

Germany

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For insurance undertakings

General good provisions regulating insurance distribution in addition to those set out in the Insurance Distribution Directive (Article 11(2))

Information requirements and conduct of business rules

IDD Article	Specific national legislative provision(s)	FoS	FoE
Article 17: General principle			
Article 18: General information provided by the insurance intermediary or insurance undertaking			
Article 19: Conflicts of interest and transparency			

Article 20: Advice, and standards for sales where no advice is given			
Article 21: Information provided by ancillary insurance intermediaries			
Article 22: Information exemptions and flexibility clause			
Article 23: Information conditions			
Article 24: Cross-selling	Section 7a para. 5 of the Insurance Contract Act (Versicherungsvertragsgesetz – VVG) Insurers may only conclude a residual debt insurance contract that relates to a general consumer loan agreement if the policyholder declares their acceptance of the contract no earlier than one week following conclusion of the general consumer loan agreement. If the insurer breaches this obligation, the residual debt insurance contract will be deemed invalid. The policyholder of a group insurance contract for residual debt insurance is subject to the obligations of an insurer vis-à-vis the insured person. The insured person has the rights of a policyholder, in particular the right of revocation.	X	X
Article 25: Product oversight and governance requirements			

Additional requirements in relation to insurance-based investment products			
IDD Article	Specific national legislative provision(s)	FoS	FoE
Article 26: Scope of additional requirements			
Article 27: Prevention of conflicts of interest			
Article 28: Conflicts of interest			
Article 29: Information to customers	Regulation on Information Obligations for Insurance Contracts (Verordnung über Informationspflichten bei Versicherungsverträgen (VVG-Informationspflichtenverordnung - VVG-InfoV) It is a whole, independent regulation that includes additional provisions on information obligations for life insurers.	X	X
Article 30: Assessment of suitability and appropriateness and reporting to customers			

Scope, registration and organisational requirements			
IDD Article	Specific national legislative provision(s)	FoS	FoE
Article 1: Scope			
Article 2: Definitions			
Article 3: Registration			
Article 10: Professional and organisational requirements			
Article 14: Complaints			
Other themes			
IDD Article	Specific national legislative provision(s)	FoS	FoE
Not applicable	Section 48b German Insurance Supervision Act (Versicherungsaufsichtsgesetz -VAG) Insurance undertakings and insurance intermediaries within the meaning of section 59 (1) of the Insurance Contract Act are prohibited from granting or promising special allowances to policyholders, insureds or beneficiaries under an insurance contract.	X	X
Not applicable	Section 48c German Insurance Supervision Act (Versicherungsaufsichtsgesetz -VAG) As soon as the insurance advisor informs the insurance undertaking that he has concluded a contract to the policyholder with insurance benefits that do not mean a benefit to the insurance	X	X

	contract (gross rate), the insurance undertaking is obliged to transfer the benefit to the policyholder without delay.		
Not applicable			
General good provisions referred to in Article 180 of Solvency II			
Solvency II Article	Specific national legislative provision(s)	FoS	FoE
Not applicable	<p>BaFin continuously informs the supervisory authorities of the other EU/EEA member states of such legal provisions that insurance companies domiciled in these states have to follow if carrying out business activities through a branch or by the provision of services (business activity pursuant to Section 61 (1) VAG) and the compliance with which is monitored by BaFin in the exercise of supervision, with the exception of financial supervision. You can find these General Good provisions here:</p> <p>https://www.bafin.de/SharedDocs/Veroeffentlichungen/DE/Merkblatt/VA/mb_110308_zulassung_eu_liste_vorschriftenallgemeininteresse_va.html;jsessionid=8B28CA467F5796B199EEC5C6BD331CB2.2_cid361</p>		
Other general good provisions (not related to IDD and Solvency II), such as money-laundering and taxation provisions, which are relevant for insurance distributors doing cross-border business			

Underlying Article from EU legislation, if applicable	Specific national legislative provision(s) and or links to the relevant websites of the Ministries where further information on the rules can be found	FoS	FoE
	<p>BaFin continuously informs the supervisory authorities of the other EU/EEA member states of such legal provisions that insurance companies domiciled in these states have to follow if carrying out business activities through a branch or by the provision of services (business activity pursuant to Section 61 (1) VAG) and the compliance with which is monitored by BaFin in the exercise of supervision, with the exception of financial supervision. You can find these General Good provisions here:</p> <p>https://www.bafin.de/SharedDocs/Veroeffentlichungen/DE/Merkblatt/VA/mb_110308_zulassung_eu_liste_vorschriftenallgemeininteresse_va.html;jsessionid=8B28CA467F5796B199EEC5C6BD331CB2.2_cid361</p>		

For insurance intermediaries

General good provisions regulating insurance distribution in addition to those set out in the Insurance Distribution Directive (Article 11(2))

Information requirements and conduct of business rules

IDD Article	Specific national legislative provision(s)	FoS	FoE
Article 17: General principle			
Article 18: General information provided by the insurance intermediary or insurance undertaking			
Article 19: Conflicts of interest and transparency			
Article 20: Advice, and standards for sales where no advice is given			
Article 21: Information provided by ancillary insurance intermediaries			
Article 22: Information exemptions and flexibility clause			

Article 23: Information conditions			
Article 24: Cross-selling			
Article 25: Product oversight and governance requirements			
Additional requirements in relation to insurance-based investment products			
IDD Article	Specific national legislative provision(s)	FoS	FoE
Article 26: Scope of additional requirements			
Article 27: Prevention of conflicts of interest			
Article 28: Conflicts of interest			
Article 29: Information to customers			
Article 30: Assessment of suitability and appropriateness and reporting to customers			

Scope, registration and organisational requirements			
IDD Article	Specific national legislative provision(s)	FoS	FoE
Article 1: Scope			
Article 2: Definitions			
Article 3: Registration			
Article 10: Professional and organisational requirements			
Article 14: Complaints			
Other themes			
IDD Article	Specific national legislative provision(s)	FoS	FoE
Not applicable	<p>Section 34d para. 1 (6,7) German Trade Regulation (Gewerbeordnung –GewO) together with Section 48b German Insurance Supervision Act (Versicherungsaufsichtsgesetz -VAG)</p> <p>Insurance undertakings and insurance intermediaries within the meaning of section 59 (1) of the Insurance Contract Act are prohibited from granting or promising special allowances to policyholders, insureds or beneficiaries under an insurance contract.</p>	x	x

Not applicable	Section 34d para. 2 (6) German Trade Regulation (Gewerbeordnung –GewO) together with Section 48c German Insurance Supervision Act (Versicherungsaufsichtsgesetz - VAG) As soon as the insurance advisor informs the insurance undertaking that he has concluded a contract to the policyholder with insurance benefits that do not mean a benefit to the insurance contract (gross rate), the insurance undertaking is obliged to transfer the benefit to the policyholder without delay	x	x
General good provisions referred to in Article 180 of Solvency II			
Solvency II Article	Specific national legislative provision(s)	FoS	FoE
...	https://www.vermittlerregister.info/vorschriften-des-allgemeininteresses		
Other general good provisions (not related to IDD and Solvency II), such as money-laundering and taxation provisions, which are relevant for insurance distributors doing cross-border business			
Underlying Article from EU legislation, if applicable	Specific national legislative provision(s) and or links to the relevant websites of the Ministries where further information on the rules can be found	FoS	FoE
	https://www.vermittlerregister.info/vorschriften-des-allgemeininteresses		