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# FINAL REPORT

Guidelines on the criteria to determine whether simplified obligations can apply for certain insurance and reinsurance undertakings and groups

EIOPA-BoS-26-261  
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eiopa

European Insurance and  
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## EXECUTIVE SUMMARY

### INTRODUCTION

On 9 December 2025, EIOPA launched a public consultation on the proposal for Guidelines to specify further details on the criteria to determine whether simplified obligations can apply for certain insurance and reinsurance undertakings and groups. This final report sets out the final text of the draft Guidelines including an impact assessment and a feedback statement on the public consultation.

### CONTENT

These Guidelines are developed in line with the mandate conferred to EIOPA by Directive (EU) 2025/1. Article 4(1) of Directive (EU) 2025/1 sets out the criteria that supervisory and resolution authorities should use to determine whether simplified obligations can apply for certain insurance and reinsurance undertakings, namely nature of business, shareholding structure, legal form, risk profile, size, legal status, interconnectedness to other regulated undertakings or to the financial system in general and scope and complexity of its activities.

These draft Guidelines further specify the criteria by indicating a minimum list of elements that supervisory and resolution authorities should consider in their assessment to determine whether undertakings and groups are eligible for simplified obligations. Additionally, they also provide guidance on the likelihood of simplified obligations being applicable based on the interpretation of the list of elements.

### PUBLIC CONSULTATION

EIOPA conducted a public consultation on these draft Guidelines between 9 December 2025 and 20 March 2026. A workshop was held on 6 February 2026 to discuss the consultation paper. Five stakeholders provided feedback on the consultation paper. Based on the stakeholder feedback, the drafting of these draft Guidelines was refined, without changing the general approach set out in the consultation paper.

### NEXT STEPS

EIOPA shall, by 29 July 2027, issue these Guidelines in accordance with Article 16 of Regulation (EU) No 1094/2010.

# GUIDELINES ON THE CRITERIA TO DETERMINE WHETHER SIMPLIFIED OBLIGATIONS CAN APPLY FOR CERTAIN INSURANCE AND REINSURANCE UNDERTAKINGS AND GROUPS

## INTRODUCTION

1. In accordance with Article 16 of Regulation (EU) No 1094/2010 (EIOPA Regulation)<sup>1</sup> and with Article 4(2) of Directive (EU) 2025/1<sup>2</sup>, EIOPA issues these Guidelines to specify further details on the criteria listed in the introductory part of Article 4(1) of Directive (EU) 2025/1 for the purposes of determining whether simplified obligations can apply for certain insurance and reinsurance undertakings (hereafter: “undertakings”) and groups.
2. These Guidelines have been developed in line with EIOPA’s views for better regulation and supervision<sup>3</sup>, thereby enhancing supervisory convergence through simpler, more efficient frameworks.
3. The approach set-out in these Guidelines is intended to promote the convergence of practices among supervisory authorities and resolution authorities when assessing undertakings and groups against the assessment criteria while ensuring that this assessment is conducted in a proportionate manner.
4. These Guidelines are addressed to supervisory authorities and resolution authorities, in accordance with Article 4(2), point (i) of the EIOPA Regulation.
5. The Guidelines apply from 30 January 2027.
6. If not defined in these Guidelines, the terms have the meaning defined in the legal acts referred to in this introduction.

## GUIDELINE 1 – GENERAL PRINCIPLES REGARDING THE ASSESSMENT OF THE APPLICATION OF SIMPLIFIED OBLIGATIONS

7. These guidelines further specify the assessment criteria by setting a list of elements against which undertakings and groups should be assessed by supervisory authorities and resolution authorities when determining whether it is appropriate to apply simplified obligations to any of these undertakings and groups. For the purpose of this assessment, certain elements of the criteria may be of differing significance depending on the specific conditions of the undertaking or group.

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<sup>1</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. 48–83)

<sup>2</sup> Directive (EU) 2025/1 of the European Parliament and of the Council of 27 November 2024 establishing a framework for the recovery and resolution of insurance and reinsurance undertakings and amending Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 and Regulations (EU) No 1094/2010, (EU) No 648/2012, (EU) No 806/2014 and (EU) 2017/1129 (OJ L, 2025/1, 8.1.2025).

