

CLIMATE CHANGE LEGISLATION IN

MEXICO

AN EXCERPT FROM

The 2015 Global Climate Legislation Study **A Review of Climate Change Legislation in 99 Countries**



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Mexico

Legislative Process

The United Mexican States (Mexico) has a bicameral legislature (Congress) made up of the Chamber of Deputies and the Senate. The Lower Chamber is formed by 300 members elected in a system of electoral districts, and 200 members elected through a system of regional lists for a three-year term. The Senate has 128 senators, two of whom are elected and one assigned for each of the 31 states and the Federal District for a six-year term. The last Senate and Chamber of Deputies election was held in 2012 (next Chamber of Deputies election scheduled for July 2015, next Senate election for July 2018).

The Constitution establishes that only the President and members of the Congress can introduce a bill in Congress. In practice, most bills are initiated by the executive branch. With a few exceptions, the legislative process requires the discussion and approval of a draft bill by both the Senate and the Chamber of Deputies. The Senate addresses all matters concerning foreign policy, approves international agreements and confirms presidential appointments. The Chamber of Deputies addresses all matters pertaining to the government's budget and public expenditures.

If passed in both Chambers, a bill becomes law once it has received presidential approval and been published in the official gazette. If not sanctioned, the bill is sent back to one of the chambers with suggested amendments, re-launching the legislative process for the adoption of that law.

Approach to Climate Change

In 2007 the Government adopted a first National Climate Change Strategy with the objective of defining a consensual public policy agenda to tackle climate change. The President also called on representatives from the legislative, executive and judiciary, private sector and civil society to integrate the announced Climate Change National System (eventually launched in 2014) and work for the promotion of a "truly sustainable development". The launch of the Inter-secretarial Commission on Climate change, formed of 13 secretaries, was also announced.

In July 2013 Mexico adopted the 10-20-40 National Climate Change Strategy. Following from the 2012 General Law on Climate Change, the Strategy outlines actions to be implemented until 2040. It sets out the main focal areas regarding cross-sectorial climate policy, adaptation to climate change and reduction of GHG emissions, presented as "eight axes of action".

These are: 1) reduce vulnerability to climate change of Mexicans living at risk and strengthen their resilience; 2) reduce the vulnerability of production

systems and strategic infrastructure against weather contingencies; 3) foster adaptability of ecosystems to the effects of global warming; 4) accelerate energy transition towards clean energy sources; 5) reduce power consumption intensity through efficiency and rationality schemes; 6) transition to sustainable city models, with intelligent mobility systems, integrated waste management and buildings with a low carbon footprint; 7) encourage better agricultural and forestry practices, with schemes for Reducing Emissions from Deforestation and Degradation (REDD+); and 8) reduce "short life" pollutant emissions, such as black carbon and methane, to improve the health and welfare of Mexicans.

The Strategy also reinforces Mexico's mitigation goals to reduce emissions by 30% by 2020 with respect to the business-as-usual scenario, and by 50% by 2050, as compared with emissions in 2000.

Internationally, Mexico has been one of the most active developing countries in relation to conducting and updating the UNFCCC's National Inventories on Greenhouse Emissions. It was the first developing country to submit the Fourth National Communication and is on the verge of presenting its Fifth National Communication. Mexico's hosting of COP16 in 2010 created momentum to address climate change, as evidenced by the four draft laws put forward to Congress by the major political parties that eventually led to the approval of the General Law on Climate Change (GLCC).

The GLCC became law in 2012 and was a major advance in Mexico's actions to tackle climate change. After a process of negotiation that lasted two years, the key breakthrough was a meeting in October 2011, convened by GLOBE International and addressed by former UK Deputy Prime Minister Lord Prescott. At this meeting legislators from different parties, who had proposed separate drafts of a climate change law, agreed to merge them into one single proposal. The GLCC was voted on, and approved, in the Mexican Senate in December 2011, coinciding with the UNFCCC COP17/CMP7 in Durban, South Africa.

