

SURVEY OF INVESTMENT REGULATION OF PENSION FUNDS

(Room Document N°7, Session 3)

This document describes the quantitative investment regulations on pension funds in OECD countries, as of December 2002. The information collected concerns all forms of quantitative portfolio restrictions (minima and maxima) applied to autonomous pension funds in OECD countries at different legal levels (law, regulation, industry norms, etc). Table 1 contains only portfolio ceilings on pension fund investment by broad asset classes. Table 2 contains additional quantitative restrictions classified by type of regulation.

Table 1: Portfolio limits on OECD pension fund investment in selected domestic asset categories

<i>Country</i>		<i>Equity</i>	<i>Real Estate</i>	<i>Bonds</i>	<i>Investment funds</i>	<i>Loans</i>	<i>Bank deposits</i>
Australia		No limit	No limit	No limit	No limit	No limit	No limit
Austria		50	20	No limit	No limit	10	No limit
Belgium		No limit (quoted) 10 (4)	No limit	No limit	No limit	No limit	No limit
Canada		No limit	25 (real estate and resource property)	No limit	No limit	No limit	No limit
Czech Republic		25 (quoted)	No limit	No limit	25	0	10
Denmark		70	No limit (if gilt-edged)	No limit (if gilt-edged)	70	No limit (if gilt-edged)	No limit
Finland		50 (quoted) 10 (unquoted)	40	No limit	No limit	70 (mortgage loans, including real estates and buildings 10 (subordinated loans) ³	No limit
Germany	Pensionskassen	35 (quoted) 10 (unquoted)	25	50	35 (incl. Equity)	50 (mortgage) 50 (other)	50
	Pensionsfonds	No limit	No limit	No limit	No limit	No limit	No limit
Hungary ¹		50 (MPF) 60 (VPF)	5 directly, 10 together with real estate investment funds (MPF) 10 directly or through real estate investment funds (VPF)	30 (corporate, municipalities), no limit on financial institutions 25 (mortgage)	50	0 (MPF) 30% of the projected fund income to the liquidity and operational reserves during the maturity of the loan (VPF) 5% to fund members (VPF)	No limit
Iceland		50 (quoted) 10 (unquoted)	0	50 (financial institutions) 50 (municipalities)	No limit	No limit	No limit
Ireland		No limit	No limit	No limit	No limit	No limit	No limit
Italy		No limit	No limit	No limit	20	No limit	20 (liquid assets)
Japan		No limit	No limit	No limit	No limit	0	No limit
Korea		40	15				
Luxembourg		No limit	No limit	No limit	No limit	No limit	No limit
Mexico		0	0	No limit (federal)	0	0	250,000 in local

			government); No limit (AAA corporates); 35 (AA corporates); 5% (A corporates)			currency (Mexican pesos) and US\$ 25,000 in foreign currency plus the required amount for currency matching.	
Netherlands	No limit	No limit	No limit	No limit	No limit	No limit	
New Zealand	No limit	No limit	No limit	No limit	No limit	No limit	
Norway	35	No limit	30 (corporate)	30	1 (unsecured loans)	No limit	
Poland ²	OPF	40 (in quoted shares) 10 (on secondary market or unlisted)	0	30 (mortgage) 15 (municipal) 10 (corporate)	10 (National Investment Funds) 10 (close-ended) 15 (open-ended)	Equal to investment in the shares of the borrower	20
	EPF	No limit	0	5	No limit	Equal to investment in the shares of the borrower	No limit
Portugal	50	45	60 (corporate)	30	25 (mortgage)	30	
Spain	No limit (quoted) 10 (unquoted)	No limit	No limit	No limit	10 (if no mortgage guarantee)	15	
Sweden ⁴	FSR: 0 % IR: - 25 % (quoted) - 10 % (unquoted)	FSR: 4/5 or 2/3 of ratable value, depending on type of estate, or 70 or 60 %, respectively, of the estate's estimated market value IR: 25 %	FSR: no limit (other bonds than those issued by a state or of equal quality must be issued by a credit institution or be guaranteed by such an institution) IR: - no limit if issued by a state or of equal quality - 75 % if other (of which a maximum of 50 % may be issued by companies other than credit institutions) - 10 % if unquoted	FSR: 0 % IR: type of asset in fund must be added to directly owned assets of the same type and the total not exceed the limit for the asset in question (e.g. 25 % for quoted shares)	FSR: no limit (only loans with some form of mortgage guarantee or equal security are allowed) IR: - 25 % (mortgage guarantee in real estate) - 10 % (other security)	FSR: 0 % IR: 75 %	

Switzerland	30	50				
Turkey	No limit	0	No limit	10	10	10
United Kingdom	No limit	No limit	No limit	No limit	No employer-related loans	No limit
United States	No limit	No limit	No limit	No limit	No employer-related loans	No limit

Note: There are no pension funds in the Slovak Republic and Turkey.

