



## Guidance Documents: Key Legislation for Consenting in Mexico

*The guidance documents are intended to be available for regulators and advisors as they carry out their decision-making and for developers and their consultants as they prepare consenting and licensing applications. This country-specific document presents an overview of key consenting requirements relevant for marine renewable energy development in Mexico from pre-application, through to application and post-consent and is intended mainly for developers and consultants.<sup>1</sup> It is not intended to replace any formal guidance or prescribe action, but rather provide a starting point for understanding the key requirements of the regulatory framework.*

### Mexico's regulatory context

Mexico has invested in regulating marine renewable energies (MRE; Table 1). Through the 'General Law of Climate Change' and the 'Law of Energy Transition', the Federal government has established two programs or strategies to incorporate MRE. In this sense, the Federal Ministry of Energy, the Interamerican Bank of Development, and the Mexican Association of Marine Energy have developed a 'Manual on Normativity for Ocean Energy Project Permits'<sup>2</sup>, which provides interested parties with a guide for the implementation and development of projects related to ocean resource utilization. It covers the necessary steps and procedures for obtaining permits for ocean energy (both MRE and offshore wind) projects. Other policies regarding MRE must be taken into account, including jurisdiction (Table 2), species and/or populations at risk (Table 3), habitat alteration or loss (Table 4), water quality (Table 5), and effects on social and economic systems (Table 6)

**Table 1.** Statutes in Mexico driving energy transition to marine renewable energy and the federal agencies responsible for implementation.

Agency	Relevant Statute	Implementation
Federal Ministry of Environment and Natural Resources	General Law of Climate Change <sup>3</sup> (Article 7-XIII, 33-III, 34-I, 82-III, 93-II, 102-III)	<b>Special Climate Change Program<sup>4</sup></b> – Instrument that outlines adaptation and mitigation measures to address the effects of this global phenomenon. It is articulated across eight action axes and is based on solid scientific foundations. The strategy goes beyond merely reducing greenhouse gas emissions, setting viable goals for the next 40 years. <i>*Mandatory for the federal government agencies and entities within their respective competencies. The actions and guidelines outlined in the program must</i>

<sup>1</sup> This country-specific document should be read in conjunction with the background guidance document, which can be found on *Tethys*: <https://tethys.pnnl.gov/guidance-documents>.

<sup>2</sup> Secretaría de Energía (2016) 'Normatividad sobre permisos para proyectos de energías del océano' <https://www.gob.mx/sener/es/documentos/normatividad-sobre-permisos-para-proyectos-de-energias-del-oceano?tab=>

<sup>3</sup> Ley General de Cambio Climático (2012, reforma 2023) [LGCC.pdf \(diputados.gob.mx\)](https://www.gob.mx/documentos/ley-general-de-cambio-climatico)

<sup>4</sup> Programa Especial de Cambio Climático [Conoce el Programa Especial de Cambio Climático 2021-2024 | Centro Nacional de Prevención de Desastres | Gobierno | gob.mx \(www.gob.mx\)](https://www.gob.mx/documentos/programa-especial-de-cambio-climatico)



		<i>be followed and adhered to by government entities in their work related to climate change.</i>
Federal Ministry of Energy <sup>5</sup> Federal Ministry of Environment and Natural Resources	Law of Energy Transition <sup>6</sup> (Articles 2-IX, 4-5, 38-III)	<b>Special Transition Strategy to Promote the Use of Cleaner Technologies and Fuels<sup>7</sup></b> – Instrument that aims to drive the adoption of cleaner technologies and fuels, reduce emissions, and enhance energy efficiency. It has evolved to address the country’s energy transition challenges (including ocean energy). <i>*Mandatory for the federal government agencies and entities within their respective competencies. The actions and guidelines outlined in the program must be followed and adhered to by government entities in their work related to climate change.</i>

