

INSURANCE: POSTAL INSURANCE

The EU-Japan Economic Partnership Agreement (EPA) outlines bilateral and multilateral regulatory cooperation with the objective of reinforcing global financial stability and efficient markets. The EPA covers numerous aspects of the insurance services market, ranging from direct insurance (excluding co-insurance), to reinsurance and retrocession, insurance intermediation, and services auxiliary to insurance. This coverage affects EU companies throughout the insurance services industry.



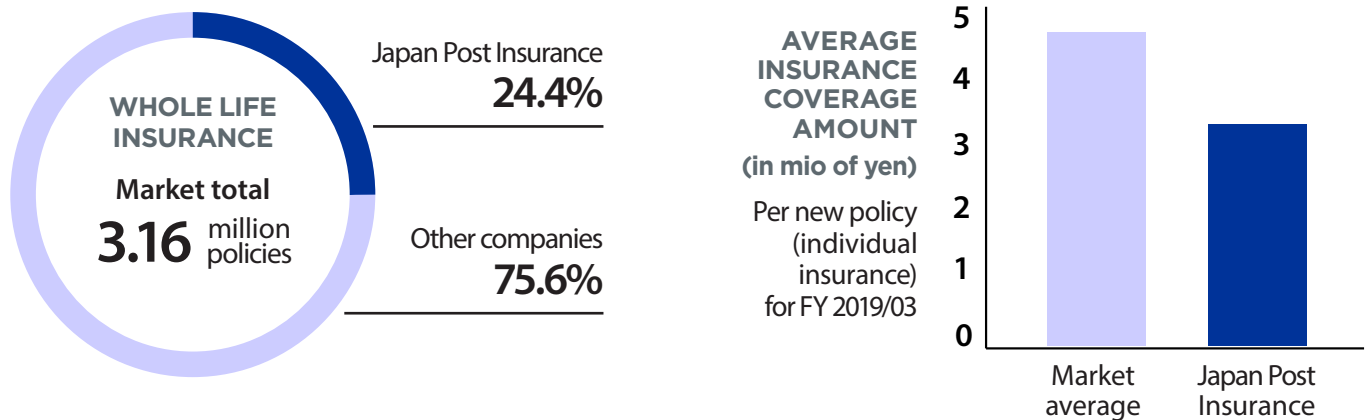
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JAPAN'S INSURANCE MARKET LANDSCAPE

Globally, Japan's insurance market is the world's third-largest, behind the US and China, comprising 8.62% of the world's insurance premiums, and Japan's market for life-insurance comprises nearly 73% of its total insurance market^[1]. Japan's penetration rate (ratio of insurance premiums against GDP) stands at 8.6%, while insurance density (the ratio of premium underwritten in a given year to the total number of population) stands at \$US 4,216^[2]. This is the world's highest insurance density.



POSTAL INSURANCE

Japan Post Holdings is the world's 6th largest insurance company by revenue, at \$US 116.6 Billion. Japan Post holds approximately a quarter of Japan's life-insurance market, and filed to enter non-life insurance market in 2012.



[1] Insurance Information Institute (2019), International Insurance Fact Book 2019.
[2] MS&AD Insurance Group Holdings (2018), Basic Knowledge about the Insurance Industry.

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REGULATORY LANDSCAPE

REGULATORY OUTLOOK IN JAPAN

REGULATORY AGENCY

- The insurance market is regulated by the Financial Services Agency (FSA).

KEY LEGISLATION

- 1995 Insurance Business Act. Basic law of insurance supervisory law. Supervision of insurance and insurance solicitation. Revised in 1996 and in 2016.
- 2008 Insurance Contract Act. Basic rights and obligations of insurers and policy-holders. Classifies insurance contracts into general insurance, life insurance, and accident and sickness insurance.
- 1948 Act on Non-life Insurance Rating Organizations. Regulates operation of insurance rating organizations, who provide reference cost rates.
- Automobile Liability Security Act. Compulsory automobile liability insurance.
- 1966 Earthquake Insurance Act. Government reinsurance for earthquake insurance market.

