



TOYA SA  
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*[in the header: office, import, export, sales]*

Wrocław, 5 August 2019

### **Notice of convening the Extraordinary General Meeting of Shareholders of "TOYA" S.A.**

The Management Board of "TOYA" S.A with its registered office in Wrocław at ul. Sołtysowicka 13-15, 51-168 Wrocław entered in the Register of Entrepreneurs of the National Court Register kept by the District Court Wrocław - Fabryczna in Wrocław, 6th Commercial Division of the National Court Register under the number 0000066712, with share capital paid up in full: PLN 7 504 222.60, NIP [Tax Identification Number] no.: 8951686107, REGON [National Official Business Register]: 932093253, hereinafter referred to as the: "TOYA S.A" or the "Company"), acting pursuant to Art. 399 § 1, Art. 400 §1, Art. 402<sup>1</sup> and Art. 402<sup>2</sup> of the Act of 15 September 2000 - Code of Commercial Companies and Partnerships (Journal of Laws of 2019, item 505 as amended, hereinafter referred to as: the "Code of Commercial Companies and Partnerships") as well as § 24 section 4 of the Articles of Association, hereby convenes the Extraordinary General Meeting of Shareholders of "TOYA" S.A. (hereinafter referred to as: the "Extraordinary General Meeting of Shareholders") on 2 September 2019 at 11:00 a.m. in TOYA Golf & Country Club in Kryniczno at ul. Rakowa 5, 55-114 Wisznia Mała due to the request of the shareholders representing at least 1/20 of the share capital of the Company in this matter.

### **The agenda of the Extraordinary General Meeting of Shareholders of: "TOYA" S.A.**

1. Opening of the Extraordinary General Meeting of Shareholders.
2. Electing of the Chairman of the General Meeting of Shareholders.
3. Declaring the General Meeting of Shareholders duly convened and capable of adopting resolutions.
4. Electing the Returning Committee of the Extraordinary General Meeting of Shareholders.
5. Adopting the agenda.
6. Adopting resolution concerning the amendment of resolution no. 21 of the Annual General Meeting of Shareholders of TOYA S.A. with its registered office in Wrocław of 26 June 2019 (the content of the amended resolution shall be presented in the Current Report no. 14/2019).
7. Adopting resolution in the matter of incurring costs of convening and holding the General Meeting of Shareholders.
8. Closing of session of the General Meeting of Shareholders.

### **The right to participate in the Extraordinary General Meeting of Shareholders and the Date of registration of participation in the Extraordinary General Meeting of Shareholders.**

Only the persons being the Company's shareholders sixteen days prior to the date of the Extraordinary General Meeting of Shareholders (Date of registration of participation in the Extraordinary General Meeting of Shareholders) shall have the right to participate in the Extraordinary General Meeting of Shareholders of "TOYA" S.A. The date of registration of participation is 17 August 2019.

In order to exercise the right to participate in the Extraordinary General Meeting of Shareholders, the shareholder shall submit, no earlier than upon announcing the convening of the Extraordinary General Meeting of Shareholders and no later than on the first weekday after the Date of registration of participation in the Extraordinary General Meeting of Shareholders, the request that the entity running the securities account on its behalf issued the personal certificate regarding the right to participate in the Extraordinary General Meeting of Shareholders, which shall include:

- a) business name, registered office, address, stamp of the issuer and number of certificate,
- b) number of shares,
- c) class and code of shares,
- d) business name, registered office and address of the listed company that issued shares,

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- e) nominal value of shares,
- f) name and surname or business name of the person authorised under shares,
- g) registered office (residential address) and address of the person authorised under shares,
- h) certificate purpose of issue,
- i) certificate date and place of issue,
- j) signature of person authorised to issue the certificate.

For the avoidance of potential doubts that could arise in relation to the right of the given entity to participate in the Extraordinary General Meeting of Shareholders, the entities entitled to participate in the Extraordinary General Meeting of Shareholders or their attorneys in fact are requested to bring the aforementioned certificate with them on the day of the Extraordinary General Meeting of Shareholders.

The list of those entitled to participate in the Extraordinary General Meeting of Shareholders of "TOYA" S.A. is established on the basis of the statement drawn up by the entity running securities depository pursuant to the financial instrument trading provisions. The basis for drawing up the statement are certificates regarding the right to participate in the Extraordinary General Meeting of Shareholders, issued by the aforementioned entities.

