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

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)

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.

(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:

Article 1

Implementing Regulation (EU) 2015/2450 is amended as follows:

(1) Annex I is amended in accordance with Annex I to this Regulation;

(2) Annex II is amended in accordance with Annex II to this Regulation;

(3) Annex III is amended in accordance with Annex III to this Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2103. (See end of Document for details)*

Article 2

Annex III to Implementing Regulation (EU) 2015/2450 is corrected in accordance with Annex IV to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 November 2019.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2103. (See end of Document for details)*

ANNEX I

Annex I to Implementing Regulation (EU) 2015/2450 is amended as follows:

(1) in template S.06.02.01, the following column is inserted between columns C0290 and C0300:

SCR calculation approach for CIU
C0292

(2) in template S.25.01.01, the following tables are added:

Approach to tax rate

		Yes/No
		C0109
Approach based on average tax rate	R0590	

Calculation of the adjustment for the loss-absorbing capacity of deferred taxes (voluntary information until 31 December 2019, compulsory as from 1 January 2020)

		Before the shock	After the shock	LAC DT
		C0110	C0120	C0130
DTA	R0600			
DTA carry forward	R0610			
DTA due to deductible temporary differences	R0620			
DTL	R0630			
LAC DT	R0640			
LAC DT justified by reversion of deferred tax liabilities	R0650			
LAC DT justified by reference to probable future taxable	R0660			

economic profit				
LAC DT justified by carry back, current year	R0670			
LAC DT justified by carry back, future years	R0680			
Maximum LAC DT	R0690			

(3) in template SR.25.01.01, the following tables are added:

Approach to tax rate

		Yes/No
		C0109
Approach based on average tax rate	R0590	

Calculation of the adjustment for the loss-absorbing capacity of deferred taxes (voluntary information until 31 December 2019, compulsory from 1 January 2020)

		Before the shock	After the shock	LAC DT
		C0110	C0120	C0130
DTA	R0600			
DTA carry forward	R0610			
DTA due to deductible temporary differences	R0620			
DTL	R0630			
LAC DT	R0640			
LAC DT justified by reversion of deferred tax liabilities	R0650			
LAC DT justified by reference	R0660			