<sup>3</sup> Bolder, Simpler, Faster: EIOPA’s views for better regulation and supervision, (EIOPA-BoS-25/118), 8 April 2025.

8. Based on the assessment criteria specified in these guidelines, supervisory authorities and resolution authorities should assess whether a failure of an undertaking and its subsequent winding-up under normal insolvency proceedings would have a significant negative effect on financial markets, on other undertakings, on policyholders, on funding conditions, or on the wider economy.
9. The assessment should take place only for those undertakings and groups that are subject to pre-emptive recovery planning or resolution planning, in accordance with Article 5, 7, 9 and 10 of Directive (EU) 2025/1.
10. In order to apply simplified obligations to certain undertakings and groups, supervisory and resolution authorities should assess all the assessment criteria. However, if for one of the criteria it is evident that a failure and subsequent winding up would have a significant negative effect on financial markets, on other undertakings, on policyholders, on funding conditions, or on the wider economy, full obligations should be applied and no further assessment should necessarily be performed against the other criteria.
11. Simplified obligations are less likely to be applicable to undertakings and groups in the following categories:
  - with significant cross-border activities as defined in Article 152aa(1) of Directive 2009/138/EC (Solvency II)<sup>4</sup>; or
  - whose failure would have a significant impact on its policyholders and beneficiaries and on the market in accordance with Guideline 15 and 16 of the EIOPA Guidelines on supervisory review process (EIOPA-BoS-14/179).
12. Supervisory authorities and resolution authorities should ensure that they are kept informed of changes to an undertaking's or group's business or structure relevant to the assessment criteria in order to ensure that the application of full or simplified obligations remains appropriate. The granted simplified obligations should not continue to apply when the basis for their application is no longer met.
13. Supervisory authorities and resolution authorities should also have particular regard to undertakings and groups that are in scope of the pre-emptive recovery or resolution planning requirements but are foreseen to be wound-up under normal insolvency proceedings, as their eligibility for the application of simplified obligations is expected to be more likely. However, the determination that an undertaking or group is eligible for simplified obligations does not preclude an assessment that the conditions for resolution are satisfied pursuant to Article 19 of Directive (EU) 2025/1 and that a resolution tool may be applied having regard to the resolution objectives in Article 18 of Directive (EU) 2025/1.
14. The criteria and elements developed in these Guidelines are to be used in the assessment of the eligibility of simplified obligations for the pre-emptive recovery planning and resolution planning requirements of both individual undertakings and groups. Supervisory authorities and

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<sup>4</sup> 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) (OJ L 335, 17.12.2009, p. 1-155).

resolution authorities may choose to categorise undertakings and groups for the purposes of assessing their eligibility for simplified obligations using the elements under the assessment criteria. Additionally, the outcomes of the assessment of the potential impact of failure, in accordance with the EIOPA Guidelines on supervisory review process (EIOPA-BoS-14/179), and the assessment for determining the market share in accordance with Article 5(2) of Directive (EU) 2025/1 could serve as input for the categorisation of assessment criteria.

15. Given that some criteria and in particular certain elements listed in these Guidelines, coincide with those that are to be assessed under the Commission Delegated Regulation (EU) on criteria for pre-emptive recovery planning requirements and methods to be used when determining the market shares<sup>5</sup>, these criteria/elements may be approached from the same perspective, thereby allowing the same set of information to be used to satisfy both requirements. In a similar manner, supervisory and resolution authorities can perform both assessments in the same process.

