



## EIL Sales Playbook



Environmental Insurance (formally known as Environmental Impairment Liability insurance or EIL) covers businesses against a range of environmental liabilities and exposures. EIL policies are designed to respond to all types of pollution – sudden, accidental and gradual – and clean-up regulatory obligations that are getting more and more complex.

Environmental insurance offers attractive development opportunities for brokers and is here to stay.

1

#### AN EMERGING RISK

Environmental exposures have been amplified by a tougher legal environment throughout the EU which introduced new concepts such as damage to biodiversity and more stringent clean-up requirements. This means that even though businesses' operations may not have changed, their potential environmental liabilities have increased.

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#### A BIG, SENSITISED MARKET

Businesses in all industries and of all sizes face environmental liabilities. Obligations for both companies and competent authorities point towards an increase in both number and costs of environmental claims – which combined with attention from the media, have encouraged greater awareness of environmental issues by businesses, investors and customers.

3

#### STRONG COMPETITIVE POSITIONING

Brokers who are able to have meaningful conversations about environmental insurance with clients are able to differentiate themselves from competing brokers who may not have the same degree of risk and product knowledge. This has exciting possibilities for new business and retention strategies and reaffirms brokers' position as valued and informed risk advisors.

4

#### DIRECTORS AND MANAGERS ARE PERSONALLY EXPOSED

Following an environmental incident, individuals also face the possibility of personal actions. In fact, some local regulations might hold directors and managers personally liable for the damages. It is worth emphasising the complexity of environmental risks and the high importance of EIL insurance to the directors and managers deciding on the business' insurance coverages.

5

#### INTERNATIONAL OPPORTUNITIES

Countries have different local environmental legislation and have adopted the European directive on environmental liability in different ways – in several (Spain, Portugal, Slovakia and Czech Republic for example) businesses may need to demonstrate that they have financial assurance in place for their environmental exposures (such as a locally issued EIL policy) in order to operate in that country.

**In summary:** increasing client exposures and increasing client awareness point to opportunities for brokers to strengthen their positions with clients and increase their revenue. The following sections look in more detail at: the target market for EIL, sales arguments for first-time buyers of EIL, selling EIL to the client as the EIL insurer, servicing aspects for the broker, suggestions for overcoming EIL sales obstacles and finally some claims scenarios.

## NOTES

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**1** Damage to Biodiversity means damage to protected species and their habitats. Hundreds of species of animals, birds, insects, fish and plants are protected at European and national level.

In addition there are Thousands of protected sites across Europe (in fact nearly a fifth of the EU's land area is protected).

**2** New forms of clean up such as complimentary and compensatory remediation mean that it could take years for a business to remediate the damage they have caused to land, wildlife and natural habitats.

For example damaged trees and plants may need to be replanted and populations of wildlife and fish may have to be restocked.

The business may also have to make additional improvements to other areas to compensate for the loss of use of the damaged site while it recovers from the damage.

A positive characteristic of EIL insurance for brokers is that there is a wide range of business sectors that we can underwrite. From major international corporations to local SMEs, our flexibility means we can accommodate most sectors, particularly:

- **Manufacturers - from heavy industry and chemical companies to food and beverage manufacturers**
- **Power and Utility**
- **Waste management and disposal facilities**
- **Construction projects and blanket cover for companies**
- **Bulk storage**
- **Retail and Warehouses**
- **Haulage and Logistic**
- **Property owners and developers including their tenants**
- **Environmental Professional Service firms**
- **Multinationals**



ALPHA has been with AIG EIL for over 10 years. It is a global chemical group with more than 30,000 employees manufacturing products in more than 50 countries. The company values AIG EIL international network and local capabilities, and it knows that their global operations have reliable and the best possible local support worldwide.



BETA is a small haulage firm, operating in the general road haulage industry for nearly 30 years. Beta has a turnover of £1,000,000 per year and counts with a fleet of 20 vehicles. It bought its first EIL policy with AIG in 2008 and has been our client since.



GAMMA is a company operating in the merchanting and DIY retailing markets in Britain and Ireland. Its branches mainly supply trade customers engaged in residential, repair, maintenance and improvement projects. Gamma has been a AIG EIL customer since 2010 after suffering a £1,000,000 pollution loss.



DELTA is a construction company carrying out projects across Europe. It purchases comprehensive EIL insurance because of the possibility of causing new or exacerbated pollution by disturbing pollution which was already present but not evident. This could lead to Delta being held liable for the clean-up costs and potential costs associated to bodily injury, property damage and biodiversity damage.



