

# ACCESS TO FACILITY-SPECIFIC ENVIRONMENTAL INFORMATION



## MEXICO

As a signatory to the [Aarhus Convention](#) and several other international agreements, Mexico has adopted modern environmental information access rules. The first law enacted to follow Aarhus procedures was the [Federal Law of Transparency and Access to Government Public Information in 2002](#) which had “the purpose of providing what is necessary to guarantee the access of every person to the information of the public administration in possession of the Powers of the Union and any other federal entity.”

The general environmental law in Mexico also provides a basis for public access: Article 159 sec. 3 of the [General Law of Ecological Balance and Environmental Protection](#), states:

*Environmental information is any information written, visual or in the form of a database, available to the environmental authorities regarding water, air, soil, flora, fauna and natural resources in general, as well as the activities or measures that affect them or may affect them.*

Mexico maintains a [Registry of Emissions and Transfer of Pollutants](#) online. This is required to be updated annually, but has not been. However:

*“...when the information you want to access is not found in the National System of Environmental Information and Resources, anyone will have the right to request it from the Ministry of Environment and Natural Resources, the States, the Federal District and the Municipalities, which must make it available to them, in the event that the information generates any cost, the expenses generated will be borne by the applicant. In this sense, expenses shall be understood as the costs generated by virtue of the fact that the information must be delivered in simple copies, certified copies or through a CD or DVD.”*

Espinoza et al. “[Access to Environmental Information](#),” Question Const. no.29 Mexico Jul./Dec. 2013 (a detailed discussion of the law and its origins in English).

Following Aarhus precedent, the Mexico law allows non-disclosure to be discretionary only for pending enforcement or judicial cases.<sup>1</sup>

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<sup>1</sup> "...environmental information may be denied when: *a*) The information is confidential, *b*) The information affects national security, *c*) It is information related to matters that are the subject of judicial procedures or inspection and surveillance, pending, *d*) is information provided by third parties when they are not bound by law to provide it, *e*) is information on inventories and inputs and process technologies, including the description of the same and *f*) the information is reserved." Espinoza, supra (emphasis added).