The National Energy Commission Issues General Administrative Provisions for the Marketing of Hydrocarbons

On November 5, 2026, a resolution of the National Energy Commission ("**CNE**") issuing the *"General Administrative Provisions Regulating the Marketing of Natural Gas, Petroleum Products, Liquefied Petroleum Gas, and Petrochemicals"* (the "**DACGs**")[1], was published in the Official Gazette of the Federation. The DACGs supplement the Hydrocarbons Sector Law (the "**LSH**") and the Regulations of the Hydrocarbons Sector Law ("**RLSH**").

The following is an executive summary of the DACGs, highlighting their most relevant provisions and implications for participants in the hydrocarbons sector:

1. Purpose and Scope

The DACGs establish the regulatory requirements applicable to the marketing of natural gas, petroleum products, liquefied petroleum gas ("**LPG**"), and petrochemicals, including, where applicable, the management or contracting of Transportation, Storage, and Distribution services, as well as value-added services.

Their scope of application includes persons who engage in or intend to engage in marketing activities, as well as other participants in the supply chain who enter into transactions with Marketing Permit Holders, under the circumstances provided for in the DACGs.

2. Independence of Permits and the Marketing of Products Derived from Own Production Processes

Although the RLSH establishes that marketing permits must be granted independently based on the type of product, the DACGs include a specific restriction for holders of allocations, exploration and extraction contracts, or processing, refining, or formulation permits who intend to market products derived from their own production processes.

In these cases, the permit titles must expressly state that their holders may only market products derived from their own production processes and may not acquire products from third parties for subsequent marketing, unless the permit itself provides otherwise.

This restriction is particularly relevant for companies engaged in both production and marketing activities, as they must ensure that their purchasing and sales operations and supply arrangements comply with the scope of their respective permits.

3. Verification of Lawful Origin and Traceability of Products

The DACGs specify the documentary requirements for verifying the origin, lawful provenance, and traceability of marketed products, distinguishing between products that are imported, produced by the marketer itself, and purchased in Mexico. To this end, marketers must have, as applicable, permits, contracts, import declarations, tax invoices, and other documentation supporting their operations.

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

Furthermore, marketers are prohibited from purchasing natural gas, petroleum products, or LPG from holders of distribution permits, in accordance with Article 83, Section II, of the LSH.

4. Requirements for Obtaining Permits and Substantive Nature of the Marketing Activity

The DACGs establish specific requirements for obtaining marketing permits, including corporate information, letters of intent from suppliers and customers, demand projections, georeferenced maps of the supply chain, and documentation demonstrating the applicant's logistical and operational capacity.

Furthermore, marketers must be able to demonstrate the materiality of their marketing activities through evidence of active sales channels, commercial terms, human and technological resources, as well as accounting and operational records.

A particularly relevant aspect is that new permits will be subject to expiration if 180 calendar days elapse from the date of issuance or the last commercial transaction without evidence that an offer has been formalized during such period. Such expiration must be formally declared by the CNE, after granting the Marketing Permit Holder an opportunity to be heard.

5. Obligations of Marketers and Restrictions on Transactions Among Permit Holders

The DACGs reiterate the obligations set forth in the LSH and the RLSH and establish specific conditions for compliance. These include verifying the validity of counterparties' permits, formalizing commercial relationships through contracts, maintaining an up-to-date registry of suppliers and end customers, retaining supporting documentation, and immediately reporting to the CNE any circumstance that prevents the supply of authorized products.

In the case of gasoline and diesel, marketing permit holders must have a commercial brand previously registered with the CNE, notify the CNE of the brand for each contract, and identify it in the corresponding transactions.

Furthermore, the DACGs establish restrictions on purchase and sale transactions between marketers who obtain permits under these provisions. In particular, they may not purchase products from other marketers that do not include Transportation, Storage, or Distribution services as part of their marketing activities, nor may they sell such products to marketers that do not incorporate value-added services related to regulated activities, except as provided for in the RLSH.

6. Minimum Content and Obligations of Marketing Contracts

The DACGs establish specific requirements for marketing contracts, particularly regarding lawful origin, traceability, volumes, delivery terms, quality, measurement, and price breakdowns, as well as the identification of the parties' permits and the documentation supporting the transactions.

Furthermore, contracts must include provisions requiring the parties to facilitate verification visits by the CNE, as well as the grounds for temporary suspension of supply and early termination, including failure to prove the lawful origin of the products, noncompliance with traceability obligations, or the expiration of the relevant permits.

Additionally, applicants for new permits must submit their contract templates during the evaluation process, while permit holders who have not yet begun operations must submit them through a notice prior to commencing operations. Previously submitted or approved templates will remain valid.

7. Electronic Contract Registration

One of the most significant aspects of the DACGs is the implementation of the "Contract Form", through which marketers must register, validate, modify, and terminate contracts entered into with their suppliers and customers via the CNE's Electronic Filing Office ("**OPE**").

The registration covers contracts related to Transportation, Storage, or Distribution services; inventories; supply and lawful origin of products; and sales transactions with suppliers and customers, including committed volumes and the final destination of the products. Contracts must be registered within 10 business days following the end of each six-month period.

In the case of contracts between marketers, either party may complete the registration, while the other party must accept or reject it through the OPE within 10 business days after the corresponding notification takes effect. Acceptance will be deemed to fulfill the registration obligation for both parties. Contracts entered into with End Users or Permit Holders for activities other than marketing will be automatically validated once registered in the Contract Form.

Likewise, contractual amendments must be registered within five business days of their formalization, while both early termination and the completion of contracts must be registered within 10 business days of their occurrence.

It is important to note that this mechanism does not replace the obligation to submit formalized contracts for the granting of permits, as provided for in the RLSH, nor the obligation to submit quarterly information purchase and sale transactions and services provided or contracted.

8. Transitional Provisions

The DACGs took effect on November 6, 2026. However, they establish various deadlines for Marketing Permit Holders to implement the necessary mechanisms to comply with the obligations set forth in these provisions.

Among the main transitional deadlines are the following:

- **90 calendar days**. Marketing Permit Holders will have this period to implement the systems and procedures necessary to access the OPE. Once this period has elapsed, they must comply with the obligations set forth in the DACGs through this platform.
- **180 calendar days**. Marketing Permit Holders whose permits were granted by the former Energy Regulatory Commission or by the CNE must submit documentation proving their capacity to import, produce, formulate, or acquire the products they market, as well as evidence of the Transportation, Storage, or Distribution services necessary for their activities.
- **30 business days**. Marketing Permit Holders who have not completed updating of their Permit information, in accordance with the Twentieth Transitory Provision of the RLSH, must submit the pending documentation, including, as applicable, contracts with suppliers and customers, projected demand, contracted logistics capacity, product origin, contract templates, and compliance with obligations regarding volumetric controls.
- **30 business days**. Marketing Permit Holders who also hold Transportation or Storage permits, or who belong to an economic interest group in which another person holds such permits, and who fall under the cross-ownership provisions, must file the corresponding notice with the CNE through the OPE. The CNE may subsequently require the submission of an application for cross-ownership authorization, which must be submitted within three months after the corresponding notice takes effect.
- **180 calendar days**. The CNE must publish the model marketing contract provided for in the DACGs. In the meantime, any contracts entered into must comply with the minimum requirements established in those provisions.

Additionally, existing marketing permits will remain in effect under the terms under which they were granted, as will the validity of previously submitted or approved model contracts, without prejudice to compliance with applicable regulatory obligations.

At Von Wobeser y Sierra, we stand ready to advise you on the implications of the DACGs and their impact on projects and operations in the hydrocarbons sector.

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