

Commissariat aux Assurances Regulation No 20/01 of 26 June 2020 amending Commissariat aux Assurances Regulation No 19/01 of 26 February 2019 relating to insurance and reinsurance distribution

(Memorial A - N° 616 of 16 July 2020)

The Directorate of the Commissariat aux Assurances,

Having regard to Article 108*bis* of the Constitution;

Having regard to the law of 7 December 2015 on the insurance sector, as amended, in particular Article 2, paragraph 1, letter c) thereof;

Having regard to the opinion of the Advisory Committee on Prudential Regulation;

Decides :

Art. 1. - Article 3 of the Commissariat aux Assurances Regulation No 19/01 of 26 February 2019 relating to insurance and reinsurance distribution is amended as follows:

1° The two paragraphs forming Article 3 are grouped together in a paragraph 1.

2° In the introductory sentence of the new paragraph 1, subparagraph 1, the words "to be approved" are inserted between the words "brokerage firm" and the colon.

3° In the new paragraph 1, subparagraph 1, point 4, the word "business" is replaced by the word "business".

4° In the new paragraph 1, subparagraph 1, subsequently to point 6, two additional points are inserted which read as follows:

"6-1) the names, first names, domicile, residence, profession and nationality of board members and of the persons in charge of the management of the brokerage firm;

6-2) the names, first names, domicile, residence, profession or corporate name and nationality of the brokerage firm's shareholders;"

5° In the new paragraph 1, subparagraph 1, point 7, the words "up-to-date, dated and validly signed by one or more representatives of the brokerage firm to be approved" are inserted between the words "a graphical organisation chart" and the word "showing".

6° After the new paragraph 1, a new paragraph 2 is inserted which reads as follows:

"(2) The business plan referred to in paragraph 1, point 4, shall include in particular the following indications, as well as any other indications which the firm to be approved considers relevant for the assessment of its application for approval:

1) a list of the classes of insurance, listed in Annexes I and II of the Law, in which the firm intends to be active;

- 2) a description of the type of insurance contracts that the firm plans to market;
- 3) a description of the type of target customers and the geographical location of those customers;
- 4) a description of the envisaged distribution activity (e.g. direct contact with the customer, use of a distribution network, online or mobile phone distribution, etc.);
- 5) a quantification of the firm's own human resources and those intended to be active in insurance or reinsurance distribution;
- 6) a description of the policy for managing potential conflicts of interest;
- 7) a description of the complaints management policy;
- 8) a description of the outsourcing policy;
- 9) in case it is intended to set up branches in other States, a description of the human resources and their respective responsibilities assigned to the principal establishment in Luxembourg and to each branch;
- 10) the forecasts for the first three financial years from the date of approval, concerning:
 - negotiated premiums;
 - the commissions received;
 - turnover excluding insurance and reinsurance distribution activities;
 - administrative costs;
 - staff development. »

Art. 2. - Article 4, paragraph 1, of the same Regulation is amended as follows:

1° At the end of point 10, letter d), the final point is replaced by a semicolon.

2° Following point 10, two additional points are inserted which read as follows:

- "11) where the candidate is already holding office or has left office for less than 12 months, within the meaning of Article 38, paragraph 2, point 2, evidence that he is up-to-date with his continuing training obligation at the end of the year preceding the new application for approval or, failing that, a training plan co-signed by the candidate and the new responsible entity enabling the candidate to be up-to-date with that obligation at the end of the current reference period;
- 12) where the candidate has left office for more than 12 months prior to the new application for approval, evidence that he has fulfilled his obligation to participate in refresher training courses as referred to in Article 48."

Art. 3 - Article 5, subparagraph 1, of the same Regulation is amended as follows:

1° At the end of point 6, letter e), the final point is replaced by a semicolon.

2° Following point 6, two additional points are inserted which read as follows:

- "7) where the candidate is already holding office or has left office for less than 12 months, within the meaning of Article 38, paragraph 2, point 2, evidence that he is up-to-date with his continuing training obligation at the end of the year preceding the new application for approval or, failing that, a training plan co-signed by the candidate and the new responsible entity enabling the candidate to be up-to-date with that obligation at the end of the current reference period;

- 8) where the candidate has left office for more than 12 months prior to the new application for approval, evidence that he has fulfilled his obligation to participate in refresher training courses as referred to in Article 48."

Art. 4 Article 10, subparagraph 1, of the same Regulation is amended as follows:

1° In the introductory sentence, the words "to be approved" are inserted between the words "insurance agency" and the colon.

