

Racibórz, January 8th 2025

Wojciech Zymek  
the trustee of the bankruptcy estate of  
RAFAKO Spółka Akcyjna w upadłości  
with its registered office in Racibórz  
NIP: 6390001788, KRS: 000034143

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Ref. No.: **GL1G/GU/943/2024**  
**GL1G/GUp/18/2024**

### NOTICE OF BANKRUPTCY

Acting as the trustee appointed for the company under the name: RAFAKO Spółka Akcyjna w upadłości (in bankruptcy) with its registered office in Racibórz, address: ul. Łąkowa 33, 47-400 Racibórz, entered in the Register of Entrepreneurs of the National Court Register under the KRS number: 0000034143, assigned NIP: 6390001788 and REGON: 270217865 (hereinafter referred to as the "Bankrupt"), pursuant to Article 176 paragraph 1 and 1a of the Act of February 28, 2003 - Bankruptcy Law (i.e. Dz.U. of 2024, item 794, as amended) - hereinafter referred to as the "Bankruptcy Law", I hereby notify that pursuant to a decision dated December 19, 2024, the District Court in Gliwice, XII Commercial Department, ref. no.: GL1G/GU/943/2024, declared the debtor RAFAKO Spółka Akcyjna, with its registered office in Racibórz, bankrupt (the "Decision").

By the Decision, I was appointed the trustee of the bankruptcy estate of the Bankrupt.  
The Decision is effective and enforceable as of the date of its issuance.

The announcement of the bankruptcy decision is published in the information and communication system supporting the court proceedings of the National Debtors Register (Krajowy Rejestr Zadłużonych) and is available on the website at: <https://prs.ms.gov.pl/krz>, as well as at [www.krz.ms.gov.pl](http://www.krz.ms.gov.pl).

In doing so, I point out that, in accordance with the disposition of Article 236 paragraph 1 of the Bankruptcy Law, a personal creditor of the bankrupt desiring to participate in the bankruptcy proceedings shall, if it is necessary for his receivable debt to be determined, submit his receivable debt to the trustee via the IT data transmission system supporting the court proceedings within such time limit as is fixed in the ruling on the declaration of bankruptcy. In turn, pursuant to paragraph 2 of the cited provision, furthermore, the right to submit a receivable debt shall be vested in the creditor in the event that his receivable debt was secured by a mortgage, pledge, registered pledge, treasury pledge, ship's mortgage, or by another entry in a land and mortgage register or a shipping register. Failing submission of these receivable debts by the creditor, they shall be placed ex officio on the list of receivable debts. The provision of paragraph 2 shall apply respectively to receivable debts secured by a mortgage, pledge, registered pledge, treasury pledge, ship's mortgage on things included in the bankruptcy estate, where the bankrupt is not a personal debtor and a creditor desires to vindicate under the bankruptcy proceedings his claims against the object of security. (art. 236 paragraph 3).

The trustee further states the following:

1. A creditor, within one week from the date of announcement of the decision on the declaration of bankruptcy in the Register, and a creditor whose registered office or usual place of residence on the date of opening of the proceedings was abroad, within thirty days from the date of announcement of the decision on the declaration of bankruptcy in the Register, may appeal against the decision on the declaration of bankruptcy only in the part concerning the jurisdiction of Polish courts. The complaint against the decision on declaring bankruptcy in the part concerning the jurisdiction of Polish courts pursuant to Article 54a paragraph 1 of the Bankruptcy Law shall be filed with the District Court in Gliwice through the District Court in Gliwice XII Commercial Department.
2. **Notification of claims should be made to the trustee appointed in the bankruptcy proceedings of the Bankrupt, i.e. Wojciech Zymek via the IT data transmission system supporting the court proceedings, referring to the file ref.: GL1G/GUp/18/2024, within thirty days from the date of announcement of the bankruptcy decision in the Register.**

For the creditors referred to in **Article 216aa paragraph 1 of the Bankruptcy Law**, I indicate the address for reporting claims to the trustee: **Doradca restrukturyzacyjny Wojciech Zymek, ul. Jesionowa 22, 40 – 158 Katowice.**

3. Letters and decisions (decision made in closed session) addressed to a person or entity that does not have an account established in the information and communication system supporting court proceedings shall be left in the case file with the effect of service (Article 220 paragraph 6 of the Bankruptcy Law in conjunction with paragraph 1 of the Bankruptcy Law).

