

## **ANNOUNCEMENT OF CONVOCAATION OF THE ORDINARY SHAREHOLDER MEETING OF PKP CARGO S.A.**

The Management Board of PKP CARGO S.A. with its registered office in Warsaw at ul. Grójecka 17, 02-021 Warsaw, entered in the Register of Commercial Undertakings by the District Court for the Capital City of Warsaw in Warsaw, 12th Commercial Division of the National Court Register, under file number KRS 0000027702, taxpayer identification no. NIP 954-238-19-60, with the share capital of PLN 2,239,345,850 (paid up in full) (hereinafter: “**Company**”), acting pursuant to Article 399 § 1 in conjunction with Article 395 § 1, 2 and 5, and Articles 402<sup>1</sup>, 402<sup>2</sup> and 406<sup>5</sup> of the Commercial Company Code, the “Bylaws of the Shareholder Meeting of PKP CARGO S.A.” and the “Bylaws for participation in the Shareholder Meeting of PKP CARGO S.A. using means of electronic communication” adopted by Resolution No. 28/VII/2020 of the Supervisory Board of 25 May 2020, hereby convenes:

### **ORDINARY SHAREHOLDER MEETING OF PKP CARGO S.A.**

**(hereinafter: “Shareholder Meeting”)**

to be held on

**28 June 2021 at 11:00 a.m. in the Company’s head office**

in Warsaw at ul. Grójecka 17

As at the date of convocation of the Shareholder Meeting, i.e. as at 2 June 2021, the total number of shares in PKP CARGO S.A. is 44,786,917.

Attached to these shares are 44,786,917 votes in total.

### **AGENDA OF THE MEETING:**

1. Open the Ordinary Shareholder Meeting.
2. Prepare the attendance record.
3. Adopt a resolution to appoint the Chairperson of the Ordinary Shareholder Meeting.
4. Assert that the Ordinary Shareholder Meeting has been convened correctly and is capable of adopting resolutions.
5. Adopt the agenda of the meeting.
6. Review the Activity Report of the PKP CARGO S.A. Supervisory Board as the Company’s corporate body and assessment of the Company’s standing, taking into account the assessment of the internal control, risk management and compliance systems and the internal audit function.
7. Review and approve the Standalone Financial Statements of PKP CARGO S.A. for the financial year ended 31 December 2020 prepared according to EU IFRS.
8. Review and approve the Consolidated Financial Statements of the PKP CARGO Group for the financial year ended 31 December 2020 prepared in accordance with EU IFRS.
9. Review and approve the Management Board Report on the activity of the PKP CARGO Group for 2020.

10. Adopt a resolution to cover the net loss shown in the Standalone Financial Statements of PKP CARGO S.A. for the financial year ended 31 December 2020 prepared according to EU IFRS.
11. Adopt a resolution to refrain from distributing a dividend for the financial year ended 31 December 2020.
12. Adopt resolutions to grant a discharge to the PKP CARGO S.A. Management Board Members on the performance of their duties in the financial year 2020.
13. Adopt resolutions to grant a discharge to the PKP CARGO S.A. Supervisory Board Members on the performance of their duties in the financial year 2020.
14. Adopt a resolution to issue an opinion on the “Report on compensations disbursed to Members of the PKP CARGO S.A. Management Board and Supervisory Board in 2019–2020”.
15. Adopt a resolution to adopt amendments to the “Compensation policy for Members of the PKP CARGO S.A. Management Board and Supervisory Board”.
16. Adopt a resolution to amend § 14 section 6 item 1 of the Articles of Association of PKP CARGO S.A.
17. Other business.
18. Adjourn the meeting.

Pursuant to Article 402<sup>2</sup> of the Commercial Company Code, the Company is required to present the following information regarding participation in the Shareholder Meeting.

#### **I. Right to participate in the Shareholder Meeting**

Pursuant to Article 406<sup>1</sup> § 1 of the Commercial Company Code, entitled to participate in the Shareholder Meeting are only those persons who are Company shareholders sixteen days prior to the date of the Shareholder Meeting (“**date of registration for the Shareholder Meeting**”), i.e. as at **12 June 2021**.

Pledges and users holding voting rights are entitled to participate in the Shareholder Meeting if the establishment of a limited right in rem for them is registered in the securities account on the date of registration for the Shareholder Meeting.

