Italy

Disclaimer:

The information listed in this document has been gathered and categorised by EIOPA. It includes the general good provisions regulating insurance distribution in addition to those set out in the Insurance Distribution Directive (Article 11(2)) and those referred to in Article 180 of Solvency II. It may also include information on 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. It is:

- of a general nature only and is not intended to address the specific circumstances of any particular individual or entity;
- not necessarily comprehensive, complete or up to date;
- sometimes linked to external sites over which EIOPA/NCAs have no control and for which EIOPA/NCAs assume no responsibility;
- not professional or legal advice (if you need specific advice, you should always consult a suitably qualified professional);
- to be read in conjunction with and does not override the information referred to on the national websites

EIOPA/NCAs accept no responsibility or liability with regard to the information published hereino. This information available should be checked against the relevant national website(s). Only the officially published sources of General Good provisions in the respective countries are deemed authentic.

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 Artic	cle		Specific national legislative provision(s)	FoS	FoE
			("Insurance Code" stands for "Legislative Decree no. 209 of 7 September 2005")		
Article	17:	General	Art. 119, par. 2 (Duties and liabilities to policyholders), Insurance Code	Х	Х
principle			Art. 119-bis, par. 3 and 8 (Rules of conduct and conflict of interests), Insurance Code	Х	X
			Art. 182, par. 1 and 2 (Advertising of insurance products), Insurance Code	Х	Х
			Art. 41, par. 1, (Arrangements for the pursuit of business by the undertaking), IVASS Regulation no. 40/2018	Х	X

	Note: Only with regard to the obligation to give information to IVASS on the name of the responsible for the distribution activity.		
	Art. 43, par. 4 to 8 (Obligations to give information), IVASS Regulation no.40/2018	X	X
	Note: Obligation for insurance undertakings to inform IVASS on the assignment of distribution mandates	^	^
	Art. 49 (Marketing of supplementary pension plans), IVASS Regulation no. 40/2018	Χ	Х
	Art. 50 (Multilevel marketing networks), IVASS Regulation no. 40/2018	Χ	Х
	Art. 54 (General rules of conduct), IVASS Regulation no. 40/2018	Χ	Х
	Art. 62 (Use of the advanced electronic signature, the qualified electronic signature and the digital signature), IVASS Regulation no. 40/2018	Х	X
	Art. 66 (Collective contracts), IVASS Regulation no. 40/2018	Χ	X
	Note: Special provisions applicable to the collective contracts in which the underwriting subject bear all or part of the payment of premiums		
Article 18: General	Art. 120, par. 3 (<i>Pre-contractual information</i>), Insurance Code	Х	Х
information provided by the insurance intermediary or	Art. 56, par. 1, 2 lett. b) and c), 3, 4, 5 and 7 (<i>Pre-contractual information</i>), IVASS Regulation	Χ	Х
insurance undertaking	no. 40/2018	Χ	Х
	Art. 60 (Documents to be provided to policyholders), IVASS Regulation no. 40/2018		

Article 19: Conflicts of interest and transparency	Art. 119-bis, par. 6 and 7 (Rules of conduct and conflicts of interest), Insurance Code Note: The provision enlarge the scope of the conflicts of interest rules envisaged for IBIPs by Directive (EU) No. 2016/97 (IDD) to each insurance product, under option envisaged by art. 22, par. 2, sub-par. 1.	X	X
	Art. 55 (Conflict of interests), IVASS Regulation no. 40/2018	Х	Х
	Article 22, par. 12, Decree Law 18 October 2012, no. 179, converted with amendments by Law 17 December 2012, no. 221, as subsequently amended and supplemented (Voidness of contractual clauses in case of breach of the rules governing the "horizontal collaboration" between intermediaries).	X	х
Article 20: Advice, and	Art. 120, par. 3 (Pre-contractual information), Insurance Code	Х	Х
standards for sales where no advice is given	Art. 185 (Information documents), Insurance Code	Х	x
	Art. 185-ter (Pre-contractual life assurance product information document), Insurance Code	Χ	Х
	IVASS Regulation no. 41/2018 (For MTPL the whole regulation shall apply, while for life and non-life other than MTPL the whole regulation shall apply with the exception of articles 42, 43, 44,45 and 46)	Х	Х
	Art. 58, par. from 1 to 4 (Assessment of the policyholder's demands and needs), IVASS Regulation no. 40/2018	X	Х
Article 21: Information provided by ancillary insurance intermediaries			

