

FINANCIAL SUPERVISORY COMMISSION

Current report No 136/ 2009

Date : 30.07.2009

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 Board of KOPEX S.A. with a registered seat in Katowice (the Issuer) informs that on 30 July 2009 the significant agreement was signed between KOPEX Przedsiębiorstwo Budowy Szybów S.A. (the Issuer's subsidiary) with a registered seat in Bytom – the Executor and Jastrzębska Spółka Węglowa S.A. Coal Mine “Zofiówka” with a registered seat in Jastrzębie Zdrój – the Orderer. The agreement signing was a result of being successful in a tender and selection of the offer submitted by KOPEX Przedsiębiorstwo Budowy Szybów S.A. in the proceedings for granting the public order No 7/I/ZP/09 for “Shaft deepening and execution of two sided shaft inlet 1 BZIE in JSW S.A. KWK “Zofiówka”. The Issuer informed about being successful in the tender in the current report RB 125/2009 dated 3 July 2009.

The subject of the agreement is execution of a shaft and two sided shaft inlet 1BZIE in JSW S.A. KWK “Zofiówka.

Value of the agreement – 180.523.762,00 PLN net

Term of the agreement – 48 months from the date of signing

Significant conditions of the agreement : 1) The Executor has secured good performance in the form of an insurance guarantee in amount of 2% of the agreement gross value i.e. 4.404.779,79 PLN. 2) The parties of the agreement have agreed that the remuneration for executing the subject of the agreement will be submitted to indexation based on a notified price index of consumer goods and services GUS upon the request of the parties after 12,24 and 36 full months. 3) The Orderer will secure the payment to the Executor due for executing

construction works in a form of a bank guarantee amounting to 10% of the construction works gross value defined in the agreement and established for the period of realization of the works by the Executor. The remaining conditions of the agreement do not differ from the conditions commonly applied in this kind of agreement.

Significant terms and conditions referring to stipulated penalties:

- 1) In case the Executor renounces the agreement due to the reasons caused by him, the Executor will be obliged to pay the Orderer stipulated penalties amounting to 10% of the agreement gross value, 2) the Executor may be obliged to pay the Orderer stipulated penalties amounting to 10% of the agreement gross value for improper execution of the agreement works. Besides, the Parties reserve the right to claim for damages on general rules in accordance with the Civil Code.

Terms and conditions referring to termination of the agreement included in it.

- 1) In case of occurrence of a significant circumstance change making that the execution of the agreement does not lie in a public interest, what cannot be predicted at the time of signing the agreement, the Orderer can unilaterally withdraw from the contract in the period of 30 days since he has been notified of such circumstances.
- 2) The Orderer reserves the right to terminate the contract immediately in the following cases:
 - when the Executor did not receive the required permissions to start works, decisions and opinions related to the agreement, possessing of which conditions its execution
 - when shortcomings impending over the workers' safety, life and health as well as the Orderer's belongings appear while executing the works
 - when the works are conducted in non conformity with the Geological and Mining Law or civil law and executory regulations following them as well as other regulations and norms being in force and menace of mining or construction disaster appears in this way.

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 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 201.388 thousand PLN net (including this one). The Issuer informed about the last agreement with this customer in the current report RB 268/2007 dated 24 October 2007. The highest value agreement from among all the agreements signed in the past 12 months is the agreement the Issuer informed about in this current report.

Legal basis of transmission : Par 5 Cl.1.3 in relation with Par.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 which is not a member country (Dz.U. dated 2009, No33, pos. 259).