

SENATE PASSES FINAL VERSION OF NEW DESALINATION LAW.

On March 26, 2026, the Chilean Senate approved the final text of the new Desalination Law, which must be enacted and published in the Official Gazette for its entry into force.

The law introduces a specific regulatory framework for seawater desalination projects in Chile, establishing new concession categories, operational rules, oversight mechanisms, and public policy criteria.

Key aspects include:

New desalination concession

A new category named “Seawater Desalination Concession” is created, to be granted by the Ministry of Defense. Supplementary rules are governed by the Maritime Concessions Law (DFL 340/1960).

Special desalination easement

Concessionaires are granted the right to establish legal easements for the construction and operation of desalination plants, pipelines, and related infrastructure across third-party land, at their own expense. These easements may be established through public deed or judicial resolution.

Enhanced granting requirements

The law introduces substantive and procedural requirements, including a mandatory technical report issued by the General Water Directorate, which will be binding for the approval or renewal of concessions.

Supervision and sanctions

The General Water Directorate is granted oversight and sanctioning powers. Violations are classified as minor, serious, or very serious,

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with fines of up to 10,000 UTA and possible revocation of the concession in cases of repeated very serious violations.

Termination and revocation regime

An express list of termination grounds is established, including revocation due to inactivity if works do not commence within two years from the delivery record. This period may be suspended while environmental or other permits are processed, for up to four years.

Mandatory environmental assessment

Industrial-scale desalination projects and those involving intensive seawater extraction must undergo environmental assessment.

National Desalination Strategy

The law mandates the development of a National Desalination Strategy, which will define priority criteria for granting and regulating concessions.

Existing concessions

Existing maritime concessions for desalination purposes will maintain their current conditions while in force. However, they will be subject to the new rules on oversight, sanctions, termination, and revocation, and may request modification or renewal under the new regime.

Entry into force

The law will enter into force 18 months after its publication in the Official Gazette, except for provisions related to the National Desalination Strategy, which will become effective once the relevant regulation is issued.

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