

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 196/2011**

Date: 22 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 today has been aware of receiving on 22 December 2011 by Rybnicka Fabryka Maszyn RYFAMA SA with its registered seat in Rybnik (the Issuer's subsidiary) two agreements signed with Kompania Węglowa SA based in Katowice.

The Parties of the first agreement dated 20 December 2011 are: RYFAMA SA – Contractor and Kompania Węglowa SA, Bobrek-Centrum Coal Mine – Orderer.

The Parties of the second agreement dated 15 December 2011 are: RYFAMA SA – Contractor and Kompania Węglowa SA – Orderer.

Subject of the first agreement is „Maintenance services of the scraper conveyors produced by RYFAMA for the branches of KW SA in 2012”.

Subject of the second agreement is „Maintenance services of the crushers produced by RYFAMA for the branches of KW SA in 2012”.

Total net value of the agreements: PLN 1,342,000.00

Value of the first agreement (Bobrek-Centrum Coal Mine): PLN 1,092,000.00 + VAT

Value of the second agreement: PLN250,000.00 + VAT

Term of the agreements: till 31.12.2012

Stipulated penalties (according to the Regulation of the Minister of Finance): Each Party is obliged to pay the other Party stipulated penalties amounting to 10% of the net value of the agreement in case of renouncing the agreement due to the reasons caused by that Party. If the losses borne in fact exceeds the value of the stipulated penalties the Parties retain the right to claim additional compensation on the general legal basis.

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 171,043 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 195/2011 dated 22.12.2011. 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*).