

Market Bulletin

Ref: Y5171

Title	US Terrorism Risk Insurance Act of 2002 ("TRIA"), as amended ("TRIPRA 2015") - TRIA reporting
Purpose	To update the Market on completion of the FIO and NAIC annual TRIA reporting forms
Туре	Event
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Date	21 March 2018
Deadline	23 April 2018
Related links	U.S. Department of the Treasury - FIO Return NAIC Quarterly Listing of Alien Insurers – January 2018 U.S. Lloyd's Crystal page SecureStore

1. Purpose

This bulletin is for Managing Agents with syndicates listed as eligible surplus lines insurers on the National Association of Insurance Commissioners' ("NAIC") Quarterly Listing of Alien Insurers. Further to Market Bulletin Y5163, this bulletin is to inform the Market of the updated forms and requirements for reporting terrorism premiums and data to the Federal Insurance Office of the US Treasury ("FIO") and the NAIC. These are used for the purpose of calculating the insurer deductible under TRIA, gathering state-level terrorism exposure data and drafting reports analysing the effectiveness of the TRIA program.

tria market bulletin (190418).docx Page 1 of 16

¹ The insurer deductible is 20% of an insurer's direct earned premiums in TRIA covered lines during the immediately preceding calendar year.

2. Background

These reporting requirements relate to a syndicate's **entire US commercial property & casualty premium income** (as defined in TRIA) and not just to premiums received in relation to TRIA. Draft forms have already been issued and although no changes are likely, the reporting requirements are expected to be formalized by the FIO by the end of Q1 2018. Since the submission of last year's returns, Lloyd's has continued discussions with both the FIO and the NAIC regarding the format of, and necessity of, separate returns. For the 2018 TRIA reporting requirements the NAIC has agreed to use the FIO reporting templates. TRIA data will need to be provided to the NAIC using the FIO reporting templates as part of the annual filing requirements for the International Insurers Department ("IID") of the NAIC.

The deadline for syndicates to complete the full returns for the FIO will be <u>15 May 2018</u>. In order to meet this deadline the returns should be submitted to Lloyd's via SecureStore by <u>23 April 2018</u>.

The same returns will also be provided to the NAIC, by Lloyd's, as part of the NAIC IID annual filing by their <u>30 June 2018</u> deadline.

Please note, however, that if a syndicate is affiliated with a US group required to report to the FIO, that syndicate's data may have been included within the group return submitted to FIO. Syndicates that submitted data as part of a US group still need to provide a completed return to Lloyd's (plus confirmation that its group return included syndicate data – see Appendix 1).

3. Syndicate reporting procedures

All syndicates (with the exceptions noted below) are required to report their relevant premium income for 2017 on the forms (PDF's are currently available from the <u>FIO</u> <u>website</u>).

The PDF version of the return, along with instructions, can be found under the heading "Data Collection Instructions and Forms", entitled "Alien Surplus Lines Insurers". The Excel versions of the return will be made available to download from SecureStore once they have been provided by FIO.

The basis on which syndicates should report their premiums is outlined in Appendix 2 which should be read in conjunction with the detailed instructions mentioned above.

4. Syndicates which must make the TRIA returns

Every syndicate featured on the NAIC Quarterly Listing of Alien Insurers, which was trading in 2017, must make a TRIA return which will then be provided centrally to both the NAIC and the FIO.

A syndicate in run-off that ceased trading prior to 2017 may be required to make a return if it is still party to ongoing business that could lead to a claim under TRIA. The return will report the relevant premium income received in the course of 2017. Every such syndicate should consider making a return. It should be noted that a failure to file a return will make it impossible to calculate a syndicate deductible and cover under TRIA could be jeopardised. A decision not to make a return should therefore follow a careful analysis of the syndicate's book of business.

5. Classification of business

Instructions issued by the US Treasury concerning the lines of business covered by TRIA refer to NAIC line of business definitions. Appendices 2 and 3 set out how Lloyd's risk codes and related Solvency II classes can be mapped to NAIC lines of business.

Appendices 2 and 3 should be regarded as a general guide only. In particular, the lines of business covered are wide and some types of business falling under them are in fact excluded by TRIA. Premiums relating to such excluded classes should not be reported as business within the scope of TRIA. Further guidance on covered lines can be found in Market Bulletin Y4107 and on Crystal.

