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# Implementation of the IDD Directive into Polish Legal Regime – Selected Issues

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On January 20, 2016, the European Parliament and the Council of the European Union approved the Insurance Distribution Directive (EU) 2016/97. The document constitutes one of the most significant legislative acts, whose influence on insurance distribution in EU member countries is hard to overestimate.

The implementation of IDD in the Polish legal system is one of the greatest challenges for the insurance sector. The final form of the Directive will have a key impact on the further development of the industry, as well as its revenues, in coming years. Without a doubt, the Directive will alter the functioning of the insurance market by raising the significance of the *compliance function* in insurance companies and by imposing its reinforcement on brokers and multi-agents, as it was the case in other EU member countries.

This article discusses the basic assumptions of the Polish Act on insurance distribution, which implements the EU Directive.

**Keywords:** insurance distribution, insurance agent, broker, multi-agent, corporate insurance, cross-border services, nature of remuneration.

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## 1. Introduction

The provisions implementing IDD in Poland will be primarily included in the Act on insurance distribution, but also in amendments to the Act on insurance and reinsurance activity, the Act on the handling of complaints by financial market organizations and the Financial Ombudsman, the Act on insurance and pension supervision and the Act on trading in financial instruments.

The Act on insurance distribution<sup>1</sup>, implementing the EU Insurance Distribution Directive (IDD) 2016/97<sup>2</sup>, enters into force on February 23, 2018, except the provisions referred to in Article 110, which enter into force earlier.

The problems related to the implementation of IDD have been widely discussed by both the academic community and practitioners. However, the division of insurance intermediaries<sup>3</sup> has aroused particular interest.

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<sup>1</sup> The Act on insurance distribution was adopted on November 9, 2017 and submitted to the President and the Marshal of the Senate on November 10, 2017.

<sup>2</sup> Official Journal of the European Union L 26 as of February 2, 2016.

<sup>3</sup> Szerzej: D. Maśniak, K. Malinowska, "Czynności dystrybucyjne w nowym reżimie zawierania umów ubezpieczenia – wybrane aspekty implementacji dyrektywy nr 2016/97 w sprawie dystrybucji ubezpieczeń", *Prawo Asekuracyjne* 2017, nr 2, s. 13; Ł. Zoń, "Działalność brokerska po implementacji dyrektywy w sprawie dystrybucji ubezpieczeń – uwagi praktyczne", *Prawo Asekuracyjne* 2017, nr 2, s. 3; M. Szaraniec, "Przyszły model pośrednictwa ubezpieczeniowe-

## 2. Division of insurance intermediaries applied in IDD

The Polish Act on insurance distribution assumes that the subjective **division of insurance intermediaries into insurance brokers and insurance agents**, that is currently in force, will be maintained, subject to the impermissibility of holding both functions concurrently. The Act significantly reinforces the currently binding regulation by imposing a **ban on cooperation between insurance brokers and insurance agents**. It also prohibits them from maintaining relations which could undermine a brokerage activity in order to eradicate factual and legal circumstances, potentially leading to a conflict of interest. An insurance broker shall not be under a contractual relationship with any insurance company or any insurance agent, hold an executive or supervisory office or own stocks and shares of an insurance company or an insurance agent. This regulation shall also apply to members of the broker bodies, those with whom a broker performs brokerage activities, as well as other subjects employed by an insurance broker.

The obligation to provide factual brokerage and agent services (by a person performing the activities of an agency) by entities with adequate professional qualifications has been maintained. In addition, a proposal has been put forward to enable **ancillary insurance intermediaries** provide agent services and perform agent activities along with insurance agents.

The Act envisages imposing an obligation on an insurance or reinsurance company to ensure that services related to insurance (or reinsurance) distribution are provided by entitled employees. The legislator uses **the notion of insurance companies' employees** or reinsurance companies' employees, thereby limiting possible forms of employment to an employment relationship for individuals to whom this regulation applies.

