



## **Programme**

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

## **Vith AIDA EUROPE CONFERENCE**

**“Flood of Change: Insurance in Times of Change – Technology,  
Climate, Regulation”**



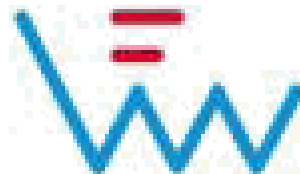
**VIENNA – 3/4 NOVEMBER 2016**

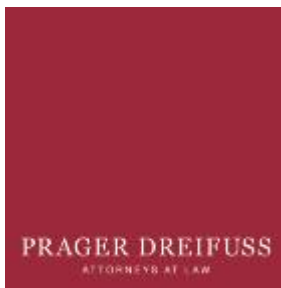
**A Two-day International Insurance Law Conference at  
Le Meridien Vienna, Opernring 13, Vienna 1010, Austria**

**In collaboration with the Austrian AIDA Chapter**



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#### PROGRAMME HIGHLIGHTS INCLUDE:

- **Changing Landscape for Business and Lawyers in the light of New Technologies**
- **Regulatory Change, in particular, Over-Regulation**
- **Insurance in times of Climate Change**
- **Fraud – the Law and what the Insurance Market faces**
- **Insurance and Litigation Funding**
- **In-House Counsel Session – Smart Contract Management**

Included in the Conference, AIDA Working Parties on:

- **Credit and Surety, Consumer Protection and Dispute Resolution and Distribution of Insurance Products – Joint Meeting – *Bancassurance from the Perspective of Consumer Protection, Distribution of Insurance Products and Consumer Credit***

Presenters:

- Introduction of the topic – Associate Professor Pierpaolo Marano, Catholic University of the Sacred Heart, Milan; Louis Habib-Deloncle, Eurexim, Geneva; Ass. Professor Dr. Kyriaki Noussia, University of Exeter, UK.
  - Ludwig Pflieger, EIOPA – CCPFI, Vienna "Distribution of insurance products and enhanced consumer protection - the new EU legislation: a balanced regulatory and supervisory approach?"
  - Nic De Maesschalk, BIPAR, Brussels "IDD and Bancassurance: identification of potential issues".
  - Dr. Maria Demirakou, Rokas International Law Firm, Athens "Bancassurance in the EU and in Greece: The impact of Solvency II on credit insurance and the IDD impact on borrower insurance".
  - Martin Ramharter, Austrian Ministry of Finance, Department of Insurance Law, Vienna "Europeanization of Consumer Protection Law on Bankassurance - The Case of Austria"
  - Rob Nijihout, ICISA, Amsterdam "Credit Insurers and consumer credit: a different business model"
  - Professor Samim Unan, Galatasaray University, Istanbul "The new Turkish building completion insurance taking out by the constructor to the benefit of the buyers".
  - Joao Marcelo dos Santos, Santos Bevilacqua Advogados, Sao Paulo "Bancassurance in the Brazilian Market: Consumer Rights and Credit Insurance"
  - **Round of Questions & Answers**
  - Conclusions - Future Sessions - Associate Professor Pierpaolo Marano, Catholic University of the Sacred Heart, Milan; Louis Habib-Deloncle, Eurexim, Geneva; Ass. Professor Dr. Kyriaki Noussia, University of Exeter, UK.

- **Marine Insurance - *Cyber Risks and Marine Insurance***

Presenters:

- Bob Kao, Queen Mary University of London Law School, London "Cyber Risks and Marine Insurance: Seaworthiness, Causation and Lessons from Maritime Piracy?"
- Markus Wähler, Munich Re, Munich "Cyber Risks in Marine & Offshore Energy – The Reinsurance Perspective"
- Dr Andreas Weinzierl, Tramposch & Partner, Vienna "Cyber Crime Risks – Experiences from a Land-locked Country and possible Influence on Marine Insurance"



- F. Javier Zabala, Meana Green Maura & Co, Bilbao “Direct Action against Civil Liability Insurers under the New Spanish Navigation Act. The BREXIT impact”

- **Motor Insurance – *The Interests of Consumers and Third Party Victims***

Presenters:

- Matthew Channon, University of Exeter, Exeter “Do the EU and UK Balance Correctly the Interests of the Consumer and the Third Party Victim in Motor Insurance”?
- Peter Axelrod, Special Counsel, Meridian Lawyers, Brisbane, “International Insurance Legal and Regulatory Aspects – Australia, US, UK and EU”.

