

Emergency Regulatory Provisions of the Federal Economic Competition Law on the use of electronic means in certain procedures processed before the Federal Economic Competition Commission

Pursuant to articles 28, paragraphs 14th, 20th, subsection IV and 21st, of the Political Constitution of the United Mexican States, 12, subsection XXII, second paragraph, 18, antepenultimate paragraph 20, subsections XI and XII, 117, last paragraph, of the Federal Economic Competition Law (LFCE), as well as 1, 3, 4, subsections I and II, 5, subsection XIII, 6, 7, 8, and 12, section XXXV of the Organizational Statute of the Federal Economic Competition Commission (Statute) in force, the Board of Commissioners of the Federal Economic Competition Commission, in ordinary session held on June 4th, 2020, based in the “*Agreement whereby the Board authorizes the conduction of sessions remotely by virtue of the existing health contingency and certain articles of the Guidelines for the operation of the Board are repealed*”¹, manifests its conformity for the issuance of the present agreement.

CONSIDERING THAT

1. In accordance to article 12, subsection XXII of the Law, the Federal Economic Competition Commission (hereinafter, the Commission) has the power to issue the necessary Regulatory Provisions for the fulfillment of its mandate, for which a public consultation must be carried out, unless the Commission considers the effects intended to be achieved with those provisions could be compromised or it is an emergency situation.
2. Article 118 of the Law provides that all procedures referred to in the Law may be substantiated through electronic means in accordance to the Regulatory Provisions, always taking into account digital government and open data principles as well as the applicable provisions for electronic signature.
3. In January 11th, 2012, the Law for the Advanced Electronic Signature was published in the Federal Official Gazette (DOF), which provides in the second paragraph of its article 7 that electronic documents and data messages that have an Advanced Electronic Signature (e-signature) will serve the same purposes as an autograph signature and, consequently, will have the same probative value than the applicable provisions grant them.
4. In April 29th, 2014, the Commission and the Tax Administration Service (SAT) entered into a collaboration agreement with the objective of establishing the necessary actions and collaboration mechanisms for individuals to freely use of the Advanced Electronic Signature (e-signature) issued by the SAT, in the processes, procedures or services that the Commission defines in line with its mandate and that those individuals carry out before it.

Likewise, it was established that the Commission will recognize the digital certificates from SAT’s e-signature, which will be used in the processes, procedures

¹ Published in the DOF in March 31st, 2020.

and services that said constitutionally autonomous body carries out, for which the Commission will implement the necessary technological infrastructure for conducting the whole proceeding for said procedures or services, without prejudice that if those processes, procedures or services are supplemented at a later time, said autonomous body will implement the required adjustments, attached to the corresponding legal and administrative provisions.

5. In light of the health emergency derived from the SARS-CoV2 virus, this collegiate body issued the following agreements: in March 19th, 2020, the *“Agreement by which the Board of Commissioners resolves to suspend the timeframes for some procedures filed before the Federal Economic Competition Commission”*, published in the DOF on March 24th, 2020; in April 14th of the same year, the *“Agreement by which the Board of Commissioners resolves to suspend the timeframes for some procedures filed before the Federal Economic Competition Commission”* was issued and published in the DOF on April 17th, 2020; in April 26th of the same year, the *“Agreement by which the Board of Commissioners resolves to suspend the timeframes for some procedures filed before the Federal Economic Competition Commission”* was issued and published in the DOF on April 30th, 2020, and in May 25th, 2020, the *“Agreement by which the Board of Commissioners resolves to suspend the timeframes for some procedures filed before the Federal Economic Competition Commission”* was issued and published in the DOF on May 29th of the same year.
6. In April 23rd, 2020, the *“Emergency Regulatory Provisions of the Federal Economic Competition Law to make personal notifications by email”* were published in the DOF.
7. Given the described emergency and with the purpose of effectively complying with its mandate, this Commission considers necessary to issue the following Emergency Regulatory Provisions of the Federal Economic Competition Law on the use of electronic means in certain procedures processed before the Federal Economic Competition Commission.
8. This Regulatory Provisions are applicable for filing complaints, monopolistic practices investigations, unlawful concentrations, essential facilities, barriers to competition and market conditions , as well as for the procedures foreseen in articles 100 through 102 of the Law related to the exemption or fine reduction benefit and article 103 of the Law regarding the sanction reduction benefit. Likewise, these are applicable to the trial-like procedures, to the stage after a preliminary investigative opinion and notification of the procedures referred to in articles 94 and 96 of the Law has been issued; to the verifications and incidents related to compliance and execution of the Commission's resolutions.

Therefore, the Board of Commissioners:

AGREES:

Single. The Emergency Regulatory Provisions of the Federal Economic Competition Law on the use of electronic means in certain procedures processed before the Federal Economic Competition Commission, are issued in accordance with the following terms:

Chapter I

General Provisions

Article 1. The present instrument has the objective of establishing the rules for the implementation, use and handling of Electronic means in the procedures referred to in article 2 of these Provisions, which are initiated or are being processed at the Federal Economic Competition Commission and will be applicable during the sanitary emergency generated by the virus SARS-CoV2 and until the Board of Commissioners determines so considering the prevailing conditions of the referred emergency .

Article 2. These Regulatory Provisions will be applicable for the following procedures:

- I. Filing of complaints for monopolistic practices and unlawful concentrations, in accordance to articles 66 through 71 of the Law;
- II. Investigations and procedures carried out under articles 71 through 78, 94 and 96 of the Law;
- III. The exemption and fine reduction benefit of exemption or reduction of the amount of the fines foreseen in articles 100 through 102 of the Law;
- IV. The sanction reduction benefit provided on article 103 of the Law;
- V. The trial-like procedure established on articles 80 through 85 of the Law, as well as the stage after a preliminary investigative opinion has been issued for the procedures referred to in articles 94 and 96 of the Law, and
- VI. The verifications and incidents related to compliance and execution of the Commission's resolutions.

Article 3. These Regulatory Provisions will be binding for all persons who intervene in any of the procedures foreseen in article 2 of these provisions, that are initiated or being processed by the Federal Economic Competition Commission, and that make use of the Electronic means foreseen in these provisions.

Article 4. For the purpose of these provisions, along with the definitions foreseen in the Law, the Statute and the Law's Regulatory Provisions, the following terms will be applicable:

- I. Electronic Acknowledgment of Receipt:** Data message issued or generated through electronic communication means to accredit, in a credible way, the time and date of the reception of electronic or digitized documents sent through the OPE.
- II. Electronic file:** Text, image, audio or video information created, sent, received or filed through electronic, optical or any other technology related means which takes part in the files.

