payment of the personal pension. The national treatment principle applies to PEPP savers. Therefore, it should be possible for a PEPP that is objectively comparable to a personal pension product marketed in a given Member State to benefit from the same tax relief granted to the personal pension product in that Member State. That should also apply where the PEPP is provided by a provider from another Member State. The same no less favourable treatment should also apply to measures under national law relating to other incentives for personal pension products or measures having an equivalent purpose or effect. **deleted**

Or. en

Justification

It is not appropriate to deal with taxation rules in a Financial Services file

Amendment 79

Auke Zijlstra

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Tax incentives play an important role in encouraging the take-up of personal pension products in several Member States. ***Tax incentives for personal pension products can take different forms. In many Member States, the contributions paid for personal pension products qualify for some form of tax relief. Similarly, in many Member States, the investment results of the personal pension products are not subject to tax, either on the basis of an explicit exemption or de facto exemption, if the provider is subject to tax but can deduct the dotations to the pension reserve from the tax base. Tax incentives may also be granted in the decumulation phase, by applying a favourable tax rate to the out-payment of the personal pension. The national treatment principle applies to PEPP savers. Therefore, it should be possible for a PEPP that is objectively comparable to a personal pension product marketed in a given Member State to benefit from the same tax relief granted to the personal pension product in that Member State. That should also apply where the PEPP is provided by a provider from another Member State. The same no less favourable treatment should also apply to measures under national law relating to other incentives for personal pension products or measures having an equivalent purpose or effect.***

Amendment

(9) Tax incentives play an important role in encouraging the take-up of personal pension products in several Member States. ***However, direct taxation remains the sole responsibility of Member States. The autonomy of Member States to decide on their taxation policy should be preserved. The Commission recommendation of 29 June 2017 on the tax treatment of personal pension products, including the pan-European Personal Pension Product remains relevant and allows such flexibility.***

Amendment 80
Virginijus Sinkevičius
 on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) *Tax incentives play an important role in encouraging the take-up of personal pension products in several Member States. Tax incentives for personal pension products can take different forms. In many Member States, the contributions paid for personal pension products qualify for some form of tax relief. Similarly, in many Member States, the investment results of the personal pension products are not subject to tax, either on the basis of an explicit exemption or de facto exemption, if the provider is subject to tax but can deduct the dotations to the pension reserve from the tax base. Tax incentives may also be granted in the decumulation phase, by applying a favourable tax rate to the out-payment of the personal pension. The national treatment principle applies to PEPP savers.* Therefore, it should be possible for a PEPP that is objectively comparable to a personal pension product marketed in a given Member State to benefit from the same tax *relief* granted to the personal pension product in that Member State. That should also apply where the PEPP is provided by a provider from another Member State. The same no less favourable treatment should also apply to measures under national law relating to other incentives for personal pension products or measures having an equivalent purpose or effect.

Amendment

(9) *As a majority of EU citizens cannot put aside money every month, granting tax benefits to financial products have anti-redistributive effects exacerbating inequalities. The attractiveness of financial products should primarily derive from their ability to provide savers with net returns commensurate with the risks they are willing to take, rather than from preferential tax treatment.* Tax incentives artificially inflate net returns received by savers, to the detriment of national budgets and ultimately tax payers' money. However, improving the uptake of PEPP would not be possible if it remains fiscally discriminated against national pension products. Therefore, it should be possible for a PEPP that is objectively comparable to a personal pension product marketed in a given Member State to benefit from the same tax *regime* granted to the personal pension product in that Member State. That should also apply where the PEPP is provided by a provider from another Member State. The same no less favourable treatment should also apply to measures under national law relating to other incentives for personal pension products or measures having an equivalent purpose or effect.

Amendment 81
Markus Ferber

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Tax incentives play an important role in encouraging the take-up of personal pension products in several Member States. Tax incentives for personal pension products can take different forms. In many Member States, the contributions paid for personal pension products qualify for some form of tax relief. Similarly, in many Member States, the investment results of the personal pension products are not subject to tax, either on the basis of an explicit exemption or de facto exemption, if the provider is subject to tax but can deduct the dotations to the pension reserve from the tax base. Tax incentives may also be granted in the decumulation phase, by applying a favourable tax rate to the out-payment of the personal pension. The national treatment principle applies to PEPP savers. Therefore, it should be possible for a PEPP that is objectively comparable to a personal pension product marketed in a given Member State to benefit from the same tax relief granted to the personal pension product in that Member State. That should also apply where the PEPP is provided by a provider from another Member State. The same no less favourable treatment should also apply to measures under national law relating to other incentives for personal pension products or measures having an equivalent purpose or effect.

Amendment

(9) Tax incentives play an important role in encouraging the take-up of personal pension products in several Member States. Tax incentives for personal pension products can take different forms. In many Member States, the contributions paid for personal pension products qualify for some form of tax relief. Similarly, in many Member States, the investment results of the personal pension products are not subject to tax, either on the basis of an explicit exemption or de facto exemption, if the provider is subject to tax but can deduct the dotations to the pension reserve from the tax base. Tax incentives may also be granted in the decumulation phase, by applying a favourable tax rate to the out-payment of the personal pension. The national treatment principle applies to PEPP savers. ***Without prejudice to the application of the tax laws of Member States, Article 110 of the Treaty on the Functioning of the European Union provides that no Member State shall impose on the products of other Member States any internal taxation of such a nature as to afford indirect protection to other products; that non-discrimination principle is well established in the case law of the Court of Justice of the European Union. Member States should not use taxation as a tool to render PEPPs less attractive than comparable national personal pension products.*** Therefore, it should be possible for a PEPP that is objectively comparable to a personal pension product marketed in a given Member State to benefit from the same tax relief granted to the personal pension

product in that Member State. That should also apply where the PEPP is provided by a provider from another Member State. The same no less favourable treatment should also apply to measures under national law relating to other incentives for personal pension products or measures having an equivalent purpose or effect. ***To allow the tax treatment of PEPPs across the Union to be monitored without prejudice to Member States' competence in matters of taxation, Member States should notify the Commission of the tax treatment applied to PEPPs on their territory and of any subsequent change to that treatment, and that information should feed into the periodic review of this Regulation.***

Or. en

Justification

A notification duty, feeding into the periodic review under Article 73, gives the Commission visibility over discriminatory tax treatment without creating a new enforcement procedure or encroaching on Member States' tax competence.

Amendment 82

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) ***Tax incentives play an important role in encouraging the take-up of personal pension products in several Member States. Tax incentives for personal pension products can take different forms.*** In many Member States, the contributions paid for personal pension products qualify for some form of tax relief. Similarly, in many Member States, the investment results of the personal pension products are not subject to tax, either on the basis of an explicit exemption or de facto exemption, if the provider is

Amendment

(9) In many Member States, the contributions paid for personal pension products qualify for some form of tax relief. Similarly, in many Member States, the investment results of the personal pension products are not subject to tax, either on the basis of an explicit exemption or de facto exemption, if the provider is subject to tax but can deduct the dotations to the pension reserve from the tax base. Tax incentives may also be granted in the decumulation phase, by applying a favourable tax rate to the out-payment of

subject to tax but can deduct the dotations to the pension reserve from the tax base. Tax incentives may also be granted in the decumulation phase, by applying a favourable tax rate to the out-payment of the personal pension. The national treatment principle applies to PEPP savers. Therefore, it should be possible for a PEPP that is objectively comparable to a personal pension product marketed in a given Member State to benefit from the same tax relief granted to the personal pension product in that Member State. That should also apply where the PEPP is provided by a provider from another Member State. The same no less favourable treatment should also apply to measures under national law relating to other incentives for personal pension products or measures having an equivalent purpose or effect.

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Or. en

Amendment 83
Regina Doherty

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) As taxation policy remains a national competence, it should be handled solely at Member State level.

Or. en

Amendment 84
Regina Doherty

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) To foster the uptake of PEPPs, it is essential that a PEPP *provides value for money to savers and is therefore attractive and competitive. To ensure that potential PEPP providers design products in line with those objectives, the application for registration of a PEPP should demonstrate capacity to comply with the product oversight and governance requirements and show how the product is designed to provide value for money to PEPP savers.*

(10) To foster the uptake of PEPPs, it is essential that a PEPP *offers the opportunity to deliver financial returns and maintain dynamic and value-maximising investment strategies for the good of the customer.* PEPP should be designed *in a way that prioritises delivering financial returns for the PEPP Savers, based on the provision of secure and reliable retirement income.*

Or. en

Amendment 85
Regina Doherty

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The removal of the mandatory cost cap for the Basic PEPP is intended to allow PEPP providers to design commercially viable products capable of investing in a diversified range of assets, including those that support the objectives of the Savings and Investments Union of channelling long-term household savings into European capital markets, European businesses, and the wider real economy. A more commercially sustainable Basic PEPP is expected to encourage a wider range of providers to enter the PEPP market, currently served by only two providers across the Union, thereby increasing consumer choice, competitive pressure on costs, and the flow of long-term retail capital into European growth and infrastructure financing.

Or. en

Amendment 86

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To ensure that the most cost-efficient products attract a growing share of savings, ***thereby contributing to the consolidation and development of the personal pension sector***, competition in the PEPP market should be fostered. To support that objective and help prospective savers make informed choices, the central public register maintained by EIOPA should be extended to include information on the past costs and performance of PEPP products. That extension should be done without creating undue reporting burdens for PEPP providers, as the relevant information will be available in the Key Information Document. To ensure accuracy and comparability, the information in the register should be updated at least annually.

Amendment

(11) To ensure that the most cost-efficient products attract a growing share of savings, competition in the PEPP market should be fostered. To support that objective and help prospective savers make informed choices, the central public register maintained by EIOPA should be extended to include information on the past costs and performance of PEPP products. That extension should be done without creating undue reporting burdens for PEPP providers, as the relevant information will be available in the Key Information Document. To ensure accuracy and comparability, the information in the register should be updated at least annually. ***The register shall be designed in such a way as to allow prospective PEPP savers to easily compare key product features of the PEPP, including the cost and performance of PEPP products. The register shall allow easy filtering and the sorting of information by prospective PEPP savers. The register should also be used as a tool to promote the financial literacy and understanding of prospective PEPP savers. EIOPA shall develop a dedicated online web portal within the register with educational materials and guidance to help prospective PEPP savers to evaluate their retirement planning needs and to promote PEPP savers understanding of the key features offered by different types of PEPP products and to help prospective PEPP saver make informed pension and investment decisions. The register shall also include a simulation tool to help PEPP savers to understand the cumulative impact of fees on investment returns for different PEPP products.***

Amendment 87
Regina Doherty

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To ensure that the most cost-efficient products attract a growing share of savings, thereby contributing to the consolidation and development of the personal pension sector, competition in the PEPP market should be ***fostered***. To support that objective and help prospective savers make informed choices, the central public register maintained by EIOPA should be extended to include information on the past costs and performance of PEPP products. That extension ***should*** be done without creating ***undue*** reporting ***burdens*** for PEPP providers, as the relevant information will be available in the Key Information Document. ***To ensure accuracy and comparability, the information in the register should be updated at least annually.***

Amendment

(11) To ensure that the most cost-efficient products attract a growing share of savings, thereby contributing to the consolidation and development of the personal pension sector, competition in the PEPP market should be ***incentivised***. To support that objective and help prospective savers make informed choices, the central public register maintained by EIOPA should be extended to include information on the past costs and performance of PEPP products, ***without taking the form of a consumer pension comparison tool***. That extension ***shall*** be done without creating ***any additional*** reporting, ***technical or financial burden*** for PEPP providers ***or for competent authorities, and without requiring additional resources, staff or budget for EIOPA***, as the relevant information will ***already*** be available in the Key Information Document ***and shall be drawn from it rather than separately compiled or verified***.

Amendment 88
Markus Ferber

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) To ensure that the most cost-

Amendment

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efficient products attract a growing share of savings, thereby contributing to the consolidation and development of the personal pension sector, competition in the PEPP market should be fostered. To support that objective and help prospective savers make informed choices, the central public register maintained by EIOPA should *be extended to include information on the past costs and performance of PEPP products. That extension should be done without creating undue reporting burdens for PEPP providers, as the relevant information will be available in* the Key Information Document. To ensure accuracy and comparability, the information in the register should be updated at least annually.

efficient products attract a growing share of savings, thereby contributing to the consolidation and development of the personal pension sector, competition in the PEPP market should be fostered. To support that objective and help prospective savers make informed choices, the central public register maintained by EIOPA should *present, for each registered PEPP, the cost, performance and risk information already disclosed to savers through the key information document and the European Single Access Point established by Regulation (EU) 2023/2859. Presenting that information in a single register should not, in itself, create any new reporting obligation for PEPP providers beyond those already applicable under this Regulation.* To ensure accuracy and comparability, the information in the register should be updated at least annually.

Or. en

Justification

To be read in conjunction with the amendment to Article 13(1). The register should, to the maximum extent possible, draw on information that is already available.

Amendment 89

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) To ensure that the most cost-efficient products attract a growing share of savings, thereby contributing to the consolidation and development of the personal pension sector, competition in the PEPP market should be fostered. To support that objective and help prospective savers make informed choices, the central

Amendment

(11) To ensure that the most cost-efficient products attract a growing share of savings, thereby contributing to the consolidation and development of the personal pension sector, competition in the PEPP market should be fostered. To support that objective and help prospective savers make informed choices, the central

public register maintained by EIOPA should be extended to include information on the past costs and performance of PEPP products. That extension should be done without creating undue reporting burdens for PEPP providers, as the relevant information will be available in the Key Information Document. To ensure accuracy and comparability, the information in the register should be updated at least annually.

public register maintained by EIOPA should be extended to include information on the past costs and performance of PEPP products. That extension should be done without creating undue reporting burdens ***neither*** for PEPP providers, ***nor for the competent authorities, compared to the current situation***, as the relevant information will be available in the Key Information Document ***and is displayed by the European Single Access Point (ESAP)***. To ensure accuracy and comparability, the information in the register should be updated at least annually.

Or. en

Amendment 90

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Effective supervision of cross-border PEPPs is essential to maintain trust in PEPPs and to protect savers. To ensure consistent application of Union rules and address cases where the competent authority of the home Member State fails to take appropriate measures, it is necessary to grant EIOPA powers to directly intervene in problematic cross-border cases. Such powers should include the possibility to settle disagreements in accordance with Article 19 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council, thereby ensuring coherent and effective supervision across the Union, or to require the home authority to organise a joint onsite inspection with host authorities and EIOPA, to swiftly address

Amendment

deleted

risks to PEPP savers.

Or. en

Amendment 91

Regina Doherty

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) Effective supervision of cross-border PEPPs is essential to maintain trust in PEPPs and to protect savers. To ensure consistent application of Union rules and address cases where the competent authority of the home Member State fails to take appropriate measures, it is necessary to grant EIOPA powers to directly intervene in problematic cross-border cases. Such powers should include the possibility to settle disagreements in accordance with Article 19 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council, thereby ensuring coherent and effective supervision across the Union, or to require the home authority to organise a joint onsite inspection with host authorities and EIOPA, to swiftly address risks to PEPP savers.

deleted

Or. en

Amendment 92

Auke Zijlstra

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) Effective supervision of cross-border PEPPs is essential to maintain trust

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in PEPPs and to protect savers. *To ensure consistent application of Union rules and address cases where the competent authority of the home Member State fails to take appropriate measures, it is necessary to grant EIOPA powers to directly intervene in problematic cross-border cases. Such powers should include the possibility to settle disagreements in accordance with Article 19 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council, thereby ensuring coherent and effective supervision across the Union, or to require the home authority to organise a joint onsite inspection with host authorities and EIOPA, to swiftly address risks to PEPP savers.*

in PEPPs and to protect savers. *National Competent Authorities should engage bi- or multilaterally, if deemed necessary, to deal with high-risk cross-border cases.*

Or. en

Amendment 93 Regina Doherty

Proposal for a regulation Recital 14

Text proposed by the Commission

Amendment

(14) The level of costs and charges associated with personal pension products can have a significant impact on the final pension outcome for savers, which may not always be transparent or easily comparable. The absence of clear and harmonised criteria to assess whether costs are justified and proportionate to the returns offered risks undermining trust in PEPPs and discouraging participation. It is therefore necessary to establish a structured value-for-money framework, ensuring that PEPPs deliver fair outcomes to savers and that their costs and performance are proportionate to their characteristics, objectives and risk–return profile, thus offering good value

deleted

for money.

Or. en

Amendment 94
Isabel Benjumea Benjumea

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The level of costs and charges associated with personal pension products can have a significant impact on the final pension outcome for savers, which may not always be transparent or easily comparable. ***The absence of clear and harmonised criteria to assess whether costs are justified and proportionate to the returns offered risks undermining trust in PEPPs and discouraging participation.*** It is therefore necessary to establish a structured value-for-money framework, ensuring that PEPPs deliver fair outcomes to savers and that their costs and performance are proportionate to their characteristics, objectives and risk–return profile, thus offering good value for money.

Amendment

(14) The level of costs and charges associated with personal pension products can have a significant impact on the final pension outcome for savers, which may not always be transparent or easily comparable. It is therefore necessary to establish a structured value-for-money framework, ensuring that PEPPs deliver fair outcomes to savers and that their costs and performance are proportionate to their characteristics, objectives and risk–return profile, thus offering good value for money. ***The costs, benefits and characteristics of PEPPs should be assessed in a transparent and proportionate manner, taking into account the product’s long-term nature, the services provided, the guarantees offered, the coverage of biometric risks, the investment strategy and the expected long-term net return. Oversight should take a proportionate and risk-based approach, and comparison with supervisory benchmarks should not in itself be a determination of whether the price or costs of a PEPP are appropriate.***

Or. es

Amendment 95
Markus Ferber

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The level of costs and charges associated with personal pension products can have a significant impact on the final pension outcome for savers, which may not always be transparent or easily comparable. The absence of clear and harmonised criteria to assess whether costs are justified and proportionate to the returns offered risks undermining trust in PEPPs and discouraging participation. ***It is therefore necessary to establish a structured value-for-money framework, ensuring that PEPPs deliver fair outcomes to savers and that their costs and performance are proportionate to their characteristics, objectives and risk–return profile, thus offering good value for money.***

Amendment

(14) The level of costs and charges associated with personal pension products can have a significant impact on the final pension outcome for savers, which may not always be transparent or easily comparable. The absence of clear and harmonised criteria to assess whether costs are justified and proportionate to the returns offered risks undermining trust in PEPPs and discouraging participation.

Or. en

Justification

Drops the value-for-money framework language in favour of a proportionate product oversight and governance approach.

Amendment 96

Marlena Malag

on behalf of the ECR Group

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The level of costs and charges associated with personal pension products can have a significant impact on the final pension outcome for savers, which may not always be transparent or easily comparable. The absence of clear and harmonised criteria to assess whether costs are justified and proportionate to the

Amendment

(14) The level of costs and charges associated with personal pension products can have a significant impact on the final pension outcome for savers, which may not always be transparent or easily comparable. The absence of clear and harmonised criteria to assess whether costs are justified and proportionate to the

returns offered risks undermining trust in PEPPs and discouraging participation. ***It is therefore necessary to establish a structured value-for-money framework, ensuring that PEPPs deliver fair outcomes to savers and that their costs and performance are proportionate to their characteristics, objectives and risk-return profile, thus offering good value for money.***

returns offered risks undermining trust in PEPPs and discouraging participation.

Or. en

Amendment 97
Regina Doherty

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) To ensure that PEPPs are designed and distributed in the best interests of savers, the value-for-money assessment should be embedded within the broader product oversight and governance framework. The product approval process should identify the target market, objectives and needs of savers, and demonstrate, before the product is approved for distribution, that the total costs and charges are justified and proportionate in view of the expected benefits and performance. To build consumers' trust in PEPPs, a PEPP that does not meet these criteria should not be approved, manufactured or distributed.

deleted

Or. en

Amendment 98
Markus Ferber

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) To ensure that PEPPs are designed and distributed in the best interests of savers, ***the value-for-money assessment should be embedded within the broader*** product oversight and governance framework. The product approval process should identify the target market, objectives and needs of savers, and demonstrate, before the product is approved for distribution, that the total costs and charges are justified and proportionate in view of the expected benefits and performance. To build consumers' trust in PEPPs, a PEPP that does not meet these criteria should not be approved, manufactured or distributed.

(15) To ensure that PEPPs are designed and distributed in the best interests of savers, ***an enhanced*** product oversight and governance framework ***should be introduced***. The product approval process should identify the target market, objectives and needs of savers, and demonstrate, before the product is approved for distribution, that the total costs and charges are justified and proportionate in view of the expected benefits and performance. To build consumers' trust in PEPPs, a PEPP that does not meet these criteria should not be approved, manufactured or distributed.

Or. en

Justification

The product oversight and governance framework should be built around an enhanced, principles-based set of rules rather than an overly prescriptive value-for-money assessment.

Amendment 99
Regina Doherty

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) To ensure a high level of protection for PEPP savers and to promote regulatory coherence, the product oversight and governance requirements applicable to PEPP providers should be strengthened. This warrants aligning with those set out under Directive (EU) 2016/976 as amended in the context of the Retail Investment Strategy, and accounting for specificities of PEPP as a long-term savings product.

deleted

⁶ Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19, ELI: <http://data.europa.eu/eli/dir/2016/97/oj>)

Or. en

Amendment 100
Markus Ferber

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) To ensure a high level of protection for PEPP savers and to promote regulatory coherence, the product oversight and governance requirements applicable to PEPP providers should be strengthened. *This warrants aligning with those set out under Directive (EU) 2016/97⁶ as amended in the context of the Retail Investment Strategy, and accounting for specificities of PEPP as a long-term savings product.*

Amendment

(16) To ensure a high level of protection for PEPP savers and to promote regulatory coherence, the product oversight and governance requirements applicable to PEPP providers should be strengthened.

⁶ Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19, ELI: <http://data.europa.eu/eli/dir/2016/97/oj>)

Or. en

Justification

Value-for-money benchmarking suits standardised products within one national market. It is not necessarily a good fit for a cross-border, long-term retirement product whose sub-accounts, tax treatment and assets vary by Member State. The RIS regime is therefore not a good baseline.

Amendment 101
Regina Doherty

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) Since the registration of a PEPP takes place before it is possible to ascertain whether the product effectively delivers value for money to savers in practice, some PEPPs may in practice offer lower value for money than initially indicated. Competent authorities should have the powers to monitor developments and should be able to require corrective measures, where necessary. **deleted**

Or. en

Amendment 102
Marlena Malag
on behalf of the ECR Group

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) Since the registration of a PEPP takes place before it is possible to ascertain whether the product effectively delivers value for money to savers in practice, some PEPPs may in practice offer lower value for money than initially indicated. Competent authorities should have the powers to monitor developments and should be able to require corrective measures, where necessary. **deleted**

Or. en

Amendment 103
Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) *Article 42 of Regulation (EU) 2019/1238 requires that PEPP providers distribute the Basic PEPP if they also want to distribute alternative variants. That requirement constraints some providers' ability and interest in distributing PEPPs, as the Basic PEPP may not fit with their business model or strategy. In addition, the current limitation to a maximum of five alternative options restricts providers' ability to design products that reflect the preferences, circumstances and risk profiles of savers. Allowing providers to determine the number and nature of investment options would enable them to offer more tailored solutions, including personalised PEPPs suited to workplace arrangements or auto-enrolment. It is therefore necessary to provide for greater flexibility to PEPP providers while ensuring that transparency, comparability and consumer protection remain safeguarded through appropriate disclosure and product governance requirements.*

deleted

Or. en

Amendment 104
Martin Schirdewan

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) *Article 42 of Regulation (EU) 2019/1238 requires that PEPP providers distribute the Basic PEPP if they also want*

(18) *Article 42 of Regulation (EU) 2019/1238 requires that PEPP providers distribute the Basic PEPP if they also want*

to distribute alternative variants. That requirement constraints some providers' ability and interest in distributing PEPPs, as the Basic PEPP may not fit with their business model or strategy. In addition, the current limitation to a maximum of five alternative options restricts providers' ability to design products that reflect the preferences, circumstances and risk profiles of savers. Allowing providers to determine the number and nature of investment options would enable them to offer more tailored solutions, *including personalised PEPPs suited to workplace arrangements or auto-enrolment*. It is therefore necessary to provide for greater flexibility to PEPP providers while ensuring that transparency, comparability and consumer protection remain safeguarded through appropriate disclosure and product governance requirements.

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Or. en

Amendment 105

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Article 42 of Regulation (EU) 2019/1238 requires that PEPP providers distribute the Basic PEPP if they also want to distribute alternative variants. That requirement constraints some providers' ability and interest in distributing PEPPs, as the Basic PEPP may not fit with their business model or strategy. In addition, the current limitation to a maximum of five alternative options restricts providers' ability to design products that reflect the preferences, circumstances and risk profiles of savers. Allowing providers to determine the number and nature of

Amendment

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investment options would enable them to offer more tailored solutions, ***including personalised PEPPs suited to workplace arrangements or auto-enrolment***. It is therefore necessary to provide for greater flexibility to PEPP providers while ensuring that transparency, comparability and consumer protection remain safeguarded through appropriate disclosure and product governance requirements.

investment options would enable them to offer more tailored solutions. It is therefore necessary to provide for greater flexibility to PEPP providers while ensuring that transparency, comparability and consumer protection remain safeguarded through appropriate disclosure and product governance requirements.

Or. en

Amendment 106

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Article 42 of Regulation (EU) 2019/1238 requires that PEPP providers distribute the Basic PEPP if they also want to distribute alternative variants. That requirement constraints some providers' ability and interest in distributing PEPPs, as the Basic PEPP may not fit with their business model or strategy. In addition, the current limitation to a maximum of five alternative options restricts providers' ability to design products that reflect the preferences, circumstances and risk profiles of savers. Allowing providers to determine the number and nature of investment options would enable them to offer more tailored solutions, ***including personalised PEPPs suited to workplace arrangements or auto-enrolment***. It is therefore necessary to provide for greater flexibility to PEPP providers while ensuring that transparency, comparability and consumer protection remain safeguarded through appropriate disclosure and product governance requirements.

Amendment

(18) Article 42 of Regulation (EU) 2019/1238 requires that PEPP providers distribute the Basic PEPP if they also want to distribute alternative variants. That requirement constraints some providers' ability and interest in distributing PEPPs, as the Basic PEPP may not fit with their business model or strategy. In addition, the current limitation to a maximum of five alternative options restricts providers' ability to design products that reflect the preferences, circumstances and risk profiles of savers. Allowing providers to determine the number and nature of investment options would enable them to offer more tailored solutions. It is therefore necessary to provide for greater flexibility to PEPP providers while ensuring that transparency, comparability and consumer protection remain safeguarded through appropriate disclosure and product governance requirements.

Amendment 107
Markus Ferber

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Consumer confidence is essential to the success of PEPPs. That confidence is best built through continuity and consistent market performance under the designation established by Regulation (EU) 2019/1238, rather than through the introduction of a new statutory name. The 'PEPP' designation has been in regulatory use since 2019, is referenced throughout Union and national implementing measures, distribution agreements, marketing materials and the key information document, and has begun to gain recognition among providers and competent authorities. The low take-up of the PEPP to date results from structural constraints identified by the Commission and EIOPA, including limited product distribution, restricted portability and divergent national tax treatment, rather than from the name of the product. Replacing that designation, including in the key information document, the central public register, marketing communications and the product's legal name across the Union and in each Member State, would generate a further round of one-off compliance costs for providers at the very moment this Regulation seeks to reduce the administrative and distribution burden associated with the PEPP.

Justification

Renaming the PEPP would impose a further compliance and disclosure burden on a product this Regulation otherwise seeks to simplify, without addressing the structural causes of its low uptake. Providers remain free to communicate a product's compliance with Union standards under the existing marketing rules, without a mandatory statutory redesignation.

Amendment 108 **Martin Schirdewan**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

(19) Article 45(2) of Regulation (EU) 2019/1238 requires that the Basic PEPP is subject to a cap on costs and fees of 1 %, while Article 34(2) of that Regulation obliges a PEPP provider or PEPP distributor to provide advice prior to the conclusion of a Basic PEPP contract. *Those requirements have raised concerns among potential providers and distributors, as those requirements are deemed to limit the commercial viability of offering PEPPs, including through digital channels. Furthermore, the fixed 1 % cap on fees is not necessarily the most effective way to protect savers and beneficiaries, and does not reflect a proportional relationship between the benefits and returns offers to savers, the expenses borne by providers, and the fees charged. Providers often incur losses in the early years of a contract, when acquisition and setup costs are high, while savers may be disadvantaged by a fee cap in later years as their accumulated capital grows and the absolute costs charged increase, even though less management effort is required. The 1% fee cap may also lead to an unlevel playing field due to differences in VAT treatment across Member States. Therefore, to promote the uptake of the PEPP, and ensure a sustainable, high-quality product, it is*

Amendment

(19) Article 45(2) of Regulation (EU) 2019/1238 requires that the Basic PEPP is subject to a cap on costs and fees of 1 % *to effectively protect savers*, while Article 34(2) of that Regulation obliges a PEPP provider or PEPP distributor to provide advice prior to the conclusion of a Basic PEPP contract.

necessary to remove those requirements. To preserve consumer protection and ensure that the Basic PEPP remains a simple product suitable for retirement purposes, it should be designed with an embedded life-cycle investment strategy, providing a suitable balance between growth and risk mitigation. For the same reason, the assets of the Basic PEPP should be invested predominantly in listed and non-complex assets within the meaning of Article 25(4), first subparagraph, of Directive 2014/65/EU of the European Parliament and of the Council⁷. To promote diversification while maintaining simplicity, providers of the Basic PEPP should be allowed to allocate a small portion of assets, not exceeding 5 %, to other financial instruments, including alternative assets.

