

CURRENT REPORT FILED WITH THE POLISH FINANCIAL SUPERVISION AUTHORITY IN WARSAW

DATE: April 20th 2023

Subject: [Update of information on Jaworzno Project – MS GALLEON GmbH submits declaration of continued interest in participating in investment process involving the Company \[Current Report No. 36/2023\]](#)

Text of the report:

Further to Current Report No. 27/2023 of March 31st 2023 announcing that in the course of the mediation process held before the Arbitration Court at the Office of the General Counsel to the Republic of Poland between the Company, Mostostal Warszawa S.A. of Warsaw, E003B7 Sp. z o.o. of Racibórz, which is the Company's wholly-owned subsidiary (the "**SPV**"), and TAURON Wytwarzanie S.A. of Jaworzno ("**TAURON Wytwarzanie**"), a settlement agreement was signed in connection with Contract No. 2013/0928/Ri for the development of new coal-fired generation capacities at TAURON Wytwarzanie S.A. – construction of a 910 MW supercritical power generation unit at the Jaworzno III Power Plant – Power Plant II: steam boiler, turbine generator set, main building, electrical and I&C systems (the "**Settlement Agreement**", the "**Contract**"), and with reference to an amending annex to the Contract, the Management Board of RAFAKO S.A. w restrukturyzacji (in restructuring) of Racibórz (the "**Company**") announces that on April 20th 2023 it received a declaration of MS GALLEON GmbH of Vienna ("**MS GALLEON**") regarding its continued interest in participating in the investment process involving the Company (the "**Declaration**").

The Management Board would like to clarify that, as stated in Current Report No. 27/2023 of March 31st 2023, the receipt of the Declaration by the Company by April 20th 2023 constituted – save for the provisions which, pursuant to the Settlement Agreement, come into force regardless of the Settlement Agreement coming into force – a condition precedent to the Settlement Agreement coming into force.

Furthermore, the Company's Management Board indicates that according to the Declaration the following events will be of key importance to the execution by MS GALLEON of the transactions contemplated as part of the investment process involving the Company:

1. execution of a settlement agreement (or any other arrangement) between the Company and UAB VILNIAUS KOGENERACINÇ JÇGAIN of Vilnius with respect to the contract for the construction of the new heat and power plant in Vilnius, LOT 2 Construction of the Biofuel-fired CHP unit of September 29th 2016;
2. execution by the Company, the SPV, TAURON Wytwarzanie and the guarantors who issued performance bonds (the "**Guarantors**") of an agreement on payment by the Guarantors to TAURON Wytwarzanie of PLN 240,000,000.00 (two hundred and forty million złoty), as referred to in the Company's Current Report No. 27/2023 of March 31st 2023; execution of the agreement is a condition precedent to the entry into force of the Settlement Agreement;
3. execution by the Company, the SPV and the Guarantors of an agreement on mutual settlements between the Company, the SPV and the Guarantors and acceptance of

the Settlement Agreement by the Guarantors; execution of the agreement is a condition precedent to the entry into force of the Settlement Agreement.

Legal basis:

Article 17(1) of the Market Abuse Regulation – inside information.

Radosław Domagalski-Łabędzki – President of the Management Board

Dawid Jaworski – Vice President of the Management Board