## GUIDELINE 2 – NATURE OF BUSINESS

16. When assessing the nature of business criterion, supervisory authorities and resolution authorities should consider at least the following elements:
  - a. the extent to which the undertaking provides critical functions in one or more Member States;
  - b. factors by which it generates profit and losses, including its profitability ratios;
  - c. lines of business in which it operates, taking into account both the relative contribution of each line of business to the undertaking's or group's total gross written premiums or to the total technical provisions and their riskiness;
  - d. types of products it offers;
  - e. investment strategy followed by the undertaking or group;
  - f. distribution model and distribution channels and their diversification;
  - g. stability of business model, considering also the degree of diversification across lines of business.
17. Based on the assessment of these elements, supervisory authorities and resolution authorities should consider less likely to be subject to simplified obligations undertakings or groups that show:
  - a. a concentration in fewer lines of business or products, especially the ones that are deemed to be riskier;
  - b. a high impact from the discontinuation of their insurance coverage;
  - c. undiversified investment strategies and distribution model or channels;
  - d. an overall instability of the business model, including a low degree of business diversification.

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<sup>5</sup> Commission Delegated Regulation (EU) supplementing Directive (EU) 2025/1 of the European Parliament and of the Council with regard to regulatory technical standards on criteria for pre-emptive recovery planning requirements and methods to be used when determining the market shares.

### GUIDELINE 3 – SHAREHOLDING STRUCTURE

18. When assessing the shareholding structure criterion, supervisory authorities and resolution authorities should consider at least the following elements:
  - a. whether there is adequate transparency of the identities of the shareholders, direct or indirect, natural or legal persons;
  - b. whether shareholders are concentrated or dispersed, in particular taking account of the profile of shareholders with qualified holdings as defined in Art. 13(21) of Directive 2009/138/EC (Solvency II);
  - c. the extent to which the shareholding structure may impact, for example, the availability of certain remedial actions for the undertaking or group.
19. Based on the assessment, supervisory authorities and resolution authorities should consider less likely to be subject to simplified obligations undertakings or groups that have a non-transparent, complex, shareholders profile or shareholding structure.

### GUIDELINE 4 – LEGAL FORM

20. When assessing the legal form criterion, supervisory authorities and resolution authorities should consider at least the following elements:
  - a. the structure of an undertaking in terms of whether the undertaking is part of a group and, if so, whether the group has a complicated or simple structure and the degree to which entities are interconnected, having regard to financial and operational interdependencies;
  - b. the legal form of the undertaking including mutual undertakings and cooperative society, in accordance with the legal forms of undertakings set out in the Annex III of Directive 2009/138/EC (Solvency II)<sup>6</sup>.
21. Based on the assessment, supervisory authorities and resolution authorities should consider less likely to be subject to simplified obligations undertakings that are part of a complicated group structure and the entities within the group are highly interconnected.

### GUIDELINE 5 – RISK PROFILE

22. When assessing the risk profile criterion, supervisory authorities and resolution authorities should consider the gross and, as appropriate, net risk exposures of an undertaking or a group and at least the following elements:
  - a. the solvency ratio of the undertaking;
  - b. the quality of the own funds and the percentage that they represent over the total Solvency Capital Requirement;

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<sup>6</sup> 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), (OJ L 335, 17.12.2009, p. 1).

- c. whether risk exposures, measured by Solvency Capital Requirement modules or submodules, pose higher risk for the undertaking in comparison to other undertakings on the market;
  - d. the undertaking's risk appetite considering it, where relevant, in the context of the solvency and financial condition;
  - e. the liquidity risk.
23. Based on the assessment, supervisory authorities and resolution authorities should consider as being less likely to be subject to simplified obligations those undertakings or groups with a low solvency ratio, low quality of own funds, high risk exposure compared to other undertakings or groups, have a high risk appetite, or high liquidity risk.

#### GUIDELINE 6 – SIZE

24. When assessing the size criterion, supervisory authorities and resolution authorities should use the amount of:
- a. gross technical provisions for life undertakings;
  - b. gross written premiums for non-life undertakings.

Where relevant, the assessment of size may be supplemented by the amount of total assets.

25. Based on the size assessment, supervisory authorities and resolution authorities should consider larger undertakings or groups as being less likely to be subject to simplified obligations and smaller undertakings or groups as being more likely to be subject to simplified obligations.

