

**TEXT OF THE LAW Nº19,300 GENERAL BASES OF THE ENVIRONMENT,
PUBLISHED ON THE OFFICIAL GAZETTE ON 9th March 1994.**

**TITLE I
GENERAL PROVISIONS**

Article 1º: The right to live in an environment free of pollution, the environment protection, nature's preservation and the environmental heritage conservation shall be ruled by the law herein, without prejudice of the provisions of other legal norms on this subject.

Article 2º: For all legal purposes, the following concepts shall be understood as:

- a) *Biodiversity or Biological Diversity:* the variability of organisms alive that form part of all terrestrial and aquatic ecosystems. It includes diversity within the same specie, between species and between ecosystems.
- b) *Environmental Heritage Conservation:* the rational utilization or the repair, as the case may be, of the environment components, specially those typical of the country that are unique, limited or representative in order to ensure its permanency and regeneration capacity.
- c) *Pollution:* the presence of substances, energy elements or the combination of both in the environment in concentration or concentrations and permanency higher or lower, as the case may be, to those established in the current legislation in force.
- d) *Pollutant:* any element, compound, substance, chemical or biological derivative, energy, radiation, vibration, noise or a combination of them, whose presence in the environment, in certain levels, concentrations or periods of time, may constitute a risk for human health, for the population's quality of life, the nature preservation or the environmental heritage conservation.
- e) *Environmental Harm:* any loss, reduction, detriment or significant impairment inflicted to the environment or to one or more of its components.
- f) *Environmental Impact Statement:* descriptive document of an activity or project intended to be effectuated, or the modifications that will be introduced to it, granted under oath by the corresponding Head, whose content allow the competent organisms to assess whether its environmental impact adjust to the current environmental legislation in force.

- g) *Sustainable Development*: the sustain and equitable improvement process of the quality of life of people, founded in environment conservation and protection appropriate measures so that future generation expectations are not in danger.
- h) *Environmental Education*: permanent interdisciplinary process intended to help citizens to create values, understand certain concepts and to develop the necessary abilities and attitudes to live in harmony with other human beings, its culture and its bio-physic environment.
- i) *Environmental Impact Study*: document that describes in detail that characteristics of a project or activity intended to be performed or its modification. It shall give reasoned background for the prediction, identification and interpretation of its environmental impact and describe the action or actions to be executed to prevent or reduce its adverse negative effects.
- j) *Environmental Impact Assessment*: the procedure in charge of the National Commission on the Environment or the corresponding Regional Commission on the Environment, as the case may be, that based on a Environmental Impact Study or Assessment determines whether a project or activity environmental impact adjust to the current legislation in force.
- k) *Environmental Impact*: any alteration to the environment provoked directly or indirectly by a project or activity in a particular area.
- l) *Base Line*: detailed description of a project or activity influenced area, prior to its execution.
- ll) *Environment*: global system constituted by natural and artificial elements of physic, chemical or biologic nature, socio-cultural and its interactions, in permanent modification by human or natural action and that rules and conditions the existence and development of life in its different manifestations.
- m) *Pollution-Free Environment*: that in which pollutants are found in concentrations and periods of time lower to those susceptible of implying a risk for peoples' health, the quality of life of the population, nature preservation or to the environmental heritage preservation.
- n) *Primary Norm of Environmental Quality*: that establishing the minimum or maximum values for the concentrations and periods allowable of elements, compounds, substances, chemical or biologic derivatives, energies, radiation, vibrations, noise or a combination of them, whose presence or absence in the environment may constitute a risk for the population's life or health.

- ñ) *Secondary Norm of Environmental Quality*: that establishing the maximum or minimum periods and concentrations values allowable of substances, elements, energy or a combination of them, whose presence or absence in the environment may constitute a risk for the environment protection or conservation, or nature's preservation.
- o) *Emission Norms*: those that establish the maximum allowable quantity for a pollutant measured in the effluent of the issuing source.
- p) *Environment preservation*: group of policies, plans, programs and actions intended to ensure the maintenance of the conditions that make the evolution and development of the species and ecosystems of the country possible.
- q) *Environment Protection*: group of policies, plans, programs, norms and actions intended to improve the environment and to prevent and control its deterioration.
- r) *Natural Resources*: environment components susceptible of being utilized by humans to satisfy their spiritual, cultural, social and economic needs or interests.
- s) *Repair*: replace one or more of the components of the environment to one of a similar quality prior to the damage, or in case it is not possible, reestablish its basic properties.
- t) *Latent Zone*: that in which the concentration of air, water or soil pollutants is between 80% and 100% of the value of the corresponding environment quality norm, and
- u) *Saturated Zone*: that in which one or more environmental quality norms are exceed.

Article 3°: Without prejudice of the provisions of the law, any person who with guilt or deceit harm the environment, shall be obliged to repair it materially, at his or her own expense, if it is possible, and compensate it in accordance to the law.

Article 4°: It is responsibility of the State to facilitate citizens' participation and to promote educative campaigns on the environment protection.

Article 5°: the environmental protection measures that the authorities decide to execute, in accordance to their powers, shall not impose arbitrary differences with respect to terms or requirements.

TITTLE II

ENVIRONMENTAL MANAGEMENT INSTRUMENTS

Paragraph 1° Education and Research

Article 6°: The educative process, in its different stages, through the transmission of knowledge and the teaching of modern environmental protection concepts orientated to the understanding and taking of conscious about the environmental problems, shall incorporate values and the development of habits and attitudes tending to prevent and resolve them.

Article 7°: the funds for scientific research, technological and development allocated with resources from the *Ley de Presupuesto de la Nación* (Budget Law) shall be able to finance projects regarding the environment, without prejudice of it specific objectives.

Paragraph 2° Environmental Impact Assessment System

Article 8°: The projects or activities mentioned in article 10 could only be effectuated or modified prior assessment of its environmental impact, in accordance with the provisions of the law herein.

All environmental permits or pronouncements that according to the law in force shall or may be issued by the State agencies with respect to projects or activities subject to the assessment system shall be granted through said system in accordance with the provisions of the paragraph herein and its regulation.

The National or Regional Commission on the Environment, as the case may be, shall administrate the environmental impact assessment system as well as the coordination of the State agencies involved in it for the purposes of obtaining the permits or pronouncements referred to in the preceding subparagraph.

Article 9°: The Head of any project or activity encompassed in article 10 shall present an Environmental Impact Statement or prepare an Environmental Impact Study, as the case may be. Those not encompass in said article may voluntarily subject to the system set forth in the subparagraph herein.

For the purpose of obtaining the corresponding authorizations, the Environmental Impact Statements or Studies shall be presented before the Regional Commission on the Environment on the Region where the material works corresponding to the project or activity will be carried out, before their execution. In the cases the project or activity may cause environmental impacts in areas situated in different regions, the Environmental Impact Statements or Studies shall be presented before the Executive Directorate of the National Commission on the Environment.

