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## 1 OBJECTIVE

The Board of Directors of Viña Concha y Toro S.A. has defined as one of the essential missions of the Company the duty of its directors, executives and workers to promote and base their actions on ethical conduct, which is why it establishes this Crime Prevention Policy, based on Chilean law. N°20,393, Foreign Corrupt Practices Act (FCPA) and UK Bribery Act (UKBA).

The above definition is part of the fundamental principles and values of the Company contained in the Code of Ethics and Conduct of Viña Concha y Toro S.A. and Subsidiaries, which is why it is correct and adequate monitoring is a special concern of the Company.

Our culture of integrity and conduct of excellence, respect and collaboration make it necessary for all those who are part of the company to follow the crime prevention guidelines set forth in Chilean law 20.393, which refers to the "Criminal Liability of Legal Entities", as well as the FCPA and the UKBA, based on the implementation of the Crime Prevention Model, hereinafter MPD, and its subsequent evaluation for continuous improvement. Therefore, through this Policy, it is intended to provide the tools and guidelines that the company has and that are necessary to prevent conduct that affects corporate integrity or that could translate into criminal liability for Viña Concha y Toro S.A. and its national and foreign subsidiaries.

## 2 SCOPE



The scope of this Policy and the Crime Prevention Model includes all those who are part of Viña Concha y Toro S.A. and its national and foreign subsidiaries, as well as its stakeholders.

PREPARED: ComplianceLawyer	REVIEWED: Compliance Office	APPROVED: Board of Directors	VERSION:01 CREATION DATE: 08-26-2021
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## 3 DEFINITIONS

- a) Money Laundering<sup>1</sup>: It is understood as the concealment or dissimulation of the illicit origin of certain assets (for example, those that come from drug trafficking, the financing of terrorist conduct, arms trafficking, promotion of child prostitution, kidnapping, use of information privileged, embezzlement of public funds, bribery, etc.), or the acquisition, possession, possession or use of said assets, for profit, when at the time of receiving them their illicit origin is known.

<sup>1</sup> Article 27°, Law N° 19.913

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- b) Financing of Terrorism<sup>2</sup>: The crime of financing terrorism is committed by any natural or legal person who, by any means, requests, collects or provides funds with the purpose of using them in the commission of any terrorist crime, such as, seize or attack a means of public transportation in service, attack against the Head of State and other authorities, illicitly associate with the aim of committing terrorist crimes, among others.
- c) Crime of Corruption between Private Parties (Bribery)<sup>3</sup>:
- **Passive Corruption:** This crime is committed by the employee or agent (from the private sector) who requests or agrees to receive an economic or other benefit, for himself or a third party, to favor or for having favored in the exercise of his duties the contracting with a offeror over another.
  - **Active Corruption:** This crime is committed by anyone who gives, offers or consents to giving an employee or agent (in the private sector) an economic or other benefit, for himself or a third party, to favor or for having favored the contracting with one offeror over another.
- d) Bribery: Corresponds to the acceptance or offer of an economic benefit made to a national or foreign public official. Under Chilean legislation, the crime of bribery is committed when:
- <sup>4</sup>Anyone who offers or consents to give a public official an economic benefit, for the benefit of the latter or a third party, so that he or she may carry out improper actions or omissions in his or her work.
  - <sup>5</sup>Whoever offers, promises or gives a foreign public official an economic or other benefit, for the benefit of the latter or a third party, to carry out an action or incur an omission with a view to obtaining or maintaining, for himself or another, of any business or improper advantage in the scope of any international transaction.
- Exception to Bribery:* Accepting, giving or offering official or protocol donations, or those of little economic value that custom authorizes as manifestations of courtesy and good manners, will not constitute the crimes of bribery mentioned above. However, this exception does not apply to the crime of bribery or bribery of a foreign public employee when a benefit is offered, promised, given or consented to be given to a foreign public official, for him to omit or execute, or for having omitted or executed a benefit. act in violation of the duties of his position.
- e) Reception<sup>6</sup>: Sanctions anyone who, knowing their origin or being able to know it, has in their possession, transports, buys, sells, transforms or commercializes species that come from theft, robbery or misappropriation.



<sup>2</sup> Article 8°, Law N°. 18,314

<sup>3</sup> Article 287 bis and 287 ter, Penal Code

<sup>4</sup> Article 250° of the Penal Code

<sup>5</sup> Article 251° bis of the Penal Code

<sup>6</sup> Article 456° bis A, Penal Code

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- f) Unfair Administration<sup>7</sup>: This crime is committed by someone who is responsible for the safeguarding or management of another person's assets, or any part thereof, by virtue of the law, an order from the authority or an act or contract, causes damage to it, either by abusively exercising powers to dispose of it on its behalf or oblige it, or by executing or omitting any other action in a manner manifestly contrary to the interest of the owner of the affected assets.