- III. **Access code:** Unique set of alphanumeric characters assigned by the Commission to the Users, that will serve to access to the OPE, and for electronically sending files or electronic documents.
- IV. **Password:** Unique set of customized alphanumeric characters, generated by the User for enabling its access to the OPE for electronically sending files or electronic documents, as long as an Access Code was previously assigned to the User.
- V. **Electronic mail:** Service which allows sending and receiving messages through electronic communication systems.
- VI. **CURP:** Unique Code of Population Registration.
- VII. **Electronic mail addresses:** Set of characters used for identifying an electronic mail User for sending and receiving messages through these services. It comprises a name defined by the User, the “@” symbol and the name of the domain. The Commission will neither provide nor create any electronic mail addresses.
- VIII. **Regulatory Provisions of the Law:** Regulatory Provisions of the Federal Economic Competition Law.
- IX. **Digitized document:** Electronic version of a printed document which is reproduced through scanning and takes part on the files.
- X. **Electronic document:** All data messages with information or writings generated, sent, received or stored by electronic, optical or any other technology related media which also takes part in the file.
- XI. **Advanced Electronic Signature:** Set of digital files issued and authorized by the Tax Administration Service, which contains data and characters that allow to identify the signatory, that has been created through Electronic means under its exclusive control, in a way that is uniquely linked only to the signatory and its data, referred to in the Law of Advanced Electronic Signature and allows to identify its author in the OPE, producing the same legal effects than an autograph signature.
- XII. **Native format:** A file’s extension or format which refers to the origin program used for generating the information or Electronic documents transmitted to the OPE, for example but not limited to: “.pdf”, “.docx”, “.txt”, “.xlsx”, “.pptx”.
- XIII. **Technical instructive:** Document which contains the indications, requirements and technical instructions to be followed by the Users of the OPE and the platform referred to on article 13 of these Regulatory Provisions.
- XIV. **Digital storage media:** Any physical repository which allows the storage of electronic or digitized documents, which may include, but are not limited to the following: USB Universal Serial Bus flash drives, digital data storage optical discs: CD Compact Disc (Compact Disc), DVD Digital Video Disc (Digital Video Disc), Blu-Ray Disc, large memory capacity devices integrated or connected to a computer in which information is stored such as hard drives, or any other technology.

- XV. Electronic means:** Mechanisms, installation, equipment, tool or technological system that allows producing, storing, transmitting, printing or exchanging documents, data and information in an automatized way.
- XVI. Traditional means:** Actions or proceedings carried out by the Commission as well as the motions or proceedings carried out by people on-site or in a written way before the Commission.
- XVII. Entry log number** Consecutive number assigned by the OPE or the Filing Office to each motion presented before the Commission either by electronic or traditional means. It grants a unique and unrepeatable identification.
- XVIII. OPE:** Electronic Filing Office. Through this electronic mean, electronic files and digitized or electronic documents will be presented through the access code provided by the OPE, a password and, if applicable, the Advanced Electronic Signature.
- XIX. Immunity Program:** Procedure by which a person requests the sanction reduction benefit foreseen in article 103 of the Law, as well as articles 114 through 116 of the Law's Regulatory Provisions and the Regulatory Provisions for the Immunity and Fine Reduction Program foreseen in article 103 of the Law, in accordance to the moment in which the request is made.
- XX. RFC:** Federal Taxpayer Registry.
- XXI. Sanitization:** Set of techniques and systems aimed at restoring the hygienic conditions of an electronic file or a digital storage media to free them from virus or malware.
- XXII. SITEC:** The Commission's Electronic Filing System foreseen in the Regulatory Provisions on the use of the electronic means by the Commission.
- XXIII. Spam or Spam mail:** Name given to those unsolicited electronic mails by the user of an email address or that come from an unknown sender and which are generally stored under a mailbox denominated spam mail.
- XXIV. User:** The Economic Agent, Public Authority or person who intervenes in any of the procedure foreseen in article 2 of these provisions, its representatives, guardians or authorized parties, as well as public officials who have an access code and a password to use the OPE.
- XXV. Virus or malware:** Program, application or code hidden in a computer's drive, electronic device or in a digital storage media which, when activated, affects its functioning by totally or partially destroying all stored information or compromising the information's security or integrity.

Article 5. The rules established in the Regulatory Provisions of the Law will be applicable to the procedures foreseen in these provisions, unless they infringe the notions provided in these Regulatory Provisions.

Article 6. The persons processing an action for the first time before the Commission in a procedure under these provisions or who have previously done it, may opt to use Electronic means for the notification and processing of actions in the corresponding procedure,

expressly stating at any moment their will through a written document presented before the Commission's Filing Office or the OPE, in which they must provide an email address for receiving notifications. This manifestation will only apply to the file for which the request is made.

Article 7. In the case that the person's will is not expressed in the terms of these provisions, it will be understood that it opts for the undertaking of actions and subsequent notifications of the corresponding file through traditional means, unless there is an express manifestation to indicate otherwise.

Article 8. Persons will be able to process the actions notified to them in accordance with these Regulatory Provisions or article 163 of the Regulatory Provisions of the Law, by presenting the electronic and/or digitized documents through the OPE.

Also, under the assumptions mentioned in these provisions, information can be presented before the commission via email. All the information that the Commission receives through email will be understood as authentic and attributable to the persons who presented it, thus it shall be their exclusive responsibility.

Article 9. All acts carried out by the Commission and the information provided by persons through Electronic means under these Regulatory Provisions, will be integrated to the corresponding file. The Commission may opt, accordingly, to print them or store them in digital storage media.

Article 10. The Commission, at any moment may request the presentation, through traditional means, of any information or documents sent by Electronic means, thus persons must keep all physical documents that have accompanied the motions presented by Electronic means.

Article 11. In the case that in a file it is not possible the undertaking of actions by Electronic means under these Regulatory Provisions or by traditional ones, preventing the continuing of the procedure, in accordance with the legal timeframes provided by the Law, the head of the Investigative Authority, or, when applicable, the Technical Secretary, when considered appropriate, may suspend the procedures foreseen in article 2 of these Provisions until the present regulation expires, pursuant to article 1 of these Regulatory Provisions, or until the cause of impediment has ceased.

Article 12. The Commission, for the performance of the functions assigned to it by Law, the Regulatory Provisions of the Law and this Regulatory Provisions, may impose any of the enforcement measures provided in article 126 of the Law, without prejudice of the corresponding civil or criminal sanctions that could arise.

Article 13. The undertaking of proceedings by Electronic means, under these Regulatory Provisions, will be carried out through the electronic platform designated by the Commission for this effect. Said platform shall guarantee the security of the communications and information, as well as provide certainty of the identity of those participating in the proceeding.

Article 14. At any moment, the Commission may issue an agreement requiring the involved parties in a procedure under these Regulatory Provisions, to present before the Commission's Filing Office or the OPE, within five business days, a written manifestation of their will of using Electronic means for notifications and for the undertaking of actions in the

corresponding case-file. If there is no express manifestation of this will, it will be understood that the parties opt for the processing and notification through traditional means.

Article 15. The actions presented or processed under the terms of the present Regulatory Provisions will have the same probative value and scope as those carried out through traditional means.

Chapter II

Notifications

Article 16. The actions carried out by the Commission might be notified via email. For this effect, the Commission will consider those email addresses it holds on its records.

For purposes of the aforementioned paragraph, notifications made from email addresses with the “@cofece.mx”, domain will be understood as carried out by the Commission’s public officials and will be valid, in accordance with article 59, subsection II, of the Statute.

Article 17. The email message by which the notifications are made under these provisions must contain, among others, the following data:

- I. The number of the file;
- II. The administrative unit in charge of processing the file;
- III. The name and job title of the public official executing the notification;
- IV. The name, official name or name of the undertaking of the person to which the notification is directed, and
- V. A brief description of the notified action or actions that are being notified and attached to the email message.

