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January 12, 2024

## Client Alert

### **The Energy Regulatory Commission publishes the agreement to regularize some obligations, to enable the transfer of the service stations permits.**

- The Regulation will apply to those modification request by cession in process or if the permit holder wants to transfer the permit.
- The Regulation will only apply to service stations with a specific purpose of petroleum products, natural gas, or liquefied petroleum gas.
- The penalty payment for regularization will be \$1,628,550 Mexican pesos.
- Applications for regularization must be submitted until 31 March 2024.

#### **I. Content of the Agreement.**

This is an update to the "[Client Alert](#)" published on December 13, 202 by Campa & Mendoza.

Today, the Energy Regulatory Commission (the "**Commission**") published in the Federal Registry ("**DOF**") the "*Agreement No. A/080/2023 by which the Energy Regulatory Commission establishes the procedure to regularize the unfulfilled obligations of permit holders and guarantee the continuity of service in the public interest, in the attention of applications for the cession of permits to sell petroleum products, natural gas or liquefied petroleum gas to the public through service stations for specific purposes, as referred to in Article 53 of the Hydrocarbons Law*" (the "**Agreement**"), which can be consulted [here](#).

The Agreement applies only to those permittees to sell to the public, through a service station for specific purposes of petroleum, natural gas or liquefied petroleum gas and who also have an application in process for modification by assignment at the time of the beginning of the term of the Agreement or who wish to make a modification of permit by assignment.

The interested party must make an under oath statement accepting the Agreement and, in the event that the interested party has a request for modification by assignment in process, they must withdraw from it, in order to obtain the regularization of the breach of their obligations.





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The regularization will consist of a financial penalty for non-compliance with the following obligations:

- (i) Failure to have and maintain current insurance, including damages to third parties, and
- (ii) Failure to submit annual reports in compliance with the Official Mexican Standards.

The Energy Regulatory Commission must notify the acceptance of the regularization request and the amount that the permittee must pay will be 15 thousand times the UMA<sup>1</sup> (\$1,628,550<sup>2</sup>). After payment, a new assignment request must be submitted for consideration by the Commission's Governing Body.

The period of the procedure from start to finish is at least 65 working days, which are counted as follows:

- a. Up to 10 working days for the declaration of provenance by the Legal Affairs Unit to the Hydrocarbons Unit.
- b. 5 business days for the permittee to comply with the declaration of non-compliance or to state what it deems necessary.
- c. 15 working days for notification of the corresponding penalty to the permittee.
- d. 20 working days from the day following the notification for the payment of the penalty and accreditation before the Commission.
- e. 15 days to obtain compliance or not with the sanction.

The regularization will not take effect until compliance with the sanction is duly accredited.

It should be noted that there is no established deadline to obtain the notification of the declaration of admissibility of the request for regularization by the Hydrocarbons Unit to the permittee, so it could take up to 3 months for its notification in accordance with the Federal Law of Administrative Procedure.

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<sup>1</sup> Unit of Measurement and Update.

<sup>2</sup> Value as of 2024, considering a daily UMA value of \$108.57 pesos.





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Finally, the first transitory of the Agreement establishes the validity of the Agreement from January 15 to March 31, 2024, allowing the Governing Body of the Commission to extend this period.

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This document is not legal advice. If you have any questions, please contact us.

Campa & Mendoza  
[contacto@campaymendoza.com](mailto:contacto@campaymendoza.com)

