

CURRENT REPORT FILED WITH THE POLISH FINANCIAL SUPERVISION AUTHORITY IN WARSAW

DATE: March 2nd 2022

Subject: Execution of agreement concerning contract between RAFAKO and Nowe Jaworzno Grupa TAURON [Current Report No. 16/2022]**Text of the report:**

The Management Board of RAFAKO S.A. of Racibórz (the “**Company**”) announces – further to Current Report No. 45/2021 of December 2nd 2021 announcing that the Company, its wholly-owned subsidiary E003B7 sp. z o.o. (the “**Subsidiary**”), Mostostal Warszawa S.A. (“**Mostostal**”; the Company and Mostostal are jointly referred to as the “**Contractor**”) and Nowe Jaworzno Grupa TAURON sp. z o.o. (“**NJGT**”) executed a settlement agreement concerning Contract No. 2013/0928/Ri for ‘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 “**Contract**”, the “**Settlement Agreement**”, and the unit built under the Contract – the “**Unit**”), and the Contractor and NJGT signed Annexes 13 and 14 to the Contract, relating to the execution of the Settlement Agreement – that the Contractor and NJGT have signed, with the participation of the Subsidiary, an agreement (the “**Agreement**”) on handing over the performance of operational work to the Contractor for the duration of Unit commissioning.

In accordance with the material provisions of the Agreement:

1. The Contractor has agreed to perform, at its own responsibility and risk, from March 1st 2022 to June 30th 2022, operational work within the meaning of Section 2(3)(a) of the Minister of Energy’s Regulation of August 28th 2019 on health and safety at work relating to power engineering equipment (consolidated text: Dz.U. of 2021, item 1210) (the “**Regulation**”) with a view to commissioning the Unit, as specified in the Agreement and on the terms set out therein;
2. The Contractor has agreed to:
 - i. draw up a Unit Commissioning Safety Manual within three days from the date of the Agreement;
 - ii. draw up a Unit Commissioning Organisation Plan in accordance with the requirements set forth in the Regulation within 10 days from the date of the Agreement; and,
 - iii. submit to NJGT a Unit Commissioning schedule no later than seven days after signing the Agreement;
3. NJGT has agreed to cooperate with the Contractor in carrying out the operational work referred to in Section 1 above, to the extent specified in the Agreement;
4. The Agreement has been made for the duration of the operational work referred to in Section 1 above, but not beyond June 30th 2022;

5. The Contractor and NJGT agreed to execute an annex to the Contract, defining in detail the terms of performing the work relating to the commissioning of the Unit as well as the Contractor's fee for the activities to be performed under the Agreement, capping the fee at PLN 14,999,000.00 (fourteen million, nine hundred and ninety nine thousand złoty, 00/100), exclusive of VAT. The annex is to be signed by April 15th 2022, but it has been agreed that the Agreement will be performed also before the annex is formally executed.

Legal basis:

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

Radosław Domagalski-Łabędzki, President of the Management Board
Maciej Stańczuk, Vice President of the Management Board