In order to secure participation in the Shareholder Meeting, a shareholder entitled under book-entry bearer shares or a pledgee or user (hereinafter jointly: “**shareholder**” or “**shareholders**”) should request, not earlier than after the announcement of convocation of the Shareholder Meeting, i.e. not earlier than on **3 June 2021** and not later than on the first business day following the date of registration for the Shareholder Meeting, i.e. not later than on **14 June 2021**, from the entity keeping his/her/its securities account to issue a name-bearing certificate of entitlement to participate in the Shareholder Meeting.

Such certificates of entitlement to participate in the Shareholder Meeting shall form the basis for preparing lists of entitled persons to be submitted to the entity keeping the securities account, i.e. Krajowy Depozyt Papierów Wartościowych S.A. (National Depository for Securities), in compliance with the provisions of the Act on Trading in Financial Instruments.

The Company compiles a list of shareholders entitled to participate in the Shareholder Meeting under bearer shares based on a list prepared by Krajowy Depozyt Papierów Wartościowych S.A. (National Depository for Securities) in compliance with the provisions of the Act on Trading in Financial Instruments.

The list of shareholders entitled to participate in the Shareholder Meeting will be available at

the Company's head office in Warsaw at ul. Grójecka 17 during the three days preceding the date of the Shareholder Meeting, i.e. on **23, 24 and 25 June 2021**, from 9:00 a.m. to 4:00 p.m. A shareholder may request that the list of shareholders entitled to participate in the Shareholder Meeting be sent to him/her/it free of charge by e-mail to the address of his/her/its choice. Such request may be submitted in electronic form to the Company's e-mail address [WZA.28.06.2021@pkpcargo.com](mailto:WZA.28.06.2021@pkpcargo.com).

The persons authorized to participate in the Shareholder Meeting will be able to:

- a) receive voting devices/cards on the date of the Shareholder Meeting in the meeting room, starting on 9:00 a.m. after a prior registration of their attendance, or
- b) in the event of the shareholder's participation in the Shareholder Meeting using means of electronic communication, vote via the IT platform.

## **II. Right to participate in the Shareholder Meeting by proxy**

A shareholder may participate in the Shareholder Meeting and exercise his/her/its right to vote in person or by proxy.

A shareholder's proxy shall exercise all rights of a shareholder at the Shareholder Meeting unless set forth otherwise in the proxy instrument. A proxy may grant further proxy rights if such powers arise from the proxy instrument. A proxy may represent more than one shareholder and vote differently from each share. A shareholder holding shares registered in more than one securities account may appoint separate proxies to exercise the rights attached to shares registered in each of his/her/its accounts.

An instrument of proxy to participate in the Shareholder Meeting and exercise voting rights must be executed in writing or in electronic form. Starting on the date of publication of this announcement on its website at [www.pkpcargo.com](http://www.pkpcargo.com), the Company will make available for downloading a form containing such instrument of proxy. The use of the form is not mandatory.

The execution of an instrument of proxy in electronic form should be notified to the Company by means of electronic communication. Proxy powers granted in an electronic form does not require a qualified signature. Together with the notification of the execution of an instrument of proxy in electronic form, the shareholder or proxy shall send a scanned copy of the executed instrument of proxy and:

- a) scans of the following documents:
  - i. if the shareholder is not a natural person – the original or a copy of an extract from the relevant register or any other document confirming the existence of such shareholder and the right of its representative(s) to represent it;
  - ii. if the shareholder is represented by a proxy who is not a natural person – the original or a copy of an extract from the relevant register or any other document confirming the existence of such proxy and the right of its representative(s) to represent it.
- b) identification details:
  - i. if the shareholder is a natural person – identification details of the shareholder, including his/her first and last name, e-mail address and telephone number;
  - ii. if the proxy is a natural person – identification details of the proxy, including his/her first and last name, e-mail address, telephone number and ID card number or PESEL number (in accordance with the identification details used in the document of proxy);

In the case of foreign entities in whose country of registered office the relevant registers are not kept, instead of the original or a copy of an extract from the register referred to above, such entity should submit originals or copies of documents confirming its existence and the right of its representative(s) to represent it.

In the event of doubt as to the authenticity of the copies of the documents referred to above, the Company or the person(s) appointed by the Company to register its shareholders may request, before the commencement of the Shareholder Meeting, that the originals be presented of the pertinent documents or notarized copies thereof or copies certified for compliance with the original by a notary or by another authorized entity and that the Company be allowed to make and keep copies thereof. In the event of failure to present such originals or allow the Company to make and keep copies thereof, such shareholder or proxy may be denied participation in the Shareholder Meeting.

