



EIOPA-BoS-19/092  
2 April 2019

**Draft amendment to Commission  
Implementing Regulation (EU)  
2015/2452 of 2 December 2015 laying  
down implementing technical standards  
with regard to the procedures, formats  
and templates of the solvency and  
financial condition report**



EUROPEAN COMMISSION

Brussels, XXX  
[...](2018) XXX draft

**COMMISSION IMPLEMENTING REGULATION (EU) No .../..**

**of [ ]**

# COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

## **amending Implementing Regulation (EU) 2015/2452 laying down implementing technical standards with regard to the procedures, formats and templates of the solvency and financial condition report 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 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)<sup>1</sup>, and in particular Articles 56 and Article 256(5) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) .../... has amended Delegated Regulation (EU) 2015/35, to introduce further principles on deferred taxes aiming to ensure a level playing field in the Union. Certain templates provided by Implementing Regulation (EU) 2015/2452, should be adapted taking into account those amendments.
- (2) In accordance with Commission Delegated Regulation (EU) .../... since the amendments concern the calculation of the loss-absorbing capacity of deferred taxes, the application date has been set to 1 January 2020.
- (3) Implementing Regulation (EU) 2015/2452 should therefore be amended accordingly.
- (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<sup>2</sup>,

HAS ADOPTED THIS REGULATION:

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<sup>1</sup> OJ L 335, 17.12.2009, p. 1.

<sup>2</sup> 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).

*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 on the 1 January 2020.

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

Done at Brussels,

[...].

## ANNEX I

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

(1) template S.25.01.21 is amended as follows:

- a) S.25.01.21.03 table is added after the “Calculation of Solvency Capital Requirement” table:  
 “Approach to tax rate

		Yes/No
		C0109
“Approach based on average tax rate	R0590	“;

- b) the following table is added after table S.25.01.21.03:  
 “Calculation of loss absorbing capacity of deferred taxes

		Before the shock	After the shock	LAC DT
		C0110	C0120	C0130
DTA	R0600			<del>“;</del>
DTA carry forward	R0610			<del>“;</del>
DTA due to deductible temporary differences	R0620			<del>“;</del>
DTL	R0630			<del>“;</del>
LAC DT	R0640			
LAC DT justified by reversion of deferred tax liabilities	R0650			
LAC DT justified by reference to probable future taxable 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) template S.25.02.21 is amended as follows:

- a) S.25.02.01.03 table is added after the “Calculation of Solvency Capital Requirement” table:  
 “Approach to tax rate

Yes/No
C0109

“Approach based on average tax rate	R0590	“;
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b) the following table is added after table S.25.02.01.03:  
“Calculation of loss absorbing capacity of deferred taxes

		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 profit	R0660			
LAC DT justified by carry back, current year	R0670			
LAC DT justified by carry back, future years	R0680			
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 inserted after row R0440/C0100:

<b>“Approach to tax rate</b>		
R0590/C0109	Approach based on average tax rate	One of the options in the following closed list shall be used: 1 – Yes 2 – No
<b>Calculation of loss absorbing capacity of deferred taxes</b>		
R0600/C0110	DTA before the shock	Total amount of the Deferred Tax Assets in Solvency II balance-sheet before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35. The DTA amount of this cell should be consistent with the value in the cell R0040/C0010 in S.02.01
R0600/C0120	DTA after the shock	Total amount of the Deferred Tax Assets if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated

		Regulation 2015/35. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0610/C0110	DTA carry forward - before the shock	Amount of deferred tax assets in Solvency II balance-sheet due to carry forward of previous losses or tax deductions before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35
R0610/C0120	DTA carry forward - after the shock	Amount of deferred tax assets due to carry forward of previous losses or tax deductions if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0620/C0110	DTA due to deductible temporary differences- before the shock	Amount of deferred tax assets in Solvency II balance-sheet due to differences between the Solvency II value of an asset or liability and its tax base before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35
R0620/C0120	DTA due to deductible temporary differences - after the shock	Amount of deferred tax assets due to differences between the Solvency II value of an asset or liability and its tax base if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0630/C0110	DTL - before the shock	Amount of Deferred Tax Liabilities in Solvency II balance-sheet before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35. The DTL amount of this cell should be consistent with the value in the cell R0780/C0010 in S.02.01.
R0630/C0120	DTL - after the shock	Amount of Deferred Tax Liabilities if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35 This shall not be filled in case of an average taxed rate approach. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0640/C0130	LAC DT	Amount of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35. The LAC amount of this cell should be consistent with the value in the cell R0150/C0100 in S.25.01.01.
R0650/C0130	LAC DT justified by reversion of deferred tax liabilities	Amount of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35 justified by reversion of deferred tax liabilities
R0660/C0130	LAC DT justified by reference to	Amount of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated

	probable future taxable profit	Regulation 2015/35 justified by reference to probable future taxable profit
R0670/C0130	LAC DT justified by carry back, current year	Amount of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35 justified by profits from past years. Losses to steam during the first year of the stress of the SCR.
R0680/C0130	LAC DT justified by carry back, future years”	Amount of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35 justified by profits from past years. Losses to steam in all future years after the year of the stress of the SCR.
R0690/C0130	Maximum LAC DT	Maximal amount of LAC DT that could be available, before assessing the utilisation as provided in Article 207(2) of Delegated Regulation 2015/35”;

- (2) In section S.25.02 — Solvency Capital Requirement – for undertakings using the standard formula and partial internal model the table is amended as follows:
- (a) the following rows are inserted after row R0440/C0100:

