



List of general good provisions applicable to undertakings

DISCLAIMER

The provisions listed concern only obligations and behavioral rules on the undertakings. The list is not exhaustive, therefore foreign insurance undertakings are not exempted from the duty to comply with the provisions concerning criminal law, tax law, corporate law, money laundering, data protection, competition law, or other rules generally applicable also to the insurance undertakings. Moreover the list does not contains any reference to the precautionary or sanctionatory powers that might be adopted by IVASS or other competent Authorities such as CONSOB or AGCM. With regard to the distribution of insurance based investment products (IBIPs), CONSOB is the national competent authority for KID under EU Regulation 1286/2014 and for the compliance to the behavioral rules when the IBIPs are distributed by intermediaries enrolled in the section D of the Register of insurance, reinsurance and ancillary insurance intermediaries (RUI) envisaged by article 109 of Legislative Decree no. 209 of 2005 (Insurance Code) and by Union European intermediaries enrolled in the list attached to the register under article 116-*quinquies*, par. 5, of the Insurance Code such as banks, securities brokerage firms and investment firms, even when working with collaborators referred to in Section E of the RUI referred to in Article 109 of the Insurance Code (art. 1, par. 1, lett.w-*bis* of the legislative decree n. 58/1998).

SECTION I - INSURANCE REGULATION

PRIMARY REGULATIONS

GENERAL RULES

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
Legislative Decree n. 209/05 - Insurance Code	7 Sept. 2005	2, par. 1	Classes of assurance	List of assurance classes allowed in Italy	X	X		X	The list of assurance classes is different from that contained in directive 2002/83, since in Italy tontines are not allowed.
		10-quater	Internal Systems for the reporting of breaches	Internal whistleblowing	X		X	X	
		10-quinquies	Procedure for reporting of breaches	Whistleblowing to IVASS	X		X	X	
		12	Prohibited operations	Tontines or associations of subscribers set up with a view to jointly capitalising their contributions and subsequently distributing the assets thus accumulated among the survivors or among the beneficiaries of the deceased, insurance regarding the transfer of the risk of payment of administrative penalties and those regarding the payment of ransom money in case of kidnapping shall be prohibited. The setting up on the territory of the Italian Republic of companies which have as their exclusive object the pursuit of insurance business abroad shall be also prohibited.	X	X	X	X	ISVAP Regulation n. 29/2009 lays down further provisions on non-insurable risks.
		335, par.1 ,lett. e-bis), par. 2, second sentence, par.3,4,5	Insurance and reinsurance undertakings	Supervisory fees on <i>market conduct</i>	X	X	X	X	

MOTOR LIABILITY INSURANCE, LIABILITY FOR CRAFT AND HUNTING LIABILITY

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
Legislative Decree n. 209/05 - Insurance Code as amended lastly by the legislative decree 21 May 2018 n. 68	7 Sept. 2005	122, par. 1 and 3	Motor vehicles	Cases in which the insurance obligation does not apply and its consequences	X	X	X		Paragraph 1 implemented by Ministerial Decree n. 86 of 1 April 2008 (article 3); identifies the types of vehicles not subject to the insurance obligation and the areas to be treated as areas of public use.
		123, par. 1	Craft	Insurance obligation for craft	X	X	X		Paragraph 1 implemented by Ministerial Decree n. 86 of 1 April 2008 (article 4); identifies the types of craft not subject to the insurance obligation and the waters to be treated as waters of public use.
		127	Insurance certificate and sticker	Obligation to issue the insurance certificate and its characteristics for protection of third parties	X	X	X		Implemented by ISVAP Regulation n.13/2008
		128, par. 1, b-bis)	Minimum amount of cover	Minimum amounts of cover for motor vehicles used to carry passengers classified in categories M2 and M3 pursuant to article 47 of the road code	X	X	X		The minimum amounts of cover are doubled as from 1 January 2018 pursuant to article 1 (29) of law n. 124 of 4 August 2017.
		131, par. 1 e 2	Premium and contract term disclosure	Obligation for undertakings to make available to the public, at any point of sale and on the internet, the information document and the contract terms applied - Obligation to advertise premiums by means of customised estimates	X	X	X		Implemented by ISVAP Regulation n. 23/2008
		132, par. 1, 1-bis, 1-ter and 2	Obligation to insure	Obligation for undertakings to accept the insurance proposals which are submitted to them, without prejudice to the assessment of the truthfulness of the data furnished	X	X	X		
		132-ter	Compulsory discounts	Compulsory discounts when some conditions occur aimed at making the policyholder accountable					Implemented by IVASS Regulation n. 37/2018
		133, par. 1	Insurance rates	Obligation to take out contracts based on the following systems: bonus/malus, with deductible or mixed	X	X	X		
		134	Certificate of claims experience	Sets out the characteristics of the certificate of claims experience the undertaking must deliver to the policyholder and the policyholder has the right to require	X	X	X		Implemented by IVASS Regulation n. 9/2015

