

FREQUENTLY ASKED QUESTIONS ABOUT THE CRIME PREVENTION MODEL OF SALMONES DE CHILE

This material has been prepared for a use and consultation guide on the Law N°20,393, and on the Crimes Prevention Model (MPD) of Salmones de Chile, which intends to answer or advise all those who present doubts about its scope and implementation.

1. WHAT IS LAW N°20,393?

Answer:

Law N°20,393 regulates the criminal liability of the legal person, that is to say, that the companies can respond criminally for any of the crimes indicated in the same law, and that are committed within the framework of its activity, by or with the intervention of any employee or third parties, provided that the perpetration of the fact is favored or facilitated by the lack of "effective implementation" of an adequate Crime Prevention Model by the company.

2. SINCE WHEN IS LAW N°20,393 OPERATIVE? DOES IT HAVE MODIFICATIONS?

Answer:

Law N°20,393 was published on December 2, of 2009, and its last modification was in August 2023 as a result of the publication of Law N°21,595 on economic crimes. This reform came into force in September 2024, introducing important changes in matters of criminal liability of company and expanding the catalog of applicable.

3. HOW TO BE EXEMPTED FROM CRIMINAL LIABILITY?

Answer:

The company can exempt itself from criminal liability by effectively implementing a Crime Prevention Model (MPD) that seriously and reasonably considers the following aspects:

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| Law N°20,393
(Art. 4°;1) | Identifies risky activities or processes that could generate criminal conduct. |
| Law No. 20,393
(Art. 4°;2) | <ul style="list-style-type: none"> a) Establish policies and procedures to prevent and detect criminal conduct; b) Consider the implementation and development of secure whistleblower channel; and c) Include internal sanctions to be communicated to all employees. |
| Law No. 20,393
(Art. 4°;3) | Assign one or more "responsible subjects" in the application of protocols (policies and procedures) with independence, power, supervision and access to management. |
| Law No. 20,393
(Art. 4°;4) | Periodic evaluations carried out by independent third parties, and to carry out mechanisms to improve and/or update the "Crime Prevention Model" (MPD) based on the results of the evaluations that have been carried out. |

4. WHAT IS THE "CRIME PREVENTION MODEL" (MPD)?

Answer:

The MPD is a preventive and monitoring system, composed of various control activities on the processes or areas, which are exposed to the risks of committing crimes outlined in Law No. 20,393.

5. WHY IS IT IMPORTANT TO IMPLEMENT A CRIME PREVENTION MODEL (MPD)?

Answer:

The "real and effective implementation" of the Crime Prevention Model (MPD), can exempt the company from criminal liability in cases involving any of the crimes provided for in Law N°20,393.





6. HOW MANY OFFENSES DOES LAW N°20.393 CURRENTLY CONTEMPLATE?

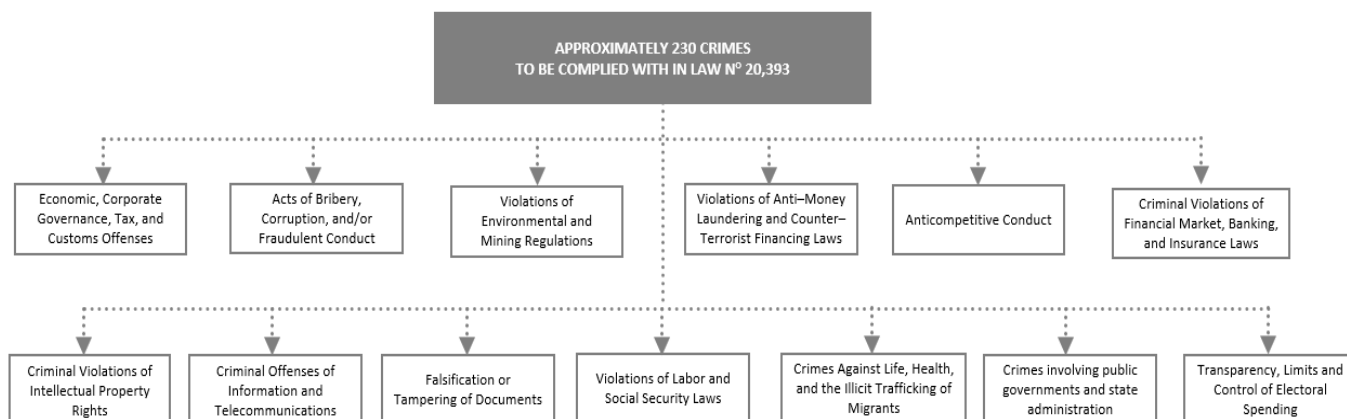
Answer:

As a result of the modification and product of the publication of Law N°21,595 or Economic Crimes Law, the catalog of crimes was expanded to cover approximately 230 crimes at present.

7. WHAT TYPES OF CRIMES DOES THE CRIME PREVENTION MODEL (MPD) SEEK TO PREVENT?

Answer:

As a result of the modification of Law N°21,595 or Economic Crimes Law, currently the 230 crimes contemplated for the Crime Prevention Model (Law N°20,393), are grouped as follows:



8. TO WHOM DOES LAW N°20,393 APPLY?

Answer:

Law N°20,393 applies to all legal persons under private law (private companies), and companies of the state or government of Chile, including non-profit corporations and foundations.

