



Resolution by which the new Ethics Code applicable to the Mexican federal public servants is issued by Mexico's Ministry of Government Affairs

On February 5, 2019, the Mexican Ministry of Government Affairs ("SFP") issued in the Federal Official Gazette ("DOF"), the "Resolution issuing the new Ethics Code applicable to the Mexican federal public servants" (the "Resolution") to become effective on the following day.

This Resolution is aimed to recover the trust in the public-sector officers, servants and authorities, by repealing the previous Ethics Code applicable to federal public

servants published on August 20, 2015 in the DOF. This document is based on five basic principles which are: legality, honesty, loyalty, impartiality and efficiency as set forth in Article 109 of the Mexican Constitution.

On the other hand, the Resolution seeks to establish the basis upon which the government agencies, entities and the State productive companies must draft their new internal Codes of Conduct in which they must consider the risks of unethical

conducts based on the specific activities carried thereby.

The most relevant aspects of the Resolution are the following:

Code of Conduct

The Resolution foresees that all governmental agencies, entities and public companies must issue a new Conduct and Conflict of Interest Prevention Code (the "Code of Conduct"), lined up with the new Ethics Code, same that must be delivered to

every newly incorporated or existing staff hired, employee or commissioner, with a clear understanding that all public servants are obliged to provide equal treatment for men and women in public service in order to promote: (i) the institutionalization of the gender perspective in the public service; (ii) the respect to individual identity; (iii) social welfare, and (iv) the achievement of excellence in public service through equality, non-discrimination and personal integrity.

For such purpose, all the governmental agencies should establish an Ethics Committee in terms of the Resolution to ensure the effective promotion of ethics and commitment to public service.

Commitment letter

In terms of the Resolution, all public servants will be required to execute a commitment letter stating: (a) their adherence to the principles contained in the Code of Ethics; (b) a statement of assets and proof of tax compliance with the purposes of evidencing their commitment to the principles contained in the Ethics Code.

Training

Each agency, in collaboration with the SFP, must establish an annual program to communicate the contents of the Ethics Code and of each of the Codes of Conduct, and prepare remote training materials to reinforce the prevention and awareness of

the different ethical risks.

This training may be given face-to-face or virtually, through seminars, conferences or any similar resources to provide an in-depth analysis of the principles and integrity values that rule the public function exercise according to the Ethics Codes and the particular Code of Conduct issued by each governmental agency.

Gifts

In accordance with Article 20 of the Resolution, in connection with the performance of their duties public servants "must not accept, demand or obtain any gift or similar, whether for themselves, their spouse, concubine or partner, relatives or any third parties with whom they have any personal, professional, labor, business or commercial relationship."

In the event a public servant receives any gift for the performance of her/his duties, she/he must immediately report it to the Internal Control Unit of the corresponding agency, so that they comply with Article 40 of the Administrative Responsibilities General Law. However, in case a public servant is recognized with an award by a public or academic institution, she/he may receive such recognition, as long as such award does not compromise her/his position as a public servant.

Infringement

In case of an infringement to the Ethics Code, Article 29 of the Resolution establishes that the instances in which they may be reported are the Ethics Committee as a preventive instance, the Internal Control Unit of the government agencies (or the Responsibility Unit of the relevant State Productive Company), being these bodies responsible for sanctioning the public servants through the corresponding administrative procedure.

Additionally, the Ethics Committees in coordination with the Internal Control Units, must update on a yearly basis the methodology to be developed by the SFP in order to determinate the risk indicators and parameters that must be met on each Code of Conduct, for statistical and harmonization purposes among such instruments.

SFP Interpretation

Based on the Resolution considerations, the SFP seeks to establish "the basis of a new ethic of service, based on the integrity and the vocation of public servants" according with the Federal Government's priorities for 2018-2024 period. Finally, the SFP through the responsible unit will interpret for administrative purposes the Ethics Code and will resolve in case of controversy with any of the provisions set forth therein.

Tax and Legal Services

Tax Alert 03/2019 | February 11th, 2019

Contacts:

Legal Services

Ramón Bravo

rambravo@deloittemx.com

Tel. +52 (55) 5080 6000

Héctor Cuevas

hcuevas@deloittemx.com

Tel. +52 (55) 5080 6000

Beatriz Rueda

brueda@deloittemx.com

Tel. +52 (55) 5080 6000

Leonet Pinto

leopinto@deloittemx.com

Tel. +52 (55) 5080 6000

www.deloitte.com/mx

www.deloitte.com/mx/legales



tax@hand App

Download our tax@hand app.

