

# CYFROWY POLSAT S.A.

Current report: **2/2010**

Date of report: **12 January 2010**

**Topic: Receipt of a decision of the President of the Office of Competition and Consumer Protection regarding the proceedings concerning the practices breaching the collective interests of consumers by Cyfrowy Polsat S.A.**

The Management Board of Cyfrowy Polsat S.A. („the Company”) informs that with regards to current report 30/2009 of 14 August 2009, it received decision number 11/2009 of 31 December 2009 stating that the President of the Office of Competition and Consumer Protection recognizes that the provisions, set out in the Terms of Service provision with the wording as follows: *"In the event of occurrences beyond the control of Cyfrowy Polsat, considered force majeure, in particular of legal, technical, or economic nature, Cyfrowy Polsat reserves the right to introduce changes to the number, or type of television, or radio channels available within the Basic Package, or Additional Packages."* as practice breaching the collective interests of consumers and states that they were ceased on 16 November 2009.

The decision is not legally binding.

Pursuant to article 26 clause 2 with relation to art. 27 clause 4 and in relation with art. 27 clause 2 of the law of 16 February 2007 on competition and consumer protection regarding the decision in question, the President of the Office of Competition and Consumer Protection orders, once the decision becomes legally binding, its publication on the [www.cyfrowypolsat.pl](http://www.cyfrowypolsat.pl) website and in a daily newspaper of nationwide circulation. Moreover, pursuant to art. 106 clause 1 point 4 of the law of 16 February 2007 on competition and consumer protection the President imposes a cash fine of PLN 993,597, payable to the budget of the state, due to the breach of the interdiction set out in art. 24 clause 1 and 2 point 1 of the law of 16 February 2007 on competition and consumer protection within the scope described in the decision, which constitutes 0.09% of the Company's revenue for in 2008.

Moreover, pursuant to art. 105 paragraph 1 of the law of 14 June 1960 of the Administrative proceedings code with regards to art. 83 of the law on competition and consumer protection, the President of the Office of Competition and Consumer Protection discontinues the proceedings with regards to the following provision of the Terms of service provision: *„Such a change, and in particular replacement of a given channel with a channel of similar subject, discontinuation of a given channel due to its low viewing figures, discontinuation of a given channel due to occurrences effected by its broadcaster, or due to a decision issued by a body of the state authority, or a court decision does not constitute a change to the Agreement or a change of these Terms of Service Provision”.*

The Company is preparing to appeal against the decision in question.

Legal grounds: Paragraph 5 section 1 point 8 of the Decree of the Finance Minister of 19 February 2009 on ongoing and periodical information submitted by issuers of securities, and conditions of their acceptance as equivalent, required by the laws of a country not being a member state.

Signed by:

/p/ Dominik Libicki