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ABOGADOS

October 23, 2023

Client Alert

Measures are issued to combat the illicit market of regulated fuels by the Ministry of Energy.

1. The temporary importation of products such as fuel oil, jet gasoline, gasoline with an octane below 87, and other gasoline, among others, is restricted.
2. The National Customs Agency of Mexico and the Tax Administration Service shall determine the customs clearance of the goods subject to the restriction.
3. Inspection and surveillance will be intensified in permitted facilities such as storage terminals and transfer facilities.

Content of the Decree.

On October 23, 2023, the government of Mexico published in the Federal Register the "Decree establishing measures to combat the illicit fuel market, related to the import of goods regulated by the Ministry of Energy" (the "**Decree**"), which can be consulted [here](#).

Under the premise of combating the illicit fuel market and smuggling, SENER will temporarily restrict the import of certain goods (fuel oil, jet gasoline, gasoline with octane below 87, and other gasoline, among others), with the intention of avoiding: **a)** imminent damage to health and the environment, **b)** the violation of the health and safety of the population surrounding the fuel handling centers, and **c)** the negative impact on private vehicles and public transport, since SENER has detected that there are certain goods that are used to be irregularly mixed with hydrocarbons or petroleum products in order to adulterate them.

The Decree will only allow the importation of these goods if the interested party requires them for their production processes, for which the interested party must request and prove to the Subsecretary of Hydrocarbons of SENER that the volume and destination of the merchandise requested to be imported is necessary for their production processes and will have as its purpose the development or performance of a lawful activity that does not contravene the Decree. To this end, SENER will have 15 working days to respond to the import request.

The previous does not apply to those who, prior to the entry into force of the Decree, already have a prior import permit issued by SENER. However, they must inform SENER within a maximum period of 30 working days from the entry into force of the Decree its intention to continue with the operations covered by its permit and that they correspond to a volume and destination necessary for its production process and that it does not disregard the Decree.

The Decree also orders various authorities to increase and intensify the inspection and surveillance of transfer facilities, storage terminals and other facilities on a permanent basis.





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The National Customs Agency of Mexico and the Tax Administration Service shall determine the customs clearance of the goods subject to the restriction.

As for the guarantee of the supply of these goods, it will be the responsibility of the Federal Executive through productive companies of the state, parastatals or others.

Finally, this restrictive measure will remain in place until:

1. The corresponding authorities (Ministry of Economy (“SE”) and SENER) regulate the traceability and control measures for the importation of goods indicated in the Decree, for which there will be a period of 10 working days from the entry into force of the Decree.
2. The corresponding authorities (SE, SENER, Energy Regulatory Commission, Tax Administration Service, and others) adjust the registers, registers, systems and platforms, physical or electronic, referring to the import and traceability of the goods subject to the Decree, for which there will be a period of 30 working days from the entry into force of the Decree.

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This document is not legal advice. If you have any questions or require advice, don't hesitate to get in touch with us.

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