

Regulations to the Law for the Promotion of Investment in Strategic Infrastructure for Development with Well-Being

Category: Legal Alerts

written by Adrián Trejo Santiago | May 25, 2026

On May 8, 2026, the Decree enacting the Regulations (the “**Regulations**”) to the Law for the Promotion of Investment in Strategic Infrastructure for Development with Well-Being (the “**Law**”) was published in the Federal Official Gazette.

The Regulations constitute the first secondary regulation implementing the new mixed-investment infrastructure regime contemplated under the Law and establish key elements for the structuring, financing and development of infrastructure projects in Mexico.

Among the most relevant aspects of the Regulations are the following:

1. **Classification and Nature of Special Purpose Vehicles (“SPVs”)**

The classification of SPVs will be determined based on:

- the economic substance of the project;
- risk allocation; and
- the existence of public-sector support, guarantees or payment obligations

Based on these elements, SPVs are classified as follows:

(a) Public SPVs. The majority of the resources, obligations or guarantees correspond directly or indirectly to the public sector. These vehicles are subject to the applicable budgetary and financial discipline framework.

(b) Mixed SPVs. Public and private resources coexist with a contractual allocation of risks among the parties. These vehicles will require a prior technical opinion from the Ministry of Finance and Public Credit (“**SHCP**”) when they contemplate multi-year commitments, guarantees, support mechanisms or contingent liabilities with fiscal impact.

(c) Private SPVs. Financed predominantly with private resources or self-funded structures that do not create obligations for the Federal Public Treasury. SHCP participation will only be required when public-sector support, guarantees or assignment of collection rights are involved.

2. **Eligibility and Approval Procedure**

The Regulations establish the procedure for a project to be considered eligible for development under the new regime. This procedure includes:

- a preliminary review of the project’s technical, legal and financial feasibility;
- the issuance of an opinion by the Strategic Planning Council for Infrastructure Investment (the “**Council**”), which may be favorable, conditional or unfavorable; and
- the determination of the applicable governmental support mechanism and SPV structure.

Approval by the Council does not constitute budgetary authorization, approval of public financing or obligations for the Federal Government. Accordingly, the project will remain subject to applicable budgetary authorizations.

3. Governmental Support Mechanisms and Guarantees

The Regulations also establish the conditions for obtaining support mechanisms and incentives provided under the Law for eligible projects, including:

- participation in SPVs funded with multi-year resources;
- access to FONADIN resources;
- potential guarantees from the Federal Government, development banks and multilateral agencies aimed at improving the project's financial conditions;
- cooperation agreements with states and municipalities; and
- potential tax incentives.

The granting of support mechanisms and incentives will require a prior opinion from SHCP regarding their financial and budgetary impact.

In addition, the Regulations develop the federal guarantees framework by providing that (i) guarantees will be exceptional in nature, (ii) they will not imply automatic or unconditional payment obligations by the Federal Government, and (iii) they will require express authorization from SHCP's Public Credit and International Affairs Unit.

4. Transition of Projects Structured Under Other Frameworks

The Regulations provide for an exceptional mechanism allowing projects originally structured under other contractual frameworks (e.g., PPPs, concessions, etc.) to transition into the new infrastructure regime.

Such transition will require technical, legal, financial and budgetary opinions evidencing that the new structure is more efficient for the public interest than the original structure.

Although the Regulations do not create an automatic or mandatory conversion regime for existing projects, they allow certain strategic projects to be restructured under the new mixed-investment regime contemplated by the Law.

IN SUMMARY

The Regulations introduce elements for the implementation of the new infrastructure regime established under the Law and further develop rules for the structuring, evaluation and financing of mixed-investment projects.

Likewise, the Regulations contemplate the possibility of using different corporate and financial structures to invest in infrastructure, including trusts, corporate entities, FIBRAs, FIBRA-E vehicles, asset- or cash flow-backed issuances and other co-investment mechanisms involving the public sector, sponsors, institutional investors, commercial banks, development banks and multilateral agencies.

At Nader Hayaux & Goebel, we advise sponsors, developers, investment funds, financial institutions, government entities and multilateral agencies on the structuring, procurement, financing, development and co-investment of infrastructure and energy projects in Mexico.

For additional information regarding the impact of the Regulations or the Law on specific projects or transactions, please contact our [Projects & Infrastructure](#) team.

CNE Issues New Administrative Provisions of General Application on Cogeneration and Electric Energy Storage Systems

Category: Legal Alerts

written by Adrián Trejo Santiago | May 25, 2026

Key Takeaways

- **Cogeneration.** The National Energy Commission (CNE) has issued new Administrative Provisions of General Application (DACGs) governing electricity generation under the cogeneration modality, applicable to both self-consumption and participation in the Wholesale Electricity Market (MEM).
- **Energy Storage.** On the same date, the CNE issued DACGs regulating the integration of Electric Energy Storage Systems (EESS) into the National Electric System (SEN). These provisions repeal Resolution A/113/2024, published on March 7, 2025.
- **Effective Date.** Both instruments will enter into force on the business day following their publication in the Federal Official Gazette (DOF).
- **Key Obligations.** Permit holders will be required to adjust their technical configurations, interconnection requests, and market participation

structures before CENACE. In the case of storage projects, participants must also assess the applicable model (EESS-CE, EESS-CC, EESS Self-Supply, EESS RNT/RGD, or Standalone EESS).

