

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 58/2011**

Date: 17 May 2010

Issuer's shortened name: KOPEX SA

Subject: **Domestic agreement 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 16 May 2011 by Zakład Elektroniki Górniczej ZEG SA with its registered seat in Tychy (the Issuer's indirect subsidiary) an agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the agreement dated 20 April 2011 are: ZEG SA - Contractor and Kompania Węglowa SA – Orderer.

Subject of the agreement is overhaul of methane monitoring appliances produced by ZEG SA for Kompania Węglowa, Knurów-Szczygłowice Coal Mine.

Net value of the agreement: PLN 120,000.00

Term of the agreement: till 31.12.2011

Stipulated penalties: Each Party is obliged to pay stipulated penalties amounting to 10% of the net agreement value in case of renouncing the agreement by any Party due to the reasons caused by this Party. The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the gross value of the agreement for default or improper performance of the agreement irrespective of the powers of the Orderer in accordance with Article 637 of the Civil Code. The Contractor bears full responsibility for damages caused by his fault against the Orderer and third parties. Regardless to the stipulated penalties the Parties retain the right to claim compensation on the general legal basis 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 1,344,750 thou PLN, in compliance with data included in the published report for Q1 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 183,239 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 57/2011 dated 13.05.2011. 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*).