



# Insurance Contract Law between Business Law and Consumer Protection

*Helmut Heiss*

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## **Insurance Contract Law between Business Law and Consumer Protection** Helmut Heiss

The topic of "Insurance Contract Law between Commercial Law and Consumer Protection" was discussed within the section on commercial law at the XVIIIth International Congress on Comparative Law 2010, which was held in Washington DC. It dealt with the fact that insurance contracts are commercial transactions, as well as consumer contracts. This is confirmed by economic data showing that the premium income derived by insurers from consumer insurance is at least equal to the amount of income generated by selling commercial insurance. The way in which insurance is legally classified appears to depend very much on the legal tradition of the country in question. There does, however, seem to be a tendency in the legal field to follow the gain in economic weight of consumer insurance. Nevertheless, most countries do not yet have a formal consumer insurance law. Rather, policy holders are protected by mandatory insurance contract law, even if they take out insurance for entrepreneurial purposes. "Consumer law" predominantly enters into the area of insurance law in two ways: (1) general consumer contract law is very often also applicable to insurance contracts, and (2) consumer insurance disputes are increasingly being submitted to mechanisms of alternative dispute resolution, such as insurance ombudsmen schemes. Ombudsmen institutions especially appear to be a source of consumer insurance contract law because over time they create a distinct set of case law principles for consumer disputes. These aspects are covered in this book, comprising the General Report, as well as the National Reports, presented at the conference in Washington.

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