

# Call for evidence on the European Commission mandate regarding the PRIIPs Regulation

Fields marked with \* are mandatory.

## 1. General Information

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\* Please indicate the desired disclosure level of the comments you are submitting:

- Confidential  
 Public

\* Stakeholder

Amundi

\* Sector

- Investment management  
 Insurance  
 Banking (structured products/ derivative products)  
 Other

\* Contact person (name and surname)

\* Contact person email

Contact person phone number

## 2. Introduction

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In the September 2020 new Capital Markets Union Action Plan, the European Commission (Commission) announced its intention to publish a strategy for retail investments in Europe in the first half of 2022.

In May 2021, as part of its evidence gathering, the Commission launched a three-month public consultation on a wide array of aspects related to retail investor protection. [1] The Commission is also undertaking an extensive study that was launched in 2020, which involves analysis of the PRIIPs Key Information Document (KID), as well as other disclosure regimes for retail investments. This study will involve extensive consumer testing and mystery shopping, with the aim to ensure that any future changes to the rules will be conceived from the perspective of what is useful and necessary for consumers.

On 27 July 2021, the Commission sent to the JC of the ESAs a request for advice asking the ESAs to assist the Commission in the preparation of legislative proposals implementing aspects of the retail investment strategy, and more specifically regarding a review of Regulation (EU) 1286/2014 on packaged retail and insurance-based investment products (PRIIPs) [2]. The deadline for the ESAs to provide their advice is 30 April 2022.

The Commission invited the ESAs to provide advice on the following main areas:

- A general survey on the use of the KID
- A general survey on the operation of the comprehension alert in the KID
- A survey of the practical application of the rules laid down in the PRIIPs Regulation
- An assessment of the effectiveness of the administrative sanctions, measures, and other enforcement actions for infringements of the PRIIPs Regulation
- An assessment of the extent to which the PRIIPs Regulation is adapted to digital media
- An examination of several questions concerning the scope of the PRIIPs Regulation

For most of the areas set out above, additional more specific elements to be addressed were identified in the mandate; for instance for the general survey on the use of the KID there are four sub-elements, including to provide evidence on the extent to which marketing information aligns with the information in the KID.

Notwithstanding the mandate provided by the Commission, the information collected and analysis conducted by the ESAs since 2018 would indicate that changes to the PRIIPs Regulation are needed in other areas, besides those addressed in the mandate, in order to achieve the optimal outcomes for retail investors. Indeed, the ESAs have previously provided their views on the need for changes to the PRIIPs Regulation in a number of areas. [3] Consequently, this call for evidence requests feedback on a range of other issues, where the ESAs are considering the relevance to additionally provide advice to the Commission.

In parallel with sending the call for advice on the PRIIPs Regulation to the ESAs, the Commission also sent separate calls for advice individually to EIOPA [4] and ESMA [5] regarding other aspects of retail investor protection, as part of the work to develop a retail investment strategy. The ESAs are seeking to coordinate the work undertaken for these different mandates.

The ESAs acknowledge that the importance and complexity of the topics set out in the Commission's request for advice call for a thorough involvement of stakeholders to ensure that they can adequately contribute to the formulation of the advice from the beginning of the process. At the same time, the short timeframe available to prepare this advice, places constraints on the type of consultation and time that can

be given for responses. Taking into account these constraints, as well as the nature of the request from the Commission, which seeks various different types of evidence regarding current market practices, the ESAs have decided to launch a call for evidence. The responses provided will be used to shape the technical advice to the Commission. The ESAs also plan to hold a stakeholder event in Q1 2022 before finalising the advice. Further details about this event and how to register will be available via the relevant sections of the ESAs' websites in due course.

Where questions in this call for evidence ask for respondents' "experiences" regarding a certain issue or topic, **please provide information regarding the basis for the views provided**. This might include whether the views are based on actual experiences, such as selling, advising on, or buying PRIIPs, a survey of market participants, academic research undertaken etc. Manufacturers of products, which currently benefit from an exemption to produce a KID, such as fund managers, are not precluded from sharing evidence or experience under this call, but should clarify the context in which they would provide comments.

[1] EU strategy for retail investors (europa.eu)

[2] Call for advice

[3] See for example the Joint ESA Supervisory Statement – application of scope of the PRIIPs Regulation to bonds (JC 2019 64), or the Final Report following consultation on draft regulatory technical standards to amend the PRIIPs KID (JC 2020 66).

