



# DOING BUSINESS *IN MEXICO*

2020

**VTZ**

VAZQUEZ TERCERO & ZEPEDA  
ABOGADOS



# FOREIGN INVESTMENT INTRODUCTION

As a result of Mexico's Trade and Investment Promotion Agency -PROMEXICO– extinguishment, **Vázquez Tercero & Zepeda (VTZ)** seeks to fill that void and promote Mexico as a business destination.

This is why **VTZ** has developed the guide **Doing Business in Mexico 2020**, which is divided into the following seven chapters:

1. *Why Invest in Mexico?*
2. *Foreign Investment.*
3. *International Trade Policy.*
4. *Trade Policy for the Manufacturing Industry.*
5. *Creating a Company in Mexico.*
6. *Taxation.*
7. *Labor & Migration.*

In line with our values, our chapters seek to provide relevant business and legal information in an honest, practical, and concise manner. This chapter, *Foreign Investment in Mexico*, will provide a general overview on the rules and restrictions on foreign capital in Mexico.

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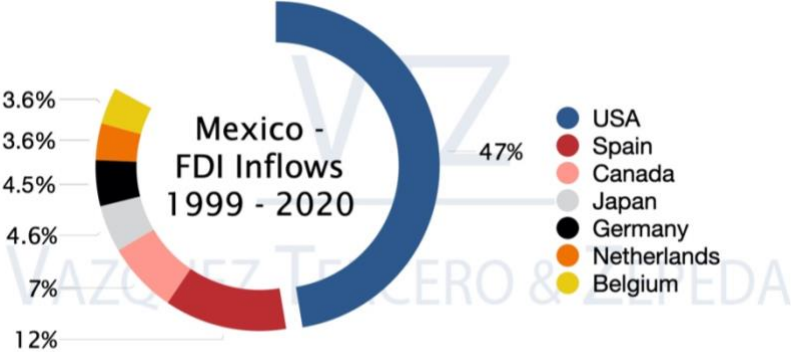
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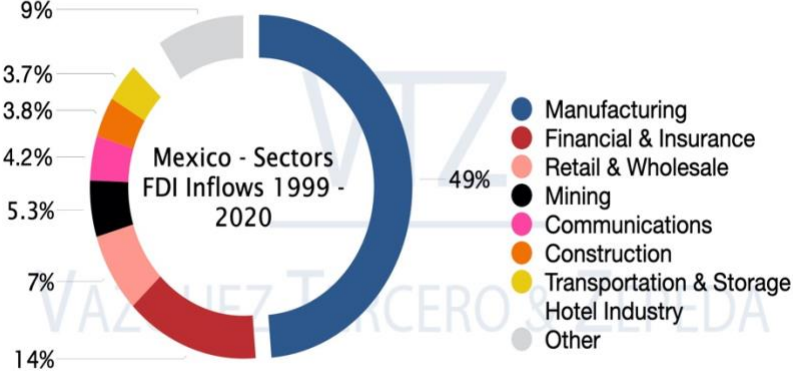
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## 2. Foreign Investment in Mexico

Mexico is an open economy that embraces foreign investment. According to foreign direct investment statistics from 1999-2020, almost half of Mexico’s FDI comes from the USA, followed by Spain, Canada, Japan, and Germany. For more information on FDI inflows per country, see **Appendix 1 – Table: Top FDI Inflows per Country.**



Interestingly, China is a major exporting capital country in the world. In fact, Chinese investment in Latin America and the Caribbean has had a sharp increase in the last years. However, that has not been the case in Mexico. Chinese investment in Mexico only represents around 0.2% of the total foreign direct investment in Mexico, according to official statistics of the Mexican Ministry of Economy.



