

# FINANCIAL SUPERVISORY COMMISSION

## Current Report No 95/2008

Date: 29 July 2008

Issuer's shortened name: KOPEX SA

**Subject: Significant agreement of the Issuer subsidiary**

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

### Report contents:

Management Board of KOPEX SA with registered seat in Katowice (the Issuer) informs as follows:

On 29 July 2008 the Issuer was informed about agreement signed on 2 July 2008 between Zabrzanskie Zakłady Mechaniczne S.A. with registered seat in Zabrze ( the Issuer subsidiary)- Lessor- and Kompania Weglowa S.A. Oddzial KWK Chwalowice – Lessee. Subject of the agreement is lease of a mining longwall shearer with safeguard of its full warranty service and maintenance for the whole term of lease. Net value of the agreement amounts to PLN 5,880 thou.

Execution time will be 972 days from signing the agreement.

### Stipulated penalties:

- The Lessor will pay the Lessee stipulated penalties amounting to 10% of the gross value of the agreement if the Lessee will renounce the agreement due to the reasons caused by the Lessor,
- The Lessee will pay the Lessor penalties amounting to 10% of the gross value of the agreement if the Lessor will renounce the agreement due to the reasons caused by the Lessee,
- The Lessor will pay the Lessee stipulated penalties for delivery delay amounting to 100% of a net daily lease rate for each day of grace,
- The Lessor will impose penalty on the Lessee for not collecting subject of the lease on the day agreed; value of the penalty will amount to 100% of a net daily lease rate for each day of grace,
- The Lessee is entitled to impose penalty on the Lessor for not eliminating breakdown in 30 hours from its notification; value of the penalty will amount to 0.02% of the gross agreement value for each hour started of the standstill, longer than 30 hours.

Detailed conditions of the agreement comply with conditions usually applied in agreements of this kind.

For the last 12 months the Issuer subsidiaries (including ZZM S.A. and its subsidiaries, since the day of taken over control by the Issuer on ZZM S.A.) have signed agreements with this legal entity and its subsidiaries amounting altogether to PLN 125,481 thou (this agreement included).

Agreement of the biggest value signed in the last 12 month is the agreement for driving galleries concluded on 13 March 2008 between consortium of companies PBez Zaklad Usług Gorniczych Sp. z o.o. with registered seat in Bytom (the Issuer subsidiary) – Consortium Leader- and VACAT Sp. z o.o. with registered seat in Rybnik – Consortium Participant- with Kompania Weglowa S.A. Oddzial KWK Jankowice; net agreement value amounted to PLN 19,893 thou.

Value of the Issuer's equity in the end of Q1 2008, amounting to PLN 1,194,893 thou was accepted as a criterion of a significant agreement.