

January, 2019

## ➤ SMA RELEASES GENERAL INSTRUCTION REGARDING REQUIREMENTS TO UPDATE CONTINGENCY, PREVENTION AND EMERGENCY PLANS

On January 9, a new General Instruction (“Instruction”) from the Superintendence of the Environment (“SMA”) was published in the Official Gazette regarding updates to contingency, prevention and emergency plans and the submission of information to the SMA, through the Environmental Assessment Resolutions (“RCA”) System as of January 14, 2019.

The purpose of the Instruction is to gather relevant information for the programming and coordination of environmental oversight activities, the management of environmental emergencies, as well as preparation for possible contingencies.

The Instruction is directed at all holders of RCAs that have rules, conditions or measures that must comply with the obligation to maintain Contingency Prevention Plans and / or Emergency Plans.

In compliance with this Instruction, the owners must send the following information to the SMA:

1. The latest version of the Contingency and / or Emergency Prevention Plans in accordance with the provisions of the respective RCA(s). Any subsequent modifications or updates must be justified and reported within a period of 10 working days following the act that authorizes the change.
2. The name of the act that requires them to have a Plan in place, specifying the recital, paragraph, of:
  - a. The RCA.
  - b. Another document from the environmental evaluation file.
  - c. Resolutions that are pronounced on the Consultations of Relevance.
  - d. Any other resolution that is issued by any State body that, directly or indirectly, entails an update or modification of the Contingency and / or Emergency Prevention Plan, as applicable.
3. It must indicate:
  - a. Responsible contact (and an alternate contact).
  - b. Products, parts, works, processes and / or actions of the project or activity that are linked to the measures contained in the respective Plan.
  - c. The measures to be implemented, together with the opportunity or event in which they must be implemented, as well as the duration thereof, as appropriate.
  - d. The environmental components and subcomponents to which each of the identified measures must be applied.



If you have any questions regarding the matters discussed in this news alert, please contact the following attorneys or call your regular Carey contact.

**Rafael Vergara**  
Partner

+56 2 2928 2210  
rvergara@carey.cl

**Felipe Meneses**  
Counsel

+56 2 2928 2381  
fmeneses@carey.cl

**Izaskun Linazasoro**  
Associate

+56 2 2928 2381  
ilinazasoro@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)

4. In addition, the existence or obtaining of sectoral authorizations of any administrative body must be reported, whether they are related to the application of the respective Plan or involve a modification or update thereof.
5. They must also report any jurisdictional decision that, directly or indirectly, involves a modification or update of the aforementioned plans or that, eventually, prevent or obstruct the execution of the measures established therein.

The required information must be sent through the SCA RCA System within a period of **90 business days**, counted from January 9, 2019.