

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 98/2011**

Date: 12 July 2011

Issuer's shortened name: KOPEX SA

Subject: **Significant agreement of the Issuer's subsidiary**

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

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

The Management Board of KOPEX SA with its registered seat in Katowice (the Issuer) informs of receiving on 7 July 2011 by Rybnicka Fabryka Maszyn RYFAMA SA with its registered seat in Rybnik (the Issuer's subsidiary) an agreement signed with Kompania Węglowa SA, Sośnica – Makoszowy Coal Mine.

The Parties of the agreement dated 20 June 2011 are RYFAMA SA – Contractor and Kompania Węglowa SA, Sośnica – Makoszowy Coal Mine – Orderer.

Subject of the agreement is „Financial lease together with supply of new scraper beam stage loader“.

Net value of the agreement: PLN 1,918,494.24

Term of the agreement: 16.08.2011

Stipulated penalties (according to the Regulation of the Minister of Finance): Each Party is obliged to pay the other Party stipulated penalties amounting to 10% of the net value of subject of the agreement in case of renouncing the agreement by any Party due to the reasons caused by that Party. If losses born in fact exceeds the stipulated penalties, the Parties retain the right to claim additional compensation on the general legal basis. The Parties agreed that payment for the the period of use of the leased asset is spread over 36 monthly installments.

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 1,344,750 thou PLN, in compliance with data included in the published report for Q1 2011) 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 201,772 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 95/2011 dated 8.07.2011. 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 66/2010 dated 2.08.2010 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*).