CONSULTATION PAPER

# CONSULTATION PAPER

on the proposal for revised Guidelines on group solvency

EIOPA-BoS-25/519
5 December 2025

European Insurance and Occupational Pensions Authority

# TABLE OF CONTENTS


**Responding to this paper** **3**

**Consultation paper overview and next steps** **4**

**Guidelines on group solvency** **6**

Introduction 6

Guidelines 7

Compliance and reporting rules 12

Final provision on reviews 13

Technical annex 13

**Explanatory text** **14**

**Questions to stakeholders** **30**

# RESPONDING TO THIS PAPER

EIOPA welcomes comments on the consultation paper on the proposal for revised Guidelines on group solvency.

Comments are most helpful if they:

- respond to the question stated, where applicable;
- contain a clear rationale; and
- describe any alternatives EIOPA should consider.

Please send your comments to EIOPA via EUSurvey (link) by 27 February 2026, 23:59 CET.

Contributions not provided via EUSurvey or after the deadline will not be processed. In case you have any questions please contact SolvencyIIreview@eiopa.europa.eu.

### Publication of responses

Your responses will be published on the EIOPA website unless: you request to treat them confidential, or they are unlawful, or they would infringe the rights of any third-party. Please, indicate clearly and prominently in your submission any part you do not wish to be publicly disclosed. EIOPA may also publish a summary of the survey input received on its website.

Please note that EIOPA is subject to Regulation (EC) No 1049/2001 regarding public access to documents and EIOPA's rules on public access to documents.[1]

Declaration by the contributor

By sending your contribution to EIOPA you consent to publication of all non-confidential information in your contribution, in whole/in part – as indicated in your responses, including to the publication of the name of your organisation, and you thereby declare that nothing within your response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

### Data protection

Please note that personal contact details (such as name of individuals, email addresses and phone numbers) will not be published. EIOPA, as a European Authority, will process any personal data in line with Regulation (EU) 2018/1725. More information on how personal data are treated can be found in the privacy statement at the end of this material.

[1] Public Access to Documents

# CONSULTATION PAPER OVERVIEW AND NEXT STEPS

EIOPA carries out public consultations before issuing and amending its guidelines and recommendations in accordance with Article 16(2) of Regulation (EU) No 1094/2010.

In the context of the review of Directive 2009/138/EC (Solvency II Directive), EIOPA will review all existing guidelines based on that Directive. In view of the large number of these guidelines, the review will be sequential. The main objective of the review is to ensure that the guidelines are up to date and in line with the legal framework as amended by the Solvency II review. Another objective of the review is to simplify and shorten the guidelines, in particular where the guidelines are relevant for insurance and reinsurance undertakings. The corpus of guidelines on Solvency II has grown over the years and the Solvency II review mandates EIOPA to issue additional guidelines. EIOPA believes that the corpus of guidelines should be limited to what is strictly necessary to ensure a sound and consistent application of Solvency II.

This consultation paper presents the draft revised Guidelines on group solvency, its explanatory text and a technical annex.

The current Guidelines have been applied since 2015. Based on the practical application of the Guidelines, several improvements have been identified. Some legal references were updated, and clarifications were added to reflect changes to the legal framework.

Guidelines 1, 4, 5, 9, 12, 15, 16 and 23 and the technical annex are amended in order to reflect the amended legal framework and improve the clarity of the text. In order to simplify and shorten the Guidelines, Guidelines 2, 3, 6, 7, 11, 13, 14, 17, 18, 19, 20, 21, 22 and 24 to 27 are deleted. The rationale for these deletions is mostly that the guidance introduced by those guidelines is deemed redundant or sufficiently clear from the legal provisions or is not anymore consistent with the revised legal framework. Additionally, Finally, Guidelines 8 and 10 are not changed.

The consultation paper takes into account the amendments to the Delegated Regulation that the Commission adopted on 29 October 2025.[2]

The amendments to the Guidelines are mostly for clarification and streamlining purposes with no intention to reduce supervisory expectations. They do not provide new guidance for the application of the legal framework. Therefore, the revisions are not expected to have a material impact on the insurance industry or supervisory authorities. Consequently, this consultation paper does not include an impact assessment of the proposed changes.

[2] Solvency 2 - Implementing and delegated acts - European Commission

### Next steps

EIOPA will revise the proposal in view of the stakeholder comments received. EIOPA will publish a report on the consultation including the revised proposal and the resolution of stakeholder comments.

The final Guidelines will be applicable when the amended Solvency II Directive becomes applicable.

# GUIDELINES ON GROUP SOLVENCY

## INTRODUCTION

1. In accordance with Article 16 of Regulation (EU) No 1094/2010 (EIOPA Regulation), EIOPA issues these Guidelines on group solvency.
2. These Guidelines relate to Articles 212 to 235 and Articles 261 to 263 of Directive 2009/138/EC (Solvency II Directive), and to Articles 328 to 342 of Commission Delegated Regulation (EU) 2015/35 (Delegated Regulation 2015/35).
3. These Guidelines are addressed to supervisory authorities under Solvency II.
4. The Guidelines apply to all the methods of group solvency calculation unless otherwise specified. When relevant, the standard formula or the internal model will be specified in the Guidelines.
5. The Guidelines provide guidance on the treatment of EEA groups in the context of Articles 215 to 217 of the Solvency II Directive.
6. The Guidelines apply from 30 January 2027 and repeal and replace the Guidelines on group solvency (EIOPA-BoS-14/181).
7. If not defined in these Guidelines the terms have the meaning defined in the legal acts referred to in the introduction.

## GUIDELINES

### Guideline 1 – Scope of the group for the group solvency calculation

8. The participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company responsible for calculating the group solvency should ensure that it covers all risks and all related undertakings belonging to the group, unless the undertakings are excluded in accordance with Articles 214(2) and 229 of the Solvency II Directive. Irrespective of the calculation method used for the group solvency calculation, the scope of the group should be the same.

### Guideline 4 – Case of application of group supervision

9. Since the four cases of application of group supervision referred to in Article 213(2)(a) to (d) of the Solvency II Directive are not mutually exclusive and can exist within the same group, supervisory authorities should consider the different cases under this article in setting up group supervision.