A distinction is made between insurance distribution and reinsurance distribution and thus between an insurance and reinsurance broker. This means that the obligations imposed solely on an insurance broker do not apply to a reinsurance broker. Not only is it defined what insurance and reinsurance distribution consist in, but also which forms of activities are not considered such a distribution. Examples of these include professional management of claims brought against an insurance company or valuation of loss and claim adjustment.

A definition of insurance distribution is introduced, according to which insurance distribution means the activities of advising on, proposing, or carrying out work preparatory to the conclusion of contracts of insurance or insurance guarantees, of concluding such contracts or guarantees, or of assisting in the administration and performance of such contracts or guarantees, also in the

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go w Polsce w zakresie świadczenia usługi doradztwa – propozycje na tle dyrektywy w sprawie dystrybucji ubezpieczeń (IDD)”, *Prawo Asekuracyjne* 2017, nr 2, s. 32; B. Kucharski, “Broker ubezpieczeniowy jako wolny zawód, *Prawo Asekuracyjne* 2017, nr 2, s. 44; B. Mrozowska-Bartkiewicz, “Jakie zmiany dla polskiego rynku ubezpieczeń przyniesie dyrektywa w sprawie dystrybucji ubezpieczeń?”, *Wiadomości Ubezpieczeniowe* 2016, nr 2.

event of a claim. Insurance distribution will also consist in the provision of information concerning one or more insurance contracts or insurance guarantees, in accordance with the criteria selected by entities seeking insurance cover through a website or other media and the compilation of an insurance guarantee ranking list, including price comparison.

At this point, it should be emphasized that **a definition of a customer** is also introduced, which encompasses not only entities seeking insurance cover, insurers and the insuring parties, but also subjects seeking insurance guarantee, principals and guarantee beneficiaries.

### 3. Information requirements and rules on the conduct of business

One of the primary aims of IDD is to increase the level of customer protection. One way of achieving this is to ensure the application of general rules and to provide adequate information about a product and its distributor by fulfilling specific information requirements.

A proposal has been put forward to introduce a general rule, by which **insurance distributors shall act honestly, fairly and professionally in accordance with the best interest of their customers**. Insurance distributors or their employees should not be remunerated in a way that conflicts with their duty to act in accordance with the best interest of their customers. What is more, insurance distributors shall not make any arrangements concerning remuneration, sales targets or other issues that could provide an incentive to recommend a particular insurance contract or insurance guarantee to the customer, if the insurance distributor can offer a different insurance product, better tailored to the customer's needs.

**The insurance distributor shall be obliged to inform the customer about the nature of the remuneration** received in relation to the insurance contract or insurance guarantee that is being offered. In particular, the customer shall know whether the distributor works on the basis of a fee (paid directly by the customer), commission (included in the insurance premium) or any other type of remuneration, as well as the combination of these types of remuneration. This solution is to ensure that the relationship between the insurance company and its intermediate is clearly illustrated. In addition, if the insurance company acts as a distributor, the customer will also be provided with information concerning the nature of the remuneration. This edit should be applicable to all components of the remuneration received under the contract, including all payments made by the customer after signing the insurance contract.

Another proposal is to ensure that all insurance agents and brokers, as well as insurance companies, **inform the customers about the distribution cost ratio in relation to the insurance contract that is being offered**. It should be noted that the insurance agent, ancillary insurance agent, insurance broker and insurance company shall inform the customer about the amount of the fee and, where this is not possible, about the method of calculating the fee. The distribution cost ratio shall be defined as a quotient of previously accepted

acquisition costs (referred to in the Accounting Act for insurance companies) for a given insurance contract and the sum of due insurance premiums paid under a given insurance contract within a recommended minimum term of a contract. The ratio shall be expressed as a percentage and rounded to two decimal places. This information requirement shall apply to insurance-based investment products, i.e. life insurance contracts, referred to in Group 3 of Section I in the Act of September 11, 2015 on insurance and reinsurance activity<sup>4</sup>.

