

2.3 What are the most important extrajurisdictional issues regarding MiFID II in your jurisdiction?

Collective investment undertakings and their managers are exempt from MiFID II. However, some Irish UCIS, MIFs and AIFMs follow the delegated model whereby the day-to-day asset management and monitoring and distribution of a fund is delegated to third party asset managers or distributors which are either authorised in the EU or provide MiFID individual portfolio management or advisory services under exempt and investment of assets is an subject to an regulatory regime outside the EU.

Irish MIFs and AIFMs are impacted because the relevant service providers need information (such as product costs and charges, and target market indications) and either request or make or pass their obligations under MiFID II. Other service providers in Irish and EU's are directly affected by MiFID II as being requested to provide information as part of the provision of this support (eg fund administration/service agents). Therefore, Irish MIFs and AIFMs and EU firms are working together to ensure all the necessary MiFID II information is available so that the end client receives the MiFID II correct provisions.

2.4 In which areas are market participants still in need of more guidance/certainty over the rules?

As noted above, the inconsistency between the definition of a market based order the CPC and a MiFID II investment decision needs to be clarified and it is unclear as to whether consistent with adequate protection. As noted above the CBI is considering this issue and it is hoped guidance will be issued shortly.

MiFID II consulting provisions have had an indirect impact on non-EU portfolio management firms and investment advice firms who are no longer in MiFID II investment management firms, such as US sub-advisors.

The consulting requirements in article 34 of the MiFID II Delegated Regulation 2017/2017 means that a MiFID firm sub-delegating portfolio management must remain fully responsible for discharging all of its obligations under MiFID II and the end client must receive investor protection to the same extent as if a delegation had not taken place in circumstances where the MiFID firm has delegated portfolio management to a non-MiFID firm.

Further clarity is required on the extent of the application of the MiFID II investor protection requirements to non-EU service providers that sub-delegate. The CBI has not conducted any investigative position relating to the delegation by MiFID firms regulated by the CBI of portfolio management to such firms specifically in the context of whether there should be a prohibition of MiFID sub-delegating requirements.

SECTION 2 (b) – Non-EU countries

2.1 How well does your market understand MiFID II's requirements now that it's been implemented?

N/A

2.2 In which areas are market participants still in need of more guidance/certainty over the rules?

N/A

SECTION 3: Research

3.1 Please summarise the different approaches both buy and sell-side firms have taken in your jurisdiction with regard to MiFID II's rules on research.

The investment research rules require clients on the buy-side to determine whether they will pay for research directly or if they will pass the cost onto their adviser. This impacts the broker dealer and asset management industry. Sell-side firms must undertake costs, by separating execution costs from research costs, such that the buy-side can determine they are not being induced to trade.

In deciding how to price research the market practice is still being developed in Ireland.

3.2 If pricing research in accordance with MiFID II is not compatible with local law, how have firms approached this to ensure they are compliant?

N/A

3.3 What guidance have local regulators provided in order with this?

The CBI has said it will not be providing guidance on MiFID II. Firms are required to rely on the guidelines published by ESMA and in Q&A's tool.

SECTION 4: Trading/market structure

4.1 Which areas of trading/types of instruments have been most impacted by MiFID II in your jurisdiction, and how?

The pre- and post-trade transparency regime are applicable to non-equity instruments, including structured finance products, bonds, currency allowances and derivatives and will impact the trading of these products in Ireland.

Position limits for commodity derivatives will apply to investment funds and other portfolio managers on fund level rather than at the level of the manager. This will impact the funds industry (including UCIS) where the investment manager is trading in commodities on behalf of a number of fund clients in a limited sense.

These trading changes under MiFID II apply at an EU level and Ireland will not apply any additional gold-plating requirements.

As noted above, the new requirements that apply to structured deposits under MiFID II impact the common regulatory regime of structured deposits in Ireland under domestic legislation.