Syndicates should ensure all premiums for lines of business covered by TRIA, including that which may be incidental to the main policy coverage(s), or part of combined coverages, are reported. In general, if the insurance coverage is provided within the geographic and other statutory parameters of the definition of "insured loss" for TRIA, then such losses will be covered by the Program, subject to the conditions for payment and other requirements of the Act. For further guidance, please refer to previous Lloyd's market bulletins covering TRIA, including Y4107, on Crystal.

6. Action Required

TRIA returns should be submitted to Lloyd's electronically, via SecureStore, by Monday 23 April. This will allow Lloyd's time to perform some high-level checks and, where necessary, raise any queries. Each file should be in Excel format and named in accordance with the naming protocol which will be provided once FIO make the excel versions of the forms available.

Should managing agents require access to SecureStore, they will need to contact their devolved administrator.

7. Queries and circulation

We understand that FIO will be providing webinar training on the completion of their forms. Once details have been issued we will advise the Market accordingly.

For any queries on the completion of the returns please contact:

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Email: hayley.youles@lloyds.com
Email: leslie.redmond@lloyds.com

Lloyd's International Regulatory Affairs can also assist with queries on the completion of the returns; please contact:

Stephen Yates Luther Collins

Tel: +44(0) 7327 5351 Or Tel: +44(0) 7327 6355

For queries regarding relevant P&C lines for deductible calculation, please contact the LMA:

Alison Colver

Tel: +44(0) 7327 8370

Email alison.colver@Imalloyds.com

For queries on the use of coded data and USM's, please contact:

The Xchanging Services Desk

Tel: +44 (0)870 3800830

Email: service.centre@xchanging.com

For other general enquiries relating to TRIA please contact:

Lloyd's International Trading Advice (LITA) Lloyd's Desk, Ground Floor, Underwriting Room

Telephone: 020 7327 6677 Email: LITA@lloyds.com

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Appendix 1 - Practical steps for completion of TRIA returns

The return is designed to give an outline of a syndicate's whole book of business within the scope of TRIA for the calendar year 2017, and a more detailed analysis on US policyholder and US situs business. The returns include certain data elements which, to avoid duplication, should only be completed by the lead syndicate — In a change from last year, only the policy counts fields should be completed on a lead syndicate basis, exposure and premium fields should be completed by all syndicates on the basis of their share (see "Lloyd's specific form guidance" below).

Syndicates should enter their NAIC Alien Identification Number where required. The relevant number can be found in the NAIC's Quarterly Listing of Alien Insurers.

Reporting should be earned premiums in USD on a gross basis (i.e. before deduction of brokerage and commissions). Signed premium is acceptable where earned premium is unavailable.

The data to be analysed is:

- For those syndicates completing the spreadsheet on a 'signed' basis business processed by Xchanging Ins-sure Services in 2017, irrespective of underwriting year of account.
- For those syndicates completing the spreadsheet on an 'earned' basis all business earned during 2017 irrespective of underwriting year of account.

It is recommended that syndicates work at transaction level when extracting data for use in completing the spreadsheet.

'Policyholder' is the principal named insured, responsible for arranging the insurance contract.

When providing premium for Geographic, Jurisdiction or State fields, the "home state" rule should be applied. The Non-admitted and Reinsurance Reform Act 2010 defines "home state" as:

- (1) the state in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or
- (2) if 100% of the insured risk is located out of the state, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

When providing exposure information for Geographic, Jurisdiction or State fields, this should be based on the location of the exposure. Where this information is not available, the 'home state' rule should be applied as above.

The home state is recorded on all US surplus lines contracts alongside the relevant surplus lines broker information under the "Fiscal and Regulatory" section.

'Direct business' includes US Surplus Lines, US Licensed (Illinois, Kentucky and USVI) and US Exempt.

Workers' Compensation (WC) data is required. Lloyd's is not permitted to write direct WC; however, excess WC is permitted and should be completed in these sections, including, but not limited to, risk codes W2, W3 W4 and WC.

The structure of the spreadsheets should not be amended and any pre-populated formulae should not be altered.

