

# Targeted consultation on options to enhance the suitability and appropriateness assessments

Fields marked with \* are mandatory.

## Introduction

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Following the [2020 capital markets union \(CMU\) action plan](#), the Commission is preparing a retail investment strategy, which aims to take a holistic view of investor protection rules. One of the key objectives of the CMU is to make the EU an even safer place for individuals to save and invest long-term and to increase participation of retail investors in capital markets. To this end, the Commission is looking at possible ways to increase the level of trust that retail investors have in capital markets.

Investors should be empowered and better supported to be able to identify investments that take into account their needs, objectives and constraints. Digital innovation is expected to enable new and more efficient means for investors to understand the markets and invest in an informed manner.

In the answers received to the [2021 public consultation on the Commission's retail investment strategy for Europe](#), many stakeholders, on the industry and consumers side, called to simplify, improve, automate and standardise the way investors' profiles are currently assessed. Some have also expressed support for more focus on the overall investor portfolio composition rather than on individual products. Respondents also highlighted the need to adjust the different investor assessments to make them better adapted to the online environment, as well as the importance of improving data quality of the suitability and appropriateness assessments. Some also recommended anticipating the evolution of robot-assisted advice or fully automated advice. Finally, some also requested more independence in the suitability assessment process.

Taking stock of these results, the Commission's Services are currently exploring different ways to improve the suitability and appropriateness regimes to address the above-mentioned issues. The Commission's services are assessing, *inter alia*, the idea of whether and how all retail investors, and not only wealth management clients, might benefit from a new suitability assessment that could provide them with more support along their investment journey to better achieve their investment objectives and to enhance their participation in the capital markets.

By means of this targeted consultation, the Commission Services intend to complement the 2021 public consultation exploring the feasibility of a new retail investor-centric assessment to improve the current suitability and appropriateness tests. Not only might such an approach modify the current MIFID II/IDD suitability and appropriateness tests with the view to no longer differentiate among the various investment services offered to retail investors, but it might rather replace the current "per product" approach with a new element, a personalised asset allocation strategy.

The new retail client suitability rules, together with the personalised asset allocation strategy, would represent a personal investment plan intended to help retail investors achieve their defined investment objectives. Its main goal would be to provide retail investors with the best possible expected returns, taking into account their personal circumstances and risk tolerance. While the personalised asset allocation strategy would provide concrete guidance on optimal investment allocations, the investor would remain free to choose the products it wants to invest in.

The personalised asset allocation strategy could achieve this objective by setting out an investment plan that relied on an optimal diversification of various asset classes considered fit for retail investors. This could include a defined (in % terms for instance) exposure to any financial instruments and products distributed to retail investors, including but not limited to, shares, bonds, funds, structured products (including insurance based investment products). The personalised asset allocation strategy could identify, on an overall portfolio basis, the appropriate risk-return for each individual versus profile with a view to achieving the investor's investment goals. However, retail investors should ultimately remain free to take autonomous investment decisions, even where they do not align with the allocation strategy.

The retail client assessment, together with the personalised asset allocation strategy, could be provided and recorded in a structured and machine-readable format for future reference by the retail investor, financial intermediaries (with clients' consent) and competent authorities. Introducing this new approach might increase the level of intelligibility and comparability of investments with the purpose of limiting risks of mis-selling or ill-advised investments.

A key element of this new tool could be the transferability (or portability) of the client assessment (enhanced with a personalised asset allocation strategy) with any financial intermediary the client chooses, including on-line brokers and platforms which would allow investors to easily switch between or using multiple brokers/financial intermediaries. The question of the transferability of the client assessment will be specifically consulted in the context of the Commission's Open Finance framework.

Subject to the portability of a personalised asset allocation, this consultation aims to assess to what extent any subsequent intermediaries should be allowed to depart from the asset allocation and under what conditions (e.g. where there are objective reasons to justify a change, including in the case of a material change in personal circumstances of the retail investor).

## Responding to this consultation and follow up

In line with the Commission's stated objective of "an economy that works for people", this targeted consultation aims to gather stakeholders' views on a possible enhancement of the current suitability and appropriateness regimes. This consultation does not prejudge any outcome nor prevent the Commission from considering alternative options.