- **Reinsurance – *A is for Aggregation... Update on the Legal Issues Arising out of the Christchurch and Chilean Earthquakes and Californian and Australian Wildfires/Bushfires.***

Presenters:

- Rob Merkin QC, University of Exeter; Special Counsel, DLA Piper, London
- Kiran Soar, Partner, Ince & Co, London

*The Insurance Social Contract*

- Ian Enright, University of Technology, Sydney

- **Climate Change - *Current legal, insurance and environmental challenges in adapting to Climate Change***

Presenters to include:

- Marco Frigessi, University of Brescia and Studio Legale Associato, Milan (Italy) and Adolfo Paolini, University of Buckingham and DAC Beachcrofts, London (UK) - an Update on the aftermath of VW Dieselgate
- Michael Parker, Partner, Parker Cowan, Queenstown (NZ) – Role of Insurance and the Law in search for Climate Justice as well as Change
- Pery Saraiva Neto, Lawyer, Trindade (Brazil) and Gloria Faria, CNseg, Rio de Janeiro (Brazil) – an Update on the aftermath of the Fundao Dam disaster

Further working sessions:

- **In-House Counsel – *Smart Contract Management***

- Rory Unsworth - Director, Head Contracts Centre, SwissRe, Zurich
- Pirmin Stalder - Attorney at Law, Senior Legal Counsel - Group Reinsurance, International Insurance Solutions, Zurich Insurance Company, Zurich
- Tina Walton - Chartered Insurer, Solicitor, Global Head of Wordings, XL Catlin, London
- Harmender Kalirai - Senior Legal Counsel, SCOR SE – UK Branch/London Hub, London
- Christian Felderer – Vice-Chairman, AIDA Europe, Zurich



- **ARIAS**

- *Introduction to ARIAS Europe* – Theo Langheid, President ARIAS Europe, BLD Bach Langheid Dallmayr, Cologne

- *Appeals in Arbitration? The National Approaches*

- Jerome Kullmann, President AIDA, Lille
    - Andreas Schwepcke, ARIAS Germany, Hamburg
    - Felix Hörlsberger, Dorda Brugger Jordis/ARIAS Austria, Vienna
    - Martin Bernet, Schellenberg Wittmer, Zurich
    - Peggy Sharon, Levitan, Sharon & Co, Tel Aviv

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

Keynote

Georg Kodek, Justice of the Austrian Supreme Court

Addresses:

Theodoros Kokkalas, CEO, ERGO Turkey and ERGO Greece



AIDA Europe is particularly grateful to the *Fédération Française des Sociétés d'Assurances* (FFSA) and *Deutscher Verein für Versicherungswissenschaft* (DVfVW) for their annual sponsorship to AIDA Europe.





## **THURSDAY 3 NOVEMBER 2016 – AIDA EUROPE CONFERENCE, VIENNA**

08.30 -12.00	<b>CONFERENCE REGISTRATION OPENS</b> <b>Location: Le Meridien Vienna, Opernring 13, Vienna 1010, Austria</b>
08.45 – 18.00	<b>AIDA WORKING PARTY MEETINGS</b>
08.45 – 09.15	<b>AIDA Europe General Assembly</b>
10.00 – 12.00	<b>Motor Insurance Working Party</b> – Chair, Peggy Sharon, Tel Aviv <i>(Presentation of AIDA Europe prize winning paper on “Does the EU and UK Correctly Balance the Interests of the Consumer and Third Party Victim in Motor Insurance?”, Matthew Channon, Exeter)</i> <b>Reinsurance Working Party</b> – Chair, Colin Croly, London
12.00 – 12.30	Lunch
12.30 – 14.30	<b>In-House Counsel Working Session</b> – Chair, Christian Felderer, Zurich <b>Smart Contract Management</b> - a Business Value Proposition by In-house Counsel The working session should give an insight into today’s best practice contract management, by looking at two concrete examples of how (re-) insurance technical as well as general commercial contracts are efficiently and effectively designed and managed in modern companies. The focus will also be on the specific strategies applied to identifying and addressing imminent legal risks. The panel discussion will focus on the practical legal and technical issues in setting up efficient contract management and the role of in-house counsel in this respect.
14.00 – 15.45	<b>CONFERENCE REGISTRATION</b> <b>Location: Le Meridien Vienna, Opernring 13, Vienna 1010, Austria</b>
14.45 – 18.00	<b>Credit &amp; Surety, Consumer Protection &amp; Dispute Resolution and Distribution of Insurance Products - Joint Session</b> – Chairs, Louis Habib Deloncle, Geneva; Kyriaki Noussia, Exeter and Pierpaolo Marano, Milan
15.00 - 17.00	<b>Climate Change Working Party</b> – Chair, Tim Hardy, London <b>Marine Insurance Working Party</b> – Chair, Robert Koch, Hamburg <i>(Presentation of AIDA Europe prize winning paper on “Cyber Risks and Marine Insurance: Seaworthiness, Causation and Lessons from Maritime Piracy”, M. Bob Kao, London)</i>