If the instrument of proxy to participate in the Shareholder Meeting and exercise voting rights, as executed by a shareholder, is conditional, then the Company or the person(s) appointed by the Company to register its shareholders may request evidence that the relevant condition has been satisfied.

All the above documents or information should be sent to the e-mail address [WZA.28.06.2021@pkpcargo.com](mailto:WZA.28.06.2021@pkpcargo.com) not later than 5:00 p.m. on the business day preceding the date of the Shareholder Meeting, i.e. **25 June 2021** (failure to meet the deadline for notifying the Company of the execution of an instrument of proxy in electronic form shall not preclude the proxy from participating in the Shareholder Meeting on the basis of an instrument of proxy executed in writing). The notification of granting proxy powers in electronic form should include at least the name or first name and surname of the principal, its telephone number and e-mail address, as well as the name or first name and surname of the proxy, its telephone number and e-mail address.

Along with the notification of granting proxy powers, a shareholder/proxy will send to the Company a scan of the granted proxy powers containing at least the following details: the name or first name and surname of the principal, the name or first name and surname of the proxy, personal ID number or passport number of the proxy who is a natural person, explicit authorization for the proxy to represent the principal at the Shareholder Meeting and exercise the voting right along with the date of the Shareholder Meeting, the number of shares under which the voting right will be exercised, the proxy's e-mail address, the date of granting the proxy powers and the signature of the shareholder.

The Company shall be entitled to verify any submitted notifications and take actions aimed at identifying the shareholder and the proxy and at confirming appropriate authorization. Such verification may consist, in particular, of a reply question asked over the telephone or e-mail of the shareholder or the proxy. The above rules shall apply accordingly to a change or revocation of an executed instrument of proxy. Notifications that fail to meet the above requirements shall not produce any legal effects for the Company.

The selection of the method of appointment of a proxy shall be at the discretion of the shareholder. The Company shall not be liable for any errors in the completion of an instrument of proxy or any actions of persons using an instrument of proxy. A proxy appearing at the Shareholder Meeting shall be required to present, at the request of the Company or the person(s) appointed to register its shareholders, the originals of the documents attached to the said notification.

The above rules shall apply accordingly to representatives of legal persons.

At the same time, the PKP CARGO S.A. Management Board hereby announces that if a shareholder grants the powers of proxy and voting instructions, the Company will not verify whether proxies exercise voting rights in accordance with the instructions received from the shareholders. Accordingly, the PKP CARGO S.A. Management Board announces that the voting instructions should be provided to the proxy only.

If proxy powers are granted to a further proxy then an uninterrupted sequence of proxy powers should be presented together with the documents indicating the authorization to act on behalf of the previous proxies.

The rules described above do not release a proxy from the obligation to present, during the preparation of the attendance record of the persons authorized to participate in the Shareholder Meeting, all the documents used to identify him/her and the proxy (sequence of proxies) with its/their copies.

### **III. Shareholders' right to request the inclusion of specific business in the agenda of the Shareholder Meeting**

The Company's shareholder(s) representing at least one-twentieth of the share capital may request the inclusion of specific business in the agenda of the Shareholder Meeting. Such request, containing the reasons or a draft resolution concerning the proposed item of the agenda, should be submitted to the Company's Management Board not later than 21 days prior to the date of the Shareholder Meeting, i.e. by end-of-day on **7 June 2021**. Such request may be submitted in electronic form to the following e-mail address [WZA.28.06.2021@pkpcargo.com](mailto:WZA.28.06.2021@pkpcargo.com) or in writing to the following address: PKP CARGO S.A. Management Board, ul. Grójecka 17, 02-021 Warsaw.

A shareholder or shareholders should demonstrate that they hold the appropriate number of shares as at the date of submitting the request, while attaching to the request a registered certificate of the right to participate in the Shareholder Meeting or any other document equivalent to such certificate. Additionally in the event of:

- a) shareholders who are legal persons and organizational units without legal personality but who are awarded legal capacity by the act – an authorization to act on behalf of that entity should be attached along with a copy of an extract from the relevant register or another document confirming that the natural person(s) is authorized to represent the shareholder (e.g. uninterrupted sequence of proxy documents). If a shareholder is not under an obligation to be entered in the register then its representatives should attach a different document confirming that the principal exists;
- b) a request submitted by a proxy – a proxy document should be attached to a notification of such a request, signed by the shareholder (or an uninterrupted sequence of proxy documents) and in the event of a proxy other than a natural person – a copy of an extract from the relevant register confirming that the signatory is authorized to act on the proxy's behalf.

