

# FINANCIAL SUPERVISORY COMMISSION

## Current Report No 117/2008

Date: 9 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 9 September 2008 the Issuer was informed about two agreements signed between legal entities forming the Issuer Capital Group and Kompania Weglowa S.A. with registered seat in Katowice.

The first agreement was signed between Zabrzanskie Zaklady Mechaniczne S.A. with registered seat in Zabrze (the Issuer subsidiary) – Lessor – and KW S.A. Centrum Wydobywcze Wschod, Oddział KWK Piast – Lessee. Subject of the agreement is lease of a longwall shearer; net value of the agreement amounts to PLN 257 thou; term of the agreement is 61 days from its signing.

#### Stipulated penalties:

- The Lessor will pay the Lessee stipulated penalties amounting to 10% of the agreement value if the Lessee will renounce the agreement due to the reasons caused by the Lessor,
- The Lessee will pay the Lessor stipulated penalties amounting to 10% of the agreement value if the Lessor will renounce the agreement due to the reasons caused by the Lessee,
- Parties to the Agreement may claim damages based on general rules up to the factual loss amount but not higher than subject of the agreement value, irrespective of the stipulated penalties.

The second agreement was signed between Fabryka Maszyn i Urzadzen TAGOR S.A. with registered seat in Tarnowskie Gory (the Issuer subs subsidiary) – Contractor – and KW S.A. Centrum Wydobywcze Zachod, Oddział KWK Szczygłowice – Orderer. Subject of the agreement is supply of spare parts to longwall power roof supports; net value of the agreement amounts to PLN 240 thou; term of the agreement is until 30 September 2008.

#### Stipulated penalties:

- The Contractor 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 Contractor
- The Orderer will pay the Contractor stipulated penalties amounting to 10% of the agreement value if the Contractor 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 value for each day of grace in taking over subject of 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 124,101 thou (this agreement included).

The Issuer informed about the last agreement signed with this customer in the current report RB 115/2008 dated 8 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.