15.00 – 17.00

**ARIAS Session** – *Chair, Theo Langheid, Cologne*  
*Appeals in Arbitration? The National Approaches*

18.30 – 19.30

**CONFERENCE REGISTRATION**  
**Redoutensäle HOFBURG Vienna**  
**Dachfoyer, Josefsplatz, 1010 Vienna**

18.30 – 20.00

**DRINKS RECEPTION**  
**Redoutensäle HOFBURG Vienna**  
**Dachfoyer, Josefsplatz, 1010 Vienna**

All conference delegates and registered accompanying persons are welcome to attend





## FRIDAY 4 NOVEMBER 2016 – AIDA EUROPE CONFERENCE, VIENNA

### “Flood of Change: Insurance in Times of Change – Technology, Climate, Regulation”

08.15 – 08.45	Registration and Coffee
08.45 – 09.00	Welcome Colin Croly, Chairman of the Conference and Chairman, AIDA Europe
09.00 – 10.00 Keynote Speakers	Georg Kodek, Justice of the Austrian Supreme Court, Vienna Theodoros Kokkalas, CEO, ERGO Turkey and ERGO Greece
10.00 – 11.15	<b>New Technologies – “<i>Changing the Landscape for Business and Lawyers</i>”</b> Chairman: Christian Felderer, Vice-Chairman, AIDA Europe, Zurich

#### Panellists

- **Stefan Mueck**, Chief Technology Officer Cognitive Solutions Team, Financial Services Europe, IBM Deutschland GmbH, Cologne
- **Rolf Staub**, General Counsel for Group Reinsurance at Zurich Insurance Company, Zurich
- **Bart van der Sloot**, Researcher at University of Amsterdam, Institute for Information Law; General Editor of the European Data Protection Law Review and currently working on a report on the regulation of Big Data in respect of privacy and security for the Netherlands Scientific Council for Government Policy (WRR), Amsterdam

#### **New Technology as a Business Enabler - (Presenter: Stefan Mueck)**

- New technologies enabling management of **Big Data** as a key business enabler
- **Internet of Things** – new opportunities arising
- **Changing Business Models** – CASE PRESENTATION - What is different / Change of insurance paradigms

#### **How New Technologies change the (legal) Risk Landscape (Presenter: Rolf Staub)**

- **Digitalization** - impact on the insurance value chain
  - The **changing legal risk map** of digitalization for insurers
  - How to **assess legal risks and structure insurance solutions** for new technologies and changing business models
  - Regulatory **Outlook**
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### **Data Privacy and Security** (Presenter: Bart van der Sloot)

- How Big Data is changing the landscape from a data privacy and data security point of view
- Specific concerns for insurers: machine made decisions, consent in the age of internet of things, unintended discrimination
- Is the insurance industry predestined towards a shift from a consent based to a use based concept?