AIG are a world leading multinational insurer, we have been doing it for over 60 years and last year we insured over 30,000 local policies throughout the world for multinational clients.

With this experience we can offer clients three different levels of multinational insurance coverage, depending on their needs and preferences.

FOR A MORE DETAILED INSIGHT INTO OUR MULTINATIONAL CAPABILITIES, VIEW THE AIG EUROPE MULTINATIONAL SALES PLAYBOOK



### INDIVIDUAL LOCAL POLICIES IN EACH COUNTRY

The default for many companies with overseas operations

A local policy issued by a locally licensed carrier may be needed to fulfil contractual and other obligations. With the breadth of our operations and expertise throughout the world we are able to issue a local policy or certificate in virtually every country clients operate.

### FREEDOM OF SERVICES (FOS)

A single policy with simple admin for the businesses with EU operations

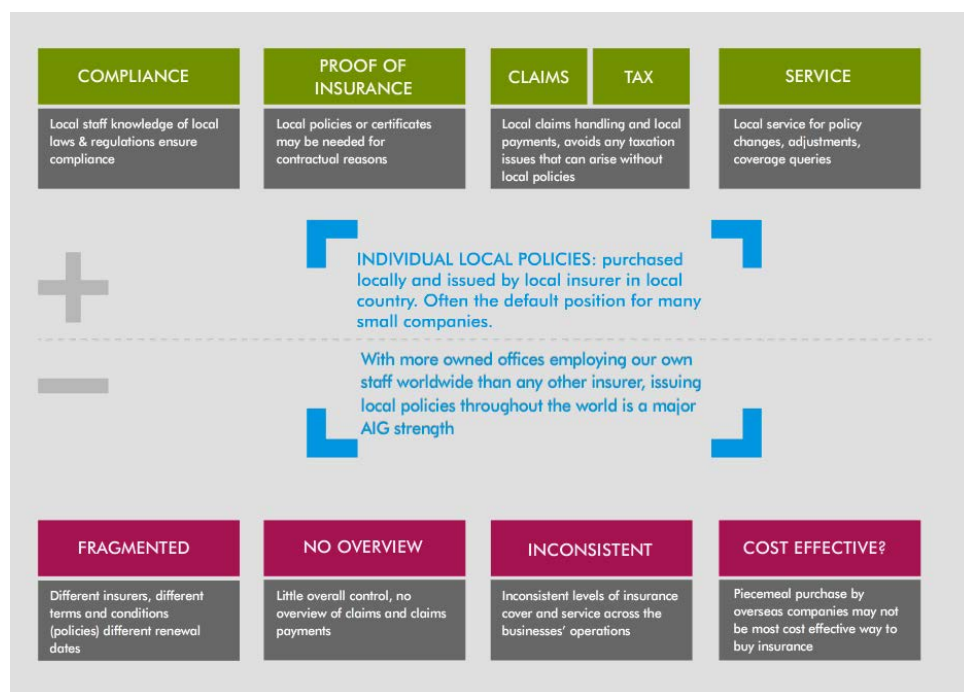
Our FOS policy is a single policy wording covering multiple EU locations. It simplifies broker and client administration by having a single premium, a single renewal date and a single contact point in the clients' home territory.

### CONTROLLED MASTER PROGRAMME (CMP)

A global insurance programme combining locally issued policies with central control

With such a large AIG global owned network the vast majority of clients' policies in a CMP will be issued by a local AIG office. This ensures clients comply with local regulations whilst maintaining coverage and service consistency across their operations.

## The advantages and disadvantages of locally purchased insurance policies



Many multinational businesses particularly smaller ones let their overseas operations buy their own insurance locally and there are several advantages to this.

Businesses' overseas operations must comply with their host country's regulations and this is a big concern for many companies. Arranging their overseas insurance with local insurers ensures that the company follows the necessary insurance rules and regulations for each territory they operate in.

Another advantage of buying local insurance policies is that the business may need a local policy issued by a locally licensed insurer for contractual reasons with their own clients.

Local insurance also means that claims are handled locally and paid directly to the local business. This also avoids taxation issues that can arise without local insurance, when the parent company may need to inject capital into the overseas business that suffered the loss.

Local insurance also means local service for instance local policy changes, mid term adjustments and cover queries.

But there are some disadvantages too. Having all of its overseas insurances purchased locally, can be very fragmented, with different policies, different insurers and different renewal dates.

