

## 2023 – 2 Strategic Administrative Litigation

# Mexican Mining Law Reform Bill

On March 28, 2023, the President of Mexico submitted before the Congress of the Union, a bill to reform the legal framework applicable to mining concessions. The bill intends to amend the Mining Law; the Law on National Waters; the Law on Ecological Balance and Environment Protection, and the General Law on Prevention and Integral Management of Waste. Among the amendments included in such bill, stand out the following:

Through this bill, it is proposed to reduce the duration of mining concession titles from 50 to 15 years, a validity that would be renewable only once for the same period. Additionally, new causes for cancellation and criminal offenses for non-compliance are established.

On the other hand, it is proposed that concession titles would only be granted through public tenders, eliminating the "open ground and first applicant" scheme established by the current regulation. New environmental and social impact requirements are also determined for their granting.

Moreover, it is sought that concession titles previously granted, can only be transferred previous authorization of the Ministry of Economy. This bill also aims to specify that, from now on, concessions would only be granted for a single mineral or substance, unlike the current legal regime, in which concessionaires have rights over all those substances or minerals found in the lot granted to them.

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Likewise, the bill establishes a new concession of water for specific use in mining; it prohibits granting mining concessions in protected natural areas and establishes liabilities for waste generated by such activities.

Finally, it should be noted that pending applications for new exploration and exploitation concessions will be discarded without the need of further justification. Thus, new applications should be submitted according to the new regulation.

It should be noted that, since this is a law and not a constitutional reform, its approval is subject to obtaining a simple majority of votes in Congress, which the current ruling party has in both chambers. Additionally, it is important to consider that, according to the legislative calendar, the second ordinary session of the low Chamber is about to conclude, as it cannot be extended beyond April 30 of this year. Therefore, it could be expected for the discussion and approval of the reform bill to take place on the next term, which begins on September 2023.

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Mexico City  
March 2023

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