Article 22: Information exemptions and flexibility clause			
Article 23: Information	Art. 121 (<i>Pre-contractual information in case of distance selling</i>), Insurance Code	Х	Х
conditions	Art. 61 (Information arrangements), IVASS Regulation no. 40/2018	Х	Х
	Part III - Chapter III (<i>Promotion and distance marketing of insurance contracts</i>), IVASS Regulation no. 40/2018, except for art. 69, 70, 74, par. 3, 79, 80 and 83, par. 1, lett. d- <i>bis</i>), d- <i>ter</i>), par. 2- <i>bis</i>) and 2- <i>ter</i>).	Х	X
Article 24: Cross-selling			
Article 25: Product oversight and governance requirements	Art. 10 (Information flows) and 11 (Distribution arrangements), IVASS Regulation no. 45/2020 Note: The prohibition for distribution to customers belonging to the negative target market envisaged by Article 11 of IVASS Regulation no. 45/2020 applies only if the manufacturer, licensed to pursue business Italy, identified groups of customers for whose needs, characteristics and objectives the insurance product is not compatible pursuant to Article 5, par. 2, of Regulation (EU) no. 2358/2017.	X	X
Additional requirements i	n 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	Art. 55 (Conflict of interests), IVASS Regulation no. 40/2018	Х	Х
Article 29: Information to	Information requirements:		
customers	Art. 68-ter (Pre-contractual information), IVASS Regulation no. 40/2018	Χ	x
	Art. 68-quater (Requirements of the information provided on the product), IVASS Regulation no. 40/2018	X X	X
	Art. 68-quinquies (Marketing communications), IVASS Regulation no. 40/2018	^	^
	Inducements:		
	Art. 121-septies, par. 2, second sentence, (Assessment of suitability and appropriateness of the insurance product and reporting to customers), Insurance Code	X	х
	Note: Italy exercised the option stated by art. 29, par. 3, IDD which allows Member States to additionally prohibit or further restrict the offer or acceptance of fees, commissions or non-monetary benefits from third parties in relation to the provision of insurance advice.		
	Art. 68-sexies (General guidelines on inducements), IVASS Regulation no. 40/2018	Χ	X
	Art. 68-septies, par. 1, 2, 3, and 4 (Requirements concerning the admissibility of inducements), IVASS Regulation no. 40/2018	X	Х
	Note: Italy exercised the option stated by art. 29, par. 3, IDD through art. 121-sexies, par. 5, of Insurance Code which gave IVASS the power to adopt regulation on inducements in accordance with the regulations introduced in this field by Directive 2014/65/EU and in accordance with directly applicable EU rules.		

	Mandatory advice:		
	Art. 68-duodecies (Mandatory advice), IVASS Regulation no. 40/2018		
	Note: Italy exercised the option stated by art. 29, par. 3, IDD through art. 121-septies, par. 1, of Insurance Code which gave IVASS the power to determine by regulation the cases where insurance undertakings are required to provide advice for the distribution of IBIPs.	X	X
Article 30: Assessment of		X	Х
suitability and appropriateness and	Art. CO	х	Х
reporting to customers	Note: Italy has not exercised the "execution-only" option stated by art. 30, par. 3, IDD. Therefore, also where no advice is given on IBIPs, undertakings are not allowed to carry out insurance distribution activities within the territory of the Italian Republic without obtaining the information or making the determination provided for in par. 2 of art. 30, IDD.		
Scope, registration and o	rganisational requirements		
IDD Article	Specific national legislative provision(s)	FoS	FoE
Article 1: Scope	Art. 3 par. 2 and 3, (Scope), IVASS Regulation no. 40/2018	Х	Х
Article 2: Definitions			

