

September 28, 2011

## **Recylex takes note of the rejection by the *Cour de Cassation* of the appeal against the Douai Appeal Court decisions of December 18, 2009**

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In the context of the claims initiated by former non-managerial employees of Metaleurop Nord SAS :

- On December 18, 2009, the Douai Appeal Court partially confirmed the decisions of the Lens Labour Tribunal by considering Recylex SA as joint-employer of 460 former employees of Metaleurop Nord SAS and awarding damages to them totalling approximately €12.4 million, which were included in the liabilities of Recylex SA's continuation plan payable in instalments. Recylex SA decided to appeal against these decisions to the *Cour de Cassation*. Today, the labour chamber of the *Cour de Cassation* decided to reject the appeal lodged by Recylex SA.
- On December 18, 2009, the Douai Appeal Court also decided to reject the claims for damages of 22 protected former employees, who decided to appeal to the *Cour de Cassation*. Today, the labour chamber of the *Cour de Cassation* decided to reject the appeal lodged by these former employees.

Recylex SA takes note of these decisions and remains focused on the fulfilment of its continuation plan as well as on the next scheduled hearings dates.

The appeal to the *Cour de Cassation* against the decisions of the Douai Appeal Court of December 17, 2010 regarding 92 former employees of Metaleurop Nord SAS, of which 84 managerial employees, is still pending.

On September 20, 2011, the Management and Industry sections of the Labour Tribunal of Lens decided to postpone to February 7, 2012 the examination of the claims for compensation filed in 2010 by 192 former employees of Metaleurop Nord SAS who were not party to the litigation that began in 2005.

Concerning the claim for repayment by Recylex SA of Metaleurop Nord SAS's liabilities brought by the liquidators of Metaleurop Nord SAS which was rejected in first instance, on September 23, 2011, the matter has been postponed by the Douai Appeal Court to its procedural hearing of November 25, 2011. Both the liquidators of Metaleurop Nord SAS and Recylex SA have to file their briefs by that date.

It should be noted that the sums claimed by the liquidators with respect to Metaleurop Nord SAS's liabilities are not included in the continuation plan approved by the Paris Commercial Court on November 24, 2005 and that, should the final outcome of this procedure go against Recylex SA, the fulfilment of the continuation plan could be jeopardized.

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***Recylex: Recycle, Transform, Enhance***

*Recylex specializes in recycling lead and plastic (from automobile and industrial batteries), recycling zinc from steel mill dust, and producing zinc oxides and special metals for the electronics industry. It operates in France, Germany and Belgium.*

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