

## **Circular letter 24/1 of the Commissariat aux Assurances on the insurance agencies' annual reporting**

Dear Sir or Madam,

On 13<sup>th</sup> June 2023, the Commissariat aux Assurances (the "CAA") published circular letter 23/9 of the Commissariat aux Assurances on the information sheet of the insurance agencies' annual reporting, introducing the annual reporting for insurance agencies.

The first Reporting file to be provided by insurance agencies (hereafter the "**Agencies**") in the year 2023 contained a section (B) named "information sheet " concerning general information on Agencies.

As announced in the above-mentioned circular letter, the Reporting file to be provided from the year 2024 (hereafter the "**Annual Reporting File**") onwards contains a part (A) entitled "Business report" relating to figures on the agency's distribution activity during the reference year.

The purpose of this circular letter is to provide a general explanation of the Annual Reporting File, and details of how to complete its two parts (A) and (B).

### **I. General information**

**1.1. The Annual Reporting File and the documents listed under point 1.5. below must be in the CAA's possession by the last Friday of April each year at the latest. They must be submitted to the file exchange portal using the access code provided to each Agency by the CAA in due course.**

**1.2. The insurance agent(s) responsible for the day-to-day management of the Agency in terms of insurance distribution is/are responsible for the quality and accuracy of the information provided and the documents supplied as part of the annual reporting.**

1.3. The Annual Reporting File is available in English and French. The Agency is invited to make the relevant selection in the *table of content* (ToC) of the Annual Reporting File.

1.4. The Annual Reporting File contains three main types of cells, classified by colour:

- White: cells to be filled in by the Agency;
- Yellow: automatically filled cells;
- Orange: pre-filled cells, of which the unlocked ones may be corrected or should be completed, if necessary.

Tables legend		
	Fillable cells	
	Formula cells	locked
		unlocked
	Pre-filled cells	locked
		unlocked

1.5. The documents and information that must be provided by any Agency are the following :

- a) A covering letter, where required by this circular letter; (\*)
- b) The final annual accounts for the reference year (or, failing that, at first a draft of these annual accounts, followed by the approved annual accounts<sup>1</sup>). "Annual accounts" means the balance sheet and the profit and loss account;
- c) The minutes of the general meeting of shareholders/associates approving the annual accounts;
- d) The report of the statutory auditor ("*commissaire aux comptes*") or the *réviseur d'entreprises (agrégé)*, as the case may be, if any;
- e) For all insurance agents responsible for the day-to-day management of the insurance distribution business, a declaration on their honour concerning
  - the address of the private residence;
  - the absence or existence of criminal convictions in the European Union;

**and**

  - the absence or existence of a declaration of personal insolvency or of insolvency of a legal person in which the agent is or has been a member of a statutory body ; (\*)
- f) In case of amendments to the articles of association during the reference year, a copy of the minutes of the extraordinary general meeting of shareholders/associates approving the amendment and the latest version of the coordinated articles of association;
- g) An up-to-date group chart, dated and signed by the Agency
  - i. showing all direct or indirect shareholders/associates, whether natural persons or legal entities, holding at least 10% of the capital or voting rights ("qualifying holding") in, or exercising control over, the Agency, as indicated in modules "FIR.A.0070" and "FIR.A.0071";
  - ii. showing all the Agency's shareholdings, as entered in the module "FIR.A.0080";
  - iii. showing all the branches of the Agency, as entered in the module "FIR.A.0060";
  - iv. indicating the respective LEI codes, if any,
  - v. indicating the respective participation rates,
  - vi. indicating the date of the first qualifying shareholding, and
  - vii. highlighting by way of colour code the supervised entities and the respective supervisory authorities. (\*)

<sup>1</sup> In accordance with the law of 19 December 2002 on the Trade and Company Register and on bookkeeping and annual accounts of companies, the approved annual accounts must be published in the Electronic Register of Companies and Associations (RESA), by means of a mention of the filing with the Trade and Company Register (RCS) within one month of approval and at the latest seven months after the end of the financial year.