	Note: the above-mentioned general good rule does not require additional registration requirements for EU distributors but rather the obligation to have "e-signature" for the notifications to IVASS in order to allow a proper management of the Italian Register/Enclosed List of EU intermediaries licensed to pursuit business in Italy.		
Article 10: Professional and organisational requirements	Art. 46 (Policies for the organisation, management and control of distribution), IVASS Regulation no. 40/2018 Note: The scope of art. 46 will be defined following the issuing by IVASS of the implementing Order referred to in par. 5 of the same article	Х	×
	Art. 87 (Subjects who provide the training and the update), IVASS Regulation no. 40/2018	X	X
Article 14: Complaints	ISVAP Regulation no. 24/2008	X	х
Other themes			
IDD Article	Specific national legislative provision(s)	FoS	FoE
Art. 35: Reporting of breaches	Art. 10-quater (Internal systems for the reporting of breaches), Insurance Code		Х

	Art. 10-quinquies (Procedure for reporting breaches), Insurance Code		Х	
General good provisions referred to in Article 180 of Solvency II				
Solvency II Article	Specific national legislative provision(s)	FoS	Fol	
Art. 180	Legislative Decree no. 209/05 - Insurance Code:			
	Art. 2, par. 1 (Classes of assurance)	Х	Х	
	Art. 12 (Prohibited operations); ISVAP Regulation no. 29/2009: art. 4, art. 6, art. 9, art. 10, art. 12, par. 2, art. 14, par. 1; ISVAP Circular n. 162 of 24 October 1991	X X	X	
	Art. 122, par. 1 and 3 (Motor vehicles) - Art. 3 Ministerial Decree 1 April 2008 no. 86	X	\ \ \ \ \	
	Art. 123, par. 1 (Craft) - Art. 4 Ministerial Decree 1 April 2008 no. 86	X) 	
	Art. 127 (Insurance certificate and sticker) - ISVAP Regulation no. 13/2008	X	, ,	
	Art. 128, par. 1, lett. b-bis) (Minimum amount of cover)	X) ×	
	Art. 131, par. 1 e 2 (Premium and contract term disclosure) - ISVAP Regulation no. 23/2008	X	×	
	Art. 132, par. 1, 1-bis, 1-ter and 2 (Obligation to insure) – IVASS Regulations no. 51/2022: Art. 3, par. 2 and 3; art. 5, par. 2 and 3; art. 7, 8 and 9; art. 12, par. 2, 3, 6; art. 13, par. 1 and 5;	х	×	
	artt.14 and 18 (Provisions concerning the creation of an online price comparison tool called "Preventivass" between insurance undertakings carrying on motor insurance activity in Italy)	Х	X	
	Art. 132-ter (Compulsory discounts) - IVASS Regulation no. 37/2018	Х	×	
	Art. 133, par. 1 (Insurance rates)	Х	>	
	Art. 134 (Certificate of claims experience) – IVASS Regulation no. 9/2015	Х	X	

Art. 135 (Claims data - base, register of witnesses data base injured parties data -base) - IVASS Regulation no. 23/2016	Х	Х
	Х	X
Art. 137 (Pecuniary damage)	X	X
Art. 138 (Biological damage for serious injuries)	X	X
Art. 139 (Biological damage for minor injuries) - Ministerial Decree 3 July 2003	X	X
Art. 140,par. 1 and 2 (Cases where there is more than one injured party and the amounts of cover are exceeded)		×
Art. 141 (Compensation for passengers)	X	X
Art. 142 (Right to subrogation of the social insurer)	X	X
Art. 146 (Right of access to documents) - Ministerial Decree n. 191 of 29 October 2008	X	X
Art. 148 (Compensation proceedings)	X	X
Art. 149 (Direct compensation)	X	X
Art. 150 (Rules on direct compensation)	Х	X
Art. 154, par. 1, 4 and 5 (Italian Information Centre) – Article 3 and 4, ISVAP Regulation no.	Х	X
3/2006	Х	X
Art. 156 (Loss adjusters) - ISVAP Regulation n. 11/2008 (articles 3 and 4)	Х	X
Art. 157 (List of loss adjusters) - ISVAP Regulation n. 11/2008 (articles 3 and 4)	Х	X
Art. 165 (Link with the provisions of the civil code)	Х	X
Art. 166 (Criteria for drawing up contracts)	Х	X
Art. 167 (Voidness of contracts concluded with unauthorised undertakings)	Х	X
Art. 168 (Effects of portfolio transfers, mergers and divisions)	Х	X
	<u> </u>	

