

2023 – 3 Strategic Administrative Litigation

Enactment of Mexican Mining Law Amendment

On May 8, 2023, the Mexican Government enacted a Decree amending several provisions of the Mining Law, the Law on National Waters, the Law on Ecological Equilibrium and Environmental Protection and the General Law for the Prevention and Integral Management of Waste, regarding mining and water concessions.

Said amendment was approved by the Mexican Congress on April 28, modifying the duration of the concession titles in the matter, which will be reduced from fifty to thirty years.

Hereafter, the duration of mining concessions may be extended once for an additional term of 25 years. At the end of such term, the concessionaire may participate in the tender of the same mining lot for a final additional 25-year period, as long as the corresponding authorizations and permits for its operation have been granted, along with the necessary water concession for industrial use in mining.

In addition, the amendment stipulates for concessions to be granted through public tender processes, eliminating the "free land and first applicant" scheme, and establishing new requirements for the granting of concessions (environmental and social impact).

Also, the Decree establishes that the transfer of previously granted concession titles shall be subject to authorization by the Ministry of Economy; creates the figure of water concessions for specific use in mining; prohibits the granting of mining concessions in

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protected natural areas and establishes responsibilities for waste generated by such activities, in addition to providing new grounds for cancellation and criminal penalties for non-compliance.

The Decree also establishes that any applications for new exploration and exploitation concessions currently in process will be dismissed outright and without further justification.

As the Decree is set to enter into force the day after its publication, the opposition parties in Congress have made public their intention to challenge this and other reforms before the Mexican Supreme Court of Justice, considering them to have been subject to multiple irregularities in their legislative process of approval.

We highly recommend a specific analysis on the impact of this amendment on each of the concessions currently in effect, for which we remain at your disposal.

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Mexico City
May 2023

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