

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 69/2012**

Date: 25 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 today has been aware of signing on 24.04.2012 by KOPEX – Przedsiębiorstwo Budowy Szybów SA with its registered seat in Bytom (the Issuer's subsidiary) an agreement with Kompania Węglowa SA based in Katowice.

The Parties of the aforementioned agreement dated 01.03.2012 are: KOPEX – Przedsiębiorstwo Budowy Szybów SA - Contractor and Kompania Węglowa SA – Orderer.

The subject of the agreement is „Attendance on VII shaft in Chwałowice Coal Mine in order to reduce the effects of random event – destruction of shaft lining.”

Value of the agreement: PLN 7,022,306.00 + VAT

Term of the agreement: till 30.11.2012

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

In case of failure to perform or improper performance of the agreement:

- 1) The Contractor is obliged to pay the Orderer stipulated penalties amounting to 10% of the net value of the agreement in case of renouncing the agreement by any Party due to the reasons caused by the Contractor.
- 2) The Orderer may charge the Contractor stipulated penalties amounting to 0.1% of the net value of the agreement for each day of delay in relation to the term referred to in the execution of the services covered by warranty.
- 3) The Orderer is obliged to pay the Contractor stipulated penalties amounting to 10% of the net value of the agreement in case of renouncing the agreement by any Party due to the reasons caused by the Orderer.
- 4) Regardless of the stipulated penalties the Parties retain the right to claim compensation on the general 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 282,084 thou PLN (including this one). The Issuer informed

about the last agreement with this customer in the current report RB 68/2012 dated 25.04.2012. 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 RB5/2012 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*).