

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 145/2011**

Date: 5 October 2011

Issuer's shortened name: KOPEX SA

Subject: **Significant domestic agreements 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 signing on 4 October 2011 by Zakład Elektroniki Górniczej ZEG SA with its registered seat in Tychy (the Issuer's indirect subsidiary) two agreements with Katowicki Holding Węglowy SA based in Katowice.

The Parties of both agreements dated 16 September 2011 are: Katowicki Holding Węglowy SA - Orderer and ZEG SA - Contractor.

Subject of the first agreement is „Supply of distributive electrical apparatus together with equipment”.

Subject of the second agreement is „Supply of control desks, control boxes and control push buttons to mines belonging to KHW SA”.

Total value of the agreements: PLN 2,250,000.00 +VAT

Value of the first agreement: 1,400,000.00 +VAT

Value of the second agreement: 850,000.00 +VAT

Term of the both agreements: 24 months from the date of the agreement

Stipulated penalties (according to the Regulation of the Minister of Finance): The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the gross value of the unperformed part of the agreement in case of renouncing the agreement by the Orderer due to the reasons caused by the Contractor, including the lack of current certificates required under the agreement. The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of the gross value of the unperformed part of the agreement in case of renouncing the agreement by the Contractor due to the reasons caused by the Orderer. If the stipulated penalties do not cover the losses borne in fact the Parties retain the right to claim additional compensation on the Civil Code basis.

Other significant conditions of the agreement:

„Any right of the contractor associated with the agreement, including claims under the agreement, will not be transferred to third parties without the prior written consent of the orderer. Payment for the performance of the contract will be made solely by the orderer directly to the contractor and only by way of transfer to the contractor's

account or in cash directly to the contractor, under threat of stipulated penalties in the amount of:

- a) 20 thousand zlotys for each violation of the above mentioned obligation,
- b) if the total amount of the agreement's rights of the contractor, transferred to third parties exceeds 300,000.00 zlotys – 25 thousand zlotys of the penalty for each violation of the above mentioned obligation,
- c) if the total amount of the agreement's rights of the contractor, transferred to third parties exceeds 600,000.00 zlotys – 35 thousand zlotys of the penalty for each violation of the above mentioned obligation,
- d) if the total amount of the agreement's rights of the contractor, transferred to third parties exceeds 1,000,000.00 zlotys – 100 thousand zlotys of the penalty for each violation of the above mentioned obligation“.

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 252,517 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 138/2011 dated 26.09.2011. 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 117/2011 dated 25.08.2011 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*).