(1) MPF stands for mandatory pension fund; VPF for voluntary pension fund

(2) OPF stands for open pension fund, EPF for employee pension funds (closed funds); NIF stands for national investment funds.

(3) No limit if a debtor or a guarantor is an EEA State, municipality, a municipal authority, a parish located in an EEA State, a deposit bank or an insurance company licensed in an EEA State or a bank or an insurance company comparable to the above mentioned;

(4) The Swedish information concerns friendly societies. There are also pension foundations, but these are not subject to uniform investment rules and are therefore not covered here. FSR stands for the investment rules specific to friendly societies. IR stands for the investment rules specific to insurance companies, as most friendly societies have been granted an exception to use apply these rules. The rules only concern assets held to cover technical provisions and have been simplified, given their complex nature.

Table 2: Other quantitative regulations of pension fund assets in OECD countries

	Investment regulation			
	Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
Australia	None	Limited to 10%, being reduced to 5% in 2000/1 Loans or financial assistance to members not permitted	None	None
Austria¹	None	Permitted, but requires the explicit approval of the Supervisory Board and limited to 10%.	At least 35% of the assets must be invested in mortgage bonds, government bonds, and debentures denominated in Euro. Non-Euro investments and foreign property limited to 50% of investments.	None
Belgium	<ul style="list-style-type: none"> - 10% for bonds issued by states, local authorities or companies from outside zone A as intended by Directive 89/647/EEC - 10% for investments in shares traded on a non-regulated market ¹ - 10% for units in undertakings for collective investment in transferable securities not submitted to the legislation of a member state of the Community accordingly directive 85/611/EEC - 5% in real estate certificates - 5% in derivatives - 5% in unsecured loans and 1% in such loans per issuer - 10% for investments in a single property (real estate) 	Limited to 15% of the free assets.	The minimum diversification requirements only apply for the covering assets, for the free assets the sole limitation is the limit on self-investment. Localisation requirement: all assets must be located in Belgium or EC countries. Movable covering assets can be invested outside the Community if the National Bank or a credit institution licensed by the Bank Commission or the competent authority of a member state of the Community certifies that through a branch in the Community, these covering assets are held for the account of the pension institution by a credit institution outside the Community that holds a license issued by a public	None

1 . Pension funds refers to *pensionskassen*, which are under the supervision of the insurance regulator.

	Investment regulation			
	Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
	A maximum of 5% per issuer applies ²		authority with a role similar to that of the Bank Commission.	
Canada	- Maximum 10% of total book value of assets may be invested in securities stocks, bonds and notes of one company or person. - Maximum 5% may be invested in one individual property (15% in any one resource property).	Permitted, but limited to 10% of the fund's assets. Other conflict rules also apply, e.g. related party rules. Securities must be acquired on a public exchange	Maximum 30% of the fund may be invested in foreign securities	Funds may own maximum 30% of voting shares of one company
Czech Republic	Investment in securities from the same issuer limited to 10% of the fund's assets Bank deposit in one bank is limited to 10% The value of one piece of real estate or one movable assets can not exceed the 5% of the fund assets.	Investment in shares of other pension funds is prohibited	Foreign investment is permitted only in case of the securities traded in OECD markets	Pension funds assets can not include more than 20% of the nominal value of securities issued by the same company
Denmark	Limits for any one investment depending on the sort of assets.	A limit of 2 ³ percent of the provisions for investment in any one enterprise (only relevant for company pension funds).	“High-risk assets” (domestic and foreign shares and unlisted securities) limited to 70%. Property and investment-trust holdings limited to 70%. Minimum 80% currency matching requirement. For EU currencies up to 50% of liabilities can be covered by assets denominated in Euro.	A limit of 2(3) percent of the provisions for investment in any one enterprise (only relevant for company pension funds). Prohibited to exercise a controlling influence over the company in question.
Finland²	Yes, assets should be diversified and	Permitted, but limited to 25%.	Minimum 80%. Maximum 20% of the	Of the assets and

