

FINANCIAL SUPERVISORY COMMISSION
Current report No 198/2011

Date : 28 December 2011

Issuer's shortened name : KOPEX S.A.

Subject: **Significant agreement of the Issuer's subsidiary**

Legal basis : Law on Offer , Art. 56, Par 1 point 2 – current and cyclic information.

Contents of the report:

The Board of KOPEX S.A. with a registered seat in Katowice (the Issuer) informs that today The Issuer has been aware of receiving on 28 December 2011 by RYFAMA SA with a registered seat in Rybnik (the Issuer's subsidiary), two agreements signed with Kompania Węglowa SA with a registered seat in Katowice.

The parties of the aforementioned agreements: the first one dated 7 December 2011 and the second one dated 25 November 2011 are RYFAMA SA– the Executor and Kompania Węglowa SA - the Orderer.

The subject of the agreements are:

- in the first one: Renovation of balancing rope suspensions produced by Ryfama for Kompania Węglowa SA in the years 2012 and 2013
- in the second one: Renovation of the crushers as well as other elements and subassemblies produced by Ryfama for Kompania Węglowa SA in the years 2012 and 2013

Total value of the agreements – 1.732.168,00 PLN net, where the value of the first agreement amounts to 556.100,00 PLN net and the value of the second one amounts to 1.176.068,00 PLN net.

Term of the agreements – till 31 December 2013

Stipulated penalties foreseen in the agreements (according to the Regulation of the Minister of Finance)

In the event of failure to perform or improper performance of the agreement, the Executor is obliged to pay the Orderer stipulated penalties amounting to 10% of the net value of an unrealized portion of the agreement, in case of termination of the agreement by one of the Parties due to the reasons attributable to the Executor.

The Orderer is obliged to pay the Executor stipulated penalties amounting to 10% of the net value of the agreement in case of termination of the agreement by one of the Parties due to the reasons attributable to the Orderer.

The parties accept that penalties for a delay in realization of the agreement or termination of the agreement refer to all items of the agreement ,i.e. to all ordered pieces being within the scope of a given position under the agreement.

The criterion of recognizing 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.1.44 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 and the Issuer's subsidiaries signed with this customer the agreements amounting altogether to 171 301 thousand PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 197/2011 dated 22 December 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 October 2011 that also contains information relating to the highest value agreement set forth in Par 9 Cl. 1-7 of the Regulation of the Minister of Finance dated 19 February 2009 on current and periodic information (...)

Legal basis of transmission : Par 5 Cl.1.3 in relation with Par.2 Cl.2 and Par.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 which is not a member country (Dz.U. dated 2009, No33, pos. 259 with amendments).

