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Draft of the
EXPOSURE DRAFT OF
EUROPEAN STANDARD OF ACTUARIAL PRACTICE 3
(ESAP 3)

Actuarial practice in relation to the ORSA process under Solvency II

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Preface

This European Standard of Actuarial Practice (ESAP) is a model for actuarial standard-setting bodies to consider.

The Actuarial Association of Europe ([AAE](#)) encourages relevant actuarial standard-setting bodies to maintain a standard or set of standards that is substantially consistent with this ESAP to the extent that the content of this ESAP is appropriate for [actuaries](#) in their jurisdiction. This can be achieved in many ways, including:

- adopting this ESAP as a standard with only the modifications in the Drafting Notes;
- customizing this ESAP by revising the text of the ESAP to the extent deemed appropriate by the standard-setting body while ensuring that the resulting standard or set of standards is substantially consistent with this ESAP;
- endorsing this ESAP by declaring that this ESAP is appropriate for use in certain clearly defined circumstances;
- modifying existing standards to obtain substantial consistency with this ESAP; or
- confirming that existing standards are already substantially consistent with this ESAP.

A standard or set of standards that is promulgated by a standard-setting body is considered to be substantially consistent with this ESAP if:

- there are no material gaps in the standard(s) in respect of the principles set out in this ESAP; and
- the standard or set of standards does not contradict this ESAP.

If an actuarial standard-setting body wishes to adopt or endorse this ESAP, it is essential to ensure that existing standards are substantially consistent with [ESAP 1](#) as this ESAP relies upon [ESAP 1](#) in many respects. Likewise, any customization of this ESAP, or modification of existing standards to obtain substantial consistency with this ESAP, should recognize the important fact that this ESAP relies upon [ESAP 1](#) in many respects.

If this ESAP is translated for the purposes of adoption, the adopting body should select verbs that embody the concepts of “must” and “should”, as described in paragraph 1.5 (following the language of [ESAP 1](#)), even if such verbs are not the literal translation of “must” and “should”.

This ESAP is a model standard of actuarial practice and, as such, is not binding on any [actuary](#).

This ESAP was adopted by the [AAE](#) General Assembly on [day month year].

[Drafting Notes: when an actuarial standard-setting organization adopts this standard it should:

1. *Replace “ESAP” throughout the document with the local standard name, if applicable;*
2. *Modify references to [ESAP 1](#) in paragraphs 1.3, 1.4 and 1.5 to point to the local standard(s) that are substantially consistent with [ESAP 1](#), rather than referring to [ESAP 1](#) directly, if appropriate;*
3. *Choose the appropriate phrase and date in paragraph 1.8;*
4. *Review this standard for, and resolve, any conflicts with the local [law](#) and code of professional conduct; and*
5. *Delete this preface (including these drafting notes) and the footnote associated with paragraph 1.8.]*