Background

On April 16, 2026, the CNE issued two DACGs, completing key elements of the secondary regulatory framework of the Electric Power Sector Law (LSE) and its Regulations (RLSE).

1. Cogeneration DACGs

Scope and applicability

The Cogeneration DACGs establish the general conditions, requirements and procedures applicable to electricity generation under the cogeneration modality, both under self-consumption) and participation in the MEM. Systems with an installed capacity below 0.7 MW do not require a generation permit and are subject to the exempt generation regime to be issued by the CNE.

Cogeneration typologies

The DACGs recognize three typologies: (i) electricity generation produced jointly with steam or other useful thermal energy (topping cycle); (ii) direct or indirect electricity generation from thermal energy not used in industrial processes (bottoming cycle); and (iii) direct or indirect generation from residual fuels produced within the permit holder's own industrial processes, in which case Clean Technology must be used.

Installed capacity and mandatory dispatch

The installed capacity approved under the permit must be determined based on Thermal Demand and the direct or indirect thermal energy requirements of the associated industrial processes. The DACGs introduce the concepts of Committed Electric Energy (linked to Thermal Demand and subject to mandatory dispatch) and Dispatchable Energy (subject to economic dispatch), and require permit holders to register with CENACE, through their Market Participant, the maximum and minimum values of both blocks at maximum Thermal Demand, minimum Thermal Demand, and at 80% of annual operating time.

Loss of permit purpose and Clean Energy Certificates (CELS)

The purpose of a cogeneration permit for participation in the MEM is deemed to cease when the Committed Electric Energy offered in the short-term energy market exceeds the energy associated with the Thermal Demand of the industrial process for six consecutive months, without technical justification accepted by the CNE. Cogeneration facilities (both self-consumption and MEM) may obtain Clean Energy Certificates (CELS) when they meet the criteria for efficient cogeneration.

Key transitory provisions

The DACGs will enter into force on the day following their publication in the Official Gazette (DOF). Pending the issuance by the CNE of the Technical Criteria for Cogeneration, the existing applicable regulation will remain in effect. Cogeneration facilities operating under permits granted pursuant to prior legal frameworks that migrate to a generation permit for participation in the MEM under the cogeneration modality will keep their dispatch conditions until the expiration of the migrated permit. Within 30 calendar days following their entry into force, the CNE will publish the authorized application forms.

2. Storage Systems DACGs (SAEE)

Scope and repeal

The Storage DACGs establish the requirements for the integration of SAEE into the SEN, as well as the guidelines governing the services they may provide and their participation modalities, including aggregation mechanisms.

Five participation models

SAEE-CE — associated with Renewable Power Plants and sharing their Interconnection Point; SAEE-CC — associated with Load Centers; SAEE-Autoconsumo — associated with self-consumption; SAEE-RNT/RGD — associated with public transmission and distribution infrastructure; and non-associated SAEE. Only non-associated SAEE with an installed capacity equal to or greater than 0.7 MW require a storage permit; SAEE associated with Power Plants or Load Centers do not.

Technical and market rules

SAEE whose technology relies on power electronics to inject energy into the grid must implement grid-forming capabilities. All SAEE must comply with the Grid Code (*Código de Red*), NOM-001-SEDE-2012, and applicable international or foreign standards (IEC 62619, IEC 62933-5-1/-5-2, UL 1973, UL 9540) until the corresponding Mexican Official Standard is issued. SAEE with a storage duration equal to or greater than 3 hours may qualify as capacity for the Power Balance Market. Tariff treatment varies by modality: non-associated SAEE are subject to 50% of the transmission tariff for both withdrawal and injection, while SAEE-CE are subject to such tariff only upon injection.

Variability, back-up and aggregation

Power Plants with variable primary energy sources may be required to mitigate variability through their own SAEE, aggregation with other plants, or a back-up agreement with CFE or a third party. The DACGs expressly allow aggregation among participants of the same nature (Generators, Load Centers, Self-consumption Users or interconnection applicants), subject to binding planning criteria and studies conducted by CENACE.

Key transitory provisions

The instrument will enter into force on the business day following its publication in the DOF. Pending updates to the Market Rules and the Interconnection Manual, SAEE will be treated as Load Centers when withdrawing energy from the SEN and as Power Plants when injecting it. CENACE must publish the Variability Analysis methodology within 90 calendar days, and the CNE must issue the authorized permit application forms within 30 calendar days.

What this means for you

- Permit holders and developers should review their current or planned configurations against the new definitions (including installed capacity, Thermal Demand, mandatory dispatch, grid-forming requirements and participation models) to determine whether permit amendments or new interconnection studies may be required.
- Projects incorporating storage should confirm which of the five EESS participation models applies, as well as the implications for permitting, metering, tariff treatment and capacity accreditation.
- Generators operating under self-consumption with variable primary energy sources should assess whether they meet the back-up requirement through dedicated EESS, aggregation schemes, or back-up arrangements with CFE or third parties.

- Cogeneration permit holders under prior legal frameworks should plan their transition to the LSE regime, taking into account the preservation of dispatch conditions and the requirement to demonstrate continuous compliance over a six-month period.

For more information please contact our [Energy and Natural Resources](#) team.

Gobierno De México Anuncia Plan De Inversión En Infraestructura 2026-2030

Category: Legal Alerts

written by Adrián Trejo Santiago | May 25, 2026

El 3 de febrero de 2026 la Secretaría de Hacienda y Crédito Público (“**SHCP**”) presentó una primera aproximación al Plan de Inversión en Infraestructura para el Desarrollo con Bienestar 2026-2030 (el “**Plan**”), a través de una presentación pública que describe los lineamientos generales y objetivos de la estrategia de infraestructura del Gobierno Federal para este sexenio.

