



PHILIPPE & PARTNERS

avocats - rechtsanwälte - law firm

Claims management Concluding reports

Brussels 21 January 2014

Denis PHILIPPE

Professor at the Catholic University of Louvain



Fine art in legal practice

Bruxelles
Liège
Namur
Luxembourg
Paris

Experience in Belgium in dealing with catastrophe

- Ghislenghien:
- Explosion of gas pipeline on the 30th of July 2004
- 24 deaths/125 wounded
- Penal inquiry
- Ten years later, not all the victims were indemnified
- Claims management is vital

Main principles

- Diversity of the law and methods of compendation
- Thus we have to try to achieve the next goals:
 - Equality of the victims
 - Cross boarder management and compensation
 - Fast compensation
 - Clear rules

European initiative

- Initiative welcomed by a majority in the answers to the questionnaire
- Nuclear accident is normally a cross border accident
- Improvement in the compensation of the victims due to harmonisation
- Would allow clarification of the rules
- Respect of the equality between the victims of different EU countries

Organ in charge/ approach

- Insurers have a long experience of international claim management

Other option

- Public body like in Japan
- I think that this body could not only take care for compensation but also assist the victim in the presentation of their claim
- A mediator could also improve the rapidity of compensation (Ghislenghien)
- Advance payment/time limit

Priority in the head of damages

- It seems from the answers to the questionnaire that no priority must be given
- In liability law, priority is in some legislations, given to the personal injury

Conclusion

- Penal procedure must not suspend the allocation of damages (what could be the case in Belgium in the light of the Ghislenghien case)
- European intervention is welcome for notification, handling and settlement of damages



Fine Art in Legal Practice



Fine art in legal practice

Bruxelles
Liège
Namur
Luxembourg
Paris

Bruxelles / Brussels

Avenue Louise 240 Louizalaan
B - 1050 Bruxelles
T: + 32 2 250 39 80
F: + 32 2 250 39 81

Luxembourg

Avenue de la Liberté 41 (L-1931)
B.P. 2715 L - 1027 Luxembourg
T: + 352 266 886
F: + 352 266 887 00

Liège

Boulevard d'Avroy 280
B - 4000 Liège
T: + 32 4 229 20 10
F: + 32 78 15 56 56

Paris

Boulevard Haussmann 171
F-75008 Paris
T: +33 1 53 53 38 86
F: +33 1 53 53 30 53

Namur

Route de Hannut 47/3
B-5004 Namur
T: + 32 81 21 22 23
F: + 32 78 15 56 56



www.philippelaw.eu

Bruxelles
Liège
Namur
Luxembourg
Paris