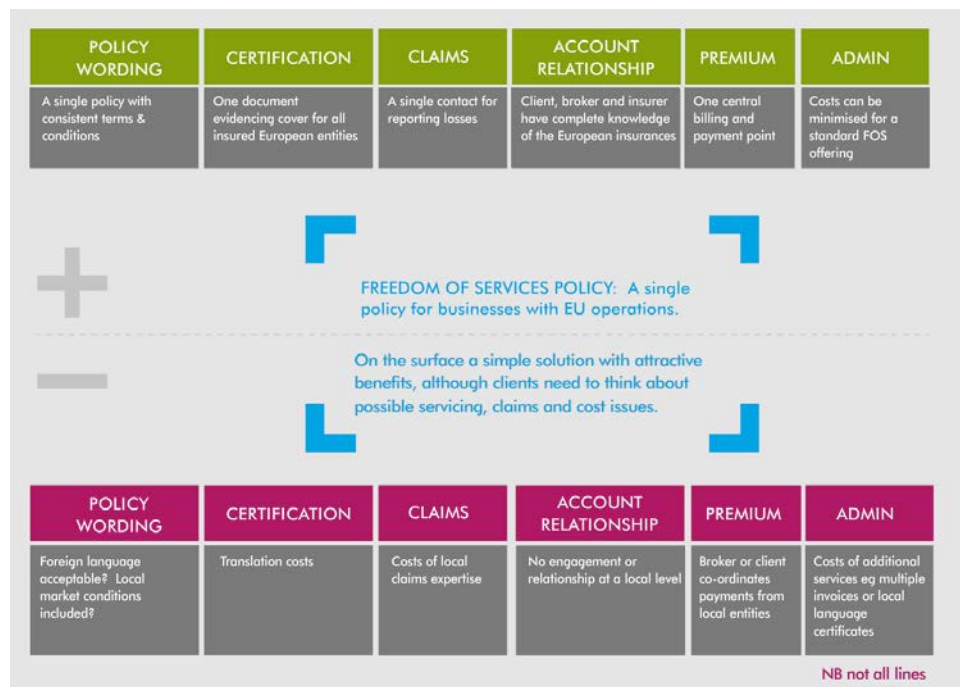
And this fragmentation means that the business has and little control over its global insurance arrangements, and no clear overview of its global claims and premium payments.

It can also means varied and inconsistent levels of insurance coverage and service across the businesses operations.

And finally buying individual policies throughout the world may not be the most cost effective method of purchasing global insurance cover.

With our deep multinational knowledge and experience we can guide our brokers and clients about the right insurance structure for any particular business. For companies requiring individual local policies, we have more owned offices worldwide than any other insurer, and issuing local policies for clients' overseas businesses is one of our major strengths.

## The advantages and disadvantages of FOS policies



A Freedom of Services policy can be a very effective entry point for clients to cover their European operations – but there are several factors to think about when considering an FOS policy.

On the plus side an FOS policy is a single policy wording covering all eligible European countries with consistent policy terms and conditions. This single document evidences cover for all of the insured's European companies.

An FOS policy will have a single claims contact in the country where the policy is issued for reporting losses.

In terms of having an overview of its European insurances, client, broker and insurer will all have full knowledge of the European placement.

Premium payments are centralised with one central billing and payment point and administrative costs can be reduced by a standard FOS offering.

On the other hand, care needs to be taken that the single policy wording includes specific local market conditions (such as liability insurance law in EU countries). Also a single policy in the language of the country it was issued in, may not be acceptable for evidencing cover in other countries.

This means that translation costs could be incurred for certification purposes, adding to the overall servicing costs.

An FOS policy will not include the additional costs of any local claims expertise necessary to handle the clients' overseas claims.

Also, by centralising the relationship in the country of issue, an FOS policy means there is no engagement or relationship at a local country level with client or insurance company.

