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[TRANSLATION FOR REFERENCE PURPOSES ONLY]

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ORDER establishing the goods which import, and export is subject to regulation by the Ministry of Energy.

(...)

**ORDER ESTABLISHING THE GOODS WHICH IMPORT AND EXPORT IS
SUBJECT TO REGULATION BY THE MINISTRY OF ENERGY**

TITLE I. GENERAL PROVISIONS

ARTICLE 1.- The purpose of this Order is, to establish the tariff codes of the goods that will be subject to regulation, by the Ministry of Energy, through the Ministry of Energy itself and the National Commission on Nuclear Safety and Safekeeping, which compliance with shall be evidenced to the authorities with jurisdiction.

ARTICLE 2.- The agencies and bodies of the Federal Public Administration with powers to regulation foreign trade, shall continue to exercise, within the scope of their respective jurisdictions and in terms of the applicable provisions, the control measures for the import and export of the goods they are responsible for regulating.

ARTICLE 3.- For purposes of this Order, in addition to the definitions contained in the Regulatory Law of Constitutional Article 27 in Nuclear Matters, or on a supplemental basis, in the Directives of the Nuclear Suppliers' Group, in the Hydrocarbons Law, as well as the provisions of the Regulations of the activities referred in the Third Title of the Hydrocarbons Law, it shall be understood by:

- I.** (...)
- II.** (...)



- III. (...)
- IV. **Energy balance:** Relation of supply (*oferta*) of a refined product or hydrocarbon, comprised of production, the imports and the inventories, with the demand for the same, comprised of the sales to end users or self consumption.
- V. (...)
- VI. (...)
- VII. (...)
- VIII. **COCEX:** The Foreign Trade Commission;
- IX. (...)
- X. (...)
- XI. (...)
- XII. **CRE:** The Energy Regulatory Commission;
- XIII. **Final Destination:** the last point to which the regulated goods arrive, classified in item b) of Annex I to this Order once the export is undertaken;
- XIV. (...)
- XV. (...)
- XVI. (...)
- XVII. **Export:** the exit of goods from the national territory to remain abroad, whether for a limited or unlimited time;
- XVIII. **Exporter:** any natural or legal person that directly or indirectly, regularly, occasionally or for the first time undertakes the export of any of the goods referred in this Order;
- XIX. **Import:** the entry of goods to the national territory to remain in the same, whether for a limited or unlimited time;
- XX. **Importer:** any natural or legal person that directly or indirectly, regularly, occasionally or for the first time undertakes the import of any of the goods referred in this Order;
- XXI. (...)
- XXII. (...)
- XXIII. (...)
- XXIV. **NICO:** number or numbers of commercial identification, pursuant to the provisions of Article 2nd, section II, Supplementary Rule 10th of the Law on General Taxes of Import and Export;
- XXV. (...)
- XXVI. **First use Refined Products:** Gasoline or diesel that is used to fill-up the engines of new vehicles, which characteristics correspond to those technically required in the country to which such vehicles will be exported to;
- XXVII. **Test Refined Products:** Gasoline or diesel or any other refined product that is used to undergo tests to engines and that may have different characteristics to those established in the NOM-016-CRE-2016 or that replacing it;





- XXVIII. (...)
- XXIX. (...)
- XXX. (...)
- XXXI. **Customs Regimes:** Those indicated in Article 90 of the Customs Law;
- XXXII. (...)
- XXXIII. (...)
- XXXIV. (...)
- XXXV. (...)
- XXXVI. (...)
- XXXVII. **SENER:** The Ministry of Energy;
- XXXVIII. **Code:** the Code contained in Article 1st of the Law on General Taxes of Import and Export;
- XXXIX. (...)
- XL. (...)
- XLI. **End Use:** the last use of the goods referred in this Order;
- XLII. **End User:** Natural or legal person that in its capacity of purchaser or consignee, different than the intermediary agent of the transaction, and re-issuing agent, will receive and make use of the goods;
- XLIII. **Digital Window:** that provided for in the Decree establishing the Mexican Digital Window for Foreign Trade published in the Federal Register on January 14, 2011, available at the website www.ventanillaunica.gob.mx

TITLE II. REGULATION ISSUED BY THE CNSNS

(...)

