

jaških centara, vlasnika žičara i drugih sredstava za penjanje, organizatora takmičenja u skijaškim centrima, škola skijanja i drugih subjekata koji pružaju usluge u skijaškim centrima, uvedeno osiguranje korisnika skijaških centara i polaznika ski-škola od posledica nesrećnog slučaja na skijalištima, odnosno prilikom obuke skijanja u kojima su ski-centri i ski-škole ugovarači osiguranja.

U zaključcima autor daje više praktičnih preporuka koje mogu biti korisne srpskom zakonodavstvu, s obzirom na očekivani trend brzog uključivanja u pravni sistem Srbije velikog broja obaveznih osiguranja od profesionalne odgovornosti.

PROFESSIONAL LIABILITY INSURANCE TODAY

Summary

First section of this paper the author dedicated to the importance of the topic and the targets of exploration. There are two targets. First one, to consider some important tendencies in professional responsibility insurance integrated in EU directives and in member states, as well as possible expectations from this trend in insurance in Serbia having in mind recently started process of negotiations on accession of Republic of Serbia to EU. Second target is exploration of some tendencies in this field of insurance in Serbia, which are not in relation with trends in EU.

In the second section the matter of the definition, functions and terms from the field of professional responsibility were discussed. Author specially explores the possibility of traditional term of this mode of insurance to be renamed for 'insurance of service extending companies', as well as considering relation of this insurance to other modes of liability insurance (liability insurance on product failures etc.)

Third section concerns essential elements of the professional liability insurance contract. Special attention is paid to exploring of civil law liability being a subject of this insurance mode in accordance with legislation of Republic of Serbia. After considering opinions of some of the most eminent experts on the mo-

des and sorts of this liability, the Author presents his attitude, proving that in Serbian law makes no difference between contractual and delict liability, neither between subjective and objective responsibility, and that objective liability of service extending companies is covered by insurance.

In the fifth section some specific characteristics professional liability insurance are considered. As a preliminary question author discusses appearances in legislation practise of EU member states in respect of introduction of compulsory insurance which occurred before coming into force of directive on services on internal market in the year 2006 that introduces some obligatory conditions for member states for introduction of compulsory professional liability insurance. Author is concentrated at exploring elements being a minimal contract essence on compulsory professional liability insurance, which has to be proscribed by the law introducing compulsory insurance for service extending companies as well as at problems in practise coming out of the lack of minimal elements regulated by laws regulating insurance in Serbia.

In this sense the author has severely criticized the Law on tourism of the year 2005 regulating only partially duties of travel companies in fulfilling of their obligations to travellers. He also criticized the Law on medicals and medical equipment of the year 2004 which also partially regulates insurance of the responsibility of manufacturers for the lack of medical equipment as well as the Law on public ski centres of the year 2006 which does not regulate insurance of liability of ski centres, owners of cable railways and other climbing equipment, organizers of ski competitions, ski courses and instead introduces insurance of skiers-users of ski centres and attenders of ski courses against accidents at ski paths or during ski training, while ski centres and ski course organizers being contracting parties of insurance.

In conclusion the author gives many practical recommendations which could be found useful to Serbian legislation, having in mind that various modes of professional liability insurance are to be introduced in the Serbian legislation system in near future.