The lump-sum costs of the bankruptcy proceedings referred to in Article 235 paragraph 1 of the Bankruptcy Law shall be paid to bank account no. PL 87 1160 2202 0000 0004 7366 0423 BIC/S.W.I.F.T.: BIGBPLPW.

At the same time, the trustee instructs on how to set up an account in the **the IT data transmission system supporting the court proceedings** and how to authenticate yourself by indicating the link where the instructions are available: <https://prs.ms.gov.pl/prs-pomoc> (*Zakładanie konta i logowanie*).

Further instructions:

**Art. 54a of the Bankruptcy Law:**

1. A creditor may, within one week of the date on which the bankruptcy was announced in the Register, and a creditor whose seat or place of ordinary stay on the day of the opening of proceedings was abroad - within thirty days of the date on which bankruptcy was announced in the Register complain against the ruling on the declaration of bankruptcy exclusively in respect of the part concerning the jurisdiction of Polish courts.
2. The lodging of complaint shall be entered in the Register.



**Art. 216a of the Bankruptcy Law:**

1. In bankruptcy proceedings, pleadings and documents other than the pleadings and documents referred to in Article 216ab shall be filed exclusively via the IT data transmission system supporting the court proceedings, with the use of the standard forms which are available in that system. The pleadings and documents which are not filed via the IT data transmission system supporting the court proceedings shall not produce the legal effects which are produced, according to the Act, by filing a pleading or document with a court, temporary court supervisor, compulsory receiver, trustee or a body which is respectively governed by the provisions on a trustee, of which relevant instruction shall be given to the party filing such pleading or document. No such instruction shall be required, if the party filing a pleading or document is a temporary court supervisor, compulsory receiver, trustee or a body which is respectively governed by the provisions on a trustee.

1a. Pleadings and documents filed via the IT data transmission system supporting the court proceedings shall be provided with a qualified electronic signature, a trusted signature or a personal signature, or authenticated in the manner enabling to confirm the origin and integrity of the data in electronic form being verified, such manner being available in the IT data transmission system supporting the court proceedings.

1b. Appendices to a pleading filed via the IT data transmission system supporting the court proceedings shall be attached in electronic form.

1c. If the appended documents were prepared in written form, the following shall be attached to the pleading:

- 1) electronically certified excerpt copies of documents;
- 2) electronic copies of documents.

1d. In addition to the subjects set out in special provisions, electronic certification of an excerpt copy of a document may also be performed by a person holding a restructuring counsellor licence who acts in the case in the capacity as a participant or body in the proceedings or as an attorney. Electronic certification of an excerpt copy of the minutes of a meeting of the committee of creditors and of an excerpt copy of a resolution adopted at the meeting of the committee of creditors may also be performed by the chairperson of the committee of creditors.

1e. In the case referred to in paragraph 1c, subparagraph 2, original document or its excerpt copy certified as a true copy of the original document pursuant to the provisions of the Code of Civil Procedure shall be filed with the bankruptcy court without a summons within 3 days of the day of filing the pleading. The provision of Article 130, paragraph 2 of the Code of Civil Procedure shall apply accordingly.

**2. Repealed.**

3. Each pleading shall state the forename and surname of the party filing the same, or his name and PESEL number, or a number in the National Court Register, and in the absence of these - other data enabling his unanimous identification, and the business name under which the party filing the pleading operates if he is an entrepreneur, his place of residence or seat, address, and NIP, if the party filing the pleading has such a number.

4. Other data enabling unanimous identification, as referred to in paragraph 3, shall be taken to mean the data referred to in Article 22, paragraph 4.

5. In a pleading, the party filing the same may provide the contact telephone number and the electronic mail address.

**Art. 216aa of the Bankruptcy Law:**

1. Creditors entitled to dues under employment relationship, save for claims for remuneration of the bankrupt's representative or remuneration of the person performing acts connected with administration or supervision over the debtor's enterprise, maintenance or alimony dues, pensions by way of indemnity for causing sickness, incapacity to work, disability or death and pension by way of conversion of rights covered by the substance of the right to annuity into a pension for life, may file pleadings and documents otherwise than via disregarding the IT data transmission system supporting the court proceedings.