Art. 170 (Prohibition of tie-in sales)	Х	Х
Art. 170-bis (Lifetime of the contract)	X	Х
Art. 171 (Transfer of ownership of the vehicle or craft) – Art. 10 Ministerial Decree n. 86 of 1 April 2008	X	Х
Art. 172 (Right of withdrawal)	X	X
Art. 176 (Withdrawal of the proposal)	X	X
Art. 177 (Right of withdrawal)	x	X
Art. 179 (Capital redemption operations - Concept)	X	х
Art. 180 (Non-life insurance contracts)	x	X
Art. 181 (Life assurance contracts)	X	X
Art. 183 (Rules of conduct) - ISVAP Regulation no. 24/2008		
Points 2, 3, 4, 5, ISVAP Circular n. 403/D of 16 March 2000 (Regulates certain aspects of the claims settlement)	X	х
Articles 4, 5, 6 and 14, ISVAP Regulation no. 32/2009 (Rules governing the policies whose benefits are directly linked to a share index or another reference value referred to under article 41 (2) of the Insurance Code)	X	Х
Law-decree 18 October 2012 no. 179 converted by the law 17 December 2012, no. 221 as amended by the law 4 August 2017, no. 124:	X	х
Art. 22, par. 4, 5 and 6 (Basic contractual provisions in the motor liability insurance contract)	X	х
Implemented by Decrees of Ministry of Economic Development on 11 March 2020 and 4 January 2021	×	х

Civil Code:	Х	X	
Art. 1184 (Deadline) – when the deadline for fulfilling obligations is in favour of consumer/debtor	Х	X	l
Art. 1337 (Obligation of good faith before the conclusion of the contract)	Х	Х	Ì
Articles 1341-1342 (Unfair contract terms)	х	X	
Articles 1343-1344-1345 (Illegal cause or reason)	х	X	İ
Art. 1346 (Object of the contract)	х	Χ	İ
Art. 1375 (Performance in good faith)	Х	Χ	İ
Art. 1418 (Reasons for declaring the contract void)	Х	X	i
Art. 1419 (Partial voidness)	Х	Χ	İ
Art. 1420 (Voidness of the plurilateral contract)	Х	Χ	l
Art. 1425 (Parties' inability)	Х	Χ	İ
Art. 1427 (Mistake, violence and fraud)	Х	Х	İ
Art. 1469-bis (Consumer contracts)		Χ	İ
Art. 1882 (Definition of the Insurance Contract)	Х		1
Art. 1895 (Non-existence of the risk)	Х	Х	1
Art. 1899 (Period of policy)		Χ	1
Art. 1900, par. 3 (Accidents resulting from the rescue of a person in danger or the protection of			İ
common interests with the insurer)	Х		İ
Art. 1932 (Mandatory requirements)	Х	Χ	

Art. 2952 (Period of limitation in the (re)insurance sector)	Χ	Х
	Χ	Х
Navigation Code:		
Art. 514 (Reputed risk with respect to ship navigation)		Х
Art. 522, par. 2 (Risk increase with respect to ship navigation)		Х
Art. 1021 (Reputed risk and risk increase with respect to air navigation)		Х
		Х
Other Solvency II related provisions of Legislative Decree no. 209/05 - Insurance Code:	X	
Art. 190-bis (Statistical information) – IVASS Regulation no. 36/2017 – IVASS Regulation no. 50/2022, articles 4 and 5 (Communication to IVASS of data and information on non-life premiums collected by undertakings through individual intermediaries and through management activities)	^	Х
Art. 198, par. 6 (Transfer of the portfolio of Italian insurance undertakings)		Х
Art. 201, par.5 (Merger and division of insurance undertakings)		Х
Art. 202, par. 2 (Merger and division of reinsurance undertakings)		Х

