



AIDA EUROPE CONFERENCE, HAMBURG 2008
in association with the Insurance Committee of the IBA
“INSURANCE & REINSURANCE LAW IN EUROPE: NEW CHALLENGES”

PROGRAMME HIGHLIGHTS INCLUDE:

- **Present and future risks** - *the latest developments and the next big claims.*
- **Class actions** - *will Europe have to face a US-style litigation culture in the future?*
- **Principles of European Insurance Contract Law** - *panel discussion on the work of the Innsbruck Group.*
- **European Intermediaries Directive** - *the changing role of brokers.*
- **Cross border multi-jurisdictional disputes and how to manage them.**

INCLUDING PRE-CONFERENCE AIDA WORKING PARTIES ON:

- **Reinsurance:** *mock arbitration with arbitrators from civil law and common law jurisdictions.*
- **State Supervision:** *integration of the banking and supervisory divisions in Europe and transfers of insurance and reinsurance portfolios in Europe.*
- **Life Pension and Collective Insurance:** *group personal pension: the extent and formation of group personal insurance, and the duty of insurers to provide information.*
- **Distribution of Insurance Products:** *dealing with consumer insurances, reinsurance intermediaries, conflict of interest, distance selling, and alternative distribution channels and group insurances.*
- **New Technologies, Prevention and Insurance:** *The influence of ITT, genetics and nanotechnology in risk analysis, description of insurance risk and claims management; and, prevention in insurance policies.*

Special keynote addresses from:

Wilhelm Zeller *Chairman of the Executive Board, Hannover Re*
Denis Mahoney *Chairman, Aon Global*

Confirmed speakers so far include:-

Jean Alisse, *Dewey & LeBoeuf LLP (Paris)*
Jorge Angell, *L C Rodrigo*
John Arpel, *Principal, Allianz Risk Transfer*
Christian Bouckaert, *Bouckaert Ormen Passemard Sportes*
Professor Diana Cerini, *University of Milan*
Colin Croly, *Barlow Lyde & Gilbert LLP*
Reinhard Dallmayr, *Bach Langheid & Dallmayr*
Hanno Goltz, *Oppenhoff & Partners*
David Greenwald, *Jenner & Block (Chicago)*
Robert Hammesfahr, *Managing Director, Claims and Liability Management, Swiss Re*
Jan Heuvels, *Ince & Co*
Professor Helmut Heiss, *University of Zurich*
Louise Jenkins, *Allens Arthur Robinson (Melborne)*
Professor Gerard Kamphuisen, *Radboud University Nijmegen*
Joachim Krane, *Chief Claims Officer, XL Services*
Professor Jerome Kullmann, *Paris Dauphine University and Director of the Insurance Institute of Paris*
Jonathan Post, *XL Insurance General Counsel for Global Programmes*
Professor Robert Merkin, *University of Southampton and Consultant to Barlow Lyde & Gilbert LLP*
Ioannis Rokas, *IKRP Rokas & Partners (Athens)*
Mikael Rosenmejer, *Plesner Svane Gronborg*
Hans Londonck Sluijk, *Houthoff Buruma*
Stefan Speyer, *Group Legal Services, Allianz SE*
Katy-Marie Wilson, *Barlow Lyde & Gilbert LLP*
Leonid Zubarev, *CMS Cameron McKenna (Moscow)*

“INSURANCE & REINSURANCE LAW IN EUROPE: NEW CHALLENGES”

A one-day conference organised by AIDA Europe, in association with the Insurance Committee of the IBA, to look at the issues facing the European Insurance and Reinsurance Markets now and in the future, and how the legal sector can support the industry in preparing to meet the challenges ahead.

There are a number of challenges currently facing the market. The insurance and reinsurance industries are more than ever tied to the wider financial services sector, with many hedge funds and investment banks having invested heavily in the insurance and reinsurance sector in recent years. The financial markets have until recently been strong; however the US sub-prime lending crisis has precipitated a wider market slowdown. As the full extent of the “credit crunch” becomes known a search for scapegoats is likely to ensue, and corporate defaults and bankruptcies are usually followed by directors and officers, and errors and omissions actions as shareholders, regulators and customers alike look for individuals and institutions to be accountable for financial imprudence or miscalculation. What are the legal implications for insurers and reinsurers?