It is expected that the information about the insurance distribution cost ratio will provide the customer with a comprehensive overview of costs related to the distribution of insurance-based investment products, including the most crucial element that is the commission of the insurance intermediary. Such a scope of information shall also be adequate in the case of insurance contracts signed directly by the insurance company, when no commission is paid to the insurance intermediary.

The legislator also proposes that prior to the conclusion of an insurance contract, the insurance distributor shall identify the requirements and needs of the customer, based on the information obtained from the customer. The insurance distributor shall also provide the customer with clearly understandable and relevant information about an insurance product, taking into consideration the complexity of the product and the type of the customer, in order to allow the customer to make an informed decision. An insurance contract offered by the insurance distributor shall comply with the requirements and needs of the customer.

New regulations are being introduced concerning the **cross-selling of an insurance product with an ancillary product or service**, other than an insurance or an insurance guarantee. In this case, the insurance distributor shall inform the customer whether it is possible to sign separate contracts and, if so, provide an adequate description of particular contracts in the package, as well as a separate evidence of costs and charges for each contract. If the risk or the scope of the insurance or guarantees in a package is different from the risk or the scope of the insurance or guarantees associated with signing each contract separately, the insurance distributor shall provide the customer with an adequate description of particular contracts in the package and identify how their interaction modifies the risk or the scope of the insurance or guarantees. If an insurance or guarantee contract is offered in a package as an ancillary product to another product or service, other than an insurance or a guarantee, the insurance distributor shall offer the customer a possibility of buying the goods or services separately, i.e. signing separate contracts.

Pursuant to IDD, the Polish legislator has introduced new regulations concerning the **product manufacturer**. In the Polish legal system, insurance products are usually manufactured by insurance companies. However, during negotiations, the insurance intermediary may, under certain circumstances,

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<sup>4</sup> Consolidated Text, Dziennik Ustaw (Poland's Journal of Laws), 2017, item 1170, as amended.

have an influence on the form of the product and on the general terms and conditions. Therefore, it seems reasonable to consider not only insurance companies, but also insurance brokers and – under certain circumstances – insurance agents as manufacturers of insurance products. The manufacturer of an insurance product for sale to the customer shall be obliged to comply with specified procedures for approving and managing the product. It is also important that the manufacturer of an insurance product is obliged to provide insurance distributors, distributing a given product, with adequate information about a given product and its approval process, including information about the target market identified for a given product. The manufacturer of a product must regularly review a given insurance product, taking into consideration any significant events that could affect the exposure of the identified target market to a potential risk. The insurance distributor, on the other hand, shall have adequate solutions to be able to receive such information and possess adequate knowledge about an insurance product and the target market identified for the product.

The Act also implements the IDD provisions related to the distribution of non-life insurance products, under which the insurance intermediary shall be obliged to provide the customer with understandable and relevant **information about a given product in a form of a standardized document**, either on paper or by means of another medium, convenient for the customer. The document must comply with technical parameters and include a specified scope of information and its technical parameters. The document shall be drawn up by the product manufacturer, being – as mentioned above – the insurance company or, under certain circumstances, the insurance intermediary.

#### 4. Organizational requirements

So far, the requirements concerning the fulfilment of certain standards in terms of knowledge, abilities and good repute have been imposed solely on insurance intermediaries. Pursuant to IDD, these requirements shall also apply to anyone performing the insurance or reinsurance distribution activities. Consequently, a person working for the insurance company and pursuing the activity of insurance distribution shall possess a full legal capacity to perform acts in law, have a clean criminal record in relation to some intentional crimes, give a performance guarantee, have at least a secondary-level education or a vocational secondary-level education and pass a formal examination conducted by an insurance or reinsurance company.

