

## FINANCIAL SUPERVISORY COMMISSION

### **Current report No 139/ 2009**

Date : 04.08.2009

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 today The Issuer has been aware of receiving on 04 August 2009 by Zabrzeńskie Zakłady Mechaniczne S.A. with a registered seat in Zabrze (the Issuer subsidiary), the agreement signed with Jastrzębska Spółka Węglowa S.A. KWK Zofiówka with a registered seat in Jastrzębie Zdrój .

The parties of the agreement dated 14 July 2009 are the consortium of companies: Zabrzeńskie Zakłady Mechaniczne S.A. (the Leader), Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze – sp. z o.o. (the Member) , KOPEX S.A. (the Member)- the Executor and Jastrzębska Spółka Węglowa S.A. KWK Zofiówka- the Orderer.

The subject of the agreement is lease of complete , new manufactured , highly productive shearers with an electronic advance system and necessary accessories for JSW S.A. KWK Zofiówka

Value of the agreement – 18.333.300,00 PLN net

Term of the agreement – maximum period till 30 months

Stipulated penalties: lack of settlements concerning stipulated penalties according to §9 Cl.5 of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information (...).

If the stipulated penalties do not cover the damage suffered, the Parties may claim for a supplementary damage in accordance with regulations being in force.

The detailed conditions of the above mentioned agreement do not differ from the conditions commonly applied in this kind of agreement.

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 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 subsidiaries signed with this customer and its subsidiaries agreements amounting altogether to 219.721 thousand PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 136/2009 dated 30 July 2009. 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 136/2009 dated 30 July 2009 that also contains information relating to the highest value agreement set forth in Par 9 Cl. 1-7 of Regulation by the Minister of Finance dated 19 February 2009 on current and periodic information (...)

Legal basis of transmission : Par 5 Cl.1.3 in relation with Par.2 Cl.2 and 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).