2. The Insurance Supervision Authority is legally entitled to impose even lower limits to ensure that in covering their pension liabilities, pension foundations and pension funds take account of the yield and marketability of the assets and ensure that the assets are diversified and adequately spread

		Investment regulation			
		Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
		<p>decentralised within the diversified groups.</p> <p>Main limits:</p> <ul style="list-style-type: none"> - 25% in one single investment eg in guaranteed loans or quoted shares - Maximum 5% of quoted or of unquoted shares of the same company. - At most 15% in one single investment target, if the investment pertains to (i) a single piece of real estate, a building or a real estate corporation, (ii) debt obligations that are secured by mortgage on one investment target or that are secured by shares and holdings in a single real estate corporation 	Maximum 15% in one single functional investment target	<p>assets and obligations may be denominated in currencies other than the euro.</p> <p>All assets must be located in EEA countries, but may be to some extent invested in countries comparable to EEA countries (OECD countries).</p> <p>Maximum 5% of the assets and obligations may be altogether invested in assets in OECD countries other than EEA countries</p>	<p>obligations of the gross sum of the pension, liability may be invested at most:</p> <p>-5% of quoted or of unquoted shares of a single corporation</p>
Germany	Pension-fonds	Yes, maximum 5% by the same issuer, except 30% of state loans, bank deposits and mortgage bonds	Permitted, but limited to 5% and, when the sponsoring undertaking belongs to a group, 10%	70% currency matching requirement.	Permitted, but limited to 5% and, when the sponsoring undertaking belongs to a group, 10%
	Pensionskassen	Yes, maximum 5% by the same issuer, except 30% of state loans, bank deposits and mortgage bonds	Permitted, but limited to 5%	<p>80% currency matching requirement.</p> <p>Main limits on foreign investment:</p> <ul style="list-style-type: none"> 35% in EU equity 25% in EU property 10% in non-EU equity 10% in non-EU bonds 	None

	Investment regulation			
	Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
Hungary	<p>Funds may invest maximum 10% of its assets in securities issued by the same issuer (except for state bonds)</p> <p>Overall value of securities issued by an organisation belonging to the same banking group cannot exceed 20% of the invested fund assets</p>	<p>Funds may not have ownership in business organisations in which the founders of the fund, the employers of the fund members, the donors or service suppliers of the fund own more than 10% of the stakes</p>	<p>Foreign investment is limited to 30% of the fund's assets, and within investments made abroad the ratio of investments made in non-OECD countries shall not exceed 20%</p>	<p>Funds shall not directly own more than 10% of the registered capital or equity of a business organisation for more than a year</p> <p>Funds may own maximum 10% of the securities issued by the same issuer</p>
Iceland	<p>Maximum 10% of total assets can be invested in securities issued by the same party or related parties.</p> <p>Still, there are no limits on investment in securities guaranteed by the State.</p> <p>Maximum 5% of total assets can be invested in uncollateral corporate bonds issued by parties other than financial institutions.</p>	<p>Loans to directors, members of the board or other staff of the pension fund are not permitted except if they are members of the fund and in such cases the loans must be in accordance with the rules that apply to loans to fund members in general.</p>	<p>Total assets in securities other than bonds guaranteed by the State, collateral loans and securities mentioned above: 50%</p> <p>Investment only permitted in OECD securities, up to a maximum of 50% for quoted and 10% for unquoted securities.</p> <p>Foreign currency exposures of more than 50% must be hedged.</p>	<p>Funds may not own more than 15% of the shares of an individual firm, except for companies that exclusively handle services for the pension fund, or more than 25% of shares in a particular equity fund (open-end).</p>
Ireland	<p>None, but any of issue of securities can only represent up to a maximum of 10% of pension fund assets for purposes of proving solvency.</p>	<p>No limit, but company assets can only represent up to a maximum of 5% of assets for purposes of proving solvency. Disclosure of self-investment if in excess of 5% of total assets.</p>	<p>None</p>	<p>None</p>
Italy	<p>Yes, debt and equity securities issued by one issuer is limited to 15% of the fund</p>	<p>Permitted, but limited to 20% in case of one company, and 30% if more companies making contributions to the fund</p>	<p>The fund is obliged to invest minimum 1/3 of the assets in currency in which the benefits will be denominated</p> <p>Debt and equity securities of OECD countries not traded in regulated markets are limited to 50% of fund assets,</p>	<p>Holding of shares of closed-end investment funds is limited to 25% of the closed-end fund's assets</p>

