

**Current report 5/2013**

**Subject: Annexe to the contract with EDF Paliwa sp. z o.o. (regarding Current Report No. 31/2012)**

The Management Board of Zespół Elektrociepłowni Wrocławskich KOGENERACJA S.A., acting on the basis of article 56 item 1 section 2 on public offering and § 5 item 1 section 3 and § 9 of the Ministry of Finance Ordinance of 19 February 2009 regarding current and periodical information submitted by issuers of securities and the conditions for approving as equivalent information, required by the law of a non-member state (Dz. U. [Official Journal] No. 33, item 259 as amended) hereby informs that on 27 February 2013, the Issuer concluded an annexe to the *Contract No. SB/12/444/UH of 27 September 2012* with EDF Paliwa Sp. z o.o., about which the Issuer informed in the Current Report No. 31/2012.

In consequence of concluding the above-mentioned annexe, section 10.1 of the Contract, regarding liquidated damages was amended, referred to in section 4 of the Current Report No. 31/2012.

So far, the contract contained only the provisions defining the amounts of liquidated damages at 5% of the value of undelivered biomass in a year, which the Issuer could demand from the party. Having concluded the annexe for not receiving the ordered biomass, the Seller – EDF Paliwa Sp. z o.o. – may demand from the Issuer liquidated damages in the amount of the documented costs, which the Seller incurred in consequence of not receiving biomass by the Issuer. The costs incurred by the Seller shall include, in particular, the liquidated damages which the Seller was obliged to pay to Producers, considering not collecting biomass.

In consequence of the annexe conclusion, the volume of the biomass ordered in 2013 shall be reduced in comparison to 2012 by 23% (also the Seller's remuneration will decrease).

Other terms and conditions of the contract described in the Current Report 31/2012 remained unchanged.

The annexe to the contract was concluded on 27 February 2013; however, the parties negotiated that its terms and conditions shall apply to the parties' cooperation as of 1 January 2013.

**Legal basis:** Article 56 item 1 section 2 on public offering – current and periodical information and § 5 item 1 section 3 and § 9 of the Ministry of Finance Ordinance of 19 February 2009 regarding current and periodical information submitted by issuers of securities and the conditions for approving as equivalent information, required by the law of a non-member state (Dz. U. [Official Journal] No. 33, item 259 as amended).