

CLIENT ALERT

Energy, Mining & Infrastructure

[CONTACT](#)

[FEEDBACK](#)

[FORWARD](#)

[WEBSITE](#)

SENER publishes Social Impact Assessment Guidelines applicable to the Energy Sector

On June 1, 2018, the Ministry of Energy (the "**SENER**") published in the Federal Official Gazette, an accord containing Social Impact Assessment Guidelines applicable to the Energy Sector (the "**Guidelines**").

The Guidelines contain the elements, requirements and formats that interested parties should observe when preparing and filing of a Social Impact Assessment ("**SIA**"), stating that a SIA must (i) ensure that human rights are protected, (ii) contain a participatory approach, (iii) incorporate a gender perspective and (iv) use updated, reliable and verifiable information.

In particular, the Guidelines establish that a SIA must be submitted in one of four formats: A, B, C or D depending on the activities under consideration, as shown below:

Formats			
(A)	(B)	(C)	(D)
Public retail of oil products through gas stations of gasoline and diesel.	Non-invasive terrestrial seismic surface exploration or exploration without the use of infrastructure.	Maritime surface exploration.	Oil treatment and refining.
Public retail of natural gas and LP gas through gas stations, gas stations with an specific purpose or gas stations with multiple purposes.	Distribution of Natural Gas and Oil Products through pipelines.	Invasive terrestrial seismic surface exploration or exploration with the use of infrastructure.	Transportation of hydrocarbons, oil products and petrochemicals through a 100 km or longer pipeline.
Public retail of natural gas and LP gas through a retail warehouse.	Distribution of oil products through a distribution facility.	Public service of transmission and distribution of electrical energy.	Hydrocarbons exploration and extraction in contractual or assigned areas.
Natural gas compression and decompression.	Transportation of hydrocarbons, oil products and petrochemicals through a 10 km or shorter pipeline.	Storage of natural gas and oil products.	Power generation through solar radiation with a 200 MW or greater capacity.
Public service of power distribution (extensions no greater than a 2 kilometers radio).	Distribution and transportation of hydrocarbons and oil products through means other than pipelines.	Liquefaction and regasification of natural gas.	Power generation through a hydroelectric plant with a 80 MW or greater capacity.
Power generation within industrial facilities, productive facilities, commercial facilities and/or ongoing services facilities whose capacity is equal or less than 10 MW.	Public service of power transmission within industrial parks or industrial zones.	Transportation of hydrocarbons, oil products and petrochemicals through a pipeline longer than 10 km but shorter than 100 km.	Power generation through a wind power plant with a 100 MW or greater capacity.
		Power generation through solar radiation with a capacity greater than 10 MW but less than 200 MW.	Power generation through a cogeneration plant and a thermal power plant with a 300 MW or greater capacity.
	Power generation through an hydraulic plant with a capacity of less than 80 MW.	Any other power generation activities through clean energy sources with a 200 MW or greater capacity.	
	Power generation through a wind power plant with a capacity greater than 10 MW but less than 100 MW.		
	Power generation through a cogeneration plant and a thermal power plant with a capacity greater than 10 MW but less than 300 MW.		
	Power generation within industrial facilities, productive facilities, commercial facilities and/or ongoing services facilities with a 250 MW or greater capacity.		
Power generation with a 10 MW or less capacity, except hydro electrical projects; or power generation projects with a 10 MW or greater capacity but less than a 250 MW capacity, within industrial facilities, productive facilities, commercial facilities and/or ongoing services facilities.	Any other power generation activities through clean energy sources with a capacity greater than 10 MW but less than 200 MW.		

A SIA must consider all of the stages of the energy project and contain at least the following information:

- i. General Information of the project;
- ii. Project influence area;
- iii. Identification and characterization of the communities and towns surrounding the project influence area;
- iv. Identification, characterization and prediction of the positive or negative social impacts regarding the project;
- v. Social management plan.

A SIA must be filed before SENER's General Direction of Social Impact and Surface Occupation (the "**General Direction**"), in accordance with Title Third of the Federal Administrative Procedure Law, through a writ accompanied by the SIA in an editable data storage device, as well as an electronic copy in a public consulting version or a written submission signed by the legal representative of the interested party, authorizing that confidential information contained in the SIA may be managed publicly.

The General Direction, subject to certain exceptions, will issue the corresponding resolution within 90 days after the receipt of the corresponding SIA. For projects belonging to the hydrocarbon sector, the period to issue the resolution shall be calculated in business days, while for projects of the power sector the timeframe will be calculated in calendar days, as long as the applicant was not required to submit additional information by the General Direction, in which case the corresponding deadline will be suspended.

The Provisions became effective on June 2nd, 2018.

Our Firm will be happy to answer any question or inquiry regarding this alert.

[DOWNLOAD ALERT](#)

Authors

Marco Nieto Vázquez
marco.nieto-vazquez@bakermckenzie.com

Paulina Doen Castillo
paulina.doen-castillo@bakermckenzie.com

Contacts

Benjamin Torres Barrón - Mexico City
benjamin.torres-barron@bakermckenzie.com

Jorge Guadarrama Yáñez - Mexico City
jorge.guadarrama-yanez@bakermckenzie.com

Federico Ruanova Guinea - Tijuana
federico.ruanova-guinea@bakermckenzie.com

Luis Carbajo Martínez - Mexico City
luis.carbajo-martinez@bakermckenzie.com

Carlos Alberto Linares García - Monterrey
carlos.linares-garcia@bakermckenzie.com

Héctor Reyes Freaner - Mexico City
hector.reyes-freaner@bakermckenzie.com

José M. Larroque - Tijuana
jose.larroque@bakermckenzie.com

Juan Carlos Valles Zavala - Juárez
juan.valles-zavala@bakermckenzie.com

Eduardo Romero Ramos - Juárez
eduardo.romero-ramos@bakermckenzie.com

Alejandro Sepúlveda - Mexico City
alejandro.sepulveda@bakermckenzie.com

Gaspar Gutiérrez Centeno - Mexico City
gaspar.gutierrez-centeno@bakermckenzie.com

Juan Bernardo García Garza - Monterrey
juan.garcia-garza@bakermckenzie.com

Jorge L. Ruiz - Juárez
jorge.ruiz@bakermckenzie.com

Fabian Monsalve Agraz - Guadalajara
fabian.monsalve-agraz@bakermckenzie.com

Reynaldo Vizcarra Méndez - Mexico City
reynaldo.vizcarra-mendez@bakermckenzie.com

Manuel Padron Castillo - Juárez
manuel.padron-castillo@bakermckenzie.com

Adriana Ibarra Fernández - Mexico City
adriana.ibarra-fernandez@bakermckenzie.com

Fernando Godard Pérez - Mexico City
fernando.godard-perez@bakermckenzie.com

