

Diciembre, 2012

THE BUREAU OF THE ENVIRONMENT: INSTRUCTIONS TO HOLDERS OF ENVIRONMENTAL APPROVAL RESOLUTIONS

Instructions

Recently the Bureau of the Environment (hereinafter the “**SMA**”) issued the R.E. 574/12, which was published in the Official Gazette on October 16, 2012. By means of the mentioned resolution, the SMA imparted to holders of Environmental Approval Resolutions (hereinafter the “**RCA**”), the following instructions:

(i) To register the data identified in the table below in an electronic form available on the web page of the SMA (www.sma.gob.cl).

(ii) To submit copy of the form duly filled and signed to the reception office of the SMA, located in No. 178 Miraflores, 7th floor, commune and city of Santiago (phone: +56 2 2617 1800).

(iii) Information shall be delivered to the SMA within **15 business days** counting from the date of entrance into functions of the Second Environmental Court, based in Santiago, which is expected to happen on December 28, 2012¹.

(iv) The foregoing is without prejudice to the ongoing obligation to inform to the SMA of any changes in the information provided within 7 business days.

According to the Exempt Resolution 574/12, non-compliance with this requirement will imply that the SMA will take as current information the data contained on the RCA or on its data bases, notwithstanding the adoption and application of appropriate measures to according what is established in the law.

Background Information

The SMA, created by Law No. 20,417, is a functionally decentralized public service, endowed with legal entity, subject to the supervision of the President of the Republic through the Ministry of the Environment.

Its purpose is the execution and coordination of the follow-up and supervision of RCA, measures contained in environmental prevention and decontamination plans, quality and emission standards and management plans when appropriate.

¹Article 9° transitory of Law No. 20,417 provides that the SMA will start its operations the same day the Second Environmental Court, based in Santiago, enters into functions, which is expected to happen on December 28, 2012. The media has informed that is possible that the mentioned date is postponed. Alterations to this schedule entails the amendment of article first transitory of Law No. 20,600, that Creates the Environmental Courts.



If you have any questions regarding the matters discussed in this memorandum, please contact the following attorneys or call your regular Carey contact.

Rafael Vergara

Partner

+56 2 2928 2210

rvergara@carey.cl

Juan Francisco Mackenna

Partner

+56 2 2928 2210

jfmackenna@carey.cl

Alberto Cardemil

Partner

+56 2 2928 2211

acardemil@carey.cl

Felipe Meneses

Counsel

+56 2 2928 2381

fmeneses@carey.cl

Paulina Sandoval

Associate

+56 2 2928 2205

psandoval@carey.cl

Cristóbal Correa

Associate

+56 2 2928 2205

ccorrea@carey.cl

Paulina Gálvez

Associate

+56 2 2928 2205

pgalvez@carey.cl

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Carey y Cía. Ltda.

Isidora Goyenechea 2800, 43rd Floor
Las Condes, Santiago, Chile.

www.carey.cl

Pursuant to Law No. 20,417, once the SMA starts functioning, it will be authorized to impose written admonitions; 1 to 10,000 Annual Tax Units² (roughly US\$9,800,000); temporary or definite closure of facilities and revocation of the environmental assessment resolution, depending on the importance of the corresponding infringement.

Information to be provided to the SMA

A	Name or Company Name.
B	Taxpayers ID Number of the Project holder.
C	Address of the Project holder.
D	Número de teléfono del titular.
E	Phone number of the Project holder.
F	Taxpayers ID Number of the legal representative of the Project holder.
G	Address of the legal representative of the Project holder.
H	E-mail of the Project holder or its legal representative.
I	Phone number of the legal representative.
J	On regards to each RCA, detail: (i) individualization of the RCA with its number and year of its exempt resolution; (ii) administrative authority that dictated it; (iii) geographic localization on UTM Datum WGS 84 coordinates; (iv) Number of answers to appropriateness consultations of submission to the Environmental Impact Assessment System linked to every RCA
K	Every answer to an appropriateness consultation of submission to the Environmental Impact Assessment System linked to its RCA, detailing: (i) number of the resolution, letter, oca or other document that contains it; (ii) issuance date; (iii) administrative authority that issued it.
L	On regards to each RCA, detail: (i) individualization of the RCA with its number and year of its exempt resolution; (ii) administrative authority that dictated it; (iii) geographic localization on UTM Datum WGS 84 coordinates; (iv) Number of answers to appropriateness consultations of submission to the Environmental Impact Assessment System linked to every RCA.

¹ "Unidades Tributarias Anuales".