

Template pursuant to Section 3 (a) of the ICN Framework on Competition Agency Procedures

Federal Economic Competition Commission, Mexico

The following template is submitted by **Federal Economic Competition Commission, Mexico** pursuant to Section 3(a) of the ICN Framework on Competition Agency Procedures (“CAP”).

I. Introduction

Please add brief presentation/link to agency website.

The [Federal Economic Competition Commission](#) (COFECE or Commission) is the Mexican competition authority in charge of enforcing the [Federal Economic Competition Law](#) (LFCE) in all markets of the economy, except those in the telecommunications and broadcasting sectors.¹

Article 28 of the Constitution establishes that the Commission has the responsibility to monitor, promote and guarantee competition and free access to markets in Mexico, and ensure they work efficiently for the benefit of consumers.

COFECE fulfils its mandate in a number of ways, by:

- investigating possible anticompetitive conducts, such as abuse of dominance, hard-core cartels, and unlawful mergers;
- sanctioning anticompetitive conducts;
- reviewing mergers to preserve competitive structures in markets;
- ordering measures to remove barriers to competition;
- regulating access to essential inputs;
- ordering divestiture of assets; and
- promoting the understanding of the LFCE among different constituencies, including government institutions and the private sector, to ensure the prevalence of competition principles in all sectors of the economy.

The Commission is granted the highest degree of autonomy by the Mexican Constitution, which means it has its own legal personality and patrimony and is fully independent in its decision and operations.

Its institutional design provides for the separation of the Investigative Authority (investigation body) and the Board of Commissioners (decision-making body).

The Investigative Authority has technical, administrative and operational autonomy and is responsible for conducting the investigation procedures (the investigative process is explained with more detail in section d).

The Board of Commissioners is the governing body and is in charge of deciding cases and resolving matters constitutionally mandated in an independent, autonomous and collegiate

¹ These are covered by the Federal Institute of Telecommunications.

manner, requiring a majority vote. The Board, which is composed by seven Commissioners including the Chairperson, is supported by the Technical Secretariat.

The Technical Secretariat is in charge of the trial-like procedure (or enforcement proceeding), the merger review process and the economic studies conducted by the Commission. COFECE's offices are located in Mexico City.

The Commission's website is <https://www.cofece.mx/>. The information is in Spanish. The website provides unofficial translation into English of some documents, such as the [Federal Economic Competition Law](#).

II. Laws, Regulations, and Policies relevant for the implementation of the CAP

For each CAP Principle below, please explain how your competition law investigation and enforcement procedures meet the Principle. Please highlight important features relevant for the implementation of the CAP and explain limitations, if applicable. Feel free to include links or other references to related materials such as relevant legislation, implementing rules and regulations, and guidelines where helpful and appropriate.

Please update your Template reflecting significant changes as they relate to the CAP, as needed.

The Mexican competition legal framework, provided principally in the Federal Economic Competition Law, is consistent with the fair and effective principles established in the ICN CAP, as detailed below.

COFECE enforces the [Federal Economic Competition Law](#) (LFCE). The first LFCE was published in December 24, 1992. The current LFCE came into force in July 7, 2014, following a major constitutional reform on competition, broadcasting and telecommunication matters that took place in 2013.

COFECE has issued several documents to provide greater certainty regarding the enforcement of its powers and procedures:

- The [Regulatory Provisions of the Federal Economic Competition Law](#) which develop specific aspects of the administrative and enforcement proceedings the Commission has the power to conduct.
- The [Regulatory Provisions on the use of electronic means before COFECE](#) that establish the rules for the implementation and use of electronic means in procedures brought before COFECE.
- The [Regulatory Provisions for the qualification of information derived from legal counsel provided to economic agents](#) that establish measures to be adopted by COFECE to protect attorney-client communications, to safeguard rights of economic agents, to carry out impartial probes and to respect due process.
- The [Regulatory Provisions of the Leniency and Immunity Program](#) that give further clarification when a leniency application is received and more legal certainty on the rights and obligations of those adhering to COFECE's Leniency and Immunity Program, COFECE issued. These are complemented by the [Guide for the Immunity and Leniency Program](#), which provides guidance on how COFECE's Leniency and Immunity Program works.

