

(Translation from the Polish language)

**FINANCIAL SUPERVISORY COMMISSION**

**Current report No 11/2013**

Date: 30 January 2013

Issuer's shortened name: KOPEX SA

Subject: **Significant agreement concluded by the Issuer with its subsidiary Kopex Machinery SA**

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

**Contents of the report:**

The Management Board of KOPEX SA with its registered seat in Katowice (the Issuer) informs that on 29.01.2013 Kopex Machinery SA with its registered seat in Zabrze has received a significant agreement concluded with the Issuer.

The Parties of the aforementioned agreement dated 21.12.2012 are: KOPEX SA – Supplier and Kopex Machinery SA with its registered seat in Zabrze – Subsupplier.

The subject of the agreement is supply of the KSW 1500EU longwall shearer spare parts for the Chinese customer (final recipient)

Total value of the agreement: PLN 11,134,531.00 + VAT

Term of the agreement: up to 20.06.2013 to the Supplier, up to 30.06.2013 to the final recipient

**Stipulated penalties:**

1. If the Subsupplier fails to comply with any obligation under the agreement will pay penalties for delay in the amount of 0.5% for each week of delay, calculated on the value of undelivered subject of the agreement or the good delivered late, provided that the delay does not result of force majeure, act or omission of the Supplier or the Chinese recipient.

2. If the Supplier fails to comply with any obligation under the agreement will pay contractual interest. The agreement also contained a clause that the Supplier has the right to claim damages in the excess of the value of the stipulated penalties.

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 1,350,333 thou PLN, in compliance with data included in the published report for the thrid quarter of 2012) 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 signed with this customer and its subsidiaries agreements amounting altogether to 186,045 thou PLN (including this one). The highest value agreement from among all the agreements signed in the past 12 months is the agreement the Issuer informs about in this current report RB 152/2012 dated 28.12.2012 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*).