

## Selected references for insurance-related matters

We advise and represent our clients in almost all areas of law, especially in matters relating to insurance law. This includes, for example, handling major claims for well-known national and international insurance companies and defending against liability and coverage claims. In addition, we are regularly called upon to assist with complex mandates in the area of financial lines, in particular D&O and fidelity insurance, both as coverage and monitoring counsel, as well as to serve as the direct representative of insured persons in civil and criminal cases. We are also regularly commissioned in professional liability cases (architects, doctors, lawyers, notaries, tax consultants, etc.). Drafting and processing insurance terms and conditions, brokerage conditions and all other matters relating to insurance law are part and parcel of what we do every day. Renowned insurance companies also rely on our law firm when it comes to regulatory matters and work to ensure close cooperation.

### Liability insurance

- Representing the liability insurer of a Swiss private bank in connection with a major loss in asset management.
- Regular consulting in matters relating to the defence against product liability claims and recall actions, most recently in connection with automotive suppliers and products in the construction materials industry.
- Advising a food manufacturer following the detection of glass splinters in their goods, including the coordination of the recall action in 13 European countries and subsequent handling of damage claims.
- Representing a liability insurer following a train accident as a result of a side-on collision between two trains
- Providing legal representation in court for the policyholder of a German insurer in connection with a major fire in a paper mill.
- Representing a plant constructor on behalf of the liability insurance company in connection with the explosion of a green waste incineration plant in the Netherlands.
- Providing representation in civil proceedings before the Vienna Commercial Court and the Munich I District Court concerning toll bridges on German motorways
- Representing a German manufacturer of gas heaters in connection with product liability claims caused by defective hoses
- Providing representation in connection with allegedly faulty welding seams and welding forms at locations throughout the Austrian railway network

### Financial lines

- Representing an insurer in connection with mistakes made during the acquisition of a company and the due diligence carried out in this context. The policyholder was a company listed on the Austrian stock exchange.
- Performing ongoing work to handle issues relating to the Immofinanz/Constantia case under civil, coverage and criminal law, including the preparation of legal assessments for the D&O insurers involved as well as providing representation in selected proceedings.
- Coverage counsel for the Italian branch of an international insurer in connection with an insolvency administrator claim against a former managing director due to an allegedly prohibited reimbursement of deposits, the delayed opening of insolvency proceedings, etc.

- Coverage counsel for a well-known D&O insurer in connection with the assertion of liability claims against the former managing directors of an airline by the insolvency administrator of the company.
- Representing an international company in a “fake president fraud” matter conducted by seeking out and misusing email accounts.
- Advising renowned English reinsurers on the settlement of several claims in the context of the fidelity policy of a renowned Austrian bank and its international subsidiaries.
- Representing an insurer in connection with suspected instances of malversation by the managers of a Swiss bank vis-à-vis the Austrian parent in the context of the fidelity policy.
- Representing the D&O insurer of an insolvent prefab house group as coverage counsel. The subject matter is both civil law and criminal law issues, all of which were initiated by the various insolvency administrators.
- Representing and supporting insurers in connection with fidelity policies, both when it comes to processing the facts of the case and to the pending coverage issues.
- Representing management bodies and executives in various investigative and criminal proceedings in connection with the Telekom scandal.
- Representing insurers in the role of monitoring counsel as well as of insured persons with regard to issues such as delayed insolvency, lack of diligence in management, prohibited reimbursement of deposits, etc.

#### **Professional indemnity insurance**

- Representing an auditing firm in the defence of claims made by an Asian investor in connection with the acquisition of business shares. The firm was commissioned through the liability insurer.
- Representing a well-known German architectural office in connection with alleged planning deficiencies in respect of a new thermal spa building.
- Providing ongoing legal representation in court for hospital owners and physicians in cases of medical liability; any such cases are normally commissioned through the liability insurance.
- Providing legal representation in court for auditing and tax consulting companies when defending against liability claims after having performed various tasks, e.g. after issuing an unqualified audit opinion. The law firm is normally commissioned by the excess of loss insurance company.
- Representing a professional liability insurer during a coverage dispute with their PH, a well-known law firm in connection with a major international real estate transaction.
- Representing a law firm in connection with the alleged premature or unlawful payment of fiduciary funds. The firm was commissioned through the liability insurance company.
- Representing a well-known planning office in connection with disputes with a public-sector client.

#### **General liability law**

- Commissioned on an ongoing basis by the motor vehicle liability division of numerous insurance companies
- Providing ongoing representation in building liability insurance cases
- Providing ongoing representation in connection with claims in all areas of liability (motor vehicle, company, trade and industry, building, professional, product liability, etc.).
- Preparing, overhauling and editing liability conditions in close cooperation with the underwriting department of an Austrian insurance company.
- Ongoing work in connection with all relevant insured risks, such as fire, mains water, storm, etc.

