

FINANCIAL SUPERVISORY COMMISSION

Current Report No 164/2009

Date: 20.10.2009

Issuer's shortened name: KOPEX SA

Subject: Domestic agreement of the Issuer's subsidiary.

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

Report contents:

Management Board of KOPEX SA with registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 20 October 2009 by „WAMAG“ S.A. with a registered seat in Wałbrzych (the Issuer subsidiary), the agreement signed with Kompania Węglowa S.A. KWK „Chwałowice“.

The parties of the agreement dated 9.10.2009 are Kompania Węglowa S.A KWK „Chwałowice“ – the Buyer and „WAMAG“ S.A. in Wałbrzych – the Seller.

The subject of the agreement is supply of 2 new shunting rails Zabrze 2 type with an electronic fixture to KWK „Chwałowice“.

Value of the agreement: 480.000,00 PLN net

Term of the agreement: up to 2 months from its signing

Stipulated penalties:

The Seller is obligated to pay the Buyer stipulated penalties amounting to 10% of the agreement gross value in case of renouncing the agreement by the Buyer due to the reason caused by The Seller. The Buyer is obligated to pay the Seller stipulated penalties amounting to 10% of the agreement gross value in case of renouncing the agreement by the Seller due to the reason caused by The Buyer. The parties may claim on general legal basis up to the value of the losses borne in fact.

Guarantee:

The Seller provides a guarantee for 24 months, from the date of building-up the machine in underground mine excavation, but not longer than 30 months from complete order supply.

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

A criterion of recognizing an agreement as a significant one is its transgression of a 10% bound of the Issuer's equity capital (Issuer's equity capital, according to interim report for the 1 half-year, amount for 1.138.391 PLN) and fulfillment of the criteria set forth in Par.2, Cl.1.44 and Par.2 Cl.2 of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information (...). In the past 12 months the Issuer subsidiaries have signed with this customer and its subsidiaries agreements amounting altogether to PLN 193.302,00 thou, including this one. The Issuer informed about the last agreement signed with this customer in the current report RB 163/2009 dated 19.10.2009. 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 8.01.2009 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: Par.5 Cl.1.3 in connection with Par.2 Cl.2 and Par.9 of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information conveyed by issuer of securities and conditions of recognizing as equivalent information requested by legal regulations of a country that is not a member country (*Dz.U. z 2009, Nr 33 poz.259*).