Section 1. General

1.1	<p>Purpose – This ESAP provides guidance to actuaries who have a material involvement in or responsibility for the design or performance of the ORSA process, in order to give <u>intended users</u> confidence that:</p> <ul style="list-style-type: none"> • <u>actuarial services</u> are carried out professionally and with due care in compliance with the Solvency II framework; • the results are relevant to <u>intended users</u>' needs, are presented clearly and understandably, and are sufficient in the context of the Solvency II framework; and • the assumptions and methodology (including, but not limited to, models and modelling techniques) are appropriate, and are used appropriately. 						
1.2	<p>Scope – This ESAP applies only to <u>actuarial services</u> performed by an <u>actuary</u> in relation to the ORSA process, insofar as the <u>actuary</u> has a material involvement in or responsibility for the design or performance of the ORSA process, <u>and to the extent relevant to the actuary's involvement and responsibilities</u>. Wider adoption of this ESAP is encouraged, particularly amongst those <u>actuaries</u> who provide <u>actuarial services</u> in support of those <u>actuaries</u> to whom this standard applies.</p> <p>It is recognised that undertakings have adopted a variety of approaches for complying with the ORSA requirements. These include carrying out an identifiable set of activities specifically developed <u>or amended</u> to constitute the ORSA process (as envisaged in this ESAP) as well as identifying and linking specified practices and calculations, that are embedded in the undertaking's management processes, which collectively satisfy the ORSA requirements. Whilst the requirements set out in this ESAP are expressed in relation to the former approach, this does not mean that the latter approach does not comply with ORSA requirements. However, when performing ORSA-related <u>actuarial services</u> for an undertaking that does not undertake a separate, explicit ORSA process, any <u>actuary</u> who has a material involvement in or responsibility for these ORSA-related <u>actuarial services</u> should ensure that the substance of the requirements of this ESAP are adhered to as appropriate in his or her work.</p> <p>It is envisaged that non-<u>actuaries</u> may also consider where appropriate following the principles set out in this ESAP, in order to support a consistent application of the ORSA requirements across member states, undertakings, groups and individual functions within undertakings.</p>						
1.3	<p>Compliance – <u>[For this ESAP, this paragraph replaces paragraph 1.3. in ESAP 1]</u> An <u>actuary</u> may fail to follow the guidance of this ESAP but still comply with it where the <u>actuary</u>:</p> <table> <tr> <td>1.3.1</td><td>Complies with requirements of <u>law</u> that conflict with this ESAP;</td></tr> <tr> <td>1.3.2</td><td>Complies with requirements of the actuarial code of professional conduct applicable to the work that conflict with this ESAP; or</td></tr> <tr> <td>1.3.3</td><td>Departs from the guidance in this ESAP and provides, in <u>any every relevant report</u>, an appropriate statement with respect to the nature, rationale, and effect of any such departure <u>if the guidance is expressed as "should"</u>. <u>(If the guidance is expressed as</u></td></tr> </table>	1.3.1	Complies with requirements of <u>law</u> that conflict with this ESAP;	1.3.2	Complies with requirements of the actuarial code of professional conduct applicable to the work that conflict with this ESAP; or	1.3.3	Departs from the guidance in this ESAP and provides, in <u>any every relevant report</u> , an appropriate statement with respect to the nature, rationale, and effect of any such departure <u>if the guidance is expressed as "should"</u> . <u>(If the guidance is expressed as</u>
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Commented [HD(-E1)]: Text added in response to comments from FRC and the Czech Society, but moved from where we originally put it in 1.1 following SPT input on 25th and 26th April.

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Commented [HD(-E2)]: New text added to avoid the implication that the ESAP does not recognise re-use of existing material. The point we were trying to make was to compare an explicit ORSA process with a more virtual approach (where aspects of the existing ERM framework are badged as ORSA components, but a holistic ORSA report is not necessarily produced). The Czech association didn't read it in that way – rather, they thought the point we were making was regarding new versus existing, rather than explicit versus implicit. I hope this minor change, along with appropriate EAN text will be sufficient.

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Commented [HD(-E3)]: Text to stay « as is » in order to be consistent with latest version from IAA etc

24th April : text in 1.3.3 updated to reflect the latest thinking from the IAA from Gabor.

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	<u>"must", the actuary may not depart from it while complying with this ESAP.)</u>
1.4	Relationship to ESAP 1 – Insofar as possible, this ESAP does not repeat guidance already provided in ESAP 1 . Any actuary who asserts compliance with this ESAP (as a model standard) must also comply with ESAP 1 . References in ESAP 1 to "this ESAP" should be interpreted as applying equally to this ESAP 3, where appropriate.
1.5	<p>Language – Notwithstanding paragraph 1.3, this ESAP adopts the practice of ESAP 1 in intending that the following verbs are to be understood to convey the actions or reactions indicated:</p> <p>a) "must" means that the indicated action is mandatory and failure to follow the indicated action will constitute a departure from this ESAP; and</p> <p>b) "should" (or "shall") means that, under normal circumstances, the actuary is expected to follow the indicated action, unless to do so would produce a result that would be inappropriate or would potentially mislead the intended users of the actuarial services. If the indicated action is not followed, the actuary should disclose that fact and provide the reason for not following the indicated action.</p> <p>In this ESAP, bold font is used to highlight the text involving the verb "must".</p>
1.6	Defined Terms – This ESAP uses various terms whose specific meanings are defined in Section 2. These terms are highlighted in the text with a dashed underscore and in blue, which is a hyperlink to the definition (e.g. actuary).
1.7	Cross references – This ESAP refers to the content of the Solvency II Directive (Directive 2009/138/EC as amended on 23. 05.2014) and the Commission Delegated Regulation (EU) 2015/35 as published in the Official Journal on 17.01.2015 in compliance with the Solvency II Directive. If the Solvency II Directive or the Commission Delegated Regulation is subsequently amended, restated, revoked, or replaced after the dates mentioned above, the actuary should apply the principles in this ESAP to the extent they remain relevant.
1.8	Effective Date – This ESAP is effective in relation to { actuarial services performed/ actuarial services commenced/ actuarial services performed relevant to an event} ¹ on or after [Date].

