

1 July 2020

**Reference: QBEFTP A**

Dear Sir/Madam

**Proposed transfer of the European freedom of services business (and other ancillary business) written by QBE UK Limited from its UK head office to QBE Europe SA/NV**

**Background**

We refer to our previous letter dated 22 August 2019 concerning the proposal to transfer part of the insurance business of QBE UK Limited (**QBE UK**), including one or more policies arranged by you, to East West Insurance Company Limited (**EWICL**) (the **EWICL Transfer**).

As noted in our previous letter, the EWICL Transfer was due to take effect at 00:01 (Greenwich Mean Time) on 4 December 2019. However, as publicised on our website, the EWICL Transfer will no longer proceed. While this means that all of the policies proposed to be transferred to EWICL with risks located exclusively within the United Kingdom (**UK**) will now remain with QBE UK, we are proposing to transfer all of the policies previously within the EWICL Transfer with any risks located in Republic of Ireland or any other European Economic Area (**EEA**) member state (including the policy or policies arranged by you) to QBE Europe SA/NV (**QBE Europe**).

This transfer of the of the EEA business previously within the EWICL Transfer will form part of a wider transfer that will result in all of the general insurance and reinsurance policies written on a freedom of services basis throughout the EEA from QBE UK's head office in the UK between 1 January 1970 and 31 December 2018 (the **Transferring Business**) transferring to QBE Europe with effect from 00:01 (Greenwich Mean Time) on 1 November 2020.

This transfer is intended to ensure that such business can be properly serviced regardless of whether or not the UK leaves the European Union with a trade deal on 31 December 2020 (and the terms thereof), following the expiration of the implementation period as provided for by the European Union (Withdrawal Agreement) Act 2020.

**Information about the proposed transfer**

The proposed transfer will result in all of the Transferring Business, together with the assets and liabilities comprised in the Transferring Business, automatically transferring to QBE Europe and will be effected by means of an insurance business transfer scheme under Part VII of the Financial Services and Markets Act 2000 (**FSMA**).

The transfer will require the approval of the High Court of Justice of England and Wales (the **Court**). An application has already been presented to the Court for approval of the transfer, and this application is due to be heard on 21 October 2020. As required by FSMA, an independent expert (the **Independent Expert**) approved by the UK regulator for prudential matters, the Prudential Regulation Authority, has been appointed to prepare a report on the transfer and its effect on policyholders and their security. The terms of the transfer and the report of the Independent Expert are set out in a summary (the **Summary**) which is enclosed with this letter.

### **The communication pack**

We enclose with this letter the following documents (the **Communication Pack**) which provide more information and background in relation to the transfer and the Transferring Business:

- A copy of the letter to be sent to policyholders who hold a policy comprised within the Transferring Business (the **Transferring Policyholders**).
- The Summary (referred to above).
- “Questions and Answers” about the transfer.
- A copy of a legal notice setting out details of the Court hearing to consider the proposed transfer.

### **The notification process**

We are now writing to all Transferring Policyholders who we believe can still make a claim under a policy that is transferring from QBE UK to QBE Europe pursuant to the transfer to give them information about the transfer and allow them reasonable time to consider whether they or any other interested parties of which they are aware are adversely affected by the transfer (if so, they will be informed that they can make representations to the Court and be provided with details of how they can do so). **It is a legal requirement for us to provide this information (unless the Court has consented otherwise).**

For each Claimant for whom you are currently managing an open claim (or claims) in respect of a policy comprised within the Transferring Business which is listed in the appendix we would be grateful if you could:

- Collate the data required to notify them of the proposed transfer on the basis of how you customarily communicate with such Claimant (e.g. details of such Claimant’s email address if you customarily contact them by email or postal address if you customarily contact them by post) (the **Claimant Information**); and
- Send such Claimant a Communication Pack on the basis of the Claimant Information.

If your records indicate that a Claimant: (a) has been made bankrupt or gone into liquidation; (b) is subject to a power of attorney; or (c) is deceased, to the extent that you have their details, please send the Communication Pack to such Claimant’s trustee in bankruptcy, liquidator, attorney (or as the case may be) personal representative. If you do not have these details, the Communication Pack should (save where the Claimant is deceased) be sent to the Claimant in question. We do not recommend sending a Communication Pack to a Claimant who is known to be deceased as this may cause additional distress to the bereaved family.

When contacting Claimants directly, we intend to follow the process below:

- Where our records include a postal address for a Claimant and their customary means of communication is post, we will send the Communication Pack to such Claimant by post.
- Where a Communication Pack is sent to a Claimant by post and we receive a “return to sender”, we will:
  - a) check our records to verify whether the Claimant in question has received the Communication Pack by another means (for example, if two postal addresses were provided in respect of a Claimant and the Communication Pack has successfully been delivered to one of them);
  - b) where the Claimant in question has not received the Communication Pack by another means, we will review the postal address of the Claimant in question to check that there are no obvious errors in the address that have prevented the Communication Pack being delivered; and
  - c) where no such errors are identified or the Communication Pack is resent and a further “return to sender” is received, we will send the Claimant in question a Communication Pack by email.
- Where our records include an email address for a Claimant and their customary means of communication is: (a) email; or (b) post but we do not have a postal address for the Claimant in question or, having followed the process set out above, we have been unable to contact them, we will send the Communication Pack to such Claimant by email.

- Where a Communication Pack is sent to a Claimant by email and we receive a “bounce-back / delivery failure notification”, we will:
  - a) check our records to verify whether the Claimant in question has received the Communication Pack by another means; and
  - b) where the Claimant in question has not received the Communication Pack by another means, we will review the email address of the Claimant in question to check that there are no obvious errors in the address that have prevented the email being delivered (and, in the event that we identify obvious errors, re-send the Communication Pack to the Claimant in question with the errors corrected).

We would be grateful if you could also follow the above process and write to us on or before 24 July 2020 to confirm whether you have successfully sent a Communication Pack to each listed Claimant. To the extent that you have been unable to contact each listed Claimant, please also provide the names of those Claimants you have been unable to contact (and we will then take steps to contact them ourselves, whether by engaging a third party tracing agent or otherwise). We also enclose a tracking schedule and would request that you provide us with regular updates in respect of your progress in contacting the relevant Claimants.

If you have any queries or if you require further copies of any of the enclosed documents or a copy of the report of the Independent Expert or the document effecting the transfer, please:

- call our dedicated helpline on +44 (0)20 3465 3330;
- write to us at 30 Fenchurch Street, London EC3M 3BD; or
- email us at [brexit.queries@uk.qbe.com](mailto:brexit.queries@uk.qbe.com).

Save in respect of the above, you are not required to take any steps in relation to the transfer.

Yours faithfully,



For and on behalf of  
**QBE UK Limited**



For and on behalf of  
**QBE Europe SA/NV**