

## FINANCIAL SUPERVISORY COMMISSION

### Current Report No 1/2009

Date: 6 January 2009

Issuer's shortened name: KOPEX S.A.

**Subject: A significant domestic agreement 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 6 January 2009 the Issuer was informed about an agreement (order) signed between Fabryka Maszyn i Urzadzen TAGOR SA with registered seat in Tarnowskie Gory (the Issuer subsidiary- the Contractor) and Katowicki Holding Weglowy S.A. KWK Wieczorek (the Orderer). Subject of the agreement is supply of a power roof support. Net value of the agreement amounts to PLN 48,350 thou. Payment will be effected in 24 installments. Agreement will be executed in 90 days from its signing.

### Stipulated penalties:

- The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of gross agreement value if the Orderer renounces the agreement due to the reasons caused by the Contractor.
- The Orderer is obliged to pay Contractor the stipulated penalties amounting to 10% of gross agreement value if the Contractor renounces the agreement due to the reasons caused by the the Orderer
- The Contractor is obliged to pay the Orderer stipulated penalties amounting to 0.1% of gross agreement value for each day of delay in execution of the agreement by the Contractor, but not more than to 10% of gross agreement value.
- The Contractor is obliged to pay the Orderer stipulated penalties amounting to 0.1% of gross agreement value for each day of delay in removing defects denominated while receipt of thre subject of the agreement or within warranty period.
- The Contractor is obliged to pay the Orderer stipulated penalties amounting to PLN 500 (gross value) for each hour of delay in commencement of eliminating failure.
- The Contractor is obliged to pay the Orderer stipulated penalties amounting to 0.1% of gross agreement value for each day of delay in execution of the agreement by the Contractor, but not more than to 10% of gross agreement value.
- The Orderer is obliged to pay the Contractor stipulated penalties amounting to 0.1% of gross agreement value for each day of delay in collecting subject of the agreement, but not more than to 10% of gross agreement value.

Moreover, Parties to the Agreement have agreed that compensations exceeding values of the a.m. stipulated penalties can be claimed on the basis of the Civil Code.

Detailed conditions of the agreement stick to the conditions commonly applied in the agreements of this kind.

In the past 12 months the Issuer subsidiaries have signed with this customer and its subsidiaries agreements amounting altogether to PLN 122.281 thou, including this one.

The highest value agreement from among all the agreements signed in the past 12 months is the agreement the Issuer informs about in this current report. The Issuer informed about the last agreement signed with this customer in the current report RB 84/2008 published on 2 July 2008.

Value of the Issuer's equity at the end of Q3 2008, amounting to PLN 1,191,715 thou was accepted as a criterion of a significant agreement.