The consultation covers the following points

- A. an enhanced client assessment regime – General
- B. a personalised asset allocation strategy

Responses to open questions are limited to 5000 characters (including spaces and line breaks, i.e. stricter than the MS Word characters counting method), but you can also complement your answers by uploading one or several additional document(s) in the last section of the questionnaire called "Additional information".

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**Please note:** In order to ensure a fair and transparent consultation process **only responses received through our online questionnaire will be taken into account** and included in the report summarising the responses. Should you have a problem completing this questionnaire or if you require particular assistance, please contact [fisma-suitability-assessments@ec.europa.eu](mailto:fisma-suitability-assessments@ec.europa.eu).

More information on

- [this consultation](#)
- [the consultation document](#)
- [retail financial services](#)
- [the protection of personal data regime for this consultation](#)

## About you

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### \* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish

Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

sara

\* Surname

MITELMAN

\* Email (this won't be published)

sara@fondhandlarna.se

\* Organisation name

*255 character(s) maximum*

Swedish Securities Markets Association

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

7777147632-40

### \* Country of origin

Please add your country of origin, or that of your organisation.

- |   |   |  |  |
|---|---|--|--|
| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti                            | <input type="radio"/> Libya            | <input type="radio"/> Saint Martin                                 |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica                            | <input type="radio"/> Liechtenstein    | <input type="radio"/> Saint Pierre and Miquelon                    |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic                  | <input type="radio"/> Lithuania        | <input type="radio"/> Saint Vincent and the Grenadines             |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador                             | <input type="radio"/> Luxembourg       | <input type="radio"/> Samoa  |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt                               | <input type="radio"/> Macau            | <input type="radio"/> San Marino                                   |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador                         | <input type="radio"/> Madagascar       | <input type="radio"/> São Tomé and Príncipe                        |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea                   | <input type="radio"/> Malawi           | <input type="radio"/> Saudi Arabia                                 |
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| <input type="radio"/> Antarctica          | <input type="radio"/> Estonia                             | <input type="radio"/> Maldives         | <input type="radio"/> Serbia                                       |
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| <input type="radio"/> Argentina           | <input type="radio"/> Ethiopia                            | <input type="radio"/> Malta            | <input type="radio"/> Sierra Leone                                 |
| <input type="radio"/> Armenia             | <input type="radio"/> Falkland Islands                    | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore                                    |
| <input type="radio"/> Aruba               | <input type="radio"/> Faroe Islands                       | <input type="radio"/> Martinique       | <input type="radio"/> Sint Maarten                                 |
| <input type="radio"/> Australia           | <input type="radio"/> Fiji                                | <input type="radio"/> Mauritania       | <input type="radio"/> Slovakia                                     |
| <input type="radio"/> Austria             | <input type="radio"/> Finland                             | <input type="radio"/> Mauritius        | <input type="radio"/> Slovenia                                     |
| <input type="radio"/> Azerbaijan          | <input type="radio"/> France                              | <input type="radio"/> Mayotte          | <input type="radio"/> Solomon Islands                              |
| <input type="radio"/> Bahamas             | <input type="radio"/> French Guiana                       | <input type="radio"/> Mexico           | <input type="radio"/> Somalia                                      |
| <input type="radio"/> Bahrain             | <input type="radio"/> French Polynesia                    | <input type="radio"/> Micronesia       | <input type="radio"/> South Africa                                 |
| <input type="radio"/> Bangladesh          | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova          | <input type="radio"/> South Georgia and the South Sandwich Islands |
| <input type="radio"/> Barbados            | <input type="radio"/> Gabon                               | <input type="radio"/> Monaco           | <input type="radio"/> South Korea                                  |
| <input type="radio"/> Belarus             | <input type="radio"/> Georgia                             | <input type="radio"/> Mongolia         | <input type="radio"/> South Sudan                                  |

- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda

- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena  
Ascension and  
Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States  
Minor Outlying  
Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

\* Field of activity or sector (if applicable)

- Insurance
- Investment services
- New Technologies
- Pension provision
- Investment management (e.g. hedge funds, private equity funds, venture capital funds, money market funds, securities)
- Market infrastructure operation (e.g. CCPs, CSDs, Stock exchanges)

- Social entrepreneurship
- Other
- Not applicable

\* Please specify what type of investment services:

- Investment advice
- Brokerage
- Other

\* Please specify what type of other investment services:

SSMA members provide different types of investment services, i.e both investment advice and execution services.