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¹ [Phrase to be selected and date to be inserted by standard-setter adopting or endorsing this ESAP.].

ED2 of ESAP 3 (ORSA), revised after formal consultation; 26th April 2017

Section 2. Definitions

The terms below are defined for use in this ESAP.

2.1	AAE – Actuarial Association of Europe.
2.2	Actuarial Services – Services, based upon actuarial considerations, provided to intended users that may include the rendering of advice, recommendations, findings, or opinions.
2.3	Actuary – An individual member of one of the member associations of the AAE .
2.4	AMSB – Administrative, Management or Supervisory Body.
2.5	Communication – Any statement (including oral statements) issued or made by an actuary with respect to actuarial services .
2.6	Entity – The subject, in whole or in part, of the actuarial services , including an enterprise, an insurer, a pensions or benefits plan, a social security scheme, an individual, a government department or agency, a group, etc.
2.7	ESAP 1 – European Standard of Actuarial Practice 1 <i>General Actuarial Practice</i> , approved as a model standard by the General Assembly of the AAE on 3 October 2014.
2.8	Exposures – The nature and extent to which an entity is exposed to areas of uncertainty (e.g. increases in reserves, gains and losses, liquidity events, reputation, etc.).
2.9	Intended User – Any legal or natural person (usually including the principal) whom the actuary intends at the time the actuary performs the actuarial services to use the report .
2.10	Law – Applicable acts, statutes, regulations, or any other binding authority (such as accounting standards and any regulatory guidance that is effectively binding).
2.11	ORSA cycle – The entirety of tasks to be performed regularly for the ORSA process .
2.12	ORSA process – The framework of activities an entity has put in place in order to satisfy the requirements of Article 45 of the Solvency II Directive.
2.13	ORSA run – Those parts of the ORSA cycle that consist of making the risk assessment, setting the assumptions, running the models and drawing the conclusions from the results.
2.14	ORSA-triggering event – A material change in the nature of the uncertainties or exposures thereto, or in the understanding of those uncertainties or exposures .
2.15	Principal – The party who engages the provider of actuarial services . The principal will usually be the client or the employer of the actuary .
2.16	Professional Judgement – The judgement of the actuary based on actuarial training and experience.
2.17	Report – The actuary's communication(s) presenting some or all results of actuarial services to an intended user in any recorded form, including but not limited to paper, word processing or spreadsheet files, e-mail, website, slide presentations or audio or video recordings.
2.18	Uncertainties – Things which happen in the larger world (e.g. movements in the equity markets, lapses, policyholder behaviour, natural catastrophes, accidents etc.) or within the entity itself (e.g. operational or control issues) which are commonly referred to as “risks”; uncertainties can also arise as a consequence of incomplete understanding of such things, leaving open the possibility

that risk assessments and models may prove inadequate in due course.

2.19 Work – All actuarial activities performed by an [actuary](#) related to [actuarial services](#). It usually includes acquisition of knowledge of the circumstances of the assignment, obtaining sufficient and reliable data, selection of assumptions and methodology, calculations and examination of the reasonableness of their result, use of other persons' work, formulation of opinion and advice, documentation, reporting and all other [communication](#).

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Section 3. Appropriate Practices

Before presenting work as being compliant with this ESAP, the actuary should confirm with his or her principal (ideally as early in the process as possible or practical) the extent to which the scope of his or her work includes the topics addressed within the sub-sections (e.g. 3.1.1) within this Section. Where the scope includes the topic addressed within an individual sub-section, the requirements within that sub-section all apply to the actuary.