2° Following point 4, two additional points are inserted which read as follows:

"4-1) the names, first names, domicile, residence, profession and nationality of board members and of the persons in charge of the management of the insurance agency;

4-2) the names, first names, domicile, residence, profession or corporate name and nationality of the insurance agency's shareholders;"

3° In point 5, the words "up to date, dated and validly signed by one or more representatives of the insurance agency to be approved," are inserted between the words "a graphic organisation chart" and the word "showing".

Art. 5 Article 11, subparagraph 1, of the same Regulation is amended as follows:

1° In the introductory sentence of subparagraph 1, the words "to be approved" are inserted between the words "insurance agent" and the colon.

2° In the introductory sentence to point 1, the term "DA AGENT" is replaced by the term "FP_2".

3° At the end of point 7, the point is replaced by a semicolon.

4. Following point 7, two additional points are inserted which read as follows:

"8) where the candidate is already holding office or has left office for less than 12 months, within the meaning of Article 38, paragraph 2, point 2, evidence that he is up-to-date with his continuing training obligation at the end of the year preceding the new application for approval or, failing that, a training plan co-signed by the candidate and the new responsible entity enabling the candidate to be up-to-date with that obligation at the end of the current reference period;

9) where the candidate has left office for more than 12 months prior to the new application for approval, evidence that he has fulfilled his obligation to participate in refresher training courses as referred to in Article 48."

Art. 6. In Article 16, subparagraph 2, of the same Regulation, the words ", approved on its behalf" are inserted between the words "or multi-class" and ", it being understood".

Art. 7. Article 17, subparagraph 1, of the same Regulation is amended as follows:

°1 In the introductory sentence to point 1, the words "with the registration" are deleted.

2° In item 4, the words "up to date, dated and validly signed by one or more representatives of the ancillary insurance intermediary, legal person, to be approved," are inserted between the words "a graphical organisation chart" and the word "showing".

Art. 8. In Article 18, subparagraph 1, the term "DI IATA PPH" is replaced by "FP_5" in the introductory sentence of point 1.

Art. 9. In Article 22, paragraph 1, subparagraph 2, the reference to Article 23, paragraph 3 is replaced by a reference to Article 23, paragraph 4.

Art. 10. Article 23 shall be replaced by the following Article:

"Art. 23. - Examination process.

- (1) The examination is composed of a written part, hereinafter referred to as "written examination" and described in paragraphs 2 to 7 of this Article, and, as the case may be, an oral examination, hereinafter referred to as "additional oral examination" and described in Article 25.
- (2) The written examination takes place in electronic form or in any other written form decided by the CAA.
- (3) The questions for the written examination and, as the case may be, the proposed answers are formulated in French.
- (4) The examination consists of three modules dealing respectively with:
 - a) topics common to the life and non-life programs;
 - b) topics specific to the non-life program;
 - c) topics specific to the life program.
- (5) The candidate for the group of non-life classes must successfully complete modules a) and b) of paragraph 4.
The candidate for the group of life classes must successfully complete modules a) and c) of paragraph 4.
The candidate for the groups of non-life and life classes must successfully complete modules a), b) and c) of paragraph 4.
- (6) By way of derogation from paragraph 5, an insurance agent or sub-broker who is approved or exempt from the examination in one class and being a candidate for the examination for the other class is exempt from the requirement to pass module a).
- (7) The President of the examination commission communicates the result of each module, as validated by the examination commission to the candidate and to the principal insurance undertaking or principal broker established in Luxembourg."

Art. 11. Article 24 is replaced by the following Article:

"Art. 24. - Conditions for successful completion.

- (1) In order to pass a module, the candidate must obtain at least 72.5 % of the mark of such module at the written examination, if it is organised in electronic form, and at least 60 % of the mark, if it is organised in another form or pass the additional oral examination referred to in Article 25.
- (2) In order to pass the examination, the candidate must successfully pass all the modules for which he was registered at the examination session.
By way of derogation from subparagraph 1, shall have successfully passed the examination the candidate having obtained an overall average of at least 72.5% of the points in all the modules for which he was registered at the examination session, if these were organised in electronic form, and of at least 60% of the points, if they were organised in another form, without having a result below 50% of the points in any of the modules for which he was registered."

Art. 12. Article 25 is replaced by the following Article:

"Art. 25. - Additional oral examination.