#### GUIDELINE 7 – LEGAL STATUS

26. When assessing the legal status criterion, supervisory authorities and resolution authorities should consider at least the following elements:
- a. the insurance classes, listed in Annexes I and II to the Solvency II, which the undertaking has been granted an authorisation for in accordance with Title I, Chapter II of Solvency II;
  - b. whether the undertaking pursues both life and non-life activities.
27. Based on the assessment, supervisory authorities and resolution authorities should consider as being less likely to be subject to simplified obligations those undertakings or groups which:
- a. have been granted an authorisation for a broad scope of insurance classes, in particular in terms of the types and their related complexity;
  - b. pursue both life and non-life activities.

#### GUIDELINE 8 – INTERCONNECTEDNESS TO OTHER REGULATED UNDERTAKINGS OR TO THE FINANCIAL SYSTEM IN GENERAL

28. When assessing the interconnectedness criterion, supervisory authorities and resolution authorities should consider at least the following elements:
- a. the extent to which the undertaking provides critical functions to other financial institutions in one or more Member States;
  - b. exposures to counterparties in the broader financial system and real economy;

- c. concentration of the financial instruments held and their corresponding volumes, considering, where relevant, derivative positions, repos and securities lending positions and collateral agreements;
  - d. contagion risks among entities within the group, considering also the volume of intra-group transactions, reinsurance and shareholder structure;
  - e. relevance of the undertaking's operational services for the group.
29. Based on the assessment, supervisory authorities and resolution authorities should consider less likely to be subject to simplified obligations those undertakings or groups that have a high exposure to many counterparties, a high concentration in terms of numbers in fewer financial instruments held or their high volume with respect to the total assets, a high contagion risk or high relevance of the operational services for the group.

#### GUIDELINE 9 – SCOPE AND COMPLEXITY OF ACTIVITIES

30. When assessing the scope and complexity of activities criterion, supervisory authorities and resolution authorities should consider at least the following elements:
- a. cross-border business;
  - b. role of third party providers;
  - c. risk transfer arrangements, including reinsurance strategy;
  - d. investments in complex financial instruments, such as structured assets;
  - e. group structure, including allocation of own funds and interdependencies;
  - f. total covered liabilities by insurance guarantee scheme or schemes (if existent in the given jurisdiction).
31. Based on the assessment, supervisory authorities and resolution authorities may consider less likely to be subject to simplified obligations those undertakings or groups when there is a high degree of cross-border business, there is a strong dependence on third party providers, risk transfer arrangements are used to a great extent, investments in complex financial products play an essential role, the group structure is complex or the total portion of liabilities covered by insurance guarantee schemes is low.

#### COMPLIANCE AND REPORTING RULES

32. This document contains Guidelines issued under Article 16 of the EIOPA Regulation. In accordance with Article 16(3) of the EIOPA Regulation, competent authorities are required to make every effort to comply with guidelines and recommendations.
33. Competent authorities that comply or intend to comply with these Guidelines should incorporate them into their regulatory or supervisory framework in an appropriate manner.
34. Competent authorities are to confirm to EIOPA whether they comply or intend to comply with these Guidelines, with reasons for non-compliance, within two months after the issuance of the translated versions.
35. In the absence of a response by this deadline, competent authorities will be considered as non-compliant to the reporting and reported as such.

#### FINAL PROVISION ON REVIEW

36. These Guidelines will be subject to a review by EIOPA.

## ANNEX 1: IMPACT ASSESSMENT

### OBJECTIVES

In accordance with Article 29 of the EIOPA Regulation, EIOPA carries out, where relevant, an analysis of the costs and benefits during the policy development process. The analysis of costs and benefits is undertaken according to the impact assessment methodology.

The starting point for this impact assessment is that existing provisions following from the level 1 text are already in place and that the other provisions included in this report will be implemented as proposed. As a result, this assessment only considers the additional impact of each specific policy issue under discussion.

This impact assessment covers whether to include guidance on the likelihood of eligibility for simplified obligations of undertakings or groups under the specific criteria developed in the guidelines (policy issue A) and the need for optional elements to be considered by supervisory authorities and resolution authorities in addition to the minimum required elements developed under the criteria required in Art. 4(1) of the Directive (EU)2015/1 (policy issue B) and has been completed by EIOPA on a qualitative basis. In drafting these Guidelines, EIOPA has ensured alignment with the general objectives of the Directive (EU) 2025/1, as agreed by the legislators.

