

April, 2020

## ONLINE ACTIONS AND PROCEDURES IN MINING MATTERS DUE TO COVID-19 PANDEMIC

In addition to those actions taken that benefit all industries, especially regarding labor and tax matters, the mining industry has been subject to some specific measures.

### I. *Collective Safe-Passage Permits.*

According to number 10.b of the instructions for travel permits issued by the Ministry of Internal Affairs and Public Security<sup>1</sup>, updated on April 2nd, 2020, mining companies and their related industries are considered as part of those basic services, utilities, and services with a high degree of social worth. Consequently, these companies may obtain collective safe-passage permits for their employees.

This permit shall be limited to that staff of the entity necessary for carrying out those duties, tasks, processes or managerial and service areas that cannot be interrupted as they are essential to ensure the supply of public utility services or to cover the basic needs of the population.

**Procedure to obtain it:** The representative of the company may visit the website [www.comisariavirtual.cl](http://www.comisariavirtual.cl), by entering his/her personal password (Clave Única), in person at a police station, or send an email to [comisaria.virtual@carabineros.cl](mailto:comisaria.virtual@carabineros.cl), to request an especial password for this purpose.

The e-mail shall identify the individual or individuals representing the company (a maximum of four) with their full name, personal ID card number, post and institutional e-mail. In addition, the company's Chilean taxpayer ID (e-RUT) shall be attached to the e-mail. The username and password shall be sent upon receipt of this information.

Upon obtaining the certificate, it must be sent to each of the above-mentioned officers so that they may show, either in hardcopy or digital form, the document<sup>2</sup>.

### II. *Instructions for requesting travel permits in the Mining Industry.*

On March 30th, 2020, the Ministry of Mining published a protocol for the proper systematization of information of mining companies and their contractors, in order to analyze the application of number 10.b of the instructions for travel permits issued by the Ministry of Internal Affairs and Public Security.



If you have any questions regarding the matters discussed in this news alert, please contact the following attorneys or call your regular Carey contact.

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<sup>1</sup> Available on [https://cdn.digital.gob.cl/public\\_files/Campa%C3%B1as/Corona-Virus/documentos/Instructivo\\_Cuarentena\\_020420.pdf](https://cdn.digital.gob.cl/public_files/Campa%C3%B1as/Corona-Virus/documentos/Instructivo_Cuarentena_020420.pdf)

<sup>2</sup> For further information please visit <https://www.carey.cl/en/safe-passage-permits-and-authorizations/>

Given the restrictive nature of the indicated exception and the discretionary Powers of the relevant authority, mining companies are required to report together with the travel application:

**a. Staffing, and how much this will be reduced (%) for a minimum operation continuity:**

1. The mining company; and
2. The contractors (for each one of them).

**b. How will the mining companies reduce travels, both of its own staff and of its contractors (shifts, prioritization of local workers or other measures).**

Each mining company must send its application to the email address of the Undersecretary of Mining, Mr. Ricardo Irarrázabal (rirarrazabal@minmineria.cl) with copy to his Chief of Cabinet, Mr. Jaime Flores (jflores@minmineria.cl) and to the Head of Legal Division of the Ministry of Mining, Mrs. María Luisa Baltra (mlbaltra@minmineria.cl), also including and when appropriate, the applications of the respective contractors, under the same standards of the mining company. In the body of the said email, the two questions of the protocol must be answered, attaching an Excel spreadsheet with the following data:

1. Name of the company;
2. Tax ID number of the company;
3. Address of the facilities where the authorized staff will work; and
4. Information on the workers for whom the permit application is being submitted.

### **III. Online proceedings before the National Geology and Mining Service.**

The National Geology and Mining Service (“**SNGM**”) has enabled new links in the National Mining Subdirectorates’ website<sup>3</sup> to allow the completion of several proceedings, in addition to those already available through online presentations. The accessible online proceedings, divided according to the correspondent department, are the following:

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<sup>3</sup> Available on <https://www.sernageomin.cl/mineria/>

**a. Project Evaluation, Environmental Management and Mining Closure Department**

1. Submission, review and pronouncement of projects with higher and lower capacity than 5,000 TPM.
2. Submission, review and pronouncement of tailing dams.
3. Submission, review and pronouncement of mining closure plans.
4. Traceability of review of exploitation method projects.
5. Traceability of review of mining closure plan projects.
6. Review and pronouncement of the Environmental Impact Statement.
7. Review and pronouncement of the Environmental Impact Study.

