

Secretariat of the Commission for Environmental Cooperation

Environmental Law in Question

*Legislation current to 2 October 2024*

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*Note: only the legislation included as part of the Secretariat's recommendation for the preparation of a Factual Record is cited in this document, current to October 2, 2024 (date of Submission).*

**I. Mexican Constitution**

**Article 4. [...]**

[...]

Everyone has the right to a healthy environment for his development and well-being. The State shall guarantee respect for this right. Environmental harm and deterioration shall give rise to responsibility on the part of anyone who causes them, as prescribed by law.

Everyone has the right of access to, disposal of, and treatment of water for his personal and household consumption in a sufficient, safe, acceptable and affordable form. The State shall guarantee this right and the law shall define the foundations, supports, and modalities for equitable

and sustainable access to and use of water resources, establishing the participation of the Federation, the federative entities, and the municipalities, as well as the participation of citizens, in the attainment of these goals.

[...]

## **II. General Ecological Balance and Environmental Protection Act**

**Article 2.** The following are considered matters of public utility:

[...]

- II.** The establishment, protection, and preservation of protected natural areas and ecological restoration zones;

[...]

**Article 5.** The following are powers of the Federation:

[...]

- X.** Environmental impact assessment of the works and activities to which Article 28 of this Act refers, and granting of the corresponding approval where applicable;

[...]

- XIX.** Monitoring and promotion, within the scope of its jurisdiction, of compliance with this Act and any provisions flowing from it;

[...]

**Article 15.** For the formulation and administration of environmental policy and the promulgation of Mexican official standards and other instruments prescribed by this Act, regarding the preservation and restoration of ecological balance and the protection of the environment, the Federal Executive Branch shall observe the following principles:

- I.** Ecosystems are a common heritage of society, and both life and the economic prospects of the country depend on their balance;

[...]

- III.** The authorities and private individuals shall bear responsibility for the protection of ecological balance;
- IV.** Anyone who carries out works or activities that affect or may affect the environment is obligated to prevent, minimize, or repair any harm that he may cause and to bear the costs entailed by such effects. Furthermore, anyone who protects the environment, promotes or implements climate change mitigation and adaptation measures, or makes sustainable use of natural resources must be encouraged in these efforts;

[...]

- VI.** Prevention of its causes is the most effective way of avoiding ecological imbalance;
- XII.** Everyone is entitled to enjoy an environment conducive to his development, health, and well-being. Pursuant to this and other laws, the authorities shall take measures to guarantee this right;

**Article 28.** Environmental impact assessment is the procedure whereby the Ministry establishes the conditions governing the execution of works or activities that may cause ecological imbalance or exceed the limits or conditions set out in the legal provisions applicable to the protection of the environment and the preservation and restoration of ecosystems, with a view to preventing or minimizing the negative effects of such works and/or activities on the environment. To this end, in those cases determined by the Regulation promulgated for this purpose, anyone intending to carry out any of the following works or activities shall require prior environmental impact approval from the Ministry:

- I.** Water works, transportation routes, oil pipelines, gas pipelines, coal pipelines, and multi-use pipelines;  
[...]
- VII.** Land use changes in forested areas, as well as in tropical wet forests or arid areas;  
[...]
- XI.** Works or activities in protected natural areas under the jurisdiction of the Federation;

[...]

- XIII.** Works or activities under federal jurisdiction that may cause grave or irreparable ecological imbalance or harm to public health or ecosystems, or that exceed the limits and conditions set out in the legal provisions relating to the preservation of ecological balance and the protection of the environment.

[...]

**Article 30.** In order to obtain the environmental impact approval to which Article 28 refers, interested parties shall file with the Ministry an environmental impact statement containing, at a minimum, a description of the possible effects on the ecosystem or ecosystems that may be affected by the work or activity in question, considering the sum total of the components of said ecosystems as well as the preventive, mitigation, and other measures necessary to prevent and minimize the negative effects on the environment.

[...]

**Article 33.** In the case of the works or activities to which Article 28 paragraphs IV, VIII, IX, and XI refer, the Ministry shall notify the governments of the federative entities, the municipalities, and the territorial demarcations of Mexico City, as applicable, that it has received the corresponding environment impact statement, so that the latter may state any considerations within their purview.

[...]

**Article 34.** Upon receipt of an environment impact statement and opening of the file to which Article 35 refers, the Ministry shall make the file available to the public so that it may be viewed by any person.

[...]

The Ministry may, at the request of any person of the community in question, hold a public consultation in accordance with the following procedure:

- I.** The Ministry shall publish the application for environmental impact approval in its Ecological Gazette. In addition, the developer shall, at its own expense, publish an excerpt

of the plan for the work or activity in a wide-circulation newspaper in the federative entity in question, within the period of five days following the filing of the environment impact statement with the Ministry.

- II. Any person may, within the ten days following publication of the excerpt of the project as prescribed above, ask the Ministry to make the environment impact statement available to the public in the federative entity in question.
- III. In the case of works or activities that may result in serious ecological imbalance or harm to public health or ecosystems, as prescribed by the regulation to this Act, the Ministry may, in coordination with the local authorities, hold a public information meeting at which the developer explains the technical environmental aspects of the work or activity in question.
- IV. Any interested party may, within the twenty days following the time when the Ministry makes the environmental impact statement available to the public under the terms of paragraph I, propose the application of additional preventive and mitigation measures, and make observations as he sees fit.
- V. The Ministry shall add to the file the observations made by interested parties, and shall record, in any decision that it issues, the public consultation process and the results of any observations and proposals made in writing.

