



INSIGHTS & ALERTS • LAW + ECONOMICS

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ENERGY • LP GAS • FOREIGN TRADE • CONSTRUCTION • AGRICULTURAL EXPORTS • FINANCIAL SYSTEM • CONUEE • ASEA • CNE • SE • STPS • SCJN • CNBV • IMPI • CNA • MEXICO

No certificate, no operation: seven regulatory changes that turn compliance into a condition of market access

Between 28 September and 4 October 2026, CONUEE required large energy users to certify energy management systems, ASEA made LP gas transport conditional on an annual inspection report, the Ministry of Economy set provisional duties on Indian ceramic tiles, and the Supreme Court struck down the Nuevo León prosecutor's power to freeze accounts. In competition law there was procedural activity, but no published sanction.

EXECUTIVE SUMMARY

Seven instruments published in Mexico's Federal Official Gazette (DOF) between 28 September and 2 October 2026 reach energy-intensive industry, LP gas carriers, importers and builders, generators holding legacy contracts, avocado exporters and companies with frozen accounts in Nuevo León. Three call for immediate action: the CONUEE provisions requiring large users to certify an energy management system; ASEA's emergency standard for LP gas tank trucks and semi-trailers, in force since 6 October; and the provisional antidumping duty on ceramic tiles from India. The other four open windows for decision — the CNE's temporary exception to the new transmission charges — or for defense — the Supreme Court's ruling on account freezes — and move the verification of labor and technical obligations to the customs checkpoint. The National Antitrust Commission (CNA) took to its Plenary a verification case on a possibly unnotified merger; no public decision exists.

Key takeaways

The previous newsletter in this series recorded a week in which four authorities reduced prior control and replaced it with after-the-fact verification of self-declared information. This week the movement runs the other way, and it should be read as such. Five of the seven instruments make the activity itself — consuming energy at scale, hauling LP gas, exporting avocados, importing faucets, motors or handsets — conditional on first producing a document issued or validated by a third party: a certification body, an inspection unit, a labor-authority platform or a conformity assessment body.

The seven instruments fall into three groups. Authorization, where CONUEE, ASEA, the Ministry of Economy and the Ministry of Labor (STPS) turn compliance into a requirement to operate or to clear customs. Cost, where the provisional duty on Indian ceramics and the CNE exception to transmission charges alter, in opposite directions,

the cost structure of importers and legacy generators. And defense, where the Supreme Court removes, with retroactive effect, the state-law basis for account freezes ordered by the Nuevo León prosecutor.

WHY IT MATTERS

When compliance must be shown in advance and through a third party, the risk is no longer a future fine but a present interruption: the truck that does not run, the shipment that does not leave, the goods that do not enter. That risk is not managed with a legal position. It is managed with a calendar and with contracted capacity.

The capacity of third-party certifiers and inspectors is finite, and regulatory demand arrived all at once. Those who book ISO 50001 certification or tank-truck inspection services first will comply on time; those who wait will compete for scarce slots against a deadline that cannot be extended.

Notes for the period

ENERGY AND INDUSTRY • CONUEE • DOF 30 September 2026 — Certified energy management system now mandatory for large users

CONUEE, the national energy-efficiency commission, issued administrative provisions on the registration of high-consumption-pattern users (UPAC, by its Spanish acronym) and the implementation of energy management systems, in force since 1 October. They cover facilities with annual consumption above 45 GWh of electricity or 70,000 barrels of oil equivalent in fuels, excluding energy used for transport. The instrument repeals the 2018 provisions ([CONUEE provisions](#)).

There are four obligations: to register electronically within fifteen business days of being notified of identification as a UPAC; to report facility-level information every year between 1 March and 31 May; to implement a management system in line with ISO 50001 covering at least 80% of the facility's consumption; and to have it certified. Newly covered users have one non-extendable year to obtain certification; users already identified must hold it by January 2028. CONUEE will begin verifications in June 2027, and non-compliance is sanctioned under the Energy Planning and Transition Law.

The threshold is measured per facility, not per corporate group, so the first step is a plant-by-plant consumption inventory. Given their consumption profile, it is foreseeable — an ASDEC inference, not a statement in the instrument — that the measure will mainly reach steel, cement, glass, chemicals, automotive, data centers and large commercial complexes. The transactional consequence is direct: in acquisitions, financings and leases of energy-intensive facilities, UPAC status and certification progress become matters for due diligence, representations and warranties and, where relevant, price adjustment.

