

Question concerning insurance-related interest referred for a preliminary ruling of the Constitutional Court

By a judgement of 7 October 2014, the French-language Commercial Court of Brussels submitted to the Constitutional Court a request for a preliminary ruling on the question of whether the non-application to insurance companies of the interest rate in accordance with the Act of 2 August 2002 on combating the arrears in payment was discriminatory.¹

"Does there exist, under articles 10 and 11 of the Constitution, an unjustified discrimination between an insurance company and any other commercial company in the case where the interest rate that is calculated by application of the Act of 2 August 2002 on combating late payment in commercial transactions would not apply to compensations paid by insurance companies, while the latter are also traders and the compensation of a claim must be regarded as consideration for the insured's obligation to pay premiums?"

This matter is currently pending before the Court under the roll number 6112.

¹ Belgian Official Journal 26 January 2015, 7053.

For more information on this specific subject, please contact Eva Zaman (the author) and Siegfried Busscher (head of department).

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