

Exercise of Options under the Insurance Distribution Directive

IDD Provision containing option	Subject Matter	IDD Text	Legislation or Rules specifically related to the exercise of this option
Article 3(1) sub paragraphs 5 and 6	Registration	<p>An insurance or reinsurance intermediary or an ancillary insurance intermediary may act under the responsibility of an insurance or reinsurance undertaking or another intermediary. In such a case, Member States may stipulate that the insurance or reinsurance undertaking or other intermediary shall be responsible for ensuring that the insurance or reinsurance intermediary or ancillary insurance intermediary meets the conditions for registration, including the conditions set out in point (c) of the first subparagraph of paragraph 6.</p> <p>Member States may also stipulate that the insurance or reinsurance undertaking or other intermediary which takes responsibility for the insurance or reinsurance intermediary or ancillary insurance intermediary registers that intermediary or ancillary intermediary.</p>	Option exercised with regards to specific intermediaries (tied insurance intermediaries and ancillary insurance intermediaries. See articles 34, 43B, 37(1A), 43E(2), 37(9) and 43E(11) of the Insurance Distribution Act and Chapter 2 in Part A of the Insurance Distribution Rules .
Article 10(2), sub-paragraph 3	Training and development certificate	Home Member States may require that the successful completion of the training and development requirements is proven by obtaining a certificate.	Option not exercised.

Article 10(2) sub-paragraph 4	Verification of the knowledge and ability and provision with training or professional development	Member States may require that in the cases referred to in the third subparagraph of Article 3(1), and with regard to the employees of insurance or reinsurance undertakings who are engaged in insurance or reinsurance distribution, the insurance or reinsurance undertaking or intermediary is to verify that the knowledge and ability of the intermediaries are in conformity with the obligations set out in paragraph 1 and, if need be, is to provide such intermediaries with training or professional development means which correspond to the requirements concerning the products sold by the intermediaries.	Option exercised. See paragraphs 6.6.5, 6.6.6, 6.11.1 and 6.11.2 of Chapter 6 in Part B of the Insurance Distribution Rules and paragraph 11.4.16 of Chapter 11 in Part B of the Insurance Distribution Rules .
Article 10(3) sub-paragraph 2	Good reputation check	Member States may, in accordance with the third subparagraph of Article 3(1), allow the insurance or reinsurance distributor to check the good reputation of its employees and, where appropriate, of its insurance or reinsurance intermediaries.	Option exercised. See paragraphs 6.6.7 of Chapter 6 in Part B of the Insurance Distribution Rules , and paragraph 2.2.11 of Chapter 2 in Part B of the Insurance Distribution Rules .
Article 20(7) sub-paragraph 2	Provision of the IPID together with other information	Member States may stipulate that the insurance product information document is to be provided together with information required pursuant to other relevant Union legislative acts or national law on the condition that all the requirements set out in the first subparagraph are met.	The Conduct of Business Rulebook requires the IPID to be provided as part of the disclosures to be provided to the clients in terms of Chapter 1 thereof.
Article 22(1) sub-paragraph 2	Information exemption for professional clients	Member States may provide that the information referred to in Articles 29 and 30 of this Directive need not be provided to a professional client as defined in point (10) of Article 4(1) of Directive 2014/65/EU.	Option not exercised. Information requirements in Article 29 and 30 apply also to professional clients.

Article 22(2) sub-paragraphs 1 and 2	Stricter information requirements and COB rules	<p>Member States may maintain or adopt stricter provisions regarding the information requirements referred to in this Chapter provided that such provisions comply with Union law. Member States shall communicate to EIOPA and the Commission such national provisions.</p> <p>Member States shall also take the necessary steps to ensure appropriate publication by their competent authorities of the information about whether and how the Member State has chosen to apply stricter provisions under this paragraph.</p>	Stricter rules relating to disclosures apply as per Chapter 1 of the Conduct of Business Rulebook . These provisions are indicated in the table relating to the General Good Provisions in Table 1 of Annex 1 of Insurance Distribution Rule 16 .
Article 22(2) sub-paragraph 3	Mandatory advice for any insurance product	<p>In particular, Member States may make the provision of advice referred to in the third subparagraph of Article 20(1) mandatory for the sales of any insurance product, or for certain types of insurance products.</p> <p>In such a case, such stricter national provisions shall be complied with by insurance distributors, including those operating under the freedom to provide services or the freedom of establishment, when concluding insurance contracts with customers having their habitual residence or establishment in that Member State.</p>	Option not exercised.
Article 22(3)	Remuneration restriction for any insurance product	Member States may limit or prohibit the acceptance or receipt of fees, commissions or other monetary or non-monetary benefits paid or provided to insurance distributors by any	Option not exercised.

		third party, or a person acting on behalf of a third party, in relation to the distribution of insurance products.	
Article 24(7)	Cross-selling	Member States may maintain or adopt additional stricter measures or intervene on a case-by-case basis to prohibit the sale of insurance together with an ancillary service or product which is not insurance, as part of a package or the same agreement, when they can demonstrate that such practices are detrimental to consumers.	Option not exercised.
Article 29(1) sub-paragraph 3	Standardised information	The information referred to in this paragraph shall be provided in a comprehensible form in such a manner that customers or potential customers are reasonably able to understand the nature and risks concerning the insurance-based investment product offered and, consequently, to take investment decisions on an informed basis. Member States may allow that information to be provided in a standardised format.	Option not exercised.
Article 29(3) sub-paragraphs 1 and 2	Remuneration restriction for IBIPs	<p>Member States may impose stricter requirements on distributors in respect of the matters covered by this Article. In particular, Member States may additionally prohibit or further restrict the offer or acceptance of fees, commissions or non-monetary benefits from third parties in relation to the provision of insurance advice.</p> <p>Stricter requirements may include requiring any such fees, commissions or non-monetary</p>	Option not exercised.

		benefits to be returned to the clients or offset against fees paid by the client.	
Article 29(3) sub-paragraph 3	Mandatory advice for IBIPs	Member States may make the provision of advice referred to in Article 30 mandatory for the sales of any insurance-based investment products, or for certain types of them.	Option not exercised
Article 29(3) sub-paragraph 4	Independent advice	Member States may require that, where an insurance intermediary informs the client that advice is given independently, the intermediary shall assess a sufficiently large number of insurance products available on the market which are sufficiently diversified with regard to their type and product providers to ensure that the client's objectives can be suitably met and shall not be limited to insurance products issued or provided by entities having close links with the intermediary.	Option exercised. See Rule 4.3.6 and Rule 1.4.18 of the Conduct of Business Rulebook .
Article 30(3)	Execution only	Without prejudice to Article 20(1), where no advice is given in relation to insurance-based investment products, Member States may derogate from the obligations referred to in paragraph 2 of this Article, allowing insurance intermediaries or insurance undertakings to carry out insurance distribution activities within their territories without the need to obtain the information or make the determination provided for in paragraph 2 of	Option exercised. See Rule 4.4.99 of the Conduct of Business Rulebook .

		this Article where all the following conditions are met.	
Article 31(2)	Administrative sanction for infringements	Member States may decide not to lay down rules on administrative sanctions under this Directive for infringements which are subject to criminal sanctions under their national law. In that case, Member States shall communicate to the Commission the relevant criminal law provisions.	Option not exercised.
Article 33(4)	Additional sanctions	Member States may empower competent authorities to provide for additional sanctions or other measures and for levels of administrative pecuniary sanctions which are higher than those provided for in this Article.	Malta did not provide for higher levels of administrative pecuniary sanctions than that provided for the IDD.