

March, 2020

> SUPERINTENDENCE OF THE ENVIRONMENT ISSUES A GENERAL INSTRUCTION IN THE CONTEXT OF COVID-19 (EXEMPT RESOLUTION NO. 497).

On March 19, 2020 the Superintendence of Environment ("SOE") issued the Exempt Resolution No. 497 ("Res. 497"), which is referred to a number of general instructions within the sanitary context caused by the coronavirus (COVID-19).

I. Purpose

Carry out a permanent monitoring of the status of projects or activities and of the compliance with their applicable obligations given the current sanitary context.

II. Recipients

Parties that are subject to the supervision of the SOE, including holders of Environmental Approval Resolutions ("EAR").

III. Obligations

1. Weekly report of the operational conditions of the project or activity, informing whether any plan, action or measure has been implemented due to the sanitary contingency.
2. In the event of a contingency or emergency, applicable contingency and/or emergency plans shall be executed in accordance with the relevant EAR.
3. Update of information at the digital platform of the SOE, including contact details and information referred to the description, operational status and contingency and/or emergency of projects and activities.
4. Carry out all measures to comply with applicable obligations and to ensure the continuity of projects and activities development within the current sanitary context, considering the protection of the environment and people's health.



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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VI. *Difficulties for the environmental compliance caused by COVID-19*

In case of difficulties to comply with obligations established by environmental instruments due to COVID-19's context, the SOE will consider the current scenario and the potential qualification of the event as force majeure.

The SOE will consider the difficulties of carrying out testing and analysis and complying with certain obligations that may be hindered by current sanitary circumstances. The latter requires the regulated parties to keep the relevant evidence that verifies the existence of force majeure.

V. *Compliance mode and validity*

The reporting obligations shall be informed through the EAR System of the SOE (<http://www.sma.gob.cl>), in a special tab to be enabled accordingly.

Obligations will remain in force from the publication of Res. 497 in the Official Gazette (which has not occurred yet) until the SOE determines it through the respective administrative act.