

## FINANCIAL SUPERVISORY COMMISSION

### **Current Report No 207/2009**

Date: 29.12.2009

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 29 December 2009 by Zabrzeńskie Zakłady Mechaniczne S.A. with a registered seat in Zabrze (the Issuer subsidiary), the agreement signed with Jastrzębska Spółka Węglowa S.A. KWK „Budryk“ in Ornontowice.

The parties of the agreement dated 20.11.2009 are Zabrzeńskie Zakłady Mechaniczne S.A. – the Leaser and Jastrzębska Spółka Węglowa S.A. KWK „Budryk“ – the Lessee.

The subject of the agreement is lease of a high-performance KSW-620 EZ longwall shearer with an electric feed system for JSW S.A. KWK Budryk.

Value of the agreement: PLN 805.000,00 + 22%VAT

Term of the agreement: 184 days

#### **Stipulated penalties:**

In case of backing out of the agreement by the Lessee due to the reasons caused by the Leaser, the Leaser is obligated to pay the Lessee a stipulated penalty amounting to 10% agreement value. The Lessee may claim additional compensation on Civil Code basis in excess of the amount of stipulated penalties but not more than the net value of rent for the lease. 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 258.281 thou, including this one. The Issuer informed about the last

agreement signed with this customer in the current report RB 199/2009 dated 16 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 136/2009 dated 30 July 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*).