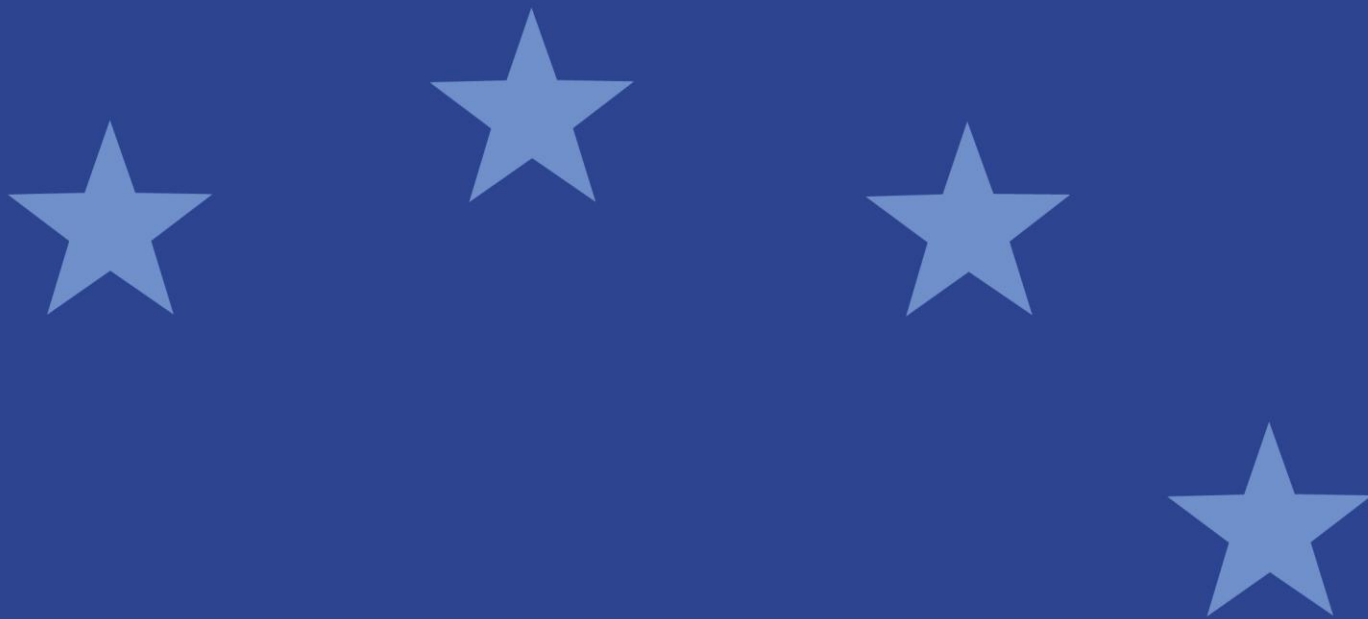




European Securities and  
Markets Authority

# Reply form for the Consultation Paper on PRIIPs Key Information Documents



## Responding to this paper

The European Securities and Markets Authority (ESMA) invites responses to the specific questions listed in the ESMA Consultation Paper on PRIIPs Key Information Documents, published on the ESMA website.

### *Instructions*

Please note that, in order to facilitate the analysis of the large number of responses expected, you are requested to use this file to send your response to ESMA so as to allow us to process it properly. Therefore, ESMA will only be able to consider responses which follow the instructions described below:

- use this form and send your responses in Word format (pdf documents will not be considered except for annexes);
- do not remove the tags of type <ESMA\_QUESTION\_PRIIPS\_1> - i.e. the response to one question has to be framed by the 2 tags corresponding to the question; and
- if you do not have a response to a question, do not delete it and leave the text “TYPE YOUR TEXT HERE” between the tags.

Responses are most helpful:

- if they respond to the question stated;
- contain a clear rationale, including on any related costs and benefits; and
- describe any alternatives that ESMA should consider

### **Naming protocol**

In order to facilitate the handling of stakeholders responses please save your document using the following format:

ESMA\_ PRIIPS \_NAMEOFCOMPANY\_NAMEOFDOCUMENT.

E.g. if the respondent were XXXX, the name of the reply form would be:

ESMA\_ PRIIPS\_XXXX\_REPLYFORM or

ESMA\_ PRIIPS\_XXXX\_ANNEX1

To help you navigate this document more easily, bookmarks are available in “Navigation Pane” for Word 2010 and in “Document Map” for Word 2007.

### **Deadline**

Responses must reach us by **29 January 2016**.

All contributions should be submitted online at [www.esma.europa.eu](http://www.esma.europa.eu) under the heading ‘Your input/Consultations’.



