

# RITCH MUELLER

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## NEWSFLASH

### Decree for the Immediate Authorization of Investments

On May 4, 2026, the Executive Branch published the "Decree for the Immediate Authorization of Investments" in the Official Gazette of the Federation (*Diario Oficial de la Federación*). The Decree, primarily grounded in the 2025–2030 National Development Plan, seeks to promote industrial development, competitiveness, and productivity policies, within the framework of the National Law to Eliminate Bureaucratic Procedures and the federal strategy to position Mexico as a preferred investment destination amid the nearshoring initiatives.

The central objective is to significantly reduce the timeframes for installing and operating private investment projects in strategic sectors, through an authorization mechanism that allows the immediate start of activities while the relevant federal procedures are resolved during the term of such authorization.

## 1. Key Provisions of the Decree

### **Scope of Application.**

The Decree applies to three categories of investment projects:

1. Investments authorized for development within a Welfare Development Hub (*Polo de Desarrollo para el Bienestar*), an Economic Development Hub for Welfare (*Polo de Desarrollo Económico para el Bienestar*), or a Circular Economy Hub for Welfare (*Polo de Economía Circular para el Bienestar*).
2. Investments equal to or exceeding MXN \$2,000,000,000.00 (two billion pesos).
3. Investments in strategic sectors, including technology infrastructure, data centers, textiles and apparel, semiconductor design and manufacturing and microelectronics, automotive and auto parts, medical devices, pharmaceuticals and biopharmaceuticals, aerospace, energy and chemicals, as well as other sectors designated by the Committee.

The Decree excludes investment projects in the mining and financial sectors, as well as those constituting public or mixed investment.

### **Authorization Mechanism.**

The Decree creates an Investment Committee, composed of the heads of the Ministries of Finance, Environment and Natural Resources, Energy, Economy, Anti-Corruption and Good Governance, and the Agency for Digital Transformation and Telecommunications. The Committee would grant an Authorization that allows the immediate start of the project, following an opinion on its technical, economic, environmental, and administrative feasibility.

### **Key Timeframes.**

As it relates to timing, the Committee must issue the Authorization within 30 business days following the complete submission of the application. Once granted, the Authorization remains valid for one year and may be renewed up to two times for equal periods, provided the project demonstrates at least 90% of its committed progress.

The competent authorities must resolve the procedures included in the Authorization within a maximum of 60 business days. For projects that do not hold an Authorization but file through the Digital Window (*Ventanilla*), authorities have a maximum of 90 business days; if they fail to issue a decision within that timeframe, an affirmative administrative silence (*afirmativa ficta*) applies, and the procedure is deemed approved.

## 2. Benefits and Opportunities

The Decree offers significant advantages for investors, most notably:

- The ability to begin operations immediately—once the Committee grants the Authorization, the project may commence development without waiting for the individual resolution of each federal procedure. This translates into a substantial reduction in timeframes, as the 30 business days to obtain the Authorization and 60 business days for the resolution of included procedures compare favorably to the historically lengthy process of managing individual filings before multiple government agencies.

- Affirmative administrative silence for projects without an Authorization that file through the Digital Window: if the authority does not resolve within 90 business days, the procedure is deemed approved.
- The creation of the National Digital Investment Window (*Ventanilla Digital Nacional de Inversiones*), which centralizes all interactions with the relevant federal agencies, operates 24 hours a day, and eliminates the need to visit multiple government offices in person.
- A government support framework through the Presidential Office, which provides direct guidance and coordination before federal and even local authorities.

### 3. Challenges

The application requires a **detailed executive project** that includes a timeline, funding sources, identification of the ultimate beneficial owner, energy consumption plans, water usage, waste generation, and emissions projections, among other items. Preparing this documentation may represent a significant effort, particularly for projects in early planning stages.

The investor must also make a **local sourcing commitment**, pledging to contract domestic suppliers for no less than 20% of the total investment amount, unless it demonstrates that no domestic supply exists.

Additionally, the investor must purchase a **civil liability insurance policy** effective throughout the entire Authorization term, covering damages to third parties, the environment, and public assets or services.

The Decree imposes an obligation to **submit quarterly progress** reports on the project, and failure to comply triggers the automatic suspension of the Authorization. Moreover, the Committee may revoke the Authorization if the investor fails to meet requirements, commitments, or obligations, or if it detects fraudulent documentation.

It is important to note that the investor assumes responsibility, through a declaration under penalty of perjury (*declaración bajo protesta de decir verdad*), that it complies or will comply with all regulatory obligations during the Authorization term, without relieving the authorities of their inspection and verification powers. This means that the early start of activities **does not constitute a regulatory waiver**; it merely grants a temporary authorization while the relevant procedures are formalized.

Finally, the transition timelines are broad, as the Committee must convene and issue its operating rules within 30 calendar days, and the Digital Window must become fully operational within a maximum of 3 months.

A relevant question is how the Immediate Authorization interacts with permits that require lengthy technical evaluations, such as environmental impact assessments, changes in forestry land use, or power generation permits.



Additionally, it is important to note that **tax, customs, financial, banking, and credit procedures** fall outside the Decree's definition of "Procedure" and therefore do not benefit from the reduced timeframes or the affirmative administrative silence. For companies that need to import machinery or inputs, this may pose challenges.

In the short term (June–August 2026), stakeholders should closely monitor the issuance of the Committee's operating rules and the launch of the National Digital Investment Window, so they can submit their applications promptly once the system becomes operational.

For projects already underway with support from the Ministry of Economy, a window of opportunity exists: the transitional provisions allow applicants to file using the information already in the Ministry's possession, completing any missing documentation no later than December 31, 2026.

We invite you to reach out to your usual contacts at Ritch Mueller to discuss any matters described in this note. To that end, we make available our email address [contacto@ritch.com.mx](mailto:contacto@ritch.com.mx) through which we can direct your inquiry to the appropriate members of our team.