⁷ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast), (OJ L 173 12.6.2014, p. 349, ELI: <http://data.europa.eu/eli/dir/2014/65/oj>)

Or. en

Amendment 109

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) *Article 45(2) of Regulation (EU) 2019/1238 requires that the Basic PEPP is subject to a cap on costs and fees of 1 %, while Article 34(2) of that Regulation obliges a PEPP provider or PEPP distributor to provide advice prior to the conclusion of a Basic PEPP contract.*

Amendment

(19) Article 34(2) of **Regulation 2019/1238** obliges a PEPP provider or PEPP distributor to provide advice prior to the conclusion of a Basic PEPP contract. ***Given that the Basic PEPP is intended to be a simple product that incorporates strict risk mitigation techniques and other***

Those requirements have raised concerns among potential providers and distributors, as those requirements are deemed to limit the commercial viability of offering PEPPs, including through digital channels. Furthermore, the fixed 1 % cap on fees is not necessarily the most effective way to protect savers and beneficiaries, and does not reflect a proportional relationship between the benefits and returns offers to savers, the expenses borne by providers, and the fees charged. Providers often incur losses in the early years of a contract, when acquisition and setup costs are high, while savers may be disadvantaged by a fee cap in later years as their accumulated capital grows and the absolute costs charged increase, even though less management effort is required. The 1% fee cap may also lead to an unlevel playing field due to differences in VAT treatment across Member States. Therefore, to promote the uptake of the PEPP, and ensure a sustainable, high-quality product, it is necessary to remove those requirements.

To preserve consumer protection and ensure that the Basic PEPP remains a simple product suitable for retirement purposes, it should be designed with an embedded life-cycle investment strategy, providing a suitable balance between growth and risk mitigation. For the same reason, the assets of the Basic PEPP should be invested ***predominantly*** in listed and non-complex assets within the meaning of Article 25(4), first subparagraph, of Directive 2014/65/EU of the European Parliament and of the Council⁷. ***To promote diversification while maintaining simplicity, providers of the Basic PEPP should be allowed to allocate a small portion of assets, not exceeding 5 %, to other financial instruments, including alternative assets.***

consumer safeguards, the mandatory advice requirement for the Basic PEPP should be removed. To preserve consumer protection and ensure that the Basic PEPP remains a simple product suitable for retirement purposes, it should be designed with an embedded life-cycle investment strategy, providing a suitable balance between growth and risk mitigation. For the same reason, the assets of the Basic PEPP should be invested in listed and non-complex assets within the meaning of Article 25(4), first subparagraph, of Directive 2014/65/EU of the European Parliament and of the Council⁷.

⁷ Directive 2014/65/EU of the European Parliament and of the Council of 15 May

⁷ Directive 2014/65/EU of the European Parliament and of the Council of 15 May

2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast), (OJ L 173 12.6.2014, p. 349, ELI: <http://data.europa.eu/eli/dir/2014/65/oj>)

2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast), (OJ L 173 12.6.2014, p. 349, ELI: <http://data.europa.eu/eli/dir/2014/65/oj>)

Or. en

Amendment 110

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) ***Article 45(2) of Regulation (EU) 2019/1238 requires that the Basic PEPP is subject to a cap on costs and fees of 1 %, while Article 34(2) of that Regulation obliges a PEPP provider or PEPP distributor to provide advice prior to the conclusion of a Basic PEPP contract. Those requirements have raised concerns among potential providers and distributors, as those requirements are deemed to limit the commercial viability of offering PEPPs, including through digital channels. Furthermore, the fixed 1 % cap on fees is not necessarily the most effective way to protect savers and beneficiaries, and does not reflect a proportional relationship between the benefits and returns offers to savers, the expenses borne by providers, and the fees charged. Providers often incur losses in the early years of a contract, when acquisition and setup costs are high, while savers may be disadvantaged by a fee cap in later years as their accumulated capital grows and the absolute costs charged increase, even though less management effort is required. The 1% fee cap may also lead to an unlevel playing field due to differences in VAT treatment across Member States. Therefore, to promote the***

Amendment

(19) To preserve consumer protection and ensure that the Basic PEPP remains a simple product suitable for retirement purposes, it should be designed with an embedded life-cycle investment strategy, providing a suitable balance between growth and risk mitigation. The assets of the Basic PEPP should be invested ***in accordance with the 'prudent person principle' and*** predominantly in listed and non-complex assets within the meaning of Article 25(4), first subparagraph, of Directive 2014/65/EU of the European Parliament and of the Council ***but allowing for appropriate asset allocation over the different phases of the product's life-cycle, including investments in Union unlisted assets, such as units or shares of European long-term investment funds, European venture capital funds or European social entrepreneurship funds, where appropriate. Such allocation should be concentrated in the phases of the life-cycle furthest from the expected end of the accumulation phase and should decline progressively as the PEPP saver approaches retirement. Member States and competent authorities should not impose additional quantitative limits on such allocation beyond those laid***

uptake of the PEPP, and ensure a sustainable, high-quality product, it is necessary to remove those requirements.

To preserve consumer protection and ensure that the Basic PEPP remains a simple product suitable for retirement purposes, it should be designed with an embedded life-cycle investment strategy, providing a suitable balance between growth and risk mitigation. ***For the same reason***, the assets of the Basic PEPP should be invested predominantly in listed and non-complex assets within the meaning of Article 25(4), first subparagraph, of Directive 2014/65/EU of the European Parliament and of the Council⁷. ***To promote diversification while maintaining simplicity, providers of the Basic PEPP should be allowed to allocate a small portion of assets, not exceeding 5 %, to other financial instruments***, including *alternative* assets.

down in this Regulation.

⁷ ***Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast), (OJ L 173 12.6.2014, p. 349, ELI: <http://data.europa.eu/eli/dir/2014/65/oj>)***

Or. en

Amendment 111

Fernando Navarrete Rojas

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Article 45(2) of Regulation (EU) 2019/1238 requires that the Basic PEPP is subject to a cap on costs and fees of 1 %, while Article 34(2) of that Regulation obliges a PEPP provider or PEPP

Amendment

(19) Article 45(2) of Regulation (EU) 2019/1238 requires that the Basic PEPP is subject to a cap on costs and fees of 1 %, while Article 34(2) of that Regulation obliges a PEPP provider or PEPP

distributor to provide advice prior to the conclusion of a Basic PEPP contract. Those requirements have raised concerns among potential providers and distributors, as those requirements are deemed to limit the commercial viability of offering PEPPs, including through digital channels. Furthermore, the fixed 1 % cap on fees is not necessarily the most effective way to protect savers and beneficiaries, and does not reflect a proportional relationship between the benefits and returns *offers* to savers, the expenses borne by providers, and the fees charged. Providers often incur losses in the early years of a contract, when acquisition and setup costs are high, while savers may be disadvantaged by a fee cap in later years as their accumulated capital *gros* and the absolute costs charged increase, even though less management effort is required. The 1% fee cap may also lead to an unlevel playing field due to differences in VAT treatment across Member States. Therefore, to promote the uptake of the PEPP, and ensure a sustainable, high-quality product, it is necessary to remove those requirements. To preserve consumer protection and ensure that the Basic PEPP remains a simple product suitable for retirement purposes, it should be designed *with an embedded life-cycle investment strategy*, providing a suitable balance between growth and risk mitigation. *For the same reason, the assets of the Basic PEPP should be invested predominantly in listed and non-complex assets within the meaning of Article 25(4), first subparagraph, of Directive 2014/65/EU of the European Parliament and of the Council⁷. To promote diversification while maintaining simplicity*, providers of the Basic PEPP should be allowed to allocate *a small portion* of assets, *not exceeding 5 %*, to other financial instruments, including alternative assets.

distributor to provide advice prior to the conclusion of a Basic PEPP contract. Those requirements have raised concerns among potential providers and distributors, as those requirements are deemed to limit the commercial viability of offering PEPPs, including through digital channels. Furthermore, the fixed 1 % cap on fees is not necessarily the most effective way to protect savers and beneficiaries, and does not reflect a proportional relationship between the benefits and returns *offered* to savers, the expenses borne by providers, and the fees charged. Providers often incur losses in the early years of a contract, when acquisition and setup costs are high, while savers may be disadvantaged by a fee cap in later years as their accumulated capital *grows* and the absolute costs charged increase, even though less management effort is required. The 1% fee cap may also lead to an unlevel playing field due to differences in VAT treatment across Member States. Therefore, to promote the uptake of the PEPP, and ensure a sustainable, high-quality product, it is necessary to remove those requirements. To preserve consumer protection and ensure that the Basic PEPP remains a simple product suitable for retirement purposes, it should be designed *to serve the long-term retirement goals of the savers*, providing a suitable balance between growth and risk mitigation. *To provide full investment flexibility and optimise long-term returns for savers*, PEPP providers should be allowed *full discretion* to allocate *up to 100 %* of assets *across* financial instruments — including alternative assets *and units or shares of long-term equity funds, such as European Long-Term Investment Funds (ELTIFs), European Social Entrepreneurship Funds (EuSEFs) and European Venture Capital Funds (EuVECAs) — in accordance with the prudent person principle and the life-cycling strategy, provided that the PEPP provider can demonstrate that such investments are consistent with the long-*

term nature of its PEPP liabilities.

⁷ *Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast), (OJ L 173 12.6.2014, p. 349, ELI: <http://data.europa.eu/eli/dir/2014/65/oj>)*

Or. en

Amendment 112
Regina Doherty

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Article 45(2) of Regulation (EU) 2019/1238 requires that the Basic PEPP is subject to a cap on costs and fees of 1 %, while Article 34(2) of that Regulation obliges a PEPP provider or PEPP distributor to provide advice prior to the conclusion of a Basic PEPP contract. Those requirements have raised concerns among potential providers and distributors, as those requirements are deemed to limit the commercial viability of offering PEPPs, including through digital channels. Furthermore, the fixed 1 % cap on fees is not necessarily the most effective way to protect savers and beneficiaries, and does not reflect a proportional relationship between the benefits and returns offers to savers, the expenses borne by providers, and the fees charged. Providers often incur losses in the early years of a contract, when acquisition and setup costs are high, while savers may be disadvantaged by a fee cap in later years as their accumulated capital gross and the absolute costs charged increase, even though less management effort is required. The 1% fee cap may also

Amendment

(19) Article 45(2) of Regulation (EU) 2019/1238 requires that the Basic PEPP is subject to a cap on costs and fees of 1 %, while Article 34(2) of that Regulation obliges a PEPP provider or PEPP distributor to provide advice prior to the conclusion of a Basic PEPP contract. Those requirements have raised concerns among potential providers and distributors, as those requirements are deemed to limit the commercial viability of offering PEPPs, including through digital channels. Furthermore, the fixed 1 % cap on fees is not necessarily the most effective way to protect savers and beneficiaries, and does not reflect a proportional relationship between the benefits and returns offers to savers, the expenses borne by providers, and the fees charged. Providers often incur losses in the early years of a contract, when acquisition and setup costs are high, while savers may be disadvantaged by a fee cap in later years as their accumulated capital gross and the absolute costs charged increase, even though less management effort is required. The 1% fee cap may also

lead to an unlevel playing field due to differences in VAT treatment across Member States. Therefore, to promote the uptake of the PEPP, and ensure a sustainable, high-quality product, it is necessary to remove those requirements. To preserve consumer protection and ensure that the Basic PEPP remains a simple product suitable for retirement purposes, it should be designed with an embedded life-cycle investment strategy, providing a suitable balance between growth and risk mitigation. For the same reason, the assets of the Basic PEPP should be invested ***predominantly in listed and non-complex assets within the meaning of Article 25(4), first subparagraph, of Directive 2014/65/EU of the European Parliament and of the Council***⁷. To promote diversification while maintaining simplicity, providers of the Basic PEPP should ***be allowed to allocate a small portion of assets, not exceeding 5 %, to other financial instruments, including alternative assets.***

lead to an unlevel playing field due to differences in VAT treatment across Member States. Therefore, to promote the uptake of the PEPP, and ensure a sustainable, high-quality product, it is necessary to remove those requirements. To preserve consumer protection and ensure that the Basic PEPP remains a simple ***and attractive*** product suitable for retirement purposes, it should be designed with an embedded life-cycle investment strategy, providing a suitable balance between growth and risk mitigation. For the same reason, the assets of the Basic PEPP should be invested ***in accordance with the prudent person principle, while ensuring*** diversification ***and*** simplicity. Providers of the Basic PEPP should ***have sufficient flexibility in asset allocation, including, where appropriate, the possibility to invest in*** other financial instruments, including alternative assets, ***in line with the product design and risk profile.***

⁷ *Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast), (OJ L 173 12.6.2014, p. 349, ELI: <http://data.europa.eu/eli/dir/2014/65/oj>)*

Or. en

Amendment 113
Marlena Małag
on behalf of the ECR Group

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Article 45(2) of Regulation (EU)

PE796.328v01-00

Amendment

(19) Article 45(2) of Regulation (EU)

50/237

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2019/1238 requires that the Basic PEPP is subject to a cap on costs and fees of 1 %, while Article 34(2) of that Regulation obliges a PEPP provider or PEPP distributor to provide advice prior to the conclusion of a Basic PEPP contract. Those requirements have raised concerns among potential providers and distributors, as those requirements are deemed to limit the commercial viability of offering PEPPs, including through digital channels. Furthermore, the fixed 1 % cap on fees is not necessarily the most effective way to protect savers and beneficiaries, and does not reflect a proportional relationship between the benefits and returns offers to savers, the expenses borne by providers, and the fees charged. Providers often incur losses in the early years of a contract, when acquisition and setup costs are high, while savers may be disadvantaged by a fee cap in later years as their accumulated capital grows and the absolute costs charged increase, even though less management effort is required. The 1% fee cap may also lead to an unlevel playing field due to differences in VAT treatment across Member States. Therefore, to promote the uptake of the PEPP, and ensure a sustainable, high-quality product, it is necessary to remove those requirements. To preserve consumer protection and ensure that the Basic PEPP remains a simple product suitable for retirement purposes, it should be designed with an embedded life-cycle investment strategy, providing a suitable balance between growth and risk mitigation. For the same reason, the assets of the Basic PEPP should be invested predominantly in listed and non-complex assets within the meaning of Article 25(4), first subparagraph, of Directive 2014/65/EU of the European Parliament and of the Council⁷. To promote diversification while maintaining simplicity, providers of the Basic PEPP should be allowed to allocate a small portion of assets, not exceeding 5 %, to other financial instruments, including

2019/1238 requires that the Basic PEPP is subject to a cap on costs and fees of 1 %, while Article 34(2) of that Regulation obliges a PEPP provider or PEPP distributor to provide advice prior to the conclusion of a Basic PEPP contract. Those requirements have raised concerns among potential providers and distributors, as those requirements are deemed to limit the commercial viability of offering PEPPs, including through digital channels. Furthermore, the fixed 1 % cap on fees is not necessarily the most effective way to protect savers and beneficiaries, and does not reflect a proportional relationship between the benefits and returns offers to savers, the expenses borne by providers, and the fees charged. Providers often incur losses in the early years of a contract, when acquisition and setup costs are high, while savers may be disadvantaged by a fee cap in later years as their accumulated capital grows and the absolute costs charged increase, even though less management effort is required. The 1% fee cap may also lead to an unlevel playing field due to differences in VAT treatment across Member States. Therefore, to promote the uptake of the PEPP, and ensure a sustainable, high-quality product, it is necessary to remove those requirements. To preserve consumer protection and ensure that the Basic PEPP remains a simple product suitable for retirement purposes, it should be designed with an embedded life-cycle investment strategy, providing a suitable balance between growth and risk mitigation ***and designed to protect retirement outcomes by mitigating the risk of large losses. A ‘large loss’ should be understood as any significant drop in the value of accumulated capital that would significantly jeopardise an individual's ability to meet their retirement income goals. The impact of such a loss is heightened by the lack of recovery time as the saver approaches the retirement date; therefore, investment strategies should be designed to mitigate***

alternative assets.

the risk of substantial value fluctuations, as the time to retirement decreases. While the glide path should remain flexible enough to accommodate different market models and, approaches it should ensure that the asset allocation shifts gradually and prudently toward high-quality, low-risk assets in the final stages of the accumulation phase to safeguard the value of accumulated savings, or during the decumulation phase in the case of annuity. For the same reason, the assets of the Basic PEPP should be invested predominantly in listed and non-complex assets within the meaning of Article 25(4), first subparagraph, of Directive 2014/65/EU of the European Parliament and of the Council⁷. To promote diversification while maintaining simplicity, providers of the Basic PEPP should be allowed to allocate a small portion of assets, not exceeding 5 %, to other financial instruments, including alternative assets.

⁷ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast), (OJ L 173 12.6.2014, p. 349, ELI: <http://data.europa.eu/eli/dir/2014/65/oj>)

⁷ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast), (OJ L 173 12.6.2014, p. 349, ELI: <http://data.europa.eu/eli/dir/2014/65/oj>)

Or. en

Amendment 114

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) In the case of tailored PEPP, the PEPP's risk-mitigation techniques are

essential to foster appropriate investment strategies that are capable of achieving better pension benefit outcomes. In order to promote a flexible and investment-led framework, clear criteria are needed to enable the assessment of the effectiveness of these techniques in a consistent way. Such criteria should be qualitative and should not use rigid quantitative thresholds or mandatory stochastic modelling that may unduly restrict investment freedom or market adaptation. By focusing on key principles such as the structural integration of risk management within the investment strategy, the security of accrued capital, and the equitable treatment of savers, the framework remains neutral to the specific technical methods employed. This approach ensures that the Regulation is open to any new, innovative risk-mitigation techniques that can foster better retirement outcomes while remaining subject to robust governance and product oversight.

Or. en

Amendment 115

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) To ensure ***the quality of advice and to*** safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given ***on an independent basis and*** only upon the request of the client. ***Considering both the non-complex nature of the Basic PEPP and the independent character of the advice, it is appropriate to provide that, where such advice is given, the PEPP***

Amendment

(20) To ensure safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given only upon the request of the client. ***Since the Basic PEPP is distributed without investment advice, Member States may require PEPP providers or distributors to draw prospective PEPP savers' attention to the following key characteristics of the Basic***

distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

PEPP already disclosed in the PEPP KID: its long-term retirement objective, the conditions for early redemptions as well as a description of the PEPP's underlying investment tools, indicating how the PEPP aims to achieve its investment return in the accumulation phase and the glidepath on how the asset allocation is gradually adapted as the targeted retirement date approaches, for example by automatically shifting a portion of assets from stock to bond investments. This may be achieved, as appropriate, either through the provision of summary information or through an acknowledgement by the PEPP saver that has understood those key characteristics prior to concluding the PEPP contract. Such requirement should not amount to a requirement to provide investment advice. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

Or. en

Amendment 116 Anouk Van Brug

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given on an independent basis and only upon the request of the client. Considering ***both the non-complex*** nature of the Basic PEPP ***and the independent character of the advice, it is appropriate to provide that, where such advice is given, the PEPP***

Amendment

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given on an independent basis and only upon the request of the client. Considering ***the objective and simple*** nature of the Basic PEPP, prospective PEPP savers ***should be able to access and purchase this product in an accessible, straightforward, low-cost***

distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

and efficient manner, without mandatory advice. Any advice should be provided by default via digital means, while the PEPP saver should retain the right to request in-person advice provided through a financial adviser. The costs of advice, both direct and indirect, should be clearly and separately disclosed to the PEPP saver. This approach should remove unnecessary barriers and costs while maintaining an appropriate level of PEPP saver protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation and risk appetite.

Or. en

Justification

The Basic PEPP can stimulate pension savings across Europe and support long-term investment. Achieving the necessary scale – and thus low costs – is only possible if the Basic PEPP remains simple and accessible. Unnecessary barriers, such as mandatory advice, are a hurdle in the client journey and should be avoided to enable take-up. Also, advice can be a huge cost driver given the high ongoing costs of inducements paid to advisors. It is therefore essential to clearly and separately show both the direct and indirect costs of any advice.

Amendment 117

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) *To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given on an independent basis and only upon the request of the client. Considering both the non-complex nature*

Amendment

(20) *Considering the objective and simple nature of the Basic PEPP, prospective PEPP savers should be able to access and purchase this product in an accessible, straightforward, low-cost and efficient manner, without mandatory advice. Any advice for the Basic PEPP*

of the Basic PEPP and the independent character of the advice, it is appropriate to provide that, where such advice is given, the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

should be provided by default via digital means, while the PEPP saver should retain the right to request in-person advice provided through an independent financial adviser. The costs of advice, both direct and indirect, should be clearly and separately disclosed to the PEPP saver. This approach should remove unnecessary barriers and costs while maintaining an appropriate level of PEPP saver protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

Or. en

Amendment 118

Regina Doherty

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given ***on an independent basis and*** only upon the request of the client. Considering ***both the non-complex nature of the Basic PEPP and the independent character of the advice***, it is appropriate to provide that, where such advice is given, the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and

Amendment

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given only upon the request of the client. ***There should never be a requirement for mandatory advice for the Basic PEPP.*** Considering the non-complex nature of the Basic PEPP, it is appropriate to provide that, where such advice is given, the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and

promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains **essential** to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains **preferable** to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

Or. en

Amendment 119

Marco Falcone

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP **should** be given on **an independent basis and only upon the request of the client**. Considering **both** the non-complex nature of the Basic PEPP **and the independent character of the advice**, it is appropriate to provide that, **where such advice is given**, the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

Amendment

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP **may** be given on **a dependent or independent basis**. Considering the non-complex nature of the Basic PEPP, it is appropriate to provide that the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

Or. it

Justification

Consistency with other EU legislation and the promotion of the PEPP are considered crucial; therefore, the PEPP should be distributed through all channels, whether dependent or independent, provided that, given the protected nature of the Basic PEPP, information on the saver's knowledge and experience is not required to ensure the quality of the advice.

Amendment 120 Markus Ferber

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given on an independent basis and only upon the request of the client. Considering both the non-complex nature of the Basic PEPP and the independent character of **the** advice, it is appropriate to provide that, where **such** advice is given, the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that **the** advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

Amendment

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, **the Basic PEPP, given its standardised design and embedded life-cycle investment strategy, should not be subject to an advice requirement.** Any advice **nonetheless** provided in relation to the Basic PEPP, **whether at the initiative of the PEPP saver or offered by the PEPP provider or PEPP distributor on a purely voluntary basis, including through digital means,** should be given on an independent basis and only upon the request of the client. Considering both the non-complex nature of the Basic PEPP and the independent character of **any such** advice, it is appropriate to provide that, where advice is given, the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach **preserves the low-cost, accessible character of the Basic PEPP and** ensures that, **where advice is given, it** remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and

tailor-made offer to prospective savers,
taking into account their knowledge,
financial situation, and risk appetite.

Or. en

Justification

The Basic PEPP is built on a standardised, life-cycle strategy designed to keep distribution costs low. Making advice voluntary rather than a default obligation preserves that accessibility and keeps the product commercially viable across digital and traditional channels alike, while any advice a saver does receive remains independent and proportionate to a non-complex product.

Amendment 121

Dirk Gotink

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given on an independent basis and only upon the request of the client. Considering both the non-complex nature of the Basic PEPP and the independent character of the advice, it is appropriate to provide that, where such advice is given, the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

Amendment

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given on an independent basis and only upon the request of the client. ***Considering the simple nature of the Basic PEPP, prospective PEPP savers should be able to access this product in an affordable and efficient manner. There should never be any form of mandatory advice. The PEPP saver should retain the right to request in-person advice provided through a financial adviser, while the advice requested by the PEPP saver is by default provided digitally. Any and all costs of such advice should be clearly, understandably and separately disclosed to the PEPP saver.*** Considering both the non-complex nature of the Basic PEPP and the independent character of the advice, it is appropriate to provide that, where such advice is given, the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's

knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

Or. en

Amendment 122
Virginijus Sinkevičius
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given on an independent basis and only upon the request of the client. Considering both the non-complex nature of the Basic PEPP and the independent character of the advice, it is appropriate to provide that, where such advice is given, the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and

Amendment

(20) To ensure the quality of advice and to safeguard the interests of prospective PEPP savers, any advice provided in relation to the Basic PEPP should be given on an independent basis and only upon the request of the client. ***However, the PEPP provider should ensure that the client is aware of the possibility to request advice, including for the Basic PEPP.*** Considering both the non-complex nature of the Basic PEPP and the independent character of the advice, it is appropriate to provide that, where such advice is given, the PEPP distributor is under no obligation to obtain information on the prospective PEPP saver's knowledge and experience. That approach ensures that the advice remains objective, proportionate and efficient for distributors, while maintaining a high standard of investor protection and promoting the accessibility of the Basic PEPP across the Union through a variety of

tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

distribution channels. For the tailored, more sophisticated PEPPs, advice remains essential to provide the most suitable and tailor-made offer to prospective savers, taking into account their knowledge, financial situation, and risk appetite.

Or. en

Amendment 123
Martin Schirdewan

Proposal for a regulation
Recital 21

Text proposed by the Commission

Amendment

(21) Article 41(1) of Regulation (EU) 2019/1238 currently refers to the prudent person rule, which has traditionally been associated with a prescriptive approach, specifying in detail the types of assets in which investments may be made. To promote flexibility, innovation and efficient portfolio management while maintaining a high standard of protection for savers, that rule should be replaced with the prudent person principle, which reflects a principle-based approach focused on the proper identification, measurement, monitoring and management of risks. Under that principle, all types of assets can be considered for investment, provided that the PEPP provider applies appropriate risk management practices and ensures that the overall portfolio remains aligned with the objectives, risk profile and best interests of the PEPP savers.

deleted

Or. en

Amendment 124
Virginijus Sinkevičius
on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) Article 41(1) of Regulation (EU) 2019/1238 currently refers to the prudent person rule, which has traditionally been associated with a prescriptive approach, specifying in detail the types of assets in which investments may be made. To promote flexibility, innovation and efficient portfolio management while maintaining a high standard of protection for savers, that rule should be replaced with the prudent person principle, which reflects a principle-based approach focused on the proper identification, measurement, monitoring and management of risks. Under that principle, all types of assets can be considered for investment, provided that the PEPP provider applies appropriate risk management practices and ensures that the overall portfolio remains aligned with the objectives, risk profile and best interests of the PEPP savers.

Amendment

(21) Article 41(1) of Regulation (EU) 2019/1238 currently refers to the prudent person rule, which has traditionally been associated with a prescriptive approach, specifying in detail the types of assets in which investments may be made. To promote flexibility, innovation and efficient portfolio management while maintaining a high standard of protection for savers, that rule should be replaced with the prudent person principle, which reflects a principle-based approach focused on the proper identification, measurement, monitoring and management of risks. Under that principle, all types of assets can be considered for investment ***except highly risky and complex derivatives, and crypto assets other than those that qualify as a financial instrument eligible***, provided that the PEPP provider applies appropriate risk management practices and ensures that the overall portfolio remains aligned with the objectives, risk profile and best interests of the PEPP savers. ***The non-traded, illiquid or long-term nature of an investment should not, by itself, be regarded as inconsistent with the prudent person principle where the investment horizon of the PEPP saver or group of PEPP savers is consistent with the liquidity profile of the asset, in particular for investments channelled through European long-term investment funds authorised under Regulation (EU) 2015/760, European venture capital funds within the meaning of Regulation (EU) No 345/2013 or European social entrepreneurship funds within the meaning of Regulation (EU) No 346/2013. Furthermore, PEPP providers should continuously take into account the impact of their investments on the long-term sustainability of the EU economy.***

PEPP providers should therefore invest at least 75% of their investments into European assets and must not invest in activities that do not comply with the ‘do not significant harm’ principle as defined in Regulation (EU) 2020/852.

Or. en

Amendment 125
Martin Schirdewan

Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) Employers’ contributions, including through auto-enrolment arrangements, have proven effective in overcoming behavioural barriers to savings, including inertia or lack of financial literacy, while fostering trust, engagement, and participation in supplementary pensions. Explicitly recognising that employers are allowed to make voluntary contributions to a PEPP could significantly enhance the visibility, relevance, and uptake of PEPPs, particularly among underserved groups, including low-income and part-time workers and young workers early in their careers. Similarly, allowing employers to select the PEPP in the context of a workplace arrangement using auto-enrolment could further strengthen the uptake of the PEPP and offer employees, especially in Member States with less developed occupational pension systems, the possibility to invest their savings for retirement in well-regulated and cost-effective products. Member States should therefore not prevent employers from contributing to PEPPs and should ensure that such contributions are supported by clear rules on the provision of information to employees. Without

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prejudice to the personal nature of the PEPP, Member States should also be able to allow PEPPs to be provided as part of a workplace arrangement using auto-enrolment, where this is in line with national social and labour laws, compatible with the organisation of pension systems and with collective agreements, and does not interfere with the existing occupational pension schemes. To facilitate the use of the PEPP in a workplace context, several amendments to Regulation (EU) 2019/1238 are necessary to ensure that no undue obstacles hinder employers' contributions and to adapt the relevant framework to the specificities of workplace arrangements.

Or. en

Amendment 126

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 22

Text proposed by the Commission

Amendment

(22) Employers' contributions, including through auto-enrolment arrangements, have proven effective in overcoming behavioural barriers to savings, including inertia or lack of financial literacy, while fostering trust, engagement, and participation in supplementary pensions. Explicitly recognising that employers are allowed to make voluntary contributions to a PEPP could significantly enhance the visibility, relevance, and uptake of PEPPs, particularly among underserved groups, including low-income and part-time workers and young workers early in their careers. Similarly, allowing employers to select the PEPP in the context of a workplace arrangement using auto- **deleted**

enrolment could further strengthen the uptake of the PEPP and offer employees, especially in Member States with less developed occupational pension systems, the possibility to invest their savings for retirement in well-regulated and cost-effective products. Member States should therefore not prevent employers from contributing to PEPPs and should ensure that such contributions are supported by clear rules on the provision of information to employees. Without prejudice to the personal nature of the PEPP, Member States should also be able to allow PEPPs to be provided as part of a workplace arrangement using auto-enrolment, where this is in line with national social and labour laws, compatible with the organisation of pension systems and with collective agreements, and does not interfere with the existing occupational pension schemes. To facilitate the use of the PEPP in a workplace context, several amendments to Regulation (EU) 2019/1238 are necessary to ensure that no undue obstacles hinder employers' contributions and to adapt the relevant framework to the specificities of workplace arrangements.

