

Mexico City, October 12, 2020.

The General Plenary of the High Chamber of the Federal Administrative-Law Court agreed to modify its Internal Regulations, to expand the jurisdiction of the Specialized Chamber in Environmental and Regulatory Matters in order for it to process and decide the claims raised against final decisions, administrative acts and procedures issued by the Energy Regulatory Commission.

Dear clients and friends,

On October 7, 2020, the General Plenary of the High Chamber of the Federal Administrative-Law Court (“TFJA”) published in the Federal Official Gazette a modification to its Internal Regulations, by which a number 11 to subsection a., of section III of article 50 was added, and article 132 was amended (the “Amendment”).

The TFJA determined to modify its Internal Regulations in order to expand the jurisdiction of the Specialized Chamber in Environmental and Regulatory Matters (the “Specialized Chamber”) in order to process and decide the claims raised against final decisions, administrative acts and procedures issued by the Energy Regulatory Commission.

The Amendment is the result of the jurisprudence thesis issued by the Second Chamber of the Supreme Court of Justice on August 14, 2020, which establishes that prior to filing an amparo proceeding against any resolution, general rules, legal acts or omissions by the Coordinated Regulatory Agencies in Energy Matters all ordinary remedies must be previously exhausted either by filing a motion for review before the same administrative authority that issued the contested act or by filing an action for judicial review before the Specialized Chamber of the TFJA. The Amendment became effective on October 8, 2020.

In our opinion, the Amendment is relevant since those interested in challenging the administrative decisions and acts issued by the CRE or its administrative units will be compelled to exhaust the aforementioned remedies before filing an amparo proceeding before a District Court.

The attorneys at Mañón Quintana are at your service for any questions or comments related to the scope of the Amendment.

Sincerely,

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