

## FINANCIAL SUPERVISORY COMMISSION

### **Current report No 97/ 2009**

Date : 20.05.2009

Issuer's shortened name : KOPEX S.A.

Subject:

### **Domestic agreement of the Issuer's subsidiary.**

Legal basis :

Law on Offer , Art. 56, Par 1 Cl.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 20 May 2009 by Zabrzeńskie Zakłady Mechaniczne S.A. (the Issuer's subsidiary) with a registered seat in Zabrze, the agreement dated 2 May 2009 signed with Kompania Węglowa S.A. with a registered seat in Katowice.

The parties of the agreement are Zabrzeńskie Zakłady Mechaniczne S.A.– the Lesser and Kompania Węglowa S.A. Centrum Wydobywcze Wschód , KWK Bolesław Śmiały Division – the Lessee.

The subject of the agreement is lease of the shearer type KSW – 460 NZ in the period from 02 May 2009 till termination of mining of the face 311 , seam 325/1 in KWK Bolesław Śmiały with a full guarantee and service support during the period of lease.

Value of the agreement – 382.500,00 PLN +22% VAT

Term of the agreement – 45 days

Stipulated penalties:

Each Party is obliged to pay the other Party stipulated penalties amounting to 10% of the agreement gross value if the Party renounces the agreement due to the reasons caused by this Party.

The basis of calculating the penalties is the agreement net value.

In case the Lessee loses the shearer or a shearer segment in result of which those will have to be scrapped or if the shearer or a shearer segment are qualified to be scrapped due to other reasons attributable to the Lessee, then the Lessee will pay the Lesser compensation amounting to 75% of the initial value of the shearer or shearer segment.

Independently of the stipulated penalties, the Parties can claim for damages on general rules to the extent of the indeed suffered detriment , but not exceeding the value of the subject of this agreement.

Detailed conditions of the above mentioned agreement do not differ from the conditions commonly applied in this kind of agreement.

The criterion of recognizing an agreement as a 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 (...)

In the past 12 months the Issuer subsidiaries signed with this customer and its subsidiaries agreements amounting altogether to 246.868 thousand PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 95/2009 dated 18 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 (...)

Legal basis of transmission : Par 5 Cl.1.3 in relation with Par.2 Cl.2 and Par.8 of the Minister of Finance Regulation 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 (Off. J. dated 2009, No33, pos. 259).