[4] Call for advice to EIOPA regarding certain aspects relating to retail investor protection | Eiopa (europa.eu)

[5] Call for advice to the European Securities and Markets Authority (ESMA) regarding certain aspects relating to retail investor protection (europa.eu)

**1. Please provide any general observations or comments that you would like to make on this call for evidence, including any relevant information on you/your organisation and why the topics covered by this call for evidence are relevant for you/your organisation.**

Amundi is the largest European asset manager by assets under management and amongst the top 10 globally. It manages 1,794 billion euros of assets across six main investment hubs in Boston, Dublin, London, Milan, Paris and Tokyo. Amundi offers its clients in Europe, Asia-Pacific, the Middle East and the Americas a wealth of market expertise and a full range of capabilities across the active, passive and real assets investment universes. Clients also have access to a complete set of services and tools. Headquartered in Paris, Amundi was listed in November 2015.

Amundi welcomes the opportunity to provide a response to this call for evidence (CfE) aimed to request feedback from retail investment actors on PRIIPs Regulation. Indeed, we applaud any action that may lead to an improvement and a facilitation of the access to financial markets by a growing number of European investors, in an always-safer environment.

However, as a manufacturer of investment products, we need some time to have clear views on PRIIPs Regulation efficiency since most of our retail products are still granted the exemption to provide the associated key investment documents ('KIDs') that should end up on 31st December 2022. Our priority is now to implement the revised Regulatory Technical Standards ('RTS'), set to be published soon. Implementing a new regulation is costly and takes time. Then, we should avoid any change in the regulatory framework, notably by re-opening the level 1 Regulation, that would lead to new regulatory uncertainties and additional implementation costs. .

This said, we already foresee some difficulties for end investors when reading PRIIPs KIDs that could deserve some “quick fixes”. Indeed, related provisions seem complex, lengthy and overweighting “negative” information, which could divert investors from diversified financial products. In addition, we believe that the meaningfulness of certain requirements (implicit transaction costs, performance scenario for linear products,) remains an issue.

## 3. Call for evidence

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### 3.1 General survey on the use of the KID

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Extract from the call for advice

*A general survey on the use of the PRIIPs KID across the Union, including, to the extent feasible, evidence on:*

- *The number and type of products and their market share for which PRIIPs KIDs are produced and distributed.*
- *The recent developments and trends on the market for PRIIPs and other retail investment products.*
- *The extent to which PRIIPs KIDs are used by product distributors and financial advisors to choose the products they offer to their clients.*
- *To the extent feasible, the extent to which marketing information aligns with or differs from the information in the PRIIPs KIDs.*

In terms of this general survey, it can be relevant to clarify that regarding the third bullet point in the mandate above, the ESAs understand that evidence is sought on the extent to which the information in the KID is used by persons advising on, or selling, PRIIPs separate from the obligation to provide the KID to the retail investor. This might include, for example, identifying if a product is suitable for the retail investor. For this topic, the ESAs would like to ask for feedback to the following questions:

**2. Do you have, or are you aware of the existence of, data on the number, type and market share of different types of PRIIPs? If you have such data, would you be in a position to share it with the ESAs?**

**3. In your position as product distributor or financial advisor, to what extent do you make use of KIDs to choose or compare between the products you offer to your clients? In case of trading online, does your platform offer an automatised tool that can help the retail investor in making comparisons among products, for instance using KIDs?**

**4. If this is the case, what is preventing distributors or financial advisors from using the KID when they choose a product for a client?**

5. In your experience, e.g. as a retail investor or association representing retail investors, to what extent are KIDs used by distributors or financial advisors to support the investment process? Is marketing material used instead or given greater emphasis?

6. What are your experiences regarding the extent of the differences between marketing information and the information in the KID? What types of differences do you consider to be the most material or relevant in terms of completeness, plain language, accuracy and clarity? What do you think might be the reason(s) for these differences?

### 3.2 General survey on the operation of the comprehension alert

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Extract from the call for advice:

*A general survey on the operation of the comprehension alert, taking into account any guidance developed by competent authorities in this respect, the survey should gather data on the number and types of products that include a comprehension alert in the PRIIPs KIDs, and to the extent feasible, evidence on whether retail investors and financial advisors consider the comprehension alert in their investment decisions and/or advice.*

For this topic, the ESAs would like to ask for feedback to the following questions:

**7. What are your experiences regarding the types of products that include a comprehension alert?**

While only a very tiny part of the products we manage are concerned by the “comprehension alert” requirements, we have not received any (negative or positive) feedback on this topic from our French or European distributors.