The criminal liability is greater if the assets entrusted to it are from an open or special corporation, and the administrator who carries out any of the conducts described above causes damage to the corporate assets; or if it concerns the assets of a person in relation to whom the subject is guardian, tutor or curator, or of an incapacitated person that the subject has charge of in some other capacity.

- g) Incompatible Negotiation<sup>8</sup>: This crime is committed, among others, by the director or manager of a corporation, and other persons to whom the rules regarding duties established for those who -directly or indirectly- are interested in in any negotiation, action, contract, operation or management that involves the company, failing to comply with the conditions established by law.

Furthermore, the persons listed above also commit this crime if, under the same circumstances, they give or allow interest to be taken, and they must prevent it, to their spouse or civil partner, to a relative at any degree of the straight line or up to and including the third degree. of the collateral line, whether by consanguinity or affinity.

Likewise, this crime is also constituted if any of the persons listed above, in the same circumstances, gives or allows interest to be taken, and must prevent it, to third parties associated with them or with their spouse, cohabitant or relatives indicated above, or to companies, associations or companies in which itself, said third parties or those family members exercise their administration in any way or have a corporate interest, which must be greater than 10% if the company is anonymous.

- h) Misappropriation<sup>9</sup>: This crime is committed by anyone who, to the detriment of another, appropriates or diverts money, effects or any other movable thing that has been received in deposit, commission or administration, or by any other title that produces an obligation to deliver or return it.

- i) Water pollution<sup>10</sup>: This crime is committed by anyone who, without authorization or in contravention of its conditions or violating the applicable regulations, introduces or orders the introduction into the sea, rivers, lakes or any other body of water, chemical, biological or physical polluting agents that cause damage to hydrobiological resources. This crime is also committed by anyone who, through imprudence or mere negligence, executes the conduct described above.

- j) Production and marketing of prohibited hydrobiological products<sup>11</sup>: It consists of processing,


<sup>7</sup> Article 470 N°11, Penal Code

<sup>8</sup> Article 240 Penal Code

<sup>9</sup> Article 470 N°1, Penal Code

<sup>10</sup> Article 136 of Law N° 18.892, General Law of Fisheries and Aquaculture

<sup>11</sup> Article 139 of Law N° 18.892, General Law of Fisheries and Aquaculture

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storing, transforming, manufacturing, transporting, marketing and storing prohibited hydrobiological resources, or products derived from them.



- k) Illegal Fishing<sup>12</sup>: Consists of carrying out extractive activities in areas of management and exploitation of benthic resources (that live in the aquatic depths), without being the owner of the use rights granted by resolution of the National Fisheries Service.
- l) Production or commercialization of hydrobiological resources in a state of collapsed or overexploited<sup>13</sup>: This crime is committed by anyone who processes, produces, stores or markets hydrobiological resources that are in a state of collapsed or overexploited, or products derived from them, without proving their legal origin. This crime is also committed by anyone who has in their possession, in any capacity, such resources or products, knowing or being unable to do less than know the illegal origin of one or the other.
- m) Order a worker to go to work, knowing that he is in quarantine or mandatory health isolation decreed by the health authority<sup>14</sup>: Whoever, knowingly and having the authority to arrange the work of a subordinate, orders him to go to the place of performance of their work when this is different from their home or residence, and the worker is in quarantine or mandatory health isolation decreed by the health authority, they will be punished with minor imprisonment in its minimum to medium degrees and a fine of ten to two hundred monthly tax units for each worker who has been ordered to attend.
- n) Fraudulent obtaining of unemployment benefits<sup>15</sup>:
1. A crime is committed by anyone who obtains an unemployment benefit or supplement granted in accordance with Law 21.227, without having the right to it or in a percentage or amount greater than the corresponding amount, such as the case of a worker or group of workers who receive unemployment insurance, however, continue to provide services for the company, the case of workers who receive all or part of their remuneration in addition to the unemployment benefits provided for in cases of suspension of the employment relationship, or complements in cases of temporary reduction of the work day.
  2. The employer who facilitates fraudulent obtaining commits the crime, that is, who makes the request for payment of unemployment benefits or supplements for his workers, without them having the right to them; the one who signs the suspension agreement with workers who will continue working or receiving all or part of their remuneration; the employer who presents a false sworn statement regarding the non-existence of a work continuity agreement with the workers who obtain unemployment benefits or false in relation to the requirements to agree on the reduction of working hours that gives the right to a supplement.
- o) Third parties or Suppliers: Any natural or legal person who provides some type of professional or support service to Viña Concha y Toro S.A. and subsidiaries.

