

Senate Committees Approve Foreign Investment Law Reform with Amendments

Mexico City, October 1st, 2026

Mexico: Key changes in the Senate report on the proposed Foreign Investment Law reform

On September 29, 2026, the Senate's reviewing committees approved, with amendments, the proposed reform of the Foreign Investment Law (*Ley de Inversión Extranjera*, the "FIL"). The bill must still be approved by the full Senate and, if approved, considered by the Chamber of Deputies¹.

The following table summarizes the changes that the Senate report (the "Report") makes to the Federal Executive's proposal (the "Proposal") regarding the composition of the National Foreign Investment Commission (*Comisión Nacional de Inversiones Extranjeras*, the "CNIE"), the authorization procedure, penalties and the transitional regime².

Topic	Proposal	Report
Telecom Agency in the Committee Article 23, first paragraph	13 members. Alternate members were required to hold the rank of Undersecretary.	Adds the Digital Transformation and Telecommunications Agency as a voting member, bringing the CNIE's membership to 14. Alternate members may hold the rank of Undersecretary or equivalent .
Decision period Article 30 Quater	60 business days from the filing of the foreign investment application, in accordance with the FIL Regulations.	Reduces the period to 45 business days . The period continues to run from the filing of the foreign investment

¹ These are the Joint Committees on Economy and Legislative Studies. Under Article 72 of the Political Constitution of the United Mexican States, if both chambers approve the bill, it will be submitted to the Federal Executive for enactment and publication in the Official Gazette of the Federation.

² The Report also makes legislative drafting and technical adjustments that do not alter the substantive content of the Proposal, including changes to the decree's sole article; Articles 30, 30 Bis, 30 Quinquies and 38, subsection V, of the FIL; and the First and Second Transitional Articles.

Topic	Proposal	Report
		application, with the details governed by the FIL Regulations.
Request for additional information Article 30 Quater LFPA, Article 17-A	The authority could request additional information within the first 20 business days and grant 5 to 30 business days to respond. It governed the suspension of the decision period, dismissal of the application and resumption of the period once the complete information was submitted.	Removes these rules and refers matters not addressed by the FIL or its Regulations to the Federal Administrative Procedure Law (<i>Ley Federal de Procedimiento Administrativo</i> , the " <u>LFPA</u> ") ³ . Under Article 17-A of the LFPA, the request must be issued within the first third of the decision period (15 business days , unless a generally applicable provision establishes a different period), and the applicant must be given at least 5 business days to respond. The decision period is suspended and resumes on the business day following the response. If the applicant does not respond, the application is dismissed.
Extension of decision period Article 30 Quater LFPA, Article 31	An extension of up to 30 business days due to the complexity of the matter, through a reasoned decision stating the legal grounds.	Eliminates this extension. Through the supplementary application of Article 31 of the LFPA, any extension could not exceed half of the original period and would be available only if warranted by the matter and if it would not prejudice the rights of interested parties or third parties.
Administrative silence Articles 28, second paragraph, and 30 Quater LFPA, Article 17	Deemed approval was limited to applications under Articles 8 and 9. For national security matters, the Proposal expressly provided for deemed denial.	Removes the limitation of deemed approval to Articles 8 and 9, but expressly excludes national security matters . Although the express deemed-denial provision is removed, silence would not authorize the transaction because, under Article 17 of the LFPA, failure to issue a decision within the applicable period is deemed a denial.

³ The consequences described here under the LFPA arise from its supplementary application pursuant to proposed Article 30 Quater, rather than from express provision of the Report.

Topic	Proposal	Report
Fines Article 38, subsections I, VI and VII	These subsections did not expressly identify the regime to which they applied.	Clarifies their scope. Subsection I (1,000 to 5,000 times the daily value of the Unit of Measurement and Update (<i>Unidad de Medida y Actualización</i> , the “UMA”) applies to Articles 8 and 9. Subsections VI and VII (5,000 to 200,000 UMA) apply to Title Six Bis and penalize a Mexican company for transferring the equity interest without a favorable decision or despite a denial, as well as for failing to comply with mitigation measures.
Divestment Article 38, new second and third paragraphs	Did not authorize the CNIE to order divestment or establish a period for doing so.	Authorizes the CNIE to order divestment, in addition to imposing fines, subject to the procedure to be established. The foreign investor would have 90 business days, extendable once for an equal period, from the day after notice of the penalty to divest “the assets acquired from a company”. The Report does not expressly limit this authority to national security matters or establish the applicable procedure. The reference to “acquired assets” leaves the scope of the required divestment unclear.
Pending matters Fourth Transitional Article	Did not include a specific transitional rule.	Matters pending before the effective date will be governed by the provisions in effect when they were filed. No general exception is provided for transactions that have already been signed but not yet filed with the CNIE.

Provisions that remain unchanged

The Report retains the regime’s core features. Mandatory review applies when all three of the following conditions are met: foreign investment, whether direct or indirect, exceeds 49% of the capital stock of a Mexican company; the company’s assets exceed the threshold established by the CNIE; and the transaction involves an activity covered by Article 30 Bis. The covered activities continue to include strategic infrastructure; critical technologies and dual-use products; the supply of essential inputs; food security; access to sensitive information; and any analogous

activities or sectors designated by the CNIE. If foreign investment exceeds 49% but the company's assets do not exceed the threshold, filing remains voluntary. The Mexican company and the foreign investor must file jointly, and the CNIE may approve the acquisition, require changes to the project to mitigate risk or prohibit it (Articles 30 Bis through 30 Quinquies).

The reform would still take effect on the day after the decree is published in the Official Gazette of the Federation. The CNIE would have 180 calendar days from the day after publication to issue and publish the general resolution establishing the threshold. This period does not, by itself, delay the reform's effective date (First and Second Transitional Articles).

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