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CHAMBER OF DEPUTIES OF THE HONORABLE CONGRESS OF THE UNION General Secretariat Office of Parliamentary Services Documents, Information and Analysis Center

TRANSPARENCY AND FINANCIAL SERVICES ARRANGEMENT LAW

New Law published in the Official Gazette of the Federation in June 15, 2007

TEXT IN FORCE

Last amendment published on the OGF 05-25-2010

On the left margin a seal with the Mexican coat of arms that reads: United Mexican States, Presidency of the Republic

FELIPE DE JESÚS CALDERÓN HINOJOSA, President of the United Mexican States, to its inhabitants let it be known:

that the Honorable Congress of the Union, has addressed to me the following

DECREE

"THE GENERAL CONGRESS OF THE UNITED MEXICAN STATES, ENACTS:

THAT THE TRANSPARENCY AND FINANCIAL SERVICES ARRANGEMENT LAW, PUBLISHED IN THE OFFICIAL GAZETTE OF THE FEDERATION ON JANUARY 26, 2004, IS HEREBY REPEALED, THE TRANSPARENCY AND FINANCIAL SERVICES ARRANGEMENT LAW IS ENACTED AND SEVERAL PROVISIONS OF THE CREDIT INSTITUTIONS LAW AND OF THE LAW FOR THE PROTECTION AND DEFENSE OF THE USERS OF FINANCIAL SERVICES AND OF THE NATIONAL BANKING AND SECURITIES COMMISSION LAW ARE HEREBY AMENDED, SUPPLEMENTED AND REPEALED.

ARTICLE FIRST. The following law is enacted:

TRANSPARENCY AND FINANCIAL SERVICES ARRANGEMENT LAW

Chapter I.- General Provisions

Article 1. This is a federal law and its provisions are of public order and social interest. Its purpose is to regulate Fees and Interchange Fees, as well as other issues related to financial services and to the provision of all kinds of credit carried out by the Entities to ensure the transparency, the efficiency of the payment systems and to protect public interest.

Article 2. The following statutes shall supplement this law, depending on the type of Entity involved:

- I. Credit Institutions Law;
- II. Popular Savings and Credit Law;
- **III.** Law of Credit Organizations and Auxiliary Activities;
- IV. Law of the Bank of Mexico
- V. Law for the Protection and Defense of the Users of Financial Services;
- VI. Federal Consumer Protection Law;
- VII. Commerce Code;
- VIII. Federal Civil Code, and

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IX. Banking and commercial practices.

Article 2 Bis. The duty to supervise and oversee compliance of the provisions of this Law and the regulations arising therefrom, shall correspond to the National Commission for the Protection and Defense of Users of Financial Services, and to the Bank of Mexico with respect to Financial Entities, within the scope of their respective competent jurisdiction, and to the Federal Consumer Protection Agency with respect to Commercial Entities.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 3. For purposes of this Law, the meaning of the following terms, in singular or plural is:

I. Authorities: the Bank of Mexico, the National Commission for the Protection and Defense of Users of Financial Services and the Federal Consumer Protection Agency;

Section amended OGF (Official Gazette of the Federation) 06-25-2009

II. Clearing House: the central entity or central processing mechanism, through which payment instructions or other financial obligations are exchanged, related to any Means of Disposal;

Section amended OGF (Official Gazette of the Federation) 05-25-2010

- **III. Customer:** any person who executes a liability, credit or service transaction with a Financial Entity, receives a credit, loan or financing from a Commercial Entity, or uses any Means of Disposal issued by any Entity;
- **IV. Fee:** any charge, regardless of its denomination or type, other than Interests, which an Entity charges to a Customer. In the case of Financial Entities, the charges carried out through liability, credit or service transactions shall be considered, and in respect to Commercial Entities, the charges made for credit, loans or financing shall be considered. In any case, the charges for the use or acceptance of Means of Disposal shall be considered.

Section amended OGF (Official Gazette of the Federation) 06-25-2009

V. Adhesion Contract: the document created unilaterally by the Entities to establish in standard forms, the terms and conditions applicable to the execution of the transactions that they carry out with their Customers. In the case of Financial Entities, liability, credit or services transactions shall be considered, and in the case of Commercial Entities, credit, loan or financing operations shall be considered;

Section amended OGF (Official Gazette of the Federation) 06-25-2009

V Bis. Consumer Credit: the following transactions executed by the Entities: direct credits, in domestic or foreign currency, or in UDIs¹ (Investment Units), as well as the interests earned thereby, granted to individuals, as a result of credit, loan or revolving financing transactions, related with a credit card, personal loans which amount does not exceed an amount equal to three million Investment Units, credits for the acquisition of durable goods, and financial leasing transactions carried out with individuals.

Section added DOF (Official Gazette of the Federation) 25-06-2009

¹ UDIS, called Investment Units, are a "notional accounting unit created by the government in a time of financial crisis, which guarantee investors a real return on capital, by compensating for inflation, while at the same time, providing short term relief to borrowers by mitigating the impact of excessive inflation interest rates". (Becerra, E. Javier, "Diccionario de Terminología Jurídica Mexicana". Escuela Libre de Derecho, Ed. 1990. México. P. 776.)

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- **VI. CAT:** the total annual cost of financing (*Costo Anual Total* by its initials in Spanish) expressed in annual percentage terms, which, for information and comparison purposes, incorporates the total costs and expenses of credits, loans or financings granted by the Entities;
- **VII. Interchange Fees:** the amounts which the Entities charge or pay amongst themselves, directly or indirectly, for the use of any Means of Disposal, within the payment infrastructure installed by any Entity other than the one providing or issuing using such Means of Disposal;
 - VIII. Entities: the Financial Entities and the Commercial Entities;

Section amended OGF (Official Gazette of the Federation) 06-25-2009

IX. Financial Entity: credit institutions, limited scope financial institutions, financial leasing companies, and financial factoring companies, regulated and not regulated multiple-purpose financial institutions, popular financial companies, savings and loans cooperatives associations, and financial entities acting as trustees of the trusts granting credit, loans or financing to the public;

Section amended OGF (Official Gazette of the Federation) 06-25-2009

- X. Commercial Entity: companies who regularly grant credit, loans or financings to the public;
- **XI. GAT:** the total Annual Net Earnings (*Ganancia Anual Total Neta* by its initials in Spanish) expressed in annual percentage terms, which, for information and comparison purposes, incorporates capitalized nominal interests, accrued through term debt transactions, that may be withdrawn on previously set days and from saving, entered into and executed by credit institutions and popular loan and savings entities with their Customers, minus all costs concerned with such operation, including account opening costs;

Section added OGF (Official Gazette of the Federation) 05-25-2010

XII. Means of Disposal: debit cards related to banking demand deposits, credit cards issued under a credit agreement, checks, funds transfer orders, including the service known as direct debit, non-banking prepaid cards for the acquisition of goods, as well as any other means which the Bank of Mexico shall recognize through general provisions.

For purposes of this article's provisions, the issuance of prepaid cards for the purchase of goods does not authorize the issuers to secure resources from the public or to carry out financial intermediation, and

Section amended and moved OGF (Official Gazette of the Federation) 05-25-2010

XIII. Payment System: set of instruments, procedures, rules and systems for the transfer of funds.

Chapter II.- On the Fees and Interchange Fees

Article 4. For the purposes set forth in article 1 of this Law, the Bank of Mexico shall issue general provisions to regulate interest rates, both for credit and liability transactions, Fees and prepayments, and advanced payments for transactions carried out with their Customers, credit institutions, limited scope financial institutions, and regulated multiple-purpose financial institutions, as well as to regulate Interchange Fees, in the case of Entities.

In exercising the powers vested on it by this article, the Bank de Mexico shall regulate Fees and interest rates, as well as any other collection concept of the transactions carried out by Financial Entities with their Customers. In exercising such powers, the Bank of Mexico may request the opinion of the

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National Banking and Securities Commission, the National Commission for the Protection and Defense of Users of Financial Services or from the Federal Competition Commission.

The National Commission for the Protection and Defense of Users of Financial Services, the National Banking and Securities Commission, the Secretariat of Finance and Public Credit, the credit institutions, limited scope financial institutions, or the regulated multiple-purpose financial institutions, may request from the Bank de Mexico, to assess whether or not, there are, reasonable conditions for competition, in respect to credit, liability and services transactions by the aforesaid entities.

For such purposes, the Bank de Mexico may also act on its own, and request the opinion from the Federal Competition Commission, so that the latter one, within a term of no less than thirty calendar days and not more than sixty calendar days, after having filed the relevant request, in the terms of the Law that governs it, shall establish, among other issues, whether there is or there is not, an effective competition, inflation, and the respective relevant markets.

On the grounds of the opinion of the aforesaid agency, the Bank of Mexico shall take, if applicable, any pertinent regulatory measures, which shall be in force only while the conditions that caused them remain. Under such regulation, the Bank of México shall establish the basis to determine said Fees and Interest Rates, as well as any adjustment mechanisms and the periods they shall be in force.

The Bank de Mexico or the entities subject to such regulation, may request the Federal Competition Commission to issue an opinion concerning the subsistence of the conditions which caused such regulation.

Regardless of the penalties set forth in this Law, the Bank of Mexico may suspend operations with those credit institutions that infringe any of these provisions.

The provisions in this article do not prevent the Bank of Mexico from exercising at any time, the powers referred under article 48 of the Credit Institutions Law, as well as those set forth by the Law of the Bank of Mexico; nor do they restrict the Federal Competition Commission, in the terms set forth by the Federal Antitrust Law, from directly assessing whether there are or there are or not reasonable competition conditions.

