

(only the Italian version is authentic)

IVASS REGULATION NO. 21 OF 10 MAY 2016

REGULATION CONCERNING PERIODIC QUANTITATIVE INFORMATION TO BE TRANSMITTED TO IVASS FOR PURPOSES OF FINANCIAL STABILITY AND MACRO PRUDENTIAL SUPERVISION AND RELATIVE DATA TRANSMISSION TERMS AND PROCEDURES, PURSUANT TO ARTICLES 190 AND 191 OF LEGISLATIVE DECREE NO. 209 OF 7 SEPTEMBER 2005 - CODE OF PRIVATE INSURANCE RESULTING FROM THE NATIONAL IMPLEMENTATION OF THE EIOPA GUIDELINES ON REPORTING AND DISCLOSURE REQUIREMENTS (3RD PILLAR REQUIREMENTS)

INSTITUTE FOR THE SUPERVISION OF INSURANCE

HAVING REGARD to Law No. 576 of 12 August 1982, on the reform of insurance supervision and the establishment of ISVAP;

HAVING REGARD to article 13 of Decree Law No. 95 of 6 July 2012, converted into Law No. 135 of 7 August 2012, concerning urgent measures for the review of public spending with unchanged services for citizens and establishing the institution of IVASS;

HAVING REGARD to Legislative Decree No. 209 of 7 September 2005, introducing the Code of Private Insurance, as amended by Legislative Decree No. 74 of 12 May 2015, implementing Directive No. 2009/138/EC on the taking up and pursuit of the business of insurance and reinsurance and, in particular, articles 47-quater, paragraph 5, 210, 216-sexies, 222 and 222-bis;

HAVING REGARD to articles 35 and 254 of Directive No. 2009/138/EC on the taking up and pursuit of the business of insurance and reinsurance;

HAVING REGARD to the Delegated Regulation (EU) 2015/35 of the Commission of 10 October 2014 supplementing Directive No. 2009/138/EC on the taking up and pursuit of the business of insurance and reinsurance, and in particular articles 304 and 305;

HAVING REGARD to the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 laying down implementing technical standards with regard to the templates for the submission of information to the supervisory authorities according to Directive 2009/138/EC of the European Parliament and of the Council;

HAVING REGARD to articles 8, 16, 32, 35 and 36 of 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 No. 2009/79/EC;

HAVING REGARD to the Guidelines issued by EIOPA on reporting for the purposes of financial stability and the technical annexes A, B and C;

HAVING REGARD to IVASS Regulation No. 3 of 5 November 2013 on the implementation of the provisions of article 23 of Law No. 262 of 28 December 2005, concerning procedures for the adoption of regulatory and general acts of IVASS;

has adopted the following

REGULATION

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TITLE I GENERAL RULES

Art. 1 (Legislative sources)

1. This regulation is adopted in accordance with articles 190 and 191 of Legislative Decree No. 209 of 7 September 2007.

Art. 2 (Definitions)

1. For the purposes of this Regulation the applicable definitions shall be those laid down by Legislative Decree No. 2005 of 7 September 2005 and by Delegated Regulation 35/2015 of the European Commission. In addition, the following definitions shall apply:
 - a) "Code": Legislative Decree No. 209 of 7 September 2005, as amended by Legislative Decree No. 74 of 12 May 2015;
 - b) "Delegated Acts": The Delegated Regulation 2015/35 of the Commission of 10 October 2014, supplementing Directive No. 2009/138/EC on the taking up and pursuit of the business of insurance and reinsurance;
 - c) "Technical Annex A": the technical annex A to the EIOPA Guidelines on information for purposes of financial stability;
 - d) "Technical Annex B": the technical annex B to the EIOPA Guidelines on information for purposes of financial stability;

Art. 3 (Scope)

1. The provisions of this regulation shall apply to:
 - a) insurance and reinsurance undertakings having their head office in the territory of the Italian Republic;
 - b) branches established in the territory of the Italian Republic of insurance and reinsurance undertakings having their head offices in a third State.
 - c) the ultimate Italian parent companies pursuant to art. 210 of the Code.

