

# AIDA Mail



Association Internationale de Droit des Assurances International Association for Insurance Law  
 Associazione Internazionale de Diritto delle Assicurazioni Asociación Internacional de Derecho de Seguros  
 Internationale Vereinigung für Versicherungsrecht

## Introduction

A meeting of the Presidential Council was held in New York on 3 November 1999 in conjunction with a conference held by ARIAS US. The major item on the agenda was a report on the progress of arrangements for the XI World Congress in New York in 2002. It is hoped to include a full report of the Presidential Council meeting in the next issue of IJIL.

I would also like to take this opportunity, as we enter the new millennium, not only to wish everyone a happy and prosperous new year, but also to ask all members of AIDA to send us for publication any items about their own chapters and related matters which they think may be of interest to members in other countries.

*John Butler, Honorary President*

## New Czech Law On Motor Third-Party Liability Insurance

Law No. 168/1999 Coll., the Motor Third-Party Liability Insurance Act, concerning liability insurance in respect of damage caused by motor vehicles, has been approved in the Czech Republic. The new law includes provisions on

compatibility with the EC directives, freedom of choice and direct action by the victim against the insurer and amends some related legislation. Certain provisions came into effect on the day of its promulgation (30 July 1999); the remainder entered into force on 1 January 2000. The full text can be located at: [www.cap.cz](http://www.cap.cz).

The main provisions are summarised below.

1. An insurer cannot refuse to enter into an insurance contract unless the proposal breaches the law on motor third-party liability (MTPL) insurance or the insurer's general insurance conditions as approved by the Ministry of Finance.
2. The indemnity limit shall be at least:
  - (a) CZK 18 million per injured party for bodily injury;
  - (b) CZK 5 million, irrespective of the number of injured parties, for material damage.
3. A driver of a foreign vehicle who holds a valid Green Card issued by an insurance company in a foreign state, or a driver whose liability insurance in the Czech Republic is guaranteed by the Insurers Bureau of a foreign state, is not required to conclude any liability insurance contract in the Czech Republic. All other foreign drivers must take out a temporary MTPL insurance contract at the border.

## Contents

Introduction	1	Danish Section of AIDA	3
New Czech Law On Motor Third-Party Liability Insurance	1	Italian Section of AIDA:	
Sixth Iberian Latin-American Insurance Law Congress	2	General Assembly	4
British Insurance Law Association	3	Professor Donati Celebrates his 90th Birthday	4
		Norwegian Section of AIDA	4

4. The insured is entitled to have the insurer settle on his or her behalf the injured party's claims:
  - (a) for bodily injuries or death;
  - (b) for damage caused by impairment, destruction or loss of property;
  - (c) for damage in the nature of a loss of profit; and
  - (d) for reasonable legal costs incurred in connection with the filing of claims within (a) to (c) above,
 if the event giving rise to the claim, and for which the insured is liable, occurred while the liability insurance was in force. Claims are settled by monetary payments.
5. Liability insurance covers losses incurred in the Czech Republic. Abroad, the insurance covers damage caused by motor vehicles registered in the Czech Republic which occurs in the territory of Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Latvia, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Moldova, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the Ukraine, the Vatican and Yugoslavia.
6. A person who operates a vehicle without MTPL insurance is liable to a penalty of up to CZK20,000 and may be banned from driving for up to one year.
7. The Czech Insurers Bureau has been set up, in particular, to administer a guarantee fund, operate insurance at the border, conclude agreements with foreign countries' Insurers' Bureaux and ensure that any obligations arising from those agreements are fulfilled.

*Magdalena Wawerkova, Czech Section of AIDA*

## **AIDA brochure**

A new AIDA brochure is about to be published and copies will be distributed to all national sections as soon as possible.

## **Sixth Iberian Latin-American Insurance Law Congress**

The Sixth Iberian Latin-American Insurance Law

Congress (CILA 2000) will be held at Cartagena de Indias on 24 to 27 May 2000. The title of the Congress is "Challenges and Opportunities for Insurance and Reinsurance in the New Millennium".