#### **List of Shareholders**

The list of shareholders entitled to participate in the Extraordinary General Meeting of Shareholders shall be presented in the registered office of the Company, i.e. in Wrocław at ul. Sołtysowicka 13-15, three weekdays prior to the date of holding the Extraordinary General Meeting of Shareholders, i.e. as of 28 August 2019. The Shareholder of the Company can request to send it the list of shareholders entitled to participate in the Extraordinary General Meeting of Shareholders free of charge via e-mail, providing its own e-mail address to which the list should be sent. "TOYA" S.A. shall be entitled to request the shareholder who submits such a request to prove that it is the same shareholder as on the day of submitting such a request, if it is not on the list of shareholders entitled to participate in the Extraordinary General Meeting of Shareholders.

#### **Description of procedures and exercising the right to vote at the Extraordinary General Meeting of Shareholders**

##### **The right of the Shareholder to request to include certain matters in the agenda of the Extraordinary General Meeting of Shareholders**

The shareholder or shareholders representing at least one-twentieth of the Company's share capital can request the right to include certain matters in the agenda of the Extraordinary General Meeting of Shareholders. Such a request shall be submitted to the Management Board of the Company no later than twenty-one days prior to the specified date of the Extraordinary General Meeting of Shareholders, i.e. to 12 August 2019. The request shall include a substantiation or a draft of resolution regarding the proposed item of the agenda. The request can be submitted in writing or in electronic form to the address: [zwz@yato.pl](mailto:zwz@yato.pl), in each case, however, it shall be submitted on a properly filled in and signed form available on the Company's website: <http://yato.com/relacie-inwestorskie/nadzwyczajne-walne-gromadzenie-akcjonariuszy-2019/>.

Shareholder or shareholders who request to include certain matters in the agenda are obliged to attach a deposit or personal certificate on the right to participate in the Extraordinary General Meeting of Shareholders, issued by the competent entity, confirming the share holding status for paying up the part of the Company's share capital required to submit the aforementioned request as at the day of request.



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The persons acting on behalf of shareholder or institutional shareholders or persons being legal persons or other entities, in case of whom/which the confirmation of representation requires to submit proper documents specifying the rules of representation that apply the shareholder (shareholders), shall attach the original documents or certified true copies of those documents to the aforementioned request, pursuant to the applicable provisions of law. If further powers of attorney are granted to them, the continuity of such authorisation must be proved.

The obligation to attach the aforementioned documents shall apply to the written form as well as electronic form of the request, in the format proper for each of forms (paper document, its copy or scan converted to PDF format). The request in written form with a set of appendices shall be submitted with confirmation of receipt in the registered office of the Company, i.e. in Wrocław at ul. Sołtysowicka 13-15.

If the request is provided in the electronic form, it shall be sent to the e-mail address: [zwz@yato.pl](mailto:zwz@yato.pl) Any documents, i.e. the request form and appendices shall be sent in PDF format as the appendices to the message.

The Company is entitled to undertake actions aimed at identifying the shareholder (shareholders) and verifying the validity of the sent documents.

The Management Board of the Company shall immediately, however no later than within 18 days prior to the date of the Extraordinary General Meeting of Shareholders, i.e. to 15 August 2019, announce the change of the agenda introduced at the request of the shareholders. The announcement shall be performed in the proper manner for convening the Extraordinary General Meeting of Shareholders, i.e. through publication on the website of the Company.

**The right of the Shareholder to submit drafts of resolutions regarding matters introduced to the agenda of the Extraordinary General Meeting of Shareholders or matters that are to be introduced to the agenda prior to the date of the Extraordinary General Meeting of Shareholders.**

The shareholder or shareholders who represent at least one-twentieth of the Company's share capital can, prior to the date of the Extraordinary General Meeting of Shareholders, submit the drafts of resolutions regarding matters introduced to the agenda of the Extraordinary General Meeting of Shareholders or matters that are to be introduced to the agenda. Those drafts shall be submitted to the Company no later than 48 hours prior to the date of the Extraordinary General Meeting of Shareholders due to necessity to publish them on the website of the Company. The submittal of drafts of resolutions can be performed in writing or in electronic form to the address [zwz@yato.pl](mailto:zwz@yato.pl), in any case, however, it shall be submitted on a properly filled in and signed form available on the website of the Company: <http://vato.com/relacie-inwestorskie/nadzwyczajne-walne-zgromadzenie-akcjonariuszy-2019/>.