- (1) A candidate not falling under the derogation provided for in Article 24, subparagraph 2, and who has not obtained at least 72.5% of the maximum mark in one or two modules for which he was registered in the written examination, if the latter was organised in electronic form, and at least 60% of the points in one or two modules for which he was registered for the written examination, if organised in another form, shall be eligible to take an additional oral examination in these modules on the condition to have obtained in the written examination at least 50% of the points of this module or each of the modules.
- (2) The CAA shall determine the exact place, date and time of the additional oral examination, referred to in paragraph 1, which may be held no earlier than two weeks after communication of the results of the written examination.
- (3) Questions for the additional oral examination may be asked in Luxembourgish, French, German or English, depending on the candidate's choice, and answers are also to be provided in one of these languages.
- (4) The additional oral examination takes place before the board of examiners described in Article 28.
- (5) The chairman of the examination commission shall communicate the result of the additional oral examination as validated by the examination commission to the candidate as well as to the principal insurance undertaking or the principal broker."

Art. 13. In Article 26, paragraph 1, of the same Regulation, the words "validly registered" are inserted between the word "any" and the word "candidate" and the word "written" shall be inserted between the word "the " and the word "examination".

Art 14. Article 27 of the same Regulation is replaced by the following Article:

"Art. 27. - Examination commission.

- (1) The examination commission is composed of the Director of the CAA, who chairs the commission, and seven members, including three public servants from the CAA and four persons representing the insurance sector. Apart from the chairman, the members of the commission are appointed by the Directorate of the CAA.
- (2) The chairman shall designate the examination commission's Secretary and Deputy Secretary from among the members of the commission who are civil servants.
- (3) The members of the commission shall be appointed for a term of five years. Appointments shall be renewable.

In the event of replacement of a resigning member, the new member shall complete the term of office of the member he replaces.

- (4) The meetings of the commission shall be chaired by its chairman. If the latter is unable to attend, the meetings shall be chaired by the member of the examination commission who is the most senior civil servant in the A1 salary group.
- (5) The chairman may, as required, invite other CAA civil servants to attend meetings of the commission, without the right to vote.
- (6) The commission's duties are to:
 1. organise and ensure the proper conduct of the examination session;
 2. validate the drafting of the examination questions prepared by its members and ensure that they are regularly updated;
 3. validate the results of the written exam sessions;

4. propose to the CAA Directorate any measures that could improve the conduct of the examinations.
- (7) The commission may validly deliberate on the matters referred to in paragraph 6, points 2 and 3, by means of circular resolution.
- (8) The decisions of the commission shall be taken by a majority of the votes cast and are without appeal. In the event of a tie vote, the chairman shall have a casting vote.
- (9) No member of the commission may take part in the deliberations on the subjects referred to in paragraph 6, point 2 and 3, concerning individual candidates who are parents or relatives up to and including the fourth degree or who are employees of the undertaking to which he belongs, under penalty of nullity of the examination of that person. The overall validation of the results of an examination session without discussion of individual cases shall not be considered as a deliberation concerning an individual candidate.
- (10) The chairman may rule on the validity of the apologies presented in case of a candidate's absence from the examination.
- (11) The chairman may assign CAA officers who are not members of the examination commission to perform work related to the conduct of the written examinations, in particular to set up the tablets, ensure their distribution and pick-up, and provide supervision during the examinations.
- (12) Within the limits of the decisions taken by the CAA's Board when adopting the budget of the CAA, the Directorate shall fix the attendance fees allocated to members and other participants in the meetings of the examination commission and the allowances paid to members and non-members of the commission for tasks relating to the organisation and the operation of the examinations."

Art 15. Article 28 of the same Regulation is replaced by the following Article:

"Art. 28. – The oral examination board.

- (1) The oral examination is conducted before a board composed of three persons who must be members of the examination commission.
- (2) Depending on the number of candidates, two examination boards may be set up for the same oral examination session.
- (3) The number, composition and chairmanship of the examination boards shall be determined for each oral examination session by the chairman of the examination commission. Each examination board must be chaired by a civil servant of the CAA.
- (4) The decisions of each examination board are taken by majority vote and are without appeal.
- (5) No member of an oral examination board may take part in the knowledge assessment of a parent or relative up to and including the fourth degree or who is an employee of the insurance undertaking or brokerage firm to which he belongs, under penalty of nullity of the examination of that person."

Art 16. Article 32 of the same Regulation is replaced by the following Article:

"Art. 32. - Conditions for successful completion.

- (1) In order to pass a module, the candidate must obtain at least 60 % of the maximum mark of that module in the written examination or pass the additional oral examination referred to in Article 33.
- (2) In order to pass the examination, the candidate must successfully pass all the modules for which he was registered at the examination session.

