

Secretaría de la Función Pública - Protocolo de Protección para Personas Alertadoras de la Corrupción

Category: Firm news

written by Nader, Hayaux & Goebel | noviembre 30, 2020

Secretaría de la Función Pública - Protocolo de Protección para Personas Alertadoras de la Corrupción

El 19 de octubre de 2020, la Secretaría de la Función Pública (“**SFP**”) publicó en el Diario Oficial de la Federación el “Protocolo de Protección para Personas Alertadoras de la Corrupción” (el “**Protocolo**”) que regula el proceso para reportar hechos graves de corrupción cometidos por las dependencias y entidades de la Administración Pública Federal.

El Protocolo regula el procedimiento y las medidas de protección para garantizar la defensa, protección e integridad de los denunciantes, fomentando su participación activa, ya que se consideró que su aportación es fundamental en la lucha contra la corrupción. La denuncia deberá ser realizada a través del sitio web [Ciudadanos Alertadores Internos y Externos de la Corrupción](#).

El procedimiento para reportar consiste en:

- Recepción de alerta.
- Identificación de situación y evaluación de riesgo (alto, medio, alto y muy alto).
- Propuesta de medidas de protección (preventivas, laborales, individuales, psicosociales, seguridad y colectivas).
- Seguimiento y reevaluación de medidas de protección.

El Protocolo entró en vigor el 20 de octubre de 2020.

Ministry of Public Service - Whistleblower Protection Protocol.

On October 19, 2020, the Ministry of Public Service (“**SFP**”) published in the Federal Official Gazette the “Whistleblower Protection Protocol” (the “**Protocol**”), which regulates the process for whistleblower reporting for serious acts of bribery committed by the Federal Public Administration agencies and entities.

The Protocol regulates the procedure and protective measures in order to guarantee the defense, protection and integrity of whistleblowers, encouraging their active participation, as their contribution was considered essential in the fight against corruption. The reporting should be made through the “[Internal and External Corruption Alert Citizens](#)” Website.

The procedure for reporting consists of:

- Reception of the alert.
- Identification of the risk situation and risk assessment (high, medium, high and very high risk).
- Proposal of protection measures (preventive, occupational, individual, psychosocial, security and collective).
- Monitoring and re-evaluation of protection measures.

The Protocol entered into force on October 20, 2020.

[Luciano Pérez G.](#)

Partner

lperez@nhg.com.mx

+52 (55) 4170 3027

[Ángel Escalante](#)

Partner

aescalante@nhg.com.mx

FELINAI: Firma Electrónica del INAI

Category: Firm news

written by Nader, Hayaux & Goebel | noviembre 30, 2020

Siguiendo la tendencia de otras autoridades administrativas, impulsada por la actual crisis desatada por la Pandemia derivada del COVID-19, el INAI (*Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales*), está implementando el uso de tecnología y soluciones digitales en sus procesos.

Actualmente, diversos trámites ante el INAI, incluyendo quejas y solicitudes, requieren forzosamente de firma autógrafa. Con la actual suspensión de actividades y cierre de oficinas, se vuelve más difícil dar seguimiento o iniciar trámites ante el INAI, por lo que, el INAI está desarrollando una firma electrónica denominada FELINAI. La FELINAI podrá ser utilizada por cualquier funcionario del INAI o de otras dependencias gubernamentales, y por particulares, en los diversos trámites y procedimientos, incluyendo aquellos relacionados con la protección de datos personales y acceso a la información.

La FELINAI se deberá tramitar ante la Oficina de Firma Electrónica FELINAI de manera presencial, cumpliendo con los diversos procesos de autenticación.

Como parte del proceso de implementación de la FELINAI, el 13 de octubre de 2020, el INAI publicó en el Diario Oficial de la Federación tres Acuerdos por medio de los cuales: **(i)** se aprueba la constitución del INAI como autoridad certificadora de la FELINAI, **(ii)** se aprueban las políticas de certificación y la declaración de buenas prácticas de certificación del INAI como autoridad certificadora, y **(iii)** se aprueban los lineamientos para el registro, emisión y uso de la FELINAI para gestiones

propias.

