Principles of European Insurance Contract Law

(PEICL)

Bearbeitet von
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Zu Inhaltsverzeichnis

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Principles of European Insurance Contract Law (PEICL): Rules

Part One
Provisions Common to All Contracts Included in the Principles of European Insurance Contract Law (PEICL)

Chapter One
Introductory Provisions

Section One
Application of the PEICL
Article 1:101 Substantive Scope of Application
Article 1:102 Optional Application
Article 1:103 Mandatory Character
Article 1:104 Interpretation
Article 1:105 National Law and General Principles

Section Two
General Rules
Article 1:201 Insurance Contract
Article 1:202 Further Definitions
Article 1:203 Language and Interpretation of Documents
Article 1:204 Receipt of Documents: Proof
Article 1:205 Form of Notice
Article 1:206 Imputed Knowledge
Article 1:207 Non-Discrimination

Section Three
Enforcement
Article 1:301 Injunctions
Article 1:302 Out-of-court Complaint and Redress Mechanisms

Chapter Two
Initial Stage and Duration of the Insurance Contract

Section One
Applicant's Pre-Contractual Information Duty
Article 2:101 Duty of Disclosure
Article 2:102 Breach

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Article 2:103 Exceptions
Article 2:104 Fraudulent Breach
Article 2:105 Additional Information

Section Two
Insurer's Pre-Contractual Duties
Article 2:201 Provision of Pre-Contractual Documents
Article 2:202 Duty to Warn about Inconsistencies in the Cover
Article 2:203 Duty to Warn about Commencement of Cover

Section Three
Conclusion of the Contract
Article 2:301 Manner of Conclusion
Article 2:302 Revocation of an Application for Insurance
Article 2:303 Cooling-off Period
Article 2:304 Abusive Clauses

Section Four
Retroactive and Preliminary Cover
Article 2:401 Retroactive Cover
Article 2:402 Preliminary Cover
Article 2:403 Duration of Preliminary Cover

Section Five
Insurance Policy
Article 2:501 Contents
Article 2:502 Effects of the Policy

Section Six
Duration of the Insurance Contract
Article 2:601 Duration of the Insurance Contract
Article 2:602 Prolongation
Article 2:603 Alteration of Terms and Conditions
Article 2:604 Termination after the Occurrence of an Insured Event

Section Seven
Post-Contractual Information Duties of the Insurer
Article 2:701 General Information Duty
Article 2:702 Further Information upon Request

Chapter Three
Insurance Intermediaries

Article 3:101 Powers of Insurance Agents
Article 3:102 Agents of Insurers Purporting to Be Independent

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{Sellier}PEICL_InsuranceGroup/daten_3b2/PEICL_text.3d 17.9.2009 15:04:10 Insgesamt 668 Seiten 3. AK

Chapter Four
The Risk Insured

Section One
Precautionary Measures
Article 4:101 Precautionary Measures: Meaning
Article 4:102 Insurer's Right to Terminate the Contract
Article 4:103 Discharge of the Insurer's Liability

Section Two
Aggravation of Risk
Article 4:201 Clauses Concerning Aggravation of Risk
Article 4:202 Duty to Give Notice of an Aggravation of Risk
Article 4:203 Sanctions

Section Three
Reduction of Risk
Article 4:301 Consequences of the Reduction of Risk

Chapter Five
Insurance Premium

Article 5:101 First or Single Premium
Article 5:102 Subsequent Premium
Article 5:103 Termination of the Contract
Article 5:104 Divisibility of Premium
Article 5:105 Right to Pay Premium

Chapter Six
Insured Event

Article 6:101 Notice of Insured Event
Article 6:102 Claims Cooperation
Article 6:103 Acceptance of Claims
Article 6:104 Time of Performance
Article 6:105 Late Performance

Chapter Seven
Prescription

Article 7:101 Action for Payment of Premium
Article 7:102 Action for Payment of Insurance Benefits
Article 7:103 Other Issues Relating to Prescription

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Part Two
Provisions Common to Indemnity Insurance

Chapter Eight
Sum insured and Insured Value

Article 8:101 Maximum Sums Payable
Article 8:102 Underinsurance
Article 8:103 Adjustment of Terms in Case of Overinsurance
Article 8:104 Multiple Insurance

Chapter Nine
Entitlement to Indemnity

Article 9:101 Causation of Loss
Article 9:102 The Costs of Mitigation

Chapter Ten
Rights of Subrogation

Article 10:101 Subrogation

Chapter Eleven
Insured Persons Other than the Policyholder

Article 11:101 Entitlement of the Insured
Article 11:102 Knowledge of the Insured
Article 11:103 Breach of Duty by One Insured

Chapter Twelve
Insured Risk

Article 12:101 Lack of Insured Risk
Article 12:102 Transfer of Property

Part Three
Provisions Common to Insurance of Fixed Sums

Chapter Thirteen
Admissibility

Article 13:101 Insurance of Fixed Sums

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Part One
Provisions Common to All Contracts Included in the Principles of European Insurance Contract Law (PEICL)

Chapter One
Introductory Provisions

Section One
Application of the PEICL

Article 1:101
Substantive Scope of Application
(1) The PEICL shall apply to private insurance in general, including mutual insurance.
(2) The PEICL shall not apply to reinsurance.

Article 1:102
Optional Application
The PEICL shall apply when the parties, notwithstanding any limitations of choice of law under private international law, have agreed that their contract shall be governed by them. Subject to Article 1:103, the PEICL shall apply as a whole and no exclusion of particular provisions shall be allowed.

Article 1:103
Mandatory Character
(1) Articles 1:102 sentence 2, 2:104, 13:101 [...][1] are mandatory. Other articles are mandatory as far as they regulate fraudulent behaviour.
(2) The contract may derogate from all other provisions of the PEICL as long as such derogation is not to the detriment of the policyholder, the insured or beneficiary. However, derogation shall be allowed to the benefit of any party in contracts covering
   (a) risks in classes 4, 5, 6, 7, 11 or 12 of the Annex to this Article;
   (b) risks in classes 14 or 15 of the Annex to this Article, when the policyholder is engaged professionally in an industrial or commercial activity or in one of the liberal professions, and the risks relate to such activity;
   (c) risks in classes 3, 8, 9, 10, 13 or 16 of the Annex to this Article, in so far as the policyholder exceeds the limits of at least two of the following three criteria:
      – balance-sheet total: 6.2 million euros
      – net turnover: 12.8 million euros
      – average number of employees during the financial year: 250.

1 Articles 1:102 sentence 2, 2:104 and 13:101 are the only mandatory provisions so far; however further mandatory articles are anticipated in future Articles on specific branches of insurance.