**b. Audit Department.**

1. Respond to corrective measures requested by SNGM in previously executed audits.
2. Report E-100, E-200 and E-300 forms.
3. Update company data (for instance, update address or legal representative).
4. File business activities (Principal and Contractors).
5. Regulations (pursuant to the Mining Safety Regulation).
6. Request reopening of accident and/or production statistics.
7. Change of risk prevention expert.
8. Hygiene and Safety Joint Committee.
9. Creation of manifold book.
10. Authorization of vehicles to transport explosives.
11. Risk management plan.
12. Inventory of critical items.
13. Request for joint inspection.
14. Completion of activities.
15. Submit and/or amend mining company contracts.
16. Report accident notice.
17. File emergency plan.

Furthermore, there is a special website with additional information and links to each of the available online proceedings:

1. Authorization of vehicle to transport explosives in mining operations.
2. Authorization to build tailing dams.
3. Request for approval of mining exploitation methods under 5,000 TPM.
4. Authorization to initiate a principal's mining operation.
5. Reception of monthly accident reports.
6. Request of national ID number for exploitation mining concessions.
7. Request of approval of mining exploitation methods above 5,000 TPM.
8. Presentation of general application closure plan projects of mining sites and facilities (over 10,000 TPM).
9. Presentation of general application closure plan projects of mining sites and facilities (between 5,000 and 10,000 TPM).
10. Presentation of general application closure plan projects of mining sites and facilities (under 5,000 TPM).
11. Receipt of monthly mining production reports.
12. Application for mining measuring expert.
13. Delivery of general information obtained from basic geological exploration works.
14. Information, claims and suggestions offices (OIRS).

Depending on the proceeding, the website will require the username and personal password (*Clave Única*) provided by the National Civil Register and Identification Service; or other special username and password obtained for that specific procedure.

### C. Mining Property Department

1. Assignment of national ID number for exploration mining concessions.
2. Assignment of national ID number for exploitation mining concessions.
3. Inquiry of national ID number for exploration and exploitation mining concessions.
4. Inquiry of mining licenses payment.

Finally, the SNGM has enabled an online procedure for the certification of already constituted/granted explorations and exploitation mining concessions. Applicants of certificates on final awards, measurement minutes and maps, can send their antecedents digitally, legibly and in PDF format to the email: [constancias@sernageomin.cl](mailto:constancias@sernageomin.cl)<sup>4</sup>

<sup>4</sup> The email must contain the name of the mining concession or group of mining concessions in its "Subject". The name and type of concession and judicial docket number must also be included. The applicant must also be individualized. In addition, the constitutive judicial award, the plan and/or the measurement or survey minute must be attached, all obtained from the judicial file. The certificate will be sent to the applicant's email address.

For those proceedings that cannot be materialized online, all SNGM reception offices will be open from Monday to Friday, from 09:00 am to 1:00 pm. In Santiago and Punta Arenas, SNGM offices will be open only on Tuesdays and Thursdays, on the same time schedule<sup>5</sup>.

#### **IV.** *Proceedings before the Chilean Copper Commission.*

The Chilean Copper Commission (“**Cochilco**”) office is currently closed. Therefore, origin certificates for exportations will not be issued until April 10th. However, email addresses have been established to serve urgent cases<sup>6</sup>.

Since April 2nd, Cochilco is receiving documents (antecedents and certificates) by email to issue origin certificates for exportations with destination to MERCOSUR, Colombia, Ecuador and Peru.

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<sup>5</sup> Email addresses of all SNGM offices available on <https://www.sernageomin.cl/informacion-oficina-de-partes/>

<sup>6</sup> Available on <https://www.cochilco.cl/Paginas/Inicio.aspx>