CONSUMER PROTECTION & DISPUTE RESOLUTION WORKING PARTY

AGENDA

Venue: Calouste Gulbenkian Foundation

Date and Hour: Wednesday, 8 May 2013  at 11.00 a.m

"The pre-contractual information duty of the insurer"

**11.00- 12.00 Presentations**

Anne Pelissier (France)

Roberto Rios   (Chile)

Sofia Martins/ Helder Frias  (Portugal)

Ana Keglevic (Croatia)

**12.00- 13.00 Discussion**

In the second hour of the meeting a discussion on the following will take place:

A.      Duty to Inform

a)      Who is under a duty of information (Insurance undertaking? Insurance intermediary? Or both?)

b)      Insurance undertaking to inform on what? Insurance intermediary to inform on what?

Extent of the duty (cover granted, alternative dispute resolution mechanisms, rights and obligations and duties under the insurance contract, conflicts of interests between the insurance intermediary and the insurance undertaking)

c)       Form to observe (in written, in textform, verbally, on the website)

d)      When to fulfill the duty?  (sufficiently in advance or simultaneously with the acceptation of the insurer which may be expressed by handing over the insurance policy = policy model = policy + information)

e)      Exceptions to the duty (contracts concluded at the phone, preliminary cover, mandatory insurances, large risks, when the policyholder is assisted by a broker)

f)       On whom is the onus of proof?

B.      Duty to Advise

C.      Duty to Warn

D.      Special Rules (insurance investment products).