		135	Claims data - base, register of witnesses data base injured parties data - base	To enhance prevention and combating of fraudulent behaviours in compulsory insurance for motor vehicles registered in Italy, a database on the claims pertaining to such vehicles and two databases called "register of witnesses" and "register of injured parties, the insurance undertakings authorised in Italy to pursue compulsory insurance against civil liability in respect of the use of motor vehicles and craft, as well as insurance undertakings with head office in a EU member State authorised to pursue business in Italy under the freedom to provide services or under the right of establishment and licensed to pursue compulsory insurance against civil liability in respect of the use of motor vehicles and craft in the territory of the Italian Republic shall be obliged to communicate the data about the claims handled, including those handled as designated undertaking pursuant to article 286, as well as the claims handled by the Italian national bureau (Ufficio centrale italiano) pursuant to article 125 (5) and article 296, on the basis of the procedures established by regulation adopted by IVASS	X	X	X	Implemented by IVASS Regulation n. 23/2016.
		137	Pecuniary damage	Calculation of the occupational income when the personal injury has an impact on such income	X	X	X	The precondition for its application is the reference to the Italian legislation provided for in EC Regulation 864/2007 (Rome II)
		138	Biological damage for serious injuries	Single table for assessing injuries valid all over the territory of the Italian Republic drawn up by the Ministry	X	X	X	This article will apply as soon as the reference Presidential Decree is issued. The precondition for its application is the reference to the Italian legislation provided for in EC Regulation 864/2007 (Rome II)
		139	Biological damage for minor injuries	Specifies the compensation criteria in case of biological damage for minor injuries	X	X	X	Pending the issue of the Presidential Decree envisaged by paragraph 4, Ministerial Decree of 3 July 2003, containing the "Table of impairments to physical and mental integrity ranging between 1 and 9 points of disability", continues to apply. In accordance with paragraph 5 the amount for each percentage point of disability is updated each year: finally Ministerial Decree of 27 May 2010. The precondition for its application is the reference to the Italian legislation provided for in EC Regulation 864/2007 (Rome II)

		140, par. 1 and 2	Cases where there is more than one injured party and the amounts of cover are exceeded	Regulates compensation in cases where there is more than one injured party (proportional reduction of compensation) and the amounts of cover are exceeded	X	X	X		
		141-142	Compensation for passengers - Right of subrogation	Compensation for passengers and right of recourse by the insurance undertaking - Provisions on the right of subrogation in case of social insurance	X	X	X		
		146	Right of access to documents	Obligation for undertakings pursuing motor liability insurance and liability for craft to give policyholders and injured parties the right of access to documents at the end of the whole settlement procedure	X	X	X		Implemented by Ministerial Decree n. 191 of 29 October 2008, containing the rules on the policyholders' and injured parties' right of access to the documents of the insurance undertakings pursuing compulsory insurance against civil liability in respect of the use of motor vehicles and craft
		148	Compensation procedure	Terms and times for submitting a claim for compensation	X	X	X		
		154, par. 1, 4 and 5	Italian Information Centre	Setting up and functioning of the Italian Information Centre	x	x	X		Implemented by ISVAP Regulation n. 3/2006
		156-157	Loss adjusters - List of loss adjusters	Obligation to be registered in the List for pursuing the activity as loss adjuster - Establishment of the List of loss adjusters	X	X	X		Implemented by ISVAP Regulation n. 11/2008
		170	Prohibition of tie-in sales	Prohibition of tie-in and derogating provisions	X	X	X		Only for motor liability insurance
		170-bis	Lifetime of the contract	Lifetime of the insurance covers that are ancillary to compulsory insurance contracts against civil liability in respect of the use of motor vehicles and craft	X	X	X		Only for motor liability insurance and ancillary risks.
		171	Transfer of ownership of the vehicle or craft	Effects in case of transfer of ownership of the vehicle or craft (contract termination, transfer or replacement) - Notification to the undertaking and to the purchaser - validity of the cover	X	X	X		Paragraph 3 implemented by Ministerial Decree n. 86 of 1 April 2008 (article 10): lays down provisions on the issuing of a new certificate and a new sticker in case of transfer of the ownership of the vehicle or craft and of replacement of the relevant contract when taking out insurance for another vehicle or craft owned.
		172	Right of withdrawal	Cases, terms and procedures for exercising the right of withdrawal	X	X	X		

		285, par. 3 and 4	National guarantee fund	Obligation to pay the contribution to CONSAP and arrangements for its calculation	X	X	X		Every year the amount of the contribution is set by decree of the Minister of Economic Development.
		303	Guarantee fund for hunting victims	Obligation to join and pay the contribution to CONSAP and arrangements for determining it	X	X	X		Every year the amount of the contribution is set by decree of the Minister of Economic Development.
		334	Contribution on motor liability insurance premiums	Contribution on insurance premiums for the National Health Service	X	X	X		

CONTRACTS

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
Legislative Decree n. 209/05 - Insurance Code	7 Sept. 2005	165	Link with the provisions of the civil code	Explains the general principle according to which insurance, co-insurance and reinsurance contracts remain subject to the provisions of the civil code	X	X	X	X	As to the provisions of the civil code which are deemed to apply reference is made to the specific separate list
		166	Criteria for drawing up contracts	Lays down the criteria for drawing up contracts	X	X	X	X	
		167	Voidness of contracts concluded with unauthorised undertakings	Indicates the reasons for declaring the contract void	X	X	X	X	
		168	Effects of portfolio transfers, mergers and divisions	Envisages that the contract continues to be valid in case of extraordinary operations, without prejudice to the policyholder's right of withdrawal	X	X	X	X	Paragraph 2 shall be valid only for non-life business (motor liability and liability for craft)
		176	Withdrawal of the proposal	Effects of the withdrawal of the proposal	X	X		X	For the insurance classes I, II, III and V of article 2, paragraph 1 of the Insurance Code
		177	Right of withdrawal	Timescale and procedures for exercising the right of withdrawal	X	X		X	Contains supplementary provisions to the provisions of art. 35 of directive 2002/83/EC.

