

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 5/2011**

Date: 25 January 2010

Issuer's shortened name: KOPEX S.A.

Subject: **Domestic agreement 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 a registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 24 January 2011 by WAMAG SA with a registered seat in Wałbrzych (the Issuer's subsidiary) an agreement signed with Kompania Węglowa SA based in Katowice together with the Annex No 1 to this agreement.

The Parties of the agreement dated 28 December 2010 are WAMAG SA – Contractor and Kompania Węglowa SA – Orderer.

Subject of the agreement is supply of parts to extraction devices to the Kompania Węglowa SA Bielszowice Coal Mine within 2011.

Net value of the agreement: PLN 858,000.00

Term of the agreement: up to 5 months from the date of receiving the order subject to the terms of the Annex No 1 upon which Parties agreed that the order can not be placed later than on 31.03.2011.

Stipulated penalties: The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the gross value of the unperformed part of the agreement, if any Party renounces the agreement due to the reasons caused by the Contractor. The Contractor is also obliged to pay the Orderer stipulated penalties amounting to 10% of the gross value of the subject of the order determined each time in the unperformed order, if any Party renounces the order due to the reasons caused by the Contractor. The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of the gross value of the subject of the order determined each time in the unperformed order, if the Contractor renounces the order due to the reasons caused by the Orderer. If the damage caused by failure or negligence in performance of the agreement exceeds the amount of stipulated penalties, the Orderer, regardless of the penalties determined in the agreement retain the right to claim additional compensation on the general rules set forth in the Civil Code.

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 1,341,371 thou PLN, in compliance with data included in the published report for the third quart of 2010) 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 174,816 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 4/2011 dated 20.01.2011. 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*).