

Prof. dr Slobodan JOVANOVIĆ*

In Honor of the 80th Birthday Anniversary of Professor Jovan Slavnic, Honorary President of the AIDA Serbia

At the beginning of October, prof. Jovan Slavnic has celebrated his 80th birthday surrounded by his family, good friends and close associates from the Association for Insurance Law of Serbia. With this homage, I felt the need to look back at the contribution of prof. Slavnic, honorary president of the Association for Insurance Law of Serbia towards studying insurance law, his impact on improvement of the legal regulation of the insurance contract and my co-operation with him.

After the outbreak of Yugoslavia at the beginning of nineties of last century, Serbia acquired recognition of the legal succession of the Confederation of the associations of insurance law of Yugoslavia and continuity of the membership in the International Insurance Law Association (*Association Internationale de Droit des Assurances – AIDA*). That was entirely justified because, among other, Serbian chapter was established first on 6 December 1961 and, through its members, originator and the most agile protagonist of the international co-operation of the Yugoslav association within the AIDA framework, which member became in 1962, only a year after AIDA formation. Team of well-educated and in the insurance law, particularly skilled graduated lawyers such as prof. dr Borislav Blagojevic, prof. dr Ivica Jankovec, prof. dr Vladimir Jovanovic, prof. dr Predrag Sulejic, prof. dr Nikola Nikolic, dr Vjekoslav Bucic, dr Ljubisa Milosevic and dr Vojislav Sokal made a significant contribution to such development of the Association. Prof. Jovan Slavnic, professor at the University of Novi Sad, president of the Association for Insurance Law of Serbia from 2005 to 2013 and, as of 19 April 2013, honorary president of the AIDA Serbia was also a valuable member of that team.

What is rare in the activity of the professional associations, particularly in the field of insurance, prof. Slavnic changed during existence and multi-decade duration of the AIDA Serbia. Prof. Slavnic initiated work on the publication about the establishment and development of the AIDA Serbia on the occasion of 50 year anniversary of its operation. A part of that history

has been written in the mentioned publication that may serve as a foundation on which next generation at the AIDA Serbia can continue with writing their history. In the publication „Half Century of the Association for Insurance Law of Serbia (1961–2012)”, published in Belgrade in 2013, where important events in the 50 year history of the operation – activity of the AIDA Serbia were described, prof. Slavnic has written a prevailing number of articles and made its redaction.

As for the AIDA Serbia has been an active member of the International Insurance Law Association, prof. Slavnic equally contributed to the international affirmation within the AIDA with his papers: 1. Report of the AIDA Yugoslavia chapter on insurance contract law in the book “Insurance contract law”, prof. M. Fontaine, Editor, Volume I, 1990 together with prof. P. Sulejic and dr V. Sokal; 2. Paper “New Yugoslav Legislature and Legal Background for Development of Insurance Market” for the 1st AIDA Bucharest insurance colloquium, August 1995; 3. National report on the “Intermediaries” in the book: “National reports – Intermediaries”, published on the occasion of 10th AIDA World Congress, Marrakech 11-15 May 1998; 4. Paper “Contemporary professional liability insurance – Importance and goal of the study”, published in *Assicurazioni*, Ottobre-Dicembre 2007 together with prof. dr S. Jovanovic by the decision adopted at the XII AIDA World Congress in Buenos Aires in October 2006 to publish “L evoluzione del diritto delle assicurazioni negli anni 1960/2005 – Liber Amicorum in Honore in memoria di Antigono Donatti”; 5. Paper “Transparency of the insurance intermediary fee in the EU and few Member States legal framework” in the book “Liber Amicorum in Honour of Ioannis K. Rokas”, Athens, 2017.

Taking into account that I could not embrace entire scientific work and very rich bibliography in this homage to prof. Slavnic, I would mention few more bibliographic references that relate to the Association for Insurance Law of Serbia. In the *Insurance Law Review* prof. Slavnic published 16 scientific papers, 7 topics have been processed through the questionnaires about insurance law in Serbia (on insurance policy transparency, on compulsory insurance, on the legal

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nature of reinsurance, on alternative insurance product distribution, on the civil liability of the insurance broker, on the time bar in reinsurance and on insurer / reinsurer insolvency), 4 critical comments of the domestic and foreign court decisions (judgment of the Supreme Court of Austria 7 Ob 202/07t of 12.12.2007 on the clause validity in the general insurance conditions against accident and on indemnity of the cost of a medical arbitration board towards relation “winner – defeated”, the judgment of the State Court of Hannover, 18 O 193/08 regarding the financial intermediaries duty to leave out certain expressions for marketing purpose, positions of the Higher Commercial Court and Supreme Court of Serbia on the cancellation of the long-term insurance contract (Case Prev 95/02) and position of the courts mentioned in the judgment of the Supreme Court of Serbia (Case Prev. 183/05 on the recourse of the foreign MTPL insurer against domestic border insurer – green card and legal subrogation) and messages from the annual conferences. Opus of prof. Slavnic comprises another 19 well perceived scientific papers on the conferences, with the first paper prepared for the first annual conference of the Association for Insurance Law of Yugoslavia held on 20 and 21 April 1971, published in the journal *Osiguranje i privreda* (Insurance and Economy) under the title: “Some issues of the compulsory insurance and codification of the obligation relations”.