		179	Capital redemption operations - Concept	Defines the capital redemption contract	X	X		X	For insurance class V of article 2, paragraph 1, of the Insurance Code. According to article 2, paragraph 2 (a) of Directive 73/239/EEC the law in each member State shall provide for the definition of capital redemption operations
		180	Non-life insurance contracts	Provisions about the law applicable to non-life contracts	X	X	X		
		181	Life assurance contracts	Provisions about the law applicable to life contracts	X	X		X	
		182, par. 1, and 2	Advertising of insurance products	Compliance with the principles of transparency and fairness in advertising insurance products.	X	X	X	X	
		183	Conduct rules	Obligations on undertakings for policyholders protection reasons with regard to the execution of the contract	X	X	X	X	Implemented by IVASS Regulation n. 40/2018 and ISVAP Regulation n. 24/2008
		185	Information documents	Drawing up and content of the information documents. Supplementary information for policyholders	X	X	X	X	Implemented by IVASS Regulation n. 41/2018
		185-ter	Pre-contractual life insurance product information document	Form and content of the precontractual information document for the life products other than IBIPs	X	X		X	Implemented by IVASS Regulation n. 41/2018
Law-decree 18 October 2012 n. 179 converted by the law 17 December 2012, n. 221 as amended by the law 4 August 2017, n. 124		22, par. 4 and 6		Basic contractual provisions in the motor liability insurance contract	X	X	X		Implemented by Minister of Economic Development decree no. 54 on 11 March 2020 and by Minister of Economic Development decree 4 January 2021

INSURANCE DISTRIBUTION

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
Legislative Decree n. 209/05 - Insurance Code		119, par. 2	Duties and liabilities towards policyholders	Requirements for the distribution by banks and financial intermediaries.	X	X	X	X	

		119,-bis, par. 3, 6, 7, 8	Rules of conduct and conflict of interests	Arrangements to be adopted in order to prevent conflicts of interest	X	X	X	X	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.
		120, par. 3	Precontractual information	Rules governing the precontractual information undertakings must deliver to policyholders before concluding the contract and in case of subsequent significant changes or renewal	X	X	X	X	
		121	Precontractual information in case of distance selling	Information contents and arrangements	X	X	X	X	Implemented by IVASS Regulation No. 40/2018. Further provisions other those envisaged by distance selling Directive.
		121- septies, par. 2, second sentence	Assessment of suitability and appropriateness of the insurance product and reporting to customers	The advice given when distributing IBIPs, either when it is compulsory or when it is provided on the initiative of the distributor, shall not economically affect customers.	X	X		X	Additional requirement for the distribution of IBIPs. 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.
		121- septies, par. 4, 6 and 7	Assessment of suitability and appropriateness of the insurance product and reporting to customers	Duty to obtain the information or make the determination provided for in art. 30 par. 2, IDD also in case of selling of IBIPs without advice	X	X		X	Italy has not exercised the option envisaged by art. 30, par. 3, IDD ("execution only"). Therefore, where no advice is given on IBIPs, undertakings are not allowed to carry out insurance distribution of IBIPs within the territory of the Italian Republic without obtaining the information or making the determination provided for in par. 2 of art. 30, IDD. The provision of par. 6, second sentence, of Art.121- septies, that obliges the insurance undertaking to inform the customer of the target clients to whom the product may not be distributed, is applicable only when the manufacturer licensed to operate in Italy has identified groups of customers for whose needs, characteristics and objectives the insurance product is generally not compatible pursuant to Article 5, par. 2, of Regulation (EU) no. 2358/2017.
		182, par.1 and 2	Advertising of insurance products	Compliance with the principles of transparency and fairness in advertising insurance products.	X	X	X	X	
		183	Conduct rules	Obligations on undertakings for policyholders protection reasons with regard to the execution of the contract					Implemented by IVASS Regulation n. 40/2018 and ISVAP Regulation n. 24/2008
		185	Information documents	Drawing up and content of the information documents. Supplementary information for policyholders	X	X	X	X	Implemented by IVASS Regulation n. 41/2018.

		185-ter	Precontractual information document	Form and content of the precontractual information document for the life products other than IBIPs	X	X		X	Implemented by IVASS Regulation n. 41/2018.
		190-bis	Statistical information	Acquisition of data and information	X	X	X	X	Implemented by IVASS Regulation n. 36/2017
Decree Law 18 October 2012, no. 179, converted with amendments by Law 17 December 2012, no. 221, as subsequently amended and supplemented	18-oct-12 17-dec-12	22, par. 12	Provisions aimed at supporting competition and consumer protection in the insurance market	Voidness of contractual clauses in case of breach of the rules governing the "horizontal collaboration" between intermediaries	X	X	X	X	

EXTRAORDINARY OPERATIONS

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
Legislative Decree n. 209/05 - Insurance Code	7 Sept. 2005	198, par. 6	Transfer of the portfolio of Italian insurance undertakings	Rules protecting employment relationships	X		X	X	Paragraph quoted in compliance with article 2112 of the civil code
		201, par.5	Merger and division of insurance undertakings	Rules protecting employment relationships	X		X	X	Refers to article 198, paragraph 6.