### **IV. Shareholders' right to propose draft resolutions**

The Company's shareholder(s) representing at least one-twentieth of the share capital may, prior to the date of the Shareholder Meeting, submit draft resolutions on the business included in the agenda of the Shareholder Meeting or business to be added to the agenda. Such submission may be made in electronic form to the e-mail address:

[WZA.28.06.2021@pkpcargo.com](mailto:WZA.28.06.2021@pkpcargo.com) or in writing to the mailing address: Management Board of PKP CARGO S.A., ul. Grójecka 17, 02-021 Warsaw.

A shareholder or shareholders should demonstrate that they hold the appropriate number of shares as at the date of submitting the request, while attaching to the request a registered certificate of the right to participate in the Shareholder Meeting or any other document equivalent to such certificate. Additionally in the event of:

- (a) shareholders who are legal persons and organizational units without legal personality but who are awarded legal capacity by the act – an authorization to act on behalf of that entity should be attached along with a copy of an extract from the relevant register or another document confirming that the natural person(s) is authorized to represent the shareholder (e.g. uninterrupted sequence of proxy documents). If a shareholder is not under an obligation to be entered in the register then its representatives should attach a different document confirming that the principal exists;
- (b) a request submitted by a proxy – a proxy document should be attached to a notification of such a request, signed by the shareholder (or an uninterrupted sequence of proxy documents) and in the event of a proxy other than a natural person – a copy of an extract from the relevant register confirming that the signatory is authorized to act on the proxy's behalf.

Every shareholder may, during the Shareholder Meeting, submit draft resolutions on matters included in the agenda.

All drafts should be presented in the Polish language.

#### **V. Rules and manner of participation in the Shareholder Meeting using means of electronic communication**

Pursuant to § 2 sec. 1 of the “Bylaws for participation in the Shareholder Meeting of PKP CARGO S.A. using means of electronic communication”, participation in the Shareholder Meeting using means of electronic communication may be effected by way of:

- a) real-time broadcast of the Shareholder Meeting;
- b) real-time two-way communication between all persons participating in the Shareholder Meeting whereby they may speak during the Shareholder Meeting from a location other than the place of the Shareholder Meeting; and
- c) exercise of the voting rights by the shareholder in person or through a proxy.

To this end, the Company will provide its shareholders with access to a proper IT system and tools to enable them to exercise the said rights (“Platform”).

Participation in the Shareholder Meeting, in accordance with the terms described in this sec. V, takes place via a dedicated IT platform. The shareholder may exercise the communication option referred to in item (b) above using a text messenger.

The following e-mail address is the only channel of communication between the Company and any shareholder intending to participate in the Shareholder Meeting using means of electronic communication: [WZA.28.06.2021@pkpcargo.com](mailto:WZA.28.06.2021@pkpcargo.com).

The sole risk associated with participation in the Shareholder Meeting using means of electronic communication, including, in particular, the risk of lack of connection, lack of communication, delays in transmission and inability to exercise shareholder rights due to technical difficulties and limitations associated with such form participation in the Shareholder Meeting, shall be borne by the shareholder.

In order to participate in the Shareholder Meeting using means of electronic communication, the shareholder should notify, in person or by proxy, the Company of his/her/its intention to participate in the Shareholder Meeting in such form by **4:00 p.m. on 21 June 2021**, by sending the Company to the following address: WZA.28.06.2021@pkpcargo.com:

