



**DROITS ET
OBLIGATIONS**

Les Obligations D'information Et De Conseil Des Intermédiaires D'assurances

Bernard Dubuisson, Pierre Jadoul



Les Obligations D'information Et De Conseil Des Intermediaires D'assurances:

L'information et le conseil dus au preneur d'assurance Hichem Khoury, 2011 L'obligation d'information et le devoir de conseil sont au centre de l'activite d'assurance. L'assurance est une branche conomique tr s r glement e il y existe un foisonnement l gislatif et jurisprudentiel. La protection des candidats et preneurs d'assurances futurs ou actuels assure s reste une des pr occupations majeures du l gislateur et des juges. La nature conomique de la r glementation de l'assurance entretient un bien collectif entre les diff rents acteurs pr sent sur ce march la confiance. Le devoir de conseil a pour finalit de maintenir cette confiance notamment entre les assureurs et les preneurs d'assurance. Ce devoir la charge des assureurs et de l'ensemble des acteurs proposant des services d'assurance est une notion minemment subjective qui est la r sultante d'un travail intellectuel men par la personne qui propose la souscription d'un contrat d'assurance. Le contenu du devoir de conseil est conditionn par les changes d'informations r alis s entre les parties. Le d biteur du devoir de conseil doit partir des informations qu'il r colte sur son prospect s lectionner les produits qui sont susceptibles de r pondre ses demandes et adapt s sa situation conomique r elle. Dans le domaine de l'assurance l'analyse des obligations d'information et de conseil varie sensiblement selon la qualit des personnes d bitrices. En droit des assurances ces obligations p sent en premier lieu sur l'assureur et les interm diaires d'assurances. En second lieu ces obligations sont la charge d'une multitude de personnes qui proposent la souscription de contrats d'assurances titre accessoire. En troisi me lieu un acteur majeur de la distribution des services d'assurances est le souscripteur d'assurances collectives. Les assurances collectives sont n es de la pratique et occupent d sormais une place conomique pr pond rante dans le secteur de l'assurance en France. Les probl matiques juridiques soulev es par l tude des obligations d'information de mise en garde et de conseil sont diff rentes selon la nature individuelle ou collective du contrat d'assurance. Dans une pr sentation d op rations d'assurances effectu es par un interm diaire d'assurance le candidat l'assurance ou et l'assur sont alors cr anciers d'obligations d'information lato sensu la charge de deux personnes distinctes l'assureur et l'interm diaire d'assurance. A la diff rence de ce sch ma classique les assurances collectives pr sentent une diversit d'intervenants. Notre tude a pour objectif de traiter les diff rentes probl matiques juridiques aff rentes aux obligations d'information de mise en garde et de conseil dus au preneur individuel d'assurance et au futur ou d ores et d j adh rent un contrat d'assurance collective. La pr sentation de chaque obligation est un pr alable l tude de sa qualit. Le but av r de cette recherche est de prendre position sur la coh rence du syst me informatif au sens large tabli en droit du contrat d'assurances. Notre recherche est essentiellement ax e sur le droit interne cependant l'influence des directives europ ennes sur l'objet de notre tude ainsi que celle de certains droits trangers ne peuvent tre lud es et trouveront place au sein de nos d veloppements.

Devoir d'information et de conseil en assurance Fran ois Couilbault, 2025-08-20 La directive sur la distribution d'assurances DDA introduite en droit fran ais par l'ordonnance du 16 mai 2018 a plac les assure s comme des consommateurs d'assurance. Par l m me elle a tendu la responsabilit pour d faut de conseil tous les

distributeurs notion beaucoup plus large que celle d'intermédiaire d'assurances Le défaut de conseil avant la souscription du contrat engage désormais la responsabilité de celui qui fait souscrire ce contrat et ce tout au long de la vie du contrat Le respect de ce devoir d'information et de conseil fait l'objet d'une vigilance particulière de la part de l'Autorité de contrôle prudentiel et de résolution Recenser les besoins du client proposer le contrat le mieux adapté prouver la délivrance du conseil toutes les tapes du devoir d'information et de conseil qui s'impose aux distributeurs de produits d'assurance sont décrites dans cet ouvrage partir d'exemples concrets Vritable guide pour les professionnels de l'assurance l'ouvrage s'appuie également sur les recommandations de l'ACPR et les bonnes pratiques professionnelles mettre en oeuvre pour permettre aux distributeurs de remplir leurs obligations

