

Insurance Agent

Abstract

The topic of this thesis is the insurance agent, as one of the types of insurance intermediaries pursuant to Act No. 38/2004 Coll., On Insurance Intermediaries and Independent Claims Loss Adjusters. Insurance mediation is a relatively current issue, which is presently under discussion, especially regarding to the Insurance Distribution Directive (IDD) and its implementation into Czech law. In this work the existing legislation is not only described, but also my professional experience with the examined issues is applied and provided commentary where relevant.

The thesis is divided into nine chapters, including the introduction and the conclusion. The introduction is followed by historical development of legal regulations, both in Czech Republic and within the European Union.

Then the thesis is focused on the insurance agent itself, first by defining him and the conditions for being registered as an insurance intermediary. Subsequently specific conditions of the insurance agent's activity are dealt with, having a special focus on the obligation of the insurance agent to act with professional care. As the insurance agent's activity does not exist in isolation, but is regulated by other laws, several of them are mentioned. These are primarily the issues of personal data protection, AML / CFT, etc.

In the fifth chapter the conditions of liability of the insurance agent for damage are dealt with, followed by the oversight of the activity of insurance agents, which is performed by the Czech National Bank.

Finally, two selected foreign legislation are briefly compared – one of which is Slovak legislation representing a country within the European Union, and the other is Switzerland representing a country outside the European Union.

The penultimate chapter is devoted to the outlook for the future, where IDD and its implementation into Czech law are described. Since I am professionally involved, in the contractual relations between the insurance company and the insurance intermediaries, I have tried to complement the lessons learned from my practice in the appropriate places. These included, for example, making reference to selected decisions (in particular) the CNB,

the judgements of the courts or the Financial Arbiter, and also my own views on the merits or deficiencies of current legal regulation.

The aim of this thesis was not only to describe the existing legislation, but also to enrich the description with reference to how this legislation is implemented in practice. I think I have achieved the desired goal. From this standpoint, I consider the most valuable chapters **Chyba! Nenalezen zdroj odkazů.** and **Chyba! Nenalezen zdroj odkazů.** dealing with professional care, in which I discuss the selected decisions of the CNB, from which the CNB's approach to the issue is apparent, and in which insurance agents can be inspired to set the rules for performing their activities. Given the limited scope of my work, I did not describe all the possible aspects of the insurance agent's activities (for example, there is no chapter dealing with the insurance distribution via internet, telephone etc.), but I think that the thesis can serve as a basis for deeper exploration of the issue.

Keywords: agent, intermediation, insurance