These general objectives are to enable the resolution authorities to:

- Protect the collective interest of policyholders, beneficiaries and claimants;
- Enhance preparation, coordination and cooperation;
- Ensure a proper functioning of the internal market and ensuring level-playing field.

In view of the specific purpose of these guidelines, the following more specific objectives were identified, for supervisory authorities and resolution authorities to ensure:

- an orderly resolution of undertakings and groups by ensuring that the application of simplified obligations is proportionate to the expected impact of failure of the undertaking and group;
- an effective and efficient policyholder protection with a sufficient level of flexibility for supervisory and resolution authorities to adjust the methodologies to assess the eligibility of undertakings and groups for simplified obligations to the specificity of national markets;
- a level playing field through common minimum harmonisation rules with regard to the application of simplified obligations.

## POLICY ISSUES

### **Policy Issue A: Guidance on likelihood of simplified obligations for each criterion after listing the elements to be considered**

When reading the criteria and elements following from Art. 4(1) and specified in the guidelines a certain direction on the likelihood of a positive/negative outcome of the assessment for certain undertakings and groups becomes clear. This policy issue is about whether to make this explicit as a form of guidance or leave it open for the supervisory and resolution authorities to make the interpretation all by themselves.

### **Policy Issue B: List of optional elements**

The Guidelines as per Article 4(2) of Directive (EU) 2025/1 should “further specify” details on the criteria to determine whether undertakings or groups can be subject to simplified obligations. For each criterion, the Guidelines set out certain elements to be considered as a minimum. This policy issue considers the need to include a list of optional elements which the authorities may take into account when assessing the undertakings or groups against the criteria.

## POLICY OPTIONS

### **Policy Issue A: Guidance on likelihood of simplified obligations for each criterion after listing the elements to be considered**

#### **Policy option A.1: Guidance on likelihood of simplified obligations included**

Based on specification of the criteria to be used and the elements to be considered when assessing the eligibility for simplified obligations, it becomes clear in most cases what kind of characteristics of undertakings can point to a positive outcome or negative outcome of the assessment. By making this explicit the Guidelines clarify the meaning of the criteria and elements and further support the supervisory and resolution authorities in making their assessment. It does not constitute a definite conclusion, this is still to be determined by the respective supervisory and resolution authorities.

#### **Policy option A.2: No guidance on likelihood of simplified obligations**

This option would leave the interpretation of the criteria and elements specified fully to the supervisory and resolution authorities, disregarding in the GLs the inherent meaning of the assessed criteria and the most likely result of the assessment. No guidance would be included.

### **Policy Issue B: List of optional elements**

#### **Policy option B.1: No list of optional elements**

Under this option, the Guidelines do not include any optional elements and no explanatory text or annex will be added, limiting the Guidelines to the elements developed under the several criteria from Art. 4(1) of Directive (EU) 2025/1. Supervisory and resolution authorities would at a minimum need to

consider these elements, but retain flexibility to add additional elements if it fits better to the specificity of their respective national markets.

### Policy option B.2: List of optional elements in explanatory text or annex

Under this option, the Guidelines include optional elements which the authorities may take into account when conducting the assessment to provide more guidance to the way supervisory and resolution authorities can approach the assessment.

## IMPACT OF THE POLICY OPTIONS

In assessing the impact of the policy options, special attention is devoted to the potential areas or functions where the costs could arise as a result of the different policy options. A more detailed estimation of the (monetary) costs would depend on several variables, such as the company-specific process and procedures, the size and nature of the entity and the applicable resolution framework at national level, including the potential contribution to financing arrangements

### Policy Issue A: Guidance on likelihood of simplified obligations for each criterion after listing the elements to be considered

Policy option A.1: Guidance on likelihood of simplified obligations included		
<b>Costs</b>	Policyholders	No impact.
	Industry	Assessment potentially less adjusted to the specificities of the national market, but it is expected to be overall manageable.
	Supervisors and resolution authorities	Less flexibility to interpret the elements for the authorities which is outweighed by the benefits of harmonization.
	Other	No impact.
<b>Benefits</b>	Policyholders	No immediate impact, but greater consistency across the EU, indirectly strengthens the confidence that similar undertakings are treated fairly.
	Industry	Higher likelihood of level playing-field, as the interpretation between authorities on the likelihood of simplified obligations is more harmonised, leading to fewer differences in burden on similar undertakings between Member States.
	Supervisors and resolution authorities	More clarity on interpretation of the elements and transparent decision-making and a higher likelihood of a level-playing field as result.
	Other	No impact.

