

## **Consultation Paper** **CP23/19\***

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# Future Regulatory Framework The Insurance Distribution Directive

**September 2023**

## How to respond

We are asking for comments on this Consultation Paper (CP) by **9 October 2023**.

You can send them to us using the form on our [website](#).

Or in writing to:

Risk & Policy team, Insurance Division  
Financial Conduct Authority  
12 Endeavour Square London  
E20 1JN

**Email:**

cp23-19@fca.org.uk

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When we make rules, we are required to publish an account of the representations we receive and how we have responded to them. We are also required to publish a list of the names of the respondents who made the representations, where those respondents have consent to the publication of their names. In your response, please indicate whether or not you consent to the publication of your name. For further information on confidentiality of responses, see the Disclaimer at the end of this CP.

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## Chapter 1

# Summary

### Why we are consulting

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- 1.1** This paper sets out our proposals for transferring part of the regulatory requirements on insurance firms from current legislation into our rules.
- 1.2** The UK fully implemented the Insurance Distribution Directive (IDD) in 2018. Most of this was done through changes to our rules, but some of the requirements were contained in EU delegated regulations which were, at the time, directly applicable. These are part of retained EU law (REUL) following the UK's exit from the European Union (EU). These delegated acts are:
- Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document ('IPID Regulation')
  - Commission Delegated Regulation (EU) 2017/2358 of 21 September 2017, with regard to product oversight and governance requirements for insurance undertakings and insurance distributors ('IDD POG Regulation')
  - Commission Delegated Regulation (EU) 2017/2359 of 21 September 2017, with regard to information requirements and conduct of business rules applicable to the distribution of insurance-based investment products ('IDD IBIPs Regulation')
  - Commission delegated regulation (EU) 2019/1935 of 13 May 2019 amending Directive (EU) 2016/97 of the European Parliament and of the Council with regard to regulatory technical standards adapting the base euro amounts for professional indemnity insurance and for financial capacity of insurance and reinsurance intermediaries ('IDD PII Regulation').
- 1.3** As part of HM Treasury's (HMT) Future Regulatory Framework (FRF) Review, now called the Smarter Regulatory Framework, HMT have announced their plan to repeal these IDD delegated acts, with an intention that the requirements of the IDD IBIPs Regulation, IDD POG Regulation and IPID Regulation should instead be included within our Handbook.

### What we are consulting on

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- 1.4** We are consulting on changes to various sourcebooks intended to replace the provisions of the REUL being repealed.
- 1.5** These changes essentially take the form of maintaining requirements which currently apply to firms, whether directly under the IDD delegated acts or where we apply them through rules. Our intention is to maintain these requirements once the relevant parts of the REUL are repealed. As part of this we are proposing necessary consequential amendments and some minor changes to reflect our Handbook drafting style and

provide greater clarity. Our intention is to provide continuity of the regulatory regime applying to insurance related activities.

- 1.6** Our proposals should be read alongside HMT's draft statutory instruments.

## Who this applies to

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- 1.7** This consultation is relevant to all firms involved in insurance activities.

## Next steps

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- 1.8** We are seeking feedback on these proposals by 9 October 2023.
- 1.9** Once the consultation period has ended, we will consider the feedback received and publish our final rules. This will be in line with the Government's timetable to repeal the legislation.

## Chapter 2

# The wider context

## What we are aiming to achieve

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- 2.1** The IDD delegated regulations provide important detailed requirements on firms which supplement the obligations from the IDD itself. For example:
- The regulation on product oversight and governance sets out detailed ways in which insurance manufacturers must ensure their products meet the needs of customers within the target market.
  - The regulation on distribution of insurance-based investment products (IBIPs) contains detailed requirements for firms to assess the suitability of products when they recommend them to customers.
  - The regulation on the insurance product information document (IPID) sets out the format and content of the IPID document, to ensure consistency and comparability.
- 2.2** Once these parts of the REUL are repealed, these requirements will cease to apply directly to firms. At this stage, our aim is to maintain these requirements by including them as rules in our Handbook to ensure the regulatory regime remains as it is now. We are not intending to introduce any new requirements on firms as part of these proposals, nor are we intending to remove any existing requirements. We consider this approach the most appropriate way to maintain consumer protection and regulatory standards.
- 2.3** We will continue to consider whether further, more substantial changes are required to the rules in order to deliver an appropriate regulatory regime in the future. In particular:
- We have noted recent concerns raised about how some of our rules apply to London market business. We will continue this positive engagement to make sure our rules provide appropriate levels of protection to consumers and market integrity and can be applied proportionately to business in the London market.
  - As we review the rules deriving from the Markets in Financial Instruments Directive (MiFID II) we will consider how the rules for IBIPs should operate for what may be seen as substitutable products.

## How it links to our objectives

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- 2.4** These proposals will maintain the consistency of the regulatory framework. This will ensure consumers continue to be protected in the way they are currently. Without making these changes, consumers will not be appropriately protected.

## Equality and diversity considerations

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- 2.5** We have considered the equality and diversity issues that may arise from the proposals in this Consultation Paper.
- 2.6** Overall, we do not consider that the proposals materially impact any of the groups with protected characteristics under the Equality Act 2010 (in Northern Ireland, the Equality Act is not enacted but other antidiscrimination legislation applies). We will continue to consider the equality and diversity implications of the proposals during the consultation period, and will revisit them when making the final rules.

## Environmental, social & governance considerations

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- 2.7** In developing this Consultation Paper, we have considered the environmental, social and governance implications of our proposals and our duty under ss. 1B(5) and 3B(c) of FSMA to have regard to contributing towards the Secretary of State achieving compliance with the net-zero emissions target under section 1 of the Climate Change Act 2008 and environmental targets under s. 5 of the Environment Act 2021. Overall, we do not consider that the proposals are relevant to contributing to those targets. We will keep this issue under review during the course of the consultation period and when considering whether to make the final rules.

## Chapter 3

# Transferring the retained IDD Regulations into our rules

- 3.1** In this chapter we set out our proposed changes to the following sourcebooks:
- the Senior Management Arrangements, Systems and Controls sourcebook (SYSC)
  - the Conduct of Business sourcebook (COBS)
  - the Insurance: Conduct of Business sourcebook (ICOBS)
  - the Product Intervention and Product Governance Sourcebook (PROD)
- 3.2** We are also proposing necessary amendments to the Glossary.

## Our general approach

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- 3.3** Following the UK's exit from the EU the onshored UK versions of the IDD delegated acts in the REUL were replicated in the relevant sourcebooks as 'UK' provisions. This was done for ease of reference, to ensure that users could see all the applicable requirements in one place.
- 3.4** As this legislation is to be repealed, we propose to replace the replicated provisions with rules and guidance. In most cases these are straight copies of what was in the 'UK' provisions, but now proposed to be rules. However, as appropriate, we have also made amendments which are intended to improve unclear drafting and ensure the wording follows Handbook-style drafting (HSD). These changes include:
- Where terms defined within the Handbook Glossary are used in existing related rules, we have used those defined terms in the new rules and guidance as well. This is to promote consistency and avoid any potential ambiguity.
  - We have adjusted some of the language to make it consistent with Handbook style. For example, the word 'shall' is generally replaced with the word 'must'.
  - Some of the legislative provisions cross-refer to others. For example, some provisions say 'As required by Article X...'. We have replaced these with cross-references to the relevant rule.
  - In some places we have split legislative provisions into two. We have done this where we consider a part of the provision is more appropriately classified as guidance rather than a rule.
- 3.5** We are also proposing to delete defined terms which are no longer required by the rules.
- 3.6** Our intention in adopting this approach is to maintain the regulatory requirements on firms. We are not intending to introduce any new requirements, nor to remove any requirements which currently apply. This is the approach we have taken to all the sourcebooks impacted. Further specific details relevant to each sourcebook are set out below.

## Senior Management Arrangements, Systems and Controls sourcebook

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### Conflicts of interests

- 3.7** Commission Delegated Regulation (EU) 2017/2359 sets out requirements for the management of conflicts of interest where firms are involved in the distribution of IBIPs. These are replicated in SYSC chapters 3 and 10. In SYSC 3 these replicated provisions were applied as if they rules to insurers in relation to insurance business not in scope of the IDD Regulation.
- 3.8** We propose to replace the provisions of the UK version of this regulation with rules and guidance, following the approach set out in paragraph 3.4. These will continue to be in the same chapters of SYSC.
- 3.9** Where the Regulation refers to customers, we are proposing to replace this with the existing defined term 'client'. We consider this is consistent with the current 'translation table' in SYSC 3.3.3R and terminology already used in SYSC 10.1. This approach is also consistent with terminology deriving from MiFID II and used in COBS, with which firms should already be familiar.
- 3.10** In both SYSC 3.3 and SYSC 10.1A we have relied on the existing glossary term of 'relevant person' when setting the requirements for identifying (and managing) actual or potential conflicts. We consider this maintains what firms were required to do under the IDD Regulation and is consistent with the rules in SYSC 10.1 for other insurance distribution activities to which the IDD Regulation does not apply.

### Record keeping for insurance-based investment products

- 3.11** In addition to the changes above we are also proposing similar changes in SYSC 3.3 and SYSC 9 in relation to the record keeping obligations for insurance-based investment products.

**Q1: Do you agree with our proposed changes to SYSC?  
If not, please explain why.**



## Conduct of Business sourcebook

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- 3.12** Commission Delegated Regulation (EU) 2017/2359 sets out requirements in relation to IBIPs for:
- the assessment of whether inducements would have a detrimental impact on the service
  - the assessment of a policy's suitability when giving a personal recommendation, or appropriateness for non-advised sales
  - giving periodic reports to clients
- 3.13** These are currently replicated in COBS chapters 2.3A, 9A, 10A and 16A.
- 3.14** We propose to replace the provisions of the UK version of this regulation with rules, following the approach set out in paragraph 3.4. These will continue to be in the same chapters of COBS. We are proposing these rules will apply to all firms in relation to all insurance distribution activities to which these chapters sections already apply. This means we can remove the rules that currently require firms to comply with the UK provisions as if they are rules where the IDD Regulation does not apply. We will also be making consequential changes to reflect where a UK provision is now a rule.

**Q2: Do you agree with our proposed changes to COBS?  
If not, please explain why.**

## Insurance: Conduct of Business sourcebook

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- 3.15** The IDD introduced a requirement for key information about general insurance contracts to be provided to consumers by way of a standardised Insurance Product Information Document (IPID). This requirement was implemented in ICOBS 6. The detailed requirements for the content of the IPID were set out in the IPID Regulation (EU) 2017/1469.
- 3.16** We propose to replace the provisions of the UK version of this regulation with rules and guidance, following the approach set out in paragraph 3.4. These will continue to be in ICOBS 6 Annex 3, where the replicated provisions of the regulation were previously. We are also proposing to make a small number of consequential amendments to other ICOBS provisions.

**Q3: Do you agree with our proposed changes to ICOBS?  
If not, please explain why.**

## Product Intervention and Product Governance Sourcebook

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- 3.17** The IDD and Commission Delegated Regulation (EU) 2017/2359 introduced detailed requirements for the manufacture and distribution of insurance products. The requirements were implemented in Chapters 1.4 and 4 of PROD. Provisions of the regulation were replicated in these chapters alongside the rules implementing the IDD.
- 3.18** We propose to replace the provisions of the regulation with rules, following the approach set out in paragraph 3.4. These will continue to be in PROD 1.4 and PROD 4. We are also proposing to make a small number of consequential amendments to other PROD provisions to reflect the revised status of these requirements.

**Q4: Do you agree with our proposed changes to PROD?  
If not, please explain why.**

## Rights of action

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- 3.19** Under section 138D of FSMA, persons may be able to bring an action for damages where an authorised firm breaches the rules unless this right has been disapplied. We are not proposing to make any changes to the current position and our proposals follow the existing way in which the relevant sourcebooks deal with section 138D FSMA rights. For example breaches of the ICOBS rules proposed in this consultation may be actionable but these rights are removed for SYSC rules.

## Annex 1

### Questions in this paper

- Q1:** Do you agree with our proposed changes to SYSC?  
If not, please explain why.
  
- Q2:** Do you agree with our proposed changes to COBS?  
If not, please explain why.
  
- Q3:** Do you agree with our proposed changes to ICOBS?  
If not, please explain why.
  
- Q4:** Do you agree with our proposed changes to PROD?  
If not, please explain why.

## Annex 2

# Cost benefit analysis

## Introduction

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- 1.** FSMA, as amended by the Financial Services Act 2012, requires us to publish a cost benefit analysis (CBA) of our proposed rules. Specifically, section 138I requires us to publish a CBA of proposed rules, defined as 'an analysis of the costs, together with an analysis of the benefits that will arise if the proposed rules are made'. However, under section 138L(3) we are not required to publish a CBA if, in making the appropriate comparison, we consider either there will be no increase in costs or the increase in costs will be of minimal significance.
- 2.** We consider the appropriate comparison to be between:
  - the combined requirements of our current rules and the IDD delegated acts as part of the REUL, and
  - the rules as proposed in this consultation
- 3.** The rules we are proposing are intended to replicate the relevant requirements in the IDD delegated acts in the REUL once these have been repealed. As these rules maintain existing requirements which already apply to firms, we do not consider there will be any increase in ongoing compliance costs above those which exist currently. Firms may incur some one-off costs in familiarising themselves with the proposed changes but given our stated approach of replicating existing requirements we consider these costs will be of minimal significance and are proportionate to the outcome we are looking to achieve.

## Annex 3

# Compatibility statement

## Compliance with legal requirements

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- 1.** This Annex records the FCA's compliance with a number of legal requirements applicable to the proposals in this consultation, including an explanation of the FCA's reasons for concluding that our proposals in this consultation are compatible with certain requirements under the Financial Services and Markets Act 2000 (FSMA).
- 2.** When consulting on new rules, the FCA is required by section 138I(2)(d) FSMA to include an explanation of why it believes making the proposed rules is compatible with:
  - its general duty, under s. 1B(1) FSMA, so far as reasonably possible, to act in a way which is compatible with its strategic objective and advances one or more of its operational objectives, and
  - its general duty under s. 1B(5)(a) FSMA to have regard to the regulatory principles in s. 3B FSMA.
- 3.** The FCA is also required by s. 138K(2) FSMA to state its opinion on whether the proposed rules will have a significantly different impact on mutual societies as opposed to other authorised persons.
- 4.** This Annex also sets out the FCA's view of how the proposed rules are compatible with the duty on the FCA to discharge its general functions (which include rule-making) in a way which promotes effective competition in the interests of consumers (s. 1B(4)). This duty applies in so far as promoting competition is compatible with advancing the FCA's consumer protection and/or integrity objectives.
- 5.** In addition, this Annex explains how we have considered the recommendations made by the Treasury under s. 1JA FSMA about aspects of the economic policy of His Majesty's Government to which we should have regard in connection with our general duties.
- 6.** Under the Legislative and Regulatory Reform Act 2006 (LRRRA) the FCA is subject to requirements to have regard to a number of high-level 'Principles' in the exercise of some of our regulatory functions and to have regard to a 'Regulators' Code' when determining general policies and principles and giving general guidance (but not when exercising other legislative functions like making rules). This Annex sets out how we have complied with requirements under the LRRRA.

## The FCA's objectives and regulatory principles: Compatibility statement

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7. The proposals set out in this consultation are primarily intended to advance the FCA's operational objective of ensuring an appropriate degree of consumer protection. They are also relevant to the FCA's objective to protect and enhance the integrity of the UK financial system.
8. We consider these proposals are compatible with the FCA's strategic objective of ensuring that the relevant markets function well because they are intended to maintain consistency of the regulatory regime. The proposals will ensure consumers continue to be protected in the way they are currently. Maintaining the regulatory regime as it is now will also support the integrity of the insurance market.
9. We consider these proposals are compatible with the FCA's secondary international competitiveness and growth objective. The proposals do not introduce new requirements on firms, nor remove existing requirements. This provides continuity of the regulatory regime applying to insurance activities in the UK that will maintain a proportionate regulatory regime and ensure stability. The proposed consequential amendments and drafting style edits will ensure clarity and consistency with the wider Handbook.
10. In preparing the proposals set out in this consultation, the FCA has had regard to the regulatory principles set out in s. 3B FSMA. Not all of these regulatory principles are relevant to the proposals. We cover the most relevant of the principles below.

### **The principle that a burden or restriction should be proportionate to the benefits**

11. The proposals are intended to maintain the regulatory requirements on firms. We are not intending to introduce any new requirements, nor to remove any requirements which currently apply. By adopting this approach, we are minimising costs for impacted firms. The changes are a necessary consequence of the relevant legislation being repealed.

### **The principle that we should exercise of our functions as transparently as possible**

12. By consulting on the proposals, we are acting in accordance with this principle.
13. In formulating these proposals, the FCA has had regard to the importance of taking action intended to minimise the extent to which it is possible for a business carried on (i) by an authorised person or a recognised investment exchange; or (ii) in contravention of the general prohibition, to be used for a purpose connected with financial crime (as required by s.1B(5)(b) FSMA).

## Expected effect on mutual societies

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14. The FCA does not expect the proposals in this paper to have a significantly different impact on mutual societies.

## Compatibility with the duty to promote effective competition in the interests of consumers

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15. In preparing the proposals as set out in this consultation, we have had regard to the FCA's duty to promote effective competition in the interests of consumers. Our proposals will maintain the existing regime,

## Equality and diversity

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16. We are required under the Equality Act 2010 in exercising our functions to 'have due regard' to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Act, advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, to and foster good relations between people who share a protected characteristic and those who do not.
17. As part of this, we ensure the equality and diversity implications of any new policy proposals are considered. The outcome of our consideration in relation to these matters in this case is stated in paragraphs 2.5-2.6 of this consultation paper.

## Consultation with the Panels

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18. Section 1RB FSMA requires the FCA to set out information about any engagement with the statutory panels of the FCA, the PRA or the PSR. As our objective is to maintain existing regulatory standards rather than introduce new standards, we have not consulted the statutory panels.

## Legislative and Regulatory Reform Act 2006 (LRRRA)

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19. We have had regard to the principles in the LRRRA for the parts of the proposals that consist of general policies, principles or guidance and consider that our proposals are transparent, accountable, proportionate for the activity to which they apply and are consistent.

