

Implementation of the “Insurance Gender Directive” Provisional Results of Groupe Consultatif Survey

This document summarises the provisional findings of the Groupe Consultatif’s survey into implementation of the “Insurance Gender Directive” based on responses received from 14 member associations to date. The countries covered by the 14 associations are listed in Appendix 1.

At the dates of submission of the responses received, the Directive had been implemented in 10 of the 14 countries concerned. Of the remaining 4 countries, 2 are not members of the EU viz. Norway and Croatia. A decision remains on whether or not the Directive will be implemented in these countries and for the purposes of this survey, the current situation has been described. The expected situation following implementation of the Directive has been described in the case of the other 2 countries.

The key findings of the survey are summarised under the following four headings:

- Opt-out Clause
- Data Requirements
- Pricing
- Application of Legislation/Regulation

Full details of the responses received are provided in Appendix 2.

1. Opt-out Clause

Six of the fourteen countries have availed of the opt-out clause in the Directive for all types of insurance.

The remaining eight countries do not permit the use of gender as a rating factor for at least one type of insurance. Motor insurance is the most common type of insurance that falls into this category with five countries not allowing gender as a rating factor for motor insurance. Critical illness is the second most common type of insurance, with three countries not allowing gender as a rating factor for critical illness insurance.

No country prohibits use of gender as a rating factor for all types of insurance i.e. all countries have availed of the opt-out clause for at least one type of insurance.

In five countries, there has been a change in policy on use of gender as a rating factor following implementation of the Directive. The biggest changes in policy are in Belgium and Cyprus.

Prior to the implementation of the Directive in Belgium, gender as a rating factor was permitted for all types of insurance. Following implementation of the Directive, gender is no longer permitted as a rating factor for motor insurance, critical illness insurance and disability/income protection insurance.

Gender as a rating factor is also no longer permitted for these types of insurance in Cyprus. In addition, health insurance and long term care now also fall into this category in Cyprus.

Three countries have chosen to defer, until 21 December 2009, implementation of the measure in the Directive which requires that “costs related to pregnancy and maternity shall not result in differences in individuals’ premiums and benefits” – Cyprus, Ireland and the UK. (Twelve of the fourteen countries responded to this question.)

2. Data Requirements

Twelve countries have decided which bodies will be responsible for compilation, publication and regular updating of data relevant to the use of gender as a rating factor, with two yet to decide (Denmark and Estonia). A variety of different bodies will be involved in the process across member states. The following table summarises the number of occurrences of each of the following types of bodies in the responses received:

	Number of occurrences
Government Department(s)	3
Insurance Regulator	5
National Agency (e.g. National Statistics Office)	2
Actuarial Association	3
Industry Association	5
Individual Companies	3
Other*	1

* *Consumer Insurance Bureau (Sweden)*

The degree of data specification requirements and the process for gathering data varied widely from little or no prescription to detailed requirements with Finland, Sweden and the UK falling into the latter group. Fuller details of requirements are outlined in Appendix 2.

3. Pricing

The opt-out clause in the Directive allows Member States to “permit proportionate differences in individuals’ premiums and benefits where the use of sex is a determining factor in the assessment of risk based on relevant and accurate actuarial and statistical data”.

From a pricing perspective, premium rates and benefits must be supported by the published data in some shape or form in 7 countries with terms such as “proportionate”, “consistent with”, “reasonable having regard to” used in the responses to the survey (although these are not necessarily the terms used in legislation).

In 3 countries, the position seems to be more definitive that insurers do not have to reference the published data for pricing purposes, with the purpose of the data purely being to justify the use of gender as a rating factor.

The position in the remaining 4 countries has yet to be decided.

Overall, the extent to which premium/benefit differentials should reflect the differentials in published data and the extent to which insurers have some freedom/flexibility in pricing remains to be seen in practice and it seems likely from the responses received that different approaches will emerge in different countries.

