

Disclaimer

This list of provisions of general relevance to life and non-life insurers is neither complete nor exhaustive. Insurers having their registered office in another European Economic Area (EEA) country and wishing to operate in the Netherlands, are required to keep abreast of relevant legislation and applicable regulations when entering the Dutch financial markets. DNB cannot be held liable for any errors, omissions or inaccuracies in this list, nor for the use of this list. No rights may be derived from this list. If you have any questions or if you need more detailed information, please contact the relevant competent authorities.

This list has been updated up to **1 June 2009 for life and non-life insurers, and up to 1 December 2017 for health insurers.**

Provisions of general relevance for life and non-life insurers having their registered office in another EEA country and wishing to operate in the Netherlands.

General provisions

| Regulation | Provision | Description |
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| Financial Supervision Act (<i>Wet op het financieel toezicht – Wft</i>) | Section 1:1 | Definitions (in alphabetical order): <ul style="list-style-type: none"> - intermediation services; - branch; - financial service; - financial services provider; - financial institution/enterprise; - institutional investor; - life insurer; - life insurance; - premium; - non-life insurer; - non-life insurance; - providing services [...] where this concerns insurers; - an insurer's representative; - insurer; - insurance; - place of business; - insurance claim; - registered office. |
| | Section 1:7 | Lloyd's (of London) |
| | Section 1:8 | Pension insurance – scope |
| | Section 1:21 | Acting as an intermediary for insurance services – scope |
| | Article 3:1(b) | Management of a collective pension fund – scope |
| | Section 3:6 | Acting as a default or guarantee fund |
| | Section 3:38 | Prohibition to insure act-of-war risks |
| | Section 3:40; and Sections 42–47 of the Decree on Prudential Rules for Financial Undertakings (<i>Besluit prudentiële regels Wft – Bpr</i>). | Address of representative |
| | Section 3:42; and Sections 33-40 of the <i>Bpr</i> | Notification and implementation of data adjustments by life and non-life insurers providing cross-border services to the Netherlands from a branch office in a non-EEA country |

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| | Sections 3:78; and Section 135 of the <i>Bpr Wft</i> | Statement of insurance contracts concluded from a branch office in a non-EEA country, on the account of providing cross-border services to the Netherlands through that branch office |
| | Sections 3:122-3:125 | Requirement of obtaining DNB's prior permission for the transfer of rights and obligations from a life or non-life insurance contract, provided from a branch office in the Netherlands |
| Financial Supervision Act (<i>Wet op het financieel toezicht - Wft</i>) | Section 3:198; and Section 198 of the <i>Bpr</i> | Ranking regulation in emergency regulations |
| | Sections 4:19-4:25 and Chapter 8 of the Decree on Business Conduct Supervision of Financial Enterprises (<i>Besluit Gedragstoezicht financiële ondernemingen Wft</i>) and Chapters 2 and 3 of the Further Regulation on Business Conduct of Financial Enterprises (<i>Nadere regeling gedragstoezicht financiële ondernemingen Wft</i>) (AFM) | Careful provision of services – advertising, mandatory and non-mandatory pre-contractual information, key features document for complex financial products, information during the term of the contract and within the scope of a distance contract |
| | Section 4:63; and Section 60(1) of the Decree on Business Conduct Supervision of Financial Enterprises (mandatory pre-contractual information) | Cooling-off period for non-life insurers |
| | Section 5:68; and Chapter 6 of the Decree on Market Abuse (<i>Besluit Marktmisbruik Wft</i>) | Securities-specific code of conduct |
| | Sections 5:86 and 5:87 | Code of conduct for institutional investors |
| Dutch Civil Code, Book 6 Title 3 | Sections 193a-193j | Unfair trade practices |
| | Sections 194-196 | Misleading and comparative advertising |
| Dutch Civil Code, Book 6 Title 5 | Sections 237 and 238 | Black and grey list (unreasonably burdensome provisions in consumer agreements) |
| Dutch Civil Code, Book 7 Title 17 | Sections 925-943 | Insurance – General provisions |
| | Sections 944-963 | Insurance – Non-life insurance |
| | Sections 964-986 | Insurance – Capital sum insurance |
| Dutch Civil Code, Book 7 Title 18 | Sections 990-992 | Annuity |
| Sanctions Act 1977 (<i>Sanctiewet 1977 - Sw</i>) | Sections 2-3 | Implementation of international sanctions – Prohibitions or restrictions on the provision of financial services |
| | Sections 10(2), 10b and 10f Sanctions Act and Regulation on Supervision pursuant to the Sanctions Act 1977 (<i>Regeling toezicht Sanctiewet 1977</i>) | Supervision of compliance with operational management regulations relating to the administrative organisation and internal control |

