

A banner with a geometric design of overlapping triangles in shades of purple, green, and white. A dark green horizontal bar is centered across the middle, containing the text "LATAM COVID-19 TASK FORCE" in white, uppercase letters.

LATAM COVID-19 TASK FORCE

Actions Affecting Energy and Infrastructure Projects in Latin America [Update]

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AUTHORS

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The outbreak of COVID-19 is causing disruption across the world. Willkie has been endeavoring to provide our clients, colleagues and friends with current information, insights and analysis of the challenges and issues that companies are facing globally. As part of those efforts, we have asked our colleagues at law firms in Latin America to join us in creating a **LATAM COVID-19 Task Force** to help us provide current information, insights and analysis on a range of issues facing companies navigating this crisis in Latin America and Spain and to share their thoughts and views on it.

Introduction

The LATAM COVID-19 Task Force has assembled a series of questions addressing the following topics that we hope provide useful information about the countries included in this client alert:

- (a) actions taken by governments and private parties in the covered countries in response to the COVID-19 crisis which may, directly or indirectly, affect energy and infrastructure projects in those countries;
- (b) the status of markets in the covered countries which may be of particular relevance to energy and infrastructure projects; and
- (c) measures adopted by governments in the covered countries which may provide energy and infrastructure projects some relief or compensation for the adverse impacts of the COVID-19 crisis.

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The questions and responses from the members of the LATAM COVID-19 Task Force have been organized in accordance with the categories below. Both the questions and the responses can be accessed by scrolling down to the relevant section of the memo or by selecting the title of each category below.¹

- A. Government Measures and the Effect of the COVID-19 Crisis on Government Functions**
- B. Status of Markets and Current Market Problems**
- C. Force Majeure and Excused Non-Performance**
- D. Prospective Developments**
- E. Brief Observations of the Willkie Latin America Team**

Since we have asked the same questions about events and developments in multiple countries in the region, we hope that the collective feedback will provide some basis for comparison across the region and some insight into potentially developing trends in responses and actions.

Future Updates to this Client Alert

The LATAM COVID-19 Task Force plan to update the responses periodically to reflect the evolving situation. We also expect future updates to include contributions from LATAM COVID-19 Task Force members in Uruguay and other countries in Central America. You can access all of Willkie's COVID-19 publications at our [COVID-19 Resource Center](#).

Questions and Feedback

We look forward to having an active conversation with you and hearing about any concerns and questions you may have which you can direct to LATAMCovid19@willkie.com.



[Maria-Leticia Ossa Daza](#)



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¹ NOTE: The responses to these questions may include hyperlinks to certain websites that may be blocked by your company's network and may require that you access the link from a separate system.

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LATAM COVID-19 Task Force Members

The following law firms participated in this client alert of the LATAM COVID-19 Task Force:

| <u>Country</u> | <u>Law Firm</u> | <u>Point(s)-of-Contact</u> |
|---|---|--|
| Argentina | Marval O'Farrell Mairal | Hernán Slemenson , Pablo S. Cerejido |
| Brazil | Lefosse Advogados | Paloma Lima , Eduardo Carvalhaes , Felipe Boechem |
| Chile | Barros & Errázuriz | Francisco De la Barra Gili , Pablo Guerrero Valenzuela |
| Colombia | Brigard Urrutia | Jaime Robledo Vásquez , Sergio Michelsen Jaramillo |
| Costa Rica, El Salvador, Guatemala, Honduras | BLP Legal | Julio Castellanos |
| Ecuador | Pérez Bustamante & Ponce | Juan Manuel Marchán , Diego Pérez-Ordoñez , Gianella Gallegos-Santos , María Francisca Gallegos-Anda , Patricio Quevedo-Vergara |
| Mexico | Mijares, Angoitia, Cortés y Fuentes, S.C. | Martín Sánchez , Horacio M. De Uriarte , Patricio Trad Cepeda , Francisco Lascurain |
| Peru | Rebaza, Alcázar & De Las Casas | Felipe Boisset , Alberto Rebaza , Luis Miguel Elías , Ana María Sánchez |
| Spain | Pérez-Llorca | Ivan Delgado , Fausto Romero-Miura |
| Uruguay | Guyer & Regules | Nicolás Piaggio , Corina Bove , Cecilia Orlando |
| Venezuela | D'Empaire | Fulvio Italiani |

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LATIN AMERICAN ENERGY & INFRASTRUCTURE PROJECTS COVID-19 ACTIONS TRACKER

A. Government Measures and the Effect of the COVID-19 Crisis on Government Functions

1. Are you seeing government emergency decrees and other measures requiring the temporary suspension, delay or other disruption in the start or continuation of construction of energy and infrastructure projects or in the operation of existing projects?

| Country | Answer |
|-----------|--|
| Argentina | The Argentine Executive ordered a general lockdown, currently in place until April 26. Energy projects (including, oil, gas, electricity and energy infrastructure projects) were considered “essential”, and thus excluded from the general lockdown. |
| Brazil | No. We have seen general governmental measures that are affecting several businesses, including infrastructure projects (e.g. quarantine). However, we have not seen any measure targeting specifically energy and infrastructure projects. |
| Chile | No, there have been some measures approved but not directly related to energy and infrastructure projects. However, we are currently under a nationwide Constitutional Emergency State of Disaster where certain rights and liberties can be limited by local authorities (including mobility and business operations). As a result, there have been specific actions taken in different areas of the country, such as prohibitions on gatherings of more than 50 persons in the same place, limitations on transit through districts and having mandatory quarantines in certain areas, which have disrupted the normal operation or construction of energy and infrastructure projects. |
| Colombia | <p>Yes. On March 17, 2020, through Decree 417 of 2020, the Colombian President declared a 30-calendar day State of Emergency² throughout the national territory amid the COVID-19 crisis (the “Emergency Decree”). The implemented measures can delay the start of pending infrastructure and energy projects which are not yet operational and are not directly related to the continuous operation of the electric energy public utilities (new generation facilities and transmission lines). In addition, in the case of transportation infrastructure several government agencies have issued resolutions or other instructions suspending certain activities under the contracts those government agencies have signed and invited the contractor to negotiate the scope of the suspension. For further details, please refer to the following link: more information.</p> <p>However, seeking to promptly reactivate infrastructure projects, on April 15, 2020, the Colombian Government issued Decree 569 of 2020 stating, among other things, that: (i) the general rule is that any infrastructure for the provision of public transport services will remain operative (unless the Logistic and Transport Center orders its suspension) and (ii) civil works can continue to be performed during the term of the public health emergency declared by the Health Ministry, provided that the contracting entity verifies that such works are being performed in full compliance with the biosafety measures adopted by the Ministry of Health.</p> <p>In the case of electric energy projects, the Energy Vice Minister clarified through Circular 4009 of 2020 that the construction of electric energy projects was included within the exception of preventive mandatory self-isolation that was suspended until April 27 by Decree</p> |

² The State of Emergency is one of the three so-called “States of Exception” in Colombia (along with Internal Commotion and External War).

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| | 531 of 2020. Nevertheless, this exception applies only to cases in which the construction of such infrastructure is necessary for guaranteeing the integrity and the continuity of the provision of the electric energy public utility. Hence, the Circular opens strong doubts regarding the viability of continuing with the construction of all projects. |
| Costa Rica | No specific energy and/or infrastructure government emergency decrees have been adopted by the Costa Rican government. However, a disruption in the start, continuation and operation of construction of energy and infrastructure projects could be caused by the National Emergency Decree and further quarantine regulations. |
| Ecuador | Not yet, although certain operational and mobility restrictions have been approved, these limitations do not directly apply to the so-called strategic sectors, which include: energy, main infrastructures, electricity, water resources, telecommunications, mining, oil, and basic industries such as forest resources and the petrochemical industry. However, the general transit restrictions approved may indirectly impact the key energy and infrastructure projects in the coming weeks. |
| El Salvador | No specific energy and/or infrastructure government emergency decrees have been adopted by the Salvadoran government. However, a disruption in the start, continuation and operation of construction of energy and infrastructure projects could be caused by the National Emergency Decree and further quarantine regulations. |
| Guatemala | No. Government measures establish that the production, distribution and marketing of electric energy are essential and must not be disrupted. Infrastructure projects may continue. |
| Honduras | No specific energy and/or infrastructure government emergency decrees have been adopted by the Honduras government. However, a disruption in the start and continuation of construction of energy and infrastructure projects could be caused by the National Emergency Decree and further quarantine regulations. However, the National Emergency Decree 005-2020 and Decree 21-2020 indicate that energy operating companies can continue on their regular operation because they apply to an exception on the above-mentioned decrees. |
| Mexico | <p>Yes. On March 30, 2020, the Mexican General Health Council enacted a decree declaring a national health emergency and issued certain sanitary measures including, among others, the immediate suspension, from March 30 to April 30, 2020, of any “non-essential activities” in the public, private and social sectors. Further, on April 6, 2020, the Mexican Health Ministry issued a decree establishing technical guidelines for certain “essential” activities in accordance with the abovementioned decree. It is important to note that, although not formally issued through a decree, representatives of the Ministry of Health have announced that the sanitary measures will continue until May 30, 2020 in the areas most affected by the COVID-19 crisis.</p> <p>Within the description of “essential activities”, there is a list of sectors considered essential for the fundamental functioning of the economy as well as a list of activities whose suspension may have irreversible effects on the economy, among which there are some related to infrastructure and energy. If the activities to be carried out in connection with the energy or infrastructure projects (i) fall within the “essential activities” description, or (ii) fall within the description of activities whose suspension may have irreversible effects for the economy; such activities are permitted to continue.</p> <p>Also, activities related to the “conservation and maintenance of critical infrastructure that ensures the production and distribution of essential services” are permitted to continue.</p> |
| Peru | <p>Yes. Certain emergency decrees have been enacted in the last month. Please note, however, that the production and provision of energy is considered an essential activity since it is linked to a public utility and, therefore, the Peruvian government guarantees the generation, transmission and distribution of energy to all customers. For further information, please refer to the links below:</p> <ul style="list-style-type: none"> • Urgency Decrees <p>https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-estado-de-emergencia-nacional-po-decreto-supremo-n-044-2020-pcm-1864948-2/</p> |

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| | <p>https://busquedas.elperuano.pe/normaslegales/prorroga-del-estado-de-emergencia-nacional-declarado-mediant-decreto-supremo-no-051-2020-pcm-1865180-2/</p> <p>https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-prorroga-el-estado-de-emergencia-naciona-decreto-supremo-no-064-2020-pcm-1865482-3/</p> <ul style="list-style-type: none"> Ministry of Energy and Mining’s Resolution <p>https://cdn.www.gob.pe/uploads/document/file/569045/RVM_001-2020_VME.pdf</p> <p>https://cdn.www.gob.pe/uploads/document/file/593839/RM_N_111-2020-MINEM-DM.pdf</p> |
| Spain | There have already been measures imposing the temporary suspension of the business activities in general, except for the so-called essential activities. Within such essential activities we find, amongst others, energy activities. Consequently, the operation of existing projects is not currently suspended, but the construction works of energy and infrastructure projects were temporarily suspended as a consequence of such general interruption between March 30 and April 9. |
| Uruguay | All construction activity was suspended for two weeks, starting on March 24 until April 3. Moreover, on April 6, the construction sector started their ordinary holiday until April 10. As a consequence, on April 13, construction activities restarted in general. |
| Venezuela | <p>Yes. A decree declaring a state of emergency (the “State of Emergency Decree”) and a nationwide quarantine was ordered by the government, which has suspended most business activities, except for certain essential sectors.</p> <p>The list of essential sectors does not expressly include construction of energy and infrastructure projects and thus suspensions, delays or disruptions are likely to happen.</p> <p>The COVID-19 presidential commission announced that workers in the hydrocarbon, gas and petrochemical industries were not subject to the quarantine, and we understand that those industries are operating.</p> |

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2. If you are seeing such disruptions, is there a regime in place for obtaining permission to operate and move employees, equipment and goods?

