

ARBITRATION CLAIMS PROCEEDING ECT STATEMENT OF REPLY NOW LODGED

- **GreenX's ongoing arbitration against Poland is proceeding at pace with Statements of Reply now having been submitted for both the BIT and ECT claims**
- **Damages of £737 million (A\$1.3 billion/PLN 4.1 billion) being claimed in total across the two arbitrations which include the assessed value of GreenX's damages related to both the Jan Karski and Debiensko mines, and accrued interest related to any damages**
- **GreenX's legal team and counsel are now preparing for the combined hearing for both the BIT and ECT claims to be conducted in front of the Tribunal**
- **The Company is well funded to pursue the Claims with the US\$12.3 million LFA in place which is currently being drawn down to cover legal, tribunal and external expert costs as well as defined operating expenses associated with the Claims**

GreenX Metals Limited (**GreenX** or **the Company**) is pleased to report that as part of the ongoing international arbitration claims (**Claims**) against the Republic of Poland under both the Energy Charter Treaty (**ECT**) and the Australia-Poland Bilateral Investment Treaty (**BIT**) (together the **Treaties**), the Company has now **filed its Statement of Reply in the both the BIT and ECT arbitrations**. This is the final significant filing that GreenX will make for the ECT arbitration, with the next steps being for Poland to lodge their final filing (the Rejoinder) followed by a hearing to be conducted in front of the Tribunal. **GreenX is seeking compensation in the amount of £737 million (equivalent to A\$1.3 billion or PLN 4.1 billion) in total across the two arbitrations Claims.**

Mr Stoikovich, Chief Executive Officer of GreenX commented: "The Claim is proceeding at pace, following the Company's submission of its Statement of Reply in the both the BIT and ECT arbitration. As previously disclosed, the compensation being claimed by the Company is £737 million across the Claims. We are pleased to see that €190 million in damages has been recently awarded to Rockhopper Exploration plc by an ECT tribunal in their arbitration against Italy, who were found to have breached the ECT following the failure to grant Rockhopper its production concession at the Ombrina Mare oil field despite having been awarded all the required technical and environmental authorisations."

DETAILS OF THE CLAIM

The Company's Claims against the Republic of Poland is being prosecuted through an established and enforceable legal framework, with GreenX and Poland agreeing to apply the UNCITRAL rules to the proceedings.

Both the BIT and ECT claim Tribunals have been constituted, with both Claims being registered with the Permanent Court of Arbitration in the Hague. The BIT and ECT claim proceedings proceed at pace, with the Company now having filed a revised claim for damages against Poland with the Tribunal in the amount of £737 million (A\$1.3 billion/PLN 4.1 billion) in total across the two arbitrations.

The Company's Claims include a revised assessment of the value of GreenX's damages related to both the Jan Karski and Debiensko mines, and accrued interest related to any damages. The Claim for damages has been assessed by external quantum experts appointed by GreenX specifically for the purposes of the Claims.

In July 2020, the Company announced it had executed the Litigation Funding Agreement (**LFA**) for US\$12.3 million with Litigation Capital Management (**LCM**). The facility is currently being drawn down to cover legal, tribunal and external expert costs as well as defined operating expenses associated with the Claims.

In September 2020, GreenX announced that it had formally commenced with the Claim by serving the Notices of Arbitration against the Republic of Poland. In June 2021, GreenX announced that it had formally lodged a Statement of Claim, including the first assessed claim for compensation. The Company's Statement of Reply, the last significant filing to be made by the Company, has now been filed in both arbitrations. The Statement of Reply addresses various points raised by the Republic of Poland in their Statement of Defence. The Statement of Reply also contains a re-evaluation of the claim for damages based on responses to Poland's Statement of Defence.

GreenX's dispute alleges that the Republic of Poland has breached its obligations under the applicable Treaties through its actions to block the development of the Company's Jan Karski and Debiensko mines in Poland which effectively deprives GreenX of the entire value of its investments in Poland.

In February 2019, GreenX formally notified the Polish Government that there exists an investment dispute between GreenX and the Polish Government. GreenX's notification called for prompt negotiations with the Government to amicably resolve the dispute and indicated GreenX's right to submit the dispute to international arbitration in the event of the dispute not being resolved amicably. As of the date of this report, no amicable resolution of the dispute has occurred, since the Polish Government has declined to participate in discussions related to the dispute and accordingly the Company has formally proceeded with its Claims as discussed above.

GreenX's investment dispute with the Republic of Poland is not unique, with international media widely reporting that the political environment and investment climate in Poland has deteriorated since the change in Government in 2015. As a result, there are a significant number of International Arbitration claims being brought against Poland.

Furthermore, GreenX notes the recent success of AIM listed Rockhopper Exploration plc's (**Rockhopper**) ECT claim against the Republic of Italy in relation to oil and gas licenses:

On 24 August 2022 Rockhopper announced that an ECT arbitration panel had reached a unanimous decision against the Republic of Italy to award Rockhopper €190 million in damages plus interest at EURIBOR +4% compounded annually from 2016 until the time of payment.

All costs associated with the Rockhopper arbitration were funded on a non-recourse ("no win - no fee") basis from a specialist arbitration funder, similar to GreenX's litigation funding arrangements. After payments due to the arbitration funder, Rockhopper expects to retain approximately 80% of the award.

Rockhopper commenced its ECT claim in 2017 claiming damages of ~€275 million after Italy's Ministry of Economy failed to grant Rockhopper a production concession for the Ombrina Mare oil field.

This announcement has been authorised for release by Mr Ben Stoikovich, CEO.