

ASX ANNOUNCEMENT

2 October 2024

Granting of ASX waiver – U.S. Financial Reporting Requirements

Sunnyvale, California; 2 October 2024: EBR Systems, Inc. (ASX: “EBR”, “EBR Systems” or the “Company”) advises that its registration statement on Form 10 was declared effective by the U.S. Securities and Exchange Commission (SEC) on 30 September 2024 (U.S. time). As such, EBR is now a U.S. public reporting company and is subject to the periodic reporting requirements of the U.S. Securities and Exchange Act of 1934, including the requirements to file annual reports on Form 10-K, quarterly reports on Form 10-Q and periodic reports on Form 8-K with the SEC.

EBR, as an ASX listed entity, is also subject to the periodic reporting requirements set out in Chapter 4 of the ASX Listing Rules.

EBR has been granted a waiver from ASX Listing Rules 4.2A.3, 4.3A, 4.7B and 4.7C effective from 1 October 2024. The purpose of the waiver is to relieve the Company of the time and expense of preparing and attending to the lodgements of two sets of periodic reports each relevant reporting period. The waiver will cease to apply if EBR ceases to be subject to an obligation to file Forms 10-K and Forms 10-Q with the SEC under U.S. law.

The table below summarises the effect of the waiver on the timeframes in which EBR must file financial reports with the SEC compared to the timeframes that, absent the waiver, EBR would have had to lodge certain financial reports with the ASX. Financial reports filed by EBR with the SEC will also be released to the ASX.

The table also notes any waiver requirements in addition to timing. For example, ASX requires that any information usually required under the relevant ASX periodic report, and that is not otherwise covered by the corresponding SEC filing, will be included with the filing.

Listing Rule	Standard ASX lodgement timeframe	Waiver	EBR’s lodgement timeframe as result of the waiver
4.2A.3	EBR must lodge with the ASX an Appendix 4D within two months after the end of its half year	EBR will not be required to lodge an Appendix 4D, on the condition that the Company gives the ASX: (i) a copy of Form 10-Q the Company has filed with the SEC for the first and second quarters of that financial year; and (ii) in the case of the Company’s Form 10-Q for the second quarter, a cover sheet for the Form 10-Q headed “Results for announcement to the market” with key information set out in section 2 of Appendix 4D.	EBR will lodge its Form 10-Q and the cover sheet for the second quarter with ASX by the earliest of: (i) the date it is filed with the SEC; and (ii) the date it is due to be given to the SEC under U.S. law (currently within 45 days after the end of the second quarter).
4.3A	EBR must lodge with the ASX an Appendix 4E within two months after the end of its financial year.	EBR will not be required to lodge an Appendix 4E, on the condition that the Company gives the ASX: (i) a copy of the Form 10-K that it has filed with the SEC for that financial year; and (ii) a cover sheet for the Form 10-K headed “Results for announcement to the market” with the key information set	EBR will lodge its Form 10-K and the cover sheet with ASX by the earliest of: (i) the date it is filed with the SEC; (ii) the date it is due to be given to the SEC under U.S. law (currently within 90 days following the end of EBR’s financial year); and

Listing Rule	Standard ASX lodgement timeframe	Waiver	EBR's lodgement timeframe as result of the waiver
		out in section 2 of Appendix 4E.	(iii) the date that its Appendix 4E and accounts are due for lodgement with ASX under Listing Rule 4.3A.
4.7B & 4.7C	EBR must lodge with the ASX an Appendix 4C within one month after the end of each quarter of its financial year. EBR must lodge with the ASX a quarterly activity report that accompanies the Appendix 4C filed within one month after the end of each quarter of its financial year.	EBR will not be required to lodge an Appendix 4C, on the condition that the Company gives the ASX: (i) for the first, second and third quarters of its financial year, a copy of Forms 10-Q the Company has filed with the SEC for those quarters; (ii) for the fourth quarter of its financial year, a copy of the Form 10-K the Company has filed with the SEC for that financial year; and (iii) for each quarter, if there is any information that ought to have been disclosed in the Company's quarterly activity report for that quarter under Listing Rule 4.7C that is not included in the Company's Form 10-Q or Form 10-K, a supplement to the Form 10-Q or Form 10-K that discloses the information.	EBR will lodge its Form 10-Q within 45 days following the end of the first, second and third quarters of its financial year and, for the fourth quarter of its financial year, a copy of the Form 10-K filed by the earliest of: (i) date the 10-K was filed with the SEC; (ii) the date it is due to be given to the SEC under U.S. law (currently within 90 days following the end of EBR's financial year); and (iii) the date that its Appendix 4E and accounts are due for lodgement with ASX under Listing Rule 4.3A.

