MARTINEZ DE HOZ & RUEDA

NEWSLETTER ENERGY & NATURAL RESOURCES

NOVEMBER 2025

The energy world is under enormous transformation. Issues such as energy transition, energy security and climate change are in the global agenda. Thanks to its natural resources endowment, Argentina has a key role to play in the energy and mining sector. This newsletter intends to inform, with an analytical approach and on a monthly basis, the most relevant events, regulations, and case law taking place in our country.

IN THIS ISSUE

P.1. **HYDROCARBONS**

The FSE Suspends the Auditor Rotation Requirement for Safety, Technical, and Environmental Audits

The FSE Calls for a Public Hearing on New Targeted Energy Subsidy Scheme

Amendments to the Argentine Gas Standards

ENARGAS Called for a Public Hearing to Update the Regulatory Framework for CNG Vehicle Filling Stations

ENARGAS Extends Public Consultation on New Authorization Rules for Distribution Network Expansions

P.2. **POWER AND ELECTRICITY**

Government Adjusts Wholesale Electricity Prices and FNEE Charge

P.3. **TARIFF AND PRICE UPDATES**

Biofuels: Biofuels: Increase in Mandatory Purchase Prices

EDESUR and EDENOR: Adjustment of Distribution Cost and Tariff Schedules

ENARGAS Approved New Transitional Tariff Shedule

Updated PIST Price Under Plan Gas.Ar

ENRE Adjustment of Hourly Rates and Monthly Penalties for Electricity Transportation Licensees

Argentina Sets New Maximum Tariffs For Crude Oil Transportation

New Surcharge Applicable to the PIST Price

FSE Approved New Electricity Pricing Adjustments

P.4. **ENVIRONMENTAL**

Province of Chubut: New Requirements on Mandatory Environmental Insurance

P.5. **MINING**

Mendoza Created the Provincial Register of Mining Projects

P.6. **CASE LAW**

Scope of Free, Prior and Informed Consultation

P.7. **INSIGHTS ON THE ARGENTINE ENERGY INDUSTRY**

Mendoza Launches Public Tender for Five Hydrocarbon Areas

Transfer Of El Tordillo, La Tapera And Puesto Quiroga Concessions To Crown Point

Neuquen Reshapes its Ministerial Organization

Decree No. 811/2025 Eliminated Export Duties on Specific Goods

GENERAL DEFINED TERMS

"**Biofuels Law**" means the Federal Law No. 27,640.

"**EDENOR**" means (for its acronym in Spanish "*Empresa Distribuidora y Comercializadora Norte S.A.*").

"**EDESUR**" means (for its acronym in Spanish "*Empresa Distribuidora y Comercializadora Sur S.A.*).

"**ENARGAS**" means the National Gas Regulatory Authority (for its acronym in Spanish of *Ente Nacional Regulador de Gas*).

"**ENRE**" means the National Electricity Regulatory Authority (for its acronym in Spanish of *Ente Nacional Regulador de la Electricidad*).

"**FHL**" means the Federal Hydrocarbons Law No. 17,319, as amended by Laws No. 26,197, 27,007 and 27,742.

"**FSE**" means the Federal Secretariat of Energy.

"**Gas Law**" means the Natural Gas Law No. 24,076, as amended by Law 27,742.

"**ME**" means Ministry of Economy.

"**MEM**" means the Wholesale Electricity Market (for its acronym in Spanish of *Mercado Eléctrico Mayorista*).

"**MEMSTDF**" means the Wholesale Electricity Market of the Province of Tierra del Fuego (for its acronym in Spanish of *Mercado Eléctrico Mayorista de Tierra del Fuego*).

"**PIST**" means the point of entry into the natural gas transmission system (for its acronym in Spanish of *Punto de Ingreso al Sistema de Transporte*).

"**POTREF**" means the Power Reference Prices (for its acronym in Spanish of *Precios de Referencia de la Potencia*).

HYDROCARBONS

THE FSE SUSPENDS THE AUDITOR ROTATION REQUIREMENT FOR SAFETY, TECHNICAL, AND ENVIRONMENTAL AUDITS

The FSE temporarily suspended the application of Article 5 of Resolution No. 414/2021, as amended, which established mandatory rotation rules for authorized audit firms.

By means of Resolution No. 481/2025 ("**Resolution 481**"), the FSE suspended the effects of Article 5 of Resolution No. 414/2021, as amended by Resolution No. 164/2024, which had introduced a mandatory rotation mechanism for entities registered with the Undersecretariat of Liquid Fuels to perform safety, technical, and environmental audits. This rotation mechanism allowed an audit firm to be reassigned to the same operator only after at least two (2) consecutive audits conducted by other authorized firms, unless an exception was granted by the enforcement authority.

According to Resolution 481, several companies had reported difficulties in securing the rotation of audits, due to the limited number of qualified entities and the operational demands of regulated facilities. In response, the FSE deemed it appropriate to suspend the rule.

