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## CONFERENCE REVIEW

**THE THIRTY-FIFTH MEETING OF THE KOPAONIK  
SCHOOL OF NATURAL LAW – INSURANCE SECTOR**

After meetings were held online for two years, from December 13 to 17, 2022, the 35<sup>th</sup> meeting of the Kopaonik School of Natural Law - Slobodan Perović was held at the "Grand" Hotel in Kopaonik. The general topic of this year's meeting "**Court Proceedings – Law and Justice**" brought together more than 600 prominent domestic and foreign experts in the field of law. This year, the organizer grouped all papers in six areas – six pillars of the hexagon, which represent departments with a number of related disciplines: 1) Right to Life; 2) Right to Freedom; 3) Right to Property; 4) Right to Intellectual Creation; 5) Right to Justice; 6) Right to a State Ruled by Law. There were sections within the departments, where the papers were further grouped for verbal presentation and discussion. Accepted papers were printed and published in four volumes of the Proceedings.

On December 13, 2022, the 35<sup>th</sup> meeting of the Kopaonik School of Natural Law was opened with a plenary session. After establishing the presidency of the plenary session, its members through their presentations recalled the image, work of the founder of the Kopaonik School of Natural Law, academician and professor Slobodan Perović, PhD. Jurists from the country, and abroad expressed their highest scientific honour, respect and recognition.

President of the Kopaonik School of Natural Law – Slobodan Perović, **professor Jelena S. Perović Vujačić, PhD**, presented a paper entitled "Universitas iuris naturalis Copsaonici – thirty-five years of existence and work" at the solemn plenary session. She explained the concept that guided the Kopaonik School of Natural Law during its thirty-five years of existence, as well as the school's scientific results, with an emphasis on the fact that the Kopaonik School is the "birthplace of the Pre-draft of the Civil Code". She stressed the importance of gathering the legal public and the

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fact that participants come from over 40 countries. As an important fact, she pointed out that “since 2005, the school has been under the moral auspices of UNESCO, and that 35 years of existence speak of the fact that “the school of natural law is high above the transience of positive law, high above the scarcity of the present times”.

For the 35<sup>th</sup> meeting of the Kopaonik School of Natural Law, the organizer received more than 150 papers from domestic and foreign authors, while over a hundred papers were accepted and published in four volumes of the Proceedings. This year, the Kopaonik School has announced a call for papers for the “Slobodan Perović” award for the three best works of young participants. The three best papers were selected, and young authors presented themselves to the audience and received the awards. The family of the founder of the Kopaonik School of Natural Law provided funds for the monetary part of the award. Winner of the first award for the paper “Justice and Fairness before the International Court of Justice – Equity and Ex Aequo et Bono as Sources of Law” is the Master of Law Andrej Confalonieri, a student at the Faculty of Law of the Leiden University. The second award went to Aleksa Škundrić, a teaching associate at the Faculty of Law of the University of Belgrade – for the paper entitled “Relationship between the Truth Establishing Principle and the Fair Conduct of Criminal Proceedings Principle”. The third award went to Katarina Vidanović, a PhD student at the Faculty of Law of the University of Belgrade – for the paper “Influence of Illegally Obtained Digital Evidence on the Outcome of a Labour Dispute”.

At the 35<sup>th</sup> meeting of the Kopaonik School, lawyers from various universities, courts, public services, commercial enterprises, bank and insurance organizations, as well as other institutions contributed as participants, which indicated that the meeting was successful.

Insurance law is gaining more and more importance and this year it was presented within the Third Department and the thematic unit – Right to Property. The authors presented the importance of insurance closer to the participants through five papers. The section was led by professor Mirko Vasiljević, PhD.

**1. Mirjana Glintić, PhD**, a research fellow at the Institute for Comparative Law in Belgrade, in her paper “Compulsory MTPL Insurance for Electric Scooters as a Prerequisite for Protection of Third Parties” analysed legal options for concluding such contracts. Central part of the paper is dedicated to the analysis of modalities of defining a motor vehicle in the Community Law and the Serbian law. A significant issue was whether there was room to bring electric scooters under the legislation for motor vehicles, keeping in mind the increasing prevalence and use of electric scooters. On one hand, it can be considered on the basis of a comparative legal analysis that the approach of the Serbian legislator is such as to allow the understanding of electric scooters as motor vehicles, while on the other hand, case law, as well as actions of police authorities in traffic accidents caused by electric scooters, are not

of the same opinion. The author pointed out that the police treat people operating electric scooters as pedestrians, and the police reports stated that those were accidents involving pedestrians. The author believes that raising citizens' awareness of the obligation and need to conclude a MTPL insurance would contribute to a better understanding of the importance of this topic. In this sense, the support of police authorities is more than significant.