The Federal Competition Commission, whenever it shall detect practices which infringe the competition and free concurrency concerning interest rates, shall impose the corresponding penalties according to applicable laws, and shall report it to the Bank of Mexico.

The Bank of Mexico shall encourage credit institutions, limited scope financial institutions and regulated multiple-purpose financial institutions to grant loans or credits in accessible and reasonable terms. To that end, it shall take into account any prevailing financing conditions in the domestic market, the costs for obtaining funds, the costs for granting and administering credits, defaulting probabilities and foreseeable losses, adequate capitalization of institutions and other relevant matters.

The Bank de Mexico shall oversee that the aforesaid institutions grant loans or credits in accessible and reasonable conditions, and it shall take any corresponding corrective measures so that such operations are offered in the terms set hereinbefore, including, by setting caps to interest rates applicable to specific transactions; in which case it may take into account the relevant formulas in comparative law. The Bank of Mexico may differentiate its application by types of credit, market segments, or any other relevant criteria that may be appropriate, and it may also procure that low income sectors of the population are not excluded from credit schemes.

Article amended OGF (Official Gazette of the Federation) 06-25-2009, 05-25-2010

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Article 4 Bis. The Bank of Mexico shall incorporate in the general provisions it issues in respect to Fees, provisions that restrict or prohibit those that distort sound trading practices, or which diminish transparency and clarity in respect to the collection thereof.

In matters concerning regulation, the Bank of Mexico, the National Commission for the Protection and Defense of Users of Financial Services and the Federal Consumer Protection Agency, within the scope of their respective jurisdiction, in accordance with this Law, shall take into consideration the following:

- **I.** Entities may only charge Fees that are linked to a service provided to the Customer, or for a transaction undertaken on behalf of such Customer;
- **II.** Entities may not charge more than one Fee for the same act, fact or event. The same principle shall be applicable whenever the Bank of Mexico so determines it, in the case of acts, facts, or events, where more than one Financial Entity intervenes, and
- **III.** Entities may not charge Fees that inhibit the mobility or the migration of Customers from one Financial Entity to another.

Likewise, Financial Entities are forbidden to charge Fees to Customers or Users for the following concepts:

- a) For receiving payments from Customers or Users of credits granted by other Financial Entities;
- b) For consulting account balances in counters, and
- **c)** To the depositor of a check to be credited into his account, when the payment of such check is rejected or returned by the drawee bank.

The provisions of this article do not limit or restrict the powers of the Bank of Mexico provided under article 4 of this Law.

Article added OGF (Official Gazette of the Federation) 05-25-2010

- **Article 4 Bis 1.** The Fees established by the Entities shall be clear and transparent, therefore, they shall be subject to the following terms:
- **I.** They shall use a simple and comprehensive language upon establishing the concept of the Fee and the elements composing it;
 - II. They shall report the amount of the Fee, or, if applicable, the calculation method;
 - **III.** They shall identify in a clear manner the fact, act or event generating it;
- **IV.** They shall indicate the date when the event that caused it took place, as well as the date when the payment shall be made; and
- **V.** They shall foresee the period it includes or, in case of being a single charge, they shall indicate such circumstance, as well as the date it is due.

Article added OGF (Official Gazette of the Federation) 05-25-2010

Article 4 Bis 2. In order to improve the competition of the financial system, every two months the Bank of Mexico shall publish information and indicators concerning the behavior of the interest rates and the

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Fees corresponding to the different market segments, so that the users shall have information allowing them to compare the costs charged by credit institutions, limited scope financial institutions and regulated multiple-purpose financial institutions, with respect to the different products they offer.

Such information shall be published by said institutions and corporations in the account statements sent to the Customers, in a clear and visible manner, either in writing, electronically or by any other means, referring the rates, Fees, and comparisons with respect to the segment of the Customer's transactions included in such account statement.

 $Article\ added\ OGF\ (Official\ Gazette\ of\ the\ Federation)\ 05\text{-}25\text{-}2010$

Article 5. Entities operating automatic teller machines shall disclose in the screens thereof, the Fees they charge for their use and they shall also obtain the previous consent of the Customers to charge such Fees.

Article 6. Credit institutions, limited scope financial institutions and regulated multiple-purpose financial institutions, shall register with the Bank of Mexico the Fees they charge for the payment of the services and credits that they offer to the public, as well as their respective amendments. Such registry shall take place at least thirty calendar days before any new Fees enter into effect, or whenever they imply an increase thereof.

In case of a decrease in the amount of such Fees, the registry shall be carried out at least two calendar days before the date they enter into effect.

The foregoing shall be made in the form and terms set forth by the Bank of Mexico in general provisions.

The Bank of Mexico is authorized to make observations concerning the application of such Fees whenever they are new or they involve any increase, within fifteen business days following the date when the aforesaid Financial Entities disclose them to the Bank of Mexico. The Bank of Mexico shall hear the entity in question, before exercising the aforesaid authority. The Bank of Mexico shall disclose to the general public any observations it makes, if any, in accordance with this paragraph. If the Bank of Mexico has made and published any observations in respect to the creation or increase of Fees, and the entities referred to in the first paragraph of this article, decide to apply the new fees, or the increase indicated, the Bank of Mexico may veto it. If there are no observations, the Fees shall become effective.

Paragraph amended OGF (Official Gazette of the Federation) 05-25-2010

The powers vested on the Bank of Mexico in the foregoing paragraphs of this article shall be understood as vested also on the National Commission for the Protection and Defense of Users of Financial Services in respect to non-regulated multiple-purpose financial institutions.

The Bank of Mexico shall share with the National Commission for the Protection and Defense of Users of Financial Services, the information on the Fees registered as herein provided, through any means agreed for such purpose, so that such Fees may be disclosed in its web page, in the worldwide web "Internet".

Paragraph added OFG (Official Gazette of the Federation) 06-25-2009

Article 7. The Entities shall have in their branches or establishments, updated information regarding the amounts, concepts and periodicity of the Fees, in posters, lists and brochures, visible in an obvious manner, and shall allow such information to be obtained through electronic means located in such branches or establishments, so that any person requiring it may examine it without cost, and whenever they have a web page in the worldwide web "Internet", they shall place such information therein. The

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National Commission for the Protection and Defense of Users of Financial Services shall specify in the general provisions, the standard guidelines, so that such information is accessible to customers.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

The Entities shall disclose to their Customers, through the means agreed with them, any increases in the amount of Fees, as well as any new Fees they pretend to charge, at least thirty calendar days before the date set forth for such increase to become effective. Regardless of the foregoing, the Customers shall have the right to terminate the services by such Entities, in the terms set forth in their respective agreements, should they not agree with the new amounts, and the Entity may not charge any additional amount for this fact, except for the debts that would have been generated up to the date when the Customer requests to terminate the services.

Any default to the provisions in the foregoing paragraph, shall result in the annulment of the Fee, regardless of any applicable penalties.

Chapter III.- On transparency concerning the Means of Disposal and the granting of credits, loans and financings.

Article 8. The Bank of Mexico shall establish through general provisions, the formula, elements and calculation methodology of the CAT, with respect to any credits, loans, or financings granted by the Entities. In such provisions, the Bank of Mexico shall establish the types and amounts of credits, loans and financings to which the CAT shall be applicable.

The Bank of Mexico shall establish through general provisions, the formula, elements and calculation methodology for the GAT. In such provisions, the Bank of Mexico shall establish the types and amounts of those transactions to which the GAT shall be applicable.

Paragraph added OGF (Official Gazette of the Federation) 05-25-2010

Article 9. Ordinary interest rates and default interest rates, which appear in the documents implementing any credits, loans and financings granted by the Entities, as well as the ones mentioned in the accounts statements, shall be expressed in annual terms, and shall be outlined in distinctive characters in a clear, notorious and unquestionable manner.

Whenever the Entities shall agree on a reference rate in their credit, loan or financing, transactions, they shall also agree on one or more alternate reference rates, in the event the reference rate originally agreed should cease to exist, and they shall agree the order of priority, if any, according to which such alternate reference rate shall replace the one originally agreed.

Article 10. In all the credits, loans or financings granted by the Entities, the payment of interests may not be required in advance, but only in arrears, regardless of any adjustments to applicable commerce legislation. The Bank of Mexico shall determine through general provisions the amounts and types of credits, loans and financings to which this article should be applicable, which the Entities are required to inform to their customers when agreeing on credit terms.

Article 10 Bis. Entities that grant a credit, loan or financing of any kind, including the ones massively executed, to persons who lack legal capacity due to under age in terms of local laws, in addition to the annulment of such acts, shall be subject to the penalties established by this Law.

Article added OGF (Official Gazette of the Federation) 06-25-2009

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Article 10 Bis 1. In consumer credit granted by the Entities, agreements may be terminated at any time by the Customer who is the debtor, in which case, the legal relationship arising from previous use of resources by the Customer will only remain in force for purposes of payment of the principal, along with the interests and accessories accrued thereto, and the Means of Disposal, if any, shall be cancelled.

The provisions of this article shall be subject to the general provisions issued by the National Commission for the Protection and Defense of Users of Financial Services.

Article added FOG (Official Gazette of the Federation) 06-25-2009

Article 10 Bis 2. The Entities may contact those customers who have explicitly authorized it to do so, only at their respective place of work, and at the hours previously agreed, directly or by telephone, to offer them some financial service. In any case, the Entities shall verify the users' registry referred to in the third paragraph of article 8 of the Law for the Protection and Defense of the Users of Financial Services.