- a) a declaration, completed and signed by the shareholder, scanned to a PDF file, of his/her/its intention to participate in the Shareholder Meeting using means of electronic communication, prepared in accordance with the form provided in an attachment to this announcement (hereinafter: “Declaration”),
  - b) identification data, including the first and last name, e-mail address and telephone number. If the shareholder is a legal person or an organizational unit without legal personality, such shareholder shall send a scan of an excerpt from the relevant register or a scan of such other document as is appropriate to confirm the authorization granted to persons acting on its behalf along with the documents specified in the announcement as required to identify a proxy, in the event of exercising the voting right by proxy, and the e-mail address intended for communication with the shareholder or the proxy.
1. In order to participate in the Shareholder Meeting using means of electronic communication, the participant must have:
    - a) an Internet connection with a minimum bandwidth of 1 Mbps (constant bandwidth throughout the connection session with the Platform);
    - b) a computer capable of playing audio and receive video, operating under the control of the Windows or macOS operating system with one of the following browsers installed on it: Internet Explorer (version 1.1 or higher), Firefox (version 6.0 or higher), Chrome (version 7.0 or higher) or Opera (version 5.5 or higher) (all these browsers are downloadable free of charge from the public Internet) and the plug-in Adobe Flash Player (version 2.7 or higher) (downloadable free of charge from the software producer’s website), and the browser must have JavaScript and SSL 3.0 enabled (standard browser settings).
  2. A smaller Internet bandwidth or a lower browser version may cause difficulties or prevent communication with the Shareholder Meeting room or delay the transfer or prevent voting.
  3. During the use of the Platform for participation in the Shareholder Meeting, it is suggested that the user refrain from running any other applications that significantly burden the computer or the communication link used by the Platform.

The Company, based on the list of shareholders entitled to participate in the Shareholder Meeting obtained from the National Depository for Securities (KDPW) and the list of shareholders who may have submitted their share certificates to the Company’s head office, will verify the rights to participate in the Shareholder Meeting of the respective shareholder. In order to perform the correct verification, the Company may contact the shareholder or his/her/its proxy using the contact details specified in the Declaration.

Pursuant to §5 sec. 7 of the “Bylaws for participation in the Shareholder Meeting of PKP CARGO S.A. by means of electronic communication”, in the event of failure to remove or clarify, by way of communication, within the time limit set by the Company, any non-compliance, the Company may refuse to permit any shareholder or proxy affected by such non-compliance, to participate in the Shareholder Meeting by means of electronic communication, having notified such shareholder or proxy of this fact prior to the commencement of the Shareholder Meeting, to the e-mail address provided in the Declaration.

Following a favorable verification of the shareholder’s rights and a document of proxy, if any, the Company shall send the shareholder or his/her/its proxy, from the address [WZA.28.06.2021@pkpcargo.com](mailto:WZA.28.06.2021@pkpcargo.com) to the e-mail address provided in the Declaration, detailed instructions on how to register to the IT platform to be able to participate in the Shareholder Meeting using means of electronic communication, along with a login and initial password to be used for the participant’s first registration to the Platform, which will also confirm the right to participate in the Shareholder Meeting using means of electronic communication. The login and initial password will be protected with their own password. The password for the file containing them will be sent to the mobile phone number specified in the Declaration.

The initial password received by the shareholder from the Company will be usable only for the first registration to the platform. To adhere to the security and confidentiality rules applicable to the use of the Platform, the shareholder or proxy will be required to replace the initial password with his/her/its own password, in accordance with the instructions sent along with the login and initial password.

On 25 June 2021 from 4:00 p.m. to 6:00 p.m., shareholders or proxies will have the opportunity to test the correct operation of their IT hardware, software and Internet connection which they will use to participate in the Shareholder Meeting using means of electronic communication and to familiarize themselves with the operating principles of the Platform furnished for this purpose. The tests will be accessible via a link which will be sent by e-mail from the address: [WZA.28.06.2021@pkpcargo.com](mailto:WZA.28.06.2021@pkpcargo.com) on 24 June 2021.

In the event of any problems, detected errors or questions regarding the use or operation of the Platform, the shareholder or proxy may contact technical support over the telephone on 25 June 2021 (from 4:00 p.m. to 6:00 p.m.) and on 28 June 2021, i.e. on the date of the Shareholder Meeting, from 9:00 to the end of the Shareholder Meeting, or may report such problems, errors or questions by e-mail to: [WZA.28.06.2021@pkpcargo.com](mailto:WZA.28.06.2021@pkpcargo.com). The telephone number for contact with technical support will be provided by the Company to the shareholder or his/her/its proxy along with detailed instructions on how to register to the Platform.

Communication with the Company via the Platform should be conducted only in Polish.