## Annex 4

# Derivation and Changes Table Source of provision

Source of provision	Handbook Reference	Subject matter	Policy change/ Handbook style drafting/ other comment
The UK version of Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document, which is part of UK law by virtue of the EUWA, as amended by the Technical Standards (Insurance Distribution Directive) (EU Exit) Instrument 2019 (FCA 2019/43):			
Article -1	Not transferred	Application	Not transferred as part of these changes. ICOBS 1.1.1R and application for ICOBS 6 Annex 3 already covers this.
Article 1(1)	ICOBS 6 Annex 3 paragraph 2.4R	Insurance product information document (IPID) information requirements: Name and company logo of manufacturer	Transferred to FCA Handbook with handbook style-drafting changes
Article 1(2)	ICOBS 6 Annex 3 paragraph 2.5G	IPID information requirements: Name and company logo of manufacturer	Transferred to FCA Handbook with handbook style-drafting changes
Article 2	ICOBS 6 Annex 3 paragraph 2.6R	IPID information requirements: Reference to complete pre-contractual and contractual information	Transferred to FCA Handbook with handbook style-drafting changes
Article 3	ICOBS 6 Annex 3 paragraph 3.2R	IPID information requirements: How must the IPID be presented and formatted?	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(1)	ICOBS 6 Annex 3 paragraph 3.3R and	IPID information requirements: Presentation and order of content	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(2)	ICOBS 6 Annex 3 paragraphs 3.4G and 3.4AR	IPID information requirements: Presentation and order of content	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(3)	ICOBS 6 Annex 3 paragraph 3.5G	IPID information requirements: Presentation and order of content	Transferred to FCA Handbook with handbook style-drafting changes



Source of provision	Handbook Reference	Subject matter	Policy change/ Handbook style drafting/ other comment
Article 4(4)	ICOBS 6 Annex 3 paragraph 3.6R	IPID information requirements: Presentation and order of content	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(5)	ICOBS 6 Annex 3 paragraph 3.7R	IPID information requirements: Presentation and order of content	Transferred to FCA Handbook with handbook style-drafting changes
Article 5	ICOBS 6 Annex 3 paragraphs 3.8R and 3.8AG	IPID information requirements: Plain language	Transferred to FCA Handbook with handbook style-drafting changes
Article 6(1)	ICOBS 6 Annex 3 paragraph 3.9	IPID information requirements: Headings and information thereunder	Transferred to FCA Handbook with handbook style-drafting changes
Article 6(2)	ICOBS 6 Annex 3 paragraph 3.9AR	IPID information requirements: Headings and information thereunder	Transferred to FCA Handbook with no changes
Article 7(1)	ICOBS 6 Annex 3 paragraph 3.10R	IPID information requirements: Use of icons	Transferred to FCA Handbook with handbook style-drafting changes
Article 7(2)	ICOBS 6 Annex 3 3.11R	IPID information requirements: Use of icons	Transferred to FCA Handbook with handbook style-drafting changes
Article 7(3)	ICOBS 6 Annex 3 3.12G	IPID information requirements: Use of icons	Transferred to FCA Handbook with handbook style-drafting changes
Article 8	Not transferred	Entry into force of the Regulation	Deleted
Annex	ICOBS 6 Annex 3 paragraph 3.13R	IPID information requirements: Template for the standardised presentation format	Transferred to FCA Handbook with no changes

The UK version of Commission Delegated Regulation (EU) 2017/2358 of 21 September 2017, supplementing the IDD of the European Parliament and of the Council with regard to product oversight and governance requirements for insurance undertakings and insurance distributors, which is part of UK law by virtue of the EUWA, as amended by The Insurance Distribution (Amendment) (EU Exit) Regulations 2019 (SI 2019/663)

Article 1	Not transferred	Subject	Deleted
Article 2	Not transferred	Scope - application of regulation	Deleted. Not transferred as part of these changes as PROD application followed

Source of provision	Handbook Reference	Subject matter	Policy change/ Handbook style drafting/ other comment
Article 2A	Not transferred	Definitions	Deleted. Existing FCA glossary terms have been relied upon and rules cross references are included in particular rules
Article 3(1)	PROD 1.4.4R(1)	When an intermediary may be considered to be manufacturing	Transferred to FCA Handbook with handbook style-drafting changes
Article 3(2)	PROD 1.4.4R(2)	When an intermediary may be considered to be manufacturing	Transferred to FCA Handbook with handbook style-drafting changes
Article 3(3)	PROD 1.4.4R(3)	When an intermediary may be considered to be manufacturing	Transferred to FCA Handbook with handbook style-drafting changes
Article 3(4)	PROD 4.2.13R	Need for written agreement where more than one manufacturer	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(1)	PROD 4.2.5R	Product approval process	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(2)	PROD 4.2.6R	Product approval process – written document	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(3)	PROD 4.2.8R	Product approval process – high level outcomes	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(4)	PROD 4.2.9R	Internal governance for Product approval process	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(5)	PROD 4.2.11R	Product approval process – responsibility when using third parties	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(6)	PROD 4.2.12R	Product approval process – review of process	Transferred to FCA Handbook with handbook style-drafting changes
Article 5(1)	PROD 4.2.16R	Target market identification	Transferred to FCA Handbook with handbook style-drafting changes

Source of provision	Handbook Reference	Subject matter	Policy change/ Handbook style drafting/ other comment
Article 5(2)	PROD 4.2.17R	Target market – identifying customers for whom product is not compatible	Transferred to FCA Handbook with handbook style-drafting changes
Article 5(3)	PROD 4.2.18R	Insurance products compatibility with target market	Transferred to FCA Handbook with handbook style-drafting changes
Article 5(4)	PROD 4.2.10R	Target market – knowledge and competence of staff	Transferred to FCA Handbook with handbook style-drafting changes
Article 5(5)	Not transferred	Meaning on insurance-based investment product for target market	Deleted. Reliance on existing FCA Handbook Glossary terms
Article 5(6)	Not transferred	Meaning on insurance-based investment product for target market	Deleted. Reliance on existing FCA Handbook Glossary terms
Article 6(1)	PROD 4.2.22R	Product testing	Transferred to FCA Handbook with handbook style-drafting changes
Article 6(2)	PROD 4.2.24R	Product testing	Transferred to FCA Handbook with handbook style-drafting changes
Article 7(1)	PROD 4.2.35R.	Monitoring and review of insurance products	Transferred to FCA Handbook with handbook style-drafting changes
Article 7(2)	PROD 4.2.36R	Monitoring and review – intervals for review	Transferred to FCA Handbook with handbook style-drafting changes
Article 7(3)	PROD 4.2.37R	Monitoring and review – requirement to take mitigating action	Transferred to FCA Handbook with handbook style-drafting changes
Article 8(1)	PROD 4.2.27R	Distribution channels – selecting appropriate channels	Transferred to FCA Handbook with handbook style-drafting changes
Article 8(2)	PROD 4.2.30R	Distribution channels - information disclosure to distributors	Transferred to FCA Handbook with handbook style-drafting changes

Source of provision	Handbook Reference	Subject matter	Policy change/ Handbook style drafting/ other comment
Article 8(3)	PROD 4.2.31R	Distribution channels – purpose of information disclosure to distributors	Transferred to FCA Handbook with handbook style-drafting changes
Article 8(4)	PROD 4.2.38R	Distribution channels - Monitoring distribution	Transferred to FCA Handbook with handbook style-drafting changes
Article 8(5)	PROD 4.2.39R	Distribution channels – remedial action	Transferred to FCA Handbook with handbook style-drafting changes
Article 9	PROD 4.2.7R	Product approval process – record keeping	Transferred to FCA Handbook with handbook style-drafting changes
Article 10(1) first sub-paragraph	PROD 4.3.5R	Product distribution arrangements for distributors	Transferred to FCA Handbook with handbook style-drafting changes
Article 10(1) second sub-paragraph	PROD 4.3.14R	Product distribution arrangements – written document	Transferred to FCA Handbook with handbook style-drafting changes
Article 10(2)	PROD 4.3.6R	Product distribution arrangements – high level outcomes	Transferred to FCA Handbook with handbook style-drafting changes
Article 10(3)	PROD 4.3.7R	Product distribution arrangements – obtaining information from manufacturers	Transferred to FCA Handbook with handbook style-drafting changes
Article 10(4)	PROD 4.3.8R	Product distribution arrangements – alignment of distribution strategies	Transferred to FCA Handbook with handbook style-drafting changes
Article 10(5)	PROD 4.3.9R	Product distribution arrangements – internal governance	Transferred to FCA Handbook with handbook style-drafting changes
Article 10(6)	PROD 4.3.10R	Product distribution arrangements – review of distribution arrangements	Transferred to FCA Handbook with handbook style-drafting changes
Article 11	PROD 4.3.11R	Notifying manufacturer and amending distribution strategy	Transferred to FCA Handbook with handbook style-drafting changes

Source of provision	Handbook Reference	Subject matter	Policy change/ Handbook style drafting/ other comment
Article 12	PROD 4.3.13R	Product distribution arrangements – record keeping	Transferred to FCA Handbook with handbook style-drafting changes
Article 12A	Not transferred	Directive functions transferred to the Treasury	Deleted
Article 12B	Not transferred	Directive functions for making technical standards regarding the IPID transferred to the Financial Conduct Authority (FCA).	Deleted. FSMA rule making powers relied upon FCA to make changes proposed here (and any changes in future)
Article 13	Not transferred	Entry into force and application	Deleted

The UK version of Commission Delegated Regulation (EU) 2017/2359 of 21 September 2017, supplementing the IDD of the European Parliament and of the Council with regard to information requirements and conduct of business rules applicable to the distribution of insurance-based investment products, which is part of UK law by virtue of the EUWA, as amended by the Insurance Distribution (Amendment) (EU Exit) Regulations 2019 (SI 2019/663):

Article 1	Not transferred	Scope - application of regulation	Deleted. Existing application of relevant COBS and SYSC chapters/ sections relied upon.
Article 2(1)	Not transferred	Definition of relevant person	Deleted. Already included in the FCA Handbook Glossary
Article 2(2)	COBS 2.3A.9AR(4) (a)	Assessment of inducements – definition of inducement	Transferred to FCA Handbook with handbook style-drafting changes
Article 2(3)	COBS 2.3A.9AR(4) (b)	Assessment of inducements – definition of inducement scheme	Transferred to FCA Handbook with handbook style-drafting changes
Article 2(4) – (7)	Not transferred	Definitions	Deleted. Already included in the FCA Handbook Glossary
Article 3(1)	SYSC 3.3.6R, SYSC 10.1A.2R(1) and 10.1A.2R(2)	Identification of conflicts of interest	Transferred to FCA Handbook with handbook style-drafting changes
Article 3(2)	SYSC 3.3.7R and SYSC 10.1A.2R(3)	Identification of conflicts of interest	Transferred to FCA Handbook with handbook style-drafting changes

Source of provision	Handbook Reference	Subject matter	Policy change/ Handbook style drafting/ other comment
Article 4(1)	SYSC 3.3.10R and SYSC 10.1A.3R	Conflicts policy - establishing, implementing and maintaining an effective policy	Transferred to FCA Handbook with handbook style-drafting changes
Article 4(2)	SYSC 3.3.11R and SYSC 10.1A.4R	Conflicts policy - contents	Transferred to FCA Handbook with handbook style-drafting changes
Article 5	SYSC 3.3.12R and SYSC 10.1A.5R	Conflicts policy – required procedures and measures	Transferred to FCA Handbook with handbook style-drafting changes
Article 6	SYSC 3.3.14R and SYSC 10.1A.6R	Conflicts policy - Disclosure	Transferred to FCA Handbook with handbook style-drafting changes
Article 7(1)	SYSC 3.3.15R and SYSC 10.1A.7R	Conflicts policy - Review of policy	Transferred to FCA Handbook with handbook style-drafting changes
Article 7(2)	SYSC 3.3.16R and SYSC 10.1A.8R	Conflicts policy - Record keeping	Transferred to FCA Handbook with handbook style-drafting changes
Article 8	COBS 2.3A.9AR	Assessment of inducements – assessment and meaning of detrimental impact	Transferred to FCA Handbook with handbook style-drafting changes
Article 9(1)	COBS 9A.2.4AR(1)	Suitability assessment – determining extent of the information required	Transferred to FCA Handbook with handbook style-drafting changes
Article 9(2)	COBS 9A.2.4AR(2)	Suitability assessment – obtaining information from customers	Transferred to FCA Handbook with handbook style-drafting changes
Article 9(3)	COBS 9A.2.7AR	Suitability assessment – Obtaining information about financial situation	Transferred to FCA Handbook with handbook style-drafting changes
Article 9(4)	COBS 9A.2.8AR	Suitability assessment – Obtaining information about investment objectives	Transferred to FCA Handbook with handbook style-drafting changes
Article 9(5)	COBS 9A.2.13AR	Suitability assessment – Insufficient information	Transferred to FCA Handbook with handbook style-drafting changes

Source of provision	Handbook Reference	Subject matter	Policy change/ Handbook style drafting/ other comment
Article 9(6)	COBS 9A.2.20AR	Suitability assessment – Unsuitability	Transferred to FCA Handbook with handbook style-drafting changes
Article 9(7)	COBS 9A.2.18AR	Suitability assessment – Switching between underlying investment asset	Transferred to FCA Handbook with handbook style-drafting changes
Article 10	COBS 9A.2.9AR	Suitability assessment – Reliability of information	Transferred to FCA Handbook with handbook style-drafting changes
Article 11	COBS 9A.3.1AR	Suitability assessment – Explaining the reasons for assessing suitability	Transferred to FCA Handbook with handbook style-drafting changes
Article 12	COBS 9A.2.24G	Suitability assessment – Automated or semi-automated systems	Transferred to FCA Handbook with handbook style-drafting changes
Article 13	COBS 9A.2.15AR	Suitability assessment – Identifying the subject of assessment for group insurance	Transferred to FCA Handbook with handbook style-drafting changes
Article 14(1) to (3)	COBS 9A.3.3AR	Suitability assessment – Providing a suitability report	Transferred to FCA Handbook with handbook style-drafting changes
Article 14(4)	COBS 9A.3.10R	Suitability assessment – Periodic assessments	Transferred to FCA Handbook with handbook style-drafting changes
Article 15	COBS 10A.2.3AR	Appropriateness assessment - Assessing a client's knowledge and experience	Transferred to FCA Handbook with handbook style-drafting changes
Article 16	COBS 10A.4.3R	Appropriateness assessment - non-complex insurance-based investment products	Transferred to FCA Handbook with handbook style-drafting changes
Article 17(1)	COBS 9A.2.6AR	Suitability assessment - Obtaining information about knowledge and experience	Transferred to FCA Handbook with handbook style-drafting changes
	COBS 10A.2.4AR(1)	Appropriateness assessment - Obtaining information about knowledge and experience	

Source of provision	Handbook Reference	Subject matter	Policy change/ Handbook style drafting/ other comment
Article 17(2)	COBS 9A.2.11AR	Suitability assessment - - Discouraging the provision of information	Transferred to FCA Handbook with handbook style-drafting changes
	COBS 10A.2.5AR	Appropriateness assessment - Discouraging the provision of information	
Article 17(3)	COBS 9A.2.4AR(3)	Suitability assessment – information already held by the firm	Transferred to FCA Handbook with handbook style-drafting changes
	COBS 10A.2.4AR(2)	Appropriateness assessment - information already held by the firm	
Article 17(4)	COBS 9A.2.12AR	Suitability assessment – Reliance on information	Transferred to FCA Handbook with handbook style-drafting changes
	COBS 10A.2.6AR	Appropriateness assessment - Reliance on information	
Article 18	COBS 16A.4.2AR	Periodic report – content and frequency	Transferred to FCA Handbook with handbook style-drafting changes
Article 19(1)	COBS 9A.4.3R	Suitability assessment - Retention of records	Transferred to FCA Handbook with handbook style-drafting changes
	COBS 10A.7.2AR	Appropriateness assessment - Retention of records	
Article 19(2)	COBS 9A.4.4R	Suitability assessment - Record-keeping obligations	Transferred to FCA Handbook with handbook style-drafting changes
Article 19(3)	COBS 10A.7.2AR	Appropriateness assessment - Record-keeping	Transferred to FCA Handbook with handbook style-drafting changes
Article 19(4)	SYSC 3.3.19R and SYSC 9.1.2CR.	Retention of conflicts records	Transferred to FCA Handbook with handbook style-drafting changes
Article 19A	Not transferred	Directive functions transferred to the Treasury	Deleted



Source of provision	Handbook Reference	Subject matter	Policy change/ Handbook style drafting/ other comment
Article 20	Not transferred	Entry into force and application	Deleted
<p>COMMISSION DELEGATED REGULATION (EU) 2019/1935 of 13 May 2019 amending Directive (EU) 2016/97 of the European Parliament and of the Council with regard to regulatory technical standards adapting the base euro amounts for professional indemnity insurance and for financial capacity of insurance and reinsurance intermediaries</p>			
Entire text	Not transferred	Makes amendments to the Insurance Distribution Directive ((EU) 2016/97). Adapting the base euro amounts for professional indemnity and for financial capacity of insurance and reinsurance intermediaries.	Deleted. Substantive provisions relating to minimum levels of PII cover already appear in MIPRU 3.2.7R and IPRU-INV 9.2.5R/ IPRU INV 13.1.10R <sup>1</sup> .

<sup>1</sup> Amended by FCA 21/30 the Insurance Distribution (Professional Indemnity Insurance (Limits of Indemnity)) Instrument 2021

## Annex 5

# Abbreviations used in this paper

<b>Abbreviation</b>	<b>Description</b>
<b>CBA</b>	Cost benefit analysis
<b>COBS</b>	Conduct of Business sourcebook
<b>EU</b>	European Union
<b>FSMA</b>	Financial Services and Markets Act 2000
<b>HMT</b>	HM Treasury
<b>HSD</b>	Handbook style drafting
<b>IBIP</b>	Insurance-based investment product
<b>ICOBS</b>	Insurance: Conduct of Business sourcebook
<b>IDD</b>	Insurance Distribution Directive
<b>IPID</b>	Insurance product information document
<b>LRRA</b>	Legislative and Regulatory Reform Act 2006
<b>MiFID II</b>	Markets in Financial Instruments Directive
<b>PROD</b>	Product Intervention and Product Governance Sourcebook
<b>REUL</b>	Retained EU law
<b>SYSC</b>	Senior Management Arrangements, Systems and Controls sourcebook

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## Appendix 1

# Draft Handbook text

**INSURANCE DISTRIBUTION DIRECTIVE DELEGATED ACTS: SMARTER  
REGULATORY FRAMEWORK INSTRUMENT 2023**

**Powers exercised**

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of:
- (1) the following sections of the Financial Services and Markets Act 2000 (“the Act”):
    - (a) section 137A (The FCA’s general rules);
    - (b) section 137T (General supplementary powers);
    - (c) section 138D (Action for damages); and
    - (d) section 139A (Power of the FCA to give guidance); and
  - (2) the other powers and related provisions listed in Schedule 4 (Powers exercised) to the General Provisions of the Handbook.
- B. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on [*date*].

**Amendments to the Handbook<sup>1</sup>**

- D. The modules of the FCA’s Handbook of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this instrument listed in column (2).

(1)	(2)
Glossary of definitions	Annex A
Senior Management Arrangements, Systems and Controls sourcebook (SYSC)	Annex B
Conduct of Business sourcebook (COBS)	Annex C
Insurance: Conduct of Business sourcebook (ICOBS)	Annex D
Product Intervention and Product Governance sourcebook (PROD)	Annex E

**Notes**

- E. In the Annexes to this instrument, the “notes” (indicated by “**Note:**” or “*Editor’s Note:*”) are included for the convenience of readers but do not form part of the legislative text.

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<sup>1</sup> The instrument includes material adapted from the European Institutions © European Union, and re-used and adapted under the terms of the Commission Decision 2011/833/EU.

**Citation**

- F. This instrument may be cited as the Insurance Distribution Directive Delegated Acts: Smarter Regulatory Framework Instrument 2023.

By order of the Board  
[*date*]

## Annex A

## Amendments to the Glossary of definitions

Amend the following definitions as shown. Underlining indicates new text and striking through indicates deleted text.

