

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current Report No 37/2009**

Date: 24 February 2009

Issuer's shortened name: KOPEX SA

**Subject: Significant 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 that on 23 February 2009 the Issuer became aware of signing on 29 January 2009 an agreement between Zabrzanskie Zakłady Mechaniczne SA. with registered seat in Zabrze (the Issuer subsidiary- Lessor ) and Kompania Weglowa SA with registered seat in Katowice, Centrum Wydobycze Wschod KWK Boslaw Smialy (Lessee). Subject of the agreement is lease of a longwall shearer with full warranty and maintenance services in the whole lease term.

Net value of the agreement amounts to PLN 187 thou. Term of the agreement is 45 days.

#### Stipulated penalties:

- The Lessor is obliged to pay the Lessee stipulated penalties amounting to 10% of gross agreement value if the Lessee renounces the agreement due to the reasons caused by the Lessor,
- The Lessee is obliged to pay the Lessor stipulated penalties amounting to 10% of gross agreement value if the Lessor renounces the agreement due to the reasons caused by Lessee,
- The Lessee may be charged by the Lessor with stipulated penalties amounting to 100% of a daily lease rate in case of noncollecting the subject of the agreement on the day fixed, for each day of delay,
- The Lessee may be charged by the Lessor with stipulated penalties, if parts which were missing on the day of return of the subject of the agreement would not be returned in 10 days; stipulated penalties will amount to 50% value of new parts, in compliance with price list binding for KW S.A. for purchase of new parts,
- The Lessee will pay the Lessor stipulated penalties amounting to 100% of a daily lease rate in case of delay in supply of the subject of the agreement on the day fixed, for each day of delay.

Irrespective of the stipulated penalties, the parties may claim on general legal basis up to the value of the losses borne in fact.

Detailed conditions of the agreements 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 233,239 thou, including this one.

The Issuer informed about the last agreement signed with this customer in the current report RB 35/2009 dated 20 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.