

Cross border claims management from the perspective of the insurance sector.

Phil Bell

Chair, General Liability Steering Group, Insurance Europe
and Group Casualty Director, RSA Insurance

Brussels, 14 January 2014

Insurance Europe

Who?

- European insurance and reinsurance federation, founded in 1953

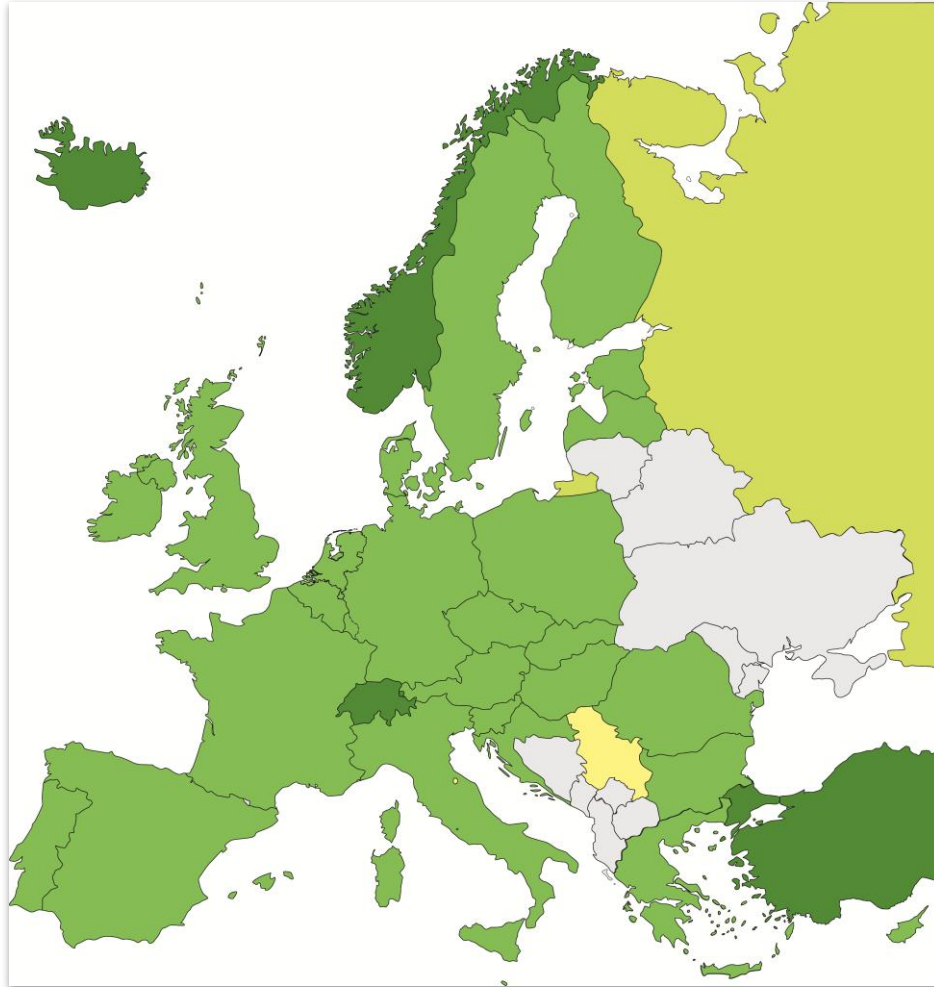
What?

- Represents around 95% of European insurance market by premium income

Why?

- Committed to creation of favourable regulatory and supervisory framework for insurers at European and international level.

Members



34 national associations

27 EU member states

5 non-EU markets

Switzerland, Iceland, Norway, Turkey, Liechtenstein

2 associate members

Serbia, San Marino

1 partner

Russia

Contribution to the economy



Insurance Europe represents more than 5 000 European (re)insurers, which:

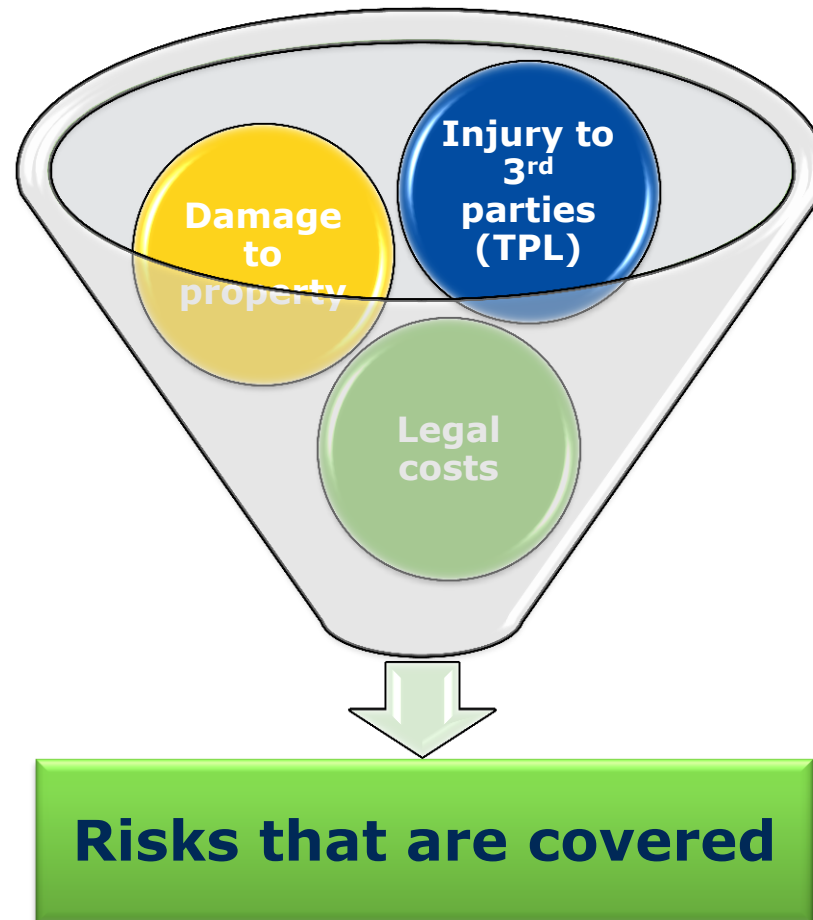
- generate premium income of more than €1 100bn