Article added DOF (Official Gazette of the Federation) 06-25-2009

Article 11. The Adhesion Contracts used by Financial Entities to document massive transactions, shall meet the requirements established, in general provisions, by the National Commission for the Protection and Defense of Users of Financial Services. Such provisions shall indicate the specific type of Adhesion Contracts to which such provisions will be applicable and what shall be understood as massive transactions in terms of this article.

Paragraph amended FOG (Official Gazette of the Federation) 06-25-2009

The Adhesion Contracts used by Commercial Entities shall comply with the requirements established through general provisions by the Federal Consumer Protection Agency.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

The provisions mentioned in the foregoing paragraphs shall consider the following aspects:

- Sound banking and commercial practices as applicable, with respect to the transaction or service:
- **II.** The use of forms that facilitate the reading and comprehension of the obligations contained in the contracts.
- **Il Bis.** The use of a title page for the adhesion contracts to be established in the aforesaid provisions, in order to make the reading, comprehension and comparison easier, which shall contain, among other elements, the following:
 - **a)** The essential elements of the transaction allowing the Customer to compare services of the same type offered by other Entities;
 - **b)** Warnings concerning rates and Fees representing penalties for the Customer and the premises under which they may be applicable;
 - c) Clear fields permitting the distinction of terms and conditions such as Fees and Interest Rates, the CAT and total amount to be paid in the case of credits, loans and financings, and
 - **d)** Any other elements which contribute to clarify and to facilitate the reading, comprehension and comparison of the services.

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Section added OGF (Official Gazette of the Federation) 06-25-2009

- III. The basis to clearly establish the elements, terms and conditions of the service;
- **IV.** The notice procedures and basis of acceptance by the Customers of any amendments to the Adhesion Contracts, under which they have engaged transactions or services;
- **V.** The procedure to be followed to cancel the service;

Section amended OGF (Official Gazette of the Federation) 06-25-2009

VI. Collection concepts and their amounts;

Section amended OGF (Official Gazette of the Federation) 06-25-2009

- VII. The space where the surety, guarantor or joint and several obligor shall sign, in any adhesion contract to document a credit, loan or financing, incorporating a warning regarding the consequences of signing the contract, in case the principal obligor defaults for any reason, and

 Section added OFG (Official Gazette of the Federation) 06-25-2009
- **VIII.** The National Commission for the Protection and Defense of Users of Financial Services may require that explanatory legends be included.

Section added OGF (Official Gazette of the Federation) 06-25-2009

Additionally, the National Commission for the Protection and Defense of Users of Financial Services shall indicate the types of Adhesion Contracts to document transactions or services executed by the Financial Entities, which require previous authorization by the aforesaid Commission.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

Financial Entities shall send to the National Commission for the Protection and Defense of Users of Financial Services, the models of the Adhesion Contracts, so that such Commission shall develop a Registry of Adhesion Contracts that the general public may consult.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

The Federal Consumer Protection Agency and the National Commission for the Protection and Defense of Users of Financial Services within the scope of their competent jurisdiction, shall examine the Adhesion Contract models, to make sure they comply with the stipulations set forth by the provisions issued in accordance with the above mentioned provision.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

Likewise, the aforesaid Federal Consumer Protection Agency and the National Commission for the Protection and Defense of Users of Financial Services, within the scope of their competent jurisdiction, may order any amendment to the models of the Adhesion Contracts with the purpose of adjusting them to the laws and any other applicable provisions and, if applicable, suspend their use with respect to new transactions until such amendments have been made.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

In order to be valid, every Adhesion Contract entered into in Mexican territory, shall be written in Spanish and contain the signature or the finger print of the Customer, or his explicit consent through any previously agreed electronic means.

 $Paragraph\ amended\ OGF\ (Official\ Gazette\ of\ the\ Federation)\ 06\text{-}25\text{-}2009$

The Adhesion Contracts' models shall contain the Fees charged by the Entity. It is forbidden for such Entities to charge or collect Fees which are not established in the Adhesion Contracts or to change them in contravention to this Law. Any changes to the Fees, when applicable, shall be registered in terms of article 6 of this Law.

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Article 11 Bis. The persons who have been authorized to use additional cards by the principal account holder of a revolving credit related to a credit card, shall not be under any circumstances considered as joint and several obligors nor as subsidiary obligors of the principal account holder. In the event that the cardholders authorized to use such additional credit cards, continue using them after the death of the principal cardholder, the issuing Entity may require to each cardholder the payment of the transactions charged to the account entered into by said cardholder.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 11 Bis 1. The Customers shall have a ten business days grace period after signing an adhesion contract, documenting massive transactions, as established by the general provisions referred in article 11 of this Law, except for mortgage security credits, to cancel such contract, in which case, the Entities may not charge any Fee, returning the affairs to the state they held before signing such contract, without any responsibility to the Customer. The foregoing, provided that the Customer has not used or operated any of the contracted financial products or services.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 12. The Financial Entities shall comply the general provisions issued by the National Commission for the Protection and Defense of Users of Financial Services establishing the conditions and terms that the advertisements must fulfill regarding the characteristics of credit, liability, and services transactions.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

The Federal Consumer Protection Agency, within the scope of its jurisdiction, shall issue general provisions to regulate the provisions of the previous paragraph regarding credits, loans or financings and Means of Disposal, issued or granted by Commercial Entities.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

The general provisions referred to in this article, shall consider the following aspects:

- I. The veracity and precision of the information related to products or services offered;
- **II.** That they shall not contain unfair competition elements;
- III. Clarity regarding the characteristics and, if applicable, the risks inherent to the product or service;
- IV. Clarity regarding the requirements to grant credits at preferential rates or certain credit limits.

Section added OGF (Official Gazette of the Federation) 06-25-2009

V. Creation of financial education among the general public;

Section amended OGF (Official Gazette of the Federation) 06-25-2009 (it is rearranged)

VI. Contact points for additional information, and

Section amended OGF (Official Gazette of the Federation) 06-25-2009 (it is rearranged)

VII. Mechanisms in order that the Entities inform the general public of the fees that they charge.

Section amended OGF (Official Gazette of the Federation) 06-25-2009 (it is rearranged)

The National Commission for the Protection and Defense of Users of Financial Services, may order the suspension of any advertising carried out by the Financial Entities, when in its opinion, such advertising implies inexact information, or unfair competition among them, or if by any other circumstance it may be misleading, with respect to their transactions or services, or if it does not otherwise comply with the provisions set forth in this article, or with the general provisions issued on the grounds of this precept.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

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The Federal Consumer Protection Agency within the scope of its competent jurisdiction, may order the suspension of the advertising carried out by the Commercial Entities, in the terms set forth in the previous paragraph.

Paragraph amended DOF (Official Gazette of the Federation) 06-25-2009

Article 13. The Entities shall send to the domiciles indicated by the Customers in their relevant agreements, or to the one that they subsequently indicate, the respective account statement containing the transactions and services contracted with them, free of charge to the Customer.

The Customers may agree with the Entities in order that in lieu of the referred obligation, the aforesaid account statements may be consulted through any other means agreed by both parties.

The aforesaid account statements, as well as the proofs of the transactions therein, shall comply with the requirements set for Financial Entities by the National Commission for the Protection and Defense of Users of Financial Services; and for Commercial Entities, as well as with those set forth by the Federal Consumer Protection Agency through general provisions.

The aforesaid general provisions, shall consider the following aspects:

- Clarity and simplicity in the presentation of the information contained in the account statements, and in the evidence of transactions, which allows to know the situation of the transactions carried out by the Customer, in a period previously agreed upon by the parties;
- **II.** The basis to incorporate in the account statements and evidence of transactions, the Fees and any other concepts charged by the Entity to the Customer for rendering the service or executing the transaction in question, as well as any other characteristics of the service;
- **III.** Any relevant information that takes into account the collection of Fees for different concepts, the collection of interests, the balances, credit limits, and warnings on the risks of the transaction and the CAT, among other concepts.
- IV. The incorporation of any information that allows comparing Fees and other applicable conditions in similar operations;
- V. In the case of Financial Entities, they shall contain the contact and location data with the specialized unit, which in the terms of the Law for the Protection and Defense of the Users of Financial Services shall be maintained, for purposes of clarifications or claims related to the service or the product in question, as well as the periods to submit them. In the case of Commercial Entities, they shall contain, at least, the telephone numbers for consumer services for the purposes indicated hereinbefore;
- VI. In case of account statements for consumer credit, to incorporate the warnings legends in case of incurring in excessive debt and the impact of defaulting a credit in the credit records, and
- **VII.** Any other indications that competent authorities shall determine, in terms of any applicable provisions.

The National Commission for the Protection and Defense of Users of Financial Services, may order changes to the account statements issued by Financial Entities when they do not comply with the provisions set forth in this article or in to the general provisions derived therefrom.

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The National Commission for the Protection and Defense of Users of Financial Services may make observations and order changes to the account statements that document the transactions or the services executed by Financial Entities.

The Federal Consumer Protection Agency may order changes to the account statements issued by the Commercial Entities whenever such statements are not in accordance with the provisions set forth by this article or the general provisions arising from them.

Article amended OGF (Official Gazette of the Federation) 06-25-2009

Article 13 Bis. The National Commission and the Federal Consumer Protection Agency, within the scope of their respective jurisdictions, when dealing with serious and repeated faults, may issue orders to suspend any new operations and similar services, until the account statements are modified, according to the provisions of article 13 of this Law.

