

# FINANCIAL SUPERVISORY COMMISSION

## Current Report No 107/2008

Date: 21 August 2008

Issuer's shortened name: KOPEX SA

**Subject: Significant inland agreement of the Issuer subsidiary**

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

### Report contents:

Management Board of KOPEX SA with registered seat in Katowice (the Issuer) informs as follows:

On 21 August 2008 the Issuer was informed about agreement signed between Zabrzanskie Zakłady Mechaniczne S.A. with registered seat in Zabrze (the Issuer subsidiary)- Lessor- and Kompania Weglowa S.A. Oddzial KWK Chwalowice – Lessee. Subject of the agreement is lease of a mining longwall shearer with safeguard of its full warranty service and maintenance for the whole term of lease. Net value of the agreement amounts to PLN 3,517 thou.

Execution time is 820 days from signing the agreement.

### Stipulated penalties:

- The Lessor will pay the Lessee stipulated penalties amounting to 10% of the agreement value if the Lessee will renounce the agreement due to the reasons caused by the Lessor,
- The Lessee will pay the Lessor penalties amounting to 10% of the gross value of the agreement if the Lessor will renounce the agreement due to the reasons caused by the Lessee,
- The Lessor will pay the Lessee stipulated penalties amounting to 100% of the daily net lease rate in for each day of grace in delivering the subject of the lease agreement,
- The Lessee will be imposed by the Lessor with stipulated penalties amounting to 100% of the daily net lease rate for each day of grace in non-collecting the subject of the lease agreement on the day agreed,
- The Lessee may impose the Lessor with stipulated penalties amounting to 0.02% of the lease agreement value for non - eliminating breakdown in 30 hours from its notifying, for each standstill hour commenced of the machine, over a 30-hour limit indicated.

Detailed conditions of the agreement comply with conditions usually applied in agreements of this kind.

For the last 12 months the Issuer subsidiaries (including ZZM S.A. and its subsidiaries, since the day of takeover control by the Issuer on ZZM S.A.) have signed agreements with this legal entity and its subsidiaries amounting altogether to PLN 122,444 thou (this agreement included).

The Issuer informed about the last agreement signed with this customer in the current report RB 99/2008 on 7 August 2008.

Agreement of the biggest value signed in the last 12 month is the agreement for driving galleries concluded on 13 March 2008 between consortium of companies PBsz Zaklad Usług Gorniczych Sp. z o.o. with registered seat in Bytom (the Issuer subsidiary) – Consortium Leader- and VACAT Sp. z o.o. with registered seat in Rybnik – Consortium Participant- with Kompania Weglowa S.A. Oddzial KWK Jankowice; net agreement value amounted to PLN 19,893 thou.

Value of the Issuer's equity in the end of Q2 2008, amounting to PLN 1,206,061 thou was accepted as a criterion of a significant agreement.

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