Art. 4 (General criteria for the identification of entities subject to the information requirements)

1. The entities that shall be subject to information requirements are:
 - a) the entities referred to in art. 3, paragraph 1, letter c) whose total assets as resulting from the consolidated financial statement of solvency exceed EUR 12 billion;
 - b) the entities referred to in art. 3, paragraph 1, letters a) and b), whose total

assets as resulting from the financial statement of solvency exceed EUR 12 billion, that are not part of a group already subject to information requirements referred to in letter a);

- c) the other entities identified and promptly informed through communication from IVASS, relevant for purposes of financial stability.
2. The provisions referred to in paragraph 1, letters a) and b) shall not apply to entities that are part of a group that is already communicating information in accordance with the EIOPA Guidelines on information for purposes of financial stability and the relevant national rules of implementation.
3. In cases where the deduction and aggregation method is used for the calculation of the solvency capital requirement referred to in article 216-sexies and relative implementing provisions of the Code, solely or in combination with the method based on the consolidated financial statements referred to in the same article, IVASS shall evaluate the threshold referred to in paragraph 1, letter a) considering the total activities of the group reported in the financial statements for purposes of solvency and the assets of the undertakings for which the deduction and aggregation method was used.
4. The undertakings referred to in article 3 that have been allowed to limit the information of supervision pursuant of article 47-quater, paragraph 5 of the Code, shall not be required to provide the quantitative information referred to in articles 8 and 9 for insurance and reinsurance groups, 10 and 11 for insurance and reinsurance undertakings and the branches of third Countries.
5. The entities not subject to the requirement referred to in this regulation which, at the end of a financial year, communicate a total assets resulting from the financial statement of solvency greater than EUR 13 billion, shall be subject to the provisions of this regulation starting from the third quarter of the financial year following that in which the exceeding of the threshold takes place.
6. The entities not subject to the requirement referred to in this regulation which, at the end of two consecutive financial years, communicate a total of assets resulting from the financial statements of solvency between EUR 12 billion and EUR 13 billion shall be subject to the provisions of this regulation from the third quarter of the second year following that in which the exceeding of the threshold takes place.
7. The entities subject to the requirement referred to in this regulation which, at the end of a financial year, communicate a total of assets resulting from the financial statement of solvency lower than EUR 11 billion, shall not be subject to the provisions of this regulation starting from the first quarter of the financial year following that in which the failure to reach the threshold takes place.
8. The entities subject to the requirement referred to in this regulation which, at the end of two consecutive financial years, communicate a total of assets resulting from the financial statement of solvency between EUR 11 billion and EUR 12 billion, shall not be subject to the provisions of this regulation starting from the first quarter of the second year following that in which the lack of reaching the threshold takes place.

Art. 5
(Currency)

1. All data defined as "monetary" shall be communicated in the reporting currency, pursuant to article 1 of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities that requires the conversion of any other currency into the reporting currency.
2. When expressing the value of assets and liabilities denominated in a currency different from the reporting currency, this value shall be converted into the reporting currency at the closure rate of the last day for which the rate is available in the reference period to which the asset or liability refers.
3. When expressing the value of any incomes or expenses, the value shall be converted into the reporting currency using such basis of conversion as that used for accounting purposes.
4. The conversion into the reporting currency shall be calculated by applying the exchange rate from the same source as that used for the insurance or reinsurance undertaking's financial statements in case of individual reporting or for the consolidated financial statements in case of group reporting, unless otherwise required by IVASS.

TITLE II
QUANTITATIVE SUPERVISORY INFORMATION ON FINANCIAL STABILITY

Art. 6
(General principles in the preparation of data)

1. The entities referred to in article 3 paragraph 1, letter c), shall communicate the information referred to in articles 8 and 9 with the maximum diligence, by balancing the required commitment with the accuracy of the information provided, consistently with the provisions of the following paragraphs of this article.
2. The insurance and reinsurance undertakings referred to in article 3 paragraph 1, letters a) and b) shall communicate the information referred to in articles 10 and 11 with the maximum diligence, balancing the diligence required with the accuracy of the information provided, consistently with the provisions of the following paragraphs of this article.
3. The undertakings referred to in article 3 shall ensure that the communicated data reflect the best evaluation of the current financial and operating condition of the entity subject to reporting and are based on the most current information at their disposal, taking into account that:
 - a) the information submitted may have undergone fewer internal quality controls than what is required for regular prudential supervisory reporting;