As a result, the effects of Article 5 have been suspended until October 31, 2026. During the suspension, operators may assign audits to the same firm.

Ignacio Gómez Sedano
ignacio.gomez@mhrlegal.com

THE FSE CALLS FOR A PUBLIC HEARING ON NEW TARGETED ENERGY SUBSIDY SCHEME

Resolution 484/2025 launches a 15-day review process ahead of major 2026 adjustments to gas and electricity pricing and subsidy allocation.

By means of Resolution 484/2025, published in the Official Gazette on November 28, 2025 (the "**Resolution 484**"), the FSE called for a public hearing process on the government's proposed Targeted Energy Subsidies project. This represents an important step in the country's transition toward cost-reflective energy pricing, fiscal discipline, and a more efficient allocation of subsidies.

This process is part of a broader reform effort that began in late 2023, when multiple economic and energy emergencies were declared and the government initiated a multi-year transition designed to phase out generalized subsidies while protecting vulnerable consumers.

The consultation covers key variables that will shape consumer energy bills beginning January 1, 2026. These include the (i) price of natural gas at the Point of Entry to the Transportation System (PIST), (ii) the price of propane-air used in regions without access to natural gas networks, and (iii) the Seasonal Price of Electricity (PEST), which reflects wholesale generation costs.

For each of these components, the FSE will disclose the underlying cost structure, the proposed pass-through to end-users, and the portion to be subsidized by the federal government. It will also present the design of the new Targeted Energy Subsidies project, outlining how support will be allocated and which users will qualify.

Feedback from interested parties must be submitted within fifteen business days from publication in the Official Gazette, through the Secretariat's online portal. The Undersecretariat of Energy Transition and Planning will review the feedback and prepare an official report responding to the comments, which will then feed into the final design of the subsidies.

Rocío Zorraquín
rocio.zorraquin@mhrlegal.com

AMENDMENTS TO THE ARGENTINE GAS STANDARDS

Argentina advances a comprehensive regulatory update across CNG infrastructure, industrial gas installations, multilayer piping systems, cylinder inspection frameworks and pipeline welding standards.

ENARGAS continues to advance the update of the Argentine Gas Standards ("**NAG**") through the approval of new technical regulations and the expansion of public consultation processes.

By means of Resolution No. 858/2025, ENARGAS approved the updated NAG-240 "Multilayer Piping Systems for Internal Gas Installations", thereby concluding a multistage consultation process aimed at modernizing technical requirements applicable to internal gas piping systems. Subsequently, through Resolution No. 892/2025, ENARGAS approved NAG-445 "Installation, Inspection and Review of CNG Cylinders", establishing new mandatory procedures for the installation, inspection, and periodic review of CNG cylinders, including safety thresholds for cylinder types, damage levels, traceability, inspection responsibilities, equipment requirements, and procedural manuals.

Additionally, ENARGAS submitted several draft standards to public consultation, including: (i) NAG-201, through Resolution No. 875/2025, proposing a comprehensive revision of the standard applicable to industrial gas installations; (ii) NAG-100, by means of Resolution No. 894/2025, introducing updated welding requirements for steel pipelines to harmonize qualification procedures, eliminate redundant provisions and improve regulatory clarity; (iii) NAG-444, through Resolution No. 891/2025, governing the Technical Aptitude Certification of Cylinder Inspection Centers, reflecting technological advances, reinforcing safety requirements and aligning domestic procedures with international regulations; and (iv) NAG-420, addressing the expansion of operating authorizations for CNG refueling stations, including criteria related to vehicle maneuverability, transitional regimes for previously licensed stations, and updated municipal and road-access permitting requirements.

Marco Primo
marco.primo@mhrlegal.com

Mia Mosca Zohil
mia.moscazohil@mhrlegal.com

ENARGAS CALLED FOR A PUBLIC HEARING TO UPDATE THE REGULATORY FRAMEWORK FOR CNG VEHICLE FILLING STATIONS

ENARGAS opened a 20-day public consultation process on a new technical and safety regime for CNG vehicle filling stations and on updated mandatory surety bond requirements.

By means of Resolution No. 900/2025, published in the Official Gazette on November 28, 2025 ("**Resolution 900**"), ENARGAS called for a public hearing process to update the regulatory framework governing CNG vehicle filling stations in Argentina. The proposal, developed by the agency's Innovation and Standardization Department, introduces a significantly more rigorous and modern regime aimed at strengthening operational safety, transparency, and regulatory oversight across the sector. The initiative includes two (2) key documents: (i) the updated Regime for CNG Vehicle Filling Stations (Annex I), and (ii) the revised Minimum Guidelines for Mandatory Surety Insurance (Annex II).