The Act imposes on distributors an obligation to complete at least 15 hours of vocational training a year, taking into account the nature of the products sold, the type of a distributor and the position held by an employee in a given institution. The thematic scopes of the training sessions were laid down in the Annex to the Act. The training sessions should be conducted by professionals with an adequate educational background and experience in the field. In order to ensure that the obligation is fulfilled, certain mechanism of control must be

introduced. This shall be provided by issuing certificates, including data needed to verify, among others, the thematic scope of the training or the number of training hours.

According to the Act, the obligation to complete vocational training shall be established as of the first day of the new calendar year, following the year in which a person, to whom the obligation applies, started to perform activities related to insurance or reinsurance distribution (i.e., anyone performing distribution activities of the insurance company or distribution activities of the reinsurance company) or was registered as an insurance intermediary (i.e., anyone performing agent or brokerage activities). Tracking the completion of vocational training on an annual basis will make it easier to plan these processes.

The Act, similarly to the Act on insurance intermediary which is currently in force, assumes that **the insurance company shall bear the responsibility for any damage caused by a tied agent**, i.e. an agent performing agent activities solely on behalf and to the benefit of one insurance company. The same rule shall apply to the ancillary insurance agent. In cases when agent activities are performed on behalf and to the benefit of more than one insurance company within the same category of insurance, both the insurance agent and the ancillary insurance agent shall bear the responsibility of any damage caused as a result of their activities. Consequently, the insurance agent acting on behalf and to the benefit of more than one insurance company shall be covered by a mandatory civil liability insurance. The ancillary insurance agent, on the other hand, acting on behalf and to the benefit of more than one insurance company, shall be obliged to sign a contract of civil liability or an insurance guarantee contract.

Insurance and reinsurance brokers acting on behalf and to the benefit of more than one insurance company shall be covered by a mandatory civil liability insurance on account of performing brokerage activities, similarly to insurance and ancillary insurance agents. In this case, the civil liability insurance should also protect against any damage caused to the insurance company.

It should be emphasized that a number of requirements related to the transmission of information, assessment of its suitability and appropriateness, as well as reporting to the customers were defined in the Act of September 11, 2015 on insurance and reinsurance activity. The Act on insurance distribution proposes to maintain the principle, by which the insurance company, and not the insurance intermediary, shall be responsible for conducting a proper customer needs analysis. This is the best way to protect the interest of customers.

The new Act also introduces a number of regulations on how to manage the conflict of interest. To fully implement the Directive, all provisions related to the conflict of interest must be directly put into effect. Pursuant to the Directive, the insurance intermediary or the insurance company performing activities related to insurance distribution, referred to in Group 3 of Section I in the Annex to the Act of September 11, 2015 on insurance and reinsurance activity, shall make **organizational arrangements aimed at preventing conflicts of interest, whose existence may affect the interest of the customers.**

The insurance intermediary and the insurance company shall also identify conflicts of interest between themselves and the customers or between one customer and another, which arise in the course of performing any insurance distribution activity. However, if organizational arrangements are not sufficient to ensure that the risk of affecting the interest of the customer will be prevented, the insurance intermediary or the insurance company shall **disclose to the customer the general nature and sources of the conflict** prior to signing the insurance contract. When it comes to the transmission of information, assessment of suitability and appropriateness, as well as reporting to customers, it has been proposed to apply relevant addenda from the Act of September 11, 2015 on insurance and reinsurance activity, according to which:

- 1) the insurance company shall inform the customers whether it will provide them with a periodic assessment of suitability (assessing the insurance-based product in terms of its suitability to the needs of the customer or the potential customer). This shall be an optional provision. In this case, the annual report with information to the customer or the potential customer shall also include the assessment of suitability for the insurance contract (assessing the insurance contract in terms of its suitability to the needs of the customer or the potential customer);
- 2) the insurance company shall provide customers with an offer of an insurance-based product that meets their needs, along with a suitability statement made on paper or another durable medium. These procedures shall also apply when the insurance contract is concluded using a means of distance communication, at the same time ensuring the right of withdrawal from the contract under terms and conditions defined in Art. 40, section 1 and 2 of the Act of May 30, 2014 on consumer rights<sup>5</sup>.