**8. Do you have or are you aware of the existence of data on the number and type of products that include a comprehension alert? If you have such data, would you be in a position to share it with the ESAs?**

Under the current scope subject to PRIIPs KID production, we reckon about 100 structured notes, subject to a comprehension alert, with the following breakdown by country of distribution

**9. What are your experiences regarding the extent to which retail investors take into account the inclusion of the comprehension alert?**

As mentioned in our response to Q7, we have not received any substantial feedback from our distributors regarding the way comprehension alert is dealt with by retail investors.

**10. As a retail investor or association representing retail investors, are you aware of the existence of a comprehension alert for some PRIIPs?**

**11. What are your experiences regarding the extent to which financial advisors consider the comprehension alert?**

### 3.3 Survey on the practical application of the rules

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Extract from the call for advice:

*A survey of the practical application of the rules laid down in the PRIIPs Regulation, taking due account of developments in the market for retail investment products, which should include practical evidence on:*

- *To the extent feasible, the amount and nature of costs per PRIIP to various market participants of complying with the requirements of the PRIIPs Regulation, including the costs of manufacturing, reviewing, revising, and publishing PRIIPs KIDs, including as a proportion of total PRIIP costs.*
- *To the extent feasible, the extent to which the PRIIPs Regulation is applied in a consistent manner across the EU for the most commonly sold types of PRIIPs.*
- *The supervision of the PRIIPs KID, including the percentage of cases where inaccurate PRIIPs KIDs were identified by NCAs.*
- *The number of relevant mis-selling events before and after the introduction of the PRIIPs KID, including through data on the number of complaints received, number of sanctions imposed, and other relevant data.*

Concerning this topic, the ESAs would like to ask for feedback to the following questions:

**12. For PRIIP manufactures or sellers:**

**12. a) Please describe the different types of costs incurred to comply with the PRIIPs Regulation.**

As a manufacturer of financial products, the different types of costs incurred to comply with the PRIIPs Regulation are related to Investment (project), day-to-day production, IT developments, IT maintenance and infrastructure, and, lastly, database management for:

- Computing data (risk, scenarios, etc.).
- Data sourcing and storing.
- Production of KIDs (launch, updates)
- Reviewing / Checking (level 1 and level 2)
- Releasing to data platforms and distributors, notably the production and sending of EPT (European PRIIPs Template) files

**12. b) Can you provide an estimate of the average costs per PRIIP of complying with the requirements of the PRIIPs Regulation? Where possible, please provide a breakdown between the main types of costs, e.g. manufacturing, reviewing, publishing, etc.**

**12. c) Can you provide an estimate of what proportion of the total costs for the product are represented by the costs of complying with the PRIIPs Regulation?**

**13. What are your experiences regarding the extent to which the PRIIPs Regulation is applied in a consistent manner across the EU for the most commonly sold types of PRIIPs? What are the main areas of inconsistencies?**

We do not have sufficient hindsight to provide a helpful answer.

## 3.4 Use of digital media

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Extract from the call for advice

*An assessment of the extent to which the PRIIPs Regulation is adapted to digital media. This survey shall include an evidence-based assessment of:*

- *To the extent feasible, the actual use of various types of physical and digital media for delivering or displaying the PRIIPs KID to retail investors.*
- *To the extent feasible, the preferred digital or physical media for retail investors to access and read PRIIPs KIDs, and the appropriateness of the PRIIPs Regulation for allowing access to and readability of PRIIPs KID on such platforms.*
- *The appropriateness of the approach taken in the PEPP Regulation 2019/1238 for displaying the PEPP KID on digital media for the PRIIPs KID.*

Article 14 of the PRIIPs Regulation lays down rules regarding the types of media that can be used to provide the KID to the retail investor. It is specified that the use of paper format should be the default option where a PRIIP is offered on a face-to-face basis, but that it is also possible to provide the KID using a durable medium other than paper or by means of a website, if certain conditions are met. These conditions include, for example, that the retail investor has been given the choice between paper and the use of another durable medium or website.

The PEPP Regulation<sup>[1]</sup> provides rules regarding the distribution of the PEPP KID either electronically or via another durable medium in Article 24. For the PEPP KID, electronic distribution can be seen as the “default” approach, but customers need to be informed about their right to request a copy on another durable medium, including paper, free of charge.

For PEPP KIDs provided in electronic format, the PEPP Regulation also allows for the layering of information (Article 28(4)). This means that detailed parts of the information can be presented through pop-

ups or through links to accompanying layers. In general terms, layering allows the structure of the information to be presented in different layers of relevance: for example from the information “at a glance” that is essential for all audiences, to more detailed information being readily available in a subsequent layer for those interested, and so forth.

