

FINANCIAL SUPERVISORY COMMISSION

Current Report No 3/2009

Date: 8 January 2009

Issuer's shortened name: KOPEX SA

Subject: Significant domestic agreements of the Issuer subsidiary and subsidiary.

Legal basis: Law on Offer; Art.56, Par.1, Cl. 2 – current and cyclic information

Report contents:

Management Board of KOPEX S.A. with registered seat in Katowice (the Issuer) advises as follows:

On 7 January 2009 the Issuer was informed about two agreements (orders) signed between legal entities forming the Issuer capital group and Kompania Weglowa S.A. with registered seat in Katowice.

The first agreement was signed between consortium companies of Fabryka Maszyn i Urzadzen TAGOR S.A. with registered seat in Tarnowskie Gory (the Issuer subsidiary - Consortium Leader) and Fabryka Obudow Scianowych FAZOS S.A. with registered seat in Tarnowskie Gory (Consortium Member) - Contractors- and Kompania Weglowa SA, Centrum Wydobywcze Wschod Oddzial KWK Boleslaw Smialy– Orderer.

Subject of the agreement is supply of a power roof support. Net value of the agreement amounts to PLN 40,256 thou. Detailed division of the remuneration will be subject of a separate agreement. Term of the agreement is 20 weeks from its signing but not later than until 30 April 2009.

Stipulated penalties:

- The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of gross agreement value if the Orderer renounces the agreement due to the reasons caused by the Contractor,
- The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of gross agreement value if the Contractor renounces the agreement due to the reasons caused by the Orderer.
- The Contractor is obliged to pay the Orderer stipulated penalties amounting to 0.1% of non-executed delivery value for each day of delay in execution of the agreement.

If compensation exceeds stipulated penalties, the parties to the agreement permit supplementary claiming on general legal basis up to the value of the losses borne by them in fact.

The second agreement was signed between Zabrzanskie Zaklady Mechaniczne SA. with registered seat in Zabrze (the Issuer subsidiary- Lessor) and Kompania Weglowa SA Centrum Wydobywcze Wschod Oddzial KWK Ziemowit (Lessee) . Subject of the agreement is lease of a longwall shearer with additional outfit and full warranty and maintenance services. Net value of the agreement amounts to PLN 177 thou. Term of the agreement is 30 days.

Stipulated penalties:

- The Lessor is obliged to pay the Lessee stipulated penalties amounting to 10% of gross agreement value if the Lessee renounces the agreement due to the reasons caused by the Lessor,
- The Lessee is obliged to pay the Lessor stipulated penalties amounting to 10% of gross agreement value if the Lessor renounces the agreement due to the reasons caused by Lessee.
- The Lessee may be charged by the Lessor if he does not return in 14 days parts which were missing on the day of return of the subject of the agreement, in the amount of 50% value of new parts, in compliance with price list of new parts binding for KSW SA.
- The Lessor may be charged by the Lessee if he does not come to the Lessee's seat to commence repairing in four hours from notifying breakdown; stipulated penalties amount to 10% of gross daily lease rate for each hour of delay commenced.
- The Lessor may be charged by the Lessee if the breakdown is not eliminated in 24 hours from the moment of notifying breakdown; stipulated penalties amount to 10% of gross daily lease rate for each hour of the breakdown commenced.
- The Lessor may be charged by the Lessee if the breakdown is not eliminated in 72 hours from the moment of notifying breakdown; stipulated penalties amount to 30% of gross daily lease rate for each hour of the breakdown commenced.

Irrespective of the stipulated penalties, the parties may claim on general legal basis up to the value of the losses borne in fact, but not exceeding the agreement value.

Detailed conditions of the agreements stick to the conditions commonly applied in the agreements of this kind.

In the past 12 months the Issuer subsidiaries have signed with this customer and its subsidiaries agreements amounting altogether to PLN 208,767 thou, including this one.

The Issuer informed about the last agreement signed with this customer in the current report RB 2/2009 dated 6 January 2009. The highest value agreement from among all the agreements signed in the past 12 months is the agreement the Issuer informed about in this current report .

Value of the Issuer's equity at the end of Q3 2008, amounting to PLN 1,191,715 thou was accepted as a criterion of a significant agreement.