Or. en

Amendment 127

Auke Zijlstra

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Employers' contributions, ***including through auto-enrolment arrangements***, have proven effective in overcoming behavioural barriers to savings, including inertia or lack of financial literacy, while fostering trust,

Amendment

(22) Employers' contributions, have proven effective in overcoming behavioural barriers to savings, including inertia or lack of financial literacy, while fostering trust, engagement, and participation in supplementary pensions. ***It***

engagement, and participation in supplementary pensions. ***Explicitly recognising that employers are allowed to make voluntary contributions to a PEPP could significantly enhance the visibility, relevance, and uptake of PEPPs, particularly among underserved groups, including low-income and part-time workers and young workers early in their careers. Similarly, allowing employers to select the PEPP in the context of a workplace arrangement using auto-enrolment could further strengthen the uptake of the PEPP and offer employees, especially in Member States with less developed occupational pension systems, the possibility to invest their savings for retirement in well-regulated and cost-effective products. Member States should therefore not prevent employers from contributing to PEPPs and should ensure that such contributions are supported by clear rules on the provision of information to employees. Without prejudice to the personal nature of the PEPP, Member States should also be able to allow PEPPs to be provided as part of a workplace arrangement using auto-enrolment, where this is in line with national social and labour laws, compatible with the organisation of pension systems and with collective agreements, and does not interfere with the existing occupational pension schemes. To facilitate the use of the PEPP in a workplace context, several amendments to Regulation (EU) 2019/1238 are necessary to ensure that no undue obstacles hinder employers' contributions and to adapt the relevant framework to the specificities of workplace arrangements.***

is appropriate to clarify that the PEPP remains a personal pension product within the third pillar, intended to complement, not hamper, existing pension arrangements. Underlining that Member States have the option to establish an explicit framework allowing employers to make voluntary contributions to a PEPP could significantly enhance the visibility, relevance, and uptake of PEPPs, particularly among underserved groups, including low-income and part-time workers and young workers early in their careers.

Or. en

Amendment 128
Marlena Małag

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) Employers' contributions, ***including through auto-enrolment arrangements***, have proven effective in overcoming behavioural barriers to savings, including inertia or lack of financial literacy, while fostering trust, engagement, and participation in supplementary pensions. Explicitly recognising that employers are allowed to make voluntary contributions to a PEPP could significantly enhance the visibility, relevance, and uptake of PEPPs, particularly among underserved groups, including low-income and part-time workers and young workers early in their careers. ***Similarly, allowing employers to select the PEPP in the context of a workplace arrangement using auto-enrolment could further strengthen the uptake of the PEPP and offer employees, especially in Member States with less developed occupational pension systems, the possibility to invest their savings for retirement in well-regulated and cost-effective products.*** Member States should ***therefore*** not prevent employers from contributing to ***PEPPs*** and ***should ensure that such contributions are supported by clear rules on the provision of information to employees. Without prejudice to the personal nature of the PEPP, Member States should also be able to allow PEPPs to be provided as part of a workplace arrangement using auto-enrolment, where this is in line with national social and labour laws, compatible with the organisation of pension systems and with collective agreements, and does not interfere with the existing occupational pension schemes. To facilitate the use of the PEPP in a workplace context, several amendments to***

Amendment

(22) Employers' contributions have proven effective in overcoming behavioural barriers to savings, including inertia or lack of financial literacy, while fostering trust, engagement, and participation in supplementary pensions. ***It is appropriate to clarify that the PEPP remains a personal pension product within the third pillar, intended to complement existing pension arrangements.*** Explicitly recognising that employers are allowed to make voluntary contributions to a PEPP could significantly enhance the visibility, relevance, and uptake of PEPPs, particularly among underserved groups, including low-income and part-time workers and young workers early in their careers. Member States should not prevent employers from contributing to ***PEPP*** or ***turn it into an occupational pension scheme.*** ***Member States should be able to ensure that employer contributions do not alter the personal and third-pillar nature of the PEPP. In cases that a PEPP is used in a workplace context the conclusion of a PEPP contract should remain subject to the consent of the PEPP saver and the contractual relation between the PEPP saver and PEPP provider.***

Regulation (EU) 2019/1238 are necessary to ensure that no undue obstacles hinder employers' contributions and to adapt the relevant framework to the specificities of workplace arrangements.

Or. en

Amendment 129

Auke Zijlstra

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Savings accumulated in personal pension products are by nature long-term. ***However, to facilitate the take-up of PEPPs, it is important that Member States do not hinder the transfer of other retirement savings to PEPPs. To make such transfers attractive, Member States should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between other personal pension products. For the same reason, PEPPs should also benefit from the same tax treatment as comparable national personal pension products.***

Amendment

(23) Savings accumulated in personal pension products are by nature long-term. ***Potential differences in biometric risks covered by different products need to be taken into account. Member States have the possibility of introducing provisions on facilitating transfers between PEPPs and other personal pension products that need to be in place both ways. Under such a framework, Member States should ensure that transfers to both PEPPs and existing personal pension products are not subject to discriminatory or disproportionate financial or administrative obstacles.***

Or. en

Amendment 130

Martin Schirdewan

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Savings accumulated in personal pension products are by nature long-term.

Amendment

(23) Savings accumulated in personal pension products are by nature long-term.

However, to facilitate the take-up of PEPPs, it is important that Member States do not hinder the transfer of other retirement savings to PEPPs. To make such transfers attractive, Member States should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between other personal pension products. For the same reason, PEPPs should also benefit from the same tax treatment as comparable national personal pension products.

Member States should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between other personal pension products.

Or. en

Amendment 131
Marco Falcone

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Savings accumulated in personal pension products are by nature long-term. However, to facilitate the take-up of PEPPs, it is important that Member States do not hinder the transfer of other retirement savings to PEPPs. To make such transfers attractive, Member States should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between other personal pension products. For the same reason, PEPPs should also benefit from the same tax treatment as comparable national personal pension products.

Amendment

(23) Savings accumulated in personal pension products are by nature long-term. However, to facilitate the take-up of PEPPs, it is important that Member States do not hinder the transfer of other retirement savings to PEPPs. To make such transfers attractive, Member States, ***without prejudice to national social and labour law provisions governing pension schemes, including provisions on the transposition of the IORP Directive, even where those provisions play a role in the development and competitiveness of the second pillar, and while ensuring that transfers can take place freely between PEPPs, from PEPPs to national pension products and from national pension products to PEPPs,*** should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between

other personal pension products. For the same reason, PEPPs should also benefit from the same tax treatment as comparable national personal pension products.

Or. it

Amendment 132

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Savings accumulated in personal pension products are by nature long-term. However, to facilitate the take-up of PEPPs, it is important that Member States do not hinder the transfer of other retirement savings to PEPPs. To make such transfers attractive, Member States should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between other personal pension products. ***For the same reason, PEPPs should also benefit from the same tax treatment as comparable national personal pension products.***

Amendment

(23) Savings accumulated in personal pension products are by nature long-term. However, to facilitate the take-up of PEPPs, it is important that Member States do not hinder the transfer of other retirement savings to PEPPs. To make such transfers attractive, Member States should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between other personal pension products. ***The transferability between PEPPs and other personal pension products should facilitate pension mobility and saver choice. At the same time, this Regulation should not affect national social and labour law provisions regarding certain severance-related payments to be allocated to retirement products.***

Or. en

Amendment 133

Mariateresa Vivaldini

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Savings accumulated in personal pension products are by nature long-term. However, to facilitate the take-up of PEPPs, it is important that Member States do not hinder the transfer *of* other retirement savings *to PEPPs*. To make such transfers attractive, Member States should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between other personal pension products. *For the same reason, PEPPs should also benefit from the same tax treatment as comparable national personal pension products.*

Amendment

(23) Savings accumulated in personal pension products are by nature long-term. However, to facilitate the take-up of PEPPs, it is important that Member States do not hinder the transfer *between PEPP and other personal* retirement savings. To make such transfers attractive, Member States should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between other personal pension products. *At the same time, this Regulation should not affect national social and labour law provisions on pension products, such as those regarding the allocation of certain severance related payments to retirement products.*

Or. en

Amendment 134
Regina Doherty

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Savings accumulated in personal pension products are by nature long-term. However, to facilitate the take-up of PEPPs, it is important that Member States do not hinder the transfer of other retirement savings to PEPPs. To make such transfers attractive, Member States should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between other personal pension products. For the same reason, PEPPs should also benefit from the same tax

Amendment

(23) Savings accumulated in personal pension products are by nature long-term. However, to facilitate the take-up of PEPPs, it is important that Member States do not hinder the transfer of other retirement savings to *or from* PEPPs, *or subject such transfers to discriminatory or disproportionate administrative obstacles.* To make such transfers attractive, Member States should ensure that PEPPs are not subject to discriminatory or disproportionate financial or administrative obstacles that would make a transfer to a PEPP more costly than transfers between

treatment as comparable national personal pension products.

other personal pension products. For the same reason, PEPPs should also benefit from the same tax treatment as comparable national personal pension products.

Or. en

Amendment 135
Sirpa Pietikäinen

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) In order to facilitate the free movement of persons within the Union and to ensure that the portability of PEPPs can be exercised effectively, PEPP savers should not be disadvantaged when moving between Member States. In particular, the accumulation or receipt of PEPP benefits should not, by reason of their being derived from a PEPP, result in a reduction of entitlement to statutory or occupational pension benefits under national law. Such treatment could create an obstacle to the exercise of the right to free movement and undermine the objective of a portable personal pension product available across the Union.

Or. en

Amendment 136
Regina Doherty

Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

(26) Where a PEPP is distributed across borders, effective supervision of PEPP providers and distributors requires

deleted

close cooperation and consistent approaches among competent authorities across the Union. Divergences in supervisory actions may create uncertainty for market participants and lead to unequal levels of consumer protection. To strengthen supervisory coordination and ensure proportionate and consistent action in cases where the interests of PEPP savers or beneficiaries may be at risk, it is necessary to formalise the role of the European Insurance and Occupational Pensions Authority (EIOPA) as a facilitator in finding appropriate solutions. To that end, EIOPA should be empowered to set up and coordinate collaboration platforms bringing together the relevant competent authorities, to promote the exchange of information, support convergence of supervisory practices, and, where appropriate, assist in resolving disagreements between authorities in accordance with its powers under Regulation (EU) No 1094/2010.

Or. en

Amendment 137

Auke Zijlstra

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Where a PEPP is distributed across borders, effective supervision of PEPP providers and distributors requires close cooperation and consistent approaches among competent authorities across the Union. Divergences in supervisory actions may create uncertainty for market participants and lead to unequal levels of consumer protection. ***To strengthen supervisory coordination and ensure proportionate and consistent action in***

Amendment

(26) Where a PEPP is distributed across borders, effective supervision of PEPP providers and distributors requires close cooperation and consistent approaches among competent authorities across the Union. Divergences in supervisory actions may create uncertainty for market participants and lead to unequal levels of consumer protection. Supervisory coordination ***between National*** Competent Authorities ***remains the most effective way***

cases where the interests of PEPP savers or beneficiaries may be at risk, it is necessary to formalise the role of the European Insurance and Occupational Pensions Authority (EIOPA) as a facilitator in finding appropriate solutions. To that end, EIOPA should be empowered to set up and coordinate collaboration platforms bringing together the relevant competent authorities, to promote the exchange of information, support convergence of supervisory practices, and, where appropriate, assist in resolving disagreements between authorities in accordance with its powers under Regulation (EU) No 1094/2010.

of protecting PEPP savers.

Or. en

Amendment 138
Regina Doherty

Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) As pension policy remains primarily a responsibility of Member States, and as PEPP in order to be successful must interact with national pension markets, National Competent Authorities remain the most appropriate supervisors, and cross-border cooperation should be encouraged, and supervisory convergence should be promoted where required.

Or. en

Amendment 139
Martin Schirdewan

Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

(27) The provisions set out in Regulation (EU) 2019/1238 ensure a high level of protection for PEPP savers and PEPP beneficiaries. This Regulation removes the fee cap for PEPP. Accordingly, national provisions should not reintroduce such caps or similar limitations applicable to PEPP that would affect the uniform application of this Regulation. *deleted*

Or. en

Amendment 140

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 27

Text proposed by the Commission

Amendment

(27) The provisions set out in Regulation (EU) 2019/1238 ensure a high level of protection for PEPP savers and PEPP beneficiaries. This Regulation removes the fee cap for PEPP. Accordingly, national provisions should not reintroduce such caps or similar limitations applicable to PEPP that would affect the uniform application of this Regulation. *deleted*

Or. en

Amendment 141

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 27

Text proposed by the Commission

Amendment

(27) The provisions set out in Regulation (EU) 2019/1238 ensure a high level of protection for PEPP savers and PEPP beneficiaries. This Regulation removes the fee cap for PEPP. Accordingly, national provisions should not reintroduce such caps or similar limitations applicable to PEPP that would affect the uniform application of this Regulation.

deleted

Or. en

Amendment 142

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Recital 27

Text proposed by the Commission

Amendment

(27) The provisions set out in Regulation (EU) 2019/1238 ensure a high level of protection for PEPP savers and PEPP beneficiaries. This Regulation removes the fee cap for PEPP. Accordingly, national provisions should not reintroduce such caps or similar limitations applicable to PEPP that would affect the uniform application of this Regulation.

(27) The provisions set out in Regulation (EU) 2019/1238 ensure a high level of protection for PEPP savers and PEPP beneficiaries. This Regulation removes the fee cap for PEPP. Accordingly, **and notwithstanding national tax treatment**, national provisions should not reintroduce such caps or similar limitations applicable to PEPP that would affect the uniform application of this Regulation.

Or. en

Amendment 143

Regina Doherty

Proposal for a regulation

Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) This Regulation removes the requirement for PEPP providers to distribute the Basic PEPP as a condition of distributing tailored PEPPs, and removes any cap on the number of investment options a PEPP provider may offer. Accordingly, national provisions should not reintroduce such requirements or caps or impose equivalent limitations on the design or number of tailored PEPP investment options, that would affect the uniform application of this Regulation.

Or. en

Amendment 144

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

(28) Regulation (EU) 2019/1238 should therefore be amended accordingly. ***deleted***

Or. en

Amendment 145

Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2019/1238

Article 2 – paragraph 1 – point 34

Text proposed by the Commission

Amendment

(34) ‘advice on an independent basis’ means advice in relation to which the PEPP provider or PEPP distributor: ***deleted***

(a) assesses a sufficiently large number of personal pension products available on

the market which are sufficiently diversified with regard to their type and product providers to ensure that the prospective PEPP saver's objectives can be suitably met and shall not be limited to personal pension products issued or provided by entities having close links with the PEPP provider or PEPP distributor;

(b) does not accept and retain fees, commissions or any monetary or non-monetary benefits paid or provided by any third party or a person acting on behalf of a third party in relation to the provision of the service to prospective PEPP savers;

Or. en

Justification

The bespoke definition duplicates standards already governed by Directive 2016/97 (IDD) and Directive 2014/65/EU (MiFID II), both of which apply to PEPP distributors under Article 23 of this Regulation. A separate PEPP-specific definition risks diverging interpretation across sectoral regimes it must otherwise sit alongside. Independent advice, where provided, should be assessed against the established insurance and investment services standards already binding on PEPP providers and distributors, ensuring coherence and reducing compliance complexity.

Amendment 146 **Regina Doherty**

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2019/1238

Article 2 – paragraph 1 – point 34

Text proposed by the Commission

Amendment

(34) ‘advice on an independent basis’ **deleted**
means advice in relation to which the
PEPP provider or PEPP distributor:

(a) assesses a sufficiently large number of
personal pension products available on
the market which are sufficiently
diversified with regard to their type and
product providers to ensure that the

prospective PEPP saver's objectives can be suitably met and shall not be limited to personal pension products issued or provided by entities having close links with the PEPP provider or PEPP distributor;

(b) does not accept and retain fees, commissions or any monetary or non-monetary benefits paid or provided by any third party or a person acting on behalf of a third party in relation to the provision of the service to prospective PEPP savers;

Or. en

Amendment 147

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2019/1238

Article 2 – paragraph 1 – point 34

Text proposed by the Commission

Amendment

(34) ‘advice on an independent basis’ means advice in relation to which the PEPP provider or PEPP distributor: *deleted*

(a) assesses a sufficiently large number of personal pension products available on the market which are sufficiently diversified with regard to their type and product providers to ensure that the prospective PEPP saver's objectives can be suitably met and shall not be limited to personal pension products issued or provided by entities having close links with the PEPP provider or PEPP distributor;

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

the service to prospective PEPP savers;

Or. en

Amendment 148

Fernando Navarrete Rojas

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2019/1238

Article 2 – paragraph 1 – point 34

Text proposed by the Commission

Amendment

(34) ‘advice on an independent basis’ **deleted**
means advice in relation to which the
PEPP provider or PEPP distributor:

(a) assesses a sufficiently large number of
personal pension products available on
the market which are sufficiently
diversified with regard to their type and
product providers to ensure that the
prospective PEPP saver’s objectives can
be suitably met and shall not be limited to
personal pension products issued or
provided by entities having close links
with the PEPP provider or PEPP
distributor;

(b) does not accept and retain fees,
commissions or any monetary or non-
monetary benefits paid or provided by any
third party or a person acting on behalf of
a third party in relation to the provision of
the service to prospective PEPP savers;

Or. en

Amendment 149

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2019/1238

Text proposed by the Commission

(35) ‘life-cycle investment strategy’ means an investment strategy that adjusts the level of risk attached to investments according to a predetermined glide path directed at mitigating investment risk and providing a reasonable degree of long-term appreciation, taking into account the individual’s age or retirement date, and where relevant, the pay-out profile of the product, to minimise the risk of large losses.;

Amendment

(35) ‘life-cycle investment strategy’ means an investment strategy that adjusts the level of risk attached to investments according to a predetermined glide path directed at mitigating investment risk and providing a reasonable degree of long-term appreciation, taking into account the individual’s age or retirement date, and where relevant, the pay-out profile of the product, to minimise the risk of large losses.; ***Such strategy assumes a higher level of risk when the saver’s remaining investment horizon is long, while reducing that level gradually and prudently as the saver advances through the accumulation phase and, where applicable, the decumulation phase.***

Or. en

Amendment 150

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2019/1238

Article 2 – paragraph 1 – point 35

Text proposed by the Commission

(35) ‘life-cycle investment strategy’ means an investment strategy that adjusts the level of risk attached to investments according to a predetermined glide path directed at mitigating investment risk and providing a reasonable degree of long-term appreciation, taking into account the individual’s age or retirement date, and where relevant, the pay-out profile of the product, to minimise the risk of large losses.;

Amendment

(35) ‘life-cycle investment strategy’ means an investment strategy that adjusts the level of risk attached to investments according to a predetermined glide path directed at mitigating investment risk and providing a reasonable degree of long-term appreciation, taking into account the individual’s age or retirement date, and where relevant, the pay-out profile of the product, to minimise the risk of large losses. ***Such strategy assumes a higher level of risk when the saver's remaining***

investment horizon is long, while gradually reducing the risk level as the decumulation phase approaches.

Or. en

Amendment 151
Martin Schirdewan

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2019/1238
Article 2 – paragraph 1 – point 35

Text proposed by the Commission

(35) ‘life-cycle investment strategy’ means an investment strategy that adjusts the level of risk attached to investments according to a predetermined glide path directed at mitigating investment risk and providing a reasonable degree of long-term appreciation, taking into account the individual’s age or retirement date, **and** where relevant, the pay-out profile of the product, to minimise the risk of **large** losses.;

Amendment

(35) ‘life-cycle investment strategy’ means an investment strategy that adjusts the level of risk attached to investments according to a predetermined glide path directed at mitigating investment risk and providing a reasonable degree of long-term appreciation, taking into account the individual’s age or retirement date, **risk tolerance and**, where relevant, the pay-out profile of the product, **so as** to minimise the risk of losses, **and that clearly and transparently discloses the level of risk borne by the individual and whether or not a minimum capital guarantee is provided**;

Or. en

Amendment 152
Ralf Seekatz

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2019/1238
Article 2 – paragraph 1 – point 35

Text proposed by the Commission

(35) ‘life-cycle investment strategy’

Amendment

(35) ‘life-cycle investment strategy’

means an investment strategy that adjusts the level of risk attached to investments according to a predetermined glide path directed at mitigating investment risk and providing a reasonable degree of long-term appreciation, taking into account the individual's age or retirement date, and where relevant, the pay-out profile of the product, to **minimise** the risk of large losses.;

means an investment strategy that adjusts the level of risk attached to investments according to a predetermined glide path, **which may be adjusted by the PEPP saver**, directed at mitigating investment risk and providing a reasonable degree of long-term appreciation, taking into account the individual's age or **expected** retirement date, and where relevant, the pay-out profile of the product, to **reduce** the risk of large losses.;

Or. en

Amendment 153
Auke Zijlstra

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2019/1238
Article 2 – paragraph 1 – point 35 a (new)

Text proposed by the Commission

Amendment

(35a) ‘workplace PEPP’ means a PEPP in respect of which an employer facilitates enrolment or makes contributions in connection with an employment relationship. A workplace PEPP shall remain a personal pension product individually owned by the PEPP saver and shall not, by reason of such facilitation or contributions alone, constitute an occupational pension scheme.

Or. en

Justification

This definition preserves the distinction between an individually owned third-pillar PEPP and an occupational pension arrangement. A functional definition is necessary because occupational schemes may be administered by an IORP, an insurance undertaking or another authorised provider under national law.

Amendment 154
Auke Zijlstra

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2019/1238
Article 2 – paragraph 1 – point 35 b (new)

Text proposed by the Commission

Amendment

(35b) ‘occupational pension arrangement’ means any arrangement for occupational retirement provision established pursuant to national social and labour law, a collective agreement or a pension agreement, irrespective of the legal form or identity of its provider.

Or. en

Justification

This definition preserves the distinction between an individually owned third-pillar PEPP and an occupational pension arrangement. A functional definition is necessary because occupational schemes may be administered by an IORP, an insurance undertaking or another authorised provider under national law.

Amendment 155
Sirpa Pietikäinen

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – introductory part
Regulation (EU) 2019/1238
Article 3 – paragraphs 2, 2 a (new) and 2 b (new)

Text proposed by the Commission

Amendment

(2) in Article 3, the following **subparagraph** is added:

(2) in Article 3, the following **paragraphs** are added:

Or. en

Amendment 156
Martin Schirdewan

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/1238
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

**(2) in Article 3, the following
subparagraph is added:** *deleted*

‘Member States shall ensure that PEPPs receive a tax treatment that is not less favourable than that granted to other personal pension products. Where a Member State applies different types or levels of tax relief with regard to such other personal pension products, PEPP shall be eligible for the most favourable treatment available under the law of that Member State.’

Or. en

Amendment 157
Regina Doherty

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/1238
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

**(2) in Article 3, the following
subparagraph is added:** *deleted*

‘Member States shall ensure that PEPPs receive a tax treatment that is not less favourable than that granted to other personal pension products. Where a Member State applies different types or levels of tax relief with regard to such other personal pension products, PEPP shall be eligible for the most favourable treatment available under the law of that Member State.’

Or. en

Amendment 158

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/1238

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

Member States shall ensure that PEPPs receive a tax treatment that is not less favourable than that granted to other personal pension products. Where a Member State applies different types or levels of tax relief with regard to such other personal pension products, PEPP shall be eligible for the most favourable treatment available under the law of that Member State.;

deleted

Or. en

Justification

Requiring Member States to treat PEPPs no less favourably for tax purposes than other national individual pension products may infringe upon Member States' competences in the field of income tax.

Amendment 159

Auke Zijlstra

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2019/1238

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

Member States shall ensure that PEPPs receive a tax treatment that is not less favourable than that granted to other personal pension products. Where a Member State applies different types or

Without prejudice to Member States' competence in direct taxation and to proportionate national conditions necessary to preserve the pension purpose, fiscal coherence and effective supervision,

levels of tax relief with regard to such other personal pension products, PEPP shall be eligible for the most favourable treatment available under the law of that Member State.;

a Member State shall not treat a PEPP less favourably because the PEPP provider is established in another Member State or because the PEPP is provided on a cross-border basis, where the PEPP is objectively comparable to a national personal pension product.

Or. en

Justification

The Commission text goes beyond non-discrimination by granting PEPPs an automatic entitlement to the most favourable national tax treatment. The amendment protects cross-border neutrality while respecting Member States' competence in direct taxation and allowing proportionate safeguards for tax deferral, pension purpose and effective supervision.

Amendment 160 **Markus Ferber**

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/1238
Article 3 – paragraph 2

Text proposed by the Commission

Member States shall ensure that PEPPs receive a tax treatment that is not less favourable than that granted to other personal pension products. Where a Member State applies different types or levels of tax relief with regard to such other personal pension products, PEPP shall be eligible for the most favourable treatment available under the law of that Member State.;

Amendment

Without prejudice to the application of Member States' tax laws, Member States shall ensure that PEPPs receive a tax treatment that is not less favourable than that granted to other ***comparable*** personal pension products. Where a Member State applies different types or levels of tax relief with regard to such other personal pension products, PEPP shall be eligible for the most favourable treatment available under the law of that Member State. ***Member States shall notify the Commission of the tax treatment applied to PEPPs on their territory, and of any subsequent change to that treatment. The Commission shall make that information available to EIOPA for the purposes of the review referred to in Article 73.***

Justification

A notification duty to the Commission supports monitoring of the tax treatment applied to PEPPs without creating new enforcement powers or additional burdens on providers.

Amendment 161

Georgios Aftias

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

Regulation (EU) 2019/1238

Article 3 – paragraph 2

Text proposed by the Commission

Member States shall ensure that PEPPs receive a tax treatment that is not less favourable than that granted to other personal pension products. *Where a Member State applies different types or levels of tax relief with regard to such other personal pension products, PEPP shall be eligible for the most favourable treatment available under the law of that Member State.;*

Amendment

Member States shall ensure that PEPPs receive a tax treatment that is not less favourable than that granted to other personal pension products. *Tax treatment shall be based on the principle of fiscal neutrality between comparable pension products, without prejudice to Member States' competences in the field of direct taxation.*

Justification

Different tax treatment may render the PEPP uncompetitive compared to national products or, conversely, create market distortions. Fiscal neutrality gives the saver more choice based on the quality and characteristics of the product.

Amendment 162

Francisco Assis, Carla Tavares, Jonás Fernández

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

Regulation (EU) 2019/1238

Article 3 – paragraph 2 a (new)

*Text proposed by the Commission**Amendment*

Member States must notify the Commission of any decisions with respect to the tax treatment of PEPPs vis-a-vis other personal pension products in Member States. Member States shall, in particular, notify any deviation from the principle set out in the preceding subparagraph that would lead them to grant a more favourable treatment to another personal pension product than that granted to the PEPP, and must provide the Commission with a reasoned opinion that objectively compares the constituent elements of that product with those of the PEPP and explains which differences justify the different treatment of these two products. The European Commission shall publish an annual report on treatment of fiscal incentives of PEPPs.;

Or. en

Amendment 163
Sirpa Pietikäinen

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2019/1238
Article 3 – paragraph 2 a and 2 b (new)

Text proposed by the Commission

Amendment

Member States shall ensure that PEPPs and the rights and benefits arising from them are not subject to less favourable treatment than any other personal pension products.

The accumulation or receipt of PEPP benefits shall not, by reason of their being derived from a PEPP, result in a reduction of entitlement to statutory or occupational pension benefits under national law.

Or. en

Amendment 164
Marco Falcone

Proposal for a regulation
Article 1 – paragraph 1 – point 3
Regulation (EU) 2019/1238
Article 4 – paragraph 2 – point a

Text proposed by the Commission

(a) where the Basic PEPP referred to in Article 45 is offered, a description of the Basic PEPP, including information on the life-cycle investment strategy;;

Amendment

(a) where the Basic PEPP referred to in Article 45 is offered, a description of the Basic PEPP, including information on the life-cycle investment strategy ***or the alternative risk-mitigation technique applied;***

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. it

Justification

It is essential that the promotion of the Basic PEPP and product innovation, in line with the current approach, are not restricted by the choice of the life cycle as the only possible risk mitigation strategy.

Amendment 165
Virginijus Sinkevičius
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 3
Regulation (EU) 2019/1238
Article 4 – paragraph 2 – point a

Text proposed by the Commission

(a) ***where*** the Basic PEPP referred to in Article 45 ***is offered, a description of the Basic PEPP,*** including information on the life-cycle investment strategy;;

Amendment

(a) ***a description of*** the Basic PEPP referred to in Article 45, including information on the life-cycle investment strategy;;

Or. en

Amendment 166
Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a

Regulation (EU) 2019/1238

Article 6 – paragraph 2 – point f a

Text proposed by the Commission

Amendment

(4) Article 6 is amended as follows: *deleted*

(a) in paragraph 2, the following point (fa) is inserted:

‘(fa) documentation that demonstrates compliance with product oversight and governance requirements referred to in Article 25, including information on how the PEPP is designed to provide value for money to PEPP savers;;’

Or. en

Amendment 167
Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation 2019/1238

Article 6 – paragraph 3 – subparagraph 2 – first sentence

Text proposed by the Commission

Amendment

(b) in paragraph 3, second subparagraph, the first sentence is replaced by the following: *deleted*

‘The competent authorities shall set a time limit, not exceeding 15 working days, by which the applicant is to provide additional information, if the application is not complete.;’

Or. en

Amendment 168
Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation 2019/1238

Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

(c) in paragraph 5, the first subparagraph is replaced by the following:

deleted

‘Within five working days of taking a decision for registration of the PEPP, competent authorities shall communicate to EIOPA the decision, as well as the information and documents referred to paragraph 2, points (a), (b), (d), (f), (fa) and (g), and shall inform the applicant PEPP provider accordingly.’