By way of derogation from subparagraph 1, shall have successfully passed the examination the candidate having obtained an overall average of at least 60% of the points in all the modules for which he was registered at the examination session without scoring less than 50% of the points in any of the modules for which he was registered."

Art. 17. Article 33 of the same Regulation is amended as follows:

(1) In paragraph 1, subparagraph 1, the words "not falling within the derogation provided for in Article 32, paragraph 2, subparagraph 2, and" are inserted between the word "candidate" and the words "who has not obtained" in the introductory cap of the first subparagraph.

(2) In the second paragraph, the words "the places, dates and times" are replaced by the words "place, date and time".

Art. 18. In Article 38(2) of the same Regulation, point 4 shall be deleted.

Art. 19. Article 40 of the Regulation is amended as follows:

1° In paragraph 5, the words "exceeding 12 consecutive months" are inserted between the words "periods" and "without approval".

2° Between paragraph 6 and paragraph 7, a paragraph 6a is inserted which reads as follows:

"(6a) In the event that an individual broker whose authorisation allows the distribution of insurance is authorised during a reference period for the distribution of reinsurance or *vice versa*, the provisions of Article 39 paragraph 7, shall only apply as from the next reference period."

Art. 20. In Article 43, paragraph 4, of the same Regulation, a new subparagraph shall be inserted after the first subparagraph to read as follows:

"Each intermediary changing its responsible entity must receive a copy of its training logbook from its former responsible entity."

Art. 21. In Article 47, paragraph 3, of the same Regulation, a new subparagraph shall be inserted after the first subparagraph to read as follows:

"In the event that there has been a succession of responsible entities during a year or a reference period, notifications are to be made only by the responsible entity for which the intermediary was in operation on 31 December or on the last day of the reference period concerned. This responsible entity must also take into account training courses considered eligible by the previously responsible entities during the period concerned."

Art. 22. Article 48 of the same Regulation is amended as follows:

1° In paragraph 2, the cardinal number "3" is replaced by the word "three".

2° In paragraph 4, the words "and be deemed eligible by the head of training of the responsible entity for which the entry into office is planned" are inserted between the words "logbook" and the final point.

Art. 23. Article 49 shall be replaced by the following Article:

"Art. 49. - Frequency and forms of the verification of good repute referred to in Article 285-3 of the Law.

(1) Agents and persons registered in one of the lists referred to in Articles 21 and 51 must provide their principal undertaking with the following information for the purpose of verifying their good repute:

- a) the "declaration of honour" form in one of the linguistic versions which may be downloaded from the CAA website, or, if another language is used, a translation of this form drawn up by a translator sworn by the Luxembourg Ministry of Justice, duly completed and signed;
- b) an extract from the Luxembourg criminal record, and
- c) an extract from the criminal record or similar document, from their country of residence if it is not the Grand Duchy of Luxembourg,

at the beginning of each reference period referred to in Article 40 with the exception of the first one.

Where an agent holds a joint approval for several insurance undertakings, they may designate an undertaking responsible for verifying good repute which must inform the other undertakings of its conclusions.

By way of derogation from the first subparagraph, points a), b) and c), the CAA may authorise the undertaking, on a duly reasoned request and subject to the conditions which it lays down, to replace those documents by other probative documents, issued by a third party in relation to the undertaking, intended to provide evidence of the good repute of the agents and persons entered on one of the lists referred to in Articles 21 and 51.

(2) Sub-brokers and persons registered in the list referred to in Article 51, if applicable, must provide the broker established in the Grand Duchy of Luxembourg on whose behalf they are approved, for the purpose of verifying their good repute:

- a) the "declaration of honour" form in one of the linguistic versions which may be downloaded from the CAA's website, or, if another language is used, a translation of this form drawn up by a translator sworn by the Luxembourg Ministry of Justice, duly completed and signed;
- b) an extract from the Luxembourg criminal record, and
- c) an extract from the criminal record or similar document, from their country of residence if it is not the Grand Duchy of Luxembourg,

at the beginning of each reference period referred to in Article 40 with the exception of the first one.

By way of derogation from the first subparagraph, points a), b) and c), the CAA may authorise the broker, on a duly reasoned request and subject to the conditions which it lays down, to replace those documents by other probative documents, issued by a third party in relation to the brokerage firm or the

insurance or reinsurance broker, intended to provide evidence of the good repute of the sous-courtiers and persons entered on the list referred to in Article 51.

- (3) Insurance or reinsurance undertakings and brokers established in the Grand Duchy of Luxembourg must keep at the disposal of the CAA, in electronic or paper form, the documents provided to them pursuant to paragraphs 1 and 2."

