

GUIDELINES

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on the methods for determining the market
shares for reporting

EIOPA-BoS-25/395
Adopted on 29 September 2025

GUIDELINES ON METHODS FOR DETERMINING THE MARKET SHARES FOR REPORTING

INTRODUCTION

1. In accordance with Article 16 of Regulation (EU) No 1094/2010 (EIOPA Regulation)¹ and Article 35a(6) of Directive 2009/138/EC (Solvency II Directive)², EIOPA issues revised Guidelines on methods for determining the market shares for reporting. The purpose of these Guidelines is to specify the methods to be used when determining the market shares referred to in Article 35a(1) and (2) of the Solvency II Directive and the process to be used by the supervisory authorities to inform the insurance and reinsurance undertakings about any limitation or exemption to quantitative regular supervisory reporting granted by supervisory authorities.
2. To calculate the market share, relevance is given to the type of business, i.e. life and non-life business, rather than to the authorisation granted to undertakings, i.e. life insurance authorisation or non-life insurance authorisation.
3. It should be noted that the initiative of granting a limitation or exemption may lie with the supervisory authority, however also undertakings may request a limitation or exemption from their supervisory authority. These requests should be duly considered.
4. These Guidelines are addressed to the supervisory authorities under the Solvency II Directive.
5. These Guidelines apply from 30 January 2027 and repeal and replace the Guidelines on methods for determining the market shares for reporting (EIOPA-BoS-15-106).
6. If not defined in these Guidelines, the terms have the meaning defined in the legal acts referred to in the introduction.

GUIDELINE 1 - INFORMATION TO BE USED TO DETERMINE THE MARKETS

7. Supervisory authorities should:
 - (a) ensure that the market share includes the business (regardless of the type of undertaking) underwritten by all insurance and reinsurance undertakings but does not include the business of undertakings that pursuant to Article 4 of the Solvency II Directive are excluded from the scope of the Solvency II Directive;
 - (b) ensure where an undertaking has a different financial than calendar year, the latest annual information is considered;

¹ 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).

² 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) consider the information reported in the annual quantitative reporting templates S.05.01 and S.12.01 as defined in Commission Implementing Regulation (EU) 2023/894³.

GUIDELINE 2 - CALCULATION OF LIFE AND NON-LIFE MARKET

- 8. Supervisory authorities should ensure that the size of both the life and non-life markets are determined annually by:
 - (a) aggregating, for the life insurance and reinsurance market, the gross technical provisions for the life insurance and reinsurance business, including index-linked and unit-linked insurance of the relevant insurance and reinsurance undertakings identified in Guideline 1;
 - (b) aggregating, for the non-life insurance and reinsurance market, the gross written premiums of the non-life insurance and reinsurance business of the relevant insurance and reinsurance undertakings identified in Guideline 1.

GUIDELINE 3 - ASSESSMENT PROCESS

- 9. Based on the criteria and limits set out in Article 35a of the Solvency II Directive, supervisory authorities should:
 - (a) consider the request of insurance and reinsurance undertakings to be included or excluded from the assessment to determine which undertakings are granted a limitation or exemption;
 - (b) consult the group supervisor and consider its opinion in relation to undertakings which are part of a group;
 - (c) collectively assess which insurance and reinsurance undertakings should be granted a limitation or exception;
 - (d) consider in the contribution to the 20% threshold also business from captive insurance and captive reinsurance undertakings that fall under the exception provided for in Article 35a(3) of the Solvency II Directive;
 - (e) in case an undertaking pursues both non-life and life business, only grant a limitation or exemption in case the inclusion of their non-life and life business in the respective market shares does not result in exceeding the threshold.

GUIDELINE 4 - INFORMATION TO UNDERTAKINGS

- 10. Supervisory authorities should:
 - (a) inform in writing the insurance and reinsurance undertakings concerned that they have been granted to use a limitation or exemption three months ahead of the relevant

³ Commission Implementing Regulation (EU) 2023/894 of 4 April 2023 laying down implementing technical standards for the application of Directive 2009/138/EC of the European Parliament and the Council with regard to the templates for the submission by insurance and reinsurance undertakings to their supervisory authorities of information necessary for their supervision and repealing Implementing Regulation (EU) 2015/2450 (OJ L 120, 5.5.2023, p. 1–1596).

reporting year-end at the latest . That information should remain valid until further notice to the contrary from the supervisory authority;

- (b) inform already exempted insurance and reinsurance undertakings, three months ahead of the relevant reporting year-end at the latest, that they can no longer use a limitation or exemption and they are required to report from the following reporting year. This might be also due to changes in the annually recalculated market shares even if the size of the business of the undertakings remains unchanged.

COMPLIANCE AND REPORTING RULES

11. 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.
12. Competent authorities that comply or intend to comply with these Guidelines should incorporate them into their regulatory or supervisory framework in an appropriate manner.
13. 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.
14. 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

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