



**Latin America
Mining
Hot Topics 2021**



Latin America Mining Hot Topics 2021

- Regional trends in mining and metals M&A (market backdrop, deal trends, developments in W&I insurance)
- Commercial opportunities in small and large mining projects
- A guide to project agreements for mining and metals projects (discussion of key project documents, project structures, key risks for mining projects)
- Overview of Farm In / Farm Out agreements (key terms and issues, areas of mutual interest (AMI))

Essentials

Regional macroeconomic outlook



- Governments' recovery plans: challenges, opportunities and elections
- Understanding public bidding rules in Latin America: privatizations planning and other opportunities in energy, mining and infrastructure projects

Regional financing outlook



- Financing and contracts today, towards a disoriented 2021 economy and its possible effects (debt restructuring across the region)
- Mitigating financial risks in downgraded rated projects and exchange rates in projects with a local currency structure
- Ratings and Bonds issuance: Creative capital market solutions for financing projects (opportunities in issuing in local currency)
- New standards of financing and insurance under the new normal

Compliance



- The new wave of environmental, social and governance (ESG) requirements (aims to discuss the implications of this important trend, including impact on company value and financing, regulation and move toward common standards, key legal risk areas, monitoring and reporting/disclosure, shareholder activism)
- Shouldering the ever-increasing compliance burden of ABC and AML (practical steps to meeting obligations under anti-corruption, bribery and anti-money laundering laws, how to leverage new technology to assist)
- Developments in competition law (antitrust guidance in joint bidding and joint ventures, risks in information exchange, regional trends in merger control)
- Sanctions update (a tailored session covering topics such as the status of sanctions for the relevant industry, sanctions after Brexit – the first UK sanctions regimes, the latest on trade sanctions)

Employment



- Employment law trends impacting EMI organizations (a tailored session covering employment law trends for the modern workforce, diversity and inclusion, opportunities and challenges arising from the smart power revolution, HR implications for EMI organizations in business restructurings, developments in anti-trust enforcement and "no-poach" clauses)
- Managing corporate supply chains – international labor and human rights (navigating the latest modern slavery legislation regionally to better understand supply chain risks, assessing labor and human rights risks, developing positive employee policies and practices)
- Navigating employment issues during times of business change (learn how to build employment matters into your overall strategy and anticipate the risks before they arise in the context of restructuring operations, reorganizations and outsourcing)
- Global expansion: expanding cross-border and managing a global workforce (a discussion of best practices in entering into new jurisdictions, including how to navigate the maze of country-specific labor and employment laws)

Others



- Overview of IP law as it relates to the EMI sectors (with a focus on who owns the data you collect and how best to protect it)
- Crisis management in the EMI sectors (understanding the risks, forming a crisis management team, crisis communications during the first 24 hours, management and strategic resolution, how to extract lessons to be learned)
- Climate change: Opportunities and risks for EMI companies (trends and legislative/litigation update, reporting and disclosure of climate change risks, implementing environmental programs, new markets)



Disputes

- Dispute resolution in the sector (a review of common dispute resolution provisions and methods; the international dispute resolution framework and institutions in the context of expert decisions, mediation, arbitration and litigation; investment protection and BITs; trends in regional dispute resolution)
- Protecting attorney-client privilege around the world (discussion of the scope of attorney-client privilege, how it operates around the world, and guidance on best practices to maximize the protections available in the jurisdictions in which your organization operates)
- Minimizing your M&A risk: top tips from disputes specialists (focus on the risks and common problems that arise in M&A transactions post-completion and how these may be best mitigated at the contract-drafting and management stage)



Tax

- Tax treatment of exploration and development expenses for the mining sector
- Tax issues on writing-off or assigning accounts receivable against the Government, affiliates and state-owned companies
- Tax incentives for industries in general
- Permanent Establishment (PE) concerns on new business models and partnerships, including but not limited to the ones using cloud computing, data centers and digital features and special customs regimes, (e.g., REPETRO Brazil and Colombian FTZ)
- Detailed transfer pricing analysis and defense files needed in response to increased scrutiny by the tax authorities stemming from the negative financial impacts of the COVID-19 crisis
- Cost contribution/sharing agreements on partnerships for the development of new technologies and products
- Tax Reforms
- Anti-avoidance rules
- Income Tax Updates
- Reportable Activities - Action 12 BEPS
- Tax treatment on exchange gains and losses
- New high Net Worth Tax
- Exit strategies for subsidiaries



Digital



Data as an asset



Top 10 tips when contracting for Digital Transformation



Dehashing Blockchain



Tech M&A: what's different?



The Innovation Lifecycle: the role of the legal team



The impact of AI on the EMI sectors



Cybersecurity: navigating the regulatory landscape



Cybersecurity: responding to a data breach



Cybersecurity: contracting

Access to our latest Global EMI webinar series here:
<https://www.bakermckenzie.com/en/insight/publications/resources/global-emi-webinar-series>

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