

## FINANCIAL SUPERVISORY COMMISSION

### **Current Report No 192/2009**

Date: 9.12.2009

Issuer's shortened name: KOPEX SA

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

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

### **Report contents:**

Management Board of KOPEX S.A. with a registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 9 December 2009 by Zabrzeńskie Zakłady Mechaniczne S.A. with a registered seat in Zabrze (the Issuer subsidiary) an agreement signed with Kompania Węglowa S.A. with registered seat in Katowice.

The parties of the agreement dated 18 November 2009 are: Zabrzeńskie Zakłady Mechaniczne S.A. – the Contractor and Kompania Węglowa S.A. KWK „Bielszowice“ – the Orderer.

The subject of the agreement is to provide maintenance services for the longwall shearers manufactured by Zabrzeńskie Zakłady Mechaniczne and operate in KW S.A. Oddział KWK „Bielszowice“.

Value of the agreement: PLN 850.000,00 thou plus 22% VAT

Term of the agreement: till 31.12.2009

### **Stipulated penalties:**

In case of default or improper performance of the agreement (after giving the Contractor notice to remove the defects) the Contractor is obliged to pay the Orderer stipulated penalties: 1.) in case of renouncing the services specified in the order due to the reasons attributable to the Contractor, the Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the net order value, 2.) in case of the delay in the execution of the maintenance services specified in the order the Contractor is obliged to pay stipulated penalty amounting to 0,1% of the net order value for every hour of delay but not more than 10% of the net order value. In case of renouncing the order by the Orderer due to the reasons attributable to him, The Orderer shall pay the Contractor a stipulated penalties amounting to 10% of the net order value.

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 (the Issuer's equity capital, according to the interim report for third quarter 2009, amounts to PLN 1.162.158) 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 200.297 thou, including this one. The Issuer informed about the last agreement signed with this customer in the current report RB 191/2009 dated 9.12.2009. 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 8.01.2009 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*).