REGULATORY MEASURES AND GUIDELINES

- Cabinet Order for Enforcement of Insurance Business Law (Cabinet Order No. 425 of 1995)
- Ministerial Ordinance for Enforcement of Insurance Business Law (Ministerial Ordinance of the Ministry of Finance No. 5 of 1996)

HOW IS THE INSURANCE MARKET AFFECTED BY THE EU-JAPAN EPA?

COVERAGE OF THE INSURANCE MARKET:

- EPA Art. 8.59(a)(i)(A),(B), and (C) establish coverage for life and non-life direct insurance (including co-insurance), reinsurance and retrocession, and

insurance intermediation, such as brokerage and agency.

- EPA Art. 8.59(a)(i)(D) establishes coverage for services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.
- EPA Art. 8.66 covers the supply of insurance services by postal insurance entities.

WHAT THIS COVERAGE PROVIDES:

- Art. 8.60 allows European financial service providers established in Japan to offer new financial services in Japan (although this might still require licenses and regulatory authorisation). Includes insurance services.
- EPA Art. 8.62 establishes equal access and non-discrimination concerning membership or participation in, or access to self-regulatory organizations for financial service suppliers. Includes insurance services.
- EPA Art. 8.63 protects information transfers and processing of financial information needed for the conduct of the ordinary business of a financial service supplier. Includes insurance services.
- EPA Art. 8.66 ensures a level playing field between private insurers and postal insurance entities.
- EPA Art. 8.66 also outlines that postal insurance is subject to the same regulations and enforcement activities applied to insurance services by private suppliers.
- EPA Art. 9.2 establishes the free movement of capital for the purpose of liberalisation of investments and other transactions (which can be temporarily interfered with during times of external financial difficulties).
- EPA Annex 8-B outlines the specific commitments taken by Japan and the European Union respectively for services and investment liberalisation.

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CHALLENGES

The EU-Japan EPA offers EU financial-sector businesses more opportunities to participate in Japan's insurance market landscape. EU SMEs should take into consideration that other factors, such as cultural, linguistic, and regulatory barriers will need to be addressed in order to take full advantage of the EU-Japan EPA.

While the introduction of new financial services to the Japanese market cannot be prohibited by regulators on novelty grounds, regulators can still require authorisation, refuse authorisation on prudential grounds, or determine

the judicial form under which the financial service can be supplied. EU SMEs supplying new financial services should still expect regulatory oversight. In particular, qualification requirements and procedures, technical standards and licensing requirements and procedures, which do not constitute a market access or national treatment limitation would apply.

Likewise, Japanese SMEs can still be subject to regulatory authorisation, licensing requirements, macroprudential regulation, and competition policy regulations and thresholds.

MORE INFORMATION

The text and annexes of the EU-Japan EPA can be found on European Commission's DG Trade website:
<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1684>

EU-Japan EPA Chapter on financial services:

http://trade.ec.europa.eu/doclib/docs/2018/august/tradoc_157228.pdf#page=281

Annex 8 of the EU-Japan EPA:

http://trade.ec.europa.eu/doclib/docs/2018/august/tradoc_157232.pdf#page=1



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DISCLAIMER

The Report has been prepared with the sole purpose of clarifying and simplifying the understanding of some parts of the EU-Japan EPA related to insurance, and bear therefore no legal standing.

While utmost care was taken in the preparation of the report, the author, the EU-Japan Centre, and the European Commission cannot be held responsible for any error or omission.

This report does not constitute legal advice in terms of business development cases. As a result, only the legal text and annexes of the EU-Japan EPA, as well as relevant legislation in the EU and Japan prevail.

The Report reflects the view of the author who cannot be held responsible for any use which may be made of the information contained herein.

