

THE MINISTRY OF ENERGY ISSUES GUIDELINES FOR THE VOLUNTARY MIGRATION OF INDEPENDENT POWER PRODUCTION PERMITS.

On April 16, 2026, a resolution issued by the Ministry of Energy ("**SENER**") was published in the Official Gazette of the Federation ("**DOF**"), setting forth the "*Guidelines for the Voluntary Migration of Independent Power Production Permits*" (the "[Guidelines](#)").¹

The following summarizes the most relevant aspects of the Guidelines and their implications for holders of independent power production permits ("**IPP Permits**") granted under former Public Electricity Service Law ("**LSPEE**").

1. Purpose and Scope of the Guidelines

The Guidelines are intended to regulate the migration procedure (the "**Migration Procedure**") through which holders of IPP Permits, granted under former LSPEE may voluntarily migrate to the new generation regime provided for in the Electric Sector Law ("**LSE**"), in order to ensure their operational continuity under the new regulatory framework.

2. Permit Holders Eligible for Migration

The Guidelines establish that voluntary migration is available exclusively for IPP Permit holders, provided that such permits are valid at the time of submitting the migration application ("**Application**").

In this regard, to initiate the Migration Procedure, the following main conditions must be met:

- The IPP Permit must be in force at the time the Application is submitted.
- The Application must be submitted prior to the commencement of the final year of the IPP Permit's term.
- The migration must cover the entire capacity of the Power Plant; partial migrations are not permitted.

The Power Plant will continue to operate under the IPP permit and in accordance with its terms until the end of its term. However, if the permit holder has not completed the Migration Procedure upon expiration, the permit may not be migrated and will terminate in accordance with its original terms.

3. Characteristics of the Migration Procedure

In particular, the Migration Procedure has the following characteristics:

- The Application may be submitted at any time prior to the expiration of the IPP Permit, provided that it is submitted before the final year of the IPP Permit's validity, given that the issuance of the permit under the LSE may take up to one year
- The term of the power generation permit granted as a result of the Migration Procedure may be up to 15 years, in accordance with the modernization and, where applicable, rehabilitation program approved by the National Energy Commission ("**CNE**").

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

- No additional studies, including interconnection studies, nor reinforcement works or payments associated with such works, are required for the execution of the interconnection contract.
- The Migration Procedure does not allow for increases in the Power Plant’s installed capacity.
- Electric power generation permits granted as a result of the Migration Procedure cannot be extended.
- Where a Power Plant holds more than one permit (e.g., an IPP Permit and a generation permit granted under former Electric Industry Law (“**LIE**”)), a single Application must be submitted, and the total installed capacity consolidated into a single permit.

4. **Modalities of the Migration Procedure**

The Guidelines establish three modalities under which the Migration Procedure may be carried out, which determine the Power Plant’s operating and marketing framework under the LSE:

Modality	General Description	Relationship with CFE	Participation in the MEM
A. Generation under an Electricity Coverage Agreement	Power Plant obtains a generation permit linked to one or more electricity coverage agreements with CFE.	CFE purchases at least 30% of the energy and Associated Products.	Energy and Associated Products not committed to CFE may be sold on the MEM (e.g., the remaining 70%).
B. Long-Term Production	Power Plant transitions to a scheme under which all its production is allocated to CFE pursuant to a Long-Term Production contract.	CFE purchases 100% of the energy and Associated Products.	No participation in the MEM.
C. Generation for the MEM	The Power Plant obtains a permit to participate directly in the market.	There is no contractual relationship with CFE.	Full participation in the MEM.

The selected migration modality must be expressly indicated in the Application and cannot be modified during its term.

5. **Stages of the Migration Procedure**

The Application must be filed with the CNE’s Electronic Registry Office, in accordance with the format provided in the Sole Annex to the Guidelines and in compliance with the requirements established therein.