### Guideline 5 - Parent insurance or reinsurance undertaking, insurance holding company or mixed financial holding company headquartered in a third country

10. According to Article 215 of the Solvency II Directive, where a subgroup referred to in Article 213(2)(a) and (b) of the Solvency II Directive exists, the acting group supervisor as defined in Article 260 of the Solvency II Directive, after consulting the other supervisory authorities concerned, should ensure that group supervision applies by default at the level of the ultimate parent undertaking in the European Union.
11. However, where the parent insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company is headquartered outside the EEA and is subject to an equivalent third country group supervision, the acting group supervisor as defined in Article 260 of the Solvency II Directive should rely on the group supervision exercised by the third-country supervisory authorities, according to Article 261 of the Solvency II Directive, and exempt the group from group supervision at the ultimate level of the European Union on a case-by-case basis, where this would result in a more efficient supervision of the group and would not impair the supervisory activities of the supervisory authorities concerned in respect of their individual responsibilities.
12. After consulting with other supervisory authorities concerned, the acting group supervisor as defined in Article 260 of the Solvency II Directive should consider a more efficient group supervision as achieved when the following criteria are met:

    (a) the worldwide group supervision allows for a robust assessment of the risks to which the EEA subgroup and its entities are exposed, considering the structure of the group, the nature, scale and complexity of the risks and the capital allocation within the group;

    (b) the cooperation currently in place between the third-country group supervisor and EEA supervisory authorities for the group concerned is structured and well-managed through regular meetings and appropriate exchange of information within a college of supervisors to which the EEA supervisory authorities and EIOPA are invited;

(c) an annual work plan, including joint on-site examinations, is agreed upon in these regular meetings by the supervisory authorities involved in the supervision of the group.

13. Where the parent insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company is headquartered outside the EEA and is not subject to an equivalent third country supervision, group supervision should be applied at the level of the ultimate parent undertaking in the European Union where a group, as defined by Article 213(2) (a) or (b) of the Solvency II Directive, exists. Where such group does not exist, the supervisory authorities should decide whether to require, by virtue of Article 262(3)(b) of the Solvency II Directive, the establishment of an insurance holding company or a mixed financial holding company which has its head office in the European Union and subject this EEA group to group supervision and group solvency calculation.

## Guideline 8 - Choice of the method of calculation and assessment of the intra-group transactions

14. When deciding whether the exclusive application of method 1 is not appropriate according to Article 328(1)(e) of Delegated Regulation 2015/35, the group supervisor should consider the presence of intra-group transactions between the related undertaking being assessed for deduction and aggregation method and all other entities in the scope of the group solvency calculation.

## Guideline 9 - Proportional share

15. Where a related undertaking is linked with another undertaking by a relationship as set out in Article 22(7) of Directive 2013/34/EU, irrespective of the choice of the calculation method, a proportional share of 100% should be used by default. Where the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company seeks to use another percentage, it should explain to the group supervisor why it is appropriate. After consulting the other supervisory authorities concerned and the group itself, the group supervisor should decide on the appropriateness of the proportional share chosen by the group.
16. When calculating the group solvency according to method 1, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should determine the proportional share it holds in its related undertakings by taking:
    (a) 100% when including a subsidiary according to Article 335(1)(a) and (b) of Delegated Regulation 2015/35, unless otherwise decided in accordance with Guideline 10;
    (b) the percentage used for the establishment of the consolidated accounts, when including undertakings according to Article 335(1)(c), (d) and (f) of Delegated Regulation 2015/35.

## Guideline 10 - Criteria for the recognition of the solvency deficit of a subsidiary on a proportional basis

17. In order to prove that the responsibility of the parent undertaking is strictly limited to the share of capital of the insurance or reinsurance subsidiary as envisaged in Article 221(1) of the Solvency II Directive, the parent undertaking should provide evidence to the group supervisor that the following criteria are met:

(a) no profit and loss transfer agreement and no guarantees, net worth maintenance agreements or other agreements of the parent undertaking or any other related undertaking providing financial support are in place;

(b) the investment in the subsidiary is not considered as a strategic investment for the parent undertaking;

(c) the parent undertaking does not benefit of any advantage from its participation in the subsidiary, where such advantage could take the form of intra-group transactions such as loans, reinsurance agreements or service agreements;

(d) the subsidiary is not a core component of the group's business model, in particular regarding product offering, client base, underwriting, distribution, investment strategy and management; furthermore it is not operating under the same name or brand, and there are no interlocking responsibilities at the level of the group senior management;

(e) a written agreement between the parent undertaking and the subsidiary explicitly limits the support of the parent undertaking in case of a solvency deficit to the parent undertaking's share in the capital of that subsidiary. In addition, the subsidiary should have a strategy in place to resolve the solvency deficit, such as guarantees from minority shareholders.

18. Where a subsidiary is included in the scope of the internal model to calculate the group solvency capital requirement, the group supervisor should not allow the parent undertaking to take into account the solvency deficit of the subsidiary on a proportional basis.
19. The group supervisor should assess such criteria, after consulting the other supervisory authorities concerned and the group itself, on a case-by-case basis, taking into account the specific features of the group.
20. The status of strictly limited responsibility of the parent undertaking should be subject to an annual review by the group supervisor.
21. The parent undertaking and the subsidiary should disclose the positive decision of the group supervisor that allows the recognition of the solvency deficit on a proportional basis in order to inform policyholders and investors, as material information in the capital management section of the group and individual Solvency and Financial Condition Report.
22. When preparing the consolidated data using method 1, the own funds and the solvency capital requirement of the subsidiary should be calculated on a proportional basis instead of applying a full consolidation.
23. When preparing the aggregated data using method 2, the own funds and the solvency capital requirement of the subsidiary should be calculated using the proportional share of that subsidiary, also in the case of a solvency deficit.

## Guideline 12 – Contribution of a related undertaking to the group solvency capital requirement

24. For the purpose of Article 330(6)(a) of Delegated Regulation 2015/35, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding

company should calculate the contribution of a related undertaking to the group solvency capital requirement according to the Technical Annex, with the goal to reflect diversification effects.

### Guideline 15 – Treatment of ring-fenced funds for covering the group solvency capital requirement

25. For all undertakings included in the group solvency calculation using method 1 and for undertakings in non-equivalent third countries included in the group solvency calculation using method 2, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should apply the principles for ring-fenced funds as set out in Article 81 and Article 217 of Delegated Regulation 2015/35.
26. For undertakings in equivalent third countries included in the group solvency calculation using method 2, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should identify any restriction to the undertakings' own funds due to ring-fencing of assets or liabilities or similar arrangements, in accordance with the equivalent solvency regime. These restrictions should be considered in the group solvency calculation as part of the own funds availability assessment at the group level.
27. When calculating the group solvency capital requirement using method 1, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should not eliminate intra-group transactions between the assets and liabilities associated with each material ring-fenced fund and the remaining consolidated data. The group solvency capital requirement calculated on the basis of the consolidated data should be the sum of:

    (a) the notional solvency capital requirement for each material ring-fenced fund calculated with the assets and liabilities of the ring-fenced fund gross of intra-group transactions; and;

    (b) the (diversified) group solvency capital requirement for the remaining consolidated data (excluding assets and liabilities of all material ring-fenced funds, but including the assets and liabilities of all non-material ring-fenced funds). When calculating the group solvency capital requirements for the remaining consolidated data, intra-group transactions should be eliminated, while intra-group transactions between the remaining consolidated data and the material ring-fenced funds should not be eliminated.