A la fecha, aún no se crea la Oficina de Firma Electrónica FELINAI. El Comité de Evaluación de la FELINAI se deberá reunir antes del 26 de octubre para instruir lo necesario para que se inicie con la implementación del sistema. También, el INAI deberá crear la siguiente página web <http://www.inai.org.mx/firmaelectronica>, para informar sobre la normatividad aplicable, los formatos para solicitar la FELINAI y comunicar cualquier información relevante para los titulares de la FELINAI.

La implementación de la FELINAI será una herramienta de mucha utilidad para que el INAI pueda desahogar los procedimientos de una manera más eficiente y rápida. Esto será de gran beneficio para cualquier persona que quiera ejercer cualquier derecho ante dicha institución.

En caso de requerir más información sobre el marco legal de protección de datos personales en México, comuníquese con sus contactos habituales en Nader, Hayaux & Goebel, o con [Luciano Pérez Gómez](mailto:lperez@nhg.com.mx) +52 (55) 4170 3027 lperez@nhg.com.mx.

Instituciones de Seguros - Régimen de Excepción Temporal en Obligaciones PLD

Category: Firm news, Insurance and Reinsurance

written by Nader, Hayaux & Goebel | noviembre 30, 2020

El 3 de julio de 2020, la Secretaría de Hacienda y Crédito Público publicó en el Diario Oficial de la Federación un acuerdo por el que se adiciona la Disposición Décima Segunda Transitoria a las Disposiciones de carácter general a que se refiere el artículo 140 de la Ley General de Instituciones y Sociedades Mutualistas de Seguros, con el objeto de establecer temporalmente ciertas excepciones a la obligación a cargo de las Instituciones de Seguros de completar los expedientes de

sus clientes al momento en que ocurra un siniestro bajo las pólizas de seguro contratadas.

El régimen de excepción es una respuesta por parte de la autoridad a un problema práctico ocasionado por la crisis derivada del COVID-19, en virtud de que los clientes o beneficiarios, al momento de ocurrir un siniestro, no han podido proporcionar la información requerida por las Instituciones de Seguros para completar su expediente de identificación. Esto ha generado retrasos en la atención a los asegurados o beneficiarios o una imposibilidad por parte de las Instituciones de Seguros de cumplir con las Disposiciones.

Es por esto que la nueva Disposición Transitoria permite, por un plazo de seis meses (del 4 de julio de 2020 y al 3 de enero de 2021), que las Instituciones de Seguros puedan pagar el siniestro sin que tengan que recabar la información adicional de sus clientes o beneficiarios que exige dichas Disposiciones (en particular las Disposiciones Cuarta, Sexta y Séptima), siempre y cuando, la Institución de Seguros pague la indemnización mediante transferencia bancaria o por cheque nominativo al cliente o beneficiario.

En caso de requerir más información en relación a este tema, comuníquese con sus contactos habituales en Nader, Hayaux & Goebel, o con [Yves Hayaux-du-Tilly Laborde](mailto:yhayaux@nhg.com.mx) +52 (55) 4170 3078 yhayaux@nhg.com.mx o [Luciano Pérez Gómez](mailto:lperez@nhg.com.mx) +52 (55) 4170 3035 lperez@nhg.com.mx.

TECH TALKS - Challenges for financial regulation and Fintech

Category: Banking & Finance, Events, Firm news

written by Nader, Hayaux & Goebel | noviembre 30, 2020

On 10 March 2020, partner [Luciano Pérez](#) participated in C3NTRO Telecom's

“TECHTALK” on the developments, challenges and solutions facing the Fintech industry in Mexico.

The entire recording of the event can be viewed here: [c3ntro zoom recording](#)

Nader, Hayaux & Goebel has a strong reputation as one of the leading firms in Mexico that attracts a consistent stream of major, complex, multi-jurisdictional and sophisticated Fintech mandates.

The firm stands out in the market for the diversity of its client roster and for the pioneering and innovative quality of its Fintech matters, which represent the evolution of banking and finance.

This is due to its market-leading ability to advise upon regulatory implications, cross-border transactions, payments systems and cryptocurrency issues, all of which require a high level of lawyering and a pioneering attitude in often uncertain and developing regulatory terrain.

“[...]a first-rate Fintech practice with a diverse client base, encompassing international heavyweights and pioneering startups such as neo-banks, payment platforms and crypto-trading solutions”.

