

Decision of the Board of Supervisors on collection of information by EIOPA

The Board of Supervisors of the European Insurance and Occupational Pensions Authority,

Having regard to 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/EC¹, in particular Articles 8 and 35 thereof,

Having regard to the Decision of the Management Board on EIOPA's Rules on professional secrecy and confidentiality (EIOPA-MB-11/008),

Whereas:

- (1) Concerning insurance and reinsurance undertakings and groups, competent authorities submit information to EIOPA on the basis of the Decision of the Board of Supervisors on Collection of Information by EIOPA under Solvency II (EIOPA- BoS-15/198),
- (2) For the provision of occupational pension information, competent authorities submit information to EIOPA on the basis of the Decision of the Board of Supervisors on EIOPA's regular information requests towards NCAs regarding provision of occupational pensions information (EIOPA-BoS-18-114)²,
- (3) For the provision of the pan-European Personal Pension Product (PEPP) information, competent authorities apply EIOPA Guidelines on PEPP supervisory reporting (EIOPA-21/260)³,
- (4) The provisions of the Decision of the Board of Supervisors (EIOPA-BoS-15/198) should be complemented with regard to the collection of information on occupational pensions and PEPP, taking into account the Decision of the Board of Supervisors (EIOPA-BoS-18-114) and EIOPA Guidelines on PEPP supervisory reporting. This Decision provides in one document a general framework for all data requests based on EIOPA's relevant decisions and guidelines in the field of collection of information by EIOPA,

¹ OJ L 331, 15.12.2010, p 48.

² <https://www.eiopa.europa.eu/content/decision-eiopas-regular-information-requests-towards-ncas-regarding-provision-occupational>

³ <https://www.eiopa.europa.eu/content/guidelines-pepp-supervisory-reporting>

(5) Furthermore, the submission deadlines need to be updated to reflect the evolution on data quality over the last years and the need for timely information,

(6) In order to carry out the tasks set out in Article 8(1) of Regulation (EU) No 1094/2010, EIOPA has the power to collect the necessary information concerning financial institutions in accordance with Article 8(2) of Regulation (EU) No 1094/2010,

(7) In accordance with Article 35 of Regulation (EU) No 1094/2010, competent authorities should provide EIOPA with all necessary information to carry out the duties assigned to it,

(8) EIOPA has identified in specific situations the need to request narrative information of certain financial institutions. EIOPA does not intend to change its policy towards these requests in terms of regularity or broader need compared to the previous situation. Such information will continue to be requested on a case-by-case basis. However, it is important to define a deadline to ensure a timely delivery in situations where such reports are needed for EIOPA to carry out its duties under Regulation (EU) No 1094/2010,

(9) In cases where submitting the information imply further preparatory work competent authorities may request, before the expiry of the original deadline, additional time for its submission of information to EIOPA stating in written the reasons and the length for the exceptional delay. EIOPA shall indulge the time necessary for the competent authority to accomplish the submission in the cases where it is agreed that submission of partial narrative reports is adequate for the purpose of the request,

(10) While collecting information from a competent authority, EIOPA shall take into account whether the information is available within the competent authority. In cases where the requested information is not available, EIOPA shall indulge the time necessary for the competent authority to collect it,

(11) In accordance with Article 70 of Regulation (EU) No 1094/2010, Members of the Board of Supervisors and the Management Board, staff of EIOPA and staff seconded to EIOPA are subject to professional secrecy requirements as set out in Article 339 TFEU and relevant Union legislation,

(12) This Decision is taken without prejudice to Article 15 of the TFEU and to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents,

(13) This Decision is taken without prejudice to Article 35(1) of Regulation (EU) No 1094/2010 and the possibility for EIOPA to request on an ad hoc basis competent authorities to submit necessary information to carry out the duties assigned to it,

Has adopted this Decision:

Article — 1 Subject matter

This Decision lays down the procedures concerning the submission of information from competent authorities to EIOPA.

