

16/04/2024

# LEGAL ALERT

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**CHILEAN MINING MINISTRY  
LAUNCHES RFI PROCESS FOR  
LITHIUM PROJECTS: EXEMPT  
RESOLUTION 907 DETAILS  
PROCEDURE AND EXCLUSIONS**

On April 15, 2024 the Chilean Mining Ministry issued Exempt Resolution 907 (the “**Resolution**”), in accordance with the “National Lithium Strategy”, previously established by the Chilean Government, which approves the procedure for the initiation of a request for information (“**RFI**”) process to be led by the Mining Ministry in order to ascertain from the market and industry if there is interest in developing projects to explore, extract and produce products from lithium and its derivatives, from salt flats or other types of deposits that are not excluded from this process, information which will assist the Chilean government in shaping the mechanism to define private contractors with whom special lithium operation contracts (“**CEOL**”) are to be concluded, as well as the salt flats or other lithium deposits that will be prioritized for such purposes.

### **Excluded Areas:**

The following areas are excluded from the RFI process: i) Salar de Atacama and Salar de Maricunga; ii) Pedernales, Grande, Los Infieles, La Isla and Aguilar salt flats, which have been entrusted to Codelco and ENAMI to develop a project by implementing public private partnerships; iii) geographic areas that have the category of “National Park”, “Natural Monument” and “National Reserve”; and iv) the high Andean salt flats and saline lakes or geographical areas within them. The list of excluded salt flats is included as Appendix 1 to the Resolution.

### **Expression of Interest and Delivery of Information:**

The essential information that the interested parties must provide the Mining Ministry as their “**Expression of Interest**” within the RFI process can be grouped in the following items:

- i)** Information regarding the interested company and/or association of companies. We highlight the obligation to file the balance sheet or audited financial statements of the last tax year.
- ii)** Indication of the deposits- salt flats or other type of deposit of interest and general description of the potential project to be developed.
- iii)** Experience of the interested company or consortium.
- iv)** Other complementary information that the interested party wishes to include and considers relevant to their Expression of Interest.

## **How to participate:**

The Expression of Interest, along with requested technical and legal information must be filed in the platform that will be established for this purpose in the Mining Ministry website ([www.minmineria.cl](http://www.minmineria.cl)), by completing the information in the form established in Appendix 2 of the Resolution.

## **Interest in more than one project:**

Interested parties must file more than one Expression of Interest when they wish to present two or more projects, each in a separate form, but in this case, they must indicate the order of priority of each of their projects.

## **RFI Process Milestones:**

- (a)** Consultation period: until May 17, 2024.
- (b)** Period for responses to queries: 10 business days from the above date.
- (c)** Submission of Expression of Interest until June 17, 2024.
- (d)** Publication of the results of the RFI process until July 9, 2024. These results will refer to the number of interested parties and the areas that were subject to the Expression of Interest. No information will be published regarding the organizations or consortia that have participated in the RFI process.

## **Non-binding process:**

The fact that the interested parties participate in the RFI process does not commit the Mining Ministry with the interested party in any area, nor grants any preferential right.

By responding the RFI, the interested parties are not committing themselves in any way with the Mining Ministry.

## **Post-RFI Stages:**

Upon completion of the RFI process, the deposits on which CEOLs will be entered into will be defined. Then, the Ministry of Mining will proceed, for each case:

- (i)** Evaluate, prior to entering the CEOL, the need for conducting an indigenous consultation.

- (ii) Evaluate, prior to entering the CEOL, the need for conducting an indigenous consultation.
- (iii) Conduct the indigenous consultation if necessary; otherwise, the supreme decree establishing the requirements and conditions of the respective CEOL will be issued.
- (iv) Determination of the contractor to whom the CEOL will be awarded.  
Signing of the CEOL, subject to a favorable report from the Chilean Copper Commission (Cochilco).

## CONTACT



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