The Commission will publish all contributions to this targeted consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') is always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only the organisation type is published: The type of respondent that you responded to this consultation as, your field of activity and your contribution will be published as received. The name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

**Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)



## A. An enhanced client assessment regime – General

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The new regime would be built around two parts: a first part focused on assessing, via a unique standardised questionnaire, the retail investor's investment objectives, risk tolerance and personal constraints and a second part dedicated to establishing a basic but personalised asset allocation strategy for the retail investor's investment portfolio.

**Question 1. Do you consider that a unique and standardised retail investors' assessment regime, as described above, applicable to all investment services and enhanced with the provision of a personal asset allocation strategy, could address the weaknesses of the current suitability and appropriateness regimes?**

- Yes
- No
- Don't know / no opinion / not applicable

**Please provide a detailed answer to question 1:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The Swedish Securities Markets Association (SSMA) is very concerned with the Commission's targeted consultation.

Firstly, we are surprised that the consultation document contains no analysis or explanation what concrete problems or market failure the Commission seeks to address. In our members' experience, both the suitability and appropriateness are generally well-functioning procedures, and we see no need for significant changes.

Secondly, the lack of background information makes many of the proposals difficult to understand which in turn makes the questions almost impossible to answer. Importantly, it needs to be clarified if the Commission's idea is to replace the current suitability- and appropriateness regime in MiFID II and IDD with this new approach or if the proposal should be understood as an add-on?

Thirdly, the scope of the proposed new regime is most unclear. Is it intended to apply only to retail clients or also to professional clients? Will all investment services be covered? All financial instruments? We see a clear danger of repeating the PRIIPs-mistake, i.e. to introduce a one-size fits all approach that does not work in practice considering the different types of financial instruments (e.g. hedging derivatives which are not used for investments), services or clients. There also seems to be an overlap with the product governance regime.

Fourthly, we are very concerned with the impacts of a "portability regime" of the personalised asset allocation strategy. Our reading of the proposal is that an investment firm should be required to follow an asset allocation performed by another intermediary (which may or may not be a regulated entity?). If this is the correct interpretation, the proposal gives rise to a number of very important legal questions that need to be further analysed e.g. civil liability, data protection, competition issues as well as practical considerations. When it comes to "Open Finance" it should be recognised that there are important differences between securities market and payments (PSD2).

Finally, perhaps due to the above-mentioned issues, we fail to see the benefits of this new approach. At the same time as we can identify a number of drawbacks in terms of costs, legal uncertainties and risk of unintended consequences. On the Swedish securities market there is a high level of retail participation, and we are concerned that the standardized approach proposed by the Commission will in fact lower the level of investor protection compared to the current situation.

Based on the above, the SSMA is not able to support the Commission's proposals as presented in the consultation paper and considers that additional work needs to be done, including a cost/benefit analysis. It is important that the Commission engages in dialogue with stakeholders and the SSMA is of course happy to take part of any such discussion.

**Question 2. Do you think a new retail client assessment (enhanced with a personalised asset allocation strategy) and its transferability could bring benefits and opportunities to retail investors and financial intermediaries?**

- Yes, it could bring them benefits and opportunities
- No, it would not bring them specific benefit

- Don't know / no opinion / not applicable

**Please explain your answers to question 2:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

As mentioned under Q1, the SSMA considers that the current regime with appropriateness and suitability test work well and see no reason to overhaul the rules. A client is today able to bring a suitability statement to a new investment firm should he or she so desire. Also we are not convinced that a regime where a retail client decides on which instrument to invest in accordance with an asset allocation strategy instead of following the recommendation of an advisor will lead to increased investor protection. An advisor is under MiFID II required to have a certain level of knowledge and competence that the average investor does not normally have.

We do not support a portability regime where an investment firm is required to follow an asset allocation performed by another entity. In fact, this gives rise to a number of very important legal questions that needs to be further analysed e.g. civil liability, data protection, competition issues as well as practical considerations.