4. Application of Legislation/Regulation

The survey explored whether national legislation applies at a prudential supervisory level or at a General Good (local consumer protection) level. The results show that the Directive has been implemented in quite different ways across member states:

- Four countries have implemented the Directive as a General Good measure - Estonia, Finland, Norway, Sweden.

In other words, the national requirements apply to insurance sold to domestic residents whether by national or foreign insurers. In contrast, the requirements do not apply to national insurers selling cross border to non-residents.

- One country has implemented the Directive at a prudential supervisory level – Belgium.

The Belgian requirements apply to Belgian insurers regardless of whether they sell insurance locally to Belgian residents or cross border to non-residents. The Belgian requirements do not however apply to foreign insurers selling in to Belgian residents on a cross border basis.

- Four countries have implemented the Directive at both national prudential supervisory and General Good levels - Croatia, Cyprus, the Czech Republic and Ireland.

Croatia, Ireland and the Czech Republic have availed of the opt-out clause for almost all types of insurance and so, from the perspective of domestic legislation, national insurers in these countries can essentially use gender as a rating factor for both insurance sold to domestic residents and insurance sold cross border to non residents. It may of course be necessary to comply with legislation in the territory of sale where the Directive has been implemented at a General Good level in the territory of sale.

Cyprus has not availed of the opt-out clause for a number of types of insurance (see section 1 above) and so the application of the legislation has a more pronounced effect in Cyprus than in the other three countries listed.

- Two countries have implemented the Directive as a mix of both prudential and General Good measures – Latvia and Denmark.

Taking Latvia as an example, Latvian insurers are subject to Latvian law whether selling to domestic residents or selling cross border to non-residents. Other EEA insurers are however not subject to Latvian requirements if selling cross border into

Latvia to Latvian residents, whereas non-EEA insurers are subject to Latvian requirements if selling into Latvia on a third country basis.

Similar comments apply for Denmark except that Denmark has availed of the opt-out clause for all types of insurance, whereas Latvia has not availed of it for motor insurance.

- The position is less clear for the remaining three countries – Italy, Spain and the UK – based on the responses received (see Appendix 2).

The variety of approaches taken across the different member states creates an unlevel playing field where cross border business is concerned.

Appendix 1 – List of Participating Countries

Belgium
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
Ireland
Italy
Latvia
Norway
Sweden
Spain
UK

Appendix 2 – Detailed Responses Received

[See attached spreadsheet]

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Belgium	Croatia	Cyprus	Czech Republic
Association Name	ARAB - KVBA	CROATIAN ACTUARIAL ASSOCIATION	CYPRUS ASSOCIATION OF ACTUARIES	Czech actuarial association

Implementation

Has the Directive been implemented?	Yes	No	Yes	No
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Opt-out Clause

Is gender as a rating factor allowed following implementation of the Directive for the following types of insurance?

All Types of Insurance	No			No
Life assurance	Yes	Yes	Yes	Yes
Critical Illness Insurance	No	Yes	No	Yes
Disability/Income Protection Insurance	No	Yes	No	Yes
Annuities	Yes	Yes	Yes	Yes
Motor Insurance	No		No	Yes
Health Insurance		Yes	No	Yes
Accident		Yes	Yes	Yes
Long Term Care			No	Yes
Other				

For completeness, please specify where gender as a rating factor was allowed prior to implementation of the Directive?

All Types of Insurance	Yes			No
Life assurance	Yes	Yes	Yes	Yes
Critical Illness Insurance	Yes	Yes	Yes	Yes
Disability/Income Protection Insurance	Yes	Yes	Yes	Yes
Annuities	Yes	Yes	Yes	Yes
Motor Insurance	Yes			Yes
Health Insurance	Yes	Yes	Yes	Yes
Accident		Yes	Yes	Yes
Long Term Care				Yes
Other				

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Belgium	Croatia	Cyprus	Czech Republic
Association Name	ARAB - KVBA	CROATIAN ACTUARIAL ASSOCIATION	CYPRUS ASSOCIATION OF ACTUARIES	Czech actuarial association

Comments		Gender as a rating factor is not applied in Croatia	With regards to Accident covers, gender is allowed to be used as a rating factor only for accidental death covers. In fact, gender as a rating factor was allowed for all types of covers before application of the new directive, but companies made use of it only for those covers specified above.	
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Has the option to defer the "pregnancy and maternity" measure been availed of?	No	Yes	No
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Data

Who is response for compilation, publication and regular updating of data relevant to the use of gender as a rating factor?

