

Second agreement of the Board of Commissioners on the suspension of legal terms for some procedures filed before COFECE

- *This measure does not apply to procedures for the notification of concentrations, opinions on tenders' processes, concessions, permits, opinions issued under article 12 of the LFCE, as well as some stages of procedures related to monopolistic practices and unlawful concentrations.*
- *COFECE's facilities will remain open Monday through Friday at regular business hours; days will be accounted for as working days.*

Mexico City, April 15, 2020.- The Board of Commissioners of the Mexican Federal Economic Competition Commission (COFECE or Commission) agreed to suspend, from April 20th through April 30th, 2020, legal timeframes and deadlines for some of the procedures filed before the Commission. During this period, days will continue to be accounted for as working days, and COFECE's facilities will remain open from Monday to Friday at regular business hours.

Previously, timeframes for some procedures had already been suspended from March 23rd to April 17th. Both agreements are part of the Commission's actions for decreasing the risk of spreading the COVID-19 disease and protecting the health of its staff, economic agents, practitioners and the general public that visit its facilities.

As per the initial agreement, procedures related to the review of concentrations as well as those for opinions on tenders' processes, concessions and permits will be exempted from these measures. In this second agreement, the Board of Commissioners additionally exempts from this suspension the following procedures, which from Monday 20 of this month will continue to run normally:

- Requests of formal opinions, under articles 104 to 109 of the Federal Economic Competition Law (LFCE).
- General orientation, under article 110 of the LFCE.
- Opinions provided for in article 12, sections XII, XIII, XIV, XV and XVIII, of the LFCE.
- Public consultations, under articles 138 of the LFCE and 191 of its Regulatory Provisions.



- The procedure for the benefit of the reduction of sanctions provided for in article 103 of the LFCE (Leniency and Immunity Program).
- The benefit of exemption or reduction of fines, pursuant to articles 100 to 102 of the LFCE, concerning commitments for relative monopolistic practices or unlawful concentrations. In this case, terms will start once the application is submitted and until the resolution of the Board of Commissioners is notified to the interested parties.
- The stage after the conclusion of investigations of anticompetitive conducts or unlawful concentrations, article 78 of the LFCE, when:
 - a. The Investigative Authority proposes the Board to close the file; terms will only start on the day after the issuance of the investigation closure agreement, and: i) the closure resolution is notified – in the case of complaints – or the resolution of closure is issued – in the case of *ex-officio* investigations; or ii) a statement of objections is notified as provided in article 65 of the Regulatory Provisions.
 - b. The Investigative Authority issues a statement of objections and the Board orders the initiation of the trial-like proceeding by notifying the alleged responsible parties; legal terms will only start from the day after the agreement for the closure an investigation is issued and the statement of objections is notified.
- Legal terms for the Board to issue a resolution for any procedure, as long as the file is already completed and, in the case of trial-like procedures for monopolistic practices or unlawful concentrations, when oral hearings have already taken place or the timeframe for requesting such hearings has ended.

It worth noting that motions presented before this Commission for procedures currently suspended will be considered as filed on May 6. It is also noted that this agreement does not contravenes nor modifies COFECE's annual activity plan for 2020.

[Read the Agreement of the Board of Commissioners concerning the suspension of legal terms for some procedures filed before COFECE \(In Spanish\)](#)

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The Federal Economic Competition Commission is entrusted with safeguarding competition and free market access. Through this, it contributes to consumer welfare and the efficient functioning of the markets. Through its work, it seeks better conditions for consumers, greater output and better services and a "level playing field" for companies.