- b) in accordance with the principle of materiality, all the relevant operations are contemplated by the reporting;
 - c) the simplifications employed in the preparation of data for reporting according to this Title are, to the extent possible, employed consistently over time, unless changes are introduced to reduce the discrepancies described in paragraph 5;
 - d) the simplifications having a significant effect on the information are reported to IVASS.
4. The undertakings referred to in article 3 shall endeavour to ensure, to the best of their knowledge, the absence of errors or omissions which would lead to a substantially different supervisory assessment of the entity.
 5. The undertakings referred to in article 3 shall endeavour to improve business processes in order to reduce over time the recurring discrepancies between the information according to this regulation and the periodic reporting for the purposes of prudential supervision.
 6. If the information submitted for purposes of financial stability is subject to change and is not identical to the periodic reporting for the purposes of prudential supervision, IVASS may request information on the calculation method of the data subject to reporting and may request updated data.

Art. 7

(Quarterly information on the solvency capital requirement)

1. The entities shall ensure that the quarterly information on the solvency capital requirement provide a good approximation of its actual level. The quarterly information on the solvency capital requirement may be updated only in relation to the more volatile elements, while extrapolation of yearly data is acceptable for other elements of the solvency capital requirement.
2. Since the elements of market risk should be the most volatile, the entities shall recalculate the market risk module or its more volatile components, in order to report the solvency capital requirement on the basis of maximum possible diligence.
3. If approximations and simplifications are used, the entities shall ensure that the data reported reflects the best estimate of the current financial condition of the entity, in line with article 6.
4. IVASS may require a full recalculation of the solvency capital requirement where there are elements that lead to consider that the risk profile of the entity has altered significantly since the date on which the solvency capital requirement was last fully calculated and reported for prudential supervision purposes.
5. If the information communicated indicates non-compliance with the solvency capital requirement or with the minimum capital requirement referred to in articles 222 and 222-bis of the Code, IVASS shall take into account the fact that the information reported pursuant to this regulation may constitute preliminary data

subject to revision.

6. In the cases referred to in paragraph 5, IVASS may require updated and confirmed data.

Art. 8

(Annual quantitative information at group level)

1. The entities referred to in article 3 paragraph 1, letter c) shall submit each year to IVASS the following information:
 - a) the template S.01.01.12 of Technical Annex A, specifying the content of what is being sent, regardless of the method used for the calculation of the group solvency, following the instructions set out in the template S.01.01 of Technical Annex B;
 - b) the template S.01.02.04 of Annex I of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities, specifying the basic information on the amount and content of information in general, regardless of the method used for the calculation of the group solvency, according to the instructions laid down in Annex III of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities;
 - c) only when the method based on the consolidated financial statements referred to in article 216-sexies of the Code is used solely or in combination with the deduction and aggregation method referred to in article 216-sexies of the Code, the template S.14.01.10 of the Technical Annex A, indicating the specific information on the analysis of the life obligations, including contracts of life insurance and annuities arising from non-life contracts, for groups of homogeneous risks defined by the entity, following the instructions of the template S.14.01 in the Technical Annex B;
 - d) only when the method based on the consolidated financial statements referred to in article 216-sexies of the Code is used solely or in combination with the deduction and aggregation method referred to in article 216-sexies of the Code, the template S.38.01.10 of the Technical Annex A, indicating the information on the duration of technical provisions, following the instructions of the template S.38.01 in the Technical Annex B;
 - e) only when the method based on the consolidated financial statements referred to in article 216-sexies of the Code is used solely or in combination with the deduction and aggregation method referred to in article 216-sexies of the Code, the template S.40.01.10 of the Technical Annex A, indicating the information on the duration of technical provisions, following the instructions of the template S.40.01 in the Technical Annex B;

Art. 9

(Quarterly quantitative information at group level)

