

EIOPA's current empowerments

EIOPA empowerment	References ¹
General powers	
Cross-sectoral cooperation (Joint Committee)	Art 2(3)
Develop draft regulatory technical standards (RTS)	Art 8(2) a in conjunction with Art 10
Develop draft implementing technical standards (ITS)	Art 8(2) b in conjunction with Art 15
Issue guidelines and recommendations	Art 8(2) c in conjunction with Art 16
Investigate alleged breach or non-compliance with Union law by a NCA	Art 17(2)
Issue recommendations in case of a breach of union law by NCA	Art 8(2) d in conjunction with Art 17(3)
Facilitate and coordinate NCAs in the lead-up to emergency situations , participate in meetings	Art 18(1)
Confidential recommendation to the Council assessing a potential emergency situation	Art 18(2)
Take individual decisions addressed to NCAs requiring necessary action <ul style="list-style-type: none"> ■ in emergency situations or ■ where NCAs are unable to settle a disagreement 	Art 8(2) e in conjunction with Art 18(3) and 19(3)
Take individual decisions addressed to financial institutions requiring the necessary action to comply with its obligations under Union law including the cessation of any practice <ul style="list-style-type: none"> ■ in case of a breach of union law by NCA and non-compliance with a formal EC opinion, ■ in emergency situations and non-compliance of the NCA with EIOPA's decision, or ■ where NCAs are unable to settle a disagreement and non-compliance of the NCA with EIOPA's decision 	Art 8(2) f in conjunction with Art 17(6), 18(4) and 19(4)

¹ Where **not marked**, references are made to regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (*European Insurance and Occupational Pensions Authority*). Where **marked**, references are made to directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (*Solvency II, Level 1*) or delegated regulation (EU) 2015/35 of 10 October 2014 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (*Solvency II, Level 2*).

Declare existence of exceptional adverse situations and assess on a regular basis, upon request from NCA	Art 138(4) Directive 138/2009 and recital (104) and Art 288 Regulation 35/2015
Issue opinions to EP, Council, or EC; upon request or on own initiative <ul style="list-style-type: none"> ■ on all issues related to EIOPA's area of expertise ■ upon NCA request, on a prudential assessment of mergers and acquisitions 	Art 8(2) g in conjunction with Art 34
Collect the necessary information concerning financial institutions <ul style="list-style-type: none"> ■ at request from EIOPA to NCA ■ at recurring intervals ■ upon request from NCA to EIOPA ■ upon request from EIOPA to financial institution 	Art 8(2) h in conjunction with Art 35
Develop common methodologies for assessing the effect of product characteristics and distribution processes on the financial position of institutions and on consumer protection	Art 8(2) i
Provide a centrally assessable database of registered financial institutions where specified in the acts referred to in Art 1(2)	Art 8(2) j
Consumer protection and financial activities	
Collecting, analysing, and reporting on consumer trends	Art 9(1) a
Reviewing and coordinating financial literacy and education initiatives by NCAs	Art 9(1) b
Developing training standards for the industry	Art 9(1) c
Contributing to the development of common disclosure rules	Art 9(1) d
Monitor and review activities and adopt guidelines and recommendations	Art 9(2) in conjunction with Art 16(1)
Issue warnings	Art 9(3)
Establish a committee on financial innovation	Art 9(4)
(temporary) prohibition or restriction of certain financial activities, renewal thereof	Art 9(5)
Settlement of disagreements	
Mediating role between NCAs in cross-border situations upon their request	Art 19(1)
Mediating role between NCAs in cross-border situations on own initiative	Art 19(1)
Decisions regarding <ul style="list-style-type: none"> ■ group internal models ■ subsidiaries 	Art 231(3), 237(3), 247(4)&(5), 260 Directive 138/2009 in conjunction with Art 19(3)

<ul style="list-style-type: none"> ■ designation of the group supervisor ■ verification of equivalence 	
Decisions directly applicable to the financial institution where an NCA has not complied with the decision of EIOPA	Art 19(4)
Settlement of cross-sectoral disagreements	Art 20 in conjunction with Art 19
Supervisory Colleges	
Participation in activities of supervisory colleges, including on-site examinations	Art 21(1)
Collect and share information and establish and manage a central data system	Art 21(2) a
Initiate and coordinate Union-wide stress tests and address recommendations to NCAs	Art 21(2) b in conjunction with Art 32
Evaluation of risks identified in the SRP or stress scenarios	Art 21(2) c
Overseeing tasks carried out by NCAs	Art 21(2) d
Challenge decisions made by the college and request further deliberations and meetings to be scheduled	Art 21(2) e
Draft RTS, ITS , issue guidelines and recommendations on best practices for supervisory colleges	Art 21(3) in conjunction with Art 16(1)
Legally binding mediation in colleges	Art 21(4) in conjunction with Art 19
Decisions directly applicable to the financial institution	Art 21(4) in conjunction with Art 19
Inform EP, Council, and EC of major difficulties with the application of requirements regarding group supervision	Art 247(7) Directive 138/2009
Report to EP annually on relevant and significant experiences	Art 259 Directive 138/2009
Powers relating to Systemic Risk	
Monitoring and assessment of systemic risk	Art 22(1)
Respond to ESRB warnings and recommendations	Art 22(1)
Develop common measurement of systemic importance , quantitative and qualitative	Art 22(2)
Issue guidelines and recommendations for financial institutions on systemic risk	Art 22(3)
Conduct inquiries on request or on own initiative to assess threats to the financial stability, into types of: <ul style="list-style-type: none"> ■ financial institutions ■ products 	Art 22(4) in conjunction with Art 35

