

Six decisions that change the cost and conditions of doing business

Regulatory and competition newsletter · Mexico · 1 to 7 September 2026

Between 1 and 7 September 2026, five federal authorities took six decisions that share neither sector nor procedure, but do share one consequence: they alter the cost or the conditions of doing business before any request for information, penalty or litigation exists. This newsletter sets out what is in force today, which deadlines are running, what remains unpublished, and which decisions deserve attention in the coming weeks.

AT A GLANCE

Three measures are already enforceable: the **Hydrocarbons Sector Development Plan** (7 September), the **definitive antidumping duties on aluminium hollow profiles** (5 September) and the **new authentication rules for technology-based banking agents** (2 September). Two open windows that close soon: the provisional duty on PVC tarpaulins, with 20 business days to file arguments and evidence, and the public consultation on PROY-NOM-030-ASEA-2026, with 60 calendar days. And one competition matter — the commitments offered in the multiple listing services market for real estate — was taken up by the Plenary without any published decision so far.

Development	Authority	Status as of 8 September	Who is affected
Hydrocarbons Sector Development Plan	SENER	In force since 7 September	Permit holders and hydrocarbons projects
Definitive duties · aluminium hollow profiles	Ministry of Economy (UPCI)	In force since 5 September	Importers and manufacturers of profiles
Provisional duty · PVC tarpaulins with textile reinforcement	Ministry of Economy (UPCI)	In force since 8 September; up to six months	Importers and users of technical tarpaulins
Authentication rules for technology-based agents	CNBV	In force since 2 September	Banks, fintechs and digital commerce
PROY-NOM-030-ASEA-2026 · LPG road tankers	ASEA	Public consultation open	LPG distributors and fleet operators
Commitments · file DE-021-2024	CNA	Listed for session; decision unpublished	Platforms and real estate intermediation

Energy: planning is no longer merely indicative

A Plan that now conditions permits and authorisations

On 7 September the Federal Official Gazette published the [Agreement by which the Ministry of Energy issues the Hydrocarbons Sector Development Plan](#) (PLADESHi), with a fifteen-year horizon, annual reviews and entry into force on the date of publication. It brings together in a single instrument the activities of exploration, extraction, processing, refining, transport, storage, distribution, retail and marketing, as well as infrastructure modernisation.

Its significance lies not in its programmatic content but in its legal force. [Article 8 of the Hydrocarbons Sector Law](#) provides that sector planning “is binding in nature”, and article 9 requires the Ministry of Energy and the National Energy Commission to exercise their powers to issue regulation and to grant authorisations, approvals

and permits “under the binding planning criteria”. The Plan does not by itself amend any existing permit; it does change the benchmark against which the next one will be decided.

ASDEC's reading. What changed is not the catalogue of obligations but the standard of decision. A binding planning criterion makes a project's consistency with the Plan legally relevant, and moves that discussion from discretionary ground to argumentative ground. In practice, regulatory compatibility becomes an element of due diligence rather than an assumption.

Permit and project portfolios should therefore be tested against the Plan's priorities; PLADESHi compatibility should be built into asset-acquisition due diligence; and conditions precedent, regulatory-change clauses and risk allocation should be reinforced in sector transactions.

LPG: the low-cost window to influence a fleet's compliance bill

On the same date, ASEA opened public consultation on [PROY-NOM-030-ASEA-2026, on the distribution of LPG by road tanker and delivery vehicle](#). The draft standard sets industrial safety, operational safety and environmental protection requirements for that activity throughout the country. The comment period is **60 calendar days** from publication of the notice; the full text is available on the [Integrated Technology Platform for Quality Infrastructure](#).

ASDEC's reading. An operational-safety standard behaves economically as a fixed compliance cost: it falls unevenly across operators depending on fleet size and age, and can displace those unable to amortise it. Public consultation is the only moment at which that cost is still contestable at the price of a technical comment; afterwards, it is contestable only at the price of litigation or capital expenditure. A gap-and-cost analysis covering transfer systems, safety devices, integrity testing, records and personnel competence should precede — not follow — issuance of the standard.