Or. en

Amendment 169

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point -a (new)

Regulation (EU) 2019/1238

Article 6 – paragraph 2 – introductory part (new)

Present text

Amendment

Financial undertakings listed in paragraph 1 of this Article shall submit the application for registration of a PEPP to ***their competent authorities***. The application shall include the following:

(-a) in paragraph 2, the introductory part is replaced by the following:

Financial undertakings listed in paragraph 1 of this Article shall submit the application for registration of a PEPP to ***EIOPA***. The application shall include the following:

Or. en

(Regulation (EU) 2019/1238)

Amendment 170

Marlena Malag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a

Regulation (EU) 2019/1238

Article 6 – paragraph 2 – point f a

Text proposed by the Commission

(fa) documentation that demonstrates compliance with product oversight and governance requirements referred to in Article 25, ***including information on how the PEPP is designed to provide value for money to PEPP savers;***

Amendment

(fa) documentation that demonstrates compliance with product oversight and governance requirements referred to in Article 25;

Or. en

Amendment 171

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a

Regulation (EU) 2019/1238

Article 6 – paragraph 2 – point f a

Text proposed by the Commission

(fa) documentation that demonstrates compliance with product oversight and governance requirements referred to in Article 25, ***including information on how the PEPP is designed to provide value for money to PEPP savers;***

Amendment

(fa) documentation that demonstrates compliance with product oversight and governance requirements referred to in Article 25;

Or. en

Amendment 172

Marlena Malag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EU) 2019/1238

Article 6 – paragraph 3 – subparagraph 2 – first sentence

Text proposed by the Commission

Amendment

(b) in paragraph 3, second subparagraph, the first sentence is replaced by the following:

deleted

‘The competent authorities shall set a time limit, not exceeding 15 working days, by which the applicant is to provide additional information, if the application is not complete.;’

Or. en

Amendment 173

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EU) 2019/1238

Article 6 – paragraph 3 – subparagraph 2 – first sentence

Text proposed by the Commission

Amendment

The competent **authorities** shall set a time limit, not exceeding 15 working days, by which the applicant is to provide additional information, if the application is not complete.;

EIOPA shall assess whether the application referred to in paragraph 2 is complete within 15 working days of receipt of the application. Before taking a decision on the application, EIOPA shall consult the competent authority of the applicant.

EIOPA shall set a time limit, not exceeding 15 working days, by which the applicant is to provide additional information, if the application is not complete. After the application is considered to be complete, EIOPA shall notify the applicant accordingly.

Or. en

Amendment 174

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b a (new)

Regulation (EU) 2019/1238

Article 6 – paragraph 4

Present text

Within three months of the date of the submission of the complete application under paragraph 3, ***the competent authorities*** shall take a decision for registration of a PEPP only if the applicant is eligible to provide PEPPs according to paragraph 1 and if the information and documents submitted in the application for registration referred to in paragraph 2 comply with this Regulation.

Amendment

(ba) paragraph 4 is replaced by the following:

Within three months of the date of the submission of the complete application under paragraph 3, ***EIOPA*** shall take a decision for registration of a PEPP only if the applicant is eligible to provide PEPPs according to paragraph 1 and if the information and documents submitted in the application for registration referred to in paragraph 2 comply with this Regulation.

Or. en

(Regulation (EU) 2019/1238)

Amendment 175

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EU) 2019/1238

Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

(c) in paragraph 5, the first subparagraph is replaced by the following:

‘Within five working days of taking a decision for registration of the PEPP,

Amendment

deleted

competent authorities shall communicate to EIOPA the decision, as well as the information and documents referred to paragraph 2, points (a), (b), (d), (f), (fa) and (g), and shall inform the applicant PEPP provider accordingly;'

Or. en

Amendment 176

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EU) 2019/1238

Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

(c) in paragraph 5, the first subparagraph is replaced by the following:

deleted

'Within five working days of taking a decision for registration of the PEPP, competent authorities shall communicate to EIOPA the decision, as well as the information and documents referred to paragraph 2, points (a), (b), (d), (f), (fa) and (g), and shall inform the applicant PEPP provider accordingly;'

Or. en

Amendment 177

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EU) 2019/1238

Article 6 – paragraph 5

Present text

Amendment

5. Within five working days of taking a decision for registration of the PEPP, competent authorities shall communicate to EIOPA the decision, as well as the information and documents referred to in points (a), (b), (d), (f) and (g) of paragraph 2, and shall inform the applicant PEPP provider accordingly.

(c) paragraph 5 is deleted

EIOPA shall not be responsible or be held liable for a decision for registration taken by competent authorities.

Where the competent authorities refuse to grant registration, they shall issue a reasoned decision which shall be subject to a right to appeal.

Or. en

(Regulation (EU) 2019/1238)

Amendment 178

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c a (new)

Regulation (EU) 2019/1238

Article 6 – paragraph 6

Present text

Amendment

6. In the event that there is more than one competent authority in a Member State for a specific type of financial undertaking as referred to in paragraph 1, that Member State shall designate a single competent authority for each type of financial undertaking referred to in paragraph 1 to be responsible for the registration procedure and for the communication with EIOPA.

(ca) paragraph 6 is deleted

Any subsequent modifications to the information and documents provided in the application referred to in paragraph 2 shall be immediately notified to the

competent authorities. Where modifications are in relation to the information and documents referred to in points (a), (b), (d), (f) and (g) of paragraph 2, the competent authorities shall communicate those modifications to EIOPA without undue delay.

Or. en

(Regulation (EU) 2019/1238)

Amendment 179

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 4 a (new)

Regulation (EU) 2019/1238

Article 7 – paragraph 2

Present text

2. Within five working days after receiving the notification for the registration of the PEPP referred to in paragraph 1, ***competent authorities*** shall inform the applicant PEPP provider accordingly

Amendment

(4a) in Article 7, paragraph 2 is replaced by the following:

2. Within five working days after receiving the notification for the registration of the PEPP referred to in paragraph 1, ***EIOPA*** shall inform the applicant PEPP provider accordingly.

Or. en

(Regulation (EU) 2019/1238)

Amendment 180

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 4 a (new)

Regulation (EU) 2019/1238

Article 8 – paragraph 1 – introductory part

Present text

Amendment

The competent authorities shall issue a decision for deregistration of the PEPP when:

(4a) *in Article 8 paragraph 1, the introductory part is replaced by the following:*

‘EIOPA shall issue a decision for deregistration of the PEPP when:’

Or. en

(Regulation (EU) 2019/1238)

Amendment 181

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 4 b (new)

Regulation (EU) 2019/1238

Article 8 – paragraph 2

Present text

Amendment

(4b) *in Article 8, paragraph 2 is deleted;*

2. *Within five working days after taking a decision for deregistration of the PEPP, the competent authorities shall communicate it to EIOPA and shall inform the PEPP provider accordingly.*

Or. en

(Regulation (EU) 2019/1238)

Amendment 182

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 4 c (new)

Regulation (EU) 2019/1238
Article 8 – paragraph 3

Present text

Amendment

(4c) in Article 8, paragraph 3 is deleted;

3. Within five working days after receiving the notification of the decision for deregistration referred to in paragraph 2, EIOPA shall deregister the PEPP and shall notify the competent authorities accordingly.

Or. en

(Regulation (EU) 2019/1238)

Amendment 183

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – introductory part

Regulation (EU) 2019/1238

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

In Article 8(4) the following subparagraph is added:

Article 8(4) **is replaced** by the following:

Or. en

Amendment 184

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) 2019/1238

Article 8 – paragraph 4 – point a

Text proposed by the Commission

(a) the fact of deregistration and the date on which it takes effect;

Amendment

(a) the fact ***and the reason*** of deregistration and the date on which it takes effect;

Or. en

Amendment 185

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) 2019/1238

Article 8 – paragraph 4 – point c

Text proposed by the Commission

(c) any other relevant information necessary for the PEPP saver to exercise his or her rights effectively.;

Amendment

(c) any other relevant information necessary for the PEPP saver to exercise his or her rights effectively, ***including contact details of whom to contact to exercise his or her rights***

Or. en

Amendment 186

Francisco Assis, Jonás Fernández, Carla Tavares

Proposal for a regulation

Article 1 – paragraph 1 – point 5 a (new)

Regulation (EU) 2019/1238

Article 8 – paragraph 7

Present text

Before taking a decision for deregistration of the PEPP, ***the competent authorities*** and EIOPA shall give their best efforts to ensure that the PEPP savers interests are safeguarded

Amendment

(5a) in Article 8, paragraph 7 is replaced by the following:

Before taking a decision for deregistration of the PEPP, EIOPA shall ***consult with the national competent authority of the PEPP provider and*** give their best efforts to ensure that the PEPP savers interests are

safeguarded.

Or. en

(Regulation (EU) 2019/1238)

Amendment 187

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/1238

Article 13 – paragraph 1

Text proposed by the Commission

1. EIOPA shall keep a central public register identifying each PEPP registered under this Regulation, the registration number of the PEPP, the PEPP provider of this PEPP, the competent authorities of the PEPP provider, the date of the registration of the PEPP, whether the PEPP is a Basic PEPP or a tailored PEPP, a complete list of Member States in which this PEPP is offered and a complete list of Member States for which the PEPP provider offers a sub-account. The register shall also indicate, for each PEPP registered, the total annual costs and the average past performance over the previous one, three, five and ten years, and summary risk indicators, ***all as disclosed in*** the key information document referred to in Article 26. The register shall be publicly available in electronic format and shall be kept up to date.;

Amendment

1. EIOPA shall keep a central public register ***for prospective PEPP savers*** identifying each PEPP registered under this Regulation, the registration number of the PEPP, the PEPP provider of this PEPP, the competent authorities of the PEPP provider, the date of the registration of the PEPP, whether the PEPP is a Basic PEPP, ***a Self-Invested PEPP*** or a tailored PEPP, a complete list of Member States in which this PEPP is offered and a complete list of Member States for which the PEPP provider offers a sub-account. The register shall also indicate, for each ***Basic and tailored*** PEPP registered, the total annual costs and the average past performance over the previous one, three, five and ten years, ***sustainability features***, and summary risk indicators, ***and where*** the key information document referred to in Article 26 ***is available. The register shall also include the contact information and the website of the PEPP provider.*** The register shall be publicly available in electronic format and shall be kept up to date. ***The register shall be designed in such a way so as to allow prospective PEPP savers to easily compare the product features, including the cost and***

performance, of PEPP products. The register shall allow easy filtering and the sorting of information by prospective PEPP savers. The register shall also include a simulation tool to help PEPP savers to understand the cumulative impact of fees on investment returns for different PEPP products.

Or. en

Amendment 188

Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/1238

Article 13 – paragraph 1

Text proposed by the Commission

1. EIOPA shall keep a central public register identifying each PEPP registered under this Regulation, the registration number of the PEPP, the PEPP provider of this PEPP, the competent authorities of the PEPP provider, the date of the registration of the PEPP, whether the PEPP is a Basic PEPP or a tailored PEPP, a complete list of Member States in which this PEPP is offered and a complete list of Member States for which the PEPP provider offers a sub-account. The register shall also indicate, for each PEPP registered, the total annual costs *and the average* past performance *over the previous one, three, five and ten years, and* summary risk indicators, *all as disclosed in* the key information document referred to in Article 26 The register shall be publicly available in electronic format and shall be kept up to date.;

Amendment

1. EIOPA shall keep a central public register identifying each PEPP registered under this Regulation, the registration number of the PEPP, the PEPP provider of this PEPP, the competent authorities of the PEPP provider, the date of the registration of the PEPP, whether the PEPP is a Basic PEPP or a tailored PEPP, a complete list of Member States in which this PEPP is offered and a complete list of Member States for which the PEPP provider offers a sub-account. The register shall also indicate, for each PEPP registered, the total annual costs, *the* past performance *and the* summary risk indicators, *drawn directly from* the key information document referred to in Article 26 *and from the information made available through the European Single Access Point established by Regulation (EU) 2023/2859. EIOPA shall not require PEPP providers to submit, for the purposes of this Article, information that is already disclosed pursuant to Article 26 or accessible through that Single Access Point.* The register shall be publicly available in

electronic format and shall be kept up to date.

Or. en

Justification

The register should draw directly on data already disclosed to savers rather than create a second reporting channel to EIOPA. Tying its cost, performance and risk content explicitly to the key information document and the European Single Access Point removes duplication with ESAP

Amendment 189

Marlena Malag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/1238

Article 13 – paragraph 1

Text proposed by the Commission

1. EIOPA shall keep a central public register identifying each PEPP registered under this Regulation, the registration number of the PEPP, the PEPP provider of this PEPP, the competent authorities of the PEPP provider, the date of the registration of the PEPP, whether the PEPP is a Basic PEPP or a tailored PEPP, a complete list of Member States in which this PEPP is offered and a complete list of Member States for which the PEPP provider offers a sub-account. The register shall also indicate, for each PEPP registered, the total annual costs and the average past performance over the previous one, three, five and ten years, and summary risk indicators, all as disclosed in the key information document referred to in Article 26 The register shall be publicly available in electronic format and shall be kept up to date.;

Amendment

1. EIOPA shall keep a central public register identifying each PEPP registered under this Regulation, the registration number of the PEPP, the PEPP provider of this PEPP, the competent authorities of the PEPP provider, the date of the registration of the PEPP, whether the PEPP is a Basic PEPP or a tailored PEPP, a complete list of Member States in which this PEPP is offered and a complete list of Member States for which the PEPP provider offers a sub-account. The register shall also indicate, for each PEPP registered, the total annual costs and the average past performance over the previous one, three, five and ten years, and summary risk indicators, all as disclosed in the key information document referred to in Article 26 The register shall be publicly available in electronic format and shall be kept up to date ***and shall not display data that is not displayed by the European Single Access Point (ESAP)***;

Amendment 190
Ralf Seekatz

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EU) 2019/1238
Article 13 – paragraph 1

Text proposed by the Commission

1. EIOPA shall keep a central public register identifying each PEPP registered under this Regulation, the registration number of the PEPP, the PEPP provider of this PEPP, the competent authorities of the PEPP provider, the date of the registration of the PEPP, whether the PEPP is a Basic PEPP or a tailored PEPP, a complete list of Member States in which this PEPP is offered and a complete list of Member States for which the PEPP provider offers a sub-account. The register shall also indicate, for each PEPP registered, the total annual costs and the average past performance over the previous one, three, five and ten years, and summary risk indicators, all as disclosed in the key information document referred to in Article 26. The register shall be publicly available in electronic format and shall be kept up to date.;

Amendment

1. EIOPA shall keep a central public register identifying each PEPP registered under this Regulation, the registration number of the PEPP, the PEPP provider of this PEPP, the competent authorities of the PEPP provider, the date of the registration of the PEPP, whether the PEPP is a Basic PEPP or a tailored PEPP, a complete list of Member States in which this PEPP is offered and a complete list of Member States for which the PEPP provider offers a sub-account. The register shall also indicate, for each PEPP registered, the total annual costs and the average past performance over the previous one, three, five and ten years, and summary risk indicators, all as disclosed in the key information document referred to in Article 26. ***The register shall include a link to the relevant key information document.*** The register shall be publicly available in electronic format and shall be kept up to date.;

Amendment 191
Regina Doherty

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EU) 2019/1238
Article 13 – paragraph 1

Text proposed by the Commission

1. EIOPA shall keep a central public register identifying each PEPP registered under this Regulation, the registration number of the PEPP, the PEPP provider of this PEPP, the competent authorities of the PEPP provider, the date of the registration of the PEPP, whether the PEPP is a Basic PEPP or a tailored PEPP, a complete list of Member States in which this PEPP is offered ***and a complete list of Member States for which the PEPP provider offers a sub-account***. The register shall also indicate, for each PEPP registered, the total annual costs and the average past performance over the previous one, three, five and ten years, and summary risk indicators, all as disclosed in the key information document referred to in Article 26. The register shall be publicly available in electronic format and shall be kept up to date.;

Amendment

1. EIOPA shall keep a central public register identifying each PEPP registered under this Regulation, the registration number of the PEPP, the PEPP provider of this PEPP, the competent authorities of the PEPP provider, the date of the registration of the PEPP, whether the PEPP is a Basic PEPP or a tailored PEPP, ***and*** a complete list of Member States in which this PEPP is offered. The register shall also indicate, for each PEPP registered, the total annual costs and the average past performance over the previous one, three, five and ten years, and summary risk indicators, all as disclosed in the key information document referred to in Article 26. The register shall be publicly available in electronic format and shall be kept up to date.;

Or. en

Amendment 192

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/1238

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The central public register shall also serve as a tool to enhance financial literacy and understanding regarding supplementary personal pensions. EIOPA shall develop a dedicated online web portal within the register with educational materials and guidance to help prospective PEPP savers to evaluate their retirement planning needs and to promote PEPP savers understanding of the key

features offered by different PEPP products and to help prospective PEPP saver make informed pension and investment decisions.

Or. en

Amendment 193

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) 2019/1238

Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. National competent authorities shall include an internet link on their national websites to the central public register developed by EIOPA.

Or. en

Amendment 194

Ralf Seekatz

Proposal for a regulation

Article 1 – paragraph 1 – point 6 a (new)

Regulation (EU) 2019/1238

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(6a) in Article 13 the following paragraph is added:

‘3a. The information in the central public register shall be drawn from the key information document referred to in Article 26 and from other information already disclosed under Union law. EIOPA shall use that information, including information made available through ESAP, without requiring PEPP

providers to submit the same information separately.’.

Or. en

Amendment 195

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EU) 2019/1238

Article 23 – paragraph 3

Text proposed by the Commission

Amendment

(8) in Article 23, the following paragraph 3 is added: ***deleted***

‘3. Employers in the cases referred to in Article 47(3) and (4) shall not be considered acting as PEPP distributors.;’

Or. en

Amendment 196

Martin Schirdewan

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EU) 2019/1238

Article 23 – paragraph 3

Text proposed by the Commission

Amendment

(8) in Article 23, the following paragraph 3 is added: ***deleted***

‘3. Employers in the cases referred to in Article 47(3) and (4) shall not be considered acting as PEPP distributors.;’

Or. en

Justification

This deletion is necessary for reasons of consistency with the amendment deleting the new

paragraphs in Article 47.

Amendment 197

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EU) 2019/1238

Article 23 – paragraph 3

Text proposed by the Commission

3. Employers in the cases referred to in Article 47(3) and (4) shall not be considered acting as PEPP distributors.;

Amendment

3. Employers in the cases referred to in Article 47(3) and (4) shall not be considered acting as PEPP distributors.
Member States shall nevertheless ensure that an employer selecting a PEPP or a PEPP provider for the purposes of Article 47(3) or (4) acts in the interest of the employees concerned and shall take measures to prevent conflicts of interest in connection with that selection, including the acceptance by the employer of fees, commissions or any monetary or non-monetary benefits from a PEPP provider or PEPP distributor. Member States shall further ensure that participation of employees in an occupational pension scheme is not made conditional on, and does not result in commercial pressure or undue inducement towards, subscription to a PEPP offered or selected by the same institution or employer. ;

Or. en

Amendment 198

Auke Zijlstra

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EU) 2019/1238

Article 23 – paragraph 3

Text proposed by the Commission

3. **Employers** in the cases referred to in Article 47(3) and (4) shall not be considered acting as **PEPP distributors**;

Amendment

3. **An employer** in the cases referred to in Article 47(3) and (4) shall not be considered **to be** acting as **a PEPP distributor only where its activities are strictly limited to payroll administration and the provision of factual, neutral information supplied in a standardised form, and where it provides no personal recommendation and receives no remuneration or other economic benefit from the PEPP provider or PEPP distributor. Where those conditions are not met, the applicable distribution requirements shall apply.**

Or. en

Justification

A safe harbour is appropriate for purely administrative payroll functions. A blanket exemption would, however, allow advice, commercial steering or remunerated provider selection to take place outside the distribution rules. The amendment makes the exemption conditional on strict neutrality.

Amendment 199
Markus Ferber

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EU) 2019/1238
Article 25

Text proposed by the Commission

1. PEPP providers shall establish, maintain, operate and review a process for the approval of each PEPP, or significant adaptations of an existing PEPP, before that PEPP is marketed or distributed to PEPP customers.

Amendment

1. PEPP providers shall establish, maintain, operate and review a process for the approval of each PEPP, or significant adaptations of an existing PEPP, before that PEPP is marketed or distributed to PEPP customers.

The product approval process shall *be proportionate and appropriate to the nature of the PEPP, and shall contain a value-for-money assessment which at the initial stage of the product design and approval process is* based on reasonable projections and assumptions reflecting plausible expectations.

Article 25 of Directive (EU) 2016/97 of the European Parliament and of the Council, together with any delegated acts adopted pursuant to that Article, shall apply mutatis mutandis.*

2. *Competent authorities shall monitor the PEPPs offered on their market and evaluate them against relevant supervisory benchmarks used for the value for money assessment. Competent authorities that identify PEPPs that deviate from the applicable benchmark or where they decide to carry out a control for any other reason, they shall require the PEPP provider concerned to provide evidence that, as a result of the value-for-money assessment carried out in accordance with paragraph 1, the costs and charges of the PEPP are justified and proportionate and the PEPP meets the objectives and needs of the target market.*

Competent authorities that conclude that the evidence has not been provided or that the costs and charges of the PEPP are not justified and proportionate or that the PEPP does not meet the objectives of the target market, shall require the PEPP provider to take measures to ensure compliance with the product oversight and governance requirements. In the absence of such measures, the competent authorities shall use their powers under Articles 8, 62 and 63.

The product approval process shall *specify an identified target market for each PEPP, assess all risks relevant to that target market, ensure the intended distribution strategy is consistent with it, and take reasonable steps to ensure the PEPP is distributed to it. The product approval process shall be proportionate to the nature of the PEPP* and based on reasonable projections and assumptions reflecting plausible expectations.

2. *The product approval process shall contain all of the following:*

(a) a clear identification of the target market's objectives and needs;

(b) an assessment of whether the PEPP is designed appropriately to meet those objectives and needs;

(c) in relation to the tailored PEPP, an identification of the level of knowledge and experience needed to understand the product and the ability to bear losses;

(d) an assessment of the risk that savers in the target market misunderstand the PEPP's main features, costs and risks;

(e) a clear identification and quantification of all costs and charges related to the PEPP, of its performance and of its benefits for the PEPP customer, and an assessment of whether the identified costs and charges are justified and proportionate, having regard to the performance and other benefits for the identified target market, including the guarantees and insurance coverage of biometric and other risks, characteristics, objectives, the identified target market, distribution strategy and strategy of the PEPP.

3. The Commission shall be empowered to supplement this Regulation by adopting delegated acts in accordance with Article 72 to further specify the principles set out in this Article, including,

(a) the adjustments to the methodology applicable to value for money benchmarks for insurance-based investment products under Article 25 of Directive (EU) 2016/97, that are necessary for the development of relevant supervisory benchmarks referred to in

3. A PEPP provider shall regularly review the PEPPs it offers or markets, taking into account any event or risk that could materially affect the identified target market or its performance, and shall assess whether the PEPP and its pricing remain consistent with the target market's objectives and needs and whether the distribution strategy remains appropriate. Where the PEPP is no longer consistent with those objectives and needs, or the distribution strategy is no longer appropriate, the PEPP provider shall take appropriate action to mitigate the situation and prevent future detriment to existing and prospective PEPP savers.

paragraph 2, first subparagraph, of this Article. The adjustments shall reflect the longer-term nature of the PEPP with limited redeemability, and shall ensure that PEPPs are compared with groups of comparable personal pension products manufactured and distributed in one or more Member States.

(b) the criteria to determine whether the costs and charges of a PEPP are justified and proportionate within the meaning of paragraph 2, first subparagraph.

Those delegated acts shall take into account in a proportionate way the activities performed, the nature of the PEPPs sold and the nature of the distributor.

3a. The PEPP provider shall give PEPP distributors all information needed to understand the PEPP and its product approval process fully, including complete and accurate details on the identified target market, costs and charges, and the PEPP's features and objectives.

3b. PEPP distributors shall have adequate arrangements to obtain the information referred to in paragraph 4 and to understand the PEPP's characteristics, target market and approval process. A PEPP distributor shall regularly review the PEPPs it distributes in light of any event or risk affecting the target market or its performance, and shall identify and quantify any further costs and charges — in particular additional distribution costs — not already reflected in the provider's calculation, assessing whether those costs remain justified and proportionate and whether the product continues to meet the target market's objectives and needs. A PEPP distributor may rely on the provider's assessment of costs and charges where that assessment already accounts for distribution costs.

3c. Competent authorities shall monitor the PEPPs offered on their market on a

risk-based basis. Where a competent authority concludes that the costs and charges of a PEPP are not justified and proportionate, or that the PEPP does not meet the target market's objectives, it shall require the PEPP provider to take measures to ensure compliance with this Article. In the absence of such measures, the competent authority shall use its powers under Articles 8, 62 and 63.

Or. en

Justification

Replaces the Commission's "Value for money"-based approach with a qualitative approval and monitoring regime, that avoids a new benchmarking methodology or Commission delegated-act power.

Amendment 200

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 201

Georgios Aftias

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The product approval process shall be proportionate and appropriate to the nature of the PEPP, and shall contain a value-for-money assessment which at the initial stage of the product design and approval process is based on reasonable projections and assumptions reflecting plausible expectations.

Amendment

The product approval process shall be proportionate and appropriate to the nature of the PEPP, and shall contain a value-for-money assessment which at the initial stage of the product design and approval process is based on reasonable projections and assumptions reflecting plausible expectations. ***PEPP providers shall ensure that the overall charges and costs incurred by the saver are proportionate to the characteristics, level of risk and services provided by the product. Providers shall carry out a regular cost-benefit assessment of the product and make the results of the assessment publicly available, presenting them in a way that is simple and easy to understand. The Commission, in cooperation with EIOPA, shall monitor developments in PEPP charges and assess the relationship between costs, investment performance and services provided in order to ensure that savers receive fair value for money.***

Or. el

Justification

Removing the 1 % cap increases the flexibility of providers, but should not lead to excessive charges. Increased transparency and cost-benefit assessment are necessary safeguards to protect citizens' long-term savings.

Amendment 202

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The product approval process shall be proportionate and appropriate to the nature of the PEPP, and ***shall contain a value-for-money assessment which at the initial stage of the product design and approval process is*** based on reasonable projections and assumptions reflecting plausible expectations.

Amendment

The product approval process shall be proportionate and appropriate to the nature of the PEPP, and based on reasonable projections and assumptions reflecting plausible expectations.

Or. en

Amendment 203

Marlena Malag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The product approval process shall be proportionate and appropriate to the nature of the PEPP, and shall ***contain a value-for-money assessment which at the initial stage of the product design and approval process is*** based on reasonable projections and assumptions reflecting plausible expectations.

Amendment

The product approval process shall be proportionate and appropriate to the nature of the PEPP, and shall ***be*** based on reasonable projections and assumptions reflecting plausible expectations.

Or. en

Amendment 204

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The product approval process shall be proportionate and appropriate to the nature of the PEPP, and shall contain ***a value-for-money assessment*** which at the initial stage of the product design and approval process is based on reasonable projections and assumptions reflecting plausible expectations.

The product approval process shall be proportionate and appropriate to the nature of the PEPP, and shall contain ***an assessment of its costs, expected results and characteristics***, which at the initial stage of the product design and approval process is based on reasonable projections and assumptions reflecting plausible expectations.

Or. es

Amendment 205

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

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

Text proposed by the Commission

Amendment

The assessment shall take into account the long-term nature of the PEPP and, where relevant, the services provided, the guarantees offered, the coverage of biometric risks, the investment strategy and the expected long-term net return.

Or. es

Amendment 206

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Article 25 of Directive (EU) 2016/97 of the European Parliament and of the Council*, together with any delegated acts adopted pursuant to that Article, shall

deleted

apply mutatis mutandis.

Or. en

Amendment 207

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Article 25 of Directive (EU) 2016/97 of the European Parliament and of the Council, together with any delegated acts adopted pursuant to that Article, shall apply mutatis mutandis.*

deleted

Or. en

Amendment 208

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Article 25 of Directive (EU) 2016/97 of the European Parliament and of the Council*, together with any delegated acts adopted pursuant to that Article, shall apply mutatis mutandis.

Article 25 of Directive (EU) 2016/97 of the European Parliament and of the Council*, together with any delegated acts adopted pursuant to that Article, shall apply mutatis mutandis. *For the purpose of the value-for-money assessment, PEPP provider should not limit the group of peers to products formally registered as PEPPs but include in the peer group all personal pension products with features that make them objectively comparable to the specific PEPP they offer, following the*

methodology developed by EIOPA to that effect.

Or. en

Amendment 209

Marlena Malag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The product approval process shall contain all of the following:

(a) a specification of an identified target market for each PEPP and of the intended distribution strategy associated to the identified target market;

(b) a clear identification of the target market's objectives and needs;

(c) an assessment of whether the PEPP is designed appropriately to meet the target market's objectives and needs;

(d) an assessment of all risks relevant to the identified target market or arising from the distribution strategy and an assessment of whether the intended distribution strategy is consistent with the identified target market;

(e) reasonable steps to ensure that the PEPP is distributed to the identified target market;

(f) in relation to the tailored PEPP, an identification of the level of knowledge and experience needed to understand the product and the ability to bear losses;

(g) an assessment of the risk of misunderstanding of the main features, costs and risks of the product by the

savers belonging to the target market;
(h) a clear identification and quantification of all costs and charges related to the PEPP, of its performance and of its benefits for the PEPP customer and an assessment of whether the identified costs and charges are justified and proportionate, having regard to the performance and other benefits for the identified target market, including the guarantees and insurance coverage of biometric and other risks, characteristics, objectives, the identified target market, distribution strategy and strategy of the PEPP.

