

Current Report No. 24/2014**Drawn up on:** 23 September 2014**Subject:** Judgement of the Province Court of Administration in Warsaw concerning a tender for frequency reservations in the 1710-1730 MHz and 1805-1825 MHz ranges.**Legal basis:** Article 56 par. 5 of the Public Offering Act – update of information**Content of the report:**

With reference to the current reports made available so far concerning a tender for frequency reservations in the 1710-1730 MHz and 1805-1825 MHz ranges, the Management Board of Midas S.A. (the “Company”) announces that it has today learnt of the issuance, on 23 September 2014, by the Province Court of Administration in Warsaw (“PCAW”), of a non-legally-binding judgement in the case concerning a repeated tender – with respect to the assessment of the offer submitted by Polska Telefonia Cyfrowa Sp. z o.o. (currently: T-Mobile Polska S.A., hereinafter “T-Mobile Polska”) – for two frequency reservations in the 1710-1730 MHz and 1805-1825 MHz ranges (“Repeated Tender”). In the judgement issued today, the PCAW revoked the decision of the President of the Office of Electronic Communications (“President of the UKE”) of 28 November 2012 as well as the decision of the President of the UKE of 8 November 2013, on the basis of which the President of the UKE refused to invalidate the Repeated Tender. The judgement of the PCAW was issued after considering the appeals brought by T-Mobile Polska and Orange Polska S.A. with its registered office in Warsaw.

In the oral justification given for today’s decision, the PCAW stated that in the decisions of the President of the UKE that had been appealed against, an infringement had occurred – resulting from provisions on court and administrative proceedings – of the rule that the court of administration binds an administrative authority to legal opinions expressed earlier in a given case. The PCAW held that the previously issued judgements of the Supreme Court of Administration (“SCA”) of 3 February 2011 (Current Report No. 6/2011) and of 8 May 2014 (Current Report No. 7/2014 and 8/2014) had decided on both the need for invalidation and the impermissibility of invalidating only in a part of the same tender which was the subject of ruling in the appealed decisions of the President of the UKE. Consequently, the legal opinions expressed in the aforementioned judgements of the SCA, concerning the question of lack of grounds for a partial invalidation of the tender, were binding on the President of the UKE, including in issuing the decisions refusing to invalidate the Repeated Tender. In the opinion of the PCAW, this circumstance ruled out the possibility of the President of the UKE in 2011 partially carrying out only some actions relating to the tender, in practice covering the assessment of the offer submitted in 2007 by T-Mobile Polska.

On the basis of the information obtained so far, the Management Board of the Company considers that today’s PCAW judgement (similarly to the SCA judgement of 8 May 2014) has no influence on the possibility of companies from the Midas Group, i.e. CenterNet S.A. and Mobyland Sp. z o.o. (hereinafter respectively “CenterNet” and “Mobyland”), continuing their present operations. This means that these companies can still make full use of the frequencies reserved for them with legal force and finally, and can therefore still carry out the objectives adopted in the operations of the Midas Capital Group. The Management Board of the Company is currently still not able to foresee the direction or scope of further actions in this case being taken in the future by those participating in these proceedings. The Company, CenterNet and Mobyland are currently awaiting the service of the copy of the PCAW judgement with its justification, and on the basis of its analysis a decision will be made regarding further steps to be taken in this case. At the same time, the Management Board of the Company wishes to provide a reminder that, in the proceedings described above connected with the Repeated Tender, the companies CenterNet and Mobyland are acting as an interested party,

as these proceedings are largely directed against the administrative decisions issued by the President of the UKE.