

RITCH

M U E L L E R

Resumption of deadlines and legal terms before the Energy Regulatory Commission

On July 20, 2023, the Energy Regulatory Commission ("CRE") published Decree number A/023/2023 (the "Decree") in the Federal Official Gazette ("DOF") ordering that, as of the date of its publication, Decrees A/001/2021 and A/004/2023 shall cease to have effect.

On one hand, CRE's Decree number A/001/2021 (the "2021 Decree"), published on January 18, 2021, ordered the suspension of legal terms regarding processes or applications carried out before such authority as a measure to prevent and counter the spread of COVID-19. On the other hand, Decree A/004/2023 (the "Lifting Decree"), published on February 28, 2023, and effective as of March 1, 2023, lifted the suspension of legal terms of the proceedings provided under the 2021 Decree.

The Lifting Decree established that the resumption of legal terms would be implemented gradually, taking into account the following measures:

- » Applications that had been filed before the CRE during the suspension period would be processed pursuant to their order of priority and would be considered to have been carried out as of March 1, 2023.
- » Applications filed after March 1, 2023, would be processed pursuant to the number of ticket (folio) assigned to such application through CRE's Electronic Filing Office.
- » Only one application per month per individual or legal entity would be received and the number of ticket (folio) would be assigned according to the following:
 - i) 50 per month for hydrocarbons matters;
 - ii) 15 per month for electricity matters; and
 - iii) 120 per month for pre-registrations.

In addition, the Lifting Decree made a direct reference to the CRE's website (www.cre.gob.mx) describing the processing periods for applications filed prior to the enforcement of the Lifting Decree.

The 2021 Decree and the Lifting Decree were widely challenged in federal courts on the grounds that they established mechanisms to unjustifiably delay the attention of processes and requests in violation of the Constitution.

RITCH M U E L L E R

The Decree suspends the applicability of the 2021 Decree and the Lifting Decree, as well as all the actions that were carried out for its compliance, such as the ticket (folio) system and the calendar to process applications.

Therefore, as of July 20, 2023, legal terms for applications filed before the CRE will be processed pursuant to the provisions of the applicable law and not pursuant to the order of priority provided under the Lifting Decree, and there will not be a limit as to the number of requests that may be filed before the CRE.

If you require any additional information, please contact our partner Juan José Paullada at jpaulada@ritch.com.mx. Otherwise, feel free to reach out to us at contacto@ritch.com.mx so we may direct your query to the appropriate team members.

**Torre Virreyes, Av. Pedregal No. 24, 10th floor
Molino del Rey, 11040 Mexico City
+52 55 9178 7000
contacto@ritch.com.mx / www.ritch.com.mx**