<sup>12</sup> Article 139 bis of Law N° 18.892, General Law of Fisheries and Aquaculture

<sup>13</sup> Article 139 ter of Law N° 18.892, General Law of Fisheries and Aquaculture

<sup>14</sup> Article 318 Ter, of Penal Code

<sup>15</sup> Article 14, Law 21.227

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## 4 POLICY GUIDELINES

### 4.1 Elements of the Crime Prevention Model

A Crime Prevention Model is the structured set of organizational elements, policies, programs, procedures and specific behaviors, developed and adopted to avoid the commission of behaviors that constitute crimes as indicated in Law N° 20.393.



The elements included in the Company's Crime Prevention Model are:



#### a. Compliance Officer:

a.1 Designation: In compliance with article 4 of Law 20.393, Viña Concha y Toro S.A. and its subsidiaries will have a Crime Prevention Officer, called a Compliance Officer, who will be named by the Company's Board of Directors, who will remain in office for up to 3 years, and his appointment may be extended for equal periods of duration.

In cases where there is temporary absence or incapacity of the Compliance Officer to perform his duties, these will be performed by a "Subrogative Compliance Officer", who will be designated by the Compliance Officer, in advance and expressly. This subrogation will cease at the moment in which said absence or incapacity ceases to exist. For the purposes of qualifying the subrogation,

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“absence” will be understood if the Compliance Officer, on leave or in use of his legal vacations. Likewise, “incapacity” will be understood”, if the Compliance Officer is legally prevented from exercising his functions or must refrain from acting for the purposes of ensuring the due investigation of a fact in which he may be involved or there is a conflict of interest.

a.2 Means: The Compliance Officer, in the exercise of his duties, will have autonomy with respect to the Company's Administration, its owners, partners, shareholders and controllers, therefore, in the performance of his work, he will report directly to the Board of Directors of the Company.



The Administration must provide the Compliance Officer with sufficient means and powers to perform his duties, which implies that the Compliance Officer will have an annual budget provided by the General Manager and approved by the Board of Directors, from which he may hire external advisors that it deems necessary to fulfill its mission and may request from the Board of Directors an increase in the budget in extraordinary and well-founded cases. Of these resources, you must report annually to the Board of Directors.

a.3. Powers: The Compliance Officer will be the one who leads the Compliance Office and will be responsible for maintaining and carrying out the Crime Prevention Model, aimed at avoiding the commission of illegal acts that may affect the liability of Viña Concha y Toro S.A. and its subsidiaries, in the terms provided in Law No. 20.393, to this end, has direct and unrestricted access to the different areas of the organization, in order to carry out or coordinate the execution of the functions entrusted to them.

The duties and responsibilities of the Compliance Officer will include:

- i) Carry out supervision of the MPD sanctioned by Law No. 20.393 adopted by the company, and ensure its effective application;
- ii) Direct and supervise the identification of activities or processes in the context of which the risk of commission of crimes sanctioned by Law No. 20.393 is generated or increased;
- iii) Supervise and investigate, when appropriate, complaints about violations of the Code of Ethics, especially those related to the crimes of Law 20.393.
- iv) Coordinate the review and update of the MPD, according to the change in circumstances in the company;
- v) Direct the establishment of specific crime prevention protocols, rules and procedures;
- vi) Provide assistance and advisory functions to the different areas of the company, in matters of crime prevention.
- vii) Resolve queries from collaborators related to any aspect related to prevention of crimes;
- viii) Train the company's collaborators in matters under the scope of Law 20,393;
- ix) Report their management to the Board of Directors at least semi-annually and to the Directors' Committee quarterly, without prejudice to doing so whenever a particular situation warrants it.

- b. Prevention System: The prevention of crimes associated with Law 20,393 consists of prevention activities; detection; answer; supervision, reporting and monitoring, through the execution of various control tasks, on the processes or activities that are exposed to the risks of commission of the crimes indicated in the Law.

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**b.1. Communications and Training:** In order to ensure that all employees know the Crime Prevention Model, the prohibited conduct that is a crime under Law 20,393, the reporting and consultation channels, as well as the main rules of the model, there will be programs and educational and training resources. Likewise, the program requires constant training and training for professionals who work in the Compliance Office.