1. The entities referred to in article 3 paragraph 1, letter c) shall submit the following information to IVASS each quarter:
 - a) the template S.01.01.13 of Technical Annex A, specifying the content of what is

- being sent, regardless of the method used for the calculation of the group solvency, following the instructions of the template S.01.01 of Technical Annex B;
- b) the template S.01.02.04 of Annex I of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities, indicating the basic information on the amount and content of the information in general, regardless of the method used for the calculation of the group solvency. For compiling, the entity follows the instructions referred to in Annex III of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities;
 - c) only when the method based on the consolidated financial statements, referred to in article 216-sexies of the Code is used solely or in combination with the deduction and aggregation method referred to in article 216-sexies of the Code, the template S.02.01.02 of Annex I of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities, indicating the information on the financial statement, following the instructions in Annex III of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities;
 - d) regardless of the method used for the calculation of the group solvency, the template S.05.01.13 of Technical Annex A, specifying information on premiums, claims and expenses, applying the valuation and reporting principles used in the undertaking's financial statements, following the instructions of the template S.05.01 of Technical Annex B, regarding each line of business as defined in Annex I of the Delegated Regulation (EU) 2015/35;
 - e) regardless of the method used for the calculation of the group solvency, the template S.06.02.04 of Annex I of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities, providing an analytical list of activities, following the instructions referred to in Annex III of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities;
 - f) regardless of the method used for the calculation of the group solvency, the template S.23.01.13 of Technical Annex A, specifying basic information on own funds, following the instructions of the template S.23.01 of Technical Annex B including basic own funds and ancillary own funds;
 - g) only when the method based on the consolidated financial statements referred to in article 216-sexies of the Code is to be used solely or in combination with the deduction and aggregation method referred to in article 216-sexies of the Code, the template S.25.04.13 of the Technical Annex A, indicating the basic information on the solvency capital requirement, following the instructions set out in the template S.25.04 in the Technical Annex B;
 - h) only when the method based on the consolidated financial statements referred to in article 216-sexies of the Code is used solely or in combination with the deduction and aggregation method referred to in article 216-sexies of the Code, the template S.41.01.11 of the Technical Annex A, indicating the information on the lapses, following the instructions contained in the template S.41.01 in the Technical Annex B;

2. With the communications referred to 30 June and 31 December, the entities referred to in article 3 paragraph 1, letter c) shall submit to IVASS, together with the information referred to in the previous paragraph relating to the second and fourth quarter,

the information referred to in the template S.39.01.11 of the Technical Annex A compiled having regard to the instructions set out in the template S.39.01 in the Technical Annex B.

Art. 10

(Annual quantitative information at individual level)

1. The insurance and reinsurance undertakings referred to in article 3 paragraph 1, letter a) shall submit each year to IVASS the following information:
 - a) the template S.01.01.10 of Technical Annex A, specifying the content of the submission, following the instructions set out in the template S.01.01 of Technical Annex B;
 - b) the template S.01.02.01 of Annex I of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities, indicating the basic information on the insurance and reinsurance undertaking and the content of the information in general. For compiling, the insurance and reinsurance undertakings follow the instructions referred to in Annex II of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities;
 - c) the template S.14.01.10 of Technical Annex A, specifying specific information on the analysis of the commitments deriving from life contracts including life insurance contracts and the annuities stemming from non-life contracts, by homogeneous risk groups defined by the insurance and reinsurance undertaking, following the instructions set out in template S.14.01 of Technical Annex B;
 - d) the template S.38.01.10 of Technical Annex A, specifying information on the duration of the technical provisions, following the instructions set out in the template S.38.01 of Technical Annex B;
 - e) the template S.40.01.10 of Technical Annex A, specifying information on the allocation of profit or loss account, following the Instructions set out in the template S.40.01 of Technical Annex B.
2. The insurance and reinsurance undertakings referred to in article 3 paragraph 1, letter b) shall submit the following information to IVASS each year :
 - a) the template S.01.01.14 of Technical Annex A, specifying the content of the submission, following the instructions set out in the template S.01.01 of Technical Annex B;
 - b) the template S.01.02.07 of Annex III of the guidelines on the supervision of branches of insurance undertakings from third Countries, indicating the basic information on the insurance branch of third Countries and the content of the information in general. For compiling, the insurance and reinsurance undertakings follow the instructions referred to in Annex IV of the guidelines on the supervision of branches of insurance undertakings of third Countries.

