

**GENERAL LAW OF ECOLOGICAL BALANCE AND ENVIRONMENTAL PROTECTION**

(Published in the Federal Official Gazette on January 28, 1988)<sup>1</sup>

**FIRST TITLE  
General Provisions****CHAPTER I  
Preliminary Regulations**

**ARTICLE 1.-** This constitutes a regulatory law for the provisions of the Political Constitution of the United Mexican States related to the preservation and restoration of ecological balance, as well as the environmental protection in the national territory and in the areas where the nation exercises its sovereignty and jurisdiction. Its provisions are of public order and interest having as an objective to encourage sustainable development and establish the bases to:

**I.-** Guarantee the right of all persons to live in an environment suitable for their development, health and welfare;

**II.-** Determine the bases of the environmental policy and the means for its application;

**III.-** Preserve, restore and improve the environment;

**IV.-** Preserve and protect biodiversity, as well as to establish and manage natural protected areas.

**V.-** Exploit in a sustainable manner, preserve and, when applicable, restore soil, water and other natural resources in order to make that economic profit and the activities of society be consistent with the preservation of ecosystems;

**VI.-** Prevent and control pollution on air, water and soil;

**VII.-** Guarantee a joint responsible participation of the persons, either individually or collectively, for preservation and restoration of the ecological balance and protection of the environment;

**VIII.-** Exercise the powers conferred, in environmental matters, upon the Federation, the States, the Federal District and the Municipalities, under the concurrence principle provided in Article 73 Section XXIX - G of the Constitution;

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<sup>1</sup> Amendments published in the Federal Official Gazette on January 7, 2000 are added.

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**IX.-** Establish mechanisms for coordination, induction and agreement among authorities, among these authorities and the social and private sectors, as well as among the people and social groups, on environmental matters, and

**X.-** Establish control and safety measures to guarantee compliance with, and enforcement of, this Law and the provisions arising therefrom, as well as to impose the corresponding administrative and criminal penalties.

Upon any fact not provided in this Law, the provisions of other laws related to the matters ruled by this Law shall apply.

**ARTICLE 2.-** It is considered of public use:

**I.-** The ecological zoning plan of the national territory in those cases provided for in this and other applicable laws;

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

**III.-** The preparation and execution of actions aimed at protecting and preserving the biodiversity in Mexican territory, and those areas upon which the nation exercises its sovereignty and jurisdiction, as well as the exploitation of genetic material; and

**IV.-** The creation of intermediate safeguard areas due to the presence of activities considered as risky.

**ARTICLE 3.-** For purposes of this Law, the words below will have the following meaning:

**I.- Environment:** Group of natural or artificial elements or elements induced by man making possible the existence and development of human beings and other alive organisms that interact in certain time and space;

**II.- Natural protected areas:** Areas within the national territory and those over which the nation exercises its sovereignty and jurisdiction where original environments have not been significantly altered due to activities conducted by men or those areas requiring to be preserved and restored and are subject to the regime or system provided in this Law;

**III.- Sustainable exploitation:** Use of natural resources respecting the functional integrity and load capabilities of the ecosystems to which such resources belong, for unlimited time periods;

**IV.- Biodiversity:** Variability of alive organisms of any source, included, among others, earth and marine ecosystems and other aquatic ecosystems and the ecological complexes to which they belong; it includes diversity within each species, among species and in the ecosystems;

**V.- Biotechnology:** Any technological application using biological resources, living organisms or their products to create or modify products or processes for specific use;

**VI.- Pollution:** Presence in the environment of one or more pollutants or any combination of them causing ecological imbalance;

**VII.- Pollutant:** Any matter or energy in any of its physical states and forms, which upon being or acting in the atmosphere, water, soil, flora, fauna or any other natural element, modifies or alters the natural composition and condition thereof;

**VIII.- Environmental contingency:** Risky situation derived from human activities or natural phenomena that can endanger the integrity of one or several ecosystems;

**IX.- Control:** Inspection, surveillance and implementation of those measures necessary for compliance with the provisions established in this Law;

**X.- Ecological criteria:** Compulsory guidelines contained in this Law to guide the actions of preservation and restoration of ecological balance, the sustainable exploitation of natural resources and environmental protection, which will be considered as instruments of the environmental policy;

**XI.- Sustainable development:** The process assessable through environmental, economic and social criteria and indicators, which tends to improve life quality and productivity of people based upon appropriate measures for ecological balance preservation, environmental protection and exploitation of natural resources not endangering the satisfaction of the needs of future generations;

**XII.- Ecological imbalance:** Alteration in the interdependence relations among natural elements constituting the environment having a negative effect on the existence, transformation and development of man and other living beings;

**XIII.- Ecosystem:** The basic functional unit of interaction of alive organisms among each other and among them and the environment during certain time and at a specific space;

**XIV.-** Ecological balance: The interdependence relation among the elements constituting the environment, which makes possible the existence, transformation and development of man and other living beings;

**XV.-** Natural element: The physical, chemical and biological elements present at certain time and place not induced by men;

**XVI.-** Ecological emergency: Situation derived from human activities or natural phenomena that by affecting severely the elements thereof, endangers one or many ecosystems;

**XVII.-** Wild fauna: Animal species that survive subject to natural selection processes and evolve freely, including their smaller populations under human control, as well as domesticated animals that after being abandoned become savage, and they are therefore likely to be captured and taken into possession.

**XVIII.-** Wild flora: Vegetal species as well as fungi that survive subject to natural selection processes and evolve freely, including the populations or specimens of these species which are under human control;

**XIX.-** Environmental impact: Environment modification due to actions made by man or nature;

**XX.-** Environmental impact statement: A document whereby it is disclosed, based upon studies, the significant and potential environmental impact to be generated by a work or activity, as well as the way to avoid or reduce such impact in case of being negative;

**XXI.-** Genetic material: Any material from vegetal, animal, microbial origin or any other type, containing functional units of heritage;

**XXII.-** Hazardous material: Elements, substances, compounds, waste or mixtures of them that, notwithstanding their physical state, represent a risk to environment, health or natural resources, due to their corrosive, reactive, explosive, toxic, flammable or biological-infectious characteristics;

**XXIII.-** Ecological zoning plan: The environmental policy instrument aimed at regulating or inducing the use of land and productive activities in order to protect the environment; to preserve and exploit natural resources in a sustainable manner by taking into account an analysis of the deterioration trends and the potentialities for exploiting them;

**XXIV.-** Conservation: Group of policies and measures to maintain those conditions giving rise to an evolution and continuity of ecosystems and natural habitats, as

well as to preserve the feasible populations of species in their natural environments and the components of biodiversity outside their natural habitats;

**XXV.-** Prevention: Group of provisions and measures that are anticipated to avoid environmental deterioration;

**XXVI.-** Protection: Group of policies and measures aimed at improving the environment and controlling its deterioration;

**XXVII.-** Biological resources: Genetic resources, organisms or parts of them, populations or any other biotical element of ecosystems having real or potential value for human beings;

**XXVIII.-** Genetic resources: Genetic material having real or potential value;

**XXIX.-** Natural resource: Natural element that can be used for human benefit;

**XXX.-** Ecological region: The unit of Mexican territory sharing common ecological characteristics;

**XXXI.-** Waste: Any material generated in the processes of extraction, dressing, transformation, production, consumption, use, control or treatment that, due to its quality, can not be used it again in the process where it was produced;

**XXXII.-** Hazardous wastes: All those wastes, in any physical state, that due to its corrosive, reactive, explosive, toxic, flammable or biological-infectious characteristics represent a risk to ecological balance or the environment;

**XXXIII.-** Restoration: Group of activities aimed at the recovery and reestablishment of those conditions giving rise to the evolution and continuity of natural processes;

**XXXIV.-** Secretariat: The Secretariat of Environment, Natural Resources and Fisheries,

**XXXV.-** Natural vocation: Conditions present at one ecosystem to support one or several activities without causing ecological imbalances, and

**XXXVI.** Environmental education: A training process addressed to the whole society, both at school and extramural, to facilitate a comprehensive awareness of environment in order to achieve more rational behaviors in favor of social development and environment. Environmental education involves assimilation of

knowledge, formation of values, development of responsibilities and behaviors in order to guarantee life preservation.

## **CHAPTER II**

### **Distribution of Responsibilities and Coordination**

**ARTICLE 4.-** The Federation, the States, the Federal District and the Municipalities will exercise their powers in the matter of preservation and restoration of ecological balance and environmental protection, pursuant to the distribution of responsibilities provided in this Law and other regulations.

**ARTICLE 5.-** The duties of the Federation include:

- I.- The preparation and management of the national environmental policy;
- II.- The implementation of environmental policy instruments provided in this Law pursuant to the terms provided therein, as well as the regulation of actions to preserve and restore the ecological balance and environmental protection conducted at property and zones of federal jurisdiction;
- III.- To address those matters that affect the ecological balance within the national territory or in those areas subject to the Nation sovereignty and jurisdiction, arising in the territory or areas subject to the sovereignty or jurisdiction of other States or in areas beyond the jurisdiction of any State;
- IV.- To address issues that, having their origin within the national territory or areas subject to the sovereignty or jurisdiction of the Nation, affect the ecological balance of the territory or the areas subject to the sovereignty or jurisdiction of other States or the areas beyond the jurisdiction of any State;
- V.- To issue Official Mexican Standards and verify compliance therewith in the matters provided in this Law;
- VI.- To regulate and control activities considered as highly risky and those related to the handling and final disposition of materials and wastes hazardous for the environment or the ecosystems, as well as for preserving natural resources, pursuant to this Law, other applicable regulations and their regulatory provisions;
- VII.- To take part in the prevention and control of environmental emergencies and contingencies, under the policies and programs of civil protection established for such purpose;

**VIII.-** To establish, regulate, administer and look after the natural protected areas under federal jurisdiction;

**IX.-** To prepare, implement and assess the ecological general zoning plans of the territory and the marine ecological zoning plans referred to in Article 19 BIS of this Law.

**X.-** To assess the environmental impact caused by works or activities mentioned in Article 28 of this Law and, when applicable, to issue the corresponding authorizations;

**XI.-** To regulate a sustainable exploitation, the protection and preservation of forest resources, soil, national waters, biodiversity, flora, fauna and other natural resources under its jurisdiction;

**XII.-** To regulate atmospheric pollution arising from any type of sources, as well as to preserve and control of certain areas, or in case of stationary and mobile sources of federal jurisdiction;

**XIII.-** To encourage the application of technologies, equipment and processes that reduce polluting emissions and discharges from any type of source, in coordination with the authorities of the States, the Federal District and the Municipalities; as well as to create those provisions that are to be observed for a sustainable exploitation of energetics;

**XIV.-** To regulate those activities related to the exploration, exploitation and extraction of minerals, substances and other resources of subsoil, which belong to the nation in connection with the effects that such activities may cause over the ecological balance and the environment;

**XV.-** To regulate toward prevention of environmental pollution caused by noise, vibrations, thermal energy, luminescent energy, electromagnetic radiations and smells harmful to the ecological balance and the environment;

**XVI.-** To encourage participation from society in environmental matters in accordance with the provisions established in this Law;

**XVII.-** To integrate the National System of Environmental and Natural Resources Information (Sistema Nacional de Información Ambiental y de Recursos Naturales) and place it to the disposition of the public in the terms of this Law;

**XVIII.-** To issue recommendations to Federal, State and Municipal authorities in order to promote compliance with the environmental legislation;

**XIX.-** To verify and promote, within its jurisdiction, the compliance with this Law and other regulations derived therefrom;

**XX.-** To address those matters affecting the ecological balance of two or more states, and

**XXI.-** Any other conferred by this Law and other legal provisions upon the Federation.

**ARTICLE 6.-** The powers conferred by this Law upon the Federation, shall be exercised by the Federal Executive Power through the Secretariat, except those directly related to the President of the Mexican Republic by express operation of law.

When, due to the matter and pursuant to the Organic Law of the Federal Public Administration or other applicable legal provisions, it is required the intervention of other governmental agencies, the Secretariat shall exercise its powers in coordination with such other governmental agencies.

The agencies and entities of the Federal Public Administration exercising powers conferred upon them by other codes which provisions relate to the purpose of this Law, shall conform their exercise to the criteria for preserving the ecological balance, exploiting natural resources in a sustainable manner and protecting the environment established in said law, as well as the provisions set forth in regulations, Official Mexican Standards, ecological zoning plans and other rules derived from such law.

**ARTICLE 7.-** In accordance with the provisions of this Law, and the local laws in this matter, the States shall have the following duties:

**I.-** The preparation, management and assessment of the state environmental policy;

**II.-** The implementation of environmental policy instruments provided in the local laws on this matter, as well as the preservation and restoration of ecological balance and environmental protection conducted at property and areas of state jurisdiction, in those matters not expressly conferred upon the Federation;

**III.-** The prevention and control of atmospheric pollution produced by stationary sources operating as industrial establishments, and also by mobile sources that according to this law are not under Federal jurisdiction;

**IV.-** To regulate activities classified as not highly risky to the environment pursuant to the provisions of Article 149 of this Law;

**V.-** To establish, regulate administer and look after natural protected areas provided in the local legislation with the intervention of municipal governments;

**VI.-** To regulate the systems for collection, transportation, storage, handling, treatment and final disposition of solid and industrial wastes which are not considered as hazardous pursuant to the provisions of Article 137 of this Law;

**VII.-** To prevent and control pollution produced by emissions of noise, vibrations, thermal energy, luminescent energy, electromagnetic radiations and smells harmful to the ecological balance and the environment, coming from stationary sources operating as industrial establishments, and when applicable, from mobile sources that according to this Law do not fall within Federal jurisdiction;

**VIII.-** To regulate a sustainable exploitation, prevention and control of pollution of state jurisdiction waters; as well as national waters assigned;

**IX.-** To prepare, issue and execute the ecological zoning plan of the territory mentioned in Article 20 BIS 2 of this Law, with the intervention of the corresponding municipalities;

**X.-** To prevent and control pollution generated due to the exploitation of those substances not reserved to the Federation constituting deposits having a nature similar to the components of lands, such as rocks or products of their breaking down, which may only be used to manufacture materials for construction or ornament of works;

**XI.-** To address issues affecting the ecological balance or the environment of two or more municipalities;

**XII.-** To participate in environmental emergencies and contingencies pursuant to the policies and programs of civil protection established for such purpose;

**XIII.-** To verify compliance with the Official Mexican Standards issued by the Federation in those matters and hypothesis referred to in Sections III, VI and VII of this Article;

**XIV.-** To manage the state policy for information and dissemination in environmental matters;

**XV.-** To encourage participation from society in environmental matters pursuant to the provisions of this Law;

**XVI.-** To assess the environmental impact of works and activities not expressly reserved to the Federation by this Law and, when applicable, to issue the corresponding authorizations pursuant to the provisions established in Article 35 BIS 2 of this Law;

**XVII.-** To conduct the duties in the matter of ecological balance preservation and environmental protection as conferred upon by the Federation in accordance with the provisions of Article 11 of this Law;

**XVIII.-** To prepare, execute and assess the state environmental protection program;

**XIX.-** To issue recommendations to the corresponding authorities on environmental matters in order to promote compliance with the environmental legislation;

**XX.-** To address, in coordination with the Federation, matters affecting the ecological balance of two or more States, whenever the involved States deem it advisable, and

**XXI.-** To address other issues that, in the matter of ecological balance preservation and environmental protection, are conferred by this Law or other regulations in accordance with this Law and not expressly conferred upon the Federation.

**ARTICLE 8.-** In accordance with the provisions of this Law and the local laws on this matter, the Municipalities shall have the following duties:

**I.-** To prepare, manage and assess the municipal environmental policy;

**II.-** To apply the environmental policy instruments provided in the local laws on this matter; and preserve and restore the ecological balance and environmental protection in property and areas of municipal jurisdiction, in those matters not expressly conferred upon the Federation or States;

**III.-** To enforce the legal provisions regarding the prevention and control of atmospheric pollution produced by stationary sources operating as commercial or service-provider establishments, as well as emissions of pollutants to the atmosphere coming from mobile sources which are not considered of federal jurisdiction, with the participation the state government is entitled to exercise under the state law;

**IV.-** To enforce the legal provisions related to the prevention and control of the effects on environment caused by the generation, transportation, storage, handling, treatment and final disposition of solid and industrial wastes, which are not considered as hazardous according to the provisions set forth on Article 137 of this Law;

**V.-** To create and manage the ecological conservation areas of population centers, urban parks, public gardens and other similar areas as provided by local legislation;

**VI.-** To enforce the legal provisions related to the prevention and control of pollution caused by noise, vibrations, thermal energy, electromagnetic radiations and luminescent energy and smells harmful to the ecological balance and environment, coming from stationary sources operating as commercial or service-provider establishments, as well as to verify compliance with the provisions that, as the case may be, may result applicable to the mobile sources except the provisions that pursuant to this Law fall within federal jurisdiction;

**VII.-** To enforce the legal provisions regarding the prevention and control of pollution of the water discharged to the drainage systems of the population centers, as well as the national waters assigned, with the participation the state government is entitled to exercise under the state law;

**VIII.-** To prepare and issue local ecological zoning plans of the territory as referred to in Article 20 BIS 4 of this Law, under the terms provided in such law, as well as to control and verify the use and change in the use of land established in such programs;

**IX.-** To conserve and restore the ecological balance and environmental protection in population centers in connection with the effects derived from sewage services, cleaning services, markets, cemeteries, and local transportation, provided that said duties are not conferred upon the Federation or the States in this Law;

**X.-** To address issues affecting the ecological balance of two or more municipalities having environmental effects within their territory;

**XI.-** To participate in environmental emergencies and contingencies pursuant to the policies and programs of civil protection established for such purpose;

**XII.-** To verify compliance with the Official Mexican Standards issued by the Federation, on the matters and hypothesis referred to in Sections III, IV, VI and VII of this Article;

**XIII.-** To prepare and manage the municipal policy for information and dissemination on environmental matters;

**XIV.-** To participate in the assessment of environmental impact of those works or activities under state jurisdiction, when such works or activities are carried out within its territory;

**XV.-** To prepare, execute and assess the environmental protection municipal program, and

**XVI.-** To address other issues relating the preservation of the ecological balance and the environmental protection, which are conferred upon by this Law or other regulations in accordance with this Law and not expressly conferred upon the Federation or the States.

**ARTICLE 9.-** It is the responsibility of the government of the Federal District, on matters related to the preservation of ecological balance and environmental protection, pursuant to the legal provisions issued by the Legislative Body of the Federal District, the powers referred to in Articles 7th. and 8th. of this Law.

**ARTICLE 10-** The Congresses of the States, with the agreement of their corresponding Constitution and the Legislative Body of the Federal District shall issue those legal provisions necessary to regulate the matters falling within their respective jurisdiction as provided in this Law. The city councils, on their part, shall issue the corresponding city ordinances, regulations, circular letters and administrative provisions in order to enforce in their respective territories the provisions of this code.

In the exercise of their powers, the States, the Federal District and the Municipalities shall observe the provisions of this Law and the provisions derived therefrom.

**ARTICLE 11.-** The Federation through the Secretariat, may subscribe coordination agreements or covenants in order for the States or the Federal District to assume the following responsibilities:

**I.-** To manage and look after the natural protected areas under Federal jurisdiction;

**II.-** To control hazardous wastes considered as low dangerous mass waste pursuant to the provisions of this law;

**III.-** To prevent and control the atmospheric pollution from stationary and mobile sources of federal jurisdiction;

**IV.-** To control actions for the protection, preservation and restoration of the ecological balance and environmental protection in the maritime-terrestrial federal area, as well as in the federal area of the waters considered as national;

**V.-** To protect, preserve and restore those natural resources referred to in this Law, the wild flora and fauna, and to further control the sustainable exploitation thereof;

**VI.-** To execute operative actions aimed at complying with the purposes provided in this law, and

**VII. –** To execute actions aimed at verifying compliance with the provisions of this Law.

In like manner, the States may subscribe with their Municipalities coordination agreements, prior agreement with the Federation, for the Municipalities to assume the execution of the above duties.

