

## Provisions of general relevance to insurers

*Below is a list of provisions that DNB considers to be "provisions of general interest" within the meaning of Section 2:34(2) of the Financial Supervision Act (Wet op het financieel toezicht – Wft). It 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 is up to date as at 23 December 2022.

***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.***

Regulation	Provision	Description
<b>Financial Supervision Act (Wet op het financieel toezicht – Wft)</b>	Section 1:1	Definitions <ul style="list-style-type: none"><li>- life insurance</li><li>- non-life insurance</li></ul>
	Section 3:1(b)	Management of a collective pension fund – scope
	Section 3:6	Acting as a default or guarantee fund
	Section 3:40; and Sections 42 to 47 of the Decree on Prudential Rules for Financial Undertakings ( <i>Besluit prudentiële regels Wft – Bpr</i> )	Address of representative and circumstances under which the representative ceases to be a representative
	Section 3:78; and Section 198 of the Decree on Prudential Rules for Financial Undertakings	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 to 3:125 in conjunction with Section 3:111c	Sections 3:122 and 3:122a: 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, if the insurer's home Member State legislation does not provide for a permission procedure; and  Sections 3:123 to 3:125: Transfers with the permission of the insurer's home Member State supervisory authority (for which the supervisory authority seeks DNB's advice or permission) and insurer's disclosure obligations in the Netherlands
	Section 3:78; and Section 135 of the Decree on Prudential Rules for Financial Undertakings ( <i>Besluit prudentiële regels</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.

	<i>Wft – Bpr</i> )	
--	--------------------	--

	Sections 3:122 to 3:125 in conjunction with Section 3:111c	Sections 3:122 and 3:122a: 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, if the insurer's home Member State legislation does not provide for a permission procedure; and  Sections 3:123 to 3:125: Transfers with the permission of the insurer's home Member State supervisory authority (for which the supervisory authority seeks DNB's advice or permission) and insurer's disclosure obligations in the Netherlands
	Sections 4:19 to 4:23 and 4:24 to 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, services document
	Sections 4:25a and 4:25b; and Sections 86b to 86m of the Decree on Business Conduct Supervision of Financial Enterprises ( <i>Besluit Gedragstoezicht financiële ondernemingen Wft</i> )	Commission ban
	Section 4:63; and Section 60(1) of the Decree on Business Conduct Supervision of Financial Enterprises ( <i>Besluit Gedragstoezicht financiële ondernemingen Wft</i> ) (mandatory pre-contractual information)	Cooling-off period for life insurance contracts
	Sections 4:63a and 4:75a	Insurance as an ancillary product/service
	Section 4:91q in conjunction with Sections 4:88(1) to (3) and 4:89(1) and (5)	Insurance contracts with an investment component
	Sections 4:101 to 4:104	Portfolio rights and related provisions relating to insurance transfers and premium collection
	Section 5:68; and Chapter 6 of the Decree on Market Abuse ( <i>Besluit Marktmisbruik Wft</i> )	Securities-specific code of conduct

<b>Dutch Civil Code, Book 6 Title 3</b>	Sections 193a to 193j	Unfair and misleading trading practices
	Sections 194 to 196	Misleading and comparative advertising
	Sections 6:230g, 6:230w, 6:230x, 6:230y	Distance and off-premises contracts on financial products and financial services
Dutch Civil Code, Book 6 Title 5	Sections 236 and 237	Black and grey list (unreasonably burdensome provisions in consumer agreements)
Dutch Civil Code, Book 7 Title 17	Sections 925 to 943	Insurance – General provisions
	Sections 944 to 963	Insurance – Non-life insurance
	Sections 964 to 986	Insurance – Capital sum insurance

Dutch Civil Code, Book 7 Title 18	Sections 990 to 992	Annuity
Sanctions Act ( <i>Sanctiewet 1977</i> )	Sections 2 to 3	Implementation of international sanctions - Bans or restrictions on providing financial services
	Sections 10(2)(f), 10b and 10f of the Sanctions Act; and Regulation on Supervision pursuant to the Sanctions Act	Supervision of compliance with operational management regulations relating to the administrative organisation and internal control
Anti-Money Laundering and Anti-Terrorist Financing Act ( <i>Wet ter voorkoming van witwassen en financieren van terrorisme – Wwft</i> )	Sections 1 to 23a, 33 to 35 and 38	Life insurers; <i>Wwft</i>
Medical Examinations Act ( <i>Wet op de medische keuringen</i> )	Sections 4 to 7	Provisions regarding the prohibition on medical examinations prior to entering into life insurance and incapacity for work insurance contracts
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)

## Pension insurers

Regulation	Provision	Description
Pensions Act ( <i>Pensioenwet – Pw</i> )		
	Sections 7 to 18 and 35	Pension scheme rules requirements
	Section 23	Employer's outsourcing obligation
	Sections 25 to 27	Requirements to the administration agreement between employer and insurer
	Section 29	Provisions in the event of the employer going into default
	Sections 21 and 36 to 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 to 69	Prohibition on surrender of pension entitlements
	Sections 70 to 92	Transfer of pension entitlements
	Section 95	Indexation, consistency with expectations raised

## Health Insurers

Regulation	Provision	Description
Health Insurance Act ( <i>Zorgverzekeringswet – Zvw</i> )	Sections 3 to 4	Acceptance obligation
	Sections 5 to 9	Start and termination of basic health insurance, including e.g.

		provisions on period of notice
	Sections 10 to 24; and Sections 2.1 to 2.19 of the Healthcare Insurance Decree ( <i>Besluit zorgverzekering – Bzv</i> ); and Sections 2.1 to 2.50 of the Healthcare Insurance Regulation ( <i>Regeling zorgverzekering – Rzv</i> )	Insurance cover: risks and services to be insured, premiums and other provisions
	Sections 25 to 38; and Sections 3.1 to 3.23 of the Healthcare Insurance Decree ( <i>Besluit zorgverzekering – Bzv</i> ); and Sections 3.1 to 3.18, 7.1 to 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 to 40	Health Insurance Fund
	Sections 58 to 76	National Health Care Institute
	Sections 86 to 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 2.2.1	Registration of insured
	Sections 4.1.1 to 4.4.1	<i>Wlz</i> providers
Social Support Act ( <i>Wet maatschappelijke ondersteuning –</i>	Section 5.2.5	Provision of personal data

<i>Wmo</i> )		
Health Care (Market Regulation) Act ( <i>Wet marktordening gezondheidszorg – Wmg</i> )	Sections 24 to 27	Supervision of implementation
	Sections 32 to 45	General obligations of health care providers and health insurers
	Sections 49e to 59	Setting of fees and description of services
	Sections 61 to 66	Disclosure requirements

**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 (6) to (8)	Supplementary rules for motor vehicle insurers operating from a branch in the Netherlands.
	Section 4:71; and Sections 148 and 149 of the Decree on Business Conduct Supervision of Financial Enterprises ( <i>Besluit Gedragstoezicht financiële ondernemingen Wft</i> )	Supplementary rules for motor vehicle insurers providing cross-border services to the Netherlands; obligations and termination under the Motor Vehicle Liability Insurance Act ( <i>Wet aansprakelijkheidsverzekering motorrijtuigen – WAM</i> ) and appointing a claims handler
	Section 75 of the Decree on Conduct of Business Supervision of Financial Undertakings under the <i>Wft</i> ( <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) of the 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> ) Motor Vehicle Liability Insurance Act		