

Cambios y disposiciones PLD / Informes a la CNBV

Category: Banking & Finance, Capital Markets, Legal Alerts
written by Nader, Hayaux & Goebel | mayo 25, 2020

El 20 de mayo de 2020, la Secretaría de Hacienda y Crédito Público, publicó en el Diario Oficial de la Federación una Resolución por medio de la cual ordena en un solo instrumento las disposiciones que establecen la forma y requisitos de los informes que deben presentarse ante la Comisión Nacional Bancaria y de Valores relativos a: (i) la integración y cambios de sus Comités de Comunicación y Control, y (ii) la designación o revocación del Oficial de Cumplimiento, entre otros.

A través de esta Resolución, se abrogaron las siguientes Resoluciones:

“Resolución por la que se expide la información y se dan a conocer los medios electrónicos para comunicar la integración y cambios del Comité de Comunicación y Control, se informe del funcionario designado como oficial del cumplimiento, se remita información de la identidad de la persona o grupo de personas que ejercen el control de la sociedad, así como por el que se informe de la transmisión de acciones por más del 2 por ciento del capital social pagado, según corresponda, contemplados en las disposiciones de carácter general que se indican”, publicada el 7 de febrero de 2013; y “Resolución por la que se expide el formato oficial y se dan a conocer el medio electrónico para comunicar la información de la persona designada como representante o, en su caso, oficial de cumplimiento, contemplado en las disposiciones de carácter general a que se refiere el artículo 226 Bis. de la Ley de Mercado de Valores, aplicables a los asesores de inversión”, publicada el 26 de julio de 2016.

La nueva Resolución no genera nuevas cargas regulatorias, y tiene como objetivo facilitar el acceso a la normatividad a las personas obligadas en presentar esta información.

La Resolución entró en vigor el 21 de mayo de 2020.

En caso de requerir más información en relación con temas de Prevención

de Lavado de Dinero y su regulación, 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 o [Ángel Escalante](mailto:aescalante@nhg.com.mx) +52 (55) 4170 3088 aescalante@nhg.com.mx

TECH TALKS - Challenges for financial regulation and Fintech

Category: Banking & Finance, Events, Firm news

written by Nader, Hayaux & Goebel | mayo 25, 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)

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AML Reporting Forms

Category: Banking & Finance, Legal Alerts

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The Ministry of Finance published a resolution issued pursuant to the Law of Financial Technology Institutions providing the forms to be used for reporting to the Finance Ministry the appointment of the Compliance Officer, the composition of the Communication and Control Committee, and to report relevant, unusual and internal transactions for Mexican e-wallet and crowdfund institutions.

Fintech institutions must deliver the reports through the electronic system operated by the National Banking and Securities Commission (STIV); the reports related to the first two quarters of 2020 are to be filed within the first ten business days of July.

Thereafter, reports must be delivered within three business days of a transaction being characterized as reportable. For additional information regarding the foregoing, please feel free to get in touch with your usual contacts at Nader, Hayaux & Goebel.

Banxico Issues Regulations on API's

Category: Banking & Finance, Legal Alerts

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Mexico's Central Bank published today Regulation 2/2020 under the Law of Financial Technology Institutions with respect to the development of API's by credit bureaus and clearing houses. Such entities should obtain prior authorization of the Central Bank to set up an API by May, 2021.

Application for authorization must include, among others, evidence that the relevant API meets the interoperability standards (set forth in the Regulation), a draft interconnection agreement, and a work plan encompassing technical, legal, corporate governance and operative measures that should be implemented with respect to the API.

Similarly, financial entities and specialized third parties should obtain prior authorization of the Central Bank to access information through the APIs. Sharing of transactional information of users will be subject to an additional authorization by the Central Bank. Rules to obtain such authorization will be forth coming.

For further information with respect to this regulation, please reach out to your regular contacts at Nader, Hayaux & Goebel or contact [Adrián López G.](#), [Luciano Pérez G.](#), or [Gunter Schwandt G.](#)

Chambers Investment Funds 2020

Guide

Category: Banking & Finance, Mergers and Acquisitions, Publications, Tax
written by Nader, Hayaux & Goebel | mayo 25, 2020

Partners Héctor Arangua and Adalberto Valadez have contributed the Mexico chapter of the Chambers Investment Funds 2020 Guide.

