
STATUTORY INSTRUMENTS

2001 No. 2511

The Financial Services and Markets Act 2000
(EEA Passport Rights) Regulations 2001

PART III

Exercise of Passport Rights by UK Firms

Changes relating to UK firms

Relevant EEA details for the purposes of regulation 13

14.—(1) For the purposes of regulation 13, the relevant EEA details, with respect to a branch, are—

- (a) the address of the branch;
- (b) the name of the UK firm's authorised agent and, in the case of a member of Lloyd's, confirmation that the authorised agent has power to accept service of proceedings on behalf of Lloyd's;
- (c) the classes or parts of classes of business carried on, or to be carried on, and the nature of the risks or commitments covered, or to be covered, in the EEA State concerned;
- (d) details of the structural organisation of the branch;
- (e) the guiding principles as to reinsurance of business carried on, or to be carried on, in the EEA State concerned, including the firm's maximum retention per risk or event after all reinsurance ceded;
- (f) estimates of—
 - (i) the costs of installing administrative services and the organisation for securing business in the EEA State concerned;
 - (ii) the resources available to cover those costs; and
 - (iii) if contracts of a kind falling within paragraph 18 of Schedule 1 to the Regulated Activities Order (assistance) are, or are to be, effected or carried out, the resources available for providing assistance;
- (g) for each of the first three years following the establishment of the branch—
 - (i) estimates of the firm's margin of solvency and the margin of solvency required, and the method of calculation;
 - (ii) if the firm carries on, or intends to carry on, business comprising the effecting or carrying out of contracts of long-term insurance, the details mentioned in paragraph (2) as respects the business carried on, or to be carried on, in the EEA State concerned; and

- (iii) if the firm carries on, or intends to carry on, business comprising the effecting or carrying out of contracts of general insurance, the details mentioned in paragraph (3) as respects the business carried on, or to be carried on, in the EEA State concerned;
 - (h) if the insurer covers, or intends to cover, relevant motor vehicle risks, details of the firm's membership of the national bureau and the national guarantee fund in the EEA State concerned; and
 - (i) if the firm covers, or intends to cover, health insurance risks, the technical bases used, or to be used, for calculating premiums in respect of such risks.
- (2) The details referred to in paragraph (1)(g)(ii) are—
 - (a) the following information, on both optimistic and pessimistic bases, for each type of contract or treaty—
 - (i) the number of contracts or treaties expected to be issued;
 - (ii) the total premium income, both gross and net of reinsurance ceded; and
 - (iii) the total sums assured or the total amounts payable each year by way of annuity;
 - (b) detailed estimates, on both optimistic and pessimistic bases, of income and expenditure in respect of direct business, reinsurance acceptances and reinsurance cessions; and
 - (c) estimates relating to the financial resources intended to cover underwriting liabilities.
- (3) The details referred to in paragraph (1)(g)(iii) are—
 - (a) estimates relating to expenses of management (other than costs of installation), and in particular those relating to current expenses and commissions;
 - (b) estimates relating to premiums or contributions (both gross and net of all reinsurance ceded) and to claims (after all reinsurance recoveries); and
 - (c) estimates relating to the financial resources to cover underwriting liabilities.