

Reinsurance Working Party - Meeting

London, England, 15 May 2002, 10am

Minutes

Attending

Colin Croly (chairman); Barbara Angell; John Arpel; John Butler; Reinhard Dallmayr; Fabio Galli di Matteo; Michael Gill; Alistair Gunn; Tim Hardy; Anthony Kay; Rose-Marie Lundstrom; Marlene McConway; Sergio de Mello; Michael Mendelowitz; Rob Merkin; Lars Moelgaard; Luis Felipe Pellon; Justino Avendano Renedo; Guillermo Lascano Quintana; Mikael Rosenmejer; Peggy Sharon; Vince Vitkowsky

Apologies

Apologies were received from Christian Bouckaert, Gerardo Trigueros Gaisman, Michelle George, Tim Griffiths, Mikael Hagopian, Kathy Posner, Ioannis Rokas, Domingo Lopez Saavedra, and Antti Salenius.

Introduction

The Chairman welcomed those attending the meeting.

1. Report on progress of questionnaires

(a) Questionnaire 4 - Event. Michael Mendelowitz reported that there were now enough responses for a report to be produced. It was hoped that a draft would be circulated by early July with a view to publication for the New York Congress.

(b) Questionnaire 5 - Custom and Practice. Colin Croly reported that Kathy Posner has received enough responses to prepare a report; her draft report was tabled at the meeting. Members were invited to read the report and send any comments to Kathy. The report would be published in time for the New York Congress

(c) Questionnaire 6 - Cut Through and Transfer Reconstruction. Michael Gill reported that there had been 10 responses and these were enough to produce a report for New York. No response had been received from the US, but it was hoped that a response would be prepared shortly and that a report would be published in time for the New York Congress.

(d) Questionnaire 7 - Intermediaries. Rob Merkin reported that there had been enough responses to produce a report shortly after the New ork meeting.

2. Publication of future reports

In the past Informa had published the Working Party's reports, but these had been rather expensive. Colin Croly reported that a quotation of £1179 for 150 copies had been obtained by the printers of AIDA Mail, for published material in the same format. It would be possible to sell the reports for £15 to £20, but the onus would be on AIDA to sell the reports. A number of members of the Working Party expressed a willingness to sell or give away reports in their own countries, and the reports could be publicised in AIDA Mail and in other ways, eg on the AIDA Website.

The possibility of translating future reports into other AIDA languages, particularly Spanish, would be investigated by Colin Croly.

It was agreed that £20 would be an appropriate figure to charge for reports.

3. New questionnaires

It was agreed that limitation periods would be a good topic, as the law was hard to ascertain in many jurisdictions. Peggy Sharon agreed to act as reporter for this topic.

It was provisionally agreed that the following topic would be set-off, and it was also agreed that utmost good faith would be a worthwhile topic. The role of financial reinsurance and alternative risk transfer could be incorporated into a revised version of the first report, What is Reinsurance?

Rob Merkin agreed to come up with some further suggestions, to be presented to the New York meeting.

4. Limitation Periods

Rob Merkin gave a general presentation on the operation of limitation periods in English law. Reinhard Dallmayr gave a presentation on the position in Germany and Michael Gill gave a presentation on the position in Australia.

5. Whither Alternative Risk Transfer?

John Arpel gave a general presentation explaining the meaning and operation of Alternative Risk Transfer. Colin Croly gave a presentation on the differences between the insurance and capital markets in the application of legal rules.

6. New York World Congress

There will be a Reinsurance Working Party meeting on Tuesday 22 October at 9.00. Topics for the next meeting will include an update on the World Trade Center litigation in New York and the legal consequences for reinsurance and retrocession, including events/aggregations issues and follow the settlements.

This is, if possible, to be done by means of a mock arbitration involving US and non-US panels.

7. Any other business

There were no items of other business