

Current report 24/2013

Subject: material agreement – the agreement with the consortium of FORTUM POWER AND HEAT Oy and INSTAL KRAKÓW S.A.

The Management Board of Zespół Elektrociepłowni Wrocławskich KOGENERACJA S.A. with its registered office in Wrocław hereby reports that on 23 October 2013, the following agreement was entered into: *Design, construction, start-up and commissioning of flue gas de-nitrification installation in EDF Polska S.A. and Zespół Elektrociepłowni Wrocławskich KOGENERACJA S.A. within the scope of Elektrociepłownia Wrocław.*

1. The agreement was entered into on 23 October 2013.
2. The Parties to the agreement are as follows:
 - a. the Contractor – the Consortium of: FORTUM POWER AND HEAT Oy with its registered office in Espoo, Finland – a company whose primary business is the generation, distribution and sales of electricity and heat as well as related expert services and INSTAL KRAKÓW S.A. with its registered office in Kraków– a company acting in construction branch, which specializes in performing and assembly of installation in industrial, municipal and environmental protection objects / buildings.
 - b. the Customer – Zespół Elektrociepłowni Wrocławskich KOGENERACJA S.A. with its registered office in Wrocław.
3. The subject of the agreement is the implementation of the project: *“Design, construction, start-up and commissioning of flue gas de-nitrification installation in EDF Polska S.A. and Zespół Elektrociepłowni Wrocławskich KOGENERACJA S.A. within the scope of Elektrociepłownia Wrocław”*.
4. Pursuant to the agreement, the Customer shall pay the Contractor the fee in the net amount of: PLN 122,192,430.00 (PLN one hundred twenty two million one hundred ninety two thousand four hundred thirty). The Contractor shall meet the deadlines for the performance of work, in particular commissioning of the facility before 1 January 2016, when the environmental requirements for the reduction of NOx emissions will come into force, in accordance with the Industrial Emissions Directive. The other agreement conditions don't differ from the conditions commonly used for this type of agreements.
5. The aggregate cap for Liquidated Damages in lieu of defaults shall not exceed fifteen percent (15%) of the net Contract price of the Stage, the default concerns. The aggregate cap for Liquidated Damages for Guaranteed Performance shall not exceed ten percent (10%) of the net Contract Price for a given Stage. The aggregate cap for the overall liquidated damages under the contract shall not exceed twenty percent (20%) of the entire contract net price. Payment of Liquidated Damages is the sole remedy.
6. The agreement has not been concluded under any condition or with reservation of date.

7. The agreement is deemed material as its value has reached 10% of the Issuer's equity.

Legal basis: article 56 section 1 item 2 of the Act on Public Offering – current and interim information, § 5 section 1 item 3 and § 9 of the Ordinance by the Minister of Finances of 19 February 2009 on current and interim information communicated by issuers of securities and on the conditions for regarding as equivalent the information required by the provisions of the law in force in a non-Member State (Dz. U. of 2009, No. 33, item 259, as amended).