

ABSTRACT

Legal Qualification of linked life policies

The present paper is on the classification of those products offered by insurance companies, appeared in the Italian reality in the 80', which have characteristics within both the insurance or financial products.

It must be remembered, today, as life insurance are of a economica and social function of particular importance, both in terms of savings that in terms of social security. A numerical data, of enormous importance, can make us understand the relevance of the phenomenon, given that, in 2014, the collection of only Class III products, life insurance, was about ninety-nine billion euro.

Shall be deemed to examine the issue of insurance policies belonging to Class III life, unit-linked policies and index linked .

The study, bearing in mind the contracts offered today in the Italian insurance market, will try to analyze whether these particular contracts also in the case of the insurance contract or in the case of financial instruments or ultimately represent a third category than those typified by the Italian legislature, in civil law, and therefore fall within the genre of atypical contracts. The answer to this question matter a number of significant implications, ranging from the individual executions plan to the bankruptcy, up to purely statutory.

The analysis, starting with a general definition of the contract of life insurance, trying to expose the nature and essential elements, will treat the category of risk, in the sort of demographic risk and financial risk, and then try to identify as a doctrine and case law, even the European Union one, have tried to interpret such contracts.

The purpose of this work will be nothing but provide for the real interpreter a complete picture of the guidelines since established themselves here, but especially all the tools to go to qualify every single contract that will arise to its attention and solve the major problems that are found in the jurisprudence that is forming in recent years.