5.13.1 Design of the ORSA process

Where the actuary has material involvement in, or responsibility for, the design of the ORSA process, it is envisaged that the scope of his or her work will cover each of the sub-sections within 3.1.

Where the actuary has material involvement in, or responsibility for, the design of parts of the ORSA process, but not all of it, the actuary should confirm with his or her principal (ideally as early in the process as possible or practical) the extent to which the scope of his or her work includes the topics addressed within the sub-sections within 3.1 and, in the case of sub-section 3.1.1, which of the areas mentioned in the bullet points fall within the scope of the work.

5.1.1.3 Establishing a structured approach to uncertainty.

The actuary must take reasonable steps to the extent relevant to his or her involvement and responsibilities to ensure that the ORSA process follows an appropriately structured approach to uncertainty.

In considering/assessing whether the ORSA process follows an appropriately structured approach to uncertainty, the actuary should take into account/consider whether it:

- facilitates sufficient understanding and effective management and communication of areas of uncertainty ("risks"), of evolving exposures to risks, and of the ORSA process;
- facilitates the coherent identification and quantification or, if appropriate, qualitative assessment of all material risks relevant to the ORSA, taking account of the undertaking's risk appetite and risk profile, and how the latter may change over the time period considered under the ORSA;
- provides appropriate clarity around which material risks are subject to qualitative assessment and which to quantitative assessment and that, in both cases, appropriate mechanisms and resources are in place in order that the assessment should be fit for purpose;
- enables new and emerging risks, and approaches to risk, to be incorporated as they are identified;
- enables understanding of the interaction between risks and exposures as they evolve;
- enables the assumption setting process to take account of relevant business developments planned by management;
- ensures appropriate scenario- and stress-testing is carried out, including reverse stress testing, considering also relevant management actions;

Commented [HD(-E4)]: New text, based on what was previously in the preamble to this section, to respond to comments from the Czech Society and the FRC.

26 April 17 – minor, but helpful, corrections to the wording made at the suggestion of SPT members – e.g. replacing « part of the design » with « design of parts of ».

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Commented [HD(-E5)]: New text added for the same reason.

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Commented [HD(-E6)]: Word changed as agreed on the 7th April TF call, in order to respond to the concerns from the Royal Dutch Association that we were introducing a formal 2nd line role/activity here.

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- ensures appropriate back-testing is carried out of past assumptions in light of actual experience and that the results are properly incorporated into assumption-setting for the current [ORSA cycle](#);
- ensures appropriate ongoing review and updating of the [ORSA process](#);
- facilitates the effective triggering and performance of an [ORSA run](#) within a periodic, annual or more frequent [ORSA cycle](#), and as a result of an appropriately-defined [ORSA triggering event](#); and
- enables coherent integration of the [ORSA process](#) within the undertaking's wider business units and processes, and within the relevant decision making of its [AMSB](#).

The [actuary](#) must be in a position to explain and justify the approach he or she has taken to [his or her considerations](#)~~this assessment~~, if reasonably requested to do so.

5.1.23 Deviation from Solvency II balance sheet approach and methodology.

Where the [ORSA process](#) involves an approach to any aspect of balance sheet asset or liability measurement and/or risk quantification that deviates significantly from that used by the undertaking for its supervisory reporting of solvency capital requirement coverage, the [actuary](#) must document the extent of that difference, the rationale for it and its potential consequences.

In considering the significance of any such deviation, the [actuary](#) should [take into account](#)~~consider~~:

- the extent to which the approach is consistent with, or deviates from, the principles and rules of Solvency II;
- the likely consequences of any such deviation, with particular attention paid to the extent to which the financial projections included in the ORSA will facilitate the identification of any material risks to the ability of the undertaking to cover its SCR during the projection period chosen;
- the extent to which the ORSA is suitable for its intended business use; and
- the extent to which the ORSA takes reasonable account of any such deviation having regard to its intended use.

The [actuary](#) must take reasonable steps to ensure that any such deviation and its implications are communicated appropriately to those directly reliant upon the ORSA for the purposes of exercising significant decision making responsibility.

5.1.33 The ORSA consideration period.

The [actuary](#) must take reasonable steps to ensure that the period considered under the [ORSA process](#) is appropriate for its intended purpose.