Government Department(s)	Yes		
Insurance Regulator	Yes		Insurances covering death
National Agency (e.g. National Statistics Office)	No	Mortality/Life	
Actuarial Association	No		Insurances covering death

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Belgium	Croatia	Cyprus	Czech Republic
Association Name	ARAB - KVBA	CROATIAN ACTUARIAL ASSOCIATION	CYPRUS ASSOCIATION OF ACTUARIES	Czech actuarial association
Industry Association	No		Insurances covering death	
Individual Companies	No			
Other	No			If there is not the public statistic source or Industrial association source an insurance company can use (and publish) own statistics for all types of insurances.
Comments			The collection of raw data is done through the Insurance Companies Association and its regular updating and technical-actuarial analysis is done by the local actuarial association, while the compilation of the results and their publication and regular updating is done by the Insurance Regulator.	

Please provide a brief description of the following:

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Belgium	Croatia	Cyprus	Czech Republic
Association Name	ARAB - KVBA	CROATIAN ACTUARIAL ASSOCIATION	CYPRUS ASSOCIATION OF ACTUARIES	Czech actuarial association
Specified data requirements (including the form in which it must be published)	No legal provision is provided in this matter in the Belgian law. The above mentioned CBFA published statistics for the first time on its internet site. See enclosed.		Although not specified in the law the following requirements have been agreed between the stakeholders: Data must rely on actual claims experience relating to insurance companies' business in Cyprus and cover a minimum number of years. Also, since the business in Cyprus as a whole is relatively small, the data must be given by a very large proportion of the total companies.	Due to no implementation of directive all questions bellow on that page are still under discussion.

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Belgium	Croatia	Cyprus	Czech Republic
Association Name	ARAB - KVBA	CROATIAN ACTUARIAL ASSOCIATION	CYPRUS ASSOCIATION OF ACTUARIES	Czech actuarial association

Process for compiling, publishing and updating the required data

No legal provision is provided in this matter in the Belgian law.

The collection of the raw data is done through the Insurance Companies Association and its regular updating and technical-actuarial analysis is done by the local actuarial association. **The results must be presented in two ways: (a) as two crude unit rates, one for male insureds and one for female insureds, and (b) as a table including specific rates for each age from 1 to 75, one set for males and one set for females. The insurance supervisor takes the results and after making relevant compilation, the supervisor does the publication. The same process is repeated after a 2-3 years period in order to assess whether a results updating is required.**

By what date must data be published?

By 20th June 2008 and then every second year. Communication to EU Commission the latest on 21th December 2008.

By 21st December 2007, for the initial results.

Please provide any additional comments that you think are relevant with regard to compilation, publication and regular updating of data

Pricing

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Belgium	Croatia	Cyprus	Czech Republic
Association Name	ARAB - KVBA	CROATIAN ACTUARIAL ASSOCIATION	CYPRUS ASSOCIATION OF ACTUARIES	Czech actuarial association
To what extent must insurers take account of the published data for product pricing purposes i.e. setting premium rates and/or benefits?	Proportionate differences in individual's premiums and benefits where the use of sex is a determining factor in the assessment of risk based on relevant and accurate actuarial and statistical data.	It is desirable to take into account published data in product pricing but it is not obligatory. If published data are used must be provided to supervisory authority.		Due to no implementation of directive the rules are still under discussion.

Application of Legislation/Regulation

To which of the following does your national legislation/regulation apply?

