

COFECE publishes the Emergency Regulatory Provisions for processing and handling complaints in matters of the Advertising Law

- *In view of the imminent entry into force of said law, this September 1, and with the aim to provide legal certainty in the procedures to be carried out in this regard, the Commission issued this regulation which will enter into force on the day of its publication in the Federal Official Gazette (DOF, per its initials in Spanish).*

Mexico City, August 31, 2021.- The Board of Commissioners of the Federal Economic Competition Commission (COFECE or Commission) issued the *Disposiciones Regulatorias de emergencia para el trámite y desahogo de denuncias sobre posibles infracciones a la Ley de Transparencia, Prevención y Combate de Prácticas Indevidas en materia de Contratación de Publicidad [Emergency Regulatory Provisions for the processing and handling of complaints about possible infringements to the Transparency, Prevention and Combat of Undue Practices on matters of Advertising Contracting Law] (Emergency provisions)*, in view of the imminent entry into force of said law and with the objective of providing legal certainty in the procedures that COFECE will carry out in this regard.

The *Advertising Law* empowers the Commission to substantiate and process the complaints that are presented as a result of such law, for this reason, these *Emergency provisions*, which will enter into force on the day they are published in the DOF, establish the rules for their processing and handling in accordance with the procedures established in the Federal Economic Competition Law (LFCE, per its initials in Spanish) and its *Regulatory Provisions*, as well as the *Advertising Law* itself. In this regard and in summary:

1. The investigations for violations to Article 10 of the *Advertising Law* will be initiated by complaint and will be in charge of the Investigative Authority.
2. Complaints filed by persons who do not have a legal standing in the matter, in terms of Article 2 of the *Advertising Law*, will not be admissible.
3. In terms of the LFCE these investigations may take up to 5 periods of 120 working days each.
4. Once the investigation is concluded, and if there are elements of probable responsibility, the defense stage granted by the law will proceed, through a trial-like procedure, in which evidence and arguments of those notified of their probable responsibility will be heard and analyzed.



5. Finally, the Board of Commissioners will resolve whether the conduct is accredited as a violation to Article 10 of the *Advertising Law* or not and, if it were the case, it will impose the corresponding sanctions.

[Read the *Emergency Regulatory Provisions for the processing and handling of complaints about possible infringements to the Transparency, Prevention and Combat of Undue Practices on matters of Advertising Contracting Law* \(in Spanish\) in our website.](#)

[Read the *Advertising Law* \(in Spanish\)](#)

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A BETTER MEXICO IS EVERYBODY'S COMPETENCE

The Federal Economic Competition Commission is responsible for ensuring competition and free market access. In this way, it contributes to the people's welfare and the efficient functioning of the markets. Through its work, it seeks better conditions for consumers, that more services are offered with higher quality and that there is a "level playing field" for companies.