The standard organisation chart provided with the Annual Reporting File shall be used as a mandatory basis for the group chart of the Agency.

- h) An extract from the Trade and Companies Register (RCS) that is up to date on the date of submission of the Annual Reporting File and less than 3 months old;
- i) An extract from the register of beneficial owners (RBE) that is up to date on the date of submission of the Annual Reporting File and less than 3 months old.

(\*) Documents marked with an asterisk must also be submitted to the CAA in their original version, unless they contain a qualified electronic signature.

#### 1.6. Definitions :

##### 1. Non-life premiums written :

Premiums relating to insurance contracts coming under insurance classes listed in Annex I of the law of 7 December 2015 on the insurance sector, as amended (hereinafter the "LSA") and for which a due date notice has been sent to the policyholder.

##### 2. Life premiums written :

Premiums relating to insurance contracts coming under insurance classes listed in Annex II of the LSA.

##### 2bis. Premiums negotiated :

Premiums relating to new contracts taken out during the reference year, successive single premiums resulting from contracts taken out in previous years, free payments and recurrent premiums resulting from contracts taken out in previous years.

The gross premiums negotiated to be indicated in the various modules of the Annual Reporting File correspond to the gross premiums written by the insurance companies, from which taxes are excluded (in principle).

##### 3. State of establishment :

The State where an undertaking / intermediary is established. If, for example, the State where a company has its registered office is Belgium and the contract is taken out with the Luxembourg branch of the Belgian undertaking/intermediary, the State of establishment to be indicated is Luxembourg.

##### 4. Insurance commissions:

Any form of gross remuneration received for insurance intermediation activities as defined by Article 279 of the LSA.

###### a) Commissions on new business :

Commissions received for business written during the reference year or commissions received for successive single premiums paid in the reference year but resulting from contracts written in previous years and for free payments;

###### b) Recurring commissions :

Commissions received on contracts taken out prior to the reference year for which the Agency is remunerated on the basis of a recurrently issued premium (e.g. annual premium) ;

c) commissions on outstandings:

Commissions received for business written prior to the reference year without a recurring premium being issued on these contracts (e.g. life insurance contracts with a single premium but where the commissions paid to the intermediary are split/spread over time).

5. Other remuneration:

Any remuneration received by the Agency for services provided but not falling within the scope of (re)insurance mediation as defined by Article 279 of the LSA.

6. Reinsurance premiums written

Premiums relating to reinsurance/retrocession treaties in the life, non-life or both classes of insurance, as appropriate, negotiated by the Agency.

7. Reinsurance commissions

Any form of gross remuneration received for activities generated by acts of reinsurance intermediation (including retrocession) as defined by Article 279 of the LSA.

8. Intermediation takeover

A transaction resulting from mandating the Agency to carry out distribution activities on one or more contracts that were previously distributed either by another (re)insurance intermediary or by a (re)insurance undertaking.

9. L.I.R.

Law of 4<sup>th</sup> December 1967 concerning income tax, as amended.

## II. Explanation of the different modules of the Annual Reporting File

### A. The report (part A)

The lines "R0050" and "R0060" of module "CPR.A.0010" indicate the applicable reference period for the modules of part (A), with the exception of module "CPR.A.0050". This reference period corresponds to the last financial year of the Agency.

**The information provided in module "CPR.A.0050 must correspond to the situation on 31 December of the past calendar year.**

The currency in which the various reporting documents are to be filled in must be the currency in which the annual accounts of the Agency are drawn up. The line "R0070" of module "CPR. A.0010" indicates the applicable currency.

#### 2.1. Module CPR.A.0010 « Général - Informations de base »

The majority of the data in this module is pre-filled informing the Agency on the scope of the information requested.

In the line "R0040", the date on which the Annual Reporting File is completed must be entered. If the data entered in this file is subsequently modified, the date of the modification must be entered.

It is the responsibility of the Agency to provide the identity (line "R0100"), e-mail address (line "R0110") and direct telephone number (line "R0120") of the contact person for any questions relating to annual reporting.

