

## FINANCIAL SUPERVISORY COMMISSION

### **Current Report No 179/2009**

Date: 25.11.2009

Issuer's shortened name: KOPEX SA

### **Subject: Agreement of consortium of Kopex Group subsidiaries.**

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

### **Report contents:**

Management Board of KOPEX S.A. with a registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 23 November 2009 by Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. in Zabrze (the Issuer subsidiary) an agreement signed with Kompania Węglowa S.A. with registered seat in Katowice.

The parties of the agreement dated 9 September 2009 are: Consortium of the following firms as the Leaser – Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. (Consortium Proxy), Zabrzeńskie Zakłady Mechaniczne S.A. (Consortium Participant, the Issuer subsidiary), Kopex S.A. (Consortium Participant) and as the Lessee – Kompania Węglowa S.A.

The subject of the agreement is lease of a longwall shearer with a full guarantee and service support during the whole period of lease for Kompania Węglowa S.A. KWK Jankowice Division.

Value of the agreement: PLN 4.970.000,00 thou plus 22% VAT

Term of the agreement: 700 days

#### **Stipulated penalties:**

Each part of the agreement is obliged to pay stipulated penalties amounted to 10% of gross agreement value if it renounces the agreement due to the reasons caused by this party.

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 202.735 thou, including this one. The Issuer informed about the last agreement signed with this customer in the current report RB 178/2009 dated 23.11.2009. 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*).