

## Current Report 50/2015

Date of preparation: 7 December 2015

### **Subject: Conclusion of an Annex to the Significant Agreement with Elektrownia Połaniec S.A. – GDF SUEZ ENERGIA POLSKA Group**

*General legal basis: Art. 56.1.2 of the Act on Public Offering – current and periodic information*

#### Content:

The Management Board of LW Bogdanka S.A. with registered office in Bogdanka (the “Company”, the “Seller”) hereby informs you that on 7 December 2015 it concluded an Annex to Agreement No. 3/W/2012 on the sale of power coal (the “Agreement”) with Elektrownia Połaniec Spółka Akcyjna - GDF SUEZ ENERGIA POLSKA Group (the “Buyer”) with registered office in Zawada 26, 28-230 Połaniec. The Agreement was the subject matter of Current Reports Nos. 41/2012 of 12 July 2012, 31/2013 of 30 August 2013, 38/2013 of 31 October 2013, 40/2013 of 18 November 2013, and 21/2014 of 17 December 2014.

The Agreement provides for supplies of power coal for the purposes of Elektrownia Połaniec between 2013 and 2019.

The Annex specifies the terms and conditions of supplies (volumes and prices) for 2015-2016.

The value of the entire Agreement following the conclusion of the Annex amounts to approx. PLN 3.124 billion net, at current prices, and is by 5.71% lower than the amount published in current Report No. 21/2014 of 17 December 2014.

Amendments introduced to the Agreement include the possibility to submit a motion by a Party to renegotiate the content of the Agreement and the possibility to terminate the Agreement with a 12-month notice in the event of failure to renegotiate, in the event that a change of the Parent occurs for the other Party to the Agreement. In the event that for reasons attributable to the Party to which the change of the Parent applies, the Parties do not conclude a written annex to the Agreement, which amends the provisions thereof, the other Party to the Agreement shall have the right to terminate the Agreement with a 12-month notice.

The Buyer shall have no right to submit a motion to renegotiate the Agreement in the event that the Seller’s new Parent is: the State Treasury, subsidiaries of the State Treasury, subsidiaries of ENEA S.A., and entities non-competitive towards GDF SUEZ S.A. (ENGIE S.A.), within the meaning of the provisions of the Act on Competition and Consumers Protection of 16 February 2007 (Dz. U. [Journal of Laws] of 2015, item 184).

The Seller shall have no right to submit a motion to renegotiate the Agreement in the event that the Buyer's new Parent is: GDF SUEZ S.A. (ENGIE S.A.), subsidiaries of GDF SUEZ S.A. (ENGIE S.A.), subsidiaries of GDF SUEZ International Holdings B.V. and entities non-competitive towards Lubelski Węgiel Bogdanka S.A. within the meaning of the provisions of the Act on Competition and Consumers Protection of 16 February 2007 (Dz. U. of 2015, item 184).

Other terms and conditions of the Agreement remain unchanged and do not differ from the market standards applied in such agreements.

The criterion for deeming the Agreement significant is that it exceeds 10% of the value of the Company shareholders' equity.

Legal basis for submitting the report: Article 5.1.3 of the Regulation of the Minister of Finance on the Stock Exchange.