Les obligations d'information et de conseil des intermédiaires d'assurances
Riskassur-hebdo,2011

La responsabilité civile liée à l'information et au conseil Bernard Dubuisson,Pierre Jadoul,2000

Guide juridique des courtiers d'assurance Safine Hadri,2025-11-05 Le courtier d'assurance exerce une activité stratégique soumise à un encadrement rigoureux Immatriculation conformité devoir de conseil protection des données lutte contre le blanchiment gouvernance des produits autant d'exigences qui imposent une maîtrise parfaite de son cadre juridique Pour exercer en toute sécurité le professionnel doit donc pouvoir s'appuyer sur une information fiable structurée et immédiatement opérationnelle Ce guide propose une cartographie claire de l'ensemble des règles applicables ainsi que des conseils pratiques pour sécuriser l'activité au quotidien Composée de quarante et une fiches pratiques il est scindé en cinq grandes parties Distribution d'assurance règles des statuts et conditions d'exercice des intermédiaires Cadre légal et réglementaire immatriculation ORIAS relations avec l'ACPR obligations d'adhésion passeport européen sanctions Relations avec les assurés convention de courtage devoir de conseil responsabilité civile Relations avec les assureurs mandats rémunération contrôle gestion de portefeuille Conformité et gouvernance RGPD LCB FT vente distance co-courtage gouvernance des produits exigences du règlement DORA Contenu pour les courtiers d'assurance qu'ils exercent seuls ou en groupe ce guide répond à leurs besoins spécifiques tout en offrant des éclairages utiles aux autres intermédiaires agents mandataires insurtechs grossistes ainsi qu'aux juristes et responsables conformité du secteur

Réussir la gestion et l'externalisation des activités d'assurance
Luc Bigel,Hamza Akli,2024-04-17 La réglementation en matière d'assurance est essentielle pour protéger les intérêts des consommateurs assurer la stabilité financière du secteur et garantir la transparence des pratiques commerciales Mais l'inflation normative européenne comme nationale qui touche le secteur peut s'avérer lourde à gérer par les professionnels dans la gestion quotidienne de leurs activités Cet ouvrage présente en suivant les tapes de la vie d'une police d'assurance un éclairage juridique et des outils pour répondre à ces différentes normes un rappel du cadre général de la distribution d'assurance intégrant les adaptations réglementaires les plus récentes prévention des conflits d'intérêts devoir de conseil et d'information coopération transfrontière publicité en matière d'assurance vie les règles pertinentes en matière de gestion des polices et de protection des consommateurs gouvernance et surveillance des produits IPID les modalités pour externaliser en conformité les

différentes activités et fonctions de l'entreprise d'assurance standard clé importante ou critique externalisation communautaire
les dispositifs et procédures pour améliorer le traitement des réclamations clients et gérer les types de contentieux un
panorama des autorités de contrôle ORIAS HCSF AEAPP ACPR pour mieux appréhender leurs missions et leurs attendus Illustré
par la jurisprudence de l'ACPR la plus récente ce guide pratique permettra tous les professionnels de l'assurance et de la ré
assurance ainsi que des secteurs connexes d'exercer leurs activités en parfaite agilité au sein des multiples sources
contraignantes du domaine **Le devoir de conseil et d'information de l'assureur dans la distribution des contrats
d'assurance de personnes** Benoît Eymard, 2002 **L'obligation d'information et de conseil en matière d'assurance**
Patrice Fil, 1996-01-01

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