This announcement has been authorised for release by General Disclosure Committee, a Committee of the Board.

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For more information, please contact:

Company

Gary Doherty
Chief Financial Officer
P: +1 408 720 1906
E: info@ebrsystemsinc.com

Investors

Joel Seah
Vesparum Capital
P: +61 3 8582 4800
E: EBRSystems@vesparum.com

About EBR Systems (ASX: EBR)

Silicon Valley-based EBR Systems (ASX: EBR) is dedicated to superior treatment of cardiac rhythm disease by providing more physiologically effective stimulation through wireless cardiac pacing. The patented proprietary Wireless Stimulation Endocardially (WiSE) technology was developed to eliminate the need for cardiac pacing leads, historically the major source of complications, effectiveness and reliability issues in cardiac rhythm disease management. The initial product is designed to eliminate the need for coronary sinus leads to stimulate the left ventricle in heart failure patients requiring Cardiac Resynchronisation Therapy (CRT). Future products potentially address wireless endocardial stimulation for bradycardia and other non-cardiac indications.

EBR Systems' WiSE Technology

EBR Systems' WiSE technology is the world's only wireless, endocardial (inside the heart) pacing system in clinical use for stimulating the heart's left ventricle. This has long been a goal of cardiac pacing companies since internal stimulation of the left ventricle is thought to be a potentially superior, more anatomically correct pacing location. WiSE technology enables cardiac pacing of the left ventricle with a novel cardiac implant that is roughly the size of a large grain of rice. The need for a pacing wire on the outside of the heart's left ventricle – and the

attendant problems – are potentially eliminated. WiSE is an investigational device and is not currently available for sale in the US.

Forward-Looking Statements

This announcement contains or may contain forward-looking statements that are based on management's beliefs, assumptions, and expectations and on information currently available to management. Forward-looking statements involve known and unknown risks, uncertainties, contingencies and other factors, many of which are beyond the Company's control, subject to change without notice and may involve significant elements of subjective judgment and assumptions as to future events which may or may not be correct.

All statements that address operating performance, events or developments that we expect or anticipate will occur in the future are forward-looking statements, including without limitation our expectations with respect to our ability to commercialize our products including our estimates of potential revenues, costs, profitability and financial performance; our ability to develop and commercialize new products including our ability to obtain reimbursement for our products; our expectations with respect to our clinical trials, including enrolment in or completion of our clinical trials and our associated regulatory submissions and approvals; our expectations with respect to the integrity or capabilities of our intellectual property position.

Management believes that these forward-looking statements are reasonable as and when made. You should not place undue reliance on forward-looking statements because they speak only as of the date when made. EBR does not assume any obligation to publicly update or revise any forward-looking statements, whether as a result of new information, future events or otherwise. EBR may not actually achieve the plans, projections or expectations disclosed in forward-looking statements, and actual results, developments or events could differ materially from those disclosed in the forward-looking statements.

Foreign Ownership Restriction

EBR's CHES Depositary Interests (CDIs) are issued in reliance on the exemption from registration contained in Regulation S of the US Securities Act of 1933 (Securities Act) for offers or sales which are made outside the US. Accordingly, the CDIs have not been, and will not be, registered under the Securities Act or the laws of any state or other jurisdiction in the US. The holders of EBR's CDIs are unable to sell the CDIs into the US or to a US person unless the re-sale of the CDIs is registered under the Securities Act, or an exemption is available. Hedging transactions with regard to the CDIs may only be conducted in accordance with the Securities Act.