- employ almost one million people

- invest almost €8 400bn in the economy

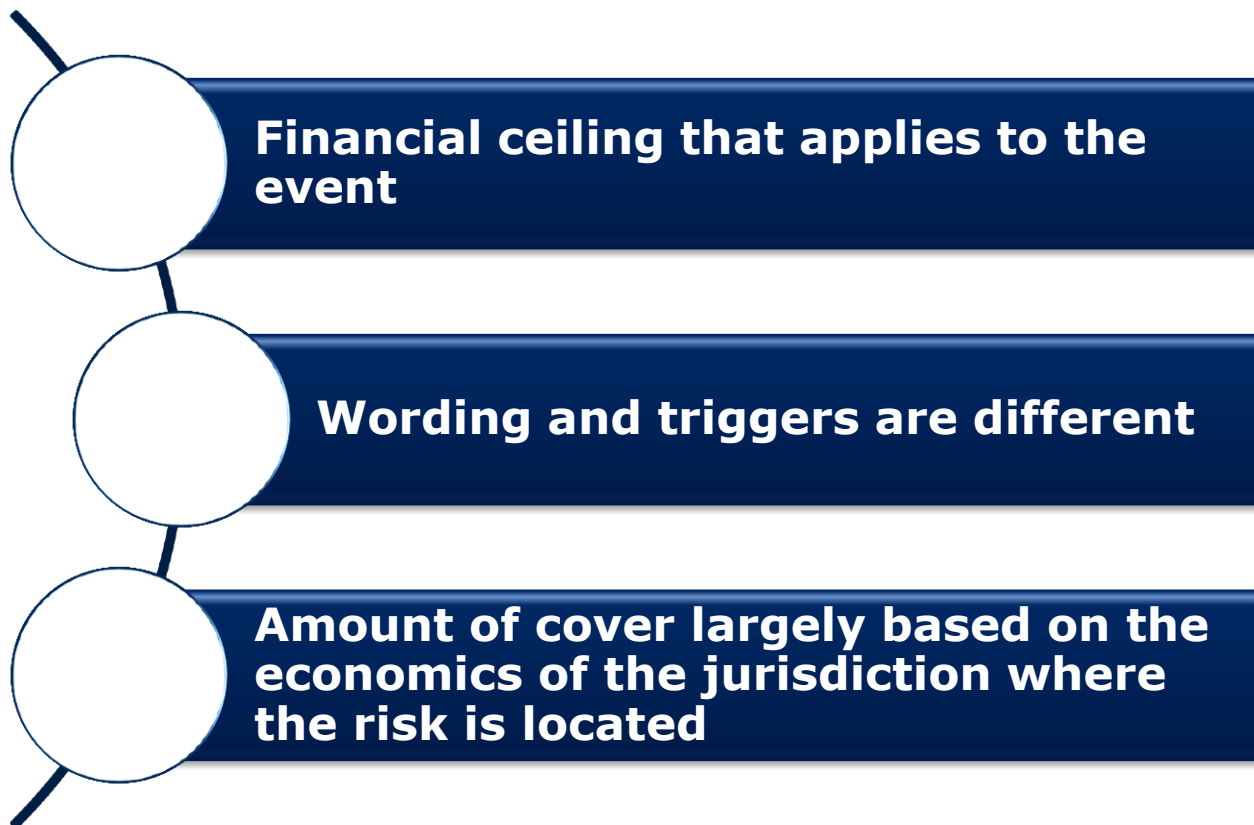
Liability Policies

Liability policies are designed to represent/defend insured



Liability policies

All policies have certain terms and conditions that apply



The liability claims environment



The liability claims environment

EU Member States vary in a number of fields

Civil liability rules and procedures differ

Limitation periods are not the same

Heads of damage and values differ

Lump sum awards v annuities

Claims cultures and awareness differs

The experience of lawyers varies

Current practice for non nuclear claims

EU Member States have different legal environments

- Applicable law – Rome II Regulation
- Strict liability or fault based
- Claimant needs to show the harm and the causal link
- Rules on disclosure
- Class Actions
- Use of ADR e.g. mediation
- Case conferencing
- Management practices will vary according to the circumstances

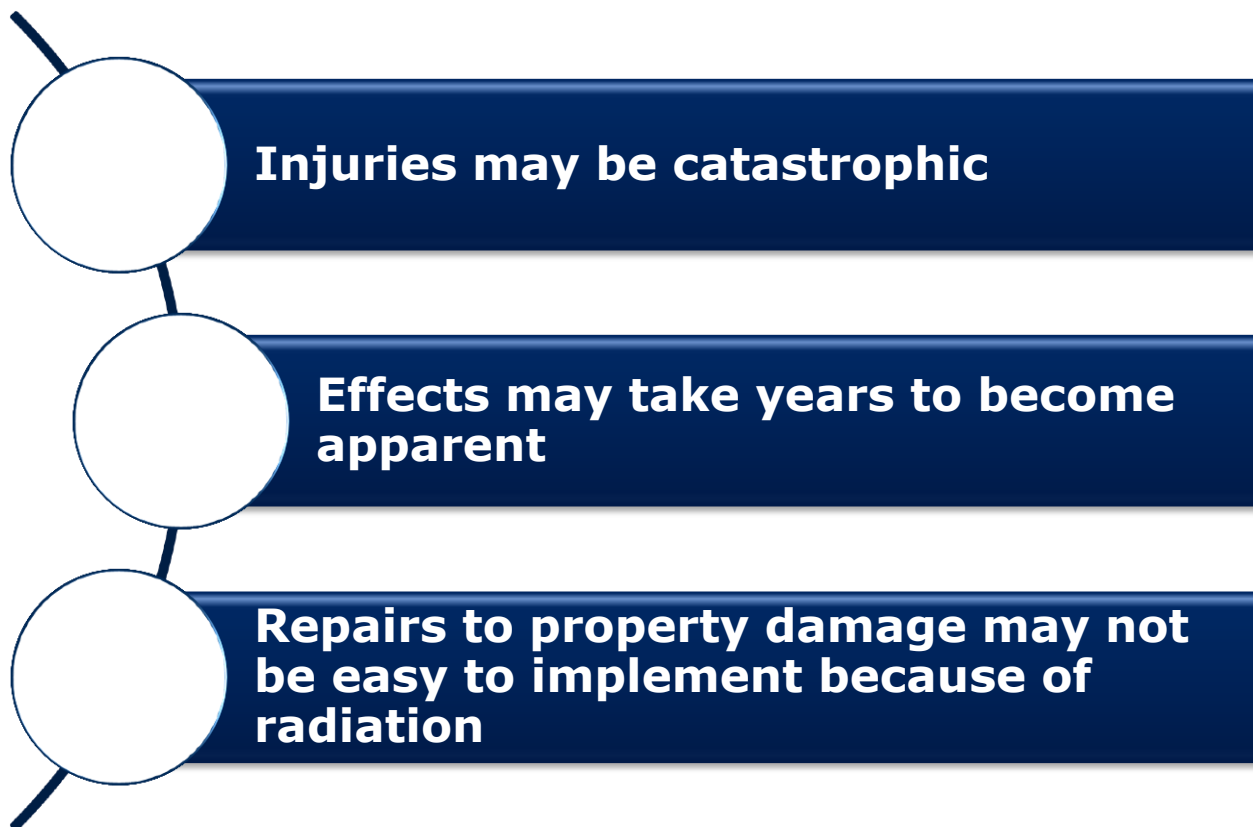
Nuclear damage claims are unique

Consider the international dimension for cross-border claims and that EU Rome II Regulation does not apply

