



## APEC Experts Group on Illegal Logging and Associated Trade (EGILAT)

### Timber legality guidance template for Chile<sup>1</sup>

The purpose of this guidance template document is to provide APEC member economies with guidance on compiling the appropriate information for businesses and governments within the APEC region regarding timber legality laws and regulations in place in Chile. It follows from multiple discussions at EGILAT meetings in which it was recognised that it would be beneficial to compile the laws or regulations of APEC economies governing timber production and trade with a goal of supporting legal timber trade between APEC members.

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<sup>1</sup> The information contained in this Timber Legality Guidance Template is an indicative compilation of the laws and regulations that are in place in Chile and must be regarded as a non-exhaustive document.

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# Overview of Timber Legality in Chile

## Bodies or institutions responsible for managing and regulating forests in Chile

The forestry institutional framework involves several agencies under the Ministry of Agriculture, which promotes, guides and coordinate the forestry and agriculture activity in Chile. Several agencies are under this Ministry and two are fully dedicated to the forestry sector, as is described below:

- The National Forestry Institute (INFOR): Technological research institute. Its mission is to promote the creation of sustainable value throughout the forestry chain, and the development of forests and vegetation formations, for the benefit of society, through applied research, technology transfer and the generation of timely strategic information for decision-making.<sup>2</sup>
- National Forestry Corporation (CONAF)/National Forestry Service (SERNAFOR): CONAF is a private law entity dependent on the Ministry of Agriculture, whose mission is *“to ensure the conservation, restoration, and sustainable management of the country’s forest and xerophytic ecosystems through actions aimed at conservation, ecosystem management, monitoring, and tree planting, in order to meet the current and future demand for ecosystem goods and services in the context of the climate crisis, contributing to the territorial development of Indigenous peoples, vulnerable communities, the appreciation of biodiversity, and the incorporation of a gender perspective.”*<sup>3</sup> To meet those objectives, a set of laws and regulations allows CONAF/SERNAFOR to regulate and control forestry activities. For instance, Supreme Decree N°4.363 (1931) of the former Ministry of Lands and Colonization (known as “Forest Law”), regulates logging in general terms in Chile; Law N° 21.488 (2022), which classifies the crime of timber theft and related offenses, and also authorizes the use of special investigative techniques for its prosecution; Law N° 20.283 (2008), on the Recovery of Native Forest and Forestry Development; Decree Law N° 701 (1974), on Forestry Development; Supreme Decrees N° 490 (1976) and N° 43 (1990), which respectively declare Chilean Larch (*Fitzroya cupressoides*) and Pehuén or Chilean pine (*Araucaria araucana*) trees as natural monuments; and Decree N° 13 (1995), provides special protection status to certain species.

To regulate the intervention and exploitation of forest species, CONAF/SERNAFOR applies a set of actions enforcing legal and technical standards regarding the use, utilization, conservation, and protection of forest resources and the environment, associated with the development of production or exploitation activities.

In May 2025, Law N° 21.744 was enacted, establishing the National Forestry Service (SERNAFOR) as the legal successor of CONAF. Currently, a transitional process is taking place<sup>4</sup>.

<sup>2</sup> <https://www.infor.cl/index.php/about-us/somos-infor>

<sup>3</sup> <https://www.conaf.cl/quienes-somos/>

<sup>4</sup> The complete change from CONAF to SERNAFOR will be implemented through a decree that will set the date the new service will begin operating. This decree will be published and signed by the President of the Republic of Chile within one year of Law

Other institutions, which do not have administrative and regulatory faculties regarding forests but are relevant in the context of the forestry sector and its associated trade, are:

- **The National Customs Service<sup>5</sup> (or Customs):** Is an autonomous public entity, which depends on the Ministry of Finance. It monitors and controls the movement of goods along the coasts, borders and airports of the Republic; intervenes in international border operations to collect import, export and other taxes determined by law; and generates border traffic statistics, without prejudice of other duties provided by law. Its main regulations are the Customs Law (Decree with Force of Law N°30 of 2005), and its Organic Law (Decree with Force of Law N°30 of 1979), both from the Ministry of Finance.
- **The Public Prosecutor's Office<sup>6</sup>:** Is a constitutionally autonomous agency whose role is to lead the investigation of facts that constitute a crime and bring those cases to independent jurisdictional criminal courts.

### **Forests in Chile (public, private, indigenous)**

According to the last update of the Native Vegetation Resources Cadastre<sup>7</sup>, Chile has 18.07 million hectares covered by forests, equivalent to 23.9% of the continental domestic surface area. From the total of hectares covered by forest, approximately 14.72 million hectares are native forests<sup>8</sup> (81.5%), 3.18 million are forestry plantations (17.6%) and 0.17 (0.9%) are mixed woodlands.

In August 2023, Law N° 21.600 was enacted. Its purpose is to protect Chile's natural heritage through the preservation, restoration, and sustainable use of genes, species, and ecosystems. It modernizes and strengthens the management of biodiversity and protected areas, through the creation of the Biodiversity and Protected Areas Service (SBAP), and the National System of Protected Areas (SNAP).

The SBAP is the public agency responsible for the conservation of biodiversity and the management of SNAP, which constitutes the legal and territorial framework that encompasses all conservation areas under different levels of protection, both public and private. Its main objective is to protect Chile's biodiversity and natural and cultural heritage<sup>9</sup>.

The SNAP comprises the following protection categories: Virgin Region Reserve; National Park; Natural Monument; National Reserve; Multiple Use Conservation Area, and; Indigenous Peoples Conservation Area.

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Nº 21.744's entry into force. The mission of this new public service will be the "*protection, promotion, conservation, preservation, recovery, restoration, and management and regulation of the sustainable use of the country's forests and other vegetation formations and the components of nature associated with them, as well as the development of new forests and other vegetation formations on soils preferably suitable for forestry*".

<sup>5</sup> [www.aduana.cl](http://www.aduana.cl)

<sup>6</sup> <https://www.fiscaliaechile.cl/>

<sup>7</sup> CONAF, 2024. Native Vegetation Resources Cadastre.

<sup>8</sup> A native forest is defined in Law N° 20.283 as "*a forest composed of native or autochthonous species, coming from natural regeneration or under canopy plantation, with the same species present in the original distribution area, that could have an adventitious presence of randomly distributed exotic species*". Regarding native or autochthonous species, these are established in Supreme Decree N° 68 (2009) of the Ministry of Agriculture.

<sup>9</sup> <https://snap.mma.gob.cl/que-es-el-sistema-nacional-de-areas-protagonistas/>

Approximately 30% of the total hectares covered by forests are included in the SNAP<sup>10</sup>. Moreover, public tenure is largely concentrated in protected areas within the SNAP. These areas are mainly managed by CONAF/SERNAFOR.

## Laws that regulate timber harvesting and exportation

Chile has a robust forest institutional framework in the forest sector. There are three main legal bodies that regulate forestry in Chile: Supreme Decree N°4.363 (1931) or “Forest Law”; Decree Law N° 701 (1974) on forest development; and Law N° 20.283 on Recovery of Native Forest and Forest Development. These legal bodies establish the requirements that must be met to intervene the forests in Chile, establishing sanctions to those who do not comply with the requirements provided in those laws and regulations.

