

NEW PROVISIONS FOR THE EVALUATION AND APPROVAL OF MINING PROJECTS IN PROTECTED NATURAL AREAS.

On July 20, 2026, the Ministry of the Environment and Natural Resources ("**SEMARNAT**") published in the Official Gazette of the Federation ("**DOF**") the *Agreement on the Processing of Procedures Related to Exploration, Exploitation, or Processing of Minerals or Substances in Federally Administered Protected Natural Areas* (the "**Agreement**"), which became effective the day following its publication and establishes significant restrictions on the conduct of mining activities within federally administered Protected Natural Areas ("**ANP**"), reinforcing the transition of Mexico's mining-environmental regime and the prohibitions set forth by the *Mining Reform* of May 2023.

The Agreement—which was issued in accordance with the Supreme Court's press release and its recently published criteria, which affirm the constitutionality of the Mining Reform—constitutes an administrative instruction addressed to SEMARNAT and covers the subsequent relevant aspects:

1. Express prohibition on mining projects in ANPs

In accordance with Article 46 of the General Law on Ecological Balance and Environmental Protection ("**LGEEPA**"), the Agreement prohibits SEMARNAT's units and decentralized administrative agencies from: (i) granting authorizations, permits, registrations, or licenses to carry out exploration, extraction, or processing of minerals within ANPs; (ii) authorizing projects subject to an Environmental Impact Assessment that involve exploration, extraction, or processing of minerals or substances within ANPs; and (iii) authorizing the final disposal of mining and metallurgical waste in various federal zones.

2. Separation of Mining Concessions and Environmental Authorizations.

The Agreement clearly establishes that environmental impact authorizations are administrative procedures separate from mining concessions. This requirement applies even to holders of concessions granted prior to the Mining Reform who are applying for an Environmental Impact Assessment for projects within federal ANPs.

3. Involvement of the National Commission for Protected Natural Areas ("CONANP").

When SEMARNAT receives an application for an Environmental Impact Assessment related to a mining project, it must notify CONANP, which will issue a mandatory technical report determining whether the works or activities covered by the application have an impact on one or more ANPs.

4. Duty to begin the process for the Mine Restoration, Closure, and Post-closure Program.

Transitory Article 4° of the Agreement imposes on holders of Environmental Impact Authorizations issued prior to the Mining Reform, the immediate obligation to initiate the process for submitting the Mine Restoration, Closure, and Post-Closure Program referred to in Article 107 Bis of the LGEEPA.

This program must include the applicable repair, restoration, rehabilitation, and remediation measures during the operation, closure, and post-closure stages of a mining project, as well as the financial mechanisms designed to ensure compliance.

As can be seen, the discretionary nature of the regulatory framework's application in Mexico makes it essential to optimize internal prevention mechanisms and maximize technical and legal measures aimed at preserving the continuity and viability of mining projects.

Thus, given the Agreement's broad scope and the diversity of situations in which mining industry stakeholders may find themselves, we stand ready to assist our clients in reviewing their specific circumstances, as this will determine the most appropriate regulatory compliance and/or litigation strategy. Our goal will be to preserve the rights of each concessionaire—in particular, the constitutional principle that no law may be applied retroactively to the detriment of individuals—and to ensure the continuity of their operations within the current legal framework.

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