

## FINANCIAL SUPERVISORY COMMISSION

### **Current report No 78 / 2009**

Date : 09.04.2009

Issuer's shortened name : KOPEX S.A.

Subject:

### **Domestic agreement of the Issuer's subsidiary.**

Legal basis :

Law on Offer , Art. 56, Par 1 Cl.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 8 April 2009 by Przedsiębiorstwo Budowy Szybów S.A. with a registered seat in Bytom (the Issuer subsidiary) an agreement signed with Kompania Węglowa S.A. with a registered seat in Katowice, KWK Halemba – Wirek Division.

The parties of the agreement dated 30 March 2009 are Przedsiębiorstwo Budowy Szybów – with a registered seat in Bytom – the Lesser and Kompania Węglowa S.A. in Katowice KWK Halemba – Wirek Division – the Lessee

Subject of the agreement is lease of the equipment installed in the Northern Shaft II

Value of the agreement amounts to 367.350,00 PLN net.

Term of the agreement : till 31 December 2009

Stipulated penalties:

Each Party is obliged to pay the other Party stipulated penalties amounting to 10% of the agreement gross value if the Party renounces the agreement due to the reasons caused by this Party.

The base of calculating penalties is the agreement net value.

If the damage caused by failure of this agreement obligations exceeds the amount of stipulated penalties, the Lesser , independently from the a/m stipulated penalties, reserves the right to claim supplementary compensation as per general rules.

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 and fulfillment of the criteria set forth in Par.2 Cl.1.44 and Par.2 Cl.2 of Regulation of the Minister of Finance 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.

In the past 12 months the Issuer subsidiaries signed with this customer and its subsidiaries agreements amounting altogether to 202.360 thousand PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 77/2009 dated 8 April 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 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.