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# Main trends and traps when handling professional indemnity claims

## European and non-European jurisdictions

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To address these challenges, CMS insurance experts from multiple jurisdictions will discuss:

- 01** **Exposure across a range of key sectors**
- 02** **Emerging litigation flows and regulatory trends**
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- 05** **The growing complexity around the share of liability among stakeholders**



**Professional indemnity claims continue to represent a significant area of risk for both businesses and insurers. The shifting legal and regulatory landscape is introducing new complexities that demand increased attention and proactive risk management.**



# Meet the panel



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# The Norwegian perspective - introduction

- Few professions that are required by law to obtain professional indemnity insurance, however:
- **Application of the ICA**
  - The Norwegian Insurance Contracts Act (the “ICA”) is of mandatory application to most professional indemnity insurance policies
    - Even if the Insured is a “large risk” the ICA will “fill in the gaps” where the policy is silent
  - The ICA section 7-6 provides for an unlimited right for the injured party to claim compensation direct from the insurer
    - Cannot be contracted out of if the insured is insolvent
    - If the liability insurance is mandatory by law, ICA section 7-7 provides that the insurer has limited opportunity to decline cover
- **An employer is vicariously liable for its employees**
  - Knock-on effects for professional indemnity insurers





# Auditors and accountants

- No requirements under law to obtain professional indemnity insurance
  - Discussed when the Norwegian auditors Act was introduced in 2021
- Available cover varies significantly
  - Auditor's association has negotiated favorable terms on behalf of its members





# Lawyers

- The Norwegian Lawyers Act entered into force on 1 January 2025.
- Anyone practising law in their own name is required under Section 5 of the Norwegian Lawyers Act to provide security.
  - The security per lawyer shall be at least NOK 5 million.
  - Special requirements for security for lawyers who engage in debt collection and real estate brokerage.
- According to the Norwegian Code of Conduct for Lawyers section 3.6, lawyers are also obliged to obtain professional liability insurance
  - Not viewed as a mandatory insurance by law
  - No specific minimum requirements, but the insurance shall be sufficient to protect against claims when taking the nature and scope of the business into account





# Construction professionals: Engineers, architects and other technicians

- No requirement under law
- Most construction professionals are required by contract to obtain professional indemnity insurance
- Minimum requirement:
  - Policy limits of 150 G = approximately EUR 1.7 million
  - Contractually obliged not to deviate from section 7-6 of the ICA
- Litigation and other trends:
  - The number of bankruptcies among enterprises increased by 4.6% in 2024 from the previous year. The largest increase in bankruptcies was seen in the sector for real estate





# Public Officers

- Not mandatory – main rule is that the Government is self-insured





# Insurance intermediaries

- Norwegian Insurance Intermediary Act Chapter 7: Insurance intermediaries are required by law to obtain professional indemnity insurance
- Requirements include:
  - The insurance must be taken out with a licensed insurance company based in an EEA member state
  - The insurance intermediary's liability to the client or others who derive their rights from the client due to professional negligence shall at all times be covered by liability insurance.
  - If the insurance intermediary handles client funds, the company shall have insurance covering embezzlement of client funds committed by employees or others who perform work, assignments or positions of trust for the insurance intermediary.
  - Minimum cover of (the Norwegian equivalent of) at least €1,300,380 per claim, EUR 1,924,560 in the aggregate for insurance intermediaries with 10 or fewer insurance intermediaries and EUR 3,903,000 in the aggregate for insurance intermediaries with more than 10 insurance intermediaries.
  - The liability insurance shall cover claims made against the insurance intermediary for a period of five years after the business ceased operations.
- Litigation and other trends
  - Digital Operational Resilience Act (DORA) will enter into force on 1 July 2025





# The Belgian perspective - introduction

- Various professions are legally or deontologically required to obtain professional liability insurance – Minimum coverage
- Right of an injured party to bring a direct claim against the liability insurer of the liable party (Article 150 of the Belgian Insurance Act 2014)
  - Mandatory civil liability insurance? The exceptions, excess, nullity, and forfeiture of rights arising from the law or the contract and which originate from a fact that occurred either before or after the loss event cannot be invoked against the injured party
  - Unless: annulment, termination, cancellation, or suspension of the contract occurred before the loss event took place → may be invoked against the injured party
- Damage assessment – Loss of Chance
  - Allows compensation when a claimant cannot prove with certainty that a better outcome would have occurred, but can demonstrate that they lost a real and substantial opportunity
  - For instance, if a client missed a legal claim or financial gain due to incorrect advice or omission by accountants or lawyers
- Book 6 of the Civil Code on extracontractual liability (entry into force on 1 January 2025)
  - Clients can hold professionals liable under contractual and extra-contractual liability
  - Employees or contractors of the professionals can also be held liable as auxiliary
- Concurring faults: joint & several liability



