



LAW FOR THE SUSTAINABLE USE OF ENERGY POTENTIAL IMPACTS TO THE ELECTRONIC SECTOR

I. INTRODUCTION.

- A. On November 28th, 2008, the Law for the Sustainable Use of Energy (*Ley para el Aprovechamiento Sustentable de la Energía* or the “Energy Law”) was published in the Federal Official Gazette¹ as part of a set of initiatives that have been known in Mexico as the “Energy Sector Amendment”. The Energy Law was created with the objective of promoting energy sustainability through the regulation of its optimum use in all processes and activities, from its exploitation to its consumption.
- B. The Energy Law includes several instruments and provisions that will enable the achievement of its goals, such as: the National Program for the Sustainable Use of Energy (*Programa Nacional para el Aprovechamiento Sustentable de la Energía* or the “Program”), which is the instrument, whereby the Federal Government will establish the strategies, objectives, actions and goals considered in order to accomplish the optimum use of energy.
- C. The Program establishes different tools for its comprehensive development, including the National Information Subsystem for the Use of Energy (*Subsistema Nacional de Información Sobre el Aprovechamiento de la Energía* or the “Subsystem”) in charge of registering, organizing, updating and providing reports on:
1. Consumption of energy by final consumers and by industry sectors;
 2. National efficiency indicators; and
 3. International efficiency indicators.
- D. In accordance with the Energy Law, the Subsystem will include a Catalog of Electronic Equipment and Devices (the “Catalog”) based on the criteria set forth in the Energy Law’s Regulations², which will include information on the corresponding product’s energy consumption; this, in order to integrate the data required to create, register, organize and provide the reports contemplated within the Subsystem.

¹ Entered into force on November 29, 2008.

² Published on September 11, 2009 and entered into force on September 12, 2009.

II. CATALOG OF ELECTRONIC EQUIPMENT AND DEVICES SUBJECT TO THE ENERGY LAW'S REQUIREMENTS.

- A. As mentioned above, the Catalog will list the appliances and equipment that fall under the criteria established by the Regulations, and will be integrated and issued by the National Commission for the Efficient Use of Energy (the "Commission"), an administrative organism created by the Energy Law.
- B. The Energy Law and its Regulations establish that all new appliances and equipment listed within the Catalog, which are distributed and sold in the country, must include information regarding their energy consumption in a visible and clear manner; it also establishes the responsibility for the manufacturers, importers, distributors and wholesalers to provide such information.
- C. According to the Energy Law's Regulations, responsible parties will have one year from the day the appliance or equipment is listed in the Catalog, to comply with the abovementioned obligation.
- D. In accordance with the Energy Law's Regulations, the minimum information that should be included by the abovementioned responsible parties is:
 - 1) Energy consumption by unit of time when the appliance or equipment is in an active mode;
 - 2) Energy Consumption by unit of time when the appliance or equipment is in energy save mode (stand by);
 - 3) The amount of products or services generated by the equipment or machinery per units of energy consumption, as applicable.
- E. The previously mentioned information must be presented in a clear and visible manner, and in accordance with Mexican Official Standards (" NOM's") on the matter of Commercial Information or those provisions issued on the subject for specific products; such as current NOM-024-SCFI-1998, which refers to the information that must be included in packages, instruction manuals and warranties of electronic products.
- F. According to the information provided by the authorities, the Commission will initially divide the Catalog in three sections:
 - 1) Appliances and electronic equipment for domestic use.
 - 2) Electronic equipment used to provide services.
 - 3) Machinery and equipment used for industrial processes.

III. POTENTIAL IMPACTS FOR THE ELECTRONIC SECTOR.

- A. In accordance with the information provided by the Commission, Information Technology Products ("IT Products") (such as servers, work stations, personal computers, laptops and printers among others) will be included in the Catalog, and therefore, responsible parties will have the obligation to provide within a year, specific energy consumption data (mentioned in Section II.D above) to the public in a visible and clear manner.
- B. Specific standards may be developed and applied to IT Products; therefore, in order to minimize potential impacts, the sector must follow up on the standardization in order to assure its feasibility and adequacy.
- C. The application of the Energy Law and its Programs may have a direct impact in the way governmental and private consumers select electronic appliances and equipment; for example, governmental offices, in an effort to comply with current policies, will take into consideration the information regarding energy consumption before acquiring electronic equipment (such as IT Products).