

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 193/2011**

Date: 21 December 2011

Issuer's shortened name: KOPEX SA

Subject: **Significant 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 has been aware of receiving on 20 December 2011 by WAMAG SA with its registered seat in Wałbrzych (the Issuer's subsidiary) a framework agreement signed with Kompania Węglowa with its registered seat in Katowice.

The Parties of the agreement dated 25 November 2011 are: WAMAG - Contractor and Kompania Węglowa SA – Orderer.

Subject of the agreement is „Overhaul of coal crushers, as well as elements and components produced by WAMAG.”

Value of the agreement: PLN 1,257,209.29 + VAT

Term of the agreement: till 31.12.2013

Term of the first order: till 1.01.2012

Stipulated penalties (according to the Regulation of the Minister of Finance): In case of failure in performance or improper performance of the executory order The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the net value of the outstanding order if any Party renounces the order due to the reasons caused by the Contractor. The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of the net contractual value of the executory order in case of renouncing the agreement by any Party due to the reasons caused by the Orderer.

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 1,358,213 thou PLN, in compliance with data included in the published report for the third quarter 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 172,573 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 191/2011 dated 20.12.2011. 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 155/2011 dated 17.10.2011 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*).