

Brussels, 16 March 2011

Open letter to the Chairman of EIOPA, Mr. Gabriel Bernardino

The new European Insurance and Pension Authority reduces the representation of the users of insurance and pension services to almost nothing, violating the recently voted European Financial Reform Regulation.

On March 8, 2011, EIOPA announced the members of its two “stakeholder groups”, the insurance and the pension ones, established to facilitate EIOPA’s consultation with “stakeholders” in Europe.

The 30 member **Insurance and Reinsurance Stakeholder Group** includes a maximum of four members representing insurance policy holders, i.e. the about 500 million European citizens who pay insurance premiums to get insurance services. There is not any representative of life insurance holders associations, despite their applications. On the other hand, at the very least 16 members are senior level professionals employed and paid directly or indirectly by the financial industry.

The 30 member **Occupational Pensions Stakeholder Group** includes only two members representing the about 500 million European citizens participating to a pension scheme or pension fund. There is not any representative of pension participants associations, despite their applications. On the other hand, at the very least 16 members are senior level professionals employed and paid directly or indirectly by the financial industry.

This grossly contradicting the many public statements of European Authorities repeated since the financial crisis, committing them to make the voice of financial services users “*much more strongly heard on all financial issues*”, and to restore some balance between the representation of financial services providers and that of users¹.

This is also violating in our view both the spirit and the wording of the new financial supervision regulations which require **a balanced proportion** between the representatives of:

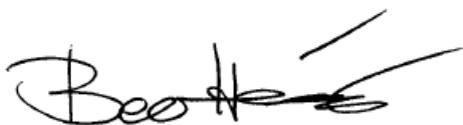
- Financial services providers²
- and of Financial services users³.

¹ See for example : 4 March 2009 « *Driving EU recovery* » communication from the EC:
«*The interests of European investors, consumers and SMEs, must be at the centre of the reform...
The Commission will ... ensure that the voice of European investors is much more strongly heard on all financial issues*”.

² “insurance and reinsurance undertakings and insurance intermediaries”, “institutions for occupational retirement provision”, “relevant professional associations”

We ask the Board of EIOPA, the European Commission and the European Parliament to take immediate action to abide by the law and to ensure a balanced representation of stakeholders that is not detrimental to the European users of insurance and pension services.

Yours sincerely,



Jella Benner –Heinacher
President



Jean Berthon
Vice-President



Guillaume Prache
Managing Director

c.c. Michel Barnier, EU Commissioner, Internal Market & Services
Jonathan Faull, Director General, Internal market & services, European Commission
Pascal Canfin, Member of the European Parliament
Sven Giegold, Member of the European Parliament
Peter Skinner, Member of the European Parliament
Ramon Tremosa, Member of the European Parliament

³ “consumers”, “users”, “representatives of SMEs”, “beneficiaries”, “users of financial services”, “users of financial services”

Annex 1

The regulations regarding the composition of the European Financial Stakeholder Groups

EIOPA, *Article 37*

2. The Insurance and Reinsurance Stakeholder Group shall be composed of 30 members, representing **in balanced proportions** insurance and reinsurance undertakings and insurance intermediaries operating in the Union, and their employees' representatives, as well as consumers, users of insurance and reinsurance services, representatives of SMEs and representatives of relevant professional associations.
At least five of its members shall be independent top-ranking academics. Ten of its members shall represent insurance undertakings, reinsurance undertakings or insurance intermediaries, three of whom shall represent cooperative and mutual insurers or reinsurers.
3. The Occupational Pensions Stakeholder Group shall be composed of 30 members, representing in balanced proportions institutions for occupational retirement provision operating in the Union, representatives of employees, representatives of beneficiaries, representatives of SMEs and representatives of relevant professional associations.
At least five of its members shall be independent top-ranking academics. Ten of its members shall represent institutions for occupational retirement provision.

ESMA, article 37

2. The Securities and Markets Stakeholder Group shall be composed of 30 members, representing **in balanced proportions** financial market participants operating in the Union, their employees' representatives as well as consumers, users of financial services and representatives of SMEs.
At least five of its members shall be independent top-ranking academics. Ten of its members shall represent financial market participants.

EBA, article 37

2. The Banking Stakeholder Group shall be composed of 30 members, representing **in balanced proportions** credit and investment institutions operating in the Union, their employees' representatives as well as consumers, users of banking services and representatives of SMEs.
At least five of its members shall be independent top-ranking academics. Ten of its members shall represent financial institutions, three of whom shall represent cooperative and savings banks.

Annex 2

First analysis of the EIOPA stakeholder groups membership

Analysis is in italics. EIOPA did not disclose the professional data of the designated members. This is coming from our own research.

