



GRUPA PBG

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

**DATE: September 30th 2016**

**Subject:** [Execution of agreement with ENEA Wytwarzanie Sp. z o.o.](#)

**Text of the report:**

Current Report No. 29/2016

Further to Current Report No. 27/2016 of August 3rd 2016, the Management Board of RAFAKO S.A. of Racibórz (the “**Company**” or “**RAFAKO**”) announces that on September 30th 2016 the Company and ENEA Wytwarzanie Sp. z o.o. (the “**Employer**”) effectively signed a contract for delivery and installation of a catalytic flue gas denitrification system for AP-1650 boilers No. 9 and 10 and for upgrade of the electrostatic precipitators at ENEA Wytwarzanie Sp. z o.o. (the “**Contract**”). The Contract, executed on a turn-key basis, is divided into two tasks subject to two separate acceptance procedures:

- 1) Task 1 – Preparation of a Construction Plan for the entire Contract (i.e. for Task 1 and Task 2), construction of an SCR Unit at boiler No. 9 with a RUSA II Station – entire scope, all trades (development of Documentation, Delivery, performance of construction, electrical, mechanical, and I&C works), replacement of flue gas ducts at the boiler outlet stub – LUVO 1÷3 inlet stub section, replacement of electrostatic precipitator with the ash removal system and the flue gas inlet and outlet ducts, replacement of flue gas fans, removal of REGAVO and auxiliary fans including the construction of new flue gas ducts in place of the removed REGAVO and auxiliary fans, and construction of protection system for flue gas ducts from the FGD I absorber outlet to stack No. 5.
- 2) Task 2 – Construction of an SCR Unit at boiler No. 10 and connecting the unit to RUSA II Station – entire scope, all trades (development of Documentation, Delivery, performance of construction, electrical, mechanical, and I&C works), replacement of flue gas ducts at the boiler outlet stub – LUVO 1÷3 inlet stub section, replacement of flue gas fans, and upgrade of electrostatic precipitator with flue gas ducts before and after the electrostatic precipitator (adaptation to new pressures following the construction of the SCR Unit).

The total value of the contract is PLN 289,182,112.00, VAT exclusive (or PLN 355,693,997.76 VAT inclusive). The above amount comprises remuneration for the performance of Task 1 (PLN 189,524,080.00 VAT exclusive) and Task 2 (PLN 99,658,032.00).

The Contract completion deadline is:

- a) for Task 1 – May 18th 2018 (placing the SCR Unit, RUSA II Station and EP 9 in service),
- b) for Task 2 – August 25th 2018 (placing the SCR Unit and upgraded EP 10 in service)

The aggregate value of contractual penalties for any breach under the contract for a given Task is limited to 30% of remuneration for that Task (VAT exclusive).

If losses incurred by the Employer exceed the amount of contractual penalties, the Employer may seek compensation in excess of the contractual penalties in accordance with the laws of general application.

Each Party's total liability for non-performance or improper performance of the Contract may not exceed 100% of the Contract Price.

The other terms and conditions of the contract do not differ from the terms and conditions commonly applied in contracts of this kind.

Legal basis: Art. 17.1 of the Market Abuse Regulation – Inside information

Agnieszka Wasilewska-Semail, President of the Management Board

Tomasz Tomczak, Vice President of the Management Board