

**Company announcement  
No. 32 / 2016****The Copenhagen Maritime and Commercial High Court will  
announce its judgment in case concerning the former Elsam on 30  
August 2016**

The Copenhagen Maritime and Commercial High Court has stated that it expects to announce its judgment in a case concerning the former Elsam on 30 August 2016 at 10:00.

The case concerns whether Elsam abused its dominant position in the market for wholesale of physical electricity in Western Denmark in the period from 1 January 2005 to 30 June 2006.

The judgment will be handed down to the parties on 30 August 2016 at 10:00 and will at the same time be made available (in Danish) on the court's website ([www.soeoghandelsretten.dk](http://www.soeoghandelsretten.dk)). DONG Energy expects to issue a company announcement concerning the court's judgment as soon as possible after the announcement of the judgment.

The Copenhagen Maritime and Commercial High Court is the first court to hear the case, and the judgment may be appealed to the next court.

**Concurrent action for damages**

In 2007, 1,106 Danish plaintiffs headed by the Danish energy trading company 'Energi Danmark' brought a case against Elsam, claiming compensation for losses suffered as a consequence of the potential violation of the competition rules. The action for damages is currently suspended.

DONG Energy has made provisions of DKK 298m plus litigation interest from the commencement of the action for damages to cover any compensation. The amount is based on the Danish Competition Authority's statement of the losses suffered by consumers in the period 1 July 2003 to 31 December 2006.

The judgment to be announced on 30 August 2016 by the Copenhagen Maritime and Commercial High Court does not concern the action for damages. A judgment which goes against DONG Energy will therefore not give rise to any changes in the provisions made. If the Copenhagen Maritime and Commercial High Court rules in favour of DONG Energy, in full or in part, the company will analyse the court's decision and then decide whether there is a basis for changing the provisions made.

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37 28

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DONG Energy (NASDAQ OMX: DENERG) is one of Northern Europe's leading energy groups and is headquartered in Denmark. Approximately 6,700 ambitious employees are involved in developing, constructing and operating offshore wind farms, in producing electricity and heat from our power stations, in supplying energy to private and business customers and in producing oil and gas. Group revenue was DKK 71bn (EUR 9.5bn) in 2015. For further information, please see [www.dongenergy.com](http://www.dongenergy.com).

The information provided in this announcement does not change DONG Energy's previously announced outlook for the financial year 2016.

#### **Facts about the Elsam case**

- In 2007, the Danish Competition Council decided that Elsam had abused its dominant position in the market for wholesale of physical electricity in Western Denmark in the period from 1 January 2005 to 31 December 2006.
- In 2008, the Competition Appeals Tribunal upheld the Danish Competition Council's decision for the period from 1 January 2005 to 30 June 2006, but repealed and remitted the decision for the second half of 2006.
- In 2008, Elsam brought the decision of the Competition Appeals Tribunal before the Copenhagen Maritime and Commercial High Court.
- In 2007, 1,106 Danish plaintiffs headed by the Danish energy trading company 'Energi Danmark' brought an action for damages against Elsam concerning losses suffered in the period from 1 July 2003 to 31 December 2006. The case has been suspended for the time being.
- On 30 August 2016, the Copenhagen Maritime and Commercial High Court will announce its judgment in the case concerning Elsam's potential violation of the competition rules in the period from 1 January 2005 to 30 June 2006.

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