

Directive (EU) 2016/2341 of the European Parliament and of the Council
of 14 December 2016 on the activities and supervision of institutions for
occupational retirement provision (IORPs) (recast) (Text with EEA relevance)

TITLE IV

**INFORMATION TO BE GIVEN TO PROSPECTIVE
MEMBERS, MEMBERS AND BENEFICIARIES**

CHAPTER 1

General provisions

Article 36

Principles

- 1 Taking into account the nature of the pension scheme established, Member States shall ensure that every IORP registered or authorised in their territories provides to:
 - a prospective members: at least the information set out in Article 41;
 - b members: at least the information set out in Articles 37 to 40, 42 and 44; and
 - c beneficiaries: at least the information set out in Articles 37, 43 and 44.
- 2 The information referred to in paragraph 1 shall be:
 - a regularly updated;
 - b written in a clear manner, using clear, succinct and comprehensible language, avoiding the use of jargon and avoiding technical terms where everyday words can be used instead;
 - c not misleading, and consistency shall be ensured in the vocabulary and content;
 - d presented in a way that is easy to read;
 - e available in an official language of the Member State whose social and labour law relevant to the field of occupational pension schemes is applicable to the pension scheme concerned; and
 - f made available to prospective members, members and beneficiaries free of charge through electronic means, including on a durable medium or by means of a website, or on paper.
- 3 Member States may adopt or maintain further provisions on information to be given to prospective members, members and beneficiaries.

Article 37

General information on the pension scheme

- 1 Member States shall, in respect of every IORP registered or authorised in their territories, ensure that members and beneficiaries are sufficiently informed about the respective pension scheme operated by the IORP, in particular concerning:

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- a the name of the IORP, the Member State in which the IORP is registered or authorised and the name of its competent authority;
- b the rights and obligations of the parties involved in the pension scheme;
- c information on the investment profile;
- d the nature of financial risks borne by the members and beneficiaries;
- e the conditions regarding full or partial guarantees under the pension scheme or of a given level of benefits or, where no guarantee is provided under the pension scheme, a statement to that effect;
- f the mechanisms protecting accrued entitlements or the benefit reduction mechanisms, if any;
- g where members bear investment risk or can take investment decisions, information on the past performance of investments related to the pension scheme for a minimum of five years, or for all the years that the scheme has been operating where this is less than five years;
- h the structure of costs borne by members and beneficiaries, for schemes which do not provide for a given level of benefits;
- i the options available to members and beneficiaries in receiving their retirement benefits;
- j in case a member has the right to transfer pension rights, further information about the arrangements relating to such a transfer.

2 For schemes in which members bear an investment risk and which provide for more than one option with different investment profiles, the members shall be informed of the conditions regarding the range of investment options available, and, where applicable, the default investment option and, the pension scheme's rule to allocate a particular member to an investment option.

3 Members and beneficiaries or their representatives shall receive within a reasonable time, any relevant information regarding changes to the pension scheme rules. In addition, IORPs shall make available to them an explanation of the impact on members and beneficiaries of significant changes to technical provisions.

4 IORPs shall make available the general information on the pension scheme set out in this Article.

CHAPTER 2

Pension Benefit Statement and supplementary information

Article 38

General provisions

1 Member States shall require IORPs to draw up a concise document containing key information for each member taking into consideration the specific nature of national pension systems and of relevant national social, labour and tax law ('Pension Benefit Statement'). The title of the document shall contain the words 'Pension Benefit Statement'.

2 The exact date to which the information in the Pension Benefit Statement refers to shall be stated prominently.

3 Member States shall require that the information contained in the Pension Benefit Statement is accurate, updated and made available to each member free of charge through electronic means, including on a durable medium or by means of a website, or on paper, at least annually. A paper copy shall be provided to members on request in addition to any information through electronic means.

4 Any material change to the information contained in the Pension Benefit Statement compared to the previous year shall be clearly indicated.

5 Member States shall set out rules to determine the assumptions of the projections referred to in point (d) of Article 39(1). Those rules shall be applied by IORPs to determine, where relevant, the annual rate of nominal investment returns, the annual rate of inflation and the trend of future wages.

