

New CNE provisions regulate the integration of electric energy storage systems into the National Electric System

On April 16, 2026, the Official Gazette of the Federation (the “**DOF**”), published the agreement of the National Energy Commission (the “**CNE**”), issuing the “*General administrative provisions for the integration of Electric Energy Storage Systems into the National Electric System.*” (the “**DACGs**”).¹

Below is an executive summary of the DACGs highlighting the most relevant aspects and implications for participants in the electricity sector:

1. Purpose and Scope

The purpose of the DACGs is to regulate and establish the regulatory framework applicable to the integration of Electric Energy Storage Systems (“**SAEE**”) into the National Electric System (“**SEN**”). In particular, the DACGs define the technical, operational, and regulatory requirements that must be met for the installation, interconnection/connection, and operation of SAEE, as well as the guidelines regarding the services such systems may provide, the terms under which they may participate, and the circumstances under which they may be integrated in a grouped manner.

In this regard, the DACGs constitute the regulatory instrument that articulates the incorporation of electric energy storage within the new legal framework of the electricity sector, specifying both the conditions under which private entities may participate in this activity and the control and supervision mechanisms under the State’s authority, specifically through the National Energy Control Center (“**CENACE**”) in its capacity as system operator.

2. Integration of SAEE into the SEN

The DACGs establish that SAEEs may be integrated into the SEN as complementary infrastructure within the various activities of the electricity sector, specifying that their incorporation does not, in and of itself, imply the performance of the regulated storage activity, but rather that their legal treatment will depend on the specific modality under which they participate. In this regard, the provisions recognize various modes of integration, which determine both the applicable regulatory regime and the technical and operational requirements, connection and interconnection requirements, and, where applicable, permits.

In this vein, the DACGs recognize the following participation modalities: **(i)** SAEE associated with Power Plants; **(ii)** SAEE associated with Load Centers; **(iii)** SAEE associated with Self-Consumption; **(iv)** SAEE associated with infrastructure intended for the provision of the Public Service of Transmission and Distribution of Electric Power; and **(v)** Non-Associated SAEE.

¹ Capitalized terms used in this document that are not expressly defined herein shall have the meanings assigned to them in the DACGs.

Therefore, depending on the modality in which the SAEE participate, the DACGs establish specific requirements regarding interconnection studies, including the submission of detailed technical information on storage capacity, power, response times, and system operational characteristics. This allows CENACE to assess their impact on the SEN and determine the conditions under which they can be safely and efficiently integrated into it. Likewise, the participation of SAEE in the Wholesale Electricity Market (“**MEM**”) varies and is subject to different technical rules, depending on the modality under which they operate. However, all SAEE participating in the MEM may enter long-term bilateral contracts for the purchase and sale of Capacity or other products with various Market Participants. It should be noted that only those SAEE with a storage duration of three hours or more may credit Capacity.

Overall, this integration framework reflects an approach in which electric energy storage is incorporated as a functional element of the system, subject to strict technical and operational oversight, and aligned with the SEN’s reliability and centralized planning objectives.

3. SAEE Associated with Power Plants (“SAEE-CE”)

The DACGs establish that SAEE-CE constitute a modality in which storage is functionally integrated into generation facilities, particularly in the case of renewable energy power plants, with the objective of managing their variability and increasing their operational efficiency within the SEN. One of the central elements of this scheme is that SAEE-CE do not require a separate storage permit, insofar as they are considered an integral part of the Power Plant. However, their installation and operation must comply with the provisions applicable to generation permits, which means that any modification associated with the incorporation of an SAEE must adhere to the regulatory framework corresponding to the power plant’s generation permit.

