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LAW NO. 21,853 AMENDS THE MINING CODE AND LAWS NO. 21,420 AND NO. 21,649 ON MINING TENURE

On Thursday, November 5, 2026, Law No. 21,853 was published in the Official Gazette, amending the Mining Code and Laws No. 21,420 and No. 21,649 in various areas.

The new law takes effect upon publication, except for the special rules on the amount and reduction of annual mining license fees and the amendments governing auctions. It introduces significant changes to the mining tenure regime. In general terms, it (i) makes the special annual mining license fee regime for small-scale and artisanal miners more flexible, (ii) establishes a flat annual mining license fee of 0.4 UTM per full hectare for exploitation concessions, replacing the progressive scale currently in effect under Article 142 bis of the Mining Code, (iii) expands the circumstances in which a reduced annual mining license fee of 0.1 UTM per full hectare may be granted, (iv) streamlines the auction procedure for concessions due to nonpayment of annual mining license fees, and (v) postpones payment of the 2026 annual mining license fee until February 28, 2027.

Amendments to the annual mining license fee regime

• **Small-scale and artisanal miners (Article 142)** :

• Elimination of the requirement to hold easements in order to obtain recognition of the right to pay the special annual mining license fee.
• Extension of the right to pay the special annual mining license fee from two to five periods.
• Increase in the maximum area eligible for the special annual mining license fee from 100 to 150 hectares for small-scale miners who are individuals, as well as for statutory mining companies and mining cooperatives, and from 50 to 100 hectares for artisanal miners.

• **The progressive scale for exploitation concessions is replaced by a flat annual mining license fee of 0.4 UTM per full hectare (Article 142 bis).**
• **Reduced annual mining license fee of 0.1 UTM per full hectare for**

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mining claims that fall under any of the following circumstances (Article 142 bis). Holders, lessees, usufructuaries and anyone working the claims under a lawful title may qualify:

• Those that, even if operations have not commenced, form part of a mining project in any of its stages (exploration, prospecting, construction, mining, processing, or closure), whose holder has, or has submitted, a permit or form to the National Geology and Mining Service ("Sernageomin") that has been accepted for processing, an affidavit filed with said Service, or an alternative authorizing procedure under Law No. 21,770 (Framework Law on Sectoral Authorizations).
• Those that, even if operations have not commenced, are part of a project with a favorable Environmental Qualification Resolution, while it remains in effect, or that has been admitted for processing in the Environmental Impact Assessment System, while it is pending.
• Those for which geological information has been submitted in accordance with Article 21 of the Mining Code and whose receipt has been certified by Sernageomin. In this case, the benefit applies for five consecutive fee payment periods.

The benefit covers mining claims included in a mining production unit and their potential expansions, based on the information submitted to Sernageomin. The regulations will define what is meant by "production unit" and the applicable criteria, considering whether the substance is metallic or non-metallic.

• **Reduced annual mining license fee of 0.1 UTM per full hectare for mining claims covering up to 500 hectares in total (Article 142 ter).** The regime requires work to be carried out on at least one concession, proof that one of the grounds under Article 142 bis applies, registration with ENAMI or another duly established purchasing entity, and up-to-date fee payments. Establishing the relevant ground once gives rise to a presumption that it continues to apply for five years.

Other amendments to the Mining Code

• **Article 9.** The reference to the "Ministry of Mining" is replaced by "Ministry of Energy," the authority to which the existence of hydrocarbons must be reported.
• **Amendments to the auction procedure for mining concessions.**

• Correction of the auction list by the judge, at the request of any person (Article 147).
• Assessment of judicial costs within five business days following the auction, based on the documentation to be provided by the Treasury (Article 150).
• The award shall be automatically void if the price is not paid within eight days of the auction, and the judge must declare the land vacant (Articles 152 and 155).

• **Article 144.** The reference to the fourth paragraph of Article 142 bis is replaced by an express reference to an annual mining license fee of 0.1 UTM per full hectare.

Amendments to other laws and duty to disclose

• **Law No. 21,420.** Items 13 and 14 of Article 10 are repealed, and the Tenth Transitional Article is amended, reversing the repeal of Articles 118 and 119 of the Mining Code, which govern the obligation to preserve the boundary markers of mining claims and the procedure for their replacement.
• **Law No. 21,649.** The Second Transitional Article is repealed, subject to the transitional rule set out in Section 4 below.
• **Public information.** Sernageomin will publish annually on its website, by region, the number of concessions and hectares covered by reduced annual mining license fees (Articles 142, 142 bis and 142 ter), the grounds invoked and the number of benefits revoked.

Effective date and regulatory provisions

• **General rule.** The provisions of the law take effect upon publication in the Official Gazette, subject to the exceptions outlined below (First Transitional Article).
• **Annual mining license fees and auctions.** The provisions of Articles 142 bis and 142 ter regarding the amount and reduction of the annual mining license fee shall take effect once the amendments to the Mining Code Regulations are published in the Official Gazette; such amendments must be made within six months of the law's publication. The amendments to Articles 147, 150, 152, and 155 shall take effect as of the 2027 annual mining license fee payment process (Second and Third Transitional Articles).
• **Benefits under Article 142 ter.** Those who, as of the date of publication of the law, are in the situation described in Article 142 ter

and meet the requirements of the Second Transitional Article of Law No. 21,649 shall retain the benefit for the period established in that provision (Fourth Transitional Article).

• **2026 annual mining license fee.** The General Treasury of the Republic must extend the payment deadline for the 2026 annual mining license fee until February 28, 2027, and update the lists of overdue payments submitted to the courts by excluding the concessions concerned. Until that date, it must waive the late payment surcharge under Article 149 of the Mining Code. Upon request, it must enter into monthly installment agreements for up to twelve months (Fifth Transitional Article).

• **Ongoing enforcement proceedings.** These will continue to be governed by the regulations in effect at the time they were initiated, except as provided in the Fifth Transitional Article (Sixth Transitional Article).

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