

January, 2014

## > SUPERINTENDENCY OF THE ENVIRONMENT: NEW INFORMATION REQUEST TO EAR HOLDERS

On January 6, 2014, the Superintendency of the Environment ("SMA") published in the Official Gazette the Exempt Resolution No. 1518, that Establishes the Consolidated, Coordinated and Systematic Text of the Exempt Resolution No. 574 of 2012, which requests deliver and / or update information to all holders of an Environmental Approval Resolution ("EAR").

For those holders who do not submit and / or update the information required, the SMA will have as updated the information that appears in their registry, without prejudice the possibility of initiating sanctions proceedings against them.<sup>1</sup>

**1 Required information.** The EAR holders must submit, within the time and form the following information:

- a) Holder´s name, RUT, address and phone number
- b) Legal representative´s name, address, email and phone number
- c) Regarding the EAR granted:
  - The individualization of the EAR (number and year of the exempt resolution);
  - The way of entry to the Environmental Impact Assessment System (Declaration or Environmental Impact Study);
  - The administrative authority that issued the EAR;
  - The region/regions and boroughs where the project or activity is located;
  - Geographic location (UTM coordinates system WGS 84 Datum);
  - Typology of the project or activity;
  - Purpose of the project or activity;
- d) Responses to any consultation related to the obligation of entering to the Environmental Impact Assessment System of a project, or its modification, noting:
  - The number of the resolution, letter or other instrument that contains it;
  - The date of issue;
  - The administrative authority that issued it.<sup>2</sup>
- e) State or implementation phase of the project with EAR;
- f) Minimum work, act or task that starts the execution of the project or activity, and must indicate the recital of the EAR containing it;<sup>3</sup>

<sup>1</sup> According to Article 36 No. 2 Letter f) of Law No. 20,417, non-compliance with the instructions, requirements and urgent measures issued by the SMA is considered a serious infringement, which is punishable with fines up to 5,000 Units Annual Tax (UTA), the closure of a project or even revocation of the EAR.

<sup>2</sup> Documents of reply to the requirements referred to in point d) and g) must be loaded in PDF format.

<sup>3</sup> According to the provisions of Article 16, point D.5 of Article 60 and Article 4 transitional of the Supreme Decree No. 40/2012, of the Ministry of the Environment that sets the current Regulation of the Environmental Impact Assessment System.



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

**Felipe Meneses**  
Counsel  
+56 2 2928 2381  
fmeneses@carey.cl

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Carey y Cía. Ltda.  
Isidora Goyenechea 2800, 43<sup>rd</sup> Floor  
Las Condes, Santiago, Chile.  
[www.carey.cl](http://www.carey.cl)

g) Any amendments to the EAR.

**2** Delivery term of the required information. Delivery information must be made within the following deadlines:

a) Holders of favorable EAR granted before February 28, 2014, must load the required information within 15 business days from that date, i.e., until March 21, 2014.

b) Holders of favorable EAR granted since February 28, 2014, must load the required information within 15 business days from the date of notification of the respective EAR.

**3** Way of information delivery. The required information must be entered in the electronic form available on the website of the SMA (<http://www.sma.gob.cl>).

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<sup>1</sup> Los documentos de respuesta a los requerimientos indicados en la letra j) y m) se deberán cargar en formato PDF.

<sup>3</sup> De conformidad a lo señalado por el artículo 16, la letra d.5 del artículo 60 y el artículo 4° transitorio del D.S. N° 40/2012, del Ministerio del Medio Ambiente que establece el actual Reglamento del Sistema de Evaluación de Impacto Ambiental.