Article 18. Personal notifications of the actions issued by the Commission for the procedures referred to on article 2 of these provisions will be carried out in accordance to this article, except when expressly noted otherwise under these Regulatory Provisions, pursuant to the following terms:

- I. The notification of the actions will be carried out by attaching to the email message a digitized copy of these.

If it is the case, a code per file will be assigned to the person, for identifying it, if needed, when carrying out further notifications of that file made by list.
- II. In the following two days counted from the next day after the Commission sent the email message notifying an action, the person shall confirm through the same mean the reception of the corresponding notification; also, it shall expressly manifest its will to process the action through Electronic means.
- III. In the aforementioned confirmation, the person may provide other email addresses it authorizes to receive notifications related to the corresponding action, which will be agreed on the respective file.
- IV. When the Commission receives confirmation of recipience in the timeframe mentioned on subsection II of this article, it will issue an agreement, in the

following two working days after the reception of the confirmation, which will be notified by list, referencing the identification number of the notified action and, if it is the case, the assigned code to the person.

Every notification carried out under these Regulatory Provisions, as long as the processing by Electronic means has been opted, will come into effect the following day after the agreement noting the reception of the confirmation is notified and will be considered as personal for all legal purposes.

Article 19. In the case that the person does not confirm the reception of the notified action via email or if it does not expressly manifest its will to process the action by Electronic means under the terms of these Regulatory Provisions, this Commission will provide what is needed for the corresponding proceeding to be carried out by traditional means.

Article 20. The Commission may use any means available to ensure that Economic Agents, their representatives or authorized parties, receive the notifications referred to in these provisions.

Article 21. If it is not possible to carry out notifications under the terms of these Regulatory Provisions, the Commission will execute them, addressing the particularities of each case, in accordance to article 163 of the Regulatory Provisions of the Law.

Chapter III

Accreditation of legal capacity

Section I

Representation

Article 22. Legal representatives and those authorized by the persons who have accredited their personality in the corresponding file, in the terms of article 111 of the Law, before the entry into force of the present Regulatory Provisions, will be able to continue their actions, in the corresponding files, by Electronic means and in accordance to the terms established in these provisions.

Article 23. Legal representatives who have completed their registry, accredited their personality through SITEC and hold enough faculties to process the procedures referred to on these provisions, may note this circumstance through a written document sent via email to the Head of the administrative unit processing the file or by submitting it at the Commission's Filing Office for the Commission to register them in the OPE and accredit their personality on the corresponding file, to enable their use of the OPE.

Article 24. Legal representatives whose personality has been previously accredited in a different file must provide the identification or location data of the instrument or document that accredits their faculties, as well as the file identification number for the Commission to be able to accredit the personality they hold.

When the file on which it is intended to accredit the personality is being processed by a different administrative unit to the Investigative Authority or the Investigation General-Directorates, no reference to a file under trial-like procedures can be made with the purpose of what is noted in the previous paragraph.

Article 25. The Commission, when it considered it necessary and addressing the particularities of each case, may order the presentation through traditional means or the collation of the documents intended to prove the personality.

Section II

Authorized parties

Article 26. Persons may designate the authorized parties they deem relevant to carry out the necessary actions for the due process of the procedures foreseen in these provisions under the terms of the second paragraph of article 111 of the LFCE, in which case could be registered before the OPE in accordance to the present Regulatory Provisions.

In the processing by Electronic means of the procedures foreseen in these provisions, the authorized parties, in accordance to the third paragraph of article 11 of the Law, will be to receive notifications and documents at the email address registered by the Commission for these purposes.

The consultation of files can only be carried out through traditional means and in accordance to article 124 of the Law.

Chapter IV

Specific rules of the procedures

Section I

Complaints

Article 27. Complaints pursuant to article 67 of the Law may be presented by Electronic means under the terms of the present Regulatory Provisions. In every case, complaints must comply with all the requirements referred to in article 68 of the Law.

Article 28. For the effects of the previous article, any person which is not an OPE User and opts to present a Complaint by Electronic means, must send it via email to the address published on the Commission's website for the said purpose.

People who are already OPE Users may present their complaint through this mean.

Article 29. In addition to the the digitized document containing its properly signed written complaint under the terms of article 68 of the Law, the complainant shall attach to the email message the following documents and information:

- I. The complainant's email address and, when applicable, that of its legal representative and authorized parties;
- II. Digitized document or electronic document from the original or certified copy of the document that accredits its personality, if applicable;
- III. Electronic files, Electronic documents or Digitized documents from all documents, information or means of conviction that accompany its complaint; and
- IV. The express manifestation of its will to continue the procedure using Electronic means under the terms provided on article 6 of the present Regulatory Provisions.

Article 30. The agreements referred to in subsections II and III of article 69 of the Law shall be notified through the email address designated by the complainant for this purpose in accordance with the previous article. In case that, derived from the analysis referred to in article 69 of the Law, the initiation of an investigation is ordered, said agreement will be notified pursuant to article 163 of the Regulatory Provisions of the Law.

Article 31. To undertake the request carried out by the Investigative Authority in the terms of subsection II, of article 69 of the Law or to present any motion related with its complaint, the complainant which is not a OPE User must register in the platform in accordance with Chapter V of the present Regulatory Provisions.

The aforementioned will not be applicable to complainant Public Authorities, who will be able to send their motions to the email address referred on the previous article 28 or through the OPE, under the terms established in Chapter V of these Regulatory Provisions.

Article 32. Once the complainant is registered in the OPE, it shall send an email message to the address created by the Commission referred to in article 28 of these Regulatory Provisions manifesting that it now has a User for the OPE for presenting motions by Electronic means.

Section II

Immunity Program

Article 33. The present section will regulate the processing of the benefit of sanction reduction foreseen in article 103 of the Law and it will not apply for those applicants when the corresponding matter is already in the trial-like procedure foreseen in Title II, Third Book of the Law.

All that is not foreseen in the present Regulatory Provisions, articles 103 of the Law, the Regulatory Provisions for the Leniency and Immunity Program foreseen in article 103 of the Law and articles 114 through 116 of the Regulatory Provisions of the Law will apply accordingly.

Article 34. With the purpose of protecting the confidentiality of the applicant's identity and of the information provided by it, the Investigative Authority may agree to use traditional means to submit information, notify agreements and for any other action carried out under the Immunity Program.

Article 35. The Investigative Authority, addressing the nature of each case, will determine the feasibility of the use of electronic Means for the notification of agreements, the presentation delivery of information, as well as any other action carried out under the Immunity Program, for this purpose Chapter II on notifications of these Regulatory Provisions will apply.

Article 36. The OPE cannot be used as a mean to present information, process requirements and generally for the presentation of motions under the Immunity Program.

Section III

Requests and requirements for information through Electronic means

Article 37. Persons who have given their consent for using Electronic means under the terms of these Regulatory Provisions, will undertake the requirement notices made by the Commission by sending electronic or digitized documents, through the OPE.

