

(Translation from the Polish language)

FINANCIAL SUPERVISORY COMMISSION

Current report No 32/2013

Date: 04 April 2013

Issuer's shortened name: KOPEX SA

Subject: **Significant agreement concluded by the Issuer's subsidiary TAGOR SA with Kompania Węglowa SA**

Legal basis: Law on Offer, Art. 56, Par.1 Item 2 – 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 by TAGOR SA with its registered seat in Tarnowskie Góry (the Issuer's subsidiary) a significant agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the aforementioned agreement dated 19.03.2013 are: TAGOR SA – Contractor and Kompania Węglowa SA – Orderer.

The subject of the agreement is: „Delivery of steel headboards to the Branches of Kompania Węglowa SA”.

Value of the agreement: PLN 1.061.454,00 + VAT

Term of agreement: from 19.03.2013 to 31.12.2013. If during the agreement period the Orderer will not place orders for minimum of 50% of the value of the agreement awarded, the agreement will be in force until 31.03.2014, unless the Orderer declares that after 31.12.2013 the agreement will not be realized.

Stipulated penalties:

1. In case of failure to execute the agreement or improper execution.
 - 1) The Contractor is obliged to pay the Orderer the stipulated penalties:
 - a) amounting to 10% of the net value of unrealized part of the agreement, if the Orderer withdraws from the agreement due to circumstances for which the Contractor is responsible, in this case the following point b) and c) does not apply in respect of orders unrealized to date of withdrawal,
 - b) amounting to 10% of the agreed net value of the goods specified in each case in the unrealized part of the order, if the Orderer withdraws from the order due to circumstances for which the Contractor is responsible,
 - c) amounting to 0,1% of the agreed net value of goods each time specified in order which were not delivered in time, for each day of delay, calculated to the date of delivery of the goods, wherein from the 31st day of delay the stipulated penalty will be calculated in the amount of 0,5%. In the case of definitive failure to perform an order or part of order, when not withdrawing the agreement, the stipulated penalties are equal to the unrealized value of the agreement,
 - d) amounting to the 0,1% of the net value of goods entered for the claim for each day of delay in its consideration,

- e) amounting to 0,1% of the net value of the goods that are subject to exchange for each day of delay.
- 2) The Orderer agrees to pay the Contractor the stipulated penalties:
 - a) amounting to 10% of the agreed net value of the goods specified in each case in unrealized order, if the contractor withdraws from the order due to circumstances for which the Orderer is responsible,
 - b) amounting to the 0,1% of the agreed net value of the ordered goods, not collected to the fault of the Orderer.
2. In case of Contractor's delay in execution of the agreement or order, the Orderer is entitled to purchase goods from another contractor, which number corresponds to the amount of goods the delivery of which the Contractor is delayed. When the goods are purchased at a price higher than the price resulting from the agreement binding the Parties, the Orderer will charge the Contractor the difference between the price at which the Orderer has purchased the goods and the price in force in the agreement.
3. Regardless of the stipulated penalties the Orderer has the right to claim compensation from the Orderer up to the value of the losses borne in fact.

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 1,384,877 thou PLN, in compliance with data included in the published report for Q4 of 2012) and fulfilment 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 231.753 thou PLN (including this one). The highest value agreement from among all the agreements signed in the past 12 months is the agreement the Issuer informed about in the report RB30/2013 dated 02.04.2013 which also includes information relating to the contract with the highest values specified in § 9, paragraph 1) -7) Minister of Finance of 19 February 2009 on current and periodic information (F). 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*).