

# HOLLAND & KNIGHT

## NEARSHORING



Holland & Knight

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# NEARSHORING YOUR COMPANY

The advent of the United States-Mexico-Canada Agreement (USMCA), along with recent disruptions to global supply chains, have generated opportunities once again to relocate business and manufacturing operations closer to the United States. Holland & Knight's team of multicultural and multilingual lawyers and senior professionals has decades of experience helping clients with one or more stages of the nearshoring process and across various practice disciplines.



## REAL ESTATE

We counsel foreign and local companies focused on developing and acquiring industrial properties to provide nearshoring services or those requesting nearshoring services related to their business, such as e-commerce. Both types of transactions require review and negotiation of complex agreements related to real estate, guaranties, finances, transportation and commercial trade matters, among other services.



## REGULATORY ADVICE

Our team provides counsel to foreign clients with regard to environmental, safety, consumer product and other regulatory regimes.



## LABOR AND EMPLOYMENT

Our team advises companies across a broad range of labor matters, including drafting employee handbooks, preparing and negotiating employment and confidentiality agreements, structuring and implementing human capital structures, negotiations before the Employee's Defense Office, litigation before the federal and local labor boards, and representation in *amparo* appeals and compliance investigations.



## INTERNATIONAL TRADE

Our team has experience in all aspects of international trade, from the technical aspects of U.S. Customs and Border Protection (CBP) classification and valuation, to export control requirements, regulatory compliance, trade negotiation and lobbying.



## FCPA COUNSELING

The Foreign Corrupt Practices Act (FCPA) can be challenging to navigate, and unintentional or otherwise, missteps can be common. Our Anti-Corruption and FCPA Team has vast knowledge and experience helping U.S. and foreign companies navigate these and all related issues.



## BANKING AND FINANCE

We provide a wide array of banking and finance services, from corporate and working capital facilities to cash management transactions, hedging transactions designed to mitigate our clients' supply, trading or financing risks. We also have experience in specialty finance, such as inventory and other asset-based and asset-backed financings, and transportation and fleet financings. Our financial regulation attorneys also advise clients in the development of compliance policies and procedures, adapted to the clients' particular industry, geographic presence and international operations.



## CORPORATE STRUCTURING AND MANAGEMENT

Our team advises companies with regard to the structure of their day-to-day operations, including regulatory compliance, employee relations, tax considerations, supplier negotiations and corporate governance issues, among others.



## INTERNATIONAL TAX

Our team offers domestic and international tax services to maximize tax benefits and minimize liability relating to corporate reorganizations, investment vehicles, startup design, financing structures and varying types of client transactions.

## SELECT REPRESENTATIVE EXPERIENCE

- Represented Asurion Mexico Services with obtaining employer registration before the Mexican Social Security Institute (IMSS), as well as obtaining the electronic signatures necessary to register and unsubscribe employees from such institution
- Represented Prysmian Group Mexico on collective bargaining agreements that required compliance with Agreement 98 of the International Labor Organization (ILO) as well as with Annex 23 of the United States-Mexico-Canada Agreement (USMCA)
- Represented PepsiCo Internacional Mexico on matters concerning benefits laws, executive benefits, severance compensations, employment relations, non-compete agreements, layoffs and changes of control
- Represented Flint Mexicana regarding expatriates working in Mexico and Mexican personnel assigned to render services abroad
- Represented a multinational electronics manufacturer to conduct an import compliance audit and provided advice on the adoption of an import compliance program
- Represented a leading measurement and pressure control products producer with its establishment in Mexico and obtained registry under Mexican import and export programs; included advice regarding classification and duty preference issues under the North American Free Trade Agreement (NAFTA), the import and export strategy to reduce the cost of import duties and make use of the treaties, on structuring manufacturing operations in Mexico and to manage the Maquiladora, Manufacturing and Export Services Industry (IMMEX), Program of Sectoral Promotion (PROSEC) authorizations and value-added tax (VAT) certification
- Represented one of the top five steel manufacturers in the world on NAFTA and USMCA negotiations, and with legal advice on dumping/sunset administrative investigations against steel imports
- Represented Wells Fargo Bank USA and Wells Fargo Capital Finance with the implementation of two cross-border financing programs; provided legal guidance and implemented revisions to the documents in both programs to reflect the cross-border and applicable tax consequences in Mexico and provided Wells Fargo with a solution to deliver electronic notices and confirmations and register transferred receivables as security interests in Mexico, as required under each program
- Represented a Japanese manufacturer of automotive parts on corporate, commercial and customs matters concerning the operation of plant manufacturing semi-conductors, leather seats and original equipment manufacturer (OEM) parts for vehicles
- Represented companies on cross-border trade and compliance issues in connection with a wide range of COVID-19 personal protective equipment (PPE)
- Represented a leading measurement and pressure control products producer with advice on becoming registered on the importers' registry and drafting the Maquiladora contract to comply with tax and customs laws; advised client to benefit from the duties payable and benefits from free trade agreements
- Represented a Chinese/German robotics company regarding the reorganization of their operations in Mexico
- Represented a Japanese global heavy machinery company in the manufacturing and textile sectors with legal and regulatory advice concerning selling manufacturing equipment to plants in Mexico in the automotive and textile industries
- Represented a U.S. magnesium die-cast company in the automotive industry with legal and regulatory advice with setting up a Mexico plant; included drafting the company's incorporation Mexican documents, preparing the corresponding entries at the company's corporate books, filing the mandatory registrations before Mexican authorities, filing and obtaining of the IMMEX and trade program approvals, and negotiating and drafting real estate and intercompany agreements for manufacturing, financing and use of equipment and raw materials
- Represented Fibra UNO in a US\$841 million deal to acquire 74 industrial properties with approximately 1.2 million square meters in gross leasable area and a land reserve of approximately 1 million square meters in Mexico from real estate developer Finsa
- Served as regular counsel to Mexican real estate investment trusts (REITs) in the acquisition of real estate portfolios related to GICSA, MRP and Finsa, among other developers
- Conducted an internal investigation of a telecommunications company involving potential corruption in several Central American countries, resulting in a voluntary disclosure to the U.S. Department of Justice (DOJ) and a favorable resolution of the matter
- Conducted an internal investigation involving possible corruption by the Peruvian subsidiary of an American information technology (IT) products distributor as part of a merger and acquisition (M&A) due diligence



# WHO WE ARE

Our team is made up of a former U.S. Under Secretary of Commerce for Trade, a former general counsel for international trade at the Ministry of Economy of Mexico and diverse attorneys across all practice sectors who have been selected for inclusion in leading industry publications, such as *Chambers Latin America – Latin America's Leading Lawyers for Business*, *Chambers Global – The World's Leading Lawyers for Business*, *Latin Lawyer 250* and *The Legal 500 Latin America*, as well as *IFLR1000*, *IJGlobal*, *Who's Who Legal*, *Best Lawyers in Mexico* and *BTI Consulting*.

## CONNECT WITH OUR TEAM



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