

**CURRENT REPORT FILED WITH THE POLISH FINANCIAL
SUPERVISION AUTHORITY**

DATE: April 25th 2023



Subject: [Update on Jaworzno project – entry into force of settlement agreement with TAURON Wytwarzanie S.A. \[CR 44/2023\]](#)

Text of the report:

Further to (i) 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 (“**Mostostal**”; the Company and Mostostal jointly: the “**Contractor**”), E003B7 Sp. z o.o. of Racibórz, which is the Company’s wholly-owned subsidiary (the “**Subsidiary**”), 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 an amending annex to the Contract was executed, and (ii) Current Report No. 39/2023 of April 24th 2023 announcing that the Contractor, the Subsidiary and TAURON Wytwarzanie signed an annex to the Settlement Agreement, the Management Board of RAFAKO S.A. w restrukturyzacji (in restructuring) of Racibórz (the “**Company**”) announces that on April 25th 2023 it received from TAURON Wytwarzanie a statement to the effect that:

1. on April 25th 2023, TAURON Wytwarzanie had received the amount of PLN 240,000,000.00 (two hundred and forty million złoty, 00/100) referred to in the Settlement Agreement from the guarantors who had issued performance bonds for the Contract;
2. the condition for the entry into force of the Settlement Agreement referred to in Section 10 vi. of the Company’s Current Report No. 27/2023 of March 31st 2023 had been fulfilled.

In view of the foregoing, the Company’s Management Board announces that all the conditions precedent – as specified in Current Report No. 27/2023 of March 31st 2023 – for the entry into force of the Settlement Agreement, as amended by the annex referred to in Current Report No. 39/2023 of April 24th 2023, had been fulfilled, as a result of which the Settlement Agreement has entered into force.

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