

# Mexico Energy Alert: Temporary Restriction on Imports of Certain Fuels

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PRACTICES International, Mexico

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The Official Gazette of the Federation recently published a decree temporarily restricting the import of certain products with the alleged purpose of combating the black market and smuggling of fuels in Mexico (the “Decree”)<sup>1</sup>.

The restriction applies to the importation of products specified in the list of 68 tariff classification numbers in the Decree, including hydrocarbons, oils, lubricating greases, alcohols, some types of crude oil, and fuels.

The purpose of this Decree is to discourage practices in which fuels produced in foreign countries are declared under the tariff classification of these products to avoid the payment of taxes to which gasoline and diesel are subject, offering them in a parallel market at a lower price.

Those interested in importing these goods (for which an import permit may or may not be required), must now request and prove before the Hydrocarbons Office of the Ministry of Energy that the volume and destination of the goods is essential for their production process, and that their purpose is the development or performance of a lawful activity.

This also includes those who prior to the Decree already had an import permit. They may continue with their operations, but must inform their intention to continue with those operations under the corresponding permit within 30 business days from the entry into force of the Decree, and that they comply with the volume and destination of the materials required for their production process.

The Ministry of Energy must resolve the requests made by the interested parties within 15 business days.

This temporary restriction is in effect as of October 24, 2023, and until the necessary adjustments are made by certain Federal Government agencies to their records, systems, platforms and regulatory framework related to the importation of goods subject to the Decree are completed. Such authorities have a term of 10 or 30 days to complete them.

The implications of this regulation will have direct consequences on the operation of companies in numerous industries such as pharmaceutical, chemical, automotive, aeronautics, cosmetics, energy and fuels, which should be analyzed on a case-by-case basis. Parties that consider themselves affected by the Decree may file an *Amparo* Lawsuit before the competent Mexican

Federal Courts, challenging the constitutionality of the Decree.

To read en español, [click here](#).

For more information, please contact any of the attorneys listed below.

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<sup>1</sup>The explanatory memorandum of the Decree states that up to 80% of the fuels analyzed by private actors in the energy sector were adulterated, and that the extraordinary reviews at points of entry into Mexico showed that only 25% of the analyzed goods complied with the regulations in effect.