| Country | Answer |
|--------------------|--|
| Argentina | Yes, there is a specific certificate for employees that carry out “essential” activities. |
| Brazil | Not yet. However, this is under discussion and initiatives may be issued in the coming weeks. |
| Chile | Yes. There are several mechanisms to obtain temporary permissions to operate and move employees, equipment and goods. Additionally, there are certain special considerations being taken in order to maintain essential basic services in place for the population, such as energy services. Furthermore, generation, transmission and distribution companies are obliged to maintain continuity of service, under penalty to be determined by the SEC (Electric and Fuel Agency). |
| Colombia | Certain events are exempt from the otherwise mandatory preventive isolation but there is no regime to obtain permits or approvals in that regard. Therefore, police may verify the compliance with exemptions on a case-by-case basis. However, note that employees of public utilities only need to bring a justification for their exempt activities. No further government permission is needed. |
| Costa Rica | Yes. Such permission can be obtained in order to operate and move employees, equipment and goods. |
| Ecuador | We have not seen any disruption so far. |
| El Salvador | Due to emergency regulations a total household quarantine for the entire country is currently in force through at least April 28, in which only production and distribution of necessary and essential food and goods and specified public employees are permitted. Therefore, obtaining any permission and the operation and movements of employees for the start, continuation or operation of construction of energy and infrastructure projects is not currently possible. |
| Guatemala | Permits to mobilize employees are processed by the Ministry of Economy. This is the only permit that deals with the management of employees, equipment and goods. |
| Honduras | As mentioned above, energy operating companies can continue on their regular operation as they are an exception to those mentioned on the above-mentioned decrees. Special permissions can be obtained in order to operate and move employees, equipment and goods. |
| Mexico | No. |

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| <p>Peru</p> | <p>Yes. The Peruvian government issued a list of companies allowed to continue operations. Such companies and their employees have to obtain a special permit to move personnel, equipment and goods. For further information, please refer to the links below:</p> <ul style="list-style-type: none"> • Proceeding to obtain special permits to operate and to move employees: https://www.gob.pe/institucion/mindef/noticias/111627-el-1-de-abril-entra-en-vigencia-nuevo-pase-laboral-para-trabajadores-esenciales-que-deban-movilizarse https://www.gob.pe/paselaboral/request_new https://www.gob.pe/institucion/minem/informes-publicaciones/462266-listado-de-empresas-electricas-a-que-hace-referencia-el-articulo-7-de-la-rvm-n-001-2020-minem-vme • Ministry of Energy and Mining’s Resolution https://busquedas.elperuano.pe/normaslegales/aprueban-el-protocolo-para-la-implementacion-de-medidas-de-resolucion-ministerial-n-111-2020-minemdm-1865552-1/ • RAD Blog relating to labor measures adopted by the Peruvian government: http://rebaza-alcazar.com/blog/alerta-laboral-du-covid-19/ https://rebaza-alcazar.com/blog/alerta-laboral-publican-protocolo-para-transitar-durante-el-periodo-de-aislamiento-social-obligatorio/ |
| <p>Spain</p> | <p>In general, between March 30 and April 9, the operation of projects and movement of employees, equipment and goods was not allowed due to temporary restrictions to mobility. However, all essential activities, like energy activities, were still permitted, including the operation of energy projects and movement of the relevant employees, goods and equipment. As of April 9, the movement of employees, equipment and goods is generally permitted, subject to certain restrictions.</p> |
| <p>Uruguay</p> | <p>Re-commencing of activities in the construction sector came with a set of safety rules that all employers must implement to guarantee the safety of their employees. These rules, to which employers and employees are still adapting, eventually could create some distortions in the working environment, which may in the long run have consequences for the projects’ operations (less productivity), for example, in the case of a worker with COVID-19 symptoms (or with the virus), certain measures adopted by the national sanitary authority must be met (for instance, excluding workers who were in contact with an infected person and requiring the building to temporarily close). All these measures have just been imposed and it is still too early to evaluate whether they will have a negative impact upon construction/operation activities.</p> |
| <p>Venezuela</p> | <p>Under the State of Emergency Decree, activities of employees, goods, and equipment related to essential activities remain allowed. There is no regime in place for obtaining special permissions, but certain state and municipal authorities have issued local laws providing certain rules on the matter.</p> |

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3. Have national, regional and local governments adopted measures or responses to protect or assist energy and infrastructure projects either in operation or under construction? For example: (a) Has there been any exemption or relief from regulatory or legal requirements or restrictions applying to projects (e.g., general permitting requirements or environmental, health and safety requirements)? (b) Has any tax relief been proposed either in terms of tax filing and reporting or tax payments?

| Country | Answer |
|-------------------|--|
| Argentina | (a) Not yet. (b) Not specifically with respect to energy or infrastructure projects. |
| Brazil | (a) Yes. From an environmental standpoint, many authorities have suspended procedural deadlines (e.g., to present evidence of compliance with certain environmental obligations (see item 4.c). (b) No. There have been some initiatives in connection with the relief of tax filing, reporting and payment obligations, but none of them specifically target the energy and infrastructure sector. The federal government and the Brazilian power regulator have recently approved the following measures: (i) a discount of 100% on consumption up to 220 kWh/m, which will be funded with resources from existing sectorial accounts and additional resources from the federal government; and (ii) the anticipated transfer of resources allocated in existing reserves to power distributors and other market players. |
| Chile | (a) No. (b) Not directly. However, the Stamp Tax rates have been temporarily reduced to 0% with respect to the taxes accrued until September 30, 2020. This benefit applies to financing and refinancing of infrastructure and energy projects during this period. |
| Colombia | (a) Yes. Regulations have been enacted providing for, among others, the suspension of toll collection, environmental time restriction for the operation of airstrips, and special authorizations to operate cargo for supply of first necessity goods in private and public service ports. In the case of the electric energy industry, environmental regulations and provisions issued during this state of emergency have been designed to postpone administrative and judicial deadlines and to inform the public how to submit requests via the internet, among others. None have exempted or provide relief for environmental licensing applications. (b) Yes. Both at the national and municipal/district level. For further details relating to local level, please refer to the following link: more information |
| Costa Rica | (a) No. (b) Yes. Regulations providing tax filing, reporting and payments relief have been adopted. |
| Ecuador | (a) No. (b) No. However, certain tax relief measures have been proposed for specific taxpayers/sectors, including, among others, airline operators. On the other hand, a system that requires certain taxpayers to carry out monthly self-withholding at source on taxable income earned in each month has been implemented. This is applicable to, among others, companies that have the following types of contracts in place with the state: |

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| | <ul style="list-style-type: none"> All contracts for exploration and exploitation of hydrocarbons; and contracts for complementary oil services; and crude oil transportation companies. |
| El Salvador | (a) No. (b) Yes. The ES Legislative Assembly approved the extension of the payment of the Income Tax for the fiscal year 2019, to all taxpayers who provide the service of generation, transmission, distribution and commercialization of electric energy, and to telecommunications services, for a maximum of eight monthly installments, with the prior authorization of the General Treasury Directorate. |
| Guatemala | (a) No. (b) No. |
| Honduras | (a) No. (b) Yes. Regulations that provide tax filing, reporting and payment relief have been adopted. |
| Mexico | <p>(a) Yes. Several federal governmental authorities have adopted measures whereby the suspension of terms and deadlines has been ordered in connection with acts and proceedings carried out before such governmental authorities, including the Energy Regulatory Commission (CRE), the Ministry of Energy (SENER), the Ministry of Environment and Natural Resources (SEMARNAT), the National Center of Energy Control (CENACE), the Federal Antitrust Commission (COFECE) and the Federal Institute of Communications (IFT) . Please see below links to the corresponding client alerts prepared by our Firm: CRE and SENER:</p> <p>http://www.macf.com.mx/wp-content/uploads/2020/04/ClientAlert_energy0804_inglesPDF.pdf</p> <p>http://www.macf.com.mx/en/covid-19/#tab-id-6</p> <p>SEMARNAT:</p> <p>http://www.macf.com.mx/en/covid-19/#tab-id-9</p> <p>COFECE AND IFT:</p> <p>http://www.macf.com.mx/wp-content/uploads/2020/04/ClientAlert_Antitrust0604_InglésPDF.pdf</p> <p>http://www.macf.com.mx/en/covid-19/#tab-id-3</p> <p>CENACE:</p> <p>http://www.macf.com.mx/wp-content/uploads/2020/04/ClientAlert_energy0804_inglésPDF.pdf</p> <p>(b) As of today, no tax relief has been proposed.</p> |
| Peru | <p>(a) No. (b) No. Extensions have been granted only for taxpayers with an income of less than US\$6.5 million. However, it is expected that the Peruvian government will enact new regulations and amendments to the current tax regime, in order to help companies to overcome the COVID-19 crisis. For further information relating to tax matters, please refer to the links below:</p> <ul style="list-style-type: none"> RAD Blog relating to special tax measures adopted by the Peruvian government: http://mail.rebaza-alcazar.com.pe/uploadimages/files/BOLET%C3%8DN%20TRIBUTARIO_DJ.pdf |

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| | <p>http://rebaza-alcazar.com/blog/alerta-tributaria-modifican-cronograma-de-vencimientos-para-la-declaracion-jurada-anual-del-impuesto-la-renta-y-del-impuesto-las-transacciones-financieras-2/</p> <p>http://rebaza-alcazar.com/blog/alerta-tributaria-vencimientos-de-declaraciones-tributarias-y-plazos-de-atraso-aplicables-libros-contables/</p> <p>http://rebaza-alcazar.com/blog/alerta-tributaria-vencimientos-de-declaraciones-tributarias-y-plazos-de-atraso-aplicables-libros-contables/</p> <p>http://rebaza-alcazar.com/blog/alerta-tributaria-se-adoptan-medidas-para-otorgar-liquidez-y-facilidades-deudores-tributarios-ante-la-declaratoria-de-emergencia-nacional/</p> <p>http://mail.rebaza-alcazar.com.pe/uploadimages/files/BOLETIN_23_3_20%20%281%29.pdf</p> |
| Spain | <p>(a) No. (b) No general tax relief has been granted in relation to national taxes – which account for the biggest part of tax expenses – but some regional and local authorities have passed some amendments allowing for the general postponement of certain tax filings. However, taxpayers with a turnover below €600,000 in 2019 who are not part of a CIT or VAT consolidation group may defer filing tax returns relating to national taxes that were originally due between April 15 and May 20, 2020 until May 20, 2020. This includes interim payments on account of CIT, withholdings of Q1 2020 and VAT of Q1 2020. In light of the threshold, we believe this measure will have very limited applicability.</p> |
| Uruguay | <p>(a) No. With regards to health and safety requirements, companies have not been exempted from their compliance. Furthermore, companies must now comply with regulations related to preventing the spreading of COVID-19, including detailed communications to workers with the description of the symptoms, characteristics and risks of the disease, and ways to avoid the infection; providing hygienic supplies such as alcohol, soap, and others; ensuring that the working place has adequate working conditions; visible warning and reminder signs must be placed; organizing the workplace to ensure a minimum distance between workers; and a plan of action must be determined in the case of a worker getting infected. Also, and particularly in the construction industry, we included other measures in answer 2.</p> <p>(b) Yes, with regards to tax payments, the General Tax Office (“Dirección General Impositiva”), the tax authority in Uruguay, issued a resolution in which the due dates of tax payments were extended, from March 23, until March 27. More recently, the General Tax Office issued a resolution referring to the audit report that must be submitted jointly with the affidavits of certain taxes, determining that the period for their submission is extended until May 22nd.</p> <p>Moreover, a special payment and financing regime was established for corporate taxpayers (“IRAE”) with business activity whose annual income does not exceed 305,000 Indexed Units (which sums up to a total of UYU 1,372,896.5 – approx. USD \$31,716.019). The special regime allows them to make February and March 2020 payments of corporate tax and Value Added Tax (“IVA”), in six equal and consecutive payments, beginning in May 2020.</p> <p>Currently, a new law determines benefits for mono taxpayers, sole proprietorships and personal companies with up to ten employees, for payments to the Social Security Bank (“BPS”): i) exemption of 40% of the amount corresponding to the personal and employer contributions included in the Industry and Commerce regime corresponding to the actual or <i>de facto</i> contribution of the owners of sole proprietorships and partners of personal companies, provided that said entities have not had more than ten dependent employees in the month of March 2020. For this purpose, all employees must be considered, including those covered by the subsidies provided by the Social Security Bank and the State Insurance Bank; ii) exemption of 40% of the unified single-tax tax benefit; iii) exemption of 40% of the MIDES Social Monotax tax benefit; iv) the remaining 60% of the aforementioned contributions for the subjects included in the exemptions, will be paid in 6 consecutive installments starting in June of this year. The benefits provided will be applicable to the taxes accrued between March 1 and April 30, 2020.</p> <p>With regards to tax filing and reporting, in relation to the Personal Income Tax (“IRPF”), which taxes the activity and incomes of natural persons, the General Tax Office has issued a Resolution on March 30 in which it determined that, within a period of 60</p> |