2. The persons referred to in paragraph 1 may also file motions or submit statements and documents in the registry office of any district court by communicating orally the contents of a motion or statement to a registry office employee and by submitting documents prepared in written form.

3. A registry office employee shall enter the contents of a motion or statement into the IT data transmission system supporting the court proceedings, stating the forename, surname, and PESEL number of the person communicating orally the contents of a motion or statement as established on the basis of an identity card or another identity-proving document, as well as the type and number of the identity-proving document and the designation of its issuing authority, and in the absence of these - other data enabling unanimous identification of such person. The contents of a motion or statement which was entered into the system shall be printed and signed by the person communicating orally the contents of a motion or statement and filed with the collection of documents. A motion or statement entered into the IT data transmission system supporting the court proceedings shall be provided with a signature by a registry office employee pursuant to Article 216a, paragraph 1a.

4. The provisions of Article 216a, paragraphs 1b, 1c, 1e, and 3 to 5 shall apply accordingly, with a proviso that the electronic certification of an excerpt copy of a document may also be made by a registry office employee.

5. If the creditors referred to in paragraph 1 file a pleading via the IT data transmission system supporting the court proceedings, the provision of Article 130, paragraph 6 of the Code of Civil Procedure shall apply accordingly.

#### **Art. 216ab of the Bankruptcy Law:**

Pleadings and documents containing non-public information as defined in the Non-Public Information Protection Act of 5 August 2010 (Dziennik Ustaw 2019, item 742) as well as the bids submitted in the course of tendering or auction shall be filed otherwise than via the IT data transmission system supporting the court proceedings.

#### **Art. 220 of the Bankruptcy Law:**

1. Unless otherwise provided in the Act, a ruling issued at a closed session shall be served upon the bankrupt, the persons whom the ruling concerns and upon the trustee. Rulings concerning all the creditors shall not be served upon the creditors.

2. The pleadings and the rulings referred to in paragraph 1 shall be served via the IT data transmission system supporting the court proceedings. The provision of Article 1311, paragraph 2 of the Code of Civil Procedure shall apply.

2a. If a means of complaint lies against a ruling or order, such ruling or order, as the case may be, shall be served together with statement of grounds.

3. The provision of paragraph 2 shall not apply to the service made on the persons referred to in Article 216aa, paragraph 1.

4. The persons referred to in Article 216aa, paragraph 1 may choose electronic service, if they filed a pleading via the IT data transmission system supporting the court proceedings. A statement of waiving electronic service shall be effective with respect to those pleadings which were placed in the IT data transmission system supporting the court proceedings after submission of such waiver statement.

5. The provision of paragraph 2 shall not apply to the first service made by a court, judge-commissioner, temporary court supervisor, compulsory receiver, trustee or a body which is respectively governed by the provisions on a trustee, upon a natural person, legal person or an organizational unit not being a legal person upon which a separate Act confers legal capacity, if such person or unit has not filed any pleading in the case. The above shall not apply to the service made on a temporary court supervisor, compulsory receiver, trustee or a body which is respectively governed by the provisions on a trustee.



6. Pleadings and rulings referred to in paragraph 1 addressed to a person or unit that does not have an account set up in the IT data transmission system supporting the court proceedings shall be left in the case files with the effect of service, of which relevant instruction shall be given upon the first service together with the instruction about the manner of setting up an account in the IT data transmission system supporting the court proceedings and on the self-authentication method.

7. The Minister of Justice in consultation with the minister competent for computerisation shall, by regulation, determine the procedure and manner of making electronic service, having regard to the need to ensure the effectiveness of service and the protection of persons on whom the pleadings are served.

**Art. 235 of the Bankruptcy Law:**

1. The creditor who belatedly submitted a receivable debt after the elapse of the time limit fixed for submission of the receivable debt shall bear the lump-sum costs of the bankruptcy proceedings resulting from this submission, even if the delay was not attributable to him, in the amount equal to the equivalent of 15 per cent of the average monthly remuneration in the sector of enterprises, without bonuses from profit, in the third quarter of the preceding year, as announced by the President of the Central Statistical Office, unless the submission of the receivable debt after the elapse of the time limit is the result of a correction of the tax return or any other such document covering the settlement.