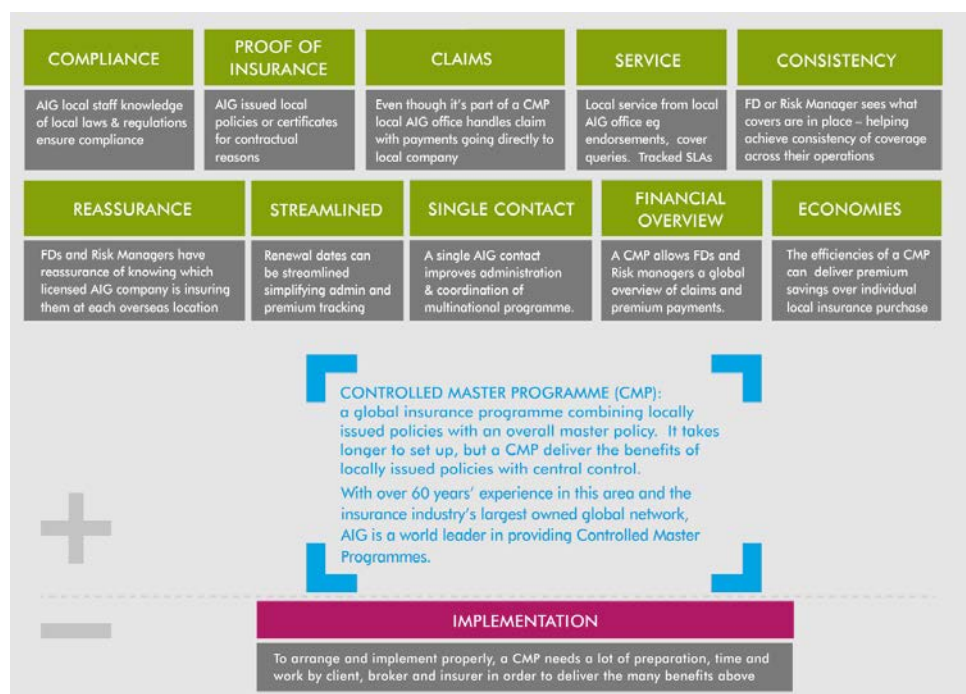
Similarly, by centralising premium payments an FOS policy means that the broker or client must coordinate the insurance payments from the client's local businesses.

And although administration costs may be reduced, they can actually increase when additional services outside of the centralised parameters of an FOS are required.

A final footnote is that Freedom of Services policies may not be suitable for all lines of business (such as motor for example, where a local policy approach may be better because of strict local regulatory requirements).

The breadth and depth of our multinational expertise means that we can help select and implement the right multinational insurance structures to reflect the needs and preferences of the individual client. Where a Freedom of Services policy is the right solution we can issue FOS policies for clients throughout our network of European offices.

## The advantages and disadvantages of a Controlled Master Programme



A Controlled Master Programme is a global insurance programme that can deliver the benefits of locally issued policies as well as the advantages of central coordination and control. AIG are world leaders in providing these programmes.

With the world's largest owned insurance network, local policies will usually be issued by local AIG staff, with in depth knowledge of local laws and regulations to ensure clients are fully compliant. These AIG issued documents, provide evidence of insurance (in the local language) for contractual purposes.

Even though it's part of a global programme, local claims are handled and paid locally, by the local AIG office.

In the same way, the client's local servicing needs such as policy changes and cover enquiries are taken care of by our local AIG office. Also any shortfalls in servicing performance, such as delays in issuing a country's policies, can be tracked and remedied, meaning more consistent service levels across the client's business.

With a CMP the client's FD or Risk Manager can see exactly what covers are in place in different countries, helping achieve consistency of coverage across their operation.

FDs and Risk managers have the reassurance of knowing which licensed AIG company is providing the insurance at each of their overseas locations.

Policies can be streamlined, renewal dates aligned simplifying administration and premium tracking. While a central AIG contact enhances the overall administration and coordination of the global programme. All of this means that FDs and Risk managers can have a clear overview of paid and outstanding claims, causes of claims and premium payments.

Finally the efficiencies of a centrally arranged programme can deliver premium savings over the piecemeal purchases of individual insurance policies by the client's overseas companies.

An essential consideration is that a CMP requires an investment in time and preparation by broker, client and insurer to set up and deliver these benefits. As one of the world's leading multinational insurers, which over 60 years' experience we are masters at guiding brokers and clients through the process of implementing an effective Controlled Master Programme.



Clients who are “first time buyers” not having yet made the decision to purchase EIL insurance, need to understand at least in general terms the extent of their potential exposures and the protection offered by the insurance.

Here are some suggested discussion points.

