

**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**

<b>Regulation</b>	<b>Provision</b>	<b>Description</b>
Financial Supervision Act ( <i>Wet op het financieel toezicht – Wft</i> )	Section 1:1	Definitions (in alphabetical order): <ul style="list-style-type: none"> <li>- intermediation services;</li> <li>- branch;</li> <li>- financial service;</li> <li>- financial services provider;</li> <li>- financial institution/enterprise;</li> <li>- institutional investor;</li> <li>- life insurer;</li> <li>- life insurance;</li> <li>- premium;</li> <li>- non-life insurer;</li> <li>- non-life insurance;</li> <li>- providing services [...] where this concerns insurers;</li> <li>- an insurer's representative;</li> <li>- insurer;</li> <li>- insurance;</li> <li>- place of business;</li> <li>- insurance claim; - registered office.</li> </ul>
	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

	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

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)

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
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

	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

	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)**

<b>Regulation</b>	<b>Provision</b>	<b>Description</b>
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.

	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	