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LEGAL ALERT

Law No. 21,132: New Predicate Offenses on Law No. 20,393 on Criminal Liability of Legal Entities

On January 31, 2019, **Law No. 21,132** came into force, **which strengthens the authorities of the National Fisheries Service **("SERNAPESCA") and adds** new predicate offenses to Law No. 20,393 regarding criminal liability of legal entities.**

The law adds the following criminal offenses to the list of conducts that may result in criminal liability of legal entities:

Water Pollution

This criminal offense penalizes all who without authorization, or contravening their respective obligations or infringing applicable regulations, insert or cause the insertion into a sea, river, lake or other body of water, of chemical, biological or physical pollutants that cause damage to hydro-biological resources (e.g. fish, mollusks, crustaceans, among other species).

Violation of Fishing Bans

This criminal offense penalizes the processing, transformation, transportation, commercialization or storage of banned hydro-biological resources, and the processing, commercialization and storage of products derived from them.

Illegal Fishing of Seabed Resources

This criminal offense penalizes unauthorized extractive activities in restricted areas of management and exploitation of seabed resources.

Illegal Processing or Storage of Scarce (collapsed or overexploited) Products

This criminal offense penalizes anyone who processes or stores collapsed or

overexploited hydro-biological resources, or products derived from them, without evidencing the legal procurement of such resources.

Companies —particularly but not exclusively those in the fishing industry— **should update their compliance programs to incorporate policies and procedures** to mitigate these new risks.

You can download Law No. 21,132

at: https://www.leychile.cl/Navegar?idNorma=1128370

Authors: Marcos Ríos