As for economic sectors, FDI inflows have focused mainly on the manufacturing sector, followed by financial services, international trade, mining, construction, transportation, and hotel industry. For more information on FDI inflows per economic sector, see **Appendix 2 – Table: Top FDI Inflows per**

### Economic Sector.

In this chapter, VTZ will provide an overview of the foreign *investment restrictions* applicable to economic sectors and real estate, the role of the authorities regarding investment authorizations, and the Bilateral Investment Treaties.

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## 2.1 General Context of Foreign Investment Law in Mexico

As a general rule, foreign investment is authorized without restrictions in territory of Mexico, unless the *Foreign Investment Law* expressly includes a limitation. In other words, Mexico does not have a special zone where foreign investment rules are more “flexible” as investment promotion policies because it has adopted a “negative list” approach that applies throughout its territory.

The foreign investment prohibitions or restrictions are based on Mexico’s history, national security grounds as well as protectionism for economic sectors. Needless to say, Mexican Congress has lifted foreign investment restrictions throughout the years.

Foreign Investors, either individuals or legal persons, may invest in Mexico by opening a branch, incorporating a Mexican entity, or through other legal instruments including trusts, joint ventures, franchises, etc. Depending of the activity, the relevant law may require foreign investors to have a “local presence” or incorporate a Mexican enterprise in order to carry out activities, for instance, banking services, telecommunications, FINTECH, energy, among other.

Foreign investors or their investments are subject to specific corporate and administrative legal duties. For instance, an enterprise with foreign capital requires to include in its by-laws a clause that admits foreigners as shareholders or partners; foreigners, branches, enterprises, and trusts with foreign capital must register before the **National Registry of Foreign Investment** and are subject to reporting obligations. Failure to comply with such obligations, fines would apply.

As noted above, foreign investors may normally participate, directly or indirectly, in the equity of a Mexican enterprise without any limitation in the territory of Mexico. However, the *Foreign Investment Law* prohibits or restricts foreign investment in certain economic sectors or activities. In addition, the Mexican Constitution and the Foreign Investment Law also may restrict whether foreign investment may purchase land or real estate in Mexico.

## 2.2 Prohibited Economic Sectors for Foreign Investment in Mexico

From a *practical* standpoint of view, the Foreign Investment Law expressly prohibits foreign investment in “ten” general economic sectors that are classified as “activities reserved to the Mexican State” or “activities reserved to Mexicans”.

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## **2.2.1. Activities Reserved to the Mexican Government**

Foreign investment cannot participate, directly or indirectly, in these economic sectors and, thus, foreign investors cannot hold ownership interests in an enterprise in these economic sectors or activities.

1. Nuclear power generation.
2. Radioactive minerals.
3. Telegraph and radiotelegraph services.
4. Postal service.
5. Banknotes issuance.
6. Coin issuance.
7. Control, supervision, and surveillance of ports, airports, and heliports.

Needless to say, the *Foreign Investment Law* also provides that exploration and extraction of *oil* (and other hydrocarbons), as well as the transmission and distribution of *electricity*, are reserved to the Mexican Government per the Constitution. However, foreign investment may participate in said economic sectors or activities provided that the relevant energy authority grants an authorization.

## **2.2.2. Activities Reserved to Mexicans**

Likewise, foreign investment cannot participate directly in the following economic sectors:

8. Domestic land transportation of passengers, tourists, and freight transport, while courier or packaging services are excluded.
9. Development banks.
10. Professional and technical services, such as public brokers, customs brokers, pesticide services, medical services to Mexican enterprises, restrictions may also apply based on international reciprocity, among others.

## **2.3 Economic Sectors with Foreign Investment Restrictions in Mexico**

The Foreign Investment Law provides the following ownership interests limitations or caps to foreign investors in Mexican enterprises that may not be exceeded directly or indirectly in the following regulated activities:

### **2.3.1 Up to 10% participation limit or cap**

- i. Cooperative Production Enterprises.

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## 2.3.2 Up to 49% participation limit or cap.

