

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 57/2011**

Date: 13 May 2011

Issuer's shortened name: KOPEX SA

Subject: **Domestic agreement of 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 its registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 13 May 2011 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 agreement dated 29 April 2011 are Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. – Lessor and Kompania Węglowa SA – Lessee.

Subject of the agreement is lease of a brand new KSW-880EU longwall shearer shearer together with a full guarantee and service support during the term of lease for KW SA, Ziemowit Coal Mine.

Net value of the agreement: PLN 4,288,800.00

Term of the agreement: 480 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 compensation 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 agreement.

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 1,346,459 thou PLN, in compliance with data included in the published annual report for 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 183,147 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 52/2011 dated 5.05.2011. 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*).