## THEMES 1

**IS THE BUSINESS AWARE THAT GENERAL LIABILITY COVERAGE FOR ENVIRONMENTAL EXPOSURES IS VERY LIMITED AND DOES NOT COVER THE BUSINESS FOR DEVELOPMENTS IN LEGISLATION, GRADUAL, 1ST PARTY OR HISTORICAL POLLUTION?**

**HAS THE BUSINESS ASSESSED ITS RISK EXPOSURES? IS IT AWARE THAT ITS ENVIRONMENTAL EXPOSURES HAVE INCREASED?**

**DOES THE BUSINESS UNDERSTAND THAT FOR ENVIRONMENTAL DAMAGE IT MAY BE GUILTY UNTIL PROVEN INNOCENT**

**HAS THE BUSINESS CONSIDERED THE REPUTATIONAL IMPACT OF A POLLUTION INCIDENT**

## RELEVANCE OF EIL

### SUDDEN & ACCIDENTAL (S&A) VS GRADUAL POLLUTION

Sometimes it is difficult to establish if a pollution incident was caused by a S&A or gradual pollution incident. EIL insurance is designed to cover all pollution conditions, and it makes no distinction between gradual and S&A pollution.

### OWN SITE CLEAN-UP

General Liability policies do not cover own site clean-up or mitigation measures. EIL can provide the business with onsite coverage for clean-up costs, 3rd party bodily injury and property damage associated to the pollution incident.

### HISTORICAL POLLUTION

Pollution can be present on sites even though there is no current operational risk and businesses may face historical contamination from a site's previous uses. EIL policies can provide businesses with coverage for historical pollution present on and off-site.

New forms of clean up introduced by regulations increase business's potential environmental liabilities. EIL insurance covers this (and future) legislation.

A company suspected of causing environmental damage is 'guilty until proven innocent'. EIL covers defence and investigation costs, provides specialist environmental support to liaise with different authorities on the company's behalf.

Media and public sensitivity to local pollution incidents can impact the business's image. EIL insurance is clear evidence of the precautions that the business has taken with its environmental responsibilities.

SALES THEMES  
CONTINUED

**THEMES 2**

**RELEVANCE OF EIL**

**DOES THE BUSINESS KNOW  
WHO TO TURN TO?**

When an environmental loss happens, it is important to involve the right people early. Most companies haven't dealt with an environmental loss before and may not know who turn to. We provide our EIL clients with technical and legal experts and an extensive professional network with decades of experience.

**DOES THE BUSINESS UNDERSTAND WHAT  
IMPLICATIONS A LONG TERM REMEDIATION PROJECT  
COULD HAVE ON ITS BUSINESS?**

Businesses that cause environmental damage have to restore the site to its original condition. This can be complex and take many years. Our EIL covers the costs and provides the environmental expertise to do this.

**DOES THE BUSINESS KNOW THAT INDIVIDUAL  
EMPLOYEES CAN BE HELD PERSONALLY LIABLE?**

Following an environmental incident, individuals face the possibility of personal actions. Our EIL can cover investigation and defence costs and settlements for pollution or environmental damage caused by the business and its employees.

**IS THE BUSINESS AWARE THAT EMERGENCY WORKS  
CARRIED OUT BY REGULATORS CAN BE CHARGED BACK  
TO THE BUSINESS THAT CAUSED THE POLLUTION?**

EIL covers clean-up costs incurred by third parties or governmental authorities' carrying out emergency works on behalf of the business.

**IS THE BUSINESS AWARE THAT RECENT STRINGENT  
REGULATIONS IMPOSE STRICT LIABILITY TO CERTAIN  
CLASSES OF BUSINESS?**

Some activities have strict liability under EU environmental regulation and are fully subjected to the strength of the liabilities and duties it imposes. Our EIL insurance provides cover for these classes of business and tailored solutions to their needs.

**DOES THE BUSINESS UNDERSTAND IT CAN BE LIABLE  
FOR ENVIRONMENTAL DAMAGE EVEN IF IT HASN'T  
CAUSED ANY POLLUTION?**

Environmental Damage can also be caused without contamination. Fire or damage by heavy machinery could trigger environmental obligations and result in significant costs, which are covered by our EIL insurance.

## NOTES

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**1** Primary remediation is any remedial measure which returns the damaged natural resources and/or impaired services to, or towards, baseline condition;

Complementary remediation is any remedial measure taken in relation to natural resources and/or services to compensate for the fact that primary remediation does not result in fully restoring the damaged natural resources and/or services;

Compensatory remediation is any action taken to compensate for interim losses of natural resources and/or services that occur from the date of damage occurring until primary remediation has achieved its full effect;

**2** Businesses can be exposed to multiple environmental regulators depending on what damage they caused and where they caused it. This can end up tying up resources and disrupting operations.

**3** These costs can be substantial and are not covered by general liability policies but are picked up by an appropriate environmental insurance policy.

