

苏黎世中国董事、高级管理人员和公司责任险2009版附加专业责任除外条款（金融机构-II）

考虑到所收取的保险费，双方理解并同意，**保险人**对任何针对**被保险人的**指称、起因于、基于或归因于**被保险公司**或者任何**被保险个人**履行或者未能履行专业服务、或者任何相关的行为、错误或者失误的任何**索赔**有关**财务损失**不负赔偿责任，包括但不限于以如下身份提供的服务：证券经纪人、证券交易人、财务顾问、投资顾问、商业或投资银行、保险经纪人、保险代理人、保险公司、再保险公司、对冲基金、投资信托公司、资产管理公司、基金管理人或者主要用来从事商品、期货或外汇交易的实体或类似实体；以及任何其他专业服务。

本附加条款不适用于指称未能对履行或者未履行上述专业服务的人士进行监管的**衍生诉讼**。

适用以下附加定义：

衍生诉讼指由**被保险公司**的一位或者多位股东代表**被保险公司**提出并维持、无**被保险公司**或者**被保险个人**发起，也无需**被保险公司**或者**被保险个人**参与或者给予有关的指令。

本附加条款与主险条款相抵触之处，以本附加条款为准，本条的所有其他条款与条件保持不变。

Professional Indemnity Exclusion (FI only – II)

In consideration of the premium charged, it is hereby understood and agreed that the **Insurer** shall not be liable to make any payment for **Financial Loss** in connection with any **Claim** made against any **Insured** alleging, arising out of, based upon or attributable to the **Company's** or any **Insured's** performance of or failure to perform professional services, or any act(s), error(s) or omission(s) relating thereto, including but not limited to, services performed as a securities broker, securities dealer, financial advisor, investment advisor, merchant or investment bank, insurance broker, insurance agent, insurance company, reinsurance company, hedge fund, investment trust, asset management company, fund manager; or services rendered in any entity established principally for the purpose of carrying on commodities, futures or foreign exchange trading or any other similar entity; or any other professional services.

Provided, however, this exclusion does not apply to **Derivative Actions** being filed against any **Insured Person** alleging a failure to supervise those persons, who performed or failed to perform such professional services.

The following definition additionally applies:

Derivative Actions is a **Claim** made and maintained on behalf of a **Company** by one or more of its shareholders without this being done on the initiative of a **Company** or an **Insured Person** and without a **Company** or an **Insured Person** participating therein or giving instructions in this connection.

ALL OTHER TERMS, CONDITIONS AND EXCLUSIONS REMAIN UNCHANGED.