For example:

- The asset allocation strategy that an investment firm establishes for its clients is part of its investment services. It is not reasonable from a business – or competition law perspective to require a firm to share this with a competitor. It should be recalled that investment firms put in a lot of resources in asset allocation strategies which is part of the investment firm's confidential trade secrets
- Will a second investment firm be liable to its clients for potential insufficiencies and faults in asset allocation strategies that were established by the first investment firms?
- What if the second investment firm does not agree with the allocation strategy performed by the first investment firm? The client can also have decided to change firm because it was not happy with the service received. It seems unreasonable to require that the second investment firm follows the first firms allocation in these situations.
- What if the second investment firm is not able to offer the investments prescribed in the asset allocation strategy established by the first investment firm?

**Question 3. Should retail investors be able to transfer the results of their assessment together with their personalised asset allocation strategy to brokers/financial intermediaries of their choosing in order to facilitate switching between or using multiple brokers/financial intermediaries and generally enhance the investor experience?**

- Yes
- No
- Don't know / no opinion / not applicable

**Please explain your answer to question 3:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

We do not support a portability regime where an investment firm is required to follow an asset allocation performed by another entity. In fact, this gives rise to a number of very important legal questions that needs to be further analysed e.g. civil liability, data protection, competition issues as well as practical considerations.

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- What if the second investment firm does not agree with the allocation strategy performed by the first investment firm? The client can also have decided to change firm because it was not happy with the service received. It seems unreasonable to require that the second investment firm follows the first firms allocation in these situations.
- What if the second investment firm is not able to offer the investments prescribed in the asset allocation strategy established by the first investment firm?

**Question 4. Would you see any drawbacks that could emerge from the creation and use of such a new suitability assessment applicable to all investment services (including its sharing/portability if any) for retail investors and financial intermediaries?**

- Yes
- No
- Don't know / no opinion / not applicable

**Please explain your answer to question 4:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please see answers to Q 1 and 2.

The drawbacks will depend on the scope of the regime e.g. type of client, services and financial instruments as well as on whether the portability will include an obligation to follow the allocation decided by another firm or not.

**Question 5. Who should prepare the clients' assessment and their asset allocation strategy?**

- Any financial intermediary selected by the retail investor
- An independent function within the financial intermediary selected by the retail investor
- An independent financial intermediary selected by the retail investor
- Other (e.g. public entity)

**Please explain your answer to question 5:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The term "financial intermediary" is not defined in the consultation paper, but the SSMA assumes that it refers to an intermediary that is under supervision e.g. investment firm or insurance distributor. It clearly cannot be accepted that an unregulated company prepares the clients assessment and their asset allocation strategy.

It should be up to the client to decide which investment firm. There is no need to require an independent function within the investment firm.

**Question 6. What should be the key components of a standardised personal investment plan?**

Please select as many answers as you like

- A description of the investor
- A description of **duties and responsibilities of the investment adviser** drawing up the personal investment plan, custody arrangements and the duties of the client to signal changes in her personal circumstances
- Procedures and reviews** that are necessary to keep the IPS topical and up-to-date
- Investment objectives**
- Investment constraints**
- Technical guidelines** specifying technical aspects on how the investment should be carried out, such as permissible use of leverage or derivatives; exclusion of specific types of assets from investment, if any

- ESG factors**, such as specific types of assets to be excluded from investments
- Evaluation and review**
- Rules on identifying **strategic asset allocation** – including the baseline allocation of portfolio assets to asset classes
- Rebalancing** – policies on rebalancing asset class weights

**Please explain your answers to question 6:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The SSMA does not support the proposed regime.

**Question 7. What are the main investment objectives and constraints that should be addressed in a personal investment plan?**

Please select as many answers as you like

- Return objectives:** Long-term investment return per year, in nominal terms, net of fees
- Constraints:** Liquidity – expected investor outlays, etc.
- Time horizon
- Tax situation
- Legal and Regulatory factors, if any
- Unique investor circumstances, e.g., ethical or environmental preferences

**Please explain your answers to question 7:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The SSMA does not support the proposed regime.

**Question 8. Storage and accessibility of the new suitability assessment, including the asset allocation strategy.**

**Do you agree with the following statement?**

All data in the suitability assessment and the personalised asset allocation strategy (the personal investment plan) should be stored electronically and, subject to the client's consent, the investment plan personal should be accessible to all financial intermediaries that the client employs ("open finance").