De acuerdo con dicha presentación, el Plan contempla una inversión acumulada de hasta MXN 5.6 billones, a realizarse mediante esquemas de inversión pública y mixta, y busca definir prioridades sectoriales, así como orientar la participación del capital privado en proyectos estratégicos. A la fecha no se han publicado iniciativas de ley, reglas de operación ni lineamientos específicos para la implementación del

Plan.

Sectores prioritarios (según la presentación de la SHCP)

Conforme a la información difundida, la inversión se concentraría principalmente en los siguientes sectores:

1. **Energía:** 54.15%
2. **Trenes:** 15.63%
3. **Carreteras:** 13.94%
4. **Puertos:** 6.48%
5. **Salud:** 6.23%
6. **Agua:** 2.83%
7. **Educación:** 0.34%
8. **Aeropuertos:** 0.04%

Elementos relevantes del Plan

La presentación del Plan anticipa, entre otros, los siguientes ejes de trabajo:

Marco legal e institucional. Se menciona la posible presentación de iniciativas para armonizar el marco jurídico aplicable a la inversión en infraestructura y fortalecer los mecanismos de planeación y seguimiento de proyectos.

Vehículos de inversión. Se plantea el posible uso de fondos y estructuras especializadas orientadas a atraer capital institucional, reducir costos financieros y elevar estándares de transparencia.

Gobernanza y priorización. Se propone la creación de un Consejo de Planeación Estratégica de la Inversión, con funciones de priorización y seguimiento de proyectos.

Participación privada. Se prevén futuros esquemas de reparto de riesgos y beneficios, manteniendo al Estado como rector de los proyectos estratégicos, incluyendo la posibilidad de participación estatal mayoritaria y el uso de propuestas no solicitadas.

Ejecución y financiamiento. Se menciona la intención de uso combinado de banca de desarrollo, garantías, contratos mixtos, mercado bursátil, banca comercial y vehículos como FIBRA y FIBRA E.

Si bien el anuncio del Plan no constituye aún un marco normativo ni operativo, resulta relevante en la medida en que anticipa la dirección de la política pública en materia de infraestructura y sugiere un potencial portafolio de proyectos y esquemas de financiamiento para los próximos años.

Nuestro equipo se mantendrá atento a la publicación de iniciativas, lineamientos y anuncios de proyectos específicos, y compartirá oportunamente con nuestros clientes cualquier desarrollo relevante conforme se vaya definiendo el alcance real del Plan.

Para más información, favor de contactar a nuestros equipos de [**Energía e**](#)

Mexican Government announces 2026-2030 Infrastructure Investment Plan

On February 3, 2026 Mexico's Ministry of Finance and Public Credit (*Secretaría de Hacienda y Crédito Público*, "**SHCP**") presented an initial outline of the Infrastructure Investment Plan for Development with Wellbeing 2026-2030 (the "**Plan**"), through a public presentation setting out the general guidelines and objectives of the Federal Government's infrastructure strategy for the current administration.

According to the presentation, the Plan contemplates cumulative investment of up to the Mexican peso equivalent of approximately USD 322 billion, to be carried out through public and mixed investment structures and seeks to define sectoral priorities as well as guide private capital participation in strategic projects. As of this date, no legislative initiatives, additional regulations, or specific guidelines for the implementation of the Plan have been published.

Priority sectors (as presented by SHCP)

Based on the information disclosed, investment would be primarily allocated to the following sectors:

1. **Energy:** 54.15%
2. **Railways:** 15.63%

3. **Highways:** 13.94%
4. **Ports:** 6.48%
5. **Healthcare:** 6.23%
6. **Water:** 2.83%
7. **Education:** 0.34%
8. **Airports:** 0.04%

Key elements for the Plan

The presentation anticipates, among others, the following strategic workstreams:

Legal and institutional framework. The Plan mentions the possible proposal of legislative initiatives to harmonize the legal framework applicable to infrastructure investment and to strengthen project planning and monitoring mechanisms.

Investment vehicles. The Plan outlines potential use of specialized funds and structures aimed at attracting institutional capital, reducing financing costs and enhancing transparency standards.

Governance and prioritization. The Plan proposes the creation of a Strategic Investment Planning Council, with functions related to project prioritization and oversight.

Private sector participation. Future risk- and benefit-sharing arrangements are anticipated, while maintaining the State's guiding role of strategic projects, including the possibility of majority state participation and the use of unsolicited proposals.

Execution and financing. The Plan refers to the intended combined use of development banks, guarantees, hybrid contracts, capital markets, commercial banking and vehicles such as FIBRAs and FIBRA E.

While the announcement of the Plan does not yet constitute a regulatory or operational framework, it is relevant insofar as it signals the direction of public policy on infrastructure and suggests a potential project pipeline and financing structures for the coming years.

Our team will continue to monitor the publication of legislative initiatives, guidelines, and specific project announcements, and will keep our clients informed of any relevant developments as the scope of the Plan becomes more clearly defined.

For further information, please contact our [Energy and Infrastructure](#) and [Capital Markets](#) teams.