**ARTICLE 12.-** The coordination agreements or covenants subscribed by the Federation and the Federal District and the States, and the latter with the Municipalities for the purposes referred to in the preceding Article, shall comply with the following requirements:

**I.-** Such agreements or covenants shall define in detail the matters and activities constituting the purpose of such covenant or agreement;

**II.-** The purpose of such coordination covenants or agreements shall be consistent with the provisions of the National Development Plan (Plan Nacional de Desarrollo) and the national environmental policy;

**III.-** They shall describe the property and resources provided by the parties and specify how they are to be used and their way of administration;

**IV.-** It shall specify the effective term of such covenant or agreement, ways of termination of the contract, resolution of controversies and, when applicable, the time extension;

**V.-** They shall state the body or bodies which are to conduct the actions resulting from the coordination agreements or covenants, including actions for assessment, and

**VI.-** They shall contain such other provisions that the parties may deem necessary for a correct compliance with such covenant or agreement.

The agreements referred to in this Article shall be published in the Federal Official Gazette and in the official publication of the respective local government.

**ARTICLE 13.-** The States may subscribe, one with each other and with the Government of the Federal District, when applicable, coordination and administrative cooperation covenants or agreements in order to answer and solve common environmental problems and exercise their powers through the proceedings they select for that purpose in accordance with the provisions of the applicable state laws. The same powers may be exercised by the municipalities among them, although they belong to different states in accordance with the provisions of the above laws.

**ARTICLE 14.-** The agencies and entities of the Public Administration shall be in coordination with the Secretariat to conduct the appropriate actions whenever the ecological balance of any area or region of the country is endangered as a consequence of disasters caused by natural phenomena or acts of God or force majeure.

**ARTICLE 14 BIS.-** The environmental authorities of the Federation and the environmental authorities of the states shall integrate a body holding periodical meetings in order to coordinate actions on environmental matters, analyze and exchange points of view regarding the actions and programs on this matter, and assess and monitor such actions and programs, to further agree to the actions and prepare appropriate recommendations, particularly in respect to the objectives and principles established in Articles First and Fifteenth of this Law.

### **CHAPTER III Environmental Policy**

**ARTICLE 15.-** In order to prepare and manage the environmental policy and issue the Official Mexican Standards and other instruments provided in this Law related to the preservation and restoration of the ecological balance and environmental protection, the Federal Executive Power shall observe the following principles:

I.- The ecosystems represent the common wealth of society, and the life and production possibilities of the country depend thereupon;

II.- The ecosystems and their elements shall be used in such a manner to assure an optimal and sustained productivity consistent with their balance and integrity;

III.- The authorities and individuals shall assume a responsibility towards the ecological balance protection;

**IV.-** Whoever carries out works or activities affecting or that may affect the environment, is obligated to prevent, minimize or repair the damages caused, as well as to assume the cost for such damage. In like manner, whoever protects the environment and exploits the natural resources in a sustainable manner must be provided with incentives;

**V.-** The responsibility regarding the ecological balance involves both, the present conditions and those conditions that will determine the life quality of future generations;

**VI.-** Preventing the causes of ecological imbalances is the most effective method to avoid said imbalances;

**VII.-** The exploitation of renewable natural resources shall be conducted in such a way to guarantee the preservation of their diversity and renewability;

**VIII.-** The nonrenewable natural resources shall be used in such a way to prevent their exhaustion and the generation of adverse ecological effects;

**IX.-** The coordination among agencies and entities of the public administration and among the different levels of government together with the agreement of society are essential for the effectiveness of ecological actions;

**X.-** The principal subject in the ecological concert is not only the individuals, but also the social groups and organizations. The purpose of having joined ecological actions is reorienting the relation between society and nature;

**XI.-** For exercising the powers conferred by the law upon the State, to regulate, promote, limit, prohibit, address and, in general, induce the actions of the individuals in the economic and social fields, the criteria related to the preservation and restoration of the ecological balance shall be taken into consideration;

**XII.-** Any person has the right to enjoy an appropriate environment for his development, health and welfare. The authority, in the terms set forth on this and other laws, shall take the necessary measures to guarantee that right.

**XIII.-** To guarantee the right of communities, including indigenous peoples, to the protection, preservation, use and sustainable exploitation of natural resources and the safeguard and use of biodiversity pursuant to the provisions established by this Law and other applicable regulations.

**XIV.-** The eradication of poverty is necessary for sustainable development;

**XV.-** Women play an important role in the protection, preservation and sustainable exploitation of natural resources and in development. The full participation of women is essential to achieve sustainable development;

**XVI.-** The control and prevention of environmental pollution, an appropriate exploitation of natural resources, and the improvement of the natural environment in human settlements, are essential elements to increase the life quality of populations;

**XVII.-** It is the interest of the nation that those activities carried out within Mexican territory and in those areas where Mexico exercises its sovereignty and jurisdiction, do not affect the ecological balance of other countries or areas within international jurisdiction;

**XVIII.-** The competent authorities under similar circumstances before the other nations shall promote the preservation and restoration of the balance of regional and global ecosystems;

**XIX.-** By means of the quantification of the cost the environmental pollution implies and the cost involving exhaustion of natural resources provoked by economic activities in a given year, the Ecological Net Domestic Product shall be estimated. The National Institute of Statistics, Geography and Informatics (Instituto Nacional de Estadística, Geografía e Informática) shall include the Ecological Net Domestic Product to the National Account System, and

**XX.** Education is a means to appreciate life through the prevention of environmental deterioration, preservation, restoration and sustainable exploitation of ecosystems and thereby avoiding ecological imbalances and environmental damage.

**ARTICLE 16.-** States and municipalities, within the scope of their respective jurisdictions, shall observe and apply the principles referred to in Sections I to XV of the preceding article.

## **CHAPTER IV** **Environmental Policy Instruments**

### **SECTION I** **Environmental Planning**

**ARTICLE 17.-** The planning of national development shall include the environmental policy and ecological zoning plan established pursuant to this Law and other provisions on this matter.

In the planning and execution of the actions in charge of the agencies and entities of the federal public administration, according to their respective jurisdictions, as well as in the exercise of the powers conferred by laws to the Federal Government to regulate, promote, limit, prohibit, address and, in general, induce the actions of individuals in the economic and social fields, the guidelines of the environmental policy established in the National Development Plan (Plan Nacional de Desarrollo) and the corresponding programs shall be observed.

**ARTICLE 18.-** The Federal Government shall promote the participation of different social groups in preparing programs for preserving and restoring the ecological balance and environmental protection pursuant to the provisions established in this Law and in other applicable laws.

## **SECTION II**

### **Ecological Zoning Plan of the Territory**

**ARTICLE 19.-** The following criteria shall be considered when developing the ecological zoning plan:

I.- The nature and characteristics of the ecosystems existing within the national territory and in the areas where the nation exercises sovereignty and jurisdiction;

II.- The progress of each area or region considering its natural resources, the distribution of the population and the most important economic activities;

III.- The existing imbalances in the ecosystems due to human settlements, economic activities or other human activities or natural phenomena;

IV.- The balance that must exist between human settlements and their environmental conditions; and

V.- The environmental impact of new human settlements, roads and other works or activities.

**ARTICLE 19 BIS.-** The ecological zoning of the national territory and areas over which the nation exercises its sovereignty and jurisdiction, shall be conducted through ecological zoning plans:

I.- General in the Territory;

II.- Regional;

III.- Local, and

IV.- Marine.

**ARTICLE 20.-** The general ecological zoning plan of the territory shall be developed by the Secretariat within the framework of the National System of Democratic Planning having as its purpose to determine:

I.- The ecological regionalization of national territory and the areas over which the nation exercises its sovereignty and jurisdiction, based on the diagnosis of the characteristics, availability and demand of natural resources, as well as the productive activities developed therein, the location and condition of the existing human settlements, and

II.- The ecological guidelines and strategies for the preservation, protection, restoration and sustainable exploitation of natural resources, as well as the identification of productive activities and the human settlements.

**ARTICLE 20 BIS.-** The preparation, issuance, execution and assessment of the general ecological zoning plan of the territory shall be carried out pursuant to the provisions established in the Planning Law. In like manner, the Secretariat shall promote the participation of social and business groups and organizations, academic and research institutions, another interested parties pursuant to the provisions established in this Law, as well as in other applicable provisions.

**ARTICLE 20 BIS 1.-** The Secretariat shall technically support the preparation and execution of regional and local ecological zoning plans pursuant to the facts established in this Law.

The states and municipalities may participate in the consultations and issue the recommendations they deem necessary to prepare the general ecological zoning plans of the territory, and the marine ecological zoning plans.

**ARTICLE 20 BIS 2.-** The Governments of the States and the Federal District, in terms of the applicable local laws, may prepare and issue regional ecological zoning plans covering the whole territory of a State or part of it.

When an ecological region is located within the territory of two or more states, the Federal Government, the Governments of the States and Municipalities involved, and, when applicable, the Government of the Federal District, within their respective jurisdictions, may prepare a regional ecological zoning plan. For such purpose, the Federation shall execute the corresponding coordination agreements or covenants with the local governments involved.

**ARTICLE 20 BIS 3.-** The regional ecological zoning plans referred to in Article 20 BIS 2 shall contain, at least:

I.- The limits of the area or region to be regulated, describing physical, biotic and socioeconomic characteristics, as well as the diagnosis of the environmental conditions and technologies used by the inhabitants of such area;

II.- The determination of the ecological zoning plan criteria for the preservation, protection, restoration and sustainable exploitation of natural resources located in the region in question, as well as for the execution of the productive activities and the location of human settlements, and

III.- The guidelines for the execution, assessment, monitoring and change.

**ARTICLE 20 BIS 4.-** The local ecological zoning plans shall be issued by the municipal authorities and, if applicable, by the authorities of the Federal District, pursuant to the local laws on environmental matters and their purpose shall be:

I.- To determine the different ecological areas located in the zone or region in question, describing physical, biotic and socioeconomic characteristics, as well as the diagnosis of environmental conditions and technologies used by the inhabitants of the area in question;

II.- To regulate, outside the population centers, the uses of land in order to protect the environment and preserve, restore and exploit in a sustainable manner the corresponding natural resources, mainly in the execution of productive activities and location of human settlements, and

III.- To establish the ecological zoning plan criteria for the protection, preservation, restoration and sustainable exploitation of natural resources within the population centers, for them to be taken into account in the corresponding urban development plans or programs.

**ARTICLE 20 BIS 5.-** The procedures, under which the local ecological zoning plans shall be prepared, approved, issued, assessed and modified, must be determined in the state laws or the Federal District laws in the matter pursuant to the following requirements:

**I.-** The marine ecological zoning plans, if any, the general ecological zoning plan of the territory and the regional ecological zoning plans must be consistent with the local ecological zoning plans;

**II.-** The local ecological zoning plans shall cover a geographic stretch having the dimensions to allow the regulation of the use of land pursuant to the provisions established in this Law;

**III.-** The provisions contained in the local ecological zoning plans related to the territory, by means of which the uses of land are controlled, shall only involve the areas located out of the limits of the population centers. When in such areas it is planned to extend a population center or the execution or urban development projects, the provisions of the corresponding ecological zoning plan shall be observed; modifications thereof shall only be made through the proceeding established in the local legislation on the matter;

**IV.-** Local authorities shall make consistent the ecological zoning of the territory and the order and regulation of human settlements by incorporating the corresponding provisions in the local ecological zoning plans, as well as in the applicable urban development plans or programs.

In like manner, the local ecological zoning plans shall anticipate the coordination mechanisms between the different authorities involved in the preparation and execution of programs.

**V.-** When a local ecological zoning plan includes a natural protected area, under jurisdiction of the Federation, or partially under it, the plan shall be prepared and approved together with the Secretariat and the Governments of the States, the Federal District and the Municipalities, as the case may be;

**VI.-** The local ecological zoning plans shall control the uses of land, including areas of common land, communities and small properties, expressing the justifications thereof;

**VII.-** In order to prepare the local ecological zoning plans, the laws on the matter shall establish mechanisms to guarantee participation from individuals, and social and business groups and organizations and other interested parties. Such mechanisms shall include, at least, procedures for dissemination and public consultation of the corresponding programs.

The local laws on the matter shall establish the ways and procedures for the individuals to participate in the execution, surveillance and assessment of the ecological zoning plans referred to in this code, and

**VIII.-** The Federal Government may participate in the consultation referred to in the preceding section and issue the recommendation it deems appropriate.

**ARTICLE 20 BIS 6.-** The Secretariat may prepare, issue and execute, in coordination with the competent agencies, marine ecological zoning plans. The purpose of these programs shall be to establish the guidelines and provisions applicable to the preservation, restoration, protection and sustainable exploitation of the existing natural resources in specific areas or surfaces located in Mexican marine areas, including adjacent federal areas.

**ARTICLE 20 BIS 7.-** The marine ecological zoning plans shall include, at least:

**I.-** The exact delimitation of the area covered by the plan;

**II.-** The establishment of the ecological areas based on their characteristics, availability and demand of natural resources included in them, as well as the kind of productive activities carried out within such areas, and

**III.-** The guidelines, strategies and other provisions for the preservation, protection, restoration and sustainable exploitation of natural resources, as well as the execution of productive activities and other works or activities that may affect the respective ecosystems.

In determining such provisions, it shall be considered the criteria established in this Law, the provisions derived therefrom, the international treaties to which Mexico is a party and other regulations on this matter.

### **SECTION III Economic Instruments**

**ARTICLE 21.-** The Federation, the States and the Federal District, within the scope of their respective jurisdictions, shall design, develop and apply economic instruments to encourage compliance with the environmental policy objectives, whereby the following shall be sought::

**I.-** To promote a change in the behavior of people who carry out industrial, commercial and service activities, in a manner that their interests be consistent with the group interests of environmental protection and sustainable development;

II.- To encourage the inclusion of reliable and sufficient information regarding the consequences, benefits and environmental costs into the price system of the economy;

III.- To give incentives to the people who conduct actions for protection, preservation or restoration of ecological balance. The objectives shall also try to make that people damaging the environment, using improperly the natural resources or altering the ecosystems assume the corresponding costs;

IV.- To promote a higher social equity in the costs and distribution of benefits related to the environmental policy objectives, and

V.- To encourage their use together with other environmental policy instruments, especially in connection with the compliance with thresholds or limits in the use of ecosystems, in such a way to guarantee the integrity and balance thereof and the health and welfare of population.

**ARTICLE 22.-** Economic instruments are considered those regulating and administrative mechanisms of fiscal, financial or market nature whereby the individuals assume the environmental benefits and costs generated by their economic activities, encouraging them to carry out activities in favor of the environment.

Economic instruments of fiscal nature are considered those tax incentives encouraging compliance with the environmental policy objectives. These instruments shall not be established only for tax collection purposes.

Financial instruments shall be credits, bonds, civil liability insurance, funds and trusts when their objectives are addressed to the preservation, protection, restoration or sustainable exploitation of natural resources and environment, as well as to the financing of programs, projects, studies and scientific and technological research for preserving the ecological balance and environmental protection.

Market instruments shall be the concessions, authorizations, licenses and permits corresponding to pre-established volumes of pollutant emissions in the air, water or land, or establishing the limits for exploitation of natural resources or for construction at natural protected areas or in zones where the preservation and protection is considered relevant from an environmental point of view.

Prerogatives derived from economic market instruments will be transferable, nontaxable and subject to the public interest and the sustainable exploitation of natural resources.

**ARTICLE 22 BIS.-** They shall be considered a priority, for the purposes of granting tax incentives established pursuant to the Federation Income Law, the activities related to:

I.- The research, incorporation or use of mechanisms, equipment and technology aimed at avoiding, reducing or controlling pollution or environmental deterioration, as well as the efficient use of natural resources and energy;

II.- The research and incorporation of saving energy systems and the use of less polluting energy sources;

III.- The saving, sustainable exploitation and prevention of water pollution;

IV.- The location and relocation of industrial, commercial and service establishments in appropriate environmental areas;

V.- The establishment, management and surveillance of natural protected areas, and

VI.- In general, those activities related to the preservation and restoration of ecological balance and environmental protection.

**SECTION IV**  
**Human settlements**  
**Environmental Regulation**

**ARTICLE 23.-** In order to contribute in achieving the environmental policy, the planning of urban development and housing, besides of complying with the provisions of Article 27 of the Constitution in the matter of human settlements, shall take into consideration the following criteria:

I.- The urban development plans or programs shall consider the guidelines and strategies contained in the ecological zoning plans of the territory;

II.- When determining the uses of land, a diversity and efficiency thereof must be sought, and the development of segregated or nonfunctional schemes, and extensive suburbanization trends shall be avoided;

III.- When determining the areas in which the population centers are to grow, it shall be encouraged the mixture of uses of land for housing and productive purposes which do not represent risks or damage to the population health and damage to areas having high environmental value shall be avoided;

**IV.-** The establishment of mass transportation systems and other means of high energetic and environmental efficiency shall be privileged;

**V.-** The ecological conservation areas located around human settlements shall be established and managed as a priority

**VI.-** The authorities of the Federation, the States, the Federal District and the Municipalities, within their jurisdiction, shall encourage the use of economic, fiscal, financial and financial instruments of urban and environmental policy, to induce behaviors consistent with the protection and restoration of the environment together with a sustainable urban development;

**VII.-** The exploitation of water for urban uses shall include in a fair way the costs of its treatment taking into account the damage to the quality of such resource and the amount used;

**VIII.-** When determining the areas for highly risky activities, intermediate safeguard areas shall be established, in said areas the housing, commercial or other uses which may endanger the population shall be prohibited, and

**IX.-** The ecological policy shall strive for correcting those imbalances affecting the life quality of population and, at the same time, to foresee the growing trends of human settlements in order to keep a sufficient relation between the base of resources and population and take care of the ecological and environmental factors being an integral part of life quality.

**ARTICLE 24.-** Derogated

**ARTICLE 25.-** Derogated

**ARTICLE 26.-** Derogated

**ARTICLE 27.-** Derogated

## **SECTION V**

### **Environmental Impact Assessment**

**ARTICLE 28.-** The environmental impact assessment is the procedure through which the Secretariat establishes the conditions to carry out the works and activities that may cause ecological imbalances or surpass the limits and conditions established in the applicable provisions to protect the environment and preserve and restore ecosystems, in order to avoid or reduce to the lowest point

the negative effects for the environment. For such purpose, in the cases determined by the Regulations issued for the same purpose, the individuals or companies trying to conduct some of the following works or activities shall be required to have a prior authorization on environmental impact issued by the Secretariat:

**I.-** Hydraulic works, general means of communication, oil pipelines, gas pipelines, coal pipelines and multipurpose pipelines;

**II.-** The oil, petrochemical, chemical, iron and steel, paper, sugar, cement and electrical industries;

**III.-** Exploration, exploitation and extraction of minerals and substances reserved to the Federation in terms of the Mining Laws and Regulatory Law, Article 27 of the Constitution on Nuclear Matters;

**IV.-** The facilities for treatment, confinement or disposal of hazardous waste, as well as radioactive waste;

**V.-** Forest exploitation in tropical rainforest and species of difficult regeneration;

**VI.-** Forest plantations;

**VII.-** Changes in use of land in forest areas, as well as in jungles and arid areas;

**VIII.-** Industrial parks where the execution of highly risky activities is anticipated;

**IX.-** Real estate developments affecting coastal ecosystems;

**X.-** Works and activities in mangrove swamps, lakes, rivers, lagoons and tideland linked to the sea, as well as in littorals or federal areas;

**XI.-** Works in natural protected areas under Federal jurisdiction;

**XII.-** Fishing, aquatic or agricultural and livestock activities endangering the preservation of one or more species or causing damage to the ecosystems, and

**XIII.-** Works or activities related to federal authority matters, which may cost important and irreparable ecological imbalances, damage to the public health or to the ecosystems, or surpass the limits and conditions established in the legal provisions related to the preservation of ecological balance and environmental protection.

