

华泰财险附加代位求偿权放弃条款（CB版）

本附加条款下代位求偿权适用下述约定：

发生保险责任范围内的**损失**，应由**第三者**负责赔偿的，**保险人**自向**被保险人**赔偿之日起，在赔偿金额范围内代位行使**被保险人**对该**第三者**请求赔偿的权利。

保险事故发生后，**被保险人**已经从**第三者**取得损害赔偿的，**保险人**支付赔偿时，可以相应扣减**被保险人**从**第三者**已取得的赔偿金额。

保险事故发生后，**保险人**未赔偿保险金之前，**被保险人**放弃对**第三者**请求赔偿的权利的，**保险人**不承担赔偿保险金的责任。

保险人向**被保险人**赔偿保险金后，**被保险人**未经**保险人**同意放弃对**第三者**请求赔偿的权利的，该行为无效。

被保险人故意或者因重大过失致使**保险人**不能行使代位请求赔偿的权利的，**保险人**可以扣减或者要求返还相应的保险金。

但是，在适用本保险的**损害赔偿**和**费用**发生前已经签订的合同或协议中，若**被保险人**已经明确放弃向指定**第三方**追偿的权利，则**保险人**放弃向该等个人或组织追偿该等**损害赔偿**和**费用**的权利。指定**第三方**以明细表约定为准。

主保险合同和本附加条款约定不一致，以本附加条款为准；其他约定，仍适用主保险合同。

Waiver of Subrogation Endorsement

It is agreed that Article 30 is as following:

Article 30 If a third party is held liable for the covered loss, the **Insurer** shall be subrogated to all the **Insured**'s rights of recovery against the third party from the date of indemnity payment to the **Insured**.

If the **Insured** has been indemnified by the third party after the occurrence, the **Insurer** may deduct the amount received by the **Insured** from the third party when paying the indemnity.

The **Insurer** shall not be liable for the loss if the **Insured** waives the right to claim against the third party after the occurrence but before the **Insurer** pays the indemnity.

If the **Insured**, without the **Insurer**'s consent, waives the right to claim against the third party after the **Insurer** has paid the indemnity to the **Insured**, such waiver of right is invalid.

If the **Insurer** cannot exercise the right of subrogation due to the **Insured**'s willful act or gross negligence, the **Insurer** may deduct the corresponding amount of indemnity or request for a refund.

However, the **Insurer** will waive the right of recovery against <Field1> for **Damages** and **Expenses** to which this insurance applies if the **Insured** has expressly waived their rights of recovery against such person or organisation in a contract or agreement that is executed before such loss.

In all other respects this **Policy** remains unaltered.