

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 42/2009**

Date: 02 March 2009

Issuer's shortened name: KOPEX SA

#### **Subject: 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 today the Issuer has become aware of signing on 02 March 2009 an agreement between Fabryka Maszyn i Urzadzen TAGOR S.A. with registered seat in Tarnowskie Gory (the Issuer subsidiary) – Contractor- and Kompania Weglowa SA with registered seat in Katowice, KWK Sosnica Makoszowy Orderer- dated 20 February 2009. Subject of the agreement is technical inspection of TAGOR -12/35- PO power roof support. The Parties to the agreement have stated that net value of the agreement will not exceed PLN 18 thou. Term of the agreement is until 30 May 2009.

Stipulated penalties to be paid in case of non-accomplishment or improper accomplishment of the agreement (after summoning the Contractor to remove defects)

1. The Contractor will pay the Orderer stipulated penalties amounting to 10% of the value defined in item 2 and cover all the losses borne by the Orderer related with replacement of the Contractor, if the Orderer renounces the agreement due to the reasons caused by the Contractor.
2. The Contractor will pay the Orderer stipulated penalties amounting to 0.5% of the agreement value for each day of delay, counted from the next day following the fixed collection date.
3. The Orderer will pay the Contractor stipulated penalties amounting to 10% of the agreement value if the Contractor renounces the agreement due to the reasons caused by Orderer.
4. The Contractor will pay the Orderer supplementary compensation if value of the penalties reserved does not cover value of the losses borne.

Detailed conditions of the agreements stick to the conditions commonly applied in the agreements of this kind.

Value of the agreement in question signed exceeds 10% of the Issuer's equity capital and it makes a basis for acknowledgement of this agreement as a significant one due to the fact that it has fulfilled criteria set forth in Par.2, Cl.1.51 of the Ministry of Finance Regulation dated 15 October 2009 on current and periodic information conveyed by issuers of securities. In the past 12 months the Issuer subsidiaries have signed with this customer and its subsidiaries agreements amounting altogether to PLN 217,341 thou, including this one.

The Issuer informed about the last agreement signed with this customer in the current report RB 39/2009 dated 27 February 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.