LP GAS AND TRANSPORT • ASEA • DOF 2 October 2026 — Emergency standard: without a valid inspection report, the unit does not haul

ASEA, the hydrocarbons safety and environment agency, published NOM-EM-008-ASEA-2026, applicable nationwide to the transport of LP gas by tank truck and semi-trailer. It is in force from 6 October for six months and may be extended once for an equal period ([emergency standard](#)). The core rule is one of authorization: units without a valid operation and maintenance report, issued by an accredited inspection unit approved by the Agency and valid for one year, must not carry out transport operations. According to the source material for this newsletter, units already in operation that lack a report have 90 calendar days to obtain one.

The standard adds pre-operation inspections, an integrity file for each unit, operator training, emergency response equipment and tests on vessels. Its emergency nature means a short term, but not regulatory transience: the

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reasonable assumption is that its content will carry over into the permanent standard, so the investment in bringing fleets into compliance is not a six-month cost.

Carriers, distributors, fleet lessors, shippers and insurers should inventory units, vessel age and reports; book inspection services now; and review maintenance, indemnity, insurance and service-suspension clauses in their contracts. Those who hire transport are exposed as well: a fleet without reports is a supply-continuity risk that should be allocated contractually to the carrier.

CONSTRUCTION AND FOREIGN TRADE • MINISTRY OF ECONOMY • DOF 28 September 2026 — Provisional duty of up to USD 10.98 per square meter on ceramic tiles from India

Since 29 September, provisional antidumping duties apply to imports of ceramic floor and wall tiles originating in India that enter under tariff items 6907.21.02, 6907.22.02 and 6907.23.02, or any other. The measure stems from the preliminary determination in the antidumping investigation requested by Porcelanite Lamosa, Cesantoni and Nitropiso ([preliminary determination](#)). Duties differ by exporter: USD 0.07 per square meter for Alliance; USD 4.31 for participating producers not selected for individual examination; USD 10.98 for Maps and all other exporters; and none for Cyan.

The measure may last up to six months and applies in addition to the applicable tariff. Appearing parties have twenty business days from entry into force to file supplementary arguments and evidence, and payment may be secured by guarantee. Because this is the preliminary stage, the amounts may be confirmed, modified or removed in the final determination.

The economically relevant fact is not the level of the duty but its dispersion. Between the exporter with the lowest positive duty and the residual group there is a difference of more than 150 times — an ASDEC calculation on the figures in the determination — which redirects supply toward producers with low dumping margins and makes the manufacturer's identity the variable that decides cost. Importers, distributors and developers should verify the producer, origin and classification of each order, recalculate the cost of goods in transit, review who bears the duty under the contract, and keep the documentary trail that identifies the specific exporter.

ELECTRICITY • CNE • DOF 30 September 2026 — Temporary exception to the new transmission-charge methodology for migrating legacy contracts

The National Energy Commission (CNE) amended the resolution by which it issued the methodology for determining the transmission service charge. Between 19 October 2026 and 6 October 2028, the new methodology will not apply to permit holders with generation plants that keep in force their interconnection contract and transmission agreement entered into under the former legislation, and that begin the voluntary and expedited migration procedure to the new regime ([CNE resolution](#)).

Both conditions must be met: expressing interest is not enough. The exception cannot begin before 19 October and has no retroactive effect, and it ends if the migration is not completed, if the assets change status in the registry and begin operating in the Wholesale Electricity Market, if the interconnection contract expires, or if the permit holder waives it before the Commission.

The measure completes the incentive design that the Ministry of Energy opened in September by extending the migration windows: the additional permit term is now joined by a deferral of costs. The decision is one of valuation, not compliance. The temporary saving in transmission charges must be weighed against the cost and execution risk of migrating, because failure of the procedure extinguishes the exception. In the related supply contracts, pass-through clauses, conditions precedent and termination events should be reviewed.

LITIGATION AND FINANCIAL COMPLIANCE • SUPREME COURT • DOF 1 October 2026 — Nuevo León prosecutor's power to freeze accounts struck down

The judgment in action of unconstitutionality 58/2024 and its joined case 67/2024, decided by the full Court on 9 February 2026, was published. The Court invalidated the last paragraph of Article 33 Bis of the Organic Law of the Attorney General's Office of the State of Nuevo León, which empowered the office's financial intelligence unit to order the seizure or freezing of accounts and securities, and upheld the remaining challenged provisions ([judgment](#)).

The ground for the decision is one of legislative competence. Immobilizing accounts in the financial system is an investigative technique that belongs to criminal procedure, a field reserved exclusively to the federal Congress under Article 73, section XXI, subsection c) of the Constitution. A state legislature may not duplicate it. The invalidity has retroactive effect to the provision's entry into force on 13 February 2024.

The scope must be read with precision. The judgment does not by itself invalidate freezes ordered by judges, by federal authorities or on a different legal basis, and it does not rule on the merits of any investigation. What it removes is the state-law basis. Individuals and companies affected by measures ordered solely under that paragraph should identify the authority, date and legal basis of each freeze in order to assess the appropriate route: a request to lift the measure, restitution or amparo proceedings. The reasoning reaches beyond Nuevo León, since it can be invoked against any state provision of equivalent content.

