

# FINANCIAL SUPERVISORY COMMISSION

## Current Report No 115/2008

Date: 8 September 2008

Issuer's shortened name: KOPEX SA

**Subject: Significant inland agreements of the Issuer subsidiary**

Legal basis: Law on Offer; Art.56, Par.1. Cl.2– current and periodic information

### Report contents:

Management Board of KOPEX SA with registered seat in Katowice (the Issuer) informs as follows:

On 8 September 2008 the Issuer was informed about two agreements signed between WAMAG S.A. with registered seat in Walbrzych (the Issuer subsidiary)- Supplier- and Kompania Weglowa S.A. with registered seat in Katowice, Centrum Wydobywcze Wschod, Oddzial KWK Piast- Orderer.

The first agreement: subject of the agreement is supply of a vibrating screen; net value of the agreement amounts to PLN 177 thou; term of the agreement is 8 weeks from signing the agreement; warranty: 12 months from the commissioning date or 18 months from subject of the agreement supply date to the Orderer's warehouse.

The first agreement: subject of the agreement is supply of spare parts to crushers; net value of the agreement amounts to PLN 73 thou; term of the agreement is until 31 December 2008; warranty: 6 months from subject of the agreement supply date to the Orderer's warehouse.

Stipulated penalties (for both agreements):

- The Supplier will pay the Orderer stipulated penalties amounting to 10% of the agreement value if the Orderer will renounce the agreement due to the reasons caused by the Supplier,
- The Orderer will pay the Supplier stipulated penalties amounting to 10% of the agreement value if the Supplier will renounce the agreement due to the reasons caused by the Orderer,
- The Contractor will pay the Orderer stipulated penalties amounting to 0.1% of the agreement for each day of grace in execution of the scope of works,
- The Contractor will pay the Orderer stipulated penalties amounting to 0.1% of the agreement for each day of grace in removal of defects or shortcomings found out upon acceptance procedure from the date agreed for defects removal by the Parties to the Agreement.

Detailed conditions of the agreement comply with conditions usually applied in agreements of this kind.

For the last 12 months the Issuer subsidiaries (including ZZM S.A. and its subsidiaries, since the day of takeover control by the Issuer on ZZM S.A.) have signed agreements with this legal entity and its subsidiaries amounting altogether to PLN 123,602 thou (this agreement included).

The Issuer informed about the last agreement signed with this customer in the current report RB 114/2008 on 5 September 2008.

Agreement of the biggest value signed in the last 12 month is the agreement concluded on 13 March 2008 between consortium of companies PBsz Zaklad Usług Gorniczych Sp. z o.o. with registered seat in Bytom (the Issuer subsubsidiary) – Consortium Leader- and VACAT Sp. z o.o. with registered seat in Rybnik – Consortium Participant; net agreement value amounted to PLN 19,893 thou.

Value of the Issuer's equity in the end of Q2 2008, amounting to PLN 1,206,061 thou was accepted as a criterion of a significant agreement.