



Gabriel Bernardino
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EIOPA-14-239
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Subject: Your letter on the selection procedure of members and composition of EIOPA Occupational Pensions Stakeholder Group (OPSG)

Dear Sirs and Madams,

I am writing to you in relation to your letter of 6 May 2014 to the Authority. EIOPA welcomes the interest and feedback on the selection procedures and composition of its Stakeholder Groups, and gives serious attention to concerns raised.

I am confident that the selection procedure for both Stakeholder Groups has been transparent. Transparency is one of our core values and EIOPA is committed to implement the utmost transparency standard. In this respect, EIOPA published its Selection Procedure Rules on its website already at the stage of the initial publication of the Call for Expression of Interest. Also for transparency reasons, the Selection Procedure Rules are available on a standing basis.

Certain eligibility and selection criteria had to be met in order for a candidate to be selected. These criteria, including requirements such as personal experience and capacities, are adequately described in the Selection Procedure Rules. Similarly, the selection process itself is pointed out therein.

With respect to OPSG governance, according to Article 3(1) of the OPSG Rules of Procedure, OPSG members serve in their personal capacity. This was already described in the Call for Expression of Interest in May 2013. By serving in their personal capacity, OPSG members cannot be replaced in OPSG meetings by another person of their institution/organisation, nor are they bound to seek formal approval and bring across exclusively the views of their employer/organisation. However, they may well do so, as long as confidentiality and professional secrecy rules are fully respected.

The OPSG – in accordance with Article 37(3) of Regulation EU (No) 1094/2010 (EIOPA Regulation) – shall be composed of members representing the various stakeholders' categories (i.e. institutions for occupational retirement provision

operating in the Union, representatives of employees, representatives of beneficiaries, representatives of SMEs and representatives of relevant professional associations). Your letter also gives me the opportunity to clarify the difference between the category of representatives of employees and that of beneficiaries. In contrast to the first, the beneficiary category includes representatives of persons who already receive retirement benefits.

As far as the employers' representation is concerned, I would like to explain that the European Ombudsman in her decision¹ of 26 February 2014 considered the list of categories of Article 37(3) of EIOPA Regulation exhaustive. In particular, the European Ombudsman states in her decision: *"Had the EU legislator wished that employers' representatives should also be appointed to the OPSG, it would have made this explicit. In fact, employers appear to be already represented in the OPSG through the 10 members of the "industry" category"*. Indeed, the Selection Procedure Rules allow for representatives of employers to be included in the category of Institutions for Occupational Retirement Provision (IORPs). In addition, EIOPA always welcomes employers and their representative associations, as all stakeholders, to participate in EIOPA's public consultations and respective events, such as public hearings and workshops.

Regarding your argument for lack of geographical balance in the OPSG, I would like to mention that EIOPA has managed to increase the overall representation of nationalities across the OPSG, which now numbers 17 nationalities, compared to 15 nationalities in the previous OPSG formation. In addition, no nationality is present in the OPSG with more than 3 members. Besides, the selection of the Stakeholder Groups' members depends on the pool of applications EIOPA receives for each category.

In conclusion, I strongly believe that the revised Selection Procedure Rules ensure clarity and transparency in the selection of members of both EIOPA's Stakeholder Groups. Equally, the role of OPSG members and whom they represent are properly defined in the Selection Procedure Rules and the Call for Expression of Interest. Further, I would like to inform you that the Authority and I, personally, make contacts and engage on a regular basis in meetings with representatives of all stakeholders, including employers.

I hope that the above answers take account of your concerns and help clarify the matters raised.

Yours sincerely,



Gabriel Bernardino
Chairman of EIOPA

¹ Available here: <http://www.ombudsman.europa.eu/en/cases/decision.faces/en/53669/html.bookmark>