Art. 24. In Article 52, point a), of the same Regulation, the word "activity" is replaced by the word "activities".

Art. 25. Article 53 of the same Regulation is amended as follows:

1° In the introductory sentence, the reference to Article 291-2, first paragraph is replaced by a reference to Article 293-2, first paragraph.

2° In point a), the word "activity" is replaced by the word "activities".

Art. 26. Annex I to the Regulations is replaced by a new Annex I which reads as follows:

Please note that as the reference book does only exist in French, Annex I has not been translated into English

«

Annexe I Programme d'examen pour candidats agents et sous-courtiers d'assurances
--

L'ouvrage de référence pour l'épreuve d'aptitude pour candidats agents et sous-courtiers d'assurances est :

L'assurance du particulier

Auteur : Roland Bisenius

Éditeur : Promoculture - Larcier

Tome 1 (assurances de dommages): ISBN 978-2-87998-011-9

Tome 2 (assurances de personnes) : ISBN 978-2-87974-999-0

Les parties à étudier dans chacun des deux tomes sont reprises dans les tableaux ci-après.

Pour chaque partie il est précisé si elle fait partie du programme d'examen pour les intermédiaires d'assurance non vie, pour les intermédiaires d'assurance-vie ou pour tous les intermédiaires.

L'ASSURANCE DU PARTICULIER Tome 1 Assurances de Dommages

Chapitre 2

Principes de base

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Définitions	Tous les points	1	52	x	x
Les éléments d'une opération d'assurance	Le risque	2.1.	56	x	x
	Les prestations de l'entreprise d'assurances	2.2.	57	x	x
Les bases techniques de l'assurance	La prime	3.6.	59	x	x
	La co-assurance	3.7.1.	64	x	x
	La classification classique	4.1.	70	x	x
La surveillance des compagnies d'assurances	La surveillance des compagnies d'assurances	5	76	x	x

Chapitre 3

Le contrat d'assurance

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Définition du contrat d'assurance	Le contrat d'assurance	1.1.	84	x	x
	La proposition d'assurance	3.1.1.	87	x	x
	La note de couverture	3.1.2.	88	x	x
	L'information de l'entreprise d'assurances au preneur d'assurance avant la conclusion du contrat	3.1.4.	90	x	x
	Les obligations de déclaration du preneur d'assurance	3.2.	95	x	x
	Le contenu du contrat ainsi que les informations au preneur d'assurance en cours de contrat	3.4.	101	x	x
L'exécution du contrat	La déchéance partielle ou totale	3.5.1.	104	x	x

	Les assurances combinées	3.5.2.	105	x	x
La prime	Les modalités de paiement de la prime et l'avis d'échéance	3.5.3.	106	x	x
	Le non-paiement de la prime	3.5.4.	107	x	x
Le sinistre	La déclaration du sinistre	3.5.5.	112	x	x
	Les devoirs de l'assuré en cas de sinistre	3.5.6.	113	X	x
	Les sanctions pour non-respect des obligations en cas de sinistre	3.5.7.	113	x	x
	L'obligation de l'assuré relatif à l'état des lieux	3.5.8.	114	x	x
La prestation d'assurance	La prestation de l'entreprise d'assurance	3.5.9.	114	x	x
L'inexistence et la modification du risque	L'inexistence et la modification du risque	3.6.	115	x	x
La durée	La prise d'effet de la garantie et la durée du contrat	3.7.	119	x	x
	Les modalités de résiliation(sans tableaux)	3.8.1	125	x	x
	La résiliation après sinistre	3.8.2.	130	x	x
	La résiliation en cas de transfert de portefeuille	3.8.3.	131	X	x
	La crédit de prime	3.8.4.	131	X	x
	L'augmentation tarifaire	3.8.5.	132	x	x
Dispositions propres aux assurances à caractère indemnitaire	La subrogation de l'entreprise d'assurances	4.5.	140	x	x
L'adaptation du contrat	L'adaptation du contrat d'assurance	6	150	x	x

La langue officielle	La langue officielle du contrat	7	151	x	x
-----------------------------	---------------------------------	---	-----	---	---