REINSURANCE

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
Legislative Decree n. 209/05 - Insurance Code	7-set-05	202, par. 2	Merger and division of reinsurance undertakings	Rules protecting employment relationships	X		X	X	Refers to article 198, paragraph 6.

SECONDARY REGULATIONS

DISTRIBUTION BUSINESS AND RULES OF CONDUCT

GENERAL RULES

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
ISVAP Regulation n. 24	19-May-08		Lays down the procedure for submitting complaints to IVASS and undertakings and the relevant handling procedures	Procedures for submitting and complaints handling	X	X	X	X	
ISVAP Regulation n. 29	16-mar-09	4, 6, 9, 10, 12, par. 2, 14, par. 1.	Implementing instructions for the classification of risks within the insurance classes pursuant to article 2, paragraph 6 of the Insurance Code	Lays down rules on the uninsurability of certain risks and the classification of risks within the insurance classes pursuant to article 2, paragraph 6 of the Insurance Code	X	X	X	X	4 (uninsurable risks)6 (unit-linked or index-linked life assurance)9 (capital redemption operations);10 (assurance in case of death linked to salary-backed loans);12, paragraph 2, (insurance granted as guarantee for loans for the purchase of real estate); 14, paragraph 1 (insurance granted as guarantee for salary-backed loans)

ISVAP Regulation n. 41	15-mag-12		Implementtion measures on the organisation, procedures and internal controls designed to prevent the usage of insurance undertakings and insurance intermediaries for purposes of money laundering and financing terrorism	Regulates undertakings' organisation procedures so as to take into account the peculiarities of anti-money laundering	X			X	As regards undertakings the provisions of ISVAP Regulation n.41 apply to the transmission of the information necessary for the evaluation of the efficiency of the safeguards put in place by parent companies for customer identification and reporting of suspicious transactions. Repealed since 1 May 2019 by IVASS Regulation n. 44/2019, but still applicable to ongoing relationships in force at that date.
IVASS Regulation n. 5	21-lug-14		Regulation containing implementing provisions concerning the modalities of compliance with adequate customer verification and registration aimed at preventing the use of insurance undertakings and insurance intermediaries for money laundering and terrorism financing under art. 7, par. 2, legislative decree n. 231/2007	Regulates compliance with adequate customer verification and registration.	X			X	Repealed since 1 May 2019 by IVASS Regulation n. 44/2019, but still applicable to ongoing relationships in force at that date.

IVASS Regulation n. 44	12-feb-19		Regulation containing implementing provisions aimed at preventing the use of insurance undertakings and insurance intermediaries for money laundering and terrorism financing in the field of organization, procedures and internal controls and adequate verification of customers pursuant to Article 7, paragraph 1, letter a) of Legislative Decree 21 November 2007, n. 231	Regulates undertakings' organisation so as to take into account the peculiarities of anti-money laundering	X	X		X	
IVASS Regulation n. 36	28-feb-17	Title I and III	Data and information to be transmitted to IVASS to conduct statistical surveys, studies and analyses of the insurance market under art. 190-bis of the Insurance Code	Obligation to communicate to IVASS data and information aimed at performing statistical surveys, studies and analyses of the insurance market.	X	X	X	X	Implementing art.190-bis Insurance Code.
ISVAP Circular n. 162	24-ott-91		Rules on credit and suretyship insurance	Lays down the conditions for the pursuit of credit and suretyship insurance	X	X	X		Partly repealed by ISVAP Regulation n. 29/2009
ISVAP Circular n. 403/D	16-mar-00	Art. 2, 3, 4, 5	Quality of services offered to the policyholders by life insurance companies	Regulates certain aspects of the claims settlement	X	X		X	Para. 2 (Settlement of the amount insured: disclosure of the documents to be presented to the undertakings) Para 3. (Simplification of documents to be delivered to the insurance companies) Para 4. (Time scale for settlement of the amount insured in case of contract maturity) Para 5. (Unfairness of choice of court clause)

MOTOR LIABILITY INSURANCE, LIABILITY FOR CRAFT AND HUNTING LIABILITY

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope	Type of business	Notes
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					FOE	FOS	Non-life	Life	
ISVAP Regulation n. 3 - Functioning of the Italian Information Centre	23-mag-06	3 and 4	Processed information - Requirements for undertakings	Lays down rules on the type of information processed and that undertakings are required to communicate	X	X	X		In implementation of article 154 of the Insurance Code
IVASS Regulation n. 37 -Rules governing the compulsory discounts when some conditions are met	27-mar-18		criteria and arrangements for determining the compulsory discount to be applied by insurance undertakings	Compulsory discounts if the following conditions are met: a) the persons who submit proposals regarding compulsory insurance accept to have their vehicle inspected; b)where, upon the proposal of the insurance undertaking, portable electronic mechanisms are installed, or are already in place, that record the activity of the vehicle, called "black box" or equivalent, or further devices; c) where, upon the proposal of the insurance undertaking, electronic mechanisms are installed, or are already in place, that prevent the starting of the engine when the driver's blood-alcohol level exceeds the legal limits	X	X	X		In implementation of article 132- ter of the Insurance Code.
IVASS Regulation n. 23	1-jun -16	with the exclusion of Chapter III	Claims database and database for the register of witnesses and of injured parties under art. 135 of the Insurance Code.	Replaces ISVAP Regulation n. 31 of 1 June 2009 due to the evolution of the anti-fraud legislation that has modified in addition to article 135 of the Insurance Code also articles 134 and 148 of the Insurance Code and envisaged in article 21 of the Decree-Law 18 October 2012, n. 179, converted with amendments into law 17 December 2012, n. 221 the activation of early warning Systems against fraud risks.	X	X	X		The Regulation is currently under revision to wide the application to Chapter III too to insurance undertakings from other Member States.