### Authorise or regulate the harvesting or exportation of timber

Law and Regulation	Ministry	Year of Publication	Description	Link
Supreme Decree N° 4.363	Lands and Colonization	1931	Forest Law that regulates logging in general terms in Chile.	<a href="https://www.bcn.cl/leychile/navegar?idNorma=19422">https://www.bcn.cl/leychile/navegar?idNorma=19422</a>
Decree Law N° 701 <sup>11</sup>	Agriculture	1974	Forestry Development Decree that establishes regulations and incentives for tree plantations in Chile	<a href="https://www.bcn.cl/leychile/navegar?idNorma=6954">https://www.bcn.cl/leychile/navegar?idNorma=6954</a> <a href="https://www.bcn.cl/leychile/navegar?idNorma=99208">https://www.bcn.cl/leychile/navegar?idNorma=99208</a>
Supreme Decree N° 259	Agriculture	1980	It considers Technical Regulations for the implementation of Decree Law N° 701	<a href="https://bcn.cl/2l1h7">https://bcn.cl/2l1h7</a>
Supreme Decree N° 193	Agriculture	1998	It considers General Regulations for the implementation of Decree Law N° 701	<a href="https://bcn.cl/2l1hc">https://bcn.cl/2l1hc</a>
Decree with Force of Law N°30	Finance	2005	It approves a consolidated, coordinated and organized text of SD of Finance N° 213 of 1953 of Customs Law	<a href="https://www.leychile.cl/Navegar?idNorma=238919&amp;idParte=">https://www.leychile.cl/Navegar?idNorma=238919&amp;idParte=</a>
Law N° 20.283	Agriculture	2008	Law for the recovery of Native Forests and Forest Development	<a href="http://www.leychile.cl/Navegar?idNorma=274894">http://www.leychile.cl/Navegar?idNorma=274894</a>

<sup>10</sup> [https://wef.infor.cl/?option=com\\_wef&task=GetFile&format=raw&id=11&f=17&n=2025](https://wef.infor.cl/?option=com_wef&task=GetFile&format=raw&id=11&f=17&n=2025)

<sup>11</sup> Supreme Decree N° 701 has been modified several times. Main changes are available at the links shared.

Supreme Decree Nº 93	Agriculture	2009	It considers General Regulation for the implementation of Law N° 20.283	<a href="http://www.leychile.cl/Navegar?idNorma=1006865">http://www.leychile.cl /N avegar?idNorma=1006 86 5</a>
Supreme Decree Nº 82	Agriculture	2011	It considers regulations to protect Land, Water, and Wetlands	<a href="http://www.leychile.cl/Navegar?idNorma=1022943">http://www.leychile.cl /N avegar?idNorma=1022 94 3</a>

**Prohibit timber harvesting in specified locations, such as in parks, reserves, or protected areas**

Law and Regulation	Ministry	Year of Publication	Description	Link
Supreme Decree N° 113	Agriculture	1965	It prohibits the logging in the Nahuelbuta National Park, District of Cañete, Province of Arauco.	<a href="http://www.leychile.cl/Navegar?idNorma=1027801">http://www.leychile.cl/Navegar?idNorma=1027801</a>
Supreme Decree N° 403	Agriculture	1965	It prohibits the logging on banks of the Contaco River, Osorno.	<a href="http://www.leychile.cl/Navegar?idNorma=1027862">http://www.leychile.cl/Navegar?idNorma=1027862</a>
Supreme Decree N° 552	Agriculture	1967	It prohibits the logging on stated property land in the District of Paine, Maipo Department, Province of Santiago.	<a href="http://www.leychile.cl/Navegar?idNorma=1027880">http://www.leychile.cl/Navegar?idNorma=1027880</a>
Supreme Decree N° 629	Agriculture	1967	It prohibits the logging on stated property land in the District of Cunco, Temuco Department, Province of Cautín.	<a href="http://www.leychile.cl/Navegar?idNorma=1027881">http://www.leychile.cl/Navegar?idNorma=1027881</a>
Supreme Decree N° 572	Agriculture	1968	It prohibits the logging on stated property land in the District of Los Vilos, Department of Illapel, Province of Coquimbo.	<a href="https://www.conaf.cl/cms/editorweb/transparencia/marco_normativo/Dto-572-1968.pdf">https://www.conaf.cl/cms/editorweb/transparencia/marco_normativo/Dto-572-1968.pdf</a>
Supreme Decree N° 8	Agriculture	1968	It prohibits the logging on stated property land for the east mountain area of Santiago City.	<a href="http://www.leychile.cl/Navegar?idNorma=1027800">http://www.leychile.cl/Navegar?idNorma=1027800</a>
Supreme Decree N° 427	Agriculture	1968	It prohibits the logging on stated property land for the District of Melipilla, Province of Santiago.	<a href="http://www.leychile.cl/Navegar?idNorma=1027863">http://www.leychile.cl/Navegar?idNorma=1027863</a>
Supreme Decree N° 428	Agriculture	1968	It prohibits the logging on areas located up to one hundred meters from the International Road of Puyehue.	<a href="http://www.leychile.cl/Navegar?idNorma=1027864">http://www.leychile.cl/Navegar?idNorma=1027864</a>
Supreme Decree N° 221	Agriculture	1969	It prohibits the logging of stated land that forms the Peñas Ravine, Department of Ovalle.	<a href="http://www.leychile.cl/Navegar?idNorma=1027802">http://www.leychile.cl/Navegar?idNorma=1027802</a>
Supreme Decree N° 106	Agriculture	1970	It prohibits the logging of stated property land in the District of Pirque, Department of Puente Alto, Province of Santiago.	<a href="http://www.leychile.cl/Navegar?idNorma=1017504">http://www.leychile.cl/Navegar?idNorma=1017504</a>
Supreme Decree N° 147	Agriculture	1971	It declares as forest the land located in the hydrographic basin of Parrillar Lagoon, in the Brunswick's Peninsula.	<a href="http://www.leychile.cl/Navegar?idNorma=1027871">http://www.leychile.cl/Navegar?idNorma=1027871</a>
Supreme Decree N° 82	Agriculture	1974	It prohibits the logging and shrub clearing in a stated zone of the Andean foothills and Andean mountain in the Province of Santiago.	<a href="http://www.leychile.cl/Navegar?idNorma=253495">http://www.leychile.cl/Navegar?idNorma=253495</a>