**4** The Directive introduces new and more stringent liabilities for operators, particularly for those listed in Annex III. Operators have the:

- Duty to prevent damage to the environment
- Duty to take action where there is an imminent threat of environmental damage
- Duty to report an actual or suspected environmental damage to the competent authorities

**5** These activities include:

- all operations licensed under the EU Integrated Pollution Prevention and Control Regulations (IPPC)
- Waste management operations
- Mining, quarries extractive industries
- Operations with consents to discharge to water
- Transport of hazardous materials (licensed)



We have outstanding technical expertise, in terms of underwriting expertise and training material to help our brokers develop their environmental insurance accounts. This is supported by a highly experienced EIL claims team to ensure our clients get the best possible support after an environmental incident.

#### LOCAL EXPERTISE

We have the largest environmental underwriting team in Europe, offering the highest single market capacity available, tailored solutions and added value consultancy and support services. With specialised and dedicated environmental underwriters across the region, brokers and clients have access to technical underwriting expertise, support and expert decision making in their local markets.

#### CLAIMS EXPERTISE

AIG has the largest specialised EIL Claims handling team in Europe. The team is experienced in complex environmental claims and can handle most requests in local languages. Benefiting from our extensive global capabilities and knowledge centres, our claims handlers are able to offer strong and dependable customer support during a stressful period for our clients.

#### CONSTANT INNOVATION

Environmental regulations and obligations have increased in recent times and can be expected to continue developing throughout Europe. AIG has remained steadfast, delivering innovative environmental insurance programmes in Europe for over 10 years and improving our protection so it keeps up with the businesses' growing environmental exposures.

#### MULTINATIONAL EXPERTISE

We have the industry's largest owned international network and EIL licenses across the globe. Our extensive knowledge of sophisticated program structures and one of the most extensive lists of local environmental policies available in the market allow us to help you design and implement bespoke multinational programs, whether locally administered or on a controlled master basis - bringing to you a powerful global lead advantage and unmatched service capabilities.

The breadth of our EIL expertise enables us to deliver strong local support for our brokers, including technical training and underwriting clinics – to help you win and retain more EIL business.

#### AWARD WINNING TRAINING

Our acclaimed online environmental insurance training programme has been written especially for insurance brokers. It is designed to give brokers the knowledge and the confidence to have meaningful conversations with clients about their potential environmental exposures and possible insurance solutions.

The programme provides entry level training covering: environmental fundamentals, legislation, enforcement, practical issues for businesses such as typical clean-up costs and the cover provided for these exposures by environmental insurance. The Programme is currently being translated into a number of European languages and will soon be freely available to any insurance brokers throughout Europe.



#### PRE-BIND TECHNICAL SUPPORT

With over 30 specialist environmental underwriters across Europe we can deliver outstanding technical support to our brokers to help them win more business. We can do this over the phone or face to face at our local offices, or via our environmental underwriting clinics which we run throughout the region, often on our brokers' premises.

We know from experience how much our brokers value these discussions. For instance individual cases can be analysed, claims scenarios can be discussed, points of cover clarified, pricing and underwriting criteria explained in order to help the broker anticipate and resolve any client queries.

In fact it's not unusual for brokers staff to spend time in our own offices working side by side with our environmental underwriting teams in order to fast-track their own environmental insurance familiarisation and learning.

#### HOW ENVIRONMENTAL CLAIMS EXCELLENCE HELPED OUR BROKER GROW CASE STUDY.

"The local authority found tracks of chrome inside a private water flap, and our client was involved. The intervention of our environmental incident response service was crucial for meeting the authority requirements and allow the client business continuity. The broker was so satisfied of our intervention that they decided to organize with our support a workshop based on this case history to promote our product between their clients and new important prospects."

AIG EUROPE (Milan)



Our experience suggests that most purchase obstacles raised by clients relate to their uncertainties about their environmental exposures and resulting reservations about the pricing to gain specialised EIL coverage.

All of these obstacles can be effectively countered.

#### POTENTIAL OBJECTION

I'VE NEVER HAD A POLLUTION LOSS SO WHY DO I NEED TO BUY THE INSURANCE NOW?

IT DOESN'T SEEM WORTH THE PREMIUM SPEND

WE JUST DON'T NEED EIL INSURANCE, WE'LL TAKE CARE OF ANY LOSSES OURSELVES

#### POSSIBLE DISCUSSION POINTS

Businesses are more likely to have a loss now than they were 5 years ago because regulations have increased businesses' environmental exposures and obligations. The trend towards tougher regulations and increasing EIL claims is expected to continue.

It is even more dangerous for businesses that have strict liability under environmental regulations including those that need an environmental license to operate.

