

CNE RESUMES OPERATIONS: KEY TAKEAWAYS FOR THE ENERGY SECTOR

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Executive Summary:

On June 5, 2025, the National Energy Commission (“CNE”) published in the Federal Official Gazette (“DOF”) the Resolution whereby the deadlines and terms for the receipt and processing of matters under the jurisdiction of the CNE are resumed, in accordance with the powers granted and transferred to it, and which also establishes the strategy for their attention (the “Resolution”).

BACKGROUND

Following the publication of the constitutional reform on government simplification (DOF, December 20, 2024), the legal existence of the former energy regulatory agencies the Energy Regulatory Commission (“CRE”) and the National Hydrocarbons Commission (“CNH”) was formally abolished. Their regulatory powers and functions were transferred to the Ministry of Energy (“SENER”) and the newly created CNE a decentralized administrative body under SENER’s oversight.

Subsequently, on March 18, 2025, secondary legislation in the energy sector was published, including: the Law of the State-Owned Company of the Federal Electricity Commission; the Law of the State-Owned Company of Petróleos Mexicanos; the Electricity Sector Law; the Hydrocarbons Sector Law; the Energy Planning and Transition Law; the Biofuels Law; the Geothermal Law; and the Law of the National Energy Commission. A 90-calendar-day suspension of deadlines was established to allow for an orderly transition, which concluded with the publication of this Resolution.

CONTENT OF THE RESOLUTION

As of June 6, 2025, the CNE formally resumes the reception, review, and resolution of proceedings within its jurisdiction. This reactivation follows the completed transfer of responsibilities, records, and systems from the now-defunct CRE, in compliance with the constitutional reform of December 2024 and the secondary laws enacted in March 2025. The Resolution not only lifts the suspension of deadlines but also sets forth operational guidelines to ensure administrative and regulatory continuity across the energy sector.

This Resolution formalizes the CNE’s role as the competent authority to handle and resolve matters that were previously under the CRE’s purview. It also marks the end of the transitional period provided by the constitutional and legal reforms, offering legal certainty to regulated parties regarding the new regulatory authority.

However, the Resolution introduces certain exceptions: the following types of proceedings will not be accepted until the relevant sector regulations are

enacted:

- New electricity generation permits (except for priority projects).
- New permits for the retail, distribution, or commercialization of fuels.
- Corporate control or shareholding structure changes of permit holders.
- Determinations of compensation schemes, prices, and tariffs.

The processing of these matters will depend on the enactment of new regulations and SENER's determination of which projects qualify as "priority." While this exception aims to address urgent supply needs, it introduces uncertainty in the absence of clear and transparent criteria.

As part of its operational strategy, the CNE has implemented various measures to ensure administrative continuity during the institutional transition. First, all documents submitted during the suspension period are deemed formally received as of June 6. Additionally, the Electronic Filing System (<https://ope.cne.gob.mx>) is now active, and the temporary application of the technical guidelines and criteria issued by the former CRE is confirmed, until such time as they are replaced by new regulation. The Agreement also establishes specific deadlines for regulated parties to regularize their obligations:

- 15 business days to submit any pending reports; failure to comply will result in the initiation of the corresponding administrative proceedings.
- 30 calendar days to reissue certificates issued by Inspection Units; certificates not reissued within this period will become null and void.
- 10 business days to ratify pending procedures originally submitted to the CRE, using the form provided in Annex 1 of the Agreement. If ratification is not submitted, it will be understood that there is no intent to continue proceeding.

Moreover, the Resolution does not merely represent an administrative formality, but rather a practical redefinition of the regulatory framework in Mexico. The CNE emerges as the new central authority in energy matters, with key powers and responsibilities to ensure the stability and continuity of national energy policy. Permit holders in the sector must closely monitor the regulatory and operational developments of this new phase, adapting their compliance and strategic planning as new regulations and guidelines are issued.

The Resolution marks a turning point in the institutional transition of Mexico's energy sector. With the resumption of deadlines and procedural terms by the CNE, the new regulatory model replacing the previous coordinated regulatory bodies officially comes into effect, bringing legal and operational certainty to both private stakeholders and government authorities. Although the CNE is now empowered to manage most regulatory procedures, the full exercise of its functions will be gradual. Although the CNE is already authorized to handle a significant portion of regulatory matters, the full implementation of its powers will be gradual.

Therefore, it is advisable for industry participants to thoroughly review the status of their ongoing proceedings, identify any outstanding obligations, and be prepared to respond promptly to new administrative requirements set forth by the CNE. Likewise, continuous monitoring of regulatory developments particularly the issuance of pending regulations will be essential to clearly understand the scope and conditions for operating under the new framework.


References: <https://sidofqa.segob.gob.mx/notas/5759417>

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