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# INTERNATIONAL INSURANCE LAW AND REGULATION

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Center for International Legal Studies  
Salzburg, Austria

Volume 1

2021-1 EDITION

*March 2021*



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Mat #42702622

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## **Introduction to the March 2021 Edition of International Insurance Law and Regulation**

*International Insurance Law and Regulation* is a comprehensive collection of commentary from internationally recognized practitioners who are experts in their jurisdictions. These specialists discuss the law and regulation of insurance in their region, creating a country-by-country guide on doing business in this highly structured and regulated industry.

The March 2021 edition contains the following updated or revised chapters:

|                         |                         |
|-------------------------|-------------------------|
| Chapter 13, Colombia    | Chapter 35A, Nigeria    |
| Chapter 14, Croatia     | Chapter 37, Panama      |
| Chapter 21, Hong Kong   | Chapter 45, South Korea |
| Chapter 24, Isle of Man | Chapter 50, Turkey      |
| Chapter 34, Myanmar     | Chapter 53, Vietnam     |

Each of these chapters has been written and updated by attorneys from these countries who are experts on their subject matter.

Please see below highlights from a selection of the updated chapters.

### **Croatia**

The latest amendments to Croatian legislation applicable to insurance companies relate to provisions on the minimum amount of share capital of joint-stock insurance and mutual insurance companies, as well as to certain general amendments, such as the number of currently registered insurance companies and European Directives transposed into the legal system of Croatia.

### **Hong Kong**

This update of the Hong Kong chapter includes information regarding the Insurance Authority assuming absolute regulatory control over all insurance intermediaries in September 2020, including insurance brokers and insurance agents.

### **Myanmar**

The liberalization of the insurance market for foreign companies in Myanmar began in 2019 and the insurance industry has opened for foreign companies. Life insurance licenses have been issued to five foreign insurers and three joint ventures. Non-life insurance licenses have been issued to three joint ventures. Following the issuance of insurance licenses to foreign insurers and joint ventures, the Insurance Business Regulatory Board issued a set of directives to regulate the insurance sector in Myanmar. Myanmar now allows insurance companies to obtain reinsurance from other insurers or reinsurers within Myanmar or abroad, with certain restrictions, effective as of October 1, 2020. Criteria for cross-border reinsurers has been stipulated by the Insurance Business Regulatory Board.

### **Panama**

The most important changes in the chapter include Law Number 68 of 13 December 2016, which regulates auto accident insurance, and an update regarding the key players in Panama's insurance sector, including insurance companies (Acerca Compañía de Seguros, Aliado Seguro S.A., Aseguradora Ancon S.A., Aseguradora Global S.A., Assa Compañía de Seguros S.A., Banesco de Seguros S.A., BUPA Panama S.A., Chubb Seguros Panama S.A., Compañía Internacional de Seguros S.A., General de Seguros S.A., Interamericana de Fianzas y Seguros S.A., La Regional de Seguros S.A., Mapfre Panama, S.A., Mercantil Seguros y Reaseguros S.A., Multibank Seguros S.A., Nacional de Seguros de Panama y Centroamerica S.A., Optima Compañía de Seguros, S.A., Pan American Life Insurance Company, Sagicor Panama, Seguros Fedpa S.A. (PROFESA), Seguros Suramericana S.A., Vivir Compañía de Seguros S.A., and Worldwide Medical Assurance Ltd.Corp.); reinsurance companies (Americana Re, S.A., Mitsui Sumitomo Insurance Co. Ltd., Mercantil Reaseguradora Internacional S.A., and Reaseguradora Delta Internacional S.A.); and captive insurance companies (American Windstorm and Marine Casualty Incorporated, Cedar's Re Empresa Aseguradora S.A., Lafer Re Panama Corp., Standard Reinsurance Corp., Traco International Group LLC., and Unión de Suscriptores Compañía de Reaseguros S.A.).

### **South Korea**

The Special Act on Prevention of Insurance Fraud was passed in 2020. It aims to prevent fraudulent acts committed against insurers. The Supreme Court's rulings on insurance fraud had been based on article 103 of the Civil Act and article 347 of the Criminal Act. However, the Special Act on Prevention of Insurance Fraud will be applied to punish criminals. Endowment insurance and annuity insurance were deleted from the Commercial Act. In their place, group insurance was inserted. Group insurance is used when an organization executes a life or injury insurance contract for its members who are designated as the insureds. In group insurance, the written consent of the insureds is not required. Certain information contained in the previous law (especially, the policyholder's duty of disclosure) has been updated.

### **Turkey**

Incorporation of Türk Re and Türkiye Sigorta, together with the new insurance regulatory agency affiliated with the Ministry of Finance, reflect the government's endeavor to foster the domestic insurance and reinsurance markets. While the enactment of the Commercial Code in 2012 was one of the first steps for harmonization of the Turkish market with that of Europe, insurance contracts have remained limited under the general template conditions issued by the Treasury, i.e., the former regulatory agency. The Constitutional Court ruled that required general conditions are an arbitrary interference with freedom of contract and violate the rule of law. The Constitutional Court's decision is expected to encourage parties to incorporate, negotiate, and construe special conditions (and exclusions) according to their individual needs and circumstances.



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