Chambers & Partners | FinTech 2020 (Band 1)

#

Cyber Risk: The Pandemic Effects

on the Insurance Sector

Category: Events, Firm news, Insurance and Reinsurance
written by Nader, Hayaux & Goebel | noviembre 30, 2020

Together with other Cyber and Insurance Experts, partner Yves Hayaux-du-Tilly will discuss the impact of the pandemic in the insurance sector, the implications on the market, businesses and technology.



Cyber Risk webinar

More information and registration is available [here](#).

Log in details will be sent separately closer to the date.

Agenda

15hs Welcome

15.05 hs **Carlos Estebenet**, Bullo Abogados

The Argentine Perspective of Covid 19 and Insurance

15.25 hs **Yves Hayaux-du-Tilly**, Nader, Hayaux & Goebel

The Mexican Perspective on the impact of COVID 19 in the Insurance Market, Cyber Risk and Insurtech

15.50 hs **Daniel Seoane**, Beccar Varela

The Argentine Perspective on Insurtech and Cyber Risk

16.10 hs **Anu Khurmi**, Templar Executives

TBC

16.30 hs **Toby Clowes**, Price Forbes

- London market status and evolution
- Claims trends
- Buying patterns

16.50 hs **Q&A and general discussion**

17.15 hs End of Event

#

Please note all proceeds from this event will be donated to organizations fighting #COVID19. We ask participants to let us know of an organization they are supporting and want us to consider.

Next Hundred Years: Celebrating the Past To Shape the Future for Women in Law

Category: Events, Firm news

written by Nader, Hayaux & Goebel | noviembre 30, 2020

On Thursday 5 and Friday 6 March you will have the opportunity to participate in a global campaign that seeks to capture the diverse faces of women in law (and their male allies) around the world.

It will only take 5 minutes of your time - and you will get free photos as a souvenir!

In two days photos will be taken around the world. This is an event of Next 100 Years, the UK's national campaign that seeks to share the achievements of women in law and shape a more diverse and equal future for the profession.

In our pop-up, you can arrive, without prior registration, and a professional photographer will take your photo. In addition to sending it to you, the photos taken will be used by Next 100 Years to create a digital gallery and exhibition that will show how diverse our profession is - we hope you will be able to participate and help us show that our profession is united globally in its diversity!

For more information on this project, please contact [Vanessa Franyutti J.](#), [Yves Hayaux-du-Tilly L.](#), [Ana Paula Telleria R.](#) or [Jenny Ferrón C.](#)

www.first100years.org.uk

NHG's Fintech practice ranked top ranked by Chambers

Category: Awards, Banking & Finance, Firm news, Rankings

written by Nader, Hayaux & Goebel | noviembre 30, 2020

The Firm is proud to share that its Fintech practice was included in Band 1 in the recently released [Chambers Guide](#). The emerging Fintech landscape in Mexico has been a focal point for the Firm for some time, and we are thrilled to see our efforts and work recognized.

Chambers describes our practice as follows: *"For many years, Nader, Hayaux y Goebel has operated at the highest level in handling banking and finance and capital markets matters in Mexico via its team's strong regulatory expertise. In FinTech matters, the firm reinforces its regulatory prowess with an impressive TMT offering. The result is a first-rate FinTech practice with a diverse client base, encompassing international heavyweights and pioneering startups such as neo-banks, payment platforms and crypto-trading solutions."*

"They've been really helpful in assisting us to strategically navigate the market and they've clarified tons of questions - even those we didn't ask."

Chambers - Fintech 2020

Client feedback includes: *"They are very strong in their expertise. An experienced team and the right connections in the industry. They've been really helpful in assisting us to strategically navigate the market and they've clarified tons of questions - even those we didn't ask."*

We are particularly proud with [Adrián López](#)' inclusion as Notable Practitioner, individually ranked in Band 2.

He receives effusive praise:

“Adrián López has considerable experience advising leading foreign and domestic financial institutions in connection with M&A transactions, regulatory compliance and business structuring in relation to digital services and products. Clients appreciate his diligent and pragmatic approach in regulatory analysis and his solid advice in groundbreaking new areas of the financial sector such as cryptocurrencies, where the legal framework can be hazardous to navigate”.

The Mexico Chapter of this Chambers Guide can be downloaded [here](#).