The DACGs provide that the operation of SAEE-CE units may serve various functions, including discharging into the MEM, charging from the power plant’s own generation or from the National Transmission Grid (“**RNT**”), with particular emphasis on their role in compensating the power plant’s variability, as well as a combination of these options. In this context, the operational flexibility offered by the SAEE allows for the optimization of power plants’ generation profiles, while storage enables the management of intermittency through charging during periods of high generation and subsequent discharging when system conditions require it. However, this functionality is subject to various technical and operational considerations, including limits on the energy that can be injected into the system, compliance with the Power Plant’s authorized capacity, and adherence to the conditions established in the corresponding interconnection contract. It should also be noted that the bids submitted by the SAEE-CE in the MEM will ultimately be subject to the dispatch instructions issued by CENACE.

With regard to their integration, the DACGs distinguish between new and existing Power Plants. In the case of new power plants, the incorporation of SAEE must be considered from the project development stage, including its inclusion in the Interconnection Studies. Meanwhile, the integration of SAEE into existing Power Plants is considered a significant technical modification, which implies the need to update the corresponding studies with CENACE, as well as, where applicable, adjust the conditions of the generation permit.

A particularly relevant aspect of the new regime is the treatment of power plants regulated under the Public Electric Power Service Law (the “**LSPEE**”) or the Electric Power Industry Law (“**LIE**”). The DACGs establish that, if such power plants integrate SAEEs, they must transition to the new regime set forth in the Electricity Sector Law (“**LSE**”), which entails adapting their permits, operating conditions, and market participation schemes. In this regard, the DACGs develop a specific regime for this transition, setting forth obligations related to the updating of permits, the adaptation of interconnection contracts, and compliance with the new operating rules applicable to the SAEE.

4. SAEEs associated with Load Centers (“SAEE-CC”)

The DACGs regulate SAEE-CCs as a modality in which storage is directly integrated into the facilities and infrastructure of the End Users’ Load Center, with the aim of optimizing their demand profile and managing energy supply more efficiently. Under this scheme, SAEE-CCs do not require a storage permit, insofar as they are considered part of the Load Center itself. However, their operation must comply with the regulations applicable to the Electricity Supply, particularly the provisions under which the user acquires energy, whether through a Supplier or by participating directly in the MEM as a Qualified User.

An essential element of this arrangement is that the stored energy is strictly limited to meeting the needs of the Load Center itself; therefore, it cannot be injected into the RNT or the General Distribution Networks (“**RGD**”), nor can it be sold.

As previously mentioned, the incorporation of an SAEE into an existing Load Center is considered a significant technical modification, which may imply the need to update the Connection Studies before CENACE, as well as adjustments to the contracted demand. In this regard, the SAEE’s capacity cannot exceed the value applicable to the contracted demand or the maximum demand of the Load Center.

5. SAEEs associated with Self-Consumption (“SAEE-Self-Consumption”)

The DACGs regulate SAEE-Self-Consumption as a modality in which storage may form part of: **(i)** Power Plants with generation permits under the Self-Consumption modality; and **(ii)** the facilities and equipment of Consumption Centers of Self-Consumption Users linked to a generation permit under the Self-Consumption modality. In both cases, storage serves as an ancillary element intended to optimize energy management. Consequently, the regulatory treatment of SAEE-Self-Consumption does not respond to a uniform logic but depends on the specific way the system is integrated into the corresponding self-consumption scheme.

In general, the DACGs establish that SAEE-Self-Consumption systems do not require a separate storage permit, provided they remain within the regulatory parameters of the applicable self-consumption scheme. However, their installation and operation must strictly observe the conditions of the generation permit or the corresponding registration, which implies that storage does not constitute an autonomous activity, but rather a functional extension of the main scheme. Likewise, it is specified that the capacity of the SAEE is not considered an increase in authorized installed capacity, and therefore cannot be used as a mechanism to expand generation capacity.

In addition, SAEE-Self-Consumption can be charged both with energy generated by the Power Plant itself and, in certain scenarios, through the power grid, which introduces operational flexibility. However, this option is subject to restrictions designed to preserve the nature of self-consumption and prevent its use as an indirect mechanism for participating in the MEM (when regulations do not permit it).

