

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 52/2009**

Date: 11 March 2009

Issuer's shortened name: KOPEX SA

**Subject: Domestic agreements 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 11 March 2009 by Zabrzanskie Zaklady Mechaniczne S.A. with registered seat in Zabrze (the Issuer subsidiary) three agreements signed with Kompania Weglowa SA with registered seat in Katowice.

**1) Parties to the first agreement** dated 23 February 2009 are Zabrzanskie Zaklady Mechaniczne S.A. with registered seat in Zabrze – Contractor- and Kompania Weglowa SA with registered seat in Katowice – Orderer. Subject of the agreement is rendering maintenance services for longwall shearers manufactured by ZZM S.A. and operated in underground workings of Kompania Weglowa SA, KWK Szczygłowice (the Szczygłowice Coal Mine)

Value of the agreement amounts maximum to PLN 400 thou net plus 22%VAT

Term of the agreement is until 31 March 2009

#### Stipulated penalties

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.

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

Irrespective of the stipulated penalties, the Parties may claim on the basis of the Civil Code.

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 and Par.2.,Cl.2 of the Minister of Finance Regulation dated 19 October 2005 on current and periodic information conveyed by issuers of securities.

**2) Parties to the second agreement** dated 23 February 2009 are Zabrzanskie Zaklady Mechaniczne S.A. with registered seat in Zabrze – Contractor- and Kompania Weglowa SA with registered seat in Katowice – Orderer. Subject of the agreement is rendering maintenance services for longwall shearers manufactured by ZZM S.A. and operated in underground workings of Kompania Weglowa SA, KWK Knurow (the Knurow Coal Mine).

Value of the agreement amounts maximum to PLN 400 thou net plus 22%VAT

Term of the agreement is until 31 March 2009

Stipulated penalties

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.

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

Irrespective of the stipulated penalties, the Parties may claim on the basis of the Civil Code.

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 and Par.2.,Cl.2 of the Minister of Finance Regulation dated 19 October 2005 on current and periodic information conveyed by issuers of securities.

**3)Parties to the third agreement** dated 24 February 2009 are Zabrzanskie Zaklady Mechaniczne S.A.with registered seat in Zabrze – Contractor- and Kompania Weglowa SA with registered seat in Katowice – Orderer. Subject of the agreement is eliminating breakdowns of longwall shearers manufactured by ZZM S.A. and operated in underground workings of Kompania Weglowa SA, KWK Knurów (theKnurów Coal Mine).

Value of the agreement amounts maximum to PLN 380 thou net plus 22%VAT

Term of the agreement is until 31 March 2009

Stipulated penalties

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.

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

Irrespective of the stipulated penalties, the Parties may claim on the basis of the Civil Code.

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 and Par.2.,Cl.2 of the Minister of Finance Regulation dated 19 October 2005 on current and periodic information conveyed by issuers of securities.

Detailed conditions of the agreements 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 213,717 thou, including this one.

The Issuer informed about the last agreement signed with this customer in the current report RB 49/2009 dated 10 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, that also comprises information on the highest value agreement set forth in Par.9, Cl.1-7 of the Minister of Finance Regulation dated 19 October 2005 on current and periodic information conveyed by issuers of securities.