**b.2. Legal and labor instruments:** Within the internal regulations that make up this System of Prevention, we have:

- Annex in the employment contracts where the rights and obligations of all the company's workers are established.
- MPD clause in contracts with suppliers and clients.
- Chapter within the Internal Regulations of Order, Hygiene and Safety.
- Complaints and Investigations Procedure



**b.3. Control Environment:** Within the company's permanent internal processes and standards that are considered fundamental to transversally maintaining a control environment, there are:

- Code of Ethics and Conduct: Manual based on the company's values, which allows us to consult about the permitted and accepted conduct of the company, as well as guidelines that will allow us to consult in case of doubts about how to act.
- Supplier Code of Conduct: Manual based on the company's values, which establishes the guidelines and behaviors permitted and accepted in the actions of our suppliers, and they must know and accept it.
- Complaints Channel: Technological tool that allows workers, suppliers, clients and in general our stakeholders to make anonymous complaints about various matters, within of which the illicit conduct established in law 20.303 is contained.
- Crime Prevention Policy: This Policy is a fundamental part of the control environment, which delivers and presents all the elements of the Crime Prevention Model.

**b.4. Audit and Monitoring:** The company's processes will be constantly monitored to identify the risks of commission of the crimes of Law 20.393 and thus apply the necessary controls to mitigate, at an accepted level, their materialization.

**b.5. Sanctions:** Any violation of the Crime Prevention Model is susceptible to being sanctioned, in accordance with the sanctions established in the Internal Regulations of Order, Hygiene and Safety, including the termination of the offender's employment relationship with the company, without prejudice to the criminal and administrative sanctions imposed by law on those who commit crimes.

**c. Supervision and Certification:** The Crime Prevention Model may be annually reviewed and audited to remedy imperfections in the system, adjust the rules and processes to legal updates that may exist, as well as to best international practices.

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#### **4.2 Roles and Responsibilities**

- a. Board of Directors: It is responsible for ensuring the correct adoption, implementation, administration, updating and supervision of the MPD. Appoints and revokes the Compliance Officer, in accordance with those established in point 4.1 of this policy. It also defines the means and powers that the Compliance Officer has to carry out his or her duties.

Likewise, the Board of Directors will be responsible for:

- Provide the necessary means and resources for the Compliance Officer to fulfill their roles and responsibilities.
- Approve this crime prevention policy, and its corresponding updates.
- Receive and evaluate reports from the Compliance Officer, at least semiannually.
- Approve the planning proposal for the next period of the period.
- Identify the activities and processes with risks of committing crimes under Law 20.393, as well as establish mitigation and tolerance strategies for these risks.
- Approve the rules that prevent the commission of these crimes.
- Inform the Compliance Officer of any observed situation that is related to non-compliance with Law 20.393 and the procedures related to the MPD.

The Board of Directors or the administrative body of each national and foreign subsidiary must ratify the Compliance Officer as the Prevention Officer of said subsidiary with the same functions and duration as indicated in this policy.

- b. Compliance Officer: Exercise the role of Compliance Officer, as established by Law N° 20.393 and in accordance with the designation of this position by the Board of Directors of Viña Concha y Toro S.A. The Compliance Officer will perform his duties in accordance with the functions established in number 4.1 of this policy, which has been approved by the Board of Directors.


- c. Ethics Committee: It is the responsibility of the Ethics and Conduct Committee to ensure compliance with the principles and commitments contained in the Code of Ethics, as well as to fully understand the complaints made in foreign subsidiaries and resolve the complaints investigated in the national subsidiaries. It is also responsible for adopting the corrective measures recommended to Managers for each case that has been subject to review or investigation, including sanctions for violators that apply.

- d. Managements: It is the responsibility of the Managements to support the Compliance Officer or whoever he designates, ensuring his unrestricted access to information and people, as well as in the coordination of the activities of the Crime Prevention Model in the areas that is required.

Likewise, it will be your responsibility to inform the Compliance Officer of any situation observed, which is related to non-compliance with Law N° 20.393 and the procedures related to the Crime Prevention Model.

- e. All workers, consultants and suppliers: It is the responsibility of all company workers, as well as their suppliers, to comply with the provisions of this Policy and the Crime Prevention Model of Viña Concha



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y Toro S.A. and its subsidiaries, as well as informing through established channels of situations that could go against what is indicated here.

#### **4.3 Support Areas**

- a. Internal Control
- b. Internal Audit
- c. People Management
- d. Finance
- e. Prosecutor's Office
- f. IT