Cells containing black cross-hatching should not be completed.

All amounts should be reported without decimals

Policy counts for Direct Earned Premium ("DEP") fields should be calculated based on the number of policies incepting in 2017 (or otherwise in effect for the entire year). Where the policy count relates to exposure fields a reporting date of 31 December 2017 should be utilised to avoid double counting.

The scope of the return is wider than TRIA eligible lines of coverage and/or covered losses when completing sections: "Standalone Terrorism (Nationwide)", "Geographic Exposures (Nationwide)" and "Reinsurance (Nationwide)". The worksheet, "Standalone Terrorism (Nationwide)", is intended to capture all standalone terrorism cover and is not limited to just TRIA eligible lines of coverage and/or covered losses. The worksheet, "Reinsurance (Nationwide)", is intended to capture TRIA covered lines and non-TRIA covered lines (see Appendices 2 and 3 to help determine TRIA covered lines).

FIO is aware of the limited use of North American Industry Classification System ("NAICS") and Standard Industrial Classification ("SIC") codes in the Lloyd's market. Best attempts should be made to apply either of these codes. If it is not possible to apply these codes then premium should be allocated to the "Unavailable" description under Col D (row 24 or 35) on page 6 of the PDF, "Policyholder Industry Code (Nationwide)".

Page 8 of the PDF, "Reinsurance (Nationwide)", is designed as a questionnaire and should be completed on this basis, supported by relevant data where required (and available). Again, the FIO is aware, that the use of reinsurance coverage in this context may vary significantly across the Lloyd's market. Syndicates should complete this worksheet to the extent possible reflecting their own arrangements.

Syndicates that submit data as part of a US group must confirm that the group return included syndicate data. This should be done by completing fields B4 and C4 of the "Insurer Group Affiliations" worksheet using the US group NAIC code and name Syndicates that submitted data as part of a US group still need to provide a completed return to Lloyd's.

Lloyd's specific form guidance

FIO TRIA Forms

Spreadsheet Section		Description	How to Complete
(Page numbers correspond to			
PDF version of return)			
Page 1: Insurer Group Affiliations		Details of affiliated US companies.	Syndicates that submit data as part of a US group must confirm that the group return included syndicate data. This should be done by completing cells B4 and C4 using the US group NAIC code and name.
			Syndicates not part of a US group should leave B4 and C4 blank, completing row 9 instead.
			completed in all cases.
Page 2: Policies and Direct Earned Premium by	Jurisdiction	The worksheet for each US state should be completed where TRIA covered business is written.	This allocation should be based on the 'Home State' rule.
Jurisdiction (Columns B to H)			Worksheet "Policies and DEP (All)" will automatically populate the totals entered in to the state specific worksheets.
	Eligible Line of Coverage	For premiums relating to US policyholders for those classes of business covered WITHIN the scope of TRIA.	All business covered by TRIA, refer to Appendix 2 for risk code mappings.
			Using a combination of country of origin code and FIL codes (as per Appendix 2) to give the widest possible definition of the book

tria market bulletin (190418).docx Page 7 of 16

			of business affected. Then apply syndicate's own box or system information to filter out those types of business excluded from TRIA. Having identified the
			qualifying risks, then use risk codes to group gross premium, paid and losses into the classes shown. The risk code mapping used to achieve this is as per Appendix 3.
Page 2: Policies and Direct Premium by Jurisc I to L)		Number of policies relating to US policyholders for those classes of business covered WITHIN the scope of TRIA.	To be completed by lead syndicate only. Count policies containing multiple lines of TRIA eligible coverage as separate policies for each line.
Page 2: Policies and Direct Earned Premium by Jurisdiction (C14)		Total number of policies relating to DEP total shown in D12.	To be completed by lead syndicate only. Count policies containing multiple lines of TRIA eligible coverage as single policies. This will not be equal to the total in L12.
Page 3: Standalone Terrori (Nationwide)	ism	Direct Earned Premium and number of policies for US standalone terrorism coverage.	All standalone terrorism business under risk code TO, whether or not subject to TRIA. Rows 6 and 7should be completed by the lead syndicate only.

