

# Hydrogen Installations Regulation



Since the enactment of Law No. 21.305 on Energy Efficiency in February 2021, the Ministry of Energy has been working on the Hydrogen Installations Safety Regulation. After several years, on Monday, June 24, this regulation was published in the Official Gazette by Supreme Decree No. 13, dated February 25, 2022. This decree approves the long-awaited Hydrogen Installations Safety Regulation and introduces modifications to the Gas Installers Regulation (“Regulation”).

## 1. Content

The publication and entry into force of the Regulation represent another step in implementing Chile’s National Green Hydrogen Strategy, providing legal certainty to developers and investors of projects involving Hydrogen Installations used as an energy resource. This includes the stages of design, construction, operation, maintenance, repair, modification, inspection, and final termination of operations, covering activities such as production, conditioning, storage, transfer, and consumption of hydrogen. Prior to the Regulation’s entry into force, there was no regulation in this area.

The Regulation establishes the minimum safety requirements for Hydrogen Installations<sup>1</sup> used as an energy resource at all stages. Additionally, it regulates the obligations and responsibilities of natural and legal persons involved in these activities, whether Owners or Operators. The aim is to ensure that activities are carried out safely and risk is controlled, so as not to pose a danger to people or property.

## 2. Exclusions

The following installations are excluded from the application of the Regulation:

- Hydrogen supply installations for land, rail, air, or maritime vehicles.
- Hydrogen transport and distribution networks used to transfer hydrogen outside the Hydrogen Installation.
- Land, rail, air, or maritime vehicles that transport or operate with hydrogen.

## 3. Technologies

In matters of design, construction, operation, maintenance, repair, modification, inspection, and final termination of operations of Hydrogen Installations, the use of technologies other than those mentioned in the Regulation is permitted, provided that the same level of safety is maintained. For this, the relevant documentation must be submitted prior to project execution to the Superintendency of Electricity and Fuels (“SEC”), which must issue a founded resolution.

<sup>1</sup> Defined as real property intended to carry out, indistinctly, the operations of production, conditioning, storage, transfer, or consumption of hydrogen.

#### 4. Reference Standards

The Regulation refers to applicable national and international technical standards. In any case, if there is a contradiction between the Regulation and the cited standards, the Regulation shall prevail.

#### 5. Responsibilities

Title III of the Regulation establishes responsibilities, highlighting the following:

- Owners and Operators are responsible for compliance with the provisions of the Regulation.
- The design of projects, construction, modification, and repair of Hydrogen Installations can only be entrusted to gas installers authorized by the SEC, according to Supreme Decree No. 191 of 1995 of the Ministry of Economy, Development, and Reconstruction.
- Operators of Hydrogen Installations may only supply hydrogen to Hydrogen Installations that are registered with the SEC and have a periodic inspection report if applicable.
- Operators must subject Hydrogen Installations to periodic inspections as established by the SEC.
- In case of transfer of ownership or change of operator, the SEC must be notified.
- Operators must maintain a record of registration, maintenance, repair, inspection, modification, and final termination of operations, which must be permanently available to the SEC.

#### 6. Technical and Specific Requirements of Hydrogen Installations

Title IV of the Regulation establishes the safety management requirements for Hydrogen Installations. It specifies that Hydrogen Installations must have a Safety and Risk Management System, a Safety Manual, and an Emergency and Accident Plan according to the requirements established therein.

Title V establishes the general design, construction, and operation requirements for Hydrogen Installations, specifying the applicable regulations.

Title VI establishes the technical specifications applicable to Hydrogen Installations with hydrogen production systems.

Title VII sets forth specific requirements for Hydrogen Installations that consume hydrogen through fuel cell systems for electricity generation, combustion systems for direct flame heating in industrial processes, and combustion systems for energy generation.

#### 7. Obligations to Inform the SEC

Title VIII establishes that prior to the start of construction of any Hydrogen Installation or any modification, the owner must notify the SEC. Additionally, before it begins operation, the installation must be registered with the SEC. However, this registration does not constitute project approval or execution approval.

Title IX mandates informing the SEC of the final termination of project operations and regulates the content of the report that must be submitted to the SEC.

Title X regulates accidents and incidents that must be reported to the SEC, detailing the minimum content of such reports. This communication must be made within 24 hours of the event or its detection.

8. **Supervision and Sanction**

Title XI regulates the supervision and sanctioning of Regulation compliance. The supervisory body will be the SEC. Owners and Operators are required to facilitate access to their installations and provide the necessary assistance for the supervisory entity to fulfill its duties.

9. **Modification of Other Legal Provisions and Transitional Provisions**

Additionally, the Regulation modifies Supreme Decree No. 191 of 1995 of the Ministry of Economy, Development, and Reconstruction, which approves the Gas Installers Regulation, adding Hydrogen Installations as a new category of gas installations and incorporating a new category of licenses related to the design, project, execution, and maintenance of Hydrogen Installations.

Finally, the transitional provisions regulate the entry into force of some requirements, such as the enforceability of the Safety and Risk Management System, which will be mandatory 12 months after the Regulation’s publication in the Official Gazette. Another example is how the Regulation will apply to Hydrogen Installations registered prior to its entry into force.

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