The Regulations of this Law shall determine the works or activities referred to in this Article that, due to their location, dimensions, characteristics or scope, do not cause important environmental impacts; do not cause or may cause ecological imbalances or surpass the limits and conditions established in the legal provisions related to the preservation of ecological balance and environmental protection, and therefore they must not be subject to the procedure of environmental impact assessment provided in this law.

For the purposes referred to in Section XIII of this Article, the Secretariat shall give notice to the interested parties regarding its decision in order for them to submit the corresponding work or activity to the procedure of environmental impact assessment, giving justification for that effect in order for them to submit the reports, experts reports and considerations they deem appropriate, within a period of time not greater than ten days. Once the documents of the interested parties have been received, the Secretariat, within a time period not greater than thirty days, shall inform the interested parties whether the submittal of an environmental impact statement is applicable or not, as well as the method and terms to conduct the same. In case the above time period has elapsed, and the Secretariat has not given a notice, this would imply that the submittal of an environmental impact statement is not needed.

**ARTICLE 29.-** The negative effects upon the environment, natural resources, wild flora and fauna and other resources mentioned in this Law that may be caused by the works or activities under federal jurisdiction not requiring to be subject to the environmental impact assessment procedure referred to in this section, shall be subject to the pertinent part of the provisions thereof, its regulations, the Official Mexican Standards on environmental matters, the applicable legislation on natural resources, and to those permits, licenses, authorizations and concessions that pursuant to such regulations are required.

**ARTICLE 30.-** To obtain the authorization referred to in Article 28 of this Law, the interested parties shall present to the Secretariat an environmental impact statement, which shall contain, at least, a description of the possible effects upon the ecosystem(s) that may suffer from damage due to the works or the activities in question, considering the group of elements forming such ecosystems, as well as preventive measures, mitigation measures and other measures necessary to avoid and reduce to the lowest level the negative effects for the environment.

In case of activities considered as highly risky in terms of this Law, the statement shall include the corresponding risk analysis.

If having submitted the environmental impact statement, the involved works or activities of the project are modified, the interested parties shall inform this fact to the Secretariat, and the Secretariat, within a time period of 10 days at the latest,

shall give them notice informing whether it is necessary or not to submit additional information in order to assess the environmental effects such changes may cause in accordance with the provisions of this Law.

The Regulations of this Law shall establish the content of the preventive report, as well as the characteristics and the modes of the environmental impact statements and the risk analysis.

**ARTICLE 31.-** The execution of the works and activities referred to in sections I through XII of Article 28 shall require the submittal of a preventive report but not an environmental impact statement when:

I.- There are Official Mexican Standards or other provisions regulating the emissions, discharges, natural resources exploitation and, in general, all the relevant environmental impacts caused by the works or activities;

II.- The works or activities involved are expressly provided by an urban development partial plan or an ecological zoning plan assessed by the Secretariat in terms of the following Article, or

III.- In case of facilities located inside authorized industrial parks in terms of this section.

In the above cases, the Secretariat, having analyzed the preventive report, shall determine, within a time period not exceeding twenty days, whether or not the submittal of an environmental impact statement is necessary in any of the modes provided in the regulations of this Law, or if the case falls within one of the hypothesis stated.

The Secretariat shall publish in its Ecological Gazette, the list of the preventive reports presented in terms of this Article, and they shall be available for the public in general.

**ARTICLE 32.-** In case that a partial urban development plan or program or a territorial ecological zoning plan or program includes works or activities stated in Article 28 of this Law, the authorities with jurisdiction in the States, the Federal District or the Municipalities, may submit such plans or programs to the Secretariat, in order for the Secretariat to issue the corresponding authorization on environmental impact matters with respect to the series of works or activities to be carried out in a certain area according to the provisions of Article 31 of this Law.

**ARTICLE 33.-** In case of works and activities referred to in sections IV, VIII, IX and XI of Article 28, the Secretariat shall notify to the state or municipal governments or

to the government of the Federal District, as the case may be, that it has received the corresponding environmental impact statement in order for the governments to express their corresponding opinions.

The authorization issued by the Secretariat shall not oblige in any way the local authorities to issue the corresponding authorizations within the scope of their respective jurisdictions.

**ARTICLE 34.-** Once the Secretariat receives an environmental impact statement and drafts the file referred to in Article 35, the Secretariat shall cause such statement to be available to the public in so that the statement can be read by any individual.

The promoters of such work or activity may request that the information included in the file be maintained as confidential because its public disclosure may affect industrial property rights and the confidentiality of the commercial information delivered by the interested party.

The Secretariat, at the request of any person or company of the community in question, may conduct a public consultation pursuant to the following bases:

**I.-** The Secretariat shall publish the request for authorization in environmental impact matter in its Ecological Gazette. In like manner, the promoter shall publish, at its own expense, a summary of the work or activity project in a newspaper of broad circulation in the state involved within five days following the date on which the environmental impact statement is submitted to the Secretariat;

**II.-** Any citizen, within ten days following the publication of the project summary under the above terms, may request to the Secretariat to make the environmental impact statement available for the public in the state involved;

**III.-** In case of works or activities that may cause significant ecological imbalances or damage to the public health or ecosystems pursuant to the provisions established in the regulations of this Law, the Secretariat, in coordination with local authorities, may arrange a public information meeting in which the promoter shall explain the environmental technical matters of the work or activity involved;

**IV.-** Any interested party, within twenty days following the date on which the Secretariat discloses the environmental impact statement to the public pursuant to the terms of section I, may suggest the implementation of additional prevention and mitigation measures, as well as remarks deemed appropriate, and

**V.-** The Secretariat shall add the remarks of the interested parties to the corresponding file and record within the resolution it may issue the process of

public consultation conducted and the results of the remarks and proposals prepared in writing;

**ARTICLE 35** .- Once the environmental impact statement has been submitted, the Secretariat shall start an evaluation procedure, for that purpose it shall verify that the request meets the formalities provided in this Law, its Regulations and the applicable Official Mexican Standards and shall make the corresponding file within ten days at the latest.

For the authorization of the works and activities referred to in Article 28, the Secretariat shall conform to the provisions of the above regulations, as well as to the urban development programs and the ecological zoning plans the territory, to the declarations of the natural protected areas and other applicable legal provisions.

In like manner, for the authorization referred to in this Article, the Secretariat shall assess the possible effects of such works or activities in the ecosystem(s) involved taking into consideration the group of elements constituting them and not only the resources that, as the case may be, would be exploited or affected.

Having evaluated the environmental impact statement, the Secretariat shall issue a duly supported resolution in which it may:

I.- Authorize the execution of the work or activity involved under the terms requested;

II.- Authorize the work or activity involved, but being conditioned to the change of project or the establishment of additional preventive and mitigating measures in order to avoid, decrease or compensate the adverse environmental impacts that may be caused due to the construction, normal operation and in case of accident. In case of conditioned authorizations, the Secretariat shall determine the requirements to be observed in the execution of the work or activity involved, or

III.- Deny the requested authorization, when:

a) It violates the provisions of this Law, its regulations, the Official Mexican Standards and other applicable provisions;

b) The work or activity involved may cause one or more species to be declared as threatened or endangered by extinction or when one of such species is affected, or

c) There is falsehood in the information provided by promoters with respect to the environmental impacts of the work or activity involved.

The Secretariat may demand insurance policies or guarantees with respect to the compliance with the conditions established in the authorization, in those cases expressly established in the regulations of this Law, when during the execution of works significant damage may be provoked upon the ecosystems,

The resolution of the Secretariat shall only refer to the environmental matters of the works and activities involved.

**ARTICLE 35 BIS .-** The Secretariat, within sixty days counted from the receipt of the environmental impact statement, issue the corresponding resolution.

The Secretariat may request explanations, corrections or extensions to the content of the environmental impact statement submitted to the Secretariat thereby suspending the remaining term to conclude the process. In no case the suspension may be greater than sixty days counted from the date the suspension has been declared by the Secretariat provided that the information requested in provided to the Secretariat.

Exceptionally, when due to the complexity and dimensions of one work or activity, the Secretariat requires a longer time period to conduct its evaluation, such period may be extended up to sixty additional days provided that said extension be justified in accordance with the regulations of this Law.

**ARTICLE 35 BIS 1.-** People providing environmental impact services shall be responsible to the Secretariat for the preventive reports, environmental impact statements and risk analysis they conduct, and they shall state under oath to tell the truth that such documents involve the best existing techniques and methodologies, and include the most effective information and preventive and mitigating measures.

In like manner, preventive reports, environmental impact statements and risk analysis may be submitted by the interested parties, research institutions, professional associations or colleges, in this case the responsibility for the content of such document shall be assumed by the signatory thereof.

**ARTICLE 35 BIS 2.-** The environmental impact that may be caused by those works or activities not included in Article 28 shall be assessed by the authorities of the Federal District or the States, in coordination with the corresponding municipalities, when due to their location, dimensions or characteristics they cause important environmental impacts and are expressly established in the state environmental legislation. In these cases, the environmental impact assessment may be carried out within the authorization procedures of use of land, constructions, developments or other procedures established in the state laws and in the provisions deriving therefrom. Such regulations shall provide the necessary

elements in order to make the environmental policy consistent with the urban development policy and avoid unnecessary duplicity of administrative procedures on this matter.

**ARTICLE 35 BIS 3.-** When the works or activities specified in Article 28 of this Law require in addition to the authorization of environmental impact, an authorization to start the work, it shall be verified that the person in charge has the environmental impact authorization issued in terms of the provisions established in this regulation.

In like manner, the Secretariat, at the request of promoter, shall include in the environmental impact authorization, other permits, licenses and authorization falling within its jurisdiction and required for the execution of the works and activities referred to in this Article.

## **SECTION VI**

### **Mexican Official Standards on Environmental Matters**

**ARTICLE 36.-** In order to guarantee sustainability of economic activities, the Secretariat shall issue the Official Mexican Standards on environmental matters, and for a sustainable exploitation of natural resources; the purpose of these standards shall be to:

- I.- Establish the requirements, specifications, conditions, procedures, goals, parameters and permissible limits that shall be observed in regions, areas, basins or ecosystems, when exploiting natural resources, when developing economic activities, in the use and destination of goods, in inputs and procedures;
- II.- Consider the necessary conditions for the welfare of population and to preserve or restore natural resources and environmental protection;
- III.- Encourage or induce economic agents to reorient their processes and technologies towards the environmental protection and sustainable development;
- IV.- Grant certainty in the long term to the investment and induce economic agents to assume the costs of the environmental deterioration they caused, and
- V.- Promote productive activities within a framework of efficiency and sustainability.

The issue and change of Official Mexican Standards on environmental matters shall conform to the procedure established in the Federal Law on Metrology and Standardization (Ley Federal sobre Metrología y Normalización).

**ARTICLE 37.-** In the preparation of Official Mexican Standards on environmental matters, it shall be considered that the compliance with their provisions shall be made in accordance with the characteristics of each productive process or activity subject to regulation, and this shall not imply the compulsory use of specific technologies.

If the Official Mexican Standards on environmental matters establish the use of specific equipment, procedures or technologies, the persons to which said standards are directed may submit to the Secretariat for approval, the alternative equipment, processes or technologies through which the corresponding provisions would be observed.

For such purpose, the interested parties shall attach to their proposal the justification on which the proposal was based to comply with the objectives and purposes established in the official Mexican standard in question.

Once the proposal is received, the Secretariat within a time period not exceeding thirty days, shall issue the corresponding resolution. Failure to issue said resolution within the time period provided, shall imply that the resolution was negative.

When the resolution is positive, it shall be published in an official dissemination document and become effective to the benefit of the applicant, respecting, if applicable, those rights acquired in industrial property matters.

**ARTICLE 37 BIS.-** The Official Mexican Standards on environmental matters are compulsory within national territory, and they shall specify their enforceability area, effective term and level of application.

## **SECTION VII**

### **Self-Regulation and Environmental Audits**

**ARTICLE 38.-** Producers, companies or business organizations may develop voluntary processes for environmental self-regulation through which they improve their environmental performance, respecting the legislation and regulations in force in the matter and promise to surpass or comply with higher levels, goals or benefits on environmental protection matters.

The Secretariat at federal level shall induce or arrange:

I.- The development of appropriate productive processes consistent with the environment, as well as systems for a suitable protection and restoration in the matter agreed upon with industrial organizations, chambers of commerce and other

productive activities, producers associations, organizations representing an area or region, scientific and technological research institutions and other interested organizations;

II.- The compliance with voluntary standards or technical specifications on environmental matters being stricter than the Official Mexican Standards or including not provided therein, which shall be established by common consent with individuals or with associations or organizations representing them. For such purpose, the Secretariat may encourage the implementation of Official Mexican Standards pursuant to the facts established in the Federal Law on Metrology and Standardization (Ley Federal sobre Metrología y Normalización);

III.- The implementation of certification systems for processes or products to induce consumption patterns being consistent with, or that preserve, improve or restore the environment, said systems shall respect the applicable provisions of the Federal Law on Metrology and Standardization (Ley Federal sobre Metrología y Normalización), and

IV.- Other actions encouraging companies to achieve objectives of the environmental policy and higher than those provided in the established environmental regulations.

**ARTICLE 38 BIS.-** People in charge of the operations of the company may voluntarily, through the environmental audit, carry out the methodological examination of their operations regarding the pollution and risk they generate, as well as the level of compliance with the applicable environmental regulations, international parameters and good practices of operation in engineering in order to determine the preventive and corrective measures necessary to protect the environment.

The Secretariat shall develop a program aimed at encouraging the carrying out of environmental audits and may supervise the execution thereof. For such purpose:

I.- It shall prepare the terms of reference establishing the methodology for execution of environmental audits;

II.- It shall establish a system for approval and qualification of environmental experts and auditors, and determine the procedures and requirements that the interested parties shall comply with to become members of such system, respecting the provisions of the Federal Law on Metrology and Standardization (Ley Federal sobre Metrología y Normalización).

For such purpose, it shall create a technical committee formed by representatives of research institutions, colleges and professional association and organizations of the industrial sector;

**III.-** It shall develop training programs in the matter of environmental expert opinions and audits;

**IV.-** It shall implement a system for awards and incentives allowing the identification of industries that timely comply with the commitments undertaken in the environmental audits;

**V.-** It shall encourage the creation of regional centers to support the small and medium-size enterprise in order to facilitate the execution of audits in such sectors, and

**VI.-** It shall agree or arrange with individuals or legal entities, either of public or private nature, the execution of environmental audits.

**ARTICLE 38 BIS 1.-** The Secretariat shall make available to the persons being affected or who may result directly affected, the preventive and corrective programs derived from environmental audits, as well as the basic diagnosis from which they derived.

In each case, the legal provisions regarding confidentiality of industrial and commercial information shall be observed.

**ARTICLE 38 BIS 2.-** Within their respective jurisdictions, the States and the Federal District may implement systems for self-regulation and environmental audits.

## **SECTION VIII Ecological Research and Education**

**ARTICLE 39.-** The competent authorities shall promote the inclusion of ecological contents, knowledge, value and responsibility at the different educational levels, especially the basic level, as well as in the cultural development of children and youth.

In like manner, they shall promote a compromised participation of mass media to strengthen an ecological awareness and socialization of sustainable development projects.

The Secretariat, in coordination with the Secretariat of Public Education (Secretaría de Educación Pública) shall encourage the higher education institutions and organizations engaged in scientific and technological research for them to develop plans and programs for training specialists on this matter, within the national territory and investigate the causes and effects of the environmental phenomena.

The Secretariat through different actions shall promote the generation of strategic knowledge regarding the nature, the interaction between the elements that make up the ecosystems including the human being, the evolution and transformation of such ecosystems in order to have information based upon which programs encouraging environmental prevention, restoration, conservation and environmental protection may be prepared

**ARTICLE 40.-** The Secretariat of Labor and Social Welfare (Secretaría del Trabajo y Previsión Social) shall promote the development of training in and for working purposes on environmental protection matters, and also aimed at the preservation and restoration of ecological balance pursuant to the provisions of this Law and in accordance with the systems, methods and procedures provided in the special legislation. In like manner, it shall encourage the inclusion of ecological contents in the programs of the joint commissions on safety and hygiene.

**ARTICLE 41.-** The Federal Government, the states and the municipalities in accordance with the provisions established by the local legislative bodies, shall encourage scientific research and promote programs for the development of procedures and techniques allowing to prevent, control and decrease pollution, to exploit resources in a rational manner and protect ecosystems. To than end, agreements may be entered into with higher education institutions, research centers, social and private sectors institutions, researchers and specialists on this matter.

**ARTICLE 42.-** Derogated.

**ARTICLE 43.-** Derogated.

## **SECOND TITLE**

### **Biodiversity**

#### **CHAPTER I**

#### **Natural Protected Areas**

##### **SECTION I**

##### **General Provisions**

**ARTICLE 44.-** The national territory areas and those over which the Nation exercises its sovereignty and jurisdiction, where the original environments have not been significantly altered due to the human being activities or which require to be preserved or restored, will be subject to the regime provided in this Law and other applicable regulations.

The owners or holders of other rights over land, water and forest located inside natural protected areas shall conform to the modalities that pursuant to this Law, are established by the decrees through which those areas were created, as well as to other provisions contained in the management program and in the corresponding ecological zoning plans.

**ARTICLE 45.-** The purpose of the establishment of natural protected areas is:

I.- To preserve natural environments representing different biogeographical and ecological regions and ecosystems;

II.- To safeguard genetic diversity of wild species on which evolutionary continuity depends; as well as to guarantee the preservation and sustainable exploitation of biodiversity in the national territory; mainly to preserve species endangered by extinction, threatened, endemic, strange species and those under special protection;

III.- To guarantee the sustainable exploitation of ecosystems and their elements;

IV.- To provide an appropriate field for scientific research and the study of ecosystems and their balance;

V.- To produce, rescue and disseminate knowledge, practices and technologies, either traditional or new, which may allow to preserve and exploit in a sustainable manner the biodiversity in the national territory;

VI.- To protect town, communication means, industrial facilities and agricultural exploitations by means of forest areas in mountains where torrents arise, also the ecological cycle of basins, as well as other actions aimed at the protection of surrounding elements to which the area is ecologically related; and

VII.- To protect natural environment of areas, monuments and archeological, historic and artistic vestiges, as well as tourism areas, and other important areas for entertainment, culture and identity of the nation and the indigenous people.

**SECTION II**  
**Types and Characteristics of the Natural Protected Areas**

**ARTICLE 46.-** The natural protected areas are:

- I.- Biosphere reserves;
- II.- Derogated.
- III.- National parks;
- IV.- Natural monuments;
- V.- Derogated.
- VI.- Natural resources protected areas;
- VII.- Flora and fauna protected areas;
- VIII.- Sanctuaries;
- IX.- State Parks and Reserves, and
- X.- Ecological preservation areas in population centers.

For purposes of the provisions established in this Chapter, the natural protected areas mentioned in Sections I through VIII are under federal jurisdiction.

The States and the Federal District Governments, under the terms established by the applicable local legislation, may create State Parks and Reserves in relevant areas at state level complying with the characteristics described in Articles 48 and 50 respectively of this Law. Such parks and reserves may not be established in areas previously declared as natural protected areas under responsibility of the Federation, except in the case of areas described in Section VI of this Article.

In like manner, it is the responsibility of the municipalities to establish ecological preservation areas in the population centers pursuant to the provisions established in the local legislation.

It is prohibited to establish new population centers within natural protected areas.

**ARTICLE 47.-** In the establishment, administration and management of the natural protected areas referred to in the preceding Article, the Secretariat shall promote the participation of their inhabitants, owners, or holders, local governments,

indigenous peoples and other social, public and private organizations in order to encourage integral development of community and guarantee the protection and preservation of ecosystems and their biodiversity.

For such purpose, the Secretariat may enter into the appropriate cooperation and coordination agreements with the interested parties.

**ARTICLE 48.-** The biosphere reserves shall be established in important biogeographic areas at national level, representing one or more ecosystems not significantly affected by the action of human being or requiring to be preserved and restored, sheltering species that represent national biodiversity, including those considered endemic, threatened or endangered by extinction.

