Principles of European Insurance Contract Law (PEICL):
Rules

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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 [...] 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.