However, prof. Slavnic creative energy and diligence has not depleted. He managed to co-preside the Section for insurance within the Kopaonik School of the Natural Law for years, simultaneously writing well-accepted papers in other scientific journals and taking part in discussions on the round tables. There is no need to emphasize the importance of his reviews and studies of the contemporary or problematic issues of the insurance law or gaps in our legal system, commentaries, scientific reports and analysis of the court decisions for the development of the legal theory and insurance practice in Serbia. Those activities of prof. Slavnic have had even special practical impact for production of the special chapter in the Draft Civil Code of Republic of Serbia dedicated to insurance contract where many of his proposals, explained logically in detail in the papers he published (List of the papers in which prof. Slavnic has made proposals for reform of the provisions of the Law on Obligation Relations about insurance contract in the future Civil Code of Republic of Serbia, was published in the journal *European Insurance Law Review*, No. 3/2016, pp. 73–79) have been accepted.

The width of his education in the area of civil law, and particularly obligation law and reputation he built by bold lifestyle, which reflected in his scientific work,

unavoidably influenced his associates, including me. Yet, the value of the prof. Slavnic scientific work is not found only in his in-depth observation of the existing solutions and practical problems in insurance law based on the positions of the domestic and foreign legal theory and court decisions and comparative analysis of the domestic and foreign legislation, but more in the formulation of the proposals for the practical solutions. Open-mindedness with which prof. Slavnic handles the institutes of the domestic and comparative insurance law, flexible and constructive communication and focus towards efficient solutions in the professional work and daily life are the real guidepost to the younger colleagues and the direction where everybody must improve.

Self-confidence of prof. Slavnic in his knowledge and enterprise, despite scepticism of the few members of the Management Board of the Association for Insurance Law of Serbia on one of the meetings held during 2001 on starting the journal as the Association newsletter, its continuity and possibility to be accepted by the expert audience, binding himself unreservedly to realization of that idea did not leave doubt such plan would be implemented. So the Association for Insurance Law of Serbia published its first issue of the *Insurance Law Review* in 2002.

My next encounter with prof. Slavnic took place during my work in the Reinsurance Department of the DDOR Novi Sad on the position for non-proportional reinsurance and marine reinsurance and while I was preparing a doctoral dissertation on the reinsurance contract. That was during the second annual conference of the Association for Insurance Law of Yugoslavia in 2002. While waiting for the conference opening with my colleagues from DDOR Novi Sad, curiously and naive I asked: “Who are we waiting for?” I received reply: “We are waiting prof. Slavnic, a company’s friend”. And when I met him again, I immediately noticed indefinite serenity of his spirit equally as his systematic thinking and behaving because conversation quickly turned to current topics about the operation of the insurance companies and organizational issues of then conference. Already then, it was clear to me that was a man who does not accept people easily to be his friends, but when they deserve his confidence he consistently nurtures and builds such friendship. And, that was confirmed in my later contacts with him.

Establishment of closer co-operation between me and prof. Slavnic took place after his appointment for president of the Association for Insurance Law of Serbia in 2005 and my becoming an editor of the *Insurance Law Review*, from no. 1 in 2006. Beside the vast knowledge and experience in editing journals, prof. Slavnic was not bothered to allow me creative thinking

as the new journal editor. On my proposal to replace the cover outlook with permanently same layout and design, he reacted with a surprise. Still, when I explained that a brief extract from the table of contents would be shown on the each issue cover, he accepted my idea.

Prof. Slavnic openness to new ideas has also contributed to the graphic outlook of the journal cover and conference proceedings. I shall never forget how much time he spent controlling material and annoyed by mistakes that sometimes crept in various stages of the preparation, print layout, correction or print of the journal issues and conference proceeding. Yet, because of prof. Slavnic such level of determination, journal and conference proceeding quality has become higher through the time.

With the introduction of the foreign authors in writing papers for the journal and conferences, prof. Slavnic additionally improved variety of the authors and topics being processed which, were of a significant interest for the insurance law development in Serbia. Mainly in light of the insurance law reform and adjustment of the Serbian insurance law to the solutions of the EU law.

Prof. Slavnic awareness about the necessity of establishing and keeping up contacts with the *AIDA* and lack of the professional envy about someone else's achievement, decisively contributed that he, as president of the *AIDA Serbia*, proposed me for the member of the *AIDA Europe* Steering Committee, a regional grouping of the *AIDA for Europe*, whose founding Assembly was held on 21 May 2008 in Hamburg.

Prof. Slavnic skills manifested greatly when representing the *AIDA Serbia*. Prof. Slavnic then acted with the competence of the utmost diplomat in contacts which, after commercially smart presentation of the goals and purpose of the association and its member activities by him, most often led to adequate support from the insurance companies. Although I found prof. Slavnic few times rather indisposed, his pragmatism and thinking about options pull him forward and this is the way how he resolves current "Scyllas and Charybdises". From the letter of Ioannis Rokas, professor at the Athens University and *AIDA* commissioner for development of the *AIDA Serbia* chapter from February 2013, it derives the results of the work and determination of prof. Slavnic since 2005, when he was appointed president of the Association for Insurance Law of Serbia, are obvious: "National chapter *AIDA Serbia* has noteworthy and well-designed activities which we must appreciate in particular taking into account size and development of the Serbian private insurance market".

After all, I can claim my co-operation with prof. Slavnic that flows with the hard and continuous work with unconditional determination during hard time, has been established to both mutual satisfaction.

I wish prof. Jovan Slavnic plenty years of a fruitful scientific work and good health for the benefit of our Association.

In Belgrade, 18 November 2018.

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