

## **IVASS REGULATION NO. 36 OF 28 FEBRUARY 2017**

**REGULATION LAYING DOWN PROVISIONS CONCERNING THE NOTIFICATION TO IVASS OF DATA AND INFORMATION FOR STATISTICAL SURVEYS, STUDIES AND ANALYSES OF THE INSURANCE MARKET UNDER ARTICLE 190-BIS OF TITLE XIV – (SUPERVISION OVER UNDERTAKINGS AND INTERMEDIARIES), CHAPTER I (GENERAL PROVISIONS), OF LEGISLATIVE DECREE NO. 209 OF 7 SEPTEMBER 2005 – CODE OF PRIVATE INSURANCE.**

### **THE INSURANCE SUPERVISORY AUTHORITY**

HAVING REGARD to law no. 576 of 12 August 1982 as subsequently amended and supplemented, on the reform of insurance supervision and the setting up 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 IVASS;

HAVING REGARD to the decree of the President of the Italian Republic of 12 December 2012, published in the Official Journal of the Italian Republic - General series - no. 303 of 31 December 2012, that has approved the Statute of IVASS, which entered into force on 1 January 2013;

HAVING REGARD to IVASS Organisation Regulation and the pertaining organisational chart, approved by the Board of Directors of IVASS with resolutions no. 112 of 9 December 2014, no. 70 of 4 August 2015, no. 77 of 23 September 2015, no. 102 of 25 November 2015 and no. 6 of 19 January 2017, issued in accordance with article 13, paragraph 34, of decree law no. 95 of 6 July 2012, converted with amendments into law no. 135 of 7 August 2012, and with article 5, paragraph 1, a), of the Statute of IVASS;

HAVING REGARD to legislative decree no. 173 of 26 May 1997, as subsequently amended and supplemented, on the implementation of directive 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings;

HAVING REGARD to legislative decree no. 58 of 24 February 1998, as subsequently amended and supplemented, introducing the consolidated text of provisions on financial mediation in accordance with articles 8 and 21 of law no. 52 of 6 February 1996;

HAVING REGARD to legislative decree no. 209 of 7 September 2005 introducing the Code of Private Insurance, as subsequently amended and supplemented by legislative decree no. 74 of 12 May 2015, implementing directive 2009/138/EC on the taking-up and pursuit of the business of insurance and reinsurance and, in particular, article 190-bis (Statistical Information), governing the collection of information for statistical surveys, studies and analyses of the insurance market and granting IVASS

the power to establish the frequency, terms, contents and procedures for sending such information; having also regard to article 5 (Supervisory Authority), paragraph 3, laying down that IVASS shall develop the knowledge of the insurance market, including statistical and economic surveys and the gathering of input for the formulation of insurance policy lines;

HAVING REGARD to IVASS Order no. 53 of 6 December 2016, amending ISVAP Regulation no. 22 of 4 April 2008, concerning the provisions and layout of the accounts of the financial statements and half-yearly reports of the insurance and reinsurance undertakings, and ISVAP Regulation no. 7 of 13 July 2007, concerning the layout of the financial statements of the insurance and reinsurance undertakings required to adopt the international accounting standards;

HAVING REGARD to IVASS Regulation no. 29 of 6 September 2016, laying down provisions on local insurance undertakings pursuant to articles 51-bis, 51-ter, 51-quater of Title IV, Chapters I and II, of legislative decree no. 209 of 7 September 2005 introducing the Code of Private Insurance, as subsequently amended and supplemented by legislative decree no. 74 of 12 May 2015;

HAVING REGARD to Circular no. 53 of 23 June 1986, laying down provisions for the collection of data regarding insurance and reinsurance undertakings and entities, and the subsequent communications with which indications have been provided on the arrangements for the transmission of such information;

HAVING REGARD to ISVAP Regulation no. 30 of 12 May 2009 as subsequently amended and supplemented, regarding provisions on equal treatment between men and women in the access to insurance services and, specifically, article 5 regarding the derogation from the principle of equal treatment between men and women in insurance and other financial services, as governed by article 55-quater, paragraph 2 of legislative decree no. 198 of 11 April 2006 (Code of Equal Opportunity between Men and Women), as amended by article 25 of law no. 161 of 30 October 2014 (European law 2013 bis);

HAVING REGARD to IVASS Regulation no. 3 of 5 November 2013 implementing article 23 of law no. 262 of 28 December 2005 on the procedures for the adoption of IVASS' regulatory and general acts;