**Table 2.** Regulatory jurisdictions in Mexico.

Designation	Location	Agencies with jurisdiction	Laws
<b>Inland waters</b> (Federal and State)	Rivers, riverbanks, lakes, and springs.	National Commission of Water <sup>8</sup> Federal and State Ministries of Environment and Natural Resources <sup>9</sup> Attorney Office of Environmental Protection <sup>10</sup>	National Constitution (Articles 4 and 27) <sup>11</sup> Law of National Waters <sup>12</sup> General Law of Ecological Equilibrium and Environmental Protection (Articles 88-97) <sup>13</sup>
<b>Marine zones</b> (Federal)	<b>1. Interior marine waters</b> (deltas, estuaries, coastal lagoons, reefs on low tide). <i>State jurisdiction also.</i> <b>2. Territorial sea</b> (12 nautical miles from the ‘Interior marine	Ministry of Maritime Affairs <sup>14</sup> Federal and State Ministries of Environment and Natural Resources	Federal Law of the Sea (Articles 23-56) <sup>15</sup>

<sup>5</sup> [Secretaría de Energía | Gobierno | gob.mx \(www.gob.mx\)](https://www.gob.mx)<sup>6</sup> Ley Transición Energética (2015) [LTE.pdf \(diputados.gob.mx\)](https://diputados.gob.mx)<sup>7</sup> Estrategia de Transición para Promover el Uso de Tecnologías y Combustibles más Limpios [SENER publica Estrategia de Transición para Promover el Uso de Tecnologías y Combustibles más Limpios | Centro Nacional de Control de Energía | Gobierno | gob.mx \(www.gob.mx\)](https://www.gob.mx)<sup>8</sup> [Comisión Nacional del Agua | Gobierno | gob.mx \(www.gob.mx\)](https://www.gob.mx)<sup>9</sup> [Secretaría de Medio Ambiente y Recursos Naturales | Gobierno | gob.mx \(www.gob.mx\)](https://www.gob.mx)<sup>10</sup> [Procuraduría Federal de Protección al Ambiente | Gobierno | gob.mx \(www.gob.mx\)](https://www.gob.mx)<sup>11</sup> Constitución Política de los Estados Unidos Mexicanos (1917, reforma 2024) [CPEUM.pdf \(diputados.gob.mx\)](https://diputados.gob.mx)<sup>12</sup> Ley de Aguas Nacionales (1992, reforma 2023) [LAN.pdf \(diputados.gob.mx\)](https://diputados.gob.mx)<sup>13</sup> Ley General de Equilibrio Ecológico y Protección al Ambiente (1988, reforma 2024)<https://www.diputados.gob.mx/LeyesBiblio/pdf/LGEEPA.pdf><sup>14</sup> [Secretaría de Marina | Gobierno | gob.mx \(www.gob.mx\)](https://www.gob.mx)<sup>15</sup> Ley Federal del Mar (1986) [124.pdf \(diputados.gob.mx\)](https://diputados.gob.mx)



	waters and insular bodies). <b>3. Contiguous zone</b> (24 nautical miles from the 'Territorial sea'). <b>4. Economic Exclusive Zone</b> (188 nautical miles from the 'Territorial sea').		
<b>Marine-Land Federal Zone</b> (Federal)	20 meters inland from the high tide in a continuous 30 degree angle or less.	Federal and State Ministries of Environment and Natural Resources State Ministries of Urban Development and Ecological Ordinance <sup>16</sup> Attorney Office of Environmental Protection	General Law of National Assets (Articles 119-127) & Ruling in the subject <sup>17</sup>

### Species and/or populations at risk

Potential effects to species and/or populations at risk are regulated by the Federal Ministry of Environment and Natural Resources, Attorney Office of Environmental Protection, Ministry of Agriculture and Rural Development, and National Commission of Fisheries and Aquaculture (Table 3).

**Table 3.** Regulations related to species and/or populations at risk.

Agency	Relevant Statute	Implementation
Federal Ministry of Environment and Natural Resources  Attorney Office of Environmental Protection	General Law of Wildlife <sup>18</sup> (Articles 56-62)  General Law of Ecological Equilibrium and Environmental Protection (Articles 79-87)	<b>Official National Norm '059-SEMARNAT'</b> <sup>19</sup> – Identifies species or populations of wild flora and fauna at risk in the Mexican Republic, by integrating corresponding lists and establishing criteria for inclusion, exclusion, or changes in risk category for these species or populations. The evaluation is based on the risk of extinction.  <i>*Compliance with this standard is mandatory throughout the National Territory for individuals or legal entities that promote changes in the risk categories of wild species or populations.</i>