In such reserves, it may be determined the existence of the surface or surfaces with better conservation or not altered and sheltering ecosystems or natural phenomena of special importance or flora and fauna species requiring special protection, these areas shall be classified as nucleus area or areas. Within these areas, it may be authorized the carrying out of activities preserving ecosystems and their elements, scientific research and ecological education, but exploitations altering ecosystems shall be limited or prohibited.

Within such reserves, it shall be determined the surface or surfaces protecting the nucleus area from external impact, such surfaces shall be classified as cushioning areas where the only productive activities allowed shall be those commenced by the communities living therein at the moment the corresponding declaration was issued or with their participation, and being strictly consistent with the objectives, criteria and sustainable exploitation programs in terms of the corresponding decree and management program prepared and issued, and taken into account the provisions of ecological zoning plans that may apply.

**ARTICLE 49.-** In the nucleus areas of natural protected areas, it shall be expressly forbidden:

I.- To dump or discharge pollutants to soil, underground and any type of stream, aquifer or water-bearing, as well as to carry out any polluting activity;

II.- To interrupt, refill, dry or divert hydraulic flows;

III.- To carry out activities of use and exploitation of wild flora and fauna species, and

IV.- To carry out actions in violation of the provisions established in this Law, the corresponding declaration and other provisions derived therefrom.

**ARTICLE 50.-** National parks shall be established, in case of biogeographical representations, at national level, with one or more ecosystems significant for their stage beauty, scientific, educational, recreational and historical value, the existence of flora and fauna, their tourism-developing capacity or other similar reasons of general interest.

In national parks, it shall only be allowed the execution of activities related to the natural resources protection, the increase of flora and fauna and in general, activities aimed at preserving ecosystems and their elements, and also those relating to ecological research, recreation, tourism and education.

**ARTICLE 51.-** For the purposes described in the preceding Article, as well as to protect and preserve marine ecosystems and control sustainable exploitation of aquatic flora, national parks in Mexican marine areas shall be established, and they may include the adjacent maritime terrestrial federal area.

At these areas, the only activities allowed are those related to the preservation of aquatic ecosystems and their elements, activities of research, repopulation, recreation and ecological education, as well as the appropriate exploitation of natural resources pursuant to the provisions established in this Law, the Fisheries Law (Ley de Pesca), the Sea Federal Law (Ley Federal del Mar), the international conventions to which Mexico is a party and other applicable regulations.

The authorizations, concessions or permits for exploiting natural resources in these areas, relating to the transit of vessels on the area or the construction or use of infrastructure within the same, shall be subject to the provisions of the corresponding declarations.

For the establishment, management and surveillance of national parks established in Mexican marine areas, as well as for preparing their management program, the Secretariat and the Secretariat of the Navy (Secretaría de Marina) shall work in coordination under their respective jurisdictions.

**ARTICLE 52.-** Natural monuments shall be established in areas having one or several natural elements, consisting of natural places or objects that due to their unique or exceptional character, aesthetic interest, historic or scientific value, it has been decided to include them within a regime of absolute protection. Such monuments lack the variety of ecosystems and the necessary surface to be included in other management categories.

Within natural monuments, the only activities allowed shall be related to their preservation, scientific research, recreation and education.

**ARTICLE 53.-** The natural resources protected areas are those created for preserving and protecting the soil, hydrographic basins, water and in general, the natural resources located in foreign lands, provided that such areas are not included in other categories provided in Article 46 of this Law.

This category includes the reserves and forest areas, the areas for protecting rivers, lagoons, lakes, springs and other waters considered as national water, especially when they are used to supply water for population service.

In the natural resources protection areas, the only activities allowed are those related to the preservation, protection and sustainable exploitation of natural resources included therein, as well as activities related to research, entertainment, tourism and ecological education pursuant to the provisions established in the decree whereby they were created, the corresponding management program and other applicable legal provisions.

**ARTICLE 54.-** The flora and fauna protected areas shall be created pursuant to the provisions of this Law, the Federal Hunting Law, the Fisheries Law and other applicable laws, at places sheltering those habitats whose balance and preservation is needed for the existence, transformation and development of the species of wild flora and fauna depend upon them.

In such areas, the activities allowed shall be related to the preservation, repopulation, dissemination, acclimatization, shelter, research and sustainable exploitation of the above species, as well as those related to education and diffusion in this matter.

In like manner, the exploitation of natural resources shall be authorized to the communities living therein at the moment of issuance of the corresponding declaration or the possible exploitation pursuant to the studies carried out, which shall be subject to the Official Mexican Standards and the uses of land established for such purpose in said declaration.

**ARTICLE 55.-** Sanctuaries are those areas established in areas characterized by an important richness of flora and fauna or due to the presence of species, subspecies or habitat of limited distribution. Such areas shall include gullies, meadows, relicts, caves, caverns, cenotes, coves or other topographic or geographic units required to be preserved or protected.

In sanctuaries, it shall be only authorized the research, entertainment and environmental education activities consistent with the nature and characteristics of the area.

**ARTICLE 56.-** The authorities of the States and the Federal District may promote before the Federal Government the recognition of the natural protected areas established pursuant to their legislation in order to reconcile the corresponding protection regimes.

**ARTICLE 56 BIS.-** The Secretariat shall create a National Council of Natural Protected Areas formed by representatives of the Secretariat, and also other agencies and entities of the Federal Public Administration, as well as academic institutions and research centers, producers and businessmen associations, nongovernmental organizations and other social or private organizations, as well as individuals having great prestige in the matter.

The Council shall act as an advisory and support body of the Secretariat in the preparation, execution, monitoring and assessment of the policy for the establishment, management and surveillance of the natural protected areas under its jurisdiction.

The opinions and recommendations prepared by the Council shall be considered by the Secretariat when exercising the powers conferred upon it in the matter of natural protected areas pursuant to these and other applicable legal regulations.

The Council may invite to its meetings representatives of the governments of the States, the Federal District and the Municipalities in case of matters related to natural protected areas under federal jurisdiction that are within their territory. In like manner, the Council may invite representatives of communities, owners, holders and, in general, any individual whose participation is necessary pursuant to the issues transacted in each occasion.

### **SECTION III**

#### **Declarations for the Establishment, Administration and Surveillance of Natural Protected Areas**

**ARTICLE 57.-** The natural protected areas described in Sections I through VIII of Article 46 of this Law, shall be established by means of a declaration issued by the Head of the Federal Executive Power pursuant to this and other applicable laws.

**ARTICLE 58.-** Prior to the issuance of declarations to establish the natural protected areas referred to in the above Article, the corresponding studies shall be carried out in terms of this chapter, and they shall be available to the public. In like manner, the Secretariat shall request the opinion of:

I.- The local governments in which the natural area involved is located;

II.- The agencies of the Federal Public Administration that shall participate according to their respective jurisdictions;

III.- The public or private social organizations, indigenous peoples, and other individuals or legal entities in interest, and

IV.- The universities, research centers, institutions and organizations from public, social, and private sectors interested in the establishment, administration and surveillance of natural protected areas.

**ARTICLE 59.-** The indigenous peoples, social, public or private organizations and other interested parties may promote before the Secretariat the establishment, in their own lands or by means of a contract with third parties, of natural protected areas, in case of areas created for the preservation, protection and restoration of biodiversity. The Secretariat, when applicable, shall promote before the Federal Executive the issuance of the corresponding declaration whereby the management of the area on the part of the promoter shall be established, with the participation of the Secretariat pursuant to its powers as conferred by this Law.

In like manner, the above persons or organizations may use on a voluntary basis their lands for actions aimed at preserving ecosystems and their biodiversity. For such purpose, they may request from the Secretariat the corresponding recognition. The certificate issued by such authority shall contain at least the name of the promoter, the name of the corresponding area, its location, surface and adjacent areas, the management regime to which it shall conform and, if applicable, the effective term. Such lands shall be considered as productive areas intended for public interest purpose.

**ARTICLE 60.-** Declarations to establish the natural protected areas stated in Sections I through VIII of Article 46 of this Law shall contain, at least, the following information:

I.- The accurate delimitation of areas, specifying surface, location, demarcation and when applicable, the corresponding zoning;

II.- The modalities in the area to which the use or exploitation of natural resources in general or specifically those under protection, shall be subject;

III.- The description of activities that shall be carried out in the corresponding area, the modalities and limitations to which they shall conform;

IV.- The cause of public use, if any, supporting the expropriation of lands in order for the nation to obtain ownership thereof, when at the moment of establishing a

natural protected area said resolution is required; in these cases, the provisions of the Agrarian Expropriation Laws and other applicable laws shall be observed;

**V.-** The general guidelines for the administration, establishment of representative collegiate bodies, creation of funds or trusts and preparation of the management program for the area, and

**VI.-** The guidelines for the execution of actions of preservation, restoration and sustainable exploitation of natural resources within natural protected areas, for their management and surveillance, as well as the preparation of administrative rules to control the activities within the corresponding area pursuant to the provisions established in this law and other applicable laws;

The measures that the Federal Executive may impose for the preservation and protection of natural protected areas shall only be those established in accordance with the respective matters in this Law, the Forest Law, the National Water Law, the Fisheries Law, the Federal Hunting Law and other applicable laws.

The Secretariat shall promote the ecological zoning plan of the territory in the influence zones of natural protected areas in order to generate new regional development patterns appropriate to sustainability objectives.

**ARTICLE 61.-** Declarations shall be published in the Federal Official Gazette and previously notified to the owners or holders of affected lands, through personal notice when their domiciles are known, otherwise the second publication made shall be deemed as a notice. Declarations shall be entered in the corresponding public registry of real estate.

**ARTICLE 62.-** Once a natural protected area is established, only its extension shall be modified and, when applicable, the permitted uses of lands or any of its provisions, by the same authority who established such area respecting the same formalities provided in this Law for the issuance of the corresponding declaration.

**ARTICLE 63.-** The natural protected areas established by the Federal Executive may cover, partially or totally, lands subject to any property regime.

The Federal Executive, through the corresponding agencies, shall carry out the corresponding regulatory programs for possession of land within natural protected areas in order to provide legal certainty to the owners and holders of the lands included in such protected areas.

The Secretariat shall promote that the Federal, State, Municipal and Federal District Authorities, within their respective jurisdictions, and in terms of applicable legal provisions and, when applicable, the management programs, give priority to

the regulatory programs of possession of land within natural protected areas under federal jurisdiction.

National lands located within natural protected area under federal jurisdiction, shall be available to the Secretariat, and the Secretariat shall use them for the purposes established in the corresponding decree, pursuant to the applicable legal provisions.

**ARTICLE 64.-** In the granting or issue of permits, licenses, concessions or in general, the granting or issue of authorizations related to the exploration, exploitation or use of resources in natural protected areas, it shall be observed the provisions of this Law, the laws supporting the corresponding declarations of creation, as well as the preventions of such declarations and the management programs.

Applicant shall demonstrate in such cases to the corresponding authority, his technical and economic capacity to carry out the exploration, exploitation or use in question, without causing any damage to the ecological balance.

The Secretariat, as well as the Secretariat of Agriculture, Livestock and Rural Development and the Secretariat of the Agrarian Reform, will timely provide to holders or lands, members of cooperatives and small owners the necessary technical consultancy to comply with the facts established in the last paragraph, when they do not have enough economic resources to pay such consultancy.

The Secretariat, based on the technical and socioeconomic studies carried out, may request to the corresponding authority the cancellation or revocation of the corresponding permit, license, concession or authorization, when the exploration, exploitation or use of natural resources is causing or may cause deterioration in the ecological balance.

**ARTICLE 64 BIS.-** The Federal Executive, through the Secretariat and in coordination with the Secretariat of Finance and Public Credit, together with the State and Municipal Governments, within the scope of their respective jurisdictions, shall:

I.- Promote public and private investments for the establishment and management of natural protected areas;

II.- Establish or, if applicable, promote the use of mechanisms for collection of resources and financing or supporting the natural protected areas management;

III.- Establish economic and tax incentives for individuals and social, public or private organizations participating in the administration and surveillance of natural

protected areas, as well as for individuals or companies providing resources for such purposes or using their lands for preservation actions in terms of Article 59 of this Law, and

**IV.-** Promote before the Secretariat of Finance and Public Credit that in the Federal contributions to States or Municipalities be considered as criteria the total surface that each of them uses for the preservation of ecosystems and their biodiversity in terms of the provisions established in Article 46 of this Law.

**ARTICLE 64 BIS 1.-** The Federation, the States, the Federal District and the Municipalities, within the scope of their respective jurisdictions, may grant to the owners, holders, social, public or private organizations, indigenous peoples and other interested parties, concessions, permits or authorizations to carry out works or activities within natural protected areas in accordance with the provisions established in this Law, the corresponding declaration and the management program.

The agrarian nucleus, indigenous peoples and other owners or holders of the lands where it is intended to develop the works or activities mentioned above, shall have priority to obtain the corresponding permits, concessions and authorizations.

**ARTICLE 65.-** The Secretariat shall develop, within a year counted from the publication of the corresponding declaration in the Federal Official Gazette, the management program of the natural protected area in question, allowing the participation from the inhabitants, owners and holders of the lands included in said area, also from the other competent agencies, the state, municipal and the Federal District governments and, if applicable, the social, public or private organizations and another interested parties.

Once a natural protected area is established under federal jurisdiction, the Secretariat shall appoint the Manager of the area in question, having the responsibility of coordinating the development, execution and assessment of the corresponding management program pursuant to the provisions established in this Law and those derived from it.

**ARTICLE 66.-** The management program of natural protected areas shall contain, at least, the following:

**I.-** The description of the physical, biological, social and cultural characteristics of the natural protected area, in the national, regional and local context, as well as the analysis of the status that the possession of land has in the surface involved;

**II.-** The actions to be carried out in the short, medium and long term, establishing their connection with the National Development Plan (Plan Nacional de Desarrollo),

as well as with the corresponding sectorial programs. Such actions shall include, among others, the following: actions for environmental research and environmental education; actions of protection and sustainable exploitation of natural resources, flora and the fauna; actions for development of recreational activities, tourism activities, infrastructure works and other productive activities; financing actions for the administration of the area; activities for the prevention and control of contingencies, activities of surveillance and other activities required due to the characteristics of the natural protected area;

**III.-** The way of organizing the administration of the area and the mechanisms for participation of individuals and communities established in the area, as well as all those people, institutions, groups and social organizations interested in its protection and sustainable exploitation;

**IV.-** The specific objectives of the natural protected area;

**V.-** The reference to the Official Mexican Standards applicable to all and each of the activities to which the area is subject;

**VI.-** The existing biological inventories and the inventories to be conducted, and

**VII.-** The administrative rules to be respected when carrying out the activities within the natural protected area involved.

The Secretariat shall publish in the Federal Official Gazette, a summary of the corresponding management program and the location plan of the area.

**ARTICLE 67.-** The Secretariat, once it has the corresponding management program, may confer upon the governments of the States, the Municipalities and the Federal District, as well as to the lands belonging to cooperatives, agrarian communities, indigenous peoples, social groups and organizations, business organizations and other individuals or legal entities in interest, the administration of the natural protected areas referred to in Sections I through VIII of Article 46 of this Law. For such purpose, the appropriate agreements or covenants shall be subscribed pursuant to the applicable legislation.

Any person who, by virtue of the provisions of this Article, undertakes the responsibility to administer natural protected areas, shall be subject to the provisions contained in this Law, the regulations, Official Mexican Standards issued for such purpose, and shall comply with the decrees establishing such areas and the corresponding management programs.

The Secretariat shall supervise and evaluate compliance with the agreements and covenants referred to in this Law. In like manner, it shall guarantee that the

authorizations for execution of activities in the natural protected areas under its jurisdiction comply with the above provisions.

**ARTICLE 68.-** Derogated.

**ARTICLE 69.-** Derogated.

**ARTICLE 70.-** Derogated.

**ARTICLE 71.-** Derogated.

**ARTICLE 72.-** Derogated.

**ARTICLE 73.-** Derogated.

**ARTICLE 74.-** The Secretariat shall create the National Registry of Natural Protected Areas, where the decrees declaring the natural protected areas of federal interest and the instruments modifying such decrees shall be entered. Such Registry shall contain the information related to the registration of the corresponding decrees in the public registries of real estate property. In like manner, the registry of certificates referred to in Article 59 of this Law shall be created.

Any person may consult the National Registry of Natural Protected Areas, which must be included in the National System of Environmental and Natural Resources Information (Sistema Nacional de Información Ambiental y de Recursos Naturales).

**ARTICLE 75.-** All actions, agreements and contracts related to the ownership, possession or any other right related to real estate property located in natural protected areas shall include a reference to the corresponding declaration and the registration data in the Public Registry of the Real Estate Property.

The notaries and any other certifying public officers shall only authorize the public deeds, actions, agreements or contracts in which they have participated provided that the provisions established in this Article are satisfied.

**ARTICLE 75 BIS.-** The income received by the Federation on account of issuance of permits, authorizations and licenses related to the natural protected areas, pursuant to the applicable regulations, shall be used for conducting actions of preservation and restoration of biodiversity within the areas that generated such income.

#### **SECTION IV National System of Natural Protected Areas**

**ARTICLE 76.-** The Secretariat shall create the National System of Natural Protected Areas in order to include in such system the areas that due to their biodiversity and ecological characteristics are considered of special importance for the country.

The integration of the natural protected areas under federal jurisdiction to the National System of Natural Protected Areas, conducted by the Secretariat, shall require the favorable previous opinion of the National Council of Natural Protected Areas.

**ARTICLE 77.-** The Federal Public Administration Agencies, the governments of the States, the Government of the Federal District and the governments of the municipalities shall take into account, in their programs and actions affecting the territory of a natural protected area under federal jurisdiction, as well as in the issue of permits, concessions and authorizations for works or activities to be carried out in such areas, the provisions contained in this Law, the regulations, the Official Mexican Standards issued for such purpose, the provisions of the decree establishing the natural protected areas and the corresponding management programs.

#### **CHAPTER II Restoration Zones**

**ARTICLE 78.-** In those areas suffering from degradation or desertification processes or important ecological imbalances, the Secretariat shall develop and execute ecological restoration programs in order to carry out the actions necessary to recover and reestablish suitable conditions for the evolution and continuity of natural processes previously developed in said areas.

In the preparation, execution and monitoring of such programs, the Secretariat shall encourage the participation of owners, holders, social, public or private organizations, indigenous peoples, local governments and other interested parties.

**ARTICLE 78 BIS.-** In cases where there exist rapid desertification or degradation processes involving the loss of resources of very difficult regeneration, recovery or

reestablishment, or suffering from irreversible damage to the ecosystems or their elements, the Secretariat shall promote with the Federal Executive the issuance of a declaration to establish ecological restoration areas. For such purpose, the Secretariat shall previously prepare the appropriate studies that justify such declarations.

The declarations shall be published in the Federal Official Gazette, and entered in the corresponding Public Registry of the Real Estate Property.

The declarations may include, partially or totally, lands subject to any ownership regime and shall state:

I.- The limits of the area subject to ecological restoration, specifying surface, location and demarcation;

II.- The necessary actions to regenerate, recover or reestablish the natural conditions in the area;

III.- The conditions to be respected in the area regarding the uses of land, exploration of natural resources, flora and fauna, as well as the execution of any kind of work or activity;

IV.- The guidelines for the preparation and execution of the corresponding ecological restoration program, as well as for the participation in such activities on the part of owners, holders, social, public or private organizations, indigenous peoples, local government and other interested parties, and

V.- The time period for the execution of the corresponding ecological restoration program.

**ARTICLE 78 BIS 1.-** All actions and agreements related to the ownership, possession or any other right related to the real estate property located in the areas included in the declarations referred to in Article 78 BIS shall be subject to the application of the methods provided in such declarations.

The notaries and any other certifying public officers shall certify such circumstances authorizing the public deeds, actions, agreements or contracts in which they intervene.