Law and Regulation	Ministry	Year of Publication	Description	Link
Supreme Decree N° 295	Agriculture	1974	It prohibits the logging in a stated zone of the Andean foothills and Andean mountain in the Provinces of Ñuble and Bío Bío.	<a href="http://www.leychile.cl/leygar?idNorma=1027876">http://www.leychile.cl/leygar?idNorma=1027876</a>
Supreme Decree N° 237	Agriculture	1974	It prohibits the logging within one hundred meters in the longitudinal road, along the section between Chillán, from the north, to the town of Quellón, from the south.	<a href="http://www.leychile.cl/leygar?idNorma=1048487">http://www.leychile.cl/leygar?idNorma=1048487</a>
Supreme Decree N° 146	Agriculture	1974	It prohibits the logging and shrub clearing in a stated area in the Province of Aysén.	<a href="http://www.leychile.cl/leygar?idNorma=1019175">http://www.leychile.cl/leygar?idNorma=1019175</a>
Supreme Decree N° 249	Agriculture	1974	It prohibits the vegetation clearing in a stated land in the Province of Magallanes.	<a href="http://www.leychile.cl/leygar?idNorma=1027874">http://www.leychile.cl/leygar?idNorma=1027874</a>
Supreme Decree N° 353	Agriculture	1975	It prohibits the logging on both sides of the stated international public road from the port of Valparaíso to Argentina (Mendoza).	<a href="http://www.leychile.cl/leygar?idNorma=1027877">http://www.leychile.cl/leygar?idNorma=1027877</a>
Supreme Decree N° 6	Agriculture	1975	It prohibits the logging on stated road sides for the District of Casablanca, Province of Valparaíso.	<a href="http://www.leychile.cl/leygar?idNorma=1027799">http://www.leychile.cl/leygar?idNorma=1027799</a>
Supreme Decree N° 438	Agriculture	1976	It declares a stated sector as protected area in the Provinces of Santiago and Valparaíso.	<a href="http://www.leychile.cl/leygar?idNorma=1027878">http://www.leychile.cl/leygar?idNorma=1027878</a>
Supreme Decree N° 255	Agriculture	1976	It creates a protection area at the Claro River (Colchagua) and it regulates logging and shrub clearing.	<a href="http://www.leychile.cl/leygar?idNorma=1027875">http://www.leychile.cl/leygar?idNorma=1027875</a>
Supreme Decree N° 46	Agriculture	1976	It creates a tourist protection area in Vilches, District of San Clemente, and it regulates logging and shrub clearing.	<a href="http://www.leychile.cl/leygar?idNorma=1027865">http://www.leychile.cl/leygar?idNorma=1027865</a>
Supreme Decree N° 55	Agriculture	1976	It creates the Vichuquén Lake protection area, and it prohibits the logging and shrub clearing.	<a href="http://www.leychile.cl/leygar?idNorma=1027868">http://www.leychile.cl/leygar?idNorma=1027868</a>
Supreme Decree N° 211	Agriculture	1976	It creates the "Robles del Maule" protection area in the Province of Linares, VII Region.	<a href="http://www.leychile.cl/leygar?idNorma=1048489">http://www.leychile.cl/leygar?idNorma=1048489</a>
Supreme Decree N° 40	Agriculture	1976	It establishes a protection area for the coastal sectors of Chaihuín - Hueicolla, Valdivia.	<a href="http://www.leychile.cl/leygar?idNorma=124626">http://www.leychile.cl/leygar?idNorma=124626</a>

Supreme Decree N° 54	Agriculture	1976	It creates a protection area in Isla Grande, Chiloé.	<a href="http://www.leychile.cl/leygar?idNorma=1026902">http://www.leychile.cl/leygar?idNorma=1026902</a>
Supreme Decree N° 449	Agriculture	1977	It creates the "Villarrica Lake" protection area, Province of Cautín, IX Region.	<a href="http://www.leychile.cl/leygar?idNorma=1027879">http://www.leychile.cl/leygar?idNorma=1027879</a>
Supreme Decree N° 67	Agriculture	1978	It creates Bellavista Forest Estate as a protection area, Province of Malleco, IX Region.	<a href="https://www.conaf.cl/cms/editorweb/transparencia/marco_normativo/Dto-67-1978.pdf">https://www.conaf.cl/cms/editorweb/transparencia/marco_normativo/Dto-67-1978.pdf</a>
Supreme Decree N° 82	Agriculture	1979	It declares as a protection area the surrounding of Prat's childhood home, Ninhue.	<a href="http://www.leychile.cl/leygar?idNorma=1027869">http://www.leychile.cl/leygar?idNorma=1027869</a>
Supreme Decree N° 67	Agriculture	1979	It creates the "Isla Mocha" protection area, Province of Arauco.	<a href="http://www.leychile.cl/leygar?idNorma=1048486">http://www.leychile.cl/leygar?idNorma=1048486</a>
Supreme Decree N° 248	Agriculture	1981	It declares a protection area in a stated sector in the VII Region and it prohibits vegetation clearing.	<a href="http://www.leychile.cl/leygar?idNorma=1027873">http://www.leychile.cl/leygar?idNorma=1027873</a>
Supreme Decree N° 92	Agriculture	1983	It declares a protection area in a stated sector in the VI Region and it prohibits vegetation clearing.	<a href="http://www.leychile.cl/leygar?idNorma=1027870">http://www.leychile.cl/leygar?idNorma=1027870</a>
Supreme Decree N° 82	Agriculture	2011	It considers regulations to protect Land, Water, and Wetlands.	<a href="http://www.leychile.cl/leygar?idNorma=1022943">http://www.leychile.cl/leygar?idNorma=1022943</a>
Supreme Decree N° 54	Agriculture	1976	It creates a protection area in Isla Grande, Chiloé.	<a href="http://www.leychile.cl/leygar?idNorma=1026902">http://www.leychile.cl/leygar?idNorma=1026902</a>
Supreme Decree N° 449	Agriculture	1977	It creates the "Villarrica Lake" protection area, Province of Cautín, IX Region.	<a href="http://www.leychile.cl/leygar?idNorma=1027879">http://www.leychile.cl/leygar?idNorma=1027879</a>
Supreme Decree N° 67	Agriculture	1978	It creates Bellavista Forest Estate as a protection area, Province of Malleco, IX Region.	<a href="https://www.conaf.cl/cms/editorweb/transparencia/marco_normativo/Dto-67-1978.pdf">https://www.conaf.cl/cms/editorweb/transparencia/marco_normativo/Dto-67-1978.pdf</a>

### Prohibit or regulate harvesting or exporting of specific tree species

Law and Regulation	Ministry	Year of Publication	Description	Link
Supreme Decree N° 490	Agriculture	1977	It declares the Chilean larch tree ( <i>Fitzroya cupressoides</i> ) as a natural monument.	<a href="http://www.leychile.cl/Navegar?idNorma=147731">http://www.leychile.cl/Navegar?idNorma=147731</a>
Supreme Decree N° 43	Agriculture	1990	It declares the pehuén or Chilean pine ( <i>Araucaria araucana</i> ) as a natural monument	<a href="http://www.leychile.cl/Navegar?idNorma=8102">http://www.leychile.cl/Navegar?idNorma=8102</a>
Supreme Decree N° 13	Agriculture	1995	It declares the following species Queule ( <i>Gomortega keule</i> ), Pitao ( <i>Pitavia punctata</i> ), Belloto del Sur ( <i>Beilschmiedia berteroana</i> ), Belloto del Norte ( <i>Beilschmiedia miersii</i> ), and Ruil ( <i>Nothofagus alessandrii</i> ) tree as natural monuments.	<a href="http://www.leychile.cl/Navegar?idNorma=19643">http://www.leychile.cl/Navegar?idNorma=19643</a>

### Require any type of payment, such as royalties, stumpage, or other fees, for the right to harvest timber

Law and Regulation	Ministry	Year of Publication	Description	Link
Supreme Decree N° 66	Agriculture	1992	It sets fees for proceedings and inspections to be performed by the National Forestry Corporation . The payment of bonuses applies to different activities such as the approval of logging or forest management plans.	<a href="https://bcn.cl/300zo">https://bcn.cl/300zo</a>

