

## BELGIUM

### General good provisions by categories

	For insurance undertakings	For insurance intermediaries
Special rules for starting and operating business		
Notification & approval of certain products	<input type="checkbox"/> Article 37 <i>sexies</i> of the Law of 2 August 2002 on the supervision of the financial sector and on financial services; <input type="checkbox"/> Articles 26, § 1-2, 34, 36 and 37 of the Law of 4 April 2014 on insurance; <input type="checkbox"/> Articles 214 of the Law of 13 March 2016 on the legal status and supervision of insurance and reinsurance companies; <input type="checkbox"/> Article 2 of the Royal Decree of 25 December 2017 specifying the obligation of prior notification of the key information document to the Financial Services and Markets Authority and containing miscellaneous provisions	<input type="checkbox"/> Article 37 <i>sexies</i> of the Law of 2 August 2002 on the supervision of the financial sector and on financial services; <input type="checkbox"/> Article 2 of the Royal Decree of 25 December 2017 specifying the obligation of prior notification of the key information document to the Financial Services and Markets Authority and containing miscellaneous provisions
Protection of names and titles	Yes, Articles 16 and 563 of the Law of 13 March 2016 on the legal status and supervision of insurance and reinsurance companies	Yes, Article 263 of the Law of 4 April 2014 on insurance
Feasibility study for host MS	No	No
Creating special departments	No	No
Other special rules for starting business	No	No
Other	<input type="checkbox"/> Regulation of 3 April 2014 of the Financial Services and Markets Authority on the ban on the distribution of certain financial products to retail clients, approved by the Royal Decree of 24 April 2014; <input type="checkbox"/> Law of 18 September 2017 on the prevention of money laundering and terrorist financing and on the restriction of the use of cash;	<input type="checkbox"/> Regulation of 3 April 2014 of the Financial Services and Markets Authority on the ban on the distribution of certain financial products to retail clients, approved by the Royal Decree of 24 April 2014; <input type="checkbox"/> Law of 18 September 2017 on the prevention of money laundering and

		<input type="checkbox"/> Royal Decree of 17 Mai 2012 on the financing of the FSMA's operating expenses, implementing Article 56 of the Law of 2 August 2002 on the supervision of the financial sector and on financial services	terrorist financing and on the restriction of the use of cash
Adapting to host country market structure			
	Joining an association	Article 550, §2 of the Law of 13 March 2016 on the legal status and supervision of insurance and reinsurance companies	
	Joining a guarantee fund or participating in a clearing system	<input type="checkbox"/> Article 550, §2 of the Law of 13 March 2016 on the legal status and supervision of insurance and reinsurance companies; <input type="checkbox"/> Article 131, § 5, 132, § 3 and 220 of the Law of 4 April 2014 on insurance; <input type="checkbox"/> Law of 13 November 2011 on compensation for personal injury and moral damages arising from a technological accident	
	Data submission for registers	No	No
	Professional codes of conduct	Article 287 of the Law of 4 April 2014 on insurance	Article 287 of the Law of 4 April 2014 on insurance
	Other		
Content and format of contracts			
	Language rules	Art. 26, § 3, of the Law of 4 April 2014 on insurance	Art. 26, § 3, of the Law of 4 April 2014 on insurance
	Minimum content for certain products	<input type="checkbox"/> Title VI "Maritime Insurance" of the Law of 21 August 1879 on maritime trade (Book II of the Commercial Code); <input type="checkbox"/> Law of 10 April 1971 on industrial accidents, and its implementing decrees; <input type="checkbox"/> Chapter II of the Law of 30 July 1979 on the prevention of fire and explosion and on the compulsory civil liability insurance in such cases, and its implementing decrees;	