Belgium

# Financial professionals: Auditors

## Mandatory insurance

- Assignments by or pursuant to the law:
  - For instance: audit of annual accounts, audit of a contribution in kind when forming a company, statutory audit assignments related to corporate restructuring operations
  - Legal insurance obligation (Article 24 Law of 7 December 2016 on the organisation of the profession and the public supervision of statutory auditors)
  - Requirements of PI policy legally established
- Contractual assignments:
  - For instance: transaction evaluation or due diligence support, business valuations
  - No mandatory insurance
- A collective insurance policy is available which covers contractual and extra-contractual liability, except for professionals from the 8 largest firms and firms from an international network
- Free choice of insurer: no automatic or mandatory affiliation with the collective insurance policy

## Emerging litigation flows and regulatory trends

- Cfr. Book 6 Civil Code





Belgium

# Financial professionals: Auditors

## Evolving norms around the limitation of liability

- Assignments by or pursuant to the law:
  - Liability is limited to an amount of three million euros, increased to twelve million euros in case of an assignment for a public interest entity
  - Auditors are prohibited from exempting themselves, even partially, from liability
- Contractual assignments
  - No legal limit of liability → Institute for auditors recommends contractual limitation to reasonable amounts to safeguard the continuity and insurability of the auditor profession
  - Auditors are prohibited from exempting themselves, even partially, from liability in the event of an error committed with fraudulent intent or with the intention to cause harm → With the exception of these two cases, it is possible for an auditor performing contractual assignments to limit its civil liability

## Growing complexity around the share of liability among stakeholders

- N/A





# Financial professionals: Accountants

Belgium

## Mandatory insurance

- Legal and deontological insurance obligation (Article 44 Law of 17 March 2019 on the professions of accountant and tax advisor)
- A collective insurance policy is available to all members and trainees of the ITAA (except for professionals from large firms, namely the groups PWC, KPMG, Deloitte Touche Tohmatsu, BDO International, Paardekoper & Hofmann, and Ernst & Young).
- Free choice of insurer: no automatic or mandatory affiliation with the collective insurance policy
  - However: vast majority of accountants are insured under the collective insurance policy



## Emerging litigation flows and regulatory trends

- (Potential) rise in claims
  - Cfr. Book 6 of the Civil Code
  - Due to increasing complexity of legislation and regulation (e.g., ESG reporting, e-invoicing, tax reforms), accountants are more frequently held liable for errors or omissions
  - Accounting firms are increasingly targeted by cyberattacks because of the sensitive client data they handle
  - Digitalisation introduces risks such as errors in automated accounting systems

Documentation and communication are crucial for accountants to protect themselves legally





# Financial professionals: Accountants

Belgium

## Evolving norms around the limitation of liability

- Accountants are legally prohibited from exempting themselves, even partially, from their liability:
  - in the event of an error committed with fraudulent intent or with the intention to cause harm;
  - when a certified accountant performs an assignment that is entrusted by or pursuant to the law to the auditor.

## Growing complexity around the share of liability among stakeholders

- N/A





# Lawyers

Belgium

## Mandatory insurance

- Deontological obligation to have professional liability insurance (Article 272 of the Code of Deontology for Lawyers)
- A collective insurance policy is offered by the Bar Association to all members
  - Included in the bar contribution that every lawyer is required to pay → automatic and mandatory affiliation
- Excess layers are freely insured
  - In practice, this is arranged per law firm

## Emerging litigation flows and regulatory trends

- Appointment of other lawyer: this is not considered subcontracting, the lawyer generally acts as a direct mandatory of the client.
  - Can lead to joint and several liability
  - Also when appointed lawyer is foreign lawyer
- Cfr. Book 6 of the Civil Code





## Evolving norms around the limitation of liability

- Contractual limitation of liability is allowed but it may not be lower than the amount of the basic coverage of the professional liability insurance policy concluded by the Bar for its members

## Growing complexity around the share of liability among stakeholders

- Court of first instance Brussels 19 September 2024 - Discussion in the context of the collective insurance policy:

In the event that the lead lawyer is held contractually liable by their client for errors committed by their junior lawyer, the insurer will pay compensation to the client of the lead lawyer. The insurer will seek to recover the amount paid. However, both the junior lawyer and the lead lawyer qualify as insured parties under the terms of the insurance policy. The claim by the insurer does not constitute subrogation but is a recourse claim.

