

## **Current report No. 43/2013**

Date prepared: 02.04.2013

**Issuer's abbreviated name**  
**POLIMEX-MOSTOSTAL**

**Subject:** Confidential information – breach of the material agreement.

**Legal basis:** Art. 56 sec. 1 item 1 of the Act of public offering – confidential information

In reference to the current report 130/2012 dated 21 December 2012 on signing the agreement specifying the terms and conditions of financing the Company by the creditors (hereinafter referred to as the '**Agreement**') The Management Board of Polimex-Mostostal S.A. with its registered office in Warsaw (hereinafter referred to as the '**Company**') informs that the event of breaching of the material agreement occurred on 1 April 2013.

The Company breached the Agreement by not achieving the revenues, specified in the Agreement, from the issuance of series N1, N2 and O shares (hereinafter referred to as '**New Shares Series**'), in total amount of PLN 250 million until 31 March 2013. In connection with the fact that the prospectus prepared by the Company related to, among others, public offer of series N2 shares issued according to the resolution introduced at the Company's General Meeting dated 15 October 2012, has not yet been approved by the Financial Supervision Authority, the Company has no legal possibility to conduct public offer of those shares, and consequently to obtain additional funds from this account.

Until the day of this report, from the day of concluding the Agreement the Company obtained the total income from the issuance of New Shares Series (i.e. series N1 shares issuance) in total amount of approx. PLN 200 million, of which the Company informed in current reports: No. 131/2012 dated 22 December 2012, No. 133/2012 dated 28 December 2012 and No. 1/2013 dated 2 January 2013.

The most significant consequence of this breach is the possibility of termination of the Agreement by the creditors, whose receivables are at least 66 and 2/3 % of total exposure of all creditors that are the parties to the Agreement.

The company informs, that on 27 February 2013, the Company submitted an application to creditors – parties to the Agreement for extension of the term specified by the Agreement for the Company to obtain lacking PLN 50 million on the account of issuance of New Shares Series until 31 May 2013. Until the date of this report the Company obtained the consent of the majority of creditors for extending the term for obtaining the lacking funds from the abovementioned issuance and awaits for approval of creditors forming qualified majority specified in the Agreement.

Signatures of persons representing the Company:  
Przemysław Milczarek – Managing Director