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

, ,	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	
аррисавіе	For the official text of the national legislative provisions listed below, please visit <u>Normattiva</u> (https://www.normattiva.it/?language=en)			

Insurance Code:		
Art. 285, par. 3 and 4 (National guarantee fund)	Х	X
Art. 303 (Guarantee fund for hunting victims) - ISVAP Order n. 2643 of 22 October 2008	Х	x
Art. 334 (Contribution on motor liability insurance premiums)	Х	x
Art. 335, par. 1 lett. <i>e-bis</i>), par. 2, second sentence, par. 3, 4 and 5 (<i>Insurance and reinsurance undertakings</i>), <i>Insurance Code</i>	X	Х
Legislative Decree no. 206/05 - Consumer Code:	X	х
Art. 2 (Consumers' rights)	Х	X
Part III Title I, Articles 33-38 (Consumer contracts in general)	Х	X
Art. 143 (Non-waiver of consumers' rights)		
Law 8 March 2017 no 24 (Medical malpractice law):	X	х
Articles 10-11 (Compulsory insurance)	Х	X
Art. 14 (National guarantee Fund)		
Law no. 244/07 (Financial law 2008):		
Art. 3, par. 59 (Prohibition to insure the tax and accounting liability of the State's and the public bodies' administrators resulting from their institutional tasks)	Х	х

	Law 1216/1961 (Tax insurance on premiums):		
,	Articles 1, 1-bis and 4-bis	Χ	Х
ļ	Presidential Decree no. 116 of 22 June 2007		
,	Art. 2, par. 1, lett. c), Art. 3, par. 1-bis and 1-quater (Dormant life policies)	Χ	X
1	Measures in favor of populations affected by the earthquake:		
1	Decree Law 17 October 2016, no. 189 converted with amendments by Law of 15 December 2016, no. 229 - Art. 48, par. 2 (Urgent measures in favor of populations affected by the earthquake in 2016)	X	×
2	Decree Law 30 December 2016, no. 244 converted with amendments by Law of 27 February 2017, no. 19 - Art. 14, par.2 (Temporary suspension of the payment of premiums in the area affected by earthquake in 2016)	X	X
ı	Decree Law 16 October 2017, no. 148 converted with amendments by Law 4 December 2017, no. 45 - Art. 2-bis, par. 24 and 25 (Prorogation of temporary suspension of the payment of premiums it the area affected by earthquake 2016- 2017)	X	×
	Decree Law 29 May 2018, no. 55 converted with amendments by Law 24 July 2018, no. 89 - Art. 1, par 6 and 6-bis (Prorogation and exemption from the payment of insurance premiums)	Х	X
-	Decree Law 25 July 2018, no. 91 converted with amendments by Law 21 September 2018, no. 108 - Art. 9, par 2-quinquies and 2-sexies (Prorogation of deadlines in legislative provisions concerning territories affected by earthquakes)	X	X
ı	Decree law 28 September 2018, n. 109 converted with amendments by Law 16 November 2018, n. 130 – Art. 17, par. 1 (Urgent provisions for Genova, security of the national net of	X	X
	infrastructures and transportation, seismic events of 2016 and 2017, the employment and other emergencies).	Х	×
			1