### **Insurance recoveries**

- Handling a case with experts, preparing for the proceedings and asserting recourse claims (property damage and business interruption damages) vis-à-vis a third party after a turbine explosion.
- Performing ongoing evaluations and asserting recourse claims in court through our recourse department
- Representing a plant constructor before the Vienna Commercial Court in connection with an explosion of a Yankee dryer in a Dutch paper mill.
- Pursuing premium recourse claims, recourse claims due to breaches of obligations and recourse claims after the transfer of a claim pursuant to section 67 of the Austrian Insurance Contract Act (öVersVG) (section 67 of the German Insurance Contract Act [dtVVG]) on an ongoing basis.

### **Life insurance**

- Providing ongoing legal representation (also in court) for insurers in matters relating to health, accident and life insurance, most recently in connection with the preparation and establishment of online contracts in the field of health insurance.
- Representing insurers before the arbitration board of the professional association of insurance brokers in the field of health insurance.
- Providing ongoing support for insurers with the depositing of life insurance returns at the court and in disputes triggering such deposits
- Providing regular representation for insurers in connection with the cancellation of insurance contracts as a result of incorrect advice or clarification.
- Providing support for insurers when it comes to preparing documents and conditions in the areas of health, accident and life insurance – preparing products for the IDD and GDPR

### **Broker and agency law**

- Providing full representation for an insurer during the takeover of a brokerage company
- Performing ongoing reviews and drafting of brokerage agreements for various national and international insurers.
- Providing regular advice and representation for insurance companies during disputes with agents
- Representing an English insurer in connection with brokerage commissions obtained fraudulently.
- Closely monitoring various insurance policies in connection with new developments as well as the implementation of the IDD.
- Legal support for insurers when it comes to designing and implementing new insurance products
- Providing advice to several insurance companies during the reorganisation of distribution structures in the light of the IDD and other European requirements. Among other things, ongoing legal support during the implementation of an online sales channel and the establishment of an online agency.
- Drafting broker and agency commission agreements for a renowned Austrian insurance company and providing support with their implementation, in particular with regard to communication with broker and agency associations.
- Providing legal advice to an Austrian insurance company in connection with cooperation agreements concerning the ongoing sale of insurance policies within the scope of motor vehicle and real estate lease agreements.

### **Insurance contracts / Terms and Conditions**

- Developing and reviewing the entire online presence of a major Austrian insurer from a legal perspective, including the development of the customer journey and the associated terms and conditions.
- Providing ongoing representation for insurance companies in the work to draw up contracts or render such contracts suitable for the Austrian market (most recently cyber conditions as well as newly issued PI wording, public liability insurance for SMEs, etc.).
- Providing advice to an English travel insurer during its entry into the Austrian market. Providing advice to a Swiss life insurance provider during its entry into the Austrian market.
- Providing ongoing legal support for a well-known insurance company in its efforts to overhaul and reword insurance conditions for motor vehicle liability and comprehensive insurance, home-owner insurance as well as property and public liability insurance for SMEs.
- Reviewing and revising broker drafts on behalf of insurers

### **Insurance supervision Law**

- Several model proceedings for the insurance industry on behalf of Austrian insurers (e.g. the issue of long-term discounts, the Payment Services Act [Zahlungsdienstgesetz], etc.).
- Providing ongoing legal support for several well-known insurance companies in their efforts to implement the IDD in Austria. This included performing an evaluation of commission and other remuneration systems from a legal perspective, as well as organisational measures relating to new information and conduct of business rules.
- Providing advice on the possibilities and limits of outsourcing operational activities from insurers to external service providers.
- Providing advice in connection with the designing of life insurance products as well as related questions on advisory documentation and customer literature.
- Clarifying regulatory issues when redesigning a compulsory insurance product
- Providing support for an insurer during the process to design a white label product up to the point where it is ready for the market. This is a new brand of a renowned insurer that specialises solely in online sales by insurers.

### **GDPR for insurers**

- Providing ongoing support and representation for several insurers in their work to introduce and implement the General Data Protection Regulation (GDPR) and the Insurance Distribution Directive (IDD) across all lines of business.
- Representing insurance companies in the event of complaints and claims by customers or the authorities under the GDPR.

### **Miscellaneous**

- Providing legal support for well-known insurance companies in connection with organised fraud in what is believed to be more than 100 motor vehicle cases.
- Preparing a legal opinion for international reinsurers in connection with the sale of ship participations by an Austrian bank.
- Representing Allianz Österreich during the negotiation of the sponsorship agreement for the Allianz Stadium of Rapid Vienna.

- Advising insurers on matters relating to real estate law (rent, purchase and sale, etc.) and to their cover pool
- Ongoing lecturing activities regarding insurance law topics.

This list provides an overview and is only a sample of the cases handled by BLS Attorneys at Law, mostly in the recent past or at the present time.