The shareholder or shareholders submitting their drafts of resolutions regarding matters introduced to the agenda of the Extraordinary General Meeting of Shareholders or matters that are to be introduced to the agenda prior to the date of the Extraordinary General Meeting of Shareholders, are obliged to attach the deposit or personal certificates to such a request on the right to participate in the Extraordinary General Meeting of Shareholders to, issued by the competent entity, confirming the share holding status for paying up the part of the Company's share capital required to submit the request as at the request submittal date.

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The persons acting on behalf of shareholder or institutional shareholders or persons being legal persons or other entities, in case of whom/which the confirmation of representation requires to submit proper documents specifying the rules of representation that apply the shareholder (shareholders), shall attach the original documents or certified true copies of those documents to the aforementioned request, pursuant to the applicable provisions of law. If further powers of attorney are granted to them, the continuity of such authorisation must be proved.

The obligation to attach the aforementioned documents shall apply to the written form as well as electronic form of the request, in the format proper for each of forms (paper document, its copy or scan converted to PDF format). The request in written form with a set of appendices shall be submitted with confirmation of receipt in the registered office of the Company, i.e. in Wrocław at ul. Sołtysowicka 13-15.

If the request is provided in electronic form, it shall be sent to the e-mail address: [zwz@yato.pl](mailto:zwz@yato.pl). Any documents, i.e. the request form and appendices shall be sent in PDF format as the appendices to the message.

The Company is entitled to undertake actions aimed at identifying the shareholder (shareholders) and verifying the validity of the sent documents.

#### **The right of the Shareholder to submit drafts of resolutions regarding matters introduced to the agenda during the Extraordinary General Meeting of Shareholders.**

Every shareholder can submit the drafts of resolutions regarding matters introduced to the agenda during the Extraordinary General Meeting of Shareholders.

#### **The right to appoint the attorney-in-fact**

The Shareholder can participate in the Extraordinary General Meeting of Shareholders and exercise the right to vote in person or by attorney-in-fact. The attorney-in-fact shall exercise all powers of the shareholder at the Extraordinary General Meeting of Shareholders, unless the power-of-attorney states otherwise. The attorney-in-fact can grant the further power of attorney if the content of the power of attorney requires it. The attorney-in-fact can represent more than one shareholder and split its voting direction under shares of every shareholder. The Shareholder holding shares recorded on more than one securities account can appoint separate attorneys-in-fact to exercise the rights under shares recorded on each of the accounts. The Shareholder not being a natural person can participate in the Extraordinary General Meeting of Shareholders and exercise the right to vote by the person entitled to submit the declarations of intent on its behalf or by the attorney-in-fact.

#### **Forms of powers of attorney and manner of notifying on granting the power of attorney in the electronic form and the manner of verifying the powers of attorney**

The power of attorney to participate in the Extraordinary General Meeting of Shareholders and exercise the right to vote shall be granted in writing or in electronic form. The granting of the power of attorney in electronic form does not require a safe electronic signature verified by means of a valid qualified certificate.

If the power of attorney is granted in an electronic form, the shareholder informs the Company on this fact by means of the Company's electronic mail to the e-mail address: [zwz@yato.pl](mailto:zwz@yato.pl). "TOYA" S.A. on its website: <http://vato.com/relacie-inwestorskie/nadzvwczajne-walne-zgromadzenie>

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[akcjonariuszy-2019/](#) makes the template of “Notification on granting the power of attorney in electronic form” available to download which after filling it in according to the instructions included in it shall be sent to the Company by the Shareholder to the e-mail address specified above. For the purpose of authentication of information included in the notification, a scan of the personal certificate on the shareholder’s right to participate in the Extraordinary General Meeting of Shareholders, issued by the entity running the securities account, shall be attached to the form.

The persons acting on behalf of shareholder or institutional shareholders or persons being legal persons or other entities, in case of whom/which the confirmation of representation requires to submit proper documents specifying the rules of representation that apply the shareholder (shareholders), shall attach the original documents or certified true copies of those documents to the aforementioned request, pursuant to the applicable provisions of law in the format proper for each of forms (paper document, its copy or scan and conversion to PDF format). In case of granting further powers of attorney the continuity of such authorisation must be proved. The notification on granting of the power of attorney in electronic form shall be performed no later than 1 September 2019 to 11:59 p.m., due to the necessity to verify the sent documents.

The Member of the Management Board and the employees of the Company can be the attorneys-in-fact of the shareholders at the Extraordinary General Meeting of Shareholders. If the attorney-in-fact at the Extraordinary General Meeting of Shareholders is the Member of the Management Board, Member of the Supervisory Board, employee of the Company or member of bodies or the employee of Company’s subsidiary, the power of attorney can authorise to representation at one General Meeting of Shareholders. The attorney-in-fact shall be obliged to disclose to the shareholder any circumstances proving the existence or possibility of occurring of conflict of interests. The granting of further power of attorney is excluded. In the aforementioned situation, the attorney-in-fact is obliged to (pursuant to applicable provisions of law) vote pursuant to instructions provided by the shareholder.