2. The trustee may bind a creditor to pay lump-sum costs referred to in paragraph 1 to the bank account indicated by the trustee, within a specified time limit.

**Art. 236 of the Bankruptcy Law:**

1. A personal creditor of the bankrupt desiring to participate in the bankruptcy proceedings shall, if it is necessary for his receivable debt to be determined, submit his receivable debt to the trustee via the IT data transmission system supporting the court proceedings within such time limit as is fixed in the ruling on the declaration of bankruptcy.

2. Furthermore, the right to submit a receivable debt shall be vested in the creditor in the event that his receivable debt was secured by a mortgage, pledge, registered pledge, Treasury pledge, ship's mortgage, or by another entry in a land and mortgage register or a shipping register. Failing submission of these receivable debts by the creditor, they shall be placed ex officio on the list of receivable debts.

3. The provision of paragraph 2 shall apply respectively to receivable debts secured by a mortgage, pledge, registered pledge, Treasury pledge, ship's mortgage on things included in the bankruptcy estate, where the bankrupt is not a personal debtor and a creditor desires to vindicate under the bankruptcy proceedings his claims against the object of security.

4. The provisions of this Article relating to receivable debts shall apply to other amounts receivable satisfiable from the bankruptcy estate.

**Art. 237 of the Bankruptcy Law:**

Receivables under an employment relationship need not be submitted. Receivables from such relationships shall be placed on the list of receivable debts ex officio.

**Art. 239a of the Bankruptcy Law:**

Art. 239a The running of the period of limitation shall be interrupted by submission of the receivable debts. After an interruption of running of the period of limitation, it shall run anew from the day immediately following the day on which the ruling on completion or discontinuance of the bankruptcy proceedings becomes valid.

**Art. 240 of the Bankruptcy Law:**

A submission of a receivable debt shall state:

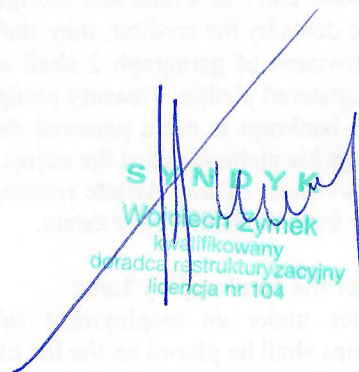
- 1) the creditor's forename and surname, or his name and PESEL number, or a number in the National Court Register, and in the absence of these - other data enabling his unanimous identification, and the business name under which the creditor operates, if he is an entrepreneur, his place of residence or seat, address, and NIP, if the creditor has such a number;
- 2) description of the receivable debt inclusive of collateral dues, and the value of a non-pecuniary receivable debt;
- 3) evidence of the existence of a receivable debt; where the receivable debt is recognized in the inventory of receivable debts made in the restructuring proceedings, citing this circumstance shall suffice;
- 4) category in which the receivable debt is to be included;
- 5) securities related to the receivable debt;
- 6) when submitting a receivable debt in respect of which the bankrupt is not a personal debtor, the object of that security from which the receivable debt is satisfiable;
- 7) advancement of the case, where in respect of the receivable debt judicial or administrative proceedings, and proceedings before administrative or conciliatory court are pending;
- 8) *repealed*.
- 9) the bank account number of the creditor if the creditor has such account.

**Art. 240a of the Bankruptcy Law:**

Other data enabling unanimous identification, as referred to in Article 240, subparagraph 1, shall be taken to mean the data referred to in Article 22, paragraph 4.

**Art. 241 PrUp of the Bankruptcy Law:**

If the submission of the receivable debts does not satisfy the formal requirements of the pleading or the requirements set out in Article 239 and Article 240 or the creditor has not paid the lump-sum costs referred to in Article 235, paragraph 1 within the time limit set by the trustee, the provision of Article 130 of the Code of Civil Procedure shall apply accordingly.

  
SYNDYK  
Wojciech Zymek  
kwalifikowany  
doradca restrukturyzacyjny  
licencja nr 104

**Recipients:**

- Addressee;
- a/a.