Insurance sold by national insurers in your country[1] to residents in your country	Yes	Yes	Yes
Insurance sold by other EEA insurers[2] to residents in your country	No	Yes	Yes
Insurance sold by non-EEA Insurers[3] to residents in your country	No	Yes	Yes
Insurance sold by national insurers from your country to policyholders resident in other countries	Yes	Yes	Yes
Reinsurance business transacted with national insurers	No	Yes	Yes

[1] Insurers whose head office is in your country i.e. who are regulated for prudential supervisory purposes in your country

[2] Insurers whose head office is located in another EEA country

[3] Insurers whose head office is located outside of the EEA

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Belgium	Croatia	Cyprus	Czech Republic
Association Name	ARAB - KVBA	CROATIAN ACTUARIAL ASSOCIATION	CYPRUS ASSOCIATION OF ACTUARIES	Czech actuarial association

Comments

Other

Please provide any other information of relevance?

Croatia is not a member of EEA so Insurance Gender Directive is not implemented by the legislation. It is difficult to predict what will be implemented in new legislation and when. Recent Insurance Law Amendments didn't implement anything from the Insurance Gender Directive. Some types of insurance (like LTC) are not present at the market.

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Denmark	Estonia	Finland	Ireland
Association Name	Den Danske Aktuaforening	Estonian Actuarial Society	the actuarial Society of Finland	Society of Actuaries in Ireland

Implementation

Has the Directive been implemented?	Yes (partly)	Yes	Yes	Yes
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Opt-out Clause

Is gender as a rating factor allowed following implementation of the Directive for the following types of insurance?

All Types of Insurance	Yes	No	Yes	No
Life assurance	Yes	Yes		Yes
Critical Illness Insurance	Yes	Yes		Yes
Disability/Income Protection Insurance	Yes	Yes		Yes
Annuities	Yes	Yes		Yes
Motor Insurance	Yes	No		Yes
Health Insurance	Yes	Yes		Yes
Accident	Yes	Yes		No
Long Term Care	Yes	Yes		Yes
Other	Yes	No		Yes

For completeness, please specify where gender as a rating factor was allowed prior to implementation of the Directive?

All Types of Insurance	Yes	Yes	Yes	Yes
Life assurance	Yes	Yes		Yes
Critical Illness Insurance	Yes	Yes		Yes
Disability/Income Protection Insurance	Yes	Yes		Yes
Annuities	Yes	Yes		Yes
Motor Insurance	Yes	Yes		Yes
Health Insurance	Yes	Yes		No
Accident	Yes	Yes		Yes
Long Term Care	Yes	Yes		Yes
Other		Yes		

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Denmark	Estonia	Finland	Ireland
Association Name	Den Danske Aktuaforening	Estonian Actuarial Society	the actuarial Society of Finland	Society of Actuaries in Ireland

Comments

Any other forms of life insurance that may fall within Classes I, III or IV of Annex I to Directive 2002/83/EC. Therefore, for example, accident insurance underwritten as supplementary insurance in addition to life assurance could use gender as a rating factor, while stand-alone accident insurance written by a non-life insurer could not. It should also be noted that Irish Health Insurance legislation requires community-rated premiums to be applied in respect of Irish consumers; therefore gender can only be a rating factor where Irish insurers are marketing to non-Irish consumers (and gender differentiation in health insurance premiums is permitted in the local market). See comment above in relation to community rating in Irish health insurance – there were otherwise no explicit restrictions on gender as a rating factor prior to the draft legislation

Has the option to defer the "pregnancy and maternity" measure been availed of?	No	No	No	Yes
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Data

Who is responsible for compilation, publication and regular updating of data relevant to the use of gender as a rating factor?

