

## FINANCIAL SUPERVISORY COMMISSION

### **Current report No 143/ 2009**

Date : 06.08.2009

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 6 August 2009 by Zabrzeńskie Zakłady Mechaniczne S.A. with a registered seat in Zabrze (the Issuer subsidiary), the agreement signed with Kompania Węglowa S.A. with a registered seat in Katowice. The parties of the above mentioned agreement dated 10 July 2009 are Zabrzeńskie Zakłady Mechaniczne S.A. – the Lesser and Kompania Węglowa S.A. – the Lessee.

The subject of the agreement is lease of a shearer type KSW-460 NZ with a full guarantee and service support during the whole period of lease for KW S.A., KWK Rydułtowy – Anna R-1 division.

Value of the agreement – 476.720,00 PLN + 22% VAT

Term of the agreement – 80 days from the date of 13 July 2009

Stipulated penalties:

If the Lesser renounces the agreement due to the reasons caused by himself, the Lesser will be obliged to pay the Lessee stipulated penalties amounting to 10% of the agreement gross value.

If the Lessee renounces the agreement due to the reasons attributable to him, so the Lessee will be obliged to pay the Lesser stipulated penalties amounting to 10% of the agreement gross value.

The Parties may claim for damages exceeding the stipulated penalties on general rules to the extent of the indeed suffered loss.

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 the Minister of Finance Regulation 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 241.197 thousand PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 137/2009 dated 31 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 3/2009 dated 8 January 2009 that also contains information relating to the highest value agreement set forth in Par 9 Cl. 1-7 of the Minister of Finance Regulation 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, No.33, pos. 259).