

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 15/2009**

Date: 21 January 2009

Issuer's shortened name: KOPEX SA

**Subject: Significant domestic agreement of the Issuer subsidiary.**

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

#### **Report contents:**

Management Board of KOPEX S.A. with registered seat in Katowice (the Issuer) advises that on 20 January 2009 the Issuer became aware of signing agreement between WAMAG SA. with registered seat in Walbrzych (the Issuer subsidiary)- Seller- and Kompania Weglowa S.A. with registered seat in Katowice Oddzial KWK Rydułtowy- Anna, Buyer.

Subject of the agreement is supply of rotors and shafts. Net value of the agreement amounts to PLN 50 thou. Term of the agreement was until 31 December 2008.

#### Stipulated penalties:

1. The Seller is obliged to pay the Buyer the following stipulated penalties:

- a. amounting to 10% of gross value of the nonaccomplished part of the agreement if the Buyer renounces the agreement; or
- b. amounting to 10% of gross value of the goods defined each time in the nonaccomplished order, if the Buyer renounces the agreement due to the reasons the Seller is responsible for.
- c. amounting to 0.1% of gross value of the goods defined in the order that was not handed out on the day fixed, for each day of delay.
- d. amounting to 0.1% of gross value of the goods defined in the order for delay in removal defects found out upon acceptance procedure or within the guarantee period, for each day of delay counted from the day fixed for defects removal.

1. The Buyer is obliged to pay the Seller the following stipulated penalties:

- a. amounting to 10% of gross value of the nonaccomplished part of the agreement if the Seller renounces the agreement; or
- b. amounting to 10% of gross value of the goods defined each time in the nonaccomplished order, if the Seller renounces the agreement due to the reasons the Buyer is responsible for.

Detailed conditions of the agreements stick to the conditions commonly applied in the agreements of this kind.

In the past 12 months the Issuer subsidiaries have signed with this customer and its subsidiaries agreements amounting altogether to PLN 216,041 thou, including this one.

The Issuer informed about the last agreement signed with this customer in the current report RB 13/2009 dated 19 January 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.

Value of the Issuer's equity at the end of Q3 2008, amounting to PLN 1,191,715 thou was accepted as a criterion of a significant agreement.