

News Release

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European Countries Face Continued Challenges Adapting Local Legislation to EU Legal Requirements, Finds Guy Carpenter

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Guy Carpenter & Company, LLC, the leading global risk and reinsurance specialist and a member of Marsh & McLennan Companies (NYSE: MMC), today published its semiannual report on key legislative developments in Europe affecting liability insurers and reinsurers. A number of these developments underscore the challenges in adapting local legislation and jurisprudence to European Union (EU) and international law.

Produced in conjunction with law firm Heuking Kühn Lüer Wojtek and its network of legal experts across Continental Europe, the report examines the main legal issues considered to have the greatest impact in 11 jurisdictions. These are:

- **Austria** – court ruling on the admissibility of a third party liability insurer paying indemnification to an insured
- **Belgium** – Test-Achats judgment of the European Court and its impact on gender equality in insurance coverage
- **France** – analysis of whether the prohibition of discrimination in the insurance industry conflicts with the principle of equality
- **Germany** – court decision on non-adaptation of general insurance conditions to the Insurance Contract Act 2008
- **Italy** – impact of EU Directive on environmental liability
- **The Netherlands** – impact of Book 10 of the Dutch Civil Code since its implementation at the beginning of the year
- **Norway** – discussion of how motor liability is regulated
- **Poland** – potential impact on the insurance market by the new act on Financial Liability of Public Servants for the Grave Violation of the Law
- **Spain** – update on the controversial topic of auditors' liability, from unlimited to limited
- **Sweden** – court's clarification of occupational injury exclusion in product liability insurance
- **Switzerland** – latest developments in the revision of the Swiss Insurance Contract Act

The full report, *Recent Legislative and Judicial Developments in Continental Europe Affecting the Casualty Insurance Industry*, is available for download at www.gccapitalideas.com.

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QUOTES

David Lewin, Managing Director, Guy Carpenter & Company, LLC

“The common theme underlying many of these developments is the continued adaptation of individual country legislation to the requirements of EU law. The path to enactment of EU Directives is strewn with obstacles and involves conflicts with existing local legal provisions and longstanding legal principles.”

“We also found that the dominance of EU legislation does not prevent individual EU territories from pursuing their own agendas to create new legal liabilities specific to their own jurisdictions. For example, the creation in Poland of new financial legal liability of public servants for violations of their legal duties towards the Polish State Treasury opens a new field of business for the casualty insurance market.”

TAGS/KEYWORDS

Guy Carpenter, EU, Europe, legal, legislation, insurance, reinsurance, Heuking Kuhn, Heuking Kühn Lüer Wojtek, Lewin

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