In the event of doubts, said Directorate shall determine whether the project or activity affects zones situated in different regions at its own initiative or at the request of one or more Regional Commissions on the Environment or the Head of the project or activity.

The process of reviewing the Environmental Impact Statements and classifying the Environmental Impact Studies shall consider the reasoned opinion of the agencies with environmental competence in the subjects related to the corresponding project or activity. For this purpose the Regional or National Commission on the Environment, as the case may be, shall require the corresponding reports.

Article 10: The following are the projects or activities susceptible of causing environmental impact, at any of their phases, that shall subject to the environmental impact assessment system:

- a) Aqueducts, dams or reservoirs, and siphons that shall subject to the authorization established in article 294 of the Water Code, significant dams, drainage, desiccation, dredging, defense or alteration of water bodies or natural watercourses;
- b) High voltage power transmission lines and their substations.
- c) Over 3 MW electric power generating plants.
- d) Nuclear reactors and facilities, and appurtenant installations.
- e) Airports, bus, truck and railway terminals, railroads, service stations, highways and public roads that may affect protected areas.
- f) Ports, navigation routes, shipyards and maritime terminals.
- g) Urban or tourist development projects in areas not included in any of the plans mentioned in the following letter.
- h) Regional plans for urban development, inter-district plans, district zoning plans, sectional plans, industrial and real state projects modifying same or carried out in areas deemed latent or saturated.

- i) Mining development plans, including coal, oil and gas projects, including exploration, prospecting, exploitation, processing plants and debris and waste disposal, as well as industrial extraction of aggregate, peat or clay.
- j) Oil, gas, mining pipelines and other similar;
- k) Manufacturing installations, such as metallurgical, chemical, textile; building materials, equipment and metal product manufacturers, tanneries, all of industrial size.
- l) Agroindustries, slaughterhouses, husbandry, dairy and animal breeding plants and stables of industrial size.
- m) Forestry development or exploitation projects on fragile soils, in native forest areas, cellulose, paper and paper paste industries, chipping plants, wood products manufacturing plants, and sawmills, all of industrial size
- n) Hydro-biological resources intensive development projects, culture, and processing plants.
- ñ) Production, storage, transportation, disposal of, or habitual reutilization of toxic, explosive, radioactive, flammable, corrosive or reactive substances
- o) Environmental sanitation projects, such as sewage and drinking water systems, water or solid waste of domestic origin treatment plants, sanitary fills, underwater emissaries, liquid or solid industrial waste treatment or disposal systems.
- p) Execution of work, programs or activities in national parks, national reserves, natural monuments, wildlife reserves, nature sanctuaries, marine parks, marine reserves or in any other area under official protection, in the cases allowed by the respective legislation; and
- q) Massive application of chemical products in urban areas or rural zones contiguous to inhabited centers or watercourses or masses that might be affected.

Article 11: The projects or activities referred to in the preceding article shall require the preparation of an Environmental Impact Study if they generate or present, at least, one of the following effects, characteristics or circumstances:

- a) hazard for human health, due to the amount and quality of the effluents, emissions or residues generated or produced.

b) significant adverse effects on the quantity and quality of renewable natural resources, including land, water and air.

c) resettlement of human communities or a significant alteration of human groups' livelihood and customs.

d) located adjacent to a protected population, resources and areas likely to be affected, as well as the environmental value of the territory in which they are intended to be undertaken

e) significant alteration, in terms of extension and duration, of the scenic or tourist value of the area; and

f) an alteration of monuments, sites with an anthropological, archeological, historical value and, in general, belonging to the cultural heritage.

For the purpose of assessing the risk set forth in letter a) and the adverse effects set forth in letter b), the provisions referred to in current environmental quality and emission norms shall be deemed. In the absence of said norms, those in force in the States mentioned in the regulation shall be used.

Article 12: The environmental Impact Studies shall deem the following subjects:

a) A description of the project or activity.

b) The base line.

c) A detailed description of the effects, characteristics or circumstances under Article 11 of the Law generating the need to conduct an Environmental Impact Study.

d) A forecast and assessment of the environmental impact of the project or activity, including eventual hazards.

e) The measures to be adopted for the elimination or minimization of adverse effects of the project or activity, and the repair actions that shall be undertaken, when appropriate.

f) A Follow-up Plan of the environmental variables generating the Environmental Impact Study; and

g) A compliance plan with the environmental legislation applicable.

Article 13: For the purposes of elaborating and assessing an Environmental Impact Study, the proponent and the Regional or National Commission on the Environment, as the case may be, shall subject to the norms establish in the regulation.

This regulation shall be dictated by decree supreme through the Ministry Secretariat General of the Presidency and it shall contain, at least, the following:

- a) A list of the sectorial environmental permits, the necessary requirements to grant them and the technical and formal contents required to guarantee their compliance,
- b) Minimum contents detailed for the elaboration of the Environmental Impact Studies, in accordance with the provisions of articles 11 and 12; and
- c) Administrative procedure for the processing of the Environmental Impact Studies, in accordance with the following article.

Article 14: The administrative procedure set forth in letter c) of the preceding article shall consider the following aspects:

- a) Consult and coordination of the State agencies with sectorial environmental powers elated to permits granting for the project or activity assessed;
- b) Establishment of the terms for the different internal instances of the classification process of an Environmental Impact Study, in accordance with the provisions of the law herein.
- c) Definition of the clarification, amendment or additions to the Environmental Impact Studies, if necessary, in accordance with the provisions of article 16.
- d) The way of participation of citizen organizations, in accordance with the following paragraph; and
- e) The notification form of the pronouncement on the Environmental Impact Study to the party concerned

Article 15: The Regional or National Commission on the Environment, as the case may be, shall have a hundred and twenty days term to pronounce on the Environmental Impact Study. The favorable classification on an Environmental Impact Study shall be accompanied of the environmental permits or pronouncements that may be granted at such moment by the State agencies.

Nevertheless, if the responsible of any project or activity presents an insurance policy together with the Environmental Impact Study, which covers any harm inflicted to the environment, within the term set forth in the first subparagraph, he shall be able to obtain a provisory authorization to initiate the project or activity under his own responsibility, without prejudice of the resolution of the authority in accordance with this law. The regulation shall determine the beneficiary, requirements, form, conditions and term of the corresponding insurance contract.

In the event the Regional or National Commission on the Environment, as the case may be, is not in a position to pronounce on the Environmental Impact Study due to the absence of some sectorial environmental permit or pronouncement, it shall require to the responsible State agency to issue said permit or pronouncement within a thirty days term. Upon the completion of said term, the lacking permit or pronouncement shall be deemed as favorably granted.

Article 16: Within the same term of a hundred and twenty days, the Regional or National Commission on the Environment, as the case may be, may request the necessary clarifications, amendments or additions to the content of the Environmental Impact Study. For such purpose it shall extend a term for the party concerned and meanwhile the period left to complete he assessment of the respective Study may be suspended by mutual agreement

Upon the presentation of the clarification, amendment or addition, or upon the term established for it, the period set forth in the first subparagraph of the preceding article shall continue. In duly qualified and founded cases, the later may be extended, just once, up to sixty additional days.

