

ENERGY AND MINING SECTOR
MINING AND METALLURGICAL GEOLOGICAL INSTITUTE

CHAIRMAN'S RESOLUTION

• 3960 -2023-INGEMMET/PE/PM

Lima, 28 AUG. 2023



IN VIEW OF the mining request file **VERDAD Y LIBERTAD 2023**, code N° 010100923, formulated in the WGS84 system on 05/02/2023 at 08:15 hours, before the Geological, Mining and **Metallurgical** Institute by **LUIS CEFERINO GARRIDO MAZA**, declaring to be of Peruvian nationality and married to ROSAURA GLADYS SERNAQUE SILUPU of Peruvian nationality;

WHEREAS:



Technical aspect and oppositions

That, the technical report of the Technical Operative Unit, based on the information of the National Mining Cadastre, has determined that **THE AREA IS FREE OF MINING RIGHTS**, there being no opposition in process;



Law that formalizes the Mining Grid System in UTM WGS84 coordinates.

That, Article 2 and the Third Final and Transitory Complementary Provision of Law No. 30428 state that the mining petitions in process that have been formulated until 04/30/2016 also express in their mining concession title their equivalent UTM coordinates in the WGS84 system;

Areas and natural resources regulated by special rules

That, the Technical Operative Unit of the Mining Concessions Directorate notices in the petition some graphic elements that appear in the National Map of the National Geographic Institute entered in the Mining Rights and Cadastre System, SIDEMCAT, such as forests, rivers or other natural resources, whose use and/or protection are regulated by special regulations, as established in Law No. 26821, Organic Law for the sustainable use of natural resources;

That, the National Forestry and Wildlife Service - SERFOR has informed that this mining concession application **IS NOT SUPERPOSED TO FORESTRY CONCESSIONS AND HAS ISSUED PREVIOUS OPINION**, regarding the existence of forest and wildlife resources, indicating that it is informative in nature and does not condition the granting of the mining concession, the Technical Operational Unit having indicated in its technical reports the file where such information is attached;

It is the obligation of the mining concessionaire to identify in the request for environmental certification, as a sworn statement in accordance with Law No. 27446, the existing resources and areas in the area where the mining project will be developed and to report the environmental impacts that could occur as well as the measures for prevention, mitigation, correction or compensation of such impacts, in order to obtain the permits established in the regulations, as well as the authorization to start mining exploration or exploitation activities;

Mining concession and land use

Article 88 of the Political Constitution of Peru guarantees the right to own land, whether privately or communally or in any other associative form, establishing in Article 66 that natural resources are patrimony of the Nation;

- That, in accordance with Article 9 of the Sole Ordained Text of the General Mining Law, approved by Supreme Decree N° 014-92-EM, the mining concession grants its holder the right to explore and exploit the mineral resources.
- * The exploitation of the mineral resources granted, and is a distinct and separate property from the property where it is located;

That, according to Article 7 of Law No. 26505, Law for the promotion of private investment in the development of economic activities in the lands of the national territory and of the peasant and native communities, and Article 6 of the Regulation of Article 7 of Law No. 26505, approved by Supreme Decree No. 017-96-AG, the holder of the mining concession may not use the land where the mining concession is located if it does not have prior agreement with the owner of the property or the establishment of an easement; The establishment of an easement over agricultural or livestock land for the development of non-metallic mining activities is not allowed;

18*-62' Prior consultation

That, with respect to prior consultation, Article 9 of the Law on the Right to Prior Consultation of Indigenous or Native Peoples, recognized in Convention 169 of the International Labor Organization (ILO). / indigenous or native peoples, recognized in Convention 169 of the International Labor Organization (ILO).

