

Recent legislative changes have left Directors & Officers of Not for Profit Entities more exposed than ever to liability claims. All associations and foundations are now considered Enterprises. The new Book XX of the Economic Law Code applies to all enterprises, which makes that all VZWs/ASBLs can now be declared bankrupt. Moreover, the new company law will now also apply to associations, which will mean that the same liability rules will apply, including the joint and several liability... As a result, and in addition to measures to professionalise directorships, Directors & Officers Liability Insurance has become a must.

BELUGA's Management Liability Insurance Associations & Foundations has been designed with these entities in mind.



## Target Audience

Policy specifically aimed at:

- **Associations & Foundations** with annual consolidated turnover of **less than EUR 300m**
- entities domiciled in **Belgium or Luxembourg** (except with physical presence in the USA)

## Available Limits

Capacity from first rate insurer **Zurich Insurance plc, Belgium Branch** available up to **EUR 10,000,000**

## Specific Features for Associations & Foundations

- Language adapted to Associations & Foundations
- Changes in legal structure adapted to Associations & Foundations
- Subsidiaries of Associations & Foundations are also included
- Underwriting linked to the legal definitions of small/large/very large Associations & Foundations

## Policy Features

### *Territory*

**Worldwide**

### *Timeframe*

- annual policy with tacit renewal
- claims made during the policy period
- automatic discovery period of 5 years
- **pre-agreed discovery period** of up to 6 years in case of change of control (mergers,...)

## Policy Features (Cont'd)

### Group Structure

- new subsidiaries founded or acquired during the policy period included automatically (criteria apply)
- change of control expires the ongoing policy
- **change of legal structure** results in a new policy being issued

### Insured Amounts

- separate or combined insured limits
- PDA 100% for insured/non-insured

### Insureds

- directors & officers
- **legal entities** (including management companies) acting as director or officer
- **founders' liability**
- broad inclusion of **employees**
- spouses and heirs

in policyholder, designated sister companies and all their subsidiaries

- outside entity executives



## Administrative Features

Added to provide the solution that best fits your needs.

- **BELUGA ONLINE** - Ability to transact online through a state of the art Broker Portal
  - **PDF** only policies
  - **Premium Instalments** (Half Yearly, Quarterly, Monthly)
- **Direct Debiting** premiums directly from the Policyholder (mandatory for Premium Instalments)

## Risk Management Tools

To support you in proactively identifying and managing issues before they occur.

### BELUGA PANEL OF EXPERTS

- Confidential **helpline** provides access to initial free legal advice on matters relating to the policy
  - Expert Panel firms **pre-approved** as **Defence Counsel** and ready to act without delay

### Knowledge Centre

- Website section containing relevant written material covering key issues important to our clients



## Covers

A combination of traditional and new covers, tailored to the needs of our target audience and listed individually for your convenience.

### ALL RISK PRINCIPLE – BASE COVERS

- Directors & Officers Liability Cover
- Company Reimbursement Cover

### WHO IS COVERED

- Outside Entity Extension
- Sister Association Extension
- Pension & Employee Benefit Schemes Extension
- Retired & Resigned Directors & Officers Extension
- Founders' Liability Extension
- Specific Function Liabilities Extension  
milieu-coördinator, transport coordinator, data protection officer, preventie-adviseur / conseiller en prévention, or competition law compliance manager
- Marital Estates Extension

### CLAIMS & LOSSES

- Subsidies & Public Tenders Extension
- Employment Matters Extension
- Third Party Discrimination & Harassment Extension
- Occupational Manslaughter & Safety Legislation Extension
- Pollution Claims Extension
- Data Privacy Extension
- Corporate Taxes Extension
- Administrative Fines and Penalties Extension
- Bail Costs Extension

### BEYOND CLAIMS

- Investigation Costs Extension
- Deprivation of Assets Extension **25% - max. EUR 250.000**
- Deprivation of Liberty Extension
- Court Attendance Costs Extension **EUR 10.000**
- Insolvency Hearing Costs Extension
- Reputational & Social Media Crisis Extension **25% - max. EUR 250.000**
- Psychological Support Extension **EUR 25.000**

## Exclusions

Exclusions can affect cover in one or both coverage sections. They are written in as clear a language as possible to reduce ambiguity. Some of them have exceptions that reduces the scope of the exclusion, a so-called 'carve back'.

- Bodily Injury and Property Damage  
carve-back for Employment Matters, Occupational Manslaughter & Safety Legislation & Pollution Claims, Loss of Documents and **'last resort'**
- Conduct
- Prior Circumstances and Claims
- Professional Liability – carve-back for failure to supervise

### Disclaimer

This document is a summary of the cover provided under the Management Liability Insurance policy, and is issued for information purposes only. It does not amend or extend coverage afforded by any policy. In case of a claim only the original wording of the policy will be applicable and will prevail over this summary.