

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 17/2010

Date: 5 February 2010

Issuer's shortened name: KOPEX S.A.

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

Legal basis: Law on Offer, Art. 56, Par.1 Item 2– current and periodic information

#### **Contents of the report:**

Management Board of KOPEX S.A. with a registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 5 February 2010 by KOPEX – Przedsiębiorstwo Budowy Szybów S.A. with a registered seat in Bytom (the Issuer's subsidiary) an agreement signed with Jastrzębska Spółka Węglowa S.A. with a registered seat in Jastrzębie Zdrój.

The parties of the agreement dated 2 February 2010 are: Consortium of the following firms: KOPEX – Przedsiębiorstwo Budowy Szybów S.A. (Consortium Leader), Przedsiębiorstwo Robót Górniczych „ROW“ Sp. z o.o. with a registered seat in Jastrzębie Zdrój (Consortium Participant) - as the Contractor and Jastrzębska Spółka Węglowa S.A. KWK „Budryk“ – as the Orderer.

The subject of the agreement are preliminary works in shafts I and II and crosscut driving for a sump cleaning associated with the construction of the lift shaft in the shaft I, southern range of the coal mine Budryk.

Value of the agreement: PLN 31.480.000,00 net (38.405.600,00 gross)

Term of the agreement: 25 months of the date of front works documented commissioning but no longer than 26 months of the date of signing the agreement

#### Stipulated penalties:

In case of backing out of the agreement by the Orderer due to the reasons caused by the Contractor, the Contractor is obligated to pay the Orderer a stipulated penalty amounting to 10% of gross agreement value. If the stipulated penalties do not cover damage sustained the Orderer may claim additional compensation on Civil Code basis. 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 (the Issuer's equity capital, according to the interim report for third quarter 2009, amounts to PLN 1.162.158) 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 293.185 thou, including this one. The Issuer informed about the last agreement signed with this customer in the current report RB 16/2010 dated 2.02.2010. 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 136/2009 dated 30.07.2009 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*).