

MARKET BULLETIN

REF: Y4816

Title	Spain – Registry of Mediators and Mediation Institutions for Civil and Commercial Matters
Purpose	The bulletin informs about the creation of the Registry of Mediators and Mediation Institutions for Civil and Commercial Matters and details a new reporting duty, outlining the information to be submitted, and how and when the information should be provided.
Type	Event
From	Andrew Gurney, Senior Manager International Licences, International Regulatory Affairs General Counsel and Risk Management +44 (0)20 7327 6677
Date	28 July 2014
Deadline	<ol style="list-style-type: none"> 1) First report regarding policy details not written via a Spanish coverholder to be submitted to Lloyd's Iberia by 12 September, 2014. 2) Ongoing reporting required.
Related links	None

Purpose of the bulletin

This bulletin provides details of the Registry of Mediators and Mediation Institutions for Civil and Commercial Matters that was created by Spanish Royal Decree 980/2013. It also outlines the new reporting requirement for underwriters covering professional liability of the mediators and mediation institutions.

This bulletin is relevant to managing agents, underwriters and coverholders writing Spanish professional liability policies covering mediators and mediation institutions in Spain.

Background

Spanish Law 5/2012 introduced mediation as an alternative dispute resolution method for settling internal and cross-border disputes under civil and commercial law. Subsequently,

the Royal Decree 980/ 2013 developed the Law and created the Registry of Mediators and Mediations Institutions. Registration is voluntary.

Impact of the Registry on Lloyd's Underwriters

Despite the burden of registration with the Registry resting with the mediators or mediation institutions, the Spanish Ministry of Justice recently required that insurers should also provide the Registry with certain information about their PI insurance policies covering the mediators and mediation institutions.

Lloyd's Iberia will perform this function on behalf of Lloyd's managing agents. This will allow data to be submitted to a central point, to be formatted and a single submission to be made on behalf of Lloyd's Underwriters.

Submission of policy information to Lloyd's Iberia

Managing agents are required to submit the appropriate information to Lloyd's Iberia so that it can report on behalf of all Lloyd's underwriters.

In respect of business not written by a Spanish coverholder, managing agents must provide details of any relevant policies to Lloyd's Iberia by 12 September, 2014. After 12 September, 2014 managing agents must submit details of new, modified and cancelled policies to Lloyd's Iberia as soon as details are received. Managing agents will need to consider how best to collect this information for reporting purposes.

In respect of business written by Spanish coverholders, Lloyd's Iberia has already received details of relevant policies from coverholders, and has submitted a return to the Registry. Managing agents should liaise with their Spanish coverholders to ensure that going forward details of new, modified and cancelled policies are reported to Lloyd's Iberia as soon as details are received.

Further details about this information and how it must be provided to Lloyd's Iberia are attached in Appendix 1.

Further information

If you have any queries about this market bulletin, please contact:

Lloyd's Iberia
Beatriz Ramirez, Head of Legal and Compliance.
Tel: 020 7327 7902 or +34 91426 2312. Email: beatriz.ramirez@lloyds.com

Lloyd's International Trading Advice
Lloyd's Desk, Ground Floor, Underwriting Room
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APPENDIX 1

Q. For which policies does information have to be submitted?

A. Policies where all of the criteria below apply:

- Professional liability policies covering the damage and losses that could arise from their acts or omissions as mediator or mediation institution, such as those arising from infringements of the principles of impartiality and confidentiality, professional errors or the loss or disappearance of documents. Policies covering the mediation institutions may also cover their liability arising from the appointment of a specific individual mediator. Note that group policies should also be included where there is a single policyholder (for example, an association, a professional bar, etc.) and several assured are subject to the reporting duty. However, the insurer shall only identify the policyholder, not the assured individuals.
- Underwritten on a freedom of services or freedom of establishment basis.
- The risk is located in Spain.

Q. What happens if the limit of indemnity is exhausted?

A. Very often, the activity of mediation in civil and commercial matters is among other activities covered by the insured's PI insurance (for example, PI insurance for lawyers, receivers etc.). The limit of indemnity could, therefore, be exhausted by claims arisen from the conduct of other activities. If this is the case, the insurer should report the termination of the policy.

Q. What happens if a policy is notified but then the insurer cancels it due to lack of premium payment?

A. Lack of premium payment may imply the termination of the policy, which should be reported to the Registry.

Q. In what format should the information be provided?

A. See attached excel spreadsheet

Q. Is a nil return required?

A. No

Q. To whom at Lloyd's Iberia should the information be sent?

A. Beatriz Ramírez, Head of Legal & Compliance, Lloyd's Iberia

Email: beatriz.ramirez@lloyds.com

Please send completed forms to:
Beatriz.Ramirez@lloyds.com

Notification	Insurance Contract				Insured					
Type of notification: A ; B or M	Policy reference	Limit of indemnity	Inception date (yyyy-mm-dd)	Expiring date (yyyy-mm-dd)	Type	ID number	ID type	Name	Surname1	Surname 2

A (means **New** policy)
B (means **Termination** for whatever reason)
M (means **Modification** of existing policy)

FIELDS	Description	Comments	Is it compulsory?
INSURANCE CONTRACT			
Policy reference	Insert the policy's reference number	Length 60 characters	YES
Amount	Insert limit of indemnity	A maximum of 2 decimals. The decimals separator is ". " Example 100.75	YES
Inception date	Insert inception date	Format year-month-day. Example: 2014-07-11	YES
Expiring date	Insert expiring date	Format year-month-day. Example: 2015-07-11	YES
Type	Insert type of cover (1, 2 or 3)	1: the policy covers the appointment of mediators 2: the policy covers the actuation of mediators 3: The Policy covers both the appointment and the actuation of mediators	YES
INSURED			
ID number	Please insert ID number	Length 20. ID docs starting by 0 must be completed by adding 0 until getting a minimum of 8 numbers. Example 00000000T NIF (for Spanish individuals) CIF (for Spanish entities)	YES
Type of ID doc.	Insert type of ID doc provided by the insured	NIE or Passport (for non-Spanish insured)	YES
Name	Please insert name (for individuals) or legal name (for entities)	Length 50 characters	NO
Surname1 (only for policies of individuals)	Insert the insured's first surname	Length 50 characters	NO
Surname2 (only for policies of individuals)	Insert the insured's second surname	Length 50 characters	NO