GIVEN the evolution of the IVASS databases, following the entry into force in 2007 of the Single Register of insurance and reinsurance Intermediaries, in 2008 of the Register of Undertakings and Groups, and in 2016 the Personal Data Registry of the Reporting Entities for the ECB (IVASS letter to the market no. 65848/16 of 31 March 2016);

adopts the following:

## **REGULATION**

### **INDEX**

#### **TITLE I - GENERAL PROVISIONS**

Art. 1 (Legislative sources)

- Art. 2 (Definitions)
- Art. 3 (Scope)
- Art. 4 (Collection of data and information for statistical purposes)
- Art. 5 (Policy on statistical information)
- Art. 6 (Data quality)

## **TITLE II – BALANCE SHEET DATA AND ADDITIONAL STATISTICAL INFORMATION**

### **CHAPTER I - FINANCIAL STATEMENTS**

- Art. 7 (Statistical information related to financial statements)
- Art. 8 (Reporting to IVASS of statistical information related to financial statements)

### **CHAPTER II – PROVISIONAL BALANCE SHEET DATA AND ADDITIONAL STATISTICAL INFORMATION**

- Art. 9 (Statistical information related to provisional balance sheet data, including additional statistical information)
- Art. 10 (Reporting to IVASS of statistical information related to provisional balance sheet data, including additional statistical information)

### **CHAPTER III – SURVEY ON THE ACTUAL PRICES FOR MOTOR LIABILITY INSURANCE FOR THE CAR, MOTORBIKE AND MOPED SECTORS, LIMITED TO PRIVATE USE**

- Art. 10-bis (Survey on actual prices for motor liability insurance for the car sector)
- Art. 10-ter (Survey on actual prices for motor liability insurance for the motorbike and moped sector)

## **TITLE III – TRANSITIONAL AND FINAL PROVISIONS**

- Art. 11 (Repeals and transitional provisions)
- Art. 12 (Publication)
- Art. 13 (Entry into force)

List of annexes:

1. Data collected based on letters to the market or previously published circulars;
2. Policy on statistical information – Indications on the content;
3. Statistical information related to financial statements;
4. Instructions for filling in statistical information related to financial statements;
5. Information on disputes regarding motor liability and liability for ships – Italian direct insurance portfolio;

6. Instructions for providing information on disputes regarding motor liability and liability for ships – Italian direct insurance portfolio;
7. Statistical information related to provisional balance sheet data, including additional statistical information;
8. Instructions for providing statistical information related to provisional balance sheet data, including additional statistical information.
9. List of the information relating to the survey on actual prices for motor liability insurance for the car sector;
10. List of the information relating to the survey on actual prices for motor liability insurance for the motorbike and moped sector.

## **TITLE I**

### **GENERAL PROVISIONS**

#### **Art. 1**

(Legislative sources)

1. This Regulation has been adopted in compliance with article 190-bis of legislative decree no. 209 of 7 September 2005, introducing the Code of Private Insurance, as amended and supplemented by legislative decree no. 74 /of 12 May 2015.

#### **Art. 2**

(Definitions)

1. For the purpose of this Regulation, the definitions and classifications laid down by legislative decree No. 209 of 7 September 2005, by the Commission Delegated Regulation (EU) 2015/35, by IVASS Regulation no. 29 of 6 September 2016 and by ISVAP Regulation no. 22 of 4 April 2008 shall apply.

#### **Art. 3**

(Scope)

1. This Regulation applies to the supervised entities referred to in article 6 of the Code of Private Insurance.
2. With regard to the information referred to in Title II, Chapters I and II, this Regulation shall apply to insurance and reinsurance undertakings having their head office in the territory of the Italian

Republic and to the branches of insurance and reinsurance undertakings whose head offices are in a third State.

3. *With regard to the information referred to in Title II, Chapter III, this Regulation shall apply to the insurance undertakings pursuing motor liability insurance in the territory of the Italian Republic, identified by IVASS on the basis of their relevance in terms of number of policies underwritten.*<sup>1</sup>

#### Art. 4

(Collection of data and information for statistical purposes)

1. The collection of data and information for statistical purposes is done exclusively in electronic format, according to the technical instructions provided by IVASS, and made available on IVASS website.
2. The rules provided by Title I of this Regulation shall be applied to the collection of data already established with letters to the market or circulars, referred to in annex 1, regarding investigations, market surveys and studies that IVASS promotes also for the purpose of gaining knowledge of the insurance market.