**It is specified that the agent in charge of the day-to-day management of the insurance distribution activity who has been designated as the contact person for the CAA in module "FIR.A.0050" should be the CAA's contact person for the annual reporting. In exceptional cases, the Agency may appoint another contact person for the annual reporting, although responsibility for the quality and accuracy of the data provided or the documents and explanations given may not be delegated.**

#### 2.2. Module CPR.A.0020 "Geographical breakdown of the new production placed by the agency on own behalf (EEA) (detail of module CPR.A.0030, row R0010)"

This module takes into account the new business of the Agency placed on its own behalf within the European Economic Area (EEA) , i.e.:

- premiums relating to contracts entered into during the reference year and
- successive single premiums paid during the reference year on previously negotiated contracts or free payments made during the reference year.

The premiums relating to the new production of the financial year relating to direct insurance shall be broken down according to the Member State in which the risk is located or the Member State of the commitment, as provided for in Article 43, points 15 and 17 of the LSA.

In the field of life insurance, for reasons of legal certainty, the CAA considers that the State of the commitment is determined at the time of the conclusion of the insurance contract and does not change if the policyholder subsequently moves to another State. The Agency must therefore make a geographical breakdown according to the situation at the time of the conclusion of the contract, even in the case of a top-up payment made after a change in the country of residence.

The premiums relating to the new production of the financial year relating to reinsurance shall be broken down according to the Member State of the registered office of the undertaking ceding the risk, as provided for in Article 43, point 13, of the LSA.

The amounts entered in line "R0310", columns "C0010", "C0020", "C0030" and "C0040" must be broken down by State in module "CPR.A.0021". They must correspond to the

amounts respectively entered in line "**R0010**", columns "**C0010**", "**C0020**", "**C0030**" and "**C0040**" of module "CPR.A.0021".

The amounts entered in line "**R0320**", columns "**C0010**", "**C0020**", "**C0030**" and "**C0040**" must correspond to the amounts entered in line "**R0010**", columns "**C0010**", "**C0020**", "**C0030**" and "**C0040**" respectively in "CPR.A.0030" module.

2.3. Module CPR.A.0021 "Geographical breakdown of the new production placed by the agency on own behalf (outside the EEA) (detail of module CPR.A.0020, row R0310)"

This module takes into account, the new business placed by the Agency on its own behalf in States outside of the EEA, i.e.:

- premiums relating to contracts entered into during the reference year and
- successive single premiums paid during the reference year on previously negotiated contracts or free payments made during the reference year.

For the purposes of the breakdown of premiums by non-EEA States, the Agency shall apply the same criteria as those set out in point 2.2.

2.4. Module CPR.A.0022 "Geographical breakdown of the new production placed by the agency on behalf of other intermediaries (EEA) (detail of module CPR.A.0031, row R0010)"

This module takes into account the new production placed by the Agency within the EEA on behalf of other Luxembourg or foreign (re)insurance intermediaries.

For the purposes of breaking down premiums by EEA country, the Agency shall apply the same criteria as those set out in point 2.2.

The amounts entered in line "**R0310**", columns "**C0010**", "**C0020**", "**C0030**" and "**C0040**" must be broken down by State of the commitment or by State where the risk is located in module "CPR.A.0023" . They must correspond to the amounts entered in line "R0010", column "**C0010**", column "**C0020**", column "**C0030**" and column "**C0040**" of module "CPR.A.0023" respectively.

The amounts entered in line "**R0320**", columns "**C0010**", "**C0020**", "**C0030**" and "**C0040**" must correspond to the amounts respectively entered in line "**R0010**", columns "**C0010**", "**C0020**", "**C0030**" and "**C0040**" of module "CPR.A.0031".

2.5. Module CRP.A.0023 "Geographical breakdown of the new production placed by the agency on behalf of other intermediaries (outside EEA) (detail of amounts of module CPR.A.0022, row R0310)"

This module takes into account the new business placed by the Agency outside of the EEA on behalf of other Luxembourg or foreign (re)insurance intermediaries, validly registered in the register of distributors of the CAA or of another competent authority of a Member State, as required by article 286, paragraphs 4 and 5, of the LSA.