- i. Manufacture and commercialization of explosives, firearms, cartridges, munitions, and fireworks, excluding the preparation of explosive mixtures for industrial and extractive activities.
- ii. Printing or publication of daily newspapers written primarily for a Mexican audience and distributed in the territory of Mexico.
- iii. Ownership of land shares of agricultural, livestock, or forestry purposes enterprises.
- iv. Coastal fishing, freshwater fishing, and fishing in the Exclusive Economic Zone, excluding aquaculture.
- v. Mexican enterprise authorized to act as an integral port administrator.
- vi. Mexican enterprises engaged in the supply of piloting port services to vessels operating in inland navigation.
- vii. Mexican shipping enterprise or Mexican vessels which are engaged in the commercial exploitation of vessels for inland and cabotage navigation, excluding tourism cruises and exploitation of dredges and maritime devices for the construction, preservation, and operation of ports.
- viii. Supplying of fuel and lubricants to vessels, airplanes, and railway equipment.
- ix. Broadcasting (radio and free to air television). The 49% interest ownership cap shall apply according to the reciprocity existent with the country in which the investor or trader who ultimately controls the enterprise, directly or indirectly, is constituted.
- x. Telecommunications concessionaire companies as provided by Articles 11 and 12 of the Federal Telecommunications law.
- xi. Enterprises that supplies a scheduled and non-scheduled domestic air transport service, a non-scheduled international air transport service in the modality of air taxi, or a specialty air service.

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## **2.3.3 Regulated Activities that require a favorable resolution to have more than 49% ownership interests.**

- i. Supplying port services to vessels for inland navigation such as towing, mooring, and lighterage (or tendering).
- ii. Mexican enterprise engaged in high-seas navigation services and port towing services
- iii. Mexican enterprise that is a concessionaire or permissionaire of airfields for public service.
- iv. Pre-school, primary, secondary, high school, higher, and combined private educational services.
- v. Legal Services
- vi. construction, operation, and exploitation of railroads deemed general means of communication, or in the supply of railway transportation public service.

## **2.4 Foreign Investment Reviews in Mexico?**

Mexico has foreign investment reviews in place, but they differ from those carried out in other jurisdictions. United States, Canada, and China, for instance, have foreign investment reviews that are triggered by “national security” concerns. National security concerns are not a cause for a foreign investment review in Mexico. Rather, the *Foreign Investment Law* expressly provides when the National Commission for Foreign Investment (**CNIE**, acronym in Spanish) shall carry out a foreign investment reviews as well as the criteria to issue a favorable resolution. The criteria to issue a favorable resolution resembles, to a certain extent, the Canadian “net-benefit” test.

Per the *Foreign Investment Law*, CNIE will issue its resolutions per the following criteria:

- i) The impact on employment and employee training;
- ii) Technological contribution;
- iii) compliance on the applicable environmental law
- iv) contribution to increasing the competitiveness of the country.



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Needless to say, CNIE has the power to block a foreign investment based on national security grounds, however, this power has never been used.

The Ministry of Economy, on the other hand, is the authority in charge of authorizing neutral investment.

## **2.4.1 Foreign Investment Review: Regulated Activities.**

CNIE must issue a favorable government resolution when a foreign investor seeks to have more than 49% of ownership interests in an enterprise under the regulated activities that were listed in [section 2.3.3](#).

## **2.4.2 Foreign Investment Review: Investment Cap.**

The CNIE annually determines a ceiling that may trigger a review as a result of an acquisition on behalf of a foreign investment. For instance, a foreign investor would have to submit an application when the total value of the assets for which it intends to acquire exceeds \$20,184 million pesos (about 874 million USD).

Per the *Foreign Investment Law*, the CNIE may impose restrictions on the acquisition provided that they do not distort international trade. As reported in Mexico's Trade Policy review in 2016, the CNIE has so far not rejected any investment subject to this review.

