

Interoceanic corridor of the Isthmus of Tehuantepec

Category: Energy,Infrastructure, PPPs and Government Procurement,Legal Alerts,Real Estate

written by Adrián Trejo Santiago | May 23, 2023

The construction of the Interoceanic Corridor of the Isthmus of Tehuantepec is among the mega-projects of the current Mexican Federal Government. This corridor will place the Isthmus in a central position in the global trade by connecting the Pacific Ocean with the Atlantic Ocean through 300 kilometers of road, while interconnecting with the Mayan Train and Ciudad Hidalgo on the border with Guatemala.

The project seeks to facilitate the transportation of goods on the continent, as well as to modernize and expand the ports of Coatzacoalcos and Salina Cruz, install optical fiber, antennas, gas pipelines and security posts of the National Guard. The Federal Government also seeks to prepare Mexico to receive the supply chains that will arrive over the next few years due to the nearshoring phenomenon.

On May 8, the Ministry of Economy announced it will publish the bidding conditions for 6 of the 10 poles that will be installed along the corridor, as well as the economic proposal and tax incentives proposed by the Ministry of Finance and Public Credit, which include (i) accelerated depreciation over the first 6 years, (ii) VAT exemption on transactions within and between the poles during the first 4 years, and (iii) 100% income tax exemption during the first 3 years, which may be extended for an additional 3 years with a tax exemption of up to 90%, depending on variables such as the increase in the number of jobs created by the project.

The poles of this first tender will include (i) Coatzacoalcos I (257 ha), Coatzacoalcos II (131 ha), Texistepec (462 ha) and San Juan Evangelista (360 ha) in Veracruz, and (ii) Salina Cruz (82 ha) and San Blas Atempa (331 ha) in Oaxaca.

On May 12, 2023, the first 6 poles were declared to meet the criteria of location, communication, connectivity, population, indigenous consultation, education, and

territory, among others, pursuant to a decree published in the Federal Official Gazette.

The Ministry of Economy highlighted the geographical advantage of the project, indicating that the south-southeast of Mexico has water availability, green energy generation sources, as well as a specialized labor force.

The Ministry of Economy announced that the bidding conditions will be published in the days to come.

For any questions, please feel free to contact Javier Arreola jarreola@nhg.com.mx, Vanessa Franyutti vfranyutti@nhg.com.mx, Santiago Medina smedina@nhg.com.mx or Ana María Alpizar aalpizar@nhg.com.mx.

Boletín informativo: corredor interoceánico del Istmo de Tehuantepec

Entre los megaproyectos del Gobierno Federal se encuentra la construcción del Corredor Interoceánico de Istmo de Tehuantepec, el cual colocará al Istmo de Tehuantepec en una posición central del comercio global conectando a través de 300 kilómetros de vía el océano Pacífico con el Atlántico, y conectándose a su vez con el Tren Maya y Ciudad Hidalgo en la frontera con Guatemala.

El proyecto busca facilitar el transporte de mercancía en el continente, así como modernizar y ampliar los puertos de Coatzacoalcos y Salina Cruz, instalar fibra óptica, antenas, gasoductos y puestos de seguridad de la Guardia Nacional. Asimismo, el Gobierno Federal busca preparar a México para recibir las cadenas de suministro que arribarán durante los próximos años a raíz del fenómeno de la relocalización (nearshoring).

El pasado 8 de mayo, la Secretaría de Economía dio a conocer las bases de la licitación para 6 de los 10 polos que se instalarán a lo largo del corredor, así como la propuesta económica y de incentivos fiscales de la Secretaría de Hacienda y Crédito Público, la cual incluye (i) depreciación acelerada en los primeros 6 años, (ii) exención del IVA en transacciones al interior de los polos y entre ellos durante los primeros 4 años, y (iii) exención al 100% del ISR durante los primeros 3 años,

prorrogable por 3 años adicionales con una reducción de hasta el 90% en función de variables como número de puestos de trabajo creados.

Los polos de esta primera licitación incluirán (i) Coatzacoalcos I (257 hectáreas), Coatzacoalcos II (131 ha), Texistepec (462 ha) y San Juan Evangelista (360 ha) en Veracruz, y (ii) Salina Cruz (82 ha) y San Blas Atempa (331 ha) en Oaxaca.

El 12 de mayo de 2023 se publicaron en el Diario Oficial de la Federación las Declaratorias de los Polos de Desarrollo para el Bienestar para los primeros 6 puntos, indicando que cumplen con los criterios de localización, comunicación y conectividad, poblacional, consulta indígena, educativo, y territorial, entre otros.

La Secretaría de Economía destacó la ventaja geográfica del proyecto, indicando que el sur-sureste de México tiene disponibilidad de agua, fuentes de generación de energía verde, así como fuerza laboral especializada.

