



AIDA – Association Internationale de Droit des Assurances
The International Insurance Law Association

IVth AIDA EUROPE CONFERENCE

**Testing Times, Uncertain Outcomes:
How Are Insurers and Reinsurers Expected to Measure Up?**



LONDON - 13/14 SEPTEMBER 2012

**A Two-day International Insurance Law Conference at
Grange Tower Bridge Hotel, 45 Prescott Street, London E1 8GP**

in association with the

**British
Insurance
Law
Association**



PROGRAMME HIGHLIGHTS INCLUDE:

- Regulation in a fast changing world – financial and political
- Harmonization and changes in insurance contract law
- Solvency II
- Compliance with sanctions and anti money laundering/terrorism requirements
- Examination of Topics for 2014 AIDA World Congress, Rome
 - Arbitration,
 - Preventive measures,
 - Transparency, conflicts of interest and intermediary remuneration
 - Discrimination and insurance
 - On-line insurance
- Latest developments in claims and what is on the horizon
- Hot issues/cases and liability trends from different jurisdictions

Included in the Conference, AIDA Working Parties on:

- **Accumulation of Claims and Subrogation:** *Subrogation of insurer in property-casualty insurance; Is subrogation possible in personal insurance?.*
- **Civil Liability:** *D&O Liability Insurance in times of Economic Troubles*
- **Climate Change:** *Professor Sara Landini (Italy) on State Intervention in Catastrophic Events, particularly Italian plans for Agricultural Insurance and the Reform of Italian Civil Protection Act 11th July 2012. New Perspectives for Insurers. Peter Kochenburger (US) on US Climate Change Litigation and Liability Issues from a US perspective; Professor Francesca Romanin Jacur (Italy) on The Involvement of Insurance Companies in Climate Finance: Tackling a Global Challenge by Investing in Local Solutions; Richard Lord QC (UK) on Climate Change Liability Issues around the world from a London perspective; and Craig Langstone (New Zealand) on New Zealand Earthquakes - Legal and Insurance Issues and the Aftermath for Christchurch and the insurance market in an age of Climate Change.*
- **Consumer Protection and Dispute Resolution:** *Precautionary Measures: Clauses in Insurance Contracts requiring the Policyholder/Insured to Accomplish or Refrain from Accomplishing Certain Acts Before Materialisation of the Risk*
- **Credit Insurance and Surety:** *Assignment and Subrogation in Credit Insurance: (1)The Principle of Assignment governed by Private International Law and (2) The Right of Subrogation - Validity and Enforceability in the EU and Emerging Countries*
- **Distribution of Insurance Products:** *The Most Innovative Rules of the draft Intermediary Directive 2 and the On-line Insurance Mediation*
- **Marine:** *The Impact of the Rotterdam Rules on Shippers and Insurers of Cargo - Shippers' Liability under English Law with particular Emphasis on Demurrage and Dangerous Goods - Restrictive Measures against Iran and their Daily Impact on the Insurance Business plus*



presentation by AIDA Europe Student Prize Winner sponsored by Hamburg University of Insurance – Susie Marsden, Swansea University, Wales - “Putting a Premium on Reform: The Impact of the Rotterdam Rules on Shippers and Insurers of Cargo”.

- **New Technologies:** *Legal issues arising from the provision of services enabling business transactions and social relationships in the digital space: electronic intermediation, cloud computing, network securities. Environmental liability and insurance: challenges and realities. Genetically Modified Organisms (GMOs): Risks, liability cases and insurance.*
- **Reinsurance:** *Legal Issues regarding Facultative Contracts and Bias of Arbitrators in Reinsurance Arbitrations plus presentation by AIDA Europe Student Prize Winner sponsored by BNP Paribas Cardif – Ralph Fearnhead, Addleshaw Goddard LLP, London - “Follow the Fortunes Clauses in Reinsurance Law – Practical Problems in Ensuring their Effectiveness”*
- **State Supervision:** *EIOPA – Risks and Challenges for State Supervision in Europe – A Discussion from the Perspective of Different Jurisdictions plus presentation by AIDA Europe Student Prize Winner sponsored by the BILA Charitable Trust - Angelo Borselli, Università Bocconi, Milan - “Keeping watch on giants: the supervision of insurance groups and of insurance undertakings within financial conglomerates in European law”.*

Full Agendas of the Working Party meetings will be placed on the Working Party’s page of the AIDA website before the London Conference.

The following Agendas have now been posted:

- Accumulation of Claims and Subrogation
- Civil Liability
- Climate Change
- Consumer Protection and Dispute Resolution
- Credit Insurance and Surety
- Distribution of Insurance Products
- Marine
- New Technologies, Prevention and Insurance
- Reinsurance
- State Supervision

Keynote Address:	Karel van Hulle, Head of Unit for Insurance and Pensions DG Internal Market and Services European Commission, Brussels
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AIDA Europe is particularly grateful to the *Fédération Française des Sociétés d'Assurances* (FFSA) for their annual sponsorship to AIDA Europe.