## **2.4.3 Neutral Investment**

The *Foreign Investment Law* introduces the concept of "neutral investment" that allows foreigners to invest in regulated activities (see [2.3 Economic Sectors with Foreign Investment Restrictions in Mexico](#)).<sup>1</sup>

Accordingly, the neutral investment mechanism allows foreign investors to have ownership of special interests or shares that grants economic rights or benefits but restricts non-economic corporate rights, such as the right to vote and/or the appointment of foreign managers on the board.

The Ministry of Economy and, as appropriate, the National Banking and Securities Commission will approve the applications for neutral investment.

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<sup>1</sup> According to the WTO Secretariat, "The LIE provides for the concept of "neutral investment", whereby foreigners may invest in sectors reserved for Mexicans or subject to specific regulation, without that participation being taken into account when determining the percentage of foreign investment in the share capital of the Mexican enterprise. This capitalization mechanism allows Mexican companies to issue shares that bring only economic benefits to shareholders, but not the right to vote. This type of investment requires the authorization of the SE and, as appropriate, the National Banking and Securities Commission." Trade Policy Review: Mexico, WT/TPR/S/352, 15 February 2017, para. 2.44.

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## 2.5 Foreign Investment and Real Estate in Mexico

The transfer of real estate ownership is subject to several conditions, including where the property is located, the land regime, and the buyer's legal nature and *nationality*.

For purposes of property location, the Mexican Constitution categorizes the national territory into two zones, namely the so-called "Restricted Zone" and "Unrestricted Zone". The Restricted Zone is the 100 km strip of land along the international borders and 50 km along the beach. Consequently, the Unrestricted Zone is the land that falls outside the area considered as Restricted Zone.

As for land regimes, Mexico has two private land regimes, the private property regime and the common land regime (e.g. ejidos). In general terms, Mexican Law allows the transfer of ownership of land subject to the private property regime, while the Agrarian Law prohibits the sale of the land subject to the common land regime. The common land regime is the result of Mexico's revolution, whereby land was distributed to a group of persons of the community so that they could exploit and use the land collectively. About 50% of the Mexican territory is subject to the common land regime.

As a general rule, foreign investors may acquire real estate ownership of land subject to private property regime either as a Mexican legal entity or as individuals in the unrestricted zone. In contrast, foreign investors, as individuals, branches, or a Mexican enterprise with foreign capital, are subject to restrictions regarding direct ownership of land in the restricted zone.

- Foreign investors, as individuals or branches, may have the right to use and enjoy a property in the restricted zone only through a trust, prior authorization of the Ministry of Foreign affairs. The title of the real estate would be held through a trust that cannot exceed 50 years, but their duration may be extended per request of the beneficiary. Normally, a Bank would act as the trustee.
- If a Mexican enterprise with foreign capital seeks to use the land for residential purposes, the aforementioned requirement applies, i.e. the trust, provided that the enterprise includes the "Calvo clause" in their corporate by-laws. The *Calvo clause* entails that the foreign investors agree being considered as a Mexican vis-a-vis that property and that he or she agrees not to invoke the diplomatic protection of their governments.
- Mexican enterprises with foreign capital may, in turn, acquire ownership of land in the restricted zone for non-residential purposes provided that enterprise includes the "Calvo clause" in their corporate by-laws and the Ministry of Foreign Affairs grants an authorization.

Real estate property rights are registered in a Local Public Registry of Property. The Registry's purpose is to provide certainty, legal security, and publicity of legal acts.

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The legal right to private property is not absolute since ownership may be subject to expropriation, provided that public welfare causes are justified; compensation shall be paid.

Furthermore, public interest restrictions as well as regulation on the use and development of the land may apply to private property.

For more information regarding Foreign Investment in Real Estate, do not hesitate to visit our Real Estate Guide that we prepared for Alliot Group.

