

Reinsurance Working Party - Meeting

New York, USA, 3 November 1999, 9.30 am

Minutes

Present:

Colin Croly (Chairman), Sergio Ruy Barroso de Mello, Christian Bouckaert, Juan Pablo Chevallier-Boutell, Michelle George, Alastair Gunn, John Hastings, Unrich Hübner, Tony Kay, Jerome Kullmann, Domingo Lopes Saavedra, Andrew Maneval, Jose Luis Marco, Michael Mendelowitz, Rob Merkin, John Nonna, Katherine Posner, Mikael Rosenmejer, Martin Sandgren, Daniel E Schmidt IV, Peggy Sharon.

Apologies:

Javier Carvallo, Jose Luis Contreras, Jorge Gameiro, Michael Gill, Tim Griffiths, Jurgen Hübener, Dick Kennedy, Patrick Le Corff, Bob Mangino, Lars Molgaard, Herbert Palmberger, Antti Salenius, Alexander Schneeberger, Vince Vitkowsky.

1. QUESTIONNAIRE NO 2: FOLLOW THE SETTLEMENTS

CC reported that the Report had been prepared, and copy had been submitted to LLP for publication.

2. QUESTIONNAIRE NO 3: PROPER LAW

CC reported that the Report had been prepared, and copy had been submitted to LLP for publication.

3. QUESTIONNAIRES NOS 4, 5 AND 6

(a) Questionnaire No 4 CC reported that there had been very few responses to Questionnaire No 4: 6 had been received so far, with 2 more promised. CC reported that Michael Mendelowitz had volunteered to draft the report based on responses to Questionnaire No 4. In advance of doing so MM will prepare model answers based on English law and on responses received to date: this will be sent out in December 1999 with the hope of providing guidance to those yet to respond.

(b) Questionnaire No 5 CC reported that only 4 responses had been received to Questionnaire No 5, with 1 more promised. The final cut off date for responses was end of February 2000. Dick Kennedy had originally volunteered to produce this report, but it was not clear if he could still do so following his move to Skandia Life. If Dick Kennedy felt he was unable to produce the report, Kathy Posner agreed to step in.

(c) Questionnaire No 6 CC reported that this had yet to be circulated, but had been discussed in draft at the Working Party's last meeting and had since been finalised. Two responses had been received on the draft. The Working Party agreed that Questionnaire 6 should be sent out now, with a cut off date for responses by the end of June 2000. Michael Gill had offered to be reporter

(d) General CC noted that about 20 responses had been received for Questionnaire No 1, and at least 12 were needed for the viability of a report. CC indicated that he would send a letter to all Working Party members, requesting a real effort to provide a response. CC commented that, in the absence of any relevant law on the subject, a negative return would be welcome and valuable. Working Party members from the same jurisdiction were encouraged to share work. CC stated his hope that the reports on Questionnaires 4, 5 and 6 could be produced by the middle of 2000 so as to be ready for the Budapest conference in November 2000 marking the 40th anniversary of AIDA.

Kathy Posner raised the question of the diversity of the law as between US jurisdictions. Kathy and CC agreed to discuss methods of incorporating Illinois and California law as well as New York law. It was noted that the law of other jurisdictions in US needed to be considered in appropriate situations.

4. QUESTIONNAIRE NO 7 - REINSURANCE INTERMEDIARIES

CC noted that this was a timely topic, as AIDA had recently established an Intermediaries Working Party. A draft of the questionnaire was tabled by Rob Merkin. CC agreed to send out copies of the draft to all chapters. Any comments on the draft are to be sent to CC by the end of 1999, and final version will then be prepared. Rob Merkin agreed to liaise with the chairman of the Intermediaries Working Party in the preparation of the report.

5. RELATIONSHIP WITH LLP

CC raised the problem of keeping reports up to date; this was particularly important as regards What is Reinsurance, which is now some two years old. Rob Merkin agreed to speak to LLP about updating, and will report back to the next meeting of the Working Party.

6. AIDA MAIL

CC reported that the Presidential Council at its last meeting agreed to extract AIDA material from the International Journal of Insurance Law to be published as a separate bulletin, replacing the now defunct AIDA Bulletin. AIDA Mail is now published quarterly by LLP. CC stressed the

importance of the Reinsurance Working Party being a leading contributor to AIDA Mail: at present the Working Party's minutes were included, and members were urged to provide copy for AIDA Mail covering matters such as reinsurance conferences.

7. NEW ARBITRATION PROCEDURES IN US

Andrew Maneval and Dan Schmidt made a presentation on this topic.

8. REINSURANCE POOLS

Rob Merkin made a presentation on this topic.

9. NEXT MEETING

CC reported that AIDA will be meeting in November 2000 in Budapest, to celebrate 40th anniversary of AIDA; the Reinsurance Working Party will meet then. The Working Party would attempt to meet before then, hopefully in the second quarter of 2000. The venue would depend upon the decision of the Presidential Council as to the venue of its next meeting.

Topics for the next meeting would be left open until the venue of the next meeting had been fixed. A local topic would be worked into the agenda.

10. ANY OTHER BUSINESS

CC expressed his thanks to those attending the meeting, and asked members to send their e-mail addresses to him, for circulation within the Working Party.