



antarchile

**Offense Prevention Policy
(Law N°20.393)**

AntarChile S.A.

December 2022

TABLE OF CONTENTS

| | |
|---|----------|
| 1. AIM..... | 2 |
| 2. SCOPE | 2 |
| 3. PRINCIPLES AND GUIDELINES OF THE PREVENTION MODEL | 2 |
| 4. ROLES AND RESPONSIBILITIES | 3 |
| 4.1. BOARD OF DIRECTORS..... | 3 |
| 4.2. GENERAL MANAGEMENT | 3 |
| 4.3. OFFENSE PREVENTION OFFICER (EPD)..... | 4 |
| 4.4. OFFENSE PREVENTION MODEL SUPPORT AREAS | 6 |
| 4.5. OBLIGATIONS OF ALL EMPLOYEES, CONSULTANTS AND THIRD PARTIES..... | 6 |
| 5. APPROVAL AND MODIFICATIONS | 6 |
| 6. VALIDITY | 6 |
| 7. DISCLOSURE MECHANISMS..... | 6 |
| ANNEX | 7 |

1. Aim

The aim of this document is to establish the guidelines underpinning the adoption, implementation and operation of the Offense Prevention Model of AntarChile S.A., pursuant to what is set forth in Law N°20.393 on the Criminal Liability of Corporations. The offenses included in Law N°20.393 are defined in the annex that is part of this policy.

2. Scope

The scope of this Policy and the Offense Prevention Model (OPM) only applies to AntarChile S.A.

The scope of the Offense Prevention Policy and the related Offense Prevention Model is corporate, i.e., it includes directors, senior officers, representatives, employees, contractors and consultants of AntarChile S.A.

3. Principles and Guidelines of the Prevention Model

- 3.1 AntarChile S.A. will continue to permanently strive to maintain a suitable organizational, management and supervision model for the prevention of those offenses set forth in Law N°20.393 on the Criminal Liability of Corporations, called the “Offense Prevention Model” of AntarChile S.A., by means of which it shall promote the prevention of the offenses mentioned in article one of such law. These offenses are outlined in section N°5 of this document.
- 3.2 A professional who has the title of Offense Prevention Officer shall be in charge of the application and control of the regulations established in the Offense Prevention Model of AntarChile S.A.
- 3.3 The Offense Prevention Officer is appointed by the board of directors of AntarChile S.A., with a duration of up to three years in his duties, and his position may be extended for periods of equal duration.
- 3.4 The board, management and the Offense Prevention Officer of AntarChile S.A. shall be jointly accountable for adopting, implementing, managing, updating and overseeing the Offense Prevention Model.
- 3.5 The board shall provide the Offense Prevention Officer with the means and powers to undertake his functions and activities, which include the resources and means to perform his work appropriately.
- 3.6 The Offense Prevention Officer shall have access to information concerning his area of action in AntarChile S.A., he shall have direct access to the company management, and shall have a duty of informing the board on the management of the Offense Prevention Model at least twice a year and/or when circumstances so warrant.

- 3.7 The Code of Ethics of AntarChile S.A. sets out the ethical standards for the development of commercial and operational activities, fostering an environment of transparency and fair competition by means of the values and principles established by the organization.
- 3.8 The Offense Prevention Officer shall disseminate and inform the entire organization of the Offense Prevention Model, the roles and responsibilities arising from this and the penalties for non-compliance.
- 3.9 AntarChile S.A. shall make sure there is compliance with all the applicable laws, regulations and procedures regarding the offenses indicated in Law N°20.393.
- 3.10 The Offense Prevention Model shall be updated when there are material changes in the business conditions or in Law N°20.393, for which the Offense Prevention Officer shall be accountable.
- 3.11 The Offense Prevention Model may be certified when the company deems fit, pursuant to what is laid down in article 4, number 4, letter b, of Law N°20.393.

4. Roles and Responsibilities

4.1. Board of Directors

- Approve the offense prevention policy.
- Appoint the Offense Prevention Officer and/or remove him from his position, pursuant to what is laid down in Law N°20.393. The board of AntarChile S.A. may confirm and extend such appointment every three years.
- Provide the means and resources needed so the Offense Prevention Officer can fulfill his roles and responsibilities.
- Safeguard the correct implementation and effective operation of the Offense Prevention Model.
- At least every six months, receive and assess the management and operation reports of the Offense Prevention Model generated by the Offense Prevention Officer.
- Receive each year the administrative management report drawn up by the Offense Prevention Officer and approve the planning for the next period.

4.2. General Management

- Approve the offense prevention procedure.

