

International Comparative Legal Guides

Insurance & Reinsurance 2026

A practical cross-border resource to inform legal minds

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Current Global Trends Affecting Insurers



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Introduction

Insurers are facing increasing challenges in responding to the risks posed by various global and local developments. Claims are becoming more diversified and, at times, introduce novel liability theories. At the same time, insurers face emerging and increasing exposures from, for example, AI and climate-related losses. The contributors to the questions and answers chapters of *ICLG – Insurance & Reinsurance 2026* have outlined the key “hot topics” – both global and local – which are impacting their (re)insurance markets. In this Expert Analysis chapter, we aim to pull some of these key topics together.

Climate Change and Environmental Risk

Certain jurisdictions (e.g. Norway, Denmark and Finland) have reported claims resulting from more storms and flooding, whilst others (e.g. India and South Africa) have noted claims from an increase in wildfires and extreme weather events, which have already led to, or are expected to lead to, an increase in the frequency and severity of claims. The contributors for Denmark also report a real concern that certain properties may become impossible to insure.

The introduction of, or increased focus on, compulsory insurance to cover the increase of climate-related risk is another key trend: for example, in Greece there have been legislative initiatives to introduce compulsory insurance against flood, fire and earthquake risks for certain categories of business; and in Romania there is a focus on improving the level of mandatory home insurance coverage for earthquakes and floods.

Owing to regulatory changes, in Switzerland large insurers must now perform quantitative, scenario-based analyses to assess resilience to environmental shocks. Climate change litigation is also developing apace in the USA.

Liability Risks from AI and Cybersecurity

AI and Cybersecurity risks continue to pose multiple challenges for insurers around the world. For example, in Norway the interplay between cyber policies, crime insurance and war/terror exclusions is reported to be a key “hot topic”. Separately, insurers are increasingly using AI to automate writing business and handling claims. This is likely to pose various challenges, especially in the light of the EU AI Act, which first became law on 1st August 2024. Various provisions of the Act are still coming into force over staggered phases. Areas of particular concern include: transparency issues where algorithms are adopted; the potential violation of human rights; data protection; explainability (namely, whether the user is able to justify using the AI output independently of the AI source); and discrimination issues.

Increased Regulatory Scrutiny

Several jurisdictions have witnessed recent legislative reforms: for example, in Brazil there has been widescale reform of the regulation of insurance and reinsurance contracts. France has moved to align insurance law with a forthcoming ban on unsolicited telemarketing from 11th August 2026.

There has also been a particular focus on consumer protection in a number of countries, such as Albania, Italy and Poland.

Important Judicial Decisions

A few jurisdictions have reported recent important (re)insurance decisions from their courts, including:

- i) an Israeli Supreme Court judgment on the treatment of claimant’s costs where policy limits have been exhausted; and
- ii) a Norwegian Supreme Court decision clarifying the meaning of “sudden” in a property and casualty insurance policy.

Litigation Funding

The contributors for Denmark note that a general rise in third-party funding in their country is expected to lead to an increase in class actions. In England & Wales, legislation is anticipated on this topic, focusing on who should regulate funders and whether a light-touch approach should be adopted.

Other Developments

In addition to the above trends, there are other “hot topics” that relate to particular countries. These include:

- i) the introduction of compulsory professional indemnity insurance in Bahrain;
- ii) a surge in health insurance policy subscriptions and personal injury claims in Finland;
- iii) the introduction of a type of e-commerce platform in India to aggregate the offerings of various insurance companies;
- iv) the establishment of a new independent arbitration body to determine small insurance claims between insurers/intermediaries and consumers in Italy;
- v) a growing trend for reinsurance in Japan;
- vi) the impact of major oil spills in the Philippines;
- vii) a surge in litigation related to underinsurance and indexation in Poland and Türkiye;
- viii) the impact of escalating healthcare costs on medical and health insurance in Malaysia;
- ix) the introduction of the Berne Financial Services Agreement, which will enable UK and Swiss insurers greater access in each other’s countries; and

- x) the impact of international sanctions, which has led to a rise in coverage disputes in Türkiye.

Conclusions

The wide variety of “hot topics” noted by this year’s contributors to *ICLG – Insurance & Reinsurance 2026* highlights the increasingly complex world in which (re)insurers operate. Some common themes do, however, emerge from a review of these very helpful contributions. We can anticipate that many of these themes will continue to develop throughout 2026.



Jon Turnbull has been at Clyde & Co since 1994, and became a Partner in May 2001 and a Consultant in September 2016. He specialises in insurance and reinsurance (principally non-marine) litigation.

Jon has been recommended in *The Legal 500* in the field of insurance and reinsurance. He has particular expertise in the Bermuda Form (usually involving New York substantive law and English or Bermudian arbitration) and has been involved with numerous cases in this field, including representing reinsurers successfully in the first Bermuda Form case to come before the English courts on issues of policy construction. Jon acted for insurers and reinsurers in respect of various COVID-19 claims.

Jon is a CEDR-accredited Mediator and has written and spoken extensively on the subject, and has participated in numerous mediations. He has also completed the CEDR Certificate in Advanced Negotiation and Leadership.

Recent Experience

Acts for Lloyd's Syndicates and London and international (re)insurance companies on a wide range of issues, including personal accident, accident & health, travel, product liability, property/casualty and reinsurance.

Involved in advising with respect to competition issues relating to the aviation and aerospace insurance and reinsurance market.

Has acted recently on successful reinsurance arbitration concerning captive reinsurance.

Has been involved in a number of large claims subject to the 'Bermuda Form' wording. Most of these cases are arbitrated, but the case of *AZICO v XL Insurance (Bermuda) Ltd. and ACE Bermuda Insurance Ltd* was heard in the English Commercial Court and Court of Appeal ([2013] EWHC 349 (Comm) and [2013] EWCA Civ 1660).

Contributor to 'Insurance Disputes' (edited by Mance J) in respect of subrogation.

Lectures on insurance topics, including the Insurance Act 2015 and related changes to insurance law, subrogation, the development of excess of loss reinsurance, the 'Bermuda Form', and contract interpretation.

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property; reinsurance; and specialty (including accident & health, blood-stock, contingency, cyber, fine art, kidnap & ransom, political risk & trade credit, product recall, specie & jewellers' block and surety).

We are frequently recognised for our leading insurance expertise. We are ranked Band One globally for Insurance: Contentious, Band One in the UK for Insurance: Contentious Claims and Reinsurance and for Insurance: Professional Discipline, and Band One in London for Insurance: Professional Negligence in *Chambers Global*. We were also recently named in *The Times Best Law Firms 2025*.

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