The current National Development Plan (2013-2018), in turn, includes an environmental sustainability axis concerned with reinforcing climate change policy and environmental policy to promote transition to a "competitive, sustainable, resilient and low-carbon economy". The updated Special Programme on Climate Change (2014-2018) establishes goals, targets and actions necessary to promote climate change mitigation in the short term while securing economic competitiveness and allowing time for the development of adaptation strategies. The Government expects full implementation of the latter to achieve total annual emissions reduction of 83.2m tonnes of CO₂-equivalent (PCG100) by 2018 in relation to the business as usual scenario.

Energy supply

The Law on the Use of Renewable Energies and Financing the Energy Transition (LAERFTE) and the Law for Sustainable Energy Use (LASE) were both passed in 2008. They are expected to be merged and updated soon by a new Energy Transition Law, awaiting approval of the Senate at the time of writing. In 2009 a fund for renewable energy was created at the initial value of MXN3bn (USD220m). In a similar vein, the Law on Bioenergy Promotion and Development was passed in 2007 with the purpose of developing bioenergy in the country, thus contributing to energy diversification and sustainable development while supporting rural areas and promoting social inclusion. These bills all outline a broad framework for action and request the establishment of multiple bodies and funding mechanisms. In this sense, they represented the first step, a binding commitment of future action, which has been built on by the General Law on Climate Change. In December 2013, Mexico introduced a comprehensive Energy Reform to support competitiveness and efficiency of its energy sector and further promote the development of clean energies in particular in the electricity sector (renewables, smart grid). The reform also introduced the concept of 'sustainability' into the Constitution and created or amended a total of 21 laws. The 'Special Programme on the Use of Renewable Energy' (2014-2018) was adopted, which notably sets the ambitious targets of 34.6% of renewable and clean electricity generation capacity installed by 2018, and at least 25% share of renewables in gross electricity consumption by 2018.

Energy demand

Mexico's energy efficiency and demand side management policy is also based on the above-mentioned LAERFTE and LASE laws. The 'National Programme for Sustainable Use of Energy 2014-2018' was adopted on 28 April 2014 (following the first edition 2009-2012). The Programme sets six main objectives: develop measures to promote optimal energy use in the processes and activities of the national energy chain; strengthen the energy efficiency standards for appliances manufactured and/or marketed in the country; strengthen energy efficiency governance at the federal, state and municipal levels in co-operation with public, private, academic and social institutions; support the development of sustainable development technical capabilities; contribute to the dissemination of energy-saving culture among the population; and promote research and technological development related to energy efficiency. In addition, a number of programmes have been introduced, such as the 'National Project for Support of Efficient Municipal Lighting' (2010) and the 'Programme for Energy Savings and Efficiency by Companies' (2011).

Carbon pricing

Building on the existing National Emissions Registry and the recent tax reform (October 2013) that introduced a carbon tax on fossil fuels starting 2014 allowing companies to pay the levy with carbon credits, Mexico launched a voluntary emissions trading scheme (MEXICO₂) in 2013 and announced a cap-and-trade system for carbon emissions from energy sector in February 2014.

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In 2012 Congress passed a series of legal reforms on the Environmental Law (1988, last amended in 2014) and on the Sustainable Forest Development Law (2003), to facilitate the implementation of the REDD+ mechanism in Mexico. The amendments focus on harmonising the definitions of key terms, the development of economic instruments that benefit forest owners and users and the inclusion of REDD+ safeguards.

The development and passing of these legal reforms was led by the Mexico Programme of the GLOBE Legislators' Forest Initiative and highlight the beginning of a transition towards integrating REDD+ within national legal frameworks. Until then, the REDD+ mechanism has predominantly been discussed within the UNFCCC and the executive branch of governments. The legal reforms also take a critical step towards ensuring that local communities, which sustainably manage their forests, receive economic benefits derived from any future carbon payment scheme. The definition of environmental services has been adapted to emphasise the relationship between the benefits and the functionality of the natural ecosystem and the individuals settled in the territory.