Decree Law 24 October 2019, no. 123 converted with amendments by Law 12 December 2019, no. 156 - Art. 8, par. 1-ter and 3 (Urgent provisions for completion of ongoing reconstructions in the territories affected by earthquakes)	Х	X
Decree Law 31 December 2020, n. 183 converted with amendments by Law 26 February 2021, n. 21 - Art. 17-quater (Prorogation of deadlines in legislative provisions concerning territories affected by earthquakes)	Х	X
IVASS Order no. 56/2017 (Temporary suspension of the payment of premiums in the area affected by earthquake in 2016)	х	X
IVASS Order no. 69/2018 (Temporary suspension of the payment of premiums in the area affected by earthquake in 2016- 2017 Methods of payments by instalments)		
IVASS Order no. 83/2019 (Temporary suspension of the payment of premiums in the area affected by earthquake in 2016- 2017 and exception for some damaged with inagible properties ubicated in a "red zone")	X	X
IVASS Order no. 94/2019 (Further postponement of temporary suspension of the payment of premiums envisaged by IVASS order no. 83/2019)	Х	X
Anti-money laundering:		
ISVAP Regulation no. 41/2012 (Regulates undertakings' organisation procedures so as to take into account the peculiarities of anti-money laundering) - Repealed since 1 May 2019 by IVASS Regulation 44/2019, but still applicable to ongoing relationships in force at that date.		X
IVASS Regulation no. 5/2014 (<i>Regulates compliance with adequate customer verification and registration</i>) – Repealed since 1 May 2019 by IVASS Regulation 44/2019, but still applicable to ongoing relationships in force at that date.		X
IVASS Regulation no. 44/2019 (Regulates undertakings' organisation so as to take into account the peculiarities of anti-money laundering)	Х	X

ISVAP Regulation no. 44/2012 (Drafting of the report template on the fight against fraud)	Х	Х
Antitrust Authority:		
Measure no. 17589 on 15 November 2007 (Regulation on the procedures for investigating unfair commercial practices)	X	Х
Measure no. 17590 on 15 November 2007 (Regulation on the procedures for investigating misleading and unlawful comparative advertising)	x	Х

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 Artic	cle		Specific national legislative provision(s)	FoS	FoE
Article	17:	General	Art. 119, par. 2 (Duties and liabilities to policyholders), Insurance Code	Х	Х
principle			Art. 47 (Distribution requirements), IVASS Regulation no. 40/2018	Х	х
			Art. 119-bis, par. 3 and 8, (Rules of conduct and conflict of interests), Insurance Code	Х	х
			Art. 182, par. 1 and 2 (Advertising of insurance products), Insurance Code	Х	х
			Art. 39 (Provisions applicable to intermediaries registered in the enclosed List), IVASS Regulation no. 40/2018		Х
			Art. 49 (Marketing of supplementary pension plans), IVASS Regulation no. 40/2018	X	X
			Art. 50 (Multilevel marketing networks), IVASS Regulation no. 40/2018	X	X
			Art. 54 (General rules of conduct), IVASS Regulation no. 40/2018 Art. 62 (Use of the advanced electronic signature, the qualified electronic signature and the digital signature), IVASS Regulation no. 40/2018	x x	x x
Article	18:	General	Art. 120, par. 3 (Pre-contractual information), Insurance Code	Х	Х
information insurance	•	ded by the ediary or	Art. 132-bis (Obligations on intermediaries to provide information), Insurance Code	Х	х
insurance	underta	iking	Art. 56, par. from 1 to 7 (Pre-contractual information), IVASS Regulation no. 40/2018	X	X

	Art. 60 (Documents to be provided to policyholders), IVASS Regulation no. 40/2018	Χ	X
	Art. 66 (Collective contracts), IVASS Regulation no. 40/2018	X	Х
Article 19: Conflicts of interest and transparency	Art. 119-bis, par. 6 and 7 (Rules of conduct and conflicts of interest), Insurance Code: Note: The provisions enlarge the scope of the conflicts of interest rules envisaged for IBIPs by Directive (EU) No. 2016/97 (IDD) to each insurance product, under option envisaged by art. 22, par. 2, sub-par. 1.	Х	Х
	Art. 55 (Conflict of interests), IVASS Regulation no. 40/2018	Χ	X
	Art. 131, par 2-bis and 2-ter, (Motor liability premium and contract term disclosure), Insurance Code	X	Х
	Art. 28, par. 3-bis (Insurance covers linked to the provision of real estate loans and to credit agreements for consumers), Decree Law 24 January 2012, no. 1, converted with amendments	X	X
	by Law 24 March 2012, no. 27	Χ	X
	Art. 57 (Information on remunerations), IVASS Regulation no. 40/2018		
	Art. 9 (Intermediaries' duty to provide information), ISVAP Regulation no. 23/2008	Χ	X
	Articles 22, par. 10, 11 and 12, Decree Law 18 October 2012, no. 179, converted with amendments by Law 17 December 2012, no. 221, as subsequently amended and supplemented (Rules governing the "horizontal collaboration" between intermediaries)	X	X
	Art. 42, par. 1, 2, 3, 4, 4-bis and 5 (Arrangements for the pursuit of business by intermediaries), IVASS Regulation no. 40/2018	X	Х
Article 20: Advice, and	Art. 120, par. 3 (<i>Pre-contractual information</i>), Insurance Code	Х	Х
standards for sales where no advice is given	Art. 185 (Information documents), Insurance Code	X	x