### ***Publication of responses***

All contributions received will be published following the end of the consultation period, unless otherwise requested. **Please clearly indicate by ticking the appropriate checkbox in the website submission form if you do not wish your contribution to be publicly disclosed. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure.** Note also that a confidential response may be requested from us in accordance with ESMA's rules on access to documents. We may consult you if we receive such a request. Any decision we make is reviewable by ESMA's Board of Appeal and the European Ombudsman.

### ***Data protection***

Information on data protection can be found at [www.esma.europa.eu](http://www.esma.europa.eu) under the headings 'Legal notice' and 'Data protection'.



## Introduction

***Please make your introductory comments below, if any:***

<ESMA\_COMMENT\_PRIIPS\_1>  
TYPE YOUR TEXT HERE  
<ESMA\_COMMENT\_PRIIPS\_1>

**Question 1**

*Would you see merit in the ESAs clarifying further the criteria set out in Recital 18 mentioned above by way of guidelines?*

<ESMA\_QUESTION\_PRIIPS\_1>

Yes, we would appreciate further guidelines on the criteria set out in Recital 18

<ESMA\_QUESTION\_PRIIPS\_1>

**Question 2**

- (i) Would you agree with the assumptions used for the proposed default amounts? Are you of the opinion that these prescribed amounts should be amended? If yes, how and why?*
- (ii) Would you favour an approach in which the prescribed standardised amount is the default option, unless the PRIIP has a known required investment amount and price which can be used instead?*

<ESMA\_QUESTION\_PRIIPS\_2>

Higher premium amounts should be allowed to be flexible enough to cover products with relatively high expected or minimum premium amounts. Such products may have an element of fixed charges which could appear very high in proportion to a low premium level and they would be put at a disadvantage relative to other products otherwise.

<ESMA\_QUESTION\_PRIIPS\_2>

**Question 3**

*For PRIIPs that fall into category II and for which the Cornish Fisher expansion is used as a methodology to compute the VaR equivalent Volatility do you think a bootstrapping approach should be used instead? Please explain the reasons for your opinion?*

<ESMA\_QUESTION\_PRIIPS\_3>

Yes. For consistency reasons

<ESMA\_QUESTION\_PRIIPS\_3>

**Question 4**

*Would you favour a different confidence interval to compute the VaR? If so, please explain which confidence interval you would use and state your reasons why.*

<ESMA\_QUESTION\_PRIIPS\_4>

No preference for confidence interval.

<ESMA\_QUESTION\_PRIIPS\_4>

**Question 5**

*Are you of the view that the existence of a compensation or guarantee scheme should be taken into account in the credit risk assessment of a PRIIP? And if you agree, how would you propose to do so?*

<ESMA\_QUESTION\_PRIIPS\_5>

No. Reference to any such compensation scheme should be referred to elsewhere in the KIID but not taken into account for credit risk assessment.

<ESMA\_QUESTION\_PRIIPS\_5>

**Question 6**

*Would you favour PRIIP manufacturers having the option to voluntarily increase the disclosed SRI? In which circumstances? Would such an approach entail unintended consequences?*

<ESMA\_QUESTION\_PRIIPS\_6>  
Yes we would be in favour of such an option.  
<ESMA\_QUESTION\_PRIIPS\_6>

**Question 7**

*Do you agree with an adjustment of the credit risk for the tenor, and how would you propose to make such an adjustment?*

<ESMA\_QUESTION\_PRIIPS\_7>  
No, we disagree as the risk measure is sufficiently complex already  
<ESMA\_QUESTION\_PRIIPS\_7>

**Question 8**

*Do you agree with the scales of the classes MRM, CRM and SRI? If not, please specify your alternative proposal and include your reasoning.*

<ESMA\_QUESTION\_PRIIPS\_8>  
Yes we agree  
<ESMA\_QUESTION\_PRIIPS\_8>

**Question 9**

*Are you of the opinion that for PRIIPs that offer a capital protection during their whole lifespan and can be redeemed against their initial investment at any time over the life of the PRIIP a qualitatively assessment and automatic allocation to MRM class 1 should be permitted?*

*Are you of the opinion that the criteria of the 5 year tenor is relevant, irrespective of the redemption characteristics?*

<ESMA\_QUESTION\_PRIIPS\_9>  
We are unsure as to why 5 years was chosen. However we agree in principle that capital protection is eroded by inflation and therefore the concept is correct.  
<ESMA\_QUESTION\_PRIIPS\_9>

**Question 10**

*Are you aware of other circumstances in which the credit risk assessment should be assumed to be mitigated? If so, please explain why and to what degree it should be assumed to be mitigated?*

<ESMA\_QUESTION\_PRIIPS\_10>  
No.  
<ESMA\_QUESTION\_PRIIPS\_10>

**Question 11**

*Do you think that the look through approach to the assessment of credit risk for a PRIIP packaged into another PRIIP is appropriate?*

<ESMA\_QUESTION\_PRIIPS\_11>

Yes. It is appropriate

<ESMA\_QUESTION\_PRIIPS\_11>

**Question 12**

*Do you think the risk indicator should take into account currency risk when there is a difference between the currency of the PRIIP and the national currency of the investor targeted by the PRIIP manufacturer, even though this risk is not intrinsic to the PRIIP itself, but relates to the typical situation of the targeted investor?*

<ESMA\_QUESTION\_PRIIPS\_12>

No. Only risks that are intrinsic to the PRIIP itself should be included in the risk indicator.

