

## FINANCIAL SUPERVISORY COMMISSION

### **Current Report No 155/2009**

Date: 24.09.2009

Issuer's shortened name: KOPEX SA

**Subject: Domestic agreement of the Issuer's subsidiary.**

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

### **Report contents:**

Management Board of KOPEX SA with registered seat in Katowice (the Issuer) informs that today The Issuer has been aware of receiving on 24 September 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 registered seat in Katowice.

The parties of the agreement dated 7 August 2009 are Zabrzeńskie Zakłady Mechaniczne S.A. – the Lesser and Kompania Węglowa S.A. KWK Rydułtowy – the Lessee.

The subject of the agreement is lease of a longwall shearer with full warranty maintenance services in the whole lease term.

Value of the agreement: 1.219.514,00 PLN + 22% VAT

Term of the agreement: till 31.03.2010

#### Stipulated penalties:

In case of renounces the agreement by the Lessee, due to the reasons attritbutable to him, the Lessee is obligated to pay the Lesser stipulated penalties amounting to 10% of the agreement values. In case of renounces the agreement by the Lesser, due to the reasons attritbutable to him, the Lesser is obligated to pay the Lessee stipulated penalties amounting to 10% of the agreement values. The parties may claim on general legal basis up to the value of the losses borne in fact. Detailed conditions of the agreement stick to the conditions commonly applied in the agreements of this kind.

A criterion of recognizing an agreement as a significiant one is its transgression of a 10% bound of 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 have signed with this customer and its subsidiaries agreements amounting altogether to PLN 231.404,00 thou, including this one. The Issuer informed about the last agreement signed

with this customer in the current report RB 152/2009 dated 7 September 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 Regulation by the Minister of Finance dated 19 February 2009 on current and periodic information (...). Legal basis: Par.5 Cl.1.3 in connection with Par.2 Cl.2 and Par.9 of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information conveyed by issuer of securities and conditions of recognizing as equivalent information requested by legal regulations of a country that is not a member country (*Dz.U. z 2009, Nr 33 poz.259*).