

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 144/2011

Date: 30 September 2011

Issuer's shortened name: KOPEX SA

Subject: **Significant consortium agreement of the companies belonging to KOPEX SA Capital Group.**

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 30 September 2011 by Zabrzeńskie Zakłady Mechaniczne SA with its registered seat in Zabrze (the Issuer's subsidiary) an agreement signed with Jastrzębska Spółka Węglowa SA, Budryk Coal Mine.

The Parties of the agreement dated 16.09.2011 are: consortium of the following companies: Zabrzeńskie Zakłady Mechaniczne SA (Consortium Proxy), ZZM – Maszyny Górnicze Sp. z o.o. (Consortium Participant) and KOPEX SA (Consortium Participant) – Contractor and Jastrzębska Spółka Węglowa SA, Budryk Coal Mine – Orderer.

Subject of the agreement is „Lease of the KSW-880EU/1kV longwall shearer with electric haulage drive for exploitation of Bw area in seam 358/1 for JSW SA, Budryk Coal Mine”.

Value of the agreement: PLN 1,783,080.00 + VAT

Term of the agreement: 234 days

Stipulated penalties: The Contractor is obliged to pay the Orderer stipulated penalties amounting to the gross value of daily lease rate in case of delay in the removal of defects exceeding 24 hours. Total value of the stipulated penalties does not exceed the amount representing 10% of the gross price for the implementation of the entire subject of the agreement. The parties retain the right to claim additional compensation on the Civil Code basis up to the value of the gross price for the implementation of the entire subject of the agreement. Detailed conditions of the agreement sticks to the conditions commonly applied to the agreements of this kind.

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 297,782 thou PLN (including this one). The Issuer informed about the

last agreement with this customer in the current report RB 143/2011 dated 29.09.2011. 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*).