

Commission Implementing Regulation (EU) 2019/2103 of 27 November 2019 amending and correcting Implementing Regulation (EU) 2015/2450 laying down implementing technical standards with regard to the templates for the submission of information to the supervisory authorities in accordance with Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2103

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2009/138/EC of 25 November 2009 of the European Parliament and of the Council on the taking up and pursuit of the business of Insurance and Reinsurance (Solvency II)⁽¹⁾, and in particular Article 35(10), the third subparagraph of Article 244(6) and the second subparagraph of Article 245(6) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2015/2450⁽²⁾ lays down the reporting templates that insurance and reinsurance undertakings as well as groups need to use for reporting to the supervisory authorities information that is necessary for the purposes of supervision.
- (2) Commission Delegated Regulation (EU) 2018/1221⁽³⁾ amended Delegated Regulation (EU) 2015/35⁽⁴⁾ to adapt the prudential framework applicable to insurance and reinsurance undertakings to the introduction of simple, transparent and standardised securitisations. In order to ensure that supervisory authorities receive the necessary information on those and other securitisations, the relevant reporting templates laid down in Implementing Regulation (EU) 2015/2450 should be adapted to take into account those amendments.
- (3) Commission Delegated Regulation (EU) 2019/981⁽⁵⁾ amended Delegated Regulation (EU) 2015/35 to introduce a number of simplifications in the calculation of the Solvency Capital Requirement. Those simplifications concern, amongst others, the look-through approach of collective investment undertakings. The supervision of the use of simplifications requires specific information in different reporting templates. The relevant reporting templates and the related instructions laid down in Implementing Regulation (EU) 2015/2450 should therefore be adapted to take into account those amendments.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/2103. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Delegated Regulation (EU) 2019/981 introduced, amongst others, new requirements for the information to be provided to the supervisory authorities in the regular supervisory report and the solvency and financial condition report on the recognition of the capacity of deferred taxes to absorb present losses. To ensure a proper supervision by supervisory authorities, that information should be supplemented by quantitative, structured and comparable information in the reporting templates. The relevant reporting templates laid down in Implementing Regulation (EU) 2015/2450 should therefore be adapted to take into account those amendments.
- (5) Implementing Regulation (EU) 2015/2450 should therefore be amended accordingly.
- (6) The instructions set out in the template ‘S.25.02 - Solvency Capital Requirement – for groups using the standard formula and partial internal model’, included in Annex III to Implementing Regulation (EU) 2015/2450, contain an error which may lead to the provision of inconsistent or misleading information. In order to ensure that the instructions regarding the information to be reported with respect to groups and individual insurance and re-insurance undertakings are aligned, those instructions should be corrected.
- (7) The amendments provided for in Delegated Regulation (EU) 2019/981 require the submission of information concerning the calculation of the loss-absorbing capacity of deferred taxes. Those amendments are to apply from 1 January 2020. The amendments to the templates set out in Annexes I and II to Implementing Regulation (EU) 2015/2450 that are made to reflect those information requirements should therefore not be binding before 1 January 2020. However, it is important that information concerning the calculation of the loss absorbing capacity of deferred taxes can be submitted, on a voluntary basis, from the entry into force of this Regulation.
- (8) This Regulation is based on the draft implementing technical standards submitted by the European Insurance and Occupational Pensions Authority to the Commission.
- (9) The European Insurance and Occupational Pensions Authority has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Insurance and Reinsurance Stakeholder Group established by Article 37 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 335, 17.12.2009, p. 1.](#)
- (2) Commission Implementing Regulation (EU) 2015/2450 of 2 December 2015 laying down implementing technical standards with regard to the templates for the submission of information to the supervisory authorities according to Directive 2009/138/EC of the European Parliament and of the Council ([OJ L 347, 31.12.2015, p. 1.](#))
- (3) Commission Delegated Regulation (EU) 2018/1221 of 1 June 2018 amending Delegated Regulation (EU) 2015/35 as regards the calculation of regulatory capital requirements for securitisations and simple, transparent and standardised securitisations held by insurance and reinsurance undertakings ([OJ L 227, 10.9.2018, p. 1.](#))
- (4) Commission Delegated Regulation (EU) 2015/35 of 10 October 2014 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) ([OJ L 12, 17.1.2015, p. 1.](#))
- (5) Commission Delegated Regulation (EU) 2019/981 of 8 March 2019 amending Delegated Regulation (EU) 2015/35 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) ([OJ L 161, 18.6.2019, p. 1.](#))
- (6) Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC ([OJ L 331, 15.12.2010, p. 48.](#))

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