

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 108/2011

Date: 18 August 2011

Issuer's shortened name: KOPEX SA

Subject: **Domestic consortium agreement of the Kopex Group companies.**

Legal basis: Law on Offer, Art. 56, Par.1 Item 1 – current and cyclic information

#### **Contents of the report:**

The Management Board of KOPEX SA with its registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 18 August 2011 by Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. with its registered seat in Zabrze (the Issuer's indirect subsidiary) an agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the agreement dated 5 August 2011 are: consortium of the following companies: Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. (Consortium Proxy) and Zabrzeńskie Zakłady Mechaniczne SA (the Issuer's subsidiary, Consortium Participant) – Contractor and Kompania Węglowa SA – Orderer.

Subject of the agreement is „Lease of the KSW-460NZ longwall shearer for exploitation of longwall No 1 in seam 506 together with full warranty and maintenance services during the whole lease term for Kompania Węglowa SA, Bielszowice Coal Mine”.

Value of the agreement: PLN 1,465,440.00 + VAT

Term of the agreement: 213 days

Stipulated penalties: Each Party is obliged to pay stipulated penalties amounting to 10% of the net value of the agreement in case of renouncing the agreement due to the reasons caused by that Party. The Parties retain the right to claim additional compensation on the general legal basis up to the value of the losses born in fact but not higher than the value of the subject of the agreement.

The criterion of recognising an agreement as a significant one is exceeding by it of 10% of bounds pertaining to the Issuer's equity capital (the Issuer's equity capital amounts to 1,344,750 thou PLN, in compliance with data included in the published report for Q1 2011) and fulfillment of the criteria set forth in Par.2 Cl.1 Item 44) and Par.2 Cl.2 of Regulation of the Minister of Finance dated 19 February 2009 on current and periodic information (...). In the past 12 months the Issuer's subsidiaries signed with this customer and its subsidiaries agreements amounting altogether to 158,158 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 104/2011 dated 1.08.2011. 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 89/2011 dated

4.07.2011 that also includes information relating to the highest value agreement set forth in Cl.9 Items from 1) to 7) of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information (...).

Legal basis for publishing: Cl.5 Par.1 Item 3 in relation with Cl.2 Par.2 and Cl.9 of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information transmitted by issuers of shares and conditions of recognizing as equivalent the information required by legal regulations of a country that is not a member country (*Dz.U. z 2009, Nr 33 poz.259 ze zmianami*).