There seems to be some appetite at the European Commission level to create a regime for multi-party litigation or “collective redress” in relation to competition/anti-trust cases. Similarly a number of European countries have recently proposed or adopted legislation to allow multi-party legislation. Will the turbulence in the financial markets encourage US-style class actions to be brought in Europe? Is there scope for shareholders or other stakeholders to bring multi-party claims? Will policies cover fines and penalties, fraud and punitive damages if investigations reveal financial misdemeanours?

One need only to look at the events of 2007 to see that the threat of climate change apparently continues apace. Recent years have seen severe

hurricanes, flooding and wild fires occurring across the globe, and there is an apparent acceptance by the industry that climate change is a reality, and a recognition that human activity contributes to it. As a result there are now a number of legal actions in a range of jurisdictions focusing on climate change issues. For example, against public bodies, as well as carbon emitters. There are difficulties with these actions, principally in the areas of causation and foreseeability, and questions about when the loss took place. These situations will continue to develop and it is possible that insurers and reinsurers will face exposures to claims arising from climate change both as a natural catastrophe and as a man-made problem.

Insurers and reinsurers will continue to face exposures from existing problems, for example, from asbestos related claims and terrorism. In the UK, asbestos-related deaths are predicted to peak in 2015 and the Government has enacted legislation to make it easier for claimants to pursue negligent employers. How will these existing exposures continue to develop? It is difficult to predict what the “next asbestos” will be, however insurers and reinsurers will continue to remain wary of the development of nanotechnology, toxic mould and mobile phone technology. How can the industry deal with the next big claims?

The conference will aim to promote discussion, inform and enable sharing of opinions on these and other key challenges facing the insurance and reinsurance industry in Europe today. Specialist speakers will also be giving talks on how the US and Bermuda views Europe, the work of the Innsbruck Group on the Restatement of European Contract Law and the changing role of the broker under the European Intermediaries Directive. An interactive question and answer session will look at cross border multi-jurisdictional disputes, the issues involved, and tips on how to manage them.



Thursday 22 May 2008

Morning:

AIDA PRESIDENTIAL COUNCIL MEETING - 08:00 - 12:15

Location - Offices of HanseMerkur, Siegfried-Wedells-Platz 1, 20354 Hamburg

Afternoon:

AIDA EUROPE GENERAL ASSEMBLY - 13:15 - 14:00

Location - Offices of HanseMerkur, Siegfried-Wedells-Platz 1, 20354 Hamburg

Welcome Address: Professor Carlos Ignacio Jaramillo, President, AIDA

CONFERENCE REGISTRATION OPENS - 13:00 - 16:30

Location - Offices of HanseMerkur, Siegfried-Wedells-Platz 1, 20354 Hamburg

AIDA WORKING PARTIES under the auspices of the Institute of Insurance Science, Hamburg University (*Attendance is free to all Conference delegates*)

AIDA's Presidential Council has created several Working Parties for the purpose of carrying out research in specific fields of insurance law and related matters. Anyone who is interested in the study of insurance law is welcome to attend these sessions.

- **Reinsurance Working Party** - 14:30-17:30: Chair, Colin Croly, Barlow Lyde & Gilbert LLP. **Location:** Gästehaus der Universität Hamburg, Rothenbaumchaussee 34, 20148 Hamburg
Mock Arbitration, with panel of arbitrators from civil law and common law jurisdictions.
- **Distribution of Insurance Working Party** - 14:00-16:30: Chair, Professor Dr Ioannis Rokas, IKRP Rokas & Partners (Athens). **Location:** Offices of HanseMerkur
Consumer insurances - representative power and imputed knowledge, reinsurance intermediaries, conflict of interest, distance selling - collaboration between intermediaries, and alternative distribution channels and group insurances.
- **State Supervision of Insurance Working Party** - 14:30-17:00: Chair, Professor Dr Gerrit Winter, Hamburg University. **Location:** Offices of HanseMerkur
Integration of the banking and insurance supervisory divisions in Europe and transfers of insurance and reinsurance portfolios in Europe.
- **Life Pension and Collective Insurance Working Party** - 16:30-18:30: Chair, Professor Bill Dufwa, Stockholm University. **Location:** Offices of HanseMerkur
Group personal insurance: the extent and formation of group personal insurance, and the duty of insurers to provide information.
- **New Technologies, Prevention and Insurance Working Party** - 14:30 - 17:00: Chair, Joaquin Alarcon, Alarcon and Associates
The influence of ITT, genetics and nanotechnology in risk analysis, description of insurance risk and claims management; and, prevention in insurance policies.
Location: Offices of HanseMerkur