Concerning this topic, the ESAs would like to ask for feedback to the following questions:

[1] REGULATION (EU) 2019/1238 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 June 2019 on a pan-European Personal Pension Product (PEPP) (OJ L 198, 25.7.2019, p. 1)

**14. Do you have or are you aware of the existence of data on the use of different media? If you have such data, would you be in a position to share it with the ESAs?**

Though Amundi is not directly involved in the process of providing KIIDs/KIDs to retail investors, most feedbacks from our partner distributors underline the preference (on their side and on investors' side) for a digital format (pdf type), while obviously keeping the paper format – which remains the default option under the current regulation – available. Thus, our expectation is that digital media represents the main channel used to provide / get key information documents.

**15. What are your experiences as a product manufacturer or product distributor or financial advisor regarding the preferred media for retail investors to access or read the KID? Are there challenges for retail investors to receive the KID in their preferred media, such as due to a certain medium not being offered by the distributor?**

In the light of the UCITS KIID experience (PRIIPs KIDs regulation has yet to be implemented for an overwhelming part of the products we manufacture), we have not been informed of any issue regarding access by retail investors to KIDs (or KIIDs) through their preferred media.

**16. How do you as a retail investor, or association representing retail investors, prefer to receive or view the KID?**

**17. What are your experiences regarding the preferred media for product distributors and financial advisors when using the KID?**

Please refer to our answer to Q14: PDF format is preferred when possible. On top of that, most product distributors require manufacturers to provide them with the European PRIIPs Template (EPT) file. This allows distributors to integrate the main features of the PRIIP's KID into their databases/digital set-up.

**18. Should changes be made to the PRIIPs Regulation so that the KID is better adapted to use on different types of media?**

It would be difficult to consider that PRIIPs regulation should not follow the global and rapid upward trend of digitalization of economies. Hence, PRIIPs KIDs should obviously enable retail investors to navigate easily across the different layers of information included in these pre-contractual documents. In that respect, it is important to make a distinction between an evolution of PRIIPs KID format to i) a digital document offering a user-friendly possibility to access different layers of information and ii) a tool offering active interaction /

simulations to the client (for example, on the initial amount invested). We expect that the latter format should remain part of the marketing material made available, at their entire discretion, by distributors. Indeed, as an example, only distributors know the actual level of entry fees – vs the maximum level, as disclosed in the KID - charged to their clients, so as to perform an accurate simulation. However, such an evolution cannot be adopted while the industry players are hardly working on the implementation of the recently-adopted RTS whose application is scheduled by the beginning of 2023. We then again advocate for the review of PRIIPs to be postponed at least one year after the revised RTS to effectively enter into force. Lastly, while we support the idea of having a KID better adapted to use on different types of media, we strongly recommend that any decision to change the not-yet-applied rules should imperatively rely on an impact assessment performed by regulators in coordination with retail market actors.

### 19. Do you think it would be appropriate to apply the approach taken in the PEPP Regulation 2019 /1238 (highlighted above) to the PRIIPs KID?

Please, see our response to Q18. It is difficult to draw a relevant conclusion based upon the PEPP regulation approach as this regulation has not entered into force yet (March 2022).

## 3.5 Scope of the PRIIPs Regulation

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Extract from the call for advice:

*An examination of the following questions concerning the scope of the PRIIPs Regulation:*

- *whether the exemption of the products referred to in Article 2(2) points (d), (e), and (g) of the PRIIPs Regulation from the scope of PRIIPs should be maintained, in view of sound standards for consumer protection, including comparisons between financial products.*
- *whether the scope of the PRIIPs Regulation should be extended to additional financial products.*

The points referred to Article (2) of the PRIIPs Regulation concern:

*(d) securities as referred to in points (b) to (g), (i) and (j) of Article 1(2) of Directive 2003/71/EC;*  
*(e) pension products which, under national law, are recognised as having the primary purpose of providing the investor with an income in retirement and which entitle the investor to certain benefits;*  
*(g) individual pension products for which a financial contribution from the employer is required by national law and where the employer or the employee has no choice as to the pension product or provider.*

In 2019 the ESAs published a Supervisory Statement on the application of the scope of the PRIIPs Regulation to bonds (JC 2019 64). In this statement it was stated that:

*Ultimately, in order to fully address the risk of divergent applications by NCAs, the ESAs recommend that during the upcoming review of the PRIIPs Regulation, the co-legislators introduce amendments to the Regulation in order to specify more precisely which financial instruments fall within the scope of the Regulation. We would also recommend to reflect more expressly the stated intention of the PRIIPs Regulation[1] to address packaged or wrapped products rather than assets which are held directly, to avoid any legal uncertainty on this point.*

Taking this Statement into account, the ESAs are interested in feedback on a number of additional issues

besides those specified in the mandate from the Commission. Thus, concerning the topic of scope, the ESAs would like to ask the following questions:

[1] This is stated in recitals 6 and 7.

