

## FINANCIAL SUPERVISORY COMMISSION

### Current Report No 156/2008

Date: 17 December 2008

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) informs as follows:

On 17 Decemebr 2008 the Issuer was informed about signing three agreements between Zabrzanskie Zaklady Mechaniczne SA with registered seat in Zabrze (the Issuer subsidiary) and Kompania Weglowa S.A. with registered seat in Katowice.

**The first agreement** was signed between ZZM SA – Lessor- and KW SA Centrum Wydobywcze Polnoc, Oddzial KWK Bielszowice – Lessee. Subject of the agreement is lease of a longwall shearer together with full warranty and maintenance services for the whole lease term. Net value of the agreement amounts to PLN 2,910 thou. Term of the agreement is 501 days.

Stipulated penalties:

- The Lessor will pay the Lessee stipulated penalties amounting to 10% of the agreement value if the Lessee renounces the agreement due to the reasons caused by the Lessor,
- The Lessee will pay the Lessor stipulated penalties amounting to 10% of the agreement value if the Lessor renounces the agreement due to the reasons caused by the Lessee,
- The Lessor will pay the Lessee stipulated penalties amounting to 100% of the daily lease rate for each day of delay in supply subject of the agreement,
- The Lessee may be charged by the Lessor with stipulated penalties amounting to 100% of the daily lease rate for each day of failure in collecting subject of the agreement,
- The Lessee may be charged by the Lessor with stipulated penalties amounting to 100% of the daily lease rate for non-returning in 14 days parts that were missing on the day of returning the subject of the agreement, in accordance with price list in force and with regard to exploitation period.

**The second agreement** was signed between ZZM SA – Lessor- and KW SA Centrum Wydobywcze Wschod, Oddzial KWK Piast – Lessee. Subject of the agreement is lease of a longwall shearer. Net value of the agreement amounts to PLN 380 thou. Term of the agreement is 90 days.

Stipulated penalties:

- The Lessor will pay the Lessee stipulated penalties amounting to 10% of the agreement value if the Lessee renounces the agreement due to the reasons caused by the Lessor,

-The Lessee will pay the Lessor stipulated penalties amounting to 10% of the agreement value if the Lessor renounces the agreement due to the reasons caused by the Lessee,

- The Lessee may be charged by the Lessor with stipulated penalties for non-returning in 14 days parts that were missing on the day of returning the subject of the agreement, amounting to 50% of new spare parts value, in accordance with new spare parts price list in force for KW SA.

**The third agreement** was signed between ZZM SA – Contractor - and KW SA Centrum Wydobywcze Poludnie, Oddzial KWK Chwalowice – Orderer. Subject of the agreement is supply of brand new spare parts, repair of subassemblies and rendering maintenance services for leased longwall shearers manufactured by ZZM SA. Net value of the agreement amounts to PLN 380 thou. Term of the agreement is until 31 December 2008.

Stipulated penalties:

1. The Contractor will pay the Orderer stipulated penalties amounting to:

a) 10% of net agreement value if the Contractor renounces the agreement due to the reasons caused by the Contractor,

b) 0.1% of the agreement value for each day of delay in delivery of the subject of the agreement, but not more than to 10% of net agreement value,

c) 0.1% of the agreement value for each day of delay in completion of repair, but not more than to 10% of net agreement value'

d) 0.1% of the agreement value for each day of delay in commencement of repair, but not more than to 10% of net agreement value'

e) 0.1% of the agreement value for each day of delay in removing defects denominated while receipt, but not more than to 10% of net agreement value from the day fixed for defects removal. Defects that were not caused by the Orderer will be removed by the Contractor free of charge.

2. The Orderer will pay the Contractor stipulated penalties amounting to:

a)10% of net agreement value if the Orderer renounces the agreement due to the reasons caused by the Orderer

b) 0.1% of the agreement value for each day of delay in collection of the subject of the agreement, but not more than to10% of net agreement value,

Irrespective of the a.m. stipulated penalties, the Parties to the agreements may claim on the basis of the Civil Code.

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 169.121 thou, including this one.

The Issuer informed about the last agreement signed with this customer in the current report RB 155/2008 dated 16 December 2008. 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 134/2008 dated 29 October 2008.

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