A particularly relevant element in this scheme is that all Power Plants that present conditions of variability in their primary source, have the obligation to have their own backup, either by contracting backup coverage with the Federal Electricity Commission (“**CFE**”) or a third party, or by integrating an SAEE into their facilities that is sized in accordance with CENACE’s determinations. In this regard, opting for the SAEE-Self-Consumption modality allows persons who are under the Self-Consumption category to comply with this regulatory requirement.

5.1 SAEE integrated into Power Plants - Interconnected Self-Consumption with Sale of surplus.

In the case of Power Plants whose primary energy source exhibits conditions of variability (such as renewable energy) and that operate under the self-consumption model interconnected with the possibility of selling surplus energy, SAEEs allow for the management of the inherent intermittency of generation. In these cases, storage can be used to **(i)** capture surplus generation during periods of high production; **(ii)** feed energy into the RNT or the RGD at optimal times; and **(iii)** optimize the injection and consumption profile.

Notwithstanding, such operation is subject to significant limitations, including: **(i)** the inability to exceed the capacity authorized in the generation permit; **(ii)** the obligation to comply with the terms of the interconnection contract; and **(iii)** adherence to system operating rules and CENACE instructions. Likewise, if the holder of a generation permit under the Self-Consumption category chooses to meet the self-backup requirement by integrating an SAEE, they may include capacity in excess of what is necessary to meet that criterion, in order to market such capacity.

5.2 SAEs Integrated into Power Plants – Interconnected Self-Consumption without sale of surplus.

In the case of Power Plants operating under interconnected self-consumption schemes without the sale of surplus energy, SAEs serve a function oriented exclusively on the internal management of energy consumption. In this case, the stored energy **(i)** must be used exclusively to meet the facility's own needs within the Private Grid; **(ii)** cannot be fed into the SEN; and **(iii)** cannot be sold.

Storage allows for the optimization of consumption through the management of charging and discharging based on user needs; however, a strict restriction remains regarding any form of participation in the electricity market.

6. SAEs associated with the infrastructure intended for the provision of the Public Service of Transmission and Distribution of Electric Power (“SAEE-RNT/RGD”)

The DACGs regulate SAEE-RNT/RGD as a modality in which storage is directly integrated into the RNT and RGD, forming part of the SEN's strategic infrastructure. In this sense, SAEE-RNT/RGDs are conceived as support elements for system management, including the regulation of energy flows, the control of demand variations, and the integration of intermittent sources. This is done with the aim of maintaining the Accessibility, Continuity, Quality, Efficiency, Reliability, Safety, and Sustainability of the SEN.

A fundamental aspect of this modality is that the SAEE-RNT/RGDs are exclusively owned by the CFE, reflecting their strategic nature within the electricity sector. Consequently, these systems cannot be developed or operated by private entities, thereby consolidating a domain reserved for the State in matters of storage linked to critical infrastructure. Likewise, the DACGs establish that the energy charged, stored, and discharged through these systems is not subject to payment of consideration, to the extent that their operation responds to the SEN's own needs and not to market transactions.

7. Non-Associated SAEE (“Non-Associated SAEE”)

The DACGs regulate Non-Associated SAEEs as an autonomous modality in which SAEEs are not directly linked to a Power Plant, a Load Center, or transmission and distribution infrastructure. Unlike other categories provided for in the DACGs, in which storage is conceived as an ancillary element to previously regulated activities, Non-Associated SAEEs are recognized as an independent activity in and of themselves, which implies that their development is subject to a binding planning process and their operation is subject to its own legal regime. In this regard, these SAEE must obtain a storage permit issued by the CNE, as well as comply with applicable technical, operational, and regulatory requirements.