Any action, agreement or contract violating the provisions established in the above declaration shall be void.

### **CHAPTER III**

#### **Wild Flora and fauna**

**ARTICLE 79.-** For the preservation and sustainable exploitation of wild flora and fauna, the following criteria shall be considered:

**I.-** The preservation of the biodiversity and natural habitat of the flora and fauna species located in the national territory and areas where the nation exercises its sovereignty and jurisdiction;

**II.-** The continuity of evolutionary processes of flora and fauna species and other biological resources by using areas representing the ecological systems of the country for preservation and research actions;

**III.-** The preservation of endemic species, species threatened, endangered by extinction or under special protection;

**IV.-** The fight against the illegal trade or illegal appropriation of the species;

**V.-** The development and creation of rehabilitation and repopulation biological units of wild fauna species;

**VI.-** The participation of social, public or private organizations, and other parties interested in the preservation of biodiversity;

**VII.-** The development of wild flora and fauna research, and research on genetic material in order to know their scientific, environmental, economic and strategic value for the Nation;

**VIII.-** The development of honorable and respectful treatment for animal species in order to avoid cruelty against them;

**IX.-** The development of alternative productive activities for rural communities, and

**X.-** The traditional biological knowledge and participation of communities and indigenous peoples in the development of biodiversity programs in the areas where they live.

**ARTICLE 80.-** The criteria for the preservation and sustainable exploitation of the wild flora and fauna, referred to in Article 79 of this Law, shall be considered in:

**I.-** The granting of concessions, permits and, in general, any kind for authorizations for the exploitation, possession, administration, conservation, repopulation, dissemination and development of wild flora and fauna;

**II.-** The establishment or modification of close season related to wild flora and fauna;

**III.-** The sanitary actions regarding livestock and plants;

**IV.-** The protection and conservation of national flora and fauna, against the harmful action of plague and illnesses, or pollution caused by phyto-livestock activities;

**V.-** The establishment of a national system of information on biodiversity and the certification of the sustainable use of its elements carried out by the National Commission for the Knowledge and Use of Biodiversity (Comisión Nacional para el Conocimiento y Uso de la Biodiversidad), as well as regulatory mechanisms for preservation and restoration of wild flora and fauna;

**VI.-** The preparation of the annual program of production, repopulation, cultivation, sowing and dissemination of species of aquatic flora and fauna;

**VII.-** The creation of protected areas to preserve aquatic species demanding such protection; and

**VIII.-** The determination of applicable or essential methods and measures for preserving, cultivating and repopulating fishing resources.

**ARTICLE 81.-** The Secretariat shall establish the closed seasons for wild flora and fauna, and their change or opening based on the studies previously carried out for such purpose.

The purposes of the closed seasons shall be the preservation, repopulation, dissemination, distribution, acclimatization or protection of specimens, mainly endemic species, threatened, endangered by extinction or those subject to special protection.

The legal instruments whereby the closed seasons are established shall specify their nature and temporality, the limits of the areas of zones closed, and the species of flora and fauna included therein pursuant to the applicable legal provisions.

Such instruments shall be published in the official publication of the State or States where the closed area is located, without detriment to the provisions in the Federal Law on Metrology and Standardization (Ley Federal sobre Metrología y Normalización) and other applicable laws.

**ARTICLE 82.-** The provisions of this Law are applicable to the possession, administration, preservation, repopulation, dissemination, import, export and development of wild flora and fauna and genetic material, without prejudice to the provisions established in other legal regulations.

**ARTICLE 83.-** The exploitation of natural resources in areas considered as habitat of wild flora and fauna species, specially endemic species, threatened species or endangered by extinction, shall be carried out in a manner that does not affect the necessary conditions for the survival, development and evolution of such species.

The Secretariat shall encourage and support the management of wild flora and fauna based on the traditional biological knowledge, the technical, scientific and economic information in order to carry out a sustainable exploitation of the species.

**ARTICLE 84.-** The Secretariat shall issue the Official Mexican Standards for the preservation and sustainable exploitation of wild flora and fauna and other biological resources.

**ARTICLE 85.-** When so required for the protection of the species, the Secretariat shall promote with the Secretariat of Commerce and Industrial Development (Secretaría de Comercio y Fomento Industrial) the establishment of regulatory or restriction measures applicable, either totally or partially, to the export or import of wild flora and fauna specimens and shall impose the necessary restrictions for the movement or transit within national territory of wild flora and fauna species coming from abroad or having a destination abroad.

**ARTICLE 86.-** It is the responsibility of the Secretariat to enforce the provisions involving the preservation and sustainable exploitation of wild fauna species established by this and other laws, and authorize their use in economic activities without prejudice to the powers conferred upon other agencies pursuant to other laws.

**ARTICLE 87.-** The exploitation of wild flora and fauna species in economic activities may be authorized if the individual(s) involved therein guarantee their controlled reproduction or their development in captivity or semi captivity or when the exploitation rate is lower to the natural renewal of populations pursuant to the Official Mexican Standards issued for such purpose by the Secretariat.

The exploitation of natural population of threatened species or species endangered by extinction shall not be authorized, except in cases where their controlled reproduction and the development of the populations of species involved are being guaranteed.

The authorization for sustainable exploitation of endemic species shall be granted pursuant to the Official Mexican Standards issued for such purpose by the Secretariat, provided that such exploitation does not threaten or endanger by extinction the species.

The exploitation of wild flora and fauna species requires the express consent of the owner or legitimate holder of the land where such species are found. In like manner, the Secretariat may issue to such owners or holders, if they guarantee the controlled reproduction and the development of wild fauna populations, the corresponding hunting authorizations.

The collection of wild flora and fauna species, as well as the collection of other biological resources with scientific research purposes, requires the authorization of the Secretariat and shall be subject to the terms and conditions established in the Official Mexican Standards issued for such purpose, as well as in other applicable regulations. In any case, it shall be guaranteed that the results of the investigation shall be available to the public. Such authorizations shall not cover exploitation for biotechnological purposes; biotechnological matters shall conform to the provisions of Article 87 BIS.

The exploitation of non timber-yielding forest resources and the exploitation of firewood for domestic purposes shall be subject to the Official Mexican Standards issued by the Secretariat and other applicable provisions.

**ARTICLE 87 BIS.-** The exploitation of wild flora and fauna species, as well as the exploitation of other biological resources for biotechnological purposes require authorization from the Secretariat.

The authorization referred to in this Article shall only be granted with the previous, express and informed consent of the owner or legitimate holder of the land where the biological resource is located.

In like manner, such owners or legitimate holders shall be entitled to receive a fair sharing of the benefit derived, or which may derive, from the exploitations referred to in this Article pursuant to the applicable legal provisions.

The Secretariat and the other competent agencies shall establish the necessary mechanisms to exchange information regarding the authorizations or resolutions relating to the exploitation of biological resources for the purposes referred to in this law.

**ARTICLE 87 BIS 1.-** The income received by the Federation due to the issue of permits, authorizations and licenses regarding wild flora and fauna, as determined by the applicable regulations, shall be used in the execution of actions for

preservation and restoration of biodiversity in areas forming the habitat of the wild flora and fauna species for which the permits, licenses or authorizations were granted.

**ARTICLE 87 BIS 2.-** The Federal Government, the governments of the States, the Federal District and the Municipalities, within their respective scope of jurisdiction, shall control the honorable and respectful treatment provided to animals.

### **THIRD TITLE**

#### **Sustainable Exploitation of Natural Elements**

#### **CHAPTER I**

##### **Sustainable Exploitation of Water and Aquatic ecosystems**

**ARTICLE 88.-** For the sustainable exploitation of water and aquatic ecosystems the following criteria shall be considered:

I.- It is the responsibility of the State and the society to protect aquatic ecosystems and the balance of natural elements participating in the hydrological cycle;

II.- The sustainable exploitation of natural resources involving aquatic ecosystems shall be carried out in a manner that does not affect their ecological balance;

III.- To maintain the integrity and balance of natural elements involved in the hydrological cycle, it shall be necessary to consider the protection of soil and wooded and forest areas and maintain basic levels of water currents, and the recharge capacity of aquifer layers, and

IV.- The preservation and sustainable exploitation of water and aquatic ecosystems fall within the responsibility of users, as well as individuals carrying out works or activities affecting such resources.

**ARTICLE 89.-** The criteria for the sustainable exploitation of water and aquatic ecosystems shall be considered in:

I.- The development and integration of the National Hydraulic Program (Programa Nacional Hidráulico);

II.- The granting of concessions, permits, and in general, any kind of authorizations for the exploitation of natural resources or execution of activities affecting or that may affect the hydrological cycle;

**III.-** The granting of authorizations for the deviation, extraction or diversion of national waters;

**IV.-** The establishment of regulated areas, closed or reserve areas;

**V.-** The suspensions or revocations of permits, authorizations, concessions or assignments granted pursuant to the provisions provided in the National Water Law, in case of works or activities damaging the national hydraulic resources or affecting ecological balance;

**VI.-** The operation and administration of the drinking water and sewer systems that serve population centers and industries;

**VII.-** The provisions contained in the management program for human development of the Federal District with respect to policy of water reuse;

**VIII.-** The policies and programs for the protection of aquatic species, endemic species, threatened, endangered by extinction or subject to special protection;

**IX.-** The concessions for the execution of aquiculture activities in terms of the provisions established in the Fisheries Law (Ley de Pesca), and

**X.-** The creation and administration of protection fishing areas.

**ARTICLE 90.-** The Secretariat, in coordination with the Secretariat of Health, shall issue Official Mexican Standards to establish and manage the protection areas of rivers, springs, deposits and, in general, sources of water supply for service to population and industries and shall promote the water reserves establishment for human consumption.

**ARTICLE 91.-** The issue of authorizations to change the course of currents or streams shall be subject to the ecological criteria contained in this Law.

**ARTICLE 92.-** In order to guarantee the availability of water and decrease the levels of waste, the competent authorities shall promote the saving and efficient use of water, the treatment of wastewater and its reuse.

**ARTICLE 93.-** The Secretariat shall take the necessary actions to avoid and, when applicable, control eutrophication and salinization processes and any other pollution process in national waters.

**ARTICLE 94.-** The exploration, exploitation, use and administration of alive aquatic resources shall be subject to the provisions of this Law, the Fisheries Law (Ley de Pesca), the Official Mexican Standards and other applicable provisions.

**ARTICLE 95.-** The Secretariat shall request to the interested parties, in the terms specified in this Law, the execution of environmental impact studies before granting any concessions, permits and, in general, authorizations for the execution of fishing activities when the exploitation of species endangers their preservation or may cause any ecological imbalance.

**ARTICLE 96.-** The Secretariat shall issue the Official Mexican Standards for protecting aquatic ecosystems and promote a joint participation from the productive sectors and communities in actions aimed at preserving and restoring aquatic ecosystems.

**ARTICLE 97.-** The Secretariat shall establish nursery gardens, hatcheries and reserves of aquatic flora and fauna species.

## **CHAPTER II**

### **Preservation and Sustainable Exploitation of Soil and Its Resources**

**ARTICLE 98.-** For the preservation and sustainable exploitation of soil, the following criteria shall be considered:

I.- The use of land shall be consistent with its natural condition and the ecosystems balance shall not be altered;

II.- The use of lands shall be carried out in a manner that soils keep their physical condition and productive capacity;

III.- The productive uses of land shall avoid practices that may give rise to erosion, degradation or alteration of the topographic characteristics with negative ecological effects;

IV.- In the actions of preservation and sustainable exploitation of soil, there shall be considered the measures necessary to prevent or decrease the erosion, deterioration of physical, chemical or biological properties of soil and the lasting loss of natural vegetation;

V.- In the areas affected by degradation or desertification phenomena, the appropriate regeneration, recovery and rehabilitation actions shall be conducted in order to restore such areas, and

**VI.-** The execution of public or private works that may cause an important deterioration of lands shall include similar actions for regeneration, recovery and reestablishment of their natural condition.

**ARTICLE 99.-** The ecological criteria for the preservation and sustainable exploitation of soil shall be considered in:

**I.-** The supports granted directly or indirectly to agricultural activities by the Federal Government, having credit, technical or investment nature, in order to promote the gradual inclusion of cultivations consistent with the preservation of ecological balance and restoration of the ecosystems;

**II.-** The creation of population centers and establishment of human settlements;

**III.-** The establishment of uses, reserves and destinations in the urban development plans, as well as in the improvement and conservation actions of population centers;

**IV.-** The determination of uses, reserves and destination within forestlands;

**V.-** The establishment of forest areas and reserves;

**VI.-** The determination or change of limits established for the wilting coefficients;

**VII.-** The provisions, technical guidelines and programs for protection and restoration of soils in agricultural and livestock, forest and hydraulic activities;

**VIII.-** The establishment of soil conservation districts;

**IX.-** The forest organization of hydrographic basins in the national territory;

**X.-** The issue and modification, suspension or revocation of forest exploitation authorizations;

**XI.-** The activities involving the extraction of material from subsoil; the exploration, exploitation, extraction and use of mineral substances; the excavations and all those activities altering the forest cover and soils, and

**XII.-** The preparation of the ecological zoning plan referred to in this Law.

**ARTICLE 100.-** The authorizations for exploitation of forest resources imply the obligation of carrying out a sustainable exploitation of those resources. In case forest activities damage seriously the ecological balance, affect the biodiversity of the area, as well as the regeneration and productive capacity of the lands, the

Secretariat shall revoke, modify or suspend the corresponding authorization, in terms of the provisions established in this Law and the Forestry Law (Ley Forestal).

**ARTICLE 101.-** In jungle areas, the Federal Government shall give priority according to the applicable provisions to:

I.- The preservation and sustainable exploitation of jungle ecosystems where agricultural and livestock activities are being conducted

II.- The gradual change from the practice of grubbing, felling and burning to other practices that do not provoke the ecosystems deterioration; or from those avoiding the natural regeneration or altering the ecological succession processes;

III.- The compliance with the criteria established in this Law involving the extraction of non-renewable resources, as well as the compliance with the Official Mexican Standards issued for such purpose;

IV.- The introduction of cultivations consistent with the ecosystems and promoting their restoration when they have suffered any deterioration;

V.- The ecological regulation of human settlements;

VI.- The prevention of phenomena of erosion, deterioration of physical, chemical or biological properties of soil and the lasting loss of natural vegetation, and

VII.- The regeneration, recovery and rehabilitation of areas affected by degradation or desertification phenomena in order to restore them.

**ARTICLE 101 BIS.-** In the execution of activities in arid areas, the criteria for the preservation and sustainable exploitation of soil established in this Law and other applicable provisions shall be observed.

**ARTICLE 102.-** Any authorization affecting the use of land in jungle or arid areas, as well as the ecological balance of the ecosystems therein is subject to the criteria and provisions established in this Law and other applicable laws.

**ARTICLE 103.-** Those people engaged in agricultural and livestock activities shall conduct practices for preservation, sustainable exploitation and restoration to avoid the degradation of soil and ecological imbalances and, when applicable, achieve rehabilitation in terms of the provisions of this Law and other applicable laws.

**ARTICLE 104.-** The Secretariat shall promote with the Secretariat of Agriculture, Livestock and Rural Development, other competent agencies, the introduction and generalization of practices for protection and restoration of soils in the agricultural

and livestock activities, as well as the execution of environmental impact studies prior to the issue of authorization for changing the use of land, when there exist elements to anticipate a significant deterioration of the affected soil and the ecological balance in the area.

**ARTICLE 105.-** Tax incentives granted upon forest activities shall take into account the ecological criteria in a manner that promotes the integral development of the forest activity, the establishment and extension of forest plantation and the works for protecting forest soils, in terms of this Law and the Forestry Law.

**ARTICLE 106.-** Derogated.

**ARTICLE 107.-** Derogated.

**CHAPTER III**  
**Exploration and Exploitation of**  
**Non-Renewable Resources in the Ecological Balance**

**ARTICLE 108.-** To prevent and control the effects arising from the exploration and exploitation of non-renewable resources, to the ecological balance and integrity of ecosystems, the Secretariat shall issue the Official Mexican Standards allowing:

I.- To control water quality and protect the water used or resulting from those activities so that said water may be used for other purposes;

II.- To protect the soil and wild flora and fauna in a manner that topographic changes generated by those activities be timely and duly treated; and

III.- To locate suitable places and devise the shapes of deposits for burrows, tailings and dross of mines and establish the ore-dressing.

**ARTICLE 109.-** The Official Mexican Standards referred to in the preceding Article shall be observed by the holders of concessions, authorizations and permits to use, exploit, explore and extract non-renewable natural resources.

**FOURTH TITLE**  
**Environmental Protection**

**CHAPTER I**  
**General Provisions**

**ARTICLE 109 BIS.-** The Secretariat, in terms of the regulations established by this Law, shall carry out an inventory of atmospheric emissions, discharges of waste water into federal recipient sites or discharges infiltrating the subsoil; hazardous waste and materials under its jurisdiction, and coordinate those registries the Law may establish, and create a consolidated information system based on the authorizations, licenses or permits that should be granted in this matter.

**ARTICLE 109 BIS 1.-** The Secretariat shall establish the necessary mechanisms and processes in order for the interested parties to undergo a sole process in those cases where, for the operation of industrial, commercial or service establishments, several permits licenses or authorizations are required and the Secretary is in charge of issuing them.

## **CHAPTER II Prevention and Control of Atmospheric Pollution**

**ARTICLE 110.-** The following criteria shall be considered for the atmosphere protection:

I.- The air quality shall be satisfactory in all human settlements and regions of the country; and

II.- The pollutant emissions to the atmosphere, whether coming from artificial or natural sources, either stationary or mobile, shall be reduced and controlled to guarantee a satisfactory air quality for the welfare of population and ecological balance.

**ARTICLE 111.-** In order to control, reduce or avoid atmospheric pollution, the Secretariat shall have the following powers:

I.- To issue Official Mexican Standards establishing the environmental quality of different areas or regions within the national territory, based on the maximum permissible limits of pollutants in the environment for public health as determined by the Secretariat of Health (Secretaría de Salud);

II.- To create and maintain an update of the inventory of polluting emission sources to the atmosphere under federal jurisdiction, and work in coordination with the local governments to create the national inventory and the corresponding regional inventories;

**III.-** To issue Official Mexican Standards establishing by pollutant and polluting source, the maximum permissible limits for emissions of smells, gases, as well as solid and liquid particles to the atmosphere coming from stationary and mobile sources;

**IV.-** To develop and implement programs to reduce the emission of pollutants to the atmosphere based on air quality determined for each area zone or region with the national territory. Such programs shall provide the objectives to be achieved, the corresponding terms and mechanisms for their implementation;

**V.-** To promote and technically support local governments in the preparation and implementation of air quality management programs aimed at complying with the applicable regulations;

**VI.-** To demand from the people in charge of the operations of stationary sources under federal jurisdiction, compliance with the maximum permissible limits of pollutant emissions pursuant to the provisions of Article 37 of this Law, its regulations and the corresponding Official Mexican Standards;

**VII.-** To issue Official Mexican Standards for the establishment and operation of the air quality monitoring systems;

**VIII.-** To issue Official Mexican Standards in order for the corresponding authority to certify the pollutants emission levels to the atmosphere coming from specific sources;

**IX.-** To issue, in coordination with the Secretariat of Commerce and Industrial Development (Secretaría de Comercio y Fomento Industrial), Official Mexican Standards establishing the maximum permissible limits for pollutant emission to the atmosphere, coming from new motor vehicles in plant and from motor vehicles in transit by taking into account the maximum permissible concentration values for humans of pollutants to the environment as determined by the Secretariat of Health (Secretaría of Salud);

**X.-** To determine the maximum permissible limits of polluting emission to the atmosphere by source, area or region in a manner that said levels do not surpass the assimilation capacity of atmospheric basins and do comply with the Official Mexican Standards for air quality;

**XI.-** Promote in coordination with the competent authorities, according to the applicable provisions, transferable rights systems of polluting emissions to the atmosphere;

**XII.-** To approve the air quality management programs developed by local governments to comply with the corresponding Official Mexican Standards;

**XIII.-** To promote with the persons in charge of the operation of polluting sources, the implementation of new technology in order to reduce emissions to the atmosphere, and

**XIV.-** To issue Official Mexican Standards establishing the provisions to control the operation of stationary polluting emission sources to the atmosphere, in case of environmental contingencies and emergencies.