<i>control</i>	(1) ... (2) (in <u>SYSC 3</u> , SYSC 8 and SYSC 10): ... ...
<i>IDD Regulation</i>	<del>the UK version of</del> Commission Delegated Regulation (EU) 2017/2359 of 21 September 2017, supplementing the <i>IDD</i> of the European Parliament and of the Council with regard to information requirements and conduct of business rules applicable to the distribution of insurance-based investment products, <del>which is part of UK law by virtue of the EUWA.</del>
<i>IDD POG Regulation</i>	<del>the UK version of</del> Commission Delegated Regulation (EU) 2017/2358 of 21 September 2017, supplementing the <i>IDD</i> of the European Parliament and of the Council with regard to product oversight and governance requirements for insurance undertakings and insurance distributors, <del>which is part of UK law by virtue of the EUWA.</del>
<i>insurance product information document</i>	the standardised presentation format as specified <del>in the <i>IDD IPID Regulation</i> and</del> in <i>ICOB</i> S 6 Annex 3R paragraph 1.1R.
<i>IPID information</i>	(in <i>ICOB</i> S) the <del><i>IDD</i></del> information to be included in the <i>IPID</i> as required by <i>ICOB</i> S 6 Annex 3R, paragraph 2.1R.

Delete the following definition. The text is not shown struck through.

<i>IDD IPID Regulation</i>	the <i>UK</i> version of Commission Implementing Regulation (EU) 2017/1469 of 11 August laying down a standardised presentation format for the insurance product information document, which is part of <i>UK</i> law by virtue of the <i>EUWA</i> .
----------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## Annex B

### Amendments to the Senior Management Arrangements, Systems and Controls sourcebook (SYSC)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

[*Editor's note:* Where UK legislation paragraph numbers are struck through in this annex, and where these are not replaced by a rule or guidance number, the text is moved one column to the left as relevant. These column changes are not shown.]

[*Editor's note:* The shading shown in the 'Insurance Distribution Directive Instrument 2018' (FCA 2018/25) and reflected as relevant in the 'Exiting the European Union: High Level Standards (Amendments) Instrument' (FCA 2019/20), for certain provisions in SYSC 3.3, SYSC 9.1 and SYSC 10.1A below is removed. This change is not shown.]

#### 1 Application and purpose

...

#### 1 Annex Detailed application of SYSC

1

Part 1	Application of SYSC 2 and SYSC 3 to an Insurer, a UK ISPV, a managing agent and the Society	
...		
	What?	
...		
1.3A	R	<i>SYSC 3.3 only applies in relation to the carrying on of insurance distribution activities.</i>
...		

...

Part 2	Application of the common platform requirements (SYSC 4 to 10)	
...		
	What?	
...		



2.8A	R	...	
		(5)	The requirements in article 72 of the <i>MiFID Org Regulation</i> do not apply to a <i>firm</i> to the extent that <del>article 19 of the <i>IDD Regulation</i></del> <u>SYSC 9.1.2CR</u> applies to the <i>firm</i> .
		(6)	<i>SYSC 1 Annex 1 2.8AR(1A)</i> does not apply to a <i>firm</i> to the extent that <del>articles 3—7 of the <i>IDD Regulation</i></del> <u>SYSC 10A</u> <del>apply</del> <u>applies</u> to the <i>firm</i> (see <i>SYSC 1 Annex 1 3.1AG</i> ).

...

<b>Part 3</b>	<b>Tables summarising the application of the common platform requirements to different types of firm</b>		
...			
3.1A	G	The <i>IDD Regulation</i> applies to a <i>firm</i> when carrying on <i>insurance distribution</i> in relation to <i>insurance-based investment products</i> . <del>Articles 3 to 7 of the <i>IDD Regulation</i> are reproduced in <i>SYSC 10.1A</i> for information for these <i>firms</i>. [deleted]</del>	
...			

Table A: Application of the common platform requirements in SYSC 4 to SYSC 10

...

Provision SYSC 9	COLUMN A Application to a common platform firm other than to a UCITS investment firm	COLUMN A+ Application to a UCITS management company	COLUMN A++ Application to a full-scope UK AIFM of an authorised AIF	COLUMN B Application to all other firms apart from insurers, UK ISPVs, managing agents, the Society, full-scope UK AIFMs of unauthorised AIFs, MiFID optional exemption firms and

				third country firms
...				
SYSC 9.1.2BG	Guidance	Guidance	Guidance	Guidance
SYSC 9.1.2CUK <del>SYSC 9.1.2CR</del>	<u>Applicable Rule</u> applicable to a firm carrying on insurance distribution in relation to insurance-based investment products	<u>Applicable Rule</u> applicable to a firm carrying on insurance distribution in relation to insurance-based investment products	<u>Applicable Rule</u> applicable to a firm carrying on insurance distribution in relation to insurance-based investment products	<u>Applicable Rule</u> applicable to a firm carrying on insurance distribution in relation to insurance-based investment products
SYSC 9.1.2DR	Rule	Rule	Rule	Rule
...				

...

Provision SYSC 10	COLUMN A Application to a common platform firm other than to a UCITS investment firm	COLUMN A+ Application to a UCITS management company	COLUMN A++ Application to a full-scope UK AIFM of an authorised AIF	COLUMN B Application to all other firms apart from insurers, UK ISPVs, managing agents, the Society, full-scope UK AIFMs of unauthorised AIFs, MiFID optional exemption firms and third country firms
...				

SYSC 10.1A	<del>UK R</del> <u>Applicable Rules</u> applicable to a firm carrying on insurance distribution in relation to insurance-based investment products	<del>UK R</del> <u>Applicable Rules</u> applicable to a firm carrying on insurance distribution in relation to insurance-based investment products	<del>UK R</del> <u>Applicable Rules</u> applicable to a firm carrying on insurance distribution in relation to insurance-based investment products	<del>UK R</del> <u>Applicable Rules</u> applicable to a firm carrying on insurance distribution in relation to insurance-based investment products
...				

Table B: Application of the common platform requirements in SYSC 4 to 10 to MiFID optional exemption firms and third country firms

<b>Provision</b>	<b>COLUMN A MiFID optional exemption firms</b>	<b>COLUMN B Third country firms</b>
...		

<b>SYSC 9</b>		
...		
SYSC 9.1.2AR	Rule in relation to insurance distribution activities	Rule in relation to insurance distribution activities
SYSC 9.1.2BG	Guidance in relation to insurance distribution activities	Guidance in relation to insurance distribution activities
<del>SYSC 9.1.2CUK</del> <u>SYSC 9.1.2CR</u>	<del>UK</del> <u>Applicable Rule</u> applicable to a firm carrying on insurance distribution in relation to insurance-based investment products	<del>UK</del> <u>Applicable Rule</u> applicable to a firm carrying on insurance distribution in relation to insurance-based investment products

SYSC 9.1.2DR	Rule in relation to <i>insurance distribution activities</i>	Rule in relation to <i>insurance distribution activities</i>
...		

SYSC 10		
...		
SYSC 10.1A	UK R <u>Applicable Rule</u> applicable to a firm carrying on <i>insurance distribution</i> in relation to <i>insurance-based investment products</i>	UK R <u>Applicable Rule</u> applicable to a firm carrying on <i>insurance distribution</i> in relation to <i>insurance-based investment products</i>
...		

...

### 3 Systems and controls

...

#### 3.3 Additional requirements for insurance distribution

Application

3.3.1 R *SYSC 3.3 applies to an insurer in the course of it carrying on any insurance distribution activities.*

~~Effect of provisions marked “EU”~~

3.3.2 G ~~The *IDD Regulation* applies directly to an insurer when carrying on insurance distribution in relation to insurance-based investment products. Some of the articles of the *IDD Regulation* (see the provisions marked with the status letters “UK”) are reproduced in this section for those insurers for information only. [deleted]~~

3.3.3 R (1) ~~To the extent that the *IDD Regulation* does not apply, provisions in this section marked with the status letters “UK” apply to the insurer as if they were rules.~~

(2) ~~References in Column (1) to a word or phrase used in the *IDD Regulation* have, for the purpose of SYSC 3.3.3R(1) above, the meaning indicated in Column (2) of the table below: [deleted]~~

(1)	(2)
<del>“customer”</del>	<i>Client</i>
<del>“insurance based investment products”</del>	<i>Policies</i>
<del>“insurance distribution activities”</del>	<i>insurance distribution activities</i>
<del>“insurance intermediary”</del>	<i>insurance intermediary</i>
<del>“insurance undertakings”</del>	<i>Insurer</i>
<del>“relevant person”</del>	any of the following:
	(a) a director, partner or equivalent, or manager of the <i>insurance intermediary</i> or <i>insurer</i> ;
	(b) an employee of the <i>insurance intermediary</i> or <i>insurer</i> , as well as any other natural person whose services are placed at the disposal and under the control of the <i>insurance intermediary</i> or <i>insurer</i> and who is involved in the <i>insurance distribution activities</i> ; and
	(c) a natural person who is directly involved in the provision of services to the <i>insurance intermediary</i> or <i>insurer</i> under an outsourcing agreement for the purpose of the carrying on by the <i>insurance intermediary</i> or <i>insurer</i> of <i>insurance distribution activities</i> .
<del>“remuneration”</del>	<i>Remuneration</i>
<del>“shall”</del>	Must

3.3.4 G The effect of SYSC 3.3.3R is that:

- (1) the provisions marked “UK” apply as rules to an *insurer* when carrying on *insurance distribution activities* other than *insurance distribution* in relation to *insurance based investment products*;

- (2) ~~where SYSC 3.3.3R applies, an *insurer* is required to read the provisions marked “UK” as though the application of those provisions is not limited to the distribution of *insurance-based investment products*; and~~
- (3) ~~the scope of the application of the *IDD Regulation* is extended from *insurance distribution* to *insurance distribution activities*.  
[deleted]~~

#### Identifying conflicts

3.3.5 R A *firm* must take all appropriate steps to identify conflicts of interest that arise between:

- (1) the *firm*, including its managers, employees and *appointed representatives* (or where applicable, *tied agents*), or any *person* directly or indirectly linked to ~~them~~ it by *control*, and a *client* of the *firm*; or
- (2) one *client* of the *firm* and another *client*.

[**Note:** article 28(1) of the *IDD*]

3.3.6 ~~UK~~ ~~3(1)~~ For the purposes of identifying, in accordance with ~~{SYSC 3.3.5R, and SYSC 3.3.13R, SYSC 10.1.3R and SYSC 10.1.8R}~~, in so far as ~~those rules apply to the insurance-based investment products~~, the types of conflicts of interest that arise in the course of carrying out any ~~insurance distribution activities~~ *insurance distribution activities* related to ~~insurance-based investment products~~ *policies* and which entail a risk of damage to the interests of a ~~customer~~ *client*, ~~insurance intermediaries and insurance undertakings shall a~~ *firm* ~~must~~ assess whether ~~they~~ it, a ~~relevant person~~ *relevant person* or any ~~person~~ *person* directly or indirectly linked to ~~them~~ it by ~~control~~ *control*, ~~have~~ has an interest in the outcome of the ~~insurance distribution activities~~ *insurance distribution activities*, which meets the following criteria:

- (a) it is distinct from the ~~customer's~~ *client's* or potential ~~customer's~~ *client's* interest in the outcome of the ~~insurance distribution activities~~ *insurance distribution activities*;
- (1) ~~customer's~~ *client's* interest in the outcome of the ~~insurance distribution activities~~ *insurance distribution activities*;
- (b) it has the potential to influence the outcome of the ~~distribution activities~~ *insurance distribution activities* to the detriment of the ~~customer~~ *client*.
- (2) ~~distribution activities~~ *insurance distribution activities* to the detriment of the ~~customer~~ *client*.

~~Insurance intermediaries and insurance undertakings shall~~ A *firm* must proceed in the same way for the purposes of identifying conflicts of interest between one ~~customer~~ *client* and another.

- 3.3.7 UK 3(2) For the purposes of the assessment pursuant to paragraph 1 in  
R SYSC 3.3.6R, insurance intermediaries and insurance undertakings shall a firm must take into account, by way of minimum criteria, the following situations:
- (a) the insurance intermediary or insurance undertaking firm, a  
(1) relevant person relevant person or any person person directly or indirectly linked to ~~them~~ it by ~~control~~ control is likely to make a financial gain, or avoid a financial loss, to the potential detriment of the ~~customer~~ client;
  - (b) the insurance intermediary or insurance undertaking firm, a  
(2) relevant person relevant person or any person person directly or indirectly linked to ~~them~~ it by ~~control~~ control has a financial or other incentive to favour the interest of another ~~customer~~ client or group of ~~customers~~ clients over the interest of the ~~customer~~ client;
  - (c) the insurance intermediary or insurance undertaking firm, a  
(3) relevant person relevant person or any person person directly or indirectly linked by ~~control~~ control to an insurance intermediary or an insurance undertaking the firm is substantially involved in the management or development of ~~insurance-based investment products~~ policies, in particular where such a person person has an influence on the pricing of those ~~products~~ policies or their distribution costs.

[**Note:** article 3 of the *IDD Regulation*]

...

#### Conflicts policy

- 3.3.10 UK 4(1) For the purposes of [~~SYSC 3.3.8R, and SYSC 3.3.9R, SYSC~~  
R 10.1.3R, SYSC 10.1.7R and SYSC 10.1.7AR], in so far as those rules apply to insurance-based investment products, insurance intermediaries and insurance undertakings shall be expected to a firm must establish, implement and maintain an effective conflicts of interest policy set out in writing and appropriate to ~~their~~ its size and organisation and the nature, scale and complexity of ~~their~~ its business.
- (2) Where the insurance intermediary or insurance undertaking firm is a member of a group, the policy shall must also take into account any circumstances, of which the ~~insurance intermediary or insurance undertaking~~ firm is or should be aware, which may give rise to a conflict of interest arising as a result of the structure and business activities of other members of the group.

[**Note:** article 4(1) of the *IDD Regulation*]

Contents of policy

- 3.3.11 UK 4(2) The conflicts of interest policy ~~established~~ required in accordance with paragraph 1 shall SYSC 3.3.10R must include the following content:
- R
- (a) with reference to the specific ~~insurance distribution activities~~ (1) *insurance distribution activities* carried out, the circumstances which constitute or may give rise to a conflict of interest entailing a risk of damage to the interests of one or more ~~customers~~ *clients*;
  - (b) procedures to be followed and measures to be adopted in (2) order to manage such conflicts and prevent them from damaging the interests of the ~~customer~~ *client*.

[**Note:** article 4(2) of the *IDD Regulation*]

- 3.3.12 UK 5(1) The procedures and measures ~~referred to in Article 4(2)(b)~~ shall required in SYSC 3.3.11R(2) must be appropriate to the size and activities of the ~~insurance intermediary or insurance undertaking~~ *firm* and of the group to which ~~they~~ it may belong, and to the risk of damage to the interests of the ~~customer~~ *client*.
- R (1)
- (2) The procedures to be followed and measures ~~to be adopted in accordance with Article 4(2)(b)~~ shall required in SYSC 3.3.11R(2) must include, where appropriate, the following:
- (a) effective procedures to prevent or control the exchange of information between ~~relevant persons~~ *relevant persons* engaged in activities involving a risk of conflict of interest where the exchange of that information may damage the interests of one or more ~~customers~~ *clients*;
  - (b) the separate supervision of ~~relevant persons~~ *relevant persons* whose principal functions involve carrying out activities on behalf of, or providing services, to ~~customers~~ *clients* whose interests may conflict, or who otherwise represent different interests that may conflict, including those of the ~~insurance intermediary or insurance undertaking~~ *firm*;
  - (c) the removal of any direct link between payments, including ~~remuneration~~ *remuneration*, to ~~relevant persons~~ *relevant persons* engaged in one activity and payments, including ~~remuneration~~ *remuneration*, to different ~~relevant persons~~ *relevant persons* principally engaged in another activity, where a conflict of interest may arise in relation to those activities;



- (d) measures to prevent or limit any ~~person~~ person from exercising inappropriate influence over the way in which ~~insurance distribution activities~~ insurance distribution activities are carried out by the ~~insurance intermediary or insurance undertaking~~ firm or their its managers or employees or any ~~person~~ person directly or indirectly linked to ~~them~~ it by ~~control~~ control;
- (e) measures to prevent or control the simultaneous or sequential involvement of a ~~relevant person~~ relevant person in separate ~~insurance distribution activities~~ insurance distribution activities where such involvement may impair the proper management of conflicts of interest;
- (f) a gifts and benefits policy which determines clearly under which conditions gifts and benefits can be accepted or granted and which steps are to be taken when accepting and granting gifts and benefits.

~~5(2)~~ Where ~~insurance intermediaries and insurance undertakings~~ the firm can demonstrate that the measures and procedures referred to in ~~paragraph 1~~ (1) and (2) are not appropriate to ensure that the ~~insurance distribution activities~~ insurance distribution activities are carried out in accordance with the best interest of the ~~customer~~ client and are not biased due to conflicting interests of the ~~insurance intermediary, firm, the insurance undertaking or~~ insurance intermediary or another ~~customer~~ client, ~~insurance intermediaries and insurance undertakings shall~~ the firm must adopt adequate alternative measures and procedures for that purpose.

[**Note:** article 5 of the *IDD Regulation*]

#### Disclosure of conflicts

...

3.3.14 UK 6(1) ~~Insurance intermediaries and insurance undertakings shall~~ A firm  
 R (1) must avoid over-reliance on disclosure to ensure that disclosure to ~~customers~~ clients, pursuant to ~~[under SYSC 3.3.13R] and [SYSC 10.1.8R]~~, in so far as those rules apply to insurance based investment products, is a measure of last resort that can be used only where the effective organisational and administrative arrangements established by the ~~insurance intermediary or insurance undertaking~~ firm to prevent or manage conflicts of interest in accordance with ~~[SYSC 3.3.8R, and SYSC 3.3.9R, SYSC 10.1.3R, SYSC 10.1.7R, SYSC 10.1.7AR]~~, in so far as these rules apply to insurance based investment products are not sufficient to ensure, with reasonable confidence, that risks of damage to the interests of the ~~customer~~ client will be prevented.

- ~~6(2)~~  
(2) For the purposes of a disclosure of conflicts of interest ~~insurance intermediaries and insurance undertakings shall do all of the following~~ a *firm* must:
- (a) provide a specific description of the conflict of interest in question;
  - (b) explain the general nature and sources of the conflict of interest;
  - (c) explain the risks to the ~~consumer~~ *client* that arise as a result of the conflict of interest and the steps undertaken to mitigate those risks;
  - (d) clearly state that the organisational and administrative arrangements established by the ~~insurance intermediary or insurance undertaking~~ *firm* to prevent or manage the conflict of interest are not sufficient to ensure, with reasonable confidence, that risks of damage to the interests of the ~~customer~~ *client* will be prevented.

[**Note:** article 6 of the *IDD Regulation*]

#### Review of conflicts policy

- 3.3.15 UK ~~7(1)~~  
R For the purposes of 3.3.8 [~~SYSC 3.3.9R, SYSC 10.1.3R, SYSC 10.1.7R and SYSC 10.1.7AR~~], in so far as those rules apply to ~~insurance based investment products~~ SYSC 3.3.8R, ~~insurance intermediaries and insurance undertakings shall~~ a *firm* must assess and periodically review, on an at least annual basis, the conflicts of interest policy established in accordance with ~~Article 4~~ SYSC 3.3.10R and take all appropriate measures to address any deficiencies.