Nader, Hayaux & Goebel is pleased to announce that Santiago Medina Zavala is a Partner of the Firm as of January 1, 2020

Category: Firm news

written by Nader, Hayaux & Goebel | noviembre 30, 2020

Santiago’s practice focuses on the structuring and financing of infrastructure and energy projects, government procurement, public-private partnerships and related corporate matters, including joint ventures, mergers and acquisitions.

He has worked in a number of industries including water projects, toll roads, renewable energy, social and cultural infrastructure, where he has advised financial

institutions, governmental entities, national and multinational companies and private equity funds.

Santiago is also active in representing financial institutions in the leasing and secured financing of private and commercial aircraft, as well as in different types of asset-based and commercial lending transactions.

He worked as a Visiting Attorney at the New York office of Gibson, Dunn & Crutcher LLP (2013-2014); he graduated from Universidad Iberoamericana, attorney at law (2009) and received his LLM from Harvard Law School (2013).

The Firm is proud of Santiago's partnership. We are certain that in his new endeavours he will further strengthen the Firm's capabilities in some of the Firm's core practices, including projects, aviation and banking & finance.

For more information, please contact:

Santiago Medina Z.

Partner / Socio

smedina@nhg.com.mx

T. +52 55 4170 3019

[Read online biography >](#)

Nader, Hayaux & Goebel sponsor 7th edition of LexMex Conference in London

Category: Events, Firm news

written by Nader, Hayaux & Goebel | noviembre 30, 2020

For the 7th consecutive year, the Mexican Chamber of Commerce in Great Britain (MexCC) in partnership with The Law Society of England and Wales and in collaboration with The Bar Council, the Mexican bar associations ANADE, BMA and INCAM, the ICC and UNAM organized the Lex Mex Conference.

[Yves Hayaux du Tilly](#), honorary chairman of the MexCC, opened the event welcoming an audience formed mainly by solicitors, Mexican lawyers and barristers. The conference began with a presentation on the state of Mexico's economy by Rodrigo Aguilera, former analyst at the Economist Intelligence Unit, who outlined the current contrasting tendencies in Mexican economy.

This year's keynote speech was addressed by Dr Issa Luna Pla, academic secretary of the Legal Research Institute (IIJ) of UNAM. Dr Luna Pla presented the work that she is doing in the Observatory of Corruption and Impunity in UNAM mapping networks of corruption as an instrument to understand their modus operandi. Dr Luna Pla also explained the current status of implementation of the National Anticorruption System.

In this occasion, the "Year in Review" panels were on: Criminal Law, Commercial Litigation and Arbitration, Employment Law and Green Finance.

In the panel on Criminal Law, Amanda Pinto QC, vice chair of the Bar Council, described the current challenges and complexities in England of disclosure issues in a digital age and the special measures available for giving evidence, and access to justice related matters; and Victor Oléa Peláez, vice president of BMA explained the various implications and challenges of the new adversarial model in criminal law currently in effect in Mexico.

The panel on Commercial Litigation and Arbitration was moderated by Frederico Singarajah QC, barrister at Hardwicke Chambers, with the participation of Elías Mendoza of Guerra González Abogado; Horacio Paredes Vázquez of Malpica Iturbe Buj y Paredes (MIBP); and Sergio Rodríguez of Labastida, Rodríguez & Perchemlian as panellists. They described the differences in arbitration and litigation in Mexico and in England, providing the audience useful recommendations on how to navigate the Mexican courts system and rules applicable to arbitration in Mexico.

The Labour and Employment Law panel was moderated by Adrián Ojeda, president of ANADE and featured a presentation by Héctor González Graf, partner at MGGL, on the practical aspects of the complex new reform to the employment and labour justice system in Mexico.

The panel on Green Finance had no precedent in the Lex Mex. The panellists explained key concepts of green finance and raised awareness of the relevance of the topic. The speakers in the panel were Chantalle Thomson from The Carbon Trust and Yves Hayaux du Tilly partner at Nader, Hayaux & Goebel and Isabel Miranda, consultant in risk management and business development moderated the panel.

In the last panel “Legal Perspectives of Doing Business in and with Mexico” Lucía Guijarro, Senior Legal Counsel at Honeywell, and Leopoldo Hernández, partner at KermaPartners, explained fundamental elements to consider when doing business in Mexico and the differences and similarities between civil and common law from a business and corporate perspective.