Law No. 29785, states that state entities must identify, under responsibility, proposals for legislative or administrative measures that have a direct relationship with the collective rights of indigenous or native peoples, so that, if it is concluded that there would be a direct impact on their collective rights, a prior consultation is carried out with respect to such rights.

g " measurements;

- *ç y That, in accordance with Article 2 of Law No. 29785, legislative or administrative measures are consulted, *as well as plans, programs and projects of national and regional development, which directly affect the collective rights of indigenous or native peoples, on their physical existence, cultural identity, quality of life or development;

That, Article 15, paragraph 15.2 of ILO Convention No. 169 states that "In cases in which the State retains ownership of mineral or subsoil resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult the peoples concerned to determine whether the interests of these peoples would be best served by such procedures".

The peoples concerned shall, before undertaking or authorizing any program of prospecting for or exploitation of the resources existing on their lands, participate, as far as possible, in the benefits of such activities, and receive fair compensation for any damage they may suffer as a result of such activities" (emphasis added). The peoples concerned shall, wherever possible, participate in the benefits accruing from such activities, and shall receive fair compensation for any damage they may suffer as a

result of such activities" (emphasis added);

Article 6 of the Regulations of Law No. 29785, approved by Supreme Decree No. 001-2012-MC, establishes that prior consultation must be carried out before approving the administrative measure that authorizes the

initiation of the activity of exploration or exploitation of natural resources in the geographic areas where the indigenous or native peoples that could be directly affected by their collective rights are located;

Since the Presidency of the Board of Directors of the Instituto Geológico Minero y Metalúrgico-INGEMMET is the mining administrative authority with competence to grant the mining concession title, according to Article 7, paragraph 6 of the Regulation of Organization and Functions of INGEMMET, approved by Supreme Decree N° 035-2007-EM, it is necessary to determine whether the mining concession affects any collective rights of indigenous peoples and therefore, whether or not it should be consulted, in order to make a decision on the granting of the mining concession title;

That, within the framework of the aforementioned provisions, the granting of the mining concession does not affect the collective rights of the indigenous peoples or those of the population in general, because:

- It does not concession territories (land, land, land or any denomination that refers to such property), since in accordance with Article 9 of the Sole Ordered Text of the General Mining Law, approved by Supreme Decree No. 014-92-EM, the mining concession is a property distinct and separate from the property where it is located, and the State guarantees the right of ownership over the land, as established in Articles 70 and 88 of the Political Constitution of Peru;
- The mining concession only recognizes exclusive "rights" to an individual over the mineral deposit, which belongs to all Peruvians as long as it is not extracted, as established in Article 66 of the Political Constitution of Peru, which states that natural resources belong to the Nation, that is, to all Peruvians; This is consistent with Article 4 of Law No. 26821, Organic Law for the sustainable use of natural resources, which states that natural resources maintained at their source are the patrimony of all Peruvians, a treatment that is also consistent with Article 954 of the Civil Code, which provides that the ownership of the land includes the subsoil and topsoil, but not natural resources, archaeological sites and remains, or other property governed by special laws;
- The mining concession does not authorize the use of the property or land for mining activities, as expressly regulated by Article 7 of Law No. 26505, Law for the promotion of private investment in the development of economic activities in the lands of the national territory and of the peasant and native communities, which establishes that the use of land for the exercise of mining or hydrocarbon activities requires prior agreement with the owner or the completion of the easement procedure;
- The mining concession does not authorize the search or extraction of minerals on land, since the start of such activities must be authorized through other administrative measures based on environmental impact studies and permits that are managed after the granting of the concession, as indicated, among others, in the General Environmental Law, Law No. 28611 and the National Environmental Impact Assessment System Law, Law No. 27446;
- The mining concession does not contain information on the impacts that could result from the execution of mining projects, it does not approve exploration or exploitation projects, since such projects are prepared after the mining concession is granted and are authorized by the Ministry of Energy and Mines and by the Regional Governments in the case of small-scale mining and artisanal mining, These studies contain information on environmental impacts (physical, biological, social, economic and cultural) and on the environmental management plan (measures to prevent, control and/or mitigate environmental impacts), which determine the environmental viability of the project, in accordance with applicable environmental regulations;