Article added OGF (Official Gazette of the Federation) 05-25-2010

Article 14. Repealed

Article repealed OGF (Official Gazette of the Federation) 06-25-2009

Article 15. In case of credits, loans or financing granted by the Entities to which the CAT is applicable according to the provisions referred to in article 8 of this Law, the advertising and the Adhesion Contracts shall contain such CAT, whenever it is so established by the general provisions issued by the Federal Consumer Protection Agency and the National Commission for the Protection and Defense of Users of Financial Services as provided by articles 11 and 12 of this Law, within the scope of their respective jurisdiction.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

The information of this article shall be outlined in distinctive characters in a clear, notorious and unquestionable manner.

Article 15 Bis. In the case of liability transactions carried out by credit institutions and popular savings and credit institutions to which the GAT is applicable under the provisions of article 8 of this Law, the advertising and the Adhesion Contracts shall contain such GAT, when any of the general provisions referred to in articles 11 and 12 of this Law, require it.

Article added OGF (Official Gazette of the Federation) 05-25-2010

Article 16. Credit institutions are required to receive checks subject to collection, and fund transfer orders, to be deposited in the account of the beneficiaries. Likewise, credit institutions, limited scope financial institutions and regulated multiple-purpose financial institutions, are required to receive checks subject to collection and fund transfer orders for the payment of principal amounts, interests, Fees and expenses, for credits, loans or financings granted to their Customers.

The fund transfer orders mentioned in the foregoing paragraph may be sent, at the Customer's or a third party request, and the issuer may be any person authorized to that effect. Also, checks may be drawn by the Customer or by a third party, against any credit institution.

Likewise, credit institutions are required to receive and process instructions of charges to deposit accounts and to open-end credit accounts in their customers' current accounts, which are received as a result of the bill payment services established by the Credit Institutions Law, as well as from any other transactions determined by the Bank of Mexico through general provisions. The foregoing, provided that there are sufficient funds available in the respective accounts.

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Credit institutions, limited scope financial institutions and multiple-purpose financial institutions are subject the general provisions which, for purposes of this article, shall be issued by the Bank of Mexico, which will determine, among other issues, the kinds and amounts of the transactions subject to this article.

Article 17. Entities are forbidden to carry out discriminatory practices.

For purposes of this Law, the following shall be considered discriminatory practices:

- I. Any acts carried out to prevent the execution of transactions for Customers of certain Entities;
- II. The charge of different Fees depending of the issuer of the respective Means of Disposal, and
- **III.** The acts carried out to prevent their Customers from using the infrastructure of other Entities, or discouraging their use.

The Entities may except their account holders or their debtors from the payment of Fees or may establish lesser Fees when they use the infrastructure of such Entities. The foregoing shall not be considered a discriminatory practice.

Each Entity shall be forbidden to charge more than one Fee to their Customers with respect to the same generating event, as well as to apply Fees in conditions which are significantly more unfavorable for the Customers than the ones prevailing in the market.

Article 18. Workers shall be entitled to request from a credit institution where their wages, pensions and other labor benefits are deposited, to transfer the whole amount of their resources deposited in their accounts, to any other credit institution chosen by the worker, and the transferring institution cannot charge any penalties to the worker requesting such service. Credit institutions shall abide by the general provisions issued for that purpose by the Bank of Mexico.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

Public entities, engaging financial services for the payment of the salaries of their workers, shall secure favorable conditions in benefit of such workers.

Chapter III Bis. On revolving credits, loans or financing associated to a card

Chapter added OGF (Official Gazette of the Federation) 06-25-2009

Article 18 Bis. In the case of revolving credits, loans, or financings associated to a card and personal credits not secured with any collateral on property, massively executed, the Entities shall document in writing the aforesaid transactions in the forms containing the applications used to enter into contracts with their Customers, in the following terms:

- Such forms shall evidence that the content of the respective clauses was made known to the Customer.
- II. The respective forms shall indicate the registration data of the Adhesion Contract in the registry referred to in the fifth paragraph of article 11 of this Law.
- III. The respective Adhesion Contract and its front page, attached to the Means of Disposal or for identification, in the case of open-end of revolving credit account or personal credits not secured with any collateral on property, shall be sent to the Customer, or they shall have available for their

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Customers, models of contracts concerning the operations, in their offices, branches and Internet, when it is so agreed with such Customers.

The Entities may only issue and deliver cards linked to new credits, upon previous request of the Customer in terms of this article. The same restriction shall be applicable to personal credits not secured with any collateral on property, and therefore, they may not maintain credit lines to be exercised unless it is specifically requested by the Customer.

The provisions in this article are not applicable to the renewal of credits though the delivery of new means of disposal.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 18 Bis 1. The Entities shall only grant revolving credits, loans and financings related to a card, upon previous assessment of the viability of payment by the applicants, carrying out to such effect an analysis from quantitative and qualitative information that allows establishing their credit solvency and payment capacity.

The Entities may only raise the credit limits in such revolving credits, loans or financings related to a card, to Customers who have good performance in their credit obligations, in which case, the Entity shall make an offer to the Customer, to raise his credit, loan or financing limit, which shall be explicitly accepted by the Customer, in verbal or written form or through electronic means, in terms of applicable legislation.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 18 Bis 2. In revolving credits, loans or financings related to a card granted by the Entities, a single maximum ordinary interest rate and, if applicable, a single default interest rate shall be agreed.

Additionally, the Entities may grant promotional interest rates, which in any case shall be lower than maximum ordinary interest rate, provided that its terms and conditions are clearly stipulated.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 18 Bis 3. The ordinary interest rate indicated in the account statements received by the Customers of the Entities in revolving credits, loans or financing transactions related to a card may change without the Entity being required to send any notice to the Customer, in the following cases:

- I. When changes to the ordinary interest rate are inherent to variations in the level of the reference rate, and
- II. In case that, by reason of its term or due to the credit performance of a Customer, according to the conditions agreed in the contract, a promotional interest rate expires.

In any other case, the increase in the ordinary interest rate pretended to be indicated in the account statements, shall be communicated to the Customers in such account statement, at least thirty calendar days before the date when the increase in such rate shall become effective.

Interest rates on this kind of transactions shall be subject to the general provisions issued by the Bank of Mexico according to article 4 of this Law.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 18 Bis 4. General provisions in matters of account statements issued in terms of article 13 of this Law, in the case of Consumer Credit granted by Entities, shall foresee the manner to inform the Customer of the deadline and payment conditions, as well as, the indication that, in case the deadline date should correspond to a non-business day, the payment shall be made the immediately following business day.

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Likewise, as provided in the general provisions referred under article 13 of this Law, accounts statements in Consumer Credits shall include the term within which the Customer is required to settle the debt if he makes only the minimum payment on the corresponding balance, corresponding to the date of issuance of the debt.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 18 Bis 5. If in any revolving credits, loans or financing agreements related to a card, as well as in personal credits not secured with any collateral on property, at the time of executing the contract, the Customer is offered an insurance policy to be charged to his account, of the kind which are not considered mandatory by any applicable regulation, or which are not established as a requirement for executing the contract by the Entity, the cost and consent for engaging such insurance shall be explicitly stated and it shall be indicated in the same section where the Customer's consent shall be obtained, that engaging such insurance is optional, and that canceling it does not imply the cancellation of the agreement.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 18 Bis 6. In revolving credits, loans or financings associated to a card, granted by the Entities, interests may only be charged on the unpaid daily balances which are comprised within the interest computing period of the account statement in question.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 18 Bis 7. The Bank of Mexico through general provisions, shall determine the minimum payment amounts that the Financial Entities shall charge in revolving credits, loans or financings related to a card.

When issuing such provisions, the Bank of Mexico shall provide that there shall be no negative amortizations on the credit granted and that it must be fostered that the payment of debts shall be settled within a reasonable time.

Article added OGF (Official Gazette of the Federation) 06-25-2009

Article 18 Bis 8. It is forbidden to charge any Fees for overdrafts or overdraft attempts in any revolving credits, loans or financings related to a card, as well as on personal credits not secured with any collateral on property.

 $Article\ added\ OGF\ (Official\ Gazette\ of\ the\ Federation)\ 06\text{-}25\text{-}2009$

Chapter IV.- Common Provisions

Article 19. The Bank of Mexico is vested with powers and duties to regulate, through general provisions, the operations and activities of Clearing Houses for any Means of Disposal, as well as the charges made by them for carrying out their transactions.

The charges made by Clearing Houses for the rendering of their services to their members, shall not be determined by considering the holding of shares which, if any, such members may hold in the aforesaid Clearing Houses.

Paragraph added OGF (Official Gazette of the Federation) 05-25-2010

Article 19 Bis. To be organized and to operate as a Clearing House, an authorization shall be required which shall be granted by the Bank of Mexico.

For such purposes, applicants shall submit any information and documents that such Central Bank requires through general provisions.

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Clearing Houses are required to link their Means of Disposal transaction processing systems, to respond to payment authorization requests, as well as the returns and adjustment sent to them by other Clearing Houses, in the terms set forth through general provisions by the Bank of Mexico.

Clearing Houses may not charge other Clearing Houses any consideration for such link nor for the transmission of information amongst themselves or for any other concept, except for the direct installation expenses. Additionally, Clearing Houses are forbidden from establishing any sort of entrance barriers to other Clearing Houses.

The applicable standards, conditions and procedures shall be established by the Bank of Mexico through general provisions. Such provisions shall promote the elimination of entrance barriers to new Clearing Houses.