Or. en

Amendment 210

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. From the fifth year of marketing a PEPP, the value-for-money assessment of PEPPs should furthermore include the cost-effectiveness performance ratio (CEPR) of the product, calculated as the ratio of the annualised net performance of the product to its total expense ratio (TER), where:

(a) the annualised net performance of the product is calculated as the annual average financial return, net of all fees and costs, of the product over the past five years;

(b) the TER is to include all fees and costs borne by the customer. As the PEPP matures, this requirement should be extended to include calculations of the

*CEPR over increasing periods, by
increments of 5 years.*

Or. en

Amendment 211

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. A PEPP provider shall understand and regularly review the PEPP it offers or markets, taking into account any event or risk that could materially affect the identified target market and their performance, to assess whether the PEPP and its pricing process remain consistent with the objectives and needs of the identified target market, and whether the intended distribution strategy remains appropriate. In the event it emerges from the review that a PEPP is no longer consistent with the objectives and needs of the identified target market, or the intended distribution strategy is no longer appropriate, the PEPP provider shall take appropriate action to mitigate the situation and prevent future detriment to existing and prospective PEPP savers. Any potential claim from a saver shall be subject to relevant national rules.

Or. en

Amendment 212

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9
Regulation (EU) 2019/1238
Article 25 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. PEPP provider shall make available to PEPP distributors all information on the PEPP and its product approval process that is needed to fully understand that PEPP and the elements taken into consideration during the product approval process, including complete and accurate details on the identified target market and any costs and charges, features and objectives of the PEPP.

Or. en

Amendment 213
Marlena Małag
on behalf of the ECR Group

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EU) 2019/1238
Article 25 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. PEPP distributors, shall have in place adequate arrangements to obtain the information referred to in paragraph 4, to understand the characteristics and identified target market of PEPP, and the PEPP provider's product approval process. A PEPP distributor shall regularly review PEPPs it distributes, during the whole duration of their distribution, taking into account any event or risk that could materially affect the identified target market and their performance, to assess at least whether the PEPP and pricing process remain consistent with the objectives and needs of the identified target market, whether the

intended distribution strategy remains appropriate.

In the event it emerges from the review that a PEPP is no longer consistent with the objectives and needs of the identified target market, or the intended distribution strategy is no longer appropriate, the PEPP distributor shall take appropriate action to mitigate the situation and prevent future detriment to existing and prospective PEPP savers. Any potential claim from a saver shall be subject to relevant national rules.

A PEPP distributor shall:

- (a) identify and quantify any further costs and charges, in particular additional distribution costs, that are not already taken into account in the calculation of total costs and charges by the provider;*
- (b) assess whether the identified costs and charges are justified and proportionate, having regard to the performance and other benefits for the identified target market, such as the guarantees and insurance coverage of biometric and other risks, characteristics, objectives, the identified target market, distribution strategy and strategy of the PEPP;*
- (c) assess whether the product meets the target market's objectives and needs;*
- (d) provide the PEPP provider regularly with all relevant information about the results of its assessments under points (a) and (b) of this subparagraph.*

A PEPP distributor may rely on the PEPP provider assessment on whether the identified costs and charges are justified and proportionate, if the latter takes into account all costs and charges related to the distribution. In such a case, PEPP distributor shall assess whether the PEPP meets the target market's objectives and needs.

Or. en

Amendment 214

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Competent authorities shall monitor the PEPPs offered on their market ***and evaluate them against relevant supervisory benchmarks used for the value for money assessment. Competent authorities that identify PEPPs that deviate from the applicable benchmark or where they decide to carry out a control for any other reason, they shall require the PEPP provider concerned to provide evidence that, as a result of the value-for-money assessment carried out in accordance with paragraph 1, the costs and charges of the PEPP are justified and proportionate and the PEPP meets the objectives and needs of the target market.***

Amendment

Competent authorities shall monitor the PEPPs offered on their market ***on a risk based basis.***

Or. en

Amendment 215

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Competent authorities ***shall monitor the PEPPs offered on their market and evaluate them against relevant supervisory benchmarks used for the value for money assessment. Competent***

Amendment

Competent authorities ***may*** require ***a*** PEPP provider to provide evidence that ***the design*** of the PEPP ***is*** justified ***based on*** the objectives and needs of the target market.

authorities that identify PEPPs that deviate from the applicable benchmark or where they decide to carry out a control for any other reason, they shall require the PEPP provider concerned to provide evidence that, as a result of the value-for-money assessment carried out in accordance with paragraph 1, the costs and charges of the PEPP are justified and proportionate and the PEPP meets the objectives and needs of the target market.

Or. en

Amendment 216

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Competent authorities shall monitor the PEPPs offered on their market and evaluate them against relevant supervisory benchmarks used for the value for money assessment. Competent authorities that identify PEPPs that deviate from the applicable benchmark or where they decide to carry out a control for any other reason, they shall require the PEPP provider concerned to provide evidence that, as a result of the value-for-money assessment carried out in accordance with paragraph 1, the costs and charges of the PEPP are justified and proportionate and the PEPP meets the objectives and needs of the target market.

Amendment

Competent authorities shall monitor the PEPPs offered on their market and evaluate them against relevant supervisory benchmarks used for the value for money assessment. ***National competent authorities shall monitor the evolution of a product's CEPR over time and compare it with the average of CEPRs of all Basic and Tailored PEPPs offered in the Union.*** Competent authorities that identify PEPPs that deviate from the applicable benchmark or where they decide to carry out a control for any other reason, they shall require the PEPP provider concerned to provide evidence that, as a result of the value-for-money assessment carried out in accordance with paragraph 1, the costs and charges of the PEPP are justified and proportionate and the PEPP meets the objectives and needs of the target market.

Or. en

Amendment 217
Isabel Benjumea Benjumea

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EU) 2019/1238
Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Competent authorities shall monitor the PEPPs offered on their market *and evaluate them against relevant supervisory benchmarks used for the value for money assessment. Competent authorities that identify PEPPs that deviate from the applicable benchmark or where they decide to carry out a control for any other reason, they shall require the PEPP provider concerned to provide evidence that, as a result of the value-for-money assessment carried out in accordance with paragraph 1, the costs and charges of the PEPP are justified and proportionate and the PEPP meets the* objectives and needs of *the* target market.

Amendment

Competent authorities shall monitor the PEPPs offered on their market, *taking a risk-based approach and taking into account the long-term nature of the product. Where there are reasonable grounds to believe that a PEPP may not meet the objectives and needs of its target market, the competent authority may require the PEPP provider to demonstrate the appropriateness of its cost structure, benefits, investment strategy and services.*

Or. es

Amendment 218
Auke Zijlstra

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EU) 2019/1238
Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Competent authorities shall monitor the PEPPs offered on their market *and evaluate them against relevant supervisory benchmarks used for the value for money assessment.* Competent authorities *that identify PEPPs that*

Amendment

Competent authorities shall monitor the PEPPs offered on their market. *PEPP providers shall document, at product approval and at least annually, that total costs and charges are proportionate to the product's features, services, risks and*

deviate from the applicable benchmark or where they decide to carry out a control for any other reason, they shall require the PEPP provider concerned to provide evidence that, as a result of the value-for-money assessment carried out in accordance with paragraph 1, the costs and charges of the PEPP are justified and proportionate and the PEPP meets the objectives and needs of the target market.

reasonably expected net outcomes for the target market. Competent authorities may require evidence and remediation where costs and charges appear manifestly disproportionate.

Or. en

Amendment 219
Regina Doherty

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EU) 2019/1238
Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Competent authorities shall monitor the PEPPs offered on their market *and evaluate them against relevant supervisory benchmarks used for the value for money assessment. Competent authorities that identify PEPPs that deviate from the applicable benchmark or where they decide to carry out a control for any other reason, they shall require the PEPP provider concerned to provide evidence that, as a result of the value-for-money assessment carried out in accordance with paragraph 1, the costs and charges of the PEPP are justified and proportionate and the PEPP meets the objectives and needs of the target market.*

Amendment

Competent authorities shall monitor the PEPPs offered on their market *on the basis of the cost, performance and risk information already disclosed by PEPP providers pursuant to Article 28, Article 6(2), point (fa), and Article 36, without requiring PEPP providers to produce any additional data, report or assessment for that purpose. The purpose of such monitoring shall be to gauge whether the costs and charges of a PEPP are reasonably justified and proportionate to its expected benefits and performance.*

Or. en

Amendment 220
Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Competent authorities ***that conclude that the evidence has not been provided or that the costs and charges of the PEPP are not justified and proportionate or that the PEPP does not meet the objectives of the target market, shall*** require the PEPP provider to take measures to ensure compliance with the product oversight and governance requirements. In the absence of such measures, the competent authorities shall use their powers under Articles 8, 62 and 63.

Amendment

Where justified, using a risk-based approach, competent authorities ***may*** require a PEPP provider to take measures to ensure compliance with the product oversight and governance requirements. In the absence of such measures, the competent authorities shall use their powers under Articles 8, 62 and 63.

Or. en

Amendment 221

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Competent authorities that conclude that ***the evidence has not been provided or that the costs and charges of the PEPP are not justified and proportionate or that*** the PEPP does not meet the objectives of the target market, shall require the PEPP provider to take measures to ensure compliance with the product oversight and governance requirements. In the absence of such measures, the competent authorities shall use their powers under Articles 8, 62 and 63.

Amendment

Competent authorities that conclude that the PEPP does not meet the objectives of the target market, shall require the PEPP provider to take measures to ensure compliance with the product oversight and governance requirements. In the absence of such measures, the competent authorities shall use their powers under Articles 8, 62 and 63.

Or. es

Amendment 222

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Competent authorities that conclude that the evidence has not been provided or that the costs and charges of the PEPP are not justified and proportionate or that the PEPP does not meet the objectives of the target market, shall require the PEPP provider to take measures to ensure compliance with the product oversight and governance requirements. In the absence of such measures, the competent authorities shall use their powers under Articles 8, 62 and 63.

Amendment

Competent authorities that conclude that the evidence has not been provided or that the costs and charges of the PEPP are not justified and proportionate or that the PEPP does not meet the objectives **and needs** of the target market, shall require the PEPP provider to take measures to ensure compliance with the product oversight and governance requirements. In the absence of such measures, the competent authorities shall use their powers under Articles 8, 62 and 63.

Or. en

Amendment 223

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Competent authorities that conclude **that the evidence has not been provided or** that the costs and charges of the PEPP are not justified and proportionate or that the PEPP does not meet the objectives of the target market, shall require the PEPP provider to take measures to ensure compliance with the product oversight and governance

Amendment

Competent authorities that conclude that the costs and charges of the PEPP are not justified and proportionate or that the PEPP does not meet the objectives of the target market, shall require the PEPP provider to take measures to ensure compliance with the product oversight and governance requirements. In the absence of such

requirements. In the absence of such measures, the competent authorities shall use their powers under Articles 8, 62 and 63.

measures, the competent authorities shall use their powers under Articles 8, 62 and 63.

Or. en

Amendment 224

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to supplement this Regulation by adopting delegated acts in accordance with Article 72 to further specify the principles set out in this Article, including,

deleted

(a) the adjustments to the methodology applicable to value for money benchmarks for insurance-based investment products under Article 25 of Directive (EU) 2016/97, that are necessary for the development of relevant supervisory benchmarks referred to in paragraph 2, first subparagraph, of this Article. The adjustments shall reflect the longer-term nature of the PEPP with limited redeemability, and shall ensure that PEPPs are compared with groups of comparable personal pension products manufactured and distributed in one or more Member States.

(b) the criteria to determine whether the costs and charges of a PEPP are justified and proportionate within the meaning of paragraph 2, first subparagraph.

Those delegated acts shall take into account in a proportionate way the

activities performed, the nature of the PEPPs sold and the nature of the distributor.

** Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (OJ L 26, 2.2.2016, p. 19, ELI: <http://data.europa.eu/eli/dir/2016/97/oj>).;*

Or. en

Amendment 225
Auke Zijlstra

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EU) 2019/1238
Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to supplement this Regulation by adopting delegated acts in accordance with Article 72 to further specify the principles set out in this Article, including,

deleted

(a) the adjustments to the methodology applicable to value for money benchmarks for insurance-based investment products under Article 25 of Directive (EU) 2016/97, that are necessary for the development of relevant supervisory benchmarks referred to in paragraph 2, first subparagraph, of this Article. The adjustments shall reflect the longer-term nature of the PEPP with limited redeemability, and shall ensure that PEPPs are compared with groups of comparable personal pension products manufactured and distributed in one or more Member States.

(b) the criteria to determine whether the costs and charges of a PEPP are justified

and proportionate within the meaning of paragraph 2, first subparagraph.

Those delegated acts shall take into account in a proportionate way the activities performed, the nature of the PEPPs sold and the nature of the distributor.

** Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (OJ L 26, 2.2.2016, p. 19, ELI: <http://data.europa.eu/eli/dir/2016/97/oj>).;*

Or. en

Amendment 226
Regina Doherty

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EU) 2019/1238
Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to supplement this Regulation by adopting delegated acts in accordance with Article 72 to further specify the principles set out in this Article, including,

deleted

(a) the adjustments to the methodology applicable to value for money benchmarks for insurance-based investment products under Article 25 of Directive (EU) 2016/97, that are necessary for the development of relevant supervisory benchmarks referred to in paragraph 2, first subparagraph, of this Article. The adjustments shall reflect the longer-term nature of the PEPP with limited redeemability, and shall ensure that PEPPs are compared with groups of comparable personal pension products

manufactured and distributed in one or more Member States.

(b) the criteria to determine whether the costs and charges of a PEPP are justified and proportionate within the meaning of paragraph 2, first subparagraph.

Those delegated acts shall take into account in a proportionate way the activities performed, the nature of the PEPPs sold and the nature of the distributor.

** Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (OJ L 26, 2.2.2016, p. 19, ELI: <http://data.europa.eu/eli/dir/2016/97/oj>).;*

Or. en

Amendment 227
Isabel Benjumea Benjumea

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EU) 2019/1238
Article 25 – paragraph 3

Text proposed by the Commission

Amendment

The Commission shall be empowered to supplement this Regulation by adopting delegated acts in accordance with Article 72 to further specify the principles set out in this Article, including,

deleted

(a) the adjustments to the methodology applicable to value for money benchmarks for insurance-based investment products under Article 25 of Directive (EU) 2016/97, that are necessary for the development of relevant supervisory benchmarks referred to in paragraph 2, first subparagraph, of this Article. The adjustments shall reflect the longer-term nature of the PEPP with limited

redeemability, and shall ensure that PEPPs are compared with groups of comparable personal pension products manufactured and distributed in one or more Member States.

(b) the criteria to determine whether the costs and charges of a PEPP are justified and proportionate within the meaning of paragraph 2, first subparagraph.

Or. es

Amendment 228

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the criteria to assess whether the objectives and needs of the target market are met.

Or. en

Amendment 229

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the method to calculate the cost-effectiveness performance ratio.

Or. en

Amendment 230

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2019/1238

Article 25 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By [24 months after the entry into force of this Regulation] and at least every two years thereafter, EIOPA shall in accordance with Article 30 of Regulation (EU) No 1094/2010, conduct a mandatory peer review of the supervisory practices of national competent authorities regarding the application of product oversight and governance requirements and the value for money assessments under this Article.

Or. en

Amendment 231

Marco Falcone

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a – point i

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c – point iii – indent 1

Text proposed by the Commission

Amendment

– for the Basic PEPP, that the Basic PEPP product applies a life cycle investment strategy;

– for the Basic PEPP, that the Basic PEPP product applies a life cycle investment strategy **or an alternative risk-mitigation technique**;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. it

Justification

It is essential that the promotion of the Basic PEPP and product innovation, in line with the current approach, are not restricted by the choice of the life cycle as the only possible risk mitigation strategy.

Amendment 232

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a – point i

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c – point iii – indent 3 (new)

Text proposed by the Commission

Amendment

– *for a Self-invested PEPP, that the PEPP does not apply a specific risk-mitigation technique and that the risks of the PEPP is dependent on the underlying investment assets chosen by the PEPP investor;*

Or. en

Amendment 233

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a – point ii

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c – point xv

Text proposed by the Commission

Amendment

(xv) *where the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment , the following information:* *deleted*

– *the opt out rights agreed at the time of enrolment;*

– *applicable vesting rules;*

– *where applicable, the default decumulation pathways or the other*

different decumulation options;

Or. en

Amendment 234

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a – point ii

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c – point xv

Text proposed by the Commission

Amendment

(xv) *where the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the following information:* *deleted*

– *the opt out rights agreed at the time of enrolment;*

– *applicable vesting rules;*

– *where applicable, the default decumulation pathways or the other different decumulation options;*

Or. en

Amendment 235

Martin Schirdewan

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a – point ii

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c – point xv

Text proposed by the Commission

Amendment

(xv) *where the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the following information:* *deleted*

– *the opt out rights agreed at the*

time of enrolment;

- *applicable vesting rules;*
- *where applicable, the default decumulation pathways or the other different decumulation options;*

Or. en

Justification

This deletion is necessary for reasons of consistency with the amendment deleting the new paragraphs in Article 47.

Amendment 236

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a – point ii

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c – point xvii

Text proposed by the Commission

Amendment

(xvii) *an indication that under Union law a PEPP may be either Basic or tailored, and the main differences between the two types of PEPPs;* **deleted**

Or. en

Amendment 237

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a – point ii

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c – point xvii

Text proposed by the Commission

Amendment

(xvii) an indication that under Union law a PEPP may be either Basic or tailored, and the main differences between the *two* types of PEPPs;

(xvii) an indication that under Union law a PEPP may be either Basic, ***Self-Invested*** or tailored, and the main differences between the ***three*** types of PEPPs;

Amendment 238
Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a – point ii

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c – point xviii

Text proposed by the Commission

Amendment

*(xviii) information that all registered
PEPPs are available in the central public
register referred to in Article 13,
including the internet link to that
register.;* *deleted*

Amendment 239
Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a – point ii

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c – point xviii

Text proposed by the Commission

Amendment

(xviii) information that all registered
PEPPs are available in the central public
register referred to in Article 13, including
the internet link to that register.;

(xviii) information that all registered
PEPPs are available in the central public
register referred to in Article 13 *and that
the register allows for comparisons of cost
and performance*, including the internet
link to that register.;

Amendment 240
Auke Zijlstra

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a – point ii

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c – point xviii a (new)

Text proposed by the Commission

Amendment

(xviiiia) a prominent statement that registration or use of the designation ‘PEPP’, or of any Union label attached to the PEPP, does not constitute a guarantee by the Union, EIOPA, a Member State or the employer and that the PEPP saver bears the investment risk, except where a contractual guarantee expressly provides otherwise;

Or. en

Justification

Registration and any future Union label may be perceived by savers as a public guarantee. A prominent disclaimer protects informed choice and prevents moral hazard, while preserving any guarantee that is expressly provided by contract.

Amendment 241

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a a (new)

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(aa) the following point is inserted:
(ca) for a PEPP that is a sustainability related financial product as defined in Article 2, point (25), of Regulation (EU) 2019/2088, under a section titled ‘How sustainable is this product?’, its categorisation in accordance with either Article 7, 8 or 9 of that Regulation, and a description of its objective including relevant indicators;

Or. en

Amendment 242

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a b (new)

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point c b (new)

Text proposed by the Commission

Amendment

(ab) the following point is inserted:

(cb) for a PEPP that is not a sustainability related financial product as categorised under Article 7, 8, 9 of Regulation (EU) 2019/2088, under a section titled ‘How sustainable is this product?’, a statement confirming that the product concerned fails to meet EU requirements for defining sustainable financial products, combatting greenwashing and transparency on adverse impacts;

Or. en

Amendment 243

Ralf Seekatz, Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point b

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point f – subparagraph 1

Text proposed by the Commission

Amendment

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 those 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 over the***

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 those costs and, to ensure comparability, total aggregate costs expressed in monetary and percentage terms and an estimation of the impact of the costs on the final capital accumulated.

previous 12 months and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed.;

Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed. ***The summary cost indicator of the PEPP shall be the reduction in yield as referred to in Commission Delegated Regulation (EU) 2017/653 on key information documents for packaged retail and insurance-based investment products (PRIIPs).***

Or. en

Amendment 244 **Regina Doherty**

Proposal for a regulation
Article 1 – paragraph 1 – point 10 – point b
Regulation (EU) 2019/1238
Article 28 – paragraph 3 – point f – subparagraph 1

Text proposed by the Commission

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 those 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 over the previous 12 months and an estimation of the impact of the costs on the final capital accumulated.*** Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed.;

Amendment

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 those costs and, total aggregate costs expressed in monetary and percentage terms. Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed.

Or. en

Amendment 245 **Dirk Gotink**

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point b
Regulation (EU) 2019/1238
Article 28 – paragraph 3 – point f – subparagraph 1

Text proposed by the Commission

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 those 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 ***over the previous 12 months*** and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed.;

Amendment

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 those 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 and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee, ***advice and distribution*** shall be explicitly and separately disclosed.

Or. en

Justification

Cost transparency is of the utmost importance when it comes to choosing a suitable investment product such as a PEPP. When independent cost factors are aggregated (i.e. not shown separately but as one cost number), this eliminates a potential client’s ability to meaningfully compare different PEPP’s on costs. When costs are shown separately, this is a big incentive for providers to reduce such costs.

Amendment 246
Anouk Van Brug

Proposal for a regulation
Article 1 – paragraph 1 – point 10 – point b
Regulation (EU) 2019/1238
Article 28 – paragraph 3 – point f – subparagraph 1

Text proposed by the Commission

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

Amendment

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 those 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 **over the previous 12 months** and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed.;

saver, including one-off and recurring costs, presented by means of summary indicators of those 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 and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee, **advice and distribution** shall be explicitly and separately disclosed.

Or. en

Justification

Cost transparency is of the utmost importance when it comes to choosing a suitable investment product such as a PEPP. When independent cost factors are aggregated (i.e. not shown separately but as one cost number or one cost percentage), this eliminates a potential client's ability to meaningfully compare different PEPP's on costs. Hidden distribution costs such as inducements – for example – can make up a very big part of ongoing costs (see e.g. the ESMA Report on total costs of investing in UCITS and AIFs, which shows that inducements make up 45% of ongoing costs, on average). When costs are aggregated and such costs are not shown separately, this has a normalizing effect for (potential) customers, leading them to think that – apparently – high ongoing costs are normal. When costs are shown separately, this is a big incentive for providers to reduce such costs.

Amendment 247 **Martin Schirdewan**

Proposal for a regulation
Article 1 – paragraph 1 – point 10 – point b
Regulation (EU) 2019/1238
Article 28 – paragraph 3 – point f – subparagraph 1

Text proposed by the Commission

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 those costs and, to ensure comparability, total aggregate costs expressed in monetary and percentage

Amendment

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 those 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 over the previous **12** months and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed.;

terms, to show the compound effects of the total costs on the investment over the previous **48** months and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed.

Or. en

Amendment 248

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point b

Regulation (EU) 2019/1238

Article 28 – paragraph 3 – point f – subparagraph 1

Text proposed by the Commission

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 those 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 over the previous 12 months and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed.;

Amendment

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 those 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 over the previous 12 months and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee, ***advice and distribution*** shall be explicitly and separately disclosed.

Or. en

Amendment 249

Georgios Aftias

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point b

Text proposed by the Commission

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 those 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 over the previous 12 months and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed.;

Amendment

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 those 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 over the previous 12 months and an estimation of the impact of the costs on the final capital accumulated. Where applicable, the costs charged for the capital guarantee shall be explicitly and separately disclosed.; ***Before concluding a PEPP contract, the provider shall provide the saver with clear and easy-to-understand information on the geographical and monetary distribution of the underlying investments, the level of investment risk, the possibility of capital losses, the overall charges and the expected impact of market fluctuations on future retirement provision. The Commission and EIOPA shall monitor, on an aggregated basis, the evolution of cross-border investment flows linked to PEPPs and shall report every three years to the European Parliament and to the Council.***

Or. el

Justification

Boosting cross-border investment is a key objective of the PEPP and Savings and Investments Union. However, savers need to be able to fully understand how their savings are invested and the risks associated with their choices. Monitoring investment flows will also provide a better picture of the impact of the PEPP on European capital markets and national economies.

Amendment 250
Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point b a (new)

Regulation (EU) 2019/1238

Article 28 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

3a. Where a PEPP provider offers multiple tailored PEPP investment options that share a common underlying risk-mitigation technique or asset allocation methodology, the PEPP provider may apply a common, validated methodology for calculating the cost and risk indicators required under this Article across those options, adjusted only for the option-specific parameters that affect those indicators, rather than developing a wholly separate calculation for each option.

Or. en

Amendment 251

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10 a (new)

Regulation (EU) 2019/1238

Article 28 – paragraph 5 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(10a) in subparagraph 1 of paragraph 5, the following point is inserted:

‘(ca) the categories of information that should be provided to PEPP savers in the PEPP KID for the provision of a Self-Invested PEPP as referred to in Article 45a;

Amendment 252

Ralf Seekatz, Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 10 a (new)

Regulation (EU) 2019/1238

Article 28 – paragraph 5 – subparagraph 2 a (new) and 3

Present text

Amendment

(10a) subparagraph 3 of paragraph 5 is replaced by the following:

‘When developing the draft regulatory technical standards in relation to paragraph 3, point (f), EIOPA shall specify the methodology, assumptions, time horizons and presentation of the reduction in yield. EIOPA shall, to the maximum extent possible, align those requirements with the methodology and presentation laid down in Commission Delegated Regulation (EU) 2017/653, while taking into account the long-term nature of PEPPs.

EIOPA shall submit those draft regulatory technical standards to the Commission by ***15 August 2020.***

EIOPA shall submit ***an update of its*** draft regulatory technical standards to the Commission by ***[6 months after entry into force of the amending PEPP regulation].’***

(Regulation (EU) 2019/1238)

Amendment 253

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10 a (new)

Regulation (EU) 2019/1238

Article 33 – paragraph 1

Present text

A PEPP provider or PEPP distributor shall provide prospective PEPP savers with all the PEPP KIDs drawn up in accordance with Article 26 when advising on, or offering for sale, a PEPP, in good time before those PEPP savers are bound by any PEPP contract or offer relating to that PEPP contract.

Amendment

(10a) in Article 33, ***paragraph 1 is replaced by the following:***

A PEPP provider or PEPP distributor shall ***publish on its website*** all the PEPP KIDs drawn up in accordance with Article 26 ***that it intends to advise, offer or sell to PEPP savers.*** A PEPP provider or PEPP distributor shall ***also*** provide prospective PEPP savers with all the PEPP KIDs drawn up in accordance with Article 26 when advising on, or offering for sale, a PEPP, in good time before those PEPP savers are bound by any PEPP contract or offer relating to that PEPP contract.

Or. en

(Regulation (EU) 2019/1238)

Amendment 254

Martin Schirdewan

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EU) 2019/1238

Article 33 – paragraph 2 a

Text proposed by the Commission

(11) in Article 33, the following paragraph 2a is inserted:

‘2a. Where the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the information referred to in paragraph 1 shall be provided to the employee promptly after the enrolment in the arrangement concerned.’

Amendment

deleted

Or. en

Justification

This deletion is necessary for reasons of consistency with the amendment deleting the new paragraphs in Article 47.

Amendment 255

Marlena Maląg

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EU) 2019/1238

Article 33 – paragraph 2 a

Text proposed by the Commission

Amendment

2a. Where the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the information referred to in paragraph 1 shall be provided to the employee promptly after the enrolment in the arrangement concerned.;

Or. en

Amendment 256

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EU) 2019/1238

Article 33 – paragraph 2 a

Text proposed by the Commission

Amendment

2a. Where the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the information referred to in paragraph 1 shall be provided to the employee promptly after the enrolment in the arrangement concerned.;

Or. en

Amendment 257
Auke Zijlstra

Proposal for a regulation
Article 1 – paragraph 1 – point 11
Regulation (EU) 2019/1238
Article 33 – paragraph 2 a

Text proposed by the Commission

2a. Where the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the information referred to in paragraph 1 shall be provided to the employee ***promptly after the enrolment in the arrangement concerned.***;

Amendment

2a. Where the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the information referred to in paragraph 1 ***and a concise workplace enrolment notice*** shall be provided to the employee ***in good time before the first contribution or payroll deduction. The notice shall state whether enrolment affects any occupational pension entitlement;***

Or. en

Justification

Information delivered only after enrolment is too late for an informed decision, particularly where salary is deducted automatically. The employee should receive the KID and the employment-specific consequences before the first contribution or payroll deduction.

Amendment 258
Sirpa Pietikäinen

Proposal for a regulation
Article 1 – paragraph 1 – point 12 – point -a (new)
Regulation (EU) 2019/1238
Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(-a) the following paragraph 1a is inserted:

‘1a. EIOPA shall develop and make available on its website an interactive, questionnaire-based tool allowing potential PEPP savers to assess, prior to

contacting any PEPP provider or PEPP distributor, their personal retirement-related situation and savings needs, including their expected retirement income gap, taking into account their other pension entitlements, savings, relevant assets and other circumstances or personal needs.

The tool may include optional questions ('health-related questions') about the following:

(a) the potential saver's current needs of long-term care, or reasonable expectations regarding long-term care; and

(b) other health-related or genetic factors, including known hereditary or family medical history, that the potential saver considers relevant to their future long-term-care needs.

All information provided by a potential saver through the tool, regardless of its nature, shall be subject to the following conditions:

(a) the information shall be processed by EIOPA solely to generate an indicative result for that potential saver and shall not be combined with any other data held by EIOPA or by any other entity;

(b) the information shall not be disclosed to, or made accessible to, any PEPP provider, PEPP distributor, competent authority, or any other third party, and shall not be used for any purpose connected with the pricing, underwriting, marketing or distribution of a PEPP or of any other product or service;

(c) the information shall be retained for no longer than is necessary to generate the indicative result for the potential saver, and in any event shall not be retained in a form permitting identification of the potential saver beyond that period.