Trade remedies: two duties, two stages, two different strategies

The Ministry of Economy closed one investigation and opened a provisional measure in the same week. Although both raise import costs, they call for opposite responses: in one the file is closed and the discussion is about product scope and documentary proof; in the other the file remains live and the discussion is still substantive.

Aluminium: definitive measure, closed file

The [final resolution of the antidumping investigation on aluminium hollow profiles](#) (file AD_28-24) imposed definitive countervailing duties of **USD 1.72 per kilogram** on goods originating in the United States and **USD 1.93 per kilogram** on goods originating in China. They apply to definitive and temporary imports entering under tariff heading 7604.21.01 of the TIGIE “or any other”. Published on 4 September in the evening edition, the resolution entered into force on 5 September and the case was archived as fully and definitively concluded.

The resolution excludes from product scope, among others, microchannel profiles and MPE tubes, zinc-coated profiles, heat-treated (tempered) profiles and those made of 3000-series aluminium used in refrigeration, heating and automotive applications. Conversely, it expressly confirms that profiles for blinds, curtain rails and shower enclosures **are covered**.

ASDEC's reading. Exclusion is defined by technical characteristic and end use, not by tariff heading. That shifts the problem from customs classification to evidence: a company asserting that its product is excluded must prove it with technical data sheets, chemical composition, temper designation and evidence of end use. The phrase “or any other” heading also neutralises reclassification as a mitigation strategy. Effective defence is documentary and must be built before clearance, not after the authority asks.

PVC tarpaulins: provisional measure, open file

The [preliminary resolution on polyvinyl chloride tarpaulins with textile reinforcement originating in China](#) imposed a provisional countervailing duty of **USD 0.7334 per kilogram** on imports entering under tariff headings 3921.12.01, 3921.90.99 and 3926.90.99 of the TIGIE, or any other. It entered into force on 8 September and its maximum duration is six months, in accordance with article 7.4 of the Antidumping Agreement. The resolution grants a period of **20 business days**, counted from entry into force, for appearing interested parties to submit supplementary arguments and evidence; and it states that no payment obligation arises where an origin other than China is established.

ASDEC's reading. A provisional duty is not a reduced duty: it is a reversible one. The definitive margin still depends on what the file contains, and the twenty-business-day window is the last low-cost opportunity to influence it. Three discussions that are often conflated should be kept apart: origin — provable by documentary evidence — tariff classification, and product scope. Only the third is settled in the final resolution, and it is settled only with what the parties file now.

Variable	Aluminium hollow profiles	PVC tarpaulins with textile reinforcement
Procedural stage	Final resolution; case concluded	Preliminary resolution; proceeding ongoing
Duty	USD 1.72/kg (US) and USD 1.93/kg (China)	USD 0.7334/kg (China)
Duration	Definitive	Up to six months from 8 September
Defence window	Product scope, exclusions and end-use evidence	20 business days for arguments and evidence
Practical lever	Documentary and customs	Substantive, before the UPCI

Duties are expressed in US dollars per kilogram and are payable in their peso equivalent. The computation of deadlines must be confirmed with the authority before any filing is made.

Financial services: less friction, the same liability

On 1 September the CNBV published the [Resolution amending the General Provisions Applicable to Credit Institutions](#), in force since 2 September. It amends articles 319 Bis 2, 319 Bis 3 and 319 Bis 5, which govern the operation of technology-based banking agents.

Three changes carry the practical effect. First, the customer may provide a contact channel — e-mail, encrypted instant messaging or a mobile number enabled for SMS — **so that the institution's technology infrastructure** sends the category 3 authentication factor; the sending is the bank's function, not the agent's. Second, for balance and transaction enquiries, institutions may require only the category 2 factor previously chosen by the customer. Third, the agent's website or application must include an explicit, clear and visible option redirecting the user to the institution's own infrastructure in order to update contact details.