El Consejo de Administración de la

CFE Emite Lineamientos para Proyectos de Desarrollo Mixto, Implementando Legislación y Regulación Recientes

Category: Legal Alerts

written by Adrián Trejo Santiago | May 25, 2026

El Consejo de Administración de la Comisión Federal de Electricidad (CFE) emitió sus Lineamientos para Proyectos de Desarrollo Mixto (los “**Lineamientos**”), implementando las reglas de la Ley del Sector Eléctrico y su Reglamento, y proporcionando un proceso transparente y estructurado para que la CFE colabore con empresas privadas en proyectos estratégicos de generación de energía e infraestructura relacionada. Los Lineamientos definen cómo se proponen, evalúan, estructuran, aprueban, gestionan y gobiernan los proyectos para equilibrar su viabilidad técnica, sostenibilidad financiera y los objetivos de política pública, incluyendo la planeación vinculante de la Secretaría de Energía y el Plan de Desarrollo de la CFE.

Las características principales de los esquemas de inversión mixta bajo los Lineamientos son:

- **Participación Mayoritaria:** La CFE debe poseer al menos el 54% del capital social (o participación equivalente) en el vehículo del proyecto — directo o indirecto —, formalizándose dicha participación a más tardar 180 días hábiles después del inicio de las operaciones comerciales.
- **Formas de Contribución:** La participación de la CFE puede realizarse a través de efectivo, activos en especie, derechos, permisos u otras bienes tangibles/intangibles.

- Vehículos para la Participación Conjunta: Los proyectos de inversión mixta pueden desarrollarse utilizando sociedades mercantiles, fideicomisos o asociaciones en participación (asociaciones contractuales sin personalidad jurídica). La CFE puede participar en estos vehículos directamente, a través de subsidiarias o fideicomisos.
- Riesgos de Construcción y Operación: El contrato establecerá la distribución de riesgos y responsabilidades para la construcción y operación del proyecto entre el particular y la CFE.
- Modelos Financieros: Los Lineamientos establecen el contenido mínimo para los modelos financieros de los proyectos a desarrollar a través de esquemas de inversión mixta, incluyendo CAPEX, OPEX, flujo de efectivo, métodos de valuación e indicadores, tipos de cambio, tasas de interés, año base para la evaluación, horizonte de inversión, horizonte de operación, escenarios de generación, ingresos, costos y factores de financiamiento, obligaciones fiscales y análisis de riesgos, entre otros.

Al igual que otros esquemas de contratación y adquisición gubernamental, los Lineamientos establecen licitaciones públicas, invitaciones restringidas/proceso competitivo para adjudicación y adjudicaciones directas como procedimientos para adjudicar contratos para proyectos de inversión mixta. Es importante destacar que los Lineamientos permiten a la CFE adjudicar un contrato directamente cuando una empresa privada particular sea propietario o titular o tenga derechos sobre los activos materiales, como permisos, autorizaciones, bienes inmuebles, derechos sobre bienes raíces, equipos primarios y patentes.

Cabe destacar que los Lineamientos otorgan un margen muy limitado para la negociación de los contratos que rigen los esquemas de inversión mixto. Sin embargo, permiten a la CFE establecer la ley aplicable, sin restringirla a la ley mexicana, y al arbitraje para resolver disputas, sin restringirlo a organizaciones o reglamentos de arbitraje domésticas o a cualquier organización o reglamento de arbitraje extranjera o internacional en particular. También tienen un lenguaje

amplio que permite que las controversias técnicas se resuelvan mediante determinación de peritos, sin especificar un mecanismo particular.

La CFE tiene el derecho preferente para adquirir la energía y los productos asociados producidos por los proyectos de inversión mixta. La energía no requerida por la CFE podrá ser comercializada, típicamente a través de la representación de la CFE en el Mercado Eléctrico Mayorista (MEM), de acuerdo con los términos contractuales y la normatividad aplicable.

Si requiere información o asesoría en relación con esta nota, favor de contactar a nuestro equipo de energía: EnergyandInfrastructure@nhg.com.mx.

The Board of Directors of CFE Issues Guidelines for Mixed Development Project, Implementing Recent Legislation and Regulations

The board of directors of the Federal Electricity Commission (CFE) issued its Guidelines for Mixed Development Projects (the “**Guidelines**”), implementing the rules in the Power Sector Law and its Regulations and providing a transparent and structured process for CFE to engage private companies in strategic power generation and related infrastructure projects. The Guidelines define how projects are proposed, evaluated, structured, approved, managed, and governed to balance technical feasibility, financial sustainability, and public policy goals, including the Ministry of Energy’s binding planning and CFE’s Development Plan.

Core features of mixed-investment structures under the Guidelines are:

- Majority Participation: CFE must hold at least 54% of the equity (or

equivalent interest) in the project vehicle — direct or indirect — with this ownership formalized by no later than 180 business days after commercial operations begin.

- Contribution Forms: CFE's participation can be realized via cash, in-kind assets, rights, permits, or other tangible/intangible contributions.
- Vehicles for Joint Venture: Mixed investment projects can be developed using commercial companies, trusts, or asociaciones en participación (contractual associations without legal personality). CFE may participate in these vehicles directly, through subsidiaries, or trusts.
- Construction and Operation Risks: The contract will establish the distribution of risks and responsibilities for the construction and operation of the project among the private party and CFE.
- Financial Models: The Guidelines establish the minimum content for financial models for projects to be developed through mixed-investment structures, including CAPEX, OPEX, cash flow, valuation methods and indicators, foreign-exchange rates, interest rates, base year for evaluation, investment horizon, operation horizon, generation scenarios, revenue, financing costs and factors, tax obligations, and risk analyses, among others.