Available on: www.taxathand.com

For: IOS, Android and Blackberry



Aguascalientes

Universidad 1001, piso 12-1
Bosques del Prado
20127, Aguascalientes, Ags.
Tel: +52 (449) 910 8600
Fax: +52 (449) 910 8601

Cancún

Avenida Bonampak SM 6, M 1, lote 1,
piso 10, 77500 Cancún, Q. Roo
Tel: +52 (998) 872 9230
Fax: +52 (998) 892 3677

Chihuahua

Av. Valle Escondido 5500
Fracc. Des. El Saucito E-2, piso 1,
31125, Chihuahua, Chih.
Tel: +52 (614) 180 1100
Fax: +52 (614) 180 1110

Ciudad Juárez

Baudelio Pelayo No. 8450
Parque Industrial Antonio J. Bermúdez
32400, Ciudad Juárez, Chih.
Tel: +52 (656) 688 6500
Fax: +52 (656) 688 6536

Culiacán

Insurgentes 847 Sur, Local 103
Colonia Centro Sinaloa
80128, Culiacán, Sin.
Tel: +52 (33) 1454 2000

Guadalajara

Avenida López Mateos Norte 2405, piso 29
Colonia Italia Providencia
44648, Guadalajara, Jal.
Tel: +52 (33) 3669 0404
Fax: +52 (33) 3669 0469

Hermosillo

Blvd. Eusebio Francisco Kino No. 315
Piso 8, Suite 804, Colonia Lomas del Pitic
83010, Hermosillo, Son.
Tel: +52 (662) 109 1400
Fax: +52 (662) 109 1414

León

Paseo de los Insurgentes 303, piso 1
Colonia Los Paraísos
37320, León, Gto.
Tel: +52 (477) 214 1400
Fax: +52 (477) 214 1405 y 1407

Mazatlán

Avenida Camarón Sábalo 133
Fracc. Lomas de Mazatlán
82110, Mazatlán, Sin.
Tel: +52 (669) 989 2100
Fax: +52 (669) 989 2120

Mérida

Calle 56 B 485 Prol. Montejo Piso 2
Colonia Itzimna
97100, Mérida, Yuc.
Tel: +52 (999) 913 4032
Fax: +52 (999) 913 4052

Mexicali

Calzada Francisco López Montejano 1342
Piso 7 Torre Sur
Fracc. Esteban Cantú
21320, Mexicali, B.C.
Tel: +52 (686) 905 5200
Fax: +52 (686) 905 5231 y 5232

Ciudad de México

Paseo de la Reforma 505, piso 28
Colonia Cuauhtémoc
06500, México, D.F.
Tel: +52 (55) 5080 6000

Monclova

Bld. Ejército Nacional 505
Colonia Los Pinos
25720, Monclova, Coah.
Tel: +52 (866) 190 9550
Fax: +52 (866) 190 9553

Monterrey

Av. Juárez 1102, piso 40
Centro
64000, Monterrey, N.L.
Tel: +52 (81) 8133 7300

Monterrey - La Rioja

Carr. Nacional 85, 5000, local S-6
Colonia La Rioja
64988, Monterrey, N.L.
Tel: +52 (81) 8155 5757
Fax: +52 (81) 8155 5758

Puebla

Edificio Deloitte, Vía Atlixcayotl 5506, piso 5
Zona Angelópolis
72190, Puebla, Pue.
Tel: +52 (222) 303 1000
Fax: +52 (222) 303 1001

Querétaro

Avenida Tecnológico 100-901
Colonia San Ángel
76030, Querétaro, Qro.
Tel: +52 (442) 238 2900
Fax: +52 (442) 238 2975 y 2968

Reynosa

Carr. Monterrey-Reynosa 210-B, PA
Fracc. Portal San Miguel
88730, Reynosa, Tamps.
Tel: +52 (899) 921 2460
Fax: +52 (899) 921 2462

San Luis Potosí

Av. Salvador Nava Martínez 3125, 3-A
Fracc. Colinas del Parque
78294, San Luis Potosí, S.L.P.
Tel: +52 (444) 102 5300
Fax: +52 (444) 102 5301

Tijuana

Misión de San Javier 10643, Piso 8
Zona Urbana Río Tijuana.
22010, Tijuana B.C.
Tel: +52 (664) 622 7878
Fax: +52 (664) 681 7813

Torreón

Independencia 1819-B Oriente
Colonia San Isidro
27100, Torreón, Coah.
Tel: +52 (871) 747 4400
Fax: +52 (871) 747 4409

Deloitte.

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee and its network of member firms, each of which is a unique and independent legal entity. Please consult our website at www.deloitte.com/mx/conozcanos for a detailed description of the legal structure of Deloitte Touche Tohmatsu Limited and its member firms.

Deloitte renders professional services in the areas of audit, taxes and legal services, consulting and advisory, to public and private clients from different industries. With a global network of member firms in over 150 countries, Deloitte offers world-class capacities and high quality service to its clients, providing the experience necessary to deal with the most complex business challenges. The more than 264,000 employees of Deloitte are committed to achieving significant impacts in their communities.

As utilized in this document, "Deloitte" means Galaz, Yamazaki, Ruiz Urquiza, S.C., which has the exclusive legal right to become involved in, and limits its business to, the provision of services of audit, tax consulting, advisory and other professional services in Mexico, under the name "Deloitte".

This publication contains only general information and neither Deloitte Touche Tohmatsu Limited, its member firms, nor any of their respective affiliates (collectively the "Deloitte Network"), render advice or services through this publication. Before taking any decision or measure which may affect your finances or business, you should consult a qualified professional adviser. No entity of the Deloitte Network will assume responsibility for losses suffered by any person or entity that consults this publication.