28. Where a group uses an internal model to calculate the group Solvency Capital Requirement (SCR), it should follow the guidance set out in Guideline 13 of the Guidelines on ring-fenced funds.
29. The consolidated data used to calculate the group own funds should be net of intra-group transactions as set out in Article 335(3) of Delegated Regulation 2015/35. Therefore, all intra-group transactions between material ring-fenced funds and the remaining consolidated data should be eliminated for the calculation of the group own funds.
30. For each material ring-fenced fund identified within the consolidated data under method 1, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should calculate the restricted own-fund items using the same assets

and liabilities of the ring-fenced fund used to calculate its notional solvency capital requirement as described above, i.e. gross of intra-group transactions.

31. Therefore, the total restricted own funds within the ring-fenced fund to be deducted from the group reconciliation reserve should be the sum of all material restricted own funds identified in EEA insurance or reinsurance undertakings and the restricted own funds identified in any non-EEA insurance and reinsurance undertaking in the scope of the consolidated data.

## Guideline 16 – Adjustments related to non-available own funds for the calculation of group eligible own funds

32. The participating insurance and reinsurance undertaking, the insurance holding company or the mixed financial holding company should deduct the part of the own funds of related undertakings, referred to in Article 330(1) of Delegated Regulation 2015/35, that have been assessed as non-available at group level in accordance with Article 330 of Delegated Regulation 2015/35. Such deductions should be done from the relevant own funds items and the relevant tiers of the group own funds.

33. When using method 1 or a combination of methods, the following process should be followed for calculating the consolidated group own funds eligible to cover the consolidated group solvency capital requirement and the minimum consolidated group solvency capital requirement:

    (a) the consolidated group own funds are calculated on the basis of the consolidated data, as referred to in Article 335(1)(a), (b), (c), (d) and (f) of Delegated Regulation 2015/35, net of any intra-group transactions. Holdings in related undertakings as referred to in Article 228(1) of the Solvency II Directive are not mentioned in this paragraph since they are not included in the consolidated data;

    (b) the consolidated group own funds referred to in (a) are classified into the relevant tiers according to Articles 331-334 of Delegated Regulation 2015/35;

    (c) the following deductions have to be made for each related undertaking referred to in Article 330(1) of Delegated Regulation 2015/35 to determine the available consolidated group own funds:

        i. the sum of all non-available own-fund items, other than minority interests, of a related undertaking in excess of the contribution of that related undertaking to the group solvency capital requirement should be deducted from the own funds referred to in (b).

        ii. minority interests of subsidiaries that are not fully owned should be deducted with the amounts as calculated according to Article 330(4a) of Delegated Regulation 2015/35

    (d) the available consolidated group own funds from (c) is subject to the same tiering limits applying at individual level in order to determine the eligible consolidated group own funds that cover the consolidated group solvency capital requirement and the minimum consolidated group solvency capital requirement.

34. When using method 2, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should use the sum of the eligible own funds of related undertakings after deducting non-available own funds at group level.
35. For all calculation methods, where the non-available own funds have been classified into more than one tier, the order in which they are deducted from the different tiers should be explained to the group supervisor.
36. For related undertakings from other financial sectors as referred to in Article 228(1) of the Solvency II Directive, own funds identified by the group supervisor as having reduced loss-absorbency capacity will follow the treatment as stated in Article 228 (2) of the Solvency II Directive.

### Guideline 23 – Treatment of group specific risks

37. The participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should calculate the group solvency capital requirement taking into account all quantifiable material specific risks at group level, which may impact the solvency and financial position of the group. If the group specific risks are material, the group should use group-specific parameters or a partial internal model for the calculation of the solvency capital requirement corresponding to the group-specific risks.
38. These risks are:

    (a) the risks which are also present at individual level, but whose impact is significantly different (which behave in a different way) at group level; or

    (b) the risks only present at group level.

39. The group solvency capital requirement for the quantifiable part of these risks should be calculated as follows:

    (a) in the case described in (a) by applying different calibrations to the relevant risk modules or sub-modules than those used at the individual level, or by applying appropriate scenarios;

    (b) in the case of (b) by applying appropriate scenarios.

40. If the group is unable to reflect the risk profile in the group solvency capital requirement due to the specific risks existing at group level as described above, the group supervisor after consulting the other supervisory authorities concerned, should be able to impose a group capital add-on, as provided for in Articles 232(a), 233(6) and 233a(7) of the Solvency II Directive, if appropriate.

## COMPLIANCE AND REPORTING RULES

41. This document contains Guidelines issued under Article 16 of the EIOPA Regulation. In accordance with Article 16(3) of the EIOPA Regulation, competent authorities and financial institutions are required to make every effort to comply with guidelines and recommendations.
42. Competent authorities that comply or intend to comply with these Guidelines should incorporate them into their regulatory or supervisory framework in an appropriate manner.

43. 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.
44. 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 REVIEWS

45. The present Guidelines will be subject to a review by EIOPA.

## TECHNICAL ANNEX

For the purpose of Article 330(6)(a) of Delegated Regulation 2015/35, the contribution $Contr_j$ of a related undertaking j to the consolidated group solvency capital requirement should be calculated according to the formula:

$$Contr_j = SCR_j \times MIN(1;SCR^{diversified}/\sum_i SCR_i^{solo})$$

Where:

- $SCR_j$ is the proportional share of the solo SCR of the undertaking j;
- $SCR^{diversified}$ is the diversified component of the consolidated group SCR calculated in accordance with Article 336(a) of Commission Delegated Regulation 2015/35;
- For the participating undertaking and each related insurance or reinsurance undertaking and third-country insurance and reinsurance undertaking included in the calculation of the $SCR^{diversified}$, $SCR_i^{solo}$ is the proportional share of the solo SCR at individual entity level. For insurance holding companies and mixed financial holding companies and holding companies of third country insurance and reinsurance undertakings included in the calculation of the $SCR^{diversified}$, $SCR_i^{solo}$ is the proportional share of the notional SCR as calculated according to Articles 226 and 235 of Directive 2009/138/EC.

# EXPLANATORY TEXT

**AMENDED: INTRODUCTION**

~~These Guidelines are drafted according to~~ **In accordance with** Article 16 of Regulation (EU) No 1094/2010 ~~of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (hereinafter "~~EIOPA Regulation~~")~~, **EIOPA issues these Guidelines on group solvency.**

The Guidelines relate to Articles 212 to 235 and Articles 261 to 263 of Directive 2009/138/EC Solvency II Directive) , and to Articles 328 to 342 of Commission Delegated Regulation (EU) 2015/35 Delegated Regulation 2015/35) .

These Guidelines are addressed to supervisory authorities under Solvency II.

~~The Guidelines on group solvency calculation aim at specifying and harmonising the requirements on the calculation of group solvency.~~

The Guidelines apply to all the methods of group solvency calculation unless otherwise specified. When relevant, the standard formula or the internal model will be specified in the Guidelines.

