

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 119/2008**

Date: 19 September 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 19 September 2008 the Issuer was informed about an agreement signed between Zabrzanskie Zaklady Mechaniczne S.A. with registered seat in Zabrze (the Issuer subsidiary- Lessor) and Kompania Weglowa S.A. Oddzial KWK Bielszowice (Lessee). Subject of the agreement is lease of a longwall shearer, together with full warranty and service operations during the whole lease term; net value of the agreement amounts to PLN 3,218 thou; term of the agreement is 546 days from its signing.

#### 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 stipulated penalties amounting to 10% of the agreement value 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 a daily lease rate for each day of grace in delivery subject of the agreement.
- The Lessee will pay the Lessor stipulated penalties amounting to a daily net lease rate value for each day of grace in collecting subject of the agreement from the agreed date.
- The Lessor may impose tardiness penalty on the Lessee in case of not returning by him in 14 days from the longwall shearer rendering date its parts that were missing on that date. The tardiness penalty will be calculated basing on the price list in force, considering operating time. In other case the Parties to the agreement agree on the damages value.

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 126,274 thou (this agreement included).

The Issuer informed about the last agreement signed with this customer in the current report RB 118/2008 dated 16 September 2008.

Agreement of the biggest value signed in the last 12 month is the agreement 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; 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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