#### Art. 5

(Policy on statistical information)

1. The board of directors, or the management board in undertakings which have adopted the system pursuant to article 2409-*octies* of the Civil Code, or the general representative for branch offices, shall approve the written policy on statistical information.
2. The written policy on statistical information clearly describes, with a level of detail appropriate to the nature, scale and complexity of the business:
  - a) the goals pursued by the policy;
  - b) the processes and procedures to implement a data registration and reporting system able to promptly track all of the corporate operations and to produce complete and updated information on the undertaking's business and on the evolution of risks, as well as the procedures to apply in the reporting of data and information for statistical purposes to IVASS;
  - c) the roles, functions and responsibilities involved in the management of the statistical data, among which the appointment of a single contact person for the reporting of the statistical information to IVASS, who represents the reference contact person for IVASS for all of the fulfilments of a statistical nature, is the recipient of instructions regarding the content and compilation of the surveys, and may be summoned to IVASS for technical meetings;

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<sup>1</sup> Paragraph introduced by article 1 (1) of IVASS Order no. 135 of 27/07/2023

- d) the controls to ensure the quality of the data on an ongoing basis, with particular reference to the integrity, completeness and correctness of the data held and the information reported, as well as to the safeguards for the timely fulfilment of the information obligations towards IVASS;
- e) the verification, at least annually, of the compliance of the business operations with the policy on statistical information as well as the effectiveness and adequacy of this policy for the timely production and transmission of the data and information to IVASS.
3. The policy on statistical information referred to in paragraph 1 is coordinated with the policy on the information to provide to IVASS pursuant to *article 5, paragraph 2, letter o) of IVASS Regulation no. 38 of 3 July 2018*, and takes into account the indications provided in annex 2 of this Regulation.<sup>2</sup>
4. The appointment or the replacement of the single contact person for the communication of the statistical information to IVASS shall be communicated to IVASS within 15 days from approval, according to the technical instructions, made available on IVASS website.
5. National undertakings and the branches in Italy of undertakings with head office in a foreign country, licensed to carry on business in Italy under the right of establishment, shall communicate to IVASS the appointment or the replacement of the single contact person and the modification of every information element required relative to that contact person, exclusively in electronic format, according to the technical instructions provided by IVASS, made available on its website.

Art. 6

(Data quality)

1. In cases of failure to comply with the arrangements and terms of transmission of the data provided by this Regulation, as well as with the quality criteria provided by article 190, paragraph 1-ter of the Code of Private Insurance, the sanction provided for in article 310, paragraph 1 of the Code of Private Insurance shall apply.

**TITLE II**

**BALANCE SHEET DATA AND ADDITIONAL STATISTICAL INFORMATION**

**CHAPTER I**

**FINANCIAL STATEMENTS**

Art. 7

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<sup>2</sup> Paragraph amended by article 1, paragraph 2, of IVASS Order no. 135 of 27/07/2023.

(Statistical information related to financial statements)

1. The undertaking shall provide IVASS with the following statistical information relating to the financial statements, whose detail is reported in annex 3, according to the instructions referred to in annex 4, and with the methods provided by article 4 of this Regulation:
 

Template 10	Non-life classes - Breakdown of technical provisions;
Template 22	Non-life classes - Reporting of the business performed by the branch established in an EU or EEA member State;
Template 23	Life classes - Reporting of the business performed by the branch established in an EU or EEA member State;
Template 25	Non-life classes – Technical account of the business performed by the Italian head office;
Template 26	Life classes - Technical account of the business performed by the Italian head office;
Template 30	Non-life classes - Italian direct insurance portfolio - Distribution by region of paid and reserved claims in classes 10 and 12;
Template 37	Non-life classes - Italian direct insurance portfolio - Distribution by province of written premium income;
Annexes 1 to 37	Non-life classes - Business carried out under the freedom to provide services in third States - Premiums from direct business by State;
Template 38	Life classes - Personal insurance - Italian direct insurance portfolio - Distribution by region of written premium income;
Template 39	Life classes - Collective insurance - Italian direct insurance portfolio - Distribution by region of written premium income;
Template 40	Life classes - Italian direct insurance portfolio - Distribution by province of written premium income;
Annexes 1 to 40	Life classes - Business carried out under the freedom to provide services in third States - Premiums from direct business by State.
  
2. The undertaking shall provide the information relating to disputes regarding motor liability and liability for ships - Italian direct insurance portfolio, whose detail is contained in annex 5, according to the instructions referred to in annex 6.
  
3. Undertakings pursuing exclusively reinsurance are not required to fill out the templates indicated in annex 3 by numbers 22, 23, 25, 26, 30 and from 37 to 40 and the related annexes.