- The mining concession in accordance with the Sole Ordered Text of the General Mining Law, approved by Supreme Decree N° 014-92-EM, only contains data of the grid in the National Mining Cadastre (UTM coordinates, extension, district, province and department) and identification data of the mining owner, whether natural person (name, identity document, marital status and domicile) or legal entity (name, registration data in public registries as well as those of its legal representative and domicile), as well as the mention of the series of legal obligations that the mining holder must comply with, such as: managing sectorial and private permits and authorizations prior to carrying out mining activities; respecting archaeological zones, national road network, areas destined for national defense, among others; subjecting to land regulations, environmental care, etc., and warnings about administrative, civil or criminal liability in case of violation of such regulations;

That, in this sense, the administrative measure of granting a mining concession does not have a direct relation with the collective rights of the indigenous or native peoples, does not originate any type of direct affectation to their collective rights, does not authorize the beginning of exploration or exploitation activities of mineral resources and does not produce any variation in the legal situation of said collective rights, Therefore, it is not necessary to carry out prior consultation with respect to such measure, due to the constitutional treatment of mineral resources in Peru and the explicit scope and effects of the mining concession granting measure within the framework of Peruvian legislation, which has also been expressed in ground 41 of Decision No. 05427-2009-PC/TC. of the Constitutional Court in stating: "... This is even clearer since the Convention itself has specified as a special area where consultation should be carried out that where the peoples of the region have the right to be consulted.

indigenous peoples may be affected as a consequence of projects for the exploration or exploitation of "natural resources on their lands (...)", which are elaborated after the concession has been granted. mining;

Right of first refusal

In the area of this mining concession application, no mining petition has been filed in exercise of the right of first refusal established by Articles 13 and 14 of Legislative Decree No. 1336 and its regulations;

Payment of the validity fee and/or penalty

That, the Right of Validity and/or penalty is paid according to the extension that appears in the Register.

Mining Company and its Small Mining Producer or Artisanal Mining Producer Certificate in force at the date of payment, in accordance with Supreme Decree N° 010-2002-EM, the Law that formalizes the Mining Grid System in UTM WGS84 coordinates, Law N° 30428, and its Regulation, approved by Supreme Decree N° 025-2016-EM;

Procedural compliance and competence

The request has complied with the requirements and has been processed under the ordinary mining procedure, in accordance with the Single Ordered Text of the General Mining Law, approved by Supreme Decree No. 014-92-EM and its regulations;

Based on the favorable reports from the Technical Operational Unit and the Technical Regulatory Unit of the Mining Concessions Directorate, the mining concession title is granted;

Pursuant to the powers set forth in Article 105, paragraph f) of the Sole Ordained Text of the General Mining Law, approved by Supreme Decree N° 014-92-EM;

RESOLVED:

ARTICLE ONE.- Granting of Mining Concession

To grant the mining concession title **TRUTH AND FREEDOM 2023**, code N° 010100923 of **METALLIC** substances and 100 hectares of extension in favor of **LUIS CEFERINO GARRIDO MAZA**, located in the district **HUANUHUANU**, province of **CARAVELI** and department of **AREQUIPA**, according to the Census Digital Cartography of the National Institute of Statistics and Informatics - INEI, whose UTM coordinates corresponding to zone 18, are:

U.T.M. COORDINATES OF THE VERTICES OF THE CONCESSION WGS 84		
VERTICES	NORTH	THIS
1	8 269 000.00	594 000.00
2	8 268 000.00	594 000.00
3	8 268 000.00	593 000.00
4	8 269 000.00	593 000.00



ARTICLE TWO.- Prior consultation and administrative measures prior to the commencement of mining activities.

The mining concession is an administrative measure that in all cases does not directly affect the collective rights of indigenous or native peoples, does not contain information on impacts, does not approve mining projects, does not authorize the initiation of exploration or exploitation of mineral resources and does not produce any variation in the legal situation of indigenous or native peoples.

collective rights.

