

FINANCIAL SUPERVISORY COMMISSION

Current Report No 143/2008

Date: 24 November 2008

Issuer's shortened name: KOPEX SA

Subject: Significant agreement of the Issuer domestic subsidiary

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 24 November 2008 the Issuer was informed about signing an agreement between Zabrzanskie Zakłady Mechaniczne S.A. with registered seat in Zabrze (Lessor) and Kompania Weglowa S.A. Centrum Wydobywcze Wschód (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 3,690 thou. Term of the agreement is 550 days from signing.

Stipulated penalties:

- 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 effecting supply of the subject of the agreement on the fixed day,

- 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 collecting the subject of the agreement on the fixed day,

- The Lessee may be charged by the Lessor with stipulated penalties for non-returning in 10 days longwall shearer parts that were missing on the day of returning the subject of the agreement; stipulated penalties will amount to 50% of the price of new longwall shearer parts, in accordance with purchase price list obligatory for KW S.A. in acquisition of new parts.

- The Lessee will be charged by the Lessor with stipulated penalties if longwall shearer is returned prior to the day fixed in the agreement; stipulated penalties will amount to 50% of the daily lease rate for each day counted from the factual day of returning longwall shearer up to the last lease day fixed in the agreement.

If the longwall shearer or shearer assembly are lost or damaged by the Lessee and scraping is necessary, as a consequence of this, or if the longwall shearer or shearer assembly are classified to scrap procedure due to the reasons caused by the Lessee, the Lessee will pay the Lessor stipulated penalties amounting to:

- 100% of the initial price of the longwall shearer or shearer or shearer assembly in case if the lost or damage takes place within lease term of 12 months from the longwall shearer commissioning in the longwall
- 75% of the initial price of the longwall shearer or shearer or shearer assembly in case if the lost or damage takes place within lease term longer than 12 months from the longwall shearer commissioning in the longwall
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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 net PLN164,072 thou (including this one).

The Issuer informed about the last agreement signed with this customer and also about the agreement of the biggest value in the current report RB 134/2008 dated 29 October 2008.

Value of the Issuer's equity in the end of Q3 2008 amounting to PLN 1,1919,715 thou was accepted as a criterion of a significant agreement.