**20. Do you think that the scope of the PRIIPs Regulation should be extended to any of the products referred to in Article 2(2), points (d), (e) and (g)? Please explain your reasoning.**

Before extending the scope of PRIIPS to other products, we believe the regulator and all stakeholders should primarily focus on the implementation of PRIIPs for UCITS.

In addition, our view is that the PRIIPs KID is not fit for pension products. More particularly, the performance scenario, the risks, and the Reduction in Yield do not fit with the features of such long term products. The investment time horizon and profile fluctuate depending on each individual features (age, retirement) which are not and cannot be factored in PRIIPs KIDs.

Therefore, should the regulator want to extend key information to such products, we believe the PEPP regulation could be a better starting point than PRIIPS. Please note that in the case of employee savings schemes, the communication is largely the responsibility of the employer who currently decides on its content, subject to National labor laws and specific rules.

**21. Do you think that the scope of the PRIIPs Regulation should be changed with respect to other specific types of products and if so, how?**

No, we consider the current scope of PRIIPs regulation is correctly defined, as far as collective schemes made available to retail investors are concerned.

**22. Do you think changes should be made to specify more precisely which types of financial instruments fall within the scope of the PRIIPs Regulation? Please specify the amendments that you think are necessary to the Regulation.**

We do not see any rationale for specifying more precisely which types of instruments fall within the scope of the PRIIPs regulation.

**23. Do you have specific suggestions regarding how to ensure that the scope of the PRIIPs Regulation captures packaged or wrapped products that provide an indirect exposure to assets or reference values, rather than assets which are held directly?**

We do not have suggestions in this respect as the scope of PRIIPs already includes the products providing an indirect exposure to assets or reference values.

**24. Do you agree with the ESA Supervisory Statement relating to bonds and what are your experiences regarding the application of the Statement?**

**25. Do you think that the definitions in the PRIIPs Regulation relating to the scope should take into account other elements or criteria, e.g. relating to the maturity of the product, or relating to a product only having a decumulation[1] objective, or where there is not active enrolment[2]?**

[1] For example an annuity.

[2] This might include, for example, employment based incentive schemes

Please refer to our answer to question 20: features of retirement products should remain excluded from PRIIPS scope.

**26. Do you think that the concept of products being “made available to retail investors” (Article 5(1) of the PRIIPs Regulation) should be clarified, and if so, how?**

As an asset manager, we consider the definition mentioned in Article 5(1) of PRIIPs Regulation as clear enough. However, as we are not in direct contact with retail investors we are not able to assess all the potential issues regarding this definition.

**27. Do you think it would be beneficial to develop a taxonomy of PRIIPs, that is, a standardised classification of types of PRIIPs to facilitate understanding of the scope and that could also be used as a basis for the information on the “type of the PRIIP” in the ‘What is this product?’ section of the KID (Article 8(3)(c)(i) of the PRIIPs Regulation)? If yes, do you have suggestions for how this could be done?**

The development of a taxonomy of PRIIPs would be, in our view, a source of additional complexification of the rules while retail investors need PRIIPs KIDs to be simple, meaningful and, ultimately an efficient tool to help his or her decision making when investing in financial markets. Before seeking to regroup the PRIIPs in different boxes, it would be helpful to clarify, simplify the very content of PRIIPs KIDs, making sure that information will have a chance to be read by end-investor, and, more importantly, guide his/her decision accurately. On this respect, certain aspects of existing (but not implemented yet) rules should be reviewed, notably performance scenarios and implicit costs disclosures.