ASDEC's reading. The amendment reduces friction at the point of conversion, which is where distributed banking loses customers; it does not redistribute liability. Under article 46 Bis 1 of the Credit Institutions Law, the institution answers to the customer for the agent's acts, so the commercial benefit and the residual risk sit on the same balance sheet. Two operational consequences follow: simplified authentication is confined to enquiries and must not drift by design into transactional operations; and agency contracts, fraud-liability allocation, evidentiary traceability and incident protocols should be reviewed against the new architecture, not the old one.

Competition: the most relevant signal has not been published yet

Commitments in the real estate multiple listing market

The Plenary of the National Antitrust Commission included, as a general matter, the [presentation, discussion and, as the case may be, decision on the proposed commitments](#) filed under articles 100, 101 and 102 of the Federal Economic Competition Law, in the market for multiple listing services for real estate and related services, file DE-021-2024. The complaint-based investigation was [opened for relative monopolistic practices](#) and its commencement notice was published on 6 June 2025.

One agenda fact deserves attention: the matter was listed **twice within five days** — at the [35th ordinary session of 3 September](#) and again at the 11th extraordinary session of 7 September, the latter with a single item on the agenda. That the Plenary convened an extraordinary session for one file is an observable, verifiable fact.

CONFIRMED AND UNCONFIRMED

Confirmed: the matter was on the agenda of both sessions, with the subject matter and file number as described. **Not confirmed:** the acceptance, rejection or content of the commitments. As of the cut-off of this newsletter no decision has been published, and any assertion about the outcome would be unsupported.

ASDEC's reading. The commitments procedure under articles 100 to 102 of the LFCE does not end in a penalty but in a behavioural remedy: the proceeding is suspended in exchange for conduct obligations. Its significance therefore exceeds the file itself. If the commitments are accepted, they are unlikely to remain confined to real estate: whatever is agreed on access rules, exclusivity, data portability and use, interoperability and service tying will become the available reference point for assessing comparable conduct in other digital intermediation markets. Platforms, associations and brokers would be well advised to review those same variables now, rather than wait for publication.

A 2013 file returning through constitutional review

At the same ordinary session of 3 September, the Plenary listed for approval the decision to be issued in file **DE-024-2013-I** in compliance with the final judgment of the First Collegiate Circuit Court in Administrative Matters, Specialised in Economic Competition, Broadcasting and Telecommunications. The file concerns possible collusive agreements in public procurement of medical gloves.

ASDEC's reading. Its present value is as a monitoring item, not as precedent. But it confirms something rarely provisioned for: a competition remedy or sanction can be reopened and reformulated more than a decade later through constitutional review. That has consequences for document-retention policy, accounting provisions and the management of inherited risk in acquisitions.

On the judicial radar

The Plenary of the Supreme Court has listed for its session of **9 September** [amparo en revisión 150/2026](#), first listed on 3 September, with Justice Sara Irene Herrerías Guerra as reporting judge. It arises from indirect amparo 206/2025, decided on 16 October 2025 by the First District Court in Administrative Matters Specialised in Economic Competition, Broadcasting and Telecommunications. The matter has been reported to concern the constitutionality of LFCE provisions on verification visits; that scope could not be confirmed against the public draft judgment as of the cut-off, and no final decision exists, so no new criterion can be announced.

What happens next

Date	Milestone	Why it matters
9 September 2026	The Supreme Court Plenary hears amparo en revisión 150/2026	It could set a criterion on verification powers in competition matters
First week of October 2026	The 20-business-day period in the PVC tarpaulins proceeding expires	Last low-cost window to influence the final resolution
Early November 2026	Public consultation on PROY-NOM-030-ASEA-2026 closes	Lowest-cost moment to correct technical and investment requirements
No fixed date	Publication of the decision on commitments in file DE-021-2024	It would set the available conduct benchmark for digital intermediation markets
March 2027	The maximum duration of the provisional duty on PVC tarpaulins expires	The final resolution may confirm, amend or revoke the measure

Expiry dates are estimates derived from each instrument's entry into force and are subject to the authority's official computation, including non-business days. They must be confirmed before any filing is made.