In determining the appropriateness of the time period selected for the [ORSA process](#), the [actuary](#) should consider the projection period used for business planning purposes and the evolving risk

Commented [HD(-E7)]: After the TF call on 7th April, I wondered whether to replace « assessment » here with another word, but I couldn't think of one other than « consideration », and I didn't feel that that was a step forward. I propose leaving the noun « assessment », but change the « assessing » to « considering » as agreed on the call. (If we get push back from the Dutch, then we could offer « conclusion », I suppose.

25April17 : At the SPT call, Gabor suggested replacing « assessment » with « his or her considerations ». The SPT agreed and so I have made this change here and in 3.2.

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	<p>profile of the undertaking, including:</p> <ul style="list-style-type: none"> the possible future run-off of existing business; the nature and possible run-off of any new business acquired in the future; expected changes to business practices, such as changes in underwriting and claims processes; expected changes in the economic environment which are considered likely to happen; and unexpected changes in the economic environment which are considered possible and plausible, but currently not considered likely. <p>The actuary must be in a position to explain and justify the selection of the time period considered under the ORSA, if reasonably requested to do so.</p>
5.1.43	<p>Inconsistency with the undertaking's risk management approach.</p> <p>Where the actuary has reasonable grounds for believing that there is material inconsistency between the ORSA process and the undertaking's approach to other parts of risk management, the actuary must ensure that such inconsistency is appropriately communicated.</p>
5.23.2	<p>Performance of the ORSA process</p>
5.2.43	<p>Quantitative risk assessment and financial projections</p> <p>The actuary must take reasonable steps to ensure that the risk quantifications and financial projections used in the ORSA process are appropriate for its intended purpose.</p> <p>In consideringassessing whether the quantifications and projections are appropriate, the actuary should take into accountconsider the extent to which:</p> <ul style="list-style-type: none"> aAny calculation simplifications or approximations adopted (relative to the approach taken for published financial results) might result in an inappropriate indication of the significance of a material risk driver or risk; aAssumptions used are appropriate, with sufficient clarity over their derivation; and sScenario-, stress- and sensitivity-testing included are sufficient to indicate the significance of material risk drivers and risks. <p>The actuary must be in a position to explain and justify the approach he or she has taken to his or her considerationthis assessment of appropriateness, if reasonably requested to do so.</p> <p>Where the actuary has reasonable grounds for believing that there is a material shortcoming in the quantifications or projections that renders the ORSA unsuitable for its purpose, then the actuary must ensure that such shortcoming is appropriately communicated.</p>
5.2.23	<p>Qualitative risk assessment</p>

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Commented [HD(-E8)]: Czech suggested wording, as further refined on the TF call on 7th April.

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Commented [HD(-E9)]: This additional text added at the request of the Czech association. One could argue that « projections » includes risk capital quantification already, and so the extra text is not necessary. However, I am happy to add it, if only to appear responsive to feedback received.

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Commented [HD(-E10)]: Added at the request of the Czech association.

Commented [HD(-E11)]: 25April17 – change added after SPT call

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The **actuary** must take reasonable steps, **to the extent relevant to his or her involvement and responsibilities**, to ensure that the qualitative risk assessments used in the **ORSA process** are appropriate for its intended purpose.

In ~~considering~~**assessing** whether the qualitative risk assessments are appropriate, the **actuary** should **take into account**~~consider~~ the extent to which the assessments:

- ~~m~~**M**ake use of relevant past data both from within the undertaking and from other appropriate sources;
- ~~t~~**T**ake into account an appropriately-wide range of relevant scenarios; and
- ~~h~~**H**ave been subject to a sufficiently rigorous internal review process.

The **actuary** must be in a position to explain and justify the approach he or she has taken to **his or her consideration**~~this assessment~~ of appropriateness, if reasonably requested to do so.

Where the **actuary** has reasonable grounds for believing that there is a material shortcoming in the qualitative risk assessments that renders the ORSA unsuitable for its purpose, then the **actuary** must ensure that such shortcoming is appropriately communicated.

Commented [HD(-E12)]: Text added following a suggestion from the Czech Society, which is also consistent with a point made by the FRC.

Commented [HD(-E13)]: 25April17 – chnage added after SPT call.

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