



# **Pollution Law and Insurance: A Comparison of the Legal Regimes of European States and the U. S. A.**

*Anthony Fitzsimmons*

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Pollution does not respect national frontiers. Accidents in one country can cause pollution and economic loss in many others. This proposition forms the seed of one of two studies of the Pollution and Insurance Working Party of the International Insurance Law Association (AIDA) presented in this volume. The contributors analyse matters relating to jurisdiction, applicable law, material law as to bases of liability and locus standi, procedure and enforcement, and disclosure to plaintiffs regarding existing insurance. Pollution incidents often lead to demands for clean-up cost reimbursement. In the field of marine insurance, such expenses are regularly covered as 'sue and labour' expenses, though sometimes subject to limits created by indemnity and specific exclusions. The position is far less clear in non-marine insurance. The second study in this book looks at the current practice in countries where salvage costs are treated under binding legal rules, insurance clauses, and by courts and jurisprudence. Through the presentation of the results of these two studies, this book examines issues relating to forum shopping and salvage costs in the field of pollution insurance in a number of jurisdictions worldwide, setting out the numerous complexities and national variations in a clear and concise manner.

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