



NEWS RELEASE | 8 February 2023

Permitting update

Berkeley Energia Limited ("Berkeley" or the "Company") advises that it has received formal notification from the Ministry for Ecological Transition and the Demographic Challenge ("MITECO") that it has rejected the Company's administrative appeal against MITECO's rejection of the Authorisation for Construction for the uranium concentrate plant as a radioactive facility ("NSC II") at the Salamanca project.

As previously disclosed, MITECO rejected NSC II in November 2021 following an unfavourable report for the grant of NSC II issued by the Board of the Nuclear Safety Council ("NSC") in July 2021.

In Berkeley's strong opinion, MITECO has rejected the Company's NSC II application without following legally established procedure, including taking into account the Company's 'Improvement Report' which supplemented the Company's initial NSC II application.

Taking this into account, Berkeley submitted an administrative appeal against MITECO's decision under Spanish law in December 2021. MITECO has now rejected this administrative appeal.

The Company believes that MITECO has not only infringed regulations on administrative procedures in Spain but also under protection afforded to Berkeley under the Energy Charter Treaty ("ECT"), which would imply that the decision on the rejection of the Company's NSC II application is not legal.

Accordingly, the Company submitted a written notification of an investment dispute to the Prime Minister of Spain and MITECO in November 2022. Berkeley's notification informed the Kingdom of Spain of the nature of the dispute and the ECT breaches, and that it proposed to seek prompt negotiations for an amicable solution pursuant to article 26.1 of the ECT.

The notification of an investment dispute submitted to the Spanish Government is necessary to preserve the Company's rights to initiate international arbitration should the dispute not be satisfactorily resolved. The Company, however, has informed the Spanish Government that it is prepared to collaborate and remains hopeful that the dispute can be resolved amicably through prompt negotiations.

The dispute notice is an initial step to request amicable negotiations to overturn the rejection of NSC II. To date, the Company has received no correspondence from the Kingdom of Spain or MITECO in relation to the investment dispute.

The Company will continue to update the market in relation to this matter as required.

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This announcement has been authorised for release by Mr Robert Behets, Director.