Chapitre 4
L'intermédiation en assurance

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Notions légales	Notions légales	1.	160	x	x
L'accès à la profession	L'agrément préalable	2.	162	x	x
L'agent d'assurance	L'agent d'assurance	3. (sans 3.4.)	163	x	x
L'agence d'assurance	L'agence d'assurance	4.	168	x	x
Les courtiers sous-courtiers et sociétés de courtage	Les courtiers d'assurances, sous-courtiers et sociétés de courtage d'assurances	5. (sans 5.5.)	169	x	x
Registre des intermédiaires	Le registre des intermédiaires	8.	180	x	x
Incompatibilité	L'incompatibilité entre agent et courtier	9.	182	x	x
Obligations des intermédiaires	Les obligations des intermédiaires d'assurances	11.	182	x	x
Droits des Inter-médiaires	Les droits des intermédiaires d'assurances	12.	187	x	x
Déontologie professionnelle	La déontologie professionnelle en assurance vie	13.	188	x	x

Chapitre 5
La déductibilité fiscale

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
----------------	---------------	--------------	-------------	------------------------------	--------------------------

La déductibilité fiscale	La déductibilité fiscale	1.	204	x	x
Les primes d'assurances déductibles	Les primes d'assurances déductibles	2.	204	x	x
	Les plafonds déductibles	3.	207	x	x
	Les conditions de déductibilité des primes payées	4.	211	x	x

Chapitre 6

Généralités et règlement sinistre en assurance de dommages

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Généralités	Le principe indemnitaire	1.	220	x	
	Les frais de sauvetage	2.	221	x	
	Les modalités d'évaluation de la valeur assurée	3.	222	x	
	La fixation du montant assuré	4.	226	x	
	Règlement du sinistre	5. (sauf 5.4., 5.5., 5.6., 5.9. et 5.10)	229	x	
	Règlement de l'indemnité	7.1.	253	x	

Chapitre 7

Les assurances obligatoires

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
---------	--------	-------	------	-----------------------	-------------------

Les assurances de responsabilités civiles obligatoires	Tout le chapitre	1. - 5.	262	x	
---	------------------	---------	-----	---	--

Chapitre 10

La responsabilité extra-contractuelle

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Les délits et quasi-délits	Les délits et les quasi-délits	2.	278	x	
La faute et le fait personnel	La faute et le fait personnel	3.	279	x	
La présomption de faute	La présomption de faute	4.	282	x	

Chapitre 11

L'assurance responsabilité civile

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Les responsabilités pouvant être couvertes	Les responsabilités pouvant être couvertes	2.	292	x	
L'objet du contrat	L'objet du contrat	3.	292	x	
Les notions d'assurés et de tiers	La notion d'assuré et de tiers	4.	293	x	
L'étendue de la garantie	L'étendue de la garantie de l'assurance	5.	294	x	
Les montants garantis	Les montants garantis, limites de garanties et plafonds de garanties	6.	297	x	
L'indexation	L'indexation	7.	298	x	
Les exclusions	Les exclusions	10.	302	x	
Le règlement du sinistre	La reconnaissance de la matérialité des faits	11.1.	303	x	

	L'action directe de la victime	11.2.	304	x	
	La libre disposition de l'indemnité	11.7.	305	x	

Chapitre 12

Formes d'assurances de responsabilités civiles du particulier

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
L'assurance responsabilité civile vie privée	L'assurance responsabilité civile vie privée	1.1.	310	x	
L'assurance responsabilité civile propriétaire d'immeuble	L'assurance responsabilité civile propriétaire d'immeuble	1.2.	313	x	

Chapitre 13

La responsabilité civile automobile

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Le caractère obligatoire	Les conditions générales d'assurance responsabilité civile Auto	1.1.	332	x	
	L'assurance responsabilité civile automobile est une assurance obligatoire	1.2.	332	x	
	Directive IV	1.3.4.	336	x	
	Directive V	1.3.5.	337	x	
Étendue territoriale	L'étendue territoriale	3.	338	x	
Définitions	Tout sauf les points 4.4. et 4.5.	4.	339	x	
Objet et étendue de l'assurance	Objet et étendue de l'assurance	5.	341	x	
Somme assurée	Les sommes assurées	6.	342	x	
Les recours	Les recours	7.	344	x	

Dommages causés à l'étranger	Les dommages causés à l'étranger	8.	349	x	
Secours bénévole	Le secours bénévole	9.	350	x	
Franchises	Les franchises	10.	351	x	
Exclusions	Les exclusions (sans le tableau 11.6.)	11.	353	x	
Dispositions diverses	Dispositions diverses	14.	374	x	

Chapitre 15

L'assurance dommages matériels au véhicule

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Définitions	Définitions (tout)	1	388	x	
Formes d'assurances	Les garanties incendie, vol et bris de glace (sans les points 2.1.3. et 2.1.4.)	2.1.	389	x	
	Les formules d'assurances dommages matériels et les modalités de souscription	2.2.	394	x	
	Les franchises et la règle proportionnelle	3.	399	x	
	Le règlement du sinistre	4.	401	x	

