

(Translation from the Polish language)

FINANCIAL SUPERVISORY COMMISSION

Current report No 79/2013

Date: 29 November 2013

Issuer's shortened name: KOPEX SA

Subject: **The conclusion of a significant agreement with KGHM Polska Miedź S.A.**

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 it received a message on which it states that the Issuer and its subsidiaries for the period from 29 April 2013 concluded with KGHM Polska Miedź S.A. based in Lublin and its subsidiaries, a number of individual contracts the subject of which has a value exceeding 10% of the equity of the Issuer (as of the last published by the Issuer's quarterly report QSr-3 on November 14, 2013).

The equities of Kopex SA underlying criteria amount to 1 429 024 thou PLN.

The total value of agreements concluded with this customer and its subsidiaries, of which the Issuer has become aware during the period from 29 April 2013 to 29 November 2013 amounts to PLN 146 715 831,01.

According to Art. 2 Par. 1 Item 44) and Art. 2 Par. 2 of the Minister of Finance of 19 February 2009 on current and periodic information published by issuers of securities and conditions for recognizing as equivalent information required by the law of a non-member state (Dz.U. z 2009 r.,Nr 33, poz. 259 ze zmianami) met the criteria for a significant contract.

The highest value of the aforementioned is the framework agreement dated 30.10.2013, received on 21.11.2013. The parties to the agreement are:

KGHM Polska Miedź S.A. Oddział Zakłady Górnicze "Rudna" (the Orderer) and the Consortium of companies consisting of the subsidiaries of the Issuer, i.e. Kopex Machinery S.A. based in Zabrze and KOPEX- Przedsiębiorstwo Bydowy Szybów S.A. based in Bytom (the Contractor).

The subject of the aforementioned frame agreement is determination between the Parties the conditions for granting and implementation of the "executive orders" on the works of building conveyor belts in the Oddział Zakłady Górnicze "Rudna" (underground works), which the Orderer may grant the Contractor during the contract period.

The aggregate value of executive agreements may amount to a maximum of PLN 73 000 000,00 net + VAT.

The framework agreement is valid until 31.12.2017.

Provisions for contractual penalties contained in the Agreement (according to the criteria RMF):

1. In the event of non-performance or improper performance of the aforementioned Agreement or the implementing agreement the parties will have the right to apply the following contractual penalties:

1.1 The Orderer may charge a Contractor liquidated damages for:

- a) withdrawal from the Contract by the Ordering Party for reasons attributable to the Contractor, in the amount of 10% of the net value of the Agreement;
- b) termination of the executive contract by the Ordering Party for reasons attributable to the Contractor, in the amount of 10% of the net lump sum specified in the contract executive.

1.2 Contractor may charge a contractual penalties for:

- a) withdrawal from the Contract by the Contractor for reasons attributable to the Ordering Party, in the amount of 10% of the net value of the Agreement
- b) termination of the executive contract by the Contractor for reasons attributable to the Ordering Party in the amount of 10% of the net lump sum specified in the executive contract.

If the penalties do not cover the damage suffered, the Parties may claim additional compensation. If the damage is caused by other reasons than those mentioned above, the Parties may seek compensation under the general rules of the Civil Code.

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*).