tria market bulletin (190418).docx Page 8 of 16

Page 4: Cyber (Nationwide	·)	Direct Earned Premium and number of policies for US cyber coverage WITHIN the scope of TRIA.	All TRIA eligible policies with CY and CZ lines of business, whether standalone or package. Rows 7 and 8 should be completed by the lead syndicate only.
Page 5: Exposure Bases by Jurisdiction	Jurisdiction	This page should be completed for each US state where TRIA covered business is written.	This should be reported based on the total of the syndicate's exposure on the policy, not the total exposure of the policy. This allocation should be based on the location of the exposure. Where this is not available, the 'Home State' rule should determine the allocation.
	Eligible Line of Coverage	For exposure and liability relating to US policyholders for those classes of business covered WITHIN the scope of TRIA.	As per "Policies and DEP (All)". Where there are multiple lines of exposure on a single policy, syndicate should use best endeavours to split the exposure accordingly.
	Exposure and Liability	For exposure/liability subject to and not subject to Terrorism Risk Coverage.	This should be reported based on the total of the syndicate's exposure on the policy, not the total exposure of the policy.
Page 6: Policyholder Industry Code		For premiums relating to US policyholders by policyholder	Syndicates should only complete either the

(Nationwide)		industry – Using either NAICS or SIC coding systems.	NAICS or SIC section for each of the Property, Liability and Workers' Compensation tables. Lloyd's understands the Market may not capture this information, therefore, it should be completed on a 'best endeavours' basis. Where these are not available premium should be allocated to the "Unavailable" description under Col D - either Row 24 under NAICS codes or row 35 under SIC Codes.
Page 7: Geographic Exposures (Nationwide)	Jurisdiction – Metro Regions (rows 3-28) All other locations in the US (rows 29 and 30)	To provide Property Insurance Exposures, subject to and not subject to TRIA coverage, for specified counties or zip codes within each region. As per rows 3-28, but all locations not listed in the metropolitan areas should be listed in row 29 "All other locations in the U.S." and policies for which the location is not known should be listed in row 30 "Unknown".	This should be reported based on the total of the syndicate's coverage on the policy, not the total coverage of the policy. This allocation should be based on the location of the exposure. Where this is not available, the 'Home State' rule should determine the allocation.
Page 7: Geographic Exposures (Nationwide)		Based on the data provided on Page 7 Rows 3-32.	The top 5 individual zip codes, by exposure, should be identified from rows 3-28 and rows 29-30 for entry in to rows 35-39 and 43-47, accordingly.

tria market bulletin (190418).docx Page 10 of 16

Page 8: Reinsurance (Nationwide)	To identify the insurers' outward TRIA reinsurance plan.	This is designed as a questionnaire and should be completed on that basis with data provided where required (and available).
		The questions are limited to reinsurance purchased from unaffiliated third-party companies and do not include transactions within a group of affiliated insurers.
		Syndicates may choose to provide a separate file to detail multiple contracts, where appropriate.
Page 8: Reinsurance (Nationwide)	Projected impact from Realistic Disaster Scenario in Chicago.	

tria market bulletin (190418).docx Page 11 of 16

Appendix 2 - Risk code mapping

Appendix 2 should be regarded as a general guide only. In particular, the lines of business covered in the return are wide and some types of business falling under them are in fact excluded by TRIA. Premiums relating to such excluded classes should not be reported as business covered by TRIA requirements. Further guidance on covered lines can be found in Market Bulletin Y4107 and on Crystal.

Not all risk codes shown under Appendix 2 are subject to TRIA. However, syndicates should ensure all premiums for lines of business covered by TRIA, including that which may be incidental to the main policy coverage(s), or part of combined coverages, are reported for TRIA deductible calculation purposes. Some of the risk codes in their application are not precise enough to exclude completely.