The verification of the validity of the granted powers of attorney shall be performed by:

- a) checking the content of the granted power of attorney (a series of powers of attorney) as well as the completeness of the documents attached to it,
- b) checking the correctness of data entered into the form and comparing them with information included in the list of persons entitled to participate in the Extraordinary General Meeting of Shareholders,
- c) stating the compliance of the powers of persons granting the power of attorney on behalf of legal persons with the status included in the relevant National Court Register copies,
- d) approving data and identifying the shareholder or shareholders via electronic mail or phone in case of electronic power of attorney and notifying about it.

In the scope of verification of the granted electronic powers of attorney and identification of the shareholder, the Company can request the Shareholder to send the electronic power of attorney in the form of scan in PDF format or a photographic file with the photographed power of attorney.

In case of any doubts or situations requiring explanation, the Company can undertake other actions aimed at identification of the shareholder or shareholders and verification of validity of the submitted powers of attorney, notifications and documents. The Company shall attach the powers of attorney to the protocol of The Extraordinary General Meeting of Shareholders.

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### **The manner of exercising the right to vote by the attorney-in-fact by means of the form**

The Company on its website: <http://yato.com/relacie-inwestorskie/nadzwyczajne-walne-zgromadzenie-akcjonariuszy-2019/> makes the template of "Form to exercise the right to vote by the attorney-in-fact or granting by the shareholder the written instruction on the manner of voting to the attorney-in-fact referred to in Art. 402<sup>3</sup> § 1 point 5 and § 3 points 1-4 of the Code of Commercial Companies and Partnerships" available to download. The form referred to in above, after filling it in by the shareholder granting the power of attorney, in case of an open voting at the Extraordinary General Meeting of Shareholders, can form a voting sheet for the attorney-in-fact, if the shareholder obliged the attorney-in-fact to use such a form. In case of a secret voting, the filled in form shall be treated only as the written instruction regarding the manner in which the attorney-in-fact shall cast votes in a voting on the resolution which, according to the shareholder's order, shall be performed with the application of this form. the Chairman of the Extraordinary General Meeting of Shareholders informs the Extraordinary General Meeting of Shareholders on casting votes with the application of the form and on this basis such a vote is taken into account on counting the total number of votes cast during voting on a given resolution. The form used in voting shall be attached to the minute book.

If the counting of votes at the Extraordinary General Meeting of Shareholders is performed by means of electronic devices for counting votes, the form which is referred to above shall not apply and can be used only as the instruction in relations between the shareholder and the attorney-in-fact.

### **Information on alternative forms of participation in the Extraordinary General Meeting of Shareholders and exercising the right to vote**

The Company does not provide for the possibility to participate in the Extraordinary General Meeting of Shareholders nor for speaking, casting a vote with the application of the electronic communication and exercising the right to vote by correspondence.

### **Place of publishing information on the Extraordinary General Meeting of Shareholders**

The full text of documentation that is to be presented to the Extraordinary General Meeting of Shareholders and the drafts of resolutions are available on: <http://vato.com/relacie-inwestorskie/nadzwyczajne-walne-zgromadzenie-akcjonariuszy-2019/>.

Any information regarding the Extraordinary General Meeting of Shareholders are available on the Company's website: <http://vato.com/relacie-inwestorskie/nadzwyczajne-walne-zgromadzenie-akcjonariuszy-2019/>.

If the Management Board or the Supervisory Board of the Company raises objections regarding the matters introduced to the agenda of the Extraordinary General Meeting of Shareholders or matters that are to be introduced to the agenda prior to the date of the Extraordinary General Meeting of Shareholders, the information regarding them shall be make available on the Company's website: <http://yato.com/relacie-inwestorskie/nadzwyczajne-walne-zgromadzenie-akcjonariuszy-2019/>.

