

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 155/2008**

Date: 16 December 2008

Issuer's shortened name: KOPEX SA

#### **Subject: Significant 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 as follows: on 16 December 2008 the Issuer was informed about signing an agreement between WAMAG SA with registered seat in Walbrzych (the Issuer subsidiary)- Seller- and Kompania Weglowa S.A. Oddzial KWK Pokoj -Buyer.

Subject of the agreement is supply of a vibrating screen with power transmission system. Net value of the agreement amounts to PLN 151 thou. Term of the agreement is until 31 December 2008.

#### Stipulated penalties:

- the Seller will pay the Buyer stipulated penalties amounting to 10% of the agreement value if the Buyer renounces the agreement due to the reasons caused by the Seller,
- the Buyer will pay Seller stipulated penalties amounting to 10% of the agreement value if the Seller renounces the agreement due to the reasons caused by the Buyer,
- the Seller is obliged to pay the Buyer stipulated penalties amounting to 0.1% of the agreement value for each day of delay in execution of the subject of the agreement.
- the Seller is obliged to pay the Buyer stipulated penalties amounting to 0.1% of the agreement value for each day of delay in eliminating breakdown

Detailed conditions of the agreement 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 PLN165,449 thou (including this one).

The Issuer informed about the last agreement signed with this customer in the current report RB 153/2008 dated 12 December 2008.

The highest value agreement from among all the agreements signed between the a.m. legal entities in the past 12 months is the agreement, the Issuer informed about in the current report RB 134/2008 dated 29 October 2008.

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