The updated regime establishes detailed obligations for licensees and operators, including quarterly inspections, standardized reporting procedures, expanded audit powers for ENARGAS, and a centralized digital registry that consolidates all technical and compliance information for each station.

It also reinforces the responsibilities of distributors, transport licensees, and storage operators, and introduces a graduated sanctions system ranging from warnings to suspension or permanent disqualification. Stations must additionally maintain updated civil liability coverage and a surety bond guaranteeing compliance with all regulatory requirements, with the insured amount automatically adjusted in line with updates to the value of mandatory CNG identification stickers.

Under Resolution 900, these proposed norms will be subject to a 20-day administrative consultation period from their publication in the Official Gazette. Interested stakeholders may file comments, which are non-binding for the authority, through ENARGAS' central office, regional branches, or online via the Participatory Rulemaking portal. The administrative file associated with the consultation is also available for public review.

Ignacio Gómez Sedano
ignacio.gomez@mhrlegal.com

ENARGAS EXTENDS PUBLIC CONSULTATION ON NEW AUTHORIZATION RULES FOR DISTRIBUTION NETWORK EXPANSIONS

ENARGAS extended the public consultation period on the draft regulation govering authorizations under Article 16 of the Gas Law, granting an additional ten (10) business days for stakeholders to submit comments.

By means of Resolution No. 857/2025, published in the Official Gazette on November 10, ENARGAS extended by ten (10) additional business days the public consultation period originally launched by Resolution No. 778/2025,

which proposes a new regulatory framework for authorizing gas distribution network expansion projects, replacing Resolution No. 910/2009.

The extension was granted following formal requests from several gas distributors and provincial authorities, seeking additional time to submit technical comments on the draft regulation. Accordingly, interested parties may submit observations for ten business days following the expiration of the original deadline.

The consultation concerns the draft "Regulation of authorizations under Article 16 of Law No. 24,076", aimed at updating the economic and procedural requirements applicable to distribution system expansion works. ENARGAS confirmed that it continues to exercise its regulatory powers pending the full operationalization of the National Regulator for Gas and Electricity.

Mia Mosca Zohil
mia.moscazohil@mhrlegal.com

POWER AND ELECTRICITY

GOVERNMENT ADJUSTS WHOLESALE ELECTRICITY PRICES AND FNEE CHARGE

Regulatory updates aim to align wholesale electricity pricing and the FNEE contribution with Argentina's new regulatory framework as the MEM advances through its normalization process.

By means of Resolution No. 437/2025 (the "**Resolution 437**") the FSE introduced adjustments to the MEM for the November 2025–April 2026 period and updating the fee charged on consumers destined to finance the National Electricity Fund ("**FNEE**" as its acronym in Spanish). These changes follow the comprehensive modernization of the electricity framework enacted through Decree No. 450/2025, which redefined institutional responsibilities and updated the mechanisms governing MEM operations and funding.

Earlier measures set the stage for these adjustments. In that regard, Resolution No. 400/2025 established the "Rules for the Normalization of the MEM",[1] while Resolution 434/2025 approved the summer seasonal programming, including the POTREF, Stabilized Price of Energy (PEE), and Stabilized Price of Ancillary Services (PES). Resolution 437 replaced the Annex to Resolution 434/2025 with updated price tables that better capture current technical and economic conditions and clarify how each demand segment—residential, non-residential, and large users—is treated under the seasonal pricing scheme.

A second key component of Resolution 437 is the new FNEE Based on updated cost data submitted by CAMMESA, the Secretariat set the recharge at $ 1,704 Pesos per megawatt-hour, effective for consumption from November 1 onward. This surcharge provides core financing for national electricity programs.

Resolution 437 directs CAMMESA, provincial regulators, cooperatives, distributors, and the ENRE to apply the updated seasonal prices and FNEE charge. It also reaffirms that residential categories N2 and N3 continue to receive bonifications under the ongoing subsidy transition, with thresholds that determine when higher prices apply.

Rocío Zorraquín
rocio.zorraquin@mhrlegal.com

Gabriela Trepat
Gabriela.trepat@mhrlegal.com

[1] See MHR Client Alert issued on October, 2025 for Rules for the Normalization of the Wholesale Electricity Market and its Progressive Adaptation.

TARIFF AND PRICE UPDATES

BIOFUELS: INCREASE IN MANDATORY PURCHASE PRICES

The FSE updated the minimum purchase prices for bioethanol and biodiesel for mandatory blending with gasoline and diesel oil.

By means of Resolutions No. 443/2025 and No. 445/2025 (the "**Resolution**s"), both published in the Official Gazette on November 10, 2025, the FSE updated the minimum purchase prices for bioethanol and biodiesel intended for mandatory blending with gasoline and diesel oil, effective for transactions during November 2025 and until further notice.

