

AML Reporting Forms

Category: Banking & Finance, Legal Alerts

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

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.

Compare key legal and regulatory questions on M&A in Latin America

Category: Mergers and Acquisitions, Publications

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

[Héctor Arangua L.](#) and [Miguel González J.](#) have contributed to the latest edition of Latin Lawyers' Reference guide on Mergers and Acquisitions.

Latin Lawyer Reference provides answers to key legal and regulatory questions in Latin America on major practice areas. Leading practitioners and local counsel provide insight in over twenty practice areas, across the region. The interactive format allows for quick-and-easy comparisons across jurisdictions.

The Mexico chapter can be downloaded [here](#). For more information and access to the expert articles and other jurisdictions, please visit: <https://latinlawyer.com/know-how/topics/1000478/mergers-and-acquisitions>

NHG contributes to ICLG guide on Mergers & Acquisitions

Category: Mergers and Acquisitions, Practices Areas, Publications

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

Partners [Yves Hayaux-du-Tilly L.](#) and [Eduardo Villanueva O.](#) contributed the Mexican chapter to ICLG's 14th edition on Mergers & Acquisitions. Our experts answer over 50 key questions on the regulation, mechanics and strategies of dealmaking in Mexico.

The 20th edition of the International Comparative Legal Guide on Mergers & Acquisitions covers over 50 jurisdictions, and contains three expert chapters by heavyweight firms such as Skadden, Arps, Slate, Meagher & Flom and Wachtell, Lipton, Rosen & Katz.

The Mexico chapter can be downloaded here. For more information and access to the expert articles and other jurisdictions, please visit: <https://iclg.com/practice-areas/mergers-and-acquisitions-laws-and-regulations> .

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

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
written by Nader, Hayaux & Goebel | marzo 25, 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](#).

Insurance Newsletter: Release of

the Principles of Reinsurance Contract Law

Category: Insurance and Reinsurance, Legal Alerts
written by Nader, Hayaux & Goebel | marzo 25, 2020

We inform our clients and friends that on November 28, 2019, the Principles of Reinsurance Contract Law (the "**Principles**") were published by the Project Group (joint venture set between several Universities and professors, primary insurance companies' representatives, reinsurance companies and reinsurance brokers and special advisors) in cooperation with the International Institute for the Unification of Private Law ("**UNIDROIT**").

The Principles set specific reinsurance rules applicable to contract law, aiming to help such areas where reinsurance practitioners felt the urgency of improving legal certainty. Principle's basis were made upon incorporating: (i) uniform rules on general contract law, (ii) uniform system and (iii) a set of standardized terms, which are set up to minimize the interpretation problems of reinsurance contracts.

The Principles only deal with reinsurance specific rules of contract law, considering that issues regarding general contract law are already included in the Principles of International Commercial Contract of 2016 ("**PICC**").

The Principles have been drafted as "soft-law", which means they will work as an optional guide of reinsurance contract law when it is chosen by the parties, and for these principles to have binding effect, the contracting parties should voluntarily choose to do so. However, there is also the possibility that the Principles may be applied by courts or arbitral tribunals, as the case may be, even in cases where the parties have not chosen to apply them.

The Principles are structured as follows: **(i)** Chapter 1 contains general provisions governing structural issues and the connection between the Principles and the PICC; **(ii)** Chapter 2 deals with the duties of the contracting parties, which are set upon good faith of the individuals; **(iii)** Chapter 3 supplement Chapter 2, insofar as it provides remedies in case one of the parties does not comply with its obligations

under the reinsurance contract; **(iv)** Chapter 4 addresses the issue of loss allocation; and **(v)** Chapter 5 regulates loss aggregation.

The Principles represent a major step in the standardization of international reinsurance contracts.

For further information with respect to the matters set forth above and Insurance Law, please reach out to your regular contacts at Nader, Hayaux & Goebel or any of Yves Hayaux-du-Tilly L. +52 (55) 4170 3003 yhayaux@nhg.com.mx and Luciano Pérez G. +52 (55) 4170 3027 lperez@nhg.com.mx.

ITR Collaboration: Mexican Congress approves new limitation to deduct interest based on profits

Category: Publications, Tax

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

[Ángel Escalante C.](#) and [Alejandro Gordillo R.](#) in collaboration with ITR talked about how the Mexican Congress approves new limitation to deduct interest based on profits. This unravel the new economic proposal put forth to strengthen compliance with Mexico's existing tax structure.

You can download the the full article [here](#), or you can visit the ITR [website](#).



3rd Edition of The Legal500's Global Guide to Real Estate

Category: Publications, Real Estate

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

[Vanessa Franyutti](#), [Alejandro Rojas](#) and [Rainer Walz](#) contributed to the 3rd edition of [The Legal 500: Real Estate Country Comparative Guide](#).

The aim of this guide is to provide its readers with a pragmatic overview of the law and practice of real estate law across a variety of jurisdictions.

Each chapter of this guide provides information about the current issues affecting real estate in a particular country and addresses topics such as ownership proof, due diligence, taxes, planning and zoning restrictions, mortgages and environmental contamination as well as insight and opinion on the most common issues in their respective country.

The Q&A template for each chapter has been provided by François Bonteil of

Clifford Chance.

You can download a [free copy of the Mexico chapter here](#).

