

# MARKET BULLETIN

REF: Y4741

<b>Title</b>	Portugal: Registry of Life and Personal Accident Insurance Policies
<b>Purpose</b>	To provide an update to the reporting requirements and deadlines in respect of the Registry of life and personal accident insurance policies as a result of the Decree Law of 112/2013 which amends Decree Law 384/2007.
<b>Type</b>	Event
<b>From</b>	Andrew Gurney, Senior Manager, International Regulatory Affairs General Counsel Division
<b>Date</b>	14 November 2013
<b>Deadline</b>	Policy details to be submitted to Lloyd's Iberia by 16 December 2013. Thereafter different deadlines apply; please refer to page 2 of the market bulletin.

## Related links

### Purpose of bulletin

This bulletin replaces market bulletin Y4566 dated 20 February 2012 and is relevant to managing agents, underwriters and coverholders underwriting Portuguese life or personal accident policies. This bulletin details changes to the reporting format and revised reporting deadlines.

### Background

The Portuguese Decree Law 112/2013 amended Decree Law 384/2007. Very recently, the Decree law 112/2013 was developed by the Norm 7/2013 of 24 October 2013.

Decree Law 384/2007 created the central Registry of life policies, personal accident policies and capital redemption operations. The Registry is administered by the Portuguese insurance regulator (the ISP). The purpose of the Registry is to enable beneficiaries of life, personal accident and capital redemption policies to identify policies that they may be a beneficiary of, after the assured has died, and to identify the insurer of the policy. Access to the information held on the Registry will be controlled. Only enquirers with a "legitimate interest" are entitled to obtain information, provided that they supply the assured's death certificate and other identification documents.

The Decree Law 112/2013 and the Norm 7/2013 of 24 October 2013 simplifies the reporting requirements in that details of beneficiaries are no longer required to be reported.

### **Impact of the Registry on Lloyd's underwriters**

Insurers doing business in Portugal on a freedom of establishment basis or from Portugal on a freedom of services basis are required to maintain an appropriate database of relevant policies that will be sent to the ISP and also to provide regular updates of policy details thereafter. Lloyd's Iberia performs this function on behalf of Lloyd's managing agents and submits a single submission on behalf of all Lloyd's underwriters. The revised submission to the ISP is due on 1 January 2014.

### **Submission of policy details to Lloyd's Iberia and reporting deadlines**

Managing agents are required to submit the appropriate information to Lloyd's Iberia so that it can report on behalf of all Lloyd's underwriters. The first set of policy details for the period 1 July 2013 to 15 December 2013 must be sent to Lloyd's Iberia by **Monday 16 December 2013** in order to meet 1 January 2014 submission to the ISP. After 1 January 2014, managing agents must submit details of new, renewed or cancelled policies, together with details of settled claims, to Lloyd's Iberia within the following deadlines:

- i. 5 working days after the completion date of life and personal accident policies,
- ii. 2 working days after the end of the cooling off period
- iii. for group policies, 5 working days after the notification date

Details regarding the types of policies for which information needs to be submitted and the reporting format for submission to Lloyd's Iberia are attached in Appendix 1. Managing agents will need to consider how best to collect this information for reporting purposes.

### **Further information**

If you have any queries about this market bulletin, please contact:

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## APPENDIX 1

### Q. For which policies does information have to be submitted?

A. Policies where all of the criteria below apply:

- Personal accident or life policies where there is a beneficiary to the contract. (A beneficiary is any individual or legal entity that is nominated, either expressly or generically, in a beneficiary clause. A generic nomination of a beneficiary means one where a generic category of beneficiaries is stated, without naming a specific person, e.g., “the legal heirs of the assured”. In the absence of a beneficiary clause or a generic category of beneficiaries stated in the policy, the beneficiaries are the assured’s heirs.)
- Personal lines or commercial risks.
- Underwritten on a freedom of services or freedom of establishment basis.
- The risk is located in Portugal.
- All policies that are live and those that have expired or been cancelled where there is an open claim, regardless of when the policy inceptioned, as at the date of submission to Lloyd’s Iberia.

### Q. Which policies do not have to be included?

A. Policies where any of the criteria below apply:

- Policies that are not life or personal accident or that cover death benefits that are incidental to the main policy coverage.
- Life and Personal Accident policies with a term of two months or less.
- Life and Personal Accident policies that are still in the cooling off period as at the date of submission to Lloyd’s Iberia. The cooling off period for life and personal accident policies is 30 days if the policy period is 6 months or longer.
- Policies linked to credits, where the insured capital and the debt are the same and the bank is the exclusive beneficiary.
- Reinsurance policies.

### Q. In what format should the information be provided?

A. It should be provided by e-mail in an Excel spreadsheet that contains the following columns.

- Column A = First name of assured.
- Column B = Surname of assured.
- Column C = Identification number or passport number of assured.
- Column D = Fiscal identification number of assured. (This is held by all residents in Portugal.)
- Column E = Name of insurer. (This will be “Lloyd’s”.)
- Column F = ISP code of insurer. (This will be provided by Lloyd’s Iberia.)
- Column G = EU member state from where the contract was completed. (For open market business written from London, this will be the UK. For binding authority business this will be the member state in which the coverholder is located.)
- Column H = Policy number.

Column I = Type of cover. (This will be “life” or “personal accident”.)  
Column J= Inception date.  
Column K= Status. (This is “live”, “expired” or “expired with open claim”.)

If information for any of the columns A – K is not available, the column entry should state ‘unknown’. Please note there is no longer a requirement to report details of beneficiaries.

**Q. Is a nil return required?**

A. No.

**Q. How should policies where the assured is not specifically named be dealt with, e.g., group schemes and master policies?**

Where the assured is not specifically named or is only referred to as a generic category, the managing agent only has to submit the above listed information once it has been notified of the death of the individual assured. The submission is to be made by Lloyd’s Iberia to the ISP within five working days after the notification date.

**Q. Who is responsible for submitting the information to Lloyd’s Iberia?**

A. The first set of policy information for the period 1 July 2013 to 15 December 2013 must be submitted by 16 December 2013 by the managing agent of the lead underwriter. After 1 January 2014 policy information may be submitted by the managing agent of the lead underwriter or it may choose to delegate the responsibility to the relevant coverholder. If the latter option is chosen, it is recommended that the coverholder’s responsibility for submitting the policy information to Lloyd’s Iberia is documented in the binding authority agreement.

**Q. To whom at Lloyd’s Iberia should the information be sent?**

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