- Yes
- No
- Don't know / no opinion / not applicable

**Please explain your answer to question 8:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The SSMA does not support the proposed regime.

However, as a general comment we are in favour of digitalisation and electronic storage of information.

**Question 9. How often should the client's assessment and asset allocation strategy be updated?**

A personal investment plan should be reviewed regularly in order to ensure that it remains consistent with the client's investment objectives and constraints. A personal investment plan should also be reviewed as soon as a financial intermediary becomes aware of a material change in the client's circumstances. A client may request an update of her personal investment plan when her objectives, time horizon, personal circumstances or liquidity needs change.

**Question 9.1 When the investor is NOT under advice:**

Please select as many answers as you like

- a. once per year
- b. upon significant changes in the retail investor's personal circumstances or objectives, communicated by the investor to its financial intermediary

- c. upon suggestion of the financial intermediary selected by the investor, subject to providing the investor with any necessary written justification evidencing the need for an update, and subject to the investor's agreement + duly stored
- d. other

### **Please explain your answers to question 9.1:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The question relates to non-advisory investment services e.g. execution of client orders. For such services only client's knowledge and experience are taken into consideration. A review of other personal circumstances is not relevant. We therefore find the alternatives unclear and refrain from responding.

### **Question 9.2 When the investor is under advice/portfolio management:**

Please select as many answers as you like

- a. once per year
- b. upon significant changes in the retail investor's personal circumstances or objectives, communicated by the investor to its financial intermediary
- c. at the initiative of the financial intermediary providing the advice and subject to written justifications evidencing the improvement, communicated to the investor and duly stored
- d. other

### **Please specify to what other update frequency you refer in your answer to question 9.2:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

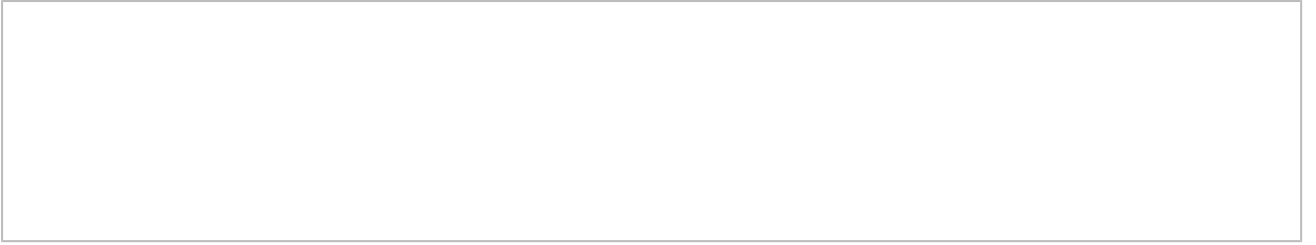
Updates of the retail clients personal circumstances and objectives is according to the SSMA sufficiently regulated by current rules. It is important in this context to continue to make a distinction between one-off investment advice and on-going investment advice. It would be very costly and time consuming to require all assessments to be updated on an ongoing basis.

### **Please explain your answers to question 9.2:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.





**Question 10. Please provide us with an estimate of the necessary costs to set-up and update this possible new client assessment (including the personalised asset allocation strategy) in a structured and machine-readable format as well as for its storage in a way accessible for future reference by the retail investor and competent authorities:**

	<b>Estimate (in €)</b>
One off costs	No information
Ongoing costs	No information

**Please explain your answer to question 10 and provide a breakdown of the most important cost components:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

As mentioned under Q1-Q2 the SSMA considers that the implementation costs are clearly disproportionate considering the very limited benefits we see in the proposals.

**Question 11. Please provide us with a cost comparison between the costs associated to this possible new client assessment regime (including the personalised asset allocation strategy) in and your current costs associated to compliance with the current suitability and appropriateness regimes?**

	<b>Estimate (in €)</b>
Your current costs associated to compliance with the current suitability and appropriateness regimes	No information
Estimate costs associated to compliance with the possible new suitability assessment regime (including the personalised asset allocation strategy)	No information

### **Please explain your answer to question 11:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

As mentioned under Q1-Q2 the SSMA considers that the implementation costs are clearly disproportionate considering the very limited benefits we see in the proposals.