Policy option A.2: No guidance on likelihood of simplified obligations		
<b>Costs</b>	Policyholders	No direct impact, however indirect risks could arise if inconsistent supervisory assessments increase costs for some undertakings which could be passed on to policyholders
	Industry	Lower likelihood of level-playing field with differences in obligations applied to similar undertakings dependent on the approach/strictness of the supervisory and resolution authority assessment, leading to potential differences in burden on similar undertakings between Member States. Potentially higher cost implications for the risk management and compliance functions of undertakings as less clarity on interpretation of elements might mean that further input is needed such as data, documentation or clarifications to enable authorities to perform the assessment.
	Supervisors and resolution authorities	Less clarity on interpretation of the elements that would make assessment more resource-intensive, increase workload and result in higher administrative burden. The lack of guidance could increase disputes between authorities and undertakings.
	Other	No impact.
<b>Benefits</b>	Policyholders	No impact.
	Industry	Assessment potentially more adjusted to the specifics of the national market.
	Supervisors and resolution authorities	More flexibility to interpret the elements for the authorities, allowing adjustments to specific national market needs.
	Other	No impact.

### Policy Issue B: List of optional elements

Policy option B.1: No list of optional elements		
<b>Costs</b>	Policyholders	No impact.
	Industry	Less transparency and harmonisation in the additional criteria that authorities might take into account.

	Supervisors and resolution authorities	In cases where the minimum list is considered insufficient, more administrative burden to develop additional criteria/elements from scratch with the risk of goldplating, though such cases are expected to be exceptional.
	Other	No impact.
<b>Benefits</b>	Policyholders	No impact.
	Industry	Fewer elements to be considered and fewer differences between Member States, reduces the reporting complexity and increases the likelihood of consistent outcomes for similar types of undertakings, thereby increasing the level-playing field.
	Supervisors and resolution authorities	Supervisory and resolution authorities retain flexibility on adding optional elements fully adjusted to their markets and can also stick to the minimum list of elements, without the need to complicate the assessment with additional elements. Streamlines procedures and reduces administrative burden while avoiding unnecessary complexity.
	Other	No impact.

Policy option B.2: List of optional elements in explanatory text or annex		
<b>Costs</b>	Policyholders	No impact.
	Industry	More elements to be considered may lead to more extensive information requests to the undertakings by the respective supervisory and resolution authorities. This would in turn mean that the risk management and compliance functions may be faced with more administrative burden and higher compliance costs. Differences in the use of these elements between Member States could lead to a decreasing level-playing field.
	Supervisors and resolution authorities	More elements to potentially consider, complicating the assessment procedure resulting in more time and resources and increased administrative burden.
	Other	No impact.
<b>Benefits</b>	Policyholders	No impact.
	Industry	Industry may benefit from the additional guidance on the authorities expectations.

Supervisors and resolution authorities	Optional elements might be better adjusted to the specifics of the national market, increasing the likelihood of a more accurate assessment.
Other	No impact.

## COMPARISON OF POLICY OPTIONS

### POLICY ISSUE A: Guidance on likelihood of simplified obligations for each criterion after listing the elements to be considered

EFFECTIVENESS (0,+,,+)			
	Orderly resolution by ensuring simplified obligations are applied proportionately to impact of failure	Effective and efficient policyholder protection by having flexibility to adjust to the specificity of national markets.	Level playing field through common minimum harmonisation rules
Policy option A.1	++	0	++
Policy option A.2	0	+	+