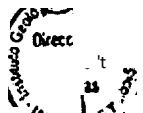
The concession title does not in itself authorize exploration or exploitation mining activities, the concessionaire must first:

- Environmental certification issued by the competent environmental authority.
- Manage the approval of the Ministry of Culture of the declarations, authorizations or certificates that are necessary for the exercise of mining activities.
- Obtain permission for the use of land by prior agreement with the owner of the property or completion of the easement procedure.
- Obtain authorization for exploration or exploitation activities from the General Directorate of Mining or the corresponding Regional Government, among others.

ARTfCULO TERCERO.- Respect for areas in accordance with the special rules that regulate them.

The mining concession granted does not authorize or enable in any case to carry out mining activities in areas where the legislation prohibits it, even if such areas are not expressly warned or consigned in this resolution.

The holder of the mining concession granted is obliged to respect the integrity of the land occupied by archeological or historical monuments, hydro-energy and hydraulic projects established by national standards, National Road Network, oil pipelines, gas pipelines, polyducts, barracks, ports or national defense works or State Institutions for scientific and technological research purposes within the area granted in mining concession, in accordance with the provisions of the Mining Procedures Regulations, approved by Supreme Decree N° 020-2020-EM.



Mining activities must take into account the non-mitigable risk areas referred to in the Fifth and Eighth Final Complementary Provision of Law No. 30556.

This title does not grant the right to extract the materials carried and deposited by the waters in their banks or riverbeds located within the mining concession area, in accordance with the provisions of Law No. 28221 and other pertinent regulations.



The holder of the mining concession granted is obliged to respect the quarries of construction materials used in infrastructure works developed by the State in accordance with the provisions dictated by Supreme Decree № 037-96-EM.

ART(CULO)CLE FOURTH: The use of land is subject to special legislation.

The holder of the mining concession must obtain permission for the use of the land through prior agreement with the landowner or the completion of the easement procedure, in accordance with the provisions of Law No. 26505, Law on Private Investment in the Development of Economic Activities in the Lands of the National Territory and of the Peasant and Native Communities, and its Regulations approved by Supreme Decree No. 017-96-AG; the establishment of easements on lands for agricultural or livestock use for the development of non-metallic mining activities is not applicable.



ARTICLE FIFTH: Obligations and liabilities

The obligations, restrictions and warnings set forth in this resolution are of an enumerative and non-limiting nature, without prejudice, therefore, to the other applicable legal norms that regulate and condition exploration and exploitation mining activities.



The transgression and/or non-compliance with the provisions of the preceding articles shall give rise to the application of the corresponding sanctions and fines by the supervisory authorities, without prejudice to the other responsibilities attributable to the offenders.

The holder of the mining concession granted is subject to the rights and obligations established in the Single Ordered Text of the General Mining Law, approved by Supreme Decree N° 014-92-EM, and its Regulations.

SIXTH ART(CULO)CLE SIXTH.- Publicity of the title

Once consented or executed, identify the concession granted in the National Mining Cadastre.

REGISTER, PUBLISH AND COMMUNICATE




Ing. Henry Luna Cordova
Presidente Ejecutivo (e)
INGEMMET

TRANSCRIPT A:

LUIS CEFERINO GARRIDO MAZA

> **jlevizaca@estudioponcelavalle.com.**

E-MAIL ADDRESS AUTHORIZED BY THE HOLDER. In case of not

If a response mail of receipt is received in accordance with the law, the personal notification made at the following address will be legally effective:

, STREET. BOULEVAR 162, OFIC. 901
SANTIAGO DE SURCO
LIMA 33



Personal notification takes effect on the day it is made; notification by e-mail, on the day it is recorded as having been received.

An appeal for review may be filed with INGEMMET against the decision of the Executive Presidency and the Directorate of Mining Concessions within 15 working days of notification, which is resolved by the Mining Council, thus exhausting the administrative procedure.

An appeal for review of the resolution granting the mining concession title may be filed before INGEMMET within 15 working days following the date of publication of the list of titles granted, and is resolved by the Mining Council, exhausting the administrative procedure.