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Commission Implementing Regulation (EU) 2016/1800 of 11 October 2016 laying down implementing technical standards with regard to the allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps in accordance with Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1800

of 11 October 2016

laying down implementing technical standards with regard to the allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps 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 109a(1) thereof,

Whereas:

(1) In accordance with Article 111(1)(n) of Directive 2009/138/EC, the allocation of credit assessments of external credit assessment institutions (ECAIs) to an objective scale of credit quality steps for the purposes of the calculation of the solvency capital requirement (the 'allocation') needs to be consistent with the use of external credit assessments of ECAIs in the calculation of the capital requirements for credit institutions and financial institutions, as defined in Regulation (EU) No 575/2013 of the European Parliament and of the Council[(2)].

(2) Commission Implementing Regulation (EU) 2016/1799[(3)] establishes the mapping methodology for the use of external credit assessments of ECAIs in the calculation of the capital requirements for credit institutions and financial institutions, in particular the rules on how the relevant credit assessments are made correspondent to the six credit quality steps laid down in Regulation (EU) No 575/2013.

(3) For the purposes of the calculation of the solvency capital requirement, Article 3 of Commission Delegated Regulation (EU) 2015/35[(4)] provides that the allocation is subject to a system of seven credit quality steps in contrast to the six credit quality steps laid down in Regulation (EU) No 575/2013 and used in the mapping methodology for credit institutions and financial institutions.

(4) In order to achieve the consistency required under Article 111(1)(n) of Directive 2009/138/EC, the allocation is based on the mapping methodology for credit institutions and financial institutions subject to alterations, where appropriate, taking into account

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the extra step laid down in the credit quality system of relevance for the calculation of the solvency capital requirement.

(5) This Regulation establishes an allocation arrangement, taking into account quantitative and qualitative factors. It is necessary to avoid causing undue material disadvantage on those ECAIs which, due to their more recent entrance in the market, present limited quantitative information, with the view to balancing prudential with market concerns. Therefore, where there is limited quantitative information, the relevance of the quantitative factors for deriving the mapping should be relaxed. Updates to the mapping should be made whenever this becomes necessary to reflect quantitative information collected after the entry into force of the present Regulation.

(6) The allocation arrangements apply to credit assessments of ECAIs, which are credit rating agencies that are registered or certified in accordance with Regulation (EC) No 1060/2009 of the European Parliament and of the Council[(5)] or central banks issuing credit ratings which are exempt from the application of that Regulation, as well as to credit assessments endorsed by an ECAI in accordance with Regulation (EC) No 1060/2009.

(7) This Regulation is based on the draft implementing technical standards submitted by the European supervisory authorities (ESAs) (the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority) to the Commission.

(8) On 29 March 2016, the Commission notified the Joint Committee of the ESAs of its intention to endorse the draft implementing technical standards with amendments in order to ensure a balance between a solid prudential approach and the need to avoid further concentration in an already very concentrated credit rating market dominated by three large ECAIs with a combined market share of around 90 %. In its notification, the Commission highlighted in particular the need to avoid the automatic application after three years of a more conservative mapping to all ECAIs which did not produce sufficient ratings and irrespective of the quality of their ratings, as this approach would risk creating a regulatory barrier to market entry and undermine the competitive position of smaller/newer ECAIs simply because they do not produce as many ratings as large incumbent firms. In its formal opinion of 12 May 2016, the Joint Committee of the ESAs confirmed its initial position and did not resubmit implementing technical standards amended in a way consistent with the Commission's proposed amendments.

(9) In order to ensure a balance between a solid prudential approach and competition in the credit rating market, the draft implementing technical standards should be amended in respect of provisions that may cause undue material disadvantage to smaller/newer ECAIs due to their more recent entrance in the market, in particular the provisions concerning application of a more conservative treatment in case of limited data, the entry into force of a new mapping automatically as of 2019, the provision concerning the review of the mapping and the mapping tables applicable as of 2019.

(10) The European Supervisory Authorities have 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 Banking

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Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council[(6)], the Insurance and Reinsurance Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council[(7)], and of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council[(8)],

HAS ADOPTED THIS REGULATION:

Article 1

The allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps shall be that set out in the Annex.

Article 2

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.

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[F1 ANNEX

Allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps in accordance with Directive 2009/138/EC

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2020/744 of 4 June 2020 on amending Implementing Regulation (EU) 2016/1800 laying down implementing technical standards with regard to the allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps in accordance with Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance).

Credit quality step	0	1	2	3	4	5	6
ACRA Europe a.s (formerly European Rating Agency a.s.)							
Global long-term rating scale	**AAA**	**AA**	**A**	**BBB**	**BB**	**B**	**CCC, CC, C, D**
Global short-term rating scale		**S1**		**S2**	**S3, S4, NS**		
AM Best Europe-Rating Services Ltd.							
Long-term issuer credit ratings scale	**aaa**	**aa, aa-**	**a+, a, a-**	**bbb+, bbb, bbb-**	**bb+, bb, bb-**	**b+, b, b-**	**ccc+, ccc, ccc-, cc, c, d, e, f, s**
Long-term issue ratings scale	**aaa**	**aa, aa-**	**a+, a, a-**	**bbb+, bbb, bbb-**	**bb+, bb, bb-**	**b+, b, b-**	**ccc+, ccc, ccc-, cc, c, d, s**
Financial strength ratings scale		**A++, A+**	**A, A-**	**B++, B+**	**B, B-**	**C++, C+**	**C, C-, D, E, F, S**
Short-term issuer		**AMB-1+**	**AMB-1-**	**AMB-2, AMB-3**	**AMB- 4, d, e, f, s**		

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ratings scale							
Short-term issue ratings scale		**AMB-1+**	**AMB-1-**	**AMB-2, AMB-3**	**AMB- 4, d, s**		
ARC Ratings S.A.							
Medium and long-term issuers rating scale	**AAA**	**AA**	**A**	**BBB**	**BB**	**B**	**CCC, CC, C, D**
Medium and long-term issues rating scale	**AAA**	**AA**	**A**	**BBB**	**BB**	**B**	**CCC, CC, C, D**
Short-term issuers rating scale		**A-1+**	**A-1**	**A-2, A-3**	**B, C, D**		
Short-term issues rating scale		**A-1+**	**A-1**	**A-2, A-3**	**B, C, D**		
ASSEKURATA Assekuranz Rating-Agentur GmbH							
Long-term credit rating scale	**AAA**	**AA**	**A**	**BBB**	**BB**	**B**	**CCC, CC/C, D**
Short-term corporate rating scale		**A++**	**A**		**B, C, D**		
Axesor Risk Management SL							
Global rating scale	**AAA**	**AA**	**A**	**BBB**	**BB**	**B**	**CCC, CC, C, D, E**
Banque de France							