

Insurance Factsheet : Belgium	
<p>Member organisation(s):</p> <p>CNOA</p> <p>Conseil National de l'Ordre des Architectes</p> <p>Various private associations representing architects (UWA, NAV, ARIB,...)</p> <p>Obligation to insure?</p> <p>Yes</p> <p>Legal Obligation to insure?</p> <p>Yes</p>	
<p><u>Legal Basis</u></p> <p>Commonly used Term and Conditions:</p> <p>Art. 2,§4 Law of February 20th 1939 on the protection of the title and on the profession of architect;</p> <p>Law of 31 May 2017 on compulsory ten-year civil liability insurance in the construction sector</p> <p>Law of 9 May 2019 on compulsory professional civil liability insurance in the construction sector</p> <p>What are the requirements needed in order to obtain an insurance ?</p> <p>To be authorized to practice as an architect (registration in the order of architects is mandatory)</p> <p>Other than that each insurance company decides its own requirements to obtain an insurance</p> <p>Calculation of insurance premium:</p> <ul style="list-style-type: none"> - Rate applied to fees or - Rate on the value of construction works - The architect's claims record is also taken into consideration 	<p><u>Contractual liability:</u></p> <p>- Liabilities before and/or during the works:</p> <p>During the works</p> <p>- The end of the construction phase as a point of departure for a period of specific liabilities?</p> <p>Yes. The legal guarantee takes effect from the date of acceptance of the work by the client (which may be express or tacit)</p> <p><u>Liabilities after work:</u></p> <p>Harm to structure (to its soundness or stability):</p> <p>Yes, 10 years</p> <p>Unsuitability for the function:</p> <p>Yes</p> <p>Hidden defects:</p> <p>Yes, 10 years (but often contractually reduced to 3 years)</p>

<p><u>Forms of Insurance contract:</u></p> <p>10 years (counted from acceptance) + non-contractual liability of 20 years.</p> <p>A civil liability insurance is compulsory (imposed by the law and the Code of Conduct)</p>	<p>Joint and several (in solidum) liability:</p> <p>Yes, a derogation is possible by contract for hidden defects only</p> <p>Does the insurer respond to a claims made or claims rising basis?</p> <p>The insurance cover relates to claims for compensation made in writing against the insured or the insurance company during the term of the insurance contract on the basis of a liability covered in this contract and which have relates to damage occurring during the same period. The guarantee extends to requests for repairs made within 10 years from the day on which registration in the Order of Architects is terminated.</p>
<p>Insurances / Agents:</p> <p>Protect</p> <p>Ar-co</p> <p>Euromaf</p> <p>Hdi-Gerling</p> <p>Ethias</p> <p>Allianz,...</p>	<p>Duration of Liability:</p> <p>- Professional client:</p> <p>10 years</p> <p>- Consumer client:</p> <p>10 years</p> <p>- Liability during and after construction:</p> <p>10 years</p>