

305/2016 Coll.

DECREE

of 1 September 2016

on reporting by insurance undertakings and reinsurance undertakings to the Czech National Bank

The Czech National Bank determines, under Article 41 (3) of Act No 6/1993, on the Czech National Bank, as amended by Act No 227/2013, and under Article 136 (2) of Act No 277/2009, on insurance, as amended by Act No 304/2016, on the implementation of Article 83 (1) and (2) and Article 92k (1) of this Act:

Article 1

Subject of regulation

This Decree regulates the content, form, frequency, deadlines and manner of preparing and submitting reports to the Czech National Bank by domestic insurance undertakings, domestic reinsurance undertakings, branches of insurance and reinsurance undertakings of another Member State, branches of insurance and reinsurance undertakings of a third country, and by the Czech Insurers' Bureau.

Article 2

Definition of terms

For the purposes of this Decree, the following definitions will apply:

a) a data file is an electronic grouping of data with predefined data structures that are described, transmitted and processed as a whole by an information system,

b) a security label is data in electronic form attached to a data message, and which

1. are clearly associated with the reporting person and allow their identification by means of an issued certificate,
2. have been created and attached to the data message by means for creating electronic marks that the reporting person can keep under their sole control, and
3. are connected to the data message to which they relate in such a way that it is possible to detect any subsequent change to the data.

Article 3

Reports from domestic insurance undertakings

(1) A domestic insurance undertaking prepares and submits reports under directly applicable European Union insurance legislation.¹⁾

(2) A domestic insurance undertaking also prepares

a) quarterly, and submits within 30 days after the end of the calendar quarter to which they relate, the following reports:

1. POJ (ČNB) 10-04 "Balance sheet of an insurance/reinsurance undertaking according to its financial statements",
2. POJ (ČNB) 20-04 "Profit and loss statement of an insurance/reinsurance undertaking according to its financial statements", and
3. POJ (ČNB) 70-04 "Report from an insurance/reinsurance undertaking on its organizational structure and qualifying holdings",

a) quarterly, and submits within 35 days after the end of the calendar quarter to which they relate, the following reports:

1. POJ (ČNB) 19-04 "Supplementary statistical information on insurance" and
2. POJ (ČNB) 66-04 "Eligible basic own funds to cover the notional Minimum Capital Requirement",

c) annually, and submits within 60 days after the end of the calendar year to which it relates, the report POJ (ČNB) 36-01 "Mediation activity for an insurance undertaking" and

d) annually, and submits within 98 days after the end of the calendar year to which it relates, the report POJ (ČNB) 48-01 "Report by an insurance/reinsurance undertaking on operations within the group of which it is a member".

(3) The reports under paragraph 2 also include data on activity carried on by the domestic insurance undertaking under the right to establish branches and the freedom to temporarily provide services.

Article 4

Reports from domestic reinsurance undertakings

(1) A domestic reinsurance undertaking prepares and submits reports under directly applicable European Union insurance legislation.¹⁾

(2) A domestic reinsurance undertaking also prepares

- a) quarterly, and submits within 30 days after the end of the calendar quarter to which they relate, the following reports:
1. POJ (ČNB) 10-04 "Balance sheet of an insurance/reinsurance undertaking according to its financial statements",
 2. POJ (ČNB) 20-04 "Profit and loss statement of an insurance/reinsurance undertaking according to its financial statements", and
 3. POJ (ČNB) 70-04 "Report from an insurance/reinsurance undertaking on its organizational structure and qualifying holdings",
- b) quarterly, and submits within 35 days after the end of the calendar quarter to which it relates, the report POJ (ČNB) 19-04 "Supplementary statistical information on insurance" and
- c) annually, and submits within 98 days after the end of the calendar year to which it relates, the report POJ (ČNB) 48-01 "Report by an insurance/reinsurance undertaking on operations within the group of which it is a member".

(3) The reports under paragraph 2 also include data on activity carried on by the domestic reinsurance undertaking under the right to establish branches and the freedom to temporarily provide services.

