

Date of issue: 8 December 2017

Current report no 22/2017

Information on filling a counterclaim by Energa-Operator S.A. as regards claims for damages in connection with a dispute concerning the execution of significant contracts

Legal basis: Art. 17.1 of the Market Abuse Regulation

### Content of the report:

The Management Board of **ARCUS S.A.** (hereinafter “**the Issuer**”) hereby discloses the information that today was notified on receiving a counterclaim (“Counterclaim”) filled with the Court of Appeals in Gdańsk, 9th Commercial Division by Energa-Operator S.A. with its registered office in Gdańsk (“Energa”) against the Issuer and T-matic Systems S.A. (“T-matic”) as defendants (“Defendants”) on the basis of which Energa pursues claims in the amount of PLN 157,063,142 along with statutory late payment interest (as from 2 November 2017 until the payment day) to be paid by Defendants as compensation for the alleged damage suffered by Energa in connection with conclusion and implementation by Defendants for the benefit of Energa of several implementation agreements for the delivery and setting up of meter infrastructure (agreements no ZP/64/AZU/2011, no ZP/63/AZU/2011, ZP/62AZU/2011, no W/1/AZU/00071/12), as well as implementation agreements for the development of the PLC-based intermediate infrastructure in the assembly area, (agreements no ZP/66/AZU/2011 and ZP/67/AZU/2011) concluded in the period between 25 August 2011 and 1 February 2013 as a result of public procurement procedure (hereinafter “the Agreements”). The counterclaim was filled by Energa in connection with the earlier compensation claim of the Issuer and T-matic against Energa (about which the Issuer informed in the current report 16/2017), and shall be recognized as another element of a multi-faced legal dispute arising between the parties in connection with the Agreements. The information on significant events associated with the Dispute was disclosed by the Issuer in current reports no 3/2015, 21/2015, 22/2015, 24/2015, 25/2015, 2/2017, 4/2017, 5/2017, 6/2017, 7/2017 and 16/2017. In the total amount of the counterclaim, the amount of PLN 156,060,200 refers to contractual penalties accrued by Energa in connection with several different titles. The counterclaim includes also an application for the exemption of the Claimant from the obligation to pay procedural costs, including the court fee arising from the filled Counterclaim. The Issuer calls into question the claims contained in the Counterclaim, considering them completely unfounded.

### SIGNATURES OF PERSONS REPRESENTING THE COMPANY:

**Michał Czeredys** – President of the Management Board

**Rafał Czeredys** – Member of the Management Board