ASDEC's reading: Law + Economics + Institutions

LAW None of the six decisions creates a new infringement. All of them change a prior condition: the standard against which a permit will be granted, the base on which an import cost is calculated, the level of authentication required, or the remedy with which an investigation may be closed. This is a change in the conditions of doing business, not in the catalogue of offences — which is why it is managed through documentation and contract design rather than litigation.

ECONOMICS Three measures act directly on costs — two countervailing duties and a draft standard — and two on conditions of access: the hydrocarbons Plan and the banking-agent rules. In trade remedies the effect is immediate and quantifiable per unit; in energy and LPG it is deferred and depends on implementation. ASDEC would not assume that a countervailing duty passes through in full to the final price: the split between importer, distributor and consumer depends on demand elasticity, the availability of substitutes and bargaining power along the chain. These are variables to be estimated case by case, with a company's own data, not presumed.

INSTITUTIONS The period reveals three institutional speeds. The Ministry of Economy closes files with effect from the day after publication. SENER and ASEA build medium-term frameworks whose effect materialises at the next authorisation or the next investment. The National Antitrust Commission decides in session and publishes afterwards. That asymmetry between the moment of decision and the moment of publication is itself a risk variable: it requires monitoring agendas and session lists, not only official gazettes.

What to do in the next four weeks

Verify scope and evidence on aluminium. Test product, composition, temper and end use against the exclusions in the final resolution; assemble the technical file before the next customs clearance. Owner: trade compliance and technical.

Decide on appearance in the PVC tarpaulins case. Assess in the coming days whether to appear within the twenty-business-day period and with what evidence, after confirming the official computation. Owner: legal and trade.

Quantify the aggregate cost. Add countervailing duty, applicable tariffs and indirect taxes, and review supply contracts, prices, Incoterms and tax pass-through clauses. Owner: finance and procurement.

Map the portfolio against PLADESHi. Identify permits, amendments and projects whose outcome will turn on binding planning criteria, and build this into due diligence. Owner: regulatory and business development.

Prepare comments on the LPG road tanker standard. Run the gap-and-cost analysis and file technical comments before the consultation closes. Owner: industrial safety and regulatory.

Review the banking-agent architecture. Confine simplified authentication to enquiries by design, and update contracts, fraud liability, cybersecurity and incident response. Owner: legal, risk and technology.

Install agenda monitoring. Track the CNA's weekly agendas and the Supreme Court's session lists, not only the official gazette. Owner: legal.

ASDEC'S READING

The lesson of the period is not that there is more regulation, but that the windows to influence it are shorter and open before any dispute exists. In trade remedies the clock runs in business days; in standardisation, in calendar days; in competition, in agendas published three days in advance and in decisions that become known only after they are taken. A company's ability to defend its position now depends less on the quality of its subsequent litigation than on whether someone was reading the agenda in time.

WHAT DOES THIS MEAN FOR YOUR BUSINESS? ASDEC can translate these measures into concrete exposure: permits, import costs, supply contracts, compliance architecture and strategy before the authority. asdec.com.mx

Mario Emilio Gutiérrez Caballero / Edgar Alejandro Guerrero Flores

Partners, ASDEC · Competition · Regulation · Strategic Litigation

marioemilio.gutierrez@asdec.com.mx · edgar.guerrero@asdec.com.mx

Official sources consulted: Federal Official Gazette (DOF) and SIDOF (SEGOB), the National Antitrust Commission and the Supreme Court of Justice. Information verified as of 8 September 2026, Central Mexico time.

General information only; this is not legal, economic or tax advice for any specific matter. ASDEC's inferences should be tested against the facts, the applicable rules, the authority's official computation of deadlines and subsequent developments.