

Reactivation of legal terms - National Energy Commission

Mexico City, June 10, 2025

On June 5, 2025, in the Federal Official Gazette (*Diario Oficial de la Federación*) it was published the resolution of the National Energy Commission (*Comisión Nacional de Energía*, “CNE”) (the “Resolution”)¹, whereby the legal terms and deadlines before the CNE —which had been suspended in light of the recent constitutional and legal reforms— are resumed, subject to certain exceptions.

A. Legal Background and Transfer of Authorities

As a result of the constitutional reform on strategic areas and State-owned enterprises, published on October 31, 2024, several provisions were amended, including article 28 of the Mexican Political Constitution².

To implement this constitutional reform, a legislative package was published on March 18, 2025, which included amendments to existing laws as well as the enactment of a new law that create the CNE, replacing the former Energy Regulatory Commission (*Comisión Reguladora de Energía*, “CRE”); grant powers to the Ministry of Energy (*Secretaría de Energía*, “SENER”) previously held by the National Hydrocarbons Commission (*Comisión Nacional de Hidrocarburos*, “CNH”), and transfer functions and responsibilities formerly exercised by both the CRE and the CNH to the CNE³.

To formalize this transfer of powers, the transitory provisions of the amended Organic Law of the Federal Public Administration (*Ley Orgánica de la Administración Pública Federal*) and the

¹ Acuerdo por el que se reanudan los plazos y términos para la recepción y tramitación de los asuntos competencia de la Comisión Nacional de Energía, conforme a las atribuciones que le fueron conferidas y transferidas, y establece la estrategia para su atención (https://www.dof.gob.mx/nota_detalle.php?codigo=5759417&fecha=05/06/2025#gsc.tab=0).

² For more information on the constitutional reform: https://mailchi.mp/galicia.com.mx/actualizacion_legal-20674383.

³ For more information on the secondary legislation: https://mailchi.mp/galicia.com.mx/actualizacion_legal-20677072.

Law of the National Energy Commission (*Ley de la Comisión Nacional de Energía*) provided for the suspension of all legal terms and deadlines for a period of 90 calendar days, effective as of March 19, 2025. This suspension applied to all pending procedures and legal actions—regardless of their nature—that were in process or subject to legal timeframes before the CRE and CNH, irrespective of whether such matters were reassigned to the jurisdiction of SENER or the CNE.

B. Resume of Legal Terms and Deadlines

In this context, the Resolution provides that, following the enactment of the secondary legislation granting SENER and the CNE the authority to exercise the powers transferred under the Constitutional Reform of October 31, 2024—and upon completion of the information and documentation transfer process from the now-extinct regulatory agencies (CRE and CNH)—the legal terms and deadlines for matters now under the jurisdiction of the newly created CNE are reinstated **as of June 6, 2025**, subject to the exceptions outlined below.

C. Exceptions to the Resumption

The Resolution clarifies that the suspension is only partially lifted. Accordingly, until the new regulations under the sectoral laws enter into force, **the following types of applications will not be accepted or processed**:

- New electricity generation permits, *except in the case of priority generation projects aimed at ensuring supply in deficit regions of the country*⁴.
- New permits in the hydrocarbons sector, including:
 - Retail sale of natural gas, petroleum products, and liquefied petroleum gas (LP Gas);
 - Distribution by means other than pipelines (including LP Gas);
 - Marketing of natural gas, petroleum products, LP Gas, and petrochemicals—*except for priority projects aimed at ensuring fuel supply in deficit areas*.
- Changes in capital structure involving a change in corporate control or management.
- Updates (*actualizaciones*) due to changes in shareholding structure or management.

⁴ The Resolution also states that the CNE must obtain a **favorable opinion from SENER to determine which projects qualify as priority** for electricity supply or fuel distribution in deficit regions.

- Applications for the determination or adjustment of consideration, prices, and tariffs related to distribution, pipeline transportation, and storage of natural gas, petroleum products, and LPG.

These applications may only be submitted once the regulations to the Electricity Sector Law (*Ley del Sector Eléctrico*), the Hydrocarbons Sector Law (*Ley del Sector Hidrocarburos*), and the Energy Planning and Transition Law (*Ley de Planeación y Transición Energética*) enter into force.

D. Special Implementation Rules

The Resolution sets forth certain operating rules for the receipt, processing, and resolution of matters under the CNE's jurisdiction, including the following:

1. Submissions filed during the suspension period will be deemed received as of the effective date of the Resolution, unless expressly provided otherwise.
2. Pending procedures will continue to be governed by the former CRE regulations, to the extent such provisions do not conflict with the new legislation and remain in force.
3. The Electronic Filing Office (*Oficialía de Partes Electrónica*, OPE) remains operational at <https://ope.cne.gob.mx/> and will continue operating under the rules issued by the now-extinct CRE until the CNE issues its own regulations.
4. Permit holders will have a period of 15 business days to submit any reports or filings omitted during the suspension period. Failure to comply may result in the imposition of administrative penalties.
5. A 30-calendar-day grace period is granted from the effective date of the Resolution for Power Plant Interconnection and Load Center Connection Inspection Units previously authorized by the CRE—which issued compliance certificates during the suspension period—to reissue such certificates through the CNE's OPE platform and notify the corresponding applicants.

Certificates not reissued within the established period will be rendered null and void, and the CNE will notify this situation accordingly to the CENACE, distributor, or transporter.

E. Confirmation of Interest in Pending Matters

The Resolution imposes an express obligation on parties with pending applications filed with the former CRE prior to March 18, 2025, to confirm their interest in continuing the procedure before the CNE. **This confirmation must be submitted within 10 business days following the entry into force of the Resolution (i.e., no later than June 19, 2025),** using the form attached as Annex 1 to the Resolution.

This confirmation may be submitted through the OPE or in person.

Failure to confirm their interest to continue with the procedure within the specified timeframe will result in the automatic termination of the corresponding procedure without the need of further resolution.

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