Government Department(s)
Insurance Regulator
National Agency (e.g. National Statistics Office)

All

Actuarial Association

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Denmark	Estonia	Finland	Ireland
Association Name	Den Danske Aktuaforening	Estonian Actuarial Society	the actuarial Society of Finland	Society of Actuaries in Ireland
Industry Association				
Individual Companies			all type of insurance	
Other				
Comments	To be discussed between insurance regulator, actuarial association and industry association	Not specified so far.		

Please provide a brief description of the following:

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Denmark	Estonia	Finland	Ireland
Association Name	Den Danske Aktuaforening	Estonian Actuarial Society	the actuarial Society of Finland	Society of Actuaries in Ireland
Specified data requirements (including the form in which it must be published)	To be discussed	Not specified so far.	Companies must do a risk analysis, which includes a statistical part and a summary part. From summary part must come out at least: 1. in which products or class of insurance and customer groups company uses gender as a pricing factor. 2. Has gender an influence to premiums or to benefits or to both in product or class of insurance in the question 3. what kind of influence the gender has. 4. To which and what kind of statistics the use of gender as a pricing factor is based on. Among other: realiser and client of the research or data collection, population and sample to which the research or data is based on. To which years of data the conclusions are based on, From where the research or the data can be found in case they are public. 5. Which are the conclusions based on data and research used can be made about gender as an actuarial factor The summary part must be published on company's web site Additional to summary part from statistical part must come out: 1. Scale and reliability of the statistics used 2. Based on statistics used, differences caused by gender and st	The draft legislation does not specify the precise requirements, but merely includes a provision whereby the relevant Minister may make regulations prescribing the form, frequency of publication and content of data required to be compiled, published and maintained. No draft of any such regulations has as yet been made public.

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Denmark	Estonia	Finland	Ireland
Association Name	Den Danske Aktuaforening	Estonian Actuarial Society	the actuarial Society of Finland	Society of Actuaries in Ireland
Process for compiling, publishing and updating the required data	To be discussed	Not specified so far.	The risk analysis must be done regularly and at least once in five years. The risk analysis must be delivered to the Insurance Supervisory Authority at least one month before using gender as a pricing factor.	Not yet prescribed.
By what date must data be published?	To be discussed	Not specified so far.	The summary part must be published before selling products in which gender is a pricing factor.	Not yet prescribed.
Please provide any additional comments that you think are relevant with regard to compilation, publication and regular updating of data	We would hope it could be a job for the National Statistics Office!	Not specified so far.	Insurance Supervisory Authority compiles and publishes a summary which companies use gender as pricing factor and in which products or class of insurance they are using it.	

Pricing

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Denmark	Estonia	Finland	Ireland
Association Name	Den Danske Aktuaforening	Estonian Actuarial Society	the actuarial Society of Finland	Society of Actuaries in Ireland
To what extent must insurers take account of the published data for product pricing purposes i.e. setting premium rates and/or benefits?	To be discussed	The difference in premium rates between men and women due to usage of gender as a rating factor must be proportional to the impact of the gender factor in the published data.	The premium rates/benefits differences must be consistent with the statistical difference.	The draft legislation does not lay down any prescribed relationship between the published data and the actual pricing of an insurer, except that it must be "... reasonable having regard to the data or other relevant factors". Effectively, as long as the type of insurance permits gender-differentiated premiums, any difference may be applied in the pricing basis, as the "...other relevant factors" are nowhere defined.

Application of Legislation/Regulation

To which of the following does your national legislation/regulation apply?

Insurance sold by national insurers in your country[1] to residents in your country	Yes	Yes	Yes	Yes
Insurance sold by other EEA insurers[2] to residents in your country	No	Yes	Yes	Yes
Insurance sold by non-EEA Insurers[3] to residents in your country	Yes	Yes	Yes	Yes
Insurance sold by national insurers from your country to policyholders resident in other countries	Yes	No	No	Yes
Reinsurance business transacted with national insurers	No	Yes	Yes	Yes

[1] Insurers whose head office is in your country i.e. who are regulated for prudential supervisory purposes in your country

[2] Insurers whose head office is located in another EEA country

[3] Insurers whose head office is located outside of the EEA

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country

Denmark

Estonia

Finland

Ireland

Association Name

Den Danske Aktuaforening

Estonian Actuarial Society

the actuarial Society of Finland

Society of Actuaries in Ireland

Comments

The draft legislation does not specify its applicability in terms of the location or regulatory jurisdiction of the insurer / reinsurer. The answers above are an interpretation of the legislation's silence in this respect which should not be taken as a formal legal opinion.

