

Doing Business in Chile

Guide 2025

FISHERIES AND AQUACULTURE



EXECUTIVE SUMMARY

Chile is a narrow strip of land along South America's west coast, with over 4,000 km of coastline from Arica to Punta Arenas. This geography makes fishing and aquaculture key sectors of the economy, largely focused on exports.

The industry produces a range of marine products, including fresh, frozen, and canned seafood, fishmeal, and fish oil. Key species include anchovy, jack mackerel, common sardine, Chilean hake, hoki, mussels, and both wild and farmed fish such as Atlantic salmon and rainbow trout.

Farmed salmon, especially Atlantic salmon, has become Chile's top aquaculture export. Recent efforts have aimed at improving sustainability, tightening regulations, and protecting the environment to address ecological and economic concerns.

Despite its growth, Chile's fishing and aquaculture industries face persistent challenges, especially in sustainability and environmental impact. Many of these issues stem from non-compliance with environmental laws. Large industrial operators have often been criticized for overfishing and using drag-fishing methods that disrupt marine food chains and biodiversity.

To address these concerns, Chile enacted the General Fishing and Aquaculture Law (Law No. 18.892) in 1989. This law remains the core regulatory framework and has been updated through several reforms.

Key amendments include Law No. 20.657 (2013), which introduced stricter controls on quotas, licensing, and sustainable practices. More recently, Law No. 21.410 (2022) requires aquaculture concession holders to reduce or prevent both inorganic and organic waste in aquatic environments.

Ongoing regulations and decrees continue to adapt this legal framework to meet the industry's evolving environmental, economic, and social challenges.



FISHERIES

Chilean fisheries are regulated primarily by the General Law of Fisheries and Aquaculture (Law No. 18.892), which has been amended over time, most recently by Laws No. 21.410 and No. 21.437 in 2022. The sector is also governed by the Navigation Law (DS 2.222 of 1978), along with other environmental and administrative legislation.

The main regulatory body is the Sub-Secretariat of Fisheries and Aquaculture (Subpesca), under the Ministry of Economy, Development, and Tourism. Subpesca sets fishery policies, defines catch quotas, and coordinates quota auctions. Supporting bodies include the National Fisheries Council, Zonal Fishery Councils, and the National Fisheries and Aquaculture Service (Sernapesca), which oversees enforcement. The General Directorate of Maritime Territory and Merchant Navy supervises fishing vessel operations.

Fishing activities generally require authorization under Chile's "access regime." However, traditional owner-operators, known as pescadores artesanales (artisanal fishermen), may fish freely within assigned areas. These provisions aim to prevent overexploitation while promoting sustainability and efficiency.

The access regime varies based on fish stock levels and factors such as environmental or market conditions. For each fishable species, there are five defined access regimes, outlined below.

General Access Regime (Régimen General De Acceso)

This is the default regime, applied when no specific system is in place. It permits fishing within Chile's Territorial Sea (up to 12 nautical miles, excluding the first 5 reserved for artisanal fishermen) and within the Exclusive Economic Zone, extending up to 200 nautical miles.

Fishing under this regime requires a Fishing Authorization issued by SUBPESCA on a vessel-by-vessel basis. These authorizations are indefinite and non-transferable, though they may be passed on through legal succession.

Applicants must be Chilean nationals or residents. Companies must be legally registered in Chile and, where applicable, meet foreign investment rules. Chilean-registered vessels must be owned by individuals or entities that meet residency and nationality criteria.

This general regime is used infrequently, as most fisheries operate under the Full Exploitation Regime.



Full Exploitation Regime (Régimen De Plena Explotación)

This widely used regime is based on Individual Transferable Quotas (ITQs), measured in maximum tons. It applies to species that have reached or are nearing their maximum sustainable yield to preserve biomass. SUBPESCA, based on advice from the National and Zonal Fishery Councils, declares a species under “Full Exploitation” through a supreme decree.

Existing authorizations allow indefinite extraction and are transferable with the vessel. No new authorizations are granted under this regime.

Extraordinary Fishing Licenses:

Before Law No. 20,657 (2013), SUBPESCA could set a global annual catch quota and auction Extraordinary Fishing Licenses to access it. A 2001 amendment introduced per-vessel catch limits to prevent early-season overfishing.

Class A and B Tradable Fishing Licenses:

Law No. 20,657 introduced Class A licenses for holders of Full Exploitation authorizations. These licenses are valid for 20 years and renewable, based on historical catch records. If catch levels approach sustainability limits, quotas may be reduced by up to 15%, allowing the issuance of Class B licenses via auction to boost competition.

Both license types are divisible, inheritable, and transferable, and can be subject to private agreements.

Recovery Regime (Régimen De Pesquerías En Recuperación)

For over-exploited species under a minimum three-year ban, SUBPESCA may implement a Recovery Regime if stock levels show improvement. This system allows annual public auctions of 10% of the global catch quota, granting transferable licenses valid for 10 years.

Existing authorizations are canceled, and no new regular authorizations can be issued. License volumes gradually decrease over time to enable additional future auctions.



Incipient Development Regime (Régimen De Pesquerías En Desarrollo Incipiente)

Designed for new fisheries with low capture levels (under 10% of the annual quota), this regime issues 10-year transferable licenses without cancelling existing authorizations.

Artisanal Fishery Regime (Régimen Artesanal De Extracción)

Artisanal fishers have exclusive rights to operate within 5 nautical miles of the coast, with special priority in the first mile. This regime allows free fishing, requiring only registration in a public registry. However, authorities may impose restrictions as needed.

Law No. 21.437 (2022) recognizes storm surges as force majeure, protecting artisanal fishers' registrations when adverse conditions prevent them from operating.

AQUACULTURE

In Chile, aquaculture is legally considered part of the fishing industry and is defined as the managed production of hydrobiological resources. It is primarily regulated by the General Fisheries and Aquaculture Law, along with Law No. 21.410 (2022) and related environmental regulations.

Aquaculture operations require a renewable 25-year Aquaculture Concession (Concesión de Acuicultura), which grants rights to use specific coastal or inland water areas. These concessions are overseen by SUBPESCA, the Ministry of Economy, and the Ministry of Defense. Suitable areas—such as coastal zones, bays, and navigable rivers—are designated by Supreme Decree issued by the Ministry of Defense.

Regulations under the National Aquaculture Policy and the National Aquaculture Commission set standards for disease control, pest management, and production density. Concessions fall into four categories: beach, coastal land, water body and seabed, and rocky areas.

Applicants must be Chilean nationals or residents. Companies must be legally established in Chile and comply with foreign investment laws where applicable.



Each concession authorizes the cultivation of specific species in the assigned area. Activities must be registered with SER-NAPESCA through the National Aquaculture Registry. Concession holders must meet minimum production thresholds to maintain their licenses. These rights are transferable, inheritable, and may be leased.

Environmental Considerations:

Law No. 21.410 requires concessionaires to implement measures to prevent ecological harm, particularly related to waste management. Non-compliance with environmental standards may result in penalties.