/Carey

July 2021

LAW N°21.248 PRIORIZES HUMAN CONSUMPTION OF WATER IN STATE OF CATASTROPHE

On June 17, 2021, Law 21,348 (hereinafter, the "Law") was published in the Official Gazette, the purpose of which is to legally guide the powers of the President of the Republic (hereinafter, the "President") regarding the state of constitutional exception of catastrophe due to public calamity, in order to guarantee, in situations of pandemic, health crisis and natural disasters, the access and availability in sufficient quantities of water to the affected population. This is because the State has the duty to ensure compliance with international obligations ratified and in force in accordance with the Political Constitution of the Republic (hereinafter, the "Constitution"), in particular, the International Covenant on Economic, Social and Cultural Rights.

Scope of the law

Powers granted to the President

The President may, during the state of emergency and to ensure the priority use of water for human consumption, sanitation and domestic subsistence use in quantity and quality appropriate to the context of public calamity that would have motivated the declaration, make use of the powers granted by the Constitution in a constitutional state of emergency of catastrophe, that is, the following:

- Restrict freedom of movement and freedom of assembly.
- To order requisitions of goods.
- To establish limitations on the exercise of the right of property.
- To adopt all extraordinary measures of an administrative nature that may be necessary for the prompt reestablishment of normality in the affected area.

Communication of measures to Congress

This news alert is provided by Carey y Cía. Ltda. for educational and informational purposes only and is not intended and should not be construed as legal advice.

Carey y Cía. Ltda.
Isidora Goyenechea 2800, 43rd Floor.
Las Condes, Santiago, Chile.
www.carey.cl

The President, in order to exercise these powers, must communicate in detail the measures adopted as indicated in the law at the time of submitting to the National Congress the information related to the measures adopted under the state of constitutional exception of catastrophe.

Deadline for the communication of measures to Congress

Although at the beginning there was a term of 7 calendar days following the entry into force of the decree declaring the state of catastrophe, this was modified and this communication was left for the moment indicated above, that is, at the moment of submitting the information on the state of catastrophe to Congress.

However, a Transitory Article was included that gives the President a term of 15 days to deliver the information to Congress, as from the publication of this Law in the Official Gazette.

Authors: Alberto Cardemil