For the case of Public Authorities, it will be understood that they grant their consent for undertaking the corresponding action by Electronic means when they do so via email or through the OPE.

Article 38. The notification of information requests made by the Commission to Public Authorities will come into effect the day after the corresponding digitized action has been sent to the email address the Commission has on its records.

If it is the case that Public Authorities are not working or their legal timeframes are suspended, the respective notification will come into effect the day after the Public Authority resumes its activities and/or timeframes.

Article 39. Public Authorities may undertake the information requests made by the Commission via email or through the OPE, in which case the involved Public Authority will make its registry under the terms provided on Chapter V of the present Regulatory Provisions.

Article 40. When the Public Authority opts to undertake the information request via email, it shall send in the attachments the respective digitized document properly signed by the public official who holds faculties to do so, as well as a digitized copy of its appointment or a document that grants the public official faculties to subscribe the sent document.

Article 41. Considering the current emergency, the Investigative Authority may extend the legal timeframes to undertake the requirements and requests, when it is requested and justified, under the terms of the Law and Regulatory Provisions.

Section IV

Hearings through Electronic means

Article 42. By the Commission's or the person appearing request, hearings may be undertaken through Electronic means, prior express manifestation of this will in accordance with these Regulatory Provisions.

Article 43. Summons issued by the Commission for any person to appear through Electronic means must be notified with at least eight days in advance of the date assigned for this proceeding. The hearing may be differed by request of the person appearing, as long as it accredits, to the Commission's satisfaction, the inability, under justified reasons, for not carrying out the hearing on the assigned date. For these effects, the person appearing must justify its inability before the Commission by presenting a written document at its Filing Office or at the OPE, before the date and time assigned for the hearing.

Article 44. In addition to what is provided in subsection I of article 18 of these Regulatory Provisions, the email message by which the summon for the hearing is notified must also include on its attachments the digitized notice of the public officials commissioned for undertaking the proceeding, specifying their email addresses.

Under the terms of subsection II of article 18 of these Regulatory Provisions, the appearing person or its legal representative shall also confirm the reception of the commission letter.

Article 45. In the case that the person that is being notified does not confirm either for itself or through an authorized party, the reception of the summon of the hearing, or if it does not expressly manifests its will to continue processing the hearing through the electronic platform

designated by the Commission in accordance to article 13 of these Provisions, the provisions provided in article 19 of these provisions will apply and will be proceeded accordingly.

Article 46. In addition to the elements established in article 58 of the Regulatory of Provisions of the Law, the hearing's summon must note:

- I. The appearing person's code, which will be used for its identification and if subsequent notifications by list are made;
- II. That the computer or electronic device to be used by the person appearing and, when applicable, by its lawyer or trusted person for undertaking this proceeding, must comply with the specifications noted in the Technical instructive;
- III. That only the appearing person's lawyer or trusted person may accompany the appearing person either in person or remotely through the electronic platform to be used to undertake the hearing, and
- IV. The instructions for accessing the electronic platform to be used for undertaking the hearing.

Article 47. The appearing person shall, before the beginning of the proceeding, send via email to the address used to notify the summon or by the OPE, the digitized official identification with photo and, when applicable, that of its lawyer or trusted person who will accompany them during the proceeding, given that the person appearing may only appoint one individual. In the case that the person appearing, neither designates nor decides to be accompanied by a lawyer or trusted person, this will not prevent or invalidate the relied of the hearing.

Article 48. The undertaking of the hearing by Electronic means will be subjected to the following rules:

- I. At the beginning of the proceeding, the commissioned public officials undertaking it will verify the that the person appearing and its lawyer or trusted person are the persons indicated in official identifications with valid photo that were sent for the execution of the hearing and must be shown in its original form at the beginning of the proceeding. Also, they will inform that the hearing will be recorded, and that the recording will be included in the minute;
- II. The person appearing and its lawyer or trusted person must state under oath, that they are the persons they claim to be and that they identify themselves through the digitized official identifications with valid photo sent to the Commission and shown during the proceeding;
- III. The public officials commissioned to undertake the proceeding will acknowledge the place in which the person appearing, and its lawyer or trusted person are located, for this purpose they must follow the instructions provided by the public officials;
- IV. During the proceeding, the person appearing and its lawyer or trusted person, as well as the public officials commissioned to undertake it, must be visible at every moment in their computer or electronic device screens;

- V. During the proceeding, the camera and microphone from both the person appearing and its lawyer or trusted person, must remain active at every moment;
- VI. The commissioned public officials that undertake the proceeding may request the person appearing and its lawyer or trusted person for explanations regarding their behavior during the proceeding and exhort them to conduct themselves under the rules established in these provisions;
- VII. The commissioned public officials that undertake the proceeding must determine the duration and number of the breaks needed during the process;
- VIII. The person appearing, as well as its lawyer or trusted person, must declare under oath that they are not accompanied by other people and that they will not use any device or physical, electronic or any nature material as a support to answer the questions or positions presented to them. Also, that they will not record, either by audio or video the proceeding, therefore, they will only be allowed to use the computer or electronic device by which the proceeding is taking place, and
- IX. At the conclusion of the proceeding through the electronic platform, the minute will be shown and read to the person appearing and its lawyer or trusted person, who may manifest observations they deem relevant. The minute will include the duration of the proceeding's recording.

The public officials commissioned for undertaking of the proceeding may warn the appearing person, and if it is the case, its lawyer or trusted person at any given moment during the development of the proceeding, to comply with the rules and obligations referred to in this article.

If it is the case that the person appearing and, if applicable, its lawyer or trusted person are warned but they keep infringing the rules and obligations provided in this article, the proceeding will be finalized, and the corresponding minute, stating these facts, will be drafted in accordance with the following article of these Regulatory Provisions. For this case, the Commission may provide for the necessary means to issue a new summon for the hearing by Traditional means.

Article 49. During the undertaking of the hearing, a minute will be drafted including the elements established in subsections I through V and VII of article 68 of the Regulatory Provisions of the Law, as well as the following:

- I. The code granted to the person appearing;
- II. The profile of the person appearing, as well as that of its lawyer or trusted person;
- III. That the person appearing, and when applicable, its lawyer or trusted person presented a valid official document with photograph as identification;
- IV. The statement under oath made by the person appearing and its lawyer or trusted person, assuring they are the persons they claim to be.

- V. Date in which the summon and the commission letter were notified to the appearing person, as well as the date of notification made by list of the agreement noting the reception of the corresponding notification;
- VI. Description of the place where the person appearing, and the lawyer or trusted persons are located;
- VII. In the case that during the proceeding documents were shown to the person appearing and questions regarding these documents were made, a general description of said document shall be recorded in the minute;
- VIII. Mention that the procedure has been audio or video recorded by the public officials in charge of the proceeding, as well as its duration, and that the recording is a part of the minute;
- IX. Mention that the person appearing was given the opportunity, as well as to the lawyer or trusted person when applicable, to make observations at the end of the statement; and
- X. Mention that when finalizing the procedure, through the platform, the minute was read and shown to the person appearing and, when applicable, the lawyer or trusted person.

Elements referred to in subsections VI, VIII and IX of article 68 of the Regulatory Provisions of the Law will be recorded only in the audio and video recording of the procedure.

