

## CURRENT REPORT FILED WITH THE POLISH FINANCIAL SUPERVISION AUTHORITY IN WARSAW

DATE: August 5th 2022

Subject: [Execution of mediation agreement with Nowe Jaworzno Grupa TAURON sp. z o.o. and preparation of mediation requests to be filed with Arbitration Court at Office of General Counsel to Republic of Poland \(Current Report No. 60/2022\)](#)

### Text of the report:

The Management Board of RAFAKO S.A. of Racibórz (the “**Company**”) announces – further to (i) 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 (“**Annex 13**” and “**Annex 14**”), (ii) Current Report No. 46/2021 of December 10th 2021 announcing the entry of Annex 13 into force and effect, (iii) Current Report No. 22/2022 of April 14th 2022 announcing the entry of the Settlement Agreement and Annex 14 into force and effect, and (iv) Current Report No. 23/2022 of April 14th 2022 announcing the resynchronisation of the Unit with the National Power System – announces that on August 5th 2022 the Contractor, the Subsidiary and NJGT entered into an agreement to mediate before the Arbitration Court at the Office of the General Counsel to the Republic of Poland (the “**Mediation Agreement**”; the “**Arbitration Court**”) and that the Contractor and the Subsidiary prepared a request for the Arbitration Court to conduct the mediation contemplated by the Mediation Agreement (the “**Request**”), with the Request to be filed with the Arbitration Court on August 8th 2022.

The Mediation Agreement and the Request are related to the existing dispute between the Contractor, the Subsidiary and NJGT regarding the reasons for delays in the performance of the Contract on schedule during the Transition Period (as stated in the Company’s Current Report No. 45/2021 of December 2nd 2021, the Transition Period should end by October 30th 2022) and the consequences of the present situation.

In addition, pursuant to the Mediation Agreement and, consequently, the Request, the mediation will also cover the definition/understanding of the term ‘successful completion of the investor process’ in the context referred to in the part of Section 4 of the Company’s Current Report No. 45/2021 of December 2nd 2021 outlining the key provisions of the Settlement Agreement, Annex 13 and Annex 14.

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