

NHG Publishes Analysis on Judicial Review of Insurance Contracts: Implications of the Ex Officio Inapplication of Abusive Clauses

Category: Publications

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Mexico City, September 2025 - Nader, Hayaux & Goebel (NHG) is pleased to announce the publication of the article “Judicial Review of Insurance Contracts: Implications of the Ex Officio Inapplication of Abusive Clauses”, authored by associate Mauricio López and intern Miranda Ibarra. The study addresses the legal implications of the recently published Isolated Thesis 2030525 (June 13, 2025), which expressly recognizes the authority of Mexican courts to identify and disregard abusive clauses in adhesion contracts, particularly in the insurance sector, without the need for consumers to raise such claims at trial.

Adhesion contracts, widely used in the insurance industry, are typically drafted unilaterally by insurers and often impose disproportionate or unbalanced conditions on policyholders. The new judicial criterion, grounded in Article 28 of the Mexican Constitution and aligned with international standards such as EU Directive 93/13/EEC, strengthens consumer protection by empowering judges to intervene proactively.

The article highlights how this development introduces a new layer of responsibility for insurers, requiring them to review and adapt their contractual models to avoid the inclusion of abusive provisions. Proactively adopting clearer and more balanced terms not only enhances legal certainty but also mitigates litigation risks arising from judicial review.

With this analysis, NHG continues to contribute thought leadership on key regulatory and judicial developments affecting the insurance industry in Mexico, reaffirming its position as a leading firm in insurance, regulatory compliance, and

dispute resolution.