

Neutral Investment- Trust

What does it consist of?

Authorization for Mexican companies (incorporated or to be incorporated) to acquire foreign capital to expand their operations, through the transfer of shares or social shares to a trust.

In addition, the fiduciary institution who intends to act as such in the trust agreement may also apply for the authorization. Also, Mexican companies or fiduciary institutions that already have a neutral investment authorization that intend to modify the trust agreement or previously authorized scheme.

Who is it addressed to?

To Mexican companies that intend to transfer shares or social shares to a neutral investment trust and to fiduciary institutions that intend to establish or modify neutral investment trusts.

Where is it done?

In the General Directorate of Foreign Investment, through the Direction of Legal Affairs and the Foreign Investment National Commission, located at Insurgentes Sur 1940, 8th Floor, Colonia Florida, Postal Code 01030, Mexico City. The reception times are Monday through Friday from 9:00 a.m. to 2:00 p.m.

Or, in the rest of the country in the Delegations and Sub-delegations of the Secretariat of Economy, who will send their request to the Legal Affairs Department and the Foreign Investment National Commission.

Which are the requirements?

1. Written request, in original and copy, containing: name of the Mexican company or the applicant financial institution; Name of the representative or who promotes on behalf of the applicant; Address to hear and receive notifications and, if applicable, the persons who can receive them on behalf of the applicant; General identification data of the trust institution; Facts or reasons giving rise to the request; Economic activity and shareholding structure¹ of the company intending to transfer its shares or shares to the assets of the trust; Place and date of application; and, autograph signature of the representative or person acting on his behalf.
2. Power granted before notary public in favor of the person promoting on behalf of the applicant; In case the power has been granted abroad, must be legalized or apostilled, if it has been written in a language other than Spanish, it must be fully translated into Spanish by an expert translator, including the apostille. In the case it is written simultaneously in Spanish and another language, the translation will be necessary on parts written in a language other than Spanish, as is the case of the apostille.

¹ In the case of incorporated companies, detail the shareholding structure of the company before and after authorization; In the case of new companies or to be constituted, the proposed shareholding structure. Also, specify if you have or will have subsidiaries or affiliates.

3. Instrument of incorporation of the Mexican company and of each of the partners or shareholders, and must present:
 - a) In the case of a legal person: an instrument of incorporation, if foreign, documents must be legalized or apostilled and, when necessary, translated into Spanish by expert translator.
 - b) In the case of a natural person: certify his/her nationality.
 - c) In case of trusts: demonstrate in favor of whom grants rights such trust.
4. Draft of trust agreement or, as the case may be, any modifications that are intended to be made to a previously authorized trust, and
5. Receipt of payment of rights in the amount of \$ 6,513.00 (Six thousand five hundred and thirteen pesos 00/100 MXP). [See rights payment section].
6. Other documents. In case the company has had changes in its name or corporate name, merger or some other modification to its bylaws, it must attach original and copy of the documents that include the modifications. It may attach to the application the draft statutes by which the company will be governed.

The documents must be presented in original and copy. After comparison, the originals with the exception of the written request and payment of rights, will be returned to the interested party at the time of receipt.

Maximum response time

35 business days.

Rights payment

In accordance with article 72, fraction III of the *Federal Law of Rights in force*, the payment of rights is in the amount of \$ 6,513.00 (Six thousand five hundred and thirteen pesos 00/100 MXP). To expedite your payment use [e5cinco](#) (See General Directorate of Foreign Investment).

Legal Foundation

Articles 18 and 19 of the *Foreign Investment Law* and 22 of the *Regulation of the Foreign Investment Law* and the *Foreign Investment National Registry*.

What happens once the authorization is obtained?

1. If the authorization is granted, in the document will be determined the terms and conditions to be met.
2. Enroll in the Foreign Investment National Registry.

Federal Registry of Procedures and Services

[Code SE-02-009](#)