### Grant legal rights of use and tenure in relation to the place in which timber is harvested to people or groups of people, such as indigenous peoples

Law and Regulation	Ministry	Year of Publication	Description	Link
Law N° 19.253	Social Development and Family	1993	Establishes that indigenous lands, mandated by domestic interest, will benefit from the protection of this Law and may not be disposed of, seized, levied or adversely possessed, with the exception of it happening among indigenous communities or individuals of the same ethnic group. Nevertheless, levy will be allowed with CONADI's previous approval	<a href="https://bcn.cl/2eu0o">https://bcn.cl/2eu0o</a>

**Prohibit or regulate the transportation, export, import, or transshipment of timber or wood products**

Law and Regulation	Ministry	Year of Publication	Description	Link
Decree Law N° 873	Foreign Affairs	1975	It approves the Convention of International Trade in Endangered Species of Wild Fauna and Flora. It regulates the exports, imports, and re-exports of CITES Appendices species.	<a href="http://www.leychile.cl/Navegar?idNorma=199552">http://www.leychile.cl/Navegar?idNorma=199552</a>
Supreme Decree N° 141	Foreign Affairs	1975	It approves the Convention of International Trade in Endangered Species of Wild Fauna and Flora.	<a href="http://www.leychile.cl/Navegar?idNorma=188514">http://www.leychile.cl/Navegar?idNorma=188514</a>
Supreme Decree N° 490	Agriculture	1977	It declares the Chilean larch tree ( <i>Fitzroya cupressoides</i> ) as natural monument	<a href="http://www.leychile.cl/Navegar?idNorma=147731">http://www.leychile.cl/Navegar?idNorma=147731</a>
Law N° 20.283	Agriculture	2008	It is a law for the recovery of Native Forests and Forest Development. It regulates and encourages a sustainable management of Native Forest and Xerophytic Formations.	<a href="http://www.leychile.cl/Navegar?idNorma=274894">http://www.leychile.cl/Navegar?idNorma=274894</a>
Law N° 20.962	Agriculture	2016	It applies the Convention of International Trade in Endangered Species of Wild Fauna and Flora.	<a href="https://bcn.cl/2f9gg">https://bcn.cl/2f9gg</a>
Law N° 21.488	Interior and Public Security	2022	It classifies the crime of timber theft and related offenses, and also authorizes the use of special investigative techniques for their prosecution.	<a href="https://www.bcn.cl/leychile/navegar?idNorma=1181923">https://www.bcn.cl/leychile/navegar?idNorma=1181923</a>

**Regulate the possession, purchase, sale, or processing of timber or wood products**

Law and Regulation	Ministry	Year of Publication	Description	Link
Supreme Decree N° 490	Agriculture	1977	It declares the Chilean larch tree ( <i>Fitzroya cupressoides</i> ) as natural monument.	<a href="http://www.leychile.cl/Navegar?idNorma=147731">http://www.leychile.cl/Navegar?idNorma=147731</a>
Law N° 20.283	Agriculture	2008	It is a law for the recovery of Native Forests and Forest Development.	<a href="http://www.leychile.cl/Navegar?idNorma=274894">http://www.leychile.cl/Navegar?idNorma=274894</a>
Law N° 20.962	Agriculture	2016	It applies the Convention of International Trade in Endangered Species of Wild Fauna and Flora.	<a href="https://bcn.cl/2f9gg">https://bcn.cl/2f9gg</a>

**Any other laws that must be complied with for timber or wood products to be considered legally harvested or exported.**

Law and Regulation	Ministry	Year of Publication	Description	Link
Law N° 19.300	Environment	1994	General Environmental Framework Law, which establishes the legal framework for environmental protection in Chile.	<a href="https://www.bcn.cl/leychile/navegar?idNorma=30667&amp;idParte=8640071">https://www.bcn.cl/leychile/navegar?idNorma=30667&amp;idParte=8640071</a>
Law N° 21.600	Environment	2023	Establish the Biodiversity and Protected Areas Service (SBAP), and the National System of Protected Areas (SNAP).	<a href="https://www.bcn.cl/leychile/navegar?idNorma=1195666">https://www.bcn.cl/leychile/navegar?idNorma=1195666</a>

## How do timber harvesting laws operate in Chile?

### What are the requirements of legislation in Chile that authorizes or regulates the harvesting or exportation of timber?

Harvesting is authorized via management plans presented to and approved by CONAF/SERNAFOR, before any cutting activity, whether it is for native forests (Law N° 20.283) or plantations (DL N° 701), and independently of who the owner of the land and/or forest is.

When harvesting is performed without an approved management plan or conducted against the specifications included in such authorization (e.g. different areas, species or higher volume extraction), an "unauthorized cutting" or illegal logging has occurred under Supreme Decree N° 4.363 (1931) and Law N° 20.283. In addition, Law N° 21.488 amended Chile's Criminal Code to include timber theft as a criminal offense.

Unauthorized cuttings are sanctioned with fines proportional to the commercial value of the obtained product (often twice or more), increased if such products are traded. For protected species, fines apply per every harvested tree

Although the CONAF/SERNAFOR performs inspection and quantification of illegal logging activities, the penalties for such interventions are imposed by local police courts, and criminal cases (timber theft) are addressed by criminal courts.

In relation to documents and requirements which are mandatory for export operations, these are specified in the Compendium of Customs Regulations (Resolution N° 1300 of 2006 from the National Customs Service), such as: *Documento Único de Salida – Aceptación a Trámite- DUS –AT* (Single Export Document- acceptance for processing), which must contain all the information required<sup>12</sup>; mandate given to the customs brokers; shipping note or instructions; transport and freight documents; copy of the commercial invoice issued; as well as the necessary signatures and/ or authorizations specified in Annex 40 of the Compendium of Custom Regulations, among others according to the case. For goods whose f.o.b. value does not exceed US\$2.000, they can apply to a simplified procedure.

In addition to the standard procedures mentioned above, for timber exports Customs request the Free Transit Guide for primary native forest products when declaring goods to Customs, as an internal oversight measure to verify its authorized origin<sup>13</sup>.

Moreover, forest products for export need to fulfill phytosanitary certification requirements established by Chile's Agricultural and Livestock Service (SAG)<sup>14</sup>.

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<sup>12</sup> Such as the name of the shipping agent or exporter, address, municipality, customs post, port of loading, type of cargo, means of transport, code of the region of origin, port of unloading, economy of destination, name of the transport company, name of the issuer, name of the ship, number of the voyage, authorizations, volume of the goods, F.O.B. value, tariff code, product description, gross weight, type and quantity of containers, *inter alia*

<sup>13</sup> More information regarding this document in Law N° 20.283 and in further sections.

<sup>14</sup> More information in: <https://www.sag.gob.cl/ambitos-de-accion/procedimientos-para-la-certificacion-fitosanitaria>

**What are the requirements of the laws or regulations that prohibit or restrict timber harvesting in specified locations, such as in parks, reserves, or protected areas?**

Timber harvesting is prohibited or restricted in specified locations. Supreme Decree N° 4.363 or “Forest law” provides the foundational prohibition on unauthorized cutting (illegal logging) in the following areas:

1. Native trees and shrubs located less than 400 meters above the springs that are born in the hills and those located less than 200 meters from its shores from the point where the slope originates to that in which the plain ends.
2. Trees less than 200 meters from springs born on flat non-irrigated land.
3. Native trees and shrubs on slopes above 45% without justification and approved management plan.

