

Introduction

The present volume contains the text of the papers presented as well as the issues discussed at the sessions of the “Distribution of Insurance Products” AIDA Working Party held during the period 2006-2010, i.e. the period between the AIDA World Congresses in Buenos Aires (2006) and in Paris (2010). At the same time, it shows the effort of the Working Party to combine recent trends in the important field of law and practice of insurance intermediation. The papers reflect the exchange of ideas and thoughts on both theoretical and practical market-related matters which have been identified through this period.

The first session of the new period of our Working Party was held in Rome (May 2007), the second in Hamburg (May 2008), the third in Budapest (November 2008) and the fourth in Zurich (October 2009). In the light of the forthcoming AIDA World Congress in Paris (May 2010), the idea to gather in a publication all of the papers which have been presented so far during these sessions was favorably perceived.

Intermediaries are important stakeholders in the insurance industry; their role in the distribution of insurance products is of great importance. It follows that the issues raised are of considerable theoretical and practical interest and provide sufficient insight into the role of insurance intermediaries, which should be broadly communicated.

From a structural point of view, the volume is divided into four parts. The first part - entitled “*The Categories*” - deals with the definition and the broad scope of insurance mediation manifested through the existence of various types of insurance intermediaries. Specifically, the classification between basic and alternative types of insurance intermediaries, the notion of “tied insurance intermediaries” and special aspects of the role of reinsurance intermediaries are presented. In this way, a familiarization with the definition of the primary players of insurance intermediation will be effected.

The second part - entitled “*The Status*” - refers to the dynamics of the interaction between insurance intermediaries, insurers and insureds. The focus is on a number of issues such as circumstances giving rise to conflict of interests, general aspects of the role of insurance intermediaries, the representative power of insurance intermediaries and the imputation of their knowledge and fault to insurers, brokers’ obligations vis-à-vis insurers, the possible establishment of an ongoing post-placement information duty of insurance brokers and broker’s liability under EU Directive 2002/92. In this part, the complexity of insurance mediation is unraveled.

The third part - entitled “*Across the borders*” - deals with the cross-border nature of distribution of insurance products. Four main subjects are tackled: the US, European and Chinese approaches to situations which create conflict of interests for brokers; the need for cross-border collaboration between intermediaries; the problems attached to the insurance mediation from a German perspective; and the role of alternative distribution channels in Italy. An underlying idea, apparent in this section, is the belief that insurance distribution should always aim at “going internationally”.

The fourth part - entitled "*Comparative review*" - relates to the questionnaires regarding the role of insurance brokers and alternative distribution channels of insurance sent out by our Working Party to AIDA National Chapters, and it reflects the main findings of the collected answers thereto. This part illustrates the main similarities and differences existing among legal orders of the participating countries as to the regulation of insurance mediation.

This volume is addressed to a broad audience, including academics, practitioners such as lawyers, insurance intermediaries, insurers, bank representatives, law students and all other parties interested in the insurance world. At the same time, it reflects the diversity philosophy of the "Distribution of Insurance Products" Working Party during (at least) the last four consecutive years. This philosophy, by the means of embracing people from different backgrounds, has encouraged a fertile exchange of ideas.

The editor would like to thank all the colleagues who have hosted in their country the sessions of our Working Party and have opened the "floor" for discussions in the vital area of insurance distribution, as well as all those who shared this vision and were actively engaged in this work. Also, the editor would like to express his firm belief that the "Distribution of Insurance Products" Working Party, being aware of its roots and history, will continue to handle successfully the new challenges in the field of insurance mediation and will flourish over the years. Last but not least, warm thanks are ought to the publishers Ant. N. Sakkoulas and Etablissements Emile Bruylant.

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-Chairman-