4. The templates referred to in paragraph 1 are expressed in thousands of Euros, with no decimal place.
5. The data included in the statistical information referred to in paragraph 1 must correspond with the data indicated on the financial statements.

Art. 8

Reporting to IVASS of statistical information related to financial statements

1. Within one month after the date of approval of the financial statements, the undertaking shall provide IVASS with the statistical information referred to in article 7 of this Regulation.

**CHAPTER II**

**PROVISIONAL BALANCE SHEET DATA AND ADDITIONAL STATISTICAL INFORMATION**

Art. 9

(Statistical Information related to provisional balance sheet data, including additional statistical information)

1. The undertaking shall provide IVASS with the following statistical information relating to provisional balance sheet data for the previous year, and the additional statistical information, whose detail is reported in annex 7, according to the instructions referred to in annex 8, and with the methods provided in article 4 of this Regulation:

Statement 1	Non-life classes (section A);
Statement 1.1	Additional statistical information - Non-life classes;
Statement 2	Life classes (section A);
Statement 2.1	Additional statistical information - Life classes;
Statement 3.1a	Additional statistical information - Geographical location of premium income – Non-life classes;
Statement 3.1b	Additional statistical information - Business pursued through foreign subsidiaries of undertakings with head office in Italy - Non-life classes;
Statement 3.2a	Additional statistical information - Geographical location of premium income – Life classes;



Statement 3.2b	Additional statistical information - Business pursued through foreign subsidiaries of undertakings with head office in Italy - Life classes;
Statement 4.1	Profit and loss account – Non-life classes;
Statement 4.1.1	Additional statistical information - Profit and loss account – Non-life classes;
Statement 4.2	Profit and Loss Account - Life classes;
Statement 4.2.1	Additional statistical information - Profit and loss account – Life classes;
Statement 5	Non-life classes - Statement of the summary technical account for each class - Italian Portfolio;
Statement 5.a Sec. I	Additional statistical information - Statement of the summary technical account for all the non-life classes - Italian Portfolio;
Statement 5.a Sec. II	Additional statistical information - Statement of the summary technical account for all the non-life classes - Foreign Portfolio;
Statement 5.b Sec. I	Additional statistical information - Written premium income for single non-life classes - Italian Portfolio;
Statement 5.b Sec. II	Additional statistical information - Written premium income for single non-life classes - Foreign Portfolio;
Statement 5.1	Technical information on classes 10 + 12 – Italian Portfolio - direct business;
Statement 5.2	Italian Portfolio - direct business - Year of occurrence N-1 and previous years (classes 10+12);
Statement 5.3a	Technical information on classes 10 + 12 - Italian Portfolio - direct business - claims amount;
Statement 5.3b	Technical information on classes 10 + 12 - Italian Portfolio - direct business - number of claims;
Statement 6	Life classes - Direct Italian Portfolio - Breakdown by insurance class of written premiums, claims incurred, surrenders, accrued capital and annuities;
Statement 6.1 Sec. I	Additional statistical information - Life classes - Information on annuities of class I, on the operations of class VI and on Contracts as per article 13, paragraph 1, letter b), of legislative decree 252/2005 as well as on the insurance of class III - Italian portfolio;
Statement 6.1 Sec. II	Additional statistical information - Life classes - Other information on life assurance premiums (8) - Italian Portfolio;

- Statement 6.2 Sec. I Additional statistical information - Life classes - Information on annuities of class I, on the operations of class VI and on contracts referred to in article 13, paragraph 1, letter b) of legislative decree 252/2005 as well as on class III insurance - Foreign portfolio;
- Statement 6.2 Sec. II Additional statistical information - Life classes - Other Information on life assurance premiums - Foreign Portfolio;
- Statement 6.2 Sec. III Additional statistical information - Life classes - Information on life assurance premiums - total business - Summary statement - Italian and Foreign Portfolio;
- Statement 6.3 Additional statistical information - Life classes - Statement of the summary technical account for each class - Italian Portfolio;
- Statement 6.4 Sec. I Additional statistical information - Life classes - Statement of the summary technical account for all the life classes - Italian Portfolio;
- Statement 6.4 Sec. II Additional statistical information - Life classes - Statement of the summary technical account for all the life classes - Foreign Portfolio;
- Statement 6.5 Sec. I Additional statistical information - Non-life classes - Breakdown of technical provisions;
- Statement 6.5 Sec. II Additional statistical information - Non-life classes - Breakdown of technical provisions of the Italian direct portfolio;
- Statement 6.6 Sec. I Additional statistical information - Life classes - Breakdown of technical provisions;
- Statement 6.6 Sec. II Additional statistical information - Life classes - Breakdown of technical provisions of the Italian direct portfolio;
- Statement 8.1 Statistical variables for EUROSTAT.