COFECE has also published technical criteria with the objective of bringing transparency, ensure predictability and more certainty to economic agents on its procedures:

- [To dismiss a criminal case in cases referred to in the Federal Criminal Code.](#)
- [To request and issue injunctive measures, as well as for the establishment of sureties.](#)
- [For calculating and applying a quantitative index to measure market concentration.](#)

To provide advice on COFECE's procedures for investigations, the following guides are available: [Guide for processing of the investigation procedure for relative monopolistic practices or unlawful concentrations](#); [for processing the investigation procedure for absolute monopolistic practices](#); [for the initiation of investigations of monopolistic practices](#); [on the exemption and fine reduction procedures](#); and [on the exchange of information among economic agents](#).

For mergers, COFECE has published guidance documents, including: the [Guide for the notification of concentrations](#), and the [Guidelines for the notification of concentrations by electronic means](#),

Other relevant documents are: the [Guidelines for the dissemination of the content of COFECE's Board of Commissioners' resolutions](#); an information leaflet on [the general principles governing the development of investigations conducted by the Investigative Authority](#).

The [Organizational Statute](#) establishes COFECE's institutional structure, providing clarity on which unit within the authority is in charge of each procedure, and its obligations.

b) Non-Discrimination

Each Participant will ensure that its investigation and enforcement policies and Procedural Rules afford Persons of another jurisdiction treatment no less favorable than Persons of its jurisdiction in like circumstances.

For the purposes of this template, COFECE uses the definition of economic agent provided in the LFCE to refer to Person defined in the Annex of the ICN Framework on Competition Agency Procedures.²

All economic agents whose activities have an impact on Mexican markets, regardless of their nationality or residence, are subject to the enforcement of the Mexican [Federal Economic Competition Law](#). In administrative and enforcement proceedings, national and international economic agents will receive the same treatment, and investigations will only focus on the competition process and free market access. The Federal Economic Competition Law ensures that COFECE's investigation and enforcement procedures afford economic agents of another jurisdiction treatment no less favorable than Mexican economic agents in like circumstances.

² The Mexican Federal Economic Competition Law (LFCE) defines an economic agent as any natural or legal person, either for profit or non-profit, Federal, State or Municipal public administration agencies and entities, associations, business chambers and professional associations, trusts, or any other form of participation in economic activity.

c) Transparency and Predictability

- i. Each Participant will ensure that Competition Laws and regulations that apply to Investigations and Enforcement Proceedings in its jurisdiction are publicly available.*
- ii. Each Participant with the authority to adopt Procedural Rules will have in place such rules applicable to Investigations and Enforcement Proceedings in its jurisdiction.*
- iii. Each Participant will ensure that Procedural Rules that apply to Investigations and Enforcement Proceedings in its jurisdiction are publicly available.*
- iv. Each Participant will follow applicable Procedural Rules in conducting Investigations and in participating in Enforcement Proceedings in its jurisdiction.*
- v. Each Participant is encouraged to have publicly available guidance or other statements, clarifying or explaining its Investigations and Enforcement Proceedings, as appropriate.*

In Mexico, federal laws and regulations go into effect once they are made public in the Federal Official Gazette. This is the case of the [Federal Economic Competition Law](#) (LFCE) and its [Regulatory Provisions](#), and [COFECE's Organizational Statute](#).

The LFCE, the Regulatory Provisions, the Statute, guidance documents such as technical criteria, guides, guidelines and leaflets explaining COFECE's investigations and enforcement proceedings (see response to question II) are available online at <https://www.cofece.mx/publicaciones/marco-juridico-y-normativo/> (most of this information is in Spanish).

In addition, all public resolutions and opinions issued by COFECE can be found in a [public database](#). COFECE's published resolutions correspond to public versions of its final decisions. Final resolutions of investigations must contain at least the following: i) the assessment of evidence that was conducive in deciding whether engagement in a monopolistic practice or unlawful concentration was or was not proven; ii) in the case of relative monopolistic practices, the determination that the responsible economic agents have substantial market power as provided in the LFCE; iii) the determination ordering the definitive suppression of the monopolistic practice or unlawful concentration, or its effects, or the determination to undertake measures or actions, omission of which caused the monopolistic practice or unlawful concentration, as well as the means and timeframes to prove compliance thereof before the Commission, and iv) the determination imposing sanctions (see response to question j).

d) Investigative Process

- i. Participants will inform any Person that is the subject of an Investigation as soon as practical and legally permissible of that Investigation, according to the status and specific needs (e.g., forensic considerations) of the Investigation. This information will include the legal basis for the Investigation and the conduct or action under Investigation.*
- ii. Participants will provide any Person that has been informed that it is the subject of an Investigation, or that has notified a merger or other transaction or conduct, with reasonable opportunities for meaningful and timely engagement on significant and relevant factual, legal,*

economic, and procedural issues, according to the status and specific needs of the Investigation.

