



NEWSFLASH

Environmental audit inspections

#156 December 2021-January 2022 | January 27, 2022

On October 29, 2021, the Second Chamber of Mexico's Supreme Court of Justice published the judicial opinion through the contradiction of prior decision number 2a./J. 1/2021 (11a.), captioned: "Audit Inspections. An inspection order issued to verify environmental compliance in accordance with the General Law for Ecological Balance and Environmental Protection need not indicate a time to carry out the audit." In such new precedent, the Second Chamber held that "expressly stating the time period in which an audit must be carried out is not a valid requirement for an inspection order to be issued to verify environmental compliance in accordance with the General Law for Ecologic Balance and Environment Protection." The Second Chamber reasoned that violations which may cause environmental damages are not subject to a specific time of time; therefore, demanding a timeframe to perform the audit or setting a term to do so would make it impossible for environmental authorities to exercise their right to conduct audits. This is especially true considering that the ecological balance and fundamental rights to enjoy a healthy environment as guaranteed by the Constitution are legally protected. Therefore, an inspection order will be correctly issued if such contains clear and detailed obligations that shall be subject to audit, as well as those activities to be carried out by the authorities during the audit, so that the inspectors' actions are limited only to such authorized activities.

Contact:

Adrián Salgado

Partner

asalgado@ccn-law.com