AGRICULTURAL EXPORTS • ECONOMY AND LABOR MINISTRIES • DOF 1 October 2026 — The avocado labor certificate becomes a customs clearance requirement

A joint resolution of the Ministries of Economy and Labor made avocado exports, tariff item 0804.40.01, subject to the Labor Certificate for Agricultural Exports (CLA), which evidences compliance with labor and social security obligations. The certificate is processed on the Labor Ministry's VELAGRO platform and transmitted as a digital document attached to the export declaration (pedimento). The resolution entered into force on the day of its publication, and certificates requested and issued since 15 September remain valid ([joint resolution](#)).

The change is one of legal nature: the certificate ceases to be an operational scheme and becomes a non-tariff regulation enforceable at the point of exit. The design is institutionally novel, because it uses customs as the instrument for verifying labor law, and does so through an annex open to further tariff items. Exporters of other agricultural products should treat it as a precedent rather than an isolated sectoral rule.

Exporters, packers and logistics operators must prevent shipments without a CLA, reconcile the certificate data with the export declaration, and agree traceability, audit and indemnity obligations along the chain, including orchards and labor contractors, which is where the labor risk originates.

IMPORTS AND MANUFACTURING • MINISTRY OF ECONOMY • DOF 28 September 2026 — Four more official standards enforceable at the point of entry

The Ministry of Economy amended its general foreign trade rules and criteria to add to Annex 2.4.1 four standards with which compliance must be shown on import: NOM-012-CONAGUA-2021, for faucets, valves and plumbing fittings; NOM-033-ENER-2019, on the energy efficiency of certain electric motors; and NOM-221-SCFI-2017 and NOM-221/2-SCFI-2018, for mobile terminal equipment ([amendment to Annex 2.4.1](#)).

The general rule entered into force on 29 September. The provisions on mobile terminal equipment will do so thirty business days after publication. Importers and manufacturers should review tariff item, commercial identification number, technical characteristics, certificates and exceptions before shipping, and adjust compliance warranties in contracts with foreign suppliers: a certificate that used to be handled after arrival now conditions clearance.

Additional operational adjustments

The banking and securities regulator (CNBV) issued a general simplification resolution for anti-money laundering and counter-terrorist financing filings — certification, audits, notices of internal structures and registration of exchange houses and money transmitters — in force since 1 October. The Commission may not request documentation already in its files or requirements outside the resolution ([CNBV resolution](#)). Substantive obligations do not change; what is called for is an update of filing matrices and submission files.

The Mexican Institute of Industrial Property (IMPI) unified and simplified trademark and invention application procedures ([trademarks](#); [inventions](#)) and, separately, declared 25 September 2026 a non-business day owing to a fiber-optic network outage that interrupted its electronic services ([suspension of time limits](#)). Anyone with proceedings pending before the Institute should recalculate their deadlines.

Competition law watch

The National Antitrust Commission placed on the agenda of its Plenary session of 1 October case VCN-003-2026, a verification proceeding on the possible failure to notify, or late notification of, a merger linked to Cabi Metepec and Constructora e Inmobiliaria Perinorte ([official agenda](#)). What is established is that the proceeding exists and was discussed by the Plenary. No infringement or sanction is established: as of the cut-off of this newsletter no public decision had been located, and the inclusion of a matter on the agenda does not allow its outcome to be inferred.

The matter is useful as a reminder, not as a precedent. Real estate transactions and acquisitions structured through corporate vehicles tend to be assessed as isolated acts, whereas notification thresholds may be met through the accumulation of assets or through successive transactions between the same parties. Thresholds must be reviewed before closing; afterwards, the only variable left is the size of the fine.

Integrated analysis: law, economics and institutions

On the legal plane, the week changes the technique of enforcement more than the content of the obligations. Energy efficiency, safety in hydrocarbons transport, employer obligations and product standards already existed. What is new is that non-compliance is no longer processed through a later sanctioning proceeding — with a hearing, evidence and remedies — and instead operates as an immediate bar: the unit must not run, the customs declaration is not cleared. For the regulated party, this moves the moment of defense. A fine can be litigated; an authorization requirement is either met or the rule itself is challenged, and the challenge rarely arrives before the commercial harm. The Supreme Court's judgment runs in the opposite direction and marks the limit: measures that affect property with immediate effect require express competence and, in criminal matters, belong to the federal legislature.

