



EIOPA-BoS-19/092  
15 July 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,

Whereas:

- (1) Commission Delegated Regulation (EU) 2019/981<sup>2</sup> has amended Commission Delegated Regulation (EU) 2015/35<sup>3</sup>, to introduce further principles on deferred taxes aiming to ensure a level playing field in the Union. Certain templates provided by Commission Implementing Regulation (EU) 2015/2452<sup>4</sup>, should be adapted taking into account those amendments.
- (2) Implementing Regulation (EU) 2015/2452 should therefore be amended accordingly.
- (3) Those amendments provided for in Commission Delegated Regulation (EU) 2019/981 which require the disclosure of information concerning the calculation of the loss-absorbing capacity of deferred taxes, are to apply from 1 January 2020. As 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, those amendments should apply from the same date.

---

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

<sup>2</sup> 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 299, 26.11.2018, p. 5).

<sup>3</sup> 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).

<sup>4</sup> 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 in accordance with Directive 2009/138/EC of the European Parliament and of the Council (OJ L 347, 31.12.2015, p. 1285)

- (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>5</sup>,

HAS ADOPTED THIS REGULATION:

*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,

[...].

---

<sup>5</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).

**ANNEX I**

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

(1) in template S.25.01.21, the following is 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 the following is 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	R0650	

justified by reversion of deferred tax liabilities		
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 the following is 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	
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 EN) <sup>6</sup>
<b>Calculation of loss absorbing capacity of deferred taxes</b>		
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.25.01.01.
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 (EU) 2015/35 justified by reversion of deferred tax liabilities
R0660/C0130	LAC DT justified by reference to probable future taxable economic profit	Amount of loss-absorbing capacity of deferred taxes, as defined in Article 207 of Delegated Regulation (EU) 2015/35 justified by reference to probable future taxable economic 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 (EU) 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 (EU) 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 (EU) 2015/35”;

(2) in section S.25.02 — Solvency Capital Requirement – for undertakings using the standard formula and partial internal model, the following rows are added in the table:

<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 3 – Not applicable as LAC DT is not used (in

<sup>6</sup> <https://eiopa.europa.eu/publications/eiopa-guidelines/guidelines-on-the-loss-absorbing-capacity-of-technical-provisions-and-deferred-taxes>

		this case R0640 to R0690 are not applicable) See EIOPA Guidelines on loss-absorbing capacity of technical provisions and deferred taxes
<b>Calculation of loss absorbing capacity of deferred taxes</b>		
R0640/C0130	Amount/estimate of 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 the same as the value in the cell R0310/C0100 in S.25.02.01.
R0650/C0130	Amount/estimate of 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	Amount/estimate of LAC DT justified by reference to probable future taxable economic 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 economic profit
R0670/C0130	Amount/estimate of 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	Amount/estimate of 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 steam in all future years after the year of the stress of the SCR.
R0690/C0130	Amount/estimate of 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 following rows are added in the table:

“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
<b>Calculation of loss absorbing capacity of deferred taxes</b>		
R0640/C0130	Amount/estimate of 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 the same as the value in the cell R0310/C0100 in S.25.02.01.
R0650/C0130	Amount/estimate of 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	Amount/estimate of LAC DT justified by reference to probable future taxable economic 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 economic profit
R0670/C0130	Amount/estimate of 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	Amount/estimate of 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	Amount/estimate of 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”.