	Investment regulation			
	Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
			Debt and equity securities of non-OECD countries traded in regulated markets are limited to 5% Debt and equity securities of non-OECD countries traded in non-regulated market are prohibited	
Japan	EPF ³ : None TQP ⁴ : not regulated	EPF: None	EPF: None	EPF: None
Korea⁵	Loans to one business group are limited to 5% of the fund (3% for one person). Bonds and shares issued by one business group or company is limited to 5 % of the fund	N/A	Foreign investment limited to 10% of assets.	
Luxembourg	None	None	None	None

3. EPF-employee pension fund

4. TQP-tax qualified plan

5. Pension funds refer to insurance company managed pension funds that support the occupational retirement allowance (severance) system.

	Investment regulation			
	Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
Mexico	<ul style="list-style-type: none"> - Up to 5% of the funds' assets can be invested in debt issued by any single issuer (except for Federal Government and the Central Bank) rated AAA. - Up to 3% of the funds' assets can be invested in debt issued by any single issuer (except for Federal Government and the Central Bank) rated AA. - Up to 1% of the funds' assets can be invested in debt issued by any single issuer (except for Federal Government and the Central Bank) rated A. - A maximum of 15% may be in debt issued by companies belonging to the same group. 	<ul style="list-style-type: none"> - Up to 5% (or under special authorization 10%) of assets may be invested in securities issued by entities with which the Afore has any kind of financial relationship. 	<ul style="list-style-type: none"> - At least 51% of the funds' assets must be invested in inflation-linked or inflation protected securities (except for funds that receive only voluntary contributions). - The portfolio risk is subject to a VaR limit of 0.60%. - A maximum of 5% may be in government repos. - A maximum of 10% may be in instruments issued by private financial institutions. - The lowest rating permitted for instruments of Mexican corporations denominated in foreign currency is BBB-. - Issues must be rated by two authorized rating companies. - Investment in foreign securities is not permitted (but it will in the near future). Siefors can, however, invest up to 10% of their assets in debt of Mexican issuers denominated in US Dollars, Euros or Yens. 	<ul style="list-style-type: none"> - Up to 20% of the amount outstanding of any single issue (except for credit institutions, Federal Government and Mexican Central Bank).
Netherlands	Diversification is required, but no quantitative rules.	Limited to 5% of the fund assets until the level of technical provision, in case of exceeding assets, it can be 10% maximum	None	None
New Zealand	None	None	None	None

	Investment regulation			
	Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
Norway	<p>Diversification is required.</p> <p>Maximum of 0.5% of the portfolio can be invested in a single unsecured loan.</p> <p>Units in a single securities fund or a single investment firm may in the aggregate not exceed 10% of the assets covering the technical</p>	<p>Loans to the employer are permitted only if the loans are secured by pledge, and must not exceed 20% of the total assets. The fund is not permitted to own shares or equity in the company for which the fund is founded.</p>	<p>A minimum of 80% of assets must be denominated in the same currency as the pension fund's technical provisions (in the wide sense). This does not apply, however, if the pension fund in order to satisfy this requirement would have to hold net financial receivables in that currency to a value of 7% or less of its overall assets in other currencies.</p>	None

	Investment regulation			
	Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
	provisions.			
Poland	<p>OPF⁶ and EPF limits: No more than 10 % of the fund's assets shall be invested in public mortgages issued by one entity.</p> <p>No more than 5% of the fund's assets shall be deposited with a single bank or with two or more affiliated banks. No more than 5% may be placed in any other single bank or bank group.</p> <p>No more than 2% (5%) of the fund's assets shall be invested in investment certificates of a single closed-end (open-end) investment fund or a single hybrid investment fund.</p> <p>Total value of the fund's investment in all securities of a single issuer or of two or more affiliated issuers shall not exceed 5 % of the fund's assets</p>	<p>OPF limits: Assets may not be invested in securities issued by a pension fund company or its shareholders, controlled, controlling or associated entities</p> <p>EPF limits: Assets cannot be invested in securities issued by the EPF company.</p> <p>EPFs shall invest no more than 5 % of its assets in securities issued by shareholders of the EPF company and entities associated (12.5% if securities admitted to public trading) At least 7.5% of asset must be invested in securities admitted to public trading.</p>	5% of EPF and OPF 's assets can be invested in foreign securities	OPF limits: Not more than 10% of one issue of mortgages, equities and close-end funds can be purchased by a pension fund
Portugal	<p>Main limits: - 5% in instruments issued by one undertaking and loans granted to a single borrower. - 10% in a single piece of real estate</p>	- 20% in instruments issued by an loans made to companies that by themselves or together with the pension fund manager achieve a dominant position or form part of a group.	<p>At least 80% of the total fund has to be invested in instruments in currencies that are legal tender in Portugal.</p> <p>Overall foreign investment limit of 20%. Sub-limits: - 10% in non-OECD bonds.</p>	Funds may not own more than 10% of the shares of an individual firm. Fund managers may not hold shares conferring them more than 20% of the