The current minimum prices after the modifications introduced by the aforementioned Resolutions are the following:[3]

Bioethanol Minimum Purchase Prices

▪ Sugarcane-based bioethanol: The minimum purchase price is set at ARS 918.025 per liter (approximately, USD 0.62).[4]

▪ Corn-based bioethanol: The minimum purchase price is set at ARS 841.394 per liter (approximately, USD 0.57).

▪ Payment Terms: Purchasers must pay for bioethanol within thirty (30) calendar days from the date of the corresponding invoice.

Biodiesel Minimum Purchase Price

▪ Biodiesel for blending with diesel oil: The minimum purchase price is set at ARS 1,688,961 per ton (approximately, USD 1,145.05).

▪ Payment Terms: Payment for biodiesel must be made within seven (7) calendar days from the date of the relevant invoice.

Candela Sofía Marante
candela.marante@mhrlegal.com

[3] Please refer to MHR's Energy Newsletter: October 2025 for a detail of the previous updates.
[4] All conversions consider the official sellers exchange rate published by Banco de la Nación Argentina on December 1, 2025, of USD 1 = ARS 1475.

EDESUR AND EDENOR: ADJUSTMENT OF DISTRIBUTION COST AND TARIFF SCHEDULES

ENRE approved new distribution costs and tariff schedules for EDESUR and EDENOR to be applied as from November 1, 2025.

By means of Resolutions No. 744/2025 and 745/2025, published in the Official Gazette on November 3, 2025, ENRE approved new distribution costs and tariff schedules applicable to EDESUR and EDENOR, respectively, effective as from November 1, 2025. [5]

The updates follow the adjustment mechanisms established in ENRE Resolutions No. 303/2025 (EDESUR) and 304/2025 (EDENOR), which provide for monthly increases of 0.36% and 0.42%, respectively, combined with a 3.16% update reflecting the variations in the Wholesale Price Index (IPIM) and Consumer Price Index (IPC) published by INDEC.

As a result, the Cost of Distribution (CPD) increased by 3.53% for EDESUR and 3.6% for EDENOR compared to October 2025.

Additionally, ENRE approved new tariff schedules applicable to:

▪ Residential users in Levels 1, 2, and 3;

▪ Neighborhood community clubs and public interest entities; and

▪ Feed-in tariffs for user-generators.

Finally, both distributors must highlight in users' invoices the items "Mercado Eléctrico Mayorista Cost" and "Subsidio Estado Nacional", as instructed by ENRE.

Guillermo Re
guillermo.re@mhrlegal.com

[5] Please refer to MHR's Energy Newsletter: October 2025 for a detail of the previous updates.

ENARGAS APPROVED NEW TRANSITIONAL TARIFF SHEDULE

Energía Argentina shall implement a new tariff scheme aligned with updated cost level.

By means of Resolution No. 877/2025, published in the Official Gazette on November 17, 2025 ("**Resolution 877**"), the Transitional Tariff Schedules to be applied by Energía Argentina S.A. were approved, entering into force on the date of publication. The transportation service covers gas received at the Tratayén Treatment Plant and dispatched from the Salliqueló Compressor Plant. The applicable monthly charge is now ARS 310.42 [6] (approximately, USD 0.21) per cubic meter per day of reserved transportation capacity for Firm Transport ("**FT**"), and ARS 10,205.99 (approximately, USD 6.91) per cubic meter per day of reserved transportation capacity for Interruptible Transport ("**IT**"). The estimated percentage of gas retained was indicated at 2.05% for both FT and IT, representing the fuel used by compressors and line losses relative to the total gas injected at the pipeline header.

Catalina Vázquez
catalina.vazquez@mhrlegal.com

[6] All conversions consider the official sellers exchange rate published by Banco de la Nación Argentina on December 1, 2025, of USD 1 = ARS 1475

UPDATED PIST PRICE UNDER PLAN GAS.AR

The FSE sets the PIST gas price to be passed on to end users starting in December 2025.

By means of Resolution No. 487/2025, published in the Official Gazette on November 28, 2025, the FSE established the price of natural gas at the PIST for supplies contracted under the "*Plan for Reinsurance and Strengthening of Federal Hydrocarbon Production, Domestic Supply, Exports, Import Substitution, and Expansion of the Transportation System for All Hydrocarbon Basins 2023–2028*" ("*Plan Gas.Ar*"), approved by Decree No. 892/2020 and its amendments.

The new PIST prices will apply to gas consumption beginning in December 2025 and will be reflected in the tariff schedules to be published by ENARGAS.

ENARSA, producers, distribution and subdistribution companies that have executed supply contracts under Plan Gas.Ar must update those agreements within five business days of the Resolution's publication (or the next business day) and submit them to both the FSE and ENARGAS.

ENARGAS has also been instructed to ensure that gas invoices issued nationwide by public utility distributors and subdistributors reflect the updated PIST price and, where applicable, the discounts established by Resolution No. 24/2025 of the FSE.

