

# FINANCIAL SUPERVISORY COMMISSION

## Current Report No 97/2008

Date: 1 August 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 1 August 2008 the Issuer was informed about agreement signed on 28 July 2008 between WAMAG S.A. with registered seat in Walbrzych (the Issuer subsidiary)- Manufacturer- and Kompania Weglowa S.A. Oddzial KWK Szczyglowice – Orderer. Subject of the agreement is delivery of a vacuum pump. Net value of the agreement amounts to PLN 135 thou.

Execution time is 8 weeks from signing the agreement.

Stipulated penalties:

- The Manufacturer is bounded to pay the Orderer stipulated penalties amounting to 10% of the gross value of the agreement if the Orderer will renounce the agreement due to the reasons caused by the Manufacturer,
- The Manufacturer is bounded to pay the Orderer stipulated penalties amounting to 0.1% of the gross value of the agreement for each day of grace commenced, in case of delivery delay.
- The Manufacturer is bounded to pay the Orderer stipulated penalties amounting to 0.2% of the gross value of the agreement for each day of grace in case of delay in complaint examination.
- The Orderer will pay the Manufacturer penalties amounting to 10% of the gross value of the agreement if the Manufacturer will renounce the agreement due to the reasons caused by the Orderer,

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 control taken over by the Issuer on ZZM S.A.) have signed agreements with this legal entity and its subsidiaries amounting altogether to PLN 125,546 thou (this agreement included).

The Issuer informed about the last agreement and also about the agreement of the biggest value from among all the agreements signed with this public entity in the last 12 months in the current report RB 95/2008 of 29 July 2008.

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.