In SNAP protected areas, harvesting is prohibited without SBAP authorization and an approved management plan, with additional requirements depending on the case, such as environmental impact assessment (Law N° 19.300)<sup>15</sup> and/or specific permits for protected species.

On indigenous lands, prior informed consent is mandatory<sup>16</sup> (Law N° 19.253, ILO Convention N° 169).

Law N° 20.283 prohibits harvesting in conservation forests unless technically justified and restricts it in fragile soils or high slopes without soil/water protection measures. Decree Law N° 701 restricts harvesting in preferential forest lands without an approved management plan.

**What are the requirements of the laws that prohibit or regulate harvesting or exportation of specific tree species?**

Some species have a special protection status. For instance, Chilean Larch (*Fitzroya cupressoides*) or Lahuén tree, and the Pehuén or Chilean pine tree (*Araucaria araucana*) have been declared as natural monuments by Supreme Decrees N° 490 (1976) and N° 43 (1990), respectively. Logging of these trees is prohibited throughout the domestic territory, unless expressly authorized by CONAF/SERNAFOR for duly authorized scientific research, for public construction works, defense works, or implementation of forestry management plans by official State institutions with the exclusive objective of preserving and improving the species. Infringements are reported to local police courts. The Queule (*Gomortega keule*), Pitao (*Pitavia punctata*), Belloto de Sur (*Beilschmiedia berteroana*), Belloto del Norte (*Beilschmiedia miersii*), and Ruil (*Nothofagus alessandrii*) trees have special protection status under Supreme Decree N° 13 (1995), banning their logging and destruction, unless expressly authorized, qualified, and justified by CONAF/SERNAFOR.

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<sup>15</sup> More information in section “requirements of any other laws that must be complied with for timber or wood products to be considered legally harvested or exported”.

<sup>16</sup> More information in section “requirements of the laws that grant legal rights of use and tenure in relation to the place in which timber is harvested to people or groups of people, such as indigenous people”.

The harvest of dead specimens of Chilean Larch (*Fitzroya cupressoides*) is allowed with prior authorization of a "deadwood extraction management plan," issued by CONAF/SERNAFOR. However, the commercialization of those products is only possible domestically because such trees are included in Appendix I of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES).

**What are the requirements of the laws that require any type of payment, such as royalties, stumpage, or other fees, for the right to harvest timber?**

Fees must be paid for any proceedings and inspections to be performed by CONAF/SERNAFOR, in relation to requests for payment of forestry subsidies, and approval of management plans for logging or use of forest. Fees are set in Supreme Decree N° 66 (1992) and are based on activity type and geographical region.

**What are the requirements of the laws that grant legal rights of use and tenure in relation to the place in which timber is harvested to people or groups of people, such as indigenous people?**

Law N° 19.253 (1993) establishes indigenous land protection standards that prevent their disposal, seizure, levy without authorization from the National Indigenous Development Corporation (CONADI), and adverse possession, except between communities or indigenous people of the same ethnic group. Moreover, forestry activities (including related to native forests) on indigenous lands require prior informed consent from the affected communities or their representative. The consultation procedure is regulated by Supreme Decree N° 66 (2013) of the Ministry of Social Development.

Forestry activities must also comply with international agreements to which Chile is a Party. It is worth mentioning that Chile is a Party to the International Labor Organization (ILO) Convention N°169 "concerning Indigenous and Tribal Peoples in Independent Countries" of 1989, which recognizes the right of prior consultation in its article 6 N° 1 letter a) and N° 2. Supreme Decree N° 236 (2008) of the Ministry of Foreign Affairs promulgated this Convention.

Chile has ratified the Convention on Biological Diversity (CBD) through Decree N° 1963 (1995), which protects in situ – ex situ plant species and their sustainable use through environmental education and participation of local communities. This ratification was made through Decree N° 1963 (1995) of the Ministry of Foreign Affairs.

**What are the requirements of the laws that prohibit or regulate the transportation, export, import, or transshipment of timber or wood products?**

Primary Product from Native Forest shall be understood as the product directly obtained from existing native forest species growing under a natural condition, or as the result of a first processing<sup>17</sup>. The following are the main native forest wood products:

- Pulp logs and sawing logs.
- Wood posts, stakes, guides, and cords.

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<sup>17</sup> <https://www.conaf.cl/regulacion/documentacion/productos-primarios-del-bosque-nativo/>

- Wood chips with or without bark.
- Sawn timber (foundations, boards, planks, covers or linings, semi-cylinders, roof shingles, and floorboards).
- Firewood.
- Manufactured or sawn railroad ties.

Its domestic transportation and trade requires a Free Transit Guide issued by CONAF/SERNAFOR to demonstrate legal origin, in accordance with Supreme Decree N° 93 (2008) and Law N° 20.283. This guide can be required by CONAF/SERNAFOR inspectors or police officers.

For exportation, there are no specific additional requirements beyond standard Customs procedures (Single Export Document - DUS-AT and other documents<sup>18</sup>). However, as an internal oversight measure, Customs routinely requests the Free Transit Guide for primary native forest products when declaring goods to Customs, to verify its authorized origin. Exports are also subject to risk-based controls including physical, documentary and species identification checks (especially to detect CITES-listed specimens). In addition, forest products for export need to fulfill phytosanitary certification requirements established by SAG.

Chile does not have a particular regulation regarding the import or transshipment of timber or wood products, beyond general Customs procedures, control of CITES listed specimens, and mandatory phytosanitary requirements by SAG<sup>19</sup>.

**What are the requirements of any other laws that must be complied with for timber or wood products to be considered legally harvested or exported?**

In conformity with its domestic legislation or international agreements, Chile prohibits or controls the export of certain products. Items whose export is prohibited include anthropological, archaeological, ethnographic, historical and paleontological objects (Law N° 17.288); the Pehuén or Chilean pine (*Araucaria araucana*); and psychotropic substances.

For example, the export of goods regulated by CITES is prohibited or requires an export permit. An export permit is necessary for product listed in CITES Appendices I, II and III; for forest flora, this is granted by CONAF/SERNAFOR, while for non-forest species and fauna it is issued by SAG.

Additionally, Law N° 19.300 established that certain projects or activities must be submitted to the environmental impact assessment system (for example: forestry development or exploitation projects on fragile soils or on land covered with native forest, among others).

In relation to documents and requirements mandatory for export operations, these are

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<sup>18</sup> See section regarding the requirements of legislation in Chile that authorizes or regulates the harvesting or exportation of timber.

<sup>19</sup> [https://www.sag.gob.cl/ambitos-de-accion/importaciones-y-transitos#:~:text=Las%20regulaciones%20fitosanitarias%20a%20las,forestales%20\(Formulario%20N%C2%B01\)](https://www.sag.gob.cl/ambitos-de-accion/importaciones-y-transitos#:~:text=Las%20regulaciones%20fitosanitarias%20a%20las,forestales%20(Formulario%20N%C2%B01))

specified in the Compendium of Customs Regulations, in addition to phytosanitary certificates from SAG for certain wood products.