TITLE II [sic]. PRIOR PERMITS TO IMPORT AND EXPORT REFINED PRODUCTS AND HYDROCARBONS

CHAPTER I. GENERAL PROVISIONS

ARTICLE 27.- The purpose of this Title is to: (i) establish the goods that will be subject to a prior permit by SENER, with respect to the import or export of refined products and hydrocarbons, (ii) provide legal certainty with respect to the conditions and customs regimes under which the foreign trade transactions related to the import and export of refined products and hydrocarbons may be undertaken (iii) determine the conditions of compliance that shall be evidenced before the authorities with jurisdiction to obtain and maintain in effect the prior permits to import and export refined products and hydrocarbons.





ARTICLE 28.- The activities of SENER in matters of granting and supervision of the prior permits for import and export of refined products and hydrocarbons shall be oriented based on the objectives of the public policy on energy matters, including those of the country's energy security, sustainability, continuity in the supply of fuels and diversification of markets.

Procuring the country's energy security, the adequate supply of fuels, and energy sovereignty of the country, SENER shall consider the balance between the relevant supply (*oferta*) of national production and the imports, and the domestic demand and exports; as well as the strengthening of the storage levels of refined products and hydrocarbons.

ARTICLE 29.- The prior permit has the purpose of being a non-tariff restriction measure that regulates imports and exports of refined products and hydrocarbons with the purpose of controlling that the foreign trade transactions do not affect the energy balance, promote compliance with tax, customs and foreign trade obligations, as well as preventing and identifying customs fraud and smuggling practices of the goods.

ARTICLE 30.- The goods classified in the tariff codes listed in item a) of Annex II of this Order, shall comply with the regulation indicated in the Annex itself, provided they are destined to the definitive import, temporary import, and bonded warehouse regimes.

ARTICLE 31.- The goods classified in the tariff codes listed in item b) of Annex II of this Order, shall comply with the regulation indicated in the Annex itself, provided they are destined to the definitive export and temporary export regimes.

ARTICLE 32.- The applications for Prior Permit to import and export refined products and hydrocarbons, as well as the relevant extension (*prórroga*) application, shall be submitted through the Digital Window pursuant to Annex III of this Order, in the terms established by the procedures registered in the Federal Register of Filings and Services; and pursuant to the provisions of this Order.

ARTICLE 33.- The applicant of the permit to import and export refined products and hydrocarbons shall state at the beginning of the procedure two email accounts so that at all times valid communication with SENER is maintained and express its consent to receive information and notices related to the application or the authorized permit through the appointed accounts. In case there are changes to the same, it shall inform SENER for their update.

ARTICLE 34.- The documentation submitted by the applicant or permit holder, digitally, shall be understood as a true reproduction of their originals, which does not





prevent SENER from requesting the original documentation or a certified copy for verification, in case it believes it necessary, or rather, it requests the ratification of the documents it believes necessary.

ARTICLE 35.- The applicant of prior permits to import or export refined products and hydrocarbons may consult SENER's webpage for the forms and requirements that it shall submit with its application, pursuant to this Order.

The permit holder authorized by SENER to undertake activities of import or export of refined products and hydrocarbons may consult SENER's webpage for the forms and reports to be submitted monthly.

ARTICLE 36.- SENER in exercising its supervision powers of prior permits to import and export refined products and hydrocarbons, and with the purpose of determining the energy policy, may require from the applicants and/or permit holders additional information to that reported.

ARTICLE 37.- SENER at all times may request any institution or agency for information that allows it to have the sufficient elements to determine that the granting or effective term of a permit to import or export refined products and hydrocarbons contributes to the energy security and guarantee in the supply of fuels in the national territory.

ARTICLE 38.- The authority to interpret for administrative purposes and/or enforcement to specific cases, of this order, corresponds to SENER and the Ministry of Economy, within the scope of their respective jurisdiction.

CHAPTER II. PRIOR PERMITS

SECTION I. REQUIREMENTS FOR THE IMPORT OF REFINED PRODUCTS AND HYDROCARBONS

ARTICLE 39.- To obtain a Prior Permit to import refined products and hydrocarbons with an effective term of one year, the applicant shall file its application in a free format brief signed by itself or by its representative or attorney in fact, in which it states and evidences the following:

- I. In case of a natural person evidence that he or she develops activities related to the activity for which the prior permit is applied for;
- II. In case of legal person, submit the notarial instrument that evidences the lawful incorporation of the company, that it's corporate purpose is related to the activity