The National Strategy for Reducing Emissions from Deforestation and Forest Degradation (ENAREDD+) was prepared in April 2014 by the Inter-secretariat Committee on Climate Change and is offered for public consultation until 2015, when it will be officially adopted. It aims to "reduce GHG emissions from deforestation and degradation of forest ecosystems and maintain and increase forest carbon stocks in the context of sustainable rural development in Mexico". The new National Forestry Programme 2014-2018 creates a basket of 17 indicators to evaluate the implementation of the Strategy objectives for 2018. In parallel, national and municipal forest inventories are to be created and linked to the REDD+ Measure, Reporting and Verification (MRV) system based on the latest UNFCCC guidelines. All economic instruments will be considered to promote environmental forest services, thus establishing a legal basis for new "payment for ecosystem services" mechanisms, so that forest land owners are the direct beneficiaries of the economic revenues generated by the sustainable management of their forests. In June 2014, there were 11 REDD+ projects and around 38 forest initiatives initiated in Mexico.

Adaptation

Due to its geographical features, Mexico is one of the countries most vulnerable to the effects of climate change, in particular droughts, floods, rising sea levels and frequent extreme events. Moreover, more than half of the population lives in poverty with limited adaptation capacity. In response to the adaptation challenges, the Special Programme on Climate Change 2013-2018 has been adopted. It defines two main objectives: "Reduce vulnerability of the population and productive sectors and strengthen the resilience of the strategic infrastructure" and "Protect, restore and sustainably manage ecosystems supporting the related environmental services for climate change adaptation and mitigation" and proposes a number of related measures.

Legislative portfolio - Mexico

Name of law	Energy Reform Package
Date	20 December 2013 (Constitutional Reform), 11 August 2014 (secondary legislation)
Summary	<p>The Constitutional Reform on Energy (Energy Reform Decree and related 9 newly created laws and 12 modified laws) aims to modernise the energy system by introducing greater competitiveness and efficiency to the hydrocarbons sector, supporting shift towards low-carbon electricity generation and introducing the concept of ‘sustainability’ into the Constitution.</p> <p>The new laws adopted within the Reform package include:</p> <ul style="list-style-type: none"> • Law on Hydrocarbons (seeks to attract foreign investment to Mexico’s hydrocarbon sector, but also eliminates gasoline subsidies and promotes substitution of oil energy sources by natural gas by establishing lower tax rates for shale gas exploitation; in addition it provides for creation of ‘safeguarded areas’ where hydrocarbon extraction is prohibited) • Law on the Electricity industry (increase share of renewable electricity, clean energy certification, planning for a smart grid) • Law on Coordinated Regulatory Organs for the energy matters • Law on Petróleos Mexicanos (reforms the structure and obligations of the state oil company PEMEX) • Law on the Federal Electricity Commission • Law on the Agency for National Industry Security and Environment Protection in the Hydrocarbon Sector (industry operations security and control of hazardous emissions) • Law on Geothermal Energy (regulates the exploration and exploitation of geothermal energy production for electricity generation and other uses) • Law on Revenues from Hydrocarbons • Law on the Mexican Petrol Fund for Stability and Development (revenues from petrol extraction in Mexico, of which at least 40% annually are reserved for long-term savings “for the future generations”, while the rest can be used for investment projects not limited to clean technologies – e.g. oil development projects included)

