Motor Insurance WP – Helsinki 16th June

Attending people: Landini (Italy- Chair); Warshai (Israel); Sharon (Israel); Pilater (Israel); Kaner (Israel); Merkin, (UK), Channon (UK), Noussia (UK), Hujala (Finland), Aalto (Finland), Turunen (Finland), Norio-Timonen (Finaland); Rainelli (Italy); Hiirsalm (Finland); Nakiade (Japan); Makkonen (Finland), Anselmo (Italy), Rainelli (Italy), Ijas (Finland), Mustamaki (Finland), Solvinger (Sweden), Niittuinpera (Finalnd), Koikka (Finland), Tulla (Finland), Hirgvarsson (Sweden), Jumpannen (Finland), Chriss Rod (Australia)

After the presentation of the book of Rob Merkin on “Motor Insurance Law” and the presentations of Matthew Channon and Ilan Kaner on the concept of “use of vehicle”(see attached pp), a discussion started about the proposal of reform of the Motor Insurance Directive issued on 8th June 2016.

Some conclusions:

1. The problems araising from new forms of vehicle (electic bike, autonomous vehicles ..), can find solution interpreting the existent law and creating public funds for road accidents in case of not insured vehicles included electric bike. These funds could be financed by taxes on fuel (Peggy Sharon) or on the purchase of the vehicle (Matthew Channon). The risk of accidents caused by not insured vehicle could be also covered using form of mandatory first party insurance (Rodd) or encouraging the voluntary insurance (Nakaide).
2. It is important to regulate the use (minimum age of the driver, licence ecc.) of such new vehicles like eletric bike. In this way it is possible to reduce accidents.
3. Problems of esclusions of the coverage contained in the contract. In Italy, in case of excluded risk by contract (like in case of clauses excluding driving without licence, or without glasses when provided…) the insurer must pay the victim but then can subrogate against the policyholder. Motor Insurance it’s a means to protect both road victims and the fundamental right of freedom of movent of the drivers. It protects the property of the drivers from unsastainable debts. (Landini)
4. There is a too wide variety of damages in Europe (Hirgvarsson, Kaner). This is a problem related to the increase of premium too (Sharon).
5. Rob Merkin concluded observing that the most important challenges with regard to Motor Insurance are: Motor Tort Law, Causation, First Party Insurance. Here armonization is needed.