

(Translation from the Polish language)

**FINANCIAL SUPERVISORY COMMISSION**

**Current report No 141/2011**

Date: 28 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 28 September 2011 by WAMAG SA with its registered seat in Wałbrzych (the Issuer's subsidiary) an agreement signed with Jastrzębska Spółka Węglowa SA ZLM based in Jastrzębie Zdrój.

The Parties of the agreement dated 22 September 2011 are: WAMAG SA based in Wałbrzych - Supplier and JSW SA – Customer.

Subject of the agreement is „Supply of 3 rope wheels with a diameter of 6000”.

Value of the agreement: PLN 969,461.76 + VAT

Term of the agreement: up to 5 months from the date of the agreement

**Stipulated penalties:**

1. The Supplier is obliged to pay the Customer stipulated penalties amounting to 0.1% of the gross price of the subject of the agreement for each day of delay in case of delays in supply.
2. The Supplier is obliged to pay the Customer stipulated penalties amounting to 10% of the gross value of the unperformed part of the agreement in case of non-performance of the agreement due to the reasons caused by the Supplier, except reasons caused by the force majeure.
3. The Supplier is obliged to pay the Customer stipulated penalties amounting to 10% of the gross value of the unperformed part of the agreement in case of renouncing the agreement by the Customer due to the reasons caused by the Supplier.
4. Regardless of the stipulated penalties the Parties retain the right to claim additional compensation on the general legal rules 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 1,343,572 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 294,999 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 140/2011 dated 27.09.2011. 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 66/2011 dated 31.05.2011 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*).