

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 18/2010

Date: 9 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 2 February 2010 by Zabrzeńskie Zakłady Mechaniczne S.A. with a registered seat in Zabrze (the Issuer's subsidiary) 3 agreements signed with Kompania Węglowa S.A. with a registered seat in Katowice.

The parties of all 3 agreements dated 5 January 2010 are Zabrzeńskie Zakłady Mechaniczne S.A. – the Contractor and Kompania Węglowa S.A - the Orderer.

1. The subject of the first agreement is repair of sub-assemblies of longwall shearers for branches of Kompania Węglowa S.A. in 2010 – goal No 1 - repair of sub-assemblies of KSW 460N, KSW 460NZ longwall shearers produced by Zabrzeńskie Zakłady Mechaniczne S.A.

Value of the first agreement: PLN 1.020.000,00 + 22% VAT

Term of the first agreement: till 31.12.2010

2. The subject of the second agreement is repair of sub-assemblies of longwall shearers for branches of Kompania Węglowa S.A. in 2010 – goal No 2 - repair of hydraulic engines of KSW 460N longwall shearers produced by Zabrzeńskie Zakłady Mechaniczne S.A.

Value of the second agreement: PLN 25.000,00 + 22%

Term of the second agreement: till 31.12.2010

3. The subject of the third agreement is repair of sub-assemblies of longwall shearers for branches of Kompania Węglowa S.A. in 2010 – goal No 3 - repair of cutting drums of KSW 460N, KSW 460NZ longwall shearers produced by Zabrzeńskie Zakłady Mechaniczne S.A.

Value of the third agreement: PLN 130.000,00 + 22% VAT

Term of the third agreement: till 31.12.2010

#### **Stipulated penalties:**

In the event of default or improper performance of the order the Contractor is obligated to pay the Orderer a stipulated penalty amounting to 10% of the gross value of unfulfilled order if the Orderer withdraw from the completion of an order due to the reason caused by the Contractor. The Orderer is obligated to pay the Contractor a stipulated penalty amounting to 10 % of the gross order value in case of withdraw from the order by one of the parties due to the reasons caused by the Orderer. 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 156.332 thou, including this one. The Issuer informed about the last agreement signed with this customer in the current report RB 6/2010 dated 8.01.2010. 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 90/2009 dated 11.05.2009 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*).