Name of law	General Law on Climate Change
Date	6 June 2012 (last amended on 07/05/2014)
Summary	<p>The approval of the GLCC gives certainty and continuity to climate policy in Mexico and sets the country on a path to a low carbon economy. It establishes the basis for the creation of institutions, legal frameworks and financing to move towards a low carbon economy. As a General Law, it specifies the different responsibilities of the Federation, Mexico’s pledge under the Copenhagen Accord, in terms of committing the country to an emissions reduction target of 30% below Business As Usual (BAU) by 2020, subject to the availability of financial resources and technology transfer, as well as 50% GHG emissions reduction by 2050 compared to 2000.</p> <p>The Law transforms the National Institute of Ecology into the National Institute of Ecology and Climate Change (INECC). The INECC will be responsible for compiling the National Emissions Inventory, will collaborate in the development of strategies, plans, programmes, instruments and actions related to sustainable development, the environment and climate change, and will help in the evaluation of national climate change policy. Through the Law, the Inter-ministerial Commission on Climate Change (IMCC), initially created by presidential agreement in 2005, is now formally the institution in charge of co-ordinating climate change government actions and formulating and implementing national adaptation and mitigation policies. The GLCC also establishes the National Climate Change System, formed by the IMCC, the INECC, state and municipal governments and representatives of</p>

Congress. Its main responsibility will be to co-ordinate the efforts of the Federal Government, states and municipalities.

Taking into account Mexico's vulnerability to climate impacts, the Law puts a strong emphasis on adaptation measures. The objective is to reduce social and ecosystem vulnerability by strengthening the resilience of natural and human systems to reduce damage and risk. One of the tools to achieve this is the "Risk Atlas" which includes information about current and future vulnerability scenarios.

The GLCC states that the national mitigation policy should include diagnosis, planning, measurement, reporting, verification and assessment of national GHG emissions. The national mitigation strategy will be implemented gradually; initially promoting the strengthening of national capacities and subsequently beginning mitigation activities in the most cost-effective sectors – energy production, transport, agriculture, forests and other land use, waste and industrial processes.

The GLCC also creates a climate change fund, which will channel public, private, national and international funding projects that simultaneously contribute to adaptation and mitigation actions, such as supporting state-level actions, research and innovation projects, technological development and transfer, and the purchase of Certified Emissions Reductions (CERs). The Law establishes a voluntary market for emissions trading to promote GHG reductions in a cost-effective, verifiable, measurable and reportable manner.

The National Climate Change Policy, the Special Programme on Climate Change, and the Special Programme on the Use of Renewable Energy lay down details for the implementation of the Law.

Name of law	Law for the Use of Renewable Energies and Financing the Energy Transition (LAERFTE)
Date	28 November 2008
Summary	<p>The law seeks to reduce dependence on hydrocarbons as the primary source of energy. Promotes and regulates the use of renewable energy sources and clean technology for electricity generation through the Special Programme for Renewable Energy Use. Establishes the National Strategy for the Energy Transition and Sustainable Energy Use and the Energy Transition Fund charged with creating financial mechanisms to support the energy transition. The Secretary of Energy is responsible for implementation of the Law.</p> <p>The law determines that the Federal Executive, in the context of the National Strategy for Energy Transition and Sustainable Energy Use, will design policies and measures to facilitate the inflow of resources from international mechanisms related to climate change mitigation.</p> <p>It promotes renewable energy generation including wind, solar, geothermal and hydropower. Charges the Regulatory Commission on Energy with creating methodologies to assess the contribution of renewable energy technologies to the National Electric System. In 2009, a new regulation on the Law created a 14-member National Consultative Council for Renewable Energy. This new regulation charged the Secretariat of Energy with establishing a National Inventory of Renewable Energy and a methodology to value the externalities of renewable electricity generation vis-à-vis fossil fuels. In preparation for the Special Programme, the Secretariat of Energy also has to create an annual forecast on the penetration rate of renewable energy so as to establish targets for renewable electricity.</p> <p>The regulatory instruments overseeing the services exchanged between energy suppliers and generators will be established by the Secretariat of Energy. The National Centre for Energy Control will observe the adequacy of the rules and fulfilment of the Law.</p>

