

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 132/ 2009

Date: 22 July 2009

Issuer's shortened name : KOPEX S.A.

Subject: **Domestic agreement of the Issuer's subsidiary.**

Legal basis: Law on Offer, Art. 56, Par 1 Cl.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 the Issuer has been aware of receiving on 21 July 2009 by WAMAG S.A with registered seat in Wałbrzych (the Issuer's subsidiary) an agreement signed with Kompania Węglowa S.A. with a registered seat in Katowice.

WAMAG S.A based in Wałbrzych - Seller- and Kompania Węglowa S.A. based in Katowice, Oddział KWK Ziemowit (The Ziemowit Mine) – Buyer- are Parties to the agreement dated 29 June 2009.

Subject of the agreement is supply of two 30T skips for Oddział KWK Ziemowit.

Net value of the agreement amounts to PLN 1,336,000.00 PLN.

Term of the agreement is 6 months from obtaining the order.

### Stipulated penalties:

The Seller is obliged to pay the Buyer stipulated penalties as follows:

- amounting to 10% of gross agreement value if the Buyer renounces the agreement due to the reasons caused by the Seller.
- amounting to 10% of gross value of the goods defined each time in the non-executed order, if the Buyer renounces the agreement due to the reasons caused by the Seller.

The Buyer is obliged to pay the Seller stipulated penalties as follows:

- amounting to 10% of gross agreement value if the Seller renounces the agreement due to the reasons caused by the Buyer.
- amounting to 10% of gross value of the goods defined each time in the non-executed order, if the Seller renounces the agreement due to the reasons caused by the Buyer.

Detailed conditions of the above mentioned agreement do not differ from the conditions commonly applied in this kind of agreement.

The criterion of recognizing an agreement as a significant one is exceeding by it of 10% of bounds pertaining to the Issuer's equity capital and fulfillment of the criteria set forth in Par.2 Cl.1.44 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 subsidiaries signed with this customer and its subsidiaries agreements amounting altogether to 239.131 thousand PLN (including this one). The Issuer informed

about the last agreement with this customer in the current report RB 131/2009 dated 21 July 2009. 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 3/2009 dated 8 January 2009 that also contains information relating to the highest value agreement set forth in Par 9 Cl. 1-7 of Regulation by the Minister of Finance dated 19 February 2009 on current and periodic information (...)

Legal basis for publishing: Par 5 Cl.1.3 in relation with Par.2 Cl.2 and Par.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*).