La Secretaría de Economía dio a conocer que se publicarán las bases de licitación en los próximos días.

En caso de tener cualquier duda, favor de contactar a Javier Arreola jarreola@nhg.com.mx, Vanessa Franyutti vfranyutti@nhg.com.mx, Santiago Medina smedina@nhg.com.mx o Ana María Alpizar aalpizar@nhg.com.mx.

Norma Oficial Mexicana NOM-029-SE-2021, “Prácticas comerciales - requisitos informativos para la

prestación del servicio de Tiempo Compartido (NUEVA NOM)

Category: Legal Alerts, Real Estate

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Norma Oficial Mexicana NOM-029-SE-2021, “Prácticas comerciales - requisitos informativos para la prestación del servicio de Tiempo Compartido (Cancela a la NOM-029-SCFI-2010)”

El 28 de marzo de 2022 el Comité Consultivo Nacional de Normalización (“CCONNSE”) de la Secretaría de Economía publicó en el Diario Oficial de la Federación la “Norma Oficial Mexicana NOM-029-SE-2021, Prácticas comerciales - requisitos informativos para la prestación del servicio de Tiempo Compartido (la “NOM”), la cual entrará en vigor a los 180 días naturales contados a partir del día de su publicación, es decir, el 28 de septiembre de 2022.

Mediante dicha publicación se canceló la “NOM-029-SCFI-2010, “Prácticas comerciales - requisitos informativos para la prestación del servicio de Tiempo Compartido”. A continuación exponemos los puntos más relevantes que modifica la NOM:

- Se incluye una prohibición de utilizar publicidad engañosa y abusiva, así como incurrir en prácticas comerciales coercitivas o desleales. Adicionalmente, el proveedor o prestador intermediario adoptarán las medidas necesarias para evitar el ofrecimiento de la ingesta de bebidas alcohólicas en la realización de actividades promocionales.
- Se agregan varios requisitos de formato para los contratos, así como varios requisitos que deben contener las carátulas de los mismos.
- Los contratos de adhesión deben contener una cláusula donde se especifique que la celebración del mismo en ningún momento constituye un derecho real sobre el inmueble sujeto a la prestación del servicio de tiempo compartido.
- Para la venta de tiempo compartido el proveedor debe acreditar que el bien inmueble está afecto a la prestación de servicio de tiempo compartido, para lo cual debe presentar la constancia de inscripción definitiva en el Registro

Público de la Propiedad.

- Se agrega que, en caso de cancelación del contrato, dentro del término previsto para ello en el contrato, la devolución de la inversión total inicial debe hacerse dentro de los quince días hábiles siguientes a la fecha de notificación al proveedor o prestador intermediario de la cancelación del contrato. En caso de incumplimiento a lo anteriormente mencionado, el proveedor o prestador intermediario debe pagar de manera adicional un interés moratorio del 9% anual sobre las cantidades no devueltas.
- Las penas convencionales para ambas partes por incumplimiento del contrato, deben ser razonables, equitativas, proporcionales y recíprocas.
- Se establece un procedimiento de Evaluación respecto del cumplimiento con la presente NOM que estará a cargo de Unidades de Inspección.

Mexican Official Norm NOM-029-SE-2021, “Commercial practices - information requirements for the provision of timeshare services (Cancels NOM-029-SCFI-2010)”

On March 28, 2022, the National Consulting Committee of Standardization (Comité Consultivo Nacional de Normalización) (“CCONNSE”) of the Ministry of Economy (Secretaría de Economía) published in the Federal Official Gazette “Mexican Official Norm NOM-029-SE-2021, Commercial practices - information requirements for the provision of timeshare services (the “NOM”), which will become effective 180 calendar days from the date of publication, that is, on September 28, 2022.

The NOM replaces NOM-029-SCFI-2010, “Commercial practices - information requirements for the provision of timeshare services”. Below are the most relevant items modified:

- It includes a prohibition to use misleading and abusive advertising, as well as to incur in coercive or unfair commercial practices. Additionally, the supplier or intermediary provider shall adopt the necessary measures to avoid offering the consumption of alcoholic beverages in promotional activities.
- Several requirements are added regarding the format of contracts. Furthermore, various requirements are also added for the cover page.
- Contracts must contain a clause specifying that the execution of the contract

at no time constitutes an “in rem” right over the property subject to the provision of the timeshare service.

