

Date of issue: 27 April 2017

Current report no 5/2017

Information on securing the Issuer's claim against Energa-Operator S.A. in connection with the execution by the insurer of a performance bond issued for the benefit of Energa-Operator S.A.

Legal basis: Art. 17.1 of the Market Abuse Regulation

Content of the report:

With reference to the current reports no 2/2017 and 4/2017, the Management Board of **ARCUS S.A.** (hereinafter “**the Issuer**”) hereby notifies that on 27 April 2017 has received a decision dated 13 April 2017 of the Court of Appeals in Gdańsk, 9th Commercial Division (“the Decision”) granting, in accordance with the Issuer’s and T-matic Systems S.A. (“T-matic”), the security (injunctive relief) for a claim of the Issuer and T-matic (hereinafter together referred to in as “the Eligible Parties”) against Energa-Operator S.A. (“Energa”) to order Energa a repayment for the benefit of an insurer – Ergo Hestia S.A. (“Ergo-Hestia”):

- 1) an amount of PLN 4,798,851.15 that is granting an unduly conferred (at the expense of the Issuer) benefit arising from the execution by Ergo-Hestia, at the request of Energa, of a performance bond associated with the Implementation Agreement concluded on 1 February 2013 between the Issuer, T-matic Systems S.A. and Energa, the subject of which was the delivery and setting up of the meter infrastructure as the Issuer informed in current report no 4/2013 (hereinafter “the Agreement”) – within the scope covering the claims of Energa against the Issuer and T-matic resulting from alleged improper performance of the Agreement (current report no 25/2015);
- 2) an amount of PLN 4,798,851.15 that is granting an unduly conferred (at the expense of the T-matic) benefit arising from the execution by Ergo-Hestia, at the request of Energa, of a performance bond associated with the Agreement.

In accordance with the Decision, the Court ruled to secure the above claim by regulating the rights and obligations of the parties to the safeguard procedure for a period of its duration, in such a way that:

- 1) ordered Energa to reimburse to Ergo-Hestia an amount of PLN 9,597,702.30 within 30 days of the date of the Decision, provided that Ergo-Hestia grants to Energa a guarantee of payment of an amount PLN 9,597,702.30 exercisable in case of final disposal, to the detriment of Eligible Parties, of court proceedings initiated (following the safeguard procedure as a result of which a Decision was issued) by Eligible Parties against Energa as regards the claims secured with the Decision (“Proceedings”);
- 2) ordered Eligible Parties to (i) request Ergo-Hestia to issue for the benefit of Energa a guarantee of payment of an amount PLN 9,597,702.30 exercisable in case of final disposal of the Proceedings to the detriment of Eligible Parties, and effective until 31 December 2017, and to (ii) request Ergo-Hestia to extend the period of guarantee for subsequent annual periods after 31 December 2017

until the final settlement of Proceedings, where such extensions shall be performed until 30 December each year at the latest.

In addition, the Decision sets a two-week deadline for Eligible Parties to file a lawsuit concerning claims secured with the Decision, under pain of nullity of the security granted. The Decision is effective and enforceable on the date of its issuance, but the other party is entitled to appeal to it.

SIGNATURES OF PERSONS REPRESENTING THE COMPANY:

Michał Czeredys – President of the Management Board

Rafał Czeredys – Member of the Management Board