

Clarification about the votes required for the resolutions of the Board of Commissioners

Mexico City, September 3, 2021.- In the last days, persons interested in the competition policy and in the operation of the Federal Economic Competition Commission (COFECE or Commission) have stated through diverse public media their concern regarding the number of votes required for the determinations taken by COFECE's Board of Commissioners to be valid.

In response to these concerns, the Commission specifies that, in terms of what it is established in Article 6 of the *Estatuto Orgánico de la COFECE [Organic Statute of COFECE]*, the sessions of the Board of Commissioners will be valid with the attendance of at least four Commissioners, including the Chair, and the matters will be decided by a majority of votes of those who can resolve on the corresponding matter, as long as at least three Commissioners vote.

As can be seen, the Board of Commissioners will be able to resolve, among others, procedures for monopolistic practices, concentrations, determinations of effective competition conditions and opinions, even in the case that a Commissioner is excused to resolve on a particular matter. In this sense, there is no impediment for the Board of Commissioners to continue resolving on the referred cases.

On the other hand, the seventh paragraph of Article 18 of the Federal Economic Competition Law, establishes that the vote of five commissioners is required specifically for resolutions related to procedures to determine barriers to competition and essential facilities, the appointment of the Head of the Investigative Authority (which was unanimously appointed by the current five commissioners of the Board of Commissioners, on August 25), as well as for the issuance of *Regulatory Provisions*.

Concerning these matters, as this Commission previously indicated, it is extremely urgent that the Federal Executive and the Senate of the Republic handle the procedures that have been pending for several months to appoint the missing Commissioners. Likewise, the aforementioned Chamber must also appoint, as soon as possible, the person who will assume the Chair of COFECE for the next four years.

[Read the Federal Economic Competition Law and](#)



[the Organic Statute of COFECE \(in Spanish\)](#)

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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.



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