The Congress will focus on five topics, each of which has been prepared by a different national section of AIDA:

- I Implications of computer science for insurance and reinsurance (Spanish Section).
- II Evolution and perspectives of the protection of the insured (Colombian Section).
- III The future of civil liability insurance (Chilean Section).
- IV Personal insurance and its implications for social security (Argentine Section).
- V Tendencias in reinsurance issues (Mexican Section).

### *Preliminary programme*

#### Wednesday 24 May

- |        |   |
|--------|---|
| 3-7pm  | Registration and distribution of conference materials                                       |
| 3pm    | Meeting of the Presidential Councils of AIDA and FIDES (subject to confirmation)            |
| 5pm    | Meeting of the Ordinary Assembly of CILA  |
| 6.30pm | Opening of the Congress   |
| 7pm    | Welcome message   |
| 7.15pm | Award of the CILA Medal to Professor Arturo Diaz Bravo, Honorary President of the Committee |
| 8pm    | Welcome cocktail  |

#### Thursday 25 May

- |        |  |
|--------|--|
| 8.30am | Consideration of Topic I   |
| 11am   | Consideration of Topic II  |
| 1.30pm | Lunch  |
| 3pm    | Consideration of Topic III   |
| 5.30pm | J. Efrén Ossa G., Biennial Award of CILA for Research (1998-2000): Verdict of the jury |

#### Friday 26 May

- |        |                           |
|--------|---------------------------|
| 8.30am | Consideration of Topic IV |
| 11am   | Consideration of Topic V  |
| 1.30pm | Lunch                     |

- 3-4.30pm Meetings of AIDA and CILA working groups  
 8pm Academic closure  
 8.30pm Caribbean dinner and musical evening

Saturday 27 May – Cultural programme

A special programme will be arranged for delegates' companions. They will also be welcome to accompany delegates at the social and cultural activities held within the general programme.

*Structure for the consideration of each topic*

Following a brief introduction by the moderator, the designated speaker will give a 45-minute presentation on the topic. The moderator will sum up and there will then be a question and answer session. Finally reports on the topic prepared by other national sections will be presented.

All national sections are invited to submit reports, but their format must conform to the following specifications:

- 1 Their subject should be one of the five topics of the Congress.
- 2 They will be published in the Conference Papers.
- 3 They should not exceed 10 single-spaced pages.
- 4 They should be presented together with an extract of not more than two pages, which is to be read out by the author or a person designated by his National Section.
- 5 The bibliography and references must be presented as footnotes in the text and not separately at the end.
- 6 They should be drafted with the utmost objectivity and to the highest scientific standards.
- 7 They must be submitted no later than Monday 7 February 2000, preferably by e-mail (e-mail address [cila2000@imagine.com.co](mailto:cila2000@imagine.com.co) or [salpajar@cable.net.co](mailto:salpajar@cable.net.co)). Alternatively they may be sent by express mail to ACOLDESE, Calle 54 A No. 5-19, Santa Fe de Bogota, Colombia. In this case, a computer diskette should also be submitted containing the report in "Word" or "Word Perfect". Reports delivered after this date cannot be published.

*Registration*

For a registration form and details of accommodation please consult the website <http://www.imagine.com.co/aida> or contact ACOLDESE – fax 57 1 310 2606 or e-mail [cila2000@imagine.com.co](mailto:cila2000@imagine.com.co) as soon as possible.

*Professor Carlos Ignacio Jaramillo, President, ACOLDESE (Colombian Section of AIDA)*

**British Insurance Law Association**

At the Association's annual general meeting held on 24 September 1999, Jonathan Sacher was re-elected Chairman and Richard Whatton Vice-Chairman. The full list of officers and committee members is:

President	Roger Taylor
Deputy President	Lord Justice Mance
Chairman	Jonathan Sacher
Vice-Chairman	Richard Whatton
Immediate Past Chairman	Tim Hardy
Honorary Secretary	Tina Rhodes
Honorary Treasurer	Roy Katzenberg
Honorary Scientific Secretary	Omar Hameed
Vice-Presidents	Derek Cole, John Butler, Alison Green
Committee members	Gary Bass, James Crabtree, Cary Depel, John Lockey, Jane Owen, Nick Stanbury, Rhic Webb
Co-opted member	Anthony Davis

**Danish Section of AIDA**

At the annual general meeting of the Danish section, held on 17 May 1999, Bo von Eyben and Claus Tønnesen were both re-elected to the Board of Directors for a three-year period and Helen Kobaek was elected as a new member.