**Question 12. Do you consider that the new client assessment regime would allow material cost savings for financial intermediaries taking into account the standardised and single nature of the possible assessment regime, once the initial sunk costs are absorbed?**

- Yes
- No
- Don't know / no opinion / not applicable

### **Please explain your answer to question 12:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

As mentioned under Q 5 we consider that the concept of "financial intermediary" is unclear.

## **B. A personalised asset allocation strategy**

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A personalised asset allocation strategy would be the main output of the new client-centric assessment carried out by a financial intermediary. It would represent a basic investment framework for achieving the retail investor's investment objectives and aim to provide the investor with maximum returns in view of its personal circumstances, while exposing the investor to an optimal amount of risk. This would be achieved by setting out a unique plan for exposure (in % terms for instance) to an optimal diversification of broad asset classes (e.g. fixed income, equity, commodities, etc.) and set the right risk-return profile for the retail investor's investment goals.

The rules on asset class categorisation could feature a varying level of details and granularity. For example, the legislation could establish very general asset classes across which diversification should be ensured (e.g. equity, bonds, commodities, real estate, private equity, hedge funds) or it could foresee or allow for a creation of more detailed 'sub-asset classes' (government bonds vs. corporate bonds, high yield vs. investment grade bonds, large cap vs. small cap shares, etc.).

This personalised asset allocation strategy could then be made portable and transferable across financial intermediaries that the retail investor chooses to interact with. It should then be determined whether and to what extent financial intermediaries should be allowed to depart from this personalised asset allocation strategy and under what conditions.

**Question 13. Should the rules on personalised asset allocation strategy foresee standardised investor profiles based on retail investors' personal constraints, risk/return appetite and objectives?**

- Yes
- No
- Don't know / no opinion / not applicable

**Please provide a detailed answer to question 13:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

**Question 14. Which elements should form the basis for distinguishing between asset classes within the asset allocation strategy?**

Please select as many answers as you like

- Risk
- Return
- Paired correlation with other asset classes
- Additional criteria

**Please explain your answer to question 14 and provide details on the additional criteria if any:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

We do not support a mandatory standardisation that goes beyond existing legal framework and prohibits service providers from focusing on certain aspects. Such approach may also be negative for financial innovation in EU.

**Question 15. Exposure to assets, as set out in the asset allocation strategy, could be achieved either by investing directly in securities (e.g. shares, bonds), or via investment in potentially complex financial products (e.g. funds, structured products, insurance-based investment products) or a combination thereof.**

**How should a financial intermediary assess best value-for-money when considering asset classes or sub-asset classes offering the optimal exposure for the retail investor?**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The SSMA finds it difficult to understand the alternatives (yes, no, I don't know) in relation to the question that is asked and therefore refrains from responding.

**Question 16. The rules on the asset allocation strategy should allow for the establishment of asset classes that are fit to achieve the investment objectives of retail investors.**

**How should those rules take into account situations where the investment intermediary wishes to offer products that do not fit into one of the common asset categories?**

- Where the intermediary proves that the risk, return and correlation properties of the product are equivalent to those attributed to one of the established asset classes, he/she can consider that instrument as belonging to that asset class
- Such products should only be made available to the investor at his or her explicit request, and not as a part of the investable universe determined by the asset allocation strategy
- Other solutions

**Please explain your answer to question 16:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

As a general comment we do not consider that it is a task for EU legislator to determine the product offering for retail investors. In fact, limiting investor choice could have a negative impact on the policy objective to enhance retail clients engagement on the EU capital market.



**Question 17. Although the form and content of the asset allocation strategy should be prescribed to a certain extent, financial intermediaries will always exercise a degree of discretion when establishing the asset allocation for a given investor. Competition between financial intermediaries in establishing an optimal asset allocation strategy for a given set of client data could yield better quality asset allocation propositions for the client. On the other hand, changing without objective reasons the investment guidance set out by the asset allocation strategy should be avoided in order to ensure that his or her investment goals are attained.**

**Should a financial intermediary other than the one that drew up the client assessment be able to propose a different asset allocation strategy than the one originally established, where the data required to produce the asset allocation strategy are made available to that financial intermediary?**

- Yes, but only when there are objective reasons (see notably (b) and (c) in question 9.1 and 9.2 respectively.)
- No
- Don't know / no opinion / not applicable

**Please explain your answer to question 17:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

A client must of course be able to change but this should not be limited to when there are objective reasons. The alternative responses are too restrictive.