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| | <p>days, an alternative digital mechanism can be used for the submission of affidavits (which are required for the payment of this tax). Thus it is allowed to submit a digital document containing a scanned version of the affidavit.</p> <p>Additionally, Uruguay has recently implemented electronic invoices. In this context, a registration of Authorized Suppliers ("Registro de Proveedores Habilitados") and of electronic invoices is required, and they must fulfill certain requirements. The General Tax Office has extended the deadline for the fulfillment of those requirements, until June 1, 2020.</p> |
| Venezuela | <p>(a) No. (b) There has been no relief for national tax filing or reporting, except for customs duties and VAT exemptions for the import of certain goods. Certain municipalities have granted municipal tax extensions.</p> |

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4. Are you seeing an impact on key government functions that will delay projects or measures affecting projects? For example: (a) Reduced functions or operations of key government agencies or regulators of energy markets or infrastructure projects (e.g., ministries, systems operators, regulators, etc.)? (b) Delays in allowing importation of equipment? (c) Delays in permitting/regulatory actions/approval of environmental impact assessments? (d) Delays in tenders/auctions by government?

| Country | Answer |
|------------------|--|
| Argentina | (a) Yes. Most of the key government agencies and regulators are not open to the public and have reduced their functions or operations. (b) Yes. Customs is detaching minimum personnel for import operations. Imports related to critical or essential activities are discretionarily prioritized. Essential activities are allowed to import but they may face delays with respect to more critical goods, such as medical equipment, drugs or sanitizer. (c) Yes. (d) Yes, many ongoing tenders were suspended. |
| Brazil | (a) Yes. Due to the transition to remote work, some responses have been delayed. (b) Not yet. (c) Not yet. However, many environmental authorities have enacted regulations: (i) closing facilities or suspending customer contact; and (ii) suspending procedural deadlines. This might result in the piling up of work in the near future and result in response delays. (d) Yes, for example, the power generation bid rounds and two O&G bids rounds (17 th Concession Bid Round and 6 th PSA Bid Round) have been postponed indefinitely. |
| Chile | (a) Yes, due to the transition to remote work, some responses have been delayed, also most of the agencies have ordered the suspension of the terms associated to procedures before them. For example, the Environmental Assessment Agency ("SEA") has ordered the suspension of all the administrative procedures currently pending before the SEA (including the environmental assessment of the projects, which is needed to start the construction and for obtaining other permits required for different stages of the construction phase). (b) Not yet. (c) Yes, as already explained in the response to question 4(a) above. (d) Yes, the National Commission of Energy has announced that the tender of electric supply of regulated clients will be postponed until November instead of May 2020. The main reason for this change is the national crisis started in October 2019, but the delay was confirmed after the country began suffering the consequences of COVID-19. |
| Colombia | (a) Yes, several government entities have issued decrees to limit ordinary functions to activities necessary to overcome the emergency. For further details please refer to the following link: more information ³ . (b) Currently all import operations can be carried out normally. Furthermore, the Colombian government issued Decree 457 of 2020 which aims to guarantee the availability of transportation, storage and logistical services for imported or exported goods. (c) Delays are expected since environmental authorities, in some jurisdictions, suspended the processing of applications, while others announced the suspension of on-site home inspections, thus creating even longer delays. Please note that these delays are expected nationwide, but processing times may vary from one environmental authority to another. (d) Yes. There have been several addenda to the upcoming auctions of the Mining and Energy Planning Unit, for the high voltage line projects determining that the auction will take place on May 7 instead of March 24. At the moment of this response, there have not been other addenda changing the date of auctions related to the electric energy sector. |

³ See SSPD Resolution 20201000009965 of April 1st, 2020.

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| Costa Rica | (a) Yes. (b) Yes. (c) Yes. (d) Yes. |
| Ecuador | (a) Yes, since most public institutions are temporarily closed and employees are working from home, we are experiencing a decrease in the activity of key government agencies and regulators of energy markets and infrastructure projects. (b) No. (c) Yes, since in-person services to the general public by public institutions have been temporarily suspended and public employees are working from home, we are experiencing delays in permitting/regulatory actions/approval of EIAs. (d) Yes, since the activity of most of the public institutions has been temporarily limited or suspended, we expect delays in tenders/auctions by the government. |
| El Salvador | (a) Yes. (b) Yes. (c) Yes. (d) Yes. |
| Guatemala | (a) Yes. (b) Yes. (c) Yes. (d) Yes. |
| Honduras | (a) Yes. (b) Yes. (c) Yes. (d) Yes. |
| Mexico | (a) Yes. Please see response to question 3(a) above. (b) Yes. Many of our clients have received notices from their import contractors claiming force majeure due to the national health emergency. (c) Yes. Please see response to question 3(a) above. (d) Yes. |
| Peru | <p>(a) Yes. The following links contain some relevant official press releases issued by Peruvian regulators related to the suspension of administrative deadlines.</p> <ul style="list-style-type: none"> Official Press Releases: For March 13, 2020 press release, please click: here http://www.minem.gob.pe/minem/archivos/Comunicado_dia7.pdf https://www.gob.pe/institucion/oefa/noticias/109812-comunicado https://www.gob.pe/institucion/oefa/noticias/111474-medidas-relacionadas-al-aporte-por-regulacion-y-fraccionamientos-en-el-marco-del-estado-de-emergencia-por-el-covid-19 https://www.gob.pe/institucion/oefa/noticias/111560-comunicado OSINERGIM's Supervision Protocol during the National Emergency: https://www.osinergmin.gob.pe/seccion/centro_documental/PlantillaMarcoLegalBusqueda/Osinergmin-033-2020-OS-CD.pdf <p>(b) Yes. By virtue of the Urgency Decrees issued by the Peruvian government, cargo transport was not suspended; however, cargo companies have to comply with additional proceedings. Moreover, competent authorities are entitled to adopt the special measures relating to the entry to and exit from the country of goods.</p> <ul style="list-style-type: none"> Urgency Decrees https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-estado-de-emergencia-nacional-po-decreto-supremo-n-044-2020-pcm-1864948-2/ |

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| | <p>https://busquedas.elperuano.pe/normaslegales/prorroga-del-estado-de-emergencia-nacional-declarado-mediante-decreto-supremo-no-051-2020-pcm-1865180-2/</p> <p>https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-prorroga-el-estado-de-emergencia-nacional-decreto-supremo-no-064-2020-pcm-1865482-3/</p> <p>(c) Yes. Please refer to the links indicated in (a) above. (d) Yes. Please refer to the links indicated in (a) above.</p> |
| Spain | (a) Yes. (b) No. (c) Yes. (d) Yes. |
| Uruguay | <p>(a) Yes, all government agencies have reduced their operations, some have implemented mechanisms of teleworking, and most have reduced their hours of attention to the public. The teleworking and electronic mechanisms are being progressively installed, but significant delays have occurred. (b) No, there are just regular delays in the import of equipment. Though Uruguay has closed its borders, import of commercial goods is not included in such measures. (c) These are naturally experiencing delays, as the offices of the National Department of Environment are not working as they normally do, but instead measures of teleworking are being implemented. (d) There are delays in tenders or auctions by the Government.</p> <p>The State Agency of Acquisitions and Contracting (“Agencia Central de Compras y Contrataciones del Estado”) is placing its focus on the acquisition of crucial elements that will be helpful for the public health situation.</p> <p>For this, the Government can enter into contracts without making a competitive process, such as a tender. Instead, it can directly contract. This is allowed by the Regulations of Accountancy and Financial Administration, which state that when there are proven, unpredictable reasons of urgency, or when it is not possible to conduct the tender or public auction or its implementation would affect the service; and when there is a notorious shortage of such goods or services; the Government can circumvent the requirement of a tender process. This must be controlled by the Accounts Tribunal (“Tribunal de Cuentas”) which is an independent body that controls all the Government’s expenses, and also by the Ministry of Economy and Finances (“Ministerio de Economía y Finanzas), which has to certify the existence of the requirements, as well as the condition and price of the goods.</p> |
| Venezuela | (a) Yes. (b) Yes. Although ports are an essential sector under the State of Emergency Decree and they are operating normally, it is possible that suspensions of operations of other government agencies could have an impact on the import of equipment. (c) Yes. (d) Not that we are aware of. |

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5. Are there any proposed or existing capital controls or tariffs that could affect the flow of capital or goods required for debt service, repatriation of funds and/or construction of projects?

| Country | Answer |
|--------------------|---|
| Argentina | Yes, although foreign exchange restrictions existed before COVID-19. For more information, please refer to https://www.marval.com/publicacion/medidas-de-emergencia-para-la-transicion-13409&lang=en for a brief summary regarding the re-enactment of – foreign exchange restrictions in Argentina in September 2019 (please note that foreign exchange restrictions have been subsequently amended during the last semester). |
| Brazil | Not that we are aware of. |
| Chile | No. On the contrary, the government has imposed several tax benefits in order to promote and facilitate capital flows. Additionally, the Ministry of Public Works has publicly announced that it will promote public funding on infrastructure in order to reactivate the economy once the pandemic is over. |
| Colombia | No, foreign exchange transactions can proceed without restriction. The Colombian Central Bank has not adopted measures in relation to COVID-19 that tighten the foreign exchange regime. |
| Costa Rica | No. |
| Ecuador | No. |
| El Salvador | No. |
| Guatemala | No. |
| Honduras | No. However, since the passing of the National Decree in Honduras, only individuals are working from home. Additionally, ENEE (Buyer) is holding off on energy payment bills. |
| Mexico | Not that we are aware of at this moment. |
| Peru | No. |
| Spain | Yes. |

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| Uruguay | No. |
| Venezuela | No. However, given the current economic and political situation, there is a significant shortage of foreign currency which in practice makes it very difficult for private sector companies to repatriate funds or to purchase foreign currency to comply with debt service or contractors. |

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6. Are there steps being taken under bilateral or regional organizations, institutions or agreements that could help or hurt projects (e.g., Pacific Alliance (*Alianza del Pacifico*), CRIE/MER, bilateral agreements, etc.)?

| Country | Answer |
|-------------|--|
| Argentina | Not that we are aware of. |
| Brazil | Not that we are aware of. |
| Chile | No. Although, we are aware that the CEPAL has launched a COVID-19 observatory in order to present updated information on the policies adopted by each country in response to the current pandemic. |
| Colombia | Currently, we understand that there have only been discussions among organizations, institutions and agreements to which Colombia is a party. |
| Costa Rica | No. |
| Ecuador | No. |
| El Salvador | No. |
| Guatemala | No. |
| Honduras | No. |
| Mexico | Not that we are aware of at this moment. |
| Peru | No. |
| Spain | Not yet (at the European Union's level). |
| Uruguay | Within Mercosur (that includes as State Members: Uruguay, Argentina, Brazil, Paraguay and Venezuela), several virtual meetings were held by the presidents of each country, and certain measures were agreed upon. Most of these are related to the return of residents to their home country and the facilitation of transportation of basic supplies and supplies related to the |

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| | <p>prevention and treatment of COVID-19. However, the State Members have also summoned multilateral credit organizations, particularly the IDB, the CAF-Development Bank of Latin America and the FONPLATA, to conduct an assessment of the challenges that this situation creates and its consequences in the State Members.</p> <p>Also, multilateral organizations will extend credit lines to the Uruguayan Republic Bank (“Banco de la República Oriental del Uruguay, BROU”), to allow the Bank to grant financing in more flexible conditions to several businesses (lower interest rates and longer terms).</p> |
| Venezuela | Not that we are aware of. |

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7. Do you have any additional insights on the foregoing questions that you would like to highlight or share?

| Country | Answer |
|--------------------|--|
| Argentina | No additional comments. |
| Brazil | We do not have anything to add. |
| Chile | No additional comments. |
| Colombia | Not at this time. |
| Costa Rica | No additional comments. |
| Ecuador | Not for the moment. |
| El Salvador | No additional comments. |
| Guatemala | Government measures include national restrictions for the mobility of people and vehicles. However, these restrictions do not apply to essential services, among which is electrical energy. |
| Honduras | No additional comments. |
| Mexico | Not at this moment. |
| Peru | <p>Despite all the measures taken by the Peruvian government in order to temporarily suspend the development of infrastructure, as explained above, energy supply is considered an essential activity since it is linked to a public utility and, therefore, the Peruvian government is fully guarantying the generation, transmission and distribution of energy to all customers. Moreover, the Ministry of Energy and Mining has recently created a special committee to supervise the development of certain prioritized projects that are required to guaranty the distribution of energy to customers in rural areas.</p> <p>https://busquedas.elperuano.pe/normaslegales/crean-el-comite-de-seguimiento-de-inversiones-del-sector-ene-resolucion-ministerial-no-106-2020-minemdm-1865471-1/</p> |

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| Spain | We expect that the European Union will approve aids and measures in the coming days. |
| Uruguay | No. |
| Venezuela | No. |

