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Court of Appeal rules claim can proceed in UK

BHP Group Limited and BHP Group UK (Ltd) (formerly BHP Group Plc) are defendants to a group action claim in the United Kingdom (**UK**) in relation to the Samarco dam failure on 5 November 2015. The group action seeks compensation for individuals, municipalities, private businesses and other institutions in Brazil following the Samarco dam failure.

The Court of Appeal has heard an appeal by the claimants in the group action against a decision made by the High Court on 9 November 2020 that dismissed the group action as an abuse of process. Today, the Court of Appeal has decided to allow the appeal. The judgment allows the group action to continue in the UK and overturns the earlier decision of the High Court. BHP is considering whether to seek permission to appeal the judgment to the UK Supreme Court.

The judgment is not a decision in relation to the merits of the claims made in the group action. It is concerned with the preliminary question of whether the group action can continue against BHP in the United Kingdom.

BHP Brasil remains committed to continue supporting the local remediation efforts in Brazil through the Renova Foundation. Those efforts have already provided BRL9.8bn (~£1.5bn) in compensation and direct financial aid in relation to the dam failure to over 376,000 people.

BHP will continue to defend the UK group action, which BHP believes is unnecessary because it duplicates matters already covered by the existing and ongoing work of the Renova Foundation and legal proceedings in Brazil.

¹ This release was made outside the hours of operation of the ASX market announcements office.

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