The minute signed by the public officials in charge of the proceeding shall be included in the file, along with the audio and video recording of the hearing, as well as the stenographic version of the hearing. The latter shall be added at any time before the conclusion of the investigation period or the completion of the file, as appropriate.

A digitized copy of the minute of the hearing shall be sent via email to the person appearing, who in turn must confirm its reception in accordance with the terms established in these Regulatory Provisions. The lack of the aforementioned confirmation does not invalidate the corresponding minute.

Regardless of what is stated in the previous paragraph, the person appearing can request a copy of the minute and/or audio and video recording, through a motion filed before the Commission's Filing Office or the OPE, after compliance with the corresponding requirements.

Article 50. Only the public officials commissioned to execute the hearing shall record audio and/or video of the undertaking of the proceeding, notifying this to the person appearing, as well as to the lawyer or trusted person, prior to the initiation of the proceeding.

Article 51. The public officials commissioned for carrying out the hearing can use any Electronic means to show the documents related with the procedure to the persons appearing. These documents cannot be sent to the person appearing by email or through any other means to comply with the second paragraph of article 124 of the Law. The person appearing, and his lawyer or trusted person, shall abstain from reproducing, copying or transmitting these documents through analogue or digital means or by any form.

Article 52. If during the undertaking of the hearing there is any technical problem, interference or definitive interruption related to the Electronic means employed that prevent to continue with the undertaking of the proceeding, the following will apply:

- I. The commissioned public official will record such situation in the minute, suspend the proceeding and proceed pursuant to article 49 of these Regulatory Provisions in what results applicable;
- II. The commissioned public official will notify this situation to the head of the administrative unit in charge of the file;
- III. The head of the administrative unit in charge of the file will set a new date and time to resume the hearing proceeding, for which it will issue an agreement that will be notified to the person appearing in accordance to these Regulatory Provisions, and
- IV. It can be opted to carry out the hearing proceeding through Traditional means, if it is indeed considered, according to the particularities of the case or addressing the technical difficulty that prevented its undertaking by Electronic means.

The conduction of a latter proceeding by Traditional or Electronic means will not affect the validity of what was previously vented by the person appearing.

Section V

Testimonials and confessionals through Electronic means

Article 53. The presentation of confessional and testimonial evidence in the procedures mentioned in article 2 of these Regulatory Provisions may be carried out by Electronic means when the person appearing before the Commission and all parties involved in the procedure state their consent for it and the Commission deems it appropriate.

Article 54. The rules for undertaking hearings through Electronic means pursuant to these Regulatory Provisions, will apply for the presentation of testimonial or confessional evidence, when it does not contravene the following articles.

Article 55. The summon issued by the Commission to a person for appearing, as well as the notification to the parties involved in the procedure to carry out the testimonial or confessional evidence, must be made at least eight days in advance of the date allocated for the proceeding.

Moreover, the agreement or document to notify the parties involved for the relief of the evidence must indicate:

- I. That the computer equipment or electronic devices to be used by the persons appearing for undertaking the proceeding must meet the specifications mentioned in the Technical instructive, and
- II. The instructions for accessing the electronic platform to be used for undertaking of the hearing.

Article 56. In addition to what is established in subsection I of article 18 of these Regulatory Provisions, in the email used for the notifications referred to in the preceding article, the digitized notice appointing the public officials in charge of the release of the proceeding shall

be attached, specifying their email addresses. In accordance to subsection II of article 18 of these Regulatory Provisions, the person appearing must also confirm electronically the reception of this notice.

Article 57. In the case that the person who must attend to relieve the testimonial or confessional evidence, or any of those involved in the procedure, do not confirm the reception of the corresponding notification complying with the terms specified in articles 18 and 56 of these Regulatory Provisions or do not expressly manifest his will to conduct the appearance through the electronic platform designated by the Commission for these purposes established in article 13 of these Regulatory Provisions, the corresponding evidence will be relieved by traditional means.

Article 58. Those who aim to access the platform used for the presentation of the testimonial or confessional evidence shall present via email to the same address used to notify the presentation of the proof or through the OPE, and at least one working day before the hearing, the official identification with photograph. Likewise, at the beginning of the proceeding, the commissioned public officials for undertaking it must verify that the profile corresponds to the official identifications that were sent for undertaking the proceeding and their original formats must be presented at its beginning.

Article 59. Those who attend at the presentation of the testimonial or confessional evidence must manifest under oath that they are the persons who were accredited in the file with the personality they claim to hold and that they identify themselves with an official valid photo identification they sent to the Commission, and that they presented at the beginning of the hearing. Also, they shall state, under oath that are not accompanied by other people different to their lawyers or trusted persons, and that they will nor record the hearing.

Section VI

Proceedings for the presentation of the expert evidence through Electronic means

Article 60. The offeror of expert evidence can present the expert with the purpose of confirming his/her title and swears the position through Electronic means.

For this purpose, the offeror of the expert evidence must present before the Commission in the following day of the notification of the agreement admitting said evidence comes into effect, its email address and that from the expert, as well as the date and time in which the expert will be able to ratify and swear in its charge through the electronic mean established by the Commission, which will be under the legal timeframe foreseen in article 97 of the Regulatory Provisions of the Law.

Article 61. The notification that must be made to the offeror of the evidence in order for the expert to ratify its appointment by Electronic means will be carried out in accordance to Chapter II on notifications of these Regulatory Provisions.

The notification shall indicate the Electronic mean by which the ratification proceeding and swearing of its positions will be developed, the way in which access will be granted and the requirements to be complied with to be carried out.

Article 62. The public official who attends the ratification proceeding and appointment must draft a minute stating:

- I. That the expert and the offeror of the evidence were duly notified through a Commission's institutional Email address of the Electronic mean by which the proceeding will be processed, the means of access and the requirements for undertaking it;
- II. The mean by which the identity of the expert was accredited;
- III. That the offeror of the evidence confirmed the reception of the notifications for the execution of the proceeding; and
- IV. That the expert presented his/her professional certification or the document to prove this degree or knowledge in the field in which the evidence is offered.

In the case that due to technical failures not attributable to the offeror of the proof or the expert, it had not been possible to conduct the procedure for ratification and swearing of the position through Electronic means, the Commission shall agree the succeeding so the procedure can be repeated or carried out through traditional means.

Section VII

Oral hearings through Electronic means

Article 63. Oral hearings, pursuant to article 83, subsection VI of the Law may be conducted by Electronic means, when the Commission deems it appropriate, for which consent from all involved parties with legal standing in the trial-like procedure will be required.

To these effects, once a petition for an oral hearing, in terms of article 82 of the Regulatory Provisions of the Law is received, the Commission shall notify the parties involved in the procedure through an agreement indicating that an oral hearing will take place and setting a three-day timeframe to declare their conformity to having the hearing carried out through Electronic means.

In the absence of consent to conduct the oral hearing by Electronic means, the terms of article 19 of these Regulatory Provisions shall apply.

If there is consent to conduct the oral hearing through Electronic means, the Commission, after agreeing the approval of the request filed in accordance with subsection I of article 82 of the Regulatory Provisions of the Law, within ten days of the corresponding request, will indicate the date and time to carry out the oral hearing. This agreement shall be published in the Commission's daily list of notifications referred to in article 165 of the Regulatory Provisions of the Law and shall be communicated to the Investigative Authority and to the Technical Secretariat so that they can appoint the public officials who will remotely attend the hearing.