	<ul style="list-style-type: none"><li><input type="checkbox"/> Royal Decree of 12 January 1984 setting out the minimum cover terms under private third-party liability insurance;</li><li><input type="checkbox"/> Royal Decree of 12 October 1990 on legal assistance insurance;</li><li><input type="checkbox"/> Chapter IV of the Royal Decree of 22 February 1991 containing general regulations relating to the supervision of insurance companies;</li><li><input type="checkbox"/> Royal Decree of 24 December 1992 on the insurance against fire and other hazards in respect of ordinary risks;</li><li><input type="checkbox"/> Royal Decree of 24 December 1992 implementing the Law of 25 June 1992 on non-marine insurance contracts;</li><li><input type="checkbox"/> Royal Decree of 14 November 2003 on life insurance activities, with the exception of the provisions of Article 4, third paragraph, <i>in fine</i>;</li><li><input type="checkbox"/> Royal Decree of 14 November 2003 on the granting of fringe benefits to employees as referred to in Royal Decree No 50 of 24 October 1967 on retirement pensions and survivors' pensions for employees, and to the persons referred to in Article 32, first paragraph, 1° and 2° of the 1992 Income Tax Code who are working outside an employment contract;</li><li><input type="checkbox"/> Law of 1 April 2007 on insurance coverage for damage resulting from terrorism, and its implementing decrees;</li><li><input type="checkbox"/> Royal Decree of 2 August 2007 establishing the document referred to in Article 138bis-6, third paragraph of the Law of 25 June 1992 on non-marine insurance contracts;</li><li><input type="checkbox"/> Royal Decree of 1 February 2010 determining the specific indices referred to in</li></ul>	
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		<p>Article 204, § 3 of the Law of 4 April 2014 on insurance;</p> <p><input type="checkbox"/> Royal Decree of 16 April 2018 establishing the terms and conditions of the compulsory civil liability insurance contract in respect of motor vehicles;</p> <p><input type="checkbox"/> Law of 4 April 2014 on insurance;</p> <p><input type="checkbox"/> Moreover, it follows from Article 25 of the Law of 4 April 2014 on insurance that contracts intended to fulfil an insurance obligation imposed by Belgian law are governed by Belgian law. A list of these types of contract is available on the following webpage: <a href="https://www.fsma.be/fr/liste-des-assurances-obligatoires-0">https://www.fsma.be/fr/liste-des-assurances-obligatoires-0</a>;</p> <p><input type="checkbox"/> In addition, there is legislation that provides for a subsidy in cases where the applicant has concluded a specific type of insurance contract</p>	
	Mandatory level of excess		
Other		<p><input type="checkbox"/> Law of 21 November 1989 on the compulsory civil liability insurance in respect of motor vehicles, and its implementing decrees;</p> <p><input type="checkbox"/> Law of 2 August 2002 on the supervision of the financial sector and on financial services, and its implementing decrees;</p> <p><input type="checkbox"/> Programme Law of 24 December 2002 amending the legal framework for the pensions of self-employed persons, and its implementing decrees;</p> <p><input type="checkbox"/> Law of 28 April 2003 on supplementary pensions and on the tax regime applicable to such pensions and to certain additional social security benefits, and its implementing decrees;</p>	<p><input type="checkbox"/> Law of 25 April 2014 on the legal status and supervision of independent financial planners and the provision of financial planning advice by regulated companies, amending the Companies Code and the Law of 2 August 2002 on the supervision of the financial sector and on financial services;</p> <p><input type="checkbox"/> Regulation of 24 February 2017 of the Financial Services and Markets Authority on the information that service providers must give their clients regarding the charges and fees due for the provision of insurance intermediation services on Belgian territory, approved by the Royal Decree of 2 May 2017</p>