Article added OGF (Official Gazette of the Federation) 25-05-2010

Article 20. The National Commission for the Protection and Defense of Users of Financial Services shall be vested with powers and duties to supervise and oversee the compliance with this Law by the Financial Entities, as well as to hear any dispute related to the application of this Law among Customers and Financial Entities, and among Customers in terms of the applicable provisions.

Paragraph amended DOF (Official Gazette of the Federation) 25-06-2009

In the case of Commercial Entities, the Federal Consumer Protection Agency shall be vested with powers to hear any disputes related to the application of this Law between Commercial Entities and their Customers.

Article 21. The Financial Entities and the Clearing Houses, shall be obliged to provide to the Bank of Mexico, in the form and terms required by the latter, any information in regard to their respective Means of Disposal, credits, loans and financings, as well as, in general, any other information useful to the Bank in order to provide an adequate performance of its duties.

Commercial Entities are required to provide to the Federal Consumer Protection Agency, in the form and terms required by the latter, any information in regard to their respective Means of Disposal, credits, loans or financing, as well as, in general, any information useful to such Agency for the adequate performance of its duties.

- **Article 22.-** Any general provisions, such as regulations and rules, as well as administrative decrees and official notices issued by the Bank of Mexico in the exercise of the powers vested on it by the Political Constitution of the United Mexican States, and the Laws, may be made known:
 - I. By publication in the Official Gazette of the Federation, or
 - **II.** By any means established by the Bank of Mexico through general provisions.

The publications made by the Bank of Mexico in the Official Gazette of the Federation according to this article, shall not pay any of the duties or fees set forth in the Federal Duties Law.

For purposes of section II of this article, the following shall apply:

a) Credit institutions, financial entities and financial intermediaries in question, shall provide the Bank of Mexico the information it requests to disclose the provisions, administrative decrees and official notices mentioned. The provisions, administrative decrees and notices sent or communicated by the Bank of Mexico on the grounds of the information provided by credit institutions, financial entities and financial intermediaries are mandatory and shall be effective in the terms set forth therein.

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b) Whenever any provisions, administrative decrees and official notices by the Bank of Mexico are sent to credit institutions, financial entities or financial intermediaries, through any electronic means other than fax, which allow to attach a message with data and to electronically sign it, the respective signatures shall correspond to officers with powers to issue them in terms of the Internal Regulations of the Bank of Mexico, and they shall have been created on the basis of electronic signature creation data which is in accordance with the Extended Security Infrastructure's procedures and system managed by the Bank of Mexico.

Article 23. In all the transactions and services massively performed by the Financial Entities through Adhesion Contracts, and for up to the maximum amounts established by the National Commission for the Protection and Defense of Users of Financial Services under general provisions, such Financial Entities shall provide their Customers any assistance, access and facilities required to solve any clarifications requests related to such transactions and services.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

For such purposes, regardless of any other procedures and requirements imposed by any other competent financial authorities, authorized in respect to the transactions under the scope of their jurisdiction, the following shall apply:

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

I. Whenever the Customer does not agree with any of the transactions appearing in the respective account statement or in any electronic, optical or any other technological means agreed, he may file a request for clarification within a term of ninety calendar days from the cut-off date or, if applicable, from the date the transaction or the service was carried out.

The respective request may be filed in the branch where the account is located, or otherwise in the special unit of the institution in question, in writing, by e-mail, or any other means through which its reception may be proved in an evident manner. In any case, the institution is required to confirm receipt of such request.

In case of amounts payable by the Customer, disposed of through any mechanism established for such purpose by the National Commission for the Protection and Defense of Users of Financial Services through general provisions, the Customer shall have the right not to make the payment which clarification is required, nor of any other payment related therewith, until the clarification is decided, in accordance with the procedure set forth in this article;

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

II. Once the request for clarification has been received, the institution shall have a maximum term of forty-five days to deliver to the Customer the corresponding resolution, attaching a simple copy of the document or evidence considered for the issuance of such resolution, on the grounds of the information which, according to the applicable provisions, shall be filed in its records, as well as a detailed report replying to all the facts contained in the request submitted by the Customer. In case of claims regarding transactions carried out abroad, the term set forth in this paragraph shall be of up to one hundred and eighty calendar days.

The resolution and the report indicated above shall be made in writing and signed by personnel of the institution authorized for such purposes. In the event that, according to the resolution issued by the institution, the collection of the respective amount is applicable, the Customer shall pay the relevant amount charged to him, including any ordinary interests as agreed, default interest shall not be charged, nor any other ancillary items resulting from the suspension of the payment made in terms of this provision;

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- III. Within a term of forty-five calendar days from the date the resolution referred to in the previous section is delivered, the institution shall be required to make available to the Customer, in the branch where his account is located, or in the special unit of the institution in question, the records created as a result of his request, and shall also create such file, under its strict responsibility, including in it any documents and information which, according to applicable provisions, said institution shall have, and which relates directly to the request for clarification in question, without including any data corresponding to transactions related to third parties;
- IV. Should the institution not answer in timely manner the request of the Customer, or should it not render the resolution and detailed report, as well as the documents or evidence set forth hereinbefore, the National Commission for the Protection and Defense of Users of Financial Services, shall impose a fine in the terms set forth under section XI of article 43 of this Law, for an amount equivalent to the amount claimed by the Customer in terms of this article, and

Section amended OGF (Official Gazette of the Federation) 06-25-2009

V. Until the request for clarification in question is decided according to the procedure established by this article, the institution may not report the amounts subject to such clarification, as amounts due, to the credit information companies.

The foregoing, regardless of the Customer's right to appear before the National Commission for the Protection and Defense of Users of Financial Services or before any corresponding jurisdictional authority, in accordance with any applicable legal provisions, and, regardless also, of the penalties to be imposed to the institution for breaching the provisions of this article. Nevertheless, the procedure established in this article shall be ineffective from the date the Customer files his claim before any jurisdictional authority or files his claim under the terms provided by the Law for the Protection and Defense of the Users of Financial Services.

Chapter V On Administrative Penalizing Procedures

Section I General Provisions

Article 24.- The powers of authorities to impose administrative penalties set forth in this Law, shall expire in a term of five years, from the business day immediately following the date when the infraction or violation was committed.

Such term shall be interrupted whenever authorities grant the alleged infractor the right to be heard, in the terms set forth by articles 28 and 29 of this Law.

Article 25.- Such administrative procedure shall be autonomous with respect to the recovery of damages and losses, if any, claimed by the persons affected by the acts in question.

Article 26.- All procedures shall be carried out on business days and hours. Business days shall be every day of the year, except Saturdays and Sundays and the days set forth by the National Banking and Securities Commission, through general provisions, indicating the days of the year in which financial entities subject to the supervision of such Commission shall suspend operations, and which shall be published in the Official Gazette of the Federation for each fiscal year. Business hours shall be those comprised between nine and eighteen hours.

Article 27.- Notices shall be subject to the provisions in articles 134, 135, 136, 137, 139 and 140 of the Federal Tax Code.

Section II

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On Commencement of the Proceedings

Article 28.- The Authorities, before imposing any applicable penalties in accordance with this Law, shall serve notice in writing on the alleged infractor, specifying the infraction attributed to it and the provisions which are considered allegedly infringed.

Article 29.- In the notice referred under the immediately preceding article, the Authorities shall grant the right to be heard to the alleged infractor, so that in a term of ten banking business days, from the business day immediately following the one when such notice becomes effective, it may state that which it deems convenient, and may offer evidence in writing.

The Authorities, upon request filed by interested party, may extend for one single occasion the aforementioned term, for up to an equal period, in the light of the particular circumstances of the case.

Section III On the Acceptance and Assessment of Evidence

Article 30.- In this administrative proceeding to impose penalties, all sorts of evidence shall be admitted, except for the testimony and confessional evidence by the Authorities, or their public officers, by means of the reply to interrogatories. Requirements to the Authorities involved, to render reports concerning the facts filed in their records or any other documents attached thereto, shall not be considered in this prohibition.

Any newly found evidence may be introduced, provided that the stage to offer and assess such evidence has not been closed.

The introduction, admission, preparation, discharge, and assessment of evidence shall be made as provided in the Federal Code of Civil Proceedings.

Article 31.- Having furnished the evidence, the alleged infractor shall have a term of five banking business days, immediately following the next banking business day after the date when the corresponding notice was served, to submit its arguments in writing. Once such term has elapsed the stage for introducing evidence shall be considered closed.

Section IV On the Resolution of the Proceedings

Article 32.- In the imposition of administrative penalties, Authorities shall take into account:

- I. The economic capacity of the infractor.
- II. The seriousness of the infraction committed.
- **III.** The mitigating or aggravating circumstances or facts.

It shall be considered as a mitigating circumstance, when the infractor, before having been served the notice referred under article 28 of this Law, sends a written report to the authority in charge of imposing a penalty: a) reporting the infraction; b) explicitly acknowledging it, and c) offering a corrective program to cure the infraction. In this case, the fine to be imposed on the infractor shall be the minimum

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corresponding fine, in terms of this Law, regardless of the provisions set forth in articles 34 and 35 of this Law.

Repeated infractions shall be considered an aggravating circumstance. A repeated offender is the one who has incurred in an infraction which has been penalized and commits another one of the same type or nature within the two years immediately following the date when the corresponding resolution is final. In this case, the authorities may impose a fine equivalent to up to two times the amount of the fine set forth in this Law.

