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# Dispute resolution clauses – effective against third parties?

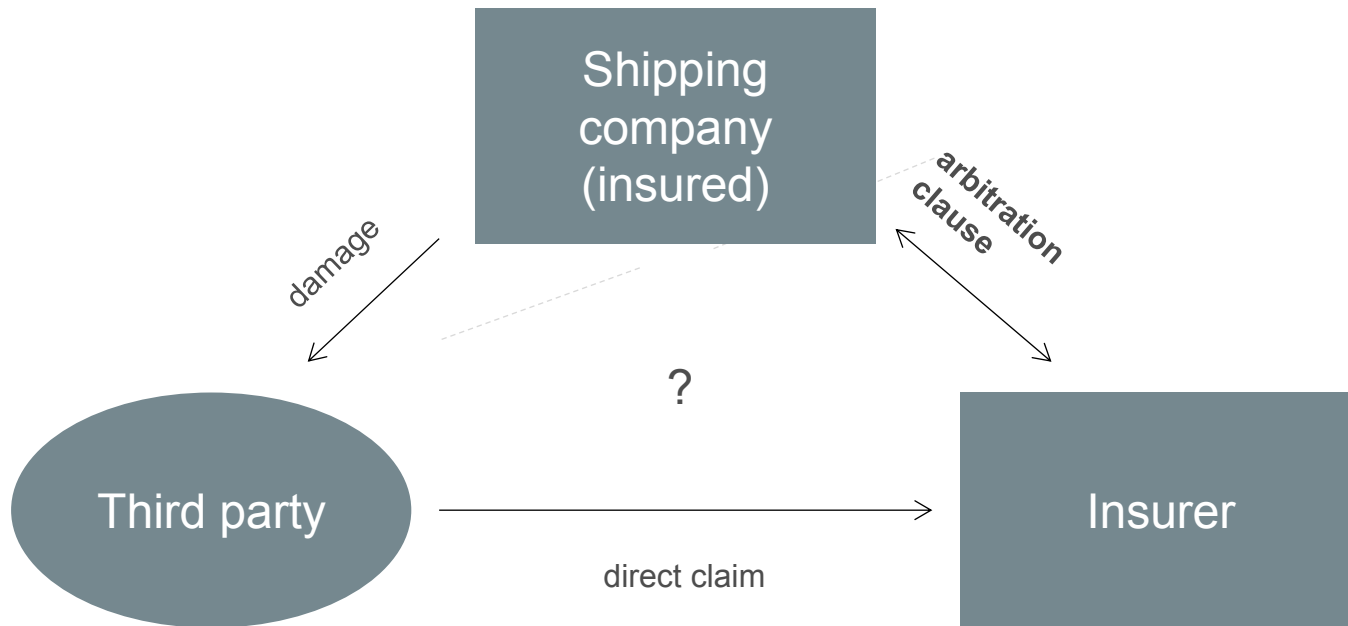
ICMA XX: CS4 Dispute Resolution Clauses

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# Is an arbitration clause effective against third parties? (KKO 2007:39)

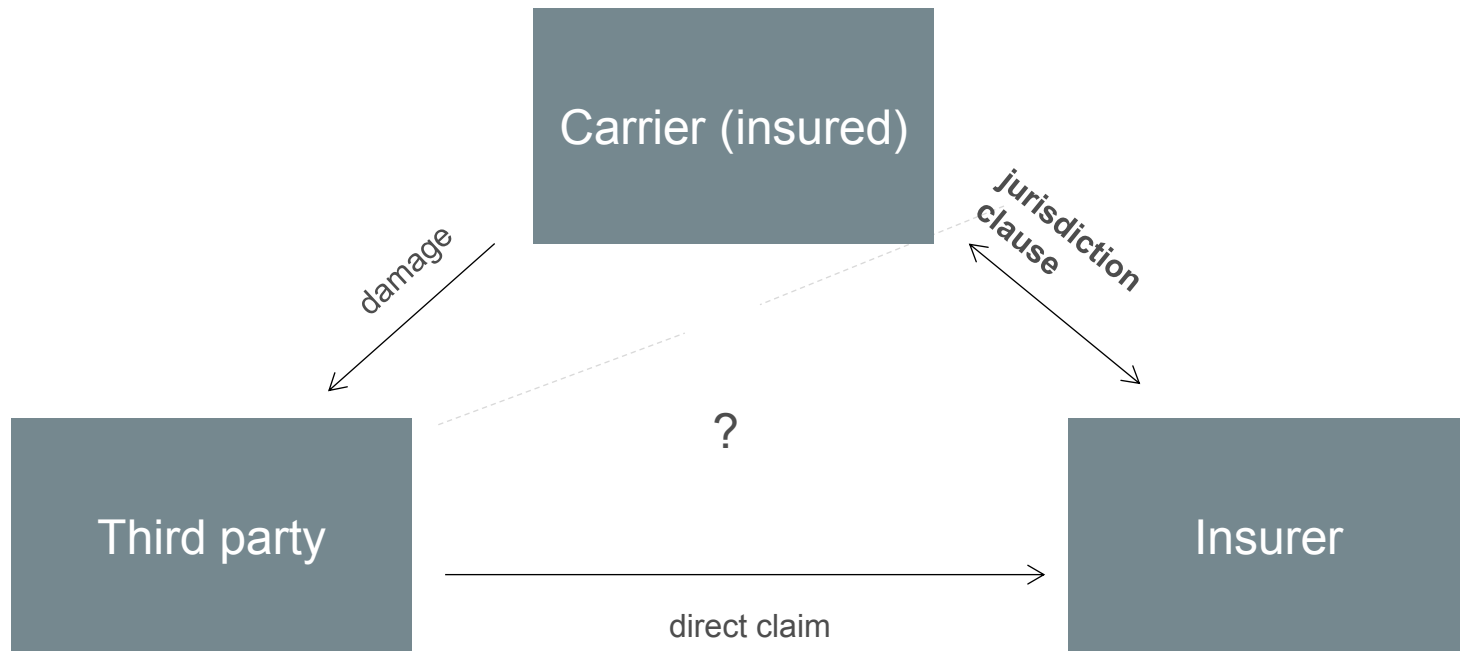


# Reasoning of the court

- Norwegian law applicable
- An injured third party presenting a direct claim against insurer is generally bound by insurance agreement
- No reason to deviate in this case
- Similar conclusion by Borgarting Lagmansrett in LB-2016-93835
- However, Agder Lagmansrett in LA-2016-170365 and 170468: Arbitration clause only binding for parties – not third parties



# What about a jurisdiction clause? (CJEU C-386/16)





# Reasoning of the CJEU

- Possible to deviate in the case of insurance contracts covering all liabilities arising from the use or operation of vessels
- Brussels I Regulation does not give a clear answer whether binding towards third parties
- Purpose of rules regarding jurisdiction in insurance matters to protect weaker party
- Deviations should therefore be interpreted narrowly
- A third party suffering injury is too far away from the agreement and cannot be bound
- Similar conclusion in C-112/03



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