

Ania

Associazione Nazionale
fra le Imprese Assicuratrici

Le Sanzioni internazionali ed il settore assicurativo

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Milano, 7 Maggio 2019

Agenda

- Clausole sulle Sanzioni Internazionali
 - Introduzione
 - Esclusione Geografica
 - Esclusione Giurisdizionale

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L'esclusione geografica e l'esclusione giurisdizionale

Introduzione

- Sanctions Clause

No (re)insurer shall be deemed to provide cover and no (re)insurer shall be liable to pay any claim or provide any benefit hereunder to the extent that the provision of such cover, payment of such claim or provision of such benefit would expose that (re)insurer to any sanction, prohibition or restriction under United Nations resolutions or the trade or economic sanctions, laws or regulations of the European Union, United States of America or {insert country}.

Introduzione

- EU Blocking regulations and USA Sanctions
- Territorial Exclusion
- Territorial exclusion does not substitute the Sanctions Clause

L' Esclusione geografica

- This Policy excludes the provision of any insurance service, coverage or any benefit in connection with loss, damage or liability:
- resulting from activity in {response} or its territorial waters, contiguous zone, or its exclusive economic zone (“the waters”) (with respect to the latter other than a mere passage through without scheduled stop in {response} or the waters);
- incurred by the government of {response}, persons or entities resident in {response} or located in {response} or its territorial waters; or
- resulting from activities that directly or indirectly, involve or benefit the government of {response}, or persons or entities resident or located in {response}.
- Entities shall include any parent company, direct or indirect holding company owned or controlled by the government of {response}, persons or entities resident or located in {response}.
- However, this exclusion shall not apply to activities carried out, or services provided, in an emergency for the purposes of safety and/or security.

L' Esclusione geografica

- Extension of cover to passage through shipping lanes
- AIS Manipulation Clause

The policy will not provide any coverage for any vessel that is operating in a manner designed to preclude, disguise or otherwise impede the detection of its identity or location, including but not limited to by deactivating its Automatic Identification System ("AIS") or manipulating AIS data. In case of an event of precluded, impeded or disguised identity or location in conjunction with activities or locations that may be prohibited by any applicable economic sanctions laws or rules, including those administered by the EU, US or UN, the (re)insurer has the right to unilaterally terminate this coverage immediately on giving notice to the policyholder. This exclusion and termination shall not apply where such inability to detect the vessel's identity and location is due to a demonstrable malfunctioning or other similar demonstrable external event beyond the control of the owners or operators of the vessel. In cases where the inability to detect the vessel's identity or location is due to demonstrable malfunction or external event, the policyholder must notify the (re)insurer and the (re)insurer will confirm in writing to the policyholder whether: (i) cover for that vessel will continue; or (ii) cover for that vessel will cease from such date as is specified by the (re)insurer".

L'esclusione giurisdizionale (per polizze RC o sezioni RC)

Liability Exclusion

Claims Jurisdiction Exclusion

- The Insurer shall not indemnify the Insured for any liability in respect of any judgment, award, payment, Legal Costs and Expenses or settlement delivered, made or incurred where legal actions are brought in a court of law within countries which operate under the laws of {response}, or any order made anywhere in the world to enforce such judgment, award, payment, Legal Costs and Expenses or settlement either in whole or in part.

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Grazie per l'attenzione

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