

## FINANCIAL SUPERVISORY COMMISSION

### Current Report No 44/2008

Date: 04 March 2009

Issuer's shortened name: KOPEX SA

**Subject: Purchase of significant value assets – acquisition 60% of shares of KOPEX POLSKIE BIOGAZOWANIE SPOLKA AKCYJNA by the Issuer.**

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

#### Report contents:

Management Board of KOPEX S.A. with registered seat in Katowice (the Issuer) acting on the grounds of Par.5 Cl.1.1 in connection with Par.2. Cl.5. of the Minister of Finance Regulation dated 19 October 2005 on current and periodic information conveyed by issuers of securities (*Dz.U.No.209.,poz.1774 ze zm. z 2005r*) advises that on 3 March 2009 the Issuer signed an authenticated deed of a joint stock company establishment (statutes of association of a joint stock company) under name of KOPEX POLSKIE BIOGAZOWANIE SPOLKA AKCYJNA with registered seat in Gliwice.

Share capital amounts to PLN 2,000,000.00 and is divided into 2,000,000 A -series inscribed shares of nominal value of PLN 1.00 each.

Subject of activity of KOPEX POLSKIE BIOGAZOWANIE SPOLKA AKCYJNA is construction and exploitation of a biogas plant (projects will be executed by the company's subsidiaries) as well as organization of financing the project.

KOPEX Spolka Akcyjna based in Katowice has acquired 1,200,000 A -series inscribed shares, from number 00001 to number 1 200 000, of total nominal value amounting to PLN 1,200,000.00, that make 60% of the company's share capital and entitle to 60% of votes at the General Meeting of Shareholders of the Company. There are also three physical entities-founders of KOPEX POLSKIE BIOGAZOWANIE SPOLKA AKCYJNA and there are connections neither between them and the Issuer nor between them and the Issuer's managing and supervising persons.

Company's founders committed themselves to pay the shares in cash and at least 25% of the shares acquired will be paid prior to notification of the company to register it and the remaining part due will be paid in two weeks from the registration date. Share emission price is equal share nominal price. Payment of the share acquisition of the company in question is covered from the Issuer's own financial assets. Share acquisition of POLSKIE BIOGAZOWANIE SPOLKA AKCYJNA by the Issuer is a long term investment.

The shares in question are recognized as substantial assets due to transgression of a 20% bound of share capital of the legal entity in question.