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**Sarita A. Olević, MA<sup>1</sup>**

CONFERENCE REVIEW

## **THIRTY-SECOND MEETING OF KOPAONIK SCHOOL OF NATURAL LAW - INSURANCE SECTION**

The thirty-second meeting of the Kopaonik School of Natural Law was organized at the mountain of Kopaonik, in the Hotel Grand, from December 13 to 17, 2019, bringing together a number of eminent local and foreign legal experts. The general topic of this year's 32<sup>nd</sup> meeting was **"Law and Power of Mind"**, dedicated to the founder of the Kopaonik School of Natural Law, academician prof. dr. Slobodan Perović. This year as well, the organizer grouped all papers into six sections - six pillars programmed and conceived as hexagons, representing departments, with a number of related disciplines: 1) right to life; 2) right to freedom; 3) right to property; 4) right to intellectual property; 5) right to justice; 6) right to the rule of law. There were sections within the departments where the papers were further grouped for oral presentation and discussion. Accepted papers have been printed and published in *Legal Life* Journal for legal practice and theory 9-12 / 2019, in four volumes and published by the Association of Lawyers of Serbia.

The 32<sup>nd</sup> Meeting of the Kopaonik School of Natural Law was opened on December 13, 2019, at the plenary session. This Meeting was dedicated to the recently deceased Professor Slobodan Perović and was attended by about 600 participants. Upon constitution of the work presidency of the Kopaonik School plenary session, the members took part in its operation and dedicated their presentations to the person and work of the founder of the Kopaonik School of Natural Law, academician prof. dr. Slobodan Perović. Numerous local and foreign lawyers dedicated him the words of highest scientific honour, respect and recognition.

The founder of the Kopaonik School of Natural Law, academician prof. dr. Slobodan Perović was awarded a silver medal "Б. И. Вернадского" by the Russian Academy of Sciences, while the Academy of Sciences and Arts of the Republic Srpska awarded him a Charter for contribution to their affirmation. The Medal and Charter were handed over to the President of the Kopaonik School of Natural Law, prof. dr. Jelena S. Perović Vujačić.

**Prof. dr Jelena S. Perović Vujačić**, addressed the audience of the plenary session ceremony with her presentation titled "Universitas iuris naturalis Copeonici - thirty-two years of existence and work". The author emphasized the concept that governed the Kopaonik School of Natural Law during thirty-two years of its existence

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<sup>1</sup> Senior adviser in the Legal Function of Dunav Insurance Company a. d. o

and the scientific results of the School, highlighting that the Kopaonik School is the "birthplace of the Preliminary Draft Civil Code". The President of the Kopaonik School revealed to the audience that, since December 2019, the publishing activity of the School has been richer for a new scientific journal, to be published twice a year under the title *Review of the Kopaonik School of Natural Law*. Among other themes, the review will include commentary on the law, scholarly articles, reviews of the authors books and more. She emphasized the importance of gathering the legal industry, including the foreign attendees from over 40 countries. The author noted as important that "the School has been under the auspices of UNESCO since 2005".

For the 32<sup>nd</sup> Meeting of the Kopaonik School of Natural Law, the organizer received over 200 papers by the local and foreign authors. After the anonymous review, 172 papers were accepted and published, classified into four volumes. This year, the Kopaonik School has opened a youth competition for the "Slobodan Perović Award" for the three best papers. A number of papers have been submitted and the top three singled out. Their young authors are announced winners of "Slobodan Perović" awards. The family of the founder of the Kopaonik School of Natural Law provided funds for the prize money at this year's competition. The young authors presented themselves to the audience and received the granted awards. The first award went to Kristina Balnožan, second to David Vučinić, third to Andrea Nikolić.

The lawyers from various universities, courts of law, public services, companies, banking and insurance organizations as well as other institutions contributed as participants at the 32<sup>nd</sup> Meeting of the Kopaonik School.

At this year's meetings, the insurance law was included in the III department within the thematic section "Property". Through four papers, the authors presented the importance of insurance to the participants.

**1. Mirjana Glintić, PhD**, Research Associate at the Institute for Comparative Law, in her paper "Limitations of the choice of principles of contractual reinsurance law as applicable" pointed out that reinsurance contract is insufficiently regulated in the Serbian legal system and that the importance of this type of contract for the insurance market requires a more detailed consideration. In the paper, the author stated that Solvency II introduced the need to regulate reinsurance contracts. Such contracts imply a foreign element, as reinsurers from developed countries assume excess risk from insurers in emerging countries. The paper outlined the basic features of Pricl. Work on drafting the principle of contractual reinsurance law began in 2016 and, during the drafting, the issue of form emerged as the most important. The paper further discussed the application of Pricl to reinsurance contracts that contain an arbitration clause, where a chance of choosing Pricl as the applicable law is greater. When the contracting parties choose Pricl as the applicable law, it is equivalent in effect to national law. The provision of Pricl is incorporated into the text of contracts that do not contain any arbitration clause. The author is of the opinion that the application of Pricl is possible even when the contracting parties have not chosen any law to be applicable. The contents of Pricl

may represent a new definition of contract law, since these solutions, when opted for, may serve as applicable law, but also to revise the local law.