<sup>16</sup> [Secretaría de Desarrollo Agrario, Territorial y Urbano | Gobierno | gob.mx \(www.gob.mx\)](http://www.gob.mx)

<sup>17</sup> Ley General de Bienes Nacionales (2004, reforma 2023) [LGBN.pdf \(diputados.gob.mx\)](http://diputados.gob.mx)

<sup>18</sup> Ley General de Vida Silvestre (2000, reforma 2021) [146\\_200521.pdf \(diputados.gob.mx\)](http://diputados.gob.mx)

<sup>19</sup> Protección de es especies nativas de México de flora y fauna silvestres, Categorías de Riesgo y especificaciones para su inclusión, exclusión o cambio, Lista de especies en riesgo [NORMA OFICIAL MEXICANA NOM-059-SEMARNAT-2010 | Procuraduria Federal de Proteccion al Ambiente | Gobierno | gob.mx \(www.gob.mx\)](http://www.gob.mx)



Ministry of Agriculture and Rural Development  National Commission of Fisheries and Aquaculture <sup>20</sup>	General Law of Sustainable Fisheries and Aquaculture <sup>21</sup> (Articles 32-35)	<b>National Fisheries Chart<sup>22</sup></b> – Provides the necessary information about the diagnosis and comprehensive assessment of fishing and aquaculture activities, as well as the indicators related to the availability and conservation of fishery and aquaculture resources in federal jurisdictional waters. <i>*Its observance is mandatory for the formulation of specific Fishing Management Plans and regional Fishing Ordinances (which are supervised and verified by the 'Attorney Office of Environmental Protection').</i>
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### Habitat alteration or loss

Potential effects to habitat are regulated by Federal and State Ministries of Environment and Natural Resources and National Commission of Protected Areas (Table 4).

**Table 4.** Regulations related to habitat alteration or loss.

Agency	Relevant Statute	Implementation
Federal Ministry of Environment and Natural Resources	General Law of Wildlife <ul style="list-style-type: none"> <li>• <i>Critical Habitat for Wildlife Conservation</i> (Articles 63-64)</li> <li>• <i>Refuge Areas to Protect Native Aquatic Wildlife</i> (Articles 65-67)</li> </ul>	<b>Wildlife Management Units<sup>23</sup></b> – Land registered with the Ministry for the conservation of natural habitat through the management of populations and specimens of wild species. <i>*Registered land is bound by the objectives of this instrument, which are supervised and verified by the 'Attorney Office of Environmental Protection'.</i>
Federal and State Ministries of Environment and Natural Resources  National Commission of Protected Areas	General Law of Ecological Equilibrium and Environmental Protection (Articles 44-75)	<b>Protected areas<sup>24</sup></b> – Designed to preserve representative natural environments and endangered species, while also safeguarding water resources and forested zones. They follow the designation guidelines set by the International Union for Conservation of Nature (IUCN) and can be implemented at the federal, state, and municipal levels. There are 37 decreed marine and coastal protected areas, and 93% of the country's islands are protected.

<sup>20</sup> [Comisión Nacional de Acuacultura y Pesca | Gobierno | gob.mx \(www.gob.mx\)](https://www.gob.mx/comision-nacional-de-acuacultura-y-pesca)

<sup>21</sup> Ley General de Pesca y Acuacultura Sustentables (2007, reforma 2023) [LGPAS.pdf \(diputados.gob.mx\)](https://www.diputados.gob.mx/LGPAS.pdf)

<sup>22</sup> Carta Nacional Pesquera [Carta Nacional Pesquera | Instituto Nacional de Pesca | Gobierno | gob.mx \(inapesca.gob.mx\)](https://www.inapesca.gob.mx)

<sup>23</sup> Unidades de Manejo Ambiental [Documentos relacionados al Programa para otorgar subsidios de conservación y aprovechamiento sustentable de la vida silvestre nativa | Secretaría de Medio Ambiente y Recursos Naturales | Gobierno | gob.mx \(www.gob.mx\)](https://www.gob.mx/documentos-relacionados-al-programa-para-otorgar-subsidios-de-conservacion-y-aprovechamiento-sustentable-de-la-vida-silvestre-nativa)

