



Luxembourg Newsflash - 23 August 2022

Update on outsourcing of important or critical activities in the insurance sector

The Commissariat aux Assurances published a circular letter which clarifies the regulatory equipments that are applicable to the outsourcing of critical or important operational activities and functions

On 19 August 2022, the Commissariat aux Assurances (the “CAA”) published Circular Letter 22/16 (“Circular 22/16”), which clarifies the regulatory requirements that are applicable to the outsourcing of critical or important operational activities and functions (“CI Outsourcing”).

1. Aim

Circular 22/16 specifies the notification requirements applicable to insurance and reinsurance undertakings (“Undertakings”) already provided for under Article 81 of the amended law of 7 December 2015 on the insurance sector.

2. Content

Circular 22/16 is divided into 9 sections:

- Section 1 provides definitions for the concepts of “outsourcing agreement” and “service provider”;
- Section 2 lists the legal bases underlying Circular 22/16;
- Section 3 requires Undertakings to carry out a detailed analysis of each CI Outsourcing before implementing it;
- Section 4 provides guidance on how to evaluate the critical or important nature of a given outsourced activity or function;
- Section 5 requires Undertakings to consider the impact that a planned CI Outsourcing may have from a professional secrecy perspective;
- Section 6 provides further details on the scope of the applicable notification requirements – in particular, certain IT outsourcing arrangements, certain outsourcings to professionals of the insurance sector and certain arrangements with intermediaries are explicitly excluded from the scope of Circular 22/16;
- Section 7 specifies the notification procedure;
- Section 8 provides additional guidance on the forms to be used for the purposes of the required notification;
- Section 9 details the specific documentation duties that are applicable in this context.

3. Entry into force

Circular 22/16 will apply to all outsourcing arrangements that are amended or concluded as of 1 November 2022.

For any questions please contact our experts.

Read the Circular 22/16 here_

your contacts



**PIERRE-MICHAËL
DE WAERSEGGER**

Partner
Insurance & Reinsurance Law

[Learn more_](#)



EMMANUELLE MOUSEL

Partner
Insurance & Reinsurance Law

[Learn more_](#)



Arendt & Medernach SA
Registered with the Luxembourg Bar
RCS Luxembourg B 186371

arendt.com

41A avenue JF Kennedy
L-2082 Luxembourg
T +352 40 78 78 1

This publication is intended to provide information on recent developments and does not cover every aspect of the topics with which it deals. It was not designed to provide legal or other advice and it does not substitute for the consultation with legal counsel before any actual undertakings.



I am informed that I can object to the processing of my personal data for marketing purposes at any time either by e-mail addressed to unsubscribe@arendt.com or by clicking [here](#).

[Update e-mails preferences](#) | [Forward this e-mail](#)