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## Information regarding the processing of personal data in association with the convening of the Extraordinary General Meeting of Shareholders

As of 25 May 2018 the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L of 2016 no. 119, page 1) ("GDPR"), is applicable. "TOYA" S.A. (the "Company" or the "Controller") hereby notifies that due to the convening of the Extraordinary General Meeting of Shareholders, the Company shall process personal data of the shareholders of the Company (jointly the "Shareholders" or "You" and individually the "Shareholder"), their attorneys-in-fact entitled to vote or other persons entitled to exercise the right to vote at the Extraordinary General Meeting of Shareholders as well as personal data disclosed during the Extraordinary General Meeting of Shareholders. Due to the aforementioned, the Company declares that:

1. the Controller of the collected personal data is "TOYA" S.A. with its registered office in Wrocław; it is possible to contact the Company by e-mail: [zwz@yato.pl](mailto:zwz@yato.pl) or through correspondence to the address: ul. Sołtysowicka 13-15, 51-168 Wrocław;
2. It is possible to contact the Data Protection Officer, who was appointed in the Company, by e-mail: [iod@yato.pl](mailto:iod@yato.pl) or telephone by calling 713246200 or through correspondence to the address specified in point 1;
3. The objective of personal data processing is the fulfilment of obligations by the Company under provisions of the Act of 15 September 2000 - Code of Commercial Companies and Partnerships (Journal of Laws of 2017, item 1577, as amended) and information obligation imposed on the Company as the listed company in association with the convening of the Extraordinary General Meeting of Shareholders. Moreover, the objective of personal data processing is to enable the Shareholders to exercise their rights in relation to the Company and determine the facts for the purpose of pursuing potential claims by the Company or defending against claims;
4. The Company processes (i) personal data identifying the Shareholder, such as name, surname, residential address or service address and PESEL [*Universal Electronic System for Registration of the Population*] no., (ii) data in powers of attorney, (iii) data regarding shares and entitlements resulting from them, such as: amount, class and number of shares and number of votes, and (IV) - in cases when the Shareholders contact with the Company by e-mail - the e-mail address;
5. The personal data of the Shareholders can be collected by the Company also from the entities running the securities depository - Krajowy Depozyt Papierów Wartościowych S.A. ul. Książęca 4, 00-498 Warsaw and also from other Shareholders - in the scope of transferring of data included in the granted powers of attorney;
6. The legal basis for processing of personal data by your Company is:
  - a) Art. 6 section 1 letter c GDPR - obligation under the provisions of the Act - Code of Commercial Companies and Partnerships, regarding: the drawing up and storing the lists of shareholders and attendance lists on the Extraordinary General Meetings of Shareholders, enabling by the attorney-in-fact and enabling the Shareholders to exercise their rights in relation to the Company (i.e. introducing particular matters to the agenda);
  - b) Art. 6 section 1 letter f GDPR - legitimate interest of the Company in the form of (i) enabling the contact with the Shareholders and verification of their identity and (ii) pursuing potential claims or defending against claims;

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7. The recipients of collected personal data are entities providing and supporting ICT systems of the Controller, entities performing voting services at the Extraordinary General Meeting of Shareholders, entities providing legal services for the benefit of the Company, the Polish Financial Supervision Authority and other Shareholders - in the scope of making available the list of shareholders pursuant to Art. 407 of the Act - Code of Commercial Companies and Partnerships; entities processing personal data at the order of Warsaw Stock Exchange that perform voting services at the Extraordinary General Meeting of Shareholders.
8. Personal data included in the lists of the Shareholders, attendance lists and powers of attorney are stored for the period of existence of the Company and subsequently can be provided to the entity appointed for storing documents pursuant to provisions of the Act - Code of Commercial Companies and Partnerships; personal data associated with the contact by e-mail are stored for the period enabling the Company to prove the fulfilment of obligations under provisions of the Act - Code of Commercial Companies and Partnerships and for the period of limitation of potential claims of the Company or towards the Company;
9. In case of transferring data directly to the Company, the provision of data is required under provisions of the Act - Code of Commercial Companies and Partnerships and in order to enable to verify the identity of the Shareholder. The failure to provide the data prevents the Shareholder from participation in the Extraordinary General Meeting of Shareholders; in case of e-mail address the provision of such an address is voluntary but mandatory to enable the contact between the Company and the Shareholder by means of e-mail. The failure to provide the e-mail address prevents the Shareholder from coming into contact in such a manner;
10. The personal data of the Shareholder shall not be subject to the automated decision making, including profiling;
11. The personal data of the Shareholder shall not be provided to the third country;
12. You have the right to request the access to your personal data as well as to request their rectification, portability, erasure, restriction of processing and raising objections towards their processing, in the scope in which GDPR specifies these entitlements;
13. You can lodge a complaint with the President of the Personal Data Protection Office when you believe that the processing of your personal data breaches the provisions of GDPR.

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