

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 25/2011

Date: 10 March 2010

Issuer's shortened name: KOPEX SA

Subject: **Domestic agreement of the Issuer's indirect 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 a registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 10 March 2011 by Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. with a registered seat in Zabrze (the Issuer's indirect subsidiary) an agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the agreement dated 8 February 2011 are Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. - the Lessor and Kompania Węglowa SA – the Lessee.

Subject of the agreement is lease of KSW-880EU/1kV longwall shearer, together with a full guarantee and service support during the term of lease for KW SA Bolesław Śmiały Coal Mine. The shearer will be designated for operation in panels 562 and 563 in seam 325.

Value of the agreement: PLN 4,531,200.00 + VAT

Term of the agreement: 590 days

Stipulated penalties: Each Party is obliged to pay stipulated penalties amounting to 10% of the net value of the agreement in case of renouncing the agreement due to the reasons caused by this Party. Regardless of the stipulated penalties the Parties retain the right to claim on general legal basis up to the value of the losses borne in fact but not higher than the value of the subject of the lease.

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 1,346,518 thou PLN, in compliance with data included in the published report for Q4 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 179,606 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 23/2011 dated 9.03.2011. 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 66/2010 dated 2.08.2010 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*).