Insurance Distribution Directive And Mifid 2 Implementation

Pierpaolo Marano, Kyriaki Noussia



Insurance Distribution Directive And Mifid 2 Implementation:

Insurance Distribution Directive Pierpaolo Marano, Kyriaki Noussia, 2020-11-12 This open access volume of the AIDA Europe Research Series on Insurance Law and Regulation offers the first comprehensive legal and regulatory analysis of the Insurance Distribution Directive IDD. The IDD came into force on 1 October 2018 and regulates the distribution of insurance products in the EU. The book examines the main changes accompanying the IDD and analyses its impact on insurance distributors i.e. insurance intermediaries and insurance undertakings as well as the market. Drawing on interrelations between the rules of the Directive and other fields that are relevant to the distribution of insurance products it explores various topics related to the interpretation of the IDD e.g. the harmonization achieved under it its role as a benchmark for national legislators and its interplay with other regulations and sciences while also providing an empirical analysis of the standardised pre contractual information document. Accordingly the book offers a wealth of valuable insights for academics regulators practitioners and students who are interested in issues concerning insurance distribution.

Distribution of Insurance-Based Investment Products Pierpaolo Marano, Ioannis Rokas, 2019-03-27 The book addresses a topic at the intersection of two heavily regulated sectors insurance and investment services. Until recently scholars and professionals have approached insurance and investment services as two separate categories in the financial services sector and as being governed by separate regulatory frameworks. In practice however the boundaries were and are blurred a reality that regulators have begun to recognize and address in their more recent regulatory texts. The first part of the book approaches the new standards applicable to investment products based on insurance insurance based investment products IBIPs. These rules are harmonized across the EU. The rationale behind this new definition is provided together with a description of these products limitations. The analysis addresses the new rules and explores the legal regime and relevant standards applicable to IBIPs. The organizational rules concerning the design and distribution of IBIPs are also examined and the book highlights e.g. how these rules are inspired by the principles of conduct. In closing the ADR systems are analysed in order to ascertain whether or not they can offer an effective tool for settling disputes over these products. In turn the second part focuses on the liability for distribution of IBIPs which ranks as one of the most conspicuous and relatively new legal phenomena but at the same time represents an exceptionally important field of civil liability in today's world. Liability is still regulated at the national level. Thus the four largest life insurance markets in the EU are considered along with the largest emerging market for life insurance. The chapters on national laws also consider whether and if so how the new harmonized rules on IBIPs are being combined with those already in force in the jurisdictions considered. The goal is to determine whether the new rules are likely to change the doctrine and case law approach to these products or whether the European legislators' choices have no real impact on the protection of clients.

Insurance Regulation in the European Union Pierpaolo Marano, Michele Siri, 2017-10-13 This book explores the profound transformation that has taken place in European insurance legislation since

January 2016 Expert contributions discuss the changes that have taken place in the supervision of insurance and reinsurance undertakings through an economic risk based approach They outline the European insurance market before going on to show how Solvency II and Insurance Distribution Directive IDD are expected to generate significant benefits and have a positive impact on all parties involved in the insurance industry the supervisory authorities and the insured They also show how Solvency II is likely to benefit the economy as a whole promoting more efficient allocation of capital and risk in a financial stability framework This volume will be of interest to academics and researchers in the field of insurance regulation