[**Note:** article 7(1) of the *IDD Regulation*]

#### Record keeping

- 3.3.16 UK ~~7(2)~~  
R (1) ~~Insurance intermediaries and insurance undertakings shall~~ A *firm* must keep and regularly update a record of the situations in which a conflict of interest entailing a risk of damage to the interests of a ~~customer~~ *client* has arisen or, in the case of an ongoing service or activity may arise.
- (2) ~~Senior management of the insurance intermediary or insurance undertaking shall receive~~ A *firm* must ensure its senior management receives on a frequent basis, and at least annually, written reports on the situations referred to in the first subparagraph (1).

[**Note:** article 7(2) of the *IDD Regulation*]

...

- 3.3.18 G (1) *COBS 9A.4 and COBS 10A.7* (record keeping and retention periods for suitability and appropriateness records) ~~reproduce certain contain~~ record keeping requirements ~~of the *IDD Regulation* (and apply these requirements to firms not in scope of the *IDD Regulation*).~~ They that specify information which should be recorded by *firms carrying on insurance distribution* in relation to *insurance-based investment products* and for how long the records must be retained.
- (2) For the purposes of *SYSC 3.3.17R*, a *firm* will need to consider whether the requirement in ~~article 19 of the *IDD Regulation* (or in *COBS 9A.4.3UK* or *10A.7.2UK* *COBS 9A.4.3R* or *COBS 10A.7.2R* for any *firm* to whom the *IDD Regulation* does not apply)~~ means that a record needs to be retained for longer than five years.

- 3.3.19 UK R 19(4) (1) The records ~~shall~~ required under *COBS 9A.4* and *COBS 10A.7* must be retained in a medium that allows the storage of information in a way accessible for future reference by the *FCA*.
- ~~The *FCA* shall be able to access them readily, to reconstitute each element in a clear and accurate manner and to identify easily any changes, corrections or other amendments, and the contents of the records prior to such modifications.~~
- (2) The *FCA* must be able to access the records in (1) readily, to reconstitute each element in a clear and accurate manner and to identify easily any changes, corrections or other amendments, and the contents of the records prior to such modifications.

[**Note:** article 19(4) of the *IDD Regulation*]

...

## 9 Record-keeping

### 9.1 General rules on record-keeping

Application to a common platform firm

- 9.1.-2 G For a *common platform firm*:
- (1) the *MiFID Org Regulation* applies, as summarised in *SYSC 1 Annex 1 3.2G*, *SYSC 1 Annex 1 3.2-AR* and *SYSC 1 Annex 1 3.2-BR*; and
- (2) the *rules* and *guidance* apply as set out in the table below:

Subject	Applicable rule or guidance
General requirements	SYSC 9.1.1AR
Specific requirements for insurance distribution	SYSC 9.1.2AR, <del>SYSC 9.1.2DR</del> <u>SYSC 9.1.2CR</u>
Guidance on record-keeping	SYSC 9.1.2BG, SYSC 9.1.4G, SYSC 9.1.5G, SYSC 9.1.6G, SYSC 9.1.6AG

...

Specific requirements for the distribution of insurance-based investment products

- 9.1.2A R A firm carrying on insurance distribution activities in relation to insurance-based investment products must retain its records relating to:
- (1) suitability (*COBS 9A*); and
  - (2) appropriateness (*COBS 10A*),
- for a period of at least five years.
- 9.1.2B G (1) *COBS 9A.4* and *COBS 10A.7* (record keeping and retention periods for suitability and appropriateness records) reproduce set certain record keeping requirements that of the *IDD Regulation* (and apply these requirements to firms not in scope of the *IDD Regulation*). They specify information which should be recorded by firms carrying on insurance distribution activities in relation to insurance-based investment products and for how long the records must be retained.
- (2) For the purposes of SYSC 9.1.2AR, a firm will need to consider whether the requirement in article 19 of the *IDD Regulation* (or in *COBS 9A.4.3UK* or *COBS 10A.7.2UK* *COBS 9A.4.3R* or *COBS 10A.7.2R* for any firm to whom the *IDD Regulation* does not apply) means that a record needs to be retained for longer than five years.
- 9.1.2C ~~UK~~ R ~~19(4)~~ (1) The records shall required by *COBS 9A.4* or *COBS 10A.7* must be retained in a medium that allows the storage of information in a way accessible for future reference by the ~~Financial Conduct Authority~~ FCA.
- ~~The Financial Conduct Authority shall be able to access them readily, to reconstitute each element in a clear and accurate manner and to identify easily any changes, corrections or other amendments, and the contents of the records prior to such modifications.~~

- (2) For the purposes of (1), the FCA must be able to access the records readily, to reconstitute each element in a clear and accurate manner and to identify easily any changes, corrections or other amendments, and the contents of the records prior to such modifications.

[**Note:** article 19(4) of the *IDD Regulation*]

- 9.1.2D R (1) ~~SYSC 9.1.2CUK applies as if it was a rule to firms doing insurance distribution activities to which the *IDD Regulation* does not apply, in relation to the records for an insurance-based investment product required in COBS 9A.4 and COBS 10A.7. [deleted]~~

...

## 10 Conflicts of interest

### 10.1 Application

...

Application to insurance intermediaries

- 10.1.-4 G (1) Subject to SYSC 10.1.-3R, this section applies to a *firm* carrying on *insurance distribution activities* in accordance with the tables in Part 3 of SYSC 1 Annex 1. Certain *rules* are disapplied where the *firm* is subject to the provisions in ~~the *IDD Regulation*~~ SYSC 10.1A (see SYSC 10.1.-3R).
- (2) Where a provision in this section applies to an *insurance intermediary*, it applies in relation to the carrying on of *insurance distribution activities*.
- 10.1.-3 R The *rules* and *guidance* in the table below do not apply to a *firm* when carrying on *insurance distribution* in relation to *insurance-based investment products* (~~see where the rules in SYSC 10.1A apply instead for the provisions of the *IDD Regulation* on conflicts of interest~~).

...

### 10.1A ~~IDD Regulation~~ Insurance-based investment products – Conflicts of interest

Application

- 10.1A.1 G ~~The *IDD Regulation*~~ This section applies, in addition to rules in SYSC 10.1, directly to a *firm* when carrying on *insurance distribution* in relation to *insurance-based investment products*. The relevant articles relating to conflicts of interest are set out in this section for information only. Where a *firm* carries on other *insurance distribution activities* in relation to a *life*

policy or non-investment insurance contract the requirements in SYSC 10.1 will apply.

#### Identifying conflicts

- 10.1A. ~~UK~~ 3(1) For the purposes of identifying, in accordance with [~~SYSC 3.3.5R,~~  
2 R (1) ~~SYSC 3.3.13R,~~ SYSC 10.1.3R and SYSC 10.1.8R], in so far as those rules apply to the insurance-based investment products, the types of conflicts of interest that arise in the course of carrying out any ~~insurance distribution activities~~ insurance distribution activities related to ~~insurance-based investment products~~ insurance-based investment products and which entail a risk of damage to the interests of a ~~customer~~ client, ~~insurance intermediaries and insurance undertakings shall~~ a firm must assess whether ~~they~~ it, a ~~relevant person~~ relevant person or any ~~person~~ person directly or indirectly linked to ~~them~~ it by ~~control~~ control, ~~have~~ has an interest in the outcome of the ~~insurance distribution activities~~ insurance distribution activities, which meets the following criteria:
- (a) it is distinct from the ~~customer's or potential customer's~~ client's interest in the outcome of the ~~insurance distribution activities~~ insurance distribution activities;
  - (b) it has the potential to influence the outcome of the ~~distribution activities~~ insurance distribution activities to the detriment of the ~~customer~~ client.
- (2) ~~Insurance intermediaries and insurance undertakings shall~~ A firm must proceed in the same way for the purposes of identifying conflicts of interest between one ~~customer~~ client and another.
- ~~3(2)~~ (3) For the purposes of the assessment ~~pursuant to paragraph 1 in (1),~~ ~~insurance intermediaries and insurance undertakings shall~~ a firm must take into account, by way of minimum criteria, the following situations:
- (a) the ~~insurance intermediary or insurance undertaking~~ firm, a ~~relevant person~~ relevant person or any ~~person~~ person directly or indirectly linked to ~~them~~ it by ~~control~~ control is likely to make a financial gain, or avoid a financial loss, to the potential detriment of the ~~customer~~ client;
  - (b) the ~~insurance intermediary or insurance undertaking~~ firm, a ~~relevant person~~ relevant person or any ~~person~~ person directly or indirectly linked to ~~them~~ it by ~~control~~ control has a financial or other incentive to favour the interest of another ~~customer~~ client or group of ~~customers~~ clients over the interest of the ~~customer~~ client;

- (c) the ~~insurance intermediary or insurance undertaking~~ *firm*, a ~~relevant person~~ *relevant person* or any ~~person~~ *person* directly or indirectly linked by ~~control~~ *control* to an ~~insurance intermediary or an insurance undertaking~~ *the firm* is substantially involved in the management or development of ~~insurance-based investment products~~ *insurance-based investment products*, in particular where such a ~~person~~ *person* has an influence on the pricing of those ~~products~~ *policies* or their distribution costs.

[**Note:** article 3 of the *IDD Regulation*]

#### Conflicts policy

- 10.1A. UK 4(1) For the purposes of [~~SYSC 3.3.8R, SYSC 3.3.9R, SYSC 10.1.3R,~~  
3 R (1) *SYSC 10.1.7R and SYSC 10.1.7AR*], in so far as those ~~rules~~ *rules* apply to ~~insurance-based investment products~~ *insurance-based investment products*, ~~insurance intermediaries and insurance undertakings shall be expected to~~ *a firm must* establish, implement and maintain an effective conflicts of interest policy set out in writing and appropriate to ~~their~~ *its* size and organisation and the nature, scale and complexity of ~~their~~ *its* business.
- (2) Where the ~~insurance intermediary or insurance undertaking~~ *firm* is a member of a group, the policy ~~shall~~ *must* also take into account any circumstances, of which the ~~insurance intermediary or insurance undertaking~~ *firm* is or should be aware, which may give rise to a conflict of interest arising as a result of the structure and business activities of other members of the group.

[**Note:** article 4(1) of the *IDD Regulation*]

#### Contents of policy

- 10.1A. UK 4(2) The conflicts of interest policy ~~established~~ *required* in accordance  
4 R with ~~paragraph 1 shall~~ *SYSC 10.1A.3R must* include the following content:
- (a) with reference to the specific ~~insurance distribution activities~~  
(1) *insurance distribution activities* carried out, the circumstances which constitute or may give rise to a conflict of interest entailing a risk of damage to the interests of one or more ~~customers~~ *clients*;
- (b) procedures to be followed and measures to be adopted in  
(2) order to manage such conflicts and prevent them from damaging the interests of the ~~customer~~ *client*.

[**Note:** article 4(2) of the *IDD Regulation*]

- 10.1A. UK 5(1) The procedures and measures ~~referred to in Article 4(2)(b) shall~~  
5 R (1) required in SYSC 10.1A.4R(2) must be appropriate to the size and activities of the ~~insurance intermediary or insurance undertaking~~ firm and of the group to which ~~they~~ it may belong, and to the risk of damage to the interests of the ~~customer~~ client.
- (2) The procedures to be followed and measures ~~to be adopted in accordance with Article 4(2)(b) shall~~ required in SYSC 10.1A.4R(2) must include, where appropriate, the following:
- (a) effective procedures to prevent or control the exchange of information between ~~relevant persons~~ relevant persons engaged in activities involving a risk of conflict of interest where the exchange of that information may damage the interests of one or more ~~customers~~ clients;
  - (b) the separate supervision of ~~relevant persons~~ relevant persons whose principal functions involve carrying out activities on behalf of, or providing services, to ~~customers~~ clients whose interests may conflict, or who otherwise represent different interests that may conflict, including those of the ~~insurance intermediary or insurance undertaking~~ firm;
  - (c) the removal of any direct link between payments, including ~~remuneration~~ remuneration, to ~~relevant persons~~ relevant persons engaged in one activity and payments, including ~~remuneration~~ remuneration, to different ~~relevant persons~~ relevant persons principally engaged in another activity, where a conflict of interest may arise in relation to those activities;
  - (d) measures to prevent or limit any ~~person~~ person from exercising inappropriate influence over the way in which ~~insurance distribution activities~~ insurance distribution activities are carried out by the ~~insurance intermediary or insurance undertaking~~ firm or ~~their~~ its managers or employees or any ~~person~~ person directly or indirectly linked to ~~them~~ it by ~~control~~ control;
  - (e) measures to prevent or control the simultaneous or sequential involvement of a ~~relevant person~~ relevant person in separate ~~insurance distribution activities~~ insurance distribution activities where such involvement may impair the proper management of conflicts of interest;
  - (f) a gifts and benefits policy which determines clearly under which conditions gifts and benefits can be accepted or granted and which steps are to be taken when accepting and granting gifts and benefits.



- 5(2) Where ~~insurance intermediaries and insurance undertakings~~ the firm can demonstrate that the measures and procedures referred to in ~~paragraph 1 (1) and (2)~~ are not appropriate to ensure that the ~~insurance distribution activities~~ insurance distribution activities are carried out in accordance with the best interest of the ~~customer~~ client and are not biased due to conflicting interests of the ~~insurance intermediary firm, the insurance undertaking or another customer client,~~ insurance intermediaries and insurance undertakings shall the firm must adopt adequate alternative measures and procedures for that purpose.

[**Note:** article 5 of the *IDD Regulation*]

#### Disclosure of conflicts

- 10.1A. ~~UK~~ R 6(1) ~~Insurance intermediaries and insurance undertakings shall~~ A firm must avoid over-reliance on disclosure to ensure that disclosure to ~~customers clients,~~ pursuant to ~~[SYSC 3.3.13R and under SYSC 10.1.8R],~~ in so far as those rules apply to ~~insurance based investment products~~ insurance-based investment products, is a measure of last resort that can be used only where the effective organisational and administrative arrangements established by the ~~insurance intermediary or insurance undertaking firm~~ to prevent or manage conflicts of interest in accordance with ~~[SYSC 3.3.8R, SYSC 3.3.9R, SYSC 10.1.3R, SYSC 10.1.7R; and SYSC 10.1.7AR],~~ in so far as those ~~rules~~ rules apply to ~~insurance-based investment products~~ insurance-based investment products are not sufficient to ensure, with reasonable confidence, that risks of damage to the interests of the ~~customer~~ client will be prevented.
- 6(2) ~~For the purposes of a disclosure of conflicts of interest~~ insurance intermediaries and insurance undertakings shall do all of the following a firm must:
- (a) provide a specific description of the conflict of interest in question;
  - (b) explain the general nature and sources of the conflict of interest;
  - (c) explain the risks to the ~~consumer~~ client that arise as a result of the conflict of interest and the steps undertaken to mitigate those risks;
  - (d) clearly state that the organisational and administrative arrangements established by the ~~insurance intermediary or insurance undertaking firm~~ to prevent or manage the conflict of interest are not sufficient to ensure, with reasonable

confidence, that risks of damage to the interests of the ~~customer~~ client will be prevented.

[**Note:** article 6 of the *IDD Regulation*]

#### Review of conflicts policy

- 10.1A. UK 7(1) For the purposes of [~~SYSC 3.3.8R, SYSC 3.3.9R, SYSC 10.1.3R,~~  
7 R ~~SYSC 10.1.7R and SYSC 10.1.7AR~~], in so far as those rules apply  
to ~~insurance-based investment products, insurance intermediaries~~  
~~and insurance undertakings~~ shall a firm must assess and  
periodically review, on an at least annual basis, the conflicts of  
interest policy established in accordance with ~~Article 4 SYSC~~  
10.1A.3R and take all appropriate measures to address any  
deficiencies.

[**Note:** article 7(1) of the *IDD Regulation*]

#### Record keeping

- 10.1A. UK 7(2) ~~Insurance intermediaries and insurance undertakings shall~~ A firm  
8 R (1) must keep and regularly update a record of the situations in which  
a conflict of interest entailing a risk of damage to the interests of a  
~~customer~~ client has arisen or, in the case of an ongoing service or  
activity may arise.
- (2) ~~Senior management of the insurance intermediary or insurance~~  
~~undertaking shall receive~~ A firm must ensure its senior  
management receives on a frequent basis, and at least annually,  
written reports on the situations referred to in ~~the first~~  
~~subparagraph (1)~~.

[**Note:** article 7(2) of the *IDD Regulation*]

### Sch 1 Record keeping requirements

...

#### Sch 1.2

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
...				
SYSC 9.1.2AR, <del>SYSC 3.3.6R</del> <u>SYSC 3.3.16R</u>	Suitability or appropriateness in relation to an <i>insurance-based investment product</i>	...	...	...
...				

## Annex C

### Amendments to the Conduct of Business sourcebook (COBS)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise indicated.

[*Editor's note:* Where UK legislation paragraph numbers are struck through in this annex, and where these are not replaced by a rule or guidance number, the text is moved one column to the left as relevant. These column changes are not shown.]

[*Editor's note:* The shading shown in the 'Insurance Distribution Directive Instrument 2018' (FCA 2018/25) and reflected as relevant in the 'Exiting the European Union: Business Standards (Amendments) Instrument' (FCA 2019/23), for certain provisions in COBS 2.3A, COBS 9A, COBS 10A and COBS 16A below is removed. This change is not shown.]

## 1 Application

...

### 1.3 Insurance distribution

~~References in COBS to the IDD Regulation [deleted]~~

- 1.3.1 G (1) ~~This sourcebook contains a number of provisions which transposed the *IDD*.~~
- (2) ~~In order to help *firms* which are subject to those requirements which implemented the *IDD* to understand the full extent of those requirements, this sourcebook also reproduces a number of provisions of the *IDD Regulation*, marked with the status letters "UK".~~
- (3) ~~This sourcebook does not reproduce the *IDD Regulation* in its entirety. A *firm* to which provisions of the *IDD Regulation* applies should refer to Commission Delegated Regulation (EU) 2017/2359 as published in the electronic version of the Official Journal of the European Union and as amended by the *[Insurance Distribution (Amendment) (EU Exit) Regulations 2019]*. [deleted]~~
- 1.3.2 G ~~In some cases, this sourcebook applies provisions of the *IDD Regulation* to *firms* as if those provisions were *rules*. [deleted]~~
- 1.3.3 R (1) ~~Where this sourcebook applies provisions of the *IDD Regulation* as if they were *rules*, (2) applies to enable *firms* to correctly interpret and understand the application of those provisions.~~
- (2) ~~In this sourcebook, a word or phrase found in a provision marked "UK" and referred to in column (1) of the table below~~

has the meaning indicated in the corresponding row of column (2) of the table.

