

(Translation from the Polish language)

FINANCIAL SUPERVISORY COMMISSION

Current report No 11/2011

Date: 4 February 2010

Issuer's shortened name: KOPEX SA

Subject: **Domestic agreement of consortium of Kopex Group companies.**

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

Contents of the report:

The Management Board of KOPEX SA with a registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 4 February 2011 by Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. with a registered seat in Zabrze (the Issuer's indirect subsidiary) an agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the agreement dated 23 December 2010 are consortium of the following firms: Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. (Consortium Proxy), KOPEX SA (Consortium Participant), Zabrzeńskie Zakłady Mechaniczne SA (Consortium Participant, the Issuer's subsidiary) – the Lessor and Kompania Węglowa SA – the Lessee.

Subject of the agreement is lease of a longwall shearer for longwall mining operations (longwall 410 in the coal bed 324/3) in the KW SA Bolesław Śmiały Coal Mine with a full guarantee and service support during the 98 days of lease.

Value of the agreement: PLN 629,160.00 + VAT

Term of the agreement: 98 days

Stipulated penalties: Each Party is obliged to pay stipulated penalties amounting to 10% of the value of the agreement in case of renouncing the agreement due to the reasons caused by this Party. In case when the Lessee loses the shearer or longwall system and it will have to be scrapped and in case when the shearer or longwall system will be selected for scrapping due to the other reasons caused by the Lessee, the Lessee will pay the Lessor damages amounting to:

- 100% of the initial value of the shearer or longwall system in case when the event occurred during the operation of up to 12 months, starting on the date of its launching in the longwall;
- 75% of the initial value of the shearer or longwall system in case when the event occurred during the operation exceeding 12 months, starting on the date of its launching in the longwall.

Regardless of the stipulated penalties the Parties retain the right to claim on general legal basis up to the value of the losses borne in fact but not higher than the value of the subject of the lease.

The criterion of recognising 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 1,341,371 thou PLN, in compliance with data included in the published report for the third quart of 2010) and fulfillment of the criteria set forth in Par.2 Cl.1 Item 44) and Par.2 Cl.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 176.564 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 9/2011 dated 2.02.2011. 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 66/2010 dated 2.08.2010 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 Item 3 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 that is not a member country (*Dz.U. z 2009, Nr 33 poz.259 ze zmianami*).