Terror Risk Code	Risk Code	Solvency II Class
2T	1	Marine, Aviation And Transport
2T	2	Marine, Aviation And Transport
2T	3	Marine, Aviation And Transport
2T	4	Marine, Aviation And Transport
2T	5	Marine, Aviation And Transport
2T	6	Marine, Aviation And Transport
2T	7	Marine, Aviation And Transport
2T	8	Marine, Aviation And Transport
2T	9	Marine, Aviation And Transport
6T	AG	Fire And Other Damage To Property
2T	AO	Marine, Aviation And Transport
2T	AP	Marine, Aviation And Transport
2T	AR	Marine, Aviation And Transport
2T	AW	Marine, Aviation And Transport
2T	AX	Marine, Aviation And Transport
3T	В	Marine, Aviation And Transport
6T	B2	Fire And Other Damage To Property
6T	B3	Fire And Other Damage To Property
6T	B4	Fire And Other Damage To Property
6T	B5	Fire And Other Damage To Property
7T	BB	General Liability
6T	BD	Fire And Other Damage To Property
6T	CA	Fire And Other Damage To Property
6T	СВ	Fire And Other Damage To Property
6T	CC	Fire And Other Damage To Property
8T	СТ	Marine, Aviation And Transport
2T	CX	Marine, Aviation And Transport
7T	CY	General Liability
6T	CZ	General Liability

7T	D2	General Liability
7T	D3	General Liability
7T	D4	General Liability
7T	D5	General Liability
7T	D6	General Liability
7T	D8	General Liability
6T	DC	Fire And Other Damage To Property
7T	DM	General Liability
7T	DO	General Liability
7T	E2	General Liability
7T	E3	General Liability
7T	E4	General Liability
7T	E5	General Liability
7T	E6	General Liability
7T	E7	General Liability
7T	E8	General Liability
7T	E9	General Liability
4E	EA	General Liability
4E	EB	General Liability
3E	EF	Fire And Other Damage To Property
2E	EG	Marine, Aviation And Transport
2E	EH	Marine, Aviation And Transport
1E	EM	Marine, Aviation And Transport
1E	EN	Marine, Aviation And Transport
1E	ET	Marine, Aviation And Transport
1E	EW	Marine, Aviation And Transport
1E	EY	Marine, Aviation And Transport
1E	EZ	Marine, Aviation And Transport
6T	F	Fire And Other Damage To Property
7T	F2	
7T	F3	General Liability General Liability
7T		
6T	F4 FA	General Liability
4T	FC	Fire And Other Damage To Property Marine, Aviation And Transport
6T	FR	Fire And Other Damage To Property
		· , ,
3T 3T	GC	Marine, Aviation And Transport
7T	GP	Marine, Aviation And Transport
6T	GS	General Liability
		Fire And Other Damage To Property
3T	GX	Marine, Aviation And Transport
2T	Н	Marine, Aviation And Transport
2T	H2	Marine, Aviation And Transport
2T	H3	Marine, Aviation And Transport
6T	HA	Fire And Other Damage To Property
6T	HP	Fire And Other Damage To Property

tria market bulletin (190418).docx Page 13 of 16

2T	HX	Marine, Aviation And Transport
6T	JB	Fire And Other Damage To Property
1T	KP	Miscellaneous Financial Loss
2T	L	Marine, Aviation And Transport
2T	L2	Marine, Aviation And Transport
2T	L3	Marine, Aviation And Transport
2T	LX	Marine, Aviation And Transport
7T	NA	General Liability
6T	NB	Fire And Other Damage To Property
7T	NC	General Liability
7T	NL	General Liability
6T	NP	Fire And Other Damage To Property
3T	0	Marine, Aviation And Transport
3T	OX	Marine, Aviation And Transport
6T	P2	Fire And Other Damage To Property
6T	P3	Fire And Other Damage To Property
6T	P4	Fire And Other Damage To Property
6T	P5	Fire And Other Damage To Property
6T	P6	Fire And Other Damage To Property
6T	P7	Fire And Other Damage To Property
4T	РВ	General Liability
4T	PC	Miscellaneous Financial Loss
6T	PD	Fire And Other Damage To Property
4T	PE	Miscellaneous Financial Loss
4T	PF	Miscellaneous Financial Loss
7T	PI	General Liability
7T	PL	General Liability
7T	PM	General Liability
4T	PN	Miscellaneous Financial Loss
4T	PO	Miscellaneous Financial Loss
4T	PP	Miscellaneous Financial Loss
4T	PS	Miscellaneous Financial Loss
4T	PU	Miscellaneous Financial Loss
4T	PW	Miscellaneous Financial Loss
2T	PX	Marine, Aviation And Transport
4T	PZ	Miscellaneous Financial Loss
8T	Q	Marine, Aviation And Transport
8T	QL	Marine, Aviation And Transport
8T	QX	Marine, Aviation And Transport
2T	RX	Marine, Aviation And Transport
2T	SC	Marine, Aviation And Transport
2T	SL	Marine, Aviation And Transport
2T	SO	Marine, Aviation And Transport
3T	SR	Marine, Aviation And Transport
2T	SX	Marine, Aviation And Transport

