

(Translation from the Polish language)

## FINANCIAL SUPERVISORY COMMISSION

### Current report No 22/2013

Date: 4 March 2013

Issuer's shortened name: KOPEX SA

Subject: **Significant agreement concluded by the Issuer's subsidiary Kopex Machinery SA 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 Kopex Machinery SA with its registered seat in Zabrze (the Issuer's subsidiary) a significant agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the aforementioned agreement dated 8.02.2013 are: Kopex Machinery SA – Contractor and Kompania Węglowa SA – Orderer.

The subject of the agreement is „Supply of the brand new Rybnik 850 flight-bar face conveyor produced by Kopex Machinery SA for KW SA, Ziemowit Coal Mine”.

Value of the agreement: PLN 7,598,536.59 + VAT

Term of the agreement: 12 weeks from the date of the agreement

#### Stipulated penalties:

1. The Contractor is obliged to pay the Orderer stipulated penalties:
  - a) amounting to 10% of the net value of the subject of the agreement in case of renouncing the agreement by the Orderer, due to the reasons caused by the Contractor,
  - b) amounting to 0.1% of the net value of the agreement for each day of delay beyond the term specified in the agreement, including the 10th day,
  - c) amounting to 1% of the net value of the agreement for each day of delay beyond 10 days following the term specified in the agreement,
  - d) amounting to the number of days of delay, as in b) and c), for delay in the delivery of the documents required to receive the subject of the agreement,
  - e) amounting to 0.01% of the net value of the subject of the agreement for coming the warranty service to the seat of the Orderer in more than 8 hours from the time of notification, for each hour of delay,
  - f) amounting to 0.1% of the net value of the subject of the agreement for each hour of failure which is removed under the warranty obligations, when total time of stops resulting from this type of failures exceeds in a month 36 hours,
  - g) amounting to 0.2% of the net value of the subject of the agreement for failing to remove the failure up to 24 hours after notifying the Contractor, for each day of delay.

2. The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of the net value of the subject of the agreement in case of renouncing the agreement by the Contractor due to the reasons caused by the Orderer.

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 1,384,877 thou PLN, in compliance with data included in the published report for Q4 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 162,971 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 informed about in the current reports RB82/2012 dated 25.05.2012 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*).