

Directive 2009/138/EC of the European Parliament and of the Council  
of 25 November 2009 on the taking-up and pursuit of the business of  
Insurance and Reinsurance (Solvency II) (recast) (Text with EEA relevance)

TITLE II

**SPECIFIC PROVISIONS FOR INSURANCE AND REINSURANCE**

CHAPTER II

**Provisions specific to non-life insurance**

Section 4

**Legal expenses insurance**

*Article 202*

**Exception to the free choice of lawyer**

1 Member States may provide for exemption from Article 201(1) for legal expenses insurance if all the following conditions are met:

- a the insurance is limited to cases arising from the use of road vehicles in the territory of the Member State concerned;
- b the insurance is connected to a contract to provide assistance in the event of accident or breakdown involving a road vehicle;
- c neither the legal expenses insurance undertaking nor the assistance insurer carries out any class of liability insurance;
- d measures are taken so that the legal counsel and representation of each of the parties to a dispute is effected by wholly independent lawyers where those parties are insured for legal expenses by the same insurance undertaking.

2 An exemption granted pursuant to paragraph 1 shall not affect the application of Article 200.