

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 26/ 2010

Date : 24 February 2010

Issuer's shortened name : KOPEX S.A.

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

Legal basis : Law on Offer , Art. 56, Par1 Item 2 – current and cyclic information.

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

The Management of Board of KOPEX S.A. with a registered seat in Katowice (the Issuer) informs that today the Issuer has been aware of receiving on 23 February 2010 by the company WAMAG S.A. with registered seat in Wałbrzych (the Issuer's subsidiary) an agreement signed with Kompania Węglowa S.A. with a registered seat in Katowice.

WAMAG S.A. - Contractor- and Kompania Węglowa S.A. - Orderer—are Parties to the agreement dated 18 January 2010.

Subject of the agreement is overhaul of parts and subassemblies of coal crushers destined for subsidiaries of Kompania Węglowa S.A. in 2010.

Net value of the agreement amounts to 735,000.00 PLN.

Term of the agreement is until 31 December 2010.

#### Stipulated penalties:

If the Contractor does not accomplish or accomplishes improperly the agreement, the Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the gross value of non-accomplished part of the agreement, if the Orderer renounces the agreement due to the reasons caused by the Contractor.

The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of the gross value of the agreement, if any Party renounces the agreement due to the reasons caused by the Orderer.

Detailed conditions of the above mentioned agreement do not differ from the conditions commonly applied in this kind of agreement.

The criterion of recognizing an agreement as a significant one is exceeding by it of 10% of bounds pertaining to the Issuer's equity capital (the Issuer's equity capital amounts to 1,162,158 thou PLN, in compliance with published periodic report for Q3 2009) and fulfillment of the criteria set forth in Cl.2 Par.1. Item 44) and Cl.2 Par.2 of Regulation of the Minister of Finance dated 19 February 2009 on current and periodic information (...)

In the past 12 months the Issuer's subsidiaries signed with this customer and its subsidiaries agreements amounting altogether to 137,101 thousand PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 25/2010 dated 23 February 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 May 2009 that also includes information relating to the highest value agreement set forth in Cl. 9 Items from 1) to 7) of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information (...)

Legal basis for publishing: Cl.5 Par.1 Item3 in relation with Cl.2 Par.2 and Cl.9 of the Minister of Finance Regulation dated 19 February 2009 on current and periodic information transmitted by issuers of shares and conditions of recognizing as equivalent the information required by legal regulations of a country which is not a member country (*Dz. U. z 2009, Nr 33, poz. 259 ze zm.*).