In cases when the insurance-based investment product<sup>6</sup> is offered as part of a package with another product or service, it has been proposed to ensure that the whole package meets the needs of the customer or the potential customer.

### 5. Freedom to provide services and freedom of establishment

Taking into consideration the continuous development of cross-border services, it was necessary to introduce some amendments to the currently binding regulations.

The regulatory authority, i.e. the Polish Financial Supervision Authority, shall be empowered to take measures if the insurance intermediary or the reinsurance agent, pursuing business on the territory of the Republic of Poland through a branch or otherwise, under the freedom to provide services, does not comply with the Polish law. The regulation concerning the obligation to comply with the Polish law also provides for the situations in which member states become aware of any illegal activity and, consequently, take appropriate

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<sup>5</sup> Consolidated Text, Dziennik Ustaw (Poland's Journal of Laws), 2017, item 683.

<sup>6</sup> i.e. insurance-based products referred to in Section I, Group 3 of the Appendix to the Act of September 11, 2015 on insurance and reinsurance activity.

measures aimed at the protection of the common interest. Additionally, it gives the member states the possibility of taking appropriate measures if they detect a non-compliance with the law of a given home member state and if, at the same time, the business pursued on the territory of a given host member state constitutes a threat to the proper functioning of the insurance and reinsurance markets with respect to consumer protection.

What seems particularly significant from a practical point of view is that the Act proposes to define the term “**branch**” as any permanent presence of the insurance intermediary or the reinsurance agent on a territory of a member state, other than its home member state (i.e., where the insurance intermediary or the reinsurance agent has its habitual residence or registered office, including a branch within the meaning of the Act of July 2, 2004 on the freedom of economic activity<sup>7</sup>).

### **6. Registration requirements**

When it comes to the registration of insurance intermediaries, several important amendments to the currently binding regulations have been proposed.

The first amendment is to **ensure that ancillary insurance agents are registered as insurance agents pursuant to the Directive**. This is justified by the fact that insurance agents and ancillary insurance agents have a similar scope of activity and, in line with the assumptions of this Act, perform the same agent activities on behalf or to the benefit of the insurance company. In addition, registering ancillary insurance agents together with insurance agents reduces the risk of submitting a wrong request for information from the register. It is also necessary to include the information about the type of entity while registering it (whether it is an insurance agent or an ancillary insurance agent.).

The second amendment is to **create an online registration system in lieu of the current information system**. Such an online system is easily accessible and makes it possible to fill in the registration form directly on the Internet. When it comes to brokers, the currently binding regulation shall remain in force. Insurance brokers shall be registered by the Polish Financial Supervision Authority the very day the permission to carry out the brokerage activity is issued. However, all other entries should, in principle, be registered on the Internet.

Moreover, in cases where the permission to perform brokerage activities related to insurance or reinsurance distribution is issued, the regulatory authority shall ex officio register the broker as an entity performing brokerage activities related to insurance or reinsurance distribution, a natural person that was granted the permission and members of the board of a legal person that was granted the permission and meets relevant requirements in terms of experience and qualifications (confirmed by passing the broker license exam). This

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<sup>7</sup> Dziennik Ustaw (Poland’s Journal of Laws), 2016, item 1829, as amended.



solution is to ensure the completeness of the registered data the moment the permission is issued.

### 7. Organization of supervision over insurance and reinsurance distribution

The bill proposes maintaining the principle whereby the **insurance company shall exercise supervision over insurance agents and ancillary insurance agents** that act to its benefit. It stems from the responsibility of the insurance company for the agent, including the financial responsibility, and the actual possibility of ensuring that the agent activity is performed in compliance with the law.

