



CENTRALE BANK VAN ARUBA

Dispensation Policy regarding entities with supplementary insurance brokerage services based on article 4, paragraph 2 of the State Ordinance on the Supervision of the Insurance Business (*Landsverordening toezicht verzekeringsbedrijf*) (AB 2000 no. 82) (SOSIB)

1. Introduction

As of January 30, 2014, and pursuant to article 27a, paragraph 1, of the SOSIB insurance brokers have been placed under the supervision of the Centrale Bank van Aruba (CBA) by virtue of the State Decree on the Supervision of Insurance Brokers (*Landsbesluit toezicht assurantiebedrijfs*) (AB 2014 no. 6) (SDSIB).

The CBA received information from entities with supplementary services related to insurance brokerage activities, which resemble the business of sales agents. After a thorough evaluation, the CBA concludes that the risks associated with the activities of entities providing supplementary insurance brokerage services related to insurance brokerage activities are limited and, therefore, that granting of a dispensation, under certain conditions, will not be in conflict with the interests that the SDSIB and SOSIB seek to protect.

2. Legal framework

Pursuant to article 2, paragraph 1, of the SDSIB it is prohibited to conduct brokerage services without being in the possession of a license of the CBA.

Pursuant to article 4, paragraph 2, of the SOSIB, the CBA may grant a dispensation from the regulations laid down by or pursuant to the SOSIB, provided that it is of the opinion that this is not in conflict with the interests the SOSIB seeks to protect.

3. Dispensation policy for entities with supplementary insurance brokerage services

The CBA is willing to grant a specific category of insurance brokers, the so called “supplementary insurance brokers” a dispensation as mentioned in article 4, paragraph 2, of the SOSIB if the following conditions are met on a continuous basis.

1. The insurance broker must sell insurance products related to its main business.
2. The insurance broker is not allowed to sell stand-alone insurance products.
3. The insurance broker may not write any insurance contracts.
4. The insurance broker is not allowed to collect premiums for the insurance company or insurance group on their own account.
5. The integrity of the key persons of the insurance broker must be beyond any doubt and his/her suitability must be sufficient to conduct the sale of insurance products related to its main activities.
6. There must be a written sales agent agreement in place between the insurance broker and the insurance company or insurance group that meets the conditions mentioned under points 1 to 4 above.

4. Submission of the request

A dispensation request must be submitted to the CBA in writing and must include in any case the following information and documents:

1. Personal information of the applicant, including in any case surname, given name(s), birth date and place, nationality, private address, telephone number, e-mail address.
2. Information whether the applicant is a director or shareholder of any company, and if so, of which company/ies.
3. The business address of the applicant.
4. The name of the insurance company or insurance group for which the applicant conducts or intends to conduct sales activities.
5. A written statement of the applicant that his/her activities are restricted to insurance products related to their main business, he/she will not write any insurance contracts, and he/she will not collect premiums on their own account.
6. A certified true copy of the photograph and signature page(s) of the Candidate's passport ensuring that the photograph is clear and the signature legible.
7. An extract (*uittreksel*) from the Civil Registry (*Bevolkingsregister*) not older than two (2) months.
8. A declaration of Good Conduct (*verklaring van goed gedrag*) not older than three (3) months;
9. Copies of the test results of any assessment with respect to the applicant's integrity or suitability by a regulator in charge with financial supervision.
10. Copies of the applicant's certificated qualifications.
11. The applicant's curriculum vitae.
12. A separate written statement of the applicant confirming that he/she does not have any of the following antecedents:
 - a. criminal antecedents as meant in 4.1. and 4.2 of the Personal Questionnaire (<http://www.cbaruba.org/cba/readBlob.do?id=2994>);
 - b. personal financial antecedents as meant in 5.1, 5.2 and 5.3 of the PQ;
 - c. supervisory antecedents as meant in 6.1 and 6.2 of the PQ;
 - d. tax related antecedents as meant in 7.1, 7.2, 7.3 and 7.4 of the PQ;
 - e. business related financial antecedents as meant in 8.1, 8.2 and 8.3 of the PQ; and
 - f. other antecedents as meant in 9.1, 9.2 and 9.3 of the PQ.
13. A separate written statement of the management of the insurance company for which the sales agent conducts or intends to conduct sales activities confirming that the insurance company will ensure and see to it that the sales agent's activities are restricted to sales activities, he/she will not write any insurance contracts, and he/she will not collect premiums and there have been no irregularities during their business relationship (if any).

The CBA maintains the right to request any additional information it deems necessary to evaluate a request made for a dispensation as meant in article 4, paragraph 2, of the SOSIB.

Note that, pursuant to article 4, paragraph 1, of the SOSIB, the CBA may impose restrictions and attach stipulations and (further) conditions to the dispensation.

5. Effective date

This dispensation policy will come into force as of July 20, 2016.

Aruba, July 20, 2016.