Article 2 — Definitions

For the purpose of this Decision the following definitions apply:

1. "Individual undertaking" means insurance and reinsurance undertaking as defined in Article 13(1), Article 13(2), Article 13(4) and Article 13(5) of Directive 2009/138/EC;
2. "Group" means a group of undertakings as defined in Article 212(1)(c) of Directive 2009/138/EC;
3. "IORP" means institutions for occupational retirement provision within the scope of Directive (EU) 2016/2341;
4. "Third country branch" means a permanent presence established within the Community and belonging to insurance or reinsurance undertakings with head offices situated outside the Community as defined in Chapter IX of Directive 2009/138/EC;
5. "PEPP providers" means providers of pan-European Personal Pension Products within the scope of Regulation (EU) 2019/1238 and included in EIOPA's register of PEPPs;
6. "Financial institutions" are individual entities as defined in paragraphs 1 to 5 of this Article;
7. "Competent authority" means competent authority as defined in Article 4(2) of Regulation (EU) No 1094/2010 and in Article 2(18) of Regulation (EU) 2019/1238 for information relating to PEPP;
8. "Prudential quantitative information" means the information defined in the templates included in Commission Implementing Regulation (EU) 2015/2450 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, in the Decision of the Board of Supervisors on regular requests towards NCAs regarding provision of occupational pensions information (EIOPA-BoS/18-114) or in Commission Implementing Regulation (EU) 2021/897 of 4 March 2021 laying down implementing technical standards for the application of Regulation (EU) 2019/1238 with regard to the format of supervisory reporting to the competent authorities and the cooperation and exchange of information between competent authorities and with EIOPA;

9. "Financial stability quantitative information" means the information defined under Guidelines 10 to 15 in EIOPA Guidelines on reporting for financial stability purposes (EIOPA-BOS-15/107)⁴;

10. "Narrative information" refers to any information included in a report explicitly mentioned in the relevant legislation concerning financial institutions under EIOPA remit;

11. "Validation rules" means the set of active rules applicable for a given reporting period which determines the technical conditions which a file needs to meet in order to be promoted to EIOPA's Central Repository. They are defined and published by EIOPA⁵. They relate to taxonomical checks and filing rules;

12. "EIOPA Hub" means the technical file transfer system EIOPA has established to collect submissions from competent authorities;

13. "EIOPA's Central Repository" means EIOPA's centralised data warehouse that collects data from a variety of sources.

Article 3 — Information to be reported

1. Competent authorities, in accordance with the national regulatory and supervisory framework, shall regularly, and at least in advance of every reporting period, update EIOPA's registers of insurance undertakings, of insurance groups and of IORPs⁶ to enable EIOPA to have an overview of financial institutions that fall under the scope of the reporting requirements. Technical instructions on how to update EIOPA's registers are developed by EIOPA⁷.

2. Competent authorities shall submit for each financial institution and for each aggregate report in the case of IORPs when aggregate reporting is possible, the following information:

2.1. Prudential quantitative information collected from financial institutions authorised in their jurisdictions.

2.2. Financial stability quantitative information collected from the insurance and reinsurance undertakings or groups reporting in their jurisdictions.

⁴ <https://www.eiopa.europa.eu/content/guidelines-financial-stability-reporting>.

⁵ https://www.eiopa.europa.eu/tools-and-data/supervisory-reporting-dpm-and-xbrl_en

⁶ An update of EIOPA PEPP Register is not needed as the registration is done by EIOPA.

⁷ <https://extranet.eiopa.europa.eu/groups/ITDC-Knowledge-Sharing-Space/Wiki/Projects/Registers.aspx>

3. Competent authorities shall submit regular or ad-hoc quantitative or qualitative information referred to in the data calendar requests included in the EIOPA Annual Work Programme approved by the Board of Supervisors where they have legal access to that information.

4. Competent authorities shall also submit, upon EIOPA's request and in line with Article 35 of Regulation (EU) No 1094/2010, narrative information concerning specific financial institutions which are necessary for EIOPA to carry out its duties. The information requested should be available to competent authorities such as the ORSA report, the Regular supervisory report or internal models documentation (e.g. like validation reports as defined in Directive 2009/138/EC) or the PEPP Supervisory Report as defined in EIOPA Guidelines on PEPP supervisory reporting. EIOPA shall explain in each request how this information is necessary in relation to the nature of the duty in question.