For the undertaking of the oral hearing through Electronic means subsections II through VI, VIII through X, XII, XIII and XV of article 82 of the Regulatory Provisions of the Law shall apply, as well as the following rules:

- I. At the beginning of the hearing, the public official in charge of the proceeding must verify the profile of the persons involved in the procedure or their representatives or authorized parties, in accordance with official documents with photograph that must

be exhibited during the oral hearing. In the case that the attendees do not identify themselves, they will be removed from the procedure;

- II. The involved persons or their representatives or authorized parties must express, under oath, that they are the persons they identified as in the file in the condition in which they testify and that they identified by means of official documents with photographs exhibited during the proceeding;
- III. Once the hearing has begun, access to the electronic platforms chosen for its conduction will not be granted to any person, excepting public officials not belonging to the Investigate Authority;
- IV. The person conducting the hearing will inform the attendees that it will be recorded and that said record will be part of the corresponding minute;
- V. After the conclusion of the proceeding, the corresponding minute shall be read and shown on screen through the electronic platform to both the person appearing and its lawyer or trusted person who will be able to make those observations they deem appropriate. The duration of the procedure's recording will be included in the minute;
- VI. The minute referred to in subsection XIII of article 82 of the Regulatory Provisions of the Law will be signed only by the person in charge of conducting the proceeding in which the affiliation of the appearing persons and the manifestation, under oath, that they are the persons they claimed to be during the proceeding will be included, and
- VII. A digitized copy from the proceeding's minute will be sent to the appearing persons via email, who will have to confirm its reception under the terms provided in these Regulatory Provisions. Lack of this confirmation does not invalidate the corresponding minute.

Section VII

Inspection procedures

Article 64. In the agreement by which the Technical Secretary has ordered the creation by a separate loop of the inspection file or the corresponding incident under the terms of subsections V and VI of article 2 of these Regulatory Provisions, Economic Agents will be asked if it is their will to be notified and to present documents before the Commission through Electronic means.

Regardless of the above, persons who have legal interest in said files may request the Commission at any moment for notifications to be conducted pursuant to Chapter II on notification of these Regulatory Provisions or manifest their consent to present motions through the OPE.

Article 65. In these procedures the provisions regarding information requests and the presentation of evidence foreseen in these Regulatory Provisions will be applicable.

Chapter V
Section I
On the OPE

Article 66. The Commission will have an OPE through which electronic or digitized documents related to the procedures subjected to these Regulatory Provisions may be presented.

When presenting electronic or digitized Documents through the OPE, Users shall use their Advanced Electronic Signature. In the case they do not have it, they shall declare so under oath and will be able to use their access code and password, which will be accounted for as their signature.

All the information that the Commission receives through the OPE will be understood as authentic and attributable to the Users, thus it shall be their exclusive responsibility.

Article 67. The OPE will operate in accordance the official Mexican central time established in terms of the Law of the Time System of the United States of Mexico and other applicable provisions.

Article 68. The Commission can update the format, presentation or design of the OPE at any moment without prior announcement, thus, it will be enough to make available to the Users the information concerning the updates to the OPE, or at the Commission's website, which will not affect the procedures subjected to these provisions.

Article 69. In the case a person decides to use the OPE, it shall explicitly manifest its will to do so. For this purpose, the person shall:

- I. Present a free writing document with its autograph signature before the Commission's Filing Office indicating that it acknowledges and accepts the terms and conditions of use of the OPE; or
- II. Accept with its Electronic signature the terms and conditions of use of the OPE before the Commission in accordance with the format provided by the OPE.

When Users do not have an Advanced Electronic Signature, they shall indicate so under oath in the format provided by the OPE. In this case, acceptance of the terms and conditions of use of the OPE will be made with the Unique Population Registry Code (CURP).

In the case that after their registration to the OPE Users get an Electronic Signature, they can registrate it in the format provided by the OPE.

Section II
On the registration and activation in the OPE

Article 70. For using the OPE, Users must register in it. Lack of any of the information indicated in this section will result in the inability to complete registration to the OPE.

To register, persons shall provide the following information or electronic and/or digitized Documents:

- I. Full name;

- II. Nationality;
- III. Date of Birth;
- IV. Digitized copy of the valid official identification provided as proof of identity in terms of article 45 of the Regulatory Provisions of the Law;
- V. If it is the case, digitized copy of the document or instrument provided to proof representation or, when applicable, the signalling of the file in which its personality had been accredited before the Commission in terms of Chapter III of these Regulatory Provisions;
- VI. Email address for receiving notifications;
- VII. Physical address in Mexico City for hearing and receiving notifications;
- VIII. CURP;
- IX. RFC, when applicable;
- X. Telephone number and the User's alternative email address, and
- XI. Digital certificate of the electronic signature, when applicable.

Once the application is filed, in the following five days, the Commission will verify that the information presented is complete and that the identity is fully validated, in the following five days, and will notify the User if information or declarations regarding the presented information are missing, so that the User can send or present before the Commission said information or the one that the Commission deems necessary to verify its identity and quality when registering.

In the case that the information is not presented during the indicated timeframe, or is submitted incompletely again, the registration will be invalidated.

If the data for registration is complete and once its identity and quality for requesting its registry have been verified, the Commission will provide a provisional Access code and Password automatically generated to the email address the User provided in order to complete its registration in the system. In contrary cases, the User will be notified that its registration was rejected.

When accessing, the OPE will require the User to change its Password to continue with the final registration process.

Access codes assigned by the OPE will only be provided to natural persons, whether they act on their behalf or representing third parties.

The Access code and the Password will be the means of access to the OPE. Additionally, the Advanced Electronic Signature will be required to submit electronic or digitized documents, except as established in article 64 of these Regulatory Provisions.

Terms and conditions on use of the system shall be accepted to register to the OPE. When the User access the OPE, it will be understood that it he has accepted the terms and conditions to use the system.

Article 71. Economic Agents who are already registered in the SITEC will be able to use the OPE without having to register in accordance with article 70 of these Regulatory Provisions, using the Access code and Password for that system.

Article 72. When registering to the OPE, the User shall inevitably provide a valid email address, in the contrary case, registration will not proceed, and the User will not be able to access the OPE.

The Commission will send a verification email message to the address provided by the User, to have certainty about its validity and existence. If it is not valid, the rejection of registry will be notified by list, to the email address the Commission has on its records or by any other means.

Article 73. In case that the Password is lost or forgotten, the User shall request the Commission the assignment of a new Password.

The loss or oblivion of the Access code or Password, does not excuse the User from its responsibilities pursuant to the Law, thus it will not constitute a valid justification for not tending the actions it must carry out before the Commission or to breach the legal timeframes established in the Law, the Regulatory Provisions of the Law and any other applicable provision.

Access and use of the OPE implies for Users:

- I. Recognizing ownership and authenticity of the information submitted before the Commission for its registration, and
- II. Taking responsibility of missuses of its Access code, Password and, when applicable, the Electronic signature by another person different to the authorized one.