The Guidelines provide guidance on the treatment of EEA groups in the context of Articles 215 to 217 of the Solvency II Directive.

~~When the group is allowed to use method 2 for the purpose of calculating the group solvency and provided that the Member State has implemented the option set out in paragraph 1 of Article 227 of the Solvency II Directive, the local solvency capital requirements and eligible own funds as laid down by the equivalent third-country can be used.~~

**The Guidelines shall apply from 30 January 2027 and repeal and replace the Guidelines on group solvency (EIOPA-BoS-14/181).**

If not defined in these Guidelines the terms have the meaning defined in the legal acts referred to in the introduction.

The amendments aim at streamlining and improving the readability of the text.

**AMENDED: GUIDELINE 1 – SCOPE OF THE GROUP FOR THE GROUP SOLVENCY CALCULATION**

The participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company responsible for calculating the group solvency should ensure that ~~they~~ **it** cover**s** all risks and **all** related undertakings belonging to the group, unless **the undertakings are** ~~otherwise~~ excluded in **accordance with** Article**s** 214(2) **and 229** of the Solvency II Directive.

**Irrespective of the calculation method used, the scope of the group should be the same**.

Guideline 1 is amended to add the reference to Article 229 of the Solvency II Directive when a related (re)insurance undertaking is not included in the group solvency calculation because the information necessary for calculating the group solvency is not available to the supervisory authorities concerned.

The reference to the different methods of calculation at the beginning of Guideline 1 covers the content of Guideline 7 that is deleted to create a merged guideline.

**DELETED: GUIDELINE 2 – CONSOLIDATION PROCESS**

~~The participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should provide guidance to all related undertakings on how to prepare data for the purpose of calculating the group solvency. They should provide the necessary instructions for the preparation of consolidated, combined or aggregated data depending on the method of calculation used. They should ensure that their instructions are applied adequately and homogenously within the group with respect to the recognition and valuation of balance sheet items as well as the inclusion and treatment of related undertakings.~~

Guideline 2 is deleted. Its content is deemed self-evident and thus not to add value.

**DELETED: GUIDELINE 3 – ASSESSMENT OF SIGNIFICANT AND DOMINANT INFLUENCE**

~~When determining the scope of the group, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should ensure that any decision made by the group supervisor with regard to the level of influence effectively exercised by any undertaking over another undertaking is being implemented.~~

Guideline 3 is deleted because the approach to be taken is clarified and has overlaps with the review of the Solvency II Directive and the new RTS on factors for identifying undertakings under dominant and significant influence and managed on a unified basis.

**AMENDED: GUIDELINE 4 – CASE OF APPLICATION OF GROUP SUPERVISION**

Since the four cases of application of group supervision referred to in Article 213(2)(a) to (d) of the Solvency II Directive are not mutually exclusive and can exist within the same group, supervisory authorities should consider ~~**applying**~~ the different cases ~~of group supervision prescribed~~ **under this Article in setting up group supervision** ~~within the same group~~.

Guideline 4 is amended to clarify its content.

**AMENDED: GUIDELINE 5 – PARENT INSURANCE OR REINSURANCE UNDERTAKING, INSURANCE HOLDING COMPANY OR MIXED FINANCIAL HOLDING COMPANY HEADQUARTERED IN A THIRD COUNTRY**

According to Article 215 of the Solvency II Directive, where a subgroup referred to in Article 213(2)(a) and (b) of the Solvency II Directive exists, the acting group supervisor as defined in Article 260 of the Solvency II Directive, after consulting the other supervisory authorities concerned, should ensure that group supervision applies by default at the level of the ultimate parent undertaking in the European Union.

However, where the parent insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company is headquartered outside the EEA and is subject to an equivalent third country group supervision, the acting group supervisor as defined in Article 260 of the Solvency II Directive should rely on the group supervision exercised by the third-country supervisory authorities, according to Article 261 of the Solvency II Directive, and exempt the ~~**third-country**~~ group from group supervision at the ultimate level of the European Union on a case-by-case basis, where this would result in a more efficient supervision of the group and would not impair the supervisory activities of the supervisory authorities concerned in respect of their individual responsibilities.

After consulting with other supervisory authorities concerned, the acting group supervisor as defined in Article 260 of the Solvency II Directive should consider a more efficient group supervision as achieved when the following criteria are met:

(a) the worldwide group supervision allows for a robust assessment of the risks to which the EEA subgroup and its entities are exposed, considering the structure of the group, the nature, scale and complexity of the risks and the capital allocation within the group;

(b) the cooperation currently in place between the third-country group supervisor and EEA supervisory authorities for the group concerned is structured and well-managed through regular meetings and appropriate exchange of information within a college of supervisors to which the EEA supervisory authorities and EIOPA are invited;

(c) an annual work plan, including joint on-site examinations, is agreed upon in these regular meetings by the supervisory authorities involved in the supervision of the group.

Where the parent insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company is headquartered outside the EEA and is not subject to an equivalent third country supervision, group supervision should be applied at the level of the ultimate parent undertaking in the European Union where a group, as defined by Article 213(2) (a) or (b) of the Solvency II Directive, exists. Where such group does not exist, the supervisory authorities should decide whether to require, by virtue of Article 262(~~2~~3b) of the Solvency II Directive, the establishment of an insurance holding company or a mixed financial holding company which has its head office in the European Union and subject this EEA group to group supervision and group solvency calculation.

Guideline 5 is amended to update the legal references due to the review of the Solvency II Directive, with respect to Article 262 of the Solvency II Directive.

**DELETED: GUIDELINE 6 – PARENT UNDERTAKING IS A MIXED-ACTIVITY INSURANCE HOLDING COMPANY**

~~Where the parent undertaking is a mixed-activity insurance holding company, the group solvency calculation should apply to any part of the group satisfying the criteria of Article 213(2)(a)(b) or (c) of the Solvency II Directive, rather than to the mixed-activity insurance holding company.~~

Guideline 6 is deleted because it has limited added value. It is clear from the Solvency II Directive and from Delegated Regulation 2015/35 that there is no calculation of the group solvency at the level of a mixed activity insurance holding company (MAIHC).

**DELETED: GUIDELINE 7 – APPLICATION OF THE METHOD OF CALCULATION**

~~For the purpose of calculating the group solvency, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should consider the same scope of the group as determined in Guideline 1, irrespective of whether calculation method 1, calculation method 2 or a combination of both methods is used.~~

Guideline 7 is deleted. The content of the guideline is merged with Guideline 1.