	<ul style="list-style-type: none"><li><input type="checkbox"/> Title XI, Chapter VII of the Programme Law (I) of 27 December 2006, and its implementing decrees;</li><li><input type="checkbox"/> Law of 10 May 2007 designed to fight discrimination between women and men;</li><li><input type="checkbox"/> Law of 10 May 2007 designed to fight certain forms of discrimination;</li><li><input type="checkbox"/> Title II, Chapter V "Dormant accounts, safes and insurance contracts", of the Law of 24 July 2008 containing various provisions (I);</li><li><input type="checkbox"/> Law of 13 November 2011 on compensation for personal injury and moral damages arising from a technological accident;</li><li><input type="checkbox"/> Law of 25 April 2014 on the legal status and supervision of independent financial planners and the provision of financial planning advice by regulated companies, amending the Companies Code and the Law of 2 August 2002 on the supervision of the financial sector and on financial services;</li><li><input type="checkbox"/> Title IV "Supplementary pensions for company directors" of the Law of 15 May 2014 containing various provisions, and its implementing decrees;</li><li><input type="checkbox"/> Regulation of 24 February 2017 of the Financial Services and Markets Authority on the information that service providers must give their clients regarding the charges and fees due for the provision of insurance intermediation services on Belgian territory, approved by the Royal Decree of 2 May 2017;</li><li><input type="checkbox"/> Book VII "Payment and credit services" of the Code of Economic Law, the definitions specific to Book VII that are carried over to Book XV of the Code of Economic Law, and the decrees implementing the said Book, as well as</li></ul>	
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		<p>the decrees implementing the Law of 12 June 1991 on consumer credit, the Law of 4 August 1992 on mortgage loans and the Law of 10 August 2001 on the central individual credit register;</p> <p><input type="checkbox"/> Law of 18 February 2018 containing various provisions relating to supplementary pensions and introducing a supplementary pension for self-employed natural persons, assisting spouses and self-employed helpers;</p> <p><input type="checkbox"/> Articles 9, §1 and 22, §5, f, of the Law of 12 February 2008 establishing a general framework for the recognition of EU professional qualifications;</p> <p><input type="checkbox"/> Law of 6 December 2018 establishing a voluntary supplementary pension for employees and containing various provisions regarding supplementary pensions (1)</p>	
Disclosure			
Special pre-contractual information		<p><input type="checkbox"/> Chapter IV of the Royal Decree of 22 February 1991 containing general regulations relating to the supervision of insurance companies;</p> <p><input type="checkbox"/> Royal Decree of 25 April 2014 imposing certain information obligations when distributing financial products to retail clients;</p> <p><input type="checkbox"/> Law of 4 April 2014 on insurance;</p> <p><input type="checkbox"/> Book VI "Market practices and consumer protection" of the Code of Economic Law, the definitions specific to Book VII that are carried over to Book XV of the Code of Economic Law, and the decrees implementing the said Book, as well as the decrees implementing the Law of 14 July 1991 on trade practices and on consumer information and the Law of 6 April 2010 on market practices and consumer protection;</p>	<p><input type="checkbox"/> Royal Decree of 25 April 2014 imposing certain information obligations when distributing financial products to retail clients;</p> <p><input type="checkbox"/> Law of 4 April 2014 on insurance;</p> <p><input type="checkbox"/> Book VI "Market practices and consumer protection" of the Code of Economic Law, the definitions specific to Book VII that are carried over to Book XV of the Code of Economic Law, and the decrees implementing the said Book, as well as the decrees implementing the Law of 14 July 1991 on trade practices and on consumer information and the Law of 6 April 2010 on market practices and consumer protection;</p> <p><input type="checkbox"/> Regulation of 24 February 2017 of the Financial Services and Markets Authority</p>

		<p><input type="checkbox"/> Regulation of 24 February 2017 of the Financial Services and Markets Authority on the information that service providers must give their clients regarding the charges and fees due for the provision of insurance intermediation services on Belgian territory, approved by Royal Decree of 2 May 2017;</p> <p><input type="checkbox"/> Moreover, it follows from Article 25 of the Law of 4 April 2014 on insurance that contracts intended to fulfil an insurance obligation imposed by Belgian law are governed by Belgian law. A list of these types of contract is available on the following webpage: <a href="https://www.fsma.be/fr/liste-des-assurances-obligatoires-0">https://www.fsma.be/fr/liste-des-assurances-obligatoires-0</a>;</p> <p><input type="checkbox"/> In addition, there is legislation that provides for a subsidy in cases where the applicant has concluded a specific type of insurance contract</p>	<p>on the information that service providers must give their clients regarding the charges and fees due for the provision of insurance intermediation services on Belgian territory, approved by Royal Decree of 2 May 2017</p>
	<p>Special information for selected products</p>	<p><input type="checkbox"/> Royal Decree of 16 April 2018 establishing the terms and conditions of the compulsory civil liability insurance contract in respect of motor vehicles;</p> <p><input type="checkbox"/> Chapter IV of the Royal Decree of 22 February 1991 containing general regulations relating to the supervision of insurance companies;</p> <p><input type="checkbox"/> Programme Law of 24 December 2002 amending the legal framework of the pensions of self-employed persons, and its implementing decrees;</p> <p><input type="checkbox"/> Law of 28 April 2003 on supplementary pensions and on the tax regime applicable to such pensions and to certain additional social security benefits, and its implementing decrees;</p> <p><input type="checkbox"/> Royal Decree of 14 November 2003 on life insurance activities, with the exception of the</p>	<p><input type="checkbox"/> Law of 4 April 2014 on insurance</p>