<ESMA\_QUESTION\_PRIIPS\_12>

**Question 13**

*Are you of the opinion that the current Consultation Paper sufficiently addresses this issue? Do you it is made sufficiently clear that the value of a PRIIP could be significantly less compared to the guaranteed value during the life of the PRIIP? Several alternatives are analysed in the Impact Assessment under policy option 5: do you see any additional analysis for these assessment?*

<ESMA\_QUESTION\_PRIIPS\_13>

The presentation of performance scenarios should show the range of outcomes prior to maturity.

<ESMA\_QUESTION\_PRIIPS\_13>

**Question 14**

*Do you agree to use the performance fee, as prescribed in the cost section, as a basis for the calculations in the performance section (i.e. calculate the return of the benchmark for the moderate scenario in such a way that the return generates the performance fee as prescribed in the cost section)? Do you agree the same benchmark return should be used for calculating performance fees for the unfavourable and favourable scenarios, or would you propose another approach, for instance automatically setting the performance fees to zero for the unfavourable scenario? Please justify your proposal.*

<ESMA\_QUESTION\_PRIIPS\_14>

Yes.

<ESMA\_QUESTION\_PRIIPS\_14>

**Question 15**

*Given the number of tables displayed in the KID and the to a degree mixed consumer testing results on whether presentation of performance scenarios as a table or a graph would be most effective, do you*

*think a presentation of the performance scenarios in the form of a graph should be preferred, or both a table and a graph?*

<ESMA\_QUESTION\_PRIIPS\_15>

We would prefer a graph.

<ESMA\_QUESTION\_PRIIPS\_15>

**Question 16**

*Do you agree with the scope of the assets mentioned in paragraph 25 of Annex VI on transaction costs for which this methodology is prescribed? If not, what alternative scope would you recommend?*

<ESMA\_QUESTION\_PRIIPS\_16>

We agree.

<ESMA\_QUESTION\_PRIIPS\_16>

**Question 17**

*Do you agree with the values of the figures included in this table? If not, which values would you suggest? (please note that this table could as well be included in guidelines, to allow for more flexibility in the revision of the figures)*

<ESMA\_QUESTION\_PRIIPS\_17>

We agree with the values of the figures.

<ESMA\_QUESTION\_PRIIPS\_17>

**Question 18**

*Do you agree that the monetary values indicated in the first table are a sum of costs over the respective holding periods? Or should the values reflect annualized amounts? If you prefer annualized amounts, which method for annualisation should be used (e.g. arithmetic average or methods that consider discounting effects)?*

<ESMA\_QUESTION\_PRIIPS\_18>

We have a preference for showing the sum of costs rather than annualized amounts.

We note that the last row shows the Reduction in Yield which will allow for comparability between different products.

<ESMA\_QUESTION\_PRIIPS\_18>

**Question 19**

*Do you think that estimating the fair value of biometric risk premiums as stated in paragraph 55(b) of Annex VI would raise any technical or practical difficulties?*

<ESMA\_QUESTION\_PRIIPS\_19>

Where the comparison with Solvency II is concerned, there could be practical difficulties where a manufacturer is not covered by the Solvency II regime. In addition, the mortality used for any internal calcula-



tions may be more or less specific to the risk concerned (i.e. there could be grouping of risks or the best estimate cost may be gender specific).

<ESMA\_QUESTION\_PRIIPS\_19>

**Question 20**

*Knowing that the cost element of the biometric risk premium is included in the total costs calculation, how do you think the investor might be most efficiently informed about the other part of the biometric risk premium (i.e. the fair value), and/or the size of biometric risk premium overall? Do you consider it useful to include the fair value in a separate line in the first table, potentially below the RIY? Or should information on the fair value be disclosed in another part of the KID (for instance, the “What is this product?” section, where the draft RTS currently disclose biometric risk premiums in total, and/or in the performance section)? What accompanying narrative text do you think is needed, and where should this be placed, including specifically narrative text in the cost section?*

<ESMA\_QUESTION\_PRIIPS\_20>

To avoid confusion, we believe that it should be disclosed under the “What is this product?” section

<ESMA\_QUESTION\_PRIIPS\_20>

**Question 21**

*Given evidence as to the difficulties consumers may have using percentage figures, would you prefer an alternative presentation of the second table, solely using monetary values instead? As with the first table, please also explain what difficulties you think might arise from calculating monetary values, and whether this should be on an annualized basis, and if so, how?*

<ESMA\_QUESTION\_PRIIPS\_21>

No. The use of percentages facilitates comparisons of PRIIPS with different investment amounts.