**2. Miloš Radovanović, PhD**, a research fellow at the Institute for Comparative Law in Belgrade, explained in the paper "Guarantee Fund and Intentionally Caused Damage" explained the legal institute of the guarantee fund, which ensures protection of injured parties when compulsory MTPL insurance does not allow it, stating that the role of the guarantee fund is actually compensation for damages. In addition, the author considers the issue of whether the injured party is entitled to compensation from the guarantee fund when the damage was caused intentionally by an uninsured motor vehicle. The author further analyses domestic case law as well as legal solutions from comparative law. He states that with a systematic interpretation of the domestic Insurance Law, it can be concluded that the injured party should be compensated for the damage even when it was caused intentionally. An insurance company has the right to recovery from its insured when the damage was caused intentionally. The author points out that the guarantee fund compensates the damage under the same conditions as if the vehicle had MTPL insurance, and the fact that the damage was caused intentionally does not exclude the obligation of the guarantee fund to compensate it.

**3. Katica Tomić, PhD**, from the BVM law office, in the paper "Internet of Things (IoT) and the Insurance Sector" brings the IoT technology closer, indicating that it implies a wide range of connected digital electronic devices, which have the ability to transmit and share data through various sensors. The author pointed out that the increase in the number of types of IoT connected devices and applications, in addition to new opportunities, affects large risks that are managed in all companies. The author also pointed out that the proliferation of IoT devices enabled insurance companies to use data collected from smart devices to determine premiums, improve services, and better connect with service users. Frequent risks of loss of data or functionality of IoT devices are connected with this technology, and related to this is the option of insurance coverage. The author believed that the spectrum of risks inherent in IoT devices is wide, including device and network security, the risk of cyberattacks, software updates and more.

**4. Iva Tošić, MA, and Jovana Misailović, MA**, research fellows at the Institute for Comparative Law in Belgrade, presented their paper entitled "Personal Data Protection Regulation as a Mechanism for Protecting Insurance Service Users". The paper pointed out that the protection of insurance service users has become particularly relevant after the great global economic crisis. The need for increased

protection of insurance service users stemmed from the complexity of financial services, which are difficult for an average user to understand. In the first part of the paper, the authors discussed the reasons for protection of insurance service users, pointing out the necessity of protecting users of these services. In the second part of the paper, they analysed the importance of new regulation concerning personal data protection – protection of insurance service users, as well as the possibility provided by the Personal Data Protection Act to the person to whom the data relates.

**5. Sarita Olević, MA**, manager in the Legal Affairs Function in Dunav Insurance Company j.s.c., participated at the 35<sup>th</sup> meeting of the Kopaonik School of Natural Law and contributed as an author. The author emphasized in the paper entitled "Legal and Organizational Aspects of Personal Data Protection in Insurance with Reference to the Rights of Persons to whom Personal Data Relate" the importance of the institute of personal data protection, its relevance, and pointed to the need to look at this issue from several aspects. Obligation to apply provisions prescribed by the Personal Data Protection Act also applies to insurance companies, which during performance of their primary activity obtain personal data of insurance service users. The Republic of Serbia has shown at the beginning of the implementation of the new law that it is ready to regulate and harmonize its legal system with the European Union law. Insurance sector follows implementation and development of personal data protection regulations. Participants in the insurance market must be responsible for protection of personal data belonging to insurance service users. This is achieved by clear notifications about the protection policies they use. She pointed out that the legal basis of personal data processing carried out by insurance companies is based on the execution of a contractual obligation arising from a concluded contract with the person to whom the data relate and the consent of the person to whom the data relate. One part of the paper is dedicated to the rights of persons to whom personal data relate, with an indication of a number of rights, the application of which the data handler is obliged to ensure. The author pointed out that three years after the adoption and implementation of the new law on personal data protection, shortcomings were identified, ranging from harmonization with other laws to misunderstanding of the legal provisions themselves. She stated that the sanctions for violating provisions of personal data protection must be appropriate to the matter being processed in order to be effective and have a purpose, and that all the shortcomings of the current regulation can be brought into an acceptable legal framework by amending the current law.

As insurance law became an interesting and attractive topic, participants of the Kopaonik School of Natural Law showed great interest in the Insurance section and the presented papers. Having in mind the reputation and importance of the Kopaonik School, as well as its echoes and influence on legal theory and

regulations, it can be expected that insurance law will be adequately represented at those meetings in the future as well.

According to the general assessment of participants, authors and editors, this year's meeting of the Kopaonik School met expectations.

*Translated by: Jelena Rajković*