

## SUBCHAPTER C—REPORTING AND DISCLOSURE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

### PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

#### Subpart A—General Reporting and Disclosure Requirements

##### Sec.

- 2520.101-1 Duty of reporting and disclosure.
- 2520.101-2 Annual reporting by multiple employer welfare arrangements and certain other entities offering or providing coverage for medical care to the employees of two or more employers.
- 2520.101-3 Notice of blackout periods under individual account plans.

#### Subpart B—Contents of Plan Descriptions and Summary Plan Descriptions

- 2520.102-1 [Reserved]
- 2520.102-2 Style and format of summary plan description.
- 2520.102-3 Contents of summary plan description.
- 2520.102-4 Option for different summary plan descriptions.

#### Subpart C—Annual Report Requirements

- 2520.103-1 Contents of the annual report.
- 2520.103-2 Contents of the annual report for a group insurance arrangement.
- 2520.103-3 Exemption from certain annual reporting requirements for assets held in a common or collective trust.
- 2520.103-4 Exemption from certain annual reporting requirements for assets held in an insurance company pooled separate account.
- 2520.103-5 Transmittal and certification of information to plan administrator for annual reporting purposes.
- 2520.103-6 Definition of reportable transaction for Annual Return/Report.
- 2520.103-8 Limitation on scope of accountant's examination.
- 2520.103-9 Direct filing for bank or insurance carrier trusts and accounts.
- 2520.103-10 Annual report financial schedules.
- 2520.103-11 Assets held for investment purposes.
- 2520.103-12 Limited exemption and alternative method of compliance for annual reporting of investments in certain entities.

#### Subpart D—Provisions Applicable to Both Reporting and Disclosure Requirements

- 2520.104-1 General.
- 2520.104-2—2520.104-3 [Reserved]
- 2520.104-4 Alternative method of compliance for certain successor pension plans.
- 2520.104-5—2520.104-6 [Reserved]
- 2520.104-20 Limited exemption for certain small welfare plans.
- 2520.104-21 Limited exemption for certain group insurance arrangements.
- 2520.104-22 Exemption from reporting and disclosure requirements for apprenticeship and training plans.
- 2520.104-23 Alternative method of compliance for pension plans for certain selected employees.
- 2520.104-24 Exemption for welfare plans for certain selected employees.
- 2520.104-25 Exemption from reporting and disclosure for day care centers.
- 2520.104-26 Limited exemption for certain unfunded dues financed welfare plans maintained by employee organizations.
- 2520.104-27 Alternative method of compliance for certain unfunded dues financed pension plans maintained by employee organizations.
- 2520.104-28 [Reserved]
- 2520.104-41 Simplified annual reporting requirements for plans with fewer than 100 participants.
- 2520.104-42 Waiver of certain actuarial information in the annual report.
- 2520.104-43 Exemption from annual reporting requirement for certain group insurance arrangements.
- 2520.104-44 Limited exemption and alternative method of compliance for annual reporting by unfunded plans and by certain insured plans.
- 2520.104-45 [Reserved]
- 2520.104-46 Waiver of examination and report of an independent qualified public accountant for employee benefit plans with fewer than 100 participants.
- 2520.104-47 Limited exemption and alternative method of compliance for filing of insurance company financial reports.
- 2520.104-48 Alternative method of compliance for model simplified employee pensions—IRS Form 5305-SEP.
- 2520.104-49 Alternative method of compliance for certain simplified employee pensions.
- 2520.104-50 Short plan years, deferral of accountant's examination and report.

**Subpart E—Reporting Requirements**

- 2520.104a-1 Filing with the Secretary of Labor.
- 2520.104a-2—2520.104a-4 [Reserved]
- 2520.104a-5 Annual report filing requirements.
- 2520.104a-6 Annual reporting for plans which are part of a group insurance arrangement.
- 2520.104a-7 [Reserved]
- 2520.104a-8 Requirement to furnish documents to the Secretary of Labor on request.

**Subpart F—Disclosure Requirements**

- 2520.104b-1 Disclosure.
- 2520.104b-2 Summary plan description.
- 2520.104b-3 Summary of material modifications to the plan and changes in the information required to be included in the summary plan description.
- 2520.104b-4 Alternative methods of compliance for furnishing the summary plan description and summaries of material modifications of a pension plan to a retired participant, a separated participant with vested benefits, and a beneficiary receiving benefits.
- 2520.104b-10 Summary Annual Report.
- 2520.104b-30 Charges for documents.

**Subpart G—Recordkeeping Requirements**

- 2520.107-1 Use of electronic media for maintenance and retention of records.

AUTHORITY: 29 U.S.C. 1021-1025, 1027, 1029-31, 1059, 1134 and 1135; Secretary of Labor's Order 1-2003, 68 FR 5374 (Feb. 3, 2003). Sec. 2520.101-2 also issued under 29 U.S.C. 1132, 1181-1183, 1181 note, 1185, 1185a-b, 1191, and 1191a-c. Secs. 2520.102-3, 2520.104b-1 and 2520.104b-3 also issued under 29 U.S.C. 1003, 1181-1183, 1181 note, 1185, 1185a-b, 1191, and 1191a-c. Secs. 2520.104b-1 and 2520.107 also issued under 26 U.S.C. 401 note, 111 Stat. 788.

**Subpart A—General Reporting and Disclosure Requirements****§ 2520.101-1 Duty of reporting and disclosure.**

The procedures for implementing the plan administrator's duty of reporting to the Secretary of Labor and disclosing information to participants and beneficiaries are located in subparts D, E and F of this part.

(Approved by the Office of Management and Budget under control number 1210-0016)

[41 FR 16962, Apr. 23, 1976, as amended at 46 FR 62845, Dec. 29, 1981]

**§ 2520.101-2 Annual reporting by multiple employer welfare arrangements and certain other entities offering or providing coverage for medical care to the employees of two or more employers.**

(a) *Basis and scope.* Section 101(g) of the Employee Retirement Income Security Act (ERISA) permits the Secretary of Labor to require, by regulation, multiple employer welfare arrangements (MEWAs) providing benefits that consist of medical care (within the meaning of section 733(a)(2) of ERISA), and that are not group health plans, to report, not more frequently than annually, in such form and manner as the Secretary may require, for the purpose of determining the extent to which the requirements of part 7 of subtitle B of title I of ERISA (part 7) are being carried out in connection with such benefits. Section 734 of ERISA provides that the Secretary may promulgate such regulations as may be necessary or appropriate to carry out the provisions of part 7. This section sets out requirements for annual reporting by MEWAs that provide benefits that consist of medical care and by certain entities that claim not to be a MEWA solely due to the exception in section 3(40)(A)(i) of ERISA (referred to in this section as Entities Claiming Exception or ECEs). These requirements apply regardless of whether the MEWA or ECE is a group health plan.

(b) *Definitions.* As used in this section, the following definitions apply:

*Administrator* means—

(1) The person specifically so designated by the terms of the instrument under which the MEWA or ECE is operated;

(2) If the MEWA or ECE is a group health plan and the administrator is not so designated, the plan sponsor (as defined in section 3(16)(B) of ERISA); or

(3) In the case of a MEWA or ECE for which an administrator is not designated and a plan sponsor cannot be identified, jointly and severally the person or persons actually responsible (whether or not so designated under the terms of the instrument under which the MEWA or ECE is operated) for the control, disposition, or management of the cash or property received