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THE REGULATIONS OF THE MINE CLOSURE LAW ARE AMENDED TO INCORPORATE A SWORN STATEMENT AS AN ENABLING MECHANISM

On April 30, 2026, Supreme Decree No. 15/2026 issued by the Ministry of Mining was submitted for review by the Office of the Comptroller General. The decree amends the Regulations of the Mine Closure Law in order to align them with Law No. 21,770, which establishes the Framework Law on Sectoral Authorizations (LMAS).

The key amendment introduces the sworn declaration as an alternative authorizing mechanism for certain small-scale mining operations. Its entry into force is subject to the Comptroller's approval and will take effect on the first business day of the month following its publication in the Official Gazette.

Key highlights:

Sworn declaration as an authorizing instrument
A simplified regime is established for mining operations with extraction capacity equal to or below 5,000 gross metric tons per month. The sworn declaration has the same legal effect as the approval of a Closure Plan by Sernageomin and must be processed through the SUPER system. Its validity is capped at 60 months.

Redefinition of simplified procedure thresholds
The simplified procedure is limited to operations with capacity above 5,000 and up to 10,000 tons per month. Operations up to 5,000 tons per month will be exclusively subject to the sworn declaration regime.

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Specific sanctioning framework
Breaches related to the sworn declaration regime will be subject to sanctions under the Mine Closure Law, without prejudice to additional civil, administrative, or criminal liability. Sernageomin may suspend operations and refer cases to the Public Prosecutor's Office in cases of false or incomplete information.

Transitional regime
Closure Plans currently under review will continue to be governed by the rules in force at the time of filing. However, companies may opt into the new regime if they meet the applicable requirements. Until the SUPER system is implemented, alternative electronic mechanisms must be provided.

Practical implications

This amendment represents a significant shift toward a more streamlined authorization model for small-scale mining operations, consistent with the regulatory simplification goals of the LMAS.

However, it also places greater responsibility on project owners, increasing exposure to enforcement risks in cases of inaccurate or incomplete disclosures.

Accordingly, mining companies should reassess their internal compliance processes and technical validation mechanisms, particularly where eligibility for the new regime is anticipated.

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