- Task Allocation and Shared Liability:

When multiple lawyers are involved in a case, each of them remains responsible. The burden of proof lies with the lawyer to demonstrate that their assignment was limited to a specific aspect. If the division of tasks cannot be proven and liability is established, joint and several liability (*in solidum*) will be assumed.





# Construction professionals

Belgium



## Mandatory insurance

Two types of liability with each a separate insurance obligation

- Insurance obligation for general professional liability of intellectual service providers:
  - Architects, expert land surveyors, safety and health coordinators, and other service providers in the construction sector involved in works on real estate (not applicable to contractors!)
- Insurance obligation for ten-year civil liability
  - Contractors, architects, and other construction professionals involved in works on real estate
  - Only concerning residential buildings situated in Belgium (ten-year civil liability of contractors, architects,... concerning other real estate projects are not covered by mandatory insurance!)
  - Can be included in CAR policy

→ Extensive legal and deontological insurance obligation for architects >< insurance obligation for contractors is limited
- No collective insurance available
  - Construction professionals opt for either subscription policy or single-site policy
  - Work performed by individual architects within the framework of an architecture firm is in principle covered under the firm's professional liability insurance
  - What if a person subject to the legal insurance obligation cannot obtain coverage on the regular market?
    - Upon proof that coverage was refused by at least three insurers, the "Tariferingsbureau" will set the premium and conditions under which an insurer must provide coverage or justifiably refuse coverage if the risk is deemed uninsurable





# Construction professionals

Belgium

## Emerging litigation flows and regulatory trends

- Often proceedings which involve many parties – costly and lengthy court-appointed expert investigations!
- General practice that CAR-insurer does not exercise recourse against co-insured parties (or against their professional liability insurers)
- Construction industry remains the sector with the most bankruptcies (208 in April 2025 and 241 in May 2025)
  - An injured party can still bring a direct claim against the insurer of a bankrupt insured: the insurer bears the risk



## Evolving norms around the limitation of liability

- N/A

## Growing complexity around the share of liability among stakeholders

- Cfr. Book 6 of the Civil Code





# Public Officers

Belgium

## Public servant - employee of the Government

- A civil servant can only be held liable in cases of fraud, gross negligence, or habitual minor negligence (Act of 10 February 2003 on the liability of and for employees of public legal entities)

## Notary

- Two potential capacities in which the notary acts: either as a public officer or as an advisor
- Traditional view: liability regime depends on the capacity in which the notary acts – Recent legal doctrine and case law: contractual liability regardless of the notary's capacity
- The liability of the notarial company is limited to an amount of five million euros + the liability of the partners is limited to their contribution (Article 50, §4 Ventôse Law) >< The notary who exercises their office as a natural person remains fully liable for any professional error
- Mandatory insurance
  - Every notary or notarial company is required to obtain professional liability insurance with a minimum guarantee of five million euros (Articles 34ter and 50, §4 Ventôse Law)
  - In practice, Belgian notaries are insured through individually concluded policies with the insurance company 'Verzekeringen van het Notariaat', an insurer established and managed by the Belgian notarial profession itself





# Public Officers

Belgium

## Bailiff

- Mandatory insurance
  - Up to an amount of five million euros (Article 509 Judicial Code)
  - A collective insurance policy is offered by the National Chamber of Bailiffs
- Limitation of liability: maximum of five million euros per loss event





# Insurance intermediaries

Belgium

## Mandatory insurance

- Every intermediary is required to take out insurance that covers the professional liability of the intermediary, employees, effective leaders and directors
  - Insurance broker, insurance agent, sub-agent, ancillary insurance intermediary and authorised underwriter
- No collective insurance policy available