- which prior permit is applied for, as well as the power of attorney of the representative or attorney in fact of the applicant;
- III.** Submit registration certificate to the Federal Taxpayers' Registry of both [*sic*] the applicant and, if appropriate, official identification of its representative or attorney in fact;
 - IV.** Submit a commercialization and/or transportation permit of the goods that it seeks to import, granted by the relevant authority.
In case that whomever commercializes o transports is a person different than the applicant it shall state who that person is and evidence that it holds the valid permit issued by an authority with jurisdiction to develop the activity, as well as evidencing the commercial relationship with that third party;
 - V.** Indicate the means through which the goods that it seeks to import will be transported as of the reception from its supplier and until the delivery to its customers and/or end users, as appropriate; as well as the physical location of the facilities or storage equipment, including storage for self use, distribution or retail sales where the goods will be received;
 - VI.** Indicate the use and final destination that the goods subject matter of the permit will have;
 - VII.** Submit a free format brief stating, under oath, that it is in good standing in the compliance of its administrative, tax and customs obligations that allow it to develop the foreign trade activity requested with the purpose of being able to make good use of the Prior Permit;
 - VIII.** Attach the executed contract with one or more accredited and approved laboratories by the CRE or with the foreign laboratories registered with the Ministry of Economy, as appropriate, to evidence the quality of the fuel in terms of the regulation in effect;
 - IX.** Submit a list that contains the name, address, and identification data of the suppliers of the goods to be imported; likewise, attach the document that evidences the contractual relationship in effect with the same, or rather, prior invoices, that support the requested volume in respect of the volume to be imported; or in case of having no record of previous imports, it shall produce the purchase intent document of the clients that allow it to justify the requested volume;
 - X.** Indicate the use and final destination of the goods that it seeks to import;
 - XI.** The list that contains the name, corporate name, address and Federal Taxpayers' Registry of at least two of its principal clients, and evidence the relationship with said clients with the contract, purchase invoice, supply contract and/or letter of intent, indicating the volume of the product that it plans to sell or use during the effective term of the permit;
 - XII.** Submit a monthly projection of the introduction costs and the volume of the goods that it seeks to import during the effective term of the permit, and





XIII. In case that the importer is the holder of commercialization and/or distribution permits that allow it to sell gasoline, diesel or jet fuel to service stations or end users, it shall demonstrate with documents its compliance with the obligations established by the Public Policy of Minimum Storage of Refined Products in effect.

When the interested party submits all the information and documents required by this Article, but does not justify the requested volume, SENER in case it grants the requested permit may adjust the volume to that which it considered is evidenced.

In case that the interested party seeks to obtain a prior permit for the import of first use refined products or test refined products, they shall evidence that these are companies that use fuel with special requirements in accordance with the technical specifications required in the country to which they will export the automotive vehicles, or rather that they commercialize product with special technical specifications by virtue of the commercial relationships that it holds with manufacturing companies of vehicles to be exported.

ARTICLE 40.- To obtain a Prior Permit to import refined products and hydrocarbons with an effective term of five years, the applicant shall satisfy the requirements included to carry out the activity for one year, plus demonstrating that:

- I.** Its contractual commitments have a duration of at least five years; and
- II.** It has storage and/or transportation infrastructure of the requested goods, that it is developing new or expanding that which it already has, for which it shall produce the certification that so evidence it, as well as the relevant permit for the activity of the hydrocarbons' industry granted by an authority with jurisdiction.

When the interested party submits all the information and documents required by this numeral, but does not justify the requested volume, SENER in case it grants the requested permit may adjust the volume to that which it considered is evidenced.

SECTION II. REQUIREMENTS TO EXPORT REFINED PRODUCTS AND HYDROCARBONS

ARTICLE 41.- To obtain a prior permit to export refined products and hydrocarbons with an effective term of one year, the applicant shall file its application in a free format brief signed by itself or it's representative or attorney in fact, in which it states and evidences the following:

- I.** In case of a natural person evidence that he or she develops activities related to the activity for which the prior permit is applied for;