#### Art. 10

(Reporting to IVASS of statistical information related to provisional balance sheet data, including additional statistical information)

1. No later than 31 March of each year, the undertaking shall provide IVASS with the statistical information referred to in article 9 of this Regulation.
2. The statements reporting the statistical information referred to in article 9 of this Regulation are expressed in thousands of Euros, with no decimal place.

**CHAPTER III<sup>3</sup>**

***SURVEY ON THE ACTUAL PRICES FOR MOTOR LIABILITY INSURANCE FOR THE CAR, MOTORBIKE AND MOPED SECTORS, LIMITED TO PRIVATE USE***

*Art. 10-bis*

*(Survey on actual prices for motor liability insurance for the car sector)*

- 1. For the private car sector, IVASS conducts a monthly sample survey of the retail prices of motor liability insurance charged by undertakings in the previous month and acquires information on the main elements involved in determining the price actually paid.*
- 2. IVASS, on the basis of the data provided by ANIA collected from the SITA (Sistema Informatico Targate Assicurate) database, identifies the sample of policies from the set of covers underwritten in the reference month and transmits the relevant selected sample to each undertaking on a monthly basis.*
- 3. Within the next 10 days after receiving the sample selected in accordance with paragraph 2, the undertaking transmits the information to IVASS in accordance with the detail shown in annex 9 and in the manner provided for in article 4 of this Regulation.*

*Art. 10-ter*

*(Survey on actual prices for motor liability insurance for the motorbike and moped sector)*

- 1. The survey in article 10-bis is also extended to motorbikes and mopeds for private use.*
- 2. Within the next 10 days after receiving the sample selected in accordance with paragraph 1, the undertaking transmits the information to IVASS in accordance with the detail shown in annex 10 and in the manner provided for in article 4 of this Regulation.*

**TITLE III – TRANSITIONAL AND FINAL PROVISIONS**

**Art. 11**

**(Repeals and transitional provisions)**

- 1. The following are repealed as at the date this Regulation enters into force:**

**a) ISVAP Circular no. 458/S of 15 November 2001;**

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<sup>3</sup> Chapter inserted by article 1, paragraph 3, of IVASS Order no. 135 of 27/07/2023

- b) ISVAP letter to the market of 26 October 2007;
  - c) ISVAP letter to the market of 21 July 2009;
  - d) ISVAP Regulation no. 30 of 12 May 2009;
  - e) ISVAP Circular no. 53 of 23 June 1986.
2. On its first application, the undertakings shall approve the policy on statistical information referred to in article 5 of this Regulation by 30 June 2017. The provisions concerning the single contact person for the communication of the statistical information to IVASS, referred to in ISVAP letter to the market of 21 July 2009, shall remain in force until the adoption of the resolution approving the policy on statistical information referred to in article 5 of this Regulation.
3. With exclusive reference to the 2016 financial statements, undertakings shall provide IVASS with the following statistical information, whose detail is reported in annex 3, according to the instructions referred to in annex 4, and with the methods provided in article 4 of this Regulation:
- Template 1 Breakdown of lands and buildings (item C.I of the balance sheet);
  - Template 2 Breakdown of debt securities issued by group undertakings and related undertakings (item C.II.2 of the balance sheet), debt securities issued by other undertakings and other fixed-income securities (item C.III.3 of the balance sheet);
  - Template 3 Breakdown of loans to group undertakings and other related undertakings (item C.II.3 of the balance sheet) and to other undertakings included under item C.III.4 of the balance sheet;
  - Template 4 Breakdown of undertakings' shares and units included among other financial investments (item C.III.1 of the balance sheet);
  - Template 5 Breakdown of units in unit trusts (C.III.2 of the balance sheet) and participation in investment pools (item C.III.5 of the balance sheet);
  - Template 6 Breakdown of other financial investments (item C.III.7 of the balance sheet).
4. With reference to the survey referred to in article 7, paragraph 2, relating to disputes on motor liability and liability for ships, the compilation of statement 4 referred to in annex 5 shall be based on data for the year 2017.

#### Art. 12

#### (Publication)

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

#### Art. 13



(Entry into force)

1. This Regulation shall enter into force on 1 March 2017.  
*Article 10-bis shall enter into force on 1 August 2023.*  
*Article 10-ter shall enter into force on 1 October 2024.*<sup>4</sup>

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

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<sup>4</sup> Article supplemented by article 1 (4) of IVASS Order no. 135 of 27/07/2023