Global Handbook of Impact Investing Elsa De Morais Sarmiento,R. Paul Herman,2020-12-03 Discover how to invest your capital to achieve a powerful lasting impact on the world The Global Handbook of Impact Investing Solving Global Problems Via Smarter Capital Markets Towards A More Sustainable Society is an insightful guide to the growing world wide movement of Impact Investing Impact investors seek to realize lasting beneficial improvements in society by allocating capital to sources of impactful and sustainable profit This Handbook is a how to guide for institutional investors including family offices foundations endowments governments and international organizations as well as academics students and everyday investors globally The Handbook s wide ranging contributions from around the world make a powerful case for positive impact and profit to fund substantive lasting solutions that solve critical problems across the world Edited by two experienced and distinguished professionals in the sustainable investing arena and authored by two dozen renowned experts from finance academia and multilateral organizations from around the world the Global Handbook of Impact Investing educates inspires and spurs action towards more responsible investing across all asset classes resulting in smarter capital markets including how to Realize positive impact and profit Integrate impact into investment decision making and portfolio Allocate impactful investments across all asset classes Apply unique Impact Investing frameworks Measure evaluate and report on impact Learn from case examples around the globe Pursue Best Practices in Impact Investing and impact reporting While other resources may take a local or limited approach to the subject this Handbook gathers global knowledge and results from public and private institutions spanning five continents The authors also make a powerful case for the ability of Impact Investing to lead to substantive and lasting change that addresses critical problems across the world **EU Law of Economic & Monetary Union** Fabian Amténbrink,Christoph Herrmann,2020-05-21 Presenting a sweeping analysis of the legal foundations institutions and substantive legal issues in EU monetary integration The EU Law of Economic and Monetary Union serves as an authoritative reference on the legal framework of European economic and monetary union The book opens by setting out the broader contexts for the European project historical economic political and regarding the international framework It goes on to examine the constitutional architecture of EMU the main institutions and their legal powers the core legal provisions of monetary and economic union and the relationship of EMU with EU financial market and banking regulation The concluding section analyses the current EMU crisis and the main avenues of future reform *Dalhuisen on Transnational and*

Comparative Commercial, Financial and Trade Law Jan H Dalhuisen, 2007-08-21 This edition grapples with the dynamic and complex fields of law that make up the modern law of international commerce finance and trade

Insurance Distribution Directive Pierpaolo Marano, Kyriaki Noussia, 2021 This open access volume of the AIDA Europe Research Series on Insurance Law and Regulation offers the first comprehensive legal and regulatory analysis of the Insurance Distribution Directive IDD The IDD came into force on 1 October 2018 and regulates the distribution of insurance products in the EU The book examines the main changes accompanying the IDD and analyses its impact on insurance distributors i e insurance intermediaries and insurance undertakings as well as the market Drawing on interrelations between the rules of the Directive and other fields that are relevant to the distribution of insurance products it explores various topics related to the interpretation of the IDD e g the harmonization achieved under it its role as a benchmark for national legislators and its interplay with other regulations and sciences while also providing an empirical analysis of the standardised pre contractual information document Accordingly the book offers a wealth of valuable insights for academics regulators practitioners and students who are interested in issues concerning insurance distribution

The Influence of the Insurance Distribution Directive (IDD) on the German Insurance Market Philipp Haye, 2018 This thesis analyzes the effect of the Insurance Distribution Directive IDD on the German insurance market This EU directive was initiated to increase customer protection by creating a framework that better aligns the interest and incentives of consumers insurers and insurance intermediaries Especially in Germany the IDD was viewed as an impulse to move the insurance intermediation market from the currently dominant compensation based remuneration system towards a fee for advice system However the analysis shows that the result of the German implementation of the IDD is rather soft and will not lead to a major strengthening of the fee for advice system A thorough literature review and an analysis on the effects of stronger regulations in other EU member states prior to the introduction of the IDD lead to the conclusion that a fee for advice system is generally not superior to the compensation based system and therefore the decision of the German legislator to not considerably restrict insurance intermediaries with respect to their remuneration seems reasonable from the author's point of view

Transparency in Insurance Regulation and Supervisory Law Pierpaolo Marano, Kyriaki Noussia, 2021-03-30 This volume focuses on transparency as the guiding principle for insurance regulation and supervisory law All chapters were written by experts in their respective fields who address transparency in a wide range of European and non European jurisdictions Each chapter reviews the transparency principles applicable in the jurisdiction discussed While the European jurisdictions reflect different facets of the principle as emerging from EU law on insurance the principle has developed quite differently in other jurisdictions