Article 39

Pension Benefit Statement

1 The Pension Benefit Statement shall include, at least, the following key information for members:

- a personal details of the member, including a clear indication of the statutory retirement age, the retirement age laid down in the pension scheme or estimated by the IORP, or the retirement age set by the member, as applicable;
- b the name of the IORP and its contact address and identification of the pension scheme of the member;
- c where applicable, information on full or partial guarantees under the pension scheme and if relevant, where further information can be found;
- d information on pension benefit projections based on the retirement age as specified in point (a), and a disclaimer that those projections may differ from the final value of the benefits received. If the pension benefit projections are based on economic scenarios, that information shall also include a best estimate scenario and an unfavourable scenario, taking into consideration the specific nature of the pension scheme;
- e information on the accrued entitlements or accumulated capital taking into consideration the specific nature of the pension scheme;
- f information on the contributions paid by the sponsoring undertaking and the member into the pension scheme, at least over the last 12 months, taking into consideration the specific nature of the pension scheme;
- g a breakdown of the costs deducted by the IORP at least over the last 12 months;
- h information on the funding level of the pension scheme as a whole.

2 In accordance with Article 60, Member States shall exchange best practices with regard to the format and the content of the Pension Benefit Statement.

Article 40

Supplementary information

1 The Pension Benefit Statement shall specify where and how to obtain supplementary information including:

- a further practical information about the member's options provided under the pension scheme;

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- b the information specified in Articles 29 and 30;
 - c where applicable, information about the assumptions used for amounts expressed in annuities, in particular with respect to the annuity rate, the type of provider and the duration of the annuity;
 - d information on the level of benefits, in case of cessation of employment.
- 2 For pension schemes where members bear investment risk and where an investment option is imposed on the member by a specific rule specified in the pension scheme, the Pension Benefit Statement shall indicate where additional information is available.

CHAPTER 3

Other information and documents to be provided

Article 41

Information to be given to prospective members

- 1 Member States shall require IORPs to ensure that prospective members who are not automatically enrolled in a pension scheme are informed, before they join that pension scheme, about:
- a any relevant options available to them including investment options;
 - b the relevant features of the pension scheme including the kind of benefits;
 - c information on whether and how environmental, climate, social and corporate governance factors are considered in the investment approach; and
 - d where further information is available.
- 2 Where members bear investment risk or can take investment decisions, prospective members shall be provided with information on the past performance of investments related to the pension scheme for a minimum of five years, or for all the years that the scheme has been operating where this is less than five years and information on the structure of costs borne by members and beneficiaries.
- 3 Member States shall require IORPs to ensure that prospective members who are automatically enrolled in a pension scheme are promptly after their enrolment, informed about:
- a any relevant options available to them including investment options;
 - b the relevant features of the pension scheme including the kind of benefits;
 - c information on whether and how environmental, climate, social and corporate governance factors are considered in the investment approach; and
 - d where further information is available.

Article 42

Information to be given to members during the pre-retirement phase

In addition to the Pension Benefit Statement, IORPs shall provide each member, in due time before the retirement age as specified in point (a) of Article 39(1), or at the request of the member, with information about the benefit pay-out options available in taking their retirement benefits.

Article 43

Information to be given to beneficiaries during the pay-out phase

1 Member States shall require IORPs to periodically provide beneficiaries with information about the benefits due and the corresponding pay-out options.

2 IORPs shall inform beneficiaries without delay after a final decision has been taken resulting in any reduction in the level of benefits due, and three months before that decision is implemented.

3 When a significant level of investment risk is borne by beneficiaries in the pay-out phase, Member States shall ensure that beneficiaries receive appropriate information regularly.

Article 44

Additional information to be given on request to members and beneficiaries

On request of a member, a beneficiary or their representatives, the IORP shall provide the following additional information:

- (a) the annual accounts and the annual reports referred to in Article 29, or where an IORP is responsible for more than one scheme, those accounts and reports relating to their particular pension scheme;
- (b) the statement of investment policy principles, referred to in Article 30;
- (c) any further information about the assumptions used to generate the projections referred to in point (d) of Article 39(1).