

## **Current Report 29/2009**

Date of preparation: 25 November 2009

### **Subject: Concluding an Annex to the significant agreement with Zakłady Azotowe Puławy S.A.**

*General legal basis: Article 56.1.2 of the Act on Public Offering – current and periodic information*

#### *Content:*

The Management Board of LW Bogdanka S.A. (the "Company") hereby announces that on 25 November 2009 an Annex to the Long-Term Agreement on Sale of Steam Coal of 8 January 2009, concluded between the Company and Zakłady Azotowe Puławy S.A., was signed.

The subject matter of the Agreement is the supply - sale of fine steam coal to Zakłady Azotowe Puławy S.A. The Annex extends the term of the Long-Term Agreement until 31 December 2013 (previously the Agreement was effective until 31 December 2012). The Annex updates volumes of steam coal supply in the years 2010 – 2012, extends the term of the Agreement until 2013 and specifies the prices of steam coal supplies in 2010.

The net value of the entire Long-Term Agreement since the moment of conclusion thereof shall amount to PLN 365.91 million. The volume of supplies in 2010 shall be 150 thousand tonnes of steam coal. The value of the Agreement in 2009 has been estimated on the basis of the contract prices applicable in 2009, whereas the value in the years 2010-2013 has been estimated on the basis of the contract prices applicable in 2010 (pursuant to the Annex).

The agreement provides for the following liquidated damages.

A Party to the Agreement, due to whose fault the supply volumes specified in the agreement have not been reached, shall be entitled to charge the other Party with the liquidated damages in the amount of 10% of the value of the supply volumes that have not been reached. Each Party has the right to claim supplementary damages on general terms, if the liquidated damages fail to cover the value of damage incurred by the Party.

Other terms and conditions do not differ from market standards applied in such agreements.

The criterion for deeming concluded Agreement to be significant is that it exceeds 10% of the value of the Company shareholders' equity.

Legal basis for submitting the report: Article 5.1.3 of the Regulation of the Minister of Finance on the Stock Exchange