- For the sale of timeshare, the supplier must prove that the property is subject to timeshare services, for such purposes, time share services provided must show the evidence definitive registration in the Public Registry of Property.
- In the event of cancellation of the contract, within the term provided for such purpose in the agreement, a full refund of the initial investment must be made within fifteen business days following the date of notification to the supplier or intermediary of the cancellation of the contract. In the event of breach with the foregoing, the supplier or intermediary must additionally pay late payment interest at an interest rate of 9% per annum on the unreturned amounts.
- Penalties for both parties for breach of contract must be reasonable, equitable, proportional and reciprocal.
- The NOM establishes a compliance assessment with its terms to be carried out by Inspection Units.

Should you require further information regarding the above, please contact your usual contacts at Nader, Hayaux & Goebel.

The 10th edition of The Projects and Construction Review 2020

Category: Project Finance, Publications, Real Estate
written by Adrián Trejo Santiago | May 23, 2023

We are delighted to announce that the 10th edition of *The Projects and Construction Law Review* was recently published, providing an overview of the Mexican market by Partners [Vanessa Franyutti](#) and [Santiago Medina](#).

Please download the complete document here: [Projects and Construction Review 2020_10th edition](#)

3rd Edition of The Legal500's Global Guide to Real Estate

Category: Publications, Real Estate

written by Adrián Trejo Santiago | May 23, 2023

[Vanessa Franyutti](#), [Alejandro Rojas](#) and [Rainer Walz](#) contributed to the 3rd edition of [The Legal 500: Real Estate Country Comparative Guide](#).

The aim of this guide is to provide its readers with a pragmatic overview of the law and practice of real estate law across a variety of jurisdictions.

Each chapter of this guide provides information about the current issues affecting real estate in a particular country and addresses topics such as ownership proof, due diligence, taxes, planning and zoning restrictions, mortgages and environmental contamination as well as insight and opinion on the most common issues in their respective country.

The Q&A template for each chapter has been provided by François Bonteil of Clifford Chance.

You can download a [free copy of the Mexico chapter here](#).



NHG Real Estate team contributes to 2nd edition of The Legal500's Global Guide to Real Estate

Category: Publications, Real Estate

written by Adrián Trejo Santiago | May 23, 2023

[Vanessa Franyutti](#), [Alejandro Rojas](#) and [Fernando Castillo](#) contributed to 2018 edition of [The Legal 500: Real Estate Country Comparative Guide](#).

Each chapter of this global guide provides information about the current issues affecting real estate in a particular country and addresses topics such as ownership proof, due diligence, taxes, planning and zoning restrictions, mortgages and environmental contamination as well as insight and opinion on the most common issues in their respective country. The Q&A template for each chapter has been provided by Jonathan Solomon of Clifford Chance.

You can [download a free copy of the Mexico chapter here](#).

O'Donnell-Structuring and Public Offering of CKDs

Category: Banking & Finance, Capital Markets, Real Estate, Tax

written by Adrián Trejo Santiago | May 23, 2023

NHG advised Grupo O'Donnell in the structuring and placement of structured notes (certificados de capital de desarrollo) or CKDs in the Mexican Stock Exchange (Bolsa

Mexicana de Valores) issued through an issuing trust (fideicomiso) with an initial issuance of MXN\$400 million plus additional commitments, through a capital call mechanism, for a total committed issuance amount of MXN\$2 billion (approximately US\$100 million) with the purpose to create a private-equity fund to invest, from time to time, in industrial real estate and urban infrastructure.

This placement represents the first structured notes issued by O'Donnell, and it also involved the participation of two coinvestors controlled by O'Donnell.

Real Estate team contributes to 2017 edition of IHL's global guide to Real Estate

Category: Publications, Real Estate

written by Adrián Trejo Santiago | May 23, 2023

Nader Hayaux & Goebel's Real Estate team contributed to the 2017 edition of the [The In-House Lawyer](#)'s global guide to Real Estate, edited by Jonathan Solomon of Clifford Chance.

This country-specific Q&A provides an overview to real estate laws and regulations that may occur in Mexico.

It will cover the most pertinent issues including ownership structures, restrictions, transfers, taxes and environmental contamination.

This Q&A is part of the global guide to Real Estate. For a full list of jurisdictional Q&As visit <http://www.inhouselawyer.co.uk/index.php/practice-areas/real-estate>.

The Mexico Chapter can be downloaded [here](#).

5th edition of the LexMex Conference took place in London on 5 October 2017.

Category: Aviation, Banking & Finance, Capital Markets, Energy, Events, Firm news, Infrastructure, PPPs and Government Procurement, Insurance and Reinsurance, Mergers and Acquisitions, Practices Areas, Real Estate, Securitizations & Structured Finance, Tax, Telecoms, Workouts & Insolvency

written by Adrián Trejo Santiago | May 23, 2023

LexMex is a yearly conference, organized by the Mexican Chamber of Commerce in Great Britain (“MexCC”), with The Law Society of England and Wales and as of this year, the Bar Council.