	Art. 185-ter (Pre-contractual life assurance product information document), Insurance Code	Х	Х
	Note: The above-mentioned articles have been implemented by IVASS Regulation no. 41/2018		
	Articles 58, par. from 1 to 4 and par. 7 (Assessment of the policyholder's demands and needs), IVASS Regulation no. 40/2018	X	X
Article 21: Information provided by ancillary insurance intermediaries			
Article 22: Information exemptions and flexibility clause			
Article 23: Information	Art. 61 (Information arrangements), IVASS Regulation no. 40/2018	Х	Х
conditions	Art. 121 (Pre-contractual information in case of distance selling), Insurance Code	Χ	Х
	Part III - Chapter III <i>(Promotion and distance marketing of insurance contracts)</i> , except for art. 69, 70, and 83, par. 1, lett. d- <i>bis</i>), d- <i>ter</i>), par. 2- <i>bis</i>) and 2- <i>ter</i>), IVASS Regulation no. 40/2018	X	х
Article 24: Cross-selling	Decree Law 24 January 2012, no. 1, converted with amendments by Law 24 March 2012, no. 27		
	Art. 28, par. 1 and 2-bis (Insurance covers linked to the provisions of real estate loans and to credit agreements for consumers)	X	X

Article 25: Product oversight and governance requirements	Article 10 (Information flows) and Chapter III (Insurance product oversight and governance requirements for distributors), IVASS Regulation no. 45/2020 Note: The prohibition for distribution to customers belonging to the negative target market envisaged by Article 11 of IVASS Regulation no. 45/2020 applies only if the manufacturer, licensed to pursue business Italy, identified groups of customers for whose needs, characteristics and objectives the insurance product is not compatible.	X	X
Additional requirements	n 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	Art. 55 (Conflict of interests), IVASS Regulation no. 40/2018	Х	Х
Article 29: Information to	Information requirements:		
customers	Art. 68-ter (Pre-contractual information), IVASS Regulation no. 40/2018	Х	X
	Art. 68-quater (Requirements of the information provided on the product), IVASS Regulation no. 40/2018	Х	Х
	Art. 68-quinquies (Marketing communications), IVASS Regulation no. 40/2018 Inducements:	X	X

	Art. 121-septies, par. 2, second sentence, (Assessment of suitability and appropriateness of the insurance product and reporting to customers), Insurance Code Note: Italy exercised the option stated by art. 29, par. 3, IDD which allows Member States to additionally prohibit or further restrict the offer or acceptance of fees, commissions or non-monetary benefits from third parties in relation to the provision of insurance advice.	X	X
	Art. 68-sexies (General guidelines on inducements), IVASS Regulation no. 40/2018 Art. 68-septies (Requirements concerning the admissibility of inducements), IVASS Regulation no. 40/2018 Art. 68-octies (Inducements in respect of insurance distribution through independent advice), IVASS Regulation no. 40/2018 Note: Italy exercised the option stated by art. 29, par. 3, IDD through art. 121-sexies, par. 5, of Insurance Code which gave IVASS the power to adopt regulation on inducements in accordance with the regulations introduced in this field by Directive 2014/65/EU and in accordance with directly applicable EU rules. Mandatory advice: Art. 68-duodecies (Mandatory advice), IVASS Regulation no. 40/2018 Note: Italy exercised the option stated by art. 29, par. 3, IDD through art. 121-septies, par. 1, of Insurance Code which gave IVASS the power to determine by regulation the cases where insurance intermediaries are required to provide advice for the distribution of IBIPs.	x x x	X X X
Article 30: Assessment of suitability and appropriateness and	Art. 121-septies, par. 4, 6 and 7 (Assessment of appropriateness), Insurance Code Art. 68-undecies (Assessment of appropriateness), IVASS Regulation no. 40/2018	X X	X X
reporting to customers	Note: Italy has not exercised the "execution-only" option stated by art. 30, par. 3, IDD. Therefore, also where no advice is given on IBIPs, intermediaries are not allowed to carry out		

