

Regulation (EC) No 593/2008 of the European Parliament and of the Council  
of 17 June 2008 on the law applicable to contractual obligations (Rome I)

CHAPTER II

UNIFORM RULES

*Article 7*

**Insurance contracts**

1 This Article shall apply to contracts referred to in paragraph 2, whether or not the risk covered is situated in a Member State, and to all other insurance contracts covering risks situated inside the territory of the Member States. It shall not apply to reinsurance contracts.

2 An insurance contract covering a large risk as defined in Article 5(d) of the First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance<sup>(1)</sup> shall be governed by the law chosen by the parties in accordance with Article 3 of this Regulation.

To the extent that the applicable law has not been chosen by the parties, the insurance contract shall be governed by the law of the country where the insurer has his habitual residence. Where it is clear from all the circumstances of the case that the contract is manifestly more closely connected with another country, the law of that other country shall apply.

3 In the case of an insurance contract other than a contract falling within paragraph 2, only the following laws may be chosen by the parties in accordance with Article 3:

- a the law of any Member State where the risk is situated at the time of conclusion of the contract;
- b the law of the country where the policy holder has his habitual residence;
- c in the case of life assurance, the law of the Member State of which the policy holder is a national;
- d for insurance contracts covering risks limited to events occurring in one Member State other than the Member State where the risk is situated, the law of that Member State;
- e where the policy holder of a contract falling under this paragraph pursues a commercial or industrial activity or a liberal profession and the insurance contract covers two or more risks which relate to those activities and are situated in different Member States, the law of any of the Member States concerned or the law of the country of habitual residence of the policy holder.

Where, in the cases set out in points (a), (b) or (e), the Member States referred to grant greater freedom of choice of the law applicable to the insurance contract, the parties may take advantage of that freedom.

To the extent that the law applicable has not been chosen by the parties in accordance with this paragraph, such a contract shall be governed by the law of the Member State in which the risk is situated at the time of conclusion of the contract.

---

*Status: Point in time view as at 24/07/2008. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 593/2008 of the European Parliament and of the Council, Article 7. (See end of Document for details)*

---

4 The following additional rules shall apply to insurance contracts covering risks for which a Member State imposes an obligation to take out insurance:

- a the insurance contract shall not satisfy the obligation to take out insurance unless it complies with the specific provisions relating to that insurance laid down by the Member State that imposes the obligation. Where the law of the Member State in which the risk is situated and the law of the Member State imposing the obligation to take out insurance contradict each other, the latter shall prevail;
- b by way of derogation from paragraphs 2 and 3, a Member State may lay down that the insurance contract shall be governed by the law of the Member State that imposes the obligation to take out insurance.

5 For the purposes of paragraph 3, third subparagraph, and paragraph 4, where the contract covers risks situated in more than one Member State, the contract shall be considered as constituting several contracts each relating to only one Member State.

6 For the purposes of this Article, the country in which the risk is situated shall be determined in accordance with Article 2(d) of the Second Council Directive 88/357/EEC of 22 June 1988 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and laying down provisions to facilitate the effective exercise of freedom to provide services<sup>(2)</sup> and, in the case of life assurance, the country in which the risk is situated shall be the country of the commitment within the meaning of Article 1(1) (g) of Directive 2002/83/EC.

---

**Status:** Point in time view as at 24/07/2008. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC)  
No 593/2008 of the European Parliament and of the Council, Article 7. (See end of Document for details)

---

- (1) [OJ L 228, 16.8.1973, p. 3](#). Directive as last amended by Directive 2005/68/EC of the European Parliament and of the Council ([OJ L 323, 9.12.2005, p. 1](#)).
- (2) [OJ L 172, 4.7.1988, p. 1](#). Directive as last amended by Directive 2005/14/EC of the European Parliament and of the Council ([OJ L 149, 11.6.2005, p. 14](#)).

**Status:**

Point in time view as at 24/07/2008. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 593/2008 of the European Parliament and of the Council, Article 7.