In the event of an unfavorable pronouncement on an Environmental Impact Study, the resolution shall be founded and it shall indicate the specific requirements that the proponent shall comply.

The Environmental Impact Study shall be approved if it complies with the environmental legislation and, in the event it fulfills the effects, characteristics or circumstances set forth in article 11, it proposes the adequate mitigation, restitution or compensation measures. On the contrary, it shall be refused.

Article 17: If upon expiration of the terms referred to in articles 15 and 16, the Regional or National Commission on the Environment, as the case may be, has not pronounced on the Environmental Impact Study, it shall be deemed as favorable qualified.

Article 18: The Heads of the projects or activities that shall subject to the environmental impact assessment system and that do not require of an Environmental Impact Study, shall submit an Environmental Impact Statement under the form of an Affidavit in which he/she shall express that they comply with the current environmental legislation in force.

Notwithstanding the preceding subparagraph, the Environmental Impact Statement may encompass volunteer environmental commitments, not required by law. In such case, the Head shall be force to meet them.

The Regional or National Commission on the Environment, as the case may be, shall have a sixty days term to pronounce on the Environmental Impact Statement.

If after expiration of the term referred to in the preceding subparagraph, the competent State agencies have not granted the sectorial environmental permits or pronounced on the matter as required for the corresponding project or activity, the Regional or National Commission on the Environment, as the case may be, at the request of the party concerned, shall ask the responsible State agency to issue the appropriate permit or to pronounce on the matter within a term of thirty days. Upon expiration of this term, the lacking permit or pronouncement shall be understood as favorably granted.

Article 19: If the Regional or National Commission on the Environment, as the case may be, should find errors, omissions or inaccuracies in the Environmental Impact Statement, it may request clarifications, amendments or additions deemed necessary. For such purpose it shall extend a term for the party concerned and meanwhile the period left to complete he assessment of the respective Study may be suspended by mutual agreement

The President of the Commission may, in duly founded and qualified cases, extend the term set forth in the third subparagraph of article 18, just once, up to thirty days.

Environmental Impact Statement shall be refused if its errors, omissions or inaccuracies are not repair or if the corresponding project or activity requires of an Environmental Impact Study, in accordance with the law herein.

The regulation shall establish the way in which the party concerned shall be notified the decision of the Regional or National Commission on the Environment, as the case may be, on the Environmental Impact Statement.

Article 20: A claim before the Executive Director of the National Commission on the Environment shall be applicable against a resolution rejecting an Environmental Impact Statement. A claim before the Executive Council of the National Commission on the Environment shall be applicable against a resolution rejecting or establishing conditions or requirements to an Environmental Impact Study. The Head of the project or activity shall lodge these within a term of thirty days as from the notification date of the challenged resolution. The competent authority shall resolve in a term of sixty days as from its lodge through founded resolution.

The outcome of such founded resolution may be challenged, within a term of thirty days as from its notification, before the competent judge, pursuant to Articles 60 and onward of the law herein.

The resolution rejecting a Statement or rejecting or establishing conditions or requirements to an Environmental Impact Study, shall be notified to all the State agencies competent to resolve on the execution of the corresponding project or activity,

Article 21: If an Environmental Impact Statement is not admitted or if an Environmental Impact Study is rejected, the Head of the project or activity may submit a new Statement or Study.

Article 22: Public sector projects shall submit to the environmental impact assessment system established in the paragraph herein and they shall subject to the same technical request, requirements and environmental criteria applicable to the private sector. Military facilities for warlike use shall be ruled by their own regulations within the framework of the objectives of the law herein.

The resolution of the corresponding Commission on the Environment on the assessed project shall be mandatory and it shall be rated in the corresponding socioeconomic evaluation of said project that shall be carried out by the Ministry on Planning and Cooperation.

Article 23: In order to comply with the provisions of the paragraph herein, the National Commission on the Environment shall attempt to uniform the environmental criteria, requirements, conditions, background, certificates, proceedings, technical requirements and procedures established by the different Ministries and other competent State agencies.

In accordance with article 8° of the Constitutional Organic Law on Municipalities, provincial governors together with the corresponding Regional Commission on the Environment shall coordinate with the municipalities of their relevant communes the compliance with the provisions established in the paragraph herein.

Article 24: The assessment process shall finish with a resolution environmentally assessing the project or activity, which shall be served to the administrative authorities with competence to resolve on the activity or project, without prejudice of the notification to the party concerned.

If the resolution is favorable, it shall certificate that it complies with all the applicable environmental requirements, including the eventual mitigation and restitution works and any State agency may reject the corresponding environmental authorizations.

Whereas, if the resolution is unfavorable, these authorities shall be force to deny the corresponding authorizations or permits by virtue of its environmental impact, although the other legal requirements are fulfilled until revoked by the notification of an opposite resolution.

Article 25: The certificate referred to in the preceding article shall establish, when pertinent, the environmental requirements or conditions that should be fulfill in order to execute the project or activity and those under which the permits shall be granted that according to the legislation shall be issued by the State agencies.

If no claim is submitted within the term established in article 20 against the conditions or requirements contained in the certificate set forth previously, it shall be understood that these were accepted and its not fulfillment shall be subject to the sanctions established in article 64 of the law herein.

Paragraph 3°

Community Participation in the Environmental Impact Assessment Process

Article 26: It shall be the Regional Commissions and the National Commission on the Environment's responsibility, as the case may be, to establish the mechanisms to ensure informed participation of the organized community in the Assessment process of the Environmental Impact Studies submitted to them.

Article 27: The Head of the project or activity shall publish at his own cost an abstract duly approved by the respective Commission in the Official Gazette and in a newspaper or periodical of the region's capital or of nationwide circulation, as the case may be, of the Environmental Impact Study. Such publications shall be made within ten days after the Study has been submitted.

The abstract shall contain, at least, the following background:

- a) Identification of the natural person or legal entity responsible for the project or activity;
- b) Location or zone in which the project or activity is intended to be executed;
- c) Specification of the type of project or activity involved;

- d) Estimated amount of the investment; and
- e) Specification of the main environmental effects generated or produced by the project or activity, and the abatement measures proposed.

Article 28: The citizens organizations with legal status, through its representatives, and the natural persons directly affected, shall be authorized to learn of the Environmental Impact Study's contents and the terms of the documents attached thereto. Upon request of the Head of the project or activity, the Commission shall keep under reserve the technical, financial, and other background data deemed necessary to withhold from public knowledge, to guarantee trade and industrial secrecy or to protect patentable inventions or procedures of the project or activity referred to in the Study submitted.

Article 29: The citizen organizations and natural persons referred to in the preceding article may submit observations to the Environmental Impact Study before the competent organisms for which it shall have sixty days as from the corresponding publication date of the abstract.