- iii. Participants will focus investigative requests on information that they deem may be relevant to the competition issues under review as part of the Investigation. Participants will provide reasonable time for Persons to respond to requests during Investigations, considering the needs to conduct informed Investigations and avoid unnecessary delay.*

Investigation of anticompetitive conducts

COFECE announces the opening of an investigation in the [Federal Official Gazette](#) as soon as it is practically and legally permissible in accordance with the [Federal Economic Competition Law](#) (LFCE) and its [Regulatory Provisions](#). Article 54 of the Regulatory Provisions of the LFCE establishes the Commission has up to one period of investigation, 120 working days, from the day the initiation decision is issued, to publish the notice of the opening of an investigation, which includes legal basis, market(s) and conduct(s) investigated. At the investigation stage, economic agents considered in the proceeding may vary depending on the information that is being analyzed and there is no prejudging, thus no notifications are made.

When conducting an investigation, COFECE has several investigative tools available for collecting evidence, including requests for information to economic agents and citations for obligatory interviews. The LFCE grants economic agents with reasonable opportunities to respond to the aforementioned requests. For example, i) when the volume and complexity of the information requested are such that an extension is required, article 73 of the LFCE allows for such an extension, or ii) when an economic agent is not able to attend a citation for an obligatory interview for duly justified causes, article 53 of the Regulatory Provisions of the LFCE allows rescheduling the date.

Likewise, COFECE is open at any time to receive any information that an economic agent determines to be relevant for an investigation and should be shared with the Commission. There is also the possibility of requesting an interview with the staff involved in the investigation. In fact, the interaction between economic agents considered in the proceeding and the case handlers is continuous throughout the entire duration of an investigation.

Upon conclusion of an investigation, the Investigative Authority will bring before the Board of Commissioners an investigative opinion that either proposes: i) the initiation of the enforcement proceeding (or trial-like procedure), due to objective elements that indicate a probable responsibility of the investigated economic agents, or ii) the closing of the case file when there are no elements to initiate the enforcement proceeding, in accordance with article 78 of the LFCE. In the first case, the Board of Commissioners will order the Technical Secretariat to initiate the enforcement proceeding by notifying the alleged offenders of the statement of objections. This enforcement proceeding gives the alleged offenders the opportunity to present their defense against the presumed conduct and ends with the final resolution issued by the Board of Commissioners. Timing is explained in section e)

Mergers

According to article 86 of the LFCE, merger control proceedings start with the notification of the concentration (the term used for mergers in the LFCE) when certain notification thresholds established in the LFCE are met. Throughout these proceedings, the economic

agents are regularly in contact and opportunities to submit relevant information to the Commission are given.

COFECE has investigatory powers to obtain information considered necessary for the concentration analyses. In this regard, COFECE may issue formal requests for information at any time during the procedure as established in article 90 of the LFCE. Two of these information requests stop the clock. The first one is the basic information request where the economic agents have 10 working days to provide the information required, and the other is the second information request where the merging parties have 15 working days to respond. Most of the mergers notified at COFECE can be cleared after the basic information request is satisfied by the merging parties.

If a merger raises competition concerns, COFECE has to inform the parties within 10 working days before the Board session's agenda is made public, which allows the parties to propose remedies to address such concerns. However, as mentioned before, COFECE maintains a constant dialogue with the parties and starts informal conversations on possible competition concerns at early stages of the procedure.

e) Timing of Investigations and Enforcement Proceedings

Each Participant will endeavor to conclude its Investigations and aspects of Enforcement Proceedings under its control within a reasonable time period, taking into account the nature and complexity of the case.

The [Federal Economic Competition Law](#) clearly establishes the timing for investigations and the enforcement proceedings.

Investigation of anticompetitive conducts

The time period of investigations of anticompetitive practices or unlawful concentrations may not be less than 30 nor exceed 120 business days, this period may be extended on four occasions, when the nature and complexity of the case requires it, as it is established in article 71 of the LFCE. An investigation can last up to two and a half years (considering business days are all days in the year except Saturdays and Sundays, and those that are declared as non-business days according to the annual working calendar of the Commission, published in the Federal Official Gazette).

The average length of cartel investigations is less than 23 months, and often much shorter (2015-2019). For unilateral conducts, the average length is less than 25 months.

