

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 65/2012**

Date: 20 April 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 has been aware of receiving on 20.04.2012 by Rybnicka Fabryka Maszyn RYFAMA SA with its registered seat in Rybnik (the Issuer's subsidiary) an agreement signed with Katowicki Holding Węglowy SA based in Katowice.

The Parties of the aforementioned agreement dated 20.04.2012 are: Rybnicka Fabryka Maszyn RYFAMA SA - Contractor and Katowicki Holding Węglowy SA – Orderer.

The subject of the agreement is „Overhaul of the bodies of scraper conveyors' drive for the coal mines belonging to Katowicki Holding Węglowy.”

Value of the agreement: PLN 1,813,300.00 + VAT

Term of the agreement: till 19.04.2014

Stipulated penalties (according to the Regulation of the Minister of Finance):

1. In case of failure to perform or improper performance of the executory order the Contractor is obliged to pay the Orderer stipulated penalties amounting to:

- a) 10% of the gross value of sum of the value of realized orders awarded to the Contractor within six months prior to the calculation of the stipulated penalties,
- b) 0.5% of the gross value of the orders awarded to the Contractor, for delay in execution of the subject of the agreement specified in the order, for each day of delay,
- c) 0.5% of the gross value of the orders awarded to the Contractor, for delay in removal of defects found upon the receipt, for each day of delay calculated from the date agreed for removal of defects.

2. The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of the gross value of the agreement in case of renouncing the agreement 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 1,370,163 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 249,141 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 63/2012 dated 20.04.2012. 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 RB117/2011 dated 25.08.2011 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*).