<b>Approach to tax rate</b>		
“R0590/C0109	Approach based on average tax rate	One of the options in the following closed list shall be used: 1– Yes 2 – No
<b>Calculation of loss absorbing capacity of deferred taxes</b>		
R0600/C0110	DTA Before the shock	Total amount of the Deferred Tax Assets in Solvency II balance-sheet before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35. The DTA amount of this cell should be consistent with the value in the cell R0040/C0010 in S.02.01
R0600/C0120	DTA After the shock	Total amount/estimate of the Deferred Tax Assets if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0610/C0110	DTA carry forward- Before the shock	Amount of deferred tax assets in Solvency II balance-sheet due to carry forward of previous losses or tax deductions before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35
R0610/C0120	DTA carry forward - After the shock	Amount/estimate of deferred tax assets due to carry forward of previous losses or tax deductions if a Solvency II balance-sheet was set up after the shock-loss equivalent to the



		SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0620/C0110	DTA due to deductible temporary differences- Before the shock	Amount of deferred tax assets in Solvency II balance-sheet due to differences between the Solvency II value of an asset or liability and its tax base before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35
R0620/C0120	DTA due to deductible temporary differences - After the shock	Amount/estimate of deferred tax assets due to differences between the Solvency II value of an asset or liability and its tax base if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0630/C0110	DTL - Before the shock	Amount of Deferred Tax Liabilities in Solvency II balance-sheet before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35. The DTL amount of this cell should be consistent with the value in the cell R0780/C0010 in S.02.01.
R0630/C0120	DTL - After the shock	Amount/estimate of Deferred Tax Liabilities if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35 This shall not be filled in case of an average taxed rate approach. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0640/C0130	LAC DT	Amount/estimate of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35. The LAC amount of this cell should be consistent with the value in the cell R0310/C0100 in S.25.02.01.
R0650/C0130	LAC DT justified by reversion of deferred tax liabilities	Amount/estimate of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35 justified by reversion of deferred tax liabilities
R0660/C0130	LAC DT justified by reference to probable future taxable profit	Amount/estimate of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35 justified by reference to probable future taxable profit
R0670/C0130	LAC DT justified by carry back, current year	Amount/estimate of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35 justified by profits from past years. Losses to steam during the first year of the stress of the SCR.
R0680/C0130	LAC DT justified by carry back, future	Amount/estimate of loss-absorbing capacity of deferred taxes, as defined in Article 207 of

	years”	Delegated Regulation 2015/35 justified by profits from past years. Losses to stem in all future years after the year of the stress of the SCR.
R0690/C0130	Maximum LAC DT	Maximal amount of LAC DT that could be available, before assessing the utilisation as provided in Article 207(2) of Delegated Regulation 2015/35”;

(3) In section S.25.03 — Solvency Capital Requirement – for groups using full internal model the table is amended as follows:

(b) the following rows are inserted after row R0460/C0100:

“R0590/C0109	Approach based on average tax rate	One of the options in the following closed list shall be used: 1– Yes 2 – No
<b>Calculation of loss absorbing capacity of deferred taxes</b>		
R0600/C0110	DTA Before the shock	Total amount of the Deferred Tax Assets in Solvency II balance-sheet before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35. The DTA amount of this cell should be consistent with the value in the cell R0040/C0010 in S.02.01
R0600/C0120	DTA After the shock	Total amount/estimate of the Deferred Tax Assets if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0610/C0110	DTA carry forward- Before the shock	Amount of deferred tax assets in Solvency II balance-sheet due to carry forward of previous losses or tax deductions before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35
R0610/C0120	DTA carry forward - After the shock	Amount/estimate of deferred tax assets due to carry forward of previous losses or tax deductions if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0620/C0110	DTA due to deductible temporary differences- Before the shock	Amount of deferred tax assets in Solvency II balance-sheet due to differences between the Solvency II value of an asset or liability and its tax base before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35
R0620/C0120	DTA due to deductible	Amount/estimate of deferred tax assets due to differences between the Solvency II value of

	temporary differences - After the shock	an asset or liability and its tax base if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0630/C0110	DTL - Before the shock	Amount of Deferred Tax Liabilities in Solvency II balance-sheet before the shock described in Article 207(1) and (2) of Delegated Regulation 2015/35. The DTL amount of this cell should be consistent with the value in the cell R0780/C0010 in S.02.01.
R0630/C0120	DTL - After the shock	Amount/estimate of Deferred Tax Liabilities if a Solvency II balance-sheet was set up after the shock-loss equivalent to the SCR, as provided in Article 207(1) and (2) of Delegated Regulation 2015/35 This shall not be filled in case of an average taxed rate approach. This cell is to be left blank if R0590/C0109 is filled with “1-Yes”.
R0640/C0130	LAC DT	Amount/estimate of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35. The LAC amount of this cell should be consistent with the value in the cell R0310/C0100 in S.25.02.01.
R0650/C0130	LAC DT justified by reversion of deferred tax liabilities	Amount/estimate of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35 justified by reversion of deferred tax liabilities
R0660/C0130	LAC DT justified by reference to probable future taxable profit	Amount/estimate of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35 justified by reference to probable future taxable profit
R0670/C0130	LAC DT justified by carry back, current year	Amount/estimate of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35 justified by profits from past years. Losses to stem during the first year of the stress of the SCR.
R0680/C0130	LAC DT justified by carry back, future years”	Amount/estimate of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation 2015/35 justified by profits from past years. Losses to stem in all future years after the year of the stress of the SCR.
R0690/C0130	Maximum LAC DT	Maximal amount of LAC DT that could be available, before assessing the utilisation as provided in Article 207(2) of Delegated Regulation 2015/35”.