

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 149/2011**

Date: 13 October 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 13 October 2011 by Rybnicka Fabryka Maszyn RYFAMA SA with its registered seat in Rybnik (the Issuer's subsidiary) an agreement signed with Katowicki Holding Węglowy SA based in Katowice.

The Parties of the agreement dated 4 October 2011 are RYFAMA SA based in Rybnik – Contractor and Katowicki Holding Węglowy SA based in Katowice – Orderer.

Subject of the agreement is „Supply of spare parts to the Rybnik 850 scraper conveyor for KHW SA”.

Value of the agreement: PLN 269,640.00 + VAT

Term of the agreement: 31.12.2011

#### **Stipulated penalties:**

The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the gross value of the sum of the amounts of the executed executory orders granted to the Contractor prior to the date of charging the stipulated penalties for renouncing the agreement by the Orderer due to the reasons caused by the Contractor. The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of the gross value of the sum of the amounts of the executed executory orders granted to the Contractor prior to the date of charging the stipulated penalties for renouncing the agreement by the Contractor due to the reasons caused by the Orderer. The Parties retain the right to claim additional compensation if the value of the losses borne in fact exceeds the value of the stipulated penalties.

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 252,787 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 138/2011 dated 5.10.2011.

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*).