		<p>provisions of Article 4, third paragraph, <i>in fine</i>. Book II regarding shipping and inland shipping, Title VI "Shipping Insurance" of the Commercial Code;</p> <p><input type="checkbox"/> Title XI, Chapter VII of the Programme Law (I) of 27 December 2006, and its implementing decrees;</p> <p><input type="checkbox"/> Royal Decree of 1 February 2010 establishing the specific indices referred to in Article 204, § 3 of the Law of 4 April 2014 on insurance;</p> <p><input type="checkbox"/> Law of 4 April 2014 on insurance;</p> <p><input type="checkbox"/> Title IV "Supplementary pension for company directors" of the Law of 15 May 2014 containing various provisions, and its implementing decrees;</p> <p><input type="checkbox"/> Law of 18 February 2018 containing various provisions relating to supplementary pensions and introducing a supplementary pension for self-employed natural persons, assisting spouses and self-employed helpers;</p> <p><input type="checkbox"/> Law of 6 December 2018 establishing a voluntary supplementary pension for employees and containing various provisions regarding supplementary pensions (1)</p>	
	Other		
Taxation			
	Indirect taxes and parafiscal charges	FISCONET plus.be	FISCONET plus.be
	Tax representative	FISCONET plus.be	FISCONET plus.be
	Other		
Other conduct related provisions			
	Advice	Articles 284, 295 and 296 of the Law of 4 April 2014 on insurance	Articles 284, 295 and 296 of the Law of 4 April 2014 on insurance
	Advertising & marketing	<input type="checkbox"/> Article 28 of the Law of 4 April 2014 on insurance;	<input type="checkbox"/> Article 28 of the Law of 4 April 2014 on insurance;



	<p><input type="checkbox"/> Royal Decree of 25 April 2014 imposing certain information obligations when distributing financial products to retail clients;</p> <p><input type="checkbox"/> Book VI "Market practices and consumer protection" of the Code of Economic Law, the definitions specific to Book VII that are carried over to Book XV of the Code of Economic Law, and the decrees implementing the said Book, as well as the decrees implementing the Law of 14 July 1991 on trade practices and on consumer information and the Law of 6 April 2010 on market practices and consumer protection</p>	<p><input type="checkbox"/> Royal Decree of 25 April 2014 imposing certain information obligations when distributing financial products to retail clients;</p> <p><input type="checkbox"/> Book VI "Market practices and consumer protection" of the Code of Economic Law, the definitions specific to Book VII that are carried over to Book XV of the Code of Economic Law, and the decrees implementing the said Book, as well as the decrees implementing the Law of 14 July 1991 on trade practices and on consumer information and the Law of 6 April 2010 on market practices and consumer protection</p>
Commissions	Article 287 of the Law of 4 April 2014 on insurance	Article 287 of the Law of 4 April 2014 on insurance
Limitations to the freedom to set premium	<p><input type="checkbox"/> Article 204 of the Law of 4 April 2014 on insurance;</p> <p><input type="checkbox"/> Royal Decree of 1 February 2010 establishing the specific indices referred to in Article 204, § 3 of the Law of 4 April 2014 on insurance</p>	<p><input type="checkbox"/> Article 204 of the Law of 4 April 2014 on insurance;</p> <p><input type="checkbox"/> Royal Decree of 1 February 2010 establishing the specific indices referred to in Article 204, § 3 of the Law of 4 April 2014 on insurance</p>
After-sales services (e.g. claims-handling, complaints-handling)	<p><input type="checkbox"/> Book XVI "Agreed settlements of consumer disputes" of the Code of Economic Law, the definitions specific to Book XVI that are carried over to Book I of the Code of Economic Law, and the law implementing provisions specific to Book XVI that are carried over to Book XV of the Code of Economic Law, and its implementing decrees;</p> <p><input type="checkbox"/> Article 322 of the Law of 4 April 2014 on insurance</p>	<p><input type="checkbox"/> Book XVI "Agreed settlements of consumer disputes" of the Code of Economic Law, the definitions specific to Book XVI that are carried over to Book I of the Code of Economic Law, and the law implementing provisions specific to Book XVI that are carried over to Book XV of the Code of Economic Law, and its implementing decrees;</p> <p><input type="checkbox"/> Article 322 of the Law of 4 April 2014 on insurance</p>
Other	Book X "Commercial agency agreements, commercial cooperation agreements and retail concessions" of the Code of Economic Law and	Book X "Commercial agency agreements, commercial cooperation agreements and retail concessions" of the Code of