**ARTICLE 111 BIS.-** For the operation and functioning of stationary sources under federal jurisdiction that emit or may emit smells, gases or solid or liquid particles to the atmosphere, it shall be necessary the authorization from the Secretariat.

For the purposes referred to in this Law, stationary sources under federal jurisdiction include chemical, petroleum and petrochemical industries, industries of paints and inks, automobiles, cellulous and paper, metallurgical, glass, power generation, asbestos, cement and limestone quarry and treatment of hazardous wastes.

The regulations issued for such purposes shall determine the specific subsectors belonging to each of the above industrial sectors, whose establishments shall subject to the federal legislation provisions in the matter referred to the emission of pollutants to the atmosphere.

**ARTICLE 112.-** In the matter of prevention and control of atmospheric pollution, the governments of the States, the Federal District and the Municipalities in accordance with the distribution of powers established in Articles 7th., 8th., and 9th. of this Law, as well as the applicable local legislation, shall:

**I.-** Control air pollution in the properties and areas under local jurisdiction, as well as the stationary sources operating as industrial, commercial, and service establishments, provided that they are not included in Article 111 BIS of this Law;

**II.-** Apply the general criteria for protection of the atmosphere in the urban development plans under their jurisdiction, specifying the authorized areas for the establishment of polluting industries;

**III.-** Demand from the persons in charge of the operation of stationary sources under local jurisdiction, compliance with the maximum permissible limits of pollutants emissions, pursuant to the provisions established in the regulations of this Law and the applicable Official Mexican Standards;

**IV.-** Create and maintain an update of the inventory of polluting sources;

**V.-** Establish and operate systems to verify emissions from automobiles in transit;

**VI.-** Establish and operate, with the technical support of the Secretariat, air quality monitoring systems. Local governments will send to the Secretariat the local reports on atmospheric monitoring in order for the Secretariat to include such reports in the National System of Environmental Information;

**VII.-** Establish requirements and procedures to control public transportation emissions, excepting those of federal nature, and the transit measures, and when applicable for suspension of transit in case of serious cases of pollution;

**VIII.-** Take the necessary preventive measures to avoid environmental contingencies due to atmospheric pollution;

**IX.-** Prepare those reports agreed with the Secretariat, through coordination agreements entered into, regarding the environmental conditions of the state or municipality involved;

**X.-** Impose penalties and measures for violations to the law issued for such purpose by the local legislatures, or violations to the municipal and police regulations as issued by city councils in accordance with this Law;

**XI.-** Develop and implement, based upon those Official Mexican Standards issued by the Federation to establish the environmental quality within the national territory, air quality administration programs, and

**XII.-** Exercise other powers conferred by the applicable legal and regulatory provisions.

**ARTICLE 113.-** Pollutants that cause or may cause ecological imbalances or environmental damage shall not be released to the atmosphere. Any emission to the atmosphere shall conform to the provisions of this Law and the regulatory provisions derived therefrom, as well as the Official Mexican Standards issued by the Secretariat.

**ARTICLE 114.-** The competent authorities shall promote, at those areas deemed suitable for industrial use, nearby housing areas, the establishment of industries using less polluting technologies and fuels.

**ARTICLE 115.-** The Secretariat shall promote that in order to determine the uses of soil established in the respective urban development programs, the topographic,

climatological and meteorological conditions be considered in order to assure an appropriate dispersion of pollutants.

**ARTICLE 116.-** For the granting of tax incentives, the competent authorities shall consider the individuals who:

I.- Acquire, install or operate equipment to control polluting emissions to the atmosphere;

II.- Manufacture, install or provide maintenance to equipment of filtration, combustion and control, and in general, of treatment of atmospheric polluting emissions;

III.- Conduct technological research the implementation of which decreases the generation of polluting emissions; and

IV.- Settle or move their establishments to avoid polluting emissions in urban areas.

### **CHAPTER III**

#### **Prevention and Control of Water and Aquatic Ecosystems Pollution**

**ARTICLE 117.-** In order to prevent and control water pollution, the following criteria shall be considered:

I.- The prevention and control of water pollution is essential to avoid reducing water availability and protect the ecosystems of the country;

II.- It is the responsibility of the State and society to avoid pollution in rivers, basins, oceans and other deposits and water currents, including subsoil waters;

III.- The exploitation of water in productive activities that may cause water pollution, entails the responsibility to treat the discharges in order to return water in appropriate conditions so the same can be used in other activities and the balance of ecosystems be maintained;

IV.- Urban waste water shall undergo treatment before being discharged into rivers, basins, vessels, oceans and other deposits or water currents, including subsoil water; and

**V.-** It is essential the participation and joint responsibility of society to avoid water pollution.

**ARTICLE 118.-** The criteria to prevent and control water pollution shall be considered in:

**I.-** The issuance of Official Mexican Standards for the use, treatment and disposition of wastewater to avoid risk and damage to public health;

**II.-** The development of Official Mexican Standards to satisfy water treatment for human use and consumption, as well as for infiltration and discharge of waste water to recipient sites considered as national waters;

**III.-** The agreements entered into by the Federal Executive to provide water to users systems or users, specially regarding the specification of wastewater treatment systems that must be installed;

**IV.-** The establishment of regulated, closed or reserve areas in terms of the National Water Law;

**V.-** The concessions, assignments, permits and, in general, authorizations required to be held by concessionaires, or assignees and in general the users of water owned by the nation in order to infiltrate waste water into lands or discharge waste water to recipient waters other than the sewage systems of the cities or towns;

**VI.-** The organization, management and regulation of hydrology works in basins, streams and beds of national waters, either superficial and underground.

**VII.-** The classification of bodies recipient of waste water discharges pursuant to its assimilation or dilution capacity and the polluting load they can receive; and

**ARTICLE 119.-** The Secretariat shall issue the Official Mexican Standards necessary to prevent and control the pollution of national water pursuant to the provisions of this Law, the National Water Law, its Regulations and other applicable provisions.

**ARTICLE 119 BIS.-** With respect to the prevention and control of water pollution, it fall within the responsibility of the States and Municipalities governments, by themselves or through their public agencies administering water, and within the responsibility of the Federal District government in accordance with the distribution of powers established in this Law and the provisions of the applicable local laws:

**I.-** The control of wastewater discharges to sewage systems;

II.- The surveillance of the applicable Official Mexican Standards, as well as to demand from those individuals producing discharges to such systems and who have failed to comply with said standards, the installation of treatment systems;

III.- To determine the amount of applicable dues for the involved municipality or state authority to carry out the necessary treatment and, when applicable, impose the applicable penalties, and

IV.- To maintain and update the record of discharges to sewage systems under their respective administration, said record shall be included in the national discharges registry under control of the Secretariat.

**ARTICLE 120.-** In order to avoid water pollution:

I.- The industrial discharges;

II.- The municipal discharges and their uncontrolled mixture with other discharges;

III.- The discharges derived from agricultural and livestock activities;

IV.- The waste or substances discharges produced in the extraction activities of non-renewable resources;

V.- The use of pesticides, fertilizers and toxic substances;

VI.- The infiltrations affecting aquiferous layers; and

VII.- The spilling of solid waste, hazardous materials and sludge coming from wastewater treatment to water or current water.

shall be subject to federal or local regulations.

**ARTICLE 121.-** Waste waters including pollutants shall not be discharged or infiltrated to any water body or current or to the soil or subsoil, without previous treatment and the permit or authorization for the federal authority, or the local authority in case of discharges to waters under local jurisdiction or to the sewage systems of the population centers.

**ARTICLE 122.-** Waste waters from urban public uses and industrial or agricultural and livestock uses discharged to the sewage systems of populations or to basins, rivers, streams, vessels and other deposits or water currents as well as those waste waters in any manner infiltrating the subsoil and, in general, waste water spilled on the soil, shall meet the necessary conditions to prevent:

I.- Pollution of recipient water;

II.- Interferences in the purification water processes; and

III.- Anomalies, impediments or alterations in the appropriate exploitation or functioning of systems, and the hydraulic capacity of basins, streams, vessels, aquifers and other national deposits, as well as the sewage systems.

**ARTICLE 123.-** All discharges to collecting networks, rivers, aquiferous layers, basins, streams, vessels, oceans and other water deposits or current water and the waste waters spilled on soil or infiltrated in lands, shall comply with the Official Mexican Standards issued for such purpose and, when applicable, with the specific discharge conditions determined by the Secretariat or local authorities. It shall be the responsibility of the individuals making such discharges to conduct the appropriate previous treatment.

**ARTICLE 124.-** In the event that waste waters affect or may affect water supply sources, the Secretariat shall inform the Secretariat of Health (Secretaría de Salud) and deny the corresponding permit or authorization or it shall revoke or, when applicable, order the suspension of supply.

**ARTICLE 125.-** Derogated.

**ARTICLE 126.-** The equipment for treatment of wastewaters of urban origin designed, operated or administrated by the municipalities, the state authorities or the Federal District, shall comply with the Official Mexican Standards issued for such purpose.

**ARTICLE 127.-** The Secretariat, in coordination with the Secretariat of Health (Secretaría de Salud), based on the studies of the basin and systems involved, shall issue an opinion regarding the planning and construction of works and facilities to purify industrial wastewater.

**ARTICLE 128.-** The wastewaters coming from urban sewage systems may be used in industry and agriculture, if they are subject when required to the treatment complying with the Official Mexican Standards issued by the Secretariat and, if applicable, by the Secretariat of Health (Secretaría of Salud).

In the existing exploitation of wastewaters in agriculture, actions to improve the quality of such resource, the cultivation rules and irrigation practices shall be encouraged.

**ARTICLE 129.-** The granting of assignments, authorizations, concessions or permits for the exploitation or use of water in economic activities that may pollute

such resource, shall be conditioned to the necessary previous treatment of waste water produced.

**ARTICLE 130.-** The Secretariat shall authorize the spilling of wastewaters into the sea, pursuant to the provisions established in the National Water Law (Ley de Aguas Nacionales), its Regulations and the Official Mexican Standards it may issue in that respect. In case of discharges coming from mobile sources or fixed platforms in the territorial sea and the exclusive economic area, the Secretariat shall work in coordination with the Secretariat of the Navy (Secretaría de Marina) for issuing the corresponding authorizations.

**ARTICLE 131.-** For the protection of marine environment, the Secretariat shall issue Official Mexican Standards for the exploitation, preservation and administration of natural resources, alive and abiotic, present at the bed and subsoil of the sea and the surface water, as well as the standards to be observed for exploration and exploitation activities in the exclusive economic area.

**ARTICLE 132.-** The Secretariat shall work in coordination with the Secretariats of the Navy, Energy, Health and of Communications and Transports so that within the scope of their respective jurisdictions they participate in the prevention and control of pollution in the marine environment, as well as in the preservation and restoration of ecosystems balances pursuant to the provisions established in this Law, in the National Water Law, the Federal Sea Law (Ley Federal del Mar), the international conventions to which Mexico is a party and other applicable provisions.

**ARTICLE 133.-** The Secretariat, with the participation the Secretariat of Health may be entitled to in accordance with other legal regulations, shall conduct a systematic and permanent monitoring of water quality to determine the existence of pollutants or an excess of organic waste, and apply the corresponding measures. In case of local jurisdiction water, it shall work in coordination with the authorities of the States, Federal District and Municipalities.

#### **CHAPTER IV Prevention and Control of Soil Pollution**

**ARTICLE 134.-** In order to prevent and pollution of soil, the following criteria shall be considered:

I.- It is the responsibility of the state and the society to prevent the pollution of soil;

**II.-** Wastes shall be controlled since they constitute the main source of soil pollution;

**III.-** It is necessary to prevent and reduce the generation of solid, municipal and industrial waste, and implement techniques and procedures for reuse and recycling, as well as to regulate the efficient management and final disposition thereof;

**IV.-** The use of pesticides, fertilizers and toxic substances shall be consistent with the balance of ecosystems and take into account the effects on human health in order to avoid possible damages, and

**V.-** In soils polluted by hazardous wastes materials, the necessary actions to recover or reestablish their conditions shall be conducted in a manner that the soils may be used in any kind of activity specified in the human development program or in the applicable ecological zoning plan.

**ARTICLE 135.-** The criteria to prevent and control soil pollution shall be considered in the following cases:

**I.-** The organization and regulation of urban development;

**II.-** The operation of systems for cleaning and final dispositions of municipal wastes in sanitary fillings;

**III.-** The production, management and final disposal of solid, industrial and hazardous wastes, as well as in the authorizations and permits issued for such purpose; and

**IV.-** The granting of any kind of authorizations for manufacturing, importing, using and in general, carrying out activities involving pesticides, fertilizers and toxic substances.

**ARTICLE 136.-** The wastes piled up or which may be piled up, deposited or filtered in soils, shall meet the necessary conditions to prevent or avoid:

**I.-** Pollution of soil;

**II.-** Harmful changes to the biological process of soils;

**III.-** Changes in soil having adverse effects in their exploitation or use, and

**IV.-** Health risks and problems.

**ARTICLE 137.-** The operation of the systems for collection, storage, transport, reuse, treatment and final disposition of municipal solid waste shall be subject to the authorization of the Municipalities or the Federal District, pursuant to their local laws on this matter and the Official Mexican Standards.

The Secretariat shall issue the standards to control the sites, design, construction and operation of facilities intended to the final disposition of municipal solid wastes.

**ARTICLE 138.-** The Secretariat shall promote the execution of coordination and consultancy agreements with state and municipal governments for:

I.- The implementation and improvement of systems for collection, treatment and final disposition of municipal solid wastes; and

II.- The identification of alternatives of reuse and final disposition of municipal solid waste, including the preparation of inventories of such wastes and their producing sources.

**ARTICLE 139.-** Any discharge, deposit or infiltration of polluting substances or materials in the soil shall conform to the provisions established in this Law, the National Water Law, their regulatory provisions and the Official Mexican Standards issued for that purpose by the Secretariat.

**ARTICLE 140.-** The production, management and final disposition of slow degradation waste shall be subject to the provisions of the Official Mexican Standards issued by the Secretariat, in coordination with the Secretariat of Commerce and Industrial Development (Secretaría de Comercio y Fomento Industrial).

**ARTICLE 141.-** The Secretariat, in coordination with the Secretariat of Commerce and Industrial Development and the Secretariat of Health, shall issue the Official Mexican Standards for manufacture and use of packages and cases for any kind of products using materials that reduce the solid waste production.

In like manner, said Secretariats shall promote, with the corresponding national standardization organizations, the issue of Mexican standards on the matters referred to in this Law.

**ARTICLE 142.-** In no case, the import of waste shall be authorized for its spilling, deposit, confinement, storage, incineration or any treatment for its destruction or final disposition within the national territory or in areas over which the nation exercises its sovereignty and jurisdiction. The authorizations for the transportation within national territory of non hazardous wastes bound for other country shall only be granted when there exists prior consent of such country.

**ARTICLE 143.-** The pesticides, fertilizers and other hazardous materials shall be subject to the Official Mexican Standards issued by the Secretariat, the Secretariat of Agriculture, Livestock and Rural Development, the Secretariat of Health and the Secretariat of Commerce and Industrial Development, within the scope of their respective jurisdictions. The Regulations of this Law shall establish the control to be observed in the coordination of the activities related to such materials, including the final disposition of waste, empty packages, measures to avoid adverse effects to the ecosystems and procedures for granting the corresponding authorizations.

**ARTICLE 144.-** Taking into account the provisions established in this Law, the Federal Law of Vegetal Sanity and other applicable legal and regulatory provisions, the Secretariat, in coordination with the Secretariats of Health, of Agriculture, Livestock and Rural Development and of Commerce and Industrial Development, shall participate in fixing restrictions of tariffs and other type of restrictions related to the import and export of hazardous materials.

The authorizations to import pesticides, fertilizers and other hazardous materials shall not be granted if their use is not authorized in the country where they were prepared or manufactured.

## **CHAPTER V**

### **Activities Considered as Highly Risky**

**ARTICLE 145.-** The Secretariat shall promote that, in order to determine the uses of soil, it must be specified the areas allowing the establishment of industries, commercial establishments or service establishments considered as risky due to the serious effects on the ecosystems or in the environment taking into account:

- I.- The topographic, meteorological, climatological, biological and seismic conditions of the areas;
- II.- Their proximity to population centers, considering the expansion trends of the settlement involved and the creation of new settlements;
- III.- The impact that a potential extraordinary event of the industry, commerce or service involved may have over the population centers and natural resources;
- IV.- The compatibility with other activities in the areas;
- V.- The existing and necessary infrastructure in case of ecological emergencies; and

**VI.-** The infrastructure to provide basic services.

**ARTICLE 146.-** The Secretariat, with the previous opinion from the Secretariats of Energy, of Commerce and Industrial Development, of Health, of the Interior and of Labor and Social Welfare, pursuant to the Regulations issued for such purpose, shall establish the classification of activities considered as highly risky to the ecological balance or the environment in virtue of their corrosive, reactive, explosive, toxic, flammable or biological-infectious characteristics; the classification of materials produced or handled in the industrial, commercial or service establishments also taking into account the handling volumes and location of the establishment.

**ARTICLE 147.-** The industrial, commercial or service activities classified as highly risky shall be conducted in accordance with the provisions established in this Law, the regulatory provisions derived therefrom and the Official Mexican Standards referred to in the above Article.

Those individuals who conduct highly risky activities, in terms of the corresponding regulations, shall prepare and submit to the Secretariat an environmental risk study, and to further submit for the approval of such Secretariat and the Secretariats of the Interior, of Energy, of Commerce and Industrial Development, of Health, and of Labor and Social Welfare, the programs to prevent accidents during execution of said activities that may cause important ecological imbalances.

**ARTICLE 148.-** Should the establishment of an intermediate safeguard area be necessary to guarantee the safety of the neighbors of an industry carrying out highly risky activities, the Federal Government may, through a declaration, establish limitations to those urban uses representing a risk to the population. The Secretariat shall promote, with the competent local authorities, that the urban development programs or plans state the prohibition of uses intended to housing, commercial or other purposes that may endanger the population.

**ARTICLE 149.-** The States and the Federal District shall control the execution of activities not classified as highly risky, if they affect the balance of ecosystems or environment within the corresponding district pursuant to the applicable Official Mexican Standards.

The local legislation shall determine the bases in order for the Federation, the States, the Federal District and the Municipalities, to coordinate their actions regarding the activities mentioned in this Law.

## **CHAPTER VI**

### **Hazardous Materials and Wastes**

**ARTICLE 150.-** The hazardous materials and wastes shall be handled pursuant to this Law, its Regulations and the Official Mexican Standards issued by the Secretariat, with the prior opinion from the Secretariats of Commerce and Industrial Development, of Health, of Energy, of Communications and Transportation, of the Navy and of the Interior. The regulation for handling such materials and wastes shall include, as the case may be, use, collection, storage, transport, reuse, recycling, treatment and final disposition.

The Regulations and the Official Mexican Standards referred to in the foregoing paragraph, shall include the criteria and lists classifying the hazardous materials and waste and identifying them by danger degree and taking into account their characteristics and volumes. It is the responsibility of the Secretariat the regulation and control of hazardous materials and wastes.

In like manner, the Secretariat, in coordination with the agencies mentioned in this Article, shall issue the Official Mexican Standards establishing the labeling and packaging requirements of hazardous materials and wastes, as well as for the assessment of risk and information on contingencies and accidents that may be provoked for their handling, particularly in the case of chemicals.

**ARTICLE 151.-** The responsibility of the handling and final disposition of hazardous wastes correspond to the individuals who generate those hazardous wastes. In case of contracting the services of handling and final disposition of hazardous wastes with companies authorized by the Secretariat, and the waste are delivered to such companies, the responsibility of the operations shall be under these companies without detriment to the responsibility, if any, of the generators of such wastes.

