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➤ 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:

I. *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).

II. *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.

III. *Illegal Fishing of Seabed Resources*

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

IV. *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>



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

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