

(Translation from the Polish language)

## **FINANCIAL SUPERVISORY COMMISSION**

### **Current report No 90/2011**

Date: 6 July 2011

Issuer's shortened name: KOPEX SA

Subject: **Domestic agreements concluded by the Kopex Group companies with Kompania Węglowa SA.**

Legal basis: Law on Offer, Art. 56, Par.1 Item 1 – 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 6 July 2011 by Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. with its registered seat in Zabrze (the Issuer's indirect subsidiary) and ZZM SA (the Issuer's subsidiary) two agreements signed with Kompania Węglowa SA based in Katowice.

The Parties of the first agreement dated 17 June 2011 are: Zabrzeńskie Zakłady Mechaniczne – Maszyny Górnicze Sp. z o.o. – Lessor and Kompania Węglowa SA – Lessee.

The Parties of the second agreement dated 17 June 2011 are: ZZM SA – Lessor and Kompania Węglowa SA, Bolesław Śmiały Coal Mine – Lessee.

Subject of the first agreement is „Lease of KSW-1500EU longwall shearer together with full warranty and maintenance services for the whole lease term for KW SA, Ziemowit Coal Mine“.

Subject of the second agreement is „Lease of KSW-460NZ longwall shearer for KW SA, Bolesław Śmiały Coal Mine until completion of operation in panel 309 in bed 325/1 together with full warranty and maintenance services for the whole lease term.“

Total net value of both agreements: PLN 6,138,430.00

Net value of the first agreement: PLN 5,769,380.00

Net value of the second agreement: PLN 369,050.00

Term of the first agreement: 610 days

Term of the second agreement: 55 days

Stipulated penalties for both agreements (according to the Regulation of the Minister of Finance): Each Party is obliged to pay the other Party 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 that Party. The Parties retain the right to claim additional compensation on the general legal basis up to the value

of the losses born in fact but not higher than the value of the subject of the agreement.

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 1,344,750 thou PLN, in compliance with data included in the published report for Q1 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 201,641 thou PLN (including this one). The Issuer informed about the last agreement with this customer in the current report RB 89/2011 dated 4.07.2011. 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 66/2010 dated 2.08.2010 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*).