For the purposes of the breakdown of premiums by non-EEA states, the Agency shall apply the same criteria as those set out in 2.2 and 2.3..

2.6. Module CPR.A.0024 "Geographical breakdown of outstandings of life insurance contracts having been taken over for intermediation purposes (EEE)"

This module takes into account, for the European Economic Area (EEA), the geographical breakdown of the outstandings regarding all life insurance contracts that have been subject to intermediation takeovers by the Agency, as defined in point 1.6.8.

For example, intermediation takeovers may occur when

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- the policyholder asks to replace the agent/agency who was acting as an insurance intermediary on the life insurance contract with the Agency;
- an insurance undertaking transfers to the Agency the distribution activities of one or more life insurance contracts that had been marketed by an agent/agency;
- an insurance undertaking transfers to the Agency the distribution activities of one or more life insurance contracts that had been marketed directly;
- distribution activities of one or more life insurance contracts are transferred to the Agency as a result of the absorption of another intermediary (merger by acquisition);

For the present module, the geographical breakdown must be done according to the country of the commitment within the meaning of Article 43, paragraph 15, of the LSA.

The amount entered in line "**R0310**", column "**C0010**", must correspond to the amount entered in line "**R0010**", column "**C0010**" of module CPR.A.0025.

2.7. Module CPR.A.0025 "Geographical breakdown of outstandings of life insurance contracts having been taken over for intermediation purposes (EEE)"

This module takes into account, for countries situated outside the European Economic Area (non-EEA), the geographical breakdown of the outstandings of life insurance contracts that have been intermediated by the Agency, in accordance with the principles developed above.

2.8. Module CPR.A.0030 "Gross premiums negotiated by the agency for own behalf during the reference year"

This module takes into account all gross premiums, as defined in 1.6.2bis above, of the reference year, negotiated by the Agency on its own behalf, more specifically the premiums actually written by insurance undertakings, as foreseen by Article 47 of the law of 8 December 1994, as amended, on insurance and reinsurance contracts for which the Agency has acted as intermediary.

This module should include both the premiums collected directly by the insurer and the amount of premiums collected by the Agency.

The gross premiums of the reference year relating to contracts transferred to the Agency during the reference year from an insurance undertaking or a (re)insurance intermediary must be entered in lines "**R0050**" and "**R0060**".

2.9. Module CPR.A.0031 « Gross premiums negotiated by the agency on behalf of other intermediaries during the reference year »

This module takes into account all the premiums negotiated, as defined in point 1.6.2bis above, gross of the reference year, by the Agency on behalf of other Luxembourg or foreign (re)insurance intermediaries.

This module should include the premiums collected directly by the insurer as well as the amount of premiums collected by the Agency.

2.10. Module CPR.A.0032 "Total premiums negotiated during the reference year"

This module is automatically completed with the sum of the amounts entered in modules "CPR.A.0030" and "CPR.A.0031".

#### 2.11. Module CPR.A.0040 "Breakdown of turnover"

The total of this module in line "**R0030**", column "**C0050**", must correspond to the gross turnover as it appears in the profit and loss account of the annual accounts (unless it is an abbreviated profit and loss account).

Commissions / fees / remuneration received for insurance and reinsurance distribution should be entered in the first line of this module (**R0010**) and broken down into four columns according to their source:

- "**C0010**" - insurance undertakings (= modules (CPR.A.0080 + CPR.A.0110 + CPR.A.0140) - modules (CPR.A.0090 + CPR.A.0120 + CPR. A.0150),
- "**C0020**" - (Re)insurance intermediaries (= modules CPR.A.0090+CPR.A.0120+CPR.A.0150),
- "**C0030**" - customers,
- "**C0040**" - other.

Detailed explanations, in particular concerning the counterpart of these remunerations, must be provided in the accompanying letter in case an amount is entered in one of the cells listed below:

- Line '**R0010**', column "**C0040**"
- Line "**R0020**", column "**C0050**"

#### 2.12. Module CPR.A.0050 « Persons active for the agency on 31<sup>st</sup> December of the past calendar year »

All persons who were active for the Agency on 31<sup>st</sup> December of the past calendar year and who were carrying out tasks relating to insurance agency activities must be entered in this module (either distribution or administrative tasks).