Justice of the Mexican Supreme Court Fernando Franco González-Salas, after being introduced by Lord Daniel Brennan QC, made a presentation about the reform to the Mexican labour and employment justice system. Justice Franco explained that the reform involves a whole new justice model, a new paradigm and therefore, it implies a new labour culture. The point of the reform, he explained “is to have a better administration of labour justice, that rectifies all the defects and deficiencies that the former justice model presented.”

David Greene, vice-president of The Law Society, gave the final remarks to close the morning conference.

In the afternoon, some of the attendees, including Adrián Ojeda Cuevas, president of Asociación Nacional de Abogados de Empresa Colegio de Abogados (ANADE); Ana Elena González Treviño, director of the Centre for Mexican Studies of King’s College London; Ángel Junquera Sepúlveda, president of Ilustre y Nacional Colegio de Abogados de México (INCAM); Colchuma Ali, deputy head of Mexico of the FCO; Elías Mendoza, partner at Guerra González Abogados; Héctor González Graf, partner at MGGL; Horacio Paredes, partner at MIBP; Issa Luna Pla head of the Observatory of Corruption and Impunity of IIJ-UNAM; James Dauris, head of the

Latin America Department in the FCO; Justice Fernando Franco of the SCJN; Leopoldo Hernández, partner at KermaPartners; Lizette Robleto Howarth, international programmes manager of The Law Society; Richard Atkins QC, chair of the Bar Council; and Víctor Oléa Peláez, vice president of Barra Mexicana Colegio de Abogados (BMA) participated in the first Lex Mex Workshop which was moderated by Yves Hayaux du Tilly, partner of Nader Hayaux & Goebel.

The Lex Mex Workshop aimed to identify specific topics, discuss ideas and agree on specific projects in which the Mexican and British legal sector can work together through the year to achieve a more plausible impact in improving the legal system of both countries. The following topics were discussed in the Workshop: fight against corruption; anti-money laundering; judicial independence and the role of lawyers in defending the rule of law.

For more information about the Lex Mex and other events organized by the MexCC, please contact Milène Hayaux du Tilly, Executive Director of the MexCC (milenehayaux@mexcc.co.uk)

On the Mexican Chamber of Commerce in Great Britain

The Mexican Chamber of Commerce in Great Britain (MexCC) was formed in 2011 with the support of key stakeholders in the bilateral relationship to represent the Mexican private sector in the UK, support Mexican investors, businesspeople and traders enter the UK market, and UK investors, businesspeople and traders interested in doing business in Mexico and raise Mexico's profile as a business partner, promoting Mexico as an investment and trade destination. The MexCC is a non-for-profit private sector organization funded by its members and sponsors consisting of businesses from entrepreneurs to multinational corporations across a range of sectors like, energy, financial services, food & drinks, infrastructure, insurance, etc. The MexCC works in coordination with both Governments, their respective Embassies and promotion agencies, as well as with other private sector organisations in Mexico and the UK, and is the authoritative voice of the Mexican private sector before the international business community in London. For more info please visit: <http://www.mexicanchamberofcommerce.co.uk/>

NHG adds New Partner

Category: Firm news, Partners

written by Nader, Hayaux & Goebel | noviembre 30, 2020

Nader, Hayaux & Goebel is pleased to announce that [Ángel Escalante Carpio](#) has joined the Firm as Partner effective July 15, 2019.

Ángel will be part of the [Tax Practice](#) of the Firm, which has been involved in very large and complex transactions across a variety of industries. Ángel specializes in tax, in addition to international trade and anti-money laundering (AML). He advises leading multinational companies investing in Mexico as well as throughout Latin America. Ángel is joined by three associates.

Ángel has advised clients for more than 15 years in a number of industries including real estate, pharma, logistics, transportation, consumer goods and retail. Ángel obtained his law degree from Escuela Libre de Derecho. He is a certified professional in AML/CFT (Anti-Money Laundering / Counter-Terrorist Financing) by the Mexican Banking and Securities Commission.

[Adalberto Valadez](#), head of the Tax Practice of the Firm, indicated that *“the arrival of Ángel is an embraced addition to the tax practice that will allow our Firm to provide broader services for our clients’ benefit.”*