## 3.6 Differentiation between different types of PRIIPs

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Following a targeted consultation on PRIIPs towards the end of 2018, the ESAs’ Final Report published in February 2019 (JC 2019 6.2), which proceeded further work on a review of the PRIIPs Delegated Regulation, stated (page 14):

- *Differentiation between different types of PRIIPs: taking into account information regarding challenges to apply the KID to specific product types, for example very short-term products or specific types of insurance or pension products, it is intended to analyse if it is appropriate to introduce some additional differentiation in how the rules apply to different types of products, while still adhering to the overarching aim of comparability between substitutable products.*

This aspect was considered during the review of the PRIIPs Delegated Regulation initiated in 2019, but this work was conducted within the constraints of the existing PRIIPs Regulation. In the context of reviewing the PRIIPs Regulation, consideration could be given to the following types of approaches:

- The development of broad product groupings or buckets of similar products. A more tailored approach could be taken for each of these groupings, with the aim to ensure the meaningfulness of the information and prioritising comparability within these groupings. This might also ease the

comparability between the PRIIPs Regulation and sectoral legislation (such as MiFID, IDD) on certain disclosure requirements;

- A reduced degree of standardisation in the KID template;
- Provisions that would allow for supervisory authorities to grant exemptions or waivers from the requirements in duly justified cases.

**28. Do you think that the current degree of standardisation of the KID is detrimental to the proper understanding and comparison of certain types of PRIIPs? If so, which products are concerned?**

Yes. Indeed, the exercise of comparing products with different features or subject to different rules proves to be extremely difficult. The outcome of such an exercise is that some pieces of information are of no benefit and difficult to understand by retail investors. On the reverse, comparison should be achieved for products of the same nature and such comparison will certainly facilitate retail investors' understanding. While defining a taxonomy of products would represent a burdensome response to a real issue (i.e. difficulty to conciliate universal comparability with meaningfulness, simplicity and usefulness of information displayed in PRIIPs KIDs), we consider that grouping PRIIPs in large categories, each of them having to comply with specific and simplified disclosure rules, could be an option worth being explored.

That said, we would like to strongly remind that such changes in the Regulation should be analysed or contemplated once the revised RTS are effectively applied. Re-opening the level 1 regulation is completely premature. Any amendments to the Regulation should be made only after a sufficient period of time during which all market players can assess the impact of the existing rules.

**29. Do you think that greater differentiation based on the approaches highlighted above, is needed within the PRIIPs Regulation? If so what type of approach would you favour or do you have alternative suggestions?**

Yes. A greater differentiation is needed within the PRIIPs, and will enable a more accurate comparison by end-investors (i.e. compare what can be compared). However, we consider as premature any tentative of defining grouping or buckets of PRIIPs as such a task requires a first feedback of the current regulatory set-up still to be implemented (for an overwhelming part of them), by the end of 2022.

**30. Do you have suggestions for how a product grouping or product buckets could be defined?**

Amundi: Please, see our response to Q29.

## 3.7 Complexity and readability of the KID

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Taking into account the views previously expressed by some stakeholders that the information in the KID is overly complex and contributes towards an information overload for the retail investor, the ESAs would like to ask for suggestions on how the KID could be improved in this respect.

There can also be a link between this issue and the use of techniques such as layering as referred to above in the context of the digital KID (see Section 3.4), as well as other design techniques, such as the inclusion of visual icons or dashboards at the top of documents[1].

[1] Dashboards can include the most essential information at the top of the document. This is the approach taken, for example, for the PEPP KID - "PEPP at a glance" in Annex I of PEPP Delegated Regulation 2021/473 point 4 and the template in part II.

**31. Would you suggest specific changes to Article 8 of the PRIIPs Regulation in order to improve the comprehensibility or readability of the KID?**

Amundi: Though we believe it is premature to change the PRIIPs content (Art.8), the below clarification of “the appropriate performance scenarios” would be more than helpful :

(A) Linear products : remove performance scenarii, as they are not appropriate; substitute past performance disclosures

(B) Non-linear products (e.g. structured products) : keep performance scenarios; no past performance disclosures, by nature

Indeed:

- Performance scenarii for linear products are misleading: the retail investor is likely to consider they are predictive performances. Actually, the scenario methodology is based on past performances. As for past performances, they do not reflect future performances.
- There is no optimal methodology for such scenarii, and it is complex to explain/understand. While disclosing the past performances of the linear product is a much easier and reliable concept to understand and to compare products.
- As an illustration of the above, we understand that the UK is now contemplating removing performance scenario in the “UK PRIIPs regulation”.

On top of performance disclosures, and without impacting article 8 or any other level 1 provisions, we would like to point out that there are level 2 items which hinder the readability, meaningfulness and comparability of the key information, notably:

- Implicit transaction costs: The PRIIPs RTS methodology (“arrival price”, notably) is complex to compute and inconsistent (e.g. existence of a floor), which suggests that it will be difficult to explain to investors.
- Inconsistencies with other cost disclosures (please refer to our answer in Q39)

**32. How could the structure, format or presentation of the KID be improved e.g. through the use of visual icons or dashboards?**

As mentioned in our response to Q18, a future review of PRIIPs should necessarily address the digital component of PRIIPs KID “2.0”. On the top of an improved accessibility to key information of the product, through layers and links to different parts of the document, the use of visual icons and/or dashboard may be of interest. However, it is by far too premature to define precisely such evolution. In any case, the decision process will have to be fed by a thorough impact assessment.