This cross-border legal guide provides a global comparison of fundamental legal, tax and regulatory considerations relating to the establishment and operation of investment funds in a range of jurisdictions where the industry is active. Each chapter is written by leading legal advisers from the relevant jurisdiction, providing information on the structures typically used, the regulatory framework for those funds, any significant operational requirements, how the funds may be marketed, a summary of the tax treatment for both the fund itself and investors, and customary or common terms.

This guide seeks to provide guidance on the key questions arising when industry participants are seeking to establish, operate, market and/or invest in an investment fund. Investment funds often operate across multiple jurisdictions. Those who understand the global landscape will be at a distinct commercial advantage, as well as minimising their risk of falling foul of local laws.

You can download the PDF of the Mexico chapter [here](#).

More info and the 25 country chapters are available on [Chambers' website](#).

COP 26 Private Finance Agenda

launched

Category: Banking & Finance, Energy, Legal Alerts, Project Finance, Tax
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On February 27, 2020, the 'COP26 Private Finance Agenda' was launched in London (the "**Agenda**").

The Agenda aims to assist the private sector in its transition to a net zero carbon economy.

The objective is to achieve that every professional financial decision takes climate change into account. The Agenda will focus on creating the right framework for reporting, risk management and returns to help finance a whole economy transition. The foregoing will require that every company, bank, insurer and investor will need to adjust their business models for a low carbon world.

The COP 26 - co-hosted by the UK and Italy - will also seek to support developing countries to deliver a prosperous, zero carbon future for all.

For more information on the Agenda, please find the link to the corresponding page <https://www.bankofengland.co.uk/events/2020/february/cop26-private-finance-agenda-launch>.

We will be following up on the work and development of the Agenda in a timely manner, and we remain at your service in case you have any comments regarding the above and to provide you with the advice you require regarding the implementation of the Agenda and the evaluation of its impact on your operations.

For further information with respect to the COP26 Private Finance Agenda or in respect to the application of the Sustainable Development Goals (SDO) in your business, please reach out to your regular contacts at Nader, Hayaux & Goebel or Yves Hayaux-du-Tilly L. +52 (55) 4170 3003 yhayaux@nhg.com.mx.

NHG's Fintech practice ranked top ranked by Chambers

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

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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](#).

Chambers Acquisition Finance Practice Guide 2019: Mexico Chapter

Category: Banking & Finance, Capital Markets, Publications, Securities and Capital Markets

written by Nader, Hayaux & Goebel | mayo 25, 2020

Our Partners [Adrián López](#) and [José Humberto Rocha](#) contributed to the Chambers Acquisition Finance Practice Guide 2019: Mexico Chapter. The Acquisition 2019 guide provides expert legal commentary on key issues for businesses. The guide covers the important developments in the most significant jurisdictions.

You can read the full article at Chambers & Partners [website](#).

Cartels Chambers Global Practice Guide: Mexico Chapter

Category: Banking & Finance, Capital Markets, Publications, Securities and Capital Markets

written by Nader, Hayaux & Goebel | mayo 25, 2020

Our Partner [Alejando Mendiola](#) contributed to the Chambers Global Practice Guide - Cartels, Mexico chapter. The Cartels guide provides expert legal commentary on the key issues for businesses with competition matters. The guide covers the important developments in the most significant jurisdictions.

You can read the full article [here](#) or go to Chambers & Partners [website](#).

Regulations on Websites, Publicity and Terms and Conditions offered by Financial Technology Institutions

Category: Banking & Finance, Legal Alerts, Uncategorized

written by Nader, Hayaux & Goebel | mayo 25, 2020

The Federal Commission for the Defense of the Financial Consumer (Comisión Nacional para la Defensa de los Usuarios de Servicios Financieros) published today regulations applicable to Financial Technology Institutions. Such regulations provide certain requirements for the websites and publicity of Mexican Fintech institutions, as well as a number of mandatory terms and conditions for the products offered by such institutions. The regulations also include a catalogue of forbidden commercial practices. The regulations are applicable to both crowdfunds and e-wallet companies and will become effective on January 6, 2020.

For further information with respect to Fintech related, please contact your regular contacts at Nader, Hayaux & Goebel or any of Gunter A. Schwandt G. +52 (55) 4170 3052 gschwandt@nhg.com.mx, Luciano Pérez G. +52 (55) 4170 3035 lperez@nhg.com.mx, Adrián López González G. +52 (55) 4170 3058 alopez@nhg.com.mx and Diego Sánchez V. +52 (55) 4170 3091 dsanchez@nhg.com.mx