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THURSDAY 13 SEPTEMBER 2012

Morning

08.30 – 09.00 **AIDA Europe General Assembly**
Location: Bartholomew Suite, Grange Tower Bridge Hotel, 45 Prescott Street, London E1 8GP

08.30 -12.00 **CONFERENCE REGISTRATION OPENS**
Location: Gallery, Grange Tower Bridge Hotel, 45 Prescott Street, London E1 8GP

09.15 – 17.45 **AIDA WORKING PARTY MEETINGS AT GRANGE TOWER BRIDGE HOTEL**

09.15 – 11.45 **Accumulation of Claims and Subrogation** - *Chairman, Enrique José Quintana, Buenos Aires – Sidney Suite*
Consumer Protection and Dispute Resolution – *Chairman, Dr Samim Unan, Istanbul – Beaumont Suite*
Marine Insurance – *Chairman, Professor Robert Koch, Hamburg – Harpley Suite*
Reinsurance – *Chairman, Colin Croly, London – Bartholomew Suite*

12.30 – 15.00 **Civil Liability** – *Chairman, Osvaldo Contreras-Strauch, Santiago de Chile – Harpley Suite*
Climate Change – *Chairman, Tim Hardy, London – Beaumont Suite*
State Supervision – *Chairman, Dr Gunne Baehr, Cologne – Bartholomew Suite*

14.00 – 15.30 **CONFERENCE REGISTRATION**
Location: Gallery, Grange Tower Bridge Hotel, 45 Prescott Street, London E1 8GP

15.15 – 17.45 **Credit Insurance and Surety** – *Chairman, Louis Habib-Deloncle, Geneva – Beaumont Suite*
Distribution of Insurance Products – *Chairman, Professor Ioannis Rokas, Athens – Harpley Suite*



New Technologies – *Vice Chairman, Teresa Rodriguez de las Heras Ballell, Madrid – Bartholomew Suite*

18.30 – 20.00

CONFERENCE REGISTRATION

Location: Two Temple Place, London WC2R 3BD

18.30 – 20.00

DRINKS RECEPTION

Location: Two Temple Place, London WC2R 3BD

Built to elaborate specifications by William Waldorf Astor, the first Viscount Astor, in 1895 as his residence and estate office, Two Temple Place affords the grandeur of a state occasion with the intimacy of a private house party in a unique location next to the Inns of Court, overlooking the River Thames.

Only recently restored and made open to the public, it memorably displays outstanding workmanship and architecture of the late-Victorian period.

www.twotempleplace.org

All conference delegates and registered accompanying persons are welcome to attend



**FRIDAY 14 SEPTEMBER 2012 – AIDA EUROPE CONFERENCE, GRANGE TOWER
BRIDGE HOTEL, 45 PRESCOT STREET, LONDON E1 8GP**

08.15 – 08.45 Registration and Coffee

08.45 Welcome
Colin Croly, Chairman of the Conference and Chairman,
AIDA Europe
Stephen Lewis, Chairman, BILA

09.00 – 09.40
Keynote Speech: **Karel van Hulle**, Head of Unit for Insurance and Pensions, DG
Internal Market and Services, European Commission, Brussels

09.40 – 10.40 **Responding to Regulation in a Fast-Changing World: Financial
and Political:**

Chairman: Professor Dr Herman Cousy, Member of AIDA
Presidential Council and Vice-Chairman AIDA Scientific Council,
Leuven

**(1) Changes in insurance contract law and regulation regimes for
consumer redress**

Insurance Contract Law Reform/Restatement of European Insurance
Contract Law

**(2) Compliance with Sanctions and Anti-
Money- Laundering/Terrorism Requirements**

US/EU Distinctions
Compliance/penalties/practicalities/contractual provision
issues/Data protection/Privacy/Sanctions inconsistencies

Presentations/Questions/Panel Discussion on the above
topics as well as practical implications of Solvency II and
other current Regulatory/Compliance Issues:

Panel/Speakers:
Christian Felderer, CEO Hub Zurich & Hub General
Counsel, SCOR Global P&C General Counsel
Professor Dr Helmut Heiss, Chairman of the Project Group
“Restatement of European Insurance Contract Law” and Zurich



University, Zurich

Sean McGovern, Director, North America – General Counsel, Lloyd's, London

Karel van Hulle, Head of Unit for Insurance and Pensions DG Internal Market and Services European Commission, Brussels

Svenja Richartz, Lawyer. VDVM e.V (Association of German Insurance Brokers), Hamburg

David Hertzell, Law Commissioner, Head of Commercial and Common Law team, London

10.40 – 11.00

Coffee/Tea Break

11.00 – 11.30

Responding to Regulation in a Fast-Changing World: Financial and Political (continuation):

11.30 – 12.40

**All Roads Leading to Rome?
2014 World Congress, Rome Topics:**

Chairman: Professor Jerome Kullmann,
Vice-President, AIDA Presidential Council and Chairman, AIDA Scientific Council, Paris

(1) Transparency, Conflicts of Interest and Intermediary Remuneration:

Speaker:

Professor Paolo Montalenti, President AIDA Italy, Turin

(2) Arbitration – Procedure and Law:

Arbitration as the product of more than one country ...Bermuda Form – the best of both (all) worlds?