Candela Sofía Marante
candela.marante@mhrlegal.com

ENRE ADJUSTMENT OF HOURLY RATES AND MONTHLY PENALTIES FOR ELECTRICITY TRANSPORTATION LICENSEES

ENRE updated hourly rates and penalties for major electricity transport companies.

By means of Resolutions No. 724, 725, 726, 727, 728, 729, 731, and 732, published in the Official Gazette on November 3, 2025, ENRE approved new hourly rates applicable to the regulated equipment of: (i) TRANSENER S.A., (ii) TRANSPA S.A., (iii) TRANSNOA S.A., (iv) TRANSCOMAHUE S.A., (v) DISTROCUYO S.A., (vi) TRANSBA S.A., and (xiii) TRANSNEA S.A., (vii) EPEN; as well as the average value of the historical monthly penalties applied to each carrier.

On the same date, by means of Resolutions No 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, and 743, ENRE approved new hourly rates applicable to the regulated equipment of: (ii) INTESAR, (iii) TRANSACUE S.A., (iv) DPEC, (v) ENECOR S.A., (vi) EDERSA, (vii) LITSA, (viii) LIMSA, (ix) YACYLEC S.A., (x) TRANSPORTEL MINERA 2 S.A. (xii) INTERANDES S.A.; (xii) TRANSACUE S.A.; (xiii) INTESAR and (xiv) TRANSBA S.A.2; in their capacity as independent carriers.[5]

Julieta Salguero
julieta.salguero@mhrlegal.com

[5] Please refer to MHR's Energy Newsletter: October 2025, for a detail of the previous updates.

ARGENTINA SETS NEW MAXIMUM TARIFFS FOR CRUDE OIL TRANSPORTATION

Five-year rate framework established for Puesto Hernández–Buta Mallín (OTASA) and Puesto Hernández–Luján de Cuyo (YPF) pipelines.

By means of Resolutions No. 435/2025 and No. 482/2025, the FSE introduced a new tariff framework applicable to crude oil shippers on two key transportation systems: (i) the Oleoducto Trasandino running from Puesto Hernández to Buta Mallín — gateway to Chile — and (ii) the Puesto Hernández–Luján de Cuyo pipeline, which crosses the provinces of Neuquén and Mendoza and serves as a major evacuation route to domestic refining hubs.

Both measures establish maximum tariff ceilings, require periodic reporting of applied rates, and incorporate investment commitments into the authorized tariff scheme. Together, they represent a coordinated regulatory step to provide predictability in midstream cost structures, reinforce quality standards, and ensure traceability of expansion and maintenance expenditures through 2029.

Pursuant Resolution No. 435/2025, the FSE approved a maximum tariff of USD 8.60/m³ (exclusive of VAT) for crude transportation through the Oleoducto Trasandino system. For Resolution 482/2025, the Puesto Hernández–Luján de Cuyo tariff was set at USD 8.04/m³ (exclusive of VAT). In both cases, concessionaires must certify annually — through an independent technical-accounting entity — the investment executed on the pipeline and its operational conditions. These investments, incorporated into the tariff matrix, are treated as committed expenditure subject to subsequent audit.

Each tariff remains valid for five years from publication in the Official Gazette, and operators may not charge shippers rates above the approved cap. Additionally, every December, transporters must submit (i) a sworn declaration detailing the actual tariffs applied throughout the year, and (ii) copies of transportation contracts, duly notarized. Oleoducto Trasandino Argentina S.A. is the obligated party under Resolution 435/2025, while YPF S.A. assumes the same duty with respect to Resolution 482/2025.

Gabriela Trepat
gabriela.trepat@mhrlegal.com

Pedro Gaspar Bonet
pedro.bonet@mhrlegal.com

NEW SURCHARGE APPLICABLE TO THE PIST PRICE

ME and ENARGAS regulated surcharge set in Article 75 of Law 25,565.

By means of Resolution No. 832/2025, published in the Official Gazette on November 3, 2025 ("**Resolution 832**"), ENARGAS implemented the 7.20% surcharge on the natural gas price at the PIST, as established by the Ministry of Energy under Resolution No. 1698/2025, pursuant to Article 75 of Law No. 25,565. The surcharge replaces the previous 7% rate and is allocated to the Trust Fund for Residential Gas Consumption Subsidies.

The measure applies to all full-service users for gas consumption occurring from the date of publication of Resolution 832 and requires distributors to prorate consumption periods between the previous and the new surcharge based on the number of days each regime is in effect. Distributors must identify the charge on end-user bills using the label: "Fdo. Fiduciario Art. 75 Ley N.° 25.565. Modif. Ley 27.637."

