

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 135/2011**

Date: 21 September 2011

Issuer's shortened name: KOPEX SA

Subject: **Significant agreement of the Issuer's subsidiary**

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 its registered seat in Katowice (the Issuer) informs that today has been aware of receiving on 21 September 2011 by WAMAG SA with its registered seat in Wałbrzych (the Issuer's subsidiary) an agreement dated 7 September 2011 and signed with KGHM Polska Miedź SA, Polkowice-Sieroszowice Mine.

The Parties of the agreement are: KGHM Polska Miedź SA – Orderer and WAMAG SA - Contractor.

Subject of the agreement is „Extension of the L-232 belt conveyor installed in the SG area in G-63 department.”

Value of the agreement: PLN 1,670,000.00 + VAT

Term of the agreement: till 31.12.2011

Stipulated penalties (according to the Regulation of the Minister of Finance):

1. The Contractor may charge the Orderer stipulated penalties amounting to:
  - 10% of the lump sum remuneration for the subject of the agreement in case of renouncing the agreement by the Contractor due to the reasons caused by the Orderer;
  - 10% of the lump sum remuneration for the subject of the agreement in case of renouncing the agreement by the Orderer due to the reasons beyond the Contractor.
2. The Orderer may charge the Contractor stipulated penalties amounting to:
  - 10% of the lump sum remuneration for the subject of the agreement in case of renouncing the agreement by the Orderer due to the reasons caused by the Contractor;
  - 10% of the lump sum remuneration for the subject of the agreement in case of renouncing the agreement by the Contractor due to the reasons beyond the Orderer.

If the stipulated penalties do not cover the losses borne in fact the Parties retain the right to claim additional compensation on the general rules of the Civil code.

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 1,343,572 thou PLN, in compliance with data included in the published report for half-year of 2011) 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 267,837 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 134/2011 dated 21.09.2011. 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 7/2011 dated 31.01.2011 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*).