EFFICIENCY (0,+,,+)			
	Orderly resolution by ensuring simplified obligations are applied proportionately to impact of failure	Effective and efficient policyholder protection by having flexibility to adjust to the specificity of national markets.	Level playing field through common minimum harmonisation rules
Policy option A.1	++	0	0
Policy option A.2	+	+	+

While Policy Option A.2 preserves flexibility, the absence of guidance on the likelihood of applying simplified obligations creates higher recurring costs for supervisory authorities and resolution authorities. Less clarity on interpretation of the elements might lead to some additional administrative workload and resource needs as well regulatory inconsistency among Member states. On the contrary, policy option A.1 fosters a more harmonized approach across jurisdictions and consequently reduces the risk of inconsistent implementation while minor costs are limited and manageable. Finally, this option fosters more efficient allocation of resources and less administrative burden while strengthening the level playing field.

## POLICY ISSUE B: List of optional elements

EFFECTIVENESS (0,+,,+)			
	Orderly resolution by ensuring simplified obligations are applied proportionately to impact of failure	Effective and efficient policyholder protection by having flexibility to adjust to the specificity of national markets.	Level playing field through common minimum harmonisation rules
<b>Policy option B.1</b>	+	++	++
<b>Policy option B.2</b>	++	+	+

EFFICIENCY (0,+,,+)			
	Orderly resolution by ensuring simplified obligations are applied proportionately to impact of failure	Effective and efficient policyholder protection by having flexibility to adjust to the specificity of national markets.	Level playing field through common minimum harmonisation rules
<b>Policy option B.1</b>	++	+	+
<b>Policy option B.2</b>	0	+	0

Under Policy Option B.2, which includes a list of optional elements in the explanatory text or annex, supervisors and the industry may face higher administrative and resource demands. Supervisors would need to consider a larger set of elements in each assessment, while for undertakings, this could lead to greater complexity, additional compliance work and greater uncertainty. On the contrary, Policy Option B.1, minimises these burdens by allowing supervisors and undertakings to focus on the minimum set of elements already established thus improving efficiency increasing the level playing field. Furthermore, any costs from developing additional elements where needed are limited and outweighed by the efficiency gains.

## PREFERRED OPTION

Based on the impact assessment of the two policy issues the preferred options are to **include guidance on the likelihood of simplified obligations in the guidelines as per policy option A.1** and **to not have a list of optional elements to be considered by the authorities as per policy option B.1.**

The guidance on the likelihood increases the level of clarity on what the different elements mean and how risk related to the respective criteria is considered. It also supports the objective of increasing the level playing field by setting a minimum list of criteria, elements and considerations that have to be

applied in all Member States. This limits potential divergence between Member States for similar undertakings. Without guidance, supervisors and the industry face higher costs of having to interpret the various elements. Furthermore, undertakings could be exposed to higher cost as less clarity on interpretation of elements might mean that further input is needed such as data, documentation or clarifications to enable authorities to perform the assessment. Although option A.1. limits somewhat the flexibility that supervisory and resolution authorities have in their interpretation of the elements, the number of elements that need to be considered is limited and supervisory and resolution authorities retain a degree of flexibility to add elements and look for adjustments of the methodology to their specific markets. While the guidelines lay down the likelihood of applying simplified obligations, the supervisory and resolution authorities retain a certain degree of flexibility to perform the final assessment. This also means that the potential costs that undertakings could bear as a result of the IRRD's pre-emptive recovery and resolution planning requirements, is contingent to a significant degree on the decisions made by the supervisory and resolution authorities, including the assessment of eligibility for simplified obligations for which the Guidelines have laid out minimum requirements.

Leaving out a list of optional elements that authorities could consider in their assessments, ensures flexibility to supervisory and resolution authorities to develop additional elements to take into consideration national specificities. Having only the minimum elements limits the divergence between Member States from the outset as the minimum requirements are limited and straightforward. Including optional elements could complicate the assessment from the start as supervisory and resolution authorities would be or feel obligated to make a decision on whether or not to consider these elements. Optional elements could support supervisory and resolution authorities to develop a more adjusted methodology to the specific of their markets. However, with the selected approach, authorities would be able to come up with additional elements themselves, only if it is deemed necessary and minimize the overall burden of assessing the optional elements.

