

Current report 34/2010

Subject: Important or meaningful agreements – agreements with EDF Polska Sp. z o.o.

Relating to the Current Report 25/2010, the Board of KOGENERACJA S.A. informs that, pursuant to Par. 5, Clause 1, Sub-clause 3 of the Decree of Minister of Finances of February 19, 2009 on the current and periodic information provided by the issuers of securities and on conditions of considering as equal information required by regulations of the states outside the EU (Dz. U. No. 33 of February 28, 2009, Item 259), yesterday, it received information that on 24th November, 2010, its subsidiary company EC Zielona Góra S.A. entered into agreements with EDF Polska Sp. z o.o. on provision of services concerning the processes. These agreements enter into force on January 1st, 2011. The value of the long-term agreements entered into during the period of 12 months by the Issuer and its subsidiary company with one contracting party (for the period of 5 years) reached the level of PLN 107,810,000.00 meeting the criterion of an important agreement.

Pursuant to Par. 9, Clause 8 of the said Decree, the Board of the Company provides detailed information concerning the agreement of the highest value, i.e. an agreement with *SLA Inżynieria*:

1. Agreement entered into on 28th June, 2010.
2. Parties to this Agreement are EDF Polska Sp. z o.o. and KOGENERACJA S.A.
3. Subject of this Agreement is activities related to the maintenance and development of production assets. The fee for the provision of services has been estimated to amount to PLN 27,405,000.00 net, for the period of 5 years,
4. In the Agreement contained are provisions indicating the contractual penalties for each day of delay in the restoration of the quality of services: the Company is entitled to charge a contractual penalty amounting to 0.1% of the monthly fee for each of the first 20 days of delay, and 0.4% of the monthly fee for each consecutive day of delay, for the calendar year in which the lowering of the quality of services took place. The total amount of the penalties charged this way cannot exceed, in a given calendar year, 1.5% of the yearly fee for the calendar year in which a lowering of the quality of services took place.
5. Under the frame agreement the total value of compensation claims may not exceed, in each year, the higher of the following amounts: the amount equal to the yearly fee due to EDF Polska for a given year under the Agreement or the amount constituting an equivalent (expressed in PLN) of Euro 1,500,000.00.
6. Agreement has been entered into for an unspecified period of time and it enters into life on July 1, 2010.
7. Agreement has not been entered into with a reservation concerning any condition or deadline.

The Agreements are considered important ones because their total value reached 10% of the equity of the Issuer.

Legal basis: Art. 56, Clause 1, Sub-clause 2 of the Act on offers – current and periodic information.