(1)	(2)
“advice”	<i>personal recommendation</i>
“competent authority”	<i>FCA</i>
“customer” and “potential customer”	<i>Client</i>
“durable medium”	<i>durable medium</i>
“financial instrument”	<i>financial instrument and (if the context requires) designated investment and structured deposit</i>
“insurance based investment product”	<i>insurance based investment product</i>
“insurance distribution”	<i>insurance distribution activities</i>
“insurance intermediary” and “intermediary”	<i>insurance intermediary</i>
“insurance product”	<i>life policy</i>
“insurance undertaking” and “undertaking”	<i>Insurer</i>
“shall”	<b>Must</b>

(3) In this sourcebook, where a reproduced provision of an article of the *IDD Regulation* refers to another part of the *IDD Regulation*, that other provision must also be read with reference to the table in (2). [deleted]

1.3.4 G ~~*Firms to which provisions of the IDD Regulation are applied as if they were rules should use the text of any preamble to the relevant provision marked “UK” to assist in interpreting any such references or cross-references. [deleted]*~~

Interpretation – “in good time”

1.3.5 G (1) Certain provisions in this sourcebook which implemented *IDD* require *firms* to provide *clients* with information “in good time”.

There are also other provisions in this sourcebook which require information to be provided “in good time”, for example, *COBS* 6.1ZA.19AR.

- (2) In determining what constitutes the provision of information “in good time”, a *firm* should take into account, having regard to the urgency of the situation, the *client*’s need for sufficient time to read and understand the information before taking an investment decision.
- (3) A *client* is likely to require more time to review information given on a complex or unfamiliar product or service, or a product or service a *client* has no experience with, than a *client* considering a simpler or more familiar product or service, or where the *client* has relevant prior experience.

...

## 2 Conduct of business obligations

...

### 2.3A Inducements relating to MiFID, equivalent third country or optional exemption business and insurance-based investment products

...

Rules on inducements

...

2.3A.6 R (1) *COBS* 2.3A.5R does not apply to:

- (a) a fee, commission or non-monetary benefit which:
  - (i) is designed to enhance the quality of the relevant service to the *client* (see *COBS* 2.3A.8R and, also for an *insurance-based investment product*, ~~*COBS* 2.3A.9AUK~~ *COBS* 2.3A.9AR); and

...

...

...

...

Additional requirements for the assessment of inducements: insurance-based investment products

- 2.3A.9A UK 8(1) An inducement or inducement scheme ~~shall will be considered to~~ have a detrimental impact on the quality of the relevant service to the ~~eustomer~~ *client* where it is of such a nature and scale that it provides an incentive to carry out ~~insurance distribution activities~~ *insurance distribution activities* in a way that is not in compliance with the obligation to act honestly, fairly and professionally in accordance with the best interests of the ~~eustomer~~ *client*.
- R (1)
- 8(2) For the purposes of assessing whether an inducement or inducement scheme has a detrimental impact on the quality of the relevant service to the ~~eustomer~~ *client*, ~~insurance intermediaries and insurance undertakings shall~~ *an insurance intermediary or an insurer must perform an overall analysis* taking into account all relevant factors which may increase or decrease the risk of detrimental impact on the quality of the relevant service to the ~~eustomer~~ *client*, and any organisational measures taken by the ~~insurance intermediary or insurance undertaking firm~~ carrying out ~~distribution activities~~ *insurance distribution activities* to prevent the risk of detrimental impact. ~~They shall, in particular, consider the following criteria:~~
- (2)
- (3) A firm must, in particular, consider the following criteria:
- (a) whether the inducement or inducement scheme could provide an incentive to the ~~insurance intermediary or insurance undertaking firm~~ to offer or recommend a particular ~~insurance product~~ *insurance-based investment product* or a particular service to the ~~eustomer~~ *client* despite the fact that the ~~insurance intermediary or insurance undertaking firm~~ would be able to offer a different ~~insurance product~~ *insurance-based investment product* or service which would better meet the ~~eustomer's~~ *client's* needs;
  - (b) whether the inducement or inducement scheme is solely or predominantly based on quantitative commercial criteria or whether it takes into account appropriate qualitative criteria, reflecting compliance with applicable ~~regulations~~ *legal requirements*, the quality of services provided to ~~eustomers~~ *clients* and ~~eustomer~~ *client* satisfaction;
  - (c) the value of the inducement paid or received in relation to the value of the ~~product~~ *insurance-based investment product* and the services provided;
  - (d) whether the inducement is entirely or mainly paid at the moment of the conclusion of the ~~insurance contract~~ *policy* or extends over the whole term of that contract;

- (e) the existence of an appropriate mechanism for reclaiming the inducement in case the ~~product~~ *insurance-based investment product* lapses or is surrendered at an early stage or in case the interests of the ~~customer~~ *client* have been harmed;
- (f) the existence of any form of variable or contingent threshold or any other kind of value accelerator which is unlocked by attaining a target based on volume or value of sales.

(4) For the purposes of (1) to (3):

- ~~2(2)~~ (a) ‘inducement’ means any fee, commission, or any non-monetary benefit provided by or to ~~such an intermediary or undertaking~~ *insurance intermediary or insurer* in connection with the distribution of an ~~insurance-based investment product~~ *insurance-based investment product*, to or by any party except the ~~customer~~ *client* involved in the transaction in question or a ~~person~~ *person* acting on behalf of that ~~customer~~ *client*;
- ~~2(3)~~ (b) ‘inducement scheme’ means a set of rules governing the payment of inducements, including the conditions under which the inducements are paid.

[Note: articles 2(2), 2(3) and 8 of the *IDD Regulation*]

2.3A.9B R ~~COBS 2.3A.9AUK~~ applies as if it was a *rule to firms* in relation to ~~insurance distribution activities to which the *IDD Regulation* does not apply.~~ [deleted]

...

## 6 Information about the firm, its services and remuneration

...

### 6.1ZA Information about the firm and compensation information (MiFID and insurance distribution provisions)

...

Information about a firm and its services: insurance distribution

6.1ZA.7 R A *firm* carrying on *insurance distribution activities* must provide a *retail client* with the following general information, if relevant:

...

- (6) (a) a description, which may be provided in summary form, of (as applicable) the *conflicts of interest policy*, ~~SYSC~~



3.3.1UK (applied by SYSC 3.3.3R) or the policy required by article 4(1) of the *IDD Regulation* SYSC 3.3.10R (for *insurers*) or SYSC 10.1A.3R (for *insurance intermediaries in relation to insurance-based investment products*); and

...

...

...

## 7 Insurance distribution

### 7.1 Application

7.1.1 R This chapter applies to a *firm* carrying on *insurance distribution activities* in relation to a *life policy*, but only if the *State of the commitment* is ~~an~~ the *United Kingdom*.

...

...

## 9A Suitability (MiFID and insurance-based investment products provisions)

### 9A.1 Application and purpose

...

Effect of provisions marked “UK” for the firms distributing insurance-based investment products

9A.1.4 R Provisions in this chapter marked “UK” and including a Note (‘**Note:**’) referring to the *IDD Regulation* apply as if they were *rules* in relation to *insurance distribution activities* to which the *IDD Regulation* does not apply. [deleted]

### 9A.2 Assessing suitability: the obligations

...

Assessing the extent of the information required: insurance-based investment products

9A.2.4A UK 9(1) For the purposes of providing advice *a personal recommendation* on an ~~insurance-based investment product~~ *insurance-based investment product* in accordance with {*COBS* 9A.2.1R and *COBS* 9A.2.16R}, ~~insurance intermediaries or insurance undertakings shall~~ *a firm must* determine the extent of the information to be collected from the ~~customer or potential customer~~ *client* in light of all the features of the advice to be provided to the ~~customer or potential customer~~ *client*.

9(2) Without prejudice to the fact that, in accordance with [~~COBS~~  
 (2) 9A.2.3AR, ~~COBS~~ 9A.3.2R and ~~COBS~~ 9A.3.2AR], any ~~contract~~  
~~insurance-based investment product~~ proposed shall ~~must~~ be  
 consistent with the ~~customer's~~ client's demands and needs,  
~~insurance intermediaries or insurance undertakings shall~~ a firm  
~~must~~ obtain from ~~customers or potential customers~~ the client  
 such information as is necessary for ~~them~~ the firm to understand  
 the essential facts about the ~~customer or potential customer~~  
client and to have a reasonable basis for determining that ~~their~~  
~~its personal recommendation~~ personal recommendation to the  
~~customer or potential customer~~ client satisfies all of the  
 following criteria:

- (a) it meets the ~~customer's or potential customer's~~ client's  
 investment objectives, including that person's risk  
 tolerance;
- (b) it meets the ~~customer's or potential customer's~~ client's  
 financial situation, including that person's ability to bear  
 losses;
- (c) it is such that the ~~customer or potential customer~~ client  
 has the necessary knowledge and experience in the  
 investment field relevant to the specific type of ~~product~~  
insurance-based investment product or service.

17(3) Where information required for the purposes of [~~COBS~~  
 (3) 9A.2.1R; and ~~COBS~~ 9A.2.16R, ~~COBS~~ 10A.2.1R and ~~COBS~~  
~~10A.2.2R~~] has already been obtained pursuant to [~~COBS~~  
 9A.2.3AR, ~~COBS~~ 9A.3.2R and ~~COBS~~ 9A.3.2AR], ~~insurance~~  
~~intermediaries and insurance undertakings shall~~ a firm ~~must~~ not  
 request it information it already has anew from the ~~customer~~  
client.

[**Note:** articles 9(1) and (2) and 17(3) of the *IDD Regulation*]

...

Obtaining information about knowledge and experience: insurance-based  
 investment products

9A.2.6A UK R 17(4) For the purposes of [~~COBS~~ 9A.2.1R; and ~~COBS~~ 9A.2.16R;  
~~COBS~~ 10A.2.1R and ~~COBS~~ 10A.2.2R] in relation to an  
insurance-based investment product, the necessary information  
 to be obtained by ~~insurance intermediaries and insurance~~  
~~undertakings~~ a firm with regard to the ~~customer's or potential~~  
~~customer's~~ client's knowledge and experience in the relevant  
 investment field shall ~~shall~~ must include, where relevant, the  
 following, to the extent appropriate to the nature of the  
~~customer~~ client, and the nature and type of ~~product~~ insurance-

*based investment product* or service offered or demanded, including their complexity and the risks involved:

- (a) the types of service, transaction, ~~insurance-based investment product~~ insurance-based investment product or ~~financial instrument~~ financial instrument with which the ~~customer or potential customer~~ client is familiar;
- (b) the nature, number, value and frequency of the ~~customer's or potential customer's~~ customer's ~~client's~~ client's transactions in ~~insurance-based investment products~~ insurance-based investment products or ~~financial instruments~~ financial instruments and the period over which they have been carried out;
- (c) the level of education, and profession or relevant former profession of the ~~customer or potential customer~~ client.

[**Note:** article 17(1) of the *IDD Regulation*]

...

Obtaining information about a client's financial situation: insurance-based investment products

- 9A.2.7A UK 9(3) ~~The~~ In relation to an *insurance-based investment product*, the information regarding the ~~customer's or potential customer's~~ client's financial situation, including that person's ability to bear losses, ~~shall~~ must include, where relevant, information on the source and extent of the ~~customer's or potential customer's~~ client's regular income, assets, including liquid assets, investments and real property and the regular financial commitments. ~~The level of information gathered shall be appropriate to the specific type of product or service being considered.~~
- R (1)
- (2) The level of information gathered must be appropriate to the specific type of *insurance-based investment product* or service being considered.

[**Note:** article 9(3) of the *IDD Regulation*]

...

Obtaining information about a client's investment objectives: insurance-based investment products

- 9A.2.8A UK 9(4) ~~The~~ In relation to an *insurance-based investment product*, the information regarding the ~~customer's or potential customer's~~ client's investment objectives, including that person's risk tolerance, ~~shall~~ must include, where relevant, information on the length of time for which the ~~customer or potential customer~~
- R (1)

*client* wishes to hold the investment, that person's preferences regarding risk taking, the risk profile, and the purposes of the investment. ~~The level of information gathered shall be appropriate to the specific type of product or service being considered.~~

- (2) The level of information gathered must be appropriate to the specific type of *insurance-based investment product* or service being considered.

[Note: article 9(4) of the *IDD Regulation*]

...

#### Reliability of information: insurance-based investment products

- 9A.2.9A UK R 40 (1) ~~Insurance intermediaries and insurance undertakings shall~~ In relation to an *insurance-based investment product*, a firm must take reasonable steps to ensure that the information collected about ~~customers and potential customers~~ the *client* for the purposes of the assessment of suitability is reliable. ~~Such steps shall include, but shall not be limited to, the following:~~
- (2) The steps in (1) must include, but not be limited to, the following:
- (a) ensuring that ~~customers~~ the *client* ~~are~~ is aware of the importance of providing accurate and up-to-date information;
  - (b) ensuring that all tools, such as risk assessment profiling tools or tools to assess a ~~customer's~~ *client's* knowledge and experience, employed in the suitability assessment process are fit-for-purpose and are appropriately designed for use with ~~their~~ its ~~customers~~ *clients*, with any limitations identified and actively mitigated through the suitability assessment process;
  - (c) ensuring that questions used in the process are likely to be understood by the ~~customers~~ *client* and to capture an accurate reflection of the ~~customer's~~ *client's* objectives and needs and the information necessary to undertake the suitability assessment;
  - (d) taking steps, as appropriate, to ensure the consistency of ~~customer~~ *client* information, such as considering whether there are obvious inaccuracies in the information provided by the ~~customer~~ *client*.

[Note: article 10 of the *IDD Regulation*]

...

## Discouraging the provision of information: insurance-based investment products

9A.2.11 A	UK <u>R</u>	17(2)	<del>The insurance intermediary or insurance undertaking shall</del> <u>In relation to <i>insurance-based investment products</i>, a firm must not discourage a customer or potential customer <i>client</i> from providing information required for the purposes of {COBS 9A.2.1R; and COBS 9A.2.16R; <del>COBS 10A.2.1R and COBS 10A.2.2R</del>}. </u>
--------------	----------------	-------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[Note: article 17(2) of the *IDD Regulation*]

...

## Reliance on information: insurance-based investment products

9A.2.12 A	UK <u>R</u>	17(4)	<del>The insurance intermediary or insurance undertaking shall be entitled to</del> <u>For the purposes of assessing suitability in relation to an <i>insurance-based investment product</i>, a firm may rely on the information provided by its customers or potential customers <i>clients</i> unless it is aware or ought to be aware that the information is manifestly out of date, inaccurate or incomplete.</u>
--------------	----------------	-------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[Note: article 17(4) of the *IDD Regulation*]

...

## Insufficient information: insurance-based investment products

9A.2.13 A	UK <u>R</u>	9(5)	<del>Where the insurance intermediary or insurance undertaking a</del> <u><i>firm</i> does not obtain the information required under {COBS 9A.2.1R and COBS 9A.2.16R}, the insurance intermediary or insurance undertaking shall the <i>firm</i> must not provide advice a <i>personal recommendation</i> on <del>insurance-based investment products</del> <i>insurance-based investment products</i> to the customer or potential customer <i>client</i>.</u>
--------------	----------------	------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[Note: article 9(5) of the *IDD Regulation*]

...

## Identifying the subject of a suitability assessment: insurance-based investment products

9A.2.15 A	UK <u>R</u>	13 (1)	<del>With regard to group insurance the insurance intermediary or insurance undertaking shall</del> <u>a <i>firm</i> must establish and implement a policy as to who shall <u>will</u> be subject to the suitability assessment <del>in case where</del> <u>an insurance contract <i>insurance-based investment product</i> is concluded on behalf of a group of members and each individual member cannot take an</u></u>
--------------	----------------	--------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

individual decision to join. ~~Such a policy shall also contain rules on how that assessment will be done in practice, including from whom information about knowledge and experience, financial situation and investment objectives shall be collected.~~

- (2) The policy established under (1) must also contain rules on how that assessment will be done in practice, including from whom information about knowledge and experience, financial situation and investment objectives will be collected.
- (3) ~~The insurance intermediary or insurance undertaking shall~~ A firm must record the policy established pursuant to the first paragraph under (1).

[Note: article 13 of the *IDD Regulation*]

...

#### Switching: insurance-based investment products

9A.2.18 UK 9(7) When providing ~~advice~~ a personal recommendation in relation to an insurance-based investment product that involves switching between underlying investment assets, ~~insurance intermediaries and insurance undertakings shall~~ a firm must also collect the necessary information on the ~~customer's~~ client's existing underlying investment assets and the recommended new investment assets and ~~shall~~ must undertake an analysis of the expected costs and benefits of the switch, such that ~~they are~~ it is reasonably able to demonstrate that the benefits of switching are expected to be greater than the costs.

[Note: article 9(7) of the *IDD Regulation*]

...

#### Unsuitability: insurance-based investment products

9A.2.20 UK 9(6) When providing ~~advice~~ a personal recommendation on an ~~insurance-based investment product~~ insurance-based investment product in accordance with ~~{COBS 9A.2.1R and COBS 9A.2.16R}~~, ~~an insurance intermediary or insurance undertaking shall~~ a firm must not make a recommendation where none of the ~~products~~ insurance-based investment products are suitable for the ~~customer or potential customer~~ client.

[Note: article 9(6) of the *IDD Regulation*]

...

#### Automated or semi-automated systems: insurance-based investment products

9A.2.24 UK 12  
G  
The insurance intermediary's or insurance undertaking's For the avoidance of doubt a firm's responsibility to perform the suitability assessment in accordance with ~~{COBS 9A.2.1R and COBS 9A.2.16R}~~ shall ~~is not be reduced due to the fact that~~ advice where a *personal recommendation* on insurance-based investment products *insurance-based investment products* is provided in whole or in part through an automated or semi-automated system.

[Note: article 12 of the *IDD Regulation*]

### 9A.3 Information to be provided to the client

...

Explaining the reasons for assessing suitability: insurance-based investment products

9A.3.1A UK 11 (1)  
R  
~~Insurance intermediaries and insurance undertakings shall~~ A firm must not create any ambiguity or confusion about ~~their~~ its responsibilities in the process of assessing the suitability of ~~insurance-based investment products~~ *insurance-based investment products* in accordance with ~~{COBS 9A.2.1R and COBS 9A.2.16R}~~. ~~Insurance intermediaries and insurance undertakings shall inform customers, clearly and simply, that the reason for assessing suitability is to enable them to act in the customer's best interest.~~

(2) A firm must inform the client, clearly and simply, that the reason for assessing suitability is to enable it to act in the client's best interest.

[Note: article 11 of the *IDD Regulation*]

...

Providing a suitability report: insurance-based investment products

9A.3.3A UK 14(1)  
R (1)  
When providing ~~advice~~ a *personal recommendation* on the suitability of an ~~insurance-based investment product~~ *insurance-based investment product* in accordance with ~~{COBS 9A.2.1R and COBS 9A.2.16R}~~, ~~insurance intermediaries and insurance undertakings shall~~ a firm must provide a statement to the ~~customer~~ client (suitability statement) that includes the following:

- (a) an outline of the ~~advice~~ *personal recommendation* given;
- (b) information on how the recommendation provided is suitable for the ~~customer~~ client, in particular how it meets:

- (i) the ~~customer's~~ *client's* investment objectives, including that person's risk tolerance;
- (ii) the ~~customer's~~ *client's* financial situation, including that person's ability to bear losses;
- (iii) the ~~customer's~~ *client's* knowledge and experience.

~~14(2)~~ ~~Insurance intermediaries and insurance undertakings shall~~ (2) ~~A~~ *firm must* draw ~~customers'~~ *the client's* attention to, and ~~shall~~ must include in the suitability statement, information on whether ~~the any~~ recommended ~~insurance-based investment products are~~ *insurance-based investment product* is likely to require the ~~customer~~ *client* to seek a periodic review of their arrangements.

