



**From:** ARCUS S.A.  
**Issued on:** 2 June 2011

**Subject:** Request for contractual penalty payment – another letter from the Social Insurance Institution

**Current report no 17/2011**

**Legal basis:** Article 56(1) point 1 of the Act on Public Offering – Confidential Information

**Report content:**

In accordance with the current report No 4/2011 of 4 April 2011, the Management Board of ARCUS S.A. hereby notifies that has received from Zakład Ubezpieczeń Społecznych (Social Insurance Institution; 3 Szamocka Street, 01-748 Warsaw) a letter in which the Social Insurance Institution demands the payment at the amount of PLN 4 544 956 as a contractual penalty determined in an accounting note stating the burden arising from the delays in carrying out the maintenance inspection in accordance with terms of agreement regarding after-warranty services for Kyocera FS 9100 D laser printers concluded with ARCUS S.A. on 27 November 2009.

Mentioned accounting note was issued for the amount of PLN 5 515 440, however as arises from the Social Insurance Institution's letter, on account of that burden the following ARCUS S.A. amounts due have been charged:

- PLN 958 004 under the performance of agreement of 27 November 2009,
- PLN 12 480 due to incorrect calculation of previous penalty fee.

The Issuer sustains its position described in the current report No 4/2011 that the Social Insurance Institution's request to pay a contractual penalty is an unfounded

claim. Deduction made by the Social Insurance Institution with regard to ARCUS S.A. amount due for the invoice for PLN 958 004 (under the performance of agreement of 27 November 2009) was against the provisions of the Civil Code. Due to the fact that the Social Insurance Institution is not entitled to any claim under the contractual penalty, there is no Social Insurance Institution's claim which could be deducted from ARCUS S.A. penalty fee charged by the Social Insurance Institution.