9. WHAT SANCTIONS ARE THE COMPANIES INVOLVED EXPOSED TO?

Answer:

The companies involved in the offenses are exposed to the application of the following sanctions:

- i. **Extinction of the Legal Entity (Closure and termination of the company).**
 - ii. Disqualification to enter contracts with the Government of Chile.
 - iii. Loss of tax benefits and prohibition to receive them.
 - iv. External supervision of the legal entity (company).
 - v. Fines.
 - vi. The commitment referred to in the third paragraph of article 14.
 - vii. Publication of an extract of the conviction.
- Law N°20,393 (Art. 8°)

10. WHAT SANCTIONS ARE THE PERSONS INVOLVED (EMPLOYEES OR THIRD PARTIES) EXPOSED TO?

Answer:

The people involved in the offenses contemplated in Law No. 20,393 are exposed to the application of the following sanctions:

- i. **Effective imprisonment for those involved (directors, executives, employees or third parties).**
- ii. Substitute jail for confinement in a place under the control of the Gendarmerie.
- iii. Lock-up at the convicted person's home (daytime or weekend), in accordance with certain criteria.
- iv. Partial confinement in special establishments for 56 hours per week.
- v. Fine imposed by a judge (the fine may increase according to the convicted person's assets).
- vi. Confiscation or seizure of the proceeds generated by the crime.

11. WHAT ROLE DO INTERNAL CONTROLS PLAY IN THE CRIME PREVENTION MODEL (MPD)?

Answer:

Internal controls are essential to prevent, detect and address the commission of crimes within the company, helping to mitigate risks, and promoting the culture of regulatory compliance, among others. **Controls are essential pillars of the MPD and their correct implementation.**

12. HOW OFTEN IS THE CRIME PREVENTION MODEL (MPD) UPDATED?

Answer:

Although Law N° 20,393 does not indicate the frequency with which the MPD must be updated, Salmones de Chile, defined the following periodicity to guarantee the effectiveness in the prevention of crimes:

- **Annual Evaluation:** Allows to adapt to changes in legislation, emerging risks and new practices.
- **Significant Changes:** If there are significant changes in the organizational structure, operations or risks.
- **Legislation and Regulations:** If there are changes in applicable laws or regulations.
- **Risk Evolution:** If new risks are identified or existing risks are modified.
- **Reports and Audits:** The results of audits, incident reports or control findings.
- **Relevant Events:** Following relevant events, such as internal or external investigations, sanctions or changes in senior management.

13. HOW CAN I RECEIVE INFORMATION ABOUT THE CRIME PREVENTION MODEL (CPM)?

Answer:

Within the activities of the Crime Prevention Model (MPD) are the trainings and training and/or dissemination in an effective and adequate manner the MPD, which will be carried out through induction trainings to all new employees entering the company or those who have never received induction, every 12 months to employees in positions and/or areas exposed to high risks of realization of crimes, and additionally every 24 months for all employees in areas of lower risk.

14. WHO IS RESPONSIBLE FOR IMPLEMENTING AND SUPERVISING THE CRIME PREVENTION MODEL (MPD)?

Answer:

To complying with the provisions of the law (art. N°4 paragraph 3 of Law N°20,393) Salmones de Chile, has designated a person in charge of Crime Prevention (EPD), who will be responsible for implementing, coordinating and supervising the activities of the MPD of Law N°20,393.

15. WHAT ARE THE RESPONSIBILITIES OF THE PERSON IN CHARGE OF CRIME PREVENTION (MPD)?

Answer:

Among the responsibilities of the Crime Prevention Officer (EPD) are:

- Establish a Crime Prevention Model together with the Administration.
- To develop a Crime Prevention Plan for the risky activities to be monitored.
- Before changes in Salmones de Chile, review the risky processes to introduce the controls.
- Train employees on the Crime Prevention Model (MPD) and regulations.
- Develop programs and actions that encourage the reporting of any illegal activity.
- Review internal or external audits related to the Crime Prevention Model (MPD).
- Engage in risk processes to improve and reduce the occurrence of crime.
- Provide guidance to management and groups in general regarding compliance standards.
- Respond to inquiries and complaints from employees and/or third parties related to Salmones de Chile.
- Conduct investigations involving the violation of the Model's controls.
- Develop activities to improve the understanding of the Crime Prevention activities.
- Investigate and update all the topics of Crime Prevention established in the regulations.
- Report to the Board of Directors and/or Managers the progress in the implementation of the Model.
- General supervision of the Crime Prevention Model (MPD).



16. WHAT SHOULD I DO IF I SUSPECT ILLICIT OR CRIMINAL ACTIVITY?

Answer:

If you witness or suspect an illicit or criminal activity within Salmones de Chile, you must timely inform the Crime Prevention Officer (EPD) or through the whistleblower channel providing all possible information and evidence to make the investigation of the fact more efficient.

17. IS THERE A WHISTLEBLOWER CHANNEL?

Answer:

Yes, Salmones de Chile makes available to employees or third parties, a secure whistleblower channel which is:

- E-mail denuncias@salmonesdechile.com enabled exclusively as a whistleblower channel;
- Informing your manager or hierarchical superior, who must notify the Compliance Officer;
- Sending a letter to the Compliance Officer, at the address Amunátegui 178, 4th floor; or
- Verbally by making direct contact with the Compliance Officer.

18. CAN I MAKE A REPORT ANONYMOUSLY?

Answer:

The whistleblower can choose to remain anonymous or identify him/herself to be contacted if required. Whoever chooses to report anonymously must provide as much background information as possible to support the report, otherwise the investigation may be closed due to lack of background information.

For more information about the operation and efficient use of the whistleblower channel, please review the document "Frequently Asked Questions whistleblower channel " and/or " Whistleblower Channel Procedure of Salmones de Chile".

CONTACT US

If you have any questions about the use of the Crime Prevention Model (CPM) and the Whistleblower Channel Procedure or any other related document, please contact the Compliance Officer with your questions or write to the e-mail address Cumplimiento@grupoerrazuriz.cl