

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 134/2008**

Date: 29 October 2008

Issuer's shortened name: KOPEX SA

**Subject: Significant agreements between related entities.**

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

#### **Report contents:**

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

On 29 October 2008 the Issuer was informed about signing four agreements between related entities of the Issuer Capital Group and Kompania Weglowa S.A. with registered seat in Katowice.

The first agreement was signed between Fabryka Maszyn i Urzadzen TAGOR S.A. with registered seat in Tarnowskie Gory (the Issuer subsidiary) -Contractor- and KW SA Centrum Wydobywcze Polnoc, Oddzial KWK Bielszowice – Orderer. Subject of the agreement is supply of power roof support; net value of the agreement amounts to PLN 34,600 thou. Term of the agreement is 12 weeks from its signing.

Stipulated penalties:

- The Contractor will pay the Orderer stipulated penalties amounting to 10% of the agreement value if the Orderer renounces 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 renounces 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 delay in supply of the subject of the agreement,
- The Contractor will pay the Orderer stipulated penalties amounting to 0.01% of the agreed remuneration value for each hour of delay in warranty service fulfillment beyond the deadline agreed.

The second agreement was signed between Zabrzanskie Zaklady Mechaniczne SA with registered seat in Zabrze (the Issuer subsidiary) -Lessor- and KW SA Centrum Wydobywcze Wschod, Oddzial KWK Ziemowit– Lessee. Subject of the agreement is lease of a longwall shearer together with full warranty and maintenance services for the whole lease term. Net value of the agreement amounts to PLN 5,173 thou. Term of the agreement is 700 days.

The third agreement was signed between Zabrzanskie Zaklady Mechaniczne SA with registered seat in Zabrze (the Issuer subsidiary) -Lessor- and KW SA Centrum Wydobywcze Wschod, Oddzial KWK Ziemowit– Lessee. Subject of the agreement is lease of a longwall shearer together with full warranty and maintenance services for the whole lease term. Net value of the agreement amounts to PLN 2,480 thou. Term of the agreement is 400 days.

The fourth agreement was signed between Zabrzanskie Zaklady Mechaniczne SA with registered seat in Zabrze (the Issuer subsidiary) -Lessor- and KW SA Centrum Wydobywcze Polnoc, Oddzial KWK Bobrek Centrum– Lessee. Subject of the agreement is lease of a longwall shearer together with full warranty and maintenance services for the whole lease term. Net value of the agreement amounts to PLN 1,270 thou. Term of the agreement is 182 days.

Stipulated penalties for all the a.m. agreements on lease of longwall shearers:

- The Lessor will pay the Lessee stipulated penalties amounting to 10% of the agreement value if the Lessee renounces 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 renounces the agreement due to the reasons caused by the Lessee,

- The Lessor will pay the Lessee stipulated penalties amounting to 100% of the daily lease rate for each day of delay in supply subject of the agreement,

- The Lessee will pay the Lessor stipulated penalties amounting to 100% of the daily lease rate for each day of failure to collect subject of the agreement,

- the Lessee may be charged by the Lessor with stipulated penalties amounting to 100% of the daily lease rate for each day of delay in eliminating the longwall shearer breakdown notified beyond 24 hours from commencing servicing actions.

- irrespective of the a.m. stipulated penalties, the Parties to the agreements may claim damages based on general rules up to the value of the losses born in fact, but not higher than subject of the agreement value.

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

The agreement signed between Fabryka Maszyn i Urzadzen TAGOR S.A. and KW SA Centrum Wydobywcze Polnoc, Oddzial KWK Bielszowice amounting to PLN 34,600 thou, inserted in this report, is highest value agreement from among all the agreements signed between the a.m. legal entities in the past 12 months.

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