		<p>the definitions specific to Book X that are carried over to Book I of the Code of Economic Law, and its implementing decrees, as well as the decrees implementing the Law of 13 April 1995 on commercial agency agreements</p>	<p>Economic Law and the definitions specific to Book X that are carried over to Book I of the Code of Economic Law, and its implementing decrees, as well as the decrees implementing the Law of 13 April 1995 on commercial agency agreements</p>
Special types of insurance			
MPTL		<ul style="list-style-type: none"> <li><input type="checkbox"/> Law of 21 November 1989 on the compulsory civil liability insurance in respect of motor vehicles, and its implementing decrees;</li> <li><input type="checkbox"/> Royal Decree of 13 February 1991 giving effect to and implementing the Law of 21 November 1989 on the compulsory civil liability insurance in respect of motor vehicles;</li> <li><input type="checkbox"/> Royal Decree of 19 October 1995 implementing Article 1 of the Law of 21 November 1989 on the compulsory civil liability insurance in respect of motor vehicles;</li> <li><input type="checkbox"/> Royal Decree of 26 April 1995 designating the authority referred to in Article 8 of the Law of 21 November 1989 on the compulsory civil liability insurance in respect of motor vehicles;</li> <li><input type="checkbox"/> Royal Decree of 16 April 2018 establishing the terms and conditions of the compulsory civil liability insurance contract in respect of motor vehicles;</li> <li><input type="checkbox"/> Ministerial Order of 25 March 2003 approving the internal rules and regulations of the Bureau de Tarification/Tariferingsbureau referred to in Chapter IIbis of the Law of 21 November 1989 on the compulsory civil liability insurance in respect of motor vehicles;</li> <li><input type="checkbox"/> See the point on "transport" on the list of compulsory forms of insurance, available on the following webpage: <a href="https://www.fsma.be/fr/liste-des-assurances-obligatoires-0">https://www.fsma.be/fr/liste-des-assurances-obligatoires-0</a></li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Law of 21 November 1989 on the compulsory civil liability insurance in respect of motor vehicles, and its implementing decrees;</li> <li><input type="checkbox"/> Royal Decree of 13 February 1991 giving effect to and implementing the Law of 21 November 1989 on the compulsory civil liability insurance in respect of motor vehicles;</li> <li><input type="checkbox"/> Royal Decree of 19 October 1995 implementing Article 1 of the Law of 21 November 1989 on the compulsory civil liability insurance in respect of motor vehicles;</li> <li><input type="checkbox"/> Royal Decree of 26 April 1995 designating the authority referred to in Article 8 of the Law of 21 November 1989 on the compulsory civil liability insurance in respect of motor vehicles;</li> <li><input type="checkbox"/> Royal Decree of 16 April 2018 establishing the terms and conditions of the compulsory civil liability insurance contract in respect of motor vehicles;</li> <li><input type="checkbox"/> Ministerial Order of 25 March 2003 approving the internal rules and regulations of the Bureau de Tarification/Tariferingsbureau referred to in Chapter IIbis of the Law of 21 November 1989 on the compulsory civil</li> </ul>