**What are the requirements of the laws regulating the possession, purchase, sale, or processing of timber or wood products?**

Primary products from native forest require a Free Transit Guide issued by CONAF/SERNAFOR to demonstrate legal origin for domestic transportation and trade, in accordance with Supreme Decree N° 93 (2008) and Law N° 20.283. This guide can be required by CONAF inspectors and/or police officers.

To combat wood theft, Law N° 21.488 was enacted in 2022, by criminalizing theft and larceny of wood through amendments to Chile's Criminal Code, adding Articles 448 septies and 448 octies. Article 448 septies establish the crime of timber or log theft, punishing unlawful appropriation of timber or logs belonging to another. Article 448 octies penalizes possession of logs or timber without justifying their legitimate acquisition or ownership.

In addition, the most relevant aspects of the law are:

**Criminal liability of legal entities:** The law incorporates wood theft crimes under Law N° 20.393, holding legal entities liable for these offenses.

**Verification of wood origin:** The law requires the origin of the wood to be verified through electronic dispatch guides for the production, sale, storage, deposit, maintenance or transport of logs or wood pieces that are not from native species, originating from private lands or forests.

These guides are emitted by the owner or transporter through Internal Revenue Service of Chile's website<sup>20</sup>, which require to present an authorized management plan and other information.

**Increase in fines:** Fines for wood theft, larceny and document forgery related to wood, have been increased.

**Please describe the requirements of these laws in such a way as to narrate the path that legal timber takes from harvest to export, including the agencies and authorities responsible for the relevant steps**

The path for legal timber in Chile varies slightly depending on whether it originates from plantations (Decree Law N° 701) or native forests (Law N° 20.283):

1. Harvesting authorization: A management plan must be submitted to and approved by CONAF/SERNAFOR for any harvesting in native forests or in plantations on forestry-preferential lands. Depending on the case, additional requirements may be necessary, such as environmental impact assessment for projects on fragile soils or native forests

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<sup>20</sup> [www.sii.cl](http://www.sii.cl)

(Law N° 19.300), or specific permits for protected species.

2. Harvesting: Once the plan is approved, harvesting can proceed according to its specifications.

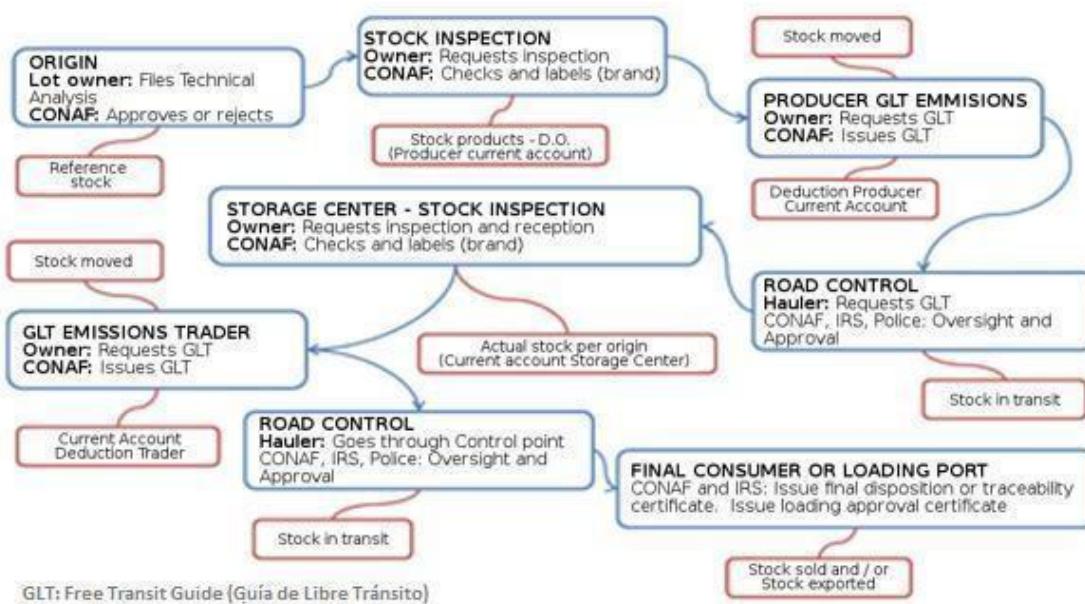
3. Domestic transport and trade: For primary products from native forests, a Free Transit Guide issued by CONAF/SERNAFOR is mandatory to prove legal origin, including during domestic transport and trade. For non-native wood from private lands or forests (e.g., plantations), an electronic dispatch guide is required for production, sale, storage, deposit, maintenance or transport of logs or wood pieces.

4. Processing: It requires compliance with general regulations and traceability to legal harvest.

5. Export: Exporters submit the Single Export Document (DUS-AT) through Customs. For primary native forest products, Customs typically requests the Free Transit Guide as verification of legal origin. Risk-based inspections (physical, documentary, species identification) may apply. CITES-listed species require a separate CITES export permit from CONAF/SERNAFOR (for forest flora). Forest products for export need to fulfill phytosanitary certification requirements established by SAG.

Throughout the process, CONAF/SERNAFOR oversees forestry compliance, while Customs handles export clearance.

The following chart describes the full process of transport or transit for Native Forest products with their respective control mechanisms:



(IRS is Internal Revenue Service of Chile, SII in Spanish)

Chile's forest laws and regulations are part of the legal framework enforced by CONAF/SERNAFOR, as the technical administrative authority in this field. Depending on the law, an administrative authority enforces it through fines or other administrative measures; including stages where regular courts of justice can resolve processes of

enforcement.

#### **Control of CITES protected species**

For the purposes of controlling domestic protected species and CITES protected species, the export from Chile of tree's species declared as natural monuments is prohibited, as well as the entry and exit of Chile of all the forest species listed in any appendix of the CITES Convention. Exceptionally, trees specimens of these categories may be exported or imported for scientific purposes with authorization from and issuance of the CITES Export Permit by CONAF/SERNAFOR. Therefore, if those requirements are not fulfilled, the offense of smuggling may be established under the Customs Law (Decree with Force of Law N°30 of 2005.), which punishes the entry into or exit from the territory of any good subject to import or export prohibition.

