

May, 2020

## UPDATE ON ACTIONS AND PROCEDURES IN MINING MATTERS DUE TO COVID-19 PANDEMIC.

### 1. Update on Travel Permits: Instructions for their requesting in the Mining Industry.

Together with safe conducts, granted to circulate during curfew periods, and that are applicable for all the national territory, **only for those boroughs subject to total quarantine by the Government**, the Ministry of Internal Affairs and Public Security issued Instructions for Travel Permits, which last update was published on April 3rd, 2020. These instructions establish which industries are those whose employees and collaborators can continue circulating in those boroughs, **out of curfew periods (that is, between 5.00hrs and 22.00hrs)**.

Number 10.b of the said instructions include people that work in activities that given their nature cannot be stopped and their interruption implies an alteration of the operation of the country, which shall be duly determined by the relevant authority.

Being **mining companies, their contractors and suppliers** considered as part of those basic services, of public utility or with a high degree of social worth, which cannot be interrupted without causing a great alteration of the operation of the country, on **May 4<sup>th</sup>, 2020**, the Ministry of Mining published an update to the protocol for detailing the application within the mining industry of the mentioned number 10.b.

Given the restrictive nature of the indicated exception and the discretionary powers of the relevant authority, in order to enable workers and services providers of the mining industry to fulfill their duties (including transfers between their places of residence and their places of work) **in areas under territorial quarantine and sanitary cordons** out of curfew periods, the request of this permit additionally requires the issuance of a resolution by the Undersecretary of Internal Affairs:

#### This travel permit shall only be requested when currently:

1. the mining sites are in quarantined boroughs or with sanitary cordons;
2. workers are domiciled in quarantined boroughs or with sanitary cordons; and/or
3. workers must pass through quarantined boroughs or with sanitary cordons to get their workplaces.



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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The validity of this permit is indefinite. In order to obtain it, mining companies are required to report to the Undersecretary of Mining, together with the travel application:

1. Staffing, and how much this will be reduced (%) for a minimum operation continuity:
  - a. the mining company; and
  - b. the contractors and suppliers (for each one of them).
2. How will the mining companies reduce travels, both of its own staff and of its contractors (shifts, prioritization of local workers or other measures).
3. If the request includes workers who do not provide services in workplaces located in quarantined boroughs or with sanitary cordons, or who are not domiciled in quarantined boroughs or with *sanitary cordons*, the reason for their inclusion in the staff listing must be expressly justified. Through this information, the authority seeks that mining companies justify that the functions performed by these workers and contractors are essential for the continuity of their operation.
4. If the permit is being requested for workers traveling within or to the Region of Antofagasta, this situation must be explicitly indicated

Each mining company must send its application by email to the Undersecretary of Mining, Mr. Ricardo Irarrázabal ([rirarrazabal@minmineria.cl](mailto:rirarrazabal@minmineria.cl)) with copy to his Chief of Cabinet, Mr. Jaime Flores ([jflores@minmineria.cl](mailto:jflores@minmineria.cl)) and to the Head of Legal Division of the Ministry of Mining, Mrs. María Luisa Baltra ([mlbaltra@minmineria.cl](mailto:mlbaltra@minmineria.cl)), **also including and when appropriate, the applications of the respective contractors and suppliers**, under the same standards of the mining company. In the body of the said email, the questions of the protocol indicated in the previous letters must be answered, attaching **only one Excel file** with the listing of workers of the mining companies, their contractors and suppliers, in **only one spreadsheet**, with the following data:

1. Name of the entities (mining company, contractors and suppliers);
2. Tax ID number of the entities;
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 (name, position, ID card number and domicile).

Any additional information out of the fields or provided in a different form from that of the Excel file will not be considered as part of a valid request. Applications will be processed within 72 hours on business days, unless a different period is requested in a reasonable manner, which may not be less than 48 hours on business days.

Upon obtaining the resolution, it must be sent to each of the above-mentioned staff members **so that they may show the document, either in hardcopy or digital form, together with their ID card and mining company, contractor or supplier ID card.**

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

The Chilean Copper Commission (“**Cochilco**”) will not be able to issue in its offices the origin certificates for exportations which are necessary to conduct the export of those products which tariff codes Chochilco certifies.

However, in case of extreme need in obtaining the certificates, the following email addresses have been made available for this purpose:

Eduardo Ramírez [eramirez@cochilco.cl](mailto:eramirez@cochilco.cl)

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In addition, since April 2<sup>nd</sup>, 2020 Cochilco has been receiving documents (antecedents and certificates) by email, to issue origin certificates for exportations with destination to MERCOSUR, Colombia, Ecuador and Peru.

For more information, send an email to [certificaciondeorigen@cochilco.cl](mailto:certificaciondeorigen@cochilco.cl).

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