For example, for the annual reporting relating to the reference period 2023, the persons active on 31<sup>st</sup> December 2023 must be reported, even for Agencies closing their financial year before 31<sup>st</sup> December 2023.

Persons who are not active in relation to insurance agency activities should not be included in this module.

The first part of the module, entitled "*full task*", must be filled in for all persons meeting the following cumulative conditions

- Be active at full task (=100%) for the Agency, **and**
- Devote their entire working time to insurance agency activities

On the other hand, in the second part of the module, entitled "*partial task*", all persons fulfilling one of the following conditions must be filled in:

- be fully at full task (=100%) for the Agency and devote only a proportion of their working time to insurance agency activities.
- be partially employed (<100%) by the Agency and devote their entire working time to insurance agency activities.
- be partially employed (<100%) by the Agency and devote only a proportion of their working time to insurance agency activities.

A distinction must then be made according to whether or not the persons are bound by an employment contract and whether or not they are registered with the Luxembourg social security system.

If persons have more than one nationality, including the Luxembourg one, they shall be indicated as being a Luxembourg national.

### 2.13. Module CPR.A.0060 "Statistics on the number of contracts"

The following information must be entered in this module:

- Column "**C0010**": the number of new direct insurance and reinsurance contracts written during the reference period by the Agency on its own behalf, as well as successive single premiums paid during the reference year or free payments made during that period related to contracts written in previous years;
- Column "**C0011**": the number of contracts concerned by an intermediation takeover by the Agency, as defined in point 1.6.8. above during the reference period;
- Column "**C0020**": the total stock of direct insurance and reinsurance contracts of the Agency corresponding to its entire portfolio at the end of the reference year, including existing contracts of an insurance undertaking or intermediary taken over by the Agency;
- Column "**C0030**": the number of contracts that the Agency has placed on behalf of other Luxembourg or foreign (re)insurance intermediaries.

For contracts relating to the life classes listed in Annex II of the LSA, the Agency is required to make a breakdown between the following types of contracts:

- for individual life insurance contracts, those defined as
  - o "Pure protection" i.e. life insurance policies covering death, certain disabilities or physical injury, which often require medical evidence, which do not have a savings or investment element and which are usually financed by regular (modest) premiums (e.g. outstanding balance insurance in favour of a bank, covering the amount borrowed). Contracts that have a savings element should be classified in one of the three last bullet points under the present category. It should also be noted that a life insurance policy with death or disability benefits should be classified as a "Savings and investment other" policy if the benefit exceeds EUR 2.5 million.
  - o « pension policies within the meaning of article 111bis L.I.R. »
  - o "Savings and investments with low amount, excluding pension policies within the meaning of article 111bis L.I.R." This category includes insurance policies below or equal to the tax deductible limit in Luxembourg, excluding pension policies within the meaning of article 111bis L.I.R. which must be indicated in the category above.
  - o "Savings and investments (other)", i.e. single premium, regular or open-ended contracts that typically aim at savings and investment flexibility, allowing for surrenders and transfers, which do not fit in the two previous categories above.
  - o "Bearer contract" means contracts which, regardless of their other characteristics, promote the anonymity of the policyholder and/or beneficiaries.
- for group life insurance contracts (pension scheme funded within an insurance contract), those defined as
  - o "Regulated and registered plans" means group life insurance contracts regulated and registered with the *Inspection générale de la sécurité sociale* (IGSS) in Luxembourg.
  - o The term "non-savings contracts" refers to group life insurance contracts that do not contain any savings or investment features.
  - o "Other group contracts" i.e. group life insurance contracts that do not fall into the other two categories above.

2.14. Module CPR.A.0070 « Accounting information for an agency without banking activities »  
Module CPR.A.0071 « Accounting information for an agency with banking activities »

The accounting information must correspond to the information included under the various accounting items of the balance sheet and profit and loss account of the Agency's reference period.