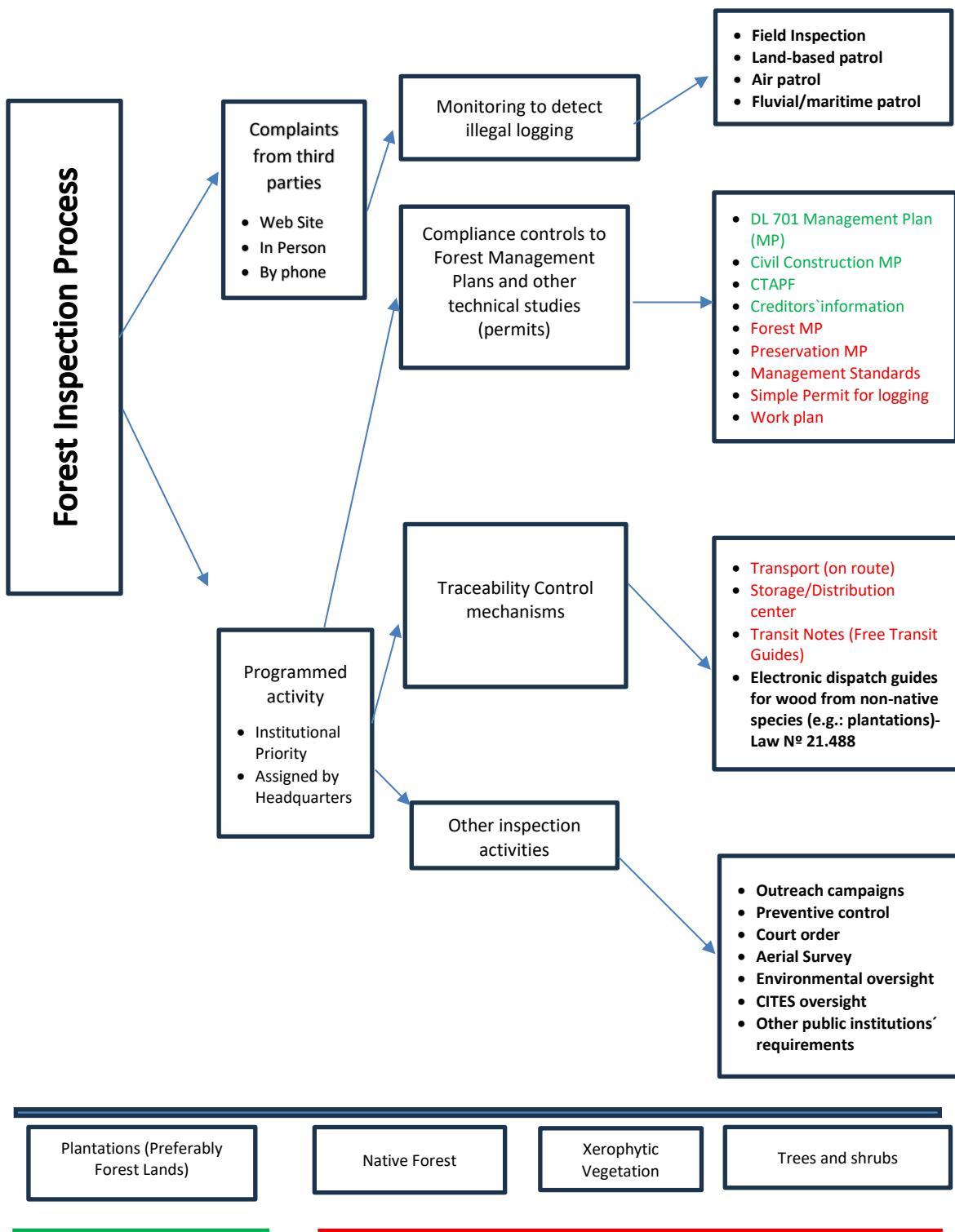
In 2016, Law N° 20.962 was published, which incorporates the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) into Chilean legislation. Exports are also subject to risk-based controls by Customs, including physical, documentary, and species identification checks, particularly to detect CITES-listed specimens.

## **Licences, Permits and Certification Schemes**

#### **An authority to harvest or felling license**

To harvest timber, a management plan must be previously approved by CONAF/SERNAFOR. For that purpose, a management plan must be submitted by the person concerned, and after its evaluation and approval, the activities consigned on it can be executed.

Below, a chart summarizes the forest inspection process performed by CONAF/SERNAFOR, highlighting tools, activities and mechanism by which plantations, native forests, xerophytic formations, isolated trees and shrubs interventions are inspected, according to the main legal bodies that regulates the forestry activities (Law Decree N° 701 and Law N° 20.283) and other cross- general activities established in various regulations (in black)



**DL 701**

**Law N° 20.283**

In bold: cross-general tools and activities established in other regulations.

MP: management plan

CTAPF: Land Classification as Preferentially Forestry Use (*Calificación de Terrenos de Aptitud Preferentemente Forestal*)

### **An authority to transport, process or trade**

To transport, trade or in relation to any other stage of the forest exploitation process, primary wood products from native forests, a Free Transit Guide issued by CONAF/SERNAFOR is required to demonstrate legal origin (Law N° 20.283). For non-native wood from private lands or forests (e.g., plantations), an electronic dispatch guide is required for production, sale, storage, deposit, maintenance or transport of logs or wood pieces (Law N° 21.488).

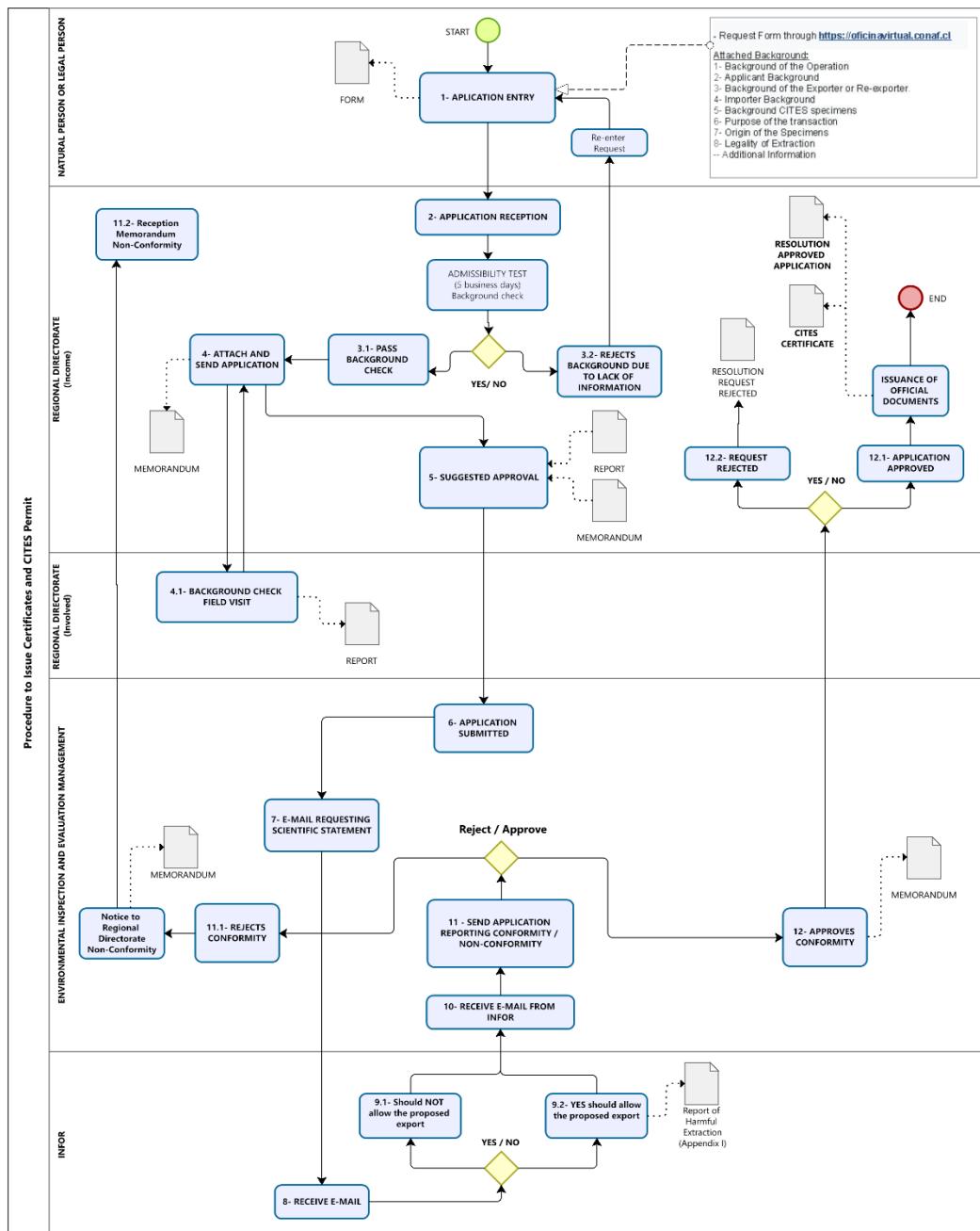
Processing and trade of timber and wood manufactured products require maintaining traceability to the legal harvest source, with voluntary chain-of-custody certifications (e.g., FSC or CERTFOR) guaranteeing no illegal inputs. No dedicated processing license is required, but compliance with environmental impact assessment for facilities is mandatory in certain cases (Law N° 19.300). Trade is authorized if sourced legally, with Customs checking for export.

