

FINANCIAL SUPERVISORY COMMISSION

Current Report No 6/2009

Date: 9 January 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 as follows:

On 9 January 2009 the Issuer was informed about an agreement signed between Zabrzanskie Zaklady Mechaniczne- Maszyny Gornicze Sp. z o.o. with registered seat in Zabrze (the Issuer subsidiary- Lessor) and Kompania Weglowa S.A. Centrum Wydobywcze Zachod Oddzial KWK Knurów (Lessee) . Subject of the agreement is lease of a longwall shearer together with warranty maintenance services. Net value of the agreement amounts to PLN 4,484 thou. Term of the agreement is 641 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.
- The Lessor will pay the Lessee stipulated penalties amounting to 100% of gross daily lease rate for each day of delay in delivery of the subject of the agreement.
- The Lessee may be charged by the Lessor with stipulated penalties amounting to 100% of gross daily lease rate for each day of delay in non-collecting the subject of the agreement.
- The Lessee may be charged by the Lessor if he does not return in 14 days parts which were missing on the day of return of the subject of the agreement, in the amount of 50% value of new parts, in compliance with price list of new parts binding for KSW SA.
- The Lessor may be charged by the Lessee if he does complete repairing in 24 hours from commencement of the repair ; stipulated penalties amount to 100% of gross daily lease rate for each hour of delay.

Irrespective of the stipulated penalties, the parties may claim on general legal basis up to the value of the losses borne in fact, but not exceeding the agreement value.

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 211,796 thou, including this one.

The Issuer informed about the last agreement signed with this customer 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.