

(Translation from the Polish language)

FINANCIAL SUPERVISORY COMMISSION

Current report No 5/2012

Date: 12 January 2012

Issuer's shortened name: KOPEX SA

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

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 on 11 January 2012 by Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. with its registered seat in Zabrze (the Issuer's indirect subsidiary) an agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the aforementioned agreement dated 2 January 2011 are:

- 1) consortium of the following companies: Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. (Consortium Leader) and BUMECH SA (Consortium Participant) Contractor
- 2) Kompania Węglowa SA based in Katowice – Lessee.

The subject of the agreement is „Lease of 30 pcs the AM-50-Bumech/zl roadheader for Bolesław Śmiały Coal Mine (5 pcs), Piast Coal Mine (12 pcs), Ziemowit Coal Mine (12 pcs).”

Value of the agreement: PLN 52,073,017.00 + VAT

Term of the lease of each roadheader: 730 days (with the possibility of extending the lease period to 1095 days).

Stipulated penalties (according to the Regulation of the Minister of Finance): Each Party is obliged to pay the other Party stipulated penalties amounting to 10% of the net value of the agreement in case of renouncing the agreement due to the reasons caused by that Party.

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 1,358,213 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 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 236,812 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 4/2012 dated 11.01.2012. The highest value agreement from among all the agreements signed in the past 12 months is the agreement the Issuer informs about in this current report 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*).