		<p>liability insurance in respect of motor vehicles;</p> <p><input type="checkbox"/> See the point on "transport" on the list of compulsory forms of insurance, available on the following webpage: <a href="https://www.fsma.be/fr/liste-des-assurances-obligatoires-0">https://www.fsma.be/fr/liste-des-assurances-obligatoires-0</a></p>
Travel insurance	<p><input type="checkbox"/> See the legislation referred to in the preceding headings:</p> <ul style="list-style-type: none"> <li>- Content and format of contracts;</li> <li>- Disclosure;</li> <li>- Other conduct related provisions</li> <li>- See the points on "tourism" and "transport" on the list of compulsory forms of insurance, available on the following webpage: <a href="https://www.fsma.be/fr/liste-des-assurances-obligatoires-0">https://www.fsma.be/fr/liste-des-assurances-obligatoires-0</a></li> </ul>	<p><input type="checkbox"/> See the legislation referred to in the preceding headings:</p> <ul style="list-style-type: none"> <li>- Content and format of contracts;</li> <li>- Disclosure;</li> <li>- Other conduct related provisions</li> <li>- See the points on "tourism" and "transport" on the list of compulsory forms of insurance, available on the following webpage: <a href="https://www.fsma.be/fr/liste-des-assurances-obligatoires-0">https://www.fsma.be/fr/liste-des-assurances-obligatoires-0</a></li> </ul>
Other	<p><input type="checkbox"/> Title VI "Maritime Insurance" of the Law of 21 August 1879 on maritime trade (Book II of the Commercial Code);</p> <p><input type="checkbox"/> Law of 10 April 1971 on industrial accidents, and its implementing decrees;</p> <p><input type="checkbox"/> Royal Decree of 12 January 1984 setting out the minimum cover terms under private third party liability insurance;</p> <p><input type="checkbox"/> Royal Decree of 12 October 1990 on legal assistance insurance;</p> <p><input type="checkbox"/> Royal Decree of 24 December 1992 on the insurance against fire and other hazards in respect of ordinary risks;</p> <p><input type="checkbox"/> Royal Decree of 14 November 2003 on life insurance activities;</p>	<p><input type="checkbox"/> Title VI "Maritime Insurance" of the Law of 21 August 1879 on maritime trade (Book II of the Commercial Code);</p> <p><input type="checkbox"/> Law of 10 April 1971 on industrial accidents, and its implementing decrees;</p> <p><input type="checkbox"/> Royal Decree of 12 January 1984 setting out the minimum cover terms under private third party liability insurance;</p> <p><input type="checkbox"/> Royal Decree of 12 October 1990 on legal assistance insurance;</p> <p><input type="checkbox"/> Royal Decree of 24 December 1992 on the insurance against fire and other hazards in respect of ordinary risks;</p> <p><input type="checkbox"/> Royal Decree of 14 November 2003 on life insurance activities;</p>

		<input type="checkbox"/> Royal Decree of 28 February 2018 delimiting risk areas referred to in Article 129, § 1 of the Law of 4 April 2014 on insurance	<input type="checkbox"/> Royal Decree of 28 February 2018 delimiting risk areas referred to in Article 129, § 1 of the Law of 4 April 2014 on insurance
Applicable law			
	Setting applicable law for certain risks	<input type="checkbox"/> Articles 65 and 332-339 of the Law of 4 April 2014 on insurance; <input type="checkbox"/> Convention of 4 May 1971 on the law applicable to traffic accidents	<input type="checkbox"/> Articles 65 and 332-339 of the Law of 4 April 2014 on insurance; <input type="checkbox"/> Convention of 4 May 1971 on the law applicable to traffic accidents
	Setting exclusive jurisdiction		
	Other	<input type="checkbox"/> Agreement of 29 April 2002 among compensation bodies and between compensation bodies and guarantee funds; <input type="checkbox"/> Agreement of 6 November 2008 between compensation bodies and guarantee funds in the event of the insolvency of an insurance undertaking providing civil liability motor insurance in the single market; <input type="checkbox"/> Agreement of 30 May 2002 between the national insurers' bureaux of Member States of the European Economic Area and other Associate States; <input type="checkbox"/> Agreement of 24 May 2007 between the Signatory Bureaux on the Extension of the Multilateral Agreement to the Bureau of a Third Country	<input type="checkbox"/> Agreement of 29 April 2002 among compensation bodies and between compensation bodies and guarantee funds; <input type="checkbox"/> Agreement of 6 November 2008 between compensation bodies and guarantee funds in the event of the insolvency of an insurance undertaking providing civil liability motor insurance in the single market; <input type="checkbox"/> Agreement of 30 May 2002 between the national Insurers' bureaux of Member States of the European Economic Area and other Associate States; <input type="checkbox"/> Agreement of 24 May 2007 between the Signatory Bureaux on the Extension of the Multilateral Agreement to the Bureau of a Third Country