- Support the Offense Prevention Officer, assuring his unrestricted access to information and people, and regarding the coordination of the activities inherent to the Offense Prevention Model in those areas required.
- Help to disseminate the Offense Prevention Model throughout the organization, generating the necessary dissemination and commitment proceedings to attain effective communication of the policies and procedures.
- Inform the Offense Prevention Officer of any situation observed regarding breach of Law N°20.393 and regarding the Offense Prevention Model.

4.3. Offense Prevention Officer (EPD)

- Carry out the role in accordance with the powers defined for the position by the board of AntarChile S.A., as set forth in Law N°20.393.
- Determine, jointly with the management of AntarChile S.A., the means and resources needed to be able to fulfill his role and responsibilities.
- Train the employees of AntarChile S.A. on issues covered by the scope of Law N°20.393.
- Safeguard the correct establishment and operation of the Offense Prevention Model developed and put in place by AntarChile S.A.
- Report to the Ethics Committee when the circumstances so warrant.
- At least half yearly and/or when needed, report to the board of AntarChile S.A.
- Establish and comply with the Offense Prevention Model policy and procedures, and suggest, draw up and implement any other policy and/or procedure he deems necessary to complement the current Offense Prevention Model.
- Make sure the company's internal processes and activities have effective offense risk prevention controls and keep a log of compliance with and execution of these controls.
- Permanently assess the efficiency and validity of the Offense Prevention Model adopted and its compliance with other laws and regulations, informing the board of directors of the need and advisability of its modification.

- Find out about and analyze any unusual or suspicious operation reported, raising the case in the Ethics Committee and/or board, if applicable, as indicated in the current whistleblowing procedure.
- For those cases for which he deems it necessary to exercise his functions, request all the information and contracts that AntarChile S.A. enters into, especially with state-owned companies, and generally all the public services created by law; companies, public or private firms in which the State or its centralized or decentralized companies or institutions have majority capital investment or representation or participation in the same proportion or conditions to safeguard compliance with Law N°20.393, the regularity of these operations, and eventually enforce the liabilities when he confirms a breach of this law or any of the offenses he is trying to prevent have been committed.
- Document and keep evidence of offense prevention activities.
- Widely collaborate in the Offense Prevention Model certification process.
- Follow up on the recommendations or instructions which arise from the certification process or regulatory bodies.
- Make sure the offense prevention policy and procedure is updated in accordance with regulatory changes and the business environment of AntarChile S.A.
- If applicable, participate in lawsuits, charges or legal proceedings that AntarChile S.A. decides to file in regard to the offenses laid down in Law N°20.393, and provide all the information he has or of which he is aware due to his job position.
- Undertake special tasks that the board of AntarChile S.A. entrusts him regarding matters of his responsibility.

The responsibilities and functions established above shall apply to the person designated as a replacement when, in the absence of the Offense Prevention Officer or any other circumstance that warrants it, he performs the duties of the Offense Prevention Officer. Such replacement shall be proposed by the Offense Prevention Officer and be appointed by the board of directors of AntarChile S.A.

4.4. Offense Prevention Model Support Areas

The following are the Offence Prevention Model support areas:

- Legal advisors
- Finance and administration management
- Ethics Committee
- Internal audit and risk

The controls that each support area is accountable for are outlined in the document "Offense Prevention Procedure."

4.5. Obligations of all Employees, Consultants and Third Parties

- Comply with what is set out in this policy, and in all the internal regulations related to the Offense Prevention Model of AntarChile S.A.
- Report, through defined channels, situations that might breach what is set forth herein.

5. Approval and Modifications

This document was approved by the company board of directors in a board meeting held on December 23, 2022. The board of directors empowers general management to update the Annex of this policy in accordance with the regulatory changes incorporated to Law N°20.393.

6. Validity

This document shall have indefinite duration as of the dates mentioned, unless the company board reaches a decision otherwise about it.

7. Disclosure Mechanisms

The full and updated text of this policy shall be kept available for interested parties on the company website (www.antarchile.cl).

ANNEX

Definitions

Code of Ethics: Guiding document for all employees, irrespective of their hierarchical position. It fosters conduct based on total rectitude and honesty in each one of their actions.

Sanction: Consequence or effect of committing an infringement by failing to comply with the Offense Prevention Model or any of its related controls.

Third Parties: Any person or company that facilitates or provides any kind of professional or support services to the company.

Offenses: The wrongful acts set forth in Law N°20.393 are:

- **Bribery of a national or foreign public official:**

Bribery shall be understood as offering, accepting to give or providing an economic benefit to a public employee to his or her benefit or that of a third party for them to undertake wrongful actions or omissions in the exercise of their functions. The mere fact of offering, accepting to give or providing an economic benefit to a public employee is also penalized, and not necessarily receiving consideration by such public employee.