In addition, the health-related questions

shall only be included, and any answer thereto only processed, where all of the following further conditions are met:

(a) answering a health-related question is not required to use any other function of the tool, and the potential saver is clearly informed of this before being asked;

(b) the potential saver's explicit consent, within the meaning of Article 10(2)(a) of Regulation (EU) 2018/1725, is obtained separately for each health-related question before any answer to it is processed;

(c) EIOPA has carried out a data protection impact assessment pursuant to Article 39 of Regulation (EU) 2018/1725 prior to making the relevant health-related question available, and has implemented technical and organisational measures proportionate to the sensitivity of the data concerned.

Use of the tool referred to in this paragraph shall be without prejudice to, and shall not substitute for, the specification of demands and needs and the provision of advice under paragraphs 1 and 2 of this Article.'

Or. en

Amendment 259

Marlena Malag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point a

Regulation (EU) 2019/1238

Article 34 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The PEPP provider or PEPP distributor
*shall also clearly inform the prospective
PEPP saver that comparative information
on the costs and performance of all*

Amendment

The PEPP provider or PEPP distributor
shall indicate in a clear and prominent
manner the internet link to *the* register
referred to in Article 13(1).

PEPPs is publicly available through the register referred to in Article 13(1), and shall indicate in a clear and prominent manner the internet link to **that** register.;

Or. en

Amendment 260
Regina Doherty

Proposal for a regulation
Article 1 – paragraph 1 – point 12 – point a
Regulation (EU) 2019/1238
Article 34 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The PEPP provider or PEPP distributor shall also clearly inform the prospective PEPP saver that ***comparative*** information on ***the costs and performance of all PEPPs*** is publicly available through the register referred to in Article 13(1), and shall indicate in a clear and prominent manner the internet link to that register.;

Amendment

The PEPP provider or PEPP distributor shall also clearly inform the prospective PEPP saver that information on PEPPs ***registered under this Regulation*** is publicly available through the register referred to in Article 13(1), and shall indicate in a clear and prominent manner the internet link to that register.;

Or. en

Amendment 261
Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation
Article 1 – paragraph 1 – point 12 – point a
Regulation (EU) 2019/1238
Article 34 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Where advice is not provided on an independent basis as defined in Article 2(34) of this Regulation, the PEPP distributor shall clearly inform the prospective PEPP saver of this, inform the prospective saver that they can obtain advice on PEPP given on an independent

basis, and provide information about where to seek such advice. Providing this information shall be the first step of the prospective PEPP saver's onboarding process.

Or. en

Amendment 262

Georgios Aftias

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point a

Regulation (EU) 2019/1238

Article 34 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Recalls that the PEPP is a voluntary and complementary pension product and may not lead to a substitution of public or occupational pension schemes. Participation in a PEPP shall always be based on the free, explicit and informed choice of the saver. PEPP registrations, including registration through an employer scheme, may not take place without the prior explicit consent of the person concerned.

Or. el

Justification

The revision should improve access to supplementary pension savings without creating a private savings obligation. Voluntary participation is a key feature of the PEPP and should be maintained regardless of the distribution mode or the possible involvement of employers.

Amendment 263

Marco Falcone

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2019/1238

Article 34 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The requirement to provide advice to a prospective PEPP saver in accordance with paragraph 2, first subparagraph, ***shall not apply in relation to the distribution of the Basic PEPP.***

Amendment

Advice to a prospective PEPP saver in accordance with paragraph 2, first subparagraph, ***may be provided by the PEPP provider or the PEPP distributor, whether on a salaried or independent basis.***

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. it

Justification

Consistency with other EU legislation and the promotion of the PEPP are considered crucial; therefore, the PEPP should be distributed through all channels, whether dependent or independent, provided that, given the protected nature of the Basic PEPP, information on the saver's knowledge and experience is not required to ensure the quality of the advice.

Amendment 264

Ralf Seekatz, Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2019/1238

Article 34 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The requirement to provide advice to a prospective PEPP saver in accordance with paragraph 2, first subparagraph, shall not apply in relation to the distribution of the Basic PEPP.

Amendment

The requirement to provide advice to a prospective PEPP saver in accordance with paragraph 2, first subparagraph, shall not apply in relation to the distribution of the Basic PEPP, ***in particular where a Basic PEPP is exclusively invested into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU***;

Or. en

Amendment 265

Virginijus Sinkevičius
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2019/1238

Article 34 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The requirement to provide advice to a prospective PEPP saver in accordance with paragraph 2, first subparagraph, shall not apply in relation to the distribution of the Basic PEPP.

Amendment

The requirement to provide advice to a prospective PEPP saver in accordance with paragraph 2, first subparagraph, shall not apply in relation to the distribution of the Basic PEPP. ***The PEPP provider or the PEPP distributor shall inform the prospective PEPP saver of the possibility to request advice.***

Or. en

Amendment 266

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2019/1238

Article 34 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The requirement to provide advice to a prospective PEPP saver in accordance with paragraph 2, first subparagraph, shall ***not*** apply in relation to the distribution of the Basic PEPP.

Amendment

The requirement to provide advice to a prospective PEPP saver in accordance with paragraph 2, first subparagraph, shall ***never*** apply in relation to the distribution of the Basic PEPP.

Or. en

Amendment 267

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2019/1238

Article 34 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In case advice ***is*** provided in relation to the distribution of the Basic PEPP, ***advice*** shall be provided ***only*** upon request of the PEPP saver. ***The PEPP provider or the PEPP distributor shall provide advice on an independent basis.***;

Amendment

Any advice provided in relation to the distribution of the Basic PEPP shall ***only*** be provided upon request of the PEPP saver.;

Or. en

Amendment 268

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2019/1238

Article 34 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In case advice is provided in relation to the distribution of the Basic PEPP, advice shall be provided only upon request of the PEPP saver. The PEPP provider or the PEPP distributor shall provide advice on an independent basis.;

Amendment

If explicitly requested by the PEPP saver, the PEPP provider or the PEPP distributor shall provide advice on an independent basis ***and the cost of advice shall be separately disclosed to the PEPP saver .;***

Or. en

Amendment 269

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2019/1238

Article 34 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In case advice is provided in relation to the distribution of the Basic PEPP, advice shall

Amendment

In case advice is provided in relation to the distribution of the Basic PEPP, advice shall

be provided only upon request of the PEPP saver. ***The PEPP provider or the PEPP distributor shall provide advice on an independent basis.;***

be provided only upon request of the ***prospective*** PEPP saver ***and the cost of advice shall be disclosed to the saver separately.***

Or. en

Amendment 270

Dirk Gotink

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2019/1238

Article 34 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In case advice is provided in relation to the distribution of the Basic PEPP, advice shall be provided only upon request of the PEPP saver. The PEPP provider or the PEPP distributor shall provide advice on an independent basis.;

Amendment

In case advice is provided in relation to the distribution of the Basic PEPP, advice shall be provided only upon request of the PEPP saver. ***Advice for the Basic PEPP shall in no case be mandatory. In the case that a PEPP saver requests advice, this advice shall be provided via digital means by default.*** The PEPP provider or the PEPP distributor shall provide advice on an independent basis. ***Any costs of the advice shall be disclosed separately, transparently and understandably to the PEPP saver. ;***

Or. en

Amendment 271

Anouk Van Brug

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point b

Regulation (EU) 2019/1238

Article 34 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In case advice is provided in relation to the distribution of the Basic PEPP, advice shall

Amendment

In case advice is provided in relation to the distribution of the Basic PEPP, advice shall

be provided only upon request of the PEPP saver. The PEPP provider or the PEPP distributor shall provide advice on an independent basis.;

be provided only upon request of the PEPP saver. ***Where the PEPP saver requests advice, such advice shall be provided by default via digital means.*** The PEPP provider or the PEPP distributor shall provide advice on an independent basis ***and the cost of advice shall be disclosed to the saver separately.***

Or. en

Justification

The Basic PEPP can stimulate pension savings across Europe and support long-term investment. Achieving the necessary scale – and thus low costs – is only possible if the Basic PEPP remains simple and accessible. Unnecessary barriers, such as mandatory advice, are a hurdle in the client journey and should be avoided to enable take-up. Also, advice can be a huge cost driver given the high ongoing costs of inducements paid to advisors. It is therefore essential to clearly and separately show both the direct and indirect costs of any advice.

Amendment 272

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point c

Regulation (EU) 2019/1238

Article 34 – paragraph 4 a

Text proposed by the Commission

Amendment

(c) the following paragraph 4a is inserted:

deleted

‘4a. By way of derogation from paragraph 4, where advice is provided in relation to distribution of the Basic PEPP, the PEPP provider or PEPP distributor shall be under no obligation to obtain information on the prospective PEPP saver’s knowledge and experience.’

Or. en

Amendment 273

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point c

Regulation (EU) 2019/1238

Article 34 – paragraph 4 a

Text proposed by the Commission

Amendment

(c) the following paragraph 4a is inserted:

deleted

‘4a. By way of derogation from paragraph 4, where advice is provided in relation to distribution of the Basic PEPP, the PEPP provider or PEPP distributor shall be under no obligation to obtain information on the prospective PEPP saver’s knowledge and experience.’

Or. en

Amendment 274

Isabel Benjumea Benjumea

Proposal for a regulation

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

Regulation (EU) 2019/1238

Article 36 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(13a) in Article 36, the following paragraph is inserted:

1a. The information shall be presented in a clear, concise and comprehensible manner for the saver, avoiding duplication of equivalent information already provided under other acts of Union law;

Or. es

Amendment 275

Martin Schirdewan

Proposal for a regulation

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

Regulation (EU) 2019/1238

Article 36 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(13a) in Article 36, the following paragraph is inserted:

1a. The information referred to in the first paragraph shall be presented in a clear, straightforward and easily understandable manner, avoiding undue complexity and technical terminology.

Or. en

Amendment 276

Regina Doherty

Proposal for a regulation

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

Regulation (EU) 2019/1238

Article 36 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(13a) in Article 36, the following paragraph is inserted:

1a. The European Digital Identity Wallet pursuant to Regulation (EU) 2024/1183 may be used as a means of identity verification by PEPP providers, without prejudice to other lawful means of verification available to the saver.

Or. en

Amendment 277

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 13 – point b

Text proposed by the Commission

(f) a breakdown of all costs incurred, ***directly and indirectly***, by the PEPP saver over the previous 12 months ***and on a compounded basis since the start of the contract term, expressed both in monetary terms and as a percentage of contributions on a compounded basis over the previous 12 months and since the start of the contract term***, indicating:

Amendment

(f) a breakdown of all costs incurred by the PEPP saver over the previous 12 months indicating:

Or. en

Amendment 278
Isabel Benjumea Benjumea

Proposal for a regulation
Article 1 – paragraph 1 – point 13 – point b
Regulation (EU) 2019/1238
Article 36 – paragraph 1 – point f – introductory part

Text proposed by the Commission

(f) a breakdown of all costs incurred, directly and indirectly, by the PEPP saver over the previous 12 months ***and on a compounded basis since the start of the contract term***, expressed both in monetary terms and as a percentage ***of contributions on a compounded basis over the previous 12 months and since the start of the contract term***, indicating:

Amendment

(f) a breakdown of all costs incurred, directly and indirectly, by the PEPP saver over the previous 12 months, expressed both in monetary terms and as a percentage, indicating:

Or. es

Amendment 279
Martin Schirdewan

Proposal for a regulation
Article 1 – paragraph 1 – point 13 – point b
Regulation (EU) 2019/1238

Text proposed by the Commission

(f) a breakdown of all costs incurred, directly and indirectly, by the PEPP saver over the previous **12** months and on a compounded basis since the start of the contract term, expressed both in monetary terms and as a percentage of contributions on a compounded basis over the previous **12** months and since the start of the contract term, indicating:

Amendment

(f) a breakdown of all costs incurred, directly and indirectly, by the PEPP saver over the previous **48** months and on a compounded basis since the start of the contract term, expressed both in monetary terms and as a percentage of contributions on a compounded basis over the previous **48** months and since the start of the contract term, indicating:

Or. en

Amendment 280

Marlena Maląg

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 13 – point b

Regulation (EU) 2019/1238

Article 36 – paragraph 1 – point f

Text proposed by the Commission

(f) a breakdown of all costs incurred, directly and indirectly, by the PEPP saver over the previous 12 months and on a compounded basis since the start of the contract term, expressed both in monetary terms and as a percentage of contributions ***on a compounded basis over the previous 12 months and since the start of the contract term, indicating:***

(i) the costs of administration;

(ii) the costs of safekeeping of assets;

(iv) the costs for any capital guarantee and other costs;

Amendment

(f) a breakdown of all costs incurred, directly and indirectly, by the PEPP saver over the previous 12 months and on a compounded basis since the start of the contract term, expressed both in monetary terms and as a percentage of contributions, ***and an estimation of the compound effects of the total aggregate cost on the capital accumulated at the target date before decumulation begins, expressed in monetary and percentage terms. Where applicable, the costs charged for a capital guarantee, advice and distribution shall be explicitly and separately disclosed.***

(iv) *the costs for any capital guarantee and other costs;*

(v) *an estimation of the impact of the costs on the final PEPP benefits.;*

Or. en

Amendment 281

Anouk Van Brug

Proposal for a regulation

Article 1 – paragraph 1 – point 13 – point b

Regulation (EU) 2019/1238

Article 36 – paragraph 1 – point f – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) the ongoing costs related to advice;

Or. en

Justification

Cost transparency is of the utmost importance when it comes to choosing a suitable investment product such as a PEPP. When independent cost factors are aggregated (i.e. not shown separately but as one cost number or one cost percentage), this eliminates a potential client's ability to meaningfully compare different PEPP's on costs. Hidden distribution costs such as inducements – for example – can make up a very big part of ongoing costs (see e.g. the ESMA Report on total costs of investing in UCITS and AIFs, which shows that inducements make up 45% of ongoing costs, on average). When costs are aggregated and such costs are not shown separately, this has a normalizing effect for (potential) customers, leading them to think that – apparently – high ongoing costs are normal. When costs are shown separately, this is a big incentive for providers to reduce such costs. Costs for advice and distribution, thus, need to be shown separately.

Amendment 282

Anouk Van Brug

Proposal for a regulation

Article 1 – paragraph 1 – point 13 – point b

Regulation (EU) 2019/1238

Article 36 – paragraph 1 – point f – point iii b (new)

Text proposed by the Commission

Amendment

(iii b) the ongoing costs related to distribution, including inducements;

Or. en

Justification

Cost transparency is of the utmost importance when it comes to choosing a suitable investment product such as a PEPP. When independent cost factors are aggregated (i.e. not shown separately but as one cost number or one cost percentage), this eliminates a potential client's ability to meaningfully compare different PEPP's on costs. Hidden distribution costs such as inducements – for example – can make up a very big part of ongoing costs (see e.g. the ESMA Report on total costs of investing in UCITS and AIFs, which shows that inducements make up 45% of ongoing costs, on average). When costs are aggregated and such costs are not shown separately, this has a normalizing effect for (potential) customers, leading them to think that – apparently – high ongoing costs are normal. When costs are shown separately, this is a big incentive for providers to reduce such costs. Costs for advice and distribution, thus, need to be shown separately.

Amendment 283

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 13 – point b

Regulation (EU) 2019/1238

Article 36 – paragraph 1 – point f – point iv a (new)

Text proposed by the Commission

Amendment

(iva) the ongoing cost related to advice;

Or. en

Amendment 284

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 13 – point b

Regulation (EU) 2019/1238

Article 36 – paragraph 1 – point f – point iv b (new)

Text proposed by the Commission

Amendment

(ivb) the ongoing costs related to distribution, including inducements;

Amendment 285
Regina Doherty

Proposal for a regulation
Article 1 – paragraph 1 – point 13 – point b
Regulation (EU) 2019/1238
Article 36 – paragraph 1 – point f – point v

Text proposed by the Commission

Amendment

(v) *an estimation of the impact of the costs on the final PEPP benefits.;* *deleted*

Or. en

Amendment 286
Marlena Małag
on behalf of the ECR Group

Proposal for a regulation
Article 1 – paragraph 1 – point 13 – point b
Regulation (EU) 2019/1238
Article 36 – paragraph 1 – point f – point v

Text proposed by the Commission

Amendment

(v) *an estimation of the impact of the costs on the final PEPP benefits.;* *deleted*

Or. en

Amendment 287
Dirk Gotink

Proposal for a regulation
Article 1 – paragraph 1 – point 13 – point b
Regulation (EU) 2019/1238
Article 36 – paragraph 1 – point f – points v a (new)

Text proposed by the Commission

Amendment

(va) *the ongoing costs related to advice;*

Or. en

Justification

Similarly related to cost transparency.

Amendment 288

Dirk Gotink

Proposal for a regulation

Article 1 – paragraph 1 – point 13 – point b

Regulation (EU) 2019/1238

Article 36 – paragraph 1 – point f – point v b (new)

Text proposed by the Commission

Amendment

***(vb) the ongoing costs related to
distribution, including inducements;***

Or. en

Justification

Similarly related to cost transparency.

Amendment 289

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 13 – point c

Regulation (EU) 2019/1238

Article 36 – paragraph 1 – point m

Text proposed by the Commission

Amendment

(c) the following point (m) is added: ***deleted***

***‘(m) an indication that EIOPA maintains
a register of all PEPPs, allowing for a
comparison of cost and performance, and
the internet link to the register referred to
in Article 13(1).;’***

Or. en

Amendment 290

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 13 – point c

Regulation (EU) 2019/1238

Article 36 – paragraph 1 – point m a (new)

Text proposed by the Commission

Amendment

(ma) information on savers' rights to switch and transfer in accordance with Articles 56a and 56b.

Or. en

Amendment 291

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EU) 2019/1238

Article 38 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

The information shall be accompanied by a concise explanatory guide setting out:

PEPP providers shall inform PEPP savers of the possibility of requesting a concise explanatory guide setting out:

Or. en

Amendment 292

Martin Schirdewan

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point a

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

(16) Article 41(1) is amended as follows:

deleted

(a) the introductory wording is replaced by the following:

‘PEPP providers shall invest the assets corresponding to the PEPP in accordance with the ‘prudent person principle’ and in particular in accordance with the following principles;’

Or. en

Amendment 293

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point a

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

PEPP providers shall invest the assets corresponding to the PEPP in accordance with the ‘prudent person principle’ and in particular in accordance with the following principles;

For Basic PEPPs and tailored PEPPs,
PEPP providers shall invest the assets corresponding to the PEPP in accordance with the ‘prudent person principle’ and in particular in accordance with the following principles:

Or. en

Amendment 294

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point a

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

PEPP providers shall invest the assets

PEPP providers shall invest the assets

corresponding to the PEPP in accordance with the ‘prudent person principle’ and in particular in accordance with the following principles;

corresponding to the PEPP in accordance with the ‘prudent person principle’, ***prioritising the best financial return for the PEPP saver***, and in particular in accordance with the following principles:

Or. en

Amendment 295

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point a a (new)

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – point a

Present text

a) the assets shall be invested in the best long-term interests of PEPP savers as a whole. In the case of a potential conflict of interest, a PEPP provider, or the entity which manages its portfolio, shall ensure that the investment is made in the sole interest of PEPP savers;

Amendment

(aa) point (a) is replaced by the following:

a) the assets shall be invested in the best long-term interests of PEPP savers as a whole. The long-term interests of beneficiaries include integrating ESG factors into the investment decisions. In the case of a potential conflict of interest, a PEPP provider, or the entity which manages its portfolio, shall ensure that the investment is made in the sole interest of PEPP savers. PEPP providers shall engage regularly with their PEPP savers to ensure their concerns and preferences are properly integrated into the investment decisions.

Or. en

(Regulation (EU) 2019/1238)

Amendment 296

Martin Schirdewan

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point b

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) point b is replaced by the following:

deleted

‘(b) within the prudent person principle, PEPP providers shall take into account risks related to and the potential long-term impact of investment decisions on ESG factors;;’

Or. en

Amendment 297

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point b

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) point (b) is replaced by the following:

deleted

‘(b) within the prudent person principle, PEPP providers shall take into account risks related to and the potential long-term impact of investment decisions on ESG factors;;’

Or. en

Amendment 298

Fernando Navarrete Rojas

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point b

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – point b

Text proposed by the Commission

(b) ***within*** the prudent person principle, PEPP providers shall take into account risks ***related to*** and the potential long-term impact of investment decisions ***on ESG factors***;;

Amendment

(b) ***when applying*** the prudent person principle, PEPP providers shall take into account ***the*** risks and the potential long-term impact of investment decisions;

Or. en

Amendment 299

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point b

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – point b

Text proposed by the Commission

(b) within the prudent person principle, PEPP providers shall take into account risks related to and the potential long-term impact of investment decisions on ESG factors;;

Amendment

(b) within the prudent person principle, PEPP providers shall take into account risks related to and the potential long-term impact of investment decisions on ESG factors. ***In accordance with this principle, PEPP providers shall not invest in activities that do not comply with the ‘do not significant harm’ principle as defined in Regulation (EU) 2020/852. In particular, PEPP providers shall refrain from investing into activities that are incompatible with the EU long-term objectives as enshrined in EU Regulation (EU) 2021/1119 (‘European Climate Law’), such as fossil fuel;***

Or. en

Amendment 300

Sirpa Pietikäinen

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point b a (new)

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the following point (ba) is inserted:

(ba) within the prudent person principle, PEPP providers may take into account the long-term sustainability, resilience and future growth potential of undertakings and economic activities when making investment decisions, including by investing in economic activities that contribute to the green transition of the Union;

Or. en

Amendment 301

Martin Schirdewan

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point c

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(c) point d is replaced by the following:

deleted

‘(d) the assets shall be predominantly invested on regulated markets as defined in Article 4(1), point (21) of Directive 2014/65/EU, multilateral trading facilities (MTFs) as defined in Article 4(1), point (22), of that Directive and organised trading facilities (OTFs) as defined in point (23) of that Directive;;’

Or. en

Amendment 302

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point c
Regulation (EU) 2019/1238
Article 41 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the assets shall be predominantly invested on regulated markets as defined in Article 4(1), point (21) of Directive 2014/65/EU, multilateral trading facilities (MTFs) as defined in Article 4(1), point (22), of that Directive and organised trading facilities (OTFs) as defined in point (23) of that Directive;;

deleted

Or. en

Amendment 303
Regina Doherty

Proposal for a regulation
Article 1 – paragraph 1 – point 16 – point c
Regulation (EU) 2019/1238
Article 41 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the assets shall be predominantly invested on regulated markets as defined in Article 4(1), point (21) of Directive 2014/65/EU, multilateral trading facilities (MTFs) as defined in Article 4(1), point (22), of that Directive and organised trading facilities (OTFs) as defined in point (23) of that Directive;;

(d) the assets shall be predominantly invested on regulated markets as defined in Article 4(1), point (21) of Directive 2014/65/EU, multilateral trading facilities (MTFs) as defined in Article 4(1), point (22), of that Directive and organised trading facilities (OTFs) as defined in point (23) of that Directive, *as well as, where permitted, on unlisted instruments;*

Or. en

Amendment 304
Virginijus Sinkevičius
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 16 – point c

Text proposed by the Commission

(d) the assets shall be predominantly invested on regulated markets as defined in Article 4(1), point (21) of Directive 2014/65/EU, multilateral trading facilities (MTFs) as defined in Article 4(1), point (22), of that Directive and organised trading facilities (OTFs) as defined in point (23) of that Directive;

Amendment

(d) the assets shall be predominantly invested on regulated markets as defined in Article 4(1), point (21) of Directive 2014/65/EU, multilateral trading facilities (MTFs) as defined in Article 4(1), point (22), of that Directive and organised trading facilities (OTFs) as defined in point (23) of that Directive. ***Investment in assets which are not admitted to trading on a regulated financial market shall be kept to prudent levels. PEPP providers shall not invest in highly risky and complex derivatives, and crypto assets other than those that qualify as a financial instrument eligible;***

Or. en

Amendment 305

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point c

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the assets shall be predominantly invested into investment options that allow PEPP savers to channel their investments into the EU economy to contribute to strategic EU priorities, including the digital, green and social transitions, and the strengthening of EU security and defence;

Or. en

Amendment 306

Virginijus Sinkevičius
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point c a (new)

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ca) the following point is added:

ha) when applying the prudent person principle, PEPP providers shall take into account the long-term impact of their investments on the EU economy. In particular, PEPP providers shall invest at least 75% of their investments into European assets.

Or. en

Amendment 307

Virginijus Sinkevičius
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 16 – point c b (new)

Regulation (EU) 2019/1238

Article 41 – paragraph 1 – subparagraphs 1 a and 1 b (new)

Text proposed by the Commission

Amendment

(cb) the following subparagraphs are added:

'Investments shall not, by reason of their non-traded, illiquid or long-term nature alone, be regarded as inconsistent with the prudent person principle referred to in previous sub-paragraph. That applies in particular to units or shares of a European long-term investment fund authorised under Regulation (EU) 2015/760, of a European venture capital fund within the meaning of Regulation (EU) No 345/2013 or of a European social entrepreneurship fund within the

meaning of Regulation (EU) No 346/2013.

Member States and competent authorities shall not impose additional quantitative limits on the investments referred to in this paragraph beyond those laid down in this Regulation.

Or. en

Amendment 308

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 17

Regulation (EU) 2019/1238

Article 42 – paragraph 2

Text proposed by the Commission

2. The investment options shall include *at least one of the following*:

(a) *the Basic PEPP referred to in Article 45;*

(b) *a tailored PEPP with investment options different from the one referred to in Article 45.*

Amendment

2. The investment options shall include *the Basic PEPP referred to in article 45 and may include tailored PEPP options different from the one referred to in Article 45.*

Or. en

Amendment 309

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 17

Regulation (EU) 2019/1238

Article 42 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) a Self-Invested PEPP as referred to in Article 45a;

Or. en

Amendment 310

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 17

Regulation (EU) 2019/1238

Article 42 – paragraph 3

Text proposed by the Commission

3. PEPP providers shall design investment options on the basis of a risk-mitigation technique within the meaning of Article 46.;

Amendment

3. PEPP providers shall design investment options ***for the Basic PEPP and the tailored PEPP*** on the basis of a risk-mitigation technique within the meaning of Article 46.

Or. en

Amendment 311

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 18

Regulation (EU) 2019/1238

Article 43

Text proposed by the Commission

(18) in Article 43, the wording ‘Having received the relevant information and advice,’ is replaced by the wording ‘Having received the relevant information and advice, where requested ***or required***,’;

Amendment

(18) in Article 43, the wording ‘Having received the relevant information and advice,’ is replaced by the wording ‘Having received the relevant information and advice, where requested,’;

Or. en

Amendment 312

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45

Text proposed by the Commission

Amendment

(19) Article 45 is replaced by the following:

deleted

‘Article 45

The Basic PEPP

1. PEPP providers shall design the Basic PEPP investment option on the basis of a life cycle investment strategy.

2. Without prejudice to the investment rules laid down in Article 41, at least 95 % of the assets of the Basic PEPP other than cash shall be invested into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU.;

Or. en

Amendment 313

Fernando Navarrete Rojas

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45 – paragraph 1

Text proposed by the Commission

Amendment

1. PEPP providers ***shall*** design the Basic PEPP investment option on the basis of a life cycle investment strategy.

1. PEPP providers ***may*** design the Basic PEPP investment option on the basis of a life cycle investment strategy.

Or. en

Amendment 314

Marco Falcone

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45 – paragraph 1

Text proposed by the Commission

1. PEPP providers shall design the Basic PEPP investment option on the basis of a life cycle investment strategy.

Amendment

1. PEPP providers shall design the Basic PEPP investment option on the basis of a life cycle investment strategy **or on the basis of an alternative risk-mitigation technique.**

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. it

Justification

It is essential that the promotion of the Basic PEPP and product innovation, in line with the current approach, are not restricted by the choice of the life cycle as the only possible risk mitigation strategy.

Amendment 315

Anouk Van Brug

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45 - paragraph 1

Text proposed by the Commission

1. PEPP providers shall design the Basic PEPP investment option on the basis of a life cycle investment strategy.

Amendment

1. PEPP providers shall design the Basic PEPP investment option on the basis of a life cycle investment strategy. **A product that, in addition to being based on a life cycle investment strategy, includes coverage of biometric risks shall also be eligible to qualify as a Basic PEPP.**

Or. en

Justification

This amendment clarifies that a product offered by an insurance undertaking may also qualify as a Basic PEPP where it combines a life cycle investment strategy with biometric risk coverage. The inclusion of biometric risk coverage, in the form of death benefit protection, should not in itself prevent a product from qualifying as a Basic PEPP. Death benefit coverage is a normal feature of insurance products. Its inclusion does not fundamentally alter the design or investment characteristics of the product compared with Basic PEPPs offered by other providers.

Amendment 316

Dirk Gotink

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. A product that, in addition to being based on a life cycle investment strategy, includes coverage of biometric risks shall also be eligible to qualify as a Basic PEPP.

Or. en

Justification

A product offered by an insurer may also qualify as a Basic PEPP where it combines a life cycle investment strategy with biometric risk coverage. The inclusion of biometric risk coverage (death benefit protection) should not in itself prevent a product from qualifying as a Basic PEPP, since this is a normal feature of insurance products. Its inclusion does not fundamentally alter the design of the product compared to other Basic PEPPs offered. This supports a level playing field among PEPP providers.

Amendment 317

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The costs and fees for the Basic PEPP shall not exceed 1 % of the accumulated capital per year.

