

Consent of the PKP CARGO S.A. under restructuring Supervisory Board to the execution of an agreement with PKP PLK S.A.

Current Report No. 111/2024 of 27 November 2024

Legal basis (selected in ESPI):

Article 17(1) of MAR – inside information

The Management Board of PKP CARGO S.A. under restructuring ("Company", "Issuer") hereby announces that on November 27, 2024, the Supervisory Board of the Company consented to the signing of the Agreement on the use of capacity for the transport of goods in the 2024/2025 train timetable ("Agreement") between PKP CARGO S.A. under restructuring ("Company") and PKP Polskie Linie Kolejowe S.A. with its registered office in Warsaw ("Manager", "PKP PLK"). The Agreement will be valid from December 15, 2024 to December 13, 2025.

The subject of the Agreement is the provision of railway infrastructure to the Company by PKP PLK in order to use the allocated capacity for train journeys, shunting, parking of railway vehicles and use of service infrastructure facilities in the 2024/2025 train timetable. Additionally, the Manager will provide the Company with data on the planned and implemented train timetable and the operational work performed by its trains. The estimated value of the Issuer's obligations to PLK PKP resulting from the Agreement, during its term, amounts to a total of PLN 387.5 million net, i.e. PLN 476.6 million gross. A change in the estimated value of the Agreement does not constitute an amendment to the Agreement and does not require written form or electronic form with a qualified electronic signature.

The Manager will charge fees based on: the "Price list of fees for using the railway infrastructure with a track gauge of 1,435 mm managed by PKP Polskie Linie Kolejowe S.A." which is an annex to the "Network Regulations 2024/2025", as well as the Rules for providing access to the railway infrastructure with a track gauge of 1,520 mm managed by PKP Polskie Linie Kolejowe S.A." and the price list of "Fees for access to service infrastructure facilities (OIU) managed by PKP Polskie Linie Kolejowe S.A." which is an annex to the Rules for access to service infrastructure facilities managed by PKP Polskie Linie Kolejowe S.A.

The Agreement also contains provisions on contractual penalties, including for the Company's launch of a train with a different type of traction vehicle and/or increased gross train weight or with dangerous goods and/or high-risk dangerous goods (TWR) and/or an extraordinary shipment in breach of applicable rules, cancellation of a train route for reasons attributable to the Manager, improper maintenance of track inter-tracks, the Issuer's use of throughput capacity for shunting and stops in breach of applicable rules regarding its ordering or the Company's use of data from the SEPE2 Application and Interface in breach of applicable rules.

The Management Board informs about the consent to conclude this Agreement, as it is key to the implementation of the Issuer's core business. This is a cyclical agreement, concluded by the Company annually. The Company informed about the conclusion of the previous agreement with PKP Polskie Linie Kolejowe S.A. in current report no. 35/2023 dated December 5, 2023.

Specific legal basis:

Article 17(1) of MAR – inside information.