Other

Please provide any other information of relevance?

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Italy	Latvia	Norway	Sweden
Association Name	Instituto Italiano Attuari	Latvian association of Actuaries	Den Norske Aktuarforening	Svenska Aktuarieföreningen

Implementation

Has the Directive been implemented?	Yes	No	No	Yes
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Opt-out Clause

Is gender as a rating factor allowed following implementation of the Directive for the following types of insurance?

All Types of Insurance	Yes	No	No	Yes
Life assurance	Yes	Yes	Yes	
Critical Illness Insurance	Yes	Yes	No	
Disability/Income Protection Insurance	Yes	Yes	Yes	
Annuities	Yes	Yes	Yes	
Motor Insurance	Yes	No	No	
Health Insurance	Yes	Yes	No	
Accident	Yes	Yes	No	
Long Term Care	Yes	Yes		
Other		Yes		

For completeness, please specify where gender as a rating factor was allowed prior to implementation of the Directive?

All Types of Insurance	Yes	Yes	No	Yes
Life assurance	Yes	Yes	Yes	
Critical Illness Insurance	Yes	Yes	No	
Disability/Income Protection Insurance	Yes	Yes	Yes	
Annuities	Yes	Yes	Yes	
Motor Insurance	Yes	Yes	No	
Health Insurance	Yes	Yes	No	
Accident	Yes	Yes	No	
Long Term Care	Yes	Yes		
Other				

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Italy	Latvia	Norway	Sweden
Association Name	Instituto Italiano Attuari	Latvian association of Actuaries	Den Norske Aktuarforening	Svenska Aktuarieföreningen
Comments		Any type of insurance in case the tariff difference can be proved by statistical and actuarial data		*, The legislation does not specify insurance type. However, statistics will be published only for the following: Life, Disability(incl Critical Illness), Annuities, Motor, Health

Has the option to defer the "pregnancy and maternity" measure been availed of?

No

No

No

Data

Who is response for compilation, publication and regular updating of data relevant to the use of gender as a rating factor?

Government Department(s)

Insurance Regulator

National Agency (e.g. National Statistics Office)

Yes

Yes

Yes

None

None

None

Actuarial Association

Yes

None

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Italy	Latvia	Norway	Sweden
Association Name	Instituto Italiano Attuari	Latvian association of Actuaries	Den Norske Aktuarforening	Svenska Aktuarieföreningen
Industry Association		Yes	Yes	All
Individual Companies				None
Other		Yes		All
Comments		Cabinet of Ministers responsible for approving a list of insurance types where the gender parameter in rating is allowed. Once per five years Ministry of Welfare, Ministry of Finance, Insurance Regulator and Industry association evaluates the necessity for exemption and give proposals to Cabinet of Ministers if changes needed. Ministry of Welfare publishes statistical and actuarial data in their home page.	It is still not yet decided if the directive has to be implemented in Norway who is not a part of EU, just the economic area. The answers are therefore related to the current situation in Norway.	Consumers Insurance Bureau (financed by the industry)

Please provide a brief description of the following:

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Italy	Latvia	Norway	Sweden
Association Name	Instituto Italiano Attuari	Latvian association of Actuaries	Den Norske Aktuarforening	Svenska Aktuarieföreningen
Specified data requirements (including the form in which it must be published)	Very accurate and reliable statistical and actuarial data	Detailed report understandable for wide public, the statistical and actuarial data based on which the decision is made.		Data should if possible be insurance related. A version which could be read by the layman should be published.