In the enforcement proceeding, known as trial-like procedure, timing is as follows: the alleged offenders must respond to the statement of objections issued by the Investigative Authority within a non-extendable period of 45 working days; then the Investigative Authority will be awarded with a non-extendable 15 working-day period to provide its position regarding the arguments and evidence brought forth by the alleged offender. The evidence will be presented to the Board of Commissioners within 20 working days and new evidence could be submitted during an additional period of 10 working days. The Board will then give a maximum of 10 working days to the alleged offenders and the Investigative Authority to present its closing arguments. After that, the Technical Secretariat will pass the complete file to the Commissioner-Rapporteur with a recommendation either to close the case or to adopt

an infringement decision. Within 10 days following the file's completion, the alleged offender or the complainant have the right to request an oral hearing before the Board of Commissioners to render any statements they deem appropriate. The Commission shall issue the resolution within a non-extendable forty-day period.

Mergers

For mergers, any transaction that exceeds the monetary thresholds cannot be executed until COFECE's clearance is obtained (articles 86 and 87 of the LFCE). The merger's procedure may last 60 working days – from the time when the file is completed, or additional information has been submitted by the merging parties. This standard period may be extended once by 40 working days in exceptionally complex mergers. Remedy submission and modifications of submitted remedies may re-start the clock for another 60+40 working days period. If the Board of Commissioners does not adopt a decision within the legal timeframe, the transaction is considered cleared without objections.

In 2019, the average time frame in which COFECE analyzed non-complex mergers (under article 90, subsection I, of the LFCE) was 18 working days. For complex mergers (analyzed under article 90, subsection V of the LFCE), the average time frame is 83 working days. In 2019, 3 of 153 notified mergers led to an in-depth review.³

f) Confidentiality

- i. Each Participant will have publicly available rules, policies, or guidance regarding the identification and treatment of confidential information.*
- ii. Each Participant will protect from unlawful disclosure all confidential information obtained or used by the Participant during Investigations and Enforcement Proceedings.*
- iii. Each Participant will take into consideration both the interests of the Persons concerned and of the public in fair, effective, and transparent enforcement regarding the disclosure of confidential information during an Enforcement Proceeding.*

The Commission is bound to protect all confidential information that it obtains derived from the exercise of its powers.

Laws regarding confidential information

All procedural rules applicable to the identification and treatment of confidential information are established in the [Federal Economic Competition Law](#) and other relevant laws, such as the [Federal Law for Transparency and Access to Public Information](#) and [the General Law on Protection of Personal Data](#), and are publicly available at: <http://www.diputados.gob.mx/>

Protection of confidential information

Confidential information is that which in case of disclosure may potentially damage the competitive position of the economic agent who provided it, contains personal data, may

³ Sources: 2019 COFECE's quarterly reports, available at: https://www.cofece.mx/cofece/images/Transparencia/PNT/Fraccion_29/1erIT2019.pdf#pdf; https://www.cofece.mx/cofece/images/Transparencia/PNT/Fraccion_29/2oIT2019.pdf#pdf; <https://www.cofece.mx/wp-content/uploads/2019/10/3IT2019.pdf#pdf>; and https://www.cofece.mx/cofece/images/Transparencia/PNT/Fraccion_29/4IT2019_RE.pdf#pdf; and data reported for the elaboration of the GCR's Rating Enforcement survey.

endanger its security or when its disclosure is legally prohibited, as it is established in article 3 subsection IX of the LFCE.

The LFCE provides in its article 125 that economic agents providing the information must request confidentiality and demonstrate that the relevant information is confidential. In cases where the economic agents are unable to demonstrate this, the Commission will conduct the corresponding analysis.

In these cases, such information is separated from the main file and can only be accessed by the economic agent that provided it, the General Director of the corresponding unit and case handlers who have been directly designated.

Article 124 of the LFCE establishes that during the investigation period, access to the case file is not permitted, except for the handlers of the case.

During the trial-like procedure, only those with legal standing may access the file, but not the information classified as confidential. In this enforcement proceeding, COFECE balances i) providing sufficient information to the alleged offenders so they can defend themselves and ii) adhere to the transparency and confidentiality principles in order to protect the confidentiality of other economic agents involved in such procedure.

Any public official from COFECE that discloses information that should have been protected will be subject to responsibility.