As mentioned under Q1 and Q2, an investment firm cannot be bound by the asset allocation strategy established by another investment firm.

**Question 17.1 Should the investor be required to give explicit consent for the development of a new asset allocation strategy?**

- Yes
- No
- Don't know / no opinion / not applicable

**Please explain your answer to question 17.1:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

See Q 17

**Question 18. Would you have any general comments on an enhanced client assessment regime and/or personalised asset allocation strategy?**

- Yes
- No
- Don't know / no opinion / not applicable

**Please explain your answer to question 18:**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The Swedish Securities Markets Association (SSMA) is very concerned with the Commission's targeted consultation.

Firstly, we are surprised that the consultation document contains no analysis or explanation what concrete problems or market failure the Commission seeks to address. In our members' experience, both the suitability and appropriateness are generally well-functioning procedures, and we see no need for significant changes.

Secondly, the lack of background information makes many of the proposals difficult to understand which in turn makes the questions almost impossible to answer. Importantly, it needs to be clarified if the Commission's idea is to replace the current suitability- and appropriateness regime in MiFID II and IDD with this new approach or if the proposal should be understood as an add-on?

Thirdly, the scope of the proposed new regime is most unclear. Is it intended to apply only to retail clients or also to professional clients? Will all investment services be covered? All financial instruments? We see a clear danger of repeating the PRIIPs-mistake, i.e. to introduce a one-size fits all approach that does not work in practice considering the different types of financial instruments (e.g. hedging derivatives which are not used for investments), services or clients. There also seems to be an overlap with the product governance regime.

Fourthly, we are very concerned with the impacts of a "portability regime" of the personalised asset allocation strategy. Our reading of the proposal is that an investment firm should be required to follow an asset allocation performed by another intermediary (which may or may not be a regulated entity?). If this is the correct interpretation, the proposal gives rise to a number of very important legal questions that need to be further analysed e.g. civil liability, data protection, competition issues as well as practical considerations. When it comes to "Open Finance" it should be recognised that there are important differences between securities market and payments (PSD2).

Finally, perhaps due to the above-mentioned issues, we fail to see the benefits of this new approach. At the same time as we can identify a number of drawbacks in terms of costs, legal uncertainties and risk of unintended consequences. On the Swedish securities market there is a high level of retail participation, and we are concerned that the standardized approach proposed by the Commission will in fact lower the level of investor protection compared to the current situation.

Based on the above, the SSMA is not able to support the Commission's proposals as presented in the consultation paper and considers that additional work needs to be done, including a cost/benefit analysis. It is important that the Commission engages in dialogue with stakeholders and the SSMA is of course happy to take part of any such discussion.

## Additional information

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Should you wish to provide additional information (e.g. a position paper, report) or raise specific points not covered by the questionnaire, you can upload your additional document(s) below. **Please make sure you do not**

**include any personal data in the file you upload if you want to remain anonymous.**

The maximum file size is 1 MB.

You can upload several files.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

### Useful links

[More on this consultation \(https://ec.europa.eu/info/publications/finance-consultations-2022-suitability-appropriateness-assessments\\_en\)](https://ec.europa.eu/info/publications/finance-consultations-2022-suitability-appropriateness-assessments_en)

[Consultation document \(https://ec.europa.eu/info/files/2022-suitability-appropriateness-assessments-consultation-document\\_en\)](https://ec.europa.eu/info/files/2022-suitability-appropriateness-assessments-consultation-document_en)

[More on retail financial services \(https://ec.europa.eu/info/business-economy-euro/banking-and-finance/consume-finance-and-payments/retail-financial-services\\_en\)](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/consume-finance-and-payments/retail-financial-services_en)

[Specific privacy statement \(https://ec.europa.eu/info/files/2022-suitability-appropriateness-assessments-specific-privacy-statement\\_en\)](https://ec.europa.eu/info/files/2022-suitability-appropriateness-assessments-specific-privacy-statement_en)

[More on the Transparency register \(http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en\)](http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en)

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