## 2.6 International Investment Agreements

Mexico has a large network of International Investment Agreements, either in the form of a Bilateral Investment Treaty or as an Investment Chapter in a Free Trade Agreement. An Individual or company, qualifying as an investor, and their “investment” in Mexico may benefit from international protection provided that he or she is from a State that is a party to an international investment agreement with Mexico and that the investment qualifies as such under the relevant agreement.

### 2.6.1 Bilateral Investment Treaties celebrated by Mexico

#### 2.6.1.1 Europe

1. Austria
2. Belarus
3. Belgium
4. Czech Republic
5. Denmark
6. Finland
7. France
8. Germany
9. Greece
10. Island
11. Italy
12. Luxemburg
13. Slovakia
14. Spain
15. Netherlands
16. Portugal
17. UK
18. Sweden
19. Turkey

#### 6.1.2 Latin America

20. Argentina
21. Cuba
22. Haiti
23. Panama
24. Trinidad and Tobago
25. Uruguay

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## 2.6.1.3 Middle East

- 26. Bahrein
- 27. U.A.E.

## 2.6.1.4 Asia

- 28. China
- 29. Korea
- 30. Kuwait
- 31. India
- 32. Singapore

## 2.6.2 Free Trade Agreements with Investment Chapters

### 2.6.2.1 US-Mexico-Canada Agreement (USMCA)

- 33. United States
- 34. Canada\*

USMCA replaced NAFTA on July 1st, 2020. Like NAFTA, USMCA also includes an investment chapter, however, significant changes were introduced, notably, limitations to initiate arbitration and the scope of claims. Investment protection disciplines were subject to review, updating, and clarifying certain concepts and standards, such as the definition of investment, fair and equitable treatment (FET), among other matters.

We highlight that Canadian investors or their investment cannot submit a claim to arbitration against Mexico per USMCA. Rather, they can do so under the Comprehensive and Progressive Transpacific Partnership (CPTPP). Hence, only US investors and their investments may submit an ISDS dispute against Mexico under USMCA provisions, specifically per Annex 14-D.

Nevertheless, a US or Canadian investor and their investments in Mexico may submit a claim to arbitration per Chapter 11 NAFTA before July 1st, 2023, since Annex 14.C USMCA introduces provisions on “legacy investment claims” but with some significant caveats for investors if they qualify as an “investor” in Annex 14-E, discussed below.

USMCA introduces, as a general rule, a condition to exhaust local remedies in order to submit a claim to arbitration. In other words, US investors or their investments will have to resort to local litigation prior to initiating the arbitration. Article 14.D.5 USMCA establishes five conditions, and we highlight the following three:

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1. The investor or his investment must first initiate a proceeding before a competent court or administrative tribunal.
2. The investor or his investment must obtain a final decision from a court of last resort in Mexico or 30 months (2.5 years) have elapsed from the date the court proceeding was initiated.
3. No more than four years have elapsed from the date on which the investor or his investment first acquired knowledge of a violation and the loss or damage.

In addition to the aforementioned conditions, the Mexican attorney of the investor or their investment must take into account **USMCA's Appendix 3** before initiating any court proceeding. If an attorney submits certain claims before a Mexican court, an arbitration tribunal may decide that it does not have jurisdiction on the investor's claim to arbitration per said appendix.

Moreover, we note that USMCA restricts investment protection standards as compared to NAFTA. Notably, Investors and their investments that resort to ISDS under USMCA may not submit "fair and equitable treatment" as well as indirect expropriations claims.

Notwithstanding the foregoing, **Annex 14-E USMCA** excludes the application to exhaust local remedies for certain covered investments. Namely, if a US investor or investment is a party to a "government contract" in a "covered sector", i.e. government contracts that relate to oil and natural gas, power generation, telecommunications services, transportation services, and ownership and management of infrastructure.

The investor or investment may submit a claim to arbitration when he or she considers that Mexico has breached *any obligation of USMCA's investment chapter* in no less than six months or more than three years from the relevant events.

