



ANNOUNCEMENT

31 July 2024

Arbitrations Update

AVZ Minerals Limited (**AVZ**) refers to the announcement dated 13 March 2024 titled "Disputes Update" and to the subsequent announcements providing updates dated 19 March 2024, 12 May 2024 and 16 May 2024 relating to the following proceedings:

- Title Dispute** – the International Center for Settlement of Investment Disputes (**ICSID**) arbitration proceedings (ICSID Case No. ARB/23/20) commenced by the Company's subsidiaries AVZ International Pty Ltd (**AVZI**), Green Lithium Holdings Pte Ltd (**GLH**), and Dathcom Mining SA (**Dathcom**) against the Democratic Republic of the Congo (**DRC**) in relation to the DRC's failure to procure the grant of an exploitation permit or mining permit (**PE**) to Dathcom in respect of the land the subject of PR 13359;
- Dathcom JV Dispute** – the two International Chamber of Commerce (**ICC**) arbitration proceedings (ICC No. 27720/SP initiated by AVZI and ICC No. 27769/SP initiated by La Congolaise d'Exploitation Minière (**Cominière**) and Jin Cheng Mining Company (**Jin Cheng**), a subsidiary of Zijin Mining Limited (**Zijin**)) in relation to alleged breaches of the shareholders' obligations under the Dathcom joint venture agreement dated 27 January 2017 as amended from time to time (**Dathcom JVA**) and the purported termination of the Dathcom JVA by Cominière (on the basis of which PR 13359 was purportedly transferred to Cominière and an application to wind-up Dathcom was brought by Dathomir Mining Resources SARLU (**Dathomir**));
- Jin Cheng Dispute** – the ICC arbitration proceedings initiated by Jin Cheng against AVZI in relation to an alleged abuse of majority position by AVZI in respect of its failure to acknowledge the sale of 15% of the shares in Dathcom from Cominière to Jin Cheng (which AVZI contends was void because it was entered into in breach of AVZI's pre-emptive right);
- Dathomir Dispute** – the two ICC arbitration proceedings brought by AVZI against Dathomir in relation to Dathomir's attempts to challenge the sale to AVZI of its 15% shareholding in Dathcom; and
- Fat Tail Dispute** – the proceedings commenced by Fat Tail Holdings Pty Ltd (**Fat Tail**) against the Company and two of its directors (Mr Nigel Ferguson and Mr John Clarke) in the Supreme Court of Western Australia alleging oppressive conduct and misleading and deceptive conduct.

AVZ provides the following updates regarding certain procedural and interim milestones in respect of the above proceedings.

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Managing Director: Nigel Ferguson

Technical Director: Graeme Johnston

Non-Executive Director: Rhett Brans

Non-Executive Director: Casta Tungaraza

Executive Director: Serge Ngandu

Non-Executive Director : Salome Sijaona

1 Title Dispute

The Prime Minister of the DRC has acknowledged the provisional orders of the ICSID Tribunal requiring the DRC to reinstate Dathcom as the holder of PR 13359 but the relevant government instrumentalities of the State have failed to take the necessary administrative steps to achieve this. AVZ is continuing to press this non-compliance both with the DRC and the ICSID Tribunal. The DRC is due to file its statement of defence on 31 July 2024.

2 Dathcom JV Dispute

An application by Cominière for AVZ to provide security for costs in ICC No. 27720/SP was refused by the ICC Tribunal. An application by Cominière for the ICC No. 27720/SP proceedings and the ICC No. 27769/SP proceedings to be kept confidential was refused by the ICC Tribunal.

The ICC Tribunal has directed in the ICC No. 27769/SP proceedings that Cominière pay an advance on costs of USD 555,000 compared to AVZ's advance on costs of USD 60,000. Cominière is due to file its statement of defence in the ICC No. 27720/SP proceedings on 30 July 2024.

AVZ is still awaiting the decision of the ICC Tribunal in relation to its application to liquidate the financial penalties for Cominière's non-compliance with the emergency orders.

3 Jin Cheng Dispute

AVZ has been notified that Jin Cheng has applied to the Paris Court of Appeals for an annulment of the decision of the ICC Tribunal on 15 March 2024 dismissing Jin Cheng's claim. Jin Cheng is due to file the Appellant's brief on 13 September 2024.

4 Dathomir Dispute

Dathomir is due to file its rejoinder in the ICC 27401/SP/ETT (SPA 2020) proceedings on 6 August 2024. AVZ is due to file its statement of claim in the ICC 27425/SP/ETT (SPA 2019) proceedings on 27 September 2024.

5 Fat Tail Dispute

On 28 June 2024, Fat Tail paid AUD 170,000 into a controlled monies account as security for the defendants' legal costs (AUD 100,000 of which is security for AVZ's costs. Since that time Fat Tail has not taken any steps to progress its claim.

This announcement was authorised for release by the board of directors of AVZ Minerals Limited.

For further information, visit www.avzminerals.com.au or you can contact the Company via telephone +61 8 6186 7600 or email admin@avzminerals.com.au