



Association for Insurance  
Law of Serbia

## INSURANCE LAW REVIEW CONTENTS 2011

### No. 1/2011

GEDANKEN ZUM 10-JÄHRIGEN "REVIJA" – JUBILÄUM / IN THE HONOR OF 10-YEAR JUBILEE OF INSURANCE LAW REVIEW PUBLISHING, **Prof. Wolfgang Rohrbach, PhD**

#### EDITOR'S WORD

#### ARTICLES

- **Prof. Jovan Slavnić**, LLD, 'Loss of right from insurance of MTPL according to the new Law on compulsory insurance in traffic – issues at controversy'
- **Prof. Ioannis Rokas**, LLD, 'Distribution by banks & other distributors of investment policies – A focus on the distributed product'
- **Prof. Wolfgang Rohrbach**, PhD, 'On the fonts of history of the Austro-Serbian insurance: 200 years of insurance agents'
- **Prof. Jakov Radišić**, LLD, 'Liability due to wrongful medical diagnosis and failure to undertake necessary diagnostic measures'

#### REVIEWS – COMMENTARIES – STUDIES

- **Kyriaki Noussia**, LLD, 'Packaged retail investment products in insurance and the proposed revision of the Intermediaries Directive', Text in English
- **Ognjen Koprčina**, 'Role of corporate secretary at insurance companies'

#### COURT PRACTICE OF THE EU MEMBER-STATES' COURTS AND EUROPEAN COURT OF JUSTICE

- Dispute regarding request that the European Court of Justice takes position about if the pensioners with residence in the member state, which is not a member state paying out pensions, may be exempted from contribution payment for social insurance in the member state paying out pensions and decide they do not want to avail themselves of the legal insurance scheme against disease applicable on them in line with rules of the Community law, and if they are allowed to insure against disease occurrence with private insurance companies, Case C-345/09 J.A. van Delft and Others vs. College van zorgverzekeringen. Review by Jelena Gazivoda, LLM

#### ARTICLE REVIEW

- Scott E. Harington 'The Health Insurance Reform Debate', *The Journal of Risk and Insurance*, Vol. 77, No. 1, 2010, p. 5-38.
- Dr. Peter Eichler "Privatisierung und Wettbewerb in der gesetzlichen Krankenversicherung", *Versicherungsrundschau*, n. 4/09, s. 14-20.

## WORLD INSURANCE – NEWS

### ACTIVITIES OF THE ASSOCIATION AND INSURANCE COMPANIES

- III AIDA Europe Conference, Amsterdam, 26-27 May 2011 – Insurance and Reinsurance Law: Current Issues & Future Challenges, NH Barbizon Palace Hotel, Prins Hendrikkade, 59-72, 1012AD Amsterdam, Review by doc. Jasmina Labudović, LLD.

### BIBLIOGRAPHY

#### SELECTED BOOKS

#### SELECTED ARTICLES

Selection and translation by Nela Bukorović

### EU DIRECTIVES

- Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage – First part of translation.

## No. 2/2011

### EDITOR'S WORD

### ARTICLES

- **Pierpaolo Marano**, LLD, 'The EU Regulatory Framework on Bancassurance: Work in Progress on What?', Text in English
- **Doc. Slavko Đorđević**, LLD, 'Principles of the European insurance contract law – Future optional EU legal instrument?'
- **Angelo Borselli**, LLM, 'Unfair terms in insurance contracts', Text in English

### REVIEWS – COMMENTARIES – STUDIES

- **Kyriaki Noussia**, LLD, 'Solvency II: Time for tighter regulatory measures', Text in English
- **Predrag Bobera**, 'Current trend and development prospective of Serbian insurance market in 2011'
- **Zdravko Šolak**, PhD, 'Adverse selection, moral hazard and market inefficacy'

### COURT PRACTICE OF THE EU MEMBER-STATES' COURTS AND EUROPEAN COURT OF JUSTICE

- Judgment of the European court of 3 March 2011 in the case C-437/09, AG2R Prevoyance vs Beaudout Pere et Fils SARL regarding issue if, pursuant to the Articles 102 and 106 of the Treaty on EU, competent bodies of the Member States have right to confer to a legal entity, by way of law, exclusive right to manage with scheme of supplementary expenses indemnity of health insurance in a certain industry branch, i.e. to make compulsory each contract, which is result of collective bargaining, that protects interests of employees . Review by Jelena Gazivoda, LLM.

### ARTICLE REVIEW

- Karel von Hulle "Solvency II könnte ein Modell für die Welt werden", *Versicherungswirtschaft*, Nr. 1/2011, pp. 14-19.
- Christian Armbrüster "Das Gendiagnostikgesetz in der Versicherungspraxis", *Versicherungswirtschaft*, Nr. 18/2010, pp. 1309-1310.