## **VI. Access to documentation**

The full text of the documentation to be presented to the Shareholder Meeting together with the draft resolutions shall be made available on the Company’s website and at its head office from the date of convocation of the Shareholder Meeting. Any comments from the Management Board or the Supervisory Board regarding the business included in the agenda of the Shareholder Meeting or business to be added to the agenda prior to the date of the Shareholder Meeting shall be made available on the Company’s website immediately after their preparation.

## **VII. Website**

Information and documentation regarding the Shareholder Meeting are available on the website [www.pkpcargo.com](http://www.pkpcargo.com) in the Investor Relations/Shareholder Meetings tab.

## **VIII. Information on the method of exercising voting rights by mail**

The Company does not provide for the possibility of exercising voting rights by mail.

## **IX. General information**

The Shareholder Meeting will be broadcast online in real time. A link to the broadcast will be provided on the Company's website in the Investor Relations tab. No audio or video record of the Shareholder Meeting will be published on the Company's website.

Along with the documents sent by the shareholder electronically, whose original copies have been drawn up in a language other than the Polish language, a shareholder will send them a translation into the Polish language prepared by a sworn translator.

All documents a shareholder sends to PKP CARGO S.A., and the Company sends to a shareholder electronically should take the form of a scan in the PDF or JPEG format.

The registration of shareholders who have decided to participate physically in the Shareholder Meeting will begin two hours before the Shareholder Meeting is commenced, i.e. on 28 June 2021 starting at 9:00 a.m. Please remember to bring an identification document with them on the date of the Shareholder Meeting to be admitted to participation in the Shareholder Meeting.

We would like to ask the entities representing a larger number of shareholders to grant proxy powers electronically, if possible, and to send the scanned documents to the e-mail address: [WZA.28.06.2021@pkpcargo.com](mailto:WZA.28.06.2021@pkpcargo.com). In order to increase efficiency of the registration process, we would also like to ask you to prepare, where possible, a list of the entities represented by the proxy in alphabetical order, stating the number of votes to which they are entitled.

Any matters not covered herein shall be governed by generally applicable provisions of law, including, in particular, provisions of the Commercial Company Code, the Company's Articles of Association, the Bylaws of the Company's Shareholder Meeting, the Bylaws for participation in the Shareholder Meeting of PKP CARGO S.A. using means of electronic communication and the principles set forth in the Announcement.

## **X. Disclosure clause for PKP CARGO S.A. shareholders who are natural persons and proxies of shareholders**

In connection with the convocation of the Shareholder Meeting, PKP CARGO S.A. will process the personal data of the shareholders, the proxies authorized to vote, other persons authorized to exercise voting rights at the Shareholder Meeting and the personal data disclosed during the Shareholder Meeting (hereinafter jointly referred to as "you"). In connection with the above, pursuant to Article 13 of the General Data Protection Regulation (GDPR) of 27 April 2016 (EU L 119 of 4 May 2016), the Company hereby informs you that:

- 1) The Controller of your personal data is PKP CARGO S.A. with its registered office at: 02-021 Warsaw, ul. Grójecka 17;
- 2) You may contact your Personal Data Inspector by e-mail at [iod@pkpcargo.com](mailto:iod@pkpcargo.com) or by telephone at (22) 391-46-65;

