

March 04, 2021

## Energy Industry Group Newsletter



### Judgment suspends the new agreement regulating import and export of hydrocarbons and oil products

On March 3, 2021, the agreement by means of which the Ministry of Economy ("SE") and the Ministry of Energy ("SENER") comply with the judgment issued on February 22, 2021, in the suspension procedure of the constitutional claim 16/2021.

In such judgment the Second District Judge Specialized in Economic Competition, Broadcasting and Telecommunications, with residence in Mexico City and with jurisdiction within all the Republic, **decided to suspend the application with general effect** of the "Agreement that determines the goods subject to regulation by the Ministry of Energy upon importation and exportation" ("the Agreement") published on December 26, 2020, in the Federal Official Gazette ("DOF").

#### While the suspension ordered by the Judge is in force:

- » **As of March 3rd, the application of all matters related to import and export permits of hydrocarbons and oil products established in the Agreement are suspended for all the participants in the market.**
- » Instead, the Agreement published on December 29, 2014, in the DOF, as amended, will be applicable.
- » Goods subject to a permit will be imported with the

tariff item and commercial identification number in effect as of December 28, 2020.

- » The Agreement remains in force regarding nuclear materials and fuels, radioactive materials, ionizing radiation generating equipment and dual-use equipment and goods subject to regulation by SENER.

Among the most relevant suspended provisions are the following:

- » Compliance with the obligations established in the Oil Products Minimum Storage Public Policy to request import permits.
- » Instead of granting long-term permits only for 5 years, it will be possible to request 20-year permits.
- » Specific provisions related to the expiration of permits.
- » The tacit denial provision due to the lack of response by the authority.
- » The permits required for the goods classified in tariff codes 2710.12.99.02, 2710.19.99.05, 2711.12.01, 2711.13.01, 2711.14.01 and 2902.20.01.

To know all the amendments made to the Agreement that will be suspended, you can consult our newsletter from December 28, 2020, in [the following link](#).

It is worth mentioning that the Agreement of March 3rd, establishes that SENER **may require the applicants to adjust their requests to the regulatory framework that was foreseen in the Agreement**, so the requests and responses from the authority must be analyzed case by case, in order to determine if the suspension ordered by the Judge is being complied with.

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Our Energy and International Trade Practices can assist you in the request import and export permits of hydrocarbons and oil products.

Our Energy, Natural Resources and Environmental practice leads a larger Energy Industry Group comprised of a talented team of lawyers from several practice areas at the firm who specialize in the energy sector. As a multidisciplinary group, we are in a unique position to provide comprehensive and diverse legal advice on matters relevant to energy businesses.

Our Energy Industry Group provides full-service advice, including corporate, transactional, and M&A; public bidding; contractual; tax; regulatory; international trade; labor; dispute resolution; and corporate governance and regulatory compliance matters.

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