### WORLD INSURANCE – NEWS

### ACTIVITIES OF THE ASSOCIATION AND INSURANCE COMPANIES

- **Prof. Jovan Slavnić**, LLD, Speech of prof. dr Jovan Slavnić, President of the Association for Insurance Law of Serbia, on the occasion of XII Annual Conference 'Changes in the Insurance Law of Serbia within the European (EU) Insurance Law Development'
- **Slobodan Jovanović**, LLD, 'Initiative for amendments to the AIDA Statute'

### BIBLIOGRAPHY

#### SELECTED BOOKS

#### SELECTED ARTICLES

### INSTRUCTION FOR AUTHORS OF THE WORKS IN THE INSURANCE LAW REVIEW

### FOREIGN LEGISLATION TRANSLATIONS

Law on Insurance Contracts of the Republic Germany – Fourth part of the translation

EU DIRECTIVES

- Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage – Second part of translation

## No. 3/2011

### EDITOR'S WORD

### ARTICLES

- **Doc. Jasmina Labudović-Stanković**, LLD, 'Enterprise Risk Management of Insurers as a Way of Corporate Governance'
- **Darko Samardžić**, LLD, 'Insurance Supervision in FR Germany according to the Law on Insurance Supervision and EU Directives on Solvency', Text in German
- MESSAGES OF THE ASSOCIATION FOR INSURANCE LAW OF SERBIA FROM THE 12TH ANNUAL CONFERENCE 'CHANGES IN THE INSURANCE LAW OF SERBIA WITHIN THE EUROPEAN (EU) INSURANCE LAW DEVELOPMENT' HELD ON PALIĆ, 15-17 APRIL 2011.

### REVIEWS – COMMENTARIES – STUDIES

- **Zoran Radović**, LLD, 'Insurance of Goods in International Carriage by Vessel'
- **Bojan Jovanović**, 'Types, Features and Methods of Catastrophe Risks Insurance'
- **Milan Cerović**, LLD, 'Insurance Market of Republic of Serbia in 2010 – Operation Highlights of the Insurance Companies'

### COURT PRACTICE OF THE EU MEMBER-STATES' COURTS AND EUROPEAN COURT OF JUSTICE

- Judgment of the European Court of 30 June 2011 in the case C-388/09, Joao Filipe da Silva Martins vs Bank Betriebskrankenkasse-Pflegekasse regarding interpretation of the Art. 27 and Art. 28 of the Council Regulation (EEC) No. 1408/71 of 14 June 1971 about application of the social security scheme on employed persons, entrepreneurs and members of their families within the EU, with subsequent amendments through amendments of the Rule No. 118/97 of 2 December 1996, Rule No. 1386/2011 of 5 June 2001 and Articles 39 and 42 of the Treaty on European Community. Review by Jelena Gazivoda, LL.M.

### ARTICLE REVIEW

- Thomas R. Berry Stölzle, Patricia Born 'Regulation, Competition and Cycles: Lessons from the Deregulation of the German Insurance Market', *Journal of Insurance Regulation*, December 1, 2010, pp. 105-140. Review by Doc. Jasmina Labudović-Stanković LLD.
- Christian Fitzau, Christian Perkuhn "VVG-reform – das unterschätzte langzeitrisiko", *Versicherungswirtschaft*, br. 6/2011, s. 416-418. Review by Nela Bukorović

### WORLD INSURANCE – NEWS

### ACTIVITIES OF THE ASSOCIATION AND INSURANCE COMPANIES

- **Slobodan Jovanović**, LLD, 'Report from the AIDA Europe 3rd Conference'

### BIBLIOGRAPHY

#### SELECTED BOOKS

#### SELECTED ARTICLES

### EU DIRECTIVES AND REGULATIONS

- Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC, First part of translation.

## No. 4/2011

### EDITOR'S WORD

### ARTICLES

- **Anna Tarasiuk-Flodrowska**, 'Bancassurance on the EU market – Specificities of the Polish law'
- **Slobodan Jovanović**, LL.D., 'General and special reinsurance conditions or an annual reinsurance treaty tailored to a reinsured'

### REVIEWS – COMMENTARIES – STUDIES

- **Mayra Júlia Teixeira Brandão**, 'Principle of good faith, market failures and moral risk in agricultural insurance'
- **Andrija Vujičić**, MSE, 'Insurance industry in function of sustainable development'
- **Novembar Stojanović**, 'Perils in civil engineering projects and their insurance'

### INTERVIEWS

- Improvement of the quality and expense stabilization: Key factors for a sustainable development of the system of private health insurance – Interview with Mr. Rober Karl, Head of the Committee for Health Insurance at the Austrian Insurers' Association

### COURT PRACTICE OF THE EU MEMBER-STATES' COURTS AND EUROPEAN COURT OF JUSTICE

- Judgment of the European Court of 1 March 2011 in the case C-236/09, Association Belge des Consommateurs Test-Achats ASLB, Yann van Vugt, Charles Basselier v. Conseil des ministres equal treatment of men and women regarding sex as the basis for insurance risk assessment concerning Art. 5(2) of the Directive 2004/113/EC and Articles 21 and 23 of the Charter of Fundamental Rights of the European Union. Review by Jelena Gazivoda, LL.M.

### ARTICLE REVIEW

- Christopher O'Brien. 'Insurance Regulation and the Global Financial Crisis: A Problem of Law Probability Events', *The Geneva Papers*, Vol. 35, 2010, pp. 35-52. Review by doc. Jasmina Labudović-Stanković, LL.D.

### WORLD INSURANCE – NEWS

### ACTIVITIES OF THE ASSOCIATION AND INSURANCE COMPANIES

- AIDA Bylaws (consolidated text that came into force on 1 September 2011)

### BIBLIOGRAPHY

#### SELECTED BOOKS

#### SELECTED ARTICLES

### EU DIRECTIVES AND REGULATIONS

- Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC, Second part of translation.