Under no circumstances is the Commission obliged to provide access to confidential information. However, in cases where a competent authority, the Judiciary or the Attorney General's Office, officially requires information from a case file from COFECE, certain confidential information may be provided with the assurance that measures will be implemented in order to maintain the information that has been deemed confidential undisclosed.

g) Conflicts of Interest

Officials, including decision makers, of the Participants will be objective and impartial and will not have material personal or financial conflicts of interest in the Investigations and Enforcement Proceedings in which they participate or oversee. Each Participant is encouraged to have rules, policies, or guidelines regarding the identification and prevention or handling of such conflicts.

All public officials in Mexico are subject to the [Federal Public Officials' Administrative Liabilities Law](#) and [Federal Law for Transparency and Access to Public Information](#), in which rules preventing conflicts of interest or improper influence when carrying out their functions are established.

The [Federal Economic Competition Law](#) further determines that any individual holding a position, employment or responsibility of any kind within COFECE is subject to possible sanctions established under the Federal Public Officials' Administrative Liabilities Law. Commissioners cannot and must immediately excuse themselves from hearing cases in which they consider that their independence, professionalism and impartiality may be affected. Commissioners must be removed by the Senate from their position when they fail to excuse themselves from participating and voting in cases where they have any direct or

indirect interests. Commissioners have the right to express in public a technical opinion, explain the legal grounds and reasoning behind a decision or dissenting votes, and participate in public forums and events. These are not considered conflicts of interest and are not causes for removal. The Head of the Investigative Authority is prohibited to participate in cases in which there are one or several situations that reasonably impair him/her from resolving on a matter under his/her jurisdiction with full independence, professionalism and impartiality.

In addition, the Commission's public officials are subject to the contact rules determined by the Commission in its [Organizational Statute](#).

Finally, COFECE has also issued internal documents to guide the professional conduct of its public officials: the [Code of Conduct](#) and the [Code of Ethics](#).

h) Notice and Opportunity to Defend

- i. Each Participant will provide Persons subject to an Enforcement Proceeding timely notice of the alleged violations or claims against them, if not otherwise notified by another governmental entity. To allow for the preparation of an adequate defense, parties should be informed of facts and relevant legal and economic reasoning relied upon by the Participant to support such allegations or claims.*
- ii. Each Participant will provide Persons subject to a contested Enforcement Proceeding with reasonable and timely access to the information related to the matter in the Participant's possession that is necessary to prepare an adequate defense, in accordance with the requirements of applicable administrative, civil, or criminal procedures and subject to applicable legal exceptions.*
- iii. Each Participant will provide Persons subject to an Administrative Proceeding with reasonable opportunities to defend, including the opportunity to be heard and to present, respond to, and challenge evidence.*

Timely notice of breaches

Within 30 working days, alleged offenders will be notified a statement of objections by the Technical Secretariat, ordered by the Board of Commissioners, as it is provided under articles 78 and 80 of the LFCE (see sections d and e).

Parties' opportunity to defend

Article 83 of the LFCE establishes that once alleged offender(s) are notified of a statement of objections, they must have access to the file and the opportunity to reply and thereby assert any arguments available to them under the law, bring forth the documentary evidence at its (their) disposal, as well as introduce the evidentiary elements requiring further processing.

The alleged offender must address each of the facts stated under the statement of objections. The facts to which no reference is made must be construed as true, except otherwise proven.

COFECE's Investigative Authority, which is part of the trial-like procedure, also has the opportunity to provide its position regarding the arguments and evidence brought forth by the alleged offender(s); after this, evidentiary elements provided will be either dismissed or admitted by the Technical Secretariat, and the date, time and place for evidentiary processing will be set.

All evidentiary elements are admissible, except confessions and testimonial evidence on behalf of Public Authorities. Evidentiary elements will be processed and must be dismissed if not brought forth in accordance to law, if not related to the facts subject matter of the procedure, as well as unnecessary or illegal elements.

Once the evidence is processed, the Commission may order further evidence gathering and processing or summon for closing arguments. When any further evidence has been introduced, the Commission allows the alleged offender(s) and the Investigative Authority to submit their closing written arguments, and the case-file will be considered complete on the date the written closing arguments are submitted, or when the period for presenting these arguments expires.