The Commission shall ponder said observations in the fundamentals of its resolution and it shall be served to who submit them.

Citizens organizations and natural persons whose observations have not been duly considered in the grounds for the respective resolution, may file a claim before a higher authority than the one who resolved, within fifteen days after notification and he/she shall pronounce on the request within thirty days. The claim shall not suspend the effects of the challenged resolution.

Article 30: The Regional Commission on the Environment or the National Commission on the Environment, as the case may be, shall publish on the first working day of each month, in the Official Gazette and in a periodical of regional or nationwide circulation, as appropriate, a list of the projects or activities subject to an Environmental Impact Statement filed for processing in the immediately previous month with the purpose of keeping the public duly informed.

The list shall include, at least, the following background data:

- a) Name of the natural person or legal entity responsible for the project or activity.
- b) Place or zone in which the project or activity is intended to be executed.
- c) Specification of the type of project or activity involved.

Article 31: The respective Commission shall forward a copy of the list or abstract referred to in article 27 and 30 to the municipalities in whose communal limits the work and actions included in the project or activity under Assessment will be carried out for its appropriate publication

Paragraph 4°
Norms on Environmental Quality and Preservation of Nature and Conservation of the Environmental Heritage

Article 32: The primary norms on environmental quality shall be enacted through decree supreme carrying the signatures of the Ministry Secretariat of the Presidency and the Ministry of Health. These norms shall be of general application in the entire territory of the Republic and they shall define the levels that originate emergency situations.

The secondary norms on environmental quality shall be enacted through decree supreme carrying the signatures of the Ministry Secretariat of the Presidency and the competent Ministry according to the corresponding subject.

A regulation shall establish the procedure to dictate the norms on environmental quality that shall deem, at least, the following phases: technical and economic analysis, scientific studies development, consultations to competent public and private agencies, analysis of the observations and an adequate publicity. It shall also establish the terms and formalities required to comply with the provisions of the article herein and the criteria to revise the norms in force.

The National Commission on the Environment shall revise any norm on environmental quality at least every five years applying the same procedure above mentioned.

The National Commission on the Environment shall coordinate the process of generation of norms on environmental quality and it shall also determine the programs and fulfillment terms of them.

Article 33: The State competent agencies shall develop programs to measure and control the environmental quality of the air, water and soil for the purposes of watching over the right to live on a environment free of pollution.

These programs shall be regional. All background data on Chile's Exclusive Economic Zone and Neighboring Sea shall be compiled.

Article 34: The State shall administrate a National System on Protected Wild Areas that shall encompass the parks and marine reserves in order to ensure the biologic diversity, control the preservation of nature and conserve the environmental heritage.

Article 35: The State shall develop and encourage the creation of protected wild areas of private property with the same purpose of the article above mentioned. These areas shall be affected to the same taxing systems, rights, liabilities and charges than those belonging to the National System on Protected Wild Areas of the State.

The administrator agency of the National System on Protected Wild Areas of the State shall supervise these wild areas. The affectation of said areas shall be volunteer and it shall improve through a resolution dictated by the agency mentioned in the preceding subparagraph that receives the corresponding request from its owner who shall reduce the resolution to a public document and he/she shall register it, for publicity purposes, in the Burden and Mortgage Registry of the competent *Real State Register (Registro de Hipotecas y Gravámenes of the Conservador de Bienes Raíces Office)*

The expiration of the term shall produce the disaffectation, and also a resolution of such agency founded in the not fulfillment of the liabilities established in the regulation, or a request in advance of the owner. In the last two cases a fine for fiscal benefit shall be applied, which shall not exceed the accumulated and update taxes and assessments amount of which the real state was exempt of by virtue of its affectation in the corresponding period.

The regulation shall establish the general application requirements, terms and limitations that shall be fulfill to be entitled to the franchises, execute the rights and fulfill the liabilities and charges referred to in the first subparagraph.

Article 36: Sea portions, beach terrain, beaches, lakes, ponds, dams, water courses, swamps and other wet lands situated within the perimeter of the protected areas mentioned in the preceding articles shall be part of them

The other public agencies shall keep its corresponding competence on these protected areas.

Article 37: The regulation shall fix the procedure to classify the wild flora and fauna species based on scientific-technical background and in accordance with its conservation state, in the following categories: extinct, endanger, vulnerable, rare, insufficiently known and out of danger.

Article 38: The State competent agencies shall prepare and keep an updated inventory of wild flora and fauna species and they shall monitor the enforcement and compliance of the norms imposing restrictions to its cut, capture, hunting, trade and transport in order to adopt the actions and measures intended to conserve the biologic diversity and preserve said species.

The inventories mentioned in the preceding subparagraph shall privilege the species deemed in the following conservation categories: extinct, endanger, vulnerable, rare and insufficiently known.

Article 39: The law shall watch over that the soil use is effectuated in a rational manner in order to prevent its loss and degradation.

Paragraph 5°

Emission Norms

Article 40: The emission norms shall be established via decree supreme that shall indicate its application scope. In the case of subjects that do not concern one specific ministry, said decree shall be dictated through the Ministry Secretariat General of the Presidency.

The National Commission on the Environment shall facilitate and coordinate the dictation of emission norms and for this purpose it shall be subject to the phases established in the third subparagraph of article 32 and the corresponding regulation, as required, considering the environmental conditions and characteristics of the area where they will be applied.

Paragraph 6°

Management, Prevention and Decontamination Plans

Article 41: The utilization of the renewable natural resources shall be effectuated in a way in which its regeneration capacity and biologic diversity is ensured, specially in the case of endanger, vulnerable, rare or insufficiently known species.

Article 42: The public agency in charge by law of regulating the use of the natural resources in a particular area, shall demand the presentation and fulfillment of management plans in order to ensure its conservation, in accordance with the legislation in force.

These shall include, among other, the following environmental considerations:

- a) Maintenance of water flows and the conservation of the soil.
- b) Maintenance of the scenic value; and
- c) Protection of endanger, vulnerable, rare or insufficiently known species.

The provisions of the article herein is without prejudice of the provisions of other legal bodies on renewable natural resources management plans and it shall not be applicable to these projects or activities with respect to which an Environmental Impact Study or Statement has been approved.

Article 43: A decree supreme shall declare a zone saturated or latent and it shall be signed by the Ministry Secretariat General of the Presidency and it shall contain the precise determination of the geographic area encompassed. It shall also contain the signature of the Ministry of Health in the event of the application of primary norms on environmental quality, or the signature of the sectional ministry according to the nature of the corresponding secondary norm on environmental quality.

This declaration shall contain the measures performed or certified by the competent public agencies in which there is evidence of the condition that proves it has legal basis. The procedure shall be in charge of the Regional Commission on the Environment. If the zone object of the declaration is situated in different regions, the procedure shall be in charge of the National Commission on the Environment.