(Definition according to the Criminal Code, articles 250 and 251 bis).

- **Money Laundering:**

Money laundering is considered to be any act to conceal or cover up the illegal origin of certain goods knowing they are directly or indirectly from the perpetration of acts constituting offenses, such as: the illegal trafficking of narcotics and psychotropic substances (drugs), terrorist acts, arms trafficking and organizations with criminal purposes (child prostitution, kidnapping, human trafficking, etc.).

Furthermore, money laundering is any act used to acquire, possess, have or use the mentioned goods with the intention of gaining a profit when on receiving them the recipient is aware of their illegal origin. In other words, money laundering is any act or omission whose aim is to hide or cover up the nature, location, origin, ownership or control of money or other goods obtained illegally.

This is a complex and dynamic process by means of which such money of illegal origin enters a company or the economy of a country under the guise of legality. (Article 27 of Law N°19.913).

- **Financing of terrorism:**

This offense is committed by any person, who by any means requests, receives or provides funding with the aim of it being used to commit any type of terrorist offense, like for example seizing or attacking a means of public transportation in service, attacking the Head of State and other civil, military, police or religious authorities, placing, sending, activating, throwing, detonating or firing bombs or explosive or incendiary devices of any kind, weapons or devices of large destructive power or

toxic, corrosive or infectious effects, associating with the aim of committing terrorist offenses, among others.
(Article 8 of Law N°18.314).

- **Receipt of stolen goods:**

This offense is committed by a person who, knowing their origin or not, has for any reason stolen or robbed goods or which are subject to cattle theft, transports, buys, sells, transforms or markets them in any way.

The offense is aggravated by the fact that the stolen goods are motor vehicles or items that are part of the supply networks of public or household utilities, such as electricity, gas, water, sewerage, rainwater collectors or telephony.

(Definition according to the Criminal Code, article 456 bis A).

- **Inappropriate business dealings:**

This is an offense that can be committed in companies by directors or managers when they are part of some business, act, contract, operation or arrangement directly or indirectly to gain some kind of personal benefit or for a related person.

(Definition according to the Criminal Code, article 240 N°7).

- **Corruption among private individuals:**

When the company needs a good or service:

Request or accept to receive an economic benefit or of another kind for oneself or a related person on behalf of a third party to favor or for having favored based on the person's functions the hiring of this supplier rather than another.

(Definition according to the Criminal Code, article 287 bis).

When the company offers a good or service:

Give, offer or accept to give an economic benefit or of another kind to an official or employee of another company so that person favors or has favored the hiring of the company where he or she works rather than another company.

(Definition according to the Criminal Code, article 287 Ter).

- **Misappropriation:**

To appropriate money or chattels of another person or company, which are held by the company in which the person works and which must be returned.

(Definition according to the Criminal Code, article 470 N°1).

- **Improper management:**

To harm the company's equity for having abusively exercised the faculties of disposing of its equity, or executing or omitting any act manifestly contrary to the interest of the company's equity.

(Definition according to the Criminal Code, article 470 N°11).

- **Water contamination:**

This offense is committed when a person introduces or has introduced chemical, biological or physical contaminating agents into the sea, rivers, lakes or any other waterbody, which cause damage to the hydrobiological resources.
(Article 136 of the Fisheries Law).

- **Product closed season violation:**

This offense arises with the processing, transformation, transport, marketing and storage of hydrobiological resources in a closed season, along with the processing, marketing and storage of byproducts of these.
(Article 139 of the Fisheries Law).

- **Illegal extraction of resources from the seabed:**

This occurs when extractive activities are undertaken in management and harvesting areas of seabed (benthic) resources that are exclusive to non-industrial fishermen, without holding the corresponding rights.
(Article 139 bis of the Fisheries Law).

- **Illegal marketing, processing, elaboration or storage of collapsed or overexploited hydrobiological products:**

This concerns the offense of marketing, processing, elaborating or storing hydrobiological resources or their byproducts whose legal origin is not accredited, and which correspond to resources in a collapsed or overexploited status.
(Article 139 Ter of the Fisheries Law).

- **Fraudulent obtainment of unemployment insurance benefits:**

This offense arises if the complements, contributions and/or benefits of unemployment insurance funds are obtained fraudulently, which can be used by the company in mutual agreement with the workers themselves, or that such workers continue to work in the company for lower wages and offsetting the drop with the insurance.
(Article 14 of Law N°21.227).