## 3.8 Performance scenarios and past performance

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In the ESAs’ draft regulatory technical standards (RTS) to amend the PRIIPs Delegated Regulation submitted to the Commission in February 2021[1] (and adopted by the Commission on 7 September 2021 [2]), the ESAs included a proposed new requirement for certain types of investment funds and insurance-based investment products to publish information on the past performance of the product and refer to this within the KID. This approach was taken so that the availability of this information would be known, and the information would be published in a standardised and comparable format.

However, the ESAs also stated in the Final Report[3] accompanying the RTS that (on page 4):

*the ESAs would still recommend, as a preferred approach, to include past performance information within the main contents of the KID on the basis that it is key information to inform retail investors about the risk-reward profile of certain types of PRIIPs. Since it has been argued that the intention of the co-legislators was for performance scenarios to be shown instead of past performance, it is understood that a targeted amendment to Article 8 of the PRIIPs Regulation would be needed to allow for this. A consequential amendment is also considered necessary in this case to allow the 3 page limit (in Article 6(4)) to be exceeded to 4 pages where past performance information would be included in the KID;*

Besides the issue of past performance, the ESAs' work under the empowerment in Article 8(5) regarding the methodology underpinning the performance scenarios has raised significant challenges. Since the ESAs first started to develop these methodologies from 2014 onwards, it has proved very difficult to design appropriate performance scenarios for the different types of products included within the scope of the PRIIPs Regulation that would allow for appropriate comparisons between products, avoid the risk of generating unrealistic expectations amongst retail investors and be understandable to the average retail investor. In particular, no academic consensus has been reached on how to develop common performance scenarios that would be equally appropriate for all types of PRIIPs, proving the inherent difficulty of such an approach.

In this context, the ESAs would like to ask for feedback on:

[1] EIOPA's Board of Supervisors agrees on changes to the PRIIPs key information document | Eiopa (europa.eu).

[2] Implementing and delegated acts | European Commission (europa.eu)

[3] JC 2020 66 (30 June 2020)

**33. Do you agree with the ESAs' assessment in the Final Report (JC 2020 66) regarding the treatment of past performance?**

For the reasons provided in our response to Q31, we believe that the inclusion of past performances for linear products within the main content of the KID as per ESA's statements should be conditional to the removal of the performance scenario for such products. Reversely, for non-linear products, no inclusion of past performance is needed, the performance scenario being relevant for these types of products.

**34. Would you suggest changes to the requirement in Article 8(3)(d)(iii) of the PRIIPs Regulation concerning the information on potential future performance, and if so what would you specifically change in the Regulation?**

For the reasons provided in our answer to Q31, we believe that performance scenarios for linear products are inappropriate and misleading and therefore should be removed for these types of products and replaced by past performances disclosures.

### 3.9 PRIIPs offering a range of options for investment (Multi-Option Products ("MOPs"))

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In the ESA Consultation Paper of October 2019 on proposed amendments to the PRIIPs KID (JC 2019 63), the ESAs stated that their analysis of the implementation of the rules for MOPs indicated some significant challenges regarding the clarity and usefulness of the information provided to retail investors. In particular, it was stated that (page 51):

*Where a generic KID is used (in accordance with Article 10(b) of the PRIIPs Delegated Regulation), it is difficult for the investor to identify the total costs related to a particular investment option. This arises because the generic KID shows a range of costs, but does not always identify which costs are specific to an investment option and which costs relate to the insurance contract. At the same time, it is understood that the information on the underlying investment option (in accordance with Article 14 of the PRIIPs Delegated Regulation), does not usually include the total costs of investing in that option. Therefore, it is often not possible for the investor to identify from the generic KID the costs that may apply in addition to those shown in the option-specific information.*

One of the proposals in the Consultation Paper was to introduce a differentiated treatment for the ‘most commonly selected investment options’ (page 52). In the final draft RTS following the consultation, the proposals relating to the most commonly selected investment options were not included taking into account various implementation challenges raised by respondents to the public consultation.