Those individuals or companies generating, reusing or recycling hazardous wastes shall inform the Secretariat in terms of the provisions established in the Regulations of this Law.

In the authorizations to establish hazardous waste confinements, it shall only be included the waste that can not be technically and economically subject to reuse, recycling or thermal or physical-chemical destruction and confinement of hazardous wastes in liquid state shall be prohibited.

**ARTICLE 151 BIS.-** The following activities require the previous authorization from the Secretariat:

I.- Providing services to third parties in order to operate systems for the collection, storage, transport, reuse, treatment, recycling, incineration and final disposition of hazardous waste;

II.- Installation and operation of systems for the treatment or final disposition of hazardous wastes, or for recycling aimed at recovering energy through its incineration, and

III.- The installation and operation, by the generator of hazardous wastes, of systems for reuse, recycling and final disposition outside the facilities where such wastes were generated.

**ARTICLE 152.-** The Secretariat shall promote programs aimed at preventing and reducing hazardous waste generation, as well as programs to encourage reuse and recycling thereof.

In those cases where hazardous wastes may be used in a process other than the one generating them, the Regulations of this Law and the Official Mexican Standards issued shall establish the mechanisms and procedures for an efficient handling from an environmental and economic point of view.

The hazardous wastes used, treated or recycled in a process other than the one generating them, within the same facility, shall be subject to an internal control conducted by the responsible company pursuant to the formalities established in the Regulations of this Law.

In case the wastes mentioned in the preceding paragraph are transported to a facility other than the one in which they were produced, the provisions of the applicable regulations in the matter of land transportation of hazardous wastes shall apply.

**ARTICLE 152 BIS.-** When the generation, handling or final disposition of hazardous materials or wastes provokes soil pollution, the persons in charge of the execution of such operations shall carry out the necessary actions to recover and reestablish the conditions of soil so that the soil be used in any of the activities listed in the urban development program or in the applicable ecological zoning plan for the corresponding land or area.

**ARTICLE 153.-** The import or export of hazardous materials or wastes shall be subject to the limitations Federal Executive may establish pursuant to the provisions of above Exterior Commerce Law. In any case the following provisions shall be observed:

**I.-** It shall be under the responsibility of the Secretariat, the control and ecological surveillance of the imported hazardous materials or wastes or the hazardous materials or wastes to be exported, applying the corresponding safety measures without detriment to the provisions of the Customs Law;

**II.-** Import of hazardous materials or wastes shall be authorized only for their treatment, recycling or reuse, when their uses conform to the laws, regulations, Official Mexican Standards and other provisions in force;

**III.-** It shall be prohibited the import of hazardous materials or wastes with the only purpose of final disposition or simple deposit, storage or confinement in the national territory or in areas over which the nation exercises its sovereignty and jurisdiction or when their use or manufacture is not authorized in the country where they were prepared;

**IV.-** It will not be authorized the transportation through the national territory of hazardous materials not complying with the use or consumption specifications under which they were prepared, or whose preparation, use or consumption is prohibited or limited in the destination country; the transportation of such hazardous materials or wastes shall be also prohibited when they come from another country and are bound to a third country;

**V.-** The granting of authorizations to export hazardous materials or wastes shall be subject to the express consent of the recipient country;

**VI.-** The hazardous materials and wastes generated in the production, transformation, preparation or repair processes using raw material brought into the country under the temporary import regime, even those regulated by Article 85 of the Customs Law, shall be returned to the country of origin within the time period established for that end by the Secretariat;

**VII.-** The granting of authorizations by the Secretariat for the import or export of hazardous materials or wastes shall duly comply with the provisions of this Law and other applicable provisions, as well as the redress of damage that may be caused both in national territory or abroad;

In like manner, the export of hazardous wastes shall be prohibited when implying re-import thereof to the national territory; there is no express consent from the recipient country; the final destination country demands reciprocity; or said export implies a breach of the commitments Mexico has undertaken in International Treaties and Conventions on the matter, and

**VIII.-** In addition to the stipulations of other applicable provisions, it may be possible to revoke the authorizations granted for the import or export of hazardous wastes, without prejudice to the application of penalties in the following cases:

- a) When due to supervening causes, it is proved that the hazardous materials or wastes authorized represent a danger for the ecological balance higher than the one considered at the moment of granting the corresponding authorization;
- b) When the import or export does not comply with the requirements set in the ecological guide issued by the Secretariat;
- c) When the hazardous materials or wastes do not have the quality or characteristics under which they were authorized; and
- d) When it is determined that the authorization was transferred to an individual other than the one who requested such authorization, or when the corresponding application contains false information or information presented in a manner that hides the necessary data for a correct evaluation of the application.

## **CHAPTER VII Nuclear Energy**

**ARTICLE 154.-** The Secretariat of Energy and the National Commission of Nuclear Safety and Safeguard, with the participation the Secretariat of Health may be entitled to according to the case, shall verify that the exploration, exploitation and extraction of radioactive minerals, exploitation of nuclear fuels, uses of nuclear energy and, in general, the activities related to such nuclear energy are carried out pursuant to the Official Mexican Standards on nuclear, radiological and physical safety of the nuclear or radioactive facilities in a manner that avoids risks to human health and guarantees the preservation of ecological balance and environmental protection, being the responsibility of the Secretariat to carry out the environmental impact assessment.

## **CHAPTER VIII Noise, Vibrations, Thermal Energy and Luminescent Energy, Smells and Visual Pollution**

**ARTICLE 155.-** Emissions of noise, vibrations, thermal energy and luminescent energy and production of visual pollution shall be prohibited when exceeding the maximum limits established in the Official Mexican Standards issued for such

purpose by the Secretariat, taking into account the maximum permissible limits for humans of pollutants to the environment as determined by the Secretariat of Health. The federal or local authorities, according to the scope of jurisdiction, shall adopt the measures to prevent violations of such limits and, when applicable, impose the corresponding sanctions.

In the construction of works or facilities generating thermal or luminescent energy, noise or vibrations, as well as in the operation of those already existing, preventive and corrective actions to avoid harmful effects of such pollutants on the ecological balance and environment shall be taken.

**ARTICLE 156.-** The Official Mexican Standards related to the issues subject matter of this Chapter shall establish the procedures for prevention and control of pollution by noise, vibrations, thermal and luminescent energy, electromagnetic radiations and smells and shall fix the corresponding emission limits.

The Secretariat of Health shall conduct the analysis, studies, research and surveillance necessary to find the origin, nature, intensity, magnitude and frequency of the emissions and determine when they may cause health damage.

The Secretariat, in coordination with public or private, national or international organizations, shall collect the information related to this type of pollution, as well as information related to the methods and technology for control and treatment of this type of pollution.

## **FIFTH TITLE**

### **Social Participation and Environmental Information**

#### **CHAPTER I**

#### **Social Participation**

**ARTICLE 157.-** The Federal Government shall encourage a joint responsible participation from society in the planning, execution, evaluation and surveillance of the environmental and natural resources policy.

**ARTICLE 158.-** For the purposes of the above Article, the Secretariat shall:

I.- Convoke, within the scope of the National System of Democratic Planning, organizations of workers, entrepreneurs, peasants, agricultural and livestock producers, fishing and forest organizations, agrarian communities, indigenous peoples, educational institutions, social organizations and nonprofit private

organizations and other interested parties for them to express their opinion and proposals;

**II.-** Enter into agreements with workers organizations and social groups for protecting the environment in the working places and housing development; with indigenous peoples, agrarian communities and other peasants organizations for establishing, administering and managing natural protected areas, and to further provide them with ecological advise in the activities related to the sustainable exploitation of natural resources; with business organizations, in the cases provided in this Law for environmental protection; with educational and academic institutions in order to conduct studies and research on this matter, with civil organizations and nonprofit private institutions to start joint ecological actions; as well as with social organizations and individuals interested in preserving and restoring the ecological balance to protect the environment;

**III.-** Enter into agreements with the massive media in order to disseminate, disclose and promote information related to ecological balance preservation actions and environmental protection;

**IV.-** Promote awards for the most significant efforts of society to preserve and restore ecological balance and environmental protection;

**V.-** Encourage the ecological awareness strengthening through the execution of joint actions with the community participation toward the preservation and improvement of the environment, the rational exploitation of natural resources and the suitable handling of waste. For such purpose, the Secretariat, in coordination with the corresponding States and Municipalities, may enter into joint collaboration agreements with urban and rural communities, as well as social organizations, and

**VI.-** Carry out actions and investments with the social and private sectors and academic institutions, social groups and organizations, indigenous peoples and other individuals or legal entities interested in preserving and restoring the ecological balance and environmental protection.

**ARTICLE 159.-** The Secretariat shall create advisory bodies with the participation of public administration entities and agencies, academic institutions and social and business organizations. The duties of said bodies shall be consultancy, assessment and monitoring in the matter of environmental policy matters and may issue the opinions and make the remarks deemed appropriate. Their organization and operation shall conform to the agreements issued for such purpose by the Secretariat.

In case the Secretariat has to solve an issue in respect to which the bodies mentioned in the above paragraph have already issued an opinion, the Secretariat shall express the causes for acceptance or rejection thereof.

## **CHAPTER II**

### **Right to Environmental Information**

**ARTICLE 159 BIS.-** The Secretariat shall develop a National System of Environmental and Natural Resources Information aimed at recording, organizing, updating and disseminating the national environmental information, which shall be made available for consultation; said information shall be in coordination with and a complement to the National Account System (Sistema de Cuentas Nacionales) in charge of the National Institute of Statistics, Geography and Informatics (Instituto Nacional de Estadística, Geografía e Informática).

In such System, the Secretariat shall collect, among other things, information related to: the natural resources inventories existing within the national territory; the mechanisms and results obtained from monitoring air quality, water and soil; the ecological zoning plan of the territory, and that specified in Article 109 BIS and the corresponding information related to registries, programs and actions carried out for preserving the ecological balance and protecting the environment.

The Secretariat shall gather the reports and important documents resulting from scientific and academic activities, technical works or any other source on environmental matters and involving the preservation of natural resources, carried out in the country by individuals or legal entities, either national or international, which shall be sent to the National System of Environmental and Natural Resources Information.

**ARTICLE 159 BIS 1.-** The Secretariat shall prepare and publish biannually a detailed report of the general situation existing in the country in the matter of ecological balance and environmental protection.

**ARTICLE 159 BIS 2.-** The Secretariat shall prepare a Gazette for the publication of the legal provisions, Official Mexican Standards, decrees, regulations, agreements and other administrative actions, as well information of general interest on environmental matters, published by the Federal Government or the local governments, or international documents on environmental matters in which Mexico has interest, regardless of its publication in the Federal Official Gazette or in other diffusion means. In like manner, such Gazette shall publish official information related to the natural protected areas and the preservation and sustainable exploitation of natural resources.

**ARTICLE 159 BIS 3.-** Any individual shall have the right to receive from the Secretariat, the States, the Federal District and the Municipalities the environmental information requested, pursuant to the terms provided by this Law. In case said information is provided, the expenses incurred shall be covered by the requesting person.

For the purposes of the provisions of this Law, it is considered as environmental information, any written or visual information or database used by the environmental authorities related to water, air, soil, flora, fauna and natural resources matters, as well as the activities or measures affecting them or which may affect them.

Any request of environmental information shall be submitted in writing specifying in detail the information requested and the reasons for such request. Applicants shall identify themselves providing their name or corporate name and domicile.

**ARTICLE 159 BIS 4.-** The authorities referred to in the above Article, shall deny the information when:

- I.- According to a legal provision, such information is considered as confidential or when due to its own nature its dissemination affects national security;
- II.- The information requested relates to legal proceedings or inspection and surveillance procedures pending resolution;
- III.- The information requested is being provided by third parties and such third parties are not obliged by any legal provision to provide such information, or
- IV.- The information is about inventories, inputs and technologies or processes, including the description of such processes.

**ARTICLE 159 BIS 5.-** The environmental authority shall answer in writing to the person requiring environmental information within a time period not exceeding twenty days counted from the receipt of the corresponding request. In case the authority gives a negative answer, it shall specify the reasons for said decision.

If the time period established in the above paragraph elapses and the environmental authority fails to give an answer in writing, the request must be deemed negative for the applicant.

The environmental authority, within ten days following the information request, shall notify the owner of such information about the receipt of such request.

The parties injured by actions of the Secretariat regulated in this Chapter, may contest said actions through a remedy of revision pursuant to the provisions established in this Law and the Federal Law of Administrative Procedure (Ley Federal de Procedimiento Administrativo).

**ARTICLE 159 BIS 6.-** The individual receiving the environmental information from the corresponding authorities, in terms of this Chapter, shall be responsible for the appropriate use of said information and for any damage arising from its wrongful use.

## **SIXTH TITLE Control and Safety Measures and Sanctions**

### **CHAPTER I General Provisions**

**ARTICLE 160.-** The provisions of this title shall apply to the carrying out of inspection and surveillance actions, execution of safety measures, determination of administrative sanctions, crime commissions and their penalties, and administrative procedures and remedies, in case of issues under federal jurisdiction regulated by this Law, except when other laws specifically regulate the question involved, with respect to the matters addressed by this law.

In the issues mentioned above, the provisions of the Federal Laws on Administrative Procedure, and Metrology and Standardization shall apply suppletorily.

In case of matters referred to in this Law and regulated by other special laws, the present law shall be suppletorily applied to the inspection and surveillance procedures.

### **CHAPTER II Inspection and Surveillance**

**ARTICLE 161.-** The Secretariat shall carry out actions to inspect and verify compliance with the provisions established in this law, as well as the provisions derived therefrom.

**ARTICLE 162.-** The competent authorities may carry out, through personnel duly authorized for that purpose, inspection visits, without prejudice to other measures provided in the laws and that may be applied to verify compliance with this law.

The above personnel, when conducting such inspection visits, shall have the official document evidencing or authorizing the carrying out of such inspection or verification, as well as the written order duly supported and issued by the competent authority specifying the place or area to be inspected the purpose of the proceeding and its scope.

**ARTICLE 163.-** The authorized personnel, at the moment of starting the inspection, shall identify itself to the person with whom the proceeding is to be conducted; show the corresponding order and deliver a copy thereof with an autograph signature, and completing the same for the appointment of two witnesses at that moment.

In case of negative answer or when the individuals appointed as witnesses do not accept to act as such, the authorized personnel may appoint them, certifying this situation in the administrative report prepared for such purpose, and such circumstance shall not void the inspection effects.

**ARTICLE 164.-** In every inspection visit, a report shall be prepared to certify the facts or omissions occurred during the proceeding, as well as the facts established in Article 67 of the Federal Law for Administrative Procedure.

Once the inspection is completed, the person with whom the inspection was conducted shall have the opportunity to make comments about the facts or omissions registered in the corresponding report and to further offer the evidence he deems appropriate or assert such right within five days counted from that on which such inspection was conducted.

Subsequently, the report shall be signed by the person with whom the proceeding was conducted, the witnesses and the authorized personnel, who shall provide a copy of the report to the interested party.

If the person with whom the proceeding was conducted or the witnesses refrain from signing the report, or if the interested party denies to accept a copy of the same, such circumstances shall be written down in the report, but said circumstances shall not affect the effectiveness and evidentiary weight of the proceeding.

**ARTICLE 165.-** The person with whom the proceeding was conducted shall have the responsibility to allow the entrance of authorized personnel to the place or places subject to inspection in terms of the provisions established in the written

order referred to in Article 162 of this Law, as well as to provide any kind of information to verify compliance with this Law and other applicable provisions, excepting information related to industrial property rights considered as confidential pursuant to the Law. The information shall be maintained by the authority under strict confidentiality when so required by the interested party, except in case of legal orders.

**ARTICLE 166.-** The corresponding authority may request assistance from the police force to carry out the inspection visit, when any person or persons obstruct(s) the practice of the proceeding, regardless of the sanctions to be imposed.

**ARTICLE 167.-** Once the inspection report is received by the requesting authority, it shall give notice, either personally or by registered mail with acknowledgement of receipt, to the interested party for the latter to immediately adopt the corrective measures or the emergency measures necessary to comply with the applicable legal provisions, as well as with the corresponding permits, licenses, authorizations or concessions, supporting such order and specifying the time period conferred to that effect, and the interested party shall have fifteen days to express the best in its interest and, when applicable, to provide the evidence deemed appropriate with respect to the actions of the Secretariat.

Having admitted and analyzed the evidence offered by the interested party or once the time period mentioned in the above paragraph has elapsed and the right has not been enforced, the proceedings shall be placed under disposal of the interested party for the latter to present its allegation in writing within three working days.

**ARTICLE 168.-** Once the allegations have been received or having elapsed the time period to present them, the Secretariat, within twenty days counted from that date, shall issue the corresponding resolution in writing, which must be notified to the interested party, personally or by registered mail with acknowledgement of receipt.

**ARTICLE 169.-** The corresponding administrative resolution shall state or, if applicable, include, the measures that must be conducted to correct the deficiencies or irregularities found, within the time period granted to the offender to solve them and the sanctions he may deserve pursuant to the applicable provisions.

Within five working days counted from maturity of the time period granted to the party in default for the latter to correct the deficiencies and irregularities incurred, the party in default shall give a written detailed notice to the requiring authority

informing that it has complied with the measures ordered under the terms of the corresponding requirement.

In case of a second or subsequent inspection to verify compliance with a previous order or orders, and the report shows that the measures previously ordered have not been satisfied, the corresponding authority may impose in furtherance to the sanction or sanctions under Article 171 of this Law, an additional fine not exceeding the maximum limits specified in such law.

In cases where the offender applies the corrective measures or emergency measures or corrects the irregularities found within the terms ordered by the Secretariat, provided that the offender is not a habitual offender, and the case involved is not established in Article 170 of this Law, the Secretariat may revoke or modify the sanction or sanctions imposed.

When applicable, the federal authority shall inform the Public Prosecutor regarding acts or omissions attested while exercising its powers and that may constitute one or more crimes.

### **CHAPTER III**

#### **Safety Measures**

**ARTICLE 170.-** In case of imminent risk of ecological imbalance, or important damage or deterioration to natural resources, pollution events with dangerous consequences for the ecosystems, their elements or public health, the Secretariat, may order with justified cause any of the following safety measures:

I.- The provisional, partial or total closing down of polluting sources, as well as of facilities that handle or storage specimens, products or subproducts of wild flora or fauna species, forest resources, or developing activities giving rise to the hypothesis referred to in the first paragraph of this Article;

II.- The provisional seizure of hazardous materials and wastes, and specimens, products or subproducts of wild flora or fauna species or their genetic material, forest resources, besides the goods, vehicles, tools and instruments directly related to the conduct giving rise to the application of the safety measure, or

III.- The neutralization or any other equivalent action preventing hazardous materials or wastes to produce the effects specified in the first paragraph of this Article.

In like manner, the Secretariat may promote with the corresponding authority, the application of other safety measures established in other regulations.

**ARTICLE 170 BIS.-** When the Secretariat orders any of the safety measures provided in this Law, it shall inform to the interested party, when appropriate, the actions to be carried out to correct the irregularities giving rise to the application of such measures, as well as the terms of execution, so that once these measures are satisfied, it shall be ordered the removal of the safety measure imposed.

#### **CHAPTER IV Administrative Sanctions**

**ARTICLE 171.-** Violations to the stipulations of this Law, its regulations and the provisions arising therefrom shall be sanctioned administratively by the Secretariat, by means of one or more of the following sanctions:

I.- A fine ranging from twenty to twenty thousand days of minimum wage in force in the Federal District at the moment the sanction is imposed;

II.- The provisional or definitive, total or partial closing down when:

a) The offender failed to comply with the terms and conditions imposed by the authority and the corrective or emergency measures ordered;

b) In case of habitual offending conduct when violations produce adverse effects for the environment, or

c) In case of repeated failure, in three or more occasions, to comply with any corrective or emergency measures imposed by the authority.

