

THE TAKEOVER PANEL

ANGLO AMERICAN PLC (“ANGLO AMERICAN”)

XSTRATA PLC (“XSTRATA”)

Following recent representations made by the advisers to Anglo American, the Panel Executive has been considering the application of Rule 2.4(b) of the Code to the announcement made by Anglo American, on 21 June 2009, in which it confirmed that it had received a preliminary proposal from Xstrata that may lead to an offer for Anglo American. Following discussions with both parties’ advisers, the Panel Executive has ruled that, unless the Panel Executive consents otherwise, Xstrata must, by 5.00 p.m. on 20 October 2009, either announce a firm intention to make an offer for Anglo American under Rule 2.5 of the Code or announce that it does not intend to make an offer for Anglo American. In the event that Xstrata announces that it does not intend to make an offer for Anglo American, Xstrata and any person(s) acting in concert with it will, except with the consent of the Panel Executive, be bound by the restrictions contained in Rule 2.8 of the Code for six months from the date of such announcement.

Each of the parties has accepted this ruling.

2 October 2009