

BILL AMENDING THE MINING CODE AND LAWS NO. 21,420 AND NO. 21,649, ON MINING TENURE AND OTHER MATTERS, SUBMITTED TO CONGRESS

On May 18, 2026, the Executive Branch submitted to the Chamber of Deputies the bill that amends the Mining Code and Laws No. 21,420 and No. 21,649 with respect to mining tenure (amparo minero) and other matters (Bulletin No. 18,259-08). The bill seeks to facilitate compliance with mining tenure obligations, broaden the situations that grant access to the reduced annual mining license fee applicable to exploitation concessions, and eliminate the progressive scale currently set forth in Article 142 bis of the Mining Code.

Background and Presidential Message

The initiative responds to the assessment carried out by the Executive concerning the implementation of the mining tenure regime introduced by Laws No. 21,420, of January 2022, and No. 21,649, of December 2023. According to the Presidential Message, its implementation –particularly the progressive scale applicable to exploitation concessions that do not evidence works– has generated legal uncertainty and disincentives for the development of new projects, considering that mining activity is conducted in stages and entails significant costs.

In this context, the Message notes that, during 2024 and 2025, the number of concessions included in the auction list due to non-payment of the annual mining license fees rose by 45% in the case of exploitation concessions and by 75% in the case of exploration concessions, while the auctioned surface increased by 63% and 99% respectively, in comparison with 2023.

Contents of the bill

Amendments to the mining tenure regime

- **Single annual mining license fee of 0.4 UTM per hectare for exploitation concessions that do not evidence works.**

An annual mining license fee of 0.4 UTM per full hectare is

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established for exploitation concessions, thereby eliminating the progressive scale currently in force (from 0.4 UTM up to 12 UTM per hectare, depending on the age of the concession).

- **Reduced annual mining license fee of 0.1 UTM per hectare.**

Holders of exploitation concessions (or lessees, usufructuaries or other legitimate operators) may access an annual mining license fee equivalent to 0.1 UTM per full hectare, provided that the relevant mining property falls within any of the following situations:

- (a) Mining properties that, even without having commenced operations, are included within a mining development project at the exploration, prospecting, construction, exploitation, mineral processing or mine closure stage, whose holder has filed any permit or form before Sernageomin that has been admitted for processing, or a sworn declaration, or an alternative enabling mechanism under Law No. 21,770.
- (b) Mining properties that, even without having commenced operations, are included within a mining development project that has obtained a favorable Environmental Qualification Resolution (RCA) in force, or that has been admitted for processing within the Environmental Impact Assessment System.
- (c) Mining properties in respect of which geological information has been delivered in compliance with Article 21 of the Mining Code, duly certified by Sernageomin. In this case, the benefit shall apply for two consecutive payment periods of the annual mining license fee.

- **Elimination of Article 142 ter.**

The reduced annual mining license fee currently applicable to holders of one or more mining properties whose total surface does not exceed 500 hectares, and who develop works in at least one of them, is eliminated. Holders who currently benefit from this provision shall retain it for the remaining period, pursuant to the fourth transitory article of the bill.

Other amendments to the Mining Code and to Law No. 21,420

- **Amendment to Article 9 of the Mining Code.**

The expression “Ministry of Mining” is replaced with “Ministry of Energy” as the authority to which the presence of hydrocarbons

within the lands of a mining concession shall be reported, for the purposes set forth in the relevant provision.

- **Reinstatement of Articles 118 and 119 of the Mining Code.**

The elimination of both Articles is left without effect, thereby restoring: (i) the obligation of the concession holder to maintain and preserve the landmarks placed at the vertices of the mining property or at the perimeter of the group of mining properties, with a monetary penalty ranging from 10 to 200 UTM in case of tearing down, alteration or removal; and (ii) the judicial procedure for the replacement of landmarks that have been torn down or altered.

- **Adjustments for regulatory consistency.**

The reference contained in Article 144 of the Mining Code is adjusted, setting the annual mining license fee applicable to exploration concessions at “one tenth of UTM per full hectare”, and the second transitory article of Law No. 21,649 is eliminated.

Effective date and regulatory framework

- **General rule.**

The provisions of the law shall come into force as of the date of their publication in the Official Gazette (first transitory article).

- **Mining license regime.**

The new provisions of Article 142 bis of the Mining Code, regarding the amount of the annual mining license fee and the applicable reductions, shall come into force one year after the publication of the law in the Official Gazette (second transitory article).

- **Amendment to the Regulations.**

Within six months as of the publication of the law, the Regulations of the Mining Code shall be amended on the matters governed by the new rules (third transitory article).

- **Article 142 ter benefit.**

Holders of mining properties that, as of the date of publication of the law, are in the situation described in Article 142 ter of the Mining Code, and that meet the requirements set forth in the second transitory article of Law No. 21,649 –which are eliminated– shall retain the benefit for the remaining period in accordance with such

provision.

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