

## Authorization of the Foreign Investment National Commission

### What does it consist of?

Authorization for Mexican legal entities, incorporated or to be incorporated, intending to exceed 49% of the foreign investment participation and perform activities established under article 8 of the Foreign Investment Law.

Authorization for foreign investment to participate in a percentage higher than 49% in Mexican incorporated legal entities when the aggregate value of the assets exceed the amount determined annually by the Foreign Investment National Commission (currently, the amount is determined in the Second [General Resolution](#)), pursuant to Article 9 of the Foreign Investment Law.

Foreign legal entities intending to open up an office in the Mexican Republic in order to conduct activities referred to in article 8 of the Foreign Investment Law.

### To whom it is targeted?

Foreign persons or legal entities, and Mexican legal entities (incorporated or to be incorporated).

### Where is it conducted?

At the Foreign Investment National Commission of the General Directorate of Foreign Investment, which is located in Insurgentes Sur 1940, 8th Floor, Florida, Territorial Demarcation Alvaro Obregon, 01030, Mexico City. The reception hours are from Monday to Friday from 9:00 a.m. to 2:00 p.m.

It can also be carried out through the State Delegations and Sub-delegations of the Secretariat of Economy, which shall receive the request and shall send it to the Direction of Legal Affairs and the Foreign Investment National Commission.

Likewise, it can be submitted online via the System of Legal Affairs for Foreign Investment, (<https://sajie.economia.gob.mx/SAJIE/inicio.html>), with a valid e-mail account and an e.firma (formerly known as advanced electronic signature).

### Which are the requirements?

[Questionnaire](#) duly completed, including information which identifies how the project will be beneficial to the country's economy.

Original and copy of the written request comprising: the business name or name of the person requesting the favorable resolution; name of the legal representative or the person acting on behalf of the applicant; address to hear and receive notices and, if applicable, the name of the persons who can receive them on behalf of the applicant; facts or reasons that motivated the request; details on the project's main features; specifications concerning its plans to have subsidiary offices or branches; place and date of the request; and, signature of the representative or person acting on behalf of the applicant.

Receipt of payment of duties for the total of o \$9,231.00 (Nine thousand two hundred thirty-one Mexican pesos 00/100 M.N.) and as for a new field of activity for \$1,772.00 (One thousand seven hundred seventy-two Mexican pesos 00/100 MXN). [See Payments of Duties Section]

Power of attorney granted before public notary in favor of the person acting on behalf of the applicant. If this power of attorney is granted abroad, it must be legalized or apostilled, and if it has been written in language other than Spanish, it shall be translated into Spanish by a certified expert translator. The full text of the document must be translated, including the apostille. In case the power of attorney is written simultaneously





in Spanish and in other language, the translation is necessary for the sections written in language other than Spanish, such as the apostille.

Furthermore, in case the investor is a:

- a) Person: updated resume or summary;
- b) Foreign legal entity: Deed, articles of incorporation, certificate or any other document of incorporation, current bylaws, and annual report or description of the activities of the last fiscal year; and/or
- c) Mexican legal entity: Articles of incorporation, as well as those of its shareholders, and the financial statements of the last year or fiscal year.

Other documents: If the legal entity has had changes in its business name, has been merged or has gone through any other modification in its bylaws, it must submit the original and copy of the documents detailing these modifications.

In case the documents mentioned above are written in language other than Spanish, it shall be translated into Spanish by a certified expert translator. If it is a foreign legal entity, their articles of incorporation and bylaws shall be legalized before a Mexican consul or, when applicable, apostilled.

The documents shall be submitted in original and copy. Prior collation, the originals, excluding the written request and the payment of duties, will be handed back to the applicant.

#### **Maximum response time**

45 business days.

#### **Payment of duties**

Article 72, Section I and IV of the Federal Law of Rights sets the payment of duties at \$9,231.00 (Nine thousand two hundred thirty-one Mexican pesos 00/100 M.N) and as for a new field of activity for \$1,772.00 (One thousand seven hundred seventy-two Mexican pesos 00/100 MXN). The payment is facilitated through the system <http://www.e5cinco.economia.gob.mx/swb/es/e5cinco> (see General Directorate of Foreign Investment).

#### **Legal Foundation**

Articles 8, 9, 28 and 29 of the Foreign Investment Law and 29 of the Regulation of the Foreign Investment Law and the Foreign Investment National Registry.

#### **What happens once the authorization is approved?**

1. If the authorization is granted, the terms and conditions to comply shall be determined in said document.
2. In case the foreign legal entities seeking to establish in the Mexican Republic, they shall request the [Authorization for the establishment of foreign legal entities in the Mexican Republic to register its bylaws in the Public Registry of Commerce](#), or, if applicable, submit the [Notice for the establishment of foreign legal entities in the Mexican Republic](#), or, if applicable, submit the [Notice for the establishment of foreign legal entities in the Mexican Republic to provide services](#).
3. The authorization shall be submitted before Foreign Investment National Registry in order to be registered or to update the company's information.

#### **Gob.mx (National Single Window)**

Code [SE-02-007 Clave](#)

#### **National Catalog of Regulations, Procedures and Services**

[SE-02-007 - CONAMER \(catalogonacional.gob.mx\)](#)

#### **Questionnaire form**

[Questionnaire to Request a Resolution of the Foreign Investment National Commission](#)

