

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 140/2011**

Date: 27 September 2011

Issuer's shortened name: KOPEX SA

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

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 27 September 2011 by Rybnicka Fabryka Maszyn RYFAMA SA with its registered seat in Rybnik (the Issuer's subsidiary) an agreement signed with Jastrzębska Spółka Węglowa SA based in Jastrzębie Zdrój.

The Parties of the agreement dated 22 September 2011 are RYFAMA SA – Contractor and Jastrzębska Spółka Węglowa SA, Borynia – Zofiówka Coal Mine, Area Borynia – Orderer.

Subject of the agreement is „Supply of a new AFC”.

Value of the agreement: PLN 7,385,000.00 + VAT

Term of the agreement: up to 75 days from the date of the agreement

#### **Stipulated penalties:**

The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the gross value of the price specified in the agreement in case of renouncing the agreement by the Orderer due to the reasons caused by the Contractor.

Regardless of the stipulated penalties the Parties retain the right to claim additional compensation on the general rules of the Civil code.

Detailed conditions of the agreement sticks to the conditions commonly applied to the agreements of this kind.

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 1,343,572 thou PLN, in compliance with data included in the published report for half-year of 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 294,029 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 130/2011 dated 13.09.2011. 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 66/2011 dated 31.05.2011 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*).