A distinction must be made between Agencies that have a banking activity and those that do not. Indeed, as banks do not follow the standard chart of accounts, they shall complete the tables contained in module "**CPR.A.0071**", while "non-banking" Agencies are required to complete module "**CPR.A.0070**". It should be noted that in the "Profit and Loss Account" table of Module "**CPR.A.0070**", the expense accounts should be filled in as negative amounts.

For module CPR.A.0070, the net turnover amount entered in line "R0110", "C0010", must be identical to the turnover amount entered in module CPR.A.0040, line "R0030", column "C0050".

2.15. Modules CPR.A.0080, CPR.A.0110 and CPR.A.0140 "Insurance undertakings with which business has been placed directly and indirectly and/or with which an agency agreement was in force at the end of the financial year"

The Agency shall report the insurance undertakings with which it has placed the contracts either directly or through another intermediary.

Undertakings should be listed in descending order of premiums for the reference period.

Under column "**C0010**", the exact and complete company names of the undertakings must be entered. For each insurance undertaking listed, the Agency shall look up the LEI code of that undertaking and enter it in column "**C0020**". It is strongly recommended to *copy and paste* the LEI codes either from the module "**FIR.A.0100**" or from the website <https://search.gleif.org> into the respective cells to avoid errors.

The column "**C0030**" identifies the establishment of the insurer through which contracts have been placed. If an Agency has placed contracts with the same insurer, but through different establishments, i.e. through the head office and/or one or more branches of the insurance undertaking, the latter must be mentioned as many times as there are different establishments through which the contracts have been placed.

The Agency must indicate in column "**C0040**" whether an agency agreement with these undertakings is in force at the end of reference period. In addition, the agency must list all undertakings in these modules with which such an agency agreement exists, even if no insurance or reinsurance contracts are in force or have been negotiated during the reference year, i.e. even if there are no premiums written and no commissions to be reported.

The total amount of premiums written entered in column "**C0050**" must correspond to the total amount of gross premiums negotiated during the reference period for the relevant (re) insurance class, as indicated in line "**R0070**" of module "CPR.A.0030".

In columns "**C0060**", "**C0070**" and "**C0072**", the Agency must break down the amounts according to the type of commission received. It is pointed out that insurance contracts that did not give rise to gross premiums written during the reference period but which nevertheless generated commissions should also indicated.

Column "**C0071**" must contain the total outstandings at the end of the reference period, which is the basis for the calculation of the outstanding commissions (column "**C0072**").

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2.16. Modules CPR.A.0090, CPR.A.0120 and CPR.A.0150 "(Re)insurance Intermediaries through which the agency has placed the business"

The explanations given for the different headings under point 2.15. are also applicable for this module.

2.17. Modules CPR.A.0100, CPR.A.0130 and CPR.A.0160 "(Re)insurance intermediaries on whose behalf the agency has placed business"

The explanations given for the different headings under point 2.15. are also applicable for this module.

**B. The information sheet (part B)**

The information provided on the modules of part (B) must be up-to-date at the time of submission of the Reporting file.

The vast majority of the modules below are, in principle, pre-filled with the information in the CAA's possession on the day the Annual Reporting File is made available to the Agencies on the file exchange portal.

**It is up to the Agencies to check carefully that the information entered is correct and up-to-date on the day the Reporting file is submitted on the file exchange portal.**

If, however, the pre-filled information is incorrect or no longer up-to-date, then the Agencies must :

1. correct this information in the Annual Reporting File, **and**
2. submit to the CAA the relevant supporting documents, as required by the laws and regulations.

2.18. Module FIR Module FIR.A.0010 "Information on the agency"

The most common legal forms can be selected from the drop-down menu in column "**R0020**". If the legal form of the Agency is not listed, please select the "other type of commercial company" option and specify the legal form of the Agency in the covering letter. For information purposes, the legal form is specified in the Agency's articles of association.