LexMex gathers leading Mexican lawyers and experts to discuss the most relevant legal developments in Mexico highlighting opportunities for collaboration among Mexican and English and Welsh lawyers.

The 2017 LexMex Conference was divided in a morning plenary session at The Law Society and in the afternoon breakout sessions.

The Vice President of the Society Simon Davis opened the Conference by welcoming the speakers and attendees, among them, HE Julian Ventura Valero, Ambassador of Mexico to the UK and Judge Mariana Rodriguez Mier y Terán of the Superior Court of Justice of the State of Tamaulipas.

The plenary session included a special presentation by Kerma Partners explaining the development, trends and challenges of the Mexican legal market, followed by panel discussions with updates on capital markets by Nader, Hayaux & Goebel; energy by Norton Rose Fulbright; employment law by Marvan Gonzalez Graf y Gonzalez Larrazolo; environmental law by Haynes & Boone; commercial disputes by

Malpica, Iturbe, Buj y Paredes; and tax litigation by Ernst & Young. The panel sessions were moderated by Tim Girven, editor on Latin America at Legal 500; and Simon Davis, Vice president of The Law Society.

The three main bars associations (colegios de abogados) in Mexico: ANADE, Ilustre y Nacional Colegio de Abogados de México and Barra Nacional, Colegio de Abogados were represented at LexMex by Angel Junquera whom had a lively and very interesting discussion with Amanda Pinto QC, Chair of the International Committee of the Bar Council on the implementation of the National Anticorruption System in Mexico.

This year keynote speaker of LexMex was Judge Mariana Rodríguez Mier y Terán, President of the Criminal Collegiate Chamber and Judge of the Fourth Unitary Chamber in Criminal Law of the Supreme Justice Tribunal of the State of Tamaulipas. In a detailed and lively account of her personal experience in implementing the adversarial criminal law system in the State of Tamaulipas, Judge Rodríguez Mier y Terán explained the fundamental and radical changes implied in going from an inquisitorial system to an adversarial system in a civil law and federal country, the importance of such reforms and benefits it entails as well as the tremendous challenges that Mexico in general and each state, including Tamaulipas in particular, are facing to implement this completely new criminal procedure based on the following principles: transparency (publicidad), challenge (contradicción), concentration (concentración), continuity (continuidad) and immediacy (inmediación) within the framework of the Human Rights constitutional reform of June 2011.

Finally, the Chairman of the MexCC, Yves Hayaux du Tilly —a Mexican lawyer himself— gave the closing remarks making reference to the connections being created and required to improve the links and collaboration among Mexican and English and Welsh lawyers, laying out four ideas on matters in which Mexico and the UK could further collaborate: improvement of professional standards; organization of the legal profession; advantages and benefits in the administration of justice by having a Ministry of Justice; collaboration and exchanges among Mexican and British lawyers and the judiciaries; and best practices in the practice of the legal profession.

During the afternoon various roundtable were organized as follows: tax roundtable chaired by Clara Ramirez Senior Manager at EY; criminal adversarial system roundtable chaired by Andrew Langdon QC, Chair of the Bar Council; commercial litigation and arbitration roundtable chaired by Frederico Singarajah, Chair of the Bar Council Latin America Interest Group; and finally, employment law roundtable moderated by Pia Sánchez, Senior Associate at Lewis Silkin.

The LexMex has become a reference on Mexican law in London and year by year has made visible the increasing and reciprocal interest among Mexican and British lawyers and judges in working together and showcasing the many benefits and opportunities that such collaboration can bring to both countries.

For more information about the Lex Mex and other events organized by the MexCC, please contact its manager, Milène Hayaux du Tilly (milenehayaux@mexcc.co.uk).

Speakers at Lex Mex 2017 Conference: Simon Davis, deputy vice president, The Law Society of England and Wales, Leopoldo Hernández Romano, KermaPartners, Dr. Héctor Herrera Ordoñez, Haynes & Boones GDG- LLP, Yves Hayaux du Tilly - Nader, Hayaux & Goebel, Sean McCoy - Norton Rose Fulbright, Héctor González Graf, Marván, González Graf y González Larrazolo, Tim Girven, editor on Latin America, Legal 500, Angel M. Junquera, Asociación Nacional de Abogados de Empresa, ANADE Ilustre y Nacional Colegio de Abogados de México. Amanda Pinto, QC, chair of the International Committee of the Bar Council, Carlos Malpica, Malpica, Iturbe, Buj y Paredes , Nora Morales, Ernst & Young, Judge Mariana Rodríguez Mier y Terán, Judge of the State of Tamaulipas, Yves Hayaux du Tilly, Chairman, MexCC.