



ASX ANNOUNCEMENT

18 January 2024

AVZ Successful in ICSID Interim Measures

AVZ Minerals Limited (ASX: AVZ, OTC: AZZVF) (**Company**) provides the following update to its shareholders.

The Company, by its subsidiaries AVZ International Pty Ltd (**AVZI**) and Green Lithium Holdings Pty Ltd (**GLH**) together with Dathcom Mining SA (**Dathcom**) previously commenced international arbitration proceedings against the Democratic Republic of Congo (**DRC**) pursuant to its Mining Code and the Convention on the Settlement of Investment Disputes between States and the Nationals of Other State (**ICSID Convention**) before the International Centre for Settlement of Investment Disputes (**ICSID**) in Washington (refer to ASX announcement dated 9 June 2023 'Confirmation of Registration of the Request for ICSID Arbitration Proceedings against the Democratic Republic of Congo').

On 11 December 2023, the ICSID tribunal heard AVZI, GLH and Dathcom's request for provisional measures including an urgent order to preserve the status quo and an order to confirm or restore ownership of PR 13359 to Dathcom (refer to ASX announcement dated 15 November 2023 'ICSID Proceedings Update').

The Company is pleased to report that, on 16 January 2024, the ICSID tribunal made interim orders to the effect that the DRC take necessary steps to reflect that Dathcom is the holder of PR 13359 and to protect AVZI, GLH and Dathcom's rights during the pendency of the proceedings (**Interim Orders**).

The ICSID tribunal's decision to grant provisional measures is an interim decision. It does not involve any final conclusion as to the merits of the case, which remain to be determined in the substantive proceedings.

*Note: Reference to **PR** means Permit d'Research or Exploration Licence and **PE** means Permit d'Exploitation or Mining Licence*

Interim Orders

The Interim Orders are as follows, the DRC shall:

- **re-establish Dathcom as holder of PR 13359**, currently being converted into an operating permit, on the perimeter mentioned in article 2 of ministerial order no. 0921/CAB.MIN/MINES/01/2016 of December 28, 2016, but excluding the perimeter covered by PR 15775;
- **instruct Cadastre minier de la RDC (CAMI) to rectify the mining fallout map to reflect Dathcom's ownership of PR 13359 on a perimeter excluding the perimeter covered by PR 15775**, specifying that this permit is in the process of being transformed into an operating permit and remains valid;

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- take the necessary measures to **guarantee the integrity of Dathcom's installations and equipment** within the perimeter of PR 13359 as mentioned in article 2 of ministerial order no. 0921/CAB.MIN/MINES/01/2016 of 28 December 2016, but excluding the perimeter covered by PR 15775, as well as the drill cores stored there, until Dathcom takes possession of these installations, equipment and drill cores;
- **preserve the confidentiality of all technical, geological and mining information** provided by Dathcom to the Ministry of Mines, La Congolaise d'Exploitation Minière (**Cominière**) and CAMI in the context of its activities under PR 13359, over the entire perimeter of PR 13359 as referred to in Article 2 of Ministerial Order no. 0921/CAB.MIN/MINES/01/2016 of 28 December 2016 (including the perimeter covered by PR 15775), by taking any useful action to this end;
- allow the Claimants, within 19 days, to **draw up a contradictory inventory of the file kept by CAMI relating to PR 13359 on the entire perimeter of PR 13359**, as mentioned in article 2 of ministerial order no. 0921/CAB.MIN/MINES/01/2016 of 28 December 2016 (including the perimeter now covered by PR 15775), up to the date on which the request for PR 15775 was made, and to take a copy of this file;
- **refrain from taking, either through its officials, organs, emanations or companies (including Cominière, without prejudice to the nature of the links between the DRC and Cominière), any new act likely to call into question PR 13359** or which could lead to an aggravation of the present dispute or deprive the upcoming final award of its effect; and
- not to exclude Dathcom's **access to the Mpiana Mwanga power plant**.

The Interim Orders are binding on all parties and take effect **immediately** but may be revised (or revoked) by the ICSID tribunal in light of any comments provided by AVZI, GLH and Dathcom and the State. The mandatory nature of the Interim Orders was reconfirmed and highlighted by the ICSID tribunal in its decision.

Among other directions, the ICSID tribunal has asked that Dathcom expressly confirm that should the DRC comply with these interim orders, AVZI, GLH and Dathcom will request the release of the PE and if the DRC releases it, they will progress the development of the project immediately. The Company will take the necessary steps to procure that AVZI, GLH and Dathcom provide that confirmation.

Whilst the Interim Orders require the State to take the necessary steps to record Dathcom as the holder of PR 13359, the Interim Orders do not operate to unwind Cominière's relinquishment of the northern portion of PR 13359 in October 2023 or the immediately subsequent grant of PR 15775 to Manono Lithium SA. The ICSID tribunal declined to deal with title to the northern area on an interim basis because doing so could affect the interests of a third party to the proceedings (ie Manono Lithium SA), which will be dealt with on a final basis as part of the broader ICSID proceedings.

The Company considers **the unlawfulness of the transfer of PR 13359** from Dathcom to Cominière, which has been reversed under the Interim Orders, renders Cominière's relinquishment of the northern portion of PR 13359 and the subsequent grant of PR 15775 to Manono Lithium SA **to be equally unlawful**. Accordingly, the Company will continue with its efforts to confirm its and Dathcom's ownership of the northern area of the Manono Project either through its continued negotiations with the DRC government's senior public officials or the prosecution of the ICSID and ICC proceedings to their conclusion. However the Company's board of directors considers this decision provides significant further impetus for a negotiated outcome.

This announcement was authorised for release by the Board of Directors of AVZ Minerals Limited.

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