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B. Status of Markets and Current Market Problems

1. Are markets (e.g., capital, electricity, etc.) functioning normally or are you seeing disruptions? For example: (a) Have any utilities, distribution companies, or other offtakers reduced their offtake and/or claimed force majeure to excuse their performance under supply contracts? (b) Are you seeing any supply disruptions or other market disruptions for power, natural gas or other fuels? (c) Are you seeing any reduction in demand for power or other energy or infrastructure services (e.g., retail or distribution level, wholesale power, etc.)? (d) Are there disruptions in capital markets, including the availability of financing, failure to honor commitments, etc.?

| Country | Answer |
|------------------|---|
| Argentina | (a) Yes. Certain renewable developers claimed force majeure and requested the postponement of their committed Commercial Operation Dates based on the impact of COVID-19. (b) Yes. Particularly due to the low oil prices and the steep decrease for gasoline demand, oil producers are requesting a subsidy from the Argentine government to support E&P activities. (c) Yes. For example, according to a recent report issued by CAMMESA (National Grid administrator), the demand for power by industrial users was reduced by almost 50% during March. (d) Yes. But due to Argentine preexisting macroeconomic conditions, financing for energy and infrastructure projects was limited even before the outbreak of COVID-19. |
| Brazil | (a) Yes. In the natural gas sector, demand was significantly reduced, and Petrobras offered not to charge ‘take or pay’ penalties from Local Distribution Companies (we are not aware of force majeure claims from Local Distribution Companies.) (b) No. (c) Yes. Demand for fuels and energy has been reduced significantly. Other infrastructure sectors are also facing significant reduction in demand (e.g., airports and railroads). (d) Yes. In particular, several IPOs scheduled for 2020 have been postponed. |
| Chile | No. Consumption has dropped significantly and there is concern regarding the imports of fuels (coal, natural gas and diesel), since Chile imports all its fuel requirements. (a) Not yet, but the government is negotiating with distribution companies to allow persons in the bottom 40% of income groups in the country to delay payment of their bills without service interruption and there is market noise that said distribution companies will claim force majeure to excuse their performance under power purchase agreements (PPAs). (b) Yes, for fuels, as explained in Section 1(a) above. (c) Yes, electricity demand fell 6% in March (when first cases of COVID-19 were reported in Chile), the main reason for this is the closure of shopping malls and certain factories, along with the decrease in production by other large market players. Demand for power could fall further if more companies decide to stop or reduce their operations in April, also it is important to mention the decision of the Ministry of Energy, with respect to the “overcharge of the energy in winter,” which will not be applied this year (during the months of April till September). (d) Not yet. |
| Colombia | (a) In both the fuel gas and electric energy sectors, wholesale offtakers are starting to argue that, due to the occurrence of a force majeure event, they are not obliged to comply with the duties of their supply agreements. On the other hand, it might be possible for National Transmission and Regional Transmission projects’ awardees to claim the occurrence of a such an event in order to request the extension of the Commercial Operation Dates of their projects before the Ministry of Mines and Energy and pursuant |

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| | <p>to the regulation applicable to those bids⁴. (b) Not at this moment. (c) XM, which is the Manager of the Electric Energy Commercial Exchange System, informed the general demand for electricity has been reduced by 13% in the past two weeks in comparison to the week of March 9⁵. (d) (i) Disruptions in capital markets: During the first days of the COVID-19 contingency, and in correlation with the fall and suspension of trading in the NYSE, the Colombian Stock Exchange (<i>Bolsa de Valores de Colombia</i> or BVC) suspended trading, and the COLCAP fell significantly. No further market disruptions have occurred after such events that took place on March 9 and 16, 2020. Towards the end of March, the COLCAP recovered notably, and by the end of the month, COLCAP's drop during March was estimated to be 26.8%.</p> <p>Furthermore, the BVC has implemented and reported to be fully functional through remote operation.</p> <p>Notwithstanding the above, there is evidence that capital markets are less liquid, and the conditions to obtain financing through capital markets are less advantageous.</p> <p>(ii) Failure to honor commitments: Because of market conditions described above, we have seen evidence of failures in the capital markets. From a purely legal perspective, counterparties are discussing the possibility of arguing force majeure in these events of lack of compliance.</p> <p>However, circumstances which affect the normal development of business but that do not make it impossible for the parties to comply with their commitments may not be argued as force majeure and could be deemed to be an event of default under the respective agreements.</p> |
| Costa Rica | (a) No. (b) No. (c) The Costa Rica Electricity Institute ("ICE") has reported a reduction in demand for power. (d) No. |
| Ecuador | (a) No. (b) No. (c) No. (d) No. |
| El Salvador | (a) No. (b) No. (c) Not recorded. (d) No. |
| Guatemala | (a) No. (b) No. (c) The National Electric Energy Commission has reported a reduction in energy demand. (d) No. |
| Honduras | (a) No. (b) No. (c) Empresa Energía Honduras (EEH) has reported a reduction in demand for power. (d) No. |
| Mexico | (a) Not that we are aware of at this moment. However, clients have been reaching out, requesting analysis and the interpretation of force majeure clauses in connection with permits and contracts relating to their energy and infrastructure projects. (b) Not that we are aware of at this moment. (c) No. However, we are aware of a decrease in demand for gasoline due to the national health emergency measures being implemented. (d) No. However we are aware that it is becoming more challenging for borrowers to satisfy the conditions precedent for the disbursement of their loans under their financing arrangements, especially such borrowers that are required to carry out registrations before the relevant public property registries throughout Mexico. |
| Peru | (a) No. The Peruvian government has prioritized activities relating to public utilities and, therefore, all the companies involved in the provision and supply of public services (such as energy) are ordinarily performing their activities. (b) No. (c) No, in connection with power for regular customers consumption. However, the energy demand has been negatively impacted as |

⁴ See article 4 of CREG Resolution 22 of 2001, and article 25 of CREG Resolution 24 of 2013.

⁵ See <https://www.xm.com.co/Paginas/detalle-noticias.aspx?identificador=2533>

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| | <p>companies (i.e., medium and large consumers) have had to suspend their activities during quarantine. (d) Not yet, according to the public information available at the Peruvian Securities Market Regulator (SMV) web page relating to issuers in the public offer market. There are no available data regarding the private offer market, so we cannot accurately assess if there is any disruption in the private market.</p> |
| Spain | <p>(a) Not that we are aware of. (b) No. (c) Yes. We have seen a higher reduction in supplying natural gas than electricity. Particularly, the higher reduction is in respect of fuels. (d) Our view is that the loan market for energy projects remains active. Debt capital markets activity has shrunk, especially for sub-investment-grade issuers, but it has not been discontinued. In fact, larger investment-grade issuers have been able to issue, but generally with higher rates. Disclosure issues around risk factors and prospects of the issuer remain an area of particular attention and challenge.</p> |
| Uruguay | <p>(a) Not that we are aware of. (b) No. (c) No, though we anticipate that there has been a reduction in demand of power/energy since many companies have decreased their production. (d) Capital markets in Uruguay are very small and there are issuers that are anticipating difficulties in meeting their commitments. As a result of this, there are restructuring processes being launched. Moreover, in the following months the availability of obtaining financing will probably be somewhat jeopardized and we may see projects failing to honor their commitments.</p> |
| Venezuela | <p>(a) Most of the utilities are exclusively provided by state-owned companies, which had been rationing the services (water, electricity and gas supply) before the COVID-19 crisis, without claiming force majeure or any other clause in the supply contracts. The COVID-19 situation is significantly aggravating the rationing in many parts of the country. (b) The government has imposed severe gasoline rationing. This shortage is affecting even those activities that are considered as essential. (c) Yes. (d) The Caracas Stock Exchange and the National Superintendency of Securities are operating. Private companies have recently been authorized to issue debt securities.</p> |

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2. Are you seeing signs of financial distress or even insolvency proceedings with regards to key players in the energy and infrastructure sector? (a) Are you seeing any notices of reservation of rights notices or declarations of defaults under existing financings or commercial contracts? (b) Are you seeing news of cutbacks in capital expenditures that could affect new or continued investment in energy and infrastructure projects?

| Country | Answer |
|--------------------|--|
| Argentina | (a) Not yet, but many consultations are ongoing. In addition, judicial proceedings were suspended as part of the general lockdown. (b) Not yet. |
| Brazil | Yes. (a) Yes. However it is not a widespread situation at this stage. (b) Yes. |
| Chile | Not yet. (a) Not yet. (b) Not yet. |
| Colombia | There is currently no publicly available information regarding insolvency procedures as a consequence of the current crisis. (a) There have been isolated cases, particularly in the transport business, where companies are requiring waivers from their Lenders in order to pay future debt. If the Lenders do not agree to provide such waivers, transport companies would be obliged to incur in a default situation simply because all of their income depends on the transport of people who are currently self-isolating. (b) We do not know of any measure, and there is currently no publicly available information regarding this issue. |
| Costa Rica | (a) No. (b) No. |
| Ecuador | No. (a) Not for the moment. (b) No. |
| El Salvador | (a) No. (b) No. |
| Guatemala | (a) No. (b) No. |
| Honduras | (a) No. (b) No. |
| Mexico | Not yet. (a) Not yet. (b) Not yet. |
| Peru | Not yet. (a) Not yet. (b) Not yet. |

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| Spain | Yes, in general companies are getting ready for financial distress and potential insolvency proceedings. As from April 15, 2020, when certain restrictions were lifted, pre-insolvency and insolvency requests can be filed. We expect an increase in insolvency declarations. (a) Not yet. However, companies are raising questions on the termination of agreements due to COVID-19, but this is not generally easy to sustain under Spanish law. In any case, financial distress will possibly cause defaults and notices of reservation of rights. (b) Not yet. However, financial distress is likely to affect investments in energy and infrastructure sectors. |
| Uruguay | (a) No with respect to key energy and infrastructure players. Note, however, that Uruguayan Courts will not function until at least May, hence any insolvency proceeding that may have been requested or may be filed, will not be processed until then. (b) No. |
| Venezuela | There are signs of financial distress. However, players in the energy and infrastructure sectors will probably either seek consensual restructuring of their debt (if they desire to continue operations) or abandon the operations in Venezuela, as insolvency proceedings are very inadequate and rarely used by debtors or creditors to address insolvency issues. (a) Yes. (b) We have not seen news, but we understand that this is happening. |

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3. Are you seeing any insurance claims being filed (e.g., business interruption)? Are you seeing any tension or potential breakdown in the honoring of claims (e.g., reinsurance firms signaling an unwillingness to honor locally underwritten policies)?

| Country | Answer |
|--------------------|--|
| Argentina | Not that we are aware of. |
| Brazil | Not that we are aware of. |
| Chile | Not yet, but we expect insurance claims to be filed in the coming weeks/months. No. |
| Colombia | We are not aware of any insurance product within the Colombian market providing business interruption coverage due to pandemics. Consequently, no breakdowns between local insurers and reinsurers shall arise from this matter. |
| Costa Rica | We are aware of some insurance claims being filed (e.g., business interruption); however, no tension or potential breakdown in the honoring of claims has been reported. |
| Ecuador | Not for the moment. |
| El Salvador | At the moment, we are not aware of any. |
| Guatemala | No. |
| Honduras | We are aware of some insurance claims being filed (e.g., business interruption); however, no tension or potential breakdown in the honoring of claims has been reported. |
| Mexico | Not yet. |
| Peru | Not yet. |
| Spain | Clients are reviewing their insurance policies to check if their losses due to COVID-19 can be covered by insurance, but we are not seeing significant claims yet. No. |

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| Uruguay | Not at this moment. Moreover, please note that the reinsurance market in Uruguay is very limited and energy and infrastructure projects are reinsured with foreign reinsurers. |
| Venezuela | Not that we are aware of. |

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4. Do you have any additional insights on the foregoing questions that you would like to highlight or share?

| Country | Answer |
|--------------------|---|
| Argentina | The most pressing immediate issue is the situation of the oil and gas producers, among other matters, because of (i) the importance that royalties play in the economics of different provinces and (ii) the influence of oil and gas unions. |
| Brazil | We do not have anything to add. |
| Chile | No additional comments. |
| Colombia | Not currently. |
| Costa Rica | No additional comments. |
| Ecuador | Not for the moment. |
| El Salvador | No additional comments. |
| Guatemala | No additional comments. |
| Honduras | No additional comments. |
| Mexico | Not at this moment. |
| Peru | Not at this moment. |
| Spain | Not for the moment. |
| Uruguay | No. |

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| Venezuela | No. |
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C. Force Majeure and Excused Non-Performance

