

The year of 2023 was marked by changes in the Brazilian (Re)Insurance Regulator (SUSEP) management and by few rules published by the insurance regulator, aiming at many new rules to be published throughout 2024.

Within the federal legislative scope, the new law of transportation insurance, the new rules of the guarantee insurance, and the developments of the Insurance Bill drew attention of the insurance sector and will continue to be subject of intense debates in 2024.

Regarding the judicial system, important decisions were rendered by Superior Courts related to insurance. In this content, you will find the main regulatory updates in the SUSEP regulatory rules enacted in 2023, main judicial insurance aspects, especially on damage and personal insurance, and an outlook for 2024.

» 2023 – REGULATORY PRODUCTION

+04 CNSP Resolutions

Extension of Open Insurance | [452](#)

Civil Liability Insurance of Road Passenger Transport - CNSP Resolution | [460](#)

To know more, check out our newsletter [here](#) (Portuguese only).

SRO (Recording System Operation) | [461](#)

Costing of the DPVAT | [462](#)

+11 SUSEP CIRCULARS

SRO (Operation Recording System) – SUSEP Circular | [686](#) | [687](#) | [690](#) | [696](#)

Open Insurance – SUSEP Circular | [688](#) | [693](#)

Ratification matters - SUSEP Circular | [689](#)

Certificates and deadlines - SUSEP Circular | [691](#) | [694](#)

Preferential offer - SUSEP Circular | [692](#)

Change in lines codification - SUSEP Circular | [695](#)

+02 PUBLIC INQUIRIES

01/2023

CNSP Resolution – Own risk and solvency assessment (ORSA) and risk management practices of insurance companies, private pension plans, capitalization companies and local reinsurers.

02/2023

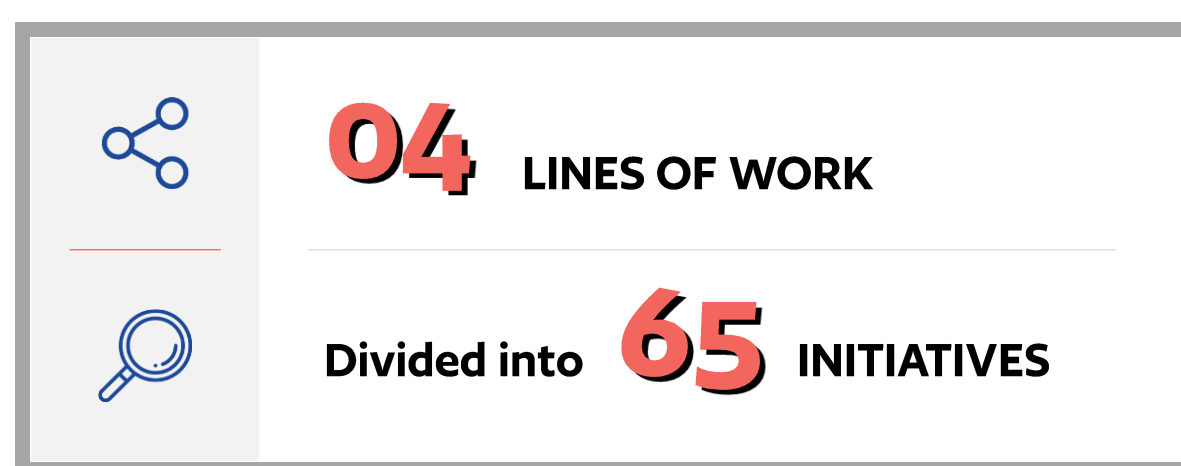
CNSP Resolution – Changes in CNSP Resolution No. 388, from September 8, 2020, and CNSP Resolution No. 416, from July 20, 2021.

» REGULATION PLAN

SUSEP published its Regulation Plan for the 2023-2024 period, covering the studies and public inquiries promised for the end of 2023 and for the course of 2024.

To learn more, please read our newsletter [here](#).