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Italy	Latvia	Norway	Sweden
Association Name	Instituto Italiano Attuari	Latvian association of Actuaries	Den Norske Aktuarforening	Svenska Aktuarieföreningen
Process for compiling, publishing and updating the required data	By the Supervisory Authority (ISVAP)	The process is not set up yet; however, the idea is to use independent source of collecting and processing data; the publishing foreseen in home page of Ministry of Welfare. The evaluation must be done once per five years.		Compiled by the Swedish Research Council for Actuarial Science (FTN), a scientific committee under the Industry Association. Published by the Swedish Consumers Insurance Bureau, a consumer organisation financed by the insurance industry. Updated by FTN.

By what date must data be published?	On yearly basis	Not defined	Not specified
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Please provide any additional comments that you think are relevant with regard to compilation, publication and regular updating of data

Pricing

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Italy	Latvia	Norway	Sweden
Association Name	Instituto Italiano Attuari	Latvian association of Actuaries	Den Norske Aktuarforening	Svenska Aktuarieföreningen
To what extent must insurers take account of the published data for product pricing purposes i.e. setting premium rates and/or benefits?	The data must justify the differences in premiums and benefits. So any difference is permitted only if is supported by reliable statistical and actuarial data (controlled by the supervisory Authority)	The published data are only to show the difference. It is not mandatory for insurers to use the same data in the calculations.	None	Insurers could differentiate if data points to differences. The rates do not have to show the same difference.

Application of Legislation/Regulation

To which of the following does your national legislation/regulation apply?

Insurance sold by national insurers in your country[1] to residents in your country	Yes	Yes	Yes
Insurance sold by other EEA insurers[2] to residents in your country	Not specified	No	Yes
Insurance sold by non-EEA Insurers[3] to residents in your country	Not specified	Yes	Yes
Insurance sold by national insurers from your country to policyholders resident in other countries	Not specified	Yes	No
Reinsurance business transacted with national insurers	Not specified	No	No

[1] Insurers whose head office is in your country i.e. who are regulated for prudential supervisory purposes in your country

[2] Insurers whose head office is located in another EEA country

[3] Insurers whose head office is located outside of the EEA

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country

Italy

Latvia

Norway

Sweden

Association Name

Instituto Italiano Attuari

Latvian association of Actuaries

Den Norske Aktuarforening

Svenska Aktuarieföreningen

Comments

Other

Please provide any other information of relevance?

The relevant change sin the law on insurance companies and their supervision are to be approved by the parliament.

It is still not yet decided if the directive has to be implemented in Norway who is not a part of EU, just the economic area. The answers are therefore related to the current situation in Norway.

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Spain	UK
Association Name	INSTITUTO DE ACTUARIOS ESPAÑOLES	Faculty and Institute of Actuaries (UK Actuarial Profession)

Implementation

Has the Directive been implemented?	Yes	Yes
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Opt-out Clause

Is gender as a rating factor allowed following implementation of the Directive for the following types of insurance?

All Types of Insurance	Yes	Yes
Life assurance		
Critical Illness Insurance		
Disability/Income Protection Insurance		
Annuities		
Motor Insurance		
Health Insurance		
Accident		
Long Term Care		
Other		

For completeness, please specify where gender as a rating factor was allowed prior to implementation of the Directive?

All Types of Insurance	Yes	Yes
Life assurance		
Critical Illness Insurance		
Disability/Income Protection Insurance		
Annuities		
Motor Insurance		
Health Insurance		
Accident		
Long Term Care		
Other		

Groupe Consultatif Survey on Implementation of the "Insurance Gender Directive"

Respondent

Country	Spain	UK
Association Name	INSTITUTO DE ACTUARIOS ESPAÑOLES	Faculty and Institute of Actuaries (UK Actuarial Profession)

Comments

Has the option to defer the "pregnancy and maternity" measure been availed of?	No	Yes
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Data

Who is response for compilation, publication and regular updating of data relevant to the use of gender as a rating factor?