Article 44: A decree supreme of the Ministry Secretariat General of the Republic shall establish the prevention or decontamination plans, whose fulfillment shall be mandatory in zones classified as latent or saturated, respectively. Said decree supreme shall also be signed by the corresponding sectional ministry.

The National Commission on the Environment shall elaborate these plans and its proposal to the competent authority for its establishment, prior report from the corresponding Regional Commission on the Environment. The same procedure and stages shall be followed for these effects than those established in the third subparagraph of article 32 of the law herein.

Article 45: The prevention and decontamination plans shall contain, at least:

- a) The relation existing between the total emission levels and the pollutant levels to be regulated;
- b) The term within the emission reduction is intended to be reached;
- c) The indication of the responsible for its fulfillment,
- d) The identification of the authorities in charge of monitoring its enforcement and compliance,
- e) The environmental management instruments that will be used to comply with their objectives;
- f) The proportion in which the activities responsible for the pollutants set forth in the plan shall reduce their emissions, which shall be equal for all of them;
- g) The estimation of their economic and social costs, and
- h) The proposal, when pertinent, of emission compensation mechanisms.

The pollutant activities situated in zones affected to prevention or decontamination plans, shall be force to reduce their emissions to levels that allow the compliance with the objectives of the plan within the term established for such purpose.

Article 46: In those areas where a prevention or decontamination plan is being applied, the only activities that are allowed to develop are those that comply with the requirements established in the corresponding plan. The corresponding Regional Commission on the Environment shall be in charge of its verification, or the National Commission on the Environment if the plan encompass zones situated in different regions.

Article 47: The prevention or decontamination plans could use, as the case may be, the following regulation or economic instruments:

- a) Emission Norms;

- b) Tradable emission permits;
- c) Taxes on the emissions or tariffs on the users, in which the implicit environmental cost in the production or use of certain goods or services shall be deemed; and
- d) Other instruments of encouragement to environmental improvement and repair actions.

Article 48: A law shall establish the nature and ways of allocation, division, transference, duration and other characteristics of the tradable emission permits.

Paragraph 7°

The claim procedure

Article 49: Supreme Decrees establishing primary and secondary norms on environmental quality and the emission norms, those declaring latent and saturated zones, and those establishing prevention or decontamination plans shall be published in the Official Gazette.

Article 50: These decrees shall be claimable before the competent judge, in accordance with the provisions of articles 60 and onward, by any person that deem they are not in agreement with this law and to whom they cause damage. The term to lodge the claim shall have thirty days as from the publication date of the decree in the Official Gazette or from its application date in the case of special regulations for emergency situations.

The lodge of the claim shall not suspend the effects of the challenged act.

TITLE III

LIABILITY FOR ENVIRONMENTAL DAMAGE

Paragraph 1°

Environmental Damage

Article 51: Any person that with guilt or deceit causes environmental damage shall be liable for it in accordance to the law herein.

Nonetheless, the norms on liability for environmental damage contained in special laws shall prevail over those of the law herein.

Without prejudice of the provisions mentioned before, the provisions of Tittle XXXV of Paragraph IV of the Civil Code shall be applied in all those cases not covered by this law or any other special law.

Article 52: The liability of the author of the environmental damage is a legal presumption, if there is an infringement to the norms on environmental quality, the emission norms, the prevention or decontamination plans, special regulations for environmental emergency situations or to the norms on environmental protection, preservation or conservation established in the law herein or other legal or regulatory provisions.

There shall only be compensation, in this event, if there is evidence of the cause-effect relation between the infringement and the harm produced.

Article 53: Upon the environmental damage, there is the possibility of an action to repair the harm cause to the environment, which is no constraint to execute the ordinary compensatory action by whom is directly affected.

Article 54: The Heads of the environmental action referred to in the preceding article, and only to obtain the repair of the environment harm, are the private or public natural persons and legal entities that have suffered the damage or impairment; the municipalities for the facts occurred within their communes, and the State, through the State Defense Council. Upon the suit for any of the Heads above mentioned, the remaining ones will not be able to lodge it, which does not hinder its right to intervene as third parties. For the effects of article 23 of the Code of Civil Procedure, it is presumed that the municipalities and the State have current interest in the results of the trial.

Any person may require the municipality in whose scope the activities causing damage to the environment are developed to lodge the corresponding environmental action in its representation and based on the background data that the recurrent shall provide it. The municipality shall suit within forty-five days and if it does not, it shall issue a founded resolution within the same term that shall be served to the recurrent by authenticated letter. The lack of pronouncement from the municipality within the term mentioned shall make it solidarity responsible for the impairments caused by the reported fact to the affected person.

Article 55: When the responsible of issuing sources subjected to prevention or decontamination plans, or to special regulations for emergency situations, as the case may be, account for the integral and complete compliance with the obligations set forth in said plans or regulations, there will only be the possibility of an ordinary compensatory action lodged by the affected person him/herself unless the damage comes from causes not encompassed in the corresponding plan and in said case the provisions in the preceding article shall be applied.

Article 56: The municipalities, in accordance with its constitutional organic law, and the other competent State agencies shall require from the judge referred to in article 60, the application of the sanctions to the responsible of issuing sources that do not comply with the prevention or decontamination plans, or with the special regulations for emergency situations, or to the persons that fail to comply with the management plans set forth in the law herein. The procedure shall be that referred to in paragraph 2° of Tittle III of the law herein and the responsible shall be sanctioned with:

- a) Admonish;
- b) Fines up to one thousand monthly taxing units (UTM), and
- c) Temporal or definite closing.

In all these events, the judge may, according to the seriousness of the infringement, order the immediate suspension of the issuing activities or grant the violator a term to adjust the emissions to the norm.

In the event the responsible persons for the issuing sources remain violating the norms contained in the corresponding plans or special regulations upon the expiration of said term, they shall be sanctioned with an additional fine of up to forty month taxing units daily.

Those responsible for the issuing sources sanctioned in accordance with the article herein, may not be object of sanctions for the same events, by virtue of the provisions of other legal texts.

Article 57: At the time when the judge that admits an environmental or compensatory action lodged in accordance with the provisions of article 53, establishes in its sentence that the

responsible person has incurred in one of the behaviors defined in the first subparagraph of the preceding article, he shall imposed, at its own initiative, any of the sanctions listed in said article.

Article 58: The judge, at the moment of imposing the sanctions set forth in article 56 and in order to determine its amount, shall deem:

- a) The seriousness of the infringement. For such purpose he/she shall keep in mind, mainly, the levels in which the norm was exceed, or the non-compliance of the liabilities established in a prevention or decontamination plan, or in the special regulations for emergency plans,
- b) The recidivism, if any;
- c) The economic capacity of the violator, and
- d) The compliance with the commitments contracted in the Environmental Impact Statements or Studies, as the case may be.

Article 59: The persons, and in the manner mentioned in article 54, may resort to the competent judge to apply the provisions set forth in article 56, without prejudice of the execution of the actions established in the last provisions herein.