- **Order workers to go to their workplace during a pandemic, knowing this is prohibited:**

This sanctions whoever knowingly orders workers to go to their workplace, when this is in quarantine or compulsory sanitary isolation decreed by the sanitary authority.

This is notwithstanding those companies authorized to operate by the authority that have special work, and their personnel may work in-person at their workplace and/or circulate to perform their functions.
(Article 318 Ter of Law N°21.240).

- **Possession or tenure of firearms by someone who is not duly authorized, or in a place that is not duly registered:**

This sanctions anyone who, authorized to carry a firearm according to the requirements of the Arms Control Law, carries it in place that is not authorized for this, or a person who carries a firearm without being duly authorized.

Besides all the special legal definitions included in the Arms Control Law, like for example, unauthorized imports, tampering with firearms, tenure of unauthorized explosive devices, among others.

(Articles 8, 9, 9 A, 9 B, 10, 10 A, 10 B, 11, 12, 13, 14, 14 A, 14 B, 14 C, 14 D, 14 E, 14 F, 15, 16, 17, 17 A, 17 B, 17 C of Arms Control Law N°17.798).

- **Trafficking of migrants for specific purposes:**

This sanctions whoever uses violence, deceit, coercion, abuse of power or other similar mechanism to get the consent of a person who has the authority over another person to lure, transfer, take in or receive people so they can in some way be used for sexual exploitation, forced labor, slavery, as a servant, or other similar practices. (Offense with no established penalties).

(Article 411 quater of the Criminal Code).

- **Attack on the integrity of a computer system:**

This offense is committed by anyone who hinders or prevents the normal total or partial operation of a computer system, by entering, transmitting, damaging, impairing, altering or deleting computer data.

(Article 1 of Law N°21.459).

- **Illegal access:**

This has three variants:

1. It penalizes mere access: This is committed when someone, without authorization or exceeding the authorization held and breaking technical barriers or technological security measures, gains access to a computer system.
2. This penalizes access with a specific intention: This article sanctions with a higher penalty a person who accesses a computer system with the intention of seizing or using the data obtained illegally.
3. This penalizes access plus the disclosure of the data obtained: It also envisages a kind of aggravating factor for whoever accesses and obtains the data (variant 2) and also discloses it (variant 3).

(Article 2 of Law N°21.459).

- **Illegal interception:**

This has two variants:

1. Interfering with data transmission: This offense is committed by anyone who using technical means wrongfully intercepts, interrupts or interferes with the non-public data transmission of a computer system or between two or more computer systems.
2. Data interception and capture: This is also committed by anyone who, without having the due authorization, using technical means captures data contained in computer systems by means of the electromagnetic emissions of them.

(Article 3 of Law N°21.459).

- **Attack on the integrity of computer data:**
This is committed by anyone who wrongfully alters, damages or deletes computer data.
(Article 4 of Law N°21.459).
- **Computer forgery:**
This offense is committed by anyone who wrongfully enters, alters, damages or deletes computer data with the intention of it being used as authentic or used to create documents.
(Article 5 of Law N°21.459).
- **Receipt of stolen computer data:**
Anyone who, knowing the origin or it being impossible not to know it, markets, transfers or stores, with the same purpose or other illegal purpose in any way whatsoever, computer data from the conduct set forth in articles 2, 3 and 5.
(Article 6 of Law N°21.459).
- **Computer fraud:**
This is committed by anyone who, causing harm to another person with the aim of obtaining an economic benefit personally or for a third party, manipulates a computer system by entering, altering, damaging or deleting computer data or by any interference with the operation of a computer system.
This article also sanctions as the perpetrator anyone who facilitates the means with which the offense is committed knowing it is illegal.
(Article 7 of Law N°21.459).
- **Abuse of devices:**
Any person who, to commit the offenses set forth in articles 1 to 4 of this law or the conduct laid down in article 7 of Law N°20.009 (fraudulent use of credit cards and economic transactions), delivers or obtains for their use, imports, discloses or in another way makes available one or more devices, computer programs, passwords, security or access codes or other similar data, mainly created or adapted to commit such offenses.
(Article 8 of Law N°21.459).
- **Timber theft:**
This is an offense that penalizes the extraction of timber and whoever has roundwood or logs without being able to justify having them, or whoever is found with timber on a third-party site without the consent of the owner.
It also sanctions whoever uses false documentation to transport or sell timber illegally, and binds whoever produces, sells, stores, deposits, maintains or stockpiles roundwood or logs to have the respective electronic waybills.
(Article 1 of Law N°21.488).
- Any offense that is added to or modifies Law N°20.393.