For more information, we consider this summary may be of your interest: [USMCA Investment Provisions](#).

## 2.6.2.2 New European Union-Mexico Free Trade Agreement (Not in Force\*)

As a result of the new EU-Mexico FTA, the European Union has an investment policy harmonizing international investment standards among all 23 EU member states. Article 22 of Chapter XX of the new EU-Mexico FTA establishes that the Investment Agreements "between Member States of the European Union and Mexico listed in Annex YY including the rights and obligations derived therefrom shall cease to have effect and shall be replaced and superseded by this Agreement."

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## 2.6.2.3 Other FTAs

### *Mexico-Central America Free Trade Agreement*

- |                 |               |
|-----------------|---------------|
| 35. Costa Rica  | 38. Honduras  |
| 36. El Salvador | 39. Nicaragua |
| 37. Guatemala   |               |

### *Pacific Alliance (Alianza del Pacífico)*

- |              |             |
|--------------|-------------|
| 35. Chile    | 37. Peru    |
| 36. Colombia | 38. Uruguay |

### *Comprehensive and Progressive Transpacific Partnership Agreement*

- |   |                              |
|---|------------------------------|
| 44. Australia                           | 50. Brunei* (Not in force)   |
| 45. Canada                              | 51. Chile* (Not in force)    |
| 46. Japan                               | 52. Malaysia* (Not in force) |
| 47. New Zealand                         | 53. Peru* (Not in force)     |
| 48. Singapore (BIT also still in force) |                              |
| 49. Vietnam                             |                              |

### *Other International Investment Agreement*

54. Brazil

## 2.6.1 Mexico's Investor-State Dispute History and Record

According to public records and information, Mexico has faced 20 Investor-State Disputes (ISDS) and has had a "positive" record. Besides having favorable awards, Mexico's positive record is also based on the overall payment of damages in relation to the amount claimed for damages by foreign investors. Mexico, nevertheless, is facing a recent surge of Investor-State cases, which may increase as a result of controversial energy policies by the current administration. For more information on ISDS cases, see **Appendix 3 – Table: ISDS cases.**

As noted in the table below, the concluded ISDS disputes entail different economic sectors, mainly environment-related (i.e. waste management), telecommunications, and a series of cases related to the "sugar" sector. From the outset, Mexico's first ISDS disputes, such as those environment-related, entail a complex and new regulatory background that involved actions or measures of different levels of government, i.e. Federal, State, and Local. However, the "sugar" disputes, for instance, were politically

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motivated because they arose as a result of a NAFTA trade dispute regarding sugar with the US, whereby Mexico took unilateral actions (or “countermeasures”) against high-fructose corn syrup (HFCS).

The active cases include other sectors, such as mining, real estate, and energy-related. We highlight this fact because almost half of Mexico’s FDI relates to the manufacturing sector (see **Appendix 2 – Table: Top FDI Inflows per Economic Sector**). We also highlight that there are some disputes that have a clear relation with international trade and customs, such as *Feldman*, *Legacy Vulcan*, *Vento*, and *Jinlong Dongli*.

## ***2.6.2 Considering International Investment Agreements when Investing in Mexico?***

Mexico seeks to attract foreign investment to promote its economic growth and development. Despite claiming to be an open economy, foreign investors and their investments have faced serious challenges, particularly in politically sensitive or highly regulated economic sectors. Foreign investors in the manufacturing sector in Mexico, however, have rarely raised challenges, because such investments are perhaps far away from the political circus and, thus, possibly avoiding “serious” government measures.

Considering that investment protection standards have been considerably diluted for US investors and investments as a result of USMCA, existing or potential US investors may have to explore new legal “options” to protect their investments. In other words, existing or potential US investors, particularly those that do not fall under the “covered sectors”, should consider international investment planning in order to benefit from more favorable international investment agreements.