On the economic plane, mandatory third-party certification creates a scarce regulatory input. Three effects are foreseeable and testable. First, pressure on the prices and lead times of certification and inspection services while accredited supply adjusts to demand created by mandate. Second, a fixed compliance cost that weighs proportionally more on small fleets and smaller exporters, which favors consolidation; this is a hypothesis to be tested against permit-holder and exporter data over the coming quarters. Third, in foreign trade, exporter-specific duties that do not raise the product's cost uniformly but redistribute share among suppliers. In the opposite direction, the CNE exception temporarily lowers the cost of migrating and should be valued as an option with an expiry date.

On the institutional plane, the pattern is delegation. The State does not expand its inspection capacity: it substitutes accredited private bodies and customs, which is consolidating as the control point for regulations unrelated to foreign trade, now including labor rules. The design is effective where a mandatory checkpoint exists

and fragile where accredited capacity is insufficient, because in that case non-compliance does not depend on the will of the regulated party. The variable to follow is concrete: the number of inspection units approved by ASEA and of bodies certifying ISO 50001 relative to the universe of obligated parties. If the gap is wide, extensions or transition criteria can be anticipated; planning on that expectation, however, would be imprudent.

ASDEC PERSPECTIVE

The defensible decision today is to contract capacity before debating scope. For facilities above the CONUEE thresholds and for LP gas fleets, the clock runs regardless of any interpretive doubt, and the scarce resource is not the legal argument but the slot with the certifier or the inspection unit. The discussion about the scope of the rule can run in parallel; it should not run instead of compliance.

In foreign trade, the contractual question — who bears the duty and who warrants the certificate — comes before the commercial one. In energy, the CNE exception is worth whatever the probability of completing the migration is worth. And in Nuevo León, the judgment opens a window of review for anyone whose accounts were frozen on a state-law basis. This reading would change if the authorities publish transition criteria, if the final antidumping determination modifies the provisional amounts, or if the permanent LP gas standard departs from the emergency one.

Recommended actions

- Energy and industry — measure annual consumption per facility against the 45 GWh and 70,000 barrels-of-oil-equivalent thresholds; appoint a responsible person per plant and request a quote and timetable for ISO 50001 certification. Suggested owner: operations, energy and legal. Milestone: fifteen business days from notification as a UPAC; annual report from 1 March to 31 May.
- LP gas — inventory tank trucks and semi-trailers, vessel age and inspection reports; book an inspection unit and review insurance policies and service-suspension clauses. Suggested owner: operations, industrial safety and contracts. Milestone: 90 calendar days from 6 October.
- Ceramic tile importers — identify the producer of each order, recalculate the cost of goods in transit, assess securing payment by guarantee and decide whether to appear in the proceeding. Suggested owner: foreign trade and legal. Milestone: twenty business days from 29 September.
- Generators with legacy contracts — value the saving in transmission charges against the cost and risk of migration, and verify that the interconnection contract and transmission agreement are in force. Suggested owner: finance and regulatory. Milestone: 19 October 2026, start of the window.
- Companies with frozen accounts in Nuevo León — identify the authority, date and legal basis of each measure and define the route of defense. Suggested owner: litigation.
- Exporters and importers — add the CLA and the certificates for the new standards to pre-shipment checklists, and shift the risk to suppliers through warranties and indemnities. Suggested owner: foreign trade and procurement.
- Variables to monitor — accredited inspection and certification capacity; the final antidumping determination; any public decision in case VCN-003-2026; extension of the CLA annex to other products; and the draft permanent standard for LP gas transport.

Upcoming milestones

Time limits in business days depend on the official count from each instrument's entry into force and are not converted here into fixed dates, to avoid false precision.

- 6 October 2026 — the six-month term of NOM-EM-008-ASEA-2026 begins.

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- 19 October 2026 — the exception period to the new transmission-charge methodology begins (CNE).
- Twenty business days from 29 September — supplementary arguments and evidence in the ceramic tile investigation.
- Thirty business days from publication on 28 September — standards for mobile terminal equipment become enforceable at customs.
- Early January 2027, subject to the official count — the 90-calendar-day period for inspection reports on LP gas units in operation expires.
- 1 March to 31 May 2027 — first annual reporting window for UPACs under the new provisions.
- Within six months — maximum term of the provisional duty on Indian ceramics and of the emergency standard, unless the latter is extended.
- June 2027 — CONUEE begins verification of energy management systems.
- January 2028 — certification deadline for UPACs already identified.
- 6 October 2028 — the CNE exception period ends.

Information cut-off

Information verified as of 6 October 2026, 12:00 (GMT-6, Monterrey, N.L.). References to the official primary source are linked in the body of the publication. Amounts, tariff items and time limits correspond to the instruments of the period and may be modified by subsequent decisions.

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asdec.com.mx/contacto

Analysis by

Mario Emilio Gutiérrez Caballero

Partner, ASDEC

Competition • Regulation • Strategic Litigation

marioemilio.gutierrez@asdec.com.mx

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