- II. In case of legal person, submit the notarial instrument that evidences the lawful incorporation of the company, that it's corporate purpose is related to the activity which prior permit is applied for, as well as the power of attorney of the representative or attorney in fact of the applicant;
- III. Submit registration certificate to the Federal Taxpayers' Registry of the applicant and, if appropriate, of its representative or attorney in fact, as well as identification of the latter;
- IV. Submit the transportation or distribution permit of the goods that it seeks to export, issued by the relevant authority;
- V. Indicate the means through which the goods that it seeks to export will be transported from it's production up to it's exit of the national territory, whatever it's customs regime is; and if appropriate, evidence the commercial relationship with a third party that carries out the activity;
- VI. Submit a free format brief stating, under oath, that it is in good standing in the compliance of its administrative, tax and customs obligations that allow it to develop the foreign trade activity requested with the purpose of being able to make good use of the Prior Permit;
- VII. The list that contains the name, corporate name, address and Federal Taxpayers' Registry of the supplier(s) of the goods to be exported, as well as the document that evidences such commercial relationship, including but not limited to, purchase invoices, supply contract and/or letter of intent; indicating the volume of the product that it plans to purchase during the effective term of the permit;
- VIII. The list that contains the volume of the goods that it plans to sell each month during the effective term of the requested permit and evidence the commercial relationship with at two of it's main clients;
- IX. Indicate the use and county of final destination of the goods it seeks to export;
- X. Submit a monthly projection of the volume of the goods that it seeks to export during the effective term of the permit, and demonstrating that the sought export will not impact the supply in the national territory, and
- XI. In the case of exports of natural gas in gaseous state, the applicants shall indicate the logistics of the pipelines that they will use to transport said hydrocarbon, that is, include the points of origin and destination, as well the introduction, and the direction of flow of the hydrocarbon that it seeks to export

When the interested party submits all the information and documents required by this numeral, but does not justify the requested volume, SENER in case it grants the requested permit may adjust the volume to that which it considered is evidenced.

ARTICLE 42.- To obtain a prior permit to export refined products and hydrocarbons with an effective term of five years, the applicant shall satisfy the requirements included to carry out the activity for one year, plus demonstrating that:





- I. Its contractual commitments have a duration of at least five years; and
- II. It has storage and/or transportation infrastructure of the requested goods, that it is developing new or expanding that which it already has, for which it shall produce the certification that so evidence it, as well as the relevant permit for the activity of the hydrocarbons' industry granted by an authority with jurisdiction.

When the interested party submits all the information and documents required by this numeral, but does not justify the requested volume, SENER in case it grants the requested permit may adjust the volume to that which it considered is evidenced.

SECTION III. ANALYSIS OF THE APPLICATION

ARTICLE 43.- The interested party shall submit its application for a prior permit to import or export refined products and hydrocarbons through the means and under the conditions established by this Order, in addition, it shall attach the certifications that justify its statements and the satisfaction of the requirements that correspond in each case.

ARTICLE 44.- SENER shall create a file with the relevant application of the prior permit that shall be identified with the application number that the Digital Window issues.

ARTICLE 45.- Within the first five business days, counted as of the reception of the application, without SENER making a requirement, the application is deemed accepted for review, which by no means may be understood that the permit is granted.

If during the aforementioned period SENER identifies that such application is incomplete or irregular, it shall issue a written requirement for it to be cured by the interested party in a term not to exceed ten business days following its notice; once the period elapses without the requirement being satisfied in due time and form, the application shall be dismissed.

In case the applicant was required, the deadline for the issuance of the resolution of the relevant prior permit for import or export, shall be suspended, and be restarted on the business day following that on which the interested party satisfies the requirement.

ARTICLE 46.- To rule on the application for the prior permit a file shall be created which may be consulted by the interested party, pursuant to the applicable provisions in matters of transparency and access to public governmental information, same that shall have:

- I. The opinion from the Tax Revenue Policy Unit of the Ministry of Finance and Public Credit, that in accordance with its authority identifies whether the authorization of the requested permit may create an affectation to the public





finances of the country or to the goods that it seeks to import or export or detriment to the State in connection with the compliance of the applicable provisions on the subject matter.

- II. The opinion of the Light Industries General Directorate of the Ministry of Economy on the sufficiency of national production dealing with imports, or the insufficiency of said production in respect of exports, being able to consult other agencies of the federal government, State productive enterprises, or associations of companies in the industry of the requested good;
- III. The reasons and legal basis that support the determination to grant or deny a requested prior permit, for which it shall consider the analysis of the relevant Energy balance that SENER undertakes, the conditions on energy security, and guarantee of supply of the refined products and hydrocarbons in the national territory.