<sup>24</sup> Áreas Naturales Protegidas [Listado de las Áreas Naturales Protegidas de México \(LISTANP\) | gob.mx | CONANP](https://www.gob.mx/listado-de-las-areas-naturales-protegidas-de-mexico)



		<i>* Mandatory for entities of the Public Administration, within the scope of their respective competencies. The actions and guidelines established in the management programs (zoning schemes) must be followed and complied by individuals and legal entities in their work related to environmental conservation and biodiversity (which should be supervised and verified by the 'Attorney Office of Environmental Protection').</i>
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### Effects on water quality

Potential effects to water quality are regulated by the National Commission of Water and Federal Ministry of Environment and Natural Resources (Table 5).

**Table 5.** Regulations related to effects on water quality.

Agency	Relevant Statute	Implementation
National Commission of Water  Federal Ministry of Environment and Natural Resources	Law of National Waters (Articles 9-12)  General Law of Ecological Equilibrium and Environmental Protection (Articles 117-133)	<b>National Network of Water Quality Monitoring<sup>25</sup></b> – Systematic and permanent monitoring of water quality in the country's main bodies of water. This network covers coastal and marine waters, surface waters (such as rivers, streams, lakes, lagoons, and reservoirs) and groundwater (wells). This network is essential for understanding and managing water quality in Mexico, focusing on physicochemical and microbiological parameters according to the type of water body.
Federal Ministry of Environment and Natural Resources  National Commission of Water	Law of National Waters (Articles 85-96; 98; 113; 120)  General Law of Ecological Equilibrium and Environmental Protection (Articles 117-133)	<b>Official National Norms</b> <ul style="list-style-type: none"> <li>• <b>NOM-CONAGUA [11]<sup>26</sup></b>            These 11 norms establish rules, specifications, attributes, guidelines, features, or prescriptions applicable to a product, process, installation, system, activity, service, or method of production or operation, as well as those related to terminology, symbols, packaging, marking, or labeling. This ensures the right of every person to access, provision, and sanitation of water for personal and domestic consumption in a sufficient, wholesome, acceptable, and affordable manner.</li> </ul>

<sup>25</sup> Red Nacional de Medición de Calidad [Calidad del agua en México | Comisión Nacional del Agua | Gobierno | gov.mx \(www.gov.mx\)](#)

<sup>26</sup> Normas Oficiales Mexicanas vigentes en materia hídrica [Normas Oficiales Mexicanas \(NOM\) | Comisión Nacional del Agua | Gobierno | gov.mx \(www.gov.mx\)](#)



		<ul style="list-style-type: none"> <li>• <b>NOM-SEMARNAT-001<sup>27</sup></b> – In order to preserve human rights to water and sanitation, as well as to ensure availability, accessibility, affordability, quality, safety, and acceptability, it establishes the permissible limits of contaminants in wastewater discharges into bodies of water owned by the Nation. <i>*Compliance with these standards are mandatory throughout the National Territory for individuals or legal entities that promote changes in water quality (which are supervised and verified by the ‘Attorney Office of Environmental Protection’).</i></li> </ul>
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### Effects on social and economic systems

Potential social and economic effects are regulated by Federal and State Ministries of Environment and Natural Resources and State Ministries of Urban Development and Ecological Ordinance (Table 6).

**Table 6.** Regulations related to effects on social and economic systems.

Agency	Relevant Statute	Implementation
Federal and State Ministries of Environment and Natural Resources	General Law of Ecological Equilibrium and Environmental Protection (Articles 5-IX, 7-IX, 8-VIII, 19-20)	<b>Land planning<sup>29</sup></b> – These territorial policy instruments establish guidelines for land use based on suitability studies, considering the preservation of environmental services. There are three categories: State, Municipal, and Regional, which often overlap under a principle of subsidiarity.
State Ministries of Urban Development and Ecological Ordinance	General Law of Human Settlements, Territorial Ordinance and Urban Development <sup>28</sup>	<i>* Compliance with its zoning is mandatory to individuals and legal entities throughout the National Territory. It must extend to decision-making related to land and natural resource management, including ‘Protected Areas’ and ‘Urban/Metropolitan Development Plans’ (which should be supervised and verified by the ‘Attorney Office of Environmental Protection’).</i>
Federal Ministry of Environment and Natural Resources	General Law of Ecological Equilibrium and Environmental	<b>Marine Spatial Planning<sup>30</sup></b> - It aims to plan and manage sustainable use of marine spaces, considering ecological, social, and economic aspects,