Chapitre 17

Le fonds de garantie automobile

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Le fonds commun de garantie automobile	Mission	2. (sans le tableau page 415)	412	x	
	Limite d'intervention	8.	417	x	
	Exclusions	10.	418	x	

Chapitre 18

Le bureau luxembourgeois

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Le Bureau luxembourgeois	Missions	3. (sans les tableaux pages 423 et 424)	422	x	

Chapitre 19

Le pools des risques aggravés

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Pool de risques aggravés	Mission	2.	426	x	

Chapitre 22

L'assurance incendie

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
L'assurance incendie	L'assurance incendie	Tableau compris	454	x	

Chapitre 23

Les biens assurés en assurance incendie

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Le bâtiment	Le bâtiment	1.	456	x	
Le contenu	Le contenu	2.	457	x	
La situation du risque	La situation du risque	3.	459	x	

Chapitre 24

Généralités sur l'assurance incendie

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Notion incendie	Définition de la notion incendie	1.	466	x	

L'assurance incendie	L'assurance incendie	2.	472	x	
	L'indexation	3.	474	x	

Chapitre 25
Les responsabilités en assurance incendie

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Le risque locatif	Remarque préliminaire	1.	478	x	
	La base légale du risque locatif	2.1.	479	x	
	Le locataire unique	2.2.	480	x	
Le recours de voisins	Le recours des voisins et des tiers	3.	487	x	
Le recours du propriétaire	Le recours du propriétaire	4.	490	x	
Le trouble de jouissance immobilier	Le trouble de jouissance immobilier	6.	491	x	

Chapitre 26
Le règlement de sinistre en assurance incendie

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
La base légale	La base légale (tout)	1.	494	x	
Les formes de règlement	Les formes de règlement	3.	496	x	

Chapitre 27
La tarification en assurance incendie

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Le mode de construction et la couverture	Le mode de construction et la couverture	1.	500	x	

La situation locale	La situation locale	2.	500	x	
Le voisinage	Le voisinage	3.	501	x	
L'usage	L'usage	4.	501	x	
Règle du quart	Règle du quart	5.	501	x	
Taxe pompiers	Taxe pompiers	6.	502	x	

Chapitre 29

L'assurance tempête

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Définition	Définition et garantie normale	2.	510	x	
Les garanties accessoires non payantes	Les garanties accessoires non payantes	3.	510	x	
Les exclusions spécifiques	Les exclusions spécifiques	4.	511	x	
Le règlement de sinistres	Le règlement des sinistres	5.	512	x	

Chapitre 30

L'assurance dégâts des eaux

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Garantie normale	La garantie normale	1.	516	x	
Les garanties accessoires non payantes	Les garanties accessoires non payantes	2.	516	x	
Les exclusions	Les exclusions spécifiques	3.	520	x	

Chapitre 31

L'assurance vol

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
---------	--------	-------	------	-----------------------	-------------------

Garantie normale	La garantie normale	1.	524	x	
Les garanties accessoires payantes	Les garanties accessoires payantes	2.	524	x	
Les biens assurés et les limitations de garanties	Les biens assurés et les limitations de garanties	3.	527	x	
Les exclusions spécifiques	Les exclusions spécifiques	5.	532	x	
La problématique des objets portés avec soi	La problématique de certains objets emportés avec soi	6.	533	x	
Le règlement de sinistres	Le règlement de sinistre	8.	535	x	
Tarifification	La tarification	9.	537	x	

Chapitre 32

L'assurance bris de glaces

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Garantie normale	La garantie normale	1.	540	x	
La clôture provisoire	Les frais de clôture provisoire	2.	540	x	
Les garanties accessoires payantes	Les garanties accessoires payantes	3.	541	x	
Les exclusions spécifiques	Les exclusions spécifiques	4.	541	x	
La tarification	La tarification	5.	542	x	

Chapitre 33

Les frais et pertes communs à certaines garanties

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Les frais et pertes en assurance incendie	Les frais de sauvetage	2.1.	544	x	
	Les frais démolition	2.2.	544	x	
	Les frais de déblais et de dépollution	3.2.	545	x	

	Les frais et honoraires d'expert	3.3.	545	x	
	Les pertes indirectes et sur justificatifs	3.4.	546	x	
	Les frais de déplacement et de relogement	3.5.	546	x	
	Le chômage immobilier	3.6.	547	x	

Chapitre 34

Les catastrophes naturelles

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Les catastrophes naturelles	Notion	1.	552	x	
	La couverture contractuelle	3.	553	x	

