

10/04/2024

# LEGAL ALERT

---

**ENTRY INTO FORCE OF THE  
AMENDMENT TO THE MINING  
SAFETY REGULATIONS REGARDING  
SECTORAL PERMITS APPLICABLE  
TO THE SMALL MINING INDUSTRY**

On April 9, 2024, Decree N° 1 of the Mining Ministry (hereinafter, the “**Decree**”), by which Supreme Decree N° 132 that Approves the Mining Safety Regulations (hereinafter, “**DS 132**”) is modified in order to streamline and adjust the processing of sectoral permits for the Small Mining industry, and to lighten certain administrative burdens applied to said industry, was published in the Official Gazette.

Notable modifications made to DS 132 include:

**1) SIMPLIFICATION OF THE PERMITS REQUIRED BY THE REGULATIONS**

Originally, according to DS 132, every mining company or mineral producer with an extraction capacity equal to or less than 5,000 tons per month, would have to submit an application to SERNAGEOMIN for one of three possible permits, according to the characteristics of the project: the Artisanal Exploitation Project (Proyecto de Explotación Artesanal); Simplified Exploitation Project (Proyecto de Explotación Simplificado); or Treatment and/or Exploitation Project (Proyecto de Explotación y/o Tratamiento). The Decree reduces the possible permits to two, the Mining Declaration (Declaración Minera) (**DM**) for projects with an extraction capacity equal to or less than 1,000 tons per month, and the Mining Project (Proyecto Minero) (**PM**), for projects with an extraction capacity greater than 1,000 tons per month, but less than 5,000 tons per month, and ore treatment plants with an input capacity not greater than 5,000 tons per month.

Likewise, the Decree simplifies the processing of both permits, enabling a digital platform for that purpose. Additionally, the SERNAGEOMIN’s term for evaluating the applications are reduced to 15 (renewable) business days for the DM, and 50 (renewable) business days for the PM.

**2) ELIMINATION OF THE WORKS BOOK (LIBRO DE FAENA)**

The obligation to keep a Works Book in the mining site is eliminated, but the obligation to keep the registries that had to be incorporated to the book persists, without any specification on how they must be kept.

**3) INCREASE OF THE EXTRACTION CAPACITY THRESHOLD FOR THE FULFILLMENT OF CERTAIN OBLIGATIONS**

The Decree modifies the applicability threshold of certain obligations of mining companies and mineral producers with an extraction capacity greater than 500 tons per months, increasing it to an extraction capacity greater than 1,000 tons per month, including: i) Submit an accidents and incidents technical report to SERNAGEOMIN, ii) Keep at least two communication routes to the surface in every underground mine, iii) enable shafts with ladders and resting platforms, and iv) carry out monthly measurements of the concentration of certain gasses in underground mines.

**4) ENTRY INTO FORCE**

These modifications entered into force on April 9, 2024, notwithstanding that the mining projects that have been filed before such date and are currently on evaluation by SERNAGEOMIN, will continue their processing in accordance with the regulation in force at the time of their filing.

# CONTACT



**Cristóbal Herrera**

Associate



**Agustín González**

Associate