**AMENDED: GUIDELINE 9 – PROPORTIONAL SHARE**

Where a related undertaking is linked with another undertaking by a relationship as set out in ~~Article 12(1) of Directive 83/349/EEC~~ Article 22(7) of Directive 2013/34/EU, ~~the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial~~

~~holding company should determine the proportional share to be used when calculating the group solvency~~, irrespective of the choice of the calculation method**,** a proportional share of 100% should be used by default. Where the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company ~~a group~~ seeks to use another percentage, it should explain to the group supervisor why it is appropriate. After consulting the other supervisory authorities concerned and the group itself, the group supervisor should decide on the appropriateness of the proportional share chosen by the group.

When calculating the group solvency according to method 1, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should determine the proportional share it holds in its related undertakings by taking~~:~~

(a) 100% when including a subsidiary according to Article 335(1)(a) and (b) of Delegated Regulation 2015/35, unless otherwise decided in accordance with Guideline 10;

(b) the percentage used for the establishment of the consolidated accounts, when including undertakings according to Article 335(1)(c)**,** (d) and (f) of Delegated Regulation 2015/35~~;~~**.**

~~(c) the proportion of the subscribed capital that is held, directly or indirectly, by the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company, when including related undertakings according to Article 335(1)(c) of Commission Delegated Regulation 2015/35.~~

Guideline 9 is amended. The legal reference is updated as Directive 83/349/EEC is repealed by Directive 2013/34/EU. The Guideline is also streamlined and clarifies to include the reference to undertakings under Article 335(1)(d) and (f) for completeness.

The paragraph (c) is redundant with the amended Article 221(1)(a) of the Solvency II Directive.

**DELETED: GUIDELINE 11 – TREATMENT OF SPECIFIC RELATED UNDERTAKINGS FOR GROUP SOLVENCY CALCULATION**

~~When the undertakings of other financial sectors form a group subject to sectoral capital requirement, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should consider using the solvency requirements of such a group instead of the sum of the requirements of each individual undertaking when calculating the group solvency.~~

Guideline 11 is deleted. The content of Guideline 11 has been introduced in the revised Article 228(4) of the Solvency II Directive.

**AMENDED: GUIDELINE 12 – CONTRIBUTION OF A RELATED UNDERTAKING ~~SUBSIDIARY~~ TO THE GROUP SOLVENCY CAPITAL REQUIREMENT**

For the purpose of Article 330(6)(a) of Delegated Regulation 2015/35, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should calculate the contribution of a related undertaking ~~subsidiary~~ to the group solvency capital requirement according to the Technical Annex, with the goal to reflect diversification effects.

~~For insurance or reinsurance undertakings, intermediate insurance holding company or intermediate mixed financial holding company consolidated according to Article 335 of Commission Delegated Regulation 2015/35, the contribution of the individual solvency capital requirement should be calculated taking into account the proportional share used for the determination of the consolidated data.~~

~~When the consolidated group solvency capital requirement is calculated on the basis of an internal model, the contribution of a related undertaking subsidiary to the group solvency capital requirement should be the product of the solvency capital requirement of that subsidiary and the percentage corresponding to the diversification effects attributed to that subsidiary according to the internal model.~~

~~When using method 2, the contribution of a subsidiary to the group solvency capital requirement should be the proportional share of the individual solvency capital requirement, since no diversification effects at group level are taken into account.~~

Guideline 12 and the technical annex are amended to reflect the changes to the Solvency II Directive and to be consistent with Article 330(6) of Delegated Regulation. Furthermore, redundancies with Article 330(6) (b) are removed.

**DELETED: GUIDELINE 13 – AVAILABILITY OF OWN FUNDS AT GROUP LEVEL OF RELATED UNDERTAKINGS THAT ARE NOT SUBSIDIARIES**

~~The participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should assess the availability of own funds, according to Article 222(2) of the Solvency II Directive and to Article 330 of Commission Delegated Regulation 2015/35, of related insurance or reinsurance undertakings, intermediate insurance holding companies and intermediate mixed financial holding companies that are not subsidiaries and for third-country related insurance or reinsurance undertakings, intermediate insurance holding companies and intermediate mixed financial holding companies that are not subsidiaries, when the own-fund items of these undertakings materially affect the amount of group own funds or the group solvency. They should explain to the group supervisor how the assessment was made.~~

~~The group supervisor should review, in close cooperation with the other supervisory authorities involved, the assessment made by the group.~~

Guideline 13 is deleted because it is not strictly consistent with Article 330 of Delegated Regulation 2015/35.

**DELETED: GUIDELINE 14 – TREATMENT OF MINORITY INTERESTS FOR COVERING THE GROUP SOLVENCY CAPITAL REQUIREMENT**

~~1.38. The participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should calculate the amount of minority interests in the eligible own funds, to be deducted from the group own funds, for each subsidiary, in the following order:~~

~~1. calculate the eligible own funds exceeding the contribution of the subsidiary to the group solvency capital requirement;~~

~~2. identify and deduct the amount of non-available own funds exceeding the contribution of the subsidiary to the group solvency capital requirement from the eligible own funds calculated in step 1;~~

~~3. calculate the part of minority interests to be deducted from the group own funds by multiplying the minority share by the result of step 2.~~

The Guideline is deleted because the Article 330 (4)(a) of Delegated Regulation 2015/35 clarifies the treatment of minority interests.

**AMENDED: GUIDELINE 15 – TREATMENT OF RING-FENCED FUNDS ~~AND MATCHING ADJUSTMENT PORTFOLIOS~~ FOR COVERING THE GROUP SOLVENCY CAPITAL REQUIREMENT**

For all undertakings included in the group solvency calculation using method 1 and for undertakings in non-equivalent third countries included in the group solvency calculation using method 2, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should apply the principles for ring-fenced funds ~~and matching adjustment portfolios~~ as set out in Article 81 and Article 217 of Delegated Regulation 2015/35.

For undertakings in equivalent third countries included in the group solvency calculation using method 2, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should identify any restriction to the undertakings' own funds due to ring-fencing of assets or liabilities or similar arrangements, in accordance with the

equivalent solvency regime. These restrictions should be considered in the group solvency calculation as part of the own funds availability assessment at the group level.

When calculating the group solvency capital requirement using method 1, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should not eliminate intra-group transactions between the assets and liabilities associated with each material ring-fenced fund ~~or with each matching adjustment portfolio~~ and the remaining consolidated data. The group solvency capital requirement calculated on the basis of the consolidated data should be the sum of:

(a) the notional solvency capital requirement for each material ring-fenced fund ~~and each matching adjustment portfolio, both~~ calculated with the assets and liabilities of the ring-fenced fund gross of intra-group transactions; and

(b) the (diversified) group solvency capital requirement for the remaining consolidated data (excluding assets and liabilities of all material ring-fenced funds, but including the assets and liabilities of all non-material ring-fenced funds). When calculating the group solvency capital requirements for the remaining consolidated data, intra-group transactions should be eliminated, while intra-group transactions between the remaining consolidated data and the material ring-fenced funds should not be eliminated.

Where a group uses an internal model to calculate the group Solvency Capital Requirement (SCR), it should follow the guidance set out in Guideline 13 of the Guidelines on ring-fenced funds.