1. Are you anticipating force majeure claims to delay legal, regulatory and contractual milestones (e.g., deadlines/milestones for commencing commercial operation, delivering power, commencing construction, etc.)? For example: (a) Are there immediately applicable force majeure provisions under law that would excuse performance under contracts? (b) Are there standard provisions in existing agreements (e.g., power purchase agreements that were based on a published tender form)?

| Country | Answer |
|-----------|---|
| Argentina | (a) Yes. (b) Yes. |
| Brazil | Yes. (a) Yes. (b) Yes. |
| Chile | Yes. (a) Yes. Chilean law provides by default for a general force majeure provision that may excuse the relevant parties from their performance obligations under public and private contracts under certain circumstances. There have been several administrative rulings that have declared the situation created by COVID-19 qualifies as force majeure under Chilean law. Specifically, the General Concessions Direction has expressly recognized the COVID-19 as a force majeure situation; nevertheless its effect on public works concessions contracts and consulting services must be determined particularly for each case. (b) Yes. |
| Colombia | <p>Yes, we are expecting that several actors of the electric energy sector start claiming the occurrence of a force majeure event. The responses to the following questions provide an insight in this regard. (a) Yes, under Colombian law, force majeure is a legal default, applicable to all contract unless the parties agree otherwise. In broad terms – subject to various caveats and exceptions, applicable in specific circumstances – force majeure excuses non-performance (<i>i.e.</i>, the party who successfully claims a force majeure event is not liable to pay damages) but does not allow the affected party to terminate the contract. To the point, Colombian Law defines force majeure in article 64 of its Civil Code. This term has also been defined by means of judicial decisions. In general, force majeure has three elements: (i) it must be unpredictable, that is, it must not be possible to determine its occurrence in advance by employing an ordinary degree of diligence; (ii) its occurrence and its consequences must be unavoidable, that is, they must be impossible to avoid and overcome; and (iii) it must be unimputable, which means that it is not caused or the fault of the parties and specifically to the person alleging it.</p> <p>In any case, the application of force majeure in Colombia is by no means immediate or automatic. Its application shall be analyzed and agreed by the parties to a contract on a case-by-case basis. It is a common practice that agreements in the electric energy sector include procedures for their suspension or termination after the occurrence of such an event. If the parties do not reach an agreement regarding the occurrence, the duration, or the specific duties that cannot be performed after a <i>force majeure</i> event, they can concur to a judge, who will then be in charge of determining the impacts of such an event.</p> <p>Something similar occurs in the case of the construction of transmission lines, where the Ministry of Mines and Energy is in charge of declaring the occurrence and scope of force majeure events that could imply a change in the Commercial Operation Date of the projects.</p> |

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| | <p>(b) Yes, force majeure is included within Sections 1.01, and 16.03 of the Renewables' Auction PPA. In a nutshell, the procedure requires the party that wants to allege this event to notify the other party within the following 3 days of its occurrence. Such notification must include all necessary evidence, so as the estimated duration of the event. If the counterparty accepts all aspects of the notification, the duties related to the event will be suspended. If it does not agree, the controversy will be decided by a third party through a mechanism that is known as "<i>amigable composición</i>" – a third party who fills a gap in a contract on behalf of both parties.</p> <p>The acceptance of a force majeure event within this agreement will lead to the following consequences: (i) The term of the contract, so as the term of the guarantees, will be extended by a period equal to that of the duration of the force majeure event. (ii) If the event does not prevent the execution of all of the obligations of the PPA, the Parties shall agree whether it suspends the PPA, based on the severity of the suspended obligations. If the Parties are unable to agree on this, the matter shall be resolved through the mechanism of the "<i>amigable composición</i>". (iii) Pursuant to Section 17.01 of the PPA, if the PPA is suspended for a period longer than 180 days, the contract may be terminated early.</p> |
| Costa Rica | <p>(a) We anticipate potential force majeure claims to delay legal, regulatory and contractual milestones. Costa Rican law includes force majeure provisions that would excuse performance under contracts. (b) PPA based on an ICE's published tender form includes standard provisions to regulate force majeure events.</p> |
| Ecuador | <p>Yes. (a) Yes. In addition to any force majeure provisions that were included in existing agreements, the default rule under the Ecuadorian Civil Code (hereinafter ECC) is that force majeure exempts the debtor from responsibility (Art. 1574, ECC), unless otherwise agreed upon (Art. 1689, ECC). These provisions might be applicable as a consequence of the COVID-19 current situation. (b) Yes, the parties usually agree upon the default rule of non-responsibility in a force majeure event.</p> |
| El Salvador | <p>(a) We anticipate potential force majeure claims to delay legal, regulatory and contractual milestones. Salvadoran law includes force majeure provisions that would excuse performance under contracts. (b) All contracts based on tender process may not have standard provisions to regulate force majeure.</p> |
| Guatemala | <p>(a) We anticipate potential force majeure claims to delay legal, regulatory and contractual milestones. Guatemalan law includes force majeure provisions that would excuse performance under contracts. (b) No.</p> |
| Honduras | <p>(a) We anticipate potential force majeure claims to delay legal, regulatory and contractual milestones. Honduran law includes force majeure provisions that would excuse performance under contracts. (b) PPA based on an ENEE published tender form includes standard provisions to regulate force majeure events.</p> |
| Mexico | <p>(a) Yes. Please see below the link to the client alert prepared by our firm in connection with this matter: http://www.macf.com.mx/en/covid-19/#tab-id-7</p> <p>(b) Yes.</p> |
| Peru | <p>(a) Yes. The Peruvian Civil Code and the Peruvian Public Procurement Regime contain specific provisions relating to force majeure that are immediately applicable to excuse contractual performance. For further information relating to force majeure provisions, please refer to the links below:</p> <ul style="list-style-type: none"> • General regime: The provisions of the Peruvian Civil Code may alternatively apply to relationships and legal situations regulated by other laws, provided that such provisions are not incompatible with their nature. Civil Code, Article 1315: http://spij.minjus.gob.pe/notificacion/guias/CODIGO-CIVIL.pdf • Force majeure in Public Procurement Agreements: |

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| | <p>Public Procurement Law, Article 36: https://portal.osce.gob.pe/osce/sites/default/files/Documentos/legislacion/ley/2018_DL1444/TUO_ley-30225-DS-082-2019-EF.pdf</p> <p>Public Procurement Regulation, Articles 142 and 178: https://portal.osce.gob.pe/osce/sites/default/files/Documentos/legislacion/ley/2019-modif-Regl30225/modifican-el-reglamento-de-la-ley-n-30225-ley-de-contratac-decreto-supremo-n-377-2019-ef-1837283-2.pdf</p> <ul style="list-style-type: none"> Force majeure in PPP Agreements: PPP Regulation, Articles 38 and 111: https://cdn.www.gob.pe/uploads/document/file/220095/DS240_2018EF.pdf RAD Blog: http://rebaza-alcazar.com/blog/covid-19-posibles-efectos-legales-en-contratos-y-ejecucion-de-proyectos-covid-19-possible-legal-effects-contracts-development-projects/ http://mail.rebaza-alcazar.com.pe/uploadimages/files/Bolet%C3%ADn_%20Litigios.pdf <p>(b) It depends on the type of purchaser. Under Peruvian regulation, power purchase agreements (PPAs) are divided into two types:</p> <p>(i) If the energy is purchased by a non-regulated client (cliente libre), which means that the purchaser is not regulated by the Peruvian Regulator of Mining and Energy (OSINERGMIN), there is not a template of PPA with standard provisions that have to be applied. In this case, the client will freely negotiate the agreement with the energy supplier and, therefore, it is expected that they will agree on the general provisions of force majeure contained in the Peruvian Civil Code. An example of a non-regulated client would be a mining company that requires energy for the exploitation and operation of the mine. For this scenario, please refer to the relevant links contained in (a) above. (ii) If the energy purchaser is a regulated client (such as a distribution company), such companies have to participate in a public bidding process to purchase the available energy and they will execute a standard PPA. The template of PPA contains force majeure provisions that reflect (i) the approval proceeding of a force majeure event by OSINERGMIN (set forth in the following resolution enacted by OSINERGMIN found: here) and the Peruvian Civil Code. The template of PPA can be downloaded in the following link: http://www2.osinerg.gob.pe/Resoluciones/pdf/2007/OSINERGMIN%20No.101-2007-OS-CD.pdf</p> |
| Spain | <p>(a) Yes. Spanish regulations establish force majeure provisions for private contracts and for public procurement contracts that may be applicable under the current situation. Additionally, following the outbreak of the COVID-19 crisis, the Spanish authorities have issued rules specifically addressing a temporary suspension of public procurement contracts. (b) Yes. There are standard provisions in existing agreements that usually mirror the legal regime on force majeure. In M&A agreements, syndicated loans agreements and investment contracts, amongst others, attention is to be paid to MAC clauses. These clauses usually favor the purchaser/investor as they entitle the parties to terminate the contract or to renegotiate its terms. To assess whether a MAC clause applies to the situation caused by the COVID-19 crisis, a specific analysis of the MAC clause is required.</p> |
| Uruguay | <p>(a) The application of the provisions under Uruguayan law depends on each contract and the factual circumstances in each case. There are provisions that provide – for instance in the Uruguayan Civil and Commercial Code – that damages are not owed if the debtor is not able to comply with its duty due to a force majeure event. Whether the force majeure event can be used as a defense in the contract to excuse performance and exempt the party from liability must be analyzed on a case-by-case basis.</p> <p>(b) No.</p> |

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| Venezuela | (a) Yes, Venezuelan law establishes force majeure provisions for private and public procurement contracts. As a general rule, an event to qualify as force majeure under Venezuelan law must be unforeseeable, unavoidable and not attributable to the party claiming the force majeure. Depending on the case, force majeure provisions may allow suspension of performance, contract termination or other remedies. (b) No. |
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2. Have you started to see delays in construction and/or force majeure claims to obtain postponement of construction milestones?

| Country | Answer |
|--------------------|---|
| Argentina | Yes. |
| Brazil | Yes. However, it is not a widespread situation at this stage. |
| Chile | Yes, we have seen problems in the construction of projects mainly due to (i) the international borders lockdown implemented in Chile and (ii) the restrictions on mobility imposed by local authorities. Despite the above-mentioned, the delays in construction could decrease by a percentage point because on April 16 the lockdown in several areas of the capital of Santiago was lifted. |
| Colombia | <p>Yes. For example, in the contracts executed by the National Infrastructure Agency (“ANI”), though Resolution No. 471 of 2020, such agency expressly recognized that the COVID-19 pandemic is a force majeure event and that, therefore, certain obligations on the contracts subscribed by such entity will be unilaterally suspended.</p> <p>Currently, there is no available information regarding any delay in the construction of transmission or generation infrastructure. Nevertheless, the Renewable Energies Association’s Executive Director has requested the extension of the generation project’s COD within the auctions PPA. The request is basically because the mandatory self-isolation has delayed the public consultation procedures of wind projects. The government has not provided any public response regarding this issue.</p> |
| Costa Rica | We have not seen yet delays in construction and/or force majeure claims to obtain postponement of construction milestones, but we anticipate that they will occur due to the COVID-19 situation. |
| Ecuador | Yes, we are seeing delays in construction of several projects, due to force majeure claims. |
| El Salvador | We have not yet seen delays in construction and/or force majeure claims to obtain postponement of construction milestones but we anticipate that they will occur due to the COVID-19 situation. |
| Guatemala | We have not yet seen delays in construction and/or force majeure claims to obtain postponement of construction milestones but we anticipate that they will occur due to the COVID-19 situation. |
| Honduras | We have not yet seen delays in construction and/or force majeure claims to obtain postponement of construction milestones but we anticipate that they will occur due to the COVID-19 situation. |
| Mexico | Yes. We believe this is something that must be analyzed case by case, due to the fact that other than construction: i) considered essential for addressing the COVID-19 public health crisis, or ii) if the suspension of the project may result in irreversible effects for its continuation, all constructions have been suspended. |

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| Peru | Yes. For further information, please refer to the link below: https://www.gob.pe/institucion/osce/noticias/111443-comunicado-n-005-2020-sobre-la-ejecucion-de-contratos-en-el-marco-de-las-normas-que-establecen-medidas-excepcionales-para-contener-la-propagacion-del-covid-19 |
| Spain | Yes. In fact, the Spanish authorities suspended construction works for a few weeks although such activity was resumed on April 13, 2020. Also, in relation to public procurement contracts, the Spanish authorities have issued specific regulations to address a temporary suspension of this type of contract and allow the contractors to postpone the construction milestones. |
| Uruguay | No. Although since construction was suspended, the milestones have been delayed. |
| Venezuela | Yes. |