Speaker:

Richard Jacobs QC, Barrister at Essex Court Chambers, Co-Author of Liability Insurance and International Arbitration: The Bermuda Form, London

(3) Preventive Measures:

Effective provision and coverage for managed risks –



pitfalls where boundaries between insured/uninsured risks become blurred.

Speaker:

Jerome Kullmann, Professor at the University Paris-Dauphine
Director of the *Institut des Assurances de Paris*, University of Paris I - Panthéon-Sorbonne, Paris

(4) Discrimination and Insurance:

- Gender, genes and uncertainties: the effects of *Test Achats*
- Legislation and guidance.

Speaker:

Daniel Beard QC, Barrister at Monckton Chambers,
Represented UK before ECJ in *Test Achats*, London

(5) On-line insurance:

- Problems related to On-line Conclusion of the Insurance Contract
- Proof of the On-line Contract
- Cooling Off

Speaker:

Dr Samim Unan, AIDA Turkey, Chairman, Consumer Protection and Dispute Resolution Working Party, Istanbul

12.40 – 13.55

Lunch - Tower Bar and Grill

13.55 – 15.45

The View from the Claims Front Line - Latest Developments and the Next Big Claims?

Chairman: Michael Gill, President AIDA, Sydney

“Life on the front line“ for a claims manager

The legal issues involved and how is the Industry to prepare itself.

- Impact of Third Party Funding/Class Actions/ Claim Management Company/Contingency Fee/ATE insurance governance



- Changes in regimes for consumer redress
- Contracting out/ Implications of precedent-free dispute resolution
- Climate/Natural Catastrophes
- Major Business Interruption/Consequential Loss /Supply/Political Risk Claims
- New Products/Risks eg. cyber risks, renewable energy
- Financial Institutions
- Chronic Fiscal Imbalances
- Fraud

Speakers:

David Kendall, Partner, Edwards Wildman Palmer UK LLP, Vice Chairman, BILA, London

Peter Kochenburger, Executive Director, Insurance Law Center, University of Connecticut School of Law, Connecticut

Joachim Krane, Chief Claims Officer, Continental Europe, XL Insurance, Zurich

John Latter, Casualty Claims Director, UK Claims, Zurich Insurance Company, London

David Nayler, Executive Director, Head of UK Legal & Claims Practice Group, Financial Services Group, Aon Limited, London

Chris Rodd, Technical Counsel, CGU Insurance, Melbourne

15.45 – 16.05

Tea Break

16.05 – 17.15

**Hot Issues/Cases and Liability Trends: What's Hot?
What Next?**

Chairman: Taisto Hujala, Legal Counsel, If P&C Insurance Company Limited, Member AIDA Presidential Council, Helsinki

Quickfire Updates of Legal Issues presently of greatest concern in different jurisdictions. Comparative Review of trends in liability, legislation and reform



Speakers:

Torben Bondrop, Partner, Plesner, Copenhagen

Tobacco litigation in Scandinavia:

- Additives in cigarettes
- The construction of cigarettes

Charles Gordon, Partner, DLA Piper, London

- Wide Area Damage-Impact on Business Interruption Insurance
- Political Violence - Is The Classic Policy Terminology Outdated

Slobodan Jovanovic, Vice-President, Association for Insurance Law of Serbia, Belgrade

- Draft Serbian Civil Code New Rules:
 - Insurance Policies and Cover Notes
 - Liability Insurance.

Professor Pierpaolo Marano, Professor of Insurance Law, Catholic University of Sacred Heart, Of Counsel PWC Tax and Legal Services, Milan

- Distribution of Insurance Products Coupled with Mortgages and Loans:
 - Conflict of Interest
 - Duty of Comparative Offer

José Maria Muñoz Paredes, Partner J&A Garrigues, Commercial Law Professor, University of Oviedo, Oviedo

- Bancassurance in Spain:
 - Competition Problems
 - Conflicts of Interest of Insurance Brokers

Anna Tarasiuk-Flodrowska, Attorney-at-Law, Counsel at Hogan Lovells (Warszawa) LLP, Warsaw

- Bancassurance in the Polish Market – Fears and Expectations
- Expected Changes in the Insurance Law – Draft New Act on Insurance Activity – The Practical Impact