It's possible that the business has been having pollution losses for years without realising it as at times these are dealt with as operational costs. Management need to be aware of this and realise the true extent of their environmental exposures.

Some environmental claims, particularly those involving environmental damage to protected species, their habitats and protected sites can be very severe and potentially disrupt businesses operations for years.

EIL insurance premiums are a small percentage of what the losses businesses could incur. Defence costs alone can add up to 7 figures.

Environmental regulations have developed and became stricter on businesses. If the company is found guilty, it might be liable for the remediation and clean-up of a site for many years, tying up business resources and disrupting operations.

Environmental claims are highly technical and often require skilled resources to manage them. Following a claim, companies might end up paying more in consulting fees and engineering support than they would have in insurance premiums. And this does not include any of the direct costs related to the environmental claim itself.



## NOTES

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**1** Any business that stores fuel or emits discharges needs an environmental license to operate, which embraces a huge range of business activities including waste management operations, mining, quarries and extractive industries, operations with consents to discharge to water and transport of hazardous materials.

Annex III includes inter alia:

- All operations licensed under the EU Integration Pollution Prevention and Control Regulations (IPPC);
- Waste management operations
- Mining, quarries, extractive industries;
- Operations with consents to discharge to water;
- Transport of hazardous materials (licensed).

**2** This is particularly true for larger companies.  
For instance, fuel leaks onto adjacent land may be cleaned up and paid for by out of the site manager's budget, any resulting fines may be handled by the legal department, but none of these costs are communicated as potentially insurable losses to the risk manager/insurance buyer.

Here are a number of scenarios illustrating how clients' EIL policies have been triggered and responded to a variety of businesses' needs and environmental exposures.

1

## OUTLINE OF CIRCUMSTANCES

## COMMENT

### BIODIVERSITY DAMAGE

A pipeline ruptures in a protected area and oil is leaked into a natural reserve. Authorities force the business to carry not only primary remediation and clean-up, but indemnify the environment for the damage caused to the natural habitats and species affected.

An example of environmental damage to a protected site with complex, long term planning consequences for the business that could last many years

2

### ON-SITE GRADUAL POLLUTION

A gradual leak from an underground fuel oil storage tank was discovered by the competent authorities during a site inspection.

The business was required by the regulator to carry on-site clean-up and remediation.

3

### 1ST PARTY BUSINESS INTERRUPTION

Heating oil release from a wastewater treatment station damaged the facility and rendered it unable to treat the wastewater.

The business's operations were interrupted until the plant was cleaned and filters were replaced.

4

### 3RD PARTY BUSINESS INTERRUPTION

A chemical storage tank collapsed and contaminated neighbouring installations as well as the nearby river.

The industrial park was shut down for cleanup and remediation works, forcing businesses to interrupt their operations until these were completed.

5

### 3RD PARTY CLEAN-UP

Oil seepage from a transfer pipeline impacted neighbouring property.

The necessary soil and water cleanup, including continuous pumping of the water table, was conducted for 6 months.

6

### BODILY INJURY

During a fire at a plastic manufacturing plant, toxic black smoke was released into the air and reached neighbour businesses and residents.

Businesses and residents have filed 3rd party bodily injury claims against the company.

## CLAIMS SCENARIOS CONTINUED

7

### OUTLINE OF CIRCUMSTANCES

### COMMENT

#### PROPERTY DAMAGE

An ammonia leak at a refrigeration plant caused 200 gallons of ammonia to be released into the adjacent site, damaging pipeline networks.

Property damages were filed by the third party.

8

#### INVESTIGATION BY COMPETENT AUTHORITY

A river nearby a dairy factory was found to be polluted. The business was asked to present evidence and cooperate with the authorities.

An investigation was opened to identify the party responsible for the contamination.

9

#### CLASS ACTION

A business is suspected of causing the contamination of their local water supply.

50 local residents living around a chemical plant undertake a joint court action against the business.

10

#### BURDEN OF PROOF

A business is suspected of causing pollution. The Environment Agency requested the suspected company to take action to mitigate and remediate the pollution. It was later proved that the suspected company was not the actual polluter.

An example of how a business that has not caused any pollution can still be required to incur costs to clean it up.

11

#### CONTAMINATION CAUSED BY FIRE FIGHTERS

After a fire at a metal recycling facility, investigations of pollutant levels revealed that the water runoff from the fire and fire suppression materials had affected the wastewater treatment plant at the Insured's facility.

The business had to pick up all the costs related to the clean-up of the plant.