Concerning the LEI code in line "**R0030**", reference is made to *Circular letter 22/13 of the Commissariat aux Assurances on the revised EIOPA Guidelines on the use of the Legal Entity Identifier (LEI) by insurance and reinsurance intermediaries and insurance intermediaries on an ancillary basis*.

Line "**R0120**" must include all trade names, signs and/or brands used by the Agency that differ from its corporate name.

For lines "**R0130**", "**R0140**" and "**R0150**", if the option "Other" is selected in the drop-down menu, the Agency is asked to specify the activity in question in the covering letter and to provide the relevant NACE code ([https://guichet.public.lu/fr/outils/code\\_nace.html](https://guichet.public.lu/fr/outils/code_nace.html)).

2.19. Module FIR.A.0020 "Approved agents linked to the agency".

All agents linked to the Agency must be entered in the module. If the agent is linked to the Agency by an employment contract, the "*true*" option must be selected in column "**C0040**". However, if the agent is not linked to the Agency by an employment contract, the Agency must select "*false*" in the "**C0040**" drop-down menu and specify the means by which the approved agent is linked to the Agency.

Columns "**C0050**" and "**C0060**" must show the date on which the agent began, or ceased, working as a licensed insurance agent for the Agency.

"Registration in a register of distributors in another Member State" (column "**C0070**") means authorisation or registration in a personal capacity as an insurance intermediary issued by a competent authority in another State (whether or not a member of the EEA). Activities carried out in another EEA Member State under the freedom to provide services or the freedom of establishment, as provided for in Directive (EU) 2016/97 on insurance distribution, do not need to be indicated here. If "*true*" is selected in the drop-down menu, details, including at least the State of registration, the category of (re)insurance intermediary and the identification number of the register of distributors must be provided in the covering letter.

By "Position with an insurance or reinsurance undertaking or another intermediary" (column "**C0080**") is meant both positions held with Luxembourg and foreign insurance or reinsurance undertakings and positions held with Luxembourg or foreign insurance or reinsurance intermediaries other than the Agency itself. If "*true*" is selected in the drop-down menu in column "**C0080**", the Agency must specify in the covering letter exactly which function is concerned and with which entity.

The following options are available:

- The agent is personally registered in the register of distributors of another Member State and works for a (re)insurance undertaking or another intermediary (e.g. director, manager or employee of a Luxembourg or foreign insurance agency).

→ "*True*" must be selected in columns "**C0070**" and "**C0080**".

- The agent is not personally registered in the register of distributors of another Member State, but works for a (re)insurance undertaking or another intermediary (e.g. director, manager or employee of a Luxembourg or foreign insurance agency).

→ "*False*" must be selected in column "**C0070**" and "*True*" must be selected in column "**C0080**".

- The agent is personally registered in the register of distributors of another Member State, but does not work for a (re)insurance undertaking or another intermediary.

→ "*True*" must be selected in column "**C0070**" and "*False*" must be selected in column "**C0080**".

- The agent is not personally registered in the register of distributors of another Member State and does not work for a (re)insurance undertaking or another intermediary.

→ "*False*" must be selected in columns "**C0070**" and "**C0080**".

It is important to specify that the business telephone number (mobile or landline) (column "**C0130**") and the business e-mail address (column "**C0140**") of the agents must correspond to their professional data and not to the general contact information of the Agency. In the absence of personalised professional contact details, the Agency is requested to provide any contact details through which the agent concerned may be reached.

## 2.20. Module FIR.A.0030 "Distribution points in Luxembourg"

This module must include any local distribution points that the Agency has in addition to its head office. This includes any offices of the Agency located at an address other than its head office, and where agents linked to the Agency carry out distribution activities on its behalf.

This does not include branches of the Agency, as defined in article 279, point 31, of the LSA, located abroad, which must be entered exclusively in the module "FIR.A.0060".

#### 2.21. Module FIR.A.0040 "Composition of the statutory body"

All members of the statutory bodies of the Agency must be listed, as well as the persons delegated for day-to-day management, if any.

For limited liability companies with a "technical manager" ("*gérant technique*") and an "administrative manager" ("*gérant administratif*"), these two people must be indicated as the "manager".

