

## FINANCIAL SUPERVISORY COMMISSION

### **Current Report No 191/2009**

Date: 9.12.2009

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 yesterday The Issuer has been aware of receiving on 8 December 2009 by WAMAG S.A. with a registered seat in Wałbrzych (the Issuer subsidiary), the agreement signed with Kompania Węglowa S.A. with registered seat in Katowice.

The parties of the agreement dated 23 November 2009 are WAMAG S.A. – the Contractor and Kompania Węglowa S.A. Centrum Wydobywcze „Wschód“ KWK „Brzeszcze-Silesia“ – the Orderer.

The subject of the agreement is recovery of multi-rope hangings of carrying ropes operating in the Andrzej V and Andrzej VIII shafts in KW S.A. Oddział KWK „Brzeszcze-Silesia“.

Value of the agreement: 114.000,00 PLN (net)

Term of the agreement: till 31.12.2009

#### Stipulated penalties:

In case of renounces the agreement by the Orderer, due to the reasons attritutable to the Contractor, the Contractor is obligated to pay the Orderer stipulated penalties amounting to 10% of the gross agreement value. In case of renounces the agreement by the Contractor, due to the reasons attritutable to the Orderer, the Orderer is obligated to pay the Contractor stipulated penalties amounting to 10% of the gross agreement value. The parties may claim on general legal basis up to the value of the losses borne in fact. 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 199.947 thou, including this one. The Issuer informed about the last agreement signed with this customer in the current report RB 186/2009 dated 3 December 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 January 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*).