



欧州議会へのEIOPA勧告書に関するコンサルテーション・ペーパー（ソルベンシーII指令第172条に関連する日本の監督制度の同等性評価）に係る損保協会意見

項目	和文	英文
<p>全般コメント</p>	<ul style="list-style-type: none"> <li>・ EIOPAが、日本の規制・監督制度について概ね十分な確認を行ったことに敬意を表する。その結果として日本の「再保険監督」において同等と評価された点を歓迎するとともに、最終アドバイス及びECによる最終判断において、引続き日本の同等性が評価されることを信じている。</li> <li>・ 日本の同等性が認められることは、欧州の保険業界にとって、健全で競争的な再保険市場の構築に寄与し、欧州の顧客の利益に資するものと信じる。</li> <li>・ 加えて、日本が、「再保険監督」以外の他の2項目においても、適切な時期に、同等性評価が実施され、結果として同等と評価されることを期待している。</li> <li>・ GiAJとして最大限、評価プロセスに引続き協力していく。</li> </ul>	<ul style="list-style-type: none"> <li>● First of all, we, the General Insurance Association of Japan (GiAJ), would like to commend the EIOPA for its generally sufficient examination of the Japanese regulatory and supervisory system. We welcome the results of the EIOPA's equivalence assessment which recognise the equivalence of Japan's reinsurance regulations, and we believe that both the EIOPA's final advice and the European Commission's final decision will also support this.</li> <li>● We believe that the recognition of Japan's equivalence will contribute to the development of a sound and competitive reinsurance market for the insurance industry of the EU. As a result, this will also be beneficial for customers in the EU.</li> <li>● In addition, we expect that Japan's equivalence under Article 227 and Article 260 will also be assessed and recognised at an appropriate timing.</li> <li>● The GiAJ is looking forward to cooperating in the future equivalence assessment process as much as possible.</li> </ul>
<p>パラグラフ31 （第II章「包括的評価」の第172条に基づく日本の同等性に関するEIOPAの</p>	<ul style="list-style-type: none"> <li>・ パラ127に対するコメントに記載の理由により、このパラグラフの記述についてもしかるべく修正されるべきであると考える。</li> </ul>	<ul style="list-style-type: none"> <li>● We believe that the description in this paragraph should be modified appropriately in line with our comment on Paragraph 127.</li> </ul>



欧州議会へのEIOPA勧告書に関するコンサルテーション・ペーパー（ソルベンシーII指令第172条に関連する日本の監督制度の同等性評価）に係る損保協会意見

項目	和文	英文
<p>アドバイス)</p> <p>パラグラフ33 (第II章「包括的評価」の第172条に基づく日本の同等性に関するEIOPAのアドバイス)</p>	<p>・パラ190に対するコメントに記載の理由により、このパラグラフの記述についてもかかるべく修正されるべきであると考え。</p>	<p>● We believe that the description in this paragraph should be modified appropriately in line with our comment on Paragraph 190.</p>
<p>パラグラフ127 (第III章「各原則の評価」の「原則3-事業の開始」に関するEIOPAのアドバイス)</p>	<p>・日本の（再）保険会社が営める付随的業務（パラ115において言及）は、それらの事業を行うことによって（再）保険会社の財務健全性および事業の適切性が損なわれない限りにおいて金融庁の承認が得られ、かかる承認なしには行えないことになっているものである。一方（再）保険会社が営める事業について定めるソルベンシーII指令 第18条1.(a)および(b)ならびに同指令冒頭説明部分(13)に記載の基準では、「operations arising directly therefrom」、「reinsurance and related operations...may include ... activities with respect to financial sector activities...」と規定されており、日本の基準とソルベンシーII指令による基準とはその実質において異なるものではないと考える。したがって、パラ127の記述についてもかかるべく修正されるべきであると考え。</p> <p>Article 18 Conditions for authorisation 1. The home Member State shall require every undertaking for which authorisation is sought:</p>	<p>● Japanese (re)insurers are allowed to engage in incidental business (which are provided in Paragraph 115) with the approval of the JFSA, to the extent that the financial soundness and appropriateness of business operation of the insurer is not harmed by engaging in such incidental businesses. On the other hand, in the Solvency II Directive, incidental businesses in which (re)insurers are allowed to engage are provided in Article 18 1. (a), (b), and Preamble (13) as below. Comparing the provisions in the Japanese Insurance Business Act and the Solvency II Directive, we believe that there is no “real difference”. Therefore, the description in Paragraph 127 should be modified appropriately.</p> <p>Article 18 Conditions for authorisation 1. The home Member State shall require every undertaking for which authorisation is sought:</p>