Like other government contracting and procurement frameworks, the Guidelines establish public tenders, restricted invitations/competitive adjudication, and direct awards as procedures to award contracts for mixed-investment projects. It is important to highlight that the Guidelines allow the CFE to award a contract directly when a particular private company owns or has rights over the material assets, such as permits, authorizations, real property, real estate rights, primary equipment, and patents.

Notably, the Guidelines give a very limited margin for the negotiation of contracts governing mixed-investment structures. However, they allow CFE to establish

applicable law, without restricting it to Mexican law, and arbitration to solve disputes, without restricting it to domestic arbitration organizations or rules or any particular foreign or international arbitration organizations or rules. They also have broad language allowing for technical disputes to be resolved by expert determination, without specifying a particular mechanism.

CFE has the preferential right to acquire the energy and associated products produced by mixed-investment projects. Energy not required by CFE may be marketed, typically through CFE's representation in the Wholesale Electricity Market (MEM), in accordance with contractual terms and applicable regulations.

If you require information or advice regarding this note, please contact our energy team: EnergyandInfrastructure@nhg.com.mx.

Meses decisivos: Regularización de derechos del agua

Category: Legal Alerts

written by Adrián Trejo Santiago | May 25, 2026

A partir del 28 de octubre de 2025, fecha en la que se publicó en el Diario Oficial de la Federación el Decreto por el que se establecen facilidades administrativas para regularizar los títulos de concesión y asignación otorgados a los usuarios de aguas nacionales que se indican y durante los siguientes tres meses, aquellas concesiones de aguas nacionales para usos doméstico, agrícola, pecuario, de acuacultura, y asignaciones para uso público urbano, cuya vigencia hubiesen expirado entre el 1 de octubre de 2017 y el 1 de marzo de 2025, podrán ser renovadas, a pesar de no haber

sido prorrogadas conforme a los plazos de ley, siempre y cuando se cumplan con los siguientes criterios de elegibilidad:

- **Calidad del solicitante.** Reunir el criterio de titularidad de la concesión o asignación correspondiente, o de causahabencia por sucesión. Si el titular de la concesión falleció, los títulos pueden ser objeto de regularización siempre que se acrediten derechos sucesorios.
- **Continuidad.** Debe existir continuidad en el ejercicio de los derechos de explotación, uso y/o aprovechamiento de aguas nacionales durante los últimos dos años, acreditando además que las obras de extracción se encuentran debidamente equipadas para su operación.
- **Derechos inmobiliarios.** Acreditar la propiedad o la posesión de los predios en los que se ubiquen las obras de extracción.
- **Umbral volumétrico.** Para el caso de concesiones, los títulos no deben exceder de 500,000 m³ anuales. En el caso de asignaciones en favor de entidades federativas o municipios, la regularización aplica a todos los títulos sin límite en el volumen.
- **Existencia de antecedentes registrales.** Los títulos deberán contar con asiento registral o antecedente en el Registro Público de Derechos de Agua.
- **Oportunidad.** La adhesión al decreto podrá hacerse hasta el 28 de abril de 2026. Las solicitudes de regularización presentadas fuera de este plazo serán improcedentes.

La regularización será improcedente en aquellos casos claramente establecidos en el decreto.

Los títulos que se regularicen mediante la adhesión al decreto no podrán ser objeto de un cambio en el uso de agua. En la resolución se tomará en cuenta la disponibilidad del recurso según los Acuerdos publicados en el Diario Oficial de la Federación.

En Nader, Hayaux & Goebel contamos con un equipo de abogados especializados en derecho administrativo y recursos hídricos que puede responder a sus dudas o inquietudes sobre el decreto, así como brindar el acompañamiento legal necesario para regularizar su título.

Contáctenos en equipoambiental@nhg.com.mx

Critical Months Ahead: An Exceptional Window to Regularize Water Rights

As of October 28, 2025, when the decree establishing administrative simplification measures for the regularization of concession and allocation titles granted to listed national water users was published in the Official Gazette of the Federation and throughout the next three months, waters concession titles allocated for domestic, agricultural, livestock, and aquaculture use, as well as water right titles granted for urban public use, whose term expired between October 1, 2017 and March 1, 2025 may be renewed, despite not been extended in due time pursuant to applicable legal provisions, provided the following eligibility criteria is met:

- **Legal standing.** Petitioners must be holders of title of water rights or legal successors thereof. If the concession titleholder is deceased, but succession rights can be evidenced, the water rights titles may be subject to renewal.
- **Continuity** in the exercise of the exploitation, use, or harness of water rights for the past two years. Additionally, the petitioner must demonstrate that the extraction points are properly equipped for their operation.
- **Real estate rights.** Petitioners must prove ownership or possession of the property on which the extraction point is located.
- **Volume threshold.** Concession titles shall not exceed 500,000 m³ per year. For water allocations in favor of states or municipalities, all titles are eligible for regularization without any volume limitation.
- **Previous registration history.** The titles must be registered or hold a record in the Public Registry for Water Rights.
- **Timeliness.** Adherence to the decree may occur until April 28, 2026. Any petition for regularization filed thereafter will be inadmissible.

Regularization will be rejected in those cases clearly outlined in the decree.

