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Fonds de pension professionnels

Briefing-debriefing sur le rapport Karas

- Député européen (Verts, France) - Économie - La politique macroéconomique et sociale de l'Europe -



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Briefing (avant vote en plénière)

While Community legislation regulates the cross-border delivery of financial services in the banking, insurance and investment fund sectors, there is as yet no such Community legislation at all covering the second pillar of retirement provision (occupational retirement systems). The Commission, in October 2000, proposed a Directive (co-decision), which aims at ensuring Europe-wide operation of such schemes under common rules.

Parliament, on first reading, adopted the report with 99 amendments 4 July 2001 by a large majority. It took the Council more than a year after this date to agree on a Common Position (November 2002), where it incorporated a good part of Parliament's amendments. Greens/EFA, in first reading, already voted against Parliament's report as too weak concerning the clear definition of this particular product, the prudential regulation of the funds and the security of payment for the beneficiaries. The common position now further waters down provisions to these dimensions **(Belgium abstained in the Councils vote stating that, "owing to shortcomings in quantitative rules, the security of operations in the context of cross-border membership cannot be guaranteed and, as a consequence, Belgium cannot subscribe to the principle of mutual recognition that this involves")** The rapporteur, Mr. Karas, did its utmost (against strong resistance within his own and the Liberal group) to at least uphold Parliament's position in first reading. After heavy compromising he reinstated the following amendments from first reading:

- *Conceptual clarity (Article 6)*: Benefits in the form of lifelong payments are emphasised as the general rule and it is clearly spelt out that other forms of benefits shall be specifically linked to retirement provision;

Ī *Legal certainty and legal clarity (Articles 5 and 9(1))*: It must be ensured that entry in the future register of authorised institutions is preceded by supervisory verification guaranteeing that the relevant institution satisfies the requirements of this directive.

Ī *Social security (recitals and Article 9)*: For the above reasons, what are known as the 'biometric risks' were reinstated in the report. The issue here is optional cover for disability, provision for survivors and guaranteed repayment of contributions.

Ī *Protection of beneficiaries (Article 11)*: Appropriate and regular information for members and beneficiaries that must, however, remain manageable for pension institutions.

Ī *Coordination Committee (Article 21)*: Encouraging cooperation between supervisory authorities, the Commission and Member States is of major importance since the second pillar of retirement provision cannot be considered in isolation but touches on many aspects of labour and social legislation.

We can support all these amendments, because they would improve the Common Position.

The report was adopted with 3 votes against and 13 abstentions. Green/EFA voted in favour, since the Committees position is still better than that of the Council. Negotiations with Council and Commission are still going on this week to prepare the vote in Plenary with a view to avoid conciliation.

Debriefing (après vote en plénière)

The second reading was completed by Parliament. A GUE amendment (supported by us) calling for the rejection of the common position was voted down by 156:383:7 (roll call) votes. The so-called "compromise amendments", supported by PPE, broad majority of PSE and Liberals have been adopted en bloc with absolute majority of the House (Green/EFA voting against, because we favoured the amendments as voted in EMAC) Our amendment calling for lower threshold for investment by pension institutions in shares and related was rejected.

According to a pre-deal between EP, Council and Commission, the amendments now adopted will be endorsed by the Council. Henceforth, occupational pensions in Europe will not any more necessarily be paid for the whole of the lifetime, nor cover other "biometric risks" such as professional disability. Information of the "customer" on the situation of his/her pension will not be compulsory.

We blame the majority of PSE, lead by Luxemburg MEP Mr. Goebbels, to have contributed to diluting the sense of occupational pension systems as a reliable second pillar of old-age living. We blame the majority of PSE, lead by Luxemburg MEP Mr. Goebbels, to have contributed to diluting the sense of occupational pension systems as a reliable second pillar of old-age living.

The amendment to reject the Common Position by the Council was not adopted (156: 383: 7 votes). All Green/EFA (beside one abstention) voted for the rejection as did the whole GUE.

48 PSE (including Berès, van Lancker, Hänsch, Rocard, Désir, Ettl, Sakellariou, Duhamel, Kuckelkorn) were with us for rejection, as were 1 PPE (Musotto) and 10 EDD and 10 NI...

Our amendment 24 introducing - for precautionary reasons - lower thresholds for more risky investment, was rejected by 114: 420: 6 votes, with all Green/EFA voting in favour, supported by the GUE (except Krivine, Ilka Schröder, Vachetta who abstained) and only 19 PSE (Berès, Rocard, van Lancker, Dendiluce - no support from German/Austria (except Martin) MEPs. Quite a few EDD and NI voted with us.

PS:

Voir la [présentation de la situation](#).