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3. Are you already seeing parties, specifically offtakers, asserting claims of force majeure or other excuses for non-performance to reduce or suspend offtake under supply agreements?

| Country | Answer |
|--------------------|---|
| Argentina | Not yet. To any event, most large industrial users do not have offtaking commitments and demand is supplied through CAMMESA, which is the National Grid administrator. The Secretary of Energy authorized industrial users to request payment plans to cancel their electricity bills. |
| Brazil | Yes. However, it is not a widespread situation at this stage. In the power and gas markets, parties are considering such alternatives but are still seeking an agreed solution in general. As mentioned above: (i) in the natural gas market, Petrobras agreed not to charge 'take or pay' penalties provided in its gas supply agreements with Local Distribution Companies; and (ii) in the power market, some relief measures with focus on liquidity of Local Distribution Companies were announced. |
| Chile | Not yet. For further detail, please refer to Section B, Section 1(a) above. |
| Colombia | Yes. Particularly, some of the non-regulated offtakers/wholesale consumers, which are companies that consume over 55 MWh/month, have expressed their intention to claim force majeure in order to suspend their performance under previously executed PPAs. This occurs mainly in agreements where the offtaker stopped producing due to mandatory self-isolation, and it had a PPA which required it to pay for a minimum or a specific monthly amount of energy ("take or pay"). Something similar is occurring in the fuel gas sector, where wholesale offtakers are starting to argue that the occurrence of a force majeure event does not oblige them to comply with the duties of their supply agreements. |
| Costa Rica | No. |
| Ecuador | Yes. However, it is not a widespread situation at this stage. |
| El Salvador | No. |
| Guatemala | No. |
| Honduras | No. |
| Mexico | Not that we are aware of at this moment. |

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| Peru | <p>No. Please note that energy production and supply is one of the permitted essential services during the state of emergency. For further information, please refer to the link below:</p> <ul style="list-style-type: none">• Urgency Decree <p>https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-estado-de-emergencia-nacional-po-decreto-supremo-n-044-2020-pcm-1864948-2/</p> |
| Spain | <p>Not yet. However, in relation to energy supply contracts, the Spanish authorities have issued specific regulations that allow freelancers and companies to request the modification or temporary suspension of contracts. Based on that regulation, we expect that some of the industry players will try to invoke the COVID-19 crisis to suspend planned deliveries.</p> |
| Uruguay | <p>No claims have been asserted, but renegotiation of contracts are underway.</p> |
| Venezuela | <p>Offtakers are raising questions on suspensions of works due to COVID-19 on grounds of force majeure.</p> |

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4. Are you anticipating legal or commercial questions or issues related to the interpretation of whether a force majeure or other excuse for performance applies to the COVID-19 public health crisis? For example: (a) Do you anticipate potential mismatches among contracts (e.g., mismatch between force majeure provisions under construction contracts and PPA commercial operation date deadlines) (b) Do you have particular views on how the risk and liabilities of excused performance or non-performance may be allocated among parties in projects?

| Country | Answer |
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| Argentina | (a) Yes, it is highly likely. (b) From our perspective, the allocation of risk and responsibilities in an excused performance or non-performance scenario will respond to the specific aspects of every transaction. Among other matters, it would probably rely on the following considerations: (i) the construction phase of the project (ii) the bargaining power of the parties involved in the project and (iii) the existence of prior breaches. |
| Brazil | Yes. Since it is a fact-based analysis, the affected party is expected to demonstrate a sufficiently close causal relationship between the force majeure event and the impediment to perform its obligations. (a) Yes. Not all contracts contain appropriate back-to-back provisions. Therefore, there may be circumstances where contractors are entitled to a delay relief on account of force majeure without the corresponding relief being granted to the project under the PPA. (b) No. It will depend on the specific characteristics of each case and the best cost avoider under each scenario. To the extent government or regulators provide relief to the project, the contractor should be entitled to an extension of time where completion of the works is likely to be delayed beyond COD. Cost impacts will need to be assessed and negotiated based on a careful analysis of contractual risk allocation and entitlement as well as questions of causation, in particular with respect to pre-existing issues where no impact of COVID-19 existed. |
| Chile | Yes, we recognize that the application of force majeure is quite casuistic, so commercial and legal understandings on this matter will be subject to different interpretations. (a) Yes, the Chilean energy market is privately held, "sectorized" and diversified so we do not expect to find appropriate back-to-back provisions between parties. (b) Past jurisprudence has given little importance to the "theory of unforeseen events" in Chile, so the risks and liabilities should be distributed between the parties in accordance with the relevant contract provisions on a case-by-case basis. However, we expect in the coming months an increase in negotiations between the parties in order to reallocate the risks and costs that might have existed as a result of the pandemic. Some cases would be escalated to arbitration, but we believe that the bilateral negotiations to amend the existing terms and conditions of the relevant agreements in order to reach the COD will be the general trend. |
| Colombia | (a) Yes, it is highly likely that it would happen. (b) There might be some mismatches between the COD of construction contacts and PPA term for the beginning of the supply but it may not be excused because the energy supply commitment can be covered through the alternatives offered by the Wholesale Energy Market, especially when PPAs are executed under the take or pay modality. (c) It might be particularly difficult to justify the non-compliance in the payment/supply of electric energy since the supply duties are covered by the Wholesale Energy Market. Nonetheless, this should be reviewed on a case-by-case basis and taking into account the modality of each PPA. On the other hand, in relation with National and Regional Transmission lines, awardees of such projects might eventually request the extension of the COD based on the delays that come from expected and unexpected consequences of the pandemic. In any |

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| | case, and as in the case of all electric energy utility's activities, the investment risk is solely assumed by its the investors and not by the government ⁶ . |
| Costa Rica | (a) Yes. (b) We do not have a general view on how the risk and liabilities of excused performance or non-performance may be allocated among parties since they need to be assessed on a case-by-case basis. |
| Ecuador | Yes. (a) No, in the event that a force majeure event is applicable to a specific case, the parties to the relevant agreement/s will be released from all their obligations under the existing legal relationship, regardless of the number of documents governing such relationship. We expect a consistent interpretation by the courts of the force majeure provisions to avoid any mismatches. (b) In general, from a legal perspective the risks and liabilities of excused performance or non-performance in the event of force majeure will be equally allocated between both parties, i.e., both the contractor and its relevant counterparty/ies are excused from complying with their obligations under the relevant contract/s. In practice, from a business standpoint, this may have a heavier negative impact on the party which is expecting the service rather than the contractor, but it will depend on the specific circumstances of each case. |
| El Salvador | (a) Yes. (b) We do not have a general view on how the risk and liabilities of excused performance or non-performance may be allocated among parties since they have to be assessed on a case-by-case basis. |
| Guatemala | (a) Yes. (b) We do not have a general view on how the risk and liabilities of excused performance or non-performance may be allocated among parties since they have to be assessed on a case-by-case basis. |
| Honduras | (a) Yes. (b) We do not have a general view on how the risk and liabilities of excused performance or non-performance may be allocated among parties since they have to be assessed on a case-by-case basis. |
| Mexico | Yes. In fact, clients have already been reaching out to us requesting analysis and interpretation of force majeure provisions in connection with permits and contracts relating to their energy and infrastructure projects. (a) Yes. In this regard, our firm always looks to have back-to-back provisions in the project agreements vis-à-vis PPAs or other offtake agreements for the projects in which we are involved. (b) This is a contractual matter that should be addressed on a case-by-case basis. |
| Peru | Yes. (a) Yes. For further information on this matter, please refer to the link below: <ul style="list-style-type: none"> • RAD Blog http://mail.rebaza-alcazar.com.pe/uploadimages/files/Bolet%C3%ADn%20RAD_final.pdf (b) Yes. For further information on this matter, please refer to the link below: <ul style="list-style-type: none"> • RAD Blog http://mail.rebaza-alcazar.com.pe/uploadimages/files/Bolet%C3%ADn%20RAD_final.pdf |
| Spain | (a) These mismatches and interactions may probably occur. However, it is necessary to analyze the specific contract provisions to determine whether the COVID-19 crisis only affects the construction contracts or whether it also allows modifying the COD date. (b) Yes. In private contracts, we are anticipating defenses based on non-performance of the contract due to a force majeure event (the COVID-19 crisis) and as a cause for release from liability for breach of a contract. In the long run and depending on the real and direct impact of the COVID-19 crisis on a specific contract, we may be facing claims requesting the termination of the contract or the renegotiation of its terms based on the <i>rebus sic stantibus</i> doctrine (also known in international contracting as hardship). Spanish courts have applied such doctrine very exceptionally and it is too soon to foresee a likely outcome. Under the specific public contract regulations is recognized a compensation for damages. |

⁶ See article 85 of Law 143 of 1994.

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| | In general, if effectively there exists an impossibility of performing the contract, then the party that does not perform will be released from liability stemming therefrom. Thus, no damages may be requested. In such a scenario, the party that does not receive the product or the service will not be obliged to pay for it. |
| Uruguay | (a) Yes, this could potentially take place. (b) No. |
| Venezuela | (a) Yes. (b) This will need to be reviewed on a case-by-case basis as there are no standardized force majeure clauses. Another key issue to consider is whether any dispute of this type will be governed by Venezuelan or another law and settled by arbitration outside Venezuela, arbitration in Venezuela, Venezuelan courts or foreign courts. |

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5. Are you expecting broad, uniform legislative or regulatory action to grant relief or mainly bilateral negotiations under contracts?

| Country | Answer |
|-------------------|--|
| Argentina | It is difficult to predict at this stage. |
| Brazil | Yes. We expect both to happen. There have been relevant measures implemented by the government and regulators to provide relief in broader terms. |
| Chile | No, mainly bilateral negotiations. |
| Colombia | <p>Regarding state contracts, certain of the decrees issued by the Government are already giving new tools to their parties to reach an agreement on potential compensations to be granted. For example, among others, Decree 482 of 2020 regulated the following⁷: (i) In public initiative Public Private Partnerships (“PPP”) of Law 1508 of 2012, time extensions may be granted, which added may exceed 20% of the initially agreed contract value. (ii) In private initiative PPP projects, contracts may be extended exceeding 20% of their initial term. (iii) Grantors of port concession agreements (i.e. ANI and Cormagdalena) may increase the terms for time extension of the concession for the time deemed necessary to recognize the possible accredited effects that may be generated in the contract’s economy for the service provision in the corresponding ports, during the time of the emergency.</p> <p>Moreover, on April 15, 2020, the Colombian Government issued Decree 569 of 2020 stating, among other aspects, that those concession contracts that are affected in their incomes/collection owing to the measures adopted by the National Government to face the COVID-19 crisis, their term can be extended even exceeding the limits set forth in the applicable laws, considering that such time extension shall be equivalent to the term of the mandatory preventive isolation ordered amid said COVID-19 crisis.</p> <p>On the other hand, regarding National and Regional Transmission projects, the Ministry of Mines and Energy could eventually analyze each Project, after the awardee’s request, in order to determine the viability of declaring an extension of the COD due to force majeure.</p> <p>In the case of PPAs through the Wholesale Energy Market, any change will solely depend on bilateral negotiations. It would be particularly unusual that the government changes conditions to these agreements that are privately executed (also in the case of the PPAs of the Renewables’ Auction).</p> |
| Costa Rica | No. |

⁷ Art. 25 of Decree 482 of 2020.