On the other hand, there is also a new regulation concerning a directly formulated obligation of the regulatory authority to exercise supervision over insurance companies with respect to the use of services provided by insurance agents and ancillary insurance agents. Consequently, it has been proposed to apply this regulation also to entrepreneurs pursuing business in the field of insurance distribution, who are exempted from the Act, but to whom minimum requirements stipulated in the Act still apply.

Another novelty is the fact that in some particular situations, the regulatory authority shall be granted certain powers over insurance agents and ancillary insurance agents. These shall include:

- 1) the right to control the activity of the agent with respect to its compliance with the law,
- 2) the right to demand explanations and information from the agent,
- 3) the right to impose sanctions on the agent.

What is more, it has been proposed to impose a permanent obligation on insurance and reinsurance brokers to **report to the regulatory authority about their brokerage activity**. These reports shall also include basic financial information with respect to the activity carried out by the broker. More detailed requirements for these reports shall be set out in the Implementing Act.

The role of the regulatory authority in the distribution of insurance-based products shall undergo a significant change. In the bill, it has been proposed to impose on the regulatory authority **the obligation to monitor the market of insurance-based products which are being launched, distributed or sold on the territory of the Republic of Poland or from the territory of the Republic of Poland**.

Moreover, the Polish Financial Supervision Authority shall be obliged to **inform the European Committee about significant difficulties** with which insurance or reinsurance distributors need to cope while carrying out their agent or brokerage activity in non-member states.

### 8. Administrative sanctions

In the wake of IDD, the Polish legislator has proposed to directly implement the provisions related to administrative sanctions. As a result, the regulatory authority shall be able to impose certain sanctions (set out in the Directive) on

insurance distributors in case of any breach of the provisions related to the distribution of insurance-based investment products. If such a breach occurs, the Polish Financial Supervision Authority shall be empowered to:

- 1) issue a public statement, indicating the distributor held responsible for the breach and the nature of the breach,
- 2) impose a heavy pecuniary sanction on the distributor held responsible for the breach,
- 3) suspend the member of the board held responsible for the breach from exercising management functions,
- 4) delete the insurance intermediary held responsible for the breach from a proper register,
- 5) order to cease the breach of provisions,
- 6) withdraw the permission for conducting brokerage activity and
- 7) delete the insurance agent or the ancillary insurance agent held responsible for the breach from a proper register.

It has also been proposed to apply the same catalog of sanctions to distributors if there has been a breach of pro-consumer provisions as defined in the Act. Such a solution is supposed to have a positive impact on the security of market trading and, additionally, it will help protect the rights of the customers. In the wake of the Directive, the Polish legislator stipulates that before making a decision regarding the imposition of any sanction, the Polish Financial Supervision Authority shall take into consideration all relevant circumstances, including the gravity and the duration of the breach, the financial strength of the distributor held responsible for the breach, the losses incurred by the customers and third parties as a result of the breach and any previous breaches committed by the same distributor. This is to ensure that the type and degree of a sanction has been properly adjusted.

### **9. Other issues**

In order to implement the IDD provisions, the Act **exempts certain entrepreneurs pursuing business in the field of insurance distribution from its requirements**. However, certain minimum requirements have been set out for these entities.

There are also some special provisions like granting the insuring party **a special status in the case of group insurance contracts concluded on behalf of the employees**. In this case, the insuring party may, by way of exception, receive remuneration for offering the purchase of an insurance cover. To be granted this special status, however, the insuring party must at the same time commit himself/herself to a particular manner of conduct (i.e. act honestly, reliably, professionally and in accordance with the best interest of the customers), regulations concerning the remuneration, the quality of information conveyed to the customers and minimum information requirements applicable to insurance companies.

