

To: Council of Europe  
Committee on Bioethics

Our  
reference: HLT-12-036

Subject: Letter Insurance Europe to the Committee on Bioethics on CoE consultation

Brussels, 27 April 2012

Dear Committee Members ,

Insurance Europe (formerly the CEA), the European insurance and reinsurance federation, welcomes the opportunity to contribute to the consultation on predictivity, genetic testing and insurance, launched by the Council of Europe (CoE).

As a general remark, Insurance Europe wishes to stress that the insurance market differs from country to country in various respects (e.g. regulation, market structure, products on offer). This diversity is observed in particular for the issues dealt with in the Council of Europe's consultation on predictivity, genetic testing and insurance.

As a result, and given the closed nature of the Council of Europe's questions, Insurance Europe has refrained from answering the questionnaire because it would involve commenting on the merits of the different approaches taken by Member States. Instead, Insurance Europe has set out **key messages** that are applicable to the insurance sector as a whole.

The following observations apply across Europe:

1. Insurers use **relevant and proportionate information** necessary for the risk assessment of the applicant requesting insurance cover. All information should be verifiable and evidence based.
2. Insurers **do not ask applicants to undergo predictive genetic testing**. Also they **generally do not make use of predictive genetic tests results, except in very specific cases defined and regulated at national level**.
3. Insurers generally use and ask for applicants' **family history**.
  - The information obtained is used only if it is relevant and proportionate to the risk insured.
  - Family history information has been used for the last 150 years in life insurance and is socially accepted.
4. Insurers should be able to use **non-genetic predictive** examinations and access to this kind of information should be ensured.
5. **Diagnostic genetic tests** results confirm an already established disease in contrast to predictive genetic tests. Diagnostic tests are relevant to the risk assessment and **their use should not be restricted**.

6. **Data protection** rules are already in place at national and European levels.
  - These rules are currently under revision in the EU.
  - Duplication or/and contradictory rules should be avoided.
7. Countries have **different approaches** already established and in some examples, these approaches are **detailed by law**.
  - It is appropriate to permit individual countries to apply the approach which most closely matches their individual needs and experiences.
8. Insurance Europe strongly **disagrees with a general prohibition** at EU level **of the use of genetic predictive data**
  - A one size fits all approach would not capture the diversity of the markets and will hinder insurers' efforts to contribute to the protection and needs of consumers.
  - More evidence is needed to support the necessity and added value of such a prohibition.

The attached annex contains general information and explanations about genetic testing and insurance underwriting (Section I), health questionnaire and medical examinations (Section II) and other issues addressed in the consultation, namely, data protection, stakeholders' consultation and social aspects and intervention of public authorities (Section III).

Insurance Europe remains at your disposal and looks forward to assisting the Committee with all questions related to the issues mentioned above, as well as any other questions that arise in the course of your consultation.

Yours sincerely,

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