Or. en

Amendment 318

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45 – paragraph 2

Text proposed by the Commission

Amendment

2. Without prejudice to the investment rules laid down in Article 41, at least 95 % of the assets of the Basic PEPP other than cash shall be invested into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU.; **deleted**

Or. en

Justification

1. MiFID II classification rules i) are designed for individual retail investments and ii) cannot be meaningfully transposed to collective investment structures commonly used by insurers. Applying them mechanically at the product level would exclude important long-term and illiquid asset classes that contribute to i) diversification and ii) higher long-term returns.

Amendment 319

Auke Zijlstra

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45 – paragraph 2

2. ***Without prejudice to the investment rules laid down in Article 41, at least 95 % of the assets of the Basic PEPP other than cash shall be invested into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU;***

2. The assets of the Basic PEPP shall be invested ***in accordance with the prudent person principle and shall be appropriately diversified. Exposure to unlisted or illiquid assets shall remain compatible with the life-cycle investment strategy, reliable valuation, switching rights, expected pay-out and the liquidity needs of PEPP savers. Investments shall be made solely in the long-term financial interests of PEPP savers. No geographic allocation requirement shall apply.***

Or. en

Justification

A rigid 95% quantitative limit is poorly adapted to a long-term life-cycle product. The prudent person principle should allow diversified long-term investment while explicit liquidity, valuation and switching safeguards protect savers. Asset allocation must follow savers' financial interests rather than a geographic policy quota.

Amendment 320

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45 – paragraph 2

2. Without prejudice to the investment rules laid down in Article 41, ***at least 95 % of the assets of the Basic PEPP other than cash shall be invested into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU;***

2. Without prejudice to the investment rules laid down in Article 41, the assets of the Basic PEPP shall be invested ***in accordance with the prudent person principle and in an appropriately diversified manner, taking into account the long-term investment horizon of the product and its life-cycle investment strategy. The portfolio may include equity and debt instruments, collective investment undertakings, European long-term investment funds, alternative investment funds and other exchange-traded or non-***

exchange-traded assets, provided that the overall portfolio is consistent with the risk profile, time horizon, liquidity needs and long-term interests of PEPP savers.

Or. es

Amendment 321
Fernando Navarrete Rojas

Proposal for a regulation
Article 1 – paragraph 1 – point 19
Regulation (EU) 2019/1238
Article 45 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the investment rules laid down in Article 41, ***at least 95 % of the assets of the Basic PEPP other than cash*** shall be invested ***into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU;***

Amendment

2. Without prejudice to the investment rules laid down in Article 41, the basic PEPP shall be invested ***following the prudent person principle. Asset allocation shall be designed to serve the long-term retirement goals of the savers, giving due consideration to the investment horizon, risk profile, liquidity, and diversification.***

Or. en

Justification

The Commission's 95% restriction is inconsistent with the genuine lifecycle approach, which requires asset allocation to evolve with the saver's investment horizon. A principles-based and geographically neutral formulation would preserve diversification and access to appropriate long-term investments while keeping decisions focused on saver's interests, risk and expected returns

Amendment 322
Regina Doherty

Proposal for a regulation
Article 1 – paragraph 1 – point 19
Regulation (EU) 2019/1238
Article 45 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the investment rules laid down in Article 41, ***at least 95 % of the assets of the Basic PEPP other than cash*** shall be invested ***into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU;***

Amendment

2. Without prejudice to the investment rules laid down in Article 41, the basic PEPP shall be invested ***according to the "prudent person principle", ensuring appropriate diversification, simplicity, flexibility, and transparency, allowing investments in unlisted assets, while upholding and giving priority to the fiduciary duties of PEPP providers and in accordance with Article 41;***

Or. en

Amendment 323

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the investment rules laid down in Article 41, ***at least 95 %*** of the assets of the Basic PEPP other than cash shall be invested into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU.;

Amendment

2. Without prejudice to the investment rules laid down in Article 41, ***all*** of the assets of the Basic PEPP other than cash shall be invested into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU. ***Investments into unlisted assets shall be strictly prohibited.***

Or. en

Amendment 324

Ralf Seekatz

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EU) 2019/1238

Article 45 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the investment rules laid down in Article 41, ***at least 95 % of the*** assets of the Basic PEPP other than cash shall be invested into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU.;

Amendment

2. Without prejudice to the investment rules laid down in Article 41, ***all*** assets of the Basic PEPP other than cash shall be invested into any of the financial instruments referred to in Article 25(4)(a), points (i) to (iv), of Directive 2014/65/EU.;

Or. en

Amendment 325
Martin Schirdewan

Proposal for a regulation
Article 1 – paragraph 1 – point 19
Regulation (EU) 2019/1238
Article 45 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The costs and fees for the Basic PEPP shall not exceed 1 % of the accumulated capital per year. The Commission shall be empowered, after consulting EIOPA, to adopt delegated acts to lay down a lower maximum cost level where such a reduction is justified by market developments and to ensure a high level of protection for savers.

Or. en

Amendment 326
Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation
Article 1 – paragraph 1 – point 19 a (new)
Regulation (EU) 2019/1238
Article 45 a (new)

Text proposed by the Commission

Amendment

(19a) the following Article is inserted:

Article 45a

Self-invested PEPP

1. PEPP providers that are investment firms in accordance with Directive 2014/65/EU or credit institutions authorised under Directive 2013/36/EU may offer a ‘Self-invested PEPP’ option. Under this option, PEPP savers shall be given the full discretion to choose and manage the allocation of their PEPP portfolio amongst the eligible asset classes set out in paragraph 2.

2. Without prejudice to any requirements under Directive 2014/65/EU of the European Parliament and of the Council () (Markets in Financial Instruments Directive II), in particular those concerning suitability and the appropriateness assessment to be performed by investment firms, PEPP providers should provide access to the following eligible asset classes:

a) transferable securities and money market instruments;

b) cash and cash equivalents;

c) bonds;

d) units or shares of undertakings for collective investment in transferable securities (UCITS) authorised in accordance with Directive 2009/65/EC;

3. Among eligible asset classes, PEPP providers should offer the widest possible array of investment options available on the market, so that PEPP savers can diversify their portfolios across asset classes, geographies, issuers, asset managers, financial instrument manufacturers, and risk profiles. PEPP providers should include investment options that allow PEPP savers to channel their investments into the EU economy to contribute to strategic EU priorities, including the digital, green and social transitions, and the strengthening of EU security and defence. PEPP

providers should exclude access to highly risky and complex financial instruments, such as highly risky and complex derivatives, and crypto-assets.

4. By way of derogation from Article 26 and Article 28(3) of this Regulation, where a ‘Self-invested PEPP’ is offered, the PEPP Key Information Document shall not include elements concerning costs, summary risk indicators or performance scenarios that depend on specific pre-packaged investment options. The PEPP KID for the self-invested PEPP shall focus exclusively on the core structural elements of the PEPP framework, such as information on the portability service, national sub-accounts, conditions for the decumulation phase and possible forms of pay-outs. For the underlying assets acquired within a Self-Invested PEPP, the PEPP saver shall be provided with the mandatory key information documents as required under Regulation (EU) No 1286/201.

5. Unless specifically required under EU legislation, PEPP savers invested into a ‘Self-invested PEPP’ should not be required to seek financial advice. In case advice is provided in relation to the distribution of the self-invested PEPP, advice shall be provided only upon request of the PEPP saver. The PEPP provider or the PEPP distributor shall provide advice on an independent basis.

Or. en

Amendment 327
Mariateresa Vivaldini

Proposal for a regulation
Article 1 – paragraph 1 – point 20 – point a
Regulation (EU) 2019/1238
Article 46 – paragraph 1

Text proposed by the Commission

1. The use of risk-mitigation techniques shall ensure that the investment strategies for the PEPP are designed 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. ***Those risk-mitigation techniques shall take into consideration the expected remaining duration of the PEPP saver's or group of PEPP savers' individual accumulation phase and the PEPP saver's chosen decumulation option.*** All risk-mitigation techniques shall be sound, robust and consistent with the risk profile of the corresponding investment option.;

Amendment

1. The use of risk-mitigation techniques shall ensure that the investment strategies for the PEPP are designed 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. All risk-mitigation techniques shall be sound, robust and consistent with the risk profile of the corresponding investment option.;

Or. en

Amendment 328

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 20 – point a

Regulation (EU) 2019/1238

Article 46 – paragraph 1

Text proposed by the Commission

1. The use of risk-mitigation techniques shall ensure that the investment strategies for the PEPP are designed 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. Those risk-mitigation techniques shall take into consideration the expected remaining duration of the PEPP saver's or group of PEPP savers' individual accumulation phase and the PEPP saver's chosen decumulation option. All risk-mitigation techniques shall be sound, robust and consistent with the risk profile of the

Amendment

1. The use of risk-mitigation techniques shall ensure that the investment strategies for the PEPP are designed 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. Those risk-mitigation techniques shall take into consideration the expected remaining duration of the PEPP saver's or group of PEPP savers' individual accumulation phase and the PEPP saver's chosen decumulation option. All risk-mitigation techniques shall be sound, robust and consistent with the risk profile of the corresponding investment option, ***while***

corresponding investment option.;

allowing for sufficient flexibility in their design and application.;

Or. en

Amendment 329

Marco Falcone

Proposal for a regulation

Article 1 – paragraph 1 – point 20 – point b

Regulation (EU) 2019/1238

Article 46 – paragraph 2 – point a

Text proposed by the Commission

(a) the application of a lifecycle investment strategy;'

Amendment

(a) the application of a lifecycle investment strategy ***or an alternative risk-mitigation technique;***'

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. it

Justification

It is essential that the promotion of the Basic PEPP and product innovation, in line with the current approach, are not restricted by the choice of the life cycle as the only possible risk mitigation strategy.

Amendment 330

Fernando Navarrete Rojas

Proposal for a regulation

Article 1 – paragraph 1 – point 20 – point b

Regulation (EU) 2019/1238

Article 46 – paragraph 2 – point a

Text proposed by the Commission

(a) the application of a lifecycle investment strategy;

Amendment

(a) the application of a lifecycle investment strategy ***or any other sound risk-mitigation techniques;***

Amendment 331**Regina Doherty****Proposal for a regulation****Article 1 – paragraph 1 – point 20 – point c**

Regulation (EU) 2019/1238

Article 46 – paragraph 2a – subparagraph 1

Text proposed by the Commission

The PEPP provider shall design the life-cycle investment strategy referred to in paragraph 2, point (a), in *such a way as to* ensure that *the PEPP savers* furthest away from the expected end of the accumulation phase *invest, to a contractually specified extent, in* long-term investments *which benefit from higher investment returns due to their specific higher risks and rewards* characteristics, *including illiquid or equity-type characteristics. For the* PEPP savers *closest to* the expected end of the accumulation phase, the PEPP provider shall ensure *that the investments are predominantly liquid, of high quality and exhibiting fixed* investment *returns*.

Amendment

The PEPP provider shall design the life-cycle investment strategy referred to in paragraph 2, point (a), in *a manner that is based on the prudent person principle and allowing for sufficient flexibility in asset allocation, with regard for the PEPP saver's risk profile and preferences, as well as the characteristics of the product, and shall* ensure that *PEPP saver* furthest away from the expected end of the accumulation phase *may, where appropriate, be exposed* to long-term investments, *including assets with equity or illiquid* characteristics, *with a view to enhancing potential long-term returns. For* PEPP savers *approaching* the expected end of the accumulation phase, the PEPP provider shall ensure *a gradual and appropriate adjustment of the investment strategy aimed at mitigating risks, while retaining sufficient flexibility to take into account prevailing market conditions and the individual characteristics of the PEPP saver, based on a lifecycle investment strategy.*

Amendment 332**Isabel Benjumea Benjumea****Proposal for a regulation****Article 1 – paragraph 1 – point 20 – point c**

Text proposed by the Commission

The PEPP provider shall design the life-cycle investment strategy referred to in paragraph 2, point (a), in such a way as to ensure that the PEPP savers furthest away from the expected end of the accumulation phase invest, to a contractually specified extent, in long-term investments which benefit from higher investment returns due to their specific higher risks and rewards characteristics, including illiquid or equity-type characteristics. ***For the PEPP savers closest to the expected end of the accumulation phase, the PEPP provider shall ensure that the investments are predominantly liquid, of high quality and exhibiting fixed investment returns.***

Amendment

The PEPP provider shall design the life-cycle investment strategy referred to in paragraph 2, point (a), in such a way as to ensure that the PEPP savers furthest away from the expected end of the accumulation phase invest, to a contractually specified extent, in long-term investments which benefit from higher investment returns due to their specific higher risks and rewards characteristics, including illiquid or equity-type characteristics. ***As the expected end of the accumulation phase approaches, the provider shall progressively adapt the risk profile of the portfolio taking into account the age of the saver, the remaining time horizon, the expected decumulation mode and market conditions. The strategy may maintain exposure to variable annuity and long-term investments where appropriate to the risk profile and interests of the saver.***

Or. es

Amendment 333

Ralf Seekatz

Proposal for a regulation

Article 1 – paragraph 1 – point 20 – point c

Regulation (EU) 2019/1238

Article 46 – paragraph 2a – subparagraph 1

Text proposed by the Commission

The PEPP provider shall design the life-cycle investment strategy referred to in paragraph 2, point (a), in such a way as to ensure that the PEPP savers furthest away from the expected end of the accumulation phase invest, ***to a contractually specified extent, in long-term investments which benefit from higher investment returns***

Amendment

The PEPP provider shall , ***by default,*** design the life-cycle investment strategy referred to in paragraph 2, point (a), in such a way as to ensure that the PEPP savers furthest away from the expected end of the accumulation phase invest ***in an asset allocation with higher expected risk and return*** characteristics. For the PEPP

due to their specific higher risks and rewards characteristics, including illiquid or equity-type characteristics. For the PEPP savers closest to the expected end of the accumulation phase, the PEPP provider shall ensure that the investments are predominantly liquid, *of* high quality *and exhibiting fixed investment returns.*

savers closest to the expected end of the accumulation phase, the PEPP provider shall ensure that the investments are predominantly liquid *and* high quality *instruments with lower expected risk and return characteristics. The PEPP saver may choose an asset allocation that differs from the default asset allocation resulting from the glide path.*

Or. en

Amendment 334

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 20 – point c

Regulation (EU) 2019/1238

Article 46 – paragraph 2a – subparagraph 1

Text proposed by the Commission

The PEPP provider shall design the life-cycle investment strategy referred to in paragraph 2, point (a), in such a way as to ensure that the PEPP savers furthest away from the expected end of the accumulation phase invest, to a contractually specified extent, in long-term investments which benefit from higher investment returns due to their specific higher risks and rewards characteristics, including illiquid or *equity-type characteristics*. For the PEPP savers closest to the expected end of the accumulation phase, the PEPP provider shall ensure that the investments are predominantly liquid, of high quality and exhibiting fixed investment returns.

Amendment

The PEPP provider shall design the life-cycle investment strategy referred to in paragraph 2, point (a), in such a way as to ensure that the PEPP savers furthest away from the expected end of the accumulation phase invest, to a contractually specified extent, in long-term investments which benefit from higher investment returns due to their specific higher risks and rewards characteristics, including illiquid or *unlisted equities*. For the PEPP savers closest to the expected end of the accumulation phase, the PEPP provider shall ensure that the investments are predominantly liquid, of high quality and exhibiting fixed investment returns.

Or. en

Amendment 335

Marco Falcone

Proposal for a regulation

Article 1 – paragraph 1 – point 20 – point c

Regulation (EU) 2019/1238

Article 46 – paragraph 2 a – subparagraph 1

Text proposed by the Commission

The PEPP provider shall design the life-cycle investment strategy referred to in paragraph 2, point (a), in such a way as to ensure that the PEPP savers furthest away from the expected end of the accumulation phase invest, to a contractually specified extent, in long-term investments which benefit from higher investment returns due to their specific higher risks and rewards characteristics, including illiquid or equity-type characteristics. For the PEPP savers closest to the expected end of the accumulation phase, the PEPP provider shall ensure that the investments are predominantly liquid, of high quality and exhibiting fixed investment returns.

Amendment

The PEPP provider shall design the life-cycle investment strategy ***or an alternative risk-mitigation technique*** referred to in paragraph 2, point (a), in such a way as to ensure that the PEPP savers furthest away from the expected end of the accumulation phase invest, to a contractually specified extent, in long-term investments which benefit from higher investment returns due to their specific higher risks and rewards characteristics, including illiquid or equity-type characteristics. For the PEPP savers closest to the expected end of the accumulation phase, the PEPP provider shall ensure that the investments are predominantly liquid, of high quality and exhibiting fixed investment returns. ***The PEPP provider shall specify average exposures to equity and debt instruments whilst ensuring compliance with Article 41 for all potential sub-portfolios corresponding to the phases of the life-cycling or an alternative risk-mitigation technique.***’;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. it

Justification

It is essential that the promotion of the Basic PEPP and product innovation, in line with the current approach, are not restricted by the choice of the life cycle as the only possible risk mitigation strategy.

Amendment 336

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 20 – point c
Regulation (EU) 2019/1238
Article 46 – paragraph 2a – subparagraph 2

Text proposed by the Commission

The PEPP provider shall ***specify average exposures to equity and debt instruments whilst ensuring*** compliance with Article 41 for all potential sub-portfolios corresponding to the phases of the life-cycling.;

Amendment

The PEPP provider shall ***at the same time ensure*** compliance with Article 41 for all potential sub-portfolios corresponding to the phases of the life-cycling.;

Or. es

Amendment 337
Ralf Seekatz

Proposal for a regulation
Article 1 – paragraph 1 – point 20 – point c
Regulation (EU) 2019/1238
Article 46 – paragraph 2a – subparagraph 2

Text proposed by the Commission

The PEPP provider shall specify average exposures to equity and debt instruments whilst ensuring compliance with Article 41 for all potential sub-portfolios corresponding to the phases of the life-cycling.;

Amendment

The PEPP provider shall specify ***and disclose*** average exposures to equity and debt instruments ***for the relevant phases of the life-cycle*** whilst ensuring compliance with Article 41 for all potential sub-portfolios corresponding to the phases of the life-cycling.;

Or. en

Amendment 338
Marlena Maląg
on behalf of the ECR Group

Proposal for a regulation
Article 1 – paragraph 1 – point 20 – point d
Regulation (EU) 2019/1238
Article 46 – paragraph 3

In order to ensure the consistent application of this Article, EIOPA shall, after consulting the other ESAs, develop draft regulatory technical standards specifying the minimum qualitative criteria that the risk-mitigation techniques have to satisfy, taking into account the various types of PEPPs and their specific features, as well as the various types of PEPP providers and the differences between their prudential regime. The criteria shall not impose maximum probabilities of losses or stochastic modelling.

Those criteria shall ensure that risk-mitigation techniques are effectively designed to the purchasing power of the accumulated capital. The criteria shall specify requirements regarding: (a) the effectiveness of the risk-mitigation technique in addressing the PEPP saver's or group of PEPP savers specific retirement objectives and risk profile, ensuring that the risk exposure remains appropriate for the remaining duration of the accumulation phase and the intended decumulation form;

(b) the use of broad diversification and asset quality standards to mitigate the risk of significant capital shortfalls;

(c) the implementation of safeguards to protect the capital accrued, the intensity of which shall be progressively calibrated to the proximity of particularly in the years leading up to the decumulation phase;

(d) general principles for a robust governance framework and monitoring process, particularly in response to adverse economic developments, and

(e) safeguards for transparency and non-discrimination, aiming to ensure equitable treatment of PEPP savers having selected the same investment option.

Or. en

Justification

In order to further strengthen concept of flexibility, we would suggest i) highlighting that the perimeter of the EIOPA mandate is to be exclusively circumscribed to qualitative criteria, thereby avoiding the introduction of rigid quantitative thresholds or mandatory stochastic modelling ii) setting out in Article 46 the criteria that should inform the risk-mitigation techniques so as these latter can achieve the key goal of the protection of PEPP savers as well as the performance's outcomes.

Amendment 339
Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 20 – point d

Regulation (EU) 2019/1238

Article 46 – paragraph 3

Text proposed by the Commission

In order to ensure the consistent application of this Article, EIOPA shall, after consulting the other ESAs, develop draft regulatory technical standards specifying the minimum qualitative criteria that the risk-mitigation techniques have to satisfy, **taking** into account the various types of PEPPs and their specific features, as well as the various types of PEPP providers and the differences between their prudential regime. The criteria shall not impose maximum probabilities of losses **or** stochastic modelling.

Amendment

In order to ensure the consistent application of this Article, EIOPA shall, after consulting the other ESAs, develop draft regulatory technical standards specifying the minimum qualitative criteria that the risk-mitigation techniques have to satisfy, **having regard to:**

(a) the capacity of the technique to preserve accrued capital as the PEPP saver approaches the end of the accumulation phase or the chosen decumulation option;

(b) the proportionality of the technique to the size, nature and complexity of the PEPP provider; and

(c) the consistency of the technique with the prudential regime applicable to that provider.

Those regulatory technical standards shall take into account the various types of PEPPs and their specific features, as well as the various types of PEPP providers and the differences between their prudential regime. The criteria shall ***be limited to qualitative requirements and shall*** not impose maximum probabilities of losses, stochastic modelling ***or other quantitative thresholds.***

Or. en

Justification

An open-ended mandate to specify "minimum qualitative criteria" leaves EIOPA free to develop de facto prescriptive standards through Level 2. Anchoring the empowerment to three explicit criteria keeps the delegation narrow and predictable for operators.

Amendment 340

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 20 – point d

Regulation (EU) 2019/1238

Article 46 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Nor shall those regulatory technical standards impose minimum diversification thresholds, prescribed asset-class allocations, or any other quantitative design parameter for tailored PEPP investment options. The technical standards shall remain neutral as to the specific risk-mitigation method employed by the PEPP provider, provided that method meets the qualitative criteria referred to in this paragraph.

Or. en

Amendment 341

Martin Schirdewan

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47 – paragraphs 3, 4 and 5

Text proposed by the Commission

Amendment

(21) in Article 47, the following paragraphs 3, 4 and 5 are added:

deleted

‘3. Without prejudice to national social and labour law on the organisation of pension systems and the autonomy of

social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States shall not prevent employers from voluntarily contributing to a PEPP for their employees that are PEPP savers and who agree to this.

4. Without prejudice to national social and labour law regarding the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States may allow the PEPP to be provided to an employee as part of a workplace arrangement using auto-enrolment.

5. In the case the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the PEPP saver shall have the right to opt out and rejoin in accordance with the national framework governing auto-enrolment, including relevant social and labour law on the organisation of pension systems, compulsory membership and the outcomes of collective bargaining agreements.'

Or. en

Amendment 342

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47 – paragraphs 3, 4 and 5

Text proposed by the Commission

Amendment

(21) in Article 47, the following paragraphs 3, 4 and 5 are added:

deleted

‘3. Without prejudice to national social and labour law on the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States shall not prevent employers from voluntarily contributing to a PEPP for their employees that are PEPP savers and who agree to this.

4. Without prejudice to national social and labour law regarding the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States may allow the PEPP to be provided to an employee as part of a workplace arrangement using auto-enrolment.

5. In the case the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the PEPP saver shall have the right to opt out and rejoin in accordance with the national framework governing auto-enrolment, including relevant social and labour law on the organisation of pension systems, compulsory membership and the outcomes of collective bargaining agreements.’

Or. en

Amendment 343
Markus Ferber

Proposal for a regulation
Article 1 – paragraph 1 – point 21 – introductory part

Regulation (EU) 2019/1238
Article 47 – paragraphs 3 and 4

Text proposed by the Commission

(21) in Article 47, the following paragraphs 3, **4 and 5** are added:

Amendment

(21) in Article 47, the following paragraphs 3 **and 4** are added:

Or. en

Justification

Corrects an editorial mistake: The Commission does not add a fifth paragraph.

Amendment 344
Isabel Benjumea Benjumea

Proposal for a regulation
Article 1 – paragraph 1 – point 21
Regulation (EU) 2019/1238
Article 47 – paragraph 3

Text proposed by the Commission

3. Without prejudice to national social and labour law on the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States shall not prevent employers from voluntarily contributing to a PEPP for their employees that are PEPP savers and who agree to this.

Amendment

3. Without prejudice to national social and labour law on the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States shall not prevent employers from voluntarily contributing to a PEPP for their employees that are PEPP savers and who agree to this. ***Contributions to a PEPP shall not replace or reduce mandatory or collectively agreed contributions to an occupational pension scheme applicable to the employee.***

Or. es

Amendment 345
Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47 – paragraph 3

Text proposed by the Commission

3. Without prejudice to national social and labour law on the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States shall not prevent employers from voluntarily contributing to a PEPP for their employees that are PEPP savers and who agree to this.

Amendment

3. Without prejudice to national social and labour law on the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States shall not prevent employers from voluntarily contributing to a PEPP for their employees that are PEPP savers and who agree to this. ***The PEPP, contributed to by both employer and employee, shall remain a third-pillar pension product.***

Or. en

Amendment 346

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where an employee who is a PEPP saver receiving employer contributions under paragraph 3 changes employer, the PEPP contract shall continue without interruption, deregistration or transfer, and the new employer may become a contributor to that same PEPP under the standard-form agreement referred to in paragraph 3b, subject to the new employer's agreement to contribute. Nothing in this paragraph

shall oblige a new employer to contribute to an employee's existing PEPP, nor shall it prevent the employee from continuing the PEPP on a personal, non-employer-contributory basis.

Or. en

Amendment 347

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *To facilitate employer contributions referred to in paragraph 3, in particular for small and medium-sized enterprises, PEPP providers shall offer employers the possibility to make such contributions under a standard-form contribution agreement, developed by the provider, requiring no bespoke legal or administrative arrangement on the part of the employer.*

Or. en

Amendment 348

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. *Member States shall not prevent a PEPP provider from offering employers the option to structure their voluntary contributions under paragraph 3 as a*

matching arrangement linked to the employee's own contributions. Such an arrangement shall remain entirely voluntary for the employer and the employee.

Or. en

Amendment 349

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47 – paragraphs 4 and 5

Text proposed by the Commission

Amendment

4. Without prejudice to national social and labour law regarding the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States may allow the PEPP to be provided to an employee as part of a workplace arrangement using auto-enrolment.

deleted

5. In the case the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the PEPP saver shall have the right to opt out and rejoin in accordance with the national framework governing auto-enrolment, including relevant social and labour law on the organisation of pension systems, compulsory membership and the outcomes of collective bargaining agreements.

Or. en

Amendment 350

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47 – paragraph 4

Text proposed by the Commission

Without prejudice to national social and labour law regarding the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States may allow the PEPP to be provided to an employee as part of a workplace arrangement using auto-enrolment.

Amendment

Without prejudice to national social and labour law regarding the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States may allow the PEPP to be provided to an employee as part of a workplace arrangement using auto-enrolment ***where no existing second-pillar occupational pension scheme is available in the Member State concerned, it being understood that an institution for occupational retirement provision through which a Member State fulfils its obligation under [Article 9a of Directive (EU) 2016/2341] constitutes such an existing second-pillar occupational pension scheme. .***

Or. en

Amendment 351

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47– paragraph 4

Text proposed by the Commission

Without prejudice to national social and labour law regarding the organisation of

Amendment

Without prejudice to national social and labour law regarding the organisation of

pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States may allow the PEPP to be provided to an employee as part of a workplace arrangement using auto-enrolment.

pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States may allow the PEPP to be provided to an employee as part of a workplace arrangement using auto-enrolment, ***based on the circumstances and existing arrangements in that Member State.***

Or. en

Amendment 352
Isabel Benjumea Benjumea

Proposal for a regulation
Article 1 – paragraph 1 – point 21
Regulation (EU) 2019/1238
Article 47 – paragraph 4

Text proposed by the Commission

Without prejudice to national social and labour law regarding the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States may allow the PEPP to be provided to an employee as part of a workplace arrangement using auto-enrolment.

Amendment

Without prejudice to national social and labour law regarding the organisation of pension systems and the autonomy of social partners, including compulsory membership and the outcomes of collective bargaining agreements, and insofar as it does not interfere with the existing occupational pension schemes, Member States may allow the PEPP to be provided to an employee as part of a workplace arrangement using auto-enrolment.
Contributions to a PEPP shall not replace or reduce mandatory or collectively agreed contributions to an occupational pension scheme applicable to the employee.

Or. es

Amendment 353
Auke Zijlstra

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. A PEPP saver enrolled through a workplace arrangement shall have the right, without charge, to opt out and re-enrol, to select another PEPP capable of accepting contributions in the relevant national sub-account for future voluntary employee contributions, and to transfer accrued PEPP capital in accordance with this Regulation. Member States may require the use of a standardised payroll interface. An employer shall not receive remuneration or any other economic benefit from the selection of a PEPP provider.

Or. en

Justification

Workplace facilitation should never replace employee choice with employer choice. The amendment gives the saver control over voluntary third-pillar contributions and accumulated capital, while a standardised payroll interface limits administrative burdens for employers.

Amendment 354

Virginijus Sinkevičius

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2019/1238

Article 47 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where the PEPP is provided to an employee as part of a workplace arrangement using auto-enrolment, the default investment option shall be the Basic PEPP. The design of the default investment option shall take into account

the typically long remaining accumulation horizon of auto-enrolled employees, including for the purposes of the allocation to long-term investments referred to in Article 46(2a).

Or. en

Amendment 355

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 22

Regulation (EU) 2019/1238

Article 51a

Text proposed by the Commission

Amendment

(22) the following Article 51a is inserted before Chapter VII:

deleted

‘Article 51a

Pension tracking systems

- 1. Member States shall ensure that, where pension tracking systems are in place, they cover the PEPP accrued retirement entitlements.*
- 2. For the purposes of paragraph 1, PEPP providers and PEPP distributors shall transmit to pension tracking systems, where pension tracking systems are in place in the Member State where the PEPP is distributed, all information necessary to provide customers with a comprehensive, reliable and up-to-date overview of their entitlements.*
- 3. The information referred to in paragraph 2 shall be transmitted in standardised and interoperable format enabling pension tracking systems to aggregate data on accumulated value, accrued rights and projected benefits in a coherent and comparable manner.*
- 4. PEPP providers shall remain fully*

responsible for the completeness and accuracy of the data transmitted and for the fulfilment of all communication obligations provided for in this Article.