## ANNEX 2: FEEDBACK STATEMENT

This feedback statement sets out a high-level summary of the consultation comments received and EIOPA's assessment of them. The full list of all the non-confidential comments provided can be found on EIOPA's website.

EIOPA received comments from its Insurance and Reinsurance Stakeholder Group (IRSG) and from 4 other stakeholders, mainly insurance industry and associations.

As part of the consultation EIOPA held a stakeholder's workshop on 6 February 2026 to discuss the Guidelines.

EIOPA would like to express its appreciation for the feedback of the stakeholders during the preparation of the Guidelines.

### ASSESSMENT ELEMENTS AND PROPORTIONALITY

#### Stakeholder comments

Stakeholders commented that the Guidelines go beyond Level 1 by bringing in detailed assessment criteria which could risk the principle of proportionality especially with the provision in the Introduction whereby supervisory and resolution authorities could determine that full obligations should be applied if it is evident from assessing one of the criteria that a failure and subsequent widening up would have a significant negative impact.

Furthermore, stakeholders commented that the listed elements are highly granular and while still remain relevant, they should be assessed in the specific context of the undertaking.

#### Assessment

The Guidelines aim to further specify the criteria for assessing simplified obligations as per the mandate in Article 4(1) of the IRRD, in a manner that supports supervisory convergence without introducing new Level-1 requirements. The Guidelines provide a minimum set of elements to support a consistent and harmonised application across Member States, thereby contributing to a level playing field.

The provision mentioned above was introduced with the intention to reduce the burden on both NCAs and undertakings by avoiding the need for a full-scale assessment where a key criterion clearly prevents the application of simplified obligations, thereby also limiting the need for additional data collection from undertakings. At the same time, NCAs can conduct the full assessment of criteria if they still deem it necessary. The relevant paragraph has been slightly modified to reflect this. Furthermore, NCAs have the flexibility to consider additional elements based on expert judgement, thereby applying a case-by-case and proportionate approach. Furthermore, the assessment should be carried out in a holistic manner, taking into account all relevant elements and criteria and not looking at elements in isolation.

In order to further ensure a proportionate and context-specific application of the elements, a new sentence was added in the Introduction, to clarify that for the purpose of the assessment, certain

elements of the criteria may carry differing significance depending on the specific conditions of the undertaking or group.

## LIST OF CRITERIA

### Stakeholder comments

Stakeholders commented that the list of criteria should be non-exhaustive otherwise simplified obligations could be applied too restrictively.

### Assessment

The categories of criteria set out in Article 4 (1) of IRRD constitute a closed list at Level 1. These criteria are, however, broad in nature and cover different aspects, allowing NCAs to consider additional elements within each category when carrying out their assessment, thereby applying a case-by-case and proportionate approach. This ensures that simplified obligations are not applied in an overly restrictive manner while maintaining supervisory convergence.

The Guidelines therefore provide a minimum set of elements to support a consistent and harmonised application across Member States, thereby contributing to a level playing field.

## INTERNAL MODELS AND MUTUAL UNDERTAKINGS ELEMENTS

### Stakeholder comments

Stakeholders commented that the element on “internal models” under the “Risk profile” criterion should be deleted because under Policy Option A.1., it was specified that no clear direction would be provided. In the same vein, stakeholders commented that the element on “mutual undertakings” under the “Legal form” criterion should be deleted.

### Assessment

The Guidelines did not provide specific direction regarding internal models. Following an assessment of, it was concluded that there was no single approach to interpreting the likelihood of simplified obligations being applicable, as this may vary depending on the characteristics and assessment of the internal model. In light of this, and given that point 24(c) covers all undertakings and groups regardless of whether they use standard formula or an internal model, the reference to internal models has been removed from the “Risk profile” criterion element to avoid ambiguity.

Similarly, no specific direction was provided on mutual undertakings as the assessment depends on the NCAs expert judgment to conclude whether such undertakings pose a higher or lower risk. Following a careful consideration, the legal form of the undertaking (including whether it is a mutual) can be assessed under point 1.22(b), hence point (c) on mutual undertakings has been deleted.