

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 68/2009**

Date: 19 February 2009

Issuer's shortened name: KOPEX SA

**Subject: Notice of alteration in the previous portion held of the total number of votes of ZEG S.A. with registered seat in Tychy by the Issuer subsidiary by at least 1%.**

Legal basis: Law on Offer; Art.70, Cl. 1 – acquisition of sale of a significant share package

#### **Report contents:**

Management Board of KOPEX S.A. with registered seat in Katowice (the Issuer) executing duties resulting from Art.69 Cl.2.2., in connection with Art.69 a of Law on Public Offering Securities and Conditions of Financial Instruments Implementation into Organized Trading System and on Publicly Traded Companies (with further alterations) dated 29 July 2005 advises that today the Issuer has become aware of receiving by Zabrzanskie Zaklady Mechaniczne S.A. with registered seat in Zabrze (subsidiary of KOPEX S.A. publicly traded company, and KOPEX S.A. holds altogether 1,290,939 shares, making 97.99% of the equity capital of KOPEX S.A. entitling to the same number of votes at the GM of ZSM S.A.) on alteration in previous portion held of the total votes of ZEG S.A. with registered seat in Tychy by the Zabrzanskie Zaklady Mechaniczne S.A. based in Zabrze, by at least 1%.

In accordance with notification received, ZSM S.A. on 24 March 2009 ZSM S.A. acquired in a package transaction 5,695 shares of a publicly traded company ZEG S.A. based in Tychy, making 0.5% of votes and shares at the GM. Since 8 December 2008 ZSM S.A. has acquired altogether 14,984 shares in package transactions, making 1.32% shares of ZEG S.A. and the same number of votes at the GM of ZEG S.A. Share acquisition effected in a result of a shareholder's demand, basing on Art.83 of the Law on Public Offering Securities and Conditions of Financial Instruments Implementation into Organized Trading System and on Publicly Traded Companies (with further alterations) dated 29 July 2005 (with further alterations).

At present Zabrzanskie Zaklady Mechaniczne S.A. are holding 1,099,393 shares of Zaklad Elektroniki Gorniczej S.A. making 96.86% of the share capital of this Company and entitling to 1,099,393 votes at the General Meeting and making 93.86% of all the votes, including:

- directly- Zabrzanskie Zaklady Mechaniczne S.A. based in Zabrze are holding 355,943 shares of ZEG S.A. making 31.36% of the share capital of this Company and entitling to 355,943 votes at the General Meeting., making 31.36% of all the votes,
- indirectly- through its subsidiary, i.e. Zabrzanskie Zaklady Mechaniczne – Maszyny Gornicze Sp. z o.o. with registered seat in Zabrze (former INFRABUD Sp. z o.o.), ZSM S.A. is holding 743,450 shares of ZEG S.A. making 65.50% of the share capital of this Company and entitling to 743,450 votes at the General Meeting., making 65.50% of all the votes

Zabrzanskie Zakłady Mechaniczne S.A. are going to increase further their portion in the total number of votes in 12 months from the day of submission of the notification, to acquire 100% all the votes at the General Meeting of Zakład Elektroniki Gorniczej S.A. based in Tychy.

Until the day of the alteration in shareholding of ZEG S.A., Zabrzanskie Zakłady Mechaniczne S.A. had held altogether with its subsidiary 1,084,409 shares of ZEG S.A. making 95.54% of the share capital of this Company and entitling to 1,084,409 votes at the General Meeting, making 95.54% of all the votes, including:

- directly- Zabrzanskie Zakłady Mechaniczne S.A. with registered seat in Zabrze (the Issuer subsidiary) had held 340,959 shares of ZEG S.A. making 30.04% of the share capital of this Company and entitling to 340,959 votes at the General Meeting and making 30.04% of all the votes,
- indirectly- through its subsidiary, i.e. Zabrzanskie Zakłady Mechaniczne – Maszyny Gornicze Sp. z o.o. with registered seat in Zabrze (former INFRABUD Sp. z o.o.), had held 743,450 shares of ZEG S.A. making 65.50% of the share capital of this Company and entitling to 743,450 votes at the General Meeting and making 65.50% of all the votes.