

ANNEX

a) List of the case files pending before the courts of law on 31 March 2016 in which CONPET S.A. is involved as defendant

1. Case file no. 3715/105/2007 – Prahova Tribunal

Parties: Fondul Proprietatea S.A. – plaintiff

Conpet S.A. – defendant

Object: Fondul Proprietatea S.A. files an application initiating the proceedings, asking the court:

- to declare art. 4 of the decision of the Shareholders General Meeting of Conpet S.A. no. 2/25 April 2007 null and void

- to maintain at the Trade Register Office the decision which is to be delivered in the case herein, as well as to deregister from the Trade Register the possible mentions made based on the decision of the Shareholders General Meeting, which nullity we ask.

- to obligate the defendant to pay the court fees

Specifications: **Suspended** based on the provisions of art. 244 paragraph (1) of the Civil Procedure Code.

Stage of the proceedings: First instance

Probability to admit the action: 50%

2. Case file no. 33317/3/2007–Bucharest Tribunal

Case file no. 5555/2/2014 (former number format 2192/2014) – Bucharest Court of Appeal

Parties: A.V.A.S. [**Authority for State Assets Recovery*] – plaintiff

Conpet S.A., Fondul Proprietatea S.A., Regisco S.A., Comisia Nationala a Valorilor Mobiliare [**National Commission for Transferable Securities*] – defendants

Object: A.V.A.S. files an action for the recovery of possession of 524,366 shares from the share capital of Conpet S.A. against Fondul Proprietatea S.A., Independent Register Regisco S.A., National Commission for Transferable Securities, Conpet S.A., by which asks the court:

- To obligate the defendant Fondul Proprietatea S.A. to leave in full property and possession of the Authority for State Assets Recovery a number of 524,366 shares from the share capital of Conpet S.A.
- To obligate the defendants Regisco, C.N.V.M. [**National Commission for Transferable Securities*] and Conpet S.A. to modify the number of shares in the records of transferable securities.

Specifications: During March – November 2008, the case file no. 33317/3/2007 was suspended, the court considering that its solution depends on the settlement of the issues regarding the territorial jurisdiction of the court in the case file no. 43918/3/2007.

On 13 May 2009, in the case file no. 33317/3/2007, the Bucharest Tribunal admitted the *lis pendens* exception, deciding to join and judge together the two cases pending before the court.

By the **sentence no. 3307/23 March 2011**, the Bucharest Tribunal rejects the claim against CNVM as being filed against a person lacking the capacity to be sued. Rejects the claim to obligate the defendant

Fondul Proprietatea SA to leave in full property and possession 524,366 shares, finding the force of *res judicata*. Rejects the claim to modify the number of shares in the records of transferable securities as became redundant. The decision was appealed by OPSPI [*Office of State Participation and Privatization in Industry*] and MECMA [*Ministry of Economy, Commerce and Business Environment*]. By the decision no. 460/20 October 2011, rejects the appeals as unfounded. The decision was challenged with second appeal by OPSPI and MECMA.

By the decision no. 2820/23 May 2013, the High Court of Cassation and Justice rejects the nullity exception in the second appeal filed by MECMA, currently the Ministry of Economy, called for by the respondent CNVM. Admits the second appeals filed by OPSPI and MECMA, currently the Ministry of Economy, against the decision no. 460 from 20 October 2011 of the Bucharest Court of Appeal - 6th Civil Division, which it amends, namely it admits the appeals filed by OPSPI and MECMA against the resolution from 23 February 2011 and the commercial sentence no. 3307 from 23 March 2011 of the Bucharest Tribunal - 6th Commercial Division. Dissolves the resolution and, partly, the sentence and refers the case back to the same court. Maintains the provisions in the sentence regarding the admission of the exception of lacking the capacity to be sued of CNVM (currently the Financial Supervisory Authority) and to the rejection of the action against it.

By the sentence no. 1296/19 March 2014, the Bucharest Tribunal rejects the claim as unfounded. The decision was appealed by MECMA.

By the **decision no. 118/30 January 2015**, the Bucharest Court of Appeal admits the appeal filed by the plaintiff-appellants DEPARTMENT FOR ENERGY WITHIN THE MINISTRY OF ECONOMY and the MINISTRY OF ECONOMY AS SUCCESSOR IN TITLE OF THE MINISTRY OF ECONOMY, COMMERCE AND BUSINESS ENVIRONMENT against the Civil Sentence no. 1296/19 March 2014, delivered by the Bucharest Tribunal - 6th Civil Division, in the case file no. 33317/3/2007 against the respondent-defendants Fondul Proprietatea SA, DEPOZITARUL CENTRAL SA, CONPET SA. Modifies the appealed sentence, namely: Rejects the exceptions, as unfounded. Admits the claim filed by the plaintiff-appellants DEPARTMENT FOR ENERGY WITHIN THE MINISTRY OF ECONOMY and the MINISTRY OF ECONOMY as successor in title of the Ministry of Economy, Commerce and Business Environment against the defendant Fondul Proprietatea SA. Establishes the ownership right of the plaintiff Ministry of Economy on 524,366 shares of Conpet SA. Obligates the defendants to take the necessary measures for the registration in the shareholders register. The Department for Energy within the Ministry of Economy and Fondul Proprietatea SA filed a second appeal.

By the **decision no. 802/19 April 2016**, the High Court of Cassation and Justice admits the second appeals filed by the plaintiff-appellant Ministry of Energy and the defendant-appellant S.C. FONDUL PROPRIETATEA S.A. against the civil decision no. 118/A from 30 January 2015, delivered by the Bucharest Court of Appeal - 6th Civil Division. Annuls the challenged decision and refers the case to the same court. Rejects the second appeal filed by the plaintiff-appellant Ministry of Energy against the resolution from 3 April 2015, delivered by the same court.

Stage of the proceedings: Appeal - retrial

Hearing: --

Probability to admit the action: 50%

3. Case file no. 43918/3/2007 - Bucharest Tribunal

Parties: A.V.A.S. - plaintiff