Non-Associated SAEEs have the authority to participate directly in the MEM as “Storage Entity” or through representatives, conducting transactions involving the purchase and sale of energy, Cover, and ancillary services. A key aspect of this modality is that they can provide backup coverage to Power Plants required to mitigate the effects associated with variability; likewise, the DACGs open the possibility for Non-Associated SAEE to enter into short, medium, and long-term contracts with CENACE, as a result of the binding planning process to maintain or improve the Reliability of the SEN, positioning themselves as versatile assets within the market. However, their operation is subject to restrictions because they are limited energy resources, which means that their ability to fulfill commitments depends entirely on the availability of stored energy at that moment. Because of this, the design and profitability of these projects require meticulous technical and financial planning, focused on system efficiency, load and discharge cycles, and a well-defined market participation strategy.

Additionally, the installation of Non-Associated SAEE requires obtaining the corresponding Interconnection and Connection Studies before CENACE, which are a key element for their viability. These studies must consider, among other aspects, **(i)** the system's storage capacity and power; **(ii)** the anticipated charging and discharging profiles; **(iii)** the system's response times and operational characteristics; and **(iv)** the impact on the stability, safety, and reliability of the power grid. In this regard, the integration of these systems depends not only on their individual technical feasibility but also on their compatibility with the conditions of the SEN.

8. Scenarios for the integration of grouped SAEE

The DACGs provide for the possibility of integrating SAEEs on a group basis, establishing a framework that allows different participants in the electricity sector to coordinate the use of these systems under a joint approach, based on their operational needs and compliance with applicable regulations. This grouped integration means that two or more participants—particularly Generators and End Users—can share or coordinate the use of one or more SAEEs, without this necessarily implying a loss of their legal or regulatory individuality.

Grouped SAEE may be used to attend to common needs, such as management of the variability in generation, optimizing consumption, or complying with regulatory obligations—such as self-backup in self-consumption schemes—provided that the specific conditions applicable to each participation modality are respected. However, grouped integration is subject to compliance with binding planning criteria, requiring that the grouping be limited to entities sharing the same status (Generator, Basic Supply User, Qualified User, etc.) and that the grouping of interested parties take place at the same electrical substation, node, or electrical area as determined by CENACE.

Additionally, the integration of SAEE in a grouped manner may require the submission of specific studies before CENACE, particularly when its operation has significant implications for the power grid or when it involves schemes with multiple interconnection or connection points.

9. Criteria for the contracting of backup in interconnected Self-Consumption through SAEE with the CFE or third parties

The DACGs contemplate the possibility that Interconnected Self-Consumption schemes may rely on SAEE that are not necessarily a direct part of the user's own infrastructure, but rather may instead be provided by third parties or by the CFE, thereby introducing a more flexible model for managing the Electricity Supply. In this context, Interconnected Self-Consumption systems are permitted to access storage capacities without the need to develop or directly integrate such systems into their facilities, which may be particularly relevant from a technical and economic perspective.

Likewise, the participation of third parties or the CFE itself in the provision of storage services introduces additional elements of contractual and operational coordination, insofar as it will be necessary to clearly define the responsibilities of each party, the terms of access to the storage system, and the conditions under which the energy will be managed. Additionally, the implementation of these schemes may require the carrying out of interconnection or connection studies to CENACE, as well as verification that the joint operation of the SAEE and the user does not adversely affect the electric grid.

10. Transitional Provisions

The DACGs entered into force the day following their publication in the DOF, establishing the abrogation of Agreement A/113/2024 of March 2025. This new framework requires that all SAEE in operation or under development comply with the new provisions, which implies updating permits and adjusting technical conditions or operating modalities. During this transition, CENACE will define provisional criteria for interconnection and connection, allowing that the conditions be progressively adjusted under a regulated flexibility scheme.

While contract templates are being updated, projects will operate under a hybrid system that combines current conditions with the new technical guidelines. This requires developers to make a gradual adaptation that may necessitate new studies and adjustments to the technical and financial planning of the projects. Ultimately, this transitional regime aims to ensure that all participants fully align their operations with the new energy storage regulations.

At Von Wobeser y Sierra, we are available to advise you on the analysis and implementation of these Provisions. If you require additional information, please do not hesitate to contact our partners and associates who are experts in this field.

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Mexico City, April 27, 2026.

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