Article 5

Reports from the Czech Insurers' Bureau

(1) The Czech Insurers' Bureau prepares and submits reports within the scope of the activity carried out, with the same frequencies and deadlines as domestic insurance undertakings under Article 3 (1).

(2) The Czech Insurers' Bureau also prepares

- a) quarterly, and submits within 30 days after the end of the calendar quarter to which they relate, the following reports:
1. POJ (ČNB) 10-04 "Balance sheet of an insurance/reinsurance undertaking according to its financial statements",
 2. POJ (ČNB) 20-04 "Profit and loss statement of an insurance/reinsurance undertaking according to its financial statements", and
 3. POJ (ČNB) 70-04 "Report of an insurance/reinsurance undertaking on its organizational structure and qualifying holdings", and
- b) semi-annually, and submits within 60 days after the end of the calendar half-year to which it relates, the statement POJ (ČNB) 39-02 "CIB - Motor third party liability insurance".

Article 6

Reports by branches of insurance and reinsurance undertakings from a third country

(1) A branch of an insurance or reinsurance undertaking from a third country prepares and submits reports within the scope, frequencies and deadlines determined by European Union legislation or guidelines of the European Supervisory Authority governing the supervision of subsidiaries of insurance and reinsurance undertakings from a third country issued under directly applicable European Union legislation.²⁾

(2) A branch of an insurance or reinsurance undertaking from a third country also prepares

- a) quarterly, and submits within 30 days after the end of the calendar quarter to which they relate, the following reports:
1. POJ (ČNB) 10-04 "Balance sheet of an insurance/reinsurance undertaking according to its financial statements",
 2. POJ (ČNB) 20-04 "Profit and loss statement of an insurance/reinsurance undertaking according to its financial statements", and
 3. POJ (ČNB) 70-04 "Report of an insurance/reinsurance undertaking on its organizational structure and qualifying holdings", and
- b) quarterly, and submits within 35 days after the end of the calendar quarter to which it relates, the statement POJ (ČNB) 19-04 "Supplementary statistical information on insurance", and
- (3) A branch of an insurance undertaking from a third country also prepares annually, and submits within 60 days after the end of the calendar year to which it relates, the statement POJ (ČNB) 36-01 "Mediation activity for the insurance undertaking".

(4) An insurance undertaking based in the Swiss Confederation, which carries on insurance business in the Czech Republic through a branch under one or more classes of non-life insurance, proceeds under Article 7.

Article 7

Reports by branches of insurance and reinsurance undertakings from another Member State

A branch of an insurance or reinsurance undertaking from another Member State prepares

- a) quarterly, and submits within 30 days after the end of the calendar quarter to which they relate, the following reports:
1. POJ (ČNB) 10-04 "Balance sheet of an insurance/reinsurance undertaking according to its financial statements", and
 2. POJ (ČNB) 20-04 "Profit and loss statement of an insurance/reinsurance undertaking according to its financial statements", and
- b) quarterly, and submits within 35 days after the end of the calendar quarter to which it relates, the statement POJ (ČNB) 80-04 "Selected indicators on the activity of branches of insurance/reinsurance undertakings from another Member State in life and non-life insurance".

Article 8

Common provisions for preparing reports

(1) The contents of reports under Articles 3 to 7, with the exception of reports governed by directly applicable European Union legislation for insurance, and except reports under Article 6 (1), are set out in an annex to this Decree.

(2) The reporting person proceeds when preparing reports under Article 3 (2), Article 4 (2), Article 5 (2), Article 6 (2) and (3) and Article 7, with regard to their contents under legislation governing the keeping of accounts and the preparation of financial statements or with international accounting standards governed by European Union legislation.³⁾

(3) The reporting person converts data expressed in a foreign currency, if required, into data expressed in the Czech currency using the exchange rate announced by the Czech National Bank for the date of preparation of the report, unless legislation governing the keeping of accounts or prudential requirements in the insurance industry states otherwise. For data in currencies for which the Czech National Bank does not announce exchange rates, the reporting person uses for conversion the legislation governing the keeping of accounts.