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| Ecuador | No. We do not expect a broad, uniform legislative or regulatory action, there are already existing regulations addressing both force majeure and material adverse effect contractual issues. We believe that the most likely scenario is that future conflicts will be resolved mainly through bilateral negotiations under the existing contracts. |
| El Salvador | No. |
| Guatemala | No. |
| Honduras | No. |
| Mexico | We mainly expect bilateral negotiations under contracts. |
| Peru | <p>Yes. For further information, please refer to the link below:</p> <ul style="list-style-type: none"> • Public Procurement Agreements https://www.gob.pe/institucion/osce/noticias/111443-comunicado-n-005-2020-sobre-la-ejecucion-de-contratos-en-el-marco-de-las-normas-que-establecen-medidas-excepcionales-para-contener-la-propagacion-del-covid-19 • PPP Agreements <p>We believe that it will depend on the project; however, based on the regulation referred to in section 1(a) of this Section C, we anticipate that PPP Agreements will be treated similarly to Public Procurement Agreements.</p> |
| Spain | No. There is already specific regulation on public procurement contracts (<i>ex ante</i> and <i>ex professo</i>) to address the situation created by the COVID-19 crisis. In relation to private contracts, force majeure existing legal provisions and scholars' doctrine on <i>rebus sic stantibus</i> will be used by courts to address the effects of the COVID-19 crisis. It is too soon to see whether there will be more bilateral negotiations or whether parties will resort to courts to seek relief. |
| Uruguay | We are not expecting broad uniform legislative or regulatory action to address this contractual issue. |
| Venezuela | We expect bilateral negotiations. |

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6. Do you have any additional insights on the foregoing questions that you would like to highlight or share?

| Country | Answer |
|--------------------|--|
| Argentina | Many renewable developers were experiencing delays before COVID-19 and had already requested the postponement of their committed Commercial Operation Dates (for example, arguing that because of the macroeconomic situation they were unable to secure financing in a timely manner). Controversies between (at least) EPC contractors, sponsors and offtakers are to be expected. |
| Brazil | At this stage, our view is that most companies are reviewing their contracts and evaluating their alternatives, including claiming force majeure. Some of them have also started bilateral negotiations. Notwithstanding, as far as we are concerned, there have not yet been many claims of force majeure in the energy and infrastructure projects. In the O&G industry, Petrobras claimed force majeure in one of its agreements to reduce the amount of gas it purchases from a gas-producing field, but it has not taken the same approach overall. Recently, energy distribution companies started to put some pressure on power generators/suppliers to reduce the energy supply in response to the reduction in energy demand. |
| Chile | No additional comments. |
| Colombia | At the moment of this response, there is no additional analysis to be shared. |
| Costa Rica | No additional comments. |
| Ecuador | Not for the moment. |
| El Salvador | No additional comments. |
| Guatemala | No additional comments. |
| Honduras | No additional comments. |
| Mexico | Not at this moment. |
| Peru | Yes. For further information, please refer to the links below: <ul style="list-style-type: none"> • RAD Blog |

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| | http://mail.rebaza-alcazar.com.pe/uploadimages/files/Bolet%C3%ADn %20Litigios.pdf http://rebaza-alcazar.com/blog/alerta-litigios-el-centro-de-arbitraje-de-la-camara-de-comercio-de-lima-se-pronuncia-sobre-la-extension-de-la-cuarentena/ http://rebaza-alcazar.com/blog/alerta-litigios-suspencion-de-plazos-durante-el-estado-de-emergencia/ |
| Spain | No. |
| Uruguay | No. |
| Venezuela | No. |

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D. Prospective Developments

1. Have you been seeing or do you anticipate any of the following: (a) Broad government/public sector relief and/or action (e.g., grants or loans, broad extension milestones and deadlines for projects)? (b) Renegotiation or extension of start dates and terms of offtake agreements? (c) Extensions of tax relief to affected producers? (d) Potential cascading delays related to interrelated infrastructure or projects (e.g., delays in construction of key transmission lines affecting interconnection of new projects)? (e) What do you expect to happen once the immediate quarantine/crisis is over? Do you expect a ramp up or counter-shock resulting from a sudden increase in demand?

| Country | Answer |
|-----------|--|
| Argentina | (a) So far the government relief has been focused on the most vulnerable sectors (for example, prohibiting disconnections due to lack of payment of electricity and natural gas bills). (b) Not yet, although it would be likely after the lockdown. (c) It is likely. E&P companies might be subsidized. (d) It is likely. (e) Probably not in the short term. |
| Brazil | (a) Yes. (b) Yes. (c) Yes. (d) Yes. (e) In our view, in general, demand will increase after the quarantine/crisis, but it will take longer to reach the pre-crisis levels. We anticipate that the slope of the ramp-up curve will not be as sharp as was the decrease. In certain specific infrastructure sectors – such as the aviation/airport market - such trend will very likely not apply and demand will take much longer to recover. |
| Chile | (a) Yes. (b) Yes. (c) Yes. (d) Yes. (e) In our view, in general, demand will increase slowly after quarantine. Chile is also facing some social issues and a constitutional process during this year. Then, we believe it would take a while to reach the level of demand existing before the quarantine. |
| Colombia | (a) Yes. The government has expressed its strong commitment to implement policies that enhance a strong recovery of the economy. (b) Yes. Regarding PPAs, there is currently no public available information and we do not expect massive renegotiations of PPAs. Depending on the duration of the crisis, PPA agreements executed with non-regulated users might be amended due to the paralysis of their industrial activities. On the other hand, and as mentioned in our response to question 2 of Memo 4, the Renewable Energies Association's Executive Director has requested the extension of the generation project's COD within the auction's PPA. The request is basically because the mandatory self-isolation has delayed the public consultation procedures of Eolic projects, and it could eventually lead to changes in such projects' COD. However, this request is not likely to change the date on which the supply of energy will start, as the PPA sets forth that this obligation cannot be suspended due to force majeure and as sellers may comply with the mentioned duty resorting to the different alternatives provided in the Colombian Wholesale Energy Market (back-up PPAs or the Spot Market). The government has not yet provided any public response regarding this issue. (c) It is uncertain. (d) There might be cascading delays in relation to the entering into operation of electric energy projects especially in the case of generation projects that were missing only their connection to the National Interconnected System and transmission projects that are delayed due to the current crisis. In any case, it is also likely that both generation and transmission projects that are at similar stages are delayed and that they do enter commercial operation at very similar times. (e) From a legal perspective it is not possible to determine financial, commercial, or technical consequences of the immediate |

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| | quarantine/crisis is over. Neither would it be possible to determine from a legal perspective if there will be ramp up or counter-shock resulting from the sudden increase in demand. |
| Costa Rica | (a) No. (b) No. (c) No. (d) No. (e) Demand will recover its prior level before the COVID-19 crisis. |
| Ecuador | (a) In the case of Ecuador we do believe this is highly improbable. The economic situation is complicated, so economic relief will be complicated. What we envisage could happen is the adoption of laws that will have tax exemptions, or the extension on terms for payment of loans and fulfilment of obligations towards the government. (b) Most likely. (c) Yes. The government has recently announced the approval of tax relief measures in the coming days, which may impact the energy and infrastructure sectors. (d) Yes, due to the state of emergency declared, mobilization is restricted, so we expect a cascade of delays on key energy and infrastructure projects. The problem here is that all construction projects are delayed or closed due to the transit restrictions throughout the country. (e) We expect the activity to be resumed in stages and progress depending on the situation in each region. We do not expect a ramp-up or counter-shock resulting from a sudden increase in demand immediately after the crisis. |
| El Salvador | (a) No. (b) No. (c) No. (d) No. (e) Demand will recover its prior level before the COVID-19 crisis. |
| Guatemala | (a) No. (b) No. (c) No. (d) No. (e) Demand will recover its prior level before the COVID-19 crisis. |
| Honduras | (a) Yes. (b) Yes, PPA indicate there could be an extension for the construction of projects. (c) No. (d) Yes, please see the response for (b). (e) Demand will recover its prior level before the COVID-19 crisis. |
| Mexico | (a) As of today, we have only seen the measures described in the response to question 3(a) of Section A above. (b) Yes. We have seen and expect to see more renegotiations and extensions of start dates in connection with projects affected by force majeure. (c) No. (d) Yes. (e) Our expectation, in line with forecasts issued by national and international financial institutions, is that there will be an economic slowdown in Mexico for the remainder of 2020. As a result, we are not expecting a ramp-up or counter-shock resulting from an increase in demand. |
| Peru | <p>(a) Yes. For further information, please refer to the links below:</p> <ul style="list-style-type: none"> • Grants or loans: <ul style="list-style-type: none"> http://mail.rebaza-alcazar.com.pe/uploadimages/files/Refinanciamiento_MYPES.pdf http://mail.rebaza-alcazar.com.pe/uploadimages/files/Alerta_Laboral_DU0332020.pdf http://mail.rebaza-alcazar.com.pe/uploadimages/files/Bolet%C3%ADn%20REG_FINANCIERO.pdf • Extension of milestones and deadlines for projects: <p>Public Procurement:</p> <p>https://www.gob.pe/institucion/osce/noticias/111443-comunicado-n-005-2020-sobre-la-ejecucion-de-contratos-en-el-marco-de-las-normas-que-establecen-medidas-excepcionales-para-contener-la-propagacion-del-covid-19</p> <p>PPP Agreements:</p> <p>We believe that it will depend on the project; however, based on the regulation referred to in section 1(a) of Section C, we anticipate that PPP Agreements will be treated similarly to Public Procurement Agreements.</p> |

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| | <p>(b) No. Please note that energy production and supply is one of the permitted essential services during the state of emergency. For further information, please refer to the links below:</p> <p>https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-estado-de-emergencia-nacional-po-decreto-supremo-n-044-2020-pcm-1864948-2/</p> <p>https://www.gob.pe/institucion/minem/informes-publicaciones/462266-listado-de-empresas-electricas-a-que-hace-referencia-el-articulo-7-de-la-rvm-n-001-2020-minem-vme</p> <p>(c) No. As mentioned above, extensions have been granted only for taxpayers with an income of less than US\$6.5 million. However, it is expected that the Peruvian government will enact new regulations and amendments to the current tax regime, in order to help companies to overcome the COVID-19 crisis.</p> <p>For further information, please refer to the links contained in question 3(b) of Section A.</p> <p>(d) Yes. However, there is no public information to disclose as of the date hereof. Please note that prior to the COVID-19 crisis, the Peruvian government enacted an Infrastructure Development Plan prioritizing key infrastructure projects (please refer to the link below). We anticipate that the state of emergency will have a negative impact on the development of such projects.</p> <ul style="list-style-type: none"> • Peruvian's prioritized projects (2020-2021) <p>http://www.proinversion.gob.pe/portafolioapp/docs/Portafolio-app-final.pdf</p> <p>(e) We expect to see an increase in demand since the large number of companies will resume their activities once the quarantine is over. Moreover, please note that the Peruvian government will be investing the largest budget in Latin America for economic reactivation through several measures in different fields. Therefore, a ramp-up of the current demand could be foreseen.</p> <p>Please refer to the link below for further information in relation to the measures recently adopted by the Peruvian government: https://www.bbc.com/mundo/noticias-america-latina-52104166</p> |
| Spain | (a) Yes. (b) Yes, in respect of energy supply agreements. (c) No. (d). Yes. (e) We expect a reasonable ramp-up in the energy and infrastructure sector after the COVID-19 crisis. |
| Uruguay | (a) For small businesses, the National Agency of Economic Development (Agencia Nacional de Desarrollo Económico), has implemented tools to protect their financial situation, granting more flexible conditions, lower tax rates, term extensions for credits, and incrementing the funds of the National System of Guarantees. (b) Renegotiation or extension of start dates or terms, or other alternatives have not been measures issued by the Government. We expect to see renegotiation of agreements among the parties. (c) These have not been issued. (d) This could occur. (e) It is not possible yet to estimate the effects that this crisis will have on the general economy. However, it is more likely to expect a general economic downturn rather than a rise, due to the general pause in the flow of capital, the rise of population included in unemployment insurance programs, and the public resources that will be devoted to battling the crisis. |
| Venezuela | (a) Not yet. (b) Not yet. (c) Not yet. (d) Yes. (e) No, unless there is a resolution of the current political stalemate. |

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2. Given the adverse economic impacts in your country as a result of the COVID-19 crisis, will the government reduce its support for investment and development of energy infrastructure, particularly renewables, or will the government seek to increase or support those investments as part of its economic stimulus?

| Country | Answer |
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| Argentina | Due to financing restrictions, it would be unlikely that the government would seek to boost new renewable projects. |
| Brazil | Even before the crisis, governmental incentives to certain renewable energy were being discussed. In general, such discussions involved the reduction or elimination of governmental incentives to renewable projects such as distributed generation. Brazil already has a renewable energy matrix and the incentives to solar and wind projects have been successful in increasing the share of solar and wind in the energy matrix. In that sense, regulators already indicated they will phase out subsidies, revising and tailoring policies developed for this sector in order to ensure a well-developed renewable sourced energy in the country. |
| Chile | We think it is still too early to anticipate the severity of the impact that COVID-19 will have on the Chilean economy. Notwithstanding the aforementioned, Chile has a long tradition of, and very favorable, popular response to, support for renewable energy, so we expect that the government will continue to support the development of energy and infrastructure projects, especially renewable energy projects, after COVID-19. |
| Colombia | It sounds unlikely that the government will reduce its support to the country's energetic transformation through renewables. |
| Costa Rica | We consider that the Costa Rica government will not reduce its support for investment and development of energy infrastructure. However, it is worth noting that the current ICE's investment pipeline within the National Energy Plan 2020-2025 does not include major investments in energy infrastructure. |
| Ecuador | Ecuador had been facing a difficult economic situation long before the COVID-19 crisis. However, the government has been keen in taking steps towards economic growth and development of energy and infrastructure projects by partnering with the private sector. Surely this measure will continue. |
| El Salvador | We consider that the Salvadoran Government will not reduce its support for investment and development of energy infrastructure. |
| Guatemala | We consider that the Guatemala Government will not reduce its support for investment and development of energy infrastructure. |
| Honduras | We consider that the Honduras Government will reduce its support for investment renewables energy and support gas projects. |
| Mexico | Despite recent administrative actions by the federal government which have had a negative reception by the energy sector, we expect the government will seek to increase investment and development of energy infrastructure. Recently the Mexican government reiterated its intention to issue its long-awaited energy infrastructure plan despite the COVID-19 crisis, and in fact |

