

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 40/2010

Date: 14 April 2010

Issuer's shortened name: KOPEX S.A.

Subject: **Domestic agreements of the Issuer's subsidiary.**

Legal basis: Law on Offer, Art. 56, Par.1 Item 2– current and periodic information

#### **Contents of the report:**

Management Board of KOPEX S.A. with a registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 14 April 2010 by WAMAG S.A. with a registered seat in Wałbrzych (the Issuer's subsidiary) an agreement signed with Kompania Węglowa S.A. with a registered seat in Katowice.

The parties of the agreement dated 1 March 2010 are WAMAG S.A. – the Seller and Kompania Węglowa S.A. Oddział KWK Jankowice - the Buyer.

The subject of the agreement is a supply of machine elements.

Net value of the agreement: PLN 133.000,00

Term of the agreement: till 31.12.2010

#### Stipulated penalties:

In case of failure or improper performance of the agreement due to the reasons caused by the Seller, the Seller is obliged to pay the Buyer a stipulated penalty amounting to 10% of gross value of unperformed agreement. In case of failure or improper performance of the agreement due to the reasons caused by the Buyer (except, as expressly set out in the agreement, cases entitling the Buyer to withdraw from the agreement or limit the scope of its implementation) the Buyer is obliged to pay the Seller a stipulated penalty amounting to 10% of gross value of unperformed agreement.

Apart that the parties may claim on general legal basis up to the value of the losses borne in fact.

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

A criterion of recognizing an agreement as a significant one is its transgression of a 10% bound of the Issuer's equity capital (the Issuer's equity capital, according to the interim report for fourth quarter 2009, amounts to PLN 1.319.861) and fulfillment of the criteria set forth in Par.2, Cl.1.44 and Par.2 Cl.2 of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information (...). In the past 12 months the Issuer subsidiaries have signed with this customer and its subsidiaries agreements amounting altogether to PLN 133.251 thou, including this one. The Issuer informed about the last agreement signed with this customer in the current report RB 38/2010 dated 6.04.2010. The highest value agreement from among all the agreements signed in the past 12 months is the agreement the Issuer

informed about in the current report RB 90/2009 dated 11.05.2009 that also contains information relating to the highest value agreement set forth in Par 9 Cl. 1-7 of Regulation by the Minister of Finance dated 19 February 2009 on current and periodic information (...).

Legal basis: Par.5 Cl.1.3 in connection with Par.2 Cl.2 and Par.9 of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information conveyed by issuer of securities and conditions of recognizing as equivalent information requested by legal regulations of a country that is not a member country (*Dz.U. z 2009, Nr 33 poz.259*).