

FINANCIAL SUPERVISORY COMMISSION

Current Report No 35/2009

Date: 20 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 19 February 2009 an agreement between Farbyka Maszyn i Urzadzen TAGOR S.A. with registered seat in Tarnowskie Gory (the Issuer subsidiary) – Seller- and Kompania Weglowa S.A.– Buyer. Subject of the agreement is supply of steel member canopies. Net value of the agreement amounts to PLN 1,687 thou.

Term of the agreement is until 31 December 2009.

Stipulated penalties:

In case of non-accomplishment or improper accomplishment of the agreement

1. The Seller is obliged to pay the Buyer the following stipulated penalties:

- a) amounting to 10% of gross value of non-accomplished part of the agreement if the Buyer renounces the agreement due to the reasons caused by the Seller;
- b) amounting to 10% of gross value of the goods defined each time in a non-executed order, if the Buyer renounces the agreement due to the reasons caused by the Seller;
- c) amounting to 0.1% of gross value of the goods defined each time in the order not handed out on a fixed day, for each day of delay commenced.

2. The Buyer is obliged to pay the Seller the following stipulated penalties:

- a) amounting to 10% of gross value of the goods defined each time in a non-executed order if the Seller renounces the agreement due to the reasons caused by the Buyer.

Irrespective of the stipulated penalties set forth in cl.1, 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 233,311 thou, including this one.

The Issuer informed about the last agreement signed with this customer in the current report RB 34/2009 dated 19 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.