

THE HIGH

COURT

COMMERCIAL
2023 No. 117 COS
(2023 No. 51 COM)

MONDAY THE 3RD DAY OF JULY 2023

BEFORE MR JUSTICE McDONALD

IN THE MATTER OF AETNA HEALTH INSURANCE COMPANY OF
EUROPE DAC

AND IN THE MATTER OF AWP HEALTH & LIFE SA

AND IN THE MATTER OF THE ASSURANCE COMPANIES ACT 1909 (AS
AMENDED), THE INSURANCE ACT 1989 (AS AMENDED) AND THE
EUROPEAN UNION (INSURANCE AND REINSURANCE) REGULATIONS
2015 (AS AMENDED)

Upon Motion of Counsel for the directors of Aetna Health Insurance Company of Europe DAC (“**AHICE**”) pursuant to Notice of Motion filed the 28th day of June 2023 seeking *inter alia* an Order pursuant to Order 63A, rule 4(1) of the Rules of the Superior Courts 1986 (as amended) (the “**Rules**”) directing that the within proceedings be entered into the Commercial List of the High Court on the grounds that these proceedings constitute commercial proceedings within the meaning of Order 63A, rule 1(b) of the Rules

Whereupon and on reading the said Notice of Motion the Certificate thereto of Laura Mulleady of A&L Goodbody LLP dated the said 28th day of June 2023 containing the two undertakings in compliance with High Court Practice Direction **HC93** (the “**Certificate**”) the Originating Notice of Motion herein issued the said 28th day of June 2023 the Petition (incorporating the Scheme as a Schedule) dated the 27th day of June 2023 (the “**Petition**”) the Affidavit of Brian O'Rourke sworn the said 27th day of June 2023 (the “**AHICE Affidavit**”) the Affidavit of Áine McCarthy sworn the said 27th day of June 2023 (the “**AWP Affidavit**”) the Second

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Affidavit of Brian O'Rourke sworn the said 27th day of June 2023 in support of the application for entry into the Commercial List of the High Court and the exhibits referred to in the aforementioned Affidavits (together "**the Scheme Documents**")

And upon hearing said Counsel

And the Court being satisfied that these proceedings are commercial proceedings within the meaning of **Order 63A, rule 1(b)** of the Rules

IT IS ORDERED that these proceedings commenced by Petition seeking relief under Section 13 of the Assurance Companies Act 1909 (as amended), Section 36 of the Insurance Act 1989 (as amended) and Regulation 41 of the European Union (Insurance and Reinsurance) Regulations 2015 (as amended) be entered into the Commercial List for hearing and that all further applications and Motions be heard in said List

And the Court treating the hearing of this Motion as the initial directions hearing

The Court doth fix **Tuesday the 7th day of November 2023** at 11.00 o'clock in the forenoon for the hearing of the Petition

And **IT IS ORDERED** that

1. the said Scheme Documents be served on the Central Bank of Ireland
2. having regard to the Petitioner's intention to communicate directly with the Transferring Policyholders in the manner described at paragraph 17 of the Petition, it shall be sufficient for the Petitioners to cause notice of the hearing of the Petition to be published once in Iris Oifigiúil and once in each of two daily newspapers published in the State, namely the Irish Times and the Irish Independent, and once in The Times (International Edition) all on or about 11 July 2023, and that, for the purposes of this direction, the said notice to be published shall be substantially in the

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form of the draft notice set out at Exhibit **BOR10** to the AHICE Affidavit (the “Notice”)

3. the Petitioners shall cause the publication of such notices as are required in each EEA Member State in which the risks are situated in accordance with the requirements of the respective laws of each such EEA Member State

4. the Petition (incorporating the Scheme as a Schedule) the Notice and the independent actuarial report exhibited at Exhibit **BOR9** to the AHICE Affidavit (and a summary thereof) and a summary of the Scheme (together the “**Transfer Documentation**”) shall each be made available for inspection by the policyholders and shareholders of AHICE and AWP in English at the registered office of AHICE at Alexandra House, 3 Ballsbridge Park, Ballsbridge, Dublin 4, D04 C7H2, Ireland, at the registered office of AWP's Irish branch at 15 Joyce Way, Park West Business Park, Nangor Road, Dublin 12, Ireland and at the registered office of AWP in France at 7 Rue Dora Maar, 93400 Saint-Ouen Sur Seine, France in each case for a period of at least fifteen working days after publication of the Notice in Iris Oifigiúil

5. copies of the Transfer Documentation be made available online at www.aetnainternational.com/en/about-us/insurance_business_transfer/ireland-insurance-business-transfer.html and a link to this website will be placed on www.allianzcare.com until the hearing of the Petition

6. any person who wishes to be heard at the hearing of the Petition should send a notice of their intention to so appear in writing to A&L Goodbody LLP at 3 Dublin Landings, North Wall Quay, Dublin 1, D01 C4E0, Ireland (Ref: LM/LXS) to arrive no later than 5.00 o'clock in the afternoon on the 31st day of October 2023 indicating whether they support or object to the proposed transfer and that any person who wishes to make submissions at the Court hearing or rely on evidence should file an Affidavit setting out those submissions or the evidence on which they propose to

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rely with the Court and serve a copy of that Affidavit on A&L Goodbody LLP at the
aforementioned address to arrive no later than 5.00 o'clock in the afternoon on the
31st day of October 2023

Liberty to apply

ALAN MORRISON
REGISTRAR
Perfected: 5th July 2023

A&L Goodbody LLP
Solicitors for Aetna Health Insurance Company of Europe DAC

A COPY WHICH I ATTEST

FOR REGISTRAR

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