

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 38/2011

Date: 5 April 2011

Issuer's shortened name: KOPEX SA

Subject: **Domestic agreement of consortium of Kopex Group companies.**

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 5 April 2011 by WAMAG SA with its registered seat in Wałbrzych (the Issuer's subsidiary) an agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the agreement dated 28 March 2011 are consortium of the following companies: WAMAG SA (Consortium Leader) and Poland Investments 7 Sp. z o.o. based in Wałbrzych (the Issuer's indirect subsidiary; Consortium Participant) – Contractor and Kompania Węglowa SA, Centrum Wydobywcze Wschód – Orderer.

Subject of the agreement is supply of B-1000 two-way scraper conveyor to Zakład Wzbogacania I Odsiarczania Miałów Energetycznych, Bolesław Śmiały Coal Mine.

Net value of the agreement: PLN 260,000.00

Term of the agreement: 4 months from the date of the agreement

Stipulated penalties: The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the value of the agreement, in case of renouncing the agreement by the Orderer due to the reasons caused by the Contractor. The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of the value of the agreement, in case of renouncing the agreement by the Contractor due to the reasons caused by the Orderer. As a basis for calculating stipulated penalties the Parties agreed net value of the agreement. Regardless of the stipulated penalties the Parties retain the right to claim on general legal basis up to losses born 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 1,346,518 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 174,070 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 36/2011 dated 4.04.2011. 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 CI.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: CI.5 Par.1 Item 3 in relation with CI.2 Par.2 and CI.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*).