

Judges reinstate asymmetric regulation applicable to PEMEX

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On June 4, 2021, District Courts in Administrative Matters Specialized in Economic Competition, Telecommunications and Broadcasting granted the first permanent injunction against the amendment to the Thirteenth Transitory Article of the Hydrocarbons Law that was published on May 19, 2021, and the Resolution number A/015/2021 that was published by the Energy Regulatory Commission ("CRE") on May 21, 2021.

For context, the amendment to the Thirteenth Transitory Article of the Hydrocarbons Law eliminated the power granted to the CRE to impose asymmetric regulation on PEMEX (the "Amendment"). The Amendment resulted in the elimination of restrictions imposed upon PEMEX with respect to first-hand sales and commercialization of hydrocarbons, among other things, since as a result of the Amendment, CRE issued Agreement A/015/2021 whereby it rolled back all the regulations previously issued regarding asymmetric regulation. For more details on this Resolution, please refer to our Client Alert [here](#).

The permanent injunction was issued resulting from certain amparo lawsuit (constitutional review) filed against the Amendment. Although the corresponding authorities (such as CRE) may challenge such injunction before Collegiate Circuit Courts, in principle, it will remain in effect until the merits of the amparo are ultimately resolved.

The aforementioned injunction was granted with erga omnes effects. This means that it benefits not only the plaintiffs in the corresponding amparo lawsuit, but also, that it suspends the application of the Amendment in its entirety.

As a result of the issuance of the permanent injunction, the asymmetric measures implemented by the CRE prior to the Amendment in order to reduce the predominance of PEMEX will resume their effectiveness, allowing for greater competition from private companies.

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