



Room document

Insurance and E-Commerce

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Update of the Technical Working group of the Insurance Committee on Insurance and e-commerce

The working group was established by decision of the Insurance Committee Meeting on 27-28 November 2001. Its objective is to identify issues raised by e-commerce insurance in order to achieve a fully functioning internal market for insurance services and to ensure further convergence between insurance and e-commerce legislation.

The E-commerce Directive (Art. 3) provides for the non application of the “internal market clause” (*i.e. ‘the country of origin regime’*) to e-commerce insurance business. This derogation covers insurance activities but not the activities of insurance intermediaries. The ultimate aim is the removal of the current derogation for insurance so that insurance is fully aligned with other financial sectors, thus facilitating cross-border e-commerce in insurance whilst ensuring proper consumer protection.

A first meeting of the working group was held on 26th February 2002. It was devoted to a general discussion on the basis of IC document MARKT/2049/01. A first analysis of the different issues identified in the IC document was made, covering *inter alia*: conditions for the conduct of e-commerce insurance business on a cross-border basis (notification procedures, premium taxes, claims representative, etc), advertising, pre-contractual information to customers, contractual issues and law applicable to e-insurance contracts, insurance intermediaries and e-commerce.

It was also decided to conduct a more detailed analysis for the following aspects: advertising, pre-contractual information, contractual and contractual issues and law applicable. A questionnaire drawn up by the Commission’s services on these issues was sent out to Member States.

A second meeting of the working group is scheduled for the 2nd December 2002. The working group will examine a discussion working paper prepared by the Commission services (MARKT/2522/02-Rev. 1). The document has been prepared in the light of the Member States replies to the questionnaire. The document presents concrete initiatives to be undertaken in particular sectors (pre-contractual information, contract law and law applicable to insurance contracts) in order to achieve the objective of ensuring further convergence between insurance and e-commerce legislation.

The sub-committee will report back to the IC as soon as it has finished its work – probably towards the end of 2003 or beginning 2004.