Paragraph 2°

The Procedure

Article 60: The judge with competence to submit the suits for infringement to the law herein shall be the competent civil judge of the place where the fact causing the damage or is originated or that of the domicile of the affected person that can be chosen by the latter.

In the event the competent judge corresponds to areas in which there is an Appeal Court where more than one judge executes civil jurisdiction, there shall be compliance with the provisions set forth in article 176 of the Organic Code of Courts.

Article 61: The cases referred to in the preceding article shall be processed in accordance with the summary proceeding.

The expert's proof shall be ruled by the provisions contained in the Code of Civil Procedure in all that is not opposed to the following:

a) The judge shall designate the expert or experts from a register kept in the corresponding Appeal Court in accordance with a regulation that shall be dictated for such effect in the event that the parties involved can not agreed on said designation.

b) Each of the parties may designate an attached expert that may be present in all the phases of the study and analysis that help as base for the expertise. The observations of the attached expert shall be established in the definite report.

c) The definite expert report shall be delivered in as many copies as litigants are involved in the trial. The observations shall be presented within fifteen days.

The reports issued from the competent public agencies shall be deemed and pondered in the fundaments of the corresponding sentence.

Without prejudice of the provisions of the article herein, upon the initiation of the summary proceeding, its continuation may be dictated in accordance with the ordinary trial rules established in Tittle 11 of the Code of Civil Procedure, if there are founded motives for it. For said effects, the request that ask for the substitution of the procedure shall be process as incident.

Article 62: The judge shall appreciate the proof in accordance to the rules of the sane critic and any proof mean shall be admitted besides those established in the Code of Civil Procedure.

The appeal shall only be admitted against definite sentences, interlocutory judgements that put an end to the trial or make its continuation impossible and resolutions that pronounce on precautionary measures.

These cases shall have preference for its view and judgement. The suspension of the case shall not proceed on them for any motive and if the Court believes there is a proceeding missing, it shall dictate its practice.

Article 63: The environmental and civil actions issued from the environmental damage shall expire within five years as from the evident manifestation of said damage.

TITTLE IV
CONTROL OF ENFORCEMENT AND COMPLIANCE

Article 64: It shall be the responsibility of the State agencies, that using their legal faculties participate in the Environmental Impact Assessment System, to control the permanent compliance of the standards and conditions on which the Environmental Impact Study was based or the Environmental Impact Statement accepted. In case of failure to comply, such authorities shall request from the Regional or National Commission on the Environment, as appropriate, to admonish, to impose fines up to five-hundred monthly tax units, and, even to revoke the respective approval or acceptance, notwithstanding its right to file the proper civil or criminal actions.

Within a term of ten (10) days, the resolutions mentioned in the preceding subparagraph may be appealed before a judge and according to the procedure set forth in Articles 60 *et. seq.*, prior lodging of a deposit equivalent to ten percent (10%) of the amount of the fine applied, when relevant. This shall not suspend the compliance of the resolution, and is notwithstanding the right of the party affected to request an order not to innovate before the same judge of the cause.

Article 65: Without prejudice of the provisions of the second subparagraph of article 5° of the Law N°18,695, Organic Constitutional Law on Municipalities, and in other legal norms, municipalities shall receive the accusations presented by the citizens for non-compliance with the norms in Force and they shall present them to the competent supervising agency for its knowledge and to put it through legal proceedings.

The municipality shall request from the supervising agency the report about the proceeding of the accusation. A copy of it and the report shall be deliver to the corresponding Regional Commission on the Environment. With the report, or upon thirty days the in its absence, the municipality shall put the background data in knowledge of the ministry to which it depends on or through which relates the corresponding agency to the President of the Republic.

TITTLE V
THE ENVIRONMENTAL PROTECTION FUND

Article 66: The National Commission on the Environment shall be in charge of an Environmental Protection Fund whose objective shall be the total or partial financing of projects or

activities orientated to the protection or repair of the environment, the preservation of nature or the conservation of the environmental heritage.

Article 67: The projects or activities referred to in the preceding article whose amount not exceeding the equivalent in five hundred foment units, shall be selected by the Executive Directorate of the National Commission on the Environment, in accordance with the general basis defined by the Executive Council of said Commission.

At the time when the projects or activities exceed the amount mentioned, the selection process shall be effectuated through public contest and it shall be subject to the general basis set forth in the preceding subparagraph. The Advisory Council referred to in paragraph fourth of the Final Title shall be heard.

Article 68: The Environmental Protection Fund shall be composed of:

- a) Inheritances, legacies and donations, from any origin whatsoever. In the case of donations, they shall be exempt from the inscription proceeding;
- b) Resources destined for such effect, in the Budget Law of the Nation;
- c) Resources allocated to it by other laws, and
- d) Any other contribution from public or private entities, both national and foreigners, at any title whatsoever.

FINAL TITLE

THE NATIONAL COMMISSION ON THE ENVIRONMENT

Paragraph 1°

Nature and Functions

Article 69: The National Commission on the Environment is a public service, functionally decentralized with its own legal entity and its own patrimony. It is submitted to the surveillance of the President of the Republic through the Ministry Secretariat General of the Presidency.

Its domicile shall be the city of Santiago, without prejudice of the special domiciles that can be established in other points of the country.

The agencies of the Commission shall be the Executive Council, the Executive Directorate, the Advisory Council and the Regional Commissions on the Environment.

Article 70: The Commission shall effectuate the following functions:

- a) Propose the environmental policies of the government to the President of the Republic;
- b) Periodically inform to the President of the Republic on the application of and the compliance with the legislation in force regarding environmental aspects;
- c) Act as advisory, analysis, communication and coordination agency in subjects related to the environment;
- d) Keep a national system on environmental information, regionally detailed and public;
- e) Administrate the environmental impact system assessment on a national level, coordinate the process of generation of environmental quality norms and determine the programs for its compliance;
- f) Collaborate with the competent authorities in the elaboration, approval and development of education and environmental diffusion programs orientated to the creation of a national conscience on the protection of the environment, the preservation of nature and the conservation of the environmental heritage, and to promote the citizen participation in these subjects;
- g) Coordinate the competent State agencies in subjects related to the international support to environmental projects, and be, together with the International Cooperation Agency of the Ministry of Planning and Cooperation, the national counterpart in environmental projects with international financing;
- h) Finance projects and activities orientated to the protection of the environment, the preservation of nature and the conservation of the environmental heritage; and
- i) All the other functions and powers entrusted by the law.

Paragraph 2°

The Executive Council

Article 71: The High Directorate of the Commission shall be in charge of the Executive Council integrated by the Ministry Secretariat General of the Presidency who shall preside over it with the position of President of the National Commission on the Environment. It shall also be integrated by the Ministries of Foreign Affairs, National Defense, Economy, Development and Reconstruction, Planning and Cooperation, Education, Public Works, Health, Housing and Urban Development, Agriculture, Mining, Transport and Telecommunications, and National Real States.

