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Topic proposals for public discussion of solutions that are not accepted in the draft of the Serbian Civil code with respect to the insurance contract

Original scientific work

SUMMARY

The goal set by the author in this paper is to present to professional and scientific public, proposals of solutions from more than twenty papers written on the subject of regulating the insurance contract on the land, which are not accepted by the Commission for drafting the Civil Code of the Republic of Serbia in the Draft of the Code published in the 2009th. But the new proposals from the papers published after the publication of the preliminary draft and thus stimulate public interest in the discussion of them opting for or against their acceptance. Some of the more important earlier solutions and new proposals were considered by listing new arguments. The reason for publishing this paper, the author points out, is that all the proposed unaccepted solutions put in the same position in the public discussion, which ahead, regarding the preliminary draft with the amended or new solutions to make preliminary draft decision in relation to the Code of Obligations since 1978. The author believes that the emphasising and testing

unaccepted solutions in a separate paper is justified because the Commission published a Draft without explanation or comment, so it remained unknown to the public the reasons for their refusal.

In the first section of work, the author discusses about the importance of discussions on unaccepted solutions. The second section is devoted to examining unaccepted solutions of the communitarian insurance contract law, and the third is devoted to proposed and unaccepted solutions from the project Principles of European insurance contract law. In the fourth section, attention is devoted to unaccepted solutions that deviate from the norms that are regulated by Draft of the insurance contract. The fifth section is devoted to reviewing the unaccepted solutions for insurance based on collective agreements. In the last, sixth section, the author discusses new proposals for regulating the decision of some special types of insurance contracts, such as compulsory liability insurance contract and the legal protection insurance contract that are in have not been regulated in Serbia..