~~14(3)~~ ~~Where an insurance intermediary or insurance undertaking a~~ (3) ~~firm~~ has informed the ~~customer~~ *client* that it will carry out a periodic assessment of suitability, the subsequent statements after the initial service is established may be limited to changes in the services or underlying investment assets, and/or the circumstances of the ~~customer~~ *client* without repeating all the details contained in the first statement.

[Note: article 14(1) to (3) of the *IDD Regulation*]

...

Periodic assessments: insurance-based investment products

- 9A.3.10 UK R 14(4) ~~Insurance intermediaries and insurance undertakings~~ A firm providing a periodic assessment of suitability ~~shall~~ must review, in accordance with the best interests of ~~their~~ its ~~customers~~ *client*, the suitability of the recommended ~~insurance-based investment products~~ *insurance-based investment products* at least annually. ~~The frequency of this assessment shall be increased depending on the characteristics of the customer, such as the risk tolerance, and the nature of the recommended insurance-based investment product.~~
- (2) The frequency of a periodic assessment must be increased depending on the characteristics of the client, such as the risk tolerance, and the nature of the recommended insurance-based investment product.

[Note: article 14(4) of the *IDD Regulation*]

#### 9A.4 Record keeping and retention periods for suitability records

...



## Retention of records: insurance-based investment products

- 9A.4.3 UK 19(1) Without prejudice to the application of Regulation (EU) 2016/679 of the European Parliament and of the Council the General data protection regulation, insurance intermediaries and insurance undertakings shall a firm must maintain records of the assessment of suitability in relation to insurance-based investment products or appropriateness undertaken in accordance with ~~{COBS 9A.2.1R, and COBS 9A.2.16R, COBS 10A.2.1R and COBS 10A.2.2R}~~.
- The records shall include the information obtained from the customer and any documents agreed with the customer, including documents that set out the rights of the parties and the other terms on which the insurance intermediary or insurance undertaking will provide services to the customer. Such records shall be retained for at least the duration of the relationship between the insurance intermediary or insurance undertaking and the customer.
- (2) The records maintained under (1) must include the information obtained from the client and any documents agreed with the client, including documents that set out the rights of the parties and the other terms on which the firm will provide services to the client.
- (3) The records must be retained for at least the duration of the relationship between the firm and the client.

[Note: article 19(1) of the *IDD Regulation*]

## Record-keeping obligations for the assessment of suitability: insurance-based investment products

- 9A.4.4 UK 19(2) In the case of an assessment of suitability undertaken in accordance with ~~{COBS 9A.2.1R and COBS 9A.2.16R}~~ in relation to insurance-based investment products, the record shall further maintained under COBS 9A.4.3R must include the following:
- (a) the result of the suitability assessment;  
(1)
- (b) the recommendation made to the customer client and the statement provided in accordance with ~~Article 14(1) of this Regulation~~ COBS 9A.3.3AR;  
(2)
- (c) any changes made by the ~~insurance intermediary or insurance undertaking~~ firm with regard to the suitability assessment, in particular any change to the customer's client's risk tolerance;  
(3)

- (~~e~~) any changes to the underlying investment assets.  
 (4)

[**Note:** article 19(2) of the *IDD Regulation*]

...

## 10A Appropriateness (for non-advised services) (MiFID and insurance-based investment products provisions)

...

Effect of provisions marked “UK”

...

- 10A.1.4 R Provisions in this chapter marked “UK” and including a Note (**Note:**) referring to the *IDD Regulation* apply as if they were rules to firms, to whom the *IDD Regulation* does not apply, when doing *insurance distribution*. ~~[deleted]~~

## 10A.2 Assessing appropriateness: the obligations

...

Assessing a client’s knowledge and experience: insurance-based investment product

- 10A.2.3 UK 15 Without prejudice to the fact that, in accordance with ~~{COBS 9A.2.3AR, COBS 9A.3.2R and COBS 9A.3.2AR}~~ COBS 7.3.4R, any ~~contract~~ *insurance-based investment product* proposed shall ~~shall~~ must be consistent with the ~~customer’s~~ *client’s* demands and needs, ~~insurance intermediaries or insurance undertakings shall a~~ firm must determine whether the ~~customer~~ *client* has the necessary knowledge and experience in order to understand the risks involved in relation to the service or ~~product~~ *insurance-based investment product* proposed or demanded when assessing whether an insurance service or ~~product~~ *insurance-based investment product* distributed in accordance with ~~{COBS 10A.2.1R and COBS 10A.2.2R}~~ is appropriate for the ~~customer~~ *client*.

[**Note:** article 15 of the *IDD Regulation*]

...

Information regarding a client’s knowledge and experience: insurance-based investment products

- 10A.2.4 UK 17(1 For the purposes of ~~{COBS 9A.2.1R, COBS 9A.2.16R, COBS 10A.2.1R and COBS 10A.2.2R}~~ COBS 10A.2.1R and COBS 10A.2.2R in relation to *insurance-based investment products*, the necessary information to be obtained by

~~insurance intermediaries and insurance undertakings~~ a *firm* with regard to the ~~customer's or potential customer's~~ *client's* knowledge and experience in the relevant investment field shall include, where relevant, the following, to the extent appropriate to the nature of the ~~customer~~ *client*, and the nature and type of ~~product~~ *insurance-based investment product* or service offered or demanded, including their complexity and the risks involved:

- (a) the types of service, transaction, ~~insurance-based investment product~~ *insurance-based investment product* or ~~financial instrument~~ *financial instrument* with which the ~~customer or potential customer~~ *client* is familiar;
- (b) the nature, number, value and frequency of the ~~customer's or potential customer's~~ *client's* transactions in ~~insurance-based investment products~~ *insurance-based investment products* or ~~financial instruments~~ *financial instruments* and the period over which they have been carried out;
- (c) the level of education, and profession or relevant former profession of the ~~customer or potential customer~~ *client*.

~~17(3)~~ Where information required for the purposes of ~~{COBS 9A.2.1R, COBS 9A.2.16R, COBS 10A.2.1R and COBS 10A.2.2R}~~ has already been obtained pursuant to ~~for the purposes of {COBS 9A.2.3AR, COBS 9A.3.2R and COBS 9A.3.2AR}~~ COBS 7.3.4R, ~~insurance intermediaries and insurance undertakings shall~~ a *firm* must not request it information it already has anew from the ~~customer~~ *client*.

[**Note:** article 17(1) and (3) of the *IDD Regulation*]

...

Discouraging the provision of information: insurance-based investment products

10A.2.5 A	<del>UK</del> <u>R</u>	<del>17(2)</del> )	The <del>insurance intermediary or insurance undertaking shall</del> <u>In relation to an <i>insurance-based investment product</i>, a <i>firm</i> must not discourage a <del>customer or potential customer</del> <i>client</i> from providing information required for the purposes of <del>{COBS 9A.2.1R, COBS 9A.2.16R, COBS 10A.2.1R and COBS 10A.2.2R}</del>.</u>
--------------	---------------------------	-----------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[**Note:** article 17(2) of the *IDD Regulation*]

...

Reliance on information: insurance-based investment products

10A.2.6 UK 17(4) ~~The insurance intermediary or insurance undertaking shall be~~  
 A R ) ~~entitled to~~ In relation to an *insurance-based investment product*,  
~~a firm may~~ rely on the information provided by its ~~customers or~~  
~~potential customers~~ the *client* unless it is aware or ought to be  
 aware that the information is manifestly out of date, inaccurate or  
 incomplete.

[Note: article 17(4) of the *IDD Regulation*]

...

#### 10A.4 Assessing appropriateness: when it need not be done due to type of investment

...

Other non-complex insurance-based investment products

10A.4.3 UK 16 An ~~insurance-based investment product~~ *insurance-based*  
 R ~~investment product~~ shall ~~may~~ be considered as non-complex for  
 the purposes of [COBS 10A.4.1R] where it satisfies all of the  
 following criteria:

- (a) it includes a contractually guaranteed minimum maturity  
 (1) value which is at least the amount paid by the ~~customer~~  
*client* after deduction of legitimate costs;
- (b) it does not incorporate a clause, condition or trigger that  
 (2) allows the insurance undertaking to materially alter the  
 nature, risk, or pay-out profile of the ~~insurance-based~~  
~~investment product~~ *insurance-based investment product*;
- (c) it provides options to surrender or otherwise realise the  
 (3) ~~insurance-based investment product~~ *insurance-based*  
*investment product* at a value that is available to the  
~~customer~~ *client*;
- (d) it does not include any explicit or implicit charges which  
 (4) have the effect that, even though there are technically  
 options to surrender or otherwise realise the ~~insurance-~~  
~~based investment product~~ *insurance-based investment*  
*product*, doing so may cause unreasonable detriment to  
 the ~~customer~~ *client* because the charges are  
 disproportionate to the cost to the insurance undertaking;
- (e) it does not in any other way incorporate a structure which  
 (5) makes it difficult for the ~~customer~~ *client* to understand the  
 risks involved.

[Note: article 16 of the *IDD Regulation*]

...

**10A.7 Record keeping and retention periods for appropriateness records**

...

Record keeping: insurance-based investment products

- 10A.7.2 UK 19(1 Without prejudice to the application of Regulation (EU)  
A R ) (1) 2016/679 of the European Parliament and of the Council the  
General data protection regulation, insurance intermediaries and  
insurance undertakings shall a firm must maintain records of the  
assessment of suitability or appropriateness undertaken in  
accordance with [~~COBS 9A.2.1R, COBS 9A.2.16R, COBS~~  
10A.2.1R and ~~COBS 10A.2.2R~~] in relation to an insurance-based  
investment product.
- The records shall include the information obtained from the  
customer and any documents agreed with the customer, including  
documents that set out the rights of the parties and the other  
terms on which the insurance intermediary or insurance  
undertaking will provide services to the customer. Such records  
shall be retained for at least the duration of the relationship  
between the insurance intermediary or insurance undertaking and  
the customer.
- (2) The records maintained under (1) must include the information  
obtained from the client and any documents agreed with the  
client, including documents that set out the rights of the parties  
and the other terms on which the firm will provide services to the  
client.
- (3) The records in (1) must be retained for at least the duration of the  
relationship between the firm and the client.
- 19(3 In the case of an assessment of appropriateness undertaken in  
) (4) accordance with [~~COBS 10A.2.1R and COBS 10A.2.2R~~], the The  
record in (1) shall further must also include the following:
- (a) the result of the appropriateness assessment;
- (b) any warning given to the ~~customer~~ client where the  
~~insurance-based investment product~~ insurance-based  
investment product was assessed as potentially  
inappropriate for the ~~customer~~ client, whether the  
~~customer~~ client asked to proceed with concluding the  
~~contract~~ policy despite the warning and, where applicable,  
whether the ~~insurance intermediary or insurance~~  
~~undertaking~~ firm accepted the ~~customer's~~ client's request  
to proceed with concluding the ~~contract~~ policy;

- (c) any warning given to the ~~customer~~ *client* where the ~~customer~~ *client* did not provide sufficient information to enable the ~~insurance intermediary or insurance undertaking~~ *firm* to assess the appropriateness of the ~~insurance-based investment product~~ *insurance-based investment product*, whether the ~~customer~~ *client* asked to proceed with concluding the ~~contract~~ *policy* despite the warning and, where applicable, whether the ~~insurance intermediary or insurance undertaking~~ *firm* accepted the ~~customer's~~ *client's* request to proceed with concluding the ~~contract~~ *policy*.

[**Note:** article 19(1) and (3) of the *IDD Regulation*]

...

## 16A Reporting information to clients (MiFID and insurance-based investment products provisions)

### 16A.1 Application

...

Effect of provisions marked “UK” for firms distributing insurance-based investment products

- 16A.1.3 R ~~Provisions in this chapter marked “UK” and including a Note (“**Note:**”) referring to the *IDD Regulation* apply as if they were *rules to firms to whom the *IDD Regulation* does not apply, when doing insurance distribution.*~~ [deleted]

...

### 16A.4 Periodic reporting

...

Provision by a firm and contents: insurance-based investment products

- 16A.4.2 UK 18(1) Without prejudice to ~~{~~COBS 13.1.2R, COBS 13.3.2R, COBS 14.2.11R, COBS 14.2.5R, COBS 14.2.7R, COBS 16.6.3R, COBS 16.6.3AR and COBS 20.4.7R, and COBS 13 Annexes 1 and 2~~}~~, ~~the insurance intermediary or insurance undertaking shall in relation to an insurance-based investment product, a firm must provide the customer client with a periodic report, on a durable medium~~ *durable medium*, of the services provided to and transactions undertaken on behalf of the ~~customer~~ *client*.
- 18(2) The periodic report required under ~~paragraph 1~~ shall (1) ~~must~~ provide a fair and balanced review of the services provided to and transactions undertaken on behalf of that ~~customer~~ *client*

during the reporting period and ~~shall~~ must include, where relevant, the total costs associated with these services and transactions, and the value of each underlying investment asset.

- ~~18(3)~~ (3) The periodic report required under ~~paragraph 1~~ shall (1) must be provided at least annually.

[**Note:** article 18 of the *IDD Regulation*]

...

## Sch 1 Record keeping requirements

...

### Sch 1.3 G

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
...				
<del>COBS 9A.4.3UK</del> <u>COBS 9A.4.3R</u>	Suitability (insurance-based investment products)	<i>Client</i> information for <i>suitability report</i> - details in <del>COBS 9A.4.3UK</del> <u>COBS 9A.4.3R</u> and <del>COBS 9A.4.4UK</del> <u>COBS 9A.4.4R</u>	From date of <i>suitability report</i>	For whichever is the longer of 5 years or the duration of the relationship with the <i>client</i>
...				
<del>COBS 10A.7.2AUK</del> <u>COBS 10A.7.2AR</u>	Appropriateness (insurance-based investment products)	Records of appropriateness assessments including the results of such assessments and any warnings given to <i>clients</i> - details in <del>COBS 10A.7.2A</del> <u>COBS 10A.7.2AR</u>	Date of assessment	For whichever is the longer of 5 years or the duration of the relationship with the <i>client</i>

...				
<i>COBS</i> <del>16A.4.2UK</del> <i>COBS</i> <u>16A.4.2R</u>	<i>Periodic statements</i> (insurance-based investment products)	A copy of a <i>periodic statement</i> sent to a <i>client</i>	From date of despatch to <i>client</i>	At least 5 years
...				



## Annex D

## Amendments to the Insurance: Conduct of Business sourcebook (ICOBS)

In this Annex, underlining indicates new text and striking through indicates deleted text.

[*Editor's note:* Where UK legislation paragraph numbers are struck through in this annex, and where these are not replaced by a rule or guidance number, the text is moved one column to the left as relevant. These column changes are not shown.]

## 6 Product information

...

### 6 Annex 3R Providing product information by way of a standardised insurance information document:

~~[Note: the *IDD IPID Regulation* is applicable to *IDD insurance intermediaries*, *IDD insurance undertakings* and *IDD ancillary insurance intermediaries*.]~~

This annex belongs to *ICOBS* 6.1.10AR.

1	Effect of provisions marked 'UK' [deleted]		
1.1	R	(1)	Provisions in this section marked "UK" apply in relation to a firm to which the <i>IDD IPID Regulation</i> is not directly applicable, as if they were <i>rules</i> .
		(2)	In this annex, a word or phrase found in a provision marked "UK" and referred to in column (1) of the table below has the meaning indicated in the corresponding row of column (2) of the table.

(1)	(2)
"Directive (EU) 2016/97"	<i>IDD</i>
"durable medium"	<i>durable medium</i>
"insurance product"	<i>a policy (other than a pure protection contract)</i>
"manufacturer"	<i>manufacturer</i>
"non life insurance product"	<i>a policy (other than a pure protection contract)</i>
"shall"	<i>must</i>

2	What information needs to be contained in the IPID?	
...		
2.3A	G	<u>Firms are reminded that the IPID must be provided for each individual policy (see ICOBS 6.1.10AR). This is regardless of whether that policy is sold on its own, in connection with another policy or in connection with other goods and services.</u>
...		

[Editor's note: The shading shown in the 'Insurance Distribution Directive Instrument 2018' (FCA 2018/25) and reflected as relevant in the 'Exiting the European Union: Business Standards (Amendments) Instrument' (FCA 2019/23), at ICOBS 6 Annex 3R 2.4R to 2.6R below is removed. This change is not shown.]

	Name and company logo of the manufacturer		
2.4	<del>UK</del> <u>R</u>	1(1)	The name of the <del>manufacturer</del> <u>manufacturer</u> of the <del>non-life insurance product</del> <u>non-investment insurance product</u> , its regulatory status, and, where relevant, its <del>authorisation number</del> <u>firm's reference number (FRN)</u> shall <del>must</del> immediately follow the title 'insurance product information document' at the top of the first page.
2.5	<del>UK</del> <u>G</u>	1(2)	The <del>manufacturer</del> <u>manufacturer</u> may insert its company logo to the right of the title <u>referred to in ICOBS 6 Annex 3R paragraph 2.4R</u> .
			[ <b>Note:</b> article 1 of the <del>IDD-IPID-Regulation</del> <u>Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document</u> ]
	Reference to complete pre-contractual and contractual information		
2.6	<del>UK</del> <u>R</u>	2	The <del>insurance product information document</del> <u>IPID</u> shall <del>must</del> state prominently that complete pre-contractual and contractual information about the <del>non-life insurance product</del> <u>policy</u> is provided to the <del>customer</del> <u>consumer</u> in other documents. That statement shall <del>must</del> be placed immediately below the name of the <del>manufacturer</del> <u>manufacturer</u> of the <del>non-life insurance product</del> <u>insurance product</u> .
			[ <b>Note:</b> article 2 of the <del>IDD-IPID-Regulation</del> <u>Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document</u> ]

3	How must the IPID be presented and formatted?
...	

[*Editor's note:* The shading shown in the 'Insurance Distribution Directive Instrument 2018' (FCA 2018/25) and reflected as relevant in the 'Exiting the European Union: Business Standards (amendments) instrument' (FCA 2019/23) at ICOBS 6 Annex 3R paragraphs 3.2R to 3.12G is removed. This change is not shown.]