Art. 11

(Quarterly quantitative information at individual level)

1. The insurance and reinsurance undertakings referred to in article 3 paragraph 1, letter a) shall submit the following information to IVASS each quarter :
 - a) the template S.01.01.11 of Technical Annex A, specifying the content of the information submitted, following the instructions set out in the template S.01.01 of Technical Annex B;
 - b) the template S.01.02.01 of Annex I of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities, indicating the basic information on the insurance and reinsurance undertaking and the content of the information in general. For compiling, the insurance and reinsurance undertakings follow the instructions referred to in Annex II of the Implementing Regulation (EU) 2015/2450 of the Commission of 2 December 2015 on the submission of information to the supervisory authorities;
 - c) the template S.25.04.11 of Technical Annex A, specifying basic information on the solvency capital requirement, following the instructions set out in the template S.25.04 of Technical Annex B;
 - d) the template S.41.01.11 of Technical Annex A, specifying information on lapses, following the instructions set out in the template S.41.01 of Technical Annex B.
2. The insurance and reinsurance undertakings referred to in article 3 paragraph 1, letter b) shall submit the following information to IVASS each quarter :
 - a) the template S.01.01.15 of Technical Annex A, specifying the content of the information submitted, following the instructions set out in the template S.01.01 of Technical Annex B;
 - b) the template S.01.02.07 of Annex III of the Guidelines on the supervision of branches of insurance undertakings from third Countries, indicating the basic information on the insurance branch of third Countries and the content of the information in general.
3. With the communications referred to 30 June and 31 December, the entities referred to in Article 3 paragraph 1, letters a) and b) shall submit to IVASS, together with the information referred to in the previous paragraphs relating to the second and fourth quarter, the information referred to in the template S.39.01.11 of the Technical Annex A, compiled with reference to the instructions set out in the template S.39.01 of Technical Annex B.

TITLE III
TERMS AND FORMATS FOR TRANSMISSION OF DATA

Art. 12

(Terms for transmission of data)

1. After the transitional period of three years following the implementation of the Solvency II Directive, the undertakings referred to in article 3 shall submit the whole of quantitative information defined in articles 8 and 9 for the groups of insurance and reinsurance undertakings and in articles 10 and 11 for insurance and reinsurance undertakings within 7 weeks from the end of the reference period.
2. During the transitional period of three years after the entering into force of the Solvency II Directive, the term defined in paragraph 1 shall be extended:
 - a) by 3 weeks (i.e. within 10 weeks) for submitting quarterly or annual information related to the year 2016;
 - b) by 2 weeks (i.e. within 9 weeks) for submitting quarterly or annual information related to the year 2017;
 - c) by 1 week (i.e. within 8 weeks) for submitting quarterly or annual information related to the year 2018;

Art. 13
(First transmission of information)

1. The entities referred to in article 3 shall transmit the information referred to in this Regulation with reference to the first quarter of 2016.

Art. 14
(Formats for transmission of information)

1. The entities referred to in Article 3 shall transmit the information electronically, in the formats and templates for the exchange of data established by IVASS, and in compliance with the following specifications:
 - a) data defined as "monetary" are expressed in units with no decimals with the exception of template S.06.02 which is expressed in units with two decimals;
 - b) data defined as "percentage" are be expressed in units with four decimals;
 - c) data defined as "whole" are expressed in units without decimals.
2. The entities referred to in article 3 shall use the formats and templates published by EIOPA to communicate the information.

**TITLE IV
FINAL PROVISIONS**

Art. 15
(Entry into force)

1. This Regulation shall be published in the Official Journal of the Italian Republic and in IVASS' Bulletin and website.

2. This Regulation shall enter into force on the day after its publication in the Italian Official Journal.

On behalf of the Joint Directorate
The Governor of the Bank of Italy