- **Article 33.-** To calculate the amounts of the fines, the basis shall be the daily minimum wages in force in the Federal District on the date when the infraction took place.
- **Article 34.-** According to the circumstances of each case, the Authorities may, besides imposing the corresponding penalty, admonish the infractor, or only to admonish him, considering the seriousness of the behavior, provided that the interests of third parties have not been affected, as well as the existence of mitigating circumstances.
- **Article 35.-** The Authorities shall refrain from imposing fines to Entities and Clearing Houses, provided that the defaults set forth in articles 40, 41, 44 first paragraph, 45 and 47, do not constitute a criminal offense and there are mitigating circumstances, as those provided in this chapter. The respective authority shall justify the causes that were the grounds for the exercise of these powers.
- **Article 36.-** Penalties may be imposed, both, to Entities or Clearing Houses, upon the previous exercise of their right to be heard, which shall be granted to them according to articles 28 and 29 of this Law.
- **Article 37.-** No event of default which has already been penalized, shall be penalized twice or more times, nor by any two or more administrative authorities.

Whenever there are several infractions have occurred, though a same act or omission, over which this Law imposes a penalty, the sum of such penalties may not exceed the maximum amounts set forth in this Law.

Article 38.- The fines imposed by Authorities in accordance with this Law, shall be settled within fifteen business days following the date when the notice thereof is served. Should such fines not be paid within said term, the amount thereof shall be updated from the month when they were due, and until the time their payment is made, as provided in the Federal Tax Code for these cases.

Should the infractor pay the fines imposed by the Authorities within the fifteen days referred to in the previous paragraph, a reduction of twenty percent shall be applied in the amount of the fines, provided that no means of defense is filed against the resolution.

- **Article 39.-** In exercising their powers to impose penalties, the Authorities shall inform, the general public, by any means they deem convenient, the penalties they impose for infractions to this Law, once such resolutions are final or are res judicata, indicating exclusively, the name of the entity who is the infractor, the provision infringed and the penalty imposed.
- **Article 40.-** The Authorities, within the scope of their respective competent jurisdiction, shall penalize those Entities and Clearing Houses that do not provide the information or documents required by each authority in terms of this Law, or the provisions arising from it, in the terms set forth by such authorities, with a fine in an amount equivalent to two hundred thousand days of minimum wages, or whenever they submit incorrect or extemporaneous information or documents.

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Section V

Penalties to be imposed by the National Commission for the Protection and Defense of Users of Financial Services

Title of the Section amended OGF (Official Gazette of the Federation) 06-25-2009

Article 41. The National Commission for the Protection and Defense of Users of Financial Services shall penalize any Financial Entities that infringe any of the provisions of this Law, and whose acts are not punishable by any other Authorities, and that do not correspond to the infringing behavior established by articles 42 and 43 with a fine in an amount equivalent to two hundred thousand days of daily minimum wages in force in the Federal District, as well as when they infringe any provisions of general nature, issued by such Commission in accordance with this Law.

Article amended OGF (Official Gazette of the Federation) 06-25-2009

Article 42. The National Commission for the Protection and Defense of Users of Financial Services shall penalize with a fine in an amount equivalent to two thousand to five thousand days of daily minimum wages in force in the Federal District, any Financial Entities who:

Paragraph amended OGF (Official Gazette of the Federation) 25-06-2009

- I. Do not display in their branches, establishments and in their web page in the "Internet", the updated information set forth in the first paragraph of article 7 of this Law, in the terms established by such provision.
- II. Do not indicate in annual terms the ordinary and default interest rates, as provided under article 9 of this Law.
- III. Use models of Adhesion Contracts which fail to comply with the provisions of article 11 of this Law, or provisions of general nature issued by National Commission for the Protection and Defense of Users of Financial Services, regulating Adhesion Contracts, or who use with the Customers any Adhesion Contract that has not been sent to such National Commission as provided in article 11 of this Law.

Section amended OGF (Official Gazette of the Federation) 06-25-2009

IV. Display advertising that infringe the provisions of article 12 of this Law, or any provisions of general nature issued by National Commission for the Protection and Defense of Users of Financial Services, regulating advertising, with respect to the characteristics of credit, liability and services transactions.

 $Section\ amended\ OGF\ (Official\ Gazette\ of\ the\ Federation)\ 06-25-2009$

V. Issue account statements, or proof of transactions which do not comply with the provisions established by article 13 of this Law, or do not abide by the requirements established by National Commission for the Protection and Defense of Users of Financial Services, through provisions of general nature.

Section amended OGF (Official Gazette of the Federation) 06-25-2009

VI. Do not send to the National Commission for the Protection and Defense of Users of Financial Services, the Adhesion Contracts' models, contravening the provisions of article 11 hereof;

Section added OGF (Official Gazette of the Federation) 06-25-2009

VII. Raise the credit limit in any revolving credit, loan or financing, associated to a card, infringing the formal requirements set forth in article 18 Bis 1 of this Law.

Section added OGF (Official Gazette of the Federation) 06-25-2009

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VIII. Contravene the provisions of article 18 Bis 4 of this Law, and

Section added OGF (Official Gazette of the Federation) 06-25-2009

IX. Apply interest rates in contravention to the provisions of article 18 Bis 6.

Section added OGF (Official Gazette of the Federation) 06-25-2009

Article 43. The National Commission for the Protection and Defense of Users of Financial Services shall penalize with a fine in an amount equivalent to four thousand to twenty thousand days of minimum wages, any Financial Entities who:

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

- Make additional charges to their Customers for terminating the agreements they entered into with such entities, contravening the provisions set forth in the second paragraph of article 7 of this Law.
- **II.** Do not amend the Adhesion Contracts in accordance with the instructions given to them by the National Commission for the Protection and Defense of Users of Financial Services, in terms of article 11 of this Law.

Section amended OGF (Official Gazette of the Federation) 06-25-2009

III. Do not obey the order by the National Commission for the Protection and Defense of Users of Financial Services, to suspend the use of Adhesion Contracts, with respect to new transactions, as provided in article 11 of this Law.

Section amended OGF (Official Gazette of the Federation) 06-25-2009

- IV. Charge Fees other than the ones agreed in the Adhesion Contracts.
- V. Do not suspend the advertising according to the provisions of article 12 of this Law.
- VI. Do not amend the account statements in the terms set forth by National Commission for the Protection and Defense of Users of Financial Services, when such statements do not comply with the provisions of article 13, or with any general provisions arising therefrom.

Section amended OGF (Official Gazette of the Federation) 06-25-2009

- **VII.** Do not incorporate the CAT in their advertising, or in the Adhesion Contracts, or abstain from outlining it in the respective documents in a clear, notorious and unquestionable manner.
- VIII. Carry out any discriminatory practices, as set forth under article 17 of this Law.
- IX. Grant any credits, loans or financings contravening the provisions of article 10 Bis, of this Law.

 Section added OGF (Official Gazette of the Federation) 06-25-2009
- X. Do not provide a timely answer, to the request from the Customer, or do not deliver to the Customer, the resolution and the detailed report, as well as the documents or evidence referred to in article 23, section IV of this Law.

Section added OGF (Official Gazette of the Federation) 06-25-2009

XI. Charge any commissions for overdraft or attempted overdraft in any revolving credit, loan or financing associated to a card.

Section added OGF (Official Gazette of the Federation) 06-25-2009

In the cases set forth in section V of this article, the National Commission for the Protection and Defense of Users of Financial Services, may, in addition to the imposition of the corresponding fine,

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request from authorities of competent jurisdiction in radio, television and other press media, to order the suspension of the broadcasting of such advertising.

Paragraph amended OGF (Official Gazette of the Federation) 06-25-2009

Article 43 Bis. The National Commission shall penalize with a fine, in an amount equivalent to four thousand to twenty thousand days of minimum wages, any Financial Entities who do not obey the order to suspend the execution of any new transactions, as provided under article 13 Bis of this Law.

The officers, employees, or attorneys of Financial Entities who are liable for incurring in the infractions referred under article 43 of this Law, and under the previous paragraph, may be suspended, disqualified to hold office, or removed from office by the Commission.

Article added OGF (Official Gazette of the Federation) 05-25-2010

Section VI Penalties to be imposed by the Federal Consumer Protection Agency

Article 44.- The Federal Consumer Protection Agency shall penalize with a fine in an amount equivalent to two hundred to two thousand days of daily minimum wages in force in the Federal District, any Commercial Entities that infringe any of the provisions of this Law, when no other Authority has jurisdiction to penalize such infringements and whenever such acts do not constitute any of the defaults established in the next paragraph, and also whenever they infringe any general provisions issued by such Agency in accordance with this Law.

Likewise, the Federal Consumer Protection Agency shall penalize, within the scope of its competent jurisdiction, with fines of:

- I. Two thousand to five thousand days of minimum wages, any Commercial Entities that:
 - a) Do not display in their branches, establishments, or in their web page in the "Internet", the updated information referred under the first paragraph of article 7 of this Law, in the terms set forth in such provision.
 - **b)** Do not indicate in annual terms the ordinary and default interest rates, as provided under article 9 of this Law.
 - c) Use forms of Adhesion Contracts that do not comply with the provisions of article 11 of this Law, or provisions of general nature issued by the Federal Consumer Protection Agency, regulating Adhesion Contracts.
 - d) Display advertising that infringe the provisions of article 12 of this Law, or any provisions of general nature issued by the Federal Consumer Protection Agency, regulating advertising, with respect to the characteristics of credit, liability and services transactions.
 - e) Issue account statements, or proof of transactions which do not comply with the provisions established by article 13 of this Law, or do not abide by the requirements established by the Federal Consumer Protection Agency, through provisions of general nature.

