

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No. 81/ 2010

Date : 24 September 2010

Issuer's shortened name : KOPEX S.A.

Subject: **Domestic consortium agreement of the KOPEX Capital Group subsidiaries.**

Legal basis : Law on Offer , Art. 56, Par1 Item 2 – current and cyclic information.

#### **Contents of the report:**

The Management of Board of KOPEX S.A. with a registered seat in Katowice (the Issuer) informs that today the Issuer has been aware of receiving on 24 September 2010 by the Zabrzeńskie Zakłady Mechaniczne –Maszyny Górnicze Sp. z o.o. company with registered seat in Zabrze (the Issuer's subsidiary) an agreement signed with Kompania Węglowa S.A. with a registered seat in Katowice. Zabrzeńskie Zakłady Mechaniczne –Maszyny Górnicze Sp. z o.o. (Consortium Participant- the Issuer's subsidiary) and KOPEX S.A. (Consortium Participant) - Lessor- and Kompania Węglowa S.A. – Lessee –are Parties to the agreement dated 27 August 2010.

Subject of the agreement is lease of the KSW-1140EZ longwall shearer, manufactured by Zabrzeńskie Zakłady Mechaniczne S.A., together with a complete safeguarding maintenance and warranty services during the whole lease term.

Value of the agreement amounts to 4,099,765.00 PLN + 22%VAT

Term of the agreement is 547 days.

#### Stipulated penalties:

The Lessor is obliged to pay the Lessee stipulated penalties amounting to 10% of the gross value of the agreement if the Lessee renounces the agreement due to the reasons caused by the Lessor.

The Lessee is obliged to pay the Lessor stipulated penalties amounting to 10% of the gross value of the agreement if the Lessor renounces the agreement due to the reasons caused by the Lessee.

If the damage value resulted from non-accomplishment or improper accomplishment of the agreement exceeds value of the stipulated penalties, the Orderer, irrespective of the stipulated penalties set forth in the agreement in question, reserves itself the right to claim damages based on general rules included in the Civil Code.

Detailed conditions of the above mentioned agreement do not differ from the conditions commonly applied in this kind of 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 1,334,338 thou PLN, in compliance with data included in the published semi-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 140,990 thousand PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB77/2010 dated 13 September 2010. 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 02 August 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 Item3 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 which is not a member country (*Dz. U. z 2009, Nr 33, poz. 259 ze zm.*).