



## US DEPARTMENT OF ENERGY

### Memorandum for the Record

Date and Location of Meeting: 1/4/2024, Virtual

Attendees:

- United States
  - o Department of Energy
  - o Department of the Treasury
  - o National Security Council
  - o Department of State
  - o U.S. Trade Representative
- Republic of Chile
  - o Ministry of Economics, Development and Tourism

Issues Presented:

Chilean representatives raised a number of concerns related to DOE's proposed Foreign Entity of Concern Interpretive Guidance.

First, Chile requested clarification about the 25% threshold for control. Specifically, Chile was confused about: (1) the extent to which the 25% threshold took into account only government ownership or also private ownership by individuals/companies located within a covered nation. in Clarification of government v. private ownership; and (2) the extent to which the 25% threshold for control and control via licensing are intended to be separate analyses.

Second, Chilean representatives questioned whether the FEOC rules are intended to apply to entities that are located within countries that qualify as a country with which the United States has a free trade agreement in effect.

Finally, Chilean representatives stated their continued interest in maximizing the extent to which material produced in Chile will be eligible for the tax credit.