Article 9

Method and form of submitting reports

(1) The reporting person sends to the Czech National Bank reports under Article 3 to 7 in electronic form as data messages and in the structure and form of data files accessible through

- a) an application of the Czech National Bank for collecting data from non-banking persons (SDNS), which is accessible in a manner allowing for remote access,
- b) the reporting person's own application enabling electronic information exchange (EDI/EDIFACT), or
- c) the reporting person's own application using, for the transmission of a report, the Czech National Bank's web service for data collection (SDNS-WS).

(2) Data messages sent via the applications under paragraph 1 a) and c) are signed by a contact person using a recognized electronic signature.

(3) The data messages sent via the application under paragraph 1 b) designate the reporting person through the security label based on a certificate issued by the Czech National Bank.

Article 10

Corrections and changes in reports

(1) If, after submitting reports to the Czech National Bank, an error is detected or a change made to the data in a report, the reporting person will submit to the Czech National Bank a corrected statement without undue delay. If the correction affects data in other reports or reports for other time periods, the reporting person will also correct all such related reports.

(2) If, based on an audit of the financial statements of the reporting person, there are changes to data in reports prepared as of 31 December, the reporting person will resubmit such reports with the corrected values within fifteen days of such changes. If the correction affects data in other reports or reports for other time periods, the reporting person will also correct all such related reports.

(3) The corrected reports are submitted within the deadline according to paragraphs 1 and 2 in the manner determined in Article 9 together with information about the content and reason for the correction.

Article 11

Ensuring organizational prerequisites for the submission of reports

(1) A reporting person that prepares and submits reports to the Czech National Bank using an application indicated in Article 9 (1) a) or c) will inform the Czech National Bank of

- a) the names of contact persons,
- b) the work address, telephone number and e-mail address of such persons, and
- c) the number of the qualified electronic signature certificate, including the name and identification number of the person of the qualified trust service provider that issued it.

(2) The reporting person will inform the Czech National Bank without undue delay of changes to data indicated in paragraph 1.

(3) If the reports are prepared and submitted to the Czech National Bank using an application indicated in Article 9 (1) b), the Czech National Bank will issue, upon request, a certificate for the creation of the security mark indicated in Article 9 (3).

Article 12

Additional information to submitted reports

(1) A domestic insurance or domestic reinsurance undertaking that uses an internal model to calculate the Solvency Capital Requirement will submit additional information according to directly applicable European Union legislation for insurance within the same deadlines as for reports under Article 3 (1) and Article 4 (1) in electronic form, signed using a recognized electronic signature, to the e-mail address of the mailroom of the Czech National Bank or to the data box of the Czech National Bank.

(2) A domestic insurance or domestic reinsurance undertaking and a branch of an insurance or reinsurance undertaking from a third country will submit to the Czech National Bank an annual report under the legislation governing the keeping of accounts in electronic form signed using a recognized electronic signature to the e-mail address of the mailroom of the Czech National Bank or to the data box of the Czech National Bank.

(3) If the size of the data message does not allow it to be sent by e-mail or via a data box, the reporting person will deliver the information under paragraphs 1 and 2 on a technical data carrier to the address of the Czech National Bank.

Article 13

Temporary provisions

(1) For the obligation to prepare and submit reports that relate to the period up to the date of effect of this Decree, Decree No 433/2009, on the method of submitting, the form and the requisites of reports from insurance and reinsurance undertakings, in its wording effective before the date this Decree became effective, will be used.

(2) The reporting person will first prepare reports under this Decree as of the last day of the calendar quarter in which this Decree becomes effective.

(3) Reports POJ (ČNB) 19-04, POJ (ČNB) 66-04 and POJ (ČNB) 80-04 prepared in the calendar quarters of

- a) 2016 are submitted within 56 days after the end of the calendar quarter,
- b) 2017 are submitted within 49 days after the end of the calendar quarter, and
- c) 2018 are submitted within 42 days after the end of the calendar quarter.

