

THE CHILEAN MINISTRY OF ECONOMY APPROVES REGULATION ON CONTENT AND INFORMATION OF FINANCIAL PRODUCTS AND SERVICES LIQUIDATION CERTIFICATE

On November 9th, 2020, the Ministry of Economy, Development and Tourism published in the Official Gazette, the Regulation on the content and information of the liquidation certificate (the "Regulation"), which sets the format and content of the aforementioned certificate, as established on article 17 D of the Consumer Protection Act ("CPA").

The Regulation complies with the provisions of Law No. 21,236 on Financial Portability, which contemplated the issuance of a regulation that would define in detail the content of the financial products and services' liquidation certificate (the "Certificate").

I. Definition

The Regulation defines the Certificate as such physical or digital instrument, granted by a financial services or products provider (a "Provider"), on a gratuitous manner, by means of which both the status and background of one or more financial products or services contracted with a consumer are certified, for the consumer to be able to early terminate, either in whole or in part; renegotiate or transfer (portar) one or more contracted products or services or know the status and background of the same.

II. Request and Delivery of the Certificate

The Regulation establishes that the consumer may request the Certificate from his or her respective Provider in person or remotely, requiring its delivery either physically or virtually. For this purpose, Providers must enable an application form. Once the request is received, the Provider must provide the client with a filing proof, giving him/her a filing number of the request.

Provider must deliver the Certificate within a period of five business days from the request date.

Notwithstanding the foregoing, if the consumer requests the Certificate only regarding a single specific financial product or service, said Certificate must be delivered within three business days from the respective request date.

Likewise, Providers must deliver to consumers, within a period of five business days, any other required certificates and/or records, for the renegotiation of loans contracted with said entity.

Finally, the Regulation grants the Providers the authority to determine the authentication mechanisms they may deem necessary to verify either the identity or legal capacity of the individuals that require the issuance of the Certificate.



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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III. *Sections of the Certificate*

The Regulation first requires that the Certificate contain the title “LIQUIDATION CERTIFICATE” and it must contain the following sections:

1. General Information
2. Table of current financial products and/or services
3. Summary of the current financial products and/or services
4. Detail of the current financial products and/or services
5. Notification and payment in case of portability

Each of these sections must contain specific information, which is described in detail in the Regulation.

IV. *Validity*

The validity of this Regulation is immediate. However, Providers will only be obliged to follow some of the formats specifically detailed in the Regulation, after two months since its publication.

Nevertheless, the information and background must anyway be included in the Certificate, being able to be incorporated in other sections of the later, as long as they allow and ensure an easy understanding by the consumer.