12

#### TRANSPORTATION

A milk tanker overturned and 28 cubic metres of the product were spilled on the road and entered the adjoining fields.

The business carried out clean-up operations and groundwater monitoring - which was mandated by the competent authorities.



**AUSTRIA**

Mariahilfer Straße 17  
1060 Wien  
Tel: +43 1 533 25 00-0

**BELGIUM**

Pleinlaan 11 – Bld de la Plaine  
B-1050 Brussels  
Tel: +32 2 73 99 00 0

**BULGARIA**

4 Iskar str.  
Sofia, 1000  
Tel: +359 2 930 93 30

**CYPRUS**

26, Esperidon Street, 2001 Stro-  
volos, Cyprus, P.O.Box 21745, CY-  
1512 Nicosia  
Tel: +357 22 699 999

**CZECH REPUBLIC**

V Celnici 1031/4  
Prague 1 110 00  
Tel: +420 234 108 311

**DENMARK**

Kalvebod Brygge 45  
DK-1560 Copenhagen V  
Tel: +45 33 73 24 00

**FINLAND**

Kasarmikatu 44  
00130 Helsinki  
Tel: +358 2 07010100

**FRANCE**

34 Place des Corolles  
Paris La Défense 2  
92400 COURBEVOIE  
Tel: +33 1 49 02 42 22

**GERMANY**

Postfach 10 17 36  
60017 Frankfurt am Main  
Tel: +49 (0) 69 9 71 13-0

**GREECE**

119, Kifissias Avenue  
151 24 Maroussi, Athens  
Tel: +210 81 27 600

**HUNGARY**

Capital Square, Hungary 1133  
Budapest Váci út 76  
Tel: +36 1 801-0801

**IRELAND**

AIG House, Merrion Road  
Dublin 4  
Tel: +353 1 208 1400

**ISRAEL**

25 Hasivim st, POB 535  
PETACH-TIKVA, 49100

**ITALY**

Via della Chiusa, 2  
20123 MILANO  
Tel: +39 02 36 90 1

**LUXEMBOURG**

10B rue des Mérovingiens  
L-8070 Bertrange  
Tel: +352 44 30 32-1

**MALTA**

98/2, Melita Street  
Valletta VLT 1120  
Tel: +356 (21) 238 500

**NETHERLANDS**

K.P. van de Mandelelaan 50  
Postbus 8606  
3009 AP Rotterdam  
Tel: 010 453 54 55

**NORWAY**

Fridtjof Nansens plass. 4  
PB 1588 Vika, 0118 Oslo  
Tel: +47 22 00 20 20

**POLAND**

Saski Point, ul. Marszalkowska 111  
00-102 Warsaw  
Tel: +48 22 528 51 00

**PORTUGAL**

Avda. da Liberdade, 131 - 3º  
1250-004 Lisboa  
Tel: +351 21 330 33 60

**ROMANIA**

145th Calea Victoriei  
Victoria Center - 9th Floor  
District 1, 010072, Bucharest  
Tel: +40 21 300 96 21

**SLOVAKIA**

AC Diplomat Palisady 29  
811 06 Bratislava  
Tel: +421 2 59 102 111

**SPAIN**

Paseo de la Castellana, 216  
3.ª, 4.ª y 5.ª planta, 28046 Madrid  
Tel: +34 91 567 7400

**SWEDEN**

P.O. Box 3506, 103 69 Stockholm  
Besöksadress: Drottninggatan 82  
Tel: +46 8 506 920 00

**SWITZERLAND**

Zweigniederlassung Zürich  
Gutenbergstrasse 1  
CH-8027 Zürich  
Tel: +41 (0)43 333 37 00

Succursale de Genève  
Avenue Louis-Casaï 18  
CH-1211 Genève 28  
Tel: +41 (0)22 747 77 25

Zweigniederlassung Schaan  
Zollstrasse 23  
FL-9494 Schaan  
Tel: +423 237 68 81

**UNITED KINGDOM**

58 Fenchurch Street  
London EC3M 4AB  
Tel: +44 (0)20 7954 7000

American International Group, Inc. (AIG) is a leading global insurance organisation. Founded in 1919, today AIG member companies provide a wide range of property casualty insurance, life insurance, retirement products, and other financial services to customers in more than 80 countries and jurisdictions. These diverse offerings include products and services that help businesses and individuals protect their assets, manage risks and provide for retirement security. AIG common stock is listed on the New York Stock Exchange and the Tokyo Stock Exchange.

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