

## **SENER invalidates decrees that modified guidelines for Clean Energy Certificates**

Mexico City, March 13, 2024

On March 12, 2024, the Ministry of Energy (“SENER”) published, on the Official Federal Gazette, the resolution by which it invalidates the decrees that modified the guidelines that established the requirements for the granting of Clean Energy Certificates (“CELS”)<sup>1</sup> originally issued by SENER. These decrees allowed the granting of CELS to clean power plants that commenced their operations prior to 2014 -mostly owned by the Federal Electricity Commission- without the need to undertake new investments to increase their clean energy production.

SENER invalidated the aforementioned decrees due to the fact that, in an amparo claim, the First District Judge in Administrative matters, specialized in Antitrust, Broadcasting and Telecommunications matters, granted the plaintiffs the amparo because he considered that the decrees violated their fundamental right to a healthy environment and antitrust principles set forth in the Federal Constitution. The Judge’s first-instance ruling was appealed by SENER but the Collegiate Circuit Court that ruled on the appeal confirmed the Judge’s ruling.

As part of the amparo ruling, SENER was ordered to invalidate the decrees and reestablish the 2014 guidelines that determined the requirements for the granting of CELS.

Should you have any additional questions or comments, we are at your service.

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<sup>1</sup> (i) “Acuerdo por el que se modifican los Lineamientos que establecen los criterios para el otorgamiento de Certificados de Energías Limpias y los requisitos para su adquisición publicados el 31 de octubre de 2014”; and the (ii) “Acuerdo por el que se reforma el Segundo Transitorio del Acuerdo por el que se modifican los Lineamientos que establecen los criterios para el otorgamiento de Certificados de Energías Limpias y los requisitos para su adquisición publicados el 31 de octubre de 2014, publicado el 28 de octubre de 2019”, published in the Official Federal Gazette on October 28 and December 10, 2019, respectively.