

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 94/2011**

Date: 7 July 2011

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 7 July 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 Jastrzębska Spółka Węglowa SA, Budryk Coal Mine.

The Parties of the agreement dated 29 June 2011 are: Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. – Contractor and Jastrzębska Spółka Węglowa SA, Budryk Coal Mine – Orderer.

Subject of the agreement is „Lease of KSW 460NE longwall shearer with electric haulage system for operation in panels Cw-3 and Cw-4 in bed 364-2 for JSW SA, Budryk Coal Mine“.

Net value of the agreement: PLN 4,962,132.00

Term of the agreement: 609 days

Stipulated penalties (according to the Regulation of the Minister of Finance): The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the gross price stipulated in the agreement in case of renouncing the agreement by the Orderer due to the reasons caused by the Contractor. The other conditions stick to the conditions commonly applied to the agreements of this kind.

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 281,256 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 87/2011 dated 30.06.2011. 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 66/2011 dated 31.05.2011 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*).