IVASS Regulation n. 9	19-may-15		Rules governing the database concerning the certificates of claims experience and the certificate of claims experience	Obligation and contents of the communication to be sent on each annual expiry of the contract - Obligation to issue the certificate of claims experience (and its duplication), rules governing its content, means of delivering it and its validity - Observation period	X	X	X		In implementation of article 134 of the Insurance Code
ISVAP Regulation n. 11	03-jan-08	3 and 4	Scope List of loss adjusters	Obligation to be registered in the List of loss adjusters for the pursuit of the activity of loss adjuster - List set up within ISVAP	X	X	X		In implementation of article 157 of the Insurance Code
ISVAP Regulation n. 13	6-feb-08		Rules governing the insurance certificate, the insurance sticker and the accident statement form	Defines the characteristics of the insurance certificate and sticker - Circulation of vehicles with temporary or test plates - Provisions on the issuing of documents and duplicates - Characteristics of the accident statement form and obligation to deliver it	X	X	X		In implementation of article 127 of the Insurance Code Carrier's liability is excluded in insurance class 10
ISVAP Regulation n. 23	9-mag-08		Rules governing premium and contract terms disclosure in motor liability insurance and liability for craft	Undertakings' duties to provide information - Customised estimate - Insurance rates flexibility	X	X	X		In implementation of article 131 of the Insurance Code Except for fleet business.
ISVAP Regulation n. 44	9-ago-12		Drafting of the report template on the fight against fraud	Defines the template of the annual report to be submitted to the Authority, containing information on the adequacy of the company organisation with respect to the objective of preventing and combating insurance fraud	X	X	X		In implementation of article 30, paragraph 1, of decree-law n. 1 of 24 January 2012, containing Urgent measures for competition, the development of infrastructures and competitiveness, converted, after amendment, into law n. 27 of 24 March 2012 ("liberalisation decree"). The technical arrangements for the transmission of the report are set out in IVASS Order n. 1 of 19 March 2013.
ISVAP Order n. 2643	22-ott-08			Provisions on compulsory hunting liability and accident insurance	X	X	X		Order issued in compliance with the provisions of law n. 57 of 11 February 1992, on the obligation for hunters to take out a liability policy, and with articles 302-304 of the Insurance Code.

Ministerial Decree n. 86/08. Regulation concerning motor liability insurance and liability for craft	1-apr-08	3, 4 and 10	Motor vehicles, craft, transfer of property of the vehicle or craft	Identifies the types of vehicles not subject to the insurance obligation and the areas to be treated as areas of public use. Identifies the types of craft not subject to the insurance obligation and the waters to be treated as waters of public use. Lays down provisions on the issuing of a new certificate and a new sticker in case of transfer of the ownership of the vehicle or craft and of replacement of the relevant contract when taking out insurance for another vehicle or craft owned.	X	X	X		In implementation of articles 122, 123 and 171 of the Insurance Code
Ministerial Decree n. 19/08 - Regulation on the policyholders' and injured parties' right of access to the documents of the insurance undertakings pursuing compulsory insurance against civil liability in respect of the use of motor vehicles and craft	29-ott-08			Lays down provisions on access to the documents of insurance undertakings further to an accident falling within motor vehicle liability insurance	X	X	X		In implementation of article 146 of the Insurance Code

CONTRACTS

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
ISVAP Regulation n. 32	11-giu-09	4, 5, 6 and 14	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	Share indexes and other eligible reference values, policy indexation. Unit-linked contracts linked to index-linked UCITS	X	X		X	

IVASS Order n. 56	9-feb-17		<p>Temporary suspension of the payment of premiums pursuant to art. 48, paragraph 2, of the Decree Law 17 October 2016, n. 189 converted with amendments by Law of 15 December 2016 n. 229 laying down "Urgent measures in favor of populations affected by the earthquake in 2016"</p>	<p>Temporary suspension of the payment of premiums in the area affected by earthquake in 2016.</p>	X	X	X	X	
IVASS Order n. 69	27-mar-18		<p>Prorogation of temporary suspension of the payment of premiums in the area affected by earthquake 2016- 2017</p>	<p>Temporary suspension of the payment of premiums in the area affected by earthquake in 2016- 2017 Methods of payments by instalments.</p>	X	X	X	X	
IVASS Order n. 83	29-jan-19		<p>Further prorogation of temporary suspension of the payment of premiums and other benefits for people damaged by the earthquake 2016- 2017</p>	<p>Temporary suspension of the payment of premiums in the area affected by earthquake in 2016- 2017 and exception for some damaged with inhabitable properties located in a "red zone".</p>	X	X	X	X	
IVASS Order n. 94	30-dic-19		<p>Further postponement of temporary suspension of the payment of premiums envisaged by IVASS order n. 83 of 29 January 2019</p>		X	X	X	X	

