

Exchange release

15 November 2024

Samarco update – Acquittal of criminal charges

BHP notes the recent media commentary regarding a decision by the Lower Federal Court of Ponte Nova, Minas Gerais (**Federal Court**) in relation to criminal charges filed in connection with the failure of Samarco's Fundão tailings dam on 5 November 2015.

The media commentary reports that the Federal Court has ruled that Samarco Mineração S.A. (**Samarco**), BHP Billiton Brasil Ltda. (**BHP Brasil**), Vale S.A. (**Vale**), and VogBR (Samarco's independent consultant involved in the maintenance of the tailings dam) (together, the **Companies**) are not liable for criminal offences relating to the failure of Samarco's Fundão tailings dam.

This decision relates to criminal charges filed by the Federal Prosecutors' Office in Brazil on 20 October 2016 against the Companies and certain individuals affiliated with the Companies (**Individuals**) in the Federal Court in relation to the failure of Samarco's Fundão dam.

BHP Brasil will consider the decision by the Federal Court once it has been served with the decision to assess implications and any next steps.

The media commentary reports that the Federal Court concluded that the evidence did not support any causal link between the Companies and the failure of the Fundão dam and also found that the Individuals affiliated with Samarco, Vale and VogBr are not liable for criminal offences relating to the dam failure.

On 25 October 2024, BHP announced the US\$31.7 billion agreement between the Federal Government of Brazil, the State of Minas Gerais, the State of Espírito Santo, the public prosecutors and public defenders (**Public Authorities**) and Samarco, BHP Brasil and Vale which settles the Framework Agreement obligations, the Federal Public Prosecution Office civil claim and other claims by the Public Authorities relating to the dam failure (the **Agreement**). The Agreement delivers a full and final settlement of the Framework Agreement obligations, the Federal Public Prosecution Office civil claim and other claims by the Public Authorities relating to the dam failure and is separate to these criminal proceedings.

As shareholders in Samarco, BHP Brasil and Vale have always been fully committed to supporting the extensive ongoing remediation and compensation efforts in Brazil. BHP Brasil will continue to focus on supporting the long-term recovery of the communities and environment affected by the dam failure.

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