Chapitre 35

L'assurance combinée

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Les formes d'assurance combinées	Le principe	1.	558	x	
	Les événements assurés	2.	559	x	
	Les sommes assurées Bâtiment et contenu	3.	560	x	
	L'indexation	5.	561	x	
	Le tableau de garanties	6.	562	x	

Chapitre 36

L'assurance défense et recours

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
	La défense	2.1.	566	x	

Risques assurés et limitations de garanties	Le recours	2.2.	566	x	
Le règlement du sinistre	Le règlement du sinistre	3. (sauf le point 3.5.)	567	x	

L'ASSURANCE DU PARTICULIER
Tome 2
Assurances de Personnes

Chapitre 2

L'assurance individuelle accident

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
La notion d'accident	La notion d'accident	2.	22	x	x
Le bénéficiaire	Le bénéficiaire en cas de sinistre	4.	23	x	x
Les différents types d'assurances	Les assurances à caractère indemnitaire	5.	23	x	x
	Les assurances à caractère forfaitaire	6.	24	x	x
Les exclusions	Les exclusions	7.	27	x	x
Les règles de souscription	Les règles de souscription	8.	29	x	x
Formes d'assurances	Les formes d'assurances	9.	31	x	x
Tarification	La tarification	11.	32	x	x

Chapitre 3

L'assurance accident du chauffeur

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
L'assurance occupant d'auto	L'assurance occupant d'auto	2.	36	x	
L'assurance du seul conducteur	L'assurance du seul conducteur	3.	37	x	

Chapitre 4

L'assurance maladie

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Les risques et les prestations assurés	Les risques et les prestations assurés	2.	42	x	x
Les garanties assurables	Les garanties assurables (sans le tableau du point 3.3.1. à la page 45)	3.	43	x	x
Les règles de souscription	Les règles de souscription	5.	46	x	x
La tarification	Tarification	6.	47	x	x

Chapitre 5

L'assurance vie

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
Les intervenants dans une opération d'assurances vie	Les intervenants dans une opération d'assurance vie	3.	51		x
Les formes d'assurance vie	Les formes d'assurances vie	4.	65		x
	Le contrat d'investissement à taux garanti	5.1.	96		x
	Les assurances vie en unités de compte	5.2.	98		x
Les règles de souscription	La proposition d'assurance	6.1.	108		x
	L'assurance sur la tête d'un tiers	6.3.	110		x
	Le consentement de l'assuré	6.4.	111		x
	Les sanctions d'une déclaration irrégulière	6.5.	111		x
	La liberté d'acceptation	6.7.	115		x

	Le contenu du contrat	6.9.	117		x
	L'aggravation du risque	6.13.	119		x
	La diminution du risque	6.14.	122		x
	Le droit et la forme de la renonciation en assurance vie	6.16.	125		x
Le calcul de la prime	Le calcul de la prime (sans le tableau page 132)	8.	129		x
Le paiement de la prime	Le paiement de la prime	9.	135		x
La provision mathématique	La provision mathématique	10.	139		x
L'évolution du capital assuré	L'évolution du capital assuré	11.	142		x
Les droits du preneur d'assurance	Les droits du preneur d'assurance	12.	148		x
Les difficultés de paiement	Les difficultés de paiement (sans les tableaux pages 154 et 155 et sans les points 13.5. à 13.7.)	13.	148		x
Les droits du bénéficiaire	Les droits du bénéficiaire	14.	160		x
Les exclusions	Les exclusions	17.	165		x
La survenance de l'événement assuré	La survenance de l'événement assuré	18.	168		x

Chapitre 6

La lutte contre le blanchiment d'argent

MATIÈRE	DÉTAIL	POINT	PAGE	Programme « non vie »	Programme « vie »
La notion	Notion	1.	182		x
La base légale	La définition légale	2.1.	184		x
	Les personnes tenues par la loi	2.4.	187		x
Les obligations professionnelles	Les obligations professionnelles des entreprises d'assurance vie	3.	189		x

Indices blanchiment	Renforcement de la lutte contre le blanchiment d'argent et le financement du terrorisme	4.	207		x
--------------------------------	---	----	-----	--	---

»

Art. 27. This Regulation shall enter into force on the day following its publication in the Official Journal of the Grand Duchy of Luxembourg.

Luxembourg, 26 June 2020

COMMISSARIAT AUX ASSURANCES

Claude WIRION
Director

Annick FELTEN
Member of the Directorate

Yves Baustert
Member of the Directorate