

from 14th to 18th August 1994, where everyone is certain to receive a very warm welcome. Details will emerge in a year or so.

On the afternoon of the final day the remaining Working Parties, who had not met on the first day, held their meetings. At the Products Liability Working Party, discussion centred on Product Recall and mention was made by a French delegate of the recent Source Perrier case. Cover was in force for only Fr.5M but the cost of product recall exceeded over Fr.200M. The Company has already set aside Fr.439M. in the 1989 Accounts and a further Fr.400M. provision is to be made for this year - ("The Times" 30/06/90). A salutary lesson for all manufacturers. A West German delegate recalled how a German Government Official had announced that their largest Pasta/Noodle Manufacturers had included a contaminated egg product in their manufacture of the noodles. The result was that, with the fall off in sales, the Company went bankrupt. A recent action taken against the Government found in favour of the manufacturers (who had denied the allegation) and damages are yet to be agreed. The Company's annual turnover had previously been DM 47M. The Working Party plan to discuss regulations for product control as a future project.

Finally, our thanks to Alan Waters and Penny Schmith of the Commercial Section of the British Embassy for hosting a reception for the British delegates together with invited guests. The "British" downpour failed to cloud yet another pleasant interlude in a very enjoyable and instructive five days.

D.G.C. & G.C.

## **INSURANCE AND THE LAW SEMINAR 1990**

Following the first Insurance and the Law Seminar at Birmingham University in 1988, April 1989 saw the event hosted by Professor John Birds at Sheffield University; and so in April 1990 the event moved back to Birmingham, being held at Lake Hall on 25th to 26th April. The concept underlying these seminars, organised under the auspices of the Association of British Insurers, is to bring together insurance law academics and insurance practitioners for an intensive session at which various aspects of a chosen theme can be dealt with in depth. This year the overall topic was insurance law in the European Community.

The seminar was given a most convivial start in the form of a cocktail reception hosted by Birmingham solicitors Pinsent & Co, after which we moved on to dinner at which the guest speaker was Andrew Longmore Q.C. Mr. Longmore had inter alia a light-

hearted look at the veritable explosion in insurance law books over the past few years. "Once upon a time" he said, "there was MacGillivray....." (of which, of course, he is one of the editors).

The first working session on the Thursday morning, chaired by BILA's Hon. Secretary Maurice England, was dedicated to insurance law developments in the European Community, the paper being given by Professor Robert Merkin of the University of Sussex. His overview took delegates through the various Directives and Draft Directives which either affect or threaten to affect certain areas of insurance law. In addition, he dealt with the relevant aspects of merger and competition policy and the increasingly important area of jurisdiction in insurance and reinsurance cases as recently highlighted in the *Arkwright Mutual Insurance Company v. Bryanstone Insurance Limited* case (FT Law Reports 26th January 1990).

After coffee it was the turn of Dr. Bernd Hohlbein to take us through some recent developments in German liability law. Dr. Hohlbein is currently on a two year fellowship at Warwick University Law Faculty, having been seconded by his company, Hannover Reinsurance Company. He started off by pointing out that there is a reference to product liability going back as far as 1700 BC. It was quite simple: a master builder responsible for a house which fell down was executed!

Current remedies in Germany are not quite so draconian. Article 823 of the Civil Code establishes the traditional fault-based liability, but this has gradually been eroded in certain cases by a move into reversing the burden of proof and then in 1978 into strict liability for death or personal injury caused by pharmaceuticals. Now, of course, the European Directive has been implemented by means of the Product Liability Law of 1st January 1990. On the environmental front a draft Environmental Liability Bill is currently on its way through parliament.

The first slot after an excellent University lunch was taken by Professor John Miller of Birmingham University. His brief was to cover the new product liability regime under the Consumer Protection Act 1987 and his introductory comments generated a lot of discussion about the various provisions contained in the Act and what effects they are likely to have.

This afternoon session was chaired by Mr. S.W. Paris of Paris and Co, solicitors, and the second speaker he introduced was Mr. N.G. Lister, an Assistant General Manager with General Accident. Mr Lister looked at product insurance in Europe now and in the future and took delegates through the 1985 Product Liability Directive and the varying degrees of implementation which had been achieved by the 12 Member

States. He then cast an eye at the non-EC countries, pointing out that steps were being taken in those countries towards introducing a strict liability regime similar to that established by the Directive.

His feeling was that the Directive would be likely to increase the awareness of consumers of their legal rights, thus leading to more claims being reported.

This year's seminar, excellently hosted by Ray Hodgkin, Senior Lecturer in Law at Birmingham University, brought together a very lively group of 35 or so academics and practitioners who benefited greatly from having the opportunity of spending an intensive 24 hours together discussing the various aspects of the overall theme.

So successful in fact was the seminar that plans were immediately made to hold one in April 1991 at Sheffield University, when the overall organisation will lie in very capable hands of John Birds once again. Our thanks go especially to Ray Hodgkin and also to Jim Keane of the Association of British Insurers for dealing so effectively with all the pre-seminar administration work and to the ABI itself as an organisation for having given not only its backing but also its financial support to the event.

G.C.

**Lunchtime Meeting held on 1st March 1990  
"DISASTERS: WHAT HAVE WE LEARNT? -  
ACCOUNTABILITY"**

**BY RODGER J. PANNONE**

**Senior Partner, Pannone Blackburn and Pannone Napier**

**INTRODUCTION**

Mr Chairman, Ladies and Gentlemen, it is, of course, a great pleasure to be invited here today. It is fair to say that the majority of you earn your living by acting for the other side. I recognize a considerable number of worthy adversaries in the audience. Some of you I have fought for many years, but I am sure there is going to be much more upon which we agree than upon which we differ. I, of course, tend to act for individuals and am therefore more frequently viewed as being on the side of the angels than the majority of you are. I believe it is the duty of both plaintiff and defendant lawyers to learn from the disasters which have occurred. Undoubtedly, such disasters do give a platform for change and the arguments are much more forceful and more acceptable if there is a consensus.