

# RITCH MUELLER

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## ENERGY AND INFRASTRUCTURE NEWSFLASH

### SENER Publishes Provisions on the Social Impact Assessment for the Energy Sector

On February 16, 2026, the Ministry of Energy ("SENER") published in the Federal Official Gazette ("DOF") the Resolution issuing the General Administrative Provisions on the Social Impact Assessment for the Energy Sector (the "Provisions").

The purpose of the Provisions is to establish, among other matters, the requirements for the preparation and submission of the Social Impact Assessment for the Energy Sector ("MISSE", by its Spanish acronym), as well as the procedure to be followed by SENER for such effect.

The Provisions apply at a Federal level throughout the United Mexican States to activities in the Electricity, Hydrocarbons, Geothermal and Biofuels sectors, as well as to any other activity established under the various laws and regulations governing the Energy Sector in Mexico.

The Provisions address, among other matters, the following:

**I. General Provisions**

Several requirements are established for the preparation of the MISSE and the implementation of a specific Social Management Plan, including, among others: (i) the voluntary participation of individuals comprising the localities; (ii) notification to representative authorities in the case of studies conducted in Indigenous or Afro-Mexican peoples or communities; (iii) the cross-cutting application of a Gender Perspective in all phases of the project or activity; and (iv) the preparation of the MISSE with recent, reliable, and verifiable information.

**II. Scope of Application**

The MISSE must be submitted for the following activities:

<b>Hydrocarbons Sector</b>	Invasive marine or onshore seismic surface exploration.
	Exploration or extraction of hydrocarbons in a contractual area or assignment area.
	Petroleum treatment, processing, or refining.
	Storage of hydrocarbons, petroleum products, or petrochemicals
	Distribution or transportation of hydrocarbons, petroleum products, or petrochemicals by pipeline.
	Natural gas compression or decompression.
	Natural gas regasification or liquefaction.
	Natural gas processing or treatment.
	Retail sale or delivery for self-consumption of natural gas or petroleum products.
<b>Electricity Sector</b>	Electricity generation.
	Public electricity transmission service.
	Electricity storage.
<b>Biofuels Sector</b>	Production of biofuels equal to or greater than 5,000 cubic meters per day.
	Transportation of biofuels.
	Storage of biofuels with a capacity equal to or greater than 300,000 liters.
<b>Geothermal Sector</b>	Geothermal resource exploration requiring infrastructure or well drilling.

### **III. Exceptions**

In addition to the exceptions set forth in the Regulations of the Electricity Sector Law and the Regulations of the Hydrocarbons Law, the Provisions establish various scenarios under which the submission of the MISSE is not required, including, among others: (i) works and activities related to the public electricity distribution service; (ii) commercialization activities under the terms of the Electricity Sector Law and its Regulations; and (iii) hydrocarbons and petroleum product import and export permits granted under the Foreign Trade Law.

### **IV. Content and Submission of the MISSE**

The Provisions establish minimum content requirements for the preparation of the MISSE, including: (i) general information about the project and the applicant; (ii) area of influence; (iii) localities situated within the area of influence; (iv) identification, characterization, prediction, and assessment of social impacts; and (v) Social Management Plan and shared social benefits.

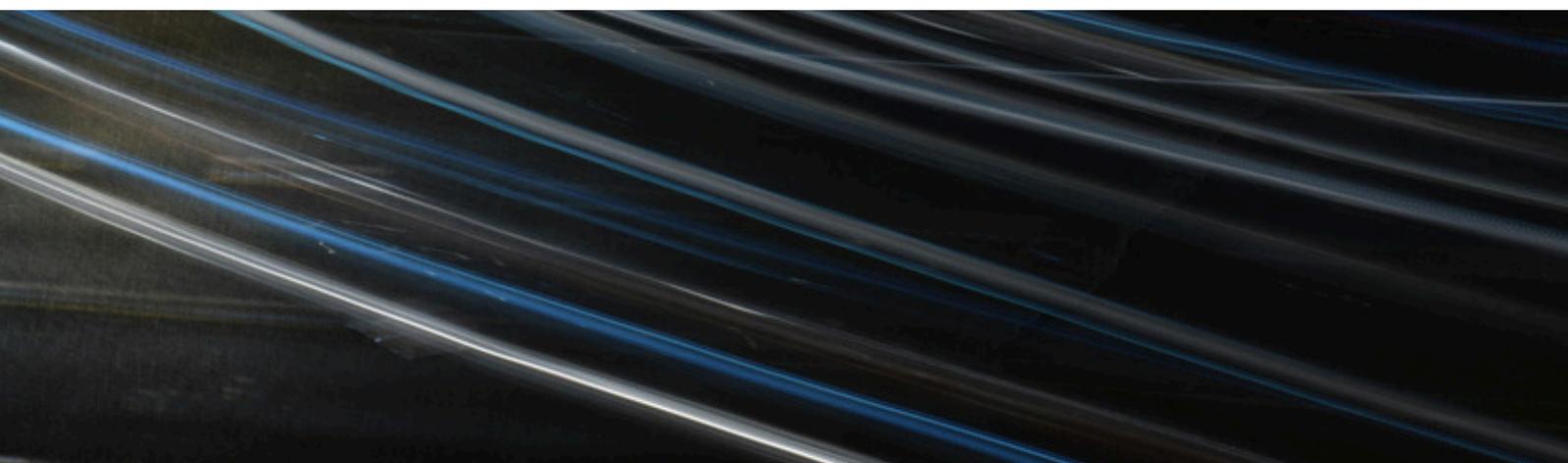
In addition, depending on the characteristics of the project or activity, the specific requirements set forth in the formats provided for such purposes in the Provisions must be met.

The MISSE must be submitted through SENER's Energy Services Window (*Ventanilla Energética*) using electronic signature and prior to the commencement of the development of infrastructure associated with the relevant project or activity.

### **V. Evaluation**

SENER must conduct a comprehensive review of the MISSE within a period not exceeding 90 calendar days for Electricity Sector projects and 90 business days for Hydrocarbons, Geothermal, and Biofuels Sector projects, and must issue a resolution that: (i) grants definitive authorization; (ii) grants conditional authorization; or (iii) denies the requested authorization.

It is relevant to note that the definitive authorization of the MISSE is a prerequisite for the commencement of infrastructure development associated with the project, and that obtaining the MISSE or the acknowledgment of receipt thereof is required in order to obtain the energy sector administrative instrument that authorizes the activity to be developed, issued by SENER or the National Energy Commission.



## **VI. Revocation**

The Provisions set forth revocation causes of the MISSE authorization, including, among others: (i) failure to carry out the project; (ii) evidence that the project commenced construction prior to the granting of the definitive MISSE authorization; (iii) court orders; (iv) revocation of the energy sector administrative instrument that authorizes the activity; and (v) failure to comply with the terms and conditions of the authorization or with the agreements resulting from prior, free, and informed consultation procedures with Indigenous or Afro-Mexican peoples or communities.

## **VII. Entry into Force**

The Provisions entered into force on February 17, 2026, and repealed the General Administrative Provisions on Social Impact Assessment in the energy sector published in the DOF on June 1, 2018.

Notwithstanding the foregoing, Social Impact Assessments and MISSE applications pending prior to the entry into force of the Provisions shall be processed to completion in accordance with the provisions in force at the time of their submission.

We invite you to contact your usual contacts at Ritch Mueller to discuss any matters related to the issues described in this note.

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