

US Sanctions Discussion

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Arias Spring Conference

US Sanctions Discussion

Scope of Current US Sanctions

- Comprehensive Sanctions:
 - Iran
 - Cuba
 - Syria/North Korea
 - Crimea / Donbas
- Russia
- China
- Venezuela
- List-Based Regimes

US Sanctions Discussion

Application to Insurance / Reinsurance

- Explicitly target provision of insurance / reinsurance
- Generally prohibit or target provision of services . . . such as insurance / reinsurance

Prohibit vs. Target?

US Sanctions Discussion

Sanctions Clauses

- Why are they needed?
- How do they work?
- Are they enforceable?
- Example of Sanctions and Limitations Clause widely used on the London Market -

No (re)insurer shall be deemed to provide cover and no (re)insurer shall be liable to pay any claim or provide any benefit hereunder to the extent that the provision of such cover, payment of such claim or provision of such benefit would expose that (re)insurer to any sanction, prohibition or restriction under United Nations resolutions or the trade or economic sanctions, laws or regulations of the European Union, United Kingdom or the United States of America.

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Potential Disputes

- Do sanctions apply?
- Does a sanctions clause apply?
- Will the sanctions clause be enforceable under applicable law?

8. Questions?

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440

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