

FINANCIAL SUPERVISORY COMMISSION

Current report No 90 / 2009

Date : 11.05.2009

Issuer's shortened name : KOPEX S.A.

Subject:

Domestic consortium agreement between TAGOR S.A. (the Issuer's subsidiary) and KOPEX S.A (the Issuer).

Legal basis :

Law on Offer , Art. 56 Cl.1.2 – current and cyclic information.

Contents of the report:

The Management of Board of KOPEX S.A. with a registered seat in Katowice (the Issuer) informs that today The Issuer has been aware of receiving on 11 May 2009 by Machinery and Equipment Factory TAGOR S.A. (the Issuer's subsidiary) with a registered seat in Tarnowskie Góry, the agreement signed with Kompania Węglowa S.A. with a registered seat in Katowice. The parties of the agreement dated 27 April 2009 are the consortium of the following firms : Machinery and Equipment Factory TAGOR S.A. (the leader), KOPEX S.A. – the Executor and Kompania Węglowa S.A. – the Orderer.

Value of the agreement amounts to 30.311.475,41 PLN net.

Term of the agreement :

- a) Commencement of powered roof supports supply – no later than on 15 October 2009
- b) termination of supply – until 4 January 2010

The subject of the agreement is supply of 166 powered roof support units (in this 160 line support units type TAGOR 14/35 POz and 6 face end support units type TAGOR 14/35 POz/S for KWK Chwałowice.

Stipulated penalties:

In case of no beginning the agreement or renouncing it due to the reason caused by one Party, the Party assuming the responsibility of no beginning or renouncing the agreement will be obliged to pay the other Party stipulated penalties amounting to 10% of the agreement gross value.

Independently of the stipulated penalties foreseen in this paragraph, the Parties can claim for supplementary damages on general rules to the extent of the indeed suffered detriment.

The criterion of recognizing the agreement as significant one is exceeding by it of 10% of bounds pertaining to the Issuer's equity capital and fulfillment of the criteria set forth in Par.2 Cl.1.44 and Par.2 Cl.2 of Regulation of the Minister of Finance dated 19 February 2009 on current and periodic information transmitted by issuers of shares and conditions of recognizing as equivalent the information required by legal regulations of a country which is not a member country.

In the past 12 months the Issuer subsidiaries signed with this customer and its subsidiaries agreements amounting altogether to 247.181 thousand PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 89/2009 dated 6 May 2009. 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 3/2009 dated 8 January 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 transmitted by issuers of shares and conditions of recognizing as equivalent the information required by legal regulations of a country which is not a member country.