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| | sees the release of the plan at this time as a countercyclical measure to counteract any slowdown in the Mexican economy caused by COVID-19. |
| Peru | No. The Peruvian government has not publicly addressed this issue yet. However, a reduction in support for investment and development of energy infrastructure would not be consistent with the latest policies adopted. |
| Spain | We expect that the government will continue supporting the renewable energy sector. |
| Uruguay | We are not aware that these measures have or will be adopted by the government. |
| Venezuela | The government will probably try to seek to increase or support these investments, but it will probably be unsuccessful unless there is a resolution of the current political stalemate. |

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3. Do you have any additional insights on the foregoing questions that you would like to highlight or share?

| Country | Answer |
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| Argentina | Investments in high tension transmission lines are critical for the development of Argentina's National Grid. The main challenge of the government would be to find a way to finance these projects. |
| Brazil | We do not have anything to add. |
| Chile | No additional comments. |
| Colombia | At the moment of this response, there is no additional analysis to be shared. |
| Costa Rica | No additional comments. |
| Ecuador | Not for the moment. |
| El Salvador | No additional comments. |
| Guatemala | No additional comments. |
| Honduras | No additional comments. |
| Mexico | Not at this moment. |
| Peru | Yes. Please refer to the link below: http://mail.rebaza-alcazar.com.pe/uploadimages/files/BOLET%C3%8DN_RAD.pdf |
| Spain | Not for the moment. For additional information on the COVID-19 client alerts we have prepared, please refer to https://www.perezllorca.com/en/news/coronavirus-covid-19/ |
| Uruguay | No. |

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| Venezuela | No. |
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E. Brief Observations of the Willkie Latin America Team

While it is too early in this crisis to reasonably attempt to make any predictions about the long-term impacts on and outcomes for the energy and infrastructure sectors in Latin America, we thought it might be helpful to share our observations based on the responses from our colleagues on the LATAM COVID-19 Task Force as viewed through the lens of our experience, what we are seeing and analyzing in the U.S. and European markets, and our discussions with clients and friends in these sectors.

- **Tool for Anticipating Potential Issues** – One of the main reasons we spearheaded this particular survey and used this approach is that we hope that the information that we collect will allow clients to identify potential issues affecting projects early with a level of specificity that would allow them time to analyze and plan to mitigate as soon as possible. As our clients and friends in these sectors know, energy and infrastructure projects exist in the context of a range of public and private arrangements and contractual relationships that typically require detailed analysis. With all of that in mind, the feedback provided by our colleagues on the LATAM COVID-19 Task Force has allowed us to achieve those objectives and has given us very content-rich answers which provide a very helpful snapshot of the status of key issues for the energy and infrastructure sectors.
- **Use of Force Majeure** – As you can observe from the design of the questions, we were very focused on identifying declarations of force majeure in different contexts and by different parties, so clients and their counsel can start to analyze how those declarations may ripple through their value chains and myriad contractual and business arrangements.
 - In designing the questions, we were particularly concerned about giving clients whose businesses involve project-financed projects – whether owners, developers, lenders or investors – as much advance warning as possible given the often complex legal, statutory and contractual analysis required. Among other questions:
 - What event(s) associated with the COVID-19 crisis (or its derivative effects) is the “affected party” (i.e., the party claiming force majeure relief) identifying as the cause for its inability to perform its obligations? Which project contracts may be affected and how those contracts interplay with the project’s financing documents? Which law(s) will apply for purposes of assessing the implications?
 - Is the claim for relief based on force majeure provisions in a contract, a law or statute, or common law principles? What are the standards that will apply to determining the merits of the claim for relief and what will be the process for determining the merits (e.g., arbitration, litigation, government agency review, private litigation, etc.)? Has the affected party satisfied any notice requirements required to claim force majeure?

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- For example, under U.S. law and principles, we would ask a series of questions such as whether the event in question appears to be beyond the affected party's reasonable control, has the event prevented, impeded or hindered the affected party's performance, and has the affected party taken reasonable steps to avoid or mitigate the event or its consequences?
 - What sort of relief is the affected party seeking (e.g., schedule relief, excuse for not taking the minimum required offtake, etc.)? How closely does that relief correspond to the event identified by the affected party and the obligation that the affected party has identified that it was unable to perform (i.e., does the relief fit the nonperformance)? If there is an obligation to mitigate, what options might the affected party have available that would limit the force majeure claim (e.g., availability of alternatives to cover its obligations such as spot market purchases, alternative logistical arrangements, etc.)?
- Our emphasis in the questions on force majeure declarations also reflects our concern that force majeure claims under project contracts can have secondary consequences under financing documents. For example, those claims may result in schedule relief or delays in construction schedules that can trigger notices to lenders, result in change orders or amendments requiring lender consent, and put pressure on meeting guaranteed dates for commencing operations and completing projects under contracts, permits and/or financings among other consequences. Those claims or notices of claims can affect disbursement conditions and lead to delays in anticipated disbursement schedules. Project owners, lenders and investors may need to analyze the potential gaps and differences between the interpretation of a claim for force majeure relief and the extent to which that claim or the underlying facts may trigger "material adverse change/material adverse effect" provisions (e.g., under the conditions precedent to funding disbursements under a financing). Again, those situations require a careful fact-driven legal analysis that may involve different agreements under different applicable laws.
 - We noted that our LATAM COVID-19 Task Force colleagues indicated that government actions to slow the spread of the virus have, in many of the surveyed countries, restricted the movement of goods and people and limited access to key infrastructure (e.g., ports) which in turn has resulted in logistical delays. Those delays may lead to force majeure claims under construction and material supply contracts. While those claims may not have surfaced yet, if they do, they may impact projects under construction or development that have permits, offtake contracts or other agreements that require satisfaction of completion milestones, schedules, deadlines and similar timing requirements related to the commencement of construction, commercial operation or other performance requirements, which may be impacted. Again, clients and their counsel will need to carefully review the relevant contractual provisions and analyze how those resulting delays ripple through the contracts and permits with these types of

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timing requirements. Again, we intend to continue to have future updates endeavor to track these developments and how parties address the issues.

- We also observed that all of the surveyed countries reflected some drop in electricity demand as a result of the social distancing/self-isolation/curfew policies that have noticeably reduced economic activity. While we are aware that some electricity distribution companies and wholesale offtakers may have claimed force majeure as the basis for reducing their obligation to meet minimum requirements for taking power under existing power purchase agreements, those situations seem to be fairly limited at the moment, which may reflect that the terms of those agreements can vary within a country and across the various countries in the region and/or some efforts by governments to provide relief to offtakers impacted by the notable drop in demand.
- We shall continue to watch how the responses to our questions evolve over the coming weeks (or remain the same). For the moment, absent further insight into how force majeure claims will be interpreted and what relief will be granted, neither the risk of a claim nor the assertion of a claim should cause parties to conclude or assume that claims will be resolved in a manner adverse or unfavorable to affected projects.
- **Limited government relief** – While still not widespread, we noted that our LATAM COVID-19 colleagues were reporting more examples of legislative or regulatory action by governments in the region and state-owned companies intended to provide projects or sector participants with relief under offtake or other project contracts, including extensions under power purchase agreements for meeting deadlines to commence commercial operations and payment relief for small and medium-sized enterprises (SMEs). However, the number of countries adopting those measures is limited and we conversely see reports of bilateral negotiations for relief. Again, if widespread, uniform legislative or regulatory efforts remain limited to a minority of countries:
 - We may see adverse impacts to the energy and infrastructure sectors as investors, owners and lenders find they have less visibility and transparency around the timing, effect, and value of the relief to be obtained from these bilaterally negotiated outcomes.
 - Differing approaches by governments with respect to measures affecting projects, including access, and relief could mean disproportionate impacts on projects and portfolios.
 - Without uniform approaches, we may see, among other possible outcomes, continued market uncertainty, potentially larger discounts on the value of projects due to uncertainty, diminished access to capital, and a more challenging M&A market for sellers.

However, we understand that there continues to be some discussion or suggestion that government agencies or institutions may channel economic stimulus for their economies through support to the private sector as in the

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United States, but we are waiting for the details to emerge as governments assess how they will respond to the crisis.

- For example, we understand that there has been some discussion about using national development banks, like BNDES in Brazil, to channel financial relief to different sectors.
- Similarly, we know that multilaterals, like the IMF, World Bank and Inter-American Development Bank, have publicly announced financial support to governments and public entities trying to cope with the COVID-19 crisis, including through disbursements under pandemic bonds and other measures.

While our colleagues in the LATAM COVID-19 Task Force generally thought that governments would continue to support investment in energy and infrastructure, it remains to be seen whether economic stimulus packages will provide support to energy and infrastructure projects, how the government will choose to direct or provide that support, what form any support will take, and the details of that support. For example, we note that there may be renewed discussion in Brazil about reducing or eliminating subsidies for renewables. We will endeavor to continue to track actions and initiatives proposed and adopted by the governments in the surveyed countries in future updates.

- **Value of coordinated action** – If broad government relief is not anticipated, market participants facing similar issues or challenges – such as power producers seeking extensions under power purchase agreements with the government that are based on the same precedent or template – should consider coordinating through trade associations or other legal mechanisms that do not run afoul of competition laws to communicate common concerns and preferred solutions to government policy-makers as opposed to pursuing individual, piecemeal solutions.
 - One example of such coordinated action is the effort by the Colombian renewable energy association (SER) which has presented a joint request for relief in the form of extended deadlines under previously executed PPAs with the government.
 - Project developers and owners (and their lenders) may want to consider concerted efforts to seek relief on milestones associated with permits or to commence commercial operation. That relief may take many forms, including force majeure or other legal relief.
 - We also noted that our LATAM COVID-19 Task Force colleagues reported that their countries and regional organizations, like Mercosur, were requesting technical and financial support from multilateral organizations, including the Inter-American Development Bank and CAF. We also noted the references to work by international organizations like CEPAL. We expect that multilaterals, like the World Bank and Inter-American Development Bank, will assist in coordinating action by continuing to ramp-up their

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thought-leadership, guidance and financial support to governments seeking to cope with the economic impacts of the crisis. We will continue to monitor the scope and form of that support and where it will be directed.

- **Prospective Developments** – Some of the problems that we were concerned would arise have not materialized, but neither has the state-driven relief.
 - So far, we have generally been hearing that lenders have only been disposed to provide very specific, surgical relief to borrowers as opposed to broader waivers of events of default, due in part to uncertainty around the crisis. As a result, sponsors may want to lay out a strategy for sequencing requests even where some of the indications from the survey suggest potential issues ahead.
 - We have not seen governmental restrictions (i.e., capital controls) yet that could impact funds flow to and from projects.
 - We noted that our LATAM COVID-19 Task Force colleagues were starting to report delays in offerings and other capital market disruptions in Brazil and Uruguay and we assume that other countries may develop or experience similar delays or disruptions in the coming weeks as the global economic picture and its recovery become clearer.
 - Our LATAM COVID-19 Task Force members have not yet seen widespread signs of financial distress or insurance claims, which may be encouraging or may reflect differences in markets. Again, the situation is evolving and may change, so we will continue to monitor it.

We will continue to work with the LATAM COVID-19 Task Force to provide our clients with periodic, timely updates to the surveyed questions and updates to these observations as warranted. As noted throughout, these situations and issues will require fairly intensive fact-driven, legal analysis by parties and their counsel. Both the Willkie Latin America Practice team and the members of the LATAM COVID-19 Task Force are happy to address your questions and discuss our views and assessments of any of the developments and issues that we have noted in this client alert.

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Willkie has multidisciplinary teams working with clients to address coronavirus-related matters, including, for example, contractual analysis, litigation, restructuring, financing, employee benefits, SEC and other corporate-related matters. Please click [here](#) to access our publications addressing issues raised by the coronavirus. For advice regarding the coronavirus, please do not hesitate to reach out to your primary Willkie contacts.

If you have any questions regarding this client alert, please contact the following attorneys or the Willkie attorney with whom you regularly work.

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