Evening:

CONFERENCE REGISTRATION - 17:30 - 19:00

Location - Park Hyatt Hamburg, Bugenhagenstrasse 8, Hamburg 20095

PRE-CONFERENCE DRINKS RECEPTION - 18:00 - 20:00

Location - Park Hyatt Hamburg, Bugenhagenstrasse 8, Hamburg 20095

All conference delegates are welcome to attend.



Friday 23 May 2008 - AIDA EUROPE CONFERENCE, Park Hyatt Hamburg
www.hamburg.park.hyatt.com

- 8.15-8.45 **Registration and Coffee**
- 8.45-9.15 **Welcome addresses**
- Chairman of Conference - Colin Croly, Barlow Lyde & Gilbert LLP
 - Professor Dr Robert Koch - Hamburg University, Institute of Insurance Science
 - Representative of the City of Hamburg Government
- 9.15-9.45 **Keynote addresses**
- Challenges facing the Insurance industry/Reinsurance industry in Europe today.**
- Speaker: Wilhelm Zeller, Chairman of the Executive Board, Hannover Re
- 9.45-10.15
- The view from 'across the pond': How the US and Bermuda view Europe. How does this affect Europe?**
- Speaker: Denis Mahoney, Chairman, Aon Global
- 10.15-11.20
- Panel Discussion:
- Present/Future risks - the latest developments and next big claims. The legal issues involved, and what does the industry have to do to prepare itself.**
- Sub-prime
 - Asbestos
 - Climate/Natural Catastrophes
 - Other 'future' risks e.g. nanotechnology
 - Regulation
 - Eastern Europe Markets
- Chair: Mikael Rosenmejer, Plesner Svane Gronborg
- Panel: John Arpel, Principal, Allianz Risk Transfer
Robert Hammesfahr, Managing Director, Claims and Liability Management, Swiss Re
Joachim Krane, Chief Claims Officer, XL Services
Leonid Zubarev, Partner, CMS Cameron McKenna (Moscow)
- 11.20-11.40 **Coffee**

11.40-12.10

Principles of European Insurance Contract Law

Panel discussion on the work of the Innsbruck Group

Panellists: Professor Jerome Kullmann, Paris Dauphine University and Director of Insurance Institute of Paris
Professor Diana Cerini, University of Milan
Professor Helmut Heiss, University of Zurich

12.10-13.10

Class Actions. Will Europe have to face a US-style litigation culture in the future?

Panel Discussion:

Chair: Jan Heuvels, Ince & Co
Panel: Jean Alisse, Dewey & LeBoeuf LLP (Paris)
Jorge Angell, L C Rodrigo
David Greenwald, Jenner & Block (Chicago)
Louise Jenkins, Allens Arthur Robinson (Melborne)
Jonathan Post, XL Insurance

13.10-14.20

Lunch

14.20-14.50

European Intermediaries Directive. The changing role of the broker.

Speaker: Professor Robert Merkin, University of Southampton and Consultant to Barlow Lyde & Gilbert LLP

14.50-15.15

Tea

15.15-17.15

Cross border, multi-jurisdictional disputes and how to manage them.

Using two case studies, a panel of lawyers from a range of European jurisdictions will lead a discussion session which will highlight the pitfalls involved in cross-border multi-jurisdictional disputes.