The requested permit may not be granted, in case that the analysis by SENER results in the existence of any of the following causes:

- a) Whenever the applicant participates in unlawful activities, determined by an authority with jurisdiction, or incurs in falsehood of statements before this agency;
- b) When SENER identifies a breach to applicable provisions on energy, customs or tax matters that attempts against the energy security and sovereignty in connection with the foreign trade activity for which the permit is being applied for, or
- c) When the analysis of the Energy balance identifies an affectation to the energy security or the supply of fuels in the national territory.

SECTION IV. GRANTING OF THE PRIOR PERMIT

ARTICLE 47.- SENER shall issue a resolution granting or denying within the twelve business days following the reception date of the application; once the aforementioned term elapses, if there is no notice on the granting of the permit, the latter shall be understood denied and the rights of the interested party to file a new application shall be preserved.

ARTICLE 48.- When as a result of the analysis made by the SENER it is resolved to grant a permit to undertake import or export of refined products and hydrocarbons it shall be included in an official communication (*oficio*) and indicate the number of the relevant permit. Said permit shall be nominative and non-transferable.

ARTICLE 49.- The data of the import and export permits, as well as their amendments, shall be sent through electronic means to the Comprehensive Automated Customs System of the





General Customs Administration of the Tax Revenue Service, in order for the holders of an import or export permit to undertake the corresponding transactions in any of the customs offices of the country.

For purposes of this point, the country of origin, origin or destination included in the corresponding import or export permit, shall have an indicative nature, and therefore shall be valid even when the country indicated is different to that from which the product comes from, originates or is destined to, and therefore the holder of the relevant permit is not required to modify the same for it to be valid.

Likewise, the value and unit price contained in the relevant import or export permit, shall have an indicative nature, and therefore shall be valid even when the value and unit price are different to that declared at the customs office, therefore the holder of the relevant permit is not required to modify the same for it to be valid.

SECTION V. EXTENSION OF PRIOR PERMITS

ARTICLE 50.- The prior Permit to import or export refined products and hydrocarbons may be extended once its volume is depleted or its effective term concludes. For that, the permit holder shall satisfy the following:

- I. Submit an extension application before the Digital Window with an anticipation of at least twelve business days to the end of the effective term of the same, with the purpose of maintaining the continuity in the operations, in the understanding that the lack of submission of the application within the established term shall be considered as a waiver to the right of requesting the extension, and
- II. Evidencing that it satisfied the conditions stated in the application of the prior permit that it seeks to extend, with respect to suppliers, clients, logistics, introduction or exit point and volume projections, which evaluation determined the granting of the permit; or rather, it justified the differences occurred.

ARTICLE 51.- The prior permit granted for one year may be extended up to two occasions for the same effective period.

ARTICLE 52.- The prior permit granted for five years may be extended on one occasion only for the same effective term.

ARTICLE 53.- In both cases, SENER will review the requested volume, taking into account the use of the depleted or concluded permit, the effectiveness of the circumstances and the conditions as a result of which the permit sought to be extended was granted, and shall verify



that none of the impediments to grant a prior permit pursuant to the provisions of article 46 exist.

The terms considered for the granting of the initial permit shall be applicable to the application of the extension of the same.

ARTICLE 54.- In case of denial of the extension of the requested permit, it is not an obstacle for the interested party, if considered appropriate, to submit a new application of a prior permit.

CHAPTER III. CAUSES OF TERMINATION, EXPIRATION AND REVOCATION OF THE PRIOR PERMIT

ARTICLE 55.- The prior permit shall terminate whenever any of the following causes occurs:

- I.** Expiration of the effective term originally included in the Prior Permit or the extension granted;
- II.** Relinquishment by the permit holder, provided no third-party rights are affected;
- III.** Expiration;
- IV.** Revocation;
- V.** Disappearance of the purpose or end of the permit;
- VI.** Dissolution, liquidation or bankruptcy of the permit holder, and
- VII.** Judicial resolution firm order of an authority with jurisdiction.

ARTICLE 56.- The prior permit to import or export with an effective term of one year shall expire if not used for more than thirty consecutive calendar days.

ARTICLE 57.- The prior permit to import or export with an effective term of five or twenty years shall expire if the holders of the same fail to exercise the rights conferred or undertake the purpose of the prior permit, for a consecutive period of three hundred sixty-five calendar days, without justified cause; which, if applicable, shall be made known to SENER.