Name of law	Law for Sustainable Energy Use (LASE)
Date	28 November 2008
Summary	<p>The Law for Sustainable Energy Use establishes the National Commission for Efficient Energy Use and provides for elaboration of the National Programme for Sustainable Energy Use. The Programme and the Commission are expected to promote scientific research related to sustainable energy use and shall design and implement permanent sustainable energy use programmes in all properties owned by the Federal Administration as well as apply sustainable use criteria in all acquired and rented properties or public works and services.</p> <p>In order to integrate and update the National Information Sub-system, Federal Administration entities and users with high energy consumption shall provide the Commission with information on production, exports, imports and consumption of all types of energy; energy efficiency in consumption; and measures implemented to save energy and its results.</p> <p>The Secretariat of Energy shall periodically revise the Programme and publish the results in the Federation's Official Gazette. The Consultative Council shall evaluate the fulfilment of the Programme's objectives. The National Commission shall request verification visits and information from those engaged in activities related to the sustainable use of energy.</p> <p>Based on LASE, the 'National Programme for Sustainable Use of Energy 2014-2018' was adopted on 28 April 2014 (following the first edition 2009-2012). The Programme sets six main objectives:</p> <ul style="list-style-type: none"> • develop measures to promote optimal energy use in the processes and activities of the national energy chain; • strengthen the energy efficiency standards for appliances manufactured and/or marketed in the country; • strengthen energy efficiency governance at the federal, state and municipal levels in co-operation with public, private, academic and social institutions; • support the development of sustainable development technical capabilities; • contribute to the dissemination of energy-saving culture among the population; • promote research and technological development related to energy efficiency. <p>The Programme also sets indicators to be attained by 2018, including the following:</p> <ul style="list-style-type: none"> • Limit energy intensity to at least 2012 levels • Cover at least 51% of national energy consumption with energy efficiency regulation • Establish at least 24 Energy Commissions for different States of the Federation (6 existing in 2012) • Increase by 10% the number of professionals competent in energy efficiency technologies or technical capabilities (compared to 2012) • Increase by 3% the number of persons that would have received information on benefits of energy efficiency measures (compared to 2012) • Increase by 5% the volume of finance allocated by funds and trusts to energy efficiency projects (baseline 2012)

Name of law	Law for Bioenergy Promotion and Development
Date	13 December 2007
Summary	<p>This law seeks to reduce GHG emissions as per the international instruments to which Mexico is a signatory. The Secretariat of Agriculture is charged with developing the Programme of Sustainable Input Production for Bioenergy and Scientific and Technological Development.</p>

The Inter-sectoral Commission for Bioenergy Development, in the context of the Development Plan, will promote the production and commercialisation of bioenergy inputs from activities in rural areas related to agriculture and animal husbandry, forests, seaweed, biotechnology and enzymatic processes.

The Secretariat of Agriculture and the Secretariat of Energy shall support scientific and technological research for sustainable bioenergy production and use as well as capacity building in this area. The Commission for Bioenergy shall implement measures including the creation of a National Network of Information and Research on Inputs.

The Secretariat of Energy is responsible for defining co-ordination mechanisms between different sectors of the Public Administration, federal entities and municipalities as well as different productive sectors in the country.

The Secretariat of Energy is also responsible for reviewing the annual budget and evaluating established programmes and their respective support instruments. It is also charged with monitoring the observance of environmental laws and measures, and of sanctioning infractions derived from the application of the bill.

Name of law	Accelerated Depreciation for Investments with Environmental Benefits
Date	2005
Summary	<p>The bill establishes that investments in environmentally friendly technologies, including renewable energy, could profit from accelerated depreciation. The information of the bill involves the Secretariat of Natural Resources and Environment as well as the Secretariat of Finance.</p> <p>The bill allows investors to deduct up to 100% of the investment in renewable energy projects from tax liability during the first year, in accordance with General Law for Ecological Equilibrium and Environmental Protection. Once the tax deduction is granted, the plant must remain active for at least 5 years.</p>