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| Medical examinations Act (<i>Wet op de medische keuringen</i>) | Sections 4-7 | Provisions regarding the prohibition on medical examinations prior to entering into life insurance and incapacity for work insurance contracts |
| Legal Transactions (Taxation) Act (<i>Wet op belastingen van rechtsverkeer</i>) | Chapter III (Sections 22-31) | Insurance premium tax and tax representative |
| Income Tax Act (<i>Wet inkomstenbelasting 2001</i>) | Sections 126 – 133 | Tax aspects of expenditure for income provisions (annuities) |
| Decree on rules regarding the electronic transmission of information in the context of an insurance contract | Section 1 | Electronic transmission of information (Section 933 of Book 7 of the Dutch Civil Code) |

General provisions (continued)

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| Flora and Fauna Act (<i>Flora- en faunawet – Ffw</i>) | Section 54(5); and Section 17 of the Hunting Decree (<i>Jachtbesluit</i>) | Maximum amount for hunters' insurance obligation |
| Railways Act (<i>Spoorwegwet</i>) | Section 55; and Sections 7(1) and 8(3) of the Decree on Main Railways Operating Licence and Safety Certificate (<i>Besluit bedrijfsvergunning en veiligheidsattest hoofdspoorwegen</i>) | Maximum amount for main railways insurance obligation |
| Liability of Oil Tankers Act (<i>Wet aansprakelijkheid olietankschepen</i>) | Sections 11-14 | Insurance obligation |
| Medical Research (Human Subjects) Act (<i>Wet medisch-wetenschappelijk onderzoek met mensen – WMO</i>) | Section 7 | Insurance obligation |

Pension insurers

| Regulation | Provision | Description |
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| Pensions Act (<i>Pensioenwet – Pw</i>) | Section 1 | Definitions: - foreign institution; - pension provider; - insurer. |
| | Sections 7-18 and 35 | Pension scheme rules requirements |
| | Section 23 | Employer's outsourcing obligation |
| | Sections 25-27 | Requirements to the administration agreement between employer and insurer |
| | Section 29 | Provisions in the event of the employer going into default |

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| | Sections 21 and 36-39 | Information provision to members, pensioners and deferred members |
| | Section 52 | Duty of care of pension providers in defined contribution schemes with freedom of investment |
| | Section 59 | Indexation for deferred members |
| | Sections 60 and 61 | Survivor's pension and old-age pension trade-off |
| | Sections 65-69 | Prohibition on surrender of pension entitlements |
| | Sections 70-92 | Transfer of pension entitlements |
| | Section 95 | Indexation, consistency with expectations raised |
| Wage Tax Act (<i>Wet op de loonbelasting</i>) 1964 | Section 19a(1), under f | Obligation to provide information to the tax authorities |

Health insurers (non-life insurers – accident and health sector)

| Regulation | Provision | Description |
|---|---|---|
| Health Insurance Act (<i>Zorgverzekeringswet – Zvw</i>) | Section 1 | Definitions: a. insurer; b. health insurer; d. health insurance (basic health insurance); g. obligatory deductible amount; h. voluntary deductible amount; i. health insurance policy; j. model agreement; o. Dutch Healthcare Authority (<i>Nederlandse Zorgautoriteit – NZa</i>); p. National Health Care Institute q. Health Insurance Fund; bb. the Central Administration Office (<i>Centraal Administratie Kantoor – CAK</i>). |
| | Section 2 | Insurance obligation |
| | Sections 3-4 | Acceptance obligation |
| | Sections 5-9 | Start and termination of basic health insurance, including e.g. provisions on period of notice |
| | Sections 10-24; and Sections 2.1-2.19 of the Healthcare Insurance Decree (<i>Besluit zorgverzekering – Bzv</i>); and Sections 2.1-2.50 of the Healthcare Insurance Regulation (<i>Regeling zorgverzekering – Rzv</i>) | Insurance cover: risks and services to be insured, premiums and other provisions |