» DEVELOPMENT PLAN IN INSURANCE MARKET, PRIVATE PENSION PLANS, HEALTH INSURANCE AND CAPITALIZATION - PDMS



The ACTIONS must be promoted until 2023, with the purpose of increasing by 20% the portion of population served by many products in the insurance market, private pensions plans, supplementary health insurance and capitalization, as well as increasing revenue from compensations and other revenues to overcome the 10% mark of the Brazilian GDP in 2030. To learn more, please read our newsletter [here](#).

» INSURANCE BILL (PLC No. 29/2017)

- » The Insurance Bill (PLC No. 29/2017), which covers insurance regulations and revokes the Chapter of Civil Code about insurance (articles 757 to 802), as well as some articles regarding the statute of limitations, is about to be voted on Federal Senate.
- » The Bill has been pending since 2004 and, after a long process in the House of Representatives, it was approved in that House and sent to the Senate for analysis in 2017. In the Senate, it received a favorable vote in 2019, but was never voted on by the Commission. There was no progress until 2021, and the Bill was shelved at the end of 2022.
- » It was reopened in 2023 and, on November 21, 2023, the Report from Senator Rapporteur Jader Barbalho was received, with a favorable vote for the Bill. A Substitute Amendment to the text initially approved by the House of Representatives was presented and, up to now, the text has been already amended four times.
- » If approved by the Federal Senate without amendments, it will be sent to the Presidency of Brazil for enactment. If there are amendments, the Bill will return to the House of Representatives, the initiating House, to analyze the amendments presented.
- » If approved, the new Insurance Bill will come into force one year after its publication.
- » In general, the Insurance Bill has an extremely protectionist nature for the insured and a lack of compatibility of many articles in relation to large risk insurance and not subject to the consumer relationship, impacts on reinsurance, in addition to a strong interference with the methods of conflict resolution.

To learn more, please read our newsletter [here](#).



» OTHER BILLS AND LAWS WITH IMPACTS ON INSURANCE //

1/ Law No.14,652 (August 23, 2023) - provides for the option of granting, as a guarantee for credit transactions, the right of redemption guaranteed to participants in private pension plans, to insured persons on personal insurance, to members of the Individual Scheduled Retirement Fund (FAPI) and to holders of capitalization bonds.

2/ CNseg presented a Bill to create a mandatory **“catastrophe insurance”** (to replace Bill No. 1,410/2022).

3/ Law No. 14,689 (October 20, 2023)
(discussion on “early settlement provision” of guarantee insurance in tax claims).

4/ Complementary Bill 101/2023 - amends Decree-Law No. 73, of November 21, 1966, which provides for the National Private Insurance System and regulates insurance and reinsurance operations.

5/ Tax Reform: result of the constitutional amendment project, the well-known PEC No. 45/2019 – and the subsequent publication of amendment No. 132.

» OTHER HIGHLIGHTS //

ESG – SUSTAINABILITY REQUIEREMENTS

Although it was published in 2022, SUSEP Circular No. 666, which provides for sustainability requirements, to be met by insurance companies, private pensions plans, capitalization companies and local reinsurers, had important milestones throughout 2023, such as, for example, the publication of standardization tables, and will continue to have new milestones in 2024.

Main deadlines for adequacy:

SUSTAINABILITY POLICY



SUSTAINABILITY RISK MANAGEMENT (EXCEPT REGISTRATION OF INFORMATION):



SUSTAINABILITY REPORT:



Disclosure of the first Sustainability Report for the referred segments, related to the base date of December 31, 2023.

OPEN INSURANCE | STAGES

Phase I	Phase II	Phase III
OPEN DATA <ul style="list-style-type: none">• Customer service channels• Products available	SHARING PERSONAL DATA <ul style="list-style-type: none">• Registration of customers and participants• Customer movements related to products• Eletronic Devices Records	SHARING PERSONAL DATA <ul style="list-style-type: none">• Access• Changes• Redemption or portability• Claim notice• Others
ONGOING		

PRODUCTS

2023 was marked by relevant changes in some specific lines of products, such as transportation and guarantee insurance policies, and these changes will continue to generate discussions in 2024.