## Emerging litigation flows and regulatory trends

- E&O claims are rising
- Cfr. Book 6 of the Civil Code



## Evolving norms around the limitation of liability

- N/A

## Growing complexity around the share of liability among stakeholders

- Case-law regarding scope of obligations:
  - Insured party and broker each have obligations: the broker's duty to inform and advise vs. the insured's obligation to safeguard their own interests
  - It is not sufficient for the policyholder to claim that the broker was at fault in order to absolve themselves of their own negligence
- Liability insurers for insurance agent and sub-agent (Article 293 Insurance Act 2014)
  - Insurers are liable for any act or omission of their tied insurance agents within the legal limits
  - Insurance or reinsurance agents and insurance or reinsurance brokers are liable for any act or omission of sub-agents acting on their behalf





# Dutch perspective: Lawyers

The Netherlands

## Mandatory insurance

- Obligated to be adequately insured against the risk of professional liability (Article 6.24 Voda).
- Minimum requirements for professional indemnity insurance policy (Articles 6.24 and 6.25 Voda).

## Evolving norms around the limitation of liability

- General exemption from the insurance obligation is not allowed.
- Article 6.26 Voda: a lawyer may agree in writing with the client that professional liability, excluding the deductible, is limited to the amount covered by the insurance policy. Only if the other requirements (mentioned in Articles 6.24 and 6.25 Voda) are met.

## Emerging litigation flows and regulatory trends

- Duty of care Article 7:401 DCC: "*a reasonably competent and reasonably acting professional*".
- The decisive factor is whether the lawyer's actions, viewed in the circumstances at the time, were justified.
- Clearly substandard performance is required.
- Disciplinary culpability does not automatically entail civil liability
- The Dutch Bar Association (NOvA) has updated its guidance on professional conduct rule 9, effective January 1, 2025, emphasizing that lawyers must always make clear in what capacity they are acting—whether as legal counsel or in another role such as independent investigator.





# Accountants

The Netherlands

## Mandatory insurance

- Obligated under Dutch law to have a professional indemnity insurance.
- Minimum requirements for insurance policy set in Article 3 of the 2025 Regulation on Audit Firms and the 2025 Quality Management Standards.

## Emerging litigation flows and regulatory trends

- Article 7:401 DCC – “*a reasonably competent and reasonably acting advisor*”:
  - Not unnecessarily expose the client to foreseeable and avoidable risks;
  - When advising and assisting the client with a transaction: enabling the client to make a well-informed decision;
- When determining whether the duty of care has been exercised, the court will take into account all circumstances of the case.
- Different standard for liability in disciplinary proceedings.



## Evolving norms around the limitation of liability

- Limiting liability with an exoneration clause.
- In general agreement or terms and conditions.
- Not applicable in cases of willful misconduct or deliberate recklessness.





# Architects

The Netherlands

## Mandatory insurance

- Professional liability insurance is not required by law, but usually required by the standard terms and conditions used in the contract.

## Emerging litigation flows and regulatory trends

- The standard for determining professional liability, is the care that may be expected from a reasonably competent and reasonably acting professional (Article 7:401 DCC).
- Only few published cases concerning breaches of architects' duty of care and the associated liability.
- Branchevereniging Nederlandse Architectenbureau's (BNA).
- De Nieuwe Regeling (DNR).





# Public Officers

The Netherlands

N/A





# Insurance intermediaries

The Netherlands

## Mandatory insurance

- Required by law to take out professional liability insurance (Article 4:75 of the Dutch Financial Supervision Act (Wft)).
- Minimum requirements for insurance policy.

## Emerging litigation flows and regulatory trends

- Duty of care Article 7:401 DCC: “a reasonably competent and reasonably acting professional”.
- Delivering best possible performance is not required.

➔ Dutch case law:

- Appropriate insurance cover
- Duty of care regarding underinsurance
- Duty of care regarding switching GL insurance (claims made)



# The Italian perspective

## Financial professionals: Statutory auditors

Italy

### Limitation of liability

- New limits on the liability of **statutory auditors** (Art. 2407 of the Civil Code, as amended by Law No. 35/2025)
- Statutory auditors' liability **is proportionate to the agreed annual compensation** (except in cases of wilful misconduct):
  - up to 10,000 EUR → maximum 15 fold compensation
  - between 10,000 and 50,000 EUR → maximum 12 fold compensation
  - above 50,000 EUR → maximum 10 fold compensation
- According to Italian case law, the new limits also apply to events that occurred before the reform came into force on 12 April 2025 (*Court of Bari, order no 1981 dated 24 April 2025*)

### Share of liability

**Before** new Law No. 35/2025:

Without limitation of liability, statutory auditors were jointly liable with directors on the basis of the supervisory duties associated with the role held (a sort of **strict liability**)