The term "person appointed for the day-to-day management" refers to the person listed as such on the extract from the RCS. Where the Agency carries out other activities in addition to insurance distribution, this person need not necessarily correspond to the agent(s) responsible for the Agency's day-to-day management regarding its insurance distribution activity, who must be entered in module "FIR.A.0050".

In the drop-down menu in column "**C0050**", please select the predominant country of residence for the last 5 years.

"Start of mandate" (column "**C0070**") refers to the date of the person's first appointment as a member of the statutory body.

If the statutory body of the Agency comprises a member being a legal entity, the permanent representative of that entity must be entered in this module. The exact corporate name of the legal entity represented shall be indicated in column "**C0090**", followed by the registration number in the Trade and Companies Register (RCS or foreign equivalent).

If the option "Member of a statutory body of another type of commercial company" is selected in the drop-down menu in column "**C0010**", the Agency is asked to specify in the covering letter the statutory body of the Agency to which the person entered belongs.

If a natural or legal person performs more than one function for the Agency (e.g. manager and delegate for day-to-day management), the Agency must specify all the functions performed by entering the person concerned several times in the module.

#### 2.22. Module FIR.A.0050 "Key function holders"

The "Agent in charge of the day-to-day management of the distribution activity" must be the authorised agent or agents who are authorised to manage the legal person for its activity as an insurance agency, in accordance with Article 284, paragraph 1, point b), of the LSA, i.e. who are responsible for the day-to-day management of the Agency with regard to its insurance distribution business.

Among the persons entered in this module as "agent responsible for day-to-day management", the Agency must :

- choose one privileged contact person for the CAA for all exchanges relating to the business of the insurance agency and
- also enter this person in this module as the "contact person for the CAA".

#### 2.23. Module FIR.A.0060 "Branches (outside Luxembourg)"

Article 279, point 31, of the LSA defines a branch as being "an agency or a branch of an intermediary which is located in the territory of a Member State other than the home Member State".

This module must be completed for all permanent establishments, i.e. all forms of permanent presence of the Agency in the territory of another State, on the date of submission of the information sheet. Where an Agency carries out several activities, only permanent establishments active, exclusively or not, in insurance distribution need to be indicated in this module.

2.24. Module FIR.A.0070 "Shareholders or members legal persons with a qualifying holding (≥10% of shares or voting rights or other means of control)"

If the "Other" option is selected from the drop-down menu in column "**C0080**", the Agency is asked to specify in the covering letter the principal activity of the legal entity shareholder, ideally accompanied by the relevant NACE code.

A distinction is made between equity interests and voting rights (columns "**C0120**" to "**C0150**").

If "*true*" is selected in column "**C0160**", the Agency is asked to explain in the covering letter what means of control are involved (e.g. existence of an agreement between different shareholders).

2.25. Module FIR.A.0071 "Shareholders or members natural persons with a qualifying holding (≥10% of shares or voting rights or other means of control)"

The explanations provided for the various headings under point 2.24. also apply to this module.

2.26. Module FIR.A.0080 "Shareholdings held"

All qualifying shareholdings (≥10% of shares or voting rights or other means of control) held directly or indirectly by the Agency in other legal entities must be disclosed.

The explanations provided for the various headings under point 2.24. also apply to this module.

2.27. Module FIR.A.0090 "Review of the accounts"

The *réviseur entreprises agréé* appointed pursuant Article 69 of the law of 19 December 2002 on the Trade and Company Register and on bookkeeping and annual accounts of companies, or the *commissaire aux comptes* (in case no *réviseur d'entreprises agréé* has been appointed) must be entered in this module, if any.

Start of term" (column "**C0040**") refers to the date on which the natural or legal person was first appointed to the audit function.

If an end of mandate date is entered in column "**C0050**", the new natural or legal person who will occupy this position must also be entered in this module.

2.28. Module FIR.A.0100 "Undertakings for which the agency held approval during the reference year"

This module is pre-filled and is for information purposes only. It cannot not be modified by the Agencies.