For Modality **A. Generation with an Electricity Coverage Contract** and **B. Long-Term Production**, the Migration Procedure generally comprises the following stages and deadlines:

- (a) Submission of the Application:** The application is submitted to the CNE. Once admitted, the CNE must notify the applicant of the Migration Procedure schedule within the following 10 business days.
- (b) Working Groups and Definition of Conditions:** Working groups, coordinated by SENER, are held to define the applicable technical, operational, and contractual terms. This stage must conclude —where applicable— with the execution of the Migration Conditions Agreement.² This stage has a maximum duration of 3 months and may be extended once for up to half of the original period.

² **Migration Conditions Agreement:** Legal instrument that defines the migration modality and the terms agreed between CFE and the Applicant, including term, energy volume and Associated Products, guarantees, pricing, capacities, interconnection points, among other conditions.

- (c) **Evaluation and Decision:** The CNE reviews the Application and, where applicable, resolves on the granting of the permit, in accordance with the Migration Procedure schedule.
- (d) **Execution of Contracts and Legal Instruments:** The corresponding contracts and legal instruments are executed in accordance with the deadlines established in the schedule.
- (e) **Operational implementation:** This stage includes the execution of the interconnection agreement, updating the asset registry with CENACE, registration to participate in the MEM, and commencement of commercial operations (subject to compliance with the minimum operational tests conducted by CENACE). This stage must be completed within a maximum period of 20 business days, in accordance with the Migration Procedure schedule.

It should be noted that the Guidelines allow the commencement of commercial operation even before the completion of the diagnostic metering systems and the Reduced POC Tests,³ granting a period of up to 24 months (counted from the start of the procedure) to demonstrate such compliance.

Failure to comply with the stages or deadlines of the Migration Procedure will result in its termination, without prejudice to the IPP Permit remaining in force in accordance with its terms until its expiration.

It is important to note that in modality **B. Long-Term Production**, the transfer of assets in favor of CFE provided for in Article 79 of the LSE Regulations does not apply, unless otherwise agreed by the parties.

On the other hand, regarding the modality **C. Generation for the MEM**, the Migration Procedure is carried out under a different framework, consisting of:

- (a) The submission of the Application;
- (b) The completion of the procedure for granting the generation permit in accordance with the Permit Provisions⁴ ; and
- (c) Notification of the corresponding decision to the holder of the IPP Permit.

In such cases, it is the responsibility of the permit holder to comply with the requirements for participation in the MEM.

6. Transitional Provisions

The Guidelines entered into force on the day of their publication in the DOF. The transitional regime allows those who previously requested the migration of IPP Permits (under the LIE or LSE) and ratified such request before the CNE to submit their application in accordance with these Guidelines. In addition, IPP permits expiring in 2027 are exempt from the ordinary deadlines and may submit their migration request at any time prior to their expiration.

Finally, IPP permits that have already migrated to a generation permit under the LSE may, on a one-time opportunity, participate in the Migration Procedure, for which they must submit their application within twenty business days following the entry into force of the Guidelines, that is, no later than May 15, 2026.

Overall, the Migration Procedure establishes a structured pathway for the transition of Power Plants to the regime set forth in the LSE, subject to compliance with the stages, requirements, and timelines established in the Guidelines. In this context, migration represents a relevant alternative for holders of IPP permits, considering that such permits will not be extendable upon expiration.

³ Reduced POC Tests: Minimum technical tests conducted by CENACE to validate the operation of Power Plants.

⁴ General administrative provisions establishing the legal, technical, and financial terms for applying for the granting and modification of permits for the generation and storage of power, as well as their validity, published in the Official Gazette of the Federation on October 23, 2025: https://dof.gob.mx/nota_detalle.php?codigo=5770667&fecha=23/10/2025

At Von Wobeser y Sierra, we are available to advise you on the analysis and implementation of the obligations arising from these Guidelines. Should you require additional information, please do not hesitate to contact our partners and associates with expertise in this matter.

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