<ul style="list-style-type: none"> ■ conduct 	
Make appropriate recommendations to NCAs	
Develop criteria for the identification and measurement of systemic risk	Art 23(1)
Develop an adequate stress testing regime	Art 23(1)
Group supervision – crisis prevention, management, and resolution	
Upon request from the EC, contribute to the assessment of <ul style="list-style-type: none"> ■ supervisory colleges ■ capital add-ons ■ benefits of enhancing group supervision 	Art 27
Report to EC on <ul style="list-style-type: none"> ■ early intervention ■ centralised group risk management, group internal models ■ intra-group transactions and risk concentration ■ diversification & concentration effects ■ asset transferability ■ equivalent policyholder / beneficiary protection, national crisis management arrangements ■ IGS 	Art 27 a -g
Delegation of tasks and responsibilities	
Identify tasks and responsibilities that can be delegated between NCAs or from NCA to EIOPA	Art 28(2)
Provide opinion on delegation agreement	Art 28(4)
Publish delegation agreements	Art 28(5)
Building a common supervisory culture and supervisory practices	
At a minimum, the authority must: <ul style="list-style-type: none"> ■ provide opinions to NCAs ■ promoting exchange of information between NCAs ■ contributing to the development of uniform standards (incl reporting and international accounting standards) ■ review the application of RTSs and ITSs, and guidelines and recommendations, and propose amendments where appropriate ■ establishing training programmes and facilitating and encouraging staff exchanges and secondments 	Art 29(1)

Develop new practical instruments and convergence tools to promote common supervision	Art 29(2)
Peer reviews	
Organise and conduct peer reviews and develop methods for objective assessment and comparison between NCAs	Art 30(1)
Issue guidelines and recommendations on the basis of peer reviews	Art 30(3) in conjunction with Art 16(1)
Develop best practices from peer reviews	Art 30(4)
Publish best practices and results from specific peer reviews	Art 30(4)
Assessment of market developments	
Monitor and assess market developments; notify other ESAs, EP, Council, EC about relevant micro-prudential trends, potential risks and vulnerabilities	Art 32(1)
In coordination with ESRB, initiate and coordinate Union-wide assessments of the resilience of financial institutions , incl developing: <ul style="list-style-type: none"> ■ common methodologies for assessing effects of economic scenarios on an institution's financial position ■ common approaches to communication outcomes of such assessment ■ Common methodologies on effects of products or distribution processes 	Art 32(2)
Provide assessments of trends, potential risks and vulnerabilities to EP, Council, EC and ESRB ; and recommend preventive or remedial action	Art 32(3)
International relations	
Develop contracts or enter into administrative arrangements with <ul style="list-style-type: none"> ■ supervisory authorities ■ international organisations ■ the administrations of third countries 	Art 33(1)
Assist in preparing equivalence decisions	Art 33(2)
Publish and maintain list of third countries that have been qualified equivalent	Art 172 and 227 Directive 138/2009
Collect information from Member States on third-country treatment of EU (re)insurers	Art 177(1) Directive 138/2009
Other specific powers	
Any other action taken to ensure effective and consistent application, eg in relation to corporate governance, auditing and financial reporting	Art 1(3)

Contribute and participate in development of R&R plans	Art 25(1)
Identify best practices on resolution	Art 25(2)
Contribute to the work done on insurance guarantee schemes (IGS)	Art 26
Coordination function - promote a coordinated Union response by: <ul style="list-style-type: none"> ■ facilitating exchange of information between NCAs ■ determining the scope of information ■ carrying out non-binding mediation on request of NCA ■ notifying the ESRB of any potential emergency ■ taking measures ■ centralising / sharing information 	Art 31
Annually collect information from NCAs, and disclose publicly , <ul style="list-style-type: none"> ■ on capital add-ons imposed ■ on (re)insurance undertakings and groups that benefit from limited supervisory reporting 	Art 52(1) and (2) Directive 138/2009
Provide data published on capital add-ons and undertakings benefitting from limited reporting requirements to EP, Council, and Commission, report on supervisory convergence regarding the use of capital add-ons	Art 52(3) Directive 138/2009
Quarterly publication of: <ul style="list-style-type: none"> ■ risk-free interest rate term structure (to calculate BE without MA & VA) ■ fundamental spread (to calculate MA) per <ul style="list-style-type: none"> ■ duration, ■ credit quality, ■ asset class ■ VA to risk-free interest rate term structure per national market 	Art 77e(1) a-c Directive 138/2009 and recital (23) Regulation 35/2015
LTG measures / measures on equity risk <ul style="list-style-type: none"> ■ collect information from NCAs annually ■ report to EP, Council, and EC annually ■ submit an opinion to the EC 	Art 77f(1)-(2) Directive 138/2009
Request information on residential immovable property markets from Member States (counterparty default risk)	Art 191(14) Regulation 35/2015
Annually collect USP data from NCAs, analyse data and provide opinion on update of correlation parameters	Recitals (76) and (77) and Art 221 Regulation 35/2015