tria market bulletin (190418).docx Page 14 of 16

3T	т	Marine, Aviation And Transport
6T	TE	Fire And Other Damage To Property
6T	ТО	Fire And Other Damage To Property
6T	TR	Fire And Other Damage To Property
3T	TS	Marine, Aviation And Transport
6T	TU	Fire And Other Damage To Property
3T	TX	Marine, Aviation And Transport
7T	UA	General Liability
7T	UC	General Liability
8T	V	Marine, Aviation And Transport
8T	VL	Marine, Aviation And Transport
8T	VX	Marine, Aviation And Transport
3T	W	Marine, Aviation And Transport
7T	W2	Workers' Compensation
7T	W3	Workers' Compensation
7T	W4	Workers' Compensation
4T	WA	Fire And Other Damage To Property
3T	WB	Marine, Aviation And Transport
7T	WC	Workers' Compensation
6T	WL	Fire And Other Damage To Property
4T	WS	Fire And Other Damage To Property
3T	WX	Marine, Aviation And Transport
2T	X1	Marine, Aviation And Transport
3T	X2	Marine, Aviation And Transport
6T	Х3	Fire And Other Damage To Property
7T	X4	General Liability
3T	X5	Marine, Aviation And Transport
7T	XD	General Liability
3T	XE	Marine, Aviation And Transport
7T	XF	General Liability
7T	XG	General Liability
7T	XH	General Liability
7T	XL	General Liability
3T	XT	Marine, Aviation And Transport
2T	XY	Marine, Aviation And Transport
2T	XZ	Marine, Aviation And Transport
2T	Y1	Marine, Aviation And Transport
2T	Y2	Marine, Aviation And Transport
2T	Y3	Marine, Aviation And Transport
2T	Y4	Marine, Aviation And Transport
2T	Y5	Marine, Aviation And Transport
2T	Y6	Marine, Aviation And Transport
2T	Y7	Marine, Aviation And Transport
2T	Y8	Marine, Aviation And Transport

tria market bulletin (190418).docx Page 15 of 16

Appendix 3 - Line of business mapping

The table below provides a mapping of Solvency II classes of business to the NAIC lines of business (and specific lines therein) covered by TRIA. As noted under Appendix 3, <u>not all risk codes shown under Appendix 3 are subject to TRIA</u>. However, syndicates should ensure all premiums for lines of business covered by TRIA, including that which may be incidental to the main policy coverage(s), or part of combined coverages, are reported for TRIA deductible calculation purposes. Some of the risk codes in their application are not precise enough to exclude completely.

TRIA – NAIC Lines of Business	Lloyd's Lines of Business, by Solvency II class, to be Included in TRIA Reporting
Line 1 – Property (Fire)	Fire and other damage to property Miscellaneous Financial Loss
Line 2.1 - Allied Lines	Fire and other damage to property
Line 5.1 - Commercial	Fire and other damage to property
Multiple Peril (non-liability portion)	File and other damage to property
Line 5.2 - Commercial Multiple Peril	General Liability
(liability portion)	General Elability
Line 8 - Ocean Marine	Marine, aviation and transport
	Marine, aviation and transport
Line 9 - Inland Marine	Fire and other damage to property Miscellaneous Financial Loss
Line 16 - Workers' Compensation	Lloyd's doesn't write primary w/c but excess w/c will be under:
	Workers Compensation
Line 47 Other Liebility	General Liability
Line 17 - Other Liability	Miscellaneous Financial Loss
Line 18 - Products Liability	General Liability Miscellaneous Financial Loss
Line 22 - Aircraft (all perils)	Marine, aviation and transport
Line 27 - Boiler and Machinery	Fire and other damage to property

tria market bulletin (190418).docx Page 16 of 16