Length			
3.2	<del>UK</del> <u>R</u>	3	The <del>insurance product information document</del> <u>IPID</u> shall <del>must</del> be set out on two sides of A4-sized paper when printed. Exceptionally, if more space is needed, the <del>insurance product information document</del> <u>IPID</u> may be set out on a maximum of three sides of A4-sized paper when printed. Where a <del>manufacturer</del> <u>manufacturer</u> uses three sides of A4-sized paper, it shall <del>must</del> , upon request by the <del>Financial Conduct Authority</del> <u>FCA</u> , be able to demonstrate that more space was needed.
			[ <b>Note:</b> article 3 of the <del>IDD-IPID-Regulation</del> <u>Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document</u> ]
Presentation and order of content			
3.3	<del>UK</del> <u>R</u>	4(1)	The <del>information of the insurance product information document listed in Article 20(8) of Directive (EU) 2016/97</del> <u>IPID information</u> shall <del>must</del> be presented in different sections and in accordance with the structure, lay-out, headings and sequence as set out in the standardised presentation format in <del>the Annex to this Regulation</del> <u>ICOBS 6 Annex 3R paragraph 3.13R below</u> , using a font size with an x-height of at least <del>1,2</del> <u>1.2</u> mm.
3.4	<del>UK</del> <u>G</u>	4(2)	The length of the sections referred to in <u>ICOBS 6 Annex 3R paragraph 3.3R</u> may vary, depending on the amount of information that is to be included in each section. <del>Information about add-ons and optional covers shall not be preceded by ticks, crosses or exclamation marks.</del>
3.4A	<u>R</u>		<u>Any information about optional covers must not be preceded by ticks, crosses or exclamation marks.</u>
3.5	<del>UK</del> <u>G</u>	4(3)	Where the <del>insurance product information document</del> <u>IPID</u> is presented using a <del>durable medium</del> <u>durable medium</u> other than paper, the size of the components in the layout may be

			changed, provided that the layout, headings and sequence of the standardised presentation format, as well as the relative prominence and size of the different elements, are retained.
3.6	<u>UK</u> <u>R</u>	4(4)	Where the dimensions of the <del> durable medium</del> <i> durable medium</i> other than paper are such that a layout using two columns is not feasible, a presentation using a single column may be used, provided that the sequence of the sections is as follows:
			(a) (1) 'What is this type of insurance?'
			(b) (2) 'What is insured?'
			(c) (3) 'What is not insured?'
			(d) (4) 'Are there any restrictions on cover?'
			(e) (5) 'Where am I covered?'
			(f) (6) 'What are my obligations?'
			(g) (7) 'When I how do I pay?'
			(h) (8) 'When does the cover start and end?'
			(i) (9) 'How do I cancel the contract?'
3.7	<u>UK</u> <u>R</u>	4(5)	The use of digital tools, including layering and pop-ups <del> shall be</del> <u>is</u> permitted, provided that all the <del> information referred to in Article 20(8) of Directive (EU) 2016/97</del> <i> IPID information</i> is provided in the main body of the <del> insurance product information document</del> <i> IPID</i> and that the use of such tools does not distract the <del> customer's</del> <i> consumer's</i> attention from the content of the main document.  Information provided through layering and pop-ups <del> shall</del> <u>must</u> not include marketing or advertising material.
			[ <b>Note:</b> article 4 of the <del> IDD-IPID-Regulation</del> <u> Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017</u>

			laying down a standardised presentation format for the insurance product information document]
			Plain language
3.8	<u>UK R</u>	5	The <del>insurance product information document</del> <i>IPID</i> shall <u>must</u> be drafted in plain language, <u>avoiding jargon and facilitating the customer's consumer's</u> understanding of the content of that document, <del>and shall focus on key information which the customer needs to make an informed decision. Jargon shall be avoided.</del>
			[ <b>Note:</b> article 5 of the <del>IDD IPID Regulation</del> <u>Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document</u> ]
3.8A	<u>G</u>		<u>Firms are reminded that the IPID forms a part of the appropriate information about a policy a firm must give a consumer so that the consumer can make an informed decision about the arrangements proposed (see ICOBS 6.1.5R). The IPID only focuses on the key information that the consumer will always need to make an informed decision.</u>
			[ <b>Note:</b> article 5 of the <del>IDD IPID Regulation</del> <u>Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document</u> ]
			Headings and information thereunder
3.9	<u>UK R</u>	6(1)	The sections of the <del>insurance product information document</del> <i>IPID</i> shall <del>have the following</del> <u>must set out the IPID information (see ICOBS 6 Annex 3R paragraph 2.1R) under the specified headings and the following information thereunder as follows:</u>
			(a) <u>(1)</u> <del>the information on</del> the type of insurance referred to in Article 20(8)(a) of Directive (EU) 2016/97 shall <u>must</u> be included under the heading 'What is this type of insurance?', at the top of the document;
			(b) <u>(2)</u> <del>the information on</del> the main risks insured referred to in Article 20(8)(b) of Directive (EU) 2016/97 shall <u>must</u> be included under the heading 'What is insured?'. Each piece of information listed in this section shall <u>must</u> be preceded by a green 'tick' symbol;
			(c) <u>(3)</u> <del>the information on</del> the insured sum referred to in Article 20(8)(b) of Directive (EU) 2016/97 shall

				<u>must</u> be included under the heading ‘What is insured?’;
			<del>(d)</del> <u>(4)</u>	<del>the information on</del> geographical scope, where applicable, <del>referred to in Article 20(8)(b) of Directive (EU) 2016/97 shall</del> <u>must</u> be included under the heading ‘Where am I covered?’. Each piece of information listed in this section <del>shall</del> <u>must</u> be preceded by a blue ‘tick’ symbol;
			<del>(e)</del> <u>(5)</u>	<del>the information on</del> a summary of the excluded risks <del>referred to in Article 20(8)(b) of Directive (EU) 2016/97 shall</del> <u>must</u> be included under the heading ‘What is not insured?’. Each piece of information in this section <del>shall</del> <u>must</u> be preceded by a red ‘X’ symbol;
			<del>(f)</del> <u>(6)</u>	<del>the information on</del> the main exclusions <del>referred to in Article 20(8)(d) of Directive (EU) 2016/97 shall</del> <u>must</u> be included under the heading ‘Are there any restrictions on cover?’. Each piece of information listed in this section <del>shall</del> <u>must</u> be preceded by an orange exclamation mark symbol;
			<del>(g)</del> <u>(7)</u>	<del>the information on</del> the relevant obligations <del>referred to in points (e), (f) and (g) of Article 20(8) of Directive (EU) 2016/97 shall</del> <u>must</u> be included under the heading ‘What are my obligations?’;
			<del>(h)</del> <u>(8)</u>	<del>the information on</del> the means and duration of payment of premiums <del>referred to in Article 20(8)(e) of Directive (EU) 2016/97 shall</del> <u>must</u> be included under the heading ‘When and how do I pay?’;
			<del>(i)</del> <u>(9)</u>	<del>the information on</del> the term of the contract <del>referred to in Article 20(8)(h) of Directive (EU) 2016/97 shall</del> <u>must</u> be included under the heading ‘When does the cover start and end?’;
			<del>(j)</del> <u>(10)</u>	<del>the information on</del> the means of terminating the contract <del>referred to in Article 20(8)(i) of Directive (EU) 2016/97 shall</del> <u>must</u> be included under the heading ‘How do I cancel the contract?’.
<u>3.9A</u>	<u>R</u>	<u>6(2)</u>		The use of sub-headings is permitted, where necessary.
				[ <b>Note:</b> article 6 of the <i>IDD-IPID-Regulation</i> <u>Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document</u> ]

		Use of icons	
3.10	UK R	7(1)	Each section <u>of the IPID, referred to in IC OBS 6 Annex 3R paragraph 3.9R, shall further must also</u> be headed by icons that visually represent the content of the respective section <del>heading</del> <u>headings</u> , as follows:
			(a) (1) the information on the main risks insured <del>referred to in Article 20(8)(b) of Directive (EU) 2016/97 shall</del> <u>must</u> be headed by an icon of an umbrella, which <del>shall</del> <u>must</u> be white on a green background or green on a white background;
			(b) (2) the information on the geographical scope of the insurance cover <del>referred to in Article 20(8)(b) of Directive (EU) 2016/97 shall</del> <u>must</u> be headed by an icon of a globe, which <del>shall</del> <u>must</u> be white on a blue background or blue on a white background;
			(c) (3) the information on excluded risks <del>referred to in Article 20(8)(b) of Directive (EU) 2016/97 shall</del> <u>must</u> be headed by an icon of an X symbol within a triangle, which <del>shall</del> <u>must</u> be white on a red background or red on a white background;
			(d) (4) the information on the main exclusions <del>referred to in Article 20(8)(d) of Directive (EU) 2016/97 shall</del> <u>must</u> be headed by an exclamation mark (!) within a triangle, which <del>shall</del> <u>must</u> be white on an orange background or orange on a white background;
			(e) (5) the information on the obligations at the start of the contract, during the term of the contract and in the event that a claim is made, <del>referred to in points (e), (f) and (g) of 20(8) of Directive (EU) 2016/97, respectively, shall</del> <u>must</u> be headed by an icon of a handshake, which <del>shall</del> <u>must</u> be white on a green background or green on a white background;
			(f) (6) the information on the means and duration of payments <del>referred to in Article 20(8)(e) of Directive (EU) 2016/97 shall</del> <u>must</u> be headed by an icon of coins, which <del>shall</del> <u>must</u> be white on a yellow background or yellow on a white background;
			(g) (7) the information on the term of the contract <del>referred to in Article 20(8)(h) of Directive (EU) 2016/97 shall</del> <u>must</u> be headed by an icon of an hourglass, which <del>shall</del> <u>must</u> be white on a blue background or blue on a white background;

			(h) (8)	the information on the means of terminating the contract referred to in Article 20(8)(i) of Directive (EU) 2016/97 shall <u>must</u> be headed by an icon of a hand with an open palm on a shield, which <del>shall</del> <u>must</u> be white on a black background, or black on a white background.
3.11	<del>UK</del> <u>R</u>	7(2)		All icons <del>shall</del> <u>must</u> be displayed in a manner consistent with the standardised presentation format in <del>the Annex</del> <u>ICOB 6 Annex 3R paragraph 3.13R</u> .
3.12	<del>UK</del> <u>G</u>	7(3)		The icons referred to in <del>paragraphs 1 and 2</del> <u>ICOB 6 Annex 3R paragraphs 3.10R and 3.11R</u> may be presented in black and white where the insurance product information document is printed or photocopied in black and white.
				[ <u>Note: article 7 of the <del>IDD IPID Regulation</del> Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document</u> ]
				Template for the standardised presentation format

[Editor's note: The shading, shown in the 'Insurance Distribution Directive Instrument 2018' (FCA 2018/25) at ICOB 6 Annex 3R paragraph 3.13R below is removed. This change is not shown.]

3.13	<del>EU</del> <u>R</u>	ANNEX		
------	---------------------------	-------	--	--



# Xxxxx Insurance

## Insurance Product Information Document

Company: <Name> Insurance Company

Product: <Name> Policy

[Statement that complete pre-contractual and contractual information on the product is provided in other documents]

### What is this type of insurance?

[Description of Insurance]



#### What is insured?

- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx
- ✓ Xxxxx



#### What is not insured?

- ✗ Xxxxx
- ✗ Xxxxx
- ✗ Xxxxx
- ✗ Xxxxx
- ✗ Xxxxx



#### Are there any restrictions on cover?

- ! Xxxxx
- ! Xxxxx
- ! Xxxxx
- ! Xxxxx
- ! Xxxxx



#### Where am I covered?

- ✓ Xxxxxx



#### What are my obligations?

- Xxxxxx
- Xxxxxx
- Xxxxxx
- Xxxxxx



#### When and how do I pay?

- Xxxxxx



#### When does the cover start and end?

- Xxxxxx



#### How do I cancel the contract?

- Xxxxxx

[**Note:** Annex to the *IDD-IPID Regulation* Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document]

## Annex E

### Amendments to the Product Intervention and Product Governance sourcebook (PROD)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

[*Editor's note:* Where UK legislation paragraph numbers are struck through in this annex, and where these are not replaced by a rule or guidance number, the text is moved one column to the left as relevant. These column changes are not shown.]

[*Editor's note:* The shading shown in the 'Insurance Distribution Directive Instrument 2018' (FCA 2018/25) and reflected as relevant in the 'Exiting the European Union: Business Standards (Amendments) Instrument' (FCA 2019/23), for certain provisions in PROD 1.4, PROD 4.2 and PROD 4.3 is removed. This change is not shown.]

#### 1 Product Intervention and Product Governance Sourcebook (PROD)

...

#### 1.4 Application of PROD 4

...

1.4.3B R Where a *firm*:

...

- (2) is not otherwise within the scope of the *rules or onshored regulations* in PROD in relation to that *manufacturing* or *distribution* activity, then PROD 4, ~~PROD 1.4.4UK~~ PROD 1.4.4R and PROD 1.4.10G<sup>7</sup> apply with respect to that *manufacturing* or *distribution* activity.

...

When an intermediary may be considered to be manufacturing

- 1.4.4 ~~UK~~ 3(1) For the purposes of [~~PROD 4.2.1R, PROD 4.2.2R, PROD 4.2.29R, PROD 4.2.34R, PROD 4.3.1R and PROD 4.3.2R~~] PROD 4, insurance intermediaries an insurance intermediary shall will be considered manufacturers a manufacturer where an overall analysis of their activity shows that ~~they have it has~~ a decision-making role in designing and developing an insurance product for the market.
- ~~3(2)~~ (2) ~~A~~ For the purposes of (1), a decision-making role shall must be assumed, in particular, where insurance intermediaries an insurance intermediary autonomously determine determines the essential features and main elements of an insurance product,

including its coverage, price, costs, risk, target market and compensation and guarantee rights, which are not substantially modified by the ~~insurance undertaking~~ *insurance undertaking* providing coverage for the insurance product.

- ~~3(3)~~ (3) Personalisation of and adaptation of ~~an existing insurance products~~ *product* in the context of ~~insurance distribution activities~~ *insurance distribution activities* for ~~an individual customers~~ *customer*, as well as the design of tailor-made contracts at the request of a single ~~customer~~ *customer*, ~~shall~~ will not be considered ~~manufacturing~~ *manufacturing*.

[**Note:** article 3 of the *IDD POG Regulation*]

- 1.4.5 G The effect of ~~PROD 1.4.4UK~~ PROD 1.4.4R and *PROD 1.4.6R* is that an *insurance intermediary* needs to consider if it is *manufacturing* an insurance product or if it would be a *manufacturer* for a *legacy non-investment insurance product* for *PROD 4.6*, and, if so, should comply with *PROD 4.2* (Manufacture of insurance products).

...

~~Effect of provisions marked “UK” for certain manufacturers and distributors of insurance products~~

- 1.4.6 R (1) ~~Subject to (2) and PROD 1.4.3R, provisions in this section and in PROD 4 marked “UK” apply to firms:~~
- ~~(a) manufacturing or distributing insurance products, but to whom the *IDD POG Regulation* does not apply;~~
  - ~~(b) in relation to product governance and distribution arrangements for *legacy non-investment insurance products*,~~
- ~~as if they were *rules*.~~
- (2) ~~For the purposes of (1), a word or phrase used in the *IDD POG Regulation* and referred to in column (A) has the meaning indicated in Column (B) of the table below:~~

<del>(a)</del>	<del>(b)</del>
<del>“Article 8(2)”</del>	<del><i>PROD 4.2.30UK</i></del>
<del>“customer” and “potential customer”</del>	<del><i>customer</i></del>
<del>“insurance based investment products”</del>	<del><i>insurance based investment products</i></del>

<del>“insurance distribution activities” and “distribution activities”</del>	<i>insurance distribution activities</i>
<del>“insurance distributor”</del>	<i>distributor</i>
<del>“insurance intermediary”</del>	<i>insurance intermediary</i>
<del>“insurance undertaking”</del>	<i>insurer</i>
<del>“manufacturer” and “manufacturers within the meaning of Article 2 of this Delegated Regulation”</del>	<i>manufacturer</i>
<del>“manufacturing”</del>	<i>manufacturing</i>
<del>“shall”</del>	<b>must</b>

- (3) ~~In this sourcebook, where a reproduced provision of an article of the *IDD POG Regulation* refers to another part of the *IDD POG Regulation*, that other provision must also be read with reference to the table in (2).~~
- (4) ~~In relation to a *legacy non-investment insurance product*, the reproduced provisions of an article of the *IDD POG Regulation* must be read to be consistent with the application of product governance and distribution requirements in *PROD 4.2* and *PROD 4.3* to a *legacy non-investment insurance product*. [deleted]~~

Effect and interpretation of PROD 1.4 and PROD 4 for certain manufacturers and distributors of pathway investments

1.4.6A R A *firm* to which *PROD 1.4.3BR* applies must:

- (1) ~~comply with provisions marked “UK” in *PROD 1.4* and *PROD 4* as if they were rules; and [deleted]~~
- (2) ...

This table belongs to *PROD 1.4.6AR(2)(a)*.

(1)	(2)
<del>“<i>ICOBS 2.5.1R</i> and <i>COBS 2.1.1R</i>”</del>	<i>COBS 2.1.1R</i>
<del>“<i>ICOBS</i>”</del>	relevant conduct of business obligations

“ <i>PROD 4.2</i> requirements of the IDD POG Regulation)”	<i>PROD 4.2</i>
...	...
“insurance distributor”	<i>distributor</i>
“insurance distribution activities”	<i>distribution activities</i>
“insurance intermediary and an insurance undertaking”	<i>firms</i>
...	...
“‘manufacturer’ and ‘manufacturers’ within the meaning of Article 2 of this Delegated Regulation”	<i>manufacturer</i>
“manufacturing”	<i>manufacturing</i>
...	...
“shall”	<b>must</b>

...

#### 4 Product governance: IDD and pathway investments

##### 4.1 General

Other requirements ~~under the IDD~~ for insurance distribution activities

...

##### 4.2 Manufacture of insurance products

...

Product approval process

4.2.5 UK 4(1) ~~Manufacturers shall~~ A manufacturer must maintain, operate and review a product approval process for newly developed insurance products and for significant adaptations of existing insurance products. ~~That process shall contain measures and procedures for designing, monitoring, reviewing and distributing insurance products, as well as for corrective action for insurance products that are detrimental to customers. The measures and procedures shall be proportionate to the level of complexity and the risks~~

~~related to the products as well as the nature, scale and complexity of the relevant business of the manufacturer.~~

- (2) The process in (1) must contain measures and procedures for designing, monitoring, reviewing and distributing insurance products, as well as for corrective action for insurance products that are detrimental to *customers*.
- (3) The measures and procedures must be proportionate to the level of complexity and the risks related to the products as well as the nature, scale and complexity of the relevant business of the *manufacturer*.

[**Note:** article 4(1) of the *IDD POG Regulation*]

...

- 4.2.6 ~~UK~~ R 4(2) The product approval process ~~shall~~ required under *PROD 4.2.1R* must be set out in a written document (“product oversight and governance policy”), which ~~shall~~ must be made available to the relevant staff.

[**Note:** article 4 (2) of the *IDD POG Regulation*]

- 4.2.7 ~~UK~~ R 9 Relevant actions taken by ~~manufacturers~~ a *manufacturer* in relation to ~~their~~ its product approval process ~~shall~~ must be duly documented, kept for audit purposes and made available to the ~~Financial Conduct Authority~~ FCA upon request.

[**Note:** article 9 of the *IDD POG Regulation*]

- 4.2.8 ~~UK~~ R 4(3) The product approval process ~~shall~~ must:
- (a) ensure that the design of insurance products:
- (1)
- (i) takes into account the objectives, interests and characteristics of ~~customers~~ *customers*;
- (ii) does not adversely affect ~~customers~~ *customers*;
- (b)
- (iii) prevents or mitigates ~~customer~~ *customer* detriment;
- (c)
- (b) support a proper management of conflicts of interest.
- (2)

[**Note:** article 4(3) of the *IDD POG Regulation*]

- 4.2.9 UK 4(4) ~~The manufacturers'~~ A manufacturer's ~~body or structure governing~~ body responsible for the ~~manufacturing~~ manufacturing of insurance products ~~shall~~ must:
- (a) endorse and be ultimately responsible for establishing,  
(1) implementing and reviewing the product approval process;
- (b) continuously verify internal compliance with that process.  
(2)

[Note: article 4(4) of the *IDD POG Regulation*]

- 4.2.10 UK 5(4) ~~Manufacturers shall~~ A manufacturer must ensure that staff involved in designing and manufacturing insurance products ~~has~~ have the necessary skills, knowledge and expertise to properly understand the insurance products sold and the interests, objectives and characteristics of the ~~customers~~ customers belonging to the target market.