**Article 35.** Upon the filing of an environmental impact statement, the Ministry shall commence the assessment procedure, for which purpose it shall verify that the application satisfies the formal requirements of this Act, its Regulation, and the applicable Mexican official standards, and shall open the corresponding file within a period no longer than ten days.

For the approval of the works and activities to which Article 28 refers, the Ministry shall adhere to the terms of the aforementioned provisions, as well as any urban development and ecological zoning plans, protected natural area declarations, or legal provisions that may be applicable.

In addition, for the approval to which this article refers, the Ministry shall assess the possible effects of such works or activities on the ecosystem or ecosystems in question, considering the sum total of their components and not only the resources that would be subject to use or impact.

Having assessed the environmental impact statement, the Ministry shall, with a basis in law and fact, issue the corresponding decision, in which it may:

[...]

**Article 44.** Those zones of national territory, and those over which the Nation exercises sovereignty and jurisdiction, in which the original environments have not been significantly altered by human activity, or whose ecosystems and integral workings require that they be preserved or restored, shall be subject to the regime prescribed by this Act and any other applicable provisions.

**Article 45.** The establishment of protected natural areas has as its object:

- I.** Preserving natural environments representative of the various biogeographical and ecological regions and of more fragile ecosystems, as well as their functions, to ensure the balance and continuity of evolutionary and ecological processes;
- II.** Safeguarding the genetic diversity of the wild species on which evolutionary continuity depends, as well as ensuring the preservation and sustainable use of biodiversity on national territory, and in particular, preserving endangered, threatened, endemic, rare, and specially protected species;
- III.** Ensuring the preservation and sustainable use of ecosystems, their components, and their functions;
- IV.** Providing a field conducive to scientific research and the study of ecosystems and their balance;
- V.** Generating, recovering, and popularizing traditional or new knowledge, practices, and technologies allowing for the preservation and sustainable use of biodiversity on national territory;
- VI.** Protecting human settlements, transportation routes, industrial facilities, and agricultural uses by means of forested zones in mountain headwaters, the water cycle in watersheds, and other landscape components conducing to the protection of the surrounding components with which the area is ecologically related.

[...]

**Article 46.** The following are considered protected natural areas:

[...]

**XI.** Voluntarily designated conservation areas.

[...]

**III. Environmental Impact Assessment Regulation to the General Ecological Balance  
and Environmental Protection Act**

**Article 4.** The Ministry is competent to:

**I.** Assess environmental impact and issue the corresponding decisions for the execution of plans for works or activities to which this regulation refers;

[...]

**III.** Solicit the opinion of other bodies and of subject matter experts to serve as support for any environmental impact assessments that are produced;

**IV.** Carry out any public consultation process that may be required during the environmental impact procedure;

[...]

**VI.** Monitor compliance with the provisions of this regulation, as well as observance of any decisions made hereunder, and apply any necessary sanctions and other control and safety measures, in accordance with the applicable legal and regulatory provisions, and

[...]

**Article 5.** Anyone who intends to carry out any of the following works or activities shall require prior environmental impact approval from the Ministry:

[...]

**B) Transportation routes:**

Construction of federal roads, highways, or vehicle or railway bridges or tunnels; ports, railways, airports, heliports, airfields, or major telecommunications infrastructure affecting protected natural areas or areas with forest vegetation, tropical forests, vegetation in arid areas, coastal ecosystems, or national wetlands or bodies of water, with the exception of:

[...]

**S) Works in protected natural areas:**

Any type of work or facility within protected natural areas under the jurisdiction of the Federation, with the exception of:

- a) Activities of self-supply and household use, as well as works not requiring environmental impact approval under the terms of this article, provided that they are carried out by communities established in the area and in accordance with the provisions of the corresponding regulation, order, and management plan;
- b) Those that are indispensable to the conservation, maintenance, or surveillance of protected natural areas, in accordance with the applicable law;
- c) Works of urban infrastructure and housing development in urbanized zones located within protected natural areas, provided that such works do not exceed the urban limits established in the corresponding urban development plans and are not prohibited by the applicable legal provisions;
- d) Constructions for homes situated on agricultural or ranching land or within the limits of existing population centers, where they are located in rural communities.

[...]

**Article 9.** Developers shall submit to the Ministry an environmental impact statement in the applicable modality, so that the Ministry may conduct an assessment of the plan for the work or activity for which approval is requested.

The information contained in the environmental impact statement shall refer to the relevant environmental circumstances linked to the execution of the project.



[...]

**Article 16.** For the purposes of Article 28 paragraph XIII of the Act, where the Ministry takes cognizance of an intent to commence work or activities under federal jurisdiction, or where such work or activities have already commenced and may cause grave and irreparable ecological imbalance, harm to public health as a result of environmental problems, or harm to ecosystems, or may exceed the limits or conditions set out in the legal provisions relating to the preservation of ecological balance and the protection of the environment, it shall immediately notify the interested party of its determination in order for the latter to submit the work or activity in question, or the part thereof that has yet to be executed, to the environmental impact assessment procedure, explaining the reasons for this determination, so that the interested party may submit any relevant reports, expert testimony, or considerations within a period no longer than ten days.

[...]

#### **IV. Internal Regulation of the Ministry of the Environment and Natural Resources (Semarnat)**

**Article 5.** The Minister has original responsibility for representation, processing, and resolution of matters under the jurisdiction of the Ministry and may, without prejudice to their exercise by him directly, delegate his powers to public servants junior to him by means of orders that shall be published in the Official Gazette of the Federation, with the exception of those powers determined by legal or regulatory provision to be non-delegable.