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Appendix 1 – Table: Top FDI Inflows per Country

Rank	Country	FDI Inflows 1999-2020	
		Value (USD, million)	Share
1	USA	318,957.5	47.1%
2	Spain	70,898.1	12%
3	Canada	41,472.1	7%
4	Japan	27,052.5	4.6%
5	Germany	26,706.2	4.5%
6	Netherlands	21,021.7	3.6%
7	Belgium	20,959.1	3.6%
8	UK	17,618.7	3%
9	France	9,428.4	1.6%
10	Argentina	8,413.2	1.4%
11	Italy	8,237.1	1.4%
12	Switzerland	7,567.9	1.3%
13	Korea	6,927.6	1.2%
14	Brazil	5,581.4	.9%
15	Australia	4,581.2	0.8%
22	China	1,333.1	.2%
25	Hong Kong	1,050.3	.2%
26	Taiwan	1,066.9	.2%
	<b>Total</b>	<b>589,355.8</b>	<b>100%</b>

Source: Ministry of Economy (January – March 2020)



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Appendix 2 – Table: Top FDI Inflows per Economic Sector

Rank	Sector	FDI Inflows 1999-2020	
		Value (USD, million)	Share
1	Manufacturing	286,819	48.7%
2	Financial Services and Insurance	83,872.7	14.2%
3	Mining	31,309.6	5.3%
4	Communications	25,006.2	4.2%
5	Construction	22,239.7	3.8%
6	Retail	22,109.4	3.8%
7	Wholesale	21,842.5	3.7%
8	Transport and storage	21,958.7	3.7%
9	Hotel and preparation of food and beverage services	20,612.1	3.5%
10	Electricity, Water, Water Supply	18,510	3.1%
11	Real estate and Leasing services	17,017.7	2.9%
12	Professional, Science and Technical Services	7,029.8	1.2%
13	Business Support and Waste management services	6,477.6	1.1%
14	Agro	1,7531.1	.3%
15	Other Services except government activity	858.6	.1%
16	Education Services, Cultural and sports	445.5	0.1%
17	Health Services	244.3	0.0%

Source: Ministry of Economy (January – March 2020)

## Appendix 3 – Table: ISDS cases

### A. Concluded

	Case	Year (Award)	Sector	BIT/IIA	Result
1	Joshua Dean Nelson vs Mexico (Tele Fácil México)	2020	Telecommunications	NAFTA	No violation
2	<a href="#">Técnicas Medioambientales Tecmed, S.A. vs Mexico</a>	2003	Waste Management	BIT-Spain	Violation (\$5,533,017.12 USD + interests)
3	<a href="#">Cemusa</a> - Corporación Europea de Mobiliario Urbano, S.A. and Corporación Americana de Equipamientos Urbanos, S.L. vs Mexico	2014	Urban Furniture (Construction Activities)	BIT-Spain	No Decision (Discontinuance of the Proceeding)
4	<a href="#">Telefónica</a> S.A. vs Mexico	2018	Telecommunications	BIT-Spain	No Decision (Discontinuance of the Proceeding)
5	<a href="#">Abengoa</a> , S.A. y COFIDES, S.A. vs Mexico	2013	Water, Sanitation & Flood Protection	BIT-Spain	Violation (\$535,302,964.62 Mx pesos + property)
6	<a href="#">Bayview</a> Irrigation District and others vs Mexico	2014	Agriculture	NAFTA	No violation (No jurisdiction)
7	<a href="#">Fireman's Fund</a> Insurance Company vs Mexico	2006	Financial	NAFTA	No violation
8	<a href="#">Waste Management, Inc.</a> vs Mexico	2000	Waste Disposal	NAFTA	No violation (No jurisdiction)
9	<a href="#">Waste Management, Inc.</a> vs Mexico II	2004	Waste Disposal	NAFTA	No violation
10	<a href="#">Marvin Roy Feldman Karpa</a> vs Mexico	2002	Cigarette (Tax & Customs Related)	NAFTA	No violation & Violation (\$9,464,627.50 Mx Pesos + Interests)
12	Robert <a href="#">Azinian</a> and others vs Mexico	1999	Waste Disposal	NAFTA	No violation