However, the ESAs introduced some specific changes to the approach for MOPs, for example to require the separate disclosure in certain cases of the costs of the insurance contract or wrapper. It was considered that these changes would result in material improvements to the current KID. At the same time, despite these proposed changes, there are still considered to be material issues that were not possible to address within the constraints of the review of the PRIIPs Delegated Regulation.

In the Final Report (JC 2020 66), the ESAs also stated at that stage that they consider the optimal way to address the challenges for MOPs is to use digital solutions, but that this would require changes to the PRIIPs Regulation.

As part of the May 2021 consultation from the Commission on the Retail Investment Strategy, feedback was also requested on the approach for MOPs to require a single, tailor-made KID, reflecting the preferred underlying investment options of each investor, to be provided.

In this context, the ESAs would like to ask for feedback on the following questions regarding potential alternative approaches for MOPs that might require a change of the PRIIPs Regulation:

**35. Would you be in favour of requiring a KID to be prepared for each investment option (in accordance with 10(a) of the PRIIPs Delegated Regulation) in all cases, i.e. for all products and for all investment options[1]? What issues or challenges might result from this approach?**

[1] This approach assumes complete investment in a single investment option and requires the KID to include all costs.

As a manufacturer of investment funds, we are not the best placed stakeholder to answer Q35 to 38. This said, we provide the distributors of MOPs with the KID and the EPT file of each fund we manage and which is considered as eligible to a given MOP. In any case, the solutions proposed by ESMA in Q35 to Q38 should not lead to any additional burden or responsibility borne by investment funds manufacturers.

**36. Would you be in favour of requiring an approach involving a general product information document (along the lines of a generic KID) and a separate specific information document for each investment option, but which avoids the use of cost ranges, such as either:**

- **A specific information document is provided on each investment option, which would include inter alia all the costs of the product, and a generic KID focusing more on the functioning of the product and which does not include inter alia specific information on costs?; or**
- **The costs of the insurance contract or wrapper would be provided in a generic KID (as a single figure) and the costs of the underlying investment option (as a single figure) would be provided in the specific information document?**

**What issues or challenges might result from these approaches?**

Please, see our response to Q36

**37. Do you see benefits in an approach where KIDs are prepared for certain investment profiles or standard allocations between different investment options, or for the most commonly selected options? In this case, what type of information could be provided regarding other investment options?**

Please, see our response to Q36

**38. Do you have any other comments on the preferred approach for MOPs and or suggestions for changes to the requirements for MOPs in the PRIIPs Regulation?**

Please, see our response to Q36

### **3.10 Alignment between the information on costs in the PRIIPs KID and other disclosures**

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In the final draft RTS amending the PRIIPs Delegated Regulation submitted to the Commission in February 2021 (and adopted by the Commission on 7 September 2021), the ESAs sought to introduce changes to the way that cost information is presented in the KID, in particular for non-insurance packaged retail investment products (PRIIPs)[1]. One of the aims of these changes is to achieve a better alignment with disclosure requirements in MiFID and IDD.

At the same time, the ESAs have received representations from stakeholders that there might still be inconsistencies or misalignment between the PRIIPs KID and disclosure requirements in other legislative frameworks. This issue is also related to the issue of appropriate differentiation between different types of PRIIPs (see Section 3.7).

Since the issue of consistency between different disclosure requirements for retail investment products is also addressed in the calls for advice to ESMA and EIOPA, the ESAs will, in particular, coordinate the work on this aspect, and consider the appropriate mandate within which to address any issues that arise.

[1] As defined in point (1) of Article 4 of the PRIIPs Regulation

**39. Taking into account the proposals in the ESAs' final draft RTS, do you consider that there are still other inconsistencies that need to be addressed regarding the information on costs in the KID and information disclosed according to other retail investor protection frameworks?**

There is still a lack of consistency, which can affect the readability, meaningfulness and comparability of information:

- (i) Ongoing/recurring cost and transaction costs: Both MiFID 2 and PRIIPs require the disclosure of transaction costs. However, under the PRIIPs format, transaction costs are then aggregated into the recurring costs, while generally linked to the turnover and not the asset under management. Under MiFID2, transaction cost is a separate category.
- (ii) Cost over time / reduction in Yield : MiFID2 uses a zero-return assumption in a readable and understandable manner where PRIIPs uses a median performance scenario to calculate cost over time, making it even more difficult to understand how the "list of cost" combines with the "cost over time"
- (iii) Performance : we re-iterate the inappropriateness of the current PRIIPS performance scenarios for linear products, while it would not be required under MiFID2

### 3.11 Other issues

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**40. Do you think that other changes should be made to the PRIIPs Regulation? Please justify your response.**

#### Contact

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