

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 89/2010

Date: 14 October 2010

Issuer's shortened name: KOPEX S.A.

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

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

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

The Management Board of KOPEX SA with a registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 13 October 2010 by KOPEX – Przedsiębiorstwo Budowy Szybów SA with a registered seat in Bytom (the Issuer's subsidiary) an agreement signed with Katowicki Holding Węglowy SA with a registered seat in Katowice.

The Parties of the agreement dated 13 October 2010 are KOPEX – Przedsiębiorstwo Budowy Szybów SA – the Contractor and Katowicki Holding Węglowy SA Murcki-Staszic Coal Mine – the Orderer.

The subject of the agreement is sinking the stone ramp segment in KHW SA Murcki-Staszic Coal Mine.

Total value of the agreement: PLN 1.471.000,00 + 22% VAT

Term of the agreements: up to 19 weeks from the date of the agreement and hand-over the front of works

#### Stipulated penalties:

The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the net value of the subject of the agreement in case of renouncing the agreement by the Orderer due to the reason caused by the Contractor. The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of the net value of the subject of the agreement in case of renouncing the agreement by the Contractor due to the reason caused by the Orderer.

The criterion of recognising an agreement as a significant one is exceeding by it of 10% of bounds pertaining to the Issuer's equity capital (the Issuer's equity capital amounts to 1,334,388 thou PLN, in compliance with data included in the published semi-annual report for 2010) and fulfillment of the criteria set forth in Par.2 Cl.1 Item 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's subsidiaries signed with this customer and its subsidiaries agreements amounting altogether to 156.898 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 88/2010 dated 13.10.2010. 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 176/2009 dated 13.11.2009 that also includes information relating to the highest value

agreement set forth in Cl.9 Items from 1) to 7) of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information (...).

Legal basis for publishing: Cl.5 Par.1 Item 3 in relation with Cl.2 Par.2 and Cl.9 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 that is not a member country (*Dz.U. z 2009, Nr 33 poz.259 ze zmianami*).