**After** new Law No. 35/2025:

With limitation of liability, statutory auditors are jointly liable with directors **only** in cases of proven inaction in performing their control activities (without automatic mechanisms)



# Financial professionals: Statutory auditors

Italy

## New statute of limitations rules

- The liability action against auditors is time barred **five years** from the filing of the auditors' report on the financial statement related to the fiscal year in which the damage occurred (new Article 2407(4) of the Italian Civil Code).
- Greater certainty regarding the timing of potential liability actions.
- **Judgment No. 115/2024 of the Constitutional Court** clarified that the limitation period, starting from the audit report date, applies only to liability actions brought by the company. For actions brought by third parties or shareholders, the general rules of limitation apply, meaning the period starts when the damage becomes externally perceptible.



# Financial professionals: Chartered accountants

Italy

## Mandatory insurance (Law 148/2011)

- Mandatory insurance for Chartered Accountants (minimum EUR 250.000,00)
- A free policy is offered by the National Welfare and Assistance Fund for Chartered Accountants (CNPADC) to **newly qualified accountants** who are **under 35 years** of age and registered with the Association of Accountants **after 2020**
- A specific mandatory insurance policy is required for those issuing certificates and declarations for tax deductions under the **110% Superbonus** and **other building bonuses**

## Insurance policy requirements for certification activity (Art. 119(14) D.L. 34/2020)

- **No exclusions** related to certification activities
- **Limit of indemnity** EUR 3.000.000,00
- If claims-made, **ultra-activity** of at least **five years** in the event of cessation of activity, and **retroactivity of at least five years**.



# Lawyers

Italy

## Mandatory insurance (Law 247/2012)

- Insurance is mandatory and is usually underwritten individually by the lawyer or the law firm to cover liability of partners and associates
- The CNF (*Consiglio Nazionale Forense* – Italian National Bar Association) enters into agreements with the insurance companies, but the policy is underwritten by the professionals (no group policies)
- The policy must provide for **unlimited retroactivity** and a **minimum extension of ten years** for retired lawyers (Article 2, Ministerial Decree dated 22 September 2016)
- Upon accepting the assignment, lawyers must disclose to clients the details of their professional liability insurance policies
- The Italian Minister of Justice establishes and updates the essential conditions and **minimum limits** of the policies **every five years**, after consulting the CNF



# Lawyers

Italy



## Policy limits

- Policy limits are proportionate to the annual turnover of the professional. Limits under the Italian Ministerial Decree dated 22 September 2016 (as amended) as follows:

| Risk                                                                                                                                                                                                                    | Minimum Limit of indemnity                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Individual professional with a turnover of <b>no more than EUR 30,000.00</b> in the last financial year                                                                                                                 | EUR 350,000.00 per claim and per insurance year                                  |
| Individual professional with a turnover of <b>more than EUR 30,000 and not more than EUR 70,000.00</b> in the last financial year                                                                                       | EUR 500,000.00 per claim and per insurance year                                  |
| Individual professional with a turnover of <b>more than EUR 70,000.00</b> in the last financial year                                                                                                                    | EUR 1,000,000.00 per claim and per insurance year                                |
| Activity carried out on a collective basis (associated firm or partnership of professionals) with a <b>maximum of 10 professionals</b> and a turnover for the last financial year of <b>no more than EUR 500,000.00</b> | EUR 1,000,000.00 per claim, with a limit of EUR 2,000,000.00 per insurance year  |
| Activity carried out on a collective basis (associated firm or partnership of professionals) with a <b>maximum of 10 professionals</b> and a turnover for the last financial year <b>exceeding EUR 500,000.00</b>       | EUR 2,000,000.00 per claim, with a limit of EUR 4,000,000.00 per insurance year  |
| Activity carried out on a collective form (associated firm or partnership of professionals) with <b>more than 10 professionals</b>                                                                                      | EUR 5,000,000.00 per claim, with a limit of EUR 10,000,000.00 per insurance year |

# Construction professionals: Engineers, architects and other technicians

Italy

## Mandatory insurance

- Professional liability insurance is required by law (LAW 148/2011)
- **Limit of indemnity** is EUR 250,000 per claim and per insurance year. The limit of indemnity **must be proportionate** to the amounts of the work entrusted to the professional and/or the number of certificates or declarations issued
- Certification activity minimum EUR 500.000 and five years retroactivity and ultra-activity