III.- Administrative detention for up to thirty-six hours.

IV.- Forfeiture of instruments, specimens, products or subproducts directly related to the violations involving forest resources, wild flora and fauna species or genetic resources, pursuant to the provisions established in this Law, and

V.- The suspension or revocation of concessions, licenses, permits or authorizations.

If the time period granted by the authority to correct the violation(s) committed has elapsed, and such violation(s) still continues, fines per each day elapsing without

complying with the order may be applicable but not exceeding the maximum permitted amounts pursuant to Section I of this Article.

In case of habitual offending conduct, the amount of the fine may be up to twice the original amount imposed, not exceeding twice the maximum amount permitted, as well as the permanent closing down.

A habitual offender is an offender who displays more than once conducts involving violations to the same disposition within a two-year period, starting from the date on which the report certifying the first violation was made provided that the same has not been quashed.

**ARTICLE 172.-** When the seriousness of the violation so deserves, the authority, shall request to the corresponding officials, the suspension, revocation or cancellation of the concession, permit, license and, in general, any authorization granted to carry out commercial, industrial or service activities or any other regarding the exploitation of natural resources giving rise to the violation.

**ARTICLE 173.-** In order to impose the sanctions for violations to this Law, it shall be taken into account:

I.- The seriousness of the violation mainly taking into consideration the following criteria: public health impact; generation of ecological imbalances; damage to natural resources or biodiversity; and, when applicable, the levels exceeding the limits established in the applicable Mexican official standard;

II.- The economic situation of the offender;

III.- The habitual offending conduct, if any;

IV.- The intentional or negligent character of the action or omission giving rise to such violation, and

V.- The benefit directly obtained by offender from the actions giving rise to the sanction.

In case the offender carries out corrective or emergency measures or correct the irregularities found, before the Secretariat imposes a sanction, such authority shall consider such situation as an extenuating circumstance to the violation committed.

The corresponding authority may grant to the offender, the option to pay the fine or carry out investments equivalent to the acquisition and installation of equipment to avoid pollution or regarding the protection, preservation or restoration of the environment and natural resources, provided that the obligations of the offender

are guaranteed, and the case involved does not constitute any of the hypothesis provided in Article 170 of this Law and the authority fully justifies its decisions.

**ARTICLE 174.-** When the sanction applicable is confiscation or provisional or definitive, total or partial closing down, the personnel appointed to conduct said action shall draft a detailed report of the proceeding, taking into account the provisions applicable to the carrying out inspections.

In cases where the sanction applicable is a provisional closing, the Secretariat shall notify to offender the corrective measures and actions he must execute to correct the irregularities giving rise to such sanction, as well as the terms for their execution.

**ARTICLE 174 BIS.-** The Secretariat shall dispose of forfeited goods in any of the following manners:

I.- Direct sale in cases where the value of forfeited goods does not exceed 5,000 times the minimum wage in force in the Federal District at the moment of imposing the sanction;

II.- Sale at public auction when the value of forfeited goods exceeds 5,000 times the minimum wage in force in the Federal District at the moment of imposing the sanction;

III.- Donation to public agencies and scientific institutions or higher education institutions or charitable organizations, depending on the nature of the goods forfeited and pursuant to the operations and activities carried out by the beneficiary provided that it is not engaged in profitable activities. In case of species and subspecies of wild flora and fauna, they may be delivered to public zoos that guarantee the existence of suitable conditions for their development, or

IV.- Destruction in case of products or sub-products of wild flora and fauna, forest products presenting plagues or any sickness preventing their development, as well as fishing and hunting arts forbidden by the applicable legal provisions.

**ARTICLE 174 BIS 1.-** For purposes of the provisions of Sections I and II of the above Article, such hypothesis shall only apply when forfeited goods can be appropriated pursuant to the applicable legal provisions.

In determining the value of goods to be auctioned or sold, the Secretariat shall consider the price of such goods in the market at the moment of carrying out such operation.

In no case, the people responsible of the violation giving rise to the forfeiture shall be allowed to participate in, or obtain a benefit from, the acts mentioned above in Article 174 BIS of this Law, through which the disposition of forfeited goods is being carried out.

**ARTICLE 175.-** The Secretariat may promote, with the local or federal authorities with jurisdiction, based upon studies carried out for this purpose, the limitation or suspension of the installation or operation of industries, commercial establishments, services, urban developments, tourist developments or any activity affecting or which may affect the environment, natural resources, or causing ecological imbalance or biodiversity loss.

**ARTICLE 175 BIS.-** The income arising from fines due to violations of the provisions established in this Law, its regulations and other provisions derived therefrom, as well as the income from public auction or direct sale of forfeited goods, shall be used for creation of funds aimed at developing programs related to the inspection and surveillance in the matter referred to in this Law.

## **CHAPTER V**

### **Motion for Review**

**ARTICLE 176.-** The final resolutions issued in administrative procedures due to the enforcement of this Law, its regulations and provisions derived therefrom, may be appealed by the affected parties by filing a motion for review within fifteen working days counted from the day of notice or with the corresponding jurisdictional authorities.

The motion for review shall be filed directly with the authority who issued the contested resolution, who, as the case may be, shall resolve to admit the same and whether granting or not the suspension of the contested action, remitting the motion to his superior for final resolution.

**ARTICLE 177.-** When at the moment of filing a motion for review, the applicant requests suspension of forfeiture, the authority may order the return of the corresponding goods to the interested party, provided that:

- I. The motion for review is appropriate, and
- II. A guarantee in the amount of the forfeited goods is posted, such amount to be determined by the Secretariat pursuant to the market price at the moment of granting such guarantee.

In case the above requirements are not satisfied, the Secretariat shall determine the final use of perishable products and alive wild flora and fauna species pursuant to the provisions established in this Law and other applicable laws.

Goods, other than those stated in the above paragraphs, shall be maintained in deposit and the disposition thereof shall be prohibited until the corresponding resolution becomes final and conclusive.

**ARTICLE 178.-** The suspension of forfeiture shall not be effective in the following cases:

I. In case of wild flora and fauna species that do not have the corresponding concession, permit or authorization;

II. In case of wild flora and fauna species taken out or captured in a season, area or place not included in the corresponding concession, permit or authorization, and in volumes higher than those established therein;

III. In case of wild flora and fauna species declared in closed season or considered as strange, threatened, endangered by extinction or subject to special protection pursuant to this Law or other applicable legal provisions;

IV. In case of wild flora and fauna species confiscated to foreigners or in foreign boats or transports,

V. In case of wild flora and fauna products or subproducts, hunting weapons, fishing arts and other objects or tools forbidden by the applicable regulations, and

VI. In case of timber-yielding and non timber-yielding forest raw material, coming from exploitations where there is no authorization.

**ARTICLE 179.-** With respect to other actions related to the processing of the motion for review referred to in Article 176 of this Law, the provisions of the Federal Law of Administrative Procedure shall apply.

**ARTICLE 180.-** In case of works or activities violating the provisions of this Law, ecological zoning plans, declarations on natural protected areas or regulations and the Official Mexican Standards derived therefrom, the individuals and legal entities of the affected communities shall be entitled to appeal the corresponding administrative proceedings, as well as to demand the execution of the necessary actions to satisfy the applicable legal provisions, provided that it is proved that the procedure of such works or activities cause or may cause a damage to natural

resources, wild flora and fauna, public health or life quality. For such purpose, they shall file the motion for review referred to in this chapter.

**ARTICLE 181.-** In case licenses, permits, authorizations or concessions violating this Law are issued, they shall be void and null, and the government officials involved shall be punished pursuant to the provisions of the applicable legislation. Such nullity may be demanded through the motion referred to in the above Article.

## **CHAPTER VI About the Federal Crimes**

**ARTICLE 182.-** In cases where, resulting from the exercise of its powers, the Secretariat learns about actions or omissions that may become crimes pursuant to the provisions established in the applicable legislation, it shall file the corresponding complaint with the Federal Public Prosecutor.

Any person may file directly the criminal complaints involving the environmental crimes provided in the applicable legislation.

The Secretariat shall provide, in those matters under its jurisdiction, the expert or technical opinions requested by the Public Prosecutor or the legal authorities relating to the filing of complaints due to the commission of environmental crimes.

**ARTICLE 183.-** Derogated. (Note: Articles 183 through 187 are derogated due to the amendments to the Criminal Code)

**ARTICLE 184.-** Derogated.

**ARTICLE 185.-** Derogated.

**ARTICLE 186.-** Derogated.

**ARTICLE 187.-** Derogated.

**ARTICLE 188.-** The state laws shall establish the criminal and administrative penalties applicable to violations in environmental matters under local jurisdiction.

## **CHAPTER VII Public Denunciation**

**ARTICLE 189.-** Any individual, social group, non-governmental organization, association and partnership may denounce with the Federal Environmental Protection Agency (Procuraduría Federal de Protección al Ambiente) or other authorities, any fact, action or omission producing or which may produce ecological imbalance or damages to the environment or to natural resources, or in violation of the provisions of this Law and the other laws regulating matters related to the environmental protection and preservation and restoration of ecological balance.

If within the place in question there is no representative of the Federal Environmental Protection Agency, such denunciation may be filed with the municipal authority or, at option of the complainant, with the closest representative office of such agency.

If the denunciation was filed with a municipal authority and the same results to fall within federal jurisdiction, it shall be sent to the Federal Environmental Protection Agency.

**ARTICLE 190.-** The public denunciation may be filed by any individual, being sufficient its filing in writing and including:

I.- The name or corporate name, domicile, telephone number, if any, of the complainant, and, if applicable, its legal representative;

II.- The actions or omissions being denounced;

III.- The information to identify the alleged offender or locate the polluting source, and

IV.- The evidence being offered by the complainant.

In like manner, denunciation may be filed by telephone, in this case the government official who receives the call shall prepare a detailed report and the complainant shall file a written complaint in compliance with the requirements established in this Article, within three days following the denounce made by phone, without prejudice to the investigation that the Federal Environmental Protection Agency may commence ex-officio of the facts constituting the denunciation.

Denunciations clearly lacking foundations or justifications shall not be admitted, or those evidencing bad faith, want for justification or inexistent request, these facts shall be notified to the complainant.

In case the complainant requests the Federal Environmental Protection Agency to maintain secrecy regarding his identity for security reasons or a specific interest,

said agency shall monitor the denunciation pursuant to the powers granted by this Law and other applicable legal provisions.

**ARTICLE 191.-** The Federal Environmental Protection Agency, once the denunciation is received, shall acknowledge receipt thereof, assign a file number and enter the same.

In case of receiving two or more denunciations involving the same actions or omissions, the joinder thereof in a sole file shall apply and the complainants shall be informed of this fact.

Once a denunciation is filed, the Federal Environmental Protection Agency within 10 days following said filing shall notify the complainant about the corresponding qualification resolution stating the status of such denunciation.

If the denunciation filed falls within the jurisdiction of other authority, the Federal Environmental Protection Agency shall acknowledge receipt to the complainant that shall reject jurisdiction and send it to the authority with jurisdiction for the filing and resolution thereof, and such fact shall be notified to the complainant by means of a justified resolution.

**ARTICLE 192.-** Once the jurisdiction over a case has been admitted, the Federal Environmental Protection Agency shall identify the complainant, and notify the denunciation to the individual(s), or authorities to which the denounced facts are attributed or to the persons which may be affected by the legal actions initiated, in order for them to produce the documents and evidence in their interest within a maximum time period of 15 working days counted from the corresponding notice.

The Federal Environmental Protection Agency shall carry out the necessary proceedings in order to determine the existence of actions, acts or omissions evidencing the denunciation.

In like manner, in the cases provided in this Law, it may start the appropriate inspection and surveillance procedures, and in such case, the applicable provisions of this Title shall be observed.

**ARTICLE 193.-** The complainant may cooperate with the Federal Environmental Protection Agency by presenting evidence, documents and information he deems appropriate. Such agency shall express the considerations adopted with respect to the information provided by the complainant at the moment of pronouncing a decision on the denunciation.

**ARTICLE 194.-** The Federal Environmental Protection Agency may require from the academic institutions, research centers and public sector organizations, social

and private organizations the preparation of studies, reports or expert reports about questions explained in the denunciations filed.

**ARTICLE 195.-** In case the investigation conducted by the Federal Environmental Protection Agency results in actions or omissions incurred by federal, state or municipal authorities, it shall issue the necessary recommendations to promote with such authorities the execution of the appropriate actions.

The recommendations issued by the Federal Environmental Protection Agency shall be public, autonomous and not binding.

**ARTICLE 196.-** Whenever a public denunciation neither implies violations to environmental regulations, nor affects public order and social interest matters, the Federal Environmental Protection Agency may submit such denunciation to a conciliation process. In any case, the parties involved shall be heard.

**ARTICLE 197.-** In case there is no evidence that the actions or omissions denounced cause or may cause ecological imbalance or damage to the environment or the natural resources or violate the provisions of this Law, the Federal Environmental Protection Agency shall notify the complainant to that regard in order for the latter to make the comments he deems appropriate.

**ARTICLE 198.-** The preparation of a public denunciation, as well as the agreements, resolutions and recommendations issued by the Federal Environmental Protection Agency shall not affect the exercise of other rights or means of defense to which the affected parties may be entitled pursuant to the applicable legal provisions, and they shall not suspend or interrupt their preclusive terms, statute of limitations or maturity. This circumstance shall be notified to the interested parties in the resolution accepting the instance.

**ARTICLE 199.-** The public denunciation files that have been opened may be terminated due to the following causes:

- I.- For lack of jurisdiction of the Federal Environmental Protection Agency to take cognizance of the public denunciation filed;
- II.- The corresponding recommendation was issued;
- III.- When there are no violations to the environmental regulations;
- IV.- Lack of interest of the complainant in terms of this Chapter;
- V.- When a resolution for joinder of files has been previously pronounced;

**VI.-** When the public denunciation was solved through conciliation between the parties;

**VII.-** Due to the pronouncement of a resolution derived from the inspection procedure, or

**VIII.-** Due to the withdrawal of action by the complainant.

**ARTICLE 200.-** The State laws shall establish the procedure to address a public denunciation in cases where the actions or omissions produce or may produce ecological imbalances or environmental damage due to violations of the local environmental legislation.

**ARTICLE 201.-** The authorities and government officials involved in matters under the jurisdiction of the Federal Environmental Protection Agency, or that due to their activities or duties, may provide relevant information, shall comply with the request made by said agency in their terms therein established.

The authorities and government officials required to provide information or documents considered as confidential, pursuant to the provisions of the applicable legislation, shall provide them to the Federal Environmental Protection Agency. In this case, such agency shall handle the information provided under the strictest confidentiality.

**ARTICLE 202.-** The Federal Environmental Protection Agency, within the scope of its jurisdiction, is empowered to start the corresponding actions before the corresponding legal authorities, when knowing about actions or omissions considered as violations to the administrative or criminal legislation.

**ARTICLE 203.-** Without prejudice to the corresponding criminal or administrative sanctions, any individual who pollutes or damages the environment or affects natural resources or biodiversity, shall be responsible and obliged to repair the damage caused pursuant to the applicable civil legislation.

The time period to file a complaint regarding environmental responsibility shall be five years counted from the moment in which the corresponding fact, action or omission occurred.

**ARTICLE 204.-** In case of damage arising from violations to the provisions of this Law, the interested parties may request to the Secretariat, the preparation of a technical report in that matter, which shall be considered as evidence in case of being produced in court.”

## **TRANSITORY ARTICLES**

**FIRST ARTICLE.-** The present Decree shall become effective the day following publication in the *Federal Official Gazette*.

**SECOND ARTICLE.-** It is derogated the Law on the Exclusive Fishing Area of the Nation, published in the *Federal Official Gazette* on January 20, 1967, the Soil and Water Conservation Law published in such Gazette on July 6, 1946, as well as all legal provisions contrary to the provisions established in this Decree.

**THIRD ARTICLE.-** The States Governments, as well as the City Councils, shall adjust their laws, regulations, ordinances, police regulations and other applicable stipulations to the provisions established in this Decree.

**FOURTH ARTICLE.-** The administrative proceedings and remedies related to the matters of the General Law of Ecological Balance and Environmental Protection, initiated before the effective date of this Decree, shall be processed and solved pursuant to the provisions in force at that time and other applicable provisions related to the matter involved.

**FIFTH ARTICLE.-** The Federation, in coordination with the States and Municipal Authorities, as the case may be, shall enforce the provisions established in this Decree at a local level, in those matters where jurisdiction did not fall within that government levels before the effective date of this Decree, until issuance and amendment of the regulations mentioned in the THIRD TRANSITORY ARTICLE.

**SIXTH ARTICLE.-** The authorizations, permits, licenses and concessions granted before the effective date of this Decree, shall continue in force; and their extension of time shall be subject to the provisions of this Decree.

**SEVENTH ARTICLE.-** The Secretariat shall determine, by means of a resolution published in the *Federal Official Gazette*, the classification of natural protected area that, pursuant to the provisions established in this Decree, shall correspond to the areas or zones established before the effective date of this Decree in order to comply with one or more of the objectives established in Article 45 of the General Law of Ecological Balance and Environmental Protection, or which characterization is equivalent or similar to the description of any of the natural protected areas under federal jurisdiction as provided in Article 46 of said law.

**EIGHTH ARTICLE.-** In case of forest reserves, national forest reserves, protected forest areas, forest restoration and dissemination areas and areas for protecting rivers, springs, deposits and, in general, sources supplying water to provide service to populations, the Secretariat shall carry out the studies and analysis necessary to determine if the conditions giving rise to their establishment have not changed and if

the purposes provided in the instruments whereby the creation thereof was declared, are consistent with the objectives and characteristics stated in Articles 45 and 53 of the General Law of Ecological Balance and Environmental Protection.

If while conducting the studies and analysis, it is necessary to modify the decrees whereby the above areas were created, the Secretariat shall promote with the Federal Executive the issue of the corresponding decree, with the prior favorable opinion from the National Board or Natural Protected Areas.

In like manner, the Secretariat shall make available to the local governments, owners, holders, social, public or private groups and organizations, research and higher education institutions and other interested parties, the studies or analysis conducted for the purposes referred to in this Article, in order for them to present the opinions and proposals they deem appropriate. The Secretariat shall include in such studies and analysis the considerations it deems necessary regarding the opinions and proposals received, in order to inform the National Council of Natural Protected Areas about such opinions and proposals before this Council issues a recommendation regarding the authorization to modify the corresponding decree.

**NINTH ARTICLE.-** In case of those areas or zones referred to in the above Article, it shall be sufficient the authorization regarding the environmental impact referred to in Article 28 of the General Law of Ecological Balance and Environmental Protection, when the work or activity involved is included in any of the hypothesis provided in Sections I through X or XII and XIII of the above mentioned article. Such authorization shall be granted pursuant to the provisions established in the same law and those that may derive therefrom.

**TENTH ARTICLE.-** As long as the regulatory provisions derived from this Decree have not been issued, the regulatory provisions in force to this time shall continue in effect provided that they do not violate this Decree.

**TRANSITORY ARTICLES OF THE DECREE OF AMEDMENTS AND ADDITIONS  
AS PUBLISHED IN THE FEDERAL OFFICIAL GAZETTE ON JANUARY 7, 2000**

**SOLE.-** This decree shall become effective the day following its publication in the Federal Official Gazette.

Mexico, Federal District, December 10, 1999.- Deputy **Francisco José Paoli Bolio**, President.- Senator **Luis Guzmán Mejía**, Vice-president on duty.- Deputy **Francisco J. Loyo Ramos**, Secretary.- Senator **Porfirio Camarena Castro**, Secretary.- Flourish.

In compliance with the provisions set forth in Section I, Article 89 of the Political Constitution of the United Mexican States, and for due publication and compliance,

I issue this decree at the place of residence of the Federal Executive Power, in Mexico City, Federal District, on the third day of January in the year two thousand. **Ernesto Zedillo Ponce de León**. Flourish. The Secretary of the Interior, **Diodoro Carrasco Altamirano**. Flourish.