<sup>27</sup> Establece los límites permisibles de contaminantes en las descargas de aguas residuales en cuerpos receptores propiedad de la Nación [Se publica NOM-001-SEMARNAT-2021, que establece límites de contaminantes en descargas de aguas residuales | Secretaría de Medio Ambiente y Recursos Naturales | Gobierno | gob.mx \(www.gob.mx\)](https://www.gob.mx/semarnat/documentos/nom-001-semarnat-2021)

<sup>28</sup> Ley General de Asentamientos Humanos, Ordenamiento Territorial y Desarrollo Urbano [https://www.diputados.gob.mx/LeyesBiblio/pdf/LGAHOTDU\\_010621.pdf](https://www.diputados.gob.mx/LeyesBiblio/pdf/LGAHOTDU_010621.pdf)

<sup>29</sup> Ordenamiento Ecológico de Territorio [Ordenamiento Ecológico \(semarnat.gob.mx\)](https://www.semarnat.gob.mx/)

<sup>30</sup> Bitácoras de Ordenamiento Ecológico Marino (<https://www.gob.mx/semarnat/acciones-y-programas/bitacoras-de-ordenamiento-ecologico-marino>)



	Protection (Articles 5-IX, 7-IX, 8-VIII, 19-20)	<p>while it addresses marine challenges and provides certainty for activities related to the marine environment. It is another category of Land Planning Currently there are four regional MSP instruments: Gulf of California (2006)<sup>31</sup>, Gulf of Mexico and Caribbean Sea (2012)<sup>32</sup>, North Pacific (2023)<sup>33</sup> and the Central-South Pacific is currently being developed<sup>34</sup>.</p> <p><i>* Compliance with its zoning is mandatory to individuals and legal entities throughout the National Territory. It must extend to decision-making related to marine resource management, including 'Protected Areas' (which should be supervised and verified by the 'Attorney Office of Environmental Protection').</i></p>
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## Additional Information

### Consistency Between Jurisdictions

In Mexico, sociopolitical fragmentation of sector-oriented policies (e.g., official national norms, protected areas, land planning) has created a complicated regulatory scenario for public and private interests immersed in multiple administrative boundaries (Federal, States, and Municipalities). Furthermore, private stakeholders usually lobby and gain favor for beneficial land use zoning in land planning instruments or, if not, they transgress its zoning and official norms with impunity.

Nevertheless, there is evidence in the terrestrial coastal zone that land planning and protected areas have a complementary design, their overlapped zoning favors natural cover preservation. In this sense, regional land planning can play a pivotal role in maintaining watersheds and their hydrological environmental services, which could be enhanced by protected areas.

Given that most of the mentioned instruments (implementations of statutes) are binding, the jurisdiction of the Attorney Office of Environmental Protection should play a more crucial role in their supervision and verification, which is most often not the case.

<sup>31</sup> Bitácora Ambiental Golfo de California (<https://www.gob.mx/semarnat/acciones-y-programas/bitacora-ambiental-golfo-de-california>)

<sup>32</sup> Bitácora Ambiental Golfo de México y Mar Caribe (<https://www.gob.mx/semarnat/acciones-y-programas/bitacora-ambiental-golfo-de-mexico-y-mar-caribe>)

<sup>33</sup> Bitácora de Ordenamiento Ecológico Marino y Regional del Pacífico Norte (<https://www.gob.mx/semarnat/acciones-y-programas/bitacora-de-ordenamiento-ecologico-marino-y-regional-del-pacifico-norte>)

<sup>34</sup> Bitácora Ambiental del Programa de Ordenamiento Ecológico Marino y Regional del Pacífico Centro Sur (<https://www.gob.mx/semarnat/acciones-y-programas/bitacora-ambiental-del-programa-de-ordenamiento-ecologico-marino-y-regional-del-pacifico-centro-sur>)