Users shall accept authorship of the information and actions submitted through the OPE when registering, thus they will not be able to express contrary to provisions in this paragraph.

Article 74. Besides the information indicated in these provisions, foreign persons shall provide the following information when signing up to the OPE:

- I. For Natural Persons
 - a. Name
 - b. Date of Birth
 - c. Nationality
 - d. Country of Residence
 - e. Country of Birth
 - f. Number, Expiration Date and digitized copy of the passport, and
 - g. Number and digitalized copy of the multiple migratory format (By Land or Air) or number and digitalized copy of the document accrediting its legal status in the country. Number and Digitized copy of the multiple migratory format (By Land or Air) or, when applicable, number and digitized copy of the document accrediting its legal status in the country.

II. For Legal Persons

- a. Name;
- b. Date of Establishment;
- c. Nationality;
- d. Country of Residence;
- e. Digitized copy of the instrument for accrediting representation in Spanish;
- f. Number, expiration date and digitized copy of the legal representative's passport, if it is a foreign citizen, or any other documents to accredit its personality in accordance with article 45 of the Regulatory Provisions of the Law and, if it is a Mexican citizen, and
- g. Information of the Apostilles or corresponding legalizations.

Article 75. For the registration of Public Authorities, in addition to that indicated in article 70 of these Regulatory Provisions, the following documents and information shall be provided:

- I. Position, institutional email address and administrative unit of the Public Official;
- II. Name of the Public Authority represented;
- III. Official address of the Public Authority;
- IV. Digitized copy of the appointment or document proving the faculties of the requesting public official, and of the legal representatives or delegates, and
- V. Articles and regulations that support the faculties by which they act.

Article 76. The Commission will be able to require the Public Authority, or the person related to the procedures foreseen in these Regulatory Provisions, to present original or certified copies of the documents referred to in articles 70, 74 and 75 of these Regulatory Provisions.

Section III

On modifications to the Registry

Article 77. When Users want to modify their registry to the OPE, they shall fill in the form provided for those purposes, in which information to be updated or modified must be indicated. The form shall be validated with the Advanced Electronic Signature or the Access code and password for the changes to be validated.

The OPE can issue a certificate indicating the information written in the form and the date of modification.

Section IV

On the presentation of motions before the OPE

Article 78. Motions or written documents presented before the Commission can be filed through the OPE by presenting a free writing document or by filling out the form provided for that purpose for each specific case.

Article 79. For the motions presented through the OPE, they shall be considered as enabled the twenty-four hours on working days as established on the first, third and fourth paragraphs of article 115 of the LFCE.

Motions presented on holidays will be considered as filed on the following working day for the corresponding legal effects.

Article 80. When electronic and/or digitized documents are submitted before the Commission for to undertake actions in terms of these Regulatory Provisions, the Commission:

- I. Shall review all the information submitted in electronic and/or digitized format, using the most appropriate technology to avoid damages to the Commission's information storage systems or servers, computer and office equipment.
- II. Shall verify that passwords used to protect and encrypt and to prevent access, copying, printing or reading of the files, documents or digital storage media have been provided and will dictate the measures necessary to safeguard the passwords provided to prevent non-authorized persons to gain access to them. For this purpose, articles 124 and 125 of the Law shall be observed subsequently.
- III. Shall issue an Electronic acknowledgement of receipt with the legend: "the electronic or digitized information will be reviewed", indicating the number of documents and their size.
- IV. During the review, the following shall be verified:
 1. Whether the file or digital storage media carries viruses or malicious software;
 2. Whether the file or storage media is damaged or empty, or
 3. Whether the file or storage media requires a password or is protected in any way that prevents reading its contents.

The Commission will not allow documentation to be saved or the transmission thereof, nor will it issue the Electronic acknowledgment of receipt in the event that the information contains viruses or malicious software. For this reason, it will be responsibility of the User to sanitize the contaminated electronic or digitized Document so that it can be submitted.

In its case, the Commission will record the result of the program used to check the status of files, documents or digital storage media, and will be integrated, when applicable, into the respective file.

Article 81. Economic Agents must verify that electronic and/or digitized documents submitted to the Commission are not empty, damaged, or infected with viruses or malicious software.

In the event that the electronic and/or digitized documents are infected or damaged, the OPE will analyse them and, if it is the case, will not allow their transfer until they are free of

viruses or malicious software, or an electronic or digitized document in optimal state for reading is submitted.

Article 82. The Commission will issue an Electronic Acknowledgment of receipt automatically generated by the system in “.pdf” format for its storage or direct printing, which will contain:

- I. The logo of the Commission;
- II. The entry-log number;
- III. Name or denomination of the person or Public Authority;
- IV. Email indicated by the person or Public Authority;
- V. Type of procedure being processed;
- VI. File number for the procedure, when one has already been assigned though an agreement;
- VII. Date and time of reception;
- VIII. Number of annexes, and
- IX. Authenticity character string of the Electronic Acknowledgement of receipt.

The Electronic acknowledgment of receipt issued will contain, in addition to the previous ones, the elements specified in the Regulations of the Advanced Electronic Signature Law.

Article 83. For the purposes of the second paragraph of article 33 of the Regulatory Provisions of the Law, the written document shall be deemed to have been received on the day indicated by the Electronic acknowledgment of receipt issued by the Commission as the date of receipt.

Article 84. Every motion presented before the Commission through the OPE must contain the electronic signature of the User who formulates it, according to article 66 of these Regulatory Provisions; without this requirement, Electronic acknowledgment of receipt will not be generated, except as provided in the penultimate paragraph of article 67 of these Regulatory Provisions.

Article 85. When the Advanced Electronic Signature is used, the OPE will use a computer component to validate the Signature which will not allow storing or saving data related to it, hence the owner of the Electronic Signature is entirely responsible for its use.

Article 86. Users of the OPE are obliged to:

- I. Inform the Commission about the revocation, loss or any other situation that may involve the reproduction or improper use of their Access code and/or Password, and

- II. Inform the Commission in a timely manner, and under their responsibility, on any modification or revocation of their powers.

The report referred to in this article will have to be presented, under oath, through the OPE or to the assigned email address that is published in the Commission's website for this purpose, within three days, counted as of the revocation, loss or the situation that may involve the reproduction or improper use of their Access code and/or Password, or through which powers are modified or revoked.

Once the report is received, the access of that User to the OPE will be blocked and the Commission will decide on the removal of the Access code, the Password, or both, and, if applicable, the procedure to replace them with new ones.

If the foregoing is not reported within the period referred to in the second paragraph of this precept, motions presented to the OPE until the day the report is actually presented, will be considered as valid and authentic, exempting the Commission from any liability.

Article 87. At the time of accessing the OPE, the Economic Agents must enter the information requested in the terms indicated in these Regulatory Provisions.

The OPE can request that the Economic Agent manifest under oath to tell the truth that the information submitted is truthful, to allow its transfer, being subject to the provisions of article 127 of the Law.

Article 88. In the event of disagreement between what is stated in the OPE's fill-in fields and the contents of the motion, the Commission will take as true the information established in the contents of the motion.