### **Panel Discussion**

- Changing markets: The end of (traditional) insurance?
- Discussion on legal risk aspects of New Technologies
- Changing risks – changing responsibilities of in-house counsel
- Recommendations / Propositions from in-house counsel perspective

11.15 – 11.35

Coffee/Tea Break

11.35 – 12.50

### **Regulatory Change**

Chairman: Prof. Dr. Samim Unan, Legal Advisor, Istanbul

- Governance, key functions and alternative sanctions
- Over regulation
- Hard law and soft law
- Total Expense Indicator in Life Insurances

### **Speakers**

Dr Stephan Korinek, Head of Division, Prudential Supervision of Insurance and Pension Companies, Austrian Financial Market Authority (FMA), Vienna

Professor Kerim Atamer, Member of the Drafting Committee of the new Turkish Commercial Code, Istanbul

Professor Stefan Perner, Chair, Financial Market Law, Department of Civil Law, University of Linz, Linz

Dr Ottó Csurgó, Partner, Cseri&Partners Law Offices, Budapest

12.50 – 14.00

Lunch



14.00 – 15.15

**Climate Change: “Insurance in Times of Climate Change”**

Chairman: Chris Rodd, formerly Technical Counsel, IAG Insurance (Australia), Melbourne

- Pricing the risk -The mechanism of evaluation , pricing and risk selection
- The uninsurable risk - Is there such a thing ?
- Risk mitigation strategies - Industry working with regulators , government and semi government agencies

**Speakers**

Richard Traub, Partner, Traub, Lieberman Strauss & Shrewsberry LLP, New Jersey -

- Does the Cause Matter?
- The Denialists – Humankind is Not the Controlling Factor of Climate Change.
- The Human Cause – Aah, but it is.
- What Should the Question and Answer Be?
- What is the Liability for Harms Resulting from Climate Change?
- Insurance Coverage for Injury or Liability Associated with Climate Change.
- How Should the Insurance Industry Respond to Climate Change?

Dr Caroline Bell, Addleshaw Goddard LLP, London –

- “Floods on the Rise: Factual Information and Statistics on Recent Floods
- Floods in Insurance: How the Industry has Coped with Increased Costs
- The British Solution: The Creation of Flood Re

Joachim Krane, Partner, BLD Bach Langheid Dallmayr, Munich

- The Volkswagen Emissions Crisis
- How "Clean Diesel" turned into **Environmental/Climate type claims**
- Companies face substantial exposure for civil damages and **environmental preservation costs**
- Can such claims reach German Boardrooms?
- The aftermath of VW’s emission issues – are autonomous electric vehicles the answer and what are the consequences for insurances?

15.15 – 15.35

Tea Break



15.35 – 17.15

**Hot Topics: “Changes in the Insurance World – Legal Hot Topics”**

Chairman: Rob Merkin QC, University of Exeter; Special Counsel, DLA Piper London

- **Fraud**

David Hertzell, Former English Law Commissioner and Consultant to BLM Law and Mactavish, London

- Types of insurance fraud recognised by law
- Size of the fraud problem, and circumstances where encountered in practice (eg, motor accident injuries)
- Response of the law: what rights do insurers have after a fraudulent claim in respect of the claim itself, the policy and other policies
- Judicial discretion to disregard fraud
- Fraud claims against the assured – are they treated in the same way as fraud claims by the assured

- **Insurance and Litigation Funding**

Rob Merkin QC

- General rules for access to justice
- Does the law recognise class actions and in what circumstances?
- Are lawyers able to support litigation by no win no fee or similar arrangements
- Are litigation funders permitted to operate and, if so, regulated?
- Is insurance available to support claimants in their actions? If so, how does it work? Are insurance premiums recoverable if the claim succeeds?

Torben Bondrop, Partner, Plesners, Copenhagen

- A Danish Perspective

- **Insurance Issues Relating to Self-Driven Vehicles**

Paolo Rainelli, Assistant Professor – Department of Management and Production Engineering, Politecnico di Torino, Turin

- Background on self-driven vehicles and recent developments
- Is innovation outpacing motor insurance and its traditional legal schemes?
- Impact on the market and timeframe of the inevitable regulatory changeovers
- What's ahead?

- **Aftermath of the Attempted Coup in Turkey – Insurance Implications**

Prof. Dr. Samim Unan, Legal Advisor, Istanbul



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- Losses and damages occurred on 15 July during failed coup
  - State of emergency and the governmental decrees that followed
  - Fate of insurance contracts concluded by closed legal entities and individuals linked to the coup
    - Property insurances
    - Liability insurances
    - Group insurances
    - Pensions
    - Other personal insurances

17.15

Conference Closes