For more information regarding the full process of transport or transit for Native Forest Products, see the chart in section *“requirements of these laws in such a way as to narrate the path that legal timber takes from harvest to export, including the agencies and authorities responsible for the relevant steps”*.

### **An export permit, issued by the relevant government authority**

Chile does not require a specific export permit for timber or wood products, except for CITES- listed species, which require a separate permit issued by CONAF/SERNAFOR. The following chart highlights the internal procedure related to certificates and CITES permit.

## Procedure Flowchart to Issue Certificates and CITES Permit



This flowchart shows the internal procedure to file, notify, check, issue, and sign import, export permits and re-export certificates for species included in the CITES Appendices, in compliance with the procedures established in articles III, IV, and V of the CITES Convention.

## Legality of timber products manufactured in Chile

Manufactured timber products in Chile (e.g., lumber, panels, furniture) are considered legal if derived from legally harvested timber, verified through management plans, traceability documentation, compliance with relevant laws, and voluntary certifications.

### Arrangements, formal or otherwise, to trace timber supply chains

Chile has formal and voluntary arrangements for traceability of timber supply chains. For native forests primarily through Free Transit Guide (required under Law N° 20.283), which tracks primary products from harvest to processing or export. For non-native wood from private lands or forests (e.g., plantations), an electronic dispatch guide is required for production, sale, storage, deposit, maintenance or transport of logs or wood pieces (Law N° 21.488).

In addition, voluntary chain-of-custody (CoC) certifications like FSC and CERTFOR (PEFC) provide end-to-end tracing for supply chains<sup>21</sup>, covering both native and timber plantations.

### Legality assurance systems for domestic timber used in manufactured or complex products

Chile has voluntary legality assurance systems for domestic timber in manufactured products through FSC and CERTFOR CoC certifications, which verify legality from harvest to final product, ensuring no illegal sources in the supply chain.

### Legality assurance systems for imported timber used in manufactured or complex products.

Timber imports are subject to general Custom regulations and phytosanitary requirements by SAG. Voluntary certifications like FSC/CoC can be used by manufacturers to assure imported timber legality.

## Other relevant non-government resources

### Third Party Certification

In Chile, during 1999, the forestry sector took the first steps towards obtaining certification, first under ISO 14.000, to promote better environmental practices. This certification is a tool to manage the environmental impact of a company, allowing the generation of development plans with common criteria for forestry management.

In addition, in 2002 the CERTFOR<sup>22</sup> seal was developed. In 2004, it was homologated by the *“Programme for the Endorsement of Forest Certification”* (PEFC), the largest forest certification system in the world. It includes chain of custody and sustainable forestry management certifications for plantations and native forests.

Moreover, in 2005 the Forest Stewardship Council (FSC) Chile was recognized as a domestic initiative.

<sup>21</sup> More information regarding FSC and CERTFOR certifications available in section “Other relevant non-government resources”

<sup>22</sup> Chilean System for Sustainable Forest Management Certification (CERTFOR) is a non-profit domestic system created during 2002, with public funds from Chile Foundation and the support of the Production Development Corporation (CORFO, for its acronym in Spanish) and the National Forestry Institute.

Currently, 70% of the forests planted for productive purposes in Chile have sustainable management certificates<sup>23</sup> (with CERTFOR and/or FSC). These certifications apply predominantly to areas where exotic species have been planted (for example, the radiata pine and eucalyptus tree) whose management objective is to provide a large-scale industrial supply for products originating from plantations, although certifications for sustainable management of native forest also exist.

When the certification is applied to forest plantations, it allows owners to demonstrate they comply with the social performance, economic, and environmental requirements demanded by relevant stakeholders and in accordance with international sustainability guidelines.

Until December 2022, 1.937.679 hectares had been certified by a CERTFOR seal (PEFC in Chile)<sup>24</sup>, and as of 2024, 2.4 million (approximately) of planted hectares had been certified by a FSC seal in Chile<sup>25</sup>.

#### Certification of Chain of Custody

It is a certification standard through which certified material is traced, since it leaves the forest until it reaches the final consumer as a final processed product to be used. This standard can apply to any industry processing raw materials from forest, such as lumber yards, wood panels companies, cellulose plants, paper distributors, remanufacturers, wood furniture, containers, packaging, and printing services, among others.

For a product to reach the final consumer with the seal, every company involved in its manufacturing must be certified, guaranteeing traceability of sustainable raw materials transferred from one industry to another.

In Chile, both CERTFOR and PEFC have chain of custody certifications for products originating from raw material from forest.

#### **Who should I contact for further information?**

For further information, please see the following website:

<http://oirs.conaf.cl/>

Or send e-mail to the following emails:

[consulta.oirs@conaf.cl](mailto:consulta.oirs@conaf.cl)

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<sup>23</sup> <https://www.corma.cl/sustentabilidad/>

<sup>24</sup> <https://www.pefc.cl/pefc-chile/datos-y-cifras>

<sup>25</sup> [https://cl.fsc.org/sites/default/files/2024-10/FSC-STD-CHL-02-2024\\_ES-Estandar-de-Manejo-Forestal-de-Chile-para-Plantaciones.pdf#:~:text=14%2C4%20millones%20de%20hectareas%2C%20mientras%20que%20las,viene%20de%20plantaciones%20forestales%2C%20compuestas%20en%20sus](https://cl.fsc.org/sites/default/files/2024-10/FSC-STD-CHL-02-2024_ES-Estandar-de-Manejo-Forestal-de-Chile-para-Plantaciones.pdf#:~:text=14%2C4%20millones%20de%20hectareas%2C%20mientras%20que%20las,viene%20de%20plantaciones%20forestales%2C%20compuestas%20en%20sus)

## **Attachments**

NOTE: This section is for any additional information, including copies of relevant sample documents or links to sites containing further information. Sample documents could include copies of a felling license, permit to harvest, license to harvest, export permit or government endorsed legality certification. Including copies of sample documents will allow APEC member economies, the private sector, and civil society to be aware of what they should look like.

[www.conaf.cl/nuestros-bosques/](http://www.conaf.cl/nuestros-bosques/)

[www.infor.cl](http://www.infor.cl)