



Forsikring

For os er de virksomheder, vi arbejder for, ikke blot klienter i forbindelse med et enkeltstående projekt, men også samarbejdspartnere på både kort og lang sigt. Vi rådgiver om forsikringsbranchen som helhed såvel som om individuelle aktørers særlige forhold og ambitioner inden for branchen.

DLA Pipers forsikringsretsteam er blandt de største og stærkeste med mere end 300 advokater, der yder rådgivning til forsikringsbranchen i hele verden.

Vi har kompetencer inden for alle forsikringsretlige områder og yder bl.a. rådgivning i forbindelse med transaktioner, regulering, konfliktløsning, forsikringskrav, konkurrenceretlige problemstillinger, omstrukturering og skadeservice.

Vi repræsenterer både ny- og veletablerede multinationale livs- og skadeforsikringsselskaber, herunder reassuranceselskaber, selskaber i Lloyd's-koncernen, mæglere, banker, kapitalinvestorer (herunder hedgefonde, private equity-fonde og venture capital-fonde), tilsynsmyndigheder og andre aktører i forsikringsbranchen.

DLA Piper kender forsikringsbranchen og har indsigt i de juridiske aspekter forbundet hermed. Adskillige af vores advokater har tidligere arbejdet som erhvervsledere, virksomhedsjurister, finansielle eksperter eller virksomhedskonsulenter i forsikringsbranchen. Denne kombination af juridisk ekspertise og brancheerfaring gør, at vi kan udarbejde praktiske og omkostningseffektive løsninger for vores klienter. Vores stærke internationale netværk af advokater sikrer hurtig adgang til viden og en koordineret indsats på tværs af fagområder og lande.

Vi udstationerer jævnligt advokater hos vores klienter, og vi værdsætter den mulighed, som dette giver vores medarbejdere for at udbygge deres kendskab til branchen. Vi lægger vægt på at opbygge dyb indsigt i hver enkelt klients virksomhed, således at vi kan levere det ønskede resultat, uanset om det drejer sig om strukturering, forhandling og indgåelse af komplicerede transaktioner, komplekse retssager om dækning og kommercielle forhold eller håndtering af myndighedskrav.

- Retssager: Vi har rådgivet Swiss Re, verdens næststørste reassuranceselskab, i forbindelse med adskillige tvister, retssager, voldgiftssager og større kapitalmarkedstransaktioner i flere lande.
- Voldgift: Vores advokater har ført adskillige internationale voldgiftssager vedrørende reassurance (i London og New York) samt retssager for IRB Brazil Re.
- Skader: I forbindelse med oversvømmelserne i Thailand i 2011 var vi hovedadvokat for en række større internationale forsikringsselskaber og reassuranceselskaber i sager, der tilsammen drejede sig om påståede tab, økonomiske skader og relaterede forsikringskrav for mere end USD 20 mia.
- Finans: Vi har fungeret som rådgiver i forbindelse med strukturerede forsikringsrelaterede værdipapirer, grænseoverskridende hedging-løsninger og transformering af grænseoverskridende forsikringsrisici for større forsikringsklienter over hele verden.
- Virksomhedsoverdragelser: Vi har deltaget i adskillige større prisfølsomme virksomhedsoverdragelser for multinationale

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- Retssager, voldgift og undersøgelser
- Insolvens og rekonstruktion
- Skatteret

forsikringselskaber. Transaktionerne vedrørte børsnoterede virksomheder og omfattede komplekse forsikrings-/reassurance- og udflytningsaftaler og i nogle tilfælde forundersøgelser i forbindelse med overførsel af aktivporteføljer i henhold til kapitel VII i den britiske Financial Services Market Act og det britiske finanstilsyns (Financial Services Authority) godkendelse af ændrede ejerforhold.

Sustainability and ESG

The global insurance sector is more affected than most sectors by Sustainability and Environmental, Social and Governance (ESG) risks such as climate change, social and political unrest and governance failures.

Conversely, however, the insurance sector is uniquely placed to support the world's transition to a sustainable, low-carbon economy. The sector has already taken a lead in integrating sustainability into the business of insurance through its own activities, investee companies and policyholders. The Principles for Responsible Investment has now developed a number of insurance-specific initiatives and commitments, such as the UNEP FI Principles for Sustainable Insurance and the InsuResilience Global Partnership. Insurers are also at the forefront of sustainability initiatives such as the Net-Zero Asset Owner Alliance.

A number of sustainability-related themes affect the insurance sector.

PRODUCTS

In designing insurance products, ESG risks play an important role. For example, a failure to address climate change means an increase in extreme weather events (floods, storms, heat waves and droughts), challenging insurers' risk assessment models and a reliance on historic data. Insuring businesses that have a negative climate impact can have reputational consequences and also impact insurers' long-term strategy. Innovations in technology also provide insurers with new, proactive ways to meet sustainability challenges - for example, in the context of parametric insurance.

We advise our insurance clients on all legal issues in the context of insurance products (including Insurtech) and place a specific focus on the integration of ESG factors in product design.

INVESTMENTS

Insurers and pension funds globally hold assets amounting to USD60 trillion, an incredible market power that can be used to address sustainability challenges. Maintaining and promoting sustainability-aligned investment processes contributes to mitigating the sectors' own ESG risks as well as securing stable long-term returns, increasing attractiveness for third-party asset management businesses, supporting existing and upcoming disclosure obligations and contributing to an overall sustainable reputation.

We advise our insurance clients on all aspects of sustainable investments, from the incorporation of ESG factors in investment processes and investment guidelines to the conception of individual green investment products (eg green bonds, green loans, green leases) and the integration of ESG criteria in investment due diligence processes.

GOVERNANCE

As asset owners and financial market participants, insurers are exposed to increasing governance requirements and sustainability-related disclosure obligations, both to the market and to regulators. Additional duties may arise in the retail insurance business and third-party asset management activities. A focus on sustainable governance and disclosure has led insurers to develop specialized departments and senior sustainability functions, integrate sustainability risks into risk management frameworks and develop new tools, processes and reporting lines.

Legal advice on governance aspects is one of the core competences of our global insurance team and we will support you in navigating and implementing the multitude of new sustainability-related governance requirements in your individual business organization.

CLAIMS

Claims in all lines of business have the potential to rise significantly in response to ESG risks. For example, more extreme weather events and natural catastrophes are expected to lead to increases in property damage, civil and political unrest and disruption to supply chains, leading to further claims exposure. Certain industries will receive more attention from governments, regulators and claimants as significant shifts in economies occur, the just transition to net-zero decarbonization places a greater focus on social impact and human rights and there is an increase in activism, disputes and litigation. Board members across all sectors are subject to ever increasing duties in connection with sustainability and ESG factors, meaning a greater risk of D&O liability and claims.

Our insurance litigation team of claims professionals works in all major insurance hubs, providing practical advice to insurers, reinsurers

and intermediaries. We handle complex large-scale insurance and reinsurance disputes across a wide range of business lines and we are experienced in dealing with ESG activism and related claims.

To discuss the implications of these issues for your business, please contact our ESG leaders.