Regularized titles as per the decree cannot be subject to water use changes. The

regularization resolution will take into consideration the availability of the resource in accordance with the applicable legal instruments published in the Official Gazette of the Federation.

At Nader, Hayaux & Goebel we have a team of lawyers that specialize in administrative law and water resources who can answer your questions or concerns about the decree, as well as provide the necessary legal support for title regularization.

Please contact us at equipoambiental@nhg.com.mx

Cambio de uso de suelo forestal: El costo por compensación ambiental se dispara

Category: Legal Alerts

written by Adrián Trejo Santiago | May 25, 2026

El cambio de uso de suelo en terrenos forestales (**CUSTF**) es una de las autorizaciones ambientales con mayor impacto regulatorio y financiero para proyectos de infraestructura, energía, inmobiliarios e industriales. Además del procedimiento de autorización, la legislación forestal exige el pago de una compensación ambiental, cuyo monto se determina por hectárea y con base en costos de referencia emitidos por la Comisión Nacional Forestal (**CONAFOR**).

En relación con el referido pago por compensación ambiental, el 26 de diciembre de

2025 la CONAFOR publicó en el Diario Oficial de la Federación un nuevo acuerdo que actualiza de manera generalizada los costos de referencia, sustituyendo los valores vigentes desde marzo de 2023. La actualización tiene enorme relevancia en la planeación financiera y viabilidad de proyectos que requieran autorizaciones para el CUSTF, ya que los aumentos en los montos a pagar oscilan por hectárea entre 240% y 450%, dependiendo del tipo de ecosistema en el cual se pretenda llevar a cabo el CUSTF.

Estos nuevos valores serán utilizados por la CONAFOR para determinar los montos a depositar en el Fondo Forestal Mexicano como condición para la obtención de autorizaciones de CUSTF, a partir del 12 de enero de 2026.

La magnitud de estos incrementos refuerza la necesidad de revisar proyectos en curso, reevaluar presupuestos y ajustar estrategias regulatorias, particularmente en etapas tempranas de planeación, a fin de evitar impactos financieros relevantes o retrasos en la obtención de autorizaciones.

En Nader, Hayaux & Goebel contamos con un equipo de abogados especializados en derecho administrativo y recursos hídricos que puede responder a sus dudas o inquietudes sobre el pago por compensación ambiental forestal y las autorizaciones ambientales y consentimientos de terceros ligados al cambio de uso de suelo forestal. Contáctenos a equipoambiental@nhg.com.mx.

Change in Forest Land Use: Environmental Compensation Costs Skyrocket

The forestry land use change (**FLUC**) authorization is a core environmental permission with outstanding regulatory and financial impact on infrastructure, energy, real estate, and industrial projects. Along with the authorization proceeding, forestry legislation requires the payment of an environmental compensation, which is determined per hectare and based on reference costs issued by the National Forestry Commission (**CONAFOR**), per its Spanish acronym).

With regard to the aforementioned environmental compensation payment, on December 26, 2025, CONAFOR published a new agreement in the Official

Gazette of the Federation that updates the reference costs, replacing values in place since March 2023. The update is highly relevant to the financial planning and viability of projects requiring FLUC authorizations, as the increases in the reference costs range from 240% to 450% per hectare, depending on the type of ecosystem in which the FLUC is to be carried out. The new values will be used by CONAFOR to determine the amounts to be deposited in the Mexican Forest Fund as a condition for obtaining FLUC authorizations, effective January 12, 2026.

The magnitude of these increases reinforces the need to review ongoing projects, reevaluate budgets, and adjust regulatory strategies, particularly in the early stages of planning, in order to avoid significant financial impacts or delays in obtaining authorizations.

At Nader, Hayaux & Goebel, we have a team of attorneys specializing in administrative law and water resources who can answer your questions or concerns about forestry environmental compensation and environmental authorizations. Please contact us at equipoambiental@nhg.com.mx.

CONAGUA a contrarreloj para abatir rezago de trámites

Category: Legal Alerts

written by Adrián Trejo Santiago | May 25, 2026

La Comisión Nacional del Agua (CONAGUA) continuará trabajando este periodo vacacional recibiendo, substanciando, resolviendo, realizando la inscripción y la notificación de trámites, tales como: solicitudes de concesiones o

asignaciones de aguas nacionales y bienes inherentes cuya administración recae en dicha Comisión, permisos de descarga de aguas residuales en cuerpos receptores nacionales, prórrogas, interrupciones de caducidad de derechos inutilizados, así como otro tipo de autorizaciones y permisos a cargo del área de Administración del Agua de dicha Comisión.

De conformidad con el *Acuerdo por el que se habilitan días declarados como inhábiles, para los actos y procedimientos administrativos que se indican, tramitados ante la Comisión Nacional del Agua en el año 2025*, publicado el pasado 18 de diciembre en el Diario Oficial de la Federación, el titular de la CONAGUA ha habilitado los siguientes días del mes de diciembre de 2025 y de enero de 2026, que previamente habían sido declarados como inhábiles por un similar de la titular de la Secretaría de Medio Ambiente y Recursos Naturales:

De diciembre de 2025: los días 18, 19, 22, 23, 24, 26, 29, 30 y 31.

De enero de 2026: el día 2.