Government Department(s)		See comment
Insurance Regulator		
National Agency (e.g. National Statistics Office)	ALL KIND OF BASIC STATISTICS THAT CAN BE USED FOR INSURANCE IN GENERAL	
Actuarial Association		CMI has published mortality, critical illness and income protection: http://www.actuaries.org.uk/knowledge/cmi/gender

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Respondent

Country	Spain	UK
Association Name	INSTITUTO DE ACTUARIOS ESPAÑOLES	Faculty and Institute of Actuaries (UK Actuarial Profession)
Industry Association		ABI has published motor and medical insurance: www.abi.org.uk/gender
Individual Companies	OWN EXPERIENCE IN ALL INSURANCES	Some but not reviewed/collated, e.g. http://uk.virginmoney.com/cancer-cover/faq.html
Other		

Comments

HM Treasury have legislative responsibility for ensuring that (appropriate) data is published (for all types of insurance) but are not actually publishing data themselves. Bodies shown above are that (are known to) have actually published data, but this is voluntary (and there might be others!)

Please provide a brief description of the following:

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Specified data requirements (including the form in which it must be published)	NONE AS FAR AS WE KNOW	Documented in guidance from HM Treasury (March 2008): http://www.hm-treasury.gov.uk/media/8/C/consult_insurance070308.pdf Vary by product line and very prescriptive

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Association Name	INSTITUTO DE ACTUARIOS ESPAÑOLES	Faculty and Institute of Actuaries (UK Actuarial Profession)
Process for compiling, publishing and updating the required data	INTERNAL PROCEDURES OF NATIONAL STATISTICAL BUREAU AND INTERNAL PROCEDURES OF THE INDIVIDUAL COMPANIES	Again covered by HM Treasury guidance but little prescription. Onus is on insurers to rely on relevant, accurate data; e.g. data must show "recent differences" but does not define recent. Requirements for reviews also vary by product line

By what date must data be published?

30 June 2008 for products already in existence (where gender is used as a rating factor). Within 6 months of first policy being written for new product lines. Nil of note.

Please provide any additional comments that you think are relevant with regard to compilation, publication and regular updating of data

Pricing

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To what extent must insurers take account of the published data for product pricing purposes i.e. setting premium rates and/or benefits?	THE USE OF PUBLISHED DATA IS NOT MANDATORY AND ITS USE AND CHOICE IS THE RESPONSIBILITY OF THE ACTUARIAL DEPARTMENT	As with many aspects of the guidance this is not entirely clear! Guidance directs towards highly-aggregated data, so legal view is that pricing does not need to reflect the published data itself, as long as the data the insurer relies on is a subset of the aggregated data. The legislation also states pricing must be "proportionate" to the data, without defining proportionate; but does say that other factors affect premium rates, not just gender.
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Application of Legislation/Regulation

To which of the following does your national legislation/regulation apply?

Insurance sold by national insurers in your country[1] to residents in your country	Yes		Yes?
Insurance sold by other EEA insurers[2] to residents in your country	Yes/No		Yes?
Insurance sold by non-EEA Insurers[3] to residents in your country	Yes/No		Yes?
Insurance sold by national insurers from your country to policyholders resident in other countries	Yes/No		No?
Reinsurance business transacted with national insurers			*

[1] Insurers whose head office is in your country i.e. who are regulated for prudential supervisory purposes in your country

[2] Insurers whose head office is located in another EEA country

[3] Insurers whose head office is located outside of the EEA

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Comments	FOREIGN POLICY HOLDER AND INSURANCE COMPANY CAN CHOOSE FOR THE APPLICATION OF THE LOCAL LAW IN THE COUNTRY OF ANY OF THEM	We are not clear on this but think that it relates to policies sold in the UK, regardless of the status of the insurer (* only if reinsurance of UK business, we think)

Other

Please provide any other information of relevance?