ARTICLE 58.- Prior to the permit holder finding itself in one of the expiration hypotheses provided in articles 56 and 57, it shall submit to SENER the justification that evidences the reasons for which it has not undertaken the activity subject matter of the permit. The foregoing, with the purpose that within the ten business days following the submission of its justification, this agency determines whether it considers sufficient and reasonable cause that which was argued by the permit holder, provided that the supply in the national territory is not affected, which will allow it to continue using the granted prior permit.





If not, or when such justification is not submitted timely, the expiration of the permit shall operate, by the mere passage of time.

ARTICLE 59.- The prior permit to import or export refined products and hydrocarbons, shall be revoked by SENER, in the following cases:

- I.** When there is evidence that the permit holder:
 - a) Participated in unlawful activities related to the purpose of the permit granted, determined by an authority with jurisdiction;
 - b) That the permit holder incurred in falsehood of statements;
 - c) That the permit holder submitted false documentation or data to obtain the prior permit.
- II.** When SENER has evidence of the bad use of the prior permit, considering that this has occurred, including but not limited to, the breach of administrative, tax, customs or foreign trade obligations that prevent it from exercising the rights of the prior permit, or rather to undertake the purpose of the same;
- III.** If the conditions established in this Order are violated, with respect to the exports or imports of refined products and hydrocarbons subject to prior permit;
- IV.** If the permit holder violates the conditions established in the prior permit for import or export;
- V.** In case of alteration of the initial conditions based on which the prior permit for import or export was granted;
When the holders of a prior permit fail to inform any change or update with respect to the conditions on the basis of which the relevant permit was granted, including, but not limited to the changes to the corporate bylaws or shareholding or stock composition.
- VI.** When the authority with jurisdiction has evidence that the permit holder does not have the documentation that supports the lawful introduction or extraction from the country of said goods or the logs (*registros*) of its foreign trade transactions show inconsistencies with the information of its application for the issuance of the prior permit for import or export.
- VII.** In case that, at any moment during the effective term of the permit, it is identified the failure, alteration or falsehood of the data provided in connection with the end use stated in the application to grant the prior permit to undertake the activity of import and export;
- VIII.** Whenever the Tax Revenue Service informs that the name or tax address of the addressee or buyer abroad, indicated in the export or import authorization or rather in the customs declaration or invoices, are false or inexistent.
- IX.** In general any breach without justified cause to the applicable provisions on energy matters, that attempts against the energy security and sovereignty, determined by an authority with jurisdiction.





ARTICLE 60.- With the goal of guaranteeing the energy security and protect the public interest, SENER shall commence on its own a revocation procedure of the prior permit to export or import refined products and hydrocarbons, whenever it has knowledge of the probable occurrence of any of the revocation causes.

ARTICLE 61.- SENER shall notify the holder of the prior permit to import or export refined products and hydrocarbons the cause that supports the commencement of the procedure and simultaneously shall notify the Tax Revenue Service, immediately, of the facts that support it in order for the prior permit to be suspended until such procedure is resolved.

ARTICLE 62.- A term of ten days counted as of the day following that on which the notice becomes effective shall be granted, for the holder of the Prior Permit to import or export to argue what it believes to be within its rights and offer in writing the evidence it holds. Once the evidenced offered is heard and admitted, a term of no less than five days but no longer than ten shall be granted, for the holder of the permit, if appropriate, to make the arguments that it deems within its rights. Once this stage elapses, SENER shall issue the corresponding resolution.

ARTICLE 63.- SENER in a term no longer than three months counted as of the commencement of the procedure, shall determine if the cause for revocation was rebutted or confirm the applicability of the revocation, having to notify its determination to the holder of the permit to import or export.

In case the permit holder offers no evidence or arguments within the established term, the relevant revocations shall be resolved, notifying the holder of the permit to import or export within a term no longer than ten days.

ARTICLE 64.- In no case will a prior permit to import or export refined products and hydrocarbons be granted, whenever the applicant has been the subject of two or more procedures where the revocation of the permits was confirmed. The foregoing, in connection with the product applied for.

The sanctions referred to in this point shall be imposed independently from those corresponding in terms of the applicable criminal, tax and administrative legislation.

CHAPTER IV. SUPERVISION

ARTICLE 65.- The interested parties that have obtained a prior permit, shall monthly submit, within the ten business days following the end of the corresponding month, the report that is available in the excel downloadable format at the electronic website of SENER.





