



Mgr. Michal Smrček

Partner

Michal Smrček specialises in insurance regulation, pension companies, insurance distribution, representation of clients before courts, investigations and compliance.

In the area of insurance, Michal provides comprehensive legal advice to insurance companies, pension companies, insurance intermediaries and leasing companies, especially on the general regulatory aspects of cross-border service provision, licensing procedures, the ČNB's supervisory activities issues, implementation of key changes in company processes, product distribution, including preparation of complete contractual documentation, internal regulations, setting remuneration schemes, and setting rules for the management and quality control of distribution activities. He also advises clients in addressing complex damage, including representation before the courts and financial arbitrator.

In the area of investigation Michal focuses on the detection, prevention and discovery of internal fraud, including a focus on external fraud with an emphasis on maximizing the value saved.

In the area of compliance Michal advises clients primarily on compliance, including assessing the impact of any changes on the processes of insurance companies and insurance intermediaries, as well as identifying and assessing the risk of non-compliance. He also deals with setting rules for the prevention of corruption, bribery, conflict of interest, and the issue of whistleblowing.

Prior to joining HAVEL & PARTNERS, Michal worked for 2 years in a law firm, where he provided services to leading financial institutions. Prior to that, he worked for more than 8 years at Česká pojišťovna, Allianz pojišťovna and Allianz penzijní společnost, lastly as a senior manager where he led the legal and investigation departments. Michal was responsible for the overall legal operation of companies, and comprehensive advice to the company's board of directors, both on common issues and on major international projects. He also served as the main contact person for the ČNB and was responsible for coordinating and implementing corrective measures in several inspections by the ČNB. Michal was the chairman of the Corporate Governance Commission and a member of a number of other commissions. He also worked in the legislative section of the Czech Insurance Association (ČAP).

Projects

- Providing legal advice to a multinational Austrian financial group on the sale of its life and non-life insurance company and establishing a long-term strategic partnership with the purchaser in the brokerage of insurance and banking products
- Providing regulatory legal advice to a multinational financial group on the acquisition of a non-life insurance company and establishing a long-term strategic partnership
- Providing regulatory legal advice on the merger of a foreign insurance company with the branch of a foreign insurance company in Slovakia
- Providing comprehensive legal advice to a foreign life insurance company on its expansion into the Czech Republic and Slovakia, including comprehensive advice on the establishment of a distribution network for insurance products, addressing a wide range of issues related to cross-border services, and preparing complete implementation contractual documentation
- Advising a major European financial group in connection with its expansion into the Czech Republic, including comprehensive advice on the establishment of a distribution network for insurance products, addressing a wide range of issues related to cross-border services, and preparing implementation contractual documentation
- Advising an Austrian insurance company in connection with the expansion of its activities into the Czech Republic, including the assessment of a broad range of issues related to cross-border services and the preparation of documentation for insurance intermediaries
- Advising a non-life insurance company on its expansion into Slovakia under the Freedom of Services (FoS) regime
- Advising a leading insurance intermediary on the provision of services in the Czech Republic and its expansion into Slovakia under the FoS regime
- Providing ongoing legal advice to an insurance company, a member of one of Europe's largest insurance groups, on day-to-day corporate governance matters, including advice on related regulatory issues
- Providing comprehensive legal advice to the branch of a foreign life insurance company in the Czech and Slovakia on regulatory issues and the management of litigation
- Providing comprehensive legal advice to a major insurance company on regulatory matters and the handling of large-scale systemic claims, including litigation
- Providing regular, comprehensive advice to several major insurance companies on Product Oversight and Governance (POG) matters
- Providing legal advice on regulatory matters to leading insurance companies, including administrative proceedings

- Advising a leading insurance company on major cross-border recourse claims, including recourse proceedings
- Advising a major international company operating in the insurance and risk management sector on the preparation of contractual documentation for insurance intermediaries
- Advising a bank, member of a leading international financial group, in connection with the planned discontinuation of a financial product
- Legal advice to a leading Czech insurance intermediary in connection with an internal audit of internal regulations

Membership in professional associations

Czech Bar Association

Languages

Czech, English

Education

University of West Bohemia in Pilsen, Faculty of Law, Pilsen (2009), Mgr.

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