Name of law	General Law for Sustainable Forest Development
Date	25 February 2003 (last amended on 07/06/2013)
Summary	<p>The bill seeks to regulate and promote the conservation, protection, restoration, production, organisation, agricultural activity and management of Mexico's forests in order to secure sustainable forest development. To this end, it creates the National Forest Service, formed by different government authorities and the Mexican Forest Fund, charged with preparing and updating National Forestry and Soils Inventory, facilitating access to financial services and promoting payment for environmental services schemes.</p> <p>The bill also seeks to develop environmental goods and services in forests while preserving and enhancing biodiversity, and improving the social standards of forest peoples. It creates certification schemes in accordance with international practices. There is a strong focus on the creation of economic instruments for the development of forest activity such as fiscal stimulus, credit and funds.</p> <p>The National Forest Commission also co-ordinates the National Programme for Forest Research and Technological Development and participates in the formulation and implementation of national policy on sustainable forest development and elaboration of National Forestry Programme.</p>

The National Forestry Programme 2014-2018 was adopted on 28 April 2014 and aims among others at reducing GHG emissions and climate change impacts through protection and development of forest ecosystems. It includes the assessment of the state of Mexico's forestry sector, sets the Programme within the forestry policy framework constituted by different legislative documents and lays down 5 specific objectives, 28 strategies and 122 action directions.

The five key objectives are the following:

- Increase sustainable production and productivity of forests
- Promote conservation and restoration of forest ecosystems
- Protect forest ecosystems (forest fires, illegal logging)
- Promote and strengthen forest governance and local capacity building
- Promote and foster an enabling institutional framework for sustainable forest development

Moreover, the Programme sets targets for sustainable forest development. These include:

- Increase the percentage of sustainably harvested forest resources from 31.6% in 2013 to 58.7% in 2018
- Reach 94% of forest areas certified under "good forest management practice" by 2018
- Include at least 10.2% of forest area in the 'payment for ecosystem services' scheme
- Increase the percentage of restored or rehabilitated forest area from 0.71% in 2013 to 5.45% in 2018 (out of the areas designated for restoration)
- Reduce the annual net deforestation rate from -0.24% in 2010 to -0.20% in 2015 (18% reduction)
- Reduce the percentage of wood sold on illegal markets from 27.6% in 2012 to 0% in 2018 (proxy indicator)
- 8,750,000 tons of avoided CO₂e emissions from deforestation and forest degradation by 2018
- Increase by 30% the credits allocated for forestry development and conservation programmes by the Development Bank of Mexico between 2012 and 2018

Name of law	Special Tax Law on Production and Services (carbon tax)
Date	30 December 1980 (last amended 11/12/2013)
Summary	The 2012 amendments to the Special Tax Law introduced Mexico's carbon tax. It covers fossil fuel sales and imports by manufacturers, producers, and importers and is capped at 3% of the sales price of the fuel. Rather than imposing a levy on the full carbon content of fuels, it taxes the additional amount of emissions that are generated compared to if natural gas (not currently subject to tax) was used instead. Companies may also choose to pay the tax with credits from local CDM projects, which support the development of carbon trading schemes within Mexico.

Executive portfolio – Mexico

Name of Policy	National Climate Change Strategy
Date	5 June 2013
Summary	<p>The strategy sets out the main focal areas regarding cross-sectorial climate policy, adaptation to climate change and reduction of GHG emissions, presented as “eight axes of action”. These are:</p> <ol style="list-style-type: none">1. Reduce vulnerability to climate change of Mexicans living at risk and strengthen their resilience;2. Reduce the vulnerability of production systems and strategic infrastructure against weather contingencies;3. Foster adaptability of ecosystems to the effects of global warming;4. Accelerate energy transition towards clean energy sources;5. Reduce power consumption intensity through efficiency and rationality schemes;6. Transition to sustainable city models, with intelligent mobility systems, integrated waste management and buildings with a low carbon footprint;7. Encourage better agricultural and forestry practices, with schemes for Reducing Emissions from Deforestation and Degradation (REDD+);8. Reduce short lived pollutant emissions, such as black carbon and methane, to improve the health and welfare of Mexicans. <p>The Strategy also reinforces Mexico’s mitigation goals to reduce emissions by 30% by the year 2020 with respect to the business-as-usual scenario, and by 50% by 2050, as compared with emissions in 2000.</p>

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