

12 May 2022

The European Insurance and Occupational Pensions Authority (EIOPA): Questions and Answers regarding the Insurance Distribution Directive

Background

The objective of the European Insurance and Occupational Pensions Authority (EIOPA)'s Questions and Answers ("Q&A") on various topics is to foster consistent and effective application of European regulation and to contribute to supervisory convergence in the EEA within EIOPA's scope of action.

New Q&As on the Insurance Distribution Directive.

In accordance with Article 16b of the EIOPA Regulation, the European Commission has provided answers to a series of Questions & Answers regarding the legal interpretation of provisions of the Insurance Distribution Directive (Directive (EU) 2016/97) and its implementing measures.

The Questions & Answers published deal with the following topics:

- The definition of 'insurance distribution' and activity of 'assisting in the administration and performance of insurance contracts' in the context of the activity of portfolio management for customers holding IBIPs (**Question ID: 1596**)
- Interpretation of terms 'Travel booked with' in the context of the activity of car rental services (**Question ID: 1795**)
- The division of competence between home and host Member State in relation to professional requirements (**Question ID: 1847**)
- The concept of 'breakdown, loss of, or damage to the good' in the context of car insurance (**Question ID: 1870**)
- The concepts of 'ancillary insurance intermediary', 'complement' or 'complementary' and 'principal professional activity' (**Question ID: 1971**)
- The meaning of 'insurance distribution' and 'management of claims of an insurer on a professional basis' (**Question ID: 2006**)
- The interpretation of the term "third parties" in Article 29(3) (**Question ID: 2100**)
- The notion of "directly involved" with regard to the application of professional requirements (**Question ID: 2111**)
- Exempted ancillary intermediaries and the concept of "complementary to the good or service supplied by a provider" (**Question ID: 2208**)

The answers aim to clarify provisions already contained in the applicable legislation. They do not extend in any way the rights and obligations deriving from such legislation nor do they introduce any additional requirements for the concerned operators and competent authorities. The answers are

merely intended to assist natural or legal persons, including competent authorities and Union institutions and bodies, in clarifying the application or implementation of the relevant legal provisions. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law. The views expressed in the internal Commission Decision cannot prejudice the position that the European Commission might take before the Union and national courts.

These may be viewed on EIOPA's website which may be accessed [here](#).

Contacts

Any queries on this circular should be addressed to csuinsurance@mfsa.mt.