The consolidated data used to calculate the group own funds should be net of intra-group transactions as set out in Article 335(3) of Delegated Regulation 2015/35. Therefore, all intra-group transactions between material ring-fenced funds and the remaining consolidated data should be eliminated for the calculation of the group own funds.

For each material ring-fenced fund ~~and for each matching adjustment portfolio~~ identified within the consolidated data under method 1, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should calculate the restricted own-fund items using the same assets and liabilities of the ring-fenced fund used to calculate its notional solvency capital requirement ~~or matching adjustment portfolio~~ as described above, i.e. gross of intra-group transactions.

Therefore, the total restricted own funds within the ring-fenced fund ~~or matching adjustment portfolio~~ to be deducted from the group reconciliation reserve should be the sum of all material restricted own funds identified in EEA insurance or reinsurance undertakings and the restricted own funds identified in any non-EEA insurance and reinsurance undertaking in the scope of the consolidated data.

The reference to matching adjustment portfolio has been deleted in line with the amendments to Articles 81 and 217 of Delegated Regulation 2015/35.

## AMENDED: GUIDELINE 16 – ADJUSTMENTS RELATED TO NON-AVAILABLE OWN FUNDS FOR THE CALCULATION OF GROUP ELIGIBLE OWN FUNDS

~~When using method 1,~~ The participating insurance and reinsurance undertaking, the insurance holding company or the mixed financial holding company should deduct the part of the own funds of related undertakings ~~not available for covering the group solvency capital requirement~~**,** referred to in Article 330(1) of Delegated Regulation 2015/35, that have been assessed as non-available at group level in accordance with Article 330 of Commission Delegated Regulation 2015/35. Such deductions should be done from the relevant own funds items and the relevant tiers of the group own funds.

~~1.47. They should follow the process described below for calculating eligible group own funds to cover the group solvency capital requirement and the minimum consolidated group solvency capital requirement:~~

When using method 1 or a combination of methods, the following process should be followed for calculating the consolidated group own funds eligible to cover the consolidated group solvency capital requirement and the minimum consolidated group solvency capital requirement:

(a) ~~the group own funds are~~ the consolidated group own funds are calculated on the basis of the consolidated data, ~~as referred to in Article 335(a) to (f)~~ as referred to in Article 335(1)(a), (b), (c), (d) and (f) of Delegated Regulation 2015/35, net of any intra-group transactions. Holdings in related undertakings as referred to in Article 228(1) of the Solvency II Directive are not mentioned in this paragraph since these are not included in the consolidated data;

(b) ~~the group own funds are classified into tiers;~~ the consolidated group own funds referred to in (a) are classified into the relevant tiers according to Articles 331-334 of Delegated Regulation 2015/35;

(c) ~~the available group own funds are calculated net of group adjustments relevant at group level;~~ the following deductions have to be made for each related undertaking referred to in Article 330(1) of Commission Delegated Regulation 2015/35 to determine the available consolidated group own funds:
i. the sum of all non-available own-fund items, other than minority interests, of a related undertaking in excess of the contribution of that related undertaking to the group solvency capital requirement should be deducted from the own funds referred to in (b).
ii. minority interests of subsidiaries that are not fully owned should be deducted with the amounts as calculated according to Article 330(4a) of Delegated Regulation 2015/35.

(d) the ~~eligible own funds are subject to~~ available consolidated group own funds from (c) are subject to the same tiering limits applying at individual level in order to ~~cover the group solvency~~

~~capital requirement and the minimum consolidated group solvency capital requirement~~ determine the eligible consolidated group own funds that cover the consolidated group solvency capital requirement and the minimum consolidated group solvency capital requirement.

When using method 2, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should use the sum of the eligible own funds of related undertakings after deducting non-available own funds at group level .

~~For both calculation methods,~~ For all calculation methods, where the non-available own funds have been classified into more than one tier, the order in which they are deducted from the different tiers should be explained to the group supervisor.

For related undertakings from other financial sectors as referred to in Article 228(1) of the Solvency II Directive, own funds identified by the group supervisor as having reduced loss-absorbency capacity will follow the treatment as stated in Article 228(2) of the Solvency II Directive.

This guideline has been amended to clarify the general process to determine the eligible group own funds including adjustments for non-available own funds and to reflect the amendment to Article 330 of the Delegated Regulation 2015/35 and Article 228 of the Solvency II Directive.

**DELETED: GUIDELINE 17 – PROCESS FOR ASSESSING NON-AVAILABLE OWN FUNDS BY THE GROUP SUPERVISOR**

~~In the case of a cross-border group, the group supervisor should discuss its assessment of non-available own funds with the other supervisory authorities concerned within the college and with the participating insurance and reinsurance undertaking, the insurance holding company or the mixed financial holding company. The process should be as follows:~~

~~(a) in its Regular Supervisory Report, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should provide the group supervisor with its assessment of non-available own funds for all the undertakings included in the calculation of the group solvency. They should also explain the adjustments made in order to deduct non-available own funds;~~

~~(b) the group supervisor should discuss its assessment of non-available own funds within the college as well as with the group;~~

~~(c) each supervisory authority should provide its assessment of the availability at group level of the own funds related to the supervised undertakings;~~

~~(d) the group supervisor should discuss with the other supervisory authorities concerned whether the availability of own funds changes when assessing it at individual or group level.~~

~~In the case of a national group, the group supervisor should discuss its assessment of non-available own funds with the participating insurance and reinsurance undertaking, the insurance holding company or the mixed financial holding company.~~

~~The process should be as follows:~~

~~(a) in its Regular Supervisory Report, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should provide the group supervisor with its assessment of non-available own funds for all the undertakings included in the calculation of the group solvency. They should also explain the adjustments made in order to deduct non-available own funds;~~

~~(b) the group supervisor should discuss its assessment of non-available own funds with the group.~~

The Guideline is deleted because it has limited added value compared to Article 233 of the Solvency II Directive.

**~~AMENDED: GUIDELINE 18 – RECONCILIATION RESERVE~~ AT GROUP LEVEL**

~~The participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should ensure that the reconciliation reserve at group level is based on Article 70 of Commission Delegated Regulation 2015/35. In particular, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company at group level should take into account:~~

~~(a) the value of own shares held by the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company and the related undertakings;~~

~~(b) the restricted own fund items that exceed the notional solvency capital requirement in the case of ring-fenced funds and matching adjustment portfolios at group level.~~

The guideline is deleted because it has limited added value.

**DELETED: GUIDELINE 19 – DETERMINATION OF THE CONSOLIDATED DATA FOR THE GROUP SOLVENCY CALCULATION**

~~The consolidated data should be calculated on the basis of the consolidated accounts that have been valued according to Solvency II Directive rules with respect to the recognition and valuation of balance sheet items as well as the inclusion and treatment of the related undertakings.~~

The guideline is deleted because it has limited added value.