5. Competent authorities shall monitor and enforce compliance with this Article and take corrective measures where PEPP providers fail to provide complete, accurate or timely information.

6. The format and structure of the information to be transmitted to pension tracking systems shall be consistent with the format and structure laid down in the Delegated Regulation adopted pursuant to Article 37.;

Or. en

Amendment 356
Regina Doherty

Proposal for a regulation
Article 1 – paragraph 1 – point 22
Regulation (EU) 2019/1238
Article 51a

Text proposed by the Commission

Amendment

(22) the following Article 51a is inserted before Chapter VII: *deleted*

‘Article 51a

Pension tracking systems

1. Member States shall ensure that, where pension tracking systems are in place, they cover the PEPP accrued retirement entitlements.

2. For the purposes of paragraph 1, PEPP providers and PEPP distributors shall transmit to pension tracking systems, where pension tracking systems are in place in the Member State where the PEPP is distributed, all information necessary to provide customers with a comprehensive, reliable and up-to-date

overview of their entitlements.

3. The information referred to in paragraph 2 shall be transmitted in standardised and interoperable format enabling pension tracking systems to aggregate data on accumulated value, accrued rights and projected benefits in a coherent and comparable manner.

4. PEPP providers shall remain fully responsible for the completeness and accuracy of the data transmitted and for the fulfilment of all communication obligations provided for in this Article.

5. Competent authorities shall monitor and enforce compliance with this Article and take corrective measures where PEPP providers fail to provide complete, accurate or timely information.

6. The format and structure of the information to be transmitted to pension tracking systems shall be consistent with the format and structure laid down in the Delegated Regulation adopted pursuant to Article 37.;

Or. en

Amendment 357

Mariateresa Vivaldini

Proposal for a regulation

Article 1 – paragraph 1 – point 22

Regulation (EU) 2019/1238

Article 51a

Text proposed by the Commission

Amendment

(22) the following Article 51a is inserted before Chapter VII: *deleted*

‘Article 51a

Pension tracking systems

1. Member States shall ensure that, where pension tracking systems are in place, they cover the PEPP accrued

retirement entitlements.

2. *For the purposes of paragraph 1, PEPP providers and PEPP distributors shall transmit to pension tracking systems, where pension tracking systems are in place in the Member State where the PEPP is distributed, all information necessary to provide customers with a comprehensive, reliable and up-to-date overview of their entitlements.*

3. *The information referred to in paragraph 2 shall be transmitted in standardised and interoperable format enabling pension tracking systems to aggregate data on accumulated value, accrued rights and projected benefits in a coherent and comparable manner.*

4. *PEPP providers shall remain fully responsible for the completeness and accuracy of the data transmitted and for the fulfilment of all communication obligations provided for in this Article.*

5. *Competent authorities shall monitor and enforce compliance with this Article and take corrective measures where PEPP providers fail to provide complete, accurate or timely information.*

6. *The format and structure of the information to be transmitted to pension tracking systems shall be consistent with the format and structure laid down in the Delegated Regulation adopted pursuant to Article 37.;*

Or. en

Amendment 358

Ralf Seekatz, Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 22

Regulation (EU) 2019/1238

Article 51a

(22) the following Article 51a is deleted
inserted before Chapter VII:

‘Article 51a

Pension tracking systems

- 1. Member States shall ensure that, where pension tracking systems are in place, they cover the PEPP accrued retirement entitlements.***
- 2. For the purposes of paragraph 1, PEPP providers and PEPP distributors shall transmit to pension tracking systems, where pension tracking systems are in place in the Member State where the PEPP is distributed, all information necessary to provide customers with a comprehensive, reliable and up-to-date overview of their entitlements.***
- 3. The information referred to in paragraph 2 shall be transmitted in standardised and interoperable format enabling pension tracking systems to aggregate data on accumulated value, accrued rights and projected benefits in a coherent and comparable manner.***
- 4. PEPP providers shall remain fully responsible for the completeness and accuracy of the data transmitted and for the fulfilment of all communication obligations provided for in this Article.***
- 5. Competent authorities shall monitor and enforce compliance with this Article and take corrective measures where PEPP providers fail to provide complete, accurate or timely information.***
- 6. The format and structure of the information to be transmitted to pension tracking systems shall be consistent with the format and structure laid down in the Delegated Regulation adopted pursuant to Article 37.;***

Or. en

Amendment 359
Regina Doherty

Proposal for a regulation
Article 1 – paragraph 1 – point 22
Regulation (EU) 2019/1238
Article 51a

Text proposed by the Commission

1. Member States shall ensure that, where pension tracking systems are in place, they cover the PEPP accrued retirement *entitlements*.
2. *For the purposes of paragraph 1, PEPP providers and PEPP distributors shall transmit to pension tracking systems, where pension tracking systems are in place in the Member State where the PEPP is distributed, all information necessary to provide customers with a comprehensive, reliable and up-to-date overview of their entitlements.*
3. *The information referred to in paragraph 2 shall be transmitted in standardised and interoperable format enabling pension tracking systems to aggregate data on accumulated value, accrued rights and projected benefits in a coherent and comparable manner.*
4. *PEPP providers shall remain fully responsible for the completeness and accuracy of the data transmitted and for the fulfilment of all communication obligations provided for in this Article.*
5. *Competent authorities shall monitor and enforce compliance with this Article and take corrective measures where PEPP providers fail to provide complete, accurate or timely information.*
6. *The format and structure of the information to be transmitted to pension tracking systems shall be consistent with the format and structure laid down in the Delegated Regulation adopted pursuant to*

Amendment

1. Member States shall ensure that, where pension tracking systems are in place, they cover the PEPP accrued retirement *entitlement, where appropriate;*

Amendment 360

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 22

Regulation (EU) 2019/1238

Article 51a – paragraph 1

Text proposed by the Commission

1. Member States ***shall ensure*** that, where pension tracking systems are in place, they cover the PEPP accrued retirement entitlements.

Amendment

1. Member States ***may provide*** that, where pension tracking systems ***that include personal pension products*** are in place, they cover the PEPP accrued retirement entitlements.

Amendment 361

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 22

Regulation (EU) 2019/1238

Article 51a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that, where pension tracking systems are in place, they cover the PEPP accrued retirement entitlements.

Amendment

1. Member States shall ensure that, where pension tracking systems are in place, they cover the PEPP accrued retirement entitlements ***and that they include an indication that EIOPA maintains a register of all PEPPs, allowing for a comparison of cost and performance, and the internet link to the register referred to in Article 13 .***

Amendment 362
Isabel Benjumea Benjumea

Proposal for a regulation
Article 1 – paragraph 1 – point 22
Regulation (EU) 2019/1238
Article 51a – paragraph 2

Text proposed by the Commission

2. For the purposes of paragraph 1, PEPP providers and PEPP distributors shall transmit to pension tracking systems, where *pension tracking systems are in place in the Member State where the PEPP is distributed*, all information necessary to provide customers with a comprehensive, reliable and up-to-date overview of their entitlements

Amendment

2. For the purposes of paragraph 1, PEPP providers and PEPP distributors shall transmit to pension tracking systems, where *the Member State has decided to include PEPPs in such systems*, all information necessary to provide customers with a comprehensive, reliable and up-to-date overview of their entitlements

Or. es

Amendment 363
Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation
Article 1 – paragraph 1 – point 22
Regulation (EU) 2019/1238
Article 51a – paragraph 5

Text proposed by the Commission

5. Competent authorities shall monitor and enforce compliance with this Article and take corrective measures where PEPP providers fail to provide complete, accurate or timely information.

Amendment

5. *EIOPA, in cooperation with national* competent authorities, shall monitor and enforce compliance with this Article and take corrective measures where PEPP providers fail to provide complete, accurate or timely information.

Or. en

Amendment 364
Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 23 a a (new)
Regulation (EU) 2019/1238
Article 52 – paragraph 3

Present text

3. The PEPP saver may switch PEPP providers *after a minimum of five years from the conclusion of the PEPP contract, and, in case of subsequent switching, after five years from the most recent switching, without prejudice to point (a) of Article 20(5). The PEPP provider may allow the PEPP saver to switch PEPP providers more frequently*

Amendment

(aa) in Article 52, paragraph 3 is replaced by the following:

3. The PEPP saver may switch PEPP providers *at any time after the conclusion of the PEPP contract.*

Or. en

(Regulation (EU) 2019/1238)

Amendment 365
Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation
Article 1 – paragraph 1 – point 23 a b (new)
Regulation (EU) 2019/1238
Article 54 – paragraph 3

Present text

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 the actual administrative costs incurred by the PEPP provider and shall not exceed **0,5 %** of the corresponding amounts or monetary value of the assets-in-kind to be transferred to the receiving PEPP provider.

Member States may set a lower

Amendment

(ab) in Article 54, paragraph 3 is replaced by the following:

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 the actual administrative costs incurred by the PEPP provider and shall not exceed **0,25 %** of the corresponding amounts or monetary value of the assets-in-kind to be transferred to the receiving PEPP provider.

percentage of the fees and charges as referred to in the first subparagraph and a different percentage when the PEPP provider allows PEPP savers to switch PEPP provider more frequently as referred to in Article 52(3).

The transferring PEPP provider shall not charge any additional fees or charges to the receiving PEPP provider.

Or. en

(Regulation (EU) 2019/1238)

Amendment 366
Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point a (new)

Regulation (EU) 2019/1238

Article 56 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(aa) in Article 56, the following paragraph is added:

2a. Where a PEPP saver switches PEPP provider in accordance with this Chapter, or transfers under Article 56a or 56b, the receiving PEPP provider may rely on the specification of demands and needs and, where applicable, the advice most recently provided to that PEPP saver under Article 34, instead of repeating the process set out in Article 34, provided that:

(a) the receiving PEPP provider confirms with the PEPP saver, in a durable medium, that the PEPP saver's circumstances, objectives, knowledge and risk tolerance have not materially changed since that assessment or advice was provided; and

(b) the transferring PEPP provider or the

PEPP saver makes the relevant records of that assessment or advice available to the receiving PEPP provider. Where the PEPP saver indicates that their circumstances, objectives, knowledge or risk tolerance have materially changed, or where no such assessment or advice is available, the receiving PEPP provider shall comply with Article 34 in full.

Or. en

Amendment 367
Auke Zijlstra

Proposal for a regulation
Article 1 – paragraph 1 – point 23 – point b
Regulation (EU) 2019/1238
Article 56b – title

Text proposed by the Commission

Transfers *from* other personal pension products

Amendment

Transfers *between PEPPs and* other personal pension products

Or. en

Amendment 368
Marco Falcone

Proposal for a regulation
Article 1 – paragraph 1 – point 23 – point b
Regulation (EU) 2019/1238
Article 56 b – title

Text proposed by the Commission

Transfers *from* other personal pension products

Amendment

Transfers *between PEPP and* other personal pension products

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. it

Justification

Il presente emendamento mira a istituire un quadro effettivamente reciproco per i trasferimenti tra PEPP e prodotti pensionistici individuali nazionali. Sebbene l'attuale regolamento agevoli i trasferimenti dai PEPP verso altri strumenti pensionistici individuali, dovrebbe parimenti consentire i trasferimenti nella direzione opposta, ossia dai prodotti pensionistici individuali nazionali verso i PEPP. Garantire tale reciprocità è essenziale per assicurare condizioni di parità tra le due categorie di prodotti e promuovere una concorrenza effettiva nell'interesse dei risparmiatori, che dovrebbero mantenere la libertà di scegliere lo strumento di risparmio previdenziale più adatto alle proprie circostanze e preferenze individuali.

Amendment 369

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point b

Regulation (EU) 2019/1238

Article 56b – title

Text proposed by the Commission

Amendment

Transfers from other personal pension products

Transfers from **and to** other personal pension products

Or. en

Amendment 370

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point b

Regulation (EU) 2019/1238

Article 56b – title

Text proposed by the Commission

Amendment

Transfers from other personal pension products

Transfers **to and** from other personal pension products

Or. en

Amendment 371

Marco Falcone

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point b

Regulation (EU) 2019/1238

Article 56 b – paragraph 1

Text proposed by the Commission

1. Member States shall allow transfers from other personal pension products to a PEPP.

Amendment

1. ***Without prejudice to national rules on contributions paid to personal pension products***, Member States shall allow transfers from other personal pension products to a PEPP, ***along with transfers from a PEPP to other personal pension products***.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. it

Justification

Il presente emendamento mira a istituire un quadro effettivamente reciproco per i trasferimenti tra PEPP e prodotti pensionistici individuali nazionali. Sebbene l'attuale regolamento agevoli i trasferimenti dai PEPP verso altri strumenti pensionistici individuali, dovrebbe parimenti consentire i trasferimenti nella direzione opposta, ossia dai prodotti pensionistici individuali nazionali verso i PEPP. Garantire tale reciprocità è essenziale per assicurare condizioni di parità tra le due categorie di prodotti e promuovere una concorrenza effettiva nell'interesse dei risparmiatori, che dovrebbero mantenere la libertà di scegliere lo strumento di risparmio previdenziale più adatto alle proprie circostanze e preferenze individuali.

Amendment 372

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point b

Regulation (EU) 2019/1238

Article 56b – paragraph 1

Text proposed by the Commission

1. Member States shall allow transfers from other personal pension products to a

Amendment

1. Member States shall allow transfers from other personal pension products to a

PEPP.

PEPP, as well as transfers from a PEPP to other personal pension products.

Or. en

Amendment 373

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point b

Regulation (EU) 2019/1238

Article 56b – paragraph 1

Text proposed by the Commission

1. Member States shall allow transfers from other personal pension products to a PEPP.

Amendment

1. Member States shall allow transfers from other personal pension products to a ***PEPP and from a PEPP to another personal pension product.***

Or. en

Amendment 374

Auke Zijlstra

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point b

Regulation (EU) 2019/1238

Article 56b – paragraph 1

Text proposed by the Commission

1. Member States shall allow transfers ***from other*** personal pension ***products to a PEPP.***

Amendment

1. Member States shall allow transfers ***between PEPPs and, in both directions, between a PEPP and another*** personal pension ***product.***

Or. en

Justification

Freedom of choice requires transfers both into and out of a PEPP. The amendment preserves national tax safeguards and prevents the personal-pension transfer right from automatically extending to statutory or collectively agreed occupational pension entitlements.

Amendment 375

Auke Zijlstra

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point b

Regulation (EU) 2019/1238

Article 56b – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the transfers referred to in paragraph 1 are not subject to penalties, fees or ***any other administrative requirement by the provider of the personal pension product*** that would make ***the*** transfer more costly than ***transfers*** between ***two*** personal pension products ***that are not PEPPs***;

Amendment

2. Member States shall ensure that the transfers referred to in paragraph 1 are not subject to penalties, fees or administrative ***requirements*** that would make ***a*** transfer ***to or from a PEPP*** more costly than ***an objectively comparable transfer*** between ***other*** personal pension products. ***Transfer charges shall be cost-based.***

Or. en

Justification

Freedom of choice requires transfers both into and out of a PEPP. The amendment preserves national tax safeguards and prevents the personal-pension transfer right from automatically extending to statutory or collectively agreed occupational pension entitlements.

Amendment 376

Marlena Małag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point b

Regulation (EU) 2019/1238

Article 56b – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the transfers referred to in paragraph 1 are not subject to penalties, fees or any other administrative requirement ***by the provider of the personal pension product*** that would make the transfer more costly than transfers between two personal pension

Amendment

2. Member States shall ensure that the transfers referred to in paragraph 1 are not subject to penalties, fees or any other administrative requirement that would make the transfer more costly than transfers between two personal pension products that are not PEPPs.;

products that are not PEPPs.;

Or. en

Amendment 377

Tomáš Kubín

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point b

Regulation (EU) 2019/1238

Article 56b – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the transfers referred to in paragraph 1 are not subject to penalties, fees or any other administrative requirement by the provider of the personal pension product that would make the transfer more costly than transfers between two personal pension products that are not PEPPs.;

Amendment

2. ***Without prejudice to conditions or administrative requirements related to the retention or recovery of state contributions or tax incentives***, Member States shall ensure that the transfers referred to in paragraph 1 are not subject to penalties, fees or any other administrative requirement by the provider of the personal pension product that would make the transfer more costly than transfers between two personal pension products that are not PEPPs.;

Or. en

Justification

The organization of pension systems should remain a Member State competence. If a government provides a contribution to a retirement savings plan, it must have the right to determine the administrative or other conditions for any transfer of such contributions, including the right to restrict the transfer.

The current wording of Art. 56b par. 2 as proposed by the Commission can be interpreted as restricting this Member State competence of defining the parameters of its own pension contribution programs. It is therefore adequately amended.

Amendment 378

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 24

Text proposed by the Commission

Amendment

(24) in Article 57, the following paragraph 3 is added: **deleted**

‘3. In the case of PEPPs provided to an employee as part of a workplace arrangement using auto-enrolment, the provisions referred to in this Chapter shall be without prejudice to the right of an employer to determine default decumulation pathways where this is provided for under the law of the Member State concerned.’

Or. en

Amendment 379
Martin Schirdewan

Proposal for a regulation
Article 1 – paragraph 1 – point 24
Regulation (EU) 2019/1238
Article 57 – paragraph 3

Text proposed by the Commission

Amendment

(24) in Article 57, the following paragraph 3 is added: **deleted**

‘3. In the case of PEPPs provided to an employee as part of a workplace arrangement using auto-enrolment, the provisions referred to in this Chapter shall be without prejudice to the right of an employer to determine default decumulation pathways where this is provided for under the law of the Member State concerned.’

Or. en

Justification

This deletion is necessary for reasons of consistency with the amendment deleting the new

paragraphs in Article 47.

Amendment 380

Marlena Malag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 24

Regulation (EU) 2019/1238

Article 57 – paragraph 3

Text proposed by the Commission

Amendment

3. In the case of PEPPs provided to an employee as part of a workplace arrangement using auto-enrolment, the provisions referred to in this Chapter shall be without prejudice to the right of an employer to determine default decumulation pathways where this is provided for under the law of the Member State concerned.;

deleted

Or. en

Amendment 381

Auke Zijlstra

Proposal for a regulation

Article 1 – paragraph 1 – point 24

Regulation (EU) 2019/1238

Article 57 – paragraph 3

Text proposed by the Commission

Amendment

3. In the case of PEPPs provided to an employee as part of a workplace arrangement using auto-enrolment, *the provisions referred to in this Chapter shall be without prejudice to the right of an employer to determine default decumulation pathways where this is provided for under the law of the Member State concerned.;*

3. In the case of PEPPs provided to an employee as part of a workplace arrangement using auto-enrolment, *a default decumulation pathway designated in the workplace arrangement shall be non-binding. The PEPP saver shall receive the information and retirement-planning assistance referred to in Article 60 and may select or change the form of out-payments, without charge, before the*

start of the decumulation phase, subject to national law.

Or. en

Justification

A default pathway can be a useful behavioural nudge, but an employer should not control the decumulation of an individually owned personal pension. The saver must be able to make an informed and cost-free choice before pay-out begins.

Amendment 382

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

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

Regulation (EU) 2019/1238

Article 62

Present text

Each Member State shall ensure that the competent authorities have all supervisory and investigatory powers that are necessary for the exercise of their functions pursuant to this Regulation.

Amendment

(25a) Article 62 is replaced by the following:

Each Member State shall ensure that the competent authorities have all supervisory and investigatory powers that are necessary for the exercise of their functions pursuant to this Regulation, ***including mystery shopping exercises.***

Or. en

(Regulation (EU) 2019/1238)

Amendment 383

Marlena Malag

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 26

Regulation (EU) 2019/1238

Article 63 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the competent authorities are satisfied that there are reasonable grounds to believe that the PEPP gives rise to significant or reiterated saver's protection concerns, consistently fails to offer value for money or poses a risk to the orderly functioning and integrity of financial markets or the stability of whole or part of the financial system within at least one Member State;;* **deleted**

Or. en

Amendment 384

Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 26

Regulation (EU) 2019/1238

Article 63 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the competent authorities are satisfied that there are reasonable grounds to believe that the PEPP gives rise to significant or reiterated saver's protection concerns, ***consistently fails to offer value for money*** or poses a risk to the orderly functioning and integrity of financial markets or the stability of whole or part of the financial system within at least one Member State;;

(a) the competent authorities are satisfied that there are reasonable grounds to believe that the PEPP gives rise to significant or reiterated saver's protection concerns or poses a risk to the orderly functioning and integrity of financial markets or the stability of whole or part of the financial system within at least one Member State;;

Or. en

Justification

Amendment brings the provision in line with the proposed changes to Article 25.

Amendment 385

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 26

Regulation (EU) 2019/1238

Article 63 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) the competent authorities are satisfied that there are reasonable grounds to believe that the PEPP gives rise to significant or reiterated saver's protection concerns, ***consistently fails to offer value for money*** or poses a risk to the orderly functioning and integrity of financial markets or the stability of whole or part of the financial system within at least one Member State;

Amendment

(a) the competent authorities are satisfied that there are reasonable grounds to believe that the PEPP gives rise to significant or reiterated saver's protection concerns or poses a risk to the orderly functioning and integrity of financial markets or the stability of whole or part of the financial system within at least one Member State;

Or. es

Amendment 386

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 26

Regulation (EU) 2019/1238

Article 63 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) the competent authorities are satisfied that there are reasonable grounds to believe that the PEPP gives rise to significant or reiterated saver's protection concerns, ***consistently fails to offer value for money*** or poses a risk to the orderly functioning and integrity of financial markets or the stability of whole or part of the financial system within at least one Member State;;

Amendment

(a) the competent authorities are satisfied that there are reasonable grounds to believe that the PEPP gives rise to significant or reiterated saver's protection concerns, or poses a risk to the orderly functioning and integrity of financial markets or the stability of whole or part of the financial system within at least one Member State;;

Or. en

Amendment 387

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EU) 2019/1238

Article 64 – paragraph 1 – first sentence

Text proposed by the Commission

Amendment

(27) in Article 64(1), the first sentence is replaced by the following: *deleted*

‘EIOPA shall perform a facilitation and coordination role, including by setting up a collaboration platform in accordance with Article 65a in relation to action taken by competent authorities in accordance with Article 63.;’

Or. en

Amendment 388

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 28

Regulation (EU) 2019/1238

Article 65 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(28) in Article 65(3), first subparagraph, point (a), the following text is added: *deleted*

‘or the consistent failure to offer value for money;;’

Or. en

Amendment 389

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 28

Regulation (EU) 2019/1238

Article 65 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

or the consistent failure to offer value for money; ***deleted***

Or. es

Amendment 390

Regina Doherty

Proposal for a regulation

Article 1 – paragraph 1 – point 29

Regulation (EU) 2019/1238

Article 65a

Text proposed by the Commission

Amendment

(29) the following Article 65a is inserted: ***deleted***

‘Article 65a

Collaboration platforms

1. EIOPA shall perform a facilitation and coordination role, including in the case of justified concerns about potential harm to the interests of PEPP savers and PEPP beneficiaries. It shall, on its own initiative or at the request of one or more of the PEPP competent authorities, set up and coordinate a collaboration platform, to strengthen the exchange of information and to enhance collaboration between competent authorities.

2. Paragraph 1 shall be without prejudice to the right of the relevant competent authorities to set up a collaboration platform where they all agree to do so.

3. The setting up of a collaboration platform pursuant to paragraphs 1 and 2 is without prejudice to the mandate of the supervisory authorities of the home Member State and host Member State provided for in this Regulation.

4. Without prejudice to Article 35 of

Regulation (EU) No 1094/2010, at the request of EIOPA, the relevant competent authorities shall provide all necessary information in a timely manner.

5. Where two or more competent authorities of a collaboration platform disagree about the procedure or content of an action to be taken, or inaction, EIOPA may, at the request of any relevant competent authority or on its own initiative, assist the competent authorities in reaching an agreement in accordance with Article 19(1) of Regulation (EU) No 1094/2010.

6. Where EIOPA identifies a need to investigate possible detriment to the interests of PEPP savers or beneficiaries EIOPA may call for the home PEPP competent authority to carry out an on-site inspection. The competent authority of the home Member State shall launch the on-site inspection without delay and shall invite EIOPA and other competent authorities concerned to participate in it.;

Or. en

Amendment 391

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 29

Regulation (EU) 2019/1238

Article 65a– paragraph 1

Text proposed by the Commission

1. EIOPA shall perform a facilitation and coordination role, ***including in the case of justified concerns about potential harm to the interests of PEPP savers and PEPP beneficiaries. It shall, on its own initiative*** or at the request of one or more of the PEPP competent authorities, set up and coordinate a collaboration platform, to strengthen the exchange of information and

Amendment

1. EIOPA shall perform a facilitation and coordination role or, at the request of one or more of the PEPP competent authorities, ***it may*** set up and coordinate a collaboration platform, to strengthen the exchange of information and to enhance collaboration between competent authorities ***on cross-border matters***.

to enhance collaboration between competent authorities.

Or. es

Amendment 392

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 29

Regulation (EU) 2019/1238

Article 65a– paragraph 5

Text proposed by the Commission

5. Where two or more competent authorities of a collaboration platform disagree about the procedure or content of an action to be taken, or inaction, EIOPA may, at the request of ***any relevant competent authority or on its own initiative***, assist the competent authorities in reaching an agreement in accordance with Article 19(1) of Regulation (EU) No 1094/2010.

Amendment

5. Where two or more competent authorities of a collaboration platform disagree about the procedure or content of an action to be taken, or inaction, EIOPA may, at the request of ***one of the affected competent authorities***, assist the competent authorities in reaching an agreement in accordance with Article 19(1) of Regulation (EU) No 1094/2010.

Or. es

Amendment 393

Isabel Benjumea Benjumea

Proposal for a regulation

Article 1 – paragraph 1 – point 29

Regulation (EU) 2019/1238

Article 65a– paragraph 6

Text proposed by the Commission

6. ***Where EIOPA identifies a need to investigate possible detriment to the interests of PEPP savers or beneficiaries EIOPA may call for the home PEPP competent authority to carry out an on-site inspection. The competent authority of the home Member State shall launch***

Amendment

deleted

the on-site inspection without delay and shall invite EIOPA and other competent authorities concerned to participate in it.;

Or. es

Amendment 394

Marlena Maląg

on behalf of the ECR Group

Proposal for a regulation

Article 1 – paragraph 1 – point 29

Regulation (EU) 2019/1238

Article 65a– paragraph 6

Text proposed by the Commission

Amendment

6. Where EIOPA identifies a need to investigate possible detriment to the interests of PEPP savers or beneficiaries EIOPA may call for the home PEPP competent authority to carry out an on-site inspection. The competent authority of the home Member State shall launch the on-site inspection without delay and shall invite EIOPA and other competent authorities concerned to participate in it.;

deleted

Or. en

Amendment 395

Francisco Assis, Carla Tavares, Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 29 a (new)

Regulation (EU) 2019/1238

Article 70a – paragraph 1 – subparagraph 2 – point a

Present text

Amendment

(a) be submitted *in a data extractable format as defined in Article 2, point (3), of*

(29a) in Article 70a(1), subparagraph 2, point (a) is amended as follows:

(a) be submitted in a *machine-readable format as defined in Article 2, point (4), of*

Regulation (EU) 2023/2859 or, where required by Union law, in a machine-readable format, as defined in Article 2, point (4), of *that* Regulation;

Regulation (EU) 2023/2859;

Or. en

(Regulation (EU) 2019/1238)

Amendment 396

Auke Zijlstra

Proposal for a regulation

Article 1 – paragraph 1 – point 30

Regulation (EU) 2019/1238

Article 73 – paragraph 1 – first sentence

Text proposed by the Commission

By [PO = please insert the date corresponding to **five** years after the application date of this Regulation], and every five years thereafter, the Commission shall carry out an evaluation of this Regulation, and after consulting EIOPA and the other ESAs where appropriate, present a report on the main findings to the European Parliament and the Council..

Amendment

By [PO = please insert the date corresponding to **three** years after the application date of this Regulation], and every five years thereafter, the Commission shall carry out an evaluation of this Regulation, and after consulting EIOPA and the other ESAs where appropriate, present a report on the main findings to the European Parliament and the Council. ***That evaluation shall assess the impact of workplace PEPPs on occupational pension coverage, including the number and characteristics of employees without occupational pension coverage, employer and employee contribution levels, opt-out rates, costs, provider concentration, transfers and any substitution of statutory or collectively agreed occupational pension arrangements. The assessment shall distinguish between Member States, sectors and categories of employees.***

Or. en

Justification

The workplace PEPP is a new distribution model with potentially significant effects on the balance between the second and third pillars. An earlier and specifically targeted review is needed to determine whether it closes pension coverage gaps or substitutes existing occupational provision.

Amendment 397

Virginijus Sinkevičius

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1

Regulation (EU) 2021/473

Article 2 – paragraph 1

Text proposed by the Commission

In the Commission Delegated Regulation (EU) 2021/473, Article **13**, **Article** 14, paragraphs 2 and 3, and Article 15 are repealed.

Amendment

In the Commission Delegated Regulation (EU) 2021/473, Article 14, paragraphs 2 and 3, and Article 15 are repealed.

Or. en

Amendment 398

Markus Ferber

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

This Regulation shall apply from [PO = please insert **1** year after entry into force of this Regulation].

Amendment

This Regulation shall apply from [PO = please insert **two** year after entry into force of this Regulation].

Or. en

Justification

The scale of change introduced by this Regulation, to the central register, the PEPP KID, advice arrangements and investment rules, requires providers to redesign systems, documentation and distribution processes well ahead of application. A two-year period gives providers adequate lead time to implement the new provisions.

