

IAIS「統制機能の監督に関する適用文書」への生命保険協会意見

対象箇所	意見（和文）	意見（英文）
Paragraph 5	<ul style="list-style-type: none"> ICP introduction に記載されたプロポーショナリティ原則への言及を評価する。 しかしながら、本適用文書上には、統制機能の適格性や独立性、内部監査機能、外部委託等に関して一部規範的と思われる記載があることから、IAIS は、各国の法的構造や市場条件、保険会社のリスク特性等に応じた柔軟な監督を行うべきとするプロポーショナリティ原則を十分に考慮したうえで本 AP を適用されたい。 	<ul style="list-style-type: none"> The Life Insurance Association of Japan (hereafter “LIAJ”) appreciates the opportunity to submit public comments to the International Association of Insurance Supervisors (or the “IAIS”) regarding the Application Paper on the Supervision of Control Functions. LIAJ welcomes the references to the proportionality principle stated in the ICP Introduction. However, the proposed Application Paper includes several strict requirements regarding the qualification and independence of control functions, internal audit functions and outsourcing. We would like to respectfully request the IAIS to carefully consider the proportionality principle, which states supervision should be flexible according to the legal structure and market conditions of each jurisdiction, and the risk characteristics of insurance companies when applying the Application Paper.
Paragraph 13, 60, 61	<ul style="list-style-type: none"> 「 While well-defined on paper, the distinction between each of the three lines of defense is not always clear in practice, particularly regarding certain first and second line of defense functions.」 と 	<ul style="list-style-type: none"> We agree with the statement that states “While well-defined on paper, the distinction between each of the three lines of defense is not always clear in practice, particularly regarding certain first and second line of

	<p>の記載に同意する。各国の法制度や各保険会社のビジネスの複雑性や規模等によっては、1 線・2 線・3 線の明確な分離が困難な場合があることを強調したい。</p> <ul style="list-style-type: none"> また、パラグラフ 60 やパラグラフ 61 における「the internal audit function is independent from management and other control functions and is not involved operationally in the business.」や「the internal audit function should only be combined with other control function in exceptional circumstances」など、厳密な分離を求める記載についても、プロポーショナルリティ原則に照らし、一様の対応を求める趣旨ではないことを確認したい。 	<p>defense functions.” We would like to highlight that depending on the legal structure of each jurisdiction, and the complexity and size of each insurance company’s business, it may be difficult to clearly separate the first line, the second line and the third line.</p> <ul style="list-style-type: none"> In addition, Paragraphs 60 and 61 state “the internal audit function is independent from management and other control functions and is not involved operationally in the business” and “the internal audit function should only be combined with other control function in exceptional circumstances”. We would like to confirm these statements that require the strict separation of functions are in line with the proportionality principle and a uniform response is not required.
Paragraph 44	<ul style="list-style-type: none"> パラグラフ 44 において「In addition to assessing whether control functions possess staff with the necessary skills and experience, it is also important to assess whether they have sufficient quantity of staff. （中略） If necessary, supervisors should emphasise to the Board and Senior Management the importance of appropriate staffing levels.」とあるが、ICP5・8 および関連する ComFrame の条文において、 	<ul style="list-style-type: none"> Paragraph 44 states “In addition to assessing whether control functions possess staff with the necessary skills and experience, it is also important to assess whether they have sufficient quantity of staff . . . If necessary, supervisors should emphasise to the Board and Senior Management the importance of appropriate staffing levels”. ICP 5 and 8 as well as the related ComFrame material do not include any

	<p>スタッフの適格性に関して監督者が設けた評価基準に基づき判断することを推奨する記載はみられない。専門性要件や業務範囲の限定に関して一律の基準を設定することは、各国における一般的な人事制度や慣習にも影響しかねないことを理解いただきたい。</p> <ul style="list-style-type: none"> 当該記載は統制機能に従事する個々のスタッフの適格性に関し、当局者が適格性を判断することを推奨する趣旨ではなく、組織として統制機能の役割を果たすために必要なリソースを有していることが重要であることを示す趣旨で記載されていることを確認したい。 	<p>language that suggests that the suitability of staff members would be judged based on the criteria established by the supervisors. It is important to understand that setting a uniform standard for requiring expertise and limiting the scope of work might have unintended consequences on human resource functions and practices in each jurisdiction.</p> <ul style="list-style-type: none"> We would like to confirm this statement is not intended to recommend supervisors to determine the suitability of individual staff members engaged in control functions, but a simple recommendation that the organization has the necessary resources to fulfill the role of control functions.
Paragraph 65, 67	<ul style="list-style-type: none"> パラグラフ 65 において「In some cases, supervisors request the internal audit function to perform specific ad-hoc or bespoke reviews with the scope set by the supervisor.」と、一部法域では当局者が指定する範囲で臨時のレビューを要求することが記載されている。 また、パラグラフ 67 において「Supervisors that use the work of the internal audit function use the following methods to assess the effectiveness of the internal audit function overall and specifically its ability to provide appropriate assurance on the work 	<ul style="list-style-type: none"> Paragraph 65 states “In some cases, supervisors request the internal audit function to perform specific ad-hoc or bespoke reviews with the scope set by the supervisor” and asking for temporary reviews in certain jurisdictions. In addition, Paragraph 67 highlights seven methods that supervisors may use when assessing the effectiveness of internal audit function. We would like to confirm these points are not intended to recommend uniform intervention of supervisors on the internal audit function, but rather

	<p>performed by other control functions : 」として、監督者が内部監査を評価するうえでの視点が列挙されている。</p> <ul style="list-style-type: none"> • これらは、内部監査に関して当局者の関与を一様に推奨する趣旨のものではなく、あくまで例示列挙であることを確認したい。 	<p>just a list of examples.</p>
Paragraph 84	<ul style="list-style-type: none"> • 「Require any outsourcing agreement to give the supervisor the same access to the outsourced provider as to the insurer」とあるが、すべての外部委託契約に対して対応を求められるものではなく、重要性に応じて必要性を判断することを確認したい。 	<ul style="list-style-type: none"> • Paragraph 84 states “Require any outsourcing agreement to give the supervisor the same access to the outsourced provider as to the insurer”. We would like to confirm this is not a mandatory requirement applied to all outsourcing contracts, but rather an option that may or may not be applied by the supervisor depending on the materiality of each contract.

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