**DELETED: GUIDELINE 20 – DETERMINATION OF THE CURRENCY FOR THE PURPOSE OF THE CURRENCY RISK CALCULATION**

~~The capital requirement for the currency risk should take into account any relevant risk mitigation technique which meets the requirements set out in Articles 209 to 215 of Commission Delegated Regulation 2015/35. Where the consolidated solvency capital requirement is calculated using the standard formula, all the investments denominated in a currency pegged to the currency of the consolidated accounts should be taken into account in accordance with Article 188 of Commission Delegated Regulation 2015/35 at group level as well.~~

The guideline is deleted because it has limited added value, as it is clear, that the consolidated group SCR calculation including Article 188 of Delegated Regulation 2015/35 should be applied *mutatis mutandis*.

**DELETED: GUIDELINE 21 – MINIMUM CONSOLIDATED GROUP SOLVENCY CAPITAL REQUIREMENT (FLOOR TO THE GROUP SOLVENCY CAPITAL REQUIREMENT)**

~~In the determination of the minimum consolidated group solvency capital requirement, when method 1 is used, exclusively or in combination with method 2, the participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should use the following capital requirements:~~

~~(a) the minimum capital requirements of the EEA authorised insurance and reinsurance undertakings included in the scope of method 1;~~

~~(b) the local capital requirements, at which the authorisation would be withdrawn, for third country insurance and reinsurance undertakings included in the scope of method 1, independently of any equivalence finding.~~

Guideline 21 is deleted because it has limited added value in light of the revised Article 230 of the Solvency II Directive.

**DELETED: GUIDELINE 22 – MINIMUM CONSOLIDATED GROUP SOLVENCY CAPITAL REQUIREMENT**

~~In case method 1 is used, exclusively or in combination with method 2, when the minimum consolidated group solvency capital requirement is no longer complied with, or when there is a risk of non-compliance in the following three months, the supervisory measures set out in Article~~

~~139(1) and (2) of the Solvency II Directive for non-compliance with the individual minimum capital requirement should apply at group level.~~

Guideline 22 is deleted because it is not anymore consistent with the revised Article 230 of the Solvency II Directive.

**AMENDED: GUIDELINE 23 – TREATMENT OF GROUP SPECIFIC RISKS**

The participating insurance or reinsurance undertaking, the insurance holding company or the mixed financial holding company should calculate the group solvency capital requirement taking into account all quantifiable~~,~~ **and** material specific risks ~~existing~~ at group level, which may impact the solvency and financial position of the group. If the group specific risks are material, the group should use group-specific parameters or a partial internal model for the calculation of the solvency capital requirement corresponding to the group-specific risks.

These risks are:

(a) the risks which are also present at individual level, but whose impact is significantly different (which behave in a different way) at group level; or

(b) the risks only present at group level.

The group solvency capital requirement for the quantifiable part of these risks should be calculated as follows:

(a) in the case described in (a) by applying different calibrations to the relevant risk modules or sub-modules than those used at the individual level, or by applying appropriate scenarios;

(b) in the case of (b) by applying appropriate scenarios.

If the group is unable to reflect the risk profile in the group solvency capital requirement due to the specific risks existing at group level as described above, the group supervisor after consulting the other supervisory authorities concerned, should be able to impose a group capital add-on, as provided for in Articles 232(a), ~~and~~ 233(6) **and 233a(7)** of the Solvency II Directive, if appropriate.

The guideline is amended to reflect the revised Solvency II Directive, in particular to refer to new Article 233a for the use of capital add-on when applying a combination of methods.

**DELETED: GUIDELINE 24 – RISK PROFILE CAPITAL ADD-ON WHEN USING METHOD 1**

~~Where a risk profile capital add-on has been set on a related undertaking, and that related undertaking is consolidated according to method 1, the group supervisor should assess at group level the significance of the deviation of the risk profile from the assumptions underlying the~~

~~solvency capital requirement, as calculated using the standard formula or an internal model, and should consider the need for imposing a capital add-on on the group solvency capital requirement.~~

The guideline is deleted because it has limited added value compared to Article 232(b) of the Solvency II Directive.

**DELETED: GUIDELINE 25 – GOVERNANCE CAPITAL ADD-ON WHEN USING METHOD 1**

~~Where a governance capital add-on has been set on a related undertaking of a group , and that related undertaking is consolidated according to method 1, the group supervisor should assess at group level the significance of the deviation from the standards laid down in Articles 41 to 49 of the Solvency II Directive, and should consider the need for imposing a capital add-on on the group solvency capital requirement. [Please bear in mind to keep the text of your Guidelines inside a box in the Explanatory Text section. Only the title of each GL should be kept in bold.~~

The guideline is deleted because it has limited added value compared to Article 232(b) of the Solvency II Directive.

**DELETED: GUIDELINE 26 – ASSESSMENT OF THE DEVIATION AT THE INDIVIDUAL LEVEL, WHEN A SIGNIFICANT DEVIATION HAS BEEN IDENTIFIED AT GROUP LEVEL**

~~When a significant deviation has been identified at group level, the supervisory authority of a related undertaking should assess whether the deviation stems from the risk profile or from the system of governance at the level of the related undertaking.~~

~~If so, the supervisory authority concerned should assess the significance of the deviation from the risk profile or from the system of governance standards, and should consider the need for imposing a capital add-on at the level of the related undertaking.]~~

The guideline is deleted because it concerns requirements at solo level and has limited added value.

**DELETED: GUIDELINE 27 – CAPITAL ADD-ON WHEN USING METHOD 2**

~~Where all or part of the group solvency capital requirement is calculated using method 2, any risk profile capital add-on set on a related undertaking that is included under method 2, should be added to the group solvency capital requirement for the proportional share as referred to in Article 221(1)(b) of the Solvency II Directive. The double counting of the same deviation from the risk profile at individual and group level should be avoided.~~

The guideline is deleted because it has limited added value. It is clear from Article 37(5) of the Solvency II Directive that the solvency capital requirement with capital add-on imposed at solo level should replace the inadequate solvency capital requirement. Therefore, the aggregated group SCR should be based on the solvency capital requirement including the capital add-on of the related undertakings using method 2. Moreover, the reference to avoid double counting is also embedded in Article 233(6) of the Solvency II Directive. Indeed, the group capital add-on should be imposed where the risk profile of the group deviates significantly from the assumptions underlying the aggregated group SCR. In case a capital add-on at individual level has been imposed, it is based on a solo assessment.