When completed, the case-file is to be assigned by the Commission's Chair to the Commissioner-Rapporteur, in a rotating manner, rigorously following the Commissioners' designation order, as well as the chronological order in which the file was completed. The Commissioner-Rapporteur will present the resolution project for the Board of Commissioners' approval or modification. In the latter case, the Commissioner-Rapporteur must include the modifications or corrections suggested by the Board of Commissioners to the resolution project. Within 10 days following the file's completion, the alleged offender or the complainant has the right to request an oral hearing before the Board of Commissioners to render any statements they deem appropriate. The Board of Commissioners must issue a decision within a non-extendable forty-day period.

i) Representation by Counsel and Privilege

- i. No Participant will deny, without due cause, the request of a Person to be represented by qualified legal counsel of its choosing.*
- ii. Each Participant will provide a Person a reasonable opportunity to present views regarding substantive and procedural issues via counsel in accordance with applicable law. Notwithstanding the foregoing, Persons may be required to provide direct evidence.*
- iii. Each Participant will recognize applicable privileges in accordance with legal norms in its jurisdiction governing legal privileges, including privileges for lawful confidential communications between Persons and their legal counsel relating to the solicitation or rendering of legal advice. Each Participant is encouraged to have rules, policies, or guidelines on the treatment of privileged information.*

Legal advice during investigations and inspections

All economic agents may be legally represented by the agent they choose through all investigative procedures (requests for information, compulsory interviews, dawn raids, etc.). Economic agents' legal representation before the Commission must be proven by an official notarized transcript, or by a document (or its certified copy) that establishes the corresponding legal powers, as it is established in article 111 of the LFCE.

During dawn raids, the Commission has the power to enter premises before the arrival of external legal representatives to the raided premises, or before the raided economic agent has contacted him/her representative. When conducting a raid, the visited economic agent is provided with a brochure containing all relevant information regarding unannounced

inspections, including him/her rights and obligations, with the aim to ensure no law violations are carried out.

During compulsory interviews, conducted under articles 51, 58 and 68 of the Regulatory Provisions) summoned economic agents are entitled to be accompanied by their lawyer or a trusted person, who will have the power to intervene solely to object to the legality of the questions asked, without being able to advise, assist or answer on behalf of the appearing party. However, the appearing party may decide not to be accompanied by any person.

Privilege

Lawyers are bound by professional confidentiality when it comes to their clients. However, there is no general law to regulate the legal privilege principle in Mexico, and lawyers are not obliged to belong to a bar. For clarification and for rules dealing with this issue, COFECE has published in the Federal Official Gazette [regulatory provisions on the handling of communications between a lawyer and his/her client](#).

j) Decisions in Writing

- i. Each Participant in charge of issuing decisions or orders will issue in writing its final decisions or orders in which it finds a violation of, or imposes a prohibition, remedy, or sanction under applicable Competition Laws. Such final decisions or orders will set out the findings of fact and conclusions of law on which they are based, as well as describe any remedies or sanctions. Each Participant will ensure that all final decisions are publicly available, subject to confidentiality rules and applicable legal exceptions.*
- ii. Each Participant will ensure that all commitments it accepts to resolve competition concerns are in writing. Subject to confidentiality rules and applicable legal exceptions, each Participant will (i) make public the commitments it accepts, and (1) describe the basis for the competition concerns or (2) reference public materials in which those concerns are expressed, or (ii) provide a summary explanation of the commitments and the reasons for them.*

COFECE's decisions are always made in writing.

Pursuant to article 49 of the LFCE, the Commission must publish on its website the [stenographic version of its sessions](#), and that [decisions and resolutions](#) issued by the Board of Commissioners must be published at COFECE's website and in the [Federal Official Gazette](#), safeguarding at all times, the secrecy of the investigations and procedures, confidential and reserved information.

COFECE's resolutions must be issued within a non-extendable forty-day period after final decisions have been made and are notified by the Technical Secretariat to the parties involved.

k) Independent Review

No Participant will impose on a Person a prohibition, remedy, or sanction in a contested Enforcement Proceeding for violation of applicable Competition Laws unless there is an opportunity for the Person to seek review by an independent, impartial adjudicative body (e.g. court, tribunal, or appellate body).

The Mexican Constitution, article 28, establishes that COFECE's final decisions (issued by the Board of Commissioners) may only be appealed through a judicial procedure called

indirect *amparo* filed before Specialized Competition Courts and Tribunals. The deadline to file an indirect *amparo* is 15 business days from the day after the notification of the Board's decision takes effect. Third parties with legal standing may appeal decisions made by the Commission.

Specialized District judges oversee the first instance of competition decision reviews and their judgements may be subject to further review by the Specialized Circuit Tribunals. The decisions of the Circuit Tribunals represent the end of proceedings unless there are issues of constitutionality. In this case the National Supreme Court of Justice (SCJN for its acronym in Spanish) is competent to review the arguments regarding the constitutionality of the law. The SCJN may also review cases when it is of public interest or there is a need to establish a precedent for lower courts.