

Current report no. 56/2021

Date prepared: 2021-08-23

Subject: Application for admission to trading on the regulated market of the Issuer's shares series D - explanation of the grounds for including part of the issue with the application

Legal basis: Art. 56 sec. 1 point 2) of the Act on Public Offering - current and periodic information

Content:

The Management Board of ACTION SA, with reference to the current report No. 52/2021 of June 25, 2021 (informing about the registration and termination of the subscription for series D shares of the Issuer) and the current report No. 54/2021 of July 9, 2021 (informing about the submission of application for admission to trading on the regulated market of the Issuer's series D shares) explains that the application for admission to trading on the regulated market operated by the Warsaw Stock Exchange Series D shares of the Issuer took up all series D shares registered in the depository for securities, in the number of 2.972.816, and the shares in this number do not constitute the entire issue of shares.

The Issuer explains that the total number of series D shares issued by the Company is 3.080.000. However, pursuant to the decisions of the District Court in Warsaw on granting the security (about which the Issuer informed in the current report No. 16/2021 of March 8, 2021 and the current report No. 22/2021 of March 29, 2021) the Company was prohibited from submitting declarations of will towards the National Depository for Securities S.A. concerning the registration of a total of 107.184 series D shares.

Therefore, all the remaining series D shares, i.e. 2.972.816 shares, were registered in the securities depository. Consequently, the Issuer's application for admission of series D shares to trading on the regulated market covered only 2.972.816 of these shares.

The above-mentioned decisions of the District Court in Warsaw on granting security were issued pursuant to Art. 730 et seq. Of the Act of November 17, 1964, Code of Civil Procedure and in accordance with Art. 743 §2 of this Act are enforceable at the time of their release on the basis of supplying them ex officio with a note of enforceability. These provisions are legally binding and still will apply.

Heaving in mind the content of §1 sec. 1 point 3) and §1 sec. 3 of the Regulation of the Minister of Finance of April 25, 2019 on the detailed conditions to be met by the official listing market and issuers of securities admitted to trading on this market (Journal of Laws of 2019, item 803), the Issuer takes the position, that the requirement that all issued shares of a given type be included in the application for admission to trading on the official listing market does not have to be met, as the above-mentioned provisions of the Act of November 17, 1964, Code of Civil

Procedure and issued on the basis of the above-mentioned According to the provisions on the collateralisation, the shares which are not covered by the application for admission to trading could not be registered in the securities depository and dematerialized, and therefore cannot be traded on the stock exchange.

Legal basis: §1 sec. 3 of the Regulation of the Minister of Finance of April 25, 2019 on the detailed conditions to be met by the official listing market and issuers of securities admitted to trading on this market (Journal of Laws of 2019, item 803).