



“MISAPPROPRIATION”

INCLUSION

Clause no. CE 214 of the Royal Belgian Association of Marine Insurers dd. 1 September 2017

Free and non-committal translation

In case of dispute regarding the interpretation of the wording, the Dutch and/or French version prevail

This insurance contract covers all physical damage and/or loss, directly caused to the insured goods and objects by misappropriation.

By misappropriation is exclusively understood :

- 1. the use or disposal of the insured goods and objects, whether in good or in bad faith, by a contracting party of the assured and/or the policy holder or by the servant and or agent of the contracting party, contrary to the purpose for which he has received the insured goods and objects, or in disregard of the instructions given to him by the assured/policy holder and/or by any other natural and/or legal person authorized to give such instructions;**
- 2. the physical or legal delivery, whether in good or in bad faith, of the insured goods and objects to any natural and/or legal person by a contracting party of the assured and/or the policy holder or by the servant and or agent of the contracting party, when this contracting party or this servant and or agent was aware or reasonably should have been aware that this natural and/or legal person was not entitled to the delivery of the insured goods and objects.**

The assured is entitled to misappropriation cover under the following conditions:

- 1. The assured has ownership and/or legal title of the insured goods and objects; and**
- 2. Proper vetting/screening of the contracting parties is performed by the assured; and**
- 3. The cargo's identity is always preserved whilst in storage; and**
- 4. The cargo is stored under CMA/SMA performed by a reputable independent supervision company; and**
- 5. The cargo storage facility/warehouse is sealed and the cargo is supervised periodically by a reputable independent supervision company hired by the assured.**

This insurance shall not cover:

- Misappropriation made by or effected to the benefit of the assured;**
- Misappropriation in storage facilities owned and/or operated and/or managed by the assured and/or the policy holder**

Cover for misappropriation shall possibly be subject to sublimits, an annual aggregate limit and/or specific deductibles as well as an additional premium, if any as stated in the Particular Conditions of the policy.

Footnote :

1. The use of these conditions is strictly reserved for insurance agreements underwritten by effective members of the ABAM.
2. The use of these conditions is however not mandatory nor recommended; the use of other conditions remains free.
3. No variation on these conditions can refer to the ABAM.



This clause shall prevail notwithstanding any other general or particular provision agreed upon between the insurer and the assured/policy holder even if it is inconsistent therewith.

Footnote :

1. The use of these conditions is strictly reserved for insurance agreements underwritten by effective members of the ABAM.
2. The use of these conditions is however not mandatory nor recommended; the use of other conditions remains free.
3. No variation on these conditions can refer to the ABAM.