



ANNOUNCEMENT

16 May 2024

AVZI successful in defeating Dathomir's jurisdictional and admissibility challenges

AVZ Minerals Limited (AVZ or Company) is pleased to provide the following update.

On 15 May 2024, the three-member tribunal in the ICC arbitration proceedings (AVZ International Pty Ltd (AVZI) (which is a wholly owned subsidiary of AVZ) v Dathomir Mining Resources SARLU (Dathomir): ICC No. 27425/SP) issued a partial award on jurisdiction and admissibility in AVZI's favour in which it unanimously rejected Dathomir's jurisdictional and admissibility challenges to AVZI's claims.

In these proceedings, AVZI is seeking orders from the arbitral tribunal confirming that it validly acquired a further 5% shareholding in Dathcom pursuant to an agreement executed in 2019 (2019 SPA).

However, before arguing the merits, Dathomir raised a jurisdictional and admissibility challenges on the grounds that AVZ, and not AVZI, was the true party to the 2019 SPA. In effect, Dathomir argued that the tribunal had no standing to decide the merits of AVZI's claims, and asked the tribunal to determine that it had no jurisdiction to hear AVZI's claims.

A full day hearing was conducted in Paris on 19 January 2024 during which the parties addressed Dathomir's jurisdictional and inadmissibility claims under both French law and Australian law. The arbitral tribunal held that regardless of whether French law or Australian law is applied, the result is the same: **AVZI is a party to the 2019 SPA.**

Under the partial award, the arbitral tribunal amongst other things:

- declared that AVZI is a Party to the SPA 2019;
- declared itself competent to hear the dispute between AVZI and Dathomir;
- rejected Dathomir's pleas of lack of jurisdiction and inadmissibility; and
- reserved its decision on costs to a later stage of the proceedings, and accordingly, denied the request for provisional enforcement of the partial award.

Whilst the issue of costs has not been decided by the arbitral tribunal at this stage, AVZI is confident that given it was the resoundingly successful party in the partial award that it will ultimately be awarded the majority if not all of its costs incurred related to the jurisdiction and admissibility challenge, regardless of the arbitral tribunal's decision on the merits.

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The next step in the proceedings is for the tribunal to issue an order programming a procedural calendar until a final hearing. Thereafter, the next immediate steps will be for AVZI to file its statement of claim, to be followed by Dathomir's defence.

This announcement was authorised for release by the Managing Director of AVZ Minerals Limited.

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