

(Translation from the Polish language)

FINANCIAL SUPERVISORY COMMISSION

Current report No 33/2012

Date: 10 February 2012

Issuer's shortened name: KOPEX SA

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

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 on 10 January 2012 by RYFAMA SA with its registered seat in Rybnik (the Issuer's indirect subsidiary) an agreement signed with Kompania Węglowa SA based in Katowice.

The Parties of the aforementioned agreement dated 11 January 2011 are: Rybnicka Fabryka Maszyn RYFAMA SA - Contractor and Kompania Węglowa SA – Orderer.

The subject of the agreement is „Supply of the brand new scraper beam stage loader together with transmission gear and supply of the brand new crusher.”

Value of the agreement: PLN 2,828,455.29 + VAT

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

Stipulated penalties:

The Contractor is obliged to pay the Orderer stipulated penalties amounting to:

- 10% of the value of the agreement in case of renouncing the agreement by any Party due to the reasons caused by the Contractor,
- 0.1% of the value of the agreement in case of untimely performance of the subject of the agreement, for each day of delay, counting from the day following the contractual completion date of the subject of the agreement,
- 0.1% of the value of the agreement in case of delay in removal of defects discovered during the warranty period, for each day of delay, counting from the day following the date agreed on removal of defects,

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

Regardless of the stipulated penalties the Parties may claim additional compensation on the general basis up to 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 1,358,213 thou PLN, in compliance with data included in the published report for the third quarter 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 259,792 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 31/2012 dated 8.02.2012. The highest value agreement from among all the agreements signed in the past 12 months is the agreement the Issuer informs 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*).