

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 31/2009**

Date: 12 February 2009

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) advises that on 12 February 2009 it has become aware of signing on 11 February 2009 an agreement between WAMAG S.A. (the Issuer subsidiary) – Contractor- and Kompania Weglowa S.A. with registered seat in Katowice Oddzial KWK Sosnica Makoszowy– Orderer.

Subject of the agreement is overhaul of WAMAG type coal crushers. Net value of the agreement amounts to PLN 300 thou. Term of the agreement is until 31 December 2009.

Stipulated penalties:

1.The Contractor is obliged to pay the Orderer stipulated penalties amounting to 0.1% of gross agreement value if the Orderer renounces the agreement due to the reasons caused by the Contractor;

2.The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of gross agreement value if the Contractor renounces the agreement due to the reasons caused by the Orderer;

3. The Contractor will pay the Orderer the following stipulated penalties:

a) amounting to 0.1% of gross agreement value for each day of delay in accomplishment of the agreement, counted from the day after the fixed day.

b) amounting to 0.5% of maximum gross agreement value for each day of delay in removal of defects found out within the guarantee period, counted from the day after the fixed day.

4. The Parties agree that penalties will be counted basing on gross agreement value.

Detailed conditions of the agreement 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 216,249 thou, including this one.

The Issuer informed about the last agreement signed with this customer in the current report RB 19/2009 dated 28 January 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.

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

