

Obtaining a registration as an insurance intermediary in Belgium

Overview of the legal framework and the FSMA registration process

FSMA



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May be subject to later updates

Welcome

- This presentation aims to provide firms with a brief overview of the legal requirements and process to obtain a registration as an insurance intermediary in Belgium.
- As no two firms are alike, this information is limited to general information on the legal framework applicable to insurance intermediaries, and to guidance regarding the online registration process.
- The FSMA is open to meet all firms with an international business activity, that intend to register as insurance intermediaries in Belgium.
- However, the FSMA does not provide legal advice; we therefore recommend firms to seek specialised legal counsel for assistance with the application process, taking into account the particular circumstances of the firm concerned.
- You can contact us at tpc@fsma.be

The Belgian legal framework on insurance intermediation and distribution in a nutshell

The legal framework in a nutshell (1/5)

Does my firm need prior approval from the FSMA to pursue 'insurance intermediation activities'?

- Yes: insurance intermediation is a licensed activity: no activities may be carried out without a valid registration from the FSMA, and can be penalised by administrative and criminal sanctions.

How does Belgian law define 'insurance intermediation activities'?

- Registration is required by any person or firm wishing to take up *"any activity consisting in giving advice on insurance contracts, in presenting and proposing insurance contracts, or in executing other preparatory work for their conclusion or in concluding it, or in contributing to their management and execution"*.

Is there ongoing supervision following registration?

- Yes: once registered, firms must continue to meet all legal requirements in order to maintain their registration.

The legal framework in a nutshell (2/5)

Does my firm need to be established in Belgium?

- Yes: the firm's HQ must be located in Belgium and the firm must obtain a Belgian company number.

Is there one generic registration to apply for, or does my firm need to indicate a desired type of registration?

- Belgian law distinguishes 3 different categories for registration:
 - independent insurance broker
 - insurance agent - acting in name of one or more insurance undertakings
 - subagent (intermediary acting under full responsibility of another broker or agent)
- Each category has its own specificities (e.g. in terms of duties and responsibilities, and qualifications and experience requirements).
- A firm can only be registered in one category at a time.

The legal framework in a nutshell (3/5)

Does everyone within my firm need to demonstrate fitness and propriety?

- No: not all roles within the firm require passing a fitness and/or propriety test. An overview of the various roles can be found on slide 9.

Does everyone within my firm need to submit proof of qualifications and experience?

- No: not all roles require providing the FSMA with proof of qualifications and experience. This depends on the role. An overview can be found on slide 10.

Is professional indemnity insurance (PII) required to obtain registration?

- Yes: all firms must provide a valid certificate of PII upon registration:
 - Geographic cover for the entire EEA
 - Minimum cover per claim of EUR 1M (indexed)
 - Minimum cover per year of EUR 3M (indexed)

The legal framework in a nutshell (4/5)

Do insurance intermediaries need to comply with AML/TF laws?

- Yes: anti-money laundering and counter-terrorist financing (AML/TF) legislation applies to all non-exclusive intermediaries active in life insurance and must be respected.

Do insurance intermediaries need to comply with rules of conduct?

- Yes: Belgian rules of conduct must be respected.

Are there any minimum capital requirements for insurance intermediaries in Belgium?

- The various forms of limited liability companies in Belgium require general minimum capital requirements as imposed by Belgian company law.
- No specific additional minimum capital requirements are imposed on insurance intermediaries as part of registration requirements.

The legal framework in a nutshell (5/5)

Can my firm benefit from the European Passport once registered?

- Yes, the European Passport is available, intermediaries remain subject to FSMA supervision
- Prior notification to the FSMA is required.
- Additional local regulation may apply in some Member States.

Which other legal requirements must be complied with?

- Insurance intermediaries can only work with authorized insurers [whose authorization is the sole competence of the National Bank of Belgium (NBB)].
- Firms must adhere to a non-judicial complaints procedure
- Payment of an annual contribution to the FSMA's operating costs – amount is determined in function of the size of the mediation activities.
- All changes in your firm that have an impact on the information required by the FSMA must be communicated immediately to the FSMA.