Subsection amended OGF (Official Gazette of the Federation) 06-25-2009

f) Raise the credit limit in any revolving credit, loan or financing, associated to a card, infringing the formal requirements set forth in article 18 Bis 1 of this Law.

Subsection added OGF (Official Gazette of the Federation) 06-25-2009

g) Contravene the provisions of article 18 Bis 4 this law, and

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Subsection added OGF (Official Gazette of the Federation) 06-25-2009

h) Apply interest rates in contravention to the provisions of article 18 Bis 6.

Subsection added OGF (Official Gazette of the Federation) 06-25-2009

- II. Four thousand to twenty thousand days of minimum wages, to Commercial Entities that:
 - a) Make additional charges to their Customers for terminating the agreements they entered into with such entities, contravening the provisions set forth in the second paragraph of article 7 of this Law.
 - **b)** Do not amend the Adhesion Contracts in accordance with the instructions given to them by the Federal Consumer Protection Agency, in terms of article 11 of this Law.
 - c) Do not obey the order issued by the Federal Consumer Protection Agency, to suspend the use of Adhesion Contracts, with respect to new transactions, as provided in article 11 of this Law.
 - d) Charge Fees other than the ones agreed in the Adhesion Contracts.
 - e) Do not suspend the advertising according to the provisions of article 12 of this Law.
 - f) Do not amend the account statements in the terms set forth by the Federal Consumer Protection Agency, when such statements do not comply with the provisions of article 13, or with any general provisions arising therefrom.
 - **g)** Do not incorporate the CAT in their advertising, or in the Adhesion Contracts, or refrain from outlining it in the respective documents in a clear, notorious and unquestionable manner.
 - h) Carry out any discriminatory practices, as set forth under article 17 of this Law.
 - Default any of the general provisions issued by the Bank of Mexico in terms of article 4 of this Law.
 - j) Do not apply the formula, elements and methodology to calculate the CAT, established by the Bank of Mexico in general provisions.
 - k) Charge interests in other terms than the ones set forth in article 10, of this Law.
 - Grant any credits, loans or financings contravening the provisions of article 10 Bis, of this
 law

Subsection added OGF (Official Gazette of the Federation) 06-25-2009

m) Charge Fees for overdraft or overdraft attempt in any revolving credit, loan or financing associated to a card, and

Subsection added OGF (Official Gazette of the Federation) 06-25-2009

In the cases referred under subsection e) of section II of this article, the Federal Consumer Protection Agency may in addition to the imposition of the corresponding fine, request from authorities of competent jurisdiction, in matters of radio, television and other press media, to order the suspension of the broadcast of such advertising.

Section VII

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Penalties to be imposed by the National Commission for the Protection and Defense of Users of Financial Services

(Repealed)

Section repealed OGF (Official Gazette of the Federation) 06-25-2009

Article 45. Repealed

Article repealed OGF (Official Gazette of the Federation) 06-25-2009

Article 46. Repealed

Article repealed OGF (Official Gazette of the Federation) 06-25-2009

Section VIII Penalties to be imposed by the Bank of Mexico

Article 47.- The Bank of Mexico shall penalize with a fine equivalent to two hundred to two thousand days of minimum wages, any Financial Entities and Clearing Houses that infringe any provisions of this Law which are not punishable by any other authorities and do not constitute any of the infractions set forth in the next article, as well as whenever they infringe any general provisions issued by such Bank in terms of this Law.

- **Article 48.-** The Bank of Mexico shall penalize with a fine in an amount equivalent to one thousand to five thousand days of minimum wages, any Financial Entities that:
- I Fail to register their Fees as provided in the general provisions issued by such Bank, contravening article 6 of this Law.
- **II.** Fail to receive checks subject to collection, fund transfer orders or instructions of charge, contravening the provisions of article 16 of this Law or any general provisions issued by the Bank of Mexico on the grounds of such article.
- **Article 49.-** The Bank of Mexico shall penalize with a fine in an amount equivalent to four thousand to twenty thousand days of minimum wages, any Financial Entities that:
 - I. Default any general provisions issued by the Bank of Mexico in the terms of article 4 of this Law.
- **II.** Do not apply the formula, elements, and methodology to calculate the CAT established for such purpose by the Bank of Mexico in the general provisions.
 - III. Charge interests in other terms than the ones set forth in article 10, of this Law.
- **IV.** Charge any penalty for the transfer of all the resources of workers received on account of their salaries and other labor benefits and considerations, contravening article 18 of this Law, or any general provisions issued for that purpose by the Bank of Mexico.
- **V.** Default any of the general provisions issued by the Bank of Mexico in terms of article 4 Bis of this Law.

Section added OGF (Official Gazette of the Federation) 05-25-2010

VI. Do not apply the formula, elements and methodology to calculate the GAT established for that purpose by the Bank of Mexico in the general provisions.

Section added OGF (Official Gazette of the Federation) 05-25-2010

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VII. Default articles 19 and 19 Bis, or any other general provisions issued by the Bank of Mexico in terms of the aforesaid provisions.

Section added OGF (Official Gazette of the Federation) 05-25-2010

VIII. Fail to provide the information referred to under subsection a) of section II of article 22 of this Law.

Section added OGF (Official Gazette of the Federation) 05-25-2010

Article 49 Bis. The Bank of Mexico may, upon honoring the right of the infractor to a hearing, partially suspend or restrict the transactions of Clearing Houses that repeatedly default the provisions set forth in articles 19 and 19 Bis, or in any general provisions arising therefrom.

Likewise, the Bank of Mexico may revoke any of the authorizations set forth in article 19 Bis, in case the provisions of the articles indicated in the foregoing paragraphs, or in the provisions arising therefrom, are repeatedly and seriously infringed.

Article added OGF (Official Gazette of the Federation) 05-25-2010

Chapter VI On the Motion for Review

Article 50.- A Motion for Review provided for by the Federal Law of Administrative Procedure may be filed against the penalties imposed by the Authorities.

Chapter VII On the Enforcement of Fines

Article 51. The fines imposed by the National Commission for the Protection and Defense of Users of Financial Services on credit institutions, shall be enforced by charging the respective amount to the account of such institutions carried by the Bank of Mexico. As provided in the Federal Tax Code, the Internal Revenue Service shall make effective the fines imposed to Financial Entities other than credit institutions.

The Bank of Mexico shall apply the respective charges on the date requested by the National Commission for the Protection and Defense of Users of Financial Services, since it deals with the fines against which there are no means of defense. For such purposes, the credit institution concerned shall send notice in writing to said Commission, simultaneously to the filing of any means of defense before any authority of competent jurisdiction.

Article amended OGF (Official Gazette of the Federation) 06-25-2009

Article 52.- The collection of fines imposed by the National Commission for the Protection and Defense of Users of Financial Services and the Federal Consumer Protection Agency shall be made through the Internal Revenue Service as provided in the Federal Tax Code.

Article 53.- The provisions of articles 66 and 67 of the Law of the Bank of Mexico shall be applicable for the enforcement of the fines imposed by the Bank of Mexico in terms of this Law.

ARTICLE SECOND
ARTICLE THIRD
ARTICLE FOURTH.

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TRANSITORY ARTICLES

ARTICLE FIRST.- This Decree shall become effective the day immediately following its publication in the Official Gazette of the Federation.

ARTICLE SECOND.- Any infractions to the general provisions issued by the Bank of Mexico in matters of the total annual cost (CAT), credit cards, advertising, account statements and contracts, by credit institutions and limited scope financial institutions, before this Law enters into effect, shall be punishable by the Bank of Mexico in accordance with the laws in force when such infractions occurred.

ARTICLE THIRD.- Entities shall have a term of up to one hundred and eighty calendar days from the date this Decree becomes effective, to make any necessary adjustments to comply with the provisions hereof.

ARTICLE FOURTH.- For the purposes of article 48 Bis 2 of the Credit Institutions Law, the Bank of Mexico shall have thirty days from the date this Decree becomes effective, to issue the general provisions.

ARTICLE FIFTH.- Once this Decree enters into effect, the Transparency and Financial Services Arrangement Law published in the Official Gazette of the Federation on January 26, 2004 shall be abrogated.

ARTICLE SIX.- When this Decree enters into effect, the following legal provisions shall hereby be repealed from the Law for Transparency and Promotion of Competition in Secured Loans:

- I. Articles 3, section I, 10, and first paragraph of 16.
- II. Article 4. Notwithstanding the foregoing, the Rules of general nature issued by the Secretariat of Finance and Public Credit on the grounds of such article, shall remain in force with respect to the Entity in question, until the competent authorities, as provided in article 12 of this Transparency and Financial Services Arrangement Law, issue, within the scope of their respective competent jurisdiction, the general provisions in matters of advertising as set forth in such Law.
- III. Article 8. Notwithstanding the foregoing, the general Rules issued by the Secretariat of Finance and Public Credit on the grounds of such article, shall remain in force with respect to the Entity in question, until the competent authorities, as provided in article 11 of this Transparency and Financial Services Arrangement Law, issue, within the scope of their respective competent jurisdiction, the general provisions in matters of Adhesion Contracts provided by such Law, in the understanding that such provisions shall include the minimum contents set forth in sections I to VI of the aforesaid article 8 for Secured Credits for Housing.
- IV. Article 12. Regardless of the foregoing, whenever competent authorities under article 13 of this Transparency and Financial Services Arrangement Law, issue, within the scope of their respective competent jurisdiction, any general provisions in matters of account statements established in this Law, they shall include the calculation of the Total Annual Cost corresponding to the remaining term for Secured Credit for Housing.

