

苏黎世财产保险（中国）有限公司公众和产品责任保险（以索赔提出为基础)附加委托人责任条款

本保险单扩展承保被保险人作为建筑作业委托人所应承担的法律责任，且该工程费用不应超过 xxx。该保障范围包括由于拆除、地面移动或建筑操作（包括建筑计划、建筑监控或建筑管理）造成的第三方土地、建筑物和其他物品的损失。

建筑费用的定义为预算费用（包含设计费用，工人工资，委托人的转分包商的工资）扣除土地成本、收费及利息。

如果被保险人同时有其他保险合同的保障，此保险将只赔偿超过其他保险人提供的赔偿限额之上的金额（总赔偿金额不超过此保单中约定的最大赔偿限额）。

除外责任

本保险单不保障由以下损失引起的索赔：

- 与被保险标的物本身、包括内置动产的附属楼宇和附属土地相关的；
- 由于可以预见并有及大可能性发生的损失所引起的（例如，由于使用或驾驶，或由于储存碎石、原料及设备所导致的包括公路及人行道路的地面毁坏）。同样适用于以减少成本或加快操作为目的而盲目采用某种施工方法所导致的损失（例如，不经必要的测量就进行定点挖掘），以及不管任何情况下都要产生的费用支出；
- 泉水或水源水量持续减少或干涸；
- 由于打桩、振动、地下水下沉或爆破作业所导致的建筑物损失。

义务

被保险人有义务尽力来保证承包人和专家（建筑承包人及工人，工程师和建筑师）：

- 参考相关当局计划并且在开始地面移动操作前获得地下装置的准确位置的详细资料；
- 采取一切符合建筑行业公认标准的方法保护邻近的建筑，即使仅在爆破或建筑操作的过程中才需要这些方法；
- 遵守政府当局，或类似的国外政府或机构颁布的准则和规定，并且要履行建筑行业的公认标准。

Principal' s Liability Clause

This Policy extends to cover the insured entities' legal liability as the principal of building works whose construction cost does not exceed xxx. The cover includes loss to third-party land, buildings and other works as a result of demolition, earth moving or construction operations (the latter being deemed to include planning, construction supervision or construction management).

The construction cost means the cost estimate (incl. planning fees, workmen's wages, wages of the principal's subcontractors), minus the cost of land, charges and interest.

If the Insured is covered by another insurance contract, coverage will be limited to the amount by which the compensation awarded exceeds the limit of indemnity afforded by the other coverage provider (total not to exceed the maximum limit of indemnity agreed in this Policy).

Exclusions

This Policy does not cover claims arising from losses

- relating to the insured construction project itself, to the accompanying building(s), including the chattels accommodated therein and to the accompanying land;
- which could be expected to occur with a high degree of likelihood (e.g. damage to land including roads and pavements occurring as a result of use or driving thereon, or as a result of the deposition of rubble, materials and equipment). The same applies to loss implicitly accepted as a consequence of adopting a certain working method designed to reduce costs or speed up operations (e.g. doing without the necessary measures to shore up site excavations) and to costs that would have been incurred in any event;
- sustained when watersprings become less productive or run dry;
- to buildings undergoing piling, vibration, groundwater lowering or blasting work.

Duties

Insureds are obliged to make every effort to ensure that the contractors and specialists (building contractors and workmen, engineers and architects):

- consult the plans of the appropriate authorities and obtain details of the precise location of underground utilities prior to commencing earth moving operations;
- take every measure to protect neighboring buildings in accordance with the generally recognized rules of the construction trade, even if the need for such measures only emerges during the course of the demolition or construction operations;
- observe the guidelines and regulations issued by public authorities or analogous foreign public authorities or institutions and comply with the generally recognised rules of the construction trade.