The Resolution instructs distribution licensees to apply, for every m³ of 9,300 kcal billed to full-service users, a surcharge calculated by applying to the PIST price the subzone-specific percentages. These factors reflect: (i) the 7.20% surcharge approved by the ME; and (ii) the gas retention percentages associated with the mix of transportation routes applicable to each tariff subzone. These factors must be updated, subject to prior regulatory approval, if transportation routes or retention percentages change. Distributors must notify authorized sub-distributors accordingly.

Mia Mosca Zohil
mia.moscazohil@mhrlegal.com

FSE APPROVED NEW ELECTRICITY PRICING ADJUSTMENTS

The FSE has approved new electricity pricing adjustments for the MEM and MEMSTDF for the period from December 1, 2025 to April 30, 2026.

By means of Resolution No. 488/2025, published in the Official Gazette on November 28, 2025 ("**Resolution 488**"), the FSE set the reference values for electricity pricing in the MEM and MEMSTDF that will apply to the electricity demand declared by Distribution Agents and/or Public Distribution Service Providers for the period between December 1, 2025 and April 30, 2026.

Such demand includes supply by Distribution Agents and/or Public Distribution Service Providers to their own users as well as to users of other public distribution service providers within their concession or area of influence.

Additionally, for the same period, the values applicable to each Distribution Agent of the MEM for the Public Service of High Voltage Electricity Transmission and Trunk Line Distribution will be those established in Annex III to Resolution 488.

Julieta Salguero
julieta.salguero@mhrlegal.com

ENVIRONMENTAL

PROVINCE OF CHUBUT: NEW REQUIREMENTS ON MANDATORY ENVIRONMENTAL INSURANCE

The Province of Chubut regulated the scope, documentation and enforcement of mandatory environmental damage insurance for environmentally risky activities, strengthening compliance and oversight requirements.

By means of Resolution No. 58/2025 published in the Provincial Gazette on November 12, 2025 ("**Resolution 58**"), the Secretariat of Environment and Sustainable Development Control of the Province of Chubut (the

"Secretariat") regulated and clarified the conditions for compliance with the obligation to obtain mandatory environmental damage insurance, pursuant to Section 22 of General Environmental Law No. 25,675.

Resolution 58 provides that entities carrying out environmentally risky activities subject to provincial authority, and whose Environmental Complexity Level (Nivel de Complejidad Ambiental – "**NCA**") exceeds thresholds set under national regulations, must evidence the procurement of environmental insurance. Acceptable coverage includes surety insurance or civil liability insurance, expressly covering sudden pollution, accidental contamination and/or gradual contamination, and must remain in force throughout the entire duration of the activity. Policies must be issued in favor of the Province of Chubut or the competent environmental authority.

Operators must also submit a certified copy of the policy together with the Minimum Insurable Amount Self-Assessment Form (Monto Mínimo Asegurable de Entidad Suficiente), certified by the insurer and filed as an affidavit. The insured must clearly identify the policy section evidencing the required coverage.

In addition, 58 Resolution requires submission of the NCA calculation, executed by qualified environmental professionals and subject to verification by the authority. The Secretariat may also require insurance even where the NCA threshold is not exceeded, based on justified environmental risk considerations, site vulnerability, or compliance history.

Resolution 58 further reinforces post-incident obligations, including prompt notification to the authority and the insurer (within 24 hours), immediate remediation actions, and the possibility of sanctions — including facility closure — in cases of non-compliance.

Resolution 58 is effective as from its publication and applies to both current and future operators subject to the mandatory environmental insurance regime, as well as to insurance companies issuing policies under this framework.

Ariadna Rodríguez
ariadna.rodriguez@mhrlegal.com

MINING

MENDOZA CREATED THE PROVINCIAL REGISTER OF MINING PROJECTS

The Directorate of Mining of the Province of Mendoza created the official Register of Mining Projects and set out the rules governing its organization, mandatory filings, and reporting obligations for all mining operators.

By means of Resolution No. 462/2025 ("**Resolution 462**"), the Directorate of Mining of the Province of Mendoza created the Register of Mining Projects, as mandated by the new Provincial Mining Procedure Code regulated by Provincial Law No. 9,529 (the "**Mining Code**"), in force since June 2024. The measure seeks to modernize and streamline administrative processes related to mining exploration and exploitation activities, while strengthening provincial oversight in line with the National Mining Code.

Resolution 462 defined a Mining Project as the area comprising one or more mining concessions or claims dedicated to discovering, evaluating, quantifying, preparing, developing, and producing a mineral deposit, consistent with Articles 43 and 44 of the Mining Code. All petitioners, title holders, and operators must register their projects through the official "TICKETS" system using the form provided in Annex I of Resolution 462.

Besides the required filings, the Environmental Mining, Authority may also request technical progress reports particularly at the close of campaigns, during operational discontinuity, upon stage changes, or following any transfer of rights. Additionally, project holders in pre-feasibility and feasibility stages must report reserve calculations with technical, economic, environmental, and social details.

Failure to comply with Resolution 462 triggers the sanctions established in the Mining Code.

