

FINANCIAL SUPERVISORY COMMISSION

Current Report No 160/2009

Date: 6.10.2009

Issuer's shortened name: KOPEX SA

Subject: Domestic consortium agreement

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

Report contents:

Management Board of KOPEX SA with a registered seat in Katowice (the Issuer) informs that the Issuer has been aware of receiving on 5 October 2009 by Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. with a registered seat in Zabrze (the Issuer's subsidiary), the agreement signed with Kompania Węglowa S.A. with a registered seat in Katowice. The parties of the agreement dated 28 August 2009 are the consortium of the following firms: THE LESSER – Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. (Plenipotentiary), Zabrzeńskie Zakłady Mechaniczne with a registered seat in Zabrze (the Issuer's subsidiary) – Participant and „KOPEX“ S.A. – Participant and as the LESSEE – Kompania Węglowa S.A. in Katowice.

The subject of the agreement is lease of new shearer with an electronic advance system, KSW-880EU type with full warranty maintenance services in the whole lease term for KW S.A. KWK „Rydułtowy-Anna“.

Value of the agreement: 5.564.160,00 PLN + 22% VAT

Term of the agreement: 896 days

Stipulated penalties:

The parties are obligated to pay stipulated penalties amounting to 10% of the agreement gross value in case of renouncing the agreement due to the reason caused by one Party. 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 significant 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 236.898,00 thou, including this one. The Issuer informed about the last agreement signed

with this customer in the current report RB 155/2009 dated 24 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*).