The Belgian legal framework

Overview of the various roles within a firm

Role	Type of fit & proper assessment	Must demonstrate professional knowledge to FSMA?	Must provide documents during registration?*
Shareholder (SH)	fitness	n/a	Yes - Suitability questionnaire
Senior Manager (SM)	fitness and propriety	Yes	Yes - Suitability questionnaire - Police certificate - Proof of qualifications and experience
Responsible for the distribution (RD)	fitness and propriety	Yes	Yes - Suitability questionnaire - Police certificate - Proof of qualifications and experience
Responsible for AML/TF legislation	n/a	n/a	Yes - Questionnaire on the respect of AML/TF legislation
Client-facing staff (Person in Contact with the Public)	n/a	No	No

* All questionnaires can be downloaded from our website, mcc-info.fsma.be

The Belgian legal framework

Overview of professional knowledge requirements

Role	Type of diploma	Supplementary exams required?	Minimum practical experience
Responsible for the distribution (RD)	Master's degree	No	Broker: 2 yrs Agent: 1 yr
	Specialised Bachelor's degree in insurance	No	Broker: 1 yrs Agent: 6 mo.
	Secondary school (or higher other than the above)	Yes	Broker: 1 yrs Agent: 6 mo.
Senior Manager (SM)	Minimum secondary school allowing for access to higher education	No	No
Persons holding a client-facing position - other than RD (PCP)	Cf. RD above but supplementary exams at a lower level		No

Notes:

- Supplementary exams must be taken at an examination center recognized by the FSMA; non-Belgian exams cannot be accepted
- A separate exam on AML/TF-matters is required for insurance mediation in life insurance products
- Rules on recognition of higher education diplomas under the Bologna Declaration apply. Post-Brexit provided that no specific rules on diploma recognition is foreseen, supplementary exams will be required
- There is no minimum prior experience requirement for RDs of a subagent.

The registration process

Cabrio - the online FSMA application for all intermediaries

The registration process

Cabrio – the online FSMA application (1/3)

How do firms apply for registration? Are there any forms to fill out?

- No: the registration process is fully online in a secure application:
Cabrio – available at mcc-info.fsma.be
- Depending on the selected registration category, the firm's activities, and the various roles, certain documents must be uploaded to the system (e.g. diplomas, certificates, questionnaires, ...)

Is there a registration fee?

- Yes: a one-time EUR 658 processing fee (year 2018) is charged, to be paid at the end of the online registration process.
- After registration, an annual fee is due. This is an amount approximating EUR 600 à EUR 700 (depending on several variables).

What means of payment are accepted?

- Payment is done through a secure online payment solution.
- A Belgian debit card or an international credit card (Visa only) is required.

The registration process

Cabrio – the online FSMA application (2/3)

What is required before starting the registration process?

- Before starting the registration process, firms must prepare and have at hand:
 - The Belgian company number of the firm seeking to register
 - A professional e-mail address
 - A digital secure sign-on certificate to access the online application. The following are supported:
 - eID-card for Belgian nationals / eID-card for foreign nationals domiciled in Belgium
 - Isabel
 - Globalsign Personal 3

Note: when using an eID-card or Isabel-card, a suitable card reader must be connected and installed

 - All completed questionnaires and other documents for all persons and roles within the firm
 - Means of payment.

Is it possible to mandate someone else to register my firm?

- Yes, this is possible: the online system accepts granting power of attorney to a third-party (e.g. a Belgian solicitor or accountant) to register the firm.

The registration process

Cabrio – the online FSMA application (3/3)

What documents must be submitted during the registration process?

- For all persons in a role which requires fitness and/or propriety:
 - Their Belgian national registry number (or an equivalent national number)
 - A valid police certificate (not older than 3 months) (part of the « fit/proper » test)
 - Belgian residents can obtain this document at the municipal authorities of their residence
 - The completed suitability questionnaire(s)
- For all persons in a role for which proof of qualifications and experience is required:
 - Their Belgian national registry number (or an equivalent national number)
 - The completed suitability questionnaire(s)
 - The required diploma(s) and supplementary exams where applicable
- A valid PII certificate.
- Proof that the person registering the firm is entitled to represent the firm (model/template available on FSMA website).

Do you have another question?

For any specific questions and meeting requests:

TPC@fsma.be

We also have more than 300 FAQs available on mcc-info.fsma.be
(Dutch and French only)

All references to legal provisions are applicable in April 2018 and may be subject to changes, including those resulting from the implementation of the IDD.

Only the Dutch and French versions of the legal provisions have the force of law. Any English translation provided is for information purposes only.