

New rules for obtaining import and export permits of hydrocarbons and oil products from SENER are issued

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On December 26, 2020, the Ministry of Economy published in the Federal Official Gazette (the "DOF") the Resolution that establishes the merchandises which import and export is subject to regulation by the Ministry of Energy (the "Resolution"). The Resolution became effective on December 28, 2020, and repealed the prior "Resolution that establishes the Classification and Codification of the Hydrocarbons and Oil Products whose Importation and Exportation is subject to prior permit from the Ministry of Energy", published in the DOF on December 29, 2014 (the "Repealed Resolution").

On the one hand, the Resolution establishes the requirements to obtain the authorization of the Ministry of Energy ("SENER"), through the National Commission for Nuclear Safety and Safeguards ("CNSNS"), for the importation and exportation of nuclear materials and fuels, radioactive materials, equipment that generates ionizing radiation, equipment and articles of dual use in nuclear matters and other related technology, which are susceptible to be used for the proliferation and manufacture of nuclear and mass-destruction weapons, without prejudice to other domestic or international regulations.

On the other hand, the Resolution sets forth (i) the hydrocarbons and oil products which import or export are subject to a prior permit from SENER; (ii) the requirements that parties interested in obtaining such permits must meet; (iii) the procedure that SENER must follow to analyze the application and grant the permits; and (iv) the conditions that must be met in order to maintain permits for the import and export of hydrocarbons and oil products in full force and effect, as well as the conditions for their termination, expiration, and revocation.

The main aspects in which the Resolution differs from the Repealed Resolution are:

- Establishing of requirements to obtain SENER's authorization, through the CNSNS, to import and export nuclear and radioactive articles, among others.
- Additional hydrocarbons and oil products (butanes and propane) are added to the list of those requiring a prior import permit.
- The possibility of requesting permits with a 20-year validity is eliminated, being replaced by 5-year permits.

- Addition of new requirements for the obtainment of import and export permits.
- Addition of new permit revocation events.
- Addition of new permit expiration events.
- SENER is granted authority to authorize import and export volumes below the volumes originally requested, if these are not justified.
- Obligation to file monthly reports, regardless of the term of validity of the permit.
- The deemed approval that existed with respect to the one-year permit application is replaced with a deemed denial.

The transitory articles of the Resolution provide the following:

- In the case of aromatic precursor naphtha, gasoline with an octane higher than or equal to 87 but lower than 92, propane, butanes, ethylene, propylene, butylene, butadiene and benzene, interested parties will have a period of 60 days, from the date on which SENER resumes the terms and deadlines suspended due to the Covid-19 pandemic, to submit the corresponding import permit application. In the meantime, such merchandises may continue to be imported without requiring an import permit.
- Permits granted under the Repealed Resolution shall continue to be in force through their expiration date, and the rights and obligations thereunder will be governed by the regulations that were in force at the time of issuance of the permit.
- Permit applications filed prior to the entry into force of the Resolution will be processed in accordance with the Repealed Resolution.

For ease of reference, the Resolution may be consulted [here](#).

For any additional information, do not hesitate to contact our expert team, who can be of assistance:

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