In the event of an absence or impediment of the President, the corresponding ministry, in accordance with the order established in the preceding subparagraph shall replace him.

Article 72: The Executive Council shall:

- a) Execute and enforce the compliance with the functions established in article 70 of the law herein;
- b) Watch over the coordination of the environmental issues, between the ministries, and public agencies and services;
- c) Watch over the compliance with the agreements and policies established by the Commission;
- d) Propose to the President of the Republic the bills and administrative acts related to environmental subjects, without prejudice of the functions of other public agencies;
- e) Promote the coordination of the control and enforcement tasks developed by the different public agencies and municipalities on environmental issues;
- f) Approve the annual activities programs and the budget bill and its modifications of the Commission;
- g) Approve the general basis of management of resources for the financing of projects or activities orientated to the protection of the environment, the preservation of nature and the conservation of the environmental heritage;
- h) Purchase, encumber, sale and administrate all kind of goods to meet their own objectives;
- i) Delegate part of its functions and powers on the President, Executive Directorate, on the other officers of the Commission and, for specific subjects, on Committees constituted for such effect;

- j) Approve the internal organization of the Commission and its modifications, upon the proposal of the Executive Directorate;
- k) Adopt all the agreements necessary for the good performance of the Commission;
- l) Know the claim on Environmental Impact study in the case of article 20, upon hearing the Advisory Council; and
- ll) All the other functions and powers entrusted by law.

Article 73: The agreements adopted by the Executive Council of the National Commission of the Environment shall be executed by the competent State agencies.

Article 74: The Executive Council shall meet periodically in ordinary sessions. Its President, at its own initiative or at the request of any of its members, may call into extraordinary sessions. The quorum for the sessions shall be five councilors and the majority of the attendants shall adopt the agreements. In the event of a tie, the President of the Council, or who replace him, shall decide the vote.

Paragraph 3°

The Executive Directorate

Article 75: The administration of the National Commission of the Environment shall be in charge of the Executive Directorate who shall be designated by the President of the Republic and he shall be its legal representative.

Article 76: The Executive Directorate shall have the following functions:

- a) The high administration of the Service;
- b) The compliance and enforce the compliance with the agreements and instructions of the Executive Council and execute the acts and functions that it delegates him in accordance with its powers;
- c) Request the information and background related to its corresponding competence scope and that he deems necessary from the State agencies;
- d) Propose to the Executive Council the annual program of activities of the Service, as well as any other subject requiring his study or resolution;

- e) Elaborate the Commission's budget bill to submit it the Executive Council and propose the budget modifications required;
- f) Propose to the Executive Council the internal organization of the Service and its modifications;
- g) Attend with "voice right" to the sessions of the Executive Council;
- h) Inform periodically to the Executive Council about the performance of the institution and the compliance with its agreements and instructions;
- i) Designate and hire personnel and put an end to their service render, without prejudice of the powers given to the Executive Council on this respect;
- j) Designate the Regional Directorates of the Regional Commission of the Environment, in accordance with the provisions of article 80;
- k) In compliance with his functions, purchase and administrate chattels, as well as celebrate all kind of acts and contracts necessary for such compliance;
- l) Know the claim recourse on Environmental Impact Statement, in the case of article 20 of the law herein;
- ll) Administrate the resources destined for the financing of projects or activities orientated to the protection of the environment, the preservation of nature and the conservation of the environmental heritage, in accordance with the general basis established by the Executive Council;
- m) Delegate part of his functions and powers on Service officers;
- n) Relate technically with the international organizations for environmental purposes, without prejudice of the powers of the Ministry of Foreign Affairs;
- ñ) Grant power and authority to the entitled practicing attorneys in law, although they are not officers of the service, with the powers established in both subparagraphs of article 7 of the Code of Civil Procedure, and
- o) In general, dictate the resolutions and execute all the other legal and regulatory powers necessary for the good performance of the Service.

Article 77: The Executive Directorate, prior authorization of the Executive Council, may create and preside over Committees and Subcommittees formed by representatives of the

ministries, services and other organizations competent for the study, consultation, analysis, communication and coordination of particular subjects related to the environment.

Likewise and for the same purpose, he may create advisory committees with the participation of natural persons and legal entities extern to the State Administration.

Paragraph 4° The Advisory Council

Article 78: There shall be an Advisory Council in the National Commission of the Environment chair by the Ministry President of the National Commission on the Environment and integrated by:

- a) Two scientists proposed from a group of five people by the Principals Council of the Chilean Universities;
- b) Two representatives of non-governmental organizations without profit purpose whose objective be the protection of the environment;
- c) Two representatives from independent academic centers that study or concern about environmental issues;
- d) Two representatives of the entrepreneurs proposed in a group of five by the most representative entrepreneur organization of the country;
- e) Two representatives of the workers proposed in a group of five by the most representative union of the country, and
- f) A representative of the President of the Republic.

The President of the Republic shall nominate the councilors for two years that may be extended just once. A regulation shall establish the functioning of the Council.

Article 79: The Advisory Council shall acquit the consults formulated by the Executive Council, issue opinions on the project bills and Supreme Decrees that fix norms on environmental quality, prevention and decontamination plans, special regulations on emission and emission norms submitted to its knowledge. It shall also execute all the other functions entrusted by the Executive Council and the law.

Paragraph 5°

The Regional Commissions on the Environment

Article 80: The National Commission on the Environment shall decentralize itself through the Regional Commissions of the Environment.

In every region of the country there shall be a Regional Directorate of the National Commission on the Environment who shall represent the Service. The Executive Directorate, who shall designate him/her from a group of five proposed for such purpose by the corresponding Regional Government, shall nominate the Regional Directorate.

Article 81: The Regional Commissions on the Environment, including that corresponding to the Metropolitan Region, shall be integrated by the Intendant, who shall preside over it. It shall also be integrated by the Governors of the region, the Regional Ministerial Secretariat of the Ministries referred to in article 71, four regional counselors selected by the corresponding Council in one vote and by the Regional Directorate of the Commission on the Environment, who shall act as secretariat.

There shall be a Technical Committee composed of the Regional Directorate of the Environment, who shall preside over it and the Regional Directorates of the public services with environmental competence, including the corresponding Maritime Governor.

Article 82: In every regional of the national territory there shall be a Regional Advisory Council on the Environment, composed of:

- a) Two scientists;
- b) Two representatives of non-governmental organizations without profit purposes whose aim be the protection or study of the environment;
- c) Two representatives of the entrepreneur
- d) Two representatives of the workers, and
- e) A representative of the Regional Intendant.

The councilors shall be nominated by the Regional Intendant from a proposal of the corresponding most representative organizations or workers unions of the region. With respect to the scientists, the universities shall propose them or professional institutes established in the region, in the event no university or institute is established in the region, the Intendant shall designate them

freely. The councilors shall last two years in their functions and this term may be extended just once. A Regulation shall establish the functioning of these Councils.

