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| **To the Senior Management** INA\_INS | date |  | 21 december 2023 |
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|  | Contact person |  | Annick Dewulf |
|  |  |  | T +32 2 220 58 00 |
|  |  |  | [securityfund@fsma.be](mailto:securityfund@fsma.be) |
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| **The contribution to the Security Fund for the prevention and control of fire and explosion levied on the compulsory civil liability insurance for operating establishments open to the public (Article 9 of the Law of 30 July 1979).**  **Insurance companies governed by foreign law - Report for the 2023 financial year - Payment of the amounts owing for the 2023 financial year** | | | |

Dear Sir or Madam,

Insurance companies which sell the compulsory civil liability insurance referred to in Article 8 of the Law of 30 July 1979[[1]](#footnote-1) must charge a fee to policyholders payable to the Security Fund for the prevention and control of fire and explosion (the Security Fund). In accordance with Article 9 of the Royal Decree of 5 August 1991[[2]](#footnote-2), this fee is set at 3% of the commercial premiums issued.

The payment and reporting procedures with respect to the amounts owed by insurance companies to the Security Fund are governed by Articles 9 to 13*bis* of the aforesaid Decree[[3]](#footnote-3).

Pursuant to that legislation, each insurance company must make an **annual payment** of 3% of the total of the commercial premiums it has issued during the last financial year, less returns   
(profit-sharing) and return premiums for total or partial cancellations.

The amounts payable must be submitted to the General Directorate of Civil Security of the Federal Public Service Home Affairs.

Insurance companies must also submit to the FSMA **a** **report** on the annual amounts payable to the Security Fund for the past financial year. The electronic form [**(FORM 2)**](https://www.fsma.be/sites/default/files/legacy/content/fire/form_2_en.xlsx) for this purpose is available on the FSMA website.

Pursuant to Article 13bis of the aforementioned Royal Decree of 5 August 1991, the obligations regarding the reporting and payment of the contributions must be fulfilled:

* 1 ° by the branch, the agency, the responsible representative as referred to in Article 178 of the Code of miscellaneous duties and taxes, or the seat of operations located in Belgium;
* 2 ° by the broker or any other intermediary residing in Belgium, for the contracts written through his or her intermediation with insurers not established in Belgium and that do not have a responsible representative as referred to in Article 178 of the Code of miscellaneous duties and taxes;
* 3 ° by an insurance company not established in Belgium that has no responsible representative in Belgium and that concludes insurance contracts for a risk situated in Belgium without using the services of intermediaries residing in Belgium.

In accordance with the aforementioned provisions, we ask that you:

* by **15 March 2024 at the latest**, complete the attached reporting [**FORM 2**](https://www.fsma.be/sites/default/files/legacy/content/fire/form_2_en.xlsx) and send it to [securityfund@fsma.be](mailto:securityfund@fsma.be);
* by **30 June 2024 at the latest**, pay the contributions owing for the 2022 financial year into IBAN account number BE90 6792 0057 9832, BIC code PCHQ BE BB, Security Fund for the prevention and control of fire and explosion, Leuvensesteenweg 1, 1000 Brussels.

If a company did not sell mandatory insurance in 2023, it should enter "0" for premiums issued and for the amounts owing.

Sincerely yours,

Henk BECQUAERT,

Member of the Management Committee.

1. The Law of 30 July 1979 on the prevention of fire and explosion and on the compulsory civil liability insurance in such cases. [↑](#footnote-ref-1)
2. The Royal Decree of 5 August 1991 implementing Articles 8*,* 8*bis* and 9 of the Law of 30 July 1979 on the prevention of fire and explosion and on the compulsory civil liability insurance in such cases. [↑](#footnote-ref-2)
3. As amended by the Royal Decree of 8 March 2010 amending the Royal Decree of 5 August 1991 implementing Articles 8, 8*bis* and 9 of the Law of 30 July 1979 on the prevention of fire and explosion and on the compulsory civil liability insurance in such cases. [↑](#footnote-ref-3)