- Country of operator has exclusive jurisdiction
 - Simplifies the system for claimants
 - But access to suitable lawyers may be more difficult
 - Local civil liability procedures apply
 - Local levels of awards and methods of payment
 - Could lead to under or over compensation
 - Is intended to balance the interests of operators and the public

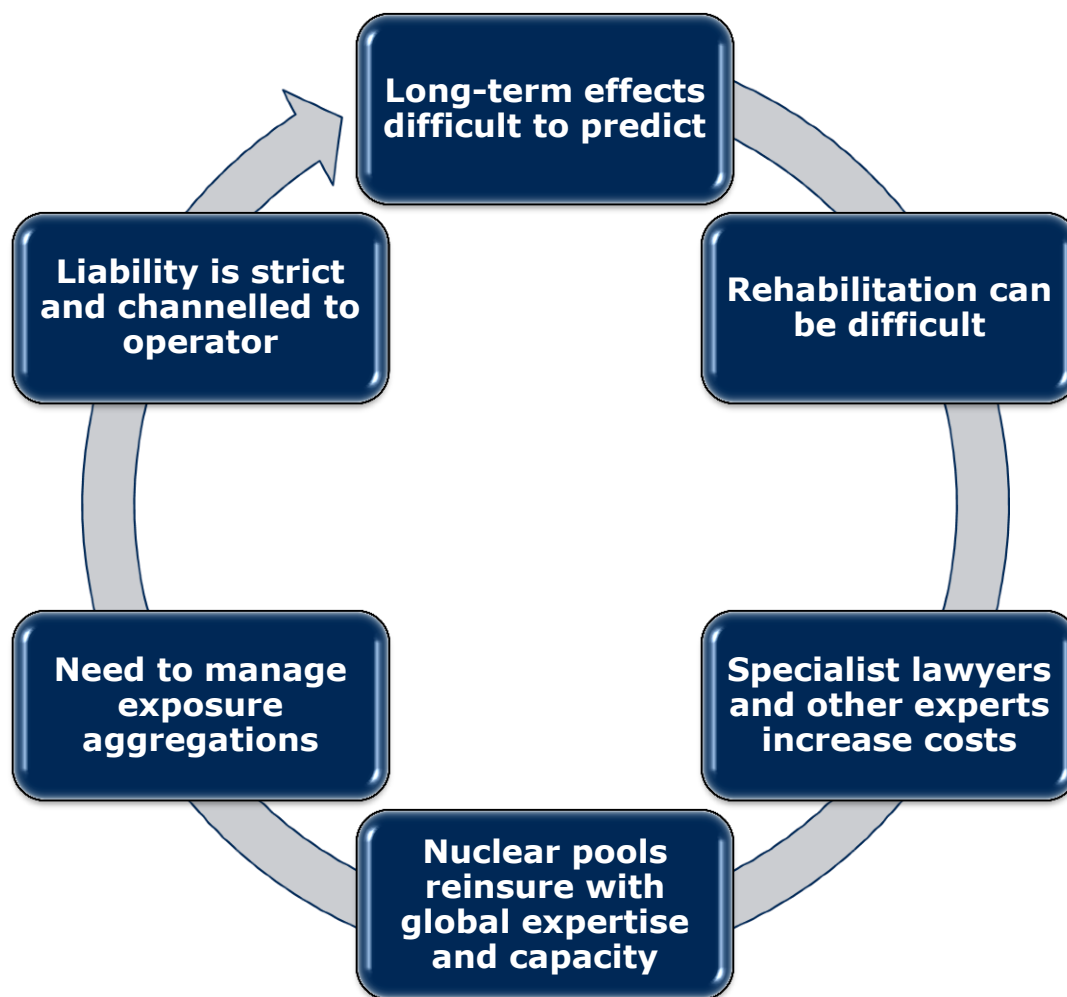
Nuclear damage claims are unique

*Claims could be difficult to investigate –
consider short tail versus long-tail claims*



Nuclear damage claims are unique

Characteristics of the nuclear industry



Summary

- Insurers today have extensive experience of cross border claims
- The nuclear market is global and has the expertise to deal with any jurisdiction
- Claims management techniques will vary according to the circumstances
- A number of differences exist between non nuclear and nuclear
- These differences are recognised by international conventions and special rules exist already for nuclear damage claims
- A prescriptive approach is likely to be complicated and unworkable
- Flexibility is important to ensure the process can be as simple and smooth as possible, this will be of most benefit to claimants



For more information

www.insuranceeurope.eu

