# ICP Questionnaire – ICP 1 Objectives, Powers and Responsibilities of the Supervisor

This ICP questionnaire is based on ICP 1 version 2011.

## Introduction

For each question, choose the response that most closely corresponds to the situation in YOUR JURISDICTION and YOUR AUTHORITY. Some questions ask about the actual experience in YOUR JURISDICTION during the last three years. Please respond based on your best estimate of what the actual experience has been.

In this survey (as in the ICPs), the term “legislation” is used to include both primary legislation (which generally requires full legislative consent) and secondary and other forms of legislation, including rules and regulations which have the legal force of law but are usually the responsibility of the supervisor.

It is recommended that you prepare all answers to this questionnaire in advance and obtain approval in your supervisory authority before entering the results in the ICP Self-Assessment Tool (SAT) via [www.icp-selfassessment.org](http://www.icp-selfassessment.org).

Please note that in contrast to other ICP assessment processes the ICP SAT only takes into account your answers to multiple choice questions without any qualitative review. Therefore the results are only high level and non-binding.

## Questionnaire

**1 The authority (or authorities) responsible for insurance supervision and the objectives of insurance supervision are clearly defined.**

**1.1 Primary legislation clearly defines the authority (or authorities) responsible for insurance supervision.**

1. To what extent does the primary legislation[[1]](#footnote-1) define the authority (or authorities) responsible for insurance supervision?
2. The primary legislation clearly defines the authority (or authorities) responsible for insurance supervision;
3. The primary legislation defines the authority (or authorities) responsible for insurance supervision, but the responsibility of the authority (or respective authorities) is not clearly identified;
4. The primary legislation does not define the authority (or authorities) responsible for insurance supervision, only the secondary or other forms of legislation defines the authority (or authorities);
5. The primary legislation does not define the authority (or authorities) responsible for insurance supervision, only the requirements that apply to those it supervises.
6. To what extent does YOUR AUTHORITY have the responsibility for the following aspects of insurance supervision in YOUR JURISDICTION?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 1. YOUR AUTHORITY has sole responsibility | 2. YOUR AUTHORITY shares the responsibility with another authority  | 3. Another authority is responsible  | 4. No authority is responsible |
| 1. Macro prudential supervision
 |  |  |  |  |
| 1. Micro prudential supervision
 |  |  |  |  |
| 1. Licensing
 |  |  |  |  |
| 1. Market Conduct supervision
 |  |  |  |  |

**1.2 Primary legislation clearly defines the objectives of insurance supervision and the mandate and responsibilities of the supervisor and gives the supervisor adequate powers to conduct insurance supervision, including powers to issue and enforce rules by administrative means and take immediate action.**

1. To what extent does the primary legislation define the objectives of insurance supervision and the mandate and responsibility of the supervisor in YOUR JURISDICTION?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 1. Clearly defined in the primary legislation | 2. Defined in the primary legislation, but not clearly identified | 3. Not defined in the primary legislation, but clearly defined in the secondary or other forms of legislation | 4. Not defined |
| 1. Objectives of insurance supervision
 |  |  |  |  |
| 1. Mandate and responsibilities of the supervisor
 |  |  |  |  |

1. To what extent does the legislation give YOUR AUTHORITY the power to conduct group-wide supervision[[2]](#footnote-2)?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 1. Legislation adequately and/or explicitly provides for  | 2. Legislation specifies, but not adequately and/or explicitly  | 3. Legislation does not specify  | 4. Not applicable |
| 1. Power to issue rules by administrative means
 |  |  |  |  |
| 1. Power to enforce rules by administrative means
 |  |  |  |  |
| 1. Power to take immediate and/or adequate actions
 |  |  |  |  |
| 1. Other powers to conduct insurance supervision
 |  |  |  |  |

1. To what extent does the legislation give YOUR AUTHORITY the power to conduct legal entity supervision?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 1. Legislation adequately and/or explicitly provides for | 2. Legislation specifies, but not adequately and/or explicitly  | 3. Legislation does not specify  | 4. Not applicable |
| 1. Power to issue rules by administrative means
 |  |  |  |  |
| 1. Power to enforce rules by administrative means
 |  |  |  |  |
| 1. Power to take immediate and/or adequate actions on the supervised insurers
 |  |  |  |  |
| 1. Other powers to conduct insurance supervision
 |  |  |  |  |

**1.3 The principal objectives of supervision promote the maintenance of a fair, safe and stable insurance sector for the benefit and protection of policyholders.**

1. To what extent do the principal objectives of insurance supervision in YOUR JURISDICTION include the following?

|  |  |  |
| --- | --- | --- |
|  | 1. Include
 | 1. Not include
 |
| 1. Protect the interests of policy holders
 |  |  |
| 1. Promote the maintenance of a fair, safe and stable insurance sector
 |  |  |

**1.4 Where, in the fulfilment of its objectives, the supervisor identifies conflicts between legislation and supervisory objectives, the supervisor initiates or proposes correction in legislation.**

1. If YOUR AUTHORITY identifies conflicts between legislation and supervisory objectives, what action can it take?[[3]](#footnote-3)

|  |  |  |
| --- | --- | --- |
|  | 1. Yes | 2. No |
| 1. YOUR AUTHORITY can initiate or propose changes to legislation
 |  |  |
| 1. YOUR AUTHORITY can alert the government to the need for changes
 |  |  |
| 1. YOUR AUTHORITY can propose changes to legislation
 |  |  |

1. If YOUR AUTHORITY identifies conflicts between legislation and supervisory objectives, to what extent does it initiate or propose corrections?
2. In all cases;
3. In most but not all cases;
4. In some cases;
5. Never, because YOUR AUTHORITY is prevented or discouraged from suggesting the need for changes in legislation;
6. Never, for another reason.

*Material provided by the International Association of Insurance Supervisors (IAIS) is reproduced with the kind permission of the IAIS. © International Association of Insurance Supervisors. All rights reserved. Reproduction or translation of this material in unaltered form is authorised provided that: it is not used for private or commercial gain, the IAIS is cited as the source and the copyright holder and any translation into another language than English (the official language for IAIS documents) contains a prominent disclaimer that it is not an official IAIS translation.*

1. Primary legislation generally requires full legislative consent. Secondary and other forms of legislation include rules and regulations which have the legal force of law but are usually the responsibility of the supervisor. In the ICPs, the term “legislation” is used to include both primary legislation and secondary and other forms of legislation. [↑](#footnote-ref-1)
2. Group-wide supervision is a supervision for insurance groups and insurance-led financial conglomerates, including the head of the insurance group and/or the head of the insurance-led financial conglomerate. The identification of insurance group is referred in the ICP 23 (Group-wide Supervision). [↑](#footnote-ref-2)
3. As markets evolve, the supervisor may identify changes in the environment that affect the fairness, safety or stability of the insurance sector that are not currently addressed by legislation. The supervisor should initiate or propose changes to legislation to ensure supervisory objectives can continue to be achieved. [↑](#footnote-ref-3)