As has been already mentioned, some IDD provisions have already been implemented in the Act of August 5, 2015 on the handling of complaints by

financial market organizations and the Financial Ombudsman<sup>8</sup>, which specifies the procedures according to which financial market organizations handle complaints lodged by natural persons who are the customers of these organizations and the role of the Financial Ombudsman. As part of the current legislative work, several amendments to the Act are being made. For example, **the definition of a customer of a financial market organization** has been expanded to include a natural person who is the customer of the insurance broker, the insurance agent and the ancillary insurance agent performing agent activities on behalf and to the benefit of more than one insurance company within the same category of insurance, as set out in the Annex to the Act of September 11, 2015 on insurance and reinsurance activity (the so-called multi-agents) and within the scope that is not related to the insurance cover being provided. The catalog of financial market organizations specified in the aforesaid Act is also to be expanded by adding the above-mentioned entrepreneurs. Provisions related to handling complaints have been included in the Act on insurance distribution. For example, there is a provision according to which an insurance company shall have 30 days to respond to a complaint, excluding complaints lodged against brokers or multi-agents which should be dealt with by brokers or multi-agents themselves.

Due to the fact that individuals who were to perform activities related to insurance and reinsurance distribution in the insurance or reinsurance company should comply with the requirements that have so far applied to those performing agent activities, it has been proposed to ensure insurance and reinsurance companies time necessary to conduct a formal examination and to provide these individuals with a possibility to pass the examination (within 6 months from the date the Act comes into force), complete the secondary education (within 4 years from the date the Act comes into force) and meet all other requirements (within 3 months from the date the Act comes into force).

### 10. Conclusion

The Polish Act on insurance distribution directly implements the provisions set out in the Insurance Distribution Directive (IDD). At the same time, however, it introduces some particular regulations, taking into account the nature of the Polish insurance market. The position of the insuring party in a group insurance constitutes such a particular solution.

At this stage, it is hard to envisage how the regulatory authority will exercise its duty of monitoring the market of insurance-based products that are being launched, distributed and sold on the territory of the Republic of Poland or from the territory of the Republic of Poland. However, granting such a power means imposing on the regulatory authority the obligation to account for the manner in which this power is exercised. Therefore, the Polish Financial Supervision Authority is expected to adopt some new policy in this area.

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<sup>8</sup> Dziennik Ustaw (Poland's Journal of Laws), 2016, item 892, as amended.

Without a doubt, the Act will introduce changes in the functioning of the Polish insurance market, as it was the case in other EU member countries, by raising the significance of the *compliance function* in insurance companies and by imposing its reinforcement on brokers and multi-agents.

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### Implementacja dyrektywy IDD do polskiego systemu prawnego – wybrane zagadnienia

W dniu 20 stycznia 2016 r. została przyjęta przez Parlament Europejski i Radę (UE) dyrektywa 2016/97 w sprawie dystrybucji ubezpieczeń. Stanowi ona jeden z istotniejszych aktów prawodawstwa, którego wpływ na rozwój dystrybucji ubezpieczeń w państwach członkowskich Unii Europejskiej trudno jest przecenić.

Wdrożenie IDD do polskiego systemu prawnego jest jednym z poważniejszych wyzwań dla sektora ubezpieczeniowego, a ostateczny jej kształt będzie miał kluczowy wpływ na dalszy rozwój i dochody branży w nadchodzących latach. Niewątpliwie ustawa, podobnie jak w innych krajach UE, wprowadzi zmiany w sposobie funkcjonowania rynku ubezpieczeniowego, zwiększając znaczenie funkcji *compliance* w zakładach ubezpieczeń i wymuszając jej wzmocnienie u brokerów i multi-agentów.

W artykule omówiono podstawowe założenia polskiej ustawy o dystrybucji ubezpieczeń wdrażającej przepisy dyrektywy.

**Słowa kluczowe:** dystrybucja ubezpieczeń, agent ubezpieczeniowy, broker, multiagent, pracownicze ubezpieczenia grupowe, usługi transgraniczne, charakter wynagrodzenia.