El Acuerdo adquiere relevancia toda vez que, según datos oficiales emitidos en septiembre de 2025 por la propia CONAGUA, el rezago administrativo alcanzaba los 145,000 trámites. Además, es previsible que esa cifra haya incrementado considerablemente en los últimos días por trámites ingresados de último momento para tratar de mantener ciertos derechos y prerrogativas sustentados en la Ley de Aguas Nacionales previo a su reforma sustancial, publicada el 11 de diciembre de 2025 en el DOF; particularmente en el marco del artículo Transitorio Tercero de la reforma Ley de Aguas Nacionales que a la letra señala que:

“Los trámites que se encuentren pendientes de resolución por parte de la Comisión Nacional del Agua al momento de la publicación del presente Decreto, se resolverán en términos de la normatividad vigente al momento de su presentación.”

Para más información al respecto, se sugiere consultar la nota informativa preparada por NHG: [Giro de timón en la regulación del agua en México.](#)

En Nader, Hayaux & Goebel contamos con un equipo de abogados especializados en derecho administrativo y recursos hídricos que puede responder a sus dudas o inquietudes sobre este Acuerdo, así como brindar el acompañamiento legal necesario para la protección y mantener vigentes sus derechos de aguas nacionales. Contáctenos a equipoambiental@nhg.com.mx

Mexico's Federal Water Authority races against clock to clear backlog

The National Water Commission (CONAGUA) will continue working throughout the winter holiday season, receiving, processing, registering and notifying administrative filings such as: requests for water allocations and occupation rights over assets under the administration of CONAGUA, wastewater discharge permits, extensions of tenures, non-forfeiture procedures for unused water rights, as well as other authorizations and permits overseen by CONAGUA's Water Administration departments.

In accordance with the *"Order authorizing days previously declared as non-working days, for administrative acts and proceedings processed before the National Water Commission during 2025"*, published on December 18, 2025 in the Official Gazette of the Federation, the head of CONAGUA enabled days previously declared as non-working days, under a similar decree issued by the Federal Ministry of Environment

and Natural Resource, for processing purposes. The enabled days in December 2025 and January 2026 are:

December 2025: 18, 19, 22, 23, 24, 26, 29, 30 and 31.

January 2026: 2nd

This Order becomes relevant given the administrative backlog of approximately 145,000 files pending resolution as per official information published by CONAGUA back in September 2025. This number is expected to have materially increased in the previous days prior to the substantial reform to the water legal framework published in the Gazette on December 11, 2025, due to last minute filings attempting to preserve rights and prerogatives prior to the change in law, pursuant to the third transitory legal provision, which establishes that:

“Filings pending resolution by the National Water Commission at the time of publication of this Legislative Decree shall be resolved pursuant to the legal framework in force at the time of their submission.”

For further information on this matter, please refer to NHG’s client alert: Changing Waters: [**Navigating Mexico’s New Water Legislation.**](#)

At Nader, Hayaux & Goebel, we have a team of specialized lawyers in administrative and water resources law who can answer your questions or concerns about this Order, as well as provide the necessary legal advice for

Nuevo Reglamento de la CFE

Category: Legal Alerts

written by Adrián Trejo Santiago | May 25, 2026

El 2 de diciembre de 2025 se expidió el nuevo Reglamento de la Ley de la Empresa Pública del Estado, Comisión Federal de Electricidad, reemplazando al de 2014. Este cambio refleja el reposicionamiento de la CFE como empresa pública estratégica y actualiza de forma relevante su marco de actuación.

Puntos principales:

- Nuevas reglas para empresas filiales, con mayor control institucional y facultades ampliadas del Consejo de Administración para su creación, reestructura y liquidación.
- **Actualización del régimen de adquisiciones, con:**
 - reglas más claras para el recurso de reconsideración,
 - incorporación formal de mecanismos de subasta y modalidades competitivas,
 - nuevos umbrales cuantitativos para adjudicación directa e invitación restringida,
 - criterios reforzados de anticorrupción y buen gobierno.
- Inclusión por primera vez de un capítulo de sostenibilidad, alineado a políticas nacionales e internacionales, convirtiendo la sostenibilidad en un mandato operativo para CFE.
- **Régimen transitorio:** Entrada en vigor inmediata (**3 de diciembre de 2025**), derogación del reglamento anterior y plazo de 180 días para la emisión de lineamientos del Consejo de Administración.

Para consultar el análisis completo, [haz clic aquí](#)

Si requiere información o asesoría, por favor póngase en contacto con cualquiera de los integrantes de nuestro equipo de Energía:

EnergyandInfrastructure@nhg.com.mx

New CFE Regulation

On December 2, 2025, a new Regulation of the Law of the State-Owned Public Company, Comisión Federal de Electricidad (**CFE**) was issued, replacing the 2014 regulation. This update reflects CFE's repositioning as a strategic state-owned enterprise and significantly modernizes its operating framework.

Key Points:

- New rules for subsidiary companies, strengthening institutional oversight and granting the Board of Directors expanded authority to create, restructure, and dissolve subsidiaries.

- **Updated procurement framework, including:**
 - clearer rules for the reconsideration appeal,
 - formal incorporation of auction mechanisms and competitive pricing modalities,
 - new monetary thresholds for direct awards and restricted invitations,
 - enhanced anti-corruption and good-governance criteria.

- First-ever sustainability chapter, aligning CFE’s Sustainability Plan with national policies and international commitments, making sustainability an operational and strategic obligation.
- **Transitional regime:** Immediate entry into force (**December 3, 2025**), repeal of the prior regulation, and a 180-day deadline for the Board of Directors to issue related criteria and guidelines.