INSURANCE DISTRIBUTION

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
IVASS regulation n. 40 Insurance and reinsurance distribution	02-ago-18	3, par. 2	Scope	Distribution of insurance contracts together with selling of goods or provision of services .	X	X	X	X	The provision is aimed at ensuring a uniform application of the distribution activity to all the distributors.
		3, par. 3,	Scope	Collective contracts concluded on behalf of policyholders who pay directly or indirectly the premium	X	X	X	X	
		9	Requirements for the management of the Register	Obligation of e- signature	X	X	X	X	The 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 pursue business in Italy.
		41, par. 1	Arrangements for the pursuit of business by the undertaking	Obligation to communicate the name of the responsible inside the undertaking for the distribution	X	X	X	X	The rule does not require additional registration requirements for EU undertakings but rather obligation to give information to IVASS on the name of the responsible for the distribution activity.
		43, par. from 4 to 8	Obligations to give information	Obligation to inform IVASS on the assignment of distribution mandates	X	X	X	X	The provision concerns the undertaking who gives the mandate
		46	Policies for the organisation, management and control of the distribution	Obligation to send IVASS the report on the control of the networks	X	X	X	X	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.
		49	Marketing of supplementary pension plans	Rules governing the marketing of supplementary pensions plans by insurance undertakings	X	X	X	X	

		50	Multilevel marketing networks	Requirements and arrangements for the distribution of insurance contracts via multilevel marketing networks	X	X	X	X	It concerns insurance undertakings as providers
		54	General rules of conduct	Rules of conduct in the exercise of distribution activity and in particular when proposing insurance contracts and in the management of the contractual relationship	X	X	X	X	
		55	Conflicts of interest	Rules governing the conflicts of interest when proposing and managing insurance contracts	X	X	X	X	
		56, par. 1, 2, lett. b), and c), 3, 4, 5, 7	Pre-contractual information	Information for policyholder before a proposal or an insurance contract is underwritten	X	X	X	X	Despite it relates to harmonized legislation, there are some national specificities related to the information arrangements. Consequently the rules are to be observed by all the operators for consistency and clarity reasons.
		58, par. from 1 to 4-bis	Assessment of the demands and needs	Consistency between the contracts proposed by distributors and the policyholder/insured person's insurance demands and needs. Obligation to collect information that are useful to this aim	X	X	X	X	Par. 3 concerns the undertaking that sells through intermediaries, the other paragraphs concern the undertaking as distributor.
		60	Documents to be provided to policyholders	Documents to be given by three distributors to the policyholder	X	X	X	X	The documents to be delivered must be homogeneous for all market operators in order to ensure the consumer analysis capacity.
		61	Information arrangements	Arrangements and means by which the pre-contractual information must be furnished	X	X	X	X	It regulates peculiarities for delivering of information.
		62	Use of the advance electronic signature, the qualified electronic signature and the digital signature	Possibility to put together a distance insurance contract by means of an electronic document underwritten with qualified electronic signature or digital signature	X	X	X	X	
		66	Collective contracts	Special provisions applicable to the collective contracts in which the underwriting subject bear all or part of the payment of premiums	X	X	X	X	

		68-ter	Pre-contractual information	Rules governing the disclosure requirements for the distribution of IBIPs	X	X		X	Additional provisions related to the distribution of IBIPs.
		68-quater	Requirements of the information provided on the product	Rules governing the disclosure requirements and the methods of representing future financial results	X	X		X	Additional provisions related to the distribution of IBIPs.
		68-quinquies	Marketing communications	Rules governing the marketing communications	X	X		X	Additional provisions related to the distribution of IBIPs.
		68-sexies	General guidelines on inducements	Rules governing inducements	X	X		X	Additional provisions related to the distribution of IBIPs. 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.
		68-septies, par. 1, 2, 3, 4	Requirements concerning the admissibility of inducements	Requirements for the admissibility of inducements	X	X		X	Additional provisions related to the distribution of IBIPs. 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.
		68-undecies	Assessment of appropriateness	Duty to obtain the information or make the determination provided for in art. 30 par. 2, IDD also in case of selling of IBIPs without advice	X	X		X	Additional provisions related to the distribution of IBIPs. Italy has not exercised the option envisaged by art. 30, par. 3, IDD ("execution only"). Therefore, where no advice is given on IBIPs, undertakings are not allowed to carry out insurance distribution of IBIPs within the territory of the Italian Republic without obtaining the information or making the determination provided for in par. 2 of art. 30, IDD
		68-duodecies	Mandatory advice	Rules governing the mandatory advice for the distribution of IBIPs	X	X		X	Additional provisions related to the distribution of IBIPs. 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 the insurance undertaking is required to provide advice for the distribution of IBIPs.

