

OPFSA

OFFICE OF  
THE POLISH FINANCIAL  
SUPERVISION AUTHORITY

DNO.4550.84.2019.AB

(when responding, please provide the above reference number)

Warsaw, 26.06.2019

**Przedsiębiorstwo Przemysłu  
Spożywczego PEPEES S.A.  
ul. Poznańska 12  
18-402 Łomża**

With reference to current report of 25 June 2019, No. 13/2019, in which Przedsiębiorstwo Przemysłu Spożywczego PEPEES S.A. ('the Company') informed that on the same day an action had been brought to court to assert that Epsilon Fundusz Inwestycyjny Zamknięty Aktywów Niepublicznych with its registered office in Warsaw ('Epsilon FIZAN'), pursuant to Article 89(1)(1) of the Act of 29 July 2005 on public offering and conditions governing the introduction of financial instruments to organised trading, and on public companies ('the Public Offering Act'), may not exercise voting rights from 21,402,233 shares of the Company; and current reports Nos. 14-23/2019 of 25 June 2019, which corrected interim reports of the Company for the years 2016–2019 in relation to the percentage of the total number of votes held by Epsilon FIZAN, by indicating that the majority of the shares held by Epsilon FIZAN were subject to the ban to exercise voting rights from them pursuant to Article 89(1)(1) of the Public Offering Act, the Office of the Polish Financial Supervision Authority hereby presents its position on the application of Article 89 of the Public Offering Act.

Pursuant to Article 89(1)(1) of the Public Offering Act, a shareholder may not exercise voting rights from shares of a public company that are the subject of a legal act or other legal event resulting in reaching or exceeding a given threshold of the total number of votes, if the reaching or exceeding of that threshold was in violation of the obligations set out in Article 69 of the Public Offering Act.

The FSA Office hereby informs that only an independent common court has the competencies to determine the occurrence of legal effects referred to in Article 89 of the Public Offering Act. Therefore, depriving shareholders arbitrarily of their voting rights by a public company acting independently without a final decision of a common court is unacceptable.

**DIRECTOR**  
Trade Supervision Department*Sebastian Bogdan*