6. Open pension funds (mandatory)

	Investment regulation			
	Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
		- 25% in land or buildings used by the sponsors of the fund or by companies that together with the sponsor achieve a dominant position or form of a group.	- 3% in non-OECD stocks.	company's voting rights.
Slovak Republic	Not regulated			
Spain	Investment in a single entity is limited to 10% of the fund's assets.	Limited to 10%.	90% of assets must be invested in organised, officially recognised markets; Deposits and other money market assets must be 1-15%. No limits on investment in OECD securities.	Funds may not hold more than 5% of the market value of the securities issued by a single entity.
Sweden	FSR: none IR: - 5 % (10 % if the total of these investments does not exceed 40 % of the technical provisions) in shares, bonds and other securities (unless issued by a state or equivalent) from the same issuer - 5 % in a single piece of real estate (or group of) - 10 % in investment funds	FSR: none IR: none	FSR: none IR: see first box	FSR: none IR: none
Switzerland	Investment in debt instruments of a single entity (except government bonds, banks and insurance companies) is limited to 10% (5% for foreign assets). Investment in equity of a single company is limited to 10% (5% for foreign assets).	Limited to 10%.	Investment in derivatives for hedging purposes only. There is an overall limit in foreign currency investments of 30% and the following sub-limits: - 25% in equities, - 20% in foreign currency bonds (30% for CHF bonds). There are also aggregate limits for domestic and foreign equity (50%),	None

	Investment regulation			
	Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
			bonds (30%), and real estate and equity (70%).	
Turkey	<p>Maximum 10 percent of fund assets may be invested in one issuer's money and capital market instruments.</p> <p>Maximum 20 percent of fund assets may be invested in money and capital market instruments of one group.</p>	<p>Purchase of money and capital market instruments of the pension company and the portfolio manager is not allowed.</p> <p>The total of the money and capital market instruments issued by companies where the pension company's and portfolio manager's:</p> <ol style="list-style-type: none"> 1) Shareholders having more than 10 percent of its capital, 2) Chairman and members of board of directors, 3) General manager and vice general managers have separately or collectively more than 20 percent of its capital, and total money and capital market instruments issued by the company's and portfolio manager's direct and indirect partnerships may not exceed 20 percent of fund assets. 	<p>Only money and capital market instruments which are traded in the stock exchange may be included in the fund portfolio.</p> <p>Total amount of money and capital market instruments of the companies the fund invests more than 5 percent, may not exceed 40 percent of fund assets. These limitations are not applied for state bonds.</p> <p>Maximum 5 percent of the fund assets may be invested in money and capital market instruments issued by venture capital companies.</p> <p>Maximum 20 percent of fund assets can be invested in the Stock Exchange Money Market.</p> <p>At least 30% of the fund's assets must be invested in government bonds.</p> <p>Maximum 15% percent of the fund assets can be invested in foreign money and capital market instruments.</p> <p>Investment in derivatives for hedging purposes only.</p>	<p>The fund may not own 5 percent or more of capital or all voting rights in any partnership alone, and the funds established by a pension company may not own more than 20 percent of capital or all voting rights collectively, in any partnership.</p>

	Investment regulation			
	Minimum diversification requirements	Self-investment / Conflicts of interest	Other quantitative rules	Ownership concentration limits
United Kingdom	General requirement for diversification and suitability	Yes, employer-related investment is limited to 5%.	No quantitative portfolio restrictions	None
United States	General requirement for diversification	For all DB plans and some DC plans, 10% limit on investment in employer securities or real property; no transactions with parties in interest, unless an exemption applies.	Assets must be under the jurisdiction of US courts.	None