In this way, Resolution 462 reinforces the Province's goal of promoting mining development while ensuring transparent, agile, and rigorous regulatory oversight, as the Register of Mining Projects becomes the central tool for tracking and supervising mining activities, enabling the Provincial Authority to exercise its role as both promoter and regulator of a strategic industry for Mendoza.

Ignacio Gómez Sedano
ignacio.gomez@mhrlegal.com

Pedro Gaspar Bonet
pedro.bonet@mhrlegal.com

CASE LAW

SCOPE OF FREE, PRIOR AND INFORMED CONSULTATION

The Supreme Court of Argentina interpreted the scope of Free, Prior and Informed Consultation for Indigenous communities as established under ILO Convention No. 169.

By means of its decision in case "Comunidad Toba Nam Qom. c/ Estado Nacional y otros s/ Amparo", the Supreme Court of Justice of Argentina (the "**Court**") analyzed the

scope of the right to Free, Prior and Informed Consultation ("**FPIC**") for Indigenous communities under ILO Convention No. 169, establishing relevant criteria on when this right is enforceable and under what conditions it may be deemed satisfied.

Beyond the specific facts of the case, the Court held that FPIC applies only to measures that may directly and distinctly affect Indigenous peoples. It clarified that ILO Convention No. 169 does not confer a general right to be consulted in connection with every legislative or administrative measure that could have some impact on Indigenous communities, but only with respect to those that affect them in a specific manner, considering their particular cultural, social, or territorial circumstances.

The Court further emphasized that the burden rests with the claimant to demonstrate the existence of actual or imminent harm directly affecting their way of life, beliefs, institutions, or lands. In this case, the Court found that such direct impact had not been proven and therefore dismissed the amparo action.

In summary, the ruling confirms that FPIC is not automatically triggered by any measure involving Indigenous communities, but only where there is a direct and differentiated impact that distinguishes them from the rest of the population. The Court also noted that public participation mechanisms, such as environmental hearings, may satisfy the consultation standard when such direct impact is not present.

Ariadna Rodríguez
ariadna.rodriguez@mhrlegal.com

INSIGHTS ON THE ARGENTINE ENERGY INDUSTRY

MENDOZA LAUNCHES PUBLIC TENDER FOR FIVE HYDROCARBON AREAS

The Province calls a National and International Public Bid for exploitation concessions.

By means of Provincial Decree No. 2241/2025 (the "**Decree**"), published in the Official Gazette of Mendoza on November 7, 2025, the Provincial Government launched a National and International Public Tender for the award of five hydrocarbon exploitation blocks located in Mendoza (the "**Tender**").

The Tender includes the following five blocks; all offered as exploitation concessions:

1. Atamisqui

2. El Manzano

3. Loma Cortaderal – Cerro Doña Juana

4. Puesto Molina Norte

5. Puntilla del Huincán

The Decree authorized the Provincial Hydrocarbons Direction to conduct the full bidding process, including defining the acquisition procedure for the Tender Guidelines, establishing the timeline for the submission and opening of bids, and administering the technical data disclosure. Interested parties must purchase the Tender Guidelines, priced at USD 15,000, payable in ARS at the Banco Nación exchange rate.

The awarded concessions will have a 25-year term, and the Tender requires an Initial Payment equivalent to 0.5% of the projected accumulated production for the first ten years. Environmental liabilities previously identified in the areas will not be transferred to bidders.

Guillermo Re
guillermo.re@mhrlegal.com

Rocío Zorraquín
rocio.zorraquin@mhrlegal.com

TRANSFER OF EL TORDILLO, LA TAPERA AND PUESTO QUIROGA CONCESSIONS TO CROWN POINT

The province of Chubut authorized the full transfer of El Tordillo, La Tapera and Puesto Quiroga Blocks for exploitation and transport concession to Crown Point, with 120 business days to formalize the assignments.

By means of Decree No. 1419/2025, the Province of Chubut approved the assignment of 100% of the participation held by Tecpetrol S.A., Pampa Energía S.A. and YPF S.A. in the exploitation concessions of El Tordillo,

La Tapera and Puesto Quiroga, as well as in the associated transport concessions and joint venture agreements, in favor of Crown Point Energía S.A.

The Decree authorized the transaction and granted the parties a 120-business-day period to execute the relevant public deeds and comply with the requirements set forth in Provincial Law XVII No. 102, including tax and environmental clearances and the filing of final instruments with the Ministry of Hydrocarbons.