		71	Prohibition of discrimination	Prohibition to use procedures aimed at preventing certain categories from contacting the distributor or underwriting the contract	X	X	X	X	
		72	Marketing of unsolicited contracts	Prohibition to distance market insurance contracts without the express prior consent of the policyholder	X	X	X	X	
		73	Pre-contractual information in case of promotion and distance marketing	Information to be provided to policyholders before they are bound by a distance proposal or contract	X	X	X	X	Information arrangements peculiar to Italian regulation.
		74, par. 1 and 2	Rules of conduct in case of promotion and distance marketing	Rules of conduct in case of promotion and distance marketing	X	X	X	X	With the exception of the reference to articles 63 (patrimonial separation) and 64 (bank guarantee)
		75	Sending of documents	Terms and arrangements for the transmission of documents to policyholders in case of distance selling	X	X	X	X	
		76	Call center	Conditions for the distribution through call center	X	X	X	X	Paragraph 1, limited to the undertaking taking responsibility for the acts done by the staff of the call center he uses. Paragraph 2 (a), limited to call center's staff subjected to IVASS supervision (see clarification under art. 87).
		77	Website of insurance undertakings	Information to be made available on the website	X	X	X	X	Despite it relates to harmonized legislation, rules on website are to be observed also by undertakings licensed to pursue business in Italy from other Member States, for consistency and clarity reasons.
		78	Domain registration	Obligation to own the website's domains of distributors	X	X	X	X	The provision is aimed at ensuring an adequate level of consumer protection and an effective anti-fraud supervision.
		81	Procedure for the sale through the Internet	Information to be made available on the website and information obligation in case of placement of insurance contracts through the Internet	X	X	X	X	

		82	Unsolicited commercial communications	Obligation to gain the policyholder's explicit consent to the sending of commercial communications by means of distance communication techniques	X	X	X	X	Despite it relates to harmonized legislation, there are some national specificities related to the arrangements aimed at obtaining the consent by the policyholder and to the traceability. Consequently the rules are to be observed by all the operators for consistency and clarity reasons.
		Art. 83, par. 1, lett. a), b) c), d) and par. 2	Commercial communications by means of distance communication	Obligation of information in case of use of distance communication techniques for commercial communications even if made by third parties	X	X	X	X	Despite it relates to harmonized legislation, there are some national specificities related to the information arrangements. Consequently the rules are to be observed by all the operators for consistency and clarity reasons.
		87	Subjects who provide the training and the update	Obligations for insurance undertakings and insurance intermediaries to impart the professional training and updating with reference to operators subject to IVASS supervision (intermediaries, employees, call center..) through which they pursue insurance distribution	X	X	X	X	The provision pursues the general good of ensuring adequate professional standards through the provision of training and updating requirements for intermediaries subjected to IVASS supervision (for example, intermediaries registered in Section E of RUI as collaborators of EU intermediaries listed in the Enclosed List), regardless of the Member State of residence/head office of the insurance intermediary/undertaking for which these collaborators/employees pursue insurance distribution. Therefore, the professional training and updating to be imparted to the operators mentioned by Art. 86 has to comply with the principles and criteria of Part IV of IVASS Regulation No. 40/2018.
IVASS Regulation n. 45/2020 on insurance product oversight and governance requirements	04-Aug-2020	Articles 10 and 11	Information flows - Distribution arrangements	POG rules applicable to EU insurance undertakings licensed to pursue business in Italy.	X	X	X	X	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 in 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.
IVASS Regulation n. 41- Information, advertising and design of insurance products	02-Aug-2018		Information, advertising and publicity of the insurance products in Italy	Introduces the obligations concerning the information, advertising and publicity of the insurance products for undertakings and intermediaries which manufacture insurance products for sale to customers	X	X	X	X	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.

SECTION II - OTHER REGULATIONS

CONSUMER CODE

Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
Legislative Decree n. 206/05 - Consumer Code	6-set-05	2	Consumers' rights	Introduces the general principle of consumers' right to transparency, fairness and good faith in commercial relations	X	X	X	X	
		Part III Title I (articles 33-38)	Consumer contracts in general	Defines unfair contract terms and the consequences of their inclusion in the contract	X	X	X	X	
		143	Non-waiver of consumers' rights	Provides that agreements in contrast with the provisions of the Consumer Code are void	X	X	X	X	

MEDICAL MALPRACTICE LAW

Norma	Data di emanazione	Articolo / Comma	Titolo	Contenuto	Ambito di applicazione		Tipo di attività		Note
					Stab. nto	LPS	Danni	Vita	
Law 8 mar 2017 n 24		10,11	compulsory insurance	contractual provisions	X	X	X		To be implemented by ministerial decree
		14	National guarantee Fund	Obligation to pay the contribution to CONSAP and arrangements for its calculation	X	X	X		To be implemented by ministerial decree

FISCAL LAW

Norma	Data di emanazione	Articolo / Comma	Titolo	Contenuto	Ambito di applicazione		Tipo di attività		Note
					Stab. nto	LPS	Danni	Vita	
					Stab. nto	LPS	Danni	Vita	

Law 1216/1961	29-oct- 61	1, 1-bis	tax on insurance premiums	classes of insurance subject to taxation	X	X	X		
		4-bis	tax on insurance premiums	It concerns the obligation to appoint a fiscal representative	X	X	X		The obligation to nominate a fiscal representative is limited to those States which do not ensure an adequate exchange of information
CIVIL CODE AND NAVIGATION CODE									
Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
Civil code		1184	Deadline	Deadline for fulfilling obligations when in favor of consumer/debtor	X	X	X	X	The precondition for the application of Italian contract terms is that Italian legislation has been chosen by the parties in compliance with EC Regulation 593/2008 (Rome I)
		1337	Obligation of good faith before the conclusion of the contract		X	X	X	X	
		1341-1342	Unfair contract terms		X	X	X	X	
		1343 - 1344 - 1345	Illegal cause or reason		X	X	X	X	
		1346	Object of the contract		X	X	X	X	
		1375	Performance in good faith		X	X	X	X	
		1418	Reasons for declaring the contract void		X	X	X	X	
		1419	Partial voidness		X	X	X	X	
		1420	Voidness of the plurilateral contract		X	X	X	X	