INSURANCE AND REINSURANCE STAKEHOLDER GROUP MEMBERS

"Industry representatives":

Mr. Oliver Bäte, Germany
Mr. Yanick Bonnet, France
Mr. Paul Carty, Ireland
Mr. Hugh Francis, United Kingdom
Ms. Pilar Gonzalez de Frutos, Spain
Mr. Asmo Olavi Kalpala, Finland
Ms. Michaela Koller, Germany
Mr. Jean Christophe Menioux, France
Mr. Gerard van Olphen, Netherlands
Mr. Joachim Wenning, Germany

"Consumers":

Ms. Ann Kay Blair, United Kingdom
Mr. Mads Mølgaard Braüner, Denmark
Mr. Lars Gatschke, Germany
Mr. Marcin Kawiński, Poland
An academic not a consumer representative.
Ms. Baiba Miltovica, Latvia

"Users of insurance and reinsurance services":

EIOPA seems to confuse "users" of insurance services with executives of the insurance industry itself, and with "providers", who render services to the insurance industry and are therefore paid by it.

Mr. Thomas Behar, France
A senior executive of CNP, a large life French insurance company
Mr. Seamus Creedon, Ireland
An actuary working for the insurance and banking industry.
Mr. Guenter Droese, Germany
Head of Corporate insurance at Deutsche Bank
Mr. Francis Frizon, France
"Mediator" employed and paid by the French Insurance Industry Federation.
Mr. Robert Crawford Jones, United Kingdom
Mr. Jérôme Lecoq, Belgium
Ms. Christianne Verhaegen, Belgium
General Secretary of the European Federation for Pension Provision, a lobby group largely composed and funded by the financial industry, including quite a few asset management industry lobbies who are providers, not users. The same person is labeled as "industry representative" in the other Group.
Ms. Daniela Weber-Rey, Germany
A Clifford Chance lawyer advising financial industry providers.

“Representatives of trade unions”:

Although employees of the insurance industry are not economically independent from it, we did not count them with the industry

Mr. Raffaella Infelisi, Italy
Mr. Damien Lagaude, France

“Academics”:

Ms. Rym Ayadi, Tunisia
Employed by CEPS, a think tank largely funded by the financial industry.

Mr. Dario Focarelli, Italy
Mr. Helmut Johannes Gründl, Germany
Ms. Maria Heep-Altiner, Germany
Mr. Alexander N. Sadovski, Bulgaria

OCCUPATIONAL PENSIONS STAKEHOLDER GROUP MEMBERS

Industry representatives:

Mr. Gabor Borza, Hungary
Mr. Fritz Janda, Austria
Mr. Niels Kortleve, Netherlands
Ms. Patricia Plas, Belgium
Mr. Joachim Schwind, Germany
Ms. Maria Isabel Semião, Portugal
Ms. Martine Van Peer, Belgium
Mr. Benne van Popta, Netherlands
Ms. Christianne Verhaegen, Belgium
Mr. Allan Whalley, United Kingdom

Beneficiaries / Consumers:

Mr. Marcin Kawiński, Poland
An academic not a consumer representative.
Ms. Baiba Miltovica, Latvia
Mr. Klaus Struwe, Denmark

“Users of occupational pensions services”:

EIOPA seems to confuse “users” of pension services with “providers”, who render services to the pension industry and are therefore paid by it.

Ms. Ruth Goldman, United Kingdom

Lawyer at Linklaters

Mr. Régis de Laroullière, France

The head of the French Actuaries Institute; actuaries are providers to the pension industry and paid by it, not the reverse.

Mr. Philip Shier, Ireland

Actuary

Mr. Charles Cronin, United Kingdom

Executive of the CFA Institute, a professional body for financial analysts. Financial analysts are not users of pension services, but can be providers.

Mr. Frank Ellenbürger, Germany
Head of Insurance at KPMG

“Employee/employer representatives”:

Employees of the Pension industry are not economically independent from it, not mentioning “employers” of course.

Mr. Henri Lourdelle , France

Mr. Otto Farny, Austria

Ms. Naomi Cooke, United Kingdom

Mr. Douglas Taylor, United Kingdom

Mr. Bruno Gabellieri, France

Secretary General of the federation of “prevoyance” institutions in France which are providers of pension and insurance services.

Mr. Giuseppe Rocco, Italy

Mr. Bernhard Wiesner, Germany

“Academics”:

Mr. Gunnar Andersson, Sweden

Mr. Manuel Peraita, Spain

Ms. Frederica Seganti, Italy

Mr. Dariusz Stańko, Poland

Mr. Yves Stevens, Belgium