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# THE MEXICAN REGIME FOR HYDROCARBON CONTRACTS

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## *O REGIME MEXICANO PARA CONTRATOS DE HIDROCARBONETOS*

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**ABSTRACT:** This work aims to describe the main contractual instruments in the hydrocarbon sector, presenting an overview of the state of the art in Mexico. As a secondary objective, it intends to provide readers with a better understanding of the Mexican legal situation.

**KEYWORDS:** PEMEX – Hydrocarbon contracts – Public International Contracts – Oil & gas industry – Public-Private Partnerships.

**RESUMO:** Este trabalho tem como objetivo descrever os principais instrumentos contratuais no setor de hidrocarbonetos, apresentando uma visão geral do estado da arte no México. Como objetivo secundário, pretende proporcionar aos leitores uma melhor compreensão da situação jurídica mexicana.

**PALAVRAS-CHAVE:** PEMEX – Contratos de hidrocarbonetos – Contratos Públicos Internacionais – Indústria de petróleo e gás – Parcerias Público-Privadas.

**SUMÁRIO:** I. Introduction. II. A context for public procurement in Mexico. III. Legal regime of the hydrocarbons sector. IV. Hydrocarbon contracts. IV.1. Procurement relating to reserved activities and hydrocarbons. IV.2. Contracting regime of PEMEX and its subsidiaries. V. Conclusions. VI. Sources. VI.1 Legislation. VI.2 Doctrine.

## I. INTRODUCTION

The<sup>1</sup> oil & gas industry is international by nature: international contractors, multinational companies, overseas logistics, mergers and acquisitions from different countries, multinational suppliers, global investors, transboundary reservoirs, you name it. Nonetheless, the Mexican oil & gas industry used to have a very limited participation in the international arena due to its legal framework. The Mexican oil & gas industry used to participate in the international arena exclusively in the commercialization phase, and incidentally in legal proceedings before courts in the United States of America.

A decade ago, in 2013, the Mexican oil & gas industry became international by nature because the legal regime was modified. The Mexican hydrocarbon contracting regime has been modified and improved over time and has been adjusted to international standards. These changes encompass a process of unification criteria to have a Mexican internal system which is now, standardized to international practices.

It is in this regard that the authors have proposed to present an exercise, fundamentally descriptive and synthesized of the contractual practices related to the hydrocarbons industry, understanding that a mixed scheme of public and private law is in place,

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different scenarios with so many variants with respect to the general regime, that simply analyzing this point may well be the object of a whole different study<sup>189</sup>.

Reiterating the above, the hydrocarbons sector is a complex issue with multiple edges, both in terms of economic policy, in an environment such as the Mexican one, and also with an important symbolism in the political and social sphere, given Mexican historical transition and a complicated model of administrative regulation idiosyncratic, characterized by a high level of regulation, both legislative and administrative, and therefore, makes it a legal phenomenon that is difficult to address.

Finally, since it is a complex market, beyond the development of the internal regulation on the matter, it will be the market that will impose the best practices and general rules for the execution of contracts in the sector related to the exploitation of hydrocarbons (regardless of the contracting regime of its more traditional administrative practice), and it will be the State's responsibility to adapt its regulation in this regard in such a way that the existing regulations do not lose their validity and do not conflict with such standards.

## VI. SOURCES

### VI.1. Legislation

- Political Constitution of the United Mexican States
- Public Sector Acquisitions, Leasing and Services Act
- Public-Private Partnerships Act
- Geothermal Energy Act
- Hydrocarbons Act
- Federal Electricity Commission Act
- Electricity Industry Act
- Coordinated Regulatory Bodies in Energy Matters Act
- Public Works and Related Services Act
- Petroleos Mexicanos Act
- Energy Transition Act
- Banco de México Act
- Organic Law of the Federal Public Administration
- Regulations to the Petroleos Mexicanos Act
- Regulation of the Geothermal Energy Act
- Regulation of the Hydrocarbons Act

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189. Sánchez Aldana Morales, José Iván, El régimen especial de contratación de las adquisiciones, arrendamientos, obras y servicios en PEMEX, conforme a la Ley de Petróleos Mexicanos, su reglamento y las disposiciones administrativas de contratación, Thesis, Master in Administrative Law, 2011.



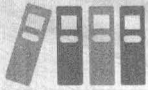
- Regulation of the Federal Electricity Commission Act (Ley de la Comisión Federal de Electricidad)
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ÁREA DO DIREITO: Administrativo

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