		1425	Parties' inability		X	X	X	X	
		1427	Mistake, violence and fraud		X	X	X	X	
		1469 bis	Consumer contracts		X	X	X	X	
		1882	Definition of the Insurance Contract		X	X	X	X	
		1895	Non-existence of the risk		X	X	X	X	
		1899	Period of policy		X	X	X	X	
		1900, paragraph 3	Accidents resulting from the rescue of a person in danger or the protection of common interests with the insurer		X	X	X	X	
		1932	Mandatory requirements		X	X	X	X	Articles 1887, 1892, 1893, 1894, 1897, 1898, 1899, paragraph 2, 1901,1903, paragraph 2,1914, paragraph 2,1915, paragraph 2 1917, paragraphs 3 and 4 and 1926 may be derogated from only for the benefit of the insured person. Derogatory terms against the insured person are automatically replaced by the correspondent provisions of the law
		2952	Period of limitation in the (re)insurance sector		X	X	X	X	
Navigation Code		514	Reputed risk with respect to ship navigation		X	X	X		The precondition for the application of Italian contract terms is that Italian legislation has been chosen by the parties in compliance with EC Regulation 593/2008 (Rome I)
		522, paragraph 2	Risk increase with respect to ship navigation		X	X	X		

		1021	Reputed risk and risk increase with respect to air navigation		X	X	X		This rule refers to both, art. 514 and art. 522.
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OTHER									
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Rule	Date of issue	Article /Paragraph	Title	Contents	Scope		Type of business		Notes
					FOE	FOS	Non-life	Life	
Law n.244/07 (Financial law 2008)	24-dic-07	3, paragraph 59	Prohibition to insure the tax and accounting liability of the State's and the public bodies' administrators resulting from their institutional tasks	Voidness of the insurance contracts taken out by the public body for the benefit of its administrators.	X	X	X		
Presidential Decree no. 116/2007	22-giu-07	2, par. 1, lett. c), 3, par.1-bis and 1-quater	Regulation implementing article 1, par. 345, law 23 december 2005, n.266 concerning dormant deposits	Dormant Insurance contracts	X	X		X	
Decree Law 17 October 2016, n. 189 converted with amendments by Law of 15 December 2016, n. 229	18-Oct-16 15-Dec-16	48, par, 2	Urgent measures in favor of populations affected by the earthquake in 2016	Temporary suspension of the payment of premiums in the area affected by earthquake in 2016	X	X	X	X	
Decree Law 30 December 2016, n. 244 converted with amendments by Law of 27 February 2017, n. 19	30-Dec-16 27-Feb-17	14, par.2	Extension and definition of terms	Temporary suspension of the payment of premiums in the area affected by earthquake in 2016	X	X	X	X	

Decree Law 16 October 2017, n. 148 converted with amendments by Law 4 December 2017, n. 45	16 oct 2017 4 dec 2017	2- <i>bis</i> , par. 24 and 25	Prorogation of temporary suspension of the payment of premiums in the area affected by earth quake 2016- 2017	Provisions establishing methods of payments by installments	X	X	X	X	
Decree Law 29 May 2018, n. 55 converted with amendments by Law 24 July 2018, n. 89	29 May 2018 24 Jul 2018	1, par 6 and 6- bis	Prorogation and exemption from the payment of insurance premiums	Further provisions in favour of the people suffering damages from earthquake 2016-2017	X	X	X	X	
Decree Law 25 July 2018, n. 55 converted with amendments by Law 21 September 2018, n. 108	25 July 2018 21 September 2018	9, par 2- <i>quinquies</i> and 2- <i>sexies</i>	Prorogation of deadlines in legislative provisions	Further provisions in favour of the people suffering damages from earthquake 2016-2017	X	X	X	X	
Decree law 28 September 2018 n. 109 converted with amendments by law 16 Novembre 2018, n. 130	28-sept-18 16-nov-18	17, comma 1	Urgent provisions for Genova, security of the national net of infrastructures and transportation, seismic events of 2016 and 2017, the employment and other emergencies	Further provisions in favour of the people suffering damages from earthquake 2016-2017	X	X	X	X	
Decree law 24 October 2019, n.123 converted with amendments by law 12 December 2019, n. 156	24-oct-19 12-dic-19	8, commi 1-ter e 3	Urgent provisions for the acceleration and completion of the reconstructions in progress in the territories affected by seismic events.	Further provisions in favour of the people suffering damages from earthquake 2016-2017	X	X	X	X	

Decree law 31 December 2020, n. 183, converted with amendments by law 26 February 2021, n. 21	31-dec-20 26-feb-21	17- <i>quater</i>	Urgent provisions concerning legislative deadlines	Postponement until 31 December 2021 of some provisions in favour of the people suffering damages from earthquake 2016-2017	X	X	X	X	
Measure n. 17589 by the Antitrust Authority	15-nov-07			Regulation on the procedures for investigating unfair commercial practices	X	X	X	X	
Measure n. 17590 by the Antitrust Authority	15-nov-07			Regulation on the procedures for investigating misleading and unlawful comparative advertising	X	X	X	X	