

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 34/2009**

Date: 19 February 2009

Issuer's shortened name: KOPEX SA

**Subject: Significant domestic agreement of the Issuer subsidiary.**

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

#### **Report contents:**

Management Board of KOPEX S.A. with registered seat in Katowice (the Issuer) advises about signing on 18 February 2009 an agreement between Farbyka Maszyn i Urzadzen TAGOR S.A. with registered seat in Tarnowskie Gory (the Issuer subsidiary) – Contractor- and Kompania Weglowa S.A. C.W. Wschod Oddzial KWK PIAST– Orderer. Subject of the agreement is supply of 144 units of TAGOR -08/22-PO power roof support. Net value of the agreement amounts to PLN 22,248 thou.

Date of delivery commencement to KWK PIAST is until 8 weeks from signing the agreement.

Date of delivery completion to KWK PIAST is 20 weeks from signing the agreement.

#### Stipulated penalties:

In case of non-accomplishment or improper accomplishment of the agreement (after the C. has been summoned to remove defects),the Contractor is obliged to pay the Orderer the following stipulated penalties:

- a) amounting to 10% of gross agreement value if the Orderer renounces the agreement due to the reasons caused by the Contractor;
- b) amounting to 0.1% of gross value of non-executed delivery, for each 12- unit lot, if the Contractor does not keep delivery dates set forth in Par.2 of the agreement, for each day of delay commenced.

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

Irrespective of the stipulated penalties, the Parties may claim on the basis of the Civil Code.

Detailed conditions of the agreement stick to the conditions commonly applied in the agreements of this kind.

In the past 12 months the Issuer subsidiaries have signed with this customer and its subsidiaries agreements amounting altogether to PLN 231,624 thou, including this one.

The Issuer informed about the last agreement signed with this customer in the current report RB 31/2009 dated 12 February 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.

Value of the Issuer's equity at the end of Q3 2008, amounting to PLN 1,191,715 thou was accepted as a criterion of a significant agreement.