Marco Primo
marco.primo@mhrlegal.com

Mia Mosca Zohil
mia.moscazohil@mhrlegal.com

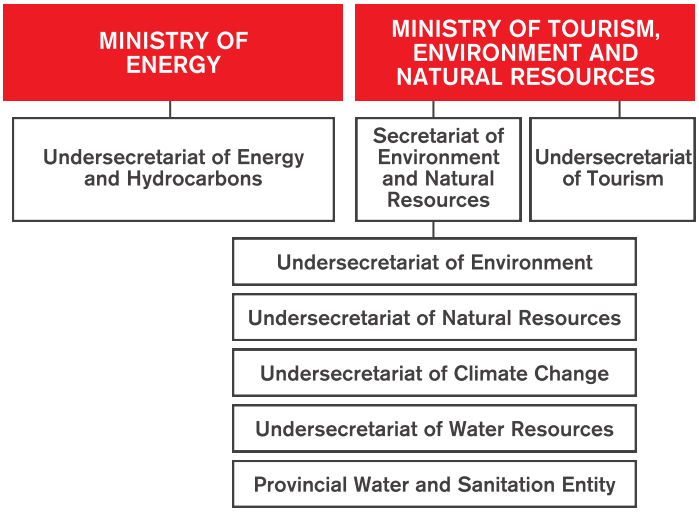
NEUQUEN RESHAPES ITS MINISTERIAL ORGANIZATION

Key Changes in Energy, Environment and Natural Resources Organic Structure.

By means of Decree No. 1454/2025, published in the Official Gazette on November 11, 2025 ("Decree 1454"), the Executive Branch of the Province of Neuquén established a restructuration of its ministerial framework, with targeted implications for the energy, hydrocarbons, and natural resources areas.

The key structural change is the separation of the former "Ministry of Energy and Natural Resources" into two different ministries; the new "Ministry of Energy" will now concentrate exclusively on energy and hydrocarbons and it will be assisted by the new "Undersecretariat of Energy and Hydrocarbons", previously known as the "Undersecretariat of Energy, Mining, and Hydrocarbons".

As for the area of Natural Resources, it had been merged with the former "Ministry of Tourism", resulting in the creation of the "Ministry of Tourism, Environment, and Natural Resources". This new ministry now encompasses responsibilities for environment, natural resources, water resources, mining, and public lands. As for the inner structure within this ministry, Decree 1454 has created on one hand, the "Secretariat of Environment and Natural Resources", which will oversee: (i) the Undersecretariat of Environment, (ii) the "Undersecretariat of Natural Resources", (iii) the "Undersecretariat of Climate Change", (iv) the "Undersecretariat of Water Resources" and (v) the "Provincial Water and Sanitation Entity". On the other hand, the Executive Branch maintained the "Undersecretariat of Tourism" without any modifications.



Moreover, by means of Decree No. 1456/2025 and 1457/2025, both published in the Official Gazette on November 11, the Executive Branch named Leticia Inés Esteves as the official Ministry of Tourism, Environment, and Natural Resources and Hipólito Leandro Salvatori as the new Secretary, head of the Secretariat of Environment and Natural Resources.

Catalina Vázquez
catalina.vazquez@mhrlegal.com

DECREE NO. 811/2025 ELIMINATED EXPORT DUTIES ON SPECIFIC GOODS

In a move to foster exports and improve international competitiveness, the Argentine government has enacted a new fiscal measure.

By means of Decree No. 811/2025, published in the Official Gazette on November 17, 2025 which entered into force on November 18, 2025 ("**Decree 811**") Federal Executive Branch implemented a fiscal relief measure by setting the export duty (Derecho de Exportación) rate to zero percent (0%) for a select group of oils and lubricants. Decree 811 specifically targets five tariff positions within the MERCOSUR Common Nomenclature (NCM), namely: 2710.19.31, 2710.19.32, 2710.19.92, 2710.19.93, and 2710.19.99.

This measure aligns with the government's stated goals of promoting foreign trade, simplifying administrative burdens, and reducing the financial cost of exporting goods.

Luisina Luchini
luisina.luchini@mhrlegal.com

MEET OUR PARTNERS

For your further inquiries the following contact partners are available:

JOSÉ A.
MARTÍNEZ DE HOZ

jose.martinezdehoz@mhrlegal.com

+INFO

PABLO
RUEDA

pablo.rueda@mhrlegal.com

+INFO

JUAN CRUZ
AZZARRI

juancruz.azzarri@mhrlegal.com

+INFO

MARCOS
BLANCO

marcos.blanco@mhrlegal.com

+INFO

TOMÁS
LANARDONNE

tomas.lanardonne@mhrlegal.com

+INFO

EDITOR-IN-CHIEF

ARIADNA
RODRÍGUEZ

ariadna.rodriguez@mhrlegal.com

+INFO

EDITOR-IN-CHIEF

CANDELA SOFÍA
MARANTE

candela.marante@mhrlegal.com

+INFO

EDITOR-IN-CHIEF

JULIETA
SALGUERO

julieta.salguero@mhrlegal.com

+INFO

CO-EDITOR

MARCOS
BLANCO

marcos.blanco@mhrlegal.com

+INFO