## Litigation trends

- Preliminary technical advice (ATP) for settlement purposes (Article 696-*bis* of the Italian Code of Civil Procedure)
- In the context of procurement contracts, contractors may be held jointly and severally liable with engineers, architects and other technicians (as designer and/or project manager) whose breaches contribute to damages suffered by the client (Article 2055 of the Italian Civil Code)
- If the insured is jointly liable with other parties, the insurer shall be liable for the amount due jointly by the insured, without prejudice to the right of recourse against other third parties (Articles 1298 and 1299 of the Italian Civil Code)



# Public Officers

Italy

## Not mandatory insurance

- The policy for public officers' gross negligence, against administrative and tax damages, is **not legally required**, but it is strongly recommended. Public entities are not permitted to provide such a personal insurance for their employees.

## limitation of liability - Litigation trends

- Administrative and accounting liability for **minor fault** remains under the relevant public entity. The relevant entity will provide partial reimbursement of legal costs (not exceeding EUR 10,500 per level of judgement) to public officers who have been definitively **full acquitted** in court (Law 178/2020)
- Each individual public employee is **personally liable** for administrative and accounting liability for **gross negligence (proceedings in front of the Court of Accounts)**.
- Public officers are individually liable for obligations undertaken with third parties in breach of public procurement rules (expenses not previously approved, lack of written form): this kind of liability is often not covered by insurance policies
- **TAX SHIELD**: public officers subject to the jurisdiction of the Court of Auditors are only liable for damages caused by fraud and gross negligence in omissions until 31 December 2025 (D.L. 68/2025)



# Insurance intermediaries

Italy

## Mandatory insurance

- Professional liability insurance is required by law (Article 110(3) of the Italian Insurance Code, Article 11 IVASS Regulation 40/2018)
- **Limit of indemnity:** at least EUR 1,250,000 per claim and EUR 1,850,000 per year for all claims
- Deductible according to the policy limits of indemnity
- **Limitation clauses** to such coverage are **not permitted** (Article 11(2a) IVASS Regulation 40/2018)

## Penalties

- **Penalties** from the Home Supervisory Authority (IVASS) for breach of the intermediary's insurance obligation (Article 324 of the Italian Insurance Code):
  - **Warnings** (in the event of rectifiable irregularities)
  - Temporary **suspension** of the intermediary's activity
  - Administrative **fines** → for **companies**, from 5,000 EUR to 5,000,000 EUR or, if higher, equal to 5% of the total annual turnover (resulting from the last financial year)  
→ for **individuals**, from 1,000 EUR to 700,000 EUR
  - Permanent **removal** and **cancellation** of the intermediary from subjects authorised to carry out intermediary activities





# Insurance Arbitrator

Italy

## Insurance Arbitrator (Italian Ministerial Decree no. 215/2024 – Article 187.1 Italian Insurance Code - IVASS Provision no. 106122 of 23 May 2025)

- The Insurance Arbitrator is a body instituted by IVASS
- Insurers and intermediaries are required to notify IVASS **by 30 July 2025** of the name of the contact person responsible for handling appeals and communications with the Insurance Arbitrator
- The Arbitrator is **not yet active**, but the deadline for its definitive implementation is set for **October 2025** (IVASS will have a period of five months from 23 May 2025 to issue the final implementing measure, selection of arbitrators ongoing)
- Digital process supported by a **dedicated IT system and website**, offering significant benefits in terms of **saving time and enhancing efficiency** throughout the entire procedure
- A **preliminary complaint** must be submitted to the company and/or insurance intermediary before an appeal can be made to the Insurance Arbitrator. The appeal must refer to the same subject matter as the complaint submitted by the insured to the company or intermediary and may be forwarded to the Arbitrator in the event of **no response or an unsatisfactory response** to the preliminary complaint
- Claims for payment must not exceed the amount provided by law:
  - Life Insurance EUR 300.000 (death) or EUR 150.000
  - Non-Life Insurance EUR 25,000 EUR (2,500 EUR if the claimant is the damaged third party)
- The **decision** is issued **within 90 days** (extendable by another 90 days in particularly complex cases). The decisions made by the Insurance Arbitrator are **not binding**, non-compliance may result in **reputational consequences** for the supervised entity, including the publication of non-compliance on the Arbitrator's and market operator's websites

# Main trends and traps when handling professional indemnity claims

European and non-European jurisdictions



## Q & A



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