

Commission Implementing Regulation (EU) 2019/2102 of 27 November 2019 amending Implementing Regulation (EU) 2015/2452 with regard to the disclosure of information used in the calculation of the adjustment for the loss-absorbing capacity of deferred taxes (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2102

of 27 November 2019

amending Implementing Regulation (EU) 2015/2452 with regard to the disclosure of information used in the calculation of the adjustment for the loss-absorbing capacity of deferred taxes

(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 the European Parliament and of the Council of 25 November 2009 on the taking up and pursuit of the business of Insurance and Reinsurance (Solvency II)⁽¹⁾, and in particular Article 56 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2019/981⁽²⁾ has amended Delegated Regulation (EU) 2015/35⁽³⁾ to introduce further principles on deferred taxes to ensure a level playing field in the Union. Certain templates laid down in Commission Implementing Regulation (EU) 2015/2452⁽⁴⁾ should be adapted taking into account those amendments.
- (2) Implementing Regulation (EU) 2015/2452 should therefore be amended accordingly.
- (3) The amendments to Delegated Regulation (EU) 2015/35 that require the disclosure of information used in the calculation of the adjustment for the loss-absorbing capacity of deferred taxes are to apply from 1 January 2020. The amendments provided for in this Regulation are made to incorporate those requirements into the relevant templates laid down in Implementing Regulation (EU) 2015/2452. Therefore, this Regulation should apply from the same date.
- (4) This Regulation is based on the draft implementing technical standards submitted by the European Insurance and Occupational Pensions Authority to the Commission.
- (5) 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⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2102. (See end of Document for details)

Article 1

Implementing Regulation (EU) 2015/2452 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.

Article 2

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

It shall apply from 1 January 2020.

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

ANNEX I

Annex I to Implementing Regulation (EU) 2015/2452 is amended as follows:

- (1) in template S.25.01.21 — Solvency Capital Requirement — for undertakings on Standard Formula, the following tables are added:

‘Approach to tax rate

		Yes/No
		C0109
Approach based on average tax rate	R0590	

Calculation of loss absorbing capacity of deferred taxes

		LAC DT
		C0130’
LAC DT	R0640	
LAC DT justified by reversion of deferred tax liabilities	R0650	
LAC DT justified by reference to probable future taxable economic profit	R0660	
LAC DT justified by carry back, current year	R0670	
LAC DT justified by carry back, future years	R0680	
Maximum LAC DT	R0690	

- (2) in template S.25.02.21 — Solvency Capital Requirement — for undertakings using the standard formula and partial internal model the following tables are added:

‘Approach to tax rate

		Yes/No
		C0109
Approach based on average tax rate	R0590	

Calculation of loss absorbing capacity of deferred taxes

		LAC DT
		C0130’
Amount/estimate of LAC DT	R0640	

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2102. (See end of Document for details)

Amount/estimate of LAC DT justified by reversion of deferred tax liabilities	R0650	
Amount/estimate of LAC DT justified by reference to probable future taxable economic profit	R0660	
Amount/estimate of LAC DT justified by carry back, current year	R0670	
Amount/estimate of LAC DT justified by carry back, future years	R0680	
Amount/estimate of Maximum LAC DT	R0690	

- (3) in template S.25.03.21 — Solvency Capital Requirement — for undertakings on Full Internal Models the following tables are added:

‘Approach to tax rate

		Yes/No
		C0109
Approach based on average tax rate	R0590	

Calculation of loss absorbing capacity of deferred taxes

		LAC DT
		C0130’
Amount/estimate of LAC DT	R0640	
Amount/estimate of LAC DT justified by reversion of deferred tax liabilities	R0650	
Amount/estimate of LAC DT justified by reference to probable future taxable economic profit	R0660	
Amount/estimate of LAC DT justified by carry back, current year	R0670	

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2102. (See end of Document for details)

Amount/estimate of LAC DT justified by carry back, future years	R0680	
Amount/estimate of Maximum LAC DT	R0690	

ANNEX II

Annex II to Implementing Regulation (EU) 2015/2452 is amended as follows:

- (1) in section ‘S.25.01 — Solvency Capital Requirement – for undertakings on standard formula’, the following rows are added in the table:

‘Approach to tax rate		
R0590/C0109	Approach based on average tax rate	One of the options in the following closed list shall be used: 1 – Yes 2 – No 3 – Not applicable as LAC DT is not used (in this case R0640 to R0690 are not applicable) See EIOPA Guidelines on loss-absorbing capacity of technical provisions and deferred taxes (EIOPA-BoS-14/177) ^a
Calculation of adjustment for loss-absorbing capacity of deferred taxes		
R0640/C0130	LAC DT	Amount of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation (EU) 2015/35. The LAC amount of this cell should be the same as the value in the cell R0150/C0100 in S.25.01.
R0650/C0130	LAC DT justified by reversion of deferred tax liabilities	Amount of loss-absorbing capacity of deferred taxes, calculated in accordance with Article 207 of Delegated Regulation (EU) 2015/35 justified by

^a Guidelines EIOPA-BoS-14/177 of 2 February 2015 on the loss-absorbing capacity of technical provisions and deferred taxes (<https://eiopa.europa.eu/publications/eiopa-guidelines/guidelines-on-the-loss-absorbing-capacity-of-technical-provisions-and-deferred-taxes>).’;