

CURRENT REPORT

KOFOLA S.A.

January 7th 2009

Current Report No. 3/2009

Subject: **Non-Compliance with a Corporate Governance Rule**

Legal basis: Par. 29.3 of the Warsaw Stock Exchange Rules

Acting pursuant to Par. 29.3 of the Warsaw Stock Exchange Rules, the Management Board of KOFOLA S.A. (formerly KOFOLA-HOOP S.A.) of Warsaw (the “Company”) reports that the Company has not complied with the rule set forth in Part III Section 6 of the Code of Best Practice for WSE Listed Companies, stating that “at least two members of the Supervisory Board should meet the criteria of being independent from the Company and entities with significant connections with the Company”.

As at the date of this Current Report, only one member of the Company’s Supervisory Board meets the independence criteria.

Non-compliance with the aforementioned rule results from the fact that, pursuant to Par. 17.1 of the Company’s Articles of Association, one member of its Supervisory Board is appointed by a resolution of the General Shareholders Meeting. Accordingly, the cause of the Company’s inability to comply with the said rule will be removed at the next General Shareholders Meeting.