The foregoing, in accordance with the corresponding attached forms according to the effective term of their permit, authorized goods and use of the same.

Said report shall be sent through the email address reportes@energia.gob.mx.

In case that the permit holder imports first use or test refined products, in addition they shall submit the relevant report that these are companies that use fuels with special requirements in accordance with the technical specifications provided in the country to which the automotive vehicles will be exported to, or rather that they commercialize product with special technical specifications by virtue of the commercial relationship that it holds with the manufacturers of the vehicles to exported.

ARTICLE 66.- The permit holder shall at all times act in compliance with the provisions contained in this Order and the applicable provisions on energy, tax, customs and foreign trade matters related to the performance of the purpose of the granted prior permit, otherwise it shall be sanctioned with the revocation of the granted prior permit.

ARTICLE 67.- The breach to any obligation provided in this order shall be sanctioned taking into account the severity of the breach, pursuant to the Fourth Title of the Hydrocarbons Law.

ARTICLE 68.- Irrespective of the provisions of the preceding numeral, the imports and exports of the goods subject matter of this Order that are not undertaken in compliance with the obligations provided in the Foreign Trade Law, the Customs Law, and the Hydrocarbons Law, or in any other regulatory instrument that is applicable to the permitted activity shall be sanctioned as applicable in each case; without prejudice to the sanctions of a criminal, tax and administrative nature that are provided for in other applicable provisions.

ARTICLE 69.- The holders of the prior permits shall inform of any change or update with respect to the conditions on the basis of which the relevant permit was granted, including, but not limited to the changes to the corporate bylaws and the shareholding or stock composition.

TITLE III. OTHER PROVISIONS

ARTICLE 70.- SENER, in coordination with the COCEX, shall annually review the lists of goods subject to non-tariff regulation in terms of this Order, in order to exclude from the latter, the goods which regulation is considered unnecessary, or include those which are considered convenient, for which the annexes of this Order shall be amended.





ARTICLE 71.- For matters of administrative actions, procedures and resolutions not provided for in this Order, the relevant parts of the Federal Law on Administrative Procedure, as well as its supplementary provisions, shall be applicable.

ARTICLE 72.- Compliance with the provisions of this Order does not exempt the compliance of any other requirement or regulation to which the export or import of the goods described in this Order is subject to, as appropriate, pursuant to the applicable legal provisions.

TRANSITORY PROVISIONS

FIRST.- This Order shall become effective on December 28, 2020.

SECOND.- In the case of the goods included in the tariff codes 2710.12.99.02 and 2710.19.99.05, as well as the tariff codes 2711.12.01, 2711.13.01, 2711.14.01 and 2902.20.01, the applicants shall have a term of sixty days to be able to complete the application of the relevant import permit, counted as of the moment that for such purposes the restart of terms and deadlines of the Ministry of Energy is established, suspended pursuant to the Order establishing the suspension of legal terms and deadlines in the Ministry of Energy, as a measure of preventing and combatting the spread of coronavirus COVID-19, published in the Federal Register on March 25, 2020, and its amendments published in the same official mean of communication the days 17 and 30 of April and May 29, 2020. Meanwhile, these goods may be imported without the need of the permit referred to in this Order.

THIRD.- At the effective date of this ordinance, the Order establishing the classification and coding of the goods which import and export is subject to authorization by the Ministry of Energy, published in the Federal Register on March 2, 2012, and its respective amendment orders published in the Federal Register on June 15, 2012, June 18, 2012 and March 2, 2016 are repealed; as well as the Order establishing the classification and coding of Hydrocarbons and Refined Products which import and export is subject to Prior Permit by the Ministry of Energy, published in the Federal Register on December 29, 2014, and its respective amendment orders published in same means [*sic*] of communication on December 30, 2015, September 8, 2017, December 4, 2017 and February 22, 2019.

FOURTH.- (...)

FIFTH.- The prior permit to import or export hydrocarbons or refined products that was commenced before the effective date of this Order shall continue to be resolved until its conclusion pursuant to the applicable provisions at the moment the filing of the application occurred.





SIXTH.- The Prior Permit to import or export refined products or hydrocarbons that was granted by the Ministry of Energy before the effective date of this Order, shall be valid until their effective term concludes, likewise, the rights and obligations derived from the same shall be governed pursuant to the applicable provisions at the time of their issuance.

(...)

ANNEX I

(...)

Campa & Mendoza