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ARTICLE SEVENTH.- Upon this Decree becoming effective the following provisions are repealed from Law of Credit Organizations and Auxiliary Activities articles 87- I, section II; 87- L, second paragraph, and 87- M, section IV.

ARTICLE EIGHTH.- Any general provisions issued by the Bank of Mexico in matters of advertising, account statements, or adhesion contracts, addressed to credit institutions or limited scope financial institutions, shall continue in force until any other general provisions, as provided under this Law, are issued by the National Banking and Securities Commission with respect to the aforesaid matters.

Mexico, Federal District., April 26, 2007.- Senator Manlio Fabio Beltrones Rivera, Chairman.- Deputy Jorge Zermeño Infante, Chairman.- Senator Renan Cleominio Zoreda Novelo, Secretary - Deputy Antonio Xavier Lopez Adame, Secretary.- Signatures."

In order to comply with the provisions of section I of Article 89 of the Political Constitution of the United Mexican States, and for its due publication and observance, I hereby issue this Decree in the Residence of the President of the Republic, in Mexico City, Federal District, on the twelve day of June two thousand seven.- Felipe de Jesús Calderón Hinojosa.- Signature.- Secretary of Internal Affairs, Francisco Javier Ramírez Acuña.- Signature.

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CHAMBER OF DEPUTIES OF THE HONORABLE CONGRESS OF THE UNION General Secretariat Office of Parliamentary Services Documents, Information and Analysis Center

TRANSITORY ARTICLES OF AMENDMENT DECREE

DECREE amending, supplementing and repealing several provisions of the Credit Institutions Law, the Transparency and Financial Services Arrangement Law and the Law for the Protection and Defense of the Users of Financial Services.

Published in the Official Gazette of the Federation on June 25, 2009

ARTICLE SECOND.- The following articles: 3, sections I, IV, V, VIII and IX; 4, first paragraph; 7, first paragraph; 11, first, second, fourth, fifth, sixth, seventh and eighth paragraphs and sections V and VI; 12, first, second, fourth and last paragraphs; 13; 15, first paragraph; 18, first paragraph; 20, first paragraph; 23, first and second paragraphs and sections I, third paragraph and IV; title of Section V, "Penalties to be imposed by the National Commission for the Protection and Defense of Users of Financial Services"; 41; 42, first paragraph and sections III, IV and V; 43, first and last paragraphs and sections II, III and VI; 44, section I, subsection e); and 51; and the following articles are supplemented, articles 2 Bis; 3 with the section V Bis; 6, six paragraph; 10 Bis; 10 Bis 1; 10 Bis 2; 11, sections II Bis, VII and VIII; 11 Bis; 11 Bis 1; 12, section IV moving the order of current sections; a Chapter III Bis "On credits, loans, or revolving financings associated to a card", with its articles 18 Bis; 18 Bis 1; 18 Bis 2; 18 Bis 3; 18 Bis 4; 18 Bis 5; 18 Bis 6; 18 Bis 7 and 18 Bis 8; 42, sections VI, VII, VIII and IX; 43, sections IX, X and XI; 44, section I, subsections f), g) and h) and section II, subsections I) and m), the following articles are repealed: articles 14; section VII "Penalties to be imposed by the National Commission for the Protection and Defense of Users of Financial Services", with its articles 45 and 46 of the Transparency and Financial Services Arrangement Law to be worded as follows:

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TRANSITORY ARTICLES

ARTICLE FIRST. This Decree shall enter into effect the day immediately following its publication in the Official Gazette of the Federation.

ARTICLE SECOND. The new faculties of the National Commission for the Protection and Defense of Users of Financial Services to issue provisions of general nature foreseen in the amendments and supplements to the Credit Institutions Law and to the Transparency and Financial Services Arrangement Law set forth in this Decree shall become effective one hundred and eighty calendar days after their publication in the Official Gazette of the Federation.

ARTICLE THIRD. The amendments, supplements and repeals to the Law for the Protection and Defense to the Users of Financial Services shall enter into effect two hundred and seventy calendar days immediately following the day of their publication on the Official Gazette of the Federation.

ARTICLE FOURTH. The National Commission for the Protection and Defense of Users of Financial Services shall carry out any proceedings required, so as to have an organic structure that shall allow it to comply with the provisions of this decree in the terms set forth for its entering into force.

The infractions committed before the date this Decree becomes effective, shall be punishable in accordance with the Law in force at the time such infractions or offenses were committed.

In administrative proceedings which are been processed, the interested party may elect to continue them according to the procedure that was in force at the time they were commenced or to be subject to the provisions applicable to administrative procedures stipulated by this Decree.

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ARTICLE FIFTH. While the National Commission for the Protection and Defense of Users of Financial Services issues the provisions of general nature to which the amendments of this Decree refer, the previously applicable provisions issued before, shall remain in force in the matters pertaining thereto provided they do not contravene this Decree.

In the issuance of the provisions referred to in this article, the ones replacing them, or the ones repealed shall be expressly set forth.

ARTICLE SIX. Section XXXVII of article 4 of the National Banking and Securities Commission Law is repealed.

Mexico, Federal District., April 30, 2009.- Senator **Gustavo Enrique Madero Muñoz**, Chairman - Deputy **César Horacio Duarte Jáquez**, Chairman - Senator **Adrian Rivera Perez**, Secretary - Deputy **Jose Manuel del Rio Virgen**, Secretary - Signatures."

In order to comply with the provisions of section I of Article 89 of the Political Constitution of the United Mexican States, for its due publication and observance, I hereby issue this Decree in the Residence of the President of the Republic, in the Mexico City, Federal District, on the twenty-third day of June two thousand nine.- Felipe de Jesús Calderón Hinojosa.- Signature.- Secretary of Internal Affairs, Lic. Fernando Francisco Gómez Mont Urueta.- Signature.

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CHAMBER OF DEPUTIES OF THE HONORABLE CONGRESS OF THE UNION General Secretariat Office of Parliamentary Services Documents, Information and Analysis Center

DECREE amending, supplementing and repealing several provisions of the Transparency and Financial Services Arrangement Law, the Credit Institutions Law, the Credit Information Companies Law, the Law for Transparency and Promotion of Competition in Secured Loans and the Law of the Bank of Mexico.

Published in the Official Gazette of the Federation May 25, 2010

ARTICLE FIRST. Articles 3; 4; 6, fourth paragraph are amended; and articles 4 Bis; 4 Bis 1; 4 Bis 2; 8, second paragraph; 13 Bis; 15 Bis; 19, second paragraph; 19 Bis; 43 Bis; 49, sections V, VI, VII and VIII; and 49 Bis, of the Transparency and Financial Services Arrangement Law are supplemented, in order to be worded as follows:

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TRANSITORY ARTICLES

First. This Decree shall enter into effect the day immediately following its publication in the Official Gazette of the Federation.

Second. The Bank of Mexico shall issue the general provisions referred under article 4 Bis of the Transparency and Financial Services Arrangement Law within a term of sixty calendar days from the day immediately following the day when this Decree enters into effect.

Third. The Entities shall have a terms of ninety calendar days, from the day immediately following the day when this Decree becomes effective, to comply with the provisions of article 4 Bis 1 of the Transparency and Financial Services Arrangement Law and 48 Bis 2 of the Credit Institutions Law in matters of credit card basic product.

Fourth. Any Persons operating as Clearing Houses, in the terms provided by articles 19 and 19 Bis of the Transparency and Financial Services Arrangement Law, before this Decree became effective, shall have a term of ninety calendar days, from the date when the provisions of general nature which are issued on the grounds of such articles enter into force, to file the application for the respective authorization.

Fifth. The Corporations shall have a term of one hundred and eighty calendar days from the day immediately following the date when this Decree becomes effective to comply with the obligations referred under articles 2 and 36 Bis of the Law to Regulate Credit Information Corporations.

Credit Information Corporations shall have a term of up to one hundred and eighty calendar days from the date when this Decree becomes effective, to submit to the Commission, the communication mentioned in article 36 of the aforementioned Law.

Credit information corporations shall obtain authorization from the National Banking and Securities Commission with respect to the fees such companies can offer their Users for the credit reports, in terms of article 36 Bis of the Law to Regulate Credit Information Corporations within one hundred and eighty calendar days immediately following the date when this Decree becomes effective.

Six. For purposes of article 20, the Corporations shall eliminate, within a term not to exceed ninety calendar days, from their data basis, the registries which origin was not previously reported by the Users prior to this amendment. In order to register again such data, Users shall specify the dates of origin of the credit and of their first default, which default may not be over 72 months.

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Mexico, Federal District, February 11, 2010.- Senator Carlos Navarrete Ruiz, Chairman - Deputy Francisco Javier Ramirez Acuña, Chairman - Senator Martha Leticia Sosa Govea, Secretary - Deputy Carlos Samuel Moreno Teran, Secretary - Signatures."

In order to comply with the provisions of section I of Article 89 of the Political Constitution of the United Mexican States, for its due publication and observance, I hereby issue this Decree in the Residence of the President of the Republic, in the Mexico City, Federal District, on the fourteen day of May two thousand ten.- Felipe de Jesús Calderón Hinojosa.- Signature.- Secretary of Internal Affairs, Lic. Fernando Francisco Gómez Mont Urueta.- Signature.