Article 4 — Frequency and deadlines

1. Competent authorities shall submit to EIOPA the information referred to in Article 3 with the following frequencies and/or according to the following deadlines:

- a) Prudential quantitative information defined in the templates included in Commission Implementing Regulation (EU) 2015/2450 of 2 December 2015 laying down implementing technical standards with regard to the templates for the submission of information to the supervisory authorities shall be submitted by close of business on the 10th working day for quarterly reporting and on the 20th working day for annual reporting following the deadlines referred to in Article 312 of Commission Delegated Regulation (EU) 2015/35. For IORPs, the information shall be reported following the deadlines referred to in the Decision of the Board of Supervisors (EIOPA-BoS/18-114). For PEPPs, the information shall be reported following the deadlines referred to in EIOPA Guidelines on PEPP Supervisory Reporting.
- b) Financial stability quantitative information shall be submitted by close of business on the 2nd working day following the deadlines referred to in Guideline 16 of EIOPA Guidelines on reporting for financial stability purposes.
- c) Quantitative and non-quantitative information referred to in the data requests included in the EIOPA Annual Work Programme shall be submitted within the frequency and deadlines approved by the Board of Supervisors.
- d) Narrative information concerning specific financial institutions shall be submitted within 5 working days upon receipt of the request, where not differently prescribed in other EIOPA's decisions or guidelines.

2. EIOPA shall publish on an annual basis a due date calendar for reporting deadlines for prudential and financial stability quantitative information in the Taxonomy Roadmap the latest by 15 July of each year for the whole next year.

3. Competent authorities shall submit to EIOPA without undue delay any revision of information received from financial institutions. Regardless of the reasons for the revisions, competent authorities shall limit the mismatches between the data available to them and to EIOPA in line with the Common

Minimum Standards for Data Revisions as agreed between the ECB, EIOPA, National Central Banks and National Competent Authorities⁸.

4. If national holidays in a Member State coincide with the deadline, the deadline shall be postponed to the next working day.

Article 5 — Extension of deadline

EIOPA may grant extension of deadline to a competent authority for its submission of information to EIOPA if a request is made in due time before the expiry of the original deadline. The request for extension shall be made to EIOPA in writing and shall state the reasons.

Article 6 — Transmission format

1. Prudential quantitative information reports shall be submitted using the EIOPA XBRL taxonomy data format.

2. Financial stability quantitative information reports shall be submitted using the EIOPA XBRL taxonomy data format.

3. Narrative information concerning specific financial institutions shall be reported in the format and in the language submitted by the undertakings.

4. The quantitative and non-quantitative information referred to in the data requests included in the EIOPA Annual Work Programme and not covered by the previous paragraphs shall be submitted using a dedicated template to be defined by EIOPA.

Article 7 — Transmission channels

Competent authorities shall submit the information to EIOPA via the EIOPA Hub or alternative transmission channels⁹ agreed with EIOPA according to the nature and confidentiality level of the information to be submitted.

Article 8 — Completeness check

1. When submitting the information using the EIOPA XBRL taxonomy data format, competent authorities shall apply the validation rules defined in the taxonomy.

⁸ https://www.eiopa.europa.eu/content/common-minimum-standards-revisions-reported-data_en

⁹ Examples of alternative transmission channels are the use of EU Survey, the Registers Web application, the use of EIOPA Extranet, etc. Email can be used as well but for non-confidential information only.

2. After each deadline, EIOPA shall undertake a completeness check of information received from competent authorities in order to ascertain that all the data required has been provided. This completeness check shall not include an assessment of the quality of any information or justifications submitted.

3. If a submission is incomplete, EIOPA shall inform the competent authority as to what information is required in order for the submission to be complete. The competent authority shall request the financial institution, when applicable, to complete the submission and shall submit it to EIOPA as soon as possible. EIOPA shall perform a further completeness check, considering the additional information submitted. The Board of Supervisors shall be informed periodically on completeness of the information submitted.

Article 9 – Data quality checks

1. Competent authorities shall perform additional quality checks on information submitted to EIOPA and shall react upon receiving the results of EIOPA's quality checks.

2. EIOPA may check the quality of the information submitted. EIOPA may conclude that additional information or explanations are required and send a request for comments to the competent authority. EIOPA shall make available to the competent authorities the results of regular quality checks for them to react upon these reports.

Article 10 – Repeal

The Decision of the Board of Supervisors on Collection of Information by EIOPA under Solvency II (EIOPA- BoS-15/198) is repealed and replaced by this Decision.

Article 11 – Review

By November 2022, EIOPA shall review this Decision.

Article 12 – Entry into force

This Decision shall enter into force on the day following its adoption.

Done at Frankfurt, 17 December 2021

[Signed]

For the Board of Supervisors,

Petra Hielkema
EIOPA Chair