

FINANCIAL SUPERVISORY COMMISSION

Current Report No 204/2009

Date: 23.12.2009

Issuer's shortened name: KOPEX SA

Subject: Domestic agreement of the Issuer's subsidiary.

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

Report contents:

Management Board of KOPEX SA with registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 23 December 2009 by KOPEX – Przedsiębiorstwo Budowy Szybów S.A. with a registered seat in Bytom (the Issuer subsidiary), the agreement signed with Katowicki Holding Węglowy S.A. with registered seat in Katowice.

The parties of the agreement are KOPEX – Przedsiębiorstwo Budowy Szybów S.A. – the Contractor and Katowicki Holding Węglowy S.A. KWK „Murcki“ – the Orderer.

The subject of the agreement is implementation of the mining excavations in F field at 600 meters of floor mat F-832 and F-821 for KHW S.A. KWK „Murcki“.

Value of the agreement: not more than PLN 7.475.200,00 (net)

Term of the agreement: 9 months from the date on which the front of the works is transferred.

Stipulated penalties:

1. The Orderer may claim in case of:
 - a. backing out of the agreement by him due to the reasons attributable to the Contractor. In that case the Contractor is obligated to pay the Orderer stipulated penalties amounting to 10% of the salary for the execution of the agreement subject.
 - b. delay in execution of works. In that case the Contractor is obligated to pay the Orderer stipulated penalties amounting to 0,1% of the agreement value for each day of delay but not more than 10% of the agreement value..
2. In case of backing out of the agreement by the Contractor, due to the reasons attributable to the Orderer, the Orderer is obligated to pay the Contractor stipulated penalties amounting to 10% of the salary for the execution of the agreement subject.

The parties may claim additional compensation in the general basis of the Civil Code. 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 157.983 thou, including this one. The Issuer informed about the last agreement signed with this customer in the current report RB 200/2009 dated 18 December 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 176/2009 dated 13 November 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*).