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WHAT ARE THE CONDITIONS FOR COVID-19 TO BE RECOGNIZED AS FORCE MAJEURE UNDER THE LIABILITY INSURANCE?

Distribution

Industry

Insurance



According to Article 1218 of the Civil Code «there is force majeure in contractual matters when an event beyond the debtor's control, which could not reasonably have been foreseen at the time of the conclusion of the contract and whose effects cannot be avoided by appropriate measures, prevents the performance of his obligation by the debtor».

Traditionally, three criteria must be met in order to invoke force majeure:

1

Externality: the debtor of the obligation must not have any control over the event.

2

Unpredictability: the event «could not reasonably have been foreseen at the time the contract was concluded».

3

Irresistibility: the effects of the event «cannot be avoided by appropriate measures, prevents performance of the obligation by the debtor».

Irresistibility thus implies an assessment of the behaviour of the debtor of the obligation throughout the entire period of the occurrence of the event: from the event giving rise to it to its consequences. **It is thus to an «in concreto» appreciation of the irresistibility, but also of the unpredictability, that the jurisprudence devotes itself.**



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À propos de Gras Savoye Willis Towers Watson est une entreprise internationale de conseil, de courtage d'assurance et de solutions logicielles qui accompagne ses clients à travers le monde afin de transformer le risque en opportunité de croissance. Nous concevons et fournissons des solutions pour gérer le risque, accompagner les talents et optimiser les profits afin de protéger et de renforcer les organisations et les personnes. Notre vision, unique sur le marché, nous permet d'identifier les enjeux clés au croisement entre talents, actifs et idées : la formule qui stimule la performance de l'entreprise.

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ASLOG brings together more than 400 companies from all sectors, with 2,000 professionals working together to promote and build tomorrow's Supply Chain. ASLOG is a neutral and independent association that addresses Supply Chain issues.

As early as 1972, visionary men sensed that this function would be decisive for all companies. For almost fifty years, professionals in the sector have made ASLOG the reference partner.

ASLOG is the privileged interlocutor of institutions and public authorities on all questions relating to the sector.

| #supplychain4good

The **#SupplyChain4Good** community was created at the initiative of Michelin and ASLOG, as part of the Movin'On ecosystem, in favor of a more sustainable mobility of goods.

#SupplyChain4Good's ambition is to federate the actors who work for Supply Chains that are simultaneously good for the planet, the people and the business performance. The members of this community are «shippers» (industrial and commercial companies), «operators» (transporters, logisticians, shipping companies, ports...), «support functions» (academics, consultants, information systems, regulators, NGOs...).

They cover all economic sectors and all regions of the world. Their work takes place throughout the year and culminates in the annual Movin'On Summit, the world summit on sustainable mobility.