

On December 11, 2025, a Decree enacting the General Water Law (*Ley General de Aguas*; "GWL") and, amending, adding and repealing various provisions to the existing National Water Law (*Ley de Aguas Nacionales*; "NWL") (the "Water Reform") was published in the Official Gazette of the Federation (*Diario Oficial de la Federación*).

Through the Water Reform, the legal regime for concessions and permits related to the extraction, use, and exploitation of national waters, the discharge of wastewater into federal receiving bodies, and national assets administered by the National Water Commission (*Comisión Nacional del Agua*; "Conagua") is substantially redefined. The main changes and considerations for users and holders of national water concessions and discharge permits are highlighted below:

1. **Water Responsibility:** This principle is incorporated, and it is defined as the responsible management and good practices of concession holders to optimize the management, use, reuse, and sustainable utilization of national waters. Compliance with this principle may facilitate administrative procedures, such as extensions, and mitigate sanctions in case of infractions.

2. **Prohibitions on Transfer of Concessions and new process for Reassignment of Water Rights:** Transfers of concessions between private parties are prohibited. Instead, Conagua may reassign water rights recovered through the National Waters Reserve Fund (*Fondo de Reserva de Aguas Nacionales*). Both the reassignment and the Fund will be further regulated after the enactment of the Water Reform.

3. **Water Supply between Private Parties:** Concession holders are prohibited from supplying water to third parties when the water is used for a purpose different from that authorized under the underlying concession. A breach of this provision constitutes grounds for the termination of the relevant concession and may result in administrative sanctions.

4. **Non-Forfeiture Fee:** The Decree sets forth that the 2-year period for payment of the non-forfeiture fee (*cuota de garantía*) for avoiding the forfeiture of water rights (*caducidad de volúmenes*) may be extended up to two times upon justification to Conagua.

5. **Extensions:** Extensions of water concession titles and discharge permits shall be requested during the last three (3) years of validity and at least six (6) months before their expiration. For granting the extension of concession titles and discharge permits, Conagua shall assess: (i) water responsibility of the concession or permit holder, and (ii) compliance with tax obligations.

6. **Change of Use:** The right to modify the use of concessioned national waters is eliminated, even if the previously authorized consumptive use is not altered.

7. **Rainwater Harvesting:** The harvesting of rainwater for purposes other than personal or domestic consumption (e.g., industrial, services or commercial) will require prior authorization from Conagua. The rainwater harvesting systems for personal or domestic will require authorization from the corresponding Mexican states.

8. **Public National Water Registry:** A new Public National Water Registry (*Registro Público Nacional del Agua*) is created to provide transparency and legal certainty to the legal acts concerning water concessions and permits granted by Conagua.

9. **Procedure for Imposing Sanctions:** The Water Reform toughens the sanctioning procedure, increasing fines and incorporating new grounds for temporary or permanent shutdown (total or partial).

10. **New Special Water Crimes:** New special crimes are defined, which are prosecutable ex-officio, among which the following stand out: (i) the transfer of national waters for profit while having knowledge that the corresponding water volumes have an illegal source; (ii) the alteration, diversion, or obstruction of watercourses, basins, or water flows; and (iii) acts of corruption related to procedures concerning national water.

The Water Reform establishes a new standard in terms of water compliance and management. Consequently, it is recommended to conduct a comprehensive evaluation of the corresponding concession titles and wastewater discharge permits, as well as the associated operations and controls, in order to ensure timely alignment and mitigate operational, regulatory, and criminal risks.

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