In the event that there is an mistake on the part of the Economic Agent in the number of the file to which the motion is submitted, the Commission, upon request, will evaluate and, when applicable, make the corresponding reclassification, recording this situation in the file to which it was remitted.

Article 89. The electronic Documents that are presented by the Economic Agent through the OPE, must be transmitted in Native format, according to the specifications established in the Technical instructive.

Users must ensure that the electronic and/or digitized documents they present, comply with the accessibility, easy handling and inalterability characteristics set forth in the Technical instructive.

All electronic Documents or digitized Documents that do not meet the specifications established in the Technical instructive will not be admitted by the OPE. In such cases, the User must inform of the said situation in a free writing through the OPE and will present them in Commission's Filing Office in a digital storage medium within three days following that in which it has attempted to transmit the information.

The Commission will guarantee the integrity of the files provided by the User; therefore, it will adopt the necessary measures to avoid the modification of the files provided in Native format.

Article 90. All electronic Documents and/or digitized Documents sent by Users through the OPE must be clear and legible. Otherwise, they will be considered as not presented, by means of an agreement presenting its reasons.

Users must specify if the digitized reproduction corresponds to a simple copy, a certified copy or to the original printed documents and, in case of the latter, if it includes or not an autograph signature.

Section V

Termination of Electronic means

Article 91. The authorization to use Electronic means in the procedures subjected to these provisions may be terminated by this Commission in accordance with the following assumptions:

- I. When the Economic Agent requests it;
- II. When the process or procedure has concluded in a definitive manner;
- III. When the natural person dies;
- IV. For the case of legal persons, when the Economic Agent disappears, dissolves or ceases its activities definitively, without having been replaced in its rights and obligations by a third party, and
- V. At any given moment, when the Commission determines so, in duly justified cases.

Article 92. The termination for the processing by Electronic means indicated in subsections I, II and II of the previous article may be carried out by the User itself, through a legal representative or through the person who represents their rights, as appropriate, for this purpose, they must comply with the following:

- I. Fill and submit the request for termination of Electronic means before the OPE or the Commission's Filing Office;
- II. Present an official identification of the User or its legal representative or from the person representing its rights, when applicable;
- III. Exhibit the original document or certified copy that proves their representation, and
- IV. Present the request to terminate the use of Electronic means dully signed by the User, its legal representative or the person representing its rights.

In addition to what is stated in this article, in the cases foreseen in the previous article, subsections II and III, of these provisions, the legal instrument that supports the request shall be presented.

Article 93. Once the request for termination has been received, the Commission will evaluate whether the assumptions established in article 91 of these Regulatory Provisions are met and will declare, by agreement, the withdrawal of consent, which will be published in the Commission's daily list of notifications.

Section VI **On the rules to use the OPE**

Article 94. Users of the OPE shall abstain from:

- I. Submitting any content for different purposes to the presentation of motions in a Commission's file, such as the listed below, but not limited to:
 - a. Illegal, dangerous or menacing information;
 - b. Harassing information;
 - c. Defamatory, vulgar or obscene information;
 - d. Slanderous information;
 - e. Information violating privacy rights;
 - f. Discriminatory and offensive information, and
 - g. In general, any other information not related to the subject of the respective procedure.
- II. Impersonate another User;
- III. Forge the information of any content submitted in the OPE;
- IV. Publicly disclose information from the electronic file while it is still in process;
- V. Upload or submit any Electronic file that contains Viruses or any other computer code, or programs designed to interrupt, destroy or impair the proper functioning of third-party computer equipment, OPE or telecommunications equipment;
- VI. Steal, modify, alter, destroy or provoke loss of the information contained in the OPE;
- VII. Fail to comply with any requirement or regulatory policy of the OPE;
- VIII. Accessing services of the OPE to conduct activities contrary to the law and to these provisions, and
- IX. In general, not complying with the requirements established in the Law or in the Regulatory Provisions of the Law or any other provision that may be applicable, in such a way that normal operations of the OPE are affected.

At the time of Registering in the OPE, the User can be informed of the aforementioned prohibitions and can be warned of the consequences of each act or omission, so that they are accepted by the User, when applicable, through their Advanced Electronic Signature.

Article 95. The Commission shall have the following obligations:

- I. To guarantee the integrity, confidentiality and inalterability of the information transmitted through the OPE, and
- II. To limit access to the OPE to those Economic Agents that, among others, commit any of the act foreseen in the previous article.

Article 96. Public officials of the Commission shall abstain from:

- I. Forging information to deviate the origin of any contests transmitted through the OPE;
- II. Neglecting requirements, procedures, policies or regulations of the OPE;
- III. Conducting activities contrary to the Law or the Regulatory Provisions of the Law, and
- IV. Others imposed by other provisions or guidelines in accordance with their faculties.

Section VII

On interruptions and failures of the OPE

Article 97. When for unforeseen circumstances, force majeure or due to technical failures, the operation of the OPE is interrupted preventing compliance with the terms established in the Law, the Regulatory Provisions of the Law or any other applicable provisions, the User must notify the Commission no later than the business day after that in which it realizes such a situation, so that it requests a report from the corresponding area on the existence of the interruption of the service.

The report prepared by the Commission that determines that there was an interruption in the OPE must be sent to the email address provided by the User and indicate the cause and time of said interruption, indicating the date and time of the start and end of the interruption. The report will be integrated into the file.

Timeframes will be suspended only for the duration of the interruption of the OPE.

When the interruption of the system lasts for a period greater than six continuous hours, the period will be extended by an additional day as long as the failure has occurred on the day it expires.

The User must submit the notice indicated in this article through the email address indicated in the Technical Instructions or by means of a free written document presented to the Commission's Filing Office.

Article 98. The Commission will establish in the Technical instructive a contingency plan in which the existence of a fortuitous event or force majeure are foreseen that prevent any User to access the OPE.

Article 99. The Commission shall record the reasons for the interruption of the OPE by agreement and, considering the time of the interruption, it will carry out the corresponding computation, to determine whether there was a breach of the legal deadlines.

Article 100. The Commission will notify the previous agreement in the daily list of notifications referred in article 165 of the Regulatory Provisions of the Law and, within twenty-four hours, will send an alert to the electronic mail address provided by the User.

Article 101. The failures indicated in article 97 of these Regulatory Provisions will not be attributable to the Economic Agent; however, it must provide the electronic or physical documentary evidence in its possession to demonstrate that the OPE's failures are attributable to the Commission.

Article 102. Interruptions of the OPE will not be attributable to the Commission when, in accordance with the provisions of the Technical instructive:

- I. The User does not have an adequate Internet connection that allows for the proper operation of the OPE;
- II. When the User does not ascertain the storage capacity of the electronic mail address registered with the OPE;
- III. When the User does not verify that the communications that the Commission sends to the electronic mail address registered in the OPE are sent to the spam or junk inboxes;
- IV. When the technical specifications indicated in the Technical instructive published by the Commission on its website are not met, and
- V. For any other cause attributable to the User or to the operation of its computer system or equipment.

Article 103. The Commission will establish assistance mechanisms for Users who use the OPE, which will be provided through the same system or through a telephone line established for this purpose on the Commission's website.

This is a courtesy translation produced by the Federal Economic Competition Commission