<ESMA\_QUESTION\_PRIIPS\_21>

**Question 22**

*Given the number of tables shown in the KID, do you think a more graphic presentation of the breakout table should be preferred?*

<ESMA\_QUESTION\_PRIIPS\_22>

Yes.

<ESMA\_QUESTION\_PRIIPS\_22>

**Question 23**

*The example presented above includes a possible way of showing the variability of performance fees, by showing the level for all three performance scenarios in the KID, highlighting the ‘moderate’ scenario, which would be used for the calculation of the total costs. Do you believe that this additional information should be included in the KID?*

<ESMA\_QUESTION\_PRIIPS\_23>

No we would not be in favour of showing this additional information.



<ESMA\_QUESTION\_PRIIPS\_23>

**Question 24**

*To reduce the volume of information, should the first and the second table of Annex VII be combined in one table? Should this be supplemented with a breakdown of costs as suggested in the graphic above?*

<ESMA\_QUESTION\_PRIIPS\_24>

No we would not be in favour of combining the tables.

<ESMA\_QUESTION\_PRIIPS\_24>

**Question 25**

*In relation to paragraph 68 a) of Annex VI: Shall the RTS specify that for structured products calculations for the cost free scenario have always to be based on an adjustment of the payments by the investor?*

<ESMA\_QUESTION\_PRIIPS\_25>

No comment.

<ESMA\_QUESTION\_PRIIPS\_25>

**Question 26**

*Regarding the first table of the cost section presented in Annex VII, would you favour a detailed presentation of the different types of costs, as suggested in the Annex, including a split between one-off, recurring and incidental costs? Alternatively, would you favour a shorter presentation of costs showing only the total costs and the RIY?*

<ESMA\_QUESTION\_PRIIPS\_26>

We would favour a shorter presentation of costs showing only the total costs and RIY

<ESMA\_QUESTION\_PRIIPS\_26>

**Question 27**

*Regarding the second table of the cost section presented in Annex VII, would you favour a presentation of the different types of costs showing RIY figures, as suggested in the Annex, or would you favour a presentation of costs under which each type of costs line would be expressed differently, and not as a RIY figure -expressed as a percentage of the initial invested amount, NAV, etc.?*

<ESMA\_QUESTION\_PRIIPS\_27>

We prefer the RIY approach

<ESMA\_QUESTION\_PRIIPS\_27>

**Question 28**

*Do you have any comments on the problem definition provided in the Impact Assessment?*

*Are the policy issues that have been highlighted, in your view, the correct ones? If not, what issues would you highlight?*

*Do you have any views on the identified benefits and costs associated with each policy option?*

*Is there data or evidence on the highlighted impacts that you believe needs to be taken into account?*

*Do you have any views on the possible impacts for providers of underlying investments for multi-option products, and in particular indirect impacts for manufacturers of underlying investments used by these products, including where these manufacturers benefit from the arrangements foreseen until the end of 2019 under Article 32 of the PRIIPs Regulation?*

*Are there significant impacts you are aware of that have not been addressed in the Impact Assessment? Please provide data on their scale and extent as far as possible.*

<ESMA\_QUESTION\_PRIIPS\_28>

We believe that the RTS appears to require MOPS providers to take responsibility for producing either the KID for each underlying option or a 'reduced' KID for each option and a 'generic' product KID. We believe this exceeds the requirement under article 6(3) of the regulation which states that, by way of derogation from Article 8(3), for a MOP the KID shall provide at least a generic description of the underlying investment options and state where and how more detailed pre-contractual information documentation relating to the investment products backing the underlying investment options can be found.

The regulation assumes that the MOP provider knows in advance the universe of underlying fund options that may be chosen within their product. However there are products (such as Portfolio Bonds) which allow customers to select an underlying investment from almost all other PRIIPs on the market. These products often allow the customer to select from equities and bonds and therefore manage their own fund. The current RTS would put a disproportionate requirement on such product providers to produce KID documents for what may be an unlimited list. Further in Article 12(2) this is made clear to be the MOP providers responsibility even if they have no other role in the manufacture of the underlying PRIIP (other than to allow it to be selected).

We believe that in these cases where the MOP provider is allowing investment into external (to the MOP provider) PRIIPS and they are not modifying the external PRIIP (for instance by adding another fee into the external PRIIP) then the RTS should allow the use of the external PRIIPS standard KID to be used for the purposes of Article 12(1)(b) of the current draft RTS.

<ESMA\_QUESTION\_PRIIPS\_28>