(4) Report POJ (ČNB) 48-01 prepared for

- a) 2016 is submitted within 140 days after its end,
- b) 2017 is submitted within 126 days after its end, and
- c) 2018 is submitted within 112 days after its end.

Article 14

Effect

This Decree will come into effect on the date it is announced.

Governor:

Jiří Rusnok, duly signed

Basic characteristics and content of submitted reports

1. POJ (ČNB) 10-04 “Balance sheet of an insurance/reinsurance undertaking according to its financial statements”

This report contains basic financial information about the structure of assets and liabilities. The structure is based on the balance sheet under Decree No 502/2002, implementing certain provisions of Act No 563/1991, on accounting, as amended, for accounting units that are insurance undertakings, as amended.

2. POJ (ČNB) 19-04 “Supplementary statistical information on insurance”

This report contains selected additional information regarding activity in insurance. It includes information on the number of insurance contracts and the number of claims broken down by type of insurance, and data on dividends paid out and received broken down by country.

3. POJ (ČNB) 20-04 “Profit and loss statement of an insurance/reinsurance undertaking according to its financial statements”

This report contains the basic accounting information about income, expenses and financial results. The structure is based on the profit and loss statement under Decree No 502/2002, implementing certain provisions of Act No 563/1991, on accounting, as amended, for accounting units that are insurance undertakings, as amended.

4. POJ (ČNB) 36-01 “Mediation activity for the insurance undertaking”

This report contains a list of the 30 most important intermediaries of the reporting person according to the mediated gross premium, including identification data, the mediated gross premium, costs for intermediary commission and commission paid to intermediaries. It also provides information about the total number of intermediaries, gross written premium, costs for commission and commission paid out broken down by type of intermediary.

5. POJ (ČNB) 39-02 “CIB - Motor third party liability insurance”

This report contains information regarding motor third party liability insurance for the Czech Insurers' Bureau. It provides technical provisions for claims from the guarantee fund, premiums, costs for claims from the guarantee fund and from mandatory insurance, administrative overheads and investment returns, and the numbers of reported and settled claims.

6. POJ (ČNB) 48-01 “Report by an insurance/reinsurance undertaking on operations within the group of which it is a member”

This report contains a summary of significant operations inside the group of which the reporting person is a member. It provides information on all operations that represent more than 5% of the capital or the 5 largest operations of a given type between members of the same group, particularly in relation to equity instruments, debt instruments, derivatives, guarantees, agreements to share costs, and passive collateral.

7. POJ (ČNB) 66-04 “Eligible basic own funds to cover the notional Minimum Capital Requirement”

This report contains a division of eligible basic own funds to cover the notional Minimum Capital Requirement for life insurance and non-life insurance by domestic insurers concurrently providing insurance in the insurance sectors of life and non-life insurance.

8. POJ (ČNB) 70-04 “Report of an insurance/reinsurance undertaking on its organizational structure and qualifying holdings”

This report contains the basic identification and classification data of the reporting person, of persons with key functions, and the contact persons for specified areas, data on registered capital, and the number of employees and branches. The report also contains basic identification and classification data on persons with shares in the registered capital of more than 5%, including structured data on the size of these shares, and details about the qualifying holdings of the reporting person in other legal persons.

9. POJ (ČNB) 80-04 “Selected indicators on the activity of branches of insurance/reinsurance undertakings from another Member State in life and non-life insurance”

This report contains basic information about life and non-life insurance broken down by type of insurance. It provides the number of contracts, claims, written premiums, costs for claims, operating expenses, intermediaries' commission and technical provisions.

1) For example, Article 304 and subsequent of Commission Delegated Regulation (EU) 2015/35 of 10 October 2014, supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), directly applicable implementing EU technical standards issued under Article 15 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC.

2) Article 16 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council.

3) Article 2 of Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of International Accounting Standards.