**AMENDED: TECHNICAL ANNEX**

~~Calculation of the contribution of the insurance and reinsurance subsidiary to group solvency capital requirement ("SCR") [Guidelines 12, 14 and 15]~~ **For the purpose of Article 330(6)(a) of Delegated Regulation 2015/35, the contribution $Contr_j$ of a related undertaking j to the consolidated group solvency capital requirement should be calculated according to the formula:**

$$Contr_j = SCR_j \times \mathbf{MIN(1 ;} SCR^{diversified} / \sum_i SCR_i^{solo} \mathbf{)}$$

Where:

- $SCR_j$ is the **proportional share of the solo** SCR ~~at individual entity level~~ of the undertaking j;
- $SCR^{diversified}$ ~~=~~**is the diversified component of the consolidated group** SCR calculated in accordance with Article 336(a) of Commission Delegated Regulation (EU) 2015/35;
- **For the participating undertaking and each related insurance or reinsurance undertaking and third-country insurance and reinsurance undertaking included in the calculation of the $SCR^{diversified}$, $SCR_i^{solo}$ is the proportional share of the solo SCR at individual entity level. For insurance holding companies and mixed financial holding companies and holding companies of third country insurance and reinsurance undertakings included in the calculation of the $SCR^{diversified}$,** $SCR_i^{solo}$ is the ~~SCR at individual entity level of the participating undertaking and each related insurance or reinsurance undertaking and third country insurance and reinsurance undertaking included in the calculation of the SCRdiversified;~~ **proportional share of the notional SCR as calculated according to Articles 226 and 235 of Directive 2009/138/EC.**
- ~~the ratio is the proportional adjustment due to the recognition of diversification effects at group level.~~

~~For undertakings included in consolidated data with proportional consolidation, according to Article 335(1)(c) of Commission Delegated Regulation 2015/35, only the proportional share of the SCR at individual entity level is included in the above calculation.~~

The technical annex is amended to be consistent with the revised guideline 12 whose reference is limited to Article 330(6)(a).

Excerpt from Article 330:

*6. Where a related insurance or reinsurance undertaking, third-country insurance or reinsurance undertaking, insurance holding company or mixed financial holding company is included in the consolidated data pursuant to points (a) or (c) of Article 335(1), its contribution to the consolidated group Solvency Capital Requirement shall reflect diversification benefits and be calculated as follows:*

*(a) where the consolidated group Solvency Capital Requirement is calculated, in relation to that related undertaking, on the basis of the standard formula, the proportional share of the Solvency Capital Requirement of that related undertaking multiplied by a percentage corresponding to the proportion that the diversified component of the consolidated group Solvency Capital Requirement, as laid down in Article 336 (a), bears to the sum of the Solvency Capital Requirements of each of the undertakings included in the calculation of that diversified component of the consolidated group Solvency Capital Requirement;*

# QUESTIONS TO STAKEHOLDERS

The survey for collecting the consultation feedback asks for comments on each section of the consultation paper and in addition this particular question:

> Do you have any comments on the proposals to simplify and shorten the Guidelines and/or any other suggestions for simplifying and shortening the Guidelines, taking into account the relevance of the individual Guidelines?

# PRIVACY STATEMENT RELATED TO PUBLIC ONLINE CONSULTATIONS AND SURVEYS

## Introduction

1. The European Insurance and Occupational Pension authority (EIOPA) is committed to protecting individuals' personal data in accordance with Regulation (EU) 2018/1725[3] (further referred as "the Regulation").
2. In line with Article 15 and 16 of the Regulation, this privacy statement provides information to the data subjects relating to the processing of their personal data carried out by EIOPA.

## Purpose of the processing of personal data

3. Personal data is collected and processed to manage online public consultations EIOPA launches, and to conduct online surveys, including via online platform EUSurvey[4] , and to facilitate further communication with participating stakeholders (e.g., when clarifications are needed on the information supplied or for the purposes of follow-up discussions that the participating stakeholders may agree to in the context of the consultations or surveys).
4. The data will not be used for any purposes other than the performance of the activities specified above. Otherwise you will be informed accordingly.

## Legal basis of the processing of personal data and/or contractual or other obligation imposing it

5. The legal basis for this processing operation are the following :
   - Regulation (EU) 1094/2010, and notably Articles 8, 10, 15, 16, 16a and 29 thereof
   - EIOPA's Public Statement on Public Consultations
   - EIOPA's Handbook on Public Consultations
6. In addition, in accordance with Article 5(1)(a) of the Regulation, processing is lawful as it is necessary for the performance of a task carried out in the public interest.

[3] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98.

[4] For more information on the processing of personal data in EUSurvey, please see the dedicated privacy statement

**Controller of the personal data processing**

7. The controller responsible for processing the data is EIOPA's Executive Director.
8. Address and email address of the controller:

   Westhafen Tower, Westhafenplatz 1

   60327 Frankfurt am Main

   Germany

   fausto.parente@eiopa.europa.eu

**Contact detail of EIOPA's Data Protection Officer (DPO)**

9. Westhafenplatz 1, 60327 Frankfurt am Main, Germany

   dpo@eiopa.europa.eu

**Types of personal data collected**

10. The following personal data might be processed:
    - Contact details (name, email address, phone number).
    - Employment details (company and job title).

**Recipients/processors of the personal data collected**

11. Data will be collected and disclosed to the relevant staff members part of the Department/Unit in charge of the consultation/surveys and also to other EIOPA's staff on a need-to-know basis (e.g. IT staff, security officer).

**Retention period**

12. Personal data collected are kept by until the finalisation of the project the public consultation or the survey relate to.
13. The personal data collected in EUSurvey are deleted from EUSurvey as soon as the period to provide answers elapsed.

**Transfer of personal data to a third country or international organisations**

14. No personal data will be transferred to a third country or international organisation. The service provider is located in the European Union.

**Automated decision-making**

15. No automated decision-making including profiling is performed in the context of this processing operation.

**What are the rights of the data subject?**

16. Data subjects have the right to access their personal data, receive a copy of them in a structured and machine-readable format or have them directly transmitted to another controller, as well as request their rectification or update in case they are not accurate. Data subjects also have the right to request the erasure of their personal data, as well as object to or obtain the restriction of their processing.
17. Where processing is based solely on the consent, data subjects have the right to withdraw their consent to the processing of their personal data at any time.
18. Restrictions of certain rights of the data subject may apply, in accordance with Article 25 of Regulation (EU) 2018/1725.
19. For the protection of the data subjects' privacy and security, every reasonable step shall be taken to ensure that their identity is verified before granting access, or rectification, or deletion.
20. Should the data subjects wish to exercise any of the rights provided in paragraphs 16 and 17 above, please contact EIOPA's DPO (dpo@eiopa.europa.eu).

**Who to contact if the data subjects have any questions or complaints regarding data protection?**

21. Any questions or complaints concerning the processing of the personal data can be addressed to EIOPA's Data Controller (fausto.parente@eiopa.europa.eu) or EIOPA's DPO (dpo@eiopa.europa.eu).
22. Alternatively, the data subjects can have recourse to the **European Data Protection Supervisor** (www.edps.europa.eu) at any time, as provided in Article 63 of the Regulation.