



Warsaw, on 18 September 2020

Current report No. 20/2020

The Supreme Court's request to the CJEU for a preliminary ruling in the case brought by a subsidiary of the Issuer

With regard to reports No. 1/2019 of 02 January 2019, No. 5/2019 of 12 March 2019, No. 6/2019 of 01 April 2019, No. 8/2019 of 13 June 2019 and No. 15/2019 of 26 November 2019 in which the Management Board of Arteria S.A. informed in detail about the course of the litigation brought by Rigall Arteria Management spółka z o.o. sp. k. in Warsaw (a company of the Capital Group Arteria S.A.) against Bank Handlowy w Warszawie S.A. with the seat in Warsaw, concerning ordering Bank Handlowy w Warszawie S.A. to pay a considerable amount of a commission compensation under agreements concluded during the term of agency agreement between the parties of the dispute, and resulting from an intensive exploitation of commercial relationships with the clients acquired by the plaintiff, and after the termination of the agreement (compensatory benefit), the Management Board of Arteria S.A. informs that today the following communication has come to their attention:

Pursuant to the communication published on 17 September 2020, and available at: www.sn.pl/aktualności/komunikaty_o_sprawach/, in the result of a cassation appeal of the plaintiff against the ruling of the Court of Appeal, the Supreme Court has decided to address the CJEU (Court of Justice of the European Union) with a request for a preliminary ruling concerning the case of “the order concerning a commission on agreements concluded during the term of the agency agreement without the participation of the agent but with the clients acquired previously by the agent for agreements of the same type”.

The reading of the request: “Whether, pursuant to the reading and purpose of Article 7 paragraph 1 letter b of the Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ L 382 of 31.12.1986, p - 17-21), the regulation should be understood as granting a self-employed sales representative

the absolute right to a commission on an agreement concluded during the term of the agency agreement with a third party which he had previously acquired as a client for a transaction of the same type, or whether such authorization may be excluded in the agreement?”

The Management Board of Arteria S.A. has no information how the legal request sent by the Supreme Court to the Court of Justice of the European Union will affect the further course of the proceedings and the final result.

Signatures: Marcin Marzec, President of the Management Board
Sebastian Pielach, Vice President of the Management Board