

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 136/2012

Date: 27 November 2012

Issuer's shortened name: KOPEX SA

Subject: **Significant agreement of the Issuer's subsidiary ZZM – Maszyny Górnice sp. z o.o. with Kompania Węglowa 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 today has been aware of receiving by ZZM – Maszyny Górnice sp. z o.o. with its registered seat in Zabrze (the Issuer's indirect subsidiary) an agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the aforementioned agreement dated 30.10.2012 are: ZZM – Maszyny Górnice sp. z o.o. based in Zabrze – Lessor and Kompania Węglowa SA – Lessee.

The subject of the agreement is „Lease of the longwall shearer together with full warranty and service support during the whole term of a lease for KW SA, Chwałowice Coal Mine”.

Value of the agreement: PLN 4,781,300.00 + VAT

Term of the agreement: 698 days

#### Stipulated penalties:

Each Party is obliged to pay the other Party stipulated penalties amounting to 10% of the net value of the agreement in case of renouncing the agreement by any Party due to the reasons caused by that Party.

The Parties retain the right to claim additional compensation in the excess of the stipulated penalties on the general basis of the Civil code up to the value of the losses borne in fact.

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 third 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's subsidiaries signed with this customer and its subsidiaries agreements amounting altogether to 265,840 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB135/2012 dated 22.11.2012. 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 5/2012 dated 12.01.2012 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*).