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13	<a href="#">Metalclad</a> Corporation vs Mexico	2000	Waste Disposal	NAFTA	Violation (16 million USD)
14	<a href="#">Cargill</a> , Incorporated vs Mexico	2009	Soft drink sweetener production enterprise	NAFTA	Violation (60 million USD)
15	<a href="#">Archer</a> Daniels Midland Company and Tate & Lyle Ingredients Americas, Inc. vs Mexico	2007	Soft drink sweetener production enterprise	NAFTA	Violation (33 million USD)
16	<a href="#">Gemplus</a> , S.A., SLP, S.A., Gemplus Industrial, S.A. de C.V., Talsud, S.A. vs Mexico	2010	Concession agreement to operate the National Registry of Motor Vehicles	France-Mexico BIT Argentina - Mexico BIT	No Violations & Violation (4,483,164 USD - Gemplus) (6,458,721 USD-Talsud)
17	<a href="#">Thunderbird</a> vs Mexico	2006	Gambling	NAFTA	No violation
18	<a href="#">GAMI</a> Investments, Inc. vs Mexico	2004	Sugar	NAFTA	No violation
19	Corn Products International, Inc. vs Mexico	2004	Soft drink sweetener production enterprise	NAFTA	No Violations & Violation (58,386,288 USD)
20	Vento Motorcycles, Inc. vs Mexico	2020	Manufacturing of Transport Goods (Trade-Related )	NAFTA	No violation

Source: <https://icsid.worldbank.org/en/Pages/cases/AdvancedSearch.aspx>

## B. Active Cases

	Case	Year (Registration)	Sector	IIA
20	Odyssey Marine Exploration, Inc. vs Mexico	2019	Mining Concession	NAFTA
21	Espiritu Santo Holdings, LP vs Mexico	2020	Telecommunications concession (Taxis app)	NAFTA
22	Terence Highlands vs Mexico	2019	Maritime Transport Services	UK
23	Alicia Grace and others vs Mexico (Oro Negro)	2018	Oil exploration and production equipment	NAFTA

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24	Legacy Vulcan, LLC vs Mexico	2019	Limestone extraction and exportation	NAFTA
25	PACC Offshore Services Holdings Ltd vs Mexico	2018	Marine services	Singapore
26	Eutelsat S.A. vs Mexico	2017	Telecommunications Concession	France
27	B-Mex, LLC and others vs Mexico	2016	Gambling	NAFTA
28	Lion Mexico Consolidated L.P. vs Mexico	2015	Real Estate (Legal-related)	NAFTA
29	<a href="#">Shanara</a> Maritime International, S.A. and Marfield Ltd. Inc.	2014	Marine services	Panama
30	Carlos Saste	2020	Real Estate (Tourism)	Argentina, Spain and Switzerland
32	Coöperatieve Rabobank U.A.	2020	Maritime transport services	BIT - Netherlands

Source: <https://icsid.worldbank.org/en/Pages/cases/AdvancedSearch.aspx>  
<https://www.gob.mx/se/acciones-y-programas/comercio-exterior-solucion-de-controversias?state=published>

## C. Letters of Intention

Case	Year	Sector	IIA
Primero Mining Corp	2016	Mining (Tax-related)	NAFTA
Dal Tile Corporation y Dal Tile Internacional	2018	Ceramics (Private Legal Dispute-related)	NAFTA
Jinlong Dongli Minera Internacional	2018	Mining (customs related)	China-Mexico

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Renaud Jacquet	2019	Real Estate	Mexico-France NAFTA
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Source: <https://www.gob.mx/se/acciones-y-programas/comercio-exterior-solucion-de-controversias?state=published>

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