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ENVIRONMENTAL BULLETIN.

Environmental liability and its regulation under Mexican law.

In Mexico as in many other countries, environmental liability is a highly important matter for legal entities. Directors or legal representatives are responsible for acts or omission offenses.

Under the Federal Civil Code ("Code") legal entities are liable for the damages and injuries caused by their legal representatives arising through the performance of their duties. However, the Code also recognizes that whoever makes payment for the damages and injuries caused by the employees, workers or officers, may claim restitution for such amounts from the person who committed the act. There are two ways to pay damages to the victim, either by restore the situation to its previous conditions or by indemnifying the victim.

On the other hand, the Federal Penal Code, regulates, amongst others, federal environmental crimes, and applicable penalties, ranging from fines to jail sentences. Some of the federal environmental offenses, referred to are: i) undertaking activities with hazardous materials or wastes which harm public health and the environment; ii) discharging wastewater, wastes or pollutants in soils, marines waters, ground waters that cause harm to public health and the environment; iii) releasing pollutants into the atmosphere, causing damage to natural resources; iv) any act causing impact to public health and the environment without authorization. Penalties vary from fines of up to three thousand times the minimum daily wage to jail sentences of six months to then years.

The General Law of Ecological Balance and Environmental Protection, establishes the administrative sanctions that the environmental authority may impose in order to preserve the environment. Any violation to the provisions of environmental laws and regulations, are subject to administrative sanctions, regardless of the civil and criminal sanctions applicable to the case.

In conclusion, we highly recommend observing and complying with the environmental regulations, in order to avoid sanctions from the competent authorities.

This bulletin is for information only, if you need legal analysis on this matter, please contact us.