

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 16/2013

Date: 25 February 2013

Issuer's shortened name: KOPEX SA

Subject: **Significant agreement of the Issuer's subsidiary Kopex Electric Systems SA concluded with Kompania Węglowa SA**

Legal basis: Law on Offer, Art. 56, Par.1 Item 2 – 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 by Kopex Electric Systems SA with its registered seat in Chorzów (the Issuer's indirect subsidiary) a significant agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the aforementioned agreement dated 11.02.2013 are: Kopex Electric Systems SA – Contractor and Kompania Węglowa SA – Orderer.

The subject of the agreement is „Supply of relays as well as electrical and electronic protections to the branches of Kompania Węglowa SA within 2013.”

Value of the agreement: PLN 827,046.42 + VAT

Term of the agreement: till 31.12.2013

#### Stipulated penalties:

The Contractor is obliged to pay the Orderer stipulated penalties:

- a) amounting to 10% of the net value of unrealized part of the agreement in case of renouncing the agreement by the Orderer to the reasons caused by the Contractor,
- b) amounting to 10% of the net value of the goods specified each time in the unrealized part of the order in case of renouncing the order by the Orderer to the reasons caused by the Contractor,
- c) amounting to 10% of the net value of the goods specified each time in the order, not delivered on time, for each day of delay calculated from the date of supply of the goods, wherein from 31 day of delay the penalty will be calculated in the amount of 0.5%. In case of failure to execute the order or part thereof, while the agreement has not been renounced, the stipulated penalties will be equal to the value of the unrealized order,
- d) amounting to 0.1% of the net value of the goods entered for complaints for each day of delay in its consideration,
- e) amounting to 0.1% of the net value of the goods subject to exchange for each day of delay.

The Orderer is obliged to pay the Contractor stipulated penalties:

- a) amounting to 10% of the net value of the goods specified each time in the unrealized part of the order in case of renouncing the order by the Contractor to the reasons caused by the Orderer,

b) amounting to 0.1% of the contractual value of the ordered and unclaimed goods due to the fault of the Orderer, for each day of delay.

The Orderer retain the right to claim compensation from the Contractor on the general basis up to the value of the losses borne in fact.

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 1,350,333 thou PLN, in compliance with data included in the published report for the thrid quarter of 2012) 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 148,338 thou PLN (including this one). 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 82/2012 dated 25.05.2012 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*).