

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 49/2009**

Date: 10 March 2009

Issuer's shortened name: KOPEX SA

**Subject: A 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 today the Issuer has been aware of receiving on 10 March 2009 by Zabrzanskie Zaklady Mechaniczne- Maszyny Gornicze Sp. zo.o. with registered seat in Zabrze (the Issuer subsidiary) an agreement signed with Kompania Weglowa SA with registered seat in Katowice.

Companies' consortium: Zabrzanskie Zaklady Mechaniczne- Maszyny Gornicze Sp. z o.o.with registered seat in Zabrze -Consortium Proxy-and Zabrzanskie Zaklady Mechaniczne S.A. (the Issuer subsidiary) -Consortium Member- LESSOR- and Kompania Weglowa SA with registered seat in Katowice KWK Boleslaw Smialy- LESSEE-are Parties to the agreement dated 18 February 2009.

Subject of the agreement is lease of KSW-460NZ longwall shearer, including comprehensive warranty and maintenance services during the whole lease period.

Net value of the agreement amounts to PLN 3,146 thou .

Term of the agreement is 490 days .

#### Stipulated penalties

The Lessor is obliged to pay the Lessee stipulated penalties amounting to 10% of gross agreement value if the Lessee renounces the agreement due to the reasons caused by the Lessor.

The Lessee is obliged to pay the Lessor stipulated penalties amounting to 10% of gross agreement value if the Lessor renounces the agreement due to the reasons caused by the Lessee.

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 2005 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 212,537 thou, including this one.

The Issuer informed about the last agreement signed with this customer in the current report RB 47/2009 dated 05 March 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.