**2. Slobodan Ilijic, LLM**, Member of the Presidency of the Association of Lawyers of Serbia, in the paper "Contemporary Forms of Compulsory Insurance in Serbia" discussed the forms of compulsory insurance in accordance with the applicable laws and by-laws, as well as the insurance environment in Serbia. The first part of the paper deals with the forms of compulsory insurance under the Bankruptcy Law, where the author states that the first and second form of compulsory insurance are stipulated as short-term compulsory insurance against the professional liability of a bankruptcy trustee. The difference lies in the fact that the first form of compulsory insurance is considered the basic, while the second is considered supplementary. The next difference relates to the level of sum insured, being the legal category with the first line of business and the contractual category in the second line of business. The bankruptcy trustee is an authority for bankruptcy proceedings, with seven different duties. Therefore, the bankruptcy trustee is restricted in performing his duties of representation in such proceedings, in accordance with the law. In the second part of the paper, the author focuses on the form of compulsory insurance under the Law on Real Estate Appraisers, which introduced a new profession - real estate appraiser. The legislator stipulated numerous and restrictive conditions for licensing appraisers. One of the rules established by the law is that a license is issued to an appraiser for a minimum of three years. The author points out that the subject matter of the paper comprises the legal provisions on the long-term compulsory insurance form. Insurance concluded for one year or less is considered short-term, while insurance concluded for a period of more than one year is considered long-term. The author points out that in practice, the long-term compulsory insurance is best understood via the prism of the insurer's general insurance terms and conditions. The provisions of the Law on Appraisers and general terms and conditions provide for the insurance coverage for the real estate appraiser.

The employees of Dunav Insurance Company a. d.o. participated and contributed as authors to the 32<sup>nd</sup> Meeting of the Kopaonik School of Natural Law.

**3. Sarita Olević, MA**, Senior Advisor at the Legal Department of Dunav Insurance a. d. o. In her paper "Legal and organizational aspects of outsourcing insurance business", the author pointed out that, in addition to laws and by-laws, the insurance market in Serbia is also legally and organizationally regulated by the rules adopted by the NBS relating to the insurance industry. The paper analysed the provisions of current regulations governing the insurance industry in Serbia, as well as other by-laws that introduce and regulate outsourcing. It further analysed the extent of the process of compliance with EU law and regulations in terms of insurance market and outsourcing, since certain provisions of Solvency II have been brought into our regulatory framework, thus making it more close to the EU insurance department. She states that due to its complexity, the full implementation of Solvency II in our legislation is expected in 2021, as amendments are complex and require the resources that insurance companies must provide. Thus, they

present a major challenge in the compliance procedure in insurance industry. With the entry into force of the Solvency II Directive, the main objective of which is to provide cover for insurance beneficiaries as well as to increase the stability of the insurance market, the conditions for outsourcings are becoming more important, and the process of entrusting business to insurance and reinsurance companies - more complex.

**4. Miljan Sekulovic**, Senior Legal Representative at the Legal Function at Dunav Insurance Company a. d. o. construes the provisions of the Law on Contracts and Torts governing this area in the paper entitled "Property Insurance with Reference to Disputed Issues in Case Law". He states that insurance is a specific area, since the property is insured against various risks. In the case of an occurrence, the causes are different and their investigation requires special expertise. In order to determine the cause of the damage and possible negligence on the part of the insured person, it is necessary that the investigation involves parties of different professions. Claims under property insurance policies are not often brought before a court of law and there is a lack of case law, which causes courts difficulties in applying the Insurance Terms and Conditions when adopting a judgment.

The Third Department, section General Issues - Codification, included the paper of Ljiljana Kovačević Matić, Senior Advisor at Dunav Insurance, titled "Critical Review of Particular Decisions of Housing and Building Maintenance Act".

At this year's 32<sup>nd</sup> Meeting of the Kopaonik School of Natural Law, the participants showed great interest in the insurance section and presented papers. The fact is that insurance law is becoming an interesting topic and that the Kopaonik School comprises an eminent set of lawyers from the Region; It is a place where insurance law will be adequately represent in the future.

The general attitude of the participants, authors and editors is that this year's Kopaonik School fulfilled the expectations.

*Translated from Serbian by: **Bojana Papović, Grad. Philol.***