項目	和文	英文
	<p>(a) in regard to insurance undertakings, to limit their objects to the business of insurance and operations arising directly therefrom, to the exclusion of all other commercial business;</p> <p>(b) in regard to reinsurance undertakings, to limit their objects to the business of reinsurance and related operations; that requirement may include a holding company function and activities with respect to financial sector activities within the meaning of Article 2(8) of Directive 2002/87/EC;</p> <p>(13) Reinsurance undertakings should limit their objects to the business of reinsurance and related operations. Such a requirement should not prevent a reinsurance undertaking from pursuing activities such as the provision of statistical or actuarial advice, risk analysis or research for its clients. It may also include a holding company function and activities with respect to financial sector activities within the meaning of Article 2(8) of Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate(7). In any event, that requirement does not allow the pursuit of unrelated banking and financial activities.</p>	<p>(a) in regard to insurance undertakings, to limit their objects to the business of insurance and <u>operations arising directly therefrom</u>, to the exclusion of all other commercial business;</p> <p>(b) in regard to reinsurance undertakings, to limit their objects to the business of <u>reinsurance and related operations</u>; that requirement <u>may include</u> a holding company function and <u>activities with respect to financial sector activities</u> within the meaning of Article 2(8) of Directive 2002/87/EC;</p> <p>Preamble</p> <p>(13) Reinsurance undertakings should limit their objects to the business of reinsurance and related operations. Such a requirement should not prevent a reinsurance undertaking from pursuing activities such as the provision of statistical or actuarial advice, risk analysis or research for its clients. <u>It may also include</u> a holding company function and <u>activities with respect to financial sector activities</u> within the meaning of Article 2(8) of Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate(7). In any event, that requirement does not allow the pursuit of unrelated banking and financial activities.</p>
<p>パラグラフ128 (第III章「各原則の評</p>	<p>・パラ127に対するコメントのとおり、同等性が認められるべきであり、largely equivalentからequivalentに修正されるべきであると考える。</p>	<p>● As we comment on Paragraph 127, Japan should be considered to be “equivalent” under Principle 3 dealing with the taking up of business. Thus,</p>



欧州議会へのEIOPA勧告書に関するコンサルテーション・ペーパー（ソルベンシーII指令第172条に関連する日本の監督制度の同等性評価）に係る損保協会意見

項目	和文	英文
価」の「原則3-事業の開始」に関するEIOPAのアドバイス)		the description in Paragraph 128 should also be modified from “largely equivalent” to “equivalent”.
パラグラフ190（第III章「各原則の評価」の「原則5-事業、経営、または適格株主の変更」に関するEIOPAのアドバイス)	<ul style="list-style-type: none"> <li>・パラ189において「株式保有割合が20%～50%に（20%未満から）上昇する際における明示的な評価基準値は存在しないが、JFSAは「主要株主」がIBAの関連規定を充足しない場合にいつでも介入することができる。」と記載されているとおり、金融庁による監督手法はその達成される効果において、ソルベンシーIIIにおける手法と同等であり、パラ190の記述についてもlargely equivalentからequivalentに修正されるべきであると考えます。</li> </ul>	<ul style="list-style-type: none"> <li>● As Paragraph 189 explains that “There is no explicit assessment point for increase in shareholdings between 20% and 50%, as in Solvency II, but the JFSA can intervene at any time where Primary shareholders do not meet the provisions relevant to them in the IBA”, the JFSA’s supervisory approach is equivalent to the Solvency II’s approach in their effects to achieve adequate on-going supervision of sound and prudent management of the insurers. Therefore, the description in Paragraph 190 should be modified from “largely equivalent” to “equivalent”.</li> </ul>