

# THE LAW FOR THE PROMOTION OF INVESTMENT IN STRATEGIC INFRASTRUCTURE FOR DEVELOPMENT WITH WELFARE IS ENACTED

APRIL 2026

On April 9, 2026, the Decree enacting the Law for the Promotion of Investment in Strategic Infrastructure for Development with Welfare (hereinafter, the "Law") was published in the Official Gazette of the Federation (*Diario Oficial de la Federación*).

## I. Purpose.

The Law aims to regulate investment mechanisms to promote the development and execution of public infrastructure projects that contribute to national development through the participation of the public, private, and social sectors (the "Projects"). Likewise, the Law seeks to provide legal certainty, transparency, and security in said investment schemes, strengthening National Sovereignty.

The Projects seek to trigger economic growth, reduce social inequality gaps, promote access to basic public services, foster regional development, and comply with the National Development Plan, focusing on the sectors of communications, transportation, water, environment, energy, health, education, urban development, tourism, industry, technology, and any other sector in accordance with the National Development Plan.

## II. Council

To fulfill the objectives of the Law, it provides for the creation of a Strategic Planning Council (the "Council") that shall govern the planning and

supervision of investments in the Projects, as well as the creation of various committees such as the Risk Analysis Committee and the Technical Committee.

The Council shall be an advisory body, without its own legal personality or assets, that will approve the participation of the public sector in any Project before it is carried out.

The Committee shall be chaired by the Federal Executive and shall be composed of the heads of the Legal Counsel of the Federal Executive, the National Public Works and Services Bank (*Banco Nacional de Obras y Servicios Públicos*), the National Credit Society, Development Banking Institution, as well as the heads of the following Ministries: (i) Finance and Public Credit ("SHCP"); (ii) Environment and Natural Resources; (iii) National Defense; (iv) Navy; (v) Energy; (vi) Economy; (vii) Infrastructure, Communications, and Transportation; (viii) Anti-Corruption and Good Governance; and (ix) Agrarian, Territorial, and Urban Development.

The Council shall have permanent guests, who shall have voice but no vote in its sessions. Said permanent guests shall be the heads of the National

Water Commission, the National Tourism Development Fund, Federal Toll Roads and Related Services, the Digital Transformation and Telecommunications Agency, the Trains and Integrated Public Transportation Agency, Nacional Financiera, National Credit Society, Development Banking Institution, and the heads of the Ministries of Welfare, Tourism, and Science, Humanities, Technology, and Innovation.

The Council has the powers to define investment priorities in Projects and approve a corresponding national investment strategy, define the participation structures of the public, private, and social sectors, analyze the Projects and determine their financial, economic, and social viability, being able to issue recommendations in this regard, request reports on the Projects and the investments made in them, establish the necessary technical committees for each Project, and revoke the viability and eligibility of Projects.

### III. Structures

The Law sets forth various legal structures to carry out the infrastructure projects. Said structures include:

(i) Special Purpose Vehicles ("SPVs"): companies, public or private trusts, or any other vehicle that allows coordination among the public, private, and social sectors and whose mere incorporation does not imply obligations on the part of the Federal Government. The SPVs have as their sole purpose investing in or financing the Projects.

(ii) Mixed Participation Schemes ("MPS"): mechanisms through which the Government (through Entities, Agencies, trusts, state-owned enterprises, majority state-owned enterprises, SPVs, or any other vehicle) participates directly or indirectly with the private and/or social sector to finance, design, develop, operate, maintain, and exploit the Projects, in which risks, costs, investments, benefits, or compensation are shared. The MPS are classified, in turn, into the following types:

a. Long-term contracting: the private and/or social sectors participate in financing, building, operating, and maintaining the Projects during a certain term, in exchange for compensation according to predetermined quality or performance standards.

b. Mixed investment: the public, private, and/or social sectors participate in financing, building, operating, and maintaining the Projects, sharing costs, risks, investments, and benefits according to the corresponding participation interest.

c. Sector-specific schemes; and

d. Any other MPS determined in the regulations of the Law or in the guidelines issued by the SHCP.

The participation of the public sector in the MPS may be through liquid or in-kind contributions, rights of use, exploitation, or development, concessions, authorizations or permits, movable or immovable property, intangible rights, and any other modality permitted by applicable legislation.

### IV. Procedure

The Projects must follow a procedure to be established and carried out. First, the Project proposal must be submitted for consideration by the Council. To this end, they must be aligned with the National Development Plan and have the studies and valuations demonstrating their corresponding financial, technical, legal, and economic viability, as well as any other information included in the regulations of the Law and the guidelines issued by the SHCP.

Following analysis and deliberation by the Council, which may request additional information about the Project proposal, the Council may determine that the Project proposal is approved and which investment vehicle will be implemented for such Project. For this purpose, following a market investigation, a transparent, objective, and impartial bidding process shall be called.

Once the bidding award for a Project is issued, a strategic investment contract shall be formalized within the terms, conditions, and deadlines set forth in the bidding rules, with legal entities or trusts whose purposes include carrying out the Project in question (the "Contracts"). The Contracts must last more than four years and less than forty years, including extensions. In addition to a Contract, a long-term public infrastructure Project may be implemented through concessions, assignments, or permits granted by the Federal Government to an SPV.

**V. Benefits**

For the implementation of the Projects, the Council may assign the following support to an approved Project, in order to guarantee the participation of the public, private, and social sectors:

- (i) That the Projects have access to SPVs that allow them to optimize their financial structure, obtain the necessary liquidity, achieve the best financial or economic conditions, or allow the contribution of resources;
- (ii) That the Projects have guarantees granted by the Federal Government, Development Banks, or multilateral institutions;
- (iii) That the Federal Government grants tax incentives;
- (iv) That collaboration agreements are entered into with State and Municipal governments so that they may also participate in the Projects; and
- (v) That deferred payments are made under the Contracts, provided that they do not exceed the rate established for extensions of tax credits.

**VI. Disputes.**

The Law establishes that in the event of disputes arising from SPVs or the Contracts, priority shall be given to mutual agreement and good faith negotiation, alternative dispute resolution mechanisms under applicable legislation, and, if so agreed in the corresponding Contract or in an independent agreement, arbitration. The applicable law of the arbitration shall be Mexican federal laws, the language shall be Spanish, and the award shall be binding and final for both parties.

For disputes of a technical or economic nature, the parties may submit said dispute to a committee composed of three experts in the relevant subject matter, one designated by each party and the third by agreement of the latter.

The revocation of authorization of a Project and government actions may not be subject to arbitration, and the resolution of disputes related to the legal validity of an administrative act may only be resolved before federal courts.

**VII. Transitional Provisions**

The Law enters into force on the day following its publication in the Official Gazette of the Federation. From that date, the Federal Executive and the SHCP have 180 (one hundred eighty) calendar days to enact the regulations of the Law and the corresponding guidelines, respectively.

The Council must be established within no more than 120 (one hundred twenty) calendar days from the date the Law entered into force, and at its first session, it must approve the operating rules for its functioning.

For those investment projects initiated prior to the entry into force of the Law during fiscal year 2026, these may be presented to the Council, which shall determine their access to resources from SPVs and the support and benefits mentioned in the Law, or they may migrate to MPS, subject to prior agreement of the parties and approval of the Council.

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