On 18 January 2000 a colloquium was held on the revision of the Danish Act on Insurance Contracts. A report on the background to and scope of the revision is published in the Comments and Reports section of the January issue of [2000] IJIL.

Torben Bondrop, Attorney-at-Law, Plesner & Grønberg, Copenhagen

## Italian Section of AIDA: General Assembly

On 14 October 1999, on the occasion of the XXXIII Congress of the Piemonte-Valle d'Aosta local AIDA Section in St Vincent (see the October 1999 issue of *AIDA Mail*), the Italian Chapter held its first General Assembly for two years.

Professor Gambino, President of the Italian Chapter, began with a tribute to the memory of Professor Simon Fredericq and Dr Adelmo Kohler. He spoke of how these two individuals had, in different ways, contributed so much to the organisation and development of AIDA. They shared certain character traits: kindness, modesty and an unstinting willingness to work for the advancement of AIDA.

Among other matters, the Assembly decided that the Italian reporters for the AIDA XI World Congress in New York in 2002 will be Avv. Renzo Capotosti for the first theme and Professor Osvaldo Prospero for the second theme.

Avv. Toso, President of the Piemonte-Valle d'Aosta Section, announced the second award of 10 million Lire for a work on insurance law written by a young person. The first award was presented to Dr Carlo Felice Giampaolino. The president of the panel of judges was Professor Antigono Donati, one of the founders of AIDA.

Another matter discussed was the possibility of holding a joint meeting with the US Chapter of AIDA in Florence in April 2000: at the time of going to press the Tuscany Section were awaiting confirmation from the US Chapter.

The establishment of a Calabrian Section of AIDA in Crotona was also discussed. It is possible that an inaugural insurance law conference will be held in spring 2000.

Finally, the new Council of the Italian Chapter was elected. The members, listed below, will hold office until 2002.

Honorary President	Prof. Antigono Donati*
President	Prof. Agostino Gambino*
Vice Presidents	Prof. Giovanna Volpe Putzolu*
	Avv. Renzo Capotosti*
Council members	Prof. Guido Alpa*, Dr Brando Battistig*, Avv. Giorgio Bonino, Sen. Danilo de Cocci*, Prof. Giuseppe Fanelli, Avv. Michele Greco, Prof. Antonio Longo,

Prof. Giovanni Manghetti,  
Dr Mario Orio,  
Avv. Emilio Pasanisi,  
Dr Roberto Pontremoli,  
Dr Marco Rossetti,  
Dr Enrico Tonelli,  
Avv. Giuseppe Tricoli,  
Dr Armando Zimolo  
Dr Brando Battistig

Secretary General

\* Member of Executive Committee.

*Brando Battistig, Secretary General,  
Italian Section of AIDA*

## Professor Donati Celebrates his 90th Birthday

On 20 January 2000 Professor Antigono Donati, co-founder of AIDA in April 1960, Honorary President *de jure* of AIDA and Honorary President of the Italian Chapter, celebrated his 90th birthday.

The Italian Chapter of AIDA and the Review *Assicurazioni* (which he founded in Rome in 1934), marked the occasion by presenting him with a gold medal and a parchment citation to thank him for his lifelong contribution to the development of insurance law.

The President of AIDA, Mikael Rosenmejer, and members of the AIDA Presidential Council both past and current, joined the Italian Chapter in extending their warmest congratulations and best wishes to Professor Donati on the occasion of his 90th birthday.

## Norwegian Section of AIDA

The new address of the Norwegian section is:

Norsk Forsikringsjuridisk Forening  
v/ Aldis Rui  
Nordisk Institutt for Sjørett  
Karl Johans gt.47  
N-0162 Oslo  
Norway

The members of the new executive committee are:

Principal	Professor Dr Juris Trine- Lise Wilhelmsen
Committee members	Advokat Ingrid Smedsrud Advokat Henning Hauso Advokat Knut Riisa Advokat Jan Fr. Rafen Advokat Thorleif Ellestad