To access the full analysis, [click here](#)

If you require information or assistance, please contact any member of our Energy team:

EnergyandInfrastructure@nhg.com.mx

Giro de timón en la regulación del agua en México

Category: Legal Alerts

written by Adrián Trejo Santiago | May 25, 2026

A partir del **12 de diciembre de 2025**, México estrenará un **nuevo marco jurídico en materia de aguas** que replantea por completo la gestión del recurso hídrico. La nueva **Ley General de Aguas** y la renovada **Ley de Aguas Nacionales** introducen cambios de alto impacto para todos los usuarios — industria, agricultura y sector doméstico— fortaleciendo el derecho humano al agua y saneamiento, centralizando facultades en **CONAGUA** y actualizando el régimen de concesiones, permisos y

sanciones.

Este nuevo esquema exige a las empresas **actuar proactivamente, revisar su situación actual y ajustar procesos** para mantenerse en cumplimiento, enfrentar retos y aprovechar oportunidades como la reasignación de volúmenes, la necesidad de tramitar nuevas autorizaciones, navegar por nuevos criterios para obtener prórrogas y beneficios vinculados a la responsabilidad hídrica. Además, el régimen transitorio establece una **entrada en vigor inmediata**, mientras que los mecanismos de reasignación serán aplicables 180 días después, y en los próximos meses se espera que se emitan **nuevos reglamentos y una NOM de medición**.

[Haga clic aquí para conocer más.](#)

En el documento adjunto encontrará un análisis detallado de:

- Las reformas clave al régimen de concesiones y reasignación de derechos de aguas nacionales.
- Nuevas obligaciones y prohibiciones.
- Cambios en sanciones administrativas y riesgos penales.
- Implicaciones prácticas, calendario de implementación y próximos reglamentos.
- Recomendaciones para prepararse desde ahora.

El presente documento es de carácter meramente informativo, por lo que no constituye asesoría legal o recomendación alguna. Si desea conocer más al respecto de esta publicación y de sus implicaciones legales en casos específicos, por favor contáctenos a **equipoambiental@nhg.com.mx**

Changing Waters: Navigating Mexico's New Water Legislation

As of December 12th, 2025, Mexico will implement a new water regulatory framework that fundamentally restructures the management of national water resources. The new General Water Law (**Ley General de Aguas**) and the updated National Waters Law (**Ley de Aguas Nacionales**) introduce significant changes for all users—including industry, agriculture, and the domestic sector strengthening the

human right to water and sanitation, centralizing key powers within **CONAGUA**, and updating the regime governing concessions, permits and sanctions.

This new framework requires companies to **act proactively, assess their current situation and adjust internal processes** to remain compliant and leverage emerging opportunities, such as the reallocation of water volumes, new authorization requirements, navigate through the new criteria for extensions, and benefits linked to water stewardship. Additionally, the transitional **provisions establish immediate entry into force**, while the reassignment mechanisms will become applicable 180 days later. In the following months, new regulations and a technical standard on water-measurement systems (**NOM**) are expected to be issued.

[Click here to learn more.](#)

The attached document includes a detailed analysis of:

- Key reforms to the concession regime and reallocation of water rights.
- New obligations and prohibitions.
- Updates to sanctions and related criminal-risk exposure.
- Practical implications, implementation timelines, and upcoming regulations.
- Recommendations to prepare and adapt from now on.

This document is for informational purposes only and does not constitute legal advice or any form of recommendation. If you would like to learn more about this publication or its specific legal implications, please contact us at **equipoambiental@nhg.com.mx**

Disposiciones Administrativas de

Carácter General para la Planeación Vinculante en la Actividad de Generación de Energía Eléctrica

Category: Legal Alerts

written by Adrián Trejo Santiago | May 25, 2026

Antecedentes

El 17 de octubre de 2025 la Secretaría de Energía (“SENER”) publicó en el Diario Oficial de la Federación las Disposiciones Administrativas de Carácter General para la Planeación Vinculante en la Actividad de Generación de Energía Eléctrica (las “Disposiciones”), con entrada en vigor el mismo día de su publicación.

Objeto y Alcance

Las Disposiciones establecen criterios obligatorios que la Comisión Nacional de Energía (“CNE”) debe considerar para evaluar que los proyectos de generación cumplen con la planeación vinculante previo al otorgamiento de permisos.

Aplica a proyectos para el Mercado Eléctrico Mayorista (“MEM”) (públicos y privados). No aplica a proyectos de generación para autoconsumo y cogeneración.

Conoce más [aquí](#).

Si requiere información o asesoría, por favor póngase en contacto con cualquiera de los integrantes de nuestro equipo de Energía.

EnergyandInfrastructure@nhg.com.mx

General Administrative Provisions for Binding Planning in Power Generation Activities

Background

On October 17, 2025, the Ministry of Energy (“SENER”) published in the Official Gazette of the Federation the General Administrative Provisions for Binding Planning in Power Generation Activities (the “Provisions”), which entered into force on the same date of their publication.

Purpose and Scope

The Provisions establish mandatory criteria that the National Energy Commission (“CNE”) must consider when evaluating whether generation projects comply with binding planning before granting the relevant generation permits.

They apply to projects intended for participation in the Wholesale Electricity Market (“MEM”), (public and private). Does not apply to self- supply or cogeneration projects.

Know more [here](#).

If you require information or assistance, please contact any member of our Energy team.

EnergyandInfrastructure@nhg.com.mx