

**Minutes of the Meeting of the AIDA Working Party for Marine Insurance
AIDA World Congress in Paris, 18 May 2010, 2.30 p.m.**

Participants:

- Prof. Dr. Robert Koch, Chairman, University Hamburg, Germany
- Dr. Dieter Schwampe, Secretary, Dabelstein & Passehl, Germany

- Gunne Bähr, DLA Piper, Germany
- Kristiaan Bernauw, University of Ghent, Belgium
- Eoin Caulfield, William Fry Solicitors, Ireland
- Laurent Charlet, GAMA, France
- Michael Gill, DLA Phillips Fox, Australia
- Philip Graff, MAQS Law Firm, Denmark
- Prof. Dr. Deniz Güner-Özbek, Koc University Law School Istanbul, Turkey
- Marcus Hall, Student, UK
- Carlo Heilbron, Studio GHC, Italy
- Jan Heuvels, Ince & Co, UK
- Svend Illeman, FG, Denmark
- Dr. Hubertus Labes, Chilton International, Germany
- Antonis Lagadianos, Ince & Co, Greece
- Eduard Levin, Ingosstrakh Insurance Company, Russia
- Yasu Matsushita, Japanese Society of Insurance Science, Japan
- Sergio Mello, Pellon Associados, Brazil
- Vera Monica, SAAM S.A., Chile
- Satoshi Nakaide, Waseda University, Japan
- Eduardo Nakayama, Nakayama Insurance Lawyers, Paraguay
- Dr. Kyriaki Noussia
- Prof Dr Koichi Otani, Waseda University, Japan
- Nikolaos Papachronopoulos, Papachronopoulos & Partners Law Firm, Greece
- Luis Felipe Pellon, Pellon Associados, Brazil
- Svenja Richartz, University of Hamburg, Germany
- Peter Rogan, Ince & Co, UK
- David Rubin, MAQS Law Firm, Denmark
- Stella Sakellaridou, Student, Greece
- Heidar Stefansson, LOGOS Legal Services, Iceland
- Jean Paul Thomas, FFSA, France
- Samim Ünan, Anddolu Insurance Company, Turkey
- Alexander von Ziegler, Schellenberg Wittmer, Switzerland

- 1) Robert Koch welcomed the participants; spoke briefly about the topic of mandatory insurance and the general discussion on this topic during the plenary session. He characterized the mandatory insurance in the maritime sector as optional mandatory insurance as each Convention dealing with this topic always allows the possibility of a bank guarantee instead of insurance coverage.

- 2) Afterwards Dieter Schwampe spoke shortly about the structure of the various Conventions dealing with the liability regime, linking the insurance or financial security to liability. None of the Conventions describes the minimum content of the necessary financial guarantee or the insurance coverage.
- 3) In total 7 Country Reports were held by the following speakers:

Country	Speaker
Denmark	Philipp Graff, MAQS Law Firm
Italy	Carlo Heilbronn, Studio GHC
Germany	Svenja Richartz, University of Hamburg
Greece	Antonios Lagadianos, Ince & Co
UK	Peter Rogan, Ince & Co
Japan	Satoshi Nakaide, Waseda University
Brazil	Luis Felipe Pellon

For France and Spain the Country Reports were delivered in writing. Both speakers were unable to attend the meeting. The Reports will be published on the homepage.

Dieter Schwampe gave a summary about the similarities and differences in the handling of mandatory marine insurance in the various countries. The biggest variety of different handling exists in connection with the term “wilful misconduct”.

The presentations were followed by a discussion. As a result Dieter Schwampe suggested to create a new questionnaire for subsequent topics not covered by the actual questionnaire.

- 4) The next meeting will be during the AIDA Europe Conference in May 2011 in Amsterdam, Netherlands. The topic is not announced yet. The following topics were proposed:
- not admitted business and the consequences if an insurer offers such business
 - National Embargo/Sanctual Laws and their influence on insurers (e.g. the U.S. Embargo Laws vs. Iran)
 - A joint meeting with the Working Party Insurance Distribution with regard to marine insurance brokers
 - “lex fori” and the practical implications

Minutes written by Svenja Richartz
Hamburg, 31th May 2010