

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 165/2011

Date: 14 November 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 14 November 2011 by Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. with its registered seat in Zabrze (the Issuer's indirect subsidiary) an agreement dated 3.11.2001 and signed with Katowicki Holding Węglowy SA based in Katowice.

The Parties of the agreement are: ZZM – Maszyny Górnicze Sp. z o.o. – Contractor and Katowicki Holding Węglowy SA, Murcki-Staszic Coal Mine – Orderer.

Subject of the agreement is „Lease of the KSW-880EU longwall shearer for exploitation of the longwall 399b in the seam 510/III for KHW SA, Murcki-Staszic Coal Mine, Area Staszic”.

Value of the agreement: PLN 3,562,400.00 + VAT

Term of the agreement: 305 days

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 agreement in case of 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 agreement in case of renouncing the agreement by the Contractor due to the reasons caused by the Orderer. The parties retain the right to claim additional compensation on the general legal 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 260,995 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 160/2011 dated 2.11.2011. 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*).