



Suspension of the Administrative Agreement of goods for import and export Mexican Ministry of Energy

On January 15th, 2021, the plaintiff in amparo trial No. 16/2021 was granted a provisional suspension, in order to «suspend each and every one of the effects of the “Administrative agreement that provided the classification of the goods whose import and export are subject to the regulations of the Mexican Ministry of Energy”, published on the Official Journal of Mexico on December twenty-sixth of two thousand and twenty and, more specifically, the provisions regarding the applicable regulations to the import and export of petroleum products and hydrocarbons».

According to the District Court, the effects of the granted provisional suspension not only protects the plaintiff, but they benefit every participant of the petroleum product and hydrocarbon market who has an import or export permit, or who seeks to obtain such permits.

The reason is that, from the Court’s perspective, to constrain the effects of the provisional suspension to the plaintiff would result on a competitive advantage to that complaining party only, at the expense of the rest of the participants of the industry,

which would affect the competition and the market development negatively.

Therefore, the Ministry of Energy and the Ministry of Economy were granted a term of three days to prove they «informed each and every participant of the petroleum products and hydrocarbons industry that, during the validity of the precautionary measure granted, each and every effect and consequence of the “Administrative agreement that provided the classification of the goods whose import and export are subject to the regulations of the Mexican

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Legal Alert 06/2021 | February 19th, 2021

Ministry of Energy”, published on the Official Journal of Mexico on December twenty-sixth of two thousand and twenty one and more specifically, the provisions regarding the applicable regulations to the import and export of petroleum products and hydrocarbons are suspended, and the previous “Administrative agreement that provides the classification and codification of Hydrocarbons and Petroleum products whose import and export is subject to a Prior Permission extended by the Ministry of Energy”, which was published in the Official Journal of Mexico December twenty-ninth of two thousand fourteen, including its amendments, will remain in full force».

Moreover, the responsible authorities, within their jurisdiction, are bound to communicate the previous information through the same Official Journal, in which the contested administrative agreement was first published.

Failure to comply with the Court’s orders and, unless the responsible authorities demonstrate a legal impediment in due course, «the natural persons that hold office and are in charge as responsible authorities will be sentenced to a fine equivalent to the current penalty unit multiplied by one hundred».

Finally, on February 22th, an incidental court hearing will be held to determine whether the District Court will grant the definitive suspension.

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