

## NEWS RELEASE

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### UPDATE: SAMARCO BRAZIL

On 2 March 2016, BHP Billiton announced that an agreement had been entered into between Samarco Mineração S.A (**Samarco**), Vale S.A (**Vale**) and BHP Billiton Brasil LTDA (**BHP Billiton Brasil**) with the Federal Government of Brazil, the States of Espírito Santo and Minas Gerais and certain other public authorities (**Brazilian Authorities**) (**Framework Agreement**).

The Framework Agreement provides for the restoration of the environment and communities affected by the Samarco dam failure on 5 November 2016 and suspension of the civil public claim commenced on 30 November 2015 by the Brazilian Authorities against Samarco, Vale and BHP Billiton Brasil which sought the establishment of a fund of up to BRL20 billion in aggregate for clean-up costs and damages relating to the dam failure.

The Framework Agreement was subject to ratification by the courts in Brazil. On 5 May 2016, the Framework Agreement was ratified by the Federal Court of Appeal in Brasilia.

The Federal Prosecutors' Office appealed against the ratification of the Framework Agreement. On 30 June 2016, the Superior Court of Justice in Brazil issued an interim order suspending the decision of the Federal Court of Appeal to ratify the Framework Agreement.

The effect of the interim order of the Superior Court of Justice is to reinstate the BRL20 billion public civil claim made by the Brazilian Authorities against Samarco, Vale and BHP Billiton Brasil.

BHP Billiton Brasil intends to appeal the decision of the Superior Court of Justice.

In the meantime, Samarco will continue to support the long-term recovery of the communities and environment affected by the dam failure.

Further information on BHP Billiton can be found at: **bhpbilliton.com**

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