

Social Impact Assessment in the Energy Sector: A new standard for the development and operation of energy projects

As part of the 2024 and 2025 legal and regulatory restructuring of the energy sector, on February 16, 2026, the Ministry of Energy ("**SENER**") issued the General Administrative Provisions ("**DACG**") on the Social Impact Assessment in the Energy Sector ("**MISSE**"), which regulate the preparation, submission, exceptions, validity, amendments and approval of the MISSE in the electricity, hydrocarbons, geothermal and biofuels sectors, replacing the Social Impact Assessment ("**EVIS**") provided under the now-repealed Hydrocarbons Law and Electricity Industry Law.

- **Compulsory requirement for energy sector projects:**

A MISSE authorization is a prerequisite to carry out activities involving the development of infrastructure in the hydrocarbons and electricity sectors. Unlike the requirements for the development of energy projects in Mexico prior to the 2025 energy reform—where construction of the relevant project could begin even before obtaining EVIS authorization—it is now essential to obtain a final MISSE authorization prior to commencing construction activities of the relevant project, even if all other applicable energy, technical and environmental permits have already been obtained.

- **Content and procedure of the DACG:**

- Content of the MISSE: The DACG establish the different sections comprising the minimum required information, which are mainly: **(i)** general project information; **(ii)** the project's area of influence and its localities; **(iii)** stakeholders; and **(iv)** social impacts and the social management plan.
- Types of resolution: SENER may grant any of the following authorizations **(i)** final if the project complies with the requirements set forth in the DACG; or **(ii)** conditional if prior consultation or adjustments and additional measures are required. SENER may deny the authorization, primarily where there is risk to communities or lack of consent, among other grounds provided in the DACG.
- Procedure and resolution timelines: Upon submission of the MISSE, SENER has 30 business days to review it and issue comments, as

applicable, and the applicant has 20 business days to remedy any missing information identified by the authority. The maximum resolution period is 90 business or calendar days depending on the sector, and 45 business days for conditionally authorized projects. The time periods will be suspended if the regulator makes information requests.

- Term and amendments: The term of the MISSE authorization is linked to the useful life of the project, unless material changes occur. For example, any merger, dissolution or change of ownership of the project.
- Revocation: Revocation of the primary permit also entails revocation of the MISSE.
- Social Investment: The social management plan must include mitigation measures, compensation measures, grievance and monitoring mechanisms. The shared benefits budget must be equal to or greater than the amount allocated to impact mitigation.
- Submission: Electronically through the Electronic Energy Platform (*Ventanilla de Energía*) as of its effectiveness on February 17, 2026. It can be submitted in person only in exceptional cases.

• **Obligated Parties:**

The following are required to obtain a MISSE authorization: upstream assignees and exploration and production contractors, and permit applicants in the electricity, hydrocarbons, geothermal and biofuels sectors established in the DACG. As a general rule, activities that do not require infrastructure development are exempt, including electricity distribution and supply, the import or export of hydrocarbons or refined petroleum products, and the procurement of services without infrastructure development.

• **Types of MISSE:**

As with the EVIS, the MISSE provides differentiated requirements depending on the nature and impact of the type of project to be developed. There are three types of forms:

- **Form (A)**: For lower-impact activities (e.g., electricity generation <20 MW, retail sale of refined products at service stations and pipeline distribution); and
- **Forms (B) and (C)**: For higher-impact activities (e.g., electricity generation >20 MW, oil refining or processing and pipeline transportation).

- **Transitional regime:**

The DACG became effective on February 17, 2026, repealing the provisions issued in June 2018 regarding the EVIS, and establishing that ongoing procedures will continue to be governed by the prior regulation until their conclusion.

Among the key aspects that developers must anticipate are the following: **(i)** early collection of social and economic information within the area of influence; **(ii)** due diligence on the applicability of prior, free and informed consultation; **(iii)** planning programmatic rather than isolated social investments; **(iv)** establishment of effective grievance and community engagement mechanisms; and **(v)** continuous updating of the MISSE in the event of any project modifications.

The MISSE entails an ongoing regulatory burden with annual reports and potential audits; which will be key to anticipating social risks and sanctions.

If you require information or advice in connection with this note, please contact our EnergyandProjects@nhg.com.mx team.