MiFID II in Relation to Other Investor Protection Regulation Veerle Colaert, 2019 The study of the interaction between different pieces of EU financial legislation becomes ever more important and difficult In this contribution the author explores the relationship between MiFID II and other recent EU legislation aiming at investor protection such as the Insurance Distribution Directive

the PRIIPs Regulation and the UCITS Directive The analysis reveals numerous inconsistencies and interpretation difficulties The author argues that while some of the shortcomings are inherent to the EU piecemeal approach other problems should and could have been avoided by adopting a holistic approach of financial regulation and supervision **Markets in Financial Instruments Directive II Implementation**, 2016 Markets in Financial Instruments Directive II MiFID II takes effect on 3 January 2018 and this consultation paper forms part of the Financial Conduct Authority FCA process to make the necessary changes to the FCA Handbook to implement it As much of MiFID II is in directly applicable obligations the FCA and firms need to fulfil their legal responsibilities from the point they come into force The consultation paper covers a range of issues including position limits and reporting for commodity derivatives systems and controls requirements for firms providing MiFID investment services and client asset protections Extracted from FCA Press Release dated 29 July 2016

Executive's Guide to Solvency II David Buckham, Jason Wahl, Stuart Rose, 2010-11-02 A straightforward guide to the evolution benefits and implementation of Solvency II Providing a guide to the evolution practice benefits and implementation of Solvency II Executive s Guide to Solvency II deftly covers this major European regulation which ensures that insurers can meet their risk based liabilities over a one year period to a 99.5% certainty Part of the Wiley and SAS Business series this book will guide you through Solvency II especially if you need to understand the subtleties of Solvency II and risk based capital in basic business language Among the topics covered in this essential book are Background to Solvency II Learning from the Basel Approach The Economic Balance Sheet Internal Models People Process and Technology Business Benefits of Solvency II Executive s Guide to Solvency II has as its aim an explanation for executives practitioners consultants and others interested in the Solvency II process and the implications thereof to understand how and why the directive originated what its goals are and what some of the complexities are There is an emphasis on what in practice should be leveraged upon to achieve implementation specifically data processes and systems as well as recognition of the close alignment demanded between actuaries the risk department IT and the business itself Implementation of the Insurance Mediation Directive for Long Term Insurance Business, 2003 Insurance Distribution Directive, 2019 General good rules are provisions which are part of the legal system of the host Member State The basic principle underlying the general good in the insurance sector is that an insurance undertaking or an insurance intermediary operating under the respective arrangements laid down by Solvency II or the Insurance Distribution Directive IDD is obliged to adapt its activities to the host Member State rules if the measures enforced against it serve the general good irrespective of whether it carries on those activities through freedom of establishment namely as a branch or under the freedom to provide services In line with the requirement for EIOPA to examine national general good rules this report provides both a factual description of the types of rules which are published on the websites of the competent authorities and are applicable to insurance distribution activities and a general assessment facilitating the checking of main areas of divergence and impact of the general good provisions on the proper functioning of

the IDD and the internal market more broadly

Implementation of the Insurance Mediation Directive for Long-term Insurance Business, 2004

The Regulation of Insurance Brokers and Intermediaries Heather Thomas, 2004 Aimed at those who must vary their Financial Services Authority FSA permissions and those who are regulated by the FSA as a result of the Insurance Mediation Directive This book provides a practical source of knowledge and reference on key points of the regulations

The Future of Insurance Regulation and Supervision in the EU Johan van der Ende, Rym Ayadi, Christopher O'Brien, 2006 This report offers a comprehensive overview of the developments in the European insurance market over the last decade It also examines the regulatory initiatives undertaken by the relevant international organizations IAIS IAA IASB in order to develop a global risk sensitive solvency regime for insurance companies The authors focus in particular on the ongoing developments of the new European solvency regime known as Solvency II and the issues addressed by the proposed EU directives on insurance groups and conglomerates

Comparative Implementation of EU Directives (III) Fiorenzo Bovenzi, CRA International, Inc, City of London (England). Corporation, 2007

Challenges of practical implementation of Solvency II regulations in the insurance companies Artem Rusalovskiy, 2006