[Note: article 5(4) of the *IDD POG Regulation*]

- 4.2.11 UK 4(5) ~~Manufacturers~~ A manufacturer designating a third party to design products on ~~their~~ its behalf ~~shall remain~~ remains fully responsible for compliance with the product approval process.

[Note: article 4(5) of the *IDD POG Regulation*]

- 4.2.12 UK 4(6) ~~Manufacturers shall~~ A manufacturer must regularly review ~~their~~ its product approval process to ensure ~~that that process~~ it is still valid and up to date. ~~They shall~~ A manufacturer must amend the product approval process where necessary.

[Note: article 4(6) of the *IDD POG Regulation*]

Manufacture by more than one firm

- 4.2.13 UK 3(4) ~~An insurance intermediary and an insurance undertaking that are both manufacturers within the meaning of Article 2 of this Delegated Regulation, shall sign a written agreement which specifies their collaboration to comply with the requirements for manufacturers referred to in [PROD 4.2.1R, PROD 4.2.2R, PROD 4.2.29R, PROD 4.2.33R and PROD 4.2.34R] the procedures through which they shall agree on the identification of the target market and their respective roles in the product approval process.~~
- Where there is more than one firm involved in the manufacture of an insurance product, the firms must have a written agreement which specifies:
- (1) their collaboration to comply with the requirements for manufacturers referred to in PROD 4.2, including in

particular *PROD 4.2.1R, PROD 4.2.2R, PROD 4.2.29R, PROD 4.2.33R and PROD 4.2.34R*;

- (2) the procedures through which they will agree on the identification of the target market; and
- (3) their respective roles in the product approval process.

[**Note:** article 3(4) of the *IDD POG Regulation*]

4.2.14 R In circumstances other than ~~*PROD 4.2.13UK*~~ *PROD 4.2.13R*, when *firms* collaborate to *manufacture* an insurance product, they must outline their mutual responsibilities in a written agreement.

...

Fair value for non-investment insurance products: relevance through the product approval process

4.2.14D R A *firm* must consider the value considerations in *PROD 4.2.14AR* and, where relevant, *PROD 4.2.14BR* throughout every stage of the product approval process in *PROD 4* including, in particular, when:

- (1) identifying the target market and the interests, needs, objectives and characteristics of such *customers* (*PROD 4.2.15R to PROD 4.2.21AG*);
- (2) undertaking product testing (~~*PROD 4.2.22UK*~~ *PROD 4.2.22R* to *PROD 4.2.26G*); and
- (3) selecting any distribution channel (~~*PROD 4.2.27UK*~~ *PROD 4.2.27R* to *PROD 4.2.32DR*).

...

Target market

...

4.2.16 ~~UK~~ R ~~5(1)~~ (1) ~~The A *firm's* product approval process shall~~ must, for each insurance product, identify the target market and the group of compatible ~~customers~~ customers. ~~The target market shall be identified at a sufficiently granular level, taking into account the characteristics, risk profile, complexity and nature of the insurance product.~~

- (2) The target market in (1) must be identified at a sufficiently granular level, taking into account the characteristics, risk profile, complexity and nature of the insurance product.

[**Note:** article 5(1) of the *IDD POG Regulation*]



- 4.2.17 UK 5(2) ~~Manufacturers~~ A manufacturer may, in particular with regard to ~~insurance-based investment products~~ insurance-based investment products, identify groups of ~~eustomers~~ customers for whose needs, characteristics and objectives the insurance product is generally not compatible.

[**Note:** article 5(2) of the *IDD POG Regulation*]

...

- 4.2.18 UK 5(3) ~~Manufacturers shall~~ A manufacturer must only design and market insurance products that are compatible with the needs, characteristics and objectives of the ~~eustomers~~ customers belonging to the target market. ~~When assessing whether an insurance product is compatible with a target market, manufacturers shall take into account the level of information available to the customers belonging to that target market and their financial literacy.~~

- (2) When assessing whether an insurance product is compatible with a target market, a manufacturer must take into account the level of information available to the customers belonging to that target market and their financial literacy.

[**Note:** article 5(3) of the *IDD POG Regulation*]

...

#### Product testing

- 4.2.22 UK 6(1) ~~Manufacturers shall~~ A manufacturer must test ~~their~~ its insurance products appropriately, including scenario analyses where relevant, before bringing that product to the market or significantly adapting it, or in case the target market has significantly changed. ~~That product testing shall assess whether the insurance product over its lifetime meets the identified needs, objectives and characteristics of the target market. Manufacturers shall test their insurance products in a qualitative manner and, depending on the type and nature of the insurance product and the related risk of detriment to customers, quantitative manner.~~

- (2) The product testing in (1) must assess whether the insurance product over its lifetime meets the identified needs, objectives and characteristics of the target market.

- (3) A manufacturer must test its insurance products in a qualitative manner and, depending on the type and nature of the insurance product and the related risk of detriment to customers, quantitative manner.

[**Note:** article 6(1) of the *IDD POG Regulation*]

- 4.2.23 G For the purposes of ~~PROD 4.2.22UK~~ PROD 4.2.22R, *manufacturers* should include assessments of the performance and risk/reward profile of their insurance product where appropriate.

[**Note:** recital 8 to the *IDD POG Regulation*]

- 4.2.24 ~~UK~~ R ~~6(2)~~ ~~Manufacturers shall~~ A manufacturer must not bring insurance products to the market if the results of the product testing show that the products do not meet the identified needs, objectives and characteristics of the target market.

[**Note:** article 6(2) of the *IDD POG Regulation*]

...

#### Distribution channels and information disclosure to distributors

- 4.2.27 ~~UK~~ R ~~8(1)~~ ~~Manufacturers shall~~ A manufacturer must carefully select distribution channels that are appropriate for the target market, thereby taking into account the particular characteristics of the relevant insurance products.

[**Note:** article 8(1) of the *IDD POG Regulation*]

...

- 4.2.30 ~~UK~~ R ~~8(2)~~ ~~Manufacturers shall~~ A manufacturer must provide insurance ~~distributors~~ a distributor with all appropriate information on the insurance products, the identified target market and the suggested distribution strategy, including information on the main features and characteristics of the insurance products, their risks and costs, including implicit costs, and any circumstances which might cause a conflict of interest to the detriment of the ~~customer~~ customer. ~~That information shall be clear, complete and up to date.~~

(2) The information in (1) must be clear, complete and up to date.

[**Note:** article 8(2) of the *IDD POG Regulation*]

- 4.2.31 ~~UK~~ R ~~8(3)~~ The information ~~referred to in paragraph 2 shall~~ required under PROD 4.2.30R must enable the ~~insurance distributors~~ distributor to:

~~(a)~~ (1) understand the insurance products;

(1)

~~(b)~~ (2) comprehend the identified target market for the insurance products;

- (e) identify any ~~customers~~ customers for whom the insurance product is not compatible with their needs, characteristics and objectives;
- (d) carry out ~~distribution activities~~ insurance distribution activities for the relevant insurance products in accordance with the best interests of their ~~customers~~ customers as prescribed in [~~ICOB~~ 2.5-1R ~~and or~~ COBS 2.1.1R] (as relevant).

[Note: article 8(3) of the *IDD POG Regulation*]

...

#### Monitoring and review of insurance products

...

- 4.2.35      ~~UK~~    7(1)      ~~Manufacturers shall~~ A manufacturer must continuously monitor and regularly review insurance products ~~they have~~ it has brought to the market, to identify events that could materially affect the main features, the risk coverage or the guarantees of those products. ~~They shall assess whether the insurance products remain consistent with the needs, characteristics and objectives of the identified target market and whether those products are distributed to the target market or is reaching customers outside the target market.~~
- R          (1)
- (2)          A manufacturer must assess whether the insurance products remain consistent with the needs, characteristics and objectives of the identified target market and whether those products are distributed to the target market or are reaching customers outside the target market.

[Note: article 7(1) of the *IDD POG Regulation*]

...

- 4.2.36      ~~UK~~    7(2)      ~~Manufacturers shall~~ A manufacturer must determine the appropriate intervals for the regular review of their insurance products, thereby taking into account the size, scale, contractual duration and complexity of those insurance products, ~~their~~ its respective distribution channels, and any relevant external factors such as changes to the applicable legal rules, technological developments, or changes to the market situation.
- R

[Note: article 7(2) of the *IDD POG Regulation*]

...

- 4.2.36B R For the purposes of showing the requirements in *PROD* 4.2.1R and ~~*PROD* 4.2.5UK *PROD* 4.2.5R~~ are met, where a *firm* makes a change to a *non-investment insurance product* it must make and retain a record of:
- (1) the assessment of whether that change would amount to a significant adaptation of the insurance product; and
  - (2) where the assessment in (1) is that the change would not be a significant adaptation, the reasons for that decision.
- 4.2.37 UK R ~~7(3) Manufacturers that identify~~ Where a *manufacturer* identifies during the lifetime of an insurance product any circumstances related to the insurance product that may adversely affect the ~~customer~~ *customer* of that product ~~shall, the *manufacturer* must~~ take appropriate action to mitigate the situation and prevent further occurrences of the detrimental event. ~~Manufacturers shall~~ A *manufacturer* must promptly inform concerned ~~insurance distributors~~ *distributors* and ~~customers~~ *customers* about the remedial action taken.
- [**Note:** article 7(3) of the *IDD POG Regulation*]
- ...
- 4.2.38 UK R ~~8(4)~~ (1) *Manufacturers shall* A *manufacturer* must take appropriate steps to monitor that ~~insurance distributors~~ *distributors* act in accordance with the objectives of the ~~manufacturers'~~ *manufacturer's* product approval process. ~~They shall in particular verify on a regular basis whether the insurance products are distributed on the identified target market. That monitoring obligation shall not extend to the general regulatory requirements with which insurance distributors have to comply when carrying out insurance distribution activities for individual customers. The monitoring activities shall be reasonable, taking into consideration the characteristics and the legal framework of the respective distribution channels.~~
- (2) A *manufacturer* must in particular verify on a regular basis whether the insurance products are distributed on the identified target market. However, this monitoring obligation does not extend to the general regulatory requirements with which *distributors* have to comply when carrying out *insurance distribution activities* for individual *customers*.
  - (3) The monitoring activities in (1) must be reasonable, taking into consideration the characteristics and the legal framework of the respective distribution channels.
- [**Note:** article 8(4) of the *IDD POG Regulation*]
- 4.2.39 UK R ~~8(5) Manufacturers considering~~ Where a *manufacturer* considers that the distribution of ~~their~~ *its* insurance products is not in accordance

with the objectives of ~~their~~ its product approval process ~~shall~~ it must take appropriate remedial action.

[**Note:** article 8(5) of the *IDD POG Regulation*]

...

### 4.3 Distribution of insurance products

...

4.3.3 R *A distributor* must take all reasonable steps to obtain the information in *PROD 4.2.29R* when *distributing* insurance products *manufactured* by any *person* to which product governance requirements in *PROD 4.2* ~~or~~ requirements of the *IDD POG Regulation* do not apply.

...

4.3.5 ~~UK~~ 10(1) ~~Insurance distributors shall~~ A firm must have in place product distribution arrangements containing appropriate measures and procedures to obtain from the ~~manufacturer~~ *manufacturer* all appropriate information on the insurance products ~~they intend~~ it intends to offer to ~~their customers~~ its customers and to fully comprehend those insurance products, taking into account the level of complexity and the risks related to the products as well as the nature, scale and complexity of the relevant business of the ~~distributor~~ firm.

[**Note:** first sub-paragraph of article 10(1) of the *IDD POG Regulation*]

4.3.6 ~~UK~~ 10(2) The product distribution arrangements required under *PROD 4.3.5R* ~~shall~~ must:

(~~a~~) aim to prevent and mitigate ~~customer~~ customer detriment;  
(1)

(~~b~~) support a proper management of conflicts of interest;  
(2)

(~~e~~) ensure that the objectives, interests and characteristics of  
(3) ~~customers~~ customers are duly taken into account.

[**Note:** article 10(2) of the *IDD POG Regulation*]

...

4.3.7 ~~UK~~ 10(3) ~~The~~ A firm must ensure that its product distribution arrangements ~~shall ensure that the insurance distributors contain the necessary~~ measures to obtain from the ~~manufacturer~~ *manufacturer* the information to be communicated under ~~Article 8(2)~~ *PROD 4.2.30R*.

[**Note:** article 10(3) of the *IDD POG Regulation*]

- 4.3.8 ~~UK~~ 10(4) Any specific distribution strategy set up or applied by ~~insurance distributors shall~~ a firm must be in accordance with the distribution strategy set up and the target market identified by the ~~manufacturer~~ manufacturer.

[**Note:** article 10(4) of the *IDD POG Regulation*]

- 4.3.9 ~~UK~~ 10(5) The ~~insurance distributors' body or structure~~ firm's governing body responsible for ~~insurance distribution~~ insurance distribution activities shall ~~shall~~ must endorse and be ultimately responsible for establishing, implementing and reviewing the product distribution arrangements and continuously verify internal compliance with those arrangements.

[**Note:** article 10(5) of the *IDD POG Regulation*]

- 4.3.10 ~~UK~~ 10(6) ~~Insurance distributors shall~~ A firm must regularly review ~~their~~ its product distribution arrangements to ensure that those arrangements are still valid and up to date. ~~They shall~~ The firm must amend product distribution arrangements where appropriate. ~~Insurance distributors that have set up or apply a specific distribution strategy shall, where appropriate, amend that strategy in view of the outcome of the review of the product distribution arrangements. When reviewing their product distribution arrangements, insurance distributors shall verify that the insurance products are distributed to the identified target market.~~
- (1) A firm must regularly review its product distribution arrangements to ensure that those arrangements are still valid and up to date. The firm must amend product distribution arrangements where appropriate. Insurance distributors that have set up or apply a specific distribution strategy shall, where appropriate, amend that strategy in view of the outcome of the review of the product distribution arrangements. When reviewing their product distribution arrangements, insurance distributors shall verify that the insurance products are distributed to the identified target market.
- (2) A firm that has set up or applies a specific distribution strategy must, where appropriate, amend that strategy in view of the outcome of the review of the product distribution arrangements. When reviewing its product distribution arrangements, a firm must verify that the insurance products are distributed to the identified target market.
- (3) ~~Insurance distributors shall~~ A firm must determine the appropriate intervals for the regular review of ~~their~~ its product distribution arrangements, thereby taking into account the size, scale and complexity of the different insurance products involved. ~~To support product reviews carried out by manufacturers, insurance distributors shall upon request provide manufacturers with relevant sales information, including, where appropriate, information on the regular reviews of the product distribution arrangements.~~
- (4) To support product reviews carried out by manufacturers, a firm must, upon request, provide manufacturers with relevant sales information, including, where appropriate, information on the regular reviews of the product distribution arrangements.

[**Note:** article 10(6) of the *IDD POG Regulation*]

...

- 4.3.10B R For the purposes of ~~PROD 4.3.10UK~~ PROD 4.3.10R, a *distributor* must provide on request to a *manufacturer* of a *non-investment insurance product*:
- (1) information on the *distributor's* remuneration in connection with the distribution of the insurance product;
  - (2) information on any ancillary product or service that the *distributor* provides to the *customer* (including insurance add-ons, non-insurance *additional products* and *retail premium finance*), which may affect the *manufacturer's* intended value of the insurance product; and
  - (3) confirmation that the distribution arrangements are consistent with the obligations of the *firm* under the *FCA Handbook* including in particular in SYSC 10 (Conflicts of interest) and SYSC 19F.2 (IDD remuneration incentives).

- 4.3.11 ~~UK~~ R ~~11~~ ~~Insurance distributors~~ A *firm* becoming aware that an insurance product is not in line with the interests, objectives and characteristics of its identified target market or becoming aware of other product-related circumstances that may adversely affect the ~~customer shall~~ customer must promptly inform the ~~manufacturer~~ manufacturer and, where appropriate, amend their distribution strategy for that insurance product.

[**Note:** article 11 of the *IDD POG Regulation*]

...

- 4.3.13 ~~UK~~ R ~~12~~ Relevant actions taken by ~~insurance distributors~~ a *firm* in relation to ~~their~~ its product distribution arrangements ~~shall~~ must be duly documented, kept for audit purposes and made available to the ~~Financial Conduct Authority~~ FCA upon request.

[**Note:** article 12 of the *IDD POG Regulation*]

- 4.3.14 ~~UK~~ R ~~10(1)~~ ~~Insurance distributors shall~~ A *firm* must set out the product distribution arrangements in a written document and make it available to ~~their~~ its relevant staff.

[**Note:** second sub-paragraph of article 10(1) of the *IDD POG Regulation*]

#### 4.4 Additional expectations for manufacturers and distributors of insurance products

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- 4.4.2 G *PROD* 1.4.10G provides that, where *PROD* 4 applies, a *firm* need not apply the *guidance* in *RPPD* for matters covered by *PROD*, if that *firm* has complied with *PROD* 4. However, *PROD* 4 and the ~~*IDD-POG Regulation*~~ does not cover all parts of the *RPPD* or wider obligations in the *FCA Handbook* and the following *guidance*, some of which is reproduced from the *RPPD*, remains relevant.

...

#### 4.5 Additional expectations for manufacturers and distributors in relation to value measures data

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Manufacturers of value measures products

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- 4.5.4 R The requirements on *manufacturers* referred to in *PROD* 4.5.3R are:

...

- (2) that in relation to new products and significant adaptations to existing products, the *firm's* product approval process in *PROD* 4.2.1R, product testing in ~~*PROD* 4.2.22UK~~ *PROD* 4.2.22R including considerations in *PROD* 4.2.25R and the review of products in *PROD* 4.2.34R also incorporate the procedures and considerations in (1) above.

...

...

#### 4.6 Application of *PROD* 4.2 and 4.3 for legacy non-investment insurance products

...

Manufacturers of legacy non-investment insurance products

...

- 4.6.5 G For the purposes of *PROD* 4.6.4R a *manufacturer* will need to demonstrate it has arrangements to meet the following:

- (1) general product approval process requirements (~~*PROD* 4.2.5UK~~ *PROD* 4.2.5R to *PROD* 4.2.14R);
- (2) fair value assessment (*PROD* 4.2.14AR to *PROD* 4.2.14SR);
- (3) target market requirements (*PROD* 4.2.15R to *PROD* 4.2.21AG);



- (4) product testing (~~PROD 4.2.22UK~~ PROD 4.2.22R to *PROD 4.2.26G*);
- (5) distribution channels and information disclosure to distributors requirements (~~PROD 4.2.27UK~~ PROD 4.2.27R to *PROD 4.2.32DG*); and
- (6) monitoring and review of insurance products (*PROD 4.2.33R* to *PROD 4.2.39AR*).

...