Interactive question and answer sessions:

Chair: Katy-Marie Wilson, Barlow Lyde & Gilbert LLP / Stefan Speyer, Deputy Director at Group Legal Services Allianz SE

Panel: Christian Bouckaert, Bouckaert Ormen Passemard
Sportes

Reinhard Dallmayr, Bach Langheid & Dallmayr

Hanno Goltz, Oppenhoff & Partners

Professor Gerard Kamphuisen, Radboud University
Nijmegen

Ioannis Rokas, IKRP Rokas & Partners (Athens)

Hans Londonck Sluijk, Houthoff Buruma

Topics to be covered will include:

- Drafting Choice of Law and jurisdictions provisions
- Dealing with jurisdictional disputes
- A comparative review of how courts will interpret the same wording in differing jurisdictions
- Anti-suit injunctions
- Forum shopping

17.15

Chairman's closing remarks

AIDA EUROPE HAMBURG CONFERENCE ORGANISING COMMITTEE

Gunne Baehr, *DLA Piper LLP (Cologne)*

Colin Croly, *Barlow Lyde & Gilbert LLP*

Otto Csurgo, *ART Consult Management*

Claudia Foellmer, *Hannover Re*

Professor Robert Koch, *University of Hamburg*

Professor Jerome Kullman, *Paris Dauphine University*

Theo Langheid, *Bach Langheid & Dallmayr*

Rose-Marie Lundstrom, *Wistrand Advokatbyra*

Lars Moelgaard, *Cunningham Lindsey Leif Hansen*

Kyriaki Noussia, *Max-Planck Institute for Comparative and International Private Law*

Mikael Rosenmejer, *Plesner Svane Gronborg*

Hans London Sluijk, *Houthoff Buruma*

Stefan Speyer, *Allianz SE*

Katy-Marie Wilson, *Barlow Lyde & Gilbert LLP*



ABOUT AIDA

AIDA (“Association International de Droits de Assurances”), the International Insurance Law Association, was established in 1960. It brings together insurance law associations (“Chapters”) from more than 80 countries worldwide, with the aim to educate, research and develop insurance law through conferences, reports, research papers and academic studies, and particularly through the work of its Working Parties and its World Congresses.

Anyone who belongs to their national insurance law association is a ‘member’ of AIDA. You do not need to belong to AIDA or a Chapter to attend any AIDA events - delegates who are interested in insurance law are always welcome. Similarly, the AIDA Working Parties, though limited in membership, open all of their meetings to free attendance by anyone who is interested. All of the national associations have their own activities, including regular seminars and conferences. In addition AIDA holds regular events, including, every 4 years, a World Congress. Regional groupings of the national associations such as CILA, and now AIDA Europe are also active. AIDA events, and those of its regional groupings are primarily designed to bring together academics, lawyers and professionals from the insurance markets worldwide, to generate discussion and debate, to further the study, understanding and development of insurance law.

For further information about AIDA including details of all the National Chapters, future AIDA events, and to register to receive the AIDA Newsletter, AIDA Mail, please visit the AIDA website: www.aida.org.uk.

AIDA Europe

AIDA Europe was established in Rome in 2007. Its aim is to bring together the National Associations in Europe, as a regional grouping, to further the goals of AIDA on a regional basis. AIDA Europe Hamburg 2008 is the inaugural AIDA Europe event, hopefully the first of many. AIDA Europe is delighted to be working closely with the Insurance Committee of the IBA (International Bar Association) in this event.

Insurance Committee of the IBA

The objective of the Insurance Committee of the International Bar Association is to encourage the global exchange of knowledge and experience in connection with the law of insurance/reinsurance as well as industry practice and to provide opportunities for professionals working in this area both in the law and in the industry to meet and foster relationships.

ACCOMMODATION

The AIDA Europe Conference on Friday, 23 May 2008 will take place at the **Park Hyatt Hamburg** (www.hamburg.park.hyatt.com). The hotel has reserved 150 rooms for delegates on 22 and 23 May 2008. These will be held until **22 March 2008** prior to the conference. AIDA Europe has negotiated favourable rates for delegates who want to book accommodation at the hotel:

- Single rate: €180 per room per night (inclusive of taxes and breakfast)
- Double rate: €230 per room per night (inclusive of taxes and breakfast)





To make a reservation please contact the Park Hyatt's reservation department on +49 180 523 1234 and quote the following reservation number: **BL74**. The hotel will require a valid credit card for reservations.