European Insurance Law within the Digital Age Cristina Poncibò, Piotr Tereszkievicz, 2025-10-27 This edited volume examines how recent technological innovations are transforming European insurance law focusing on critical issues such as transparency information duties fairness and the regulation of insurance contracts for both professional and private policyholders While new business models like digital platforms and robo advisory services are rapidly emerging European law has yet to provide a sufficiently tailored regulatory response The current sectoral framework notably Directive EU 2016 97 on insurance distribution IDD offers a general principle based approach but lacks the specificity needed to effectively address innovative digital insurance distribution models In parallel broader regulatory initiatives such as the EU Artificial Intelligence Act EU AI Act and the Digital Services Act DSA are poised to reshape the digital insurance ecosystem The EU AI Act introduces horizontal rules governing AI systems including those used in automated underwriting risk profiling and robo advisory services thereby directly affecting the design and accountability of algorithmic tools in insurance distribution especially those deemed high risk The DSA imposes new responsibilities on digital platforms with potential implications for InsurTech firms acting as intermediaries or aggregators Additionally there is ongoing uncertainty as to whether existing consumer protection instrument such as the Unfair Contract Terms Directive 93 13 EEC the Unfair Commercial Practices Directive 2005 29 EC and the Omnibus Directive 2019 2161 EC are sufficient to address the novel risks and challenges posed by digital insurance services Meanwhile regulatory guidance from supervisory bodies such as EIOPA and national authorities is increasingly addressing InsurTech related legal questions in a more targeted manner By providing a normative and comparative legal analysis this volume addresses a significant gap in current scholarship It calls on legal scholars and insurance experts to reassess the role of technology in shaping EU insurance law and to reflect on whether the regulatory principle of

technological neutrality remains viable Ultimately the book argues for an integrated regulatory approach that aligns socio technical governance with the specific demands of insurance law ensuring effective consumer protection in an increasingly digital landscape

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Table of Contents Insurance Distribution Directive And Mifid 2 Implementation

1. Understanding the eBook Insurance Distribution Directive And Mifid 2 Implementation
 - The Rise of Digital Reading Insurance Distribution Directive And Mifid 2 Implementation
 - Advantages of eBooks Over Traditional Books
2. Identifying Insurance Distribution Directive And Mifid 2 Implementation
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Insurance Distribution Directive And Mifid 2 Implementation
 - User-Friendly Interface
4. Exploring eBook Recommendations from Insurance Distribution Directive And Mifid 2 Implementation

- Personalized Recommendations
 - Insurance Distribution Directive And Mifid 2 Implementation User Reviews and Ratings
 - Insurance Distribution Directive And Mifid 2 Implementation and Bestseller Lists
5. Accessing Insurance Distribution Directive And Mifid 2 Implementation Free and Paid eBooks
 - Insurance Distribution Directive And Mifid 2 Implementation Public Domain eBooks
 - Insurance Distribution Directive And Mifid 2 Implementation eBook Subscription Services
 - Insurance Distribution Directive And Mifid 2 Implementation Budget-Friendly Options
 6. Navigating Insurance Distribution Directive And Mifid 2 Implementation eBook Formats
 - ePub, PDF, MOBI, and More
 - Insurance Distribution Directive And Mifid 2 Implementation Compatibility with Devices
 - Insurance Distribution Directive And Mifid 2 Implementation Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Insurance Distribution Directive And Mifid 2 Implementation
 - Highlighting and Note-Taking Insurance Distribution Directive And Mifid 2 Implementation
 - Interactive Elements Insurance Distribution Directive And Mifid 2 Implementation
 8. Staying Engaged with Insurance Distribution Directive And Mifid 2 Implementation
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Insurance Distribution Directive And Mifid 2 Implementation
 9. Balancing eBooks and Physical Books Insurance Distribution Directive And Mifid 2 Implementation
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Insurance Distribution Directive And Mifid 2 Implementation
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Insurance Distribution Directive And Mifid 2 Implementation
 - Setting Reading Goals Insurance Distribution Directive And Mifid 2 Implementation
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Insurance Distribution Directive And Mifid 2 Implementation

- Fact-Checking eBook Content of Insurance Distribution Directive And Mifid 2 Implementation
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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