TRANSPORTATION

The publication of the Law No. 14,599, which covers, among other matters, cargo insurance, through relevant changes in Law No. 11,442/2007, generated intense discussion about the obligation of taking out transportation insurance, being recently brought to justice (please see ADI 7,579, lawsuit filed at the Federal Supreme Court) and will also be regulated by SUSEP in 2024.

GUARANTEE

Law No. 14,133/2021, known as the New Legal Framework for Biddings and Administrative Contracts, completed two years on April 1, 2023, and the transition period for the use of its provisions was extended until the end of 2023. The regime provided in previous Law No. 8,666 remains in force only for contracts already executed or bidding processes already initiated, with great expectations for the use of the new rule in guarantee insurance contracts as of 2024.

Among other changes, the New Legal Framework for Biddings provides that, in the event of default by the contractor, the insurer can execute and terminate the subject matter under the contract, that is, exercise the step-in. If the insurer does not take responsibility for performance of the contract, the insurer will pay the entire insured amount indicated in the policy.

On December 21, 2023, SUSEP launched the Guarantee Insurance Technical Manual.

This was all in a context in which the Legal Framework for Guarantees (Law No. 14,711, of October 30, 2023) established the counter-guarantee contract (CCG) as an instrument enforceable out of court.

LARGER RISKS

On October 17, 2023, Electronic Letter No. 001 DIR1/SUSEP was published, determining the suspension of the monthly submission of information on larger risk insurance operations, without prejudice to the duty of insurers submitting such information to SUSEP when requested.

INSURANCE CONSULTATION SYSTEM

In November 2023, SUSEP launched the Insurance Consultation System, initially covering damage insurance, personal insurance (under a simple distribution system) and microinsurance. In the system, using a password from the government portal, it is possible to view the inquirer's current policies at the time of the consultation.

» SUPERIOR COURT OF JUSTICE | PERSONAL AND DAMAGE INSURANCE //

JUDICIAL

In the judicial sphere, some discussions involving personal and damage insurance were the subject of important decisions by the Superior Court of Justice (STJ), among which we highlight the following:

- 1. REsp No. 1.874.788/SC and 1.874.811/ SC – Theme 1112**
Duty of information of policyholders in collective life insurance contracts.
- 2. REsp No. 1.996.660/RS**
Early payment of guarantee insurance.
- 3. REsp No. 2.054.074/RS**
Payment of insured capital on the life insurance of drunk pedestrians.
- 4. REsp No. 2.029.240/SP**
Extended guarantee insurance premiums not sent by the retailer to the insurer are not subject to the effects of court-reorganization.
- 5. REsp No. 1.988.894/SP**
Applicability of the arbitration clause in relation to a subrogated insurer.
- 6. REsp No. 1.887.012/RJ**
Replacement of bank-issued guarantee with letter of guarantee insurance in tax enforcement – absence of 30% increase in the amount of the debt.

SUPREME COURT DECISIONS | PIS and COFINS

- 1. Collection of PIS/Cofins taxes on insurance premiums**

» REGULATORY OUTLOOK //

- Publication of NEW rules according to the Regulation Plan
- Continuation of study groups and dialogues between sectors
- Regulatory changes following the approval of Bill No. 29/2017.

CHALLENGES AND OPPORTUNITIES

In general, they will remain the same as those of last year, with the inclusion of some, which are highlighted below:

- ✓ **OPEN FINANCE (OPEN BANKING / OPEN INSURANCE)**
New Technologies, diversity in insurance distribution channels and marketplaces. Debate involving SPOCs – client order processing agents.
- ✓ **INFRASTRUCTURE AND TRANSPORTATION**
New bidding law, new legal framework for guarantee insurance and transportation
- ✓ **(RE)INSURANCE AND CAPITAL MARKETS**
Insurance Risk Letter and new forms of investments linked to insurance products
- ✓ **(RE)INSURANCE AND ENVIRONMENT**
Green Products – Ecological Transition
- ✓ **(RE)INSURANCE AND CYBER**
Development of new products
- ✓ **TAX AND (RE)INSURANCE**
Discussions involving tax reform in the sector
- ✓ **INSURANCE BILL (PLC No. 29/2017)**
Possible voting in the first semester

2024

» CONTACT //



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