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| | Sections 25-38; and Sections 3.1-3.23 of the Healthcare Insurance Decree (<i>Besluit zorgverzekering – Bzv</i>); and Sections 3.1-3.18, 7.1-7.11 and 7b.1 of the Healthcare Insurance Regulation (<i>Regeling zorgverzekering – Rzv</i>) | Health insurers: registration, articles of association and area of activity; equalisation payments; accounting; processing and exchange of personal data |
| | Sections 39-40 | Health Insurance Fund |
| | Sections 58-76 | National Health Care Institute |
| | Section 86-93a | Supply of information |
| | Section 114 | Legal protection |
| | Sections 119, 120 and 122 | Other provisions |
| Long-Term Care Act (<i>Wet langdurige zorg – Wlz</i>) | Section 1 | Definitions |
| | Section 2.2.1 | Registration of insured |
| | Sections 4.1.1-4.4.1 | W/z providers |
| Social Support Act (<i>Wet maatschappelijke ondersteuning – Wmo</i>) | Section 5.2.5 | Provision of personal data |
| Health Care (Market Regulation) Act (<i>Wet marktordening gezondheidszorg – Wmg</i>) | Section 1 | Definitions |
| | Sections 24-27 | Supervision of implementation |
| | Sections 32-45 | General obligations of health care providers and health insurers |
| | Sections 49e-59 | Setting of fees and description of services |
| | Sections 61-66 | Disclosure requirements |
| NZa requirements and policy rules | | The NZa informs health insurers about its requirements and policy rules through letters |

Motor vehicle insurers (non-life insurers – motor vehicle liability sector)

| Regulation | Provision | Description |
|---|--------------------------------------|--|
| Financial Supervision Act (<i>Wet op het financieel toezicht – Wft</i>) | Sections 4:70(1) and 4:70(6)-4:70(8) | Supplementary rules for motor vehicle insurers operating from a branch in the Netherlands. |
| | Section 4:71 | Supplementary rules for motor vehicle insurers providing cross-border services to the Netherlands. |

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| | Section 75 of the Decree on Business Conduct Supervision of Financial Enterprises (<i>Besluit Gedragstoezicht financiële ondernemingen Wft</i>) | Information provided during the term of the contract by motor vehicle insurers providing cross-border services to the Netherlands. |
| | Sections 105 and 106 of the Decree on Business Conduct Supervision of Financial Enterprises (<i>Besluit Gedragstoezicht financiële ondernemingen Wft</i>) and Sections 39(2) and 39(5) Decree on Prudential Rules for Financial Undertakings (<i>Besluit prudentiële regels Wft – Bpr</i>) | Duty to report changes for motor vehicle insurers providing cross-border services to the Netherlands. |
| | Section 135(2) of the Decree on Prudential Rules for Financial Undertakings (<i>Besluit prudentiële regels Wft – Bpr</i>) | Provision of statement of insurance contracts concluded |
| Motor Vehicle Liability Insurance Act (<i>Wet aansprakelijkheidsverzekering motorrijtuigen – WAM</i>) | Section 2(9) | Annual contribution to the Dutch Motor Insurers' Bureau (<i>Nederlands Bureau Motorrijtuigverzekeraars – NLbureau</i>); |
| | Section 3 | Obligations under the policy |
| | Sections 3a and 4(2) | Obligations under the policy for heavy goods vehicles |
| | Section 5 | Full cover guarantee towards the injured party for contracts with accidental damage excess |
| | Section 11 | No action for annulment against the injured party |
| | Sections 13 and 13a; Decree on Motor Vehicle Liability Insurance Notifications (<i>Besluit kennisgevingen aansprakelijkheidsverzekering motorrijtuigen</i>); and Establishing of data provision method under Section 13 of the <i>WAM</i> | Insurers' duty of notification to the National Vehicle and Driving Licence Registration Authority (<i>Dienst Wegverkeer – RDW</i>) |
| | Section 22; and Decree on Setting Amounts Insured under Motor Vehicle Liability Insurance (<i>Besluit vaststelling bedragen aansprakelijkheidsverzekering motorrijtuigen</i>) | Capital sums insured |
| | Section 24(1); Section 24a(1) | Annual contribution to the Motor Traffic Guarantee Fund (<i>Waarborgfonds Motorverkeer</i>) and guarantee of the fund's obligations |
| | Section 28 | Applicability of the <i>WAM</i> in the event an insurer's licence is withdrawn or if it must cease production on the grounds of Section 1:58 of the <i>Wft</i> |
| Section 34(2) | Issue of an insurance certificate during a specific period | |