Article 83: The Regional Advisory Council shall acquire the consults formulated by the Regional Commission of the Environment and it shall execute all the other functions entrusted by law.

Article 84: The functions developed by the Special Commission on Decontamination of the Metropolitan Region shall be executed by the Regional Commission of the Environment of the Metropolitan Region, which shall be its successor and legal follower.

Article 85: The Regional Commission shall coordinate the environmental management on a regional level and it shall comply with the function entrusted by law.

Article 86: The Commissions set forth in this paragraph shall establish a system that ensures an adequate participation of the municipalities and social organizations of the region in all those subjects related to the environment.

Paragraph 6°

The Capital

Article 87: The capital of the Commission shall be composed of:

- a) The resources assigned annually by the Nation's Budget or by other general or special laws;
- b) The real states or chattels, both corporal and incorporeal, transferred or acquired at any title;
- c) Contributions from international cooperation received for the compliance with its objectives, at any title;
- d) Inheritances, legacies and donations accepted by the Executive Council, which shall be exempt from the inscription proceeding and the tax to donations established in Law N°16,271, and

- e) Goods destined to the Technical and Administrative Secretary of the National Commission of the Environment and to the Special Commission on Decontamination of the Metropolitan Region at the publication date of the law herein.

**Paragraph 7°
The Personnel**

Article 88: The National Commission on the Environment shall have the following personnel plants:

PLANTS/POSITIONS	DEGREES POSITIONS E.U.S	NUMBER
Executive Directorate	1C	1
<hr/>		
DIRECTORS		
Chiefs of Departments	3	2
Chiefs of Sub-departments	4	5
Regional Directors	6	13
		<hr/> 20
 PROFESSIONALS		
Professional	4	4
Professional	5	5
Professional	6	4
Professional	7	5
Professional	8	2
Professional	10	3
Professional	12	2
		<hr/> 25
 TECHNICIANS		

Technician	9	1
Technician	12	1
		2
ADMINISTRATIVES	12	3
Administrative	13	2
Administrative	15	3
Administrative	18	1
Administrative		
		9
CLEANLINESS STAFF	19	2
Cleanliness Personnel	21	1
Cleanliness Personnel	23	2
Cleanliness Personnel		
		5

TOTAL POSITIONS 62

Article 89: The following are the requirements for the entry and promotion of the different positions at the National Commission on the Environment.

DIRECTORS

Professional Title or academic degree granted by a State university or one recognized by the State.

PROFESSIONALS

Professional title or academic degree granted by a State university or professional institute or one recognized by it.

TECHNICIANS

Technical Title granted by a Technical Education Center of the State or one recognized by it.

ADMINISTRATIVES

High School License or equivalent. However, a secretariat course shall be required approved in an institute recognized by the State in order to work in a position degree 12.

CLEANLINESS STAFF

Elementary Education needs to be approved.

Article 90: The Executive Directorate of the National Commission on the Environment is empowered to designate, in the personnel plants established by the law herein, every or part of the personnel that up to the publication date of this legal body have service render contracts with the Technical and Administrative Secretary of the National Commission of the Environment. The term to executive this power is sixty days as from the publication date of the law herein, through one or more resolutions, at his own discretion, without continuity settlement and without submission to the charge provisions of Law N°18,834.

The personnel mentioned above shall not be required to meet with all the requirements established in the preceding article.

The personnel of said Secretary that is not designated for the plant may continue working for the Service created by this law. For such purpose and within the same term established in the first subparagraph, the Executive Directorate shall extend the corresponding contracts without continuity settlement. The same procedure shall be applicable for the people that have fee contracts.

The positions corresponding to the Regional Commission on the Environment of the Metropolitan Region shall be provided at the date of the initiation of the function, for whose effect they shall remain vacancy. The first provision of these jobs shall be by public contest.

Article 91: The personnel of the National Commission on the Environment shall be submitted to the provisions of the Administrative Statute contained in Law N°18,834 and with respect to remuneration, it shall be ruled by Decree Law N°249 of 1974 and its complementary legislation.

Without prejudice of the personnel plants established by law, the Directorate may, transitorily; hire personnel assimilated to degree or fees for studies or particular jobs. He may also request service commission to specialized officers of the different agencies or institutions of the State Administration. The remuneration scale degrees assigned for those rendering services assimilated to degree, may not exceed the maximum rate established for the plan personnel of Professionals, Technicians, Administrative and Cleanliness, respectively.

Article 92: All the terms established by this law shall deem working days.

TRANSITORY PROVISIONS

Article 1°: The environmental impact system assessment regulated by Paragraph 2° of Title II of the law herein, shall enter into force upon the publication of the regulation set forth in article 13 in the Official Gazette.

Article 2°: The Regional Commissions of the Environment, with the exception of that corresponding to the Metropolitan Region, shall be constituted within a maximum of eighty days as from the effectiveness of the law herein. Until said constitution, the National Commission on the Environment shall assume their functions regarding the environmental impact assessment system.

The Regional Commission on the Environment of the Metropolitan Region shall constitute itself within a maximum term of two years as from the publication date of the law herein. The Special Commission on Decontamination of the Metropolitan Region shall execute its function upon its duly constituted.

Upon the constitution of the Regional Commission of the Environment of the Metropolitan Region or the expiration of the term set forth in the preceding subparagraph, article 84 of the law

herein shall enter into force and the Special Commission on Decontamination of the Metropolitan Region shall be automatically dissolved.

Article 3°: For the purposes of article 48, the National Commission of the Environment shall present the technical study for the elaboration of the law regulating the tradable emission licenses to the President of the Republic, within a year as from the enacting date of the law herein.

Article 4°: The highest fiscal expense represented by the application of this law in 1994 shall be financed with charge to the budget currently encompass in the Budget Law of 1994 for the Technical and Administrative Secretary of the National Commission of the Environment. In the part for which it is not enough, it shall be finance with charge to item 50-01-03-25-33.104 of the Public Treasury of the Budget Law for 1994.

The President of the Republic shall create the corresponding chapter for income and expenses of the National Commission on the Environment budget, by decree supreme addressed through the Ministry of Finance, with the budget allocations mentioned above.

Article 5°: During 1994, the limitation encompassed in the second subparagraph of article 9° of the Law N°18,834 shall not rule, and its maximum staff shall be 90 positions.

Article 6°: The provisions of article 3° shall be applicable from the ninety days subsequent to the publication date of the law herein.

Article 7°: As from the enacting date of the law herein, the National Commission on the Environment created in its Final Tittle shall be, only by the ministry of the law, the follower and legal successor of all goods, rights and liabilities corresponding to the Ministry of National Goods by virtue of the administrative acts of contracts signed or dictated in accordance with the provisions of the Decree Supreme N° 240 of June 5th 1990 that creates the National Commission on the Environment and rules its functioning modified by decree supreme N°544 of October 9th 1991, both of the said Ministry.