

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 38/2012**

Date: 1 March 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 1.03.2012 by WAMAG SA with its registered seat in Wałbrzych (the Issuer's subsidiary) an agreement signed with Jastrzębska Spółka Węglowa SA based in Jastrzębie Zdrój.

The Parties of the aforementioned agreement dated 23.02.2012 are: WAMAG SA - Contractor and Jastrzębska Spółka Węglowa SA – Orderer.

The subject of the agreement is „Supply of a brand new roadheader together with necessary equipment for Borynia – Zofiówka Coal Mine, Area Borynia.”

Value of the agreement: PLN 9,497,000.00 + VAT

Term of the agreement: 31.12.2012

#### **Stipulated penalties:**

The Contractor might be obliged by the Orderer to pay stipulated penalties amounting to 0.1% of the gross price for each day of delay in execution of the agreement in relation to a specified date. The Contractor might be obliged by the Orderer to pay stipulated penalties amounting to 0.1% of the gross price for each day of delay in removal of defects in relation to a specified date for removal of defects in the subject of the agreement. Payment of the above mentioned stipulated penalties does not release the Contractor from execution of the agreement. The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the gross price in case of renouncing the agreement by the Orderer due to the reasons caused by the Contractor. Regardless of the stipulated penalties the Parties retain the right to claim additional compensation on the general Civil code basis.

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 1,370,163 thou PLN, in compliance with data included in the published report for the fourth 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 264,709 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 37/2012 dated 23.02.2012. 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 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*).