苏黎世中国董事、高级管理人员和公司责任险 2009 版附加代位追偿权修正条款

鉴于**保险人**收取了相应的保险费，双方理解并同意主险条款**第十条条件条款**的第 10.2 条以以下内容替换，原第 10.2 条内容不再适用：

在赔偿**索赔**之后，**保险人**有权行使**被保险个人**或**被保险公司**享有的全部追偿权。**保险人**在代位行使上述权利的过程中，**被保险个人**或**被保险公司**应给予一切合理协助，其中包括但不限于，从**被保险公司**处收回**保险人**根据本保险单第 6 条支付的任何**免赔额**。**被保险人**应签署所有合理必要的文件，并采取所有可能有必要的合理行动，以确保**保险人**获得任何及所有的代位追偿权，包括但不限于，因**被保险公司**不向**被保险人**支付赔偿而对**被保险公司**采取法律行动。除非通过有关人员的书面供认书或相关诉讼或其他单独的诉讼或法律程序的最终判决或其他最终裁决可以确认该**被保险个人**获取了非法利益或非法好处，或有故意不诚实或故意欺诈的行为或不行为，否则**保险人**将不得根据本保险单针对**被保险个人**行使代位追偿权。

本附加条款与主险条款相抵触之处，以本附加条款为准，本保险单中所有其他的条款、条件和限制维持不变。

Amendment of 10.2 Subrogation

In consideration of the premium charged, it is hereby understood and agreed that 10.2 of **Section 10 Conditions** of this Policy is deleted in its entirety and replaced by the following:

10.2   **Subrogation**

Upon any payment of or towards any **Claim** the **Insurer** shall be entitled to assume conduct of all rights of recovery available to any **Insured Persons** or the **Company** and all reasonable assistance shall be rendered to the **Insurer** in the prosecution of such rights by such **Insured Persons** or the **Company**, including, but not limited to, trying to recover from the **Company** any **Deductible** paid by the **Insurer** pursuant to Section 6 of this Policy. The **Insured** shall execute all papers reasonably required and shall take all reasonable action that may be necessary to secure any and all subrogation rights of the **Insurer** including but not limited to an action against the **Company** for non-payment of indemnity to the **Insureds** by the **Company**. In no event, however, shall the **Insurer** exercise its rights of subrogation against an **Insured Person** under this Policy unless it is determined by a written admission, a final judgement or other final adjudication in the underlying action or in a separate action or proceeding that such **Insured Person** had obtained an illegal profit or advantage or committed an intentionally dishonest act or omission or intentionally fraudulent act or omission.

All other terms, conditions and limitations remain unchanged.