	insurance distribution activities within the territory of the Italian Republic without obtaining the information or making the determination provided for in par. 2 of art. 30, IDD.		
Scope, registration and	l organisational requirements		_
IDD Article	Specific national legislative provision(s)	FoS	FoE
Article 1: Scope	Art. 3, par. 2 and 3 (Scope), IVASS Regulation no. 40/2018	Х	Х
Article 2: Definitions			
Article 3: Registration	Art. 8 (Subjects required to have a certified electronic email) IVASS Regulation no. 40/2018	Х	Х
	Art. 9 (Requirements for the management of the Register), IVASS Regulation no. 40/2018	Х	Х
	Note: Obligation of "e- signature" for the management of the Register		
	The above-mentioned general good rules do not require additional registration requirements for EU operators but rather the obligation to have certified electronic email and "e-signature" for the notifications to IVASS in order to allow a proper management of the Italian Register/Enclosed List of EU intermediaries licensed to pursuit business in Italy.		
	Art. 78 (Domain registration), IVASS Regulation no. 40/2018.	X	X
	Note: the above-mentioned art. 78 was amended by IVASS Order No. 128/2023 in order to provide for the obligation for intermediaries registered with the RUI or included in the enclosed list, who promote or place insurance contracts by means of distance communication techniques, to notify IVASS of the Internet domain or sub-domain used for that purpose. The provision is aimed at ensuring an adequate level of consumer protection and an effective anti-fraud supervision.		

Article 10: Professional and	Art. 48 (Requirements for the pursuit of business), IVASS Regulation no. 40/2018	Х	Х
organisational requirements	Art. 87 (Subjects who provide the training and the update), IVASS Regulation 40/2018	X	X
Article 14: Complaints	Chapter III-bis, ISVAP Regulation no. 24/2008	Х	Х
	Note: The procedure of complaints handlings applies also to EU intermediaries included in the Enclosed List (art. 10-terdecies), with the exclusions stated by art. 4, par. 2		
Other themes			<u>'</u>
IDD Article	Specific national legislative provision(s)	FoS	FoE
Art. 35: Reporting of	Art. 10-quater (Internal systems for the reporting of breaches), Insurance Code		Х
breaches	Art. 10-quinquies (Procedure for reporting breaches), Insurance Code		X
	ns (not related to IDD and Solvency II), such as money-laundering and taxation provisions, which	are re	
Other general good provision for insurance distributors do Underlying Article from EU legislation, if	ns (not related to IDD and Solvency II), such as money-laundering and taxation provisions, which ing cross-border business	are re	
Other general good provision for insurance distributors do Underlying Article from EU legislation, if	ns (not related to IDD and Solvency II), such as money-laundering and taxation provisions, which ing cross-border business Specific national legislative provision(s) and or links to the relevant websites of the		levar
Other general good provision for insurance distributors do Underlying Article from	ns (not related to IDD and Solvency II), such as money-laundering and taxation provisions, which ing cross-border business 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	Fol

IVASS Regulation no. 44/2019 (Regulates intermediaries' organisation so as to take into account the peculiarities of anti-money laundering) Motor Insurance IVASS Regulation no. 51/2022, art. 3, par. 2 and 3, and art. 11 (Provisions concerning the creation of an online price comparison tool called "Preventivass" between insurance undertakings	Regulates compliance with adequate customer verification and May 2019 by IVASS Regulation 44/2019, but still applicable to that date.	
IVASS Regulation no. 51/2022, art. 3, par. 2 and 3, and art. 11 (Provisions concerning the χ	Regulates intermediaries organisation so as to take into account	
lacksquare		
carrying on motor insurance activity in Italy)	arison tool called "Preventivass" between insurance undertakings	