- 3) Your personal data will be processed (i) to enable your participation in the Shareholder Meeting, including to prepare and store lists of shareholders and the Shareholder Meeting attendance records, or to enable voting, or (ii) in connection with a contact with the Company for purposes related to the Shareholder Meeting including e.g.: a request to provide a list of shareholders authorized to take part in the Shareholder Meeting or a list of shareholders present at the Shareholder Meeting, submitting a request to provide copies of motions regarding the business placed on the Shareholder Meeting's agenda, submitting a request to convene the Shareholder Meeting, submitting a motion to place specified business in the agenda of the Shareholder Meeting, or submitting a draft resolution of the Shareholder Meeting;
- 4) The grounds for processing the personal data includes:
  - a. compliance with legal obligations (Article 6(1)(c) GDPR) related to Article 407 § 1 of the Commercial Company Code and §3-§8 of the Bylaws of the Shareholder Meeting of PKP CARGO Spółka Akcyjna;
  - b. legitimate interests of PKP CARGO S.A. (Article 6(1)(f) GDPR) – in order to contact the Shareholders and handle, pursue and defend against the possible mutual claims;
- 5) The Company processes your (i) personal data, such as name, surname, telephone number, residential address or service address, (ii) data contained in proxy documents, including the PESEL number or ID document number, (iii) data about shares and rights arising therefrom, such as: the number, type and serial numbers of shares and the number of ensuing votes and (iv) in cases where you contact the Company electronically – your e-mail address;
- 6) Your personal data may be collected by the Company from the entities running the securities depository and also from other shareholders – with respect to the provision of data contained in the granted proxy documents, especially in connection with the need to demonstrate the shareholder's status, holding an appropriate number of shares, voting rights or the right to represent the shareholder;
- 7) Your personal data contained in (i) the lists of shareholders, attendance records and proxy documents are stored for the period of the Company's existence and may then be transferred to an entity designated to store documents in accordance with the provisions of the Commercial Company Code; (ii) personal data related to contact by e-mail are stored for a period allowing the Company to demonstrate that it has fulfilled its obligations under the provisions of the Commercial Company Code or for the period of limitation of the possible claims raised by the Company or against the Company;
- 8) Your personal data will not be transferred to a third country or international organization within the meaning of GDPR;
- 9) Your personal data will be addressed solely by the entities authorized to obtain such personal data based on the provisions of law, in particular by the entities providing services to conduct the Shareholder Meeting, including IT services, security services, legal services and the shareholders who file a request to browse the list of shareholders, issue an official copy of such a list or send the list by e-mail;
- 10) You have the right to demand, from the controller, access to the personal data, the right to correct them, remove them or limit the processing, the right to object to the processing and the right to transfer the data;

- 11) You have the right to lodge a complaint in connection with the personal data processing to the regulatory body, i.e. President of the Personal Data Protection Office;
- 12) Your personal data will not be subject to automated decision-making or profiling;
- 13) Provision of personal data is voluntary, however a failure to provide them may result in the Company being unable to provide you with the requested information or to allow you to participate in the Shareholder Meeting.

**Attachment to this announcement:**

- 1) Form of declaration of intent to participate in the Shareholder Meeting using means of electronic communication.

**Attachment 1 to the Announcement**

**FORM OF DECLARATION OF INTENT TO PARTICIPATE IN THE  
SHAREHOLDER MEETING USING MEANS OF ELECTRONIC  
COMMUNICATION**

I, the undersigned, *a shareholder/a person duly authorized to represent a shareholder\** of PKP CARGO S.A. with its registered office in Warsaw (hereinafter also referred to as the “Company”), hereby declare that:

on my own behalf/on behalf of the shareholder I represent\*, namely  
.....  
.....

(shareholder details: first and last name/company name, address/registered office)  
.....  
.....

entitled to exercise rights attaching to \_\_\_\_\_ (number) of ordinary bearer shares in the Company, I hereby express my intent to participate in the Ordinary Shareholder Meeting of the Company convened for 28 June 2021 by means of electronic communication.

*I declare that as a shareholder I will participate in the Ordinary Shareholder Meeting in this manner in person.\**

*I declare that as a shareholder I will participate in the Ordinary Shareholder Meeting in this manner by proxy.\**

*I declare that I have been authorized to represent a shareholder, as confirmed by the documents submitted to the Company, and that I will participate in the Ordinary Shareholder Meeting in this manner in person.\**

*I declare that I have been authorized to represent a shareholder, as confirmed by the documents submitted to the Company, and that I will participate in the Ordinary Shareholder Meeting in this manner by proxy.\**

*I declare that I will participate in the Ordinary Shareholder Meeting holding ..... shares/the number of shares specified in the list of shareholders eligible to participate in the Company’s Ordinary Shareholder Meeting, as prepared by the National Depository for Securities (Krajowy Depozyt Papierów Wartościowych S.A.)\**

I have read and accept the “Bylaws for participation in the Shareholder Meeting of PKP CARGO S.A. using means of electronic communication” and all terms and consequences of participation in the Shareholder Meeting using means of electronic communication that have been announced or published by the Company.

*Details of the shareholder/persons authorized to represent the shareholder\*:*

<b>First and last name</b>	
<b>Address</b>	
<b>ID card/passport number</b>	
<b>E-mail address for contact and sending the login and password</b>	
<b>Telephone number for contact and sending the password for the login details</b>	

*Signature of the shareholder/persons authorized to represent the shareholder\*:*

\_\_\_\_\_  
first and last name

\_\_\_\_\_  
first and last name

\_\_\_\_\_  
place and date

\_\_\_\_\_  
place and date

*\* Delete as appropriate.*